

**As Reported by the Committee of Conference**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. Sub. H. B. No. 49**

**Representative Smith, R.**

**Cosponsors: Representatives Duffey, Ginter, Hambley, Hill, Lanese,  
Manning, McColley, Patton, Perales, Reineke, Ryan, Scherer, Sprague,  
Speaker Rosenberger Senators Eklund, Hite, Hoagland, Obhof, Oelslager,  
Peterson, Terhar, Wilson**

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173.521, 173.542, 1347.08, 2317.54, 4715.36, 452  
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5126.31; to amend, for the purpose of adopting new 457  
section numbers as indicated in parentheses, 458  
sections 5101.61 (5101.63), 5101.611 (5101.64), 459  
5101.612 (5101.631), 5101.62 (5101.65), 5101.622 460  
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(5101.611); to enact new section 5101.62 and 466  
sections 5101.632, 5101.73, 5101.74, and 5101.741; 467  
and to repeal section 5101.621 of the Revised 468  
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4781.39, and 4781.45; to enact new sections 476  
4781.02 and 4781.54 and section 4781.011; and to 477  
repeal sections 4781.02, 4781.03, 4781.05, 478  
4781.13, 4781.54, and 4781.55 of the Revised Code; 479  
to amend sections 329.04 and 2329.66 of the 480  
Revised Code effective December 31, 2017; to 481  
repeal the version of section 118.023 of the 482

Revised Code that is scheduled to take effect 483  
September 29, 2017; to amend sections 109.572, 484  
3701.83, 4713.10, 4713.56, 4731.07, 4731.224, and 485  
4776.01 of the Revised Code effective January 21, 486  
2018; to amend section 5101.61 and to amend, for 487  
the purpose of adopting a new section number as 488  
indicated in parentheses, section 5101.61 489  
(5101.63) of the Revised Code effective one year 490  
after the effective date of this act; to repeal 491  
section 5166.35 of the Revised Code effective 492  
January 1, 2019; to amend for the purpose of 493  
codifying and changing the number of Section 494  
369.540 of Am. Sub. H.B. 64 of the 131st General 495  
Assembly to section 3333.95 of the Revised Code; 496  
to amend for the purpose of codifying and changing 497  
the number of Section 529.10 of S.B. 310 of the 498  
131st General Assembly to section 123.211 of the 499  
Revised Code; to amend Sections 205.10, 205.20, 500  
and 812.50 of Sub. H.B. 26 of the 132nd General 501  
Assembly, Sections 125.13 and 327.270 of Am. Sub. 502  
H.B. 64 of the 131st General Assembly, Section 503  
253.330 of Am. Sub. S.B. 260 of the 131st General 504  
Assembly, Sections 207.440, 213.10, 213.20, 505  
217.10, 221.20, 223.50, 227.10, 229.10, 229.30, 506  
and 229.40 of S.B. 310 of the 131st General 507  
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and Section 7 of Sub. H.B. 532 of the 129th 516  
General Assembly, as subsequently amended; to 517  
repeal Section 7 of Am. Sub. H.B. 52 of the 131st 518  
General Assembly and Section 745.20 of Sub. H.B. 519  
26 of the 132nd General Assembly; and to repeal 520  
Section 757.120 of the act effective August 10, 521  
2018 to make operating appropriations for the 522  
biennium beginning July 1, 2017, and ending June 523  
30, 2019, and to provide authorization and 524  
conditions for the operation of state programs. 525

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

**Section 101.01.** That sections 101.34, 102.02, 102.022, 526  
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6301.06, 6301.061, 6301.07, 6301.08, 6301.09, 6301.11, 6301.12, 683  
and 6301.18 be amended; sections 103.42 (103.416), 152.08 684  
(123.011), 3742.49 (3742.44), 3742.50 (3742.45), 3742.51 685  
(3742.46), 4731.081 (4731.08), 4731.091 (4731.09), and 4731.092 686  
(4731.091) be amended for the purpose of adopting new section 687  
numbers as indicated in parentheses; and new sections 3742.43 and 688  
5739.18 and sections 101.88, 101.881, 101.882, 101.89, 103.417, 689  
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5748.10, 5902.20, 5907.17, 5907.18, 6111.561, 6111.562, 6111.563, 715  
6111.564, 6301.111, 6301.112, 6301.20, and 6301.21 of the Revised 716  
Code be enacted to read as follows: 717

**Sec. 101.34.** (A) There is hereby created a joint legislative 718  
ethics committee to serve the general assembly. The committee 719  
shall be composed of twelve members, six each from the two major 720  
political parties, and each member shall serve on the committee 721  
during the member's term as a member of that general assembly. Six 722  
members of the committee shall be members of the house of 723  
representatives appointed by the speaker of the house of 724  
representatives, not more than three from the same political 725  
party, and six members of the committee shall be members of the 726  
senate appointed by the president of the senate, not more than 727  
three from the same political party. A vacancy in the committee 728  
shall be filled for the unexpired term in the same manner as an 729  
original appointment. The members of the committee shall be 730  
appointed within fifteen days after the first day of the first 731  
regular session of each general assembly and the committee shall 732  
meet and proceed to recommend an ethics code not later than thirty 733  
days after the first day of the first regular session of each 734  
general assembly. 735

In the first regular session of each general assembly, the 736

speaker of the house of representatives shall appoint the 737  
chairperson of the committee from among the house members of the 738  
committee, and the president of the senate shall appoint the 739  
vice-chairperson of the committee from among the senate members of 740  
the committee. In the second regular session of each general 741  
assembly, the president of the senate shall appoint the 742  
chairperson of the committee from among the senate members of the 743  
committee, and the speaker of the house of representatives shall 744  
appoint the vice-chairperson of the committee from among the house 745  
members of the committee. The chairperson, vice-chairperson, and 746  
members of the committee shall serve until their respective 747  
successors are appointed or until they are no longer members of 748  
the general assembly. 749

The committee shall meet at the call of the chairperson or 750  
upon the written request of seven members of the committee. 751

(B) The joint legislative ethics committee: 752

(1) Shall recommend a code of ethics that is consistent with 753  
law to govern all members and employees of each house of the 754  
general assembly and all candidates for the office of member of 755  
each house; 756

(2) May receive and hear any complaint that alleges a breach 757  
of any privilege of either house, or misconduct of any member, 758  
employee, or candidate, or any violation of the appropriate code 759  
of ethics; 760

(3) May obtain information with respect to any complaint 761  
filed pursuant to this section and to that end may enforce the 762  
attendance and testimony of witnesses, and the production of books 763  
and papers; 764

(4) May recommend whatever sanction is appropriate with 765  
respect to a particular member, employee, or candidate as will 766  
best maintain in the minds of the public a good opinion of the 767

conduct and character of members and employees of the general 768  
assembly; 769

(5) May recommend legislation to the general assembly 770  
relating to the conduct and ethics of members and employees of and 771  
candidates for the general assembly; 772

(6) Shall employ an executive director for the committee and 773  
may employ other staff as the committee determines necessary to 774  
assist it in exercising its powers and duties. The executive 775  
director and staff of the committee shall be known as the office 776  
of legislative inspector general. At least one member of the staff 777  
of the committee shall be an attorney at law licensed to practice 778  
law in this state. The appointment and removal of the executive 779  
director shall require the approval of at least eight members of 780  
the committee. 781

(7) May employ a special counsel to assist the committee in 782  
exercising its powers and duties. The appointment and removal of a 783  
special counsel shall require the approval of at least eight 784  
members of the committee. 785

(8) Shall act as an advisory body to the general assembly and 786  
to individual members, candidates, and employees on questions 787  
relating to ethics, possible conflicts of interest, and financial 788  
disclosure; 789

(9) Shall provide for the proper forms on which a statement 790  
required pursuant to section 102.02 or 102.021 of the Revised Code 791  
shall be filed and instructions as to the filing of the statement; 792

(10) Exercise the powers and duties prescribed under sections 793  
101.70 to 101.79, sections 101.90 to 101.98, Chapter 102., and 794  
sections 121.60 to 121.69 of the Revised Code; 795

(11) Adopt, in accordance with section 111.15 of the Revised 796  
Code, any rules that are necessary to implement and clarify 797  
Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code. 798

(C) There is hereby created in the state treasury the joint legislative ethics committee fund. All money collected from registration fees and late filing fees prescribed under sections 101.72, 101.92, and 121.62 of the Revised Code shall be deposited into the state treasury to the credit of the fund. Money credited to the fund and any interest and earnings from the fund shall be used solely for the operation of the joint legislative ethics committee and the office of legislative inspector general and for the purchase of data storage and computerization facilities for the statements filed with the committee under sections 101.73, 101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code.

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

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

(F)(1) Any file obtained by or in the possession of the

former house ethics committee or former senate ethics committee 831  
shall become the property of the joint legislative ethics 832  
committee. Any such file is confidential if either of the 833  
following applies: 834

(a) It is confidential under section 102.06 of the Revised 835  
Code or the legislative code of ethics. 836

(b) If the file was obtained from the former house ethics 837  
committee or from the former senate ethics committee, it was 838  
confidential under any statute or any provision of a code of 839  
ethics that governed the file. 840

(2) As used in this division, "file" includes, but is not 841  
limited to, evidence, documentation, or any other tangible thing. 842

(G) There is hereby created in the state treasury the joint 843  
legislative ethics committee investigative and financial 844  
disclosure fund. Investment earnings of the fund shall be credited 845  
to the fund. ~~Money in~~ All moneys credited to the fund shall be 846  
used solely for ~~the operations~~ expenses related to the 847  
investigative and financial disclosure functions of the committee 848  
~~in conducting investigations.~~ 849

**Sec. 101.88.** (A) The departments enumerated in divisions (B) 850  
and (C) of this section shall periodically be reviewed by the 851  
general assembly. 852

(B) The following departments shall be reviewed during each 853  
even-numbered general assembly: 854

(1) The office of budget and management; 855

(2) The department of administrative services; 856

(3) The department of agriculture; 857

(4) The department of health; 858

(5) The department of public safety; 859

<u>(6) The department of developmental disabilities;</u>	860
<u>(7) The development services agency;</u>	861
<u>(8) The department of rehabilitation and correction;</u>	862
<u>(9) The department of aging;</u>	863
<u>(10) The department of medicaid;</u>	864
<u>(11) The office of the adjutant general;</u>	865
<u>(12) The department of higher education.</u>	866
<u>(C) The following departments shall be reviewed during each odd-numbered general assembly:</u>	867
<u>(1) The department of commerce;</u>	869
<u>(2) The department of transportation;</u>	870
<u>(3) The department of natural resources;</u>	871
<u>(4) The department of job and family services;</u>	872
<u>(5) The department of mental health and addiction services;</u>	873
<u>(6) The department of insurance;</u>	874
<u>(7) The department of youth services;</u>	875
<u>(8) The environmental protection agency;</u>	876
<u>(9) The department of veterans services;</u>	877
<u>(10) The office of health transformation;</u>	878
<u>(11) The public utilities commission;</u>	879
<u>(12) The department of taxation.</u>	880
<u>(D) The general assembly may abolish, terminate, or transfer a department by no other means except by the enactment of a law, and may provide by law for the orderly, efficient, and expeditious conclusion of a department's business and operation. The rules, orders, licenses, contracts, and other actions made, taken, granted, or performed by the department shall continue in effect</u>	881
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according to their terms notwithstanding the department's 887  
abolition, unless the general assembly provides otherwise by law. 888  
The general assembly may provide by law for the temporary or 889  
permanent transfer of some or all of a terminated or transferred 890  
department's functions and personnel to a successor department, 891  
board, or officer. 892

The abolition, termination, or transfer of a department shall 893  
not cause the termination or dismissal of any claim pending 894  
against the department by any person, or any claim pending against 895  
any person by the department. Unless the general assembly provides 896  
otherwise by law for the substitution of parties, the attorney 897  
general shall succeed the department with reference to any pending 898  
claim. 899

Sec. 101.881. (A) Not later than three months after the 900  
commencement of a general assembly during which a department is 901  
scheduled to be reviewed under division (B) or (C) of section 902  
101.88 of the Revised Code, the president of the senate and the 903  
speaker of the house of representatives each shall direct a 904  
standing committee of the senate and of the house of 905  
representatives, respectively, to hold hearings to receive the 906  
testimony of the public and of the chief executive officer of the 907  
department and otherwise shall review, consider, and evaluate the 908  
usefulness, performance, and effectiveness of the department. The 909  
president of the senate and the speaker of the house of 910  
representatives may defer the review of a department until the 911  
next general assembly during which the department is subject to 912  
review. A department whose review has been deferred shall be 913  
reviewed, without the option for deferment, during the next 914  
general assembly during which the department is subject to review 915  
under division (B) or (C) of section 101.88 of the Revised Code. 916

(B) The president of the senate and the speaker of the house 917

of representatives may direct a standing committee of the senate 918  
and of the house of representatives, respectively, to hold 919  
hearings to receive the testimony of the public and of the chief 920  
executive officer of a department that is not scheduled to be 921  
reviewed under division (B) or (C) of section 101.88 of the 922  
Revised Code, and otherwise may review, consider, and evaluate the 923  
usefulness, performance, and effectiveness of the department. 924

(C) Each department that is scheduled for review and each 925  
department that is identified to be reviewed by a standing 926  
committee shall submit to the standing committee a report that 927  
contains all of the following information: 928

(1) The department's primary purpose and its various goals 929  
and objectives; 930

(2) The department's past and anticipated workload, the 931  
number of staff required to complete that workload, and the 932  
department's total number of staff; 933

(3) The department's past and anticipated budgets and its 934  
sources of funding. 935

(D) Each department shall have the burden of demonstrating to 936  
the standing committee a public need for its continued existence. 937  
In determining whether a department has demonstrated that need, 938  
the standing committee shall consider, as relevant, all of the 939  
following: 940

(1) Whether or not the public could be protected or served in 941  
an alternate or less restrictive manner; 942

(2) Whether or not the department serves the public interest 943  
rather than a specific interest; 944

(3) Whether or not rules adopted by the department are 945  
consistent with the legislative mandate of the department as 946  
expressed in the statutes that created and empowered the 947

<u>department;</u>	948
<u>(4) The extent to which the department's jurisdiction and</u>	949
<u>programs overlap or duplicate those of other departments, the</u>	950
<u>extent to which the department coordinates with those other</u>	951
<u>departments, and the extent to which the department's programs</u>	952
<u>could be consolidated with the programs of other state</u>	953
<u>departments;</u>	954
<u>(5) Whether or not continuation of the department is</u>	955
<u>necessary to protect the health, safety, or welfare of the public,</u>	956
<u>and if so, whether or not the department's authority is narrowly</u>	957
<u>tailored to protect against present, recognizable, and significant</u>	958
<u>harms to the health, safety, or welfare of the public;</u>	959
<u>(6) The amount of regulation exercised by the department</u>	960
<u>compared to such regulation, if any, in other states;</u>	961
<u>(7) Whether or not alternative means or methods can be used</u>	962
<u>to improve efficiency and customer service to assist the</u>	963
<u>department in the performance of its duties;</u>	964
<u>(8) Whether or not the operation of the department has</u>	965
<u>inhibited economic growth, reduced efficiency, or increased the</u>	966
<u>cost of government;</u>	967
<u>(9) An assessment of the authority of the department</u>	968
<u>regarding fees, inspections, enforcement, and penalties;</u>	969
<u>(10) The extent to which the department has permitted</u>	970
<u>qualified applicants to serve the public;</u>	971
<u>(11) The cost-effectiveness of the department in terms of</u>	972
<u>number of employees, services rendered, and administrative costs</u>	973
<u>incurred, both past and present;</u>	974
<u>(12) Whether or not the department's operation has been</u>	975
<u>impeded or enhanced by existing statutes and procedures and by</u>	976
<u>budgetary, resource, and personnel practices;</u>	977

<u>(13) Whether the department has recommended statutory changes</u>	978
<u>to the general assembly that would benefit the public as opposed</u>	979
<u>to the persons regulated by the department, if any, and whether</u>	980
<u>its recommendations and other policies have been adopted and</u>	981
<u>implemented;</u>	982
<u>(14) Whether the department has required any persons it</u>	983
<u>regulates to report to it the impact of department rules and</u>	984
<u>decisions on the public as they affect service costs and service</u>	985
<u>delivery;</u>	986
<u>(15) Whether persons regulated by the department, if any,</u>	987
<u>have been required to assess problems in their business operations</u>	988
<u>that affect the public;</u>	989
<u>(16) Whether the department has encouraged public</u>	990
<u>participation in its rule-making and decision-making;</u>	991
<u>(17) The efficiency with which formal public complaints filed</u>	992
<u>with the department have been processed to completion;</u>	993
<u>(18) Whether the programs or services of the department</u>	994
<u>duplicate or overlap those of other departments;</u>	995
<u>(19) Whether the purpose for which the department was created</u>	996
<u>has been fulfilled, has changed, or no longer exists;</u>	997
<u>(20) Whether federal law requires that the department be</u>	998
<u>renewed in some form;</u>	999
<u>(21) An assessment of the administrative hearing process of a</u>	1000
<u>department if the department has an administrative hearing</u>	1001
<u>process;</u>	1002
<u>(22) Any applicable criteria under division (E) of this</u>	1003
<u>section;</u>	1004
<u>(23) Changes needed in the enabling laws of the department in</u>	1005
<u>order for it to comply with the criteria suggested by the</u>	1006
<u>considerations listed in divisions (D)(1) to (22) of this section.</u>	1007

(E) In the review of a department that issues a license to practice a trade or profession, the standing committee shall consider all of the following: 1008  
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(1) Whether the requirement for the license serves a meaningful, defined public interest and provides the least restrictive form of regulation that adequately protects the public interest; 1011  
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(2) The extent to which the objective of licensing may be achieved through market forces, private or industry certification and accreditation programs, or enforcement of other existing laws; 1015  
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(3) The extent to which licensing ensures that practitioners have occupational skill sets or competencies that correlate with a public interest, and the impact that those criteria have on applicants for a license, particularly those with moderate or low incomes, seeking to enter the occupation or profession; 1018  
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(4) The extent to which the requirement for the license stimulates or restricts competition, affects consumer choice, and affects the cost of services. 1023  
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As used in division (E) of this section: 1026

"Least restrictive form of regulation" means the public policy of relying on one of the following, listed from the least to the most restrictive, as a means of consumer protection: market competition; third-party or consumer-created ratings and reviews; private certification; specific private civil cause of action to remedy consumer harm; actions under Chapter 1345. of the Revised Code; regulation of the process of providing the specific goods or services to consumers; inspection; bonding or insurance; registration; government certification; specialty occupational license for medical reimbursement; and occupational license. 1027  
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"Specialty occupational license for medical reimbursement" means a nontransferable authorization in law for an individual to provide 1037  
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identified medical services and qualify for payment or 1039  
reimbursement from a government agency based on meeting personal 1040  
qualifications established in law. 1041

"License" means a license, certificate, permit, or other 1042  
authorization issued or conferred by a department or board under 1043  
which a person may engage in a profession, occupation, or 1044  
occupational activity. 1045

For purposes of division (E) of this section, a government 1046  
regulatory requirement is in the public interest if it provides 1047  
protection from present, recognizable, and significant harms to 1048  
the health, safety, or welfare of the public. 1049

**Sec. 101.882.** The president of the senate and the speaker of 1050  
the house of representatives shall notify the chief of the common 1051  
sense initiative office, established under section 107.61 of the 1052  
Revised Code, when a department is identified under division (A) 1053  
or (B) of section 101.881 of the Revised Code to be reviewed by a 1054  
standing committee. The chief or the chief's designee shall appear 1055  
and testify before the standing committee, with respect to the 1056  
department, and shall testify on at least all of the following: 1057

(A) Whether or not the common sense initiative office has, 1058  
within the previous five years, received commentary related to the 1059  
department through the comment system established under section 1060  
107.62 of the Revised Code; 1061

(B) Whether or not the common sense initiative office has, 1062  
within the previous five years, received advice from the small 1063  
business advisory council with respect to rules of the department; 1064

(C) Any other information the chief believes will elucidate 1065  
the effectiveness and efficiency of the department and in 1066  
particular the quality of customer service provided by the 1067  
department. 1068

Sec. 101.89. After the completion of the evaluation review of 1069  
a department under section 101.881 of the Revised Code, the 1070  
standing committee that conducted the review may prepare and 1071  
publish a report of its findings and recommendations. A standing 1072  
committee may include in a single report its findings and 1073  
recommendations regarding more than one department. If the 1074  
standing committee prepares and publishes a report, the committee 1075  
shall furnish a copy of the report to the clerk of the house of 1076  
representatives or the clerk of the senate, as the case may be. 1077  
The clerk shall furnish a copy of the report to the president of 1078  
the senate, the speaker of the house of representatives, the 1079  
governor, and each affected department. The clerk shall make any 1080  
published report available to the public on the internet web site 1081  
of the general assembly. 1082

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 1083  
(H) of this section, all of the following shall file with the 1084  
appropriate ethics commission the disclosure statement described 1085  
in this division on a form prescribed by the appropriate 1086  
commission: every person who is elected to or is a candidate for a 1087  
state, county, or city office and every person who is appointed to 1088  
fill a vacancy for an unexpired term in such an elective office; 1089  
all members of the state board of education; the director, 1090  
assistant directors, deputy directors, division chiefs, or persons 1091  
of equivalent rank of any administrative department of the state; 1092  
the president or other chief administrative officer of every state 1093  
institution of higher education as defined in section 3345.011 of 1094  
the Revised Code; the executive director and the members of the 1095  
capitol square review and advisory board appointed or employed 1096  
pursuant to section 105.41 of the Revised Code; all members of the 1097  
Ohio casino control commission, the executive director of the 1098  
commission, all professional employees of the commission, and all 1099

technical employees of the commission who perform an internal 1100  
audit function; the individuals set forth in division (B)(2) of 1101  
section 187.03 of the Revised Code; the chief executive officer 1102  
and the members of the board of each state retirement system; each 1103  
employee of a state retirement board who is a state retirement 1104  
system investment officer licensed pursuant to section 1707.163 of 1105  
the Revised Code; the members of the Ohio retirement study council 1106  
appointed pursuant to division (C) of section 171.01 of the 1107  
Revised Code; employees of the Ohio retirement study council, 1108  
other than employees who perform purely administrative or clerical 1109  
functions; the administrator of workers' compensation and each 1110  
member of the bureau of workers' compensation board of directors; 1111  
the bureau of workers' compensation director of investments; the 1112  
chief investment officer of the bureau of workers' compensation; 1113  
all members of the board of commissioners on grievances and 1114  
discipline of the supreme court and the ethics commission created 1115  
under section 102.05 of the Revised Code; every business manager, 1116  
treasurer, or superintendent of a city, local, exempted village, 1117  
joint vocational, or cooperative education school district or an 1118  
educational service center; every person who is elected to or is a 1119  
candidate for the office of member of a board of education of a 1120  
city, local, exempted village, joint vocational, or cooperative 1121  
education school district or of a governing board of an 1122  
educational service center that has a total student count of 1123  
twelve thousand or more as most recently determined by the 1124  
department of education pursuant to section 3317.03 of the Revised 1125  
Code; every person who is appointed to the board of education of a 1126  
municipal school district pursuant to division (B) or (F) of 1127  
section 3311.71 of the Revised Code; all members of the board of 1128  
directors of a sanitary district that is established under Chapter 1129  
6115. of the Revised Code and organized wholly for the purpose of 1130  
providing a water supply for domestic, municipal, and public use, 1131  
and that includes two municipal corporations in two counties; 1132

every public official or employee who is paid a salary or wage in 1133  
accordance with schedule C of section 124.15 or schedule E-2 of 1134  
section 124.152 of the Revised Code; members of the board of 1135  
trustees and the executive director of the southern Ohio 1136  
agricultural and community development foundation; all members 1137  
appointed to the Ohio livestock care standards board under section 1138  
904.02 of the Revised Code; all entrepreneurs in residence 1139  
assigned by the LeanOhio office in the department of 1140  
administrative services under section 125.65 of the Revised Code 1141  
and every other public official or employee who is designated by 1142  
the appropriate ethics commission pursuant to division (B) of this 1143  
section. 1144

(2) The disclosure statement shall include all of the 1145  
following: 1146

(a) The name of the person filing the statement and each 1147  
member of the person's immediate family and all names under which 1148  
the person or members of the person's immediate family do 1149  
business; 1150

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 1151  
section and except as otherwise provided in section 102.022 of the 1152  
Revised Code, identification of every source of income, other than 1153  
income from a legislative agent identified in division 1154  
(A)(2)(b)(ii) of this section, received during the preceding 1155  
calendar year, in the person's own name or by any other person for 1156  
the person's use or benefit, by the person filing the statement, 1157  
and a brief description of the nature of the services for which 1158  
the income was received. If the person filing the statement is a 1159  
member of the general assembly, the statement shall identify the 1160  
amount of every source of income received in accordance with the 1161  
following ranges of amounts: zero or more, but less than one 1162  
thousand dollars; one thousand dollars or more, but less than ten 1163  
thousand dollars; ten thousand dollars or more, but less than 1164

twenty-five thousand dollars; twenty-five thousand dollars or 1165  
more, but less than fifty thousand dollars; fifty thousand dollars 1166  
or more, but less than one hundred thousand dollars; and one 1167  
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 1168  
section shall not be construed to require a person filing the 1169  
statement who derives income from a business or profession to 1170  
disclose the individual items of income that constitute the gross 1171  
income of that business or profession, except for those individual 1172  
items of income that are attributable to the person's or, if the 1173  
income is shared with the person, the partner's, solicitation of 1174  
services or goods or performance, arrangement, or facilitation of 1175  
services or provision of goods on behalf of the business or 1176  
profession of clients, including corporate clients, who are 1177  
legislative agents. A person who files the statement under this 1178  
section shall disclose the identity of and the amount of income 1179  
received from a person who the public official or employee knows 1180  
or has reason to know is doing or seeking to do business of any 1181  
kind with the public official's or employee's agency. 1182

(ii) If the person filing the statement is a member of the 1183  
general assembly, the statement shall identify every source of 1184  
income and the amount of that income that was received from a 1185  
legislative agent during the preceding calendar year, in the 1186  
person's own name or by any other person for the person's use or 1187  
benefit, by the person filing the statement, and a brief 1188  
description of the nature of the services for which the income was 1189  
received. Division (A)(2)(b)(ii) of this section requires the 1190  
disclosure of clients of attorneys or persons licensed under 1191  
section 4732.12 of the Revised Code, or patients of persons 1192  
~~certified~~ licensed under section 4731.14 of the Revised Code, if 1193  
those clients or patients are legislative agents. Division 1194  
(A)(2)(b)(ii) of this section requires a person filing the 1195  
statement who derives income from a business or profession to 1196  
disclose those individual items of income that constitute the 1197

gross income of that business or profession that are received from 1198  
legislative agents. 1199

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 1200  
of this section, division (A)(2)(b)(i) of this section applies to 1201  
attorneys, physicians, and other persons who engage in the 1202  
practice of a profession and who, pursuant to a section of the 1203  
Revised Code, the common law of this state, a code of ethics 1204  
applicable to the profession, or otherwise, generally are required 1205  
not to reveal, disclose, or use confidences of clients, patients, 1206  
or other recipients of professional services except under 1207  
specified circumstances or generally are required to maintain 1208  
those types of confidences as privileged communications except 1209  
under specified circumstances. Division (A)(2)(b)(i) of this 1210  
section does not require an attorney, physician, or other 1211  
professional subject to a confidentiality requirement as described 1212  
in division (A)(2)(b)(iii) of this section to disclose the name, 1213  
other identity, or address of a client, patient, or other 1214  
recipient of professional services if the disclosure would 1215  
threaten the client, patient, or other recipient of professional 1216  
services, would reveal details of the subject matter for which 1217  
legal, medical, or professional advice or other services were 1218  
sought, or would reveal an otherwise privileged communication 1219  
involving the client, patient, or other recipient of professional 1220  
services. Division (A)(2)(b)(i) of this section does not require 1221  
an attorney, physician, or other professional subject to a 1222  
confidentiality requirement as described in division 1223  
(A)(2)(b)(iii) of this section to disclose in the brief 1224  
description of the nature of services required by division 1225  
(A)(2)(b)(i) of this section any information pertaining to 1226  
specific professional services rendered for a client, patient, or 1227  
other recipient of professional services that would reveal details 1228  
of the subject matter for which legal, medical, or professional 1229  
advice was sought or would reveal an otherwise privileged 1230

communication involving the client, patient, or other recipient of professional services. 1231  
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(c) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(2)(c) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account. 1233  
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(d) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation; 1249  
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(e) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(2)(e) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all 1254  
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state-chartered savings and loan associations and of all service 1263  
corporations subject to regulation under division (E)(2) of 1264  
section 1151.34 of the Revised Code to whom the superintendent in 1265  
the superintendent's own name or in the name of any other person 1266  
owes any money, and that the superintendent and any deputy 1267  
superintendent of banks shall disclose the names of all 1268  
state-chartered banks and all bank subsidiary corporations subject 1269  
to regulation under section 1109.44 of the Revised Code to whom 1270  
the superintendent or deputy superintendent owes any money. 1271

(f) The names of all persons residing or transacting business 1272  
in the state, other than a depository excluded under division 1273  
(A)(2)(c) of this section, who owe more than one thousand dollars 1274  
to the person filing the statement, either in the person's own 1275  
name or to any person for the person's use or benefit. Division 1276  
(A)(2)(f) of this section shall not be construed to require the 1277  
disclosure of clients of attorneys or persons licensed under 1278  
section 4732.12 of the Revised Code, or patients of persons 1279  
~~certified~~ licensed under section 4731.14 of the Revised Code, nor 1280  
the disclosure of debts owed to the person resulting from the 1281  
ordinary conduct of a business or profession. 1282

(g) Except as otherwise provided in section 102.022 of the 1283  
Revised Code, the source of each gift of over seventy-five 1284  
dollars, or of each gift of over twenty-five dollars received by a 1285  
member of the general assembly from a legislative agent, received 1286  
by the person in the person's own name or by any other person for 1287  
the person's use or benefit during the preceding calendar year, 1288  
except gifts received by will or by virtue of section 2105.06 of 1289  
the Revised Code, or received from spouses, parents, grandparents, 1290  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1291  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1292  
fathers-in-law, mothers-in-law, or any person to whom the person 1293  
filing the statement stands in loco parentis, or received by way 1294

of distribution from any inter vivos or testamentary trust 1295  
established by a spouse or by an ancestor; 1296

(h) Except as otherwise provided in section 102.022 of the 1297  
Revised Code, identification of the source and amount of every 1298  
payment of expenses incurred for travel to destinations inside or 1299  
outside this state that is received by the person in the person's 1300  
own name or by any other person for the person's use or benefit 1301  
and that is incurred in connection with the person's official 1302  
duties, except for expenses for travel to meetings or conventions 1303  
of a national or state organization to which any state agency, 1304  
including, but not limited to, any legislative agency or state 1305  
institution of higher education as defined in section 3345.011 of 1306  
the Revised Code, pays membership dues, or any political 1307  
subdivision or any office or agency of a political subdivision 1308  
pays membership dues; 1309

(i) Except as otherwise provided in section 102.022 of the 1310  
Revised Code, identification of the source of payment of expenses 1311  
for meals and other food and beverages, other than for meals and 1312  
other food and beverages provided at a meeting at which the person 1313  
participated in a panel, seminar, or speaking engagement or at a 1314  
meeting or convention of a national or state organization to which 1315  
any state agency, including, but not limited to, any legislative 1316  
agency or state institution of higher education as defined in 1317  
section 3345.011 of the Revised Code, pays membership dues, or any 1318  
political subdivision or any office or agency of a political 1319  
subdivision pays membership dues, that are incurred in connection 1320  
with the person's official duties and that exceed one hundred 1321  
dollars aggregated per calendar year; 1322

(j) If the disclosure statement is filed by a public official 1323  
or employee described in division (B)(2) of section 101.73 of the 1324  
Revised Code or division (B)(2) of section 121.63 of the Revised 1325  
Code who receives a statement from a legislative agent, executive 1326

agency lobbyist, or employer that contains the information 1327  
described in division (F)(2) of section 101.73 of the Revised Code 1328  
or division (G)(2) of section 121.63 of the Revised Code, all of 1329  
the nondisputed information contained in the statement delivered 1330  
to that public official or employee by the legislative agent, 1331  
executive agency lobbyist, or employer under division (F)(2) of 1332  
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 1333

(3) A person may file a statement required by this section in 1334  
person, by mail, or by electronic means. 1335

(4) A person who is required to file a statement under this 1336  
section shall file that statement according to the following 1337  
deadlines, as applicable: 1338

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 1339  
and (d) of this section, the person shall file the statement not 1340  
later than the fifteenth day of May of each year. 1341

(b) A person who is a candidate for elective office shall 1342  
file the statement no later than the thirtieth day before the 1343  
primary, special, or general election at which the candidacy is to 1344  
be voted on, whichever election occurs soonest, except that a 1345  
person who is a write-in candidate shall file the statement no 1346  
later than the twentieth day before the earliest election at which 1347  
the person's candidacy is to be voted on. 1348

(c) A person who is appointed to fill a vacancy for an 1349  
unexpired term in an elective office shall file the statement 1350  
within fifteen days after the person qualifies for office. 1351

(d) A person who is appointed or employed after the fifteenth 1352  
day of May, other than a person described in division (A)(4)(c) of 1353  
this section, shall file an annual statement within ninety days 1354  
after appointment or employment. 1355

(5) No person shall be required to file with the appropriate 1356  
ethics commission more than one statement or pay more than one 1357

filing fee for any one calendar year. 1358

(6) The appropriate ethics commission, for good cause, may 1359  
extend for a reasonable time the deadline for filing a statement 1360  
under this section. 1361

(7) A statement filed under this section is subject to public 1362  
inspection at locations designated by the appropriate ethics 1363  
commission except as otherwise provided in this section. 1364

(B) The Ohio ethics commission, the joint legislative ethics 1365  
committee, and the board of commissioners on grievances and 1366  
discipline of the supreme court, using the rule-making procedures 1367  
of Chapter 119. of the Revised Code, may require any class of 1368  
public officials or employees under its jurisdiction and not 1369  
specifically excluded by this section whose positions involve a 1370  
substantial and material exercise of administrative discretion in 1371  
the formulation of public policy, expenditure of public funds, 1372  
enforcement of laws and rules of the state or a county or city, or 1373  
the execution of other public trusts, to file an annual statement 1374  
under division (A) of this section. The appropriate ethics 1375  
commission shall send the public officials or employees written 1376  
notice of the requirement not less than thirty days before the 1377  
applicable filing deadline unless the public official or employee 1378  
is appointed after that date, in which case the notice shall be 1379  
sent within thirty days after appointment, and the filing shall be 1380  
made not later than ninety days after appointment. 1381

Disclosure statements filed under this division with the Ohio 1382  
ethics commission by members of boards, commissions, or bureaus of 1383  
the state for which no compensation is received other than 1384  
reasonable and necessary expenses shall be kept confidential. 1385  
Disclosure statements filed with the Ohio ethics commission under 1386  
division (A) of this section by business managers, treasurers, and 1387  
superintendents of city, local, exempted village, joint 1388  
vocational, or cooperative education school districts or 1389

educational service centers shall be kept confidential, except 1390  
that any person conducting an audit of any such school district or 1391  
educational service center pursuant to section 115.56 or Chapter 1392  
117. of the Revised Code may examine the disclosure statement of 1393  
any business manager, treasurer, or superintendent of that school 1394  
district or educational service center. Disclosure statements 1395  
filed with the Ohio ethics commission under division (A) of this 1396  
section by the individuals set forth in division (B)(2) of section 1397  
187.03 of the Revised Code shall be kept confidential. The Ohio 1398  
ethics commission shall examine each disclosure statement required 1399  
to be kept confidential to determine whether a potential conflict 1400  
of interest exists for the person who filed the disclosure 1401  
statement. A potential conflict of interest exists if the private 1402  
interests of the person, as indicated by the person's disclosure 1403  
statement, might interfere with the public interests the person is 1404  
required to serve in the exercise of the person's authority and 1405  
duties in the person's office or position of employment. If the 1406  
commission determines that a potential conflict of interest 1407  
exists, it shall notify the person who filed the disclosure 1408  
statement and shall make the portions of the disclosure statement 1409  
that indicate a potential conflict of interest subject to public 1410  
inspection in the same manner as is provided for other disclosure 1411  
statements. Any portion of the disclosure statement that the 1412  
commission determines does not indicate a potential conflict of 1413  
interest shall be kept confidential by the commission and shall 1414  
not be made subject to public inspection, except as is necessary 1415  
for the enforcement of Chapters 102. and 2921. of the Revised Code 1416  
and except as otherwise provided in this division. 1417

(C) No person shall knowingly fail to file, on or before the 1418  
applicable filing deadline established under this section, a 1419  
statement that is required by this section. 1420

(D) No person shall knowingly file a false statement that is 1421

required to be filed under this section. 1422

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1423  
section, the statement required by division (A) or (B) of this 1424  
section shall be accompanied by a filing fee of sixty dollars. 1425

(2) The statement required by division (A) of this section 1426  
shall be accompanied by the following filing fee to be paid by the 1427  
person who is elected or appointed to, or is a candidate for, any 1428  
of the following offices: 1429

For state office, except member of the		1430
state board of education	\$95	1431
For office of member of general assembly	\$40	1432
For county office	\$60	1433
For city office	\$35	1434
For office of member of the state board		1435
of education	\$35	1436
For office of member of a city, local,		1437
exempted village, or cooperative		1438
education board of		1439
education or educational service		1440
center governing board	\$30	1441
For position of business manager,		1442
treasurer, or superintendent of a		1443
city, local, exempted village, joint		1444
vocational, or cooperative education		1445
school district or		1446
educational service center	\$30	1447

(3) No judge of a court of record or candidate for judge of a 1448  
court of record, and no referee or magistrate serving a court of 1449  
record, shall be required to pay the fee required under division 1450  
(E)(1) or (2) or (F) of this section. 1451

(4) For any public official who is appointed to a nonelective 1452  
office of the state and for any employee who holds a nonelective 1453

position in a public agency of the state, the state agency that is 1454  
the primary employer of the state official or employee shall pay 1455  
the fee required under division (E)(1) or (F) of this section. 1456

(F) If a statement required to be filed under this section is 1457  
not filed by the date on which it is required to be filed, the 1458  
appropriate ethics commission shall assess the person required to 1459  
file the statement a late filing fee of ten dollars for each day 1460  
the statement is not filed, except that the total amount of the 1461  
late filing fee shall not exceed two hundred fifty dollars. 1462

(G)(1) The appropriate ethics commission other than the Ohio 1463  
ethics commission and the joint legislative ethics committee shall 1464  
deposit all fees it receives under divisions (E) and (F) of this 1465  
section into the general revenue fund of the state. 1466

(2) The Ohio ethics commission shall deposit all receipts, 1467  
including, but not limited to, fees it receives under divisions 1468  
(E) and (F) of this section, investigative or other fees, costs, 1469  
or other funds it receives as a result of court orders, and all 1470  
moneys it receives from settlements under division (G) of section 1471  
102.06 of the Revised Code, into the Ohio ethics commission fund, 1472  
which is hereby created in the state treasury. All moneys credited 1473  
to the fund shall be used solely for expenses related to the 1474  
operation and statutory functions of the commission. 1475

(3) The joint legislative ethics committee shall deposit all 1476  
receipts it receives from the payment of financial disclosure 1477  
statement filing fees under divisions (E) and (F) of this section 1478  
into the joint legislative ethics committee investigative and 1479  
financial disclosure fund. 1480

(H) Division (A) of this section does not apply to a person 1481  
elected or appointed to the office of precinct, ward, or district 1482  
committee member under Chapter 3517. of the Revised Code; a 1483  
presidential elector; a delegate to a national convention; village 1484

or township officials and employees; any physician or psychiatrist 1485  
who is paid a salary or wage in accordance with schedule C of 1486  
section 124.15 or schedule E-2 of section 124.152 of the Revised 1487  
Code and whose primary duties do not require the exercise of 1488  
administrative discretion; or any member of a board, commission, 1489  
or bureau of any county or city who receives less than one 1490  
thousand dollars per year for serving in that position. 1491

**Sec. 102.022.** Each person who is an officer or employee of a 1492  
political subdivision, who receives compensation of less than 1493  
sixteen thousand dollars a year for holding an office or position 1494  
of employment with that political subdivision, and who is required 1495  
to file a statement under section 102.02 of the Revised Code; each 1496  
member of the board of trustees of a state institution of higher 1497  
education as defined in section 3345.011 of the Revised Code who 1498  
is required to file a statement under section 102.02 of the 1499  
Revised Code; and each individual set forth in division (B)(2) of 1500  
section 187.03 of the Revised Code who is required to file a 1501  
statement under section 102.02 of the Revised Code, shall include 1502  
in that statement, in place of the information required by 1503  
divisions (A)(2)(b), (g), (h), and (i) of that section, the 1504  
following information: 1505

(A) Exclusive of reasonable expenses, identification of every 1506  
source of income over five hundred dollars received during the 1507  
preceding calendar year, in the officer's or employee's own name 1508  
or by any other person for the officer's or employee's use or 1509  
benefit, by the person filing the statement, and a brief 1510  
description of the nature of the services for which the income was 1511  
received. This division shall not be construed to require the 1512  
disclosure of clients of attorneys or persons licensed under 1513  
section 4732.12 of the Revised Code or patients of persons 1514  
~~certified~~ licensed under section 4731.14 of the Revised Code. This 1515  
division shall not be construed to require a person filing the 1516

statement who derives income from a business or profession to 1517  
disclose the individual items of income that constitute the gross 1518  
income of the business or profession. 1519

(B) The source of each gift of over five hundred dollars 1520  
received by the person in the officer's or employee's own name or 1521  
by any other person for the officer's or employee's use or benefit 1522  
during the preceding calendar year, except gifts received by will 1523  
or by virtue of section 2105.06 of the Revised Code, received from 1524  
parents, grandparents, children, grandchildren, siblings, nephews, 1525  
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1526  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1527  
any person to whom the person filing the statement stands in loco 1528  
parentis, or received by way of distribution from any inter vivos 1529  
or testamentary trust established by a spouse or by an ancestor. 1530

**Sec. 102.03.** (A)(1) No present or former public official or 1531  
employee shall, during public employment or service or for twelve 1532  
months thereafter, represent a client or act in a representative 1533  
capacity for any person on any matter in which the public official 1534  
or employee personally participated as a public official or 1535  
employee through decision, approval, disapproval, recommendation, 1536  
the rendering of advice, investigation, or other substantial 1537  
exercise of administrative discretion. 1538

(2) For twenty-four months after the conclusion of service, 1539  
no former commissioner or attorney examiner of the public 1540  
utilities commission shall represent a public utility, as defined 1541  
in section 4905.02 of the Revised Code, or act in a representative 1542  
capacity on behalf of such a utility before any state board, 1543  
commission, or agency. 1544

(3) For twenty-four months after the conclusion of employment 1545  
or service, no former public official or employee who personally 1546  
participated as a public official or employee through decision, 1547

approval, disapproval, recommendation, the rendering of advice, 1548  
the development or adoption of solid waste management plans, 1549  
investigation, inspection, or other substantial exercise of 1550  
administrative discretion under Chapter 343. or 3734. of the 1551  
Revised Code shall represent a person who is the owner or operator 1552  
of a facility, as defined in section 3734.01 of the Revised Code, 1553  
or who is an applicant for a permit or license for a facility 1554  
under that chapter, on any matter in which the public official or 1555  
employee personally participated as a public official or employee. 1556

(4) For a period of one year after the conclusion of 1557  
employment or service as a member or employee of the general 1558  
assembly, no former member or employee of the general assembly 1559  
shall represent, or act in a representative capacity for, any 1560  
person on any matter before the general assembly, any committee of 1561  
the general assembly, or the controlling board. Division (A)(4) of 1562  
this section does not apply to or affect a person who separates 1563  
from service with the general assembly on or before December 31, 1564  
1995. As used in division (A)(4) of this section "person" does not 1565  
include any state agency or political subdivision of the state. 1566

(5) As used in divisions (A)(1), (2), and (3) of this 1567  
section, "matter" includes any case, proceeding, application, 1568  
determination, issue, or question, but does not include the 1569  
proposal, consideration, or enactment of statutes, rules, 1570  
ordinances, resolutions, or charter or constitutional amendments. 1571  
As used in division (A)(4) of this section, "matter" includes the 1572  
proposal, consideration, or enactment of statutes, resolutions, or 1573  
constitutional amendments. As used in division (A) of this 1574  
section, "represent" includes any formal or informal appearance 1575  
before, or any written or oral communication with, any public 1576  
agency on behalf of any person. 1577

(6) Nothing contained in division (A) of this section shall 1578  
prohibit, during such period, a former public official or employee 1579

from being retained or employed to represent, assist, or act in a 1580  
representative capacity for the public agency by which the public 1581  
official or employee was employed or on which the public official 1582  
or employee served. 1583

(7) Division (A) of this section shall not be construed to 1584  
prohibit the performance of ministerial functions, including, but 1585  
not limited to, the filing or amendment of tax returns, 1586  
applications for permits and licenses, incorporation papers, and 1587  
other similar documents. 1588

(8) Division (A) of this section does not prohibit a 1589  
nonelected public official or employee of a state agency, as 1590  
defined in section 1.60 of the Revised Code, from becoming a 1591  
public official or employee of another state agency. Division (A) 1592  
of this section does not prohibit such an official or employee 1593  
from representing or acting in a representative capacity for the 1594  
official's or employee's new state agency on any matter in which 1595  
the public official or employee personally participated as a 1596  
public official or employee at the official's or employee's former 1597  
state agency. However, no public official or employee of a state 1598  
agency shall, during public employment or for twelve months 1599  
thereafter, represent or act in a representative capacity for the 1600  
official's or employee's new state agency on any audit or 1601  
investigation pertaining to the official's or employee's new state 1602  
agency in which the public official or employee personally 1603  
participated at the official's or employee's former state agency 1604  
through decision, approval, disapproval, recommendation, the 1605  
rendering of advice, investigation, or other substantial exercise 1606  
of administrative discretion. 1607

(9) Division (A) of this section does not prohibit a 1608  
nonelected public official or employee of a political subdivision 1609  
from becoming a public official or employee of a different 1610  
department, division, agency, office, or unit of the same 1611

political subdivision. Division (A) of this section does not 1612  
prohibit such an official or employee from representing or acting 1613  
in a representative capacity for the official's or employee's new 1614  
department, division, agency, office, or unit on any matter in 1615  
which the public official or employee personally participated as a 1616  
public official or employee at the official's or employee's former 1617  
department, division, agency, office, or unit of the same 1618  
political subdivision. As used in this division, "political 1619  
subdivision" means a county, township, municipal corporation, or 1620  
any other body corporate and politic that is responsible for 1621  
government activities in a geographic area smaller than that of 1622  
the state. 1623

(10) No present or former Ohio casino control commission 1624  
official shall, during public service or for two years thereafter, 1625  
represent a client, be employed or compensated by a person 1626  
regulated by the commission, or act in a representative capacity 1627  
for any person on any matter before or concerning the commission. 1628

No present or former commission employee shall, during public 1629  
employment or for two years thereafter, represent a client or act 1630  
in a representative capacity on any matter in which the employee 1631  
personally participated as a commission employee through decision, 1632  
approval, disapproval, recommendation, the rendering of advice, 1633  
investigation, or other substantial exercise of administrative 1634  
discretion. 1635

(B) No present or former public official or employee shall 1636  
disclose or use, without appropriate authorization, any 1637  
information acquired by the public official or employee in the 1638  
course of the public official's or employee's official duties that 1639  
is confidential because of statutory provisions, or that has been 1640  
clearly designated to the public official or employee as 1641  
confidential when that confidential designation is warranted 1642  
because of the status of the proceedings or the circumstances 1643

under which the information was received and preserving its 1644  
confidentiality is necessary to the proper conduct of government 1645  
business. 1646

(C) No public official or employee shall participate within 1647  
the scope of duties as a public official or employee, except 1648  
through ministerial functions as defined in division (A) of this 1649  
section, in any license or rate-making proceeding that directly 1650  
affects the license or rates of any person, partnership, trust, 1651  
business trust, corporation, or association in which the public 1652  
official or employee or immediate family owns or controls more 1653  
than five per cent. No public official or employee shall 1654  
participate within the scope of duties as a public official or 1655  
employee, except through ministerial functions as defined in 1656  
division (A) of this section, in any license or rate-making 1657  
proceeding that directly affects the license or rates of any 1658  
person to whom the public official or employee or immediate 1659  
family, or a partnership, trust, business trust, corporation, or 1660  
association of which the public official or employee or the public 1661  
official's or employee's immediate family owns or controls more 1662  
than five per cent, has sold goods or services totaling more than 1663  
one thousand dollars during the preceding year, unless the public 1664  
official or employee has filed a written statement acknowledging 1665  
that sale with the clerk or secretary of the public agency and the 1666  
statement is entered in any public record of the agency's 1667  
proceedings. This division shall not be construed to require the 1668  
disclosure of clients of attorneys or persons licensed under 1669  
section 4732.12 of the Revised Code, or patients of persons 1670  
~~certified~~ licensed under section 4731.14 of the Revised Code. 1671

(D) No public official or employee shall use or authorize the 1672  
use of the authority or influence of office or employment to 1673  
secure anything of value or the promise or offer of anything of 1674  
value that is of such a character as to manifest a substantial and 1675

improper influence upon the public official or employee with 1676  
respect to that person's duties. 1677

(E) No public official or employee shall solicit or accept 1678  
anything of value that is of such a character as to manifest a 1679  
substantial and improper influence upon the public official or 1680  
employee with respect to that person's duties. 1681

(F) No person shall promise or give to a public official or 1682  
employee anything of value that is of such a character as to 1683  
manifest a substantial and improper influence upon the public 1684  
official or employee with respect to that person's duties. 1685

(G) In the absence of bribery or another offense under the 1686  
Revised Code or a purpose to defraud, contributions made to a 1687  
campaign committee, political party, legislative campaign fund, 1688  
political action committee, or political contributing entity on 1689  
behalf of an elected public officer or other public official or 1690  
employee who seeks elective office shall be considered to accrue 1691  
ordinarily to the public official or employee for the purposes of 1692  
divisions (D), (E), and (F) of this section. 1693

As used in this division, "contributions," "campaign 1694  
committee," "political party," "legislative campaign fund," 1695  
"political action committee," and "political contributing entity" 1696  
have the same meanings as in section 3517.01 of the Revised Code. 1697

(H)(1) No public official or employee, except for the 1698  
president or other chief administrative officer of or a member of 1699  
a board of trustees of a state institution of higher education as 1700  
defined in section 3345.011 of the Revised Code, who is required 1701  
to file a financial disclosure statement under section 102.02 of 1702  
the Revised Code shall solicit or accept, and no person shall give 1703  
to that public official or employee, an honorarium. Except as 1704  
provided in division (H)(2) of this section, this division and 1705  
divisions (D), (E), and (F) of this section do not prohibit a 1706

public official or employee who is required to file a financial 1707  
disclosure statement under section 102.02 of the Revised Code from 1708  
accepting and do not prohibit a person from giving to that public 1709  
official or employee the payment of actual travel expenses, 1710  
including any expenses incurred in connection with the travel for 1711  
lodging, and meals, food, and beverages provided to the public 1712  
official or employee at a meeting at which the public official or 1713  
employee participates in a panel, seminar, or speaking engagement 1714  
or provided to the public official or employee at a meeting or 1715  
convention of a national organization to which any state agency, 1716  
including, but not limited to, any state legislative agency or 1717  
state institution of higher education as defined in section 1718  
3345.011 of the Revised Code, pays membership dues. Except as 1719  
provided in division (H)(2) of this section, this division and 1720  
divisions (D), (E), and (F) of this section do not prohibit a 1721  
public official or employee who is not required to file a 1722  
financial disclosure statement under section 102.02 of the Revised 1723  
Code from accepting and do not prohibit a person from promising or 1724  
giving to that public official or employee an honorarium or the 1725  
payment of travel, meal, and lodging expenses if the honorarium, 1726  
expenses, or both were paid in recognition of demonstrable 1727  
business, professional, or esthetic interests of the public 1728  
official or employee that exist apart from public office or 1729  
employment, including, but not limited to, such a demonstrable 1730  
interest in public speaking and were not paid by any person or 1731  
other entity, or by any representative or association of those 1732  
persons or entities, that is regulated by, doing business with, or 1733  
seeking to do business with the department, division, institution, 1734  
board, commission, authority, bureau, or other instrumentality of 1735  
the governmental entity with which the public official or employee 1736  
serves. 1737

(2) No person who is a member of the board of a state 1738  
retirement system, a state retirement system investment officer, 1739

or an employee of a state retirement system whose position 1740  
involves substantial and material exercise of discretion in the 1741  
investment of retirement system funds shall solicit or accept, and 1742  
no person shall give to that board member, officer, or employee, 1743  
payment of actual travel expenses, including expenses incurred 1744  
with the travel for lodging, meals, food, and beverages. 1745

(I) A public official or employee may accept travel, meals, 1746  
and lodging or expenses or reimbursement of expenses for travel, 1747  
meals, and lodging in connection with conferences, seminars, and 1748  
similar events related to official duties if the travel, meals, 1749  
and lodging, expenses, or reimbursement is not of such a character 1750  
as to manifest a substantial and improper influence upon the 1751  
public official or employee with respect to that person's duties. 1752  
The house of representatives and senate, in their code of ethics, 1753  
and the Ohio ethics commission, under section 111.15 of the 1754  
Revised Code, may adopt rules setting standards and conditions for 1755  
the furnishing and acceptance of such travel, meals, and lodging, 1756  
expenses, or reimbursement. 1757

A person who acts in compliance with this division and any 1758  
applicable rules adopted under it, or any applicable, similar 1759  
rules adopted by the supreme court governing judicial officers and 1760  
employees, does not violate division (D), (E), or (F) of this 1761  
section. This division does not preclude any person from seeking 1762  
an advisory opinion from the appropriate ethics commission under 1763  
section 102.08 of the Revised Code. 1764

(J) For purposes of divisions (D), (E), and (F) of this 1765  
section, the membership of a public official or employee in an 1766  
organization shall not be considered, in and of itself, to be of 1767  
such a character as to manifest a substantial and improper 1768  
influence on the public official or employee with respect to that 1769  
person's duties. As used in this division, "organization" means a 1770  
church or a religious, benevolent, fraternal, or professional 1771

organization that is tax exempt under subsection 501(a) and 1772  
described in subsection 501(c)(3), (4), (8), (10), or (19) of the 1773  
"Internal Revenue Code of 1986." This division does not apply to a 1774  
public official or employee who is an employee of an organization, 1775  
serves as a trustee, director, or officer of an organization, or 1776  
otherwise holds a fiduciary relationship with an organization. 1777  
This division does not allow a public official or employee who is 1778  
a member of an organization to participate, formally or 1779  
informally, in deliberations, discussions, or voting on a matter 1780  
or to use the public official's or employee's official position 1781  
with regard to the interests of the organization on the matter if 1782  
the public official or employee has assumed a particular 1783  
responsibility in the organization with respect to the matter or 1784  
if the matter would affect that person's personal, pecuniary 1785  
interests. 1786

(K) It is not a violation of this section for a prosecuting 1787  
attorney to appoint assistants and employees in accordance with 1788  
division (B) of section 309.06 and section 2921.421 of the Revised 1789  
Code, for a chief legal officer of a municipal corporation or an 1790  
official designated as prosecutor in a municipal corporation to 1791  
appoint assistants and employees in accordance with sections 1792  
733.621 and 2921.421 of the Revised Code, for a township law 1793  
director appointed under section 504.15 of the Revised Code to 1794  
appoint assistants and employees in accordance with sections 1795  
504.151 and 2921.421 of the Revised Code, or for a coroner to 1796  
appoint assistants and employees in accordance with division (B) 1797  
of section 313.05 of the Revised Code. 1798

As used in this division, "chief legal officer" has the same 1799  
meaning as in section 733.621 of the Revised Code. 1800

(L) No present public official or employee with a casino 1801  
gaming regulatory function shall indirectly invest, by way of an 1802  
entity the public official or employee has an ownership interest 1803

or control in, or directly invest in a casino operator, management 1804  
company, holding company, casino facility, or gaming-related 1805  
vendor. No present public official or employee with a casino 1806  
gaming regulatory function shall directly or indirectly have a 1807  
financial interest in, have an ownership interest in, be the 1808  
creditor or hold a debt instrument issued by, or have an interest 1809  
in a contractual or service relationship with a casino operator, 1810  
management company, holding company, casino facility, or 1811  
gaming-related vendor. This section does not prohibit or limit 1812  
permitted passive investing by the public official or employee. 1813

As used in this division, "passive investing" means 1814  
investment by the public official or employee by means of a mutual 1815  
fund in which the public official or employee has no control of 1816  
the investments or investment decisions. "Casino operator," 1817  
"holding company," "management company," "casino facility," and 1818  
"gaming-related vendor" have the same meanings as in section 1819  
3772.01 of the Revised Code. 1820

(M) A member of the Ohio casino control commission, the 1821  
executive director of the commission, or an employee of the 1822  
commission shall not: 1823

(1) Accept anything of value, including but not limited to a 1824  
gift, gratuity, emolument, or employment from a casino operator, 1825  
management company, or other person subject to the jurisdiction of 1826  
the commission, or from an officer, attorney, agent, or employee 1827  
of a casino operator, management company, or other person subject 1828  
to the jurisdiction of the commission; 1829

(2) Solicit, suggest, request, or recommend, directly or 1830  
indirectly, to a casino operator, management company, or other 1831  
person subject to the jurisdiction of the commission, or to an 1832  
officer, attorney, agent, or employee of a casino operator, 1833  
management company, or other person subject to the jurisdiction of 1834  
the commission, the appointment of a person to an office, place, 1835

position, or employment;	1836
(3) Participate in casino gaming or any other amusement or activity at a casino facility in this state or at an affiliate gaming facility of a licensed casino operator, wherever located.	1837 1838 1839
In addition to the penalty provided in section 102.99 of the Revised Code, whoever violates division (M)(1), (2), or (3) of this section forfeits the individual's office or employment.	1840 1841 1842
<b>Sec. 103.41.</b> (A) As used in sections 103.41 to <del>103.415</del> <u>103.417</u> of the Revised Code:	1843 1844
(1) "JMOC" means the joint medicaid oversight committee created under this section.	1845 1846
(2) "State and local government medicaid agency" means all of the following:	1847 1848
(a) The department of medicaid;	1849
(b) The office of health transformation;	1850
(c) Each state agency and political subdivision with which the department of medicaid contracts under section 5162.35 of the Revised Code to have the state agency or political subdivision administer one or more components of the medicaid program, or one or more aspects of a component, under the department's supervision;	1851 1852 1853 1854 1855 1856
(d) Each agency of a political subdivision that is responsible for administering one or more components of the medicaid program, or one or more aspects of a component, under the supervision of the department or a state agency or political subdivision described in division (A)(2)(c) of this section.	1857 1858 1859 1860 1861
(B) There is hereby created the joint medicaid oversight committee. JMOC shall consist of the following members:	1862 1863
(1) Five members of the senate appointed by the president of	1864

the senate, three of whom are members of the majority party and 1865  
two of whom are members of the minority party; 1866

(2) Five members of the house of representatives appointed by 1867  
the speaker of the house of representatives, three of whom are 1868  
members of the majority party and two of whom are members of the 1869  
minority party. 1870

(C) The term of each JMOC member shall begin on the day of 1871  
appointment to JMOC and end on the last day that the member serves 1872  
in the house (in the case of a member appointed by the speaker) or 1873  
senate (in the case of a member appointed by the president) during 1874  
the general assembly for which the member is appointed to JMOC. 1875  
The president and speaker shall make the initial appointments not 1876  
later than fifteen days after March 20, 2014. However, if this 1877  
section takes effect before January 1, 2014, the president and 1878  
speaker shall make the initial appointments during the period 1879  
beginning January 1, 2014, and ending January 15, 2014. The 1880  
president and speaker shall make subsequent appointments not later 1881  
than fifteen days after the commencement of the first regular 1882  
session of each general assembly. JMOC members may be reappointed. 1883  
A vacancy on JMOC shall be filled in the same manner as the 1884  
original appointment. 1885

(D) In odd-numbered years, the speaker shall designate one of 1886  
the majority members from the house as the JMOC chairperson and 1887  
the president shall designate one of the minority members from the 1888  
senate as the JMOC ranking minority member. In even-numbered 1889  
years, the president shall designate one of the majority members 1890  
from the senate as the JMOC chairperson and the speaker shall 1891  
designate one of the minority members from the house as the JMOC 1892  
ranking minority member. 1893

(E) In appointing members from the minority, and in 1894  
designating ranking minority members, the president and speaker 1895  
shall consult with the minority leader of their respective houses. 1896

(F) JMOC shall meet at the call of the JMOC chairperson. The 1897  
chairperson shall call JMOC to meet not less often than once each 1898  
calendar month, unless the chairperson and ranking minority member 1899  
agree that the chairperson should not call JMOC to meet for a 1900  
particular month. 1901

(G) Notwithstanding section 101.26 of the Revised Code, the 1902  
members, when engaged in their duties as members of JMOC on days 1903  
when there is not a voting session of the member's house of the 1904  
general assembly, shall be paid at the per diem rate of one 1905  
hundred fifty dollars, and their necessary traveling expenses, 1906  
which shall be paid from the funds appropriated for the payment of 1907  
expenses of legislative committees. 1908

(H) The JMOC chairperson may, subject to approval by the 1909  
speaker of the house of representatives or the speaker's designee 1910  
and the president of the senate or the president's designee, 1911  
employ professional, technical, and clerical employees as are 1912  
necessary for JMOC to be able successfully and efficiently to 1913  
perform its duties. All such employees are in the unclassified 1914  
service and ~~serve at JMOC's pleasure~~ may be terminated by the 1915  
chairperson, subject to approval of the speaker or the speaker's 1916  
designee and president or the president's designee. JMOC may 1917  
contract for the services of persons who are qualified by 1918  
education and experience to advise, consult with, or otherwise 1919  
assist JMOC in the performance of its duties. 1920

(I) The JMOC chairperson, when authorized by JMOC and the 1921  
president and speaker, may issue subpoenas and subpoenas duces 1922  
tecum in aid of JMOC's performance of its duties. A subpoena may 1923  
require a witness in any part of the state to appear before JMOC 1924  
at a time and place designated in the subpoena to testify. A 1925  
subpoena duces tecum may require witnesses or other persons in any 1926  
part of the state to produce books, papers, records, and other 1927  
tangible evidence before JMOC at a time and place designated in 1928

the subpoena duces tecum. A subpoena or subpoena duces tecum shall 1929  
be issued, served, and returned, and has consequences, as 1930  
specified in sections 101.41 to 101.45 of the Revised Code. 1931

(J) The JMOC chairperson may administer oaths to witnesses 1932  
appearing before JMOC. 1933

**Sec. ~~103.42~~ 103.416.** ~~(A) During the period beginning July 1,~~ 1934  
~~2015, and ending June 30, 2018, the joint medicaid oversight~~ 1935  
~~committee JMOC~~ on a quarterly basis shall monitor the actions of 1936  
the department of medicaid under section 5167.04 of the Revised 1937  
Code in preparing to implement ~~and implementing~~ inclusion of 1938  
alcohol, drug addiction, and mental health services covered by 1939  
medicaid in the care management system established under section 1940  
5167.03 of the Revised Code. 1941

~~(B)(1) The committee shall review any proposal by the~~ 1942  
~~department to include all or part of the services in all or part~~ 1943  
~~of the system before January 1, 2018. In conducting its review,~~ 1944  
~~the committee shall consider all of the following for each service~~ 1945  
~~to be included:~~ 1946

~~(a) The proposed timeline for including the service;~~ 1947

~~(b) Any issues related to medicaid recipients' access to the~~ 1948  
~~service;~~ 1949

~~(c) The adequacy of the network of providers of the service;~~ 1950

~~(d) Payment levels for the service.~~ 1951

~~(2) The committee shall vote on whether to approve or~~ 1952  
~~disapprove the proposal. If a majority of the committee members~~ 1953  
~~approve the proposal, the committee shall notify the department~~ 1954  
~~and the proposal may be implemented.~~ 1955

~~(C) Beginning July 1, 2018, the committee Code. When the~~ 1956  
~~inclusion of the services in the system begins to be implemented,~~ 1957  
~~JMOC~~ on a periodic basis shall monitor the department's inclusion 1958

of the services in the system. 1959

Sec. 103.417. Before the department of medicaid or another 1960  
state agency with which the department has entered into a contract 1961  
under section 5162.35 of the Revised Code to administer one or 1962  
more components of the medicaid program or one or more aspects of 1963  
a component implements a proposal to increase, by rule or 1964  
otherwise, the medicaid payment rate for a medicaid service, the 1965  
department or other state agency shall submit the proposal to 1966  
JMOC. This applies regardless of whether the proposal involves a 1967  
change to the method by which the medicaid payment rate is to be 1968  
determined or specifies the actual amount of the rate increase. If 1969  
the proposal is to be implemented in whole or in part by rule, the 1970  
department or other state agency shall include with the proposal a 1971  
copy of the proposed rule as filed in final form under section 1972  
119.04 of the Revised Code. 1973

Not later than thirty days after the date a proposal is 1974  
submitted to JMOC under this section, JMOC shall do both of the 1975  
following: 1976

(A) Conduct a public hearing on the proposal; 1977

(B) For purposes of section 5164.69 of the Revised Code, vote 1978  
on whether to permit or prohibit implementation of the proposal. 1979

Sec. 103.43. (A) As used in this section: 1980

(1) "Care management system" means the system established 1981  
under section 5167.03 of the Revised Code. 1982

(2) "Integrated care delivery system" has the same meaning as 1983  
in section 5164.01 of the Revised Code. 1984

(3) "Long-term care services" means both of the following: 1985

(a) Home and community-based services available under 1986  
medicaid waiver components as defined in section 5166.01 of the 1987

<u>Revised Code;</u>	1988
<u>(b) Nursing facility services as defined in section 5165.01 of the Revised Code.</u>	1989 1990
<u>(B) If the general assembly enacts legislation authorizing the inclusion of long-term care services in the care management system beyond the inclusion of those services that have been implemented under the integrated care delivery system, the patient-centered medicaid long-term care delivery system advisory committee shall be created effective on the date that the act authorizing the inclusion takes effect. All of the following shall serve as members of the committee:</u>	1991 1992 1993 1994 1995 1996 1997 1998
<u>(1) Two members of the house of representatives who chair committees of the house of representatives to which legislation concerning medicaid is commonly referred, appointed by the speaker of the house of representatives;</u>	1999 2000 2001 2002
<u>(2) Two members of the senate who chair committees of the senate to which legislation concerning medicaid is commonly referred, appointed by the senate president;</u>	2003 2004 2005
<u>(3) The executive director of the office of health transformation or the executive director's designee;</u>	2006 2007
<u>(4) The medicaid director or the director's designee;</u>	2008
<u>(5) The director of aging or the director's designee;</u>	2009
<u>(6) The director of health or the director's designee;</u>	2010
<u>(7) The state long-term care ombudsman or the ombudsman's designee;</u>	2011 2012
<u>(8) One representative of each of the following organizations, appointed by the chief executive of the organization:</u>	2013 2014 2015
<u>(a) Leadingage Ohio;</u>	2016

<u>(b) The academy of senior health sciences;</u>	2017
<u>(c) The Ohio aging advocacy coalition;</u>	2018
<u>(d) The Ohio assisted living association;</u>	2019
<u>(e) The Ohio association of health plans;</u>	2020
<u>(f) The Ohio association of area agencies on aging;</u>	2021
<u>(g) The Ohio council for home care and hospice;</u>	2022
<u>(h) The Ohio health care association;</u>	2023
<u>(i) The Ohio Olmstead task force;</u>	2024
<u>(j) The universal health care action network Ohio;</u>	2025
<u>(k) AARP Ohio;</u>	2026
<u>(l) The center for community solutions.</u>	2027
<u>(C) Members of the committee shall serve without compensation</u>	2028
<u>or reimbursement, except to the extent that serving on the</u>	2029
<u>committee is part of their usual job duties.</u>	2030
<u>(D) The speaker of the house of representatives shall appoint</u>	2031
<u>one of the members described in division (B)(1) of this section as</u>	2032
<u>the committee's co-chairperson. The senate president shall appoint</u>	2033
<u>one of the members described in division (B)(2) of this section to</u>	2034
<u>serve as the committee's other co-chairperson. The employees of</u>	2035
<u>the joint medicaid oversight committee shall provide the committee</u>	2036
<u>any administrative assistance the committee needs. The department</u>	2037
<u>of medicaid shall provide the committee updates about the</u>	2038
<u>inclusion of long-term care services in the care management</u>	2039
<u>system.</u>	2040
<u>(E) The committee shall advise the joint medicaid oversight</u>	2041
<u>committee on projects that measure improvements to the delivery of</u>	2042
<u>long-term care services to medicaid recipients and periodically</u>	2043
<u>recommend to the medicaid director policy changes intended to make</u>	2044
<u>additional improvements. Each quarter, the committee shall</u>	2045

complete a report regarding its work. The reports shall be 2046  
submitted to the general assembly in accordance with section 2047  
101.68 of the Revised Code and to the joint medicaid oversight 2048  
committee. 2049

**Sec. 103.45.** (A) The joint education oversight committee of 2050  
the house of representatives and senate is hereby created. The 2051  
committee shall authorize a plan of work, which shall include 2052  
research, review, study, and analysis of current or emerging 2053  
education policy issues important to the state, the available 2054  
policy options to address such issues, and the available data and 2055  
research to support such analysis and options. 2056

(B) The committee also may select, for review and evaluation, 2057  
education programs at school districts, other public schools, and 2058  
state institutions of higher education that receive state 2059  
financial assistance in any form. The reviews and evaluations may 2060  
include any of the following: 2061

(1) Assessment of the uses school districts, other public 2062  
schools, and state institutions of higher education make of state 2063  
money they receive, and a determination of the extent to which 2064  
that money improves student, district, school, or institutional 2065  
performance in the areas for which the money was intended to be 2066  
used; 2067

(2) Determination of whether an education program meets its 2068  
intended goals, has adequate operating or administrative 2069  
procedures and fiscal controls, encompasses only authorized 2070  
activities, has any undesirable or unintended effects, and is 2071  
efficiently managed; and 2072

(3) Examination of pilot programs developed and initiated in 2073  
school districts, at other public schools, and at state 2074  
institutions of higher education to determine whether the programs 2075  
suggest innovative, effective ways to deal with problems that may 2076

exist in other districts, schools, or institutions of higher 2077  
education, or to create opportunities for success, and to assess 2078  
the fiscal costs and likely impact of adopting the programs 2079  
throughout the state. 2080

(C) The committee may prepare a report of the results of each 2081  
review and evaluation it conducts, make recommendations to the 2082  
general assembly and transmit the report and its recommendations 2083  
to the general assembly under section 101.68 of the Revised Code. 2084  
It also may submit the report and its recommendations to the 2085  
chairpersons and members of the standing committees of the house 2086  
of representatives and the senate principally responsible for 2087  
education policy. 2088

(D)(1) When the department of education proposes changes in 2089  
the full-time equivalency enrollment review and audit manual 2090  
required to be submitted to the committee under section 3301.65 of 2091  
the Revised Code, upon submission of the manual and the proposed 2092  
changes, the committee shall hold one or more public hearings at 2093  
which school districts and schools may present testimony on their 2094  
ability and capacity to comply with the proposed standards, 2095  
procedures, timelines, and other requirements contained within the 2096  
manual. 2097

(2) Not later than the fifteenth day of June of each year the 2098  
department proposes changes in that manual, the committee shall 2099  
vote to determine whether districts and schools can reasonably 2100  
comply with the proposed standards, procedures, timelines, and 2101  
other requirements related to review or audit of full-time 2102  
equivalency student enrollment reporting. If the committee 2103  
determines that districts and schools cannot reasonably comply, 2104  
the proposed manual shall not become effective, and the department 2105  
shall use the prior year's standards, procedures, timelines, and 2106  
other requirements when reviewing or auditing full-time 2107  
equivalency student enrollment reporting. 2108

(3) Not later than the first day of July each year in which 2109  
the committee determines that schools are reasonably capable of 2110  
compliance with proposed changes in the standards, procedures, 2111  
timelines, and other requirements contained within the manual, the 2112  
committee shall prepare a report comparing the prior year's 2113  
standards, procedures, timelines, and other requirements with the 2114  
newest standards, procedures, timelines, and other requirements 2115  
and a summary of the testimony submitted in the public hearings 2116  
held pursuant to division (D)(1) of this section to the general 2117  
assembly in accordance with section 101.68 of the Revised Code. 2118

(E) If the general assembly directs the joint education 2119  
oversight committee to submit a study to the general assembly by a 2120  
particular date, the committee, upon a majority vote of its 2121  
members, may modify the scope and due date of the study to 2122  
accommodate the availability of data and resources. 2123

**Sec. 103.47.** The joint education oversight committee 2124  
chairperson may, subject to approval by the speaker of the house 2125  
of representatives or the speaker's designee and the president of 2126  
the senate or the president's designee, employ professional, 2127  
technical, and clerical employees as are necessary for the joint 2128  
education oversight committee to be able successfully and 2129  
efficiently to perform its duties. All the employees are in the 2130  
unclassified service and ~~serve at the committee's pleasure~~ may be 2131  
terminated by the chairperson, subject to approval of the speaker 2132  
or the speaker's designee and president or the president's 2133  
designee. The committee may contract for the services of persons 2134  
who are qualified by education and experience to advise, consult 2135  
with, or otherwise assist the committee in the performance of its 2136  
duties. 2137

**Sec. 105.41.** (A) There is hereby created in the legislative 2138  
branch of government the capitol square review and advisory board, 2139

consisting of twelve members as follows:	2140
(1) Two members of the senate, appointed by the president of the senate, both of whom shall not be members of the same political party;	2141 2142 2143
(2) Two members of the house of representatives, appointed by the speaker of the house of representatives, both of whom shall not be members of the same political party;	2144 2145 2146
(3) Four members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, one of whom shall be the chief of staff of the governor's office, one of whom shall represent the Ohio arts council, one of whom shall represent the Ohio history connection, and one of whom shall represent the public at large;	2147 2148 2149 2150 2151 2152 2153
(4) One member, who shall be a former president of the senate, appointed by the current president of the senate. If the current president of the senate, in the current president's discretion, decides for any reason not to make the appointment or if no person is eligible or available to serve, the seat shall remain vacant.	2154 2155 2156 2157 2158 2159
(5) One member, who shall be a former speaker of the house of representatives, appointed by the current speaker of the house of representatives. If the current speaker of the house of representatives, in the current speaker's discretion, decides for any reason not to make the appointment or if no person is eligible or available to serve, the seat shall remain vacant.	2160 2161 2162 2163 2164 2165
(6) The clerk of the senate and the clerk of the house of representatives.	2166 2167
(B) Terms of office of each appointed member of the board shall be for three years, except that members of the general assembly appointed to the board shall be members of the board only	2168 2169 2170

so long as they are members of the general assembly and the chief 2171  
of staff of the governor's office shall be a member of the board 2172  
only so long as the appointing governor remains in office. Each 2173  
member shall hold office from the date of the member's appointment 2174  
until the end of the term for which the member was appointed. In 2175  
case of a vacancy occurring on the board, the president of the 2176  
senate, the speaker of the house of representatives, or the 2177  
governor, as the case may be, shall in the same manner prescribed 2178  
for the regular appointment to the commission, fill the vacancy by 2179  
appointing a member. Any member appointed to fill a vacancy 2180  
occurring prior to the expiration of the term for which the 2181  
member's predecessor was appointed shall hold office for the 2182  
remainder of the term. Any appointed member shall continue in 2183  
office subsequent to the expiration date of the member's term 2184  
until the member's successor takes office, or until a period of 2185  
sixty days has elapsed, whichever occurs first. 2186

(C) The board shall hold meetings in a manner and at times 2187  
prescribed by the rules adopted by the board. A majority of the 2188  
board constitutes a quorum, and no action shall be taken by the 2189  
board unless approved by at least six members or by at least seven 2190  
members if a person is appointed under division (A)(4) or (5) of 2191  
this section. At its first meeting, the board shall adopt rules 2192  
for the conduct of its business and the election of its officers, 2193  
and shall organize by selecting officers other than a chairperson 2194  
as it considers necessary. In odd-numbered years, the majority 2195  
member from the senate shall serve as chairperson; in 2196  
even-numbered years, the majority member from the house of 2197  
representatives shall serve as chairperson. Board members shall 2198  
serve without compensation but shall be reimbursed for actual and 2199  
necessary expenses incurred in the performance of their duties. 2200

(D) The board may do any of the following: 2201

(1) Employ or hire on a consulting basis professional, 2202

technical, and clerical employees as are necessary for the 2203  
performance of its duties. All employees of the board are in the 2204  
unclassified service and serve at the pleasure of the board. For 2205  
purposes of section 4117.01 of the Revised Code, employees of the 2206  
board shall be considered employees of the general assembly, 2207  
except that employees who are covered by a collective bargaining 2208  
agreement on September 29, 2011, shall remain subject to the 2209  
agreement until the agreement expires on its terms, and the 2210  
agreement shall not be extended or renewed. Upon expiration of the 2211  
agreement, the employees are considered employees of the general 2212  
assembly for purposes of section 4117.01 of the Revised Code and 2213  
are in the unclassified service and serve at the pleasure of the 2214  
board. 2215

(2) Hold public hearings at times and places as determined by 2216  
the board; 2217

(3) Adopt, amend, or rescind rules necessary to accomplish 2218  
the duties of the board as set forth in this section; 2219

(4) Sponsor, conduct, and support such social events as the 2220  
board may authorize and consider appropriate for the employees of 2221  
the board, employees and members of the general assembly, 2222  
employees of persons under contract with the board or otherwise 2223  
engaged to perform services on the premises of capitol square, or 2224  
other persons as the board may consider appropriate. Subject to 2225  
the requirements of Chapter 4303. of the Revised Code, the board 2226  
may provide beer, wine, and intoxicating liquor, with or without 2227  
charge, for those events and may use funds only from the sale of 2228  
goods and services fund to purchase the beer, wine, and 2229  
intoxicating liquor the board provides; 2230

(5) Purchase a warehouse in which to store items of the 2231  
capitol collection trust and, whenever necessary, equipment or 2232  
other property of the board. 2233

- (E) The board shall do all of the following: 2234
- (1) Have sole authority to coordinate and approve any 2235  
improvements, additions, and renovations that are made to the 2236  
capitol square. The improvements shall include, but not be limited 2237  
to, the placement of monuments and sculpture on the capitol 2238  
grounds. 2239
- (2) ~~Subject to section 3353.07 of the Revised Code, operate~~ 2240  
Operate the capitol square, and have sole authority to regulate 2241  
all uses of the capitol square. The uses shall include, but not be 2242  
limited to, the casual and recreational use of the capitol square. 2243
- (3) Employ, fix the compensation of, and prescribe the duties 2244  
of the executive director of the board and other employees the 2245  
board considers necessary for the performance of its powers and 2246  
duties; 2247
- (4) Establish and maintain the capitol collection trust. The 2248  
capitol collection trust shall consist of furniture, antiques, and 2249  
other items of personal property that the board shall store in 2250  
suitable facilities until they are ready to be displayed in the 2251  
capitol square. 2252
- (5) Perform repair, construction, contracting, purchasing, 2253  
maintenance, supervisory, and operating activities the board 2254  
determines are necessary for the operation and maintenance of the 2255  
capitol square; 2256
- (6) Maintain and preserve the capitol square, in accordance 2257  
with guidelines issued by the United States secretary of the 2258  
interior for application of the secretary's standards for 2259  
rehabilitation adopted in 36 C.F.R. part 67; 2260
- (7) Plan and develop a center at the capitol building for the 2261  
purpose of educating visitors about the history of Ohio, including 2262  
its political, economic, and social development and the design and 2263  
erection of the capitol building and its grounds. 2264

(F)(1) The board shall lease capital facilities improved by 2265  
the department of administrative services or financed by the 2266  
treasurer of state pursuant to Chapter 154. of the Revised Code 2267  
for the use of the board, and may enter into any other agreements 2268  
with the department, the Ohio public facilities commission, or any 2269  
other authorized governmental agency ancillary to improvement, 2270  
financing, or leasing of those capital facilities, including, but 2271  
not limited to, any agreement required by the applicable bond 2272  
proceedings authorized by Chapter 154. of the Revised Code. Any 2273  
lease of capital facilities authorized by this section shall be 2274  
governed by Chapter 154. of the Revised Code. 2275

(2) Fees, receipts, and revenues received by the board from 2276  
the state underground parking garage constitute available receipts 2277  
as defined in section 154.24 of the Revised Code, and may be 2278  
pledged to the payment of bond service charges on obligations 2279  
issued by the treasurer of state pursuant to Chapter 154. of the 2280  
Revised Code to improve, finance, or purchase capital facilities 2281  
useful to the board. The treasurer of state may, with the consent 2282  
of the board, provide in the bond proceedings for a pledge of all 2283  
or a portion of those fees, receipts, and revenues as the 2284  
treasurer of state determines. The treasurer of state may provide 2285  
in the bond proceedings or by separate agreement with the board 2286  
for the transfer of those fees, receipts, and revenues to the 2287  
appropriate bond service fund or bond service reserve fund as 2288  
required to pay the bond service charges when due, and any such 2289  
provision for the transfer of those fees, receipts, and revenues 2290  
shall be controlling notwithstanding any other provision of law 2291  
pertaining to those fees, receipts, and revenues. 2292

(3) All moneys received by the treasurer of state on account 2293  
of the board and required by the applicable bond proceedings or by 2294  
separate agreement with the board to be deposited, transferred, or 2295  
credited to the bond service fund or bond service reserve fund 2296

established by the bond proceedings shall be transferred by the 2297  
treasurer of state to such fund, whether or not it is in the 2298  
custody of the treasurer of state, without necessity for further 2299  
appropriation. 2300

(G)(1) Except as otherwise provided in division (G)(2) of 2301  
this section, all fees, receipts, and revenues received by the 2302  
board from the state underground parking garage shall be deposited 2303  
into the state treasury to the credit of the underground parking 2304  
garage operating fund, which is hereby created, to be used for the 2305  
purposes specified in division (F) of this section and for the 2306  
operation and maintenance of the garage. All investment earnings 2307  
of the fund shall be credited to the fund. 2308

(2) There is hereby created the parking garage automated 2309  
equipment fund, which shall be in the custody of the treasurer of 2310  
state but shall not be part of the state treasury. Money in the 2311  
fund shall be used to purchase the automated teller machine 2312  
quality dollar bills needed for operation of the parking garage 2313  
automated equipment. The fund shall consist of fees, receipts, or 2314  
revenues received by the board from the state underground parking 2315  
garage; provided, however, that the total amount deposited into 2316  
the fund at any one time shall not exceed ten thousand dollars. 2317  
All investment earnings of the fund shall be credited to the fund. 2318

(H) All donations received by the board shall be deposited 2319  
into the state treasury to the credit of the capitol square 2320  
renovation gift fund, which is hereby created. The fund shall be 2321  
used by the board as follows: 2322

(1) To provide part or all of the funding related to 2323  
construction, goods, or services for the renovation of the capitol 2324  
square; 2325

(2) To purchase art, antiques, and artifacts for display at 2326  
the capitol square; 2327

(3) To award contracts or make grants to organizations for 2328  
educating the public regarding the historical background and 2329  
governmental functions of the capitol square. Chapters 125., 127., 2330  
and 153. and section 3517.13 of the Revised Code do not apply to 2331  
purchases made exclusively from the fund, notwithstanding anything 2332  
to the contrary in those chapters or that section. All investment 2333  
earnings of the fund shall be credited to the fund. 2334

(I) Except as provided in divisions (G), (H), and (J) of this 2335  
section, all fees, receipts, and revenues received by the board 2336  
shall be deposited into the state treasury to the credit of the 2337  
sale of goods and services fund, which is hereby created. Money 2338  
credited to the fund shall be used solely to pay costs of the 2339  
board other than those specified in divisions (F) and (G) of this 2340  
section. All investment earnings of the fund shall be credited to 2341  
the fund. 2342

(J) There is hereby created in the state treasury the capitol 2343  
square improvement fund, to be used by the board to pay 2344  
construction, renovation, and other costs related to the capitol 2345  
square for which money is not otherwise available to the board. 2346  
Whenever the board determines that there is a need to incur those 2347  
costs and that the unencumbered, unobligated balance to the credit 2348  
of the underground parking garage operating fund exceeds the 2349  
amount needed for the purposes specified in division (F) of this 2350  
section and for the operation and maintenance of the garage, the 2351  
board may request the director of budget and management to 2352  
transfer from the underground parking garage operating fund to the 2353  
capitol square improvement fund the amount needed to pay such 2354  
construction, renovation, or other costs. The director then shall 2355  
transfer the amount needed from the excess balance of the 2356  
underground parking garage operating fund. 2357

(K) As the operation and maintenance of the capitol square 2358  
constitute essential government functions of a public purpose, the 2359

board shall not be required to pay taxes or assessments upon the square, upon any property acquired or used by the board under this section, or upon any income generated by the operation of the square.

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

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

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

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

concurrent resolution invalidating the proposed rule. 2391

(B) The failure of the general assembly to adopt a concurrent 2392  
resolution invalidating a proposed or existing rule is not a 2393  
ratification of the lawfulness or reasonableness of the proposed 2394  
or existing rule or of the validity of the procedure by which the 2395  
rule was proposed or adopted. 2396

**Sec. 107.031.** ~~Until the first committee appointed under~~ 2397  
~~division (C) of section 3317.012 of the Revised Code to reexamine~~ 2398  
~~the cost of an adequate education makes its report to the office~~ 2399  
~~of budget and management and the general assembly, the~~ The 2400  
governor shall ensure that among the various budget 2401  
recommendations made by the governor and the director of budget 2402  
and management to the general assembly each biennium there are 2403  
recommendations for appropriations to the Ohio ~~school~~ facilities 2404  
construction commission, aggregating not less than three hundred 2405  
million dollars per fiscal year, ~~excluding recommendations for~~ 2406  
~~appropriations from the education facilities trust fund, created~~ 2407  
~~in section 183.26 of the Revised Code,~~ for constructing, 2408  
acquiring, replacing, reconstructing, or adding to classroom 2409  
facilities, as such term is defined in section 3318.01 of the 2410  
Revised Code. 2411

**Sec. 107.036.** (A) For each business incentive tax credit, the 2412  
main operating appropriations act shall contain a detailed 2413  
estimate of the total amount of credits that may be authorized in 2414  
each year, an estimate of the amount of credits expected to be 2415  
claimed in each year, and an estimate of the amount of credits 2416  
expected to remain outstanding at the end of the biennium. The 2417  
governor shall include such estimates in the state budget 2418  
submitted to the general assembly pursuant to section 107.03 of 2419  
the Revised Code. 2420

<u>(B) As used in this section, "business incentive tax credit"</u>	2421
<u>means all of the following:</u>	2422
<u>(1) The job creation tax credit under section 122.17 of the</u>	2423
<u>Revised Code;</u>	2424
<u>(2) The job retention tax credit under section 122.171 of the</u>	2425
<u>Revised Code;</u>	2426
<u>(3) The historic preservation tax credit under section</u>	2427
<u>149.311 of the Revised Code;</u>	2428
<u>(4) The motion picture tax credit under section 122.85 of the</u>	2429
<u>Revised Code;</u>	2430
<u>(5) The new markets tax credit under section 5725.33 of the</u>	2431
<u>Revised Code;</u>	2432
<u>(6) The research and development credit under section 166.21</u>	2433
<u>of the Revised Code;</u>	2434
<u>(7) The small business investment credit under section 122.86</u>	2435
<u>of the Revised Code.</u>	2436
<b>Sec. 107.35.</b> <del>Not later than December 31, 2014, the</del> <u>The</u>	2437
governor's office of workforce transformation, with staff support	2438
and assistance from the departments of job and family services	2439
<del>and, education, and the Ohio board of regents</del> <u>higher education,</u>	2440
<u>and the opportunities for Ohioans with disabilities agency,</u> shall	2441
establish criteria to use for evaluating the performance of state	2442
and local workforce programs using basic, aligned workforce	2443
measures related to system efficiency and effectiveness. <u>The</u>	2444
<u>office shall include in the criteria a measure to determine the</u>	2445
<u>effectiveness of a workforce program in transitioning individuals</u>	2446
<u>participating in any federal, state, or local means-tested public</u>	2447
<u>assistance program to unsubsidized employment.</u> The office shall	2448
develop and make available on the internet through a web site a	2449
public dashboard to display metrics regarding the state's	2450

administration of primary workforce programs, including the	2451
following programs:	2452
(A) The adult basic and literacy education program;	2453
(B) Programs administered under the federal "Carl D. Perkins	2454
Career and Technical Education Act of 2006," 120 Stat. 683, 20	2455
U.S.C. 2301 et seq., as amended;	2456
(C) State aid and scholarships <del>within the Ohio board of</del>	2457
<del>regents</del> <u>administered by the department of higher education;</u>	2458
(D) Programs administered under title I of the federal	2459
<del>"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801</del>	2460
<del>et seq., as amended</del> <u>"Workforce Innovation and Opportunity Act," 29</u>	2461
<u>U.S.C. 3101 et seq.;</u>	2462
(E) <u>The state vocational rehabilitation program administered</u>	2463
<u>under title I of the federal "Rehabilitation Act of 1973," 29</u>	2464
<u>U.S.C. 701, et seq.</u>	2465
<u>Sec. 107.56. (A) As used in this section, "board or</u>	2466
<u>commission" means any of the following:</u>	2467
<u>(1) The accountancy board;</u>	2468
<u>(2) The architects board;</u>	2469
<u>(3) The state cosmetology and barber board;</u>	2470
<u>(4) The board of embalmers and funeral directors;</u>	2471
<u>(5) The board of executives of long-term services and</u>	2472
<u>supports;</u>	2473
<u>(6) The crematory review board;</u>	2474
<u>(7) The motor vehicle dealers board;</u>	2475
<u>(8) The motor vehicle repair board;</u>	2476
<u>(9) The motor vehicle salvage dealer's licensing board;</u>	2477

<u>(10) The Ohio athletic commission;</u>	2478
<u>(11) The Ohio construction industry licensing board;</u>	2479
<u>(12) The Ohio landscape architects board;</u>	2480
<u>(13) The Ohio real estate commission;</u>	2481
<u>(14) The real estate appraiser board;</u>	2482
<u>(15) The state auctioneers commission;</u>	2483
<u>(16) The state speech and hearing professionals board;</u>	2484
<u>(17) The state board of education;</u>	2485
<u>(18) The state board of emergency medical, fire, and transportation services;</u>	2486 2487
<u>(19) The board of nursing;</u>	2488
<u>(20) The state board of pharmacy;</u>	2489
<u>(21) The state board of registration for professional engineers and surveyors;</u>	2490 2491
<u>(22) The state board of psychology;</u>	2492
<u>(23) The state chiropractic board;</u>	2493
<u>(24) The state dental board;</u>	2494
<u>(25) The state medical board;</u>	2495
<u>(26) The state veterinary medical licensing board;</u>	2496
<u>(27) The state vision professionals board;</u>	2497
<u>(28) The counselor, social worker, and marriage and family therapist board;</u>	2498 2499
<u>(29) The chemical dependency professionals board;</u>	2500
<u>(30) The Ohio occupational therapy, physical therapy, and athletic trainers board;</u>	2501 2502
<u>(31) Any other multi-member body created under state law that licenses or otherwise regulates an occupation or industry to which</u>	2503 2504

one or more members of the body belongs. 2505

(B) The common sense initiative office shall review an action 2506  
taken or proposed by a board or commission that is subject to 2507  
review under this section and that is referred to the office 2508  
pursuant to division (C) of this section. 2509

(1) The following actions are subject to review under this 2510  
section: 2511

(a) Any action that directly or indirectly has an effect of 2512  
any of the following: 2513

(i) Fixing prices, limiting price competition, or increasing 2514  
prices in this state for the goods or services that are provided 2515  
by the occupation or industry regulated by the board or 2516  
commission; 2517

(ii) Dividing, allocating, or assigning customers, potential 2518  
customers, or geographic markets in this state among members of 2519  
the occupation or industry regulated by the board or commission; 2520

(iii) Excluding present or potential competitors from the 2521  
occupation or industry regulated by the board or commission; 2522

(iv) Limiting the output or supply in this state of any good 2523  
or service provided by the members of the occupation or industry 2524  
regulated by the board or commission. 2525

(b) Any other activity that could be subject to state or 2526  
federal antitrust law if the action were undertaken by a private 2527  
person or combination of private persons. 2528

(2) Except as provided in division (H) of this section, the 2529  
following actions are not subject to review under this section: 2530

(a) Denying an application to obtain a license because the 2531  
applicant has violated or has not complied with the Ohio Revised 2532  
Code or the Ohio Administrative Code; 2533

(b) Taking disciplinary action against an individual or 2534

corporation that is licensed by a board or commission for 2535  
violations of the Ohio Revised Code or the Ohio Administrative 2536  
Code. 2537

(C)(1) The following persons or entities may refer an action 2538  
to the office for review under this section: 2539

(a) A board or commission that has taken or is proposing to 2540  
take an action; 2541

(b) A person who is affected by an action taken by a board or 2542  
commission or is likely to be affected by an action proposed by a 2543  
board or commission; 2544

(c) A person who has been granted a stay pursuant to division 2545  
(G) of this section. 2546

(2) A board or commission or person who refers an action to 2547  
the office shall prepare a brief statement explaining the action 2548  
and its consistency or inconsistency with state or federal 2549  
antitrust law and file the statement with the office. If the 2550  
action is in writing, the board or commission or person shall 2551  
attach a copy of it to the statement. The person shall transmit a 2552  
copy of the statement to the board or commission. 2553

(3) The referral of an action by a board or commission for 2554  
review by the office does not constitute an admission that the 2555  
action violates any state or federal law. 2556

(4) A person who is affected by an action taken by a board or 2557  
commission or is likely to be affected by an action proposed by a 2558  
board or commission shall refer the action to the office for 2559  
review within thirty days after receiving notice of the action or 2560  
proposed action. 2561

(5) If an ongoing action or an action proposed by a board or 2562  
commission is referred to the office for review under this 2563  
section, the board or commission shall cease the ongoing action or 2564

not take the proposed action until the office has approved of the 2565  
action pursuant to division (E) of this section and prepared and 2566  
transmitted the memorandum required under division (F) of this 2567  
section. 2568

(D) The office shall determine whether an action referred to 2569  
the office under this section is supported by, and consistent 2570  
with, a clearly articulated state policy as expressed in the 2571  
statutes creating the board or commission or the statutes and 2572  
rules setting forth the board's or commission's powers, authority, 2573  
and duties. If the office finds this to be the case, the office 2574  
shall determine whether the clearly articulated state policy is 2575  
merely a pretext by which the board or commission enables the 2576  
members of an occupation or industry the board or commission 2577  
regulates to engage in anticompetitive conduct that could be 2578  
subject to state or federal antitrust law if the action were taken 2579  
by a private person or combination of private persons. 2580

(E) After making the determinations required under division 2581  
(D) of this section, the office shall take one of the following 2582  
actions: 2583

(1) Approve the board or commission action if the office 2584  
determines that the action is pursuant to a clearly articulated 2585  
state policy and that the policy is not a pretext as described in 2586  
division (D) of this section. If the office approves the board's 2587  
or commission's action, the board or commission may proceed to 2588  
take or may continue the action. 2589

(2) Disapprove the board or commission action if the office 2590  
determines that the action is not pursuant to a clearly 2591  
articulated state policy or that if it is pursuant to a clearly 2592  
articulated state policy, that policy is a pretext as described in 2593  
division (D) of this section. If the office disapproves the 2594  
board's or commission's action, the action is void. 2595

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

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

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

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

(I) Notwithstanding any provision of this section to the contrary, an action taken by a board or commission is not subject

to review under this section if the members of the board or 2628  
commission who are members of the occupation or industry affected 2629  
by the action are prohibited by statute from hearing, considering, 2630  
deciding, or otherwise participating in the action. 2631

(J) The office shall adopt rules under Chapter 119. of the 2632  
Revised Code that are necessary for the implementation and 2633  
administration of this section. 2634

**Sec. 109.112.** If the state of Ohio or any agency or officer 2635  
of the state is named in a court order to be the recipient of any 2636  
money collected or received by the attorney general under section 2637  
109.111 of the Revised Code, the attorney general shall notify the 2638  
director of budget and management of the amount of money to be 2639  
collected or received under, and the terms of, the court order. 2640  
The director, in consultation with the attorney general, shall 2641  
determine the appropriate distribution of the money to the 2642  
appropriate custodial fund or funds within the state treasury, 2643  
consistent with the terms of the order. Upon its collection or 2644  
receipt, the attorney general shall transfer the money from the 2645  
attorney general court order fund to the appropriate fund or funds 2646  
as determined by the director. 2647

**Sec. 109.38.** (A) As used in this section and section 109.381 2648  
of the Revised Code: 2649

(1) "Consumer reporting agency" has the same meaning as in 2650  
section 1681a(f) of the Fair Credit Reporting Act. 2651

(2) "Conviction of crime" means a conviction of, or a plea of 2652  
guilty to, an offense. 2653

(3) "Fair Credit Reporting Act" means 15 U.S.C. 1681 et seq., 2654  
as amended. 2655

(4) "Identified data repository" means either of the 2656  
following: 2657

(a) A person or entity that is a consumer reporting agency and is known to a qualified third party as having a database that includes publicly available records of convictions of crime and from which consumer reports are prepared pursuant to the Fair Credit Reporting Act; 2658  
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(b) Any person or entity, other than a consumer reporting agency, that is known to a qualified third party as having a database that includes publicly available records of convictions of crime and that registers with a qualified third party for the purpose of receiving notices of court orders of sealed or expunged records under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code and agreeing to remove those records and any references to and information from those records from the person's or entity's database. 2663  
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(5) "Qualified third party" means a private entity that is selected by the attorney general pursuant to this section. 2672  
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(B) The attorney general shall develop a pilot program comprised of the provisions of sections 109.38 and 109.381 of the Revised Code, as enacted by this act, and the amendments to sections 2953.32, 2953.37, 2953.38, and 2953.53 of the Revised Code made by this act. The pilot program shall end one year after the effective date of this section. Within three months after the pilot program ends, the attorney general shall submit a report of its findings and recommendations to the general assembly. 2674  
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(C) The attorney general shall select a private entity as a qualified third party for the purpose of receiving notices of court orders of sealed or expunged records under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code. A qualified third party selected by the attorney general shall have the following qualifications: 2682  
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(1) The entity has specific knowledge and expertise regarding 2688

the operation of the Fair Credit Reporting Act. 2689

(2) The entity has prior experience in interacting and 2690  
cooperating with consumer reporting agencies regarding their 2691  
obligations for accuracy under section 1681e(b) of the Fair Credit 2692  
Reporting Act and reinvestigations of disputed information under 2693  
section 1681i of the Fair Credit Reporting Act to ensure the 2694  
accomplishment of the goal of updating the records, files, or 2695  
databases of the consumer reporting agencies that contain 2696  
references to, or information on, convictions of crime. 2697

(3) The entity has relationships with data aggregators, 2698  
public record vendors, and other companies that collect and 2699  
compile from various sources data or information in records of 2700  
convictions of crime to ensure their cooperation in maintaining 2701  
the legitimacy, accuracy, completeness, and security of that data 2702  
or information. 2703

(4) The entity has at least two years' experience in 2704  
processing and sending notices of sealed or expunged records of 2705  
convictions of crime to identified data repositories. 2706

(5) The entity is not an identified data repository or an 2707  
entity that is owned or controlled by an identified data 2708  
repository. 2709

(6) The entity meets all security clearances and security 2710  
requirements imposed by the attorney general to ensure that the 2711  
entity does not misuse any information received from the courts 2712  
under section 109.381 of the Revised Code and that other persons 2713  
do not have unauthorized access to that information. 2714

(D)(1) The qualified third party selected by the attorney 2715  
general under this section shall serve as such qualified third 2716  
party for a minimum of three years. The attorney general may 2717  
either select another qualified third party at the end of any 2718  
three-year period or retain the existing qualified third party for 2719

another three-year period. 2720

(2) Upon the selection or retention of a qualified third party under division (D)(1) of this section, the attorney general and the qualified third party shall enter into a contract that shall include all of the following: 2721  
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(a) The duties of the qualified third party under section 109.381 of the Revised Code; 2725  
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(b) The amount of the fee to be paid by an applicant for a court order to seal or expunge records under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code who wishes to have the court send notice of the order to the qualified third party and to have the procedures under section 109.381 of the Revised Code apply to the records; 2727  
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(c) Any other provisions as determined by the attorney general in the rules promulgated under division (F) of this section. 2733  
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(3) The attorney general shall determine the proportion of the fee described in division (D)(2)(b) of this section that the qualified third party shall retain for its services under section 109.381 of the Revised Code and each proportion of the fee that the qualified third party shall remit to the clerk of the court that sent the notice of the order under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised Code, the attorney general, and the state treasury. 2736  
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(E) The attorney general shall have oversight of the functions and activities of the qualified third party under section 109.381 of the Revised Code. 2744  
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(F) The attorney general shall promulgate rules pursuant to Chapter 119. of the Revised Code to implement this section and section 109.381 of the Revised Code. 2747  
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Sec. 109.381. (A) Upon receiving a notice of a court order 2750  
under section 2953.32, 2953.37, 2953.38, or 2953.53 of the Revised 2751  
Code sealing or expunging the records subject to the order, the 2752  
qualified third party shall send a notice of that order to all of 2753  
the following: 2754

(1) Identified data repositories; 2755

(2) Web sites and publications that the qualified third party 2756  
knows utilize, display, publish, or disseminate any information 2757  
from those records. 2758

(B) Immediately upon receipt of the notice from the qualified 2759  
third party under division (A) of this section, the following 2760  
shall apply: 2761

(1) An identified data repository that received the notice 2762  
shall remove from its database all of the records that are subject 2763  
to the court order sealing or expunging the records and all 2764  
references to, and information from, those records. 2765

(2) The web sites and publications that received the notice 2766  
shall remove from the web site or publication all of the records 2767  
that are subject to the court order sealing or expunging the 2768  
records and all references to, and information from, those 2769  
records. 2770

Sec. 109.46. (A) As used in this section, "domestic violence 2771  
program" means any of the following: 2772

(1) The nonprofit state domestic violence coalition 2773  
designated by the family and youth services bureau of the United 2774  
States department of health and human services; 2775

(2) A program operated by a nonprofit entity the primary 2776  
purpose of which is to provide a broad range of services to 2777  
victims of domestic violence that may include, but are not limited 2778

to, hotlines, emergency shelters, victim advocacy and support, 2779  
justice systems advocacy, individual and group counseling for 2780  
adults and children, or transitional service and education to 2781  
prevent domestic violence. The program may provide some or all of 2782  
the services described in this division. 2783

(B)(1) There is hereby created in the state treasury the 2784  
domestic violence program fund consisting of money appropriated to 2785  
the fund by the general assembly or donated to the fund. The 2786  
attorney general shall administer the domestic violence program 2787  
fund. The attorney general may not use more than five per cent of 2788  
the moneys appropriated or deposited into the fund to pay costs 2789  
associated with administering the fund, and shall use at least 2790  
ninety-five per cent of the moneys appropriated or deposited into 2791  
the fund for the purpose of providing funding to domestic violence 2792  
programs under this section. 2793

(2) The attorney general shall adopt rules pursuant to 2794  
Chapter 119. of the Revised Code that shall establish procedures 2795  
for domestic violence programs to apply to the attorney general 2796  
for funding from the domestic violence program fund and procedures 2797  
for the attorney general to distribute money out of the fund to 2798  
domestic violence programs. 2799

(C)(1) Priority of funding from the domestic violence program 2800  
fund shall be given to the domestic violence programs in existence 2801  
on and after July 1, 2017. 2802

(2) A domestic violence program that receives funds from the 2803  
domestic violence program fund shall use the funds received for 2804  
the following purposes: 2805

(a) To provide training and technical assistance to service 2806  
providers, if the program that receives the funds is the nonprofit 2807  
state domestic violence coalition specified in division (A)(1) of 2808  
this section; 2809

(b) To provide services to victims of domestic violence, 2810  
including, but not limited to, education to prevent domestic 2811  
violence, if the program that receives the funds is a nonprofit 2812  
entity described in division (A)(2) of this section. Funds 2813  
received under this division may also be used for general 2814  
operating support, including capital improvements and primary 2815  
prevention and risk reduction programs for the general population. 2816

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 2817  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2818  
a completed form prescribed pursuant to division (C)(1) of this 2819  
section, and a set of fingerprint impressions obtained in the 2820  
manner described in division (C)(2) of this section, the 2821  
superintendent of the bureau of criminal identification and 2822  
investigation shall conduct a criminal records check in the manner 2823  
described in division (B) of this section to determine whether any 2824  
information exists that indicates that the person who is the 2825  
subject of the request previously has been convicted of or pleaded 2826  
guilty to any of the following: 2827

(a) A violation of section 2903.01, 2903.02, 2903.03, 2828  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2829  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2830  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2831  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2832  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2833  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2834  
2925.06, or 3716.11 of the Revised Code, felonious sexual 2835  
penetration in violation of former section 2907.12 of the Revised 2836  
Code, a violation of section 2905.04 of the Revised Code as it 2837  
existed prior to July 1, 1996, a violation of section 2919.23 of 2838  
the Revised Code that would have been a violation of section 2839  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2840  
had the violation been committed prior to that date, or a 2841

violation of section 2925.11 of the Revised Code that is not a 2842  
minor drug possession offense; 2843

(b) A violation of an existing or former law of this state, 2844  
any other state, or the United States that is substantially 2845  
equivalent to any of the offenses listed in division (A)(1)(a) of 2846  
this section; 2847

(c) If the request is made pursuant to section 3319.39 of the 2848  
Revised Code for an applicant who is a teacher, any offense 2849  
specified in section 3319.31 of the Revised Code. 2850

(2) On receipt of a request pursuant to section 3712.09 or 2851  
3721.121 of the Revised Code, a completed form prescribed pursuant 2852  
to division (C)(1) of this section, and a set of fingerprint 2853  
impressions obtained in the manner described in division (C)(2) of 2854  
this section, the superintendent of the bureau of criminal 2855  
identification and investigation shall conduct a criminal records 2856  
check with respect to any person who has applied for employment in 2857  
a position for which a criminal records check is required by those 2858  
sections. The superintendent shall conduct the criminal records 2859  
check in the manner described in division (B) of this section to 2860  
determine whether any information exists that indicates that the 2861  
person who is the subject of the request previously has been 2862  
convicted of or pleaded guilty to any of the following: 2863

(a) A violation of section 2903.01, 2903.02, 2903.03, 2864  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2865  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2866  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2867  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2868  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2869  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2870  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2871  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2872

(b) An existing or former law of this state, any other state, 2873  
or the United States that is substantially equivalent to any of 2874  
the offenses listed in division (A)(2)(a) of this section. 2875

(3) On receipt of a request pursuant to section 173.27, 2876  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 2877  
or 5123.169 of the Revised Code, a completed form prescribed 2878  
pursuant to division (C)(1) of this section, and a set of 2879  
fingerprint impressions obtained in the manner described in 2880  
division (C)(2) of this section, the superintendent of the bureau 2881  
of criminal identification and investigation shall conduct a 2882  
criminal records check of the person for whom the request is made. 2883  
The superintendent shall conduct the criminal records check in the 2884  
manner described in division (B) of this section to determine 2885  
whether any information exists that indicates that the person who 2886  
is the subject of the request previously has been convicted of, 2887  
has pleaded guilty to, or (except in the case of a request 2888  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2889  
Code) has been found eligible for intervention in lieu of 2890  
conviction for any of the following, regardless of the date of the 2891  
conviction, the date of entry of the guilty plea, or (except in 2892  
the case of a request pursuant to section 5164.34, 5164.341, or 2893  
5164.342 of the Revised Code) the date the person was found 2894  
eligible for intervention in lieu of conviction: 2895

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2896  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2897  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2898  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2899  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2900  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2901  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2902  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2903  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2904

2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2905  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2906  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2907  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2908  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2909  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2910  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2911  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2912  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2913  
2927.12, or 3716.11 of the Revised Code; 2914

(b) Felonious sexual penetration in violation of former 2915  
section 2907.12 of the Revised Code; 2916

(c) A violation of section 2905.04 of the Revised Code as it 2917  
existed prior to July 1, 1996; 2918

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 2919  
the Revised Code when the underlying offense that is the object of 2920  
the conspiracy, attempt, or complicity is one of the offenses 2921  
listed in divisions (A)(3)(a) to (c) of this section; 2922

(e) A violation of an existing or former municipal ordinance 2923  
or law of this state, any other state, or the United States that 2924  
is substantially equivalent to any of the offenses listed in 2925  
divisions (A)(3)(a) to (d) of this section. 2926

(4) On receipt of a request pursuant to section 2151.86 of 2927  
the Revised Code, a completed form prescribed pursuant to division 2928  
(C)(1) of this section, and a set of fingerprint impressions 2929  
obtained in the manner described in division (C)(2) of this 2930  
section, the superintendent of the bureau of criminal 2931  
identification and investigation shall conduct a criminal records 2932  
check in the manner described in division (B) of this section to 2933  
determine whether any information exists that indicates that the 2934  
person who is the subject of the request previously has been 2935

convicted of or pleaded guilty to any of the following: 2936

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2937  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2938  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2939  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2940  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2941  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2942  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2943  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2944  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2945  
of the Revised Code, a violation of section 2905.04 of the Revised 2946  
Code as it existed prior to July 1, 1996, a violation of section 2947  
2919.23 of the Revised Code that would have been a violation of 2948  
section 2905.04 of the Revised Code as it existed prior to July 1, 2949  
1996, had the violation been committed prior to that date, a 2950  
violation of section 2925.11 of the Revised Code that is not a 2951  
minor drug possession offense, two or more OVI or OVUAC violations 2952  
committed within the three years immediately preceding the 2953  
submission of the application or petition that is the basis of the 2954  
request, or felonious sexual penetration in violation of former 2955  
section 2907.12 of the Revised Code; 2956

(b) A violation of an existing or former law of this state, 2957  
any other state, or the United States that is substantially 2958  
equivalent to any of the offenses listed in division (A)(4)(a) of 2959  
this section. 2960

(5) Upon receipt of a request pursuant to section 5104.013 of 2961  
the Revised Code, a completed form prescribed pursuant to division 2962  
(C)(1) of this section, and a set of fingerprint impressions 2963  
obtained in the manner described in division (C)(2) of this 2964  
section, the superintendent of the bureau of criminal 2965  
identification and investigation shall conduct a criminal records 2966  
check in the manner described in division (B) of this section to 2967

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

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

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

division (A)(5)(a) of this section. 3000

(6) Upon receipt of a request pursuant to section 5153.111 of 3001  
the Revised Code, a completed form prescribed pursuant to division 3002  
(C)(1) of this section, and a set of fingerprint impressions 3003  
obtained in the manner described in division (C)(2) of this 3004  
section, the superintendent of the bureau of criminal 3005  
identification and investigation shall conduct a criminal records 3006  
check in the manner described in division (B) of this section to 3007  
determine whether any information exists that indicates that the 3008  
person who is the subject of the request previously has been 3009  
convicted of or pleaded guilty to any of the following: 3010

(a) A violation of section 2903.01, 2903.02, 2903.03, 3011  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3012  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3013  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3014  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3015  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3016  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3017  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 3018  
felonious sexual penetration in violation of former section 3019  
2907.12 of the Revised Code, a violation of section 2905.04 of the 3020  
Revised Code as it existed prior to July 1, 1996, a violation of 3021  
section 2919.23 of the Revised Code that would have been a 3022  
violation of section 2905.04 of the Revised Code as it existed 3023  
prior to July 1, 1996, had the violation been committed prior to 3024  
that date, or a violation of section 2925.11 of the Revised Code 3025  
that is not a minor drug possession offense; 3026

(b) A violation of an existing or former law of this state, 3027  
any other state, or the United States that is substantially 3028  
equivalent to any of the offenses listed in division (A)(6)(a) of 3029  
this section. 3030

(7) On receipt of a request for a criminal records check from 3031

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

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

theft, receiving stolen property, embezzlement, forgery, fraud, 3065  
passing bad checks, money laundering, or drug trafficking, or any 3066  
criminal offense involving money or securities, as set forth in 3067  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 3068  
the Revised Code; or any existing or former law of this state, any 3069  
other state, or the United States that is substantially equivalent 3070  
to those offenses. 3071

(9) On receipt of a request for a criminal records check from 3072  
the treasurer of state under section 113.041 of the Revised Code 3073  
or from an individual under section 4701.08, 4715.101, 4717.061, 3074  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 3075  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 3076  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 3077  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 3078  
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 3079  
or 4783.04 of the Revised Code, accompanied by a completed form 3080  
prescribed under division (C)(1) of this section and a set of 3081  
fingerprint impressions obtained in the manner described in 3082  
division (C)(2) of this section, the superintendent of the bureau 3083  
of criminal identification and investigation shall conduct a 3084  
criminal records check in the manner described in division (B) of 3085  
this section to determine whether any information exists that 3086  
indicates that the person who is the subject of the request has 3087  
been convicted of or pleaded guilty to any criminal offense in 3088  
this state or any other state. Subject to division (F) of this 3089  
section, the superintendent shall send the results of a check 3090  
requested under section 113.041 of the Revised Code to the 3091  
treasurer of state and shall send the results of a check requested 3092  
under any of the other listed sections to the licensing board 3093  
specified by the individual in the request. 3094

(10) On receipt of a request pursuant to section 1121.23, 3095  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 3096

Code, a completed form prescribed pursuant to division (C)(1) of 3097  
this section, and a set of fingerprint impressions obtained in the 3098  
manner described in division (C)(2) of this section, the 3099  
superintendent of the bureau of criminal identification and 3100  
investigation shall conduct a criminal records check in the manner 3101  
described in division (B) of this section to determine whether any 3102  
information exists that indicates that the person who is the 3103  
subject of the request previously has been convicted of or pleaded 3104  
guilty to any criminal offense under any existing or former law of 3105  
this state, any other state, or the United States. 3106

(11) On receipt of a request for a criminal records check 3107  
from an appointing or licensing authority under section 3772.07 of 3108  
the Revised Code, a completed form prescribed under division 3109  
(C)(1) of this section, and a set of fingerprint impressions 3110  
obtained in the manner prescribed in division (C)(2) of this 3111  
section, the superintendent of the bureau of criminal 3112  
identification and investigation shall conduct a criminal records 3113  
check in the manner described in division (B) of this section to 3114  
determine whether any information exists that indicates that the 3115  
person who is the subject of the request previously has been 3116  
convicted of or pleaded guilty or no contest to any offense under 3117  
any existing or former law of this state, any other state, or the 3118  
United States that is a disqualifying offense as defined in 3119  
section 3772.07 of the Revised Code or substantially equivalent to 3120  
such an offense. 3121

(12) On receipt of a request pursuant to section 2151.33 or 3122  
2151.412 of the Revised Code, a completed form prescribed pursuant 3123  
to division (C)(1) of this section, and a set of fingerprint 3124  
impressions obtained in the manner described in division (C)(2) of 3125  
this section, the superintendent of the bureau of criminal 3126  
identification and investigation shall conduct a criminal records 3127  
check with respect to any person for whom a criminal records check 3128

is required under that section. The superintendent shall conduct 3129  
the criminal records check in the manner described in division (B) 3130  
of this section to determine whether any information exists that 3131  
indicates that the person who is the subject of the request 3132  
previously has been convicted of or pleaded guilty to any of the 3133  
following: 3134

(a) A violation of section 2903.01, 2903.02, 2903.03, 3135  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3136  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3137  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3138  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3139  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3140  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3141  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3142  
2925.22, 2925.23, or 3716.11 of the Revised Code; 3143

(b) An existing or former law of this state, any other state, 3144  
or the United States that is substantially equivalent to any of 3145  
the offenses listed in division (A)(12)(a) of this section. 3146

(13) On receipt of a request pursuant to section 3796.12 of 3147  
the Revised Code, a completed form prescribed pursuant to division 3148  
(C)(1) of this section, and a set of fingerprint impressions 3149  
obtained in a manner described in division (C)(2) of this section, 3150  
the superintendent of the bureau of criminal identification and 3151  
investigation shall conduct a criminal records check in the manner 3152  
described in division (B) of this section to determine whether any 3153  
information exists that indicates that the person who is the 3154  
subject of the request previously has been convicted of or pleaded 3155  
guilty to the following: 3156

(a) A disqualifying offense as specified in rules adopted 3157  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 3158  
the person who is the subject of the request is an administrator 3159  
or other person responsible for the daily operation of, or an 3160

owner or prospective owner, officer or prospective officer, or 3161  
board member or prospective board member of, an entity seeking a 3162  
license from the department of commerce under Chapter 3796. of the 3163  
Revised Code; 3164

(b) A disqualifying offense as specified in rules adopted 3165  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 3166  
the person who is the subject of the request is an administrator 3167  
or other person responsible for the daily operation of, or an 3168  
owner or prospective owner, officer or prospective officer, or 3169  
board member or prospective board member of, an entity seeking a 3170  
license from the state board of pharmacy under Chapter 3796. of 3171  
the Revised Code. 3172

(14) On receipt of a request required by section 3796.13 of 3173  
the Revised Code, a completed form prescribed pursuant to division 3174  
(C)(1) of this section, and a set of fingerprint impressions 3175  
obtained in a manner described in division (C)(2) of this section, 3176  
the superintendent of the bureau of criminal identification and 3177  
investigation shall conduct a criminal records check in the manner 3178  
described in division (B) of this section to determine whether any 3179  
information exists that indicates that the person who is the 3180  
subject of the request previously has been convicted of or pleaded 3181  
guilty to the following: 3182

(a) A disqualifying offense as specified in rules adopted 3183  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 3184  
the person who is the subject of the request is seeking employment 3185  
with an entity licensed by the department of commerce under 3186  
Chapter 3796. of the Revised Code; 3187

(b) A disqualifying offense as specified in rules adopted 3188  
under division (B)(14)(a) of section 3796.04 of the Revised Code 3189  
if the person who is the subject of the request is seeking 3190  
employment with an entity licensed by the state board of pharmacy 3191  
under Chapter 3796. of the Revised Code. 3192

(B) Subject to division (F) of this section, the 3193  
superintendent shall conduct any criminal records check to be 3194  
conducted under this section as follows: 3195

(1) The superintendent shall review or cause to be reviewed 3196  
any relevant information gathered and compiled by the bureau under 3197  
division (A) of section 109.57 of the Revised Code that relates to 3198  
the person who is the subject of the criminal records check, 3199  
including, if the criminal records check was requested under 3200  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 3201  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 3202  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3203  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 3204  
4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 3205  
5123.169, or 5153.111 of the Revised Code, any relevant 3206  
information contained in records that have been sealed under 3207  
section 2953.32 of the Revised Code; 3208

(2) If the request received by the superintendent asks for 3209  
information from the federal bureau of investigation, the 3210  
superintendent shall request from the federal bureau of 3211  
investigation any information it has with respect to the person 3212  
who is the subject of the criminal records check, including 3213  
fingerprint-based checks of national crime information databases 3214  
as described in 42 U.S.C. 671 if the request is made pursuant to 3215  
section 2151.86 or 5104.013 of the Revised Code or if any other 3216  
Revised Code section requires fingerprint-based checks of that 3217  
nature, and shall review or cause to be reviewed any information 3218  
the superintendent receives from that bureau. If a request under 3219  
section 3319.39 of the Revised Code asks only for information from 3220  
the federal bureau of investigation, the superintendent shall not 3221  
conduct the review prescribed by division (B)(1) of this section. 3222

(3) The superintendent or the superintendent's designee may 3223  
request criminal history records from other states or the federal 3224

government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. 3225  
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(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), or (14) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law. 3227  
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(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section: 3235  
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(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty; 3242  
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(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty. 3245  
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(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats. 3247  
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(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this 3253  
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section. Any person for whom a records check is to be conducted 3256  
under this section shall obtain the fingerprint impressions at a 3257  
county sheriff's office, municipal police department, or any other 3258  
entity with the ability to make fingerprint impressions on the 3259  
standard impression sheets prescribed by the superintendent. The 3260  
office, department, or entity may charge the person a reasonable 3261  
fee for making the impressions. The standard impression sheets the 3262  
superintendent prescribes pursuant to this division may be in a 3263  
tangible format, in an electronic format, or in both tangible and 3264  
electronic formats. 3265

(3) Subject to division (D) of this section, the 3266  
superintendent shall prescribe and charge a reasonable fee for 3267  
providing a criminal records check under this section. The person 3268  
requesting the criminal records check shall pay the fee prescribed 3269  
pursuant to this division. In the case of a request under section 3270  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 3271  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 3272  
the manner specified in that section. 3273

(4) The superintendent of the bureau of criminal 3274  
identification and investigation may prescribe methods of 3275  
forwarding fingerprint impressions and information necessary to 3276  
conduct a criminal records check, which methods shall include, but 3277  
not be limited to, an electronic method. 3278

(D) The results of a criminal records check conducted under 3279  
this section, other than a criminal records check specified in 3280  
division (A)(7) of this section, are valid for the person who is 3281  
the subject of the criminal records check for a period of one year 3282  
from the date upon which the superintendent completes the criminal 3283  
records check. If during that period the superintendent receives 3284  
another request for a criminal records check to be conducted under 3285  
this section for that person, the superintendent shall provide the 3286  
results from the previous criminal records check of the person at 3287

a lower fee than the fee prescribed for the initial criminal records check. 3288  
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(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher. 3290  
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(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense. 3296  
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(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section. 3304  
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(G) As used in this section: 3313

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section. 3314  
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(2) "Minor drug possession offense" has the same meaning as 3318

in section 2925.01 of the Revised Code. 3319

(3) "OVI or OVUAC violation" means a violation of section 3320  
4511.19 of the Revised Code or a violation of an existing or 3321  
former law of this state, any other state, or the United States 3322  
that is substantially equivalent to section 4511.19 of the Revised 3323  
Code. 3324

(4) "Registered private provider" means a nonpublic school or 3325  
entity registered with the superintendent of public instruction 3326  
under section 3310.41 of the Revised Code to participate in the 3327  
autism scholarship program or section 3310.58 of the Revised Code 3328  
to participate in the Jon Peterson special needs scholarship 3329  
program. 3330

**Sec. 109.5721.** (A) As used in this section: 3331

(1) "Employment" includes volunteer service. 3332

(2) "Independent provider" has the same meaning as in section 3333  
5164.341 of the Revised Code. 3334

(3) "Licensure" means the authorization, evidenced by a 3335  
license, certificate, registration, permit, or other authority 3336  
that is issued or conferred by a public office, to engage in a 3337  
profession, occupation, or occupational activity, to be a foster 3338  
caregiver, or to have control of and operate certain specific 3339  
equipment, machinery, or premises over which a public office has 3340  
jurisdiction. 3341

~~(3)~~(4) "Participating public office" means a public office 3342  
that requires a fingerprint background check as a condition of 3343  
employment with, licensure by, or approval for adoption by the 3344  
public office and that elects to receive notice under division 3345  
~~(C)~~(D) of this section in accordance with rules adopted by the 3346  
attorney general. "Participating public office" also means the 3347  
department of medicaid if it elects to receive notices under 3348

division (D) of this section regarding independent providers. 3349

~~(4)~~(5) "Public office" has the same meaning as in section 3350  
117.01 of the Revised Code. 3351

~~(5)~~(6) "Participating private party" means any person or 3352  
private entity that is allowed to request a criminal records check 3353  
pursuant to ~~divisions~~ division (A)(2) or (3) of section 109.572 of 3354  
the Revised Code. 3355

(B) Within six months after August 15, 2007, the 3356  
superintendent of the bureau of criminal identification and 3357  
investigation shall establish and maintain a database of 3358  
fingerprints of individuals on whom the bureau has conducted 3359  
criminal records checks for either of the ~~purpose of determining~~ 3360  
following purposes: 3361

(1) To determine the individual's eligibility for employment 3362  
with, licensure by, or approval for adoption by a public office or 3363  
participating private party; 3364

(2) To determine whether an applicant for a medicaid provider 3365  
agreement as an independent provider is ineligible for the 3366  
medicaid provider agreement because of section 5164.341 of the 3367  
Revised Code. The 3368

(C) The superintendent shall maintain the database separate 3369  
and apart from other records maintained by the bureau. The 3370  
database shall be known as the retained applicant fingerprint 3371  
database. 3372

~~(C)~~(D) When the superintendent receives information that an 3373  
individual whose name is in the retained applicant fingerprint 3374  
database has been arrested for, convicted of, or pleaded guilty to 3375  
any offense, the superintendent shall promptly notify ~~any~~ the 3376  
following of the individual's arrest, conviction, or guilty plea: 3377

(1) Any participating public office or participating private 3378

party that employs, licensed, or approved the individual ~~of the~~ 3379  
~~arrest, conviction, or guilty plea;~~ 3380

(2) The department of medicaid if the individual is an 3381  
independent provider. ~~The~~ 3382

(E)(1) A participating public office or participating private 3383  
party that receives ~~the~~ a notification under division (D) of this 3384  
section, and its employees and officers, shall use the information 3385  
contained in the notification solely to determine the individual's 3386  
continued eligibility for ~~continued employment~~ the following: 3387

(a) Employment with the participating public office or 3388  
participating private party, ~~to retain licensure issued;~~ 3389

(b) Licensure by the participating public office, ~~or to be~~ 3390  
~~approved;~~ 3391

(c) Approval for adoption by the participating public office; 3392

(d) A medicaid provider agreement as an independent provider. 3393  
~~The~~ 3394

(2) Except as provided in division (E) of section 5164.341 of 3395  
the Revised Code, information contained in the notification is 3396  
confidential and not a public record under section 149.43 of the 3397  
Revised Code and a participating public office or participating 3398  
private party, and its employees and officers, shall not disclose 3399  
that information to any person for any ~~other~~ purpose not specified 3400  
in division (E)(1) of this section. 3401

~~(D)~~(F) If an individual has submitted fingerprint impressions 3402  
for employment with, licensure by, or approval for adoption by a 3403  
participating public office or participating private party and 3404  
seeks employment with, licensure by, or approval for adoption by 3405  
another participating public office or participating private 3406  
party, the other participating public office or participating 3407  
private party shall reprint the individual. If an individual has 3408

been reprinted, the superintendent shall update that individual's 3409  
information accordingly. 3410

~~(E)~~(G) The bureau of criminal identification and 3411  
investigation and the participating public office or participating 3412  
private party shall use information contained in the retained 3413  
applicant fingerprint database and in the notice described in 3414  
division ~~(C)~~(D) of this section only for the purpose of ~~employment~~ 3415  
~~with, licensure by, or approval for adoption by the participating~~ 3416  
~~public office or participating private party~~ this section. This 3417  
information is otherwise confidential and not a public record 3418  
under section 149.43 of the Revised Code. 3419

~~(F)~~(H) The attorney general shall adopt rules in accordance 3420  
with Chapter 119. of the Revised Code governing the operation and 3421  
maintenance of the database. The rules shall provide for, but not 3422  
be limited to, both of the following: 3423

(1) The expungement or sealing of records of ~~individuals~~ the 3424  
following: 3425

(a) Individuals who are deceased ~~or~~; 3426

(b) Individuals who are no longer employed, granted 3427  
licensure, or approved for adoption by the participating public 3428  
office or participating private party that required submission of 3429  
the individual's fingerprints; 3430

(c) Individuals who are no longer independent providers. 3431

(2) The terms under which a public office or participating 3432  
private party may elect to receive notification under division 3433  
~~(C)~~(D) of this section, including payment of any reasonable fee 3434  
that may be charged for the purpose. 3435

~~(G)~~(I) No public office or employee of a public office shall 3436  
be considered negligent in a civil action solely because the 3437  
public office did not elect to be a participating public office. 3438

~~(H)~~(J)(1) No person shall knowingly use information contained 3439  
in or received from the retained applicant fingerprint database 3440  
for purposes not authorized by this section. 3441

(2) No person shall knowingly use information contained in or 3442  
received from the retained applicant fingerprint database with the 3443  
intent to harass or intimidate another person. 3444

(3) Whoever violates division ~~(H)~~(J)(1) or ~~(H)~~(2) of this 3445  
section is guilty of unlawful use of retained applicant 3446  
fingerprint database records. A violation of division ~~(H)~~(J)(1) of 3447  
this section is a misdemeanor of the fourth degree. A violation of 3448  
division ~~(H)~~(J)(2) of this section is a misdemeanor of the first 3449  
degree. 3450

**Sec. 109.71.** There is hereby created in the office of the 3451  
attorney general the Ohio peace officer training commission. The 3452  
commission shall consist of ~~nine~~ ten members appointed by the 3453  
governor with the advice and consent of the senate and selected as 3454  
follows: one member representing the public; one member who 3455  
represents a fraternal organization representing law enforcement 3456  
officers; two members who are incumbent sheriffs; two members who 3457  
are incumbent chiefs of police; one member from the bureau of 3458  
criminal identification and investigation; one member from the 3459  
state highway patrol; one member who is the special agent in 3460  
charge of a field office of the federal bureau of investigation in 3461  
this state; and one member from the department of education, trade 3462  
and industrial education services, law enforcement training. 3463

This section does not confer any arrest authority or any 3464  
ability or authority to detain a person, write or issue any 3465  
citation, or provide any disposition alternative, as granted under 3466  
Chapter 2935. of the Revised Code. 3467

Pursuant to division (A)(9) of section 101.82 of the Revised 3468  
Code, the commission is exempt from the requirements of sections 3469

101.82 to 101.87 of the Revised Code.	3470
As used in sections 109.71 to 109.801 of the Revised Code:	3471
(A) "Peace officer" means:	3472
(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint police district police force, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or township constable, who is commissioned and employed as a peace officer by a political subdivision of this state or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;	3473 3474 3475 3476 3477 3478 3479 3480 3481 3482 3483 3484 3485 3486
(2) A police officer who is employed by a railroad company and appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;	3487 3488 3489
(3) Employees of the department of taxation engaged in the enforcement of Chapter 5743. of the Revised Code and designated by the tax commissioner for peace officer training for purposes of the delegation of investigation powers under section 5743.45 of the Revised Code;	3490 3491 3492 3493 3494
(4) An undercover drug agent;	3495
(5) Enforcement agents of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	3496 3497 3498
(6) An employee of the department of natural resources who is	3499

a natural resources law enforcement staff officer designated	3500
pursuant to section 1501.013, a natural resources officer	3501
appointed pursuant to section 1501.24, a forest-fire investigator	3502
appointed pursuant to section 1503.09, or a wildlife officer	3503
designated pursuant to section 1531.13 of the Revised Code;	3504
(7) An employee of a park district who is designated pursuant	3505
to section 511.232 or 1545.13 of the Revised Code;	3506
(8) An employee of a conservancy district who is designated	3507
pursuant to section 6101.75 of the Revised Code;	3508
(9) A police officer who is employed by a hospital that	3509
employs and maintains its own proprietary police department or	3510
security department, and who is appointed and commissioned by the	3511
secretary of state pursuant to sections 4973.17 to 4973.22 of the	3512
Revised Code;	3513
(10) Veterans' homes police officers designated under section	3514
5907.02 of the Revised Code;	3515
(11) A police officer who is employed by a qualified	3516
nonprofit corporation police department pursuant to section	3517
1702.80 of the Revised Code;	3518
(12) A state university law enforcement officer appointed	3519
under section 3345.04 of the Revised Code or a person serving as a	3520
state university law enforcement officer on a permanent basis on	3521
June 19, 1978, who has been awarded a certificate by the executive	3522
director of the Ohio peace officer training commission attesting	3523
to the person's satisfactory completion of an approved state,	3524
county, municipal, or department of natural resources peace	3525
officer basic training program;	3526
(13) A special police officer employed by the department of	3527
mental health and addiction services pursuant to section 5119.08	3528
of the Revised Code or the department of developmental	3529
disabilities pursuant to section 5123.13 of the Revised Code;	3530

(14) A member of a campus police department appointed under	3531
section 1713.50 of the Revised Code;	3532
(15) A member of a police force employed by a regional	3533
transit authority under division (Y) of section 306.35 of the	3534
Revised Code;	3535
(16) Investigators appointed by the auditor of state pursuant	3536
to section 117.091 of the Revised Code and engaged in the	3537
enforcement of Chapter 117. of the Revised Code;	3538
(17) A special police officer designated by the	3539
superintendent of the state highway patrol pursuant to section	3540
5503.09 of the Revised Code or a person who was serving as a	3541
special police officer pursuant to that section on a permanent	3542
basis on October 21, 1997, and who has been awarded a certificate	3543
by the executive director of the Ohio peace officer training	3544
commission attesting to the person's satisfactory completion of an	3545
approved state, county, municipal, or department of natural	3546
resources peace officer basic training program;	3547
(18) A special police officer employed by a port authority	3548
under section 4582.04 or 4582.28 of the Revised Code or a person	3549
serving as a special police officer employed by a port authority	3550
on a permanent basis on May 17, 2000, who has been awarded a	3551
certificate by the executive director of the Ohio peace officer	3552
training commission attesting to the person's satisfactory	3553
completion of an approved state, county, municipal, or department	3554
of natural resources peace officer basic training program;	3555
(19) A special police officer employed by a municipal	3556
corporation who has been awarded a certificate by the executive	3557
director of the Ohio peace officer training commission for	3558
satisfactory completion of an approved peace officer basic	3559
training program and who is employed on a permanent basis on or	3560
after March 19, 2003, at a municipal airport, or other municipal	3561

air navigation facility, that has scheduled operations, as defined 3562  
in section 119.3 of Title 14 of the Code of Federal Regulations, 3563  
14 C.F.R. 119.3, as amended, and that is required to be under a 3564  
security program and is governed by aviation security rules of the 3565  
transportation security administration of the United States 3566  
department of transportation as provided in Parts 1542. and 1544. 3567  
of Title 49 of the Code of Federal Regulations, as amended; 3568

(20) A police officer who is employed by an owner or operator 3569  
of an amusement park that has an average yearly attendance in 3570  
excess of six hundred thousand guests and that employs and 3571  
maintains its own proprietary police department or security 3572  
department, and who is appointed and commissioned by a judge of 3573  
the appropriate municipal court or county court pursuant to 3574  
section 4973.17 of the Revised Code; 3575

(21) A police officer who is employed by a bank, savings and 3576  
loan association, savings bank, credit union, or association of 3577  
banks, savings and loan associations, savings banks, or credit 3578  
unions, who has been appointed and commissioned by the secretary 3579  
of state pursuant to sections 4973.17 to 4973.22 of the Revised 3580  
Code, and who has been awarded a certificate by the executive 3581  
director of the Ohio peace officer training commission attesting 3582  
to the person's satisfactory completion of a state, county, 3583  
municipal, or department of natural resources peace officer basic 3584  
training program; 3585

(22) An investigator, as defined in section 109.541 of the 3586  
Revised Code, of the bureau of criminal identification and 3587  
investigation who is commissioned by the superintendent of the 3588  
bureau as a special agent for the purpose of assisting law 3589  
enforcement officers or providing emergency assistance to peace 3590  
officers pursuant to authority granted under that section; 3591

(23) A state fire marshal law enforcement officer appointed 3592  
under section 3737.22 of the Revised Code or a person serving as a 3593

state fire marshal law enforcement officer on a permanent basis on 3594  
or after July 1, 1982, who has been awarded a certificate by the 3595  
executive director of the Ohio peace officer training commission 3596  
attesting to the person's satisfactory completion of an approved 3597  
state, county, municipal, or department of natural resources peace 3598  
officer basic training program; 3599

(24) A gaming agent employed under section 3772.03 of the 3600  
Revised Code. 3601

(B) "Undercover drug agent" has the same meaning as in 3602  
division (B)(2) of section 109.79 of the Revised Code. 3603

(C) "Crisis intervention training" means training in the use 3604  
of interpersonal and communication skills to most effectively and 3605  
sensitively interview victims of rape. 3606

(D) "Missing children" has the same meaning as in section 3607  
2901.30 of the Revised Code. 3608

**Sec. 109.803.** (A)(1) Subject to ~~division~~ divisions (A)(2) and 3609  
(B) of this section, every appointing authority shall require each 3610  
of its appointed peace officers and troopers to complete up to 3611  
twenty-four hours of continuing professional training each 3612  
calendar year, as directed by the Ohio peace officer training 3613  
commission. The number of hours directed by the commission, up to 3614  
twenty-four hours, is intended to be a minimum requirement, and 3615  
appointing authorities are encouraged to exceed the number of 3616  
hours the commission directs as the minimum. The commission shall 3617  
set the required minimum number of hours based upon available 3618  
funding for reimbursement as described in this division. If no 3619  
funding for the reimbursement is available, no continuing 3620  
professional training will be required. 3621

(2) An appointing authority may submit a written request to 3622  
the peace officer training commission that requests for a calendar 3623

year because of emergency circumstances an extension of the time 3624  
within which one or more of its appointed peace officers or 3625  
troopers must complete the required minimum number of hours of 3626  
continuing professional training set by the commission, as 3627  
described in division (A)(1) of this section. A request made under 3628  
this division shall set forth the name of each of the appointing 3629  
authority's peace officers or troopers for whom an extension is 3630  
requested, identify the emergency circumstances related to that 3631  
peace officer or trooper, include documentation of those emergency 3632  
circumstances, and set forth the date on which the request is 3633  
submitted to the commission. A request shall be made under this 3634  
division not later than the fifteenth day of December in the 3635  
calendar year for which the extension is requested. 3636

Upon receipt of a written request made under this division, 3637  
the executive director of the commission shall review the request 3638  
and the submitted documentation. If the executive director of the 3639  
commission is satisfied that emergency circumstances exist for any 3640  
peace officer or trooper for whom a request was made under this 3641  
division, the executive director may approve the request for that 3642  
peace officer or trooper and grant an extension of the time within 3643  
which that peace officer or trooper must complete the required 3644  
minimum number of hours of continuing professional training set by 3645  
the commission. An extension granted under this division may be 3646  
for any period of time the executive director believes to be 3647  
appropriate, and the executive director shall specify in the 3648  
notice granting the extension the date on which the extension 3649  
ends. Not later than thirty days after the date on which a request 3650  
is submitted to the commission, for each peace officer and trooper 3651  
for whom an extension is requested, the executive director either 3652  
shall approve the request and grant an extension or deny the 3653  
request and deny an extension and shall send to the appointing 3654  
authority that submitted the request written notice of the 3655  
executive director's decision. 3656

If the executive director grants an extension of the time 3657  
within which a particular appointed peace officer or trooper of an 3658  
appointing authority must complete the required minimum number of 3659  
hours of continuing professional training set by the commission, 3660  
the appointing authority shall require that peace officer or 3661  
trooper to complete the required minimum number of hours of 3662  
training not later than the date on which the extension ends. 3663

(B) With the advice of the Ohio peace officer training 3664  
commission, the attorney general shall adopt in accordance with 3665  
Chapter 119. of the Revised Code rules setting forth minimum 3666  
standards for continuing professional training for peace officers 3667  
and troopers and governing the administration of continuing 3668  
professional training programs for peace officers and troopers. 3669  
The rules adopted by the attorney general under division (B) of 3670  
this section shall do all of the following: 3671

(1) Allow peace officers and troopers to earn credit for up 3672  
to four hours of continuing professional training for time spent 3673  
while on duty providing drug use prevention education training 3674  
that utilizes evidence-based curricula to students in school 3675  
districts, community schools established under Chapter 3314., STEM 3676  
schools established under Chapter 3326., and college-preparatory 3677  
boarding schools established under Chapter 3328. of the Revised 3678  
Code. 3679

(2) Allow a peace officer or trooper appointed by a law 3680  
enforcement agency to earn hours of continuing professional 3681  
training for other peace officers or troopers appointed by the law 3682  
enforcement agency by providing drug use prevention education 3683  
training under division (B)(1) of this section so that hours 3684  
earned by the peace officer or trooper providing the training in 3685  
excess of four hours may be applied to offset the number of 3686  
continuing professional training hours required of another peace 3687  
officer or trooper appointed by that law enforcement agency. 3688

(3) Prohibit the use of continuing professional training 3689  
hours earned under division (B)(1) or (2) of this section from 3690  
being used to offset any mandatory hands-on training requirement. 3691

(C) The attorney general shall transmit a certified copy of 3692  
any rule adopted under this section to the secretary of state. 3693

**Sec. 109.91.** (A) There is hereby established within the 3694  
office of the attorney general the crime victims assistance 3695  
office. 3696

(B) There is hereby established the state victims assistance 3697  
advisory council. The council shall consist of a chairperson, to 3698  
be appointed by the attorney general, three ex officio members, 3699  
and seventeen members to be appointed by the attorney general as 3700  
follows: one member who represents the Ohio victim-witness 3701  
association; three members who represent local victim assistance 3702  
programs, including one from a municipally operated program and 3703  
one from a county-operated program; one member who represents the 3704  
interests of elderly victims; one member who represents the 3705  
interests of individuals with mental illness; one member who is a 3706  
board member of any statewide or local organization that exists 3707  
primarily to aid victims of domestic violence or who is an 3708  
employee of, or counselor for, such an organization; one member 3709  
who is a board member of any statewide or local organization that 3710  
exists primarily to aid victims of sexual violence or who is an 3711  
employee of or a counselor for an organization that exists 3712  
primarily to aid victims of sexual violence; one member who is an 3713  
employee or officer of a county probation department or a 3714  
probation department operated by the department of rehabilitation 3715  
and correction; one member who is a county prosecuting attorney; 3716  
one member who is a city law director; one member who is a county 3717  
sheriff; one member who is a member or officer of a township or 3718  
municipal police department; one member who is a court of common 3719

pleas judge; one member who is a municipal court judge or county 3720  
court judge; and two members who are private citizens and are not 3721  
government employees. 3722

The council shall include the following ex officio, nonvoting 3723  
members: the attorney general, one member of the senate to be 3724  
designated by the president of the senate, and one member of the 3725  
house of representatives to be designated by the speaker of the 3726  
house. 3727

Members of the council shall serve without compensation, but 3728  
shall be reimbursed for travel and other necessary expenses that 3729  
are incurred in the conduct of their official duties as members of 3730  
the council. The chairperson and members of the council appointed 3731  
by the attorney general shall serve at the pleasure of the 3732  
attorney general. The attorney general shall serve on the council 3733  
until the end of the term of office that qualified the attorney 3734  
general for membership on the council. The member of the senate 3735  
and the member of the house of representatives shall serve at the 3736  
pleasure of the president of the senate and the speaker of the 3737  
house of representatives, respectively. 3738

(C) The victims assistance advisory council shall perform 3739  
~~both~~ all of the following duties: 3740

(1) Advise the crime victims assistance office in determining 3741  
crime and delinquency victim service needs, determining crime and 3742  
delinquency victim policies for the state, and improving and 3743  
exercising leadership in the quality of crime and delinquency 3744  
victim programs in the state; 3745

(2) Review and recommend to the crime victims assistance 3746  
office the victim assistance programs that should be considered 3747  
for the receipt of state financial assistance pursuant to section 3748  
109.92 of the Revised Code. The financial assistance allocation 3749  
recommendations of the council shall be based on the following 3750

priorities:	3751
(a) Programs in existence on July 1, 1985, shall be given first priority;	3752 3753
(b) Programs offering or proposing to offer the broadest range of services and referrals to the community served, including medical, psychological, financial, educational, vocational, and legal services that were not in existence on July 1, 1985, shall be given second priority;	3754 3755 3756 3757 3758
(c) Other qualified programs shall be given last priority.	3759
<u>(3) Provide advice and counsel to the attorney general in determining the needs of victims of domestic violence and developing a policy for the attorney general in the administration of the domestic violence program fund created under section 109.46 of the Revised Code;</u>	3760 3761 3762 3763 3764
<u>(4) Make recommendations to the attorney general in the distribution of domestic violence program funds under section 109.46 of the Revised Code.</u>	3765 3766 3767
(D) As used in this section and section 109.92 of the Revised Code, "victim assistance program" includes, but is not limited to a program that provides at least one of the following:	3768 3769 3770
(1) Services to victims of any offense of violence or delinquent act that would be an offense of violence if committed by an adult;	3771 3772 3773
(2) Financial assistance or property repair services to victims of crime or delinquent acts;	3774 3775
(3) Assistance to victims of crime or delinquent acts in judicial proceedings;	3776 3777
(4) Assistance to victims of crime or delinquent acts under the operation of any political subdivision of the state or a branch of the criminal justice system set forth in division	3778 3779 3780

(B)(1)(a), (b), or (c) of section 5502.61 of the Revised Code; 3781

(5) Technical assistance to persons or organizations that 3782  
provide services to victims of crime or delinquent acts under the 3783  
operation of a branch of the criminal justice system set forth in 3784  
division (B)(1)(a), (b), or (c) of section 5502.61 of the Revised 3785  
Code. 3786

A victim assistance program does not include the program for 3787  
the reparation of crime victims established pursuant to Chapter 3788  
2743. of the Revised Code. 3789

**Sec. 111.42.** (A) ~~Except for a~~ A person described in division 3790  
~~(F) of this section, an adult person, or a parent or guardian~~ 3791  
~~acting on behalf of a minor, incompetent, or ward, when changing~~ 3792  
~~residence, to whom all of the following applies~~ may apply to the 3793  
secretary of state with the assistance of an application assistant 3794  
to ~~have become a participant in the address confidentiality~~ 3795  
program, in which an address designated by the secretary of state 3796  
~~serve~~ serves as the person's address or the address of the minor, 3797  
incompetent, or ward- on whose behalf the person is applying: 3798

(1) The applicant is an adult who is applying on behalf of 3799  
the person's self or is a parent or guardian applying on behalf of 3800  
a minor, incompetent, or ward. 3801

(2) The applicant or the minor, incompetent, or ward, as 3802  
applicable, resides, works, or attends a school or an institution 3803  
of higher education in this state. 3804

(3) The applicant or the minor, incompetent, or ward, as 3805  
applicable, is changing residence. 3806

(4) The applicant fears for the safety of the applicant, a 3807  
member of the applicant's household, or the minor, incompetent, or 3808  
ward on whose behalf the application is made because the 3809  
applicant, household member, minor, incompetent, or ward is a 3810

victim of domestic violence, menacing by stalking, human 3811  
trafficking, trafficking in persons, rape, or sexual battery. 3812

(5) The applicant or the minor, incompetent, or ward, as 3813  
applicable, is not a tier I sex offender/child-victim offender, a 3814  
tier II sex offender/child-victim offender, or a tier III sex 3815  
offender/child-victim offender. 3816

(B) An application to become a participant in the address 3817  
confidentiality program shall be made on a form prescribed by the 3818  
secretary of state and filed in the office of the secretary of 3819  
state in the manner prescribed by the secretary of state. The 3820  
application shall contain all of the following: 3821

(1) A notarized statement by the applicant that the applicant 3822  
fears for the safety of the applicant, a member of the applicant's 3823  
household, or the minor, incompetent, or ward on whose behalf the 3824  
application is made because the applicant, household member, 3825  
minor, incompetent, or ward is a victim of domestic violence, 3826  
menacing by stalking, human trafficking, trafficking in persons, 3827  
rape, or sexual battery; 3828

(2) A statement that the application assistant recommends 3829  
that the applicant or the minor, incompetent, or ward, as 3830  
applicable, participate in the address confidentiality program; 3831

(3) A knowing and voluntary designation of the secretary of 3832  
state as the agent for the purposes of receiving service of 3833  
process and the receipt of mail; 3834

~~(3)~~(4) The mailing address and telephone number or numbers at 3835  
which the secretary of state may contact the applicant; 3836

~~(4)~~(5) The address or addresses of the applicant's residence, 3837  
school, institution of higher education, business, or place of 3838  
employment that the applicant requests not be disclosed for the 3839  
reason that disclosure will increase the risk that the applicant, 3840  
a member of the applicant's household, or the minor, incompetent, 3841

or ward on whose behalf the application is made will be threatened 3842  
or physically harmed by another person; 3843

~~(5)~~(6) The signature of the applicant, the name and signature 3844  
of the application assistant who assisted the applicant, and the 3845  
date on which the applicant and the application assistant signed 3846  
the application; 3847

~~(6)~~(7) Except for a claim based on the performance or 3848  
nonperformance of a public duty that was manifestly outside the 3849  
scope of the officer's or employee's office or employment or in 3850  
which the officer or employee acted with malicious purpose, in bad 3851  
faith, or in a wanton or reckless manner, a voluntary release and 3852  
waiver of all future claims against the state for any claim that 3853  
may arise from participation in the address confidentiality 3854  
program. 3855

~~(B)~~(C) Upon receiving a properly completed application under 3856  
division ~~(A)~~(B) of this section, the secretary of state shall do 3857  
all of the following: 3858

(1) Certify the applicant or the minor, incompetent, or ward 3859  
on whose behalf the application is filed as a program participant; 3860

(2) Designate each eligible address listed in the application 3861  
as a confidential address; 3862

(3) Issue the program participant a unique program 3863  
participant identification number; 3864

(4) Issue the program participant an address confidentiality 3865  
program authorization card, which shall be valid during the period 3866  
that the program participant remains certified to participate in 3867  
the address confidentiality program, and which shall include the 3868  
address at which the program participant may receive mail through 3869  
the office of the secretary of state; 3870

(5) Provide information to the program participant concerning 3871

the manner in which the program participant may use the secretary 3872  
of state as the program participant's agent for the purposes of 3873  
receiving mail and receiving service of process and the types of 3874  
mail that the secretary of state will forward to the program 3875  
participant; 3876

~~(5)~~(6) Provide information to the program participant 3877  
concerning the process to register to vote and to vote as a 3878  
program participant, if the program participant is eligible to 3879  
vote. 3880

~~(C)~~(D) A program participant shall update the person's 3881  
application information, within thirty days after any change has 3882  
occurred, by submitting a notice of change to the office of the 3883  
secretary of state on a form prescribed by the secretary of state. 3884  
The secretary of state may, with proper notice, cancel a program 3885  
~~participant from the program~~ participant's certification if the 3886  
participant is found to be unreachable for a period of sixty days 3887  
or more. 3888

~~(D)~~(E) The certification of a program participant shall be 3889  
valid for four years after the date of the filing of the 3890  
application for the program participant unless the certification 3891  
is withdrawn or invalidated before the end of that four-year 3892  
period. 3893

~~(E)~~(F)(1) A program participant who continues to be eligible 3894  
to participate in the address confidentiality program may renew 3895  
the program participant's certification by submitting a renewal 3896  
application to the secretary of state with the assistance of an 3897  
application assistant. The renewal application shall be on a form 3898  
prescribed by the secretary of state and shall contain all of the 3899  
information described in division ~~(A)~~(B) of this section. 3900

(2) The secretary of state may prescribe by rule a grace 3901  
period during which a program participant whose certification has 3902

expired may renew the program participant's certification without 3903  
being considered to have ceased being a program participant during 3904  
that period. 3905

(3) When a program participant renews the program 3906  
participant's certification, the program participant shall 3907  
continue to use the program participant's original program 3908  
participant identification number. 3909

~~(F)~~(G) A tier I sex offender/child-victim offender, a tier II 3910  
sex offender/child-victim offender, or a tier III sex 3911  
offender/child-victim offender is not eligible to participate in 3912  
the address confidentiality program described in sections 111.41 3913  
to 111.99 of the Revised Code. 3914

**Sec. 111.43.** (A) A program participant may request that a 3915  
governmental entity, other than a board of elections, use the 3916  
address designated by the secretary of state as the program 3917  
participant's address. Except as otherwise provided in division 3918  
(D) of this section and in section 111.44 of the Revised Code, if 3919  
the program participant requests that a governmental entity use 3920  
that address, the governmental entity shall accept that address. 3921  
The program participant may provide the program participant's 3922  
address confidentiality program authorization card as proof of the 3923  
program participant's status. 3924

(B) If a program participant's employer, school, or 3925  
institution of higher education is not a governmental entity, the 3926  
program participant may request that the employer, school, or 3927  
institution of higher education use the address designated by the 3928  
secretary of state as the program participant's address. The 3929  
program participant may provide the program participant's address 3930  
confidentiality program authorization card as proof of the program 3931  
participant's status. 3932

(C)(1) The office of the secretary of state shall, on each 3933

day that the secretary of state's office is open for business, 3934  
place all ~~first class mail~~ of the following that the secretary of 3935  
state receives on behalf of a program participant ~~that the~~ 3936  
~~secretary of state receives~~ into an envelope or package and mail 3937  
that envelope or package to the program participant at the mailing 3938  
address the program participant provided to the secretary of state 3939  
for that purpose: 3940

(a) First class letters, flats, packages, or parcels 3941  
delivered via the United States postal service, including 3942  
priority, express, and certified mail; 3943

(b) Packages or parcels that are clearly identifiable as 3944  
containing pharmaceutical agents or medical supplies; 3945

(c) Packages, parcels, periodicals, or catalogs that are 3946  
clearly identifiable as being sent by a governmental entity; 3947

(d) Packages, parcels, periodicals, or catalogs that have 3948  
received prior authorization from the office of the secretary of 3949  
state for forwarding under this section. The 3950

(2) Except as provided in divisions (C)(1)(a) to (d) of this 3951  
section, the office of the secretary of state shall not forward 3952  
any packages, parcels, periodicals, or catalogs received on behalf 3953  
of a program participant. 3954

(3) The secretary of state may contract with the United 3955  
States postal service to establish special postal rates for the 3956  
envelopes or packages used in mailing forwarding a program 3957  
participant's ~~first class~~ mail under this section 3958

~~(2)~~(4)(a) Upon receiving service of process on behalf of a 3959  
program participant, the office of the secretary of state shall 3960  
immediately forward the process by certified mail, return receipt 3961  
requested, to the program participant at the mailing address the 3962  
program participant provided to the secretary of state for that 3963  
purpose. Service of process upon the office of the secretary of 3964

state on behalf of a program participant constitutes service upon 3965  
the program participant under rule 4.2 of the Rules of Civil 3966  
Procedure. 3967

(b) The secretary of state may prescribe by rule the manner 3968  
in which process may be served on the secretary of state as the 3969  
agent of a program participant. 3970

(c) Upon request by a person who intends to serve process on 3971  
an individual, the secretary of state shall confirm whether the 3972  
individual is a program participant but shall not disclose any 3973  
other information concerning a program participant. 3974

(D) Division (A) of this section does not apply to a 3975  
municipal-owned public utility. The confidential addresses of 3976  
participants of the address confidentiality program that are 3977  
maintained by a municipal-owned public utility are not a public 3978  
record and shall not be released by a municipal-owned public 3979  
utility or by any employee of a municipal-owned public utility. 3980

**Sec. 111.44.** (A) A program participant who is eligible to 3981  
vote may apply to the board of elections of the county in which 3982  
the program participant resides to request that the program 3983  
participant's voter registration record be kept confidential. The 3984  
program participant shall submit an application to the director of 3985  
the board of elections, on a form prescribed by the secretary of 3986  
state, that includes all of the following: 3987

(1) The information required under section 3503.14 of the 3988  
Revised Code to register to vote; 3989

(2) The program participant's program participant 3990  
identification number; 3991

(3) If the program participant is currently registered to 3992  
vote ~~in at another county or another state~~ address, the address at 3993  
which the program participant is registered to vote and a 3994

statement that, if the program participant is registered in 3995  
another county or state, the program participant authorizes the 3996  
director to instruct the appropriate authority to cancel the 3997  
program participant's existing voter registration; 3998

(4) A statement that the program participant understands all 3999  
of the following: 4000

(a) That during the time the program participant chooses to 4001  
have a confidential voter registration record, the program 4002  
participant may vote only by absent voter's ballots; 4003

(b) That the program participant may provide the program 4004  
participant's program participant identification number instead of 4005  
the program participant's residence address on an application for 4006  
absent voter's ballots or on an absent voter's ballot 4007  
identification envelope statement of voter; 4008

(c) That casting any ballot in person will reveal the program 4009  
participant's precinct and residence address to precinct election 4010  
officials and employees of the board of elections and may reveal 4011  
the program participant's precinct or residence address to members 4012  
of the public; 4013

(d) That if the program participant signs an election 4014  
petition, the program participant's residence address will be made 4015  
available to the public. 4016

(B)(1) A program participant who is not currently registered 4017  
to vote in this state must submit an application under this 4018  
section not later than the thirtieth day before the day of an 4019  
election in order to be eligible to vote in that election, as 4020  
provided in sections 3503.01 and 3503.19 of the Revised Code. 4021

(2) A program participant who is currently registered to vote 4022  
in this state may submit an application under this section at any 4023  
time to request that the program participant's voter registration 4024  
record be kept confidential. 4025

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

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

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

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

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

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

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

(5) If the program participant is currently registered to vote in another county, the director or the deputy director shall notify the board of elections of the county in which the program

participant is registered to cancel the program participant's 4057  
registration. ~~The program participant's existing registration 4058~~  
~~shall be considered to have been transferred to the county in 4059~~  
~~which the program participant currently resides. Notwithstanding 4060~~  
~~any contrary provision of section 3503.01 of the Revised Code, if 4061~~  
~~the program participant submitted the application less than thirty 4062~~  
~~days before the day of an election, the program participant shall 4063~~  
~~be eligible to vote in that election. 4064~~

(6) If the program participant is currently registered to 4065  
vote in another state, the director or the deputy director shall 4066  
notify the appropriate authority in that state to cancel the 4067  
program participant's registration. 4068

(7) The director or the deputy director shall promptly send 4069  
an acknowledgment notice to the program participant on a form 4070  
prescribed by the secretary of state. 4071

~~(C)~~(D)(1)(a) The residence address or precinct of a program 4072  
participant who has a confidential voter registration record, as 4073  
described in this section, shall not appear in the statewide voter 4074  
registration database or in the official registration list. The 4075  
program participant's program participant identification number 4076  
shall appear in place of that information. 4077

(b) No information concerning the program participant, 4078  
including the program participant's name, shall be included in any 4079  
pollbook, poll list, or signature pollbook. 4080

(c) No information concerning the program participant, 4081  
including the program participant's name, shall be included in the 4082  
version of the statewide voter registration database that is 4083  
available to the public or in any version of an official 4084  
registration list that is available to the public. 4085

(2) Notwithstanding any contrary provision of the Revised 4086  
Code, a program participant who has a confidential voter 4087

registration record may vote only by casting absent voter's 4088  
ballots. 4089

(3) Not later than the forty-fifth day before the day of an 4090  
election, the secretary of state shall mail a notice to each 4091  
program participant who has a confidential voter registration 4092  
record. The notice shall inform the program participant of all of 4093  
the following: 4094

(a) That if the program participant wishes to vote in the 4095  
election, the program participant should cast absent voter's 4096  
ballots by mail; 4097

(b) The procedure for the program participant to cast absent 4098  
voter's ballots; 4099

(c) That casting any ballot in person will reveal the program 4100  
participant's precinct and residence address to precinct election 4101  
officials and employees of the board of elections and may reveal 4102  
the program participant's precinct or residence address to members 4103  
of the public. 4104

~~(D)~~(E)(1) A program participant who has a confidential voter 4105  
registration record and who has had a change of name or change of 4106  
address may submit an application under division (A) of this 4107  
section that includes the program participant's updated 4108  
information. The director or the deputy director shall treat that 4109  
application as a notice of change of name or change of address. 4110

(2) If the program participant currently resides in that 4111  
county, the director or the deputy director shall replace the 4112  
program participant's existing registration form with the new 4113  
registration form. 4114

(3) If the program participant currently resides in another 4115  
county in this state, the director or the deputy director shall 4116  
cancel the program participant's existing registration form and 4117  
shall transmit the program participant's new registration form to 4118

the director of the board of elections of the county in which the 4119  
elector currently resides, and the new registration form shall be 4120  
processed in accordance with division ~~(B)~~(C) of this section. 4121

~~(E)~~(F) A person who has a confidential voter registration 4122  
record and who ceases being a program participant or who wishes to 4123  
cease having a confidential voter registration record shall submit 4124  
an application, on a form prescribed by the secretary of state, 4125  
that includes all of the following: 4126

(1) The information required under section 3503.14 of the 4127  
Revised Code to register to vote; 4128

(2) The person's program participant identification number; 4129

(3) A statement that the person has ceased being a program 4130  
participant or that the person wishes to cease having a 4131  
confidential voter registration record; 4132

(4) A statement that the director should do one of the 4133  
following: 4134

(a) Treat the person's existing voter registration form in 4135  
the same manner as other voter registration forms; 4136

(b) Cancel the person's voter registration. 4137

~~(F)~~(G)(1) Upon receiving a valid application under division 4138  
~~(E)~~(F) of this section from a person who wishes the board of 4139  
elections to treat the person's existing voter registration form 4140  
in the same manner as other voter registration forms, or upon 4141  
receiving a notice from the secretary of state under division (B) 4142  
of section 111.45 of the Revised Code concerning a person who has 4143  
a confidential voter registration record, the director or the 4144  
deputy director shall do all of the following: 4145

(a) Store the person's voter registration form in the same 4146  
manner as other voter registration forms; 4147

(b) Remove the person's program participant identification 4148

number from the person's registration form and from the statewide voter registration database;

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

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

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

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

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

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

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

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

participant resides. 4179

**Sec. 113.061.** The treasurer of state shall adopt rules in 4180  
accordance with Chapter 119. of the Revised Code governing the 4181  
remittance of taxes by electronic funds transfer as required under 4182  
sections 3769.103, 718.851, 5726.03, 5727.311, 5727.83, 5733.022, 4183  
5735.062, 5736.04, 5739.032, 5745.04, 5747.072, 5749.06, and 4184  
5751.07 of the Revised Code and any other section of the Revised 4185  
Code under which a person is required to remit taxes by electronic 4186  
funds transfer. The rules shall govern the modes of electronic 4187  
funds transfer acceptable to the treasurer of state and under what 4188  
circumstances each mode is acceptable, the content and format of 4189  
electronic funds transfers, the coordination of payment by 4190  
electronic funds transfer and filing of associated tax reports and 4191  
returns, the remittance of taxes by means other than electronic 4192  
funds transfer by persons otherwise required to do so but relieved 4193  
of the requirement by the treasurer of state, and any other matter 4194  
that in the opinion of the treasurer of state facilitates payment 4195  
by electronic funds transfer in a manner consistent with those 4196  
sections. 4197

Upon failure by a person, if so required, to remit taxes by 4198  
electronic funds transfer in the manner prescribed under section 4199  
3769.103, 718.851, 5726.03, 5727.83, 5733.022, 5735.062, 5736.04, 4200  
5739.032, 5745.04, 5747.072, 5749.06, or 5751.07 of the Revised 4201  
Code and rules adopted under this section, the treasurer of state 4202  
shall notify the tax commissioner of such failure if the treasurer 4203  
of state determines that such failure was not due to reasonable 4204  
cause or was due to willful neglect, and shall provide the tax 4205  
commissioner with any information used in making that 4206  
determination. The tax commissioner may assess an additional 4207  
charge as specified in the respective section of the Revised Code 4208  
governing the requirement to remit taxes by electronic funds 4209  
transfer. 4210

The treasurer of state may implement means of acknowledging, 4211  
upon the request of a taxpayer, receipt of tax remittances made by 4212  
electronic funds transfer, and may adopt rules governing 4213  
acknowledgments. The cost of acknowledging receipt of electronic 4214  
remittances shall be paid by the person requesting acknowledgment. 4215

The treasurer of state, not the tax commissioner, is 4216  
responsible for resolving any problems involving electronic funds 4217  
transfer transmissions. 4218

**Sec. 117.46.** Each ~~biennium~~ odd-numbered general assembly the 4219  
auditor of state shall conduct a minimum of four performance 4220  
audits under this section. Except as otherwise provided in this 4221  
section, at least two of the audits shall be of state agencies 4222  
selected from ~~a list comprised of the administrative~~ departments 4223  
listed in division (B) of section ~~121.02~~ 101.88 of the Revised 4224  
Code and the department of education and at least two of the 4225  
audits shall be of other state agencies. ~~At~~ These performance 4226  
audits shall be completed before the end of the general assembly 4227  
and shall be made available to the standing committee directed to 4228  
conduct the review under section 101.88 of the Revised Code during 4229  
the subsequent general assembly. 4230

Each even-numbered general assembly the auditor of state 4231  
shall conduct a minimum of four performance audits under this 4232  
section. Except as otherwise provided in this section, at least 4233  
two of the audits shall be of state agencies selected from the 4234  
departments listed in division (C) of section 101.88 of the 4235  
Revised Code and the department of education and at least two of 4236  
the audits shall be of other state agencies. These performance 4237  
audits shall be completed before the end of the general assembly 4238  
and shall be made available to the standing committee directed to 4239  
conduct the review under section 101.88 of the Revised Code during 4240  
the subsequent general assembly. 4241

At the auditor of state's discretion, the auditor of state 4242  
may conduct a performance audit of a state institution of higher 4243  
education as one of the four ~~required~~ performance audits required 4244  
during a general assembly. The offices of the attorney general, 4245  
auditor of state, governor, secretary of state, and treasurer of 4246  
state and agencies of the legislative and judicial branches are 4247  
not subject to an audit under this section. 4248

The auditor shall select each agency or institution to be 4249  
audited and shall determine whether to audit the entire agency or 4250  
institution or a portion of the agency or institution by auditing 4251  
one or more programs, offices, boards, councils, or other entities 4252  
within that agency or institution. The auditor shall make the 4253  
selection and determination in consultation with the governor and 4254  
the speaker and minority leader of the house of representatives 4255  
and president and minority leader of the senate. 4256

An audit of a portion of an agency or institution shall be 4257  
considered an audit of one agency or institution. The authority to 4258  
audit a portion of an agency or institution in no way limits the 4259  
auditor's ability to audit an entire agency or institution if it 4260  
is in the best interest of the state. 4261

The performance audits under this section shall be conducted 4262  
pursuant to sections 117.01 and 117.13 of the Revised Code. In 4263  
conducting a performance audit, the auditor of state shall 4264  
determine the scope of the audit, but shall consider, if 4265  
appropriate, supervisory and subordinate level operations in the 4266  
agency or institution. A performance audit under this section 4267  
shall not include review or evaluation of an institution's 4268  
academic performance. 4269

As used in this section and in sections 117.461, 117.462, 4270  
117.463, 117.47, 117.471, and 147.472 of the Revised Code, "state 4271  
institution of higher education" has the meaning defined in 4272  
section 3345.011 of the Revised Code. 4273

**Sec. 120.08.** There is hereby created in the state treasury 4274  
the indigent defense support fund, consisting of money paid into 4275  
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 4276  
4511.19 of the Revised Code and pursuant to sections 2937.22, 4277  
2949.091, and 2949.094 of the Revised Code out of the additional 4278  
court costs imposed under those sections. The state public 4279  
defender shall use at least ~~eighty-eight~~ eighty-three per cent of 4280  
the money in the fund for the purposes of reimbursing county 4281  
governments for expenses incurred pursuant to sections 120.18, 4282  
120.28, and 120.33 of the Revised Code and operating its system 4283  
pursuant to division (C)(7) of section 120.04 of the Revised Code 4284  
and division (B) of section 120.33 of the Revised Code. 4285  
Disbursements from the fund to county governments shall be made at 4286  
least once per year and shall be allocated proportionately so that 4287  
each county receives an equal percentage of its total cost for 4288  
operating its county public defender system, its joint county 4289  
public defender system, its county appointed counsel system, or 4290  
its system operated under division (C)(7) of section 120.04 of the 4291  
Revised Code and division (B) of section 120.33 of the Revised 4292  
Code. The state public defender may use not more than ~~twelve~~ 4293  
seventeen per cent of the money in the fund for the purposes of 4294  
appointing assistant state public defenders, providing other 4295  
personnel, equipment, and facilities necessary for the operation 4296  
of the state public defender office, and providing training, 4297  
developing and implementing electronic forms, or establishing and 4298  
maintaining an information technology system used for the uniform 4299  
operation of this chapter. 4300

**Sec. 120.33.** (A) In lieu of using a county public defender or 4301  
joint county public defender to represent indigent persons in the 4302  
proceedings set forth in division (A) of section 120.16 of the 4303  
Revised Code, the board of county commissioners of any county may 4304

adopt a resolution to pay counsel who are either personally 4305  
selected by the indigent person or appointed by the court. The 4306  
resolution shall include those provisions the board of county 4307  
commissioners considers necessary to provide effective 4308  
representation of indigent persons in any proceeding for which 4309  
counsel is provided under this section. The resolution shall 4310  
include provisions for contracts with any municipal corporation 4311  
under which the municipal corporation shall reimburse the county 4312  
for counsel appointed to represent indigent persons charged with 4313  
violations of the ordinances of the municipal corporation. 4314

(1) In a county that adopts a resolution to pay counsel, an 4315  
indigent person shall have the right to do either of the 4316  
following: 4317

(a) To select the person's own personal counsel to represent 4318  
the person in any proceeding included within the provisions of the 4319  
resolution; 4320

(b) To request the court to appoint counsel to represent the 4321  
person in such a proceeding. 4322

(2) The court having jurisdiction over the proceeding in a 4323  
county that adopts a resolution to pay counsel shall, after 4324  
determining that the person is indigent and entitled to legal 4325  
representation under this section, do either of the following: 4326

(a) By signed journal entry recorded on its docket, enter the 4327  
name of the lawyer selected by the indigent person as counsel of 4328  
record; 4329

(b) Appoint counsel for the indigent person if the person has 4330  
requested the court to appoint counsel and, by signed journal 4331  
entry recorded on its dockets, enter the name of the lawyer 4332  
appointed for the indigent person as counsel of record. 4333

(3) The board of county commissioners shall establish a 4334  
schedule of fees by case or on an hourly basis to be paid to 4335

counsel for legal services provided pursuant to a resolution 4336  
adopted under this section. Prior to establishing the schedule, 4337  
the board of county commissioners shall request the bar 4338  
association or associations of the county to submit a proposed 4339  
schedule for cases other than capital cases. The schedule 4340  
submitted shall be subject to the review, amendment, and approval 4341  
of the board of county commissioners, except with respect to 4342  
capital cases. With respect to capital cases, the schedule shall 4343  
provide for fees by case or on an hourly basis to be paid to 4344  
counsel in the amount or at the rate set by the capital case 4345  
attorney fee council pursuant to division (D) of this section, and 4346  
the board of county commissioners shall approve that amount or 4347  
rate. 4348

(4) Counsel selected by the indigent person or appointed by 4349  
the court at the request of an indigent person in a county that 4350  
adopts a resolution to pay counsel, except for counsel appointed 4351  
to represent a person charged with any violation of an ordinance 4352  
of a municipal corporation that has not contracted with the county 4353  
commissioners for the payment of appointed counsel, shall be paid 4354  
by the county and shall receive the compensation and expenses the 4355  
court approves. With respect to capital cases, the court shall 4356  
approve compensation and expenses in accordance with the amount or 4357  
at the rate set by the capital case attorney fee council pursuant 4358  
to division (D) of this section. Each request for payment shall ~~be~~ 4359  
~~accompanied by~~ include a financial disclosure form ~~and an~~ 4360  
~~affidavit of indigency that are~~ completed by the indigent person 4361  
on ~~forms~~ a form prescribed by the state public defender. 4362  
Compensation and expenses shall not exceed the amounts fixed by 4363  
the board of county commissioners in the schedule adopted pursuant 4364  
to division (A)(3) of this section. No court shall approve 4365  
compensation and expenses that exceed the amount fixed pursuant to 4366  
division (A)(3) of this section. 4367

The fees and expenses approved by the court shall not be 4368  
taxed as part of the costs and shall be paid by the county. 4369  
However, if the person represented has, or may reasonably be 4370  
expected to have, the means to meet some part of the cost of the 4371  
services rendered to the person, the person shall pay the county 4372  
an amount that the person reasonably can be expected to pay. 4373  
Pursuant to section 120.04 of the Revised Code, the county shall 4374  
pay to the state public defender a percentage of the payment 4375  
received from the person in an amount proportionate to the 4376  
percentage of the costs of the person's case that were paid to the 4377  
county by the state public defender pursuant to this section. The 4378  
money paid to the state public defender shall be credited to the 4379  
client payment fund created pursuant to division (B)(5) of section 4380  
120.04 of the Revised Code. 4381

The county auditor shall draw a warrant on the county 4382  
treasurer for the payment of counsel in the amount fixed by the 4383  
court, plus the expenses the court fixes and certifies to the 4384  
auditor. The county auditor shall report periodically, but not 4385  
less than annually, to the board of county commissioners and to 4386  
the state public defender the amounts paid out pursuant to the 4387  
approval of the court. The board of county commissioners, after 4388  
review and approval of the auditor's report, or the county 4389  
auditor, with permission from and notice to the board of county 4390  
commissioners, may then certify it to the state public defender 4391  
for reimbursement. The state public defender may pay a requested 4392  
reimbursement only if the request for reimbursement ~~is accompanied~~ 4393  
~~by~~ includes a financial disclosure form ~~and an affidavit of~~ 4394  
~~indigency~~ completed by the indigent person on ~~forms~~ a form 4395  
prescribed by the state public defender or if the court certifies 4396  
by electronic signature as prescribed by the state public defender 4397  
that a financial disclosure form ~~and affidavit of indigency have~~ 4398  
has been completed by the indigent person and ~~are~~ is available for 4399  
inspection. If a request for the reimbursement of the cost of 4400

counsel in any case is not received by the state public defender 4401  
within ninety days after the end of the calendar month in which 4402  
the case is finally disposed of by the court, unless the county 4403  
has requested and the state public defender has granted an 4404  
extension of the ninety-day limit, the state public defender shall 4405  
not pay the requested reimbursement. The state public defender 4406  
shall also review the report and, in accordance with the 4407  
standards, guidelines, and maximums established pursuant to 4408  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 4409  
prepare a voucher for fifty per cent of the total cost of each 4410  
county appointed counsel system in the period of time covered by 4411  
the certified report and a voucher for fifty per cent of the costs 4412  
and expenses that are reimbursable under section 120.35 of the 4413  
Revised Code, if any, or, if the amount of money appropriated by 4414  
the general assembly to reimburse counties for the operation of 4415  
county public defender offices, joint county public defender 4416  
offices, and county appointed counsel systems is not sufficient to 4417  
pay fifty per cent of the total cost of all of the offices and 4418  
systems other than costs and expenses that are reimbursable under 4419  
section 120.35 of the Revised Code, for the lesser amount required 4420  
by section 120.34 of the Revised Code. 4421

(5) If any county appointed counsel system fails to maintain 4422  
the standards for the conduct of the system established by the 4423  
rules of the Ohio public defender commission pursuant to divisions 4424  
(B) and (C) of section 120.03 or the standards established by the 4425  
state public defender pursuant to division (B)(7) of section 4426  
120.04 of the Revised Code, the Ohio public defender commission 4427  
shall notify the board of county commissioners of the county that 4428  
the county appointed counsel system has failed to comply with its 4429  
rules or the standards of the state public defender. Unless the 4430  
board of county commissioners corrects the conduct of its 4431  
appointed counsel system to comply with the rules and standards 4432  
within ninety days after the date of the notice, the state public 4433

defender may deny all or part of the county's reimbursement from 4434  
the state provided for in division (A)(4) of this section. 4435

(B) In lieu of using a county public defender or joint county 4436  
public defender to represent indigent persons in the proceedings 4437  
set forth in division (A) of section 120.16 of the Revised Code, 4438  
and in lieu of adopting the resolution and following the procedure 4439  
described in division (A) of this section, the board of county 4440  
commissioners of any county may contract with the state public 4441  
defender for the state public defender's legal representation of 4442  
indigent persons. A contract entered into pursuant to this 4443  
division may provide for payment for the services provided on a 4444  
per case, hourly, or fixed contract basis. 4445

(C) If a court appoints an attorney pursuant to this section 4446  
to represent a petitioner in a postconviction relief proceeding 4447  
under section 2953.21 of the Revised Code, the petitioner has 4448  
received a sentence of death, and the proceeding relates to that 4449  
sentence, the attorney who represents the petitioner in the 4450  
proceeding pursuant to the appointment shall be certified under 4451  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 4452  
represent indigent defendants charged with or convicted of an 4453  
offense for which the death penalty can be or has been imposed. 4454

(D)(1) There is hereby created the capital case attorney fee 4455  
council, appointed as described in division (D)(2) of this 4456  
section. The council shall set an amount by case, or a rate on an 4457  
hourly basis, to be paid under this section to counsel in a 4458  
capital case. 4459

(2) The capital case attorney fee council shall consist of 4460  
five members, all of whom shall be active judges serving on one of 4461  
the district courts of appeals in this state. Terms for council 4462  
members shall be the lesser of three years or until the member 4463  
ceases to be an active judge of a district court of appeals. The 4464  
initial terms shall commence ninety days after ~~the effective date~~ 4465

~~of this amendment~~ September 28, 2016. The chief justice of the 4466  
supreme court shall appoint the members of the council, and shall 4467  
make all of the appointments not later than sixty days after ~~the~~ 4468  
~~effective date of this amendment~~ September 28, 2016. When any 4469  
vacancy occurs, the chief justice shall appoint an active judge of 4470  
a district court of appeals in this state to fill the vacancy for 4471  
the unexpired term, in the same manner as prescribed in this 4472  
division. The chief justice shall designate a chairperson from the 4473  
appointed members of the council. Members of the council shall 4474  
receive no additional compensation for their service as a member, 4475  
but may be reimbursed for expenses reasonably incurred in service 4476  
to the council, to be paid by the supreme court. The supreme court 4477  
may provide administrative support to the council. 4478

(3) The capital case attorney fee council initially shall 4479  
meet not later than one hundred twenty days after ~~the effective~~ 4480  
~~date of this amendment~~ September 28, 2016. Thereafter, the council 4481  
shall meet not less than annually. 4482

(4) Upon setting the amount or rate described in division 4483  
(D)(1) of this section, the chairperson of the capital case 4484  
attorney fee council promptly shall provide written notice to the 4485  
state public defender of the amount or rate so set. The amount or 4486  
rate so set shall become effective ninety days after the date on 4487  
which the chairperson provides that written notice to the state 4488  
public defender. The council shall specify that effective date in 4489  
the written notice provided to the state public defender. All 4490  
amounts or rates set by the council shall be final, subject to 4491  
modification as described in division (D)(5) of this section, and 4492  
not subject to appeal. 4493

(5) The capital case attorney fee council may modify an 4494  
amount or rate set as described in division (D)(4) of this 4495  
section. The provisions of that division apply with respect to any 4496  
such modification of an amount or rate. 4497

**Sec. 120.36.** (A)(1) Subject to division (A)(2), (3), (4), 4498  
(5), or (6) of this section, if a person who is a defendant in a 4499  
criminal case or a party in a case in juvenile court requests or 4500  
is provided a state public defender, a county or joint county 4501  
public defender, or any other counsel appointed by the court, the 4502  
court in which the criminal case is initially filed or the 4503  
juvenile court, whichever is applicable, shall assess, unless the 4504  
application fee is waived or reduced, a non-refundable application 4505  
fee of twenty-five dollars. 4506

The court shall direct the person to pay the application fee 4507  
to the clerk of court. The person shall pay the application fee to 4508  
the clerk of court at the time the person files ~~an affidavit of~~ 4509  
~~indigency or~~ a financial disclosure form with the court, a state 4510  
public defender, a county or joint county public defender, or any 4511  
other counsel appointed by the court or within seven days of that 4512  
date. If the person does not pay the application fee within that 4513  
seven-day period, the court shall assess the application fee at 4514  
sentencing or at the final disposition of the case. 4515

(2) For purposes of this section, a criminal case includes 4516  
any case involving a violation of any provision of the Revised 4517  
Code or of an ordinance of a municipal corporation for which the 4518  
potential penalty includes loss of liberty and includes any 4519  
contempt proceeding in which a court may impose a term of 4520  
imprisonment. 4521

(3) In a juvenile court proceeding, the court shall not 4522  
assess the application fee against a child if the court appoints a 4523  
guardian ad litem for the child or the court appoints an attorney 4524  
to represent the child at the request of a guardian ad litem. 4525

(4) The court shall not assess an application fee for a 4526  
postconviction proceeding or when the defendant files an appeal. 4527

(5)(a) Except when the court assesses an application fee 4528

pursuant to division (A)(5)(b) of this section, the court shall 4529  
assess an application fee when a person is charged with a 4530  
violation of a community control sanction or a violation of a 4531  
post-release control sanction. 4532

(b) If a charge of violating a community control sanction or 4533  
post-release control sanction described in division (A)(5)(a) of 4534  
this section results in a person also being charged with violating 4535  
any provision of the Revised Code or an ordinance of a municipal 4536  
corporation, the court shall only assess an application fee for 4537  
the case that results from the additional charge. 4538

(6) If a case is transferred from one court to another court 4539  
and the person failed to pay the application fee to the court that 4540  
initially assessed the application fee, the court that initially 4541  
assessed the fee shall remove the assessment, and the court to 4542  
which the case was transferred shall assess the application fee. 4543

(7) The court shall assess an application fee pursuant to 4544  
this section one time per case. For purposes of assessing the 4545  
application fee, a case means one complete proceeding or trial 4546  
held in one court for a person on an indictment, information, 4547  
complaint, petition, citation, writ, motion, or other document 4548  
initiating a case that arises out of a single incident or a series 4549  
of related incidents, or when one individual is charged with two 4550  
or more offenses that the court handles simultaneously. The court 4551  
may waive or reduce the fee for a specific person in a specific 4552  
case upon a finding that the person lacks financial resources that 4553  
are sufficient to pay the fee or that payment of the fee would 4554  
result in an undue hardship. 4555

(B) No court, state public defender, county or joint county 4556  
public defender, or other counsel appointed by the court shall 4557  
deny a person the assistance of counsel solely due to the person's 4558  
failure to pay the application fee assessed pursuant to division 4559  
(A) of this section. A person's present inability, failure, or 4560

refusal to pay the application fee shall not disqualify that 4561  
person from legal representation. 4562

(C) The application fee assessed pursuant to division (A) of 4563  
this section is separate from and in addition to any other amount 4564  
assessed against a person who is found to be able to contribute 4565  
toward the cost of the person's legal representation pursuant to 4566  
division (D) of section 2941.51 of the Revised Code. 4567

(D) The clerk of the court that assessed the fees shall 4568  
forward all application fees collected pursuant to this section to 4569  
the county treasurer for deposit in the county treasury. The 4570  
county shall retain eighty per cent of the application fees so 4571  
collected to offset the costs of providing legal representation to 4572  
indigent persons. Not later than the last day of each month, the 4573  
county auditor shall remit twenty per cent of the application fees 4574  
so collected in the previous month to the state public defender. 4575  
The state public defender shall deposit the remitted fees into the 4576  
state treasury to the credit of the client payment fund created 4577  
pursuant to division (B)(5) of section 120.04 of the Revised Code. 4578  
The state public defender may use that money in accordance with 4579  
that section. 4580

(E) On or before the twentieth day of each month beginning in 4581  
February of the year 2007, each clerk of court shall provide to 4582  
the state public defender a report including all of the following: 4583

(1) The number of persons in the previous month who requested 4584  
or were provided a state public defender, county or joint county 4585  
public defender, or other counsel appointed by the court; 4586

(2) The number of persons in the previous month for whom the 4587  
court waived the application fee pursuant to division (A) of this 4588  
section; 4589

(3) The dollar value of the application fees assessed 4590  
pursuant to division (A) of this section in the previous month; 4591

(4) The amount of assessed application fees collected in the 4592  
previous month; 4593

(5) The balance of unpaid assessed application fees at the 4594  
open and close of the previous month. 4595

(F) As used in this section: 4596

(1) "Clerk of court" means the clerk of the court of common 4597  
pleas of the county, the clerk of the juvenile court of the 4598  
county, the clerk of the domestic relations division of the court 4599  
of common pleas of the county, the clerk of the probate court of 4600  
the county, the clerk of a municipal court in the county, the 4601  
clerk of a county-operated municipal court, or the clerk of a 4602  
county court in the county, whichever is applicable. 4603

(2) "County-operated municipal court" has the same meaning as 4604  
in section 1901.03 of the Revised Code. 4605

**Sec. 121.40.** (A) There is hereby created the Ohio commission 4606  
on service and volunteerism consisting of ~~twenty-one~~ nineteen 4607  
voting members including the superintendent of public instruction 4608  
or the superintendent's designee, the chancellor of higher 4609  
education or the chancellor's designee, the director of youth 4610  
services or the director's designee, the director of aging or the 4611  
director's designee, ~~the chairperson of the committee of the house~~ 4612  
~~of representatives dealing with education or the chairperson's~~ 4613  
~~designee, the chairperson of the committee of the senate dealing~~ 4614  
~~with education or the chairperson's designee,~~ and fifteen members 4615  
who shall be appointed by the governor with the advice and consent 4616  
of the senate and who shall serve terms of office of three years. 4617  
The appointees shall include educators, including teachers and 4618  
administrators; representatives of youth organizations; students 4619  
and parents; representatives of organizations engaged in volunteer 4620  
program development and management throughout the state, including 4621  
youth and conservation programs; and representatives of business, 4622

government, nonprofit organizations, social service agencies, 4623  
veterans organizations, religious organizations, or philanthropies 4624  
that support or encourage volunteerism within the state. The 4625  
director of the governor's office of faith-based and community 4626  
initiatives shall serve as a nonvoting ex officio member of the 4627  
commission. Members of the commission shall receive no 4628  
compensation, but shall be reimbursed for actual and necessary 4629  
expenses incurred in the performance of their official duties. 4630

(B) The commission shall appoint an executive director for 4631  
the commission, who shall be in the unclassified civil service. 4632  
The governor shall be informed of the appointment of an executive 4633  
director before such an appointment is made. The executive 4634  
director shall supervise the commission's activities and report to 4635  
the commission on the progress of those activities. The executive 4636  
director shall do all things necessary for the efficient and 4637  
effective implementation of the duties of the commission. 4638

The responsibilities assigned to the executive director do 4639  
not relieve the members of the commission from final 4640  
responsibility for the proper performance of the requirements of 4641  
this section. 4642

(C) The commission or its designee shall do all of the 4643  
following: 4644

(1) Employ, promote, supervise, and remove all employees as 4645  
needed in connection with the performance of its duties under this 4646  
section and may assign duties to those employees as necessary to 4647  
achieve the most efficient performance of its functions, and to 4648  
that end may establish, change, or abolish positions, and assign 4649  
and reassign duties and responsibilities of any employee of the 4650  
commission. Personnel employed by the commission who are subject 4651  
to Chapter 4117. of the Revised Code shall retain all of their 4652  
rights and benefits conferred pursuant to that chapter. Nothing in 4653  
this chapter shall be construed as eliminating or interfering with 4654

Chapter 4117. of the Revised Code or the rights and benefits 4655  
conferred under that chapter to public employees or to any 4656  
bargaining unit. 4657

(2) Maintain its office in Columbus, and may hold sessions at 4658  
any place within the state; 4659

(3) Acquire facilities, equipment, and supplies necessary to 4660  
house the commission, its employees, and files and records under 4661  
its control, and to discharge any duty imposed upon it by law. The 4662  
expense of these acquisitions shall be audited and paid for in the 4663  
same manner as other state expenses. For that purpose, the 4664  
commission shall prepare and submit to the office of budget and 4665  
management a budget for each biennium according to sections 4666  
101.532 and 107.03 of the Revised Code. The budget submitted shall 4667  
cover the costs of the commission and its staff in the discharge 4668  
of any duty imposed upon the commission by law. The commission 4669  
shall not delegate any authority to obligate funds. 4670

(4) Pay its own payroll and other operating expenses from 4671  
line items designated by the general assembly; 4672

(5) Retain its fiduciary responsibility as appointing 4673  
authority. Any transaction instructions shall be certified by the 4674  
appointing authority or its designee. 4675

(6) Establish the overall policy and management of the 4676  
commission in accordance with this chapter; 4677

(7) Assist in coordinating and preparing the state 4678  
application for funds under sections 101 to 184 of the "National 4679  
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 4680  
U.S.C.A. 12411 to 12544, as amended, assist in administering and 4681  
overseeing the "National and Community Service Trust Act of 1993," 4682  
P.L. 103-82, 107 Stat. 785, and the americorps program in this 4683  
state, and assist in developing objectives for a comprehensive 4684  
strategy to encourage and expand community service programs 4685

throughout the state; 4686

(8) Assist the state board of education, school districts, 4687  
the chancellor of higher education, and institutions of higher 4688  
education in coordinating community service education programs 4689  
through cooperative efforts between institutions and organizations 4690  
in the public and private sectors; 4691

(9) Assist the departments of natural resources, youth 4692  
services, aging, and job and family services in coordinating 4693  
community service programs through cooperative efforts between 4694  
institutions and organizations in the public and private sectors; 4695

(10) Suggest individuals and organizations that are available 4696  
to assist school districts, institutions of higher education, and 4697  
the departments of natural resources, youth services, aging, and 4698  
job and family services in the establishment of community service 4699  
programs and assist in investigating sources of funding for 4700  
implementing these programs; 4701

(11) Assist in evaluating the state's efforts in providing 4702  
community service programs using standards and methods that are 4703  
consistent with any statewide objectives for these programs and 4704  
provide information to the state board of education, school 4705  
districts, the chancellor of higher education, institutions of 4706  
higher education, and the departments of natural resources, youth 4707  
services, aging, and job and family services to guide them in 4708  
making decisions about these programs; 4709

(12) Assist the state board of education in complying with 4710  
section 3301.70 of the Revised Code and the chancellor of higher 4711  
education in complying with division (B)(2) of section 3333.043 of 4712  
the Revised Code. 4713

(D) The commission shall in writing enter into an agreement 4714  
with another state agency to serve as the commission's fiscal 4715  
agent. Before entering into such an agreement, the commission 4716

shall inform the governor of the terms of the agreement and of the 4717  
state agency designated to serve as the commission's fiscal agent. 4718  
The fiscal agent shall be responsible for all the commission's 4719  
fiscal matters and financial transactions, as specified in the 4720  
agreement. Services to be provided by the fiscal agent include, 4721  
but are not limited to, the following: 4722

(1) Preparing and processing payroll and other personnel 4723  
documents that the commission executes as the appointing 4724  
authority; 4725

(2) Maintaining ledgers of accounts and reports of account 4726  
balances, and monitoring budgets and allotment plans in 4727  
consultation with the commission; and 4728

(3) Performing other routine support services that the fiscal 4729  
agent considers appropriate to achieve efficiency. 4730

(E)(1) The commission, in conjunction and consultation with 4731  
the fiscal agent, has the following authority and responsibility 4732  
relative to fiscal matters: 4733

(a) Sole authority to draw funds for any and all federal 4734  
programs in which the commission is authorized to participate; 4735

(b) Sole authority to expend funds from their accounts for 4736  
programs and any other necessary expenses the commission may incur 4737  
and its subgrantees may incur; and 4738

(c) Responsibility to cooperate with and inform the fiscal 4739  
agent fully of all financial transactions. 4740

(2) The commission shall follow all state procurement, 4741  
fiscal, human resources, statutory, and administrative rule 4742  
requirements. 4743

(3) The fiscal agent shall determine fees to be charged to 4744  
the commission, which shall be in proportion to the services 4745  
performed for the commission. 4746

(4) The commission shall pay fees owed to the fiscal agent 4747  
from a general revenue fund of the commission or from any other 4748  
fund from which the operating expenses of the commission are paid. 4749  
Any amounts set aside for a fiscal year for the payment of these 4750  
fees shall be used only for the services performed for the 4751  
commission by the fiscal agent in that fiscal year. 4752

(F) The commission may accept and administer grants from any 4753  
source, public or private, to carry out any of the commission's 4754  
functions this section establishes. 4755

**Sec. 121.48.** There is hereby created the office of the 4756  
inspector general, to be headed by the inspector general. 4757

The term of the inspector general serving on the effective 4758  
date of this amendment ends January 11, 2021. ~~The governor shall~~ 4759  
~~appoint the~~ inspector general shall be appointed by the governor 4760  
quadrennially thereafter, subject to section 121.49 of the Revised 4761  
Code and the advice and consent of the senate. ~~The inspector~~ 4762  
~~general, and~~ shall hold office for a term ~~coinciding with the term~~ 4763  
~~of the appointing governor~~ of four years commencing on the second 4764  
Monday of January. The governor may remove the inspector general 4765  
from office only after delivering written notice to the inspector 4766  
general of the reasons for which the governor intends to remove 4767  
the inspector general from office and providing the inspector 4768  
general with an opportunity to appear and show cause why the 4769  
inspector general should not be removed. 4770

In addition to the duties imposed by section 121.42 of the 4771  
Revised Code, the inspector general shall manage the office of the 4772  
inspector general. The inspector general shall establish and 4773  
maintain offices in Columbus. 4774

The inspector general may employ and fix the compensation of 4775  
one or more deputy inspectors general. Each deputy inspector 4776  
general shall serve for a term coinciding with the term of the 4777

appointing inspector general, and shall perform the duties, 4778  
including the performance of investigations, that are assigned by 4779  
the inspector general. All deputy inspectors general are in the 4780  
unclassified service and serve at the pleasure of the inspector 4781  
general. 4782

In addition to deputy inspectors general, the inspector 4783  
general may employ and fix the compensation of professional, 4784  
technical, and clerical employees that are necessary for the 4785  
effective and efficient operation of the office of the inspector 4786  
general. All professional, technical, and clerical employees of 4787  
the office of the inspector general are in the unclassified 4788  
service and serve at the pleasure of the appointing inspector 4789  
general. 4790

The inspector general may enter into any contracts that are 4791  
necessary to the operation of the office of the inspector general. 4792  
The contracts may include, but are not limited to, contracts for 4793  
the services of persons who are experts in a particular field and 4794  
whose expertise is necessary to the successful completion of an 4795  
investigation. 4796

Not later than the first day of March in each year, the 4797  
inspector general shall publish an annual report summarizing the 4798  
activities of the inspector general's office during the previous 4799  
calendar year. The annual report shall not disclose the results of 4800  
any investigation insofar as the results are designated as 4801  
confidential under section 121.44 of the Revised Code. 4802

The inspector general shall provide copies of the inspector 4803  
general's annual report to the governor and the general assembly. 4804  
The inspector general also shall provide a copy of the annual 4805  
report to any other person who requests the copy and pays a fee 4806  
prescribed by the inspector general. The fee shall not exceed the 4807  
cost of reproducing and delivering the annual report. 4808

Sec. 122.01. (A) As used in the Revised Code, the "department 4809  
of development" means the development services agency and the 4810  
"director of development" means the director of development 4811  
services. Whenever the department or director of development is 4812  
referred to or designated in any statute, rule, contract, grant, 4813  
or other document, the reference or designation shall be deemed to 4814  
refer to the development services agency or director of 4815  
development services, as the case may be. 4816

(B) As used in this chapter: 4817

(1) "Community problems" includes, but is not limited to, 4818  
taxation, fiscal administration, governmental structure and 4819  
organization, intergovernmental cooperation, education and 4820  
training, employment needs, community planning and development, 4821  
air and water pollution, public safety and the administration of 4822  
justice, housing, mass transportation, community facilities and 4823  
services, health, welfare, recreation, open space, and the 4824  
development of human resources. 4825

(2) "Edison center network" means the six cooperative, 4826  
industry-connected, nonprofit organizations that have met all of 4827  
the following criteria: 4828

(a) Historically received funding under the Thomas Alva 4829  
Edison grant program; 4830

(b) Been in existence at least fifteen years as of the 4831  
effective date of the amendment of this section; 4832

(c) Experience delivering technical and networking services 4833  
to Ohio manufacturers. 4834

(3) "Professional personnel" means either of the following: 4835

(a) Personnel who have earned a bachelor's degree from a 4836  
college or university; 4837

(b) Personnel who serve as or have the working title of 4838

director, assistant director, deputy director, assistant deputy 4839  
director, manager, office chief, assistant office chief, or 4840  
program director. 4841

~~(3)~~(4) "Technical personnel" means any of the following: 4842

(a) Personnel who provide technical assistance according to 4843  
their job description or in accordance with the Revised Code; 4844

(b) Personnel employed in the director of development 4845  
services' office or the legal office, communications office, 4846  
finance office, legislative affairs office, or human resources 4847  
office of the development services agency; 4848

(c) Personnel employed in the technology division of the 4849  
agency. 4850

**Sec. 122.071.** (A) The TourismOhio advisory board is hereby 4851  
established to advise the director of development services and the 4852  
director of the office of TourismOhio on strategies for promoting 4853  
tourism in this state. The board shall consist of the chief 4854  
investment officer of the nonprofit corporation formed under 4855  
section 187.01 of the Revised Code or the chief investment 4856  
officer's designee, the director of the office of TourismOhio, and 4857  
nine members to be appointed by the governor as provided in 4858  
division (B) of this section. All members of the board, except the 4859  
director of the office of TourismOhio, shall be voting members. 4860

(B)(1) The governor shall, within sixty days after ~~the~~ 4861  
~~effective date of this section~~ September 28, 2012, appoint to the 4862  
TourismOhio advisory board one individual who is a representative 4863  
of convention and visitors' bureaus, one individual who is a 4864  
representative of the lodging industry, one individual who is a 4865  
representative of the restaurant industry, one individual who is a 4866  
representative of attractions, one individual who is a 4867  
representative of special events and festivals, one individual who 4868

is a representative of agritourism, and three individuals who are 4869  
representatives of the tourism industry. Of the initial 4870  
appointments, two individuals shall serve a term of one year, 4871  
three individuals shall serve a term of two years, and the 4872  
remainder shall serve a term of three years. Thereafter, terms of 4873  
office shall be for three years. Each individual appointed to the 4874  
board shall be a United States citizen. 4875

(2) For purposes of division (B)(1) of this section, an 4876  
individual is a "representative of the tourism industry" if the 4877  
individual possesses five years or more executive-level experience 4878  
in the attractions, lodging, restaurant, transportation, or retail 4879  
industry or five years or more executive-level experience with a 4880  
destination marketing organization. 4881

(C)(1) Each member of the TourismOhio advisory board shall 4882  
hold office from the date of the member's appointment until the 4883  
end of the term for which the member is appointed. Vacancies that 4884  
occur on the board shall be filled in the manner prescribed for 4885  
regular appointments to the board. A member appointed to fill a 4886  
vacancy occurring prior to the expiration of the term for which 4887  
the member's predecessor was appointed shall hold office for the 4888  
remainder of that predecessor's term. A member shall continue in 4889  
office subsequent to the expiration date of the member's term 4890  
until the member's successor takes office or until sixty days have 4891  
elapsed, whichever occurs first. Any member appointed to the board 4892  
is eligible for reappointment. 4893

(2) The governor shall designate one member of the board as 4894  
chairperson. 4895

(3) Members appointed to the board may be reimbursed for 4896  
actual and necessary expenses incurred in connection with their 4897  
official duties. 4898

**Sec. 122.08.** (A) There is hereby created within the 4899

~~department of development services agency~~ an office to be known as 4900  
the office of small business and entrepreneurship. The office 4901  
shall be under the supervision of a manager appointed by the 4902  
director of development services. 4903

(B) The office shall do all of the following: 4904

(1) Act as liaison between the small business community and 4905  
state governmental agencies; 4906

(2) Furnish information and technical assistance to persons 4907  
and small businesses concerning the establishment and maintenance 4908  
of a small business, and concerning state laws and rules relevant 4909  
to the operation of a small business. In conjunction with these 4910  
duties, the office shall keep a record of all proposed and 4911  
currently effective state agency rules affecting small businesses, 4912  
and may testify before the joint committee on agency rule review 4913  
concerning any proposed rule affecting small businesses. 4914

(3) Prepare and publish the small business register under 4915  
section 122.081 of the Revised Code; 4916

(4) Receive complaints from small businesses concerning 4917  
governmental activity, compile and analyze those complaints, and 4918  
periodically make recommendations to the governor and the general 4919  
assembly on changes in state laws or agency rules needed to 4920  
eliminate burdensome and unproductive governmental regulation to 4921  
improve the economic climate within which small businesses 4922  
operate; 4923

(5) Receive complaints or questions from small businesses and 4924  
direct those businesses to the appropriate governmental agency. 4925  
If, within a reasonable period of time, a complaint is not 4926  
satisfactorily resolved or a question is not satisfactorily 4927  
answered, the office shall, on behalf of the small business, make 4928  
every effort to secure a satisfactory result. For this purpose, 4929  
the office may consult with any state governmental agency and may 4930

make any suggestion or request that seems appropriate. 4931

(6) Utilize, to the maximum extent possible, the printed and 4932  
electronic media to disseminate information of current concern and 4933  
interest to the small business community and to make known to 4934  
small businesses the services available through the office. The 4935  
office shall publish such books, pamphlets, and other printed 4936  
materials, and shall participate in such trade association 4937  
meetings, conventions, fairs, and other meetings involving the 4938  
small business community, as the manager considers appropriate. 4939

(7) Prepare a description of the activities of the office for 4940  
inclusion in the ~~department of development's~~ development services 4941  
agency's annual report to the governor and general assembly, ~~a~~ 4942  
~~description of the activities of the office and a report of the~~ 4943  
~~number of rules affecting small businesses that were recorded by~~ 4944  
~~the office during the preceding calendar year;~~ 4945

(8) Operate the Ohio first-stop business connection to assist 4946  
individuals in identifying and preparing applications for business 4947  
licenses, permits, and certificates and to serve as ~~the central~~ a 4948  
public distributor for all forms, applications, and other 4949  
information related to business licensing. Each state agency, 4950  
board, and commission shall cooperate in providing assistance, 4951  
information, and materials to enable the connection to perform its 4952  
duties under this division. 4953

(9) Provide information to individuals about the resources 4954  
available on the OhioMeansJobs web site and through the local 4955  
OhioMeansJobs one-stop systems established under section 6301.08 4956  
of the Revised Code that connect businesses with job seekers. As 4957  
used in this division, "OhioMeansJobs" has the same meaning as in 4958  
section 6301.01 of the Revised Code. 4959

(C) The office may, upon the request of a state agency, 4960  
assist the agency with the preparation of any rule that will 4961

affect small businesses. 4962

(D) The director of development services shall assign 4963  
employees and furnish equipment and supplies to the office as the 4964  
director considers necessary for the proper performance of the 4965  
duties assigned to the office. 4966

**Sec. 122.081.** (A) The office of small business and 4967  
entrepreneurship in the ~~department of~~ development services agency 4968  
shall prepare and publish a "small business register" or contract 4969  
with any person as provided in this section to prepare and publish 4970  
the register. The small business register shall contain the 4971  
following information regarding each proposed rule recorded by the 4972  
office of small business and entrepreneurship: 4973

(1) The title and administrative code rule number of the 4974  
proposed rule; 4975

(2) A brief summary of the proposed rule; 4976

(3) The date on which the proposed rule was recorded by the 4977  
office of small business and entrepreneurship; and 4978

(4) The name, address, and telephone number of an individual 4979  
or office within the agency that proposed the rule who can provide 4980  
information about the proposed rule. 4981

(B) The small business register shall be published on a 4982  
weekly basis. The information required under division (A) of this 4983  
section shall be published in the register no later than two weeks 4984  
after the proposed rule to which the information relates is 4985  
recorded by the office of small business and entrepreneurship. The 4986  
office ~~of small business~~ shall furnish the small business 4987  
register, on a single copy or subscription basis, to any person 4988  
who requests it and pays a single copy price or subscription rate 4989  
fixed by the office. The office shall furnish the chairpersons of 4990  
the standing committees of the senate and house of representatives 4991

having jurisdiction over small businesses with free subscriptions 4992  
to the small business register. 4993

(C) Upon the request of the office of small business and 4994  
entrepreneurship, the director of administrative services shall, 4995  
in accordance with the competitive selection procedure of Chapter 4996  
125. of the Revised Code, let a contract for the compilation, 4997  
printing, and distribution of the small business register. 4998

(D) The office of small business and entrepreneurship shall 4999  
adopt, and may amend or rescind, in accordance with Chapter 119. 5000  
of the Revised Code, such rules as are necessary to enable it to 5001  
properly carry out this section. 5002

Sec. 122.15. As used in this section and sections 122.151 to 5003  
122.156 of the Revised Code: 5004

(A) "Affiliate" means a person that directly, or indirectly 5005  
through one or more intermediaries, controls, is controlled by, or 5006  
is under common control with another person. For the purposes of 5007  
this division, a person is "controlled by" another person if the 5008  
controlling person holds, directly or indirectly, the majority 5009  
voting or ownership interest in the controlled person or has 5010  
control over the day-to-day operations of the controlled person by 5011  
contract or by law. 5012

(B) "Closing date" means the date on which a rural business 5013  
and high-growth industry fund has collected all of the amounts 5014  
specified by divisions (G)(1) and (2) of section 122.151 of the 5015  
Revised Code. 5016

(C) "Credit-eligible capital contribution" means an 5017  
investment of cash by a person subject to the tax imposed by 5018  
section 3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the 5019  
Revised Code in a rural business and high-growth industry fund 5020  
that equals the amount specified on a notice of tax credit 5021

allocation issued by the development services agency under 5022  
division (F)(2) of section 122.151 of the Revised Code. The 5023  
investment shall purchase an equity interest in the fund or 5024  
purchase, at par value or premium, a debt instrument issued by the 5025  
fund that meets all of the following criteria: 5026

(1) The debt instrument has an original maturity date of at 5027  
least five years after the date of issuance. 5028

(2) The debt instrument has a repayment schedule that is not 5029  
faster than a level principal amortization over five years. 5030

(3) The debt instrument has no interest, distribution, or 5031  
payment features dependent on the fund's profitability or the 5032  
success of the fund's growth investments. 5033

(D) "Eligible investment authority" means the amount stated 5034  
on the notice issued under division (F)(1) of section 122.151 of 5035  
the Revised Code certifying the rural business and high-growth 5036  
industry fund. Sixty per cent of a fund's eligible investment 5037  
authority shall be comprised of credit-eligible capital 5038  
contributions. 5039

(E) "Growth investment" means any capital or equity 5040  
investment in a rural business concern or high-growth industry 5041  
business concern, or any loan to such business concerns with a 5042  
stated maturity of at least one year. A secured loan or the 5043  
provision of a revolving line of credit to a rural business 5044  
concern or a high-growth industry business concern is a growth 5045  
investment only if the rural business and high-growth industry 5046  
fund obtains an affidavit from the president or chief executive 5047  
officer of the business concern attesting that the business 5048  
concern sought and was denied similar financing from a commercial 5049  
bank. 5050

(F) "High-growth industry business concern" means an 5051  
operating company that is engaged in an industry that is assigned 5052

a North American industry classification system code within sector 11, 21, 23, 31 to 33, 42, 48, 49, 54, 56, 62, or 81, or that is certified by the development services agency under division (B) of section 122.156 of the Revised Code. 5053  
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(G) "New job years" means the amount computed under division (A) of section 122.155 of the Revised Code. 5057  
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(H) "Operating company" means any business that has its principal business operations in this state, has fewer than two hundred fifty employees or not more than fifteen million dollars in net income for the preceding taxable year, and that is none of the following: 5059  
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(1) A country club; 5064

(2) A racetrack or other facility used for gambling; 5065

(3) A store the principal purpose of which is the sale of alcoholic beverages for consumption off premises; 5066  
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(4) A massage parlor; 5068

(5) A hot tub facility; 5069

(6) A suntan facility; 5070

(7) A business engaged in the development or holding of intangibles for sale; 5071  
5072

(8) A private or commercial golf course; 5073

(9) A business that derives or projects to derive fifteen per cent or more of its net income from the rental or sale of real property, except any business that is a special purpose entity principally owned by a principal user of that property formed solely for the purpose of renting, either directly or indirectly, or selling real property back to such principal user if such principal user does not derive fifteen per cent or more of its gross annual revenue from the rental or sale of real property; 5074  
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(10) A publicly traded business. 5082

For the purposes of this division, "net income" means federal gross income as required to be reported under the Internal Revenue Code less federal and state taxes imposed on or measured by income. 5083  
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(I) A business's "principal business operations" are in this state if at least eighty per cent of the business's employees reside in this state, the individuals who receive eighty per cent of the business's payroll reside in this state, or the business has agreed to use the proceeds of a growth investment to relocate at least eighty per cent of its employees to this state or pay at least eighty per cent of its payroll to individuals residing in this state. 5087  
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(J) "Rural area" means either of the following: 5095

(1) Any area that is not located in a city having a population greater than fifty thousand or in the urbanized area adjacent to such a city; 5096  
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(2) Any area determined to be "rural in character" by the under secretary of agriculture for rural development within the United States department of agriculture. 5099  
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(K) "Rural business concern" means an operating company that has its principal business operations located in a rural area. 5102  
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(L) "Rural business and high-growth industry fund" and "fund" mean an entity certified by the development services agency under section 122.151 of the Revised Code. 5104  
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(M) "Taxable year" when used in reference to an insurance company means the calendar year ending on the thirty-first day of December next preceding the day the annual statement is required to be returned under section 5725.18 or 5729.02 of the Revised Code; when used in reference to a financial institution, "taxable 5107  
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year" has the same meaning as in section 5726.01 of the Revised Code. 5112  
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Sec. 122.151. (A) On and after September 1, 2017, a person that has developed a business plan to invest in rural business concerns and high-growth industry business concerns in this state and has successfully solicited private investors to make capital contributions in support of the plan may apply to the development services agency for certification as a rural business and high-growth industry fund. The application shall include all of the following: 5114  
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(1) The total eligible investment authority sought by the applicant under the business plan; 5122  
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(2) Documents and other evidence sufficient to prove, to the satisfaction of the agency, that the applicant meets all of the following criteria: 5124  
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5126

(a) The applicant or an affiliate of the applicant is licensed as a rural business investment company under 7 U.S.C. 2009cc, or as a small business investment company under 15 U.S.C. 681. 5127  
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(b) As of the date the application is submitted, the applicant has invested more than one hundred million dollars in operating companies, including at least fifty million dollars in operating companies located in rural areas. In computing investments under this division, the applicant may include investments made by affiliates of the applicant and investments made in businesses that are not operating companies but would qualify as operating companies if the principal business operations were located in this state. 5131  
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(3) The industries in which the applicant proposes to make growth investments and the percentage of the growth investments 5140  
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that will be made in each industry. The applicant shall identify 5142  
each industry by using the codes utilized by the north American 5143  
industry classification system. 5144

(4) An estimate of the number of new job years and retained 5145  
job years that will be produced in this state as a result of the 5146  
applicant's growth investments; 5147

(5) A revenue impact assessment for the applicant's proposed 5148  
growth investments prepared by a nationally recognized third-party 5149  
independent economic forecasting firm using a dynamic economic 5150  
forecasting model. The revenue impact assessment shall analyze the 5151  
applicant's business plan over the ten years following the date 5152  
the application is submitted to the agency. 5153

(6) A signed affidavit from each investor successfully 5154  
solicited by the applicant to make a credit eligible capital 5155  
contribution in support of the business plan. Each affidavit shall 5156  
include information sufficient for the tax commissioner to 5157  
identify the investor and shall state the amount of the investor's 5158  
credit-eligible capital contribution. 5159

(7) A nonrefundable application fee of five thousand dollars. 5160

(B)(1) Except as provided in division (B)(2) of this section, 5161  
the development services agency shall review and make a 5162  
determination with respect to each application submitted under 5163  
division (A) of this section within sixty days of receipt. The 5164  
agency shall review and make determinations on the applications in 5165  
the order in which the applications are received by the agency. 5166  
Applications received by the agency on the same day shall be 5167  
deemed to have been received simultaneously. Except as provided in 5168  
division (C) of section 122.154 of the Revised Code, the agency 5169  
shall approve not more than one hundred million dollars in 5170  
eligible investment authority and not more than sixty million 5171  
dollars in credit-eligible capital contributions under this 5172

section. Not more than one-third of the eligible investment 5173  
authority and credit-eligible capital contributions approved under 5174  
this section may be awarded to a single rural business and 5175  
high-growth industry fund and its affiliates. 5176

(2) If the agency denies an application for certification as 5177  
a fund, and approving a subsequently submitted application would 5178  
result in exceeding the dollar limitation on eligible investment 5179  
authority or credit-eligible contributions prescribed by division 5180  
(B)(1) of this section assuming the previously denied application 5181  
were completed, clarified, or cured under division (D) of this 5182  
section, the agency may refrain from making a determination on the 5183  
subsequently submitted application until the previously denied 5184  
application is reconsidered or the fifteen-day period for 5185  
submitting additional information respecting that application has 5186  
passed, whichever comes first. 5187

(C) The agency shall deny an application submitted under this 5188  
section if any of the following are true: 5189

(1) The application is incomplete. 5190

(2) The application fee is not paid in full. 5191

(3) The applicant does not satisfy all the criteria described 5192  
in division (A)(2) of this section. 5193

(4) The revenue impact assessment submitted under division 5194  
(A)(5) of this section does not demonstrate that the applicant's 5195  
business plan will result in a positive economic impact on this 5196  
state over a ten-year period that exceeds the cumulative amount of 5197  
tax credits that would be issued under section 122.152 of the 5198  
Revised Code if the application were approved. 5199

(5) The credit-eligible capital contributions described in 5200  
affidavits submitted under division (A)(6) of this section do not 5201  
equal sixty per cent of the total amount of eligible investment 5202  
authority sought under the applicant's business plan. 5203

(6) The agency has already approved the maximum total 5204  
eligible investment authority and credit-eligible capital 5205  
contributions allowed under division (B) of this section or the 5206  
maximum amount allowed with respect to the applicant fund under 5207  
that division. 5208

(D) If the agency denies an application under division (C) of 5209  
this section, the agency shall send notice of its determination to 5210  
the applicant. The notice shall include the reason or reasons that 5211  
the application was denied. If the application was denied for any 5212  
reason other than the reason specified in division (C)(6) of this 5213  
section, the applicant may provide additional information to the 5214  
agency to complete, clarify, or cure defects in the application. 5215  
The additional information must be submitted within fifteen days 5216  
after the date the notice of denial was dispatched by the agency. 5217  
If the person submits additional information within fifteen days, 5218  
the agency shall reconsider the application within thirty days 5219  
after receiving the additional information. The application shall 5220  
be reviewed and considered before any pending application 5221  
submitted after the original submission date of the reconsidered 5222  
application. If the person does not submit additional information 5223  
within fifteen days after dispatch of the notice of denial, the 5224  
person may submit a new application with a new submission date at 5225  
any time. 5226

(E) If approving multiple simultaneously submitted 5227  
applications would result in exceeding the overall eligible 5228  
investment limit prescribed by division (B) of this section, the 5229  
agency shall proportionally reduce the eligible investment 5230  
authority and the credit-eligible capital contributions for each 5231  
approved application as necessary to avoid exceeding the limit. 5232

(F) The agency shall not deny a rural business and 5233  
high-growth industry fund application or reduce the requested 5234  
eligible investment authority for reasons other than those 5235

described in divisions (C) and (E) of this section. If the agency 5236  
approves such an application, the agency shall issue all of the 5237  
following notices: 5238

(1) To the applicant, a written notice certifying that the 5239  
applicant qualifies as a rural business and high-growth industry 5240  
fund and specifying the amount of the applicant's eligible 5241  
investment authority; 5242

(2) To each investor whose affidavit was included in the 5243  
application, a notice specifying the amount of credit-eligible 5244  
capital allocated to the investor and the associated tax credit 5245  
amount; 5246

(3) To the tax commissioner, a notice of the amount and 5247  
utilization schedule of the tax credits allocated to each investor 5248  
receiving a notice under division (F)(2) of this section. 5249

(G) A fund shall do all of the following within sixty days of 5250  
receiving the certification issued under division (F)(1) of this 5251  
section: 5252

(1) Collect the credit-eligible capital contributions from 5253  
each investor in the amount set forth in the notice provided to 5254  
the investor under division (F)(2) of this section; 5255

(2) Collect one or more investments of cash that, when added 5256  
to the contributions collected under division (G)(1) of this 5257  
section, equal the fund's eligible investment authority. At least 5258  
ten per cent of the fund's eligible investment authority shall be 5259  
comprised of equity investments contributed by affiliates of the 5260  
fund, including employees, officers, and directors of such 5261  
affiliates. 5262

Within sixty-five days after receiving the certification 5263  
issued under division (F)(1) of this section, the fund shall send 5264  
to the agency documentation sufficient to prove that the amounts 5265  
described in divisions (G)(1) and (2) of this section have been 5266

collected. If the fund fails to fully comply with division (G) of 5267  
this section, the fund's certification shall lapse. 5268

Eligible investment authority and corresponding 5269  
credit-eligible capital contributions that lapse under this 5270  
division do not count toward limits on total eligible investment 5271  
authority and credit-eligible capital contributions prescribed by 5272  
division (B) of this section. Once eligible investment authority 5273  
has lapsed, the agency shall first award lapsed authority pro rata 5274  
to each fund that was awarded less than the requested eligible 5275  
investment authority under division (E) of this section. Any 5276  
remaining eligible investment authority may be awarded by the 5277  
agency to new applicants. 5278

(H) Application fees submitted to the agency pursuant to 5279  
division (A)(7) of this section shall be credited to the Ohio 5280  
rural and high-growth industry jobs fund, which is hereby created, 5281  
and shall be used by the agency to administer this section and 5282  
sections 122.15 to 122.156 of the Revised Code. 5283

**Sec. 122.152.** (A) There is hereby allowed a nonrefundable tax 5284  
credit for owners of tax credit certificates issued by the 5285  
development services agency under division (B) of this section. 5286  
The credit may be claimed against the tax imposed by section 5287  
3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the Revised 5288  
Code. 5289

(B) On the closing date, a taxpayer that made a 5290  
credit-eligible capital contribution to a rural business and 5291  
high-growth industry fund shall earn a vested credit equal to the 5292  
amount specified in the notice issued under division (F)(2) of 5293  
section 122.151 of the Revised Code. On or before the third, 5294  
fourth, fifth, and sixth anniversary dates of the closing date, 5295  
the agency shall issue a tax credit certificate to the taxpayer 5296  
specifying the corresponding anniversary date and a credit amount 5297

equal to one-fourth of the total credit authorized under this 5298  
section. The owner of the certificate may claim the credit amount 5299  
for the taxable year that includes the date specified on the 5300  
certificate. A tax credit certificate issued under section 122.151 5301  
of the Revised Code may not be sold or transferred except to an 5302  
affiliate of the taxpayer that is subject to the tax imposed by 5303  
section 3901.86, 5725.18, 5726.02, 5729.03, or 5729.06 of the 5304  
Revised Code. The taxpayer making a credit-eligible capital 5305  
contribution and the issuance of a tax credit by the agency does 5306  
not represent a verification or certification by the agency of 5307  
compliance with the recapture provisions of section 122.153 of the 5308  
Revised Code. The tax credit earned and vested under this division 5309  
is subject to recapture under section 122.153 of the Revised Code. 5310

(C) The credit shall be claimed in the order required under 5311  
section 5725.98, 5726.98, or 5729.98 of the Revised Code as 5312  
applicable. If the amount of the credit for a taxable year exceeds 5313  
the tax otherwise due for that year, the excess shall be carried 5314  
forward to ensuing taxable years until fully used. A taxpayer 5315  
claiming a credit under this section shall submit a copy of the 5316  
tax credit certificate with the taxpayer's return for each taxable 5317  
year in which the credit is claimed. 5318

**Sec. 122.153.** (A) The development services agency shall 5319  
recapture tax credits claimed under section 122.152 of the Revised 5320  
Code if any of the following occur with respect to a rural 5321  
business and high-growth industry fund before the fund is 5322  
decertified under division (C) of this section: 5323

(1) The fund in which the credit-eligible capital 5324  
contribution was made does not invest fifty per cent of its 5325  
eligible investment authority in growth investments within one 5326  
year of the closing date and one hundred per cent of its eligible 5327  
investment authority in growth investments in this state within 5328

two years of the closing date. 5329

(2) On the second anniversary of the closing date, the fund 5330  
has not invested fifty per cent of its eligible investment 5331  
authority in growth investments in rural business concerns in this 5332  
state and fifty per cent of its eligible investment authority in 5333  
growth investments in high-growth industry business concerns in 5334  
this state. 5335

(3) The fund, after investing one hundred per cent of its 5336  
eligible investment authority in growth investments in this state, 5337  
fails to maintain that investment until the sixth anniversary of 5338  
the closing date. For the purposes of this division, an investment 5339  
is "maintained" even if the investment is sold or repaid so long 5340  
as the fund reinvests an amount equal to the capital returned or 5341  
recovered by the fund from the original investment, exclusive of 5342  
any profits realized, in other growth investments in this state 5343  
within twelve months of the receipt of such capital, provided that 5344  
the fund shall make the reinvestment even if such twelve-month 5345  
anniversary occurs after the fifth anniversary of the closing 5346  
date. Amounts received periodically by a fund shall be treated as 5347  
continually invested in growth investments if the amounts are 5348  
reinvested in one or more growth investments by the end of the 5349  
following calendar year, provided that the fund shall make the 5350  
reinvestment even if the end of the following calendar year occurs 5351  
after the fifth anniversary of the closing date. Except as 5352  
otherwise provided by this division, a fund is not required to 5353  
reinvest capital returned from growth investments if the capital 5354  
is returned after the fifth anniversary of the closing date, and 5355  
such growth investments shall be considered held continuously by 5356  
the fund through the sixth anniversary of the closing date. 5357

(4) The fund makes a distribution or payment after the fund 5358  
complies with division (G) of section 122.151 of the Revised Code 5359  
and before the fund decertifies under division (D) of this section 5360

that results in the fund having less than one hundred per cent of 5361  
its eligible investment authority invested in growth investments 5362  
in this state or held in cash and other marketable securities. 5363

(5) The fund makes a growth investment in a rural business 5364  
concern or high-growth industry business concern that directly or 5365  
indirectly through an affiliate owns, has the right to acquire an 5366  
ownership interest, makes a loan to, or makes an investment in the 5367  
fund, an affiliate of the fund, or an investor in the fund. 5368  
Division (A)(5) of this section does not apply to investments in 5369  
publicly traded securities by a rural business concern, a 5370  
high-growth industry business concern, or an owner or affiliate of 5371  
either such business concerns. 5372

Before recapturing one or more tax credits under this 5373  
division, the agency shall notify the fund of the reasons for the 5374  
pending recapture. If the fund corrects the violations outlined in 5375  
the notice to the satisfaction of the agency within one hundred 5376  
eighty days of the date the notice was dispatched, the agency 5377  
shall not recapture the tax credits. 5378

(B)(1) Except as otherwise provided in division (B)(2) of 5379  
this section, the amount by which one or more growth investments 5380  
by a fund in the same rural business concern or high-growth 5381  
industry business concern exceeds twenty per cent of the fund's 5382  
eligible investment authority shall not be counted as a growth 5383  
investment for the purposes of division (A) of this section. 5384

(2) The reinvestment of capital that was returned to or 5385  
recovered by a fund from a growth investment that was sold or 5386  
repaid shall be counted as a growth investment for the purposes of 5387  
division (A) of this section even if the reinvestment results in 5388  
more than twenty per cent of the fund's eligible investment 5389  
authority being invested in the same rural business concern or 5390  
high-growth industry business concern. 5391

(3) A growth investment in an affiliate of a rural business concern or high-growth industry business concern shall be treated as a growth investment in that rural business concern or high-growth industry business concern for the purposes of division (B) of this section. 5392  
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(C)(1) If the agency recaptures a tax credit under division (A) of this section, the agency shall notify the tax commissioner and the superintendent of insurance of the recapture. The superintendent or the commissioner shall make an assessment under Chapter 5725., 5726., or 5729. of the Revised Code for the amount of the credit claimed by each certificate owner associated with the fund before the recapture was finalized. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the superintendent or the commissioner shall make the assessment within one year after the date the agency notifies the superintendent or the commissioner of the recapture. Following the recapture of a tax credit under division (A) of this section, no tax credit certificate associated with the fund may be utilized. Notwithstanding division (B) of section 122.152 of the Revised Code, if a tax credit is recaptured under division (A) of this section the agency shall not issue future tax credit certificates to taxpayers that made credit-eligible capital contributions to the fund. 5397  
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(2) If tax credits are recaptured, the associated eligible investment authority and credit-eligible capital contributions do not count toward the limit on total eligible investment authority and credit-eligible capital contributions described by division (B) of section 122.151 of the Revised Code. The agency shall first award reverted authority pro rata to each fund that was awarded less than the requested eligible investment authority under division (E) of section 122.151 of the Revised Code. Any remaining eligible investment authority may be awarded by the agency to new 5415  
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applicants. 5424

(D)(1) On or after the sixth anniversary of the closing date, 5425  
a fund that has not committed any of the acts described in 5426  
division (A) of this section may apply to the agency to decertify 5427  
as a rural business and high-growth industry fund. The agency 5428  
shall respond to the application within thirty days after 5429  
receiving the application. In evaluating the application, the fact 5430  
that no tax credit has been recaptured with respect to the fund 5431  
shall be sufficient evidence to prove that the fund is eligible 5432  
for decertification. The agency shall not unreasonably deny an 5433  
application submitted under this division. 5434

(2) The agency shall send notice of its determination with 5435  
respect to an application submitted under division (D)(1) of this 5436  
section to the fund. If the application is denied, the notice 5437  
shall include the reason or reasons for the determination. 5438

(3) The agency shall not recapture a tax credit due to any 5439  
actions of a fund that occur after the date the fund's application 5440  
for decertification is approved under division (D) of this 5441  
section. This division does not prohibit the agency from 5442  
recapturing a tax credit due to the actions of a fund that occur 5443  
before the date the fund's application for decertification is 5444  
approved, even if those actions are discovered after that date. 5445

**Sec. 122.154.** (A) Each rural business and high-growth 5446  
industry fund shall submit a report to the development services 5447  
agency on or before the first day of each March following the end 5448  
of the calendar year that includes the closing date until the year 5449  
after the fund has decertified. The report shall provide an 5450  
itemization of the fund's growth investments and shall include the 5451  
following documents and information: 5452

(1) A bank statement evidencing each growth investment; 5453

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

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

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

(5) Any other information required by the agency.

(B) Each fund shall submit a report to the agency on or before the fifth business day after the second anniversary of the closing date that provides documentation sufficient to prove that the fund has met the investment thresholds described in divisions (A)(1) and (2) of section 122.153 of the Revised Code and has not implicated any of the other recapture provisions described in divisions (A)(3) to (5) of that section.

(C) Not later than the first day of February each year, the

development services agency shall compute the amount of an annual 5485  
fee to be paid by each certified fund and give notice of the fee 5486  
to each such fund by mail or by electronic means. The amount of 5487  
the fee shall equal the quotient obtained by dividing fifty 5488  
thousand dollars by the number of certified funds on the first day 5489  
of January of that year. The initial annual fee required of a fund 5490  
shall be due and payable to the agency along with the submission 5491  
of documentation required under division (G) of section 122.151 of 5492  
the Revised Code. Each subsequent annual fee is due and payable on 5493  
the last day of February following the first and each ensuing 5494  
anniversary of the closing date. If the fund is required to submit 5495  
an annual report under division (A) of this section, the annual 5496  
fee shall be submitted along with the report. No fund shall be 5497  
required to pay an annual fee after the fund has decertified under 5498  
division (D) of section 122.153 of the Revised Code. 5499

(D) The director of development services, after consultation 5500  
with the tax commissioner and the superintendent of insurance and 5501  
in accordance with Chapter 119. of the Revised Code, shall adopt 5502  
rules necessary to implement sections 122.15 to 122.156 of the 5503  
Revised Code, including rules pertaining to the computation of new 5504  
job years, the state reimbursement amount, and the number of 5505  
retained jobs under section 122.155 of the Revised Code. 5506

**Sec. 122.155.** (A)(1) For each calendar year in which a rural 5507  
business and high-growth industry fund makes or maintains a growth 5508  
investment in a rural business concern or high-growth industry 5509  
business concern in this state, the fund shall determine the 5510  
number of new job years produced at the business concern as a 5511  
result of the investment. New job years shall be computed by 5512  
subtracting the number of employment positions at the business 5513  
concern on the date of the fund's initial growth investment in the 5514  
business concern from the number of employment positions at the 5515  
business concern on the last day of the calendar year in which the 5516

investment was made or maintained. If the computation results in a 5517  
number less than zero, the number of new job years produced by the 5518  
fund's growth investment for that calendar year period shall be 5519  
zero. 5520

(2) A fund may determine and include, for the purposes of 5521  
this section and section 122.154 of the Revised Code, the number 5522  
of new job years produced at a business concern after the year in 5523  
which the fund's growth investment is repaid or redeemed. The new 5524  
job years shall be computed in the same manner as in division 5525  
(A)(1) of this section based on reporting information provided by 5526  
the business concern to the fund. 5527

(B) After a fund's application for decertification is 5528  
approved under division (D) of section 122.153 of the Revised 5529  
Code, the fund shall determine the state reimbursement amount. The 5530  
state reimbursement amount shall equal the amount by which the 5531  
fund's credit-eligible capital contributions exceed the product 5532  
obtained by multiplying thirty thousand dollars by the aggregate 5533  
number of new job years for the fund. If that product is greater 5534  
than the fund's credit-eligible capital contributions, the state 5535  
reimbursement amount shall equal zero. In the absence of 5536  
additional information provided by the fund or discovered by the 5537  
agency, the number of new job years for the purposes of this 5538  
division equals the sum of all new job years reported by the fund 5539  
on the annual reports required under division (A) of section 5540  
122.154 of the Revised Code. 5541

(C) After the state reimbursement amount is computed under 5542  
division (B) of this section, the fund shall not be permitted to 5543  
make further distributions to equity holders of the fund without 5544  
first remitting to the agency the lesser of the state 5545  
reimbursement amount or the remaining balance of the fund after 5546  
all persons holding equity in the fund receive a payment or 5547  
distribution equal to the person's equity investment and the 5548

person's federal and state tax liability, including penalties and 5549  
interest, related to the person's ownership, management, or 5550  
operation of the fund. All amounts received by the agency under 5551  
this division shall be credited to the general revenue fund. 5552

(D) The director of development services, upon the request of 5553  
a fund, may waive all or a portion of the remission required under 5554  
division (C) of this section if the director determines, based on 5555  
an affidavit of the chief executive officer or president of a 5556  
rural business concern or high-growth industry business concern, 5557  
that the growth investments of the fund resulted in the retention 5558  
of employment positions that would have otherwise been eliminated 5559  
at rural business concerns and high-growth industry business 5560  
concerns in this state. The amount waived shall not exceed the 5561  
product of thirty thousand dollars multiplied by the number of 5562  
retained employment positions multiplied by the number of years in 5563  
which the fund made or maintained a growth investment in the 5564  
business concern that retained the employment positions. 5565

**Sec. 122.156.** (A) A rural business and high-growth industry 5566  
fund, before investing in a business, may request a written 5567  
opinion from the development services agency as to whether the 5568  
business qualifies as a rural business concern or a high-growth 5569  
industry business concern based on the criteria prescribed by 5570  
section 122.15 of the Revised Code. The request shall be submitted 5571  
in a form prescribed by rule of the agency. The agency shall issue 5572  
a written opinion to the fund within fifteen business days of 5573  
receiving such a request. Notwithstanding division (I) of section 5574  
122.15 of the Revised Code, if the agency determines that the 5575  
business qualifies as a rural business concern or high-growth 5576  
industry business concern, or if the agency fails to timely issue 5577  
the written opinion as required under this section, the business 5578  
shall be considered a rural business concern or high-growth 5579  
industry business concern for the purposes of sections 122.15 to 5580

122.156 of the Revised Code. 5581

(B) Upon the request of a fund or an operating company, the 5582  
agency may certify an operating company as a high-growth industry 5583  
business concern, irrespective of the industry in which the 5584  
operating company is engaged, if the agency determines that a 5585  
growth investment in the operating company would be beneficial to 5586  
the economic growth of the state. 5587

**Sec. 122.17.** (A) As used in this section: 5588

(1) "Payroll" means the total taxable income paid by the 5589  
employer during the employer's taxable year, or during the 5590  
calendar year that includes the employer's tax period, to each 5591  
employee or each home-based employee employed in the project to 5592  
the extent such payroll is not used to determine the credit under 5593  
section 122.171 of the Revised Code. "Payroll" excludes amounts 5594  
paid before the day the taxpayer becomes eligible for the credit 5595  
and retirement or other benefits paid or contributed by the 5596  
employer to or on behalf of employees. 5597

(2) "Baseline payroll" means Ohio employee payroll, except 5598  
that the applicable measurement period is the twelve months 5599  
immediately preceding the date the tax credit authority approves 5600  
the taxpayer's application or the date the tax credit authority 5601  
receives the recommendation described in division (C)(2)(a) of 5602  
this section, whichever occurs first, multiplied by the sum of one 5603  
plus an annual pay increase factor to be determined by the tax 5604  
credit authority. 5605

(3) "Ohio employee payroll" means the amount of compensation 5606  
used to determine the withholding obligations in division (A) of 5607  
section 5747.06 of the Revised Code and paid by the employer 5608  
during the employer's taxable year, or during the calendar year 5609  
that includes the employer's tax period, to ~~each~~ the following: 5610

(a) An employee employed in the project who is a resident of this state, as defined in section 5747.01 of the Revised Code, to each including a qualifying work-from-home employee not designated as a home-based employee by an applicant under division (C)(1) of this section; 5611  
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(b) An employee employed at the project site location who is not a resident and whose compensation is not exempt from the tax imposed under section 5747.02 of the Revised Code pursuant to a reciprocity agreement with another state under division (A)(3) of section 5747.05 of the Revised Code, or to each; 5616  
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(c) A home-based employee employed in the project, to the extent. 5621  
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"Ohio employee payroll" excludes any such compensation to the extent it is not used to determine the credit under section 122.171 of the Revised Code. "Ohio employee payroll", and excludes amounts paid before the day the taxpayer becomes eligible for the credit under this section. 5623  
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(4) "Excess payroll" means Ohio employee payroll minus baseline payroll. 5628  
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(5) "Home-based employee" means an employee whose services are performed primarily from the employee's residence in this state exclusively for the benefit of the project and whose rate of pay is at least one hundred thirty-one per cent of the federal minimum wage under 29 U.S.C. 206. 5630  
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(6) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment in the project by two thousand eighty. "Full-time equivalent employees" excludes hours that are counted for a credit under section 122.171 of the Revised Code. 5635  
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(7) "Metric evaluation date" means the date by which the taxpayer must meet all of the commitments included in the 5640  
5641

agreement. 5642

(8) "Qualifying work-from-home employee" means an employee 5643  
who is a resident of this state and whose services are supervised 5644  
from the employer's project location and performed primarily from 5645  
a residence of the employee located in this state. 5646

(9) "Resident" or "resident of this state" means an 5647  
individual who is a resident as defined in section 5747.01 of the 5648  
Revised Code. 5649

(B) The tax credit authority may make grants under this 5650  
section to foster job creation in this state. Such a grant shall 5651  
take the form of a refundable credit allowed against the tax 5652  
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5653  
5747.02 or levied under Chapter 5751. of the Revised Code. The 5654  
credit shall be claimed for the taxable years or tax periods 5655  
specified in the taxpayer's agreement with the tax credit 5656  
authority under division (D) of this section. With respect to 5657  
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 5658  
Chapter 5751. of the Revised Code, the credit shall be claimed in 5659  
the order required under section 5726.98, 5733.98, 5747.98, or 5660  
5751.98 of the Revised Code. The amount of the credit available 5661  
for a taxable year or for a calendar year that includes a tax 5662  
period equals the excess payroll for that year multiplied by the 5663  
percentage specified in the agreement with the tax credit 5664  
authority. 5665

(C)(1) A taxpayer or potential taxpayer who proposes a 5666  
project to create new jobs in this state may apply to the tax 5667  
credit authority to enter into an agreement for a tax credit under 5668  
this section. 5669

An application shall not propose to include both home-based 5670  
employees and employees who are not home-based employees in the 5671  
computation of Ohio employee payroll for the purposes of the same 5672

tax credit agreement, except that a qualifying work-from-home 5673  
employee shall not be considered to be a home-based employee 5674  
unless so designated by the applicant. If a taxpayer or potential 5675  
taxpayer employs both home-based employees and employees who are 5676  
not home-based employees in a project, the taxpayer shall submit 5677  
separate applications for separate tax credit agreements for the 5678  
project, one of which shall include home-based employees in the 5679  
computation of Ohio employee payroll and one of which shall 5680  
include all other employees in the computation of Ohio employee 5681  
payroll. 5682

The director of development services shall prescribe the form 5683  
of the application. After receipt of an application, the authority 5684  
may enter into an agreement with the taxpayer for a credit under 5685  
this section if it determines all of the following: 5686

(a) The taxpayer's project will increase payroll; 5687

(b) The taxpayer's project is economically sound and will 5688  
benefit the people of this state by increasing opportunities for 5689  
employment and strengthening the economy of this state; 5690

(c) Receiving the tax credit is a major factor in the 5691  
taxpayer's decision to go forward with the project. 5692

(2)(a) A taxpayer that chooses to begin the project prior to 5693  
receiving the determination of the authority may, upon submitting 5694  
the taxpayer's application to the authority, request that the 5695  
chief investment officer of the nonprofit corporation formed under 5696  
section 187.01 of the Revised Code and the director review the 5697  
taxpayer's application and recommend to the authority that the 5698  
taxpayer's application be considered. As soon as possible after 5699  
receiving such a request, the chief investment officer and the 5700  
director shall review the taxpayer's application and, if they 5701  
determine that the application warrants consideration by the 5702  
authority, make that recommendation to the authority not later 5703

than six months after the application is received by the 5704  
authority. 5705

(b) The authority shall consider any taxpayer's application 5706  
for which it receives a recommendation under division (C)(2)(a) of 5707  
this section. If the authority determines that the taxpayer does 5708  
not meet all of the criteria set forth in division (C)(1) of this 5709  
section, the authority and the development services agency shall 5710  
proceed in accordance with rules adopted by the director pursuant 5711  
to division (I) of this section. 5712

(D) An agreement under this section shall include all of the 5713  
following: 5714

(1) A detailed description of the project that is the subject 5715  
of the agreement; 5716

(2)(a) The term of the tax credit, which, except as provided 5717  
in division (D)(2)(b) of this section, shall not exceed fifteen 5718  
years, and the first taxable year, or first calendar year that 5719  
includes a tax period, for which the credit may be claimed; 5720

(b) If the tax credit is computed on the basis of home-based 5721  
employees, the term of the credit shall expire on or before the 5722  
last day of the taxable or calendar year ending before the 5723  
beginning of the seventh year after September 6, 2012, the 5724  
effective date of H.B. 327 of the 129th general assembly. 5725

(3) A requirement that the taxpayer shall maintain operations 5726  
at the project location for at least the greater of seven years or 5727  
the term of the credit plus three years; 5728

(4) The percentage, as determined by the tax credit 5729  
authority, of excess payroll that will be allowed as the amount of 5730  
the credit for each taxable year or for each calendar year that 5731  
includes a tax period; 5732

(5) The pay increase factor to be applied to the taxpayer's 5733

baseline payroll; 5734

(6) A requirement that the taxpayer annually shall report to 5735  
the director of development services full-time equivalent 5736  
employees, payroll, Ohio employee payroll, investment, the 5737  
provision of health care benefits and tuition reimbursement if 5738  
required in the agreement, and other information the director 5739  
needs to perform the director's duties under this section; 5740

(7) A requirement that the director of development services 5741  
annually review the information reported under division (D)(6) of 5742  
this section and verify compliance with the agreement; if the 5743  
taxpayer is in compliance, a requirement that the director issue a 5744  
certificate to the taxpayer stating that the information has been 5745  
verified and identifying the amount of the credit that may be 5746  
claimed for the taxable or calendar year; 5747

(8) A provision providing that the taxpayer may not relocate 5748  
a substantial number of employment positions from elsewhere in 5749  
this state to the project location unless the director of 5750  
development services determines that the legislative authority of 5751  
the county, township, or municipal corporation from which the 5752  
employment positions would be relocated has been notified by the 5753  
taxpayer of the relocation. 5754

For purposes of this section, the movement of an employment 5755  
position from one political subdivision to another political 5756  
subdivision shall be considered a relocation of an employment 5757  
position unless the employment position in the first political 5758  
subdivision is replaced. The movement of a qualifying 5759  
work-from-home employee to a different residence located in this 5760  
state or to the project location shall not be considered a 5761  
relocation of an employment position. 5762

(9) If the tax credit is computed on the basis of home-based 5763  
employees, that the tax credit may not be claimed by the taxpayer 5764

until the taxable year or tax period in which the taxpayer employs 5765  
at least two hundred employees more than the number of employees 5766  
the taxpayer employed on June 30, 2011. 5767

(E) If a taxpayer fails to meet or comply with any condition 5768  
or requirement set forth in a tax credit agreement, the tax credit 5769  
authority may amend the agreement to reduce the percentage or term 5770  
of the tax credit. The reduction of the percentage or term may 5771  
take effect in the current taxable or calendar year. 5772

(F) Projects that consist solely of point-of-final-purchase 5773  
retail facilities are not eligible for a tax credit under this 5774  
section. If a project consists of both point-of-final-purchase 5775  
retail facilities and nonretail facilities, only the portion of 5776  
the project consisting of the nonretail facilities is eligible for 5777  
a tax credit and only the excess payroll from the nonretail 5778  
facilities shall be considered when computing the amount of the 5779  
tax credit. If a warehouse facility is part of a 5780  
point-of-final-purchase retail facility and supplies only that 5781  
facility, the warehouse facility is not eligible for a tax credit. 5782  
Catalog distribution centers are not considered 5783  
point-of-final-purchase retail facilities for the purposes of this 5784  
division, and are eligible for tax credits under this section. 5785

(G) Financial statements and other information submitted to 5786  
the development services agency or the tax credit authority by an 5787  
applicant or recipient of a tax credit under this section, and any 5788  
information taken for any purpose from such statements or 5789  
information, are not public records subject to section 149.43 of 5790  
the Revised Code. However, the chairperson of the authority may 5791  
make use of the statements and other information for purposes of 5792  
issuing public reports or in connection with court proceedings 5793  
concerning tax credit agreements under this section. Upon the 5794  
request of the tax commissioner or, if the applicant or recipient 5795  
is an insurance company, upon the request of the superintendent of 5796

insurance, the chairperson of the authority shall provide to the 5797  
commissioner or superintendent any statement or information 5798  
submitted by an applicant or recipient of a tax credit in 5799  
connection with the credit. The commissioner or superintendent 5800  
shall preserve the confidentiality of the statement or 5801  
information. 5802

(H) A taxpayer claiming a credit under this section shall 5803  
submit to the tax commissioner or, if the taxpayer is an insurance 5804  
company, to the superintendent of insurance, a copy of the 5805  
director of development services' certificate of verification 5806  
under division (D)(7) of this section with the taxpayer's tax 5807  
report or return for the taxable year or for the calendar year 5808  
that includes the tax period. Failure to submit a copy of the 5809  
certificate with the report or return does not invalidate a claim 5810  
for a credit if the taxpayer submits a copy of the certificate to 5811  
the commissioner or superintendent within the time prescribed by 5812  
section 5703.0510 of the Revised Code or within thirty days after 5813  
the commissioner or superintendent requests it. 5814

(I) The director of development services, after consultation 5815  
with the tax commissioner and the superintendent of insurance and 5816  
in accordance with Chapter 119. of the Revised Code, shall adopt 5817  
rules necessary to implement this section, including rules that 5818  
establish a procedure to be followed by the tax credit authority 5819  
and the development services agency in the event the authority 5820  
considers a taxpayer's application for which it receives a 5821  
recommendation under division (C)(2)(a) of this section but does 5822  
not approve it. The rules may provide for recipients of tax 5823  
credits under this section to be charged fees to cover 5824  
administrative costs of the tax credit program. For the purposes 5825  
of these rules, a qualifying work-from-home employee shall be 5826  
considered to be an employee employed at the applicant's project 5827  
location. The fees collected shall be credited to the ~~business~~ 5828

~~assistance tax incentives operating~~ fund created in section 5829  
122.174 of the Revised Code. At the time the director gives public 5830  
notice under division (A) of section 119.03 of the Revised Code of 5831  
the adoption of the rules, the director shall submit copies of the 5832  
proposed rules to the chairpersons of the standing committees on 5833  
economic development in the senate and the house of 5834  
representatives. 5835

(J) For the purposes of this section, a taxpayer may include 5836  
a partnership, a corporation that has made an election under 5837  
subchapter S of chapter one of subtitle A of the Internal Revenue 5838  
Code, or any other business entity through which income flows as a 5839  
distributive share to its owners. A partnership, S-corporation, or 5840  
other such business entity may elect to pass the credit received 5841  
under this section through to the persons to whom the income or 5842  
profit of the partnership, S-corporation, or other entity is 5843  
distributed. The election shall be made on the annual report 5844  
required under division (D)(6) of this section. The election 5845  
applies to and is irrevocable for the credit for which the report 5846  
is submitted. If the election is made, the credit shall be 5847  
apportioned among those persons in the same proportions as those 5848  
in which the income or profit is distributed. 5849

(K)(1) If the director of development services determines 5850  
that a taxpayer who has received a credit under this section is 5851  
not complying with the requirements of the agreement, the director 5852  
shall notify the tax credit authority of the noncompliance. After 5853  
receiving such a notice, and after giving the taxpayer an 5854  
opportunity to explain the noncompliance, the tax credit authority 5855  
may require the taxpayer to refund to this state a portion of the 5856  
credit in accordance with the following: 5857

(a) If the taxpayer fails to comply with the requirement 5858  
under division (D)(3) of this section, an amount determined in 5859  
accordance with the following: 5860

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

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

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

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

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

(3) In determining the portion of the tax credit to be refunded to this state, the tax credit authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or superintendent of insurance, as appropriate. If the amount is certified to the commissioner, the commissioner shall make an

assessment for that amount against the taxpayer under Chapter 5892  
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 5893  
amount is certified to the superintendent, the superintendent 5894  
shall make an assessment for that amount against the taxpayer 5895  
under Chapter 5725. or 5729. of the Revised Code. The time 5896  
limitations on assessments under those chapters do not apply to an 5897  
assessment under this division, but the commissioner or 5898  
superintendent, as appropriate, shall make the assessment within 5899  
one year after the date the authority certifies to the 5900  
commissioner or superintendent the amount to be refunded. 5901

(L) On or before the first day of August each year, the 5902  
director of development services shall submit a report to the 5903  
governor, the president of the senate, and the speaker of the 5904  
house of representatives on the tax credit program under this 5905  
section. The report shall include information on the number of 5906  
agreements that were entered into under this section during the 5907  
preceding calendar year, a description of the project that is the 5908  
subject of each such agreement, and an update on the status of 5909  
projects under agreements entered into before the preceding 5910  
calendar year. 5911

(M) There is hereby created the tax credit authority, which 5912  
consists of the director of development services and four other 5913  
members appointed as follows: the governor, the president of the 5914  
senate, and the speaker of the house of representatives each shall 5915  
appoint one member who shall be a specialist in economic 5916  
development; the governor also shall appoint a member who is a 5917  
specialist in taxation. Terms of office shall be for four years. 5918  
Each member shall serve on the authority until the end of the term 5919  
for which the member was appointed. Vacancies shall be filled in 5920  
the same manner provided for original appointments. Any member 5921  
appointed to fill a vacancy occurring prior to the expiration of 5922  
the term for which the member's predecessor was appointed shall 5923

hold office for the remainder of that term. Members may be 5924  
reappointed to the authority. Members of the authority shall 5925  
receive their necessary and actual expenses while engaged in the 5926  
business of the authority. The director of development services 5927  
shall serve as chairperson of the authority, and the members 5928  
annually shall elect a vice-chairperson from among themselves. 5929  
Three members of the authority constitute a quorum to transact and 5930  
vote on the business of the authority. The majority vote of the 5931  
membership of the authority is necessary to approve any such 5932  
business, including the election of the vice-chairperson. 5933

The director of development services may appoint a 5934  
professional employee of the development services agency to serve 5935  
as the director's substitute at a meeting of the authority. The 5936  
director shall make the appointment in writing. In the absence of 5937  
the director from a meeting of the authority, the appointed 5938  
substitute shall serve as chairperson. In the absence of both the 5939  
director and the director's substitute from a meeting, the 5940  
vice-chairperson shall serve as chairperson. 5941

(N) For purposes of the credits granted by this section 5942  
against the taxes imposed under sections 5725.18 and 5729.03 of 5943  
the Revised Code, "taxable year" means the period covered by the 5944  
taxpayer's annual statement to the superintendent of insurance. 5945

(O) On or before the first day of March of each of the five 5946  
calendar years beginning with 2014, each taxpayer subject to an 5947  
agreement with the tax credit authority under this section on the 5948  
basis of home-based employees shall report the number of 5949  
home-based employees and other employees employed by the taxpayer 5950  
in this state to the development services agency. 5951

(P) On or before the first day of January of 2019, the 5952  
director of development services shall submit a report to the 5953  
governor, the president of the senate, and the speaker of the 5954  
house of representatives on the effect of agreements entered into 5955

under this section in which the taxpayer included home-based 5956  
employees in the computation of income tax revenue, as that term 5957  
was defined in this section prior to the amendment of this section 5958  
by H.B. 64 of the 131st general assembly. The report shall include 5959  
information on the number of such agreements that were entered 5960  
into in the preceding six years, a description of the projects 5961  
that were the subjects of such agreements, and an analysis of 5962  
nationwide home-based employment trends, including the number of 5963  
home-based jobs created from July 1, 2011, through June 30, 2017, 5964  
and a description of any home-based employment tax incentives 5965  
provided by other states during that time. 5966

(Q) The director of development services may require any 5967  
agreement entered into under this section for a tax credit 5968  
computed on the basis of home-based employees to contain a 5969  
provision that the taxpayer makes available health care benefits 5970  
and tuition reimbursement to all employees. 5971

(R) Original agreements approved by the tax credit authority 5972  
under this section in 2014 or 2015 before ~~the effective date of~~ 5973  
~~this division~~ September 29, 2015, may be revised at the request of 5974  
the taxpayer to conform with the amendments to this section and 5975  
sections 5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised 5976  
Code by H.B. 64 of the 131st general assembly, upon mutual 5977  
agreement of the taxpayer and the development services agency, and 5978  
approval by the tax credit authority. 5979

(S)(1) As used in division (S) of this section: 5980

(a) "Eligible agreement" means an agreement approved by the 5981  
tax credit authority under this section on or before December 31, 5982  
2013. 5983

(b) "Reporting period" means a period corresponding to the 5984  
annual report required under division (D)(6) of this section. 5985

(c) "Income tax revenue" has the same meaning as under this 5986

section as it existed before September 29, 2015, the effective 5987  
date of the amendment of this section by H.B. 64 of the 131st 5988  
general assembly. 5989

(2) In calendar year 2016 and thereafter, the tax credit 5990  
authority shall annually determine a withholding adjustment factor 5991  
to be used in the computation of income tax revenue for eligible 5992  
agreements. The withholding adjustment factor shall be a numerical 5993  
percentage that equals the percentage that employer income tax 5994  
withholding rates have been increased or decreased as a result of 5995  
changes in the income tax rates prescribed by section 5747.02 of 5996  
the Revised Code by amendment of that section taking effect on or 5997  
after June 29, 2013. 5998

(3) Except as provided in division (S)(4) of this section, 5999  
for reporting periods ending in 2015 and thereafter for taxpayers 6000  
subject to eligible agreements, the tax credit authority shall 6001  
adjust the income tax revenue reported on the taxpayer's annual 6002  
report by multiplying the withholding adjustment factor by the 6003  
taxpayer's income tax revenue and doing one of the following: 6004

(a) If the income tax rates prescribed by section 5747.02 of 6005  
the Revised Code have decreased by amendment of that section 6006  
taking effect on or after June 29, 2013, add the product to the 6007  
taxpayer's income tax revenue. 6008

(b) If the income tax rates prescribed by section 5747.02 of 6009  
the Revised Code have increased by amendment of that section 6010  
taking effect on or after June 29, 2013, subtract the product from 6011  
the taxpayer's income tax revenue. 6012

(4) Division (S)(3) of this section shall not apply unless 6013  
all of the following apply for the reporting period with respect 6014  
to the eligible agreement: 6015

(a) The taxpayer has achieved one hundred per cent of the new 6016  
employment commitment identified in the agreement. 6017

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

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

(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (S)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (S) of this section for an ensuing reporting period.

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

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

(a) Payments made for the acquisition of personal property through operating leases;

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

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

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

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

(b) The taxpayer makes or causes to be made payments for the 6047  
capital investment project of one of the following: 6048

(i) If the taxpayer is engaged at the project site primarily 6049  
as a manufacturer, at least fifty million dollars in the aggregate 6050  
at the project site during a period of three consecutive calendar 6051  
years, including the calendar year that includes a day of the 6052  
taxpayer's taxable year or tax period with respect to which the 6053  
credit is granted; 6054

(ii) If the taxpayer is engaged at the project site primarily 6055  
in significant corporate administrative functions, as defined by 6056  
the director of development services by rule, at least twenty 6057  
million dollars in the aggregate at the project site during a 6058  
period of three consecutive calendar years including the calendar 6059  
year that includes a day of the taxpayer's taxable year or tax 6060  
period with respect to which the credit is granted. 6061

(c) The taxpayer had a capital investment project reviewed 6062  
and approved by the tax credit authority as provided in divisions 6063  
(C), (D), and (E) of this section. 6064

(3) "Full-time equivalent employees" means the quotient 6065  
obtained by dividing the total number of hours for which employees 6066  
were compensated for employment in the project by two thousand 6067  
eighty. "Full-time equivalent employees" shall exclude hours that 6068  
are counted for a credit under section 122.17 of the Revised Code. 6069

(4) "Ohio employee payroll" has the same meaning as in 6070  
section 122.17 of the Revised Code. 6071

(5) "Manufacturer" has the same meaning as in section 6072  
5739.011 of the Revised Code. 6073

(6) "Project site" means an integrated complex of facilities 6074  
in this state, as specified by the tax credit authority under this 6075  
section, within a fifteen-mile radius where a taxpayer is 6076  
primarily operating as an eligible business. 6077

(7) "Related member" has the same meaning as in section 6078  
5733.042 of the Revised Code as that section existed on the 6079  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 6080  
general assembly, September 29, 1997. 6081

(8) "Taxable year" includes, in the case of a domestic or 6082  
foreign insurance company, the calendar year ending on the 6083  
thirty-first day of December preceding the day the superintendent 6084  
of insurance is required to certify to the treasurer of state 6085  
under section 5725.20 or 5729.05 of the Revised Code the amount of 6086  
taxes due from insurance companies. 6087

(B) The tax credit authority created under section 122.17 of 6088  
the Revised Code may grant a nonrefundable tax credit to an 6089  
eligible business under this section for the purpose of fostering 6090  
job retention in this state. Upon application by an eligible 6091  
business and upon consideration of the determination of the 6092  
director of budget and management, tax commissioner, and the 6093  
superintendent of insurance in the case of an insurance company, 6094  
and the recommendation and determination of the director of 6095  
development services under division (C) of this section, the tax 6096  
credit authority may grant the credit against the tax imposed by 6097  
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 6098  
5751.02 of the Revised Code. 6099

The credit authorized in this section may be granted for a 6100  
period up to fifteen taxable years or, in the case of the tax 6101  
levied by section 5736.02 or 5751.02 of the Revised Code, for a 6102  
period of up to fifteen calendar years. The credit amount for a 6103  
taxable year or a calendar year that includes the tax period for 6104  
which a credit may be claimed equals the Ohio employee payroll for 6105  
that year multiplied by the percentage specified in the agreement 6106  
with the tax credit authority. The credit shall be claimed in the 6107  
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 6108  
5747.98, or 5751.98 of the Revised Code. In determining the 6109

percentage and term of the credit, the tax credit authority shall 6110  
consider both the number of full-time equivalent employees and the 6111  
value of the capital investment project. The credit amount may not 6112  
be based on the Ohio employee payroll for a calendar year before 6113  
the calendar year in which the tax credit authority specifies the 6114  
tax credit is to begin, and the credit shall be claimed only for 6115  
the taxable years or tax periods specified in the eligible 6116  
business' agreement with the tax credit authority. In no event 6117  
shall the credit be claimed for a taxable year or tax period 6118  
terminating before the date specified in the agreement. 6119

If a credit allowed under this section for a taxable year or 6120  
tax period exceeds the taxpayer's tax liability for that year or 6121  
period, the excess may be carried forward for the three succeeding 6122  
taxable or calendar years, but the amount of any excess credit 6123  
allowed in any taxable year or tax period shall be deducted from 6124  
the balance carried forward to the succeeding year or period. 6125

(C) A taxpayer that proposes a capital investment project to 6126  
retain jobs in this state may apply to the tax credit authority to 6127  
enter into an agreement for a tax credit under this section. The 6128  
director of development services shall prescribe the form of the 6129  
application. After receipt of an application, the authority shall 6130  
forward copies of the application to the director of budget and 6131  
management, the tax commissioner, and the superintendent of 6132  
insurance in the case of an insurance company, each of whom shall 6133  
review the application to determine the economic impact the 6134  
proposed project would have on the state and the affected 6135  
political subdivisions and shall submit a summary of their 6136  
determinations to the authority. The authority shall also forward 6137  
a copy of the application to the director of development services, 6138  
who shall review the application to determine the economic impact 6139  
the proposed project would have on the state and the affected 6140  
political subdivisions and shall submit a summary of the 6141

director's determinations and recommendations to the authority. 6142

(D) Upon review and consideration of the determinations and 6143  
recommendations described in division (C) of this section, the tax 6144  
credit authority may enter into an agreement with the taxpayer for 6145  
a credit under this section if the authority determines all of the 6146  
following: 6147

(1) The taxpayer's capital investment project will result in 6148  
the retention of employment in this state. 6149

(2) The taxpayer is economically sound and has the ability to 6150  
complete the proposed capital investment project. 6151

(3) The taxpayer intends to and has the ability to maintain 6152  
operations at the project site for at least the greater of (a) the 6153  
term of the credit plus three years, or (b) seven years. 6154

(4) Receiving the credit is a major factor in the taxpayer's 6155  
decision to begin, continue with, or complete the project. 6156

(E) An agreement under this section shall include all of the 6157  
following: 6158

(1) A detailed description of the project that is the subject 6159  
of the agreement, including the amount of the investment, the 6160  
period over which the investment has been or is being made, the 6161  
number of full-time equivalent employees at the project site, and 6162  
the anticipated Ohio employee payroll to be generated. 6163

(2) The term of the credit, the percentage of the tax credit, 6164  
the maximum annual value of tax credits that may be allowed each 6165  
year, and the first year for which the credit may be claimed. 6166

(3) A requirement that the taxpayer maintain operations at 6167  
the project site for at least the greater of (a) the term of the 6168  
credit plus three years, or (b) seven years. 6169

(4) A requirement that the taxpayer retain at least five 6170  
hundred full-time equivalent employees at the project site and 6171

within this state for the entire term of the credit, or a 6172  
requirement that the taxpayer maintain an annual Ohio employee 6173  
payroll of at least thirty-five million dollars for the entire 6174  
term of the credit. 6175

(5) A requirement that the taxpayer annually report to the 6176  
director of development services full-time equivalent employees, 6177  
Ohio employee payroll, capital investment, and other information 6178  
the director needs to perform the director's duties under this 6179  
section. 6180

(6) A requirement that the director of development services 6181  
annually review the annual reports of the taxpayer to verify the 6182  
information reported under division (E)(5) of this section and 6183  
compliance with the agreement. Upon verification, the director 6184  
shall issue a certificate to the taxpayer stating that the 6185  
information has been verified and identifying the amount of the 6186  
credit for the taxable year or calendar year that includes the tax 6187  
period. In determining the number of full-time equivalent 6188  
employees, no position shall be counted that is filled by an 6189  
employee who is included in the calculation of a tax credit under 6190  
section 122.17 of the Revised Code. 6191

(7) A provision providing that the taxpayer may not relocate 6192  
a substantial number of employment positions from elsewhere in 6193  
this state to the project site unless the director of development 6194  
services determines that the taxpayer notified the legislative 6195  
authority of the county, township, or municipal corporation from 6196  
which the employment positions would be relocated. 6197

For purposes of this section, the movement of an employment 6198  
position from one political subdivision to another political 6199  
subdivision shall be considered a relocation of an employment 6200  
position unless the movement is confined to the project site. The 6201  
transfer of an employment position from one political subdivision 6202  
to another political subdivision shall not be considered a 6203

relocation of an employment position if the employment position in 6204  
the first political subdivision is replaced by another employment 6205  
position. 6206

(8) A waiver by the taxpayer of any limitations periods 6207  
relating to assessments or adjustments resulting from the 6208  
taxpayer's failure to comply with the agreement. 6209

(F) If a taxpayer fails to meet or comply with any condition 6210  
or requirement set forth in a tax credit agreement, the tax credit 6211  
authority may amend the agreement to reduce the percentage or term 6212  
of the credit. The reduction of the percentage or term may take 6213  
effect in the current taxable or calendar year. 6214

(G) Financial statements and other information submitted to 6215  
the department of development services or the tax credit authority 6216  
by an applicant for or recipient of a tax credit under this 6217  
section, and any information taken for any purpose from such 6218  
statements or information, are not public records subject to 6219  
section 149.43 of the Revised Code. However, the chairperson of 6220  
the authority may make use of the statements and other information 6221  
for purposes of issuing public reports or in connection with court 6222  
proceedings concerning tax credit agreements under this section. 6223  
Upon the request of the tax commissioner, or the superintendent of 6224  
insurance in the case of an insurance company, the chairperson of 6225  
the authority shall provide to the commissioner or superintendent 6226  
any statement or other information submitted by an applicant for 6227  
or recipient of a tax credit in connection with the credit. The 6228  
commissioner or superintendent shall preserve the confidentiality 6229  
of the statement or other information. 6230

(H) A taxpayer claiming a tax credit under this section shall 6231  
submit to the tax commissioner or, in the case of an insurance 6232  
company, to the superintendent of insurance, a copy of the 6233  
director of development services' certificate of verification 6234  
under division (E)(6) of this section with the taxpayer's tax 6235

report or return for the taxable year or for the calendar year 6236  
that includes the tax period. Failure to submit a copy of the 6237  
certificate with the report or return does not invalidate a claim 6238  
for a credit if the taxpayer submits a copy of the certificate to 6239  
the commissioner or superintendent within the time prescribed by 6240  
section 5703.0510 of the Revised Code or within thirty days after 6241  
the commissioner or superintendent requests it. 6242

(I) For the purposes of this section, a taxpayer may include 6243  
a partnership, a corporation that has made an election under 6244  
subchapter S of chapter one of subtitle A of the Internal Revenue 6245  
Code, or any other business entity through which income flows as a 6246  
distributive share to its owners. A partnership, S-corporation, or 6247  
other such business entity may elect to pass the credit received 6248  
under this section through to the persons to whom the income or 6249  
profit of the partnership, S-corporation, or other entity is 6250  
distributed. The election shall be made on the annual report 6251  
required under division (E)(5) of this section. The election 6252  
applies to and is irrevocable for the credit for which the report 6253  
is submitted. If the election is made, the credit shall be 6254  
apportioned among those persons in the same proportions as those 6255  
in which the income or profit is distributed. 6256

(J)(1) If the director of development services determines 6257  
that a taxpayer that received a certificate under division (E)(6) 6258  
of this section is not complying with the requirements of the 6259  
agreement, the director shall notify the tax credit authority of 6260  
the noncompliance. After receiving such a notice, and after giving 6261  
the taxpayer an opportunity to explain the noncompliance, the 6262  
authority may terminate the agreement and require the taxpayer, or 6263  
any related member or members that claimed the tax credit under 6264  
division (N) of this section, to refund to the state all or a 6265  
portion of the credit claimed in previous years, as follows: 6266

(a) If the taxpayer fails to comply with the requirement 6267

under division (E)(3) of this section, an amount determined in 6268  
accordance with the following: 6269

(i) If the taxpayer maintained operations at the project site 6270  
for less than or equal to the term of the credit, an amount not to 6271  
exceed one hundred per cent of the sum of any tax credits allowed 6272  
and received under this section. 6273

(ii) If the taxpayer maintained operations at the project 6274  
site longer than the term of the credit, but less than the greater 6275  
of seven years or the term of the credit plus three years, the 6276  
amount required to be refunded shall not exceed seventy-five per 6277  
cent of the sum of any tax credits allowed and received under this 6278  
section. 6279

(b) If the taxpayer fails to substantially maintain both the 6280  
number of full-time equivalent employees and the amount of Ohio 6281  
employee payroll required under the agreement at any time during 6282  
the term of the agreement or during the post-term reporting 6283  
period, an amount determined at the discretion of the authority. 6284

(2) If a taxpayer files for bankruptcy and fails as described 6285  
in division (J)(1)(a) or (b) of this section, the director may 6286  
immediately commence an action to recoup an amount not exceeding 6287  
one hundred per cent of the sum of any credits received by the 6288  
taxpayer under this section. 6289

(3) In determining the portion of the credit to be refunded 6290  
to this state, the authority shall consider the effect of market 6291  
conditions on the taxpayer's project and whether the taxpayer 6292  
continues to maintain other operations in this state. After making 6293  
the determination, the authority shall certify the amount to be 6294  
refunded to the tax commissioner or the superintendent of 6295  
insurance. If the taxpayer, or any related member or members who 6296  
claimed the tax credit under division (N) of this section, is not 6297  
an insurance company, the commissioner shall make an assessment 6298

for that amount against the taxpayer under Chapter 5726., 5733., 6299  
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 6300  
any related member or members that claimed the tax credit under 6301  
division (N) of this section, is an insurance company, the 6302  
superintendent of insurance shall make an assessment under section 6303  
5725.222 or 5729.102 of the Revised Code. The time limitations on 6304  
assessments under those chapters and sections do not apply to an 6305  
assessment under this division, but the commissioner or 6306  
superintendent shall make the assessment within one year after the 6307  
date the authority certifies to the commissioner or superintendent 6308  
the amount to be refunded. 6309

(K) The director of development services, after consultation 6310  
with the tax commissioner and the superintendent of insurance and 6311  
in accordance with Chapter 119. of the Revised Code, shall adopt 6312  
rules necessary to implement this section. The rules may provide 6313  
for recipients of tax credits under this section to be charged 6314  
fees to cover administrative costs of the tax credit program. The 6315  
fees collected shall be credited to the ~~business assistance tax~~ 6316  
incentives operating fund created in section 122.174 of the 6317  
Revised Code. At the time the director gives public notice under 6318  
division (A) of section 119.03 of the Revised Code of the adoption 6319  
of the rules, the director shall submit copies of the proposed 6320  
rules to the chairpersons of the standing committees on economic 6321  
development in the senate and the house of representatives. 6322

(L) On or before the first day of August of each year, the 6323  
director of development services shall submit a report to the 6324  
governor, the president of the senate, and the speaker of the 6325  
house of representatives on the tax credit program under this 6326  
section. The report shall include information on the number of 6327  
agreements that were entered into under this section during the 6328  
preceding calendar year, a description of the project that is the 6329  
subject of each such agreement, and an update on the status of 6330

projects under agreements entered into before the preceding 6331  
calendar year. 6332

(M) The aggregate amount of nonrefundable tax credits issued 6333  
under this section during any calendar year for capital investment 6334  
projects reviewed and approved by the tax credit authority may not 6335  
exceed the following amounts: 6336

(1) For 2010, thirteen million dollars; 6337

(2) For 2011 through 2023, the amount of the limit for the 6338  
preceding calendar year plus thirteen million dollars; 6339

(3) For 2024 and each year thereafter, one hundred 6340  
ninety-five million dollars. 6341

The limitations in division (M) of this section do not apply 6342  
to credits for capital investment projects approved by the tax 6343  
credit authority before July 1, 2009. 6344

(N) This division applies only to an eligible business that 6345  
is part of an affiliated group that includes a diversified savings 6346  
and loan holding company or a grandfathered unitary savings and 6347  
loan holding company, as those terms are defined in section 6348  
5726.01 of the Revised Code. Notwithstanding any contrary 6349  
provision of the agreement between such an eligible business and 6350  
the tax credit authority, any credit granted under this section 6351  
against the tax imposed by section 5725.18, 5729.03, 5733.06, 6352  
5747.02, or 5751.02 of the Revised Code to the eligible business, 6353  
at the election of the eligible business and without any action by 6354  
the tax credit authority, may be shared with any member or members 6355  
of the affiliated group that includes the eligible business, which 6356  
member or members may claim the credit against the taxes imposed 6357  
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 6358  
of the Revised Code. Credits shall be claimed by the eligible 6359  
business in sequential order, as applicable, first claiming the 6360  
credits to the fullest extent possible against the tax that the 6361

certificate holder is subject to, then against the tax imposed by, 6362  
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 6363  
lastly 5726.02 of the Revised Code. The credits may be allocated 6364  
among the members of the affiliated group in such manner as the 6365  
eligible business elects, but subject to the sequential order 6366  
required under this division. This division applies to credits 6367  
granted before, on, or after March 27, 2013, the effective date of 6368  
H.B. 510 of the 129th general assembly. Credits granted before 6369  
that effective date that are shared and allocated under this 6370  
division may be claimed in those calendar years in which the 6371  
remaining taxable years specified in the agreement end. 6372

As used in this division, "affiliated group" means a group of 6373  
two or more persons with fifty per cent or greater of the value of 6374  
each person's ownership interests owned or controlled directly, 6375  
indirectly, or constructively through related interests by common 6376  
owners during all or any portion of the taxable year, and the 6377  
common owners. "Affiliated group" includes, but is not limited to, 6378  
any person eligible to be included in a consolidated elected 6379  
taxpayer group under section 5751.011 of the Revised Code or a 6380  
combined taxpayer group under section 5751.012 of the Revised 6381  
Code. 6382

(O)(1) As used in division (O) of this section: 6383

(a) "Eligible agreement" means an agreement approved by the 6384  
tax credit authority under this section on or before December 31, 6385  
2013. 6386

(b) "Reporting period" means a period corresponding to the 6387  
annual report required under division (E)(5) of this section. 6388

(c) "Income tax revenue" has the same meaning as under 6389  
division (S) of section 122.17 of the Revised Code. 6390

(2) In calendar year 2016 and thereafter, the tax credit 6391  
authority shall annually determine a withholding adjustment factor 6392

to be used in the computation of income tax revenue for eligible 6393  
agreements. The withholding adjustment factor shall be a numerical 6394  
percentage that equals the percentage that employer income tax 6395  
withholding rates have been increased or decreased as a result of 6396  
changes in the income tax rates prescribed by section 5747.02 of 6397  
the Revised Code by amendment of that section taking effect on or 6398  
after June 29, 2013. 6399

(3) Except as provided in division (O)(4) of this section, 6400  
for reporting periods ending in 2015 and thereafter for taxpayers 6401  
subject to eligible agreements, the tax credit authority shall 6402  
adjust the income tax revenue reported on the taxpayer's annual 6403  
report by multiplying the withholding adjustment factor by the 6404  
taxpayer's income tax revenue and doing one of the following: 6405

(a) If the income tax rates prescribed by section 5747.02 of 6406  
the Revised Code have decreased by amendment of this section 6407  
taking effect on or after June 29, 2013, add the product to the 6408  
taxpayer's income tax revenue. 6409

(b) If the income tax rates prescribed by section 5747.02 of 6410  
the Revised Code have increased by amendment of this section 6411  
taking effect on or after June 29, 2013, subtract the product from 6412  
the taxpayer's income tax revenue. 6413

(4) Division (O)(3) of this section shall not apply unless 6414  
all of the following apply with respect to the eligible agreement: 6415

(a) The taxpayer has achieved one hundred per cent of the job 6416  
retention commitment identified in the agreement. 6417

(b) If applicable, the taxpayer has achieved one hundred per 6418  
cent of the payroll retention commitment identified in the 6419  
agreement. 6420

(c) If applicable, the taxpayer has achieved one hundred per 6421  
cent of the investment commitment identified in the agreement. 6422

(5) Failure by a taxpayer to have achieved any of the 6423  
applicable commitments described in divisions (O)(4)(a) to (c) of 6424  
this section in a reporting period does not disqualify the 6425  
taxpayer for the adjustment under division (O) of this section for 6426  
an ensuing reporting period. 6427

**Sec. 122.174.** There is hereby created in the state treasury 6428  
the ~~business assistance tax incentives operating~~ fund. The fund 6429  
shall consist of any amounts appropriated to it and money credited 6430  
to the fund pursuant to ~~division (I) of section 121.17, division~~ 6431  
~~(K) of section 122.17, 122.171, division (K) of section 122.175,~~ 6432  
~~division (C)(2) of section 122.85, division (C) of section 122.86,~~ 6433  
~~3735.672, and division (C) of section 5709.68, or 5725.33~~ of the 6434  
Revised Code. The director of development services shall use money 6435  
in the fund to pay expenses related to the administration of (A) 6436  
the business services division of the development services agency 6437  
and (B) the programs described in those sections. 6438

**Sec. 122.175.** (A) As used in this section: 6439

(1) "Capital investment project" means a plan of investment 6440  
at a project site for the acquisition, construction, renovation, 6441  
expansion, replacement, or repair of a computer data center or of 6442  
computer data center equipment, but does not include any of the 6443  
following: 6444

(a) Project costs paid before a date determined by the tax 6445  
credit authority for each capital investment project; 6446

(b) Payments made to a related member as defined in section 6447  
5733.042 of the Revised Code or to a consolidated elected taxpayer 6448  
or a combined taxpayer as defined in section 5751.01 of the 6449  
Revised Code. 6450

(2) "Computer data center" means a facility used or to be 6451  
used primarily to house computer data center equipment used or to 6452

be used in conducting one or more computer data center businesses, 6453  
as determined by the tax credit authority. 6454

(3) "Computer data center business" means, as may be further 6455  
determined by the tax credit authority, a business that provides 6456  
electronic information services as defined in division (Y)(1)(c) 6457  
of section 5739.01 of the Revised Code, or that leases a facility 6458  
to one or more such businesses. "Computer data center business" 6459  
does not include providing electronic publishing as defined in 6460  
~~division (LLL)~~ of that section. 6461

(4) "Computer data center equipment" means tangible personal 6462  
property used or to be used for any of the following: 6463

(a) To conduct a computer data center business, including 6464  
equipment cooling systems to manage the performance of computer 6465  
data center equipment; 6466

(b) To generate, transform, transmit, distribute, or manage 6467  
electricity necessary to operate the tangible personal property 6468  
used or to be used in conducting a computer data center business; 6469

(c) As building and construction materials sold to 6470  
construction contractors for incorporation into a computer data 6471  
center. 6472

(5) "Eligible computer data center" means a computer data 6473  
center that satisfies all of the following requirements: 6474

(a) One or more taxpayers operating a computer data center 6475  
business at the project site will, in the aggregate, make payments 6476  
for a capital investment project of at least one hundred million 6477  
dollars at the project site during one of the following cumulative 6478  
periods: 6479

(i) For projects beginning in 2013, ~~five~~ six consecutive 6480  
calendar years; 6481

(ii) For projects beginning in 2014, four consecutive 6482

calendar years; 6483

(iii) For projects beginning in or after 2015, three 6484  
consecutive calendar years. 6485

(b) One or more taxpayers operating a computer data center 6486  
business at the project site will, in the aggregate, pay annual 6487  
compensation that is subject to the withholding obligation imposed 6488  
under section 5747.06 of the Revised Code of at least one million 6489  
five hundred thousand dollars to employees employed at the project 6490  
site for each year of the agreement beginning on or after the 6491  
first day of the twenty-fifth month after the agreement was 6492  
entered into under this section. 6493

(6) "Person" has the same meaning as in section 5701.01 of 6494  
the Revised Code. 6495

(7) "Project site," "related member," and "tax credit 6496  
authority" have the same meanings as in sections 122.17 and 6497  
122.171 of the Revised Code. 6498

(8) "Taxpayer" means any person subject to the taxes imposed 6499  
under Chapters 5739. and 5741. of the Revised Code. 6500

(B) The tax credit authority may completely or partially 6501  
exempt from the taxes levied under Chapters 5739. and 5741. of the 6502  
Revised Code the sale, storage, use, or other consumption of 6503  
computer data center equipment used or to be used at an eligible 6504  
computer data center. Any such exemption shall extend to charges 6505  
for the delivery, installation, or repair of the computer data 6506  
center equipment subject to the exemption under this section. 6507

(C) A taxpayer that proposes a capital improvement project 6508  
for an eligible computer data center in this state may apply to 6509  
the tax credit authority to enter into an agreement under this 6510  
section authorizing a complete or partial exemption from the taxes 6511  
imposed under Chapters 5739. and 5741. of the Revised Code on 6512  
computer data center equipment purchased by the applicant or any 6513

other taxpayer that operates a computer data center business at 6514  
the project site and used or to be used at the eligible computer 6515  
data center. The director of development services shall prescribe 6516  
the form of the application. After receipt of an application, the 6517  
authority shall forward copies of the application to the director 6518  
of budget and management and the tax commissioner, each of whom 6519  
shall review the application to determine the economic impact that 6520  
the proposed eligible computer data center would have on the state 6521  
and any affected political subdivisions and submit to the 6522  
authority a summary of their determinations. The authority shall 6523  
also forward a copy of the application to the director of 6524  
development services who shall review the application to determine 6525  
the economic impact that the proposed eligible computer data 6526  
center would have on the state and the affected political 6527  
subdivisions and shall submit a summary of their determinations 6528  
and recommendations to the authority. 6529

(D) Upon review and consideration of such determinations and 6530  
recommendations, the tax credit authority may enter into an 6531  
agreement with the applicant and any other taxpayer that operates 6532  
a computer data center business at the project site for a complete 6533  
or partial exemption from the taxes imposed under Chapters 5739. 6534  
and 5741. of the Revised Code on computer data center equipment 6535  
used or to be used at an eligible computer data center if the 6536  
authority determines all of the following: 6537

(1) The capital investment project for the eligible computer 6538  
data center will increase payroll and the amount of income taxes 6539  
to be withheld from employee compensation pursuant to section 6540  
5747.06 of the Revised Code. 6541

(2) The applicant is economically sound and has the ability 6542  
to complete or effect the completion of the proposed capital 6543  
investment project. 6544

(3) The applicant intends to and has the ability to maintain 6545

operations at the project site for the term of the agreement. 6546

(4) Receiving the exemption is a major factor in the 6547  
applicant's decision to begin, continue with, or complete the 6548  
capital investment project. 6549

(E) An agreement entered into under this section shall 6550  
include all of the following: 6551

(1) A detailed description of the capital investment project 6552  
that is the subject of the agreement, including the amount of the 6553  
investment, the period over which the investment has been or is 6554  
being made, the annual compensation to be paid by each taxpayer 6555  
subject to the agreement to its employees at the project site, and 6556  
the anticipated amount of income taxes to be withheld from 6557  
employee compensation pursuant to section 5747.06 of the Revised 6558  
Code. 6559

(2) The percentage of the exemption from the taxes imposed 6560  
under Chapters 5739. and 5741. of the Revised Code for the 6561  
computer data center equipment used or to be used at the eligible 6562  
computer data center, the length of time the computer data center 6563  
equipment will be exempted, and the first date on which the 6564  
exemption applies. 6565

(3) A requirement that the computer data center remain an 6566  
eligible computer data center during the term of the agreement and 6567  
that the applicant maintain operations at the eligible computer 6568  
data center during that term. An applicant does not violate the 6569  
requirement described in division (E)(3) of this section if the 6570  
applicant ceases operations at the eligible computer data center 6571  
during the term of the agreement but resumes those operations 6572  
within eighteen months after the date of cessation. The agreement 6573  
shall provide that, in such a case, the applicant and any other 6574  
taxpayer that operates a computer data center business at the 6575  
project site shall not claim the tax exemption authorized in the 6576

agreement for any purchase of computer data center equipment made 6577  
during the period in which the applicant did not maintain 6578  
operations at the eligible computer data center. 6579

(4) A requirement that, for each year of the term of the 6580  
agreement beginning on or after the first day of the twenty-fifth 6581  
month after the date the agreement was entered into, one or more 6582  
taxpayers operating a computer data center business at the project 6583  
site will, in the aggregate, pay annual compensation that is 6584  
subject to the withholding obligation imposed under section 6585  
5747.06 of the Revised Code of at least one million five hundred 6586  
thousand dollars to employees at the eligible computer data 6587  
center. 6588

(5) A requirement that each taxpayer subject to the agreement 6589  
annually report to the director of development services 6590  
employment, tax withholding, capital investment, and other 6591  
information required by the director to perform the director's 6592  
duties under this section. 6593

(6) A requirement that the director of development services 6594  
annually review the annual reports of each taxpayer subject to the 6595  
agreement to verify the information reported under division (E)(5) 6596  
of this section and compliance with the agreement. Upon 6597  
verification, the director shall issue a certificate to each such 6598  
taxpayer stating that the information has been verified and that 6599  
the taxpayer remains eligible for the exemption specified in the 6600  
agreement. 6601

(7) A provision providing that the taxpayers subject to the 6602  
agreement may not relocate a substantial number of employment 6603  
positions from elsewhere in this state to the project site unless 6604  
the director of development services determines that the 6605  
appropriate taxpayer notified the legislative authority of the 6606  
county, township, or municipal corporation from which the 6607  
employment positions would be relocated. For purposes of this 6608

paragraph, the movement of an employment position from one 6609  
political subdivision to another political subdivision shall be 6610  
considered a relocation of an employment position unless the 6611  
movement is confined to the project site. The transfer of an 6612  
employment position from one political subdivision to another 6613  
political subdivision shall not be considered a relocation of an 6614  
employment position if the employment position in the first 6615  
political subdivision is replaced by another employment position. 6616

(8) A waiver by each taxpayer subject to the agreement of any 6617  
limitations periods relating to assessments or adjustments 6618  
resulting from the taxpayer's failure to comply with the 6619  
agreement. 6620

(F) The term of an agreement under this section shall be 6621  
determined by the tax credit authority, and the amount of the 6622  
exemption shall not exceed one hundred per cent of such taxes that 6623  
would otherwise be owed in respect to the exempted computer data 6624  
center equipment. 6625

(G) If any taxpayer subject to an agreement under this 6626  
section fails to meet or comply with any condition or requirement 6627  
set forth in the agreement, the tax credit authority may amend the 6628  
agreement to reduce the percentage of the exemption or term during 6629  
which the exemption applies to the computer data center equipment 6630  
used or to be used by the noncompliant taxpayer at an eligible 6631  
computer data center. The reduction of the percentage or term may 6632  
take effect in the current calendar year. 6633

(H) Financial statements and other information submitted to 6634  
the department of development services or the tax credit authority 6635  
by an applicant for or recipient of an exemption under this 6636  
section, and any information taken for any purpose from such 6637  
statements or information, are not public records subject to 6638  
section 149.43 of the Revised Code. However, the chairperson of 6639  
the authority may make use of the statements and other information 6640

for purposes of issuing public reports or in connection with court 6641  
proceedings concerning tax exemption agreements under this 6642  
section. Upon the request of the tax commissioner, the chairperson 6643  
of the authority shall provide to the tax commissioner any 6644  
statement or other information submitted by an applicant for or 6645  
recipient of an exemption under this section. The tax commissioner 6646  
shall preserve the confidentiality of the statement or other 6647  
information. 6648

(I) The tax commissioner shall issue a direct payment permit 6649  
under section 5739.031 of the Revised Code to each taxpayer 6650  
subject to an agreement under this section. Such direct payment 6651  
permit shall authorize the taxpayer to pay any sales and use taxes 6652  
due on purchases of computer data center equipment used or to be 6653  
used in an eligible computer data center and to pay any sales and 6654  
use taxes due on purchases of tangible personal property or 6655  
taxable services other than computer data center equipment used or 6656  
to be used in an eligible computer data center directly to the tax 6657  
commissioner. Each such taxpayer shall pay pursuant to such direct 6658  
payment permit all sales tax levied on such purchases under 6659  
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 6660  
Code and all use tax levied on such purchases under sections 6661  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 6662  
consistent with the terms of the agreement entered into under this 6663  
section. 6664

During the term of an agreement under this section each 6665  
taxpayer subject to the agreement shall submit to the tax 6666  
commissioner a return that shows the amount of computer data 6667  
center equipment purchased for use at the eligible computer data 6668  
center, the amount of tangible personal property and taxable 6669  
services other than computer data center equipment purchased for 6670  
use at the eligible computer data center, the amount of tax under 6671  
Chapter 5739. or 5741. of the Revised Code that would be due in 6672

the absence of the agreement under this section, the exemption 6673  
percentage for computer data center equipment specified in the 6674  
agreement, and the amount of tax due under Chapter 5739. or 5741. 6675  
of the Revised Code as a result of the agreement under this 6676  
section. Each such taxpayer shall pay the tax shown on the return 6677  
to be due in the manner and at the times as may be further 6678  
prescribed by the tax commissioner. Each such taxpayer shall 6679  
include a copy of the director of development services' 6680  
certificate of verification issued under division (E)(6) of this 6681  
section. Failure to submit a copy of the certificate with the 6682  
return does not invalidate the claim for exemption if the taxpayer 6683  
submits a copy of the certificate to the tax commissioner within 6684  
~~sixty days after the tax commissioner requests it~~ the time 6685  
prescribed by section 5703.0510 of the Revised Code. 6686

(J) If the director of development services determines that 6687  
one or more taxpayers received an exemption from taxes due on the 6688  
purchase of computer data center equipment purchased for use at a 6689  
computer data center that no longer complies with the requirement 6690  
under division (E)(3) of this section, the director shall notify 6691  
the tax credit authority and, if applicable, the taxpayer that 6692  
applied to enter the agreement for the exemption under division 6693  
(C) of this section of the noncompliance. After receiving such a 6694  
notice, and after giving each taxpayer subject to the agreement an 6695  
opportunity to explain the noncompliance, the authority may 6696  
terminate the agreement and require each such taxpayer to pay to 6697  
the state all or a portion of the taxes that would have been owed 6698  
in regards to the exempt equipment in previous years, all as 6699  
determined under rules adopted pursuant to division (K) of this 6700  
section. In determining the portion of the taxes that would have 6701  
been owed on the previously exempted equipment to be paid to this 6702  
state by a taxpayer, the authority shall consider the effect of 6703  
market conditions on the eligible computer data center, whether 6704  
the taxpayer continues to maintain other operations in this state, 6705

and, with respect to agreements involving multiple taxpayers, the taxpayer's level of responsibility for the noncompliance. After making the determination, the authority shall certify to the tax commissioner the amount to be paid by each taxpayer subject to the agreement. The tax commissioner shall make an assessment for that amount against each such taxpayer under Chapter 5739. or 5741. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the tax commissioner shall make the assessment within one year after the date the authority certifies to the tax commissioner the amount to be paid by the taxpayer.

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

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

update on the status of eligible computer data centers under 6738  
agreements entered into before the preceding calendar year. 6739

(M) A taxpayer may be made a party to an existing agreement 6740  
entered into under this section by the tax credit authority and 6741  
another taxpayer or group of taxpayers. In such a case, the 6742  
taxpayer shall be entitled to all benefits and bound by all 6743  
obligations contained in the agreement and all requirements 6744  
described in this section. When an agreement includes multiple 6745  
taxpayers, each taxpayer shall be entitled to a direct payment 6746  
permit as authorized in division (I) of this section. 6747

**Sec. 122.33.** The director of development services shall 6748  
administer the following programs: 6749

(A) The industrial technology and enterprise development 6750  
grant program, to provide capital to acquire, construct, enlarge, 6751  
improve, or equip and to sell, lease, exchange, and otherwise 6752  
dispose of property, structures, equipment, and facilities within 6753  
the state. 6754

Such funding may be made to enterprises that propose to 6755  
develop new products or technologies when the director finds all 6756  
of the following factors to be present: 6757

(1) The undertaking will benefit the people of the state by 6758  
creating or preserving jobs and employment opportunities or 6759  
improving the economic welfare of the people of the state, and 6760  
promoting the development of new technology. 6761

(2) There is reasonable assurance that the potential 6762  
royalties to be derived from the sale of the product or process 6763  
described in the proposal will be sufficient to repay the funding 6764  
pursuant to sections 122.28 and 122.30 to 122.36 of the Revised 6765  
Code and that, in making the agreement, as it relates to patents, 6766  
copyrights, and other ownership rights, there is reasonable 6767

assurance that the resulting new technology will be utilized to 6768  
the maximum extent possible in facilities located in Ohio. 6769

(3) The technology and research to be undertaken will allow 6770  
enterprises to compete more effectively in the marketplace. Grants 6771  
of capital may be in such form and conditioned upon such terms as 6772  
the director deems appropriate. 6773

(B) The industrial technology and enterprise resources 6774  
program to provide for the collection, dissemination, and exchange 6775  
of information regarding equipment, facilities, and business 6776  
planning consultation resources available in business, industry, 6777  
and educational institutions and to establish methods by which 6778  
small businesses may use available facilities and resources. The 6779  
methods may include, but need not be limited to, leases 6780  
reimbursing the educational institutions for their actual costs 6781  
incurred in maintaining the facilities and agreements assigning 6782  
royalties from development of successful products or processes 6783  
through the use of the facilities and resources. The director 6784  
shall operate this program in conjunction with the board of 6785  
regents. 6786

(C) The Thomas Alva Edison grant program to provide grants to 6787  
foster research, development, or technology transfer efforts 6788  
involving enterprises and educational institutions that will lead 6789  
to the creation of jobs. 6790

(1) Grants may be made to a nonprofit organization or a 6791  
public or private educational institution, department, college, 6792  
institute, faculty member, or other administrative subdivision or 6793  
related entity of an educational institution when the director 6794  
finds that the undertaking will benefit the people of the state by 6795  
supporting research in advanced technology areas likely to improve 6796  
the economic welfare of the people of the state through promoting 6797  
the development of new commercial technology. 6798

(2) Grants may be made in a form and conditioned upon terms 6799  
as the director considers appropriate. 6800

(3) Grants Except as provided in division (C)(4) of this 6801  
section, grants made under this program shall ~~in all instances~~ be 6802  
in conjunction with a contribution to the project by a cooperating 6803  
enterprise which maintains or proposes to maintain a relevant 6804  
research, development, or manufacturing facility in the state, by 6805  
a nonprofit organization, or by an educational institution or 6806  
related entity; however, funding provided by an educational 6807  
institution or related entity shall not be from general revenue 6808  
funds appropriated by the Ohio general assembly. No grant made 6809  
under this program shall exceed the contribution made by the 6810  
cooperating enterprise, nonprofit organization, or educational 6811  
institution or related entity. The director may consider 6812  
cooperating contributions in the form of state of the art new 6813  
equipment or in other forms provided the director determines that 6814  
the contribution is essential to the successful implementation of 6815  
the project. The director may adopt rules or guidelines for the 6816  
valuation of contributions of equipment or other property. 6817

(4) At the director's sole discretion, the requirement for a 6818  
cooperating contribution under division (C)(3) of this section may 6819  
be waived if the project will enable Ohio companies to access new 6820  
technology applications. 6821

(5) The director may determine fields of research from which 6822  
grant applications will be accepted under this program. 6823

(6) For purposes of division (C) of this section: 6824

(a) "New technology applications" means providing existing 6825  
technology proven in at least one commercial environment to 6826  
companies that have not done the following: 6827

(i) Used the technology; 6828

(ii) Used the technology for the purpose it was originally 6829

created. 6830

(b) "Ohio companies" means companies in which the principal 6831  
place of business is in this state or that propose to be engaged 6832  
in research and development, manufacturing, or provisioning of 6833  
products or services within the state. 6834

**Sec. 122.641.** (A)(1) There is hereby created the lakes in 6835  
economic distress revolving loan program to assist businesses and 6836  
other entities that are adversely affected due to economic 6837  
circumstances that result in the declaration of a lake as an area 6838  
under economic distress by the director of natural resources under 6839  
division (A)(2) of this section. The director of development 6840  
services shall administer the program. 6841

(2) The director of natural resources shall do both of the 6842  
following: 6843

(a) Declare a lake as an area under economic distress. The 6844  
director shall declare a lake as an area under economic distress 6845  
based solely on environmental or safety issues, including the 6846  
closure of a dam for safety reasons. 6847

(b) Subsequently declare a lake as an area no longer under 6848  
economic distress when the environmental or safety issues, as 6849  
applicable, have been resolved. 6850

(B) There is hereby created in the state treasury the lakes 6851  
in economic distress revolving loan fund. The fund shall consist 6852  
of money appropriated to it, all payments of principal and 6853  
interest on loans made from the fund, and all investment earnings 6854  
on money in the fund. The director of development services shall 6855  
use money in the fund to make loans under this section, provided 6856  
that the loans shall be zero interest loans during the time that 6857  
an applicable lake has been declared an area under economic 6858  
distress under division (A)(2)(a) of this section. 6859

(C) The director shall adopt rules in accordance with Chapter 6860  
119. of the Revised that do both of the following: 6861

(1) Establish requirements and procedures for the making of 6862  
loans under this section, including all of the following: 6863

(a) Eligibility criteria; 6864

(b) Application procedures; 6865

(c) Criteria for approval or disapproval of loans, including 6866  
a stipulation that an applicant must demonstrate that the loan 6867  
will help to achieve long-term economic stability in the area; 6868

(d) Criteria for repayment of the loans, including the 6869  
establishment of an interest rate that does not exceed two points 6870  
less than prime after an applicable lake has been declared as an 6871  
area no longer under economic distress under division (A)(2)(b) of 6872  
this section. 6873

The eligibility criteria established by the director shall 6874  
not require applicants to experience a reduction in gross revenue 6875  
for a defined period of greater than ten per cent. 6876

Any material provided to the development services agency by 6877  
an applicant is not a public record for the purposes of section 6878  
149.43 of the Revised Code and shall remain confidential. 6879

(2) Establish any other provisions necessary to administer 6880  
this section. 6881

(D) In administering the program, the director shall assist 6882  
businesses and other entities in determining the amount of loans 6883  
needed. 6884

**Sec. 122.85.** (A) As used in this section and in sections 6885  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 6886

(1) "Tax credit-eligible production" means a motion picture 6887  
production certified by the director of development services under 6888

division (B) of this section as qualifying the motion picture 6889  
company for a tax credit under section 5726.55, 5733.59, 5747.66, 6890  
or 5751.54 of the Revised Code. 6891

(2) "Certificate owner" means a motion picture company to 6892  
which a tax credit certificate is issued or a person to which the 6893  
company has transferred under division (H) of this section the 6894  
authority to claim all or a part of the tax credit authorized by 6895  
that certificate. 6896

(3) "Motion picture company" means an individual, 6897  
corporation, partnership, limited liability company, or other form 6898  
of business association producing a motion picture. 6899

(4) "Eligible production expenditures" means expenditures 6900  
made after June 30, 2009, for goods or services purchased and 6901  
consumed in this state by a motion picture company directly for 6902  
the production of a tax credit-eligible production. 6903

"Eligible production expenditures" includes, but is not 6904  
limited to, expenditures for cast and crew wages, accommodations, 6905  
costs of set construction and operations, editing and related 6906  
services, photography, sound synchronization, lighting, wardrobe, 6907  
makeup and accessories, film processing, transfer, sound mixing, 6908  
special and visual effects, music, location fees, and the purchase 6909  
or rental of facilities and equipment. 6910

(5) "Motion picture" means entertainment content created in 6911  
whole or in part within this state for distribution or exhibition 6912  
to the general public, including, but not limited to, 6913  
feature-length films; documentaries; long-form, specials, 6914  
miniseries, series, and interstitial television programming; 6915  
interactive web sites; sound recordings; videos; music videos; 6916  
interactive television; interactive games; video games; 6917  
commercials; any format of digital media; and any trailer, pilot, 6918  
video teaser, or demo created primarily to stimulate the sale, 6919

marketing, promotion, or exploitation of future investment in 6920  
either a product or a motion picture by any means and media in any 6921  
digital media format, film, or videotape, provided the motion 6922  
picture qualifies as a motion picture. "Motion picture" does not 6923  
include any television program created primarily as news, weather, 6924  
or financial market reports, a production featuring current events 6925  
or sporting events, an awards show or other gala event, a 6926  
production whose sole purpose is fundraising, a long-form 6927  
production that primarily markets a product or service or in-house 6928  
corporate advertising or other similar productions, a production 6929  
for purposes of political advocacy, or any production for which 6930  
records are required to be maintained under 18 U.S.C. 2257 with 6931  
respect to sexually explicit content. 6932

(B) For the purpose of encouraging and developing a strong 6933  
film industry in this state, the director of development services 6934  
may certify a motion picture produced by a motion picture company 6935  
as a tax credit-eligible production. In the case of a television 6936  
series, the director may certify the production of each episode of 6937  
the series as a separate tax credit-eligible production. A motion 6938  
picture company shall apply for certification of a motion picture 6939  
as a tax credit-eligible production on a form and in the manner 6940  
prescribed by the director. Each application shall include the 6941  
following information: 6942

(1) The name and telephone number of the motion picture 6943  
production company; 6944

(2) The name and telephone number of the company's contact 6945  
person; 6946

(3) A list of the first preproduction date through the last 6947  
production date in Ohio; 6948

(4) The Ohio production office address and telephone number; 6949

(5) The total production budget of the motion picture; 6950

- (6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture; 6951  
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6953
- (7) The total percentage of the motion picture being shot in Ohio; 6954  
6955
- (8) The level of employment of cast and crew who reside in Ohio; 6956  
6957
- (9) A synopsis of the script; 6958
- (10) The shooting script; 6959
- (11) A creative elements list that includes the names of the principal cast and crew and the producer and director; 6960  
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- (12) Documentation of financial ability to undertake and complete the motion picture, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget of the motion picture; 6962  
6963  
6964  
6965
- (13) Estimated value of the tax credit based upon total budgeted eligible production expenditures; 6966  
6967
- (14) Any other information considered necessary by the director. 6968  
6969
- Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the request of the director of development services, the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification. 6970  
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(C)(1) A motion picture company whose motion picture has been certified as a tax credit-eligible production may apply to the director of development services on or after July 1, 2009, for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.

The credit is determined as follows:

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

(b) If the total budgeted eligible production expenditures stated in the application submitted under division (B) of this section or the actual eligible production expenditures as finally determined under division (D) of this section, whichever is least, is greater than three hundred thousand dollars, the credit equals thirty per cent of the least of such budgeted or actual eligible expenditure amounts.

(2) Except as provided in division (C)(4) of this section, if the director of development services approves a motion picture company's application for a credit, the director shall issue a tax credit certificate to the company. The director in consultation with the tax commissioner shall prescribe the form and manner of issuing certificates. The director shall assign a unique identifying number to each tax credit certificate and shall record the certificate in a register devised and maintained by the director for that purpose. The certificate shall state the amount of the eligible production expenditures on which the credit is

based and the amount of the credit. Upon the issuance of a 7013  
certificate, the director shall certify to the tax commissioner 7014  
the name of the applicant, the amount of eligible production 7015  
expenditures shown on the certificate, and any other information 7016  
required by the rules adopted to administer this section. 7017

(3) The amount of eligible production expenditures for which 7018  
a tax credit may be claimed is subject to inspection and 7019  
examination by the tax commissioner or employees of the 7020  
commissioner under section 5703.19 of the Revised Code and any 7021  
other applicable law. Once the eligible production expenditures 7022  
are finally determined under section 5703.19 of the Revised Code 7023  
and division (D) of this section, the credit amount is not subject 7024  
to adjustment unless the director determines an error was 7025  
committed in the computation of the credit amount. 7026

(4) No tax credit certificate may be issued before the 7027  
completion of the tax credit-eligible production. Not more than 7028  
forty million dollars of tax credit may be allowed per fiscal year 7029  
beginning July 1, 2016, provided that, for any fiscal year in 7030  
which the amount of tax credits allowed under this section is less 7031  
than that maximum annual amount, the amount not allowed for that 7032  
fiscal year shall be added to the maximum annual amount that may 7033  
be allowed for the following fiscal year. 7034

(5) In approving applications for tax credits under this 7035  
section, the director shall give priority to tax-credit eligible 7036  
productions that are television series or miniseries. 7037

(D) A motion picture company whose motion picture has been 7038  
certified as a tax credit-eligible production shall engage, at the 7039  
company's expense, an independent certified public accountant to 7040  
examine the company's production expenditures to identify the 7041  
expenditures that qualify as eligible production expenditures. The 7042  
certified public accountant shall issue a report to the company 7043  
and to the director of development services certifying the 7044

company's eligible production expenditures and any other 7045  
information required by the director. Upon receiving and examining 7046  
the report, the director may disallow any expenditure the director 7047  
determines is not an eligible production expenditure. If the 7048  
director disallows an expenditure, the director shall issue a 7049  
written notice to the motion picture production company stating 7050  
that the expenditure is disallowed and the reason for the 7051  
disallowance. Upon examination of the report and disallowance of 7052  
any expenditures, the director shall determine finally the lesser 7053  
of the total budgeted eligible production expenditures stated in 7054  
the application submitted under division (B) of this section or 7055  
the actual eligible production expenditures for the purpose of 7056  
computing the amount of the credit. 7057

(E) No credit shall be allowed under section 5726.55, 7058  
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 7059  
director has reviewed the report and made the determination 7060  
prescribed by division (D) of this section. 7061

(F) This state reserves the right to refuse the use of this 7062  
state's name in the credits of any tax credit-eligible motion 7063  
picture production. 7064

(G)(1) The director of development services in consultation 7065  
with the tax commissioner shall adopt rules for the administration 7066  
of this section, including rules setting forth and governing the 7067  
criteria for determining whether a motion picture production is a 7068  
tax credit-eligible production; activities that constitute the 7069  
production of a motion picture; reporting sufficient evidence of 7070  
reviewable progress; expenditures that qualify as eligible 7071  
production expenditures; a competitive process for approving 7072  
credits; consideration of geographic distribution of credits; and 7073  
implementation of the program described in division (I) of this 7074  
section. The rules shall be adopted under Chapter 119. of the 7075  
Revised Code. 7076

(2) ~~The~~ To cover the administrative costs of the program, the 7077  
director ~~may~~ shall require a ~~reasonable~~ each applicant to pay an 7078  
application fee ~~to cover administrative costs of the tax credit~~ 7079  
~~program~~ equal to the lesser of ten thousand dollars or one per 7080  
cent of the estimated value of the tax credit as stated in the 7081  
application. The fees collected shall be credited to the ~~business~~ 7082  
~~assistance~~ tax incentives operating fund created in section 7083  
122.174 of the Revised Code. All grants, gifts, fees, and 7084  
contributions made to the director for marketing and promotion of 7085  
the motion picture industry within this state shall also be 7086  
credited to the fund. ~~The director shall use money in the fund to~~ 7087  
~~pay expenses related to the administration of the Ohio film office~~ 7088  
~~and the credit authorized by this section and sections 5726.55,~~ 7089  
~~5733.59, 5747.66, and 5751.54 of the Revised Code.~~ 7090

(H)(1) After the director of development services makes the 7091  
determination required under division (D) of this section, a 7092  
motion picture company to which a tax credit certificate is issued 7093  
may transfer the authority to claim all or a portion of the amount 7094  
of the tax credit the motion picture company is authorized to 7095  
claim pursuant to that certificate under section 5726.55, 5733.59, 7096  
5747.66, or 5751.54 of the Revised Code to one or more other 7097  
persons. Within thirty days after a transfer under this division, 7098  
the motion picture company shall submit the following information 7099  
to the director, on a form prescribed by the director: 7100

(a) Information necessary for the director to identify the 7101  
certificate that is the basis for the transfer; 7102

(b) The portion or amount of the tax credit transferred to 7103  
each transferee; 7104

(c) The portion or amount of the tax credit that the motion 7105  
picture company retains the authority to claim; 7106

(d) The tax identification number of each transferee; 7107

(e) The date of the transfer; 7108

(f) Any other information required by the director; 7109

(g) Any information required by the tax commissioner. 7110

The director shall deliver a copy of any submission received 7111  
under division (H)(1) of this section to the tax commissioner. 7112

(2) A transferee may not claim a credit under section 7113  
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 7114  
and until the transferring motion picture company complies with 7115  
division (H)(1) of this section. A transferee may claim the 7116  
transferred amount of any credit or portion of a credit for the 7117  
same taxable year or tax period for which the transferring motion 7118  
picture company was authorized to claim the credit or portion of a 7119  
credit pursuant to the certificate. A motion picture company shall 7120  
make no transfer under division (H)(1) of this section after the 7121  
last day of the tax period or taxable year for which the motion 7122  
picture company is required to claim the credit pursuant to the 7123  
certificate. 7124

A motion picture company may make not more than one transfer 7125  
under division (H)(1) of this section for each tax credit 7126  
certificate, but pursuant to that transaction, may allocate the 7127  
authority to claim a portion of the credit to more than one 7128  
transferee. A motion picture company may not authorize more than 7129  
one transferee to claim the same portion of a credit. 7130

(I) The director of development services shall establish a 7131  
program for the training of Ohio residents who are or wish to be 7132  
employed in the film or multimedia industry. Under the program, 7133  
the director shall: 7134

(1) Certify individuals as film and multimedia trainees. In 7135  
order to receive such a certification, an individual must be an 7136  
Ohio resident, have participated in relevant on-the-job training 7137  
or have completed a relevant training course approved by the 7138

director, and have met any other requirements established by the 7139  
director. 7140

(2) Accept applications from motion picture companies that 7141  
intend to hire and provide on-the-job training to one or more 7142  
certified film and multimedia trainees who will be employed in the 7143  
company's tax credit-eligible production. 7144

(3) Upon completion of a tax-credit eligible production, and 7145  
upon the receipt of any salary information and other documentation 7146  
required by the director, authorize a reimbursement payment to 7147  
each motion picture company whose application was approved under 7148  
division (I)(2) of this section. The payment shall equal fifty per 7149  
cent of the salaries paid to film and multimedia trainees employed 7150  
in the production. 7151

**Sec. 122.86.** (A) As used in this section and section 5747.81 7152  
of the Revised Code: 7153

(1) "Small business enterprise" means a corporation, 7154  
pass-through entity, or other person satisfying all of the 7155  
following: 7156

(a) At the time of a qualifying investment, the enterprise 7157  
meets all of the following requirements: 7158

(i) Has no outstanding tax or other liabilities owed to the 7159  
state; 7160

(ii) Is in good standing with the secretary of state, if the 7161  
enterprise is required to be registered with the secretary; 7162

(iii) Is current with any court-ordered payments; 7163

(iv) Is not engaged in any illegal activity. 7164

(b) At the time of a qualifying investment, the enterprise's 7165  
assets according to generally accepted accounting principles do 7166  
not exceed fifty million dollars, or its annual sales do not 7167

exceed ten million dollars. When making this determination, the 7168  
assets and annual sales of all of the enterprise's related or 7169  
affiliated entities shall be included in the calculation. 7170

(c) The enterprise employs at least fifty full-time 7171  
equivalent employees in this state for whom the enterprise is 7172  
required to withhold income tax under section 5747.06 of the 7173  
Revised Code, or more than one-half the enterprise's total number 7174  
of full-time equivalent employees employed anywhere in the United 7175  
States are employed in this state and are subject to that 7176  
withholding requirement. 7177

(d) The enterprise, within six months after an eligible 7178  
investor's qualifying investment is made, invests in or incurs 7179  
cost for one or more of the following in an amount at least equal 7180  
to the amount of the qualifying investment: 7181

(i) Tangible personal property, other than motor vehicles 7182  
operated on public roads and highways, used in business and 7183  
physically located in this state from the time of its acquisition 7184  
by the enterprise until the end of the investor's holding period; 7185

(ii) Motor vehicles operated on public roads and highways if, 7186  
from the time of acquisition by the enterprise until the end of 7187  
the investor's holding period, the motor vehicles are purchased in 7188  
this state, registered in this state under Chapter 4503. of the 7189  
Revised Code, are used primarily for business purposes, and are 7190  
necessary for the operation of the enterprise's business; 7191

(iii) Real property located in this state that is used in 7192  
business from the time of its acquisition by the enterprise until 7193  
the end of the holding period; 7194

(iv) Intangible personal property, including patents, 7195  
copyrights, trademarks, service marks, or licenses used in 7196  
business primarily in this state from the time of its acquisition 7197  
by the enterprise until the end of the holding period; 7198

(v) Compensation for new employees of the enterprise for whom the enterprise is required to withhold income tax under section 5747.06 of the Revised Code, not including increased compensation for owners, officers, or managers of the enterprise. For this purpose compensation for new employees includes compensation for newly hired or retained employees.

(2) "Qualifying investment" means an investment of money made on or after July 1, 2011, to acquire capital stock or other equity interest in a small business enterprise. "Qualifying investment" does not include either of the following:

(a) Any investment of money an eligible investor derives, directly or indirectly, from a grant or loan from the federal government or the state or a political subdivision, including the third frontier program under Chapter 184. of the Revised Code;

(b) Any investment of money which is the basis of a tax credit granted under any other section of the Revised Code.

(3) "Eligible investor" means an individual, estate, or trust subject to the tax imposed by section 5747.02 of the Revised Code, or a pass-through entity in which such an individual, estate, or trust holds a direct or indirect ownership or other equity interest. To qualify as an eligible investor, the individual, estate, trust, or pass-through entity shall not owe any outstanding tax or other liability to the state at the time of a qualifying investment.

(4) "Holding period" means the two-year period beginning on the day a qualifying investment is made.

(5) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(B) Any eligible investor that makes a qualifying investment in a small business enterprise on or after July 1, 2011, may apply to the director of development services to obtain a small business

investment certificate from the director. Alternatively, a small 7230  
business enterprise may apply on behalf of eligible investors to 7231  
obtain the certificates for those investors. The director, in 7232  
consultation with the tax commissioner, shall prescribe the form 7233  
or manner in which an applicant shall apply for the certificate, 7234  
devise the form of the certificate, and prescribe any records or 7235  
other information an applicant shall furnish with the application 7236  
to evidence the qualifying investment. The applicant shall state 7237  
the amount of the intended investment. The applicant shall pay an 7238  
application fee equal to the greater of one-tenth of one per cent 7239  
of the amount of the intended investment or one hundred dollars. 7240

A small business investment certificate entitles the 7241  
certificate holder to receive a tax credit under section 5747.81 7242  
of the Revised Code if the certificate holder qualifies for the 7243  
credit as otherwise provided in this section. If the certificate 7244  
holder is a pass-through entity, the certificate entitles the 7245  
entity's equity owners to receive their distributive or 7246  
proportionate shares of the credit. In any fiscal biennium, an 7247  
eligible investor may not apply for small business investment 7248  
certificates representing intended investment amounts in excess of 7249  
ten million dollars. Such certificates are not transferable. 7250

The director of development services may reserve small 7251  
business investment certificates to qualifying applicants in the 7252  
order in which the director receives applications, but may issue 7253  
the certificates as the applications are completed. An application 7254  
is completed when the director has validated that an eligible 7255  
investor has made a qualified investment and the small business 7256  
enterprise has made the appropriate reinvestment of the qualified 7257  
investment pursuant to the requirements of division (A)(1)(d) of 7258  
this section. To qualify for a certificate, an eligible investor 7259  
must satisfy both of the following, subject to the limitation on 7260  
the amount of qualifying investments for which certificates may be 7261

issued under division (C) of this section:	7262
(1) The eligible investor makes a qualifying investment on or after July 1, 2011.	7263 7264
(2) The eligible investor pledges not to sell or otherwise dispose of the qualifying investment before the conclusion of the applicable holding period.	7265 7266 7267
(C)(1) The amount of any eligible investor's qualifying investments for which small business investment certificates may be issued for a fiscal biennium shall not exceed ten million dollars.	7268 7269 7270 7271
(2) The director of development services shall not issue a small business investment certificate to an eligible investor representing an amount of qualifying investment in excess of the amount of the intended investment indicated on the investor's application for the certificate.	7272 7273 7274 7275 7276
(3) The director of development services shall not issue small business investment certificates in a total amount that would cause the tax credits claimed in any fiscal biennium to exceed one hundred million dollars.	7277 7278 7279 7280
(4) The director of development services may issue a small business investment certificate only if both of the following apply at the time of issuance:	7281 7282 7283
(a) The small business enterprise meets all the requirements listed in divisions (A)(1)(a)(i) to (iv) of this section;	7284 7285
(b) The eligible investor does not owe any outstanding tax or other liability to the state.	7286 7287
(D) Before the end of the applicable holding period of a qualifying investment, each enterprise in which a qualifying investment was made for which a small business investment certificate has been issued, upon the request of the director of	7288 7289 7290 7291

development services, shall provide to the director records or 7292  
other evidence satisfactory to the director that the enterprise is 7293  
a small business enterprise for the purposes of this section. Each 7294  
enterprise shall also provide annually to the director records or 7295  
evidence regarding the number of jobs created or retained in the 7296  
state. No credit may be claimed under this section and section 7297  
5747.81 of the Revised Code if the director finds that an 7298  
enterprise is not a small business enterprise for the purposes of 7299  
this section. The director shall compile and maintain a register 7300  
of small business enterprises qualifying under this section and 7301  
shall certify the register to the tax commissioner. The director 7302  
shall also compile and maintain a record of the number of jobs 7303  
created or retained as a result of qualifying investments made 7304  
pursuant to this section. 7305

(E) After the conclusion of the applicable holding period for 7306  
a qualifying investment, a person to whom a small business 7307  
investment certificate has been issued under this section may 7308  
claim a credit as provided under section 5747.81 of the Revised 7309  
Code. 7310

(F) The director of development services, in consultation 7311  
with the tax commissioner, may adopt rules for the administration 7312  
of this section, including rules governing the following: 7313

(1) Documents, records, or other information eligible 7314  
investors shall provide to the director; 7315

(2) Any information a small business enterprise shall provide 7316  
for the purposes of this section and section 5747.81 of the 7317  
Revised Code; 7318

(3) Determination of the number of full-time equivalent 7319  
employees of a small business enterprise; 7320

(4) Verification of a small business enterprise's investment 7321  
in tangible personal property and intangible personal property 7322

under division (A)(1)(d) of this section, including when such 7323  
investments have been made and where the property is used in 7324  
business; 7325

(5) Circumstances under which small business enterprises or 7326  
eligible investors may be subverting the purposes of this section 7327  
and section 5747.81 of the Revised Code. 7328

~~There is hereby created in the state treasury the InvestOhio 7329  
support fund. The fund shall consist of the fees (G) Application 7330  
fees paid under division (B) of this section and shall be used by 7331  
the development services agency to pay the costs of administering 7332  
the small business investment certificate program established 7333  
under this section credited to the tax incentives operating fund 7334  
created in section 122.174 of the Revised Code. 7335~~

**Sec. 122.98.** (A) There is hereby created the Ohio aerospace 7336  
and aviation technology committee, consisting of the following 7337  
members: 7338

(1) Three members of the senate, appointed by the president 7339  
of the senate, not more than two of whom may be members of the 7340  
same political party; 7341

(2) Three members of the house of representatives, appointed 7342  
by the speaker of the house of representatives, not more than two 7343  
of whom may be members of the same political party; 7344

(3) Fifteen members representing the aviation, aerospace, or 7345  
technology industry, the military, or academia. One such member 7346  
shall be appointed by the governor, and fourteen such members 7347  
shall be appointed by majority vote of the six members 7348  
representing the senate and house of representatives. 7349

The legislative members of the committee shall be appointed 7350  
not later than September 1, 2014, and the remaining members shall 7351  
be appointed within ten days thereafter. The initial term of all 7352

members shall end on December 31, 2016. Thereafter, the term of 7353  
all members shall end on the thirty-first day of December of the 7354  
year following the year of appointment. Vacancies shall be filled 7355  
in the manner of the original appointment. 7356

The first legislator appointed to the committee by the 7357  
speaker of the house of representatives after the effective date 7358  
of H.B. 292 of the 130th general assembly, September 17, 2014, 7359  
shall serve as the first chairperson of the committee and shall 7360  
serve until December 31, 2016. Every general assembly thereafter, 7361  
the chairperson shall alternate between the first legislator 7362  
appointed by the president of the senate and the first legislator 7363  
appointed by the speaker of the house of representatives. 7364

(B) The duties of the committee shall include, but are not 7365  
limited to, all of the following: 7366

(1) Studying and developing comprehensive strategies to 7367  
promote the aviation, aerospace, and technology industry 7368  
throughout the state, including through the commercialization of 7369  
aviation, aerospace, and technology products and ideas; 7370

(2) Encouraging communication and resource-sharing among 7371  
individuals and organizations involved in the aviation, aerospace, 7372  
and technology industry, including business, the military, and 7373  
academia; 7374

(3) Promoting research and development in the aviation, 7375  
aerospace, and technology industry, including research and 7376  
development of unmanned aerial vehicles; 7377

(4) Providing assistance related to military base realignment 7378  
and closure. 7379

(C) The Ohio aerospace and aviation council shall serve as an 7380  
advisory council to the committee. 7381

(D) The committee shall compile an annual report of its 7382

activities, findings, and recommendations and shall furnish a copy 7383  
of the report to the governor, president of the senate, and 7384  
speaker of the house of representatives not later than ~~July 1,~~ 7385  
~~2015,~~ and the ~~first~~ thirty-first day of ~~July~~ December of each year 7386  
thereafter. 7387

**Sec. 123.01.** (A) The department of administrative services, 7388  
in addition to those powers enumerated in Chapters 124. and 125. 7389  
of the Revised Code and provided elsewhere by law, shall exercise 7390  
the following powers: 7391

(1) To prepare and suggest comprehensive plans for the 7392  
development of grounds and buildings under the control of a state 7393  
agency; 7394

(2) To acquire, by purchase, gift, devise, lease, or grant, 7395  
all real estate required by a state agency, in the exercise of 7396  
which power the department may exercise the power of eminent 7397  
domain, in the manner provided by sections 163.01 to 163.22 of the 7398  
Revised Code; 7399

(3) To erect, supervise, and maintain all public monuments 7400  
and memorials erected by the state, except where the supervision 7401  
and maintenance is otherwise provided by law; 7402

(4) To procure, by lease, storage accommodations for a state 7403  
agency; 7404

(5) To lease or grant easements or licenses for unproductive 7405  
and unused lands or other property under the control of a state 7406  
agency. Such leases, easements, or licenses may be granted to any 7407  
person or entity, shall be for a period not to exceed fifteen 7408  
years, and shall be executed for the state by the director of 7409  
administrative services, provided that the director shall grant 7410  
leases, easements, or licenses of university land for periods not 7411  
to exceed twenty-five years for purposes approved by the 7412

respective university's board of trustees wherein the uses are 7413  
compatible with the uses and needs of the university and may grant 7414  
leases of university land for periods not to exceed forty years 7415  
for purposes approved by the respective university's board of 7416  
trustees pursuant to section 123.17 of the Revised Code. 7417

(6) To lease space for the use of a state agency; 7418

(7) To have general supervision and care of the storerooms, 7419  
offices, and buildings leased for the use of a state agency; 7420

(8) To exercise general custodial care of all real property 7421  
of the state; 7422

(9) To assign and group together state offices in any city in 7423  
the state and to establish, in cooperation with the state agencies 7424  
involved, rules governing space requirements for office or storage 7425  
use; 7426

(10) To lease for a period not to exceed forty years, 7427  
pursuant to a contract providing for the construction thereof 7428  
under a lease-purchase plan, buildings, structures, and other 7429  
improvements for any public purpose, and, in conjunction 7430  
therewith, to grant leases, easements, or licenses for lands under 7431  
the control of a state agency for a period not to exceed forty 7432  
years. The lease-purchase plan shall provide that at the end of 7433  
the lease period, the buildings, structures, and related 7434  
improvements, together with the land on which they are situated, 7435  
shall become the property of the state without cost. 7436

(a) Whenever any building, structure, or other improvement is 7437  
to be so leased by a state agency, the department shall retain 7438  
either basic plans, specifications, bills of materials, and 7439  
estimates of cost with sufficient detail to afford bidders all 7440  
needed information or, alternatively, all of the following plans, 7441  
details, bills of materials, and specifications: 7442

(i) Full and accurate plans suitable for the use of mechanics 7443

and other builders in the improvement; 7444

(ii) Details to scale and full sized, so drawn and 7445  
represented as to be easily understood; 7446

(iii) Accurate bills showing the exact quantity of different 7447  
kinds of material necessary to the construction; 7448

(iv) Definite and complete specifications of the work to be 7449  
performed, together with such directions as will enable a 7450  
competent mechanic or other builder to carry them out and afford 7451  
bidders all needed information; 7452

(v) A full and accurate estimate of each item of expense and 7453  
of the aggregate cost thereof. 7454

(b) The department shall give public notice, in such 7455  
newspaper, in such form, and with such phraseology as the director 7456  
of administrative services prescribes, published once each week 7457  
for four consecutive weeks, of the time when and place where bids 7458  
will be received for entering into an agreement to lease to a 7459  
state agency a building, structure, or other improvement. The last 7460  
publication shall be at least eight days preceding the day for 7461  
opening the bids. The bids shall contain the terms upon which the 7462  
builder would propose to lease the building, structure, or other 7463  
improvement to the state agency. The form of the bid approved by 7464  
the department shall be used, and a bid is invalid and shall not 7465  
be considered unless that form is used without change, alteration, 7466  
or addition. Before submitting bids pursuant to this section, any 7467  
builder shall comply with Chapter 153. of the Revised Code. 7468

(c) On the day and at the place named for receiving bids for 7469  
entering into lease agreements with a state agency, the director 7470  
of administrative services shall open the bids and shall publicly 7471  
proceed immediately to tabulate the bids upon duplicate sheets. No 7472  
lease agreement shall be entered into until the bureau of workers' 7473  
compensation has certified that the person to be awarded the lease 7474

agreement has complied with Chapter 4123. of the Revised Code, 7475  
until, if the builder submitting the lowest and best bid is a 7476  
foreign corporation, the secretary of state has certified that the 7477  
corporation is authorized to do business in this state, until, if 7478  
the builder submitting the lowest and best bid is a person 7479  
nonresident of this state, the person has filed with the secretary 7480  
of state a power of attorney designating the secretary of state as 7481  
its agent for the purpose of accepting service of summons in any 7482  
action brought under Chapter 4123. of the Revised Code, and until 7483  
the agreement is submitted to the attorney general and the 7484  
attorney general's approval is certified thereon. Within thirty 7485  
days after the day on which the bids are received, the department 7486  
shall investigate the bids received and shall determine that the 7487  
bureau and the secretary of state have made the certifications 7488  
required by this section of the builder who has submitted the 7489  
lowest and best bid. Within ten days of the completion of the 7490  
investigation of the bids, the department shall award the lease 7491  
agreement to the builder who has submitted the lowest and best bid 7492  
and who has been certified by the bureau and secretary of state as 7493  
required by this section. If bidding for the lease agreement has 7494  
been conducted upon the basis of basic plans, specifications, 7495  
bills of materials, and estimates of costs, upon the award to the 7496  
builder the department, or the builder with the approval of the 7497  
department, shall appoint an architect or engineer licensed in 7498  
this state to prepare such further detailed plans, specifications, 7499  
and bills of materials as are required to construct the building, 7500  
structure, or improvement. The department shall adopt such rules 7501  
as are necessary to give effect to this section. The department 7502  
may reject any bid. Where there is reason to believe there is 7503  
collusion or combination among bidders, the bids of those 7504  
concerned therein shall be rejected. 7505

(11) To acquire by purchase, gift, devise, or grant and to 7506  
transfer, lease, or otherwise dispose of all real property 7507

required to assist in the development of a conversion facility as 7508  
defined in section 5709.30 of the Revised Code as that section 7509  
existed before its repeal by Amended Substitute House Bill 95 of 7510  
the 125th general assembly; 7511

(12) To lease for a period not to exceed forty years, 7512  
notwithstanding any other division of this section, the 7513  
state-owned property located at 408-450 East Town Street, 7514  
Columbus, Ohio, formerly the state school for the deaf, to a 7515  
developer in accordance with this section. "Developer," as used in 7516  
this section, has the same meaning as in section 123.77 of the 7517  
Revised Code. 7518

Such a lease shall be for the purpose of development of the 7519  
land for use by senior citizens by constructing, altering, 7520  
renovating, repairing, expanding, and improving the site as it 7521  
existed on June 25, 1982. A developer desiring to lease the land 7522  
shall prepare for submission to the department a plan for 7523  
development. Plans shall include provisions for roads, sewers, 7524  
water lines, waste disposal, water supply, and similar matters to 7525  
meet the requirements of state and local laws. The plans shall 7526  
also include provision for protection of the property by insurance 7527  
or otherwise, and plans for financing the development, and shall 7528  
set forth details of the developer's financial responsibility. 7529

The department may employ, as employees or consultants, 7530  
persons needed to assist in reviewing the development plans. Those 7531  
persons may include attorneys, financial experts, engineers, and 7532  
other necessary experts. The department shall review the 7533  
development plans and may enter into a lease if it finds all of 7534  
the following: 7535

(a) The best interests of the state will be promoted by 7536  
entering into a lease with the developer; 7537

(b) The development plans are satisfactory; 7538

(c) The developer has established the developer's financial responsibility and satisfactory plans for financing the development.

The lease shall contain a provision that construction or renovation of the buildings, roads, structures, and other necessary facilities shall begin within one year after the date of the lease and shall proceed according to a schedule agreed to between the department and the developer or the lease will be terminated. The lease shall contain such conditions and stipulations as the director considers necessary to preserve the best interest of the state. Moneys received by the state pursuant to this lease shall be paid into the general revenue fund. The lease shall provide that at the end of the lease period the buildings, structures, and related improvements shall become the property of the state without cost.

(13) To manage the use of space owned and controlled by the department by doing all of the following:

(a) Biennially implementing, by state agency location, a census of agency employees assigned space;

(b) Periodically in the discretion of the director of administrative services:

(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department;

(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics.

(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;

(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.	7569 7570
(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.	7571 7572 7573 7574
(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.	7575 7576 7577 7578 7579 7580 7581 7582 7583 7584 7585
(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:	7586 7587
(a) Identifying available energy efficiency and conservation opportunities;	7588 7589
(b) Providing for interchange of information among purchasing agencies;	7590 7591
(c) Identifying laws, policies, rules, and procedures that should be modified;	7592 7593
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	7594 7595 7596 7597 7598

(e) Providing technical assistance and training to state 7599  
employees involved in the purchasing process; 7600

(f) Working with the development services agency to make 7601  
recommendations regarding planning and implementation of 7602  
purchasing policies and procedures that are supportive of energy 7603  
efficiency and conservation. 7604

(16) To require all state agencies, departments, divisions, 7605  
bureaus, offices, units, commissions, boards, authorities, 7606  
quasi-governmental entities, institutions, and state institutions 7607  
of higher education to implement procedures to ensure that all of 7608  
the passenger automobiles they acquire in each fiscal year, except 7609  
for those passenger automobiles acquired for use in law 7610  
enforcement or emergency rescue work, achieve a fleet average fuel 7611  
economy of not less than the fleet average fuel economy for that 7612  
fiscal year as the department shall prescribe by rule. The 7613  
department shall adopt the rule prior to the beginning of the 7614  
fiscal year, in accordance with the average fuel economy standards 7615  
established by federal law for passenger automobiles manufactured 7616  
during the model year that begins during the fiscal year. 7617

Each state agency, department, division, bureau, office, 7618  
unit, commission, board, authority, quasi-governmental entity, 7619  
institution, and state institution of higher education shall 7620  
determine its fleet average fuel economy by dividing the total 7621  
number of passenger vehicles acquired during the fiscal year, 7622  
except for those passenger vehicles acquired for use in law 7623  
enforcement or emergency rescue work, by a sum of terms, each of 7624  
which is a fraction created by dividing the number of passenger 7625  
vehicles of a given make, model, and year, except for passenger 7626  
vehicles acquired for use in law enforcement or emergency rescue 7627  
work, acquired during the fiscal year by the fuel economy measured 7628  
by the administrator of the United States environmental protection 7629  
agency, for the given make, model, and year of vehicle, that 7630

constitutes an average fuel economy for combined city and highway driving. 7631  
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As used in division (A)(16) of this section, "acquired" means leased for a period of sixty continuous days or more, or purchased. 7633  
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(B) This section and section 125.02 of the Revised Code shall not interfere with any of the following: 7636  
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(1) The power of the adjutant general to purchase military supplies, or with the custody of the adjutant general of property leased, purchased, or constructed by the state and used for military purposes, or with the functions of the adjutant general as director of state armories; 7638  
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(2) The power of the director of transportation in acquiring rights-of-way for the state highway system, or the leasing of lands for division or resident district offices, or the leasing of lands or buildings required in the maintenance operations of the department of transportation, or the purchase of real property for garage sites or division or resident district offices, or in preparing plans and specifications for and constructing such buildings as the director may require in the administration of the department; 7643  
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(3) The power of the director of public safety and the registrar of motor vehicles to purchase or lease real property and buildings to be used solely as locations to which a deputy registrar is assigned pursuant to division (B) of section 4507.011 of the Revised Code and from which the deputy registrar is to conduct the deputy registrar's business, the power of the director of public safety to purchase or lease real property and buildings to be used as locations for division or district offices as required in the maintenance of operations of the department of public safety, and the power of the superintendent of the state 7652  
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highway patrol in the purchase or leasing of real property and 7662  
buildings needed by the patrol, to negotiate the sale of real 7663  
property owned by the patrol, to rent or lease real property owned 7664  
or leased by the patrol, and to make or cause to be made repairs 7665  
to all property owned or under the control of the patrol; 7666

(4) The power of the division of liquor control in the 7667  
leasing or purchasing of retail outlets and warehouse facilities 7668  
for the use of the division; 7669

(5) The power of the director of development services to 7670  
enter into leases of real property, buildings, and office space to 7671  
be used solely as locations for the state's foreign offices to 7672  
carry out the purposes of section 122.05 of the Revised Code; 7673

(6) The power of the director of environmental protection to 7674  
enter into environmental covenants, to grant and accept easements, 7675  
or to sell property pursuant to division (G) of section 3745.01 of 7676  
the Revised Code; 7677

(7) The power of the department of public safety under 7678  
section 5502.01 of the Revised Code to direct security measures 7679  
and operations for the Vern Riffe center and the James A. Rhodes 7680  
state office tower. The department of administrative services 7681  
shall implement all security measures and operations at the Vern 7682  
Riffe center and the James A. Rhodes state office tower as 7683  
directed by the department of public safety. 7684

(C) Purchases for, and the custody and repair of, buildings 7685  
under the management and control of the capitol square review and 7686  
advisory board, the opportunities for Ohioans with disabilities 7687  
agency, the bureau of workers' compensation, or the departments of 7688  
public safety, job and family services, mental health and 7689  
addiction services, developmental disabilities, and rehabilitation 7690  
and correction; buildings of educational and benevolent 7691  
institutions under the management and control of boards of 7692

trustees; and purchases or leases for, and the custody and repair 7693  
of, office space used for the purposes of ~~the joint legislative~~ 7694  
~~ethics committee~~ any agency of the legislative branch of state 7695  
government are not subject to the control and jurisdiction of the 7696  
department of administrative services. 7697

An agency of the legislative branch of state government that 7698  
uses office space in a building under the management and control 7699  
of the department of administrative services may exercise the 7700  
agency's authority to improve the agency's office space as 7701  
authorized under this division only if, upon review, the 7702  
department of administrative services concludes the proposed 7703  
improvements do not adversely impact the structural integrity of 7704  
the building. 7705

If ~~the joint legislative ethics committee~~ an agency of the 7706  
legislative branch of state government, except the capitol square 7707  
review and advisory board, so requests, the ~~committee~~ agency and 7708  
the director of administrative services may enter into a contract 7709  
under which the department of administrative services agrees to 7710  
perform any services requested by the ~~committee~~ agency that the 7711  
department is authorized under this section to perform. In 7712  
performing such services, the department shall not use competitive 7713  
selection. As used in this division, "competitive selection" has 7714  
the meaning defined in section 125.01 of the Revised Code and 7715  
includes any other type of competitive process for the selection 7716  
of persons producing or dealing in the services to be provided. 7717

(D) Any instrument by which real property is acquired 7718  
pursuant to this section shall identify the agency of the state 7719  
that has the use and benefit of the real property as specified in 7720  
section 5301.012 of the Revised Code. 7721

**Sec. 152.08 123.011.** (A) ~~The Ohio building authority~~ 7722  
department of administrative services may: 7723

~~(1) Acquire, by gift, grant, or purchase, and hold and mortgage, real estate and interests therein and personal property suitable for its purposes, provided that no land used by the authority pursuant to section 152.05 of the Revised Code shall be mortgaged by the authority;~~ 7724  
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~~(2) Purchase, construct, reconstruct, equip, furnish, improve, alter, enlarge, maintain, repair, and operate buildings, facilities, and other properties for the purposes set forth in section 152.04 of the Revised Code. The authority shall construct, operate, and maintain its buildings, facilities, and other properties in a healthy, safe, and sanitary manner.~~ 7729  
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~~(3) Issue revenue bonds to secure funds to accomplish its purposes, the principal of and interest on and all other payments required to be made by the trust agreement or indenture securing such bonds to be paid solely from revenues accruing to the authority through the operation of its buildings, facilities, and other properties;~~ 7735  
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~~(4) Enter into contracts and execute all instruments necessary in the conduct of its business;~~ 7741  
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~~(5) Fix, alter, and charge rentals and other charges for the use and occupancy of its buildings, facilities, and other properties and enter into leases with the persons specified in section 152.04 of the Revised Code;~~ 7743  
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~~(6) Employ financial consultants, appraisers, consulting engineers, architects, superintendents, managers, construction and accounting experts, attorneys at law, and other employees and agents as are necessary, in its judgment, and fix their compensation;~~ 7747  
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~~(7)(2) Provide for the persons occupying its buildings, facilities, and other properties, health clinics, medical services, food services, and such other services as such persons~~ 7752  
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cannot provide for themselves; and, if the ~~authority~~ department 7755  
determines that it is more advantageous, it may enter into 7756  
contracts with persons, firms, or corporations or with any 7757  
governmental agency, board, commission, or department to provide 7758  
any of such clinics or services; 7759

~~(8) Pledge, hypothecate, or otherwise encumber such of its 7760  
rentals or other charges as may be agreed as security for its 7761  
obligations, and enter into trust agreements or indentures for the 7762  
benefit of its bondholders; 7763~~

~~(9) Borrow money or accept advances, loans, gifts, grants, 7764  
devises, or bequests from, and enter into contracts or agreements 7765  
with, any federal agency or other governmental or private source, 7766  
and hold and apply advances, loans, gifts, grants, devises, or 7767  
bequests according to the terms thereof. Such advances, loans, 7768  
gifts, grants, or devises of real estate may be in fee simple or 7769  
of any lesser estate and may be subject to any reasonable 7770  
reservations. Any advances or loans received from any federal or 7771  
other governmental or private source may be repaid in accordance 7772  
with the terms of such advance or loan. 7773~~

~~(10) Conduct investigations into housing and living 7774  
conditions in order to be able to purchase, construct, or 7775  
reconstruct suitable buildings and facilities to fulfill its 7776  
purpose, and determine the best locations within the state for its 7777  
buildings, facilities, and other properties; 7778~~

~~(11) Enter into lawful arrangements with the appropriate 7779  
federal or state department or agency, county, township, municipal 7780  
government, or other political subdivision, or public agency for 7781  
the planning and installation of streets, roads, alleys, public 7782  
parks and recreation areas, public utility facilities, and other 7783  
necessary appurtenances to its projects; 7784~~

~~(12) Purchase fire, extended coverage, and liability 7785~~

~~insurance for its property, and insurance covering the authority 7786  
and its officers and employees for liability for damage or injury 7787  
to persons or property; 7788~~

~~(13) Sell, lease, release, or otherwise dispose of property 7789  
owned by the authority and not needed for the purposes of the 7790  
authority and grant such easements across the property of the 7791  
authority as will not interfere with its use of its property; 7792~~

~~(14) Establish rules and regulations for the use and 7793  
operation of its buildings, facilities, and other properties; 7794~~

~~(15) Do all other acts necessary to the fulfillment of its 7795  
purposes. 7796~~

~~(B) Any instrument by which real property is acquired 7797  
pursuant to this section shall identify the agency of the state 7798  
that has the use and benefit of the real property as specified in 7799  
section 5301.012 of the Revised Code. 7800~~

~~(C) Any person may possess a firearm in a motor vehicle in 7801  
the parking garage at the Riffe center for government and the arts 7802  
in Columbus, if the person's possession of the firearm in the 7803  
motor vehicle is not in violation of section 2923.16 of the 7804  
Revised Code or any other provision of the Revised Code. Any 7805  
person may store or leave a firearm in a locked motor vehicle that 7806  
is parked in the parking garage at the Riffe center for government 7807  
and the arts in Columbus, if the person's transportation and 7808  
possession of the firearm in the motor vehicle while traveling to 7809  
the garage was not in violation of section 2923.16 of the Revised 7810  
Code or any other provision of the Revised Code. 7811~~

**Sec. 123.20.** (A) There is hereby created the Ohio facilities 7812  
construction commission. The commission shall administer the 7813  
design and construction of improvements to public facilities of 7814  
the state in accordance with this chapter, the provision of 7815

financial assistance to school districts for the acquisition or 7816  
construction of classroom facilities in accordance with Chapter 7817  
3318. of the Revised Code, and any other applicable provisions of 7818  
the Revised Code. 7819

The commission is a body corporate and politic, an agency of 7820  
state government and an instrumentality of the state, performing 7821  
essential governmental functions of this state. The carrying out 7822  
of the purposes and the exercise by the commission of its powers 7823  
are essential public functions and public purposes of the state. 7824  
The commission may, in its own name, sue and be sued, enter into 7825  
contracts, and perform all the powers and duties given to it by 7826  
the Revised Code, but it does not have and shall not exercise the 7827  
power of eminent domain. In its discretion and as it determines 7828  
appropriate, the commission may delegate to any of its members, 7829  
executive director, or other employees any of the commission's 7830  
powers and duties to carry out its functions. 7831

(B) The commission shall consist of seven members, three of 7832  
whom shall be voting members+. The voting members shall be the 7833  
director of the office of budget and management and, the director 7834  
of administrative services, ~~or their designees,~~ and ~~a member~~ an 7835  
additional administrative department head listed in section 121.03 7836  
of the Revised Code whom the governor shall appoint. Each voting 7837  
member of the commission may designate an employee of the member's 7838  
agency to serve on the member's behalf. 7839

The nonvoting members shall be two members of the senate 7840  
appointed by the president of the senate and two members of the 7841  
house of representatives appointed by the speaker of the house of 7842  
representatives. The nonvoting members who are senators shall not 7843  
be members of the same political party, and the nonvoting members 7844  
who are representatives shall not be members of the same political 7845  
party. 7846

Not later than the thirty-first day of January of an 7847  
odd-numbered year, the president of the senate and the speaker of 7848  
the house of representatives shall appoint the nonvoting members 7849  
of the commission to serve for the duration of that general 7850  
assembly. A seat on the commission becomes vacant if the nonvoting 7851  
member who held the seat ceases to serve in the chamber of the 7852  
general assembly from which the nonvoting member was appointed. A 7853  
vacancy in a nonvoting seat on the commission shall be filled in 7854  
the manner provided for original appointments not later than the 7855  
thirty-first day after the day the seat becomes vacant. 7856

Members of the commission or their designees shall serve 7857  
without compensation. 7858

~~Within sixty days after the effective date of this section,~~ 7859  
~~the commission shall meet and organize by electing voting members~~ 7860  
~~as the chairperson and vice chairperson of the commission, who~~ 7861  
~~shall hold their offices until the next organizational meeting of~~ 7862  
~~the commission.~~ Organizational meetings of the commission shall be 7863  
held at the first meeting of each calendar year. At each 7864  
organizational meeting, the commission shall elect from among its 7865  
voting members a chairperson and vice-chairperson, who shall serve 7866  
until the next annual organizational meeting. The commission shall 7867  
adopt rules pursuant to Chapter 119. of the Revised Code for the 7868  
conduct of its internal business and shall keep a journal of its 7869  
proceedings. Including the organizational meeting, the commission 7870  
shall meet at least once each calendar year. 7871

Two voting members of the commission constitute a quorum, and 7872  
the affirmative vote of two members is necessary for approval of 7873  
any action taken by the commission. A vacancy in the membership of 7874  
the commission does not impair a quorum from exercising all the 7875  
rights and performing all the duties of the commission. Meetings 7876  
of the commission may be held anywhere in the state and shall be 7877  
held in compliance with section 121.22 of the Revised Code. 7878

~~(C) Within sixty days after the effective date of this section, the governor shall appoint a member to the commission. The initial appointment shall be for a term ending three years after the effective date of this section, with subsequent terms ending three years after they begin, on the same day of the same month as the initial term.~~ 7879  
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~~A vacancy for the member appointed by the governor shall be filled in the same manner as provided for the original appointment. The appointed member shall hold office for the remainder of the term for which the vacancy existed. After the expiration of the term, the appointed member shall continue in office for a period of sixty days or until the appointed member's successor takes office, whichever period is shorter.~~ 7885  
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~~(D)~~ The commission shall file an annual report of its activities and finances, including a report of the expenditures and progress of the classroom facilities assistance program under Chapter 3318. of the Revised Code, with the governor, speaker of the house of representatives, president of the senate, and chairpersons of the house and senate finance committees. 7892  
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~~(E)~~(D) The commission shall be exempt from the requirements of sections 101.82 to 101.87 of the Revised Code. 7898  
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**Sec. 123.21.** (A) The Ohio facilities construction commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under this chapter or any other provision of the Revised Code, including any of the following: 7900  
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(1) Prepare Except as otherwise provided in section 123.211 of the Revised Code, prepare, or contract to be prepared, by licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any projects, improvements, or public buildings to be 7905  
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constructed by state agencies that may be authorized by 7910  
legislative appropriations or any other funds made available 7911  
therefor, provided that the construction of the projects, 7912  
improvements, or public buildings is a statutory duty of the 7913  
commission. This section does not require the independent 7914  
employment of an architect or engineer as provided by section 7915  
153.01 of the Revised Code in the cases to which section 153.01 of 7916  
the Revised Code applies. This section does not affect or alter 7917  
the existing powers of the director of transportation. 7918

(2) ~~Have~~ Except as otherwise provided in section 123.211 of 7919  
the Revised Code, have general supervision over the construction 7920  
of any projects, improvements, or public buildings constructed for 7921  
a state agency and over the inspection of materials prior to their 7922  
incorporation into those projects, improvements, or buildings. 7923

(3) ~~Make~~ Except as otherwise provided in section 123.211 of 7924  
the Revised Code, make contracts for and supervise the design and 7925  
construction of any projects and improvements or the construction 7926  
and repair of buildings under the control of a state agency. All 7927  
such contracts may be based in whole or in part on the unit price 7928  
or maximum estimated cost, with payment computed and made upon 7929  
actual quantities or units. 7930

(4) Adopt, amend, and rescind rules pertaining to the 7931  
administration of the construction of the public works of the 7932  
state as required by law, in accordance with Chapter 119. of the 7933  
Revised Code. 7934

(5) Contract with, retain the services of, or designate, and 7935  
fix the compensation of, such agents, accountants, consultants, 7936  
advisers, and other independent contractors as may be necessary or 7937  
desirable to carry out the programs authorized under this chapter, 7938  
or authorize the executive director to perform such powers and 7939  
duties. 7940

(6) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under this chapter.

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(7) Make and enter into all contracts, commitments, and agreements, and execute all instruments, necessary or incidental to the performance of its duties and the execution of its rights and powers under this chapter, or authorize the executive director to perform such powers and duties.

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(8) Debar a contractor as provided in section 153.02 of the Revised Code.

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(9) Enter into and administer cooperative agreements for cultural projects, as provided in sections 123.28 and 123.281 of the Revised Code.

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(B) The commission shall appoint and fix the compensation of an executive director who shall serve at the pleasure of the commission. The executive director shall exercise all powers that the commission possesses, supervise the operations of the commission, and perform such other duties as delegated by the commission. The executive director also shall employ and fix the compensation of such employees as will facilitate the activities and purposes of the commission, who shall serve at the pleasure of the executive director. The employees of the commission are exempt from Chapter 4117. of the Revised Code and are not considered public employees as defined in section 4117.01 of the Revised Code. Any agreement entered into prior to July 1, 2012, between the office of collective bargaining and the exclusive representative for employees of the commission is binding and shall continue to have effect.

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(C) The attorney general shall serve as the legal representative for the commission and may appoint other counsel as necessary for that purpose in accordance with section 109.07 of

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the Revised Code. 7972

**Sec. 124.384.** (A) Except as otherwise provided in this 7973  
section, employees whose salaries or wages are paid by warrant of 7974  
the director of budget and management and who have accumulated 7975  
sick leave under section 124.38 or 124.382 of the Revised Code 7976  
shall be paid for a percentage of their accumulated balances, upon 7977  
separation for any reason, including death but excluding 7978  
retirement, at their last base rate of pay at the rate of one hour 7979  
of pay for every two hours of accumulated balances. An employee 7980  
who retires in accordance with any retirement plan offered by the 7981  
state shall be paid upon retirement for each hour of the 7982  
employee's accumulated sick leave balance at a rate of fifty-five 7983  
per cent of the employee's last base rate of pay. 7984

An employee serving in a temporary work level who elects to 7985  
convert unused sick leave to cash shall do so at the base rate of 7986  
pay of the employee's normal classification. If an employee dies, 7987  
the employee's unused sick leave shall be paid in accordance with 7988  
section 2113.04 of the Revised Code or to the employee's estate. 7989

In order to be eligible for the payment authorized by this 7990  
section, an employee shall have at least one year of state service 7991  
and shall request all or a portion of that payment no later than 7992  
three years after separation from state service. No person is 7993  
eligible to receive all or a portion of the payment authorized by 7994  
this section at any time later than three years after the person's 7995  
separation from state service. 7996

(B) ~~Except as otherwise provided in this division,~~ a A person 7997  
initially employed on or after July 5, 1987, by a state agency in 7998  
which the employees' salaries or wages are paid directly by 7999  
warrant of the director of budget and management shall receive 8000  
payment under this section only for sick leave accumulated while 8001  
employed by state agencies in which the employees' salaries or 8002

wages are paid directly by warrant of the director of budget and 8003  
management. ~~A Additionally, a person initially employed on or 8004~~  
~~after July 5, 1987, but before October 1, 2017, by the state 8005~~  
department of education as an unclassified employee shall receive 8006  
payment under this section ~~only for sick leave accumulated while 8007~~  
~~employed by state agencies in which the employees' salaries or 8008~~  
~~wages are paid directly by warrant of the director of budget and 8009~~  
~~management and for sick leave placed to the employee's credit 8010~~  
under division (E)(2) of section 124.382 of the Revised Code. 8011

(C) For employees paid in accordance with section 124.152 of 8012  
the Revised Code and those employees listed in divisions (B)(2) 8013  
and (4) of section 124.14 of the Revised Code, the director of 8014  
administrative services, with the approval of the director of 8015  
budget and management, may establish a plan for early payment of 8016  
accrued sick leave and vacation leave. 8017

**Sec. 124.93.** (A) As used in this section, "physician" means 8018  
any person who holds a valid ~~certificate~~ license to practice 8019  
medicine and surgery or osteopathic medicine and surgery issued 8020  
under Chapter 4731. of the Revised Code. 8021

(B) No health insuring corporation that, on or after July 1, 8022  
1993, enters into or renews a contract with the department of 8023  
administrative services under section 124.82 of the Revised Code, 8024  
because of a physician's race, color, religion, sex, national 8025  
origin, disability or military status as defined in section 8026  
4112.01 of the Revised Code, age, or ancestry, shall refuse to 8027  
contract with that physician for the provision of health care 8028  
services under section 124.82 of the Revised Code. 8029

Any health insuring corporation that violates this division 8030  
is deemed to have engaged in an unlawful discriminatory practice 8031  
as defined in section 4112.02 of the Revised Code and is subject 8032  
to Chapter 4112. of the Revised Code. 8033

(C) Each health insuring corporation that, on or after July 1, 1993, enters into or renews a contract with the department of administrative services under section 124.82 of the Revised Code and that refuses to contract with a physician for the provision of health care services under that section shall provide that physician with a written notice that clearly explains the reason or reasons for the refusal. The notice shall be sent to the physician by regular mail within thirty days after the refusal.

Any health insuring corporation that fails to provide notice in compliance with this division is deemed to have engaged in an unfair and deceptive act or practice in the business of insurance as defined in section 3901.21 of the Revised Code and is subject to sections 3901.19 to 3901.26 of the Revised Code.

Sec. 125.03. (A) Any state agency wanting to purchase automatic data processing, computer services as defined in section 2913.01 of the Revised Code, electronic publishing services, or electronic information services, or any consulting services related to information technology, the aggregate cost of which would amount to more than fifty thousand dollars over the next succeeding five-year period, shall make the purchase by competitive selection and with the approval of the controlling board. In its request for approval, the agency shall provide the board with a comparative analysis of the cost of similar systems utilized by other states and a description of the measures it took to find the most cost-effective system. The comparative analysis shall not be considered a public record under section 149.43 of the Revised Code unless the request is approved by the board and the agency has awarded the contract.

(B) Any state agency wanting to enter into a contract for the procurement of energy, the aggregate cost of which would amount to more than fifty thousand dollars over the next succeeding

five-year period, shall make the purchase by competitive selection 8065  
and with the approval of the controlling board. 8066

**Sec. 125.035.** (A) Except as otherwise provided in the Revised 8067  
Code, a state agency wanting to purchase supplies or services 8068  
shall make the purchase subject to the requirements of an 8069  
applicable first or second requisite procurement program described 8070  
in this section, or obtain a determination from the department of 8071  
administrative services that the purchase is not subject to a 8072  
first or second requisite procurement program. State agencies 8073  
shall submit a purchase request to the department of 8074  
administrative services unless the department has determined the 8075  
request does not require a review. The director of administrative 8076  
services shall adopt rules under Chapter 119. of the Revised Code 8077  
to provide for the manner of carrying out the function and the 8078  
power and duties imposed upon and vested in the director by this 8079  
section. 8080

(B) The following programs are first requisite procurement 8081  
programs that shall be given preference in the following order in 8082  
fulfilling a purchase request: 8083

(1) Ohio penal industries within the department of 8084  
rehabilitation and correction; and 8085

(2) Community rehabilitation programs administered by the 8086  
department of administrative services under sections 125.601 to 8087  
125.6012 of the Revised Code. 8088

(C) The following programs are second requisite procurement 8089  
programs that may be able to fulfill the purchase request if the 8090  
first requisite procurement programs are unable to do so: 8091

(1) Business enterprise program at the opportunities for 8092  
Ohioans with disabilities agency as prescribed in sections 3304.28 8093  
to 3304.33 of the Revised Code; 8094

(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code;	8095 8096 8097
(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code;	8098 8099 8100
(4) <del>Office of support services</del> <u>Ohio pharmacy services</u> at the department of mental health <u>and addiction services</u> as prescribed in section 5119.44 of the Revised Code;	8101 8102 8103
(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and	8104 8105
(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.	8106 8107 8108
(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall:	8109 8110 8111 8112 8113 8114 8115 8116
(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program;	8117 8118 8119
(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or	8120 8121 8122
(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this	8123 8124

section. 8125

(E) In making the determination that a purchase is subject to 8126  
a second requisite procurement program, the department shall 8127  
identify potentially applicable programs and notify each program 8128  
of the requested purchase. The notified second requisite 8129  
procurement program shall respond to the department within two 8130  
business days with regard to its ability to provide the requested 8131  
purchase. If the second requisite procurement program can provide 8132  
the requested purchase, the department shall direct the requesting 8133  
agency to make the requested purchase from the appropriate second 8134  
requisite procurement program. If the department has not received 8135  
notification from a second requisite procurement program within 8136  
two business days and the department has made the determination 8137  
that the purchase is not subject to a second requisite procurement 8138  
program, the department shall provide a waiver to the requesting 8139  
agency. 8140

(F) Within five business days after receipt of a request, the 8141  
department shall notify the requesting agency of its determination 8142  
and provide any waiver under divisions (D) or (E) of this section. 8143  
If the department fails to respond within five business days or 8144  
fails to provide an explanation for any further delay within that 8145  
time, the requesting agency may use direct purchasing authority to 8146  
make the requested purchase, subject to the requirements of 8147  
division (G) of this section and section 127.16 of the Revised 8148  
Code. 8149

(G) As provided in sections 125.02 and 125.05 of the Revised 8150  
Code and subject to such rules as the director of administrative 8151  
services may adopt, the department may issue a release and permit 8152  
to the agency to secure supplies or services. A release and permit 8153  
shall specify the supplies or services to which it applies, the 8154  
time during which it is operative, and the reason for its 8155  
issuance. A release and permit for telephone, other 8156

telecommunications, and computer services shall be provided in 8157  
accordance with section 125.18 of the Revised Code and shall 8158  
specify the type of services to be rendered, the number and type 8159  
of hardware to be used, and may specify the amount of such 8160  
services to be performed. No requesting agency shall proceed with 8161  
such purchase until it has received an approved release and permit 8162  
from the director of administrative services or the director's 8163  
designee. 8164

**Sec. 125.04.** (A) Except for the requirements of division (B) 8165  
of this section, section 125.092, and division (B) of section 8166  
125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 8167  
to 125.15 of the Revised Code do not apply to or affect state 8168  
institutions of higher education. 8169

(B)(1) As used in this division: 8170

(a) "Chartered nonpublic school" has the same meaning as in 8171  
section 3310.01 of the Revised Code. 8172

(b) "Emergency medical service organization" has the same 8173  
meaning as in section 4765.01 of the Revised Code. 8174

(c) "Governmental agency" means a political subdivision or 8175  
special district in this state established by or under law, or any 8176  
combination of these entities; the United States or any 8177  
department, division, or agency of the United States; one or more 8178  
other states or groups of states; other purchasing consortia; and 8179  
any agency, commission, or authority established under an 8180  
interstate compact or agreement. 8181

(d) "Political subdivision" means any county, township, 8182  
municipal corporation, school district, conservancy district, 8183  
township park district, park district created under Chapter 1545. 8184  
of the Revised Code, regional transit authority, regional airport 8185  
authority, regional water and sewer district, or port authority. 8186

"Political subdivision" also includes any other political subdivision described in the Revised Code that has been approved by the department of administrative services to participate in the department's contracts under this division.

(e) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.

(f) "State institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.

(2) Subject to division (C) of this section, the department of administrative services may permit a state institution of higher education, governmental agency, political subdivision, county board of elections, private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school to participate in contracts into which the department has entered for the purchase of supplies and services. The department may charge the entity a reasonable fee to cover the administrative costs the department incurs as a result of participation by the entity in such a purchase contract.

A political subdivision desiring to participate in such purchase contracts shall file with the department a certified copy of an ordinance or resolution of the legislative authority or governing board of the political subdivision. The resolution or ordinance shall request that the political subdivision be authorized to participate in such contracts and shall agree that the political subdivision will be bound by such terms and conditions as the department prescribes and that it will directly pay the vendor under each purchase contract. A board of elections desiring to participate in such purchase contracts shall file with the purchasing authority a written request for inclusion in the program. A private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school desiring to participate in such purchase contracts shall file with

the department a written request for inclusion in the program 8219  
signed by the chief officer of the company, organization, or 8220  
chartered nonpublic school. A governmental agency desiring to 8221  
participate in such purchase contracts shall file with the 8222  
department a written request for inclusion in the program. A state 8223  
institution of higher education desiring to participate in such 8224  
purchase contracts shall file with the department a certified copy 8225  
of resolution of the board of trustees or similar authorizing 8226  
body. The resolution shall request that the state institution of 8227  
higher education be authorized to participate in such contracts. 8228

A request for inclusion shall include an agreement to be 8229  
bound by such terms and conditions as the department prescribes 8230  
and to make direct payments to the vendor under each purchase 8231  
contract. 8232

The department shall include in its annual report, an 8233  
estimate of the purchases made by state institutions of higher 8234  
education, governmental agencies, political subdivisions, county 8235  
boards of elections, private fire companies, private, nonprofit 8236  
emergency medical service organizations, and chartered nonpublic 8237  
schools from contracts pursuant to this division. The department 8238  
may require such entities to file a report with the department, as 8239  
often as it finds necessary, stating how many such contracts the 8240  
entities participated in within a specified period of time, and 8241  
any other information the department requires. 8242

(3) Purchases made by a political subdivision or a county 8243  
board of elections under this division are exempt from any 8244  
competitive selection procedures otherwise required by law. No 8245  
political subdivision shall make any purchase under this division 8246  
when bids have been received for such purchase by the subdivision, 8247  
unless such purchase can be made upon the same terms, conditions, 8248  
and specifications at a lower price under this division. 8249

(C) A political subdivision as defined in division (B) of 8250

this section or a county board of elections may purchase supplies 8251  
or services from another party, including a political subdivision, 8252  
instead of through participation in contracts described in 8253  
division (B) of this section if the political subdivision or 8254  
county board of elections can purchase those supplies or services 8255  
from the other party upon equivalent terms, conditions, and 8256  
specifications but at a lower price than it can through those 8257  
contracts. Purchases that a political subdivision or county board 8258  
of elections makes under this division are exempt from any 8259  
competitive selection procedures otherwise required by law. A 8260  
political subdivision or county board of elections that makes any 8261  
purchase under this division shall maintain sufficient information 8262  
regarding the purchase to verify that the political subdivision or 8263  
county board of elections satisfied the conditions for making a 8264  
purchase under this division. Nothing in this division restricts 8265  
any action taken by a county or township as authorized by division 8266  
(B)(1) of section 9.48 of the Revised Code. 8267

(D) This section does not apply to supplies or services 8268  
purchased by a state agency directly as provided in section 125.05 8269  
of the Revised Code, or to purchases of supplies or services for 8270  
the emergency management agency or other state agencies as 8271  
provided in section 125.061 of the Revised Code. 8272

**Sec. 125.051.** (A) As used in this section: 8273

(1) "Advertising" includes advertising in print or electronic 8274  
newspapers, journals, or magazines and advertising broadcast over 8275  
radio or television or placed on the internet. 8276

(2) "State official" means an official elected to a statewide 8277  
office or a member of the general assembly. 8278

(B) Any advertising purchased with public money by a state 8279  
official for the same purpose that, in the aggregate, exceeds 8280  
fifty thousand dollars during the fiscal year, shall be subject to 8281

<u>controlling board approval.</u>	8282
<b>Sec. 125.061.</b> (A) <u>As used in this section:</u>	8283
<u>(1) "Emergency" has the same meaning as defined in section 5502.21 of the Revised Code.</u>	8284
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<u>(2) "State procurement emergency" means a situation that creates all of the following:</u>	8286
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<u>(a) A threat to public health, safety, or welfare;</u>	8288
<u>(b) An immediate and serious need for supplies or services that cannot be met through normal procurement methods required by state law; and</u>	8289
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<u>(c) A serious threat of harm to the functioning of state government, the preservation or protection of property, or the health or safety of any person.</u>	8292
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<u>(B) During the period of an emergency as defined in section 5502.21 of the Revised Code, the department of administrative services may suspend, for the emergency management agency established in section 5502.22 of the Revised Code or any other state agency participating in response and recovery activities as defined in section 5502.21 of the Revised Code, the purchasing and contracting requirements contained in Chapter 125. and any requirement of Chapter 153. of the Revised Code that otherwise would apply to the agency. The director of public safety or the executive director of the emergency management agency shall make the request for the suspension of these requirements to the department of administrative services concurrently with the request to the governor or the president of the United States for the declaration of an emergency. The governor also shall include in any proclamation the governor issues declaring an emergency language requesting the suspension of those requirements during the period of the emergency.</u>	8295
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~~(B) Before any purchase may be made under a suspension authorized by this section, the director of administrative services shall send notice of the suspension as approved under division (A) of this section to the director of budget and management and to the members of the controlling board. The notice shall provide details of the request for suspension and shall include a copy of the director's approval.~~

(C) During the period of a state procurement emergency, the department of administrative services may suspend, for any state agency, the purchasing and contracting requirements contained in Chapter 125. of the Revised Code that would otherwise be required of the agency.

(1) The director or administrative head of the state agency where the state procurement emergency exists shall request the department of administrative services to suspend the purchasing and contracting requirements in Chapter 125. of the Revised Code.

(2) The request shall include information detailing the immediacy of the state procurement emergency and a description of the necessary supplies or services that cannot be timely purchased through normal procurement methods otherwise required by state law.

(3) Whenever practical, the agency shall obtain a release and permit from the department of administrative services under section 125.035 of the Revised Code before making purchases under this division.

(D) Before any purchase may be made under a suspension authorized by this section, the director of administrative services shall send notice of the suspension as approved by the director to the director of budget and management and to the members of the controlling board. The notice shall provide details of the request for suspension and shall include a copy of the

director's approval. 8343

(E) Purchases made by state agencies under this section are 8344  
exempt from the requirements of section 127.16 of the Revised 8345  
Code, except that state agencies making purchases under this 8346  
section shall file a report with the president of the controlling 8347  
board describing all such purchases made by the agency during the 8348  
period covered by the emergency declaration or state procurement 8349  
emergency. The report shall be filed within ninety days after the 8350  
declaration or state procurement emergency condition expires. 8351

**Sec. 125.18.** (A) There is hereby established the office of 8352  
information technology within the department of administrative 8353  
services. The office shall be under the supervision of a state 8354  
chief information officer to be appointed by the director of 8355  
administrative services and subject to removal at the pleasure of 8356  
the director. The chief information officer is an assistant 8357  
director of administrative services. 8358

(B) Under the direction of the director of administrative 8359  
services, the state chief information officer shall lead, oversee, 8360  
and direct state agency activities related to information 8361  
technology development and use. In that regard, the state chief 8362  
information officer shall do all of the following: 8363

(1) Coordinate and superintend statewide efforts to promote 8364  
common use and development of technology by state agencies. The 8365  
office of information technology shall establish policies and 8366  
standards that govern and direct state agency participation in 8367  
statewide programs and initiatives. 8368

(2) Establish policies and standards for the acquisition and 8369  
use of common information technology by state agencies, including, 8370  
but not limited to, hardware, software, technology services, and 8371  
security, and the extension of the service life of information 8372  
technology systems, with which state agencies shall comply; 8373

- (3) Establish criteria and review processes to identify state agency information technology projects or purchases that require alignment or oversight. As appropriate, the department of administrative services shall provide the governor and the director of budget and management with notice and advice regarding the appropriate allocation of resources for those projects. The state chief information officer may require state agencies to provide, and may prescribe the form and manner by which they must provide, information to fulfill the state chief information officer's alignment and oversight role;
- (4) Establish policies and procedures for the security of personal information that is maintained and destroyed by state agencies;
- (5) Employ a chief information security officer who is responsible for the implementation of the policies and procedures described in division (B)(4) of this section and for coordinating the implementation of those policies and procedures in all of the state agencies;
- (6) Employ a chief privacy officer who is responsible for advising state agencies when establishing policies and procedures for the security of personal information and developing education and training programs regarding the state's security procedures;
- (7) Establish policies on the purchasing, use, and reimbursement for use of handheld computing and telecommunications devices by state agency employees;
- (8) Establish policies for the reduction of printing and the use of electronic records by state agencies;
- (9) Establish policies for the reduction of energy consumption by state agencies;
- (10) Compute the amount of revenue attributable to the amortization of all equipment purchases and capitalized systems

from information technology service delivery and major information 8405  
technology purchases operating appropriation items and major 8406  
computer purchases capital appropriation items that is recovered 8407  
as part of the information technology services rates the 8408  
department of administrative services charges and deposits into 8409  
the information technology fund created in section 125.15 of the 8410  
Revised Code; 8411

(11) Regularly review and make recommendations regarding 8412  
improving the infrastructure of the state's cybersecurity 8413  
operations with existing resources and through partnerships 8414  
between government, business, and institutions of higher 8415  
education; 8416

(12) Assist, as needed, with general state efforts to grow 8417  
the cybersecurity industry in this state. 8418

(C)(1) The chief information security officer shall assist 8419  
each state agency with the development of an information 8420  
technology security strategic plan and review that plan, and each 8421  
state agency shall submit that plan to the state chief information 8422  
officer. The chief information security officer may require that 8423  
each state agency update its information technology security 8424  
strategic plan annually as determined by the state chief 8425  
information officer. 8426

(2) Prior to the implementation of any information technology 8427  
data system, a state agency shall prepare or have prepared a 8428  
privacy impact statement for that system. 8429

(D) When a state agency requests a purchase of information 8430  
technology supplies or services under Chapter 125. of the Revised 8431  
Code, the state chief information officer may review and reject 8432  
the requested purchase for noncompliance with information 8433  
technology direction, plans, policies, standards, or 8434  
project-alignment criteria. 8435

(E) The office of information technology may operate 8436  
technology services for state agencies in accordance with this 8437  
chapter. 8438

Notwithstanding any provision of the Revised Code to the 8439  
contrary, the office of information technology may assess a 8440  
transaction fee on each license or registration issued as part of 8441  
an electronic licensing system operated by the office in an amount 8442  
determined by the office not to exceed three dollars and fifty 8443  
cents. The transaction fee shall apply to all transactions, 8444  
regardless of form, that immediately precede the issuance, 8445  
renewal, reinstatement, reactivation of, or other activity that 8446  
results in, a license or registration to operate as a regulated 8447  
professional or entity. Each license or registration is a separate 8448  
transaction to which a fee under this division applies. 8449  
Notwithstanding any provision of the Revised Code to the contrary, 8450  
if a fee is assessed under this section, no agency, board, or 8451  
commission shall issue a license or registration unless a fee 8452  
required by this division has been received. The director of 8453  
administrative services may collect the fee or require a state 8454  
agency, board, or commission for which the system is being 8455  
operated to collect the fee. Amounts received under this division 8456  
shall be deposited in or transferred to the professions licensing 8457  
system fund created in division (I) of this section. 8458

(F) With the approval of the director of administrative 8459  
services, the office of information technology may establish 8460  
cooperative agreements with federal and local government agencies 8461  
and state agencies that are not under the authority of the 8462  
governor for the provision of technology services and the 8463  
development of technology projects. 8464

(G) The office of information technology may operate a 8465  
program to make information technology purchases. The director of 8466  
administrative services may recover the cost of operating the 8467

program from all participating government entities by issuing 8468  
intrastate transfer voucher billings for the procured technology 8469  
or through any pass-through billing method agreed to by the 8470  
director of administrative services, the director of budget and 8471  
management, and the participating government entities that will 8472  
receive the procured technology. 8473

If the director of administrative services chooses to recover 8474  
the program costs through intrastate transfer voucher billings, 8475  
the participating government entities shall process the intrastate 8476  
transfer vouchers to pay for the cost. Amounts received under this 8477  
section for the information technology purchase program shall be 8478  
deposited to the credit of the information technology governance 8479  
fund created in section 125.15 of the Revised Code. 8480

(H) Upon request from the director of administrative 8481  
services, the director of budget and management may transfer cash 8482  
from the information technology fund created in section 125.15 of 8483  
the Revised Code to the major information technology purchases 8484  
fund in an amount not to exceed the amount computed under division 8485  
(B)(10) of this section. The major information technology 8486  
purchases fund is hereby created in the state treasury. 8487

(I) There is hereby created in the state treasury the 8488  
professions licensing system fund. The fund shall be used to 8489  
operate the electronic licensing system referenced in division (E) 8490  
of this section. 8491

(J) As used in this section: 8492

(1) "Personal information" has the same meaning as in section 8493  
149.45 of the Revised Code. 8494

(2) "State agency" means every organized body, office, or 8495  
agency established by the laws of the state for the exercise of 8496  
any function of state government, other than any state-supported 8497  
institution of higher education, the office of the auditor of 8498

state, treasurer of state, secretary of state, or attorney 8499  
general, the adjutant general's department, the bureau of workers' 8500  
compensation, the industrial commission, the public employees 8501  
retirement system, the Ohio police and fire pension fund, the 8502  
state teachers retirement system, the school employees retirement 8503  
system, the state highway patrol retirement system, the general 8504  
assembly or any legislative agency, the capitol square review 8505  
advisory board, or the courts or any judicial agency. 8506

**Sec. 125.22.** (A) The department of administrative services 8507  
shall establish the central service agency to perform routine 8508  
support for the following boards and commissions: 8509

- (1) Architects board; 8510
- (2) ~~Barber board;~~ 8511
- ~~(3) State chiropractic board;~~ 8512
- ~~(4)(3) State cosmetology and barber board of ~~cosmetology~~;~~ 8513
- ~~(5)(4) Accountancy board;~~ 8514
- ~~(6)(5) State dental board;~~ 8515
- ~~(7) State board of optometry;~~ 8516
- ~~(8)(6) Ohio occupational therapy, physical therapy, and 8517  
athletic trainers board;~~ 8518
- ~~(9)(7) State board of registration for professional engineers 8519  
and surveyors;~~ 8520
- ~~(10) State board of sanitarian registration;~~ 8521
- ~~(11)(8) Board of embalmers and funeral directors;~~ 8522
- ~~(12)(9) State board of psychology;~~ 8523
- ~~(13) Ohio optical dispensers board;~~ 8524
- ~~(14) Board of speech pathology and audiology;~~ 8525

<del>(15)</del> (10) Counselor, social worker, and marriage and family therapist board;	8526 8527
<del>(16)</del> (11) State veterinary medical licensing board;	8528
<del>(17) Ohio board of dietetics;</del>	8529
<del>(18)</del> (12) Commission on Hispanic-Latino affairs;	8530
<del>(19) Ohio respiratory care board;</del>	8531
<del>(20)</del> (13) Ohio commission on African-American males;	8532
<del>(21)</del> (14) Chemical dependency professionals board;	8533
<u>(15) State vision professionals board;</u>	8534
<u>(16) State speech and hearing professionals board.</u>	8535
(B)(1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or commission from this requirement on the recommendation of the director of administrative services:	8536 8537 8538 8539 8540 8541
(a) Preparing and processing payroll and other personnel documents;	8542 8543
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	8544 8545
(c) Maintaining ledgers of accounts and balances;	8546
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	8547 8548
(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency.	8549 8550 8551
(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the	8552 8553

agency and the agency accepts. 8554

(3) The agency may perform any service for any professional 8555  
or occupational licensing board not named in division (A) of this 8556  
section or any commission if the board or commission requests such 8557  
service and the agency accepts. 8558

(C) The director of administrative services shall be the 8559  
appointing authority for the agency. 8560

(D) The agency shall determine the fees to be charged to the 8561  
boards and commissions, which shall be in proportion to the 8562  
services performed for each board or commission. 8563

(E) Each board or commission named in division (A) of this 8564  
section and any other board or commission requesting services from 8565  
the agency shall pay these fees to the agency from the general 8566  
revenue fund maintenance account of the board or commission or 8567  
from such other fund as the operating expenses of the board or 8568  
commission are paid. Any amounts set aside for a fiscal year by a 8569  
board or commission to allow for the payment of fees shall be used 8570  
only for the services performed by the agency in that fiscal year. 8571  
All receipts collected by the agency shall be deposited in the 8572  
state treasury to the credit of the central service agency fund, 8573  
which is hereby created. All expenses incurred by the agency in 8574  
performing services for the boards or commissions shall be paid 8575  
from the fund. 8576

(F) Nothing in this section shall be construed as a grant of 8577  
authority for the central service agency to initiate or deny 8578  
personnel or fiscal actions for the boards and commissions. 8579

**Sec. 125.28.** (A) The director of administrative services 8580  
shall determine the reimbursable cost of space in state-owned or 8581  
state-leased facilities and shall collect reimbursements for that 8582  
cost. 8583

(B) The director may provide building maintenance services 8584  
and ~~minor construction project management tenant improvement~~ 8585  
services to any state agency and may collect reimbursements for 8586  
the cost of providing those services. 8587

(C) All money collected by the department of administrative 8588  
services, for operating expenses of facilities owned or maintained 8589  
by the department, or for tenant improvement services, shall be 8590  
deposited into the state treasury to the credit of the building 8591  
management fund, which is hereby created. ~~All money collected by~~ 8592  
~~the department for minor construction project management services~~ 8593  
~~shall be deposited into the state treasury to the credit of the~~ 8594  
~~minor construction project management fund, which is hereby~~ 8595  
~~created.~~ All money collected for depreciation and related costs 8596  
shall be deposited into the building improvement fund created 8597  
under section 125.27 of the Revised Code or deposited into the 8598  
building management fund and then transferred by the director of 8599  
budget and management to the building improvement fund. 8600

Sec. 125.32. (A) The department of administrative services 8601  
may establish an enterprise data management and analytics program 8602  
to gather, combine, and analyze data provided by one or more 8603  
agencies to measure the outcome of state-funded programs, develop 8604  
policies to promote the effective, efficient, and best use of 8605  
state resources, and to identify, prevent, or eliminate the 8606  
fraudulent use of state funds, state resources, or state programs. 8607  
Participating state agencies may use data gathered under the 8608  
program for these purposes. 8609

(B) A state agency shall provide data for use under the 8610  
program. A state agency that provides data under the program shall 8611  
comply with the data-sharing protocol adopted under division (D) 8612  
of this section. Notwithstanding any other provision of the 8613  
Revised Code, a state agency's provision of data under the program 8614

is considered a permitted use of the data under the Revised Code 8615  
and the state agency is not in violation of any contrary provision 8616  
of the Revised Code by providing the data. 8617

(C)(1) A state agency that provides data under the program 8618  
retains ownership over the data. Notwithstanding any other 8619  
provision of the Revised Code, only the state agency that provides 8620  
data under the program may be required under the law of this state 8621  
to respond to requests for records or information regarding the 8622  
provided data, including public records requests, subpoenas, 8623  
warrants, and investigatory requests. 8624

(2) Participating state agencies shall maintain the 8625  
confidentiality of data gathered under the program in accordance 8626  
with confidentiality laws applicable to the data when in the 8627  
possession of the state agency that provided the data. Employees 8628  
of the department of administrative services or another state 8629  
agency who gain access to another state agency's confidential data 8630  
under the program are subject to any confidentiality requirements 8631  
or duty to maintain confidentiality of the data established by law 8632  
applicable to the state agency that provided the data. The results 8633  
of the data analysis shall be compared against the confidentiality 8634  
laws applicable to the source data to determine if the results 8635  
retain any attributes of the source data that bring the results 8636  
within the scope of any of the confidentiality obligations that 8637  
applied to the source data. If so, the data analysis results are 8638  
subject to those applicable confidentiality obligations and, in 8639  
the event of a conflict between applicable confidentiality 8640  
obligations, the most stringent of those obligations shall 8641  
control. 8642

(D) In consultation with state agencies participating under 8643  
the program, the department of administrative services shall 8644  
develop a data-sharing protocol and a security plan for the 8645  
program. The security plan shall state how the data is to be 8646

protected. The data-sharing protocol shall include at least the 8647  
following: 8648

(1) How participating state agencies may use confidential 8649  
data in accordance with confidentiality laws applicable to the 8650  
provided data; 8651

(2) Who has authority to access data gathered under the 8652  
program; and 8653

(3) How participating state agencies shall make, verify, and 8654  
retain corrections to personal information gathered under the 8655  
program. 8656

Any collection of data derived under the program that is a 8657  
"system" with "personal information" as defined in section 1347.01 8658  
of the Revised Code shall comply with Chapter 1347. of the Revised 8659  
Code. 8660

**Sec. 125.66. (A) As used in this section and section 125.661** 8661  
**of the Revised Code:** 8662

(1) "Social service intermediary" means a nonprofit 8663  
organization exempt from federal income taxation under section 8664  
501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a 8665  
wholly-owned subsidiary of a nonprofit organization, that delivers 8666  
or contracts for the delivery of social services, raises capital 8667  
to finance the delivery of social services, and provides ongoing 8668  
project management and investor relations for these activities. 8669

(2) "State agency" has the same meaning as in section 9.23 of 8670  
the Revised Code. 8671

(B) There is hereby established the pay for success 8672  
contracting program. Under the program, the director of 8673  
administrative services may enter into multi-year contracts with 8674  
social service intermediaries to achieve certain social goals in 8675  
this state. 8676

(C) A contract entered into under the program shall include provisions that do all of the following: 8677  
8678

(1) Require the department of administrative services, in consultation with an agency of this state that administers programs or services related to the contract's subject matter, to specify performance targets to be met by the social service intermediary; 8679  
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(2) Specify the process or methodology that an independent evaluator contracted by the department of administrative services under section 125.661 of the Revised Code must use to evaluate the social service intermediary's progress toward meeting each performance target; 8684  
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(3) Require the department of administrative services to pay the social service intermediary in installments at times determined by the director of administrative services that are specified in the contract and are consistent with applicable state law; 8689  
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(4) Require the installment payments to the social service intermediary to be based on the social service intermediary's progress toward achieving each performance target, as determined by the independent evaluator contracted by the department of administrative services under section 125.661 of the Revised Code; 8694  
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(5) Specify the maximum amount a social service intermediary may earn for its progress toward achieving performance targets specified under division (C)(1) of this section; 8699  
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(6) Require the department of administrative services to ensure, in accordance with applicable state and federal laws, that the social service intermediary has access to any data in the possession of a state agency, including historical data, that the social service intermediary requests for the purpose of performing contractual duties. 8702  
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Sec. 125.661. If the director of administrative services 8708  
contracts with a social service intermediary under section 125.66 8709  
of the Revised Code, the director also shall contract with a 8710  
person or government entity to evaluate the social service 8711  
intermediary's progress toward meeting each performance target 8712  
specified in the contract pursuant to division (C)(1) of section 8713  
125.66 of the Revised Code. The director shall choose an evaluator 8714  
that is independent from the social service intermediary, ensuring 8715  
that both parties do not have common owners or administrators, 8716  
managers, or employees. 8717

Sec. 126.071. No state agency shall agree to any monetary 8718  
settlement that obligates payment from any fund within the state 8719  
treasury without consulting with the director of budget and 8720  
management. 8721

**Sec. 126.11.** (A)(1) The director of budget and management 8722  
shall, upon consultation with the treasurer of state, coordinate 8723  
and approve the scheduling of initial sales of publicly offered 8724  
securities of the state and of publicly offered fractionalized 8725  
interests in or securitized issues of public obligations of the 8726  
state. The director shall from time to time develop and distribute 8727  
to state issuers an approved sale schedule for each of the 8728  
obligations covered by division (A) or (B) of this section. 8729  
Division (A) of this section applies only to those obligations on 8730  
which the state or a state agency is the direct obligor or obligor 8731  
on any backup security or related credit enhancement facility or 8732  
source of money subject to state appropriations that is intended 8733  
for payment of those obligations. 8734

(2) The issuers of obligations pursuant to section 151.03, 8735  
151.04, 151.05, 151.07, 151.08, or 151.09 or Chapter 5537. of the 8736  
Revised Code shall submit to the director: 8737

(a) For review and approval: the projected sale date, amount, 8738  
and type of obligations proposed to be sold; their purpose, 8739  
security, and source of payment; the proposed structure and 8740  
maturity schedule; the trust agreement and any supplemental 8741  
agreements; and any credit enhancement facilities or interest rate 8742  
hedges for the obligations; 8743

(b) For review and comment: the authorizing order or 8744  
resolution; preliminary and final offering documents; method of 8745  
sale; preliminary and final pricing information; and any written 8746  
reports or recommendations of financial advisors or consultants 8747  
relating to those obligations; 8748

(c) Promptly after each sale of those obligations: final 8749  
terms, including sale price, maturity schedule and yields, and 8750  
sources and uses; names of the original purchasers or 8751  
underwriters; a copy of the final offering document and of the 8752  
transcript of proceedings; and any other pertinent information 8753  
requested by the director. 8754

(3) The issuer of obligations pursuant to section 151.06 or 8755  
151.40 or Chapter 154. of the Revised Code shall submit to the 8756  
director: 8757

(a) For review and mutual agreement: the projected sale date, 8758  
amount, and type of obligations proposed to be sold; their 8759  
purpose, security, and source of payment; the proposed structure 8760  
and maturity schedule; the trust agreement and any supplemental 8761  
agreements; and any credit enhancement facilities or interest rate 8762  
hedges for the obligations; 8763

(b) For review and comment: the authorizing order or 8764  
resolution; preliminary and final offering documents; method of 8765  
sale; preliminary and final pricing information; and any written 8766  
reports or recommendations of financial advisors or consultants 8767  
relating to those obligations; 8768

(c) Promptly after each sale of those obligations: final 8769  
terms, including sale price, maturity schedule and yields, and 8770  
sources and uses; names of the original purchasers or 8771  
underwriters; a copy of the final offering document and of the 8772  
transcript of proceedings; and any other pertinent information 8773  
requested by the director. 8774

(4) The issuers of obligations pursuant to Chapter 166., 8775  
4981., 5540., or 6121., or section 5531.10, of the Revised Code 8776  
shall submit to the director: 8777

(a) For review and comment: the projected sale date, amount, 8778  
and type of obligations proposed to be sold; the purpose, 8779  
security, and source of payment; and preliminary and final 8780  
offering documents; 8781

(b) Promptly after each sale of those obligations: final 8782  
terms, including a maturity schedule; names of the original 8783  
purchasers or underwriters; a copy of the complete continuing 8784  
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 8785  
rule as from time to time in effect; and any other pertinent 8786  
information requested by the director. 8787

(5) Not later than thirty days after the end of a fiscal 8788  
year, each issuer of obligations subject to divisions (A) and (B) 8789  
of this section shall submit to the director and to the treasurer 8790  
of state a sale plan for the then current fiscal year for each 8791  
type of obligation, projecting the amount and term of each 8792  
issuance, the method of sale, and the month of sale. 8793

(B) Issuers of obligations pursuant to section 3318.085 or 8794  
Chapter 175., 3366., 3706., 3737., 6121., or 6123. of the Revised 8795  
Code shall submit to the director copies of the preliminary and 8796  
final offering documents upon their availability if not previously 8797  
submitted pursuant to division (A) of this section. 8798

(C) State agencies or state issuers seeking new legislation 8799

or changes to existing law relating to public obligations for 8800  
which the state or a state agency is the direct obligor, or 8801  
obligor on any backup security or related credit enhancement 8802  
facility, shall timely submit the legislation or changes to the 8803  
director for review and comment. 8804

(D) Not later than the first day of January of each year, 8805  
every state agency obligated to make payments on outstanding 8806  
public obligations with respect to which fractionalized interests 8807  
have been publicly issued, such as certificates of participation, 8808  
shall submit a report to the director of the amounts payable from 8809  
state appropriations under those public obligations during the 8810  
then current and next two fiscal years, identifying the 8811  
appropriation or intended appropriation from which payment is 8812  
expected to be made. 8813

~~(D)~~(E)(1) Information relating generally to the historic, 8814  
current, or future demographics or economy or financial condition 8815  
or funds or general operations of the state, and descriptions of 8816  
any state contractual obligations relating to public obligations, 8817  
to be contained in any offering document, continuing disclosure 8818  
document, or written presentation prepared, approved, or provided, 8819  
or committed to be provided, by an issuer in connection with the 8820  
original issuance and sale of, or rating, remarketing, or credit 8821  
enhancement facilities relating to, public obligations referred to 8822  
in division (A) of this section shall be approved as to format and 8823  
accuracy by the director before being presented, published, or 8824  
disseminated in preliminary, draft, or final form, or publicly 8825  
filed in paper, electronic, or other format. 8826

(2) Except for information described in division ~~(D)~~(E)(1) of 8827  
this section that is to be contained in an offering document, 8828  
continuing disclosure document, or written presentation, division 8829  
~~(D)~~(E)(1) of this section does not inhibit direct communication 8830  
between an issuer and a rating agency, remarketing agent, or 8831

credit enhancement provider concerning an issuance of public 8832  
obligations referred to in division (A) of this section or matters 8833  
associated with that issuance. 8834

(3) The materials approved and provided pursuant to division 8835  
~~(D)~~(E) of this section are the information relating to the 8836  
particular subjects provided by the state or state agencies that 8837  
are required or contemplated by any applicable state or federal 8838  
securities laws and any commitments by the state or state agencies 8839  
made under those laws. Reliance for the purpose should not be 8840  
placed on any other information publicly provided, in any format 8841  
including electronic, by any state agency for other purposes, 8842  
including general information provided to the public or to 8843  
portions of the public. A statement to that effect shall be 8844  
included in those materials so approved or provided. 8845

~~(E)~~(F) Issuers of obligations referred to in division (A) of 8846  
this section may take steps, by formal agreement, covenants in the 8847  
proceedings, or otherwise, as may be necessary or appropriate to 8848  
comply or permit compliance with applicable lawful disclosure 8849  
requirements relating to those obligations, and may, subject to 8850  
division ~~(D)~~(E) of this section, provide, make available, or file 8851  
copies of any required disclosure materials as necessary or 8852  
appropriate. Any such formal agreement or covenant relating to 8853  
subjects referred to in division ~~(D)~~(E) of this section, and any 8854  
description of that agreement or covenant to be contained in any 8855  
offering document, shall be approved by the director before being 8856  
entered into or published or publicly disseminated in preliminary, 8857  
draft, or final form or publicly filed in paper, electronic, or 8858  
other format. The director shall be responsible for making all 8859  
filings in compliance with those requirements relating to direct 8860  
obligations of the state, including fractionalized interests in 8861  
those obligations. 8862

~~(F)~~(G) No state agency or official shall, without the 8863

approval of the director of budget and management and either the 8864  
general assembly or the state controlling board, do either of the 8865  
following: 8866

(1) Enter into or commit to enter into a public obligation 8867  
under which fractionalized interests in the payments are to be 8868  
publicly offered, which payments are anticipated to be made from 8869  
money from any source appropriated or to be appropriated by the 8870  
general assembly or in which the provision stated in section 9.94 8871  
of the Revised Code is not included; 8872

(2) Except as otherwise expressly authorized for the purpose 8873  
by law, agree or commit to provide, from money from any source to 8874  
be appropriated in the future by the general assembly, financial 8875  
assistance to or participation in the costs of capital facilities, 8876  
or the payment of debt charges, directly or by way of a credit 8877  
enhancement facility, a reserve, rental payments, or otherwise, on 8878  
obligations issued to pay costs of capital facilities. 8879

~~(G)~~(H) As used in this section, "interest rate hedge" has the 8880  
same meaning as in section 9.98 of the Revised Code; "credit 8881  
enhancement facilities," "debt charges," "fractionalized interests 8882  
in public obligations," "obligor," "public issuer," and 8883  
"securities" have the same meanings as in section 133.01 of the 8884  
Revised Code; "public obligation" has the same meaning as in 8885  
division (GG)(2) of section 133.01 of the Revised Code; 8886  
"obligations" means securities or public obligations or 8887  
fractionalized interests in them; "issuers" means issuers of 8888  
securities or state obligors on public obligations; "offering 8889  
document" means an official statement, offering circular, private 8890  
placement memorandum, or prospectus, or similar document; and 8891  
"director" means the director of budget and management or the 8892  
employee of the office of budget and management designated by the 8893  
director for the purpose. 8894

Sec. 126.22. The director of budget and management may:	8895
(A) Perform accounting services for and design and implement accounting systems with state agencies;	8896 8897
(B) Provide other accounting services, including the maintenance and periodic auditing of the financial records of and submission of vouchers by state agencies, provision of assistance in the analysis of the financial position of state agencies, and preparation and submission of reports;	8898 8899 8900 8901 8902
(C) Change any accounting code appearing in appropriations acts of the general assembly;	8903 8904
<u>(D) Correct accounting errors committed by any state agency or state institution of higher education, including, but not limited to, the reestablishment of encumbrances cancelled in error.</u>	8905 8906 8907 8908
<u>Sec. 126.231. Beginning on October 1, 2018, and every six months thereafter, the director of budget and management shall furnish to the president and minority leader of the senate, the speaker and minority leader of the house of representatives, and the chairpersons of the finance committees of the senate and house of representatives a report of all of the following:</u>	8909 8910 8911 8912 8913 8914
<u>(A) Line items that have been discontinued, but have a remaining balance;</u>	8915 8916
<u>(B)(1) For an October report, funds that had no expenditures in the immediately preceding fiscal year;</u>	8917 8918
<u>(2) For an April report, funds that had no expenditures in the current fiscal year;</u>	8919 8920
<u>(C) Funds that have spent less than half of their appropriations;</u>	8921 8922
<u>(D) Dedicated purpose funds that have more than one hundred</u>	8923

per cent of their appropriation in cash on hand. 8924

**Sec. 126.35.** (A) The director of budget and management shall 8925  
draw warrants or process electronic funds transfers against the 8926  
treasurer of state pursuant to all requests for payment that the 8927  
director has approved under section 126.07 of the Revised Code. 8928

(B) Unless a cash assistance payment is to be made by 8929  
electronic benefit transfer, payment by the director of budget and 8930  
management to a participant in the Ohio works first program 8931  
pursuant to Chapter 5107. of the Revised Code, ~~a recipient of~~ 8932  
~~disability financial assistance pursuant to Chapter 5115. of the~~ 8933  
~~Revised Code,~~ or a recipient of cash assistance provided under the 8934  
refugee assistance program established under section 5101.49 of 8935  
the Revised Code shall be made by direct deposit to the account of 8936  
the participant or recipient in the financial institution 8937  
designated under section 329.03 of the Revised Code. Payment by 8938  
the director of budget and management to a recipient of benefits 8939  
distributed through the medium of electronic benefit transfer 8940  
pursuant to section 5101.33 of the Revised Code shall be by 8941  
electronic benefit transfer. Payment by the director of budget and 8942  
management as compensation to an employee of the state who has, 8943  
pursuant to section 124.151 of the Revised Code, designated a 8944  
financial institution and account for the direct deposit of such 8945  
payments shall be made by direct deposit to the account of the 8946  
employee. Payment to any other payee who has designated a 8947  
financial institution and account for the direct deposit of such 8948  
payment may be made by direct deposit to the account of the payee 8949  
in the financial institution as provided in section 9.37 of the 8950  
Revised Code. Accounts maintained by the director of budget and 8951  
management or the director's agent in a financial institution for 8952  
the purpose of effectuating payment by direct deposit or 8953  
electronic benefit transfer shall be maintained in accordance with 8954  
section 135.18 of the Revised Code. 8955

(C) All other payments from the state treasury shall be made 8956  
by paper warrants, electronic funds transfers, or by direct 8957  
deposit payable to the respective payees. The director of budget 8958  
and management may mail the paper warrants to the respective 8959  
payees or distribute them through other state agencies, whichever 8960  
the director determines to be the better procedure. 8961

**Sec. 131.23.** The various political subdivisions of this state 8962  
may issue bonds, and any indebtedness created by that issuance 8963  
shall not be subject to the limitations or included in the 8964  
calculation of indebtedness prescribed by sections 133.05, 133.06, 8965  
133.07, and 133.09 of the Revised Code, but the bonds may be 8966  
issued only under the following conditions: 8967

(A) The subdivision desiring to issue the bonds shall obtain 8968  
from the county auditor a certificate showing the total amount of 8969  
delinquent taxes due and unpayable to the subdivision at the last 8970  
semiannual tax settlement. 8971

(B) The fiscal officer of that subdivision shall prepare a 8972  
statement, from the books of the subdivision, verified by the 8973  
fiscal officer under oath, which shall contain the following facts 8974  
of the subdivision: 8975

(1) The total bonded indebtedness; 8976

(2) The aggregate amount of notes payable or outstanding 8977  
accounts of the subdivision, incurred prior to the commencement of 8978  
the current fiscal year, which shall include all evidences of 8979  
indebtedness issued by the subdivision except notes issued in 8980  
anticipation of bond issues and the indebtedness of any 8981  
nontax-supported public utility; 8982

(3) ~~Except in the case of school districts, the aggregate~~ 8983  
~~current year's requirement for disability financial assistance~~ 8984  
~~provided under Chapter 5115. of the Revised Code that the~~ 8985

~~subdivision is unable to finance except by the issue of bonds;~~ 8986

~~(4)~~ The indebtedness outstanding through the issuance of any 8987  
bonds or notes pledged or obligated to be paid by any delinquent 8988  
taxes; 8989

~~(5)~~(4) The total of any other indebtedness; 8990

~~(6)~~(5) The net amount of delinquent taxes unpledged to pay 8991  
any bonds, notes, or certificates, including delinquent 8992  
assessments on improvements on which the bonds have been paid; 8993

~~(7)~~(6) The budget requirements for the fiscal year for bond 8994  
and note retirement; 8995

~~(8)~~(7) The estimated revenue for the fiscal year. 8996

(C) The certificate and statement provided for in divisions 8997  
(A) and (B) of this section shall be forwarded to the tax 8998  
commissioner together with a request for authority to issue bonds 8999  
of the subdivision in an amount not to exceed seventy per cent of 9000  
the net unobligated delinquent taxes and assessments due and owing 9001  
to the subdivision, as set forth in division (B)~~(6)~~(5) of this 9002  
section. 9003

(D) No subdivision may issue bonds under this section in 9004  
excess of a sufficient amount to pay the indebtedness of the 9005  
subdivision as shown by division (B)(2) of this section ~~and,~~ 9006  
~~except in the case of school districts, to provide funds for~~ 9007  
~~disability financial assistance as shown by division (B)(3) of~~ 9008  
~~this section.~~ 9009

(E) The tax commissioner shall grant to the subdivision 9010  
authority requested by the subdivision as restricted by divisions 9011  
(C) and (D) of this section and shall make a record of the 9012  
certificate, statement, and grant in a record book devoted solely 9013  
to such recording and which shall be open to inspection by the 9014  
public. 9015

(F) The commissioner shall immediately upon issuing the 9016  
authority provided in division (E) of this section notify the 9017  
proper authority having charge of the retirement of bonds of the 9018  
subdivision by forwarding a copy of the grant of authority and of 9019  
the statement provided for in division (B) of this section. 9020

(G) Upon receipt of authority, the subdivision shall proceed 9021  
according to law to issue the amount of bonds authorized by the 9022  
commissioner, and authorized by the taxing authority, provided the 9023  
taxing authority of that subdivision may submit, by resolution, to 9024  
the electors of that subdivision the question of issuing the 9025  
bonds. The resolution shall make the declarations and statements 9026  
required by section 133.18 of the Revised Code. The county auditor 9027  
and taxing authority shall thereupon proceed as set forth in 9028  
divisions (C) and (D) of that section. The election on the 9029  
question of issuing the bonds shall be held under divisions (E), 9030  
(F), and (G) of that section, except that publication of the 9031  
notice of the election shall be made on two separate days prior to 9032  
the election in a newspaper of general circulation in the 9033  
subdivision or as provided in section 7.16 of the Revised Code. If 9034  
the board of elections operates and maintains a web site, notice 9035  
of the election also shall be posted on that web site for thirty 9036  
days prior to the election. The bonds may be exchanged at their 9037  
face value with creditors of the subdivision in liquidating the 9038  
indebtedness described and enumerated in division (B)(2) of this 9039  
section or may be sold as provided in Chapter 133. of the Revised 9040  
Code, and in either event shall be uncontestable. 9041

(H) The per cent of delinquent taxes and assessments 9042  
collected for and to the credit of the subdivision after the 9043  
exchange or sale of bonds as certified by the commissioner shall 9044  
be paid to the authority having charge of the sinking fund of the 9045  
subdivision, which money shall be placed in a separate fund for 9046  
the purpose of retiring the bonds so issued. The proper authority 9047

of the subdivisions shall provide for the levying of a tax 9048  
sufficient in amount to pay the debt charges on all such bonds 9049  
issued under this section. 9050

(I) This section is for the sole purpose of assisting the 9051  
various subdivisions in paying their unsecured indebtedness, ~~and~~ 9052  
~~providing funds for disability financial assistance.~~ The bonds 9053  
issued under authority of this section shall not be used for any 9054  
other purpose, and any exchange for other purposes, or the use of 9055  
the money derived from the sale of the bonds by the subdivision 9056  
for any other purpose, is misapplication of funds. 9057

(J) The bonds authorized by this section shall be redeemable 9058  
or payable in not to exceed ten years from date of issue and shall 9059  
not be subject to or considered in calculating the net 9060  
indebtedness of the subdivision. The budget commission of the 9061  
county in which the subdivision is located shall annually allocate 9062  
such portion of the then delinquent levy due the subdivision which 9063  
is unpledged for other purposes to the payment of debt charges on 9064  
the bonds issued under authority of this section. 9065

(K) The issue of bonds under this section shall be governed 9066  
by Chapter 133. of the Revised Code, respecting the terms used, 9067  
forms, manner of sale, and redemption except as otherwise provided 9068  
in this section. 9069

The board of county commissioners of any county may issue 9070  
bonds authorized by this section and distribute the proceeds of 9071  
the bond issues to any or all of the cities and townships of the 9072  
county, ~~according to their relative needs for disability financial~~ 9073  
~~assistance as determined by the county.~~ 9074

All sections of the Revised Code inconsistent with or 9075  
prohibiting the exercise of the authority conferred by this 9076  
section are inoperative respecting bonds issued under this 9077  
section. 9078

Sec. 131.33. (A) No state agency shall incur an obligation 9079  
which exceeds the agency's current appropriation authority. Except 9080  
as provided in division (D) of this section, unexpended balances 9081  
of appropriations shall, at the close of the period for which the 9082  
appropriations are made, revert to the funds from which the 9083  
appropriations were made, except that the director of budget and 9084  
management shall transfer such unexpended balances from the first 9085  
fiscal year to the second fiscal year of an agency's 9086  
appropriations to the extent necessary for voided warrants to be 9087  
reissued pursuant to division (C) of section 126.37 of the Revised 9088  
Code. 9089

Except as provided in this section, appropriations made to a 9090  
specific fiscal year shall be expended only to pay liabilities 9091  
incurred within that fiscal year. 9092

(B) All payrolls shall be charged to the allotments of the 9093  
fiscal quarters in which the applicable payroll vouchers are 9094  
certified by the director of budget and management in accordance 9095  
with section 126.07 of the Revised Code. As used in this division, 9096  
"payrolls" means any payment made in accordance with section 9097  
125.21 of the Revised Code. 9098

(C) Legal liabilities from prior fiscal years for which there 9099  
is no reappropriation authority shall be discharged from the 9100  
unencumbered balances of current appropriations. 9101

(D)(1) Federal grant funds obligated by the department of job 9102  
and family services for financial allocations to county family 9103  
services agencies and local ~~workforce investment~~ boards may, at 9104  
the discretion of the director of job and family services, be 9105  
available for expenditure for the duration of the federal grant 9106  
period of obligation and liquidation, as follows: 9107

(a) At the end of the state fiscal year, all unexpended 9108  
county family services agency and local ~~workforce investment~~ board 9109

financial allocations obligated from federal grant funds may 9110  
continue to be valid for expenditure during subsequent state 9111  
fiscal years. 9112

(b) The financial allocations described in division (D)(1)(a) 9113  
of this section shall be reconciled at the end of the federal 9114  
grant period of availability or as required by federal law, 9115  
regardless of the state fiscal year of the appropriation. 9116

(2) The director of job and family services may adopt rules 9117  
in accordance with section 111.15 of the Revised Code, as if they 9118  
were internal management rules, as necessary to implement division 9119  
(D) of this section. 9120

(3) As used in division (D) of this section: 9121

(a) "County family services agency" has the same meaning as 9122  
in section 307.981 of the Revised Code. 9123

(b) "~~Local workforce investment board~~" ~~means a local~~ 9124  
~~workforce investment board established under section 117 of the~~ 9125  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832,~~ 9126  
~~as amended~~ has the same meaning as in section 6301.01 of the 9127  
Revised Code. 9128

**Sec. 131.35.** (A) With respect to the federal funds received 9129  
into any fund of the state from which transfers may be made under 9130  
division (D) of section 127.14 of the Revised Code: 9131

(1) No state agency may make expenditures of any federal 9132  
funds, whether such funds are advanced prior to expenditure or as 9133  
reimbursement, unless such expenditures are made pursuant to 9134  
specific appropriations of the general assembly, are authorized by 9135  
the controlling board pursuant to division (A)(5) of this section, 9136  
or are authorized by an executive order issued in accordance with 9137  
section 107.17 of the Revised Code, and until an allotment has 9138  
been approved by the director of budget and management. All 9139

federal funds received by a state agency shall be reported to the 9140  
director within fifteen days of the receipt of such funds or the 9141  
notification of award, whichever occurs first. The director shall 9142  
prescribe the forms and procedures to be used when reporting the 9143  
receipt of federal funds. 9144

(2) If the federal funds received are greater than the amount 9145  
of such funds appropriated by the general assembly for a specific 9146  
purpose, the total appropriation of federal and state funds for 9147  
such purpose shall remain at the amount designated by the general 9148  
assembly, except that the expenditure of federal funds received in 9149  
excess of such specific appropriation may be authorized by the 9150  
controlling board, subject to division (D) of this section. 9151

(3) To the extent that the expenditure of excess federal 9152  
funds is authorized, the controlling board may transfer a like 9153  
amount of general revenue fund appropriation authority from the 9154  
affected agency to the emergency purposes appropriation of the 9155  
controlling board, if such action is permitted under federal 9156  
regulations. 9157

(4) Additional funds may be created by the controlling board 9158  
to receive revenues not anticipated in an appropriations act for 9159  
the biennium in which such new revenues are received. ~~Expenditures~~ 9160  
Subject to division (D) of this section, expenditures from such 9161  
additional funds may be authorized by the controlling board, but 9162  
such authorization shall not extend beyond the end of the biennium 9163  
in which such funds are created. 9164

(5) Controlling board authorization for a state agency to 9165  
make an expenditure of federal funds constitutes authority for the 9166  
agency to participate in the federal program providing the funds, 9167  
and the agency is not required to obtain an executive order under 9168  
section 107.17 of the Revised Code to participate in the federal 9169  
program. 9170

(B) With respect to nonfederal funds received into the 9171  
waterways safety fund, the wildlife fund, and any fund of the 9172  
state from which transfers may be made under division (D) of 9173  
section 127.14 of the Revised Code: 9174

(1) No state agency may make expenditures of any such funds 9175  
unless the expenditures are made pursuant to specific 9176  
appropriations of the general assembly. 9177

(2) If the receipts received into any fund are greater than 9178  
the amount appropriated, the appropriation for that fund shall 9179  
remain at the amount designated by the general assembly or, 9180  
subject to division (D) of this section, as increased and approved 9181  
by the controlling board. 9182

(3) Additional funds may be created by the controlling board 9183  
to receive revenues not anticipated in an appropriations act for 9184  
the biennium in which such new revenues are received. ~~Expenditures~~ 9185  
Subject to division (D) of this section, expenditures from such 9186  
additional funds may be authorized by the controlling board, but 9187  
such authorization shall not extend beyond the end of the biennium 9188  
in which such funds are created. 9189

(C) The controlling board shall not authorize more than ten 9190  
per cent of additional spending from the occupational licensing 9191  
and regulatory fund, created in section 4743.05 of the Revised 9192  
Code, in excess of any appropriation made by the general assembly 9193  
to a licensing agency except an appropriation for costs related to 9194  
the examination or reexamination of applicants for a license. As 9195  
used in this division, "licensing agency" and "license" have the 9196  
same meanings as in section 4745.01 of the Revised Code. 9197

(D) The amount of any expenditure authorized under division 9198  
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 9199  
related purpose or item in any fiscal year shall not exceed an 9200  
amount greater than one-half of one per cent of the general 9201

revenue fund appropriations for that fiscal year. 9202

**Sec. 131.44.** (A) As used in this section: 9203

(1) "Surplus revenue" means the excess, if any, of the total 9204  
fund balance over the required year-end balance. 9205

(2) "Total fund balance" means the sum of the unencumbered 9206  
balance in the general revenue fund on the last day of the 9207  
preceding fiscal year plus the balance in the budget stabilization 9208  
fund. 9209

(3) "Required year-end balance" means the sum of the 9210  
following: 9211

(a) Eight and one-half per cent of the general revenue fund 9212  
revenues for the preceding fiscal year; 9213

(b) "Ending fund balance," which means one-half of one per 9214  
cent of general revenue fund revenues for the preceding fiscal 9215  
year; 9216

(c) "Carryover balance," which means, with respect to a 9217  
fiscal biennium, the excess, if any, of the estimated general 9218  
revenue fund appropriation and transfer requirement for the second 9219  
fiscal year of the biennium over the estimated general revenue 9220  
fund revenue for that fiscal year; 9221

(d) "Capital appropriation reserve," which means the amount, 9222  
if any, of general revenue fund capital appropriations made for 9223  
the current biennium that the director of budget and management 9224  
has determined will be encumbered or disbursed; 9225

(e) "Income tax reduction impact reserve," which means an 9226  
amount equal to the reduction projected by the director of budget 9227  
and management in income tax revenue in the current fiscal year 9228  
attributable to the previous reduction in the income tax rate made 9229  
by the tax commissioner pursuant to division (B) of section 9230  
5747.02 of the Revised Code. 9231

(4) "Estimated general revenue fund appropriation and transfer requirement" means the most recent adjusted appropriations made by the general assembly from the general revenue fund and includes both of the following:

(a) Appropriations made and transfers of appropriations from the first fiscal year to the second fiscal year of the biennium in provisions of acts of the general assembly signed by the governor but not yet effective;

(b) Transfers of appropriations from the first fiscal year to the second fiscal year of the biennium approved by the controlling board.

(5) "Estimated general revenue fund revenue" means the most recent such estimate available to the director of budget and management.

(B)(1) Not later than the thirty-first day of July each year, the director of budget and management shall determine the surplus revenue that existed on the preceding thirtieth day of June and transfer from the general revenue fund, to the extent of the unobligated, unencumbered balance on the preceding thirtieth day of June in excess of one-half of one per cent of the general revenue fund revenues in the preceding fiscal year, the following:

(a) First, to the budget stabilization fund, any amount necessary for the balance of the budget stabilization fund to equal eight and one-half per cent of the general revenue fund revenues of the preceding fiscal year;

(b) Then, to the income tax reduction fund, which is hereby created in the state treasury, an amount equal to the surplus revenue.

(2) Not later than the thirty-first day of July each year, the director shall determine the percentage that the balance in the income tax reduction fund is of the amount of revenue that the

director estimates will be received from the tax levied under 9263  
section 5747.02 of the Revised Code in the current fiscal year 9264  
without regard to any reduction under division (B) of that 9265  
section. If that percentage exceeds thirty-five one hundredths of 9266  
one per cent, the director shall certify the percentage to the tax 9267  
commissioner not later than the thirty-first day of July. 9268

(C) The director of budget and management shall transfer 9269  
money in the income tax reduction fund to the general revenue 9270  
fund, the local government fund, and the public library fund as 9271  
necessary to offset revenue reductions resulting from the 9272  
reductions in taxes required under division (B) of section 5747.02 9273  
of the Revised Code in the respective amounts and percentages 9274  
prescribed by division (A) of section 5747.03 and divisions ~~(B)~~(A) 9275  
and ~~(C)~~(B) of section 131.51 of the Revised Code as if the amount 9276  
transferred had been collected as taxes under Chapter 5747. of the 9277  
Revised Code. If no reductions in taxes are made under that 9278  
division that affect revenue received in the current fiscal year, 9279  
the director shall not transfer money from the income tax 9280  
reduction fund to the general revenue fund, the local government 9281  
fund, and the public library fund. 9282

**Sec. 131.51.** ~~(A) On or before July 5, 2013, the tax 9283  
commissioner shall compute the following amounts and certify those 9284  
amounts to the director of budget and management:~~ 9285

~~(1) A percentage calculated by multiplying one hundred by the 9286  
quotient obtained by dividing the total amount credited to the 9287  
local government fund in fiscal year 2013 by the total amount of 9288  
tax revenue credited to the general revenue fund in fiscal year 9289  
2013. The percentage shall be rounded to the nearest one hundredth 9290  
of one per cent.~~ 9291

~~(2) A percentage calculated by multiplying one hundred by the 9292  
quotient obtained by dividing the total amount credited to the 9293~~

~~public library fund in fiscal year 2013 by the total amount of tax 9294  
revenue credited to the general revenue fund in fiscal year 2013. 9295  
The percentage shall be rounded to the nearest one hundredth of 9296  
one per cent. 9297~~

~~(B)~~ On or before the seventh day of each month, the director 9298  
of budget and management shall credit to the local government fund 9299  
~~an amount equal to the product obtained by multiplying the 9300  
percentage calculated under division (A)(1) of this section by one 9301  
and sixty-six one-hundredths per cent of the total tax revenue 9302  
credited to the general revenue fund during the preceding month. 9303  
In determining the total tax revenue credited to the general 9304  
revenue fund during the preceding month, the director shall 9305  
include amounts transferred from the fund during the preceding 9306  
month under this division and division ~~(C)~~(B) of this section. 9307  
Money shall be distributed from the local government fund as 9308  
required under ~~section~~ sections 5747.50 and 5747.503 of the 9309  
Revised Code during the same month in which it is credited to the 9310  
fund. 9311~~

~~(C)~~(B) On or before the seventh day of each month, the 9312  
director of budget and management shall credit to the public 9313  
library fund ~~an amount equal to the product obtained by 9314  
multiplying the percentage calculated under division (A)(2) of 9315  
this section by one and sixty-six one-hundredths per cent of the 9316  
total tax revenue credited to the general revenue fund during the 9317  
preceding month. In determining the total tax revenue credited to 9318  
the general revenue fund during the preceding month, the director 9319  
shall include amounts transferred from the fund during the 9320  
preceding month under this division and division ~~(B)~~(A) of this 9321  
section. Money shall be distributed from the public library fund 9322  
as required under section 5747.47 of the Revised Code during the 9323  
same month in which it is credited to the fund. 9324~~

~~(D)~~(C) The director of budget and management shall develop a 9325

schedule identifying the specific tax revenue sources to be used 9326  
to make the monthly transfers required under divisions ~~(B)~~(A) and 9327  
~~(C)~~(B) of this section. The director may, from time to time, 9328  
revise the schedule as the director considers necessary. 9329

**Sec. 133.022.** (A) As used in this section: 9330

(1) "Large local educational agency" and "qualified school 9331  
construction bond" have the same meaning as in section 54F of the 9332  
Internal Revenue Code, 26 U.S.C. 54F. 9333

(2) "National limit" means, as applicable, the limitation on 9334  
the aggregate amount of qualified school construction bonds that 9335  
may be issued by the states each calendar year under section 54F 9336  
of the Internal Revenue Code. 9337

(3) "State portion" means the portion of the national limit 9338  
allocated to this state pursuant to section 54F of the Internal 9339  
Revenue Code. 9340

(B)(1) To provide for the orderly and prompt issuance of 9341  
qualified school construction bonds, the Ohio ~~school~~ facilities 9342  
construction commission, in consultation with the director of 9343  
budget and management, shall allocate the state portion among 9344  
those issuers authorized to issue qualified school construction 9345  
bonds. The Ohio ~~school~~ facilities construction commission may also 9346  
accept from any large local educational agency the allocation 9347  
received by that agency under section 54F(d)(2) of the Internal 9348  
Revenue Code and reallocate it to any issuer or issuers authorized 9349  
to issue obligations, including any large local educational 9350  
agency. 9351

(2) The factors to be considered when making allocations of 9352  
the state portion or reallocations of any amounts received by a 9353  
large local educational agency include the following: 9354

(a) The interests of the state with regard to education and 9355

economic development; 9356

(b) The need and ability of each issuer to issue obligations. 9357

(3) The Ohio ~~school~~ facilities construction commission, in 9358  
consultation with the director of budget and management, shall 9359  
establish procedures for making allocations, including those from 9360  
any carryover of the state portion, and shall adopt guidelines to 9361  
carry out the purposes of this section. 9362

**Sec. 133.06.** (A) A school district shall not incur, without a 9363  
vote of the electors, net indebtedness that exceeds an amount 9364  
equal to one-tenth of one per cent of its tax valuation, except as 9365  
provided in divisions (G) and (H) of this section and in division 9366  
(D) of section 3313.372 of the Revised Code, or as prescribed in 9367  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 9368  
division (J) of this section. 9369

(B) Except as provided in divisions (E), (F), and (I) of this 9370  
section, a school district shall not incur net indebtedness that 9371  
exceeds an amount equal to nine per cent of its tax valuation. 9372

(C) A school district shall not submit to a vote of the 9373  
electors the question of the issuance of securities in an amount 9374  
that will make the district's net indebtedness after the issuance 9375  
of the securities exceed an amount equal to four per cent of its 9376  
tax valuation, unless the superintendent of public instruction, 9377  
acting under policies adopted by the state board of education, and 9378  
the tax commissioner, acting under written policies of the 9379  
commissioner, consent to the submission. A request for the 9380  
consents shall be made at least one hundred twenty days prior to 9381  
the election at which the question is to be submitted. 9382

The superintendent of public instruction shall certify to the 9383  
district the superintendent's and the tax commissioner's decisions 9384  
within thirty days after receipt of the request for consents. 9385

If the electors do not approve the issuance of securities at 9386  
the election for which the superintendent of public instruction 9387  
and tax commissioner consented to the submission of the question, 9388  
the school district may submit the same question to the electors 9389  
on the date that the next special election may be held under 9390  
section 3501.01 of the Revised Code without submitting a new 9391  
request for consent. If the school district seeks to submit the 9392  
same question at any other subsequent election, the district shall 9393  
first submit a new request for consent in accordance with this 9394  
division. 9395

(D) In calculating the net indebtedness of a school district, 9396  
none of the following shall be considered: 9397

(1) Securities issued to acquire school buses and other 9398  
equipment used in transporting pupils or issued pursuant to 9399  
division (D) of section 133.10 of the Revised Code; 9400

(2) Securities issued under division (F) of this section, 9401  
under section 133.301 of the Revised Code, and, to the extent in 9402  
excess of the limitation stated in division (B) of this section, 9403  
under division (E) of this section; 9404

(3) Indebtedness resulting from the dissolution of a joint 9405  
vocational school district under section 3311.217 of the Revised 9406  
Code, evidenced by outstanding securities of that joint vocational 9407  
school district; 9408

(4) Loans, evidenced by any securities, received under 9409  
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 9410

(5) Debt incurred under section 3313.374 of the Revised Code; 9411

(6) Debt incurred pursuant to division (B)(5) of section 9412  
3313.37 of the Revised Code to acquire computers and related 9413  
hardware; 9414

(7) Debt incurred under section 3318.042 of the Revised Code. 9415

(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	9416 9417
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	9418 9419 9420
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	9421 9422
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	9423 9424 9425 9426
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	9427 9428 9429
(a) The history of and a projection of the growth of the tax valuation;	9430 9431
(b) The projected needs;	9432
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	9433 9434
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	9435 9436 9437
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	9438 9439 9440
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next	9441 9442 9443 9444 9445

five years of an average of not less than one and one-half per 9446  
cent per year. The findings and certification of the 9447  
superintendent shall be conclusive. 9448

(4) An approved special needs district may incur net 9449  
indebtedness by the issuance of securities in accordance with the 9450  
provisions of this chapter in an amount that does not exceed an 9451  
amount equal to the greater of the following: 9452

(a) Twelve per cent of the sum of its tax valuation plus an 9453  
amount that is the product of multiplying that tax valuation by 9454  
the percentage by which the tax valuation has increased over the 9455  
tax valuation on the first day of the sixtieth month preceding the 9456  
month in which its board determines to submit to the electors the 9457  
question of issuing the proposed securities; 9458

(b) Twelve per cent of the sum of its tax valuation plus an 9459  
amount that is the product of multiplying that tax valuation by 9460  
the percentage, determined by the superintendent of public 9461  
instruction, by which that tax valuation is projected to increase 9462  
during the next ten years. 9463

(F) A school district may issue securities for emergency 9464  
purposes, in a principal amount that does not exceed an amount 9465  
equal to three per cent of its tax valuation, as provided in this 9466  
division. 9467

(1) A board of education, by resolution, may declare an 9468  
emergency if it determines both of the following: 9469

(a) School buildings or other necessary school facilities in 9470  
the district have been wholly or partially destroyed, or condemned 9471  
by a constituted public authority, or that such buildings or 9472  
facilities are partially constructed, or so constructed or planned 9473  
as to require additions and improvements to them before the 9474  
buildings or facilities are usable for their intended purpose, or 9475  
that corrections to permanent improvements are necessary to remove 9476

or prevent health or safety hazards. 9477

(b) Existing fiscal and net indebtedness limitations make 9478  
adequate replacement, additions, or improvements impossible. 9479

(2) Upon the declaration of an emergency, the board of 9480  
education may, by resolution, submit to the electors of the 9481  
district pursuant to section 133.18 of the Revised Code the 9482  
question of issuing securities for the purpose of paying the cost, 9483  
in excess of any insurance or condemnation proceeds received by 9484  
the district, of permanent improvements to respond to the 9485  
emergency need. 9486

(3) The procedures for the election shall be as provided in 9487  
section 133.18 of the Revised Code, except that: 9488

(a) The form of the ballot shall describe the emergency 9489  
existing, refer to this division as the authority under which the 9490  
emergency is declared, and state that the amount of the proposed 9491  
securities exceeds the limitations prescribed by division (B) of 9492  
this section; 9493

(b) The resolution required by division (B) of section 133.18 9494  
of the Revised Code shall be certified to the county auditor and 9495  
the board of elections at least one hundred days prior to the 9496  
election; 9497

(c) The county auditor shall advise and, not later than 9498  
ninety-five days before the election, confirm that advice by 9499  
certification to, the board of education of the information 9500  
required by division (C) of section 133.18 of the Revised Code; 9501

(d) The board of education shall then certify its resolution 9502  
and the information required by division (D) of section 133.18 of 9503  
the Revised Code to the board of elections not less than ninety 9504  
days prior to the election. 9505

(4) Notwithstanding division (B) of section 133.21 of the 9506

Revised Code, the first principal payment of securities issued 9507  
under this division may be set at any date not later than sixty 9508  
months after the earliest possible principal payment otherwise 9509  
provided for in that division. 9510

(G)(1) The board of education may contract with an architect, 9511  
professional engineer, or other person experienced in the design 9512  
and implementation of energy conservation measures for an analysis 9513  
and recommendations pertaining to installations, modifications of 9514  
installations, or remodeling that would significantly reduce 9515  
energy consumption in buildings owned by the district. The report 9516  
shall include estimates of all costs of such installations, 9517  
modifications, or remodeling, including costs of design, 9518  
engineering, installation, maintenance, repairs, measurement and 9519  
verification of energy savings, and debt service, forgone residual 9520  
value of materials or equipment replaced by the energy 9521  
conservation measure, as defined by the Ohio ~~school~~ facilities 9522  
construction commission, a baseline analysis of actual energy 9523  
consumption data for the preceding three years with the utility 9524  
baseline based on only the actual energy consumption data for the 9525  
preceding twelve months, and estimates of the amounts by which 9526  
energy consumption and resultant operational and maintenance 9527  
costs, as defined by the commission, would be reduced. 9528

If the board finds after receiving the report that the amount 9529  
of money the district would spend on such installations, 9530  
modifications, or remodeling is not likely to exceed the amount of 9531  
money it would save in energy and resultant operational and 9532  
maintenance costs over the ensuing fifteen years, the board may 9533  
submit to the commission a copy of its findings and a request for 9534  
approval to incur indebtedness to finance the making or 9535  
modification of installations or the remodeling of buildings for 9536  
the purpose of significantly reducing energy consumption. 9537

The ~~school~~ facilities construction commission, in 9538

consultation with the auditor of state, may deny a request under 9539  
~~this division (G)(1) of this section~~ by the board of education of 9540  
any school district that is in a state of fiscal watch pursuant to 9541  
division (A) of section 3316.03 of the Revised Code, if it 9542  
determines that the expenditure of funds is not in the best 9543  
interest of the school district. 9544

No district board of education of a school district that is 9545  
in a state of fiscal emergency pursuant to division (B) of section 9546  
3316.03 of the Revised Code shall submit a request without 9547  
submitting evidence that the installations, modifications, or 9548  
remodeling have been approved by the district's financial planning 9549  
and supervision commission established under section 3316.05 of 9550  
the Revised Code. 9551

No board of education of a school district ~~that, for three or~~ 9552  
~~more consecutive years, has been declared to be in a state of~~ 9553  
~~academic emergency under section 3302.03 of the Revised Code, as~~ 9554  
~~that section existed prior to March 22, 2013, and has failed to~~ 9555  
~~meet adequate yearly progress, or has met any condition set forth~~ 9556  
~~in division (A) of~~ for which an academic distress commission has 9557  
been established under section 3302.10 of the Revised Code shall 9558  
submit a request without first receiving approval to incur 9559  
indebtedness from the district's academic distress commission 9560  
established under that section, for so long as such commission 9561  
continues to be required for the district. 9562

(2) The board of education may contract with a person 9563  
experienced in the implementation of student transportation to 9564  
produce a report that includes an analysis of and recommendations 9565  
for the use of alternative fuel vehicles by school districts. The 9566  
report shall include cost estimates detailing the return on 9567  
investment over the life of the alternative fuel vehicles and 9568  
environmental impact of alternative fuel vehicles. The report also 9569  
shall include estimates of all costs associated with alternative 9570

fuel transportation, including facility modifications and vehicle 9571  
purchase costs or conversion costs. 9572

If the board finds after receiving the report that the amount 9573  
of money the district would spend on purchasing alternative fuel 9574  
vehicles or vehicle conversion is not likely to exceed the amount 9575  
of money it would save in fuel and resultant operational and 9576  
maintenance costs over the ensuing five years, the board may 9577  
submit to the commission a copy of its findings and a request for 9578  
approval to incur indebtedness to finance the purchase of new 9579  
alternative fuel vehicles or vehicle conversions for the purpose 9580  
of reducing fuel costs. 9581

The facilities construction commission, in consultation with 9582  
the auditor of state, may deny a request under division (G)(2) of 9583  
this section by the board of education of any school district that 9584  
is in a state of fiscal watch pursuant to division (A) of section 9585  
3316.03 of the Revised Code, if it determines that the expenditure 9586  
of funds is not in the best interest of the school district. 9587

No district board of education of a school district that is 9588  
in a state of fiscal emergency pursuant to division (B) of section 9589  
3316.03 of the Revised Code shall submit a request without 9590  
submitting evidence that the purchase or conversion of alternative 9591  
fuel vehicles has been approved by the district's financial 9592  
planning and supervision commission established under section 9593  
3316.05 of the Revised Code. 9594

No board of education of a school district for which an 9595  
academic distress commission has been established under section 9596  
3302.10 of the Revised Code shall submit a request without first 9597  
receiving approval to incur indebtedness from the district's 9598  
academic distress commission established under that section, for 9599  
so long as such commission continues to be required for the 9600  
district. 9601

(3) The ~~school~~ facilities construction commission shall 9602  
approve the board's request provided that the following conditions 9603  
are satisfied: 9604

(a) The commission determines that the board's findings are 9605  
reasonable. 9606

(b) The request for approval is complete. 9607

(c) ~~The~~ If the request was submitted under division (G)(1) of 9608  
this section, the installations, modifications, or remodeling are 9609  
consistent with any project to construct or acquire classroom 9610  
facilities, or to reconstruct or make additions to existing 9611  
classroom facilities under sections 3318.01 to 3318.20 or sections 9612  
3318.40 to 3318.45 of the Revised Code. 9613

Upon receipt of the commission's approval, the district may 9614  
issue securities without a vote of the electors in a principal 9615  
amount not to exceed nine-tenths of one per cent of its tax 9616  
valuation for the purpose ~~of making such installations,~~ 9617  
~~modifications, or remodeling~~ specified in division (G)(1) or (2) 9618  
of this section, but the total net indebtedness of the district 9619  
without a vote of the electors incurred under this and all other 9620  
sections of the Revised Code, except section 3318.052 of the 9621  
Revised Code, shall not exceed one per cent of the district's tax 9622  
valuation. 9623

~~(3)~~(4)(a) So long as any securities issued under ~~this~~ 9624  
division (G)(1) of this section remain outstanding, the board of 9625  
education shall monitor the energy consumption and resultant 9626  
operational and maintenance costs of buildings in which 9627  
installations or modifications have been made or remodeling has 9628  
been done pursuant to ~~this~~ that division. Except as provided in 9629  
division (G)(4)(b) of this section, the board shall maintain and 9630  
annually update a report in a form and manner prescribed by the 9631  
~~school~~ facilities construction commission documenting the 9632

reductions in energy consumption and resultant operational and 9633  
maintenance cost savings attributable to such installations, 9634  
modifications, or remodeling. The resultant operational and 9635  
maintenance cost savings shall be certified by the school district 9636  
treasurer. The report shall be submitted annually to the 9637  
commission. 9638

~~(4)(b)~~ If the ~~school~~ facilities construction commission 9639  
verifies that the certified annual reports submitted to the 9640  
commission by a board of education under division (G)~~(3)~~(4)(a) of 9641  
this section fulfill the guarantee required under division (B) of 9642  
section 3313.372 of the Revised Code for three consecutive years, 9643  
the board of education shall no longer be subject to the annual 9644  
reporting requirements of division (G)~~(3)~~(4)(a) of this section. 9645

(5) So long as any securities issued under division (G)(2) of 9646  
this section remain outstanding, the board of education shall 9647  
monitor the purchase of new alternative fuel vehicles or vehicle 9648  
conversions pursuant to that division. The board shall maintain 9649  
and annually update a report in a form and manner prescribed by 9650  
the facilities construction commission documenting the purchase of 9651  
new alternative fuel vehicles or vehicle conversions, the 9652  
associated environmental impact, and return on investment. The 9653  
resultant fuel and operational and maintenance cost savings shall 9654  
be certified by the school district treasurer. The report shall be 9655  
submitted annually to the commission. 9656

(H) With the consent of the superintendent of public 9657  
instruction, a school district may incur without a vote of the 9658  
electors net indebtedness that exceeds the amounts stated in 9659  
divisions (A) and (G) of this section for the purpose of paying 9660  
costs of permanent improvements, if and to the extent that both of 9661  
the following conditions are satisfied: 9662

(1) The fiscal officer of the school district estimates that 9663  
receipts of the school district from payments made under or 9664

pursuant to agreements entered into pursuant to section 725.02, 9665  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 9666  
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the 9667  
Revised Code, or distributions under division (C) of section 9668  
5709.43 or division (B) of section 5709.47 of the Revised Code, or 9669  
any combination thereof, are, after accounting for any appropriate 9670  
coverage requirements, sufficient in time and amount, and are 9671  
committed by the proceedings, to pay the debt charges on the 9672  
securities issued to evidence that indebtedness and payable from 9673  
those receipts, and the taxing authority of the district confirms 9674  
the fiscal officer's estimate, which confirmation is approved by 9675  
the superintendent of public instruction; 9676

(2) The fiscal officer of the school district certifies, and 9677  
the taxing authority of the district confirms, that the district, 9678  
at the time of the certification and confirmation, reasonably 9679  
expects to have sufficient revenue available for the purpose of 9680  
operating such permanent improvements for their intended purpose 9681  
upon acquisition or completion thereof, and the superintendent of 9682  
public instruction approves the taxing authority's confirmation. 9683

The maximum maturity of securities issued under division (H) 9684  
of this section shall be the lesser of twenty years or the maximum 9685  
maturity calculated under section 133.20 of the Revised Code. 9686

(I) A school district may incur net indebtedness by the 9687  
issuance of securities in accordance with the provisions of this 9688  
chapter in excess of the limit specified in division (B) or (C) of 9689  
this section when necessary to raise the school district portion 9690  
of the basic project cost and any additional funds necessary to 9691  
participate in a project under Chapter 3318. of the Revised Code, 9692  
including the cost of items designated by the ~~school~~ facilities 9693  
construction commission as required locally funded initiatives, 9694  
the cost of other locally funded initiatives in an amount that 9695  
does not exceed fifty per cent of the district's portion of the 9696

basic project cost, and the cost for site acquisition. The 9697  
commission shall notify the superintendent of public instruction 9698  
whenever a school district will exceed either limit pursuant to 9699  
this division. 9700

(J) A school district whose portion of the basic project cost 9701  
of its classroom facilities project under sections 3318.01 to 9702  
3318.20 of the Revised Code is greater than or equal to one 9703  
hundred million dollars may incur without a vote of the electors 9704  
net indebtedness in an amount up to two per cent of its tax 9705  
valuation through the issuance of general obligation securities in 9706  
order to generate all or part of the amount of its portion of the 9707  
basic project cost if the controlling board has approved the 9708  
~~school~~ facilities construction commission's conditional approval 9709  
of the project under section 3318.04 of the Revised Code. The 9710  
school district board and the Ohio ~~school~~ facilities construction 9711  
commission shall include the dedication of the proceeds of such 9712  
securities in the agreement entered into under section 3318.08 of 9713  
the Revised Code. No state moneys shall be released for a project 9714  
to which this section applies until the proceeds of any bonds 9715  
issued under this section that are dedicated for the payment of 9716  
the school district portion of the project are first deposited 9717  
into the school district's project construction fund. 9718

**Sec. 133.061.** (A) This section applies only to a school 9719  
district that satisfies all of the following conditions: 9720

(1) The district, prior to ~~the effective date of this section~~ 9721  
June 30, 2007, undertook a classroom facilities project under 9722  
section 3318.37 of the Revised Code. 9723

(2) The district will undertake a subsequent classroom 9724  
facilities project under section 3318.37 of the Revised Code that 9725  
will consist of a single building housing grades six through 9726  
twelve. 9727

(3) The district's project described in division (A)(2) of 9728  
this section will include locally funded initiatives that are not 9729  
required by the Ohio ~~school~~ facilities construction commission. 9730

(4) The district's project described in division (A)(2) of 9731  
this section will commence within two years after ~~the effective~~ 9732  
~~date of this section~~ June 30, 2007. 9733

(B) Notwithstanding any other provision of law to the 9734  
contrary, a school district to which this section applies may 9735  
incur net indebtedness by the issuance of securities in accordance 9736  
with the provisions of this chapter in excess of the limit 9737  
specified in division (B) or (C) of section 133.06 of the Revised 9738  
Code when necessary to raise the school district portion of the 9739  
basic project cost and any additional funds necessary to 9740  
participate in the classroom facilities project described in 9741  
division (A)(2) of this section, including the cost of items 9742  
designated by the Ohio ~~school~~ facilities construction commission 9743  
as required locally funded initiatives, the cost for site 9744  
acquisition, and the cost of the locally funded initiatives that 9745  
are not required by the commission described in division (A)(3) of 9746  
this section, as long as the district's total net indebtedness 9747  
after the issuance of those securities does not exceed one hundred 9748  
twenty-five per cent of the limit prescribed in division (B) of 9749  
section 133.06 of the Revised Code and the electors of the 9750  
district approve the issuance of those securities. 9751

The ~~school~~ facilities construction commission shall notify 9752  
the superintendent of public instruction whenever a school 9753  
district will exceed either limit pursuant to this section. 9754

**Sec. 135.143.** (A) The treasurer of state may invest or 9755  
execute transactions for any part or all of the interim funds of 9756  
the state in the following classifications of obligations: 9757

(1) United States treasury bills, notes, bonds, or any other 9758

obligations or securities issued by the United States treasury or 9759  
any other obligation guaranteed as to principal and interest by 9760  
the United States; 9761

(2) Bonds, notes, debentures, or any other obligations or 9762  
securities issued by any federal government agency or 9763  
instrumentality; 9764

(3)(a) Bonds, notes, and other obligations of the state of 9765  
Ohio, including, but not limited to, any obligations issued by the 9766  
treasurer of state, the Ohio public facilities commission, the 9767  
Ohio building authority, the Ohio housing finance agency, the Ohio 9768  
water development authority, and the Ohio turnpike infrastructure 9769  
commission; 9770

(b) Bonds, notes, and other obligations of any state or 9771  
political subdivision thereof rated in the three highest 9772  
categories by at least one nationally recognized standard rating 9773  
service and purchased through a registered securities broker or 9774  
dealer, provided the treasurer of state is not the sole purchaser 9775  
of the bonds, notes, or other obligations at original issuance. 9776

(4)(a) Written repurchase agreements with any eligible Ohio 9777  
financial institution that is a member of the federal reserve 9778  
system or federal home loan bank, or any registered United States 9779  
government securities dealer, under the terms of which agreement 9780  
the treasurer of state purchases and the eligible financial 9781  
institution or dealer agrees unconditionally to repurchase any of 9782  
the securities that are listed in division (A)(1), (2), or (6) of 9783  
this section. The market value of securities subject to these 9784  
transactions must exceed the principal value of the repurchase 9785  
agreement by an amount specified by the treasurer of state, and 9786  
the securities must be delivered into the custody of the treasurer 9787  
of state or the qualified trustee or agent designated by the 9788  
treasurer of state. The agreement shall contain the requirement 9789  
that for each transaction pursuant to the agreement, the 9790

participating institution or dealer shall provide all of the 9791  
following information: 9792

(i) The par value of the securities; 9793

(ii) The type, rate, and maturity date of the securities; 9794

(iii) A numerical identifier generally accepted in the 9795  
securities industry that designates the securities. 9796

(b) The treasurer of state also may sell any securities, 9797  
listed in division (A)(1), (2), or (6) of this section, regardless 9798  
of maturity or time of redemption of the securities, under the 9799  
same terms and conditions for repurchase, provided that the 9800  
securities have been fully paid for and are owned by the treasurer 9801  
of state at the time of the sale. 9802

(5) Securities lending agreements with any eligible financial 9803  
institution that is a member of the federal reserve system or 9804  
federal home loan bank or any recognized United States government 9805  
securities dealer, under the terms of which agreements the 9806  
treasurer of state lends securities and the eligible financial 9807  
institution or dealer agrees to simultaneously exchange similar 9808  
securities or cash, equal value for equal value. 9809

Securities and cash received as collateral for a securities 9810  
lending agreement are not interim funds of the state. The 9811  
investment of cash collateral received pursuant to a securities 9812  
lending agreement may be invested only in such instruments 9813  
specified by the treasurer of state in accordance with a written 9814  
investment policy. 9815

(6) Various forms of commercial paper issued by any entity 9816  
that is organized under the laws of the United States or a state, 9817  
which notes are rated in the two highest categories by two 9818  
nationally recognized standard rating services, provided that the 9819  
total amount invested under this section in any commercial paper 9820  
at any time shall not exceed forty per cent of the state's total 9821

average portfolio, as determined and calculated by the treasurer 9822  
of state; 9823

(7) Bankers acceptances, maturing in two hundred seventy days 9824  
or less, provided that the total amount invested in bankers 9825  
acceptances at any time shall not exceed ten per cent of the 9826  
state's total average portfolio, as determined and calculated by 9827  
the treasurer of state; 9828

(8) Certificates of deposit in eligible institutions applying 9829  
for interim moneys as provided in section 135.08 of the Revised 9830  
Code, including linked deposits as provided in sections 135.61 to 9831  
135.67 of the Revised Code, agricultural linked deposits as 9832  
provided in sections 135.71 to 135.76 of the Revised Code, 9833  
business linked deposits as provided in sections 135.77 to 135.774 9834  
of the Revised Code, and housing linked deposits as provided in 9835  
sections 135.81 to 135.87 of the Revised Code; 9836

(9) The state treasurer's investment pool authorized under 9837  
section 135.45 of the Revised Code; 9838

(10) Debt interests, other than commercial paper described in 9839  
division (A)(6) of this section, rated in the three highest 9840  
categories by two nationally recognized standard rating services 9841  
and issued by entities that are organized under the laws of the 9842  
United States or a state, or issued by foreign nations 9843  
diplomatically recognized by the United States government, or any 9844  
instrument based on, derived from, or related to such interests, 9845  
provided that: 9846

(a) The investments in debt interests other than commercial 9847  
paper shall not exceed in the aggregate twenty-five per cent of 9848  
the state's portfolio. 9849

(b) The investments in debt interests issued by foreign 9850  
nations shall not exceed in the aggregate two per cent of the 9851  
state's portfolio. 9852

The treasurer of state shall invest under division (A)(10) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, and provided that all interest and principal shall be denominated and payable in United States funds.

(c) When added to the investment in commercial paper, the investments in the debt interests of a single issuer shall not exceed in the aggregate five per cent of the state's portfolio.

(d) For purposes of division (A)(10) of this section, a debt interest is rated in the three highest categories by two nationally recognized standard rating services if either the debt interest itself or the issuer of the debt interest is rated, or is implicitly rated, in the three highest categories by two nationally recognized standard rating services.

(e) For purposes of division (A)(10) of this section, the "state's portfolio" means the state's total average portfolio, as determined and calculated by the treasurer of state.

(11) No-load money market mutual funds rated in the highest category by one nationally recognized standard rating service or consisting exclusively of obligations described in division (A)(1), (2), or (6) of this section and repurchase agreements secured by such obligations.

(12) Obligations issued by, or on behalf of, an Ohio political subdivision under Chapter 133. of the Revised Code or Section 12 of Article XVIII, Ohio Constitution, and identified in an agreement described in division (G) of this section.

(B) Whenever, during a period of designation, the treasurer of state classifies public moneys as interim moneys, the treasurer of state shall notify the state board of deposit of such action. The notification shall be given within thirty days after such classification and, in the event the state board of deposit does

not concur in such classification or in the investments or 9884  
deposits made under this section, the board may order the 9885  
treasurer of state to sell or liquidate any of the investments or 9886  
deposits, and any such order shall specifically describe the 9887  
investments or deposits and fix the date upon which they are to be 9888  
sold or liquidated. Investments or deposits so ordered to be sold 9889  
or liquidated shall be sold or liquidated for cash by the 9890  
treasurer of state on the date fixed in such order at the then 9891  
current market price. Neither the treasurer of state nor the 9892  
members of the state board of deposit shall be held accountable 9893  
for any loss occasioned by sales or liquidations of investments or 9894  
deposits at prices lower than their cost. Any loss or expense 9895  
incurred in making these sales or liquidations is payable as other 9896  
expenses of the treasurer's office. 9897

(C) If any securities or obligations invested in by the 9898  
treasurer of state pursuant to this section are registrable either 9899  
as to principal or interest, or both, such securities or 9900  
obligations shall be registered in the name of the treasurer of 9901  
state. 9902

(D) The treasurer of state is responsible for the safekeeping 9903  
of all securities or obligations under this section. Any such 9904  
securities or obligations may be deposited for safekeeping as 9905  
provided in section 113.05 of the Revised Code. 9906

(E) Interest earned on any investments or deposits authorized 9907  
by this section shall be collected by the treasurer of state and 9908  
credited by the treasurer of state to the proper fund of the 9909  
state. 9910

(F) Whenever investments or deposits acquired under this 9911  
section mature and become due and payable, the treasurer of state 9912  
shall present them for payment according to their tenor, and shall 9913  
collect the moneys payable thereon. The moneys so collected shall 9914  
be treated as public moneys subject to sections 135.01 to 135.21 9915

of the Revised Code. 9916

(G) The treasurer of state and any entity issuing obligations 9917  
referred to in division (A)(12) of this section, which obligations 9918  
mature within one year from the original date of issuance, may 9919  
enter into an agreement providing for: 9920

(1) The purchase of those obligations by the treasurer of 9921  
state on terms and subject to conditions set forth in the 9922  
agreement; 9923

(2) The payment to the treasurer of state of a reasonable fee 9924  
as consideration for the agreement of the treasurer of state to 9925  
purchase those obligations; provided, however, that the treasurer 9926  
of state shall not be authorized to enter into any such agreement 9927  
with a board of education of a school district that has an 9928  
outstanding obligation with respect to a loan received under 9929  
authority of section 3313.483 of the Revised Code. 9930

(H) For purposes of division (G) of this section, a fee shall 9931  
not be considered reasonable unless it is set to recover only the 9932  
direct costs, a reasonable estimate of the indirect costs 9933  
associated with the purchasing of obligations under division (G) 9934  
of this section and any reselling of the obligations or any 9935  
interest in the obligations, including interests in a fund 9936  
comprised of the obligations, and the administration thereof. No 9937  
money from the general revenue fund shall be used to subsidize the 9938  
purchase or resale of these obligations. 9939

(I) All money collected by the treasurer of state from the 9940  
fee imposed by division (G) of this section shall be deposited to 9941  
the credit of the state political subdivision obligations fund, 9942  
which is hereby created in the state treasury. Money credited to 9943  
the fund shall be used solely to pay the treasurer of state's 9944  
direct and indirect costs associated with purchasing and reselling 9945  
obligations under division (G) of this section. 9946

(J) As used in this section, "political subdivision" means a county, township, municipal corporation, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

**Sec. 135.182.** (A) As used in this section:

(1) "Public depository" means that term as defined in section 135.01 of the Revised Code, but also means an institution that receives or holds any public deposits as defined in section 135.31 of the Revised Code.

(2) "Public depositor" means that term as defined in section 135.01 of the Revised Code, but also includes a county and any municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution.

(3) "Public deposits," "public moneys," and "treasurer" mean those terms as defined in section 135.01 of the Revised Code, but also have the same meanings as are set forth in section 135.31 of the Revised Code.

(B)(1) Not later than July 1, 2017, the treasurer of state shall create the Ohio pooled collateral program. Under this program, each institution designated as a public depository that selects the pledging method prescribed in division (A)(2) of section 135.18 or division (A)(2) of section 135.37 of the Revised Code shall pledge to the treasurer of state a single pool of eligible securities for the benefit of all public depositors at the public depository to secure the repayment of all uninsured public deposits at the public depository, provided that at all times the total market value of the securities so pledged is at least equal to either of the following:

(a) One hundred two per cent of the total amount of all uninsured public deposits;

(b) An amount determined by rules adopted by the treasurer of state that set forth the criteria for determining the aggregate market value of the pool of eligible securities pledged by a public depository pursuant to division (B) of this section. Such criteria shall include, but are not limited to, prudent capital and liquidity management by the public depository and the safety and soundness of the public depository as determined by a third-party rating organization.

(2) The treasurer of state shall monitor the eligibility, market value, and face value of the pooled securities pledged by the public depository. Each public depository shall carry in its accounting records at all times a general ledger or other appropriate account of the total amount of all public deposits to be secured by the pool, as determined at the opening of business each day, and the total market value of securities pledged to secure such deposits, and report such information to the treasurer of state in a manner and frequency as determined by the treasurer of state pursuant to rules adopted by the treasurer of state. A public depositor shall be responsible for periodically confirming the accuracy of its account balances with the treasurer of state; otherwise, the treasurer of state shall be the sole public depositor responsible for monitoring and ensuring the sufficiency of securities pledged under this section.

(C) The public depository shall designate a qualified trustee approved by the treasurer of state and place with such trustee for safekeeping the eligible securities pledged pursuant to division (B) of this section. The trustee shall hold the eligible securities in an account indicating the treasurer of state's security interest in the eligible securities. The treasurer of state shall give written notice of the trustee to all public depositors for which such securities are pledged. The trustee shall report to the treasurer of state information relating to the

securities pledged to secure such public deposits in a manner and 10009  
frequency as determined by the treasurer of state. 10010

(D) In order for a public depository to receive public moneys 10011  
under this section, the public depository and the treasurer of 10012  
state shall first execute an agreement that sets forth the entire 10013  
arrangement among the parties and that meets the requirements 10014  
described in 12 U.S.C. 1823(e). In addition, the agreement shall 10015  
authorize the treasurer of state to obtain control of the 10016  
collateral pursuant to division (D) of section 1308.24 of the 10017  
Revised Code. 10018

(E) The securities or other obligations described in division 10019  
(D) of section 135.18 of the Revised Code shall be eligible as 10020  
collateral for the purposes of division (B) of this section, 10021  
provided no such securities or obligations pledged as collateral 10022  
are at any time in default as to either principal or interest. 10023

(F) Any federal reserve bank or branch thereof located in 10024  
this state or federal home loan bank, without compliance with 10025  
Chapter 1111. of the Revised Code and without becoming subject to 10026  
any other law of this state relative to the exercise by 10027  
corporations of trust powers generally, is qualified to act as 10028  
trustee for the safekeeping of securities, under this section. Any 10029  
institution mentioned in section 135.03 or 135.32 of the Revised 10030  
Code that holds a certificate of qualification issued by the 10031  
superintendent of financial institutions or any institution 10032  
complying with sections 1111.04, 1111.05, and 1111.06 of the 10033  
Revised Code is qualified to act as trustee for the safekeeping of 10034  
securities under this section, other than those belonging to 10035  
itself or to an affiliate as defined in section 1101.01 of the 10036  
Revised Code. 10037

(G) The public depository may substitute, exchange, or 10038  
release eligible securities deposited with the qualified trustee 10039  
pursuant to this section, provided that such substitution, 10040

exchange, or release is effectuated pursuant to written 10041  
authorization from the treasurer of state, and such action does 10042  
not reduce the total market value of the securities to an amount 10043  
that is less than the amount established pursuant to division (B) 10044  
of this section. 10045

(H) Notwithstanding the fact that a public depository is 10046  
required to pledge eligible securities in certain amounts to 10047  
secure public deposits, a qualified trustee has no duty or 10048  
obligation to determine the eligibility, market value, or face 10049  
value of any securities deposited with the trustee by a public 10050  
depository. This applies in all situations including, but not 10051  
limited to, a substitution or exchange of securities, but 10052  
excluding those situations effectuated by division (I) of this 10053  
section in which the trustee is required to determine face and 10054  
market value. 10055

(I) The qualified trustee shall enter into a custodial 10056  
agreement with the treasurer of state and public depository in 10057  
which the trustee agrees to comply with entitlement orders 10058  
originated by the treasurer of state without further consent by 10059  
the public depository or, in the case of collateral held by the 10060  
public depository in an account at a federal reserve bank, the 10061  
treasurer of state shall have the treasurer's security interest 10062  
marked on the books of the federal reserve bank where the account 10063  
for the collateral is maintained. If the public depository fails 10064  
to pay over any part of the public deposits made therein as 10065  
provided by law and secured pursuant to division (B) of this 10066  
section, the treasurer of state shall give written notice of this 10067  
failure to the qualified trustee holding the pool of securities 10068  
pledged against the public deposits, and at the same time shall 10069  
send a copy of this notice to the public depository. Upon receipt 10070  
of this notice, the trustee shall transfer to the treasurer of 10071  
state for sale, the pooled securities that are necessary to 10072

produce an amount equal to the public deposits made by the public 10073  
depositor and not paid over, less the portion of the deposits 10074  
covered by any federal deposit insurance, plus any accrued 10075  
interest due on the deposits. The treasurer of state shall sell 10076  
any of the bonds or other securities so transferred. When a sale 10077  
of bonds or other securities has been so made and upon payment to 10078  
the public depositor of the purchase money, the treasurer of state 10079  
shall transfer such bonds or securities whereupon the absolute 10080  
ownership of such bonds or securities shall pass to the 10081  
purchasers. Any surplus after deducting the amount due to the 10082  
public depositor and expenses of sale shall be paid to the public 10083  
depository. 10084

(J) Any charges or compensation of a qualified trustee for 10085  
acting as such under this section shall be paid by the public 10086  
depository and in no event shall be chargeable to the public 10087  
depositor or to any officer of the public depositor. The charges 10088  
or compensation shall not be a lien or charge upon the securities 10089  
deposited for safekeeping prior or superior to the rights to and 10090  
interests in the securities of the public depositor. The treasurer 10091  
and the treasurer's bonders or surety shall be relieved from any 10092  
liability to the public depositor or to the public depository for 10093  
the loss or destruction of any securities deposited with a 10094  
qualified trustee pursuant to this section. 10095

(K)(1) The following information is confidential and not a 10096  
public record under section 149.43 of the Revised Code: 10097

(a) All reports or other information obtained or created 10098  
about a public depository for purposes of division (B)(1)(b) of 10099  
this section; 10100

(b) The identity of a public depositor's public depository; 10101

(c) The identity of a public depository's public depositors. 10102

(2) Nothing in this section prevents the treasurer of state 10103

from releasing or exchanging such confidential information as 10104  
required by law or for the operation of the pooled collateral 10105  
program. 10106

(L) The treasurer of state may impose reasonable fees, 10107  
including late fees, upon public depositories participating in the 10108  
pooled collateral program to defray the actual and necessary 10109  
expenses incurred by the treasurer in connection with the program. 10110  
All such fees collected by the treasurer shall be deposited into 10111  
the state treasury to the credit of the administrative fund 10112  
created in section 113.20 of the Revised Code. 10113

(M) The treasurer of state may adopt rules necessary for the 10114  
implementation of this section and sections 135.18 and 135.181 of 10115  
the Revised Code. Such rules shall be adopted in accordance with 10116  
Chapter 119. of the Revised Code. 10117

**Sec. 135.35.** (A) The investing authority shall deposit or 10118  
invest any part or all of the county's inactive moneys and shall 10119  
invest all of the money in the county public library fund when 10120  
required by section 135.352 of the Revised Code. The following 10121  
classifications of securities and obligations are eligible for 10122  
such deposit or investment: 10123

(1) United States treasury bills, notes, bonds, or any other 10124  
obligation or security issued by the United States treasury, any 10125  
other obligation guaranteed as to principal or interest by the 10126  
United States, or any book entry, zero-coupon United States 10127  
treasury security that is a direct obligation of the United 10128  
States. 10129

Nothing in the classification of eligible securities and 10130  
obligations set forth in divisions (A)(2) to (10) of this section 10131  
shall be construed to authorize any investment in stripped 10132  
principal or interest obligations of such eligible securities and 10133  
obligations. 10134

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including, but not limited to, the federal national mortgage association, federal home loan bank, federal farm credit bank, federal home loan mortgage corporation, and government national mortgage association. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities.	10135 10136 10137 10138 10139 10140 10141 10142
(3) Time certificates of deposit or savings or deposit accounts, including, but not limited to, passbook accounts, in any eligible institution mentioned in section 135.32 of the Revised Code;	10143 10144 10145 10146
(4) Bonds and other obligations of this state or the political subdivisions of this state;	10147 10148
(5) No-load money market mutual funds rated in the highest category at the time of purchase by at least one nationally recognized standard rating service or consisting exclusively of obligations described in division (A)(1), (2), or (6) of section 135.143 of the Revised Code and repurchase agreements secured by such obligations, provided that investments in securities described in this division are made only through eligible institutions mentioned in section 135.32 of the Revised Code;	10149 10150 10151 10152 10153 10154 10155 10156
(6) The Ohio subdivision's fund as provided in section 135.45 of the Revised Code;	10157 10158
(7) Securities lending agreements with any eligible institution mentioned in section 135.32 of the Revised Code that is a member of the federal reserve system or federal home loan bank or with any recognized United States government securities dealer meeting the description in division (J)(1) of this section, under the terms of which agreements the investing authority lends securities and the eligible institution or dealer agrees to	10159 10160 10161 10162 10163 10164 10165

simultaneously exchange similar securities or cash, equal value 10166  
for equal value. 10167

Securities and cash received as collateral for a securities 10168  
lending agreement are not inactive moneys of the county or moneys 10169  
of a county public library fund. The investment of cash collateral 10170  
received pursuant to a securities lending agreement may be 10171  
invested only in instruments specified by the investing authority 10172  
in the written investment policy described in division (K) of this 10173  
section. 10174

(8) Up to ~~twenty-five~~ forty per cent of the county's total 10175  
average portfolio in either of the following investments: 10176

(a) Commercial paper notes issued by an entity that is 10177  
defined in division (D) of section 1705.01 of the Revised Code and 10178  
that has assets exceeding five hundred million dollars, to which 10179  
notes all of the following apply: 10180

(i) The notes are rated at the time of purchase in the 10181  
highest classification established by at least two nationally 10182  
recognized standard rating services. 10183

(ii) The aggregate value of the notes does not exceed ten per 10184  
cent of the aggregate value of the outstanding commercial paper of 10185  
the issuing corporation. 10186

(iii) The notes mature not later than two hundred seventy 10187  
days after purchase. 10188

(iv) The investment in commercial paper notes of a single 10189  
issuer shall not exceed in the aggregate five per cent of interim 10190  
moneys available for investment at the time of purchase. 10191

(b) Bankers acceptances of banks that are insured by the 10192  
federal deposit insurance corporation and that mature not later 10193  
than one hundred eighty days after purchase. 10194

No investment shall be made pursuant to division (A)(8) of 10195

this section unless the investing authority has completed 10196  
additional training for making the investments authorized by 10197  
division (A)(8) of this section. The type and amount of additional 10198  
training shall be approved by the treasurer of state and may be 10199  
conducted by or provided under the supervision of the treasurer of 10200  
state. 10201

(9) Up to fifteen per cent of the county's total average 10202  
portfolio in notes issued by corporations that are incorporated 10203  
under the laws of the United States and that are operating within 10204  
the United States, or by depository institutions that are doing 10205  
business under authority granted by the United States or any state 10206  
and that are operating within the United States, provided both of 10207  
the following apply: 10208

(a) The notes are rated in the second highest or higher 10209  
category by at least two nationally recognized standard rating 10210  
services at the time of purchase. 10211

(b) The notes mature not later than two years after purchase. 10212

(10) Debt interests rated at the time of purchase in the 10213  
three highest categories by two nationally recognized standard 10214  
rating services and issued by foreign nations diplomatically 10215  
recognized by the United States government. All interest and 10216  
principal shall be denominated and payable in United States funds. 10217  
The investments made under division (A)(10) of this section shall 10218  
not exceed in the aggregate two per cent of a county's total 10219  
average portfolio. 10220

The investing authority shall invest under division (A)(10) 10221  
of this section in a debt interest issued by a foreign nation only 10222  
if the debt interest is backed by the full faith and credit of 10223  
that foreign nation, there is no prior history of default, and the 10224  
debt interest matures not later than five years after purchase. 10225  
For purposes of division (A)(10) of this section, a debt interest 10226

is rated in the three highest categories by two nationally 10227  
recognized standard rating services if either the debt interest 10228  
itself or the issuer of the debt interest is rated, or is 10229  
implicitly rated, at the time of purchase in the three highest 10230  
categories by two nationally recognized standard rating services. 10231

(11) A current unpaid or delinquent tax line of credit 10232  
authorized under division (G) of section 135.341 of the Revised 10233  
Code, provided that all of the conditions for entering into such a 10234  
line of credit under that division are satisfied, or bonds and 10235  
other obligations of a county land reutilization corporation 10236  
organized under Chapter 1724. of the Revised Code, if the county 10237  
land reutilization corporation is located wholly or partly within 10238  
the same county as the investing authority. 10239

(B) Nothing in the classifications of eligible obligations 10240  
and securities set forth in divisions (A)(1) to (10) of this 10241  
section shall be construed to authorize investment in a 10242  
derivative, and no investing authority shall invest any county 10243  
inactive moneys or any moneys in a county public library fund in a 10244  
derivative. For purposes of this division, "derivative" means a 10245  
financial instrument or contract or obligation whose value or 10246  
return is based upon or linked to another asset or index, or both, 10247  
separate from the financial instrument, contract, or obligation 10248  
itself. Any security, obligation, trust account, or other 10249  
instrument that is created from an issue of the United States 10250  
treasury or is created from an obligation of a federal agency or 10251  
instrumentality or is created from both is considered a derivative 10252  
instrument. An eligible investment described in this section with 10253  
a variable interest rate payment, based upon a single interest 10254  
payment or single index comprised of other eligible investments 10255  
provided for in division (A)(1) or (2) of this section, is not a 10256  
derivative, provided that such variable rate investment has a 10257  
maximum maturity of two years. A treasury inflation-protected 10258

security shall not be considered a derivative, provided the 10259  
security matures not later than five years after purchase. 10260

(C) Except as provided in division (D) of this section, any 10261  
investment made pursuant to this section must mature within five 10262  
years from the date of settlement, unless the investment is 10263  
matched to a specific obligation or debt of the county or to a 10264  
specific obligation or debt of a political subdivision of this 10265  
state, and the investment is specifically approved by the 10266  
investment advisory committee. 10267

(D) The investing authority may also enter into a written 10268  
repurchase agreement with any eligible institution mentioned in 10269  
section 135.32 of the Revised Code or any eligible securities 10270  
dealer pursuant to division (J) of this section, under the terms 10271  
of which agreement the investing authority purchases and the 10272  
eligible institution or dealer agrees unconditionally to 10273  
repurchase any of the securities listed in divisions (D)(1) to 10274  
(5), except letters of credit described in division (D)(2), of 10275  
section 135.18 of the Revised Code. The market value of securities 10276  
subject to an overnight written repurchase agreement must exceed 10277  
the principal value of the overnight written repurchase agreement 10278  
by at least two per cent. A written repurchase agreement must 10279  
exceed the principal value of the overnight written repurchase 10280  
agreement, by at least two per cent. A written repurchase 10281  
agreement shall not exceed thirty days, and the market value of 10282  
securities subject to a written repurchase agreement must exceed 10283  
the principal value of the written repurchase agreement by at 10284  
least two per cent and be marked to market daily. All securities 10285  
purchased pursuant to this division shall be delivered into the 10286  
custody of the investing authority or the qualified custodian of 10287  
the investing authority or an agent designated by the investing 10288  
authority. A written repurchase agreement with an eligible 10289  
securities dealer shall be transacted on a delivery versus payment 10290

basis. The agreement shall contain the requirement that for each 10291  
transaction pursuant to the agreement the participating 10292  
institution shall provide all of the following information: 10293

(1) The par value of the securities; 10294

(2) The type, rate, and maturity date of the securities; 10295

(3) A numerical identifier generally accepted in the 10296  
securities industry that designates the securities. 10297

No investing authority shall enter into a written repurchase 10298  
agreement under the terms of which the investing authority agrees 10299  
to sell securities owned by the county to a purchaser and agrees 10300  
with that purchaser to unconditionally repurchase those 10301  
securities. 10302

(E) No investing authority shall make an investment under 10303  
this section, unless the investing authority, at the time of 10304  
making the investment, reasonably expects that the investment can 10305  
be held until its maturity. The investing authority's written 10306  
investment policy shall specify the conditions under which an 10307  
investment may be redeemed or sold prior to maturity. 10308

(F) No investing authority shall pay a county's inactive 10309  
moneys or moneys of a county public library fund into a fund 10310  
established by another subdivision, treasurer, governing board, or 10311  
investing authority, if that fund was established by the 10312  
subdivision, treasurer, governing board, or investing authority 10313  
for the purpose of investing or depositing the public moneys of 10314  
other subdivisions. This division does not apply to the payment of 10315  
public moneys into either of the following: 10316

(1) The Ohio subdivision's fund pursuant to division (A)(6) 10317  
of this section; 10318

(2) A fund created solely for the purpose of acquiring, 10319  
constructing, owning, leasing, or operating municipal utilities 10320

pursuant to the authority provided under section 715.02 of the 10321  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 10322

For purposes of division (F) of this section, "subdivision" 10323  
includes a county. 10324

(G) The use of leverage, in which the county uses its current 10325  
investment assets as collateral for the purpose of purchasing 10326  
other assets, is prohibited. The issuance of taxable notes for the 10327  
purpose of arbitrage is prohibited. Contracting to sell securities 10328  
not owned by the county, for the purpose of purchasing such 10329  
securities on the speculation that bond prices will decline, is 10330  
prohibited. 10331

(H) Any securities, certificates of deposit, deposit 10332  
accounts, or any other documents evidencing deposits or 10333  
investments made under authority of this section shall be issued 10334  
in the name of the county with the county treasurer or investing 10335  
authority as the designated payee. If any such deposits or 10336  
investments are registrable either as to principal or interest, or 10337  
both, they shall be registered in the name of the treasurer. 10338

(I) The investing authority shall be responsible for the 10339  
safekeeping of all documents evidencing a deposit or investment 10340  
acquired under this section, including, but not limited to, 10341  
safekeeping receipts evidencing securities deposited with a 10342  
qualified trustee, as provided in section 135.37 of the Revised 10343  
Code, and documents confirming the purchase of securities under 10344  
any repurchase agreement under this section shall be deposited 10345  
with a qualified trustee, provided, however, that the qualified 10346  
trustee shall be required to report to the investing authority, 10347  
auditor of state, or an authorized outside auditor at any time 10348  
upon request as to the identity, market value, and location of the 10349  
document evidencing each security, and that if the participating 10350  
institution is a designated depository of the county for the 10351  
current period of designation, the securities that are the subject 10352

of the repurchase agreement may be delivered to the treasurer or 10353  
held in trust by the participating institution on behalf of the 10354  
investing authority. 10355

Upon the expiration of the term of office of an investing 10356  
authority or in the event of a vacancy in the office for any 10357  
reason, the officer or the officer's legal representative shall 10358  
transfer and deliver to the officer's successor all documents 10359  
mentioned in this division for which the officer has been 10360  
responsible for safekeeping. For all such documents transferred 10361  
and delivered, the officer shall be credited with, and the 10362  
officer's successor shall be charged with, the amount of moneys 10363  
evidenced by such documents. 10364

(J)(1) All investments, except for investments in securities 10365  
described in divisions (A)(5), (6), and (11) of this section, 10366  
shall be made only through a member of the financial industry 10367  
regulatory authority (FINRA), through a bank, savings bank, or 10368  
savings and loan association regulated by the superintendent of 10369  
financial institutions, or through an institution regulated by the 10370  
comptroller of the currency, federal deposit insurance 10371  
corporation, or board of governors of the federal reserve system. 10372

(2) Payment for investments shall be made only upon the 10373  
delivery of securities representing such investments to the 10374  
treasurer, investing authority, or qualified trustee. If the 10375  
securities transferred are not represented by a certificate, 10376  
payment shall be made only upon receipt of confirmation of 10377  
transfer from the custodian by the treasurer, governing board, or 10378  
qualified trustee. 10379

(K)(1) Except as otherwise provided in division (K)(2) of 10380  
this section, no investing authority shall make an investment or 10381  
deposit under this section, unless there is on file with the 10382  
auditor of state a written investment policy approved by the 10383  
investing authority. The policy shall require that all entities 10384

conducting investment business with the investing authority shall 10385  
sign the investment policy of that investing authority. All 10386  
brokers, dealers, and financial institutions, described in 10387  
division (J)(1) of this section, initiating transactions with the 10388  
investing authority by giving advice or making investment 10389  
recommendations shall sign the investing authority's investment 10390  
policy thereby acknowledging their agreement to abide by the 10391  
policy's contents. All brokers, dealers, and financial 10392  
institutions, described in division (J)(1) of this section, 10393  
executing transactions initiated by the investing authority, 10394  
having read the policy's contents, shall sign the investment 10395  
policy thereby acknowledging their comprehension and receipt. 10396

(2) If a written investment policy described in division 10397  
(K)(1) of this section is not filed on behalf of the county with 10398  
the auditor of state, the investing authority of that county shall 10399  
invest the county's inactive moneys and moneys of the county 10400  
public library fund only in time certificates of deposits or 10401  
savings or deposit accounts pursuant to division (A)(3) of this 10402  
section, no-load money market mutual funds pursuant to division 10403  
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 10404  
division (A)(6) of this section. 10405

(L)(1) The investing authority shall establish and maintain 10406  
an inventory of all obligations and securities acquired by the 10407  
investing authority pursuant to this section. The inventory shall 10408  
include a description of each obligation or security, including 10409  
type, cost, par value, maturity date, settlement date, and any 10410  
coupon rate. 10411

(2) The investing authority shall also keep a complete record 10412  
of all purchases and sales of the obligations and securities made 10413  
pursuant to this section. 10414

(3) The investing authority shall maintain a monthly 10415  
portfolio report and issue a copy of the monthly portfolio report 10416

describing such investments to the county investment advisory 10417  
committee, detailing the current inventory of all obligations and 10418  
securities, all transactions during the month that affected the 10419  
inventory, any income received from the obligations and 10420  
securities, and any investment expenses paid, and stating the 10421  
names of any persons effecting transactions on behalf of the 10422  
investing authority. 10423

(4) The monthly portfolio report shall be a public record and 10424  
available for inspection under section 149.43 of the Revised Code. 10425

(5) The inventory and the monthly portfolio report shall be 10426  
filed with the board of county commissioners. The monthly 10427  
portfolio report also shall be filed with the treasurer of state. 10428

(M) An investing authority may enter into a written 10429  
investment or deposit agreement that includes a provision under 10430  
which the parties agree to submit to nonbinding arbitration to 10431  
settle any controversy that may arise out of the agreement, 10432  
including any controversy pertaining to losses of public moneys 10433  
resulting from investment or deposit. The arbitration provision 10434  
shall be set forth entirely in the agreement, and the agreement 10435  
shall include a conspicuous notice to the parties that any party 10436  
to the arbitration may apply to the court of common pleas of the 10437  
county in which the arbitration was held for an order to vacate, 10438  
modify, or correct the award. Any such party may also apply to the 10439  
court for an order to change venue to a court of common pleas 10440  
located more than one hundred miles from the county in which the 10441  
investing authority is located. 10442

For purposes of this division, "investment or deposit 10443  
agreement" means any agreement between an investing authority and 10444  
a person, under which agreement the person agrees to invest, 10445  
deposit, or otherwise manage, on behalf of the investing 10446  
authority, a county's inactive moneys or moneys in a county public 10447  
library fund, or agrees to provide investment advice to the 10448

investing authority. 10449

(N)(1) An investment held in the county portfolio on 10450  
September 27, 1996, that was a legal investment under the law as 10451  
it existed before September 27, 1996, may be held until maturity. 10452

(2) An investment held in the county portfolio on September 10453  
10, 2012, that was a legal investment under the law as it existed 10454  
before September 10, 2012, may be held until maturity. 10455

**Sec. 135.45.** (A) Subject to division (B) of this section, a 10456  
treasurer, governing board, or investing authority of a 10457  
subdivision may pay public moneys of the subdivision into the Ohio 10458  
subdivision's fund, which may be established in the custody of the 10459  
treasurer of state. The treasurer of state shall invest the moneys 10460  
in the fund as in separately managed accounts and pooled accounts, 10461  
including the state treasurer's investment pool, in the same 10462  
manner, in the same types of instruments, and subject to the same 10463  
limitations provided for the deposit and investment of interim 10464  
moneys of the state, except that the fund shall not be invested in 10465  
the linked deposits authorized under sections 135.61 to 135.67 of 10466  
the Revised Code. 10467

(B)(1) On and after July 1, 1997, a treasurer, governing 10468  
board, or investing authority of a subdivision that has not 10469  
entered into an agreement with the treasurer of state under 10470  
division (C) of this section shall not invest public moneys of the 10471  
subdivision in a pooled account of the Ohio subdivision's fund 10472  
under division (B)(6) of section 135.14 of the Revised Code or 10473  
division (A)(6) of section 135.35 of the Revised Code if the ~~fund~~ 10474  
pool does not maintain the highest letter or numerical rating 10475  
provided by at least one nationally recognized standard rating 10476  
service. 10477

(2) Upon receipt of notice that the ~~fund~~ pool does not 10478  
maintain the highest letter or numerical rating required under 10479

division (B)(1) of this section, the treasurer of state shall have 10480  
ninety days to obtain the required highest letter or numerical 10481  
rating. If the treasurer of state fails to obtain the required 10482  
highest letter or numerical rating, the treasurer of state shall 10483  
have an additional one hundred eighty days to develop a plan to 10484  
dissolve the ~~fund~~ pool. The plan shall include reasonable 10485  
standards for the equitable return of public moneys in the ~~fund~~ 10486  
pool to those subdivisions participating in the ~~fund~~ pool. 10487

(3) Treasurers, governing boards, or investing authorities of 10488  
subdivisions participating in the ~~fund~~ pool shall not be required 10489  
to divest in the ~~fund~~ pool during the initial one hundred eighty 10490  
days following the treasurer of state's receipt of notice under 10491  
division (B)(2) of this section. 10492

(C) A treasurer, governing board, or investing authority of a 10493  
subdivision that wishes to invest public moneys of the subdivision 10494  
in a separately managed account or pooled account of the Ohio 10495  
subdivision's fund may enter into an agreement with the treasurer 10496  
of state that sets forth the manner in which the money is to be 10497  
invested. The treasurer of state shall invest the moneys in 10498  
accordance with the agreement, subject to the limitations set 10499  
forth in division (A) of this section. For purposes of this 10500  
division, the limitation on investments in debt interests provided 10501  
in division (A)(10)(a) of section 135.143 of the Revised Code 10502  
shall not apply to a subdivision's excess reserves. 10503

(D) The treasurer of state shall adopt such rules as are 10504  
necessary for the implementation of this section, including the 10505  
efficient administration of and accounting for the separately 10506  
managed accounts and pooled accounts, including the state 10507  
treasurer's investment pool, ~~including and the~~ specification of 10508  
minimum amounts ~~which that~~ may be paid into the pool such pools 10509  
and minimum periods of time for which such payments shall be 10510  
retained in the ~~pool~~ pools. The rules shall provide for the 10511

administrative expenses of the separately managed accounts and 10512  
pooled accounts, including the state treasurer's investment pool, 10513  
to be paid from ~~its~~ the earnings and for the interest earnings in 10514  
excess of such expenses to be credited to the several treasurers, 10515  
governing boards, and investing authorities participating in ~~the a~~ 10516  
pool in a manner which equitably reflects the differing amounts of 10517  
their respective investments in the pool and the differing periods 10518  
of time for which such amounts are in the pool. 10519

~~(D) Upon creating the pool, the~~ (E) The treasurer of state 10520  
shall give bond with sufficient sureties, payable to the 10521  
treasurers, governing boards, and investing authorities of 10522  
subdivisions participating in the ~~pool~~ fund, for the benefit of 10523  
the subdivisions whose moneys are paid into the ~~pool~~ fund for 10524  
investment, in the total penal sum of two hundred fifty thousand 10525  
dollars, conditioned for the faithful discharge of ~~his~~ the 10526  
treasurer of state's duties in relation to the ~~pool~~ fund. 10527

~~(E)~~(F) The treasurer of state and ~~his bondsmen~~ the treasurer 10528  
of state's bonders or surety are liable for the loss of any 10529  
interim moneys of the state and subdivisions invested under this 10530  
section ~~through the state treasurer's investment pool~~ to the same 10531  
extent the treasurer of state and ~~his bondsmen~~ the treasurer of 10532  
state's bonders or surety are liable for the loss of public moneys 10533  
under section 135.19 of the Revised Code. 10534

~~(F)~~(G) As used in this section: 10535

(1) "Interim moneys" and "governing board" have the same 10536  
meanings as in section 135.01 of the Revised Code. 10537

(2)(a) "Subdivision" has the same meaning as in section 10538  
135.01 of the Revised Code, but also includes a county, ~~or~~ a 10539  
municipal corporation that has adopted a charter under Article 10540  
XVIII, Ohio Constitution, or any government entity for which the 10541  
fund is a permissible investment. 10542

(b) "Public moneys of a subdivision" has the same meaning as 10543  
in section 135.01 of the Revised Code, but also includes "public 10544  
moneys" as defined in section 135.31 of the Revised Code, and 10545  
funds held in the custody of the treasurer of state 10546  
notwithstanding any limitations on the permissible investments of 10547  
such funds. 10548

(3) "Treasurer" has the same meaning as in sections 135.01 10549  
and 135.31 of the Revised Code. 10550

(4) "Investing authority" has the same meaning as in section 10551  
135.31 of the Revised Code. 10552

(5) "Excess reserves" means the amount of a subdivision's 10553  
public moneys that exceed the average of a subdivision's annual 10554  
operating expenses in the immediately preceding three fiscal 10555  
years. 10556

**Sec. 135.63.** The treasurer of state may invest in linked 10557  
deposits under sections 135.61 to 135.67, short-term installment 10558  
loan linked deposits under sections 135.68 to 135.70, agricultural 10559  
linked deposits under sections 135.71 to 135.76, business linked 10560  
deposits under sections 135.77 to 135.774, housing linked deposits 10561  
under sections 135.81 to 135.87, assistive technology device 10562  
linked deposits under sections 135.91 to 135.97, and SaveNOW 10563  
linked deposits under sections 135.101 to 135.106 of the Revised 10564  
Code, provided that at the time of placement of any such linked 10565  
deposit the combined amount of investments in all such linked 10566  
deposits is not more than twelve per cent of the state's total 10567  
average investment portfolio as determined by the treasurer of 10568  
state. When deciding whether to invest in any such linked 10569  
deposits, the treasurer of state shall give priority to the 10570  
investment, liquidity, and cash flow needs of the state. 10571

**Sec. 135.71.** As used in sections 135.71 to 135.76 of the 10572

Revised Code: 10573

(A) "Eligible agricultural business" means any person engaged 10574  
in agriculture that has all of the following characteristics: 10575

(1) Is headquartered and domiciled in this state; 10576

(2) Maintains land or facilities for agricultural purposes in 10577  
this state provided that the land or facilities within this state 10578  
comprise not less than fifty-one per cent of the total of all 10579  
lands or facilities maintained by the person; 10580

(3) Is organized for profit. 10581

(B) "Eligible lending institution" means a financial 10582  
institution that is eligible to make commercial loans, agrees to 10583  
participate in the agricultural linked deposit program, and is any 10584  
of the following: 10585

(1) Is a public depository of state funds under section 10586  
135.03 of the Revised Code; ~~or~~ 10587

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 10588  
Code, is an institution of the farm credit system organized under 10589  
the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C.A. 10590  
2001, as amended; 10591

(3) Notwithstanding sections 135.01 to 135.21 of the Revised 10592  
Code, is a federal credit union, a foreign credit union licensed 10593  
pursuant to section 1733.39 of the Revised Code, or a credit union 10594  
as defined in section 1733.01 of the Revised Code, located in this 10595  
state. 10596

(C) "Agricultural linked deposit" means a certificate of 10597  
deposit placed by the treasurer of state with an eligible lending 10598  
institution under section 135.74 of the Revised Code, share 10599  
certificates issued by an eligible lending institution that are 10600  
purchased by the treasurer of state, or an investment in bonds, 10601  
notes, debentures, or other obligations or securities issued by 10602

the federal farm credit bank with regard to an eligible lending institution. 10603  
10604

(D) "Loan" means a contractual agreement under which an eligible lending institution agrees to lend money in the form of an upfront lump sum, a line of credit, or any other reasonable arrangement approved by the treasurer of state. 10605  
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10608

Sec. 135.77. As used in sections 135.77 to 135.774 of the Revised Code: 10609  
10610

(A) "Business linked deposit" means share certificates issued by an eligible lending institution that are purchased by the treasurer of state in accordance with sections 135.772 to 135.774 of the Revised Code. 10611  
10612  
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10614

(B) "Eligible lending institution" means a federal credit union, a foreign credit union licensed pursuant to section 1733.39 of the Revised Code, or a credit union as defined in section 1733.01 of the Revised Code, located in this state. 10615  
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(C) "Eligible small business" means any person that has all of the following characteristics: 10619  
10620

(1) Is domiciled in this state; 10621

(2) Maintains offices and operating facilities exclusively in this state and transacts business in this state; 10622  
10623

(3) Employs fewer than one hundred fifty employees, the majority of whom are residents of this state; 10624  
10625

(4) Is organized for profit; 10626

(5) Is able to save or create one full-time job or two part-time jobs in this state for every fifty thousand dollars borrowed. 10627  
10628  
10629

(D) "Full-time job" means a job with regular hours of service totaling at least forty hours per week or any other standard of 10630  
10631

service accepted as full-time by the employee's employer. 10632

(E) "Loan" means a contractual agreement under which an 10633  
eligible lending institution agrees to lend money in the form of 10634  
an upfront lump sum, a line of credit, or any other reasonable 10635  
arrangement approved by the treasurer of state. 10636

(F) "Part-time job" means a job with regular hours of service 10637  
totaling fewer than forty hours per week or any other standard of 10638  
service accepted as part-time by the employee's employer. 10639

**Sec. 135.771.** The general assembly finds that small 10640  
businesses play an important role in creating jobs in this state. 10641  
Accordingly, it is declared to be the public policy of the state 10642  
through the business linked deposit program to foster economic 10643  
growth and development within Ohio's small businesses, and to 10644  
protect the jobs of this state. 10645

**Sec. 135.772.** (A) In accordance with section 135.64 of the 10646  
Revised Code, an eligible lending institution that desires to 10647  
receive a business linked deposit shall accept and review 10648  
applications for loans from eligible small businesses and forward 10649  
to the treasurer of state a linked deposit loan package. 10650

(B) No loan issued pursuant to sections 135.77 to 135.774 of 10651  
the Revised Code shall exceed four hundred thousand dollars. 10652

**Sec. 135.773.** In accordance with section 135.65 of the 10653  
Revised Code, the treasurer of state may accept or reject a 10654  
business linked deposit loan package, or any portion thereof, and 10655  
shall enter into a deposit agreement regarding any accepted loan 10656  
packages. 10657

**Sec. 135.774.** (A) Upon the placement of a business linked 10658  
deposit with an eligible lending institution, such institution is 10659

required to lend such funds to each approved eligible small 10660  
business listed in the linked deposit loan package required by 10661  
section 135.772 of the Revised Code and in accordance with the 10662  
deposit agreement required by section 135.773 of the Revised Code. 10663  
The loan shall be at a rate that reflects the following percentage 10664  
rate reduction below the present borrowing rate applicable to each 10665  
eligible small business: 10666

(1) Three per cent if the present borrowing rate is greater 10667  
than five per cent; 10668

(2) Two and one-tenth per cent if the present borrowing rate 10669  
is equal to or less than five per cent. 10670

A certification of compliance with this section in the form 10671  
and manner as prescribed by the treasurer of state shall be 10672  
required of the eligible lending institution. 10673

(B) The treasurer of state shall take any and all steps 10674  
necessary to implement the business linked deposit program and 10675  
monitor compliance of eligible lending institutions and eligible 10676  
small businesses, including the development of guidelines as 10677  
necessary. 10678

(C) The state and the treasurer of state are not liable to 10679  
any eligible lending institution in any manner for payment of the 10680  
principal or interest on the loan to an eligible small business. 10681  
Any delay in payments or default on the part of an eligible small 10682  
business does not in any manner affect the deposit agreement 10683  
between the eligible lending institution and the treasurer of 10684  
state. 10685

**Sec. 135.78. (A) As used in this section:** 10686

(1) "Eligible lending institution" means an eligible lending 10687  
institution as defined in section 135.61, 135.68, 135.71, or 10688  
135.77 of the Revised Code, as applicable. 10689

(2) "Prevailing interest rate" means a current interest rate benchmark selected by the treasurer of state that banks are willing to pay to hold deposits for a specific time period, as measured by a third-party organization.

(3) "Treasurer's assessment rate" means a number not exceeding ten per cent that is calculated in a manner determined by the treasurer of state and that seeks to account for the effect that varying tax treatment among different types of financial institutions has on the ability of financial institutions to pay competitive interest rates to hold deposits.

(B) The treasurer of state shall, in accordance with Chapter 111. of the Revised Code, adopt rules addressing the participation of eligible lending institutions in the agricultural linked deposit program under sections 135.71 to 135.76 of the Revised Code and the business linked deposit program under sections 135.77 to 135.774 of the Revised Code, including, but not limited to, the manner in which an eligible lending institution is designated and the linked deposits are placed, held, and collateralized. Participation of eligible lending institutions in those linked deposit programs shall not begin until these rules have been adopted.

(C) Notwithstanding any provision of law to the contrary, the treasurer of state may require an eligible lending institution that holds public deposits under sections 135.61 to 135.67, 135.68 to 135.70, 135.71 to 135.76, or 135.77 to 135.774 of the Revised Code, and any institution mentioned in section 135.03 of the Revised Code that holds public deposits under sections 135.71 to 135.76 of the Revised Code, to pay interest at a rate not lower than the product of the prevailing interest rate multiplied by the sum of one plus the treasurer's assessment rate. The treasurer may adopt rules necessary for the implementation of this division. The rules shall be adopted in accordance with Chapter 119. of the

<u>Revised Code.</u>	10722
<b>Sec. 143.01.</b> As used in this chapter:	10723
(A) "Killed in the line of duty" means either of the following:	10724
(1) Death in the line of duty;	10725
(2) Death from injury sustained in the line of duty, including heart attack or other fatal injury or illness caused while in the line of duty.	10726
(B) "Totally and permanently disabled" means unable to engage in any substantial gainful employment for a period of not less than twelve months by reason of a medically determinable physical impairment that is permanent or presumed to be permanent.	10727
(C) "Volunteer peace officer" means any person who is employed as a police officer, sheriff's deputy, constable, or deputy marshal in a part-time, reserve, or volunteer capacity by a county sheriff's department or the police department of a municipal corporation, township, township police district, or joint police district and is not a <u>either of the following</u> :	10728
(1) A member of the public employees retirement system, Ohio police and fire pension fund, state highway patrol retirement system, or the Cincinnati retirement system;	10729
(2) A <u>retirant as defined in section 145.01 of the Revised Code.</u>	10730
<b>Sec. 147.541.</b> The words "acknowledged before me" means that:	10731
(A) The person acknowledging appeared before the person taking the acknowledgment, <u>including by visually appearing through the use of any electronic communications devices approved by the secretary of state;</u>	10732
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(B) ~~He~~ The person acknowledging acknowledged ~~he executed~~ 10750  
executing the instrument, including through the use of an 10751  
electronic signature from technology approved by the secretary of 10752  
state; 10753

(C) In the case of: 10754

(1) A natural person, ~~he~~ the person executed the instrument 10755  
for the purposes therein stated; 10756

(2) A corporation, the officer or agent acknowledged ~~he held~~ 10757  
holding the position or title set forth in the instrument and 10758  
certificate, ~~he~~ the officer or agent signed the instrument on 10759  
behalf of the corporation by proper authority, and the instrument 10760  
was the act of the corporation for the purpose therein stated; 10761

(3) A partnership, the partner or agent acknowledged ~~he~~ 10762  
~~signed~~ signing the instrument on behalf of the partnership by 10763  
proper authority and ~~he~~ the partner or agent executed the 10764  
instrument as the act of the partnership for the purposes therein 10765  
stated; 10766

(4) A person acknowledging as principal by an attorney in 10767  
fact, ~~he~~ the attorney in fact executed the instrument by proper 10768  
authority as the act of the principal for the purposes therein 10769  
stated; 10770

(5) A person acknowledging as a public officer, trustee, 10771  
administrator, guardian, or other representative, ~~he~~ the person 10772  
signed the instrument by proper authority and ~~he~~ the person 10773  
executed the instrument in the capacity and for the purposes 10774  
therein stated; and 10775

(D) The person taking the acknowledgment either knew or had 10776  
satisfactory evidence that the person acknowledging was the person 10777  
named in the instrument or certificate. 10778

**Sec. 147.542.** (A) A notary public, otherwise commissioned and 10779

appointed under this chapter, may use an electronic communications 10780  
device, including a web site application, approved by the 10781  
secretary of state to satisfy the acknowledgment requirements 10782  
under sections 147.51 to 147.58 of the Revised Code and to 10783  
electronically sign as the notary public. A notary public shall 10784  
not use an electronic communications device to meet these 10785  
requirements for a notarial act that is a deposition. 10786

(B) The secretary of state shall establish standards for 10787  
approving an electronic communications device that may be used by 10788  
a notary public. The office of information technology in the 10789  
department of administrative services shall provide assistance to 10790  
the secretary relating to the equipment, security, and 10791  
technological aspects of the standards established. 10792

**Sec. 147.543.** (A) Before a currently commissioned and 10793  
appointed notary public may use an electronic communications 10794  
device to satisfy the acknowledgment requirements under sections 10795  
147.51 to 147.58 of the Revised Code, the notary public shall 10796  
submit a registration form established by the secretary of state 10797  
to be commissioned as an electronic notary public. The secretary 10798  
may establish a reasonable fee, not to exceed five dollars, for 10799  
submitting and processing the registration form. The registration 10800  
form shall include all of the following information and be 10801  
transmitted electronically to the secretary of state: 10802

(1) The notary public's full legal name and official notary 10803  
public name; 10804

(2) A description of the technology the notary public will 10805  
use to create an electronic signature in performing official acts; 10806

(3) Certification of compliance with electronic notary public 10807  
standards developed in accordance with division (B) of section 10808  
147.542 of the Revised Code; 10809

<u>(4) The electronic mail address of the notary public;</u>	10810
<u>(5) The signature of the notary public applying to use the electronic signature described in the form;</u>	10811 10812
<u>(6) Any decrypting instructions, codes, keys, or software that allow the registration to be read; and</u>	10813 10814
<u>(7) Any other information the secretary of state may require.</u>	10815
<u>(B) The secretary of state may deny a registration for an electronic notary public if any of the required information is missing or incorrect on the registration form, or if the technology the notary public identifies as being the technology the notary public will use is not approved by the secretary.</u>	10816 10817 10818 10819 10820
<u>(C) An electronic notary public's term shall expire and may be renewed at the same time the notary public's commission expires under section 147.03 of the Revised Code.</u>	10821 10822 10823
<u>(D) Nothing in division (A) of this section shall be construed to prevent a registered and commissioned electronic notary public from using updated technology during the term of the notary public's commission. If the notary public uses updated technology, the notary public shall notify the secretary of state electronically within ninety days of installation or use of the updated technology and provide a brief description of that technology.</u>	10824 10825 10826 10827 10828 10829 10830 10831
<b>Sec. 151.03.</b> This section applies to obligations as defined in this section.	10832 10833
(A) As used in this section:	10834
(1) "Costs of capital facilities" includes related direct administrative expenses and allocable portions of direct costs of the using school district and the Ohio <del>school</del> facilities <u>construction</u> commission.	10835 10836 10837 10838

(2) "Net state lottery proceeds" means the amount determined 10839  
by the director of budget and management to be an excess amount to 10840  
the credit of the state lottery fund and to be transferred to the 10841  
lottery profits education fund, and moneys from time to time in 10842  
the lottery profits education fund, all as provided for and 10843  
referred to in section 3770.06 of the Revised Code. 10844

(3) "Ohio ~~school~~ facilities construction commission" and 10845  
"school district" have the same meanings as in section 3318.01 of 10846  
the Revised Code. 10847

(4) "Obligations" means obligations as defined in section 10848  
151.01 of the Revised Code issued to pay costs of capital 10849  
facilities for a system of common schools throughout the state. 10850

(5) "Using school district" means the school district, or two 10851  
or more school districts acting jointly, that are the ultimate 10852  
users of the capital facilities for a system of common schools 10853  
financed with net proceeds of obligations. 10854

(B) The issuing authority shall issue obligations to pay 10855  
costs of capital facilities for a system of common schools 10856  
throughout the state pursuant to Section 2n of Article VIII, Ohio 10857  
Constitution, section 151.01 of the Revised Code, and this 10858  
section. The issuing authority, upon the certification by the Ohio 10859  
~~school~~ facilities construction commission to it of the amount of 10860  
moneys needed in the school building program assistance fund 10861  
created by section 3318.25 of the Revised Code for purposes of 10862  
that fund, shall issue obligations in the amount determined to be 10863  
required by the issuing authority. 10864

(C) Net proceeds of obligations shall be deposited into the 10865  
school building program assistance fund created by section 3318.25 10866  
of the Revised Code. 10867

(D) There is hereby created in the state treasury the "common 10868  
schools capital facilities bond service fund." All moneys received 10869

by the state and required by the bond proceedings, consistent with 10870  
sections 151.01 and 151.03 of the Revised Code, to be deposited, 10871  
transferred, or credited to the bond service fund, and all other 10872  
moneys transferred or allocated to or received for the purposes of 10873  
that fund, shall be deposited and credited to the bond service 10874  
fund, subject to any applicable provisions of the bond proceedings 10875  
but without necessity for any act of appropriation. During the 10876  
period beginning with the date of the first issuance of 10877  
obligations and continuing during the time that any obligations 10878  
are outstanding in accordance with their terms, so long as moneys 10879  
in the bond service fund are insufficient to pay debt service when 10880  
due on those obligations payable from that fund (except the 10881  
principal amounts of bond anticipation notes payable from the 10882  
proceeds of renewal notes or bonds anticipated) and due in the 10883  
particular fiscal year, a sufficient amount of revenues of the 10884  
state, including net state lottery proceeds, is committed and, 10885  
without necessity for further act of appropriation, shall be paid 10886  
to the bond service fund for the purpose of paying that debt 10887  
service when due. 10888

**Sec. 153.02.** (A) The executive director of the Ohio 10889  
facilities construction commission, may debar a contractor from 10890  
contract awards for public improvements as referred to in section 10891  
153.01 of the Revised Code or for projects as defined in section 10892  
3318.01 of the Revised Code, upon proof that the contractor has 10893  
done any of the following: 10894

(1) Defaulted on a contract requiring the execution of a 10895  
takeover agreement as set forth in division (B) of section 153.17 10896  
of the Revised Code; 10897

(2) Knowingly failed during the course of a contract to 10898  
maintain the coverage required by the bureau of workers' 10899  
compensation; 10900

(3) Knowingly failed during the course of a contract to maintain the contractor's drug-free workplace program as required by the contract;

(4) Knowingly failed during the course of a contract to maintain insurance required by the contract or otherwise by law, resulting in a substantial loss to the owner, as owner is referred to in section 153.01 of the Revised Code, or to the commission and school district board, as provided in division (F) of section 3318.08 of the Revised Code;

(5) Misrepresented the firm's qualifications in the selection process set forth in sections 153.65 to 153.71 or section 3318.10 of the Revised Code;

(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the contractor's business integrity;

(7) Been convicted of a criminal offense under state or federal antitrust laws;

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;

(9) Been debarred from bidding on or participating in a contract with any state or federal agency.

(B) When the executive director debar a contractor that is a partnership, association, or corporation, the executive director also may debar any partner of the partnership or any officer or director of the association or corporation, as applicable.

(C) When the executive director reasonably believes that

grounds for debarment exist, the executive director shall send the contractor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the contractor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the executive director shall issue the debarment decision without a hearing and shall notify the contractor of the decision by certified mail, return receipt requested.

~~(C)~~(D) The executive director shall determine the length of the debarment period and may rescind the debarment at any time upon notification to the contractor. During the period of debarment, the contractor is not eligible to bid for or participate in any contract for a public improvement as referred to in section 153.01 of the Revised Code or for a project as defined in section 3318.01 of the Revised Code. After the debarment period expires, the contractor shall be eligible to bid for and participate in such contracts.

~~(D)~~(E) The executive director shall maintain a list of all contractors currently debarred under this section. Any governmental entity awarding a contract for construction of a public improvement or project may use a contractor's presence on the debarment list to determine whether a contractor is responsible or best under section 9.312 or any other section of the Revised Code in the award of a contract.

(F) As used in this section, "contractor" means a construction contracting business, a subcontractor of a construction contracting business, a supplier of materials, or a manufacturer of materials.

**Sec. 154.11.** The issuing authority may authorize and issue

obligations for the refunding, including funding and retirement, 10962  
of any obligations previously issued under this chapter and any 10963  
other bonds or notes previously issued ~~under Chapter 152. of the~~ 10964  
~~Revised Code~~ to pay the costs of capital facilities. Such 10965  
obligations may be issued in amounts sufficient for payment of the 10966  
principal amount of the prior obligations, any redemption premiums 10967  
thereon, principal maturities of any such obligations maturing 10968  
prior to the redemption of the remaining obligations on a parity 10969  
therewith, interest accrued or to accrue to the maturity dates or 10970  
dates of redemption of such obligations, and any expenses incurred 10971  
or to be incurred in connection with such issuance and such 10972  
refunding, funding, and retirement. Subject to the bond 10973  
proceedings therefor, the portion of proceeds of the sale of 10974  
obligations issued under this section to be applied to bond 10975  
service charges on the prior obligations shall be credited to the 10976  
bond service fund for those prior obligations. Obligations 10977  
authorized under this section shall be deemed to be issued for 10978  
those purposes for which those prior obligations were issued and 10979  
are subject to the provisions of Chapter 154. of the Revised Code 10980  
pertaining to other obligations, except as otherwise indicated by 10981  
this section and except for division (A) of section 154.02 of the 10982  
Revised Code, provided that, unless otherwise authorized by the 10983  
general assembly, any limitations imposed by the general assembly 10984  
pursuant to that division with respect to bond service charges 10985  
applicable to the prior obligations shall be applicable to the 10986  
obligations issued under this section to refund, fund, or retire 10987  
those prior obligations. 10988

**Sec. 166.08.** (A) As used in this chapter: 10989

(1) "Bond proceedings" means the resolution, order, trust 10990  
agreement, indenture, lease, and other agreements, amendments and 10991  
supplements to the foregoing, or any one or more or combination 10992  
thereof, authorizing or providing for the terms and conditions 10993

applicable to, or providing for the security or liquidity of, 10994  
obligations issued pursuant to this section, and the provisions 10995  
contained in such obligations. 10996

(2) "Bond service charges" means principal, including 10997  
mandatory sinking fund requirements for retirement of obligations, 10998  
and interest, and redemption premium, if any, required to be paid 10999  
by the state on obligations. 11000

(3) "Bond service fund" means the applicable fund and 11001  
accounts therein created for and pledged to the payment of bond 11002  
service charges, which may be, or may be part of, the economic 11003  
development bond service fund created by division (S) of this 11004  
section including all moneys and investments, and earnings from 11005  
investments, credited and to be credited thereto. 11006

(4) "Issuing authority" means the treasurer of state, or the 11007  
officer who by law performs the functions of such officer. 11008

(5) "Obligations" means bonds, notes, or other evidence of 11009  
obligation including interest coupons pertaining thereto, issued 11010  
pursuant to this section. 11011

(6) "Pledged receipts" means all receipts of the state 11012  
representing the gross profit on the sale of spirituous liquor, as 11013  
referred to in division (B)(4) of section 4301.10 of the Revised 11014  
Code, after paying all costs and expenses of the division of 11015  
liquor control and providing an adequate working capital reserve 11016  
for the division of liquor control as provided in that division, 11017  
but excluding the sum required by the second paragraph of section 11018  
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 11019  
paid into the state treasury; moneys accruing to the state from 11020  
the lease, sale, or other disposition, or use, of project 11021  
facilities, and from the repayment, including interest, of loans 11022  
made from proceeds received from the sale of obligations; accrued 11023  
interest received from the sale of obligations; income from the 11024

investment of the special funds; and any gifts, grants, donations, 11025  
and pledges, and receipts therefrom, available for the payment of 11026  
bond service charges. 11027

(7) "Special funds" or "funds" means, except where the 11028  
context does not permit, the bond service fund, and any other 11029  
funds, including reserve funds, created under the bond 11030  
proceedings, and the economic development bond service fund 11031  
created by division (S) of this section to the extent provided in 11032  
the bond proceedings, including all moneys and investments, and 11033  
earnings from investment, credited and to be credited thereto. 11034

(B) Subject to the limitations provided in section 166.11 of 11035  
the Revised Code, the issuing authority, upon the certification by 11036  
the director of development or, ~~with respect to eligible advanced~~ 11037  
~~energy projects prior to the effective date of this amendment,~~ 11038  
upon certification by the Ohio air quality development authority 11039  
regarding eligible advanced energy projects, to the issuing 11040  
authority of the amount of moneys or additional moneys needed in 11041  
the facilities establishment fund, the loan guarantee fund, the 11042  
innovation Ohio loan fund, the innovation Ohio loan guarantee 11043  
fund, the research and development loan fund, the logistics and 11044  
distribution infrastructure fund, the advanced energy research and 11045  
development fund, or the advanced energy research and development 11046  
taxable fund, as applicable, for the purpose of paying, or making 11047  
loans for, allowable costs from the facilities establishment fund, 11048  
allowable innovation costs from the innovation Ohio loan fund, 11049  
allowable costs from the research and development loan fund, 11050  
allowable costs from the logistics and distribution infrastructure 11051  
fund, allowable costs from the advanced energy research and 11052  
development fund, or allowable costs from the advanced energy 11053  
research and development taxable fund, as applicable, or needed 11054  
for capitalized interest, for funding reserves, and for paying 11055  
costs and expenses incurred in connection with the issuance, 11056

carrying, securing, paying, redeeming, or retirement of the 11057  
obligations or any obligations refunded thereby, including payment 11058  
of costs and expenses relating to letters of credit, lines of 11059  
credit, insurance, put agreements, standby purchase agreements, 11060  
indexing, marketing, remarketing and administrative arrangements, 11061  
interest swap or hedging agreements, and any other credit 11062  
enhancement, liquidity, remarketing, renewal, or refunding 11063  
arrangements, all of which are authorized by this section, or 11064  
providing moneys for the loan guarantee fund or the innovation 11065  
Ohio loan guarantee fund, as provided in this chapter or needed 11066  
for the purposes of funds established in accordance with or 11067  
pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 11068  
122.561, 122.57, and 122.80 of the Revised Code which are within 11069  
the authorization of Section 13 of Article VIII, Ohio 11070  
Constitution, or, prior to the effective date of this amendment, 11071  
with respect to certain eligible advanced energy projects, Section 11072  
2p of Article VIII, Ohio Constitution, shall issue obligations of 11073  
the state under this section in the required amount; provided that 11074  
such obligations may be issued to satisfy the covenants in 11075  
contracts of guarantee made under section 166.06 or 166.15 of the 11076  
Revised Code, notwithstanding limitations otherwise applicable to 11077  
the issuance of obligations under this section. The proceeds of 11078  
such obligations, except for the portion to be deposited in 11079  
special funds, including reserve funds, as may be provided in the 11080  
bond proceedings, shall as provided in the bond proceedings be 11081  
deposited by the director of development to the facilities 11082  
establishment fund, the loan guarantee fund, the innovation Ohio 11083  
loan guarantee fund, the innovation Ohio loan fund, the research 11084  
and development loan fund, or the logistics and distribution 11085  
infrastructure fund, or be deposited by the Ohio air quality 11086  
development authority prior to the effective date of this 11087  
amendment to the advanced energy research and development fund or 11088  
the advanced energy research and development taxable fund. Bond 11089

proceedings for project financing obligations may provide that the 11090  
proceeds derived from the issuance of such obligations shall be 11091  
deposited into such fund or funds provided for in the bond 11092  
proceedings and, to the extent provided for in the bond 11093  
proceedings, such proceeds shall be deemed to have been deposited 11094  
into the facilities establishment fund and transferred to such 11095  
fund or funds. The issuing authority may appoint trustees, paying 11096  
agents, and transfer agents and may retain the services of 11097  
financial advisors, accounting experts, and attorneys, and retain 11098  
or contract for the services of marketing, remarketing, indexing, 11099  
and administrative agents, other consultants, and independent 11100  
contractors, including printing services, as are necessary in the 11101  
issuing authority's judgment to carry out this section. The costs 11102  
of such services are allowable costs payable from the facilities 11103  
establishment fund or the research and development loan fund, 11104  
allowable innovation costs payable from the innovation Ohio loan 11105  
fund, ~~or~~ allowable costs payable from the logistics and 11106  
distribution infrastructure fund, or allowable costs payable prior 11107  
to the effective date of this amendment from the advanced energy 11108  
research and development fund, or the advanced energy research and 11109  
development taxable fund, as applicable. 11110

(C) The holders or owners of such obligations shall have no 11111  
right to have moneys raised by taxation obligated or pledged, and 11112  
moneys raised by taxation shall not be obligated or pledged, for 11113  
the payment of bond service charges. Such holders or owners shall 11114  
have no rights to payment of bond service charges from any moneys 11115  
accruing to the state from the lease, sale, or other disposition, 11116  
or use, of project facilities, or from payment of the principal of 11117  
or interest on loans made, or fees charged for guarantees made, or 11118  
from any money or property received by the director, treasurer of 11119  
state, or the state under Chapter 122. of the Revised Code, or 11120  
from any other use of the proceeds of the sale of the obligations, 11121  
and no such moneys may be used for the payment of bond service 11122

charges, except for accrued interest, capitalized interest, and 11123  
reserves funded from proceeds received upon the sale of the 11124  
obligations and except as otherwise expressly provided in the 11125  
applicable bond proceedings pursuant to written directions by the 11126  
director. The right of such holders and owners to payment of bond 11127  
service charges is limited to all or that portion of the pledged 11128  
receipts and those special funds pledged thereto pursuant to the 11129  
bond proceedings in accordance with this section, and each such 11130  
obligation shall bear on its face a statement to that effect. 11131

(D) Obligations shall be authorized by resolution or order of 11132  
the issuing authority and the bond proceedings shall provide for 11133  
the purpose thereof and the principal amount or amounts, and shall 11134  
provide for or authorize the manner or agency for determining the 11135  
principal maturity or maturities, not exceeding twenty-five years 11136  
from the date of issuance, the interest rate or rates or the 11137  
maximum interest rate, the date of the obligations and the dates 11138  
of payment of interest thereon, their denomination, and the 11139  
establishment within or without the state of a place or places of 11140  
payment of bond service charges. Sections 9.98 to 9.983 of the 11141  
Revised Code are applicable to obligations issued under this 11142  
section, subject to any applicable limitation under section 166.11 11143  
of the Revised Code. The purpose of such obligations may be stated 11144  
in the bond proceedings in terms describing the general purpose or 11145  
purposes to be served. The bond proceedings also shall provide, 11146  
subject to the provisions of any other applicable bond 11147  
proceedings, for the pledge of all, or such part as the issuing 11148  
authority may determine, of the pledged receipts and the 11149  
applicable special fund or funds to the payment of bond service 11150  
charges, which pledges may be made either prior or subordinate to 11151  
other expenses, claims, or payments, and may be made to secure the 11152  
obligations on a parity with obligations theretofore or thereafter 11153  
issued, if and to the extent provided in the bond proceedings. The 11154  
pledged receipts and special funds so pledged and thereafter 11155

received by the state are immediately subject to the lien of such 11156  
pledge without any physical delivery thereof or further act, and 11157  
the lien of any such pledges is valid and binding against all 11158  
parties having claims of any kind against the state or any 11159  
governmental agency of the state, irrespective of whether such 11160  
parties have notice thereof, and shall create a perfected security 11161  
interest for all purposes of Chapter 1309. of the Revised Code, 11162  
without the necessity for separation or delivery of funds or for 11163  
the filing or recording of the bond proceedings by which such 11164  
pledge is created or any certificate, statement or other document 11165  
with respect thereto; and the pledge of such pledged receipts and 11166  
special funds is effective and the money therefrom and thereof may 11167  
be applied to the purposes for which pledged without necessity for 11168  
any act of appropriation. Every pledge, and every covenant and 11169  
agreement made with respect thereto, made in the bond proceedings 11170  
may therein be extended to the benefit of the owners and holders 11171  
of obligations authorized by this section, and to any trustee 11172  
therefor, for the further security of the payment of the bond 11173  
service charges. 11174

(E) The bond proceedings may contain additional provisions as 11175  
to: 11176

(1) The redemption of obligations prior to maturity at the 11177  
option of the issuing authority at such price or prices and under 11178  
such terms and conditions as are provided in the bond proceedings; 11179

(2) Other terms of the obligations; 11180

(3) Limitations on the issuance of additional obligations; 11181

(4) The terms of any trust agreement or indenture securing 11182  
the obligations or under which the same may be issued; 11183

(5) The deposit, investment and application of special funds, 11184  
and the safeguarding of moneys on hand or on deposit, without 11185  
regard to Chapter 131. or 135. of the Revised Code, but subject to 11186

any special provisions of this chapter, with respect to particular 11187  
funds or moneys, provided that any bank or trust company which 11188  
acts as depository of any moneys in the special funds may furnish 11189  
such indemnifying bonds or may pledge such securities as required 11190  
by the issuing authority; 11191

(6) Any or every provision of the bond proceedings being 11192  
binding upon such officer, board, commission, authority, agency, 11193  
department, or other person or body as may from time to time have 11194  
the authority under law to take such actions as may be necessary 11195  
to perform all or any part of the duty required by such provision; 11196

(7) Any provision that may be made in a trust agreement or 11197  
indenture; 11198

(8) Any other or additional agreements with the holders of 11199  
the obligations, or the trustee therefor, relating to the 11200  
obligations or the security therefor, including the assignment of 11201  
mortgages or other security obtained or to be obtained for loans 11202  
under section 122.43, 166.07, or 166.16 of the Revised Code. 11203

(F) The obligations may have the great seal of the state or a 11204  
facsimile thereof affixed thereto or printed thereon. The 11205  
obligations and any coupons pertaining to obligations shall be 11206  
signed or bear the facsimile signature of the issuing authority. 11207  
Any obligations or coupons may be executed by the person who, on 11208  
the date of execution, is the proper issuing authority although on 11209  
the date of such bonds or coupons such person was not the issuing 11210  
authority. If the issuing authority whose signature or a facsimile 11211  
of whose signature appears on any such obligation or coupon ceases 11212  
to be the issuing authority before delivery thereof, such 11213  
signature or facsimile is nevertheless valid and sufficient for 11214  
all purposes as if the former issuing authority had remained the 11215  
issuing authority until such delivery; and if the seal to be 11216  
affixed to obligations has been changed after a facsimile of the 11217  
seal has been imprinted on such obligations, such facsimile seal 11218

shall continue to be sufficient as to such obligations and 11219  
obligations issued in substitution or exchange therefor. 11220

(G) All obligations are negotiable instruments and securities 11221  
under Chapter 1308. of the Revised Code, subject to the provisions 11222  
of the bond proceedings as to registration. The obligations may be 11223  
issued in coupon or in registered form, or both, as the issuing 11224  
authority determines. Provision may be made for the registration 11225  
of any obligations with coupons attached thereto as to principal 11226  
alone or as to both principal and interest, their exchange for 11227  
obligations so registered, and for the conversion or reconversion 11228  
into obligations with coupons attached thereto of any obligations 11229  
registered as to both principal and interest, and for reasonable 11230  
charges for such registration, exchange, conversion, and 11231  
reconversion. 11232

(H) Obligations may be sold at public sale or at private 11233  
sale, as determined in the bond proceedings. 11234

Obligations issued to provide moneys for the loan guarantee 11235  
fund or the innovation Ohio loan guarantee fund may, as determined 11236  
by the issuing authority, be sold at private sale, and without 11237  
publication of a notice of sale. 11238

(I) Pending preparation of definitive obligations, the 11239  
issuing authority may issue interim receipts or certificates which 11240  
shall be exchanged for such definitive obligations. 11241

(J) In the discretion of the issuing authority, obligations 11242  
may be secured additionally by a trust agreement or indenture 11243  
between the issuing authority and a corporate trustee which may be 11244  
any trust company or bank having a place of business within the 11245  
state. Any such agreement or indenture may contain the resolution 11246  
or order authorizing the issuance of the obligations, any 11247  
provisions that may be contained in any bond proceedings, and 11248  
other provisions which are customary or appropriate in an 11249

agreement or indenture of such type, including, but not limited	11250
to:	11251
(1) Maintenance of each pledge, trust agreement, indenture,	11252
or other instrument comprising part of the bond proceedings until	11253
the state has fully paid the bond service charges on the	11254
obligations secured thereby, or provision therefor has been made;	11255
(2) In the event of default in any payments required to be	11256
made by the bond proceedings, or any other agreement of the	11257
issuing authority made as a part of the contract under which the	11258
obligations were issued, enforcement of such payments or agreement	11259
by mandamus, the appointment of a receiver, suit in equity, action	11260
at law, or any combination of the foregoing;	11261
(3) The rights and remedies of the holders of obligations and	11262
of the trustee, and provisions for protecting and enforcing them,	11263
including limitations on rights of individual holders of	11264
obligations;	11265
(4) The replacement of any obligations that become mutilated	11266
or are destroyed, lost, or stolen;	11267
(5) Such other provisions as the trustee and the issuing	11268
authority agree upon, including limitations, conditions, or	11269
qualifications relating to any of the foregoing.	11270
(K) Any holders of obligations or trustees under the bond	11271
proceedings, except to the extent that their rights are restricted	11272
by the bond proceedings, may by any suitable form of legal	11273
proceedings, protect and enforce any rights under the laws of this	11274
state or granted by such bond proceedings. Such rights include the	11275
right to compel the performance of all duties of the issuing	11276
authority, the director of development, the Ohio air quality	11277
development authority, or the division of liquor control required	11278
by this chapter or the bond proceedings; to enjoin unlawful	11279
activities; and in the event of default with respect to the	11280

payment of any bond service charges on any obligations or in the 11281  
performance of any covenant or agreement on the part of the 11282  
issuing authority, the director of development, the Ohio air 11283  
quality development authority, or the division of liquor control 11284  
in the bond proceedings, to apply to a court having jurisdiction 11285  
of the cause to appoint a receiver to receive and administer the 11286  
pledged receipts and special funds, other than those in the 11287  
custody of the treasurer of state, which are pledged to the 11288  
payment of the bond service charges on such obligations or which 11289  
are the subject of the covenant or agreement, with full power to 11290  
pay, and to provide for payment of bond service charges on, such 11291  
obligations, and with such powers, subject to the direction of the 11292  
court, as are accorded receivers in general equity cases, 11293  
excluding any power to pledge additional revenues or receipts or 11294  
other income or moneys of the issuing authority or the state or 11295  
governmental agencies of the state to the payment of such 11296  
principal and interest and excluding the power to take possession 11297  
of, mortgage, or cause the sale or otherwise dispose of any 11298  
project facilities. 11299

Each duty of the issuing authority and the issuing 11300  
authority's officers and employees, and of each governmental 11301  
agency and its officers, members, or employees, undertaken 11302  
pursuant to the bond proceedings or any agreement or lease, 11303  
lease-purchase agreement, or loan made under authority of this 11304  
chapter, and in every agreement by or with the issuing authority, 11305  
is hereby established as a duty of the issuing authority, and of 11306  
each such officer, member, or employee having authority to perform 11307  
such duty, specifically enjoined by the law resulting from an 11308  
office, trust, or station within the meaning of section 2731.01 of 11309  
the Revised Code. 11310

The person who is at the time the issuing authority, or the 11311  
issuing authority's officers or employees, are not liable in their 11312

personal capacities on any obligations issued by the issuing 11313  
authority or any agreements of or with the issuing authority. 11314

(L) The issuing authority may authorize and issue obligations 11315  
for the refunding, including funding and retirement, and advance 11316  
refunding with or without payment or redemption prior to maturity, 11317  
of any obligations previously issued by the issuing authority. 11318  
Such obligations may be issued in amounts sufficient for payment 11319  
of the principal amount of the prior obligations, any redemption 11320  
premiums thereon, principal maturities of any such obligations 11321  
maturing prior to the redemption of the remaining obligations on a 11322  
parity therewith, interest accrued or to accrue to the maturity 11323  
dates or dates of redemption of such obligations, and any 11324  
allowable costs including expenses incurred or to be incurred in 11325  
connection with such issuance and such refunding, funding, and 11326  
retirement. Subject to the bond proceedings therefor, the portion 11327  
of proceeds of the sale of obligations issued under this division 11328  
to be applied to bond service charges on the prior obligations 11329  
shall be credited to an appropriate account held by the trustee 11330  
for such prior or new obligations or to the appropriate account in 11331  
the bond service fund for such obligations. Obligations authorized 11332  
under this division shall be deemed to be issued for those 11333  
purposes for which such prior obligations were issued and are 11334  
subject to the provisions of this section pertaining to other 11335  
obligations, except as otherwise provided in this section; 11336  
provided that, unless otherwise authorized by the general 11337  
assembly, any limitations imposed by the general assembly pursuant 11338  
to this section with respect to bond service charges applicable to 11339  
the prior obligations shall be applicable to the obligations 11340  
issued under this division to refund, fund, advance refund or 11341  
retire such prior obligations. 11342

(M) The authority to issue obligations under this section 11343  
includes authority to issue obligations in the form of bond 11344

anticipation notes and to renew the same from time to time by the 11345  
issuance of new notes. The holders of such notes or interest 11346  
coupons pertaining thereto shall have a right to be paid solely 11347  
from the pledged receipts and special funds that may be pledged to 11348  
the payment of the bonds anticipated, or from the proceeds of such 11349  
bonds or renewal notes, or both, as the issuing authority provides 11350  
in the resolution or order authorizing such notes. Such notes may 11351  
be additionally secured by covenants of the issuing authority to 11352  
the effect that the issuing authority and the state will do such 11353  
or all things necessary for the issuance of such bonds or renewal 11354  
notes in appropriate amount, and apply the proceeds thereof to the 11355  
extent necessary, to make full payment of the principal of and 11356  
interest on such notes at the time or times contemplated, as 11357  
provided in such resolution or order. For such purpose, the 11358  
issuing authority may issue bonds or renewal notes in such 11359  
principal amount and upon such terms as may be necessary to 11360  
provide funds to pay when required the principal of and interest 11361  
on such notes, notwithstanding any limitations prescribed by or 11362  
for purposes of this section. Subject to this division, all 11363  
provisions for and references to obligations in this section are 11364  
applicable to notes authorized under this division. 11365

The issuing authority in the bond proceedings authorizing the 11366  
issuance of bond anticipation notes shall set forth for such bonds 11367  
an estimated interest rate and a schedule of principal payments 11368  
for such bonds and the annual maturity dates thereof, and for 11369  
purposes of any limitation on bond service charges prescribed 11370  
under division (A) of section 166.11 of the Revised Code, the 11371  
amount of bond service charges on such bond anticipation notes is 11372  
deemed to be the bond service charges for the bonds anticipated 11373  
thereby as set forth in the bond proceedings applicable to such 11374  
notes, but this provision does not modify any authority in this 11375  
section to pledge receipts and special funds to, and covenant to 11376  
issue bonds to fund, the payment of principal of and interest and 11377

any premium on such notes. 11378

(N) Obligations issued under this section are lawful 11379  
investments for banks, societies for savings, savings and loan 11380  
associations, deposit guarantee associations, trust companies, 11381  
trustees, fiduciaries, insurance companies, including domestic for 11382  
life and domestic not for life, trustees or other officers having 11383  
charge of sinking and bond retirement or other special funds of 11384  
political subdivisions and taxing districts of this state, the 11385  
commissioners of the sinking fund of the state, the administrator 11386  
of workers' compensation, the state teachers retirement system, 11387  
the public employees retirement system, the school employees 11388  
retirement system, and the Ohio police and fire pension fund, 11389  
notwithstanding any other provisions of the Revised Code or rules 11390  
adopted pursuant thereto by any governmental agency of the state 11391  
with respect to investments by them, and are also acceptable as 11392  
security for the deposit of public moneys. 11393

(O) Unless otherwise provided in any applicable bond 11394  
proceedings, moneys to the credit of or in the special funds 11395  
established by or pursuant to this section may be invested by or 11396  
on behalf of the issuing authority only in notes, bonds, or other 11397  
obligations of the United States, or of any agency or 11398  
instrumentality of the United States, obligations guaranteed as to 11399  
principal and interest by the United States, obligations of this 11400  
state or any political subdivision of this state, and certificates 11401  
of deposit of any national bank located in this state and any 11402  
bank, as defined in section 1101.01 of the Revised Code, subject 11403  
to inspection by the superintendent of banks. If the law or the 11404  
instrument creating a trust pursuant to division (J) of this 11405  
section expressly permits investment in direct obligations of the 11406  
United States or an agency of the United States, unless expressly 11407  
prohibited by the instrument, such moneys also may be invested in 11408  
no-front-end-load money market mutual funds consisting exclusively 11409

of obligations of the United States or an agency of the United 11410  
States and in repurchase agreements, including those issued by the 11411  
fiduciary itself, secured by obligations of the United States or 11412  
an agency of the United States; and in common trust funds 11413  
established in accordance with section 1111.20 of the Revised Code 11414  
and consisting exclusively of any such securities, notwithstanding 11415  
division (A)(4) of that section. The income from such investments 11416  
shall be credited to such funds as the issuing authority 11417  
determines, and such investments may be sold at such times as the 11418  
issuing authority determines or authorizes. 11419

(P) Provision may be made in the applicable bond proceedings 11420  
for the establishment of separate accounts in the bond service 11421  
fund and for the application of such accounts only to the 11422  
specified bond service charges on obligations pertinent to such 11423  
accounts and bond service fund and for other accounts therein 11424  
within the general purposes of such fund. Unless otherwise 11425  
provided in any applicable bond proceedings, moneys to the credit 11426  
of or in the several special funds established pursuant to this 11427  
section shall be disbursed on the order of the treasurer of state, 11428  
provided that no such order is required for the payment from the 11429  
bond service fund when due of bond service charges on obligations. 11430

(Q) The issuing authority may pledge all, or such portion as 11431  
the issuing authority determines, of the pledged receipts to the 11432  
payment of bond service charges on obligations issued under this 11433  
section, and for the establishment and maintenance of any 11434  
reserves, as provided in the bond proceedings, and make other 11435  
provisions therein with respect to pledged receipts as authorized 11436  
by this chapter, which provisions are controlling notwithstanding 11437  
any other provisions of law pertaining thereto. 11438

(R) The issuing authority may covenant in the bond 11439  
proceedings, and any such covenants are controlling 11440  
notwithstanding any other provision of law, that the state and 11441

applicable officers and governmental agencies of the state, 11442  
including the general assembly, so long as any obligations are 11443  
outstanding, shall: 11444

(1) Maintain statutory authority for and cause to be charged 11445  
and collected wholesale and retail prices for spirituous liquor 11446  
sold by the state or its agents so that the pledged receipts are 11447  
sufficient in amount to meet bond service charges, and the 11448  
establishment and maintenance of any reserves and other 11449  
requirements provided for in the bond proceedings, and, as 11450  
necessary, to meet covenants contained in contracts of guarantee 11451  
made under section 166.06 of the Revised Code; 11452

(2) Take or permit no action, by statute or otherwise, that 11453  
would impair the exemption from federal income taxation of the 11454  
interest on the obligations. 11455

(S) There is hereby created the economic development bond 11456  
service fund, which shall be in the custody of the treasurer of 11457  
state but shall be separate and apart from and not a part of the 11458  
state treasury. All moneys received by or on account of the 11459  
issuing authority or state agencies and required by the applicable 11460  
bond proceedings, consistent with this section, to be deposited, 11461  
transferred, or credited to a bond service fund or the economic 11462  
development bond service fund, and all other moneys transferred or 11463  
allocated to or received for the purposes of the fund, shall be 11464  
deposited and credited to such fund and to any separate accounts 11465  
therein, subject to applicable provisions of the bond proceedings, 11466  
but without necessity for any act of appropriation. During the 11467  
period beginning with the date of the first issuance of 11468  
obligations and continuing during such time as any such 11469  
obligations are outstanding, and so long as moneys in the 11470  
pertinent bond service funds are insufficient to pay all bond 11471  
services charges on such obligations becoming due in each year, a 11472  
sufficient amount of the gross profit on the sale of spirituous 11473

liquor included in pledged receipts are committed and shall be 11474  
paid to the bond service fund or economic development bond service 11475  
fund in each year for the purpose of paying the bond service 11476  
charges becoming due in that year without necessity for further 11477  
act of appropriation for such purpose and notwithstanding anything 11478  
to the contrary in Chapter 4301. of the Revised Code. The economic 11479  
development bond service fund is a trust fund and is hereby 11480  
pledged to the payment of bond service charges to the extent 11481  
provided in the applicable bond proceedings, and payment thereof 11482  
from such fund shall be made or provided for by the treasurer of 11483  
state in accordance with such bond proceedings without necessity 11484  
for any act of appropriation. 11485

(T) The obligations, the transfer thereof, and the income 11486  
therefrom, including any profit made on the sale thereof, shall at 11487  
all times be free from taxation within the state. 11488

**Sec. 166.11.** (A) The aggregate amount of debt service payable 11489  
in any calendar year on project financing obligations issued under 11490  
section 166.08 of the Revised Code, exclusive of make-whole call 11491  
redemptions or other optional prepayments, shall not exceed fifty 11492  
million dollars. The aggregate principal amount of obligations, 11493  
exclusive of project financing obligations, that may be issued 11494  
under section 166.08 of the Revised Code is six hundred thirty 11495  
million dollars, plus the principal amount of any such obligations 11496  
retired by payment, the amounts held or obligations pledged for 11497  
the payment of the principal amount of any such obligations 11498  
outstanding, amounts in special funds held as reserves to meet 11499  
bond service charges, and amounts of obligations issued to provide 11500  
moneys required to meet payments from the loan guarantee fund 11501  
created in section 166.06 of the Revised Code and the innovation 11502  
Ohio loan guarantee fund created in section 166.15 of the Revised 11503  
Code. Of that six hundred thirty million dollars, not more than 11504  
eighty-four million principal amount of obligations may be issued 11505

for eligible advanced energy projects and not more than one 11506  
hundred million principal amount of obligations may be issued for 11507  
eligible logistics and distribution projects. No portion of the 11508  
eighty-four million principal amount for eligible advanced energy 11509  
projects may be issued after the effective date of this amendment. 11510  
The terms of the obligations issued under section 166.08 of the 11511  
Revised Code, other than obligations issued to meet guarantees 11512  
that cannot be satisfied from amounts then held in the loan 11513  
guarantee fund or the innovation Ohio loan guarantee fund, shall 11514  
be such that the aggregate amount of moneys used from profit from 11515  
the sale of spirituous liquor, and not from other sources, in any 11516  
fiscal year shall not exceed sixty-three million dollars. For 11517  
purposes of the preceding sentence, "other sources" include the 11518  
annual investment income on special funds to the extent it will be 11519  
available for payment of any bond service charges in lieu of use 11520  
of profit from the sale of spirituous liquor, and shall be 11521  
estimated on the basis of the expected funding of those special 11522  
funds and assumed investment earnings thereon at a rate equal to 11523  
the weighted average yield on investments of those special funds 11524  
determined as of any date within sixty days immediately preceding 11525  
the date of issuance of the bonds in respect of which the 11526  
determination is being made. Amounts received in any fiscal year 11527  
under section 6341 of the Internal Revenue Code, 26 U.S.C. 6341, 11528  
shall not be included when determining the sixty-three million 11529  
dollar limit. The determinations required by this division shall 11530  
be made by the treasurer of state at the time of issuance of an 11531  
issue of obligations and shall be conclusive for purposes of such 11532  
issue of obligations from and after their issuance and delivery. 11533

(B) The aggregate amount of the guaranteed portion of the 11534  
unpaid principal of loans guaranteed under sections 166.06 and 11535  
166.15 of the Revised Code and the unpaid principal of loans made 11536  
under sections 166.07, 166.16, and 166.21 of the Revised Code may 11537  
not at any time exceed eight hundred million dollars. Of that 11538

eight hundred million dollars, the aggregate amount of the 11539  
guaranteed portion of the unpaid principal of loans guaranteed 11540  
under sections 166.06 and 166.15 of the Revised Code shall not at 11541  
any time exceed two hundred million dollars. However, the 11542  
limitations established under this division do not apply to loans 11543  
made with proceeds from the issuance and sale of project financing 11544  
obligations. 11545

Sec. 166.50. "Microbusiness" means an independently owned and 11546  
operated for-profit business entity, including any affiliates, 11547  
that has fewer than twenty full-time employees or full-time 11548  
equivalent employees and is located in this state. 11549

For purposes of this section: 11550

(A) "Full-time employee" means an employee who, with respect 11551  
to a calendar month, is employed an average of at least thirty 11552  
hours of service per week. 11553

(B) The number of full-time equivalent employees for a 11554  
calendar month is determined by calculating the aggregate number 11555  
of hours of service for that calendar month for employees who were 11556  
not full-time employees and dividing that number by one hundred 11557  
twenty. 11558

**Sec. 167.03.** (A) The council shall have the power to: 11559

(1) Study such area governmental problems common to two or 11560  
more members of the council as it deems appropriate, including but 11561  
not limited to matters affecting health, safety, welfare, 11562  
education, economic conditions, and regional development; 11563

(2) Promote cooperative arrangements and coordinate action 11564  
among its members, and between its members and other agencies of 11565  
local or state governments, whether or not within Ohio, and the 11566  
federal government; 11567

(3) Make recommendations for review and action to the members	11568
and other public agencies that perform functions within the	11569
region;	11570
(4) Promote cooperative agreements and contracts among its	11571
members or other governmental agencies and private persons,	11572
corporations, or agencies;	11573
(5) Operate a public safety answering point in accordance	11574
with Chapter 128. of the Revised Code;	11575
(6) Perform planning directly by personnel of the council, or	11576
under contracts between the council and other public or private	11577
planning agencies.	11578
(B) The council may:	11579
(1) Review, evaluate, comment upon, and make recommendations,	11580
relative to the planning and programming, and the location,	11581
financing, and scheduling of public facility projects within the	11582
region and affecting the development of the area;	11583
(2) Act as an areawide agency to perform comprehensive	11584
planning for the programming, locating, financing, and scheduling	11585
of public facility projects within the region and affecting the	11586
development of the area and for other proposed land development or	11587
uses, which projects or uses have public metropolitan wide or	11588
interjurisdictional significance;	11589
(3) Act as an agency for coordinating, based on metropolitan	11590
wide comprehensive planning and programming, local public	11591
policies, and activities affecting the development of the region	11592
or area.	11593
(C) The council may, by appropriate action of the governing	11594
bodies of the members, perform such other functions and duties as	11595
are performed or capable of performance by the members and	11596
necessary or desirable for dealing with problems of mutual	11597

concern. 11598

(D) The authority granted to the council by this section or 11599  
in any agreement by the members thereof shall not displace any 11600  
existing municipal, county, regional, or other planning commission 11601  
or planning agency in the exercise of its statutory powers. 11602

(E) A council, with an educational service center as its 11603  
fiscal agent, that is established to provide health care benefits 11604  
to the council members' officers and employees and their 11605  
dependents may contract to administer and coordinate a self-funded 11606  
health benefit program of a nonprofit corporation organized under 11607  
Chapter 1702. of the Revised Code. 11608

**Sec. 173.01.** The department of aging shall: 11609

(A) Be the designated state agency to administer programs of 11610  
the federal government relating to the aged, requiring action 11611  
within the state, that are not the specific responsibility of 11612  
another state agency under federal or state statutes. The 11613  
department shall be the sole state agency to administer funds 11614  
granted by the federal government under the "Older Americans Act 11615  
of 1965," 79 Stat. 219, 42 U.S.C. 3001, as amended. The department 11616  
shall not supplant or take over for the counties or municipal 11617  
corporations or from other state agencies or facilities any of the 11618  
specific responsibilities borne by them on November 23, 1973. The 11619  
department shall cooperate with such federal and state agencies, 11620  
counties, and municipal corporations and private agencies or 11621  
facilities within the state in furtherance of the purposes as set 11622  
forth in this chapter. 11623

(B) Administer state funds appropriated for its use for 11624  
administration and for grants and may use appropriated state funds 11625  
as state match for federal grants. All federal funds received 11626  
shall be reported to the director of budget and management. 11627

(C) Review all proposed plans, programs, and rules primarily affecting persons sixty years of age or older, and shall be sent a copy of all proposed and final rules, as well as proposals for plans and programs that primarily affect persons sixty years of age or older and notices of all hearings on such rules, plans, and programs. Any state agency proposing a plan, program, or rule that primarily affects persons sixty years of age or older shall submit a copy of such proposal to the department for its written comments. No such proposed plan, program, or rule shall take effect until the department's comments have been requested. The department shall review the proposal and submit a written comment on such proposal to the agency making the proposal, within thirty days from the date the department receives the proposal. If the department does not agree that the proposed plan, program, or rule shall take effect as proposed, the department shall set forth in writing its reasons and its suggestions for changes in the proposed plan, program, or rule. If the agency making the proposal does not choose to comply with the suggestions of the department, the agency making the proposal shall send the department, no later than thirty days before the proposal becomes final, written notice of its intention not to comply with such suggestions and its reason for such noncompliance.

This section does not apply to plans or revisions adopted under section 5101.46 of the Revised Code.

(D) Plan, initiate, coordinate, and evaluate statewide programs, services, and activities for elderly people;

(E) Disseminate information concerning the problems of elderly people and establish and maintain a central clearinghouse of information on public programs at all levels of government that would be of interest or benefit to the elderly;

(F) Report annually to the governor and the general assembly on the department's programs;

(G) Have authority to contract with public or private groups to perform services for the department;	11660 11661
<del>(H) Conduct investigations under section 3721.17 of the Revised Code;</del>	11662 11663
<del>(I) Hire investigators to conduct investigations of alleged violations of sections 3721.10 to 3721.17 of the Revised Code pursuant to section 3721.17 of the Revised Code;</del>	11664 11665 11666
<del>(J) Adopt rules under Chapter 119. of the Revised Code to govern investigations conducted under section 3721.17 of the Revised Code;</del>	11667 11668 11669
<del>(K)</del> Adopt rules pursuant to <u>in accordance with</u> Chapter 119. of the Revised Code to govern the operation of services and facilities for the elderly that are provided, operated, contracted for, or supported by the department, and determine that those services and facilities are operated in conformity with the rules;	11670 11671 11672 11673 11674
<del>(L)</del> <u>(I)</u> Determine the needs of the elderly and represent their interests at all levels of government;	11675 11676
<del>(M)</del> <u>(J)</u> Establish and operate a <u>state</u> long-term care ombudsman program pursuant to <del>section 307(a)(12)(A)</del> <u>sections 307 and 712</u> of the "Older Americans Act of 1965," <del>as amended by the "Comprehensive Older Americans Act Amendments of 1978," 92 Stat. 1524, 42 U.S.C.A. 3027, and amendments thereto 42 U.S.C. 3027 and 3058.</del>	11677 11678 11679 11680 11681 11682
<b>Sec. 173.14.</b> As used in sections 173.14 to <del>173.27</del> <u>173.28</u> of the Revised Code:	11683 11684
(A)(1) Except as otherwise provided in division (A)(2) of this section, "long-term care facility" includes any residential facility that provides personal care services for more than twenty-four hours for one or more unrelated adults, including all of the following:	11685 11686 11687 11688 11689

(a) A "nursing home," "residential care facility," or "home for the aging," as those terms are defined in section 3721.01 of the Revised Code; 11690  
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(b) A facility authorized to provide extended care services under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, including a long-term acute care hospital that provides medical and rehabilitative care to patients who require an average length of stay greater than twenty-five days and is classified by the centers for medicare and medicaid services as a long-term care hospital pursuant to 42 C.F.R. 412.23(e); 11693  
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(c) A county home or district home operated pursuant to Chapter 5155. of the Revised Code; 11701  
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(d) A residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or accommodations and personal care services for only one or two adults who are receiving payments under the residential state supplement program established under section 5119.41 of the Revised Code; 11703  
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(e) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans. 11710  
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11712  
11713

(2) "Long-term care facility" does not include a residential facility licensed under section 5123.19 of the Revised Code. 11714  
11715

(B) "Resident" means a resident of a long-term care facility and, where appropriate, includes a prospective, previous, or deceased resident of a long-term care facility. 11716  
11717  
11718

(C) "Community-based long-term care services" means health and social services provided to persons in their own homes or in 11719  
11720

community care settings, and includes any of the following:	11721
(1) Case management;	11722
(2) Home health care;	11723
(3) Homemaker services;	11724
(4) Chore services;	11725
(5) Respite care;	11726
(6) Adult day care;	11727
(7) Home-delivered meals;	11728
(8) Personal care;	11729
(9) Physical, occupational, and speech therapy;	11730
(10) Transportation;	11731
(11) Any other health and social services provided to persons	11732
that allow them to retain their independence in their own homes or	11733
in community care settings.	11734
(D) "Recipient" means a recipient of community-based	11735
long-term care services and, where appropriate, includes a	11736
prospective, previous, or deceased recipient of community-based	11737
long-term care services.	11738
(E) "Sponsor" means an adult relative, friend, or guardian	11739
who has an interest in or responsibility for the welfare of a	11740
resident or a recipient.	11741
(F) "Personal care services" has the same meaning as in	11742
section 3721.01 of the Revised Code.	11743
(G) "Regional long-term care ombudsman program" means an	11744
entity, either public or private and nonprofit, designated as a	11745
regional long-term care ombudsman program by the state long-term	11746
care ombudsman.	11747
(H) "Representative of the office of the state long-term care	11748

ombudsman program" means the state long-term care ombudsman or a 11749  
member of the ombudsman's staff, or a person certified as a 11750  
representative of the office under section 173.21 of the Revised 11751  
Code. 11752

(I) "Area agency on aging" means an area agency on aging 11753  
established under the "Older Americans Act of 1965," 79 Stat. 219, 11754  
42 U.S.C.A. 3001, as amended. 11755

(J) "Long-term care provider" means a long-term care facility 11756  
or a provider of community-based long-term care services. 11757

(K) "Advocacy visit" means a visit by a representative of the 11758  
office of the state long-term care ombudsman program to a 11759  
long-term care provider, a resident, or a recipient when the 11760  
purpose of the visit is one or more of the following: 11761

(1) To establish a regular presence that creates awareness of 11762  
the availability of the office of the long-term care ombudsman 11763  
program; 11764

(2) To increase awareness of the services the office 11765  
provides; 11766

(3) To address any other matter not related to the 11767  
representative's investigation of a specific complaint. 11768

An advocacy visit may unexpectedly involve addressing 11769  
uncomplicated complaints or lead to an investigation of a 11770  
complaint when needed. 11771

**Sec. 173.15.** The state long-term care ombudsman program 11772  
established by the department of aging pursuant to division ~~(M)~~(J) 11773  
of section 173.01 of the Revised Code shall be known as "the 11774  
office of the state long-term care ombudsman program." It shall 11775  
consist of the state long-term care ombudsman ~~and his,~~ the 11776  
ombudsman's staff, and regional long-term care ombudsman programs. 11777  
In establishing and operating the office, the department shall 11778

consider the views of area agencies on aging, individuals age 11779  
sixty or older, and agencies and other entities that provide 11780  
services to individuals age sixty and older. 11781

The department of aging shall appoint the state ombudsman, 11782  
who shall serve at the pleasure of the department. The department 11783  
shall appoint as state ombudsman an individual who has no conflict 11784  
of interest with the position and is capable of administering the 11785  
office impartially, has an understanding of long-term care issues, 11786  
and has experience related to the concerns of residents and 11787  
recipients, such as experience in the fields of aging, health 11788  
care, and long-term care; work with community programs and health 11789  
care providers; and work with and involvement in volunteer 11790  
programs. No individual or entity whose interests are in conflict 11791  
with the responsibilities of the state ombudsman shall be involved 11792  
in ~~his~~ the ombudsman's appointment. 11793

The department shall ensure that no employee or 11794  
representative of the office and no individual involved in the 11795  
designation of the head of any regional long-term care ombudsman 11796  
program has any interest that is, or may be, in conflict with the 11797  
interests and concerns of the office and shall ensure that 11798  
mechanisms are in place to remedy any conflicts. 11799

For purposes of this section, conflicts of interest may 11800  
include, but are not limited to, employment by a long-term care 11801  
~~facility or a provider of community based long term care services~~ 11802  
within two years prior to being employed by or associated with the 11803  
office of the state long-term care ombudsman program, affiliation 11804  
with or financial interest in a long-term care ~~facility or a~~ 11805  
~~provider of community based long term care services~~, and 11806  
affiliation with or financial interest in a membership 11807  
organization of long-term care providers. 11808

**Sec. 173.17.** (A) The state long-term care ombudsman shall do 11809

all of the following: 11810

(1) Appoint a staff and direct and administer the work of the 11811  
staff; 11812

(2) ~~Supervise the nursing home investigative unit established~~ 11813  
~~under division (I) of section 173.01 of the Revised Code;~~ 11814

~~(3)~~ Oversee the performance and operation of the office of 11815  
the state long-term care ombudsman program, including the 11816  
operation of regional long-term care ombudsman programs; 11817

~~(4)~~(3) Establish and maintain a statewide uniform reporting 11818  
system to collect and analyze information relating to complaints 11819  
and conditions in long-term care facilities and complaints 11820  
regarding the provision of community-based long-term care services 11821  
for the purpose of identifying and resolving significant problems; 11822

~~(5)~~(4) Provide for public forums to discuss concerns and 11823  
problems relating to action, inaction, or decisions that may 11824  
adversely affect the health, safety, welfare, or rights of 11825  
residents ~~and~~ recipients ~~of services by providers of long-term~~ 11826  
~~care~~ and their representatives with respect to services by 11827  
long-term care providers, public agencies and entities, and social 11828  
service agencies. This may include any of the following: 11829  
conducting public hearings; sponsoring workshops and conferences; 11830  
holding meetings for the purpose of obtaining information about 11831  
residents and recipients, discussing and publicizing their needs, 11832  
and advocating solutions to their problems; and promoting the 11833  
development of citizen organizations. 11834

~~(6)~~(5) Encourage, cooperate with, and assist in the 11835  
development and operation of services to provide current, 11836  
objective, and verified information about long-term care; 11837

~~(7)~~(6) Develop and implement, with the assistance of regional 11838  
programs, a continuing program to publicize, through the media and 11839  
civic organizations, the office, its purposes, and its methods of 11840

operation; 11841

~~(8)~~(7) Maintain written descriptions of the duties and 11842  
qualifications of representatives of the office; 11843

~~(9)~~(8) Evaluate and make known concerns and issues regarding 11844  
long-term care by doing all of the following: 11845

(a) Preparing an annual report containing information and 11846  
findings regarding the types of problems experienced by residents 11847  
and recipients and the complaints made by or on behalf of 11848  
residents and recipients. The report shall include recommendations 11849  
for policy, regulatory, and legislative changes to solve problems, 11850  
resolve complaints, and improve the quality of care and life for 11851  
residents and recipients ~~and~~. The report shall be submitted to the 11852  
governor, the speaker of the house of representatives, the 11853  
president of the senate, the ~~directors~~ director of health ~~and, the~~ 11854  
medicaid director, the director of job and family services, the 11855  
director of mental health and addiction services, and the 11856  
~~commissioner of the administration on~~ assistant secretary for 11857  
aging of the United States department of health and human 11858  
services. 11859

(b) Monitoring and analyzing the development and 11860  
implementation of federal, state, and local laws, rules, and 11861  
policies regarding long-term care services in this state and 11862  
recommending to officials changes the office considers appropriate 11863  
in ~~these~~ those laws, rules, and policies; 11864

(c) Providing information and making recommendations to 11865  
public agencies, members of the general assembly, and others 11866  
regarding problems and concerns of residents and recipients. 11867

~~(10)~~(9) Conduct training for employees and volunteers on the 11868  
ombudsman's staff and for representatives of the office employed 11869  
by regional programs; 11870

~~(11)~~(10) Monitor the training of representatives of the 11871

office who provide volunteer services to regional programs, and 11872  
provide technical assistance to the regional programs in 11873  
conducting the training; 11874

~~(12)~~(11) Issue certificates attesting to the successful 11875  
completion of training and specifying the level of responsibility 11876  
for which a representative of the office who has completed 11877  
training is qualified; 11878

~~(13)~~(12) Register as a residents' rights advocate with the 11879  
department of health under division (B) of section 3701.07 of the 11880  
Revised Code; 11881

(13) Conduct advocacy visits and authorize other 11882  
representatives of the office of the state long-term care 11883  
ombudsman program to conduct advocacy visits; 11884

(14) Perform other duties specified by the department of 11885  
aging. 11886

(B) The state ombudsman may delegate to any member of the 11887  
ombudsman's staff any of the ombudsman's authority or duties ~~under 11888  
set forth in~~ sections 173.14 to ~~173.26~~ 173.28 of the Revised Code 11889  
~~to any member of the ombudsman's staff~~ other than any authority or 11890  
duty required by federal law to be exercised or performed by the 11891  
ombudsman. The state ombudsman is responsible for any authority or 11892  
duties the ombudsman delegates. 11893

**Sec. 173.19.** (A) The office of the state long-term care 11894  
ombudsman program, through the state long-term care ombudsman and 11895  
the regional long-term care ombudsman programs, shall receive, 11896  
investigate, and attempt to resolve complaints made by residents, 11897  
recipients, sponsors, ~~providers of~~ long-term care providers, or 11898  
any person acting on behalf of a resident or recipient, relating 11899  
to either of the following: 11900

(1) The health, safety, welfare, or civil rights of a 11901

resident or recipient or any violation of a resident's rights 11902  
described in sections 3721.10 to 3721.17 of the Revised Code; 11903

(2) Any action or inaction or decision by a ~~provider of~~ 11904  
~~long-term care or representative of a provider, a governmental~~ 11905  
~~entity, or a private social service agency~~ any of the following 11906  
that may adversely affect the health, safety, welfare, or rights 11907  
of a resident or recipient: a long-term care provider or a 11908  
representative of a long-term care provider; a medicaid managed 11909  
care organization, as defined in section 5167.01 of the Revised 11910  
Code; a government entity; or a private social service agency. 11911

(B) The department of aging shall adopt rules in accordance 11912  
with Chapter 119. of the Revised Code regarding the handling of 11913  
complaints received under this section, including procedures for 11914  
conducting investigations of complaints. The rules shall include 11915  
procedures to ensure that no representative of the office 11916  
investigates any complaint involving a ~~provider of~~ long-term care 11917  
provider with which the representative was once employed or 11918  
associated. 11919

The state ombudsman and regional programs shall establish 11920  
procedures for handling complaints consistent with the 11921  
department's rules. Complaints shall be dealt with in accordance 11922  
with the procedures established under this division. 11923

(C) The office of the state long-term care ombudsman program 11924  
may decline to investigate any complaint if it determines any of 11925  
the following: 11926

(1) That the complaint is frivolous, vexatious, or not made 11927  
in good faith; 11928

(2) That the complaint was made so long after the occurrence 11929  
of the incident on which it is based that it is no longer 11930  
reasonable to conduct an investigation; 11931

(3) That an adequate investigation cannot be conducted 11932

because of insufficient funds, insufficient staff, lack of staff 11933  
expertise, or any other reasonable factor that would result in an 11934  
inadequate investigation despite a good faith effort; 11935

(4) That an investigation by the office would create a real 11936  
or apparent conflict of interest. 11937

(D) If a regional long-term care ombudsman program declines 11938  
to investigate a complaint, it shall refer the complaint to the 11939  
state long-term care ombudsman. 11940

(E) Each complaint to be investigated by a regional program 11941  
shall be assigned to a representative of the office of the state 11942  
long-term care ombudsman program. If the representative determines 11943  
that the complaint is valid, the representative shall assist the 11944  
parties in attempting to resolve it. If the representative is 11945  
unable to resolve it, the representative shall refer the complaint 11946  
to the state ombudsman. 11947

In order to carry out the duties of sections 173.14 to ~~173.26~~ 11948  
173.28 of the Revised Code, a representative has the right to 11949  
private communication with residents and their sponsors and access 11950  
to long-term care facilities, including the right to tour resident 11951  
areas unescorted and the right to tour facilities unescorted as 11952  
reasonably necessary to the investigation of a complaint. Access 11953  
to facilities shall be during reasonable hours or, during 11954  
investigation of a complaint, at other times appropriate to the 11955  
complaint. 11956

When community-based long-term care services are provided at 11957  
a location other than the recipient's home, a representative has 11958  
the right to private communication with the recipient and the 11959  
recipient's sponsors and access to the community-based long-term 11960  
care site, including the right to tour the site unescorted. Access 11961  
to the site shall be during reasonable hours or, during the 11962  
investigation of a complaint, at other times appropriate to the 11963

complaint. 11964

(F) The state ombudsman shall determine whether complaints 11965  
referred to the ombudsman under division (D) or (E) of this 11966  
section warrant investigation. The ombudsman's determination in 11967  
this matter is final. 11968

(G) No long-term care provider or other entity, no person 11969  
employed by a long-term care provider or other entity, and no 11970  
other individual shall do either of the following: 11971

(1) Knowingly deny a representative of the office of the 11972  
state long-term care ombudsman program the right to private 11973  
communication or access described in division (E) of this section; 11974

(2) Engage in willful interference. 11975

As used in division (G)(2) of this section, "willful 11976  
interference" means any action or inaction that is intended to 11977  
prevent, interfere with, or impede a representative of the office 11978  
of the state long-term care ombudsman program from exercising any 11979  
of the rights or performing any of the duties of an ombudsman set 11980  
forth in sections 173.14 to 173.28 of the Revised Code. 11981

**Sec. 173.20.** (A) If consent is given and unless otherwise 11982  
prohibited by law, a representative of the office of the state 11983  
long-term care ombudsman program shall have access to any records, 11984  
including medical records, of a resident or a recipient that are 11985  
reasonably necessary for investigation of a complaint. Consent may 11986  
be given in any of the following ways: 11987

(1) In writing by the resident or recipient; 11988

(2) Orally by the resident or recipient, witnessed in writing 11989  
at the time it is given by one other person, ~~and, if the records 11990  
involved are being maintained by a long term care provider, also 11991  
by an employee of the long term care provider designated under 11992  
division (E)(1) of this section; 11993~~

(3) In writing by the guardian of the resident or recipient;	11994
(4) In writing by the attorney in fact of the resident or recipient, if the resident or recipient has authorized the attorney in fact to give such consent;	11995 11996 11997
(5) In writing by the executor or administrator of the estate of a deceased resident or recipient.	11998 11999
(B) If consent to access to records is not refused by a resident or recipient or the resident's or recipient's legal representative but cannot be obtained and any of the following circumstances exist, a representative of the office of the state long-term care ombudsman program, on approval of the state long-term care ombudsman, may inspect the records of a resident or a recipient, including medical records, that are reasonably necessary for investigation of a complaint:	12000 12001 12002 12003 12004 12005 12006 12007
(1) The resident or recipient is unable to express written or oral consent and there is no guardian or attorney in fact;	12008 12009
(2) There is a guardian or attorney in fact, but the guardian or attorney in fact cannot be contacted within three working days;	12010 12011
(3) There is a guardianship or durable power of attorney, but its existence is unknown by the long-term care provider and the representative of the office at the time of the investigation;	12012 12013 12014
(4) There is no executor or administrator of the estate of a deceased resident or recipient.	12015 12016
(C) If a representative of the office of the state long-term care ombudsman program has been refused access to records by a guardian or attorney in fact, but has reasonable cause to believe that the guardian or attorney in fact is not acting in the best interests of the resident or recipient, the representative may, on approval of the state long-term care ombudsman, inspect the records of the resident or recipient, including medical records,	12017 12018 12019 12020 12021 12022 12023

that are reasonably necessary for investigation of a complaint. 12024

(D) A representative of the office of the state long-term 12025  
care ombudsman program shall have access to any records of a 12026  
long-term care provider reasonably necessary to an investigation 12027  
conducted under this section, including but not limited to: 12028  
incident reports, dietary records, policies and procedures of a 12029  
facility required to be maintained under section 5165.06 of the 12030  
Revised Code, admission agreements, staffing schedules, any 12031  
document depicting the actual staffing pattern of the provider, 12032  
any financial records that are matters of public record, resident 12033  
council and grievance committee minutes, and any waiting list 12034  
maintained by a facility in accordance with section 5165.08 of the 12035  
Revised Code, or any similar records or lists maintained by a 12036  
provider of community-based long-term care services. Pursuant to 12037  
division (E)(2) of this section, a representative shall be 12038  
permitted to make or obtain copies of any of these records after 12039  
giving the long-term care provider twenty-four hours' notice. A 12040  
long-term care provider may impose a charge for providing copies 12041  
of records under this division that does not exceed the actual and 12042  
necessary expense of making the copies. 12043

~~The state ombudsman shall take whatever action is necessary 12044  
to ensure that any copy of a record made or obtained under this 12045  
division is returned to the long term care provider no later than 12046  
three years after the date the investigation for which the copy 12047  
was made or obtained is completed. 12048~~

~~(E)(1) Each long term care provider shall designate one or 12049  
more of its employees to be responsible for witnessing the giving 12050  
of oral consent under division (A) of this section. In the event 12051  
that a designated employee is not available when a resident or 12052  
recipient attempts to give oral consent, the provider shall 12053  
designate another employee to witness the consent. 12054~~

~~(2) Each long-term care provider shall designate one or more 12055~~

of its employees to be responsible for releasing records for 12056  
copying to representatives of the office of the state long-term 12057  
care ombudsman program who request permission to make or obtain 12058  
copies of records specified in division (D) of this section. In 12059  
the event that a designated employee is not available when a 12060  
representative of the office makes the request, the long-term care 12061  
provider shall designate another employee to release the records 12062  
for copying. 12063

(F) A long-term care provider or any employee of such a 12064  
provider is immune from civil or criminal liability or action 12065  
taken pursuant to a professional disciplinary procedure for the 12066  
release or disclosure of records to a representative of the office 12067  
pursuant to this section. 12068

(G) A state or local government agency or entity with records 12069  
relevant to a complaint or investigation being conducted by a 12070  
representative of the office shall provide the representative 12071  
access to the records. 12072

(H) The state ombudsman, with the approval of the director of 12073  
aging, may issue a subpoena to compel any person the ombudsman 12074  
reasonably believes may be able to provide information to appear 12075  
before the ombudsman or the ombudsman's designee and give sworn 12076  
testimony and to produce documents, books, records, papers, or 12077  
other evidence the state ombudsman believes is relevant to the 12078  
investigation. On the refusal of a witness to be sworn or to 12079  
answer any question put to the witness, or if a person disobeys a 12080  
subpoena, the ombudsman shall apply to the Franklin county court 12081  
of common pleas for a contempt order, as in the case of 12082  
disobedience of the requirements of a subpoena issued from the 12083  
court, or a refusal to testify in the court. 12084

(I) The state ombudsman may petition the court of common 12085  
pleas in the county in which a long-term care facility is located 12086  
to issue an injunction against any long-term care facility in 12087

violation of sections 3721.10 to 3721.17 of the Revised Code. 12088

(J) ~~Any~~ To the extent permitted by federal law, a 12089  
representative of the office may report to an appropriate 12090  
authority any suspected violation of ~~Chapter 3721. of the Revised~~ 12091  
~~Code~~ state law discovered during the course of an advocacy visit 12092  
or investigation ~~may be reported to the department of health. Any~~ 12093  
~~suspected criminal violation discovered during the course of an~~ 12094  
~~investigation shall be reported to the attorney general or other~~ 12095  
~~appropriate law enforcement authorities.~~ 12096

(K) The department of aging shall adopt rules in accordance 12097  
with Chapter 119. of the Revised Code for referral by the state 12098  
ombudsman and regional long-term care ombudsman programs of 12099  
complaints to other public agencies or entities. A public agency 12100  
or entity to which a complaint is referred shall keep the state 12101  
ombudsman or regional program handling the complaint advised and 12102  
notified in writing in a timely manner of the disposition of the 12103  
complaint to the extent permitted by law. 12104

**Sec. 173.21.** (A) The office of the state long-term care 12105  
ombudsman program, through the state long-term care ombudsman and 12106  
the regional long-term care ombudsman programs, shall require each 12107  
representative of the office to complete a training and 12108  
certification program in accordance with this section and to meet 12109  
the continuing education requirements established under this 12110  
section. 12111

(B) The department of aging shall adopt rules ~~under~~ in 12112  
accordance with Chapter 119. of the Revised Code specifying the 12113  
content of training programs for representatives of the office of 12114  
the state long-term care ombudsman program. Training for 12115  
representatives other than those who are volunteers providing 12116  
services through regional long-term care ombudsman programs shall 12117  
include instruction regarding federal, state, and local laws, 12118

rules, and policies on long-term care facilities and 12119  
community-based long-term care services; investigative techniques; 12120  
and other topics considered relevant by the department and shall 12121  
consist of the following: 12122

(1) A minimum of forty clock hours of basic instruction, 12123  
which shall be completed before the trainee is permitted to handle 12124  
complaints without the supervision of a representative of the 12125  
office certified under this section; 12126

(2) An additional sixty clock hours of instruction, which 12127  
shall be completed within the first fifteen months of employment; 12128

(3) An internship of twenty clock hours, which shall be 12129  
completed within the first twenty-four months of employment, 12130  
including instruction in, and observation of, basic nursing care 12131  
and long-term care provider operations and procedures. The 12132  
internship shall be performed at a site that has been approved as 12133  
an internship site by the state long-term care ombudsman. 12134

(4) One of the following, which shall be completed within the 12135  
first twenty-four months of employment: 12136

(a) Observation of a survey conducted by the director of 12137  
health to certify a nursing facility to participate in the 12138  
medicaid program; 12139

(b) Observation of an inspection conducted by the director of 12140  
mental health and addiction services to license a residential 12141  
facility under section 5119.34 of the Revised Code that provides 12142  
accommodations, supervision, and personal care services for three 12143  
to sixteen unrelated adults. 12144

(5) Any other training considered appropriate by the 12145  
department. 12146

(C) Any person who for a period of at least six months prior 12147  
to June 11, 1990, served as an ombudsman through the long-term 12148

care ombudsman program established by the department of aging 12149  
under ~~division (M)~~ of section 173.01 of the Revised Code shall not 12150  
be required to complete a training program. Such a person and 12151  
persons who complete a training program shall take an examination 12152  
administered by the department of aging. On attainment of a 12153  
passing score, the person shall be certified by the department as 12154  
a representative of the office. The department shall issue the 12155  
person an identification card, which the representative shall show 12156  
at the request of any person with whom the representative deals 12157  
while performing the representative's duties and which shall be 12158  
surrendered at the time the representative separates from the 12159  
office. 12160

(D) The state ombudsman and each regional program shall 12161  
conduct training programs for volunteers on their respective 12162  
staffs in accordance with the rules of the department of aging 12163  
adopted under division (B) of this section. Training programs may 12164  
be conducted that train volunteers to complete some, but not all, 12165  
of the duties of a representative of the office. Each regional 12166  
office shall bear the cost of training its representatives who are 12167  
volunteers. On completion of a training program, the 12168  
representative shall take an examination administered by the 12169  
department of aging. On attainment of a passing score, a volunteer 12170  
shall be certified by the department as a representative 12171  
authorized to perform services specified in the certification. The 12172  
department shall issue an identification card, which the 12173  
representative shall show at the request of any person with whom 12174  
the representative deals while performing the representative's 12175  
duties and which shall be surrendered at the time the 12176  
representative separates from the office. Except as a supervised 12177  
part of a training program, no volunteer shall perform any duty 12178  
unless ~~he~~ the volunteer is certified as a representative having 12179  
received appropriate training for that duty. 12180

(E) The state ombudsman shall provide technical assistance to regional programs conducting training programs for volunteers and shall monitor the training programs.

(F) Prior to scheduling an observation of a certification survey or licensing inspection for purposes of division (B)(4) of this section, the state ombudsman shall obtain permission to have the survey or inspection observed from both ~~the director of health~~ and the long-term care facility at which the survey or inspection is to take place and, as the case may be, the director of health or director of mental health and addiction services.

(G) The department of aging shall establish continuing education requirements for representatives of the office.

**Sec. 173.22.** (A) The collection, compilation, analysis, and dissemination of information by the office of the state long-term care ombudsman program shall be performed in a manner that protects complainants, individuals providing information about a complaint, public entities, and confidential records of residents or recipients. The identity of a resident or recipient, a complainant who is not a resident or recipient, or an individual providing information about a complaint shall not be disclosed without the written consent of the resident or recipient, complainant, or individual, or ~~his~~ a legal representative of any of the foregoing, or except as required by court order.

The investigative files, ~~including any proprietary records of a long-term care provider contained in the files,~~ of the office and any records contained in those files, including any proprietary records of a long-term care provider or records relating to advocacy visits, are not public records subject to inspection or copying under section 149.43 of the Revised Code and are exempt from the provisions of Chapter 1347. of the Revised Code. Information contained in investigative and other files

maintained by the state long-term care ombudsman and regional 12212  
long-term care ombudsman programs shall be disclosed only at the 12213  
discretion of the state ombudsman ~~or the regional program~~ 12214  
~~maintaining the records~~ or if disclosure is required by court 12215  
order. 12216

(B) No report prepared by the state ombudsman or a regional 12217  
program shall include any information that violates the 12218  
confidentiality requirements of this section. Proprietary records 12219  
of a specific long-term care provider are subject to the 12220  
confidentiality requirements of this section. 12221

**Sec. 173.24.** (A) As used in this section, ~~"employee:~~ 12222

(1) "Employee" and "employer" have the same meanings as in 12223  
section 4113.51 of the Revised Code. 12224

(2) "Retaliatory action" includes physical, mental, or verbal 12225  
abuse; change of room assignment; withholding of services; failure 12226  
to provide care in a timely manner; discharge; and termination of 12227  
employment. 12228

(B) An employee providing information to or participating in 12229  
good faith in registering a complaint with the office of the state 12230  
long-term care ombudsman program or participating in the 12231  
investigation of a complaint or in administrative or judicial 12232  
proceedings resulting from a complaint registered with the office 12233  
shall have the full protection against disciplinary or retaliatory 12234  
action provided by division (G) of section 3721.17 and by sections 12235  
4113.51 to 4113.53 of the Revised Code. 12236

(C) No long-term care provider or other entity, no person 12237  
employed by a long-term care provider, or other entity, ~~or~~ 12238  
~~employee of such other entity~~ and no other individual shall 12239  
knowingly subject any resident ~~or~~, recipient, employee, 12240  
representative of the office of the state long-term care ombudsman 12241

program, or another individual to any form of retaliation, 12242  
reprisal, discipline, or discrimination for ~~providing~~ doing any of 12243  
the following: 12244

(1) Providing information to the office ~~or for participating;~~ 12245

(2) Participating in registering a complaint with the 12246  
office~~;~~ 12247

(3) Cooperating with or participating in the investigation of 12248  
a complaint~~,~~ by the office or in administrative or judicial 12249  
proceedings resulting from a complaint registered with the office. 12250  
~~Retaliatory actions include, but are not limited to, physical,~~ 12251  
~~mental, or verbal abuse; change of room assignment; the~~ 12252  
~~withholding of services; and failure to provide care in a timely~~ 12253  
~~manner.~~ 12254

**Sec. 173.27.** (A) As used in this section: 12255

(1) "Applicant" means a person who is under final 12256  
consideration for employment by a responsible party in a 12257  
full-time, part-time, or temporary position that involves 12258  
providing ombudsman services to residents and recipients. 12259  
"Applicant" includes a person who is under final consideration for 12260  
employment as the state long-term care ombudsman or the head of a 12261  
regional long-term care ombudsman program. "Applicant" does not 12262  
include a person seeking to provide ombudsman services to 12263  
residents and recipients as a volunteer without receiving or 12264  
expecting to receive any form of remuneration other than 12265  
reimbursement for actual expenses. 12266

(2) "Criminal records check" has the same meaning as in 12267  
section 109.572 of the Revised Code. 12268

(3) "Disqualifying offense" means any of the offenses listed 12269  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 12270  
the Revised Code. 12271

(4) "Employee" means a person employed by a responsible party 12272  
in a full-time, part-time, or temporary position that involves 12273  
providing ombudsman services to residents and recipients. 12274  
"Employee" includes the person employed as the state long-term 12275  
care ombudsman and a person employed as the head of a regional 12276  
long-term care ombudsman program. "Employee" does not include a 12277  
person who provides ombudsman services to residents and recipients 12278  
as a volunteer without receiving or expecting to receive any form 12279  
of remuneration other than reimbursement for actual expenses. 12280

(5) "Responsible party" means the following: 12281

(a) In the case of an applicant who is under final 12282  
consideration for employment as the state long-term care ombudsman 12283  
or the person employed as the state long-term care ombudsman, the 12284  
director of aging; 12285

(b) In the case of any other applicant who is under final 12286  
consideration for employment with the state long-term care 12287  
ombudsman program or any other employee of the state long-term 12288  
care ombudsman program, the state long-term care ombudsman; 12289

(c) In the case of an applicant who is under final 12290  
consideration for employment with a regional long-term care 12291  
ombudsman program (including as the head of the regional program) 12292  
or an employee of a regional long-term care ombudsman program 12293  
(including the head of a regional program), the regional long-term 12294  
care ombudsman program. 12295

(B) A responsible party may not employ an applicant or 12296  
continue to employ an employee in a position that involves 12297  
providing ombudsman services to residents and recipients if any of 12298  
the following apply: 12299

(1) A review of the databases listed in division (D) of this 12300  
section reveals any of the following: 12301

(a) That the applicant or employee is included in one or more 12302

of the databases listed in divisions (D)(1) to (5) of this 12303  
section; 12304

(b) That there is in the state nurse aide registry 12305  
established under section 3721.32 of the Revised Code a statement 12306  
detailing findings by the director of health that the applicant or 12307  
employee abused, neglected, or ~~abused~~ exploited a long-term care 12308  
facility or residential care facility resident or misappropriated 12309  
property of such a resident; 12310

(c) That the applicant or employee is included in one or more 12311  
of the databases, if any, specified in rules adopted under this 12312  
section and the rules prohibit the responsible party from 12313  
employing an applicant or continuing to employ an employee 12314  
included in such a database in a position that involves providing 12315  
ombudsman services to residents and recipients. 12316

(2) After the applicant or employee is provided, pursuant to 12317  
division (E)(2)(a) of this section, a copy of the form prescribed 12318  
pursuant to division (C)(1) of section 109.572 of the Revised Code 12319  
and the standard impression sheet prescribed pursuant to division 12320  
(C)(2) of that section, the applicant or employee fails to 12321  
complete the form or provide the applicant's or employee's 12322  
fingerprint impressions on the standard impression sheet. 12323

(3) Unless the applicant or employee meets standards 12324  
specified in rules adopted under this section, the applicant or 12325  
employee is found by a criminal records check required by this 12326  
section to have been convicted of, pleaded guilty to, or been 12327  
found eligible for intervention in lieu of conviction for a 12328  
disqualifying offense. 12329

(C) A responsible party or a responsible party's designee 12330  
shall inform each applicant of both of the following at the time 12331  
of the applicant's initial application for employment in a 12332  
position that involves providing ombudsman services to residents 12333

and recipients: 12334

(1) That a review of the databases listed in division (D) of 12335  
this section will be conducted to determine whether the 12336  
responsible party is prohibited by division (B)(1) of this section 12337  
from employing the applicant in the position; 12338

(2) That, unless the database review reveals that the 12339  
applicant may not be employed in the position, a criminal records 12340  
check of the applicant will be conducted and the applicant is 12341  
required to provide a set of the applicant's fingerprint 12342  
impressions as part of the criminal records check. 12343

(D) As a condition of any applicant's being employed by a 12344  
responsible party in a position that involves providing ombudsman 12345  
services to residents and recipients, the responsible party or 12346  
designee shall conduct a database review of the applicant in 12347  
accordance with rules adopted under this section. If rules adopted 12348  
under this section so require, the responsible party or designee 12349  
shall conduct a database review of an employee in accordance with 12350  
the rules as a condition of the responsible party continuing to 12351  
employ the employee in a position that involves providing 12352  
ombudsman services to residents and recipients. A database review 12353  
shall determine whether the applicant or employee is included in 12354  
any of the following: 12355

(1) The excluded parties list system that is maintained by 12356  
the United States general services administration pursuant to 12357  
subpart 9.4 of the federal acquisition regulation and available at 12358  
the federal web site known as the system for award management; 12359

(2) The list of excluded individuals and entities maintained 12360  
by the office of inspector general in the United States department 12361  
of health and human services pursuant to section 1128 of the 12362  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 12363  
amended, and section 1156 of the "Social Security Act," 96 Stat. 12364

388 (1982), 42 U.S.C. 1320c-5, as amended;	12365
(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;	12366 12367
(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code;	12368 12369 12370
(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;	12371 12372
(6) The state nurse aide registry established under section 3721.32 of the Revised Code;	12373 12374
(7) Any other database, if any, specified in rules adopted under this section.	12375 12376
(E)(1) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. However, the responsible party or designee is not required to request the criminal records check of the applicant or employee if the responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of	12377 12378 12379 12380 12381 12382 12383 12384 12385 12386 12387 12388 12389 12390 12391 12392 12393 12394 12395

this state for the five-year period immediately prior to the date 12396  
the criminal records check is requested or provide evidence that 12397  
within that five-year period the superintendent has requested 12398  
information about the applicant or employee from the federal 12399  
bureau of investigation in a criminal records check, the 12400  
responsible party or designee shall request that the 12401  
superintendent obtain information from the federal bureau of 12402  
investigation as part of the criminal records check. Even if an 12403  
applicant or employee for whom a criminal records check request is 12404  
required by this section presents proof of having been a resident 12405  
of this state for the five-year period, the responsible party or 12406  
designee may request that the superintendent include information 12407  
from the federal bureau of investigation in the criminal records 12408  
check. 12409

(2) A responsible party or designee shall do all of the 12410  
following: 12411

(a) Provide to each applicant and employee for whom a 12412  
criminal records check request is required by this section a copy 12413  
of the form prescribed pursuant to division (C)(1) of section 12414  
109.572 of the Revised Code and a standard impression sheet 12415  
prescribed pursuant to division (C)(2) of that section; 12416

(b) Obtain the completed form and standard impression sheet 12417  
from the applicant or employee; 12418

(c) Forward the completed form and standard impression sheet 12419  
to the superintendent. 12420

(3) A responsible party shall pay to the bureau of criminal 12421  
identification and investigation the fee prescribed pursuant to 12422  
division (C)(3) of section 109.572 of the Revised Code for each 12423  
criminal records check the responsible party or the responsible 12424  
party's designee requests under this section. The responsible 12425  
party may charge an applicant a fee not exceeding the amount the 12426

responsible party pays to the bureau under this section if the 12427  
responsible party or designee notifies the applicant at the time 12428  
of initial application for employment of the amount of the fee. 12429

(F)(1) A responsible party may employ conditionally an 12430  
applicant for whom a criminal records check is required by this 12431  
section prior to obtaining the results of the criminal records 12432  
check if both of the following apply: 12433

(a) The responsible party is not prohibited by division 12434  
(B)(1) of this section from employing the applicant in a position 12435  
that involves providing ombudsman services to residents and 12436  
recipients; 12437

(b) The responsible party or designee requests the criminal 12438  
records check in accordance with division (E) of this section not 12439  
later than five business days after the applicant begins 12440  
conditional employment. 12441

(2) A responsible party shall terminate the employment of an 12442  
applicant employed conditionally under division (F)(1) of this 12443  
section if the results of the criminal records check, other than 12444  
the results of any request for information from the federal bureau 12445  
of investigation, are not obtained within the period ending sixty 12446  
days after the date the request for the criminal records check is 12447  
made. Regardless of when the results of the criminal records check 12448  
are obtained, if the results indicate that the applicant has been 12449  
convicted of, pleaded guilty to, or been found eligible for 12450  
intervention in lieu of conviction for a disqualifying offense, 12451  
the responsible party shall terminate the applicant's employment 12452  
unless the applicant meets standards specified in rules adopted 12453  
under this section that permit the responsible party to employ the 12454  
applicant and the responsible party chooses to employ the 12455  
applicant. Termination of employment under this division shall be 12456  
considered just cause for discharge for purposes of division 12457  
(D)(2) of section 4141.29 of the Revised Code if the applicant 12458

makes any attempt to deceive the responsible party or designee 12459  
about the applicant's criminal record. 12460

(G) The report of any criminal records check conducted 12461  
pursuant to a request made under this section is not a public 12462  
record for the purposes of section 149.43 of the Revised Code and 12463  
shall not be made available to any person other than the 12464  
following: 12465

(1) The applicant or employee who is the subject of the 12466  
criminal records check or the applicant's or employee's 12467  
representative; 12468

(2) The responsible party or designee; 12469

(3) In the case of a criminal records check conducted for an 12470  
applicant who is under final consideration for employment with a 12471  
regional long-term care ombudsman program (including as the head 12472  
of the regional program) or an employee of a regional long-term 12473  
care ombudsman program (including the head of a regional program), 12474  
the state long-term care ombudsman or a representative of the 12475  
office of the state long-term care ombudsman program who is 12476  
responsible for monitoring the regional program's compliance with 12477  
this section; 12478

(4) A court, hearing officer, or other necessary individual 12479  
involved in a case dealing with any of the following: 12480

(a) A denial of employment of the applicant or employee; 12481

(b) Employment or unemployment benefits of the applicant or 12482  
employee; 12483

(c) A civil or criminal action regarding the medicaid program 12484  
or a program the department of aging administers. 12485

(H) In a tort or other civil action for damages that is 12486  
brought as the result of an injury, death, or loss to person or 12487  
property caused by an applicant or employee who a responsible 12488

party employs in a position that involves providing ombudsman 12489  
services to residents and recipients, all of the following shall 12490  
apply: 12491

(1) If the responsible party employed the applicant or 12492  
employee in good faith and reasonable reliance on the report of a 12493  
criminal records check requested under this section, the 12494  
responsible party shall not be found negligent solely because of 12495  
its reliance on the report, even if the information in the report 12496  
is determined later to have been incomplete or inaccurate. 12497

(2) If the responsible party employed the applicant in good 12498  
faith on a conditional basis pursuant to division (F) of this 12499  
section, the responsible party shall not be found negligent solely 12500  
because it employed the applicant prior to receiving the report of 12501  
a criminal records check requested under this section. 12502

(3) If the responsible party in good faith employed the 12503  
applicant or employee because the applicant or employee meets 12504  
standards specified in rules adopted under this section, the 12505  
responsible party shall not be found negligent solely because the 12506  
applicant or employee has been convicted of, pleaded guilty to, or 12507  
been found eligible for intervention in lieu of conviction for a 12508  
disqualifying offense. 12509

(I) The state long-term care ombudsman may not act as the 12510  
director of aging's designee for the purpose of this section. The 12511  
head of a regional long-term care ombudsman program may not act as 12512  
the regional program's designee for the purpose of this section if 12513  
the head is the employee for whom a database review or criminal 12514  
records check is being conducted. 12515

(J) The director of aging shall adopt rules in accordance 12516  
with Chapter 119. of the Revised Code to implement this section. 12517

(1) The rules may do the following: 12518

(a) Require employees to undergo database reviews and 12519

criminal records checks under this section;	12520
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	12521 12522 12523
(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	12524 12525 12526
(2) The rules shall specify all of the following:	12527
(a) The procedures for conducting database reviews under this section;	12528 12529
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	12530 12531 12532 12533
(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;	12534 12535 12536 12537 12538
(d) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a position that involves providing ombudsman services to residents and recipients if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.	12539 12540 12541 12542 12543 12544 12545 12546
<b>Sec. 173.28.</b> (A) <del>(1)</del> As used in this <del>division</del> <u>section</u> , "incident" means the occurrence of a violation with respect to a resident or recipient, <del>as those terms are defined in section</del>	12547 12548 12549

~~173.14 of the Revised Code.~~ A violation is a separate incident for 12550  
each day it occurs and for each resident who is subject to it. 12551

(B)(1) In lieu of the fine that may be imposed under division 12552  
(A) of section 173.99 of the Revised Code for a criminal offense, 12553  
the director of aging may, under Chapter 119. of the Revised Code, 12554  
fine a long-term care provider or other entity, ~~or~~ a person 12555  
employed by a long-term care provider or other entity, or an 12556  
individual for a violation of division (C) of section 173.24 of 12557  
the Revised Code. The fine shall not exceed one thousand dollars 12558  
per incident. 12559

(2) In lieu of the fine that may be imposed under division 12560  
(C) of section 173.99 of the Revised Code for a criminal offense, 12561  
the director may, under Chapter 119. of the Revised Code, fine a 12562  
long-term care provider or other entity, ~~or~~ a person employed by a 12563  
long-term care provider or other entity, or an individual for 12564  
~~violating a violation of~~ division ~~(E)(G)(1) or (2)~~ of section 12565  
173.19 of the Revised Code ~~by denying a representative of the~~ 12566  
~~office of the state long term care ombudsman program the access~~ 12567  
~~required by that division.~~ The fine shall not exceed five hundred 12568  
dollars for each day the violation continued. 12569

~~(B)(C)~~ On request of the director, the attorney general shall 12570  
bring and prosecute to judgment a civil action to collect any fine 12571  
imposed under division ~~(A)(B)~~(1) or (2) of this section that 12572  
remains unpaid thirty days after the violator's final appeal is 12573  
exhausted. 12574

~~(C)(D)~~ All fines collected under this section shall be 12575  
deposited into the state treasury to the credit of the state 12576  
long-term care ombudsman program fund created under section 173.26 12577  
of the Revised Code. 12578

**Sec. 173.38.** (A) As used in this section: 12579

- (1) "Applicant" means a person who is under final consideration for employment with a responsible party in a full-time, part-time, or temporary direct-care position or is referred to a responsible party by an employment service for such a position. "Applicant" does not include a person being considered for a direct-care position as a volunteer. 12580  
12581  
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12585
- (2) "Area agency on aging" has the same meaning as in section 173.14 of the Revised Code. 12586  
12587
- (3) "Chief administrator of a responsible party" includes a consumer when the consumer is a responsible party. 12588  
12589
- (4) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers. 12590  
12591  
12592  
12593
- (5) "Consumer" means an individual who receives community-based long-term care services. 12594  
12595
- (6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 12596  
12597
- (7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following: 12598  
12599
- (i) In-person contact with one or more consumers; 12600
- (ii) Access to one or more consumers' personal property or records. 12601  
12602
- (b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code. 12603  
12604  
12605
- (8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 12606  
12607  
12608
- (9) "Employee" means a person employed by a responsible party 12609

in a full-time, part-time, or temporary direct-care position and a 12610  
person who works in such a position due to being referred to a 12611  
responsible party by an employment service. "Employee" does not 12612  
include a person who works in a direct-care position as a 12613  
volunteer. 12614

(10) "PASSPORT administrative agency" has the same meaning as 12615  
in section 173.42 of the Revised Code. 12616

(11) "Provider" has the same meaning as in section 173.39 of 12617  
the Revised Code. 12618

(12) "Responsible party" means the following: 12619

(a) An area agency on aging in the case of either of the 12620  
following: 12621

(i) A person who is an applicant because the person is under 12622  
final consideration for employment with the agency in a full-time, 12623  
part-time, or temporary direct-care position or is referred to the 12624  
agency by an employment service for such a position; 12625

(ii) A person who is an employee because the person is 12626  
employed by the agency in a full-time, part-time, or temporary 12627  
direct-care position or works in such a position due to being 12628  
referred to the agency by an employment service. 12629

(b) A PASSPORT administrative agency in the case of either of 12630  
the following: 12631

(i) A person who is an applicant because the person is under 12632  
final consideration for employment with the agency in a full-time, 12633  
part-time, or temporary direct-care position or is referred to the 12634  
agency by an employment service for such a position; 12635

(ii) A person who is an employee because the person is 12636  
employed by the agency in a full-time, part-time, or temporary 12637  
direct-care position or works in such a position due to being 12638  
referred to the agency by an employment service. 12639

(c) A provider in the case of either of the following:	12640
(i) A person who is an applicant because the person is under final consideration for employment with the provider in a full-time, part-time, or temporary direct-care position or is referred to the provider by an employment service for such a position;	12641 12642 12643 12644 12645
(ii) A person who is an employee because the person is employed by the provider in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the provider by an employment service.	12646 12647 12648 12649
(d) A subcontractor in the case of either of the following:	12650
(i) A person who is an applicant because the person is under final consideration for employment with the subcontractor in a full-time, part-time, or temporary direct-care position or is referred to the subcontractor by an employment service for such a position;	12651 12652 12653 12654 12655
(ii) A person who is an employee because the person is employed by the subcontractor in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the subcontractor by an employment service.	12656 12657 12658 12659
(e) A consumer in the case of either of the following:	12660
(i) A person who is an applicant because the person is under final consideration for employment with the consumer in a full-time, part-time, or temporary direct-care position for which the consumer, as the employer of record, is to direct the person in the provision of community-based long-term care services the person is to provide the consumer or is referred to the consumer by an employment service for such a position;	12661 12662 12663 12664 12665 12666 12667
(ii) A person who is an employee because the person is employed by the consumer in a full-time, part-time, or temporary	12668 12669

direct-care position for which the consumer, as the employer of 12670  
record, directs the person in the provision of community-based 12671  
long-term care services the person provides to the consumer or who 12672  
works in such a position due to being referred to the consumer by 12673  
an employment service. 12674

(13) "Subcontractor" has the meaning specified in rules 12675  
adopted under this section. 12676

(14) "Volunteer" means a person who serves in a direct-care 12677  
position without receiving or expecting to receive any form of 12678  
remuneration other than reimbursement for actual expenses. 12679

(15) "Waiver agency" has the same meaning as in section 12680  
5164.342 of the Revised Code. 12681

(B) This section does not apply to any individual who is 12682  
subject to a database review or criminal records check under 12683  
section 173.381 or 3701.881 of the Revised Code or to any 12684  
individual who is subject to a criminal records check under 12685  
section 3721.121 of the Revised Code. If a provider or 12686  
subcontractor also is a waiver agency, the provider or 12687  
subcontractor may provide for applicants and employees to undergo 12688  
database reviews and criminal records checks in accordance with 12689  
section 5164.342 of the Revised Code rather than this section. 12690

(C) No responsible party shall employ an applicant or 12691  
continue to employ an employee in a direct-care position if any of 12692  
the following apply: 12693

(1) A review of the databases listed in division (E) of this 12694  
section reveals any of the following: 12695

(a) That the applicant or employee is included in one or more 12696  
of the databases listed in divisions (E)(1) to (5) of this 12697  
section; 12698

(b) That there is in the state nurse aide registry 12699

established under section 3721.32 of the Revised Code a statement 12700  
detailing findings by the director of health that the applicant or 12701  
employee ~~abused~~, neglected, or ~~abused~~ exploited a long-term care 12702  
facility or residential care facility resident or misappropriated 12703  
property of such a resident; 12704

(c) That the applicant or employee is included in one or more 12705  
of the databases, if any, specified in rules adopted under this 12706  
section and the rules prohibit the responsible party from 12707  
employing an applicant or continuing to employ an employee 12708  
included in such a database in a direct-care position. 12709

(2) After the applicant or employee is provided, pursuant to 12710  
division (F)(2)(a) of this section, a copy of the form prescribed 12711  
pursuant to division (C)(1) of section 109.572 of the Revised Code 12712  
and the standard impression sheet prescribed pursuant to division 12713  
(C)(2) of that section, the applicant or employee fails to 12714  
complete the form or provide the applicant's or employee's 12715  
fingerprint impressions on the standard impression sheet. 12716

(3) Unless the applicant or employee meets standards 12717  
specified in rules adopted under this section, the applicant or 12718  
employee is found by a criminal records check required by this 12719  
section to have been convicted of, pleaded guilty to, or been 12720  
found eligible for intervention in lieu of conviction for a 12721  
disqualifying offense. 12722

(D) Except as provided by division (G) of this section, the 12723  
chief administrator of a responsible party shall inform each 12724  
applicant of both of the following at the time of the applicant's 12725  
initial application for employment or referral to the responsible 12726  
party by an employment service for a direct-care position: 12727

(1) That a review of the databases listed in division (E) of 12728  
this section will be conducted to determine whether the 12729  
responsible party is prohibited by division (C)(1) of this section 12730

from employing the applicant in the direct-care position; 12731

(2) That, unless the database review reveals that the 12732  
applicant may not be employed in the direct-care position, a 12733  
criminal records check of the applicant will be conducted and the 12734  
applicant is required to provide a set of the applicant's 12735  
fingerprint impressions as part of the criminal records check. 12736

(E) As a condition of employing any applicant in a 12737  
direct-care position, the chief administrator of a responsible 12738  
party shall conduct a database review of the applicant in 12739  
accordance with rules adopted under this section. If rules adopted 12740  
under this section so require, the chief administrator of a 12741  
responsible party shall conduct a database review of an employee 12742  
in accordance with the rules as a condition of continuing to 12743  
employ the employee in a direct-care position. However, a chief 12744  
administrator is not required to conduct a database review of an 12745  
applicant or employee if division (G) of this section applies. A 12746  
database review shall determine whether the applicant or employee 12747  
is included in any of the following: 12748

(1) The excluded parties list system that is maintained by 12749  
the United States general services administration pursuant to 12750  
subpart 9.4 of the federal acquisition regulation and available at 12751  
the federal web site known as the system for award management; 12752

(2) The list of excluded individuals and entities maintained 12753  
by the office of inspector general in the United States department 12754  
of health and human services pursuant to the "Social Security 12755  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 12756

(3) The registry of developmental disabilities employees 12757  
established under section 5123.52 of the Revised Code; 12758

(4) The internet-based sex offender and child-victim offender 12759  
database established under division (A)(11) of section 2950.13 of 12760  
the Revised Code; 12761

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;	12762 12763
(6) The state nurse aide registry established under section 3721.32 of the Revised Code;	12764 12765
(7) Any other database, if any, specified in rules adopted under this section.	12766 12767
(F)(1) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a responsible party shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a direct-care position. However, the chief administrator is not required to request the criminal records check of the applicant or employee if division (G) of this section applies or the responsible party is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a direct-care position. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident	12768 12769 12770 12771 12772 12773 12774 12775 12776 12777 12778 12779 12780 12781 12782 12783 12784 12785 12786 12787 12788 12789 12790 12791 12792 12793

of this state for the five-year period, the chief administrator 12794  
may request that the superintendent include information from the 12795  
federal bureau of investigation in the criminal records check. 12796

(2) The chief administrator shall do all of the following: 12797

(a) Provide to each applicant and employee for whom a 12798  
criminal records check request is required by this section a copy 12799  
of the form prescribed pursuant to division (C)(1) of section 12800  
109.572 of the Revised Code and a standard impression sheet 12801  
prescribed pursuant to division (C)(2) of that section; 12802

(b) Obtain the completed form and standard impression sheet 12803  
from the applicant or employee; 12804

(c) Forward the completed form and standard impression sheet 12805  
to the superintendent. 12806

(3) A responsible party shall pay to the bureau of criminal 12807  
identification and investigation the fee prescribed pursuant to 12808  
division (C)(3) of section 109.572 of the Revised Code for each 12809  
criminal records check the responsible party requests under this 12810  
section. A responsible party may charge an applicant a fee not 12811  
exceeding the amount the responsible party pays to the bureau 12812  
under this section if both of the following apply: 12813

(a) The responsible party notifies the applicant at the time 12814  
of initial application for employment of the amount of the fee and 12815  
that, unless the fee is paid, the applicant will not be considered 12816  
for employment. 12817

(b) The medicaid program does not pay the responsible party 12818  
for the fee it pays to the bureau under this section. 12819

(G) Divisions (D) to (F) of this section do not apply with 12820  
regard to an applicant or employee if the applicant or employee is 12821  
referred to a responsible party by an employment service that 12822  
supplies full-time, part-time, or temporary staff for direct-care 12823

positions and both of the following apply: 12824

(1) The chief administrator of the responsible party receives 12825  
from the employment service confirmation that a review of the 12826  
databases listed in division (E) of this section was conducted of 12827  
the applicant or employee. 12828

(2) The chief administrator of the responsible party receives 12829  
from the employment service, applicant, or employee a report of 12830  
the results of a criminal records check of the applicant or 12831  
employee that has been conducted by the superintendent within the 12832  
one-year period immediately preceding the following: 12833

(a) In the case of an applicant, the date of the applicant's 12834  
referral by the employment service to the responsible party; 12835

(b) In the case of an employee, the date by which the 12836  
responsible party would otherwise have to request a criminal 12837  
records check of the employee under division (F) of this section. 12838

(H)(1) A responsible party may employ conditionally an 12839  
applicant for whom a criminal records check request is required by 12840  
this section prior to obtaining the results of the criminal 12841  
records check if the responsible party is not prohibited by 12842  
division (C)(1) of this section from employing the applicant in a 12843  
direct-care position and either of the following applies: 12844

(a) The chief administrator of the responsible party requests 12845  
the criminal records check in accordance with division (F) of this 12846  
section not later than five business days after the applicant 12847  
begins conditional employment. 12848

(b) The applicant is referred to the responsible party by an 12849  
employment service, the employment service or the applicant 12850  
provides the chief administrator of the responsible party a letter 12851  
that is on the letterhead of the employment service, the letter is 12852  
dated and signed by a supervisor or another designated official of 12853  
the employment service, and the letter states all of the 12854

following: 12855

(i) That the employment service has requested the 12856  
superintendent to conduct a criminal records check regarding the 12857  
applicant; 12858

(ii) That the requested criminal records check is to include 12859  
a determination of whether the applicant has been convicted of, 12860  
pleaded guilty to, or been found eligible for intervention in lieu 12861  
of conviction for a disqualifying offense; 12862

(iii) That the employment service has not received the 12863  
results of the criminal records check as of the date set forth on 12864  
the letter; 12865

(iv) That the employment service promptly will send a copy of 12866  
the results of the criminal records check to the chief 12867  
administrator of the responsible party when the employment service 12868  
receives the results. 12869

(2) If a responsible party employs an applicant conditionally 12870  
pursuant to division (H)(1)(b) of this section, the employment 12871  
service, on its receipt of the results of the criminal records 12872  
check, promptly shall send a copy of the results to the chief 12873  
administrator of the responsible party. 12874

(3) A responsible party that employs an applicant 12875  
conditionally pursuant to division (H)(1)(a) or (b) of this 12876  
section shall terminate the applicant's employment if the results 12877  
of the criminal records check, other than the results of any 12878  
request for information from the federal bureau of investigation, 12879  
are not obtained within the period ending sixty days after the 12880  
date the request for the criminal records check is made. 12881  
Regardless of when the results of the criminal records check are 12882  
obtained, if the results indicate that the applicant has been 12883  
convicted of, pleaded guilty to, or been found eligible for 12884  
intervention in lieu of conviction for a disqualifying offense, 12885

the responsible party shall terminate the applicant's employment 12886  
unless the applicant meets standards specified in rules adopted 12887  
under this section that permit the responsible party to employ the 12888  
applicant and the responsible party chooses to employ the 12889  
applicant. Termination of employment under this division shall be 12890  
considered just cause for discharge for purposes of division 12891  
(D)(2) of section 4141.29 of the Revised Code if the applicant 12892  
makes any attempt to deceive the responsible party about the 12893  
applicant's criminal record. 12894

(I) The report of any criminal records check conducted 12895  
pursuant to a request made under this section is not a public 12896  
record for the purposes of section 149.43 of the Revised Code and 12897  
shall not be made available to any person other than the 12898  
following: 12899

(1) The applicant or employee who is the subject of the 12900  
criminal records check or the applicant's or employee's 12901  
representative; 12902

(2) The chief administrator of the responsible party 12903  
requesting the criminal records check or the administrator's 12904  
representative; 12905

(3) The administrator of any other facility, agency, or 12906  
program that provides community-based long-term care services that 12907  
is owned or operated by the same entity that owns or operates the 12908  
responsible party that requested the criminal records check; 12909

(4) The employment service that requested the criminal 12910  
records check; 12911

(5) The director of aging or a person authorized by the 12912  
director to monitor a responsible party's compliance with this 12913  
section; 12914

(6) The medicaid director and the staff of the department of 12915  
medicaid who are involved in the administration of the medicaid 12916

program if any of the following apply:	12917
(a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency;	12918 12919 12920
(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency;	12921 12922 12923 12924
(c) The criminal records check is requested by a consumer who is acting as a responsible party.	12925 12926
(7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	12927 12928
(a) A denial of employment of the applicant or employee;	12929
(b) Employment or unemployment benefits of the applicant or employee;	12930 12931
(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.	12932 12933
(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following shall apply:	12934 12935 12936 12937 12938
(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.	12939 12940 12941 12942 12943 12944
(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this	12945 12946

section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this section;

(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(d) If the rules specify other databases to be checked as

part of the database reviews, the circumstances under which a 12977  
responsible party is prohibited from employing an applicant or 12978  
continuing to employ an employee who is found by a database review 12979  
to be included in one or more of those databases; 12980

(e) Standards that an applicant or employee must meet for a 12981  
responsible party to be permitted to employ the applicant or 12982  
continue to employ the employee in a direct-care position if the 12983  
applicant or employee is found by a criminal records check 12984  
required by this section to have been convicted of, pleaded guilty 12985  
to, or been found eligible for intervention in lieu of conviction 12986  
for a disqualifying offense. 12987

**Sec. 173.381.** (A) As used in this section: 12988

(1) "Community-based long-term care services" means 12989  
community-based long-term care services, as defined in section 12990  
173.14 of the Revised Code, that are provided under a program the 12991  
department of aging administers. 12992

(2) "Community-based long-term care services certificate" 12993  
means a certificate issued under section 173.391 of the Revised 12994  
Code. 12995

(3) "Community-based long-term care services contract or 12996  
grant" means a contract or grant awarded under section 173.392 of 12997  
the Revised Code. 12998

(4) "Criminal records check" has the same meaning as in 12999  
section 109.572 of the Revised Code. 13000

(5) "Disqualifying offense" means any of the offenses listed 13001  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 13002  
the Revised Code. 13003

(6) "Provider" has the same meaning as in section 173.39 of 13004  
the Revised Code. 13005

(7) "Self-employed provider" means a provider who works for 13006

the provider's self and has no employees.	13007
(B) This section does not apply to any individual who is	13008
subject to a database review or criminal records check under	13009
section 3701.881 of the Revised Code.	13010
(C)(1) The department of aging or its designee shall take the	13011
following actions when the circumstances specified in division	13012
(C)(2) of this section apply:	13013
(a) Refuse to issue a community-based long-term care services	13014
certificate to a self-employed provider;	13015
(b) Revoke a self-employed provider's community-based	13016
long-term care services certificate;	13017
(c) Refuse to award a community-based long-term care services	13018
contract or grant to a self-employed provider;	13019
(d) Terminate a self-employed provider's community-based	13020
long-term care services contract or grant awarded on or after	13021
September 15, 2014.	13022
(2) The following are the circumstances that require the	13023
department of aging or its designee to take action under division	13024
(C)(1) of this section:	13025
(a) A review of the databases listed in division (E) of this	13026
section reveals any of the following:	13027
(i) That the self-employed provider is included in one or	13028
more of the databases listed in divisions (E)(1) to (5) of this	13029
section;	13030
(ii) That there is in the state nurse aide registry	13031
established under section 3721.32 of the Revised Code a statement	13032
detailing findings by the director of health that the	13033
self-employed provider <u>abused</u> , neglected, or <del>abused</del> <u>exploited</u> a	13034
long-term care facility or residential care facility resident or	13035
misappropriated property of such a resident;	13036

(iii) That the self-employed provider is included in one or 13037  
more of the databases, if any, specified in rules adopted under 13038  
this section and the rules require the department or its designee 13039  
to take action under division (C)(1) of this section if a 13040  
self-employed provider is included in such a database. 13041

(b) After the self-employed provider is provided, pursuant to 13042  
division (F)(2)(a) of this section, a copy of the form prescribed 13043  
pursuant to division (C)(1) of section 109.572 of the Revised Code 13044  
and the standard impression sheet prescribed pursuant to division 13045  
(C)(2) of that section, the self-employed provider fails to 13046  
complete the form or provide the self-employed provider's 13047  
fingerprint impressions on the standard impression sheet. 13048

(c) Unless the self-employed provider meets standards 13049  
specified in rules adopted under this section, the self-employed 13050  
provider is found by a criminal records check required by this 13051  
section to have been convicted of, pleaded guilty to, or been 13052  
found eligible for intervention in lieu of conviction for a 13053  
disqualifying offense. 13054

(D) The department of aging or its designee shall inform each 13055  
self-employed provider of both of the following at the time of the 13056  
self-employed provider's initial application for a community-based 13057  
long-term care services certificate or initial bid for a 13058  
community-based long-term care services contract or grant: 13059

(1) That a review of the databases listed in division (E) of 13060  
this section will be conducted to determine whether the department 13061  
or its designee is required by division (C) of this section to 13062  
refuse to issue or award a community-based long-term care services 13063  
certificate or community-based long-term care services contract or 13064  
grant to the self-employed provider; 13065

(2) That, unless the database review reveals that the 13066  
department or its designee is required to refuse to issue or award 13067

a community-based long-term care services certificate or 13068  
community-based long-term care services contract or grant to the 13069  
self-employed provider, a criminal records check of the 13070  
self-employed provider will be conducted and the self-employed 13071  
provider is required to provide a set of the self-employed 13072  
provider's fingerprint impressions as part of the criminal records 13073  
check. 13074

(E) As a condition of issuing or awarding a community-based 13075  
long-term care services certificate or community-based long-term 13076  
care services contract or grant to a self-employed provider, the 13077  
department of aging or its designee shall conduct a database 13078  
review of the self-employed provider in accordance with rules 13079  
adopted under this section. If rules adopted under this section so 13080  
require, the department or its designee shall conduct a database 13081  
review of a self-employed provider in accordance with the rules as 13082  
a condition of not revoking or terminating the self-employed 13083  
provider's community-based long-term care services certificate or 13084  
community-based long-term care services contract or grant. A 13085  
database review shall determine whether the self-employed provider 13086  
is included in any of the following: 13087

(1) The excluded parties list system that is maintained by 13088  
the United States general services administration pursuant to 13089  
subpart 9.4 of the federal acquisition regulation and available at 13090  
the federal web site known as the system for award management; 13091

(2) The list of excluded individuals and entities maintained 13092  
by the office of inspector general in the United States department 13093  
of health and human services pursuant to the "Social Security 13094  
Act," 42 U.S.C. 1320a-7 and 1320c-5; 13095

(3) The registry of developmental disabilities employees 13096  
established under section 5123.52 of the Revised Code; 13097

(4) The internet-based sex offender and child-victim offender 13098

database established under division (A)(11) of section 2950.13 of the Revised Code; 13099  
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 13101  
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 13103  
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(7) Any other database, if any, specified in rules adopted under this section. 13105  
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(F)(1) As a condition of issuing or awarding a community-based long-term care services certificate or community-based long-term care services contract or grant to a self-employed provider, the department of aging or its designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the self-employed provider. If rules adopted under this section so require, the department or its designee shall request that the superintendent conduct a criminal records check of a self-employed provider at times specified in the rules as a condition of not revoking or terminating the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant. However, the department or its designee is not required to request the criminal records check of the self-employed provider if the department or its designee, because of circumstances specified in division (C)(2)(a) of this section, is required to refuse to issue or award a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or to revoke or terminate the self-employed provider's certificate or contract or grant. 13107  
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If a self-employed provider for whom a criminal records check request is required by this section does not present proof of 13128  
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having been a resident of this state for the five-year period 13130  
immediately prior to the date the criminal records check is 13131  
requested or provide evidence that within that five-year period 13132  
the superintendent has requested information about the 13133  
self-employed provider from the federal bureau of investigation in 13134  
a criminal records check, the department or its designee shall 13135  
request that the superintendent obtain information from the 13136  
federal bureau of investigation as part of the criminal records 13137  
check. Even if a self-employed provider for whom a criminal 13138  
records check request is required by this section presents proof 13139  
of having been a resident of this state for the five-year period, 13140  
the department or its designee may request that the superintendent 13141  
include information from the federal bureau of investigation in 13142  
the criminal records check. 13143

(2) The department or its designee shall do all of the 13144  
following: 13145

(a) Provide to each self-employed provider for whom a 13146  
criminal records check request is required by this section a copy 13147  
of the form prescribed pursuant to division (C)(1) of section 13148  
109.572 of the Revised Code and a standard impression sheet 13149  
prescribed pursuant to division (C)(2) of that section; 13150

(b) Obtain the completed form and standard impression sheet 13151  
from the self-employed provider; 13152

(c) Forward the completed form and standard impression sheet 13153  
to the superintendent. 13154

(3) The department or its designee shall pay to the bureau of 13155  
criminal identification and investigation the fee prescribed 13156  
pursuant to division (C)(3) of section 109.572 of the Revised Code 13157  
for each criminal records check of a self-employed provider the 13158  
department or its designee requests under this section. The 13159  
department or its designee may charge the self-employed provider a 13160

fee that does not exceed the amount the department or its designee 13161  
pays to the bureau. 13162

(G) The report of any criminal records check of a 13163  
self-employed provider conducted pursuant to a request made under 13164  
this section is not a public record for the purposes of section 13165  
149.43 of the Revised Code and shall not be made available to any 13166  
person other than the following: 13167

(1) The self-employed provider or the self-employed 13168  
provider's representative; 13169

(2) The department of aging, the department's designee, or a 13170  
representative of the department or its designee; 13171

(3) The medicaid director and the staff of the department of 13172  
medicaid who are involved in the administration of the medicaid 13173  
program if the self-employed provider is to provide, or provides, 13174  
community-based long-term care services under a component of the 13175  
medicaid program that the department of aging administers; 13176

(4) A court, hearing officer, or other necessary individual 13177  
involved in a case dealing with any of the following: 13178

(a) A refusal to issue or award a community-based long-term 13179  
services certificate or community-based long-term care services 13180  
contract or grant to the self-employed provider; 13181

(b) A revocation or termination of the self-employed 13182  
provider's community-based long-term care services certificate or 13183  
community-based long-term care services contract or grant; 13184

(c) A civil or criminal action regarding a program the 13185  
department of aging administers. 13186

(H) In a tort or other civil action for damages that is 13187  
brought as the result of an injury, death, or loss to person or 13188  
property caused by a self-employed provider, both of the following 13189  
shall apply: 13190

(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the department or its designee in good faith issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant because the self-employed provider meets standards specified in rules adopted under this section, the department and its designee shall not be found negligent solely because the self-employed provider has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section;

(b) If the rules require self-employed providers who have been issued or awarded community-based long-term care services

certificates or community-based long-term care services contracts 13222  
or grants to undergo database reviews and criminal records checks 13223  
under this section, exempt one or more classes of such 13224  
self-employed providers from the requirements; 13225

(c) For the purpose of division (E)(7) of this section, 13226  
specify other databases that are to be checked as part of a 13227  
database review conducted under this section. 13228

(2) The rules shall specify all of the following: 13229

(a) The procedures for conducting database reviews under this 13230  
section; 13231

(b) If the rules require self-employed providers who have 13232  
been issued or awarded community-based long-term care services 13233  
certificates or community-based long-term care services contracts 13234  
or grants to undergo database reviews and criminal records checks 13235  
under this section, the times at which the database reviews and 13236  
criminal records checks are to be conducted; 13237

(c) If the rules specify other databases to be checked as 13238  
part of the database reviews, the circumstances under which the 13239  
department of aging or its designee is required to refuse to issue 13240  
or award a community-based long-term care services certificate or 13241  
community-based long-term care services contract or grant to a 13242  
self-employed provider or to revoke or terminate a self-employed 13243  
provider's certificate or contract or grant when the self-employed 13244  
provider is found by a database review to be included in one or 13245  
more of those databases; 13246

(d) Standards that a self-employed provider must meet for the 13247  
department or its designee to be permitted to issue or award a 13248  
community-based long-term care services certificate or 13249  
community-based long-term care services contract or grant to the 13250  
self-employed provider or not to revoke or terminate the 13251  
self-employed provider's certificate or contract or grant if the 13252

self-employed provider is found by a criminal records check 13253  
required by this section to have been convicted of, pleaded guilty 13254  
to, or been found eligible for intervention in lieu of conviction 13255  
for a disqualifying offense. 13256

**Sec. 173.42.** (A) As used in sections 173.42 to 173.434 of the 13257  
Revised Code: 13258

(1) "Area agency on aging" means a public or private 13259  
nonprofit entity designated under section 173.011 of the Revised 13260  
Code to administer programs on behalf of the department of aging. 13261

(2) "Department of aging-administered medicaid waiver 13262  
component" means each of the following: 13263

(a) The medicaid-funded component of the PASSPORT program 13264  
created under section 173.52 of the Revised Code; 13265

~~(b) The choices program created under section 173.53 of the 13266  
Revised Code;~~ 13267

~~(e)~~ The medicaid-funded component of the assisted living 13268  
program created under section 173.54 of the Revised Code; 13269

~~(d)~~(c) Any other medicaid waiver component, as defined in 13270  
section 5166.01 of the Revised Code, that the department of aging 13271  
administers pursuant to an interagency agreement with the 13272  
department of medicaid under section 5162.35 of the Revised Code. 13273

(3) "Home and community-based services covered by medicaid 13274  
components the department of aging administers" means all of the 13275  
following: 13276

(a) Medicaid waiver services available to a participant in a 13277  
department of aging-administered medicaid waiver component; 13278

(b) The following medicaid state plan services available to a 13279  
participant in a department of aging-administered medicaid waiver 13280  
component as specified in rules adopted under section 5164.02 of 13281

the Revised Code:	13282
(i) Home health services;	13283
(ii) Private duty nursing services;	13284
(iii) Durable medical equipment;	13285
(iv) Services of a clinical nurse specialist;	13286
(v) Services of a certified nurse practitioner.	13287
(c) Services available to a participant of the PACE program.	13288
(4) "Long-term care consultation" or "consultation" means the	13289
consultation service made available by the department of aging or	13290
a program administrator through the long-term care consultation	13291
program established pursuant to this section.	13292
(5) "Nursing facility" has the same meaning as in section	13293
5165.01 of the Revised Code.	13294
(6) "PACE program" means the component of the medicaid	13295
program the department of aging administers pursuant to section	13296
173.50 of the Revised Code.	13297
(7) "PASSPORT administrative agency" means an entity under	13298
contract with the department of aging to provide administrative	13299
services regarding the PASSPORT program.	13300
(8) "Program administrator" means an area agency on aging or	13301
other entity under contract with the department of aging to	13302
administer the long-term care consultation program in a geographic	13303
region specified in the contract.	13304
(9) "Representative" means a person acting on behalf of an	13305
individual <del>specified in division (C) of this section</del> <u>who is the</u>	13306
<u>subject of a long-term care consultation</u> . A representative may be	13307
a family member, attorney, hospital social worker, or any other	13308
person chosen to act on behalf of the individual.	13309
(B) The department of aging shall develop a long-term care	13310

consultation program whereby individuals or their representatives 13311  
are provided with long-term care consultations and receive through 13312  
these professional consultations information about options 13313  
available to meet long-term care needs and information about 13314  
factors to consider in making long-term care decisions. The 13315  
long-term care consultations ~~provided under the program~~ may be 13316  
provided at any appropriate time, ~~as permitted or required under~~ 13317  
~~this section and the rules adopted under it~~, including either 13318  
prior to or after the individual who is the subject of a 13319  
consultation has been admitted to a nursing facility or granted 13320  
assistance in receiving home and community-based services covered 13321  
by medicaid components the department of aging administers. 13322

(C) The long-term care consultation program shall be 13323  
administered by the department of aging, except that the 13324  
department may have the program administered on a regional basis 13325  
by one or more program administrators. The department and each 13326  
program administrator shall administer the program in such a 13327  
manner that all of the following are included: 13328

(1) Coordination and collaboration with respect to all 13329  
available funding sources for long-term care services; 13330

(2) Assessments of individuals regarding their long-term care 13331  
service needs; 13332

(3) Assessments of individuals regarding their on-going 13333  
eligibility for long-term care services; 13334

(4) Procedures for assisting individuals in obtaining access 13335  
to, and coordination of, health and supportive services, including 13336  
department of aging-administered medicaid waiver components; 13337

(5) Priorities for using available resources efficiently and 13338  
effectively. 13339

(D) The program's long-term care consultations shall be 13340  
provided by individuals certified by the department under section 13341

173.422 of the Revised Code.	13342
(E) The information provided through a long-term care	13343
consultation shall be appropriate to the individual's needs and	13344
situation and shall address all of the following:	13345
(1) The availability of any long-term care options open to	13346
the individual;	13347
(2) Sources and methods of both public and private payment	13348
for long-term care services;	13349
(3) Factors to consider when choosing among the available	13350
programs, services, and benefits;	13351
(4) Opportunities and methods for maximizing independence and	13352
self-reliance, including support services provided by the	13353
individual's family, friends, and community.	13354
(F) An individual's long-term care consultation may include	13355
an assessment of the individual's functional capabilities. The	13356
consultation may incorporate portions of the determinations	13357
required under sections 5119.40, 5123.021, and 5165.03 of the	13358
Revised Code and may be provided concurrently with the assessment	13359
required under section 173.546 or 5165.04 of the Revised Code.	13360
<del>(G)(1) Unless an exemption specified <u>Except as provided</u> in</del>	13361
<del>division (I) of this section is applicable, each of the following</del>	13362
<del>shall be provided with a long term care consultation:</del>	13363
<del>(a) An individual who applies or indicates an intention to</del>	13364
<del>apply for admission to a nursing facility, regardless of the</del>	13365
<del>source of payment to be used for the individual's care in a</del>	13366
<del>nursing facility;</del>	13367
<del>(b) An individual who requests a long term care consultation;</del>	13368
<del>(c) An individual identified by the department or a program</del>	13369
<del>administrator as being likely to benefit from a long term care</del>	13370
<del>consultation.</del>	13371

~~(2) In addition to the individuals specified in division (G)(1) of this section, a long term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility a long-term care consultation shall be provided to each individual for whom the department or a program administrator determines such a consultation is appropriate.~~ 13372  
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~~(H)(1) Except as provided in division (H)(2) or (3) of this section, a A long-term care consultation provided pursuant to division (G) of this section shall be provided as follows:~~ 13379  
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~~(a) If the individual for whom the consultation is being provided has applied for medicaid and the consultation is being provided concurrently with the assessment required under section 5165.04 of the Revised Code, the consultation shall be completed in accordance with within the applicable time frames specified in that section for providing a level of care determination based on the assessment.~~ 13382  
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~~(b) In all other cases, the consultation shall be provided not later than five calendar days after the department or program administrator receives notice of the reason for which the consultation is to be provided pursuant to division (G) of this section.~~ 13389  
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~~(2) An individual or the individual's representative may request that a long term care consultation be provided on a date that is later than the date required under division (H)(1)(a) or (b) of this section.~~ 13394  
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~~(3) If a long term care consultation cannot be completed within the number of days required by division (H)(1) or (2) of this section, the department or program administrator may do any of the following:~~ 13398  
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~~(a) In the case of an individual specified in division (G)(1)~~ 13402

~~of this section, exempt the individual from the consultation~~ 13403  
~~pursuant to rules that may be adopted under division (L) of this~~ 13404  
~~section;~~ 13405

~~(b) In the case of an applicant for admission to a nursing~~ 13406  
~~facility, provide the consultation after the individual is~~ 13407  
~~admitted to the nursing facility;~~ 13408

~~(c) In the case of a resident of a nursing facility, provide~~ 13409  
~~the consultation as soon as practicable rules adopted under this~~ 13410  
~~section.~~ 13411

(I) An individual is not required to be provided a long-term 13412  
care consultation ~~under division (G)(1) of this section~~ if any of 13413  
the following ~~apply~~ is the case: 13414

(1) The department or a program administrator has attempted 13415  
to provide the consultation, but the individual or the 13416  
individual's representative refuses to cooperate; 13417

(2) The individual is to receive care in a nursing facility 13418  
under a contract for continuing care, as defined in section 173.13 13419  
of the Revised Code; 13420

(3) The individual has a contractual right to admission to a 13421  
nursing facility operated as part of a system of continuing care 13422  
in conjunction with one or more facilities that provide a less 13423  
intensive level of services, including a residential care facility 13424  
licensed under Chapter 3721. of the Revised Code, a residential 13425  
facility licensed under section 5119.34 of the Revised Code that 13426  
provides accommodations, supervision, and personal care services 13427  
for three to sixteen unrelated adults, or an independent living 13428  
arrangement; 13429

(4) The individual is to receive continual care in a home for 13430  
the aged exempt from taxation under section 5701.13 of the Revised 13431  
Code; 13432

(5) The individual is seeking admission to a facility that is not a nursing facility with a provider agreement under section 5165.07, 5165.511, or 5165.512 of the Revised Code;

(6) ~~The individual is~~ Pursuant to rules that may be adopted under this section, the department or a program administrator has exempted the individual from receiving the long-term care consultation ~~requirement by the department or the program administrator pursuant to rules that may be adopted under division (L) of this section.~~

(J) As part of the long-term care consultation program, the department or a program administrator ~~shall~~ may assist an individual or individual's representative in accessing all sources of care and services that are appropriate for the individual and for which the individual is eligible, including all available home and community-based services covered by medicaid components the department of aging administers. The assistance ~~shall~~ may include providing for the conduct of assessments or other evaluations and the development of individualized plans of care or services under section 173.424 of the Revised Code.

(K) No nursing facility for which an operator has a provider agreement under section 5165.07, 5165.511, or 5165.512 of the Revised Code shall admit ~~any individual~~ as a resident any individual described in division (G) of this section, unless the nursing facility has received evidence that a long-term care consultation has been completed for the individual or division (I) of this section is applicable to the individual.

(L) The director of aging ~~may~~ shall adopt ~~any~~ rules ~~the director considers necessary~~ for the implementation and administration of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code ~~and~~. The rules may specify any or all of the following:

(1) Procedures for providing long-term care consultations pursuant to this section;	13464 13465
(2) Information to be provided through long-term care consultations regarding long-term care services that are available;	13466 13467 13468
(3) Criteria and procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;	13469 13470 13471
(4) Criteria for exempting individuals from <del>the</del> <u>receiving a long-term care consultation requirement</u> ;	13472 13473
(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;	13474 13475 13476 13477
(6) Criteria for identifying <del>nursing facility residents who would benefit from the provision of</del> <u>individuals for whom a long-term care consultation is appropriate, including nursing facility residents who would benefit from the consultation</u> ;	13478 13479 13480 13481
(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;	13482 13483 13484
(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;	13485 13486 13487 13488
(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section;	13489 13490
<u>(10) Time frames for providing or completing a long-term care consultation;</u>	13491 13492
<u>(11) Any other standards or procedures the director considers</u>	13493

necessary for the program. 13494

(M) To assist the department and each program administrator 13495  
with identifying individuals ~~who are likely to benefit from~~ for 13496  
whom a long-term care consultation is appropriate, the department 13497  
and program administrator may ask to be given access to nursing 13498  
facility resident assessment data collected through the use of the 13499  
resident assessment instrument specified in rules authorized by 13500  
section 5165.191 of the Revised Code for purposes of the medicaid 13501  
program. Except when prohibited by state or federal law, the 13502  
department of health, department of medicaid, or nursing facility 13503  
holding the data shall grant access to the data on receipt of the 13504  
request from the department of aging or program administrator. 13505

(N)(1) The director of aging, after providing notice and an 13506  
opportunity for a hearing, may fine a nursing facility an amount 13507  
determined by rules the director shall adopt in accordance with 13508  
Chapter 119. of the Revised Code for any of the following reasons: 13509

(a) The nursing facility ~~admits an individual, without~~ 13510  
~~evidence that a long term care consultation has been provided, as~~ 13511  
~~required by this section~~ violates division (K) of this section; 13512

(b) The nursing facility denies a person attempting to 13513  
provide a long-term care consultation access to the facility or a 13514  
resident of the facility; 13515

(c) The nursing facility denies the department of aging or a 13516  
program administrator access to the facility or a resident of the 13517  
facility, as the department or administrator considers necessary 13518  
to administer the program. 13519

(2) In accordance with section 5162.66 of the Revised Code, 13520  
all fines collected under division (N)(1) of this section shall be 13521  
deposited into the state treasury to the credit of the residents 13522  
protection fund. 13523

**Sec. 173.424.** If, under federal law, an individual's 13524  
eligibility for the home and community-based services covered by 13525  
medicaid components the department of aging administers is 13526  
dependent on the conduct of an assessment or other evaluation of 13527  
the individual's needs and capabilities and the development of an 13528  
individualized plan of care or services, the department shall 13529  
develop and implement all procedures necessary to comply with the 13530  
federal law. The procedures ~~shall~~ may include the use of long-term 13531  
care consultations. 13532

**Sec. 173.48.** (A)(1) The department of aging may charge annual 13533  
fees to long-term care facilities for the publication of the Ohio 13534  
long-term care consumer guide, as well as late penalties if 13535  
applicable. The department may contract with any person or 13536  
government entity to collect the fees on its behalf. All fees 13537  
collected under this section shall be deposited in accordance with 13538  
division (B) of this section. 13539

(2) The Except as provided in division (A)(3) of this 13540  
section, the annual fees charged under this section shall not 13541  
exceed the following amounts: 13542

(a) For each long-term care facility that is a nursing home, 13543  
six hundred fifty dollars; 13544

(b) For each long-term care facility that is a residential 13545  
care facility: 13546

(i) Until June 30, 2016, three hundred dollars; 13547

(ii) Beginning July 1, 2016, three hundred fifty dollars. 13548

(3) ~~Fees~~ The department, by rule adopted in accordance with 13549  
Chapter 119. of the Revised Code, may establish deadlines for the 13550  
payment of the annual fees charged under this section. If the 13551  
annual fee is not received by the department within ninety days of 13552  
any deadline established by the department, the rules may require 13553

a long-term care facility to pay a late penalty equal to and in addition to the amount of the annual fee charged under this section. 13554  
13555  
13556

(4) Unless prohibited by federal law, fees paid by a long-term care facility that is a nursing facility, including late penalties, shall be reimbursed through the medicaid program. 13557  
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(B) There is hereby created in the state treasury the long-term care consumer guide fund. Money collected from the fees charged for the publication of the Ohio long-term care consumer guide under division (A) of this section and any late penalties shall be credited to the fund. The department shall use money in the fund for costs associated with publishing the Ohio long-term care consumer guide, including, but not limited to, costs incurred in conducting or providing for the conduct of customer satisfaction surveys. 13560  
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**Sec. 173.51.** As used in sections 173.51 to 173.56 of the Revised Code: 13569  
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"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code. 13571  
13572

"Assisted living program" means the program that consists of a medicaid-funded component created under section 173.54 of the Revised Code and a state-funded component created under section 173.543 of the Revised Code and provides assisted living services to individuals who meet the program's applicable eligibility requirements. 13573  
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"Assisted living services" means the following home and community-based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming. 13579  
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"Assisted living waiver" means the federal medicaid waiver 13583

granted by the United States secretary of health and human 13584  
services that authorizes the medicaid-funded component of the 13585  
assisted living program. 13586

~~"Choices program" means the program created under section 13587  
173.53 of the Revised Code. 13588~~

"County or district home" means a county or district home 13589  
operated under Chapter 5155. of the Revised Code. 13590

"Long-term care consultation program" means the program the 13591  
department of aging is required to develop under section 173.42 of 13592  
the Revised Code. 13593

"Long-term care consultation program administrator" or 13594  
"administrator" means the department of aging or, if the 13595  
department contracts with an area agency on aging or other entity 13596  
to administer the long-term care consultation program for a 13597  
particular area, that agency or entity. 13598

"Medicaid waiver component" has the same meaning as in 13599  
section 5166.01 of the Revised Code. 13600

"Nursing facility" has the same meaning as in section 5165.01 13601  
of the Revised Code. 13602

"PASSPORT program" means the preadmission screening system 13603  
providing options and resources today program (PASSPORT) that 13604  
consists of a medicaid-funded component created under section 13605  
173.52 of the Revised Code and a state-funded component created 13606  
under section 173.522 of the Revised Code and provides home and 13607  
community-based services as an alternative to nursing facility 13608  
placement for individuals who are aged and disabled and meet the 13609  
program's applicable eligibility requirements. 13610

"PASSPORT waiver" means the federal medicaid waiver granted 13611  
by the United States secretary of health and human services that 13612  
authorizes the medicaid-funded component of the PASSPORT program. 13613

"Representative" means a person acting on behalf of an applicant for the medicaid-funded component or state-funded component of the assisted living program. A representative may be a family member, attorney, hospital social worker, or any other person chosen to act on behalf of an applicant.

"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

**Sec. 173.55.** (A) As used in this section:

(1) "Department of aging-administered medicaid waiver component" means ~~each~~ both of the following:

(a) The medicaid-funded component of the PASSPORT program;

(b) ~~The choices program;~~

~~(c)~~ The medicaid-funded component of the assisted living program.

(2) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.

(B) If the department of aging determines that there are insufficient funds to enroll all individuals who have applied and been determined eligible for department of aging-administered medicaid waiver components and the PACE program, the department shall establish a unified waiting list for the components and program. Only individuals eligible for a department of aging-administered medicaid waiver component or the PACE program may be placed on the unified waiting list. An individual who may be enrolled in a department of aging-administered medicaid waiver component or the PACE program through a home first component

established under section 173.501, 173.521, or 173.542 of the Revised Code may be so enrolled without being placed on the unified waiting list.

**Sec. 173.99.** (A) ~~A long term care provider, person employed by a long term care provider, other entity, or employee of such other entity that~~ Whoever violates division (C) of section 173.24 of the Revised Code is subject to a fine not to exceed one thousand dollars for each violation.

(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

(C) ~~A long term care provider, other entity, or person employed by a long term care provider or other entity that~~ Whoever violates division ~~(E)(G)(1) or (2)~~ of section 173.19 of the Revised Code ~~by denying a representative of the office of the state long term care ombudsman program the access required by that division~~ is subject to a fine not to exceed five hundred dollars for each violation.

(D) Whoever violates division (C) of section 173.44 of the Revised Code is subject to a fine of one hundred dollars.

**Sec. 183.51.** (A) As used in this section and in the applicable bond proceedings unless otherwise provided:

(1) "Bond proceedings" means the resolutions, orders, indentures, purchase and sale and trust and other agreements including any amendments or supplements to them, and credit enhancement facilities, and amendments and supplements to them, or any one or more or combination of them, authorizing, awarding, or providing for the terms and conditions applicable to or providing for the security or liquidity of, the particular obligations, and the provisions contained in those obligations.

(2) "Bond service fund" means the bond service fund created	13674
in the bond proceedings for the obligations.	13675
(3) "Capital facilities" means, as applicable, capital	13676
facilities or projects as referred to in section 151.03 or 151.04	13677
of the Revised Code.	13678
(4) "Consent decree" means the consent decree and final	13679
judgment entered November 25, 1998, in the court of common pleas	13680
of Franklin county, Ohio, as the same may be amended or	13681
supplemented from time to time.	13682
(5) "Cost of capital facilities" has the same meaning as in	13683
section 151.01 of the Revised Code, as applicable.	13684
(6) "Credit enhancement facilities," "financing costs," and	13685
"interest" or "interest equivalent" have the same meanings as in	13686
section 133.01 of the Revised Code.	13687
(7) "Debt service" means principal, including any mandatory	13688
sinking fund or redemption requirements for retirement of	13689
obligations, interest and other accreted amounts, interest	13690
equivalent, and any redemption premium, payable on obligations. If	13691
not prohibited by the applicable bond proceedings, "debt service"	13692
may include costs relating to credit enhancement facilities that	13693
are related to and represent, or are intended to provide a source	13694
of payment of or limitation on, other debt service.	13695
(8) "Improvement fund" means, as applicable, the school	13696
building program assistance fund created in section 3318.25 of the	13697
Revised Code and the higher education improvement fund created in	13698
section 154.21 of the Revised Code.	13699
(9) "Issuing authority" means the buckeye tobacco settlement	13700
financing authority created in section 183.52 of the Revised Code.	13701
(10) "Net proceeds" means amounts received from the sale of	13702
obligations, excluding amounts used to refund or retire	13703

outstanding obligations, amounts required to be deposited into 13704  
special funds pursuant to the applicable bond proceedings, and 13705  
amounts to be used to pay financing costs. 13706

(11) "Obligations" means bonds, notes, or other evidences of 13707  
obligation of the issuing authority, including any appertaining 13708  
interest coupons, issued by the issuing authority under this 13709  
section and Section 2i of Article VIII, Ohio Constitution, for the 13710  
purpose of providing funds to the state, in exchange for the 13711  
assignment and sale described in division (B) of this section, for 13712  
the purpose of paying costs of capital facilities for: (a) housing 13713  
branches and agencies of state government limited to facilities 13714  
for a system of common schools throughout the state and (b) 13715  
state-supported or state-assisted institutions of higher 13716  
education. 13717

(12) "Pledged receipts" means, as and to the extent provided 13718  
for in the applicable bond proceedings: 13719

(a) Pledged tobacco settlement receipts; 13720

(b) Accrued interest received from the sale of obligations; 13721

(c) Income from the investment of the special funds; 13722

(d) Additional or any other specific revenues or receipts 13723  
lawfully available to be pledged, and pledged, pursuant to the 13724  
bond proceedings, including but not limited to amounts received 13725  
under credit enhancement facilities, to the payment of debt 13726  
service. 13727

(13) "Pledged tobacco settlement receipts" means all amounts 13728  
received by the issuing authority pursuant to division (B) of this 13729  
section. 13730

(14) "Principal amount" means the aggregate of the amount as 13731  
stated or provided for in the applicable bond proceedings as the 13732  
amount on which interest or interest equivalent on particular 13733

obligations is initially calculated. "Principal amount" does not 13734  
include any premium paid to the issuing authority by the initial 13735  
purchaser of the obligations. "Principal amount" of a capital 13736  
appreciation bond, as defined in division (C) of section 3334.01 13737  
of the Revised Code, means its original face amount and not its 13738  
accrued value, and "principal amount" of a zero coupon bond, as 13739  
defined in division (J) of section 3334.01 of the Revised Code, 13740  
means the discounted offering price at which the bond is initially 13741  
sold to the public, disregarding any purchase price discount to 13742  
the original purchaser, if provided in or for pursuant to the bond 13743  
proceedings. 13744

(15) "Special funds" or "funds," unless the context indicates 13745  
otherwise, means the bond service fund, and any other funds, 13746  
including any reserve funds, created under the bond proceedings 13747  
and stated to be special funds in those proceedings, including 13748  
moneys and investments, and earnings from investments, credited 13749  
and to be credited to the particular fund. "Special funds" does 13750  
not include any improvement fund or investment earnings on amounts 13751  
in any improvement fund, or other funds created by the bond 13752  
proceedings that are not stated by those proceedings to be special 13753  
funds. 13754

(B) The state may assign and sell to the issuing authority, 13755  
and the issuing authority may accept and purchase, all or a 13756  
portion of the amounts to be received by the state under the 13757  
tobacco master settlement agreement for a purchase price payable 13758  
by the issuing authority to the state consisting of the net 13759  
proceeds of obligations and any residual interest, if any. Any 13760  
such assignment and sale shall be irrevocable in accordance with 13761  
its terms during the period any obligations secured by amounts so 13762  
assigned and sold are outstanding under the applicable bond 13763  
proceedings, and shall constitute a contractual obligation to the 13764  
holders or owners of those obligations. Any such assignment and 13765

sale shall also be treated as an absolute transfer and true sale 13766  
for all purposes, and not as a pledge or other security interest. 13767  
The characterization of any such assignment and sale as a true 13768  
sale and absolute transfer shall not be negated or adversely 13769  
affected by only a portion of the amounts to be received under the 13770  
tobacco master settlement agreement being transferred, the 13771  
acquisition or retention by the state of a residual interest, the 13772  
participation of any state officer or employee as a member or 13773  
officer of, or providing staff support to, the issuing authority, 13774  
any responsibility of an officer or employee of the state for 13775  
collecting the amounts to be received under the tobacco master 13776  
settlement agreement or otherwise enforcing that agreement or 13777  
retaining any legal title to or interest in any portion of the 13778  
amounts to be received under that agreement for the purpose of 13779  
these collection activities, any characterization of the issuing 13780  
authority or its obligations for purposes of accounting, taxation, 13781  
or securities regulation, or by any other factors whatsoever. A 13782  
true sale shall exist under this section regardless of whether the 13783  
issuing authority has any recourse against the state or any other 13784  
term of the bond proceedings or the treatment or characterization 13785  
of the transfer as a financing for any purpose. Upon and following 13786  
the assignment and sale, the state shall not have any right, 13787  
title, or interest in the portion of the receipts under the 13788  
tobacco master settlement agreement so assigned and sold, other 13789  
than any residual interest that may be described in the applicable 13790  
bond proceedings for those obligations, and that portion, if any, 13791  
shall be the property of the issuing authority and not of the 13792  
state, and shall be paid directly to the issuing authority, and 13793  
shall be owned, received, held, and disbursed by the issuing 13794  
authority and not by the state. 13795

The state may covenant, pledge, and agree in the bond 13796  
proceedings, with and for the benefit of the issuing authority, 13797  
the holders and owners of obligations, and providers of any credit 13798

enhancement facilities, that it shall: (1) maintain statutory 13799  
authority for, and cause to be collected and paid directly to the 13800  
issuing authority or its assignee, the pledged receipts, (2) 13801  
enforce the rights of the issuing authority to receive the 13802  
receipts under the tobacco master settlement agreement assigned 13803  
and sold to the issuing authority, (3) not materially impair the 13804  
rights of the issuing authority to fulfill the terms of its 13805  
agreements with the holders or owners of outstanding obligations 13806  
under the bond proceedings, (4) not materially impair the rights 13807  
and remedies of the holders or owners of outstanding obligations 13808  
or materially impair the security for those outstanding 13809  
obligations, and (5) enforce Chapter 1346. of the Revised Code, 13810  
the tobacco master settlement agreement, and the consent decree to 13811  
effectuate the collection of the pledged tobacco settlement 13812  
receipts. The bond proceedings may provide or authorize the manner 13813  
for determining material impairment of the security for any 13814  
outstanding obligations, including by assessing and evaluating the 13815  
pledged receipts in the aggregate. 13816

As further provided for in division (H) of this section, the 13817  
bond proceedings may also include such other covenants, pledges, 13818  
and agreements by the state to protect and safeguard the security 13819  
and rights of the holders and owners of the obligations, and of 13820  
the providers of any credit enhancement facilities, including, 13821  
without limiting the generality of the foregoing, any covenant, 13822  
pledge, or agreement customary in transactions involving the 13823  
issuance of securities the debt service on which is payable from 13824  
or secured by amounts received under the tobacco master settlement 13825  
agreement. Notwithstanding any other provision of law, any 13826  
covenant, pledge, and agreement of the state, if and when made in 13827  
the bond proceedings, shall be controlling and binding upon, and 13828  
enforceable against the state in accordance with its terms for so 13829  
long as any obligations are outstanding under the applicable bond 13830  
proceedings. The bond proceedings may also include limitations on 13831

the remedies available to the issuing authority, the holders and 13832  
owners of the obligations, and the providers of any credit 13833  
enhancement facilities, including, without limiting the generality 13834  
of the foregoing, a provision that those remedies may be limited 13835  
to injunctive relief in circumstances where there has been no 13836  
prior determination by a court of competent jurisdiction that the 13837  
state has not enforced Chapter 1346. of the Revised Code, the 13838  
tobacco master settlement agreement, or the consent decree as may 13839  
have been covenanted or agreed in the bond proceedings under 13840  
division (B)(5) of this section. 13841

Nothing in this section or the bond proceedings shall 13842  
preclude or limit, or be construed to preclude or limit, the state 13843  
from regulating or authorizing or permitting the regulation of 13844  
smoking or from taxing and regulating the sale of cigarettes or 13845  
other tobacco products, or from defending or prosecuting cases or 13846  
other actions relating to the sale or use of cigarettes or other 13847  
tobacco products. Except as otherwise may be agreed in writing by 13848  
the attorney general, nothing in this section or the bond 13849  
proceedings shall modify or limit, or be construed to modify or 13850  
limit, the responsibility, power, judgment, and discretion of the 13851  
attorney general to protect and discharge the duties, rights, and 13852  
obligations of the state under the tobacco master settlement 13853  
agreement, the consent decree, or Chapter 1346. of the Revised 13854  
Code. 13855

The governor and the director of budget and management, in 13856  
consultation with the attorney general, on behalf of the state, 13857  
and any member or officer of the issuing authority as authorized 13858  
by that issuing authority, on behalf of the issuing authority, may 13859  
take any action and execute any documents, including any purchase 13860  
and sale agreements, necessary to effect the assignment and sale 13861  
and the acceptance of the assignment and title to the receipts 13862  
including, providing irrevocable direction to the escrow agent 13863

acting under the tobacco master settlement agreement to transfer 13864  
directly to the issuing authority the amounts to be received under 13865  
that agreement that are subject to such assignment and sale. Any 13866  
purchase and sale agreement or other bond proceedings may contain 13867  
the terms and conditions established by the state and the issuing 13868  
authority to carry out and effectuate the purposes of this 13869  
section, including, without limitation, covenants binding the 13870  
state in favor of the issuing authority and its assignees and the 13871  
owners of the obligations. Any such purchase and sale agreement 13872  
shall be sufficient to effectuate such purchase and sale without 13873  
regard to any other laws governing other property sales or 13874  
financial transactions by the state. 13875

Not later than two years following the date on which there 13876  
are no longer any obligations outstanding under the bond 13877  
proceedings, all assets of the issuing authority shall vest in the 13878  
state, the issuing authority shall execute any necessary 13879  
assignments or instruments, including any assignment of any right, 13880  
title, or ownership to the state for receipt of amounts under the 13881  
tobacco master settlement agreement, and the issuing authority 13882  
shall be dissolved. 13883

(C) The issuing authority is authorized to issue and to sell 13884  
obligations as provided in this section. The aggregate principal 13885  
amount of obligations issued under this section shall not exceed 13886  
six billion dollars, exclusive of obligations issued under 13887  
division (M)(1) of this section to refund, renew, or advance 13888  
refund other obligations issued or incurred. At least seventy-five 13889  
per cent of the aggregate net proceeds of the obligations issued 13890  
under the authority of this section, exclusive of obligations 13891  
issued to refund, renew, or advance refund other obligations, 13892  
shall be paid to the state for deposit into the school building 13893  
program assistance fund created in section 3318.25 of the Revised 13894  
Code. 13895

(D) Each issue of obligations shall be authorized by 13896  
resolution or order of the issuing authority. The bond proceedings 13897  
shall provide for or authorize the manner for determining the 13898  
principal amount or maximum principal amount of obligations of an 13899  
issue, the principal maturity or maturities, the interest rate or 13900  
rates, the date of and the dates of payment of interest on the 13901  
obligations, their denominations, and the place or places of 13902  
payment of debt service which may be within or outside the state. 13903  
Unless otherwise provided by law, the latest principal maturity 13904  
may not be later than the earlier of the thirty-first day of 13905  
December of the fiftieth calendar year after the year of issuance 13906  
of the particular obligations or of the fiftieth calendar year 13907  
after the year in which the original obligation to pay was issued 13908  
or entered into. Sections 9.96, 9.98, 9.981, 9.982, and 9.983 of 13909  
the Revised Code apply to the obligations. 13910

The purpose of the obligations may be stated in the bond 13911  
proceedings in general terms, such as, as applicable, "paying 13912  
costs of capital facilities for a system of common schools" and 13913  
"paying costs of facilities for state-supported and state-assisted 13914  
institutions of higher education." Unless otherwise provided in 13915  
the bond proceedings or in division (C) of this section, the net 13916  
proceeds from the issuance of the obligations shall be paid to the 13917  
state for deposit into the applicable improvement fund. In 13918  
addition to the investments authorized in Chapter 135. of the 13919  
Revised Code, the net proceeds held in an improvement fund may be 13920  
invested by the treasurer of state in guaranteed investment 13921  
contracts with providers rated at the time of any investment in 13922  
the three highest rating categories by two nationally recognized 13923  
rating agencies, all subject to the terms and conditions set forth 13924  
in those agreements or the bond proceedings. Notwithstanding 13925  
anything to the contrary in Chapter 3318. of the Revised Code, net 13926  
proceeds of obligations deposited into the school building program 13927  
assistance fund created in section 3318.25 of the Revised Code may 13928

be used to pay basic project costs under that chapter at the times 13929  
determined by the Ohio ~~school~~ facilities construction commission 13930  
without regard to whether those expenditures are in proportion to 13931  
the state's and the school district's respective shares of that 13932  
basic project cost; provided that this shall not result in any 13933  
change in the state or school district shares of the basic project 13934  
costs as determined under that chapter. As used in the preceding 13935  
sentence, "Ohio ~~school~~ facilities construction commission" and 13936  
"basic project costs" have the same meanings as in section 3318.01 13937  
of the Revised Code. 13938

(E) The issuing authority may, without need for any other 13939  
approval, appoint or provide for the appointment of paying agents, 13940  
bond registrars, securities depositories, credit enhancement 13941  
providers or counterparties, clearing corporations, and transfer 13942  
agents, and retain or contract for the services of underwriters, 13943  
investment bankers, financial advisers, accounting experts, 13944  
marketing, remarketing, indexing, and administrative agents, other 13945  
consultants, and independent contractors, including printing 13946  
services, as are necessary in the judgment of the issuing 13947  
authority to carry out the issuing authority's functions under 13948  
this section and section 183.52 of the Revised Code. The attorney 13949  
general as counsel to the issuing authority shall represent the 13950  
authority in the execution of its powers and duties, and shall 13951  
institute and prosecute all actions on its behalf. The issuing 13952  
authority, in consultation with the attorney general, shall select 13953  
counsel, and the attorney general shall appoint the counsel 13954  
selected, for the purposes of carrying out the functions under 13955  
this section and related sections of the Revised Code. Financing 13956  
costs are payable, as may be provided in the bond proceedings, 13957  
from the proceeds of the obligations, from special funds, or from 13958  
other moneys available for the purpose, including as to future 13959  
financing costs, from the pledged receipts. 13960

(F) The issuing authority may irrevocably pledge and assign 13961  
all, or such portion as the issuing authority determines, of the 13962  
pledged receipts to the payment of the debt service charges on 13963  
obligations issued under this section, and for the establishment 13964  
and maintenance of any reserves, as provided in the bond 13965  
proceedings, and make other provisions in the bond proceedings 13966  
with respect to pledged receipts as authorized by this section, 13967  
which provisions are controlling notwithstanding any other 13968  
provisions of law pertaining to them. Any and all pledged receipts 13969  
received by the issuing authority and required by the bond 13970  
proceedings, consistent with this section, to be deposited, 13971  
transferred, or credited to the bond service fund, and all other 13972  
money transferred or allocated to or received for the purposes of 13973  
that fund, shall be deposited and credited to the bond service 13974  
fund created in the bond proceedings for the obligations, subject 13975  
to any applicable provisions of those bond proceedings, but 13976  
without necessity for any act of appropriation. Those pledged 13977  
receipts shall immediately be subject to the lien of that pledge 13978  
without any physical delivery thereof or further act, and shall 13979  
not be subject to other court judgments. The lien of the pledge of 13980  
those pledged receipts shall be valid and binding against all 13981  
parties having claims of any kind against the issuing authority, 13982  
irrespective of whether those parties have notice thereof. The 13983  
pledge shall create a perfected security interest for all purposes 13984  
of Chapter 1309. of the Revised Code and a perfected lien for 13985  
purposes of any other interest, all without the necessity for 13986  
separation or delivery of funds or for the filing or recording of 13987  
the applicable bond proceedings by which that pledge is created or 13988  
any certificate, statement, or other document with respect 13989  
thereto. The pledge of the pledged receipts shall be effective and 13990  
the money therefrom and thereof may be applied to the purposes for 13991  
which pledged. 13992

(G) Obligations may be further secured, as determined by the 13993

issuing authority, by an indenture or a trust agreement between 13994  
the issuing authority and a corporate trustee, which may be any 13995  
trust company or bank having a place of business within the state. 13996  
Any indenture or trust agreement may contain the resolution or 13997  
order authorizing the issuance of the obligations, any provisions 13998  
that may be contained in any bond proceedings, and other 13999  
provisions that are customary or appropriate in an agreement of 14000  
that type, including, but not limited to: 14001

(1) Maintenance of each pledge, indenture, trust agreement, 14002  
or other instrument comprising part of the bond proceedings until 14003  
the issuing authority has fully paid or provided for the payment 14004  
of debt service on the obligations secured by it; 14005

(2) In the event of default in any payments required to be 14006  
made by the bond proceedings, enforcement of those payments or 14007  
agreements by mandamus, the appointment of a receiver, suit in 14008  
equity, action at law, or any combination of them; 14009

(3) The rights and remedies of the holders or owners of 14010  
obligations and of the trustee and provisions for protecting and 14011  
enforcing them, including limitations on rights of individual 14012  
holders and owners. 14013

(H) The bond proceedings may contain additional provisions 14014  
customary or appropriate to the financing or to the obligations or 14015  
to particular obligations including, but not limited to, 14016  
provisions for: 14017

(1) The redemption of obligations prior to maturity at the 14018  
option of the issuing authority or of the holder or upon the 14019  
occurrence of certain conditions, and at a particular price or 14020  
prices and under particular terms and conditions; 14021

(2) The form of and other terms of the obligations; 14022

(3) The establishment, deposit, investment, and application 14023  
of special funds, and the safeguarding of moneys on hand or on 14024

deposit, in lieu of the applicability of provisions of Chapter 14025  
131. or 135. of the Revised Code, but subject to any special 14026  
provisions of this section with respect to the application of 14027  
particular funds or moneys. Any financial institution that acts as 14028  
a depository of any moneys in special funds or other funds under 14029  
the bond proceedings may furnish indemnifying bonds or pledge 14030  
securities as required by the issuing authority. 14031

(4) Any or every provision of the bond proceedings being 14032  
binding upon the issuing authority and upon such governmental 14033  
agency or entity, officer, board, authority, agency, department, 14034  
institution, district, or other person or body as may from time to 14035  
time be authorized to take actions as may be necessary to perform 14036  
all or any part of the duty required by the provision; 14037

(5) The maintenance of each pledge or instrument comprising 14038  
part of the bond proceedings until the issuing authority has fully 14039  
paid or provided for the payment of the debt service on the 14040  
obligations or met other stated conditions; 14041

(6) In the event of default in any payments required to be 14042  
made by the bond proceedings, or by any other agreement of the 14043  
issuing authority made as part of a contract under which the 14044  
obligations were issued or secured, including a credit enhancement 14045  
facility, the enforcement of those payments by mandamus, a suit in 14046  
equity, an action at law, or any combination of those remedial 14047  
actions; 14048

(7) The rights and remedies of the holders or owners of 14049  
obligations or of book-entry interests in them, and of third 14050  
parties under any credit enhancement facility, and provisions for 14051  
protecting and enforcing those rights and remedies, including 14052  
limitations on rights of individual holders or owners; 14053

(8) The replacement of mutilated, destroyed, lost, or stolen 14054  
obligations; 14055

(9) The funding, refunding, or advance refunding, or other 14056  
provision for payment, of obligations that will then no longer be 14057  
outstanding for purposes of this section or of the applicable bond 14058  
proceedings; 14059

(10) Amendment of the bond proceedings; 14060

(11) Any other or additional agreements with the owners of 14061  
obligations, and such other provisions as the issuing authority 14062  
determines, including limitations, conditions, or qualifications, 14063  
relating to any of the foregoing or the activities of the issuing 14064  
authority in connection therewith. 14065

The bond proceedings shall make provision for the payment of 14066  
the expenses of the enforcement activity of the attorney general 14067  
referred to in division (B) of this section from the amounts from 14068  
the tobacco master settlement agreement assigned and sold to the 14069  
issuing authority under that division or from the proceeds of 14070  
obligations, or a combination thereof, which may include provision 14071  
for both annual payments and a special fund providing reserve 14072  
amounts for the payment of those expenses. 14073

The issuing authority shall not, and shall covenant in the 14074  
bond proceedings that it shall not, be authorized to and shall not 14075  
file a voluntary petition under the United States Bankruptcy Code, 14076  
11 U.S.C. 101 et seq., as amended, or voluntarily commence any 14077  
similar bankruptcy proceeding under state law including, without 14078  
limitation, consenting to the appointment of a receiver or trustee 14079  
or making a general or specific assignment for the benefit of 14080  
creditors, and neither any public officer or any organization, 14081  
entity, or other person shall authorize the issuing authority to 14082  
be or become a debtor under the United States Bankruptcy Code or 14083  
take any of those actions under the United States Bankruptcy Code 14084  
or state law. The state hereby covenants, and the issuing 14085  
authority shall covenant, with the holders or owners of the 14086  
obligations, that the state shall not permit the issuing authority 14087

to file a voluntary petition under the United States Bankruptcy Code or take any of those actions under the United States Bankruptcy Code or state law during the period obligations are outstanding and for any additional period for which the issuing authority covenants in the bond proceedings, which additional period may, but need not, be a period of three hundred sixty-seven days or more.

(I) The obligations requiring execution by or for the issuing authority shall be signed as provided in the bond proceedings, and may bear the official seal of the issuing authority or a facsimile thereof. Any obligation may be signed by the individual who, on the date of execution, is the authorized signer even though, on the date of the obligations, that individual is not an authorized signer. In case the individual whose signature or facsimile signature appears on any obligation ceases to be an authorized signer before delivery of the obligation, that signature or facsimile is nevertheless valid and sufficient for all purposes as if that individual had remained the authorized signer until delivery.

(J) Obligations are investment securities under Chapter 1308. of the Revised Code. Obligations may be issued in bearer or in registered form, registrable as to principal alone or as to both principal and interest, or both, or in certificated or uncertificated form, as the issuing authority determines. Provision may be made for the exchange, conversion, or transfer of obligations and for reasonable charges for registration, exchange, conversion, and transfer. Pending preparation of final obligations, the issuing authority may provide for the issuance of interim instruments to be exchanged for the final obligations.

(K) Obligations may be sold at public sale or at private sale, in such manner, and at such price at, above, or below par, all as determined by and provided by the issuing authority in the

bond proceedings. 14120

(L) Except to the extent that rights are restricted by the 14121  
bond proceedings, any owner of obligations or provider of or 14122  
counterparty to a credit enhancement facility may by any suitable 14123  
form of legal proceedings protect and enforce any rights relating 14124  
to obligations or that facility under the laws of this state or 14125  
granted by the bond proceedings. Those rights include the right to 14126  
compel the performance of all applicable duties of the issuing 14127  
authority and the state. Each duty of the issuing authority and 14128  
that issuing authority's officers, staff, and employees, and of 14129  
each state entity or agency, or using district or using 14130  
institution, and its officers, members, staff, or employees, 14131  
undertaken pursuant to the bond proceedings, is hereby established 14132  
as a duty of the entity or individual having authority to perform 14133  
that duty, specifically enjoined by law and resulting from an 14134  
office, trust, or station within the meaning of section 2731.01 of 14135  
the Revised Code. The individuals who are from time to time 14136  
members of the issuing authority, or their designees acting 14137  
pursuant to section 183.52 of the Revised Code, or the issuing 14138  
authority's officers, staff, agents, or employees, when acting 14139  
within the scope of their employment or agency, shall not be 14140  
liable in their personal capacities on any obligations or 14141  
otherwise under the bond proceedings, or for otherwise exercising 14142  
or carrying out any purposes or powers of the issuing authority. 14143

(M)(1) Subject to any applicable limitations in division (C) 14144  
of this section, the issuing authority may also authorize and 14145  
provide for the issuance of: 14146

(a) Obligations in the form of bond anticipation notes, and 14147  
may authorize and provide for the renewal of those notes from time 14148  
to time by the issuance of new notes. The holders of notes or 14149  
appertaining interest coupons have the right to have debt service 14150  
on those notes paid solely from the moneys and special funds, and 14151

all or any portion of the pledged receipts, that are or may be 14152  
pledged to that payment, including the proceeds of bonds or 14153  
renewal notes or both, as the issuing authority provides in the 14154  
bond proceedings authorizing the notes. Notes may be additionally 14155  
secured by covenants of the issuing authority to the effect that 14156  
the issuing authority will do all things necessary for the 14157  
issuance of bonds or renewal notes in such principal amount and 14158  
upon such terms as may be necessary to provide moneys to pay when 14159  
due the debt service on the notes, and apply their proceeds to the 14160  
extent necessary, to make full and timely payment of debt service 14161  
on the notes as provided in the applicable bond proceedings. In 14162  
the bond proceedings authorizing the issuance of bond anticipation 14163  
notes the issuing authority shall set forth for the bonds 14164  
anticipated an estimated schedule of annual principal payments the 14165  
latest of which shall be no later than provided in division (D) of 14166  
this section. While the notes are outstanding there shall be 14167  
deposited, as shall be provided in the bond proceedings for those 14168  
notes, from the sources authorized for payment of debt service on 14169  
the bonds, amounts sufficient to pay the principal of the bonds 14170  
anticipated as set forth in that estimated schedule during the 14171  
time the notes are outstanding, which amounts shall be used solely 14172  
to pay the principal of those notes or of the bonds anticipated. 14173

(b) Obligations for the refunding, including funding and 14174  
retirement, and advance refunding, with or without payment or 14175  
redemption prior to maturity, of any obligations previously issued 14176  
under this section and any bonds or notes previously issued for 14177  
the purpose of paying costs of capital facilities for: (i) 14178  
state-supported or state-assisted institutions of higher education 14179  
as authorized by sections 151.01 and 151.04 of the Revised Code, 14180  
pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution, 14181  
and (ii) housing branches and agencies of state government limited 14182  
to facilities for a system of common schools throughout the state 14183  
as authorized by sections 151.01 and 151.03 of the Revised Code, 14184

pursuant to Sections 2i and 2n of Article VIII, Ohio Constitution. 14185

Refunding obligations may be issued in amounts sufficient to pay 14186

or to provide for repayment of the principal amount, including 14187

principal amounts maturing prior to the redemption of the 14188

remaining prior obligations or bonds or notes, any redemption 14189

premium, and interest accrued or to accrue to the maturity or 14190

redemption date or dates, payable on the prior obligations or 14191

bonds or notes, and related financing costs and any expenses 14192

incurred or to be incurred in connection with that issuance and 14193

refunding. Subject to the applicable bond proceedings, the portion 14194

of the proceeds of the sale of refunding obligations issued under 14195

division (M)(1)(b) of this section to be applied to debt service 14196

on the prior obligations or bonds or notes shall be credited to an 14197

appropriate separate account in the bond service fund and held in 14198

trust for the purpose by the issuing authority or by a corporate 14199

trustee, and may be invested as provided in the bond proceedings. 14200

Obligations authorized under this division shall be considered to 14201

be issued for those purposes for which the prior obligations or 14202

bonds or notes were issued. 14203

(2) The principal amount of refunding, advance refunding, or 14204

renewal obligations issued pursuant to division (M) of this 14205

section shall be in addition to the amount authorized in division 14206

(C) of this section. 14207

(N) Obligations are lawful investments for banks, savings and 14208

loan associations, credit union share guaranty corporations, trust 14209

companies, trustees, fiduciaries, insurance companies, including 14210

domestic for life and domestic not for life, trustees or other 14211

officers having charge of sinking and bond retirement or other 14212

special funds of the state and political subdivisions and taxing 14213

districts of this state, notwithstanding any other provisions of 14214

the Revised Code or rules adopted pursuant to those provisions by 14215

any state agency with respect to investments by them, and are also 14216

acceptable as security for the repayment of the deposit of public 14217  
moneys. The exemptions from taxation in Ohio as provided for in 14218  
particular sections of the Ohio Constitution and section 5709.76 14219  
of the Revised Code apply to the obligations. 14220

(O)(1) Unless otherwise provided or provided for in any 14221  
applicable bond proceedings, moneys to the credit of or in a 14222  
special fund shall be disbursed on the order of the issuing 14223  
authority. No such order is required for the payment, from the 14224  
bond service fund or other special fund, when due of debt service 14225  
or required payments under credit enhancement facilities. 14226

(2) Payments received by the issuing authority under interest 14227  
rate hedges entered into as credit enhancement facilities under 14228  
this section shall be deposited as provided in the applicable bond 14229  
proceedings. 14230

(P) The obligations shall not be general obligations of the 14231  
state and the full faith and credit, revenue, and taxing power of 14232  
the state shall not be pledged to the payment of debt service on 14233  
them or to any guarantee of the payment of that debt service. The 14234  
holders or owners of the obligations shall have no right to have 14235  
any moneys obligated or pledged for the payment of debt service 14236  
except as provided in this section and in the applicable bond 14237  
proceedings. The rights of the holders and owners to payment of 14238  
debt service are limited to all or that portion of the pledged 14239  
receipts, and those special funds, pledged to the payment of debt 14240  
service pursuant to the bond proceedings in accordance with this 14241  
section, and each obligation shall bear on its face a statement to 14242  
that effect. 14243

(Q) Each bond service fund is a trust fund and is hereby 14244  
pledged to the payment of debt service on the applicable 14245  
obligations. Payment of that debt service shall be made or 14246  
provided for by the issuing authority in accordance with the bond 14247  
proceedings without necessity for any act of appropriation. The 14248

bond proceedings may provide for the establishment of separate 14249  
accounts in the bond service fund and for the application of those 14250  
accounts only to debt service on specific obligations, and for 14251  
other accounts in the bond service fund within the general 14252  
purposes of that fund. 14253

(R) Subject to the bond proceedings pertaining to any 14254  
obligations then outstanding in accordance with their terms, the 14255  
issuing authority may in the bond proceedings pledge all, or such 14256  
portion as the issuing authority determines, of the moneys in the 14257  
bond service fund to the payment of debt service on particular 14258  
obligations, and for the establishment and maintenance of any 14259  
reserves for payment of particular debt service. 14260

(S)(1) Unless otherwise provided in any applicable bond 14261  
proceedings, moneys to the credit of special funds may be invested 14262  
by or on behalf of the issuing authority only in one or more of 14263  
the following: 14264

(a) Notes, bonds, or other direct obligations of the United 14265  
States or of any agency or instrumentality of the United States, 14266  
or in no-front-end-load money market mutual funds consisting 14267  
exclusively of those obligations, or in repurchase agreements, 14268  
including those issued by any fiduciary, secured by those 14269  
obligations, or in collective investment funds consisting 14270  
exclusively of those obligations; 14271

(b) Obligations of this state or any political subdivision of 14272  
this state; 14273

(c) Certificates of deposit of any national bank located in 14274  
this state and any bank, as defined in section 1101.01 of the 14275  
Revised Code, subject to inspection by the superintendent of 14276  
financial institutions; 14277

(d) The treasurer of state's pooled investment program under 14278  
section 135.45 of the Revised Code; 14279

(e) Other investment agreements or repurchase agreements that 14280  
are consistent with the ratings on the obligations. 14281

(2) The income from investments referred to in division 14282  
(S)(1) of this section shall be credited to special funds or 14283  
otherwise as the issuing authority determines in the bond 14284  
proceedings. Those investments may be sold or exchanged at times 14285  
as the issuing authority determines, provides for, or authorizes. 14286

(T) The treasurer of state shall have responsibility for 14287  
keeping records, making reports, and making payments, relating to 14288  
any arbitrage rebate requirements under the applicable bond 14289  
proceedings. 14290

(U) The issuing authority shall make quarterly reports to the 14291  
general assembly of the amounts in, and activities of, each 14292  
improvement fund, including amounts and activities on the subfund 14293  
level. Each report shall include a detailed description and 14294  
analysis of the amount of proceeds remaining in each fund from the 14295  
sale of obligations pursuant to this section, and any other 14296  
deposits, credits, interest earnings, disbursements, expenses, 14297  
transfers, or activities of each fund. 14298

(V) The costs of the annual audit of the authority conducted 14299  
pursuant to section 117.112 of the Revised Code are payable, as 14300  
may be provided in the bond proceedings, from the proceeds of the 14301  
obligations, from special funds, or from other moneys available 14302  
for the purpose, including as to future financing costs, from the 14303  
pledged receipts. 14304

Sec. 190.01. "The Health Care Compact" is hereby ratified, 14305  
enacted into law, and entered into by the state of Ohio as a party 14306  
to the compact with any other state that has legally joined in the 14307  
compact as follows: 14308

Whereas, the separation of powers, both between the branches 14309

of the Federal government and between Federal and State authority, 14310  
is essential to the preservation of individual liberty; 14311

Whereas, the Constitution creates a Federal government of 14312  
limited and enumerated powers, and reserves to the States or to 14313  
the people those powers not granted to the Federal government; 14314

Whereas, the Federal government has enacted many laws that 14315  
have preempted State laws with respect to Health Care, and placed 14316  
increasing strain on State budgets, impairing other 14317  
responsibilities such as education, infrastructure, and public 14318  
safety; 14319

Whereas, the Member States seek to protect individual liberty 14320  
and personal control over Health Care decisions, and believe the 14321  
best method to achieve these ends is by vesting regulatory 14322  
authority over Health Care in the States; 14323

Whereas, by acting in concert, the Member States may express 14324  
and inspire confidence in the ability of each Member State to 14325  
govern Health Care effectively; and 14326

Whereas, the Member States recognize that consent of Congress 14327  
may be more easily secured if the Member States collectively seek 14328  
consent through an interstate compact; 14329

NOW THEREFORE, the Member States hereto resolve, and by the 14330  
adoption into law under their respective State Constitutions of 14331  
this Health Care Compact, agree, as follows: 14332

**Sec. 1. Definitions.** As used in this Compact, unless the 14333  
context clearly indicates otherwise: 14334

"Commission" means the Interstate Advisory Health Care 14335  
Commission. 14336

"Effective Date" means the date upon which this Compact shall 14337  
become effective for purposes of the operation of State and 14338  
Federal law in a Member State, which shall be the later of: 14339

(a) the date upon which this Compact shall be adopted under 14340  
the laws of the Member State, and 14341

(b) the date upon which this Compact receives the consent of 14342  
Congress pursuant to Article I, Section 10, of the United States 14343  
Constitution, after at least two Member States adopt this Compact. 14344

"Health Care" means care, services, supplies, or plans 14345  
related to the health of an individual and includes but is not 14346  
limited to: 14347

(a) preventive, diagnostic, therapeutic, rehabilitative, 14348  
maintenance, or palliative care and counseling, service, 14349  
assessment, or procedure with respect to the physical or mental 14350  
condition or functional status of an individual or that affects 14351  
the structure or function of the body, and 14352

(b) sale or dispensing of a drug, device, equipment, or other 14353  
item in accordance with a prescription, and 14354

(c) an individual or group plan that provides, or pays the 14355  
cost of, care, services, or supplies related to the health of an 14356  
individual, except any care, services, supplies, or plans provided 14357  
by the United States Department of Defense and United States 14358  
Department of Veteran Affairs, or provided to Native Americans. 14359

"Member State" means a State that is signatory to this 14360  
Compact and has adopted it under the laws of that State. 14361

"Member State Base Funding Level" means a number equal to the 14362  
total Federal spending on Health Care in the Member State during 14363  
Federal fiscal year 2010. On or before the Effective Date, each 14364  
Member State shall determine the Member State Base Funding Level 14365  
for its State, and that number shall be binding upon that Member 14366  
State. The preliminary estimate of Member State Base Funding Level 14367  
for the State of Ohio is \$35,043,000,000. 14368

"Member State Current Year Funding Level" means the Member 14369

State Base Funding Level multiplied by the Member State Current 14370  
Year Population Adjustment Factor multiplied by the Current Year 14371  
Inflation Adjustment Factor. 14372

"Member State Current Year Population Adjustment Factor" 14373  
means the average population of the Member State in the current 14374  
year less the average population of the Member State in Federal 14375  
fiscal year 2010, divided by the average population of the Member 14376  
State in Federal fiscal year 2010, plus 1. Average population in a 14377  
Member State shall be determined by the United States Census 14378  
Bureau. 14379

"Current Year Inflation Adjustment Factor" means the Total 14380  
Gross Domestic Product Deflator in the current year divided by the 14381  
Total Gross Domestic Product Deflator in Federal fiscal year 2010. 14382  
Total Gross Domestic Product Deflator shall be determined by the 14383  
Bureau of Economic Analysis of the United States Department of 14384  
Commerce. 14385

**Sec. 2. Pledge.** The Member States shall take joint and 14386  
separate action to secure the consent of the United States 14387  
Congress to this Compact in order to return the authority to 14388  
regulate Health Care to the Member States consistent with the 14389  
goals and principles articulated in this Compact. The Member 14390  
States shall improve Health Care policy within their respective 14391  
jurisdictions and according to the judgment and discretion of each 14392  
Member State. 14393

**Sec. 3. Legislative Power.** The legislatures of the Member 14394  
States have the primary responsibility to regulate Health Care in 14395  
their respective States. 14396

**Sec. 4. State Control.** Each Member State, within its State, 14397  
may suspend by legislation the operation of all federal laws, 14398  
rules, regulations, and orders regarding Health Care that are 14399  
inconsistent with the laws and regulations adopted by the Member 14400

State pursuant to this Compact. Federal and State laws, rules, regulations, and orders regarding Health Care will remain in effect unless a Member State expressly suspends them pursuant to its authority under this Compact. For any federal law, rule, regulation, or order that remains in effect in a Member State after the Effective Date, that Member State shall be responsible for the associated funding obligations in its State.

**Sec. 5. Funding.**

(a) Each Federal fiscal year, each Member State shall have the right to Federal monies up to an amount equal to its Member State Current Year Funding Level for that Federal fiscal year, funded by Congress as mandatory spending and not subject to annual appropriation, to support the exercise of Member State authority under this Compact. This funding shall not be conditional on any action of or regulation, policy, law, or rule being adopted by the Member State.

(b) By the start of each Federal fiscal year, Congress shall establish an initial Member State Current Year Funding Level for each Member State, based upon reasonable estimates. The final Member State Current Year Funding Level shall be calculated, and funding shall be reconciled by the United States Congress based upon information provided by each Member State and audited by the United States Government Accountability Office.

**Sec. 6. Interstate Advisory Health Care Commission.**

(a) The Interstate Advisory Health Care Commission is established. The Commission consists of members appointed by each Member State through a process to be determined by each Member State. A Member State may not appoint more than two members to the Commission and may withdraw membership from the Commission at any time. Each Commission member is entitled to one vote. The Commission shall not act unless a majority of the members are

present, and no action shall be binding unless approved by a 14432  
majority of the Commission's total membership. 14433

(b) The Commission may elect from among its membership a 14434  
Chairperson. The Commission may adopt and publish bylaws and 14435  
policies that are not inconsistent with this Compact. The 14436  
Commission shall meet at least once a year, and may meet more 14437  
frequently. 14438

(c) The Commission may study issues of Health Care regulation 14439  
that are of particular concern to the Member States. The 14440  
Commission may make non-binding recommendations to the Member 14441  
States. The legislatures of the Member States may consider these 14442  
recommendations in determining the appropriate Health Care 14443  
policies in their respective States. 14444

(d) The Commission shall collect information and data to 14445  
assist the Member States in their regulation of Health Care, 14446  
including assessing the performance of various State Health Care 14447  
programs and compiling information on the prices of Health Care. 14448  
The Commission shall make this information and data available to 14449  
the legislatures of the Member States. Notwithstanding any other 14450  
provision in this Compact, no Member State shall disclose to the 14451  
Commission the health information of any individual, nor shall the 14452  
Commission disclose the health information of any individual. 14453

(e) The Commission shall be funded by the Member States as 14454  
agreed to by the Member States. The Commission shall have the 14455  
responsibilities and duties as may be conferred upon it by 14456  
subsequent action of the respective legislatures of the Member 14457  
States in accordance with the terms of this Compact. 14458

(f) The Commission shall not take any action within a Member 14459  
State that contravenes any State law of that Member State. 14460

**Sec. 7. Congressional Consent.** This Compact shall be 14461  
effective on its adoption by at least two Member States and 14462

consent of the United States Congress. This Compact shall be 14463  
effective unless the United States Congress, in consenting to this 14464  
Compact, alters the fundamental purposes of this Compact, which 14465  
are: 14466

(a) To secure the right of the Member States to regulate 14467  
Health Care in their respective States pursuant to this Compact 14468  
and to suspend the operation of any conflicting federal laws, 14469  
rules, regulations, and orders within their States; and 14470

(b) To secure Federal funding for Member States that choose 14471  
to invoke their authority under this Compact, as prescribed by 14472  
Section 5 above. 14473

**Sec. 8. Amendments.** The Member States, by unanimous 14474  
agreement, may amend this Compact from time to time without the 14475  
prior consent or approval of Congress and any amendment shall be 14476  
effective unless, within one year, the Congress disapproves that 14477  
amendment. Any State may join this Compact after the date on which 14478  
Congress consents to the Compact by adoption into law under its 14479  
State Constitution. 14480

**Sec. 9. Withdrawal; Dissolution.** Any Member State may 14481  
withdraw from this Compact by adopting a law to that effect, but 14482  
no such withdrawal shall take effect until six months after the 14483  
Governor of the withdrawing Member State has given notice of the 14484  
withdrawal to the other Member States. A withdrawing State shall 14485  
be liable for any obligations that it may have incurred prior to 14486  
the date on which its withdrawal becomes effective. This Compact 14487  
shall be dissolved upon the withdrawal of all but one of the 14488  
Member States. 14489

**Sec. 190.02.** Not later than thirty days after "The Health 14490  
Care Compact" entered into under section 190.01 of the Revised 14491  
Code is ratified by the United States congress, the governor shall 14492  
appoint a member to the interstate advisory health care commission 14493

created under the compact. The governor shall fill a vacancy not 14494  
later than thirty days after the vacancy occurs. 14495

**Sec. 191.04.** (A) In accordance with federal laws governing 14496  
the confidentiality of individually identifiable health 14497  
information, including the "Health Insurance Portability and 14498  
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 14499  
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 14500  
by the United States department of health and human services to 14501  
implement the act, a state agency may exchange protected health 14502  
information with another state agency relating to eligibility for 14503  
or enrollment in a health plan or relating to participation in a 14504  
government program providing public benefits if the exchange of 14505  
information is necessary for either or both of the following: 14506

(1) Operating a health plan; 14507

(2) Coordinating, or improving the administration or 14508  
management of, the health care-related functions of at least one 14509  
government program providing public benefits. 14510

(B) For fiscal years 2013 through ~~2017~~ 2019 only, a state 14511  
agency also may exchange personally identifiable information with 14512  
another state agency for purposes related to and in support of a 14513  
health transformation initiative identified by the executive 14514  
director of the office of health transformation pursuant to 14515  
division (C) of section 191.06 of the Revised Code. 14516

(C) With respect to a state agency that uses or discloses 14517  
personally identifiable information, all of the following 14518  
conditions apply: 14519

(1) The state agency shall use or disclose the information 14520  
only as permitted or required by state and federal law. In 14521  
addition, if the information is obtained during fiscal year 2013, 14522  
2014, or 2015 from an exchange of personally identifiable 14523

information permitted under division (B) of this section, the 14524  
agency shall also use or disclose the information in accordance 14525  
with all operating protocols that apply to the use or disclosure. 14526

(2) If the state agency is a state agency other than the 14527  
department of medicaid and it uses or discloses protected health 14528  
information that is related to a medicaid recipient and obtained 14529  
from the department of medicaid or another agency operating a 14530  
component of the medicaid program, the state agency shall comply 14531  
with all state and federal laws that apply to the department of 14532  
medicaid when that department, as the state's single state agency 14533  
to supervise the medicaid program, uses or discloses protected 14534  
health information. 14535

(3) A state agency shall implement administrative, physical, 14536  
and technical safeguards for the purpose of protecting the 14537  
confidentiality, integrity, and availability of personally 14538  
identifiable information the creation, receipt, maintenance, or 14539  
transmittal of which is affected or governed by this section. 14540

(4) If a state agency discovers an unauthorized use or 14541  
disclosure of unsecured protected health information or unsecured 14542  
individually identifiable health information, the state agency 14543  
shall, not later than seventy-two hours after the discovery, do 14544  
all of the following: 14545

(a) Identify the individuals who are the subject of the 14546  
protected health information or individually identifiable health 14547  
information; 14548

(b) Report the discovery and the names of all individuals 14549  
identified pursuant to division (C)(4)(a) of this section to all 14550  
other state agencies and the executive director of the office of 14551  
health transformation or the executive director's designee; 14552

(c) Mitigate, to the extent reasonably possible, any 14553  
potential adverse effects of the unauthorized use or disclosure. 14554

(5) A state agency shall make available to the executive director of the office of health transformation or the executive director's designee, and to any other state or federal governmental entity required by law to have access on that entity's request, all internal practices, records, and documentation relating to personally identifiable information it receives, uses, or discloses that is affected or governed by this section.

(6) On termination or expiration of an operating protocol and if feasible, a state agency shall return or destroy all personally identifiable information received directly from or received on behalf of another state agency. If the personally identifiable information is not returned or destroyed, the state agency maintaining the information shall extend the protections set forth in this section for as long as it is maintained.

(7) If a state agency enters into a subcontract or, when required by 45 C.F.R. 164.502(e)(2), a business associate agreement, the subcontract or business associate agreement shall require the subcontractor or business associate to comply with the terms of this section as if the subcontractor or business associate were a state agency.

**Sec. 191.06.** (A) The provisions of this section shall apply only for fiscal years 2013 through ~~2017~~ 2019.

(B) The executive director of the office of health transformation or the executive director's designee may facilitate the coordination of operations and exchange of information between state agencies. The purpose of the executive director's authority under this section is to support agency collaboration for health transformation purposes, including modernization of the medicaid program, streamlining of health and human services programs in this state, and improving the quality, continuity, and efficiency

of health care and health care support systems in this state. 14586

(C) In furtherance of the authority of the executive director 14587  
of the office of health transformation under division (B) of this 14588  
section, the executive director or the executive director's 14589  
designee shall identify each health transformation initiative in 14590  
this state that involves the participation of two or more state 14591  
agencies and that permits or requires an interagency agreement to 14592  
be entered into for purposes of specifying each participating 14593  
agency's role in coordinating, operating, or funding the 14594  
initiative, or facilitating the exchange of data or other 14595  
information for the initiative. The executive director shall 14596  
publish a list of the identified health transformation initiatives 14597  
on the internet web site maintained by the office of health 14598  
transformation. 14599

(D) For each health transformation initiative that is 14600  
identified under division (C) of this section, the executive 14601  
director or the executive director's designee shall, in 14602  
consultation with each participating agency, adopt one or more 14603  
operating protocols. Notwithstanding any law enacted by the 14604  
general assembly or rule adopted by a state agency, the provisions 14605  
in a protocol shall supersede any provisions in an interagency 14606  
agreement, including an interagency agreement entered into under 14607  
section 5101.10 or 5162.35 of the Revised Code, that differ from 14608  
the provisions of the protocol. 14609

(E)(1) An operating protocol adopted under division (D) of 14610  
this section shall include both of the following: 14611

(a) All terms necessary to meet the requirements of "other 14612  
arrangements" between a covered entity and a business associate 14613  
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 14614

(b) If known, the date on which the protocol will terminate 14615  
or expire. 14616

(2) In addition, a protocol may specify the extent to which each participating agency is responsible and accountable for completing the tasks necessary for successful completion of the initiative, including tasks relating to the following components of the initiative:

(a) Workflow;

(b) Funding;

(c) Exchange of data or other information that is confidential pursuant to state or federal law.

(F) An operating protocol adopted under division (D) of this section shall have the same force and effect as an interagency agreement or data sharing agreement, and each participating agency shall comply with it.

**Sec. 305.05.** The board of county commissioners shall organize ~~on~~ not later than the second Monday of January of each year, by the election of one of its members as president for a term of one year. The member so elected shall preside at all regular and special sessions of the board. If the position of president becomes vacant during the year, the board shall select one of its members to preside.

**Sec. 307.283.** (A) As used in this section:

(1) "Grant revenue" means revenues from a tax imposed under section 5739.026 or 5741.023 of the Revised Code that are allocated for the purpose of division (A)(4) of section 5739.026 of the Revised Code.

(2) "Available grant revenue" means the amount certified under division (B)(2) of this section, less the amount of any grants previously awarded for the year under division (C) of this section.

- (3) "Grant" means a payment award for the year to a government agency for a permanent improvement project in the amount specified by the community improvements board. 14646  
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- (4) "Government agency" means the county, the state, or a political subdivision, including a school district, any part of which is located in the county, ~~or the state.~~ 14649  
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- (5) "Debt service charges" means interest, principal, and premium on grant award bonds. 14652  
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- (6) "Grant award bonds" means bonds or notes issued under section ~~133.312~~ 307.284 of the Revised Code. 14654  
14655
- (7) "Year" means a calendar year. 14656
- (8) "Permanent improvement project" means any permanent improvement to be undertaken for which the government agency that receives a grant is authorized to expend the proceeds of that grant. ~~Any permanent improvement to be undertaken by the state shall be located in the county.~~ 14657  
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- (9) "School district" means a city, local, or exempted village school district. 14662  
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- (B) Each year the community improvements board shall convene and determine and certify to the board of county commissioners each of the following: 14664  
14665  
14666
- (1) The estimated grant revenue to be transferred to the community improvement fund during the current year. 14667  
14668
- (2) The total amount of grants that may be awarded during the current year. Except as provided in division (D) of this section, the total amount of grants that may be awarded during any year may not exceed the sum of the unencumbered balance in the community improvements fund on the first day of the year plus the estimated grant revenue for the current year, less the debt service charges certified under division (B)(3) of this section. 14669  
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(3) With respect to outstanding grant award bonds, the total 14676  
debt service charges for the current year and each of the ensuing 14677  
nine years. 14678

(C) Upon the making of such certifications, the community 14679  
improvements board may award grants for the year for any one or 14680  
more permanent improvement projects. For each grant awarded, the 14681  
board shall certify to the board of county commissioners the 14682  
project for which the grant is awarded, the amount of the grant, 14683  
and the government agency to which the grant is to be paid. The 14684  
board shall include in the certification, a statement instructing 14685  
the board of county commissioners with respect to whether and in 14686  
what proportion or amount the grant is to be reduced or whether 14687  
the grant is to be paid in full in the event the actual grant 14688  
revenues for the current year are less than the estimated grant 14689  
revenues for the year. By a unanimous vote the board of county 14690  
commissioners may disallow a grant awarded under this division, in 14691  
which case it shall certify its determination to the community 14692  
improvements board, and the grant shall not be paid in the current 14693  
year as otherwise required under division (E) of this section. 14694

Except as otherwise provided in this division, grants awarded 14695  
by the community improvements board shall be used only for 14696  
permanent improvement projects located within the county. If the 14697  
grant revenue is derived from a tax that was levied on the 14698  
effective date of the amendment of this section by H.B. 49 of the 14699  
132nd general assembly and the government agency to which the 14700  
grant is to be paid is a school district, the grant may be used 14701  
for permanent improvement projects located anywhere within that 14702  
school district even if a portion of the school district is 14703  
located outside the county. 14704

Except as provided in division (D) of this section, the board 14705  
may not award any grant in any year that exceeds the available 14706  
grant revenue. The board may award grants to more than one 14707

government agency for the same project and may award grants for 14708  
the same project in more than one year. 14709

(D) The community improvements board may award grants in 14710  
excess of the available grant revenue for any one or more 14711  
permanent improvement projects, but the sum of the grants awarded 14712  
for the year under this division shall not exceed the available 14713  
grant revenue, adjusted to reflect the sum of any grants that are 14714  
not to be paid, as determined under the certification made under 14715  
division (D)(3) of this section, plus the amount by which the 14716  
amount certified under division (D)(1) of this section exceeds the 14717  
amount certified under division (D)(2) of this section. For each 14718  
grant awarded under this division, the board shall certify to the 14719  
board of county commissioners the project for which the grant is 14720  
awarded, the amount of the grant, and the government agency to 14721  
which the grant is to be paid. The board of county commissioners 14722  
may disallow a grant awarded under this division, in which case it 14723  
shall certify its determination to the community improvements 14724  
board, and the grant shall not be paid in the current year as 14725  
otherwise required under division (E) of this section. If the 14726  
community improvements board elects to award a grant under this 14727  
division, at the time it makes the certifications required by 14728  
division (B) of this section it shall make the following 14729  
additional certifications: 14730

(1) The estimated grant revenue to be transferred to the 14731  
community improvement fund during each of the nine ensuing years; 14732

(2) The estimated total debt service charges, exclusive of 14733  
principal, for the current year and each of the nine ensuing years 14734  
on grant award bonds that would have to be issued during the 14735  
current year in order to pay a grant awarded under this division; 14736

(3) Which, if any, of the grants awarded under division 14737  
~~(B)~~(C) of this section should not be paid if a grant award made 14738  
under this division is paid. 14739

(E) Except as otherwise provided by divisions (C) and (D) of 14740  
this section, the board of county commissioners shall pay each 14741  
government agency from the county's community improvement fund, 14742  
the amount of its grant award in accordance with the certification 14743  
of the community improvement board. If the balance in the fund is 14744  
insufficient to make the payment of any grant in the amount 14745  
specified in the certification, the board of county commissioners 14746  
may issue grant award bonds in the amount of such insufficiency 14747  
and make the balance of the payment from the proceeds of such 14748  
bonds. The proceeds of a payment received under this division may 14749  
be expended solely for the permanent improvement project for which 14750  
the grant was awarded. 14751

(F) If a board of county commissioners disallows a grant 14752  
under division (C) or (D) of this section, the community 14753  
improvements board may reconvene for the purpose of awarding 14754  
grants under this section. For the purpose of making grant awards 14755  
as provided under this division, any grant that the board of 14756  
county commissioners disallows shall be considered not to have 14757  
been awarded. 14758

(G) Before the community improvements board may approve 14759  
funding for a permanent improvement project that has been rejected 14760  
by a separate prior vote of the electorate, there must have 14761  
occurred a subsequent separate vote of the electorate reversing 14762  
the prior result. 14763

**Sec. 307.678.** (A) As used in this section: 14764

(1) ~~"Stadium" means an open air structure designed and 14765  
developed to provide a venue for public entertainment, cultural 14766  
activities and recreation, or any combination thereof, including 14767  
concerts, athletic and sporting events, and other events and 14768  
exhibitions, together with concession, locker room, parking, 14769  
restroom, and storage facilities, walkways, and other auxiliary 14770~~

~~facilities, whether included within or separate from the 14771  
structure, and all real and personal property and interests 14772  
therein related to the use of the structure for those purposes. 14773~~

~~(2) "Bureau" means a nonprofit corporation that is organized 14774  
under the laws of this state that is, or has among its functions 14775  
acting as, a convention and visitors' bureau, and that currently 14776  
receives revenue from existing lodging taxes. 14777~~

~~(3)(2) "Cooperating parties" means the parties to a 14778  
cooperative agreement. 14779~~

~~(4)(3) "Cooperative agreement" means an agreement entered 14780  
into pursuant to ~~division (B) of~~ or as contemplated by this 14781  
section. 14782~~

~~(4) "Credit enhancement facilities" has the same meaning as 14783  
in section 133.01 of the Revised Code. 14784~~

~~(5) "Corporation" means a nonprofit corporation that is 14785  
organized under the laws of this state and has corporate authority 14786  
under its organizational instruments to acquire, construct, 14787  
reconstruct, equip, finance, furnish, otherwise improve, own, 14788  
lease, or operate a stadium. 14789~~

~~(6) "Debt charges" has the same meaning as in section 133.01 14790  
of the Revised Code, except that "obligations" shall be 14791  
substituted for "securities" wherever "securities" appears in that 14792  
section. 14793~~

~~(7)(6) "Eligible county" means a county ~~having a population 14794  
of at least three hundred seventy five thousand, but not more than 14795  
four hundred thousand, according to the most recent federal 14796  
decennial census within the boundaries of which any part of a 14797  
tourism development district is located.~~ 14798~~

~~(7) "Eligible transit authority" means a regional transit 14799  
authority created pursuant to section 306.31 of the Revised Code 14800~~

or a county in which a county transit system is created pursuant 14801  
to section 306.01 of the Revised Code, within the boundaries of 14802  
which any part of a tourism development district is located. 14803

(8) "Existing lodging taxes" means taxes levied by a board of 14804  
county commissioners of an eligible county under division (A) of 14805  
section 5739.09 of the Revised Code. 14806

(9) "Financing costs" means all costs, fees, and expenses 14807  
relating to the authorization, including any required election, 14808  
issuance, sale, delivery, authentication, deposit, custody, 14809  
clearing, registration, transfer, exchange, fractionalization, 14810  
replacement, payment, and servicing, of obligations, including, 14811  
without limitation, costs and expenses for or relating to 14812  
publication and printing, postage, delivery, preliminary and final 14813  
official statements, offering circulars, placement memoranda, and 14814  
informational statements, travel and transportation, underwriters, 14815  
placement agents, investment bankers, paying agents, registrars, 14816  
authenticating agents, remarketing agents, custodians, clearing 14817  
agencies, companies, or corporations, securities depositories, 14818  
issuers, financial advisory services, certifications, audits, 14819  
federal or state regulatory agencies, accounting and computation 14820  
services, legal services and obtaining approving legal opinions 14821  
and other legal opinions, credit ratings, paying redemption 14822  
premiums, and credit enhancement facilities. Financing costs may 14823  
be paid from any money available for the purpose, including, 14824  
unless otherwise provided in the proceedings, from the proceeds of 14825  
the obligations to which they relate and, as to future financing 14826  
costs, from the same sources from which debt charges on the 14827  
obligations are paid and as though debt charges. 14828

(10) "Host municipal corporation" means a municipal 14829  
corporation, ~~having a population of at least seventy thousand but~~ 14830  
~~not more than eighty thousand according to the most recent federal~~ 14831  
~~decennial census~~, within the boundaries of which a ~~stadium~~ any 14832

part of a tourism development district is located. 14833

(11) "Host school district" means ~~the~~ a school district 14834  
within the boundaries of which ~~a stadium~~ any part of a tourism 14835  
development district is located. 14836

(12) "Incremental sales tax growth" has the same meaning as 14837  
in section 5739.213 of the Revised Code, except that, in the case 14838  
of an eligible county, "incremental sales tax growth" shall 14839  
include only the amount of taxes levied under sections 5739.021 14840  
and 5739.026 of the Revised Code credited to the county's general 14841  
fund. 14842

(13) "Issuer" means a port authority, a new community 14843  
authority, or any other issuer, as defined in section 133.01 of 14844  
the Revised Code, and any corporation. 14845

~~(13)~~(14) "Maintenance and repair costs" means costs and 14846  
expenses incurred by a cooperating party from the party's own 14847  
revenues for maintaining or repairing a project. 14848

(15) "Net lodging tax proceeds" means the proceeds of an 14849  
existing lodging tax that remain after deduction by an eligible 14850  
county of the real and actual costs of administering the tax and 14851  
any portion of such proceeds required to be returned to a 14852  
municipal corporation or township under division (A)(1) of section 14853  
5739.09 of the Revised Code. 14854

(16) "Net tourism development district revenues" means the 14855  
tourism development district revenues remaining after deduction by 14856  
the host municipal corporation of an amount, not to exceed one 14857  
percent of any admissions tax revenues, prescribed in any 14858  
legislation by which, or agreement pursuant to which, tourism 14859  
development district revenues are pledged, or agreed to be pledged 14860  
or contributed, by an eligible county, an eligible transit 14861  
authority, or a host municipal corporation, or any combination 14862  
thereof, in accordance with division (B), (E), (F), or (G) of this 14863

<u>section.</u>	14864
<u>(17) "New community authority" means a new community</u>	14865
<u>authority established under section 349.03 of the Revised Code by</u>	14866
<u>an organizational board of commissioners that is or includes the</u>	14867
<u>board of county commissioners of an eligible county or the</u>	14868
<u>legislative authority of a host municipal corporation.</u>	14869
<u>(18) "Obligations" means obligations <del>that are</del> issued or</u>	14870
<u>incurred by an issuer pursuant to Chapter 133., 349., or 4582. of</u>	14871
<u>the Revised Code, or otherwise, for the purpose of funding or</u>	14872
<u>paying, or reimbursing persons for the funding or payment of,</u>	14873
<u>project costs, and that evidence the issuer's obligation to repay</u>	14874
<u>borrowed money, including interest thereon, or to pay other money</u>	14875
<u>obligations of the issuer at any future time, including, without</u>	14876
<u>limitation, bonds, notes, anticipatory securities as defined in</u>	14877
<u>section 133.01 of the Revised Code, certificates of indebtedness,</u>	14878
<u>commercial paper, or installment sale, lease, lease-purchase, or</u>	14879
<u>similar agreements. "Obligations" does not include credit</u>	14880
<u>enhancement facilities.</u>	14881
<u><del>(14)</del>(19) "Person" includes an individual, corporation,</u>	14882
<u>limited liability company, business trust, estate, trust,</u>	14883
<u>partnership, association, eligible county, eligible transit</u>	14884
<u>authority, host municipal corporation, port authority, new</u>	14885
<u>community authority, and any other political subdivision of the</u>	14886
<u>state.</u>	14887
<u>(20) "Port authority" means a port authority created under</u>	14888
<u>Chapter 4582. of the Revised Code.</u>	14889
<u><del>(15)</del>(21) "Project" means acquiring, constructing,</u>	14890
<u>reconstructing, rehabilitating, remodeling, renovating, enlarging,</u>	14891
<u>equipping, furnishing, or otherwise improving a <del>stadium</del> <u>tourism</u></u>	14892
<u>facility or any component or element thereof.</u>	14893
<u><del>(16)</del>(22) "Project cost" means the cost of acquiring,</u>	14894

constructing, reconstructing, rehabilitating, remodeling, 14895  
renovating, enlarging, equipping, financing, refinancing, 14896  
furnishing, or otherwise improving a project, including, without 14897  
limitation, financing costs; the cost of architectural, 14898  
engineering, and other professional services, designs, plans, 14899  
specifications, surveys, and estimates of costs; financing or 14900  
refinancing obligations issued by, or reimbursing money advanced 14901  
by, any cooperating party or any other person, where the proceeds 14902  
of the obligations or money advanced was used to pay any other 14903  
cost described in this division; inspections and testing; any 14904  
indemnity or surety bond or premium related to insurance 14905  
pertaining to development of the project; all related direct and 14906  
indirect administrative costs and costs of placing a project in 14907  
service; fees and expenses of trustees, escrow agents, 14908  
depositories, and paying agents for any obligations; interest on 14909  
obligations during the planning, design, and development of a 14910  
project and for up to eighteen months thereafter; funding ~~of~~ and 14911  
replenishing reserves for the payment of debt charges on any 14912  
obligations; ~~and~~ all other expenses necessary or incident to 14913  
planning, or determining the feasibility or practicability of, a 14914  
project, including, without limitation, advocating the enactment 14915  
of legislation to facilitate the development and financing of a 14916  
project; and any other costs of a project that are authorized to 14917  
be financed by the issuer of obligations at the time the 14918  
obligations are issued. 14919

(23) "Taxing authority" means the board of county 14920  
commissioners of an eligible county, the legislative authority, as 14921  
that term is defined in section 5739.01 of the Revised Code, of an 14922  
eligible transit authority, or the legislative authority of a host 14923  
municipal corporation. 14924

(24) "Tourism development district" means an area designated 14925  
by a host municipal corporation under section 715.014 of the 14926

Revised Code. 14927

(25) "Tourism development district revenues" means money 14928  
received or receivable by a host municipal corporation from 14929  
incremental sales tax growth pursuant to section 5739.213 of the 14930  
Revised Code, from a tax levied by the host municipal corporation 14931  
pursuant to division (C) of section 5739.101 of the Revised Code, 14932  
from a tax levied by the host municipal corporation pursuant to 14933  
section 5739.08 or 5739.09 of the Revised Code on the provision of 14934  
lodging by hotels located in the tourism development district, 14935  
from a tax levied by the host municipal corporation with respect 14936  
to admission to any tourism facility or parking or any other 14937  
activity occurring at any location in the tourism development 14938  
district, or from any tax levied by an eligible county, eligible 14939  
transit authority, or host municipal corporation with respect to 14940  
activities occurring, or property located, in the tourism 14941  
development district, if and to the extent that revenue from any 14942  
such tax is authorized to be used, or is not prohibited by law 14943  
from being used, to foster and develop tourism in the tourism 14944  
development district and is authorized, contracted, pledged or 14945  
assigned by the respective taxing authority to be used to fund or 14946  
pay, or to reimburse other persons for funding or payment of, 14947  
project costs or maintenance and repair costs. 14948

(26) "Tourism facility" means any permanent improvement, as 14949  
defined in section 133.01 of the Revised Code, located in a 14950  
tourism development district. 14951

(B) ~~On or before December 31, 2015, the~~ The board of county 14952  
commissioners of an eligible county, ~~an eligible transit~~ 14953  
authority, a host municipal corporation, the board of education of 14954  
a host school district, a port authority, a bureau, ~~a new~~ 14955  
community authority, and ~~a corporation~~ any other person, or any 14956  
combination thereof, may enter into a cooperative agreement ~~for~~ 14957  
any purpose authorized under this section and under which ~~any of~~ 14958

the following apply: 14959

(1) The board of county commissioners of the eligible county 14960  
and the bureau agree to make available to a cooperating party or 14961  
any other person net lodging tax proceeds of an existing lodging 14962  
tax, not to exceed five hundred thousand dollars each year, to 14963  
fund or pay, or to reimburse other persons for funding or payment 14964  
of, project costs or debt charges on obligations issued by a 14965  
cooperating party to fund, finance, or refinance the payment of 14966  
project costs;. 14967

(2) The board of county commissioners of the eligible county 14968  
agrees, for the purpose of funding or paying or supporting, or for 14969  
reimbursing other persons for funding or payment of, project 14970  
costs, including debt charges on obligations, may do either of the 14971  
following: 14972

(a) Make available to a cooperating party or other person an 14973  
amount equal to incremental sales tax growth or all or a portion 14974  
of the county's tourism development district revenues; 14975

(b) Provide credit enhancement facilities in connection with 14976  
the funding or payment of project costs, including debt charges on 14977  
obligations, or any portion or combination thereof. 14978

(3) The taxing authority of an eligible transit authority 14979  
agrees to make available to a cooperating party or any other 14980  
person an amount equal to incremental sales tax growth or all or a 14981  
portion of the transit authority's tourism development district 14982  
revenues. 14983

(4) The host municipal corporation agrees to make available 14984  
credit enhancement facilities or net tourism development district 14985  
revenues, or any portion or combination thereof, to fund, pay, or 14986  
support, or to reimburse other persons for funding or payment of, 14987  
project costs, including debt charges on obligations, or 14988  
maintenance and repair costs, or both. Any agreement to use net 14989

tourism development district revenues to pay or reimburse other 14990  
persons for payment of maintenance and repair costs shall be 14991  
subject to authorization by any cooperating party providing such 14992  
funding to the host municipal corporation and to annual 14993  
appropriation for such purpose by the legislative authority of the 14994  
host municipal corporation and shall be subordinate to any 14995  
covenant made to or by an issuer in connection with the issuance 14996  
of obligations or credit enhancement facilities to pay project 14997  
costs. 14998

(5) The cooperating parties agree, subject to any conditions 14999  
or limitations provided in the cooperative agreement, to ~~each~~ any 15000  
of the following: 15001

(a) The conveyance, grant, or transfer to a cooperating party 15002  
or any other person of ownership of, property interests in, and 15003  
rights to use ~~a stadium, either~~ real or personal property to 15004  
create a tourism facility or with respect to a tourism facility as 15005  
the ~~stadium~~ facility exists at the time of the agreement or as it 15006  
may be improved by a project; 15007

(b) The respective responsibilities of each cooperating party 15008  
for the management, operation, maintenance, repair, and 15009  
replacement of a ~~stadium~~ tourism facility, including any project 15010  
undertaken with respect to the ~~stadium~~ facility, which may include 15011  
authorization for a cooperating party to contract with any other 15012  
person for any such purpose; 15013

(c) The respective responsibilities of each cooperating party 15014  
for the development and financing of a project, including, without 15015  
limitation, the cooperating party or parties that shall be 15016  
responsible for contracting for the development of a project and 15017  
administering contracts entered into ~~which~~ by the party or parties 15018  
~~enter into~~ for that purpose; 15019

(d) The respective responsibilities of each cooperating party 15020

to provide money, credit enhancement facilities, or both, whether 15021  
by issuing obligations or otherwise, for the funding, payment, 15022  
financing, or refinancing, or reimbursement to a cooperating party 15023  
or other person for the funding, payment, financing, or 15024  
refinancing, of project costs; 15025

(e) The respective responsibilities of each cooperating 15026  
party, ~~or any other person~~, to provide money, credit enhancement 15027  
facilities, or other security for the payment of debt charges on 15028  
obligations or to fund or replenish reserves or otherwise provide 15029  
for the payment of maintenance and repair costs. 15030

(C) Any conveyance, grant, or transfer of ownership of, 15031  
property interests in, or rights to use a ~~stadium, and any~~ 15032  
~~contract for the development, management, operation, maintenance,~~ 15033  
~~repair, or replacement of a stadium~~ tourism development facility 15034  
or project, including any project undertaken with respect to an 15035  
existing ~~stadium~~ tourism facility, that is contemplated by a 15036  
cooperative agreement may be made or entered into by a cooperating 15037  
party, in such manner and upon such terms as the cooperating 15038  
parties may agree, ~~without any requirement of bidding and without~~ 15039  
regard to ownership of the ~~stadium~~ tourism facility or project, 15040  
notwithstanding any other provision of law that may otherwise 15041  
apply, including, without limitation, any requirement for notice, 15042  
competitive bidding or selection, or the provision of security. A 15043  
~~project constitutes a "port authority facility" within the meaning~~ 15044  
~~of division (D) of section 4582.01 and division (E) of section~~ 15045  
~~4582.21 of the Revised Code and shall be considered a permanent~~ 15046  
~~improvement for one purpose under Chapter 133. of the Revised~~ 15047  
~~Code.~~ 15048

(D) Regardless of whether a cooperative agreement has been 15049  
executed and delivered, the board of county commissioners may 15050  
amend any previously adopted resolution providing for the levy of 15051  
an existing lodging tax to permit the use of any portion of the 15052

net lodging tax proceeds from such tax as provided in this 15053  
section, and a host municipal corporation may amend any previously 15054  
passed ordinance providing for the levy of lodging taxes under 15055  
section 5739.08 or 5739.09 of the Revised Code to permit the use 15056  
of any portion of such lodging taxes as provided in this section. 15057

~~(E)(1) Notwithstanding any other provision of law, and after~~ 15058  
~~deducting the real and actual costs of administering an existing~~ 15059  
~~lodging tax and any portion of such tax required to be returned to~~ 15060  
~~any municipal corporation or township as provided in division~~ 15061  
~~(A)(1) of section 5739.09 of the Revised Code, the:~~ 15062

(a) The board of county commissioners of an eligible county 15063  
may provide credit enhancement facilities in connection with any 15064  
project, including, without limitation, for the provision of any 15065  
infrastructure necessary to support a tourism facility. 15066

(b) The board of county commissioners of an eligible county 15067  
and a bureau may agree to make available, and a cooperating party 15068  
or other person may use, proceeds of an existing lodging tax for 15069  
the funding or payment of project costs, including, without 15070  
limitation, the payment of debt charges on obligations. Either the 15071  
board or the bureau, or both, may pledge proceeds of an existing 15072  
lodging tax to the payment of debt charges on obligations. The 15073  
total amount of existing lodging tax proceeds made available for 15074  
such use or so pledged each year shall not exceed five hundred 15075  
thousand dollars. The lien of any such pledge shall be effective 15076  
against all persons when it is made, without the requirement for 15077  
the filing of any notice, and any proceeds of an existing lodging 15078  
tax so pledged and required to be used to pay debt charges on 15079  
obligations shall be paid by the county or bureau at the times, in 15080  
the amounts, and to such payee, including, without limitation, a 15081  
corporate trustee or paying agent, required for such obligations. 15082  
The board of county commissioners may amend any previously adopted 15083  
resolution providing for the levy of an existing lodging tax to 15084

~~permit the use of the proceeds of the existing lodging tax as~~ 15085  
~~provided in this division to any person, on such terms and~~ 15086  
~~conditions as the board and the bureau may determine and agree,~~ 15087  
~~net lodging tax proceeds.~~ 15088

~~(E)(c) The board of county commissioners of an eligible~~ 15089  
~~county may agree to make available to any person, on such terms~~ 15090  
~~and conditions as the board may determine and agree, incremental~~ 15091  
~~sales tax growth and all or a portion of the county's tourism~~ 15092  
~~development district revenues.~~ 15093

~~(2) Any amount made available under division (E)(1)(b) or (c)~~ 15094  
~~of this section shall be used to fund or pay, or to reimburse~~ 15095  
~~other persons for funding or payment of, project costs, including,~~ 15096  
~~without limitation, the payment of debt charges on obligations,~~ 15097  
~~the provision of credit enhancement facilities and the funding,~~ 15098  
~~and funding and replenishing reserves for that purpose or, subject~~ 15099  
~~to annual appropriation, to pay, or reimburse other persons for~~ 15100  
~~payment of, repair and maintenance costs.~~ 15101

~~(3) The board of county commissioners, the bureau, or both,~~ 15102  
~~may pledge net lodging tax proceeds, and the board of county~~ 15103  
~~commissioners may pledge incremental sales tax growth and any~~ 15104  
~~tourism development district revenues, or any part or portion or~~ 15105  
~~combination thereof, to the payment of debt charges on obligations~~ 15106  
~~and the funding, or to fund or replenish reserves for that~~ 15107  
~~purpose; provided that, the total amount of net lodging tax~~ 15108  
~~proceeds made available for such use each year shall not exceed~~ 15109  
~~five hundred thousand dollars.~~ 15110

~~The lien of any such pledge shall be effective against all~~ 15111  
~~persons when it is made, without the requirement for the filing of~~ 15112  
~~any notice, and any such net lodging tax proceeds, incremental~~ 15113  
~~sales tax growth, and tourism development district revenues, or~~ 15114  
~~any part or portion or combination thereof, so pledged and~~ 15115  
~~required to pay debt charges on obligations, to provide any credit~~ 15116

enhancement facilities or to fund, or to fund or replenish 15117  
reserves, or any combination thereof, shall be paid by the county 15118  
or bureau at the times, in the amounts, and to such payee, 15119  
including, without limitation, a corporate trustee or paying 15120  
agent, to which the board of county commissioners and bureau agree 15121  
with respect to net lodging tax proceeds and to which the board of 15122  
county commissioners agree with respect to incremental sales tax 15123  
growth or tourism development district revenues. 15124

(F) Notwithstanding any other provision of law, a host 15125  
municipal corporation may agree to make available to any person, 15126  
on such terms and conditions to which it may determine and agree, 15127  
and any person may use, net tourism development district revenues, 15128  
or any part or portion thereof, to fund or pay, or to reimburse 15129  
other persons for funding or payment of, project costs, including, 15130  
without limitation, the payment of debt charges on obligations and 15131  
the funding, and funding and replenishing reserves for that 15132  
purpose, or, subject to annual appropriation, to pay, or to 15133  
reimburse other persons for payment of maintenance and repair 15134  
costs, and the host municipal corporation may pledge net tourism 15135  
development district revenues, or any part or portion thereof, to 15136  
the payment of debt charges on obligations and to fund and 15137  
replenish reserves for that purpose and may provide credit 15138  
enhancement facilities. The lien of any such pledge shall be 15139  
effective against all persons when it is made, without the 15140  
requirement for the filing of any notice, and any net tourism 15141  
development district revenues so pledged and required to pay debt 15142  
charges on obligations or to fund and replenish reserves shall be 15143  
paid by the host municipal corporation at the times, in the 15144  
amounts, and to such payee, including, without limitation, a 15145  
corporate trustee or paying agent, to which the host municipal 15146  
corporation agrees. 15147

(G) Notwithstanding any other provision of law, an eligible 15148

transit authority may agree to make available, on such terms and 15149  
conditions to which it may determine and agree, to any person, and 15150  
any person may use, incremental sales tax growth and tourism 15151  
development district revenues, or any part or portion or 15152  
combination thereof, to fund or pay, or to reimburse other persons 15153  
for funding or payment of, project costs, including, without 15154  
limitation, the payment of debt charges on obligations and the 15155  
funding and replenishing of reserves for that purpose, or, subject 15156  
to annual appropriation, to pay, or to reimburse any other person 15157  
for payment of, maintenance and repair costs, and the eligible 15158  
transit authority may pledge incremental sales tax growth and 15159  
tourism development district revenues, or any part or portion or 15160  
combination thereof, to the payment of debt charges on obligations 15161  
and the funding and replenishing of reserves for that purpose. The 15162  
lien of any such pledge shall be effective against all persons 15163  
when it is made, without the requirement for the filing of any 15164  
notice, and any incremental sales tax growth and tourism 15165  
development district revenues, or any part or portion or 15166  
combination thereof, so pledged and required to pay debt charges 15167  
on obligations or to fund and replenish reserves shall be paid by 15168  
the eligible transit authority at the times, in the amounts, and 15169  
to such payee, including, without limitation, a corporate trustee 15170  
or paying agent, to which the eligible transit authority agrees. 15171

(H) Except as provided herein with respect to agreements for 15172  
the payment or reimbursement of maintenance and repair costs, if 15173  
the term of an agreement made pursuant to division (B), (E), (F), 15174  
or (G) of this section extends beyond the end of the fiscal year 15175  
of the eligible county, eligible transit authority, or host 15176  
municipal corporation in which it is made, the agreement shall be 15177  
subject to section 5705.44 of the Revised Code, and subject to the 15178  
certification required by that section, the amount due under any 15179  
such agreement in each succeeding fiscal year shall be included in 15180  
the annual appropriation measure of the eligible county, eligible 15181

transit authority, or host municipal corporation for each such 15182  
fiscal year as a fixed charge. The obligation of an eligible 15183  
county, eligible transit authority, or host municipal corporation, 15184  
and of each official thereof, to include the amount required to be 15185  
paid in any such fiscal year in its annual appropriation measure 15186  
as a fixed charge and to make such payments from and to the extent 15187  
of the amounts so pledged, or agreed to be contributed or pledged, 15188  
shall be a duty specially enjoined by law and resulting from an 15189  
office, trust, or station under section 2731.01 of the Revised 15190  
Code, enforceable by writ of mandamus. 15191

(I)(1) Each tourism facility and project constitutes a "port 15192  
authority facility" within the meaning of division (D) of section 15193  
4582.01 and division (E) of section 4582.21 of the Revised Code, 15194  
and a port authority may issue obligations under Chapter 4582. of 15195  
the Revised Code, subject only to the procedures and requirements 15196  
applicable to its issuance of revenue bonds as provided in 15197  
division (A)(4) of section 4582.06 of the Revised Code or of port 15198  
authority revenue bonds as provided in division (A)(8) of section 15199  
4582.31 of the Revised Code. For the purpose of issuing any such 15200  
obligations, any net lodging tax proceeds, net tourism development 15201  
district revenues, amounts provided pursuant to any credit 15202  
enhancement facilities, and revenue from any other tax pledged, 15203  
assigned, or otherwise obligated to be contributed to the payment 15204  
of the obligations shall be treated as revenues of the port 15205  
authority for the purposes of division (A)(4) of section 4582.06 15206  
of the Revised Code and revenues, as defined in section 4582.21 of 15207  
the Revised Code. Any obligations issued under division (I)(1) of 15208  
this section shall be considered revenue bonds issued under 15209  
division (A)(4) of section 4582.06 of the Revised Code or port 15210  
authority revenue bonds issued under division (A)(8) of section 15211  
4582.31 and section 4582.48 of the Revised Code for all purposes. 15212  
In addition to all other powers available to a port authority 15213  
under this section or under Chapter 4582. of the Revised Code with 15214

respect to the issuance of or provision for the security for 15215  
payment of debt charges on obligations, and with respect to any 15216  
tourism facility or project, the port authority may take any of 15217  
the actions contemplated by Chapter 4582. of the Revised Code, 15218  
including, without limitation, any actions contemplated by section 15219  
4582.06, 4582.31, or 4582.47 of the Revised Code. Obligations 15220  
issued by a port authority pursuant to division (I)(1) of this 15221  
section shall be special obligations of the port authority and do 15222  
not constitute bonded indebtedness, a general obligation, debt, or 15223  
a pledge of the full faith and credit of the state, the port 15224  
authority, or any other political subdivision of the state. 15225

(2) Each tourism facility and project constitutes "community 15226  
facilities" within the meaning of division (I) of section 349.01 15227  
of the Revised Code, and a new community authority may issue 15228  
obligations pursuant to Chapter 349. of the Revised Code subject 15229  
only to the procedures and requirements applicable to its issuance 15230  
of bonds or notes as used in and pursuant to section 349.08 of the 15231  
Revised Code. For the purpose of issuing any such obligations, net 15232  
lodging tax proceeds, net tourism development district revenues, 15233  
and revenue from any other tax pledged, assigned, or otherwise 15234  
obligated to be contributed to the payment of the obligations 15235  
shall be treated as an income source, as defined in section 349.01 15236  
of the Revised Code. Any obligations issued under division (I)(2) 15237  
of this section shall be considered bonds issued under section 15238  
349.08 of the Revised Code. In addition to all other powers 15239  
available to a new community authority under division (I)(2) of 15240  
this section or under Chapter 349. of the Revised Code with 15241  
respect to the issuance of or provision for the security for 15242  
payment of debt charges on obligations, and with respect to any 15243  
tourism facility or project, the new community authority may take 15244  
any of the actions contemplated by Chapter 349. of the Revised 15245  
Code. Obligations issued by a new community authority pursuant to 15246  
division (I)(2) of this section shall be special obligations of 15247

the new community authority and do not constitute bonded 15248  
indebtedness, a general obligation, debt, or a pledge of the full 15249  
faith and credit of the state, the new community authority, or any 15250  
other political subdivision of the state. 15251

(J) Each project for which funding or payment of project 15252  
costs is provided, in whole or in part, by the issuance of 15253  
obligations secured by a pledge of net lodging tax proceeds or net 15254  
tourism development district revenues, or both, and any agreement 15255  
to provide credit enhancement facilities or to fund or pay, and 15256  
the funding or payment of, such project costs and any maintenance 15257  
and repair costs of the project from net lodging taxes and net 15258  
tourism development district revenues, are hereby determined, 15259  
regardless of the ownership, leasing, or use of the project by any 15260  
person, to constitute implementing and participating in the 15261  
development of sites and facilities within the meaning of Section 15262  
2p of Article VIII, Ohio Constitution, including division (D)(3) 15263  
of that section, and any such obligations are hereby determined to 15264  
be issued, and any such credit enhancement facilities and 15265  
agreements to fund or pay, and funding and payment of, project 15266  
costs and any maintenance and repair costs of the project, are 15267  
determined to be made, under authority of Section 2p of Article 15268  
VIII, Ohio Constitution, for and in furtherance of site and 15269  
facility development purposes within the meaning of division (E) 15270  
of that section, pursuant to provision made by law for the 15271  
procedure for incurring and issuing obligations, separately or in 15272  
combination with other obligations, and refunding, retiring, and 15273  
evidencing obligations, and pursuant to division (F) of Section 2p 15274  
of Article VIII, Ohio Constitution, such that provision for the 15275  
payment of debt charges on the obligations, credit enhancement 15276  
facilities, or both, the purposes and uses to which and the manner 15277  
in which the proceeds of those obligations or credit enhancement 15278  
facilities or money from other sources are to be or may be 15279  
applied, and other implementation of those development purposes as 15280

referred to in this section, including the manner determined by an issuer to participate for those purposes, are not subject to Sections 4 and 6 of Article VIII, Ohio Constitution.

No obligations may be issued under this section to fund or pay maintenance and repair costs.

(K) No obligations may be issued under this section unless the issuer's fiscal officer determines that the net lodging tax proceeds, net tourism development district revenues, or both, pledged, assigned, or otherwise obligated to be contributed to the payment of debt charges on such obligations and all other obligations issued, outstanding and payable therefrom, are expected to be sufficient to pay all debt charges on all such obligations except to any extent that such debt charges are to be paid from proceeds of obligations or refunding obligations deposited or to be deposited into a pledged fund or account, including any reserve fund or account, or investment earnings thereon.

(L)(1) A board of county commissioners shall not repeal, rescind, or reduce the levy of an existing lodging tax or the source of any other revenue to the extent its proceeds are revenue from that tax or source is pledged to the payment of debt charges on obligations, and any such lodging tax or other revenue source shall not be subject to repeal, rescission, or reduction by initiative, referendum, or subsequent enactment of legislation by the general assembly, so long as there remain outstanding any obligations as to which the payment of debt charges is secured by a pledge of the existing lodging tax or other revenue source.

(F)(2) The legislative authority of a host municipal corporation shall not repeal, rescind, or reduce the levy of any tax the proceeds of which constitute tourism development district revenues if its proceeds are pledged to the payment of debt charges on obligations, and any such tax shall not be subject to

repeal, rescission, or reduction by initiative, referendum, or 15313  
subsequent enactment of legislation by the general assembly, so 15314  
long as there remain outstanding any obligations as to which the 15315  
payment of debt charges is secured by a pledge of those net 15316  
tourism development district revenues. 15317

(3) A transit authority shall not repeal, rescind, or reduce 15318  
the levy of any tax the proceeds of which are pledged to the 15319  
payment of debt charges on obligations, and any such tax shall not 15320  
be subject to repeal, rescission, or reduction by initiative, 15321  
referendum, or subsequent enactment of legislation by the general 15322  
assembly, so long as there remain outstanding any obligations as 15323  
to which the payment of debt charges is secured by the pledge of 15324  
such tax proceeds. 15325

~~(M)~~ A pledge of the proceeds of an existing lodging tax under 15326  
division ~~(D)~~ of this section shall, assignment, or other agreement 15327  
to contribute net lodging tax proceeds or other revenues or credit 15328  
enhancement facilities made by an eligible county under division 15329  
(B) or (E) of this section; a pledge, assignment, or other 15330  
agreement to contribute net tourism development district revenues 15331  
or credit enhancement facilities made by a host municipality under 15332  
division (B) or (F) of this section; and a pledge, assignment, or 15333  
other agreement made by an eligible county or eligible transit 15334  
authority or agreement to contribute revenue from taxes that 15335  
constitute tourism development district revenues under division 15336  
(B), (E), or (G) of this section, do not constitute bonded 15337  
indebtedness of the eligible county, or indebtedness for the 15338  
purposes of Chapter 133. of the Revised Code, of an eligible 15339  
county, eligible transit authority, or host municipal corporation. 15340

~~(G)~~(N) The authority provided by this section is supplemental 15341  
to, and is not intended to limit in any way, any legal authority 15342  
that a cooperating party or any other person may have under any 15343  
other provision of law. 15344

Sec. 307.93. (A) The boards of county commissioners of two or 15345  
more adjacent counties may contract for the joint establishment of 15346  
a multicounty correctional center, and the board of county 15347  
commissioners of a county or the boards of two or more counties 15348  
may contract with any municipal corporation or municipal 15349  
corporations located in that county or those counties for the 15350  
joint establishment of a municipal-county or multicounty-municipal 15351  
correctional center. The center shall augment county and, where 15352  
applicable, municipal jail programs and facilities by providing 15353  
custody and rehabilitative programs for those persons under the 15354  
charge of the sheriff of any of the contracting counties or of the 15355  
officer or officers of the contracting municipal corporation or 15356  
municipal corporations having charge of persons incarcerated in 15357  
the municipal jail, workhouse, or other correctional facility who, 15358  
in the opinion of the sentencing court, need programs of custody 15359  
and rehabilitation not available at the county or municipal jail 15360  
and by providing custody and rehabilitative programs in accordance 15361  
with division (C) of this section, if applicable. The contract may 15362  
include, but need not be limited to, provisions regarding the 15363  
acquisition, construction, maintenance, repair, termination of 15364  
operations, and administration of the center. The acquisition of 15365  
the facility, to the extent appropriate, may include the leasing 15366  
of the Ohio river valley facility or a specified portion of that 15367  
facility pursuant to division (B)(3) of this section. The contract 15368  
shall prescribe the manner of funding of, and debt assumption for, 15369  
the center and the standards and procedures to be followed in the 15370  
operation of the center. Except as provided in division ~~(H)~~(G) of 15371  
this section, the contracting counties and municipal corporations 15372  
shall form a corrections commission to oversee the administration 15373  
of the center. Members of the commission shall consist of the 15374  
sheriff of each participating county, a member of the board of 15375  
county commissioners of each participating county, the chief of 15376

police of each participating municipal corporation, and the mayor 15377  
or city manager of each participating municipal corporation. Any 15378  
of the foregoing officers may appoint a designee to serve in the 15379  
officer's place on the corrections commission. ~~The~~ 15380

The standards and procedures prescribed under this division 15381  
shall be formulated and agreed to by the commission and may be 15382  
amended at any time during the life of the contract by agreement 15383  
of ~~the parties to the contract upon the advice~~ a majority of the 15384  
voting members of the commission or by other means set forth in 15385  
the contract between the contracting counties and municipal 15386  
corporations. The standards and procedures formulated by the 15387  
commission and amendments to them shall include, but need not be 15388  
limited to, designation of the person in charge of the center, 15389  
designation of a fiscal agent, the categories of employees to be 15390  
employed at the center, the appointing authority of the center, 15391  
and the standards of treatment and security to be maintained at 15392  
the center. The person in charge of, and all persons employed to 15393  
work at, the center shall have all the powers of police officers 15394  
that are necessary for the proper performance of the duties 15395  
relating to their positions at the center. 15396

(B)(1) Upon the establishment of a corrections commission 15397  
under division (A) of this section, the judges specified in this 15398  
division shall form a judicial advisory board for the purpose of 15399  
making recommendations to the corrections commission on issues of 15400  
bed allocation, expansion of the center that the corrections 15401  
commission oversees, and other issues concerning the 15402  
administration of sentences or any other matter determined to be 15403  
appropriate by the board. The judges who shall form the judicial 15404  
advisory board for a corrections commission are the administrative 15405  
judge of the general division of the court of common pleas of each 15406  
county participating in the corrections center, the presiding 15407  
judge of the municipal court of each municipal corporation 15408

participating in the corrections center, and the presiding judge 15409  
of each county court of each county participating in the 15410  
corrections center. If the number of the foregoing members of the 15411  
board is even, the county auditor or the county auditor of the 15412  
most populous county if the board serves more than one county 15413  
shall also be a member of the board. Any of the foregoing judges 15414  
may appoint a designee to serve in the judge's place on the 15415  
judicial advisory board, provided that the designee shall be a 15416  
judge of the same court as the judge who makes the appointment. 15417  
The judicial advisory board for a corrections commission shall 15418  
meet with the corrections commission at least once each year. 15419

(2) Each board of county commissioners that enters a contract 15420  
under division (A) of this section may appoint a building 15421  
commission pursuant to section 153.21 of the Revised Code. If any 15422  
commissions are appointed, they shall function jointly in the 15423  
construction of a multicounty or multicounty-municipal 15424  
correctional center with all the powers and duties authorized by 15425  
law. 15426

(3) Subject to the limitation described in this division, the 15427  
boards of county commissioners that contract or have contracted 15428  
for the joint establishment of a multicounty correctional center 15429  
under division (A) of this section, or the boards of county 15430  
commissioners of the counties and legislative authorities of the 15431  
municipal corporations that contract or have contracted for the 15432  
joint establishment of a municipal-county or multicounty-municipal 15433  
correctional center under that division, may enter into an 15434  
agreement with the director of administrative services pursuant to 15435  
which the contracting counties and municipal corporations shall 15436  
use the Ohio river valley facility or a specified portion of that 15437  
facility as the multicounty correctional center, municipal-county 15438  
correctional center, or multicounty-municipal correctional center 15439  
covered by the contract entered into under division (A) of this 15440

section. A contract with the director of administrative services 15441  
may be entered into under this division only if one or more of the 15442  
contracting counties is adjacent to Scioto county. 15443

The department may enter into an agreement as described in 15444  
this division at any time on or after the effective date of this 15445  
amendment or, if the department had entered into an agreement with 15446  
the board of county commissioners of Lawrence county pursuant to 15447  
section 341.121 of the Revised Code for the use by the sheriff of 15448  
that county of a specified portion of the facility as a jail for 15449  
Lawrence county, at any time on or after the date that control of 15450  
the specified portion of the facility reverts to the state under 15451  
division (B)(4) or (C) of that section. 15452

(C) Prior to the acceptance for custody and rehabilitation 15453  
into a center established under this section of any persons who 15454  
are designated by the department of rehabilitation and correction, 15455  
who plead guilty to or are convicted of a felony of the fourth or 15456  
fifth degree, and who satisfy the other requirements listed in 15457  
section 5120.161 of the Revised Code, the corrections commission 15458  
of a center established under this section shall enter into an 15459  
agreement with the department of rehabilitation and correction 15460  
under section 5120.161 of the Revised Code for the custody and 15461  
rehabilitation in the center of persons who are designated by the 15462  
department, who plead guilty to or are convicted of a felony of 15463  
the fourth or fifth degree, and who satisfy the other requirements 15464  
listed in that section, in exchange for a per diem fee per person. 15465  
Persons incarcerated in the center pursuant to an agreement 15466  
entered into under this division shall be subject to supervision 15467  
and control in the manner described in section 5120.161 of the 15468  
Revised Code. This division does not affect the authority of a 15469  
court to directly sentence a person who is convicted of or pleads 15470  
guilty to a felony to the center in accordance with section 15471  
2929.16 of the Revised Code. 15472

(D) Pursuant to section 2929.37 of the Revised Code, each board of county commissioners and the legislative authority of each municipal corporation that enters into a contract under division (A) of this section may require a person who was convicted of an offense, who is under the charge of the sheriff of their county or of the officer or officers of the contracting municipal corporation or municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other correctional facility, and who is confined in the multicounty, municipal-county, or multicounty-municipal correctional center as provided in that division, to reimburse the applicable county or municipal corporation for its expenses incurred by reason of the person's confinement in the center.

(E) Notwithstanding any contrary provision in this section or section 2929.18, 2929.28, or 2929.37 of the Revised Code, the corrections commission of a center may establish a policy that complies with section 2929.38 of the Revised Code and that requires any person who is not indigent and who is confined in the multicounty, municipal-county, or multicounty-municipal correctional center to pay a reception fee, a fee for medical treatment or service requested by and provided to that person, or the fee for a random drug test assessed under division (E) of section 341.26 of the Revised Code.

(F)(1) The corrections commission of a center established under this section may establish a commissary for the center. The commissary may be established either in-house or by another arrangement. If a commissary is established, all persons incarcerated in the center shall receive commissary privileges. A person's purchases from the commissary shall be deducted from the person's account record in the center's business office. The commissary shall provide for the distribution to indigent persons incarcerated in the center of necessary hygiene articles and

writing materials. 15505

(2) If a commissary is established, the corrections 15506  
commission of a center established under this section shall 15507  
establish a commissary fund for the center. The management of 15508  
funds in the commissary fund shall be strictly controlled in 15509  
accordance with procedures adopted by the auditor of state. 15510  
Commissary fund revenue over and above operating costs and reserve 15511  
shall be considered profits. All profits from the commissary fund 15512  
shall be used to purchase supplies and equipment for the benefit 15513  
of persons incarcerated in the center and to pay salary and 15514  
benefits for employees of the center, or for any other persons, 15515  
who work in or are employed for the sole purpose of providing 15516  
service to the commissary. The corrections commission shall adopt 15517  
rules and regulations for the operation of any commissary fund it 15518  
establishes. 15519

(G) In lieu of forming a corrections commission to administer 15520  
a multicounty correctional center or a municipal-county or 15521  
multicounty-municipal correctional center, the boards of county 15522  
commissioners and the legislative authorities of the municipal 15523  
corporations contracting to establish the center may also agree to 15524  
contract for the private operation and management of the center as 15525  
provided in section 9.06 of the Revised Code, but only if the 15526  
center houses only misdemeanor inmates. In order to enter into a 15527  
contract under section 9.06 of the Revised Code, all the boards 15528  
and legislative authorities establishing the center shall approve 15529  
and be parties to the contract. 15530

(H) If a person who is convicted of or pleads guilty to an 15531  
offense is sentenced to a term in a multicounty correctional 15532  
center or a municipal-county or multicounty-municipal correctional 15533  
center or is incarcerated in the center in the manner described in 15534  
division (C) of this section, or if a person who is arrested for 15535  
an offense, and who has been denied bail or has had bail set and 15536

has not been released on bail is confined in a multicounty 15537  
correctional center or a municipal-county or multicounty-municipal 15538  
correctional center pending trial, at the time of reception and at 15539  
other times the officer, officers, or other person in charge of 15540  
the operation of the center determines to be appropriate, the 15541  
officer, officers, or other person in charge of the operation of 15542  
the center may cause the convicted or accused offender to be 15543  
examined and tested for tuberculosis, HIV infection, hepatitis, 15544  
including but not limited to hepatitis A, B, and C, and other 15545  
contagious diseases. The officer, officers, or other person in 15546  
charge of the operation of the center may cause a convicted or 15547  
accused offender in the center who refuses to be tested or treated 15548  
for tuberculosis, HIV infection, hepatitis, including but not 15549  
limited to hepatitis A, B, and C, or another contagious disease to 15550  
be tested and treated involuntarily. 15551

(I) As used in this section, ~~"multicounty municipal":~~ 15552

(1) "Multicounty-municipal" means more than one county and a 15553  
municipal corporation, or more than one municipal corporation and 15554  
a county, or more than one municipal corporation and more than one 15555  
county. 15556

(2) "Ohio river valley facility" has the same meaning as in 15557  
section 341.121 of the Revised Code. 15558

**Sec. 307.984.** (A) To enhance the administration, delivery, 15559  
and effectiveness of family services duties and workforce 15560  
development activities, a board of county commissioners may enter 15561  
into one or more regional plans of cooperation with the following: 15562

(1) One or more other boards of county commissioners; 15563

(2) The chief elected official or officials of one or more 15564  
municipal corporations that are ~~the type of local area~~ areas as 15565  
defined in ~~division (A)(1) of~~ section 6301.01 of the Revised Code; 15566

(3) Both boards of county commissioners and such chief 15567  
elected officials. 15568

(B) A regional plan of cooperation must specify how the 15569  
private and government entities included in the plan will 15570  
coordinate and enhance the administration, delivery, and 15571  
effectiveness of family services duties and workforce development 15572  
activities. 15573

Sec. 313.132. If an autopsy includes a toxicological 15574  
analysis, the coroner, deputy coroner, or pathologist shall screen 15575  
for the presence of buprenorphine, naltrexone, and methadone. 15576

Sec. 319.11. The county auditor shall, ~~on or before ninety~~ 15577  
~~days after the close of the fiscal year,~~ prepare a financial 15578  
report of the county for the preceding fiscal year in such form as 15579  
prescribed by the auditor of state and by such date as required 15580  
under section 117.38 of the Revised Code. Upon completing the 15581  
report, the county auditor shall publish notice that the report 15582  
has been completed and is available for public inspection at the 15583  
office of the county auditor. The notice shall be published once 15584  
in a newspaper of general circulation in the county. If there is 15585  
no newspaper of general circulation in the county, then 15586  
publication is required in the newspaper of general circulation in 15587  
an adjoining county that has the largest circulation in that 15588  
adjoining county. The report shall contain at least the 15589  
information required by section 117.38 of the Revised Code, and a 15590  
copy shall be filed with the auditor of state. 15591

No county auditor shall fail or neglect to prepare the report 15592  
or publish notice of completion of the report as required by this 15593  
section. 15594

Sec. 319.26. (A)(1) If a county auditor purposely, knowingly, 15595  
or recklessly fails to perform a fiscal duty expressly imposed by 15596

law with respect to the fiscal duties of the office of county auditor or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of the office of county auditor, the county treasurer or a county commissioner may submit a sworn affidavit alleging the violation, together with evidence supporting the allegations, to the auditor of state. The sworn affidavit and evidence shall be submitted in the format prescribed by rule of the auditor of state under section 117.45 of the Revised Code. A person who makes a false statement in a sworn affidavit, for purposes of this section, is guilty of falsification under section 2921.13 of the Revised Code.

(2) The auditor of state shall review the sworn affidavit and the evidence. Within ~~ten business~~ thirty calendar days after receiving the sworn affidavit, unless, for good cause, additional time is required, the auditor of state shall determine whether clear and convincing evidence supports the allegations. If the auditor of state finds that no allegation is supported by clear and convincing evidence, the auditor of state shall submit those findings in writing to the county auditor and the person initiating the sworn affidavit. If the auditor of state finds by clear and convincing evidence that an allegation is supported by the evidence, the auditor of state shall submit those findings in writing to the attorney general, the county auditor, and the person who initiated the sworn affidavit. The findings shall include a copy of the sworn affidavit and the evidence submitted under division (A)(1) of this section.

(3)(a) The attorney general shall review the auditor of state's findings and the sworn affidavit and evidence. Within ten business days after receiving the sworn affidavit and evidence, unless, for good cause, additional time is required, the attorney general shall determine whether clear and convincing evidence supports the allegations. If the attorney general finds that no

allegation is supported by clear and convincing evidence, the 15629  
attorney general, by certified mail, shall notify the auditor of 15630  
state, the county auditor, and the person who initiated the sworn 15631  
affidavit, that no complaint for the removal of the county auditor 15632  
from public office will be filed. 15633

(b) If the attorney general finds by clear and convincing 15634  
evidence that an allegation is supported by the evidence, the 15635  
attorney general, by certified mail, shall notify the auditor of 15636  
state, the county auditor, and the person who initiated the sworn 15637  
affidavit of that fact, and shall commence an action for the 15638  
removal of the county auditor from public office under division 15639  
(B) of this section. 15640

(c) Nothing in this section is intended to limit the 15641  
authority of the attorney general to enter into mediation, 15642  
settlement, or resolution of any alleged violation before or 15643  
following the commencement of an action under this section. 15644

(B)(1)(a) The attorney general has a cause of action for 15645  
removal of a county auditor who purposely, knowingly, or 15646  
recklessly fails to perform a fiscal duty expressly imposed by law 15647  
with respect to the fiscal duties of the office of county auditor 15648  
or purposely, knowingly, or recklessly commits any act expressly 15649  
prohibited by law with respect to the fiscal duties of the office 15650  
of county auditor. Not later than forty-five days after sending a 15651  
notice under division (A)(3)(b) of this section, the attorney 15652  
general shall cause an action to be commenced against the county 15653  
auditor by filing a complaint for the removal of the county 15654  
auditor from public office. If any money is due, the attorney 15655  
general shall join the sureties on the county auditor's bond as 15656  
parties. The court of common pleas of the county in which the 15657  
county auditor holds office has exclusive original jurisdiction of 15658  
the action. The action shall proceed de novo as in the trial of a 15659  
civil action. The court is not restricted to the evidence that was 15660

presented to the auditor of state and the attorney general before 15661  
the action was filed. The action is governed by the Rules of Civil 15662  
Procedure. 15663

(b) If the court finds by clear and convincing evidence that 15664  
the county auditor purposely, knowingly, or recklessly failed to 15665  
perform a fiscal duty expressly imposed by law with respect to the 15666  
fiscal duties of the office of county auditor or purposely, 15667  
knowingly, or recklessly committed any act expressly prohibited by 15668  
law with respect to the fiscal duties of that office, the court 15669  
shall issue an order removing the county auditor from office and 15670  
any order necessary for the preservation or restitution of public 15671  
funds. 15672

(2) Except as otherwise provided in this division, an action 15673  
for removal from office under this section is stayed during the 15674  
pendency of any criminal action concerning a violation of an 15675  
existing or former municipal ordinance or law of this or any other 15676  
state or the United States that is substantially equivalent to any 15677  
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 15678  
conduct in office, if the person charged in the criminal action 15679  
committed the violation while serving as a county auditor and the 15680  
conduct constituting the violation was related to the duties of 15681  
the office of county auditor or to the person's actions as the 15682  
county auditor. The stay may be lifted upon motion of the 15683  
prosecuting attorney in the related criminal action. 15684

(3) Prior to or at the hearing, upon a showing of good cause, 15685  
the court may issue an order restraining the county auditor from 15686  
entering the county auditor's office and from conducting the 15687  
affairs of the office pending the hearing on the complaint. If 15688  
such an order is issued, the court may continue the order until 15689  
the conclusion of the hearing and any appeals under this section. 15690

(4) The board of county commissioners shall be responsible 15691  
for the payment of reasonable attorney's fees for counsel for the 15692

county auditor. If judgment is entered against the county auditor, 15693  
the court shall order the county auditor to reimburse the board 15694  
for attorney's fees and costs up to a reasonable amount, as 15695  
determined by the court. Expenses incurred by the board in a 15696  
removal action shall be paid out of the county general fund. 15697

(C) The judgment of the court is final and conclusive unless 15698  
reversed, vacated, or modified on appeal. An appeal may be taken 15699  
by any party, and shall proceed as in the case of appeals in civil 15700  
actions and in accordance with the Rules of Appellate Procedure. 15701  
Upon the filing of a notice of appeal by any party to the 15702  
proceedings, the court of appeals shall hear the case as an 15703  
expedited appeal under Rule 11.2 of the Rules of Appellate 15704  
Procedure. The county auditor has the right of review or appeal to 15705  
the supreme court. 15706

(D) If a final judgment for removal from public office is 15707  
entered against the county auditor, the office shall be deemed 15708  
vacated, and the vacancy shall be filled as provided in section 15709  
305.02 of the Revised Code. Except as otherwise provided by law, 15710  
an individual removed from public office under this section is not 15711  
entitled to hold any public office for four years following the 15712  
date of the final judgment, and is not entitled to hold any public 15713  
office until any repayment or restitution required by the court is 15714  
satisfied. 15715

(E) For the purposes of this section: 15716

(1) A person acts purposely when it is the person's specific 15717  
intention to cause a certain result, or, when the gist of the 15718  
offense is a prohibition against conduct of a certain nature, 15719  
regardless of what the person intends to accomplish thereby, it is 15720  
the person's specific intention to engage in conduct of that 15721  
nature. 15722

(2) A person acts knowingly, regardless of the person's 15723

purpose, when the person is aware that the person's conduct will 15724  
probably cause a certain result or will probably be of a certain 15725  
nature. A person has knowledge of circumstances when the person is 15726  
aware that such circumstances probably exist. 15727

(3) A person acts recklessly when, with heedless indifference 15728  
to the consequences, the person perversely disregards a known risk 15729  
that the person's conduct is likely to cause a certain result or 15730  
is likely to be of a certain nature. A person is reckless with 15731  
respect to circumstances when, with heedless indifference to the 15732  
consequences, the person perversely disregards a known risk that 15733  
such circumstances are likely to exist. 15734

(F) The proceedings provided for in this section may be used 15735  
as an alternative to the removal proceedings prescribed under 15736  
sections 3.07 to 3.10 of the Revised Code or other methods of 15737  
removal authorized by law. 15738

**Sec. 319.54.** (A) On all moneys collected by the county 15739  
treasurer on any tax duplicate of the county, other than estate 15740  
tax duplicates, and on all moneys received as advance payments of 15741  
personal property and classified property taxes, the county 15742  
auditor, on settlement with the treasurer and tax commissioner, on 15743  
or before the date prescribed by law for such settlement or any 15744  
lawful extension of such date, shall be allowed as compensation 15745  
for the county auditor's services the following percentages: 15746

(1) On the first one hundred thousand dollars, two and 15747  
one-half per cent; 15748

(2) On the next two million dollars, eight thousand three 15749  
hundred eighteen ten-thousandths of one per cent; 15750

(3) On the next two million dollars, six thousand six hundred 15751  
fifty-five ten-thousandths of one per cent; 15752

(4) On all further sums, one thousand six hundred sixty-three 15753

ten-thousandths of one per cent. 15754

If any settlement is not made on or before the date 15755  
prescribed by law for such settlement or any lawful extension of 15756  
such date, the aggregate compensation allowed to the auditor shall 15757  
be reduced one per cent for each day such settlement is delayed 15758  
after the prescribed date. No penalty shall apply if the auditor 15759  
and treasurer grant all requests for advances up to ninety per 15760  
cent of the settlement pursuant to section 321.34 of the Revised 15761  
Code. The compensation allowed in accordance with this section on 15762  
settlements made before the dates prescribed by law, or the 15763  
reduced compensation allowed in accordance with this section on 15764  
settlements made after the date prescribed by law or any lawful 15765  
extension of such date, shall be apportioned ratably by the 15766  
auditor and deducted from the shares or portions of the revenue 15767  
payable to the state as well as to the county, townships, 15768  
municipal corporations, and school districts. 15769

(B) For the purpose of reimbursing county auditors for the 15770  
expenses associated with the increased number of applications for 15771  
reductions in real property taxes under sections 323.152 and 15772  
4503.065 of the Revised Code that result from the amendment of 15773  
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 15774  
there shall be paid from the state's general revenue fund to the 15775  
county treasury, to the credit of the real estate assessment fund 15776  
created by section 325.31 of the Revised Code, an amount equal to 15777  
one per cent of the total annual amount of property tax relief 15778  
reimbursement paid to that county under sections 323.156 and 15779  
4503.068 of the Revised Code for the preceding tax year. Payments 15780  
made under this division shall be made at the same times and in 15781  
the same manner as payments made under section 323.156 of the 15782  
Revised Code. 15783

(C) From all moneys collected by the county treasurer on any 15784  
tax duplicate of the county, other than estate tax duplicates, and 15785

on all moneys received as advance payments of personal property 15786  
and classified property taxes, there shall be paid into the county 15787  
treasury to the credit of the real estate assessment fund created 15788  
by section 325.31 of the Revised Code, an amount to be determined 15789  
by the county auditor, which shall not exceed the percentages 15790  
prescribed in divisions (C)(1) and (2) of this section. 15791

(1) For payments made after June 30, 2007, and before 2011, 15792  
the following percentages: 15793

(a) On the first five hundred thousand dollars, four per 15794  
cent; 15795

(b) On the next five million dollars, two per cent; 15796

(c) On the next five million dollars, one per cent; 15797

(d) On all further sums not exceeding one hundred fifty 15798  
million dollars, three-quarters of one per cent; 15799

(e) On amounts exceeding one hundred fifty million dollars, 15800  
five hundred eighty-five thousandths of one per cent. 15801

(2) For payments made in or after 2011, the following 15802  
percentages: 15803

(a) On the first five hundred thousand dollars, four per 15804  
cent; 15805

(b) On the next ten million dollars, two per cent; 15806

(c) On amounts exceeding ten million five hundred thousand 15807  
dollars, three-fourths of one per cent. 15808

Such compensation shall be apportioned ratably by the auditor 15809  
and deducted from the shares or portions of the revenue payable to 15810  
the state as well as to the county, townships, municipal 15811  
corporations, and school districts. 15812

(D) Each county auditor shall receive four per cent of the 15813  
amount of tax collected and paid into the county treasury, on 15814

property omitted and placed by the county auditor on the tax duplicate. 15815  
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(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement ~~semiannually~~ annually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages: 15817  
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(1) Four per cent on the first one hundred thousand dollars; 15822

(2) One-half of one per cent on all additional sums. 15823

Such percentages shall be computed upon the amount collected and reported at each ~~semiannual~~ annual settlement, and shall be for the use of the general fund of the county. 15824  
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(F) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually with the treasurer, shall be allowed as compensation for the auditor's services in the issuing of such licenses one-half of one per cent of such moneys, to be apportioned ratably and deducted from the shares of the revenue payable to the county and subdivisions, for the use of the general fund of the county. 15827  
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(G) The county auditor shall charge and receive fees as follows: 15834  
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(1) For deeds of land sold for taxes to be paid by the purchaser, five dollars; 15836  
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(2) For the transfer or entry of land, lot, or part of lot, or the transfer or entry on or after January 1, 2000, of a used manufactured home or mobile home as defined in section 5739.0210 of the Revised Code, fifty cents for each transfer or entry, to be paid by the person requiring it; 15838  
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(3) For receiving statements of value and administering section 319.202 of the Revised Code, one dollar, or ten cents for 15843  
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each one hundred dollars or fraction of one hundred dollars, 15845  
whichever is greater, of the value of the real property 15846  
transferred or, for sales occurring on or after January 1, 2000, 15847  
the value of the used manufactured home or used mobile home, as 15848  
defined in section 5739.0210 of the Revised Code, transferred, 15849  
except no fee shall be charged when the transfer is made: 15850

(a) To or from the United States, this state, or any 15851  
instrumentality, agency, or political subdivision of the United 15852  
States or this state; 15853

(b) Solely in order to provide or release security for a debt 15854  
or obligation; 15855

(c) To confirm or correct a deed previously executed and 15856  
recorded or when a current owner on any record made available to 15857  
the general public on the internet or a publicly accessible 15858  
database and the general tax list of real and public utility 15859  
property and the general duplicate of real and public utility 15860  
property is a peace officer, parole officer, prosecuting attorney, 15861  
assistant prosecuting attorney, correctional employee, youth 15862  
services employee, firefighter, EMT, or investigator of the bureau 15863  
of criminal identification and investigation and is changing the 15864  
current owner name listed on any record made available to the 15865  
general public on the internet or a publicly accessible database 15866  
and the general tax list of real and public utility property and 15867  
the general duplicate of real and public utility property to the 15868  
initials of the current owner as prescribed in division (B)(1) of 15869  
section 319.28 of the Revised Code; 15870

(d) To evidence a gift, in trust or otherwise and whether 15871  
revocable or irrevocable, between husband and wife, or parent and 15872  
child or the spouse of either; 15873

(e) On sale for delinquent taxes or assessments; 15874

(f) Pursuant to court order, to the extent that such transfer 15875

is not the result of a sale effected or completed pursuant to such order; 15876  
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(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation; 15878  
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(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock; 15884  
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(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever; 15887  
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(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars; 15889  
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(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home; 15892  
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(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others; 15898  
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(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift; 15902  
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(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 15906  
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(o) To a trustee acting on behalf of minor children of the deceased; 15914  
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(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars; 15916  
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(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code; 15918  
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(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization; 15920  
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(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home; 15925  
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(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust; 15929  
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(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets; 15931  
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15933  
15934

(v) To the beneficiaries of a trust if the fee was paid on 15935

the transfer from the grantor of the trust to the trustee or if 15936  
the transfer is made pursuant to trust provisions which became 15937  
irrevocable at the death of the grantor; 15938

(w) To a corporation for incorporation into a sports facility 15939  
constructed pursuant to section 307.696 of the Revised Code; 15940

(x) Between persons pursuant to section 5302.18 of the 15941  
Revised Code; 15942

(y) From a county land reutilization corporation organized 15943  
under Chapter 1724. of the Revised Code, or its wholly owned 15944  
subsidiary, to a third party. 15945

(4) For the cost of publishing the delinquent manufactured 15946  
home tax list, the delinquent tax list, and the delinquent vacant 15947  
land tax list, a flat fee, as determined by the county auditor, to 15948  
be charged to the owner of a home on the delinquent manufactured 15949  
home tax list or the property owner of land on the delinquent tax 15950  
list or the delinquent vacant land tax list. 15951

The auditor shall compute and collect the fee. The auditor 15952  
shall maintain a numbered receipt system, as prescribed by the tax 15953  
commissioner, and use such receipt system to provide a receipt to 15954  
each person paying a fee. The auditor shall deposit the receipts 15955  
of the fees on conveyances in the county treasury daily to the 15956  
credit of the general fund of the county, except that fees charged 15957  
and received under division (G)(3) of this section for a transfer 15958  
of real property to a county land reutilization corporation shall 15959  
be credited to the county land reutilization corporation fund 15960  
established under section 321.263 of the Revised Code. 15961

The real property transfer fee provided for in division 15962  
(G)(3) of this section shall be applicable to any conveyance of 15963  
real property presented to the auditor on or after January 1, 15964  
1968, regardless of its time of execution or delivery. 15965

The transfer fee for a used manufactured home or used mobile 15966

home shall be computed by and paid to the county auditor of the 15967  
county in which the home is located immediately prior to the 15968  
transfer. 15969

**Sec. 321.26.** (A) The county treasurer, on settlement with the 15970  
county auditor, on or before the date prescribed for such 15971  
settlement or any lawful extension of such date, shall be allowed 15972  
as fees on all ~~moneys collected by him on any tax duplicates other~~ 15973  
~~than the inheritance duplicate and on all moneys received by him~~ 15974  
~~as advance payments of personal and classified property taxes,~~ 15975  
qualifying collections the following percentages: 15976

(1) For settlement dates or any lawful extension of such 15977  
dates occurring before January 1, 2018: 15978

(a) On the first one hundred thousand dollars, two and nine 15979  
thousand nine hundred forty-seven ten-thousandths of one per cent; 15980

~~(2)~~(b) On the next two million dollars, nine thousand nine 15981  
hundred eighty-two ten-thousandths of one per cent; 15982

~~(3)~~(c) On the next two million dollars, seven thousand nine 15983  
hundred eighty-six ten-thousandths of one per cent; 15984

~~(4)~~(d) On all further sums, one thousand nine hundred 15985  
ninety-six ten-thousandths of one per cent. 15986

(2) For settlement dates or any lawful extension of such 15987  
dates occurring on or after January 1, 2018: 15988

(a) On the first five million dollars or an amount as 15989  
adjusted pursuant to division (B) of this section, nine thousand 15990  
four hundred ninety-five ten-thousandths of one per cent; 15991

(b) On all further sums, one thousand nine hundred ninety-six 15992  
ten-thousandths of one per cent. 15993

If qualifying collections for a year are less than five 15994  
million dollars or the amount as adjusted under division (B) of 15995

this section, the fee shall equal the product of five million 15996  
dollars or that adjusted amount, as applicable, multiplied by nine 15997  
thousand four hundred ninety-five ten-thousandths of one per cent. 15998

(B) In January of each year, beginning in 2019, if the sum of 15999  
qualifying charges for all counties in the preceding year exceeded 16000  
the sum of qualifying charges for all counties in the second 16001  
preceding year, the tax commissioner shall multiply the percentage 16002  
by which that sum increased, rounded to the nearest one-tenth of 16003  
one per cent, by the dollar amount described in division (A)(2)(a) 16004  
of this section that is applicable to the preceding year. 16005

For settlement dates or any lawful extension of such dates 16007  
occurring in 2019 or any year thereafter, the tax commissioner 16008  
shall adjust the dollar amount described in division (A)(2)(a) of 16009  
this section applicable to the preceding year by adding the 16010  
resulting product to that dollar amount and rounding the resulting 16011  
sum to the nearest ten thousand dollars. That adjusted amount 16012  
shall apply to each year beginning in the calendar year in which 16013  
the commissioner makes such an adjustment and to each ensuing 16014  
calendar year until a calendar year in which the commissioner 16015  
makes a new adjustment under this division. 16016

The tax commissioner shall not make an adjustment under this 16017  
division for a year in which the qualifying charges in the 16018  
preceding year did not exceed the qualifying charges in the second 16019  
preceding year, the rounded percentage calculated under this 16020  
division does not exceed zero per cent, or the rounded resulting 16021  
sum equals zero. 16022

On or before the first day of February of each year, the tax 16023  
commissioner shall certify to each county auditor and county 16024  
treasurer the dollar amount under division (A)(2)(a) of this 16025  
section applicable to settlement dates or any lawful extension of 16026  
such dates occurring in that year. 16027

(C) In the event any settlement prescribed by law is not made 16028  
on or before the date prescribed by law for such settlement, on or 16029  
before the dates prescribed by any lawful extension thereof, the 16030  
aggregate compensation allowed to the county treasurer shall be 16031  
reduced one per cent for each day such settlement is delayed after 16032  
the prescribed date. No penalty shall apply in the event the 16033  
auditor and treasurer grant all requests for advances up to ninety 16034  
per cent of the settlement pursuant to section 321.34 of the 16035  
Revised Code. The compensation allowed in accordance with this 16036  
section on settlements made on or before the dates prescribed by 16037  
law, or the reduced compensation allowed in accordance with this 16038  
section on settlements made after the date prescribed by law or 16039  
any lawful extension of such date, shall be apportioned ratably by 16040  
the auditor and deducted from the shares or portion of the revenue 16041  
payable to the state as well as to the county, township, 16042  
corporations, and school districts. On all other moneys collected 16043  
by the treasurer as fees or as advance payments, except moneys 16044  
received from the treasurer of state, ~~his~~ the treasurer's 16045  
predecessors in office, ~~his~~ the treasurer's legal representatives, 16046  
or the sureties of such predecessors, and except moneys received 16047  
from the proceeds of the bonds of the county or of any municipal 16048  
corporation, five-tenths per cent, to be paid upon the warrant of 16049  
the auditor out of the general fund of the county. 16050

(D) As used in this section: 16051

(1) "Qualifying collections" means moneys collected by a 16052  
county treasurer on any tax duplicates other than the inheritance 16053  
tax duplicate. 16054

(2) "Qualifying charges" means taxes charged and payable 16055  
against real and public utility property for the current tax year 16056  
after making the reduction required by section 319.301 of the 16057  
Revised Code. 16058

**Sec. 321.27.** (A) On settlement ~~semiannually~~ annually with the 16059  
county auditor, the county treasurer shall be allowed as fees on 16060  
all moneys collected by ~~him~~ the treasurer on ~~inheritance estate~~ 16061  
tax duplicates, the following percentages: three per cent on the 16062  
first one hundred thousand dollars; two per cent on the next one 16063  
hundred thousand dollars; five tenths per cent on all additional 16064  
sums. Such percentages shall be computed upon the amount collected 16065  
and reported at each ~~semiannual~~ annual settlement, and shall be 16066  
for the use of the general fund of the county. 16067

(B) On ~~such~~ settlement semiannually with the county auditor, 16068  
the county treasurer shall ~~also~~ be allowed as fees on all 16069  
cigarette license moneys collected by ~~him,~~ the treasurer one-half 16070  
per cent on the amount received, to be paid upon the warrant of 16071  
the auditor and ~~by him~~ apportioned ratably and deducted from the 16072  
shares of revenue payable to the county and subdivisions of the 16073  
county under section 5743.15 of the Revised Code, for the use of 16074  
the general fund of the county. 16075

**Sec. 321.37.** (A)(1) If a county treasurer purposely, 16076  
knowingly, or recklessly fails to perform a fiscal duty expressly 16077  
imposed by law with respect to the fiscal duties of the office of 16078  
county treasurer or purposely, knowingly, or recklessly commits 16079  
any act expressly prohibited by law with respect to the fiscal 16080  
duties of the office of county treasurer, the county auditor or a 16081  
county commissioner may submit a sworn affidavit alleging the 16082  
violation, together with evidence supporting the allegations, to 16083  
the auditor of state. The sworn affidavit and evidence shall be 16084  
submitted in the format prescribed by rule of the auditor of state 16085  
under section 117.45 of the Revised Code. A person who makes a 16086  
false statement in a sworn affidavit, for purposes of this 16087  
section, is guilty of falsification under section 2921.13 of the 16088  
Revised Code. 16089

(2) The auditor of state shall review the sworn affidavit and the evidence. Within ~~ten business~~ thirty calendar days after receiving the sworn affidavit and evidence, unless, for good cause, additional time is required, the auditor of state shall determine whether clear and convincing evidence supports the allegations. If the auditor of state finds that no allegation is supported by clear and convincing evidence, the auditor of state shall submit those findings in writing to the county treasurer and the person who initiated the sworn affidavit. If the auditor of state finds by clear and convincing evidence that an allegation is supported by the evidence, the auditor of state shall submit those findings in writing to the attorney general, the county treasurer, and the person who initiated the sworn affidavit. The findings shall include a copy of the sworn affidavit and the evidence submitted under division (A)(1) of this section.

(3)(a) The attorney general shall review the auditor of state's findings and the sworn affidavit and evidence. Within ten business days after receiving them, unless, for good cause, additional time is required, the attorney general shall determine whether clear and convincing evidence supports the allegations. If the attorney general finds that no allegation is supported by clear and convincing evidence, the attorney general, by certified mail, shall notify the auditor of state, the county treasurer, and the person who initiated the sworn affidavit, that no complaint for the removal of the county treasurer from public office will be filed.

(b) If the attorney general finds by clear and convincing evidence that an allegation is supported by the evidence, the attorney general, by certified mail, shall notify the auditor of state, the county treasurer, and the person who initiated the sworn affidavit of that fact, and shall commence an action for the removal of the county treasurer from public office under division

(B) of this section. 16122

(c) Nothing in this section is intended to limit the 16123  
authority of the attorney general to enter into mediation, 16124  
settlement, or resolution of any alleged violation before or 16125  
following the commencement of an action under this section. 16126

(B)(1)(a) The attorney general has a cause of action for 16127  
removal of a county treasurer who purposely, knowingly, or 16128  
recklessly fails to perform a fiscal duty expressly imposed by law 16129  
with respect to the fiscal duties of the office of county 16130  
treasurer or purposely, knowingly, or recklessly commits any act 16131  
expressly prohibited by law with respect to the fiscal duties of 16132  
the office of county treasurer. Not later than forty-five days 16133  
after sending a notice under division (A)(3)(b) of this section, 16134  
the attorney general shall cause an action to be commenced against 16135  
the county treasurer by filing a complaint for the removal of the 16136  
county treasurer from public office. If any money is due, the 16137  
attorney general shall join the sureties on the county treasurer's 16138  
bond as parties. The court of common pleas of the county in which 16139  
the county treasurer holds office has exclusive original 16140  
jurisdiction of the action. The action shall proceed de novo as in 16141  
the trial of a civil action. The court is not restricted to the 16142  
evidence that was presented to the auditor of state and the 16143  
attorney general before the action was filed. The action is 16144  
governed by the Rules of Civil Procedure. 16145

(b) If the court finds by clear and convincing evidence that 16146  
the county treasurer purposely, knowingly, or recklessly failed to 16147  
perform a fiscal duty expressly imposed by law with respect to the 16148  
fiscal duties of the office of county treasurer or purposely, 16149  
knowingly, or recklessly committed any act expressly prohibited by 16150  
law with respect to the fiscal duties of that office, the court 16151  
shall issue an order removing the county treasurer from office and 16152  
any order necessary for the preservation or restitution of public 16153

funds. 16154

(2) Except as otherwise provided in this division, an action 16155  
for removal from office under this section is stayed during the 16156  
pendency of any criminal action concerning a violation of an 16157  
existing or former municipal ordinance or law of this or any other 16158  
state or the United States that is substantially equivalent to any 16159  
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 16160  
conduct in office, if the person charged in the criminal action 16161  
committed the violation while serving as a county treasurer and 16162  
the conduct constituting the violation was related to the duties 16163  
of the office of county treasurer or to the person's actions as 16164  
the county treasurer. The stay may be lifted upon motion of the 16165  
prosecuting attorney in the related criminal action. 16166

(3) Prior to or at the hearing, upon a showing of good cause, 16167  
the court may issue an order restraining the county treasurer from 16168  
entering the county treasurer's office and from conducting the 16169  
affairs of the office pending the hearing on the complaint. If 16170  
such an order is issued, the court may continue the order until 16171  
the conclusion of the hearing and any appeals under this section. 16172

(4) The board of county commissioners shall be responsible 16173  
for the payment of reasonable attorney's fees for counsel for the 16174  
county treasurer. If judgment is entered against the county 16175  
treasurer, the court shall order the county treasurer to reimburse 16176  
the board for attorney's fees and costs up to a reasonable amount, 16177  
as determined by the court. Expenses incurred by the board in a 16178  
removal action shall be paid out of the county general fund. 16179

(C) The judgment of the court is final and conclusive unless 16180  
reversed, vacated, or modified on appeal. An appeal may be taken 16181  
by any party, and shall proceed as in the case of appeals in civil 16182  
actions and in accordance with the Rules of Appellate Procedure. 16183  
Upon the filing of a notice of appeal by any party to the 16184  
proceedings, the court of appeals shall hear the case as an 16185

expedited appeal under Rule 11.2 of the Rules of Appellate 16186  
Procedure. The county treasurer has the right of review or appeal 16187  
to the supreme court. 16188

(D) If a final judgment for removal from public office is 16189  
entered against the county treasurer, the office shall be deemed 16190  
vacated, and the vacancy shall be filled as provided in section 16191  
305.02 of the Revised Code. Except as otherwise provided by law, 16192  
an individual removed from public office under this section is not 16193  
entitled to hold any public office for four years following the 16194  
date of the final judgment, and is not entitled to hold any public 16195  
office until any repayment or restitution required by the court is 16196  
satisfied. 16197

(E) For the purposes of this section: 16198

(1) A person acts purposely when it is the person's specific 16199  
intention to cause a certain result, or, when the gist of the 16200  
offense is a prohibition against conduct of a certain nature, 16201  
regardless of what the person intends to accomplish thereby, it is 16202  
the person's specific intention to engage in conduct of that 16203  
nature. 16204

(2) A person acts knowingly, regardless of the person's 16205  
purpose, when the person is aware that the person's conduct will 16206  
probably cause a certain result or will probably be of a certain 16207  
nature. A person has knowledge of circumstances when the person is 16208  
aware that such circumstances probably exist. 16209

(3) A person acts recklessly when, with heedless indifference 16210  
to the consequences, the person perversely disregards a known risk 16211  
that the person's conduct is likely to cause a certain result or 16212  
is likely to be of a certain nature. A person is reckless with 16213  
respect to circumstances when, with heedless indifference to the 16214  
consequences, the person perversely disregards a known risk that 16215  
such circumstances are likely to exist. 16216

(F) The proceedings provided for in this section may be used 16217  
as an alternative to the removal proceedings prescribed under 16218  
sections 3.07 to 3.10 of the Revised Code or other methods of 16219  
removal authorized by law. 16220

**Sec. 321.46.** (A) To enhance the background and working 16221  
knowledge of county treasurers in governmental accounting, 16222  
portfolio reporting and compliance, investments, cybersecurity, 16223  
and cash management, the auditor of state and the treasurer of 16224  
state shall conduct education programs for persons elected for the 16225  
first time to the office of county treasurer and shall hold 16226  
biennial continuing education courses for persons who continue to 16227  
hold the office of county treasurer. 16228

Initial education programs for newly elected county 16229  
treasurers shall be held between the first day of December and the 16230  
first Monday of September next following that person's election to 16231  
the office of county treasurer. Similar initial education programs 16232  
may also be provided to any county treasurer who is appointed to 16233  
fill a vacancy or who is elected at a special election. 16234

(B)(1) The auditor of state shall determine the manner and 16235  
content of the initial education programs in the subject areas of 16236  
governmental accounting and portfolio reporting and compliance. In 16237  
those areas, newly elected county treasurers shall take at least 16238  
thirteen hours of education before taking office. 16239

(2) The treasurer of state shall determine the manner and 16240  
content of the initial education programs in the subject areas of 16241  
investments and cash management. In those areas, newly elected 16242  
county treasurers shall take at least thirteen hours of education 16243  
before taking office. 16244

(3)(a) After completing one year in office, a county 16245  
treasurer shall take not less than twenty-four hours of continuing 16246  
education during each biennial cycle. For purposes of division 16247

(B)(3)(a) of this section, a biennial cycle for continuing 16248  
education shall be every two calendar years after the treasurer's 16249  
first year in office. The treasurer of state shall determine the 16250  
manner and content of the continuing education courses in the 16251  
subject areas of investments, cash management, the collection of 16252  
taxes, ethics, and any other subject area that the treasurer of 16253  
state determines is reasonably related to the duties of the office 16254  
of the county treasurer. The auditor of state shall determine the 16255  
manner and content of the continuing education courses in the 16256  
subject areas of governmental accounting, portfolio reporting and 16257  
compliance, office management, cybersecurity, and any other 16258  
subject area that the auditor of state determines is reasonably 16259  
related to the duties of the office of the county treasurer. 16260

(b) A county treasurer who accumulates more than twenty-four 16261  
hours of continuing education in a biennial cycle described in 16262  
division (B)(3)(a) of this section may credit the hours in excess 16263  
of twenty-four hours to the next biennial cycle. However, 16264  
regardless of the total number of hours earned, no more than six 16265  
hours in continuing education determined by the treasurer of state 16266  
pursuant to division (B)(3)(a) of this section and six hours in 16267  
continuing education determined by the auditor of state pursuant 16268  
to that division shall be carried over to the next biennial cycle. 16269

(c) A county treasurer who participates in a training program 16270  
or seminar established under section 109.43 of the Revised Code 16271  
may apply the three hours of training to the twenty-four hours of 16272  
continuing education required in a biennial cycle under division 16273  
(B)(3)(a) of this section. 16274

(C) The auditor of state and the treasurer of state may each 16275  
charge counties a registration fee that will meet actual and 16276  
necessary expenses of the training of county treasurers, including 16277  
instructor fees, site acquisition costs, and the cost of course 16278  
materials. The necessary personal expenses of county treasurers as 16279

a result of attending the initial education programs and 16280  
continuing education courses shall be borne by the counties the 16281  
treasurers represent. 16282

(D) The auditor of state and the treasurer of state may allow 16283  
any other interested person to attend any of the initial education 16284  
programs or continuing education courses held pursuant to this 16285  
section, provided that before attending any such program or 16286  
course, the interested person shall pay to either the auditor of 16287  
state or the treasurer of state, as appropriate, the full 16288  
registration fee set for the program or course. 16289

(E)(1) If a county treasurer fails to complete the initial 16290  
education programs required by this section before taking office, 16291  
the treasurer's authority to invest county funds and to manage the 16292  
county portfolio immediately is suspended, and this authority is 16293  
transferred to the county's investment advisory committee until 16294  
full compliance with the initial education programs is determined 16295  
by the treasurer of state. 16296

(2) If a county treasurer fails to complete continuing 16297  
education as required by this section, the county treasurer is 16298  
subject to divisions (B) to (E) of section 321.47 of the Revised 16299  
Code, including possible suspension of the treasurer's authority 16300  
to invest county funds and to manage the county portfolio and 16301  
transfer of this authority to the county's investment advisory 16302  
committee. 16303

(F)(1) Notwithstanding divisions (B) and (E) of this section, 16304  
a county treasurer who fails to complete the initial education 16305  
programs or continuing education required by this section shall 16306  
invest only in the Ohio subdivisions fund pursuant to division 16307  
(A)(6) of section 135.35 of the Revised Code, in no load money 16308  
market mutual funds pursuant to division (A)(5) of section 135.35 16309  
of the Revised Code, or in time certificates of deposit or savings 16310  
or deposit accounts pursuant to division (A)(3) of section 135.35 16311

of the Revised Code. 16312

(2) A county treasurer who has failed to complete the initial 16313  
education programs required by this section and invests in other 16314  
than the investments permitted by division (F)(1) of this section 16315  
immediately shall have the county treasurer's authority to invest 16316  
county funds and to manage the county portfolio suspended, and 16317  
this authority shall be transferred to the county's investment 16318  
advisory committee until full compliance with the initial 16319  
education programs is determined by the treasurer of state. 16320

(3) If a county treasurer fails to complete continuing 16321  
education required by this section and invests in other than the 16322  
investments permitted by division (F)(1) of this section, the 16323  
county treasurer is subject to divisions (B) to (E) of section 16324  
321.47 of the Revised Code, including possible suspension of the 16325  
treasurer's authority to invest county funds and to manage the 16326  
county portfolio and transfer of this authority to the county's 16327  
investment advisory committee. 16328

(G)(1) There is hereby created in the state treasury the 16329  
county treasurer education fund, to be used by the treasurer of 16330  
state for actual and necessary expenses of initial education 16331  
programs and continuing education held pursuant to this section 16332  
and section 135.22 of the Revised Code. All registration fees 16333  
collected by the treasurer of state under this section and section 16334  
135.22 of the Revised Code shall be paid into that fund. 16335

(2) All registration fees collected by the auditor of state 16336  
under this section shall be paid into the auditor of state 16337  
training program fund established under section 117.44 of the 16338  
Revised Code. 16339

(H) The treasurer of state, with the advice and consent of 16340  
the auditor of state, may adopt reasonable rules not inconsistent 16341  
with this section for the implementation of this section. 16342

Sec. 323.01. Except as otherwise provided, as used in Chapter	16343
323. of the Revised Code:	16344
(A) "Subdivision" means any county, township, school	16345
district, or municipal corporation.	16346
(B) "Municipal corporation" includes charter municipalities.	16347
(C) "Taxes" means the total amount of all charges against an	16348
entry appearing on a tax list and the duplicate thereof that was	16349
prepared and certified in accordance with section 319.28 of the	16350
Revised Code, including taxes levied against real estate; taxes on	16351
property whose value is certified pursuant to section 5727.23 of	16352
the Revised Code; recoupment charges applied pursuant to section	16353
5713.35 of the Revised Code; all assessments; penalties and	16354
interest charged pursuant to section 323.121 of the Revised Code;	16355
charges added pursuant to section 319.35 of the Revised Code; and	16356
all of such charges which remain unpaid from any previous tax	16357
year.	16358
(D) "Current taxes" means all taxes charged against an entry	16359
on the general tax list and duplicate of real and public utility	16360
property that have not appeared on such list and duplicate for any	16361
prior tax year and any penalty thereon charged by division (A) of	16362
section 323.121 of the Revised Code. Current taxes, whether or not	16363
they have been certified delinquent, become delinquent taxes if	16364
they remain unpaid after the last day prescribed for payment of	16365
the second installment of current taxes without penalty.	16366
(E) "Delinquent taxes" means:	16367
(1) Any taxes charged against an entry on the general tax	16368
list and duplicate of real and public utility property that were	16369
charged against an entry on such list and duplicate for a prior	16370
tax year and any penalties and interest charged against such	16371
taxes.	16372

(2) Any current taxes charged on the general tax list and duplicate of real and public utility property that remain unpaid after the last day prescribed for payment of the second installment of such taxes without penalty, whether or not they have been certified delinquent, and any penalties and interest charged against such taxes.

(F) "Current tax year" means, with respect to particular taxes, the calendar year in which the first installment of taxes is due prior to any extension granted under section 323.17 of the Revised Code.

(G) "Liquidated claim" means:

(1) Any sum of money due and payable, upon a written contractual obligation executed between the subdivision and the taxpayer, but excluding any amount due on general and special assessment bonds and notes;

~~(2) Any sum of money due and payable, for disability financial assistance provided under Chapter 5115. of the Revised Code that is furnished to or in behalf of a subdivision, provided that such claim is recognized by a resolution or ordinance of the legislative body of such subdivision;~~

~~(3) Any sum of money advanced and paid to or received and used by a subdivision, pursuant to a resolution or ordinance of such subdivision or its predecessor in interest, and the moral obligation to repay which sum, when in funds, shall be recognized by resolution or ordinance by the subdivision.~~

**Sec. 323.32.** As used in this section, "railroad note" means a note issued pursuant to a court order in the reorganization of a railroad company under section 77 of the Bankruptcy Act.

Notwithstanding any other provision of law to the contrary, with respect to all payments received in settlement of claims

arising from delinquent property tax charges and ordered to be 16403  
paid by a railroad company under a plan of reorganization as 16404  
ordered by a federal district court in accordance with provisions 16405  
of Chapter VIII of the "Federal Bankruptcy Act," 11 U.S.C.A. 16406  
201-208, the following provisions shall apply: 16407

(A) Except as provided in division (H) of this section, all 16408  
of such payments shall be made payable, and delivered, to the 16409  
county in which the taxing district sharing in a claim for 16410  
delinquent taxes is located. Any notes included in such payment 16411  
shall be issued to such county treasurer, who shall be the 16412  
custodian of all of said notes, and who shall be liable therefor 16413  
upon ~~his~~ the treasurer's bond until such time as said notes 16414  
mature, are sold, or otherwise lawfully pass from ~~his~~ the 16415  
treasurer's custody. 16416

(B) Upon receipt of a payment by cash or check, the county 16417  
treasurer shall immediately cause such funds to be paid into the 16418  
county treasury and credited to a special fund established for 16419  
this purpose, which shall be known as the "undivided bankruptcy 16420  
claims fund." All of such moneys so received, including any earned 16421  
interest, shall be credited to said fund. 16422

(C) When the total claim for each county has been satisfied 16423  
by the receipt of cash or notes, or both, the county auditor shall 16424  
remit from the tax list and duplicate of real and public utility 16425  
property in each county, all charges appearing thereon in the name 16426  
of the railroad company for which such payment has been made, 16427  
which are delinquent and unpaid from any year previous to the tax 16428  
year 1977. 16429

(D) At any time that funds are present in the undivided 16430  
bankruptcy claims fund, either upon initial settlement or at any 16431  
later time, the county auditor shall, forthwith, distribute by 16432  
auditors' warrant, such funds to the various taxing districts of 16433  
the county, in which the property taxes, from which the claim in 16434

bankruptcy has derived, were originally charged. The funds so 16435  
distributed shall be apportioned among the various taxing 16436  
authorities within each taxing district in the same proportions as 16437  
the said taxes were originally levied, taking into account the 16438  
various rates of taxation levied for different purposes for each 16439  
year in which such taxes were charged and remained unpaid, and any 16440  
unpaid special assessments, including compound interest thereon at 16441  
the rate of six per cent per annum to January 1, 1978. 16442

In making such distribution, the auditor shall, first, deduct 16443  
an amount equal to one per cent of the total amount to be 16444  
distributed, as fees for services of the county auditor and 16445  
treasurer in making collection and distribution of the claim in 16446  
bankruptcy. Such deduction shall be in lieu of all fees provided 16447  
for in sections 319.54 and 321.26 of the Revised Code. The amount 16448  
so deducted shall be credited to the general fund of the county. 16449

If any funds received pursuant to this section represent 16450  
taxes which, if collected, would have resulted from any general or 16451  
emergency levy which has since expired, such funds may be credited 16452  
to the general operating fund and expended as though they are 16453  
proceeds from a current levy, and if any of such funds represent 16454  
taxes from any current general bond retirement levy or one which 16455  
has since expired, said funds may be credited to the current bond 16456  
retirement fund and used to service any current bond indebtedness, 16457  
or may be credited to the general operating fund of the district, 16458  
if so designated by a majority of the members of the taxing 16459  
authority of the taxing district. 16460

(E) Except as provided in division (H) of this section, when, 16461  
as a part of the settlement of a claim in bankruptcy of a 16462  
reorganized railroad company a county receives notes on behalf of 16463  
a taxing authority in partial payment of said claim, the county 16464  
treasurer shall, within a reasonable length of time, notify the 16465  
taxing authority of each taxing district sharing in the claim that 16466

such notes are in ~~his~~ the treasurer's custody. Within sixty days 16467  
of receipt of such notice, each taxing authority shall decide by a 16468  
resolution approved by a majority of its members whether: 16469

(1) The notes shall remain in custody of the county 16470  
treasurer, as issued, and allowed to mature according to the terms 16471  
presented on their face with the proceeds to be distributed upon 16472  
maturity pursuant to division (D) of this section; or 16473

(2) The railroad notes shall be exchanged for several new 16474  
notes in denominations equal to the proportionate share, or 16475  
portion thereof, of the taxing district having a share in the 16476  
claim in bankruptcy as determined in division (D) of this section. 16477  
The new notes shall be distributed, upon receipt, to each taxing 16478  
authority in full satisfaction of its claim or in full 16479  
satisfaction of the portion of its claim represented by the notes 16480  
so received. If notes cannot be issued in denominations equal to 16481  
the taxing district's proportionate share, the treasurer shall 16482  
certify to the taxing authority of the district the amount of 16483  
notes held by the treasurer on behalf of the district and for 16484  
which notes cannot be issued pursuant to the taxing authority's 16485  
decision under this subdivision. Upon receipt of such 16486  
certification, the taxing authority may borrow money and issue 16487  
notes against such certification in the same manner as is provided 16488  
by division (F) of this section. 16489

If a taxing authority elects the option provided under 16490  
division (E)(1) of this section, it may at any subsequent time 16491  
elect instead the option provided under division (E)(2) of this 16492  
section by resolution approved by a majority of its members. The 16493  
election of the option provided under division (E)(2) of this 16494  
section becomes final upon receipt by the taxing authority of the 16495  
new notes or certification distributed by the county treasurer 16496  
under such division. 16497

Each taxing authority shall certify a copy of any resolution 16498

adopted under this division to the county treasurer who shall take 16499  
appropriate action as directed by each taxing authority. 16500

(F) A taxing authority having possession of any railroad note 16501  
or a treasurer's certification issued under division (E)(2) of 16502  
this section may, by approval of a majority of its members, borrow 16503  
money and issue its note in anticipation of the revenue payable on 16504  
maturity of the railroad note and pledge the railroad note or the 16505  
proceeds thereof. Such anticipation note shall mature no later 16506  
than the railroad note and shall be in an amount no greater than 16507  
seventy per cent of the face amount of said railroad note. By like 16508  
action a taxing authority may sell any railroad note in its 16509  
possession at public or private offering for not less than the 16510  
prevailing market price. Such a sale or borrowing shall be exempt 16511  
from all other requirements and limitations of the Revised Code, 16512  
including the requirements of the Uniform Bond Law. 16513

(1) If a taxing authority desires to issue delinquent tax 16514  
bonds pursuant to section 131.23 of the Revised Code prior to 16515  
either receipt of any payment from a railroad in bankruptcy or 16516  
utilization of the authority granted in this section, the taxing 16517  
authority may determine whether or not the net amount of 16518  
delinquent taxes unpledged for purposes of division (B)~~(6)~~(5) of 16519  
section 131.23 of the Revised Code shall include all or part of 16520  
the delinquent taxes owed by a railroad, or, if notes have been 16521  
received pursuant to this section, the unpaid principal amount of 16522  
such notes. If the taxing authority determines that any such 16523  
railroad delinquencies or note amount shall be included under 16524  
section 131.23 of the Revised Code, the amount which may be 16525  
borrowed pursuant to this section may not exceed seventy per cent 16526  
of the total face amount of railroad notes remaining after 16527  
deducting the amount so included. 16528

(2) If a taxing authority desires to issue delinquent tax 16529  
bonds pursuant to section 131.23 of the Revised Code after 16530

utilization of the authority granted in this section, the net 16531  
amount of delinquent taxes unpledged for purposes of division 16532  
(B)~~(6)~~(5) of section 131.23 of the Revised Code may not include 16533  
the principal amount of railroad notes which have been borrowed 16534  
against or sold pursuant to this section. 16535

(G) When a taxing authority receives a railroad note, the 16536  
face amount of such note shall not be considered as revenue for 16537  
any purpose in the year in which the note is received. Upon sale 16538  
or maturity of the note, any proceeds not pledged pursuant to 16539  
division (F) of this section shall be considered as unanticipated 16540  
revenue from a new source and all of the provisions of law 16541  
pertaining to such revenue, including section 5705.36 of the 16542  
Revised Code, shall apply. 16543

(H) When there are present in a county nonrepresented taxing 16544  
districts as provided in amended substitute house bill 336~~7~~ of the 16545  
112th general assembly, all of the provisions of this section 16546  
shall apply to such districts, except as follows: 16547

(1) Payments by cash or check may be made payable, and 16548  
delivered, directly to the treasurer of the taxing district. Any 16549  
notes included in the settlement of the district's claim may be 16550  
issued, and delivered, directly to said treasurer. 16551

Upon receipt of any of such payments, the treasurer of the 16552  
taxing district shall certify, to the county treasurer of the 16553  
county in which the district is located, the fact of such receipt 16554  
and the amounts so received. 16555

(2) If the claim of a nonrepresented taxing district is not 16556  
paid directly to the treasurer of the district but is included 16557  
with payments for the remainder of the county, cash payments 16558  
included in the initial settlement shall be distributed as 16559  
provided in divisions (B) and (D) of this section. Any notes 16560  
received as payment shall be exchanged and distributed to 16561

nonrepresented taxing districts upon receipt. 16562

**Sec. 329.03.** (A) As used in this section, "applicant" or 16563  
"recipient" means ~~any~~ either of the following: 16564

(1) An applicant for or participant in the Ohio works first 16565  
program established under Chapter 5107. of the Revised Code; 16566

~~(2) An applicant for or recipient of disability financial 16567  
assistance under Chapter 5115. of the Revised Code;~~ 16568

~~(3)~~ An applicant for or recipient of cash assistance provided 16569  
under the refugee assistance program established under section 16570  
5101.49 of the Revised Code. 16571

(B) Each county department of job and family services shall 16572  
establish a direct deposit system under which cash assistance 16573  
payments to recipients who agree to direct deposit are made by 16574  
electronic transfer to an account in a financial institution 16575  
designated under this section. No financial institution shall 16576  
impose any charge for such an account that the institution does 16577  
not impose on its other customers for the same type of account. 16578  
Direct deposit does not affect the exemption of Ohio works first 16579  
~~and disability financial assistance~~ from attachment, garnishment, 16580  
or other like process afforded by ~~sections~~ section 5107.75 ~~and~~ 16581  
~~5115.06~~ of the Revised Code. 16582

(C) Each county department of job and family services shall 16583  
do all of the following: 16584

(1) Inform each applicant or recipient that the applicant or 16585  
recipient must choose whether to receive cash assistance payments 16586  
under the direct deposit system established under this section or 16587  
under the electronic benefit transfer system established under 16588  
section 5101.33 of the Revised Code; 16589

(2) Inform each applicant and recipient of the conditions 16590  
under which the applicant or recipient may change the system used 16591

to receive the cash assistance payments; 16592

(3) Inform each applicant or recipient of the procedures 16593  
governing the direct deposit system; 16594

(4) If an applicant or recipient chooses to receive cash 16595  
assistance payments under the direct deposit system, obtain from 16596  
the applicant or recipient an authorization form to designate a 16597  
financial institution equipped for and authorized by law to accept 16598  
direct deposits by electronic transfer and the account into which 16599  
the applicant or recipient wishes the payments to be made; 16600

(5) If an applicant or recipient chooses to receive cash 16601  
assistance payments under the electronic benefit transfer system 16602  
established under section 5101.33 of the Revised Code, obtain from 16603  
the applicant or recipient a signed form to that effect. 16604

The department may require a recipient to complete a new 16605  
authorization form whenever the department considers it necessary. 16606

A recipient's designation of a financial institution and 16607  
account shall remain in effect until withdrawn in writing or 16608  
dishonored by the financial institution, except that no change may 16609  
be made in the authorization form until the next eligibility 16610  
redetermination of the recipient unless the county department 16611  
determines that good cause exists for an earlier change or the 16612  
financial institution dishonors the recipient's account. 16613

(D) An applicant or recipient without an account who 16614  
completes an authorization form to receive cash assistance 16615  
payments by direct deposit shall have ten days after receiving the 16616  
authorization form to designate an account suitable for direct 16617  
deposit. If within the required time the applicant or recipient 16618  
does not make the designation, the recipient shall receive cash 16619  
assistance payments under the electronic benefit transfer system 16620  
established under section 5101.33 of the Revised Code. 16621

(E) The director of job and family services may adopt rules 16622

governing direct deposit systems established under this section. 16623

**Sec. 329.04.** (A) The county department of job and family 16624  
services shall have, exercise, and perform the following powers 16625  
and duties: 16626

(1) Perform any duties assigned by the state department of 16627  
job and family services or department of medicaid regarding the 16628  
provision of public family services, including the provision of 16629  
the following services to prevent or reduce economic or personal 16630  
dependency and to strengthen family life: 16631

(a) Services authorized by a Title IV-A program, as defined 16632  
in section 5101.80 of the Revised Code; 16633

(b) Social services authorized by Title XX of the "Social 16634  
Security Act" and provided for by section 5101.46 or 5101.461 of 16635  
the Revised Code; 16636

(c) If the county department is designated as the child 16637  
support enforcement agency, services authorized by Title IV-D of 16638  
the "Social Security Act" and provided for by Chapter 3125. of the 16639  
Revised Code. The county department may perform the services 16640  
itself or contract with other government entities, and, pursuant 16641  
to division (C) of section 2301.35 and section 2301.42 of the 16642  
Revised Code, private entities, to perform the Title IV-D 16643  
services. 16644

(d) Duties assigned under section 5162.031 of the Revised 16645  
Code. 16646

(2) Administer disability financial assistance, as required 16647  
by the state department of job and family services under section 16648  
5115.03 of the Revised Code; 16649

(3) Administer burials insofar as the administration of 16650  
burials was, prior to September 12, 1947, imposed upon the board 16651  
of county commissioners and if otherwise required by state law; 16652

(4) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities;

(5) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services and department of medicaid at the close of each fiscal year;

(6) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace;

(7) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department;

(8) For the purpose of complying with a grant agreement the board of county commissioners enters into under sections 307.98 and 5101.21 of the Revised Code, exercise the powers and perform the duties the grant agreement assigns to the county department;

~~(9) If the county department is designated as the workforce development agency, provide the workforce development activities specified in the contract required by section 330.05 of the Revised Code.~~

(B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under

the control and direction of the board of county commissioners. 16684  
The board may assign to the county department any power or duty of 16685  
the board regarding family services duties and workforce 16686  
development activities. If the new power or duty necessitates the 16687  
state department of job and family services or department of 16688  
medicaid changing its federal cost allocation plan, the county 16689  
department may not implement the power or duty unless the United 16690  
States department of health and human services approves the 16691  
changes. 16692

**Sec. 329.051.** The county department of job and family 16693  
services shall make voter registration applications as prescribed 16694  
by the secretary of state under section 3503.10 of the Revised 16695  
Code available to persons who are applying for, receiving 16696  
assistance from, or participating in any of the following: 16697

~~(A) The disability financial assistance program established 16698  
under Chapter 5115. of the Revised Code;~~ 16699

~~(B)~~ The medicaid program; 16700

~~(C)~~(B) The Ohio works first program established under Chapter 16701  
5107. of the Revised Code; 16702

~~(D)~~(C) The prevention, retention, and contingency program 16703  
established under Chapter 5108. of the Revised Code. 16704

**Sec. 329.06.** (A) Except as provided in division (C) of this 16705  
section ~~and section 6301.08 of the Revised Code~~, the board of 16706  
county commissioners shall establish a county family services 16707  
planning committee. The board shall appoint a member to represent 16708  
the county department of job and family services; an employee in 16709  
the classified civil service of the county department of job and 16710  
family services, if there are any such employees; and a member to 16711  
represent the public. The board shall appoint other individuals to 16712  
the committee in such a manner that the committee's membership is 16713

broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:

- (1) Consumers of family services;
- (2) The public children services agency;
- (3) The child support enforcement agency;
- (4) The county family and children first council;
- (5) Public and private colleges and universities;
- (6) Public entities that provide family services, including boards of health, boards of education, the county board of developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;
- (7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;
- (8) Labor organizations;
- (9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.

(B) The county family services planning committee shall do all of the following:

- (1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of

the Revised Code, and social services provided under section 16744  
5101.46 of the Revised Code; 16745

(2) At least once a year, review and analyze the county 16746  
department of job and family services' implementation of the 16747  
programs established under Chapters 5107. and 5108. of the Revised 16748  
Code. In its review, the committee shall use information available 16749  
to it to examine all of the following: 16750

(a) Return of assistance groups to participation in either 16751  
program after ceasing to participate; 16752

(b) Teen pregnancy rates among the programs' participants; 16753

(c) The other types of assistance the programs' participants 16754  
receive, including medicaid, publicly funded child care under 16755  
Chapter 5104. of the Revised Code, supplemental nutrition 16756  
assistance program benefits under section 5101.54 of the Revised 16757  
Code, and energy assistance under Chapter 5117. of the Revised 16758  
Code; 16759

(d) Other issues the committee considers appropriate. 16760

The committee shall make recommendations to the board of 16761  
county commissioners and county department of job and family 16762  
services regarding the committee's findings. 16763

(3) Conduct public hearings on proposed county profiles for 16764  
the provision of social services under section 5101.46 of the 16765  
Revised Code; 16766

(4) At the request of the board, make recommendations and 16767  
provide assistance regarding the family services provided in the 16768  
county; 16769

(5) At any other time the committee considers appropriate, 16770  
consult with the board and make recommendations regarding the 16771  
family services provided in the county. The committee's 16772  
recommendations may address the following: 16773

(a) Implementation and administration of family service programs;	16774 16775
(b) Use of federal, state, and local funds available for family service programs;	16776 16777
(c) Establishment of goals to be achieved by family service programs;	16778 16779
(d) Evaluation of the outcomes of family service programs;	16780
(e) Any other matter the board considers relevant to the provision of family services.	16781 16782
(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the committee shall serve in that capacity.	16783 16784 16785 16786 16787 16788
<b>Sec. 340.03.</b> (A) Subject to rules issued by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall:	16789 16790 16791 16792 16793
(1) Serve as the community addiction and mental health planning agency for the county or counties under its jurisdiction, and in so doing it shall:	16794 16795 16796
(a) Evaluate the need for facility services, addiction services, mental health services, and recovery supports;	16797 16798
(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, evaluate strengths and challenges and set priorities for addiction services, mental health services, and recovery supports. A board shall include treatment and prevention services when setting	16799 16800 16801 16802 16803

priorities for addiction services and mental health services. When 16804  
a board sets priorities for addiction services, the board shall 16805  
consult with the county commissioners of the counties in the 16806  
board's service district regarding the services described in 16807  
section 340.15 of the Revised Code and shall give priority to 16808  
those services, except that those services shall not have a 16809  
priority over services provided to pregnant women under programs 16810  
developed in relation to the mandate established in section 16811  
5119.17 of the Revised Code. 16812

(c) In accordance with guidelines issued by the director of 16813  
mental health and addiction services under division (F) of section 16814  
5119.22 of the Revised Code, annually develop and submit to the 16815  
department of mental health and addiction services a community 16816  
addiction and mental health plan that addresses both of the 16817  
following: 16818

(i) The needs of all residents of the district currently 16819  
receiving inpatient services in state-operated hospitals, the 16820  
needs of other populations as required by state or federal law or 16821  
programs, and the needs of all children subject to a determination 16822  
made pursuant to section 121.38 of the Revised Code; 16823

(ii) The department's priorities for facility services, 16824  
addiction services, mental health services, and recovery supports 16825  
during the period for which the plan will be in effect. The 16826  
department shall inform all of the boards of the department's 16827  
priorities in a timely manner that enables the boards to know the 16828  
department's priorities before the boards develop and submit the 16829  
plans. 16830

In alcohol, drug addiction, and mental health service 16831  
districts that have separate alcohol and drug addiction services 16832  
and community mental health boards, the alcohol and drug addiction 16833  
services board shall submit a community addiction plan and the 16834  
community mental health board shall submit a community mental 16835

health plan. Each board shall consult with its counterpart in 16836  
developing its plan and address the interaction between the local 16837  
addiction and mental health systems and populations with regard to 16838  
needs and priorities in developing its plan. 16839

The department shall approve or disapprove the plan, in whole 16840  
or in part, in accordance with division (G) of section 5119.22 of 16841  
the Revised Code. Eligibility for state and federal funding shall 16842  
be contingent upon an approved plan or relevant part of a plan. 16843

If a board determines that it is necessary to amend an 16844  
approved plan, the board shall submit a proposed amendment to the 16845  
director. The director shall approve or disapprove all or part of 16846  
the amendment in accordance with division (H) of section 5119.22 16847  
of the Revised Code. 16848

The board shall operate in accordance with the plan approved 16849  
by the department. 16850

(d) Promote, arrange, and implement working agreements with 16851  
social agencies, both public and private, and with judicial 16852  
agencies. 16853

(2) Investigate, or request another agency to investigate, 16854  
any complaint alleging abuse or neglect of any person receiving 16855  
addiction services, mental health services, or recovery supports 16856  
from a community addiction services provider or community mental 16857  
health services provider or alleging abuse or neglect of a 16858  
resident receiving addiction services or with mental illness or 16859  
severe mental disability residing in a residential facility 16860  
licensed under section 5119.34 of the Revised Code. If the 16861  
investigation substantiates the charge of abuse or neglect, the 16862  
board shall take whatever action it determines is necessary to 16863  
correct the situation, including notification of the appropriate 16864  
authorities. Upon request, the board shall provide information 16865  
about such investigations to the department. 16866

(3) For the purpose of section 5119.36 of the Revised Code, 16867  
cooperate with the director of mental health and addiction 16868  
services in visiting and evaluating whether the certifiable 16869  
services and supports of a community addiction services provider 16870  
or community mental health services provider satisfy the 16871  
certification standards established by rules adopted under that 16872  
section; 16873

(4) In accordance with criteria established under division 16874  
(D) of section 5119.22 of the Revised Code, conduct program audits 16875  
that review and evaluate the quality, effectiveness, and 16876  
efficiency of addiction services, mental health services, and 16877  
recovery supports provided by community addiction services 16878  
providers and community mental health services providers under 16879  
contract with the board and submit the board's findings and 16880  
recommendations to the department of mental health and addiction 16881  
services; 16882

(5) In accordance with section 5119.34 of the Revised Code, 16883  
review an application for a residential facility license and 16884  
provide to the department of mental health and addiction services 16885  
any information about the applicant or facility that the board 16886  
would like the department to consider in reviewing the 16887  
application; 16888

(6) Audit, in accordance with rules adopted by the auditor of 16889  
state pursuant to section 117.20 of the Revised Code, at least 16890  
annually all programs, addiction services, mental health services, 16891  
and recovery supports provided under contract with the board. In 16892  
so doing, the board may contract for or employ the services of 16893  
private auditors. A copy of the fiscal audit report shall be 16894  
provided to the director of mental health and addiction services, 16895  
~~the auditor of state,~~ and the county auditor of each county in the 16896  
board's district. 16897

(7) Recruit and promote local financial support for addiction 16898

services, mental health services, and recovery supports from 16899  
private and public sources; 16900

(8) In accordance with guidelines issued by the department as 16901  
necessary to comply with state and federal laws pertaining to 16902  
financial assistance, approve fee schedules and related charges or 16903  
adopt a unit cost schedule or other methods of payment for 16904  
addiction services, mental health services, and recovery supports 16905  
provided by community addiction services providers and community 16906  
mental health services providers that have contracted with the 16907  
board under section 340.036 of the Revised Code; 16908

(9) Submit to the director and the county commissioners of 16909  
the county or counties served by the board, and make available to 16910  
the public, an annual report of the addiction services, mental 16911  
health services, and recovery supports under the jurisdiction of 16912  
the board, including a fiscal accounting; 16913

(10) Establish a method for evaluating referrals for 16914  
court-ordered treatment and affidavits filed pursuant to section 16915  
5122.11 of the Revised Code in order to assist the probate 16916  
division of the court of common pleas in determining whether there 16917  
is probable cause that a respondent is subject to court-ordered 16918  
treatment and whether alternatives to hospitalization are 16919  
available and appropriate; 16920

(11) Designate the treatment services, provider, facility, or 16921  
other placement for each person involuntarily committed to the 16922  
board pursuant to Chapter 5122. of the Revised Code. The board 16923  
shall provide the least restrictive and most appropriate 16924  
alternative that is available for any person involuntarily 16925  
committed to it and shall assure that the list of addiction 16926  
services, mental health services, and recovery supports submitted 16927  
and approved in accordance with division (B) of section 340.08 of 16928  
the Revised Code are available to severely mentally disabled 16929  
persons residing within its service district. The board shall 16930

establish the procedure for authorizing payment for the services 16931  
and supports, which may include prior authorization in appropriate 16932  
circumstances. In accordance with section 340.037 of the Revised 16933  
Code, the board may provide addiction services and mental health 16934  
services directly to a severely mentally disabled person when life 16935  
or safety is endangered and when no community addiction services 16936  
provider or community mental health services provider is available 16937  
to provide the service. 16938

(12) Ensure that housing built, subsidized, renovated, 16939  
rented, owned, or leased by the board or a community addiction 16940  
services provider or community mental health services provider has 16941  
been approved as meeting minimum fire safety standards and that 16942  
persons residing in the housing have access to appropriate and 16943  
necessary services, including culturally relevant services, from a 16944  
community addiction services provider or community mental health 16945  
services provider. This division does not apply to residential 16946  
facilities licensed pursuant to section 5119.34 of the Revised 16947  
Code. 16948

(13) Establish a mechanism for obtaining advice and 16949  
involvement of persons receiving addiction services, mental health 16950  
services, or recovery supports on matters pertaining to services 16951  
and supports in the alcohol, drug addiction, and mental health 16952  
service district; 16953

(14) Perform the duties required by rules adopted under 16954  
section 5119.22 of the Revised Code regarding referrals by the 16955  
board or community mental health services providers under contract 16956  
with the board of individuals with mental illness or severe mental 16957  
disability to class two residential facilities licensed under 16958  
section 5119.34 of the Revised Code and effective arrangements for 16959  
ongoing mental health services for the individuals. The board is 16960  
accountable in the manner specified in the rules for ensuring that 16961  
the ongoing mental health services are effectively arranged for 16962

the individuals. 16963

(B) Each board of alcohol, drug addiction, and mental health 16964  
services shall establish such rules, operating procedures, 16965  
standards, and bylaws, and perform such other duties as may be 16966  
necessary or proper to carry out the purposes of this chapter. 16967

(C) A board of alcohol, drug addiction, and mental health 16968  
services may receive by gift, grant, devise, or bequest any 16969  
moneys, lands, or property for the benefit of the purposes for 16970  
which the board is established, and may hold and apply it 16971  
according to the terms of the gift, grant, or bequest. All money 16972  
received, including accrued interest, by gift, grant, or bequest 16973  
shall be deposited in the treasury of the county, the treasurer of 16974  
which is custodian of the alcohol, drug addiction, and mental 16975  
health services funds to the credit of the board and shall be 16976  
available for use by the board for purposes stated by the donor or 16977  
grantor. 16978

(D) No member or employee of a board of alcohol, drug 16979  
addiction, and mental health services shall be liable for injury 16980  
or damages caused by any action or inaction taken within the scope 16981  
of the member's official duties or the employee's employment, 16982  
whether or not such action or inaction is expressly authorized by 16983  
this section or any other section of the Revised Code, unless such 16984  
action or inaction constitutes willful or wanton misconduct. 16985  
Chapter 2744. of the Revised Code applies to any action or 16986  
inaction by a member or employee of a board taken within the scope 16987  
of the member's official duties or employee's employment. For the 16988  
purposes of this division, the conduct of a member or employee 16989  
shall not be considered willful or wanton misconduct if the member 16990  
or employee acted in good faith and in a manner that the member or 16991  
employee reasonably believed was in or was not opposed to the best 16992  
interests of the board and, with respect to any criminal action or 16993  
proceeding, had no reasonable cause to believe the conduct was 16994

unlawful.	16995
(E) The meetings held by any committee established by a board of alcohol, drug addiction, and mental health services shall be considered to be meetings of a public body subject to section 121.22 of the Revised Code.	16996 16997 16998 16999
<b>Sec. 340.032.</b> Subject to rules adopted by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall do all of the following:	17000 17001 17002 17003 17004 17005
(A) Establish, to the extent resources are available, a community-based continuum of care that includes, <del>except as otherwise authorized by a time limited waiver issued under division (A)(1) of section 5119.221 of the Revised Code,</del> all of the following as essential elements:	17006 17007 17008 17009 17010
(1) Prevention and wellness management services;	17011
(2) At least both of the following outreach and engagement activities:	17012 17013
(a) Locating persons in need of addiction services and persons in need of mental health services to inform them of available addiction services, mental health services, and recovery supports;	17014 17015 17016 17017
(b) Helping persons who receive addiction services and persons who receive mental health services obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income.	17018 17019 17020 17021
(3) Assessment services;	17022
(4) Care coordination;	17023

(5) Residential services;	17024
(6) At least the following outpatient services:	17025
(a) Nonintensive;	17026
(b) Intensive, such as partial hospitalization and assertive community treatment;	17027 17028
(c) Withdrawal management;	17029
(d) Emergency and crisis.	17030
(7) Where appropriate, at least the following inpatient services:	17031 17032
(a) Psychiatric care;	17033
(b) Medically managed alcohol or drug treatment.	17034
(8) At least all of the following recovery supports:	17035
(a) Peer support;	17036
(b) A wide range of housing and support services, including recovery housing;	17037 17038
(c) Employment, vocational, and educational opportunities;	17039
(d) Assistance with social, personal, and living skills;	17040
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	17041 17042
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	17043 17044 17045
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	17046 17047 17048
(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based	17049 17050 17051

continuum of care. 17052

(B) Ensure that the rights of persons receiving any elements 17053  
of the community-based continuum of care are protected; 17054

(C) Ensure that persons receiving any elements of the 17055  
community-based continuum of care are able to utilize grievance 17056  
procedures applicable to the elements. 17057

**Sec. 340.033.** The array of addiction services and recovery 17058  
supports for all levels of opioid and co-occurring drug addiction 17059  
required by section 340.032 of the Revised Code to be included in 17060  
a community-based continuum of care established under that section 17061  
shall include, ~~except as otherwise authorized by a waiver issued~~ 17062  
~~under division (A)(2) of section 5119.221 of the Revised Code,~~ at 17063  
least ambulatory and sub-acute detoxification, non-intensive and 17064  
intensive outpatient services, medication-assisted treatment, peer 17065  
support, residential services, recovery housing pursuant to 17066  
section 340.034 of the Revised Code, and multiple paths to 17067  
recovery such as twelve-step approaches. The services and supports 17068  
shall be made available in the service district of each board of 17069  
alcohol, drug addiction, and mental health services, except ~~that~~ 17070  
sub-acute as provided by either of the following: 17071

(A) Sub-acute detoxification and residential services may be 17072  
made available through a contract with one or more providers of 17073  
sub-acute detoxification or residential services located in other 17074  
service districts. ~~The~~ 17075

(B) To the extent authorized by a time-limited waiver issued 17076  
under section 5119.221 of the Revised Code, ambulatory 17077  
detoxification and medication-assisted treatment may be made 17078  
available through a contract with one or more community addiction 17079  
services providers located not more than thirty miles beyond the 17080  
borders of the board's service district. 17081

The services and supports shall be made available in a manner 17082  
that ensures that recipients are able to access the services and 17083  
supports they need for opioid and co-occurring drug addiction in 17084  
an integrated manner and in accordance with their assessed needs 17085  
when changing or obtaining additional addiction services or 17086  
recovery supports for such addiction. An individual seeking a 17087  
service or support for opioid and co-occurring drug addiction 17088  
included in a community-based continuum of care shall not be 17089  
denied the service or support on the basis of the individual's 17090  
prior experience with the service or support. 17091

**Sec. 340.08.** In accordance with rules or guidelines issued by 17092  
the director of mental health and addiction services, each board 17093  
of alcohol, drug addiction, and mental health services shall do 17094  
all of the following: 17095

(A) Submit to the department of mental health and addiction 17096  
services a proposed budget of receipts and expenditures for all 17097  
federal, state, and local moneys the board expects to receive. 17098

(1) The proposed budget shall identify funds the board has 17099  
available for included opioid and co-occurring drug addiction 17100  
services and recovery supports. 17101

(2) The proposed budget shall identify funds the board and 17102  
public children services agencies in the board's service district 17103  
have available to fund jointly the services described in section 17104  
340.15 of the Revised Code. 17105

(3) The board's proposed budget for expenditures of state and 17106  
federal funds distributed to the board by the department shall be 17107  
deemed an application for funds, and the department shall approve 17108  
or disapprove the budget for these expenditures in whole or in 17109  
part in accordance with division (G) of section 5119.22 of the 17110  
Revised Code. 17111

If a board determines that it is necessary to amend an approved budget, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section 5119.22 of the Revised Code.

(B) Submit to the department a proposed list of addiction services, mental health services, and recovery supports the board intends to make available. ~~Except as otherwise authorized by a time limited waiver issued under division (A)(1) of section 5119.221 of the Revised Code, the~~ The board shall include the services and supports required by section 340.032 of the Revised Code to be included in the community-based continuum of care and the services required by section 340.15 of the Revised Code. The board shall explain the manner in which the board intends to make such services and supports available. The list shall be compatible with the budget submitted pursuant to division (A) of this section. The department shall approve or disapprove the list in whole or in part in accordance with division (G) of section 5119.22 of the Revised Code.

If a board determines that it is necessary to amend an approved list, the board shall submit a proposed amendment to the director. The director shall approve or disapprove all or part of the amendment in accordance with division (H) of section 5119.22 of the Revised Code.

(C) Enter into a continuity of care agreement with the state institution operated by the department of mental health and addiction services and designated as the institution serving the district encompassing the board's service district. The continuity of care agreement shall outline the department's and the board's responsibilities to plan for and coordinate with each other to address the needs of board residents who are patients in the institution, with an emphasis on managing appropriate hospital bed

day use and discharge planning. The continuity of care agreement 17144  
shall not require the board to provide addiction services, mental 17145  
health services, or recovery supports other than those on the list 17146  
of services and supports submitted by the board pursuant to 17147  
division (B) of this section and approved by the department in 17148  
accordance with division (G) of section 5119.22 of the Revised 17149  
Code. 17150

(D) In conjunction with the department, operate a coordinated 17151  
system for tracking and monitoring persons found not guilty by 17152  
reason of insanity and committed pursuant to section 2945.40 of 17153  
the Revised Code who have been granted a conditional release and 17154  
persons found incompetent to stand trial and committed pursuant to 17155  
section 2945.39 of the Revised Code who have been granted a 17156  
conditional release. The system shall do all of the following: 17157

(1) Centralize responsibility for the tracking of those 17158  
persons; 17159

(2) Provide for uniformity in monitoring those persons; 17160

(3) Provide a mechanism to allow prompt rehospitalization, 17161  
reinstitutionalization, or detention when a violation of the 17162  
conditional release or decompensation occurs. 17163

(E) Submit to the department a report summarizing all of the 17164  
following: 17165

(1) Complaints and grievances received by the board 17166  
concerning the rights of persons seeking or receiving addiction 17167  
services, mental health services, or recovery supports; 17168

(2) Investigations of the complaints and grievances; 17169

(3) Outcomes of the investigations. 17170

(F) Provide to the department information to be submitted to 17171  
the community behavioral health information system or systems 17172  
established by the department under Chapter 5119. of the Revised 17173

Code. 17174

(G) Annually, and upon any change in membership, submit to 17175  
the department a list of all current members of the board of 17176  
alcohol, drug addiction, and mental health services, including the 17177  
appointing authority for each member, and the member's specific 17178  
qualification for appointment pursuant to section 340.02 or 17179  
340.021 of the Revised Code, if applicable. 17180

(H) Submit to the department other information as is 17181  
reasonably required for purposes of the department's operations, 17182  
service evaluation, reporting activities, research, system 17183  
administration, and oversight. 17184

Sec. 340.30. (A) There is hereby created the county hub 17185  
program to combat opioid addiction. The purposes of the program 17186  
are as follows: 17187

(1) To strengthen county and community efforts to prevent and 17188  
treat opioid addiction; 17189

(2) To educate youth and adults about the dangers of opioid 17190  
addiction and the negative effects it has on society; 17191

(3) To promote family building and workforce development as 17192  
ways of combatting opioid addiction in communities; 17193

(4) To encourage community engagement in efforts to address 17194  
the purposes specified in divisions (A)(1) to (3) of this section. 17195

(B) The program shall be administered by each board of 17196  
alcohol, drug addiction, and mental health services. If the 17197  
service district a board represents consists of more than one 17198  
county, the board shall administer the program in each county. 17199

(C) Not later than January 1, 2020, each board shall submit a 17200  
report to the department of mental health and addiction services 17201  
summarizing the board's work on, and progress toward, addressing 17202  
each of the program's purposes. The department shall aggregate the 17203

reports received from the boards and submit a statewide report to 17204  
the governor and general assembly. The copy submitted to the 17205  
general assembly shall be submitted in accordance with section 17206  
101.68 of the Revised Code. 17207

**Sec. 341.12.** (A) In a county not having a sufficient jail or 17208  
staff, subject to division (B) of this section, the sheriff shall 17209  
convey any person charged with the commission of an offense, 17210  
sentenced to imprisonment in the county jail, or in custody upon 17211  
civil process to a jail in any county the sheriff considers most 17212  
convenient and secure. As used in this paragraph, any county 17213  
includes a contiguous county in an adjoining state. 17214

The sheriff may call such aid as is necessary in guarding, 17215  
transporting, or returning such person. Whoever neglects or 17216  
refuses to render such aid, when so called upon, shall forfeit and 17217  
pay the sum of ten dollars, to be recovered by an action in the 17218  
name and for the use of the county. 17219

Such sheriff and the sheriff's assistants shall receive such 17220  
compensation for their services as the county auditor of the 17221  
county from which such person was removed considers reasonable. 17222  
The compensation shall be paid from the county treasury on the 17223  
warrant of the auditor. 17224

The receiving sheriff shall not, pursuant to this section, 17225  
convey the person received to any county other than the one from 17226  
which the person was removed. 17227

(B)(1) If Lawrence county does not have sufficient jail space 17228  
in the county or staff based upon the minimum standards for jails 17229  
in Ohio promulgated pursuant to section 5120.10 of the Revised 17230  
Code, instead of conveying a person in a category described in 17231  
division (A) of this section to a jail in any county pursuant to 17232  
that division, the Lawrence county sheriff may convey the person 17233  
to the Ohio river valley facility in accordance with section 17234

341.121 of the Revised Code if an agreement for the Lawrence county sheriff's use of a portion of that facility entered into under that section then is in effect. 17235  
17236  
17237

(2) If a county other than Lawrence county does not have 17238  
sufficient jail space or staff based upon the minimum standards 17239  
for jails in Ohio promulgated pursuant to section 5120.10 of the 17240  
Revised Code and has entered into an agreement to jail persons 17241  
with the Lawrence county sheriff, instead of conveying a person in 17242  
a category described in division (A) of this section to a jail in 17243  
any county pursuant to that division, the sheriff of the other 17244  
county may convey the person to the Ohio river valley facility in 17245  
accordance with section 341.121 of the Revised Code if an 17246  
agreement for the Lawrence county sheriff's use of a portion of 17247  
that facility entered into under that section then is in effect. 17248

(3) As used in divisions (B)(1) and (2) of this section, 17249  
"Ohio river valley facility" has the same meaning as in section 17250  
341.121 of the Revised Code. 17251

**Sec. 341.121.** (A) As used in this section, "Ohio river valley 17252  
facility" means the former Ohio river valley juvenile correctional 17253  
facility in Franklin Furnace, Scioto county, that formerly was 17254  
operated by the department of youth services. 17255

(B) The board of county commissioners of Lawrence county and 17256  
the director of administrative services may enter into an 17257  
agreement pursuant to which the sheriff of Lawrence county may use 17258  
a specified portion of the Ohio river valley facility as a jail 17259  
for Lawrence county. The agreement shall not provide for transfer 17260  
of ownership of any portion of the Ohio river valley facility to 17261  
Lawrence county. If the board and the department enter into an 17262  
agreement of this nature, on and after the effective date of the 17263  
agreement, all of the following apply: 17264

(1) The sheriff of Lawrence county may use the specified 17265

portion of the Ohio river valley facility for the confinement of 17266  
persons charged with a violation of a law or municipal ordinance, 17267  
sentenced or ordered to confinement for such a violation in a 17268  
jail, or in custody upon civil process, if the violation occurred 17269  
or the person was taken into custody under the civil process 17270  
within Lawrence county or within another county that has entered 17271  
into an agreement with the sheriff pursuant to division (B)(2) of 17272  
section 341.12 of the Revised Code for the confinement of such 17273  
persons; 17274

(2) Any use of the specified portion of the Ohio river valley 17275  
facility for the confinement of a juvenile who is alleged to be or 17276  
is adjudicated a delinquent child or juvenile traffic offender 17277  
shall be in accordance with Chapter 2152. of the Revised Code; 17278

(3) If the sheriff of Lawrence county uses the specified 17279  
portion of the Ohio river valley facility for one or more of the 17280  
purposes listed in division (B)(1) of this section and division 17281  
(B)(2) of section 341.12 of the Revised Code, all of the following 17282  
apply during that use of that portion of the facility and during 17283  
the period covered by the agreement entered into pursuant to 17284  
division (B) of this section: 17285

(a) The sheriff has charge of the specified portion of the 17286  
facility pursuant to that agreement and all persons confined in 17287  
it, and shall keep those persons safely, attend to that portion of 17288  
the facility, and regulate that portion of the facility according 17289  
to the minimum standards for jails in Ohio promulgated pursuant to 17290  
section 5120.10 of the Revised Code; 17291

(b) The sheriff has all responsibilities and duties regarding 17292  
the operation and management of the specified portion of the 17293  
facility, including, but not limited to, safe and secure operation 17294  
of and staffing for the jail facility, food services, medical 17295  
services, and other programs, services, and treatment of persons 17296  
confined in it, and conveyance to and from that portion of the 17297

facility of persons who are to be or who have been confined in it, 17298  
in the same manner as if that facility was a Lawrence county jail; 17299

(c) The sheriff may enter into one or more shared service 17300  
agreements with any other entity leasing buildings at the Ohio 17301  
river valley facility regarding any of the responsibilities and 17302  
duties described in division (B)(3)(b) of this section or 17303  
regarding any other service related to the operation of the 17304  
facility; 17305

(d) All provisions of Chapter 341. of the Revised Code, 17306  
except for sections 341.13 to 341.18 of the Revised Code, apply 17307  
with respect to the specified portion of the Ohio river valley 17308  
facility and to the sheriff in the same manner as if that portion 17309  
of the facility was a Lawrence county jail, and sections 341.13 to 17310  
341.18 of the Revised Code apply with respect to that portion of 17311  
the facility and the sheriff if that portion of the facility is 17312  
used for confinement of persons from a county other than Lawrence 17313  
county pursuant to an agreement as described in division (B)(2) of 17314  
section 341.12 of the Revised Code; 17315

(e) Lawrence county has all responsibility for the costs of 17316  
operation of the specified portion of the facility, and for all 17317  
potential liability related to the use or operation of that 17318  
portion of the facility and damages to it, in the same manner as 17319  
if that facility was a Lawrence county jail; 17320

(f) The sheriff has all responsibility for investigating 17321  
crimes and quelling disturbances that occur in the specified 17322  
portion of the facility, and for assisting in the prosecution of 17323  
such crimes, and the prosecuting attorney of Lawrence county and 17324  
prosecutors of municipal corporations located in Lawrence county 17325  
have responsibility for prosecution of such crimes, in the same 17326  
manner as if that facility was a Lawrence county jail; 17327

(g) The sheriff's use of the specified portion of the 17328

facility shall be in accordance with the terms of the agreement, 17329  
to the extent that the terms are not in conflict with divisions 17330  
(B)(1), (2), and (3) of this section. 17331

~~(5)~~(4) If the sheriff of Lawrence county uses the specified 17332  
portion of the Ohio river valley facility for one or more of the 17333  
purposes listed in division (B)(1) of this section and division 17334  
(B)(2) of section 341.12 of the Revised Code and subsequently 17335  
ceases to use the specified portion of the facility for those 17336  
purposes, the sheriff shall vacate the facility and control of the 17337  
specified portion of the facility immediately shall revert to the 17338  
state. 17339

(C) If, prior to the effective date of this amendment, the 17340  
board of county commissioners of Lawrence county and the director 17341  
of administrative services entered into an agreement under 17342  
division (B) of this section for the use by the sheriff of 17343  
Lawrence county of a specified portion of the Ohio river valley 17344  
facility as a jail for the county and if, as of that effective 17345  
date, either party has failed to comply with the terms of the 17346  
agreement, both of the following apply: 17347

(1) On the effective date of this amendment, control of the 17348  
specified portion of the facility immediately shall revert to the 17349  
state. 17350

(2) On and after the effective date of this amendment, the 17351  
sheriff has no authority to use the specified portion of the 17352  
facility as a jail for Lawrence county. 17353

**Sec. 341.25.** (A) The sheriff may establish a commissary for 17354  
the jail. The commissary may be established either in-house or by 17355  
another arrangement. If a commissary is established, all persons 17356  
incarcerated in the jail shall receive commissary privileges. A 17357  
person's purchases from the commissary shall be deducted from the 17358  
person's account record in the jail's business office. The 17359

commissary shall provide for the distribution to indigent persons 17360  
incarcerated in the jail necessary hygiene articles and writing 17361  
materials. 17362

(B)(1) If a commissary is established, the sheriff shall 17363  
establish a commissary fund for the jail. The management of funds 17364  
in the commissary fund shall be strictly controlled in accordance 17365  
with procedures adopted by the auditor of state. ~~Commissary~~ 17366

(2) Commissary fund revenue over and above operating costs 17367  
and reserve shall be considered profits. ~~All~~ 17368

(3) All profits from the commissary fund shall be used ~~to~~ for 17369  
the following: 17370

(a) To purchase supplies and equipment, and to provide life 17371  
skills training and education or treatment services, or both, for 17372  
the benefit of persons incarcerated in the jail, ~~and to;~~ 17373

(b) To pay salary and benefits for employees of the sheriff 17374  
who work in or are employed for the purpose of providing service 17375  
to the commissary; 17376

(c) To purchase technology designed to prevent contraband 17377  
from entering the jail. The 17378

(4) The sheriff shall adopt rules for the operation of any 17379  
commissary fund the sheriff establishes. 17380

**Sec. 503.56.** (A) As used in this section: 17381

(1) "Tourism development district" means a district 17382  
designated by a township under this section. 17383

(2) "Territory of a tourism development district" means all 17384  
of the area included within the territorial boundaries of a 17385  
tourism development district. 17386

(3) "Business" means a sole proprietorship, a corporation for 17387  
profit, a pass-through entity as defined in section 5733.04 of the 17388

Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district. A business "operates within the proposed district" if the business would be subject to a tax levied in the proposed tourism development district pursuant to division ~~(A)(2)(C)~~ of section 5739.101 of the Revised Code.

(4) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with the authority to make decisions legally binding upon a business. The signature of any owner of a business operates as the signature of the business.

(5) "Eligible township" means a township wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on ~~the effective date of the enactment of this section~~ September 29, 2015.

(B)(1) The board of trustees of an eligible township, by resolution, may declare an unincorporated area of the township to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met:

(a) The district's area does not exceed ~~two~~ six hundred acres.

(b) All territory in the district is contiguous.

(c) Before adopting that resolution or ordinance, the board holds at least two public hearings concerning the creation of the tourism development district.

(d) Before adopting the resolution or ordinance, the board 17420  
receives a petition signed by every record owner of a parcel of 17421  
real property located in the proposed district and the owner of 17422  
every business that operates in the proposed district. 17423

(e) The board adopts the resolution on or before December 31, 17424  
~~2018~~ 2020. 17425

(2) The petition described in division (B)(1)(d) of this 17426  
section shall include an explanation of the taxes and charges that 17427  
may be levied or imposed in the proposed district. 17428

(3) The board shall certify the resolution to the tax 17429  
commissioner within five days after its adoption, along with a 17430  
description of the boundaries of the district authorized in the 17431  
resolution. That description shall include sufficient information 17432  
for the commissioner to determine if the address of a vendor is 17433  
within the boundaries of the district. 17434

(4) Subject to the limitations of division (B)(1)(a) and (b) 17435  
of this section, the board of trustees of an eligible township may 17436  
enlarge the territory of an existing tourism development district 17437  
in the manner prescribed for the creation of a district under 17438  
divisions (B)(1) to (3) of this section, except that the petition 17439  
described in division (B)(1)(d) of this section must be signed by 17440  
every record owner of a parcel of real property located in the 17441  
area proposed to be added to the district and the owner of every 17442  
business that operates in the area proposed to be added to the 17443  
district. 17444

(C) For the purpose of fostering and developing tourism in a 17445  
tourism development district, a lessor leasing real property in a 17446  
tourism development district may impose and collect a uniform fee 17447  
on each parcel of real property leased by the lessor, to be paid 17448  
by each of the person's lessees. A lessee is subject to such a fee 17449  
only if the lease separately states the amount of the fee. Before 17450

a lessor may impose and collect such a fee, the lessor shall file 17451  
a copy of such lease with the fiscal officer of the township that 17452  
designated the tourism development district. A lessor that imposes 17453  
such a fee shall remit all collections of the fee to the fiscal 17454  
officer of the township in which the real property is located. 17455

The board shall establish all regulations necessary to 17456  
provide for the administration and remittance of such fees. The 17457  
regulations may prescribe the time for payment of the fee, and may 17458  
provide for the imposition of a penalty or interest, or both, for 17459  
late remittances, provided that the penalty does not exceed ten 17460  
per cent of the amount of fee due, and the rate at which interest 17461  
accrues does not exceed the rate per annum prescribed pursuant to 17462  
section 5703.47 of the Revised Code. The regulations shall 17463  
provide, after deducting the real and actual costs of 17464  
administering the fee, that the revenue be used exclusively for 17465  
fostering and developing tourism within the tourism development 17466  
district. 17467

(D) The board of trustees of an eligible township that has 17468  
designated a tourism development district under this section may 17469  
levy one or both of the taxes authorized under section 503.57 or 17470  
5739.101 of the Revised Code. 17471

(E) On or before the first day of each January and ~~June~~ July, 17472  
beginning after the designation of the tourism development 17473  
district, the fiscal officer of the township shall certify a list 17474  
of vendors located within the tourism development district to the 17475  
tax commissioner, which shall include the name, address, and 17476  
vendor's license number for each vendor. 17477

Sec. 503.70. (A) As used in this section, "advertising" means 17478  
internet banners and icons that may contain links to commercial 17479  
internet web sites. Advertising does not include spyware, malware, 17480  
or any viruses or programs considered to be malicious. 17481

(B) A board of township trustees may, by resolution, 17482  
authorize the use of commercial advertising on the township's web 17483  
site. The use of commercial advertising must comply with state and 17484  
federal law, including section 9.03 of the Revised Code, and any 17485  
federal regulations or guidelines on the use of commercial 17486  
advertising on the .gov internet domain or other federally 17487  
controlled public domains. 17488

(C) The resolution shall specify the manner of making 17489  
requests for proposals that identify advertisers whose 17490  
advertisements will meet the criteria specified in the request for 17491  
proposals and any requirements and limitations specified in the 17492  
resolution. 17493

(D) The board of township trustees may enter into a contract 17494  
with a qualified advertiser for the placement of commercial 17495  
advertising on the township's web site in exchange for a fee paid 17496  
by the advertiser to the township general fund. 17497

**Sec. 505.94.** (A) A board of township trustees may, by 17498  
resolution, require the registration of all transient vendors 17499  
within the unincorporated territory of the township and may 17500  
regulate the time, place, and manner in which these vendors may 17501  
sell, offer for sale, or solicit orders for future delivery of 17502  
goods, ~~or the board may, by resolution, prohibit these activities~~ 17503  
~~within that territory.~~ A board of township trustees also may, by 17504  
resolution, prohibit solicitation at any residence at which the 17505  
owner or tenant has posted a sign on the property prohibiting 17506  
solicitation or for which the owner or tenant has filed a no 17507  
solicitation registration form with the township, on a form 17508  
prescribed by the board. If the board requires the registration of 17509  
all transient vendors, it may establish a reasonable registration 17510  
fee, not to exceed one hundred fifty dollars for a registration 17511  
period, and this registration shall be valid for a period of at 17512

least ninety days after the date of registration. ~~Any~~ 17513

Any board of township trustees that provides for the 17514  
registration and regulation, ~~or prohibition,~~ of transient vendors 17515  
under this section shall notify the prosecuting attorney of the 17516  
county in which the township is located of its registration and 17517  
regulatory requirements ~~or prohibition~~. No transient vendor shall 17518  
fail to register or to comply with regulations ~~or prohibitions~~ 17519  
established by a board of township trustees under this division. 17520

This division does not authorize a board of township trustees 17521  
to apply a resolution it adopts under this division to any person 17522  
invited by an owner or tenant to visit the owner's or tenant's 17523  
premises to sell, offer for sale, or solicit orders for future 17524  
delivery of goods. 17525

(B) As used in this section: 17526

(1) "Goods" means goods, wares, services, merchandise, 17527  
periodicals, and other articles or publications. 17528

(2) "Transient vendor" means any person who opens a temporary 17529  
place of business for the sale of goods or who, on the streets or 17530  
while traveling about the township, sells or offers for sale 17531  
goods, ~~or~~ solicits orders for future delivery of goods ~~where~~ 17532  
~~payment is required prior to the delivery of the goods,~~ or 17533  
attempts to arrange an appointment for a future estimate or sales 17534  
call. "Transient vendor" does not include any person who 17535  
represents any entity exempted from taxation under section 5709.04 17536  
of the Revised Code, ~~that notifies the board of township trustees~~ 17537  
~~that its representatives are present in the township for the~~ 17538  
~~purpose of selling or offering for sale goods, or soliciting~~ 17539  
~~orders for future delivery of goods, or attempting to arrange an~~ 17540  
~~appointment for a future estimate or sales call, and does not~~ 17541  
~~include a or any person licensed under Chapter 4707. of the~~ 17542  
Revised Code. 17543

**Sec. 507.12.** (A) To enhance the background and working 17544  
knowledge of township fiscal officers in government accounting, 17545  
budgeting and financing, financial report preparation, 17546  
cybersecurity, and the rules adopted by the auditor of state, the 17547  
auditor of state shall conduct education programs and continuing 17548  
education courses for individuals elected or appointed for the 17549  
first time to the office of township fiscal officer, and shall 17550  
conduct continuing education courses for individuals who continue 17551  
to hold the office in a subsequent term. The Ohio township 17552  
association also may conduct such initial education programs and 17553  
continuing education courses if approved by the auditor of state. 17554  
The auditor of state, in conjunction with the Ohio township 17555  
association, shall determine the manner and content of the initial 17556  
education programs and continuing education courses. 17557

(B) A newly elected or appointed township fiscal officer 17558  
shall complete at least six hours of initial education programs 17559  
before commencing, or during the first year of, office. A township 17560  
fiscal officer who participates in a training program held under 17561  
section 117.44 of the Revised Code may apply those hours taken 17562  
before commencing office to the six hours of initial education 17563  
programs required under this division. 17564

(C)(1) In addition to the six hours of initial education 17565  
required under division (B) of this section, a newly elected 17566  
township fiscal officer shall complete at least a total of 17567  
eighteen continuing education hours during the township fiscal 17568  
officer's first term of office. 17569

(2) A township fiscal officer who is elected to a subsequent 17570  
term of office shall complete twelve hours of continuing education 17571  
courses in each subsequent term of office. 17572

(3) The auditor of state shall adopt rules specifying the 17573  
initial education programs and continuing education courses that 17574

are required for a township fiscal officer who has been appointed 17575  
to fill a vacancy. The requirements shall be proportionally 17576  
equivalent, based on the time remaining in the vacated office, to 17577  
the requirements for a newly elected township fiscal officer. 17578

(4) At least two hours of ethics instruction shall be 17579  
included in the continuing education hours required by divisions 17580  
(C)(1) and (2) of this section. 17581

(5) A township fiscal officer who participates in a training 17582  
program or seminar established under section 109.43 of the Revised 17583  
Code may apply the three hours of training to the continuing 17584  
education hours required by divisions (C)(1) and (2) of this 17585  
section. 17586

(D)(1) A certified public accountant who serves as a township 17587  
fiscal officer may apply to the continuing education hours 17588  
required by division (C) of this section any hours of continuing 17589  
education completed under section 4701.11 of the Revised Code 17590  
after being elected or appointed as a township fiscal officer. 17591

(2) A township fiscal officer may apply to the continuing 17592  
education hours required by division (C) of this section any hours 17593  
of continuing education completed under section 135.22 of the 17594  
Revised Code after being elected or appointed as a township fiscal 17595  
officer. 17596

(3) A township fiscal officer who teaches an approved 17597  
continuing education course under division (C) of this section is 17598  
entitled to credit for the course in the same manner as if the 17599  
township fiscal officer had attended the course. 17600

(E) The auditor of state shall adopt rules for verifying the 17601  
completion of initial education programs and continuing education 17602  
courses required under this section. The auditor of state shall 17603  
issue a certificate of completion to each township fiscal officer 17604  
who completes the initial education programs and continuing 17605

education courses. The auditor of state shall issue a "failure to complete" notice to any township fiscal officer who is required to complete initial education programs and continuing education courses under this section, but who fails to do so. The notice is for informational purposes only and does not affect any individual's ability to hold the office of township fiscal officer.

(F) Each board of township trustees shall approve a reasonable amount requested by the township fiscal officer to cover the costs the township fiscal officer is required to incur to meet the requirements of this section, including registration fees, lodging and meal expenses, and travel expenses.

**Sec. 507.13.** (A)(1) If a township fiscal officer purposely, knowingly, or recklessly fails to perform a fiscal duty expressly imposed by law with respect to the fiscal duties of the office of township fiscal officer or purposely, knowingly, or recklessly commits any act expressly prohibited by law with respect to the fiscal duties of that office, four residents of the township may submit sworn affidavits alleging the violation, together with evidence supporting the allegations, to the auditor of state. The sworn affidavits and evidence shall be submitted in the format prescribed by rule of the auditor of state under section 117.45 of the Revised Code. A person who makes a false statement in a sworn affidavit, for purposes of this section, is guilty of falsification under section 2921.13 of the Revised Code.

(2) The auditor of state shall review the sworn affidavits and the evidence. Within ~~ten business~~ thirty calendar days after receiving the sworn affidavits, unless, for good cause, additional time is required, the auditor of state shall determine whether clear and convincing evidence supports the allegations. If the auditor of state finds that no allegation is supported by clear

and convincing evidence, the auditor of state shall submit those 17637  
findings in writing to the township fiscal officer and the persons 17638  
who initiated the sworn affidavits. If the auditor of state finds 17639  
by clear and convincing evidence that an allegation is supported 17640  
by the evidence, the auditor of state shall submit those findings 17641  
in writing to the attorney general, the township fiscal officer, 17642  
and the persons who initiated the sworn affidavits. The findings 17643  
shall include a copy of the sworn affidavits and the evidence 17644  
submitted under division (A)(1) of this section. 17645

(3)(a) The attorney general shall review the auditor of 17646  
state's findings and the sworn affidavits and evidence. Within ten 17647  
business days after receiving the sworn affidavits and evidence, 17648  
unless, for good cause, additional time is required, the attorney 17649  
general shall determine whether clear and convincing evidence 17650  
supports the allegations. If the attorney general finds that no 17651  
allegation is supported by clear and convincing evidence, the 17652  
attorney general, by certified mail, shall notify the auditor of 17653  
state, the township fiscal officer, and the persons who initiated 17654  
the sworn affidavits, that no complaint for the removal of the 17655  
township fiscal officer from public office will be filed. 17656

(b) If the attorney general finds by clear and convincing 17657  
evidence that an allegation is supported by the evidence, the 17658  
attorney general, by certified mail, shall notify the auditor of 17659  
state, the township fiscal officer, and the persons who initiated 17660  
the sworn affidavits of that fact, and shall commence an action 17661  
for the removal of the township fiscal officer from public office 17662  
under division (B) of this section. 17663

(c) Nothing in this section is intended to limit the 17664  
authority of the attorney general to enter into mediation, 17665  
settlement, or resolution of any alleged violation before or 17666  
following the commencement of an action under this section. 17667

(B)(1)(a) The attorney general has a cause of action for 17668

removal of a township fiscal officer who purposely, knowingly, or 17669  
recklessly fails to perform a fiscal duty expressly imposed by law 17670  
with respect to the office of township fiscal officer or 17671  
purposely, knowingly, or recklessly commits any act expressly 17672  
prohibited by law with respect to the fiscal duties of the office 17673  
of township fiscal officer. Not later than forty-five days after 17674  
sending a notice under division (A)(3)(b) of this section, the 17675  
attorney general shall cause an action to be commenced against the 17676  
township fiscal officer by filing a complaint for the removal of 17677  
the township fiscal officer from public office. If any money is 17678  
due, the attorney general shall join the sureties on the township 17679  
fiscal officer's bond as parties. The court of common pleas of the 17680  
county in which the township fiscal officer holds office has 17681  
exclusive original jurisdiction of the action. The action shall 17682  
proceed de novo as in the trial of a civil action. The court is 17683  
not restricted to the evidence that was presented to the auditor 17684  
of state and the attorney general before the action was filed. The 17685  
action is governed by the Rules of Civil Procedure. 17686

(b) If the court finds by clear and convincing evidence that 17687  
the township fiscal officer purposely, knowingly, or recklessly 17688  
failed to perform a fiscal duty expressly imposed by law with 17689  
respect to the fiscal duties of the office of township fiscal 17690  
officer or purposely, knowingly, or recklessly committed any act 17691  
expressly prohibited by law with respect to the fiscal duties of 17692  
that office, the court shall issue an order removing the township 17693  
fiscal officer from office and any order necessary for the 17694  
preservation or restitution of public funds. 17695

(2) Except as otherwise provided in this division, an action 17696  
for removal from office under this section is stayed during the 17697  
pendency of any criminal action concerning a violation of an 17698  
existing or former municipal ordinance or law of this or any other 17699  
state or the United States that is substantially equivalent to any 17700

criminal violation in Title ~~29~~ XXIX of the Revised Code related to 17701  
conduct in office, if the person charged in the criminal action 17702  
committed the violation while serving as a township fiscal officer 17703  
and the conduct constituting the violation was related to the 17704  
duties of the office of fiscal officer or to the person's actions 17705  
as the township fiscal officer. The stay may be lifted upon motion 17706  
of the prosecuting attorney in the related criminal action. 17707

(3) Prior to or at the hearing, upon a showing of good cause, 17708  
the court may issue an order restraining the township fiscal 17709  
officer from entering the township fiscal officer's office and 17710  
from conducting the affairs of the office pending the hearing on 17711  
the complaint. If such an order is issued, the court may continue 17712  
the order until the conclusion of the hearing and any appeals 17713  
under this section. 17714

(4) The board of township trustees shall be responsible for 17715  
the payment of reasonable attorney's fees for counsel for the 17716  
township fiscal officer. If judgment is entered against the 17717  
township fiscal officer, the court shall order the township fiscal 17718  
officer to reimburse the board for attorney's fees and costs up to 17719  
a reasonable amount, as determined by the court. Expenses incurred 17720  
by the board in a removal action shall be paid out of the township 17721  
general fund. 17722

(C) The judgment of the court is final and conclusive unless 17723  
reversed, vacated, or modified on appeal. An appeal may be taken 17724  
by any party, and shall proceed as in the case of appeals in civil 17725  
actions and in accordance with the Rules of Appellate Procedure. 17726  
Upon the filing of a notice of appeal by any party to the 17727  
proceedings, the court of appeals shall hear the case as an 17728  
expedited appeal under Rule 11.2 of the Rules of Appellate 17729  
Procedure. The township fiscal officer has the right of review or 17730  
appeal to the supreme court. 17731

(D) If a final judgment for removal from public office is 17732

entered against the township fiscal officer, the office shall be 17733  
deemed vacated, and the vacancy shall be filled as provided in 17734  
section 503.24 of the Revised Code. Except as otherwise provided 17735  
by law, an individual removed from public office under this 17736  
section is not entitled to hold any public office for four years 17737  
following the date of the final judgment, and is not entitled to 17738  
hold any public office until any repayment or restitution required 17739  
by the court is satisfied. 17740

(E) For the purposes of this section: 17741

(1) A person acts purposely when it is the person's specific 17742  
intention to cause a certain result, or, when the gist of the 17743  
offense is a prohibition against conduct of a certain nature, 17744  
regardless of what the person intends to accomplish thereby, it is 17745  
the person's specific intention to engage in conduct of that 17746  
nature. 17747

(2) A person acts knowingly, regardless of the person's 17748  
purpose, when the person is aware that the person's conduct will 17749  
probably cause a certain result or will probably be of a certain 17750  
nature. A person has knowledge of circumstances when the person is 17751  
aware that such circumstances probably exist. 17752

(3) A person acts recklessly when, with heedless indifference 17753  
to the consequences, the person perversely disregards a known risk 17754  
that the person's conduct is likely to cause a certain result or 17755  
is likely to be of a certain nature. A person is reckless with 17756  
respect to circumstances when, with heedless indifference to the 17757  
consequences, the person perversely disregards a known risk that 17758  
such circumstances are likely to exist. 17759

(F) The proceedings provided for in this section may be used 17760  
as an alternative to the removal proceedings prescribed under 17761  
sections 3.07 to 3.10 of the Revised Code or other methods of 17762  
removal authorized by law. 17763

Sec. 703.20. (A) Villages may surrender their corporate 17764  
powers upon the petition to the legislative authority of the 17765  
village, or, in the alternative, to the board of elections of the 17766  
county in which the largest portion of the population of the 17767  
village resides as provided in division (B)(1) of this section, of 17768  
at least ~~forty~~ thirty per cent of the electors thereof, to be 17769  
determined by the number voting at the last regular municipal 17770  
~~election~~ election and by an affirmative vote of a majority of ~~such~~ 17771  
the electors at a special election, which shall be provided for by 17772  
the legislative authority, ~~and or, in the alternative, at a~~ 17773  
general or special election as provided for by the board of 17774  
elections under division (B)(1) of this section. The election 17775  
shall be conducted, canvassed, and the result certified and made 17776  
known as at regular municipal elections. If the result of the 17777  
election is in favor of ~~such~~ the surrender, the village clerk or, 17778  
in the alternative, the board of elections shall certify the 17779  
result to the secretary of state, the auditor of state, and the 17780  
county recorder, who shall record it in their respective offices, 17781  
~~and thereupon the.~~ The corporate powers of ~~such~~ the village shall 17782  
cease upon the recording of the certified election results in the 17783  
county recorder's office. 17784

(B)(1) If the legislative authority of a village fails to act 17785  
upon the petition within thirty days after receipt of the 17786  
petition, the electors may present the petition to the board of 17787  
elections to determine the validity and sufficiency of the 17788  
signatures. The petition shall be governed by the rules of section 17789  
3501.38 of the Revised Code. The petition shall be filed with the 17790  
board of elections of the county in which the largest portion of 17791  
the population of the village resides. If the petition is 17792  
sufficient, the board of elections shall submit the question 17793  
"Shall the village of ..... surrender its corporate powers?" 17794  
for the approval or rejection of the electors of the village at 17795

the next general or special election, in any year, occurring after 17796  
the period ending ninety days after the filing of the petition 17797  
with the board. If the result of the election is in favor of the 17798  
surrender, the board of elections shall certify the results to the 17799  
secretary of state, the auditor of state, and the county recorder, 17800  
who shall record it in their respective offices. The corporate 17801  
powers of the village shall cease upon the recording of the 17802  
certified election results in the county recorder's office. 17803

(2) In addition to filing the petition with the board of 17804  
elections as provided in division (B)(1) of this section, a copy 17805  
of the petition shall be filed with the board of township trustees 17806  
of each township affected by the surrender. 17807

(C) The auditor of state shall assist in facilitating a 17808  
timely and systematic manner for complying with the requirements 17809  
of section 703.21 of the Revised Code. 17810

**Sec. 703.21.** (A) The surrender of corporate powers by a 17811  
village under section 703.20 or 703.201 of the Revised Code does 17812  
not affect vested rights or accrued liabilities of the village, or 17813  
the power to settle claims, dispose of property, or levy and 17814  
collect taxes to pay existing obligations, or to operate its 17815  
utilities, including collection of existing rates and charges for 17816  
services rendered, until the ownership and operation of each 17817  
utility is transferred to another entity. But, after the 17818  
presentation of the petition mentioned in section 703.20 of the 17819  
Revised Code or receipt of the audit report and notice mentioned 17820  
in section 703.201 of the Revised Code, the legislative authority 17821  
of the village shall not create any new liability until the result 17822  
of the election under section 703.20 of the Revised Code is 17823  
declared or the decision of the court of common pleas under 17824  
division (C) of section 703.201 of the Revised Code is declared, 17825  
or thereafter, if the result, in either case, is for the surrender 17826

of the village's corporate powers, except to the extent such 17827  
liability is necessary in connection with the operations of the 17828  
village's utilities consistent with prudent utility practice. If 17829  
the auditor of state notifies the village that the attorney 17830  
general may file a legal action under section 703.201 of the 17831  
Revised Code, but the attorney general does not file such an 17832  
action, the village shall not create any new liability for thirty 17833  
days after receipt of the auditor of state's notice, except to the 17834  
extent such liability is necessary in connection with the 17835  
operations of the village's utilities consistent with prudent 17836  
utility practice. 17837

(B) Due and unpaid taxes may be collected after the surrender 17838  
of corporate powers, and all moneys or property remaining after 17839  
the surrender belongs to the township or townships located wholly 17840  
or partly within the village, subject to the agreements entered 17841  
into as provided for in this section for the timely transfer of 17842  
real and personal property and subject to the report of an audit 17843  
or, at the discretion of the auditor of state, an agreed-upon 17844  
procedure audit performed by the auditor of state under section 17845  
117.11 or 117.114 of the Revised Code. The auditor of state shall 17846  
commence the audit or agreed-upon procedure audit within thirty 17847  
days after receipt of the notice of dissolution as provided in 17848  
division (E) of section 117.10 of the Revised Code. Cash balances 17849  
shall be transferred at the completion of the audit or agreed-upon 17850  
procedure audit performed by the auditor of state. ~~If~~ Except as 17851  
otherwise provided by agreement of the affected village and 17852  
townships, if more than one township is to receive the remaining 17853  
money or property, the money and property shall be divided among 17854  
the townships in proportion to the amount of territory that each 17855  
township has within the village boundaries as compared to the 17856  
total territory within the village. 17857

(C)(1) Village real and personal property, other than 17858

electric, water, and sewer utility property, shall be transferred 17859  
in a timely manner in accordance with agreements between or among 17860  
the affected village and township or townships. If no such 17861  
agreements have been reached within sixty days after the 17862  
certificate of dissolution is filed with the county recorder, 17863  
title to real and personal property other than any electric, 17864  
water, and sewer utility property vests by operation of law in the 17865  
affected township or townships. If more than one township is 17866  
affected, and agreements have not been reached within sixty days 17867  
after the certificate of dissolution is filed, title vests by 17868  
operation of law in proportion to the amount of territory that 17869  
each township has within the village boundaries as compared to the 17870  
total territory within the village. 17871

(2) Any agreements entered into under this section regarding 17872  
the transfer of real property shall be recorded with the county 17873  
recorder of the county in which the affected real property is 17874  
situated, along with affidavits stating facts relating to title as 17875  
provided for in section 5301.252 of the Revised Code. The county 17876  
recorder shall make appropriate notations in the county records to 17877  
reflect the conveyance of the village's interest in real property 17878  
in accordance with the recorded agreements resulting from the 17879  
surrender of corporate powers. The notations shall include a 17880  
reference to the county's recorded certificate of dissolution. 17881

In the absence of any agreements and upon the recording of 17882  
affidavits relating to title, the county recorder shall make 17883  
appropriate notations in the county records to reflect the 17884  
conveyance of the village's interest in real property and to 17885  
evidence that title vested by operation of law in the township or 17886  
townships as otherwise provided for in this section and as a 17887  
result of the surrender of corporate powers. The recording of a 17888  
certificate of dissolution or a certified copy of it, any 17889  
agreements regarding the transfer of real property, and supporting 17890

affidavits serve as sufficient evidence of a transfer of title 17891  
from the former village to a township or townships. These 17892  
documents shall be recorded in the same manner as a deed of 17893  
conveyance, except that the affected township or townships are 17894  
exempt from any fees specified under section 317.32 of the Revised 17895  
Code. 17896

(3) Cash balances shall be transferred at the completion of 17897  
the audit, or, at the discretion of the auditor of state, the 17898  
agreed-upon procedure audit performed by the auditor of state. 17899

(D)(1) Electric and water and sewer utility property shall be 17900  
transferred by agreement entered into by the village and the 17901  
entity that will be taking over the electric and water and sewer 17902  
utility property and assets. Cash balances shall be transferred at 17903  
the completion of the audit, or, at the discretion of the auditor 17904  
of state, the agreed-upon procedure audit performed by the auditor 17905  
of state. The provision of utility and other services shall be 17906  
uninterrupted during the transition period following the surrender 17907  
of corporate powers. 17908

(a) Following the filing of the certificate of dissolution, 17909  
if it is determined that a county, or a regional water and sewer 17910  
district organized under Chapter 6119. of the Revised Code, is 17911  
obligated to assume water and sewer utility property and assets by 17912  
default, the board of county commissioners or board of trustees of 17913  
the district, as appropriate, may petition the court of common 17914  
pleas of the county in which the village was located, for an order 17915  
to revise the current user fees, rates, and charges charged, or 17916  
assessments levied, by the utility. The board of county 17917  
commissioners or board of trustees of the district shall file with 17918  
the petition a systems audit of the utility. The systems audit 17919  
shall address the financial solvency of the utility; the utility's 17920  
debt service obligations and operating revenue stream, including 17921  
user fees, rates, charges, and assessments; the utility's 17922

compliance with operating permit requirements; the necessary 17923  
system maintenance, upgrades, and operational modifications and 17924  
their associated costs for the utility; outstanding, pending, or 17925  
potential enforcement actions against the utility; and any other 17926  
relevant matters impacting the operational viability and financial 17927  
solvency of the utility. 17928

When considering whether to grant the order, the court shall 17929  
review the systems audit and any other relevant evidence. The 17930  
order of the court shall assure that the operational viability and 17931  
financial solvency of the utility is maintained, and that an 17932  
unreasonable financial burden is not placed upon the county or 17933  
district due to the acquisition of the utility property and 17934  
assets. 17935

(b) In the case of a village electric utility, the village 17936  
shall be required to take all necessary steps to transfer its 17937  
ownership and operation, including continuing with normal 17938  
operations and activities, fulfilling its contractual and other 17939  
obligations, and transferring its contractual and other 17940  
obligations to a successor entity in a timely manner following the 17941  
filing of the certificate of dissolution. Such steps shall include 17942  
hiring a third-party engineer knowledgeable about the operation of 17943  
municipal electric systems to conduct a systems audit of the 17944  
electric utility, addressing such items as set forth in division 17945  
(D)(2) of this section. The systems audit shall commence not later 17946  
than sixty days after the filing of the certificate of 17947  
dissolution. Such systems audit is a proper expense of the 17948  
village's electric utility fund. If the village's electric utility 17949  
fund has a balance of zero or a negative fund balance, the 17950  
absorbing entity shall pay for the systems audit. During this 17951  
period, the village's electric utility shall continue with all 17952  
normal operations and activities, shall continue fulfilling its 17953  
contractual and other obligations, including with its customers 17954

and users and licensees of its poles, conduits, and rights-of-way, 17955  
and shall collect charges for service at the rates in effect on 17956  
the date the certificate of dissolution is filed. 17957

(2) The systems audit required under division (D)(1)(a) or 17958  
(b) of this section shall not prevent the auditor of state from 17959  
conducting the audit, or, at the discretion of the auditor of 17960  
state, the agreed-upon procedure audit, required by this section. 17961

(E) As used in divisions (C) and (D) of this section, 17962  
"certificate of dissolution" means the certified election results 17963  
approving the surrender of corporate powers as recorded by the 17964  
county recorder under section 703.20 of the Revised Code. 17965

After the surrender of corporate powers, all resolutions of 17966  
the township or townships into which the village's territory was 17967  
dissolved shall apply throughout the township's newly included 17968  
territory. 17969

**Sec. 705.22.** At the end of each year the legislative 17970  
authority of a municipal corporation shall have an annual report 17971  
printed, in pamphlet form, giving: 17972

(A) The classified statement of all receipts, expenditures, 17973  
assets, and liabilities of the municipal corporation; 17974

(B) A detailed comparison of such receipts and expenditures 17975  
with those of the preceding year; 17976

(C) A summary of the proceedings of the legislative authority 17977  
and a summary of the operations of the administrative departments 17978  
for the previous twelve months. 17979

A copy of this report shall be furnished to ~~the auditor of~~ 17980  
~~state,~~ the municipal library, and any citizen of the municipal 17981  
corporation who applies ~~therefor~~ for the report at the office of 17982  
the clerk. Similar reports may be printed quarterly. All meetings 17983  
of the legislative authority or committees thereof shall be 17984

public, and any citizen of the municipal corporation shall have 17985  
access to the minutes and records thereof at all reasonable times. 17986

**Sec. 713.01.** The legislative authority of each city having a 17987  
board of park commissioners may establish a city planning 17988  
commission of seven members, consisting of the mayor, the director 17989  
of public service, the president of the board of park 17990  
commissioners, ~~and four~~ two citizens of the municipal corporation, 17991  
and two public members who shall serve without compensation and 17992  
shall be appointed by the mayor for terms of six years each, 17993  
except that the term of two of the members of the first commission 17994  
shall be for three years. The legislative authority may, by 17995  
resolution, change the number of citizen members to an even number 17996  
of members, not less than four nor more than twelve. Whenever the 17997  
size of a commission is expanded, the initial appointees to new 17998  
positions shall be appointed to terms which permit half the 17999  
citizen members to be reappointed each third year. No reduction in 18000  
the size of a commission shall affect the term of any incumbent, 18001  
and at least two citizen members shall be appointed every third 18002  
year. 18003

The legislative authority of each city without a board of 18004  
park commissioners may establish a commission of five members, 18005  
consisting of the mayor, the director of public service, ~~and three~~ 18006  
two citizens of the municipal corporation, and one public member 18007  
who shall serve without compensation and shall be appointed by the 18008  
mayor for a term of six years, except that the term of one of the 18009  
members of the first commission shall be for four years and one 18010  
for two years. 18011

The legislative authority of each city with a commission plan 18012  
of government, adopted as provided in sections 705.01 to 705.06, 18013  
~~inclusive,~~ 705.31, 705.32, and 705.41 to 705.48, ~~inclusive,~~ of the 18014  
Revised Code, may establish a city planning commission of five 18015

members, consisting of the ~~chairman~~ chairperson of the legislative 18016  
authority ~~and four,~~ three citizens of the city, ~~and one public~~ 18017  
member to be appointed by the legislative authority for terms of 18018  
six years each, except that the term of two of the members of the 18019  
first planning commission shall be for four years and two for two 18020  
years. All members of the planning commission shall serve without 18021  
compensation. 18022

The legislative authority of each city with a city manager 18023  
plan of government, adopted as provided in sections 705.01 to 18024  
705.06, ~~inclusive,~~ and 705.51 to 705.60, ~~inclusive,~~ of the Revised 18025  
Code, may establish a commission of five members, consisting of 18026  
the ~~chairman~~ chairperson of the legislative authority, the city 18027  
manager, ~~and three~~ two citizens of the city, ~~and one public member~~ 18028  
who shall serve without compensation and shall be appointed by the 18029  
city manager for terms of six years each, except that the term of 18030  
one of the members of the first commission shall be for four years 18031  
and one for two years. 18032

The legislative authority of each village may establish a 18033  
commission of five members, consisting of the mayor, one member of 18034  
the legislative authority to be elected thereby for the remainder 18035  
of ~~his~~ the individual's term as such member of the legislative 18036  
authority, ~~and three~~ two citizens of the village, ~~and one public~~ 18037  
member to be appointed by the mayor for terms of six years each, 18038  
except that the term of one of the members of the first commission 18039  
shall be for four years and one for two years. All ~~such~~ members 18040  
shall serve without compensation. 18041

The public members appointed under this section need not be 18042  
residents of the municipal corporation but shall be residents of 18043  
the county in which the municipal corporation is located or a 18044  
township that is adjacent to the county. For purposes of this 18045  
section, all members of a planning commission are subject to 18046  
section 2921.42 of the Revised Code. 18047

Whenever ~~such~~ a planning commission is appointed under this 18048  
section, it shall have all the powers conferred in section 735.15 18049  
of the Revised Code. 18050

Except as otherwise provided in its charter, the commission 18051  
of a charter municipal corporation created in the manner and by 18052  
virtue of authority granted by its charter, shall have the powers 18053  
of and the plans made by it shall have the effect of a planning 18054  
commission or city plan created under sections 713.01 to 713.15~~7~~, 18055  
~~inclusive~~, of the Revised Code. 18056

Any member of a city or village planning commission 18057  
established under this section or by charter, except as otherwise 18058  
provided in its charter, may hold any other public office and may 18059  
serve as a member of a county, and a regional planning commission. 18060

**Sec. 715.014.** (A) As used in this section: 18061

(1) "Tourism development district" means a district 18062  
designated by a municipal corporation under this section. 18063

(2) "Territory of a tourism development district" means all 18064  
of the area included within the territorial boundaries of a 18065  
tourism development district. 18066

(3) "Business" and "owner" have the same meanings as in 18067  
section 503.56 of the Revised Code. 18068

(4) "Eligible municipal corporation" means a municipal 18069  
corporation wholly or partly located in a county having a 18070  
population greater than three hundred seventy-five thousand but 18071  
less than four hundred thousand that levies taxes under section 18072  
5739.021 or 5739.026 of the Revised Code, the aggregate rate of 18073  
which does not exceed one-half of one per cent on ~~the effective~~ 18074  
~~date of the enactment of this section~~ September 29, 2015. 18075

(5) "Fiscal officer" means the city auditor, village clerk, 18076  
or other municipal officer having the duties and functions of a 18077

city auditor or village clerk. 18078

(B)(1) The legislative authority of an eligible municipal 18079  
corporation, by resolution or ordinance, may declare an area of 18080  
the municipal corporation to be a tourism development district for 18081  
the purpose of fostering and developing tourism in the district if 18082  
all of the following criteria are met: 18083

(a) The district's area does not exceed ~~two~~ six hundred 18084  
acres. 18085

(b) All territory in the district is contiguous. 18086

(c) Before adopting the resolution or ordinance, the 18087  
legislative authority holds at least two public hearings 18088  
concerning the creation of the tourism development district. 18089

(d) Before adopting the resolution or ordinance, the 18090  
legislative authority receives a petition signed by every record 18091  
owner of a parcel of real property located in the proposed 18092  
district and the owner of every business that operates in the 18093  
proposed district. 18094

(e) The legislative authority adopts the resolution or 18095  
ordinance on or before December 31, ~~2018~~ 2020. 18096

(2) The petition described in division (B)(1)(d) of this 18097  
section shall include an explanation of the taxes and charges that 18098  
may be levied or imposed in the proposed district. 18099

(3) The legislative authority shall certify the resolution or 18100  
ordinance to the tax commissioner within five days after its 18101  
adoption, along with a description of the boundaries of the 18102  
district authorized in the resolution. That description shall 18103  
include sufficient information for the commissioner to determine 18104  
if the address of a vendor is within the boundaries of the 18105  
district. 18106

(4) Subject to the limitations of divisions (B)(1)(a) and (b) 18107

of this section, the legislative authority of an eligible 18108  
municipal corporation may enlarge the territory of an existing 18109  
tourism development district in the manner prescribed for the 18110  
creation of a district under divisions (B)(1) to (3) of this 18111  
section, except that the petition described in division (B)(1)(d) 18112  
of this section must be signed by every record owner of a parcel 18113  
of real property located in the area proposed to be added to the 18114  
district and the owner of every business that operates in the area 18115  
proposed to be added to the district. 18116

(C) For the purpose of fostering and developing tourism in a 18117  
tourism development district, a lessor leasing real property in a 18118  
tourism development district may impose and collect a uniform fee 18119  
on each parcel of real property leased by the lessor, to be paid 18120  
by each of the person's lessees. A lessee is subject to such a fee 18121  
only if the lease separately states the amount of the fee. Before 18122  
a lessor may impose and collect such a fee, the lessor shall file 18123  
a copy of such lease with the fiscal officer. A lessor that 18124  
imposes such a fee shall remit all collections of the fee to the 18125  
municipal corporation in which the real property is located. 18126

The legislative authority of that municipal corporation shall 18127  
establish all regulations necessary to provide for the 18128  
administration and remittance of such fees. The regulations may 18129  
prescribe the time for payment of the fee, and may provide for the 18130  
imposition of a penalty or interest, or both, for late 18131  
remittances, provided that the penalty does not exceed ten per 18132  
cent of the amount of fee due, and the rate at which interest 18133  
accrues does not exceed the rate per annum prescribed pursuant to 18134  
section 5703.47 of the Revised Code. The regulations shall 18135  
provide, after deducting the real and actual costs of 18136  
administering the fee, that the revenue be used exclusively for 18137  
fostering and developing tourism within the tourism development 18138  
district. 18139

(D) The legislative authority of an eligible municipal corporation that has designated a tourism development district may levy the tax authorized under section 5739.101 of the Revised Code. Nothing in this section limits the power of the legislative authority of a municipal corporation to levy a tax on the basis of admissions in a tourism development district pursuant to its powers of local self-government conferred by Section 3 of Article XVIII, Ohio Constitution.

(E) On or before the first day of each January and ~~June~~ July, beginning after the designation of the tourism development district, the fiscal officer shall certify a list of vendors located within the tourism development district to the tax commissioner, which shall include the name, address, and vendor's license number for each vendor.

**Sec. 718.01.** Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Revised Code, unless a different meaning is clearly required. ~~If~~ Except as provided in section 718.81 of the Revised Code, if a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the Revised Code.

~~As~~ Except as otherwise provided in section 718.81 of the Revised Code, as used in this chapter:

(A)(1) "Municipal taxable income" means the following:

(a) For a person other than an individual, income ~~reduced by~~

~~exempt income to the extent otherwise included in income and then,~~ 18171  
~~as applicable,~~ apportioned or sitused to the municipal corporation 18172  
under section 718.02 of the Revised Code, ~~and further~~ as 18173  
applicable, reduced by any pre-2017 net operating loss 18174  
carryforward available to the person for the municipal 18175  
corporation. 18176

(b)(i) For an individual who is a resident of a municipal 18177  
corporation other than a qualified municipal corporation, income 18178  
reduced by exempt income to the extent otherwise included in 18179  
income, then reduced as provided in division (A)(2) of this 18180  
section, and further reduced by any pre-2017 net operating loss 18181  
carryforward available to the individual for the municipal 18182  
corporation. 18183

(ii) For an individual who is a resident of a qualified 18184  
municipal corporation, Ohio adjusted gross income reduced by 18185  
income exempted, and increased by deductions excluded, by the 18186  
qualified municipal corporation from the qualified municipal 18187  
corporation's tax. If a qualified municipal corporation, on or 18188  
before December 31, 2013, exempts income earned by individuals who 18189  
are not residents of the qualified municipal corporation and net 18190  
profit of persons that are not wholly located within the qualified 18191  
municipal corporation, such individual or person shall have no 18192  
municipal taxable income for the purposes of the tax levied by the 18193  
qualified municipal corporation and may be exempted by the 18194  
qualified municipal corporation from the requirements of section 18195  
718.03 of the Revised Code. 18196

(c) For an individual who is a nonresident of a municipal 18197  
corporation, income reduced by exempt income to the extent 18198  
otherwise included in income and then, as applicable, apportioned 18199  
or sitused to the municipal corporation under section 718.02 of 18200  
the Revised Code, then reduced as provided in division (A)(2) of 18201  
this section, and further reduced by any pre-2017 net operating 18202

loss carryforward available to the individual for the municipal corporation. 18203  
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(2) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (A)(1)(b)(i) or (c) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation. 18205  
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(B) "Income" means the following: 18218

(1)(a) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in division (D)~~(4)~~(5) of this section. 18219  
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(b) For the purposes of division (B)(1)(a) of this section: 18225

(i) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a 18226  
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pass-through entity until fully utilized, subject to division	18234
(B)(1)(d) of this section;	18235
(ii) The resident's distributive share of the net profit of	18236
each pass-through entity owned directly or indirectly by the	18237
resident shall be calculated without regard to any net operating	18238
loss that is carried forward by that entity from a prior taxable	18239
year and applied to reduce the entity's net profit for the current	18240
taxable year.	18241
(c) Division (B)(1)(b) of this section does not apply with	18242
respect to any net profit or net operating loss attributable to an	18243
ownership interest in an S corporation unless shareholders'	18244
distributive shares of net profits from S corporations are subject	18245
to tax in the municipal corporation as provided in division	18246
(C)(14)(b) or (c) of this section.	18247
(d) Any amount of a net operating loss used to reduce a	18248
taxpayer's net profit for a taxable year shall reduce the amount	18249
of net operating loss that may be carried forward to any	18250
subsequent year for use by that taxpayer. In no event shall the	18251
cumulative deductions for all taxable years with respect to a	18252
taxpayer's net operating loss exceed the original amount of that	18253
net operating loss available to that taxpayer.	18254
(2) In the case of nonresidents, all income, salaries,	18255
qualifying wages, commissions, and other compensation from	18256
whatever source earned or received by the nonresident for work	18257
done, services performed or rendered, or activities conducted in	18258
the municipal corporation, including any net profit of the	18259
nonresident, but excluding the nonresident's distributive share of	18260
the net profit or loss of only pass-through entities owned	18261
directly or indirectly by the nonresident.	18262
(3) For taxpayers that are not individuals, net profit of the	18263
taxpayer;	18264

(4) Lottery, sweepstakes, gambling and sports winnings, 18265  
winnings from games of chance, and prizes and awards. If the 18266  
taxpayer is a professional gambler for federal income tax 18267  
purposes, the taxpayer may deduct related wagering losses and 18268  
expenses to the extent authorized under the Internal Revenue Code 18269  
and claimed against such winnings. 18270

(C) "Exempt income" means all of the following: 18271

(1) The military pay or allowances of members of the armed 18272  
forces of the United States or members of their reserve 18273  
components, including the national guard of any state; 18274

(2)(a) Except as provided in division (C)(2)(b) of this 18275  
section, intangible income; 18276

(b) A municipal corporation that taxed any type of intangible 18277  
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 18278  
116th general assembly, may continue to tax that type of income if 18279  
a majority of the electors of the municipal corporation voting on 18280  
the question of whether to permit the taxation of that type of 18281  
intangible income after 1988 voted in favor thereof at an election 18282  
held on November 8, 1988. 18283

(3) Social security benefits, railroad retirement benefits, 18284  
unemployment compensation, pensions, retirement benefit payments, 18285  
payments from annuities, and similar payments made to an employee 18286  
or to the beneficiary of an employee under a retirement program or 18287  
plan, disability payments received from private industry or local, 18288  
state, or federal governments or from charitable, religious or 18289  
educational organizations, and the proceeds of sickness, accident, 18290  
or liability insurance policies. As used in division (C)(3) of 18291  
this section, "unemployment compensation" does not include 18292  
supplemental unemployment compensation described in section 18293  
3402(o)(2) of the Internal Revenue Code. 18294

(4) The income of religious, fraternal, charitable, 18295

scientific, literary, or educational institutions to the extent	18296
such income is derived from tax-exempt real estate, tax-exempt	18297
tangible or intangible property, or tax-exempt activities.	18298
(5) Compensation paid under section 3501.28 or 3501.36 of the	18299
Revised Code to a person serving as a precinct election official	18300
to the extent that such compensation does not exceed one thousand	18301
dollars for the taxable year. Such compensation in excess of one	18302
thousand dollars for the taxable year may be subject to taxation	18303
by a municipal corporation. A municipal corporation shall not	18304
require the payer of such compensation to withhold any tax from	18305
that compensation.	18306
(6) Dues, contributions, and similar payments received by	18307
charitable, religious, educational, or literary organizations or	18308
labor unions, lodges, and similar organizations;	18309
(7) Alimony and child support received;	18310
(8) Compensation for personal injuries or for damages to	18311
property from insurance proceeds or otherwise, excluding	18312
compensation paid for lost salaries or wages or compensation from	18313
punitive damages;	18314
(9) Income of a public utility when that public utility is	18315
subject to the tax levied under section 5727.24 or 5727.30 of the	18316
Revised Code. Division (C)(9) of this section does not apply for	18317
purposes of Chapter 5745. of the Revised Code.	18318
(10) Gains from involuntary conversions, interest on federal	18319
obligations, items of income subject to a tax levied by the state	18320
and that a municipal corporation is specifically prohibited by law	18321
from taxing, and income of a decedent's estate during the period	18322
of administration except such income from the operation of a trade	18323
or business;	18324
(11) Compensation or allowances excluded from federal gross	18325
income under section 107 of the Internal Revenue Code;	18326

(12) Employee compensation that is not qualifying wages as 18327  
defined in division (R) of this section; 18328

(13) Compensation paid to a person employed within the 18329  
boundaries of a United States air force base under the 18330  
jurisdiction of the United States air force that is used for the 18331  
housing of members of the United States air force and is a center 18332  
for air force operations, unless the person is subject to taxation 18333  
because of residence or domicile. If the compensation is subject 18334  
to taxation because of residence or domicile, tax on such income 18335  
shall be payable only to the municipal corporation of residence or 18336  
domicile. 18337

(14)(a) Except as provided in division (C)(14)(b) or (c) of 18338  
this section, an S corporation shareholder's distributive share of 18339  
net profits of the S corporation, other than any part of the 18340  
distributive share of net profits that represents wages as defined 18341  
in section 3121(a) of the Internal Revenue Code or net earnings 18342  
from self-employment as defined in section 1402(a) of the Internal 18343  
Revenue Code. 18344

(b) If, pursuant to division (H) of former section 718.01 of 18345  
the Revised Code as it existed before March 11, 2004, a majority 18346  
of the electors of a municipal corporation voted in favor of the 18347  
question at an election held on November 4, 2003, the municipal 18348  
corporation may continue after 2002 to tax an S corporation 18349  
shareholder's distributive share of net profits of an S 18350  
corporation. 18351

(c) If, on December 6, 2002, a municipal corporation was 18352  
imposing, assessing, and collecting a tax on an S corporation 18353  
shareholder's distributive share of net profits of the S 18354  
corporation to the extent the distributive share would be 18355  
allocated or apportioned to this state under divisions (B)(1) and 18356  
(2) of section 5733.05 of the Revised Code if the S corporation 18357  
were a corporation subject to taxes imposed under Chapter 5733. of 18358

the Revised Code, the municipal corporation may continue to impose 18359  
the tax on such distributive shares to the extent such shares 18360  
would be so allocated or apportioned to this state only until 18361  
December 31, 2004, unless a majority of the electors of the 18362  
municipal corporation voting on the question of continuing to tax 18363  
such shares after that date voted in favor of that question at an 18364  
election held November 2, 2004. If a majority of those electors 18365  
voted in favor of the question, the municipal corporation may 18366  
continue after December 31, 2004, to impose the tax on such 18367  
distributive shares only to the extent such shares would be so 18368  
allocated or apportioned to this state. 18369

(d) A municipal corporation shall be deemed to have elected 18370  
to tax S corporation shareholders' distributive shares of net 18371  
profits of the S corporation in the hands of the shareholders if a 18372  
majority of the electors of a municipal corporation voted in favor 18373  
of a question at an election held under division (C)(14)(b) or (c) 18374  
of this section. The municipal corporation shall specify by 18375  
resolution or ordinance that the tax applies to the distributive 18376  
share of a shareholder of an S corporation in the hands of the 18377  
shareholder of the S corporation. 18378

(15) To the extent authorized under a resolution or ordinance 18379  
adopted by a municipal corporation before January 1, 2016, all or 18380  
a portion of the income of individuals or a class of individuals 18381  
under eighteen years of age. 18382

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 18383  
(d) of this section, qualifying wages described in division (B)(1) 18384  
or (E) of section 718.011 of the Revised Code to the extent the 18385  
qualifying wages are not subject to withholding for the municipal 18386  
corporation under either of those divisions. 18387

(b) The exemption provided in division (C)(16)(a) of this 18388  
section does not apply with respect to the municipal corporation 18389  
in which the employee resided at the time the employee earned the 18390

qualifying wages. 18391

(c) The exemption provided in division (C)(16)(a) of this 18392  
section does not apply to qualifying wages that an employer elects 18393  
to withhold under division (D)(2) of section 718.011 of the 18394  
Revised Code. 18395

(d) The exemption provided in division (C)(16)(a) of this 18396  
section does not apply to qualifying wages if both of the 18397  
following conditions apply: 18398

(i) For qualifying wages described in division (B)(1) of 18399  
section 718.011 of the Revised Code, the employee's employer 18400  
withholds and remits tax on the qualifying wages to the municipal 18401  
corporation in which the employee's principal place of work is 18402  
situated, or, for qualifying wages described in division (E) of 18403  
section 718.011 of the Revised Code, the employee's employer 18404  
withholds and remits tax on the qualifying wages to the municipal 18405  
corporation in which the employer's fixed location is located; 18406

(ii) The employee receives a refund of the tax described in 18407  
division (C)(16)(d)(i) of this section on the basis of the 18408  
employee not performing services in that municipal corporation. 18409

(17)(a) Except as provided in division (C)(17)(b) or (c) of 18410  
this section, compensation that is not qualifying wages paid to a 18411  
nonresident individual for personal services performed in the 18412  
municipal corporation on not more than twenty days in a taxable 18413  
year. 18414

(b) The exemption provided in division (C)(17)(a) of this 18415  
section does not apply under either of the following 18416  
circumstances: 18417

(i) The individual's base of operation is located in the 18418  
municipal corporation. 18419

(ii) The individual is a professional athlete, professional 18420

entertainer, or public figure, and the compensation is paid for 18421  
the performance of services in the individual's capacity as a 18422  
professional athlete, professional entertainer, or public figure. 18423  
For purposes of division (C)(17)(b)(ii) of this section, 18424  
"professional athlete," "professional entertainer," and "public 18425  
figure" have the same meanings as in section 718.011 of the 18426  
Revised Code. 18427

(c) Compensation to which division (C)(17) of this section 18428  
applies shall be treated as earned or received at the individual's 18429  
base of operation. If the individual does not have a base of 18430  
operation, the compensation shall be treated as earned or received 18431  
where the individual is domiciled. 18432

(d) For purposes of division (C)(17) of this section, "base 18433  
of operation" means the location where an individual owns or rents 18434  
an office, storefront, or similar facility to which the individual 18435  
regularly reports and at which the individual regularly performs 18436  
personal services for compensation. 18437

(18) Compensation paid to a person for personal services 18438  
performed for a political subdivision on property owned by the 18439  
political subdivision, regardless of whether the compensation is 18440  
received by an employee of the subdivision or another person 18441  
performing services for the subdivision under a contract with the 18442  
subdivision, if the property on which services are performed is 18443  
annexed to a municipal corporation pursuant to section 709.023 of 18444  
the Revised Code on or after March 27, 2013, unless the person is 18445  
subject to such taxation because of residence. If the compensation 18446  
is subject to taxation because of residence, municipal income tax 18447  
shall be payable only to the municipal corporation of residence. 18448

(19) In the case of a tax administered, collected, and 18449  
enforced by a municipal corporation pursuant to an agreement with 18450  
the board of directors of a joint economic development district 18451  
under section 715.72 of the Revised Code, the net profits of a 18452

business, and the income of the employees of that business, 18453  
exempted from the tax under division (Q) of that section. 18454

(20) Income the taxation of which is prohibited by the 18455  
constitution or laws of the United States. 18456

Any item of income that is exempt income of a pass-through 18457  
entity under division (C) of this section is exempt income of each 18458  
owner of the pass-through entity to the extent of that owner's 18459  
distributive or proportionate share of that item of the entity's 18460  
income. 18461

~~(D)(1) "Net profit" for a person other than an individual 18462  
means adjusted federal taxable income. 18463~~

~~(2) "Net profit" for a person who is an individual means the 18464  
individual's net profit required to be reported on schedule C, 18465  
schedule E, or schedule F reduced by any net operating loss 18466  
carried forward. For the purposes of division (D)~~(2)~~(1) of this 18467  
section, the net operating loss carried forward shall be 18468  
calculated and deducted in the same manner as provided in division 18469  
~~(E)~~(8)~~(D)(3)~~ of this section. 18470~~

~~(3)(2) "Net profit" for a person other than an individual 18471  
means adjusted federal taxable income reduced by any net operating 18472  
loss incurred by the person in a taxable year beginning on or 18473  
after January 1, 2017, subject to the limitations of division 18474  
(D)(3) of this section. 18475~~

~~(3)(a) The amount of such net operating loss shall be 18476  
deducted from net profit to the extent necessary to reduce 18477  
municipal taxable income to zero, with any remaining unused 18478  
portion of the net operating loss carried forward to not more than 18479  
five consecutive taxable years following the taxable year in which 18480  
the loss was incurred, but in no case for more years than 18481  
necessary for the deduction to be fully utilized. 18482~~

~~(b) No person shall use the deduction allowed by division 18483~~

(D)(3) of this section to offset qualifying wages. 18484

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 18485  
or 2022, a person may not deduct, for purposes of an income tax 18486  
levied by a municipal corporation that levies an income tax before 18487  
January 1, 2016, more than fifty per cent of the amount of the 18488  
deduction otherwise allowed by division (D)(3) of this section. 18489

(ii) For taxable years beginning in 2023 or thereafter, a 18490  
person may deduct, for purposes of an income tax levied by a 18491  
municipal corporation that levies an income tax before January 1, 18492  
2016, the full amount allowed by division (D)(3) of this section 18493  
without regard to the limitation of division (D)(3)(b)(i) of this 18494  
section. 18495

(d) Any pre-2017 net operating loss carryforward deduction 18496  
that is available may be utilized before a taxpayer may deduct any 18497  
amount pursuant to division (D)(3) of this section. 18498

(e) Nothing in division (D)(3)(c)(i) of this section 18499  
precludes a person from carrying forward, for use with respect to 18500  
any return filed for a taxable year beginning after 2018, any 18501  
amount of net operating loss that was not fully utilized by 18502  
operation of division (D)(3)(c)(i) of this section. To the extent 18503  
that an amount of net operating loss that was not fully utilized 18504  
in one or more taxable years by operation of division (D)(3)(c)(i) 18505  
of this section is carried forward for use with respect to a 18506  
return filed for a taxable year beginning in 2019, 2020, 2021, or 18507  
2022, the limitation described in division (D)(3)(c)(i) of this 18508  
section shall apply to the amount carried forward. 18509

(4) For the purposes of this chapter, and notwithstanding 18510  
division (D)~~(1)~~(2) of this section, net profit of a disregarded 18511  
entity shall not be taxable as against that disregarded entity, 18512  
but shall instead be included in the net profit of the owner of 18513  
the disregarded entity. 18514

~~(4)~~(5) For the purposes of this chapter, and notwithstanding  
any other provision of this chapter, the net profit of a publicly  
traded partnership that makes the election described in division  
(D)~~(4)~~(5) of this section shall be taxed as if the partnership  
were a C corporation, and shall not be treated as the net profit  
or income of any owner of the partnership.

A publicly traded partnership that is treated as a  
partnership for federal income tax purposes and that is subject to  
tax on its net profits in one or more municipal corporations in  
this state may elect to be treated as a C corporation for  
municipal income tax purposes. The publicly traded partnership  
shall make the election in every municipal corporation in which  
the partnership is subject to taxation on its net profits. The  
election shall be made on the annual tax return filed in each such  
municipal corporation. The publicly traded partnership shall not  
be required to file the election with any municipal corporation in  
which the partnership is not subject to taxation on its net  
profits, but division (D)~~(4)~~(5) of this section applies to all  
municipal corporations in which an individual owner of the  
partnership resides.

(E) "Adjusted federal taxable income," for a person required  
to file as a C corporation, or for a person that has elected to be  
taxed as a C corporation under division (D)~~(4)~~(5) of this section,  
means a C corporation's federal taxable income before net  
operating losses and special deductions as determined under the  
Internal Revenue Code, adjusted as follows:

(1) Deduct intangible income to the extent included in  
federal taxable income. The deduction shall be allowed regardless  
of whether the intangible income relates to assets used in a trade  
or business or assets held for the production of income.

(2) Add an amount equal to five per cent of intangible income  
deducted under division (E)(1) of this section, but excluding that

portion of intangible income directly related to the sale, 18547  
exchange, or other disposition of property described in section 18548  
1221 of the Internal Revenue Code; 18549

(3) Add any losses allowed as a deduction in the computation 18550  
of federal taxable income if the losses directly relate to the 18551  
sale, exchange, or other disposition of an asset described in 18552  
section 1221 or 1231 of the Internal Revenue Code; 18553

(4)(a) Except as provided in division (E)(4)(b) of this 18554  
section, deduct income and gain included in federal taxable income 18555  
to the extent the income and gain directly relate to the sale, 18556  
exchange, or other disposition of an asset described in section 18557  
1221 or 1231 of the Internal Revenue Code; 18558

(b) Division (E)(4)(a) of this section does not apply to the 18559  
extent the income or gain is income or gain described in section 18560  
1245 or 1250 of the Internal Revenue Code. 18561

(5) Add taxes on or measured by net income allowed as a 18562  
deduction in the computation of federal taxable income; 18563

(6) In the case of a real estate investment trust or 18564  
regulated investment company, add all amounts with respect to 18565  
dividends to, distributions to, or amounts set aside for or 18566  
credited to the benefit of investors and allowed as a deduction in 18567  
the computation of federal taxable income; 18568

(7) Deduct, to the extent not otherwise deducted or excluded 18569  
in computing federal taxable income, any income derived from a 18570  
transfer agreement or from the enterprise transferred under that 18571  
agreement under section 4313.02 of the Revised Code; 18572

~~(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d) 18573  
of this section, deduct any net operating loss incurred by the 18574  
person in a taxable year beginning on or after January 1, 2017. 18575~~

~~The amount of such net operating loss shall be deducted from 18576~~

~~net profit that is reduced by exempt income to the extent 18577  
necessary to reduce municipal taxable income to zero, with any 18578  
remaining unused portion of the net operating loss carried forward 18579  
to not more than five consecutive taxable years following the 18580  
taxable year in which the loss was incurred, but in no case for 18581  
more years than necessary for the deduction to be fully utilized. 18582~~

~~(b) No person shall use the deduction allowed by division 18583  
(E)(8) of this section to offset qualifying wages. 18584~~

~~(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 18585  
or 2022, a person may not deduct, for purposes of an income tax 18586  
levied by a municipal corporation that levies an income tax before 18587  
January 1, 2016, more than fifty per cent of the amount of the 18588  
deduction otherwise allowed by division (E)(8)(a) of this section. 18589~~

~~(ii) For taxable years beginning in 2023 or thereafter, a 18590  
person may deduct, for purposes of an income tax levied by a 18591  
municipal corporation that levies an income tax before January 1, 18592  
2016, the full amount allowed by division (E)(8)(a) of this 18593  
section. 18594~~

~~(d) Any pre 2017 net operating loss carryforward deduction 18595  
that is available must be utilized before a taxpayer may deduct 18596  
any amount pursuant to division (E)(8) of this section. 18597~~

~~(e) Nothing in division (E)(8)(c)(i) of this section 18598  
precludes a person from carrying forward, for use with respect to 18599  
any return filed for a taxable year beginning after 2018, any 18600  
amount of net operating loss that was not fully utilized by 18601  
operation of division (E)(8)(c)(i) of this section. To the extent 18602  
that an amount of net operating loss that was not fully utilized 18603  
in one or more taxable years by operation of division (E)(8)(c)(i) 18604  
of this section is carried forward for use with respect to a 18605  
return filed for a taxable year beginning in 2019, 2020, 2021, or 18606  
2022, the limitation described in division (E)(8)(c)(i) of this 18607~~

~~section shall apply to the amount carried forward Deduct exempt 18608  
income to the extent not otherwise deducted or excluded in 18609  
computing adjusted federal taxable income. 18610~~

(9) Deduct any net profit of a pass-through entity owned 18611  
directly or indirectly by the taxpayer and included in the 18612  
taxpayer's federal taxable income unless an affiliated group of 18613  
corporations includes that net profit in the group's federal 18614  
taxable income in accordance with division (E)(3)(b) of section 18615  
718.06 of the Revised Code. 18616

(10) Add any loss incurred by a pass-through entity owned 18617  
directly or indirectly by the taxpayer and included in the 18618  
taxpayer's federal taxable income unless an affiliated group of 18619  
corporations includes that loss in the group's federal taxable 18620  
income in accordance with division (E)(3)(b) of section 718.06 of 18621  
the Revised Code. 18622

If the taxpayer is not a C corporation, is not a disregarded 18623  
entity that has made the election described in division (L)(2) of 18624  
this section, is not a publicly traded partnership that has made 18625  
the election described in division (D)~~(4)~~(5) of this section, and 18626  
is not an individual, the taxpayer shall compute adjusted federal 18627  
taxable income under this section as if the taxpayer were a C 18628  
corporation, except guaranteed payments and other similar amounts 18629  
paid or accrued to a partner, former partner, shareholder, former 18630  
shareholder, member, or former member shall not be allowed as a 18631  
deductible expense unless such payments are in consideration for 18632  
the use of capital and treated as payment of interest under 18633  
section 469 of the Internal Revenue Code or United States treasury 18634  
regulations. Amounts paid or accrued to a qualified self-employed 18635  
retirement plan with respect to a partner, former partner, 18636  
shareholder, former shareholder, member, or former member of the 18637  
taxpayer, amounts paid or accrued to or for health insurance for a 18638  
partner, former partner, shareholder, former shareholder, member, 18639

or former member, and amounts paid or accrued to or for life 18640  
insurance for a partner, former partner, shareholder, former 18641  
shareholder, member, or former member shall not be allowed as a 18642  
deduction. 18643

Nothing in division (E) of this section shall be construed as 18644  
allowing the taxpayer to add or deduct any amount more than once 18645  
or shall be construed as allowing any taxpayer to deduct any 18646  
amount paid to or accrued for purposes of federal self-employment 18647  
tax. 18648

(F) "Schedule C" means internal revenue service schedule C 18649  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 18650  
Code. 18651

(G) "Schedule E" means internal revenue service schedule E 18652  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 18653  
Code. 18654

(H) "Schedule F" means internal revenue service schedule F 18655  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 18656  
Code. 18657

(I) "Internal Revenue Code" has the same meaning as in 18658  
section 5747.01 of the Revised Code. 18659

(J) "Resident" means an individual who is domiciled in the 18660  
municipal corporation as determined under section 718.012 of the 18661  
Revised Code. 18662

(K) "Nonresident" means an individual that is not a resident. 18663

(L)(1) "Taxpayer" means a person subject to a tax levied on 18664  
income by a municipal corporation in accordance with this chapter. 18665  
"Taxpayer" does not include a grantor trust or, except as provided 18666  
in division (L)(2)(a) of this section, a disregarded entity. 18667

(2)(a) A single member limited liability company that is a 18668  
disregarded entity for federal tax purposes may be a separate 18669

taxpayer from its single member in all Ohio municipal corporations 18670  
in which it either filed as a separate taxpayer or did not file 18671  
for its taxable year ending in 2003, if all of the following 18672  
conditions are met: 18673

(i) The limited liability company's single member is also a 18674  
limited liability company. 18675

(ii) The limited liability company and its single member were 18676  
formed and doing business in one or more Ohio municipal 18677  
corporations for at least five years before January 1, 2004. 18678

(iii) Not later than December 31, 2004, the limited liability 18679  
company and its single member each made an election to be treated 18680  
as a separate taxpayer under division (L) of this section as this 18681  
section existed on December 31, 2004. 18682

(iv) The limited liability company was not formed for the 18683  
purpose of evading or reducing Ohio municipal corporation income 18684  
tax liability of the limited liability company or its single 18685  
member. 18686

(v) The Ohio municipal corporation that was the primary place 18687  
of business of the sole member of the limited liability company 18688  
consented to the election. 18689

(b) For purposes of division (L)(2)(a)(v) of this section, a 18690  
municipal corporation was the primary place of business of a 18691  
limited liability company if, for the limited liability company's 18692  
taxable year ending in 2003, its income tax liability was greater 18693  
in that municipal corporation than in any other municipal 18694  
corporation in Ohio, and that tax liability to that municipal 18695  
corporation for its taxable year ending in 2003 was at least four 18696  
hundred thousand dollars. 18697

(M) "Person" includes individuals, firms, companies, joint 18698  
stock companies, business trusts, estates, trusts, partnerships, 18699  
limited liability partnerships, limited liability companies, 18700

associations, C corporations, S corporations, governmental 18701  
entities, and any other entity. 18702

(N) "Pass-through entity" means a partnership not treated as 18703  
an association taxable as a C corporation for federal income tax 18704  
purposes, a limited liability company not treated as an 18705  
association taxable as a C corporation for federal income tax 18706  
purposes, an S corporation, or any other class of entity from 18707  
which the income or profits of the entity are given pass-through 18708  
treatment for federal income tax purposes. "Pass-through entity" 18709  
does not include a trust, estate, grantor of a grantor trust, or 18710  
disregarded entity. 18711

(O) "S corporation" means a person that has made an election 18712  
under subchapter S of Chapter 1 of Subtitle A of the Internal 18713  
Revenue Code for its taxable year. 18714

(P) "Single member limited liability company" means a limited 18715  
liability company that has one direct member. 18716

(Q) "Limited liability company" means a limited liability 18717  
company formed under Chapter 1705. of the Revised Code or under 18718  
the laws of another state. 18719

(R) "Qualifying wages" means wages, as defined in section 18720  
3121(a) of the Internal Revenue Code, without regard to any wage 18721  
limitations, adjusted as follows: 18722

(1) Deduct the following amounts: 18723

(a) Any amount included in wages if the amount constitutes 18724  
compensation attributable to a plan or program described in 18725  
section 125 of the Internal Revenue Code. 18726

(b) Any amount included in wages if the amount constitutes 18727  
payment on account of a disability related to sickness or an 18728  
accident paid by a party unrelated to the employer, agent of an 18729  
employer, or other payer. 18730

(c) Any amount attributable to a nonqualified deferred 18731  
compensation plan or program described in section 3121(v)(2)(C) of 18732  
the Internal Revenue Code if the compensation is included in wages 18733  
and the municipal corporation has, by resolution or ordinance 18734  
adopted before January 1, 2016, exempted the amount from 18735  
withholding and tax. 18736

(d) Any amount included in wages if the amount arises from 18737  
the sale, exchange, or other disposition of a stock option, the 18738  
exercise of a stock option, or the sale, exchange, or other 18739  
disposition of stock purchased under a stock option and the 18740  
municipal corporation has, by resolution or ordinance adopted 18741  
before January 1, 2016, exempted the amount from withholding and 18742  
tax. 18743

(e) Any amount included in wages that is exempt income. 18744

(2) Add the following amounts: 18745

(a) Any amount not included in wages solely because the 18746  
employee was employed by the employer before April 1, 1986. 18747

(b) Any amount not included in wages because the amount 18748  
arises from the sale, exchange, or other disposition of a stock 18749  
option, the exercise of a stock option, or the sale, exchange, or 18750  
other disposition of stock purchased under a stock option and the 18751  
municipal corporation has not, by resolution or ordinance, 18752  
exempted the amount from withholding and tax adopted before 18753  
January 1, 2016. Division (R)(2)(b) of this section applies only 18754  
to those amounts constituting ordinary income. 18755

(c) Any amount not included in wages if the amount is an 18756  
amount described in section 401(k), 403(b), or 457 of the Internal 18757  
Revenue Code. Division (R)(2)(c) of this section applies only to 18758  
employee contributions and employee deferrals. 18759

(d) Any amount that is supplemental unemployment compensation 18760  
benefits described in section 3402(o)(2) of the Internal Revenue 18761

Code and not included in wages. 18762

(e) Any amount received that is treated as self-employment 18763  
income for federal tax purposes in accordance with section 18764  
1402(a)(8) of the Internal Revenue Code. 18765

(f) Any amount not included in wages if all of the following 18766  
apply: 18767

(i) For the taxable year the amount is employee compensation 18768  
that is earned outside of the United States and that either is 18769  
included in the taxpayer's gross income for federal income tax 18770  
purposes or would have been included in the taxpayer's gross 18771  
income for such purposes if the taxpayer did not elect to exclude 18772  
the income under section 911 of the Internal Revenue Code; 18773

(ii) For no preceding taxable year did the amount constitute 18774  
wages as defined in section 3121(a) of the Internal Revenue Code; 18775

(iii) For no succeeding taxable year will the amount 18776  
constitute wages; and 18777

(iv) For any taxable year the amount has not otherwise been 18778  
added to wages pursuant to either division (R)(2) of this section 18779  
or section 718.03 of the Revised Code, as that section existed 18780  
before the effective date of H.B. 5 of the 130th general assembly, 18781  
March 23, 2015. 18782

(S) "Intangible income" means income of any of the following 18783  
types: income yield, interest, capital gains, dividends, or other 18784  
income arising from the ownership, sale, exchange, or other 18785  
disposition of intangible property including, but not limited to, 18786  
investments, deposits, money, or credits as those terms are 18787  
defined in Chapter 5701. of the Revised Code, and patents, 18788  
copyrights, trademarks, tradenames, investments in real estate 18789  
investment trusts, investments in regulated investment companies, 18790  
and appreciation on deferred compensation. "Intangible income" 18791  
does not include prizes, awards, or other income associated with 18792

any lottery winnings, gambling winnings, or other similar games of chance. 18793  
18794

(T) "Taxable year" means the corresponding tax reporting 18795  
period as prescribed for the taxpayer under the Internal Revenue 18796  
Code. 18797

(U) "Tax administrator" means the individual charged with 18798  
direct responsibility for administration of an income tax levied 18799  
by a municipal corporation in accordance with this chapter, and 18800  
also includes the following: 18801

(1) A municipal corporation acting as the agent of another 18802  
municipal corporation; 18803

(2) A person retained by a municipal corporation to 18804  
administer a tax levied by the municipal corporation, but only if 18805  
the municipal corporation does not compensate the person in whole 18806  
or in part on a contingency basis; 18807

(3) The central collection agency or the regional income tax 18808  
agency or their successors in interest, or another entity 18809  
organized to perform functions similar to those performed by the 18810  
central collection agency and the regional income tax agency. 18811

"Tax administrator" does not include the tax commissioner. 18812

(V) "Employer" means a person that is an employer for federal 18813  
income tax purposes. 18814

(W) "Employee" means an individual who is an employee for 18815  
federal income tax purposes. 18816

(X) "Other payer" means any person, other than an 18817  
individual's employer or the employer's agent, that pays an 18818  
individual any amount included in the federal gross income of the 18819  
individual. "Other payer" includes casino operators and video 18820  
lottery terminal sales agents. 18821

(Y) "Calendar quarter" means the three-month period ending on 18822

the last day of March, June, September, or December. 18823

(Z) "Form 2106" means internal revenue service form 2106 18824  
filed by a taxpayer pursuant to the Internal Revenue Code. 18825

(AA) "Municipal corporation" includes a joint economic 18826  
development district or joint economic development zone that 18827  
levies an income tax under section 715.691, 715.70, 715.71, or 18828  
715.72 of the Revised Code. 18829

(BB) "Disregarded entity" means a single member limited 18830  
liability company, a qualifying subchapter S subsidiary, or 18831  
another entity if the company, subsidiary, or entity is a 18832  
disregarded entity for federal income tax purposes. 18833

(CC) "Generic form" means an electronic or paper form that is 18834  
not prescribed by a particular municipal corporation and that is 18835  
designed for reporting taxes withheld by an employer, agent of an 18836  
employer, or other payer, estimated municipal income taxes, or 18837  
annual municipal income tax liability or for filing a refund 18838  
claim. 18839

(DD) "Tax return preparer" means any individual described in 18840  
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 18841  
301.7701-15. 18842

(EE) "Ohio business gateway" means the online computer 18843  
network system, created under section 125.30 of the Revised Code, 18844  
that allows persons to electronically file business reply forms 18845  
with state agencies and includes any successor electronic filing 18846  
and payment system. 18847

(FF) "Local board of tax review" and "board of tax review" 18848  
mean the entity created under section 718.11 of the Revised Code. 18849

(GG) "Net operating loss" means a loss incurred by a person 18850  
in the operation of a trade or business. "Net operating loss" does 18851  
not include unutilized losses resulting from basis limitations, 18852

at-risk limitations, or passive activity loss limitations. 18853

(HH) "Casino operator" and "casino facility" have the same 18854  
meanings as in section 3772.01 of the Revised Code. 18855

(II) "Video lottery terminal" has the same meaning as in 18856  
section 3770.21 of the Revised Code. 18857

(JJ) "Video lottery terminal sales agent" means a lottery 18858  
sales agent licensed under Chapter 3770. of the Revised Code to 18859  
conduct video lottery terminals on behalf of the state pursuant to 18860  
section 3770.21 of the Revised Code. 18861

(KK) "Postal service" means the United States postal service. 18862

(LL) "Certified mail," "express mail," "United States mail," 18863  
"postal service," and similar terms include any delivery service 18864  
authorized pursuant to section 5703.056 of the Revised Code. 18865

(MM) "Postmark date," "date of postmark," and similar terms 18866  
include the date recorded and marked in the manner described in 18867  
division (B)(3) of section 5703.056 of the Revised Code. 18868

(NN) "Related member" means a person that, with respect to 18869  
the taxpayer during all or any portion of the taxable year, is 18870  
either a related entity, a component member as defined in section 18871  
1563(b) of the Internal Revenue Code, or a person to or from whom 18872  
there is attribution of stock ownership in accordance with section 18873  
1563(e) of the Internal Revenue Code except, for purposes of 18874  
determining whether a person is a related member under this 18875  
division, "twenty per cent" shall be substituted for "5 percent" 18876  
wherever "5 percent" appears in section 1563(e) of the Internal 18877  
Revenue Code. 18878

(OO) "Related entity" means any of the following: 18879

(1) An individual stockholder, or a member of the 18880  
stockholder's family enumerated in section 318 of the Internal 18881  
Revenue Code, if the stockholder and the members of the 18882

stockholder's family own directly, indirectly, beneficially, or 18883  
constructively, in the aggregate, at least fifty per cent of the 18884  
value of the taxpayer's outstanding stock; 18885

(2) A stockholder, or a stockholder's partnership, estate, 18886  
trust, or corporation, if the stockholder and the stockholder's 18887  
partnerships, estates, trusts, or corporations own directly, 18888  
indirectly, beneficially, or constructively, in the aggregate, at 18889  
least fifty per cent of the value of the taxpayer's outstanding 18890  
stock; 18891

(3) A corporation, or a party related to the corporation in a 18892  
manner that would require an attribution of stock from the 18893  
corporation to the party or from the party to the corporation 18894  
under division (OO)(4) of this section, provided the taxpayer owns 18895  
directly, indirectly, beneficially, or constructively, at least 18896  
fifty per cent of the value of the corporation's outstanding 18897  
stock; 18898

(4) The attribution rules described in section 318 of the 18899  
Internal Revenue Code apply for the purpose of determining whether 18900  
the ownership requirements in divisions (OO)(1) to (3) of this 18901  
section have been met. 18902

(PP)(1) "Assessment" means a written finding by the tax 18903  
administrator that a person has underpaid municipal income tax, or 18904  
owes penalty and interest, or any combination of tax, penalty, or 18905  
interest, to the municipal corporation that commences the person's 18906  
time limitation for making an appeal to the local board of tax 18907  
review pursuant to section 718.11 of the Revised Code, and has 18908  
"ASSESSMENT" written in all capital letters at the top of such 18909  
finding. 18910

(2) "Assessment" does not include an informal notice denying 18911  
a request for refund issued under division (B)(3) of section 18912  
718.19 of the Revised Code, a billing statement notifying a 18913

taxpayer of current or past-due balances owed to the municipal 18914  
corporation, a tax administrator's request for additional 18915  
information, a notification to the taxpayer of mathematical 18916  
errors, or a tax administrator's other written correspondence to a 18917  
person or taxpayer that does meet the criteria prescribed by 18918  
division (PP)(1) of this section. 18919

(QQ) "Taxpayers' rights and responsibilities" means the 18920  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 18921  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 18922  
Revised Code and the responsibilities of taxpayers to file, 18923  
report, withhold, remit, and pay municipal income tax and 18924  
otherwise comply with Chapter 718. of the Revised Code and 18925  
resolutions, ordinances, and rules adopted by a municipal 18926  
corporation for the imposition and administration of a municipal 18927  
income tax. 18928

(RR) "Qualified municipal corporation" means a municipal 18929  
corporation that, by resolution or ordinance adopted on or before 18930  
December 31, 2011, adopted Ohio adjusted gross income, as defined 18931  
by section 5747.01 of the Revised Code, as the income subject to 18932  
tax for the purposes of imposing a municipal income tax. 18933

(SS)(1) "Pre-2017 net operating loss carryforward" means any 18934  
net operating loss incurred in a taxable year beginning before 18935  
January 1, 2017, to the extent such loss was permitted, by a 18936  
resolution or ordinance of the municipal corporation that was 18937  
adopted by the municipal corporation before January 1, 2016, to be 18938  
carried forward and utilized to offset income or net profit 18939  
generated in such municipal corporation in future taxable years. 18940

(2) For the purpose of calculating municipal taxable income, 18941  
any pre-2017 net operating loss carryforward may be carried 18942  
forward to any taxable year, including taxable years beginning in 18943  
2017 or thereafter, for the number of taxable years provided in 18944  
the resolution or ordinance or until fully utilized, whichever is 18945

earlier. 18946

(TT) "Small employer" means any employer that had total 18947  
revenue of less than five hundred thousand dollars during the 18948  
preceding taxable year. For purposes of this division, "total 18949  
revenue" means receipts of any type or kind, including, but not 18950  
limited to, sales receipts; payments; rents; profits; gains, 18951  
dividends, and other investment income; compensation; commissions; 18952  
premiums; money; property; grants; contributions; donations; 18953  
gifts; program service revenue; patient service revenue; premiums; 18954  
fees, including premium fees and service fees; tuition payments; 18955  
unrelated business revenue; reimbursements; any type of payment 18956  
from a governmental unit, including grants and other allocations; 18957  
and any other similar receipts reported for federal income tax 18958  
purposes or under generally accepted accounting principles. "Small 18959  
employer" does not include the federal government; any state 18960  
government, including any state agency or instrumentality; any 18961  
political subdivision; or any entity treated as a government for 18962  
financial accounting and reporting purposes. 18963

(UU) "Audit" means the examination of a person or the 18964  
inspection of the books, records, memoranda, or accounts of a 18965  
person for the purpose of determining liability for a municipal 18966  
income tax. 18967

(VV) "Publicly traded partnership" means any partnership, an 18968  
interest in which is regularly traded on an established securities 18969  
market. A "publicly traded partnership" may have any number of 18970  
partners. 18971

(WW) "Tax commissioner" means the tax commissioner appointed 18972  
under section 121.03 of the Revised Code. 18973

**Sec. 718.02.** This section applies to any taxpayer engaged in 18974  
a business or profession in a municipal corporation that imposes 18975  
an income tax in accordance with this chapter, unless the taxpayer 18976

is an individual who resides in the municipal corporation or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under Chapter 5745. of the Revised Code.

(A) Except as otherwise provided in division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in the municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the municipal corporation during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the municipal corporation to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under section 718.011 of the Revised Code;

(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the municipal corporation to total gross receipts of the

business or profession during the same period from sales, rentals, 19008  
and services, wherever made or performed. 19009

(B)(1) If the apportionment factors described in division (A) 19010  
of this section do not fairly represent the extent of a taxpayer's 19011  
business activity in a municipal corporation, the taxpayer may 19012  
request, or the tax administrator of the municipal corporation may 19013  
require, that the taxpayer use, with respect to all or any portion 19014  
of the income of the taxpayer, an alternative apportionment method 19015  
involving one or more of the following: 19016

(a) Separate accounting; 19017

(b) The exclusion of one or more of the factors; 19018

(c) The inclusion of one or more additional factors that 19019  
would provide for a more fair apportionment of the income of the 19020  
taxpayer to the municipal corporation; 19021

(d) A modification of one or more of the factors. 19022

(2) A taxpayer request to use an alternative apportionment 19023  
method shall be in writing and shall accompany a tax return, 19024  
timely filed appeal of an assessment, or timely filed amended tax 19025  
return. The taxpayer may use the requested alternative method 19026  
unless the tax administrator denies the request in an assessment 19027  
issued within the period prescribed by division (A) of section 19028  
718.12 of the Revised Code. 19029

(3) A tax administrator may require a taxpayer to use an 19030  
alternative apportionment method as described in division (B)(1) 19031  
of this section only by issuing an assessment to the taxpayer 19032  
within the period prescribed by division (A) of section 718.12 of 19033  
the Revised Code. 19034

(4) Nothing in division (B) of this section nullifies or 19035  
otherwise affects any alternative apportionment arrangement 19036  
approved by a tax administrator or otherwise agreed upon by both 19037

the tax administrator and taxpayer before January 1, 2016. 19038

(C) As used in division (A)(2) of this section, "wages, 19039  
salaries, and other compensation" includes only wages, salaries, 19040  
or other compensation paid to an employee for services performed 19041  
at any of the following locations: 19042

(1) A location that is owned, controlled, or used by, rented 19043  
to, or under the possession of one of the following: 19044

(a) The employer; 19045

(b) A vendor, customer, client, or patient of the employer, 19046  
or a related member of such a vendor, customer, client, or 19047  
patient; 19048

(c) A vendor, customer, client, or patient of a person 19049  
described in division (C)(1)(b) of this section, or a related 19050  
member of such a vendor, customer, client, or patient. 19051

(2) Any location at which a trial, appeal, hearing, 19052  
investigation, inquiry, review, court-martial, or similar 19053  
administrative, judicial, or legislative matter or proceeding is 19054  
being conducted, provided that the compensation is paid for 19055  
services performed for, or on behalf of, the employer or that the 19056  
employee's presence at the location directly or indirectly 19057  
benefits the employer; 19058

(3) Any other location, if the tax administrator determines 19059  
that the employer directed the employee to perform the services at 19060  
the other location in lieu of a location described in division 19061  
(C)(1) or (2) of this section solely in order to avoid or reduce 19062  
the employer's municipal income tax liability. If a tax 19063  
administrator makes such a determination, the employer may dispute 19064  
the determination by establishing, by a preponderance of the 19065  
evidence, that the tax administrator's determination was 19066  
unreasonable. 19067

(D) For the purposes of division (A)(3) of this section, 19068  
receipts from sales and rentals made and services performed shall 19069  
be sitused to a municipal corporation as follows: 19070

(1) Gross receipts from the sale of tangible personal 19071  
property shall be sitused to the municipal corporation ~~in which~~ 19072  
~~the sale originated. For the purposes of this division, a sale of~~ 19073  
~~property originates in a municipal corporation~~ only if, regardless 19074  
of where title passes, the property meets ~~any~~ either of the 19075  
following criteria: 19076

(a) The property is shipped to or delivered within the 19077  
municipal corporation from a stock of goods located within the 19078  
municipal corporation. 19079

(b) The property is delivered within the municipal 19080  
corporation from a location outside the municipal corporation, 19081  
provided the taxpayer is regularly engaged through its own 19082  
employees in the solicitation or promotion of sales within such 19083  
municipal corporation and the sales result from such solicitation 19084  
or promotion. 19085

~~(c) The property is shipped from a place within the municipal 19086  
corporation to purchasers outside the municipal corporation,~~ 19087  
~~provided that the taxpayer is not, through its own employees,~~ 19088  
~~regularly engaged in the solicitation or promotion of sales at the 19089  
place where delivery is made.~~ 19090

(2) Gross receipts from the sale of services shall be sitused 19091  
to the municipal corporation to the extent that such services are 19092  
performed in the municipal corporation. 19093

(3) To the extent included in income, gross receipts from the 19094  
sale of real property located in the municipal corporation shall 19095  
be sitused to the municipal corporation. 19096

(4) To the extent included in income, gross receipts from 19097  
rents and royalties from real property located in the municipal 19098

corporation shall be sitused to the municipal corporation. 19099

(5) Gross receipts from rents and royalties from tangible 19100  
personal property shall be sitused to the municipal corporation 19101  
based upon the extent to which the tangible personal property is 19102  
used in the municipal corporation. 19103

(E) The net profit received by an individual taxpayer from 19104  
the rental of real estate owned directly by the individual or by a 19105  
disregarded entity owned by the individual shall be subject to tax 19106  
only by the municipal corporation in which the property generating 19107  
the net profit is located and the municipal corporation in which 19108  
the individual taxpayer that receives the net profit resides. 19109

A municipal corporation shall allow such taxpayers to elect 19110  
to use separate accounting for the purpose of calculating net 19111  
profit sitused under this division to the municipal corporation in 19112  
which the property is located. 19113

(F)(1) Except as provided in division (F)(2) of this section, 19114  
commissions received by a real estate agent or broker relating to 19115  
the sale, purchase, or lease of real estate shall be sitused to 19116  
the municipal corporation in which the real estate is located. Net 19117  
profit reported by the real estate agent or broker shall be 19118  
allocated to a municipal corporation based upon the ratio of the 19119  
commissions the agent or broker received from the sale, purchase, 19120  
or lease of real estate located in the municipal corporation to 19121  
the commissions received from the sale, purchase, or lease of real 19122  
estate everywhere in the taxable year. 19123

(2) An individual who is a resident of a municipal 19124  
corporation that imposes a municipal income tax shall report the 19125  
individual's net profit from all real estate activity on the 19126  
individual's annual tax return for that municipal corporation. The 19127  
individual may claim a credit for taxes the individual paid on 19128  
such net profit to another municipal corporation to the extent 19129

that such a credit is allowed under the municipal income tax ordinance, or rules of the municipal corporation of residence.

(G) If, in computing a taxpayer's adjusted federal taxable income, the taxpayer deducted any amount with respect to a stock option granted to an employee, and if the employee is not required to include in the employee's income any such amount or a portion thereof because it is exempted from taxation under divisions (C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a municipal corporation to which the taxpayer has apportioned a portion of its net profit, the taxpayer shall add the amount that is exempt from taxation to the taxpayer's net profit that was apportioned to that municipal corporation. In no case shall a taxpayer be required to add to its net profit that was apportioned to that municipal corporation any amount other than the amount upon which the employee would be required to pay tax were the amount related to the stock option not exempted from taxation.

This division applies solely for the purpose of making an adjustment to the amount of a taxpayer's net profit that was apportioned to a municipal corporation under this section.

(H) When calculating the ratios described in division (A) of this section for the purposes of that division or division (B) of this section, the owner of a disregarded entity shall include in the owner's ratios the property, payroll, and gross receipts of such disregarded entity.

**Sec. 718.06.** (A) As used in this section:

(1) "Affiliated group of corporations" means an affiliated group as defined in section 1504 of the Internal Revenue Code, except that, if such a group includes at least one incumbent local exchange carrier that is primarily engaged in the business of providing local exchange telephone service in this state, the affiliated group shall not include any incumbent local exchange

carrier that would otherwise be included in the group. 19161

(2) "Consolidated federal income tax return" means a 19162  
consolidated return filed for federal income tax purposes pursuant 19163  
to section 1501 of the Internal Revenue Code. 19164

(3) "Consolidated federal taxable income" means the 19165  
consolidated taxable income of an affiliated group of 19166  
corporations, as computed for the purposes of filing a 19167  
consolidated federal income tax return, before consideration of 19168  
net operating losses or special deductions. "Consolidated federal 19169  
taxable income" does not include income or loss of an incumbent 19170  
local exchange carrier that is excluded from the affiliated group 19171  
under division (A)(1) of this section. 19172

(4) "Incumbent local exchange carrier" has the same meaning 19173  
as in section 4927.01 of the Revised Code. 19174

(5) "Local exchange telephone service" has the same meaning 19175  
as in section 5727.01 of the Revised Code. 19176

(B)(1) For taxable years beginning on or after January 1, 19177  
2016, a taxpayer that is a member of an affiliated group of 19178  
corporations may elect to file a consolidated municipal income tax 19179  
return for a taxable year if at least one member of the affiliated 19180  
group of corporations is subject to the municipal income tax in 19181  
that taxable year and if the affiliated group of corporations 19182  
filed a consolidated federal income tax return with respect to 19183  
that taxable year. The election is binding for a five-year period 19184  
beginning with the first taxable year of the initial election 19185  
unless a change in the reporting method is required under federal 19186  
law. The election continues to be binding for each subsequent 19187  
five-year period unless the taxpayer elects to discontinue filing 19188  
consolidated municipal income tax returns under division (B)(2) of 19189  
this section or a taxpayer receives permission from the tax 19190  
administrator. The tax administrator shall approve such a request 19191

for good cause shown. 19192

(2) An election to discontinue filing consolidated municipal 19193  
income tax returns under this section must be made in the first 19194  
year following the last year of a five-year consolidated municipal 19195  
income tax return election period in effect under division (B)(1) 19196  
of this section. The election to discontinue filing a consolidated 19197  
municipal income tax return is binding for a five-year period 19198  
beginning with the first taxable year of the election. 19199

(3) An election made under division (B)(1) or (2) of this 19200  
section is binding on all members of the affiliated group of 19201  
corporations subject to a municipal income tax. 19202

(4) When a taxpayer makes the election allowed under section 19203  
718.80 of the Revised Code, a valid election made by the taxpayer 19204  
under division (B)(1) or (2) of this section is binding upon the 19205  
tax commissioner for the remainder of the five-year period. 19206

(5) When an election made under section 718.80 of the Revised 19207  
Code is terminated, a valid election made under section 718.86 of 19208  
the Revised Code is binding upon the tax administrator for the 19209  
remainder of the five-year period. 19210

(C) A taxpayer that is a member of an affiliated group of 19211  
corporations that filed a consolidated federal income tax return 19212  
for a taxable year shall file a consolidated municipal income tax 19213  
return for that taxable year if the tax administrator determines, 19214  
by a preponderance of the evidence, that intercompany transactions 19215  
have not been conducted at arm's length and that there has been a 19216  
distortive shifting of income or expenses with regard to 19217  
allocation of net profits to the municipal corporation. A taxpayer 19218  
that is required to file a consolidated municipal income tax 19219  
return for a taxable year shall file a consolidated municipal 19220  
income tax return for all subsequent taxable years unless the 19221  
taxpayer requests and receives written permission from the tax 19222

administrator to file a separate return or a taxpayer has 19223  
experienced a change in circumstances. 19224

(D) A taxpayer shall prepare a consolidated municipal income 19225  
tax return in the same manner as is required under the United 19226  
States department of treasury regulations that prescribe 19227  
procedures for the preparation of the consolidated federal income 19228  
tax return required to be filed by the common parent of the 19229  
affiliated group of which the taxpayer is a member. 19230

(E)(1) Except as otherwise provided in divisions (E)(2), (3), 19231  
and (4) of this section, corporations that file a consolidated 19232  
municipal income tax return shall compute adjusted federal taxable 19233  
income, as defined in section 718.01 of the Revised Code, by 19234  
substituting "consolidated federal taxable income" for "federal 19235  
taxable income" wherever "federal taxable income" appears in that 19236  
division and by substituting "an affiliated group of 19237  
corporation's" for "a C corporation's" wherever "a C 19238  
corporation's" appears in that division. 19239

(2) No corporation filing a consolidated municipal income tax 19240  
return shall make any adjustment otherwise required under division 19241  
(E) of section 718.01 of the Revised Code to the extent that the 19242  
item of income or deduction otherwise subject to the adjustment 19243  
has been eliminated or consolidated in the computation of 19244  
consolidated federal taxable income. 19245

(3) If the net profit or loss of a pass-through entity having 19246  
at least eighty per cent of the value of its ownership interest 19247  
owned or controlled, directly or indirectly, by an affiliated 19248  
group of corporations is included in that affiliated group's 19249  
consolidated federal taxable income for a taxable year, the 19250  
corporation filing a consolidated municipal income tax return 19251  
shall do one of the following with respect to that pass-through 19252  
entity's net profit or loss for that taxable year: 19253

(a) Exclude the pass-through entity's net profit or loss from 19254  
the consolidated federal taxable income of the affiliated group 19255  
and, for the purpose of making the computations required in 19256  
section 718.02 of the Revised Code, exclude the property, payroll, 19257  
and gross receipts of the pass-through entity in the computation 19258  
of the affiliated group's net profit situated to a municipal 19259  
corporation. If the entity's net profit or loss is so excluded, 19260  
the entity shall be subject to taxation as a separate taxpayer on 19261  
the basis of the entity's net profits that would otherwise be 19262  
included in the consolidated federal taxable income of the 19263  
affiliated group. 19264

(b) Include the pass-through entity's net profit or loss in 19265  
the consolidated federal taxable income of the affiliated group 19266  
and, for the purpose of making the computations required in 19267  
section 718.02 of the Revised Code, include the property, payroll, 19268  
and gross receipts of the pass-through entity in the computation 19269  
of the affiliated group's net profit situated to a municipal 19270  
corporation. If the entity's net profit or loss is so included, 19271  
the entity shall not be subject to taxation as a separate taxpayer 19272  
on the basis of the entity's net profits that are included in the 19273  
consolidated federal taxable income of the affiliated group. 19274

(4) If the net profit or loss of a pass-through entity having 19275  
less than eighty per cent of the value of its ownership interest 19276  
owned or controlled, directly or indirectly, by an affiliated 19277  
group of corporations is included in that affiliated group's 19278  
consolidated federal taxable income for a taxable year, all of the 19279  
following shall apply: 19280

(a) The corporation filing the consolidated municipal income 19281  
tax return shall exclude the pass-through entity's net profit or 19282  
loss from the consolidated federal taxable income of the 19283  
affiliated group and, for the purposes of making the computations 19284  
required in section 718.02 of the Revised Code, exclude the 19285

property, payroll, and gross receipts of the pass-through entity 19286  
in the computation of the affiliated group's net profit sitused to 19287  
a municipal corporation; 19288

(b) The pass-through entity shall be subject to municipal 19289  
income taxation as a separate taxpayer in accordance with this 19290  
chapter on the basis of the entity's net profits that would 19291  
otherwise be included in the consolidated federal taxable income 19292  
of the affiliated group. 19293

(F) Corporations filing a consolidated municipal income tax 19294  
return shall make the computations required under section 718.02 19295  
of the Revised Code by substituting "consolidated federal taxable 19296  
income attributable to" for "net profit from" wherever "net profit 19297  
from" appears in that section and by substituting "affiliated 19298  
group of corporations" for "taxpayer" wherever "taxpayer" appears 19299  
in that section. 19300

(G) Each corporation filing a consolidated municipal income 19301  
tax return is jointly and severally liable for any tax, interest, 19302  
penalties, fines, charges, or other amounts imposed by a municipal 19303  
corporation in accordance with this chapter on the corporation, an 19304  
affiliated group of which the corporation is a member for any 19305  
portion of the taxable year, or any one or more members of such an 19306  
affiliated group. 19307

(H) Corporations and their affiliates that made an election 19308  
or entered into an agreement with a municipal corporation before 19309  
January 1, 2016, to file a consolidated or combined tax return 19310  
with such municipal corporation may continue to file consolidated 19311  
or combined tax returns in accordance with such election or 19312  
agreement for taxable years beginning on and after January 1, 19313  
2016. 19314

**Sec. 718.08.** (A) As used in this section: 19315

(1) "Estimated taxes" means the amount that the taxpayer reasonably estimates to be the taxpayer's tax liability for a municipal corporation's income tax for the current taxable year.

(2) "Tax liability" means the total taxes due to a municipal corporation for the taxable year, after allowing any credit to which the taxpayer is entitled, and after applying any estimated tax payment, withholding payment, or credit from another taxable year.

(B)(1) Except as provided in division (F) of this section, every taxpayer shall make a declaration of estimated taxes for the current taxable year, on the form prescribed by the tax administrator, if the amount payable as estimated taxes is at least two hundred dollars. For the purposes of this section:

(a) Taxes withheld from qualifying wages shall be considered as paid to the municipal corporation for which the taxes were withheld in equal amounts on each payment date unless the taxpayer establishes the dates on which all amounts were actually withheld, in which case the amounts withheld shall be considered as paid on the dates on which the amounts were actually withheld.

(b) An overpayment of tax applied as a credit to a subsequent taxable year is deemed to be paid on the date of the postmark stamped on the cover in which the payment is mailed or, if the payment is made by electronic funds transfer, the date the payment is submitted. As used in this division, "date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(c) Taxes withheld by a casino operator or by a lottery sales agent under section 718.031 of the Revised Code are deemed to be paid to the municipal corporation for which the taxes were withheld on the date the taxes are withheld from the taxpayer's winnings.

(2) Except as provided in division (F) of this section, 19347  
taxpayers filing joint returns shall file joint declarations of 19348  
estimated taxes. A taxpayer may amend a declaration under rules 19349  
prescribed by the tax administrator. Except as provided in 19350  
division (F) of this section, a taxpayer having a taxable year of 19351  
less than twelve months shall make a declaration under rules 19352  
prescribed by the tax administrator. 19353

(3) The declaration of estimated taxes shall be filed on or 19354  
before the date prescribed for the filing of municipal income tax 19355  
returns under division (G) of section 718.05 of the Revised Code 19356  
or on or before the fifteenth day of the fourth month after the 19357  
taxpayer becomes subject to tax for the first time. 19358

(4) Taxpayers reporting on a fiscal year basis shall file a 19359  
declaration on or before the fifteenth day of the fourth month 19360  
after the beginning of each fiscal year or period. 19361

(5) The original declaration or any subsequent amendment may 19362  
be increased or decreased on or before any subsequent quarterly 19363  
payment day as provided in this section. 19364

(C)(1) The required portion of the tax liability for the 19365  
taxable year that shall be paid through estimated taxes made 19366  
payable to the municipal corporation or tax administrator, 19367  
including the application of tax refunds to estimated taxes and 19368  
withholding on or before the applicable payment date, shall be as 19369  
follows: 19370

(a) On or before the fifteenth day of the fourth month after 19371  
the beginning of the taxable year, twenty-two and one-half per 19372  
cent of the tax liability for the taxable year; 19373

(b) On or before the fifteenth day of the sixth month after 19374  
the beginning of the taxable year, forty-five per cent of the tax 19375  
liability for the taxable year; 19376

(c) On or before the fifteenth day of the ninth month after 19377

the beginning of the taxable year, sixty-seven and one-half per 19378  
cent of the tax liability for the taxable year; 19379

(d) ~~On~~ For an individual, on or before the fifteenth day of 19380  
the first month of the following taxable year, ninety per cent of 19381  
the tax liability for the taxable year. For a person other than an 19382  
individual, on or before the fifteenth day of the twelfth month of 19383  
the taxable year, ninety per cent of the tax liability for the 19384  
taxable year. 19385

(2) When an amended declaration has been filed, the unpaid 19386  
balance shown due on the amended declaration shall be paid in 19387  
equal installments on or before the remaining payment dates. 19388

(3) On or before the fifteenth day of the fourth month of the 19389  
year following that for which the declaration or amended 19390  
declaration was filed, an annual return shall be filed and any 19391  
balance which may be due shall be paid with the return in 19392  
accordance with section 718.05 of the Revised Code. 19393

(D)(1) In the case of any underpayment of any portion of a 19394  
tax liability, penalty and interest may be imposed pursuant to 19395  
section 718.27 of the Revised Code upon the amount of underpayment 19396  
for the period of underpayment, unless the underpayment is due to 19397  
reasonable cause as described in division (E) of this section. The 19398  
amount of the underpayment shall be determined as follows: 19399

(a) For the first payment of estimated taxes each year, 19400  
twenty-two and one-half per cent of the tax liability, less the 19401  
amount of taxes paid by the date prescribed for that payment; 19402

(b) For the second payment of estimated taxes each year, 19403  
forty-five per cent of the tax liability, less the amount of taxes 19404  
paid by the date prescribed for that payment; 19405

(c) For the third payment of estimated taxes each year, 19406  
sixty-seven and one-half per cent of the tax liability, less the 19407  
amount of taxes paid by the date prescribed for that payment; 19408

(d) For the fourth payment of estimated taxes each year, 19409  
ninety per cent of the tax liability, less the amount of taxes 19410  
paid by the date prescribed for that payment. 19411

(2) The period of the underpayment shall run from the day the 19412  
estimated payment was required to be made to the date on which the 19413  
payment is made. For purposes of this section, a payment of 19414  
estimated taxes on or before any payment date shall be considered 19415  
a payment of any previous underpayment only to the extent the 19416  
payment of estimated taxes exceeds the amount of the payment 19417  
presently required to be paid to avoid any penalty. 19418

(E) An underpayment of any portion of tax liability 19419  
determined under division (D) of this section shall be due to 19420  
reasonable cause and the penalty imposed by this section shall not 19421  
be added to the taxes for the taxable year if any of the following 19422  
apply: 19423

(1) The amount of estimated taxes that were paid equals at 19424  
least ninety per cent of the tax liability for the current taxable 19425  
year, determined by annualizing the income received during the 19426  
year up to the end of the month immediately preceding the month in 19427  
which the payment is due. 19428

(2) The amount of estimated taxes that were paid equals at 19429  
least one hundred per cent of the tax liability shown on the 19430  
return of the taxpayer for the preceding taxable year, provided 19431  
that the immediately preceding taxable year reflected a period of 19432  
twelve months and the taxpayer filed a return with the municipal 19433  
corporation under section 718.05 of the Revised Code for that 19434  
year. 19435

(3) The taxpayer is an individual who resides in the 19436  
municipal corporation but was not domiciled there on the first day 19437  
of January of the calendar year that includes the first day of the 19438  
taxable year. 19439

(F)(1) A tax administrator may waive the requirement for 19440  
filing a declaration of estimated taxes for any class of taxpayers 19441  
after finding that the waiver is reasonable and proper in view of 19442  
administrative costs and other factors. 19443

(2) A municipal corporation may, by ordinance or rule, waive 19444  
the requirement for filing a declaration of estimated taxes for 19445  
all taxpayers. 19446

**Sec. 718.27.** (A) As used in this section: 19447

(1) "Applicable law" means this chapter, the resolutions, 19448  
ordinances, codes, directives, instructions, and rules adopted by 19449  
a municipal corporation provided such resolutions, ordinances, 19450  
codes, directives, instructions, and rules impose or directly or 19451  
indirectly address the levy, payment, remittance, or filing 19452  
requirements of a municipal income tax. 19453

(2) "Income tax," "estimated income tax," and "withholding 19454  
tax" means any income tax, estimated income tax, and withholding 19455  
tax imposed by a municipal corporation pursuant to applicable law, 19456  
including at any time before January 1, 2016. 19457

(3) A "return" includes any tax return, report, 19458  
reconciliation, schedule, and other document required to be filed 19459  
with a tax administrator or municipal corporation by a taxpayer, 19460  
employer, any agent of the employer, or any other payer pursuant 19461  
to applicable law, including at any time before January 1, 2016. 19462

(4) "Federal short-term rate" means the rate of the average 19463  
market yield on outstanding marketable obligations of the United 19464  
States with remaining periods to maturity of three years or less, 19465  
as determined under section 1274 of the Internal Revenue Code, for 19466  
July of the current year. 19467

(5) "Interest rate as described in division (A) of this 19468  
section" means the federal short-term rate, rounded to the nearest 19469

whole number per cent, plus five per cent. The rate shall apply 19470  
for the calendar year next following the July of the year in which 19471  
the federal short-term rate is determined in accordance with 19472  
division (A)(4) of this section. 19473

(6) "Unpaid estimated income tax" means estimated income tax 19474  
due but not paid by the date the tax is required to be paid under 19475  
applicable law. 19476

(7) "Unpaid income tax" means income tax due but not paid by 19477  
the date the income tax is required to be paid under applicable 19478  
law. 19479

(8) "Unpaid withholding tax" means withholding tax due but 19480  
not paid by the date the withholding tax is required to be paid 19481  
under applicable law. 19482

(9) "Withholding tax" includes amounts an employer, any agent 19483  
of an employer, or any other payer did not withhold in whole or in 19484  
part from an employee's qualifying wages, but that, under 19485  
applicable law, the employer, agent, or other payer is required to 19486  
withhold from an employee's qualifying wages. 19487

(B)(1) This section applies to the following: 19488

(a) Any return required to be filed under applicable law for 19489  
taxable years beginning on or after January 1, 2016; 19490

(b) Income tax, estimated income tax, and withholding tax 19491  
required to be paid or remitted to the municipal corporation on or 19492  
after January 1, 2016. 19493

(2) This section does not apply to returns required to be 19494  
filed or payments required to be made before January 1, 2016, 19495  
regardless of the filing or payment date. Returns required to be 19496  
filed or payments required to be made before January 1, 2016, but 19497  
filed or paid after that date shall be subject to the ordinances 19498  
or rules, as adopted before January 1, 2016, of the municipal 19499

corporation to which the return is to be filed or the payment is 19500  
to be made. 19501

(C) Each municipal corporation levying a tax on income may 19502  
impose on a taxpayer, employer, any agent of the employer, and any 19503  
other payer, and must attempt to collect, the interest amounts and 19504  
penalties prescribed under division (C) of this section when the 19505  
taxpayer, employer, any agent of the employer, or any other payer 19506  
for any reason fails, in whole or in part, to make to the 19507  
municipal corporation timely and full payment or remittance of 19508  
income tax, estimated income tax, or withholding tax or to file 19509  
timely with the municipal corporation any return required to be 19510  
filed. 19511

(1) Interest shall be imposed at the rate described in 19512  
division (A) of this section, per annum, on all unpaid income tax, 19513  
unpaid estimated income tax, and unpaid withholding tax. 19514

(2)(a) With respect to unpaid income tax and unpaid estimated 19515  
income tax, a municipal corporation may impose a penalty equal to 19516  
fifteen per cent of the amount not timely paid. 19517

(b) With respect to any unpaid withholding tax, a municipal 19518  
corporation may impose a penalty ~~equal to~~ not exceeding fifty per 19519  
cent of the amount not timely paid. 19520

(3) With respect to returns other than estimated income tax 19521  
returns, a municipal corporation may impose a penalty of 19522  
twenty-five dollars for each failure to timely file each return, 19523  
regardless of the liability shown thereon for each month, or any 19524  
fraction thereof, during which the return remains unfiled 19525  
regardless of the liability shown thereon. The penalty shall not 19526  
exceed one hundred fifty dollars for each failure. 19527

(D)(1) With respect to the income taxes, estimated income 19528  
taxes, withholding taxes, and returns, no municipal corporation 19529  
shall impose, seek to collect, or collect any penalty, amount of 19530

interest, charges, or additional fees not described in this 19531  
section. 19532

(2) With respect to the income taxes, estimated income taxes, 19533  
withholding taxes, and returns not described in division (A) of 19534  
this section, nothing in this section requires a municipal 19535  
corporation to refund or credit any penalty, amount of interest, 19536  
charges, or additional fees that the municipal corporation has 19537  
properly imposed or collected before January 1, 2016. 19538

(E) Nothing in this section limits the authority of a 19539  
municipal corporation to abate or partially abate penalties or 19540  
interest imposed under this section when the tax administrator 19541  
determines, in the tax administrator's sole discretion, that such 19542  
abatement is appropriate. 19543

(F) By the thirty-first day of October of each year the 19544  
municipal corporation shall publish the rate described in division 19545  
(A) of this section applicable to the next succeeding calendar 19546  
year. 19547

(G) The municipal corporation may impose on the taxpayer, 19548  
employer, any agent of the employer, or any other payer the 19549  
municipal corporation's post-judgment collection costs and fees, 19550  
including attorney's fees. 19551

**Sec. 718.60.** (A) There is hereby created the municipal income 19552  
tax net operating loss review committee for the purpose of 19553  
evaluating and quantifying the potential fiscal impact to 19554  
municipal corporations levying an income tax of requiring such 19555  
municipal corporations to allow taxpayers to carry forward net 19556  
operating losses for five years. The committee is a public body 19557  
for the purposes of section 121.22 of the Revised Code. 19558

(B) The committee shall be composed of the following members: 19559

(1) Two members of the house of representatives who are not 19560

of the same political party, appointed by the speaker of the house 19561  
of representatives; 19562

(2) Two members of the senate who are not of the same 19563  
political party, appointed by the president of the senate; 19564

(3) Three members representing municipal income taxpayers, 19565  
appointed by the speaker of the house of representatives; 19566

(4) Three members representing municipal corporations that 19567  
levy an income tax in calendar year 2016, appointed by the 19568  
president of the senate. At least two of the members appointed 19569  
under division (B)(4) of this section shall represent municipal 19570  
corporations that do not allow taxpayers to carry forward net 19571  
operating losses to future taxable years. 19572

(5) One member appointed by the governor, who shall serve as 19573  
the chairperson of the committee. 19574

An appointed member shall serve until the member resigns or 19575  
is removed by the member's appointing authority. Vacancies shall 19576  
be filled in the same manner as original appointments. A vacancy 19577  
on the committee does not impair the right of the other members to 19578  
exercise all the functions of the committee. 19579

The committee shall meet at the call of the chairperson. The 19580  
presence of a majority of the members of the committee constitutes 19581  
a quorum for the conduct of business of the committee. The 19582  
concurrence of at least a majority of the members of the committee 19583  
is necessary to approve the report issued by the committee under 19584  
division (D) of this section. Members of the committee shall not 19585  
be compensated or reimbursed for members' expenses. 19586

(C)(1) As used in this section, "reporting municipal 19587  
corporation" means any municipal corporation that does not allow 19588  
net operating losses incurred before January 1, 2017, to be 19589  
carried forward and utilized to offset income or net profit 19590  
generated in such municipal corporation in future taxable years. 19591

(2) On or before August 31, 2021, each reporting municipal corporation shall report to the municipal income tax net operating loss review committee the difference between (a) the municipal corporation's actual municipal income tax revenue received for taxable years ending in 2018 and 2019 and (b) the projected amount of municipal income tax revenue that the municipal corporation would have received for taxable years ending in 2018 and 2019 if the municipal corporation were not required to allow net operating losses incurred in prior taxable years to be carried forward to taxable years ending in 2018 or 2019. Each municipal corporation's calculations shall be made using the microsimulation model adopted by the committee at its meeting on May 5, 2016, but applied to taxable years ending in 2018 and 2019.

(D) The municipal income tax net operating loss review committee shall review the information reported by municipal corporations under division (C) of this section and calculate the total of the revenue effects reported by such municipal corporations. On or before May 1, 2022, the committee shall issue a written report to the speaker and minority leader of the house of representatives and the president and minority leader of the senate reporting the committee's findings and the estimated revenue impact of requiring municipal corporations levying an income tax to allow net operating loss to be carried forward for five years. The report shall contain recommendations to address revenue shortfalls, which may include, but which shall not be limited to, the use of supplemental funds from the local government fund to mitigate those shortfalls.

(E) Nothing in this section delays or otherwise affects the taxable years to which division ~~(E)(8)~~(D)(3) of section 718.01 of the Revised Code applies as prescribed in that division.

(F) The municipal income tax net operating loss review committee shall cease to exist on May 1, 2022.

Sec. 718.80. (A) A taxpayer may elect to be subject to 19624  
sections 718.80 to 718.95 of the Revised Code in lieu of the 19625  
provisions set forth in the remainder of this chapter. 19626  
Notwithstanding any other provision of this chapter, upon the 19627  
taxpayer's election, both of the following shall apply: 19628

(1) The tax commissioner shall serve as the sole 19629  
administrator of each municipal income tax for which the taxpayer 19630  
is liable for the term of the election; 19631

(2) The commissioner shall administer the tax pursuant to 19632  
sections 718.80 to 718.95 of the Revised Code and any applicable 19633  
provision of Chapter 5703. of the Revised Code. 19634

(B)(1) A taxpayer shall make the initial election on or 19635  
before the first day of the third month after the beginning of the 19636  
taxpayer's taxable year by notifying the tax commissioner and each 19637  
municipal corporation in which the taxpayer conducted business 19638  
during the previous taxable year, on a form prescribed by the tax 19639  
commissioner. 19640

(2)(a) The election, once made by the taxpayer, applies to 19641  
the taxable year in which the election is made and to each 19642  
subsequent taxable year until the taxpayer notifies the tax 19643  
commissioner and each municipal corporation in which the taxpayer 19644  
conducted business during the previous taxable year of its 19645  
termination of the election. 19646

(b) A notification of termination shall be made, on a form 19647  
prescribed by the tax commissioner, on or before the first day of 19648  
the third month of any taxable year. 19649

(c) Upon a timely and valid termination of the election, the 19650  
taxpayer is no longer subject to sections 718.80 to 718.95 of the 19651  
Revised Code, and is instead subject to the provisions set forth 19652  
in the remainder of this chapter. 19653

(C)(1)(a) On or before the thirty-first day of January each 19654  
year, each municipal corporation imposing a tax on income shall 19655  
certify to the tax commissioner the rate of the tax in effect on 19656  
the first day of January of that year. 19657

(b) If, after the thirty-first day of January of any year, 19658  
the electors of a municipal corporation approve an increase in the 19659  
rate of the municipal corporation's tax on income that takes 19660  
effect within that year, the municipal corporation shall certify 19661  
to the tax commissioner the new rate of tax not less than sixty 19662  
days before the effective date of the increase, after which 19663  
effective date the commissioner shall apply the increased rate. 19664

(2) A municipal corporation, within ninety days of receiving 19665  
a taxpayer's notification of election under division (B) of this 19666  
section, shall submit to the tax commissioner, on a form 19667  
prescribed by the tax commissioner, the following information 19668  
regarding the taxpayer: 19669

(a) The amount of any net operating loss that the taxpayer is 19670  
entitled to carry forward to a future tax year; 19671

(b) The amount of any net operating loss carryforward 19672  
utilized by the taxpayer in prior years; 19673

(c) Any credits granted by the municipal corporation to which 19674  
the taxpayer is entitled, the amount of such credits, whether the 19675  
credits may be carried forward to future tax years, and, if the 19676  
credits may be carried forward, the duration of any such 19677  
carryforward; 19678

(d) Any overpayments of tax that the taxpayer has elected to 19679  
carry forward to a subsequent tax year; 19680

(e) Any other information the municipal corporation deems 19681  
relevant in order to effectuate the tax commissioner's efficient 19682  
administration of the tax on the municipal corporation's behalf. 19683

(3) If any municipal corporation fails to timely comply with divisions (C)(1) and (2) of this section, the tax commissioner shall notify the director of budget and management, who, upon receiving such notification, shall withhold from each payment made to the municipal corporation under section 718.83 of the Revised Code fifty per cent of the amount of the payment otherwise due to the municipal corporation under that section. The director shall compute the withholding on the basis of the tax rate most recently certified to the tax commissioner until the municipal corporation complies with divisions (C)(1) and (2) of this section.

(D) The tax commissioner shall enforce and administer sections 718.80 to 718.95 of the Revised Code. In addition to any other powers conferred upon the tax commissioner by law, the tax commissioner may:

(1) Prescribe all forms necessary to administer those sections;

(2) Adopt such rules as the tax commissioner finds necessary to carry out those sections;

(3) Appoint and employ such personnel as are necessary to carry out the duties imposed upon the tax commissioner by those sections.

(E) No tax administrator shall utilize sections 718.81 to 718.95 of the Revised Code in the administrator's administration of a municipal income tax, and those sections shall not be applied to any taxpayer that has not made the election under this section.

(F) Nothing in this chapter shall be construed to make any section of this chapter, other than sections 718.01 and 718.80 to 718.95 of the Revised Code, applicable to the tax commissioner's administration of a municipal income tax or to any taxpayer that has made the election under this section.

(G) The tax commissioner shall not be considered a tax

administrator, as that term is defined in section 718.01 of the 19715  
Revised Code. 19716

Sec. 718.81. If a term used in sections 718.80 to 718.95 of 19717  
the Revised Code that is not otherwise defined in this chapter is 19718  
used in a comparable context in both the laws of the United States 19719  
relating to federal income tax and in Title LVII of the Revised 19720  
Code and the use is not consistent, then the use of the term in 19721  
the laws of the United States relating to federal income tax shall 19722  
have control over the use of the term in Title LVII of the Revised 19723  
Code, unless the term is defined in Chapter 5703. of the Revised 19724  
Code, in which case the definition in that chapter shall control. 19725  
Any reference in this chapter to the Internal Revenue Code 19726  
includes other laws of the United States related to federal income 19727  
taxes. If a term is defined in both this section and section 19728  
718.01 of the Revised Code, the definition in this section shall 19729  
control for all uses of that term in sections 718.80 through 19730  
718.95 of the Revised Code. 19731

As used in sections 718.80 to 718.95 of the Revised Code 19732  
only: 19733

(A) "Municipal taxable income" means income apportioned or 19734  
sitused to the municipal corporation under section 718.82 of the 19735  
Revised Code, as applicable, reduced by any pre-2017 net operating 19736  
loss carryforward available to the person for the municipal 19737  
corporation. 19738

(B) "Adjusted federal taxable income," for a person required 19739  
to file as a C corporation, or for a person that has elected to be 19740  
taxed as a C corporation as described in division (D)(5) of 19741  
section 718.01 of the Revised Code, means a C corporation's 19742  
federal taxable income before net operating losses and special 19743  
deductions as determined under the Internal Revenue Code, adjusted 19744  
as follows: 19745

(1) Deduct intangible income to the extent included in 19746  
federal taxable income. The deduction shall be allowed regardless 19747  
of whether the intangible income relates to assets used in a trade 19748  
or business or assets held for the production of income. 19749

(2) Add an amount equal to five per cent of intangible income 19750  
deducted under division (B)(1) of this section, but excluding that 19751  
portion of intangible income directly related to the sale, 19752  
exchange, or other disposition of property described in section 19753  
1221 of the Internal Revenue Code. 19754

(3) Add any losses allowed as a deduction in the computation 19755  
of federal taxable income if the losses directly relate to the 19756  
sale, exchange, or other disposition of an asset described in 19757  
section 1221 or 1231 of the Internal Revenue Code. 19758

(4)(a) Except as provided in division (B)(4)(b) of this 19759  
section, deduct income and gain included in federal taxable income 19760  
to the extent the income and gain directly relate to the sale, 19761  
exchange, or other disposition of an asset described in section 19762  
1221 or 1231 of the Internal Revenue Code. 19763

(b) Division (B)(4)(a) of this section does not apply to the 19764  
extent the income or gain is income or gain described in section 19765  
1245 or 1250 of the Internal Revenue Code. 19766

(5) Add taxes on or measured by net income allowed as a 19767  
deduction in the computation of federal taxable income. 19768

(6) In the case of a real estate investment trust or 19769  
regulated investment company, add all amounts with respect to 19770  
dividends to, distributions to, or amounts set aside for or 19771  
credited to the benefit of investors and allowed as a deduction in 19772  
the computation of federal taxable income. 19773

(7) Deduct, to the extent not otherwise deducted or excluded 19774  
in computing federal taxable income, any income derived from a 19775  
transfer agreement or from the enterprise transferred under that 19776

agreement under section 4313.02 of the Revised Code. 19777

(8) Deduct exempt income to the extent not otherwise deducted 19778  
or excluded in computing adjusted federal taxable income. 19779

(9) Deduct any net profit of a pass-through entity owned 19780  
directly or indirectly by the taxpayer and included in the 19781  
taxpayer's federal taxable income unless an affiliated group of 19782  
corporations includes that net profit in the group's federal 19783  
taxable income in accordance with division (E)(3)(b) of section 19784  
718.86 of the Revised Code. 19785

(10) Add any loss incurred by a pass-through entity owned 19786  
directly or indirectly by the taxpayer and included in the 19787  
taxpayer's federal taxable income unless an affiliated group of 19788  
corporations includes that loss in the group's federal taxable 19789  
income in accordance with division (E)(3)(b) of section 718.86 of 19790  
the Revised Code. 19791

If the taxpayer is not a C corporation, is not a disregarded 19792  
entity that has made the election described in division (L)(2) of 19793  
section 718.01 of the Revised Code, and is not a publicly traded 19794  
partnership that has made the election described in division 19795  
(D)(5) of section 718.01 of the Revised Code, the taxpayer shall 19796  
compute adjusted federal taxable income under this section as if 19797  
the taxpayer were a C corporation, except guaranteed payments and 19798  
other similar amounts paid or accrued to a partner, former 19799  
partner, shareholder, former shareholder, member, or former member 19800  
shall not be allowed as a deductible expense unless such payments 19801  
are in consideration for the use of capital and treated as payment 19802  
of interest under section 469 of the Internal Revenue Code or 19803  
United States treasury regulations. Amounts paid or accrued to a 19804  
qualified self-employed retirement plan with respect to a partner, 19805  
former partner, shareholder, former shareholder, member, or former 19806  
member of the taxpayer, amounts paid or accrued to or for health 19807  
insurance for a partner, former partner, shareholder, former 19808

shareholder, member, or former member, and amounts paid or accrued 19809  
to or for life insurance for a partner, former partner, 19810  
shareholder, former shareholder, member, or former member shall 19811  
not be allowed as a deduction. 19812

Nothing in division (B) of this section shall be construed as 19813  
allowing the taxpayer to add or deduct any amount more than once 19814  
or shall be construed as allowing any taxpayer to deduct any 19815  
amount paid to or accrued for purposes of federal self-employment 19816  
tax. 19817

(C) "Taxpayer" has the same meaning as in section 718.01 of 19818  
the Revised Code, except that "taxpayer" does not include natural 19819  
persons or entities subject to the tax imposed under Chapter 5745. 19820  
of the Revised Code. "Taxpayer" may include receivers, assignees, 19821  
or trustees in bankruptcy when such persons are required to assume 19822  
the role of a taxpayer. 19823

(D) "Tax return" or "return" means the notifications and 19824  
reports required to be filed pursuant to sections 718.80 to 718.95 19825  
of the Revised Code for the purpose of reporting municipal income 19826  
taxes, and includes declarations of estimated tax. 19827

(E) "Taxable year" means the calendar year or the taxpayer's 19828  
fiscal year ending during the calendar year, or fractional part 19829  
thereof, upon which the calculation of the taxpayer's adjusted 19830  
federal taxable income is based pursuant to this chapter. If a 19831  
taxpayer's taxable year is changed for federal income tax 19832  
purposes, the taxable year for purposes of sections 718.80 to 19833  
718.95 of the Revised Code is changed accordingly but may consist 19834  
of an aggregation of more than one taxable year for federal income 19835  
tax purposes. The tax commissioner may prescribe by rule an 19836  
appropriate period as the taxable year for a taxpayer that has had 19837  
a change of its taxable year for federal income tax purposes, for 19838  
a taxpayer that has two or more short taxable years for federal 19839  
income tax purposes as the result of a change of ownership, or for 19840

a new taxpayer that would otherwise have no taxable year. 19841

(F) "Assessment" means a notice of underpayment or nonpayment 19842  
of a tax issued pursuant to section 718.90 of the Revised Code. 19843

Sec. 718.82. This section applies to any taxpayer that is 19844  
engaged in a business or profession in a municipal corporation and 19845  
that has made the election under section 718.80 of the Revised 19846  
Code. 19847

(A) Except as otherwise provided in division (B) of this 19848  
section, net profit from a business or profession conducted both 19849  
within and without the boundaries of a municipal corporation shall 19850  
be considered as having a taxable situs in the municipal 19851  
corporation for purposes of municipal income taxation in the same 19852  
proportion as the average ratio of the following: 19853

(1) The average original cost of the real property and 19854  
tangible personal property owned or used by the taxpayer in the 19855  
business or profession in the municipal corporation during the 19856  
taxable period to the average original cost of all of the real and 19857  
tangible personal property owned or used by the taxpayer in the 19858  
business or profession during the same period, wherever situated. 19859

As used in the preceding paragraph, tangible personal or real 19860  
property shall include property rented or leased by the taxpayer 19861  
and the value of such property shall be determined by multiplying 19862  
the annual rental thereon by eight; 19863

(2) Wages, salaries, and other compensation paid during the 19864  
taxable period to individuals employed in the business or 19865  
profession for services performed in the municipal corporation to 19866  
wages, salaries, and other compensation paid during the same 19867  
period to individuals employed in the business or profession, 19868  
wherever the individual's services are performed, excluding 19869  
compensation from which taxes are not required to be withheld 19870

under section 718.011 of the Revised Code; 19871

(3) Total gross receipts of the business or profession from 19872  
sales and rentals made and services performed during the taxable 19873  
period in the municipal corporation to total gross receipts of the 19874  
business or profession during the same period from sales, rentals, 19875  
and services, wherever made or performed. 19876

(B)(1) If the apportionment factors described in division (A) 19877  
of this section do not fairly represent the extent of a taxpayer's 19878  
business activity in a municipal corporation, the taxpayer may 19879  
request, or the tax commissioner may require, that the taxpayer 19880  
use, with respect to all or any portion of the income of the 19881  
taxpayer, an alternative apportionment method involving one or 19882  
more of the following: 19883

(a) Separate accounting; 19884

(b) The exclusion of one or more of the factors; 19885

(c) The inclusion of one or more additional factors that 19886  
would provide for a more fair apportionment of the income of the 19887  
taxpayer to the municipal corporation; 19888

(d) A modification of one or more of the factors. 19889

(2) A taxpayer request to use an alternative apportionment 19890  
method shall be in writing and shall accompany a tax return, 19891  
timely filed appeal of an assessment, or timely filed amended tax 19892  
return. The taxpayer may use the requested alternative method 19893  
unless the tax commissioner denies the request in an assessment 19894  
issued within the period prescribed by division (A) of section 19895  
718.90 of the Revised Code. 19896

(3) The tax commissioner may require a taxpayer to use an 19897  
alternative apportionment method as described in division (B)(1) 19898  
of this section only by issuing an assessment to the taxpayer 19899  
within the period prescribed by division (A) of section 718.90 of 19900

the Revised Code. 19901

(C) As used in division (A)(2) of this section, "wages, 19902  
salaries, and other compensation" includes only wages, salaries, 19903  
or other compensation paid to an employee for services performed 19904  
at any of the following locations: 19905

(1) A location that is owned, controlled, or used by, rented 19906  
to, or under the possession of one of the following: 19907

(a) The employer; 19908

(b) A vendor, customer, client, or patient of the employer, 19909  
or a related member of such a vendor, customer, client, or 19910  
patient; 19911

(c) A vendor, customer, client, or patient of a person 19912  
described in division (C)(1)(b) of this section, or a related 19913  
member of such a vendor, customer, client, or patient. 19914

(2) Any location at which a trial, appeal, hearing, 19915  
investigation, inquiry, review, court-martial, or similar 19916  
administrative, judicial, or legislative matter or proceeding is 19917  
being conducted, provided that the compensation is paid for 19918  
services performed for, or on behalf of, the employer or that the 19919  
employee's presence at the location directly or indirectly 19920  
benefits the employer; 19921

(3) Any other location, if the tax commissioner determines 19922  
that the employer directed the employee to perform the services at 19923  
the other location in lieu of a location described in division 19924  
(C)(1) or (2) of this section solely in order to avoid or reduce 19925  
the employer's municipal income tax liability. If the tax 19926  
commissioner makes such a determination, the employer may dispute 19927  
the determination by establishing, by a preponderance of the 19928  
evidence, that the tax commissioner's determination was 19929  
unreasonable. 19930

(D) For the purposes of division (A)(3) of this section, 19931  
receipts from sales and rentals made and services performed shall 19932  
be sitused to a municipal corporation as follows: 19933

(1) Gross receipts from the sale of tangible personal 19934  
property shall be sitused to the municipal corporation only if, 19935  
regardless of where title passes, the property meets either of the 19936  
following criteria: 19937

(a) The property is shipped to or delivered within the 19938  
municipal corporation from a stock of goods located within the 19939  
municipal corporation. 19940

(b) The property is delivered within the municipal 19941  
corporation from a location outside the municipal corporation, 19942  
provided the taxpayer is regularly engaged through its own 19943  
employees in the solicitation or promotion of sales within such 19944  
municipal corporation and the sales result from such solicitation 19945  
or promotion. 19946

(2) Gross receipts from the sale of services shall be sitused 19947  
to the municipal corporation to the extent that such services are 19948  
performed in the municipal corporation. 19949

(3) To the extent included in income, gross receipts from the 19950  
sale of real property located in the municipal corporation shall 19951  
be sitused to the municipal corporation. 19952

(4) To the extent included in income, gross receipts from 19953  
rents and royalties from real property located in the municipal 19954  
corporation shall be sitused to the municipal corporation. 19955

(5) Gross receipts from rents and royalties from tangible 19956  
personal property shall be sitused to the municipal corporation 19957  
based upon the extent to which the tangible personal property is 19958  
used in the municipal corporation. 19959

(E) Commissions received by a real estate agent or broker 19960

relating to the sale, purchase, or lease of real estate shall be 19961  
situated to the municipal corporation in which the real estate is 19962  
located. Net profit reported by the real estate agent or broker 19963  
shall be allocated to a municipal corporation based upon the ratio 19964  
of the commissions the agent or broker received from the sale, 19965  
purchase, or lease of real estate located in the municipal 19966  
corporation to the commissions received from the sale, purchase, 19967  
or lease of real estate everywhere in the taxable year. 19968

(F) If, in computing a taxpayer's adjusted federal taxable 19969  
income, the taxpayer deducted any amount with respect to a stock 19970  
option granted to an employee, and if the employee is not required 19971  
to include in the employee's income any such amount or a portion 19972  
thereof because it is exempted from taxation under divisions 19973  
(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a 19974  
municipal corporation to which the taxpayer has apportioned a 19975  
portion of its net profit, the taxpayer shall add the amount that 19976  
is exempt from taxation to the taxpayer's net profit that was 19977  
apportioned to that municipal corporation. In no case shall a 19978  
taxpayer be required to add to its net profit that was apportioned 19979  
to that municipal corporation any amount other than the amount 19980  
upon which the employee would be required to pay tax were the 19981  
amount related to the stock option not exempted from taxation. 19982

This division applies solely for the purpose of making an 19983  
adjustment to the amount of a taxpayer's net profit that was 19984  
apportioned to a municipal corporation under this section. 19985

(G) When calculating the ratios described in division (A) of 19986  
this section for the purposes of that division or division (B) of 19987  
this section, the owner of a disregarded entity shall include in 19988  
the owner's ratios the property, payroll, and gross receipts of 19989  
such disregarded entity. 19990

**Sec. 718.83.** (A) On or before the last day of each month, the 19991

tax commissioner shall certify to the director of budget and 19992  
management the amount to be paid to each municipal corporation, 19993  
based on amounts reported on annual returns and declarations of 19994  
estimated tax under sections 718.85 and 718.88 of the Revised 19995  
Code, less any amounts previously distributed and net of any audit 19996  
adjustments made or refunds granted by the commissioner, for the 19997  
calender month preceding the month in which the certification is 19998  
made. Not later than the fifth day of each month, the director 19999  
shall provide for payment of the amount certified to each 20000  
municipal corporation from the municipal income tax fund, plus a 20001  
pro rata share of any investment earnings accruing to the fund 20002  
since the previous payment under this section. Each municipal 20003  
corporation's share of such earnings shall equal the proportion 20004  
that the municipal corporation's certified tax payment is of the 20005  
total taxes certified to all municipal corporations in that 20006  
quarter. All investment earnings on money in the municipal income 20007  
tax fund shall be credited to that fund. 20008

(B) If the tax commissioner determines that the amount of tax 20009  
paid by a taxpayer and distributed to a municipal corporation 20010  
under this section for a taxable year exceeds the amount payable 20011  
to that municipal corporation under sections 718.80 to 718.95 of 20012  
the Revised Code after accounting for amounts remitted with the 20013  
annual return and as estimated taxes, the commissioner shall 20014  
proceed according to divisions (A) and (B) of section 5703.77 of 20015  
the Revised Code. 20016

Sec. 718.84. (A) Any information gained as a result of 20017  
returns, investigations, hearings, or verifications required or 20018  
authorized by sections 718.80 to 718.95 of the Revised Code is 20019  
confidential, and no person shall disclose such information, 20020  
except for official purposes, in accordance with a proper judicial 20021  
order, or as provided in section 4123.271 or 5703.21 of the 20022

Revised Code. The tax commissioner may furnish the internal 20023  
revenue service with copies of returns filed. This section does 20024  
not prohibit the publication of statistics in a form which does 20025  
not disclose information with respect to particular taxpayers. 20026

(B) In May and November of each year, the tax commissioner 20027  
shall provide each tax administrator with the following 20028  
information for every taxpayer that filed tax returns with the 20029  
commissioner under sections 718.80 to 718.95 of the Revised Code 20030  
and that had municipal taxable income apportionable to the 20031  
municipal corporation under this chapter for any prior year: 20032

(1) The taxpayer's name, address, and federal employer 20033  
identification number; 20034

(2) The taxpayer's apportionment ratio for, and amount of 20035  
municipal taxable income apportionable to, the municipal 20036  
corporation pursuant to section 718.82 of the Revised Code; 20037

(3) The amount of any pre-2017 net operating loss 20038  
carryforward utilized by the taxpayer; 20039

(4) Whether the taxpayer requested that any overpayment be 20040  
carried forward to a future taxable year; 20041

(5) The amount of any credit claimed under section 718.94 of 20042  
the Revised Code. 20043

(C) Not later than thirty days after each distribution made 20044  
to municipal corporations under section 718.83 of the Revised 20045  
Code, the tax commissioner shall provide to each municipal 20046  
corporation a report stating the name and federal identification 20047  
number of every taxpayer that made estimated payments that are 20048  
attributable to the municipal corporation and the amount of each 20049  
such taxpayer's estimated payment. 20050

(D) Not later than the thirty-first day of January of each 20051  
year, every municipal corporation having taxpayers that have made 20052

the election allowed under section 718.80 of the Revised Code 20053  
shall provide to the tax commissioner, in a format prescribed by 20054  
the commissioner, the name and mailing address of up to two 20055  
persons to whom the municipal corporation requests that the 20056  
commissioner send the information described in divisions (B) and 20057  
(C) of this section. The commissioner shall not provide such 20058  
information to any person other than a person who is designated to 20059  
receive the information under this section and who is employed by 20060  
the municipal corporation or by a tax administrator, as defined in 20061  
section 718.01 of the Revised Code, that administers the municipal 20062  
corporation's income tax, except as may otherwise be provided by 20063  
law. 20064

(E)(1) The tax commissioner may adopt rules that further 20065  
govern the terms and conditions under which tax returns filed with 20066  
the commissioner under this chapter, and any other information 20067  
gained in the performance of the commissioner's duties prescribed 20068  
by this chapter, shall be available for inspection by properly 20069  
authorized officers, employees, or agents of the municipal 20070  
corporations to which the taxpayer's net profit is apportioned 20071  
under section 718.82 of the Revised Code. 20072

(2) As used in this division, "properly authorized officer, 20073  
employee, or agent" means an officer, employee, or agent of a 20074  
municipal corporation who is authorized by charter or ordinance of 20075  
the municipal corporation to view or possess information referred 20076  
to in section 718.13 of the Revised Code. 20077

(F)(1) If, upon receiving the information described in 20078  
division (B) of section 718.91 of the Revised Code or division (B) 20079  
or (C) of this section, a municipal corporation discovers that it 20080  
has additional information in its possession that could result in 20081  
a change to a taxpayer's tax liability, the municipal corporation 20082  
may refer the taxpayer to the tax commissioner for an audit. Such 20083  
referral shall be made on a form prescribed by the commissioner 20084

and shall include any information that forms the basis for the referral. 20085  
20086

(2) Upon receipt of a referral under division (F)(1) of this section, the commissioner shall review the referral and may conduct an audit of the taxpayer that is the subject of the referral based on the information in the referral and any other relevant information available to the commissioner. 20087  
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(3) Nothing in division (F) of this section shall be construed as forming the sole basis upon which the commissioner may conduct an audit of a taxpayer. 20092  
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(4) Nothing in this chapter shall prohibit a municipal corporation from filing a writ of mandamus if the municipal corporation believes that the commissioner has violated the commissioner's fiduciary duty as the administrator of the tax levied by the municipal corporation. 20095  
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**Sec. 718.85.** (A)(1) For each taxable year, every taxpayer shall file an annual return. Such return, along with the amount of tax shown to be due on the return less the amount paid for the taxable year under section 718.88 of the Revised Code, shall be submitted to the tax commissioner, on a form and in the manner prescribed by the commissioner, on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year. 20100  
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(2) If a taxpayer has multiple taxable years ending within one calendar year, the taxpayer shall aggregate the facts and figures necessary to compute the tax due under this chapter, in accordance with sections 718.81, 718.82, and, if applicable, 718.86 of the Revised Code onto its annual return. 20107  
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(3) The remittance shall be made payable to the treasurer of state and in the form prescribed by the tax commissioner. If the amount payable with the tax return is ten dollars or less, no 20112  
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remittance is required. 20115

(B) The tax commissioner shall immediately forward to the 20116  
treasurer of state all amounts the commissioner receives pursuant 20117  
to sections 718.80 to 718.95 of the Revised Code. The treasurer 20118  
shall credit ninety-nine and one-half per cent of such amounts to 20119  
the municipal income tax fund and the remainder to the municipal 20120  
income tax administrative fund established under section 5745.03 20121  
of the Revised Code. 20122

(C)(1) Each return required to be filed under this section 20123  
shall contain the signature of the taxpayer or the taxpayer's duly 20124  
authorized agent and of the person who prepared the return for the 20125  
taxpayer, and shall include the taxpayer's identification number. 20126  
Each return shall be verified by a declaration under penalty of 20127  
perjury. 20128

(2)(a) The tax commissioner may require a taxpayer to 20129  
include, with each annual tax return, amended return, or request 20130  
for refund filed with the commissioner under sections 718.80 to 20131  
718.95 of the Revised Code, copies of any relevant documents or 20132  
other information. 20133

(b) A taxpayer that files an annual tax return electronically 20134  
through the Ohio business gateway or in another manner as 20135  
prescribed by the tax commissioner shall either submit the 20136  
documents required under this division electronically as 20137  
prescribed at the time of filing or, if electronic submission is 20138  
not available, mail the documents to the tax commissioner. The 20139  
department of taxation shall publish a method of electronically 20140  
submitting the documents required under this division on or before 20141  
January 1, 2019. 20142

(3) After a taxpayer files a tax return, the tax commissioner 20143  
may request, and the taxpayer shall provide, any information, 20144  
statements, or documents required to determine and verify the 20145

taxpayer's municipal income tax. 20146

(D)(1)(a) Any taxpayer that has duly requested an automatic 20147  
extension for filing the taxpayer's federal income tax return 20148  
shall automatically receive an extension for the filing of a tax 20149  
return with the commissioner under this section. The extended due 20150  
date of the return shall be the fifteenth day of the tenth month 20151  
after the last day of the taxable year to which the return 20152  
relates. 20153

(b) A taxpayer that has not requested or received a six-month 20154  
extension for filing the taxpayer's federal income tax return may 20155  
request that the commissioner grant the taxpayer a six-month 20156  
extension of the date for filing the taxpayer's municipal income 20157  
tax return. If the commissioner receives the request on or before 20158  
the date the municipal income tax return is due, the commissioner 20159  
shall grant the taxpayer's extension request. 20160

(c) An extension of time to file under division (D)(1) of 20161  
this section is not an extension of the time to pay any tax due 20162  
unless the tax commissioner grants an extension of that date. 20163

(2) If the commissioner considers it necessary in order to 20164  
ensure payment of a tax imposed in accordance with section 718.04 20165  
of the Revised Code, the commissioner may require taxpayers to 20166  
file returns and make payments otherwise than as provided in this 20167  
section, including taxpayers not otherwise required to file annual 20168  
returns. 20169

(E) Each return required to be filed in accordance with this 20170  
section shall include a box that the taxpayer may check to 20171  
authorize another person, including a tax return preparer who 20172  
prepared the return, to communicate with the tax commissioner 20173  
about matters pertaining to the return. The return or instructions 20174  
accompanying the return shall indicate that by checking the box 20175  
the taxpayer authorizes the commissioner to contact the preparer 20176

or other person concerning questions that arise during the 20177  
examination or other review of the return and authorizes the 20178  
preparer or other person only to provide the commissioner with 20179  
information that is missing from the return, to contact the 20180  
commissioner for information about the examination or other review 20181  
of the return or the status of the taxpayer's refund or payments, 20182  
and to respond to notices about mathematical errors, offsets, or 20183  
return preparation that the taxpayer has received from the 20184  
commissioner and has shown to the preparer or other person. 20185

(F) When income tax returns or other documents require the 20186  
signature of a tax return preparer, the tax commissioner shall 20187  
accept a facsimile or electronic version of such a signature in 20188  
lieu of a manual signature. 20189

**Sec. 718.851.** (A) All taxpayers that have made the election 20190  
allowed under section 718.80 of the Revised Code shall file any 20191  
tax return or extension for filing a tax return, and shall make 20192  
payment of amounts shown to be due on such returns, 20193  
electronically, either through the Ohio business gateway or in 20194  
another manner as prescribed by the tax commissioner. 20195

(B) A taxpayer may apply to the commissioner, on a form 20196  
prescribed by the commissioner, to be excused from the requirement 20197  
to file returns and make payments electronically. For good cause 20198  
shown, the commissioner may excuse the applicant from the 20199  
requirement and permit the applicant to file the returns or make 20200  
the payments by nonelectronic means. 20201

(C) The tax commissioner may adopt rules establishing the 20202  
following: 20203

(1) The format of documents to be used by taxpayers to file 20204  
returns and make payments by electronic means; 20205

(2) The information taxpayers must submit when filing tax 20206

returns by electronic means. 20207

Sec. 718.86. (A) As used in this section: 20208

(1) "Affiliated group of corporations" means an affiliated 20209  
group as defined in section 1504 of the Internal Revenue Code, 20210  
except that, if such a group includes at least one incumbent local 20211  
exchange carrier that is primarily engaged in the business of 20212  
providing local exchange telephone service in this state, the 20213  
affiliated group shall not include any incumbent local exchange 20214  
carrier that would otherwise be included in the group. 20215

(2) "Consolidated federal income tax return" means a 20216  
consolidated return filed for federal income tax purposes pursuant 20217  
to section 1501 of the Internal Revenue Code. 20218

(3) "Consolidated federal taxable income" means the 20219  
consolidated taxable income of an affiliated group of 20220  
corporations, as computed for the purposes of filing a 20221  
consolidated federal income tax return, before consideration of 20222  
net operating losses or special deductions. "Consolidated federal 20223  
taxable income" does not include income or loss of an incumbent 20224  
local exchange carrier that is excluded from the affiliated group 20225  
under division (A)(1) of this section. 20226

(4) "Incumbent local exchange carrier" has the same meaning 20227  
as in section 4927.01 of the Revised Code. 20228

(5) "Local exchange telephone service" has the same meaning 20229  
as in section 5727.01 of the Revised Code. 20230

(B)(1) A taxpayer that is a member of an affiliated group of 20231  
corporations may elect to file a consolidated tax return for a 20232  
taxable year if at least one member of the affiliated group of 20233  
corporations is subject to a tax imposed in accordance with 20234  
section 718.04 of the Revised Code in that taxable year and if the 20235  
affiliated group of corporations filed a consolidated federal 20236

income tax return with respect to that taxable year. The election 20237  
is binding for a five-year period beginning with the first taxable 20238  
year of the initial election unless a change in the reporting 20239  
method is required under federal law. The election continues to be 20240  
binding for each subsequent five-year period unless the taxpayer 20241  
elects to discontinue filing consolidated tax returns under 20242  
division (B)(2) of this section or a taxpayer receives permission 20243  
from the tax commissioner. The tax commissioner shall approve such 20244  
a request for good cause shown. 20245

(2) An election to discontinue filing consolidated tax 20246  
returns under this section must be made on or before the fifteenth 20247  
day of the fourth month of the year following the last year of a 20248  
five-year consolidated tax return election period in effect under 20249  
division (B)(1) of this section. The election to discontinue 20250  
filing a consolidated tax return is binding for a five-year period 20251  
beginning with the first taxable year of the election. 20252

(3) An election made under division (B)(1) or (2) of this 20253  
section is binding on all members of the affiliated group of 20254  
corporations subject to a municipal income tax. 20255

(4) When a taxpayer makes the election allowed under section 20256  
718.80 of the Revised Code, a valid election made by the taxpayer 20257  
under division (B)(1) or (2) of section 718.06 of the Revised Code 20258  
is binding upon the tax commissioner for the remainder of the 20259  
five-year period. 20260

(5) When an election made under section 718.80 of the Revised 20261  
Code is terminated, a valid election made under this section is 20262  
binding upon the tax administrator for the remainder of the 20263  
five-year period. 20264

(C) A taxpayer that is a member of an affiliated group of 20265  
corporations that filed a consolidated federal income tax return 20266  
for a taxable year shall file a consolidated tax return for that 20267

taxable year if the tax commissioner determines, by a 20268  
preponderance of the evidence, that intercompany transactions have 20269  
not been conducted at arm's length and that there has been a 20270  
distortive shifting of income or expenses with regard to 20271  
allocation of net profits to a municipal corporation. A taxpayer 20272  
that is required to file a consolidated tax return for a taxable 20273  
year shall file a consolidated tax return for all subsequent 20274  
taxable years unless the taxpayer requests and receives written 20275  
permission from the commissioner to file a separate return or a 20276  
taxpayer has experienced a change in circumstances. 20277

(D) A taxpayer shall prepare a consolidated tax return in the 20278  
same manner as is required under the United States department of 20279  
treasury regulations that prescribe procedures for the preparation 20280  
of the consolidated federal income tax return required to be filed 20281  
by the common parent of the affiliated group of which the taxpayer 20282  
is a member. 20283

(E)(1) Except as otherwise provided in divisions (E)(2), (3), 20284  
and (4) of this section, corporations that file a consolidated tax 20285  
return shall compute adjusted federal taxable income, as defined 20286  
in section 718.81 of the Revised Code, by substituting 20287  
"consolidated federal taxable income" for "federal taxable income" 20288  
wherever "federal taxable income" appears in that division and by 20289  
substituting "an affiliated group of corporation's" for "a C 20290  
corporation's" wherever "a C corporation's" appears in that 20291  
division. 20292

(2) No corporation filing a consolidated tax return shall 20293  
make any adjustment otherwise required under division (B) of 20294  
section 718.81 of the Revised Code to the extent that the item of 20295  
income or deduction otherwise subject to the adjustment has been 20296  
eliminated or consolidated in the computation of consolidated 20297  
federal taxable income. 20298

(3) If the net profit or loss of a pass-through entity having 20299

at least eighty per cent of the value of its ownership interest 20300  
owned or controlled, directly or indirectly, by an affiliated 20301  
group of corporations is included in that affiliated group's 20302  
consolidated federal taxable income for a taxable year, the 20303  
corporation filing a consolidated tax return shall do one of the 20304  
following with respect to that pass-through entity's net profit or 20305  
loss for that taxable year: 20306

(a) Exclude the pass-through entity's net profit or loss from 20307  
the consolidated federal taxable income of the affiliated group 20308  
and, for the purpose of making the computations required in 20309  
section 718.82 of the Revised Code, exclude the property, payroll, 20310  
and gross receipts of the pass-through entity in the computation 20311  
of the affiliated group's net profit sitused to a municipal 20312  
corporation. If the entity's net profit or loss is so excluded, 20313  
the entity shall be subject to taxation as a separate taxpayer on 20314  
the basis of the entity's net profits that would otherwise be 20315  
included in the consolidated federal taxable income of the 20316  
affiliated group. 20317

(b) Include the pass-through entity's net profit or loss in 20318  
the consolidated federal taxable income of the affiliated group 20319  
and, for the purpose of making the computations required in 20320  
section 718.82 of the Revised Code, include the property, payroll, 20321  
and gross receipts of the pass-through entity in the computation 20322  
of the affiliated group's net profit sitused to a municipal 20323  
corporation. If the entity's net profit or loss is so included, 20324  
the entity shall not be subject to taxation as a separate taxpayer 20325  
on the basis of the entity's net profits that are included in the 20326  
consolidated federal taxable income of the affiliated group. 20327

(4) If the net profit or loss of a pass-through entity having 20328  
less than eighty per cent of the value of its ownership interest 20329  
owned or controlled, directly or indirectly, by an affiliated 20330  
group of corporations is included in that affiliated group's 20331

consolidated federal taxable income for a taxable year, all of the 20332  
following shall apply: 20333

(a) The corporation filing the consolidated tax return shall 20334  
exclude the pass-through entity's net profit or loss from the 20335  
consolidated federal taxable income of the affiliated group and, 20336  
for the purposes of making the computations required in section 20337  
718.82 of the Revised Code, exclude the property, payroll, and 20338  
gross receipts of the pass-through entity in the computation of 20339  
the affiliated group's net profit situated to a municipal 20340  
corporation; 20341

(b) The pass-through entity shall be subject to municipal 20342  
income taxation as a separate taxpayer in accordance with sections 20343  
718.80 to 718.95 of the Revised Code on the basis of the entity's 20344  
net profits that would otherwise be included in the consolidated 20345  
federal taxable income of the affiliated group. 20346

(F) Corporations filing a consolidated tax return shall make 20347  
the computations required under section 718.82 of the Revised Code 20348  
by substituting "consolidated federal taxable income attributable 20349  
to" for "net profit from" wherever "net profit from" appears in 20350  
that section and by substituting "affiliated group of 20351  
corporations" for "taxpayer" wherever "taxpayer" appears in that 20352  
section. 20353

(G) Each corporation filing a consolidated tax return is 20354  
jointly and severally liable for any tax, interest, penalties, 20355  
finances, charges, or other amounts applicable under section 718.80 20356  
to 718.95 or Chapter 5703. of the Revised Code to the corporation, 20357  
an affiliated group of which the corporation is a member for any 20358  
portion of the taxable year, or any one or more members of such an 20359  
affiliated group. 20360

Sec. 718.87. If a taxpayer that has made the election allowed 20361  
under section 718.80 of the Revised Code fails to pay any tax as 20362

required under sections 718.80 to 718.95 of the Revised Code, or 20363  
any portion of that tax, on or before the date prescribed for its 20364  
payment, interest shall be assessed, collected, and paid, in the 20365  
same manner as the tax, upon such unpaid amount at the rate per 20366  
annum prescribed by section 5703.47 of the Revised Code from the 20367  
date prescribed for its payment until it is paid or until the date 20368  
an assessment is issued under section 718.90 of the Revised Code, 20369  
whichever occurs first. 20370

**Sec. 718.88.** (A) As used in this section: 20371

(1) "Combined tax liability" means the total amount of a 20372  
taxpayer's income tax liabilities to all municipal corporations in 20373  
this state for a taxable year. 20374

(2) "Estimated taxes" means the amount that the taxpayer 20375  
reasonably estimates to be the taxpayer's combined tax liability 20376  
for the current taxable year. 20377

(B)(1) Except as provided in division (B)(4) of this section, 20378  
every taxpayer shall make a declaration of estimated taxes for the 20379  
current taxable year, on the form prescribed by the tax 20380  
commissioner, if the amount payable as estimated taxes is at least 20381  
two hundred dollars. 20382

(2) Except as provided in division (B)(4) of this section, a 20383  
taxpayer having a taxable year of less than twelve months shall 20384  
make a declaration under rules prescribed by the commissioner. 20385

(3) The declaration of estimated taxes shall be filed on or 20386  
before the fifteenth day of the fourth month after the beginning 20387  
of the taxable year or on or before the fifteenth day of the 20388  
fourth month after the taxpayer becomes subject to tax for the 20389  
first time. 20390

(4) The tax commissioner may waive the requirement for filing 20391  
a declaration of estimated taxes for any class of taxpayers after 20392

finding that the waiver is reasonable and proper in view of 20393  
administrative costs and other factors. 20394

(C) Each taxpayer shall file the declaration of estimated 20395  
taxes with, and remit estimated taxes to, the tax commissioner at 20396  
the times and in the amounts prescribed in division (C)(1) of this 20397  
section. Remitted taxes shall be made payable to the treasurer of 20398  
state. 20399

(1) The required portion of the combined tax liability for 20400  
the taxable year that shall be paid through estimated taxes shall 20401  
be as follows: 20402

(a) On or before the fifteenth day of the fourth month after 20403  
the beginning of the taxable year, twenty-two and one-half per 20404  
cent of the combined tax liability for the taxable year; 20405

(b) On or before the fifteenth day of the sixth month after 20406  
the beginning of the taxable year, forty-five per cent of the 20407  
combined tax liability for the taxable year; 20408

(c) On or before the fifteenth day of the ninth month after 20409  
the beginning of the taxable year, sixty-seven and one-half per 20410  
cent of the combined tax liability for the taxable year; 20411

(d) On or before the fifteenth day of the twelfth month of 20412  
the taxable year, ninety per cent of the combined tax liability 20413  
for the taxable year. 20414

(2) If the taxpayer determines that its declaration of 20415  
estimated taxes will not accurately reflect the taxpayer's tax 20416  
liability for the taxable year, the taxpayer shall increase or 20417  
decrease, as appropriate, its subsequent payments in equal 20418  
installments to result in a more accurate payment of estimated 20419  
taxes. 20420

(3)(a) Each taxpayer shall report on the declaration of 20421  
estimated taxes the portion of the remittance that the taxpayer 20422

estimates that it owes to each municipal corporation for the 20423  
taxable year. 20424

(b) Upon receiving a payment of estimated taxes under this 20425  
section, the commissioner shall immediately forward the payment to 20426  
the treasurer of state. The treasurer shall credit the payment in 20427  
the same manner as in division (B) of section 718.85 of the 20428  
Revised Code. 20429

(D)(1) In the case of any underpayment of estimated taxes, 20430  
there shall be added to the taxes an amount determined at the rate 20431  
per annum prescribed by section 5703.47 of the Revised Code upon 20432  
the amount of underpayment for the period of underpayment, unless 20433  
the underpayment is due to reasonable cause as described in 20434  
division (E) of this section. The amount of the underpayment shall 20435  
be determined as follows: 20436

(a) For the first payment of estimated taxes each year, 20437  
twenty-two and one-half per cent of the combined tax liability, 20438  
less the amount of taxes paid by the date prescribed for that 20439  
payment; 20440

(b) For the second payment of estimated taxes each year, 20441  
forty-five per cent of the combined tax liability, less the amount 20442  
of taxes paid by the date prescribed for that payment; 20443

(c) For the third payment of estimated taxes each year, 20444  
sixty-seven and one-half per cent of the combined tax liability, 20445  
less the amount of taxes paid by the date prescribed for that 20446  
payment; 20447

(d) For the fourth payment of estimated taxes each year, 20448  
ninety per cent of the combined tax liability, less the amount of 20449  
taxes paid by the date prescribed for that payment. 20450

(2) The period of the underpayment shall run from the day the 20451  
estimated payment was required to be made to the date on which the 20452  
payment is made. For purposes of this section, a payment of 20453

estimated taxes on or before any payment date shall be considered 20454  
a payment of any previous underpayment only to the extent the 20455  
payment of estimated taxes exceeds the amount of the payment 20456  
presently due. 20457

(3) All amounts collected under this section shall be 20458  
considered as taxes collected under sections 718.80 to 718.95 of 20459  
the Revised Code and shall be credited and distributed to 20460  
municipal corporations in accordance with section 718.83 of the 20461  
Revised Code. 20462

(E) An underpayment of any portion of a combined tax 20463  
liability shall be due to reasonable cause and the penalty imposed 20464  
by this section shall not be added to the taxes for the taxable 20465  
year if any of the following apply: 20466

(1) The amount of estimated taxes that were paid equals at 20467  
least ninety per cent of the combined tax liability for the 20468  
current taxable year, determined by annualizing the income 20469  
received during the year up to the end of the month immediately 20470  
preceding the month in which the payment is due. 20471

(2) The amount of estimated taxes that were paid equals at 20472  
least one hundred per cent of the tax liability shown on the 20473  
return of the taxpayer for the preceding taxable year, provided 20474  
that the immediately preceding taxable year reflected a period of 20475  
twelve months and the taxpayer filed a municipal income tax return 20476  
for that year. 20477

**Sec. 718.89.** (A) In addition to any other penalty imposed by 20478  
sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, 20479  
the following penalties shall apply: 20480

(1) If a taxpayer required to file a tax return under 20481  
sections 718.80 to 718.95 of the Revised Code fails to make and 20482  
file the return within the time prescribed, including any 20483

extensions of time granted by the tax commissioner, the 20484  
commissioner may impose a penalty not exceeding twenty-five 20485  
dollars per month or fraction of a month, for each month or 20486  
fraction of a month elapsing between the due date, including 20487  
extensions of the due date, and the date on which the return is 20488  
filed. The aggregate penalty, per instance, under this division 20489  
shall not exceed one hundred fifty dollars. 20490

(2) If a person required to file a tax return electronically 20491  
under sections 718.80 to 718.95 of the Revised Code fails to do 20492  
so, the commissioner may impose a penalty not to exceed the 20493  
following: 20494

(a) For each of the first two failures, five per cent of the 20495  
amount required to be reported on the return; 20496

(b) For the third and any subsequent failure, ten per cent of 20497  
the amount required to be reported on the return. 20498

(3) If a taxpayer that has made the election allowed under 20499  
section 718.80 of the Revised Code fails to timely pay an amount 20500  
of tax required to be paid under this chapter, the commissioner 20501  
may impose a penalty equal to fifteen per cent of the amount not 20502  
timely paid. 20503

(4) If a taxpayer files what purports to be a tax return 20504  
required by sections 718.80 to 718.95 of the Revised Code that 20505  
does not contain information upon which the substantial 20506  
correctness of the return may be judged or contains information 20507  
that on its face indicates that the return is substantially 20508  
incorrect, and the filing of the return in that manner is due to a 20509  
position that is frivolous or a desire that is apparent from the 20510  
return to delay or impede the administration of sections 718.80 to 20511  
718.95 of the Revised Code, a penalty of up to five hundred 20512  
dollars may be imposed. 20513

(5) If a taxpayer makes a fraudulent attempt to evade the 20514

reporting or payment of the tax required to be shown on any return 20515  
required under sections 718.80 to 718.95 of the Revised Code, a 20516  
penalty may be imposed not exceeding the greater of one thousand 20517  
dollars or one hundred per cent of the tax required to be shown on 20518  
the return. 20519

(6) If any person makes a false or fraudulent claim for a 20520  
refund under section 718.91 of the Revised Code, a penalty may be 20521  
imposed not exceeding the greater of one thousand dollars or one 20522  
hundred per cent of the claim. Any penalty imposed under this 20523  
division, any refund issued on the claim, and interest on any 20524  
refund from the date of the refund, may be assessed under section 20525  
718.90 of the Revised Code without regard to any time limitation 20526  
for the assessment imposed by division (A) of that section. 20527

(B) For purposes of this section, the tax required to be 20528  
shown on a tax return shall be reduced by the amount of any part 20529  
of the tax paid on or before the date, including any extensions of 20530  
the date, prescribed for filing the return. 20531

(C) Each penalty imposed under this section shall be in 20532  
addition to any other penalty imposed under this section. All or 20533  
part of any penalty imposed under this section may be abated by 20534  
the tax commissioner. The commissioner may adopt rules governing 20535  
the imposition and abatement of such penalties. 20536

(D) All amounts collected under this section shall be 20537  
considered as taxes collected under sections 718.80 to 718.95 of 20538  
the Revised Code and shall be credited and distributed to 20539  
municipal corporations in the same proportion as the underlying 20540  
tax liability is required to be distributed to such municipal 20541  
corporations under section 718.83 of the Revised Code. 20542

**Sec. 718.90.** (A) If any taxpayer required to file a return 20543  
under section 718.80 to 718.95 of the Revised Code fails to file 20544  
the return within the time prescribed, files an incorrect return, 20545

or fails to remit the full amount of the tax due for the period 20546  
covered by the return, the tax commissioner may make an assessment 20547  
against the taxpayer for any deficiency for the period for which 20548  
the return or tax is due, based upon any information in the 20549  
commissioner's possession. 20550

The tax commissioner shall not make or issue an assessment 20551  
against a taxpayer more than three years after the later of the 20552  
date the return subject to assessment was required to be filed or 20553  
the date the return was filed. Such time limit may be extended if 20554  
both the taxpayer and the commissioner consent in writing to the 20555  
extension. Any such extension shall extend the three-year time 20556  
limit in section 718.91 of the Revised Code for the same period of 20557  
time. There shall be no bar or limit to an assessment against a 20558  
taxpayer that fails to file a return subject to assessment as 20559  
required by sections 718.80 to 718.95 of the Revised Code, or that 20560  
files a fraudulent return. The commissioner shall give the 20561  
taxpayer assessed written notice of the assessment as provided in 20562  
section 5703.37 of the Revised Code. With the notice, the 20563  
commissioner shall provide instructions on how to petition for 20564  
reassessment and request a hearing on the petition. 20565

(B) Unless the taxpayer assessed files with the tax 20566  
commissioner within sixty days after service of the notice of 20567  
assessment, either personally or by certified mail, a written 20568  
petition for reassessment signed by the authorized agent of the 20569  
taxpayer assessed having knowledge of the facts, the assessment 20570  
becomes final, and the amount of the assessment is due and payable 20571  
from the taxpayer to the treasurer of state. The petition shall 20572  
indicate the taxpayer's objections, but additional objections may 20573  
be raised in writing if received by the commissioner prior to the 20574  
date shown on the final determination. If the petition has been 20575  
properly filed, the commissioner shall proceed under section 20576  
5703.60 of the Revised Code. 20577

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the taxpayer has an office or place of business in this state, the county in which the taxpayer's statutory agent is located, or Franklin county. 20578  
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Immediately upon the filing of the entry, the clerk shall enter a judgment against the taxpayer assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for municipal income taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment. 20585  
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If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section. 20593  
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(D) All money collected under this section shall be credited to the municipal income tax fund and distributed to the municipal corporation to which the money is owed based on the assessment 20607  
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issued under this section. 20610

(E) If the tax commissioner believes that collection of the 20611  
tax will be jeopardized unless proceedings to collect or secure 20612  
collection of the tax are instituted without delay, the 20613  
commissioner may issue a jeopardy assessment against the taxpayer 20614  
liable for the tax. Immediately upon the issuance of the jeopardy 20615  
assessment, the commissioner shall file an entry with the clerk of 20616  
the court of common pleas in the manner prescribed by division (C) 20617  
of this section. Notice of the jeopardy assessment shall be served 20618  
on the taxpayer assessed or the taxpayer's legal representative in 20619  
the manner provided in section 5703.37 of the Revised Code within 20620  
five days of the filing of the entry with the clerk. The total 20621  
amount assessed is immediately due and payable, unless the 20622  
taxpayer assessed files a petition for reassessment in accordance 20623  
with division (B) of this section and provides security in a form 20624  
satisfactory to the commissioner and in an amount sufficient to 20625  
satisfy the unpaid balance of the assessment. Full or partial 20626  
payment of the assessment does not prejudice the commissioner's 20627  
consideration of the petition for reassessment. 20628

(F) Notwithstanding the fact that a petition for reassessment 20629  
is pending, the taxpayer may pay all or a portion of the 20630  
assessment that is the subject of the petition. The acceptance of 20631  
a payment by the treasurer of state does not prejudice any claim 20632  
for refund upon final determination of the petition. 20633

If upon final determination of the petition an error in the 20634  
assessment is corrected by the tax commissioner, upon petition so 20635  
filed or pursuant to a decision of the board of tax appeals or any 20636  
court to which the determination or decision has been appealed, so 20637  
that the amount due from the taxpayer under the corrected 20638  
assessment is less than the portion paid, there shall be issued to 20639  
the taxpayer, its assigns, or legal representative a refund in the 20640  
amount of the overpayment as provided by section 718.91 of the 20641

Revised Code, with interest on that amount as provided by that 20642  
section. 20643

Sec. 718.91. (A) An application to refund to a taxpayer the 20644  
amount of taxes paid on any illegal, erroneous, or excessive 20645  
payment of tax under sections 718.80 to 718.95 of the Revised 20646  
Code, including assessments, shall be filed with the tax 20647  
commissioner within three years after the date of the illegal, 20648  
erroneous, or excessive payment of the tax, or within any 20649  
additional period allowed by division (A) of section 718.90 of the 20650  
Revised Code. The application shall be filed in the form 20651  
prescribed by the tax commissioner. 20652

(B)(1) On the filing of a refund application, the tax 20653  
commissioner shall determine the amount of refund to which the 20654  
applicant is entitled. The amount determined shall be based on the 20655  
amount overpaid per return or assessment. If the amount is greater 20656  
than ten dollars and not less than that claimed, the commissioner 20657  
shall certify that amount to the director of budget and management 20658  
and the treasurer of state for payment from the tax refund fund 20659  
created in section 5703.052 of the Revised Code. If the amount is 20660  
greater than ten dollars but less than that claimed, the 20661  
commissioner shall proceed in accordance with section 5703.70 of 20662  
the Revised Code. 20663

(2) Upon issuance of a refund under this section, the 20664  
commissioner shall notify each municipal corporation of the amount 20665  
refunded to the taxpayer attributable to that municipal 20666  
corporation, which shall be deducted from the municipal 20667  
corporation's next distribution under section 718.83 of the 20668  
Revised Code. 20669

(C) Any portion of a refund determined under division (B) of 20670  
this section that is not issued within ninety days after such 20671  
determination shall bear interest at the rate per annum prescribed 20672

by section 5703.47 of the Revised Code from the ninety-first day 20673  
after such determination until the day the refund is paid or 20674  
credited. On an illegal or erroneous assessment, interest shall be 20675  
paid at that rate from the date of payment on the illegal or 20676  
erroneous assessment until the day the refund is paid or credited. 20677

**Sec. 718.92.** (A) If any of the facts, figures, computations, 20678  
or attachments required in an annual return filed by a taxpayer 20679  
that has made the election allowed under section 718.80 of the 20680  
Revised Code and used to determine the tax due under sections 20681  
718.80 to 718.95 of the Revised Code must be altered as the result 20682  
of an adjustment to the taxpayer's federal income tax return, 20683  
whether initiated by the taxpayer or the internal revenue service, 20684  
and such alteration affects the taxpayer's tax liability under 20685  
those sections, the taxpayer shall file an amended return with the 20686  
tax commissioner in such form as the commissioner requires. The 20687  
amended return shall be filed not later than sixty days after the 20688  
adjustment is agreed upon or finally determined for federal income 20689  
tax purposes or after any federal income tax deficiency or refund, 20690  
or the abatement or credit resulting therefrom, has been assessed 20691  
or paid, whichever occurs first. If a taxpayer intends to file an 20692  
amended consolidated municipal income tax return, or to amend its 20693  
type of return from a separate return to a consolidated return, 20694  
based on the taxpayer's consolidated federal income tax return, 20695  
the taxpayer shall notify the commissioner before filing the 20696  
amended return. 20697

(B) In the case of an underpayment, the amended return shall 20698  
be accompanied by payment of any combined additional tax due 20699  
together with any penalty and interest thereon. An amended return 20700  
required by this section is a return subject to assessment under 20701  
section 718.90 of the Revised Code for the purpose of assessing 20702  
any additional tax due under this section, together with any 20703  
applicable penalty and interest. The amended return shall not 20704

reopen those facts, figures, computations, or attachments from a 20705  
previously filed return no longer subject to assessment that are 20706  
not affected, either directly or indirectly, by the adjustment to 20707  
the taxpayer's federal tax return. 20708

(C) In the case of an overpayment, an application for refund 20709  
may be filed under this division within the sixty-day period 20710  
prescribed for filing the amended return, even if that period 20711  
extends beyond the period prescribed in section 718.91 of the 20712  
Revised Code, if the application otherwise conforms to the 20713  
requirements of that section. An application filed under this 20714  
division shall claim refund of overpayments resulting from 20715  
alterations to only those facts, figures, computations, or 20716  
attachments required in the taxpayer's annual return that are 20717  
affected, either directly or indirectly, by the adjustment to the 20718  
taxpayer's federal income tax return unless it is also filed 20719  
within the time prescribed in section 718.91 of the Revised Code. 20720  
The application shall not reopen those facts, figures, 20721  
computations, or attachments that are not affected, either 20722  
directly or indirectly, by the adjustment to the taxpayer's 20723  
federal income tax return. 20724

**Sec. 718.93.** (A) The tax commissioner, or any authorized 20725  
agent or employee thereof, may examine the books, papers, records, 20726  
and federal and state income tax returns of any taxpayer or other 20727  
person that is subject to sections 718.80 to 718.95 of the Revised 20728  
Code for the purpose of verifying the accuracy of any return made 20729  
or, if no return was filed, to ascertain the tax due as required 20730  
under those sections. Upon written request by the commissioner or 20731  
a duly authorized agent or employee thereof, every taxpayer or 20732  
other person subject to this section is required to furnish the 20733  
opportunity for the commissioner, authorized agent, or employee to 20734  
investigate and examine such books, papers, records, and federal 20735  
and state income tax returns at a reasonable time and place 20736

designated in the request. 20737

(B) The records and other documents of any taxpayer or other person that is subject to sections 718.80 to 718.95 of the Revised Code shall be open to the tax commissioner's inspection during business hours and shall be preserved for a period of six years following the end of the taxable year to which the records or documents relate, unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. The commissioner may require any person, by notice served on that person, to keep such records as the commissioner determines necessary to show whether or not that person is liable, and the extent of such liability, for the income tax levied by a municipal corporation. 20738  
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(C) The tax commissioner may examine under oath any person that the commissioner reasonably believes has knowledge concerning any income that was or would have been returned for taxation or any transaction tending to affect such income. The commissioner may, for this purpose, compel any such person to attend a hearing or examination and to produce any books, papers, records, and federal income tax returns in such person's possession or control. The person may be assisted or represented by an attorney, accountant, bookkeeper, or other tax practitioner at any such hearing or examination. This division does not authorize the practice of law by a person who is not an attorney. 20750  
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(D) No person issued written notice by the tax commissioner compelling attendance at a hearing or examination or the production of books, papers, records, or federal income tax returns under this section shall fail to comply. 20761  
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Sec. 718.94. (A) A credit, granted by resolution or ordinance of a municipal corporation pursuant to section 718.15 or 718.151 20765  
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of the Revised Code, shall be available to a taxpayer that has 20767  
made the election allowed under section 718.80 of the Revised 20768  
Code, against the municipal corporation's tax on income. A 20769  
municipal corporation shall submit the following information to 20770  
the tax commissioner on or before the later of January 31, 2018, 20771  
or the thirty-first day of January of the first year in which the 20772  
taxpayer is eligible to receive the credit: 20773

(1) A copy of the agreement entered into by the municipal 20774  
corporation and taxpayer under section 718.15 or 718.151 of the 20775  
Revised Code; 20776

(2) A copy of the municipal ordinance or resolution 20777  
authorizing the agreement entered into between the municipal 20778  
corporation and the taxpayer. 20779

(B)(1) Each taxpayer that claims a credit shall submit, with 20780  
the taxpayer's tax return, documentation issued by the municipal 20781  
corporation granting the credit that confirms the eligibility of 20782  
the taxpayer for the credit, the amount of the credit for which 20783  
the taxpayer is eligible, and the tax year to which the credit is 20784  
to be applied. 20785

(2) Such documentation shall be provided in the form 20786  
prescribed by the tax commissioner. 20787

(3) Nothing in this section shall be construed to authorize 20788  
the tax commissioner to enter into an agreement with a taxpayer to 20789  
grant a credit, to determine if a taxpayer meets the conditions of 20790  
a tax credit agreement entered into by a municipal corporation and 20791  
taxpayer under section 718.15 or 718.151 of the Revised Code, or 20792  
to modify the terms or conditions of any such existing agreement. 20793

**Sec. 718.95.** (A) Except as provided in division (B) of this 20794  
section, whoever recklessly violates division (A) of section 20795  
718.84 of the Revised Code shall be guilty of a misdemeanor of the 20796

first degree and shall be subject to a fine of not more than one 20797  
thousand dollars or imprisonment for a term of up to six months, 20798  
or both. 20799

(B) Any person who recklessly discloses information received 20800  
from the internal revenue service in violation of division (A) of 20801  
section 718.84 of the Revised Code shall be guilty of a felony of 20802  
the fifth degree and shall be subject to a fine of not more than 20803  
five thousand dollars plus the costs of prosecution, or 20804  
imprisonment for a term not exceeding five years, or both. 20805

(C) Each instance of access or disclosure in violation of 20806  
division (A) of section 718.84 of the Revised Code constitutes a 20807  
separate offense. 20808

**Sec. 725.01.** As used in sections 725.01 to 725.11 of the 20809  
Revised Code: 20810

(A) "Slum area" means an area within a municipal corporation, 20811  
in which area there is a predominance of buildings or 20812  
improvements, whether residential or nonresidential, which by 20813  
reason of dilapidation, deterioration, age or obsolescence, 20814  
inadequate provision for ventilation, light, air, sanitation, or 20815  
open spaces, high density of population and overcrowding, or the 20816  
existence of conditions which endanger life or property, by fire 20817  
and other causes, or any combination of such factors, is conducive 20818  
to ill health, transmission of disease, infant mortality, juvenile 20819  
delinquency, or crime, and is detrimental to public health, 20820  
safety, morals, or welfare. 20821

(B) "Blighted area" means an area within a municipal 20822  
corporation, ~~which area~~ that substantially impairs or arrests the 20823  
sound growth of a municipal corporation, retards the provision of 20824  
housing accommodations, or constitutes an economic or social 20825  
liability and is a menace to the public health, safety, morals, or 20826

welfare in its present condition and use by reason of the presence 20827  
of a substantial number of slums, deteriorated or deteriorating 20828  
structures, predominance of defective or inadequate street layout, 20829  
faulty lot layout in relation to size, adequacy, accessibility, or 20830  
usefulness, unsanitary or unsafe conditions, contamination by 20831  
hazardous substances or petroleum, deterioration of site or other 20832  
improvements, diversity of ownership, tax or special assessment 20833  
delinquency exceeding the fair value of the land, defective or 20834  
unusual conditions to title, or the existence of conditions which 20835  
endanger life or property by fire and other causes, or any 20836  
combination of such factors, ~~substantially impairs or arrests the~~ 20837  
~~sound growth of a municipal corporation, retards the provision of~~ 20838  
~~housing accommodations, or constitutes an economic or social~~ 20839  
~~liability and is a menace to the public health, safety, morals, or~~ 20840  
~~welfare in its present condition and use.~~ 20841

(C)(1) "Development agreement" means an agreement that 20842  
includes as a minimum all of the following agreements between a 20843  
municipal corporation as obligee and the following parties as 20844  
obligors: 20845

(a) An agreement to construct or rehabilitate the structures 20846  
and facilities described in the development agreement on real 20847  
property described in the agreement situated in an urban renewal 20848  
area, the obligor of such agreement to be a party determined by 20849  
the legislative authority of the municipal corporation to have the 20850  
ability to perform or cause the performance of the agreement; 20851

(b) The agreement required by section 725.04 of the Revised 20852  
Code, the obligor of the agreement to be the owner or owners of 20853  
the improvements to be constructed or rehabilitated; 20854

(c) An agreement of the owner or owners of the fee simple of 20855  
the real property to which the development agreement pertains, as 20856  
obligor, that the owner or owners and their successors and assigns 20857  
shall use, develop, and redevelop the real property in accordance 20858

with, and for the period of, the urban renewal plan and shall so 20859  
bind their successors and assigns by appropriate agreements and 20860  
covenants running with the land enforceable by the municipal 20861  
corporation. 20862

(2) A municipal corporation on behalf of the holders of urban 20863  
renewal bonds may be the obligor of any of the agreements 20864  
described in division (C)(1) of this section. 20865

(D) "Revenues" means all rentals received under leases made 20866  
by the municipal corporation in any part or all of one or more 20867  
urban renewal areas; all proceeds of the sale or other disposition 20868  
of property of the municipal corporation in any part or all of one 20869  
or more urban renewal areas; all revenue available to the 20870  
municipal corporation pursuant to a development agreement 20871  
described in division (C)(1) of this section; and all urban 20872  
renewal service payments collected from any part or all of one or 20873  
more urban renewal areas. 20874

(E) "Urban renewal area" means a slum area or a blighted area 20875  
or a combination thereof which the legislative authority of the 20876  
municipal corporation designates as appropriate for an urban 20877  
renewal project. 20878

(F) "Urban renewal bonds" means, unless the context indicates 20879  
a different meaning, definitive bonds, interim receipts, temporary 20880  
bonds, and urban renewal refunding bonds issued pursuant to 20881  
sections 725.01 to 725.11 of the Revised Code, and bonds issued 20882  
pursuant to Article XVIII, Section 3, Ohio Constitution, for the 20883  
uses specified in section 725.07 of the Revised Code. 20884

(G) "Urban renewal refunding bonds" means the refunding bonds 20885  
authorized by section 725.07 of the Revised Code. 20886

(H) "Urban renewal plan" means a plan, as it exists from time 20887  
to time, for an urban renewal project, which plan shall ~~conform~~ do 20888  
both of the following: 20889

(1) Conform to the general plan for the municipal corporation, if any, ~~and shall be;~~ 20890  
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(2) Be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, cleanup or remediation of hazardous substances or petroleum, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning, and planning changes, if any, land uses, maximum densities, and building requirements. 20892  
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(I) "Urban renewal project" may include undertakings and activities of a municipal corporation in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, ~~and~~. "Urban renewal project" may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof, in accordance with an urban renewal plan, and such aforesaid undertakings and activities may include ~~acquisition~~ any of the following: 20898  
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(1) Acquisition of a slum area or a blighted area, or portion thereof, demolition and removal of buildings and improvements; ~~installation~~ 20907  
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(2) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public buildings and facilities, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives in accordance with the urban renewal plan, disposition of any property acquired in the urban renewal area, including sale, leasing, or retention by the municipal corporation itself, at its fair value for uses in accordance with the urban renewal plan; ~~carrying~~ 20910  
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(3) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan; ~~the~~ 20918  
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(4) The cleanup or remediation of hazardous substances or 20921  
petroleum in fulfillment of revitalization purposes provided for 20922  
in Article VIII, section 2g, Ohio Constitution; 20923

(5) The acquisition, construction, enlargement, improvement, 20924  
or equipment of property, structures, equipment, or facilities for 20925  
industry, commerce, distribution, or research from the proceeds of 20926  
urban renewal bonds issued pursuant to division (C) of section 20927  
725.05 of the Revised Code; and ~~acquisition~~ 20928

(6) Acquisition of any other real property in the urban 20929  
renewal area where necessary to eliminate unhealthful, unsanitary, 20930  
or unsafe conditions, lessen density, eliminate obsolete, or other 20931  
uses detrimental to the public welfare, or otherwise to remove or 20932  
prevent the spread of blight or deterioration, or to provide land 20933  
for needed public facilities. 20934

(J) "Urban renewal debt retirement fund" means a fund, 20935  
created pursuant to section 725.03 of the Revised Code by the 20936  
legislative authority of a municipal corporation when authorizing 20937  
a single issue or a series of urban renewal bonds, to be used for 20938  
payment of the principal of and interest and redemption premium on 20939  
such urban renewal bonds, trustee's fees, and costs and expenses 20940  
of providing credit facilities, put arrangements, and interest 20941  
rate hedges, and for fees and expenses of agents, and other fees, 20942  
costs, and expenses, in connection with arrangements under 20943  
sections 9.98 to 9.983 of the Revised Code; or when authorizing 20944  
the repayment of loans from the state issued pursuant to Chapter 20945  
164. of the Revised Code and used for urban renewal projects, to 20946  
be used to repay the principal and interest on such loans. When so 20947  
authorized by the legislative authority of a municipal 20948  
corporation, such a fund may be used for both purposes permitted 20949  
under this division. 20950

(K) "Urban renewal service payments" means the urban renewal 20951  
service payments, in lieu of taxes, provided for in section 725.04 20952

of the Revised Code. 20953

(L) "Improvements" means the structures and facilities 20954  
constructed or rehabilitated pursuant to a development agreement. 20955

(M) "Exemption period" means that period during which all or 20956  
a portion of the assessed valuation of the improvements has been 20957  
exempted from real property taxation pursuant to section 725.02 of 20958  
the Revised Code. 20959

(N) "Cleanup or remediation" has the same meaning as in 20960  
section 122.65 of the Revised Code. 20961

(O) "Hazardous substances" and "petroleum" have the same 20962  
meanings as in section 3746.01 of the Revised Code. 20963

**Sec. 725.04.** A development agreement shall contain an 20964  
agreement binding on the owner or owners of the improvements, and 20965  
all subsequent owners of the improvements, to make semiannual 20966  
urban renewal service payments, in lieu of taxes upon the 20967  
improvements during the exemption period, equal annually in the 20968  
aggregate to the amount of real property taxes that would have 20969  
been paid on the portion of the assessed valuation of the 20970  
improvements declared to be a public purpose had an exemption 20971  
period not been specified by the municipal corporation. A 20972  
development agreement may contain an obligation binding on the 20973  
owner or owners of the improvements, and all subsequent owners of 20974  
the improvements, to make a semiannual urban renewal service 20975  
payment in an amount that is higher than the amount of real 20976  
property taxes that would have been paid on the assessed valuation 20977  
of the improvements had an exemption period not been specified by 20978  
the municipal corporation. All semiannual urban renewal service 20979  
payments shall be collected at the same time that real property 20980  
taxes are collected. The entire amount of these urban renewal 20981  
service payments, when collected, shall be deposited in an urban 20982  
renewal debt retirement fund established pursuant to section 20983

725.03 of the Revised Code. 20984

If the municipal corporation owns the improvements, it may 20985  
require the lessee of the improvements to make the semiannual 20986  
urban renewal service payments required under this section. 20987

The legislative authority of the municipal corporation may 20988  
secure the urban renewal service payments by a lien on the 20989  
improvements. Such a lien shall attach, and may be perfected, 20990  
collected, and enforced, in the same manner as a mortgage lien on 20991  
real property, and shall otherwise have the same force and effect 20992  
as a mortgage lien on real property. 20993

**Sec. 733.44.** (A) The treasurer of a municipal corporation 20994  
shall demand and receive, from the county treasurer, taxes levied 20995  
and assessments made and certified to the county auditor by the 20996  
legislative authority of such municipal corporation and placed on 20997  
the tax list by such auditor for collection, moneys, from persons 20998  
authorized to collect or required to pay them, accruing to the 20999  
municipal corporation from any judgments, fines, penalties, 21000  
forfeitures, licenses, costs taxed in mayor's court, and debts due 21001  
the municipal corporation. Such funds shall be disbursed by the 21002  
treasurer and county auditor on the order of any person authorized 21003  
by law or ordinance to issue orders therefor. 21004

(B) The treasurer of a village that does not have a charter 21005  
form of government shall not disburse any funds except upon an 21006  
order signed by at least one member of the village's legislative 21007  
authority or the village clerk and countersigned by the treasurer. 21008  
The clerk-treasurer or fiscal officer of a village that does not 21009  
have a charter form of government shall not disburse any funds 21010  
except upon an order signed by at least one member of the 21011  
village's legislative authority and countersigned by the 21012  
clerk-treasurer or village fiscal officer. 21013

Sec. 733.46. (A) The treasurer of a municipal corporation 21014  
shall receive and disburse all funds of the municipal corporation 21015  
and such other funds as arise in or belong to any department or 21016  
part of the municipal corporation, except as provided in division 21017  
(B) of this section. 21018

(B) The treasurer of a village that does not have a charter 21019  
form of government shall not disburse any funds except upon an 21020  
order signed by at least one member of the village's legislative 21021  
authority or the village clerk and countersigned by the treasurer. 21022  
The clerk-treasurer or fiscal officer of a village that does not 21023  
have a charter form of government shall not disburse any funds 21024  
except upon an order signed by at least one member of the 21025  
village's legislative authority and countersigned by the 21026  
clerk-treasurer or village fiscal officer. 21027

Sec. 733.78. (A) As used in this section, "fiscal officer" 21028  
means a village fiscal officer, a village clerk-treasurer, a 21029  
village clerk, a city auditor, a city treasurer or, in the case of 21030  
a municipal corporation having a charter that designates an 21031  
officer who, by virtue of the charter, has duties and functions 21032  
similar to those of the city or village officers referred to in 21033  
this section, the officer so designated by the charter. 21034

(B)(1) If a fiscal officer purposely, knowingly, or 21035  
recklessly fails to perform a fiscal duty expressly imposed by law 21036  
with respect to the fiscal duties of the office of fiscal officer 21037  
or purposely, knowingly, or recklessly commits any act expressly 21038  
prohibited by law with respect to the fiscal duties of the office 21039  
of fiscal officer, a member of the legislative authority of the 21040  
municipal corporation may submit a sworn affidavit alleging the 21041  
violation, together with evidence supporting the allegations, to 21042  
the auditor of state. The sworn affidavit and evidence shall be 21043  
submitted in the format prescribed by rule of the auditor of state 21044

under section 117.45 of the Revised Code. A person who makes a 21045  
false statement in a sworn affidavit, for purposes of this 21046  
section, is guilty of falsification under section 2921.13 of the 21047  
Revised Code. 21048

(2) The auditor of state shall review the sworn affidavit and 21049  
the evidence. Within ~~ten business~~ thirty calendar days after 21050  
receiving the sworn affidavit and evidence, unless, for good 21051  
cause, additional time is required, the auditor of state shall 21052  
determine whether clear and convincing evidence supports the 21053  
allegations. If the auditor of state finds that no allegation is 21054  
supported by clear and convincing evidence, the auditor of state 21055  
shall submit those findings in writing to the fiscal officer and 21056  
the person who initiated the sworn affidavit. If the auditor of 21057  
state finds by clear and convincing evidence that an allegation is 21058  
supported by the evidence, the auditor of state shall submit those 21059  
findings in writing to the attorney general, the fiscal officer, 21060  
and the person who initiated the sworn affidavit. The findings 21061  
shall include a copy of the sworn affidavit and the evidence 21062  
submitted under division (B)(1) of this section. 21063

(3)(a) The attorney general shall review the auditor of 21064  
state's findings and the sworn affidavit and evidence. Within ten 21065  
business days after receiving them, unless, for good cause, 21066  
additional time is required, the attorney general shall determine 21067  
whether clear and convincing evidence supports the allegations. If 21068  
the attorney general finds that no allegation is supported by 21069  
clear and convincing evidence, the attorney general, by certified 21070  
mail, shall notify the auditor of state, the fiscal officer, and 21071  
the person who initiated the sworn affidavit that no complaint for 21072  
the removal of the fiscal officer from public office will be 21073  
filed. 21074

(b) If the attorney general finds by clear and convincing 21075  
evidence that an allegation is supported by the evidence, the 21076

attorney general, by certified mail, shall notify the auditor of 21077  
state, the fiscal officer, and the person who initiated the sworn 21078  
affidavit of that fact, and shall commence an action for the 21079  
removal of the fiscal officer from public office under division 21080  
(C) of this section. 21081

(c) Nothing in this section is intended to limit the 21082  
authority of the attorney general to enter into mediation, 21083  
settlement, or resolution of any alleged violation before or 21084  
following the commencement of an action under this section. 21085

(C)(1)(a) The attorney general has a cause of action for 21086  
removal of a fiscal officer who purposely, knowingly, or 21087  
recklessly fails to perform a fiscal duty expressly imposed by law 21088  
with respect to the fiscal duties of the office of fiscal officer 21089  
or purposely, knowingly, or recklessly commits any act expressly 21090  
prohibited by law with respect to the fiscal duties of the office 21091  
of fiscal officer. Not later than forty-five days after sending a 21092  
notice under division (B)(3)(b) of this section, the attorney 21093  
general shall cause an action to be commenced against the fiscal 21094  
officer by filing a complaint for the removal of the fiscal 21095  
officer from public office. If any money is due, the attorney 21096  
general shall join the sureties on the fiscal officer's bond as 21097  
parties. The court of common pleas of the county in which the 21098  
fiscal officer holds office has exclusive original jurisdiction of 21099  
the action. The action shall proceed de novo as in the trial of a 21100  
civil action. The court is not restricted to the evidence that was 21101  
presented to the auditor of state and the attorney general before 21102  
the action was filed. The action is governed by the Rules of Civil 21103  
Procedure. 21104

(b) If the court finds by clear and convincing evidence that 21105  
the fiscal officer purposely, knowingly, or recklessly failed to 21106  
perform a fiscal duty expressly imposed by law with respect to the 21107  
fiscal duties of the office of fiscal officer or purposely, 21108

knowingly, or recklessly committed any act expressly prohibited by 21109  
law with respect to the fiscal duties of that office, the court 21110  
shall issue an order removing the fiscal officer from office and 21111  
any order necessary for the preservation or restitution of public 21112  
funds. 21113

(2) Except as otherwise provided in this division, an action 21114  
for removal from office under this section is stayed during the 21115  
pendency of any criminal action concerning a violation of an 21116  
existing or former municipal ordinance or law of this or any other 21117  
state or the United States that is substantially equivalent to any 21118  
criminal violation in Title ~~29~~ XXIX of the Revised Code related to 21119  
conduct in office, if the person charged in the criminal action 21120  
committed the violation while serving as a fiscal officer and the 21121  
conduct constituting the violation was related to the duties of 21122  
the office of fiscal officer or to the person's actions as the 21123  
fiscal officer. The stay may be lifted upon motion of the 21124  
prosecuting attorney in the related criminal action. 21125

(3) Prior to or at the hearing, upon a showing of good cause, 21126  
the court may issue an order restraining the fiscal officer from 21127  
entering the fiscal officer's office and from conducting the 21128  
affairs of the office pending the hearing on the complaint. If 21129  
such an order is issued, the court may continue the order until 21130  
the conclusion of the hearing and any appeals under this section. 21131

(4) The legislative authority of the municipal corporation 21132  
shall be responsible for the payment of reasonable attorney's fees 21133  
for counsel for the fiscal officer. If judgment is entered against 21134  
the fiscal officer, the court shall order the fiscal officer to 21135  
reimburse the legislative authority for attorney's fees and costs 21136  
up to a reasonable amount, as determined by the court. 21137

(D) The judgment of the court is final and conclusive unless 21138  
reversed, vacated, or modified on appeal. An appeal may be taken 21139  
by any party, and shall proceed as in the case of appeals in civil 21140

actions and in accordance with the Rules of Appellate Procedure. 21141  
Upon the filing of a notice of appeal by any party to the 21142  
proceedings, the court of appeals shall hear the case as an 21143  
expedited appeal under Rule 11.2 of the Rules of Appellate 21144  
Procedure. The fiscal officer has the right of review or appeal to 21145  
the supreme court. 21146

(E) If a final judgment for removal from public office is 21147  
entered against the fiscal officer, the office shall be deemed 21148  
vacated, and the vacancy shall be filled as provided in section 21149  
733.31 of the Revised Code. Except as otherwise provided by law, 21150  
an individual removed from public office under this section is not 21151  
entitled to hold any public office for four years following the 21152  
date of the final judgment, and is not entitled to hold any public 21153  
office until any repayment or restitution required by the court is 21154  
satisfied. 21155

(F) If a municipal corporation's charter establishes a 21156  
procedure for the removal of officers from office that conflicts 21157  
with the removal procedure established by this section, the 21158  
procedure for the removal of officers in the charter prevails. 21159

(G) For the purposes of this section: 21160

(1) A person acts purposely when it is the person's specific 21161  
intention to cause a certain result, or, when the gist of the 21162  
offense is a prohibition against conduct of a certain nature, 21163  
regardless of what the person intends to accomplish thereby, it is 21164  
the person's specific intention to engage in conduct of that 21165  
nature. 21166

(2) A person acts knowingly, regardless of the person's 21167  
purpose, when the person is aware that the person's conduct will 21168  
probably cause a certain result or will probably be of a certain 21169  
nature. A person has knowledge of circumstances when the person is 21170  
aware that such circumstances probably exist. 21171

(3) A person acts recklessly when, with heedless indifference 21172  
to the consequences, the person perversely disregards a known risk 21173  
that the person's conduct is likely to cause a certain result or 21174  
is likely to be of a certain nature. A person is reckless with 21175  
respect to circumstances when, with heedless indifference to the 21176  
consequences, the person perversely disregards a known risk that 21177  
such circumstances are likely to exist. 21178

(H) The proceedings provided for in this section may be used 21179  
as an alternative to the removal proceedings prescribed under 21180  
sections 3.07 to 3.10 of the Revised Code or other methods of 21181  
removal authorized by law. 21182

**Sec. 733.81.** (A) As used in this section, "fiscal officer" 21183  
means the city auditor, city treasurer, village fiscal officer, 21184  
village clerk-treasurer, village clerk, and, in the case of a 21185  
municipal corporation having a charter that designates an officer 21186  
who, by virtue of the charter, has duties and functions similar to 21187  
those of the city or village officers referred to in this section, 21188  
the officer so designated by the charter. 21189

(B) To enhance the background and working knowledge of fiscal 21190  
officers in government accounting, budgeting and financing, 21191  
financial report preparation, cybersecurity, and the rules adopted 21192  
by the auditor of state, the auditor of state shall conduct 21193  
education programs and continuing education courses for 21194  
individuals elected or appointed for the first time to the office 21195  
of fiscal officer, and shall conduct continuing education courses 21196  
for individuals who continue to hold the office in a subsequent 21197  
term. The Ohio municipal league also may conduct such initial 21198  
education programs and continuing education courses if approved by 21199  
the auditor of state. The auditor of state, in conjunction with 21200  
the Ohio municipal league, shall determine the manner and content 21201  
of the initial education programs and continuing education 21202

courses. 21203

(C) A newly elected or appointed fiscal officer shall 21204  
complete at least six hours of initial education programs before 21205  
commencing, or during the first year of, office. A fiscal officer 21206  
who participates in a training program held under section 117.44 21207  
of the Revised Code may apply those hours taken before commencing 21208  
office to the six hours of initial education programs required 21209  
under this division. 21210

(D)(1) In addition to the six hours of initial education 21211  
required under division (B) of this section, a newly elected 21212  
fiscal officer shall complete at least a total of eighteen 21213  
continuing education hours during the fiscal officer's first term 21214  
of office. 21215

(2) A fiscal officer who is elected to a subsequent term of 21216  
office shall complete twelve hours of continuing education courses 21217  
in each subsequent term of office. 21218

(3) The auditor of state shall adopt rules specifying the 21219  
initial education programs and continuing education courses that 21220  
are required for a fiscal officer who has been appointed to fill a 21221  
vacancy. The requirements shall be proportionally equivalent, 21222  
based on the time remaining in the vacated office, to the 21223  
requirements for a newly elected fiscal officer. 21224

(4) At least two hours of ethics instruction shall be 21225  
included in the continuing education hours required by divisions 21226  
(D)(1) and (2) of this section. 21227

(5) A fiscal officer who participates in a training program 21228  
or seminar established under section 109.43 of the Revised Code 21229  
may apply the three hours of training to the continuing education 21230  
hours required by divisions (D)(1) and (2) of this section. 21231

(E)(1) A certified public accountant who serves as a fiscal 21232  
officer may apply to the continuing education hours required by 21233

division (D) of this section any hours of continuing education 21234  
completed under section 4701.11 of the Revised Code after being 21235  
elected or appointed as a fiscal officer. 21236

(2) A fiscal officer may apply to the continuing education 21237  
hours required by division (D) of this section any hours of 21238  
continuing education completed under section 135.22 of the Revised 21239  
Code after being elected or appointed as a fiscal officer. 21240

(3) A fiscal officer who teaches an approved continuing 21241  
education course under division (D) of this section is entitled to 21242  
credit for the course in the same manner as if the fiscal officer 21243  
had attended the course. 21244

(F) The auditor of state shall adopt rules for verifying the 21245  
completion of initial education programs and continuing education 21246  
courses required under this section for each category of fiscal 21247  
officer. The auditor of state shall issue a certificate of 21248  
completion to each fiscal officer who completes the initial 21249  
education programs and continuing education courses. The auditor 21250  
of state shall issue a "failure to complete" notice to any fiscal 21251  
officer who is required to complete initial education programs and 21252  
continuing education courses under this section, but who fails to 21253  
do so. The notice is for informational purposes only and does not 21254  
affect any individual's ability to hold the office to which the 21255  
individual was elected or appointed. 21256

(G) The legislative authority of a municipal corporation 21257  
shall approve a reasonable amount requested by the fiscal officer 21258  
to cover the costs the fiscal officer is required to incur to meet 21259  
the requirements of this section, including registration fees, 21260  
lodging and meal expenses, and travel expenses. 21261

**Sec. 763.01.** As used in this chapter: 21262

(A) "Private entity" means an entity other than a government 21263

entity. 21264

(B) "Workforce development activity" has the same meaning as 21265  
in section 6301.01 of the Revised Code. 21266

~~(C) "Workforce Investment Act" means the "Workforce 21267  
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 21268  
amended. 21269~~

**Sec. 763.07.** To enhance the administration, delivery, and 21270  
effectiveness of family services duties and workforce development 21271  
activities, the chief elected official of a municipal corporation 21272  
that ~~is a local area~~ for the purpose of Chapter 6301. of the 21273  
Revised Code, ~~is the type of local area defined in division (A)(1)~~ 21274  
~~of section 6301.01 of the Revised Code~~ may enter into a regional 21275  
plan of cooperation with one or more boards of county 21276  
commissioners pursuant to section 307.984 of the Revised Code. A 21277  
regional plan of cooperation must specify how the private and 21278  
government entities subject to the plan will coordinate and 21279  
enhance the administration, delivery, and effectiveness of family 21280  
services duties and workforce development activities. 21281

**Sec. 901.04.** (A) The department of agriculture may solicit or 21282  
accept from any public or private source and shall deposit in the 21283  
state treasury to the credit of the agro Ohio fund any grant, 21284  
gift, devise, or bequest of money made to or for the use of the 21285  
department in fulfilling its statutory duties or for promoting any 21286  
part of the public welfare that is under the supervision and 21287  
control of the department. The department may also accept and hold 21288  
on behalf of this state any grant, gift, devise, or bequest of 21289  
other property made to or for the use of the department or for 21290  
promoting any part of the public welfare that is under the 21291  
supervision and control of the department. The department may 21292  
contract for and carry out the terms and conditions of any devise, 21293

grant, gift, or donation that may be so made. 21294

(B) There is hereby created in the state treasury the agro 21295  
Ohio fund, to which shall be credited all sums received under 21296  
division (A) of this section, divisions (A)(2) and (C) of section 21297  
2105.09 of the Revised Code, and ~~section~~ sections 4503.503 and 21298  
4503.504 of the Revised Code. ~~All money received under divisions~~ 21299  
~~(A)(2) and (C) of section 2105.09 of the Revised Code shall be~~ 21300  
~~used for the benefit of agriculture. All~~ 21301

(C) All money received under section 4503.504 of the Revised 21302  
Code shall be used for the benefit of sustainable agriculture 21303  
markets in the state as determined by the director of agriculture. 21304

~~(C) The director may use all or any portion of the moneys in 21305  
the agro Ohio fund to award grants for the purpose of promoting 21306  
agriculture in this state. With respect to such grants that 21307  
consist of moneys other than federal moneys, the director shall 21308  
adopt rules in accordance with Chapter 119. of the Revised Code 21309  
establishing all of the following:~~ 21310

~~(1) Specific purposes for which grants may be awarded;~~ 21311

~~(2) Procedures for soliciting grant applications, applying 21312  
for grants, awarding grants, and otherwise administering grants;~~ 21313

~~(3) Eligibility criteria for receiving grants that must be 21314  
satisfied by applicants for the grants;~~ 21315

~~(4) Any other procedures and requirements that are necessary 21316  
to administer a grant program.~~ 21317

~~(D) Federal moneys deposited into~~ Federal money credited to 21318  
the ~~agro Ohio~~ fund shall be used in accordance with any terms that 21319  
federal law prescribes for their use. All other money credited to 21320  
the fund shall be used for the purpose of promoting agriculture in 21321  
the state as determined by the director. 21322

**Sec. 901.43.** (A) The director of agriculture may authorize 21323

any department of agriculture laboratory to perform a laboratory 21324  
service for any person, organization, political subdivision, state 21325  
agency, federal agency, or other entity, whether public or 21326  
private. The director shall adopt and enforce rules to provide for 21327  
the rendering of a laboratory service. 21328

(B) The director may charge a reasonable fee for the 21329  
performance of a laboratory service, except when the service is 21330  
performed on an official sample taken by the director acting 21331  
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 21332  
Revised Code; by a board of health acting as the licensor of 21333  
retail food establishments or food service operations under 21334  
Chapter 3717. of the Revised Code; or by the director of health 21335  
acting as the licensor of food service operations under Chapter 21336  
3717. of the Revised Code. The director of agriculture shall adopt 21337  
rules specifying what constitutes an official sample. 21338

The director shall publish a list of laboratory services 21339  
offered, together with the fee for each service. 21340

(C) The director may enter into a contract with any person, 21341  
organization, political subdivision, state agency, federal agency, 21342  
or other entity for the provision of a laboratory service. 21343

(D)(1) The director may adopt rules establishing standards 21344  
for accreditation of laboratories and laboratory services and in 21345  
doing so may adopt by reference existing or recognized standards 21346  
or practices. 21347

(2) The director may inspect and accredit laboratories and 21348  
laboratory services, and may charge a reasonable fee for the 21349  
inspections and accreditation. 21350

(E)(1) There is hereby created in the state treasury the 21351  
animal and consumer protection laboratory fund. Moneys from the 21352  
following sources shall be deposited into the state treasury to 21353  
the credit of the fund: all moneys collected by the director under 21354

this section that are from fees generated by a laboratory service 21355  
performed by the department and related to the diseases of 21356  
animals, all moneys so collected that are from fees generated for 21357  
the inspection and accreditation of laboratories and laboratory 21358  
services related to the diseases of animals, all moneys collected 21359  
by the director under this section that are from fees generated by 21360  
a laboratory service performed by the consumer protection 21361  
laboratory, all moneys so collected that are from fees generated 21362  
for the inspection and accreditation of laboratories and 21363  
laboratory services not related to weights and measures, money 21364  
received by the director under sections 947.01 to 947.06 of the 21365  
Revised Code, and all moneys collected under Chapters 942., 943., 21366  
and 953. of the Revised Code. The director may use the moneys held 21367  
in the fund to pay the expenses necessary to operate the animal 21368  
industry laboratory and the consumer protection laboratory, 21369  
including the purchase of supplies and equipment. 21370

(2) All moneys collected by the director under this section 21371  
that are from fees generated by a laboratory service performed by 21372  
the weights and measures laboratory, and all moneys so collected 21373  
that are from fees generated for the inspection and accreditation 21374  
of laboratories and laboratory services related to weights and 21375  
measures, shall be deposited in the state treasury to the credit 21376  
of the weights and measures laboratory fund, which is hereby 21377  
created in the state treasury. The moneys held in the fund may be 21378  
used to pay the expenses necessary to operate the division of 21379  
weights and measures, including the purchase of supplies and 21380  
equipment. 21381

**Sec. 909.10.** (A) No person shall ship or move bee colonies or 21382  
any used beekeeping equipment into this state from any other state 21383  
or country without an inspection certificate issued by an 21384  
authorized inspector from the state or country wherein shipment or 21385  
movement originated. The certificate shall identify all pathogens 21386

and parasites diagnosed and any controls that were implemented. 21387

In the absence of inspection facilities in another state or 21388  
country, the director of agriculture may issue a permit 21389  
authorizing the shipment or movement of the bee colonies or used 21390  
beekeeping equipment into this state, provided that upon entry the 21391  
bees or equipment is inspected by the department of agriculture. 21392  
The cost of the inspection shall be paid upon completion in an 21393  
amount determined by rule of the director. The inspection fees 21394  
shall be paid to the director and deposited by ~~him~~ the director 21395  
with the treasurer of state to the credit of the ~~general revenue~~ 21396  
plant pest program fund created in section 927.54 of the Revised 21397  
Code. 21398

If any serious bee diseases are diagnosed, appropriate 21399  
controls and eradication measures immediately shall be implemented 21400  
by the person shipping or owning the bee colonies or used 21401  
beekeeping equipment. If the person shipping or owning the bee 21402  
colonies or equipment does not implement any controls or 21403  
eradication measures within forty-eight hours from the inspection, 21404  
the bee colonies or equipment shall be removed from this state at 21405  
the cost of the person shipping or owning them. 21406

(B) Any person selling, shipping, or moving into this state 21407  
any queen bees or packaged bees shall submit to the director an 21408  
inspection report issued by an authorized inspector from the state 21409  
or country wherein shipment or movement originated. One such 21410  
report shall be submitted annually thirty days prior to the 21411  
initial sale, shipment, or movement of queen bees or packaged bees 21412  
of that year. The report shall identify any pathogens and 21413  
parasites diagnosed and any controls that were implemented. If any 21414  
serious bee diseases have not been controlled or if inspection 21415  
reports are not provided as required under this section, such 21416  
shipments shall be prohibited from entering this state. 21417

(C) The director may deny entry of the bee colonies or used 21418

equipment if ~~he~~ the director determines they are a threat to the 21419  
bee population of this state. 21420

(D) No person shall ship or move into this state any 21421  
Africanized honey bees. 21422

**Sec. 911.11.** The director of agriculture may require any 21423  
person intending to work or working in a bakery to submit to a 21424  
thorough examination for the purpose of ascertaining whether the 21425  
person is afflicted with any contagious, infectious, or other 21426  
disease or physical ailment, which may render employment 21427  
detrimental to the public health. All such examinations shall be 21428  
made by a qualified physician ~~certified~~ licensed under section 21429  
4731.14 of the Revised Code, by a physician assistant, by a 21430  
clinical nurse specialist, by a certified nurse practitioner, or 21431  
by a certified nurse-midwife. Any written documentation of the 21432  
examination shall be completed by the individual who did the 21433  
examination. 21434

**Sec. 924.01.** As used in sections 924.01 to 924.16 and 924.40 21435  
to 924.55 of the Revised Code: 21436

(A) "Agricultural commodity" means any food, fiber, feed, 21437  
animal, or plant, or group of foods, fibers, feeds, animals, or 21438  
plants that the director of agriculture determines to be of the 21439  
same nature, in either a natural or a processed state. 21440  
"Agricultural commodity" does not include grain as defined in 21441  
section 924.20 of the Revised Code or soybeans. 21442

(B) "Distributor" means any person who sells, offers for 21443  
sale, markets, or distributes an agricultural commodity that the 21444  
person has purchased or acquired directly from a producer, or that 21445  
the person markets on behalf of a producer. 21446

(C) "Handler" means any person who is in the business of 21447  
packing, grading, selling, offering for sale, or marketing any 21448

agricultural commodity in commercial quantities as defined in a 21449  
marketing program. 21450

(D) "Marketing program" means a program that is established 21451  
by order of the director pursuant to this chapter, to improve or 21452  
expand the market for an agricultural commodity. 21453

(E) "Operating committee" means a committee established to 21454  
administer a marketing program for an agricultural commodity. 21455

(F) "Person" means any natural person, partnership, sole 21456  
proprietorship, limited liability company, corporation, society, 21457  
agricultural cooperative as defined in section 1729.01 of the 21458  
Revised Code, association, or fiduciary. 21459

(G) "Processor" means any person who is in the business of 21460  
grading, packaging, packing, canning, freezing, dehydrating, 21461  
fermenting, distilling, extracting, preserving, grinding, 21462  
crushing, juicing, or in any other way preserving or changing the 21463  
form of any agricultural commodity. 21464

(H) "Producer" means any person who is in the business of 21465  
producing, or causing to be produced, any agricultural commodity 21466  
for commercial sale, except that when used in reference to nursery 21467  
stock, "producer" also means a distributor, processor, handler, or 21468  
retailer of nursery stock. 21469

**Sec. 924.09.** (A) Each operating committee may make 21470  
assessments upon the marketable agricultural commodity for which 21471  
the marketing program was established. 21472

(B) No operating committee shall levy any assessment: 21473

(1) That was not approved by the producers affected by the 21474  
program; 21475

(2) That exceeds two cents per bushel of corn ~~or soybeans~~ or 21476  
two per cent of the average market price of any other agricultural 21477  
commodity during the preceding marketing year as defined for the 21478

commodity by the United States department of agriculture or, if 21479  
there is no such definition, by the director of agriculture; 21480

(3) Against any producer who is not eligible to vote in a 21481  
referendum for the marketing program that the operating committee 21482  
administers. 21483

(C) The director may require a producer, processor, 21484  
distributor, or handler of an agricultural commodity for which a 21485  
marketing program has been established under sections 924.01 to 21486  
924.16 of the Revised Code to withhold assessments from any 21487  
amounts that the producer, processor, distributor, or handler owes 21488  
to producers of the commodity and, notwithstanding division (B)(3) 21489  
of this section, to remit them to the operating committee. Any 21490  
processor, distributor, or handler who pays for any producer any 21491  
assessment that is levied under authority of this section may 21492  
deduct the amount of the assessment from any moneys that the 21493  
processor, distributor, or handler owes to the producer. 21494

(D) No operating committee shall use any assessments that it 21495  
levies for any political or legislative purpose, or for 21496  
preferential treatment of one person to the detriment of any other 21497  
person affected by the marketing program. 21498

(E) The operating committee of each marketing program shall 21499  
refund to a producer the assessments that it collects from the 21500  
producer not later than sixty days after receipt of a valid 21501  
application by the producer for a refund, provided that the 21502  
producer complies with the procedures for a refund that were 21503  
included in the program under division (B)(3) of section 924.04 of 21504  
the Revised Code. 21505

(F) Each application for a refund of assessments levied for a 21506  
program established after April 10, 1985 shall be made on a form 21507  
provided by the director of agriculture. Each operating committee 21508  
for such a program shall ensure that refund forms are available 21509

where assessments for its program are withheld. 21510

A producer, processor, distributor, or handler marketing 21511  
cattle subject to the "Beef Promotion and Research Act," as 21512  
amended, shall remit the assessment for the national cattlemen's 21513  
beef promotion and research board, as specified in the "Beef 21514  
Promotion and Research Act," 99 Stat. 1597 (1985), 7 U.S.C. 21515  
2904(8), to the state beef marketing program if the state beef 21516  
marketing program is a qualified state beef council as defined by 21517  
that act. Division (E) of this section does not apply to such 21518  
assessments collected by the state beef marketing program on 21519  
behalf of the national cattlemen's beef promotion and research 21520  
board pursuant to the "Beef Promotion and Research Act," as 21521  
amended, for which the producers that pay the assessments receive 21522  
credits from the board. 21523

Sec. 924.211. (A) There is hereby established the soybean 21524  
marketing program. Except as provided under divisions (B) and (C) 21525  
of this section, the procedures, requirements, and other 21526  
provisions that are established under sections 924.20 to 924.30 of 21527  
the Revised Code and rules that apply to the grain marketing 21528  
program shall apply to the soybean marketing program. For purposes 21529  
of that application, references in those sections to "grain" are 21530  
deemed to be replaced with references to "soybeans." 21531

(B) The soybean marketing program operating committee shall 21532  
consist of eighteen members. Fourteen of those members shall be 21533  
elected in accordance with section 924.22 of the Revised Code. The 21534  
director of agriculture shall appoint the remaining four members, 21535  
who shall be from the united soybean board from this state. The 21536  
appointed members of the board shall be voting members of the 21537  
committee. 21538

(C) With regard to the levying of assessments under section 21539  
924.26 of the Revised Code, the assessment on soybeans shall be 21540

one-half of one per cent of the per-bushel price of soybeans at 21541  
the first point of sale. However, if assessments are levied under 21542  
the national soybean checkoff program created by the "Soybean 21543  
Promotion, Research, and Consumer Information Act," 104 Stat. 3881 21544  
(1990), 7 U.S.C. 6301 et seq., no assessments shall be levied for 21545  
purposes of the soybean marketing program established under this 21546  
section. 21547

**Sec. 927.55.** The fees required by section 927.53 of the 21548  
Revised Code do not apply to: 21549

(A) A person who produces for sale either within this state 21550  
or within any state in which such plants and parts do not require 21551  
a certificate of inspection as a condition of entry, only nonhardy 21552  
plants and plant parts, vegetable plants, herbs, or forced floral 21553  
plants, of whatever nature, while in bloom; 21554

(B) A person who conducts the sale of nursery stock as a fund 21555  
raiser for a nonprofit organization or nonprofit purpose for no 21556  
more than two days per year, who is not a nurseryman, dealer, or 21557  
collector, and who makes no more than two ~~hundred~~ thousand dollars 21558  
in ~~sales~~ revenue from the sale of nursery stock during a calendar 21559  
year; 21560

(C) Any public or private arboretum operated not for profit, 21561  
which exchanges inspected nursery stock in limited quantities for 21562  
experimental or permanent arboretum plantings. 21563

**Sec. 939.02.** The director of agriculture shall do all of the 21564  
following: 21565

(A) Provide administrative leadership to soil and water 21566  
conservation districts in planning, budgeting, staffing, and 21567  
administering district programs and the training of district 21568  
supervisors and personnel in their duties, responsibilities, and 21569  
authorities as prescribed in this chapter and Chapter 940. of the 21570

Revised Code;	21571
(B) Administer this chapter and Chapter 940. of the Revised Code pertaining to state responsibilities and provide staff assistance to the Ohio soil and water conservation commission in exercising its statutory responsibilities;	21572 21573 21574 21575
(C) Assist in expediting state responsibilities for watershed development and other natural resource conservation works of improvement;	21576 21577 21578
(D) Coordinate the development and implementation of cooperative programs and working agreements between soil and water conservation districts and the department of agriculture or other agencies of local, state, and federal government;	21579 21580 21581 21582
(E) Subject to the approval of the Ohio soil and water conservation commission, adopt rules in accordance with Chapter 119. of the Revised Code that do or comply with all of the following:	21583 21584 21585 21586
(1) Establish technically feasible and economically reasonable standards to achieve a level of management and conservation practices in farming operations that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by residual farm products, manure, or soil sediment, including attached substances, and establish criteria for determination of the acceptability of such management and conservation practices;	21587 21588 21589 21590 21591 21592 21593 21594
(2) Establish procedures for administration of rules for agricultural pollution abatement and for enforcement of those rules;	21595 21596 21597
(3) Specify the pollution abatement practices eligible for state cost sharing and determine the conditions for eligibility, the construction standards and specifications, the useful life, the maintenance requirements, and the limits of cost sharing for	21598 21599 21600 21601

those practices. Eligible practices shall be limited to practices 21602  
that address agricultural operations and that require expenditures 21603  
that are likely to exceed the economic returns to the owner or 21604  
operator and that abate soil erosion or degradation of the waters 21605  
of the state by residual farm products, manure, or soil sediment, 21606  
including attached pollutants. 21607

(4) Establish procedures for administering grants to owners 21608  
or operators of agricultural land or animal feeding operations for 21609  
the implementation of operation and management plans; 21610

(5) Do both of the following with regard to composting 21611  
conducted in conjunction with agricultural operations: 21612

(a) Establish methods, techniques, or practices for 21613  
composting dead animals, or particular types of dead animals, that 21614  
are to be used at such operations, as the director considers to be 21615  
necessary or appropriate; 21616

(b) Establish requirements and procedures governing the 21617  
review and approval or disapproval of composting plans by the 21618  
supervisors of soil and water conservation districts under 21619  
division (R) of section 940.06 of the Revised Code. 21620

(6) Establish best management practices for inclusion in 21621  
operation and management plans; 21622

(7) Establish the amount of civil penalties assessed by the 21623  
director under division ~~(B)~~(A) of section 939.07 of the Revised 21624  
Code for violation of rules adopted under division (E) of this 21625  
section; 21626

(8) Not conflict with air or water quality standards adopted 21627  
pursuant to section 3704.03 or 6111.041 of the Revised Code. 21628  
Compliance with rules adopted under this section does not affect 21629  
liability for noncompliance with air or water quality standards 21630  
adopted pursuant to section 3704.03 or 6111.041 of the Revised 21631  
Code. The application of a level of management and conservation 21632

practices recommended under this section to control windblown soil 21633  
from farming operations creates a presumption of compliance with 21634  
section 3704.03 of the Revised Code as that section applies to 21635  
windblown soil. 21636

(F) Cost share with landowners on practices established 21637  
pursuant to division (E)(3) of this section as moneys are 21638  
appropriated and available for that purpose. Any practice for 21639  
which cost share is provided shall be maintained for its useful 21640  
life. Failure to maintain a cost share practice for its useful 21641  
life shall subject the landowner to full repayment to the 21642  
department. 21643

(G) Employ field assistants and other employees that are 21644  
necessary for the performance of the work prescribed by Chapter 21645  
940. of the Revised Code, for performance of work of the 21646  
department under this chapter, and as agreed to under working 21647  
agreements or contractual arrangements with soil and water 21648  
conservation districts, prescribe their duties, and fix their 21649  
compensation in accordance with schedules that are provided by law 21650  
for the compensation of state employees. All such employees of the 21651  
department, unless specifically exempted by law, shall be employed 21652  
subject to the classified civil service laws in force at the time 21653  
of employment. 21654

(H) In connection with new or relocated projects involving 21655  
highways, underground cables, pipelines, railroads, and other 21656  
improvements affecting soil and water resources, including surface 21657  
and subsurface drainage: 21658

(1) Provide engineering service that is mutually agreeable to 21659  
the Ohio soil and water conservation commission and the director 21660  
to aid in the design and installation of soil and water 21661  
conservation practices as a necessary component of such projects; 21662

(2) Maintain close liaison between the owners of lands on 21663

which the projects are executed, soil and water conservation	21664
districts, and authorities responsible for such projects;	21665
(3) Review plans for such projects to ensure their compliance	21666
with standards developed under division (E) of this section in	21667
cooperation with the department of transportation or with any	21668
other interested agency that is engaged in soil or water	21669
conservation projects in the state in order to minimize adverse	21670
impacts on soil and water resources adjacent to or otherwise	21671
affected by these projects;	21672
(4) Recommend measures to retard erosion and protect soil and	21673
water resources through the installation of water impoundment or	21674
other soil and water conservation practices;	21675
(5) Cooperate with other agencies and subdivisions of the	21676
state to protect the agricultural status of rural lands adjacent	21677
to such projects and control adverse impacts on soil and water	21678
resources.	21679
(I) Collect, analyze, inventory, and interpret all available	21680
information pertaining to the origin, distribution, extent, use,	21681
and conservation of the soil resources of the state;	21682
(J) Prepare and maintain up-to-date reports, maps, and other	21683
materials pertaining to the soil resources of the state and their	21684
use and make that information available to governmental agencies,	21685
public officials, conservation entities, and the public;	21686
(K) Provide soil and water conservation districts with	21687
technical assistance including on-site soil investigations and	21688
soil interpretation reports on the suitability or limitations of	21689
soil to support a particular use or to plan soil conservation	21690
measures. The assistance shall be on terms that are mutually	21691
agreeable to the districts and the department of agriculture.	21692
(L) Assist local government officials in utilizing land use	21693
planning and zoning, current agricultural use value assessment,	21694

development reviews, and land management activities; 21695

(M) When necessary for the purposes of this chapter or 21696  
Chapter 940. of the Revised Code, develop or approve operation and 21697  
management plans. The director may designate an employee of the 21698  
department to develop or approve operation and management plans in 21699  
lieu of the director. 21700

This section does not restrict the manure of domestic or farm 21701  
animals defecated on land outside an animal feeding operation or 21702  
runoff from that land into the waters of the state. 21703

**Sec. 940.15.** (A) ~~Except as provided in division (B) of this~~ 21704  
~~section, within~~ Within the limits of funds appropriated to the 21705  
department of agriculture and the soil and water conservation 21706  
district assistance fund created in this section, there shall be 21707  
paid in each calendar year to each soil and water conservation 21708  
district ~~an~~ a matching amount not to exceed one dollar for each 21709  
one dollar received ~~in~~ by a district as follows: 21710

(1) In accordance with section 940.12 of the Revised Code, ~~7~~ 21711  
~~received from;~~ 21712

(2) From tax levies in excess of the ten-mill levy limitation 21713  
approved for the benefit of soil and water conservation districts, ~~7~~ 21714  
~~received pursuant to a contract entered into under section~~ 21715  
~~6117.021 of the Revised Code, or received from; or~~ 21716

(3) From an appropriation by a municipal corporation or a 21717  
township to a maximum of eight thousand dollars, provided that the 21718  
Ohio soil and water conservation commission may approve payment to 21719  
a district in an amount in excess of eight thousand dollars in any 21720  
calendar year upon receipt of a request and justification from the 21721  
district. ~~The~~ 21722

The county auditor shall credit such payments to the special 21723  
fund established pursuant to section 940.12 of the Revised Code 21724

for the soil and water conservation district. The department may 21725  
make advances at least quarterly to each district on the basis of 21726  
the estimated contribution of the state to each district. Moneys 21727  
received by each district shall be expended for the purposes of 21728  
the district. 21729

~~(B) Money paid to a soil and water conservation district 21730  
under division (A) of this section that results from a board of 21731  
county commissioners' compensation to the district pursuant to a 21732  
contract entered into under section 6117.021 of the Revised Code 21733  
in calendar years 2015, 2016, and 2017 shall not exceed the amount 21734  
of money paid to the district under that division during calendar 21735  
year 2013 that resulted from the board of county commissioners' 21736  
having used the proceeds of a contract entered into between the 21737  
board of county commissioners and a district of a type similar to 21738  
that which is authorized by section 6117.021 of the Revised Code, 21739  
directly or indirectly, for matching funds in calendar year 2013, 21740  
but may exceed that amount to the extent that other sources of 21741  
local matching funds specified by division (A) of this section are 21742  
used by the district for local matching funds in state fiscal 21743  
years 2015, 2016, and 2017. 21744~~

~~(C) For the purpose of providing money to soil and water 21745  
conservation districts under this section, there is hereby created 21746  
in the state treasury the soil and water conservation district 21747  
assistance fund consisting of money credited to it under sections 21748  
3714.073 and 3734.901 and division (A)(4) of section 3734.57 of 21749  
the Revised Code. 21750~~

**Sec. 941.12.** ~~(A) Except as provided in rules adopted under 21751  
section 941.41 of the Revised Code, no animal shall be ordered 21752  
destroyed by the director of agriculture, in accordance with this 21753  
chapter, until that animal has been appraised in accordance with 21754  
divisions (B) and (C) of this section. This section does not apply 21755~~

~~to any animal that is adulterated with residues and ordered  
destroyed by the director.~~ 21756  
21757

~~(B) The director of agriculture shall appraise, based on  
current market value, any animal destroyed by his order under this  
chapter, and If an animal is ordered destroyed by the director of  
agriculture under this chapter, the director shall take an  
inventory of each animal that is destroyed and record sufficient  
information in order for an appraisal to be conducted, if  
necessary.~~ 21758  
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(B)(1) Within thirty days after receiving a destruction order  
issued under this chapter, the owner of the animal subject to the  
order that seeks indemnification for the animal shall do both of  
the following: 21765  
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(a) Request the information recorded under division (A) of  
this section and have an appraisal of the animal conducted at the  
owner's expense; 21769  
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(b) Request that the department of agriculture conduct an  
appraisal of the animal. If an appraisal is requested, the  
director shall order the appraisal to be conducted. 21772  
21773  
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(2) If the owner and the department do not agree on the value  
of the animal ordered destroyed, the two shall select a third  
disinterested person, at the owner's expense, to appraise the  
animal. The appraisal conducted by that person is the value of the  
animal for purposes of indemnification. 21775  
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(3) If an appraisal is not conducted under division (B)(1)(a)  
of this section or requested under division (B)(1)(b) of this  
section within thirty days of receiving the destruction order  
issued under this chapter, the owner waives the right to  
indemnification of the animal. 21780  
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(C) Once the value of the animal ordered destroyed is  
determined, the director may indemnify the owner of the animal if, 21785  
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upon the request of the director, the director of budget and 21787  
management provides written notification to the director of 21788  
agriculture that there is an unencumbered balance in the 21789  
appropriation for the current biennium sufficient to pay the 21790  
indemnity. The amount of indemnity ~~shall be~~ is the appraised value 21791  
of the animal, less any salvage value and indemnity received from 21792  
another agency. In no case shall the state indemnity payment 21793  
exceed fifty dollars per head for a grade animal or one hundred 21794  
dollars per head for a registered purebred animal. 21795

~~(C) For the purpose of indemnification, the value of any 21796  
animal ordered destroyed shall be determined by an appraisal made 21797  
by a representative chosen by the owner and a representative 21798  
chosen by the department of agriculture. In the event of a 21799  
disagreement as to the amount of the appraisal, a third 21800  
disinterested person shall be selected, at the owner's expense, by 21801  
the two, to act with them in the appraisal of the animal. 21802~~

(D) The director of agriculture may refuse to pay an 21803  
indemnity for any animal ordered destroyed if the owner has been 21804  
convicted of or pleads guilty to a violation of any of the 21805  
provisions of this chapter or the rules promulgated thereunder. 21806

**Sec. 941.55.** (A) Notwithstanding ~~sections~~ section 941.11 ~~and~~ 21807  
~~941.12~~ of the Revised Code, every bovine animal that is ordered 21808  
destroyed because of tuberculosis following a tuberculosis test 21809  
made in accordance with section 941.54 of the Revised Code shall 21810  
be slaughtered in an establishment approved by the department of 21811  
agriculture no later than fifteen days after it is ordered 21812  
destroyed, unless an extension of time is granted by the 21813  
department. 21814

(B) A post mortem examination shall be made by a veterinarian 21815  
authorized by the department, and a report of the examination 21816  
shall be filed within five days after the examination on forms 21817

provided by the department. 21818

**Sec. 943.23.** (A) A captive whitetail deer licensee shall 21819  
comply with the requirements established in sections 943.20 to 21820  
943.26 of the Revised Code and in rules. The director of 21821  
agriculture may suspend or revoke a license issued under section 21822  
943.03 or 943.031 of the Revised Code regarding monitored captive 21823  
deer, captive deer with status, or captive deer with certified 21824  
chronic wasting disease status if the licensee fails to comply 21825  
with those requirements. 21826

(B)(1) The director, after providing an opportunity for an 21827  
adjudication hearing under Chapter 119. of the Revised Code, may 21828  
assess a civil penalty against a person who has violated or is in 21829  
violation of section 943.20 of the Revised Code. If the director 21830  
assesses a civil penalty, the director shall do so as follows: 21831

(a) If, within five years of the violation, the director has 21832  
not previously assessed a civil penalty against the person under 21833  
this section, in an amount not exceeding five hundred dollars; 21834

(b) If, within five years of the violation, the director has 21835  
previously assessed one civil penalty against the person under 21836  
this section, in an amount not exceeding two thousand five hundred 21837  
dollars; 21838

(c) If, within five years of the violation, the director has 21839  
previously assessed two or more civil penalties against the person 21840  
under this section, in an amount not exceeding ten thousand 21841  
dollars. 21842

(2) Money collected under division (B)(1) of this section 21843  
shall be deposited in the state treasury to the credit of the 21844  
captive deer fund created in section 943.26 of the Revised Code. 21845

**Sec. 947.06.** (A) The director of agriculture shall adopt 21846  
rules, subject to Chapter 119. of the Revised Code, to implement, 21847

administer, and enforce this chapter. No person shall violate such a rule of the director. 21848  
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(B) In cooperation with law enforcement officers in this and other states, the director shall develop a uniform procedure for notifying livestock marketing and slaughtering establishments of reported livestock thefts and of any brands or other identifying marks on such livestock. 21850  
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(C) Moneys received by the director under sections 947.01 to 947.06 of the Revised Code shall be deposited in the ~~brand registration state treasury to the credit of the animal and consumer protection laboratory fund, which is hereby~~ created in the state treasury. The director shall spend moneys from the fund to pay the costs and expenses of administering sections 947.01 to 947.06 section 901.43 of the Revised Code. 21855  
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**Sec. 1121.10.** (A) As often as the superintendent of financial institutions considers necessary, but at least once each twenty-four-month cycle, the superintendent, or any deputy or examiner appointed by the superintendent for that purpose, shall thoroughly examine the records and affairs of each bank. The examination shall include a review of both of the following: 21862  
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(1) Compliance with law; 21868

(2) Other matters the superintendent determines. 21869

(B) The superintendent may examine the records and affairs of any of the following as the superintendent considers necessary: 21870  
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(1) Any party to a proposed reorganization for which the superintendent's approval is required by section 1115.11 or 1115.14 of the Revised Code; 21872  
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(2) Any bank, savings and loan association, or savings bank proposing to convert to a bank doing business under authority granted by the superintendent for which the superintendent's 21875  
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approval is required by section 1115.01 of the Revised Code; 21878

(3) Any person proposing to acquire control of a bank for 21879  
which the superintendent's approval is required by section 1115.06 21880  
of the Revised Code, or who acquired control of a bank without the 21881  
approval of the superintendent when that approval was required by 21882  
section 1115.06 of the Revised Code, was the bank of which control 21883  
is to be, or was, acquired; 21884

(4) Any bank proposing to establish or acquire a branch for 21885  
which the superintendent's approval is required by section 1117.02 21886  
of the Revised Code; 21887

(5) Any foreign bank that maintains, or proposes to 21888  
establish, one or more offices in this state; 21889

(6) Any trust company. 21890

(C) The board of directors or holders of a majority of the 21891  
shares of a bank or trust company may request the superintendent 21892  
conduct a special examination of the records and affairs of the 21893  
bank or trust company. The superintendent has sole discretion over 21894  
the scope and timing of a special examination, and may impose 21895  
restrictions and limitations on the use of the results of a 21896  
special examination in addition to the restrictions and 21897  
limitations otherwise imposed by law. The fee for a special 21898  
examination shall be paid by the bank or trust company examined in 21899  
accordance with section 1121.29 of the Revised Code. 21900

(D) The superintendent may conduct all aspects of an 21901  
examination concurrently or may divide the examination into 21902  
constituent parts and conduct them at various times. 21903

(E) The superintendent shall preserve the report of each 21904  
examination, including related correspondence received and copies 21905  
of related correspondence sent, for ~~twenty~~ ten years after the 21906  
examination date. 21907

Sec. 1121.24. (A) If, under Chapters 1101. to 1127. of the 21908  
Revised Code, a proposed action or transaction is subject to the 21909  
approval of the superintendent of financial institutions or an 21910  
opportunity for the superintendent to disapprove, and if the 21911  
person proposing the action or transaction is required to submit 21912  
an application or notice to the superintendent, then the 21913  
application or notice is not complete and the superintendent shall 21914  
not accept it for processing until the person pays the fee 21915  
established pursuant to division (C) of section 1121.29 of the 21916  
Revised Code. 21917

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 21918  
a proposed action or transaction is subject to the approval of the 21919  
superintendent or an opportunity for the superintendent to 21920  
disapprove and the superintendent must make that determination 21921  
within a certain time, and if the person proposing the action or 21922  
transaction is required to submit an application or notice to the 21923  
superintendent, then the time in which the superintendent must 21924  
make the determination does not begin to run until the 21925  
superintendent has determined the application or notice is 21926  
complete and has accepted it for processing. 21927

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 21928  
either of the following: 21929

(a) The superintendent from denying, or issuing a disapproval 21930  
of, an application or notice, prior to the superintendent's 21931  
acceptance of the application or notice for processing, on the 21932  
basis that the person who submitted the application or notice 21933  
failed to include all of the items and address all of the issues 21934  
required for the application or notice, if both of the following 21935  
apply: 21936

(i) The superintendent advised the person that the 21937  
application or notice was incomplete. 21938

(ii) After being advised by the superintendent that the application or notice was incomplete, the person did not, within a reasonable period of time, complete the application or notice.

(b) The superintendent from denying, or issuing a disapproval of, an application or notice on the basis that the person who submitted the application or notice failed to provide the information necessary for the superintendent to adequately consider the application or notice after the superintendent's acceptance of the application or notice for processing, if both of the following apply:

(i) After having begun processing the application or notice, the superintendent determined and advised the person that additional information was necessary to adequately consider the application or notice.

(ii) After being advised by the superintendent that additional information was necessary to adequately consider the application or notice, the person did not, within a reasonable period of time, provide that information.

~~(B)~~(C) A determination by the superintendent that an application or notice is complete and is accepted for processing means only that the application or notice, on its face, appears to include all of the items and to address all of the matters that are required. A determination by the superintendent that an application or notice is complete and is accepted for processing is not an assessment of the substance of the application or notice, or of the sufficiency of the information provided.

**Sec. 1121.29.** (A)(1) Each bank, savings and loan association, and savings bank subject to inspection and examination by the superintendent of financial institutions and transacting business on the thirty-first day of December, or their successors in interest, shall pay to the treasurer of state assessments as

provided in this section. The superintendent shall make each 21970  
assessment based on the total assets as shown on the books of the 21971  
bank, savings and loan association, or savings bank as of the 21972  
thirty-first day of December of the previous year. The 21973  
superintendent shall collect the assessment on an annual or 21974  
periodic basis, as provided by the superintendent. All assessments 21975  
shall be paid within fourteen days after receiving an invoice for 21976  
payment of the assessment. 21977

(2) After determining the budget of the division of financial 21978  
institutions for examination and regulation of banks, savings and 21979  
loan associations, and savings banks, but prior to establishing 21980  
the schedule of assessments under this division necessary to fund 21981  
that budget, the superintendent shall consider any necessary cash 21982  
reserves and any amounts collected but not yet expended or 21983  
encumbered by the superintendent in the previous fiscal year's 21984  
budget and remaining in the banks fund pursuant to division (C) of 21985  
section 1121.30 of the Revised Code. 21986

(3) The superintendent shall establish the actual schedule of 21987  
assessments on an annual basis, present the schedule to the 21988  
banking commission for confirmation, and forward copies of the 21989  
current year's schedule to banks, savings and loan associations, 21990  
and savings banks doing business under authority granted by the 21991  
superintendent, or their successors in interest. 21992

If during the period between the banking commission's 21993  
confirmation of the schedule of assessments and the completion of 21994  
the fiscal year in which those assessments will be collected, the 21995  
banking commission determines additional money is required to 21996  
adequately fund the operations of the division of financial 21997  
institutions for that fiscal year, the banking commission may, by 21998  
the affirmative vote of two-thirds of its members, increase the 21999  
schedule of assessments for that fiscal year. The superintendent 22000

shall promptly notify each bank, savings and loan association, and savings bank of the increased assessment, and each bank, savings and loan association, and savings bank shall pay the increased assessment as made and invoiced by the superintendent. 22001  
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(4) A bank, savings and loan association, or savings bank authorized by the superintendent to commence business in the period between assessments shall pay the actual reasonable costs of the division's examinations and visitations. The bank, savings and loan association, or savings bank shall pay the costs within fourteen days after receiving an invoice for payment. 22005  
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(B)(1) Whenever in the judgment of the superintendent the condition or conduct of a bank renders it necessary to make additional examinations and follow-up visitations within the examination cycle beyond the minimum required by division (A) of section 1121.10 of the Revised Code, the superintendent shall charge the bank for the additional examinations and follow-up visitations as provided in division (C) of this section. The bank shall pay the fee charged within fourteen days after receiving an invoice for payment. 22011  
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(2) The superintendent shall charge a bank for any examination of the bank's operations as a trust company and data processing facility in accordance with division (C) of this section whether that examination is the only examination of the bank in the examination cycle or in addition to other examinations of the bank's operations. 22020  
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(C) The superintendent shall periodically establish a schedule of fees to be paid for examinations, applications, certifications, and notices considered necessary by the superintendent. 22026  
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(D)(1) The superintendent may waive any fees provided for in division (C) of this section to protect the interests of 22030  
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depositors and for other fair and reasonable purposes as 22032  
determined by the superintendent. 22033

(2) The fees established by the superintendent pursuant to 22034  
division (C) of this section for processing applications and 22035  
notices and conducting and processing examinations shall be 22036  
reasonable considering the direct and indirect costs to the 22037  
division, as determined by the superintendent, of processing the 22038  
applications and for conducting and processing the examinations. 22039

(E) The superintendent may determine and charge reasonable 22040  
fees for furnishing and certifying copies of documents filed with 22041  
the division and for any expenses incurred by the division in the 22042  
publication or serving of required notices. 22043

(F) Assessments and examination and application fees charged 22044  
and collected pursuant to this section are not refundable. Any fee 22045  
charged pursuant to this section shall be paid within fourteen 22046  
days after receiving an invoice for payment of the fee. 22047

(G) The superintendent shall pay all assessments and fees 22048  
charged pursuant to this section and all forfeitures required to 22049  
be paid to the superintendent into the state treasury to the 22050  
credit of the banks fund. 22051

**Sec. 1123.01.** (A) There is hereby created in the division of 22052  
financial institutions a banking commission which shall consist of 22053  
~~seven~~ nine members. The deputy superintendent for banks shall be a 22054  
member of the commission and its chairperson. The governor, with 22055  
the advice and consent of the senate, shall appoint the remaining 22056  
~~six~~ eight members. 22057

(B) After the second Monday in January of each year, the 22058  
governor shall appoint two members. Terms of office shall be for 22059  
~~three~~ four years commencing on the first day of February and 22060  
ending on the thirty-first day of January. Each member shall hold 22061

office from the date appointed until the end of the term for which 22062  
appointed. In the case of a vacancy in the office of any member, 22063  
the governor shall appoint a successor who shall hold office for 22064  
the remainder of the term for which the successor's predecessor 22065  
was appointed. Any member shall continue in office subsequent to 22066  
the expiration date of the member's term until the member's 22067  
successor is appointed, or until sixty days have elapsed, 22068  
whichever occurs first. 22069

(C) No person appointed as a member of the commission may 22070  
serve more than two consecutive full terms. However, a member may 22071  
serve two consecutive full terms following the remainder of a term 22072  
for which the member was appointed to fill a vacancy. 22073

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 22074  
to the commission shall be, at the time of appointment, executive 22075  
officers of banks, savings and loan associations, or savings banks 22076  
transacting business under authority granted by the superintendent 22077  
of financial institutions, and ~~four~~ all of the ~~six~~ members 22078  
appointed to the commission shall have banking experience as a 22079  
director or officer of a bank, savings bank, or savings 22080  
association insured by the federal deposit insurance corporation, 22081  
a bank holding company, or a savings and loan holding company. The 22082  
membership of the commission shall be representative of the 22083  
banking industry as a whole, including representatives of banks of 22084  
various asset sizes and ownership structures, as determined by the 22085  
governor after consultation with the superintendent of financial 22086  
institutions ~~from time to time.~~ 22087

(2) No person who has been convicted of, or has pleaded 22088  
guilty to, a felony involving an act of fraud, dishonesty or, 22089  
breach of trust, theft, or money laundering shall take or hold 22090  
office as a member of the banking commission. 22091

(E) The members of the commission shall receive no salary, 22092  
but their expenses incurred in the performance of their duties 22093

shall be paid from funds appropriated for that purpose. 22094

(F) The governor may remove any of the ~~six~~ eight members 22095  
appointed to the commission whenever in the governor's judgment 22096  
the public interest requires removal. Upon removing a member of 22097  
the commission, the governor shall file with the superintendent a 22098  
statement of the cause for the removal. 22099

**Sec. 1123.03.** The banking commission shall do all of the 22100  
following: 22101

(A) Make recommendations to the deputy superintendent for 22102  
banks and the superintendent of financial institutions on the 22103  
business of banking; 22104

(B) Consider and make recommendations on any matter the 22105  
superintendent or deputy superintendent submits to the commission 22106  
for that purpose; 22107

(C) Pass upon and determine any matter the superintendent or 22108  
deputy superintendent submits to the commission for determination; 22109

(D) Consider and determine whether to confirm the annual 22110  
schedule of assessments proposed by the superintendent in 22111  
accordance with section 1121.29 of the Revised Code; 22112

(E) Determine whether to increase the schedule of assessments 22113  
as provided in division (A)(3) of section 1121.29 of the Revised 22114  
Code; 22115

(F) Determine, as provided in division (D) of section 1121.12 22116  
of the Revised Code, both of the following: 22117

(1) Whether there is reasonable cause to believe that there 22118  
is a significant risk of imminent material harm to the bank; 22119

(2) Whether the examination of the bank holding company is 22120  
necessary to fully determine the risk to the bank, or to determine 22121  
how best to address the risk to the bank. 22122

Sec. 1155.07. Every savings and loan association organized 22123  
under the laws of this state shall make, as of the thirty-first 22124  
day of December and the thirtieth day of June of each year, a 22125  
report of the affairs and business of the association for the 22126  
preceding half year, showing its financial condition at the end 22127  
thereof. The statement as of the thirty-first day of December 22128  
shall be the annual statement of the association. The 22129  
superintendent of financial institutions may also require monthly 22130  
reports. 22131

The superintendent may, by written order mailed to the 22132  
managing officer of such an association, require any association 22133  
to submit to the superintendent within a reasonable time specified 22134  
in the written order a report concerning its real estate and other 22135  
assets, other than the appraisals required by section 1151.54 of 22136  
the Revised Code. 22137

Any such association refusing or neglecting to file any 22138  
report required by this section within the time specified shall 22139  
forfeit one hundred dollars for every day that such default 22140  
continues unless such penalty, in whole or in part, is waived by 22141  
the superintendent. The superintendent may maintain an action in 22142  
the name of the state to recover such forfeiture which, upon its 22143  
collection, shall be paid into the state treasury to the credit of 22144  
the ~~savings institutions~~ banks fund established under section 22145  
~~1181.18~~ 1121.30 of the Revised Code. 22146

Every such association shall maintain adequate, complete, and 22147  
correct accounts and shall observe such generally accepted 22148  
accounting principles and practices or generally accepted auditing 22149  
standards, as the superintendent prescribes. The superintendent 22150  
shall demand once a year, and at the expense of the association, 22151  
that its accounts be audited by an independent auditor. A copy of 22152  
the audit report shall be submitted to the board of directors of 22153

the association and filed, together with management's ~~reponse~~ 22154  
response, with the superintendent within thirty days after 22155  
presentation of the completed report to the board or not later 22156  
than the thirty-first day of March of the year next succeeding the 22157  
year for which the audit was conducted, whichever occurs first, 22158  
unless the time is extended by the superintendent. 22159

At the conclusion of the audit of an association, an 22160  
independent auditor shall attend a meeting at which there are 22161  
present only the outside directors of the association or a 22162  
committee comprised of and appointed by such outside directors and 22163  
fully disclose at that time to those directors all audit 22164  
exceptions that developed during the audit and all relevant data 22165  
and information concerning the financial condition, investment 22166  
practices, and other financial policies and procedures of the 22167  
association. The meeting shall be held at a time and place that is 22168  
agreed upon by the independent auditor and the outside directors 22169  
or their committee. A complete record of the proceedings of the 22170  
meeting shall be kept in a minute book that is maintained solely 22171  
for the purpose of keeping such records. Nothing in this paragraph 22172  
shall be construed to prevent the independent auditor from meeting 22173  
at other times with inside directors, officers, or employees of 22174  
the association. 22175

The superintendent may prescribe a schedule for the 22176  
preservation and destruction of books, records, certificates, 22177  
documents, reports, correspondence, and other instruments, papers, 22178  
and writings of such an association, even if such association has 22179  
been liquidated pursuant to law. An association may dispose of any 22180  
books, records, certificates, documents, reports, correspondence, 22181  
and other instruments, papers, and writings which have been 22182  
retained or preserved for the period prescribed by the 22183  
superintendent pursuant to this paragraph. The requirements of 22184  
this paragraph may be complied with by the preservation of records 22185

in the manner prescribed in section 2317.41 of the Revised Code. 22186

**Sec. 1155.10.** Whenever the superintendent of financial 22187  
institutions considers it necessary, the superintendent may make a 22188  
special examination of any savings and loan association, and the 22189  
expense of the examination shall be paid by the association. Such 22190  
expenses shall be collected by the superintendent and paid into 22191  
the state treasury to the credit of the ~~savings institutions~~ banks 22192  
fund established under section ~~1181.18~~ 1121.30 of the Revised 22193  
Code. Any examination made by the superintendent otherwise than in 22194  
the ordinary routine of the superintendent's duties and because, 22195  
in the superintendent's opinion, the condition of the association 22196  
requires such examination, is a special examination within the 22197  
meaning of this section. 22198

**Sec. 1163.09.** (A) Every savings bank organized under the laws 22199  
of this state, as of the thirty-first day of December and the 22200  
thirtieth day of June of each year, shall make a report of the 22201  
affairs and business of the savings bank for the preceding half 22202  
year, showing its financial condition at the end thereof. The 22203  
statement as of the thirty-first day of December shall be the 22204  
annual statement of the savings bank. The superintendent of 22205  
financial institutions may also require monthly reports. 22206

(B) The superintendent, by written order mailed to the 22207  
managing officer of a savings bank, may require any savings bank 22208  
to submit to the superintendent within a reasonable time specified 22209  
in the written order a report concerning its real estate and other 22210  
assets, other than the appraisals required by section 1161.81 of 22211  
the Revised Code. 22212

(C) Any savings bank refusing or neglecting to file any 22213  
report required by this section within the time specified shall 22214  
forfeit one hundred dollars for every day that the default 22215

continues unless the penalty, in whole or in part, is waived by 22216  
the superintendent. The superintendent may maintain an action in 22217  
the name of the state to recover the forfeiture which, upon its 22218  
collection, shall be paid into the state treasury to the credit of 22219  
the ~~savings institutions~~ banks fund established under section 22220  
~~1181.18~~ 1121.30 of the Revised Code. 22221

(D) Every savings bank shall maintain adequate, complete, and 22222  
correct accounts and shall observe such generally accepted 22223  
accounting principles and practices or generally accepted auditing 22224  
standards, as the superintendent prescribes. The superintendent 22225  
shall demand once a year, and at the expense of the savings bank, 22226  
that its accounts be audited by an independent auditor. A copy of 22227  
the audit report shall be submitted to the board of directors of 22228  
the savings bank and filed, together with management's ~~reponse~~ 22229  
response, with the superintendent within thirty days after 22230  
presentation of the completed report to the board or not later 22231  
than the thirty-first day of March of the year next succeeding the 22232  
year for which the audit was conducted, whichever occurs first, 22233  
unless the time is extended by the superintendent. 22234

(E) At the conclusion of the audit of a savings bank, an 22235  
independent auditor shall attend a meeting at which there are 22236  
present only the outside directors of the savings bank or a 22237  
committee composed of and appointed by the outside directors and 22238  
fully disclose at that time to those directors all audit 22239  
exceptions that developed during the audit and all relevant data 22240  
and information concerning the financial condition, investment 22241  
practices, and other financial policies and procedures of the 22242  
savings bank. The meeting shall be held at a time and place that 22243  
is agreed upon by the independent auditor and the outside 22244  
directors or their committee. A complete record of the proceedings 22245  
of the meeting shall be kept in a minute book that is maintained 22246  
solely for the purpose of keeping these records. Nothing in this 22247

division shall be construed to prevent the independent auditor 22248  
from meeting at other times with inside directors, officers, or 22249  
employees of the savings bank. 22250

(F) The superintendent may prescribe a schedule for the 22251  
preservation and destruction of books, records, certificates, 22252  
documents, reports, correspondence, and other instruments, papers, 22253  
and writings of a savings bank, even if the savings bank has been 22254  
liquidated pursuant to law. A savings bank may dispose of any 22255  
books, records, certificates, documents, reports, correspondence, 22256  
and other instruments, papers, and writings that have been 22257  
retained or preserved for the period prescribed by the 22258  
superintendent pursuant to this division. The requirements of this 22259  
division may be complied with by the preservation of records in 22260  
the manner prescribed in section 2317.41 of the Revised Code. 22261

**Sec. 1163.13.** Whenever the superintendent of financial 22262  
institutions considers it necessary, the superintendent may make a 22263  
special examination of any savings bank, and the expense of the 22264  
examination shall be paid by the savings bank. These moneys shall 22265  
be collected by the superintendent and paid into the state 22266  
treasury to the credit of the ~~savings institutions~~ banks fund 22267  
established under section ~~1181.18~~ 1121.30 of the Revised Code. Any 22268  
examination made by the superintendent otherwise than in the 22269  
ordinary routine of the superintendent's duties and because, in 22270  
the superintendent's opinion, the condition of the savings bank 22271  
requires the examination, is a special examination within the 22272  
meaning of this section. 22273

**Sec. 1181.06.** There is hereby created in the state treasury 22274  
the financial institutions fund. The fund shall receive 22275  
assessments on the banks fund established under section 1121.30 of 22276  
the Revised Code, ~~the savings institutions fund established under~~ 22277  
~~section 1181.18 of the Revised Code,~~ the credit unions fund 22278

established under section 1733.321 of the Revised Code, and the 22279  
consumer finance fund established under section 1321.21 of the 22280  
Revised Code in accordance with procedures prescribed by the 22281  
superintendent of financial institutions and approved by the 22282  
director of budget and management. Such assessments shall be in 22283  
addition to any assessments on these funds required under division 22284  
(G) of section 121.08 of the Revised Code. All operating expenses 22285  
of the division of financial institutions shall be paid from the 22286  
financial institutions fund. 22287

**Sec. 1349.21.** No escrow or closing agent knowingly shall 22288  
make, in an escrow transaction, a disbursement from an escrow 22289  
account on behalf of another person, unless the following 22290  
conditions are met: 22291

(A) The funds necessary for the disbursement: 22292

(1) Have been transferred electronically to or deposited into 22293  
the escrow account of the escrow or closing agent and are 22294  
immediately available for withdrawal and disbursement; 22295

(2) Are in an aggregate amount not exceeding ~~one~~ ten thousand 22296  
dollars, have been physically received by the agent prior to 22297  
disbursement and are intended for deposit no later than the next 22298  
banking day after the date of disbursement; or 22299

(3) Are funds drawn on a special or trust bank account as 22300  
described in division (A)(26) of section 4735.18 of the Revised 22301  
Code. 22302

(B) The transfers or deposits described in division (A) of 22303  
this section consist of any of the following: 22304

(1) Business checks drawn on special or trust bank accounts 22305  
described in division (A)(26) of section 4735.18 of the Revised 22306  
Code; 22307

(2) Cash, personal checks, business checks other than those 22308

described in division (B)(1) of this section, certified checks, 22309  
cashier's checks, official checks, or money orders that are in an 22310  
aggregate amount not exceeding ~~one~~ ten thousand dollars and are 22311  
drawn on an existing account at a federally insured bank, savings 22312  
and loan association, credit union, or savings bank; 22313

(3) Electronically transferred funds via the automated 22314  
clearing house system initiated by, or a check issued by, the 22315  
United States or this state, or by an agency, instrumentality, or 22316  
political subdivision of the United States or this state; or 22317

(4) ~~Electronically~~ Any other electronically transferred funds 22318  
~~via the real time gross settlement system provided by the federal~~ 22319  
~~reserve banks.~~ 22320

Sec. 1501.08. (A) There is hereby created in the state 22321  
treasury the state park maintenance fund. 22322

(1) Notwithstanding section 1546.21 of the Revised Code, on 22323  
or after the first day of July of each fiscal year, the director 22324  
of natural resources may request the director of budget and 22325  
management to transfer money from the state park fund to the state 22326  
park maintenance fund in an amount not exceeding five per cent of 22327  
the annual average revenue deposited in the state park fund. 22328

(2) The department of natural resources shall use money in 22329  
the state park maintenance fund only for maintenance, repair, and 22330  
renovation projects at state parks that are approved by the 22331  
director. The department shall not use money in the fund to 22332  
construct new facilities. 22333

(B) The chief of the division of parks and watercraft shall 22334  
submit to the director a list of projects in order to request 22335  
disbursements from the state park maintenance fund. The chief 22336  
shall include with each list a description of necessary 22337  
maintenance, repair, and renovation at state park facilities. The 22338

director shall determine which projects are eligible for 22339  
disbursement from the fund. The chief shall not begin any project 22340  
for which disbursement is requested before obtaining the 22341  
director's approval as required by this section. 22342

**Sec. 1503.05.** (A) The chief of the division of forestry may 22343  
sell timber and other forest products from the state forest and 22344  
state forest nurseries whenever the chief considers such a sale 22345  
desirable and, with the approval of the attorney general and the 22346  
director of natural resources, may sell portions of the state 22347  
forest lands when such a sale is advantageous to the state. 22348

(B) Except as otherwise provided in this section, a timber 22349  
sale agreement shall not be executed unless the person or 22350  
governmental entity bidding on the sale executes and files a 22351  
surety bond conditioned on completion of the timber sale in 22352  
accordance with the terms of the agreement in an amount determined 22353  
by the chief. All bonds shall be given in a form prescribed by the 22354  
chief and shall run to the state as obligee. 22355

The chief shall not approve any bond until it is personally 22356  
signed and acknowledged by both principal and surety, or as to 22357  
either by the attorney in fact thereof, with a certified copy of 22358  
the power of attorney attached. The chief shall not approve the 22359  
bond unless there is attached a certificate of the superintendent 22360  
of insurance that the company is authorized to transact a fidelity 22361  
and surety business in this state. 22362

In lieu of a bond, the bidder may deposit any of the 22363  
following: 22364

- (1) Cash in an amount equal to the amount of the bond; 22365
- (2) United States government securities having a par value 22366  
equal to or greater than the amount of the bond; 22367
- (3) Negotiable certificates of deposit or irrevocable letters 22368

of credit issued by any bank organized or transacting business in 22369  
this state having a par value equal to or greater than the amount 22370  
of the bond. 22371

The cash or securities shall be deposited on the same terms 22372  
as bonds. If one or more certificates of deposit are deposited in 22373  
lieu of a bond, the chief shall require the bank that issued any 22374  
of the certificates to pledge securities of the aggregate market 22375  
value equal to the amount of the certificate or certificates that 22376  
is in excess of the amount insured by the federal deposit 22377  
insurance corporation. The securities to be pledged shall be those 22378  
designated as eligible under section 135.18 of the Revised Code. 22379  
The securities shall be security for the repayment of the 22380  
certificate or certificates of deposit. 22381

Immediately upon a deposit of cash, securities, certificates 22382  
of deposit, or letters of credit, the chief shall deliver them to 22383  
the treasurer of state, who shall hold them in trust for the 22384  
purposes for which they have been deposited. The treasurer of 22385  
state is responsible for the safekeeping of the deposits. A bidder 22386  
making a deposit of cash, securities, certificates of deposit, or 22387  
letters of credit may withdraw and receive from the treasurer of 22388  
state, on the written order of the chief, all or any portion of 22389  
the cash, securities, certificates of deposit, or letters of 22390  
credit upon depositing with the treasurer of state cash, other 22391  
United States government securities, or other negotiable 22392  
certificates of deposit or irrevocable letters of credit issued by 22393  
any bank organized or transacting business in this state, equal in 22394  
par value to the par value of the cash, securities, certificates 22395  
of deposit, or letters of credit withdrawn. 22396

A bidder may demand and receive from the treasurer of state 22397  
all interest or other income from any such securities or 22398  
certificates as it becomes due. If securities so deposited with 22399  
and in the possession of the treasurer of state mature or are 22400

called for payment by their issuer, the treasurer of state, at the request of the bidder who deposited them, shall convert the proceeds of the redemption or payment of the securities into other United States government securities, negotiable certificates of deposit, or cash as the bidder designates.

When the chief finds that a person or governmental agency has failed to comply with the conditions of the person's or governmental agency's bond, the chief shall make a finding of that fact and declare the bond, cash, securities, certificates, or letters of credit forfeited. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the bond, cash, securities, certificates, or letters of credit.

In lieu of total forfeiture, the surety, at its option, may cause the timber sale to be completed or pay to the treasurer of state the cost thereof.

All moneys collected as a result of forfeitures of bonds, cash, securities, certificates, and letters of credit under this section shall be credited to the state forest fund created in this section.

(C) The chief may grant easements and leases on portions of the state forest lands and state forest nurseries under terms that are advantageous to the state, and the chief may grant mineral rights on a royalty basis on those lands and nurseries, with the approval of the attorney general and the director.

(D) All moneys received from the sale of state forest lands, or in payment for easements or leases on or as rents from those lands or from state forest nurseries, shall be paid into the state treasury to the credit of the state forest fund, which is hereby created. In addition, all moneys received from federal grants, payments, and reimbursements, from the sale of reforestation tree

stock, from the sale of forest products, other than standing 22432  
timber, and from the sale of minerals taken from the state forest 22433  
lands and state forest nurseries, together with royalties from 22434  
mineral rights, shall be paid into the state treasury to the 22435  
credit of the state forest fund. Any other revenues derived from 22436  
the operation of the state forests and related facilities or 22437  
equipment also shall be paid into the state treasury to the credit 22438  
of the state forest fund, as shall contributions received for the 22439  
issuance of Smokey Bear license plates under section 4503.574 of 22440  
the Revised Code and any other moneys required by law to be 22441  
deposited in the fund. 22442

The state forest fund shall not be expended for any purpose 22443  
other than the administration, operation, maintenance, 22444  
development, or utilization of the state forests, forest 22445  
nurseries, and forest programs, for facilities or equipment 22446  
incident to them, ~~or~~ for the further purchase of lands for state 22447  
forest or forest nursery purposes, or for wildfire suppression 22448  
payments and, in the case of contributions received pursuant to 22449  
section 4503.574 of the Revised Code, for fire prevention 22450  
purposes. 22451

All moneys received from the sale of standing timber taken 22452  
from state forest lands and state forest nurseries shall be 22453  
deposited into the state treasury to the credit of the forestry 22454  
holding account redistribution fund, which is hereby created. The 22455  
moneys shall remain in the fund until they are redistributed in 22456  
accordance with this division. 22457

The redistribution shall occur at least once each year. To 22458  
begin the redistribution, the chief first shall determine the 22459  
amount of all standing timber sold from state forest lands and 22460  
state forest nurseries, together with the amount of the total sale 22461  
proceeds, in each county, in each township within the county, and 22462  
in each school district within the county. The chief next shall 22463

determine the amount of the direct costs that the division of 22464  
forestry incurred in association with the sale of that standing 22465  
timber. The amount of the direct costs shall be subtracted from 22466  
the amount of the total sale proceeds and shall be transferred 22467  
from the forestry holding account redistribution fund to the state 22468  
forest fund. 22469

The remaining amount of the total sale proceeds equals the 22470  
net value of the standing timber that was sold. The chief shall 22471  
determine the net value of standing timber sold from state forest 22472  
lands and state forest nurseries in each county, in each township 22473  
within the county, and in each school district within the county 22474  
and shall send to each county treasurer a copy of the 22475  
determination at the time that moneys are paid to the county 22476  
treasurer under this division. 22477

Thirty-five per cent of the net value of standing timber sold 22478  
from state forest lands and state forest nurseries located in a 22479  
county shall be transferred from the forestry holding account 22480  
redistribution fund to the state forest fund. The remaining 22481  
sixty-five per cent of the net value shall be transferred from the 22482  
forestry holding account redistribution fund and paid to the 22483  
county treasurer for the use of the general fund of that county. 22484

The county auditor shall do all of the following: 22485

(1) Retain for the use of the general fund of the county 22486  
one-fourth of the amount received by the county under division (D) 22487  
of this section; 22488

(2) Pay into the general fund of any township located within 22489  
the county and containing such lands and nurseries one-fourth of 22490  
the amount received by the county from standing timber sold from 22491  
lands and nurseries located in the township; 22492

(3) Request the board of education of any school district 22493  
located within the county and containing such lands and nurseries 22494

to identify which fund or funds of the district should receive the 22495  
moneys available to the school district under division (D)(3) of 22496  
this section. After receiving notice from the board, the county 22497  
auditor shall pay into the fund or funds so identified one-half of 22498  
the amount received by the county from standing timber sold from 22499  
lands and nurseries located in the school district, distributed 22500  
proportionately as identified by the board. 22501

The division of forestry shall not supply logs, lumber, or 22502  
other forest products or minerals, taken from the state forest 22503  
lands or state forest nurseries, to any other agency or 22504  
subdivision of the state unless payment is made therefor in the 22505  
amount of the actual prevailing value thereof. This section is 22506  
applicable to the moneys so received. 22507

(E) The chief may enter into a personal service contract for 22508  
consulting services to assist the chief with the sale of timber or 22509  
other forest products and related inventory. Compensation for 22510  
consulting services shall be paid from the proceeds of the sale of 22511  
timber or other forest products and related inventory that are the 22512  
subject of the personal service contract. 22513

**Sec. 1503.141.** ~~There is hereby created in the state treasury~~ 22514  
~~the wildfire suppression fund. The fund shall consist of any~~ 22515  
~~federal moneys received for the purposes of this section and~~ 22516  
~~donations, gifts, bequests, and other moneys received for those~~ 22517  
~~purposes. In addition, the chief of the division of forestry~~ 22518  
~~annually may request that the director of budget and management~~ 22519  
~~transfer, and, if so requested, the director shall transfer, Each~~ 22520  
~~fiscal year, the director of natural resources or the director's~~ 22521  
~~designee shall designate not more than ~~one~~ two hundred thousand~~ 22522  
~~dollars to the wildfire suppression fund from in the state forest~~ 22523  
~~fund created in section 1503.05 of the Revised Code for wildfire~~ 22524  
~~suppression payments. The amount ~~transferred~~ designated shall~~ 22525

consist only of money ~~deposited into the state forest~~ credited to 22526  
the fund from the sale of standing timber taken from state forest 22527  
lands as set forth in that section. 22528

The ~~chief director or the director's designee~~ may use ~~moneys~~ 22529  
~~in the~~ money designated for wildfire suppression ~~fund~~ payments to 22530  
reimburse firefighting agencies and private fire companies for 22531  
their costs incurred in the suppression of wildfires in counties 22532  
within fire protection areas established under section 1503.08 of 22533  
the Revised Code where there is a state forest or national forest, 22534  
or portion thereof. The ~~chief, with the approval of the~~ director 22535  
~~of natural resources, or the director's designee~~ may provide such 22536  
reimbursement in additional counties. The ~~chief director or the~~ 22537  
director's designee shall provide such reimbursement pursuant to 22538  
agreements and contracts entered into under section 1503.14 of the 22539  
Revised Code and in accordance with the following schedule: 22540

(A) For wildfire suppression on private land, an initial 22541  
seventy-dollar payment to the firefighting agency or private fire 22542  
company; 22543

(B) For wildfire suppression on land under the administration 22544  
or care of the department of natural resources or on land that is 22545  
part of any national forest administered by the United States 22546  
department of agriculture forest service, an initial 22547  
one-hundred-dollar payment to the firefighting agency or private 22548  
fire company; 22549

(C) For any wildfire suppression on land specified in 22550  
division (A) or (B) of this section lasting more than two hours, 22551  
an additional payment of thirty-five dollars per hour. 22552

~~If at any time moneys in the fund exceed two hundred thousand~~ 22553  
~~dollars, the chief shall transfer the moneys that exceed that~~ 22554  
~~amount to the state forest fund.~~ 22555

As used in this section, "firefighting agency" and "private 22556

fire company" have the same meanings as in section 9.60 of the Revised Code. 22557  
22558

**Sec. 1504.02.** (A) The office of real estate and land management shall do all of the following: 22559  
22560

(1) Except as otherwise provided in the Revised Code, coordinate and conduct all real estate functions for the department of natural resources, including acquiring land by purchase, lease, gift, devise, bequest, appropriation, or otherwise; administering grants through sales, leases, exchanges, easements, and licenses; performing inventories of land; and performing other related general management duties; 22561  
22562  
22563  
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22565  
22566  
22567

(2) Cooperate with federal agencies and political subdivisions in administering federal recreation moneys under the "Land and Water Conservation Fund Act of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, and prepare and distribute the statewide comprehensive outdoor recreation plan; 22568  
22569  
22570  
22571  
22572

(3) Prepare special studies and execute any other duties, functions, and responsibilities requested by the director of natural resources; 22573  
22574  
22575

(4) Administer the real estate services associated with canal lands on behalf of the director under Chapter 1520. of the Revised Code. 22576  
22577  
22578

(B) The office may do any of the following: 22579

(1) Coordinate environmental matters concerning the department and the state as are necessary to comply with the "National Environmental Policy Act of 1969," 83 Stat. 852, 42 U.S.C. 4321, the "Intergovernmental Cooperation Act of 1968," 82 Stat. 1098, 31 U.S.C. 6506, and the "Federal Water Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, and regulations adopted under those acts; 22580  
22581  
22582  
22583  
22584  
22585  
22586

(2) Survey land;	22587
(3) As considered necessary by the director, administer any state or federally funded grant program that is related to natural resources or recreation;	22588 22589 22590
(4) Coordinate department projects, programs, policies, procedures, and activities with the United States army corps of engineers and other federal agencies;	22591 22592 22593
(5) Coordinate department activities associated with the completion of drainage ditch improvements in accordance with Chapters 6131. and 6133. of the Revised Code;	22594 22595 22596
<del>(6) Prepare and distribute the statewide comprehensive outdoor recreation plan.</del>	22597 22598
<b>Sec. 1505.09. (A)</b> There is hereby created in the state treasury the geological mapping fund, to be administered by the chief of the division of geological survey. <u>The Except as provided in division (B) of this section, the</u> fund shall be used for the purposes of performing the necessary field, laboratory, and administrative tasks to map and make public reports on the geology, geologic hazards, and energy and mineral resources of the state. The source of <del>moneys</del> <u>money</u> for the fund shall include, but not be limited to, the mineral severance tax as specified in section 5749.02 of the Revised Code <u>transfers made to the fund in accordance with section 6111.046 of the Revised Code,</u> and the fees collected under rules adopted under section 1505.05 of the Revised Code. The chief may seek federal or other <del>moneys</del> <u>money</u> in addition to the mineral severance tax and fees to carry out the purposes of this section. If the chief receives federal <del>moneys</del> <u>money</u> for the purposes of this section, the chief shall deposit <del>those moneys</del> <u>that money</u> into the state treasury to the credit of a fund created by the controlling board to carry out those purposes. Other <del>moneys</del> <u>money</u> received by the chief for the purposes of this section in	22599 22600 22601 22602 22603 22604 22605 22606 22607 22608 22609 22610 22611 22612 22613 22614 22615 22616 22617

addition to the mineral severance tax, fees, and federal ~~moneys~~ 22618  
money shall be credited to the geological mapping fund. 22619

(B) Any money transferred to the geological mapping fund in 22620  
accordance with section 6111.046 of the Revised Code shall be used 22621  
by the chiefs of the divisions of mineral resources management, 22622  
oil and gas resources management, geological survey, and water 22623  
resources in the department of natural resources for the purpose 22624  
of executing their duties under sections 6111.043 to 6111.047 of 22625  
the Revised Code. 22626

**Sec. 1506.23.** (A) There is hereby created in the state 22627  
treasury the Lake Erie protection fund, which shall consist of 22628  
~~moneys~~ money deposited into the fund from the issuance of Lake 22629  
Erie license plates under section 4503.52 of the Revised Code, 22630  
money awarded to the state from the great lakes protection fund, 22631  
and donations, gifts, bequests, and other moneys received for the 22632  
purposes of this section. Not later than the first day of June 22633  
each year, the Ohio Lake Erie commission created in section 22634  
1506.21 of the Revised Code shall designate one of its members to 22635  
administer the fund and, with the approval of the commission, to 22636  
expend moneys from the fund for any of the following purposes: 22637

(1) Accelerating the pace of research into the economic, 22638  
environmental, and human health effects of contamination of Lake 22639  
Erie and its tributaries; 22640

(2) Funding cooperative research and data collection 22641  
regarding Lake Erie water quality and toxic contamination; 22642

(3) Developing improved methods of measuring water quality 22643  
and establishing a firm scientific base for implementing a 22644  
basinwide system of water quality management for Lake Erie and its 22645  
tributaries; 22646

(4) Supporting research to improve the scientific knowledge 22647

on which protection policies are based and devising new and 22648  
innovative clean-up techniques for toxic contaminants; 22649

(5) Supplementing, in a stable and predictable manner, state 22650  
commitments to policies and programs pertaining to Lake Erie water 22651  
quality and resource protection; 22652

(6) Encouraging cooperation with and among leaders from state 22653  
legislatures, state agencies, political subdivisions, business and 22654  
industry, labor, institutions of higher education, environmental 22655  
organizations, and conservation groups within the Lake Erie basin; 22656

(7) Awarding of grants to any agency of the United States, 22657  
any state agency, as "agency" is defined in division (A)(2) of 22658  
section 111.15 of the Revised Code, any political subdivision, any 22659  
educational institution, or any nonprofit organization for the 22660  
development and implementation of projects and programs that are 22661  
designed to protect Lake Erie by reducing toxic contamination of 22662  
or improving water quality in Lake Erie; 22663

(8) Expenses authorized by the Ohio Lake Erie commission 22664  
necessary to implement this chapter. 22665

(B) Moneys in the Lake Erie protection fund are not intended 22666  
to replace other moneys expended by any agency of the United 22667  
States, any state agency, as "agency" is so defined, any political 22668  
subdivision, any educational institution, or any nonprofit 22669  
organization for projects and programs that are designed to 22670  
protect Lake Erie by reducing toxic contamination of or improving 22671  
water quality in Lake Erie. 22672

(C) Each March, the Ohio Lake Erie commission shall publish a 22673  
Lake Erie protection agenda that describes proposed uses of the 22674  
Lake Erie protection fund for the following state fiscal year. The 22675  
agenda shall be the subject of at least one public meeting of the 22676  
commission held in the Lake Erie basin. The commission shall 22677  
submit the agenda to the governor, the president of the senate, 22678

and the speaker of the house of representatives. 22679

(D) Not later than September 1, 1991, and annually 22680  
thereafter, the Lake Erie commission shall prepare a report of the 22681  
activities that were undertaken by the commission under this 22682  
section during the immediately preceding fiscal year, including, 22683  
without limitation, revenues and expenses for the preceding fiscal 22684  
year. The commission shall submit the report to the governor, the 22685  
president of the senate, and the speaker of the house of 22686  
representatives. 22687

**Sec. 1509.02.** There is hereby created in the department of 22688  
natural resources the division of oil and gas resources 22689  
management, which shall be administered by the chief of the 22690  
division of oil and gas resources management. The division has 22691  
sole and exclusive authority to regulate the permitting, location, 22692  
and spacing of oil and gas wells and production operations within 22693  
the state, excepting only those activities regulated under federal 22694  
laws for which oversight has been delegated to the environmental 22695  
protection agency and activities regulated under sections 6111.02 22696  
to 6111.028 of the Revised Code. The regulation of oil and gas 22697  
activities is a matter of general statewide interest that requires 22698  
uniform statewide regulation, and this chapter and rules adopted 22699  
under it constitute a comprehensive plan with respect to all 22700  
aspects of the locating, drilling, well stimulation, completing, 22701  
and operating of oil and gas wells within this state, including 22702  
site construction and restoration, permitting related to those 22703  
activities, and the disposal of wastes from those wells. In order 22704  
to assist the division in the furtherance of its sole and 22705  
exclusive authority as established in this section, the chief may 22706  
enter into cooperative agreements with other state agencies for 22707  
advice and consultation, including visitations at the surface 22708  
location of a well on behalf of the division. Such cooperative 22709  
agreements do not confer on other state agencies any authority to 22710

administer or enforce this chapter and rules adopted under it. In 22711  
addition, such cooperative agreements shall not be construed to 22712  
dilute or diminish the division's sole and exclusive authority as 22713  
established in this section. Nothing in this section affects the 22714  
authority granted to the director of transportation and local 22715  
authorities in section 723.01 or 4513.34 of the Revised Code, 22716  
provided that the authority granted under those sections shall not 22717  
be exercised in a manner that discriminates against, unfairly 22718  
impedes, or obstructs oil and gas activities and operations 22719  
regulated under this chapter. 22720

The chief shall not hold any other public office, nor shall 22721  
the chief be engaged in any occupation or business that might 22722  
interfere with or be inconsistent with the duties as chief. 22723

~~All moneys~~ Money collected by the chief pursuant to sections 22724  
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 22725  
1509.28, 1509.34, ~~and 1509.50, and 5749.02~~ of the Revised Code, 22726  
~~ninety per cent of moneys received by the treasurer of state from~~ 22727  
~~the tax levied in divisions (A)(5) and (6) of section 5749.02 of~~ 22728  
~~the Revised Code,~~ all civil penalties paid under section 1509.33 22729  
of the Revised Code, and, notwithstanding any section of the 22730  
Revised Code relating to the distribution or crediting of fines 22731  
for violations of the Revised Code, all fines imposed under 22732  
divisions (A) and (B) of section 1509.99 of the Revised Code and 22733  
fines imposed under divisions (C) and (D) of section 1509.99 of 22734  
the Revised Code for all violations prosecuted by the attorney 22735  
general and for violations prosecuted by prosecuting attorneys 22736  
that do not involve the transportation of brine by vehicle shall 22737  
be deposited into the state treasury to the credit of the oil and 22738  
gas well fund, which is hereby created. Fines imposed under 22739  
divisions (C) and (D) of section 1509.99 of the Revised Code for 22740  
violations prosecuted by prosecuting attorneys that involve the 22741  
transportation of brine by vehicle and penalties associated with a 22742

compliance agreement entered into pursuant to this chapter shall 22743  
be paid to the county treasury of the county where the violation 22744  
occurred. 22745

The fund shall be used solely and exclusively for the 22746  
purposes enumerated in division (B) of section 1509.071 of the 22747  
Revised Code, for the expenses of the division associated with the 22748  
administration of this chapter and Chapter 1571. of the Revised 22749  
Code and rules adopted under them, and for expenses that are 22750  
critical and necessary for the protection of human health and 22751  
safety and the environment related to oil and gas production in 22752  
this state. The expenses of the division in excess of the moneys 22753  
available in the fund shall be paid from general revenue fund 22754  
appropriations to the department. 22755

**Sec. 1509.07.** (A)(1)(a) Except as provided in division 22756  
(A)(1)(b) or (A)(2) of this section, an owner of any well, except 22757  
an exempt Mississippian well or an exempt domestic well, shall 22758  
obtain liability insurance coverage from a company authorized or 22759  
approved to do business in this state in an amount of not less 22760  
than one million dollars bodily injury coverage and property 22761  
damage coverage to pay damages for injury to persons or damage to 22762  
property caused by the drilling, operation, or plugging of all the 22763  
owner's wells in this state. However, if any well is located 22764  
within an urbanized area, the owner shall obtain liability 22765  
insurance coverage in an amount of not less than three million 22766  
dollars for bodily injury coverage and property damage coverage to 22767  
pay damages for injury to persons or damage to property caused by 22768  
the drilling, operation, or plugging of all of the owner's wells 22769  
in this state. 22770

(b) A board of county commissioners of a county that is an 22771  
owner of a well may elect to satisfy the liability coverage 22772  
requirements specified in division (A)(1)(a) of this section by 22773

participating in a joint self-insurance pool in accordance with 22774  
the requirements established under section 2744.081 of the Revised 22775  
Code. Nothing in division (A)(1)(b) of this section shall be 22776  
construed to allow an entity, other than a county, to participate 22777  
in a joint self-insurance pool to satisfy the liability coverage 22778  
requirements specified in division (A)(1)(a) of this section. 22779

(2) An owner of a horizontal well shall obtain liability 22780  
insurance coverage from an insurer authorized to write such 22781  
insurance in this state or from an insurer approved to write such 22782  
insurance in this state under section 3905.33 of the Revised Code 22783  
in an amount of not less than five million dollars bodily injury 22784  
coverage and property damage coverage to pay damages for injury to 22785  
persons or damage to property caused by the production operations 22786  
of all the owner's wells in this state. The insurance policy shall 22787  
include a reasonable level of coverage available for an 22788  
environmental endorsement. 22789

(3) An owner shall maintain the coverage required under 22790  
division (A)(1) or (2) of this section until all the owner's wells 22791  
are plugged and abandoned or are transferred to an owner who has 22792  
obtained insurance as required under this section and who is not 22793  
under a notice of material and substantial violation or under a 22794  
suspension order. The owner shall provide proof of liability 22795  
insurance coverage to the chief of the division of oil and gas 22796  
resources management upon request. Upon failure of the owner to 22797  
provide that proof when requested, the chief may order the 22798  
suspension of any outstanding permits and operations of the owner 22799  
until the owner provides proof of the required insurance coverage. 22800

(B)(1) Except as otherwise provided in this section, an owner 22801  
of any well, before being issued a permit under section 1509.06 of 22802  
the Revised Code or before operating or producing from a well, 22803  
shall execute and file with the division of oil and gas resources 22804  
management a surety bond conditioned on compliance with the 22805

restoration requirements of section 1509.072, the plugging 22806  
requirements of section 1509.12, the permit provisions of section 22807  
1509.13 of the Revised Code, and all rules and orders of the chief 22808  
relating thereto, in an amount set by rule of the chief. 22809

(2) The owner may deposit with the chief, instead of a surety 22810  
bond, cash in an amount equal to the surety bond as prescribed 22811  
pursuant to this section or negotiable certificates of deposit or 22812  
irrevocable letters of credit, issued by any bank organized or 22813  
transacting business in this state or by any savings and loan 22814  
association as defined in section 1151.01 of the Revised Code, 22815  
having a cash value equal to or greater than the amount of the 22816  
surety bond as prescribed pursuant to this section. Cash or 22817  
certificates of deposit shall be deposited upon the same terms as 22818  
those upon which surety bonds may be deposited. If certificates of 22819  
deposit are deposited with the chief instead of a surety bond, the 22820  
chief shall require the bank or savings and loan association that 22821  
issued any such certificate to pledge securities of a cash value 22822  
equal to the amount of the certificate that is in excess of the 22823  
amount insured by any of the agencies and instrumentalities 22824  
created under the "Federal Deposit Insurance Act," 64 Stat. 873 22825  
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 22826  
it, including at least the federal deposit insurance corporation, 22827  
bank insurance fund, and savings association insurance fund. The 22828  
securities shall be security for the repayment of the certificate 22829  
of deposit. 22830

Immediately upon a deposit of cash, certificates of deposit, 22831  
or letters of credit with the chief, the chief shall deliver them 22832  
to the treasurer of state who shall hold them in trust for the 22833  
purposes for which they have been deposited. 22834

(3) Instead of a surety bond, the chief may accept proof of 22835  
financial responsibility consisting of a sworn financial statement 22836  
showing a net financial worth within this state equal to twice the 22837

amount of the bond for which it substitutes and, as may be 22838  
required by the chief, a list of producing properties of the owner 22839  
within this state or other evidence showing ability and intent to 22840  
comply with the law and rules concerning restoration and plugging 22841  
that may be required by rule of the chief. The owner of an exempt 22842  
Mississippian well is not required to file scheduled updates of 22843  
the financial documents, but shall file updates of those documents 22844  
if requested to do so by the chief. The owner of a nonexempt 22845  
Mississippian well shall file updates of the financial documents 22846  
in accordance with a schedule established by rule of the chief. 22847  
The chief, upon determining that an owner for whom the chief has 22848  
accepted proof of financial responsibility instead of bond cannot 22849  
demonstrate financial responsibility, shall order that the owner 22850  
execute and file a bond or deposit cash, certificates of deposit, 22851  
or irrevocable letters of credit as required by this section for 22852  
the wells specified in the order within ten days of receipt of the 22853  
order. If the order is not complied with, all wells of the owner 22854  
that are specified in the order and for which no bond is filed or 22855  
cash, certificates of deposit, or letters of credit are deposited 22856  
shall be plugged. No owner shall fail or refuse to plug such a 22857  
well. Each day on which such a well remains unplugged thereafter 22858  
constitutes a separate offense. 22859

(4) The surety bond provided for in this section shall be 22860  
executed by a surety company authorized to do business in this 22861  
state. 22862

The chief shall not approve any bond until it is personally 22863  
signed and acknowledged by both principal and surety, or as to 22864  
either by the principal's or surety's attorney in fact, with a 22865  
certified copy of the power of attorney attached thereto. The 22866  
chief shall not approve a bond unless there is attached a 22867  
certificate of the superintendent of insurance that the company is 22868  
authorized to transact a fidelity and surety business in this 22869

state. 22870

All bonds shall be given in a form to be prescribed by the 22871  
chief and shall run to the state as obligee. 22872

(5) An owner of an exempt Mississippian well or an exempt 22873  
domestic well, in lieu of filing a surety bond, cash in an amount 22874  
equal to the surety bond, certificates of deposit, irrevocable 22875  
letters of credit, or a sworn financial statement, may file a 22876  
one-time fee of fifty dollars, which shall be deposited in the oil 22877  
and gas well plugging fund created in section 1509.071 of the 22878  
Revised Code. 22879

(C) An owner, operator, producer, or other person shall not 22880  
operate a well or produce from a well at any time if the owner, 22881  
operator, producer, or other person has not satisfied the 22882  
requirements established in this section. 22883

**Sec. 1509.071.** (A) When the chief of the division of oil and 22884  
gas resources management finds that an owner has failed to comply 22885  
with a final nonappealable order issued or compliance agreement 22886  
entered into under section 1509.04, the restoration requirements 22887  
of section 1509.072, plugging requirements of section 1509.12, or 22888  
permit provisions of section 1509.13 of the Revised Code, or rules 22889  
and orders relating thereto, the chief shall make a finding of 22890  
that fact and declare any surety bond filed to ensure compliance 22891  
with those sections and rules forfeited in the amount set by rule 22892  
of the chief. The chief thereupon shall certify the total 22893  
forfeiture to the attorney general, who shall proceed to collect 22894  
the amount of the forfeiture. In addition, the chief may require 22895  
an owner, operator, producer, or other person who forfeited a 22896  
surety bond to post a new surety bond in the amount of fifteen 22897  
thousand dollars for a single well, thirty thousand dollars for 22898  
two wells, or fifty thousand dollars for three or more wells. 22899

In lieu of total forfeiture, the surety or owner, at the 22900

surety's or owner's option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

The chief annually shall spend not less than fourteen per cent of the revenue credited to the fund during the previous fiscal year for the following purposes:

(1) In accordance with division (D) of this section, to plug idle and orphaned wells or to restore the land surface properly as required in section 1509.072 of the Revised Code;

(2) In accordance with division (E) of this section, to correct conditions that the chief reasonably has determined are causing imminent health or safety risks at an idle and orphaned well or a well for which the owner cannot be contacted in order to initiate a corrective action within a reasonable period of time as determined by the chief.

Expenditures from the fund shall be made only for lawful purposes. In addition, expenditures from the fund shall not be made to purchase real property or to remove a dwelling in order to access a well.

The director of budget and management, in consultation with the chief, shall establish an accounting code for purposes of tracking expenditures made as required under this division.

(C)(1) Upon determining that the owner of a well has failed to properly plug and abandon it or to properly restore the land surface at the well site in compliance with the applicable requirements of this chapter and applicable rules adopted and orders issued under it or that a well is an abandoned well for

which no funds are available to plug the well in accordance with 22932  
this chapter, the chief shall do all of the following: 22933

(a) Determine from the records in the office of the county 22934  
recorder of the county in which the well is located the identity 22935  
of the owner of the land on which the well is located, the 22936  
identity of the owner of the oil or gas lease under which the well 22937  
was drilled or the identity of each person owning an interest in 22938  
the lease, and the identities of the persons having legal title 22939  
to, or a lien upon, any of the equipment appurtenant to the well; 22940

(b) Mail notice to the owner of the land on which the well is 22941  
located informing the landowner that the well is to be plugged. If 22942  
the owner of the oil or gas lease under which the well was drilled 22943  
is different from the owner of the well or if any persons other 22944  
than the owner of the well own interests in the lease, the chief 22945  
also shall mail notice that the well is to be plugged to the owner 22946  
of the lease or to each person owning an interest in the lease, as 22947  
appropriate. 22948

(c) Mail notice to each person having legal title to, or a 22949  
lien upon, any equipment appurtenant to the well, informing the 22950  
person that the well is to be plugged and offering the person the 22951  
opportunity to plug the well and restore the land surface at the 22952  
well site at the person's own expense in order to avoid forfeiture 22953  
of the equipment to this state. 22954

(2) If none of the persons described in division (C)(1)(c) of 22955  
this section plugs the well within sixty days after the mailing of 22956  
the notice required by that division, all equipment appurtenant to 22957  
the well is hereby declared to be forfeited to this state without 22958  
compensation and without the necessity for any action by the state 22959  
for use to defray the cost of plugging and abandoning the well and 22960  
restoring the land surface at the well site. 22961

(D) Expenditures from the fund for the purpose of division 22962

(B)(1) of this section shall be made in accordance with either of 22963  
the following: 22964

(1) The expenditures may be made pursuant to contracts 22965  
entered into by the chief with persons who agree to furnish all of 22966  
the materials, equipment, work, and labor as specified and 22967  
provided in such a contract for activities associated with the 22968  
restoration or plugging of a well as determined by the chief. The 22969  
activities may include excavation to uncover a well, geophysical 22970  
methods to locate a buried well when clear evidence of leakage 22971  
from the well exists, cleanout of wellbores to remove material 22972  
from a failed plugging of a well, plugging operations, 22973  
installation of vault and vent systems, including associated 22974  
engineering certifications and permits, restoration of property, 22975  
and repair of damage to property that is caused by such 22976  
activities. Expenditures shall not be used for salaries, 22977  
maintenance, equipment, or other administrative purposes, except 22978  
for costs directly attributed to the plugging of an idle and 22979  
orphaned well. Agents or employees of persons contracting with the 22980  
chief for a restoration or plugging project may enter upon any 22981  
land, public or private, on which the well is located for the 22982  
purpose of performing the work. Prior to such entry, the chief 22983  
shall give to the following persons written notice of the 22984  
existence of a contract for a project to restore or plug a well, 22985  
the names of the persons with whom the contract is made, and the 22986  
date that the project will commence: the owner of the well, the 22987  
owner of the land upon which the well is located, the owner or 22988  
agents of adjoining land, and, if the well is located in the same 22989  
township as or in a township adjacent to the excavations and 22990  
workings of a mine and the owner or lessee of that mine has 22991  
provided written notice identifying those townships to the chief 22992  
at any time during the immediately preceding three years, the 22993  
owner or lessee of the mine. 22994

(2)(a) The owner of the land on which a well is located who 22995  
has received notice under division (C)(1)(b) of this section may 22996  
plug the well and be reimbursed by the division of oil and gas 22997  
resources management for the reasonable cost of plugging the well. 22998  
In order to plug the well, the landowner shall submit an 22999  
application to the chief on a form prescribed by the chief and 23000  
approved by the technical advisory council on oil and gas created 23001  
in section 1509.38 of the Revised Code. The application, at a 23002  
minimum, shall require the landowner to provide the same 23003  
information as is required to be included in the application for a 23004  
permit to plug and abandon under section 1509.13 of the Revised 23005  
Code. The application shall be accompanied by a copy of a proposed 23006  
contract to plug the well prepared by a contractor regularly 23007  
engaged in the business of plugging oil and gas wells. The 23008  
proposed contract shall require the contractor to furnish all of 23009  
the materials, equipment, work, and labor necessary to plug the 23010  
well properly and shall specify the price for doing the work, 23011  
including a credit for the equipment appurtenant to the well that 23012  
was forfeited to the state through the operation of division 23013  
(C)(2) of this section. Expenditures under division (D)(2)(a) of 23014  
this section shall be consistent with the expenditures for 23015  
activities described in division (D)(1) of this section. The 23016  
application also shall be accompanied by the permit fee required 23017  
by section 1509.13 of the Revised Code unless the chief, in the 23018  
chief's discretion, waives payment of the permit fee. The 23019  
application constitutes an application for a permit to plug and 23020  
abandon the well for the purposes of section 1509.13 of the 23021  
Revised Code. 23022

(b) Within thirty days after receiving an application and 23023  
accompanying proposed contract under division (D)(2)(a) of this 23024  
section, the chief shall determine whether the plugging would 23025  
comply with the applicable requirements of this chapter and 23026  
applicable rules adopted and orders issued under it and whether 23027

the cost of the plugging under the proposed contract is 23028  
reasonable. If the chief determines that the proposed plugging 23029  
would comply with those requirements and that the proposed cost of 23030  
the plugging is reasonable, the chief shall notify the landowner 23031  
of that determination and issue to the landowner a permit to plug 23032  
and abandon the well under section 1509.13 of the Revised Code. 23033  
Upon approval of the application and proposed contract, the chief 23034  
shall transfer ownership of the equipment appurtenant to the well 23035  
to the landowner. The chief may disapprove an application 23036  
submitted under division (D)(2)(a) of this section if the chief 23037  
determines that the proposed plugging would not comply with the 23038  
applicable requirements of this chapter and applicable rules 23039  
adopted and orders issued under it, that the cost of the plugging 23040  
under the proposed contract is unreasonable, or that the proposed 23041  
contract is not a bona fide, arm's length contract. 23042

(c) After receiving the chief's notice of the approval of the 23043  
application and permit to plug and abandon a well under division 23044  
(D)(2)(b) of this section, the landowner shall enter into the 23045  
proposed contract to plug the well. 23046

(d) Upon determining that the plugging has been completed in 23047  
compliance with the applicable requirements of this chapter and 23048  
applicable rules adopted and orders issued under it, the chief 23049  
shall reimburse the landowner for the cost of the plugging as set 23050  
forth in the proposed contract approved by the chief. The 23051  
reimbursement shall be paid from the oil and gas well fund. If the 23052  
chief determines that the plugging was not completed in accordance 23053  
with the applicable requirements, the chief shall not reimburse 23054  
the landowner for the cost of the plugging, and the landowner or 23055  
the contractor, as applicable, promptly shall transfer back to 23056  
this state title to and possession of the equipment appurtenant to 23057  
the well that previously was transferred to the landowner under 23058  
division (D)(2)(b) of this section. If any such equipment was 23059

removed from the well during the plugging and sold, the landowner 23060  
shall pay to the chief the proceeds from the sale of the 23061  
equipment, and the chief promptly shall pay the moneys so received 23062  
to the treasurer of state for deposit into the oil and gas well 23063  
fund. 23064

The chief may establish an annual limit on the number of 23065  
wells that may be plugged under division (D)(2) of this section or 23066  
an annual limit on the expenditures to be made under that 23067  
division. 23068

As used in division (D)(2) of this section, "plug" and 23069  
"plugging" include the plugging of the well and the restoration of 23070  
the land surface disturbed by the plugging. 23071

(E) Expenditures from the oil and gas well fund for the 23072  
purpose of division (B)(2) of this section may be made pursuant to 23073  
contracts entered into by the chief with persons who agree to 23074  
furnish all of the materials, equipment, work, and labor as 23075  
specified and provided in such a contract. The competitive bidding 23076  
requirements of Chapter 153. of the Revised Code do not apply if 23077  
the chief reasonably determines that an emergency situation exists 23078  
requiring immediate action for the correction of the applicable 23079  
health or safety risk. A contract or purchase of materials for 23080  
purposes of addressing the emergency situation is not subject to 23081  
division (B) of section 127.16 of the Revised Code. The chief, 23082  
designated representatives of the chief, and agents or employees 23083  
of persons contracting with the chief under this division may 23084  
enter upon any land, public or private, for the purpose of 23085  
performing the work. 23086

(F) Contracts entered into by the chief under this section 23087  
are not subject to any of the following: 23088

(1) Chapter 4115. of the Revised Code; 23089

(2) Section 153.54 of the Revised Code, except that the 23090

contractor shall obtain and provide to the chief as a bid guaranty 23091  
a surety bond or letter of credit in an amount equal to ten per 23092  
cent of the amount of the contract; 23093

(3) Section 4733.17 of the Revised Code. 23094

(G) The owner of land on which a well is located who has 23095  
received notice under division (C)(1)(b) of this section, in lieu 23096  
of plugging the well in accordance with division (D)(2) of this 23097  
section, may cause ownership of the well to be transferred to an 23098  
owner who is lawfully doing business in this state and who has met 23099  
the financial responsibility requirements established under 23100  
section 1509.07 of the Revised Code, subject to the approval of 23101  
the chief. The transfer of ownership also shall be subject to the 23102  
landowner's filing the appropriate forms required under section 23103  
1509.31 of the Revised Code and providing to the chief sufficient 23104  
information to demonstrate the landowner's or owner's right to 23105  
produce a formation or formations. That information may include a 23106  
deed, a lease, or other documentation of ownership or property 23107  
rights. 23108

The chief shall approve or disapprove the transfer of 23109  
ownership of the well. If the chief approves the transfer, the 23110  
owner is responsible for operating the well in accordance with 23111  
this chapter and rules adopted under it, including, without 23112  
limitation, all of the following: 23113

(1) Filing an application with the chief under section 23114  
1509.06 of the Revised Code if the owner intends to drill deeper 23115  
or produce a formation that is not listed in the records of the 23116  
division for that well; 23117

(2) Taking title to and possession of the equipment 23118  
appurtenant to the well that has been identified by the chief as 23119  
having been abandoned by the former owner; 23120

(3) Complying with all applicable requirements that are 23121

necessary to drill deeper, plug the well, or plug back the well. 23122

(H) The chief shall issue an order that requires the owner of 23123  
a well to pay the actual documented costs of a corrective action 23124  
that is described in division (B)(2) of this section concerning 23125  
the well. The chief shall transmit the money so recovered to the 23126  
treasurer of state who shall deposit the money in the state 23127  
treasury to the credit of the oil and gas well fund. 23128

(I) The chief may engage in cooperative projects under this 23129  
section with any agency of this state, another state, or the 23130  
United States; any other governmental agencies; or any state 23131  
university or college as defined in section 3345.27 of the Revised 23132  
Code. A contract entered into for purposes of a cooperative 23133  
project is not subject to division (B) of section 127.16 of the 23134  
Revised Code. 23135

**Sec. 1509.71.** (A) It is the policy of the state to provide 23136  
access to and support the exploration for, development of, and 23137  
production of oil and natural gas resources owned or controlled by 23138  
the state in an effort to use the state's natural resources 23139  
responsibly. 23140

(B) There is hereby created the oil and gas leasing 23141  
commission consisting of the chief of the division of geological 23142  
survey and the following four members ~~appointed by the governor:~~ 23143

(1) Two members, appointed by the speaker of the house of 23144  
representatives, from a list of not less than four persons 23145  
recommended by a statewide organization representing the oil and 23146  
gas industry; 23147

(2) One member, appointed by the president of the senate, of 23148  
the public with expertise in finance or real estate; 23149

(3) One member, appointed by the president of the senate, 23150  
representing a statewide environmental or conservation 23151

organization. 23152

(C) Initial appointments shall be made to the commission not 23153  
later than thirty days after the effective date of this ~~section~~ 23154  
amendment. Of the initial members appointed to the commission by 23155  
the speaker of the house of representatives, one shall serve a 23156  
term of two years, and one shall serve a term of three years. Of 23157  
the initial members appointed by the president of the senate, one 23158  
shall serve a term of four years, and one shall serve a term of 23159  
five years. Thereafter, terms of office of members shall be for 23160  
five years from the date of appointment. Each member appointed by 23161  
the ~~governor~~ speaker or president shall hold office from the date 23162  
of appointment until the end of the term for which the member was 23163  
appointed. ~~The governor shall fill a vacancy occurring on the~~ 23164  
~~commission by appointing a member within sixty days after the~~ 23165  
~~vacancy occurs~~ A vacancy shall be filled in the same manner as the 23166  
original appointment. A member appointed to fill a vacancy 23167  
occurring prior to the expiration of the term for which the 23168  
member's predecessor was appointed shall hold office for the 23169  
remainder of that term. A member shall continue in office 23170  
subsequent to the expiration date of the member's term until the 23171  
member's successor takes office, or until a period of sixty days 23172  
has elapsed, whichever occurs first. 23173

(D) Three members constitute a quorum of the commission, and 23174  
no action of the commission is valid unless it has the concurrence 23175  
of at least three members. The commission shall keep a record of 23176  
its proceedings. The chief of the division of geological survey 23177  
shall serve as the chairperson of the commission. 23178

(E) The ~~governor~~ speaker or president may remove an appointed 23179  
member from the commission for inefficiency, malfeasance, 23180  
misfeasance, or nonfeasance. 23181

(F) Members of the commission shall receive no compensation, 23182  
but shall be reimbursed for their actual and necessary expenses 23183

incurred in the course of the performance of their duties as 23184  
members of the commission. 23185

(G) The department of natural resources shall furnish 23186  
clerical, technical, legal, and other services required by the 23187  
commission in the performance of its duties. 23188

**Sec. 1513.18.** (A) All money that becomes the property of the 23189  
state under division (G) of section 1513.16 of the Revised Code 23190  
shall be deposited in the reclamation forfeiture fund, which is 23191  
hereby created in the state treasury. Disbursements from the fund 23192  
shall be made by the chief of the division of mineral resources 23193  
management for the purpose of reclaiming areas of land affected by 23194  
coal mining under a coal mining and reclamation permit issued on 23195  
or after September 1, 1981, on which an operator has defaulted. 23196

(B) The fund also shall consist of all money from the 23197  
collection of liens under section 1513.081 of the Revised Code, 23198  
~~any moneys transferred to it under section 1513.181 of the Revised~~ 23199  
~~Code from the coal mining and reclamation reserve fund created in~~ 23200  
~~that section,~~ all money credited to the fund from the fee levied 23201  
by division (F)(8)(c) of section 1513.16 of the Revised Code, 23202  
fines collected under division (E) of section 1513.02 and section 23203  
1513.99 of the Revised Code, fines collected for a violation of 23204  
section 2921.31 of the Revised Code that, prior to July 1, 1996, 23205  
would have been a violation of division (G) of section 1513.17 of 23206  
the Revised Code as it existed prior to that date, and ~~moneys~~ 23207  
money collected and credited to it pursuant to section 5749.02 of 23208  
the Revised Code. Disbursements from the fund shall be made by the 23209  
chief in accordance with division (D) of this section for the 23210  
purpose of reclaiming areas that an operator has affected by 23211  
mining and failed to reclaim under a coal mining and reclamation 23212  
permit issued under this chapter. 23213

The chief may expend ~~moneys~~ money from the fund to pay 23214

necessary administrative costs, including engineering and design 23215  
services, incurred by the division of mineral resources management 23216  
in reclaiming these areas. The chief also may expend ~~moneys~~ money 23217  
from the fund to pay necessary administrative costs of the 23218  
reclamation forfeiture fund advisory board created in section 23219  
1513.182 of the Revised Code as authorized by the board under that 23220  
section. Expenditures from the fund to pay such administrative 23221  
costs need not be made under contract. 23222

(C) Except when paying necessary administrative costs 23223  
authorized by division (B) of this section, expenditures from the 23224  
fund shall be made under contracts entered into by the chief, with 23225  
the approval of the director of natural resources, in accordance 23226  
with procedures established by the chief, by rules adopted in 23227  
accordance with section 1513.02 of the Revised Code. The chief may 23228  
reclaim the land in the same manner as set forth in sections 23229  
1513.21 to 1513.24 of the Revised Code. Each contract awarded by 23230  
the chief shall be awarded to the lowest responsive and 23231  
responsible bidder, in accordance with section 9.312 of the 23232  
Revised Code, after sealed bids are received, opened, and 23233  
published at the time and place fixed by the chief. The chief 23234  
shall publish notice of the time and place at which bids will be 23235  
received, opened, and published, at least once and at least ten 23236  
days before the date of the opening of the bids, in a newspaper of 23237  
general circulation in the county in which the area of land to be 23238  
reclaimed under the contract is located. If, after advertising, no 23239  
bids are received at the time and place fixed for receiving them, 23240  
the chief may advertise again for bids, or, if the chief considers 23241  
the public interest will best be served, the chief may enter into 23242  
a contract for the reclamation of the area of land without further 23243  
advertisement for bids. The chief may reject any or all bids 23244  
received and again publish notice of the time and place at which 23245  
bids for contracts will be received, opened, and published. The 23246  
chief, with the approval of the director, may enter into a 23247

contract with the landowner, a coal mine operator or surface mine 23248  
operator mining under a current, valid permit issued under this 23249  
chapter or Chapter 1514. of the Revised Code, or a contractor 23250  
hired by the surety or trustee, if the performance security is 23251  
held in trust, to complete reclamation on land affected by coal 23252  
mining on which an operator has defaulted, or with a contractor 23253  
hired by the trust administrator of an alternative financial 23254  
security that is provided in accordance with division (F)(8) of 23255  
section 1513.16 of the Revised Code to provide long-term water 23256  
treatment or a long-term alternative water supply on areas 23257  
affected by coal mining on which a permittee has defaulted or not 23258  
fully funded an alternative financial security, without 23259  
advertising for bids. 23260

(D)(1) The chief shall expend money credited to the 23261  
reclamation forfeiture fund from the forfeiture of the performance 23262  
security applicable to an area of land to pay for the cost of 23263  
completing reclamation to the standards established by this 23264  
chapter and rules adopted under it. 23265

(2) If the performance security for the area of land was 23266  
provided under division (C)(1) of section 1513.08 of the Revised 23267  
Code, the chief shall use the money from the forfeited performance 23268  
security and any alternative financial security provided under 23269  
division (F)(8) of section 1513.16 of the Revised Code to complete 23270  
the reclamation that the operator failed to do under the 23271  
operator's applicable coal mining and reclamation permit issued 23272  
under this chapter. 23273

(3) If the performance security for the area of land was 23274  
provided under division (C)(2) of section 1513.08 of the Revised 23275  
Code, the chief shall use the money from the forfeited performance 23276  
security and any alternative financial security provided under 23277  
division (F)(8) of section 1513.16 of the Revised Code to complete 23278  
the reclamation that the operator failed to do under the 23279

operator's applicable coal mining and reclamation permit issued 23280  
under this chapter. If the money credited to the reclamation 23281  
forfeiture fund from the forfeiture of the performance security 23282  
provided under division (C)(2) of section 1513.08 of the Revised 23283  
Code and any alternative financial security provided under 23284  
division (F)(8) of section 1513.16 of the Revised Code is not 23285  
sufficient to complete the reclamation to the standards 23286  
established by this chapter and rules adopted under it, the chief 23287  
shall notify the reclamation forfeiture fund advisory board of the 23288  
amount of the insufficiency. The chief may expend money credited 23289  
to the reclamation forfeiture fund under section 5749.02 of the 23290  
Revised Code, or credited to the reclamation forfeiture fund from 23291  
the fee levied by division (F)(8)(c) of section 1513.16 of the 23292  
Revised Code, ~~or transferred to the fund under section 1513.181 of~~ 23293  
~~the Revised Code~~ to complete the reclamation to the standards 23294  
established by this chapter and rules adopted under it. Except as 23295  
provided in division (D)(5) of this section, the chief shall not 23296  
expend money from the fund in an amount that exceeds the 23297  
difference between the amount of the performance security provided 23298  
under division (C)(2) of section 1513.08 of the Revised Code and 23299  
the estimated cost of reclamation as determined by the chief under 23300  
divisions (B) and (E) of that section. 23301

(4) Except as provided in division (D)(5) of this section, 23302  
money from the reclamation forfeiture fund shall not be used for 23303  
reclamation of land or water resources affected by mine drainage 23304  
that requires extended water treatment after reclamation is 23305  
completed under the terms of the permit. In addition, money from 23306  
the reclamation forfeiture fund shall not be used to supplement 23307  
the performance security of an applicant or permittee that has 23308  
provided performance security in accordance with division (C)(1) 23309  
of section 1513.08 of the Revised Code. 23310

(5) If a permittee relies in part on the reclamation 23311

forfeiture fund for alternative financial security under division 23312  
(F)(8)(c) of section 1513.16 of the Revised Code, money from the 23313  
reclamation forfeiture fund may be used for reclamation of the 23314  
land or water resources affected by mine drainage that requires 23315  
water treatment after reclamation is completed under the terms of 23316  
the permit or an alternative water supply after reclamation is 23317  
completed under the terms of the permit in an amount not to exceed 23318  
the balance of the alternative financial security provided by the 23319  
reclamation forfeiture fund under that division. 23320

(E) The chief shall keep a detailed accounting of the 23321  
expenditures from the reclamation forfeiture fund to complete 23322  
reclamation of the land or water resources, as applicable, and, 23323  
upon completion of the reclamation, shall certify the expenditures 23324  
to the attorney general. Upon the chief's certification of the 23325  
expenditures from the reclamation forfeiture fund, the attorney 23326  
general shall bring an action for that amount of money. The 23327  
operator is liable for that expense in addition to any other 23328  
liabilities imposed by law. ~~Moneys~~ Money so recovered shall be 23329  
credited to the reclamation forfeiture fund. The chief shall not 23330  
postpone the reclamation because of any action brought by the 23331  
attorney general under this division. Prior to completing 23332  
reclamation, the chief may collect through the attorney general 23333  
any additional amount that the chief believes will be necessary 23334  
for reclamation in excess of the forfeited performance security 23335  
and any alternative financial security amount applicable to the 23336  
land or water resources that the operator should have, but failed 23337  
to, reclaim. 23338

(F) Except as otherwise provided in division (H) of this 23339  
section, if any part of the ~~moneys~~ money in the reclamation 23340  
forfeiture fund remains in the fund after the chief has caused the 23341  
area of land to be reclaimed and has paid all the reclamation 23342  
costs and expenses, the chief may expend those ~~moneys~~ money to 23343

complete other reclamation work performed under this section on 23344  
forfeiture areas affected under a coal mining and reclamation 23345  
permit issued on or after September 1, 1981. 23346

(G) The chief shall require every contractor performing 23347  
reclamation work pursuant to this section to pay workers at the 23348  
greater of their regular rate of pay, as established by contract, 23349  
agreement, or prior custom or practice, or the average wage rate 23350  
paid in this state for the same or similar work as determined by 23351  
the chief under section 1513.02 of the Revised Code. 23352

(H) All investment earnings of the fund shall be credited to 23353  
the fund and shall be used only for the reclamation of land for 23354  
which performance security was provided under division (C)(2) of 23355  
section 1513.08 of the Revised Code. 23356

**Sec. 1513.20.** The chief of the division of mineral resources 23357  
management, with the approval of the director of natural 23358  
resources, may purchase or acquire by gift, donation, or 23359  
contribution any eroded land, including land affected by strip 23360  
mining, for which no cash is held in the reclamation forfeiture 23361  
fund created by section 1513.18 of the Revised Code. For this 23362  
purpose the chief may expend ~~moneys~~ money deposited in the 23363  
~~unreclaimed lands~~ mining regulation and safety fund created by 23364  
section 1513.30 of the Revised Code. All lands purchased or 23365  
acquired shall be deeded to the state, but no deed shall be 23366  
accepted or the purchase price paid until the title has been 23367  
approved by the attorney general. 23368

**Sec. 1513.25.** After completion of the reclamation of a tract 23369  
of land acquired pursuant to section 1513.20 of the Revised Code, 23370  
the chief of the division of mineral resources management may, if 23371  
the land is suitable to the uses of any other department, 23372  
division, office, or institution of the state, transfer the land 23373

or tract to that department, division, office, or institution, 23374  
subject to the approval of the director of natural resources. 23375

With the approval of the attorney general and the director, 23376  
the chief may sell any such land or tract, after completion of the 23377  
plan of reclamation, when the sale is advantageous to the state. 23378

With the approval of the attorney general and the director, 23379  
the chief may grant easements and leases on the land or tract 23380  
under terms advantageous to the state, and may grant mineral 23381  
rights on a royalty basis. 23382

All ~~moneys~~ money received from the sale of reclaimed lands, 23383  
or in payment for easements, leases, or royalties, shall be paid 23384  
to the ~~unreclaimed lands~~ mining regulation and safety fund created 23385  
in section 1513.30 of the Revised Code. 23386

**Sec. 1513.27.** As used in this section and sections 1513.28, 23387  
1513.30, 1513.31, and 1513.32 of the Revised Code, "damage to 23388  
adjacent property" means physical injury or harm to nearby 23389  
property caused by the unreclaimed condition of lands mined prior 23390  
to April 10, 1972, or pursuant to a license issued prior to April 23391  
10, 1972, including, without limitation, injury or harm to 23392  
vegetation on adjacent property, pollution of surface or 23393  
underground waters on adjacent property, loss or interruption of 23394  
water supply on adjacent property, flow of acid water onto or 23395  
across adjacent property, flooding of adjacent property, 23396  
landslides onto or across adjacent property, erosion of adjacent 23397  
property, or deposition of sediment upon adjacent property. Damage 23398  
to adjacent property does not include any diminution of the market 23399  
value of adjacent property caused exclusively by the visual or 23400  
aesthetic appearance of such unreclaimed lands. 23401

The chief of the division of mineral resources management, 23402  
with the approval of the director of natural resources, may enter 23403  
into a written agreement, which may be in the form of a contract, 23404

with the owner of any unreclaimed land affected by mining before 23405  
April 10, 1972, or pursuant to a license issued before April 10, 23406  
1972, that causes or may cause pollution of the waters of the 23407  
state or damage to adjacent property, is not likely to be mined in 23408  
the foreseeable future, and lies within the boundaries of a 23409  
project area approved by the chief under section 1513.30 of the 23410  
Revised Code, under which the state or its agents may enter the 23411  
land to reclaim it at state expense with ~~moneys~~ money from the 23412  
~~unreclaimed lands~~ mining regulation and safety fund by 23413  
establishing vegetative cover and substantially reducing or 23414  
eliminating erosion, sedimentation, landslides, pollution, 23415  
accumulation or discharge of acid water, flooding, and damage to 23416  
adjacent property. The agreement may include provisions pertaining 23417  
to liability for damages and any other provisions necessary or 23418  
desirable to achieve the purposes of this section. 23419

If the chief makes a finding of fact that land or water 23420  
resources have been adversely affected by past coal mining 23421  
practices; if the adverse effects are at a stage where, in the 23422  
public interest, action to restore, reclaim, abate, control, or 23423  
prevent the adverse effects should be taken; and if the owners of 23424  
the affected land or water resources either are not known or 23425  
readily available or will not give permission for the state, 23426  
political subdivisions, or their agents, employees, or contractors 23427  
to enter on the property to restore, reclaim, abate, control, or 23428  
prevent the adverse effects, the chief or the chief's agents, 23429  
employees, or contractors may enter on the affected property in 23430  
order to do all things necessary or expedient to restore, reclaim, 23431  
abate, control, or prevent the adverse effects. Prior to entering 23432  
on the property, the chief or the chief's agents, employees, or 23433  
contractors shall give notice by mail to the owners, if known, or, 23434  
if not known, by posting notice on the premises and advertising 23435  
once in a newspaper of general circulation in the county or 23436  
municipal corporation in which the land lies. Such an entry shall 23437

be construed as an exercise of the police power for the protection 23438  
of public health, safety, and welfare and shall not be construed 23439  
as an act of condemnation of property or of trespass. The ~~moneys~~ 23440  
money expended for the work and the benefits accruing to any 23441  
premises so entered upon shall be chargeable against land and 23442  
shall mitigate or offset any claim in or any action brought by any 23443  
owner of any interest in the premises for any alleged damages by 23444  
virtue of the entry. This provision is not intended to create new 23445  
rights of action or eliminate existing immunities. 23446

Each agreement entered into pursuant to this section shall 23447  
contain provisions for the reimbursement of a portion of the costs 23448  
of the reclamation that is commensurate with the increase in the 23449  
fair market value of the property attributable to the reclamation 23450  
work thereon, as determined by appraisals made before and after 23451  
reclamation in the manner stated in the agreement, unless the 23452  
determination discloses an increase in value that is 23453  
insubstantial. For reimbursement of the portion, the agreement may 23454  
include provisions for any of the following: 23455

(A) Public use for soil, water, forest, or wildlife 23456  
conservation or public recreation purposes; 23457

(B) Payment to the state of the share of the income from the 23458  
crops or timber produced on the land that is stated in the 23459  
agreement; 23460

(C) Imposition of a lien in the amount of the increase in 23461  
fair market value payable upon transfer or conveyance of the 23462  
property to a new owner. All such reimbursements and payments 23463  
shall be credited to the ~~unreclaimed lands~~ mining regulation and 23464  
safety fund. 23465

(D) Payment to the state in cash of the amount of the 23466  
increase in fair market value, payable upon completion of the 23467  
reclamation. 23468

For the purpose of selecting lands to be reclaimed within the 23469  
boundaries of approved project areas, the chief shall consult the 23470  
owners of unreclaimed lands, may consult with local officials, 23471  
civic and professional organizations, and interested individuals, 23472  
and shall consider the feasibility, cost, and public benefits of 23473  
reclaiming particular lands, their potential for being mined, and 23474  
the availability of federal or other assistance for reclamation. 23475  
Before entering into the agreement, the chief shall prepare or 23476  
approve a detailed plan with topographic maps indicating the 23477  
reclamation improvements to be made. The plan may include 23478  
improvements recommended by the owner, but may not include 23479  
improvements that the chief finds are not necessary to establish 23480  
vegetative cover or substantially reduce or eliminate erosion, 23481  
sedimentation, landslides, pollution, accumulation or discharge of 23482  
acid water, flooding, or damage to adjacent property. 23483

With the approval of the director and upon entering into the 23484  
agreement with the owner, the chief may carry out the plan of 23485  
reclamation or any part thereof with the employees and equipment 23486  
of any division of the department of natural resources, or the 23487  
chief may carry out the plan or any part thereof by contracting 23488  
therefor. 23489

The chief, with the approval of the director and written 23490  
consent of the owner, may enter into a contract with an operator 23491  
mining adjacent land under a current, valid permit to carry out 23492  
the plan of reclamation on the unreclaimed land or any part of the 23493  
plan without advertising for bids. Contracts entered into with 23494  
operators mining adjacent land are not subject to division (B) of 23495  
section 127.16 of the Revised Code. 23496

The chief shall require every operator mining adjacent land 23497  
who performs reclamation work pursuant to this section to pay 23498  
workers at the greater of their regular rate of pay, as 23499  
established by contract, agreement, or prior custom or practice, 23500

or the average wage rate paid in this state for the same or 23501  
similar work performed in the same or similar locality by private 23502  
companies doing their own reclamation work. Each contract awarded 23503  
by the chief to other than an operator mining adjacent land shall 23504  
be awarded to the lowest responsible bidder after sealed bids are 23505  
received, opened, and published at the time and place fixed by the 23506  
chief. The chief shall publish notice of the time and place at 23507  
which bids will be received, opened, and published, at least once 23508  
at least ten days before the date of the opening of the bids, in a 23509  
newspaper of general circulation in the county in which the area 23510  
of land to be reclaimed under the contract is located. If, after 23511  
so advertising for bids, no bids are received by the chief at the 23512  
time and place fixed for receiving them, the chief may advertise 23513  
again for bids, or, if the chief considers the public interest 23514  
will be best served, the chief may enter into a contract for the 23515  
reclamation of the area of land without further advertisement for 23516  
bids. The chief may reject all bids received and again publish 23517  
notice of the time and place at which bids for contracts will be 23518  
received, opened, and published. The chief, with the approval of 23519  
the director and written consent of the owner, may enter into a 23520  
contract with a licensed mine operator mining adjacent land under 23521  
a valid permit to carry out the plan of reclamation on the 23522  
unreclaimed land or any part of the plan without advertising for 23523  
bids. 23524

**Sec. 1513.28.** The chief of the division of mineral resources 23525  
management, with the approval of the director of natural 23526  
resources, may make grants of ~~moneys~~ money from the ~~unreclaimed~~ 23527  
~~lands~~ mining regulation and safety fund created by section 1513.30 23528  
of the Revised Code for the payment by the state of up to 23529  
seventy-five per cent of the reasonable and necessary reclamation 23530  
expenses incurred by the owner of any unreclaimed land affected by 23531  
mining before April 10, 1972, or pursuant to a license issued 23532

before April 10, 1972, that causes or may cause pollution of the 23533  
waters of the state or damage to adjacent property, is not likely 23534  
to be mined in the foreseeable future, and lies within the 23535  
boundaries of a project area approved by the chief under section 23536  
1513.30 of the Revised Code. 23537

The owner shall submit application for a grant on forms 23538  
furnished by the division, together with detailed plans and 23539  
topographic maps indicating the reclamation improvements to be 23540  
made, an itemized estimate of the project's cost, a description of 23541  
the project's benefits, and such other information as the chief 23542  
prescribes. The plan of reclamation may be prepared in 23543  
consultation with a local soil and water conservation district. 23544

The chief may award the applicant a grant only after finding 23545  
that the proposed reclamation work will establish vegetative cover 23546  
and substantially reduce or eliminate erosion, sedimentation, 23547  
landslides, pollution, accumulation or discharge of acid water, 23548  
flooding, and damage to adjacent property. 23549

For the purpose of establishing priorities for awarding 23550  
grants under this section and section 1513.31 of the Revised Code, 23551  
the chief shall consider each project's feasibility, cost, and 23552  
public benefits of reclaiming the particular land, its potential 23553  
for being mined, and the availability of federal or other 23554  
financial assistance for reclamation. 23555

The chief shall determine the amount of a grant under this 23556  
section based upon the chief's determination of what constitutes 23557  
reasonable and necessary expenses actually incurred for 23558  
establishing vegetative cover, substantially reducing or 23559  
eliminating erosion, sedimentation, landslides, pollution, 23560  
accumulation or discharge of acid water, flooding, or damage to 23561  
adjacent property, and preparing the plan of reclamation. The 23562  
owner may elect to have other improvements made concurrently, but 23563

in no event shall any part of the grant be made for such other 23564  
improvements, and in no event shall the amount of the grant exceed 23565  
seventy-five per cent of the total amount, determined by the 23566  
chief, of what constitutes reasonable and necessary expenses 23567  
actually incurred for the reclamation measures listed in this 23568  
section. 23569

The chief shall enter into a contract for funding with each 23570  
applicant awarded a grant to ensure that the ~~moneys~~ money granted 23571  
are used for the purposes of this section and that the reclamation 23572  
work is properly done. The final payment may not be made until the 23573  
chief inspects and approves the completed reclamation work. 23574

Each such contract shall contain provisions for the 23575  
reimbursement of a portion of the costs of the reclamation that is 23576  
commensurate with the increase in the fair market value of the 23577  
property attributable to the reclamation work thereon, as 23578  
determined by appraisals made before and after reclamation in the 23579  
manner stated in the agreement, unless such determination 23580  
discloses an increase in value that is insubstantial in comparison 23581  
to the benefits to the public from the abatement of pollution or 23582  
prevention of damage to adjacent property, considering the 23583  
applicant's share of the reclamation cost. For reimbursement of 23584  
such portion, the contract may include provisions for: 23585

(A) Public use for soil, water, forest, or wildlife 23586  
conservation or public recreation purposes; 23587

(B) Payment to the state of the share of the income from the 23588  
crops or timber produced on the land that is stated in the 23589  
agreement; 23590

(C) Imposition of a lien in the amount of the increase in 23591  
fair market value payable upon transfer or conveyance of the 23592  
property to a new owner; 23593

(D) Payment to the state in cash in the amount of the 23594

increase in fair market value, payable upon completion of the 23595  
reclamation. 23596

All such reimbursements and payments shall be credited to the 23597  
~~unreclaimed lands~~ mining regulation and safety fund. 23598

Not more than forty per cent of the money credited to the 23599  
fund during the preceding calendar year may be expended during a 23600  
calendar year for grants under this section. 23601

The chief shall require every landowner performing 23602  
reclamation work pursuant to this section to pay workers at the 23603  
greater of their regular rate of pay, as established by contract, 23604  
agreement, or prior custom or practice, or the average wage rate 23605  
in this state for the same or similar work performed in the same 23606  
or similar locality by private companies doing their own 23607  
reclamation work. 23608

**Sec. 1513.30.** (A) There is hereby created in the state 23609  
treasury the ~~unreclaimed lands~~ mining regulation and safety fund, 23610  
to be administered by the chief of the division of mineral 23611  
resources management ~~and~~. The fund shall be used for the ~~purpose~~ 23612  
~~of reclaiming~~ following purposes: 23613

(1) Reclaiming land, public or private, affected by mining, 23614  
or controlling mine drainage, for which no cash is held in the 23615  
reclamation forfeiture fund created in section 1513.18 of the 23616  
Revised Code ~~or the surface mining fund created in section;~~ 23617

(2) Specified purposes in sections 1514.06, 1514.11, and 23618  
1561.48 of the Revised Code; 23619

(3) Administration and enforcement of Chapter 1513. of the 23620  
Revised Code. 23621

All investment earnings of the fund shall be deposited into 23622  
the fund. 23623

(B) In order to direct expenditures from the ~~unreclaimed~~ 23624

~~lands~~ mining regulation and safety fund toward reclamation 23625  
projects that fulfill priority needs and provide the greatest 23626  
public benefits, the chief periodically shall consider projects to 23627  
be financed from the ~~unreclaimed lands~~ mining regulation and 23628  
safety fund. For the purpose of selecting project areas and 23629  
determining the boundaries of project areas, the chief shall 23630  
consider the feasibility, cost, and public benefits of reclaiming 23631  
the areas, their potential for being mined, the availability of 23632  
federal or other financial assistance for reclamation, and the 23633  
geographic distribution of project areas to ensure fair 23634  
distribution among affected areas. 23635

(C) The chief shall give priority to areas where there is 23636  
little or no likelihood of mining within the foreseeable future, 23637  
reclamation is feasible at reasonable cost with available funds, 23638  
and either of the following applies: 23639

~~(A)~~(1) The pollution of the waters of the state and damage to 23640  
adjacent property are most severe and widespread. 23641

~~(B)~~(2) Reclamation will make possible public uses for soil, 23642  
water, forest, or wildlife conservation or public recreation 23643  
purposes, will facilitate orderly commercial or industrial site 23644  
development, or will facilitate the use or improve the enjoyment 23645  
of nearby public conservation or recreation lands. 23646

(D) Expenditures from the ~~unreclaimed lands~~ mining regulation 23647  
and safety fund for reclamation projects may be made only for 23648  
projects that are within the boundaries of project areas approved 23649  
by the chief. Expenditures from the ~~unreclaimed lands~~ mining 23650  
regulation and safety fund shall be made by the chief, with the 23651  
approval of the director of natural resources. 23652

~~The chief may expend an amount not to exceed twenty per cent~~ 23653  
~~of the moneys credited annually by the treasurer of state to the~~ 23654  
~~unreclaimed lands fund for the purpose of administering the fund.~~ 23655

(E) The chief may engage in cooperative projects under this 23656  
section with any agency of the United States, appropriate state 23657  
agencies, or state universities or colleges as defined in section 23658  
3345.27 of the Revised Code and may transfer money from the fund 23659  
to other appropriate state agencies or to state universities or 23660  
colleges in order to carry out the reclamation activities 23661  
authorized by this section. 23662

~~If the director of natural resources determines it to be 23663  
necessary, the director may request the controlling board to 23664  
transfer an amount of money from the fund to the coal mining 23665  
administration and reclamation reserve fund created in section 23666  
1513.181 of the Revised Code. 23667~~

(F) Notwithstanding any other provisions of law to the 23668  
contrary, money credited to the mining regulation and safety fund 23669  
that is derived from taxes levied in division (A)(3) or (4) of 23670  
section 5749.02 of the Revised Code shall not be used for any 23671  
purposes authorized under this chapter. 23672

**Sec. 1513.31.** For the purpose of promoting local or regional 23673  
economic or community development, the chief of the division of 23674  
mineral resources management, with the approval of the director of 23675  
natural resources, may make grants of money from the ~~unreclaimed~~ 23676  
~~lands~~ mining regulation and safety fund created by section 1513.30 23677  
of the Revised Code for the payment by the state of up to 23678  
seventy-five per cent of the reasonable and necessary expenses 23679  
incurred by a political subdivision, community improvement 23680  
corporation incorporated under Chapter 1724. of the Revised Code, 23681  
or other nonprofit corporation incorporated under Chapter 1702. of 23682  
the Revised Code for the reclamation of any unreclaimed land 23683  
affected by mining before April 10, 1972, or pursuant to a license 23684  
issued before April 10, 1972, that is owned by the political 23685  
subdivision or corporation, is to be reclaimed for the purpose of 23686

commercial or industrial site development by the political 23687  
subdivision or corporation or the development of recreational 23688  
facilities by the political subdivision, and lies within the 23689  
boundaries of a project area approved by the chief. 23690

The owner shall submit an application for a grant on forms 23691  
furnished by the division of mineral resources management together 23692  
with detailed plans and topographic maps indicating the 23693  
reclamation improvements to be made, an itemized estimate of the 23694  
project's cost, a description of the project's benefits, and such 23695  
other information as the chief prescribes. The chief may award the 23696  
applicant a grant only after finding that the proposed reclamation 23697  
work will render the unreclaimed land suitable for commercial, 23698  
industrial, or, if the land is owned by a political subdivision, 23699  
recreational site development and will substantially reduce or 23700  
eliminate the damage, if any, to adjacent property that is or may 23701  
be caused by the condition of the unreclaimed land. 23702

The chief shall determine the amount of the grant based upon 23703  
the chief's determination of what constitutes reasonable and 23704  
necessary expenses actually incurred for preparing the plan of 23705  
reclamation; preparing the unreclaimed land for commercial, 23706  
industrial, or, in the case of land owned by a political 23707  
subdivision, recreational site development, including backfilling, 23708  
grading, resoiling, planting, or other work to restore the land to 23709  
a condition suitable for such development; and, if the condition 23710  
of the unreclaimed land so requires, establishing vegetative cover 23711  
or substantially reducing or eliminating erosion, sedimentation, 23712  
landslides, pollution, accumulation or discharge of acid water, 23713  
flooding, or damage to adjacent property. The owner may have other 23714  
improvements made concurrently with the reclamation work, but 23715  
shall not spend any part of the grant for such other improvements. 23716  
No grant shall exceed seventy-five per cent of the total amount, 23717  
as determined by the chief, of what constitutes reasonable and 23718

necessary expenses actually incurred for the reclamation measures 23719  
listed in this section. 23720

The chief shall enter into a contract for funding with each 23721  
applicant awarded a grant in order to ensure that the ~~moneys~~ money 23722  
granted are used for the purposes of this section and that the 23723  
reclamation work is properly done. The final payment under a grant 23724  
may not be made until the chief inspects and approves the 23725  
completed reclamation work. 23726

**Sec. 1513.32.** For the purpose of promoting local or regional 23727  
economic or community development, the chief of the division of 23728  
mineral resources management, with the approval of the director of 23729  
natural resources, may enter into a written agreement, which may 23730  
be in the form of a contract, with a political subdivision, 23731  
community improvement corporation incorporated under Chapter 1724. 23732  
of the Revised Code, or other nonprofit corporation incorporated 23733  
under Chapter 1702. of the Revised Code that owns any unreclaimed 23734  
land affected by mining before April 10, 1972, or pursuant to a 23735  
license issued before April 10, 1972, under which the state or its 23736  
agents may enter upon the land to reclaim it at state expense with 23737  
~~moneys~~ money from the ~~unreclaimed lands~~ mining regulation and 23738  
safety fund created by section 1513.30 of the Revised Code for the 23739  
purpose of commercial or industrial site development if the land 23740  
is owned by a political subdivision or corporation or the 23741  
development of recreational facilities if the land is owned by a 23742  
political subdivision. The agreement may include provisions 23743  
pertaining to liability for damages and any other provisions 23744  
necessary or desirable to achieve the purposes of this section. 23745

For the purpose of selecting lands to be reclaimed for 23746  
commercial, industrial, or, if the lands are owned by a political 23747  
subdivision, recreational site development, the chief shall 23748  
consult with the owners of unreclaimed lands and with local 23749

officials, civic and professional organizations, and interested 23750  
individuals and shall consider the feasibility, cost, and public 23751  
benefits of reclaiming particular lands and the availability of 23752  
federal or other assistance for the reclamation. The chief shall 23753  
select for reclamation under this section only lands that lie 23754  
within the boundaries of a project area approved by the chief. 23755

Before entering into the agreement, the chief shall prepare 23756  
or approve a detailed plan with topographic maps indicating the 23757  
reclamation improvements to be made, an itemized estimate of the 23758  
project's cost, a description of the project's benefits, and such 23759  
other information as the chief considers appropriate. The plan 23760  
shall include only reclamation work that is necessary to render 23761  
the unreclaimed land suitable for commercial, industrial, or, if 23762  
the land is owned by a political subdivision, recreational site 23763  
development and will substantially reduce or eliminate the damage, 23764  
if any, to adjacent property that is or may be caused by the 23765  
condition of the unreclaimed land. The plan may include 23766  
improvements recommended by the owner, but may not include any 23767  
improvements that the chief finds are not necessary to prepare the 23768  
unreclaimed land for commercial, industrial, or, if the land is 23769  
owned by a political subdivision, recreational site development, 23770  
or if the condition of the unreclaimed land so requires, are not 23771  
necessary to establish vegetative cover or substantially reduce or 23772  
eliminate erosion, sedimentation, landslides, pollution, 23773  
accumulation or discharge of acid water, flooding, or damage to 23774  
adjacent property. 23775

With the approval of the director and upon entering into an 23776  
agreement with the owner, the chief may carry out the plan of 23777  
reclamation or any part thereof with the employees or equipment of 23778  
the department, or the chief may carry out the plan or any part 23779  
thereof by contracting therefor in accordance with the procedures 23780  
prescribed in section 1513.27 of the Revised Code. The chief shall 23781

keep an itemized record of the state's expense in carrying out the plan. 23782  
23783

Expenditure of not more than twenty per cent of the ~~moneys~~ 23784  
money credited to the ~~unreclaimed lands~~ mining regulation and 23785  
safety fund during the preceding fiscal year may be approved by 23786  
the chief during a fiscal year for conducting reclamation projects 23787  
under this section and for making grants under section 1513.31 of 23788  
the Revised Code, provided that such expenditures are primarily 23789  
for the pollution abatement purposes of section 1513.30 of the 23790  
Revised Code. 23791

**Sec. 1513.33.** The amount of any grant to a community 23792  
improvement corporation or nonprofit corporation made under 23793  
section 1513.31 of the Revised Code or the state's expenses 23794  
incurred in reclaiming unreclaimed land owned by a community 23795  
improvement corporation or nonprofit corporation under section 23796  
1513.32 of the Revised Code shall constitute a loan by the state 23797  
to the corporation. Entry into a grant contract under section 23798  
1513.31 of the Revised Code or into a reclamation agreement under 23799  
section 1513.32 of the Revised Code by the chief of the division 23800  
of mineral resources management constitutes the designation of the 23801  
community improvement corporation or nonprofit corporation as the 23802  
state's agent for the commercial or industrial development of the 23803  
land named in the contract or agreement. 23804

Each grant contract under section 1513.31 of the Revised Code 23805  
or reclamation agreement under section 1513.32 of the Revised Code 23806  
shall include terms for repayment of the grant or reimbursement of 23807  
the state for its reclamation expenses, which shall require 23808  
repayment of the loan in full upon the first sale, lease, or 23809  
rental of the land reclaimed under the contract or agreement if 23810  
the entire parcel of reclaimed land is sold, leased, or rented. If 23811  
the corporation establishes a business enterprise on the entire 23812

parcel of reclaimed land, the contract shall require repayment of 23813  
the loan in full upon the commencement of operation of the 23814  
business enterprise. If the reclaimed land is sold, leased, or 23815  
rented in portions or the corporation establishes a business 23816  
enterprise on any portion of the reclaimed land, the contract or 23817  
agreement shall require repayment of that portion of the loan that 23818  
corresponds to the portion of the reclaimed land sold, leased, or 23819  
rented upon the first sale, lease, or rental of that portion, or 23820  
upon commencement of operation of the business enterprise on that 23821  
portion, by the corporation in the proportion that the acreage of 23822  
the reclaimed land sold, leased, rented, or used in business by 23823  
the corporation bears to the total acreage of land reclaimed under 23824  
the contract or agreement. 23825

To secure repayment of the ~~moneys~~ money granted under section 23826  
1513.31 of the Revised Code or of the state's reclamation expenses 23827  
under section 1513.32 of the Revised Code to or on behalf of a 23828  
community improvement corporation or nonprofit corporation, the 23829  
state shall have a lien on the land owned by the corporation that 23830  
is land reclaimed under section 1513.31 or 1513.32 of the Revised 23831  
Code equal to the amount of the grant made under section 1513.31 23832  
of the Revised Code or to the state's expenses incurred in 23833  
reclaiming the land under section 1513.32 of the Revised Code. 23834  
Within thirty days after the final grant payment is made under 23835  
section 1513.31 of the Revised Code or after the completion of the 23836  
reclamation work under section 1513.32 of the Revised Code, the 23837  
chief shall cause to be recorded in the office of the county 23838  
recorder of the county in which the reclaimed land is located a 23839  
statement that shall contain an itemized accounting of the grant 23840  
paid under section 1513.31 of the Revised Code or an itemized 23841  
record of the state's expenses incurred in reclaiming the land 23842  
under section 1513.32 of the Revised Code. The statement shall 23843  
constitute a notice of lien and operate as of the date of delivery 23844  
as a lien on the land reclaimed in the amount of the grant ~~moneys~~ 23845

money paid out or the reclamation expenses incurred by the state 23846  
and shall have priority as a lien second only to the lien of real 23847  
property taxes imposed upon the land. The notice of lien and the 23848  
lien shall not be valid as against any mortgagee, pledgee, 23849  
purchaser, or judgment creditor whose rights have attached prior 23850  
to the date of filing of the statement by the chief or to any 23851  
prior or subsequent lien for real property taxes imposed pursuant 23852  
to section 5719.04 of the Revised Code. 23853

The county recorder shall record and index the chief's 23854  
statement, under the name of the state and the corporation, in the 23855  
official records maintained by the county recorder's office. The 23856  
county recorder shall impose no charge for the recording or 23857  
indexing of the statement. If the land is registered, the county 23858  
recorder shall make a notation and enter a memorial of the lien 23859  
upon the page of the register in which the last certificate of 23860  
title to the land is registered, stating the name of the claimant, 23861  
amount claimed, volume and page of the record where recorded, and 23862  
exact time the memorial was entered. 23863

The lien shall continue in force so long as any portion of 23864  
the amount granted under section 1513.31 of the Revised Code or 23865  
the state's reclamation expenses incurred under section 1513.32 of 23866  
the Revised Code remains unpaid. Upon repayment in full of those 23867  
~~moneys~~ money or expenses, the chief promptly shall issue a 23868  
certificate of release of the lien. Upon presentation of the 23869  
certificate of release, the county recorder of the county where 23870  
the lien is recorded shall record the lien as having been 23871  
discharged. 23872

A lien imposed under this section shall be foreclosed upon 23873  
the substantial failure of a corporation to repay any portion of 23874  
the amount granted under section 1513.31 of the Revised Code or 23875  
the state's reclamation expenses incurred under section 1513.32 of 23876  
the Revised Code in accordance with the terms of the grant 23877

contract or reclamation agreement. Before foreclosing any lien 23878  
under this section, the chief shall make a written demand upon the 23879  
corporation to comply with the repayment terms of the contract or 23880  
agreement. If the corporation does not pay the amount due within 23881  
sixty days, the chief shall refer the matter to the attorney 23882  
general, who shall institute a civil action to foreclose the lien 23883  
of the state. 23884

All ~~moneys~~ money collected from loan repayments and lien 23885  
foreclosures under this section shall be credited to the 23886  
~~unreclaimed lands~~ mining regulation and safety fund created by 23887  
section 1513.30 of the Revised Code. 23888

**Sec. 1513.37.** (A) There is hereby created in the state 23889  
treasury the abandoned mine reclamation fund, which shall be 23890  
administered by the chief of the division of mineral resources 23891  
management. The fund shall consist of grants from the secretary of 23892  
the interior from the federal abandoned mine reclamation fund 23893  
established by Title IV of the "Surface Mining Control and 23894  
Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, 23895  
regulations adopted under it, and amendments to the act and 23896  
regulations. Expenditures from the abandoned mine reclamation fund 23897  
shall be made by the chief for the following purposes: 23898

(1) Reclamation and restoration of land and water resources 23899  
adversely affected by past coal mining, including, but not limited 23900  
to, reclamation and restoration of abandoned strip mine areas, 23901  
abandoned coal processing areas, and abandoned coal refuse 23902  
disposal areas; sealing and filling of abandoned deep mine entries 23903  
and voids; planting of land adversely affected by past coal 23904  
mining; prevention of erosion and sedimentation; prevention, 23905  
abatement, treatment, and control of water pollution created by 23906  
coal mine drainage, including restoration of streambeds and 23907  
construction and operation of water treatment plants; prevention, 23908

abatement, and control of burning coal refuse disposal areas and	23909
burning coal in situ; and prevention, abatement, and control of	23910
coal mine subsidence;	23911
(2) Acquisition and filling of voids and sealing of tunnels,	23912
shafts, and entryways of noncoal lands;	23913
(3) Acquisition of land as provided for in this section;	23914
(4) Administrative expenses incurred in accomplishing the	23915
purposes of this section;	23916
(5) All other necessary expenses to accomplish the purposes	23917
of this section.	23918
(B) Expenditures of <del>moneys</del> <u>money</u> from the fund on land and	23919
water eligible pursuant to division (C) of this section shall	23920
reflect the following priorities in the order stated:	23921
(1) The protection of public health, safety, general welfare,	23922
and property from extreme danger of adverse effects of coal mining	23923
practices;	23924
(2) The protection of public health, safety, and general	23925
welfare from adverse effects of coal mining practices;	23926
(3) The restoration of land and water resources and the	23927
environment previously degraded by adverse effects of coal mining	23928
practices, including measures for the conservation and development	23929
of soil and water (excluding channelization), woodland, fish and	23930
wildlife, recreation resources, and agricultural productivity;	23931
(4) Research and demonstration projects relating to the	23932
development of coal mining reclamation and water quality control	23933
program methods and techniques;	23934
(5) The protection, repair, replacement, construction, or	23935
enhancement of public facilities such as utilities, roads,	23936
recreation facilities, and conservation facilities adversely	23937
affected by coal mining practices;	23938

(6) The development of publicly owned land adversely affected 23939  
by coal mining practices, including land acquired as provided in 23940  
this section for recreation and historic purposes, conservation 23941  
and reclamation purposes, and open space benefits. 23942

(C)(1) Lands and water eligible for reclamation or drainage 23943  
abatement expenditures under this section are those that were 23944  
mined for coal or were affected by such mining, wastebanks, coal 23945  
processing, or other coal mining processes and that meet one of 23946  
the following criteria: 23947

(a) Are lands that were abandoned or left in an inadequate 23948  
reclamation status prior to August 3, 1977, and for which there is 23949  
no continuing reclamation responsibility under state or federal 23950  
laws; 23951

(b) Are lands for which the chief finds that surface coal 23952  
mining operations occurred at any time between August 4, 1977, and 23953  
August 16, 1982, and that any ~~moneys~~ money for reclamation or 23954  
abatement that are available pursuant to a bond, performance 23955  
security, or other form of financial guarantee or from any other 23956  
source are not sufficient to provide for adequate reclamation or 23957  
abatement at the site; 23958

(c) Are lands for which the chief finds that surface coal 23959  
mining operations occurred at any time between August 4, 1977, and 23960  
November 5, 1990, that the surety of the mining operator became 23961  
insolvent during that time, and that, as of November 5, 1990, any 23962  
~~moneys~~ money immediately available from proceedings relating to 23963  
that insolvency or from any financial guarantee or other source 23964  
are not sufficient to provide for adequate reclamation or 23965  
abatement at the site. 23966

(2) In determining which sites to reclaim pursuant to 23967  
divisions (C)(1)(b) and (c) of this section, the chief shall 23968  
follow the priorities stated in divisions (B)(1) and (2) of this 23969

section and shall ensure that priority is given to those sites 23970  
that are in the immediate vicinity of a residential area or that 23971  
have an adverse economic impact on a local community. 23972

(3) Surface coal mining operations on lands eligible for 23973  
remining shall not affect the eligibility of those lands for 23974  
reclamation and restoration under this section after the release 23975  
of the bond, performance security, or other form of financial 23976  
guarantee for any such operation as provided under division (F) of 23977  
section 1513.16 of the Revised Code. If the bond, performance 23978  
security, or other form of financial guarantee for a surface coal 23979  
mining operation on lands eligible for remining is forfeited, 23980  
~~moneys~~ money available under this section may be used if the 23981  
amount of the bond, performance security, or other form of 23982  
financial guarantee is not sufficient to provide for adequate 23983  
reclamation or abatement, except that if conditions warrant, the 23984  
chief immediately shall exercise the authority granted under 23985  
division (L) of this section. 23986

(D) The chief may submit to the secretary of the interior a 23987  
state reclamation plan and annual projects to carry out the 23988  
purposes of this section. 23989

(1) The reclamation plan generally shall identify the areas 23990  
to be reclaimed, the purposes for which the reclamation is 23991  
proposed, the relationship of the lands to be reclaimed and the 23992  
proposed reclamation to surrounding areas, the specific criteria 23993  
for ranking and identifying projects to be funded, and the legal 23994  
authority and programmatic capability to perform the work in 23995  
accordance with this section. 23996

(2) On an annual basis, the chief may submit to the secretary 23997  
an application for support of the abandoned mine reclamation fund 23998  
and implementation of specific reclamation projects. The annual 23999  
requests shall include such information as may be requested by the 24000  
secretary. 24001

(3) The costs for each proposed project under this section shall include actual construction costs, actual operation and maintenance costs of permanent facilities, planning and engineering costs, construction inspection costs, and other necessary administrative expenses.

(4) The chief may submit annual and other reports required by the secretary when funds are provided by the secretary under Title IV of the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201, regulations adopted under it, and amendments to the act and regulations.

(E)(1) There is hereby created in the state treasury the acid mine drainage abatement and treatment fund, which shall be administered by the chief. The fund shall consist of grants from the secretary of the interior from the federal abandoned mine reclamation fund pursuant to section 402(g)(6) of Title IV of the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C.A. 1201. All investment earnings of the fund shall be credited to the fund.

(2) The chief shall make expenditures from the fund, in consultation with the United States department of agriculture, soil conservation service, to implement acid mine drainage abatement and treatment plans approved by the secretary. The plans shall provide for the comprehensive abatement of the causes and treatment of the effects of acid mine drainage within qualified hydrologic units affected by coal mining practices and shall include at least all of the following:

(a) An identification of the qualified hydrologic unit. As used in division (E) of this section, "qualified hydrologic unit" means a hydrologic unit that meets all of the following criteria:

(i) The water quality in the unit has been significantly affected by acid mine drainage from coal mining practices in a

manner that has an adverse impact on biological resources.	24033
(ii) The unit contains lands and waters that meet the eligibility requirements established under division (C) of this section and any of the priorities established in divisions (B)(1) to (3) of this section.	24034 24035 24036 24037
(iii) The unit contains lands and waters that are proposed to be the subject of expenditures from the reclamation forfeiture fund created in section 1513.18 of the Revised Code or the <del>unreclaimed lands</del> <u>mining regulation and safety</u> fund created in section 1513.30 of the Revised Code.	24038 24039 24040 24041 24042
(b) The extent to which acid mine drainage is affecting the water quality and biological resources within the hydrologic unit;	24043 24044
(c) An identification of the sources of acid mine drainage within the hydrologic unit;	24045 24046
(d) An identification of individual projects and the measures proposed to be undertaken to abate and treat the causes or effects of acid mine drainage within the hydrologic unit;	24047 24048 24049
(e) The cost of undertaking the proposed abatement and treatment measures;	24050 24051
(f) An identification of existing and proposed sources of funding for those measures;	24052 24053
(g) An analysis of the cost-effectiveness and environmental benefits of abatement and treatment measures.	24054 24055
(3) The chief may make grants of <del>moneys</del> <u>money</u> from the acid mine drainage abatement and treatment fund to watershed groups for conducting projects to accomplish the purposes of this section. A grant may be made in an amount equal to not more than fifty per cent of each of the following:	24056 24057 24058 24059 24060
(a) Reasonable and necessary expenses for the collection and analysis of data sufficient to do either or both of the following:	24061 24062

(i) Identify a watershed as a qualified hydrologic unit; 24063

(ii) Monitor the quality of water in a qualified hydrologic 24064  
unit before, during, and at any time after completion of the 24065  
project by the watershed group. 24066

(b) Engineering design costs and construction costs involved 24067  
in the project, provided that the project is conducted in a 24068  
qualified hydrologic unit and the chief considers the project to 24069  
be a priority. 24070

A watershed group that wishes to obtain a grant under 24071  
division (E)(3) of this section shall submit an application to the 24072  
chief on forms provided by the division of mineral resources 24073  
management, together with detailed estimates and timetables for 24074  
accomplishing the stated goals of the project and any other 24075  
information that the chief requires. 24076

For the purposes of establishing priorities for awarding 24077  
grants under division (E)(3) of this section, the chief shall 24078  
consider each project's feasibility, cost-effectiveness, and 24079  
environmental benefit, together with the availability of matching 24080  
funding, including in-kind services, for the project. 24081

The chief shall enter into a contract for funding with each 24082  
applicant awarded a grant to ensure that the ~~moneys~~ money granted 24083  
are used for the purposes of this section and that the work that 24084  
the project involves is done properly. The contract is not subject 24085  
to division (B) of section 127.16 of the Revised Code. The final 24086  
payment of grant ~~moneys~~ money shall not be made until the chief 24087  
inspects and approves the completed project. 24088

The chief shall require each applicant awarded a grant under 24089  
this section who conducts a project involving construction work to 24090  
pay workers at the greater of their regular rate of pay, as 24091  
established by contract, agreement, or prior custom or practice, 24092  
or the average wage rate paid in this state for the same or 24093

similar work performed in the same or a similar locality by 24094  
private companies doing similar work on similar projects. 24095

As used in division (E)(3) of this section, "watershed group" 24096  
means a charitable organization as defined in section 1716.01 of 24097  
the Revised Code that has been established for the purpose of 24098  
conducting reclamation of land and waters adversely affected by 24099  
coal mining practices and specifically for conducting acid mine 24100  
drainage abatement. 24101

(F)(1) If the chief makes a finding of fact that land or 24102  
water resources have been adversely affected by past coal mining 24103  
practices; the adverse effects are at a stage where, in the public 24104  
interest, action to restore, reclaim, abate, control, or prevent 24105  
the adverse effects should be taken; the owners of the land or 24106  
water resources where entry must be made to restore, reclaim, 24107  
abate, control, or prevent the adverse effects of past coal mining 24108  
practices are not known or are not readily available; or the 24109  
owners will not give permission for the state, political 24110  
subdivisions, or their agents, employees, or contractors to enter 24111  
upon the property to restore, reclaim, abate, control, or prevent 24112  
the adverse effects of past coal mining practices; then, upon 24113  
giving notice by mail to the owners, if known, or, if not known, 24114  
by posting notice upon the premises and advertising once in a 24115  
newspaper of general circulation in the municipal corporation or 24116  
county in which the land lies, the chief or the chief's agents, 24117  
employees, or contractors may enter upon the property adversely 24118  
affected by past coal mining practices and any other property to 24119  
have access to the property to do all things necessary or 24120  
expedient to restore, reclaim, abate, control, or prevent the 24121  
adverse effects. The entry shall be construed as an exercise of 24122  
the police power for the protection of the public health, safety, 24123  
and general welfare and shall not be construed as an act of 24124  
condemnation of property nor of trespass on it. The ~~moneys~~ money 24125

expended for the work and the benefits accruing to any such 24126  
premises so entered upon shall be chargeable against the land and 24127  
shall mitigate or offset any claim in or any action brought by any 24128  
owner of any interest in the premises for any alleged damages by 24129  
virtue of the entry, but this provision is not intended to create 24130  
new rights of action or eliminate existing immunities. 24131

(2) The chief or the chief's authorized representatives may 24132  
enter upon any property for the purpose of conducting studies or 24133  
exploratory work to determine the existence of adverse effects of 24134  
past coal mining practices and to determine the feasibility of 24135  
restoration, reclamation, abatement, control, or prevention of 24136  
such adverse effects. The entry shall be construed as an exercise 24137  
of the police power for the protection of the public health, 24138  
safety, and general welfare and shall not be construed as an act 24139  
of condemnation of property nor trespass on it. 24140

(3) The chief may acquire any land by purchase, donation, or 24141  
condemnation that is adversely affected by past coal mining 24142  
practices if the chief determines that acquisition of the land is 24143  
necessary to successful reclamation and that all of the following 24144  
apply: 24145

(a) The acquired land, after restoration, reclamation, 24146  
abatement, control, or prevention of the adverse effects of past 24147  
coal mining practices, will serve recreation and historic 24148  
purposes, serve conservation and reclamation purposes, or provide 24149  
open space benefits. 24150

(b) Permanent facilities such as a treatment plant or a 24151  
relocated stream channel will be constructed on the land for the 24152  
restoration, reclamation, abatement, control, or prevention of the 24153  
adverse effects of past coal mining practices. 24154

(c) Acquisition of coal refuse disposal sites and all coal 24155  
refuse thereon will serve the purposes of this section or public 24156

ownership is desirable to meet emergency situations and prevent 24157  
recurrences of the adverse effects of past coal mining practices. 24158

(4)(a) Title to all lands acquired pursuant to this section 24159  
shall be in the name of the state. The price paid for land 24160  
acquired under this section shall reflect the market value of the 24161  
land as adversely affected by past coal mining practices. 24162

(b) The chief may receive grants on a matching basis from the 24163  
secretary of the interior for the purpose of carrying out this 24164  
section. 24165

(5)(a) Where land acquired pursuant to this section is 24166  
considered to be suitable for industrial, commercial, residential, 24167  
or recreational development, the chief may sell the land by public 24168  
sale under a system of competitive bidding at not less than fair 24169  
market value and under other requirements imposed by rule to 24170  
ensure that the lands are put to proper use consistent with local 24171  
and state land use plans, if any, as determined by the chief. 24172

(b) The chief, when requested, and after appropriate public 24173  
notice, shall hold a public meeting in the county, counties, or 24174  
other appropriate political subdivisions of the state in which 24175  
lands acquired pursuant to this section are located. The meetings 24176  
shall be held at a time that shall afford local citizens and 24177  
governments the maximum opportunity to participate in the decision 24178  
concerning the use or disposition of the lands after restoration, 24179  
reclamation, abatement, control, or prevention of the adverse 24180  
effects of past coal mining practices. 24181

(6) In addition to the authority to acquire land under 24182  
division (F)(3) of this section, the chief may use money in the 24183  
fund to acquire land by purchase, donation, or condemnation, and 24184  
to reclaim and transfer acquired land to a political subdivision, 24185  
or to any person, if the chief determines that it is an integral 24186  
and necessary element of an economically feasible plan for the 24187

construction or rehabilitation of housing for persons disabled as 24188  
the result of employment in the mines or work incidental to that 24189  
employment, persons displaced by acquisition of land pursuant to 24190  
this section, persons dislocated as the result of adverse effects 24191  
of coal mining practices that constitute an emergency as provided 24192  
in the "Surface Mining Control and Reclamation Act of 1977," 91 24193  
Stat. 466, 30 U.S.C.A. 1240, or amendments to it, or persons 24194  
dislocated as the result of natural disasters or catastrophic 24195  
failures from any cause. Such activities shall be accomplished 24196  
under such terms and conditions as the chief requires, which may 24197  
include transfers of land with or without monetary consideration, 24198  
except that to the extent that the consideration is below the fair 24199  
market value of the land transferred, no portion of the difference 24200  
between the fair market value and the consideration shall accrue 24201  
as a profit to those persons. No part of the funds provided under 24202  
this section may be used to pay the actual construction costs of 24203  
housing. The chief may carry out the purposes of division (F)(6) 24204  
of this section directly or by making grants and commitments for 24205  
grants and may advance money under such terms and conditions as 24206  
the chief may require to any agency or instrumentality of the 24207  
state or any public body or nonprofit organization designated by 24208  
the chief. 24209

(G)(1) Within six months after the completion of projects to 24210  
restore, reclaim, abate, control, or prevent adverse effects of 24211  
past coal mining practices on privately owned land, the chief 24212  
shall itemize the ~~moneys~~ money so expended and may file a 24213  
statement of the expenditures in the office of the county recorder 24214  
of the county in which the land lies, together with a notarized 24215  
appraisal by an independent appraiser of the value of the land 24216  
before the restoration, reclamation, abatement, control, or 24217  
prevention of adverse effects of past coal mining practices if the 24218  
~~moneys~~ money so expended result in a significant increase in 24219  
property value. The statement shall constitute a lien upon the 24220

land as of the date of the expenditures of the ~~moneys~~ money and 24221  
shall have priority as a lien second only to the lien of real 24222  
property taxes imposed upon the land. The lien shall not exceed 24223  
the amount determined by the appraisal to be the increase in the 24224  
fair market value of the land as a result of the restoration, 24225  
reclamation, abatement, control, or prevention of the adverse 24226  
effects of past coal mining practices. No lien shall be filed 24227  
under division (G) of this section against the property of any 24228  
person who owned the surface prior to May 2, 1977, and did not 24229  
consent to, participate in, or exercise control over the mining 24230  
operation that necessitated the reclamation performed. 24231

(2) The landowner may petition, within sixty days after the 24232  
filing of the lien, to determine the increase in the fair market 24233  
value of the land as a result of the restoration, reclamation, 24234  
abatement, control, or prevention of the adverse effects of past 24235  
coal mining practices. The amount reported to be the increase in 24236  
value of the premises shall constitute the amount of the lien and 24237  
shall be recorded with the statement provided in this section. Any 24238  
party aggrieved by the decision may appeal as provided by state 24239  
law. 24240

(3) The lien provided in division (G) of this section shall 24241  
be recorded and indexed, under the name of the state and the 24242  
landowner, in the official records in the office of the county 24243  
recorder of the county in which the land lies. The county recorder 24244  
shall impose no charge for the recording or indexing of the lien. 24245  
If the land is registered, the county recorder shall make a 24246  
notation and enter a memorial of the lien upon the page of the 24247  
register in which the last certificate of title to the land is 24248  
registered, stating the name of the claimant, amount claimed, 24249  
volume and page of the record where recorded, and exact time the 24250  
memorial was entered. 24251

(4) The lien shall continue in force so long as any portion 24252

of the amount of the lien remains unpaid. If the lien remains 24253  
unpaid at the time of conveyance of the land on which the lien was 24254  
placed, the conveyance may be set aside. Upon repayment in full of 24255  
the ~~moneys~~ money expended under this section, the chief promptly 24256  
shall issue a certificate of release of the lien. Upon 24257  
presentation of the certificate of release, the county recorder of 24258  
the county in which the lien is recorded shall record the lien as 24259  
having been discharged. 24260

(5) A lien imposed under this section shall be foreclosed 24261  
upon the substantial failure of a landowner to pay any portion of 24262  
the amount of the lien. Before foreclosing any lien under this 24263  
section, the chief shall make a written demand upon the landowner 24264  
for payment. If the landowner does not pay the amount due within 24265  
sixty days, the chief shall refer the matter to the attorney 24266  
general, who shall institute a civil action to foreclose the lien. 24267

(H)(1) The chief may fill voids, seal abandoned tunnels, 24268  
shafts, and entryways, and reclaim surface impacts of underground 24269  
or strip mines that the chief determines could endanger life and 24270  
property, constitute a hazard to the public health and safety, or 24271  
degrade the environment. 24272

(2) In those instances where mine waste piles are being 24273  
reworked for conservation purposes, the incremental costs of 24274  
disposing of the wastes from those operations by filling voids and 24275  
sealing tunnels may be eligible for funding, provided that the 24276  
disposal of these wastes meets the purposes of this section. 24277

(3) The chief may acquire by purchase, donation, easement, or 24278  
otherwise such interest in land as the chief determines necessary 24279  
to carry out division (H) of this section. 24280

(I) The chief shall report annually to the secretary of the 24281  
interior on operations under the fund and include recommendations 24282  
as to its future uses. 24283

(J)(1) The chief may engage in any work and do all things 24284  
necessary or expedient, including the adoption of rules, to 24285  
implement and administer this section. 24286

(2) The chief may engage in cooperative projects under this 24287  
section with any agency of the United States, any other state, or 24288  
their governmental agencies or with any state university or 24289  
college as defined in section 3345.27 of the Revised Code. The 24290  
cooperative projects are not subject to division (B) of section 24291  
127.16 of the Revised Code. 24292

(3) The chief may request the attorney general to initiate in 24293  
any court of competent jurisdiction an action in equity for an 24294  
injunction to restrain any interference with the exercise of the 24295  
right to enter or to conduct any work provided in this section, 24296  
which remedy is in addition to any other remedy available under 24297  
this section. 24298

(4) The chief may construct or operate a plant or plants for 24299  
the control and treatment of water pollution resulting from mine 24300  
drainage. The extent of this control and treatment may be 24301  
dependent upon the ultimate use of the water. Division (J)(4) of 24302  
this section does not repeal or supersede any portion of the 24303  
"Federal Water Pollution Control Act," 70 Stat. 498 (1965), 33 24304  
U.S.C.A. 1151, as amended, and no control or treatment under 24305  
division (J)(4) of this section, in any way, shall be less than 24306  
that required by that act. The construction of a plant or plants 24307  
may include major interceptors and other facilities appurtenant to 24308  
the plant. 24309

(5) The chief may transfer money from the abandoned mine 24310  
reclamation fund and the acid mine drainage abatement and 24311  
treatment fund to other appropriate state agencies or to state 24312  
universities or colleges in order to carry out the reclamation 24313  
activities authorized by this section. 24314

(K) The chief may contract for any part of work to be performed under this section, with or without advertising for bids, if the chief determines that a condition exists that could reasonably be expected to cause substantial physical harm to persons, property, or the environment and to which persons or improvements on real property are currently exposed.

The chief shall require every contractor performing reclamation work under this section to pay its workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate paid in this state for the same or similar work as determined by the chief under section 1513.02 of the Revised Code.

(L)(1) The chief may contract for the emergency restoration, reclamation, abatement, control, or prevention of adverse effects of mining practices on eligible lands if the chief determines that an emergency exists constituting a danger to the public health, safety, or welfare and that no other person or agency will act expeditiously to restore, reclaim, abate, control, or prevent those adverse effects. The chief may enter into a contract for emergency work under division (L) of this section without advertising for bids. Any such contract or any purchase of materials for emergency work under division (L) of this section is not subject to division (B) of section 127.16 of the Revised Code.

(2) The chief or the chief's agents, employees, or contractors may enter on any land where such an emergency exists, and on other land in order to have access to that land, in order to restore, reclaim, abate, control, or prevent the adverse effects of mining practices and to do all things necessary or expedient to protect the public health, safety, or welfare. Such an entry shall be construed as an exercise of the police power and shall not be construed as an act of condemnation of property or of trespass. The ~~moneys~~ money expended for the work and the benefits

accruing to any premises so entered upon shall be chargeable 24347  
against the land and shall mitigate or offset any claim in or any 24348  
action brought by any owner of any interest in the premises for 24349  
any alleged damages by virtue of the entry. This provision is not 24350  
intended to create new rights of action or eliminate existing 24351  
immunities. 24352

**Sec. 1514.03.** Within thirty days after each anniversary date 24353  
of issuance of a surface or in-stream mining permit, the operator 24354  
shall file with the chief of the division of mineral resources 24355  
management an annual report, on a form prescribed and furnished by 24356  
the chief, that, for the period covered by the report, shall state 24357  
the amount of and identify the types of minerals and coal, if any 24358  
coal, produced and shall state the number of acres affected and 24359  
the number of acres estimated to be affected during the next year 24360  
of operation. An annual report is not required to be filed if a 24361  
final report is filed in lieu thereof. 24362

Each annual report for a surface mining operation shall 24363  
include a progress map indicating the location of areas of land 24364  
affected during the period of the report and the location of the 24365  
area of land estimated to be affected during the next year. The 24366  
map shall be prepared in accordance with division (A)(11) or (12) 24367  
of section 1514.02 of the Revised Code, as appropriate, except 24368  
that a map prepared in accordance with division (A)(12) of that 24369  
section may be certified by the operator or authorized agent of 24370  
the operator in lieu of certification by a professional engineer 24371  
or surveyor registered under Chapter 4733. of the Revised Code. 24372  
However, the chief may require that an annual progress map or a 24373  
final map be prepared by a registered professional engineer or 24374  
registered surveyor if the chief has reason to believe that the 24375  
operator exceeded the boundaries of the permit area or, if the 24376  
operator filed the map required under division (A)(11) of section 24377  
1514.02 of the Revised Code, that the operator extracted ten 24378

thousand tons or more of minerals during the period covered by the report. 24379  
24380

Each annual report for an in-stream mining operation shall 24381  
include a statement of the total tonnage removed by in-stream 24382  
mining for each month and of the surface acreage and depth of 24383  
material removed by in-stream mining and shall include a map that 24384  
identifies the area affected by the in-stream mining if the 24385  
in-stream mining for the year addressed by the report occurred 24386  
beyond the area identified in the most recent approved map, 24387  
soundings that depict the cross-sectional views of the channel 24388  
bottom of the watercourse if the soundings depict a 24389  
cross-sectional view of the channel bottom that is different from 24390  
the most recent approved map, and water elevations for the 24391  
watercourse if water elevations are different from those indicated 24392  
on the most recent approved map. 24393

Each annual report shall be accompanied by a filing fee in 24394  
the amount of five hundred dollars, except in the case of an 24395  
annual report filed by a small operator or an in-stream mining 24396  
operator. A small operator, which is a surface mine operator who 24397  
intends to extract fewer than ten thousand tons of minerals and no 24398  
coal during the next year of operation under the permit, or an 24399  
in-stream mining operator shall include a filing fee in the amount 24400  
of two hundred fifty dollars with each annual report. The annual 24401  
report of any operator also shall be accompanied by an acreage fee 24402  
in the amount of seventy-five dollars multiplied by the number of 24403  
acres estimated in the report to be affected during the next year 24404  
of operation under the permit. The acreage fee shall be adjusted 24405  
by subtracting a credit of seventy-five dollars per excess acre 24406  
paid for the preceding year if the acreage paid for the preceding 24407  
year exceeds the acreage actually affected or by adding an 24408  
additional amount of seventy-five dollars per excess acre affected 24409  
if the acreage actually affected exceeds the acreage paid for the 24410

preceding year. 24411

With each annual report the operator shall file a performance 24412  
bond in the amount, unless otherwise provided by rule, of five 24413  
hundred dollars multiplied by the number of acres estimated to be 24414  
affected during the next year of operation under the permit for 24415  
which no performance bond previously was filed. Unless otherwise 24416  
provided by rule, the bond shall be adjusted by subtracting a 24417  
credit of five hundred dollars per excess acre for which bond was 24418  
filed for the preceding year if the acreage for which the bond was 24419  
filed for the preceding year exceeds the acreage actually 24420  
affected, or by adding an amount of five hundred dollars per 24421  
excess acre affected if the acreage actually affected exceeds the 24422  
acreage for which bond was filed for the preceding year. 24423

Within thirty days after the expiration of the surface or 24424  
in-stream mining permit, or completion or abandonment of the 24425  
operation, whichever occurs earlier, the operator shall submit a 24426  
final report containing the same information required in an annual 24427  
report, but covering the time from the last annual report to the 24428  
expiration of the permit, or completion or abandonment of the 24429  
operation, whichever occurs earlier. 24430

Each final report shall include a map indicating the location 24431  
of the area of land affected during the period of the report and 24432  
the location of the total area of land affected under the permit. 24433  
The map shall be prepared in accordance with division (A)(11) or 24434  
(12) of section 1514.02 of the Revised Code, as appropriate. 24435

In the case of a final report for an in-stream mining 24436  
operation, the map also shall include the information required 24437  
under division (A)(18) of section 1514.02 of the Revised Code, as 24438  
applicable. 24439

If the final report and certified map, as verified by the 24440  
chief, show that the number of acres affected under the permit is 24441

larger than the number of acres for which the operator has paid an  
acreage fee or filed a performance bond, upon notification by the  
chief, the operator shall pay an additional acreage fee in the  
amount of seventy-five dollars multiplied by the difference  
between the number of acres affected under the permit and the  
number of acres for which the operator has paid an acreage fee and  
shall file an additional performance bond in the amount, unless  
otherwise provided by rule, of five hundred dollars multiplied by  
the difference between the number of acres affected under the  
permit and the number of acres for which the operator has filed  
bond.

If the final report and certified map, as verified by the  
chief, show that the number of acres affected under the permit is  
smaller than the number of acres for which the operator has filed  
a performance bond, the chief shall order release of the excess  
bond. However, the chief shall retain a performance bond in a  
minimum amount of ten thousand dollars irrespective of the number  
of acres affected under the permit. The release of the excess bond  
shall be in an amount, unless otherwise provided by rule, equal to  
five hundred dollars multiplied by the difference between the  
number of acres affected under the permit and the number of acres  
for which the operator has filed bond.

The fees collected pursuant to this section and section  
1514.02 of the Revised Code shall be deposited with the treasurer  
of state to the credit of the ~~surface~~ mining regulation and safety  
fund created under section ~~1514.06~~ 1513.30 of the Revised Code.

If upon inspection the chief finds that any filing fee,  
acreage fee, performance bond, or part thereof is not paid when  
due or is paid on the basis of false or substantially inaccurate  
reports, the chief may request the attorney general to recover the  
unpaid amounts that are due the state, and the attorney general  
shall commence appropriate legal proceedings to recover the unpaid

amounts. 24474

**Sec. 1514.051.** (A) If an operator or a partner or officer of 24475  
the operator forfeits a performance bond, the division of mineral 24476  
resources management shall have a priority lien in front of all 24477  
other interested creditors against the assets of that operator for 24478  
the amount that is needed to perform any reclamation that is 24479  
required as a result of the operator's mining activities. The 24480  
chief of the division of mineral resources management shall file a 24481  
statement in the office of the county recorder of each county in 24482  
which the mined land lies of the estimated costs to reclaim the 24483  
land. Estimated costs shall include direct and indirect costs of 24484  
the development, design, construction, management, and 24485  
administration of the reclamation. The statement shall constitute 24486  
a lien on the assets of the operator as of the date of the filing. 24487  
The lien shall continue in force so long as any portion of the 24488  
lien remains unpaid or until the chief issues a certificate of 24489  
release of the lien. If the chief issues a certificate of release 24490  
of the lien, the chief shall file a certificate of release in the 24491  
office of each applicable county recorder. 24492

(B) The chief promptly shall issue a certificate of release 24493  
under any of the following circumstances: 24494

(1) Upon the repayment in full of the money that is necessary 24495  
to complete the reclamation; 24496

(2) Upon the transfer of an existing permit that includes the 24497  
areas of the surface mine for which reclamation was not completed 24498  
from the operator that forfeited the performance bond to a new 24499  
operator; 24500

(3) Any other circumstance that the chief determines to be in 24501  
the best interests of the state. 24502

(C) The chief may modify the amount of a lien under this 24503

section. If the chief modifies a lien, the chief shall file a 24504  
statement in the office of the county recorder of each applicable 24505  
county of the new amount of the lien. 24506

(D) The chief may authorize a closing agent to hold a 24507  
certificate of release in escrow for a period not to exceed one 24508  
hundred eighty days for the purpose of facilitating the transfer 24509  
of unreclaimed mine land. 24510

(E) All money from the collection of liens under this section 24511  
shall be deposited in the state treasury to the credit of the 24512  
~~surface mining regulation and safety~~ fund created in section 24513  
~~1514.06 1513.30~~ of the Revised Code. 24514

**Sec. 1514.06.** (A) ~~There is hereby created in the state~~ 24515  
~~treasury the surface mining fund consisting of all~~ All money that 24516  
becomes the property of the state pursuant to sections 1514.05 and 24517  
1514.051 of the Revised Code, money ~~credited to the fund~~ collected 24518  
under divisions (C)(1) and (2) of section 1514.071, and other 24519  
money specified in section 1514.11 of the Revised Code shall be 24520  
credited to the mining regulation and safety fund created in 24521  
section 1513.30 of the Revised Code. ~~All investment earnings of~~ 24522  
~~the fund shall be credited to the fund. Expenditures from the fund~~ 24523  
~~shall be made by the~~ The chief of the division of mineral 24524  
resources management may expend such money for the purpose of 24525  
reclaiming areas of land affected by surface or in-stream mining 24526  
under a permit issued under this chapter that the operator has 24527  
failed to reclaim. ~~Provided that the chief maintains a balance in~~ 24528  
~~the fund that is sufficient to achieve that purpose and, in doing~~ 24529  
~~so, considers the timeliness of reclamation activity, the chief~~ 24530  
~~may use the fund for other purposes specified in section 1514.11~~ 24531  
~~of the Revised Code.~~ 24532

(B) Expenditures of ~~moneys~~ money from the fund for the 24533  
purposes specified in division (A) of this section, except as 24534

otherwise provided by this section, shall be made pursuant to 24535  
contracts entered into by the chief with persons who agree to 24536  
furnish all of the materials, equipment, work, and labor, as 24537  
specified and provided in the contracts, for the prices stipulated 24538  
therein. With the approval of the director of natural resources, 24539  
the chief may reclaim the land in the same manner as the chief 24540  
required of the operator who failed to reclaim the land. Each 24541  
contract awarded by the chief shall be awarded to the lowest 24542  
responsive and responsible bidder, in accordance with section 24543  
9.312 of the Revised Code, after sealed bids are received, opened, 24544  
and published at the time and place fixed by the chief. The chief 24545  
shall publish notice of the time and place at which bids will be 24546  
received, opened, and published, at least once at least ten days 24547  
before the date of the opening of the bids, in a newspaper of 24548  
general circulation in the county in which the area of land to be 24549  
reclaimed under the contract is located. If, after so advertising 24550  
for bids, no bids are received by the chief at the time and place 24551  
fixed for receiving them, the chief may advertise again for bids, 24552  
or, if the chief considers the public interest will be best 24553  
served, the chief may enter into a contract for the reclamation of 24554  
the area of land without further advertisement for bids. The chief 24555  
may reject any or all bids received and again publish notice of 24556  
the time and place at which bids for contracts will be received, 24557  
opened, and published. 24558

(C) With the approval of the director, the chief, without 24559  
advertising for bids, may enter into a contract with the 24560  
landowner, a surface or in-stream mine operator or coal mine 24561  
operator mining under a current, valid permit issued under this 24562  
chapter or Chapter 1513. of the Revised Code, or a contractor 24563  
hired by a surety to complete reclamation, to carry out 24564  
reclamation on land affected by surface or in-stream mining 24565  
operations that an operator has failed to reclaim. 24566

(D) With the approval of the director, the chief may carry out all or part of the reclamation work on land affected by surface or in-stream mining operations that the operator has failed to reclaim using the employees and equipment of any division of the department of natural resources.

(E) The chief shall require every contractor performing reclamation work under this section to pay workers at the greater of their regular rate of pay, as established by contract, agreement, or prior custom or practice, or the average wage rate paid in this state for the same or similar work, as determined by the chief under section 1513.02 of the Revised Code.

(F) Each contract entered into by the chief under this section shall provide only for the reclamation of land affected by the surface or in-stream mining operation or operations of one operator and not reclaimed by the operator as required by this chapter. If there is money in the fund derived from the performance bond deposited with the chief by one operator to ensure the reclamation of two or more areas of land affected by the surface or in-stream mining operation or operations of one operator and not reclaimed by the operator as required by this chapter, the chief may award a single contract for the reclamation of all such areas of land.

(G) The cost of the reclamation work done under this section on each area of land affected by surface or in-stream mining operations that an operator has failed to reclaim shall be paid out of the money in the fund derived from the performance bond that was deposited with the chief to ensure the reclamation of that area of land. ~~If the amount of money is not sufficient to pay the cost of doing all of the reclamation work on the area of land that the operator should have done, but failed to do, the chief may expend from the reclamation forfeiture fund created in section 1513.18 of the Revised Code or the surface mining fund created in~~

~~this section the amount of money needed to complete reclamation to~~ 24599  
~~the standards required by this chapter. The operator is liable for~~ 24600  
~~that expense in addition to any other liabilities imposed by law.~~ 24601  
At the request of the chief, the attorney general shall bring an 24602  
action against the operator for the amount of the expenditures 24603  
from ~~either~~ the mining regulation and safety fund. ~~Moneys~~ Money so 24604  
recovered shall be deposited in the state treasury to the credit 24605  
of ~~the~~ that fund ~~from which the expenditures were made.~~ 24606

~~(H) If any part of the money in the surface mining fund~~ 24607  
~~remains in the fund after the chief has caused the area of land to~~ 24608  
~~be reclaimed and has paid all the reclamation costs and expenses,~~ 24609  
~~or if any money remains because the area of land has been~~ 24610  
~~repermitted under this chapter or reclaimed by a person other than~~ 24611  
~~the chief, the chief may expend the remaining money to complete~~ 24612  
~~other reclamation work performed under this section. The chief~~ 24613  
~~shall prepare an annual report that summarizes the money credited~~ 24614  
~~to the fund and expenditures made from the fund and post the~~ 24615  
~~report on the division of mineral resources management's web site.~~ 24616

**Sec. 1514.071.** (A) In addition to any other penalties 24617  
established under this chapter, the chief of the division of 24618  
mineral resources management may assess a civil penalty against 24619  
any person who fails to comply with an order issued by the chief 24620  
under section 1514.07 of the Revised Code by the date specified in 24621  
the order or as subsequently extended by the chief. 24622

(B) Civil penalties assessed under this section shall not 24623  
exceed one thousand dollars for each occurrence of noncompliance 24624  
with an order. Each day of continuing noncompliance, up to a 24625  
maximum of thirty days, may be deemed a separate occurrence for 24626  
purposes of penalty assessments. In determining the amount of the 24627  
assessment, the chief shall consider the seriousness of the 24628  
noncompliance, the effect of the noncompliance, and the operator's 24629

history of noncompliance. 24630

(C) Upon issuance of a notice of noncompliance with an order, 24631  
the chief shall inform the person to whom the notice of 24632  
noncompliance is issued of the amount of any civil penalty to be 24633  
assessed and provide an opportunity for an adjudicatory hearing 24634  
with the reclamation commission pursuant to section 1514.09 of the 24635  
Revised Code. The person charged with the penalty shall have 24636  
thirty days from receipt of the assessment to pay the penalty in 24637  
full or, if the person wishes to contest the amount of the 24638  
penalty, file a petition for review of the assessment with the 24639  
commission pursuant to section 1514.09 of the Revised Code and 24640  
forward the amount of the penalty to the secretary of the 24641  
commission as required by this division. Failure to forward the 24642  
money to the secretary within thirty days after the chief informs 24643  
the person of the amount of the penalty shall result in a waiver 24644  
of all legal rights to contest the amount of the penalty. 24645

If, after a hearing, the commission affirms or modifies the 24646  
amount of the penalty, the person charged with the penalty shall 24647  
have thirty days after receipt of the written decision to file an 24648  
appeal from the commission's order in accordance with section 24649  
1514.09 of the Revised Code. 24650

At the time that the petition for review of the assessment is 24651  
filed with the secretary, the person shall forward the amount of 24652  
the penalty to the secretary for placement in the reclamation 24653  
penalty fund created in division (F)(3) of section 1513.02 of the 24654  
Revised Code. Pursuant to administrative or judicial review of the 24655  
penalty, the secretary shall do either of the following: 24656

(1) If it is determined that the amount of the penalty should 24657  
be reduced, within thirty days, remit the appropriate amount of 24658  
the penalty to the person, with interest, and forward any balance 24659  
of the penalty, with interest, to the chief for deposit in the 24660  
~~surface~~ surface mining regulation and safety fund created in section 24661

~~1514.06~~ 1513.30 of the Revised Code for reclamation of abandoned surface or in-stream mining operations in the state; 24662  
24663

(2) If the penalty was not reduced, forward the entire penalty, with interest, to the chief for deposit in the ~~surface~~ mining regulation and safety fund for reclamation of abandoned surface or in-stream mining operations in the state. 24664  
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(D) Civil penalties owed under this section may be recovered in a civil action brought by the attorney general upon the request of the chief. 24668  
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**Sec. 1514.10.** No person shall: 24671

(A)(1) Engage in surface mining without a permit; 24672

(2) Engage in in-stream mining or conduct an in-stream mining operation without an in-stream mining permit issued by the chief of the division of mineral resources management. A person who, on March 15, 2002, holds a valid permit to conduct in-stream mining that is issued under section 10 of the "Rivers and Harbors Appropriation Act of 1899," 30 Stat. 1151, 33 U.S.C. 403, as amended, shall not be required to obtain an in-stream mining permit from the chief under this chapter until the existing permit expires. 24673  
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(B) Exceed the limits of a surface or in-stream mining permit or amendment to a permit by mining land contiguous to an area of land affected under a permit or amendment, which contiguous land is not under a permit or amendment; 24682  
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(C) Purposely misrepresent or omit any material fact in an application for a surface or in-stream mining permit or amendment, an annual or final report, or any hearing or investigation conducted by the chief or the reclamation commission; 24686  
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(D) Fail to perform any measure set forth in the approved plan of mining and reclamation that is necessary to prevent damage 24690  
24691

to adjoining property or to achieve a performance standard 24692  
required in division (A)(10) of section 1514.02 of the Revised 24693  
Code, or violate any other requirement of this chapter, a rule 24694  
adopted thereunder, or an order of the chief; 24695

(E) Conduct surface excavations of minerals within any of the 24696  
following: 24697

(1) One hundred twenty feet horizontal distance outward from 24698  
the highwater mark on each bank of an area designated as a wild, 24699  
scenic, or recreational river area under sections 1547.81 to 24700  
1547.86 of the Revised Code or of a portion of a river designated 24701  
as a component of the national wild and scenic river system under 24702  
the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 24703  
1274, as amended; 24704

(2) Seventy-five feet horizontal distance outward from the 24705  
highwater mark on each bank of a watercourse that drains a surface 24706  
area of more than one hundred square miles; 24707

(3) Fifty feet horizontal distance outward from the highwater 24708  
mark on each bank of a watercourse that drains a surface area of 24709  
more than twenty-five square miles, but fewer than one hundred 24710  
square miles unless a variance is obtained under rules adopted by 24711  
the chief. 24712

(F) Conduct any surface mining activity within any of the 24713  
following: 24714

(1) Seventy-five feet horizontal distance outward from the 24715  
highwater mark on each bank of an area designated as a wild, 24716  
scenic, or recreational river area under sections 1547.81 to 24717  
~~1547.87~~ 1547.86 of the Revised Code or of a portion of a river 24718  
designated as a component of the national wild and scenic river 24719  
system under the "Wild and Scenic Rivers Act," 82 Stat. 906 24720  
(1968), 16 U.S.C. 1274, as amended; 24721

(2) Seventy-five feet horizontal distance outward from the 24722

highwater mark on each bank of a watercourse that drains a surface area of more than one hundred square miles; 24723  
24724

(3) Fifty feet horizontal distance outward from the highwater mark on each bank of a watercourse that drains a surface area of more than twenty-five square miles, but fewer than one hundred square miles unless a variance is obtained under rules adopted by the chief. 24725  
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A person who has been issued a surface mining permit prior to March 15, 2002 may continue to operate under that permit and shall not be subject to the prohibitions established in divisions (E) and (F) of this section until the permit is renewed. 24730  
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The number of square miles of surface area that a watercourse drains shall be determined by consulting the "gazetteer of Ohio streams," which is a portion of the Ohio water plan inventory published in 1960 by the division of water in the department of natural resources, or its successor, if any. 24734  
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(G) Engage in any part of a process that is followed in the production of minerals from the bottom of the channel of a watercourse in any of the following circumstances or areas: 24739  
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24741

(1) In an area designated as a wild, scenic, or recreational river area under sections 1547.81 to 1547.86 of the Revised Code, in a portion of a river designated as a component of the national wild and scenic river system under the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as amended, or within one-half mile upstream of any portion of such an area or component; 24742  
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(2) During periods other than periods of low flow, as determined by rules adopted under section 1514.08 of the Revised Code; 24749  
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(3) During critical fish or mussel spawning seasons as determined by the chief of the division of wildlife under Chapter 24752  
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1531. of the Revised Code and rules adopted under it; 24754

(4) In an area known to possess critical spawning habitat for 24755  
a species of fish or mussel that is on the federal endangered 24756  
species list established in accordance with the "Endangered 24757  
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531-1543, as 24758  
amended, or the state endangered species list established in rules 24759  
adopted under section 1531.25 of the Revised Code. 24760

Division (G) of this section does not apply to the activities 24761  
described in divisions (M)(1) and (2) of section 1514.01 of the 24762  
Revised Code. 24763

**Sec. 1514.11.** In addition to the purposes otherwise 24764  
authorized ~~in section 1514.06 of the Revised Code~~ by law, the 24765  
chief of the division of mineral resources management may use 24766  
~~moneys~~ money in the ~~surface~~ mining regulation and safety fund 24767  
created under ~~that~~ section 1513.30 of the Revised Code for the 24768  
administration and enforcement of this chapter, for the 24769  
reclamation of land affected by surface or in-stream mining under 24770  
a permit issued under this chapter that the operator failed to 24771  
reclaim and for which the performance bond filed by the operator 24772  
is insufficient to complete the reclamation, and for the 24773  
reclamation of land affected by surface or in-stream mining that 24774  
was abandoned and left unreclaimed and for which no permit was 24775  
issued or bond filed under this chapter. Also, the chief may use 24776  
the portion of the ~~surface~~ mining regulation and safety fund that 24777  
consists of ~~moneys~~ money collected from the severance taxes levied 24778  
under section 5749.02 of the Revised Code for mine safety and 24779  
first aid training. For purposes of reclamation under this 24780  
section, the chief shall expend ~~moneys~~ money in the fund in 24781  
accordance with the procedures and requirements established in 24782  
section 1514.06 of the Revised Code and may enter into contracts 24783  
and perform work in accordance with that section. 24784

Fees collected under sections 1514.02 and 1514.03 of the Revised Code, ~~one half of the moneys and money~~ collected from the severance taxes levied under ~~divisions (A)(3) and (4) of section 5749.02 of the Revised Code, and all of the moneys collected from the severance tax levied under division (A)(7) of section 5749.02 of the Revised Code~~ shall be credited to the fund in accordance with those sections. Notwithstanding any section of the Revised Code relating to the distribution or crediting of fines for violations of the Revised Code, all fines imposed under section 1514.99 of the Revised Code shall be credited to the fund.

**Sec. 1514.41.** (A) If a surface mining operation is not inspected by the mine safety and health administration in the United States department of labor, the chief of the division of mineral resources management annually shall conduct a minimum of two inspections of the operation.

(B) If a surface mining operation is identified through a safety performance evaluation ~~conducted under section 1514.45 of the Revised Code and rules as having lost time accidents in an amount greater than the national average~~ three or more violations per day during an inspection conducted by the mine safety and health administration in the United States department of labor, the chief shall conduct a minimum of two inspections of the operation for one year following the identification. However, the chief, in consultation with a statewide organization representing the industrial minerals surface mining organization, may adopt rules, in accordance with Chapter 119. of the Revised Code, establishing exceptions to the safety inspection requirement under this division.

(C) If a fatality of a miner occurs at a surface mining operation as a result of an unsafe condition or a practice at the operation, the chief shall conduct a minimum of one inspection

every three months at the operation for two years following the 24816  
fatality. 24817

(D) If a life-threatening injury of a miner occurs at a 24818  
surface mining operation as a result of an unsafe condition or a 24819  
practice at the operation, the chief shall conduct a minimum of 24820  
one inspection every three months at the operation for one year 24821  
following the injury. 24822

**Sec. 1514.46.** If the operator of a surface mining operation 24823  
requests the division of mineral resources management to conduct 24824  
mine safety training, the chief of the division of mineral 24825  
resources management shall conduct mine safety training for the 24826  
employees of that operator. For persons who are not employed by a 24827  
holder of a surface mining permit issued under this chapter and 24828  
who seek the training, the chief may charge a fee in an amount 24829  
established in rules for conducting it. The safety training shall 24830  
be conducted in accordance with rules and shall emphasize the 24831  
standards adopted in rules and include any other content that the 24832  
chief determines is beneficial. Any fees collected under this 24833  
section shall be deposited in the state treasury to the credit of 24834  
the ~~surface~~ mining regulation and safety fund created in section 24835  
~~1514.06~~ 1513.30 of the Revised Code. 24836

**Sec. 1521.06.** (A) No dam may be constructed for the purpose 24837  
of storing, conserving, or retarding water, or for any other 24838  
purpose, nor shall any levee be constructed for the purpose of 24839  
diverting or retaining flood water, unless the person or 24840  
governmental agency desiring the construction has a construction 24841  
permit for the dam or levee issued by the chief of the division of 24842  
water resources. 24843

A construction permit is not required under this section for: 24844

(1) A dam that is or will be less than ten feet in height and 24845

that has or will have a storage capacity of not more than fifty 24846  
acre-feet at the elevation of the top of the dam, as determined by 24847  
the chief. For the purposes of this section, the height of a dam 24848  
shall be measured from the natural stream bed or lowest ground 24849  
elevation at the downstream or outside limit of the dam to the 24850  
elevation of the top of the dam. 24851

(2) A dam, regardless of height, that has or will have a 24852  
storage capacity of not more than fifteen acre-feet at the 24853  
elevation of the top of the dam, as determined by the chief; 24854

(3) A dam, regardless of storage capacity, that is or will be 24855  
six feet or less in height, as determined by the chief; 24856

(4) A dam or levee that belongs to a class exempted by the 24857  
chief; 24858

(5) The repair, maintenance, improvement, alteration, or 24859  
removal of a dam or levee that is subject to section 1521.062 of 24860  
the Revised Code, unless the construction constitutes an 24861  
enlargement or reconstruction of the structure as determined by 24862  
the chief; 24863

(6) A dam or impoundment constructed under Chapter 1513. of 24864  
the Revised Code. 24865

(B) Before a construction permit may be issued, three copies 24866  
of the plans and specifications, including a detailed cost 24867  
estimate, for the proposed construction, prepared by a registered 24868  
professional engineer, together with ~~the~~ any filing fee specified 24869  
by rules adopted by the chief in accordance with division (I) of 24870  
this section and the bond or other security required by section 24871  
1521.061 of the Revised Code, shall be filed with the chief. The 24872  
detailed estimate of the cost shall include all costs associated 24873  
with the construction of the dam or levee, including supervision 24874  
and inspection of the construction by a registered professional 24875  
engineer. ~~The filing fee shall be based on the detailed cost~~ 24876

~~estimate for the proposed construction as filed with and approved 24877  
by the chief, and shall be determined by the following schedule 24878  
unless otherwise provided by rules adopted under this section: 24879~~

~~(1) For the first one hundred thousand dollars of estimated 24880  
cost, a fee of four per cent; 24881~~

~~(2) For the next four hundred thousand dollars of estimated 24882  
cost, a fee of three per cent; 24883~~

~~(3) For the next five hundred thousand dollars of estimated 24884  
cost, a fee of two per cent; 24885~~

~~(4) For all costs in excess of one million dollars, a fee of 24886  
one half of one per cent. 24887~~

~~In no case shall the filing fee be less than one thousand 24888  
dollars or more than one hundred thousand dollars. If the actual 24889  
cost exceeds the estimated cost by more than fifteen per cent, an 24890  
additional filing fee shall be required equal to the fee 24891  
determined by the preceding schedule less the original filing fee. 24892  
All fees collected pursuant to this section, and all fines 24893  
collected pursuant to section 1521.99 of the Revised Code, shall 24894  
be deposited in the state treasury to the credit of the dam safety 24895  
fund, which is hereby created. Expenditures from the fund shall be 24896  
made by the chief for the purpose of administering this section 24897  
and sections 1521.061 and 1521.062 of the Revised Code. 24898~~

~~(C) The chief shall, within thirty days from the date of the 24899  
receipt of the application, fee, and bond or other security, issue 24900  
or deny a construction permit for the construction or may issue a 24901  
construction permit conditioned upon the making of such changes in 24902  
the plans and specifications for the construction as the chief 24903  
considers advisable if the chief determines that the construction 24904  
of the proposed dam or levee, in accordance with the plans and 24905  
specifications filed, would endanger life, health, or property. 24906~~

~~(D) The chief may deny a construction permit after finding 24907~~

that a dam or levee built in accordance with the plans and 24908  
specifications would endanger life, health, or property, because 24909  
of improper or inadequate design, or for such other reasons as the 24910  
chief may determine. 24911

In the event the chief denies a permit for the construction 24912  
of the dam or levee, or issues a permit conditioned upon a making 24913  
of changes in the plans or specifications for the construction, 24914  
the chief shall state the reasons therefor and so notify, in 24915  
writing, the person or governmental agency making the application 24916  
for a permit. If the permit is denied, the chief shall return the 24917  
bond or other security to the person or governmental agency making 24918  
application for the permit. 24919

The decision of the chief conditioning or denying a 24920  
construction permit is subject to appeal as provided in Chapter 24921  
119. of the Revised Code. A dam or levee built substantially at 24922  
variance from the plans and specifications upon which a 24923  
construction permit was issued is in violation of this section. 24924  
The chief may at any time inspect any dam or levee, or site upon 24925  
which any dam or levee is to be constructed, in order to determine 24926  
whether it complies with this section. 24927

(E) A registered professional engineer shall inspect the 24928  
construction for which the permit was issued during all phases of 24929  
construction and shall furnish to the chief such regular reports 24930  
of the engineer's inspections as the chief may require. When the 24931  
chief finds that construction has been fully completed in 24932  
accordance with the terms of the permit and the plans and 24933  
specifications approved by the chief, the chief shall approve the 24934  
construction. When one year has elapsed after approval of the 24935  
completed construction, and the chief finds that within this 24936  
period no fact has become apparent to indicate that the 24937  
construction was not performed in accordance with the terms of the 24938  
permit and the plans and specifications approved by the chief, or 24939

that the construction as performed would endanger life, health, or property, the chief shall release the bond or other security. No bond or other security shall be released until one year after final approval by the chief, unless the dam or levee has been modified so that it will not retain water and has been approved as nonhazardous after determination by the chief that the dam or levee as modified will not endanger life, health, or property.

(F) When inspections required by this section are not being performed, the chief shall notify the person or governmental agency to which the permit has been issued that inspections are not being performed by the registered professional engineer and that the chief will inspect the remainder of the construction. Thereafter, the chief shall inspect the construction and the cost of inspection shall be charged against the owner. Failure of the registered professional engineer to submit required inspection reports shall be deemed notice that the engineer's inspections are not being performed.

(G) The chief may order construction to cease on any dam or levee that is being built in violation of this section, and may prohibit the retention of water behind any dam or levee that has been built in violation of this section. The attorney general, upon written request of the chief, may bring an action for an injunction against any person who violates this section or to enforce an order or prohibition of the chief made pursuant to this section.

(H) The chief may adopt rules in accordance with Chapter 119. of the Revised Code, for the design and construction of dams and levees for which a construction permit is required by this section or for which periodic inspection is required by section 1521.062 of the Revised Code, ~~for establishing a filing fee schedule in lieu of the schedule established under division (B) of this section,~~ for deposit and forfeiture of bonds and other securities

required by section 1521.061 of the Revised Code, for the periodic 24972  
inspection, operation, repair, improvement, alteration, or removal 24973  
of all dams and levees, as specified in section 1521.062 of the 24974  
Revised Code, and for establishing classes of dams or levees that 24975  
are exempt from the requirements of this section and section 24976  
1521.062 of the Revised Code as being of a size, purpose, or 24977  
situation that does not present a substantial hazard to life, 24978  
health, or property. The chief may, by rule, limit the period 24979  
during which a construction permit issued under this section is 24980  
valid. The rules may allow for the extension of the period during 24981  
which a permit is valid upon written request, provided that the 24982  
written request includes a revised construction cost estimate, and 24983  
may require the payment of an additional filing fee for the 24984  
requested extension. If a construction permit expires without an 24985  
extension before construction is completed, the person or agency 24986  
shall apply for a new permit, and shall not continue construction 24987  
until the new permit is issued. 24988

(I) The chief shall adopt rules in accordance with Chapter 24989  
119. of the Revised Code establishing a filing fee schedule for 24990  
purposes of division (B) of this section. 24991

**Sec. 1521.063.** (A) Except for the federal government, the 24992  
owner of a dam, that is classified as a class I, class II, or 24993  
class III dam under rules adopted under section 1521.06 of the 24994  
Revised Code and subject to section 1521.062 of the Revised Code 24995  
shall pay an annual fee, ~~based upon the height of the dam, the~~ 24996  
~~linear foot length of the dam, and the per acre foot of volume of~~ 24997  
~~water impounded by the dam~~ in accordance with the annual fee 24998  
schedule established in rules adopted under division (B) of this 24999  
section. The fee shall be paid to the division of water resources 25000  
on or before the thirtieth day of June of each year. ~~The annual~~ 25001  
~~fee shall be as follows until otherwise provided by rules adopted~~ 25002  
~~under this section.~~ 25003

~~(1) For any dam classified as a class I dam under rules adopted by the chief of the division of water resources under section 1521.06 of the Revised Code, three hundred dollars plus ten dollars per foot of height of dam, five cents per foot of length of the dam and five cents per acre foot of water impounded by the dam;~~

~~(2) For any dam classified as a class II dam under those rules, ninety dollars plus six dollars per foot of height of dam, five cents per foot of length of the dam and five cents per acre foot of water impounded by the dam;~~

~~(3) For any dam classified as a class III dam under those rules, ninety dollars plus four dollars per foot of height of the dam, five cents per foot of length of the dam, and five cents per acre foot of volume of water impounded by the dam.~~

~~For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code.~~

All fees collected under this section shall be deposited in the dam safety fund created in section 1521.06 of the Revised Code. Any owner who fails to pay any annual fee required by this section within sixty days after the due date shall be assessed a penalty of ten per cent of the annual fee plus interest at the rate of one-half per cent per month from the due date until the date of payment.

There is hereby created the compliant dam discount program to be administered by the chief of the division of water resources. Under the program, the chief may reduce the amount of the annual fee that an owner of a dam is required to pay in accordance with rules adopted by the chief under division ~~(A)(1), (2), or (3)~~ (B) of this section if the owner is in compliance with section 1521.062 of the Revised Code and has developed an emergency action

plan pursuant to standards established in rules adopted under this 25035  
section. The chief shall not discount an annual fee by more than 25036  
twenty-five per cent of the total annual fee that is due. In 25037  
addition, the chief shall not discount the annual fee that is due 25038  
from the owner of a dam who has been assessed a penalty under this 25039  
section. 25040

(B)(1) The chief shall, in accordance with Chapter 119. of 25041  
the Revised Code and subject to the prior approval of the director 25042  
of natural resources, adopt, and may amend or rescind, rules for 25043  
the collection of fees and the administration, implementation, and 25044  
enforcement of this section ~~and~~. 25045

(2) The chief shall, in accordance with Chapter 119. of the 25046  
Revised Code, adopt rules for the establishment of an annual fee 25047  
schedule in lieu of the schedule established in division (A) for 25048  
purposes of this section. 25049

(3) The annual fee schedule must be based on the height of 25050  
the dam, the linear foot length of the dam, and the per-acre foot 25051  
of volume of water impounded by the dam. For purposes of this 25052  
section, the height of a dam is the vertical height, to the 25053  
nearest foot, as determined by the division under section 1521.062 25054  
of the Revised Code. 25055

(C)(1) No person, political subdivision, or state 25056  
governmental agency shall violate or fail to comply with this 25057  
section or any rule or order adopted or issued under it. 25058

(2) The attorney general, upon written request of the chief, 25059  
may commence an action against any such violator. Any action under 25060  
division (C)(2) of this section is a civil action. 25061

(D) As used in this section, "political subdivision" includes 25062  
townships, municipal corporations, counties, school districts, 25063  
municipal universities, park districts, sanitary districts, and 25064  
conservancy districts and subdivisions thereof. 25065

Sec. 1531.01. As used in this chapter and Chapter 1533. of 25066  
the Revised Code: 25067

(A) "Person" means a person as defined in section 1.59 of the 25068  
Revised Code or a company; an employee, agent, or officer of such 25069  
a person or company; a combination of individuals; the state; a 25070  
political subdivision of the state; an interstate body created by 25071  
a compact; or the federal government or a department, agency, or 25072  
instrumentality of it. 25073

(B) "Resident" means any individual who has resided in this 25074  
state for not less than six months ~~next~~ preceding the date of 25075  
making application for a license or permit. 25076

(C) "Nonresident" means any individual who does not qualify 25077  
as a resident. 25078

(D) "Division rule" or "rule" means any rule adopted by the 25079  
chief of the division of wildlife under section 1531.10 of the 25080  
Revised Code unless the context indicates otherwise. 25081

(E) "Closed season" means that period of time during which 25082  
the taking of wild animals protected by this chapter and Chapter 25083  
1533. of the Revised Code is prohibited. 25084

(F) "Open season" means that period of time during which the 25085  
taking of wild animals protected by this chapter and Chapter 1533. 25086  
of the Revised Code is permitted. 25087

(G) "Take or taking" includes pursuing, shooting, hunting, 25088  
killing, trapping, angling, fishing with a trotline, or netting 25089  
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 25090  
wild bird, or wild quadruped, and any lesser act, such as 25091  
wounding, or placing, setting, drawing, or using any other device 25092  
for killing or capturing any wild animal, whether it results in 25093  
killing or capturing the animal or not. "Take or taking" includes 25094  
every attempt to kill or capture and every act of assistance to 25095

any other person in killing or capturing or attempting to kill or capture a wild animal.	25096 25097
(H) "Possession" means both actual and constructive possession and any control of things referred to.	25098 25099
(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.	25100 25101 25102
(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.	25103 25104
(K) "Sell and sale" means barter, exchange, or offer or expose for sale.	25105 25106
(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.	25107 25108 25109 25110
(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.	25111 25112 25113 25114 25115 25116 25117 25118
(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.	25119 25120 25121
(O) "Fish" means a cold-blooded vertebrate having fins.	25122
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	25123 25124
(Q) "Wild birds" includes game birds and nongame birds.	25125

(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	25126 25127
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	25128 25129 25130 25131 25132 25133
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	25134 25135
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	25136 25137
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, <u>elk</u> , and black bears.	25138 25139 25140 25141
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	25142 25143 25144
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	25145 25146 25147
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds whether or not the acts result in killing or wounding. "Hunting" includes every attempt to kill or wound and every act of assistance to any other person in killing or wounding or attempting to kill or wound wild birds or wild quadrupeds.	25148 25149 25150 25151 25152 25153 25154 25155

(Z) "Trapping" means securing or attempting to secure possession of a wild bird or wild quadruped by means of setting, placing, drawing, or using any device that is designed to close upon, hold fast, confine, or otherwise capture a wild bird or wild quadruped whether or not the means results in capture. "Trapping" includes every act of assistance to any other person in capturing wild birds or wild quadrupeds by means of the device whether or not the means results in capture.

(AA) "Muskrat spear" means any device used in spearing muskrats.

(BB) "Channels and passages" means those narrow bodies of water lying between islands or between an island and the mainland in Lake Erie.

(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.

(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof,

whether natural or artificial. 25187

(GG) "Crib" or "car" refers to that particular compartment of 25188  
the net from which the fish are taken when the net is lifted. 25189

(HH) "Commercial fish" means those species of fish permitted 25190  
to be taken, possessed, bought, or sold unless otherwise 25191  
restricted by the Revised Code or division rule and are alewife 25192  
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 25193  
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 25194  
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus*  
*cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead 25196  
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 25197  
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis*  
*olivaris*), whitefish (*Coregonus sp.*), cisco (*Coregonus sp.*), 25199  
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 25200  
(*Lepisosteus sp.*), gizzard shad (*Dorosoma cepedianum*), goldfish 25201  
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 25202  
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 25203  
(*Allosmerus elongatus*, *Hypomesus sp.*, *Osmerus sp.*, *Spirinchus*  
*sp.*), sturgeon (*Acipenser sp.*, *Scaphirhynchus sp.*), sucker other 25205  
than buffalo and quillback (*Carpiodes sp.*, *Catostomus sp.*, 25206  
*Hypentelium sp.*, *Minytrema sp.*, *Moxostoma sp.*), white bass (*Morone*  
*chrysops*), white perch (*Roccus americanus*), and yellow perch 25208  
(*Perca flavescens*). When the common name of a fish is used in this 25209  
chapter or Chapter 1533. of the Revised Code, it refers to the 25210  
fish designated by the scientific name in this definition. 25211

(II) "Fishing" means taking or attempting to take fish by any 25212  
method, and all other acts such as placing, setting, drawing, or 25213  
using any device commonly used to take fish whether resulting in a 25214  
taking or not. 25215

(JJ) "Fillet" means the pieces of flesh taken or cut from 25216  
both sides of a fish, joined to form one piece of flesh. 25217

(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.	25218 25219
(LL) "Round" when used in describing fish means with head and tail intact.	25220 25221
(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.	25222 25223 25224 25225
(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.	25226 25227 25228 25229
(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.	25230 25231 25232 25233 25234 25235
(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.	25236 25237 25238 25239
(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.	25240 25241 25242 25243
(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.	25244 25245
(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom,	25246 25247

which is designed to entangle fish in the net openings as they swim into it. 25248  
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(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or otherwise specifically marked fish within a limited period of time. 25250  
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(UU) "Tenant" means an individual who resides on land for which the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code. 25255  
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(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer. 25260  
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(WW) "Reptiles" includes common musk turtle (*sternotherus odoratus*), common snapping turtle (*Chelydra serpentina serpentina*), spotted turtle (*Clemmys guttata*), eastern box turtle (*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea blandingii*), common map turtle (*Graptemys geographica*), ouachita map turtle (*Graptemys pseudogeographica ouachitensis*), midland painted turtle (*Chrysemys picta marginata*), red-eared slider (*Trachemys scripta elegans*), eastern spiny softshell turtle (*Apalone spinifera spinifera*), midland smooth softshell turtle (*Apalone mutica mutica*), northern fence lizard (*Sceloporus undulatus hyacinthinus*), ground skink (*Scincella lateralis*), five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces laticeps*), northern coal skink (*Eumeces anthracinus anthracinus*), European wall lizard (*Podarcis muralis*), queen snake (*Regina septemvittata*), Kirtland's snake (*Clonophis kirtlandii*), northern water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake (*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia erythrogaster neglecta*), northern brown snake (*Storeria dekayi* 25262  
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dekayi), midland brown snake ( <i>Storeria dekayi wrightorum</i> ),	25280
northern redbelly snake ( <i>Storeria occipitomaculata</i>	25281
<i>occipitomaculata</i> ), eastern garter snake ( <i>Thamnophis sirtalis</i>	25282
<i>sirtalis</i> ), eastern plains garter snake ( <i>Thamnophis radix radix</i> ),	25283
Butler's garter snake ( <i>Thamnophis butleri</i> ), shorthead garter snake	25284
( <i>Thamnophis brachystoma</i> ), eastern ribbon snake ( <i>Thamnophis</i>	25285
<i>sauritus sauritus</i> ), northern ribbon snake ( <i>Thamnophis sauritus</i>	25286
<i>septentrionalis</i> ), eastern hognose snake ( <i>Heterodon platirhinos</i> ),	25287
eastern smooth earth snake ( <i>Virginia valeriae valeriae</i> ), northern	25288
ringneck snake ( <i>Diadophis punctatus edwardsii</i> ), midwest worm snake	25289
( <i>Carphophis amoenus helenae</i> ), eastern worm snake ( <i>Carphophis</i>	25290
<i>amoenus amoenus</i> ), black racer ( <i>Coluber constrictor constrictor</i> ),	25291
blue racer ( <i>Coluber constrictor foxii</i> ), rough green snake	25292
( <i>opheodrys aestivus</i> ), smooth green snake ( <i>opheodrys vernalis</i>	25293
<i>vernalis</i> ), black rat snake ( <i>Elaphe obsoleta obsoleta</i> ), eastern fox	25294
snake ( <i>Elaphe vulpina gloydi</i> ), black kingsnake ( <i>Lampropeltis</i>	25295
<i>getula nigra</i> ), eastern milk snake ( <i>Lampropeltis triangulum</i>	25296
<i>triangulum</i> ), northern copperhead ( <i>Agkistrodon contortrix mokasen</i> ),	25297
eastern massasauga ( <i>Sistrurus catenatus catenatus</i> ), and timber	25298
rattlesnake ( <i>Crotalus horridus horridus</i> ).	25299
(XX) "Amphibians" includes eastern hellbender ( <i>Cryptobranchus</i>	25300
<i>alleganiensis alleganiensis</i> ), mudpuppy ( <i>Necturus maculosus</i>	25301
<i>maculosus</i> ), red-spotted newt ( <i>Notophthalmus viridescens</i>	25302
<i>viridescens</i> ), Jefferson salamander ( <i>Ambystoma jeffersonianum</i> ),	25303
spotted salamander ( <i>Ambystoma maculatum</i> ), blue-spotted salamander	25304
( <i>Ambystoma laterale</i> ), smallmouth salamander ( <i>Ambystoma texanum</i> ),	25305
streamside salamander ( <i>Ambystoma barbouri</i> ), marbled salamander	25306
( <i>Ambystoma opacum</i> ), eastern tiger salamander ( <i>Ambystoma tigrinum</i>	25307
<i>tigrinum</i> ), northern dusky salamander ( <i>Desmognathus fuscus fuscus</i> ),	25308
mountain dusky salamander ( <i>Desmognathus ochrophaeus</i> ), redback	25309
salamander ( <i>Plethodon cinereus</i> ), ravine salamander ( <i>Plethodon</i>	25310
<i>richmondi</i> ), northern slimy salamander ( <i>Plethodon glutinosus</i> ),	25311
Wehrle's salamander ( <i>Plethodon wehrlei</i> ), four-toed salamander	25312

(Hemidactylium scutatum), Kentucky spring salamander (Gyrinophilus	25313
porphyriticus duryi), northern spring salamander (Gyrinophilus	25314
porphyriticus porphyriticus), mud salamander (Pseudotriton	25315
montanus), northern red salamander (Pseudotriton ruber ruber),	25316
green salamander (Aneides aeneus), northern two-lined salamander	25317
(Eurycea bislineata), longtail salamander (Eurycea longicauda	25318
longicauda), cave salamander (Eurycea lucifuga), southern	25319
two-lined salamander (Eurycea cirrigera), Fowler's toad (Bufo	25320
woodhousii fowleri), American toad (Bufo americanus), eastern	25321
spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog (Acris	25322
crepitans blanchardi), northern spring peeper (Pseudacris crucifer	25323
crucifer), gray treefrog (Hyla versicolor), Cope's gray treefrog	25324
(Hyla chrysoscelis), western chorus frog (Pseudacris triseriata	25325
triseriata), mountain chorus frog (Pseudacris brachyphona),	25326
bullfrog (Rana catesbeiana), green frog (Rana clamitans melanota),	25327
northern leopard frog (Rana pipiens), pickerel frog (Rana	25328
palustris), southern leopard frog (Rana utricularia), and wood	25329
frog (Rana sylvatica).	25330
(YY) "Deer" means white-tailed deer (Odocoileus	25331
virginianus).	25332
(ZZ) "Domestic deer" means nonnative deer that have been	25333
legally acquired or their offspring and that are held in private	25334
ownership for primarily agricultural purposes.	25335
(AAA) "Migratory game bird" includes waterfowl (Anatidae);	25336
doves (Columbidae); cranes (Gruidae); cormorants	25337
(Phalacrocoracidae); rails, coots, and gallinules (Rallidae); and	25338
woodcock and snipe (Scolopacidae).	25339
(BBB) "Accompany" means to go along with another person while	25340
staying within a distance from the person that enables	25341
uninterrupted, unaided visual and auditory communication.	25342
(CCC) "Electric-powered all-purpose vehicle" means any	25343

battery-powered self-propelled electric vehicle that is designed 25344  
primarily for cross-country travel on land, water, or land and 25345  
water and that is steered by wheels, caterpillar treads, or a 25346  
combination of wheels and caterpillar treads and includes vehicles 25347  
that operate on a cushion of air, vehicles commonly known as 25348  
all-terrain vehicles, all-season vehicles, mini-bikes, and trail 25349  
bikes. "Electric-powered all-purpose vehicle" does not include a 25350  
utility vehicle as defined in section 4501.01 of the Revised Code, 25351  
any vehicle that is principally used in playing golf, any motor 25352  
vehicle or aircraft that is required to be registered under 25353  
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is 25354  
excluded from the definition of "motor vehicle" as provided in 25355  
division (B) of section 4501.01 of the Revised Code. 25356

(DDD) "Wholly enclosed preserve" means an area of land that 25357  
is surrounded by a fence that is at least six feet in height, 25358  
unless otherwise specified in division rule, and is constructed of 25359  
a woven wire mesh, or another enclosure that the division of 25360  
wildlife may approve, where game birds, game quadrupeds, reptiles, 25361  
amphibians, or fur-bearing animals are raised and may be sold 25362  
under the authority of a commercial propagating license or captive 25363  
white-tailed deer propagation license obtained under section 25364  
1533.71 of the Revised Code. 25365

(EEE) "Commercial bird shooting preserve" means an area of 25366  
land where game birds are released and hunted by shooting as 25367  
authorized by a commercial bird shooting preserve license obtained 25368  
under section 1533.72 of the Revised Code. 25369

(FFF) "Wild animal hunting preserve" means an area of land 25370  
where game, captive white-tailed deer, and nonnative wildlife, 25371  
other than game birds, are released and hunted as authorized by a 25372  
wild animal hunting preserve license obtained under section 25373  
1533.721 of the Revised Code. 25374

(GGG) "Captive white-tailed deer" means legally acquired deer 25375

that are held in private ownership at a facility licensed under 25376  
section 943.03 or 943.031 of the Revised Code and under section 25377  
1533.71 or 1533.721 of the Revised Code. 25378

**Sec. 1531.06.** (A) The chief of the division of wildlife, with 25379  
the approval of the director of natural resources, may acquire by 25380  
gift, lease, purchase, or otherwise lands or surface rights upon 25381  
lands and waters or surface rights upon waters for wild animals, 25382  
fish or game management, preservation, propagation, and 25383  
protection, outdoor and nature activities, public fishing and 25384  
hunting grounds, and flora and fauna preservation. The chief, with 25385  
the approval of the director, may receive by grant, devise, 25386  
bequest, donation, or assignment evidences of indebtedness, the 25387  
proceeds of which are to be used for the purchase of such lands or 25388  
surface rights upon lands and waters or surface rights upon 25389  
waters. 25390

(B)(1) The chief shall adopt rules for the protection of 25391  
state-owned or leased lands and waters and property under the 25392  
control of the division of wildlife against wrongful use or 25393  
occupancy that will ensure the carrying out of the intent of this 25394  
section, protect those lands, waters, and property from 25395  
depredations, and preserve them from molestation, spoilation, 25396  
destruction, or any improper use or occupancy thereof, including 25397  
rules with respect to recreational activities and for the 25398  
government and use of such lands, waters, and property. 25399

(2) The chief may adopt rules benefiting wild animals, fish 25400  
or game management, preservation, propagation, and protection, 25401  
outdoor and nature activities, public fishing and hunting grounds, 25402  
and flora and fauna preservation, and regulating the taking and 25403  
possession of wild animals on any lands or waters owned or leased 25404  
or under the division's supervision and control and, for a 25405  
specified period of years, may prohibit or recall the taking and 25406

possession of any wild animal on any portion of such lands or 25407  
waters. The division clearly shall define and mark the boundaries 25408  
of the lands and waters owned or leased or under its supervision 25409  
and control upon which the taking of any wild animal is 25410  
prohibited. 25411

(C) The chief, with the approval of the director, may acquire 25412  
by gift, lease, or purchase land for the purpose of establishing 25413  
state fish hatcheries and game farms and may erect on it buildings 25414  
or structures that are necessary. 25415

The title to or lease of such lands and waters shall be taken 25416  
by the chief in the name of the state. The lease or purchase price 25417  
of all such lands and waters may be paid from hunting and trapping 25418  
and fishing licenses and any other funds. 25419

(D) To provide more public recreation, stream and lake 25420  
agreements for public fishing only may be obtained under rules 25421  
adopted by the chief. 25422

(E) The chief, with the approval of the director, may 25423  
establish user fees for the use of special public facilities or 25424  
participation in special activities on lands and waters 25425  
administered by the division. The special facilities and 25426  
activities may include hunting or fishing on special designated 25427  
public lands and waters intensively managed or stocked with 25428  
artificially propagated game birds or fish, field trial 25429  
facilities, wildlife nature centers, firearm ranges, boat mooring 25430  
facilities, camping sites, and other similar special facilities 25431  
and activities. The chief shall determine whether the user fees 25432  
are refundable and shall ensure that that information is provided 25433  
at the time the user fees are paid. 25434

(F) The chief, with the approval of the director, may enter 25435  
into lease agreements for rental of concessions or other special 25436  
projects situated on state-owned or leased lands or waters or 25437

other property under the division's control. The chief shall set 25438  
and collect the fees for concession rentals or other special 25439  
projects; regulate through contracts between the division and 25440  
concessionaires the sale of tangible objects at concessions or 25441  
other special projects; and keep a record of all such fee payments 25442  
showing the amount received, from whom received, and for what 25443  
purpose the fee was collected. 25444

(G) The chief may sell or donate conservation-related items 25445  
or items that promote wildlife conservation, including, but not 25446  
limited to, stamps, pins, badges, books, bulletins, maps, 25447  
publications, calendars, and any other educational article or 25448  
artifact pertaining to wild animals; sell confiscated or forfeited 25449  
items; and sell surplus structures and equipment, and timber or 25450  
crops from lands owned, administered, leased, or controlled by the 25451  
division. The chief, with the approval of the director, also may 25452  
engage in campaigns and special events that promote wildlife 25453  
conservation by selling or donating wildlife-related materials, 25454  
memberships, and other items of promotional value. 25455

(H) The chief may sell, lease, or transfer minerals or 25456  
mineral rights, with the approval of the director, when the chief 25457  
and the director determine it to be in the best interest of the 25458  
state. Upon approval of the director, the chief may make, execute, 25459  
and deliver contracts, including leases, to mine, drill, or 25460  
excavate iron ore, stone, coal, salt, and other minerals, other 25461  
than oil or gas, upon and under lands owned by the state and 25462  
administered by the division to any person who complies with the 25463  
terms of such a contract. No such contract shall be valid for more 25464  
than fifty years from its effective date. Consideration for 25465  
minerals and mineral rights shall be by rental or royalty basis as 25466  
prescribed by the chief and payable as prescribed by contract. 25467  
Moneys collected under this division shall be paid into the state 25468  
treasury to the credit of the wildlife habitat fund created in 25469

section 1531.33 of the Revised Code. Contracts entered into under 25470  
this division also may provide for consideration for minerals or 25471  
mineral rights in the form of acquisition of lands as provided 25472  
under divisions (A) and (C) of this section. 25473

(I) All moneys received under divisions (E), (F), and (G) of 25474  
this section shall be paid into the state treasury to the credit 25475  
of a fund that shall be used for the purposes outlined in section 25476  
1533.15 of the Revised Code and for the management of other wild 25477  
animals for their ecological and nonconsumptive recreational value 25478  
or benefit. 25479

(J) The chief, with the approval of the director, may barter 25480  
or sell wild animals to other states, state or federal agencies, 25481  
and conservation or zoological organizations. Moneys received from 25482  
the sale of wild animals shall be deposited into the wildlife fund 25483  
created in section 1531.17 of the Revised Code. 25484

(K) The chief shall adopt rules establishing standards and 25485  
guidelines for the administration of contraceptive chemicals to 25486  
noncaptive wild animals. The rules may specify chemical delivery 25487  
methods and devices and monitoring requirements. 25488

The chief shall establish criteria for the issuance of and 25489  
shall issue permits for the administration of contraceptive 25490  
chemicals to noncaptive wild animals. No person shall administer 25491  
contraceptive chemicals to noncaptive wild animals without a 25492  
permit issued by the chief. 25493

(L) All fees set by the chief under this section shall be 25494  
approved by the wildlife council. 25495

(M) Information contained in the wildlife diversity database 25496  
that is established pursuant to division (B)(2) of this section 25497  
and section 1531.25 of the Revised Code may be made available to 25498  
any individual or public or private agency for research, 25499  
educational, environmental, land management, or other similar 25500

purposes that are not detrimental to the conservation of a species 25501  
or feature. Information regarding sensitive site locations of 25502  
species that are listed pursuant to section 1531.25 of the Revised 25503  
Code and of features that are included in the wildlife diversity 25504  
database is not subject to section 149.43 of the Revised Code if 25505  
the chief determines that the release of the information could be 25506  
detrimental to the conservation of a species or feature. 25507

(N) Not later than one year after the effective date of this 25508  
amendment, the chief shall establish both of the following: 25509

(1) A risk assessment policy for aquatic species that 25510  
provides for both of the following: 25511

(a) An evaluation of the overall risk of a species based on 25512  
the best available biological information derived from 25513  
professionally accepted science and practices in fisheries or 25514  
aquatic invasive species management; 25515

(b) A determination of whether a species shall be listed as 25516  
an injurious aquatic invasive species. 25517

(2) A definition of injurious invasive aquatic species. 25518

The chief shall adopt rules in accordance with section 25519  
1531.10 of the Revised Code necessary to administer division (N) 25520  
of this section. 25521

**Sec. 1533.10.** (A) Except as provided in this section or 25522  
division (A)(2) of section 1533.12 or section 1533.73 or 1533.731 25523  
of the Revised Code, no person shall hunt any wild bird or wild 25524  
quadruped without a hunting license. Each day that any person 25525  
hunts within the state without procuring such a license 25526  
constitutes a separate offense. ~~Except~~ 25527

(B)(1) Except as otherwise provided in this section, ~~every 25528  
applicant for a hunting license who is a resident of the state and 25529  
eighteen years of age or more shall procure a resident hunting 25530~~

~~license or an apprentice resident hunting license, the fee for~~ 25531  
~~which shall be eighteen dollars unless the, division (A) of~~ 25532  
~~section 1533.12 of the Revised Code, or in rules adopted under~~ 25533  
~~division (B) of that section 1533.12 of the Revised Code provide~~ 25534  
~~for issuance of a resident hunting license to the applicant free~~ 25535  
~~of charge. Except as provided in rules adopted under division~~ 25536  
~~(B)(2) of that section, each applicant who is a resident of this~~ 25537  
~~state and who at the time of application is sixty six years of age~~ 25538  
~~or older shall procure a special senior hunting license, the fee~~ 25539  
~~for which shall be one half of the regular hunting license fee.~~ 25540  
~~Every applicant who is under the age of eighteen years shall~~ 25541  
~~procure a special youth hunting license or an apprentice youth~~ 25542  
~~hunting license, the fee for which shall be one half of the~~ 25543  
~~regular hunting license fee, each applicant for a hunting license~~ 25544  
~~shall pay an annual fee for each license in accordance with the~~ 25545  
~~following schedule:~~ 25546

<u>Hunting license - resident</u>	<u>\$18.00</u>	25547
<u>Hunting license - nonresident, and not a resident</u> <u>of a reciprocal state, all ages</u>	<u>\$174.00</u>	25548
<u>Hunting license - nonresident, but is a resident</u> <u>of a reciprocal state, all ages</u>	<u>\$18.00</u>	25549
<u>Apprentice hunting license - resident</u>	<u>\$18.00</u>	25550
<u>Apprentice hunting license - nonresident, and not</u> <u>a resident of a reciprocal state</u>	<u>\$174.00</u>	25551
<u>Apprentice hunting license - nonresident, but is a</u> <u>resident of a reciprocal state</u>	<u>\$18.00</u>	25552
<u>Youth hunting license - resident</u>	<u>\$9.00</u>	25553
<u>Apprentice youth hunting license - resident</u>	<u>\$9.00</u>	25554
<u>Senior hunting license - resident</u>	<u>\$9.00</u>	25555

(2) Apprentice resident hunting licenses, apprentice youth 25556  
hunting licenses, and apprentice nonresident hunting licenses are 25557  
subject to the requirements established under section 1533.102 of 25558  
the Revised Code and rules adopted under it. 25559

<u>(3) As used in division (B)(1) of this section:</u>	25560
<u>(a) "Youth" means an applicant who is under the age of</u>	25561
<u>eighteen years at the time of application for a permit.</u>	25562
<u>(b) "Senior" means an applicant who is sixty-six years of age</u>	25563
<u>or older at the time of application for a permit.</u>	25564
<u>(c) "Reciprocal state" means a state that is a party to an</u>	25565
<u>agreement under section 1533.91 of the Revised Code.</u>	25566
<u>(C) A resident of this state who owns lands in the state and</u>	25567
the owner's children of any age and grandchildren under eighteen	25568
years of age may hunt on the lands without a hunting license. A	25569
resident of any other state who owns real property in this state,	25570
and the spouse and children living with the property owner, may	25571
hunt on that property without a license, provided that the state	25572
of residence of the real property owner allows residents of this	25573
state owning real property in that state, and the spouse and	25574
children living with the property owner, to hunt without a	25575
license. If the owner of land in this state is a limited liability	25576
company or a limited liability partnership that consists of three	25577
or fewer individual members or partners, as applicable, an	25578
individual member or partner who is a resident of this state and	25579
the member's or partner's children of any age and grandchildren	25580
under eighteen years of age may hunt on the land owned by the	25581
limited liability company or limited liability partnership without	25582
a hunting license. In addition, if the owner of land in this state	25583
is a trust that has a total of three or fewer trustees and	25584
beneficiaries, an individual who is a trustee or beneficiary and	25585
who is a resident of this state and the individual's children of	25586
any age and grandchildren under eighteen years of age may hunt on	25587
the land owned by the trust without a hunting license. The tenant	25588
and children of the tenant, residing on lands in the state, may	25589
hunt on them without a hunting license.	25590

~~Except as otherwise provided in division (A)(1) of section 25591  
1533.12 of the Revised Code, every applicant for a hunting license 25592  
who is a nonresident of the state and who is eighteen years of age 25593  
or older shall procure a nonresident hunting license or an 25594  
apprentice nonresident hunting license, the fee for which shall be 25595  
one hundred twenty four dollars unless the applicant is a resident 25596  
of a state that is a party to an agreement under section 1533.91 25597  
of the Revised Code, in which case the fee shall be eighteen 25598  
dollars. Apprentice resident hunting licenses, apprentice youth 25599  
hunting licenses, and apprentice nonresident hunting licenses are 25600  
subject to the requirements established under section 1533.102 of 25601  
the Revised Code and rules adopted pursuant to it. 25602~~

(D) The chief of the division of wildlife may issue a small 25603  
game hunting license expiring three days from the effective date 25604  
of the license to a nonresident of the state, the fee for which 25605  
shall be thirty-nine dollars. No person shall take or possess 25606  
deer, wild turkeys, fur-bearing animals, ducks, geese, brant, or 25607  
any nongame animal while possessing only a small game hunting 25608  
license. A small game hunting license or an apprentice nonresident 25609  
hunting license does not authorize the taking or possessing of 25610  
ducks, geese, or brant without having obtained, in addition to the 25611  
small game hunting license or the apprentice nonresident hunting 25612  
license, a wetlands habitat stamp as provided in section 1533.112 25613  
of the Revised Code. A small game hunting license or an apprentice 25614  
nonresident hunting license does not authorize the taking or 25615  
possessing of deer, wild turkeys, or fur-bearing animals. A 25616  
nonresident of the state who wishes to take or possess deer, wild 25617  
turkeys, or fur-bearing animals in this state shall procure, 25618  
respectively, a deer or wild turkey permit as provided in section 25619  
1533.11 of the Revised Code or a fur taker permit as provided in 25620  
section 1533.111 of the Revised Code in addition to a nonresident 25621  
hunting license, an apprentice nonresident hunting license, a 25622  
special youth hunting license, or an apprentice youth hunting 25623

license, as applicable, as provided in this section. 25624

(E) No person shall procure or attempt to procure a hunting 25625  
license by fraud, deceit, misrepresentation, or any false 25626  
statement. 25627

(F)(1) This section does not authorize the taking and 25628  
possessing of deer or wild turkeys without first having obtained, 25629  
in addition to the hunting license required by this section, a 25630  
deer or wild turkey permit as provided in section 1533.11 of the 25631  
Revised Code or the taking and possessing of ducks, geese, or 25632  
brant without first having obtained, in addition to the hunting 25633  
license required by this section, a wetlands habitat stamp as 25634  
provided in section 1533.112 of the Revised Code. 25635

(2) This section does not authorize the hunting or trapping 25636  
of fur-bearing animals without first having obtained, in addition 25637  
to a hunting license required by this section, a fur taker permit 25638  
as provided in section 1533.111 of the Revised Code. 25639

(G)(1) No hunting license shall be issued unless it is 25640  
accompanied by a written explanation of the law in section 1533.17 25641  
of the Revised Code and the penalty for its violation, including a 25642  
description of terms of imprisonment and fines that may be 25643  
imposed. 25644

(2) No hunting license, other than an apprentice hunting 25645  
license, shall be issued unless the applicant presents to the 25646  
agent authorized to issue the license a previously held hunting 25647  
license or evidence of having held such a license in content and 25648  
manner approved by the chief, a certificate of completion issued 25649  
upon completion of a hunter education and conservation course 25650  
approved by the chief, or evidence of equivalent training in 25651  
content and manner approved by the chief. A previously held 25652  
apprentice hunting license does not satisfy the requirement 25653  
concerning the presentation of a previously held hunting license 25654

or evidence of it. 25655

(3) No person shall issue a hunting license, except an 25656  
apprentice hunting license, to any person who fails to present the 25657  
evidence required by this section. No person shall purchase or 25658  
obtain a hunting license, other than an apprentice hunting 25659  
license, without presenting to the issuing agent the evidence 25660  
required by this section. Issuance of a hunting license in 25661  
violation of the requirements of this section is an offense by 25662  
both the purchaser of the illegally obtained hunting license and 25663  
the clerk or agent who issued the hunting license. Any hunting 25664  
license issued in violation of this section is void. 25665

(H) The chief, with approval of the wildlife council, shall 25666  
adopt rules prescribing a hunter education and conservation course 25667  
for first-time hunting license buyers, other than buyers of 25668  
apprentice hunting licenses, and for volunteer instructors. The 25669  
course shall consist of subjects including, but not limited to, 25670  
hunter safety and health, use of hunting implements, hunting 25671  
tradition and ethics, the hunter and conservation, the law in 25672  
section 1533.17 of the Revised Code along with the penalty for its 25673  
violation, including a description of terms of imprisonment and 25674  
fines that may be imposed, and other law relating to hunting. 25675  
Authorized personnel of the division or volunteer instructors 25676  
approved by the chief shall conduct such courses with such 25677  
frequency and at such locations throughout the state as to 25678  
reasonably meet the needs of license applicants. The chief shall 25679  
issue a certificate of completion to each person who successfully 25680  
completes the course and passes an examination prescribed by the 25681  
chief. 25682

**Sec. 1533.11.** (A)(1) Except as provided in this section or 25683  
section 1533.731 of the Revised Code, no person shall hunt deer on 25684  
lands of another without first obtaining an annual deer permit. 25685

Except as provided in this section, no person shall hunt wild turkeys on lands of another without first obtaining an annual wild turkey permit. ~~Each~~ Except as provided in division (A)(2) of section 1533.12 of the Revised Code, a deer or wild turkey permit shall run concurrently with the hunting license. Except as provided in rules adopted under division (B) of that section, each applicant for a deer or wild turkey permit shall pay an annual fee of twenty three dollars for each permit unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a deer or wild turkey permit to the applicant free of charge. Except as provided in rules adopted under division (B)(2) of that section, each applicant who is a resident of this state and who at the time of application is sixty six years of age or older shall procure a senior deer or wild turkey permit, the fee for which shall be one half of the regular deer or wild turkey permit fee. Each applicant who is under the age of eighteen years shall procure a youth deer or wild turkey permit, the fee for which shall be one half of the regular deer or wild turkey permit fee. Except as provided in division (A)(2) of section 1533.12 of the Revised Code, a deer or wild turkey permit shall run concurrently with the hunting license in accordance with the following schedule:

<u>Deer permit - resident</u>	<u>\$23.00</u>	25708
<u>Deer permit - nonresident, all ages</u>	<u>\$74.00</u>	25709
<u>Youth deer permit - resident</u>	<u>\$11.50</u>	25710
<u>Senior deer permit - resident</u>	<u>\$11.50</u>	25711
<u>Wild turkey permit - resident</u>	<u>\$23.00</u>	25712
<u>Wild turkey permit - nonresident, all ages</u>	<u>\$28.00</u>	25713
<u>Youth wild turkey permit - resident</u>	<u>\$11.50</u>	25714
<u>Senior wild turkey permit - resident</u>	<u>\$11.50</u>	25715

(2) As used in division (A)(1) of this section:

(a) "Resident" means an individual who has resided in this

state for not less than six months preceding the date of making application for a permit. 25718  
25719

(b) "Nonresident" means any individual who does not qualify as a resident. 25720  
25721

(c) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit. 25722  
25723

(d) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit. The 25724  
25725

(3) The money received shall be paid into the state treasury 25726  
to the credit of the wildlife fund, created in section 1531.17 of 25727  
the Revised Code, exclusively for the use of the division of 25728  
wildlife in the acquisition and development of land for deer or 25729  
wild turkey management, for investigating deer or wild turkey 25730  
problems, and for the stocking, management, and protection of deer 25731  
or wild turkey. ~~Every~~ 25732

(4) Every person, while hunting deer or wild turkey on lands 25733  
of another, shall carry the person's deer or wild turkey permit 25734  
and exhibit it to any enforcement officer so requesting. Failure 25735  
to so carry and exhibit such a permit constitutes an offense under 25736  
this section. ~~The~~ 25737

(5) The chief of the division of wildlife shall adopt any 25738  
additional rules the chief considers necessary to carry out this 25739  
section and section 1533.10 of the Revised Code. 25740

(6) An owner who is a resident of this state or an owner who 25741  
is exempt from obtaining a hunting license under section 1533.10 25742  
of the Revised Code and the children of the owner of lands in this 25743  
state may hunt deer or wild turkey thereon without a deer or wild 25744  
turkey permit. If the owner of land in this state is a limited 25745  
liability company or a limited liability partnership that consists 25746  
of three or fewer individual members or partners, as applicable, 25747  
an individual member or partner who is a resident of this state 25748

and the member's or partner's children of any age may hunt deer or 25749  
wild turkey on the land owned by the limited liability company or 25750  
limited liability partnership without a deer or wild turkey 25751  
permit. In addition, if the owner of land in this state is a trust 25752  
that has a total of three or fewer trustees and beneficiaries, an 25753  
individual who is a trustee or beneficiary and who is a resident 25754  
of this state and the individual's children of any age may hunt 25755  
deer or wild turkey on the land owned by the trust without a deer 25756  
or wild turkey permit. The tenant and children of the tenant may 25757  
hunt deer or wild turkey on lands where they reside without a deer 25758  
or wild turkey permit. 25759

(B) A deer or wild turkey permit is not transferable. No 25760  
person shall carry a deer or wild turkey permit issued in the name 25761  
of another person. 25762

(C) The wildlife refunds fund is hereby created in the state 25763  
treasury. The fund shall consist of money received from 25764  
application fees for deer permits that are not issued. Money in 25765  
the fund shall be used to make refunds of such application fees. 25766

(D) If the division establishes a system for the electronic 25767  
submission of information regarding deer or wild turkey that are 25768  
taken, the division shall allow the owner and the children of the 25769  
owner of lands in this state to use the owner's name or address 25770  
for purposes of submitting that information electronically via 25771  
that system. 25772

**Sec. 1533.12.** (A)(1) Except as otherwise provided in division 25773  
(A)(2) of this section, every person on active duty in the armed 25774  
forces of the United States who is stationed in this state and who 25775  
wishes to engage in an activity for which a license, permit, or 25776  
stamp is required under this chapter first shall obtain the 25777  
requisite license, permit, or stamp. Such a person is eligible to 25778  
obtain a resident hunting or fishing license regardless of whether 25779

the person qualifies as a resident of this state. To obtain a 25780  
resident hunting or fishing license, the person shall present a 25781  
card or other evidence identifying the person as being on active 25782  
duty in the armed forces of the United States and as being 25783  
stationed in this state. 25784

(2) Every person on active duty in the armed forces of the 25785  
United States, while on leave or furlough, may take or catch fish 25786  
of the kind lawfully permitted to be taken or caught within the 25787  
state, may hunt any wild bird or wild quadruped lawfully permitted 25788  
to be hunted within the state, and may trap fur-bearing animals 25789  
lawfully permitted to be trapped within the state, without 25790  
procuring a fishing license, a hunting license, a fur taker 25791  
permit, or a wetlands habitat stamp required by this chapter, 25792  
provided that the person shall carry on the person when fishing, 25793  
hunting, or trapping, a card or other evidence identifying the 25794  
person as being on active duty in the armed forces of the United 25795  
States, and provided that the person is not otherwise violating 25796  
any of the hunting, fishing, and trapping laws of this state. 25797

In order to hunt deer or wild turkey, any such person shall 25798  
obtain a deer or wild turkey permit, as applicable, under section 25799  
1533.11 of the Revised Code. Such a person is eligible to obtain a 25800  
deer or wild turkey permit at the resident rate, regardless of 25801  
whether the person is a resident of this state. However, the 25802  
person need not obtain a hunting license in order to obtain such a 25803  
permit. 25804

(B) The chief of the division of wildlife shall provide by 25805  
rule adopted under section 1531.10 of the Revised Code all of the 25806  
following: 25807

(1) Every resident of this state with a disability that has 25808  
been determined by the veterans administration to be permanently 25809  
and totally disabling, who receives a pension or compensation from 25810  
the veterans administration, and who received an honorable 25811

discharge from the armed forces of the United States, and every 25812  
veteran to whom the registrar of motor vehicles has issued a set 25813  
of license plates under section 4503.41 of the Revised Code, shall 25814  
be issued a fishing license, hunting license, fur taker permit, 25815  
deer or wild turkey permit, or wetlands habitat stamp, or any 25816  
combination of those licenses, permits, and stamp, free of charge 25817  
on an annual, multi-year, or lifetime basis as determined 25818  
appropriate by the chief when application is made to the chief in 25819  
the manner prescribed by and on forms provided by the chief. 25820

(2) Every resident of the state who was born on or before 25821  
December 31, 1937, shall be issued an annual fishing license, 25822  
hunting license, fur taker permit, deer or wild turkey permit, or 25823  
wetlands habitat stamp, or any combination of those licenses, 25824  
permits, and stamp, free of charge when application is made to the 25825  
chief in the manner prescribed by and on forms provided by the 25826  
chief. 25827

(3) Every resident of state or county institutions, 25828  
charitable institutions, and military homes in this state shall be 25829  
issued an annual fishing license free of charge when application 25830  
is made to the chief in the manner prescribed by and on forms 25831  
provided by the chief. 25832

(4) Any mobility impaired or blind person, as defined in 25833  
section 955.011 of the Revised Code, who is a resident of this 25834  
state and who is unable to engage in fishing without the 25835  
assistance of another person shall be issued an annual fishing 25836  
license free of charge when application is made to the chief in 25837  
the manner prescribed by and on forms provided by the chief. The 25838  
person who is assisting the mobility impaired or blind person may 25839  
assist in taking or catching fish of the kind permitted to be 25840  
taken or caught without procuring the license required under 25841  
section 1533.32 of the Revised Code, provided that only one line 25842  
is used by both persons. 25843

(5) As used in division (B)(5) of this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States.

Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state shall be issued a fishing license, hunting license, fur taker permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge on an annual, multi-year, or lifetime basis as determined appropriate by the chief when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(C) The chief shall adopt rules pursuant to section 1531.08 of the Revised Code designating not more than two days, which need not be consecutive, in each year as "free sport fishing days" on which any resident may exercise the privileges accorded the holder of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

**Sec. 1533.32.** (A) Except as provided in this section or division (A)(2) or (C) of section 1533.12 of the Revised Code, no person, including nonresidents, shall take or catch any fish by angling in any of the waters in the state or engage in fishing in those waters without a license. No person shall take or catch frogs or turtles without a valid fishing license, except as provided in this section. Persons fishing in privately owned ponds, lakes, or reservoirs to or from which fish are not accustomed to migrate are exempt from the license requirements set forth in this section. Persons fishing in privately owned ponds, lakes, or reservoirs that are open to public fishing through an

agreement or lease with the division of wildlife shall comply with 25875  
the license requirements set forth in this section. 25876

(B)(1) The fee for an annual license shall be ~~thirty-nine~~ 25877  
forty-nine dollars for a resident of a state that is not a party 25878  
to an agreement under section 1533.91 of the Revised Code. The fee 25879  
for an annual license shall be eighteen dollars for a resident of 25880  
a state that is a party to such an agreement. The fee for an 25881  
annual license for residents of this state shall be eighteen 25882  
dollars unless the rules adopted under division (B) of section 25883  
1533.12 of the Revised Code provide for issuance of a resident 25884  
fishing license to the applicant free of charge. Except as 25885  
provided in rules adopted under division (B)(2) of that section, 25886  
each applicant who is a resident of this state and who at the time 25887  
of application is sixty-six years of age or older shall procure a 25888  
special senior fishing license, the fee for which shall be 25889  
one-half of the annual resident fishing license fee. 25890

(2) Any person under the age of sixteen years may take or 25891  
catch frogs and turtles and take or catch fish by angling without 25892  
a license. 25893

(C) The chief of the division of wildlife may issue a 25894  
tourist's license expiring three days from the effective date of 25895  
the license to a resident of a state that is not a party to an 25896  
agreement under section 1533.91 of the Revised Code. The fee for a 25897  
tourist's license shall be eighteen dollars. 25898

The chief shall adopt rules under section 1531.10 of the 25899  
Revised Code providing for the issuance of a one-day fishing 25900  
license to a resident of this state or of any other state. The fee 25901  
for such a license shall be fifty-five per cent of the amount 25902  
established under this section for a tourist's license, rounded up 25903  
to the nearest whole dollar. A one-day fishing license shall allow 25904  
the holder to take or catch fish by angling in the waters in the 25905  
state, engage in fishing in those waters, or take or catch frogs 25906

or turtles in those waters for one day without obtaining an annual 25907  
license or a tourist's license under this section. At the request 25908  
of a holder of a one-day fishing license who wishes to obtain an 25909  
annual license, a clerk or agent authorized to issue licenses 25910  
under section 1533.13 of the Revised Code, not later than the last 25911  
day on which the one-day license would be valid if it were an 25912  
annual license, shall credit the amount of the fee paid for the 25913  
one-day license toward the fee charged for the annual license if 25914  
so authorized by the chief. The clerk or agent shall issue the 25915  
annual license upon presentation of the one-day license and 25916  
payment of a fee in an amount equal to the difference between the 25917  
fee for the annual license and the fee for the one-day license. 25918

Unless otherwise provided by division rule, each annual 25919  
license shall begin on the first day of March of the current year 25920  
and expire on the last day of February of the following year. 25921

No person shall alter a fishing license or possess a fishing 25922  
license that has been altered. 25923

No person shall procure or attempt to procure a fishing 25924  
license by fraud, deceit, misrepresentation, or any false 25925  
statement. 25926

A resident of this state who owns land over, through, upon, 25927  
or along which any water flows or stands, except where the land is 25928  
in or borders on state parks or state-owned lakes, together with 25929  
the members of the immediate families of such owners, may take 25930  
frogs and turtles and may take or catch fish of the kind permitted 25931  
to be taken or caught therefrom without procuring a license 25932  
provided for in this section. This exemption extends to tenants 25933  
actually residing upon such lands and to the members of the 25934  
immediate families of the tenants. A resident of any other state 25935  
who owns land in this state over, through, upon, or along which 25936  
any water flows or stands, except where the land is in or borders 25937  
on state parks or state-owned lakes, and the spouse and children 25938

living with the owner, may take frogs and turtles and may take or 25939  
catch fish of the kind permitted to be taken or caught from that 25940  
water without obtaining a license under this section, provided 25941  
that the state of residence of the owner allows residents of this 25942  
state owning real property in that state, and the spouse and 25943  
children living with such a property owner, to take frogs and 25944  
turtles and take or catch fish without a license. If the owner of 25945  
such land in this state is a limited liability company or a 25946  
limited liability partnership that consists of three or fewer 25947  
individual members or partners, as applicable, an individual 25948  
member or partner who is a resident of this state and the member's 25949  
or partner's children of any age may take frogs and turtles and 25950  
may take or catch fish of the kind permitted to be taken or caught 25951  
therefrom without procuring a license provided for in this 25952  
section. In addition, if the owner of such land in this state is a 25953  
trust that has a total of three or fewer trustees and 25954  
beneficiaries, an individual who is a trustee or beneficiary and 25955  
who is a resident of this state and the individual's children of 25956  
any age may take frogs and turtles and may take or catch fish of 25957  
the kind permitted to be taken or caught therefrom without 25958  
procuring a license provided for in this section. Residents of 25959  
state or county institutions, charitable institutions, and 25960  
military homes in this state may take frogs and turtles without 25961  
procuring the required license, provided that a member of the 25962  
institution or home has an identification card, which shall be 25963  
carried on that person when fishing. 25964

Every fisher required to be licensed, while fishing or taking 25965  
or attempting to take frogs or turtles, shall carry the license 25966  
and exhibit it to any person. Failure to so carry and exhibit the 25967  
license constitutes an offense under this section. 25968

**Sec. 1547.73.** There is hereby created in the division of 25969  
parks and watercraft a waterways safety council composed of five 25970

members appointed by the governor with the advice and consent of 25971  
the senate. Not more than three of such appointees shall belong to 25972  
the same political party. Terms of office shall be for five years, 25973  
commencing on the first day of February and ending on the 25974  
thirty-first day of January. Each member shall hold office from 25975  
the date of appointment until the end of the term for which the 25976  
member was appointed. The chief of the division of parks and 25977  
watercraft shall act as secretary of the council. In the event of 25978  
the death, removal, resignation, or incapacity of a member of the 25979  
council, the governor, with the advice and consent of the senate, 25980  
shall appoint a successor to fill the unexpired term who shall 25981  
hold office for the remainder of the term for which the member's 25982  
predecessor was appointed. Any member shall continue in office 25983  
subsequent to the expiration date of the member's term until the 25984  
member's successor takes office, or until a period of sixty days 25985  
has elapsed, whichever occurs first. The governor may remove any 25986  
appointed member of the council for misfeasance, nonfeasance, or 25987  
malfeasance in office. 25988

The council may: 25989

(A) Advise with and recommend to the chief as to plans and 25990  
programs for the construction, maintenance, repair, and operation 25991  
of refuge harbors and other projects for the harboring, mooring, 25992  
docking, and storing of light draft vessels as provided in 25993  
sections 1547.71, and 1547.72, ~~and 1547.78~~ of the Revised Code; 25994

(B) Advise with and recommend to the chief as to the methods 25995  
of coordinating the shore erosion projects of the department of 25996  
natural resources with the refuge of light draft vessel harbor 25997  
projects; 25998

(C) Advise with and recommend to the chief as to plans and 25999  
programs for the acquisition, protection, construction, 26000  
maintenance, and administration of wild river areas, scenic river 26001  
areas, and recreational river areas; 26002

(D) Consider and make recommendations upon any matter which 26003  
is brought to its attention by any person or that the chief may 26004  
submit to it; 26005

(E) Submit to the governor biennially recommendations for 26006  
amendments to the laws of the state relative to refuge and light 26007  
draft vessel harbor projects. 26008

Before entering upon the discharge of official duties, each 26009  
member of the council shall take and subscribe to an oath of 26010  
office, which oath, in writing, shall be filed in the office of 26011  
the secretary of state. 26012

The members of the council shall serve without compensation, 26013  
but shall be entitled to receive their actual and necessary 26014  
expenses incurred in the performance of their official duties from 26015  
the waterways safety fund as provided in section 1547.75 of the 26016  
Revised Code. 26017

The council shall, by a majority vote of all its members, 26018  
adopt and amend bylaws. 26019

To be eligible for appointment as a member of the council, a 26020  
person shall be a citizen of the United States and an elector of 26021  
the state and possess a knowledge of and have an interest in small 26022  
boat operations. 26023

The council shall hold at least four regular quarterly 26024  
meetings each year. Special meetings shall be held at such times 26025  
as the bylaws of the council provide, or at the behest of a 26026  
majority of its members. Notices of all meetings shall be given in 26027  
such manner as the bylaws provide. The council shall choose 26028  
annually from among its members a chairperson to preside over its 26029  
meetings. A majority of the members of the council shall 26030  
constitute a quorum. No advice shall be given or recommendation 26031  
made without a majority of the members of the council concurring 26032  
therein. 26033

**Sec. 1561.14.** A person who applies for a certificate as a mine electrician shall be able to read and write the English language, and prior to the date of the application for examination either shall have had at least one year's experience in performing electrical work underground in a coal mine, in the surface work area of an underground coal mine, in a surface coal mine, or in a noncoal mine, or shall have had such experience as the chief of the division of mineral resources management determines to be equivalent. Each applicant for examination shall pay a fee of ten dollars to the chief on the first day of the examination. Any ~~moneys~~ money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section ~~1561.48~~ 1513.30 of the Revised Code.

**Sec. 1561.16.** (A) As used in this section and sections 1561.17 to 1561.21 of the Revised Code, "actual practical experience" means previous employment that involved a person's regular presence in the type of mining operation in which the experience is required to exist; participation in functions relating to the hazards involved in and the utilization of equipment, tools, and work crews and individuals for that type of mining; and regular exposure to the methods, procedures, and safety laws applicable to that type of mining. Credit of up to one year for a portion of the required experience time may be given upon documentation to the chief of the division of mineral resources management of an educational degree in a field related to mining. Credit of up to two years of the required experience time may be given upon presentation to the chief of proof of graduation from an accredited school of mines or mining after a four-year course of study with employment in the mining industry during interim breaks during the school years.

(B) A person who applies for a certificate as a mine

foreperson of gaseous mines shall be able to read and write the English language; shall have had at least five years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the chief; and shall have had practical experience obtained by actual contact with gas in mines and have knowledge of the dangers and nature of noxious and explosive gases and ventilation of gaseous mines. An applicant for a certificate as a foreperson of gaseous mines shall meet the same requirements, except that the applicant shall have had at least three years' actual practical experience in the underground workings of a gaseous mine or the equivalent thereof in the judgment of the chief. Each applicant for examination shall pay a fee established in rules adopted under this section to the chief on the first day of such examination.

(C) A person who has been issued a certificate as a mine foreperson or a foreperson of a gaseous mine and who has not worked in an underground coal mine for a period of more than two calendar years shall apply for and obtain recertification from the chief in accordance with rules adopted under this section before performing the duties of a mine foreperson or a foreperson of a gaseous mine. An applicant for recertification shall pay a fee established in rules adopted under this section at the time of application for recertification.

(D) A person who has been issued a certificate as a mine foreperson or a foreperson of a gaseous mine and who has not worked in an underground coal mine for a period of one or more calendar years shall successfully complete a retraining course in accordance with rules adopted under this section before performing the duties of a mine foreperson or a foreperson of a gaseous mine.

(E) The chief, in consultation with a statewide association representing the coal mining industry and a statewide association representing employees of coal mines, shall adopt rules in

accordance with Chapter 119. of the Revised Code that do all of 26097  
the following: 26098

(1) Prescribe requirements, criteria, and procedures for the 26099  
recertification of a mine foreperson or a foreperson of a gaseous 26100  
mine who has not worked in an underground coal mine for a period 26101  
of more than two calendar years; 26102

(2) Prescribe requirements, criteria, and procedures for the 26103  
retraining of a mine foreperson or a foreperson of a gaseous mine 26104  
who has not worked in an underground coal mine for a period of one 26105  
or more calendar years; 26106

(3) Establish fees for the examination and recertification of 26107  
mine forepersons or forepersons of gaseous mines under this 26108  
section; 26109

(4) Prescribe any other requirements, criteria, and 26110  
procedures that the chief determines are necessary to administer 26111  
this section. 26112

(F) Any ~~moneys~~ money collected under this section shall be 26113  
paid into the state treasury to the credit of the mining 26114  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 26115  
the Revised Code. 26116

**Sec. 1561.17.** (A) A person who applies for a certificate as 26117  
mine foreperson or foreperson of nongaseous mines shall be able to 26118  
read and write the English language; shall have had at least three 26119  
years' actual practical experience in mines, or the equivalent 26120  
thereof in the judgment of the chief of the division of mineral 26121  
resources management; and shall have knowledge of the dangers and 26122  
nature of noxious gases. Each applicant for examination shall pay 26123  
a fee established in rules adopted under this section to the chief 26124  
on the first day of the examination. 26125

(B) A person who has been issued a certificate as a mine 26126

foreperson or a foreperson of a nongaseous coal mine and who has 26127  
not worked in an underground coal mine for a period of more than 26128  
two calendar years shall apply for and obtain recertification from 26129  
the chief in accordance with rules adopted under this section 26130  
before performing the duties of a mine foreperson or a foreperson 26131  
of a nongaseous coal mine. An applicant for recertification shall 26132  
pay a fee established in rules adopted under this section at the 26133  
time of application for recertification. 26134

(C) A person who has been issued a certificate as a mine 26135  
foreperson or a foreperson of a nongaseous coal mine and who has 26136  
not worked in an underground coal mine for a period of one or more 26137  
calendar years shall successfully complete a retraining course in 26138  
accordance with rules adopted under this section before performing 26139  
the duties of a mine foreperson or a foreperson of a nongaseous 26140  
coal mine. 26141

(D) The chief, in consultation with a statewide association 26142  
representing the coal mining industry and a statewide association 26143  
representing employees of coal mines, shall adopt rules in 26144  
accordance with Chapter 119. of the Revised Code that do all of 26145  
the following: 26146

(1) Prescribe requirements, criteria, and procedures for the 26147  
recertification of a mine foreperson or a foreperson of a 26148  
nongaseous coal mine who has not worked in an underground coal 26149  
mine for a period of more than two calendar years; 26150

(2) Prescribe requirements, criteria, and procedures for the 26151  
retraining of a mine foreperson or a foreperson of a nongaseous 26152  
coal mine who has not worked in an underground coal mine for a 26153  
period of one or more calendar years; 26154

(3) Establish fees for the examination and recertification of 26155  
mine forepersons or forepersons of nongaseous coal mines under 26156  
this section; 26157

(4) Prescribe any other requirements, criteria, and 26158  
procedures that the chief determines are necessary to administer 26159  
this section. 26160

(E) Any ~~moneys~~ money collected under this section shall be 26161  
paid into the state treasury to the credit of the mining 26162  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 26163  
the Revised Code. 26164

**Sec. 1561.18.** A person who applies for a certificate as a 26165  
foreperson of surface maintenance facilities at underground or 26166  
surface mines shall be able to read and write the English language 26167  
and shall have had at least three years' actual practical 26168  
experience in or around the surface maintenance facilities of 26169  
underground or surface mines or the equivalent thereof in the 26170  
judgment of the chief of the division of mineral resources 26171  
management. Each applicant for examination shall pay a fee of ten 26172  
dollars to the chief on the first day of the examination. Any 26173  
~~moneys~~ money collected under this section shall be paid into the 26174  
state treasury to the credit of the mining regulation and safety 26175  
fund created in section ~~1561.48~~ 1513.30 of the Revised Code. 26176

**Sec. 1561.19.** A person who applies for a certificate as a 26177  
mine foreperson of surface mines shall be able to read and write 26178  
the English language and shall have had at least five years' 26179  
actual practical experience in surface mines. An applicant for a 26180  
certificate as a foreperson of surface mines shall meet the same 26181  
requirements, except that the applicant shall have had at least 26182  
three years' actual practical experience in surface mines or the 26183  
equivalent thereof in the judgment of the chief of the division of 26184  
mineral resources management. Each applicant for examination shall 26185  
pay a fee of ten dollars to the chief on the first day of the 26186  
examination. Any ~~moneys~~ money collected under this section shall 26187  
be paid into the state treasury to the credit of the mining 26188

regulation and safety fund created in section ~~1561.48~~ 1513.30 of 26189  
the Revised Code. 26190

**Sec. 1561.20.** A person who applies for a certificate as a 26191  
surface mine blaster shall be able to read and write the English 26192  
language; shall have had at least one year's actual practical 26193  
experience in surface mines or the equivalent thereof in the 26194  
judgment of the chief of the division of mineral resources 26195  
management; shall have knowledge of the dangers and nature of the 26196  
use of explosives, related equipment, and blasting techniques; and 26197  
shall have knowledge of safety laws and rules, including those 26198  
related to the storage, use, and transportation of explosives. 26199  
Each applicant for examination shall pay a fee of ten dollars to 26200  
the chief on the first day of the examination. Any ~~moneys~~ money 26201  
collected under this section shall be paid into the state treasury 26202  
to the credit of the mining regulation and safety fund created in 26203  
section ~~1561.48~~ 1513.30 of the Revised Code. 26204

**Sec. 1561.21.** A person who applies for a certificate as a 26205  
shot firer shall be able to read and write the English language; 26206  
shall have had at least one year's actual practical experience in 26207  
the underground workings of mines or the equivalent thereof in the 26208  
judgment of the chief of the division of mineral resources 26209  
management; shall have knowledge of the dangers and nature of 26210  
noxious and explosive gases; shall have knowledge of the dangers 26211  
and nature of the use of explosives, related equipment, and 26212  
blasting techniques; and shall have knowledge of safety laws and 26213  
rules, including those related to the underground storage, use, 26214  
and transportation of explosives. Each applicant for examination 26215  
shall pay a fee of ten dollars to the chief on the first day of 26216  
the examination. Any ~~moneys~~ money collected under this section 26217  
shall be paid into the state treasury to the credit of the mining 26218  
regulation and safety fund created in section ~~1561.48~~ 1513.30 of 26219

the Revised Code. 26220

Any person who possesses a mine foreperson or foreperson 26221  
certificate issued by the chief shall be considered certified as a 26222  
shot firer. 26223

**Sec. 1561.22.** A person who applies for a certificate as fire 26224  
boss shall be able to read and write the English language; shall 26225  
have had at least three years' actual practical experience in the 26226  
underground workings of a gaseous mine or the equivalent thereof 26227  
in the judgment of the chief of the division of mineral resources 26228  
management; and shall have knowledge of the dangers and nature of 26229  
noxious and explosive gases gained by actual contact with gas in 26230  
mines and ventilation of gaseous mines. Each applicant for 26231  
examination shall pay a fee of ten dollars to the chief on the 26232  
first day of the examination. Any ~~moneys~~ money collected under 26233  
this section shall be paid into the state treasury to the credit 26234  
of the mining regulation and safety fund created in section 26235  
~~1561.48~~ 1513.30 of the Revised Code. 26236

**Sec. 1561.26.** (A) As used in this section: 26237

(1) "EMT-basic," "EMT-I," and "paramedic" have the same 26238  
meanings as in section 4765.01 of the Revised Code. 26239

(2) "Mine medical responder" has the same meaning as in 26240  
section 1565.15 of the Revised Code. 26241

(B) The superintendent of rescue stations, with the approval 26242  
of the chief of the division of mineral resources management, 26243  
shall, at each rescue station provided for in section 1561.25 of 26244  
the Revised Code, train and employ rescue crews of six members 26245  
each, one of whom shall hold a mine foreperson or fire boss 26246  
certificate and be designated captain, and train and employ any 26247  
number of such rescue crews as the superintendent believes 26248  
necessary. One member of a rescue crew shall be certified as an 26249

EMT-basic, EMT-I, mine medical responder, or paramedic. Each 26250  
member of a rescue crew shall devote the time specified by the 26251  
chief each month for training purposes and shall be available at 26252  
all times to assist in rescue work at explosions, mine fires, and 26253  
other emergencies. 26254

A captain of mine rescue crews shall receive for service as 26255  
captain the sum of twenty-four dollars per month, and each member 26256  
shall receive the sum of twenty dollars per month, all payable on 26257  
requisition approved by the chief. When engaged in rescue work at 26258  
explosions, mine fires, or other emergencies away from their 26259  
station, the members of the rescue crews and captains of the same 26260  
shall be paid the sum of six dollars per hour for work on the 26261  
surface, which includes the time consumed by those members in 26262  
traveling to and from the scene of the emergency when the scene is 26263  
away from the station of the members, and the sum of seven dollars 26264  
per hour for all work underground at the emergency, and in 26265  
addition thereto, the necessary living expenses of the members 26266  
when the emergency is away from their home station, all payable on 26267  
requisition approved by the chief. 26268

Each member of a mine rescue crew shall undergo an annual 26269  
medical examination. The chief may designate to perform an 26270  
examination any individual authorized by the Revised Code to do 26271  
so, including a physician assistant, a clinical nurse specialist, 26272  
a certified nurse practitioner, or a certified nurse-midwife. In 26273  
designating the individual to perform a medical examination, the 26274  
chief shall choose one near the station of the member of the 26275  
rescue crews. The examiner shall report the examination results to 26276  
the chief and if, in the opinion of the chief, the report 26277  
indicates that the member is physically unfit for further 26278  
services, the chief shall relieve the member from further duty. 26279  
The fee charged by the examiner for the examination shall be paid 26280  
in the same manner as fees are paid to doctors employed by the 26281

industrial commission for special medical examinations. 26282

The chief may remove any member of a rescue crew for any 26283  
reason. Such crews shall be subject to the orders of the chief, 26284  
the superintendent, and the deputy mine inspectors when engaged in 26285  
actual mine rescue work. Mine rescue crews shall, in case of death 26286  
or injury when engaged in rescue work, wherever the same may 26287  
occur, be paid compensation, or their dependents shall be paid 26288  
death benefits, from the workers' compensation fund, in the same 26289  
manner as other employees of the state. 26290

(C) In addition to the training of rescue crews, each 26291  
assistant superintendent of rescue stations, with the approval of 26292  
the superintendent, shall provide for and conduct safety, first 26293  
aid, and rescue classes at any mine or for any group of miners who 26294  
make application for the conducting of such classes. The chief may 26295  
assess a fee for safety and first aid classes for the purpose of 26296  
covering the costs associated with providing those classes. The 26297  
chief shall establish a fee schedule for safety and first aid 26298  
classes by rule adopted in accordance with Chapter 119. of the 26299  
Revised Code. Fees collected under this section shall be deposited 26300  
in the ~~surface~~ mining regulation and safety fund created in 26301  
section ~~1514.06~~ 1513.30 of the Revised Code. 26302

The superintendent shall prescribe and provide for a uniform 26303  
schedule of conducting such safety and rescue classes as will 26304  
provide a competent knowledge of modern safety and rescue methods 26305  
in, at, and about mines. 26306

(D) No member of a mine rescue crew who performs mine rescue 26307  
at an underground coal mine and no operator of a mine whose 26308  
employee participates as a member of such a mine rescue crew is 26309  
liable in any civil action that arises under the laws of this 26310  
state for damage or injury caused in the performance of rescue 26311  
work at an underground coal mine. However, a member of such a mine 26312  
rescue crew may be liable if the member acted with malicious 26313

purpose, in bad faith, or in a wanton or reckless manner. 26314

This division does not eliminate, limit, or reduce any 26315  
immunity from civil liability that is conferred on a member of 26316  
such a mine rescue crew or an operator by any other provision of 26317  
the Revised Code or by case law. 26318

**Sec. 1561.45.** Fines collected by reason of prosecutions under 26319  
this chapter and Chapters 1563., 1565., and 1567. of the Revised 26320  
Code shall be paid to the chief of the division of mineral 26321  
resources management, and by the chief paid into the state 26322  
treasury to the credit of the mining regulation and safety fund 26323  
created in section ~~1561.48~~ 1513.30 of the Revised Code. 26324

**Sec. 1561.46.** Fees received by the chief of the division of 26325  
mineral resources management under sections 1561.16 to 1561.22 of 26326  
the Revised Code shall be paid by the chief into the state 26327  
treasury to the credit of the mining regulation and safety fund 26328  
created in section ~~1561.48~~ 1513.30 of the Revised Code. 26329

**Sec. 1561.48.** All ~~moneys~~ money collected under sections 26330  
1561.14, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 26331  
1561.22, 1561.45, and 1561.46 of the Revised Code shall be paid 26332  
into the state treasury to the credit of the mining regulation and 26333  
safety fund, ~~which is hereby~~ created by section 1513.30 of the 26334  
Revised Code. The department of natural resources shall use the 26335  
~~moneys~~ money in the fund to pay the operating expenses of the 26336  
division of mineral resources management. 26337

**Sec. 1711.51.** There is hereby created within the department 26338  
of agriculture an advisory council on amusement ride safety to 26339  
consist of the director of agriculture or the director's designee, 26340  
the general manager of the Ohio state fair or the general 26341  
manager's designee, plus ~~eleven~~ the following appointed members, 26342

~~of whom:~~ one shall be a representative of temporary amusement ride owners, one shall be a representative of the greater Ohio showmen's association and the owner of a ride, three shall be representatives of owners of amusement parks, one shall be a representative of the Ohio fair managers' association, one shall be a representative of the insurance industry, one shall be an engineer, who has an academic degree in engineering and who is knowledgeable in the amusement ride industry, one shall be a representative of the Ohio festivals and events association, and two shall be representatives of the general public. One Not later than thirty days after the effective date of this amendment, two additional members shall be appointed to the council. The additional members shall be representatives of the inflatable amusement ride industry who are owners or operators of inflatable amusement rides or consultants from the industry.

One member of the council shall be designated annually by the governor as chairperson. The appointed members not representing the general public shall be appointed by the governor, with the advice and consent of the senate. One member representing the general public shall be appointed by the speaker of the house of representatives and the remaining member representing the general public shall be appointed by the president of the senate. The council shall select from its membership a vice-chairperson to act as chairperson in the chairperson's absence.

Of the members first appointed by the governor, four shall be appointed for terms of two years, three for terms of four years, and two for terms of six years. The members appointed initially by the speaker of the house of representatives and the president of the senate shall each serve terms of six years. Of the additional members appointed by the governor who are representatives of the inflatable amusement ride industry, one shall be appointed for an initial term of four years and one shall be appointed for an

initial term of six years. All members appointed ~~thereafter~~ after 26375  
the initial terms shall serve six-year terms. Any member appointed 26376  
to fill a vacancy occurring prior to the expiration of the term 26377  
for which the member's predecessor was appointed shall hold office 26378  
for the remainder of that term. Any member shall continue in 26379  
office subsequent to the expiration date of the member's term 26380  
until the member's successor takes office. 26381

Members of the council shall be residents of this state and 26382  
shall be reimbursed for actual and necessary expenses incurred in 26383  
attending meetings of the council and in the performance of their 26384  
official duties. 26385

**Sec. 1711.53.** (A)(1) No person shall operate an amusement 26386  
ride within the state without a permit issued by the director of 26387  
agriculture under division (A)(2) of this section. No person shall 26388  
operate an aquatic amusement ride, as defined in section 3749.01 26389  
of the Revised Code, without also complying with Chapter 3749. of 26390  
the Revised Code. The owner of an amusement ride, whether the ride 26391  
is a temporary amusement ride or a permanent amusement ride, who 26392  
desires to operate the amusement ride within the state shall, 26393  
prior to the operation of the amusement ride and annually 26394  
thereafter, submit to the department of agriculture an application 26395  
for a permit, together with the appropriate permit and inspection 26396  
fee, on a form to be furnished by the department. Prior to issuing 26397  
any permit the department shall, within thirty days after the date 26398  
on which it receives the application, inspect each amusement ride 26399  
described in the application. The owner of an amusement ride shall 26400  
have the amusement ride ready for inspection not later than two 26401  
hours after the time that is requested by the person for the 26402  
inspection. 26403

(2) For each amusement ride found to comply with the rules 26404  
adopted by the director under division (B) of this section and 26405

division (B) of section 1711.551 of the Revised Code, the director 26406  
shall issue an annual permit, provided that evidence of liability 26407  
insurance coverage for the amusement ride as required by section 26408  
1711.54 of the Revised Code is on file with the department. 26409

(3) The director shall issue with each permit a decal 26410  
indicating that the amusement ride has been issued the permit. The 26411  
owner of the amusement ride shall affix the decal on the ride at a 26412  
location where the decal is easily visible to the patrons of the 26413  
ride. A copy of the permit shall be kept on file at the same 26414  
address as the location of the amusement ride identified on the 26415  
permit, and shall be made available for inspection, upon 26416  
reasonable demand, by any person. An owner may operate an 26417  
amusement ride prior to obtaining a permit, provided that the 26418  
operation is for the purpose of testing the amusement ride or 26419  
training amusement ride operators and other employees of the owner 26420  
and the amusement ride is not open to the public. 26421

(B) The director, in accordance with Chapter 119. of the 26422  
Revised Code, shall adopt rules providing for a schedule of fines, 26423  
with no fine exceeding five thousand dollars, for violations of 26424  
sections 1711.50 to 1711.57 of the Revised Code or any rules 26425  
adopted under this division and for the classification of 26426  
amusement rides and rules for the safe operation and inspection of 26427  
all amusement rides as are necessary for amusement ride safety and 26428  
for the protection of the general public. Rules adopted by the 26429  
director for the safe operation and inspection of amusement rides 26430  
shall be reasonable and based upon generally accepted engineering 26431  
standards and practices. In adopting rules under this section, the 26432  
director may adopt by reference, in whole or in part, the national 26433  
fire code or the national electrical code (NEC) prepared by the 26434  
national fire protection association, the standards of the 26435  
American society for testing and materials (ASTM) or the American 26436  
national standards institute (ANSI), or any other principles, 26437

tests, or standards of nationally recognized technical or 26438  
scientific authorities. Insofar as is practicable and consistent 26439  
with sections 1711.50 to 1711.57 of the Revised Code, rules 26440  
adopted under this division shall be consistent with the rules of 26441  
other states. The department shall cause sections 1711.50 to 26442  
1711.57 of the Revised Code and the rules adopted in accordance 26443  
with this division and division (B) of section 1711.551 of the 26444  
Revised Code to be published in pamphlet form and a copy to be 26445  
furnished without charge to each owner of an amusement ride who 26446  
holds a current permit or is an applicant therefor. 26447

(C) With respect to an application for a permit for an 26448  
amusement ride, an owner may apply to the director for a waiver or 26449  
modification of any rule adopted under division (B) of this 26450  
section if there are practical difficulties or unnecessary 26451  
hardships for the amusement ride to comply with the rules. Any 26452  
application shall set forth the reasons for the request. The 26453  
director, with the approval of the advisory council on amusement 26454  
ride safety, may waive or modify the application of a rule to any 26455  
amusement ride if the public safety is secure. Any authorization 26456  
by the director under this division shall be in writing and shall 26457  
set forth the conditions under which the waiver or modification is 26458  
authorized, and the department shall retain separate records of 26459  
all proceedings under this division. 26460

(D)(1) The director shall employ and provide for training of 26461  
a chief inspector and additional inspectors and employees as may 26462  
be necessary to administer and enforce sections 1711.50 to 1711.57 26463  
of the Revised Code. The director may appoint or contract with 26464  
other persons to perform inspections of amusement rides, provided 26465  
that the persons meet the qualifications for inspectors 26466  
established by rules adopted under division (B) of this section 26467  
and are not owners, or employees of owners, of any amusement ride 26468  
subject to inspection under sections 1711.50 to 1711.57 of the 26469

Revised Code. No person shall inspect an amusement ride who, 26470  
within six months prior to the date of inspection, was an employee 26471  
of the owner of the ride. 26472

(2) Before the director contracts with other persons to 26473  
inspect amusement rides, the director shall seek the advice of the 26474  
advisory council on amusement ride safety on whether to contract 26475  
with those persons. The advice shall not be binding upon the 26476  
director. After having received the advice of the council, the 26477  
director may proceed to contract with inspectors in accordance 26478  
with the procedures specified in division (E)(2) of section 26479  
1711.11 of the Revised Code. 26480

(3) With the advice and consent of the advisory council on 26481  
amusement ride safety, the director may employ a special 26482  
consultant to conduct an independent investigation of an amusement 26483  
ride accident. This consultant need not be in the civil service of 26484  
the state, but shall have qualifications to conduct the 26485  
investigation acceptable to the council. 26486

(E)(1) Except as otherwise provided in division (E)(1) of 26487  
this section, the department shall charge the following amusement 26488  
ride fees: 26489

Permit	\$	150	26490
Annual inspection and reinspection per ride:			26491
Kiddie rides	\$	100	26492
Roller coaster	\$	1,200	26493
Aerial lifts or bungee jumping facilities	\$	450	26494
Go karts, per kart	\$	5	26495
<del>Inflatable rides, kiddie and adult</del>	<del>\$</del>	<del>105</del>	26496
Other rides	\$	160	26497
Midseason operational inspection per ride	\$	25	26498
Expedited inspection per ride	\$	100	26499
Failure to cancel scheduled inspection per ride	\$	100	26500
Failure to have amusement ride ready for inspection			26501

per ride \$ 100 26502

The go kart inspection fee is in addition to the inspection 26503  
fee for the go kart track. 26504

The director shall adopt rules in accordance with Chapter 26505  
119. of the Revised Code establishing an annual fee that is less 26506  
than one hundred five dollars for an inspection and reinspection 26507  
of an inflatable ride. In adopting the rules, the director shall 26508  
ensure that the fee reasonably reflects the costs of inspection 26509  
and reinspection of an inflatable ride. If the director issues a 26510  
permit for an inflatable ride for a time period of less than one 26511  
year, the director shall charge a prorated fee for the permit 26512  
equal to one-twelfth of the annual permit fee multiplied by the 26513  
number of full months for which the permit is issued. 26514

The fees for an expedited inspection, failure to cancel a 26515  
scheduled inspection, and failure to have an amusement ride ready 26516  
for inspection do not apply to go karts. 26517

As used in division (E)(1) of this section, "expedited 26518  
inspection" means an inspection of an amusement ride by the 26519  
department not later than ten days after the owner of the 26520  
amusement ride files an application for a permit under this 26521  
section. 26522

(2) All fees and fines collected by the department under 26523  
sections 1711.50 to 1711.57 of the Revised Code shall be deposited 26524  
in the state treasury to the credit of the amusement ride 26525  
inspection fund, which is hereby created, and shall be used only 26526  
for the purpose of administering and enforcing sections 1711.11 26527  
and 1711.50 to 1711.57 of the Revised Code. 26528

(3) The owner of an amusement ride shall be required to pay a 26529  
reinspection fee only if the reinspection was conducted at the 26530  
owner's request under division (F) of this section, if the 26531  
reinspection is required by division (F) of this section because 26532

of an accident, or if the reinspection is required by division (F) 26533  
of section 1711.55 of the Revised Code. If a reinspection is 26534  
conducted at the request of the chief officer of a fair, festival, 26535  
or event where the ride is operating, the reinspection fee shall 26536  
be charged to the fair, festival, or event. 26537

(4) The rules adopted under division (B) of this section 26538  
shall define "roller coaster," "aerial lifts," "go karts," and 26539  
"other rides" for purposes of determining the fees under division 26540  
(E) of this section. The rules shall define "other rides" to 26541  
include go kart tracks. 26542

(F) A reinspection of an amusement ride shall take place if 26543  
an accident occurs, if the owner of the ride or the chief officer 26544  
of the fair, festival, or event where the ride is operating 26545  
requests a reinspection, or if the reinspection is required by 26546  
division (F) of section 1711.55 of the Revised Code. 26547

(G) As a supplement to its annual inspection of a temporary 26548  
amusement ride, the department may inspect the ride during each 26549  
scheduled event, as listed in the schedule of events provided to 26550  
the department by the owner pursuant to division (C) of section 26551  
1711.55 of the Revised Code, at which the ride is operated in this 26552  
state. These supplemental inspections are in addition to any other 26553  
inspection or reinspection of the ride as may be required under 26554  
sections 1711.50 to 1711.57 of the Revised Code, and the owner of 26555  
the temporary amusement ride is not required to pay an inspection 26556  
or reinspection fee for this supplemental inspection. Nothing in 26557  
this division shall be construed to prohibit the owner of a 26558  
temporary amusement ride having a valid permit to operate in this 26559  
state from operating the ride at a scheduled event before the 26560  
department conducts a supplemental inspection. 26561

(H) The department may annually conduct a midseason 26562  
operational inspection of every amusement ride upon which it 26563  
conducts an annual inspection pursuant to division (A) of this 26564

section. The midseason operational inspection is in addition to 26565  
any other inspection or reinspection of the amusement ride as may 26566  
be required pursuant to sections 1711.50 to 1711.57 of the Revised 26567  
Code. The owner of an amusement ride shall submit to the 26568  
department, at the time determined by the department, the 26569  
midseason operational inspection fee specified in division (E) of 26570  
this section. The director, in accordance with Chapter 119. of the 26571  
Revised Code, shall adopt rules specifying the time period during 26572  
which the department will conduct midseason operational 26573  
inspections. 26574

**Sec. 1721.01.** A company or association incorporated for 26575  
cemetery purposes may appropriate or otherwise acquire, and may 26576  
hold, not more than six hundred forty acres of land at any one 26577  
location, which shall be exempt from execution, and from being 26578  
appropriated for any public purpose, except as otherwise provided 26579  
in this section, ~~and from taxation, if held exclusively for~~ 26580  
~~cemetery or burial purposes, and with no view to profit.~~ A company 26581  
or association of that nature may own land at multiple locations, 26582  
and as many as six hundred forty acres owned at each location in 26583  
accordance with this section are entitled to the exemptions 26584  
specified in this section. 26585

Lands of cemetery associations not containing graves or not 26586  
containing graves that are in use as such on the date a written 26587  
notice, as provided in this section, is served upon the officers 26588  
of a cemetery, shall be subject to appropriation for highway or 26589  
street purposes if an appropriation commences within four years of 26590  
the serving of the notice. For such purposes said lands shall be 26591  
subject to the exercise of the right of eminent domain by the 26592  
municipal corporation in which such lands are located, by the 26593  
board of county commissioners of the county in which such lands 26594  
are located, or by the director of transportation under the same 26595  
conditions and in the same manner as any private property; and, if 26596

any burial occurs within the area specifically designated in the 26597  
written notice, the appropriating agency shall have the same 26598  
powers with respect to such burial as are given to a board of 26599  
township trustees by section 517.21 of the Revised Code and shall 26600  
pay any costs resulting from the exercise of these powers. This 26601  
section shall not be construed as authorizing an appropriating 26602  
agency to exercise the powers specified by section 517.21 of the 26603  
Revised Code in any part of a cemetery other than the area 26604  
specifically designated in the written notice. 26605

The appropriating agency shall serve upon the officers or 26606  
agents having control of a cemetery a written notice that a 26607  
specifically designated area of the cemetery may be needed for 26608  
highway purposes. No such notice may be served more than once. 26609

Such appropriation proceedings shall be made in the manner 26610  
provided for in sections 163.01 to 163.22 of the Revised Code or, 26611  
if by the director of transportation, as otherwise provided by 26612  
law. 26613

The board of trustees of such company or association, 26614  
whenever in its opinion any portion of such lands is unsuitable 26615  
for burial purposes, may sell and convey by deed in fee simple, in 26616  
such manner, and upon such terms, as are provided by resolution of 26617  
such board, any such portion of said lands, and apply the proceeds 26618  
thereof to the general purposes of the company or association; but 26619  
on such sale being made, the lands so sold shall be returned by 26620  
the board to the auditor of the proper county and placed by that 26621  
auditor upon the grand tax list and duplicate of real and public 26622  
utility property for taxation. 26623

Such company or association may also take, set aside, or hold 26624  
any personal property received by it from any source for cemetery 26625  
purposes; and if such company or association is incorporated not 26626  
for profit, all personal property, including the income therefrom, 26627  
owned or held by it, or for its use, for cemetery purposes and 26628

with no view to profit, shall be exempt from execution, from being 26629  
appropriated for any public purpose, and from taxation, and no tax 26630  
shall be assessed upon any personal property or the income 26631  
therefrom expressly exempted under this section. 26632

~~This chapter does not authorize the exemption of real 26633  
property used for a funeral home or any other activity not 26634  
permitted to be conducted by a cemetery association exempt from 26635  
taxation under section 501(c)(13) of the "Internal Revenue Code of 26636  
1954," 26 U.S.C.A. 501, or any successor provision. 26637~~

All exemptions ~~from taxation~~ provided for in this section 26638  
shall be in addition to such other exemptions ~~from taxation~~ as a 26639  
company or association incorporated for cemetery purposes, or its 26640  
real or personal property, has under any other provisions of the 26641  
Revised Code. 26642

**Sec. 1721.10.** Except as otherwise provided in this section, 26643  
lands appropriated and set apart as burial grounds, either for 26644  
public or for private use, and recorded or filed as such in the 26645  
office of the county recorder of the county where they are 26646  
situated, and any burial ground that has been used as such for 26647  
fifteen years are exempt from sale on execution on a judgment, 26648  
~~taxation,~~ dower, and compulsory partition; but land appropriated 26649  
and set apart as a private burial ground is not so exempt if it 26650  
exceeds in value the sum of fifty dollars. 26651

The lien for taxes against such burial grounds may be 26652  
enforced in the same manner prescribed for abandoned lands under 26653  
sections 323.65 to 323.79 of the Revised Code except that the 26654  
burial ground may be transferred only to a municipal corporation, 26655  
county, or township under division (D) of section 323.74 of the 26656  
Revised Code. No burial ground that is otherwise exempt from sale 26657  
or execution under this section shall be offered for sale at 26658  
public auction. 26659

**Sec. 1733.04.** (A) In addition to the authority conferred by 26660  
section 1701.13 of the Revised Code, but subject to any 26661  
limitations contained in sections 1733.01 to 1733.45 of the 26662  
Revised Code, and its articles and regulations, a credit union may 26663  
do any of the following: 26664

(1) Make loans as provided in section 1733.25 of the Revised 26665  
Code; 26666

(2) Invest its money as provided in section 1733.30 of the 26667  
Revised Code; 26668

(3) If authorized by the code of regulations, rebate to the 26669  
borrowing members a portion of the member's interest paid to the 26670  
credit union; 26671

(4) If authorized by the regulations, charge a membership or 26672  
entrance fee not to exceed one dollar per member; 26673

(5) Purchase group savings life insurance and group credit 26674  
life insurance; 26675

(6) Make reasonable contributions to any nonprofit civic, 26676  
charitable, or service organizations; 26677

(7) Act as trustee or custodian, for which reasonable 26678  
compensation may be received, under any written trust instrument 26679  
or custodial agreement created or organized in the United States 26680  
and forming part of a tax-advantaged savings plan that qualifies 26681  
for specific tax treatment under sections 223, 401(d), 408, 408A, 26682  
and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408, 26683  
408A, and 530, as amended, for its members or groups of its 26684  
members, provided that the funds of such plans are invested in 26685  
share accounts or share certificate accounts of the credit union. 26686  
These services include, but are not limited to, acting as a 26687  
trustee or custodian for member retirement, education, or health 26688  
savings accounts. 26689

(8) Participate in and pledge assets in connection with the 26690  
business linked deposit program under sections 135.77 to 135.774 26691  
of the Revised Code and the agricultural linked deposit program 26692  
under sections 135.71 to 135.76 of the Revised Code. 26693

(B) The authority of a credit union shall be subject to the 26694  
following: 26695

(1) A credit union may not borrow money in excess of 26696  
twenty-five per cent of its shares and undivided earnings, without 26697  
prior specific authorization by the superintendent of credit 26698  
unions. 26699

(2) A credit union may not pay a commission or other 26700  
compensation to any person for securing members or for the sale of 26701  
its shares, except that reasonable incentives may be made 26702  
available directly to members or potential members to promote 26703  
thrift. 26704

(3) A credit union, subject to the approval of the 26705  
superintendent, may have service facilities other than its home 26706  
office. 26707

(4) Real estate may be acquired by lease, purchase, or 26708  
otherwise as necessary and to the extent required for use of the 26709  
credit union presently and in the future operation of its office 26710  
or headquarters, and in case of a purchase of real estate, the 26711  
superintendent must first be notified in writing prior to the 26712  
purchase of the real estate. The superintendent shall notify the 26713  
credit union not more than thirty days after receipt of the 26714  
notification to purchase the real estate if the purchase is 26715  
denied, approved, or modified. If the superintendent does not 26716  
respond within thirty days after receipt of the notification to 26717  
purchase the real estate, it shall be deemed approved. Nothing 26718  
herein contained shall be deemed to prohibit a credit union from 26719  
taking title to real estate in connection with a default in the 26720

payment of a loan, provided that title to such real estate shall 26721  
not be held by the credit union for more than two years without 26722  
the prior written approval of the superintendent. A credit union 26723  
also may lease space in any real estate it acquires in accordance 26724  
with rules adopted by the superintendent. 26725

(C)(1) As used in division (C) of this section: 26726

(a) "School" means an elementary or secondary school. 26727

(b) "Student" means a child enrolled in a school. 26728

(c) "Student branch" means the designation provided to the 26729  
credit union for the in-school services and financial education 26730  
offered to students. 26731

(2) A credit union, upon agreement with a school board, in 26732  
the case of a public school, or the governing authority, in the 26733  
case of a nonpublic school, and with the permission of the 26734  
superintendent, may open and maintain a student branch. 26735

(3) Notwithstanding any other provision of this section, any 26736  
student enrolled in the school maintaining a student branch who is 26737  
not otherwise qualified for membership in the credit union 26738  
maintaining the student branch is qualified to be a member of that 26739  
student branch. 26740

(4) The student's membership in the student branch expires 26741  
upon the student's graduation from secondary school. 26742

(5) The student branch is for the express use of students and 26743  
may not be used by faculty, staff, or lineal ancestors or 26744  
descendents of students. 26745

(6) Faculty, staff, or lineal ancestors or descendents of 26746  
students are not eligible for membership in the credit union 26747  
maintaining the student branch unless otherwise qualified by this 26748  
section to be members. 26749

(7) The superintendent may adopt rules appropriate to the 26750

formation and operation of student branches. 26751

(D) A credit union may guarantee the signature of a member in 26752  
connection with a transaction involving tangible or intangible 26753  
property in which a member has or seeks to acquire an interest. 26754

**Sec. 1733.24.** (A) A credit union is authorized to receive 26755  
funds for deposit in share accounts, share draft accounts, and 26756  
share certificates from its members, from other credit unions, and 26757  
from an officer, employee, or agent of the federal, state, or 26758  
local governments, or political subdivisions of the state, in 26759  
accordance with such terms, rates, and conditions as may be 26760  
established by its board of directors, and for purposes of the 26761  
agricultural linked deposit program created under sections 135.71 26762  
to 135.76 of the Revised Code and the business linked deposit 26763  
program created under sections 135.77 to 135.774 of the Revised 26764  
Code. 26765

(B) The shares and share accounts of the credit union may be 26766  
of one or more classes, as designated by the board of directors, 26767  
subject to approval of the superintendent of credit unions based 26768  
on rules that shall assure equitable distribution of dividends 26769  
among classes, considering costs and advantages of each class to 26770  
the members of the credit union, including without limitation 26771  
special services rendered, length of ownership, minimum 26772  
investment, conditions of repurchase, and other appropriate 26773  
standards or combinations thereof. In the event the articles of 26774  
incorporation of the credit union indicate the authorized number 26775  
of shares to be unlimited, the designation of classification of 26776  
shares and share accounts of the credit union may be effected by 26777  
the board of directors, subject to the approval of the 26778  
superintendent, and does not require amendment of the articles of 26779  
incorporation. All shares of the credit union shall have a par 26780  
value per share as set by the board of directors. Redemptions and 26781

liquidating dividends shall be prorated to each member on the 26782  
basis of the price paid the credit union for such share, 26783  
irrespective of the class of such shares. 26784

(C)(1) Each credit union shall have one class of shares 26785  
designated as "membership share." The membership shares, or if a 26786  
credit union has but one class of shares, then all of the shares 26787  
of the credit union, shall have a par value as set by the board of 26788  
directors. 26789

(2) Two or more persons that are eligible for membership that 26790  
have jointly subscribed for one or more shares under a joint 26791  
account each may be admitted to membership. 26792

(D) A credit union need not issue certificates for any or all 26793  
of its classes of shares but irrespective of whether certificates 26794  
are issued, a registry of shares must be kept, including all of 26795  
the transactions of the credit union pertaining to such shares. 26796

(E) A credit union is authorized to maintain share draft 26797  
accounts in accordance with rules prescribed by the 26798  
superintendent. The credit union may pay dividends on share draft 26799  
accounts, may pay dividends at different rates on different types 26800  
of share draft accounts, and may permit the owners of such share 26801  
draft accounts to make withdrawals by negotiable or transferable 26802  
instruments or other orders for the purpose of making transfers to 26803  
third parties. 26804

(F) Unless otherwise provided by written agreement of the 26805  
parties, the rights, responsibilities, and liabilities attaching 26806  
to a share draft withdrawn from, transferred to, or otherwise 26807  
handled by a credit union are defined in and governed by Chapters 26808  
1303. and 1304. of the Revised Code, as if the credit union were a 26809  
bank. 26810

(G) Unless otherwise provided in the articles or regulations, 26811  
a member may designate any person or persons to own or hold 26812

shares, or share accounts with the member in joint tenancy with 26813  
right of survivorship and not as tenants in common. 26814

(H) Shares or share accounts may be issued in the name of a 26815  
custodian under the Ohio transfers to minors act, a member in 26816  
trust for a beneficiary, a fiduciary or custodian in trust for a 26817  
member beneficiary, or a fiduciary or custodian in trust upon the 26818  
death of a member. Redemption of such shares or payment of such 26819  
share accounts to a member, to the extent of the payment, 26820  
discharges the liability of the credit union to the member and the 26821  
beneficiary, and the credit union shall be under no obligation to 26822  
see to the application of the payment. Unless prior to the death 26823  
of a member, the member has notified the credit union in writing 26824  
in a form approved by the credit union of a different beneficiary 26825  
to receive the proceeds of such shares or share accounts, then the 26826  
proceeds shall be paid to the beneficiary or to the beneficiary's 26827  
parent or legal representative. Any payment made pursuant to 26828  
written instructions of the member or pursuant to the provisions 26829  
herein contained shall be a valid and sufficient release and 26830  
discharge of the credit union in connection with any such share or 26831  
share accounts. 26832

(I)(1) Except as otherwise provided in the articles or 26833  
regulations, and subject to the provisions thereof, a minor may 26834  
purchase shares, share accounts, or other depository instruments, 26835  
and except for qualification as a voting member, the credit union 26836  
may deal with the minor with respect to shares, share accounts, or 26837  
other depository instruments owned by the minor as if the minor 26838  
were a person of legal age. 26839

(2) If shares, share accounts, or other depository 26840  
instruments are issued in the name of a minor, redemption of any 26841  
part or all of the shares or withdrawal of funds by payment to the 26842  
minor of the shares or funds and any declared dividends or 26843  
interest releases the credit union from all obligation to the 26844

minor as to the shares reduced or funds withdrawn.	26845
(J) The regulations may require advance written notice of a member's intention to withdraw the member's shares. Such advance notice shall not exceed sixty days.	26846 26847 26848
<b>Sec. 1751.72.</b> (A) As used in this section:	26849
(1) "Chronic condition" means a medical condition that has persisted after reasonable efforts have been made to relieve or cure its cause and has continued, either continuously or episodically, for longer than six continuous months.	26850 26851 26852 26853
(2) "Clinical peer" means a health care practitioner in the same, or in a similar, specialty that typically manages the medical condition, procedure, or treatment under review.	26854 26855 26856
(3) "Covered person" means a person receiving coverage for health services under a policy, contract, or agreement issued by a health insuring corporation.	26857 26858 26859
(4) "Emergency services" has the same meaning as in section 1753.28 of the Revised Code.	26860 26861
(5) "Fraudulent or materially incorrect information" means any type of intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to the covered person in question.	26862 26863 26864 26865
(6) "Health care practitioner" has the same meaning as in section 3701.74 of the Revised Code.	26866 26867
(7) "NCPDP SCRIPT standard" means the national council for prescription drug programs SCRIPT standard version 201310 or the most recent standard adopted by the the United States department of health and human services.	26868 26869 26870 26871
(8) "Prior authorization requirement" means any practice implemented by a health insuring corporation in which coverage of	26872 26873

a health care service, device, or drug is dependent upon a covered person or a health care practitioner obtaining approval from the health insuring corporation prior to the service, device, or drug being performed, received, or prescribed, as applicable. "Prior authorization" includes prospective or utilization review procedures conducted prior to providing a health care service, device, or drug.

(9) "Urgent care services" means a medical care or other service for a condition where application of the timeframe for making routine or non-life threatening care determinations is either of the following:

(a) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state;

(b) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request.

(10) "Utilization review" and "utilization review organization" have the same meanings as in section 1751.77 of the Revised Code.

(B) If a policy, contract, or agreement issued by a health insuring corporation contains a prior authorization requirement, then all of the following apply:

(1) On or before January 1, 2018, the health insuring corporation shall permit health care practitioners to access the prior authorization form through the applicable electronic software system.

(2)(a) For policies issued on or after January 1, 2018, the health insuring corporation or other payer acting on behalf of the health insuring corporation, shall accept prior authorization requests through a secure electronic transmission.

(b) For policies issued on or after January 1, 2018, the health insuring corporation, a pharmacy benefit manager responsible for handling prior authorization requests, or other payer acting on behalf of the health insuring corporation shall accept and respond to prior prescription benefit authorization requests through a secure electronic transmission using NCPDP SCRIPT standard ePA transactions, and for prior medical benefit authorization requests through a secure electronic transmission using standards established by the council for affordable quality health care on operating rules for information exchange or its successor.

(c) For purposes of division (B)(2) of this section, neither of the following shall be considered a secure electronic transmission:

(i) A facsimile;

(ii) A proprietary payer portal for prescription drug requests that does not use NCPDP SCRIPT standard.

(3) For policies issued on or after January 1, 2018, a health care practitioner and health insuring corporation may enter into a contractual arrangement under which the health insuring corporation agrees to process prior authorization requests that are not submitted electronically because of the financial hardship that electronic submission of prior authorization requests would create for the health care practitioner or if internet connectivity is limited or unavailable where the health care practitioner is located.

(4)(a) For policies issued on or after January 1, 2018, if the health care practitioner submits the request for prior authorization as described in divisions (B)(1) and (2) of this section, the health insuring corporation shall respond to all prior authorization requests within forty-eight hours for urgent

care services, or ten calendar days for any prior authorization request that is not for an urgent care service, of the time the request is received by the health insuring corporation. Division (B)(4) of this section does not apply to emergency services.

(b) The response required under division (B)(4)(a) of this section shall indicate whether the request is approved or denied. If the prior authorization is denied, the health insuring corporation shall provide the specific reason for the denial.

(c) If the prior authorization request is incomplete, the health insuring corporation shall indicate the specific additional information that is required to process the request.

(5)(a) For policies issued on or after January 1, 2018, if a health care practitioner submits a prior authorization request as described in divisions (B)(1) and (2) of this section, the health insuring corporation shall provide an electronic receipt to the health care practitioner acknowledging that the prior authorization request was received.

(b) For policies issued on or after January 1, 2018, if a health insuring corporation requests additional information that is required to process a prior authorization request as described in division (B)(4)(c) of this section, the health care practitioner shall provide an electronic receipt to the health insuring corporation acknowledging that the request for additional information was received.

(6)(a) For policies issued on or after January 1, 2017, for a prior approval related to a chronic condition, the health insuring corporation shall honor a prior authorization approval for an approved drug for the lesser of the following from the date of the approval:

(i) Twelve months;

(ii) The last day of the covered person's eligibility under

the policy, contract, or agreement. 26967

(b) The duration of all other prior authorization approvals 26968  
shall be dictated by the policy, contract, or agreement issued by 26969  
the health insuring corporation. 26970

(c) A health insuring corporation may, in relation to a prior 26971  
approval under division (B)(6)(a) of this section, require a 26972  
health care practitioner to submit information to the health 26973  
insuring corporation indicating that the patient's chronic 26974  
condition has not changed. 26975

(i) The request for information by the health insuring 26976  
corporation and the response by the health care practitioner shall 26977  
be in an electronic format, which may be by electronic mail or 26978  
other electronic communication. 26979

(ii) The frequency of the submission of requested information 26980  
shall be consistent with medical or scientific evidence as defined 26981  
in section 3922.01 of the Revised Code, but shall not be required 26982  
more frequently than quarterly. 26983

(iii) If the health care practitioner does not respond within 26984  
five calendar days from the date the request was received, the 26985  
health insuring corporation may terminate the twelve-month 26986  
approval. 26987

(d) A twelve-month approval provided under division (B)(6)(a) 26988  
of this section is no longer valid and automatically terminates if 26989  
there are changes to federal or state laws or federal regulatory 26990  
guidance or compliance information prescribing that the drug in 26991  
question is no longer approved or safe for the intended purpose. 26992

(e) A twelve-month approval provided under division (B)(6)(a) 26993  
of this section does not apply to and is not required for any of 26994  
the following: 26995

(i) Medications that are prescribed for a non-maintenance 26996

condition;	26997
(ii) Medications that have a typical treatment of less than one year;	26998 26999
(iii) Medications that require an initial trial period to determine effectiveness and tolerability, beyond which a one-year, or greater, prior authorization period will be given;	27000 27001 27002
(iv) Medications where there is medical or scientific evidence as defined in section 3922.01 of the Revised Code that do not support a twelve-month prior approval;	27003 27004 27005
(v) Medications that are a schedule I or II controlled substance or any opioid analgesic or benzodiazepine, as defined in section 3719.01 of the Revised Code;	27006 27007 27008
(vi) Medications that are not prescribed by an in-network provider as part of a care management program.	27009 27010
(7) For policies issued on or after January 1, 2017, a health insuring corporation may, but is not required to, provide the twelve-month approval prescribed in division (B)(6)(a) of this section for a prescription drug that meets either of the following:	27011 27012 27013 27014 27015
(a) The drug is prescribed or administered to treat a rare medical condition and pursuant to medical or scientific evidence as defined in section 3922.01 of the Revised Code.	27016 27017 27018
(b) Medications that are controlled substances not included in division (B)(6)(e)(v) of this section.	27019 27020
For purposes of division (B)(7) of this section, "rare medical condition" means any disease or condition that affects fewer than two hundred thousand individuals in the United States.	27021 27022 27023
(8) Nothing in division (B)(6) or (7) of this section prohibits the substitution, in accordance with section 4729.38 of the Revised Code, of any drug that has received a twelve-month	27024 27025 27026

approval under division (B)(6)(a) of this section when there is a 27027  
release of either of the following: 27028

(a) A United States food and drug administration approved 27029  
comparable brand product or a generic counterpart of a brand 27030  
product that is listed as therapeutically equivalent in the United 27031  
States food and drug administration's publication titled approved 27032  
drug products with therapeutic equivalence evaluations; 27033

(b) An interchangeable biological product, as defined in 27034  
section 3715.01 of the Revised Code. 27035

(9)(a) For policies issued on or after January 1, 2017, upon 27036  
written request, a health insuring corporation shall permit a 27037  
retrospective review for a claim that is submitted for a service 27038  
where prior authorization was required but not obtained if the 27039  
service in question meets all of the following: 27040

(i) The service is directly related to another service for 27041  
which prior approval has already been obtained and that has 27042  
already been performed. 27043

(ii) The new service was not known to be needed at the time 27044  
the original prior authorized service was performed. 27045

(iii) The need for the new service was revealed at the time 27046  
the original authorized service was performed. 27047

(b) Once the written request and all necessary information is 27048  
received, the health insuring corporation shall review the claim 27049  
for coverage and medical necessity. The health insuring 27050  
corporation shall not deny a claim for such a new service based 27051  
solely on the fact that a prior authorization approval was not 27052  
received for the new service in question. 27053

(10)(a) For policies issued on or after January 1, 2017, the 27054  
health insuring corporation shall disclose to all participating 27055  
health care practitioners any new prior authorization requirement 27056

at least thirty days prior to the effective date of the new requirement. 27057  
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(b) The notice may be sent via electronic mail or standard mail and shall be conspicuously entitled "Notice of Changes to Prior Authorization Requirements." The notice is not required to contain a complete listing of all changes made to the prior authorization requirements, but shall include specific information on where the health care practitioner may locate the information on the health insuring corporation's web site or, if applicable, the health insuring corporation's portal. 27059  
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(c) All participating health care practitioners shall promptly notify the health insuring corporation of any changes to the health care practitioner's electronic mail or standard mail address. 27067  
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(11)(a) For policies issued on or after January 1, 2017, the health insuring corporation shall make available to all participating health care practitioners on its web site or provider portal a listing of its prior authorization requirements, including specific information or documentation that a practitioner must submit in order for the prior authorization request to be considered complete. 27071  
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(b) The health insuring corporation shall make available on its web site information about the policies, contracts, or agreements offered by the health insuring corporation that clearly identifies specific services, drugs, or devices to which a prior authorization requirement exists. 27078  
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(12) For policies issued on or after January 1, 2018, the health insuring corporation shall establish a streamlined appeal process relating to adverse prior authorization determinations that shall include all of the following: 27083  
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(a) For urgent care services, the appeal shall be considered 27087

within forty-eight hours after the health insuring corporation receives the appeal. 27088  
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(b) For all other matters, the appeal shall be considered within ten calendar days after the health insuring corporation receives the appeal. 27090  
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(c) The appeal shall be between the health care practitioner requesting the service in question and a clinical peer. 27093  
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(d) If the appeal does not resolve the disagreement, either the covered person or an authorized representative as defined in section 3922.01 of the Revised Code may request an external review under Chapter 3922. of the Revised Code to the extent Chapter 3922. of the Revised Code is applicable. 27095  
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(C) For policies issued on or after January 1, 2017, except in cases of fraudulent or materially incorrect information, a health insuring corporation shall not retroactively deny a prior authorization for a health care service, drug, or device when all of the following are met: 27100  
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(1) The health care practitioner submits a prior authorization request to the health insuring corporation for a health care service, drug, or device. 27105  
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(2) The health insuring corporation approves the prior authorization request after determining that all of the following are true: 27108  
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(a) The patient is eligible under the health benefit plan. 27111

(b) The health care service, drug, or device is covered under the patient's health benefit plan. 27112  
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(c) The health care service, drug, or device meets the health insuring corporation's standards for medical necessity and prior authorization. 27114  
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(3) The health care practitioner renders the health care 27117

service, drug, or device pursuant to the approved prior 27118  
authorization request and all of the terms and conditions of the 27119  
health care practitioner's contract with the health insuring 27120  
corporation. 27121

(4) On the date the health care practitioner renders the 27122  
prior approved health care service, drug, or device, all of the 27123  
following are true: 27124

(a) The patient is eligible under the health benefit plan. 27125

(b) The patient's condition or circumstances related to the 27126  
patient's care has not changed. 27127

(c) The health care practitioner submits an accurate claim 27128  
that matches the information submitted by the health care 27129  
practitioner in the approved prior authorization request. 27130

(5) If the health care practitioner submits a claim that 27131  
includes an unintentional error and the error results in a claim 27132  
that does not match the information originally submitted by the 27133  
health care practitioner in the approved prior authorization 27134  
request, upon receiving a denial of services from the health 27135  
insuring corporation, the health care practitioner may resubmit 27136  
the claim pursuant to division (C) of this section with the 27137  
information that matches the information included in the approved 27138  
prior authorization. 27139

(D) Any provision of a contractual arrangement entered into 27140  
between a health insuring corporation and a health care 27141  
practitioner or beneficiary that is contrary to divisions (A) to 27142  
(C) of this section is unenforceable. 27143

(E) For policies issued on or after January 1, 2017, 27144  
committing a series of violations of this section that, taken 27145  
together, constitute a practice or pattern shall be considered an 27146  
unfair and deceptive practice under sections 3901.19 to 3901.26 of 27147  
the Revised Code. 27148

(F) The superintendent of insurance may adopt rules in 27149  
accordance with Chapter 119. of the Revised Code as necessary to 27150  
implement the provisions of this section. 27151

(G) This section does not apply to any of the following types 27152  
of coverage: a policy, contract, certificate, or agreement that 27153  
covers only a specified accident, accident only, credit, dental, 27154  
disability income, long-term care, hospital indemnity, 27155  
supplemental coverage as described in section 3923.37 of the 27156  
Revised Code, specified disease, or vision care; a dental benefit 27157  
that is offered as a part of a policy, contract, certificate, or 27158  
agreement offered by a health insuring corporation; coverage 27159  
issued as a supplement to liability insurance; insurance arising 27160  
out of workers' compensation or similar law; automobile medical 27161  
payment insurance; insurance under which benefits are payable with 27162  
or without regard to fault and which is statutorily required to be 27163  
contained in any liability insurance policy or equivalent 27164  
self-insurance; a medicare supplement policy of insurance as 27165  
defined by the superintendent of insurance by rule; coverage under 27166  
a plan through medicare or the federal employees benefit program; 27167  
or any coverage issued under Chapter 55 of Title 10 of the United 27168  
States Code and any coverage issued as a supplement to that 27169  
coverage. 27170

**Sec. 1751.75.** A health insuring corporation may present 27171  
evidence of compliance with the requirements of sections 1751.73 27172  
and 1751.74 of the Revised Code by submitting certification to the 27173  
superintendent of insurance of its accreditation by an 27174  
independent, private accrediting organization, such as the 27175  
national committee on quality assurance, the national quality 27176  
health council, the joint commission on accreditation of health 27177  
care organizations, the accreditation association for ambulatory 27178  
health care, or the American accreditation healthcare 27179  
commission/utilization review accreditation commission. The 27180

superintendent, upon review of the organization's accreditation 27181  
process, may determine that such accreditation constitutes 27182  
compliance by the health insuring corporation with the 27183  
requirements of these sections. 27184

**Sec. 1923.12.** (A) If a resident or a resident's estate has 27185  
been evicted from a manufactured home park pursuant to a judgment 27186  
entered under section 1923.09 or 1923.11 of the Revised Code and 27187  
if the resident or estate has abandoned or otherwise left 27188  
unoccupied the resident's manufactured home, mobile home, or 27189  
recreational vehicle on the residential premises of the 27190  
manufactured home park for a period of three days following the 27191  
entry of the judgment, the operator of the manufactured home park 27192  
may provide to the titled owner of the home or vehicle a written 27193  
notice to remove the home or vehicle from the manufactured home 27194  
park within fourteen days from the date of the delivery of the 27195  
notice. The park operator shall deliver or cause the delivery of 27196  
the notice by personal delivery to the owner or by ordinary mail 27197  
sent to the last known address of the owner. Except as provided in 27198  
divisions (D) and (E) of this section, if the owner of the 27199  
manufactured home, mobile home, or recreational vehicle does not 27200  
remove it or cause it to be removed from the manufactured home 27201  
park within fourteen days from the date of the delivery of the 27202  
notice, the park operator may follow the procedures of division 27203  
(B) of section 1923.13 and division (B) of section 1923.14 of the 27204  
Revised Code to permit the removal of the home or vehicle from the 27205  
manufactured home park, and the potential sale, destruction, or 27206  
transfer of ownership of the home or vehicle. 27207

(B) Every notice provided to the titled owner of a 27208  
manufactured home, mobile home, or recreational vehicle under this 27209  
section shall contain the following language printed in a 27210  
conspicuous manner: "You are being asked to remove your 27211  
manufactured home, mobile home, or recreational vehicle from the 27212

residential premises of ....., a manufactured home park, in 27213  
accordance with a judgment of eviction entered in ..... court 27214  
on ..... against ..... If the manufactured home, mobile 27215  
home, or recreational vehicle is not removed from the manufactured 27216  
home park within fourteen days from the date of delivery of this 27217  
notice, the home or vehicle may be sold or destroyed, or its title 27218  
may be transferred to ....., pursuant to division (B) of both 27219  
sections 1923.13 and 1923.14 of the Revised Code. If you are in 27220  
doubt regarding your legal rights, it is recommended that you seek 27221  
legal assistance." 27222

(C)(1) Before requesting a writ of execution under division 27223  
(B) of section 1923.13 of the Revised Code, the park operator 27224  
shall conduct or cause to be conducted a search of the appropriate 27225  
public records that relate to the manufactured home, mobile home, 27226  
or recreational vehicle, and make or cause to be made reasonably 27227  
diligent inquiries, for the purpose of identifying any persons who 27228  
have an outstanding right, title, or interest in the home or 27229  
vehicle. 27230

(2) If the search or inquiries pursuant to division (C)(1) of 27231  
this section reveal any person who has an outstanding right, 27232  
title, or interest in the manufactured home, mobile home, or 27233  
recreational vehicle, the park operator shall ~~list the name and~~ 27234  
~~last known address of each~~ provide to the person with a right, 27235  
~~title, or interest of that nature on its request for the writ of~~ 27236  
~~execution. In addition, if personal property has been abandoned on~~ 27237  
~~the residential premises and the park operator has knowledge of~~ 27238  
~~any person who has an outstanding right, title, or interest in any~~ 27239  
~~of the personal property, the park operator shall list the item or~~ 27240  
~~items of personal property and the name and last known address of~~ 27241  
~~each person with the outstanding right, title, or interest on the~~ 27242  
~~request for the writ of execution. The park operator also shall~~ 27243  
~~certify on the request that the park operator provided the written~~ 27244

~~notice required by this section. The clerk of the municipal court, 27245  
county court, or court of common pleas may require the park 27246  
operator to pay an advance deposit sufficient to secure payment of 27247  
the appraisal of the manufactured home, mobile home, or 27248  
recreational vehicle and the advertisement of the sale of the home 27249  
or vehicle written notice to remove the home or vehicle from the 27250  
manufactured home park or arrange for the sale of the home or 27251  
vehicle within twenty-one days from the date of the delivery of 27252  
the notice. 27253~~

The notice shall contain the following language printed in a 27254  
conspicuous manner: "You are being asked to remove the 27255  
manufactured home, mobile home, or recreational vehicle that you 27256  
have an outstanding right, title, or interest in from the 27257  
residential premises of ....., a manufactured home park, in 27258  
accordance with a judgment of eviction entered in ..... court 27259  
on ..... against ..... If the manufactured home, mobile 27260  
home, or recreational vehicle is not removed from the manufactured 27261  
home park within twenty-one days from the date of delivery of this 27262  
notice, the home or vehicle may be sold or destroyed, or its title 27263  
may be transferred to ....., pursuant to division (B) of both 27264  
sections 1923.13 and 1923.14 of the Revised Code. If you are in 27265  
doubt regarding your legal rights, it is recommended that you seek 27266  
legal assistance." 27267

The park operator shall deliver or cause the delivery of the 27268  
notice by personal delivery to the person or by ordinary mail sent 27269  
to the last known address of the person. If a sale of the home or 27270  
vehicle is arranged, the person shall pay any rent due to the park 27271  
operator during the pendency of the sale. If the person does not 27272  
remove the home or vehicle or arrange for its sale within 27273  
twenty-one days from the date of the delivery of the notice, the 27274  
park operator may follow the procedures of division (B) of section 27275  
1923.13 and division (B) of section 1923.14 of the Revised Code to 27276

permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 27277  
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(3) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 27280  
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(D) When a deceased resident or a resident's estate has been evicted from a manufactured home park pursuant to a judgment entered under section 1923.09 or 1923.11 of the Revised Code, the removal from the park and potential sale, destruction, or transfer of ownership of the resident's manufactured home, mobile home, or recreational vehicle and any personal property abandoned on the residential premises shall be conducted in the manner prescribed by the probate court in which letters testamentary or of administration have been granted for the estate in accordance with Title XXI of the Revised Code. The park operator may store the resident's manufactured home, mobile home, or recreational vehicle at a storage facility or at another location within the manufactured home park during the administration of the estate. The park operator shall notify the executor or administrator of the resident's estate where the manufactured home, mobile home, or recreational vehicle will be stored during the administration of the estate. The costs for the removal and storage of the manufactured home, mobile home, or recreational vehicle shall be a claim against the resident's estate without further presentation of the claim to the executor or administrator. 27288  
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(E)(1) When the resident who has been evicted from a 27308

manufactured home park pursuant to a judgment entered under 27309  
section 1923.09 or 1923.11 of the Revised Code is the titled owner 27310  
of a manufactured home, mobile home, or recreational vehicle and 27311  
is or becomes deceased prior to the removal of the home or vehicle 27312  
from the manufactured home park, and no probate court has granted 27313  
~~letters testamentary or of~~ administration with respect to the 27314  
resident's estate within ninety days of the deceased's death, the 27315  
park operator may store the home or vehicle at a storage facility 27316  
or at another location within the manufactured home park before 27317  
and after a probate court grants letters testamentary or of 27318  
administration with respect to the resident's estate pursuant to 27319  
Title XXI of the Revised Code. 27320

(2) If a probate court grants administration with respect to 27321  
the resident's estate within ninety days of the date of the 27322  
eviction of the resident from the park, the removal of the 27323  
manufactured home, mobile home, or recreational vehicle from the 27324  
park and potential sale, destruction, or transfer of ownership of 27325  
the home or vehicle shall be conducted pursuant to division (D) of 27326  
this section. 27327

(3) If no probate court grants ~~letters testamentary or of~~ 27328  
administration with respect to the resident's estate within ~~one~~ 27329  
~~year~~ ninety days of the date of the eviction of the resident from 27330  
the manufactured home park pursuant to a judgment entered under 27331  
section 1923.09 or 1923.11 of the Revised Code, the park operator 27332  
~~may follow the procedures of division (B) of section 1923.13 and~~ 27333  
~~division (B) of section 1923.14 of the Revised Code to permit the~~ 27334  
~~removal of the manufactured home, mobile home, or recreational~~ 27335  
~~vehicle from the park and potential sale, destruction, or transfer~~ 27336  
~~of ownership of the home or vehicle.~~ 27337

~~(3) If a probate court grants letters testamentary or of~~ 27338  
~~administration with respect to the resident's estate within one~~ 27339  
~~year of the date of the eviction of the resident from the park,~~ 27340

~~the removal of the manufactured home, mobile home, or recreational vehicle from the park and potential sale, destruction, or transfer of ownership of the home or vehicle shall be conducted pursuant to division (D) of this section shall conduct or cause to be conducted a search of the appropriate public records that relate to the manufactured home, mobile home, or recreational vehicle, and make or cause to be made reasonably diligent inquiries, for the purpose of identifying any persons who have an outstanding right, title, or interest in the home or vehicle.~~ 27341  
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(a) If the search or inquiries pursuant to division (E)(3) of this section reveal any person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator shall provide to the person a written notice to remove the home or vehicle from the manufactured home park or arrange for the sale of the home or vehicle within twenty-one days from the date of the delivery of the notice. The notice shall be in the form described in division (C)(2) of this section. The park operator shall deliver or cause the delivery of the notice by personal delivery to the person or by ordinary mail sent to the last known address of the person. If a sale of the home or vehicle is arranged, the person shall pay any rent due to the park operator during the pendency of the sale. If the person does not remove the home or vehicle or arrange for its sale within twenty-one days from the date of the delivery of the notice, the park operator may follow the procedures of division (B) of section 1923.13 and division (B) of section 1923.14 of the Revised Code to permit the removal of the home or vehicle from the manufactured home park, and the potential sale, destruction, or transfer of ownership of the home or vehicle. 27350  
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(b) If the search or inquiries reveal no person who has an outstanding right, title, or interest in the manufactured home, mobile home, or recreational vehicle, the park operator shall 27370  
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publish notice of a petition for a writ of execution in a 27373  
newspaper of general circulation in the county where the home or 27374  
vehicle has been abandoned. The publication shall contain the name 27375  
of the deceased and the last known address of the home or vehicle 27376  
and shall run for two consecutive weeks. The park operator shall 27377  
provide to the clerk of the court written certification by the 27378  
newspaper of the dates of the publication and an affidavit signed 27379  
by the operator attesting to the publication. The park operator 27380  
may then follow the procedures of division (B) of section 1923.13 27381  
and division (B) of section 1923.14 of the Revised Code to permit 27382  
the removal of the home or vehicle from the manufactured home 27383  
park, and the potential sale, destruction, or transfer of 27384  
ownership of the home or vehicle. 27385

**Sec. 1923.13.** (A) When a judgment of restitution is entered 27386  
by a court in an action under this chapter, unless the plaintiff 27387  
or the plaintiff's agent or attorney proceeds under division (B) 27388  
of this section, at the request of the plaintiff or the 27389  
plaintiff's agent or attorney, that court shall issue a writ of 27390  
execution on the judgment, in the following form, as near as 27391  
practicable: 27392

"The state of Ohio, ..... county: To any 27393  
constable or police officer of ..... township, city, 27394  
or village; or To the sheriff of ..... 27395  
county; or To any authorized bailiff of the ..... (name of 27396  
court): 27397

Whereas, in a certain action for the forcible entry and 27398  
detention (or the forcible detention, as the case may be), of the 27399  
following described premises, to wit: ....., lately tried 27400  
before this court, wherein ..... was plaintiff, and 27401  
..... was defendant, ..... judgment was rendered on 27402  
the ..... day of ....., ....., that the plaintiff 27403

have restitution of those premises; and also that the plaintiff 27404  
recover costs in the sum of ..... You therefore are 27405  
hereby commanded to cause the defendant to be forthwith removed 27406  
from those premises, and the plaintiff to have restitution of 27407  
them; also, that you levy of the goods and chattels of the 27408  
defendant, and make the costs previously mentioned and all 27409  
accruing costs, and of this writ make legal service and due 27410  
return. 27411

Witness my hand, this ..... day of ....., ..... 27412  
..... Judge, ..... (Name of court)" 27413

(B) When a judgment of restitution is entered by a court in 27414  
any action under this chapter against a manufactured home park 27415  
resident or the estate of a manufactured home park resident, at 27416  
the request of the plaintiff or the plaintiff's agent or attorney, 27417  
that court shall issue a writ of execution on the judgment, in the 27418  
following form, as near as practicable: 27419

"The state of Ohio, ..... county; To any constable or 27420  
police officer of ..... township, city, or village; or To the 27421  
sheriff of ..... county; or To any authorized bailiff of the 27422  
..... (name of court): 27423

Whereas, in a certain action for eviction of a resident or a 27424  
resident's estate from the following described residential 27425  
premises of a manufactured home park on which the following 27426  
described manufactured home, mobile home, or recreational vehicle 27427  
is located, to wit: ....., lately tried before this court, 27428  
wherein ..... was plaintiff, and ..... was defendant, 27429  
..... judgment was rendered on the ..... day of 27430  
....., ....., that the plaintiff have restitution of the 27431  
premises and also that the plaintiff recover costs in the sum of 27432  
..... You therefore are hereby authorized to cause the 27433  
defendant to be removed and set out from the residential premises, 27434  
if ~~necessary~~ the defendant holds over on the premises subsequent 27435

to an eviction judgment against the defendant. In accordance with 27436  
division (A) of section 1923.12 of the Revised Code, three days 27437  
after the eviction judgment, the plaintiff is hereby commanded to 27438  
post a fourteen-day notice to the defendant to sell or remove the 27439  
manufactured home, mobile home, or recreational vehicle from the 27440  
premises, at the defendant's costs. If the manufactured home, 27441  
mobile home, or recreational vehicle is not sold or removed by the 27442  
defendant at the expiration of the fourteen-day notice, it is 27443  
hereby ordered that the defendant forfeits the right to the 27444  
manufactured home, mobile home, or recreational vehicle and the 27445  
plaintiff is hereby authorized to exercise the rights set forth 27446  
herein. Also, you are to levy of the goods and chattels of the 27447  
defendant, and make the costs previously mentioned and all 27448  
accruing costs, and of this writ make legal service and due 27449  
return. 27450

Further, you are authorized to cause the manufactured home, 27451  
mobile home, or recreational vehicle, and all personal property on 27452  
the residential premises, to be, ~~at your option, either (1)~~ 27453  
~~removed from the manufactured home park and, if necessary, moved~~ 27454  
~~to a storage facility of your choice, or (2) retained at their~~ 27455  
current location on the residential premises, until they are 27456  
disposed of in a manner authorized by this writ or the law of this 27457  
state. 27458

If the manufactured home, mobile home, or recreational 27459  
vehicle has been abandoned by the defendant, the park operator is 27460  
hereby commanded to submit a notarized affidavit to the county 27461  
auditor of the county where the park is located listing the titled 27462  
owner, address, serial number, and the value of the manufactured 27463  
home, mobile home, or recreational vehicle. Within fifteen days 27464  
after receipt of the affidavit, the county auditor is hereby 27465  
commanded to confirm whether the county auditor agrees or 27466  
disagrees with the stated value on the affidavit. Either of the 27467

following shall apply: 27468

(1) If the county auditor agrees with the stated value on the affidavit, the county auditor is hereby commanded to sign the original affidavit attesting to the agreement of the value of the manufactured home, mobile home, or recreational vehicle and return the original affidavit to the park operator within fifteen days after receipt of the affidavit from the park operator. 27469  
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(2) If the county auditor disagrees with the stated value on the affidavit, the county auditor is hereby commanded to notify the park operator of the disagreement within fifteen days after receipt of the affidavit. The park operator is hereby authorized to submit additional materials in support of the stated value on the affidavit consistent with industry valuation standards within ten days after receipt of the notice of the disagreement. If the park operator submits additional materials in support of the stated value on the affidavit, then after reviewing the additional materials submitted, either of the following shall apply: 27475  
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(a) If the county auditor agrees with the stated value on the affidavit, the county auditor is hereby commanded to sign the original affidavit attesting to the agreement of the value of the manufactured home, mobile home, or recreational vehicle and return the original affidavit to the park operator within ten days after receipt of the additional materials. 27485  
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(b) If the county auditor continues to disagree with the stated value on the affidavit, the county auditor is hereby commanded to notify the park operator of the continued disagreement within ten days of receipt of the additional material and return the original affidavit to the park operator. The park operator is hereby authorized to appeal to this court for a ruling on the disagreement pursuant to court rule. 27491  
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The park operator is hereby commanded to submit to this court 27498

the affidavit signed by the county auditor stating the value of 27499  
the manufactured home, mobile home, or recreational vehicle, which 27500  
shall be deemed to be the park operator's sworn testimony. If the 27501  
park operator knowingly falsifies information on the affidavit the 27502  
park operator shall be guilty of falsification under divisions 27503  
(A)(1), (3), and (6) of section 2921.13 of the Revised Code. 27504

If the manufactured home, mobile home, or recreational 27505  
vehicle has been so abandoned and has a value of more than three 27506  
thousand dollars, and the requirements of section 1923.12 of the 27507  
Revised Code have been satisfied, you are hereby authorized to 27508  
cause the sale of the home or vehicle and personal property in the 27509  
home or vehicle in accordance with division (B)(3) of section 27510  
1923.14 of the Revised Code. ~~A search of appropriate public~~ 27511  
~~records or other reasonably diligent inquiries reveals the~~ 27512  
~~following persons, whose last known addresses are listed next to~~ 27513  
~~their names, may continue to have an outstanding right, title, or~~ 27514  
~~interest in the home or vehicle: .....~~ In addition, the 27515  
~~following persons, whose last known addresses are listed next to~~ 27516  
~~their names, may continue to have an outstanding right, title, or~~ 27517  
~~interest in certain personal property left in the home and listed~~ 27518  
~~next to their names: .....~~ If you are unable to sell the 27519  
manufactured home, mobile home, or recreational vehicle due to a 27520  
want of bidders, after it is offered for sale on two occasions, 27521  
you are hereby commanded to cause the presentation of this writ to 27522  
a clerk of the court of common pleas title division for the 27523  
issuance of a certificate of title transferring the title of the 27524  
home or vehicle to the plaintiff, free and clear of all security 27525  
interests, liens, and encumbrances, in accordance with division 27526  
(B)(3) of section 1923.14 of the Revised Code. 27527

If the manufactured home, mobile home, or recreational 27528  
vehicle has been so abandoned and has a value of ~~less than~~ three 27529  
thousand dollars or less and if the requirements of section 27530

1923.12 of the Revised Code have been satisfied, you are hereby 27531  
authorized ~~either to cause the sale or destruction of the home or~~ 27532  
~~vehicle, or~~ to cause the presentation of this writ to a clerk of 27533  
the court of common pleas title division for the issuance of a 27534  
certificate of title transferring the title of the home or vehicle 27535  
to the plaintiff, free and clear of all security interests, liens, 27536  
and encumbrances, in accordance with division (B)(4) of section 27537  
1923.14 of the Revised Code. 27538

Upon this writ's presentation by the levying officer to a 27539  
clerk of the court of common pleas title division under the 27540  
circumstances described in either of the two preceding paragraphs 27541  
and in accordance with division (B)(3) or (4) of section 1923.14 27542  
of the Revised Code, as applicable, the clerk is hereby commanded 27543  
to issue a certificate of title transferring the title of the 27544  
manufactured home, mobile home, or recreational vehicle to the 27545  
plaintiff, free and clear of all security interests, liens, and 27546  
encumbrances, in the manner prescribed in section 4505.10 of the 27547  
Revised Code. 27548

Witness my hand, this ..... day of ....., 27549  
..... , ..... Judge, ..... (Name of court)." 27550

**Sec. 1923.14.** (A) Except as otherwise provided in this 27551  
section, within ten days after receiving a writ of execution 27552  
described in division (A) or (B) of section 1923.13 of the Revised 27553  
Code, the sheriff, police officer, constable, or bailiff shall 27554  
execute it by restoring the plaintiff to the possession of the 27555  
premises, and shall levy and collect the reasonable costs, not to 27556  
exceed the standard motion fee, and make return, as upon other 27557  
executions. If an appeal from the judgment of restitution is filed 27558  
and if, following the filing of the appeal, a stay of execution is 27559  
obtained and any required bond is filed with the court of common 27560  
pleas, municipal court, or county court, the judge of that court 27561

immediately shall issue an order to the sheriff, police officer, 27562  
constable, or bailiff commanding the delay of all further 27563  
proceedings upon the execution. If the premises have been restored 27564  
to the plaintiff, the sheriff, police officer, constable, or 27565  
bailiff shall forthwith place the defendant in possession of them, 27566  
and return the writ with the sheriff's, police officer's, 27567  
constable's, or bailiff's proceedings and the costs taxed on it. 27568

(B)(1) After a ~~court of common pleas~~, municipal court, or 27569  
county court issues a writ of execution described in division (B) 27570  
of section 1923.13 of the Revised Code, the clerk of the court 27571  
shall send by regular mail, to the last known address of each 27572  
person other than the titled owner of the manufactured home, 27573  
mobile home, or recreational vehicle that is the subject of the 27574  
writ ~~and to the last known address of each other person~~ who is 27575  
listed on the writ as having any outstanding right, title, or 27576  
interest in the home, vehicle, or personal property and to the 27577  
auditor and treasurer of the county in which the court is located, 27578  
a written notice that the home or vehicle potentially may be sold, 27579  
destroyed, or have its title transferred under the circumstances 27580  
described in division (B)(3) or (4) of this section. A person 27581  
having any outstanding right, title, or interest in the home, 27582  
vehicle, or personal property is not required to consent to the 27583  
notice required under this division in order for the writ to be 27584  
executed. 27585

(2) Except as otherwise provided in this division, after 27586  
causing the defendant to be removed from the residential premises 27587  
of the manufactured home park, if necessary, by writ of 27588  
restitution, and receiving a writ of execution described in 27589  
division (B) of section 1923.13 of the Revised Code, ~~and after~~ 27590  
~~causing the defendant to be removed from the residential premises~~ 27591  
~~of the manufactured home park, if necessary,~~ in accordance with 27592  
the writ, the sheriff, police officer, constable, or bailiff may 27593

cause the manufactured home, mobile home, or recreational vehicle 27594  
that is the subject of the writ, and all personal property on the 27595  
residential premises, ~~at the sheriff's, police officer's,~~ 27596  
~~constable's, or bailiff's option, either to be removed from the~~ 27597  
~~manufactured home park and, if necessary, moved to a storage~~ 27598  
~~facility of the sheriff's, police officer's, constable's, or~~ 27599  
~~bailiff's choice, or to be retained at their current location on~~ 27600  
the residential premises, until they are claimed by the defendant 27601  
or they are disposed of in a manner authorized by division (B)(3), 27602  
(4), or (6) of this section or by another section of the Revised 27603  
Code. ~~The sheriff, police officer, constable, or bailiff shall not~~ 27604  
~~cause the manufactured home, mobile home, or recreational vehicle~~ 27605  
~~that is the subject of the writ, or the personal property, to be~~ 27606  
~~removed from the manufactured home park or moved to a storage~~ 27607  
~~facility if the holder of any outstanding lien, right, title, or~~ 27608  
~~interest in the home or vehicle, other than the titled owner of~~ 27609  
~~the home or vehicle, meets the conditions set forth in division~~ 27610  
~~(B)(6) or (7) of this section.~~ 27611

~~The sheriff, police officer, constable, or bailiff who~~ 27612  
~~removes the manufactured home, mobile home, or recreational~~ 27613  
~~vehicle, or the abandoned personal property, from the residential~~ 27614  
~~premises shall be immune from civil liability pursuant to section~~ 27615  
~~2744.03 of the Revised Code for any damage caused to the home,~~ 27616  
~~vehicle, or any personal property during the removal.~~ 27617

The park operator shall not be liable for any damage caused 27618  
by the park operator's removal of the manufactured home, mobile 27619  
home, or recreational vehicle or the removal of the personal 27620  
property from the residential premises, or for any damage to the 27621  
home, vehicle, or personal property during the time the home, 27622  
vehicle, or property remains abandoned or stored in the 27623  
manufactured home park, unless the damage is the result of acts 27624  
that the park operator or the park operator's agents or employees 27625

performed with malicious purpose, in bad faith, or in a wanton or 27626  
reckless manner. The reasonable costs for a removal of the 27627  
manufactured home, mobile home, or recreational vehicle and 27628  
personal property and, as applicable, the reasonable costs for its 27629  
storage shall constitute a lien upon the home or vehicle payable 27630  
by the titled owner of the home or vehicle or payable pursuant to 27631  
division (B)(3) of this section to the park operator. 27632

The sheriff, police officer, constable, or bailiff shall not 27633  
be liable for any damage caused by the park operator's removal of 27634  
the manufactured home, mobile home, or recreational vehicle or the 27635  
removal of the personal property from the residential premises, or 27636  
for any damage to the home, vehicle, or personal property during 27637  
the time the home, vehicle, or property remains abandoned or 27638  
stored in the manufactured home park. 27639

(3) Except as provided in divisions (B)(4), (5), and (6) of 27640  
this section and division (D) of section 1923.12 of the Revised 27641  
Code, within sixty days after receiving a writ of execution 27642  
described in division (B) of section 1923.13 of the Revised Code 27643  
for a manufactured home, mobile home, or recreational vehicle, 27644  
determined to have a value of more than three thousand dollars, 27645  
the sheriff, police officer, constable, or bailiff shall commence 27646  
proceedings for the sale of the manufactured home, mobile home, or 27647  
recreational vehicle that is the subject of the writ, and the 27648  
abandoned personal property on the residential premises, if the 27649  
home or vehicle is determined to be abandoned in accordance with 27650  
the procedures for the sale of goods on execution under Chapter 27651  
2329. of the Revised Code. In addition to all notices required to 27652  
be given under section 2329.13 of the Revised Code, the sheriff, 27653  
police officer, constable, or bailiff shall serve at their 27654  
respective last known addresses a written notice of the date, 27655  
time, and place of the sale upon all persons who are listed on the 27656  
writ of execution as having any outstanding right, title, or 27657

interest in the abandoned manufactured home, mobile home, or 27658  
recreational vehicle and the personal property and shall provide 27659  
written notice to the auditor and the treasurer of the county in 27660  
which the court issuing the writ is located. 27661

Unless the proceedings are governed by division (D) of 27662  
section 1923.12 of the Revised Code, notwithstanding any statutory 27663  
provision to the contrary, including, but not limited to, section 27664  
2329.66 of the Revised Code, there shall be no stay of execution 27665  
or exemption from levy or sale on execution available to the 27666  
titled owner of the abandoned manufactured home, mobile home, or 27667  
recreational vehicle in relation to a sale under this division. 27668  
Except as otherwise provided in sections 2113.031, 2117.25, and 27669  
5162.21 of the Revised Code in a case involving a deceased 27670  
resident or resident's estate, the sheriff, police officer, 27671  
constable, or bailiff shall distribute the proceeds from the sale 27672  
of an abandoned manufactured home, mobile home, or recreational 27673  
vehicle and any personal property under this division in the 27674  
following manner: 27675

(a) The sheriff, police officer, constable, or bailiff shall 27676  
first pay the costs for any moving of and any storage outside the 27677  
manufactured home park of the home or vehicle and any personal 27678  
property pursuant to division (B)(2) of this section, the costs of 27679  
the sale, ~~including reimbursing the park operator for the deposit~~ 27680  
~~that the park operator paid to the clerk of court under division~~ 27681  
~~(C) of section 1923.12 of the Revised Code~~ any advertising 27682  
expenses paid by the park operator for the sale of the 27683  
manufactured home, mobile home, or recreational vehicle under 27684  
division (B)(3) of this section, and any unpaid court costs 27685  
assessed against the defendant in the underlying action. 27686

(b) Following the payment required by division (B)(3)(a) of 27687  
this section, the sheriff, police officer, constable, or bailiff 27688  
shall pay all outstanding tax liens on the home or vehicle. 27689

(c) Following the payment required by division (B)(3)(b) of 27690  
this section, the sheriff, police officer, constable, or bailiff 27691  
shall pay all other outstanding security interests, liens, or 27692  
encumbrances on the home or vehicle by priority of filing or other 27693  
priority. 27694

(d) Following the payment required by division (B)(3)(c) of 27695  
this section, the sheriff, police officer, constable, or bailiff 27696  
shall pay any outstanding monetary judgment rendered under section 27697  
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 27698  
and any costs associated with retaining the home or vehicle prior 27699  
to the sale at its location on the residential premises within the 27700  
manufactured home park pursuant to division (B)(2) of this 27701  
section. 27702

(e) After complying with divisions (B)(3)(a) to (d) of this 27703  
section, the sheriff, police officer, constable, or bailiff shall 27704  
report any remaining money as unclaimed funds pursuant to Chapter 27705  
169. of the Revised Code. 27706

Upon the return of any writ of execution for the satisfaction 27707  
of which an abandoned manufactured home, mobile home, or 27708  
recreational vehicle has been sold under this division, on careful 27709  
examination of the proceedings of the sheriff, police officer, 27710  
constable, or bailiff conducting the sale, if the court that 27711  
issued the writ finds that the sale was made, in all respects, in 27712  
conformity with ~~the relevant provisions of Chapter 2329. of the~~ 27713  
~~Revised Code and with~~ this division, it the court shall direct the 27714  
clerk of the court to make an entry on the journal that the court 27715  
is satisfied with the legality of the sale and order the ~~court~~ 27716  
~~shall direct the~~ clerk of the court of common pleas ~~of the county~~ 27717  
~~in which the writ was issued~~ title division to issue a certificate 27718  
of title, free and clear of all security interests, liens, and 27719  
encumbrances, to the purchaser of the home or vehicle. ~~The clerk~~ 27720  
~~of the court of common pleas shall issue the new certificate of~~ 27721

~~title to the purchaser of the home or vehicle regardless of~~ 27722  
~~whether the writ was issued by the court of common pleas or~~ 27723  
~~another court duly authorized to issue the writ.~~ If the 27724  
manufactured home, mobile home, or recreational vehicle sold under 27725  
this division is located in a manufactured home park, the 27726  
purchaser of the home or vehicle shall have no right to maintain 27727  
the home or vehicle in the manufactured home park without the park 27728  
operator's consent and the sheriff, police officer, constable, or 27729  
bailiff conducting the sale shall notify all prospective 27730  
purchasers of this fact prior to the commencement of the sale. 27731

If, after it is offered for sale on two occasions under this 27732  
division, the abandoned manufactured home, mobile home, or 27733  
recreational vehicle cannot be sold due to a want of bidders, the 27734  
sheriff, police officer, constable, or bailiff shall present the 27735  
writ of execution unsatisfied to the clerk of the court of common 27736  
pleas title division, of the county in which the writ was issued 27737  
for the issuance by the clerk in the manner prescribed in section 27738  
4505.10 of the Revised Code of a certificate of title transferring 27739  
the title of the home or vehicle to the plaintiff, free and clear 27740  
of all security interests, liens, and encumbrances. ~~The clerk of~~ 27741  
~~the court of common pleas shall issue the new certificate of title~~ 27742  
~~transferring the title of the manufactured home, mobile home, or~~ 27743  
~~recreational vehicle to the plaintiff regardless of whether the~~ 27744  
~~writ was issued by the court of common pleas or another court duly~~ 27745  
~~authorized to issue the writ.~~ If any taxes are owed on the home or 27746  
vehicle at this time, the county auditor shall remove the 27747  
delinquent taxes from the manufactured home tax list and the 27748  
delinquent manufactured home tax list and remit any penalties for 27749  
late payment of manufactured home taxes. Acceptance of the 27750  
certificate of title by the plaintiff terminates all further 27751  
proceedings under this section. In accordance with division (E)(3) 27752  
of section 4503.061 of the Revised Code, the plaintiff shall 27753  
notify the county auditor of the transfer of title. Pursuant to 27754

section 4503.061 of the Revised Code, if the manufactured home, mobile home, or recreational vehicle is destroyed or removed, the plaintiff shall provide the county auditor with notice of removal or destruction of the manufactured home, mobile home, or recreational vehicle. 27755  
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(4) Except as provided in division (B)(5) or (6) of this section and division (D) of section 1923.12 of the Revised Code, within ~~sixty~~ thirty days after receiving a writ of execution described in division (B) of section 1923.13 of the Revised Code, if the manufactured home, mobile home, or recreational vehicle is determined to be abandoned and to have a value of ~~less than~~ three thousand dollars or less, ~~the sheriff, police officer, constable, or bailiff shall serve at their respective last known addresses a written notice of potential action as described in this division upon all persons who are listed on the writ as having any outstanding right, title, or interest in the home or vehicle. This notice shall be in addition to all notices required to be given under section 2329.13 of the Revised Code. Subject to the fulfillment of these notice requirements, the sheriff, police officer, constable, or bailiff shall take one of the following actions with respect to the abandoned manufactured home, mobile home, or recreational vehicle:~~ 27760  
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~~(a) Cause its destruction if there is no person having an outstanding right, title, or interest in the home or vehicle, other than the titled owner of the home or vehicle;~~ 27777  
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~~(b) Proceed with its sale under division (B)(3) of this section;~~ 27780  
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~~(c) If there is no person having an outstanding right, title, or interest in the home or vehicle other than the titled owner of the home or vehicle, or if there is an outstanding right, title, or interest in the home or vehicle and the lienholder consents in writing, present the writ of execution to the clerk of the court~~ 27782  
27783  
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of common pleas title division, of the county in which the writ 27787  
was issued for the issuance by the clerk in the manner prescribed 27788  
in section 4505.10 of the Revised Code of a certificate of title 27789  
transferring the title of the home or vehicle to the plaintiff, 27790  
free and clear of all security interests, liens, and encumbrances. 27791  
~~The clerk of the court of common pleas shall issue the new~~ 27792  
~~certificate of title transferring the title of the home or vehicle~~ 27793  
~~regardless of whether the writ was issued by the court of common~~ 27794  
~~pleas or another court duly authorized to issue the writ.~~ If any 27795  
taxes are owed on the home or vehicle at this time, the county 27796  
auditor shall remove the delinquent taxes from the manufactured 27797  
home tax list and the delinquent manufactured home tax list and 27798  
remit any penalties for late payment of manufactured home taxes. 27799  
Acceptance of the certificate of title by the plaintiff terminates 27800  
all further proceedings under this section. In accordance with 27801  
division (E)(3) of section 4503.061 of the Revised Code, the 27802  
plaintiff shall notify the county auditor of the transfer of 27803  
title. Pursuant to section 4503.0611 of the Revised Code, if the 27804  
manufactured home, mobile home, or recreational vehicle is 27805  
destroyed or removed, the plaintiff shall provide the county 27806  
auditor with notice of removal or destruction of the manufactured 27807  
home, mobile home, or recreational vehicle. 27808

(5) At any time prior to the issuance of the writ of 27809  
execution described in division (B) of section 1923.13 of the 27810  
Revised Code, the titled owner of the manufactured home, mobile 27811  
home, or recreational vehicle that would be the subject of the 27812  
writ may remove the abandoned home or vehicle from the 27813  
manufactured home park ~~or other place of storage~~ upon payment to 27814  
the county auditor of all outstanding tax liens on the home or 27815  
vehicle and, unless the owner is indigent, payment to the clerk of 27816  
court of all unpaid court costs assessed against the defendant in 27817  
the underlying action. After the issuance of the writ of 27818  
execution, the titled owner of the home or vehicle may remove the 27819

abandoned home or vehicle from the manufactured home park ~~or other~~ 27820  
~~place of storage~~ at any time up to the day before the scheduled 27821  
sale, destruction, or transfer of the home or vehicle pursuant to 27822  
division (B)(3) or (4) of this section upon payment of all of the 27823  
following: 27824

(a) All costs ~~for moving and storage of the home or vehicle~~ 27825  
~~pursuant to division (B)(2) of this section and all costs~~ incurred 27826  
by the sheriff, police officer, constable, or bailiff ~~up to and~~ 27827  
~~including the date of the removal of the home or vehicle;~~ 27828

(b) All outstanding tax liens on the home or vehicle; 27829

(c) Unless the owner is indigent, all unpaid court costs 27830  
assessed against the defendant in the underlying action. 27831

(6) At any time after the issuance of the writ of execution 27832  
described in division (B) of section 1923.13 of the Revised Code, 27833  
the holder of any outstanding lien, right, title, or interest in 27834  
the manufactured home, mobile home, or recreational vehicle, other 27835  
than the titled owner of the home or vehicle, may stop the 27836  
sheriff, police officer, constable, or bailiff from proceeding 27837  
with the sale under this division by doing both of the following: 27838

(a) Commencing a proceeding to repossess the home or vehicle 27839  
pursuant to Chapters 1309. and 1317. of the Revised Code; 27840

(b) Paying to the park operator all monthly rental payments 27841  
for the lot on which the home or vehicle is located from the time 27842  
of the issuance of the writ of execution until the time that the 27843  
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 27844  
the Revised Code. 27845

(7)(a) At any time prior to the day before the scheduled sale 27846  
of the property pursuant to division (B)(3) of this section, the 27847  
defendant may remove any personal property of the defendant from 27848  
the abandoned home or vehicle or other place of storage. 27849

(b) If personal property owned by a person other than the defendant is abandoned on the residential premises and has not previously been removed, the owner of the personal property may remove the personal property from the abandoned home or vehicle or other place of storage up to the day before the scheduled sale of the property pursuant to division (B)(3) of this section upon presentation of proof of ownership of the property that is satisfactory to the sheriff, police officer, constable, or bailiff conducting the sale.

**Sec. 2151.34.** (A) As used in this section: 27859

(1) "Court" means the juvenile division of the court of common pleas of the county in which the person to be protected by the protection order resides. 27860  
27861  
27862

(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 27863  
27864

(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code. 27865  
27866

(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. 27867  
27868

(5) "Petitioner" means a person who files a petition under this section and includes a person on whose behalf a petition under this section is filed. 27869  
27870  
27871

(6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section. 27872  
27873

(7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 27874  
27875

(8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. 27876  
27877

(9) "Companion animal" has the same meaning as in section 27878

959.131 of the Revised Code.	27879
<u>(10) "Expunge" has the same meaning as in section 2151.355 of</u>	27880
<u>the Revised Code.</u>	27881
(B) The court has jurisdiction over all proceedings under	27882
this section.	27883
(C)(1) Any of the following persons may seek relief under	27884
this section by filing a petition with the court:	27885
(a) Any person on behalf of that person;	27886
(b) Any parent or adult family or household member on behalf	27887
of any other family or household member;	27888
(c) Any person who is determined by the court in its	27889
discretion as an appropriate person to seek relief under this	27890
section on behalf of any child.	27891
(2) The petition shall contain or state all of the following:	27892
(a) An allegation that the respondent engaged in a violation	27893
of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22,	27894
or 2911.211 of the Revised Code, committed a sexually oriented	27895
offense, or engaged in a violation of any municipal ordinance that	27896
is substantially equivalent to any of those offenses against the	27897
person to be protected by the protection order, including a	27898
description of the nature and extent of the violation;	27899
(b) If the petitioner seeks relief in the form of electronic	27900
monitoring of the respondent, an allegation that at any time	27901
preceding the filing of the petition the respondent engaged in	27902
conduct that would cause a reasonable person to believe that the	27903
health, welfare, or safety of the person to be protected was at	27904
risk, a description of the nature and extent of that conduct, and	27905
an allegation that the respondent presents a continuing danger to	27906
the person to be protected;	27907
(c) A request for relief under this section.	27908

(3) The court in its discretion may determine whether or not 27909  
to give notice that a petition has been filed under division 27910  
(C)(1) of this section on behalf of a child to any of the 27911  
following: 27912

(a) A parent of the child if the petition was filed by any 27913  
person other than a parent of the child; 27914

(b) Any person who is determined by the court to be an 27915  
appropriate person to receive notice of the filing of the 27916  
petition. 27917

(D)(1) If a person who files a petition pursuant to this 27918  
section requests an ex parte order, the court shall hold an ex 27919  
parte hearing as soon as possible after the petition is filed, but 27920  
not later than the next day after the court is in session after 27921  
the petition is filed. The court, for good cause shown at the ex 27922  
parte hearing, may enter any temporary orders, with or without 27923  
bond, that the court finds necessary for the safety and protection 27924  
of the person to be protected by the order. Immediate and present 27925  
danger to the person to be protected by the protection order 27926  
constitutes good cause for purposes of this section. Immediate and 27927  
present danger includes, but is not limited to, situations in 27928  
which the respondent has threatened the person to be protected by 27929  
the protection order with bodily harm or in which the respondent 27930  
previously has been convicted of, pleaded guilty to, or been 27931  
adjudicated a delinquent child for committing a violation of 27932  
section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 27933  
2911.211 of the Revised Code, a sexually oriented offense, or a 27934  
violation of any municipal ordinance that is substantially 27935  
equivalent to any of those offenses against the person to be 27936  
protected by the protection order. 27937

(2)(a) If the court, after an ex parte hearing, issues a 27938  
protection order described in division (E) of this section, the 27939  
court shall schedule a full hearing for a date that is within ten 27940

court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court also shall give notice of the full hearing to the parent, guardian, or legal custodian of the respondent. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

(E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person

to be protected by the protection order. The court may include 27972  
within a protection order issued under this section a term 27973  
requiring that the respondent not remove, damage, hide, harm, or 27974  
dispose of any companion animal owned or possessed by the person 27975  
to be protected by the order, and may include within the order a 27976  
term authorizing the person to be protected by the order to remove 27977  
a companion animal owned by the person to be protected by the 27978  
order from the possession of the respondent. 27979

(b) After a full hearing, if the court considering a petition 27980  
that includes an allegation of the type described in division 27981  
(C)(2)(b) of this section or the court, upon its own motion, finds 27982  
upon clear and convincing evidence that the petitioner reasonably 27983  
believed that the respondent's conduct at any time preceding the 27984  
filing of the petition endangered the health, welfare, or safety 27985  
of the person to be protected and that the respondent presents a 27986  
continuing danger to the person to be protected and if division 27987  
(N) of this section does not prohibit the issuance of an order 27988  
that the respondent be electronically monitored, the court may 27989  
order that the respondent be electronically monitored for a period 27990  
of time and under the terms and conditions that the court 27991  
determines are appropriate. Electronic monitoring shall be in 27992  
addition to any other relief granted to the petitioner. 27993

(2)(a) Any protection order issued pursuant to this section 27994  
shall be valid until a date certain but not later than the date 27995  
the respondent attains nineteen years of age. 27996

(b) Any protection order issued pursuant to this section may 27997  
be renewed in the same manner as the original order was issued. 27998

(3) A court may not issue a protection order that requires a 27999  
petitioner to do or to refrain from doing an act that the court 28000  
may require a respondent to do or to refrain from doing under 28001  
division (E)(1) of this section unless all of the following apply: 28002

(a) The respondent files a separate petition for a protection order in accordance with this section. 28003  
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(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 28005  
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(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 28009  
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(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually oriented offense, or a violation of any municipal ordinance that is substantially equivalent to any of those offenses against the person to be protected by the protection order issued pursuant to division (E)(3) of this section, or has violated a protection order issued pursuant to this section or section 2903.213 of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E)(3) of this section. 28014  
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(4) No protection order issued pursuant to this section shall in any manner affect title to any real property. 28028  
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(5)(a) A protection order issued under this section shall clearly state that the person to be protected by the order cannot waive or nullify by invitation or consent any requirement in the order. 28030  
28031  
28032  
28033

(b) Division (E)(5)(a) of this section does not limit any 28034  
discretion of a court to determine that a respondent alleged to 28035  
have violated section 2919.27 of the Revised Code, violated a 28036  
municipal ordinance substantially equivalent to that section, or 28037  
committed contempt of court, which allegation is based on an 28038  
alleged violation of a protection order issued under this section, 28039  
did not commit the violation or was not in contempt of court. 28040

(6) Any protection order issued pursuant to this section 28041  
shall include a provision that the court will automatically seal 28042  
all of the records of the proceeding in which the order is issued 28043  
on the date the respondent attains the age of nineteen years 28044  
unless the petitioner provides the court with evidence that the 28045  
respondent has not complied with all of the terms of the 28046  
protection order. The protection order shall specify the date when 28047  
the respondent attains the age of nineteen years. 28048

(F)(1) The court shall cause the delivery of a copy of any 28049  
protection order that is issued under this section to the 28050  
petitioner, to the respondent, and to all law enforcement agencies 28051  
that have jurisdiction to enforce the order. The court shall 28052  
direct that a copy of the order be delivered to the respondent and 28053  
the parent, guardian, or legal custodian of the respondent on the 28054  
same day that the order is entered. 28055

(2) Upon the issuance of a protection order under this 28056  
section, the court shall provide the parties to the order with the 28057  
following notice orally or by form: 28058

"NOTICE 28059

As a result of this order, it may be unlawful for you to 28060  
possess or purchase a firearm, including a rifle, pistol, or 28061  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 28062  
922(g)(8). If you have any questions whether this law makes it 28063  
illegal for you to possess or purchase a firearm or ammunition, 28064  
you should consult an attorney." 28065

(3) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order.

(4) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state in accordance with the provisions of the order, including removing the respondent from the premises, if appropriate.

(G)(1) Any proceeding under this section shall be conducted in accordance with the Rules of Civil Procedure, except that a protection order may be obtained under this section with or without bond. An order issued under this section, other than an ex parte order, that grants a protection order, or that refuses to grant a protection order, is a final, appealable order. The remedies and procedures provided in this section are in addition to, and not in lieu of, any other available civil or criminal remedies or any other available remedies under Chapter 2151. or 2152. of the Revised Code.

(2) If as provided in division (G)(1) of this section an order issued under this section, other than an ex parte order, refuses to grant a protection order, the court, on its own motion, shall order that the ex parte order issued under this section and all of the records pertaining to that ex parte order be expunged after either of the following occurs:

(a) The period of the notice of appeal from the order that refuses to grant a protection order has expired.

(b) The order that refuses to grant the protection order is

appealed and an appellate court to which the last appeal of that 28097  
order is taken affirms the order. 28098

(H) The filing of proceedings under this section does not 28099  
excuse a person from filing any report or giving any notice 28100  
required by section 2151.421 of the Revised Code or by any other 28101  
law. 28102

(I) Any law enforcement agency that investigates an alleged 28103  
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 28104  
2903.22, or 2911.211 of the Revised Code, an alleged commission of 28105  
a sexually oriented offense, or an alleged violation of a 28106  
municipal ordinance that is substantially equivalent to any of 28107  
those offenses shall provide information to the victim and the 28108  
family or household members of the victim regarding the relief 28109  
available under this section. 28110

(J)(1) Subject to division (J)(2) of this section and 28111  
regardless of whether a protection order is issued or a consent 28112  
agreement is approved by a court of another county or by a court 28113  
of another state, no court or unit of state or local government 28114  
shall charge the petitioner any fee, cost, deposit, or money in 28115  
connection with the filing of a petition pursuant to this section, 28116  
in connection with the filing, issuance, registration, 28117  
modification, enforcement, dismissal, withdrawal, or service of a 28118  
protection order, consent agreement, or witness subpoena or for 28119  
obtaining a certified copy of a protection order or consent 28120  
agreement. 28121

(2) Regardless of whether a protection order is issued or a 28122  
consent agreement is approved pursuant to this section, the court 28123  
may assess costs against the respondent in connection with the 28124  
filing, issuance, registration, modification, enforcement, 28125  
dismissal, withdrawal, or service of a protection order, consent 28126  
agreement, or witness subpoena or for obtaining a certified copy 28127  
of a protection order or consent agreement. 28128

(K)(1) A person who violates a protection order issued under	28129
this section is subject to the following sanctions:	28130
(a) A delinquent child proceeding or a criminal prosecution	28131
for a violation of section 2919.27 of the Revised Code, if the	28132
violation of the protection order constitutes a violation of that	28133
section;	28134
(b) Punishment for contempt of court.	28135
(2) The punishment of a person for contempt of court for	28136
violation of a protection order issued under this section does not	28137
bar criminal prosecution of the person or a delinquent child	28138
proceeding concerning the person for a violation of section	28139
2919.27 of the Revised Code. However, a person punished for	28140
contempt of court is entitled to credit for the punishment imposed	28141
upon conviction of or adjudication as a delinquent child for a	28142
violation of that section, and a person convicted of or	28143
adjudicated a delinquent child for a violation of that section	28144
shall not subsequently be punished for contempt of court arising	28145
out of the same activity.	28146
(L) In all stages of a proceeding under this section, a	28147
petitioner may be accompanied by a victim advocate.	28148
(M)(1) A petitioner who obtains a protection order under this	28149
section may provide notice of the issuance or approval of the	28150
order to the judicial and law enforcement officials in any county	28151
other than the county in which the order is issued by registering	28152
that order in the other county pursuant to division (M)(2) of this	28153
section and filing a copy of the registered order with a law	28154
enforcement agency in the other county in accordance with that	28155
division. A person who obtains a protection order issued by a	28156
court of another state may provide notice of the issuance of the	28157
order to the judicial and law enforcement officials in any county	28158
of this state by registering the order in that county pursuant to	28159

section 2919.272 of the Revised Code and filing a copy of the 28160  
registered order with a law enforcement agency in that county. 28161

(2) A petitioner may register a protection order issued 28162  
pursuant to this section in a county other than the county in 28163  
which the court that issued the order is located in the following 28164  
manner: 28165

(a) The petitioner shall obtain a certified copy of the order 28166  
from the clerk of the court that issued the order and present that 28167  
certified copy to the clerk of the court of common pleas or the 28168  
clerk of a municipal court or county court in the county in which 28169  
the order is to be registered. 28170

(b) Upon accepting the certified copy of the order for 28171  
registration, the clerk of the court of common pleas, municipal 28172  
court, or county court shall place an endorsement of registration 28173  
on the order and give the petitioner a copy of the order that 28174  
bears that proof of registration. 28175

(3) The clerk of each court of common pleas, municipal court, 28176  
or county court shall maintain a registry of certified copies of 28177  
protection orders that have been issued by courts in other 28178  
counties pursuant to this section and that have been registered 28179  
with the clerk. 28180

(N) If the court orders electronic monitoring of the 28181  
respondent under this section, the court shall direct the 28182  
sheriff's office or any other appropriate law enforcement agency 28183  
to install the electronic monitoring device and to monitor the 28184  
respondent. Unless the court determines that the respondent is 28185  
indigent, the court shall order the respondent to pay the cost of 28186  
the installation and monitoring of the electronic monitoring 28187  
device. If the court determines that the respondent is indigent 28188  
and subject to the maximum amount allowable to be paid in any year 28189  
from the fund and the rules promulgated by the attorney general 28190

under section 2903.214 of the Revised Code, the cost of the 28191  
installation and monitoring of the electronic monitoring device 28192  
may be paid out of funds from the reparations fund created 28193  
pursuant to section 2743.191 of the Revised Code. The total amount 28194  
paid from the reparations fund created pursuant to section 28195  
2743.191 of the Revised Code for electronic monitoring under this 28196  
section and sections 2903.214 and 2919.27 of the Revised Code 28197  
shall not exceed three hundred thousand dollars per year. When the 28198  
total amount paid from the reparations fund in any year for 28199  
electronic monitoring under those sections equals or exceeds three 28200  
hundred thousand dollars, the court shall not order pursuant to 28201  
this section that an indigent respondent be electronically 28202  
monitored. 28203

(O) The court, in its discretion, may determine if the 28204  
respondent is entitled to court-appointed counsel in a proceeding 28205  
under this section. 28206

**Sec. 2151.353.** (A) If a child is adjudicated an abused, 28207  
neglected, or dependent child, the court may make any of the 28208  
following orders of disposition: 28209

(1) Place the child in protective supervision; 28210

(2) Commit the child to the temporary custody of a any of the 28211  
following: 28212

(a) A public children services agency,~~a;~~ 28213

(b) A private child placing agency,~~either;~~ 28214

(c) Either parent,~~a;~~ 28215

(d) A relative residing within or outside the state,~~or a;~~ 28216

(e) A probation officer for placement in a certified foster 28217  
home,~~or in any other home approved by the court;~~ 28218

(f) Any other person approved by the court. 28219

(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:

(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;

(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the state board of education, whichever occurs first.

(c) That the parents of the child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious

affiliation, and the responsibility for support; 28252

(d) That the person understands that the person must be 28253  
present in court for the dispositional hearing in order to affirm 28254  
the person's intention to become legal custodian, to affirm that 28255  
the person understands the effect of the custodianship before the 28256  
court, and to answer any questions that the court or any parties 28257  
to the case may have. 28258

(4) Commit the child to the permanent custody of a public 28259  
children services agency or private child placing agency, if the 28260  
court determines in accordance with division (E) of section 28261  
2151.414 of the Revised Code that the child cannot be placed with 28262  
one of the child's parents within a reasonable time or should not 28263  
be placed with either parent and determines in accordance with 28264  
division (D)(1) of section 2151.414 of the Revised Code that the 28265  
permanent commitment is in the best interest of the child. If the 28266  
court grants permanent custody under this division, the court, 28267  
upon the request of any party, shall file a written opinion 28268  
setting forth its findings of fact and conclusions of law in 28269  
relation to the proceeding. 28270

(5) Place the child in a planned permanent living arrangement 28271  
with a public children services agency or private child placing 28272  
agency, if a public children services agency or private child 28273  
placing agency requests the court to place the child in a planned 28274  
permanent living arrangement and if the court finds, by clear and 28275  
convincing evidence, that a planned permanent living arrangement 28276  
is in the best interest of the child, that the child is sixteen 28277  
years of age or older, and that one of the following exists: 28278

(a) The child, because of physical, mental, or psychological 28279  
problems or needs, is unable to function in a family-like setting 28280  
and must remain in residential or institutional care now and for 28281  
the foreseeable future beyond the date of the dispositional 28282  
hearing held pursuant to section 2151.35 of the Revised Code. 28283

(b) The parents of the child have significant physical, 28284  
mental, or psychological problems and are unable to care for the 28285  
child because of those problems, adoption is not in the best 28286  
interest of the child, as determined in accordance with division 28287  
(D)(1) of section 2151.414 of the Revised Code, and the child 28288  
retains a significant and positive relationship with a parent or 28289  
relative. 28290

(c) The child has been counseled on the permanent placement 28291  
options available to the child, and is unwilling to accept or 28292  
unable to adapt to a permanent placement. 28293

(6) Order the removal from the child's home until further 28294  
order of the court of the person who committed abuse as described 28295  
in section 2151.031 of the Revised Code against the child, who 28296  
caused or allowed the child to suffer neglect as described in 28297  
section 2151.03 of the Revised Code, or who is the parent, 28298  
guardian, or custodian of a child who is adjudicated a dependent 28299  
child and order any person not to have contact with the child or 28300  
the child's siblings. 28301

(B)(1) When making a determination on whether to place a 28302  
child in a planned permanent living arrangement pursuant to 28303  
division (A)(5)(b) or (c) of this section, the court shall 28304  
consider all relevant information that has been presented to the 28305  
court, including information gathered from the child, the child's 28306  
guardian ad litem, and the public children services agency or 28307  
private child placing agency. 28308

(2) A child who is placed in a planned permanent living 28309  
arrangement pursuant to division (A)(5)(b) or (c) of this section 28310  
shall be placed in an independent living setting or in a family 28311  
setting in which the caregiver has been provided by the agency 28312  
that has custody of the child with a notice that addresses the 28313  
following: 28314

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as provided in division (B) of section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition into adulthood.

(3) The department of job and family services shall develop a model notice to be provided by an agency that has custody of a child to a caregiver under division (B)(2) of this section. The agency may modify the model notice to apply to the needs of the agency.

(C) No order for permanent custody or temporary custody of a child or the placement of a child in a planned permanent living arrangement shall be made pursuant to this section unless the complaint alleging the abuse, neglect, or dependency contains a prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement as desired, the summons served on the parents of the child contains as is appropriate a full explanation that the granting of an order for permanent custody permanently divests them of their parental rights, a full explanation that an adjudication that the child is an abused, neglected, or dependent child may result in an order of temporary custody that will cause the removal of the child from their legal custody until the court terminates the order of temporary custody or permanently divests the parents of their parental rights, or a full explanation that the granting of an order for a planned permanent living arrangement will result in

the removal of the child from their legal custody if any of the 28347  
conditions listed in divisions (A)(5)(a) to (c) of this section 28348  
are found to exist, and the summons served on the parents contains 28349  
a full explanation of their right to be represented by counsel and 28350  
to have counsel appointed pursuant to Chapter 120. of the Revised 28351  
Code if they are indigent. 28352

If after making disposition as authorized by division (A)(2) 28353  
of this section, a motion is filed that requests permanent custody 28354  
of the child, the court may grant permanent custody of the child 28355  
to the movant in accordance with section 2151.414 of the Revised 28356  
Code. 28357

(D) If the court issues an order for protective supervision 28358  
pursuant to division (A)(1) of this section, the court may place 28359  
any reasonable restrictions upon the child, the child's parents, 28360  
guardian, or custodian, or any other person, including, but not 28361  
limited to, any of the following: 28362

(1) Order a party, within forty-eight hours after the 28363  
issuance of the order, to vacate the child's home indefinitely or 28364  
for a specified period of time; 28365

(2) Order a party, a parent of the child, or a physical 28366  
custodian of the child to prevent any particular person from 28367  
having contact with the child; 28368

(3) Issue an order restraining or otherwise controlling the 28369  
conduct of any person which conduct would not be in the best 28370  
interest of the child. 28371

(E) As part of its dispositional order, the court shall 28372  
journalize a case plan for the child. The journalized case plan 28373  
shall not be changed except as provided in section 2151.412 of the 28374  
Revised Code. 28375

(F)(1) The court shall retain jurisdiction over any child for 28376  
whom the court issues an order of disposition pursuant to division 28377

(A) of this section or pursuant to section 2151.414 or 2151.415 of the Revised Code until the child attains the age of eighteen years if the child is not mentally retarded, developmentally disabled, or physically impaired, the child attains the age of twenty-one years if the child is mentally retarded, developmentally disabled, or physically impaired, or the child is adopted and a final decree of adoption is issued, except that the court may retain jurisdiction over the child and continue any order of disposition under division (A) of this section or under section 2151.414 or 2151.415 of the Revised Code for a specified period of time to enable the child to graduate from high school or vocational school. The court shall retain jurisdiction over a person who meets the requirements described in division (A)(1) of section 5101.1411 of the Revised Code and who is subject to a voluntary participation agreement that is in effect. The court shall make an entry continuing its jurisdiction under this division in the journal.

(2) Any public children services agency, any private child placing agency, the department of job and family services, or any party, other than any parent whose parental rights with respect to the child have been terminated pursuant to an order issued under division (A)(4) of this section, by filing a motion with the court, may at any time request the court to modify or terminate any order of disposition issued pursuant to division (A) of this section or section 2151.414 or 2151.415 of the Revised Code. The court shall hold a hearing upon the motion as if the hearing were the original dispositional hearing and shall give all parties to the action and the guardian ad litem notice of the hearing pursuant to the Juvenile Rules. If applicable, the court shall comply with section 2151.42 of the Revised Code.

(G) Any temporary custody order issued pursuant to division (A) of this section shall terminate one year after the earlier of

the date on which the complaint in the case was filed or the child 28410  
was first placed into shelter care, except that, upon the filing 28411  
of a motion pursuant to section 2151.415 of the Revised Code, the 28412  
temporary custody order shall continue and not terminate until the 28413  
court issues a dispositional order under that section. In 28414  
resolving the motion, the court shall not order an existing 28415  
temporary custody order to continue beyond two years after the 28416  
date on which the complaint was filed or the child was first 28417  
placed into shelter care, whichever date is earlier, regardless of 28418  
whether any extensions have been previously ordered pursuant to 28419  
division (D) of section 2151.415 of the Revised Code. 28420

(H)(1) No later than one year after the earlier of the date 28421  
the complaint in the case was filed or the child was first placed 28422  
in shelter care, a party may ask the court to extend an order for 28423  
protective supervision for six months or to terminate the order. A 28424  
party requesting extension or termination of the order shall file 28425  
a written request for the extension or termination with the court 28426  
and give notice of the proposed extension or termination in 28427  
writing before the end of the day after the day of filing it to 28428  
all parties and the child's guardian ad litem. If a public 28429  
children services agency or private child placing agency requests 28430  
termination of the order, the agency shall file a written status 28431  
report setting out the facts supporting termination of the order 28432  
at the time it files the request with the court. If no party 28433  
requests extension or termination of the order, the court shall 28434  
notify the parties that the court will extend the order for six 28435  
months or terminate it and that it may do so without a hearing 28436  
unless one of the parties requests a hearing. All parties and the 28437  
guardian ad litem shall have seven days from the date a notice is 28438  
sent pursuant to this division to object to and request a hearing 28439  
on the proposed extension or termination. 28440

(a) If it receives a timely request for a hearing, the court 28441

shall schedule a hearing to be held no later than thirty days 28442  
after the request is received by the court. The court shall give 28443  
notice of the date, time, and location of the hearing to all 28444  
parties and the guardian ad litem. At the hearing, the court shall 28445  
determine whether extension or termination of the order is in the 28446  
child's best interest. If termination is in the child's best 28447  
interest, the court shall terminate the order. If extension is in 28448  
the child's best interest, the court shall extend the order for 28449  
six months. 28450

(b) If it does not receive a timely request for a hearing, 28451  
the court may extend the order for six months or terminate it 28452  
without a hearing and shall journalize the order of extension or 28453  
termination not later than fourteen days after receiving the 28454  
request for extension or termination or after the date the court 28455  
notifies the parties that it will extend or terminate the order. 28456  
If the court does not extend or terminate the order, it shall 28457  
schedule a hearing to be held no later than thirty days after the 28458  
expiration of the applicable fourteen-day time period and give 28459  
notice of the date, time, and location of the hearing to all 28460  
parties and the child's guardian ad litem. At the hearing, the 28461  
court shall determine whether extension or termination of the 28462  
order is in the child's best interest. If termination is in the 28463  
child's best interest, the court shall terminate the order. If 28464  
extension is in the child's best interest, the court shall issue 28465  
an order extending the order for protective supervision six 28466  
months. 28467

(2) If the court grants an extension of the order for 28468  
protective supervision pursuant to division (H)(1) of this 28469  
section, a party may, prior to termination of the extension, file 28470  
with the court a request for an additional extension of six months 28471  
or for termination of the order. The court and the parties shall 28472  
comply with division (H)(1) of this section with respect to 28473

extending or terminating the order.	28474
(3) If a court grants an extension pursuant to division	28475
(H)(2) of this section, the court shall terminate the order for	28476
protective supervision at the end of the extension.	28477
(I) The court shall not issue a dispositional order pursuant	28478
to division (A) of this section that removes a child from the	28479
child's home unless the court complies with section 2151.419 of	28480
the Revised Code and includes in the dispositional order the	28481
findings of fact required by that section.	28482
(J) If a motion or application for an order described in	28483
division (A)(6) of this section is made, the court shall not issue	28484
the order unless, prior to the issuance of the order, it provides	28485
to the person all of the following:	28486
(1) Notice and a copy of the motion or application;	28487
(2) The grounds for the motion or application;	28488
(3) An opportunity to present evidence and witnesses at a	28489
hearing regarding the motion or application;	28490
(4) An opportunity to be represented by counsel at the	28491
hearing.	28492
(K) The jurisdiction of the court shall terminate one year	28493
after the date of the award or, if the court takes any further	28494
action in the matter subsequent to the award, the date of the	28495
latest further action subsequent to the award, if the court awards	28496
legal custody of a child to either of the following:	28497
(1) A legal custodian who, at the time of the award of legal	28498
custody, resides in a county of this state other than the county	28499
in which the court is located;	28500
(2) A legal custodian who resides in the county in which the	28501
court is located at the time of the award of legal custody, but	28502
moves to a different county of this state prior to one year after	28503

the date of the award or, if the court takes any further action in 28504  
the matter subsequent to the award, one year after the date of the 28505  
latest further action subsequent to the award. 28506

The court in the county in which the legal custodian resides 28507  
then shall have jurisdiction in the matter. 28508

**Sec. 2151.417.** (A) Any court that issues a dispositional 28509  
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 28510  
Revised Code may review at any time the child's placement or 28511  
custody arrangement, the case plan prepared for the child pursuant 28512  
to section 2151.412 of the Revised Code, the actions of the public 28513  
children services agency or private child placing agency in 28514  
implementing that case plan, the child's permanency plan if the 28515  
child's permanency plan has been approved, and any other aspects 28516  
of the child's placement or custody arrangement. In conducting the 28517  
review, the court shall determine the appropriateness of any 28518  
agency actions, the safety and appropriateness of continuing the 28519  
child's placement or custody arrangement, and whether any changes 28520  
should be made with respect to the child's permanency plan or 28521  
placement or custody arrangement or with respect to the actions of 28522  
the agency under the child's placement or custody arrangement. 28523  
Based upon the evidence presented at a hearing held after notice 28524  
to all parties and the guardian ad litem of the child, the court 28525  
may require the agency, the parents, guardian, or custodian of the 28526  
child, and the physical custodians of the child to take any 28527  
reasonable action that the court determines is necessary and in 28528  
the best interest of the child or to discontinue any action that 28529  
it determines is not in the best interest of the child. 28530

(B) If a court issues a dispositional order pursuant to 28531  
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 28532  
court has continuing jurisdiction over the child as set forth in 28533  
division (F)(1) of section 2151.353 of the Revised Code. The court 28534

may amend a dispositional order in accordance with division (F)(2) 28535  
of section 2151.353 of the Revised Code at any time upon its own 28536  
motion or upon the motion of any interested party. The court shall 28537  
comply with section 2151.42 of the Revised Code in amending any 28538  
dispositional order pursuant to this division. 28539

(C)(1) Any court that issues a dispositional order pursuant 28540  
to section 2151.353, 2151.414, or 2151.415 of the Revised Code 28541  
shall hold a review hearing one year after the earlier of the date 28542  
on which the complaint in the case was filed or the child was 28543  
first placed into shelter care to review the case plan prepared 28544  
pursuant to section 2151.412 of the Revised Code and the child's 28545  
placement or custody arrangement, to approve or review the 28546  
permanency plan for the child, and to make changes to the case 28547  
plan and placement or custody arrangement consistent with the 28548  
permanency plan. The court shall schedule the review hearing at 28549  
the time that it holds the dispositional hearing pursuant to 28550  
section 2151.35 of the Revised Code. 28551

(2) The court shall hold a similar review hearing no later 28552  
than every twelve months after the initial review hearing until 28553  
the child is adopted, returned to the parents, or the court 28554  
otherwise terminates the child's placement or custody arrangement, 28555  
except that the dispositional hearing held pursuant to section 28556  
2151.415 of the Revised Code shall take the place of the first 28557  
review hearing to be held under this section. The court shall 28558  
schedule each subsequent review hearing at the conclusion of the 28559  
review hearing immediately preceding the review hearing to be 28560  
scheduled. 28561

(3) The court is not required to continue holding review 28562  
hearings under divisions (C)(1) and (2) of this section regarding 28563  
a child subject to an order of legal custody under section 28564  
2151.353 or 2151.415 of the Revised Code, if all of the following 28565  
apply: 28566

<u>(a) The child is not subject to an order of protective supervision under section 2151.353 or 2151.415 of the Revised Code.</u>	28567
	28568
	28569
<u>(b) A public children services agency or private child placing agency is not providing services to the child.</u>	28570
	28571
<u>(c) The court finds that further review under divisions (C)(1) and (2) of this section are no longer necessary to serve the child's best interests.</u>	28572
	28573
	28574
(D) If, within fourteen days after a written summary of an administrative review is filed with the court pursuant to section 2151.416 of the Revised Code, the court does not approve the proposed change to the case plan filed pursuant to division (E) of section 2151.416 of the Revised Code or a party or the guardian ad litem requests a review hearing pursuant to division (E) of that section, the court shall hold a review hearing in the same manner that it holds review hearings pursuant to division (C) of this section, except that if a review hearing is required by this division and if a hearing is to be held pursuant to division (C) of this section or section 2151.415 of the Revised Code, the hearing held pursuant to division (C) of this section or section 2151.415 of the Revised Code shall take the place of the review hearing required by this division.	28575
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(E) If a court determines pursuant to section 2151.419 of the Revised Code that a public children services agency or private child placing agency is not required to make reasonable efforts to prevent the removal of a child from the child's home, eliminate the continued removal of a child from the child's home, and return the child to the child's home, and the court does not return the child to the child's home pursuant to division (A)(3) of section 2151.419 of the Revised Code, the court shall hold a review hearing to approve the permanency plan for the child and, if appropriate, to make changes to the child's case plan and the	28589
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child's placement or custody arrangement consistent with the 28599  
permanency plan. The court may hold the hearing immediately 28600  
following the determination under section 2151.419 of the Revised 28601  
Code and shall hold it no later than thirty days after making that 28602  
determination. 28603

(F) The court shall give notice of the review hearings held 28604  
pursuant to this section to every interested party, including, but 28605  
not limited to, the appropriate agency employees who are 28606  
responsible for the child's care and planning, the child's 28607  
parents, any person who had guardianship or legal custody of the 28608  
child prior to the custody order, the child's guardian ad litem, 28609  
and the child. The court shall summon every interested party to 28610  
appear at the review hearing and give them an opportunity to 28611  
testify and to present other evidence with respect to the child's 28612  
custody arrangement, including, but not limited to, the following: 28613  
the case plan for the child; the permanency plan, if one exists; 28614  
the actions taken by the child's custodian; the need for a change 28615  
in the child's custodian or caseworker; and the need for any 28616  
specific action to be taken with respect to the child. The court 28617  
shall require any interested party to testify or present other 28618  
evidence when necessary to a proper determination of the issues 28619  
presented at the review hearing. In any review hearing that 28620  
pertains to a permanency plan for a child who will not be returned 28621  
to the parent, the court shall consider in-state and out-of-state 28622  
placement options and the court shall determine whether the 28623  
in-state or the out-of-state placement continues to be appropriate 28624  
and in the best interests of the child. In any review hearing that 28625  
pertains to a permanency plan for a child, the court or a citizens 28626  
board appointed by the court pursuant to division (H) of this 28627  
section shall consult with the child, in an age-appropriate 28628  
manner, regarding the proposed permanency plan for the child. 28629

(G) After the review hearing, the court shall take the 28630

following actions based upon the evidence presented: 28631

(1) If an administrative review has been conducted, determine 28632  
whether the conclusions of the review are supported by a 28633  
preponderance of the evidence and approve or modify the case plan 28634  
based upon that evidence; 28635

(2) If the hearing was held under division (C) or (E) of this 28636  
section, approve a permanency plan for the child that specifies 28637  
whether and, if applicable, when the child will be safely returned 28638  
home or placed for adoption, for legal custody, or in a planned 28639  
permanent living arrangement. A permanency plan approved after a 28640  
hearing under division (E) of this section shall not include any 28641  
provision requiring the child to be returned to the child's home. 28642

(3) If the child is in temporary custody, do all of the 28643  
following: 28644

(a) Determine whether the child can and should be returned 28645  
home with or without an order for protective supervision; 28646

(b) If the child can and should be returned home with or 28647  
without an order for protective supervision, terminate the order 28648  
for temporary custody; 28649

(c) If the child cannot or should not be returned home with 28650  
an order for protective supervision, determine whether the agency 28651  
currently with custody of the child should retain custody or 28652  
whether another public children services agency, private child 28653  
placing agency, or an individual should be given custody of the 28654  
child. 28655

The court shall comply with section 2151.42 of the Revised 28656  
Code in taking any action under this division. 28657

(4) If the child is in permanent custody, determine what 28658  
actions are required by the custodial agency and of any other 28659  
organizations or persons in order to facilitate an adoption of the 28660

child and make any appropriate orders with respect to the custody 28661  
arrangement or conditions of the child, including, but not limited 28662  
to, a transfer of permanent custody to another public children 28663  
services agency or private child placing agency; 28664

(5) Journalize the terms of the updated case plan for the 28665  
child. 28666

(H) The court may appoint a referee or a citizens review 28667  
board to conduct the review hearings that the court is required by 28668  
this section to conduct, subject to the review and approval by the 28669  
court of any determinations made by the referee or citizens review 28670  
board. If the court appoints a citizens review board to conduct 28671  
the review hearings, the board shall consist of one member 28672  
representing the general public and four members who are trained 28673  
or experienced in the care or placement of children and have 28674  
training or experience in the fields of medicine, psychology, 28675  
social work, education, or any related field. Of the initial 28676  
appointments to the board, two shall be for a term of one year, 28677  
two shall be for a term of two years, and one shall be for a term 28678  
of three years, with all the terms ending one year after the date 28679  
on which the appointment was made. Thereafter, all terms of the 28680  
board members shall be for three years and shall end on the same 28681  
day of the same month of the year as did the term that they 28682  
succeed. Any member appointed to fill a vacancy occurring prior to 28683  
the expiration of the term for which the member's predecessor was 28684  
appointed shall hold office for the remainder of the term. 28685

(I) A copy of the court's determination following any review 28686  
hearing held pursuant to this section shall be sent to the 28687  
custodial agency, the guardian ad litem of the child who is the 28688  
subject of the review hearing, and, if that child is not the 28689  
subject of a permanent commitment hearing, the parents of the 28690  
child. 28691

(J) If the hearing held under this section takes the place of 28692

an administrative review that otherwise would have been held under 28693  
section 2151.416 of the Revised Code, the court at the hearing 28694  
held under this section shall do all of the following in addition 28695  
to any other requirements of this section: 28696

(1) Determine the continued necessity for and the safety and 28697  
appropriateness of the child's placement; 28698

(2) Determine the extent of compliance with the child's case 28699  
plan; 28700

(3) Determine the extent of progress that has been made 28701  
toward alleviating or mitigating the causes necessitating the 28702  
child's placement in foster care; 28703

(4) Project a likely date by which the child may be safely 28704  
returned home or placed for adoption or legal custody. 28705

(K)(1) Whenever the court is required to approve a permanency 28706  
plan under this section or section 2151.415 of the Revised Code, 28707  
the public children services agency or private child placing 28708  
agency that filed the complaint in the case, has custody of the 28709  
child, or will be given custody of the child shall develop a 28710  
permanency plan for the child. The agency must file the plan with 28711  
the court prior to the hearing under this section or section 28712  
2151.415 of the Revised Code. 28713

(2) The permanency plan developed by the agency must specify 28714  
whether and, if applicable, when the child will be safely returned 28715  
home or placed for adoption or legal custody. If the agency 28716  
determines that there is a compelling reason why returning the 28717  
child home or placing the child for adoption or legal custody is 28718  
not in the best interest of the child, the plan shall provide that 28719  
the child will be placed in a planned permanent living 28720  
arrangement. A permanency plan developed as a result of a 28721  
determination made under division (A)(2) of section 2151.419 of 28722  
the Revised Code may not include any provision requiring the child 28723

to be returned home. 28724

(3)(a) Whenever a court is required under this section or 28725  
section 2151.415 or 2151.419 of the Revised Code to conduct a 28726  
review hearing to approve a permanency plan, the court shall 28727  
determine whether the agency required to develop the plan has made 28728  
reasonable efforts to finalize it. If the court determines the 28729  
agency has not made reasonable efforts to finalize the plan, the 28730  
court shall issue an order finalizing a permanency plan requiring 28731  
the agency to use reasonable efforts to do the following: 28732

(i) Place the child in a timely manner into a permanent 28733  
placement; 28734

(ii) Complete whatever steps are necessary to finalize the 28735  
permanent placement of the child. 28736

(b) In making reasonable efforts as required in division 28737  
(K)(3)(a) of this section, the agency shall consider the child's 28738  
health and safety as the paramount concern. 28739

**Sec. 2151.43.** In cases against an adult under sections 28740  
2151.01 to 2151.54 of the Revised Code, any person may file an 28741  
affidavit with the clerk of the juvenile court setting forth 28742  
briefly, in plain and ordinary language, the charges against the 28743  
accused who shall be tried thereon. When the child is a recipient 28744  
of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised Code, the 28745  
county department of job and family services shall file charges 28746  
against any person who fails to provide support to a child in 28747  
violation of section 2919.21 of the Revised Code, unless the 28748  
department files charges under section 3113.06 of the Revised 28749  
Code, or unless charges of nonsupport are filed by a relative or 28750  
guardian of the child, or unless action to enforce support is 28751  
brought under Chapter 3115. of the Revised Code. 28752

In such prosecution an indictment by the grand jury or 28753

information by the prosecuting attorney shall not be required. The 28754  
clerk shall issue a warrant for the arrest of the accused, who, 28755  
when arrested, shall be taken before the juvenile judge and tried 28756  
according to such sections. 28757

The affidavit may be amended at any time before or during the 28758  
trial. 28759

The judge may bind such adult over to the grand jury, where 28760  
the act complained of constitutes a felony. 28761

**Sec. 2151.49.** In every case of conviction under sections 28762  
2151.01 to 2151.54 of the Revised Code, where imprisonment is 28763  
imposed as part of the punishment, the juvenile judge may suspend 28764  
sentence, before or during commitment, upon such condition as the 28765  
juvenile judge imposes. In the case of conviction for nonsupport 28766  
of a child who is receiving aid under Chapter 5107. ~~or 5115.~~ of 28767  
the Revised Code, if the juvenile judge suspends sentence on 28768  
condition that the person make payments for support, the payment 28769  
shall be made to the county department of job and family services 28770  
rather than to the child or custodian of the child. 28771

The court, in accordance with sections 3119.29 to 3119.56 of 28772  
the Revised Code, shall include in each support order made under 28773  
this section the requirement that one or both of the parents 28774  
provide for the health care needs of the child to the satisfaction 28775  
of the court. 28776

**Sec. 2301.56.** (A) A facility governing board that proposes or 28777  
establishes one or more community-based correctional facilities 28778  
and programs or district community-based correctional facilities 28779  
and programs may apply to the division of parole and community 28780  
services of the department of rehabilitation and correction for 28781  
state financial assistance for the cost of renovation, 28782  
maintenance, and operation of any of the facilities and programs. 28783

If the facility governing board has proposed or established more than one facility and program and if it desires state financial assistance for more than one of the facilities and programs, the board shall submit a separate application for each facility and program for which it desires the financial assistance.

An application for state financial assistance under this section may be made when the facility governing board submits for approval of the division of parole and community services its proposal for the establishment of the facility and program in question under division (B) of section 2301.51 of the Revised Code, or at any time after the division has approved the proposal. All applications for state financial assistance for proposed or approved facilities and programs shall be made on forms that are prescribed and furnished by the department of rehabilitation and correction, and in accordance with section 5120.112 of the Revised Code.

(B) The facility governing board may submit a request for funding of some or all of its community-based correctional facilities and programs or district community-based correctional facilities and programs to the board of county commissioners of the county, if the facility governing board serves a community-based correctional facility and program, or to the boards of county commissioners of all of the member counties, if the facility governing board serves a district community-based correctional facility and program. The board or boards may appropriate, but are not required to appropriate, a sum of money for funding all aspects of each facility and program as outlined in sections 2301.51 to 2301.58 of the Revised Code. The facility governing board has no recourse against a board or boards of county commissioners if the board or boards of county commissioners do not appropriate money for funding any facility and program or if they appropriate money for funding a facility

and program in an amount less than the total amount of the 28816  
submitted request for funding. 28817

(C) Pursuant to section 2929.37 of the Revised Code, a board 28818  
of county commissioners may require a person who was convicted of 28819  
an offense and who is confined in a community-based correctional 28820  
facility or district community-based correctional facility as 28821  
provided in sections 2301.51 to 2301.58 of the Revised Code to 28822  
reimburse the county for its expenses incurred by reason of the 28823  
person's confinement. 28824

(D)(1) Community-based correctional facilities and programs 28825  
and district community-based correctional facilities and programs 28826  
are public offices under section 117.01 of the Revised Code and 28827  
are subject to audit under section 117.10 of the Revised Code. The 28828  
audits of the facilities and programs shall include financial 28829  
audits and, in addition, in the circumstances specified in this 28830  
division, performance audits by the auditor of state. If a private 28831  
or nonprofit entity performs the day-to-day operation of any 28832  
community-based correctional facility and program or district 28833  
community-based correctional facility and program, the private or 28834  
nonprofit entity also is subject to financial audits under section 28835  
117.10 of the Revised Code, and, in addition, in the circumstances 28836  
specified in this division, to performance audits by the auditor 28837  
of state. The auditor of state shall conduct the performance 28838  
audits of a facility and program and of an entity required under 28839  
section 117.10 of the Revised Code and this division and, 28840  
notwithstanding the time period for audits specified in section 28841  
117.11 of the Revised Code, shall conduct the financial audits of 28842  
a facility and program and of an entity required under section 28843  
117.10 of the Revised Code and this division, in accordance with 28844  
the following criteria: 28845

(a) For each facility and program and each entity, the 28846  
auditor of state shall conduct the initial financial audit within 28847

two years after March 31, 2003, or, if the facility and program in question is established on or after March 31, 2003, within two years after the date on which it is established.

(b) After the initial financial audit described in division (D)(1)(a) of this section, for each facility and program and each entity, the auditor of state shall conduct the financial audits of the facility and program or the entity at least once every two fiscal years.

(c) At any time after March 31, 2003, regarding a facility and program or regarding an entity that performs the day-to-day operation of a facility and program, the department of rehabilitation and correction or the facility governing board that established the facility and program may request, or the auditor of state on its own initiative may undertake, a performance audit of the facility and program or the entity. Upon the receipt of the request, or upon the auditor of state's own initiative as described in this division, the auditor of state shall conduct a performance audit of the facility and program or the entity.

~~(2) The department of rehabilitation and correction~~ Each community-based correctional facility and program, district community-based correctional facility and program, and, to the extent that information is available, private or nonprofit entity that performs the day-to-day operation of any community-based correctional facility and program or district community-based correctional facility and program shall prepare and provide to the auditor of state ~~quarterly~~ an annual financial reports for each ~~community based correctional facility and program, for each district community based correctional facility and program, and, to the extent that information is available, for each private or nonprofit entity that performs the day to day operation of any community based correctional facility and program or district community based correctional facility and program.~~ Each report

~~shall cover a three month period and shall be provided to the~~ 28880  
~~auditor of state not later than fifteen days after the end of the~~ 28881  
~~period covered by the report in accordance with section 117.38 of~~ 28882  
~~the Revised Code.~~ 28883

**Sec. 2329.211.** (A)(1) In every action demanding the judicial 28884  
or execution sale of residential property, if the judgment 28885  
creditor is the purchaser at the sale, the purchaser shall not be 28886  
required to make a sale deposit. All other purchasers shall make a 28887  
sale deposit as follows: 28888

(a) If the appraised value of the residential property is 28889  
less than or equal to ten thousand dollars, the deposit shall be 28890  
two thousand dollars. 28891

(b) If the appraised value of the residential property is 28892  
greater than ten thousand dollars but less than or equal to two 28893  
hundred thousand dollars, the deposit shall be five thousand 28894  
dollars. 28895

(c) If the appraised value of the residential property is 28896  
greater than two hundred thousand dollars, the deposit shall be 28897  
ten thousand dollars. 28898

(2) The timing of the deposit and other payment requirements 28899  
shall be established by the court or the person conducting the 28900  
sale and included in the advertisement of the sale. If the 28901  
purchaser fails to meet the timing or other requirements of the 28902  
deposit, the sale shall be invalid. 28903

(3) If the sale is held online, the deposit may be made by a 28904  
financial transaction device as defined in section 301.28 of the 28905  
Revised Code. 28906

(B) In every action demanding the judicial or execution sale 28907  
of commercial property, the purchaser at the sale shall make a 28908  
deposit pursuant to the requirements, if any, established for the 28909

sale. 28910

**Sec. 2329.271.** (A)(1) Subject to division (A)(2) of this 28911  
section, the purchaser of lands and tenements taken in execution 28912  
shall submit to the officer who makes the sale the following 28913  
information: 28914

(a)(i) If the purchaser is an individual, the information 28915  
shall include the individual's name, mailing address, which shall 28916  
not be a post office box, electronic mail address, telephone 28917  
number, and financial transaction device information of the 28918  
purchaser; 28919

(ii) If the purchaser is an entity, the information shall 28920  
include the entity's legal name, trade name if different from its 28921  
legal name, state and date of formation, active status with the 28922  
office of the secretary of state, mailing address, telephone 28923  
number, financial transaction device information, the name of an 28924  
individual contact person for the entity, and the contact person's 28925  
title, mailing address, which shall not be a post office box, 28926  
electronic mail address, and telephone number. 28927

(b) An attorney or a law firm that represents a purchaser may 28928  
submit the information required under division (A)(1)(a) of this 28929  
section in a representative capacity, either as an individual or 28930  
entity. 28931

(c) If the lands and tenements taken in execution are 28932  
intended to be used as residential rental property and the 28933  
residential rental property is purchased by a trust, business 28934  
trust, estate, partnership, limited partnership, limited liability 28935  
company, association, corporation, or any other business entity, 28936  
the name, address, and telephone number of the following with the 28937  
provision that the purchaser be readily accessible through the 28938  
identified contact person: 28939

(i) A trustee, in the case of a trust or business trust;	28940
(ii) The executor or administrator, in the case of an estate;	28941
(iii) A general partner, in the case of a partnership or a limited partnership;	28942 28943
(iv) A member, manager, <del>or</del> officer, <u>or contact person</u> , in the case of a limited liability company;	28944 28945
(v) An associate, in the case of an association;	28946
(vi) An officer, in the case of a corporation;	28947
(vii) A member, manager, or officer, in the case of any other business entity.	28948 28949
(d) A statement indicating <del>whether if</del> the purchaser will <u>occupy</u> <u>intends to use</u> the lands and tenements <u>taken in execution as residential rental property</u> .	28950 28951 28952
(2) If the lands and tenements taken in execution are not residential rental property and the purchaser of those lands and tenements is a corporation, partnership, association, estate, trust, or other business organization the only place of business of which is in the county in which the real property is located, the information required by divisions (A)(1)(a) and (d) of this section shall be the contact information for <del>the office of</del> an employee <u>or contact person</u> of the purchasing entity that is located in that county and that the purchasing entity has designated to receive notices or inquiries about the property. If the purchasing entity has a place of business outside the county in which the real property is located and the purchasing entity's principal place of business is located in this state, the information required by divisions (A)(1)(a) and (d) of this section shall be the contact information for <del>the office of</del> an employee <u>or contact person</u> of the purchasing entity that is located in this state and that the purchasing entity has	28953 28954 28955 28956 28957 28958 28959 28960 28961 28962 28963 28964 28965 28966 28967 28968 28969

designated to receive notices or inquiries about the property. If 28970  
the purchasing entity's principal place of business is not located 28971  
in this state, the information required by divisions (A)(1)(a) and 28972  
(d) of this section shall be the contact information for ~~a natural~~ 28973  
~~person who is employed by the purchasing entity~~ an employee or 28974  
contact person at the purchasing entity's principal place of 28975  
business outside of this state and whom the purchasing entity has 28976  
designated to receive notices or inquiries about the property. 28977

(B)(1) The information required by division (A) of this 28978  
section shall be part of the record of the court of common pleas. 28979  
If the court has ordered or the clerk of the court has issued an 28980  
order for the sheriff to advertise and sell the lands and 28981  
tenements, the information also shall be part of the sheriff's 28982  
record of proceedings. Except as provided in division (B)(2) of 28983  
this section, the information is a public record and open to 28984  
public inspection. 28985

(2) The electronic mail address, telephone number, and 28986  
financial transaction device information required in division 28987  
(A)(1) of this section are confidential and not public records for 28988  
purposes of section 149.43 of the Revised Code. 28989

(C) The requirements of division (A) of this section shall 28990  
not apply if the purchaser of the lands and tenements of the sale 28991  
is the plaintiff or a lien holder who is a party to the action. 28992

(D) As used in this section, ~~"financial"~~ 28993

(1) "Financial transaction device" has the same meaning as in 28994  
section 301.28 of the Revised Code. 28995

(2) "Residential rental property" has the same meaning as in 28996  
section 5323.01 of the Revised Code. 28997

**Sec. 2329.31.** (A) Upon the return of any writ of execution 28998  
for the satisfaction of which lands and tenements have been sold, 28999

on careful examination of the proceedings of the officer making 29000  
the sale, if the court of common pleas finds that the sale was 29001  
made, in all respects, in conformity with sections 2329.01 to 29002  
2329.61 of the Revised Code, it shall, within thirty days of the 29003  
return of the writ, direct the clerk of the court of common pleas 29004  
to make an entry on the journal that the court is satisfied of the 29005  
legality of such sale. Nothing in this section prevents the court 29006  
of common pleas from staying the confirmation of the sale to 29007  
permit a property owner time to redeem the property or for any 29008  
other reason that it determines is appropriate. In those 29009  
instances, the sale shall be confirmed within thirty days after 29010  
the termination of any stay of confirmation. 29011

(B) The officer making the sale shall require the purchaser, ~~including a lienholder,~~ 29012  
~~including a lienholder,~~ to pay within thirty days of the 29013  
confirmation of the sale the balance due on the purchase price of 29014  
the lands and tenements. 29015

(C)(1) The officer making the sale shall record the prepared 29016  
deed required by section 2329.36 of the Revised Code within 29017  
fourteen days after the confirmation of sale and payment of the 29018  
balance due. 29019

(2)(a) If the deed is not prepared and recorded within the 29020  
fourteen-day period, the purchaser may file a motion with the 29021  
court to proceed with the transfer of title. If the court finds 29022  
that a proper sale was made, it shall enter an order transferring 29023  
the title of the lands and tenements to the purchaser, ordering 29024  
the plaintiff to present a certified copy of the order to the 29025  
county recorder for recording, and ordering the county recorder to 29026  
record the order in the record of deeds. The order, when filed 29027  
with the county recorder, shall have the same effect as a deed 29028  
prepared pursuant to section 2329.36 of the Revised Code. 29029

(b) Upon the issuance of the court order described in 29030  
division (C)(2)(a) of this section, the plaintiff, or the 29031

plaintiff's attorney, shall present a certified copy of the order 29032  
to be recorded in the office of the county recorder. The county 29033  
recorder shall record the order in the record of deeds. 29034

(c) The clerk shall issue a copy of the court order to the 29035  
county auditor to transfer record ownership of the lands and 29036  
tenements for the purpose of real estate taxes. Real estate taxes 29037  
coming due after the date of the sale shall not prohibit the 29038  
auditor from transferring ownership of the lands and tenements on 29039  
its records or cause the recorder to deny recording. The real 29040  
estate taxes shall become the responsibility of the new title 29041  
holder of the lands and tenements. The sheriff shall not require 29042  
the confirmation of sale to be amended for taxes not due and 29043  
payable as of the date of the sale. 29044

**Sec. 2329.311.** (A) In sales of residential properties taken 29045  
in execution or order of sale that are sold at an auction with the 29046  
minimum bid pursuant to division (B) of section 2329.52 of the 29047  
Revised Code, the judgment creditor and the first lienholder each 29048  
have the right to redeem the property within fourteen days after 29049  
the sale by paying the purchase price. The redeeming party shall 29050  
pay the purchase price to the clerk of the court in which the 29051  
judgment was rendered or the order of sale was made. Upon timely 29052  
payment, the court shall proceed as described in section 2329.31 29053  
of the Revised Code, with the redeeming party considered the 29054  
successful purchaser at the sale. 29055

(B) If the judgment creditor and the first lienholder each 29056  
seek to redeem the property, pursuant to division (A) of this 29057  
section, the court shall resolve the conflict in favor of the 29058  
first lienholder. 29059

**Sec. 2329.44.** (A) On a sale made pursuant to this chapter, if 29060  
the officer who makes the sale receives from the sale more money 29061

than is necessary to satisfy the writ of execution, with interest 29062  
and costs, the officer who made the sale shall deliver any balance 29063  
remaining after satisfying the writ of execution, with interest 29064  
and costs, to the clerk of the court that issued the writ of 29065  
execution. The clerk then shall do one of the following: 29066

(1) If the balance is ~~twenty-five~~ one hundred dollars or 29067  
more, send to the judgment debtor whose property was the subject 29068  
of the sale a notice that indicates the amount of the balance, 29069  
informs the judgment debtor that ~~he~~ the judgment debtor is 29070  
entitled to receive the balance, and sets forth the procedure that 29071  
the judgment debtor is required to follow to obtain the balance. 29072  
This notice shall be sent to the judgment debtor at the address of 29073  
the judgment debtor in the caption on the judgment or at any 29074  
different address ~~he~~ the judgment debtor may have provided, by 29075  
certified mail, return receipt requested, within ninety days after 29076  
the sale. If the certified mail envelope is returned with an 29077  
endorsement showing failure or refusal of delivery, the clerk 29078  
immediately shall send the judgment debtor, at the address of the 29079  
judgment debtor in the caption on the judgment or any different 29080  
address ~~he~~ the judgment debtor may have provided, a similar notice 29081  
by ordinary mail. If the ordinary mail envelope is returned for 29082  
any reason, the clerk immediately shall give a similar notice to 29083  
the judgment debtor by an advertisement in a newspaper published 29084  
in and of general circulation in the county, which advertisement 29085  
shall run at least once ~~a week for at least three consecutive~~ 29086  
~~weeks~~. The advertisement shall include the case number, the name 29087  
of the judgment debtor, and information on how to contact the 29088  
clerk. If the balance remains unclaimed for ninety days following 29089  
the first date of publication, the clerk shall dispose of the 29090  
balance in the same manner as unclaimed money is disposed of under 29091  
sections 2335.34 and 2335.35 of the Revised Code. 29092

(2) If the balance is less than ~~twenty-five~~ one hundred 29093

dollars, send to the judgment debtor whose property was the 29094  
subject of the sale a notice that indicates the amount of the 29095  
balance, informs the judgment debtor that ~~he~~ the judgment debtor 29096  
is entitled to receive the balance, and sets forth the procedure 29097  
that the judgment debtor is required to follow to obtain the 29098  
balance. This notice shall be sent to the judgment debtor at the 29099  
address of the judgment debtor in the caption on the judgment or 29100  
at any different address ~~he~~ the judgment debtor may have provided, 29101  
by ordinary mail. If the balance remains unclaimed for ninety days 29102  
following the date of mailing, the clerk shall dispose of the 29103  
balance in the same manner as unclaimed money is disposed of under 29104  
sections 2335.34 and 2335.35 of the Revised Code. 29105

(B)(1) Subject to division (B)(2) of this section, the clerk 29106  
of the court that issued the writ of execution, on demand and 29107  
whether or not the notice required by division (A)(1) or (2) of 29108  
this section is provided as prescribed, shall pay the balance to 29109  
the judgment debtor or ~~his~~ the judgment debtor's legal 29110  
representatives. 29111

(2) The clerk of the court that issued the writ of execution 29112  
is not required to pay the balance to the judgment debtor or ~~his~~ 29113  
the judgment debtor's legal representatives pursuant to division 29114  
(B)(1) of this section until the judgment debtor or the legal 29115  
representatives pay to the clerk ~~twenty five dollars if the~~ 29116  
~~balance is twenty five dollars or more, or five dollars if the~~ 29117  
~~balance is less than twenty five dollars to compensate the clerk~~ 29118  
~~for~~ the actual costs incurred in the provision of the notice 29119  
required by division (A)(1) or (2) of this section. 29120

**Sec. 2329.66.** (A) Every person who is domiciled in this state 29121  
may hold property exempt from execution, garnishment, attachment, 29122  
or sale to satisfy a judgment or order, as follows: 29123

(1)(a) In the case of a judgment or order regarding money 29124

owed for health care services rendered or health care supplies 29125  
provided to the person or a dependent of the person, one parcel or 29126  
item of real or personal property that the person or a dependent 29127  
of the person uses as a residence. Division (A)(1)(a) of this 29128  
section does not preclude, affect, or invalidate the creation 29129  
under this chapter of a judgment lien upon the exempted property 29130  
but only delays the enforcement of the lien until the property is 29131  
sold or otherwise transferred by the owner or in accordance with 29132  
other applicable laws to a person or entity other than the 29133  
surviving spouse or surviving minor children of the judgment 29134  
debtor. Every person who is domiciled in this state may hold 29135  
exempt from a judgment lien created pursuant to division (A)(1)(a) 29136  
of this section the person's interest, not to exceed one hundred 29137  
twenty-five thousand dollars, in the exempted property. 29138

(b) In the case of all other judgments and orders, the 29139  
person's interest, not to exceed one hundred twenty-five thousand 29140  
dollars, in one parcel or item of real or personal property that 29141  
the person or a dependent of the person uses as a residence. 29142

(c) For purposes of divisions (A)(1)(a) and (b) of this 29143  
section, "parcel" means a tract of real property as identified on 29144  
the records of the auditor of the county in which the real 29145  
property is located. 29146

(2) The person's interest, not to exceed three thousand two 29147  
hundred twenty-five dollars, in one motor vehicle; 29148

(3) The person's interest, not to exceed four hundred 29149  
dollars, in cash on hand, money due and payable, money to become 29150  
due within ninety days, tax refunds, and money on deposit with a 29151  
bank, savings and loan association, credit union, public utility, 29152  
landlord, or other person, other than personal earnings. 29153

(4)(a) The person's interest, not to exceed five hundred 29154  
twenty-five dollars in any particular item or ten thousand seven 29155

hundred seventy-five dollars in aggregate value, in household	29156
furnishings, household goods, wearing apparel, appliances, books,	29157
animals, crops, musical instruments, firearms, and hunting and	29158
fishing equipment that are held primarily for the personal,	29159
family, or household use of the person;	29160
(b) The person's aggregate interest in one or more items of	29161
jewelry, not to exceed one thousand three hundred fifty dollars,	29162
held primarily for the personal, family, or household use of the	29163
person or any of the person's dependents.	29164
(5) The person's interest, not to exceed an aggregate of two	29165
thousand twenty-five dollars, in all implements, professional	29166
books, or tools of the person's profession, trade, or business,	29167
including agriculture;	29168
(6)(a) The person's interest in a beneficiary fund set apart,	29169
appropriated, or paid by a benevolent association or society, as	29170
exempted by section 2329.63 of the Revised Code;	29171
(b) The person's interest in contracts of life or endowment	29172
insurance or annuities, as exempted by section 3911.10 of the	29173
Revised Code;	29174
(c) The person's interest in a policy of group insurance or	29175
the proceeds of a policy of group insurance, as exempted by	29176
section 3917.05 of the Revised Code;	29177
(d) The person's interest in money, benefits, charity,	29178
relief, or aid to be paid, provided, or rendered by a fraternal	29179
benefit society, as exempted by section 3921.18 of the Revised	29180
Code;	29181
(e) The person's interest in the portion of benefits under	29182
policies of sickness and accident insurance and in lump sum	29183
payments for dismemberment and other losses insured under those	29184
policies, as exempted by section 3923.19 of the Revised Code.	29185

(7) The person's professionally prescribed or medically necessary health aids;	29186 29187
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	29188 29189 29190
(9) The person's interest in the following:	29191
(a) Moneys paid or payable for <del>living</del> maintenance or rights, as exempted by section 3304.19 of the Revised Code;	29192 29193
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	29194 29195
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	29196 29197
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	29198 29199
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	29200 29201 29202
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code;	29203 29204
(g) Payments under section 24 or 32 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	29205 29206
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section, in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, in cases in which an order for forfeiture was issued under division (A) or (B) of section 2929.192 of the Revised Code, and in cases in which an order was issued under section 2929.193 or 2929.194 of the Revised Code, and	29207 29208 29209 29210 29211 29212 29213 29214 29215

only to the extent provided in the order, and except as provided 29216  
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 29217  
and 3123.06 of the Revised Code, the person's rights to or 29218  
interests in a pension, benefit, annuity, retirement allowance, or 29219  
accumulated contributions, the person's rights to or interests in 29220  
a participant account in any deferred compensation program offered 29221  
by the Ohio public employees deferred compensation board, a 29222  
government unit, or a municipal corporation, or the person's other 29223  
accrued or accruing rights or interests, as exempted by section 29224  
143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 29225  
5505.22 of the Revised Code, and the person's rights to or 29226  
interests in benefits from the Ohio public safety officers death 29227  
benefit fund; 29228

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 29229  
3121.03, and 3123.06 of the Revised Code, the person's rights to 29230  
receive or interests in receiving a payment or other benefits 29231  
under any pension, annuity, or similar plan or contract, not 29232  
including a payment or benefit from a stock bonus or 29233  
profit-sharing plan or a payment included in division (A)(6)(b) or 29234  
(10)(a) of this section, on account of illness, disability, death, 29235  
age, or length of service, to the extent reasonably necessary for 29236  
the support of the person and any of the person's dependents, 29237  
except if all the following apply: 29238

(i) The plan or contract was established by or under the 29239  
auspices of an insider that employed the person at the time the 29240  
person's rights or interests under the plan or contract arose. 29241

(ii) The payment is on account of age or length of service. 29242

(iii) The plan or contract is not qualified under the 29243  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 29244  
amended. 29245

(c) Except for any portion of the assets that were deposited 29246

for the purpose of evading the payment of any debt and except as 29247  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 29248  
3123.06 of the Revised Code, the person's rights or interests in 29249  
the assets held in, or to directly or indirectly receive any 29250  
payment or benefit under, any individual retirement account, 29251  
individual retirement annuity, "Roth IRA," account opened pursuant 29252  
to a program administered by a state under section 529 or 529A of 29253  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 29254  
as amended, or education individual retirement account that 29255  
provides payments or benefits by reason of illness, disability, 29256  
death, retirement, or age or provides payments or benefits for 29257  
purposes of education or qualified disability expenses, to the 29258  
extent that the assets, payments, or benefits described in 29259  
division (A)(10)(c) of this section are attributable to or derived 29260  
from any of the following or from any earnings, dividends, 29261  
interest, appreciation, or gains on any of the following: 29262

(i) Contributions of the person that were less than or equal 29263  
to the applicable limits on deductible contributions to an 29264  
individual retirement account or individual retirement annuity in 29265  
the year that the contributions were made, whether or not the 29266  
person was eligible to deduct the contributions on the person's 29267  
federal tax return for the year in which the contributions were 29268  
made; 29269

(ii) Contributions of the person that were less than or equal 29270  
to the applicable limits on contributions to a Roth IRA or 29271  
education individual retirement account in the year that the 29272  
contributions were made; 29273

(iii) Contributions of the person that are within the 29274  
applicable limits on rollover contributions under subsections 219, 29275  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 29276  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 29277  
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 29278

(iv) Contributions by any person into any plan, fund, or 29279  
account that is formed, created, or administered pursuant to, or 29280  
is otherwise subject to, section 529 or 529A of the "Internal 29281  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 29282

(d) Except for any portion of the assets that were deposited 29283  
for the purpose of evading the payment of any debt and except as 29284  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 29285  
3123.06 of the Revised Code, the person's rights or interests in 29286  
the assets held in, or to receive any payment under, any Keogh or 29287  
"H.R. 10" plan that provides benefits by reason of illness, 29288  
disability, death, retirement, or age, to the extent reasonably 29289  
necessary for the support of the person and any of the person's 29290  
dependents. 29291

(e) The person's rights to or interests in any assets held 29292  
in, or to directly or indirectly receive any payment or benefit 29293  
under, any individual retirement account, individual retirement 29294  
annuity, "Roth IRA," account opened pursuant to a program 29295  
administered by a state under section 529 or 529A of the "Internal 29296  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 29297  
education individual retirement account that a decedent, upon or 29298  
by reason of the decedent's death, directly or indirectly left to 29299  
or for the benefit of the person, either outright or in trust or 29300  
otherwise, including, but not limited to, any of those rights or 29301  
interests in assets or to receive payments or benefits that were 29302  
transferred, conveyed, or otherwise transmitted by the decedent by 29303  
means of a will, trust, exercise of a power of appointment, 29304  
beneficiary designation, transfer or payment on death designation, 29305  
or any other method or procedure. 29306

(f) The exemptions under divisions (A)(10)(a) to (e) of this 29307  
section also shall apply or otherwise be available to an alternate 29308  
payee under a qualified domestic relations order (QDRO) or other 29309  
similar court order. 29310

(g) A person's interest in any plan, program, instrument, or device described in divisions (A)(10)(a) to (e) of this section shall be considered an exempt interest even if the plan, program, instrument, or device in question, due to an error made in good faith, failed to satisfy any criteria applicable to that plan, program, instrument, or device under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.

(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;

(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:

(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a

dependent, to the extent reasonably necessary for the support of 29342  
the debtor and any of the debtor's dependents. 29343

(13) Except as provided in sections 3119.80, 3119.81, 29344  
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 29345  
earnings of the person owed to the person for services in an 29346  
amount equal to the greater of the following amounts: 29347

(a) If paid weekly, thirty times the current federal minimum 29348  
hourly wage; if paid biweekly, sixty times the current federal 29349  
minimum hourly wage; if paid semimonthly, sixty-five times the 29350  
current federal minimum hourly wage; or if paid monthly, one 29351  
hundred thirty times the current federal minimum hourly wage that 29352  
is in effect at the time the earnings are payable, as prescribed 29353  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 29354  
U.S.C. 206(a)(1), as amended; 29355

(b) Seventy-five per cent of the disposable earnings owed to 29356  
the person. 29357

(14) The person's right in specific partnership property, as 29358  
exempted by the person's rights in a partnership pursuant to 29359  
section 1776.50 of the Revised Code, except as otherwise set forth 29360  
in section 1776.50 of the Revised Code; 29361

(15) A seal and official register of a notary public, as 29362  
exempted by section 147.04 of the Revised Code; 29363

(16) The person's interest in a tuition unit or a payment 29364  
under section 3334.09 of the Revised Code pursuant to a tuition 29365  
payment contract, as exempted by section 3334.15 of the Revised 29366  
Code; 29367

(17) Any other property that is specifically exempted from 29368  
execution, attachment, garnishment, or sale by federal statutes 29369  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 29370  
U.S.C.A. 101, as amended; 29371

(18) The person's aggregate interest in any property, not to exceed one thousand seventy-five dollars, except that division (A)(18) of this section applies only in bankruptcy proceedings.

(B) On April 1, 2010, and on the first day of April in each third calendar year after 2010, the Ohio judicial conference shall adjust each dollar amount set forth in this section to reflect any increase in the consumer price index for all urban consumers, as published by the United States department of labor, or, if that index is no longer published, a generally available comparable index, for the three-year period ending on the thirty-first day of December of the preceding year. Any adjustments required by this division shall be rounded to the nearest twenty-five dollars.

The Ohio judicial conference shall prepare a memorandum specifying the adjusted dollar amounts. The judicial conference shall transmit the memorandum to the director of the legislative service commission, and the director shall publish the memorandum in the register of Ohio. (Publication of the memorandum in the register of Ohio shall continue until the next memorandum specifying an adjustment is so published.) The judicial conference also may publish the memorandum in any other manner it concludes will be reasonably likely to inform persons who are affected by its adjustment of the dollar amounts.

(C) As used in this section:

(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code.

(2) "Insider" means:

(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the individual, a partnership in which the individual is a general

partner, a general partner of the individual, or a corporation of 29403  
which the individual is a director, officer, or in control; 29404

(b) If the person who claims an exemption is a corporation, a 29405  
director or officer of the corporation; a person in control of the 29406  
corporation; a partnership in which the corporation is a general 29407  
partner; a general partner of the corporation; or a relative of a 29408  
general partner, director, officer, or person in control of the 29409  
corporation; 29410

(c) If the person who claims an exemption is a partnership, a 29411  
general partner in the partnership; a general partner of the 29412  
partnership; a person in control of the partnership; a partnership 29413  
in which the partnership is a general partner; or a relative in, a 29414  
general partner of, or a person in control of the partnership; 29415

(d) An entity or person to which or whom any of the following 29416  
applies: 29417

(i) The entity directly or indirectly owns, controls, or 29418  
holds with power to vote, twenty per cent or more of the 29419  
outstanding voting securities of the person who claims an 29420  
exemption, unless the entity holds the securities in a fiduciary 29421  
or agency capacity without sole discretionary power to vote the 29422  
securities or holds the securities solely to secure to debt and 29423  
the entity has not in fact exercised the power to vote. 29424

(ii) The entity is a corporation, twenty per cent or more of 29425  
whose outstanding voting securities are directly or indirectly 29426  
owned, controlled, or held with power to vote, by the person who 29427  
claims an exemption or by an entity to which division (C)(2)(d)(i) 29428  
of this section applies. 29429

(iii) A person whose business is operated under a lease or 29430  
operating agreement by the person who claims an exemption, or a 29431  
person substantially all of whose business is operated under an 29432  
operating agreement with the person who claims an exemption. 29433

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.	29434 29435 29436
(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;	29437 29438 29439 29440
(f) A managing agent of the person who claims an exemption.	29441
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	29442 29443
(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.	29444 29445
(D) For purposes of this section, "interest" shall be determined as follows:	29446 29447
(1) In bankruptcy proceedings, as of the date a petition is filed with the bankruptcy court commencing a case under Title 11 of the United States Code;	29448 29449 29450
(2) In all cases other than bankruptcy proceedings, as of the date of an appraisal, if necessary under section 2329.68 of the Revised Code, or the issuance of a writ of execution.	29451 29452 29453
An interest, as determined under division (D)(1) or (2) of this section, shall not include the amount of any lien otherwise valid pursuant to section 2329.661 of the Revised Code.	29454 29455 29456
<b>Sec. 2743.75.</b> (A) In order to provide for an expeditious and economical procedure that attempts to resolve disputes alleging a denial of access to public records in violation of division (B) of section 149.43 of the Revised Code, except for a court that hears a mandamus action pursuant to that section, the court of claims shall be the sole and exclusive authority in this state that adjudicates or resolves complaints based on alleged violations of	29457 29458 29459 29460 29461 29462 29463

that section. The clerk of the court of claims shall designate one 29464  
or more current employees or hire one or more individuals to serve 29465  
as special masters to hear complaints brought under this section. 29466  
All special masters shall have been engaged in the practice of law 29467  
in this state for at least four years and be in good standing with 29468  
the supreme court at the time of designation or hiring. The clerk 29469  
may assign administrative and clerical work associated with 29470  
complaints brought under this section to current employees or may 29471  
hire such additional employees as may be necessary to perform such 29472  
work. 29473

(B) The clerk of the court of common pleas in each county 29474  
shall act as the clerk of the court of claims for purposes of 29475  
accepting those complaints filed with the clerk under division 29476  
(D)(1) of this section, accepting filing fees for those 29477  
complaints, and serving those complaints. 29478

(C)(1) Subject to division (C)(2) of this section, a person 29479  
allegedly aggrieved by a denial of access to public records in 29480  
violation of division (B) of section 149.43 of the Revised Code 29481  
may seek relief under that section or under this section, 29482  
provided, however, that if the allegedly aggrieved person files a 29483  
complaint under either section, that person may not seek relief 29484  
that pertains to the same request for records in a complaint filed 29485  
under the other section. 29486

(2) If the allegedly aggrieved person files a complaint under 29487  
this section and the court of claims determines that the complaint 29488  
constitutes a case of first impression that involves an issue of 29489  
substantial public interest, the court shall dismiss the complaint 29490  
without prejudice and direct the allegedly aggrieved person to 29491  
commence a mandamus action in the court of appeals with 29492  
appropriate jurisdiction as provided in division (C)(1) of section 29493  
149.43 of the Revised Code. 29494

(D)(1) An allegedly aggrieved person who proceeds under this section shall file a complaint, on a form prescribed by the clerk of the court of claims, with the clerk of the court of claims or with the clerk of the court of common pleas of the county in which the public office from which the records are requested is located. The person shall attach to the complaint copies of the original records request and any written responses or other communications relating to the request from the public office or person responsible for public records and shall pay a filing fee of twenty-five dollars made payable to the clerk of the court with whom the complaint is filed. The clerk shall serve a copy of the complaint on the public office or person responsible for public records for the particular public office in accordance with Civil Rule 4.1 and, if the complaint is filed with the clerk of the court of common pleas, shall forward the complaint to the clerk of the court of claims, and to no other court, within three business days after service is complete.

(2) Upon receipt of a complaint filed under division (D)(1) of this section, the clerk of the court of claims shall assign a case number for the action and a special master to examine the complaint. Notwithstanding any provision to the contrary in this section, upon the recommendation of the special master, the court of claims on its own motion may dismiss the complaint at any time. The allegedly aggrieved person may voluntarily dismiss the complaint filed by that person under division (D)(1) of this section.

(E)(1) Upon service of a complaint under division (D)(1) of this section, except as otherwise provided in this division, the special master assigned by the clerk under division (D)(2) of this section immediately shall refer the case to mediation services that the court of claims makes available to persons. If, in the interest of justice considering the circumstances of the case or

the parties, the special master determines that the case should 29527  
not be referred to mediation, the special master shall notify the 29528  
court that the case was not referred to mediation, and the case 29529  
shall proceed in accordance with division (F) of this section. If 29530  
the case is referred to mediation, any further proceedings under 29531  
division (F) of this section shall be stayed until the conclusion 29532  
of the mediation. Any mediation proceedings under this division 29533  
may be conducted by teleconference, telephone, or other electronic 29534  
means. If an agreement is reached during mediation, the court 29535  
shall dismiss the complaint. If an agreement is not reached, the 29536  
special master shall notify the court that the case was not 29537  
resolved and that the mediation has been terminated. 29538

(2) Within ten business days after the termination of the 29539  
mediation or the notification to the court that the case was not 29540  
referred to mediation under division (E)(1) of this section, the 29541  
public office or person responsible for public records shall file 29542  
a response, and if applicable, a motion to dismiss the complaint, 29543  
with the clerk of the court of claims and transmit copies of the 29544  
pleadings to the allegedly aggrieved party. No further motions or 29545  
pleadings shall be accepted by the clerk of the court of claims or 29546  
by the special master assigned by the clerk under division (D)(2) 29547  
of this section unless the special master directs in writing that 29548  
a further motion or pleading be filed. 29549

(3) All of the following apply prior to the submission of the 29550  
special master's report and recommendation to the court of claims 29551  
under division (F)(1) of this section: 29552

(a) The special master shall not permit any discovery. 29553

(b) The parties may attach supporting affidavits to their 29554  
respective pleadings. 29555

(c) The special master may require either or both of the 29556  
parties to submit additional information or documentation 29557

supported by affidavits. 29558

(F)(1) Not later than seven business days after receiving the 29559  
response, or motion to dismiss the complaint, if applicable, of 29560  
the public office or person responsible for public records, the 29561  
special master shall submit to the court of claims a report and 29562  
recommendation based on the ordinary application of statutory law 29563  
and case law as they existed at the time of the filing of the 29564  
complaint. For good cause shown, the special master may extend the 29565  
seven-day period for the submission of the report and 29566  
recommendation to the court of claims under this division by an 29567  
additional seven business days. 29568

(2) Upon submission of the special master's report and 29569  
recommendation to the court of claims under division (F)(1) of 29570  
this section, the clerk shall send copies of the report and 29571  
recommendation to each party by certified mail, return receipt 29572  
requested, not later than three business days after the report and 29573  
recommendation is filed. Either party may object to the report and 29574  
recommendation within seven business days after receiving the 29575  
report and recommendation by filing a written objection with the 29576  
clerk and sending a copy to the other party by certified mail, 29577  
return receipt requested. Any objection to the report and 29578  
recommendation shall be specific and state with particularity all 29579  
grounds for the objection. If neither party timely objects, the 29580  
court of claims shall promptly issue a final order adopting the 29581  
report and recommendation, unless it determines that there is an 29582  
error of law or other defect evident on the face of the report and 29583  
recommendation. If either party timely objects, the other party 29584  
may file with the clerk a response within seven business days 29585  
after receiving the objection and send a copy of the response to 29586  
the objecting party by certified mail, return receipt requested. 29587  
The court, within seven business days after the response to the 29588  
objection is filed, shall issue a final order that adopts, 29589

modifies, or rejects the report and recommendation. 29590

(3) If the court of claims determines that the public office 29591  
or person responsible for the public records denied the aggrieved 29592  
person access to the public records in violation of division (B) 29593  
of section 149.43 of the Revised Code and if no appeal from the 29594  
court's final order is taken under division (G) of this section, 29595  
both of the following apply: 29596

(a) The public office or the person responsible for the 29597  
public records shall permit the aggrieved person to inspect or 29598  
receive copies of the public records that the court requires to be 29599  
disclosed in its order. 29600

(b) The aggrieved person shall be entitled to recover from 29601  
the public office or person responsible for the public records the 29602  
amount of the filing fee of twenty-five dollars and any other 29603  
costs associated with the action that are incurred by the 29604  
aggrieved person, but shall not be entitled to recover attorney's 29605  
fees, except that division (G)(2) of this section applies if an 29606  
appeal is taken under division (G)(1) of this section. 29607

(G)(1) Any appeal from a final order of the court of claims 29608  
under this section or from an order of the court of claims 29609  
dismissing the complaint as provided in division (D)(2) of this 29610  
section shall be taken to the court of appeals of the appellate 29611  
district where the principal place of business of the public 29612  
office from which the public record is requested is located. 29613  
However, no appeal may be taken from a final order of the court of 29614  
claims that adopts the special master's report and recommendation 29615  
unless a timely objection to that report and recommendation was 29616  
filed under division (F)(2) of this section. If the court of 29617  
claims materially modifies the special master's report and 29618  
recommendation, either party may take an appeal to the court of 29619  
appeals of the appellate district of the principal place of 29620  
business where that public office is located but the appeal shall 29621

be limited to the issue in the report and recommendation that is 29622  
materially modified by the court of claims. In order to facilitate 29623  
the expeditious resolution of disputes over alleged denials of 29624  
access to public records in violation of division (B) of section 29625  
149.43 of the Revised Code, the appeal shall be given such 29626  
precedence over other pending matters as will ensure that the 29627  
court will reach a decision promptly. 29628

(2) If a court of appeals in any appeal taken under division 29629  
(G)(1) of this section by the public office or person responsible 29630  
for the public records determines that the public office or person 29631  
denied the aggrieved person access to the public records in 29632  
violation of division (B) of section 149.43 of the Revised Code 29633  
and obviously filed the appeal with the intent to either delay 29634  
compliance with the court of claims' order from which the appeal 29635  
is taken for no reasonable cause or unduly harass the aggrieved 29636  
person, the court of appeals may award reasonable attorney's fees 29637  
to the aggrieved person in accordance with division (C) of section 29638  
149.43 of the Revised Code. No discovery may be conducted on the 29639  
issue of the public office or person responsible for the public 29640  
records filing the appeal with the alleged intent to either delay 29641  
compliance with the court of claims' order for no reasonable cause 29642  
or unduly harass the aggrieved person. This division shall not be 29643  
construed as creating a presumption that the public office or the 29644  
person responsible for the public records filed the appeal with 29645  
the intent to either delay compliance with the court of claims' 29646  
order for no reasonable cause or unduly harass the aggrieved 29647  
person. 29648

(H) The powers of the court of claims prescribed in section 29649  
2743.05 of the Revised Code apply to the proceedings in that court 29650  
under this section. 29651

(I)(1) All filing fees collected by a clerk of the court of 29652  
common pleas under division (D)(1) of this section shall be paid 29653

to the county treasurer for deposit into the county general 29654  
revenue fund. All such money collected during a month shall be 29655  
transmitted on or before the twentieth day of the following month 29656  
by the clerk of the court of common pleas to the county treasurer. 29657

(2) All filing fees collected by the clerk of the court of 29658  
claims under division (D)(1) of this section shall be ~~kept~~ 29659  
deposited into the state treasury to the credit of the public 29660  
records fund, which is hereby created. Money credited to the fund 29661  
shall be used by the court of claims to assist in paying for its 29662  
costs to implement this section. All investment earnings of the 29663  
fund shall be credited to the fund. Not later than the first day 29664  
of February of each year, the clerk of the court of claims shall 29665  
prepare a report accessible to the public that details the fees 29666  
collected during the preceding calendar year by the clerk of the 29667  
court of claims and the clerks of the courts of common pleas under 29668  
this section. 29669

(J) Nothing in this section shall be construed to limit the 29670  
authority of the auditor of state under division (G) of section 29671  
109.43 of the Revised Code. 29672

**Sec. 2903.213.** (A) Except when the complaint involves a 29673  
person who is a family or household member as defined in section 29674  
2919.25 of the Revised Code, upon the filing of a complaint that 29675  
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 29676  
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 29677  
a municipal ordinance substantially similar to section 2903.13, 29678  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 29679  
the commission of a sexually oriented offense, the complainant, 29680  
the alleged victim, or a family or household member of an alleged 29681  
victim may file a motion that requests the issuance of a 29682  
protection order as a pretrial condition of release of the alleged 29683  
offender, in addition to any bail set under Criminal Rule 46. The 29684

motion shall be filed with the clerk of the court that has 29685  
jurisdiction of the case at any time after the filing of the 29686  
complaint. If the complaint involves a person who is a family or 29687  
household member, the complainant, the alleged victim, or the 29688  
family or household member may file a motion for a temporary 29689  
protection order pursuant to section 2919.26 of the Revised Code. 29690

(B) A motion for a protection order under this section shall 29691  
be prepared on a form that is provided by the clerk of the court, 29692  
and the form shall be substantially as follows: 29693

"Motion for Protection Order 29694  
..... 29695  
Name and address of court 29696

State of Ohio 29697

v. No. .... 29698

..... 29699

Name of Defendant 29700

(Name of person), moves the court to issue a protection order 29701  
containing terms designed to ensure the safety and protection of 29702  
the complainant or the alleged victim in the above-captioned case, 29703  
in relation to the named defendant, pursuant to its authority to 29704  
issue a protection order under section 2903.213 of the Revised 29705  
Code. 29706

A complaint, a copy of which has been attached to this 29707  
motion, has been filed in this court charging the named defendant 29708  
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 29709  
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 29710  
a municipal ordinance substantially similar to section 2903.13, 29711  
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 29712  
the commission of a sexually oriented offense. 29713

I understand that I must appear before the court, at a time 29714  
set by the court not later than the next day that the court is in 29715

session after the filing of this motion, for a hearing on the 29716  
motion, and that any protection order granted pursuant to this 29717  
motion is a pretrial condition of release and is effective only 29718  
until the disposition of the criminal proceeding arising out of 29719  
the attached complaint or until the issuance under section 29720  
2903.214 of the Revised Code of a protection order arising out of 29721  
the same activities as those that were the basis of the attached 29722  
complaint. 29723

..... 29724

Signature of person 29725

..... 29726

Address of person" 29727

(C)(1) As soon as possible after the filing of a motion that 29728  
requests the issuance of a protection order under this section, 29729  
but not later than the next day that the court is in session after 29730  
the filing of the motion, the court shall conduct a hearing to 29731  
determine whether to issue the order. The person who requested the 29732  
order shall appear before the court and provide the court with the 29733  
information that it requests concerning the basis of the motion. 29734  
If the court finds that the safety and protection of the 29735  
complainant or the alleged victim may be impaired by the continued 29736  
presence of the alleged offender, the court may issue a protection 29737  
order under this section, as a pretrial condition of release, that 29738  
contains terms designed to ensure the safety and protection of the 29739  
complainant or the alleged victim, including a requirement that 29740  
the alleged offender refrain from entering the residence, school, 29741  
business, or place of employment of the complainant or the alleged 29742  
victim. The court may include within a protection order issued 29743  
under this section a term requiring that the alleged offender not 29744  
remove, damage, hide, harm, or dispose of any companion animal 29745  
owned or possessed by the complainant or the alleged victim, and 29746

may include within the order a term authorizing the complainant or the alleged victim to remove a companion animal owned by the complainant or the alleged victim from the possession of the alleged offender.

(2)(a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, the alleged victim, or a family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, the alleged victim, or a family or household member.

(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued under this section, did not commit the violation or was not in contempt of court.

(D)(1) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation specified in division (A) of this section, the court, upon its own motion, may issue a protection order under this section as a pretrial condition of release of the alleged offender if it finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender.

(2)(a) If the court issues a protection order under this section as an ex parte order, it shall conduct, as soon as possible after the issuance of the order but not later than the next day that the court is in session after its issuance, a hearing to determine whether the order should remain in effect, be modified, or be revoked. The hearing shall be conducted under the standards set forth in division (C) of this section.

(b) If at a hearing conducted under division (D)(2)(a) of this section the court determines that the ex parte order that the court issued should be revoked, the court, on its own motion, shall order that the ex parte order that is revoked and all of the records pertaining to that ex parte order be expunged.

(3) If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been

indicted for the felony, or in any other manner. 29811

(E) A protection order that is issued as a pretrial condition 29812  
of release under this section: 29813

(1) Is in addition to, but shall not be construed as a part 29814  
of, any bail set under Criminal Rule 46; 29815

(2) Is effective only until the disposition, by the court 29816  
that issued the order or, in the circumstances described in 29817  
division (D)(3) of this section, by the court of common pleas to 29818  
which the alleged offender is bound over for prosecution, of the 29819  
criminal proceeding arising out of the complaint upon which the 29820  
order is based or until the issuance under section 2903.214 of the 29821  
Revised Code of a protection order arising out of the same 29822  
activities as those that were the basis of the complaint filed 29823  
under this section; 29824

(3) Shall not be construed as a finding that the alleged 29825  
offender committed the alleged offense and shall not be introduced 29826  
as evidence of the commission of the offense at the trial of the 29827  
alleged offender on the complaint upon which the order is based. 29828

(F) A person who meets the criteria for bail under Criminal 29829  
Rule 46 and who, if required to do so pursuant to that rule, 29830  
executes or posts bond or deposits cash or securities as bail, 29831  
shall not be held in custody pending a hearing before the court on 29832  
a motion requesting a protection order under this section. 29833

(G)(1) A copy of a protection order that is issued under this 29834  
section shall be issued by the court to the complainant, to the 29835  
alleged victim, to the person who requested the order, to the 29836  
defendant, and to all law enforcement agencies that have 29837  
jurisdiction to enforce the order. The court shall direct that a 29838  
copy of the order be delivered to the defendant on the same day 29839  
that the order is entered. If a municipal court or a county court 29840  
issues a protection order under this section and if, subsequent to 29841

the issuance of the order, the defendant who is the subject of the 29842  
order is bound over to the court of common pleas for prosecution 29843  
as described in division (D)(3) of this section, the municipal 29844  
court or county court shall direct that a copy of the order be 29845  
delivered to the court of common pleas to which the defendant is 29846  
bound over. 29847

(2) All law enforcement agencies shall establish and maintain 29848  
an index for the protection orders delivered to the agencies 29849  
pursuant to division (G)(1) of this section. With respect to each 29850  
order delivered, each agency shall note on the index the date and 29851  
time of the agency's receipt of the order. 29852

(3) Regardless of whether the petitioner has registered the 29853  
protection order in the county in which the officer's agency has 29854  
jurisdiction, any officer of a law enforcement agency shall 29855  
enforce a protection order issued pursuant to this section in 29856  
accordance with the provisions of the order. 29857

(H) Upon a violation of a protection order issued pursuant to 29858  
this section, the court may issue another protection order under 29859  
this section, as a pretrial condition of release, that modifies 29860  
the terms of the order that was violated. 29861

(I)(1) Subject to division (I)(2) of this section and 29862  
regardless of whether a protection order is issued or a consent 29863  
agreement is approved by a court of another county or by a court 29864  
of another state, no court or unit of state or local government 29865  
shall charge the movant any fee, cost, deposit, or money in 29866  
connection with the filing of a motion pursuant to this section, 29867  
in connection with the filing, issuance, registration, 29868  
modification, enforcement, dismissal, withdrawal, or service of a 29869  
protection order, consent agreement, or witness subpoena or for 29870  
obtaining certified copies of a protection order or consent 29871  
agreement. 29872

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, if the defendant is convicted the court may assess costs against the defendant in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

(J) As used in this section:

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

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

(3) "Expunge" means to destroy, delete, and erase a record, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable.

**Sec. 2903.214.** (A) As used in this section:

(1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides.

(2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code.

(4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.

(7) "Companion animal" has the same meaning as in section 29902  
959.131 of the Revised Code. 29903

(8) "Expunge" has the same meaning as in section 2903.213 of 29904  
the Revised Code. 29905

(B) The court has jurisdiction over all proceedings under 29906  
this section. 29907

(C) A person may seek relief under this section for the 29908  
person, or any parent or adult household member may seek relief 29909  
under this section on behalf of any other family or household 29910  
member, by filing a petition with the court. The petition shall 29911  
contain or state all of the following: 29912

(1) An allegation that the respondent is eighteen years of 29913  
age or older and engaged in a violation of section 2903.211 of the 29914  
Revised Code against the person to be protected by the protection 29915  
order or committed a sexually oriented offense against the person 29916  
to be protected by the protection order, including a description 29917  
of the nature and extent of the violation; 29918

(2) If the petitioner seeks relief in the form of electronic 29919  
monitoring of the respondent, an allegation that at any time 29920  
preceding the filing of the petition the respondent engaged in 29921  
conduct that would cause a reasonable person to believe that the 29922  
health, welfare, or safety of the person to be protected was at 29923  
risk, a description of the nature and extent of that conduct, and 29924  
an allegation that the respondent presents a continuing danger to 29925  
the person to be protected; 29926

(3) A request for relief under this section. 29927

(D)(1) If a person who files a petition pursuant to this 29928  
section requests an ex parte order, the court shall hold an ex 29929  
parte hearing as soon as possible after the petition is filed, but 29930  
not later than the next day that the court is in session after the 29931  
petition is filed. The court, for good cause shown at the ex parte 29932

hearing, may enter any temporary orders, with or without bond, 29933  
that the court finds necessary for the safety and protection of 29934  
the person to be protected by the order. Immediate and present 29935  
danger to the person to be protected by the protection order 29936  
constitutes good cause for purposes of this section. Immediate and 29937  
present danger includes, but is not limited to, situations in 29938  
which the respondent has threatened the person to be protected by 29939  
the protection order with bodily harm or in which the respondent 29940  
previously has been convicted of or pleaded guilty to a violation 29941  
of section 2903.211 of the Revised Code or a sexually oriented 29942  
offense against the person to be protected by the protection 29943  
order. 29944

(2)(a) If the court, after an ex parte hearing, issues a 29945  
protection order described in division (E) of this section, the 29946  
court shall schedule a full hearing for a date that is within ten 29947  
court days after the ex parte hearing. The court shall give the 29948  
respondent notice of, and an opportunity to be heard at, the full 29949  
hearing. The court shall hold the full hearing on the date 29950  
scheduled under this division unless the court grants a 29951  
continuance of the hearing in accordance with this division. Under 29952  
any of the following circumstances or for any of the following 29953  
reasons, the court may grant a continuance of the full hearing to 29954  
a reasonable time determined by the court: 29955

(i) Prior to the date scheduled for the full hearing under 29956  
this division, the respondent has not been served with the 29957  
petition filed pursuant to this section and notice of the full 29958  
hearing. 29959

(ii) The parties consent to the continuance. 29960

(iii) The continuance is needed to allow a party to obtain 29961  
counsel. 29962

(iv) The continuance is needed for other good cause. 29963

(b) An ex parte order issued under this section does not 29964  
expire because of a failure to serve notice of the full hearing 29965  
upon the respondent before the date set for the full hearing under 29966  
division (D)(2)(a) of this section or because the court grants a 29967  
continuance under that division. 29968

(3) If a person who files a petition pursuant to this section 29969  
does not request an ex parte order, or if a person requests an ex 29970  
parte order but the court does not issue an ex parte order after 29971  
an ex parte hearing, the court shall proceed as in a normal civil 29972  
action and grant a full hearing on the matter. 29973

(E)(1)(a) After an ex parte or full hearing, the court may 29974  
issue any protection order, with or without bond, that contains 29975  
terms designed to ensure the safety and protection of the person 29976  
to be protected by the protection order, including, but not 29977  
limited to, a requirement that the respondent refrain from 29978  
entering the residence, school, business, or place of employment 29979  
of the petitioner or family or household member. If the court 29980  
includes a requirement that the respondent refrain from entering 29981  
the residence, school, business, or place of employment of the 29982  
petitioner or family or household member in the order, it also 29983  
shall include in the order provisions of the type described in 29984  
division (E)(5) of this section. The court may include within a 29985  
protection order issued under this section a term requiring that 29986  
the respondent not remove, damage, hide, harm, or dispose of any 29987  
companion animal owned or possessed by the person to be protected 29988  
by the order, and may include within the order a term authorizing 29989  
the person to be protected by the order to remove a companion 29990  
animal owned by the person to be protected by the order from the 29991  
possession of the respondent. 29992

(b) After a full hearing, if the court considering a petition 29993  
that includes an allegation of the type described in division 29994  
(C)(2) of this section, or the court upon its own motion, finds 29995

upon clear and convincing evidence that the petitioner reasonably 29996  
believed that the respondent's conduct at any time preceding the 29997  
filing of the petition endangered the health, welfare, or safety 29998  
of the person to be protected and that the respondent presents a 29999  
continuing danger to the person to be protected, the court may 30000  
order that the respondent be electronically monitored for a period 30001  
of time and under the terms and conditions that the court 30002  
determines are appropriate. Electronic monitoring shall be in 30003  
addition to any other relief granted to the petitioner. 30004

(2)(a) Any protection order issued pursuant to this section 30005  
shall be valid until a date certain but not later than five years 30006  
from the date of its issuance. 30007

(b) Any protection order issued pursuant to this section may 30008  
be renewed in the same manner as the original order was issued. 30009

(3) A court may not issue a protection order that requires a 30010  
petitioner to do or to refrain from doing an act that the court 30011  
may require a respondent to do or to refrain from doing under 30012  
division (E)(1) of this section unless all of the following apply: 30013

(a) The respondent files a separate petition for a protection 30014  
order in accordance with this section. 30015

(b) The petitioner is served with notice of the respondent's 30016  
petition at least forty-eight hours before the court holds a 30017  
hearing with respect to the respondent's petition, or the 30018  
petitioner waives the right to receive this notice. 30019

(c) If the petitioner has requested an ex parte order 30020  
pursuant to division (D) of this section, the court does not delay 30021  
any hearing required by that division beyond the time specified in 30022  
that division in order to consolidate the hearing with a hearing 30023  
on the petition filed by the respondent. 30024

(d) After a full hearing at which the respondent presents 30025  
evidence in support of the request for a protection order and the 30026

petitioner is afforded an opportunity to defend against that 30027  
evidence, the court determines that the petitioner has committed a 30028  
violation of section 2903.211 of the Revised Code against the 30029  
person to be protected by the protection order issued pursuant to 30030  
division (E)(3) of this section, has committed a sexually oriented 30031  
offense against the person to be protected by the protection order 30032  
issued pursuant to division (E)(3) of this section, or has 30033  
violated a protection order issued pursuant to section 2903.213 of 30034  
the Revised Code relative to the person to be protected by the 30035  
protection order issued pursuant to division (E)(3) of this 30036  
section. 30037

(4) No protection order issued pursuant to this section shall 30038  
in any manner affect title to any real property. 30039

(5)(a) If the court issues a protection order under this 30040  
section that includes a requirement that the alleged offender 30041  
refrain from entering the residence, school, business, or place of 30042  
employment of the petitioner or a family or household member, the 30043  
order shall clearly state that the order cannot be waived or 30044  
nullified by an invitation to the alleged offender from the 30045  
complainant to enter the residence, school, business, or place of 30046  
employment or by the alleged offender's entry into one of those 30047  
places otherwise upon the consent of the petitioner or family or 30048  
household member. 30049

(b) Division (E)(5)(a) of this section does not limit any 30050  
discretion of a court to determine that an alleged offender 30051  
charged with a violation of section 2919.27 of the Revised Code, 30052  
with a violation of a municipal ordinance substantially equivalent 30053  
to that section, or with contempt of court, which charge is based 30054  
on an alleged violation of a protection order issued under this 30055  
section, did not commit the violation or was not in contempt of 30056  
court. 30057

(F)(1) The court shall cause the delivery of a copy of any 30058

protection order that is issued under this section to the 30059  
petitioner, to the respondent, and to all law enforcement agencies 30060  
that have jurisdiction to enforce the order. The court shall 30061  
direct that a copy of the order be delivered to the respondent on 30062  
the same day that the order is entered. 30063

(2) Upon the issuance of a protection order under this 30064  
section, the court shall provide the parties to the order with the 30065  
following notice orally or by form: 30066

"NOTICE 30067

As a result of this order, it may be unlawful for you to 30068  
possess or purchase a firearm, including a rifle, pistol, or 30069  
revolver, or ammunition pursuant to federal law under 18 U.S.C. 30070  
922(g)(8). If you have any questions whether this law makes it 30071  
illegal for you to possess or purchase a firearm or ammunition, 30072  
you should consult an attorney." 30073

(3) All law enforcement agencies shall establish and maintain 30074  
an index for the protection orders delivered to the agencies 30075  
pursuant to division (F)(1) of this section. With respect to each 30076  
order delivered, each agency shall note on the index the date and 30077  
time that it received the order. 30078

(4) Regardless of whether the petitioner has registered the 30079  
protection order in the county in which the officer's agency has 30080  
jurisdiction pursuant to division (M) of this section, any officer 30081  
of a law enforcement agency shall enforce a protection order 30082  
issued pursuant to this section by any court in this state in 30083  
accordance with the provisions of the order, including removing 30084  
the respondent from the premises, if appropriate. 30085

(G)(1) Any proceeding under this section shall be conducted 30086  
in accordance with the Rules of Civil Procedure, except that a 30087  
protection order may be obtained under this section with or 30088  
without bond. An order issued under this section, other than an ex 30089

parte order, that grants a protection order, or that refuses to 30090  
grant a protection order, is a final, appealable order. The 30091  
remedies and procedures provided in this section are in addition 30092  
to, and not in lieu of, any other available civil or criminal 30093  
remedies. 30094

(2) If as provided in division (G)(1) of this section an 30095  
order issued under this section, other than an ex parte order, 30096  
refuses to grant a protection order, the court, on its own motion, 30097  
shall order that the ex parte order issued under this section and 30098  
all of the records pertaining to that ex parte order be expunged 30099  
after either of the following occurs: 30100

(a) The period of the notice of appeal from the order that 30101  
refuses to grant a protection order has expired. 30102

(b) The order that refuses to grant the protection order is 30103  
appealed and an appellate court to which the last appeal of that 30104  
order is taken affirms the order. 30105

(H) The filing of proceedings under this section does not 30106  
excuse a person from filing any report or giving any notice 30107  
required by section 2151.421 of the Revised Code or by any other 30108  
law. 30109

(I) Any law enforcement agency that investigates an alleged 30110  
violation of section 2903.211 of the Revised Code or an alleged 30111  
commission of a sexually oriented offense shall provide 30112  
information to the victim and the family or household members of 30113  
the victim regarding the relief available under this section and 30114  
section 2903.213 of the Revised Code. 30115

(J)(1) Subject to division (J)(2) of this section and 30116  
regardless of whether a protection order is issued or a consent 30117  
agreement is approved by a court of another county or by a court 30118  
of another state, no court or unit of state or local government 30119  
shall charge the petitioner any fee, cost, deposit, or money in 30120

connection with the filing of a petition pursuant to this section, 30121  
in connection with the filing, issuance, registration, 30122  
modification, enforcement, dismissal, withdrawal, or service of a 30123  
protection order, consent agreement, or witness subpoena or for 30124  
obtaining a certified copy of a protection order or consent 30125  
agreement. 30126

(2) Regardless of whether a protection order is issued or a 30127  
consent agreement is approved pursuant to this section, the court 30128  
may assess costs against the respondent in connection with the 30129  
filing, issuance, registration, modification, enforcement, 30130  
dismissal, withdrawal, or service of a protection order, consent 30131  
agreement, or witness subpoena or for obtaining a certified copy 30132  
of a protection order or consent agreement. 30133

(K)(1) A person who violates a protection order issued under 30134  
this section is subject to the following sanctions: 30135

(a) Criminal prosecution for a violation of section 2919.27 30136  
of the Revised Code, if the violation of the protection order 30137  
constitutes a violation of that section; 30138

(b) Punishment for contempt of court. 30139

(2) The punishment of a person for contempt of court for 30140  
violation of a protection order issued under this section does not 30141  
bar criminal prosecution of the person for a violation of section 30142  
2919.27 of the Revised Code. However, a person punished for 30143  
contempt of court is entitled to credit for the punishment imposed 30144  
upon conviction of a violation of that section, and a person 30145  
convicted of a violation of that section shall not subsequently be 30146  
punished for contempt of court arising out of the same activity. 30147

(L) In all stages of a proceeding under this section, a 30148  
petitioner may be accompanied by a victim advocate. 30149

(M)(1) A petitioner who obtains a protection order under this 30150  
section or a protection order under section 2903.213 of the 30151

Revised Code may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M)(2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a protection order issued pursuant to this section or section 2903.213 of the Revised Code in a county other than the county in which the court that issued the order is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order from the clerk of the court that issued the order and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order is to be registered.

(b) Upon accepting the certified copy of the order for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order and give the petitioner a copy of the order that bears that proof of registration.

(3) The clerk of each court of common pleas, municipal court, or county court shall maintain a registry of certified copies of protection orders that have been issued by courts in other counties pursuant to this section or section 2903.213 of the Revised Code and that have been registered with the clerk.

(N)(1) If the court orders electronic monitoring of the respondent under this section, the court shall direct the sheriff's office or any other appropriate law enforcement agency to install the electronic monitoring device and to monitor the respondent. Unless the court determines that the respondent is indigent, the court shall order the respondent to pay the cost of the installation and monitoring of the electronic monitoring device. If the court determines that the respondent is indigent and subject to the maximum amount allowable to be paid in any year from the fund and the rules promulgated by the attorney general under division (N)(2) of this section, the cost of the installation and monitoring of the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to section 2743.191 of the Revised Code. The total amount of costs for the installation and monitoring of electronic monitoring devices paid pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code from the reparations fund shall not exceed three hundred thousand dollars per year.

(2) The attorney general may promulgate rules pursuant to section 111.15 of the Revised Code to govern payments made from the reparations fund pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code. The rules may include reasonable limits on the total cost paid pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code per respondent, the amount of the three hundred thousand dollars allocated to each county, and how invoices may be submitted by a county, court, or other entity.

**Sec. 2919.26.** (A)(1) Upon the filing of a complaint that alleges a violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if the alleged victim of the violation was a family or household member at the time of the violation, a violation of a municipal ordinance that is

substantially similar to any of those sections if the alleged 30215  
victim of the violation was a family or household member at the 30216  
time of the violation, any offense of violence if the alleged 30217  
victim of the offense was a family or household member at the time 30218  
of the commission of the offense, or any sexually oriented offense 30219  
if the alleged victim of the offense was a family or household 30220  
member at the time of the commission of the offense, the 30221  
complainant, the alleged victim, or a family or household member 30222  
of an alleged victim may file, or, if in an emergency the alleged 30223  
victim is unable to file, a person who made an arrest for the 30224  
alleged violation or offense under section 2935.03 of the Revised 30225  
Code may file on behalf of the alleged victim, a motion that 30226  
requests the issuance of a temporary protection order as a 30227  
pretrial condition of release of the alleged offender, in addition 30228  
to any bail set under Criminal Rule 46. The motion shall be filed 30229  
with the clerk of the court that has jurisdiction of the case at 30230  
any time after the filing of the complaint. 30231

(2) For purposes of section 2930.09 of the Revised Code, all 30232  
stages of a proceeding arising out of a complaint alleging the 30233  
commission of a violation, offense of violence, or sexually 30234  
oriented offense described in division (A)(1) of this section, 30235  
including all proceedings on a motion for a temporary protection 30236  
order, are critical stages of the case, and a victim may be 30237  
accompanied by a victim advocate or another person to provide 30238  
support to the victim as provided in that section. 30239

(B) The motion shall be prepared on a form that is provided 30240  
by the clerk of the court, which form shall be substantially as 30241  
follows: 30242

"MOTION FOR TEMPORARY PROTECTION ORDER 30243

..... Court 30244

Name and address of court 30245

State of Ohio 30246

v.	No. ....	30247
.....		30248
Name of Defendant		30249
(name of person), moves the court to issue a temporary protection		30250
order containing terms designed to ensure the safety and		30251
protection of the complainant, alleged victim, and other family or		30252
household members, in relation to the named defendant, pursuant to		30253
its authority to issue such an order under section 2919.26 of the		30254
Revised Code.		30255
A complaint, a copy of which has been attached to this		30256
motion, has been filed in this court charging the named defendant		30257
with ..... (name of the specified violation,		30258
the offense of violence, or sexually oriented offense charged) in		30259
circumstances in which the victim was a family or household member		30260
in violation of (section of the Revised Code designating the		30261
specified violation, offense of violence, or sexually oriented		30262
offense charged), or charging the named defendant with a violation		30263
of a municipal ordinance that is substantially similar to		30264
..... (section of the Revised Code designating		30265
the specified violation, offense of violence, or sexually oriented		30266
offense charged) involving a family or household member.		30267
I understand that I must appear before the court, at a time		30268
set by the court within twenty-four hours after the filing of this		30269
motion, for a hearing on the motion or that, if I am unable to		30270
appear because of hospitalization or a medical condition resulting		30271
from the offense alleged in the complaint, a person who can		30272
provide information about my need for a temporary protection order		30273
must appear before the court in lieu of my appearing in court. I		30274
understand that any temporary protection order granted pursuant to		30275
this motion is a pretrial condition of release and is effective		30276
only until the disposition of the criminal proceeding arising out		30277
of the attached complaint, or the issuance of a civil protection		30278

order or the approval of a consent agreement, arising out of the	30279
same activities as those that were the basis of the complaint,	30280
under section 3113.31 of the Revised Code.	30281
.....	30282
Signature of person	30283
(or signature of the arresting officer who filed the motion on	30284
behalf of the alleged victim)	30285
.....	30286
Address of person (or office address of the arresting officer who	30287
filed the motion on behalf of the alleged victim)"	30288
(C)(1) As soon as possible after the filing of a motion that	30289
requests the issuance of a temporary protection order, but not	30290
later than twenty-four hours after the filing of the motion, the	30291
court shall conduct a hearing to determine whether to issue the	30292
order. The person who requested the order shall appear before the	30293
court and provide the court with the information that it requests	30294
concerning the basis of the motion. If the person who requested	30295
the order is unable to appear and if the court finds that the	30296
failure to appear is because of the person's hospitalization or	30297
medical condition resulting from the offense alleged in the	30298
complaint, another person who is able to provide the court with	30299
the information it requests may appear in lieu of the person who	30300
requested the order. If the court finds that the safety and	30301
protection of the complainant, alleged victim, or any other family	30302
or household member of the alleged victim may be impaired by the	30303
continued presence of the alleged offender, the court may issue a	30304
temporary protection order, as a pretrial condition of release,	30305
that contains terms designed to ensure the safety and protection	30306
of the complainant, alleged victim, or the family or household	30307
member, including a requirement that the alleged offender refrain	30308
from entering the residence, school, business, or place of	30309

employment of the complainant, alleged victim, or the family or 30310  
household member. The court may include within a protection order 30311  
issued under this section a term requiring that the alleged 30312  
offender not remove, damage, hide, harm, or dispose of any 30313  
companion animal owned or possessed by the complainant, alleged 30314  
victim, or any other family or household member of the alleged 30315  
victim, and may include within the order a term authorizing the 30316  
complainant, alleged victim, or other family or household member 30317  
of the alleged victim to remove a companion animal owned by the 30318  
complainant, alleged victim, or other family or household member 30319  
from the possession of the alleged offender. 30320

(2)(a) If the court issues a temporary protection order that 30321  
includes a requirement that the alleged offender refrain from 30322  
entering the residence, school, business, or place of employment 30323  
of the complainant, the alleged victim, or the family or household 30324  
member, the order shall state clearly that the order cannot be 30325  
waived or nullified by an invitation to the alleged offender from 30326  
the complainant, alleged victim, or family or household member to 30327  
enter the residence, school, business, or place of employment or 30328  
by the alleged offender's entry into one of those places otherwise 30329  
upon the consent of the complainant, alleged victim, or family or 30330  
household member. 30331

(b) Division (C)(2)(a) of this section does not limit any 30332  
discretion of a court to determine that an alleged offender 30333  
charged with a violation of section 2919.27 of the Revised Code, 30334  
with a violation of a municipal ordinance substantially equivalent 30335  
to that section, or with contempt of court, which charge is based 30336  
on an alleged violation of a temporary protection order issued 30337  
under this section, did not commit the violation or was not in 30338  
contempt of court. 30339

(D)(1) Upon the filing of a complaint that alleges a 30340  
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 30341

Revised Code if the alleged victim of the violation was a family 30342  
or household member at the time of the violation, a violation of a 30343  
municipal ordinance that is substantially similar to any of those 30344  
sections if the alleged victim of the violation was a family or 30345  
household member at the time of the violation, any offense of 30346  
violence if the alleged victim of the offense was a family or 30347  
household member at the time of the commission of the offense, or 30348  
any sexually oriented offense if the alleged victim of the offense 30349  
was a family or household member at the time of the commission of 30350  
the offense, the court, upon its own motion, may issue a temporary 30351  
protection order as a pretrial condition of release if it finds 30352  
that the safety and protection of the complainant, alleged victim, 30353  
or other family or household member of the alleged offender may be 30354  
impaired by the continued presence of the alleged offender. 30355

(2)(a) If the court issues a temporary protection order under 30356  
this section as an ex parte order, it shall conduct, as soon as 30357  
possible after the issuance of the order, a hearing in the 30358  
presence of the alleged offender not later than the next day on 30359  
which the court is scheduled to conduct business after the day on 30360  
which the alleged offender was arrested or at the time of the 30361  
appearance of the alleged offender pursuant to summons to 30362  
determine whether the order should remain in effect, be modified, 30363  
or be revoked. The hearing shall be conducted under the standards 30364  
set forth in division (C) of this section. 30365

(b) If at a hearing conducted under division (D)(2)(a) of 30366  
this section the court determines that the ex parte order that the 30367  
court issued should be revoked, the court, on its own motion, 30368  
shall order that the ex parte order that is revoked and all of the 30369  
records pertaining to that ex parte order be expunged. 30370

(3) An order issued under this section shall contain only 30371  
those terms authorized in orders issued under division (C) of this 30372  
section. 30373

(4) If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

(E) A temporary protection order that is issued as a pretrial condition of release under this section:

(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;

(2) Is effective only until the occurrence of either of the following:

(a) The disposition, by the court that issued the order or, in the circumstances described in division (D)(4) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint upon which the order is based;

(b) The issuance of a protection order or the approval of a consent agreement, arising out of the same activities as those that were the basis of the complaint upon which the order is based, under section 3113.31 of the Revised Code.

(3) Shall not be construed as a finding that the alleged offender committed the alleged offense, and shall not be introduced as evidence of the commission of the offense at the trial of the alleged offender on the complaint upon which the order is based.

(F) A person who meets the criteria for bail under Criminal Rule 46 and who, if required to do so pursuant to that rule, executes or posts bond or deposits cash or securities as bail, shall not be held in custody pending a hearing before the court on a motion requesting a temporary protection order.

(G)(1) A copy of any temporary protection order that is issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to the defendant, and to all law enforcement agencies that have jurisdiction to enforce the order. The court shall direct that a copy of the order be delivered to the defendant on the same day that the order is entered. If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the defendant who is the subject of the order is bound over to the court of common pleas for prosecution as described in division (D)(4) of this section, the municipal court or county court shall direct that a copy of the order be delivered to the court of common pleas to which the defendant is bound over.

(2) Upon the issuance of a protection order under this section, the court shall provide the parties to the order with the following notice orally or by form:

"NOTICE 30437

As a result of this protection order, it may be unlawful for 30438  
you to possess or purchase a firearm, including a rifle, pistol, 30439  
or revolver, or ammunition pursuant to federal law under 18 U.S.C. 30440  
922(g)(8). If you have any questions whether this law makes it 30441  
illegal for you to possess or purchase a firearm or ammunition, 30442  
you should consult an attorney." 30443

(3) All law enforcement agencies shall establish and maintain 30444  
an index for the temporary protection orders delivered to the 30445  
agencies pursuant to division (G)(1) of this section. With respect 30446  
to each order delivered, each agency shall note on the index, the 30447  
date and time of the receipt of the order by the agency. 30448

(4) A complainant, alleged victim, or other person who 30449  
obtains a temporary protection order under this section may 30450  
provide notice of the issuance of the temporary protection order 30451  
to the judicial and law enforcement officials in any county other 30452  
than the county in which the order is issued by registering that 30453  
order in the other county in accordance with division (N) of 30454  
section 3113.31 of the Revised Code and filing a copy of the 30455  
registered protection order with a law enforcement agency in the 30456  
other county in accordance with that division. 30457

(5) Any officer of a law enforcement agency shall enforce a 30458  
temporary protection order issued by any court in this state in 30459  
accordance with the provisions of the order, including removing 30460  
the defendant from the premises, regardless of whether the order 30461  
is registered in the county in which the officer's agency has 30462  
jurisdiction as authorized by division (G)(4) of this section. 30463

(H) Upon a violation of a temporary protection order, the 30464  
court may issue another temporary protection order, as a pretrial 30465  
condition of release, that modifies the terms of the order that 30466  
was violated. 30467

(I)(1) As used in divisions (I)(1) and (2) of this section, 30468  
"defendant" means a person who is alleged in a complaint to have 30469  
committed a violation, offense of violence, or sexually oriented 30470  
offense of the type described in division (A) of this section. 30471

(2) If a complaint is filed that alleges that a person 30472  
committed a violation, offense of violence, or sexually oriented 30473  
offense of the type described in division (A) of this section, the 30474  
court may not issue a temporary protection order under this 30475  
section that requires the complainant, the alleged victim, or 30476  
another family or household member of the defendant to do or 30477  
refrain from doing an act that the court may require the defendant 30478  
to do or refrain from doing under a temporary protection order 30479  
unless both of the following apply: 30480

(a) The defendant has filed a separate complaint that alleges 30481  
that the complainant, alleged victim, or other family or household 30482  
member in question who would be required under the order to do or 30483  
refrain from doing the act committed a violation or offense of 30484  
violence of the type described in division (A) of this section. 30485

(b) The court determines that both the complainant, alleged 30486  
victim, or other family or household member in question who would 30487  
be required under the order to do or refrain from doing the act 30488  
and the defendant acted primarily as aggressors, that neither the 30489  
complainant, alleged victim, or other family or household member 30490  
in question who would be required under the order to do or refrain 30491  
from doing the act nor the defendant acted primarily in 30492  
self-defense, and, in accordance with the standards and criteria 30493  
of this section as applied in relation to the separate complaint 30494  
filed by the defendant, that it should issue the order to require 30495  
the complainant, alleged victim, or other family or household 30496  
member in question to do or refrain from doing the act. 30497

(J)(1) Subject to division (J)(2) of this section and 30498  
regardless of whether a protection order is issued or a consent 30499

agreement is approved by a court of another county or a court of 30500  
another state, no court or unit of state or local government shall 30501  
charge the movant any fee, cost, deposit, or money in connection 30502  
with the filing of a motion pursuant to this section, in 30503  
connection with the filing, issuance, registration, modification, 30504  
enforcement, dismissal, withdrawal, or service of a protection 30505  
order, consent agreement, or witness subpoena or for obtaining a 30506  
certified copy of a protection order or consent agreement. 30507

(2) Regardless of whether a protection order is issued or a 30508  
consent agreement is approved pursuant to this section, if the 30509  
defendant is convicted the court may assess costs against the 30510  
defendant in connection with the filing, issuance, registration, 30511  
modification, enforcement, dismissal, withdrawal, or service of a 30512  
protection order, consent agreement, or witness subpoena or for 30513  
obtaining a certified copy of a protection order or consent 30514  
agreement. 30515

(K) As used in this section: 30516

(1) "Companion animal" has the same meaning as in section 30517  
959.131 of the Revised Code. 30518

(2) "Sexually oriented offense" has the same meaning as in 30519  
section 2950.01 of the Revised Code. 30520

(3) "Victim advocate" means a person who provides support and 30521  
assistance for a victim of an offense during court proceedings. 30522

(4) "Expunge" has the same meaning as in section 2903.213 of 30523  
the Revised Code. 30524

**Sec. 2923.1210.** (A) A business entity, property owner, or 30525  
public or private employer may not establish, maintain, or enforce 30526  
a policy or rule that prohibits or has the effect of prohibiting a 30527  
person who has been issued a valid concealed handgun license from 30528  
transporting or storing a firearm or ammunition when both of the 30529

following conditions are met: 30530

(1) Each firearm and all of the ammunition remains inside the 30531  
person's privately owned motor vehicle while the person is 30532  
physically present inside the motor vehicle, or each firearm and 30533  
all of the ammunition is locked within the trunk, glove box, or 30534  
other enclosed compartment or container within or on the person's 30535  
privately owned motor vehicle; 30536

(2) The vehicle is in a location where it is otherwise 30537  
permitted to be. 30538

(B) A business entity, property owner, or public or private 30539  
employer that violates division (A) of this section may be found 30540  
liable in a civil action for injunctive relief brought by any 30541  
individual injured by the violation. The court may grant any 30542  
injunctive relief it finds appropriate. 30543

(C) No business entity, property owner, or public or private 30544  
employer shall be held liable in any civil action for damages, 30545  
injuries, or death resulting from or arising out of another 30546  
person's actions involving a firearm or ammunition transported or 30547  
stored pursuant to division (A) of this section including the 30548  
theft of a firearm from an employee's or invitee's automobile, 30549  
unless the business entity, property owner, or public or private 30550  
employer intentionally solicited or procured the other person's 30551  
injurious actions. 30552

**Sec. 2925.01.** As used in this chapter: 30553

(A) "Administer," "controlled substance," "controlled 30554  
substance analog," "dispense," "distribute," "hypodermic," 30555  
"manufacturer," "official written order," "person," "pharmacist," 30556  
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 30557  
"schedule IV," "schedule V," and "wholesaler" have the same 30558  
meanings as in section 3719.01 of the Revised Code. 30559

(B) "Drug dependent person" and "drug of abuse" have the same 30560  
meanings as in section 3719.011 of the Revised Code. 30561

(C) "Drug," "dangerous drug," "licensed health professional 30562  
authorized to prescribe drugs," and "prescription" have the same 30563  
meanings as in section 4729.01 of the Revised Code. 30564

(D) "Bulk amount" of a controlled substance means any of the 30565  
following: 30566

(1) For any compound, mixture, preparation, or substance 30567  
included in schedule I, schedule II, or schedule III, with the 30568  
exception of controlled substance analogs, marihuana, cocaine, 30569  
L.S.D., heroin, and hashish and except as provided in division 30570  
(D)(2) or (5) of this section, whichever of the following is 30571  
applicable: 30572

(a) An amount equal to or exceeding ten grams or twenty-five 30573  
unit doses of a compound, mixture, preparation, or substance that 30574  
is or contains any amount of a schedule I opiate or opium 30575  
derivative; 30576

(b) An amount equal to or exceeding ten grams of a compound, 30577  
mixture, preparation, or substance that is or contains any amount 30578  
of raw or gum opium; 30579

(c) An amount equal to or exceeding thirty grams or ten unit 30580  
doses of a compound, mixture, preparation, or substance that is or 30581  
contains any amount of a schedule I hallucinogen other than 30582  
tetrahydrocannabinol or lysergic acid amide, or a schedule I 30583  
stimulant or depressant; 30584

(d) An amount equal to or exceeding twenty grams or five 30585  
times the maximum daily dose in the usual dose range specified in 30586  
a standard pharmaceutical reference manual of a compound, mixture, 30587  
preparation, or substance that is or contains any amount of a 30588  
schedule II opiate or opium derivative; 30589

(e) An amount equal to or exceeding five grams or ten unit 30590  
doses of a compound, mixture, preparation, or substance that is or 30591  
contains any amount of phencyclidine; 30592

(f) An amount equal to or exceeding one hundred twenty grams 30593  
or thirty times the maximum daily dose in the usual dose range 30594  
specified in a standard pharmaceutical reference manual of a 30595  
compound, mixture, preparation, or substance that is or contains 30596  
any amount of a schedule II stimulant that is in a final dosage 30597  
form manufactured by a person authorized by the "Federal Food, 30598  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 30599  
amended, and the federal drug abuse control laws, as defined in 30600  
section 3719.01 of the Revised Code, that is or contains any 30601  
amount of a schedule II depressant substance or a schedule II 30602  
hallucinogenic substance; 30603

(g) An amount equal to or exceeding three grams of a 30604  
compound, mixture, preparation, or substance that is or contains 30605  
any amount of a schedule II stimulant, or any of its salts or 30606  
isomers, that is not in a final dosage form manufactured by a 30607  
person authorized by the Federal Food, Drug, and Cosmetic Act and 30608  
the federal drug abuse control laws. 30609

(2) An amount equal to or exceeding one hundred twenty grams 30610  
or thirty times the maximum daily dose in the usual dose range 30611  
specified in a standard pharmaceutical reference manual of a 30612  
compound, mixture, preparation, or substance that is or contains 30613  
any amount of a schedule III or IV substance other than an 30614  
anabolic steroid or a schedule III opiate or opium derivative; 30615

(3) An amount equal to or exceeding twenty grams or five 30616  
times the maximum daily dose in the usual dose range specified in 30617  
a standard pharmaceutical reference manual of a compound, mixture, 30618  
preparation, or substance that is or contains any amount of a 30619  
schedule III opiate or opium derivative; 30620

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance; 30621  
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(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid. 30625  
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(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual. 30629  
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(F) "Cultivate" includes planting, watering, fertilizing, or tilling. 30634  
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(G) "Drug abuse offense" means any of the following: 30636

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code; 30637  
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(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section; 30642  
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(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise 30646  
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dealing with a controlled substance is an element; 30652

(4) A conspiracy to commit, attempt to commit, or complicity 30653  
in committing or attempting to commit any offense under division 30654  
(G)(1), (2), or (3) of this section. 30655

(H) "Felony drug abuse offense" means any drug abuse offense 30656  
that would constitute a felony under the laws of this state, any 30657  
other state, or the United States. 30658

(I) "Harmful intoxicant" does not include beer or 30659  
intoxicating liquor but means any of the following: 30660

(1) Any compound, mixture, preparation, or substance the gas, 30661  
fumes, or vapor of which when inhaled can induce intoxication, 30662  
excitement, giddiness, irrational behavior, depression, 30663  
stupefaction, paralysis, unconsciousness, asphyxiation, or other 30664  
harmful physiological effects, and includes, but is not limited 30665  
to, any of the following: 30666

(a) Any volatile organic solvent, plastic cement, model 30667  
cement, fingernail polish remover, lacquer thinner, cleaning 30668  
fluid, gasoline, or other preparation containing a volatile 30669  
organic solvent; 30670

(b) Any aerosol propellant; 30671

(c) Any fluorocarbon refrigerant; 30672

(d) Any anesthetic gas. 30673

(2) Gamma Butyrolactone; 30674

(3) 1,4 Butanediol. 30675

(J) "Manufacture" means to plant, cultivate, harvest, 30676  
process, make, prepare, or otherwise engage in any part of the 30677  
production of a drug, by propagation, extraction, chemical 30678  
synthesis, or compounding, or any combination of the same, and 30679  
includes packaging, repackaging, labeling, and other activities 30680  
incident to production. 30681

(K) "Possess" or "possession" means having control over a 30682  
thing or substance, but may not be inferred solely from mere 30683  
access to the thing or substance through ownership or occupation 30684  
of the premises upon which the thing or substance is found. 30685

(L) "Sample drug" means a drug or pharmaceutical preparation 30686  
that would be hazardous to health or safety if used without the 30687  
supervision of a licensed health professional authorized to 30688  
prescribe drugs, or a drug of abuse, and that, at one time, had 30689  
been placed in a container plainly marked as a sample by a 30690  
manufacturer. 30691

(M) "Standard pharmaceutical reference manual" means the 30692  
current edition, with cumulative changes if any, of references 30693  
that are approved by the state board of pharmacy. 30694

(N) "Juvenile" means a person under eighteen years of age. 30695

(O) "Counterfeit controlled substance" means any of the 30696  
following: 30697

(1) Any drug that bears, or whose container or label bears, a 30698  
trademark, trade name, or other identifying mark used without 30699  
authorization of the owner of rights to that trademark, trade 30700  
name, or identifying mark; 30701

(2) Any unmarked or unlabeled substance that is represented 30702  
to be a controlled substance manufactured, processed, packed, or 30703  
distributed by a person other than the person that manufactured, 30704  
processed, packed, or distributed it; 30705

(3) Any substance that is represented to be a controlled 30706  
substance but is not a controlled substance or is a different 30707  
controlled substance; 30708

(4) Any substance other than a controlled substance that a 30709  
reasonable person would believe to be a controlled substance 30710  
because of its similarity in shape, size, and color, or its 30711

markings, labeling, packaging, distribution, or the price for 30712  
which it is sold or offered for sale. 30713

(P) An offense is "committed in the vicinity of a school" if 30714  
the offender commits the offense on school premises, in a school 30715  
building, or within one thousand feet of the boundaries of any 30716  
school premises, regardless of whether the offender knows the 30717  
offense is being committed on school premises, in a school 30718  
building, or within one thousand feet of the boundaries of any 30719  
school premises. 30720

(Q) "School" means any school operated by a board of 30721  
education, any community school established under Chapter 3314. of 30722  
the Revised Code, or any nonpublic school for which the state 30723  
board of education prescribes minimum standards under section 30724  
3301.07 of the Revised Code, whether or not any instruction, 30725  
extracurricular activities, or training provided by the school is 30726  
being conducted at the time a criminal offense is committed. 30727

(R) "School premises" means either of the following: 30728

(1) The parcel of real property on which any school is 30729  
situated, whether or not any instruction, extracurricular 30730  
activities, or training provided by the school is being conducted 30731  
on the premises at the time a criminal offense is committed; 30732

(2) Any other parcel of real property that is owned or leased 30733  
by a board of education of a school, the governing authority of a 30734  
community school established under Chapter 3314. of the Revised 30735  
Code, or the governing body of a nonpublic school for which the 30736  
state board of education prescribes minimum standards under 30737  
section 3301.07 of the Revised Code and on which some of the 30738  
instruction, extracurricular activities, or training of the school 30739  
is conducted, whether or not any instruction, extracurricular 30740  
activities, or training provided by the school is being conducted 30741  
on the parcel of real property at the time a criminal offense is 30742

committed. 30743

(S) "School building" means any building in which any of the 30744  
instruction, extracurricular activities, or training provided by a 30745  
school is conducted, whether or not any instruction, 30746  
extracurricular activities, or training provided by the school is 30747  
being conducted in the school building at the time a criminal 30748  
offense is committed. 30749

(T) "Disciplinary counsel" means the disciplinary counsel 30750  
appointed by the board of commissioners on grievances and 30751  
discipline of the supreme court under the Rules for the Government 30752  
of the Bar of Ohio. 30753

(U) "Certified grievance committee" means a duly constituted 30754  
and organized committee of the Ohio state bar association or of 30755  
one or more local bar associations of the state of Ohio that 30756  
complies with the criteria set forth in Rule V, section 6 of the 30757  
Rules for the Government of the Bar of Ohio. 30758

(V) "Professional license" means any license, permit, 30759  
certificate, registration, qualification, admission, temporary 30760  
license, temporary permit, temporary certificate, or temporary 30761  
registration that is described in divisions (W)(1) to (36) of this 30762  
section and that qualifies a person as a professionally licensed 30763  
person. 30764

(W) "Professionally licensed person" means any of the 30765  
following: 30766

(1) A person who has obtained a license as a manufacturer of 30767  
controlled substances or a wholesaler of controlled substances 30768  
under Chapter 3719. of the Revised Code; 30769

(2) A person who has received a certificate or temporary 30770  
certificate as a certified public accountant or who has registered 30771  
as a public accountant under Chapter 4701. of the Revised Code and 30772  
who holds an Ohio permit issued under that chapter; 30773

(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	30774 30775 30776
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	30777 30778 30779
(5) A person licensed under Chapter 4707. of the Revised Code;	30780 30781
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	30782 30783 30784
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	30785 30786 30787
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	30788 30789 30790 30791 30792 30793 30794 30795 30796 30797
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	30798 30799 30800 30801 30802
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory	30803 30804

license, or who has been registered for an embalmer's or funeral	30805
director's apprenticeship under Chapter 4717. of the Revised Code;	30806
(11) A person who has been licensed as a registered nurse or	30807
practical nurse, or who has been issued a certificate for the	30808
practice of nurse-midwifery under Chapter 4723. of the Revised	30809
Code;	30810
(12) A person who has been licensed to practice optometry or	30811
to engage in optical dispensing under Chapter 4725. of the Revised	30812
Code;	30813
(13) A person licensed to act as a pawnbroker under Chapter	30814
4727. of the Revised Code;	30815
(14) A person licensed to act as a precious metals dealer	30816
under Chapter 4728. of the Revised Code;	30817
(15) A person licensed as a pharmacist, a pharmacy intern, a	30818
wholesale distributor of dangerous drugs, or a terminal	30819
distributor of dangerous drugs under Chapter 4729. of the Revised	30820
Code;	30821
(16) A person who is authorized to practice as a physician	30822
assistant under Chapter 4730. of the Revised Code;	30823
(17) A person who has been issued a <del>certificate</del> <u>license</u> to	30824
practice medicine and surgery, osteopathic medicine and surgery, a	30825
<del>limited branch of medicine,</del> or <u>podiatry podiatric medicine and</u>	30826
<u>surgery</u> under Chapter 4731. of the Revised Code <u>or has been issued</u>	30827
<u>a certificate to practice a limited branch of medicine under that</u>	30828
<u>chapter;</u>	30829
(18) A person licensed as a psychologist or school	30830
psychologist under Chapter 4732. of the Revised Code;	30831
(19) A person registered to practice the profession of	30832
engineering or surveying under Chapter 4733. of the Revised Code;	30833
(20) A person who has been issued a license to practice	30834

chiropractic under Chapter 4734. of the Revised Code;	30835
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	30836 30837
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	30838 30839
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	30840 30841
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	30842 30843
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	30844 30845
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	30846 30847 30848 30849
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	30850 30851 30852
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	30853 30854 30855
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	30856 30857 30858
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	30859 30860 30861
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	30862 30863

(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	30864 30865 30866 30867 30868
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	30869 30870
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	30871 30872 30873
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	30874 30875
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	30876 30877 30878
(X) "Cocaine" means any of the following:	30879
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	30880 30881
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	30882 30883 30884 30885
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	30886 30887 30888 30889 30890 30891
(Y) "L.S.D." means lysergic acid diethylamide.	30892
(Z) "Hashish" means the resin or a preparation of the resin	30893

contained in marihuana, whether in solid form or in a liquid 30894  
concentrate, liquid extract, or liquid distillate form. 30895

(AA) "Marihuana" has the same meaning as in section 3719.01 30896  
of the Revised Code, except that it does not include hashish. 30897

(BB) An offense is "committed in the vicinity of a juvenile" 30898  
if the offender commits the offense within one hundred feet of a 30899  
juvenile or within the view of a juvenile, regardless of whether 30900  
the offender knows the age of the juvenile, whether the offender 30901  
knows the offense is being committed within one hundred feet of or 30902  
within view of the juvenile, or whether the juvenile actually 30903  
views the commission of the offense. 30904

(CC) "Presumption for a prison term" or "presumption that a 30905  
prison term shall be imposed" means a presumption, as described in 30906  
division (D) of section 2929.13 of the Revised Code, that a prison 30907  
term is a necessary sanction for a felony in order to comply with 30908  
the purposes and principles of sentencing under section 2929.11 of 30909  
the Revised Code. 30910

(DD) "Major drug offender" has the same meaning as in section 30911  
2929.01 of the Revised Code. 30912

(EE) "Minor drug possession offense" means either of the 30913  
following: 30914

(1) A violation of section 2925.11 of the Revised Code as it 30915  
existed prior to July 1, 1996; 30916

(2) A violation of section 2925.11 of the Revised Code as it 30917  
exists on and after July 1, 1996, that is a misdemeanor or a 30918  
felony of the fifth degree. 30919

(FF) "Mandatory prison term" has the same meaning as in 30920  
section 2929.01 of the Revised Code. 30921

(GG) "Adulterate" means to cause a drug to be adulterated as 30922  
described in section 3715.63 of the Revised Code. 30923

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.

**Sec. 2925.23.** (A) No person shall knowingly make a false statement in any prescription, order, report, or record required by Chapter 3719. or 4729. of the Revised Code.

(B) No person shall intentionally make, utter, or sell, or knowingly possess any of the following that is a false or forged:

(1) Prescription;

(2) Uncompleted preprinted prescription blank used for writing a prescription;

(3) Official written order;

(4) License for a terminal distributor of dangerous drugs, as ~~required~~ defined in section ~~4729.60~~ 4729.01 of the Revised Code;

(5) ~~Registration certificate~~ License for a wholesale distributor of dangerous drugs, as ~~required~~ defined in section ~~4729.60~~ 4729.01 of the Revised Code.

(C) No person, by theft as defined in section 2913.02 of the

Revised Code, shall acquire any of the following:	30953
(1) A prescription;	30954
(2) An uncompleted preprinted prescription blank used for writing a prescription;	30955 30956
(3) An official written order;	30957
(4) A blank official written order;	30958
(5) A license or blank license for a terminal distributor of dangerous drugs, as <del>required</del> <u>defined</u> in section <del>4729.60</del> <u>4729.01</u> of the Revised Code;	30959 30960 30961
(6) A <del>registration certificate</del> <u>license</u> or blank <del>registration certificate</del> <u>license</u> for a wholesale distributor of dangerous drugs, as <del>required</del> <u>defined</u> in section <del>4729.60</del> <u>4729.01</u> of the Revised Code.	30962 30963 30964 30965
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	30966 30967 30968
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.	30969 30970 30971 30972 30973
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:	30974 30975 30976 30977 30978 30979 30980 30981
(1) If the drug involved is a compound, mixture, preparation,	30982

or substance included in schedule I or II, with the exception of 30983  
marihuana, illegal processing of drug documents is a felony of the 30984  
fourth degree, and division (C) of section 2929.13 of the Revised 30985  
Code applies in determining whether to impose a prison term on the 30986  
offender. 30987

(2) If the drug involved is a dangerous drug or a compound, 30988  
mixture, preparation, or substance included in schedule III, IV, 30989  
or V or is marihuana, illegal processing of drug documents is a 30990  
felony of the fifth degree, and division (C) of section 2929.13 of 30991  
the Revised Code applies in determining whether to impose a prison 30992  
term on the offender. 30993

(G)(1) In addition to any prison term authorized or required 30994  
by division (F) of this section and sections 2929.13 and 2929.14 30995  
of the Revised Code and in addition to any other sanction imposed 30996  
for the offense under this section or sections 2929.11 to 2929.18 30997  
of the Revised Code, the court that sentences an offender who is 30998  
convicted of or pleads guilty to any violation of divisions (A) to 30999  
(D) of this section may suspend for not more than five years the 31000  
offender's driver's or commercial driver's license or permit. 31001  
However, if the offender pleaded guilty to or was convicted of a 31002  
violation of section 4511.19 of the Revised Code or a 31003  
substantially similar municipal ordinance or the law of another 31004  
state or the United States arising out of the same set of 31005  
circumstances as the violation, the court shall suspend the 31006  
offender's driver's or commercial driver's license or permit for 31007  
not more than five years. 31008

If the offender is a professionally licensed person, in 31009  
addition to any other sanction imposed for a violation of this 31010  
section, the court immediately shall comply with section 2925.38 31011  
of the Revised Code. 31012

(2) Any offender who received a mandatory suspension of the 31013  
offender's driver's or commercial driver's license or permit under 31014

this section prior to ~~the effective date of this amendment~~ 31015  
September 13, 2016, may file a motion with the sentencing court 31016  
requesting the termination of the suspension. However, an offender 31017  
who pleaded guilty to or was convicted of a violation of section 31018  
4511.19 of the Revised Code or a substantially similar municipal 31019  
ordinance or law of another state or the United States that arose 31020  
out of the same set of circumstances as the violation for which 31021  
the offender's license or permit was suspended under this section 31022  
shall not file such a motion. 31023

Upon the filing of a motion under division (G)(2) of this 31024  
section, the sentencing court, in its discretion, may terminate 31025  
the suspension. 31026

(H) Notwithstanding any contrary provision of section 3719.21 31027  
of the Revised Code, the clerk of court shall pay a fine imposed 31028  
for a violation of this section pursuant to division (A) of 31029  
section 2929.18 of the Revised Code in accordance with and subject 31030  
to the requirements of division (F) of section 2925.03 of the 31031  
Revised Code. The agency that receives the fine shall use the fine 31032  
as specified in division (F) of section 2925.03 of the Revised 31033  
Code. 31034

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a 31035  
felony the court is not required to impose a prison term, a 31036  
mandatory prison term, or a term of life imprisonment upon the 31037  
offender, the court may directly impose a sentence that consists 31038  
of one or more community control sanctions authorized pursuant to 31039  
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 31040  
court is sentencing an offender for a fourth degree felony OVI 31041  
offense under division (G)(1) of section 2929.13 of the Revised 31042  
Code, in addition to the mandatory term of local incarceration 31043  
imposed under that division and the mandatory fine required by 31044  
division (B)(3) of section 2929.18 of the Revised Code, the court 31045

may impose upon the offender a community control sanction or 31046  
combination of community control sanctions in accordance with 31047  
sections 2929.16 and 2929.17 of the Revised Code. If the court is 31048  
sentencing an offender for a third or fourth degree felony OVI 31049  
offense under division (G)(2) of section 2929.13 of the Revised 31050  
Code, in addition to the mandatory prison term or mandatory prison 31051  
term and additional prison term imposed under that division, the 31052  
court also may impose upon the offender a community control 31053  
sanction or combination of community control sanctions under 31054  
section 2929.16 or 2929.17 of the Revised Code, but the offender 31055  
shall serve all of the prison terms so imposed prior to serving 31056  
the community control sanction. 31057

The duration of all community control sanctions imposed upon 31058  
an offender under this division shall not exceed five years. If 31059  
the offender absconds or otherwise leaves the jurisdiction of the 31060  
court in which the offender resides without obtaining permission 31061  
from the court or the offender's probation officer to leave the 31062  
jurisdiction of the court, or if the offender is confined in any 31063  
institution for the commission of any offense while under a 31064  
community control sanction, the period of the community control 31065  
sanction ceases to run until the offender is brought before the 31066  
court for its further action. If the court sentences the offender 31067  
to one or more nonresidential sanctions under section 2929.17 of 31068  
the Revised Code, the court shall impose as a condition of the 31069  
nonresidential sanctions that, during the period of the sanctions, 31070  
the offender must abide by the law and must not leave the state 31071  
without the permission of the court or the offender's probation 31072  
officer. The court may impose any other conditions of release 31073  
under a community control sanction that the court considers 31074  
appropriate, including, but not limited to, requiring that the 31075  
offender not ingest or be injected with a drug of abuse and submit 31076  
to random drug testing as provided in division (D) of this section 31077

to determine whether the offender ingested or was injected with a 31078  
drug of abuse and requiring that the results of the drug test 31079  
indicate that the offender did not ingest or was not injected with 31080  
a drug of abuse. 31081

(2)(a) If a court sentences an offender to any community 31082  
control sanction or combination of community control sanctions 31083  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 31084  
Revised Code, the court shall place the offender under the general 31085  
control and supervision of a department of probation in the county 31086  
that serves the court for purposes of reporting to the court a 31087  
violation of any condition of the sanctions, any condition of 31088  
release under a community control sanction imposed by the court, a 31089  
violation of law, or the departure of the offender from this state 31090  
without the permission of the court or the offender's probation 31091  
officer. Alternatively, if the offender resides in another county 31092  
and a county department of probation has been established in that 31093  
county or that county is served by a multicounty probation 31094  
department established under section 2301.27 of the Revised Code, 31095  
the court may request the court of common pleas of that county to 31096  
receive the offender into the general control and supervision of 31097  
that county or multicounty department of probation for purposes of 31098  
reporting to the court a violation of any condition of the 31099  
sanctions, any condition of release under a community control 31100  
sanction imposed by the court, a violation of law, or the 31101  
departure of the offender from this state without the permission 31102  
of the court or the offender's probation officer, subject to the 31103  
jurisdiction of the trial judge over and with respect to the 31104  
person of the offender, and to the rules governing that department 31105  
of probation. 31106

If there is no department of probation in the county that 31107  
serves the court, the court shall place the offender, regardless 31108  
of the offender's county of residence, under the general control 31109

and supervision of the adult parole authority for purposes of 31110  
reporting to the court a violation of any of the sanctions, any 31111  
condition of release under a community control sanction imposed by 31112  
the court, a violation of law, or the departure of the offender 31113  
from this state without the permission of the court or the 31114  
offender's probation officer. 31115

(b) If the court imposing sentence upon an offender sentences 31116  
the offender to any community control sanction or combination of 31117  
community control sanctions authorized pursuant to section 31118  
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 31119  
offender violates any condition of the sanctions, any condition of 31120  
release under a community control sanction imposed by the court, 31121  
violates any law, or departs the state without the permission of 31122  
the court or the offender's probation officer, the public or 31123  
private person or entity that operates or administers the sanction 31124  
or the program or activity that comprises the sanction shall 31125  
report the violation or departure directly to the sentencing 31126  
court, or shall report the violation or departure to the county or 31127  
multicounty department of probation with general control and 31128  
supervision over the offender under division (A)(2)(a) of this 31129  
section or the officer of that department who supervises the 31130  
offender, or, if there is no such department with general control 31131  
and supervision over the offender under that division, to the 31132  
adult parole authority. If the public or private person or entity 31133  
that operates or administers the sanction or the program or 31134  
activity that comprises the sanction reports the violation or 31135  
departure to the county or multicounty department of probation or 31136  
the adult parole authority, the department's or authority's 31137  
officers may treat the offender as if the offender were on 31138  
probation and in violation of the probation, and shall report the 31139  
violation of the condition of the sanction, any condition of 31140  
release under a community control sanction imposed by the court, 31141  
the violation of law, or the departure from the state without the 31142

required permission to the sentencing court. 31143

(3) If an offender who is eligible for community control 31144  
sanctions under this section admits to being drug addicted or the 31145  
court has reason to believe that the offender is drug addicted, 31146  
and if the offense for which the offender is being sentenced was 31147  
related to the addiction, the court may require that the offender 31148  
be assessed by a properly credentialed professional within a 31149  
specified period of time and shall require the professional to 31150  
file a written assessment of the offender with the court. If a 31151  
court imposes treatment and recovery support services as a 31152  
community control sanction, the court shall direct the level and 31153  
type of treatment and recovery support services after 31154  
consideration of the written assessment, if available at the time 31155  
of sentencing, and recommendations of the professional and other 31156  
treatment and recovery support services providers. 31157

(4) If an assessment completed pursuant to division (A)(3) of 31158  
this section indicates that the offender is addicted to drugs or 31159  
alcohol, the court may include in any community control sanction 31160  
imposed for a violation of section 2925.02, 2925.03, 2925.04, 31161  
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 31162  
2925.37 of the Revised Code a requirement that the offender 31163  
participate in alcohol and drug addiction services and recovery 31164  
supports certified under section 5119.36 of the Revised Code or 31165  
offered by a properly credentialed community addiction services 31166  
provider. 31167

(B)(1) If the conditions of a community control sanction are 31168  
violated or if the offender violates a law or leaves the state 31169  
without the permission of the court or the offender's probation 31170  
officer, the sentencing court may impose upon the violator one or 31171  
more of the following penalties: 31172

(a) A longer time under the same sanction if the total time 31173  
under the sanctions does not exceed the five-year limit specified 31174

in division (A) of this section; 31175

(b) A more restrictive sanction under section 2929.16,  
2929.17, or 2929.18 of the Revised Code; 31176  
31177

(c) A prison term on the offender pursuant to section 2929.14 31178  
of the Revised Code and division (B)(3) of this section, provided 31179  
that a prison term imposed under this division is subject to the 31180  
following limitations, as applicable: 31181

(i) If the prison term is imposed for any technical violation 31182  
of the conditions of a community control sanction imposed for a 31183  
felony of the fifth degree or for any violation of law committed 31184  
while under a community control sanction imposed for such a felony 31185  
that consists of a new criminal offense and that is not a felony, 31186  
the prison term shall not exceed ninety days. 31187

(ii) If the prison term is imposed for any technical 31188  
violation of the conditions of a community control sanction 31189  
imposed for a felony of the fourth degree that is not an offense 31190  
of violence and is not a sexually oriented offense or for any 31191  
violation of law committed while under a community control 31192  
sanction imposed for such a felony that consists of a new criminal 31193  
offense and that is not a felony, the prison term shall not exceed 31194  
one hundred eighty days. 31195

(2) If an offender was acting pursuant to division (B)(2)(b) 31196  
of section 2925.11 of the Revised Code and in so doing violated 31197  
the conditions of a community control sanction based on a minor 31198  
drug possession offense, as defined in section 2925.11 of the 31199  
Revised Code, the sentencing court may consider the offender's 31200  
conduct in seeking or obtaining medical assistance for another in 31201  
good faith or for self or may consider the offender being the 31202  
subject of another person seeking or obtaining medical assistance 31203  
in accordance with that division as a mitigating factor before 31204  
imposing any of the penalties described in division (B)(1) of this 31205

section. 31206

(3) The prison term, if any, imposed upon a violator pursuant 31207  
to ~~this~~ division (B)(1) of this section shall be within the range 31208  
of prison terms available for the offense for which the sanction 31209  
that was violated was imposed and shall not exceed the prison term 31210  
specified in the notice provided to the offender at the sentencing 31211  
hearing pursuant to division (B)(2) of section 2929.19 of the 31212  
Revised Code. The court may reduce the longer period of time that 31213  
the offender is required to spend under the longer sanction, the 31214  
more restrictive sanction, or a prison term imposed pursuant to 31215  
~~this~~ division (B)(1) of this section by the time the offender 31216  
successfully spent under the sanction that was initially imposed. 31217

(C) If an offender, for a significant period of time, 31218  
fulfills the conditions of a sanction imposed pursuant to section 31219  
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 31220  
manner, the court may reduce the period of time under the sanction 31221  
or impose a less restrictive sanction, but the court shall not 31222  
permit the offender to violate any law or permit the offender to 31223  
leave the state without the permission of the court or the 31224  
offender's probation officer. 31225

(D)(1) If a court under division (A)(1) of this section 31226  
imposes a condition of release under a community control sanction 31227  
that requires the offender to submit to random drug testing, the 31228  
department of probation or the adult parole authority that has 31229  
general control and supervision of the offender under division 31230  
(A)(2)(a) of this section may cause the offender to submit to 31231  
random drug testing performed by a laboratory or entity that has 31232  
entered into a contract with any of the governmental entities or 31233  
officers authorized to enter into a contract with that laboratory 31234  
or entity under section 341.26, 753.33, or 5120.63 of the Revised 31235  
Code. 31236

(2) If no laboratory or entity described in division (D)(1) 31237

of this section has entered into a contract as specified in that 31238  
division, the department of probation or the adult parole 31239  
authority that has general control and supervision of the offender 31240  
under division (A)(2)(a) of this section shall cause the offender 31241  
to submit to random drug testing performed by a reputable public 31242  
laboratory to determine whether the individual who is the subject 31243  
of the drug test ingested or was injected with a drug of abuse. 31244

(3) A laboratory or entity that has entered into a contract 31245  
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 31246  
shall perform the random drug tests under division (D)(1) of this 31247  
section in accordance with the applicable standards that are 31248  
included in the terms of that contract. A public laboratory shall 31249  
perform the random drug tests under division (D)(2) of this 31250  
section in accordance with the standards set forth in the policies 31251  
and procedures established by the department of rehabilitation and 31252  
correction pursuant to section 5120.63 of the Revised Code. An 31253  
offender who is required under division (A)(1) of this section to 31254  
submit to random drug testing as a condition of release under a 31255  
community control sanction and whose test results indicate that 31256  
the offender ingested or was injected with a drug of abuse shall 31257  
pay the fee for the drug test if the department of probation or 31258  
the adult parole authority that has general control and 31259  
supervision of the offender requires payment of a fee. A 31260  
laboratory or entity that performs the random drug testing on an 31261  
offender under division (D)(1) or (2) of this section shall 31262  
transmit the results of the drug test to the appropriate 31263  
department of probation or the adult parole authority that has 31264  
general control and supervision of the offender under division 31265  
(A)(2)(a) of this section. 31266

**Sec. 2929.20.** (A) As used in this section: 31267

(1)(a) Except as provided in division (A)(1)(b) of this 31268

section, "eligible offender" means any person who, on or after 31269  
April 7, 2009, is serving a stated prison term that includes one 31270  
or more nonmandatory prison terms. 31271

(b) "Eligible offender" does not include any person who, on 31272  
or after April 7, 2009, is serving a stated prison term for any of 31273  
the following criminal offenses that was a felony and was 31274  
committed while the person held a public office in this state: 31275

(i) A violation of section 2921.02, 2921.03, 2921.05, 31276  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 31277  
Code; 31278

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 31279  
2921.12 of the Revised Code, when the conduct constituting the 31280  
violation was related to the duties of the offender's public 31281  
office or to the offender's actions as a public official holding 31282  
that public office; 31283

(iii) A violation of an existing or former municipal 31284  
ordinance or law of this or any other state or the United States 31285  
that is substantially equivalent to any violation listed in 31286  
division (A)(1)(b)(i) of this section; 31287

(iv) A violation of an existing or former municipal ordinance 31288  
or law of this or any other state or the United States that is 31289  
substantially equivalent to any violation listed in division 31290  
(A)(1)(b)(ii) of this section, when the conduct constituting the 31291  
violation was related to the duties of the offender's public 31292  
office or to the offender's actions as a public official holding 31293  
that public office; 31294

(v) A conspiracy to commit, attempt to commit, or complicity 31295  
in committing any offense listed in division (A)(1)(b)(i) or 31296  
described in division (A)(1)(b)(iii) of this section; 31297

(vi) A conspiracy to commit, attempt to commit, or complicity 31298  
in committing any offense listed in division (A)(1)(b)(ii) or 31299

described in division (A)(1)(b)(iv) of this section, if the 31300  
conduct constituting the offense that was the subject of the 31301  
conspiracy, that would have constituted the offense attempted, or 31302  
constituting the offense in which the offender was complicit was 31303  
or would have been related to the duties of the offender's public 31304  
office or to the offender's actions as a public official holding 31305  
that public office. 31306

(2) "Nonmandatory prison term" means a prison term that is 31307  
not a mandatory prison term. 31308

(3) "Public office" means any elected federal, state, or 31309  
local government office in this state. 31310

(4) "Victim's representative" has the same meaning as in 31311  
section 2930.01 of the Revised Code. 31312

(5) "Imminent danger of death," "medically incapacitated," 31313  
and "terminal illness" have the same meanings as in section 31314  
2967.05 of the Revised Code. 31315

(B) On the motion of an eligible offender or upon its own 31316  
motion, the sentencing court may reduce the eligible offender's 31317  
aggregated nonmandatory prison term or terms through a judicial 31318  
release under this section. 31319

(C) An eligible offender may file a motion for judicial 31320  
release with the sentencing court within the following applicable 31321  
periods: 31322

(1) If the aggregated nonmandatory prison term or terms is 31323  
less than two years, the eligible offender may file the motion ~~not~~ 31324  
~~earlier than thirty days~~ at any time after the offender is 31325  
delivered to a state correctional institution or, if the prison 31326  
term includes a mandatory prison term or terms, ~~not earlier than~~ 31327  
~~thirty days~~ at any time after the expiration of all mandatory 31328  
prison terms. 31329

(2) If the aggregated nonmandatory prison term or terms is at least two years but less than five years, the eligible offender may file the motion not earlier than one hundred eighty days after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than one hundred eighty days after the expiration of all mandatory prison terms.

(3) If the aggregated nonmandatory prison term or terms is five years, the eligible offender may file the motion not earlier than the date on which the eligible offender has served four years of the offender's stated prison term or, if the prison term includes a mandatory prison term or terms, not earlier than four years after the expiration of all mandatory prison terms.

(4) If the aggregated nonmandatory prison term or terms is more than five years but not more than ten years, the eligible offender may file the motion not earlier than the date on which the eligible offender has served five years of the offender's stated prison term or, if the prison term includes a mandatory prison term or terms, not earlier than five years after the expiration of all mandatory prison terms.

(5) If the aggregated nonmandatory prison term or terms is more than ten years, the eligible offender may file the motion not earlier than the later of the date on which the offender has served one-half of the offender's stated prison term or the date specified in division (C)(4) of this section.

(D) Upon receipt of a timely motion for judicial release filed by an eligible offender under division (C) of this section or upon the sentencing court's own motion made within the appropriate time specified in that division, the court may deny the motion without a hearing or schedule a hearing on the motion. The court shall not grant the motion without a hearing. If a court denies a motion without a hearing, the court later may consider

judicial release for that eligible offender on a subsequent motion 31362  
filed by that eligible offender unless the court denies the motion 31363  
with prejudice. If a court denies a motion with prejudice, the 31364  
court may later consider judicial release on its own motion. If a 31365  
court denies a motion after a hearing, the court shall not 31366  
consider a subsequent motion for that eligible offender. The court 31367  
shall hold only one hearing for any eligible offender. 31368

A hearing under this section shall be conducted in open court 31369  
not less than thirty or more than sixty days after the motion is 31370  
filed, provided that the court may delay the hearing for one 31371  
hundred eighty additional days. If the court holds a hearing, the 31372  
court shall enter a ruling on the motion within ten days after the 31373  
hearing. If the court denies the motion without a hearing, the 31374  
court shall enter its ruling on the motion within sixty days after 31375  
the motion is filed. 31376

(E) If a court schedules a hearing under division (D) of this 31377  
section, the court shall notify the eligible offender and the head 31378  
of the state correctional institution in which the eligible 31379  
offender is confined prior to the hearing. The head of the state 31380  
correctional institution immediately shall notify the appropriate 31381  
person at the department of rehabilitation and correction of the 31382  
hearing, and the department within twenty-four hours after receipt 31383  
of the notice, shall post on the database it maintains pursuant to 31384  
section 5120.66 of the Revised Code the offender's name and all of 31385  
the information specified in division (A)(1)(c)(i) of that 31386  
section. If the court schedules a hearing for judicial release, 31387  
the court promptly shall give notice of the hearing to the 31388  
prosecuting attorney of the county in which the eligible offender 31389  
was indicted. Upon receipt of the notice from the court, the 31390  
prosecuting attorney shall do whichever of the following is 31391  
applicable: 31392

(1) Subject to division (E)(2) of this section, notify the 31393

victim of the offense or the victim's representative pursuant to 31394  
division (B) of section 2930.16 of the Revised Code; 31395

(2) If the offense was an offense of violence that is a 31396  
felony of the first, second, or third degree, except as otherwise 31397  
provided in this division, notify the victim or the victim's 31398  
representative of the hearing regardless of whether the victim or 31399  
victim's representative has requested the notification. The notice 31400  
of the hearing shall not be given under this division to a victim 31401  
or victim's representative if the victim or victim's 31402  
representative has requested pursuant to division (B)(2) of 31403  
section 2930.03 of the Revised Code that the victim or the 31404  
victim's representative not be provided the notice. If notice is 31405  
to be provided to a victim or victim's representative under this 31406  
division, the prosecuting attorney may give the notice by any 31407  
reasonable means, including regular mail, telephone, and 31408  
electronic mail, in accordance with division (D)(1) of section 31409  
2930.16 of the Revised Code. If the notice is based on an offense 31410  
committed prior to March 22, 2013, the notice also shall include 31411  
the opt-out information described in division (D)(1) of section 31412  
2930.16 of the Revised Code. The prosecuting attorney, in 31413  
accordance with division (D)(2) of section 2930.16 of the Revised 31414  
Code, shall keep a record of all attempts to provide the notice, 31415  
and of all notices provided, under this division. Division (E)(2) 31416  
of this section, and the notice-related provisions of division (K) 31417  
of this section, division (D)(1) of section 2930.16, division (H) 31418  
of section 2967.12, division (E)(1)(b) of section 2967.19, 31419  
division (A)(3)(b) of section 2967.26, division (D)(1) of section 31420  
2967.28, and division (A)(2) of section 5149.101 of the Revised 31421  
Code enacted in the act in which division (E)(2) of this section 31422  
was enacted, shall be known as "Roberta's Law." 31423

(F) Upon an offender's successful completion of 31424  
rehabilitative activities, the head of the state correctional 31425

institution may notify the sentencing court of the successful 31426  
completion of the activities. 31427

(G) Prior to the date of the hearing on a motion for judicial 31428  
release under this section, the head of the state correctional 31429  
institution in which the eligible offender is confined shall send 31430  
to the court an institutional summary report on the eligible 31431  
offender's conduct in the institution and in any institution from 31432  
which the eligible offender may have been transferred. Upon the 31433  
request of the prosecuting attorney of the county in which the 31434  
eligible offender was indicted or of any law enforcement agency, 31435  
the head of the state correctional institution, at the same time 31436  
the person sends the institutional summary report to the court, 31437  
also shall send a copy of the report to the requesting prosecuting 31438  
attorney and law enforcement agencies. The institutional summary 31439  
report shall cover the eligible offender's participation in 31440  
school, vocational training, work, treatment, and other 31441  
rehabilitative activities and any disciplinary action taken 31442  
against the eligible offender. The report shall be made part of 31443  
the record of the hearing. A presentence investigation report is 31444  
not required for judicial release. 31445

(H) If the court grants a hearing on a motion for judicial 31446  
release under this section, the eligible offender shall attend the 31447  
hearing if ordered to do so by the court. Upon receipt of a copy 31448  
of the journal entry containing the order, the head of the state 31449  
correctional institution in which the eligible offender is 31450  
incarcerated shall deliver the eligible offender to the sheriff of 31451  
the county in which the hearing is to be held. The sheriff shall 31452  
convey the eligible offender to and from the hearing. 31453

(I) At the hearing on a motion for judicial release under 31454  
this section, the court shall afford the eligible offender and the 31455  
eligible offender's attorney an opportunity to present written 31456  
and, if present, oral information relevant to the motion. The 31457

court shall afford a similar opportunity to the prosecuting attorney, the victim or the victim's representative, and any other person the court determines is likely to present additional relevant information. The court shall consider any statement of a victim made pursuant to section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared pursuant to section 2947.051 of the Revised Code, and any report made under division (G) of this section. The court may consider any written statement of any person submitted to the court pursuant to division (L) of this section. After ruling on the motion, the court shall notify the victim of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code.

(J)(1) A court shall not grant a judicial release under this section to an eligible offender who is imprisoned for a felony of the first or second degree, or to an eligible offender who committed an offense under Chapter 2925. or 3719. of the Revised Code and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the eligible offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the eligible offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh factors indicating that the eligible offender's conduct was more serious than conduct normally constituting the offense.

(2) A court that grants a judicial release to an eligible

offender under division (J)(1) of this section shall specify on 31490  
the record both findings required in that division and also shall 31491  
list all the factors described in that division that were 31492  
presented at the hearing. 31493

(K) If the court grants a motion for judicial release under 31494  
this section, the court shall order the release of the eligible 31495  
offender, shall place the eligible offender under an appropriate 31496  
community control sanction, under appropriate conditions, and 31497  
under the supervision of the department of probation serving the 31498  
court and shall reserve the right to reimpose the sentence that it 31499  
reduced if the offender violates the sanction. If the court 31500  
reimposes the reduced sentence, it may do so either concurrently 31501  
with, or consecutive to, any new sentence imposed upon the 31502  
eligible offender as a result of the violation that is a new 31503  
offense. Except as provided in division (R)(2) of this section, 31504  
the period of community control shall be no longer than five 31505  
years. The court, in its discretion, may reduce the period of 31506  
community control by the amount of time the eligible offender 31507  
spent in jail or prison for the offense and in prison. If the 31508  
court made any findings pursuant to division (J)(1) of this 31509  
section, the court shall serve a copy of the findings upon counsel 31510  
for the parties within fifteen days after the date on which the 31511  
court grants the motion for judicial release. 31512

If the court grants a motion for judicial release, the court 31513  
shall notify the appropriate person at the department of 31514  
rehabilitation and correction, and the department shall post 31515  
notice of the release on the database it maintains pursuant to 31516  
section 5120.66 of the Revised Code. The court also shall notify 31517  
the prosecuting attorney of the county in which the eligible 31518  
offender was indicted that the motion has been granted. Unless the 31519  
victim or the victim's representative has requested pursuant to 31520  
division (B)(2) of section 2930.03 of the Revised Code that the 31521

victim or victim's representative not be provided the notice, the 31522  
prosecuting attorney shall notify the victim or the victim's 31523  
representative of the judicial release in any manner, and in 31524  
accordance with the same procedures, pursuant to which the 31525  
prosecuting attorney is authorized to provide notice of the 31526  
hearing pursuant to division (E)(2) of this section. If the notice 31527  
is based on an offense committed prior to March 22, 2013, the 31528  
notice to the victim or victim's representative also shall include 31529  
the opt-out information described in division (D)(1) of section 31530  
2930.16 of the Revised Code. 31531

(L) In addition to and independent of the right of a victim 31532  
to make a statement pursuant to section 2930.14, 2930.17, or 31533  
2946.051 of the Revised Code and any right of a person to present 31534  
written information or make a statement pursuant to division (I) 31535  
of this section, any person may submit to the court, at any time 31536  
prior to the hearing on the offender's motion for judicial 31537  
release, a written statement concerning the effects of the 31538  
offender's crime or crimes, the circumstances surrounding the 31539  
crime or crimes, the manner in which the crime or crimes were 31540  
perpetrated, and the person's opinion as to whether the offender 31541  
should be released. 31542

(M) The changes to this section that are made on September 31543  
30, 2011, apply to any judicial release decision made on or after 31544  
September 30, 2011, for any eligible offender. 31545

(N) Notwithstanding the eligibility requirements specified in 31546  
division (A) of this section and the filing time frames specified 31547  
in division (C) of this section and notwithstanding the findings 31548  
required under division (J) of this section, the sentencing court, 31549  
upon the court's own motion and after considering whether the 31550  
release of the offender into society would create undue risk to 31551  
public safety, may grant a judicial release to an offender who is 31552  
not serving a life sentence at any time during the offender's 31553

imposed sentence when the director of rehabilitation and 31554  
correction certifies to the sentencing court through the chief 31555  
medical officer for the department of rehabilitation and 31556  
correction that the offender is in imminent danger of death, is 31557  
medically incapacitated, or is suffering from a terminal illness. 31558

(O) The director of rehabilitation and correction shall not 31559  
certify any offender under division (N) of this section who is 31560  
serving a death sentence. 31561

(P) A motion made by the court under division (N) of this 31562  
section is subject to the notice, hearing, and other procedural 31563  
requirements specified in divisions (D), (E), (G), (H), (I), (K), 31564  
and (L) of this section, except for the following: 31565

(1) The court may waive the offender's appearance at any 31566  
hearing scheduled by the court if the offender's condition makes 31567  
it impossible for the offender to participate meaningfully in the 31568  
proceeding. 31569

(2) The court may grant the motion without a hearing, 31570  
provided that the prosecuting attorney and victim or victim's 31571  
representative to whom notice of the hearing was provided under 31572  
division (E) of this section indicate that they do not wish to 31573  
participate in the hearing or present information relevant to the 31574  
motion. 31575

(Q) The court may request health care records from the 31576  
department of rehabilitation and correction to verify the 31577  
certification made under division (N) of this section. 31578

(R)(1) If the court grants judicial release under division 31579  
(N) of this section, the court shall do all of the following: 31580

(a) Order the release of the offender; 31581

(b) Place the offender under an appropriate community control 31582  
sanction, under appropriate conditions; 31583

(c) Place the offender under the supervision of the 31584  
department of probation serving the court or under the supervision 31585  
of the adult parole authority. 31586

(2) The court, in its discretion, may revoke the judicial 31587  
release if the offender violates the community control sanction 31588  
described in division (R)(1) of this section. The period of that 31589  
community control is not subject to the five-year limitation 31590  
described in division (K) of this section and shall not expire 31591  
earlier than the date on which all of the offender's mandatory 31592  
prison terms expire. 31593

(S) If the health of an offender who is released under 31594  
division (N) of this section improves so that the offender is no 31595  
longer terminally ill, medically incapacitated, or in imminent 31596  
danger of death, the court shall, upon the court's own motion, 31597  
revoke the judicial release. The court shall not grant the motion 31598  
without a hearing unless the offender waives a hearing. If a 31599  
hearing is held, the court shall afford the offender and the 31600  
offender's attorney an opportunity to present written and, if the 31601  
offender or the offender's attorney is present, oral information 31602  
relevant to the motion. The court shall afford a similar 31603  
opportunity to the prosecuting attorney, the victim or the 31604  
victim's representative, and any other person the court determines 31605  
is likely to present additional relevant information. A court that 31606  
grants a motion under this division shall specify its findings on 31607  
the record. 31608

**Sec. 2929.34.** (A) A person who is convicted of or pleads 31609  
guilty to aggravated murder, murder, or an offense punishable by 31610  
life imprisonment and who is sentenced to a term of life 31611  
imprisonment or a prison term pursuant to that conviction shall 31612  
serve that term in an institution under the control of the 31613  
department of rehabilitation and correction. 31614

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall serve that term as follows:

(a) Subject to divisions (B)(1)(b) ~~and~~, (B)(2), and (B)(3) of this section, in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court pursuant to section 2929.16 of the Revised Code if the term is not a prison term;

(b) In a facility of a type described in division (G)(1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(3)(a) As used in divisions (B)(3)(a) to (d) of this section:

(i) "Target county" means Franklin county, Cuyahoga county, Hamilton county, Summit county, Montgomery county, Lucas county, Butler county, Stark county, Lorain county, and Mahoning county.

(ii) "Voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B)(3)(b) of this section and in which the agreement has not been terminated as described in that division.

(b) In any county other than a target county, the board of county commissioners of the county and the administrative judge of

the general division of the court of common pleas of the county 31646  
may agree to having the county participate in the procedures 31647  
regarding local and state confinement established under division 31648  
(B)(3)(c) of this section. A board of county commissioners and an 31649  
administrative judge of a court of common pleas that enter into an 31650  
agreement of the type described in this division may terminate the 31651  
agreement, but a termination under this division shall take effect 31652  
only at the end of the state fiscal biennium in which the 31653  
termination decision is made. 31654

(c) Except as provided in division (B)(3)(d) of this section, 31655  
on and after July 1, 2018, no person sentenced by the court of 31656  
common pleas of a target county or of a voluntary county to a 31657  
prison term that is twelve months or less for a felony of the 31658  
fifth degree shall serve the term in an institution under the 31659  
control of the department of rehabilitation and correction. The 31660  
person shall instead serve the sentence as a term of confinement 31661  
in a facility of a type described in division (C) or (D) of this 31662  
section. Nothing in this division relieves the state of its 31663  
obligation to pay for the cost of confinement of the person in a 31664  
community-based correctional facility under division (D) of this 31665  
section. 31666

(d) Division (B)(3)(c) of this section does not apply to any 31667  
person to whom any of the following apply: 31668

(i) The felony of the fifth degree was an offense of 31669  
violence, as defined in section 2901.01 of the Revised Code, a sex 31670  
offense under Chapter 2907. of the Revised Code, a violation of 31671  
section 2925.03 of the Revised Code, or any offense for which a 31672  
mandatory prison term is required. 31673

(ii) The person previously has been convicted of or pleaded 31674  
guilty to any felony offense of violence, as defined in section 31675  
2901.01 of the Revised Code. 31676

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code. 31677  
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(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction. 31680  
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(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail. 31684  
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(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility. 31693  
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**Sec. 2941.51.** (A) Counsel appointed to a case or selected by an indigent person under division (E) of section 120.16 or division (E) of section 120.26 of the Revised Code, or otherwise appointed by the court, except for counsel appointed by the court to provide legal representation for a person charged with a violation of an ordinance of a municipal corporation, shall be paid for their services by the county the compensation and expenses that the trial court approves. Each request for payment shall ~~be accompanied by~~ include a financial disclosure form ~~and an affidavit of indigency that~~ are completed by the indigent person on ~~forms~~ a form prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by 31696  
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the board of county commissioners pursuant to division (B) of this section. 31708  
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(B) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid by the county for legal services provided by appointed counsel. Prior to establishing such schedule, the board shall request the bar association or associations of the county to submit a proposed schedule for cases other than capital cases. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners, except with respect to capital cases. With respect to capital cases, the schedule shall provide for fees by case or on an hourly basis to be paid to counsel in the amount or at the rate set by the capital case attorney fee council pursuant to division (D) of section 120.33 of the Revised Code, and the board of county commissioners shall approve that amount or rate. 31710  
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With respect to capital cases, counsel shall be paid compensation and expenses in accordance with the amount or at the rate set by the capital case attorney fee council pursuant to division (D) of section 120.33 of the Revised Code. 31724  
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(C) In a case where counsel have been appointed to conduct an appeal under Chapter 120. of the Revised Code, such compensation shall be fixed by the court of appeals or the supreme court, as provided in divisions (A) and (B) of this section. 31728  
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(D) The fees and expenses approved by the court under this section shall not be taxed as part of the costs and shall be paid by the county. However, if the person represented has, or reasonably may be expected to have, the means to meet some part of the cost of the services rendered to the person, the person shall pay the county an amount that the person reasonably can be expected to pay. Pursuant to section 120.04 of the Revised Code, the county shall pay to the state public defender a percentage of 31732  
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the payment received from the person in an amount proportionate to 31740  
the percentage of the costs of the person's case that were paid to 31741  
the county by the state public defender pursuant to this section. 31742  
The money paid to the state public defender shall be credited to 31743  
the client payment fund created pursuant to division (B)(5) of 31744  
section 120.04 of the Revised Code. 31745

(E) The county auditor shall draw a warrant on the county 31746  
treasurer for the payment of such counsel in the amount fixed by 31747  
the court, plus the expenses that the court fixes and certifies to 31748  
the auditor. The county auditor shall report periodically, but not 31749  
less than annually, to the board of county commissioners and to 31750  
the Ohio public defender commission the amounts paid out pursuant 31751  
to the approval of the court under this section, separately 31752  
stating costs and expenses that are reimbursable under section 31753  
120.35 of the Revised Code. The board, after review and approval 31754  
of the auditor's report, may then certify it to the state public 31755  
defender for reimbursement. The request for reimbursement shall be 31756  
accompanied by a financial disclosure form completed by each 31757  
indigent person for whom counsel was provided on a form prescribed 31758  
by the state public defender. The state public defender shall 31759  
review the report and, in accordance with the standards, 31760  
guidelines, and maximums established pursuant to divisions (B)(7) 31761  
and (8) of section 120.04 of the Revised Code, pay fifty per cent 31762  
of the total cost, other than costs and expenses that are 31763  
reimbursable under section 120.35 of the Revised Code, if any, of 31764  
paying appointed counsel in each county and pay fifty per cent of 31765  
costs and expenses that are reimbursable under section 120.35 of 31766  
the Revised Code, if any, to the board. 31767

(F) If any county system for paying appointed counsel fails 31768  
to maintain the standards for the conduct of the system 31769  
established by the rules of the Ohio public defender commission 31770  
pursuant to divisions (B) and (C) of section 120.03 of the Revised 31771

Code or the standards established by the state public defender 31772  
pursuant to division (B)(7) of section 120.04 of the Revised Code, 31773  
the commission shall notify the board of county commissioners of 31774  
the county that the county system for paying appointed counsel has 31775  
failed to comply with its rules. Unless the board corrects the 31776  
conduct of its appointed counsel system to comply with the rules 31777  
within ninety days after the date of the notice, the state public 31778  
defender may deny all or part of the county's reimbursement from 31779  
the state provided for in this section. 31780

**Sec. 2953.25.** (A) As used in this section: 31781

(1) "Collateral sanction" means a penalty, disability, or 31782  
disadvantage that is related to employment or occupational 31783  
licensing, however denominated, as a result of the individual's 31784  
conviction of or plea of guilty to an offense and that applies by 31785  
operation of law in this state whether or not the penalty, 31786  
disability, or disadvantage is included in the sentence or 31787  
judgment imposed. 31788

"Collateral sanction" does not include imprisonment, 31789  
probation, parole, supervised release, forfeiture, restitution, 31790  
fine, assessment, or costs of prosecution. 31791

(2) "Decision-maker" includes, but is not limited to, the 31792  
state acting through a department, agency, board, commission, or 31793  
instrumentality established by the law of this state for the 31794  
exercise of any function of government, a political subdivision, 31795  
an educational institution, or a government contractor or 31796  
subcontractor made subject to this section by contract, law, or 31797  
ordinance. 31798

(3) "Department-funded program" means a residential or 31799  
nonresidential program that is not a term in a state correctional 31800  
institution, that is funded in whole or part by the department of 31801  
rehabilitation and correction, and that is imposed as a sanction 31802

for an offense, as part of a sanction that is imposed for an 31803  
offense, or as a term or condition of any sanction that is imposed 31804  
for an offense. 31805

(4) "Designee" means the person designated by the deputy 31806  
director of the division of parole and community services to 31807  
perform the duties designated in division (B) of this section. 31808

(5) "Division of parole and community services" means the 31809  
division of parole and community services of the department of 31810  
rehabilitation and correction. 31811

(6) "Offense" means any felony or misdemeanor under the laws 31812  
of this state. 31813

(7) "Political subdivision" has the same meaning as in 31814  
section 2969.21 of the Revised Code. 31815

(8) "Discretionary civil impact," "licensing agency," and 31816  
"mandatory civil impact" have the same meanings as in section 31817  
2961.21 of the Revised Code. 31818

~~(B)(1) After the provisions of this division become operative~~ 31819  
~~as described in division (J) of this section, an~~ An individual who 31820  
is subject to one or more collateral sanctions as a result of 31821  
being convicted of or pleading guilty to an offense and who either 31822  
has served a term in a state correctional institution for any 31823  
offense or has spent time in a department-funded program for any 31824  
offense may file a petition with the designee of the deputy 31825  
director of the division of parole and community services for a 31826  
certificate of qualification for employment. 31827

~~(2) After the provisions of this division become operative as~~ 31828  
~~described in division (J) of this section, an~~ An individual who is 31829  
subject to one or more collateral sanctions as a result of being 31830  
convicted of or pleading guilty to an offense and who is not in a 31831  
category described in division (B)(1) of this section may file a 31832  
~~petition with the court of common pleas of the county in which the~~ 31833

~~person resides or with the designee of the deputy director of the~~ 31834  
~~division of parole and community services for a certificate of~~ 31835  
qualification for employment by doing either of the following: 31836

(a) In the case of an individual who resides in this state, 31837  
filing a petition with the court of common pleas of the county in 31838  
which the person resides or with the designee of the deputy 31839  
director of the division of parole and community services; 31840

(b) In the case of an individual who resides outside of this 31841  
state, filing a petition with the court of common pleas of any 31842  
county in which any conviction or plea of guilty from which the 31843  
individual seeks relief was entered or with the designee of the 31844  
deputy director of the division of parole and community services. 31845

(3) A petition under division (B)(1) or (2) of this section 31846  
shall be made on a copy of the form prescribed by the division of 31847  
parole and community services under division (J) of this section 31848  
and shall contain all of the information described in division (F) 31849  
of this section. 31850

(4) ~~An~~ (a) Except as provided in division (B)(4)(b) of this 31851  
section, an individual may file a petition under division (B)(1) 31852  
or (2) of this section at any time after the expiration of 31853  
whichever of the following is applicable: 31854

~~(a)~~(i) If the offense that resulted in the collateral 31855  
sanction from which the individual seeks relief is a felony, at 31856  
any time after the expiration of one year from the date of release 31857  
of the individual from any period of incarceration in a state or 31858  
local correctional facility that was imposed for that offense and 31859  
all periods of supervision imposed after release from the period 31860  
of incarceration or, if the individual was not incarcerated for 31861  
that offense, at any time after the expiration of one year from 31862  
the date of the individual's final release from all other 31863  
sanctions imposed for that offense. 31864

~~(b)(ii)~~ If the offense that resulted in the collateral 31865  
sanction from which the individual seeks relief is a misdemeanor, 31866  
at any time after the expiration of six months from the date of 31867  
release of the individual from any period of incarceration in a 31868  
local correctional facility that was imposed for that offense and 31869  
all periods of supervision imposed after release from the period 31870  
of incarceration or, if the individual was not incarcerated for 31871  
that offense, at any time after the expiration of six months from 31872  
the date of the final release of the individual from all sanctions 31873  
imposed for that offense including any period of supervision. 31874

(b) The department of rehabilitation and correction may 31875  
establish criteria by rule adopted under Chapter 119. of the 31876  
Revised Code that, if satisfied by an individual, would allow the 31877  
individual to file a petition before the expiration of six months 31878  
or one year from the date of final release, whichever is 31879  
applicable under division (B)(4)(a) of this section. 31880

(5)(a) A designee that receives a petition for a 31881  
~~certification~~ certificate of qualification for employment from an 31882  
individual under division (B)(1) or (2) of this section shall 31883  
review the petition to determine whether it is complete. If the 31884  
petition is complete, the designee shall forward the petition, and 31885  
any other information the designee possesses that relates to the 31886  
petition, to the court of common pleas of the county in which the 31887  
individual resides if the individual submitting the petition 31888  
resides in this state or, if the individual resides outside of 31889  
this state, to the court of common pleas of the county in which 31890  
the conviction or plea of guilty from which the individual seeks 31891  
relief was entered. 31892

(b) A court of common pleas that receives a petition for a 31893  
certificate of qualification for employment from an individual 31894  
under division (B)(2) of this section, or that is forwarded a 31895  
petition for such a certificate under division (B)(5)(a) of this 31896

section, shall attempt to determine all other courts in this state 31897  
in which the individual was convicted of or pleaded guilty to an 31898  
offense other than the offense from which the individual is 31899  
seeking relief. The court that receives or is forwarded the 31900  
petition shall notify all other courts in this state that it 31901  
determines under this division were courts in which the individual 31902  
was convicted of or pleaded guilty to an offense other than the 31903  
offense from which the individual is seeking relief that the 31904  
individual has filed the petition and that the court may send 31905  
comments regarding the possible issuance of the certificate. 31906

A court of common pleas that receives a petition for a 31907  
certificate of qualification for employment under division (B)(2) 31908  
of this section shall notify the county's prosecuting attorney ~~of~~ 31909  
~~the county in which the individual resides~~ that the individual has 31910  
filed the petition. 31911

A court of common pleas that receives a petition for a 31912  
certificate of qualification for employment under division (B)(2) 31913  
of this section, or that is forwarded a petition for qualification 31914  
under division (B)(5)(a) of this section may direct the clerk of 31915  
court to process and record all notices required in or under this 31916  
section. 31917

(C)(1) Upon receiving a petition for a certificate of 31918  
qualification for employment filed by an individual under division 31919  
(B)(2) of this section or being forwarded a petition for such a 31920  
certificate under division (B)(5)(a) of this section, the court 31921  
shall review the individual's petition, the individual's criminal 31922  
history, all filings submitted by the prosecutor or by the victim 31923  
in accordance with rules adopted by the division of parole and 31924  
community services, the applicant's military service record, if 31925  
applicable, and whether the applicant has an emotional, mental, or 31926  
physical condition that is traceable to the applicant's military 31927  
service in the armed forces of the United States and that was a 31928

contributing factor in the commission of the offense or offenses, 31929  
and all other relevant evidence. The court may order any report, 31930  
investigation, or disclosure by the individual that the court 31931  
believes is necessary for the court to reach a decision on whether 31932  
to approve the individual's petition for a certificate of 31933  
qualification for employment. 31934

(2) Upon receiving a petition for a certificate of 31935  
qualification for employment filed by an individual under division 31936  
(B)(2) of this section or being forwarded a petition for such a 31937  
certificate under division (B)(5)(a) of this section, except as 31938  
otherwise provided in this division, the court shall decide 31939  
whether to issue the certificate within sixty days after the court 31940  
receives or is forwarded the completed petition and all 31941  
information requested for the court to make that decision. Upon 31942  
request of the individual who filed the petition, the court may 31943  
extend the sixty-day period specified in this division. 31944

(3) Subject to division (C)(5) of this section, a court that 31945  
receives an individual's petition for a certificate of 31946  
qualification for employment under division (B)(2) of this section 31947  
or that is forwarded a petition for such a certificate under 31948  
division (B)(5)(a) of this section may issue a certificate of 31949  
qualification for employment, at the court's discretion, if the 31950  
court finds that the individual has established all of the 31951  
following by a preponderance of the evidence: 31952

(a) Granting the petition will materially assist the 31953  
individual in obtaining employment or occupational licensing. 31954

(b) The individual has a substantial need for the relief 31955  
requested in order to live a law-abiding life. 31956

(c) Granting the petition would not pose an unreasonable risk 31957  
to the safety of the public or any individual. 31958

(4) The submission of an incomplete petition by an individual 31959

shall not be grounds for the designee or court to deny the petition. 31960  
31961

~~(5) A court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section shall not issue a certificate of qualification for employment that grants the individual shall not create relief from any of the following collateral sanctions:~~ 31962  
31963  
31964  
31965  
31966  
31967  
31968

(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code; 31969  
31970  
31971

(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code; 31972  
31973  
31974  
31975  
31976

(c) Restrictions on employment as a prosecutor or law enforcement officer; 31977  
31978

(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code; 31979  
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(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual 31989  
31990

holding a license as a health care professional under Title XLVII 31991  
of the Revised Code pursuant to division (C) of section 3719.121 31992  
of the Revised Code; 31993

(f) The denial or ineligibility for employment in a pain 31994  
clinic under division (B)(4) of section 4729.552 of the Revised 31995  
Code; 31996

(g) The mandatory suspension of a license that is imposed on 31997  
an individual applying for or holding a license as a health care 31998  
professional under Title XLVII of the Revised Code pursuant to 31999  
section 3123.43 of the Revised Code. 32000

(6) If a court that receives an individual's petition for a 32001  
certificate of qualification for employment under division (B)(2) 32002  
of this section or that is forwarded a petition for such a 32003  
certificate under division (B)(5)(a) of this section denies the 32004  
petition, the court shall provide written notice to the individual 32005  
of the court's denial. The court may place conditions on the 32006  
individual regarding the individual's filing of any subsequent 32007  
petition for a certificate of qualification for employment. The 32008  
written notice must notify the individual of any conditions placed 32009  
on the individual's filing of a subsequent petition for a 32010  
certificate of qualification for employment. 32011

If a court of common pleas that receives an individual's 32012  
petition for a certificate of qualification for employment under 32013  
division (B)(2) of this section or that is forwarded a petition 32014  
for such a certificate under division (B)(5)(a) of this section 32015  
denies the petition, the individual may appeal the decision to the 32016  
court of appeals only if the individual alleges that the denial 32017  
was an abuse of discretion on the part of the court of common 32018  
pleas. 32019

(D)(1) A certificate of qualification for employment issued 32020  
to an individual lifts the automatic bar of a collateral sanction, 32021

and a decision-maker shall consider on a case-by-case basis 32022  
whether to grant or deny the issuance or restoration of an 32023  
occupational license or an employment opportunity, notwithstanding 32024  
the individual's possession of the certificate, without, however, 32025  
reconsidering or rejecting any finding made by a designee or court 32026  
under division (C)(3) of this section. 32027

(2) The certificate constitutes a rebuttable presumption that 32028  
the person's criminal convictions are insufficient evidence that 32029  
the person is unfit for the license, employment opportunity, or 32030  
certification in question. Notwithstanding the presumption 32031  
established under this division, the agency may deny the license 32032  
or certification for the person if it determines that the person 32033  
is unfit for issuance of the license. 32034

(3) If an employer that has hired a person who has been 32035  
issued a certificate of qualification for employment applies to a 32036  
licensing agency for a license or certification and the person has 32037  
a conviction or guilty plea that otherwise would bar the person's 32038  
employment with the employer or licensure for the employer because 32039  
of a mandatory civil impact, the agency shall give the person 32040  
individualized consideration, notwithstanding the mandatory civil 32041  
impact, the mandatory civil impact shall be considered for all 32042  
purposes to be a discretionary civil impact, and the certificate 32043  
constitutes a rebuttable presumption that the person's criminal 32044  
convictions are insufficient evidence that the person is unfit for 32045  
the employment, or that the employer is unfit for the license or 32046  
certification, in question. 32047

(E) A certificate of qualification for employment does not 32048  
grant the individual to whom the certificate was issued relief 32049  
from the mandatory civil impacts identified in division (A)(1) of 32050  
section 2961.01 or division (B) of section 2961.02 of the Revised 32051  
Code. 32052

(F) A petition for a certificate of qualification for 32053

employment filed by an individual under division (B)(1) or (2) of 32054  
this section shall include all of the following: 32055

(1) The individual's name, date of birth, and social security 32056  
number; 32057

(2) All aliases of the individual and all social security 32058  
numbers associated with those aliases; 32059

(3) The individual's residence address, including the city, 32060  
county, and state of residence and zip code; 32061

(4) The length of time that the individual has ~~been a~~ 32062  
~~resident of this~~ resided in the individual's current state of 32063  
residence, expressed in years and months of residence; 32064

(5) ~~The name or type of each collateral sanction from which~~ 32065  
~~the individual is requesting a certificate of qualification for~~ 32066  
~~employment~~ A general statement as to why the individual has filed 32067  
the petition and how the certificate of qualification for 32068  
employment would assist the individual; 32069

(6) A summary of the individual's criminal history with 32070  
respect to each offense that is a disqualification from employment 32071  
or licensing in an occupation or profession, including the years 32072  
of each conviction or plea of guilty for each of those offenses; 32073

(7) A summary of the individual's employment history, 32074  
specifying the name of, and dates of employment with, each 32075  
employer; 32076

(8) Verifiable references and endorsements; 32077

(9) The name of one or more immediate family members of the 32078  
individual, or other persons with whom the individual has a close 32079  
relationship, who support the individual's reentry plan; 32080

(10) A summary of the reason the individual believes the 32081  
certificate of qualification for employment should be granted; 32082

(11) Any other information required by rule by the department 32083

of rehabilitation and correction. 32084

(G)(1) In a judicial or administrative proceeding alleging 32085  
negligence or other fault, a certificate of qualification for 32086  
employment issued to an individual under this section may be 32087  
introduced as evidence of a person's due care in hiring, 32088  
retaining, licensing, leasing to, admitting to a school or 32089  
program, or otherwise transacting business or engaging in activity 32090  
with the individual to whom the certificate of qualification for 32091  
employment was issued if the person knew of the certificate at the 32092  
time of the alleged negligence or other fault. 32093

(2) In any proceeding on a claim against an employer for 32094  
negligent hiring, a certificate of qualification for employment 32095  
issued to an individual under this section shall provide immunity 32096  
for the employer as to the claim if the employer knew of the 32097  
certificate at the time of the alleged negligence. 32098

(3) If an employer hires an individual who has been issued a 32099  
certificate of qualification for employment under this section, if 32100  
the individual, after being hired, subsequently demonstrates 32101  
dangerousness or is convicted of or pleads guilty to a felony, and 32102  
if the employer retains the individual as an employee after the 32103  
demonstration of dangerousness or the conviction or guilty plea, 32104  
the employer may be held liable in a civil action that is based on 32105  
or relates to the retention of the individual as an employee only 32106  
if it is proved by a preponderance of the evidence that the person 32107  
having hiring and firing responsibility for the employer had 32108  
actual knowledge that the employee was dangerous or had been 32109  
convicted of or pleaded guilty to the felony and was willful in 32110  
retaining the individual as an employee after the demonstration of 32111  
dangerousness or the conviction or guilty plea of which the person 32112  
has actual knowledge. 32113

(H) A certificate of qualification for employment issued 32114  
under this section shall be ~~presumptively~~ revoked if the 32115

individual to whom the certificate of qualification for employment 32116  
was issued is convicted of or pleads guilty to a felony offense 32117  
committed subsequent to the issuance of the certificate of 32118  
qualification for employment. The department of rehabilitation and 32119  
correction shall periodically review the certificates listed in 32120  
the database described in division (K) of this section to identify 32121  
those that are subject to revocation under this division. Upon 32122  
identifying a certificate of qualification for employment that is 32123  
subject to revocation, the department shall note in the database 32124  
that the certificate has been revoked, the reason for revocation, 32125  
and the effective date of revocation, which shall be the date of 32126  
the conviction or plea of guilty subsequent to the issuance of the 32127  
certificate. 32128

(I) A designee's forwarding, or failure to forward, a 32129  
petition for a certificate of qualification for employment to a 32130  
court or a court's issuance, or failure to issue, a petition for a 32131  
certificate of qualification for employment to an individual under 32132  
division (B) of this section does not give rise to a claim for 32133  
damages against the department of rehabilitation and correction or 32134  
court. 32135

(J) ~~Not later than ninety days after September 28, 2012, the 32136~~  
The division of parole and community services shall adopt rules in 32137  
accordance with Chapter 119. of the Revised Code for the 32138  
implementation and administration of this section and shall 32139  
prescribe the form for the petition to be used under division 32140  
(B)(1) or (2) of this section. The form for the petition shall 32141  
include places for all of the information specified in division 32142  
(F) of this section. ~~Upon the adoption of the rules, the 32143~~  
~~provisions of divisions (A) to (I) of this section become 32144~~  
~~operative.~~ 32145

(K) The department of rehabilitation and correction shall 32146  
~~conduct a study to determine the manner for transferring the 32147~~

~~mechanism for the issuance of a certificate of qualification for 32148  
employment created by this section to an electronic database 32149  
established and maintained by the department. The maintain a 32150  
database to which the mechanism is to be transferred shall include 32151  
that identifies granted certificates and revoked certificates and 32152  
~~shall be designed to track~~ tracks the number of certificates 32153  
granted and revoked, the industries, occupations, and professions 32154  
with respect to which the certificates have been most applicable, 32155  
and the types of employers that have accepted the certificates, 32156  
~~and the recidivism rates of individuals who have been issued the~~ 32157  
~~certificates. Not later than the date that is one year after~~ 32158  
~~September 28, 2012, the~~ The department of rehabilitation and 32159  
correction shall submit to the general assembly and the governor 32160  
annually create a report that ~~contains the results of the study~~ 32161  
~~and recommendations for transferring the mechanism for the~~ 32162  
~~issuance of certificate of qualification for employment created by~~ 32163  
~~this section to an electronic~~ summarizes the information 32164  
maintained in the database established and maintained by the 32165  
department and shall make the report available to the public on 32166  
its internet web site. 32167~~

~~(L) The department of rehabilitation and correction, in 32168  
conjunction with the Ohio judicial conference, shall conduct a 32169  
study to determine whether the application process for 32170  
certificates of qualification for employment created by this 32171  
section is feasible based upon the caseload capacity of the 32172  
department and the courts of common pleas. Not later than the date 32173  
that is one year after September 28, 2012, the department shall 32174  
submit to the general assembly a report that contains the results 32175  
of the study and any recommendations for improvement of the 32176  
application process. 32177~~

**Sec. 2953.32.** (A)(1) Except as provided in section 2953.61 of 32178  
the Revised Code, an eligible offender may apply to the sentencing 32179

court if convicted in this state, or to a court of common pleas if 32180  
convicted in another state or in a federal court, for the sealing 32181  
of the record of the case that pertains to the conviction. 32182  
Application may be made at the expiration of three years after the 32183  
offender's final discharge if convicted of a felony, or at the 32184  
expiration of one year after the offender's final discharge if 32185  
convicted of a misdemeanor. 32186

(2) Any person who has been arrested for any misdemeanor 32187  
offense and who has effected a bail forfeiture for the offense 32188  
charged may apply to the court in which the misdemeanor criminal 32189  
case was pending when bail was forfeited for the sealing of the 32190  
record of the case that pertains to the charge. Except as provided 32191  
in section 2953.61 of the Revised Code, the application may be 32192  
filed at any time after the expiration of one year from the date 32193  
on which the bail forfeiture was entered upon the minutes of the 32194  
court or the journal, whichever entry occurs first. 32195

(B) Upon the filing of an application under this section, the 32196  
court shall set a date for a hearing and shall notify the 32197  
prosecutor for the case of the hearing on the application. The 32198  
prosecutor may object to the granting of the application by filing 32199  
an objection with the court prior to the date set for the hearing. 32200  
The prosecutor shall specify in the objection the reasons for 32201  
believing a denial of the application is justified. The court 32202  
shall direct its regular probation officer, a state probation 32203  
officer, or the department of probation of the county in which the 32204  
applicant resides to make inquiries and written reports as the 32205  
court requires concerning the applicant. The probation officer or 32206  
county department of probation that the court directs to make 32207  
inquiries concerning the applicant shall determine whether or not 32208  
the applicant was fingerprinted at the time of arrest or under 32209  
section 109.60 of the Revised Code. If the applicant was so 32210  
fingerprinted, the probation officer or county department of 32211

probation shall include with the written report a record of the 32212  
applicant's fingerprints. If the applicant was convicted of or 32213  
pleaded guilty to a violation of division (A)(2) or (B) of section 32214  
2919.21 of the Revised Code, the probation officer or county 32215  
department of probation that the court directed to make inquiries 32216  
concerning the applicant shall contact the child support 32217  
enforcement agency enforcing the applicant's obligations under the 32218  
child support order to inquire about the offender's compliance 32219  
with the child support order. 32220

(C)(1) The court shall do each of the following: 32221

(a) Determine whether the applicant is an eligible offender 32222  
or whether the forfeiture of bail was agreed to by the applicant 32223  
and the prosecutor in the case. If the applicant applies as an 32224  
eligible offender pursuant to division (A)(1) of this section and 32225  
has two or three convictions that result from the same indictment, 32226  
information, or complaint, from the same plea of guilty, or from 32227  
the same official proceeding, and result from related criminal 32228  
acts that were committed within a three-month period but do not 32229  
result from the same act or from offenses committed at the same 32230  
time, in making its determination under this division, the court 32231  
initially shall determine whether it is not in the public interest 32232  
for the two or three convictions to be counted as one conviction. 32233  
If the court determines that it is not in the public interest for 32234  
the two or three convictions to be counted as one conviction, the 32235  
court shall determine that the applicant is not an eligible 32236  
offender; if the court does not make that determination, the court 32237  
shall determine that the offender is an eligible offender. 32238

(b) Determine whether criminal proceedings are pending 32239  
against the applicant; 32240

(c) If the applicant is an eligible offender who applies 32241  
pursuant to division (A)(1) of this section, determine whether the 32242  
applicant has been rehabilitated to the satisfaction of the court; 32243

(d) If the prosecutor has filed an objection in accordance 32244  
with division (B) of this section, consider the reasons against 32245  
granting the application specified by the prosecutor in the 32246  
objection; 32247

(e) Weigh the interests of the applicant in having the 32248  
records pertaining to the applicant's conviction or bail 32249  
forfeiture sealed against the legitimate needs, if any, of the 32250  
government to maintain those records. 32251

(2) If the court determines, after complying with division 32252  
(C)(1) of this section, that the applicant is an eligible offender 32253  
or the subject of a bail forfeiture, that no criminal proceeding 32254  
is pending against the applicant, ~~and~~ that the interests of the 32255  
applicant in having the records pertaining to the applicant's 32256  
conviction or bail forfeiture sealed are not outweighed by any 32257  
legitimate governmental needs to maintain those records, and that 32258  
the rehabilitation of an applicant who is an eligible offender 32259  
applying pursuant to division (A)(1) of this section has been 32260  
attained to the satisfaction of the court, the court, except as 32261  
provided in ~~divisions~~ division (C)(4), (G), (H), or (I) of this 32262  
section, shall order all official records of the case that pertain 32263  
to the conviction or bail forfeiture sealed and, except as 32264  
provided in division (F) of this section, all index references to 32265  
the case that pertain to the conviction or bail forfeiture deleted 32266  
and, in the case of bail forfeitures, shall dismiss the charges in 32267  
the case. The proceedings in the case that pertain to the 32268  
conviction or bail forfeiture shall be considered not to have 32269  
occurred and the conviction or bail forfeiture of the person who 32270  
is the subject of the proceedings shall be sealed, except that 32271  
upon conviction of a subsequent offense, the sealed record of 32272  
prior conviction or bail forfeiture may be considered by the court 32273  
in determining the sentence or other appropriate disposition, 32274  
including the relief provided for in sections 2953.31 to 2953.33 32275

of the Revised Code. 32276

(3) An applicant may request the sealing of the records of 32277  
more than one case in a single application under this section. 32278  
Upon the filing of an application under this section, the 32279  
applicant, unless indigent, shall pay a fee of fifty dollars, 32280  
regardless of the number of records the application requests to 32281  
have sealed. The court shall pay thirty dollars of the fee into 32282  
the state treasury. It shall pay twenty dollars of the fee into 32283  
the county general revenue fund if the sealed conviction or bail 32284  
forfeiture was pursuant to a state statute, or into the general 32285  
revenue fund of the municipal corporation involved if the sealed 32286  
conviction or bail forfeiture was pursuant to a municipal 32287  
ordinance. 32288

(4) If the court orders the official records pertaining to 32289  
the case sealed, the court shall do one of the following: 32290

(a) If the applicant was fingerprinted at the time of arrest 32291  
or under section 109.60 of the Revised Code and the record of the 32292  
applicant's fingerprints was provided to the court under division 32293  
(B) of this section, forward a copy of the sealing order and the 32294  
record of the applicant's fingerprints to the bureau of criminal 32295  
identification and investigation. 32296

(b) If the applicant was not fingerprinted at the time of 32297  
arrest or under section 109.60 of the Revised Code, or the record 32298  
of the applicant's fingerprints was not provided to the court 32299  
under division (B) of this section, but fingerprinting was 32300  
required for the offense, order the applicant to appear before a 32301  
sheriff to have the applicant's fingerprints taken according to 32302  
the fingerprint system of identification on the forms furnished by 32303  
the superintendent of the bureau of criminal identification and 32304  
investigation. The sheriff shall forward the applicant's 32305  
fingerprints to the court. The court shall forward the applicant's 32306  
fingerprints and a copy of the sealing order to the bureau of 32307

criminal identification and investigation. 32308

Failure of the court to order fingerprints at the time of 32309  
sealing does not constitute a reversible error. 32310

(5) At the time an applicant files an application under 32311  
division (A) of this section, the following shall apply: 32312

(a) The clerk of court shall notify the applicant in writing 32313  
that the court will send notice of any order under division (C)(2) 32314  
of this section to the qualified third party selected by the 32315  
attorney general under section 109.38 of the Revised Code and 32316  
shall inform the applicant of the procedures under section 109.381 32317  
of the Revised Code. 32318

(b) The applicant shall then notify the clerk if the 32319  
applicant wishes to opt out of receiving the benefits of having 32320  
the court send notice of its order under division (C)(2) of this 32321  
section to the qualified third party and having the procedures 32322  
under section 109.381 of the Revised Code apply to the records 32323  
that are subject to the order. 32324

(c) If the applicant does not opt out under division 32325  
(C)(5)(b) of this section, the applicant shall pay to the clerk of 32326  
court the fee provided in the contract between the attorney 32327  
general and the qualified third party under division (D)(2)(b) of 32328  
section 109.38 of the Revised Code. 32329

(6)(a) Upon the issuance of an order under division (C)(2) of 32330  
this section, and unless the applicant opts out under division 32331  
(C)(5)(b) of this section, the clerk shall remit the fee paid by 32332  
the applicant under division (C)(5)(c) of this section to the 32333  
qualified third party. The court shall send notice of the order 32334  
under division (C)(2) of this section to the qualified third 32335  
party. 32336

(b) If the applicant's application under division (A) of this 32337  
section is denied for any reason or if the applicant informs the 32338

clerk of court in writing, before the issuance of the order under 32339  
division (C)(2) of this section, that the applicant wishes to opt 32340  
out of having the court send notice of its order under division 32341  
(C)(2) of this section to the qualified third party, the clerk 32342  
shall remit the fee paid by the applicant under division (C)(5)(c) 32343  
of this section that is intended for the qualified third party 32344  
back to the applicant. 32345

(D) Inspection of the sealed records included in the order 32346  
may be made only by the following persons or for the following 32347  
purposes: 32348

(1) By a law enforcement officer or prosecutor, or the 32349  
assistants of either, to determine whether the nature and 32350  
character of the offense with which a person is to be charged 32351  
would be affected by virtue of the person's previously having been 32352  
convicted of a crime; 32353

(2) By the parole or probation officer of the person who is 32354  
the subject of the records, for the exclusive use of the officer 32355  
in supervising the person while on parole or under a community 32356  
control sanction or a post-release control sanction, and in making 32357  
inquiries and written reports as requested by the court or adult 32358  
parole authority; 32359

(3) Upon application by the person who is the subject of the 32360  
records, by the persons named in the application; 32361

(4) By a law enforcement officer who was involved in the 32362  
case, for use in the officer's defense of a civil action arising 32363  
out of the officer's involvement in that case; 32364

(5) By a prosecuting attorney or the prosecuting attorney's 32365  
assistants, to determine a defendant's eligibility to enter a 32366  
pre-trial diversion program established pursuant to section 32367  
2935.36 of the Revised Code; 32368

(6) By any law enforcement agency or any authorized employee 32369

of a law enforcement agency or by the department of rehabilitation 32370  
and correction or department of youth services as part of a 32371  
background investigation of a person who applies for employment 32372  
with the agency or with the department; 32373

(7) By any law enforcement agency or any authorized employee 32374  
of a law enforcement agency, for the purposes set forth in, and in 32375  
the manner provided in, section 2953.321 of the Revised Code; 32376

(8) By the bureau of criminal identification and 32377  
investigation or any authorized employee of the bureau for the 32378  
purpose of providing information to a board or person pursuant to 32379  
division (F) or (G) of section 109.57 of the Revised Code; 32380

(9) By the bureau of criminal identification and 32381  
investigation or any authorized employee of the bureau for the 32382  
purpose of performing a criminal history records check on a person 32383  
to whom a certificate as prescribed in section 109.77 of the 32384  
Revised Code is to be awarded; 32385

(10) By the bureau of criminal identification and 32386  
investigation or any authorized employee of the bureau for the 32387  
purpose of conducting a criminal records check of an individual 32388  
pursuant to division (B) of section 109.572 of the Revised Code 32389  
that was requested pursuant to any of the sections identified in 32390  
division (B)(1) of that section; 32391

(11) By the bureau of criminal identification and 32392  
investigation, an authorized employee of the bureau, a sheriff, or 32393  
an authorized employee of a sheriff in connection with a criminal 32394  
records check described in section 311.41 of the Revised Code; 32395

(12) By the attorney general or an authorized employee of the 32396  
attorney general or a court for purposes of determining a person's 32397  
classification pursuant to Chapter 2950. of the Revised Code; 32398

(13) By a court, the registrar of motor vehicles, a 32399  
prosecuting attorney or the prosecuting attorney's assistants, or 32400

a law enforcement officer for the purpose of assessing points 32401  
against a person under section 4510.036 of the Revised Code or for 32402  
taking action with regard to points assessed. 32403

When the nature and character of the offense with which a 32404  
person is to be charged would be affected by the information, it 32405  
may be used for the purpose of charging the person with an 32406  
offense. 32407

(E) In any criminal proceeding, proof of any otherwise 32408  
admissible prior conviction may be introduced and proved, 32409  
notwithstanding the fact that for any such prior conviction an 32410  
order of sealing previously was issued pursuant to sections 32411  
2953.31 to 2953.36 of the Revised Code. 32412

(F) The person or governmental agency, office, or department 32413  
that maintains sealed records pertaining to convictions or bail 32414  
forfeitures that have been sealed pursuant to this section may 32415  
maintain a manual or computerized index to the sealed records. The 32416  
index shall contain only the name of, and alphanumeric identifiers 32417  
that relate to, the persons who are the subject of the sealed 32418  
records, the word "sealed," and the name of the person, agency, 32419  
office, or department that has custody of the sealed records, and 32420  
shall not contain the name of the crime committed. The index shall 32421  
be made available by the person who has custody of the sealed 32422  
records only for the purposes set forth in divisions (C), (D), and 32423  
(E) of this section. 32424

(G) Notwithstanding any provision of this section or section 32425  
2953.33 of the Revised Code that requires otherwise, a board of 32426  
education of a city, local, exempted village, or joint vocational 32427  
school district that maintains records of an individual who has 32428  
been permanently excluded under sections 3301.121 and 3313.662 of 32429  
the Revised Code is permitted to maintain records regarding a 32430  
conviction that was used as the basis for the individual's 32431  
permanent exclusion, regardless of a court order to seal the 32432

record. An order issued under this section to seal the record of a conviction does not revoke the adjudication order of the superintendent of public instruction to permanently exclude the individual who is the subject of the sealing order. An order issued under this section to seal the record of a conviction of an individual may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed conviction records of an individual that were the basis of a permanent exclusion of the individual is subject to section 2953.35 of the Revised Code.

(H) For purposes of sections 2953.31 to 2953.36 of the Revised Code, DNA records collected in the DNA database and fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation shall not be sealed unless the superintendent receives a certified copy of a final court order establishing that the offender's conviction has been overturned. For purposes of this section, a court order is not "final" if time remains for an appeal or application for discretionary review with respect to the order.

(I) The sealing of a record under this section does not affect the assessment of points under section 4510.036 of the Revised Code and does not erase points assessed against a person as a result of the sealed record.

**Sec. 2953.37.** (A) As used in this section:

(1) "Expunge" means to destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.

(2) "Official records" has the same meaning as in section 2953.51 of the Revised Code. 32464  
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(3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code. 32466  
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(4) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense. 32468  
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(B) Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and who is authorized by division (H)(2)(a) of that section to file an application under this section for the expungement of the conviction record may apply to the sentencing court for the expungement of the record of conviction. The person may file the application at any time on or after September 30, 2011. The application shall do all of the following: 32470  
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(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of or plea of guilty to that offense, and the court in which the conviction occurred or the plea of guilty was entered; 32480  
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(2) Include evidence that the offense was a violation of division (B), (C), or (E) of section 2923.16 of the Revised Code as the division existed prior to September 30, 2011, and that the applicant is authorized by division (H)(2)(a) of that section to file an application under this section; 32484  
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(3) Include a request for expungement of the record of conviction of that offense under this section. 32489  
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(C) Upon the filing of an application under division (B) of this section and the payment of the fee described in division (D)(3) of this section if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the 32491  
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hearing on the application. The prosecutor may object to the 32495  
granting of the application by filing an objection with the court 32496  
prior to the date set for the hearing. The prosecutor shall 32497  
specify in the objection the reasons for believing a denial of the 32498  
application is justified. The court shall direct its regular 32499  
probation officer, a state probation officer, or the department of 32500  
probation of the county in which the applicant resides to make 32501  
inquiries and written reports as the court requires concerning the 32502  
applicant. The court shall hold the hearing scheduled under this 32503  
division. 32504

(D)(1) At the hearing held under division (C) of this 32505  
section, the court shall do each of the following: 32506

(a) Determine whether the applicant has been convicted of or 32507  
pleaded guilty to a violation of division (E) of section 2923.16 32508  
of the Revised Code as the division existed prior to September 30, 32509  
2011, and whether the conduct that was the basis of the violation 32510  
no longer would be a violation of that division on or after 32511  
September 30, 2011; 32512

(b) Determine whether the applicant has been convicted of or 32513  
pleaded guilty to a violation of division (B) or (C) of section 32514  
2923.16 of the Revised Code as the division existed prior to 32515  
September 30, 2011, and whether the conduct that was the basis of 32516  
the violation no longer would be a violation of that division on 32517  
or after September 30, 2011, due to the application of division 32518  
(F)(5) of that section as it exists on and after September 30, 32519  
2011; 32520

(c) If the prosecutor has filed an objection in accordance 32521  
with division (C) of this section, consider the reasons against 32522  
granting the application specified by the prosecutor in the 32523  
objection; 32524

(d) Weigh the interests of the applicant in having the 32525

records pertaining to the applicant's conviction or guilty plea 32526  
expunged against the legitimate needs, if any, of the government 32527  
to maintain those records. 32528

(2)(a) The court may order the expungement of all official 32529  
records pertaining to the case and the deletion of all index 32530  
references to the case and, if it does order the expungement, 32531  
shall send notice of the order to each public office or agency 32532  
that the court has reason to believe may have an official record 32533  
pertaining to the case if the court, after complying with division 32534  
(D)(1) of this section, determines both of the following: 32535

(i) That the applicant has been convicted of or pleaded 32536  
guilty to a violation of division (E) of section 2923.16 of the 32537  
Revised Code as it existed prior to September 30, 2011, and the 32538  
conduct that was the basis of the violation no longer would be a 32539  
violation of that division on or after September 30, 2011, or that 32540  
the applicant has been convicted of or pleaded guilty to a 32541  
violation of division (B) or (C) of section 2923.16 of the Revised 32542  
Code as the division existed prior to September 30, 2011, and the 32543  
conduct that was the basis of the violation no longer would be a 32544  
violation of that division on or after September 30, 2011, due to 32545  
the application of division (F)(5) of that section as it exists on 32546  
and after September 30, 2011; 32547

(ii) That the interests of the applicant in having the 32548  
records pertaining to the applicant's conviction or guilty plea 32549  
expunged are not outweighed by any legitimate needs of the 32550  
government to maintain those records. 32551

(b) The proceedings in the case that is the subject of an 32552  
order issued under division (D)(2)(a) of this section shall be 32553  
considered not to have occurred and the conviction or guilty plea 32554  
of the person who is the subject of the proceedings shall be 32555  
expunged. The record of the conviction shall not be used for any 32556  
purpose, including, but not limited to, a criminal records check 32557

under section 109.572 of the Revised Code or a determination under 32558  
section 2923.125 or 2923.1212 of the Revised Code of eligibility 32559  
for a concealed handgun license. The applicant may, and the court 32560  
shall, reply that no record exists with respect to the applicant 32561  
upon any inquiry into the matter. 32562

(3) Upon the filing of an application under this section, the 32563  
applicant, unless indigent, shall pay a fee of fifty dollars. The 32564  
court shall pay thirty dollars of the fee into the state treasury 32565  
and shall pay twenty dollars of the fee into the county general 32566  
revenue fund. 32567

(4) At the time an applicant files an application under 32568  
division (B) of this section, the following shall apply: 32569

(a) The clerk of court shall notify the applicant in writing 32570  
that the court will send notice of any order under division 32571  
(D)(2)(a) of this section to the qualified third party selected by 32572  
the attorney general under section 109.38 of the Revised Code and 32573  
shall inform the applicant of the procedures under section 109.381 32574  
of the Revised Code. 32575

(b) The applicant shall then notify the clerk if the 32576  
applicant wishes to opt out of receiving the benefits of having 32577  
the court send notice of its order under division (D)(2)(a) of 32578  
this section to the qualified third party and having the 32579  
procedures under section 109.381 of the Revised Code apply to the 32580  
records that are subject to the order. 32581

(c) If the applicant does not opt out under division 32582  
(D)(4)(b) of this section, the applicant shall pay to the clerk of 32583  
court the fee provided in the contract between the attorney 32584  
general and the qualified third party under division (D)(2)(b) of 32585  
section 109.38 of the Revised Code. 32586

(5)(a) Upon issuance of an order under division (D)(2)(a) of 32587  
this section, and unless the applicant opts out under division 32588

(D)(4)(b) of this section, the clerk shall remit the fee paid by the applicant under division (D)(4)(c) of this section to the qualified third party. The court shall send notice of the order under division (D)(2)(a) of this section to the qualified third party. 32589  
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(b) If the applicant's application under division (B) of this section is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (D)(2)(a) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (D)(2)(a) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (D)(4)(c) of this section that is intended for the qualified third party back to the applicant. 32594  
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**Sec. 2953.38.** (A) As used in this section: 32603

(1) "Expunge" means to destroy, delete, or erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable. 32604  
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(2) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code. 32607  
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(3) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense. 32609  
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(4) "Victim of human trafficking" means a person who is or was a victim of a violation of section 2905.32 of the Revised Code, regardless of whether anyone has been convicted of a violation of that section or of any other section for victimizing the person. 32611  
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(B) Any person who is or was convicted of a violation of section 2907.24, 2907.241, or 2907.25 of the Revised Code may apply to the sentencing court for the expungement of the record of 32616  
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conviction if the person's participation in the offense was a result of the person having been a victim of human trafficking. The person may file the application at any time. The application shall do all of the following:

(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of that offense, and the court in which the conviction occurred;

(2) Describe the evidence and provide copies of any documentation showing that the person is entitled to relief under this section;

(3) Include a request for expungement of the record of conviction of that offense under this section.

(C) The court may deny an application made under division (B) of this section if it finds that the application fails to assert grounds on which relief may be granted.

(D) If the court does not deny an application under division (C) of this section, it shall set a date for a hearing and shall notify the prosecutor for the case from which the record of conviction resulted of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court may direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant.

(E) At the hearing held under division (D) of this section, the court shall do both of the following:

(1) If the prosecutor has filed an objection, consider the reasons against granting the application specified by the

prosecutor in the objection; 32650

(2) Determine whether the applicant has demonstrated by a 32651  
preponderance of the evidence that the applicant's participation 32652  
in the offense was a result of having been a victim of human 32653  
trafficking. 32654

(F) If after a hearing the court finds that the applicant has 32655  
demonstrated by a preponderance of the evidence that the 32656  
applicant's participation in the offense that is the subject of 32657  
the application was the result of the applicant having been a 32658  
victim of human trafficking, the court shall grant the application 32659  
and order that the record of conviction be expunged. 32660

(G)(1) The court shall send notice of the order of 32661  
expungement to each public office or agency that the court has 32662  
reason to believe may have an official record pertaining to the 32663  
case if the court, after complying with division (E) of this 32664  
section, determines both of the following: 32665

(a) That the applicant has been convicted of a violation of 32666  
section 2907.24, 2907.241, or 2907.25 of the Revised Code; 32667

(b) That the interests of the applicant in having the records 32668  
pertaining to the applicant's conviction expunged are not 32669  
outweighed by any legitimate needs of the government to maintain 32670  
those records. 32671

(2) The proceedings in the case that is the subject of an 32672  
order issued under division (F) of this section shall be 32673  
considered not to have occurred and the conviction of the person 32674  
who is the subject of the proceedings shall be expunged. The 32675  
record of the conviction shall not be used for any purpose, 32676  
including, but not limited to, a criminal records check under 32677  
section 109.572 of the Revised Code. The applicant may, and the 32678  
court shall, reply that no record exists with respect to the 32679  
applicant upon any inquiry into the matter. 32680

(H) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury and shall pay twenty dollars of the fee into the county general revenue fund.

(I) At the time an applicant files an application under division (B) of this section, the following shall apply:

(1) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (F) of this section to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code.

(2) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (F) of this section to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order.

(3) If the applicant does not opt out under division (I)(2) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (D)(2)(b) of section 109.38 of the Revised Code.

(J)(1) Upon the issuance of an order under division (F) of this section, and unless the applicant opts out under division (I)(2) of this section, the clerk shall remit the fee paid by the applicant under division (I)(3) of this section to the qualified third party. The court shall send notice of the order under division (F) of this section to the qualified third party.

(2) If the applicant's application under division (B) of this

section is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (F) of this section, that the applicant wishes to opt out of having the court send notice of its order under division (F) of this section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (I)(3) of this section that is intended for the qualified third party back to the applicant.

**Sec. 2953.53.** (A)(1) The court shall send notice of any order to seal official records issued pursuant to division (B)(3) of section 2953.52 of the Revised Code to the bureau of criminal identification and investigation and shall send notice of any order issued pursuant to division (B)(4) of that section to any public office or agency that the court knows or has reason to believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2)(a) At the time an applicant files an application under division (A) of section 2953.52 of the Revised Code, the following shall apply:

(i) The clerk of court shall notify the applicant in writing that the court will send notice of any order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party selected by the attorney general under section 109.38 of the Revised Code and shall inform the applicant of the procedures under section 109.381 of the Revised Code.

(ii) The applicant shall then notify the clerk if the applicant wishes to opt out of receiving the benefits of having the court send notice of its order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order.

(iii) If the applicant does not opt out under division (A)(2)(a)(ii) of this section, the applicant shall pay to the clerk of court the fee provided in the contract between the attorney general and the qualified third party under division (D)(2)(b) of section 109.38 of the Revised Code. 32743  
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(b) Upon the issuance of an order under division (B)(4) of section 2953.52 of the Revised Code, and unless the applicant opts out under division (A)(2)(a)(ii) of this section, the clerk shall remit the fee paid by the applicant under division (A)(2)(a)(iii) of this section to the qualified third party. The court shall send notice of the order under division (B)(4) of section 2953.52 of the Revised Code to the qualified third party. 32748  
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(c) If the applicant's application under division (A) of section 2953.52 of the Revised Code is denied for any reason or if the applicant informs the clerk of court in writing, before the issuance of the order under division (B)(4) of that section, that the applicant wishes to opt out of having the court send notice of its order under division (B)(4) of that section to the qualified third party, the clerk shall remit the fee paid by the applicant under division (A)(2)(a)(iii) of this section that is intended for the qualified third party back to the applicant. 32755  
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(B) A person whose official records have been sealed pursuant to an order issued pursuant to section 2953.52 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order. 32764  
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(C) An order to seal official records issued pursuant to section 2953.52 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal the official records or receives a copy of the order to seal the official records pursuant 32769  
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to division (A) or (B) of this section. 32775

(D) Upon receiving a copy of an order to seal official 32776  
records pursuant to division (A) or (B) of this section or upon 32777  
otherwise becoming aware of an applicable order to seal official 32778  
records issued pursuant to section 2953.52 of the Revised Code, a 32779  
public office or agency shall comply with the order and, if 32780  
applicable, with the provisions of section 2953.54 of the Revised 32781  
Code, except that it may maintain a record of the case that is the 32782  
subject of the order if the record is maintained for the purpose 32783  
of compiling statistical data only and does not contain any 32784  
reference to the person who is the subject of the case and the 32785  
order. 32786

A public office or agency also may maintain an index of 32787  
sealed official records, in a form similar to that for sealed 32788  
records of conviction as set forth in division (F) of section 32789  
2953.32 of the Revised Code, access to which may not be afforded 32790  
to any person other than the person who has custody of the sealed 32791  
official records. The sealed official records to which such an 32792  
index pertains shall not be available to any person, except that 32793  
the official records of a case that have been sealed may be made 32794  
available to the following persons for the following purposes: 32795

(1) To the person who is the subject of the records upon 32796  
written application, and to any other person named in the 32797  
application, for any purpose; 32798

(2) To a law enforcement officer who was involved in the 32799  
case, for use in the officer's defense of a civil action arising 32800  
out of the officer's involvement in that case; 32801

(3) To a prosecuting attorney or the prosecuting attorney's 32802  
assistants to determine a defendant's eligibility to enter a 32803  
pre-trial diversion program established pursuant to section 32804  
2935.36 of the Revised Code; 32805

(4) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program under division (E)(2)(b) of section 4301.69 of the Revised Code.

Sec. 2967.122. (A) Except as provided in division (B) of this section, at least two weeks before any offender who is serving a sentence for a felony is released from confinement in any state correctional institution, the adult parole authority shall provide notice of the release to the sheriff of the county in which the offender was convicted and to the sheriff of the county in which the offender will reside. Notice required by this section may be contained in a weekly list of all offenders who are scheduled for release.

(B)(1) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for an offender or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to an offender, the adult parole authority shall provide notice to the sheriff of the county in which the offender was convicted and the county in which the offender will reside.

(2) At least sixty days before an offender is transferred to transitional control under section 2967.26 of the Revised Code, the adult parole authority shall provide notice of the pendency of the transfer to the sheriff of the county in which the offender was convicted and the county in which the offender will reside.

(C) The notice required by divisions (A) and (B) of this section shall contain all of the following:

(1) The name of the offender being released;

(2) The date of the offender's release;

(3) The offense for the violation of which the offender was

<u>convicted and incarcerated;</u>	32836
<u>(4) The date of the offender's conviction pursuant to which the offender was incarcerated;</u>	32837
<u>(5) The sentence imposed for that conviction;</u>	32838
<u>(6) The length of any supervision that the offender will be under;</u>	32839
<u>(7) The name, business address, and business phone number of the offender's supervising officer, if the offender is to be supervised upon release;</u>	32840
<u>(8) The address at which the convict will reside.</u>	32841
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	32842
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	32843
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	32844
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	32845
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	32846
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	32847
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	32848
<u>(D) This section does not apply to the release from confinement of an offender if, upon admission to the state correctional institution, the offender has less than fourteen days to serve on the sentence.</u>	32849
<b>Sec. 2967.193.</b> (A)(1) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A) <del>(2)</del> (3) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D)(1), (2), (3), (4), or (5) of this section in which the person is included, toward satisfaction of the person's stated prison term for each completed month during which the person, if confined in a state correctional institution, productively participates in an education program, vocational training, employment in prison industries, treatment for substance abuse, or any other constructive program developed by the department with specific standards for performance by prisoners or during which the person, if placed in the substance use disorder treatment program, productively participates in the program. Except as provided in	32850
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division (C) of this section and subject to the maximum aggregate 32866  
total specified in division (A)~~(2)~~(3) of this section, a person so 32867  
confined in a state correctional institution who successfully 32868  
completes two programs or activities of that type may, in 32869  
addition, provisionally earn up to five days of credit toward 32870  
satisfaction of the person's stated prison term for the successful 32871  
completion of the second program or activity. The person shall not 32872  
be awarded any provisional days of credit for the successful 32873  
completion of the first program or activity or for the successful 32874  
completion of any program or activity that is completed after the 32875  
second program or activity. At the end of each calendar month in 32876  
which a person productively participates in a program or activity 32877  
listed in this division or successfully completes a program or 32878  
activity listed in this division, the department of rehabilitation 32879  
and correction shall determine and record the total number of days 32880  
credit that the person provisionally earned in that calendar 32881  
month. If the person in a state correctional institution violates 32882  
prison rules or the person in the substance use disorder treatment 32883  
program violates program or department rules, the department may 32884  
deny the person a credit that otherwise could have been 32885  
provisionally awarded to the person or may withdraw one or more 32886  
credits previously provisionally earned by the person. Days of 32887  
credit provisionally earned by a person shall be finalized and 32888  
awarded by the department subject to administrative review by the 32889  
department of the person's conduct. 32890

(2) The Unless a person is serving a mandatory prison term or 32891  
a prison term for an offense of violence or a sexually oriented 32892  
offense, and notwithstanding the maximum aggregate total specified 32893  
in division (A)(3) of this section, a person who successfully 32894  
completes any of the following shall earn ninety days of credit 32895  
toward satisfaction of the person's stated prison term or a ten 32896  
per cent reduction of the person's stated prison term, whichever 32897  
is less: 32898

<u>(a) An Ohio high school diploma or Ohio certificate of high school equivalence certified by the Ohio central school system;</u>	32899
	32900
<u>(b) A therapeutic drug community program;</u>	32901
<u>(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;</u>	32902
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<u>(d) A career technical vocational school program;</u>	32904
<u>(e) A college certification program;</u>	32905
<u>(f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code.</u>	32906
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<u>(3) Except for persons described in division (A)(2) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.</u>	32909
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(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.	32916
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(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under	32926
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division (A) of this section: 32929

(1) The person is serving a prison term that section 2929.13 32930  
or section 2929.14 of the Revised Code specifies cannot be reduced 32931  
pursuant to this section or this chapter or is serving a sentence 32932  
for which section 2967.13 or division (B) of section 2929.143 of 32933  
the Revised Code specifies that the person is not entitled to any 32934  
earned credit under this section. 32935

(2) The person is sentenced to death or is serving a prison 32936  
term or a term of life imprisonment for aggravated murder, murder, 32937  
or a conspiracy or attempt to commit, or complicity in committing, 32938  
aggravated murder or murder. 32939

(3) The person is serving a sentence of life imprisonment 32940  
without parole imposed pursuant to section 2929.03 or 2929.06 of 32941  
the Revised Code, a prison term or a term of life imprisonment 32942  
without parole imposed pursuant to section 2971.03 of the Revised 32943  
Code, or a sentence for a sexually oriented offense that was 32944  
committed on or after September 30, 2011. 32945

(D) This division does not apply to a determination of 32946  
whether a person confined in a state correctional institution or 32947  
placed in a substance use disorder treatment program may earn any 32948  
days of credit under division (A) of this section for successful 32949  
completion of a second program or activity. The determination of 32950  
whether a person confined in a state correctional institution may 32951  
earn one day of credit or five days of credit under division (A) 32952  
of this section for each completed month during which the person 32953  
productively participates in a program or activity specified under 32954  
that division shall be made in accordance with the following: 32955

(1) The offender may earn one day of credit under division 32956  
(A) of this section, except as provided in division (C) of this 32957  
section, if the most serious offense for which the offender is 32958  
confined is any of the following that is a felony of the first or 32959

second degree:	32960
(a) A violation of division (A) of section 2903.04 or of	32961
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25,	32962
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29,	32963
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22,	32964
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24	32965
of the Revised Code;	32966
(b) A conspiracy or attempt to commit, or complicity in	32967
committing, any other offense for which the maximum penalty is	32968
imprisonment for life or any offense listed in division (D)(1)(a)	32969
of this section.	32970
(2) The offender may earn one day of credit under division	32971
(A) of this section, except as provided in division (C) of this	32972
section, if the offender is serving a stated prison term that	32973
includes a prison term imposed for a sexually oriented offense	32974
that the offender committed prior to September 30, 2011.	32975
(3) The offender may earn one day of credit under division	32976
(A) of this section, except as provided in division (C) of this	32977
section, if the offender is serving a stated prison term that	32978
includes a prison term imposed for a felony other than carrying a	32979
concealed weapon an essential element of which is any conduct or	32980
failure to act expressly involving any deadly weapon or dangerous	32981
ordnance.	32982
(4) Except as provided in division (C) of this section, if	32983
the most serious offense for which the offender is confined is a	32984
felony of the first or second degree and divisions (D)(1), (2),	32985
and (3) of this section do not apply to the offender, the offender	32986
may earn one day of credit under division (A) of this section if	32987
the offender committed that offense prior to September 30, 2011,	32988
and the offender may earn five days of credit under division (A)	32989
of this section if the offender committed that offense on or after	32990

September 30, 2011. 32991

(5) Except as provided in division (C) of this section, if 32992  
the most serious offense for which the offender is confined is a 32993  
felony of the third, fourth, or fifth degree or an unclassified 32994  
felony and neither division (D)(2) nor (3) of this section applies 32995  
to the offender, the offender may earn one day of credit under 32996  
division (A) of this section if the offender committed that 32997  
offense prior to September 30, 2011, and the offender may earn 32998  
five days of credit under division (A) of this section if the 32999  
offender committed that offense on or after September 30, 2011. 33000

(E) The department annually shall seek and consider the 33001  
written feedback of the Ohio prosecuting attorneys association, 33002  
the Ohio judicial conference, the Ohio public defender, the Ohio 33003  
association of criminal defense lawyers, and other organizations 33004  
and associations that have an interest in the operation of the 33005  
corrections system and the earned credits program under this 33006  
section as part of its evaluation of the program and in 33007  
determining whether to modify the program. 33008

(F) As used in this section: 33009

(1) "Sexually oriented offense" has the same meaning as in 33010  
section 2950.01 of the Revised Code. 33011

(2) "Substance use disorder treatment program" means the 33012  
substance use disorder treatment program established by the 33013  
department of rehabilitation and correction under section 5120.035 33014  
of the Revised Code. 33015

**Sec. 3109.15.** There is hereby created within the department 33016  
of job and family services the children's trust fund board 33017  
consisting of fifteen members. The directors of mental health and 33018  
addiction services, health, and job and family services shall be 33019  
members of the board. Eight public members shall be appointed by 33020

the governor. These members shall be persons with demonstrated 33021  
knowledge in programs for children, shall be representative of the 33022  
demographic composition of this state, and, to the extent 33023  
practicable, shall be representative of the following categories: 33024  
the educational community; the legal community; the social work 33025  
community; the medical community; the voluntary sector; and 33026  
professional providers of child abuse and child neglect services. 33027  
~~Five of these members shall be residents of metropolitan 33028~~  
~~statistical areas as defined by the United States office of 33029~~  
~~management and budget where the population exceeds four hundred 33030~~  
~~thousand; no two such members shall be residents of the same 33031~~  
~~metropolitan statistical area.~~ Two members of the board shall be 33032  
members of the house of representatives appointed by the speaker 33033  
of the house of representatives and shall be members of two 33034  
different political parties. Two members of the board shall be 33035  
members of the senate appointed by the president of the senate and 33036  
shall be members of two different political parties. All members 33037  
of the board appointed by the speaker of the house of 33038  
representatives or the president of the senate shall serve until 33039  
the expiration of the sessions of the general assembly during 33040  
which they were appointed. They may be reappointed to an unlimited 33041  
number of successive terms of two years at the pleasure of the 33042  
speaker of the house of representatives or president of the 33043  
senate. Public members shall serve terms of three years. Each 33044  
member shall serve until the member's successor is appointed, or 33045  
until a period of sixty days has elapsed, whichever occurs first. 33046  
No public member may serve more than two consecutive full terms. 33047  
All vacancies on the board shall be filled for the balance of the 33048  
unexpired term in the same manner as the original appointment. 33049

Any member of the board may be removed by the member's 33050  
appointing authority for misconduct, incompetency, or neglect of 33051  
duty after first being given the opportunity to be heard in the 33052  
member's own behalf. Pursuant to section 3.17 of the Revised Code, 33053

a member, except a member of the general assembly or a judge of 33054  
any court in the state, who fails to attend at least three-fifths 33055  
of the regular and special meetings held by the board during any 33056  
two-year period forfeits the member's position on the board. 33057

Each member of the board shall serve without compensation but 33058  
shall be reimbursed for all actual and necessary expenses incurred 33059  
in the performance of official duties. 33060

At the beginning of the first year of each even-numbered 33061  
general assembly, the chairperson of the board shall be appointed 33062  
by the speaker of the house of representatives from among members 33063  
of the board who are members of the house of representatives. At 33064  
the beginning of the first year of each odd-numbered general 33065  
assembly, the chairperson of the board shall be appointed by the 33066  
president of the senate from among the members of the board who 33067  
are senate members. 33068

The board shall biennially select a vice-chair from among its 33069  
nonlegislative members. 33070

**Sec. 3111.04.** (A)(1) Except as provided in division (A)(2) of 33071  
this section, an action to determine the existence or nonexistence 33072  
of the father and child relationship may be brought by the child 33073  
or the child's personal representative, the child's mother or her 33074  
personal representative, a man alleged or alleging himself to be 33075  
the child's father, the child support enforcement agency of the 33076  
county in which the child resides if the child's mother, father, 33077  
or alleged father is a recipient of public assistance or of 33078  
services under Title IV-D of the "Social Security Act," 88 Stat. 33079  
2351 (1975), 42 U.S.C.A. 651, as amended, or the alleged father's 33080  
personal representative. 33081

(2) A man alleged or alleging himself to be the child's 33082  
father is not eligible to file an action under division (A)(1) of 33083  
this section if the man was convicted of or pleaded guilty to rape 33084

or sexual battery, the victim of the rape or sexual battery was 33085  
the child's mother, and the child was conceived as a result of the 33086  
rape or sexual battery. 33087

(B) An agreement does not bar an action under this section. 33088

(C) If an action under this section is brought before the 33089  
birth of the child and if the action is contested, all 33090  
proceedings, except service of process and the taking of 33091  
depositions to perpetuate testimony, may be stayed until after the 33092  
birth. 33093

(D) A recipient of public assistance or of services under 33094  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 33095  
U.S.C.A. 651, as amended, shall cooperate with the child support 33096  
enforcement agency of the county in which a child resides to 33097  
obtain an administrative determination pursuant to sections 33098  
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 33099  
determination pursuant to sections 3111.01 to 3111.18 of the 33100  
Revised Code, of the existence or nonexistence of a parent and 33101  
child relationship between the father and the child. If the 33102  
recipient fails to cooperate, the agency may commence an action to 33103  
determine the existence or nonexistence of a parent and child 33104  
relationship between the father and the child pursuant to sections 33105  
3111.01 to 3111.18 of the Revised Code. 33106

(E) As used in this section: 33107

(1) "Public assistance" means ~~all~~ both of the following: 33108

(a) Medicaid; 33109

(b) Ohio works first under Chapter 5107. of the Revised Code; 33110

~~(c) Disability financial assistance under Chapter 5115. of 33111  
the Revised Code. 33112~~

(2) "Rape" means a violation of section 2907.02 of the 33113  
Revised Code or similar law of another state. 33114

(3) "Sexual battery" means a violation of section 2907.03 of 33115  
the Revised Code or similar law of another state. 33116

**Sec. 3113.06.** No father, or mother when she is charged with 33117  
the maintenance, of a child under eighteen years of age, or a 33118  
mentally or physically handicapped child under age twenty-one, who 33119  
is legally a ward of a public children services agency or is the 33120  
recipient of aid pursuant to Chapter 5107. ~~or 5115.~~ of the Revised 33121  
Code, shall neglect or refuse to pay such agency the reasonable 33122  
cost of maintaining such child when such father or mother is able 33123  
to do so by reason of property, labor, or earnings. 33124

An offense under this section shall be held committed in the 33125  
county in which the agency is located. The agency shall file 33126  
charges against any parent who violates this section, unless the 33127  
agency files charges under section 2919.21 of the Revised Code, or 33128  
unless charges of nonsupport are filed by a relative or guardian 33129  
of the child, or unless an action to enforce support is brought 33130  
under Chapter 3115. of the Revised Code. 33131

**Sec. 3113.07.** As used in this section, "executive director" 33132  
has the same meaning as in section 5153.01 of the Revised Code. 33133

Sentence may be suspended, if a person, after conviction 33134  
under section 3113.06 of the Revised Code and before sentence 33135  
thereunder, appears before the court of common pleas in which such 33136  
conviction took place and enters into bond to the state in a sum 33137  
fixed by the court at not less than five hundred dollars, with 33138  
sureties approved by such court, conditioned that such person will 33139  
pay, so long as the child remains a ward of the public children 33140  
services agency or a recipient of aid pursuant to Chapter 5107. ~~or~~ 33141  
~~5115.~~ of the Revised Code, to the executive director thereof or to 33142  
a trustee to be named by the court, for the benefit of such agency 33143  
or if the child is a recipient of aid pursuant to Chapter 5107. ~~or~~ 33144

~~5115.~~ of the Revised Code, to the county department of job and 33145  
family services, the reasonable cost of keeping such child. The 33146  
amount of such costs and the time of payment shall be fixed by the 33147  
court. 33148

The court, in accordance with sections 3119.29 to 3119.56 of 33149  
the Revised Code, shall include in each support order made under 33150  
this section the requirement that one or both of the parents 33151  
provide for the health care needs of the child to the satisfaction 33152  
of the court. 33153

**Sec. 3113.31.** (A) As used in this section: 33154

(1) "Domestic violence" means the occurrence of one or more 33155  
of the following acts against a family or household member: 33156

(a) Attempting to cause or recklessly causing bodily injury; 33157

(b) Placing another person by the threat of force in fear of 33158  
imminent serious physical harm or committing a violation of 33159  
section 2903.211 or 2911.211 of the Revised Code; 33160

(c) Committing any act with respect to a child that would 33161  
result in the child being an abused child, as defined in section 33162  
2151.031 of the Revised Code; 33163

(d) Committing a sexually oriented offense. 33164

(2) "Court" means the domestic relations division of the 33165  
court of common pleas in counties that have a domestic relations 33166  
division and the court of common pleas in counties that do not 33167  
have a domestic relations division, or the juvenile division of 33168  
the court of common pleas of the county in which the person to be 33169  
protected by a protection order issued or a consent agreement 33170  
approved under this section resides if the respondent is less than 33171  
eighteen years of age. 33172

(3) "Family or household member" means any of the following: 33173

(a) Any of the following who is residing with or has resided with the respondent:	33174 33175
(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	33176 33177
(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	33178 33179 33180
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	33181 33182 33183 33184
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	33185 33186
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	33187 33188 33189 33190 33191 33192
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	33193 33194
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	33195 33196
(7) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	33197 33198
<u>(8) "Expunge" has the same meaning as in section 2903.213 of the Revised Code.</u>	33199 33200
(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or	33201 33202 33203

household to avoid further domestic violence. 33204

(C) A person may seek relief under this section on the 33205  
person's own behalf, or any parent or adult household member may 33206  
seek relief under this section on behalf of any other family or 33207  
household member, by filing a petition with the court. The 33208  
petition shall contain or state: 33209

(1) An allegation that the respondent engaged in domestic 33210  
violence against a family or household member of the respondent, 33211  
including a description of the nature and extent of the domestic 33212  
violence; 33213

(2) The relationship of the respondent to the petitioner, and 33214  
to the victim if other than the petitioner; 33215

(3) A request for relief under this section. 33216

(D)(1) If a person who files a petition pursuant to this 33217  
section requests an ex parte order, the court shall hold an ex 33218  
parte hearing on the same day that the petition is filed. The 33219  
court, for good cause shown at the ex parte hearing, may enter any 33220  
temporary orders, with or without bond, including, but not limited 33221  
to, an order described in division (E)(1)(a), (b), or (c) of this 33222  
section, that the court finds necessary to protect the family or 33223  
household member from domestic violence. Immediate and present 33224  
danger of domestic violence to the family or household member 33225  
constitutes good cause for purposes of this section. Immediate and 33226  
present danger includes, but is not limited to, situations in 33227  
which the respondent has threatened the family or household member 33228  
with bodily harm, in which the respondent has threatened the 33229  
family or household member with a sexually oriented offense, or in 33230  
which the respondent previously has been convicted of, pleaded 33231  
guilty to, or been adjudicated a delinquent child for an offense 33232  
that constitutes domestic violence against the family or household 33233  
member. 33234

(2)(a) If the court, after an ex parte hearing, issues an order described in division (E)(1)(b) or (c) of this section, the court shall schedule a full hearing for a date that is within seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after

an ex parte hearing, the court shall proceed as in a normal civil 33266  
action and grant a full hearing on the matter. 33267

(E)(1) After an ex parte or full hearing, the court may grant 33268  
any protection order, with or without bond, or approve any consent 33269  
agreement to bring about a cessation of domestic violence against 33270  
the family or household members. The order or agreement may: 33271

(a) Direct the respondent to refrain from abusing or from 33272  
committing sexually oriented offenses against the family or 33273  
household members; 33274

(b) Grant possession of the residence or household to the 33275  
petitioner or other family or household member, to the exclusion 33276  
of the respondent, by evicting the respondent, when the residence 33277  
or household is owned or leased solely by the petitioner or other 33278  
family or household member, or by ordering the respondent to 33279  
vacate the premises, when the residence or household is jointly 33280  
owned or leased by the respondent, and the petitioner or other 33281  
family or household member; 33282

(c) When the respondent has a duty to support the petitioner 33283  
or other family or household member living in the residence or 33284  
household and the respondent is the sole owner or lessee of the 33285  
residence or household, grant possession of the residence or 33286  
household to the petitioner or other family or household member, 33287  
to the exclusion of the respondent, by ordering the respondent to 33288  
vacate the premises, or, in the case of a consent agreement, allow 33289  
the respondent to provide suitable, alternative housing; 33290

(d) Temporarily allocate parental rights and responsibilities 33291  
for the care of, or establish temporary parenting time rights with 33292  
regard to, minor children, if no other court has determined, or is 33293  
determining, the allocation of parental rights and 33294  
responsibilities for the minor children or parenting time rights; 33295

(e) Require the respondent to maintain support, if the 33296

respondent customarily provides for or contributes to the support 33297  
of the family or household member, or if the respondent has a duty 33298  
to support the petitioner or family or household member; 33299

(f) Require the respondent, petitioner, victim of domestic 33300  
violence, or any combination of those persons, to seek counseling; 33301

(g) Require the respondent to refrain from entering the 33302  
residence, school, business, or place of employment of the 33303  
petitioner or family or household member; 33304

(h) Grant other relief that the court considers equitable and 33305  
fair, including, but not limited to, ordering the respondent to 33306  
permit the use of a motor vehicle by the petitioner or other 33307  
family or household member and the apportionment of household and 33308  
family personal property; 33309

(i) Require that the respondent not remove, damage, hide, 33310  
harm, or dispose of any companion animal owned or possessed by the 33311  
petitioner; 33312

(j) Authorize the petitioner to remove a companion animal 33313  
owned by the petitioner from the possession of the respondent; 33314

(k) Require a wireless service transfer in accordance with 33315  
sections 3113.45 to 3113.459 of the Revised Code. 33316

(2) If a protection order has been issued pursuant to this 33317  
section in a prior action involving the respondent and the 33318  
petitioner or one or more of the family or household members or 33319  
victims, the court may include in a protection order that it 33320  
issues a prohibition against the respondent returning to the 33321  
residence or household. If it includes a prohibition against the 33322  
respondent returning to the residence or household in the order, 33323  
it also shall include in the order provisions of the type 33324  
described in division (E)(7) of this section. This division does 33325  
not preclude the court from including in a protection order or 33326  
consent agreement, in circumstances other than those described in 33327

this division, a requirement that the respondent be evicted from 33328  
or vacate the residence or household or refrain from entering the 33329  
residence, school, business, or place of employment of the 33330  
petitioner or a family or household member, and, if the court 33331  
includes any requirement of that type in an order or agreement, 33332  
the court also shall include in the order provisions of the type 33333  
described in division (E)(7) of this section. 33334

(3)(a) Any protection order issued or consent agreement 33335  
approved under this section shall be valid until a date certain, 33336  
but not later than five years from the date of its issuance or 33337  
approval, or not later than the date a respondent who is less than 33338  
eighteen years of age attains nineteen years of age, unless 33339  
modified or terminated as provided in division (E)(8) of this 33340  
section. 33341

(b) Subject to the limitation on the duration of an order or 33342  
agreement set forth in division (E)(3)(a) of this section, any 33343  
order under division (E)(1)(d) of this section shall terminate on 33344  
the date that a court in an action for divorce, dissolution of 33345  
marriage, or legal separation brought by the petitioner or 33346  
respondent issues an order allocating parental rights and 33347  
responsibilities for the care of children or on the date that a 33348  
juvenile court in an action brought by the petitioner or 33349  
respondent issues an order awarding legal custody of minor 33350  
children. Subject to the limitation on the duration of an order or 33351  
agreement set forth in division (E)(3)(a) of this section, any 33352  
order under division (E)(1)(e) of this section shall terminate on 33353  
the date that a court in an action for divorce, dissolution of 33354  
marriage, or legal separation brought by the petitioner or 33355  
respondent issues a support order or on the date that a juvenile 33356  
court in an action brought by the petitioner or respondent issues 33357  
a support order. 33358

(c) Any protection order issued or consent agreement approved 33359

pursuant to this section may be renewed in the same manner as the 33360  
original order or agreement was issued or approved. 33361

(4) A court may not issue a protection order that requires a 33362  
petitioner to do or to refrain from doing an act that the court 33363  
may require a respondent to do or to refrain from doing under 33364  
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 33365  
section unless all of the following apply: 33366

(a) The respondent files a separate petition for a protection 33367  
order in accordance with this section. 33368

(b) The petitioner is served notice of the respondent's 33369  
petition at least forty-eight hours before the court holds a 33370  
hearing with respect to the respondent's petition, or the 33371  
petitioner waives the right to receive this notice. 33372

(c) If the petitioner has requested an ex parte order 33373  
pursuant to division (D) of this section, the court does not delay 33374  
any hearing required by that division beyond the time specified in 33375  
that division in order to consolidate the hearing with a hearing 33376  
on the petition filed by the respondent. 33377

(d) After a full hearing at which the respondent presents 33378  
evidence in support of the request for a protection order and the 33379  
petitioner is afforded an opportunity to defend against that 33380  
evidence, the court determines that the petitioner has committed 33381  
an act of domestic violence or has violated a temporary protection 33382  
order issued pursuant to section 2919.26 of the Revised Code, that 33383  
both the petitioner and the respondent acted primarily as 33384  
aggressors, and that neither the petitioner nor the respondent 33385  
acted primarily in self-defense. 33386

(5) No protection order issued or consent agreement approved 33387  
under this section shall in any manner affect title to any real 33388  
property. 33389

(6)(a) If a petitioner, or the child of a petitioner, who 33390

obtains a protection order or consent agreement pursuant to 33391  
division (E)(1) of this section or a temporary protection order 33392  
pursuant to section 2919.26 of the Revised Code and is the subject 33393  
of a parenting time order issued pursuant to section 3109.051 or 33394  
3109.12 of the Revised Code or a visitation or companionship order 33395  
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 33396  
Revised Code or division (E)(1)(d) of this section granting 33397  
parenting time rights to the respondent, the court may require the 33398  
public children services agency of the county in which the court 33399  
is located to provide supervision of the respondent's exercise of 33400  
parenting time or visitation or companionship rights with respect 33401  
to the child for a period not to exceed nine months, if the court 33402  
makes the following findings of fact: 33403

(i) The child is in danger from the respondent; 33404

(ii) No other person or agency is available to provide the 33405  
supervision. 33406

(b) A court that requires an agency to provide supervision 33407  
pursuant to division (E)(6)(a) of this section shall order the 33408  
respondent to reimburse the agency for the cost of providing the 33409  
supervision, if it determines that the respondent has sufficient 33410  
income or resources to pay that cost. 33411

(7)(a) If a protection order issued or consent agreement 33412  
approved under this section includes a requirement that the 33413  
respondent be evicted from or vacate the residence or household or 33414  
refrain from entering the residence, school, business, or place of 33415  
employment of the petitioner or a family or household member, the 33416  
order or agreement shall state clearly that the order or agreement 33417  
cannot be waived or nullified by an invitation to the respondent 33418  
from the petitioner or other family or household member to enter 33419  
the residence, school, business, or place of employment or by the 33420  
respondent's entry into one of those places otherwise upon the 33421  
consent of the petitioner or other family or household member. 33422

(b) Division (E)(7)(a) of this section does not limit any 33423  
discretion of a court to determine that a respondent charged with 33424  
a violation of section 2919.27 of the Revised Code, with a 33425  
violation of a municipal ordinance substantially equivalent to 33426  
that section, or with contempt of court, which charge is based on 33427  
an alleged violation of a protection order issued or consent 33428  
agreement approved under this section, did not commit the 33429  
violation or was not in contempt of court. 33430

(8)(a) The court may modify or terminate as provided in 33431  
division (E)(8) of this section a protection order or consent 33432  
agreement that was issued after a full hearing under this section. 33433  
The court that issued the protection order or approved the consent 33434  
agreement shall hear a motion for modification or termination of 33435  
the protection order or consent agreement pursuant to division 33436  
(E)(8) of this section. 33437

(b) Either the petitioner or the respondent of the original 33438  
protection order or consent agreement may bring a motion for 33439  
modification or termination of a protection order or consent 33440  
agreement that was issued or approved after a full hearing. The 33441  
court shall require notice of the motion to be made as provided by 33442  
the Rules of Civil Procedure. If the petitioner for the original 33443  
protection order or consent agreement has requested that the 33444  
petitioner's address be kept confidential, the court shall not 33445  
disclose the address to the respondent of the original protection 33446  
order or consent agreement or any other person, except as 33447  
otherwise required by law. The moving party has the burden of 33448  
proof to show, by a preponderance of the evidence, that 33449  
modification or termination of the protection order or consent 33450  
agreement is appropriate because either the protection order or 33451  
consent agreement is no longer needed or because the terms of the 33452  
original protection order or consent agreement are no longer 33453  
appropriate. 33454

(c) In considering whether to modify or terminate a protection order or consent agreement issued or approved under this section, the court shall consider all relevant factors, including, but not limited to, the following:	33455 33456 33457 33458
(i) Whether the petitioner consents to modification or termination of the protection order or consent agreement;	33459 33460
(ii) Whether the petitioner fears the respondent;	33461
(iii) The current nature of the relationship between the petitioner and the respondent;	33462 33463
(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together;	33464 33465 33466 33467
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	33468 33469
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	33470 33471
(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;	33472 33473 33474 33475
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	33476 33477 33478 33479 33480
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	33481 33482 33483 33484

(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	33485 33486
(xi) The age and health of the respondent;	33487
(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties.	33488 33489 33490 33491
(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any county other than the county in which the order or agreement is modified or terminated as provided in division (N) of this section.	33492 33493 33494 33495 33496 33497 33498 33499 33500
(e) If the respondent moves for modification or termination of a protection order or consent agreement pursuant to this section and the court denies the motion, the court may assess costs against the respondent for the filing of the motion.	33501 33502 33503 33504
(9) Any protection order issued or any consent agreement approved pursuant to this section shall include a provision that the court will automatically seal all of the records of the proceeding in which the order is issued or agreement approved on the date the respondent attains the age of nineteen years unless the petitioner provides the court with evidence that the respondent has not complied with all of the terms of the protection order or consent agreement. The protection order or consent agreement shall specify the date when the respondent attains the age of nineteen years.	33505 33506 33507 33508 33509 33510 33511 33512 33513 33514
(F)(1) A copy of any protection order, or consent agreement,	33515

that is issued, approved, modified, or terminated under this 33516  
section shall be issued by the court to the petitioner, to the 33517  
respondent, and to all law enforcement agencies that have 33518  
jurisdiction to enforce the order or agreement. The court shall 33519  
direct that a copy of an order be delivered to the respondent on 33520  
the same day that the order is entered. 33521

(2) Upon the issuance of a protection order or the approval 33522  
of a consent agreement under this section, the court shall provide 33523  
the parties to the order or agreement with the following notice 33524  
orally or by form: 33525

"NOTICE 33526

As a result of this order or consent agreement, it may be 33527  
unlawful for you to possess or purchase a firearm, including a 33528  
rifle, pistol, or revolver, or ammunition pursuant to federal law 33529  
under 18 U.S.C. 922(g)(8). If you have any questions whether this 33530  
law makes it illegal for you to possess or purchase a firearm or 33531  
ammunition, you should consult an attorney." 33532

(3) All law enforcement agencies shall establish and maintain 33533  
an index for the protection orders and the approved consent 33534  
agreements delivered to the agencies pursuant to division (F)(1) 33535  
of this section. With respect to each order and consent agreement 33536  
delivered, each agency shall note on the index the date and time 33537  
that it received the order or consent agreement. 33538

(4) Regardless of whether the petitioner has registered the 33539  
order or agreement in the county in which the officer's agency has 33540  
jurisdiction pursuant to division (N) of this section, any officer 33541  
of a law enforcement agency shall enforce a protection order 33542  
issued or consent agreement approved by any court in this state in 33543  
accordance with the provisions of the order or agreement, 33544  
including removing the respondent from the premises, if 33545  
appropriate. 33546

(G)(1) Any proceeding under this section shall be conducted 33547  
in accordance with the Rules of Civil Procedure, except that an 33548  
order under this section may be obtained with or without bond. An 33549  
order issued under this section, other than an ex parte order, 33550  
that grants a protection order or approves a consent agreement, 33551  
that refuses to grant a protection order or approve a consent 33552  
agreement that modifies or terminates a protection order or 33553  
consent agreement, or that refuses to modify or terminate a 33554  
protection order or consent agreement, is a final, appealable 33555  
order. The remedies and procedures provided in this section are in 33556  
addition to, and not in lieu of, any other available civil or 33557  
criminal remedies. 33558

(2) If as provided in division (G)(1) of this section an 33559  
order issued under this section, other than an ex parte order, 33560  
refuses to grant a protection order, the court, on its own motion, 33561  
shall order that the ex parte order issued under this section and 33562  
all of the records pertaining to that ex parte order be expunged 33563  
after either of the following occurs: 33564

(a) The period of the notice of appeal from the order that 33565  
refuses to grant a protection order has expired. 33566

(b) The order that refuses to grant the protection order is 33567  
appealed and an appellate court to which the last appeal of that 33568  
order is taken affirms the order. 33569

(H) The filing of proceedings under this section does not 33570  
excuse a person from filing any report or giving any notice 33571  
required by section 2151.421 of the Revised Code or by any other 33572  
law. When a petition under this section alleges domestic violence 33573  
against minor children, the court shall report the fact, or cause 33574  
reports to be made, to a county, township, or municipal peace 33575  
officer under section 2151.421 of the Revised Code. 33576

(I) Any law enforcement agency that investigates a domestic 33577

dispute shall provide information to the family or household 33578  
members involved regarding the relief available under this section 33579  
and section 2919.26 of the Revised Code. 33580

(J)(1) Subject to divisions (E)(8)(e) and (J)(2) of this 33581  
section and regardless of whether a protection order is issued or 33582  
a consent agreement is approved by a court of another county or a 33583  
court of another state, no court or unit of state or local 33584  
government shall charge the petitioner any fee, cost, deposit, or 33585  
money in connection with the filing of a petition pursuant to this 33586  
section or in connection with the filing, issuance, registration, 33587  
modification, enforcement, dismissal, withdrawal, or service of a 33588  
protection order, consent agreement, or witness subpoena or for 33589  
obtaining a certified copy of a protection order or consent 33590  
agreement. 33591

(2) Regardless of whether a protection order is issued or a 33592  
consent agreement is approved pursuant to this section, the court 33593  
may assess costs against the respondent in connection with the 33594  
filing, issuance, registration, modification, enforcement, 33595  
dismissal, withdrawal, or service of a protection order, consent 33596  
agreement, or witness subpoena or for obtaining a certified copy 33597  
of a protection order or consent agreement. 33598

(K)(1) The court shall comply with Chapters 3119., 3121., 33599  
3123., and 3125. of the Revised Code when it makes or modifies an 33600  
order for child support under this section. 33601

(2) If any person required to pay child support under an 33602  
order made under this section on or after April 15, 1985, or 33603  
modified under this section on or after December 31, 1986, is 33604  
found in contempt of court for failure to make support payments 33605  
under the order, the court that makes the finding, in addition to 33606  
any other penalty or remedy imposed, shall assess all court costs 33607  
arising out of the contempt proceeding against the person and 33608  
require the person to pay any reasonable attorney's fees of any 33609

adverse party, as determined by the court, that arose in relation 33610  
to the act of contempt. 33611

(L)(1) A person who violates a protection order issued or a 33612  
consent agreement approved under this section is subject to the 33613  
following sanctions: 33614

(a) Criminal prosecution or a delinquent child proceeding for 33615  
a violation of section 2919.27 of the Revised Code, if the 33616  
violation of the protection order or consent agreement constitutes 33617  
a violation of that section; 33618

(b) Punishment for contempt of court. 33619

(2) The punishment of a person for contempt of court for 33620  
violation of a protection order issued or a consent agreement 33621  
approved under this section does not bar criminal prosecution of 33622  
the person or a delinquent child proceeding concerning the person 33623  
for a violation of section 2919.27 of the Revised Code. However, a 33624  
person punished for contempt of court is entitled to credit for 33625  
the punishment imposed upon conviction of or adjudication as a 33626  
delinquent child for a violation of that section, and a person 33627  
convicted of or adjudicated a delinquent child for a violation of 33628  
that section shall not subsequently be punished for contempt of 33629  
court arising out of the same activity. 33630

(M) In all stages of a proceeding under this section, a 33631  
petitioner may be accompanied by a victim advocate. 33632

(N)(1) A petitioner who obtains a protection order or consent 33633  
agreement under this section or a temporary protection order under 33634  
section 2919.26 of the Revised Code may provide notice of the 33635  
issuance or approval of the order or agreement to the judicial and 33636  
law enforcement officials in any county other than the county in 33637  
which the order is issued or the agreement is approved by 33638  
registering that order or agreement in the other county pursuant 33639  
to division (N)(2) of this section and filing a copy of the 33640

registered order or registered agreement with a law enforcement 33641  
agency in the other county in accordance with that division. A 33642  
person who obtains a protection order issued by a court of another 33643  
state may provide notice of the issuance of the order to the 33644  
judicial and law enforcement officials in any county of this state 33645  
by registering the order in that county pursuant to section 33646  
2919.272 of the Revised Code and filing a copy of the registered 33647  
order with a law enforcement agency in that county. 33648

(2) A petitioner may register a temporary protection order, 33649  
protection order, or consent agreement in a county other than the 33650  
county in which the court that issued the order or approved the 33651  
agreement is located in the following manner: 33652

(a) The petitioner shall obtain a certified copy of the order 33653  
or agreement from the clerk of the court that issued the order or 33654  
approved the agreement and present that certified copy to the 33655  
clerk of the court of common pleas or the clerk of a municipal 33656  
court or county court in the county in which the order or 33657  
agreement is to be registered. 33658

(b) Upon accepting the certified copy of the order or 33659  
agreement for registration, the clerk of the court of common 33660  
pleas, municipal court, or county court shall place an endorsement 33661  
of registration on the order or agreement and give the petitioner 33662  
a copy of the order or agreement that bears that proof of 33663  
registration. 33664

(3) The clerk of each court of common pleas, the clerk of 33665  
each municipal court, and the clerk of each county court shall 33666  
maintain a registry of certified copies of temporary protection 33667  
orders, protection orders, or consent agreements that have been 33668  
issued or approved by courts in other counties and that have been 33669  
registered with the clerk. 33670

(0) Nothing in this section prohibits the domestic relations 33671

division of a court of common pleas in counties that have a 33672  
domestic relations division or a court of common pleas in counties 33673  
that do not have a domestic relations division from designating a 33674  
minor child as a protected party on a protection order or consent 33675  
agreement. 33676

**Sec. 3119.05.** When a court computes the amount of child 33677  
support required to be paid under a court child support order or a 33678  
child support enforcement agency computes the amount of child 33679  
support to be paid pursuant to an administrative child support 33680  
order, all of the following apply: 33681

(A) The parents' current and past income and personal 33682  
earnings shall be verified by electronic means or with suitable 33683  
documents, including, but not limited to, paystubs, employer 33684  
statements, receipts and expense vouchers related to 33685  
self-generated income, tax returns, and all supporting 33686  
documentation and schedules for the tax returns. 33687

(B) The amount of any pre-existing child support obligation 33688  
of a parent under a child support order and the amount of any 33689  
court-ordered spousal support actually paid shall be deducted from 33690  
the gross income of that parent to the extent that payment under 33691  
the child support order or that payment of the court-ordered 33692  
spousal support is verified by supporting documentation. 33693

(C) If other minor children who were born to the parent and a 33694  
person other than the other parent who is involved in the 33695  
immediate child support determination live with the parent, the 33696  
court or agency shall deduct an amount from that parent's gross 33697  
income that equals the number of such minor children times the 33698  
federal income tax exemption for such children less child support 33699  
received for them for the year, not exceeding the federal income 33700  
tax exemption. 33701

(D) When the court or agency calculates the gross income of a 33702

parent, it shall include the lesser of the following as income 33703  
from overtime and bonuses: 33704

(1) The yearly average of all overtime, commissions, and 33705  
bonuses received during the three years immediately prior to the 33706  
time when the person's child support obligation is being computed; 33707

(2) The total overtime, commissions, and bonuses received 33708  
during the year immediately prior to the time when the person's 33709  
child support obligation is being computed. 33710

(E) When the court or agency calculates the gross income of a 33711  
parent, it shall not include any income earned by the spouse of 33712  
that parent. 33713

(F) The court shall issue a separate order for extraordinary 33714  
medical or dental expenses, including, but not limited to, 33715  
orthodontia, psychological, appropriate private education, and 33716  
other expenses, and may consider the expenses in adjusting a child 33717  
support order. 33718

(G) When a court or agency calculates the amount of child 33719  
support to be paid pursuant to a court child support order or an 33720  
administrative child support order, if the combined gross income 33721  
of both parents is an amount that is between two amounts set forth 33722  
in the first column of the schedule, the court or agency may use 33723  
the basic child support obligation that corresponds to the higher 33724  
of the two amounts in the first column of the schedule, use the 33725  
basic child support obligation that corresponds to the lower of 33726  
the two amounts in the first column of the schedule, or calculate 33727  
a basic child support obligation that is between those two amounts 33728  
and corresponds proportionally to the parents' actual combined 33729  
gross income. 33730

(H) When the court or agency calculates gross income, the 33731  
court or agency, when appropriate, may average income over a 33732  
reasonable period of years. 33733

(I) Unless it would be unjust or inappropriate and therefore 33734  
not in the best interests of the child, a court or agency shall 33735  
not determine a parent to be voluntarily unemployed or 33736  
underemployed and shall not impute income to that parent if either 33737  
of the following conditions exist: 33738

(1) The parent is receiving recurring monetary income from 33739  
means-tested public assistance benefits, including cash assistance 33740  
payments under the Ohio works first program established under 33741  
Chapter 5107. of the Revised Code, ~~financial assistance under the~~ 33742  
~~disability financial assistance program established under Chapter~~ 33743  
~~5115. of the Revised Code,~~ supplemental security income, or 33744  
means-tested veterans' benefits; 33745

(2) The parent is incarcerated or institutionalized for a 33746  
period of twelve months or more with no other available assets, 33747  
unless the parent is incarcerated for an offense relating to the 33748  
abuse or neglect of a child who is the subject of the support 33749  
order or an offense under Title XXIX of the Revised Code when the 33750  
obligee or a child who is the subject of the support order is a 33751  
victim of the offense. 33752

(J) When a court or agency requires a parent to pay an amount 33753  
for that parent's failure to support a child for a period of time 33754  
prior to the date the court modifies or issues a court child 33755  
support order or an agency modifies or issues an administrative 33756  
child support order for the current support of the child, the 33757  
court or agency shall calculate that amount using the basic child 33758  
support schedule, worksheets, and child support laws in effect, 33759  
and the incomes of the parents as they existed, for that prior 33760  
period of time. 33761

(K) A court or agency may disregard a parent's additional 33762  
income from overtime or additional employment when the court or 33763  
agency finds that the additional income was generated primarily to 33764  
support a new or additional family member or members, or under 33765

other appropriate circumstances. 33766

(L) If both parents involved in the immediate child support 33767  
determination have a prior order for support relative to a minor 33768  
child or children born to both parents, the court or agency shall 33769  
collect information about the existing order or orders and 33770  
consider those together with the current calculation for support 33771  
to ensure that the total of all orders for all children of the 33772  
parties does not exceed the amount that would have been ordered if 33773  
all children were addressed in a single judicial or administrative 33774  
proceeding. 33775

**Sec. 3121.03.** If a court or child support enforcement agency 33776  
that issued or modified a support order, or the agency 33777  
administering the support order, is required by the Revised Code 33778  
to issue one or more withholding or deduction notices described in 33779  
this section or other orders described in this section, the court 33780  
or agency shall issue one or more of the following types of 33781  
notices or orders, as appropriate, for payment of the support and 33782  
also, if required by the Revised Code or the court, to pay any 33783  
arrearages: 33784

(A)(1) If the court or the child support enforcement agency 33785  
determines that the obligor is receiving income from a payor, the 33786  
court or agency shall require the payor to do all of the 33787  
following: 33788

(a) Withhold from the obligor's income a specified amount for 33789  
support in satisfaction of the support order and begin the 33790  
withholding no later than fourteen business days following the 33791  
date the notice is mailed or transmitted to the payor under 33792  
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 33793  
division (A)(2) of this section or, if the payor is an employer, 33794  
no later than the first pay period that occurs after fourteen 33795  
business days following the date the notice is mailed or 33796

transmitted; 33797

(b) Send the amount withheld to the office of child support 33798  
in the department of job and family services pursuant to section 33799  
3121.43 of the Revised Code immediately but not later than seven 33800  
business days after the date the obligor is paid; 33801

(c) Continue the withholding at intervals specified in the 33802  
notice until further notice from the court or child support 33803  
enforcement agency. 33804

To the extent possible, the amount specified to be withheld 33805  
shall satisfy the amount ordered for support in the support order 33806  
plus any arrearages owed by the obligor under any prior support 33807  
order that pertained to the same child or spouse, notwithstanding 33808  
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 33809  
2716.041, and 2716.05 of the Revised Code. However, in no case 33810  
shall the sum of the amount to be withheld and any fee withheld by 33811  
the payor as a charge for its services exceed the maximum amount 33812  
permitted under section 303(b) of the "Consumer Credit Protection 33813  
Act," 15 U.S.C. 1673(b). 33814

(2) A court or agency that imposes an income withholding 33815  
requirement shall, within the applicable time specified in section 33816  
3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised 33817  
Code, send to the obligor's payor by regular mail or via secure 33818  
federally managed data transmission interface a notice that 33819  
contains all of the information applicable to withholding notices 33820  
set forth in section 3121.037 of the Revised Code. The notice is 33821  
final and is enforceable by the court. 33822

(B)(1) If the court or child support enforcement agency 33823  
determines that the obligor has funds that are not exempt under 33824  
the laws of this state or the United States from execution, 33825  
attachment, or other legal process and are on deposit in an 33826  
account in a financial institution under the jurisdiction of the 33827

court that issued the court support order, or in the case of an administrative child support order, under the jurisdiction of the common pleas court of the county in which the agency that issued or is administering the order is located, the court or agency may require any financial institution in which the obligor's funds are on deposit to do all of the following:

(a) Deduct from the obligor's account a specified amount for support in satisfaction of the support order and begin the deduction no later than fourteen business days following the date the notice was mailed or transmitted to the financial institution under section 3121.035 or 3123.06 of the Revised Code and division (B)(2) of this section;

(b) Send the amount deducted to the office of child support in the department of job and family services pursuant to section 3121.43 of the Revised Code immediately but not later than seven business days after the date the latest deduction was made;

(c) Provide the date on which the amount was deducted;

(d) Continue the deduction at intervals specified in the notice until further notice from the court or child support enforcement agency.

To the extent possible, the amount to be deducted shall satisfy the amount ordered for support in the support order plus any arrearages that may be owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding the limitations of sections 2329.66, 2329.70, and 2716.13 of the Revised Code.

(2) A court or agency that imposes a deduction requirement shall, within the applicable period of time specified in section 3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send to the financial institution by regular mail or via secure federally managed data transmission interface a notice that

contains all of the information applicable to deduction notices 33859  
set forth in section 3121.037 of the Revised Code. The notice is 33860  
final and is enforceable by the court. 33861

(C) With respect to any court support order it issues, a 33862  
court may issue an order requiring the obligor to enter into a 33863  
cash bond with the court. The court shall issue the order as part 33864  
of the court support order or, if the court support order has 33865  
previously been issued, as a separate order. The cash bond shall 33866  
be in a sum fixed by the court at not less than five hundred nor 33867  
more than ten thousand dollars, conditioned that the obligor will 33868  
make payment as previously ordered and will pay any arrearages 33869  
under any prior court support order that pertained to the same 33870  
child or spouse. 33871

The order, along with an additional order requiring the 33872  
obligor to immediately notify the child support enforcement 33873  
agency, in writing, if the obligor begins to receive income from a 33874  
payor, shall be attached to and served on the obligor at the same 33875  
time as service of the court support order or, if the court 33876  
support order has previously been issued, as soon as possible 33877  
after the issuance of the order under this section. The additional 33878  
order requiring notice by the obligor shall state all of the 33879  
following: 33880

(1) That when the obligor begins to receive income from a 33881  
payor the obligor may request that the court cancel its bond order 33882  
and instead issue a notice requiring the withholding of an amount 33883  
from income for support in accordance with this section; 33884

(2) That when the obligor begins to receive income from a 33885  
payor the court will proceed to collect on the bond if the court 33886  
determines that payments due under the court support order have 33887  
not been made and that the amount that has not been paid is at 33888  
least equal to the support owed for one month under the court 33889  
support order and will issue a notice requiring the withholding of 33890

an amount from income for support in accordance with this section. 33891  
The notice required of the obligor shall include a description of 33892  
the nature of any new employment, the name and business address of 33893  
any new employer, and any other information reasonably required by 33894  
the court. 33895

The court shall not order an obligor to post a cash bond 33896  
under this section unless the court determines that the obligor 33897  
has the ability to do so. 33898

A child support enforcement agency may not issue a cash bond 33899  
order. If a child support enforcement agency is required to issue 33900  
a withholding or deduction notice under this section with respect 33901  
to a court support order but the agency determines that no 33902  
withholding or deduction notice would be appropriate, the agency 33903  
may request that the court issue a cash bond order under this 33904  
section, and upon the request, the court may issue the order. 33905

(D)(1) If the obligor under a court support order is 33906  
unemployed, has no income, and does not have an account at any 33907  
financial institution, or on request of a child support 33908  
enforcement agency under division (D)(1) or (2) of this section, 33909  
the court shall issue an order requiring the obligor, if able to 33910  
engage in employment, to seek employment or participate in a work 33911  
activity to which a recipient of assistance under Title IV-A of 33912  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 33913  
as amended, may be assigned as specified in section 407(d) of the 33914  
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 33915  
shall include in the order requirements that the obligor register 33916  
with the OhioMeansJobs web site and to notify the child support 33917  
enforcement agency on obtaining employment, obtaining any income, 33918  
or obtaining ownership of any asset with a value of five hundred 33919  
dollars or more. The court may issue the order regardless of 33920  
whether the obligee to whom the obligor owes support is a 33921  
recipient of assistance under Title IV-A of the "Social Security 33922

Act." The court shall issue the order as part of a court support 33923  
order or, if a court support order has previously been issued, as 33924  
a separate order. If a child support enforcement agency is 33925  
required to issue a withholding or deduction notice under this 33926  
section with respect to a court support order but determines that 33927  
no withholding or deduction notice would be appropriate, the 33928  
agency may request that the court issue a court order under 33929  
division (D)(1) of this section, and, on the request, the court 33930  
may issue the order. 33931

(2) If the obligor under an administrative child support 33932  
order is unemployed, has no income, and does not have an account 33933  
at any financial institution, the agency shall issue an 33934  
administrative order requiring the obligor, if able to engage in 33935  
employment, to seek employment or participate in a work activity 33936  
to which a recipient of assistance under Title IV-A of the "Social 33937  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 33938  
may be assigned as specified in section 407(d) of the "Social 33939  
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 33940  
include in the order requirements that the obligor register with 33941  
the OhioMeansJobs web site and to notify the agency on obtaining 33942  
employment or income, or ownership of any asset with a value of 33943  
five hundred dollars or more. The agency may issue the order 33944  
regardless of whether the obligee to whom the obligor owes support 33945  
is a recipient of assistance under Title IV-A of the "Social 33946  
Security Act." If an obligor fails to comply with an 33947  
administrative order issued pursuant to division (D)(2) of this 33948  
section, the agency shall submit a request to a court for the 33949  
court to issue an order under division (D)(1) of this section. 33950

**Sec. 3301.0710.** The state board of education shall adopt 33951  
rules establishing a statewide program to assess student 33952  
achievement. The state board shall ensure that all assessments 33953  
administered under the program are aligned with the academic 33954

standards and model curricula adopted by the state board and are 33955  
created with input from Ohio parents, Ohio classroom teachers, 33956  
Ohio school administrators, and other Ohio school personnel 33957  
pursuant to section 3301.079 of the Revised Code. 33958

The assessment program shall be designed to ensure that 33959  
students who receive a high school diploma demonstrate at least 33960  
high school levels of achievement in English language arts, 33961  
mathematics, science, and social studies. 33962

(A)(1) The state board shall prescribe all of the following: 33963

(a) Two statewide achievement assessments, one each designed 33964  
to measure the level of English language arts and mathematics 33965  
skill expected at the end of third grade; 33966

(b) ~~Three~~ Two statewide achievement assessments, one each 33967  
designed to measure the level of English language arts, and 33968  
~~mathematics, and social studies~~ skill expected at the end of 33969  
fourth grade; 33970

(c) Three statewide achievement assessments, one each 33971  
designed to measure the level of English language arts, 33972  
mathematics, and science skill expected at the end of fifth grade; 33973

(d) ~~Three~~ Two statewide achievement assessments, one each 33974  
designed to measure the level of English language arts, and 33975  
~~mathematics, and social studies~~ skill expected at the end of sixth 33976  
grade; 33977

(e) Two statewide achievement assessments, one each designed 33978  
to measure the level of English language arts and mathematics 33979  
skill expected at the end of seventh grade; 33980

(f) Three statewide achievement assessments, one each 33981  
designed to measure the level of English language arts, 33982  
mathematics, and science skill expected at the end of eighth 33983  
grade. 33984

(2) The state board shall determine and designate at least five ranges of scores on each of the achievement assessments described in divisions (A)(1) and (B)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

- (a) An advanced level of skill;
- (b) An accelerated level of skill;
- (c) A proficient level of skill;
- (d) A basic level of skill;
- (e) A limited level of skill.

(3) For the purpose of implementing division (A) of section 3313.608 of the Revised Code, the state board shall determine and designate a level of achievement, not lower than the level designated in division (A)(2)(e) of this section, on the third grade English language arts assessment for a student to be promoted to the fourth grade. The state board shall review and adjust upward the level of achievement designated under this division each year the test is administered until the level is set equal to the level designated in division (A)(2)(c) of this section.

(4) Each school district or school shall teach and assess social studies in at least the fourth and sixth grades. Any assessment in such area shall be determined by the district or school and may be formative or summative in nature. The results of such assessment shall not be reported to the department of education.

(B)(1) The assessments prescribed under division (B)(1) of this section shall collectively be known as the Ohio graduation tests. The state board shall prescribe five statewide high school

achievement assessments, one each designed to measure the level of 34015  
reading, writing, mathematics, science, and social studies skill 34016  
expected at the end of tenth grade. The state board shall 34017  
designate a score in at least the range designated under division 34018  
(A)(2)(c) of this section on each such assessment that shall be 34019  
deemed to be a passing score on the assessment as a condition 34020  
toward granting high school diplomas under sections 3313.61, 34021  
3313.611, 3313.612, and 3325.08 of the Revised Code until the 34022  
assessment system prescribed by section 3301.0712 of the Revised 34023  
Code is implemented in accordance with division (B)(2) of this 34024  
section. 34025

(2) The state board shall prescribe an assessment system in 34026  
accordance with section 3301.0712 of the Revised Code that shall 34027  
replace the Ohio graduation tests beginning with students who 34028  
enter the ninth grade for the first time on or after July 1, 2014. 34029

(3) The state board may enter into a reciprocal agreement 34030  
with the appropriate body or agency of any other state that has 34031  
similar statewide achievement assessment requirements for 34032  
receiving high school diplomas, under which any student who has 34033  
met an achievement assessment requirement of one state is 34034  
recognized as having met the similar requirement of the other 34035  
state for purposes of receiving a high school diploma. For 34036  
purposes of this section and sections 3301.0711 and 3313.61 of the 34037  
Revised Code, any student enrolled in any public high school in 34038  
this state who has met an achievement assessment requirement 34039  
specified in a reciprocal agreement entered into under this 34040  
division shall be deemed to have attained at least the applicable 34041  
score designated under this division on each assessment required 34042  
by division (B)(1) or (2) of this section that is specified in the 34043  
agreement. 34044

(C) The superintendent of public instruction shall designate 34045  
dates and times for the administration of the assessments 34046

prescribed by divisions (A) and (B) of this section. 34047

In prescribing administration dates pursuant to this 34048  
division, the superintendent shall designate the dates in such a 34049  
way as to allow a reasonable length of time between the 34050  
administration of assessments prescribed under this section and 34051  
any administration of the national assessment of educational 34052  
progress given to students in the same grade level pursuant to 34053  
section 3301.27 of the Revised Code or federal law. 34054

(D) The state board shall prescribe a practice version of 34055  
each Ohio graduation test described in division (B)(1) of this 34056  
section that is of comparable length to the actual test. 34057

(E) Any committee established by the department of education 34058  
for the purpose of making recommendations to the state board 34059  
regarding the state board's designation of scores on the 34060  
assessments described by this section shall inform the state board 34061  
of the probable percentage of students who would score in each of 34062  
the ranges established under division (A)(2) of this section on 34063  
the assessments if the committee's recommendations are adopted by 34064  
the state board. To the extent possible, these percentages shall 34065  
be disaggregated by gender, major racial and ethnic groups, 34066  
limited English proficient students, economically disadvantaged 34067  
students, students with disabilities, and migrant students. 34068

**Sec. 3301.0711.** (A) The department of education shall: 34069

(1) Annually furnish to, grade, and score all assessments 34070  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 34071  
the Revised Code to be administered by city, local, exempted 34072  
village, and joint vocational school districts, except that each 34073  
district shall score any assessment administered pursuant to 34074  
division (B)(10) of this section. Each assessment so furnished 34075  
shall include the data verification code of the student to whom 34076  
the assessment will be administered, as assigned pursuant to 34077

division (D)(2) of section 3301.0714 of the Revised Code. In 34078  
furnishing the practice versions of Ohio graduation tests 34079  
prescribed by division (D) of section 3301.0710 of the Revised 34080  
Code, the department shall make the tests available on its web 34081  
site for reproduction by districts. In awarding contracts for 34082  
grading assessments, the department shall give preference to 34083  
Ohio-based entities employing Ohio residents. 34084

(2) Adopt rules for the ethical use of assessments and 34085  
prescribing the manner in which the assessments prescribed by 34086  
section 3301.0710 of the Revised Code shall be administered to 34087  
students. 34088

(B) Except as provided in divisions (C) and (J) of this 34089  
section, the board of education of each city, local, and exempted 34090  
village school district shall, in accordance with rules adopted 34091  
under division (A) of this section: 34092

(1) Administer the English language arts assessments 34093  
prescribed under division (A)(1)(a) of section 3301.0710 of the 34094  
Revised Code twice annually to all students in the third grade who 34095  
have not attained the score designated for that assessment under 34096  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 34097

(2) Administer the mathematics assessment prescribed under 34098  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 34099  
least once annually to all students in the third grade. 34100

(3) Administer the assessments prescribed under division 34101  
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 34102  
annually to all students in the fourth grade. 34103

(4) Administer the assessments prescribed under division 34104  
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 34105  
annually to all students in the fifth grade. 34106

(5) Administer the assessments prescribed under division 34107  
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 34108

annually to all students in the sixth grade.	34109
(6) Administer the assessments prescribed under division	34110
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	34111
annually to all students in the seventh grade.	34112
(7) Administer the assessments prescribed under division	34113
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	34114
annually to all students in the eighth grade.	34115
(8) Except as provided in division (B)(9) of this section,	34116
administer any assessment prescribed under division (B)(1) of	34117
section 3301.0710 of the Revised Code as follows:	34118
(a) At least once annually to all tenth grade students and at	34119
least twice annually to all students in eleventh or twelfth grade	34120
who have not yet attained the score on that assessment designated	34121
under that division;	34122
(b) To any person who has successfully completed the	34123
curriculum in any high school or the individualized education	34124
program developed for the person by any high school pursuant to	34125
section 3323.08 of the Revised Code but has not received a high	34126
school diploma and who requests to take such assessment, at any	34127
time such assessment is administered in the district.	34128
(9) In lieu of the board of education of any city, local, or	34129
exempted village school district in which the student is also	34130
enrolled, the board of a joint vocational school district shall	34131
administer any assessment prescribed under division (B)(1) of	34132
section 3301.0710 of the Revised Code at least twice annually to	34133
any student enrolled in the joint vocational school district who	34134
has not yet attained the score on that assessment designated under	34135
that division. A board of a joint vocational school district may	34136
also administer such an assessment to any student described in	34137
division (B)(8)(b) of this section.	34138
(10) If the district has a three-year average graduation rate	34139

of not more than seventy-five per cent, administer each assessment 34140  
prescribed by division (D) of section 3301.0710 of the Revised 34141  
Code in September to all ninth grade students who entered ninth 34142  
grade prior to July 1, 2014. 34143

Except as provided in section 3313.614 of the Revised Code 34144  
for administration of an assessment to a person who has fulfilled 34145  
the curriculum requirement for a high school diploma but has not 34146  
passed one or more of the required assessments, the assessments 34147  
prescribed under division (B)(1) of section 3301.0710 of the 34148  
Revised Code shall not be administered after the date specified in 34149  
the rules adopted by the state board of education under division 34150  
(D)(1) of section 3301.0712 of the Revised Code. 34151

(11)(a) Except as provided in division (B)(11)(b) of this 34152  
section, administer the assessments prescribed by division (B)(2) 34153  
of section 3301.0710 and section 3301.0712 of the Revised Code in 34154  
accordance with the timeline and plan for implementation of those 34155  
assessments prescribed by rule of the state board adopted under 34156  
division (D)(1) of section 3301.0712 of the Revised Code; 34157

(b) A student who has presented evidence to the district or 34158  
school of having satisfied the condition prescribed by division 34159  
(A)(1) of section 3313.618 of the Revised Code to qualify for a 34160  
high school diploma prior to the date of the administration of the 34161  
assessment prescribed under division (B)(1) of section 3301.0712 34162  
of the Revised Code shall not be required to take that assessment. 34163  
However, no board shall prohibit a student who is not required to 34164  
take such assessment from taking the assessment. 34165

(C)(1)(a) In the case of a student receiving special 34166  
education services under Chapter 3323. of the Revised Code, the 34167  
individualized education program developed for the student under 34168  
that chapter shall specify the manner in which the student will 34169  
participate in the assessments administered under this section, 34170  
except that a student with significant cognitive disabilities to 34171

whom an alternate assessment is administered in accordance with 34172  
division (C)(1) of this section and a student determined to have a 34173  
disability that includes an intellectual disability as outlined in 34174  
guidance issued by the department shall not be required to take 34175  
the assessment prescribed under division (B)(1) of section 34176  
3301.0712 of the Revised Code. The individualized education 34177  
program may excuse the student from taking any particular 34178  
assessment required to be administered under this section if it 34179  
instead specifies an alternate assessment method approved by the 34180  
department of education as conforming to requirements of federal 34181  
law for receipt of federal funds for disadvantaged pupils. To the 34182  
extent possible, the individualized education program shall not 34183  
excuse the student from taking an assessment unless no reasonable 34184  
accommodation can be made to enable the student to take the 34185  
assessment. No board shall prohibit a student who is not required 34186  
to take an assessment under division (C)(1) of this section from 34187  
taking the assessment. 34188

(b) Any alternate assessment approved by the department for a 34189  
student under this division shall produce measurable results 34190  
comparable to those produced by the assessment it replaces in 34191  
order to allow for the student's results to be included in the 34192  
data compiled for a school district or building under section 34193  
3302.03 of the Revised Code. 34194

(c)(i) Any student enrolled in a chartered nonpublic school 34195  
who has been identified, based on an evaluation conducted in 34196  
accordance with section 3323.03 of the Revised Code or section 504 34197  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 34198  
794, as amended, as a child with a disability shall be excused 34199  
from taking any particular assessment required to be administered 34200  
under this section if a plan developed for the student pursuant to 34201  
rules adopted by the state board excuses the student from taking 34202  
that assessment. 34203

(ii) A student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(iii) In the case of any student so excused from taking an assessment under division (C)(1)(c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the assessments required by this section to the state board not later than the thirtieth day of June.

(3) As used in this division, "limited English proficient student" has the same meaning as in 20 U.S.C. 7801.

No school district board shall excuse any limited English proficient student from taking any particular assessment required to be administered under this section, except as follows:

(a) Any limited English proficient student who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(b) Any limited English proficient student who has been

enrolled in United States schools for less than one full school 34235  
year shall not be required to take any reading, writing, or 34236  
English language arts assessment. 34237

However, no board shall prohibit a limited English proficient 34238  
student who is not required to take an assessment under division 34239  
(C)(3) of this section from taking the assessment. A board may 34240  
permit any limited English proficient student to take an 34241  
assessment required to be administered under this section with 34242  
appropriate accommodations, as determined by the department. For 34243  
each limited English proficient student, each school district 34244  
shall annually assess that student's progress in learning English, 34245  
in accordance with procedures approved by the department. 34246

(4)(a) The governing authority of a chartered nonpublic 34247  
school may excuse a limited English proficient student from taking 34248  
any assessment administered under this section. 34249

(b) No governing authority shall require a limited English 34250  
proficient student who has been enrolled in United States schools 34251  
for less than two years and for whom no appropriate accommodations 34252  
are available based on guidance issued by the department to take 34253  
the assessment prescribed under division (B)(1) of section 34254  
3301.0712 of the Revised Code. 34255

(c) No governing authority shall prohibit a limited English 34256  
proficient student from taking an assessment from which the 34257  
student was excused under division (C)(4) of this section. 34258

(D)(1) In the school year next succeeding the school year in 34259  
which the assessments prescribed by division (A)(1) or (B)(1) of 34260  
section 3301.0710 of the Revised Code or former division (A)(1), 34261  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 34262  
existed prior to September 11, 2001, are administered to any 34263  
student, the board of education of any school district in which 34264  
the student is enrolled in that year shall provide to the student 34265

intervention services commensurate with the student's performance, 34266  
including any intensive intervention required under section 34267  
3313.608 of the Revised Code, in any skill in which the student 34268  
failed to demonstrate at least a score at the proficient level on 34269  
the assessment. 34270

(2) Following any administration of the assessments 34271  
prescribed by division (D) of section 3301.0710 of the Revised 34272  
Code to ninth grade students, each school district that has a 34273  
three-year average graduation rate of not more than seventy-five 34274  
per cent shall determine for each high school in the district 34275  
whether the school shall be required to provide intervention 34276  
services to any students who took the assessments. In determining 34277  
which high schools shall provide intervention services based on 34278  
the resources available, the district shall consider each school's 34279  
graduation rate and scores on the practice assessments. The 34280  
district also shall consider the scores received by ninth grade 34281  
students on the English language arts and mathematics assessments 34282  
prescribed under division (A)(1)(f) of section 3301.0710 of the 34283  
Revised Code in the eighth grade in determining which high schools 34284  
shall provide intervention services. 34285

Each high school selected to provide intervention services 34286  
under this division shall provide intervention services to any 34287  
student whose results indicate that the student is failing to make 34288  
satisfactory progress toward being able to attain scores at the 34289  
proficient level on the Ohio graduation tests. Intervention 34290  
services shall be provided in any skill in which a student 34291  
demonstrates unsatisfactory progress and shall be commensurate 34292  
with the student's performance. Schools shall provide the 34293  
intervention services prior to the end of the school year, during 34294  
the summer following the ninth grade, in the next succeeding 34295  
school year, or at any combination of those times. 34296

(E) Except as provided in section 3313.608 of the Revised 34297

Code and division (N) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C)(2) of this section and who is not exempt from the requirement to take the assessment under division (C)(3) of this section.

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G)(1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B)(1) of this section and those administered under divisions (B)(2) to (7) of this section. Each district board shall submit the assessments to the entity with which the department contracts for the scoring of the assessments as follows:

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the assessments have been administered;

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of

the assessments have been administered. 34329

However, any assessment that a student takes during the 34330  
make-up period described in division (C)(2) of this section shall 34331  
be submitted not later than the Friday following the day the 34332  
student takes the assessment. 34333

(2) The department or an entity with which the department 34334  
contracts for the scoring of the assessment shall send to each 34335  
school district board a list of the individual scores of all 34336  
persons taking a state achievement assessment as follows: 34337

(a) Except as provided in division (G)(2)(b) or (c) of this 34338  
section, within forty-five days after the administration of the 34339  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 34340  
Revised Code, but in no case shall the scores be returned later 34341  
than the thirtieth day of June following the administration; 34342

(b) In the case of the third-grade English language arts 34343  
assessment, within forty-five days after the administration of 34344  
that assessment, but in no case shall the scores be returned later 34345  
than the fifteenth day of June following the administration; 34346

(c) In the case of the writing component of an assessment or 34347  
end-of-course examination in the area of English language arts, 34348  
except for the third-grade English language arts assessment, the 34349  
results may be sent after forty-five days of the administration of 34350  
the writing component, but in no case shall the scores be returned 34351  
later than the thirtieth day of June following the administration. 34352

(3) For assessments administered under this section by a 34353  
joint vocational school district, the department or entity shall 34354  
also send to each city, local, or exempted village school district 34355  
a list of the individual scores of any students of such city, 34356  
local, or exempted village school district who are attending 34357  
school in the joint vocational school district. 34358

(4) A school district, other public school, or chartered 34359

nonpublic school may administer in a paper format any assessment administered under this section, and shall not be required to administer in an online format any such assessments. A district or school may administer such assessments in any combination of online and paper formats.

The department of education shall furnish, free of charge, all such assessments regardless of the format selected by the district or school.

(H) Individual scores on any assessments administered under this section shall be released by a district board only in accordance with section 3319.321 of the Revised Code and the rules adopted under division (A) of this section. No district board or its employees shall utilize individual or aggregate results in any manner that conflicts with rules for the ethical use of assessments adopted pursuant to division (A) of this section.

(I) Except as provided in division (G) of this section, the department or an entity with which the department contracts for the scoring of the assessment shall not release any individual scores on any assessment administered under this section. The state board shall adopt rules to ensure the protection of student confidentiality at all times. The rules may require the use of the data verification codes assigned to students pursuant to division (D)(2) of section 3301.0714 of the Revised Code to protect the confidentiality of student scores.

(J) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the state board shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education

school district established pursuant to divisions (A) to (C) of 34391  
section 3311.52 of the Revised Code may enter into an agreement 34392  
with the board of education of the cooperative education school 34393  
district for administering any assessment prescribed under this 34394  
section to students of the city, exempted village, or local school 34395  
district who are attending school in the cooperative education 34396  
school district. 34397

(2) In accordance with rules that the state board shall 34398  
adopt, the board of education of any city, exempted village, or 34399  
local school district with territory in a cooperative education 34400  
school district established pursuant to section 3311.521 of the 34401  
Revised Code shall enter into an agreement with the cooperative 34402  
district that provides for the administration of any assessment 34403  
prescribed under this section to both of the following: 34404

(a) Students who are attending school in the cooperative 34405  
district and who, if the cooperative district were not 34406  
established, would be entitled to attend school in the city, 34407  
local, or exempted village school district pursuant to section 34408  
3313.64 or 3313.65 of the Revised Code; 34409

(b) Persons described in division (B)(8)(b) of this section. 34410

Any assessment of students pursuant to such an agreement 34411  
shall be in lieu of any assessment of such students or persons 34412  
pursuant to this section. 34413

(K)(1) Except as otherwise provided in division (K)(1) or (2) 34414  
of this section, each chartered nonpublic school for which at 34415  
least sixty-five per cent of its total enrollment is made up of 34416  
students who are participating in state scholarship programs shall 34417  
administer the elementary assessments prescribed by section 34418  
3301.0710 of the Revised Code. In accordance with procedures and 34419  
deadlines prescribed by the department, the parent or guardian of 34420  
a student enrolled in the school who is not participating in a 34421

state scholarship program may submit notice to the chief 34422  
administrative officer of the school that the parent or guardian 34423  
does not wish to have the student take the elementary assessments 34424  
prescribed for the student's grade level under division (A) of 34425  
section 3301.0710 of the Revised Code. If a parent or guardian 34426  
submits an opt-out notice, the school shall not administer the 34427  
assessments to that student. This option does not apply to any 34428  
assessment required for a high school diploma under section 34429  
3313.612 of the Revised Code. 34430

(2) A chartered nonpublic school may submit to the 34431  
superintendent of public instruction a request for a waiver from 34432  
administering the elementary assessments prescribed by division 34433  
(A) of section 3301.0710 of the Revised Code. The state 34434  
superintendent shall approve or disapprove a request for a waiver 34435  
submitted under division (K)(2) of this section. No waiver shall 34436  
be approved for any school year prior to the 2015-2016 school 34437  
year. 34438

To be eligible to submit a request for a waiver, a chartered 34439  
nonpublic school shall meet the following conditions: 34440

(a) At least ninety-five per cent of the students enrolled in 34441  
the school are children with disabilities, as defined under 34442  
section 3323.01 of the Revised Code, or have received a diagnosis 34443  
by a school district or from a physician, including a 34444  
neuropsychiatrist or psychiatrist, or a psychologist who is 34445  
authorized to practice in this or another state as having a 34446  
condition that impairs academic performance, such as dyslexia, 34447  
dyscalculia, attention deficit hyperactivity disorder, or 34448  
Asperger's syndrome. 34449

(b) The school has solely served a student population 34450  
described in division (K)(1)(a) of this section for at least ten 34451  
years. 34452

(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills.

(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) ~~For~~ Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment

approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) ~~For~~ Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3)(a) Except as provided in ~~division~~ divisions (L)(3)(b) and (4) of this section, for a student who is enrolled in a chartered nonpublic school that is not accredited through the independent schools association of the central states, regardless of whether the student is attending or is not attending the school under a state scholarship program, the student shall do one of the following:

(i) Take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code;

(ii) Take only the assessment prescribed by division (B)(1) of section 3301.0712 of the Revised Code, provided that the student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth

percentile scores, and seventy-fifth percentile scores for each 34517  
subject area of the assessment. 34518

(iii) Take an alternative assessment approved by the 34519  
department under section 3313.619 of the Revised Code. 34520

(b) A student who is excused from taking an assessment under 34521  
division (C) of this section or has presented evidence to the 34522  
chartered nonpublic school of having satisfied the condition 34523  
prescribed by division (A)(1) of section 3313.618 of the Revised 34524  
Code to qualify for a high school diploma prior to the date of the 34525  
administration of the assessment prescribed under division (B)(1) 34526  
of section 3301.0712 of the Revised Code shall not be required to 34527  
take that assessment. No governing authority of a chartered 34528  
nonpublic school shall prohibit a student who is not required to 34529  
take such assessment from taking the assessment. 34530

(4) For a student who is enrolled in any chartered nonpublic 34531  
school in which at least seventy-five per cent of the enrolled 34532  
students are children with disabilities receiving special 34533  
education and related services in accordance with Chapter 3323. of 34534  
the Revised Code, the student shall not be required to take any 34535  
assessment prescribed under section 3301.0712 or 3313.619 of the 34536  
Revised Code, provided the student's school submits an alternate 34537  
assessment plan to the department of education, receives approval 34538  
from the department to implement the plan, and implements the 34539  
plan. 34540

Division (L)(4) of this section applies to any student 34541  
attending such school regardless of whether the student receives 34542  
special education and related services and regardless of whether 34543  
the student is attending the school under a state scholarship 34544  
program. The school shall make available to the department any 34545  
applicable internal student data on testing that can be used for 34546  
state accountability purposes. 34547

(M)(1) The superintendent of the state school for the blind 34548  
and the superintendent of the state school for the deaf shall 34549  
administer the assessments described by sections 3301.0710 and 34550  
3301.0712 of the Revised Code. Each superintendent shall 34551  
administer the assessments in the same manner as district boards 34552  
are required to do under this section and rules adopted by the 34553  
department of education and in conformity with division (C)(1)(a) 34554  
of this section. 34555

(2) The department of education shall furnish the assessments 34556  
described by sections 3301.0710 and 3301.0712 of the Revised Code 34557  
to each superintendent. 34558

(N) Notwithstanding division (E) of this section, a school 34559  
district may use a student's failure to attain a score in at least 34560  
the proficient range on the mathematics assessment described by 34561  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 34562  
an assessment described by division (A)(1)(b), (c), (d), (e), or 34563  
(f) of section 3301.0710 of the Revised Code as a factor in 34564  
retaining that student in the current grade level. 34565

(O)(1) In the manner specified in divisions (O)(3), (4), ~~and~~ 34566  
(6), and (7) of this section, the assessments required by division 34567  
(A)(1) of section 3301.0710 of the Revised Code shall become 34568  
public records pursuant to section 149.43 of the Revised Code on 34569  
the thirty-first day of July following the school year that the 34570  
assessments were administered. 34571

(2) The department may field test proposed questions with 34572  
samples of students to determine the validity, reliability, or 34573  
appropriateness of questions for possible inclusion in a future 34574  
year's assessment. The department also may use anchor questions on 34575  
assessments to ensure that different versions of the same 34576  
assessment are of comparable difficulty. 34577

Field test questions and anchor questions shall not be 34578

considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public

record. 34610

(5) Each assessment prescribed by division (B)(1) of section 34611  
3301.0710 of the Revised Code shall not be a public record. 34612

(6) ~~Beginning with the spring administration for~~ (a) Except 34613  
as provided in division (O)(6)(b) of this section, for the 34614  
administrations in the 2014-2015, 2015-2016, and 2016-2017 school 34615  
year years, questions on the assessments prescribed under division 34616  
(A) of section 3301.0710 and division (B)(2) of section 3301.0712 34617  
of the Revised Code and the corresponding preferred answers that 34618  
are used to compute a student's score shall become a public record 34619  
as follows: 34620

~~(a)(i)~~ (i) Forty per cent of the questions and preferred answers 34621  
on the assessments on the thirty-first day of July following the 34622  
administration of the assessment; 34623

~~(b)(ii)~~ (ii) Twenty per cent of the questions and preferred 34624  
answers on the assessment on the thirty-first day of July one year 34625  
after the administration of the assessment; 34626

~~(c)(iii)~~ (iii) The remaining forty per cent of the questions and 34627  
preferred answers on the assessment on the thirty-first day of 34628  
July two years after the administration of the assessment. 34629

The entire content of an assessment shall become a public 34630  
record within three years of its administration. 34631

The department shall make the questions that become a public 34632  
record under this division readily accessible to the public on the 34633  
department's web site. Questions on the spring administration of 34634  
each assessment shall be released on an annual basis, in 34635  
accordance with this division. 34636

(b) No questions and corresponding preferred answers shall 34637  
become a public record under division (O)(6) of this section after 34638  
July 31, 2017. 34639

(7) Division (O)(7) of this section applies to the 34640  
assessments prescribed by division (A) of section 3301.0710 and 34641  
division (B)(2) of section 3301.0712 of the Revised Code. 34642

Beginning with the assessments administered in the spring of 34643  
the 2017-2018 school year, not less than forty per cent of the 34644  
questions on each assessment that are used to compute a student's 34645  
score shall be a public record. The department shall determine 34646  
which questions will be needed for reuse on a future assessment 34647  
and those questions shall not be public records and shall be 34648  
redacted from the assessment prior to its release as a public 34649  
record. However, for each redacted question, the department shall 34650  
inform each city, local, and exempted village school district of 34651  
the corresponding statewide academic standard adopted by the state 34652  
board under section 3301.079 of the Revised Code and the 34653  
corresponding benchmark to which the question relates. The 34654  
department is not required to provide corresponding standards and 34655  
benchmarks to field test questions that are redacted under 34656  
division (O)(3) of this section. 34657

(P) As used in this section: 34658

(1) "Three-year average" means the average of the most recent 34659  
consecutive three school years of data. 34660

(2) "Dropout" means a student who withdraws from school 34661  
before completing course requirements for graduation and who is 34662  
not enrolled in an education program approved by the state board 34663  
of education or an education program outside the state. "Dropout" 34664  
does not include a student who has departed the country. 34665

(3) "Graduation rate" means the ratio of students receiving a 34666  
diploma to the number of students who entered ninth grade four 34667  
years earlier. Students who transfer into the district are added 34668  
to the calculation. Students who transfer out of the district for 34669  
reasons other than dropout are subtracted from the calculation. If 34670

a student who was a dropout in any previous year returns to the 34671  
same school district, that student shall be entered into the 34672  
calculation as if the student had entered ninth grade four years 34673  
before the graduation year of the graduating class that the 34674  
student joins. 34675

(4) "State scholarship programs" means the educational choice 34676  
scholarship pilot program established under sections 3310.01 to 34677  
3310.17 of the Revised Code, the autism scholarship program 34678  
established under section 3310.41 of the Revised Code, the Jon 34679  
Peterson special needs scholarship program established under 34680  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 34681  
project scholarship program established under sections 3313.974 to 34682  
3313.979 of the Revised Code. 34683

(5) "Other public school" means a community school 34684  
established under Chapter 3314., a STEM school established under 34685  
Chapter 3326., or a college-preparatory boarding school 34686  
established under Chapter 3328. of the Revised Code. 34687

**Sec. 3301.0712.** (A) The state board of education, the 34688  
superintendent of public instruction, and the chancellor of higher 34689  
education shall develop a system of college and work ready 34690  
assessments as described in division (B) of this section to assess 34691  
whether each student upon graduating from high school is ready to 34692  
enter college or the workforce. Beginning with students who enter 34693  
the ninth grade for the first time on or after July 1, 2014, the 34694  
system shall replace the Ohio graduation tests prescribed in 34695  
division (B)(1) of section 3301.0710 of the Revised Code as a 34696  
measure of student academic performance and one determinant of 34697  
eligibility for a high school diploma in the manner prescribed by 34698  
rule of the state board adopted under division (D) of this 34699  
section. 34700

(B) The college and work ready assessment system shall 34701

consist of the following: 34702

(1) Nationally standardized assessments that measure college 34703  
and career readiness and are used for college admission. The 34704  
assessments shall be selected jointly by the state superintendent 34705  
and the chancellor, and one of which shall be selected by each 34706  
school district or school to administer to its students. The 34707  
assessments prescribed under division (B)(1) of this section shall 34708  
be administered to all eleventh-grade students in the spring of 34709  
the school year. 34710

(2) Seven end-of-course examinations, one in each of the 34711  
areas of English language arts I, English language arts II, 34712  
science, Algebra I, geometry, American history, and American 34713  
government. The end-of-course examinations shall be selected 34714  
jointly by the state superintendent and the chancellor in 34715  
consultation with faculty in the appropriate subject areas at 34716  
institutions of higher education of the university system of Ohio. 34717  
Advanced placement examinations and international baccalaureate 34718  
examinations, as prescribed under section 3313.6013 of the Revised 34719  
Code, in the areas of science, American history, and American 34720  
government may be used as end-of-course examinations in accordance 34721  
with division (B)(4)(a)(i) of this section. Final course grades 34722  
for courses taken under any other advanced standing program, as 34723  
prescribed under section 3313.6013 of the Revised Code, in the 34724  
areas of science, American history, and American government may be 34725  
used in lieu of end-of-course examinations in accordance with 34726  
division (B)(4)(a)(ii) of this section. 34727

(3)(a) Not later than July 1, 2013, each school district 34728  
board of education shall adopt interim end-of-course examinations 34729  
that comply with the requirements of divisions (B)(3)(b)(i) and 34730  
(ii) of this section to assess mastery of American history and 34731  
American government standards adopted under division (A)(1)(b) of 34732  
section 3301.079 of the Revised Code and the topics required under 34733

division (M) of section 3313.603 of the Revised Code. Each high 34734  
school of the district shall use the interim examinations until 34735  
the state superintendent and chancellor select end-of-course 34736  
examinations in American history and American government under 34737  
division (B)(2) of this section. 34738

(b) Not later than July 1, 2014, the state superintendent and 34739  
the chancellor shall select the end-of-course examinations in 34740  
American history and American government. 34741

(i) The end-of-course examinations in American history and 34742  
American government shall require demonstration of mastery of the 34743  
American history and American government content for social 34744  
studies standards adopted under division (A)(1)(b) of section 34745  
3301.079 of the Revised Code and the topics required under 34746  
division (M) of section 3313.603 of the Revised Code. 34747

(ii) At least twenty per cent of the end-of-course 34748  
examination in American government shall address the topics on 34749  
American history and American government described in division (M) 34750  
of section 3313.603 of the Revised Code. 34751

(4)(a) Notwithstanding anything to the contrary in this 34752  
section, beginning with the 2014-2015 school year, both of the 34753  
following shall apply: 34754

(i) If a student is enrolled in an appropriate advanced 34755  
placement or international baccalaureate course, that student 34756  
shall take the advanced placement or international baccalaureate 34757  
examination in lieu of the science, American history, or American 34758  
government end-of-course examinations prescribed under division 34759  
(B)(2) of this section. The state board shall specify the score 34760  
levels for each advanced placement examination and international 34761  
baccalaureate examination for purposes of calculating the minimum 34762  
cumulative performance score that demonstrates the level of 34763  
academic achievement necessary to earn a high school diploma. 34764

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in ~~division (U)~~ of section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end-of-course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B)(2) of this section.

(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the end-of-course examinations prescribed under division (B)(2) of this section.

(5) The state board shall do all of the following:

(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Each range of scores shall be considered to demonstrate a level of achievement so that any

student attaining a score within such range has achieved one of	34796
the following:	34797
(i) An advanced level of skill;	34798
(ii) An accelerated level of skill;	34799
(iii) A proficient level of skill;	34800
(iv) A basic level of skill;	34801
(v) A limited level of skill.	34802
(b) Determine a method by which to calculate a cumulative	34803
performance score based on the results of a student's	34804
end-of-course examinations or substitute examinations;	34805
(c) Determine the minimum cumulative performance score that	34806
demonstrates the level of academic achievement necessary to earn a	34807
high school diploma;	34808
(d) Develop a table of corresponding score equivalents for	34809
the end-of-course examinations and substitute examinations in	34810
order to calculate student performance consistently across the	34811
different examinations.	34812
A score of two on an advanced placement examination or a	34813
score of two or three on an international baccalaureate	34814
examination shall be considered equivalent to a proficient level	34815
of skill as specified under division (B)(5)(a)(iii) of this	34816
section.	34817
(6)(a) A student who meets both of the following conditions	34818
shall not be required to take an end-of-course examination:	34819
(i) The student received high school credit prior to July 1,	34820
2015, for a course for which the end-of-course examination is	34821
prescribed.	34822
(ii) The examination was not available for administration	34823
prior to July 1, 2015.	34824

Receipt of credit for the course described in division 34825  
(B)(6)(a)(i) of this section shall satisfy the requirement to take 34826  
the end-of-course examination. A student exempted under division 34827  
(B)(6)(a) of this section may take the applicable end-of-course 34828  
examination at a later date. 34829

(b) For purposes of determining whether a student who is 34830  
exempt from taking an end-of-course examination under division 34831  
(B)(6)(a) of this section has attained the cumulative score 34832  
prescribed by division (B)(5)(c) of this section, such student 34833  
shall select either of the following: 34834

(i) The student is considered to have attained a proficient 34835  
score on the end-of-course examination from which the student is 34836  
exempt; 34837

(ii) The student's final course grade shall be used in lieu 34838  
of a score on the end-of-course examination from which the student 34839  
is exempt. 34840

The state superintendent, in consultation with the 34841  
chancellor, shall adopt guidelines for purposes of calculating the 34842  
corresponding final course grades and the minimum cumulative 34843  
performance score that demonstrates the level of academic 34844  
achievement necessary to earn a high school diploma. 34845

(7)(a) Notwithstanding anything to the contrary in this 34846  
section, the state board may replace the algebra I end-of-course 34847  
examination prescribed under division (B)(2) of this section with 34848  
an algebra II end-of-course examination, beginning with the 34849  
2016-2017 school year for students who enter ninth grade on or 34850  
after July 1, 2016. 34851

(b) If the state board replaces the algebra I end-of-course 34852  
examination with an algebra II end-of-course examination as 34853  
authorized under division (B)(7)(a) of this section, both of the 34854  
following shall apply: 34855

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.

(b) Until July 1, 2019, the department of education shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.

(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end-of-course

examination in science for students who entered the ninth grade 34887  
for the first time on or after July 1, 2014, but prior to July 1, 34888  
2015, and who have not met the requirement prescribed by section 34889  
3313.618 of the Revised Code by July 1, 2019, due to a student's 34890  
failure to satisfy division (A)(2) of section 3313.618 of the 34891  
Revised Code. 34892

(9) Neither the state board nor the department of education 34893  
shall develop or administer an end-of-course examination in the 34894  
area of world history. 34895

(C) The state board shall convene a group of national 34896  
experts, state experts, and local practitioners to provide advice, 34897  
guidance, and recommendations for the alignment of standards and 34898  
model curricula to the assessments and in the design of the 34899  
end-of-course examinations prescribed by this section. 34900

(D) Upon completion of the development of the assessment 34901  
system, the state board shall adopt rules prescribing all of the 34902  
following: 34903

(1) A timeline and plan for implementation of the assessment 34904  
system, including a phased implementation if the state board 34905  
determines such a phase-in is warranted; 34906

(2) The date after which a person shall meet the requirements 34907  
of the entire assessment system as a prerequisite for a diploma of 34908  
adult education under section 3313.611 of the Revised Code; 34909

(3) Whether and the extent to which a person may be excused 34910  
from an American history end-of-course examination and an American 34911  
government end-of-course examination under division (H) of section 34912  
3313.61 and division (B)(3) of section 3313.612 of the Revised 34913  
Code; 34914

(4) The date after which a person who has fulfilled the 34915  
curriculum requirement for a diploma but has not passed one or 34916  
more of the required assessments at the time the person fulfilled 34917

the curriculum requirement shall meet the requirements of the 34918  
entire assessment system as a prerequisite for a high school 34919  
diploma under division (B) of section 3313.614 of the Revised 34920  
Code; 34921

(5) The extent to which the assessment system applies to 34922  
students enrolled in a dropout recovery and prevention program for 34923  
purposes of division (F) of section 3313.603 and section 3314.36 34924  
of the Revised Code. 34925

(E) Not later than forty-five days prior to the state board's 34926  
adoption of a resolution directing the department to file the 34927  
rules prescribed by division (D) of this section in final form 34928  
under section 119.04 of the Revised Code, the superintendent of 34929  
public instruction shall present the assessment system developed 34930  
under this section to the respective committees of the house of 34931  
representatives and senate that consider education legislation. 34932

(F)(1) Any person enrolled in a nonchartered nonpublic school 34933  
or any person who has been excused from attendance at school for 34934  
the purpose of home instruction under section 3321.04 of the 34935  
Revised Code may choose to participate in the system of 34936  
assessments administered under divisions (B)(1) and (2) of this 34937  
section. However, no such person shall be required to participate 34938  
in the system of assessments. 34939

(2) The department shall adopt rules for the administration 34940  
and scoring of any assessments under division (F)(1) of this 34941  
section. 34942

(G) Not later than December 31, 2014, the state board shall 34943  
select at least one nationally recognized job skills assessment. 34944  
Each school district shall administer that assessment to those 34945  
students who opt to take it. The state shall reimburse a school 34946  
district for the costs of administering that assessment. The state 34947  
board shall establish the minimum score a student must attain on 34948

the job skills assessment in order to demonstrate a student's 34949  
workforce readiness and employability. The administration of the 34950  
job skills assessment to a student under this division shall not 34951  
exempt a school district from administering the assessments 34952  
prescribed in division (B) of this section to that student. 34953

**Sec. 3301.0714.** (A) The state board of education shall adopt 34954  
rules for a statewide education management information system. The 34955  
rules shall require the state board to establish guidelines for 34956  
the establishment and maintenance of the system in accordance with 34957  
this section and the rules adopted under this section. The 34958  
guidelines shall include: 34959

(1) Standards identifying and defining the types of data in 34960  
the system in accordance with divisions (B) and (C) of this 34961  
section; 34962

(2) Procedures for annually collecting and reporting the data 34963  
to the state board in accordance with division (D) of this 34964  
section; 34965

(3) Procedures for annually compiling the data in accordance 34966  
with division (G) of this section; 34967

(4) Procedures for annually reporting the data to the public 34968  
in accordance with division (H) of this section; 34969

(5) Standards to provide strict safeguards to protect the 34970  
confidentiality of personally identifiable student data. 34971

(B) The guidelines adopted under this section shall require 34972  
the data maintained in the education management information system 34973  
to include at least the following: 34974

(1) Student participation and performance data, for each 34975  
grade in each school district as a whole and for each grade in 34976  
each school building in each school district, that includes: 34977

(a) The numbers of students receiving each category of 34978

instructional service offered by the school district, such as 34979  
regular education instruction, vocational education instruction, 34980  
specialized instruction programs or enrichment instruction that is 34981  
part of the educational curriculum, instruction for gifted 34982  
students, instruction for students with disabilities, and remedial 34983  
instruction. The guidelines shall require instructional services 34984  
under this division to be divided into discrete categories if an 34985  
instructional service is limited to a specific subject, a specific 34986  
type of student, or both, such as regular instructional services 34987  
in mathematics, remedial reading instructional services, 34988  
instructional services specifically for students gifted in 34989  
mathematics or some other subject area, or instructional services 34990  
for students with a specific type of disability. The categories of 34991  
instructional services required by the guidelines under this 34992  
division shall be the same as the categories of instructional 34993  
services used in determining cost units pursuant to division 34994  
(C)(3) of this section. 34995

(b) The numbers of students receiving support or 34996  
extracurricular services for each of the support services or 34997  
extracurricular programs offered by the school district, such as 34998  
counseling services, health services, and extracurricular sports 34999  
and fine arts programs. The categories of services required by the 35000  
guidelines under this division shall be the same as the categories 35001  
of services used in determining cost units pursuant to division 35002  
(C)(4)(a) of this section. 35003

(c) Average student grades in each subject in grades nine 35004  
through twelve; 35005

(d) Academic achievement levels as assessed under sections 35006  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 35007

(e) The number of students designated as having a disabling 35008  
condition pursuant to division (C)(1) of section 3301.0711 of the 35009  
Revised Code; 35010

(f) The numbers of students reported to the state board	35011
pursuant to division (C)(2) of section 3301.0711 of the Revised	35012
Code;	35013
(g) Attendance rates and the average daily attendance for the	35014
year. For purposes of this division, a student shall be counted as	35015
present for any field trip that is approved by the school	35016
administration.	35017
(h) Expulsion rates;	35018
(i) Suspension rates;	35019
(j) Dropout rates;	35020
(k) Rates of retention in grade;	35021
(l) For pupils in grades nine through twelve, the average	35022
number of carnegie units, as calculated in accordance with state	35023
board of education rules;	35024
(m) Graduation rates, to be calculated in a manner specified	35025
by the department of education that reflects the rate at which	35026
students who were in the ninth grade three years prior to the	35027
current year complete school and that is consistent with	35028
nationally accepted reporting requirements;	35029
(n) Results of diagnostic assessments administered to	35030
kindergarten students as required under section 3301.0715 of the	35031
Revised Code to permit a comparison of the academic readiness of	35032
kindergarten students. However, no district shall be required to	35033
report to the department the results of any diagnostic assessment	35034
administered to a kindergarten student, except for the language	35035
and reading assessment described in division (A)(2) of section	35036
3301.0715 of the Revised Code, if the parent of that student	35037
requests the district not to report those results.	35038
<u>(o) Beginning on the first day of July that next succeeds the</u>	35039
<u>effective date of this amendment, for each disciplinary action</u>	35040

which is required to be reported under division (B)(4) of this 35041  
section, districts and schools also shall include an 35042  
identification of the person or persons, if any, at whom the 35043  
student's violent behavior that resulted in discipline was 35044  
directed. The person or persons shall be identified by the 35045  
respective classification at the district or school, such as 35046  
student, teacher, or nonteaching employee, but shall not be 35047  
identified by name. 35048

Division (B)(1)(o) of this section does not apply after the 35049  
date that is two years following the submission of the report 35050  
required by Section 733.13 of H.B. 49 of the 132nd general 35051  
assembly. 35052

(2) Personnel and classroom enrollment data for each school 35053  
district, including: 35054

(a) The total numbers of licensed employees and nonlicensed 35055  
employees and the numbers of full-time equivalent licensed 35056  
employees and nonlicensed employees providing each category of 35057  
instructional service, instructional support service, and 35058  
administrative support service used pursuant to division (C)(3) of 35059  
this section. The guidelines adopted under this section shall 35060  
require these categories of data to be maintained for the school 35061  
district as a whole and, wherever applicable, for each grade in 35062  
the school district as a whole, for each school building as a 35063  
whole, and for each grade in each school building. 35064

(b) The total number of employees and the number of full-time 35065  
equivalent employees providing each category of service used 35066  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 35067  
total numbers of licensed employees and nonlicensed employees and 35068  
the numbers of full-time equivalent licensed employees and 35069  
nonlicensed employees providing each category used pursuant to 35070  
division (C)(4)(c) of this section. The guidelines adopted under 35071  
this section shall require these categories of data to be 35072

maintained for the school district as a whole and, wherever 35073  
applicable, for each grade in the school district as a whole, for 35074  
each school building as a whole, and for each grade in each school 35075  
building. 35076

(c) The total number of regular classroom teachers teaching 35077  
classes of regular education and the average number of pupils 35078  
enrolled in each such class, in each of grades kindergarten 35079  
through five in the district as a whole and in each school 35080  
building in the school district. 35081

(d) The number of lead teachers employed by each school 35082  
district and each school building. 35083

(3)(a) Student demographic data for each school district, 35084  
including information regarding the gender ratio of the school 35085  
district's pupils, the racial make-up of the school district's 35086  
pupils, the number of limited English proficient students in the 35087  
district, and an appropriate measure of the number of the school 35088  
district's pupils who reside in economically disadvantaged 35089  
households. The demographic data shall be collected in a manner to 35090  
allow correlation with data collected under division (B)(1) of 35091  
this section. Categories for data collected pursuant to division 35092  
(B)(3) of this section shall conform, where appropriate, to 35093  
standard practices of agencies of the federal government. 35094

(b) With respect to each student entering kindergarten, 35095  
whether the student previously participated in a public preschool 35096  
program, a private preschool program, or a head start program, and 35097  
the number of years the student participated in each of these 35098  
programs. 35099

(4) Any data required to be collected pursuant to federal 35100  
law. 35101

(C) The education management information system shall include 35102  
cost accounting data for each district as a whole and for each 35103

school building in each school district. The guidelines adopted 35104  
under this section shall require the cost data for each school 35105  
district to be maintained in a system of mutually exclusive cost 35106  
units and shall require all of the costs of each school district 35107  
to be divided among the cost units. The guidelines shall require 35108  
the system of mutually exclusive cost units to include at least 35109  
the following: 35110

(1) Administrative costs for the school district as a whole. 35111  
The guidelines shall require the cost units under this division 35112  
(C)(1) to be designed so that each of them may be compiled and 35113  
reported in terms of average expenditure per pupil in formula ADM 35114  
in the school district, as determined pursuant to section 3317.03 35115  
of the Revised Code. 35116

(2) Administrative costs for each school building in the 35117  
school district. The guidelines shall require the cost units under 35118  
this division (C)(2) to be designed so that each of them may be 35119  
compiled and reported in terms of average expenditure per 35120  
full-time equivalent pupil receiving instructional or support 35121  
services in each building. 35122

(3) Instructional services costs for each category of 35123  
instructional service provided directly to students and required 35124  
by guidelines adopted pursuant to division (B)(1)(a) of this 35125  
section. The guidelines shall require the cost units under 35126  
division (C)(3) of this section to be designed so that each of 35127  
them may be compiled and reported in terms of average expenditure 35128  
per pupil receiving the service in the school district as a whole 35129  
and average expenditure per pupil receiving the service in each 35130  
building in the school district and in terms of a total cost for 35131  
each category of service and, as a breakdown of the total cost, a 35132  
cost for each of the following components: 35133

(a) The cost of each instructional services category required 35134  
by guidelines adopted under division (B)(1)(a) of this section 35135

that is provided directly to students by a classroom teacher;	35136
(b) The cost of the instructional support services, such as	35137
services provided by a speech-language pathologist, classroom	35138
aide, multimedia aide, or librarian, provided directly to students	35139
in conjunction with each instructional services category;	35140
(c) The cost of the administrative support services related	35141
to each instructional services category, such as the cost of	35142
personnel that develop the curriculum for the instructional	35143
services category and the cost of personnel supervising or	35144
coordinating the delivery of the instructional services category.	35145
(4) Support or extracurricular services costs for each	35146
category of service directly provided to students and required by	35147
guidelines adopted pursuant to division (B)(1)(b) of this section.	35148
The guidelines shall require the cost units under division (C)(4)	35149
of this section to be designed so that each of them may be	35150
compiled and reported in terms of average expenditure per pupil	35151
receiving the service in the school district as a whole and	35152
average expenditure per pupil receiving the service in each	35153
building in the school district and in terms of a total cost for	35154
each category of service and, as a breakdown of the total cost, a	35155
cost for each of the following components:	35156
(a) The cost of each support or extracurricular services	35157
category required by guidelines adopted under division (B)(1)(b)	35158
of this section that is provided directly to students by a	35159
licensed employee, such as services provided by a guidance	35160
counselor or any services provided by a licensed employee under a	35161
supplemental contract;	35162
(b) The cost of each such services category provided directly	35163
to students by a nonlicensed employee, such as janitorial	35164
services, cafeteria services, or services of a sports trainer;	35165
(c) The cost of the administrative services related to each	35166

services category in division (C)(4)(a) or (b) of this section, 35167  
such as the cost of any licensed or nonlicensed employees that 35168  
develop, supervise, coordinate, or otherwise are involved in 35169  
administering or aiding the delivery of each services category. 35170

(D)(1) The guidelines adopted under this section shall 35171  
require school districts to collect information about individual 35172  
students, staff members, or both in connection with any data 35173  
required by division (B) or (C) of this section or other reporting 35174  
requirements established in the Revised Code. The guidelines may 35175  
also require school districts to report information about 35176  
individual staff members in connection with any data required by 35177  
division (B) or (C) of this section or other reporting 35178  
requirements established in the Revised Code. The guidelines shall 35179  
not authorize school districts to request social security numbers 35180  
of individual students. The guidelines shall prohibit the 35181  
reporting under this section of a student's name, address, and 35182  
social security number to the state board of education or the 35183  
department of education. The guidelines shall also prohibit the 35184  
reporting under this section of any personally identifiable 35185  
information about any student, except for the purpose of assigning 35186  
the data verification code required by division (D)(2) of this 35187  
section, to any other person unless such person is employed by the 35188  
school district or the information technology center operated 35189  
under section 3301.075 of the Revised Code and is authorized by 35190  
the district or technology center to have access to such 35191  
information or is employed by an entity with which the department 35192  
contracts for the scoring or the development of state assessments. 35193  
The guidelines may require school districts to provide the social 35194  
security numbers of individual staff members and the county of 35195  
residence for a student. Nothing in this section prohibits the 35196  
state board of education or department of education from providing 35197  
a student's county of residence to the department of taxation to 35198  
facilitate the distribution of tax revenue. 35199

(2)(a) The guidelines shall provide for each school district 35200  
or community school to assign a data verification code that is 35201  
unique on a statewide basis over time to each student whose 35202  
initial Ohio enrollment is in that district or school and to 35203  
report all required individual student data for that student 35204  
utilizing such code. The guidelines shall also provide for 35205  
assigning data verification codes to all students enrolled in 35206  
districts or community schools on the effective date of the 35207  
guidelines established under this section. The assignment of data 35208  
verification codes for other entities, as described in division 35209  
(D)(2)~~(e)~~(d) of this section, the use of those codes, and the 35210  
reporting and use of associated individual student data shall be 35211  
coordinated by the department in accordance with state and federal 35212  
law. 35213

School districts shall report individual student data to the 35214  
department through the information technology centers utilizing 35215  
the code. The entities described in division (D)(2)~~(e)~~(d) of this 35216  
section shall report individual student data to the department in 35217  
the manner prescribed by the department. 35218

(b)(i) Except as provided in sections 3301.941, 3310.11, 35219  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 35220  
in division (D)(2)(b)(ii) of this section, at no time shall the 35221  
state board or the department have access to information that 35222  
would enable any data verification code to be matched to 35223  
personally identifiable student data. 35224

(ii) For the purpose of making per-pupil payments to 35225  
community schools under division (C) of section 3314.08 of the 35226  
Revised Code, the department shall have access to information that 35227  
would enable any data verification code to be matched to 35228  
personally identifiable student data. 35229

~~(b)~~(c) Each school district and community school shall ensure 35230  
that the data verification code is included in the student's 35231

records reported to any subsequent school district, community 35232  
school, or state institution of higher education, as defined in 35233  
section 3345.011 of the Revised Code, in which the student 35234  
enrolls. Any such subsequent district or school shall utilize the 35235  
same identifier in its reporting of data under this section. 35236

~~(e)~~(d) The director of any state agency that administers a 35237  
publicly funded program providing services to children who are 35238  
younger than compulsory school age, as defined in section 3321.01 35239  
of the Revised Code, including the directors of health, job and 35240  
family services, mental health and addiction services, and 35241  
developmental disabilities, shall request and receive, pursuant to 35242  
sections 3301.0723 and 5123.0423 of the Revised Code, a data 35243  
verification code for a child who is receiving those services. 35244

(E) The guidelines adopted under this section may require 35245  
school districts to collect and report data, information, or 35246  
reports other than that described in divisions (A), (B), and (C) 35247  
of this section for the purpose of complying with other reporting 35248  
requirements established in the Revised Code. The other data, 35249  
information, or reports may be maintained in the education 35250  
management information system but are not required to be compiled 35251  
as part of the profile formats required under division (G) of this 35252  
section or the annual statewide report required under division (H) 35253  
of this section. 35254

(F) Beginning with the school year that begins July 1, 1991, 35255  
the board of education of each school district shall annually 35256  
collect and report to the state board, in accordance with the 35257  
guidelines established by the board, the data required pursuant to 35258  
this section. A school district may collect and report these data 35259  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 35260

(G) The state board shall, in accordance with the procedures 35261  
it adopts, annually compile the data reported by each school 35262  
district pursuant to division (D) of this section. The state board 35263

shall design formats for profiling each school district as a whole 35264  
and each school building within each district and shall compile 35265  
the data in accordance with these formats. These profile formats 35266  
shall: 35267

(1) Include all of the data gathered under this section in a 35268  
manner that facilitates comparison among school districts and 35269  
among school buildings within each school district; 35270

(2) Present the data on academic achievement levels as 35271  
assessed by the testing of student achievement maintained pursuant 35272  
to division (B)(1)(d) of this section. 35273

(H)(1) The state board shall, in accordance with the 35274  
procedures it adopts, annually prepare a statewide report for all 35275  
school districts and the general public that includes the profile 35276  
of each of the school districts developed pursuant to division (G) 35277  
of this section. Copies of the report shall be sent to each school 35278  
district. 35279

(2) The state board shall, in accordance with the procedures 35280  
it adopts, annually prepare an individual report for each school 35281  
district and the general public that includes the profiles of each 35282  
of the school buildings in that school district developed pursuant 35283  
to division (G) of this section. Copies of the report shall be 35284  
sent to the superintendent of the district and to each member of 35285  
the district board of education. 35286

(3) Copies of the reports received from the state board under 35287  
divisions (H)(1) and (2) of this section shall be made available 35288  
to the general public at each school district's offices. Each 35289  
district board of education shall make copies of each report 35290  
available to any person upon request and payment of a reasonable 35291  
fee for the cost of reproducing the report. The board shall 35292  
annually publish in a newspaper of general circulation in the 35293  
school district, at least twice during the two weeks prior to the 35294

week in which the reports will first be available, a notice 35295  
containing the address where the reports are available and the 35296  
date on which the reports will be available. 35297

(I) Any data that is collected or maintained pursuant to this 35298  
section and that identifies an individual pupil is not a public 35299  
record for the purposes of section 149.43 of the Revised Code. 35300

(J) As used in this section: 35301

(1) "School district" means any city, local, exempted 35302  
village, or joint vocational school district and, in accordance 35303  
with section 3314.17 of the Revised Code, any community school. As 35304  
used in division (L) of this section, "school district" also 35305  
includes any educational service center or other educational 35306  
entity required to submit data using the system established under 35307  
this section. 35308

(2) "Cost" means any expenditure for operating expenses made 35309  
by a school district excluding any expenditures for debt 35310  
retirement except for payments made to any commercial lending 35311  
institution for any loan approved pursuant to section 3313.483 of 35312  
the Revised Code. 35313

(K) Any person who removes data from the information system 35314  
established under this section for the purpose of releasing it to 35315  
any person not entitled under law to have access to such 35316  
information is subject to section 2913.42 of the Revised Code 35317  
prohibiting tampering with data. 35318

(L)(1) In accordance with division (L)(2) of this section and 35319  
the rules adopted under division (L)(10) of this section, the 35320  
department of education may sanction any school district that 35321  
reports incomplete or inaccurate data, reports data that does not 35322  
conform to data requirements and descriptions published by the 35323  
department, fails to report data in a timely manner, or otherwise 35324  
does not make a good faith effort to report data as required by 35325

this section. 35326

(2) If the department decides to sanction a school district 35327  
under this division, the department shall take the following 35328  
sequential actions: 35329

(a) Notify the district in writing that the department has 35330  
determined that data has not been reported as required under this 35331  
section and require the district to review its data submission and 35332  
submit corrected data by a deadline established by the department. 35333  
The department also may require the district to develop a 35334  
corrective action plan, which shall include provisions for the 35335  
district to provide mandatory staff training on data reporting 35336  
procedures. 35337

(b) Withhold up to ten per cent of the total amount of state 35338  
funds due to the district for the current fiscal year and, if not 35339  
previously required under division (L)(2)(a) of this section, 35340  
require the district to develop a corrective action plan in 35341  
accordance with that division; 35342

(c) Withhold an additional amount of up to twenty per cent of 35343  
the total amount of state funds due to the district for the 35344  
current fiscal year; 35345

(d) Direct department staff or an outside entity to 35346  
investigate the district's data reporting practices and make 35347  
recommendations for subsequent actions. The recommendations may 35348  
include one or more of the following actions: 35349

(i) Arrange for an audit of the district's data reporting 35350  
practices by department staff or an outside entity; 35351

(ii) Conduct a site visit and evaluation of the district; 35352

(iii) Withhold an additional amount of up to thirty per cent 35353  
of the total amount of state funds due to the district for the 35354  
current fiscal year; 35355

(iv) Continue monitoring the district's data reporting;	35356
(v) Assign department staff to supervise the district's data management system;	35357 35358
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	35359 35360 35361
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	35362 35363 35364 35365
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	35366 35367 35368 35369 35370
(ix) Any other action designed to correct the district's data reporting problems.	35371 35372
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	35373 35374 35375 35376 35377 35378
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under	35379 35380 35381 35382 35383 35384 35385 35386

division (L)(2)(b) of this section and, if the department withheld 35387  
funding under division (L)(2)(d) of this section, the department 35388  
shall not release the funds withheld under division (L)(2)(b) or 35389  
(c) of this section. 35390

(5) Notwithstanding anything in this section to the contrary, 35391  
the department may use its own staff or an outside entity to 35392  
conduct an audit of a school district's data reporting practices 35393  
any time the department has reason to believe the district has not 35394  
made a good faith effort to report data as required by this 35395  
section. If any audit conducted by an outside entity under 35396  
division (L)(2)(d)(i) or (5) of this section confirms that a 35397  
district has not made a good faith effort to report data as 35398  
required by this section, the district shall reimburse the 35399  
department for the full cost of the audit. The department may 35400  
withhold state funds due to the district for this purpose. 35401

(6) Prior to issuing a revised report card for a school 35402  
district under division (L)(2)(d)(viii) of this section, the 35403  
department may hold a hearing to provide the district with an 35404  
opportunity to demonstrate that it made a good faith effort to 35405  
report data as required by this section. The hearing shall be 35406  
conducted by a referee appointed by the department. Based on the 35407  
information provided in the hearing, the referee shall recommend 35408  
whether the department should issue a revised report card for the 35409  
district. If the referee affirms the department's contention that 35410  
the district did not make a good faith effort to report data as 35411  
required by this section, the district shall bear the full cost of 35412  
conducting the hearing and of issuing any revised report card. 35413

(7) If the department determines that any inaccurate data 35414  
reported under this section caused a school district to receive 35415  
excess state funds in any fiscal year, the district shall 35416  
reimburse the department an amount equal to the excess funds, in 35417  
accordance with a payment schedule determined by the department. 35418

The department may withhold state funds due to the district for 35419  
this purpose. 35420

(8) Any school district that has funds withheld under 35421  
division (L)(2) of this section may appeal the withholding in 35422  
accordance with Chapter 119. of the Revised Code. 35423

(9) In all cases of a disagreement between the department and 35424  
a school district regarding the appropriateness of an action taken 35425  
under division (L)(2) of this section, the burden of proof shall 35426  
be on the district to demonstrate that it made a good faith effort 35427  
to report data as required by this section. 35428

(10) The state board of education shall adopt rules under 35429  
Chapter 119. of the Revised Code to implement division (L) of this 35430  
section. 35431

(M) No information technology center or school district shall 35432  
acquire, change, or update its student administration software 35433  
package to manage and report data required to be reported to the 35434  
department unless it converts to a student software package that 35435  
is certified by the department. 35436

(N) The state board of education, in accordance with sections 35437  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 35438  
license as defined under division (A) of section 3319.31 of the 35439  
Revised Code that has been issued to any school district employee 35440  
found to have willfully reported erroneous, inaccurate, or 35441  
incomplete data to the education management information system. 35442

(O) No person shall release or maintain any information about 35443  
any student in violation of this section. Whoever violates this 35444  
division is guilty of a misdemeanor of the fourth degree. 35445

(P) The department shall disaggregate the data collected 35446  
under division (B)(1)(n) of this section according to the race and 35447  
socioeconomic status of the students assessed. 35448

(Q) If the department cannot compile any of the information 35449  
required by division (H) of section 3302.03 of the Revised Code 35450  
based upon the data collected under this section, the department 35451  
shall develop a plan and a reasonable timeline for the collection 35452  
of any data necessary to comply with that division. 35453

**Sec. 3301.0715.** (A) Except as required under division (B)(1) 35454  
of section 3313.608 or as specified in division (D)(3) of section 35455  
3301.079 of the Revised Code, the board of education of each city, 35456  
local, and exempted village school district shall administer each 35457  
applicable diagnostic assessment developed and provided to the 35458  
district in accordance with section 3301.079 of the Revised Code 35459  
to the following: 35460

(1) Any student who transfers into the district or to a 35461  
different school within the district if each applicable diagnostic 35462  
assessment was not administered by the district or school the 35463  
student previously attended in the current school year, within 35464  
thirty days after the date of transfer. If the district or school 35465  
into which the student transfers cannot determine whether the 35466  
student has taken any applicable diagnostic assessment in the 35467  
current school year, the district or school may administer the 35468  
diagnostic assessment to the student. However, if a student 35469  
transfers into the district prior to the administration of the 35470  
diagnostic assessments to all students under division (B) of this 35471  
section, the district may administer the diagnostic assessments to 35472  
that student on the date or dates determined under that division. 35473

(2) Each kindergarten student, not earlier than the first day 35474  
of the school year and not later than the first day of November. 35475  
However, a board of education may administer the selected response 35476  
and performance task items portion of the diagnostic assessment up 35477  
to two weeks prior to the first day of the school year. 35478

For the purpose of division (A)(2) of this section, the 35479

district shall administer the kindergarten readiness assessment 35480  
provided by the department of education. In no case shall the 35481  
results of the readiness assessment be used to prohibit a student 35482  
from enrolling in kindergarten. 35483

(3) Each student enrolled in first, second, or third grade. 35484

Division (A) of this section does not apply to students with 35485  
significant cognitive disabilities, as defined by the department 35486  
of education. 35487

(B) Each district board shall administer each diagnostic 35488  
assessment when the board deems appropriate, provided the 35489  
administration complies with section 3313.608 of the Revised Code. 35490  
However, the board shall administer any diagnostic assessment at 35491  
least once annually to all students in the appropriate grade 35492  
level. A district board may administer any diagnostic assessment 35493  
in the fall and spring of a school year to measure the amount of 35494  
academic growth attributable to the instruction received by 35495  
students during that school year. 35496

(C) Any district that received a grade of "A" or "B" for the 35497  
performance index score under division (A)(1)(b), (B)(1)(b), or 35498  
(C)(1)(b) of section 3302.03 of the Revised Code or for the 35499  
value-added progress dimension under division (A)(1)(e), 35500  
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 35501  
the immediately preceding school year may use different diagnostic 35502  
assessments from those adopted under division (D) of section 35503  
3301.079 of the Revised Code in order to satisfy the requirements 35504  
of division (A)(3) of this section. 35505

(D) Each district board shall utilize and score any 35506  
diagnostic assessment administered under division (A) of this 35507  
section in accordance with rules established by the department. 35508  
After the administration of any diagnostic assessment, each 35509  
district shall provide a student's completed diagnostic 35510

assessment, the results of such assessment, and any other 35511  
accompanying documents used during the administration of the 35512  
assessment to the parent of that student, and shall include all 35513  
such documents and information in any plan developed for the 35514  
student under division (C) of section 3313.608 of the Revised 35515  
Code. Each district shall submit to the department, in the manner 35516  
the department prescribes, the results of the diagnostic 35517  
assessments administered under this section, regardless of the 35518  
type of assessment used under section 3313.608 of the Revised 35519  
Code. The department may issue reports with respect to the data 35520  
collected. The department may report school and district level 35521  
kindergarten diagnostic assessment data and use diagnostic 35522  
assessment data to calculate the measure prescribed by divisions 35523  
(B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code. 35524

(E) Each district board shall provide intervention services 35525  
to students whose diagnostic assessments show that they are 35526  
failing to make satisfactory progress toward attaining the 35527  
academic standards for their grade level. 35528

(F) Beginning in the 2018-2019 school year, any chartered 35529  
nonpublic school may elect to administer the kindergarten 35530  
readiness assessment to all kindergarten students enrolled in the 35531  
school. If the school so elects, the chief administrator of the 35532  
school shall notify the superintendent of public instruction not 35533  
later than the thirty-first day of March prior to any school year 35534  
in which the school will administer the assessment. The department 35535  
shall furnish the assessment to the school at no cost to the 35536  
school. In administering the assessment, the school shall do all 35537  
of the following: 35538

(1) Enter into a written agreement with the department 35539  
specifying that the school will share each participating student's 35540  
assessment data with the department and, that for the purpose of 35541  
reporting the data to the department, each participating student 35542

will be assigned a data verification code as described in division 35543  
(D)(2) of section 3301.0714 of the Revised Code; 35544

(2) Require the assessment to be administered by a teacher 35545  
certified under section 3301.071 of the Revised Code who either 35546  
has completed training on administering the kindergarten readiness 35547  
assessment provided by the department or has been trained by 35548  
another person who has completed such training; 35549

(3) Administer the assessment in the same manner as school 35550  
districts are required to do under this section and the rules 35551  
established under division (D) of this section. 35552

**Sec. 3301.16.** Pursuant to standards prescribed by the state 35553  
board of education as provided in division (D) of section 3301.07 35554  
of the Revised Code, the state board shall classify and charter 35555  
school districts and individual schools within each district 35556  
except that no charter shall be granted to a nonpublic school 35557  
unless the school complies with divisions (K)(1) and (L) of 35558  
section 3301.0711, as applicable, and ~~section~~ sections 3301.164 35559  
and 3313.612 of the Revised Code. 35560

In the course of considering the charter of a new school 35561  
district created under section 3311.26 or 3311.38 of the Revised 35562  
Code, the state board shall require the party proposing creation 35563  
of the district to submit to the board a map, certified by the 35564  
county auditor of the county in which the proposed new district is 35565  
located, showing the boundaries of the proposed new district. In 35566  
the case of a proposed new district located in more than one 35567  
county, the map shall be certified by the county auditor of each 35568  
county in which the proposed district is located. 35569

The state board shall revoke the charter of any school 35570  
district or school which fails to meet the standards for 35571  
elementary and high schools as prescribed by the board. The state 35572  
board shall also revoke the charter of any nonpublic school that 35573

does not comply with divisions (K)(1) and (L) of section 3301.0711, if applicable, and ~~section~~ sections 3301.164 and 3313.612 of the Revised Code. 35574  
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In the issuance and revocation of school district or school charters, the state board shall be governed by the provisions of Chapter 119. of the Revised Code. 35577  
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No school district, or individual school operated by a school district, shall operate without a charter issued by the state board under this section. 35580  
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In case a school district charter is revoked pursuant to this section, the state board may dissolve the school district and transfer its territory to one or more adjacent districts. An equitable division of the funds, property, and indebtedness of the school district shall be made by the state board among the receiving districts. The board of education of a receiving district shall accept such territory pursuant to the order of the state board. Prior to dissolving the school district, the state board shall notify the appropriate educational service center governing board and all adjacent school district boards of education of its intention to do so. Boards so notified may make recommendations to the state board regarding the proposed dissolution and subsequent transfer of territory. Except as provided in section 3301.161 of the Revised Code, the transfer ordered by the state board shall become effective on the date specified by the state board, but the date shall be at least thirty days following the date of issuance of the order. 35583  
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A high school is one of higher grade than an elementary school, in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which also offers other subjects of study more advanced than those taught in the elementary schools and such other subjects as may be approved by the state board of education. 35600  
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An elementary school is one in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects as may be approved by the state board of education. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year.

Sec. 3301.164. Each chartered nonpublic school shall publish on the school's web site both of the following:

(A) The number of students enrolled in the school by the last day of October of the current school year;

(B) The school's policy regarding background checks for teaching and nonteaching employees and for volunteers who have direct contact with students.

Sec. 3301.65. (A) The department of education, not later than the first day of May each year, shall submit to the joint education oversight committee of the house of representatives and senate, created in section 103.45 of the Revised Code, the manual containing the standards, procedures, timelines, and other requirements the department intends to use to review or audit the full-time equivalency student enrollment reporting by all school districts, community schools established under Chapter 3314., STEM schools established under Chapter 3326., and college-preparatory boarding schools established under Chapter 3328. of the Revised Code for the next school year.

(B) In addition to the requirement of division (A) of this section, not later than the first day of May each year that the department proposes changes to the manual, the department shall submit to the joint education oversight committee, and to each school district, community school, STEM school, and

college-preparatory boarding school a detailed summary of the 35636  
changes, specifically comparing the differences between the prior 35637  
school year's manual and the proposed manual. The department shall 35638  
post the summary and the proposed manual in a prominent location 35639  
on the department's web site. 35640

(C) In the event that the department fails to comply with 35641  
this section or the specific timelines prescribed herein, or the 35642  
joint education oversight committee, pursuant to division (D) of 35643  
section 103.45 of the Revised Code, determines that schools are 35644  
not reasonably capable of compliance with the proposed manual, the 35645  
proposed manual shall be ineffective, and the department shall 35646  
conduct its reviews or audits using the manual and accompanying 35647  
standards, procedures, timelines, and other requirements from the 35648  
previous school year. 35649

**Sec. 3302.01.** As used in this chapter: 35650

(A) "Performance index score" means the average of the totals 35651  
derived from calculations, for each subject area, of the weighted 35652  
proportion of untested students and students scoring at each level 35653  
of skill described in division (A)(2) of section 3301.0710 of the 35654  
Revised Code on the state achievement assessments, as follows: 35655

(1) For the assessments prescribed by division (A)(1) of 35656  
section 3301.0710 of the Revised Code, the average for each of the 35657  
subject areas of English language arts, mathematics, and science, 35658  
~~and social studies.~~ 35659

(2) For the assessments prescribed by division (B)(1) of 35660  
section 3301.0710 and division (B)(2) of section 3301.0712 of the 35661  
Revised Code, the average for each of the subject areas of English 35662  
language arts and mathematics. 35663

The department of education shall assign weights such that 35664  
students who do not take an assessment receive a weight of zero 35665

and students who take an assessment receive progressively larger weights dependent upon the level of skill attained on the assessment. The department shall assign additional weights to students who have been permitted to pass over a subject in accordance with a student acceleration policy adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A)(2)(c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A)(2)(a) of section 3301.0710 of the Revised Code, on an assessment, the department shall assign to the student an additional proportional weight, as approved by the state board. For each school year that such a student's score is included in the performance index score and the student attains the proficient score on an assessment, that additional weight shall be assigned to the student on a subject-by-subject basis.

Students shall be included in the "performance index score" in accordance with division (K)(2) of section 3302.03 of the Revised Code.

(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following:

- (1) Major racial and ethnic groups;
- (2) Students with disabilities;
- (3) Economically disadvantaged students;
- (4) Limited English proficient students;

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those

students with specific academic ability in math and reading. If 35697  
any other academic field is assessed, the department shall also 35698  
include data for students with specific academic ability in that 35699  
field. 35700

(6) Students in the lowest quintile for achievement 35701  
statewide, as determined by a method prescribed by the state board 35702  
of education. 35703

(C) "No Child Left Behind Act of 2001" includes the statutes 35704  
codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or 35705  
both thereto, rules and regulations promulgated pursuant to those 35706  
statutes, guidance documents, and any other policy directives 35707  
regarding implementation of that act issued by the United States 35708  
department of education. 35709

(D) "Adequate yearly progress" means a measure of annual 35710  
academic performance as calculated in accordance with the "No 35711  
Child Left Behind Act of 2001." 35712

(E) "Supplemental educational services" means additional 35713  
academic assistance, such as tutoring, remediation, or other 35714  
educational enrichment activities, that is conducted outside of 35715  
the regular school day by a provider approved by the department in 35716  
accordance with the "No Child Left Behind Act of 2001." 35717

(F) "Value-added progress dimension" means a measure of 35718  
academic gain for a student or group of students over a specific 35719  
period of time that is calculated by applying a statistical 35720  
methodology to individual student achievement data derived from 35721  
the achievement assessments prescribed by section 3301.0710 of the 35722  
Revised Code. The "value-added progress dimension" shall be 35723  
developed and implemented in accordance with section 3302.021 of 35724  
the Revised Code. 35725

(G)(1) "Four-year adjusted cohort graduation rate" means the 35726  
number of students who graduate in four years or less with a 35727

regular high school diploma divided by the number of students who 35728  
form the adjusted cohort for the graduating class. 35729

(2) "Five-year adjusted cohort graduation rate" means the 35730  
number of students who graduate in five years with a regular high 35731  
school diploma divided by the number of students who form the 35732  
adjusted cohort for the four-year graduation rate. 35733

(H) "State institution of higher education" has the same 35734  
meaning as in section 3345.011 of the Revised Code. 35735

(I) "Annual measurable objectives" means a measure of student 35736  
progress determined in accordance with an agreement between the 35737  
department of education and the United States department of 35738  
education. 35739

(J) "Community school" means a community school established 35740  
under Chapter 3314. of the Revised Code. 35741

(K) "STEM school" means a science, technology, engineering, 35742  
and mathematics school established under Chapter 3326. of the 35743  
Revised Code. 35744

(L) "Entitled to attend school in the district" means 35745  
entitled to attend school in a school district under section 35746  
3313.64 or 3313.65 of the Revised Code. 35747

**Sec. 3302.03.** Annually, not later than the fifteenth day of 35748  
September or the preceding Friday when that day falls on a 35749  
Saturday or Sunday, the department of education shall assign a 35750  
letter grade for overall academic performance and for each 35751  
separate performance measure for each school district, and each 35752  
school building in a district, in accordance with this section. 35753  
The state board shall adopt rules pursuant to Chapter 119. of the 35754  
Revised Code to establish performance criteria for each letter 35755  
grade and prescribe a method by which the department assigns each 35756  
letter grade. For a school building to which any of the 35757

performance measures do not apply, due to grade levels served by 35758  
the building, the state board shall designate the performance 35759  
measures that are applicable to the building and that must be 35760  
calculated separately and used to calculate the building's overall 35761  
grade. The department shall issue annual report cards reflecting 35762  
the performance of each school district, each building within each 35763  
district, and for the state as a whole using the performance 35764  
measures and letter grade system described in this section. The 35765  
department shall include on the report card for each district and 35766  
each building within each district the most recent two-year trend 35767  
data in student achievement for each subject and each grade. 35768

(A)(1) For the 2012-2013 school year, the department shall 35769  
issue grades as described in division (E) of this section for each 35770  
of the following performance measures: 35771

(a) Annual measurable objectives; 35772

(b) Performance index score for a school district or 35773  
building. Grades shall be awarded as a percentage of the total 35774  
possible points on the performance index system as adopted by the 35775  
state board. In adopting benchmarks for assigning letter grades 35776  
under division (A)(1)(b) of this section, the state board of 35777  
education shall designate ninety per cent or higher for an "A," at 35778  
least seventy per cent but not more than eighty per cent for a 35779  
"C," and less than fifty per cent for an "F." 35780

(c) The extent to which the school district or building meets 35781  
each of the applicable performance indicators established by the 35782  
state board under section 3302.02 of the Revised Code and the 35783  
percentage of applicable performance indicators that have been 35784  
achieved. In adopting benchmarks for assigning letter grades under 35785  
division (A)(1)(c) of this section, the state board shall 35786  
designate ninety per cent or higher for an "A." 35787

(d) The four- and five-year adjusted cohort graduation rates. 35788

In adopting benchmarks for assigning letter grades under 35789  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 35790  
department shall designate a four-year adjusted cohort graduation 35791  
rate of ninety-three per cent or higher for an "A" and a five-year 35792  
cohort graduation rate of ninety-five per cent or higher for an 35793  
"A." 35794

(e) The overall score under the value-added progress 35795  
dimension of a school district or building, for which the 35796  
department shall use up to three years of value-added data as 35797  
available. The letter grade assigned for this growth measure shall 35798  
be as follows: 35799

(i) A score that is at least two standard errors of measure 35800  
above the mean score shall be designated as an "A." 35801

(ii) A score that is at least one standard error of measure 35802  
but less than two standard errors of measure above the mean score 35803  
shall be designated as a "B." 35804

(iii) A score that is less than one standard error of measure 35805  
above the mean score but greater than or equal to one standard 35806  
error of measure below the mean score shall be designated as a 35807  
"C." 35808

(iv) A score that is not greater than one standard error of 35809  
measure below the mean score but is greater than or equal to two 35810  
standard errors of measure below the mean score shall be 35811  
designated as a "D." 35812

(v) A score that is not greater than two standard errors of 35813  
measure below the mean score shall be designated as an "F." 35814

Whenever the value-added progress dimension is used as a 35815  
graded performance measure, whether as an overall measure or as a 35816  
measure of separate subgroups, the grades for the measure shall be 35817  
calculated in the same manner as prescribed in division (A)(1)(e) 35818  
of this section. 35819

(f) The value-added progress dimension score for a school 35820  
district or building disaggregated for each of the following 35821  
subgroups: students identified as gifted, students with 35822  
disabilities, and students whose performance places them in the 35823  
lowest quintile for achievement on a statewide basis. Each 35824  
subgroup shall be a separate graded measure. 35825

(2) Not later than April 30, 2013, the state board of 35826  
education shall adopt a resolution describing the performance 35827  
measures, benchmarks, and grading system for the 2012-2013 school 35828  
year and, not later than June 30, 2013, shall adopt rules in 35829  
accordance with Chapter 119. of the Revised Code that prescribe 35830  
the methods by which the performance measures under division 35831  
(A)(1) of this section shall be assessed and assigned a letter 35832  
grade, including performance benchmarks for each letter grade. 35833

At least forty-five days prior to the state board's adoption 35834  
of rules to prescribe the methods by which the performance 35835  
measures under division (A)(1) of this section shall be assessed 35836  
and assigned a letter grade, the department shall conduct a public 35837  
presentation before the standing committees of the house of 35838  
representatives and the senate that consider education legislation 35839  
describing such methods, including performance benchmarks. 35840

(3) There shall not be an overall letter grade for a school 35841  
district or building for the 2012-2013 school year. 35842

(B)(1) For the 2013-2014 and 2014-2015 school years, the 35843  
department shall issue grades as described in division (E) of this 35844  
section for each of the following performance measures: 35845

(a) Annual measurable objectives; 35846

(b) Performance index score for a school district or 35847  
building. Grades shall be awarded as a percentage of the total 35848  
possible points on the performance index system as created by the 35849  
department. In adopting benchmarks for assigning letter grades 35850

under division (B)(1)(b) of this section, the state board shall 35851  
designate ninety per cent or higher for an "A," at least seventy 35852  
per cent but not more than eighty per cent for a "C," and less 35853  
than fifty per cent for an "F." 35854

(c) The extent to which the school district or building meets 35855  
each of the applicable performance indicators established by the 35856  
state board under section 3302.03 of the Revised Code and the 35857  
percentage of applicable performance indicators that have been 35858  
achieved. In adopting benchmarks for assigning letter grades under 35859  
division (B)(1)(c) of this section, the state board shall 35860  
designate ninety per cent or higher for an "A." 35861

(d) The four- and five-year adjusted cohort graduation rates; 35862

(e) The overall score under the value-added progress 35863  
dimension of a school district or building, for which the 35864  
department shall use up to three years of value-added data as 35865  
available. 35866

(f) The value-added progress dimension score for a school 35867  
district or building disaggregated for each of the following 35868  
subgroups: students identified as gifted in superior cognitive 35869  
ability and specific academic ability fields under Chapter 3324. 35870  
of the Revised Code, students with disabilities, and students 35871  
whose performance places them in the lowest quintile for 35872  
achievement on a statewide basis. Each subgroup shall be a 35873  
separate graded measure. 35874

(g) Whether a school district or building is making progress 35875  
in improving literacy in grades kindergarten through three, as 35876  
determined using a method prescribed by the state board. The state 35877  
board shall adopt rules to prescribe benchmarks and standards for 35878  
assigning grades to districts and buildings for purposes of 35879  
division (B)(1)(g) of this section. In adopting benchmarks for 35880  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 35881

this section, the state board shall determine progress made based 35882  
on the reduction in the total percentage of students scoring below 35883  
grade level, or below proficient, compared from year to year on 35884  
the reading and writing diagnostic assessments administered under 35885  
section 3301.0715 of the Revised Code and the third grade English 35886  
language arts assessment under section 3301.0710 of the Revised 35887  
Code, as applicable. The state board shall designate for a "C" 35888  
grade a value that is not lower than the statewide average value 35889  
for this measure. No grade shall be issued under divisions 35890  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 35891  
in which less than five per cent of students have scored below 35892  
grade level on the diagnostic assessment administered to students 35893  
in kindergarten under division (B)(1) of section 3313.608 of the 35894  
Revised Code. 35895

(h) For a high mobility school district or building, an 35896  
additional value-added progress dimension score. For this measure, 35897  
the department shall use value-added data from the most recent 35898  
school year available and shall use assessment scores for only 35899  
those students to whom the district or building has administered 35900  
the assessments prescribed by section 3301.0710 of the Revised 35901  
Code for each of the two most recent consecutive school years. 35902

As used in this division, "high mobility school district or 35903  
building" means a school district or building where at least 35904  
twenty-five per cent of its total enrollment is made up of 35905  
students who have attended that school district or building for 35906  
less than one year. 35907

(2) In addition to the graded measures in division (B)(1) of 35908  
this section, the department shall include on a school district's 35909  
or building's report card all of the following without an assigned 35910  
letter grade: 35911

(a) The percentage of students enrolled in a district or 35912  
building participating in advanced placement classes and the 35913

percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code. ~~The state board shall adopt criteria for acceptable industry-recognized credentials.~~

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section

3313.61 of the Revised Code. 35945

(3) Not later than December 31, 2013, the state board shall 35946  
adopt rules in accordance with Chapter 119. of the Revised Code 35947  
that prescribe the methods by which the performance measures under 35948  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 35949  
and assigned a letter grade, including performance benchmarks for 35950  
each grade. 35951

At least forty-five days prior to the state board's adoption 35952  
of rules to prescribe the methods by which the performance 35953  
measures under division (B)(1) of this section shall be assessed 35954  
and assigned a letter grade, the department shall conduct a public 35955  
presentation before the standing committees of the house of 35956  
representatives and the senate that consider education legislation 35957  
describing such methods, including performance benchmarks. 35958

(4) There shall not be an overall letter grade for a school 35959  
district or building for the 2013-2014, 2014-2015, 2015-2016, and 35960  
2016-2017 school years. 35961

(C)(1) For the 2014-2015 school year and each school year 35962  
thereafter, the department shall issue grades as described in 35963  
division (E) of this section for each of the performance measures 35964  
prescribed in division (C)(1) of this section. The graded measures 35965  
are as follows: 35966

(a) Annual measurable objectives; 35967

(b) Performance index score for a school district or 35968  
building. Grades shall be awarded as a percentage of the total 35969  
possible points on the performance index system as created by the 35970  
department. In adopting benchmarks for assigning letter grades 35971  
under division (C)(1)(b) of this section, the state board shall 35972  
designate ninety per cent or higher for an "A," at least seventy 35973  
per cent but not more than eighty per cent for a "C," and less 35974  
than fifty per cent for an "F." 35975

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years of value-added data as available.

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(f) of this section is a "B" or higher.

For the metric prescribed by division (C)(1)(e) of this section, the state board may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the state board adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324.

of the Revised Code, students with disabilities, and students 36007  
whose performance places them in the lowest quintile for 36008  
achievement on a statewide basis, as determined by a method 36009  
prescribed by the state board. Each subgroup shall be a separate 36010  
graded measure. 36011

The state board may adopt student academic progress measures 36012  
to be used instead of the value-added progress dimension. If the 36013  
state board adopts such measures, it also shall prescribe a method 36014  
for assigning letter grades for the new measures that is 36015  
comparable to the method prescribed in division (A)(1)(e) of this 36016  
section. 36017

(g) Whether a school district or building is making progress 36018  
in improving literacy in grades kindergarten through three, as 36019  
determined using a method prescribed by the state board. The state 36020  
board shall adopt rules to prescribe benchmarks and standards for 36021  
assigning grades to a district or building for purposes of 36022  
division (C)(1)(g) of this section. The state board shall 36023  
designate for a "C" grade a value that is not lower than the 36024  
statewide average value for this measure. No grade shall be issued 36025  
under division (C)(1)(g) of this section for a district or 36026  
building in which less than five per cent of students have scored 36027  
below grade level on the kindergarten diagnostic assessment under 36028  
division (B)(1) of section 3313.608 of the Revised Code. 36029

(h) For a high mobility school district or building, an 36030  
additional value-added progress dimension score. For this measure, 36031  
the department shall use value-added data from the most recent 36032  
school year available and shall use assessment scores for only 36033  
those students to whom the district or building has administered 36034  
the assessments prescribed by section 3301.0710 of the Revised 36035  
Code for each of the two most recent consecutive school years. 36036

As used in this division, "high mobility school district or 36037  
building" means a school district or building where at least 36038

twenty-five per cent of its total enrollment is made up of 36039  
students who have attended that school district or building for 36040  
less than one year. 36041

(2) In addition to the graded measures in division (C)(1) of 36042  
this section, the department shall include on a school district's 36043  
or building's report card all of the following without an assigned 36044  
letter grade: 36045

(a) The percentage of students enrolled in a district or 36046  
building who have taken a national standardized test used for 36047  
college admission determinations and the percentage of those 36048  
students who are determined to be remediation-free in accordance 36049  
with the standards adopted under division (F) of section 3345.061 36050  
of the Revised Code; 36051

(b) The percentage of students enrolled in a district or 36052  
building participating in advanced placement classes and the 36053  
percentage of those students who received a score of three or 36054  
better on advanced placement examinations; 36055

(c) The percentage of a district's or building's students who 36056  
have earned at least three college credits through advanced 36057  
standing programs, such as the college credit plus program under 36058  
Chapter 3365. of the Revised Code and state-approved 36059  
career-technical courses offered through dual enrollment or 36060  
statewide articulation, that appear on a student's college 36061  
transcript issued by the institution of higher education from 36062  
which the student earned the college credit. The credits earned 36063  
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 36064  
section shall not include any that are remedial or developmental 36065  
and shall include those that count toward the curriculum 36066  
requirements established for completion of a degree. 36067

(d) The percentage of the district's or building's students 36068  
who receive an honor's diploma under division (B) of section 36069

3313.61 of the Revised Code;	36070
(e) The percentage of the district's or building's students who receive industry-recognized credentials <u>as approved under</u> <u>section 3313.6113 of the Revised Code</u> ;	36071 36072 36073
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	36074 36075 36076 36077
(g) The results of the college and career-ready assessments administered under division (B)(1) of section 3301.0712 of the Revised Code.	36078 36079 36080
(3) The state board shall adopt rules pursuant to Chapter 119. of the Revised Code that establish a method to assign an overall grade for a school district or school building for the 2017-2018 school year and each school year thereafter. The rules shall group the performance measures in divisions (C)(1) and (2) of this section into the following components:	36081 36082 36083 36084 36085 36086
(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;	36087 36088
(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;	36089 36090
(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;	36091 36092
(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;	36093 36094
(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;	36095 36096 36097
(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of	36098 36099

this section. The state board shall develop a method to determine 36100  
a grade for the component in division (C)(3)(f) of this section 36101  
using the performance measures in divisions (C)(2)(a), (b), (c), 36102  
(d), (e), and (f) of this section. When available, the state board 36103  
may incorporate the performance measure under division (C)(2)(g) 36104  
of this section into the component under division (C)(3)(f) of 36105  
this section. When determining the overall grade for the prepared 36106  
for success component prescribed by division (C)(3)(f) of this 36107  
section, no individual student shall be counted in more than one 36108  
performance measure. However, if a student qualifies for more than 36109  
one performance measure in the component, the state board may, in 36110  
its method to determine a grade for the component, specify an 36111  
additional weight for such a student that is not greater than or 36112  
equal to 1.0. In determining the overall score under division 36113  
(C)(3)(f) of this section, the state board shall ensure that the 36114  
pool of students included in the performance measures aggregated 36115  
under that division are all of the students included in the four- 36116  
and five-year adjusted graduation cohort. 36117

In the rules adopted under division (C)(3) of this section, 36118  
the state board shall adopt a method for determining a grade for 36119  
each component in divisions (C)(3)(a) to (f) of this section. The 36120  
state board also shall establish a method to assign an overall 36121  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 36122  
each component. The method the state board adopts for assigning an 36123  
overall grade shall give equal weight to the components in 36124  
divisions (C)(3)(b) and (c) of this section. 36125

At least forty-five days prior to the state board's adoption 36126  
of rules to prescribe the methods for calculating the overall 36127  
grade for the report card, as required by this division, the 36128  
department shall conduct a public presentation before the standing 36129  
committees of the house of representatives and the senate that 36130  
consider education legislation describing the format for the 36131

report card, weights that will be assigned to the components of 36132  
the overall grade, and the method for calculating the overall 36133  
grade. 36134

(D) On or after ~~than~~ July 1, 2015, the state board may 36135  
develop a measure of student academic progress for high school 36136  
students using only data from assessments in English language arts 36137  
and mathematics. If the state board develops this measure, each 36138  
school district and applicable school building shall be assigned a 36139  
separate letter grade for ~~if it~~ not sooner than the 2017-2018 36140  
school year. The district's or building's grade for that measure 36141  
shall not be included in determining the district's or building's 36142  
overall letter grade. 36143

(E) The letter grades assigned to a school district or 36144  
building under this section shall be as follows: 36145

(1) "A" for a district or school making excellent progress; 36146

(2) "B" for a district or school making above average 36147  
progress; 36148

(3) "C" for a district or school making average progress; 36149

(4) "D" for a district or school making below average 36150  
progress; 36151

(5) "F" for a district or school failing to meet minimum 36152  
progress. 36153

(F) When reporting data on student achievement and progress, 36154  
the department shall disaggregate that data according to the 36155  
following categories: 36156

(1) Performance of students by grade-level; 36157

(2) Performance of students by race and ethnic group; 36158

(3) Performance of students by gender; 36159

(4) Performance of students grouped by those who have been 36160

enrolled in a district or school for three or more years;	36161
(5) Performance of students grouped by those who have been	36162
enrolled in a district or school for more than one year and less	36163
than three years;	36164
(6) Performance of students grouped by those who have been	36165
enrolled in a district or school for one year or less;	36166
(7) Performance of students grouped by those who are	36167
economically disadvantaged;	36168
(8) Performance of students grouped by those who are enrolled	36169
in a conversion community school established under Chapter 3314.	36170
of the Revised Code;	36171
(9) Performance of students grouped by those who are	36172
classified as limited English proficient;	36173
(10) Performance of students grouped by those who have	36174
disabilities;	36175
(11) Performance of students grouped by those who are	36176
classified as migrants;	36177
(12) Performance of students grouped by those who are	36178
identified as gifted in superior cognitive ability and the	36179
specific academic ability fields of reading and math pursuant to	36180
Chapter 3324. of the Revised Code. In disaggregating specific	36181
academic ability fields for gifted students, the department shall	36182
use data for those students with specific academic ability in math	36183
and reading. If any other academic field is assessed, the	36184
department shall also include data for students with specific	36185
academic ability in that field as well.	36186
(13) Performance of students grouped by those who perform in	36187
the lowest quintile for achievement on a statewide basis, as	36188
determined by a method prescribed by the state board.	36189
The department may disaggregate data on student performance	36190

according to other categories that the department determines are 36191  
appropriate. To the extent possible, the department shall 36192  
disaggregate data on student performance according to any 36193  
combinations of two or more of the categories listed in divisions 36194  
(F)(1) to (13) of this section that it deems relevant. 36195

In reporting data pursuant to division (F) of this section, 36196  
the department shall not include in the report cards any data 36197  
statistical in nature that is statistically unreliable or that 36198  
could result in the identification of individual students. For 36199  
this purpose, the department shall not report student performance 36200  
data for any group identified in division (F) of this section that 36201  
contains less than ten students. If the department does not report 36202  
student performance data for a group because it contains less than 36203  
ten students, the department shall indicate on the report card 36204  
that is why data was not reported. 36205

(G) The department may include with the report cards any 36206  
additional education and fiscal performance data it deems 36207  
valuable. 36208

(H) The department shall include on each report card a list 36209  
of additional information collected by the department that is 36210  
available regarding the district or building for which the report 36211  
card is issued. When available, such additional information shall 36212  
include student mobility data disaggregated by race and 36213  
socioeconomic status, college enrollment data, and the reports 36214  
prepared under section 3302.031 of the Revised Code. 36215

The department shall maintain a site on the world wide web. 36216  
The report card shall include the address of the site and shall 36217  
specify that such additional information is available to the 36218  
public at that site. The department shall also provide a copy of 36219  
each item on the list to the superintendent of each school 36220  
district. The district superintendent shall provide a copy of any 36221  
item on the list to anyone who requests it. 36222

(I)(1)(a) Except as provided in division (I)(1)(b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(b) The department shall not combine data from any conversion community school that a district sponsors if a majority of the students enrolled in the conversion community school are enrolled in a dropout prevention and recovery program that is operated by the school, as described in division (A)(4)(a) of section 3314.35 of the Revised Code. The department shall include as an addendum to the district's report card the ratings and performance measures that are required under section 3314.017 of the Revised Code for any community school to which division (I)(1)(b) of this section applies. This addendum shall include, at a minimum, the data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 3314.017 of the Revised Code.

(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(3) Any municipal school district, as defined in section

3311.71 of the Revised Code, that sponsors a community school 36255  
located within the district's territory, or that enters into an 36256  
agreement with a community school located within the district's 36257  
territory whereby the district and the community school endorse 36258  
each other's programs, may exercise either or both of the 36259  
following elections: 36260

(a) To have data regarding the academic performance of 36261  
students enrolled in that community school combined with 36262  
comparable data from the schools of the district for the purpose 36263  
of determining the performance of the district as a whole on the 36264  
district's report card; 36265

(b) To have the number of students attending that community 36266  
school noted separately on the district's report card. 36267

The election authorized under division (I)(3)(a) of this 36268  
section is subject to approval by the governing authority of the 36269  
community school. 36270

Any municipal school district that exercises an election to 36271  
combine or include data under division (I)(3) of this section, by 36272  
the first day of October of each year, shall file with the 36273  
department documentation indicating eligibility for that election, 36274  
as required by the department. 36275

(J) The department shall include on each report card the 36276  
percentage of teachers in the district or building who are highly 36277  
qualified, as defined by the No Child Left Behind Act of 2001, and 36278  
a comparison of that percentage with the percentages of such 36279  
teachers in similar districts and buildings. 36280

(K)(1) In calculating English language arts, mathematics, 36281  
~~social studies~~, or science assessment passage rates used to 36282  
determine school district or building performance under this 36283  
section, the department shall include all students taking an 36284  
assessment with accommodation or to whom an alternate assessment 36285

is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code. 36286  
36287

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following: 36288  
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(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level; 36294  
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(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment; 36301  
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36303

(c) Except as required by the No Child Left Behind Act of 2001, exclude for each district or building any limited English proficient student who has been enrolled in United States schools for less than one full school year. 36304  
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(L) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades to the performance measures and components prescribed under divisions (C)(3) and (D) of this section. 36308  
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**Sec. 3302.151.** (A) Notwithstanding anything to the contrary in the Revised Code, a school district that qualifies under division (D) of this section shall be exempt from all of the 36313  
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36315

following: 36316

(1) The teacher qualification requirements under the 36317  
third-grade reading guarantee, as prescribed under divisions 36318  
(B)(3)(c) and (H) of section 3313.608 of the Revised Code. This 36319  
exemption does not relieve a teacher from holding a valid Ohio 36320  
license in a subject area and grade level determined appropriate 36321  
by the board of education of that district. 36322

~~(2) The mentoring component of the Ohio teacher residency 36323  
program established under division (A)(1) of section 3319.223 of 36324  
the Revised Code, so long as the district utilizes a local 36325  
approach to train and support new teachers;~~ 36326

~~(3) Any provision of the Revised Code or rule or standard of 36327  
the state board of education prescribing a minimum or maximum 36328  
class size;~~ 36329

~~(4)(3) Any provision of the Revised Code or rule or standard 36330  
of the state board requiring teachers to be licensed specifically 36331  
in the grade level in which they are teaching, except unless 36332  
otherwise prescribed by federal law. This exemption does not apply 36333  
to special education teachers. Nor does this exemption relieve a 36334  
teacher from holding a valid Ohio license in the subject area in 36335  
which that teacher is teaching and at least some grade level 36336  
determined appropriate by the district board. 36337~~

(B)(1) Notwithstanding anything to the contrary in the 36338  
Revised Code, including sections 3319.30 and 3319.36 of the 36339  
Revised Code, the superintendent of a school district that 36340  
qualifies under division (D) of this section may employ an 36341  
individual who is not licensed as required by sections 3319.22 to 36342  
3319.30 of the Revised Code, but who is otherwise qualified based 36343  
on experience, to teach classes in the district, so long as the 36344  
board of education of the school district approves the 36345  
individual's employment and provides mentoring and professional 36346

development opportunities to that individual, as determined 36347  
necessary by the board. 36348

(2) As a condition of employment under this section, an 36349  
individual shall be subject to a criminal records check as 36350  
prescribed by section 3319.391 of the Revised Code. In the manner 36351  
prescribed by the department of education, the individual shall 36352  
submit the criminal records check to the department and shall 36353  
register with the department during the period in which the 36354  
individual is employed by the district. The department shall use 36355  
the information submitted to enroll the individual in the retained 36356  
applicant fingerprint database, established under section 109.5721 36357  
of the Revised Code, in the same manner as any teacher licensed 36358  
under sections 3319.22 to 3319.31 of the Revised Code. 36359

(3) An individual employed pursuant to this division is 36360  
subject to Chapter 3307. of the Revised Code. 36361

If the department receives notification of the arrest or 36362  
conviction of an individual employed under division (B) of this 36363  
section, the department shall promptly notify the employing 36364  
district and may take any action authorized under sections 3319.31 36365  
and 3319.311 of the Revised Code that it considers appropriate. No 36366  
district shall employ any individual under division (B) of this 36367  
section if the district learns that the individual has plead 36368  
guilty to, has been found guilty by a jury or court of, or has 36369  
been convicted of any of the offenses listed in division (C) of 36370  
section 3319.31 of the Revised Code. 36371

(C) Notwithstanding anything to the contrary in the Revised 36372  
Code, noncompliance with any of the requirements listed in 36373  
divisions (A) or (B) of this section shall not disqualify a school 36374  
district that qualifies under division (D) of this section from 36375  
receiving funds under Chapter 3317. of the Revised Code. 36376

(D) In order for a city, local, or exempted village school 36377

district to qualify for the exemptions described in this section, 36378  
the school district shall meet all of the following benchmarks on 36379  
the most recent report card issued for that district under section 36380  
3302.03 of the Revised Code: 36381

(1) The district received at least eighty-five per cent of 36382  
the total possible points for the performance index score 36383  
calculated under division (C)(1)(b) of that section; 36384

(2) The district received a grade of an "A" for performance 36385  
indicators met under division (C)(1)(c) of that section; 36386

(3) The district has a four-year adjusted cohort graduation 36387  
rate of at least ninety-three per cent and a five-year adjusted 36388  
cohort graduation rate of at least ninety-five per cent, as 36389  
calculated under division (C)(1)(d) of that section. 36390

(E) A school district that meets the requirements prescribed 36391  
by division (D) of this section shall be qualified for the 36392  
exemptions prescribed by this section for three school years, 36393  
beginning with the school year in which the qualifying report card 36394  
is issued. 36395

(F) As used in this section, "license" has the same meaning 36396  
as in section 3319.31 of the Revised Code. 36397

**Sec. 3303.20.** The superintendent of public instruction shall 36398  
appoint a supervisor of agricultural education within the 36399  
department of education. The supervisor shall be responsible for 36400  
administering and disseminating to school districts information 36401  
about agricultural education. The supervisor also may serve as the 36402  
chair of the board of trustees of the Ohio FFA association, and 36403  
may assist with the association's programs and activities in a 36404  
manner that enables the association to maintain its state charter 36405  
and to meet applicable requirements of the United States 36406  
department of education and the national FFA organization. This 36407

assistance may include the provision of department personnel, 36408  
services, and facilities. 36409

The department shall maintain an appropriate number of 36410  
full-time employees focusing on agricultural education. The 36411  
department shall employ at least three program consultants who 36412  
shall be available to provide assistance to school districts on a 36413  
regional basis throughout the state. At least one consultant may 36414  
coordinate local activities of the student organization known as 36415  
the future farmers of America. Department employees may not 36416  
receive compensation from the Ohio FFA association, but the 36417  
department may be reimbursed by the association for reasonable 36418  
expenses related to assistance provided under this section. 36419

**Sec. 3304.11.** As used in sections 3304.11 to 3304.27 of the 36420  
Revised Code: 36421

(A) "~~Person~~ Eligible individual with a disability" means ~~any~~ 36422  
~~person with~~ an individual who has a physical or mental impairment 36423  
that ~~is~~ constitutes or results in a substantial impediment to 36424  
employment and who ~~can benefit in terms of an employment outcome~~ 36425  
~~from the provision of~~ requires vocational rehabilitation services 36426  
to prepare for, secure, retain, advance in, or regain employment. 36427

(B) "Physical or mental impairment" means ~~a physical or~~ 36428  
~~mental condition that materially limits, contributes to limiting~~ 36429  
~~or, if not corrected, will probably result in limiting a person's~~ 36430  
~~activities or functioning~~ any physiological, mental, or 36431  
psychological disorder. 36432

(C) "Substantial impediment to employment" means a physical 36433  
or mental ~~disability that impedes a person's occupational~~ 36434  
~~performance, by preventing the person's obtaining, retaining, or~~ 36435  
~~preparing for a gainful occupation consistent with the person's~~ 36436  
~~capacities and~~ impairment that hinders an individual from 36437  
preparing for, entering into, engaging in, advancing in, or 36438

retaining employment consistent with the individual's abilities 36439  
and capabilities. 36440

(D) ~~"Vocational rehabilitation" and "vocational~~ 36441  
~~rehabilitation services" means any activity or service calculated~~ 36442  
~~to enable a person with a disability or groups of persons with~~ 36443  
~~disabilities to engage in gainful occupation and includes, but is~~ 36444  
~~not limited to, medical and vocational evaluation, including~~ 36445  
~~diagnostic and related services, vocational counseling, guidance~~ 36446  
~~and placement, including follow up services, rehabilitation~~ 36447  
~~training, including books and other training materials, physical~~ 36448  
~~restoration, recruitment and training services designed to provide~~ 36449  
~~persons with disabilities new employment opportunities,~~ 36450  
~~maintenance, occupational tools, equipment, supplies,~~ 36451  
~~transportation, services to families of persons with disabilities~~ 36452  
~~that contribute substantially to the rehabilitation of these~~ 36453  
~~persons, and any other goods or service necessary to render a~~ 36454  
~~person with a disability employable~~ has the same meaning as 36455  
defined in section 361.5 of Title 34 of the Code of Federal 36456  
Regulations, 34 C.F.R. 361.5. 36457

(E) "Establishment of a rehabilitation facility" means the 36458  
expansion, remodeling, or alteration of an existing building that 36459  
is necessary to adapt or to increase the effectiveness of that 36460  
building for rehabilitation facility purposes, the acquisition of 36461  
equipment for these purposes, and the initial staffing. 36462

(F) "Construction" means the construction of new buildings, 36463  
acquisition of land or existing buildings and their expansion, 36464  
remodeling, alteration and renovation, and the initial staffing 36465  
and equipment of any new, newly acquired, expanded, remodeled, 36466  
altered, or renovated buildings. 36467

(G) ~~"Physical restoration services" means those services that~~ 36468  
~~are necessary to correct or substantially modify within a~~ 36469  
~~reasonable period of time a physical or mental condition that is~~ 36470

~~stable or slowly progressive.~~ 36471

~~(H) "Occupational license" means any license, permit, or  
other written authority required by any governmental unit in order  
to engage in any occupation or business.~~ 36472  
36473  
36474

~~(I) "Maintenance" means money payments to persons with  
disabilities who need financial assistance for their subsistence  
during their vocational rehabilitation monetary support provided  
to an individual for expenses such as food, shelter, and clothing  
that are in excess of the normal expenses of the individual and  
that are necessitated by the individual's participation in an  
assessment for determining eligibility and need for vocational  
rehabilitation services or the individual's receipt of vocational  
rehabilitation services under an individualized plan for  
employment.~~ 36475  
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**Sec. 3304.12.** (A) The governor, with the advice and consent 36485  
of the senate, shall appoint the opportunities for Ohioans with 36486  
disabilities commission within the opportunities for Ohioans with 36487  
disabilities agency consisting of seven members, no more than four 36488  
of whom shall be members of the same political party and who shall 36489  
include at least three from rehabilitation professions, including 36490  
at least one member from the field of services to the blind, and 36491  
at least four individuals with disabilities, no less than two nor 36492  
more than three of whom have received vocational rehabilitation 36493  
services offered by a state vocational rehabilitation services 36494  
agency or the veterans' administration. The members with 36495  
disabilities shall be representative of several major categories 36496  
of ~~persons~~ eligible individuals with disabilities served by the 36497  
opportunities for Ohioans with disabilities agency. 36498

(B) Terms of office shall be for seven years, commencing on 36499  
the ninth day of September and ending on the eighth day of 36500  
September, with no person eligible to serve more than two 36501

seven-year terms. Each member shall hold office from the date of 36502  
appointment until the end of the term for which the member was 36503  
appointed. Any member appointed to fill a vacancy occurring prior 36504  
to the expiration of the term for which the member's predecessor 36505  
was appointed shall hold office for the remainder of that term. 36506  
Any member shall continue in office subsequent to the expiration 36507  
date of the member's term until a successor takes office, or until 36508  
a period of sixty days has elapsed, whichever occurs first. 36509  
Members who fail to perform their duties or who are guilty of 36510  
misconduct may be removed on written charges preferred by the 36511  
governor or by a majority of the commission. 36512

(C) Members of the commission shall be reimbursed for travel 36513  
and necessary expenses incurred in the conduct of their duties, 36514  
and shall receive an amount fixed pursuant to division (J) of 36515  
section 124.15 of the Revised Code while actually engaged in 36516  
attendance at meetings or in the performance of their duties. 36517

**Sec. 3304.14.** For the purposes of sections 3304.11 to 3304.27 36518  
of the Revised Code, the opportunities for Ohioans with 36519  
disabilities commission shall approve the state vocational 36520  
rehabilitation services plan, jointly approve the state plan for 36521  
independent living with the Ohio state independent living council, 36522  
appoint a consumer advisory committee, and, to the extent 36523  
feasible, conduct a review and analysis of the effectiveness of 36524  
and consumer satisfaction with all of the following: 36525

(A) The functions performed by the opportunities for Ohioans 36526  
with disabilities agency; 36527

(B) The vocational rehabilitation services provided by state 36528  
agencies and other public and private entities responsible for 36529  
providing vocational rehabilitation services to ~~persons~~ eligible 36530  
individuals with disabilities under the "Rehabilitation Act of 36531  
1973," 87 Stat. 355, 29 U.S.C. 701, as amended; 36532

(C) The employment outcomes achieved by eligible individuals 36533  
with disabilities receiving vocational rehabilitation services 36534  
under sections 3304.11 to 3304.27 of the Revised Code, including 36535  
the availability of health and other employment benefits in 36536  
connection with those employment outcomes. 36537

**Sec. 3304.15.** (A) There is hereby created the opportunities 36538  
for Ohioans with disabilities agency. The agency is the designated 36539  
state unit authorized under the "Rehabilitation Act of 1973," 87 36540  
Stat. 355, 29 U.S.C. 701, as amended, to provide vocational 36541  
rehabilitation services to eligible ~~persons~~ individuals with 36542  
disabilities. 36543

(B) The governor shall appoint an executive director of the 36544  
opportunities for Ohioans with disabilities agency to serve at the 36545  
pleasure of the governor and shall fix the executive director's 36546  
compensation. The executive director shall devote the executive 36547  
director's entire time to the duties of the executive director's 36548  
office, shall hold no other office or position of trust and 36549  
profit, and shall engage in no other business during the executive 36550  
director's term of office. The governor may grant the executive 36551  
director the authority to appoint, remove, and discipline without 36552  
regard to sex, race, creed, color, age, or national origin, such 36553  
other professional, administrative, and clerical staff members as 36554  
are necessary to carry out the functions and duties of the agency. 36555

The executive director of the opportunities for Ohioans with 36556  
disabilities agency is the executive and administrative officer of 36557  
the agency. Whenever the Revised Code imposes a duty on or 36558  
requires an action of the agency, the executive director shall 36559  
perform the duty or action on behalf of the agency. The executive 36560  
director may establish procedures for all of the following: 36561

(1) The governance of the agency; 36562

(2) The conduct of agency employees and officers; 36563

(3) The performance of agency business;	36564
(4) The custody, use, and preservation of agency records, papers, books, documents, and property.	36565 36566
(C) The executive director shall have exclusive authority to administer the daily operation and provision of vocational rehabilitation services under this chapter. In exercising that authority, the executive director may do all of the following:	36567 36568 36569 36570
(1) Adopt rules in accordance with Chapter 119. of the Revised Code;	36571 36572
(2) Prepare and submit an annual report to the governor;	36573
(3) Certify any disbursement of funds available to the agency for vocational rehabilitation <del>activities</del> <u>services</u> ;	36574 36575
(4) Take appropriate action to guarantee rights of <u>vocational rehabilitation</u> services to <del>people</del> <u>eligible individuals</u> with disabilities;	36576 36577 36578
(5) Consult with and advise other state agencies and coordinate programs for <del>persons</del> <u>eligible individuals</u> with disabilities;	36579 36580 36581
(6) Comply with the requirements for match as part of budget submission;	36582 36583
(7) Establish research and demonstration projects;	36584
(8) Accept, hold, invest, reinvest, or otherwise use gifts to further vocational rehabilitation <u>services</u> ;	36585 36586
(9) For the purposes of the business enterprise program administered under sections 3304.28 to 3304.35 of the Revised Code:	36587 36588 36589
(a) Establish and manage small business entities owned or operated by <del>visually impaired persons</del> <u>individuals who are blind</u> ;	36590 36591
(b) Purchase insurance;	36592

(c) Accept computers. 36593

(10) Enter into contracts and other agreements for the 36594  
provision of vocational rehabilitation services. 36595

(D) The executive director shall establish a fee schedule for 36596  
vocational rehabilitation services in accordance with 34 C.F.R. 36597  
361.50. 36598

**Sec. 3304.17.** The opportunities for Ohioans with disabilities 36599  
agency shall provide vocational rehabilitation services to all 36600  
eligible ~~persons~~ individuals with disabilities, including any 36601  
~~person~~ eligible individual with a disability who is eligible under 36602  
the terms of an agreement or arrangement with another state or 36603  
with the federal government. If vocational rehabilitation services 36604  
cannot be provided to all eligible individuals with disabilities 36605  
in the state who apply for vocational rehabilitation services, the 36606  
agency shall implement an order of selection in accordance with 34 36607  
C.F.R. 361.36. 36608

**Sec. 3304.171.** (A) As used in this section, "OhioMeansJobs 36609  
web site" has the same meaning as in section 6301.01 of the 36610  
Revised Code. 36611

(B) ~~Beginning January 1, 2016, each recipient of~~ Each 36612  
eligible individual receiving vocational rehabilitation services 36613  
provided under section 3304.17 of the Revised Code shall create an 36614  
account with the OhioMeansJobs web site upon initiation of a job 36615  
search as a part of receiving those vocational rehabilitation 36616  
services. 36617

(C) Division (B) of this section does not apply to any 36618  
eligible individual with a disability who is legally prohibited 36619  
from using a computer, has a physical or visual impairment that 36620  
makes the eligible individual with a disability unable to use a 36621  
computer, or has a limited ability to read, write, speak, or 36622

understand a language in which the OhioMeansJobs web site is 36623  
available. 36624

**Sec. 3304.18.** The treasurer of state shall be the custodian 36625  
of all moneys received from the federal government for vocational 36626  
rehabilitation services programs and shall disburse the money upon 36627  
the certification of the executive director of the opportunities 36628  
for Ohioans with disabilities agency. If federal funds are not 36629  
available to the state for vocational rehabilitation ~~purposes~~ 36630  
services, the governor shall include as part of the governor's 36631  
biennial budget request to the general assembly a request for 36632  
funds sufficient to support the activities of the agency. 36633

**Sec. 3304.182.** Any agreement between the opportunities for 36634  
Ohioans with disabilities agency and a private or public entity 36635  
providing funds under section 3304.181 of the Revised Code may 36636  
permit the agency to receive a specified percentage of the funds, 36637  
but the percentage shall be not more than twenty-five per cent of 36638  
the total funds available under the agreement. The agency may 36639  
terminate an agreement at any time for just cause. It may 36640  
terminate an agreement for any other reason by giving at least 36641  
thirty days' notice to the public or private entity. 36642

Any vocational rehabilitation services provided under an 36643  
agreement entered into under section 3304.181 of the Revised Code 36644  
shall be provided by a person or government entity that meets the 36645  
accreditation standards established in rules adopted by the agency 36646  
under section 3304.15 of the Revised Code. 36647

**Sec. 3304.19.** ~~The right of a person with a disability to~~ 36648  
~~living~~ Any maintenance provided under sections 3304.11 to 3304.27 36649  
of the Revised Code, is not transferable or assignable at law or 36650  
in equity, and none of the money paid or payable or rights 36651  
existing under this chapter are subject to execution, levy, 36652

attachment, garnishment, or other legal process, or to the 36653  
operation of any bankruptcy or insolvency law. 36654

**Sec. 3304.20.** Any ~~person~~ eligible individual with a 36655  
disability applying for or receiving vocational rehabilitation 36656  
services who is dissatisfied with regard to the furnishing or 36657  
denial of vocational rehabilitation services, may file a request 36658  
for an administrative review and redetermination of that action in 36659  
accordance with rules of the opportunities for Ohioans with 36660  
disabilities agency. When the ~~person~~ eligible individual with a 36661  
disability is dissatisfied with the finding of this administrative 36662  
review, the ~~person~~ eligible individual with a disability is 36663  
entitled, in accordance with agency rules and in accordance with 36664  
Chapter 119. of the Revised Code, to a fair hearing before the 36665  
executive director of the agency. 36666

**Sec. 3304.21.** No person shall, except for the purposes of 36667  
sections 3304.11 to 3304.27 of the Revised Code, and in accordance 36668  
with the rules established by the opportunities for Ohioans with 36669  
disabilities agency, solicit, disclose, receive, make use of, 36670  
authorize, knowingly permit, participate in, or acquiesce in the 36671  
use of any list of names or information concerning ~~persons~~ 36672  
eligible individuals with disabilities applying for or receiving 36673  
any vocational rehabilitation services from the agency, which 36674  
information is directly or indirectly derived from the records of 36675  
the agency or is acquired in the performance of the person's 36676  
official duties. 36677

**Sec. 3304.22.** No officer or employee of the opportunities for 36678  
Ohioans with disabilities commission, the opportunities for 36679  
Ohioans with disabilities agency, or any person engaged in the 36680  
administration of a vocational rehabilitation services program 36681  
sponsored by or affiliated with the state shall use or permit the 36682

use of any vocational rehabilitation services program for the 36683  
purpose of interfering with an election for any partisan political 36684  
purpose; solicit or receive money for a partisan political 36685  
purpose; or require any other person to contribute any service or 36686  
money for a partisan political purpose. Whoever violates this 36687  
section shall be removed from the officer's or employee's office 36688  
or employment. 36689

**Sec. 3304.27.** All vocational rehabilitation services made 36690  
available under sections 3304.11 to 3304.27 of the Revised Code, 36691  
are made available subject to amendment or repeal of those 36692  
sections, and no ~~person~~ eligible individual with a disability 36693  
shall have any claim by reason of the ~~person's~~ eligible 36694  
individual's vocational rehabilitation services being affected in 36695  
any way by such an amendment or repeal. 36696

**Sec. 3304.28.** As used in sections 3304.28 to 3304.34 of the 36697  
Revised Code: 36698

(A) "Suitable vending facility" means automatic vending 36699  
machines, cafeterias, snack bars, cart service shelters, counters, 36700  
and other appropriate auxiliary food service equipment determined 36701  
to be necessary by the bureau of services for the visually 36702  
impaired for the automatic or manual dispensing of foods, 36703  
beverages, and other such commodities for sale by ~~persons~~ 36704  
individuals, no fewer than one-half of whom are blind, under the 36705  
supervision of a licensed ~~blind~~ vendor who is blind or an employee 36706  
of the opportunities for Ohioans with disabilities agency. 36707

(B) "Blind" means either of the following: 36708

(1) Vision twenty/two hundred or less in the better eye with 36709  
proper correction; 36710

(2) Field defect in the better eye with proper correction 36711  
that contracts the peripheral field so that the diameter of the 36712

visual field subtends an angle no greater than twenty degrees. 36713

(C) "Governmental property" means any real property, 36714  
building, or facility owned, leased, or rented by the state or any 36715  
board, commission, department, division, or other unit or agency 36716  
thereof, but does not include any institution under the management 36717  
of the department of rehabilitation and correction pursuant to 36718  
section 5120.05 of the Revised Code, or under the management of 36719  
the department of youth services created pursuant to section 36720  
5139.01 of the Revised Code. 36721

**Sec. 3304.29.** The bureau of services for the visually 36722  
impaired shall: 36723

(A) Survey suitable vending facility concession opportunities 36724  
for individuals who are blind ~~persons~~ on governmental property; 36725

(B) Obtain and make public, information concerning employment 36726  
opportunities for individuals who are blind ~~persons~~ in suitable 36727  
vending facilities; 36728

(C) License individuals who are blind ~~persons~~ to operate 36729  
suitable vending facilities on governmental property; 36730

(D) Adopt rules and do everything necessary and proper to 36731  
carry out sections 3304.29 to 3304.34 of the Revised Code. 36732

**Sec. 3304.30.** Every person in charge of governmental property 36733  
to be substantially renovated or who is responsible for the 36734  
acquisition, lease, or rental of such property shall consult with 36735  
the director of the bureau of services for the visually impaired 36736  
prior to such renovation, acquisition, lease, or rental to 36737  
determine if sufficient numbers of persons will be using such 36738  
property to support a suitable vending facility. If the director 36739  
determines that such property would be a satisfactory site for a 36740  
suitable vending facility, provision shall be made for electrical 36741  
outlets, plumbing fixtures, and other requirements for the 36742

installation and operation of a suitable vending facility. In the 36743  
case of a state university, medical university, technical college, 36744  
state community college, community college, university branch 36745  
district, or state-affiliated college or university, the decision 36746  
to establish a suitable vending facility shall be made jointly by 36747  
the director of services for the visually impaired and proper 36748  
administrative authorities of the state or state-affiliated 36749  
college or university. 36750

The bureau shall provide each suitable vending facility with 36751  
equipment and an adequate initial stock of suitable articles to be 36752  
vended. An inventory shall be made of each suitable vending 36753  
facility at least once every six months. Each blind licensee may 36754  
make the blind licensee's own inventory on forms prescribed by the 36755  
bureau, provided that the bureau shall retain the right to make 36756  
its own inventory at any mutually agreeable time. Each blind 36757  
licensee may employ and discharge personnel required to operate 36758  
the blind licensee's suitable vending facility, but employment 36759  
preference shall be given to individuals who are blind persons and 36760  
who are capable of discharging the required duties, ~~and at.~~ At all 36761  
times at least one-half of the employees shall be blind. 36762

**Sec. 3304.31.** Licenses issued by the bureau of services for 36763  
the visually impaired under section 3304.29 of the Revised Code 36764  
shall be in effect until suspended or revoked. The bureau may 36765  
deny, revoke, or suspend a license or otherwise discipline a 36766  
licensee upon proof that the ~~person~~ licensee is guilty of fraud or 36767  
deceit in procuring or attempting to procure a license, is guilty 36768  
of a felony or a crime of moral turpitude, is addicted to the use 36769  
of habit-forming drugs or alcohol, or is mentally incompetent. 36770  
Such license may also be denied, revoked, or suspended on proof of 36771  
violation by the applicant or licensee of the rules established by 36772  
the bureau for the operation of suitable vending facilities by the 36773  
blind or if a licensee fails to maintain a vending facility as a 36774

suitable vending facility. 36775

Any individual who is blind ~~person and~~ who has had ~~his~~ the 36776  
individual's license suspended or revoked or ~~his~~ the individual's 36777  
application denied by the bureau may reapply for a license and may 36778  
be reinstated or be granted a license by the bureau upon 36779  
presentation of satisfactory evidence that there is no longer 36780  
cause for such suspension, revocation, or denial. Before the 36781  
bureau may revoke, deny, or suspend a license, or otherwise 36782  
discipline a licensee, written charges must be filed by the 36783  
director of the bureau and a hearing shall be held as provided in 36784  
Chapter 119. of the Revised Code. 36785

**Sec. 3304.41.** The opportunities for Ohioans with disabilities 36786  
agency shall establish and administer a program for the use of 36787  
funds appropriated for that purpose to provide personal care 36788  
assistance to enable eligible ~~severely physically disabled persons~~ 36789  
individuals with severe physical disabilities to live 36790  
~~independently or~~ and work, independently. The agency shall adopt 36791  
rules in accordance with Chapter 119. of the Revised Code as 36792  
necessary to carry out the purposes of this section, ~~and shall~~ 36793  
~~apply to the controlling board for the release of the funds.~~ 36794

**Sec. 3309.23.** (A) Except as provided in division (B) of this 36795  
section, the following shall be contributors to the school 36796  
employees retirement system: 36797

(1) All employees, as defined in division (B) of section 36798  
3309.01 of the Revised Code; 36799

(2) The employees of an existing or newly created employer 36800  
unit as defined in division (A) of section 3309.01 of the Revised 36801  
Code, supported in whole or in part by the state or any political 36802  
subdivision thereof and wholly controlled and managed by the state 36803  
or any subdivision thereof. Such employees shall become 36804

contributors on the same terms and conditions as provided by this 36805  
chapter, provided the board of trustees or other managing body of 36806  
such school, college, or other institution, if such institution is 36807  
now in existence or if in existence on such date, shall agree by 36808  
formal resolution to accept all the requirements and obligations 36809  
imposed by this chapter upon employers. A certified copy of the 36810  
resolution shall be filed with the school employees retirement 36811  
board. When such resolution has been adopted and a copy of it 36812  
filed with the school employees retirement board, it shall not 36813  
later be subject to rescission or abrogation. Service in such 36814  
schools, colleges, or other institutions shall be then considered 36815  
in every way the same as service in the public schools. 36816

(3) All other individuals who become members. 36817

(B) The following individuals may choose to be exempt from 36818  
compulsory membership by filing a written application for 36819  
exemption with the employer within the first month after being 36820  
employed: 36821

(1) A student who is not a member at the time of employment 36822  
and who is employed by the school, college, or university in which 36823  
the student is enrolled and regularly attending classes; 36824

(2) An emergency employee serving on a temporary basis in 36825  
case of fire, snow, earthquake, flood, or other similar emergency; 36826

(3) An individual employed in a program established pursuant 36827  
to the "~~Workforce Investment Act,~~" 112 Stat. 936 (1998), 29 U.S.C. 36828  
~~2801~~ "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 36829  
seq., or any other federal job training program. 36830

(C) A member may elect to have employment by the school, 36831  
college, or university at which the member is enrolled and 36832  
regularly attending classes exempted from contribution to the 36833  
retirement system by filing a written application with the 36834  
member's employer within the first month after being so employed. 36835

(D) In all cases of doubt pertaining to contributors on an individual or group basis or the status of existing or newly created employer units, the decision shall be made by the retirement board, and such decision shall be final.

**Sec. 3309.374.** (A) ~~The~~ Until December 31, 2017, the school employees retirement board shall annually increase each allowance, pension, or benefit payable under this chapter by three per cent, ~~except that no allowance, pension, or benefit shall exceed the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.~~

(B) Effective January 1, 2018, the retirement board may annually increase each allowance, pension, or benefit payable under this chapter by the percentage increase, if any, in the consumer price index, not to exceed two and one half per cent, as determined by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: "all items 1982-84=100") for the twelve-month period ending on the thirtieth day of June of the immediately preceding calendar year. No increase shall be made for a period in which the consumer price index did not increase.

(C) The first increase is payable to all persons becoming eligible after June 30, 1971, upon such persons receiving an allowance, pension, or benefit for twelve months.

The increased amount is payable for the ensuing twelve-month period or until the next increase is granted under this section, whichever is later. Subsequent increases shall be determined from the date of the first increase paid to the former member in the case of an allowance being paid a beneficiary under an option, or from the date of the first increase to the survivor first receiving an allowance or benefit in the case of an allowance or benefit being paid to the subsequent survivors of the former

member. 36867

The date of the first increase under this section becomes the 36868  
anniversary date for any future increases. 36869

(D) The allowance or benefit used in the first calculation of 36870  
an increase under this section shall remain as the base for all 36871  
future increases, unless a new base is established. Any increase 36872  
resulting from payment of a recalculated benefit under Section 3 36873  
of Substitute Senate Bill No. 270 of the 123rd general assembly 36874  
shall be included in the calculation of future increases under 36875  
this section. 36876

~~(B)~~(E) If payment of a portion of a benefit is made to an 36877  
alternate payee under section 3309.671 of the Revised Code, 36878  
increases under this section granted while the order is in effect 36879  
shall be apportioned between the alternate payee and the retirant 36880  
or disability benefit recipient in the same proportion that the 36881  
amount being paid to the alternate payee bears to the amount paid 36882  
to the retirant or disability benefit recipient. 36883

If payment of a portion of a benefit is made to one or more 36884  
beneficiaries under "plan F" under division (B)(3)(e) of section 36885  
3309.46 of the Revised Code, each increase under this section 36886  
granted while the plan of payment is in effect shall be divided 36887  
among the designated beneficiaries in accordance with the portion 36888  
each beneficiary has been allocated. 36889

~~(C)~~(F) No allowance, pension, or benefit payable under this 36890  
chapter shall exceed the limit established by section 415 of the 36891  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 415, as 36892  
amended. 36893

(G) Before granting an increase under division (B) of this 36894  
section, the retirement board may adjust the percentage of any 36895  
increase if the board's actuary, in its annual actuarial valuation 36896  
required by section 3309.21 of the Revised Code, or in other 36897

evaluations conducted under that section, determines that an 36898  
adjustment does not materially impair the fiscal integrity of the 36899  
retirement system or is necessary to preserve the fiscal integrity 36900  
of the retirement system. 36901

(H) The retirement board shall make all rules necessary to 36902  
carry out this section. 36903

**Sec. 3309.661.** (A) Except as provided in section 3309.673 of 36904  
the Revised Code, the granting of a retirement allowance, annuity, 36905  
pension, or other benefit to any person pursuant to action of the 36906  
school employees retirement board vests a right in such person, so 36907  
long as the person remains the recipient of any of the funds 36908  
established by section 3309.60 of the Revised Code, to receive 36909  
such retirement allowance, annuity, pension, or benefit. Such 36910  
right shall also be vested with equal effect in the recipient of a 36911  
grant heretofore made from any of the funds named in section 36912  
3309.60 of the Revised Code. 36913

(B) This section does not affect the retirement board's 36914  
authority under division (G) of section 3309.374 of the Revised 36915  
Code. 36916

**Sec. 3310.16.** ~~For~~ (A) Except as provided in division (B) of 36917  
this section, for the 2013-2014 school year and each school year 36918  
thereafter, the department of education shall conduct two 36919  
application periods each year for the educational choice 36920  
scholarship pilot program under sections 3310.03 and 3310.032 of 36921  
the Revised Code, as follows: 36922

~~(A)~~(1) The first application period shall open not sooner 36923  
than the first day of February prior to the first day of July of 36924  
the school year for which a scholarship is sought and run not less 36925  
than seventy-five days. 36926

~~(B)~~(2) The second application period shall open not sooner 36927

than the first day of July of the school year for which the 36928  
scholarship is sought and run not less than thirty days. 36929

(B) If the scholarships awarded under section 3310.032 of the 36930  
Revised Code in the first application period for any school year 36931  
use the entirety of the amount appropriated by the general 36932  
assembly for such scholarships for that school year, the 36933  
department need not conduct a second application period for 36934  
scholarships under that section. If, after the first application 36935  
period, there are funds remaining to award scholarships under 36936  
section 3310.032 of the Revised Code, the department shall conduct 36937  
a second application period in accordance with division (A)(2) of 36938  
this section. 36939

(C) Not later than the thirty-first day of May of each school 36940  
year, the department shall determine whether funds remain 36941  
available for income-based scholarships under the educational 36942  
choice scholarship program after the first application period. 36943

**Sec. 3310.52.** (A) The Jon Peterson special needs scholarship 36944  
program is hereby established. Under the program, beginning with 36945  
the 2012-2013 school year, subject to division (B) of this 36946  
section, the department of education annually shall pay a 36947  
scholarship to an eligible applicant for services provided by an 36948  
alternative public provider or a registered private provider for a 36949  
qualified special education child. The scholarship shall be used 36950  
only to pay all or part of the fees for the child to attend the 36951  
special education program operated by the alternative public 36952  
provider or registered private provider to implement the child's 36953  
individualized education program, in lieu of the child's attending 36954  
the special education program operated by the school district in 36955  
which the child is entitled to attend school, and other services 36956  
agreed to by the provider and eligible applicant that are not 36957  
included in the individualized education program but are 36958

associated with educating the child. Beginning in the 2014-2015 36959  
school year, if the child is in category one as that term is 36960  
defined in division (B)(1) of section 3310.56 of the Revised Code, 36961  
the scholarship shall be used only to pay for related services 36962  
that are included in the child's individualized education program. 36963  
Upon agreement with the eligible applicant, the alternative public 36964  
provider or registered private provider may modify the services 36965  
provided to the child. 36966

(B) The number of scholarships awarded under the program in 36967  
any fiscal year shall not exceed five per cent of the total number 36968  
of students residing in the state identified as children with 36969  
disabilities during the previous fiscal year. 36970

~~(C) No scholarship or renewal of a scholarship shall be 36971  
awarded to an eligible applicant on behalf of a qualified special 36972  
education child for the next school year, unless on or before the 36973  
application deadline the eligible applicant completes the 36974  
application for the scholarship or renewal, in the manner 36975  
prescribed by the department, and notifies the school district in 36976  
which the child is entitled to attend school that the eligible 36977  
applicant has applied for the scholarship or renewal. 36978~~

~~The application deadline for academic terms that begin 36979  
between the first day of July and the thirty first day of December 36980  
shall be the fifteenth day of April that precedes the first day of 36981  
instruction. The application deadline for academic terms that 36982  
begin between the first day of January and the thirtieth day of 36983  
June shall be the fifteenth day of November that precedes the 36984  
first day of instruction The department shall pay a scholarship to 36985  
the parent of each qualified special education child, unless the 36986  
parent authorizes a direct payment to the child's provider, upon 36987  
application of that parent in the manner prescribed by the 36988  
department. However, the department shall not adopt specific dates 36989  
for application deadlines for scholarships under the program. 36990~~

**Sec. 3310.522.** In order to maintain eligibility for a 36991  
scholarship, a student shall take each assessment prescribed by 36992  
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as 36993  
applicable, in accordance with section 3301.0711 of the Revised 36994  
Code, unless the student is excused from taking that assessment 36995  
under federal law or the student's individualized education 36996  
program or the student is enrolled in a chartered nonpublic school 36997  
that meets the conditions specified in division (K)(2) or (L)(4) 36998  
of section 3301.0711 of the Revised Code. 36999

Each registered private provider that is not subject to 37000  
division (K)(1) of section 3301.0711 of the Revised Code and 37001  
enrolls a student who is awarded a scholarship shall administer 37002  
each assessment prescribed by section 3301.0710, 3301.0712, or 37003  
3313.619 of the Revised Code, as applicable, to that student in 37004  
accordance with section 3301.0711 of the Revised Code, unless the 37005  
student is excused from taking that assessment or the student is 37006  
enrolled in a chartered nonpublic school that meets the conditions 37007  
specified in division (K)(2) or (L)(4) of section 3301.0711 of the 37008  
Revised Code, and shall report to the department the results of 37009  
each assessment so administered. 37010

Nothing in this section requires any chartered nonpublic 37011  
school that is a registered private provider to administer any 37012  
achievement assessment, except for an Ohio graduation test 37013  
prescribed by division (B)(1) of section 3301.0710 or the college 37014  
and work ready assessment system prescribed by division (B) of 37015  
section 3301.0712 of the Revised Code to any student enrolled in 37016  
the school who is not a scholarship student. 37017

**Sec. 3311.06.** (A) As used in this section: 37018

(1) "Annexation" and "annexed" mean annexation for municipal 37019  
purposes under sections 709.02 to 709.37 of the Revised Code. 37020

(2) "Annexed territory" means territory that has been annexed 37021  
for municipal purposes to a city served by an urban school 37022  
district, but on September 24, 1986, has not been transferred to 37023  
the urban school district. 37024

(3) "Urban school district" means a city school district with 37025  
an average daily membership for the 1985-1986 school year in 37026  
excess of twenty thousand that is the school district of a city 37027  
that contains annexed territory. 37028

(4) "Annexation agreement" means an agreement entered into 37029  
under division (F) of this section that has been approved by the 37030  
state board of education or an agreement entered into prior to 37031  
September 24, 1986, that meets the requirements of division (F) of 37032  
this section and has been filed with the state board. 37033

(B) The territory included within the boundaries of a city, 37034  
local, exempted village, or joint vocational school district shall 37035  
be contiguous except where a natural island forms an integral part 37036  
of the district, where the state board of education authorizes a 37037  
noncontiguous school district, as provided in division (E)(1) of 37038  
this section, or where a local school district is created pursuant 37039  
to section 3311.26 of the Revised Code from one or more local 37040  
school districts, one of which has entered into an agreement under 37041  
section 3313.42 of the Revised Code. 37042

(C)(1) When all of the territory of a school district is 37043  
annexed to a city or village, such territory thereby becomes a 37044  
part of the city school district or the school district of which 37045  
the village is a part, and the legal title to school property in 37046  
such territory for school purposes shall be vested in the board of 37047  
education of the city school district or the school district of 37048  
which the village is a part. 37049

(2) When the territory so annexed to a city or village 37050  
comprises part but not all of the territory of a school district, 37051

the said territory becomes part of the city school district or the school district of which the village is a part only upon approval by the state board of education, unless the district in which the territory is located is a party to an annexation agreement with the city school district.

Any urban school district that has not entered into an annexation agreement with any other school district whose territory would be affected by any transfer under this division and that desires to negotiate the terms of transfer with any such district shall conduct any negotiations under division (F) of this section as part of entering into an annexation agreement with such a district.

Any school district, except an urban school district, desiring state board approval of a transfer under this division shall make a good faith effort to negotiate the terms of transfer with any other school district whose territory would be affected by the transfer. Before the state board may approve any transfer of territory to a school district, except an urban school district, under this section, it must receive the following:

(a) A resolution requesting approval of the transfer, passed by at least one of the school districts whose territory would be affected by the transfer;

(b) Evidence determined to be sufficient by the state board to show that good faith negotiations have taken place or that the district requesting the transfer has made a good faith effort to hold such negotiations;

(c) If any negotiations took place, a statement signed by all boards that participated in the negotiations, listing the terms agreed on and the points on which no agreement could be reached.

(D) The state board of education shall adopt rules governing negotiations held by any school district except an urban school

district pursuant to division (C)(2) of this section. The rules 37083  
shall encourage the realization of the following goals: 37084

(1) A discussion by the negotiating districts of the present 37085  
and future educational needs of the pupils in each district; 37086

(2) The educational, financial, and territorial stability of 37087  
each district affected by the transfer; 37088

(3) The assurance of appropriate educational programs, 37089  
services, and opportunities for all the pupils in each 37090  
participating district, and adequate planning for the facilities 37091  
needed to provide these programs, services, and opportunities. 37092

Districts involved in negotiations under such rules may agree 37093  
to share revenues from the property included in the territory to 37094  
be transferred, establish cooperative programs between the 37095  
participating districts, and establish mechanisms for the 37096  
settlement of any future boundary disputes. 37097

(E)(1) If territory annexed after September 24, 1986, is part 37098  
of a school district that is a party to an annexation agreement 37099  
with the urban school district serving the annexing city, the 37100  
transfer of such territory shall be governed by the agreement. If 37101  
the agreement does not specify how the territory is to be dealt 37102  
with, the boards of education of the district in which the 37103  
territory is located and the urban school district shall negotiate 37104  
with regard to the transfer of the territory which shall be 37105  
transferred to the urban school district unless, not later than 37106  
ninety days after the effective date of municipal annexation, the 37107  
boards of education of both districts, by resolution adopted by a 37108  
majority of the members of each board, agree that the territory 37109  
will not be transferred and so inform the state board of 37110  
education. 37111

If territory is transferred under this division the transfer 37112  
shall take effect on the first day of July occurring not sooner 37113

than ninety-one days after the effective date of the municipal 37114  
annexation. Territory transferred under this division need not be 37115  
contiguous to the district to which it is transferred. 37116

(2) Territory annexed prior to September 24, 1986, by a city 37117  
served by an urban school district shall not be subject to 37118  
transfer under this section if the district in which the territory 37119  
is located is a party to an annexation agreement or becomes a 37120  
party to such an agreement not later than ninety days after 37121  
September 24, 1986. If the district does not become a party to an 37122  
annexation agreement within the ninety-day period, transfer of 37123  
territory shall be governed by division (C)(2) of this section. If 37124  
the district subsequently becomes a party to an agreement, 37125  
territory annexed prior to September 24, 1986, other than 37126  
territory annexed under division (C)(2) of this section prior to 37127  
the effective date of the agreement, shall not be subject to 37128  
transfer under this section. 37129

(F) An urban school district may enter into a comprehensive 37130  
agreement with one or more school districts under which transfers 37131  
of territory annexed by the city served by the urban school 37132  
district after September 24, 1986, shall be governed by the 37133  
agreement. Such agreement must provide for the establishment of a 37134  
cooperative education program under section 3313.842 of the 37135  
Revised Code in which all the parties to the agreement are 37136  
participants and must be approved by resolution of the majority of 37137  
the members of each of the boards of education of the school 37138  
districts that are parties to it. An agreement may provide for 37139  
interdistrict payments based on local revenue growth resulting 37140  
from development in any territory annexed by the city served by 37141  
the urban school district. 37142

An agreement entered into under this division may be altered, 37143  
modified, or terminated only by agreement, by resolution approved 37144  
by the majority of the members of each board of education, of all 37145

school districts that are parties to the agreement, except that 37146  
with regard to any provision that affects only the urban school 37147  
district and one of the other districts that is a party, that 37148  
district and the urban district may modify or alter the agreement 37149  
by resolution approved by the majority of the members of the board 37150  
of that district and the urban district. Alterations, 37151  
modifications, terminations, and extensions of an agreement 37152  
entered into under this division do not require approval of the 37153  
state board of education, but shall be filed with the board after 37154  
approval and execution by the parties. 37155

If an agreement provides for interdistrict payments, each 37156  
party to the agreement, except any school district specifically 37157  
exempted by the agreement, shall agree to make an annual payment 37158  
to the urban school district with respect to any of its territory 37159  
that is annexed territory in an amount not to exceed the amount 37160  
certified for that year under former section 3317.029 of the 37161  
Revised Code as that section existed prior to July 1, 1998; except 37162  
that such limitation of annual payments to amounts certified under 37163  
former section 3317.029 of the Revised Code does not apply to 37164  
agreements or extensions of agreements entered into on or after 37165  
June 1, 1992, unless such limitation is expressly agreed to by the 37166  
parties. The agreement may provide that all or any part of the 37167  
payment shall be waived if the urban school district receives its 37168  
payment with respect to such annexed territory under former 37169  
section 3317.029 of the Revised Code and that all or any part of 37170  
such payment may be waived if the urban school district does not 37171  
receive its payment with respect to such annexed territory under 37172  
such section. 37173

With respect to territory that is transferred to the urban 37174  
school district after September 24, 1986, the agreement may 37175  
provide for annual payments by the urban school district to the 37176  
school district whose territory is transferred to the urban school 37177

district subsequent to annexation by the city served by the urban 37178  
school district. 37179

(G) In the event territory is transferred from one school 37180  
district to another under this section, an equitable division of 37181  
the funds and indebtedness between the districts involved shall be 37182  
made under the supervision of the state board of education and 37183  
that board's decision shall be final. Such division shall not 37184  
include funds payable to or received by a school district under 37185  
Chapter 3317. of the Revised Code or payable to or received by a 37186  
school district from the United States or any department or agency 37187  
thereof. In the event such transferred territory includes real 37188  
property owned by a school district, the state board of education, 37189  
as part of such division of funds and indebtedness, shall 37190  
determine the true value in money of such real property and all 37191  
buildings or other improvements thereon. The board of education of 37192  
the school district receiving such territory shall forthwith pay 37193  
to the board of education of the school district losing such 37194  
territory such true value in money of such real property, 37195  
buildings, and improvements less such percentage of the true value 37196  
in money of each school building located on such real property as 37197  
is represented by the ratio of the total enrollment in day classes 37198  
of the pupils residing in the territory transferred enrolled at 37199  
such school building in the school year in which such annexation 37200  
proceedings were commenced to the total enrollment in day classes 37201  
of all pupils residing in the school district losing such 37202  
territory enrolled at such school building in such school year. 37203  
The school district receiving such payment shall place the 37204  
proceeds thereof in its sinking fund or bond retirement fund. 37205

(H) The state board of education, before approving such 37206  
transfer of territory, shall determine that such payment has been 37207  
made and shall apportion to the acquiring school district such 37208  
percentage of the indebtedness of the school district losing the 37209

territory as is represented by the ratio that the assessed 37210  
valuation of the territory transferred bears to the total assessed 37211  
valuation of the entire school district losing the territory as of 37212  
the effective date of the transfer, provided that in ascertaining 37213  
the indebtedness of the school district losing the territory the 37214  
state board of education shall disregard such percentage of the 37215  
par value of the outstanding and unpaid bonds and notes of said 37216  
school district issued for construction or improvement of the 37217  
school building or buildings for which payment was made by the 37218  
acquiring district as is equal to the percentage by which the true 37219  
value in money of such building or buildings was reduced in fixing 37220  
the amount of said payment. 37221

(I) No transfer of school district territory or division of 37222  
funds and indebtedness incident thereto, pursuant to the 37223  
annexation of territory to a city or village shall be completed in 37224  
any other manner than that prescribed by this section regardless 37225  
of the date of the commencement of such annexation proceedings, 37226  
and this section applies to all proceedings for such transfers and 37227  
divisions of funds and indebtedness pending or commenced on or 37228  
after October 2, 1959. 37229

(J) Notwithstanding anything to the contrary in the Revised 37230  
Code, including section 3311.24 of the Revised Code, and any 37231  
annexation agreement or any other agreement, beginning on the 37232  
effective date of this amendment until October 1, 2021, no school 37233  
district that is a party to an annexation agreement shall transfer 37234  
territory that is or will be used for nonresidential purposes to 37235  
another school district that is a party to the annexation 37236  
agreement without the approval of the boards of education of each 37237  
of the school districts after the effective date of this 37238  
amendment, unless the school district territory of one of those 37239  
boards of education overlaps with a new community authority 37240  
created prior to January 1, 1993, under Chapter 349. of the 37241

Revised Code. 37242

Sec. 3311.27. The board of education of a surviving school 37243  
district, as that term is defined in section 5748.10 of the 37244  
Revised Code, shall notify the tax commissioner as and in the 37245  
manner required by that section. 37246

**Sec. 3311.751.** Notwithstanding division (F) of section 37247  
5705.10 of the Revised Code, if a municipal school district board 37248  
of education sells real property that it owns in its corporate 37249  
capacity, moneys received from the sale may be paid into the 37250  
general fund of the district, as long as all of the following 37251  
conditions are satisfied: 37252

(A) The district has owned the real property for at least ten 37253  
years. 37254

(B) The real property and any improvements to that real 37255  
property were not acquired with the proceeds of public 37256  
obligations, as defined in section 133.01 of the Revised Code, of 37257  
the district that are outstanding at the time of the sale. 37258

(C) The deposit of those moneys in that manner is not 37259  
prohibited by any agreements the district board has entered into 37260  
with the Ohio ~~school~~ facilities construction commission. 37261

**Sec. 3311.86.** (A) As used in this section: 37262

(1) "Alliance" means a municipal school district 37263  
transformation alliance established as a nonprofit corporation. 37264

(2) "Alliance municipal school district" means a municipal 37265  
school district for which an alliance has been created under this 37266  
section. 37267

(3) "Partnering community school" means a community school 37268  
established under Chapter 3314. of the Revised Code that is 37269

located within the territory of a municipal school district and 37270  
that either is sponsored by the district or is a party to an 37271  
agreement with the district whereby the district and the community 37272  
school endorse each other's programs. 37273

(4) "Transformation alliance education plan" means a plan 37274  
prepared by the mayor, and confirmed by the alliance, to transform 37275  
public education in the alliance municipal school district to a 37276  
system of municipal school district schools and partnering 37277  
community schools that will be held to the highest standards of 37278  
school performance and student achievement. 37279

(B) If one or more partnering community schools are located 37280  
in a municipal school district, the mayor may initiate proceedings 37281  
to establish a municipal school district transformation alliance 37282  
as a nonprofit corporation under Chapter 1702. of the Revised 37283  
Code. The mayor shall have sole authority to appoint the directors 37284  
of any alliance created under this section. The directors of the 37285  
alliance shall include representatives of all of the following: 37286

(1) The municipal school district; 37287

(2) Partnering community schools; 37288

(3) Members of the community at large, including parents and 37289  
educators; 37290

(4) The business community, including business leaders and 37291  
foundation leaders. 37292

No one group listed in divisions (B)(1) to (4) of this 37293  
section shall comprise a majority of the directors. The mayor 37294  
shall be an ex officio director, and serve as the chairperson of 37295  
the board of directors, of any alliance created under this 37296  
section. If the proceedings are initiated, the mayor shall 37297  
identify the directors in the articles of incorporation filed 37298  
under section 1702.04 of the Revised Code. 37299

(C)(1) A majority of the members of the board of directors of the alliance shall constitute a quorum of the board. Any formal action taken by the board of directors shall take place at a meeting of the board and shall require the concurrence of a majority of the members of the board. Meetings of the board of directors shall be public meetings open to the public at all times, except that the board and its committees and subcommittees may hold an executive session, as if it were a public body with public employees, for any of the purposes for which an executive session of a public body is permitted under division (G) of section 121.22 of the Revised Code, notwithstanding that the alliance is not a public body as defined in that section, and its employees are not public employees as provided in division (F) of this section. The board of directors shall establish reasonable methods whereby any person may determine the time and place of all of the board's public meetings and by which any person, upon request, may obtain reasonable advance notification of the board's public meetings. Provisions for that advance notification may include, but are not limited to, mailing notices to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

(2) All records of the alliance shall be organized and maintained by the alliance and also filed with the department of education. The alliance and the department shall make those records available to the public as though those records were public records for purposes of Chapter 149. of the Revised Code. The department shall promptly notify the alliance upon the department's receipt of any requests for records relating to the alliance pursuant to section 149.43 of the Revised Code.

(3) The board of directors of the alliance shall establish a conflicts of interest policy and shall adopt that policy, and any amendments to the policy, at a meeting of the board held in

accordance with this section. 37332

(D)(1) If an alliance is created under this section, the 37333  
alliance shall do all of the following: 37334

(a) Report annually on the performance of all municipal 37335  
school district schools and all community schools established 37336  
under Chapter 3314. of the Revised Code and located in the 37337  
district, using the criteria adopted under division (B) of section 37338  
3311.87 of the Revised Code; 37339

(b) Confirm and monitor implementation of the transformation 37340  
alliance education plan; 37341

(c) Suggest national education models for and provide input 37342  
in the development of new municipal school district schools and 37343  
partnering community schools. 37344

(2) If an alliance is created under this section, the 37345  
department of education may request alliance comment, or the 37346  
alliance independently may offer comment to the department, on the 37347  
granting, renewal, or extension of an agreement with a sponsor of 37348  
community schools under section 3314.015 of the Revised Code when 37349  
the sponsor has existing agreements with a community school 37350  
located in an alliance municipal school district. If the alliance 37351  
makes comments, those comments shall be considered by the 37352  
department prior to making its decision whether to grant, renew, 37353  
or extend the agreement. 37354

For purposes of division (D)(2) of this section, comments by 37355  
the alliance shall be based on the criteria established under 37356  
division (A) of section 3311.87 of the Revised Code. 37357

(E) Divisions (E)(1) to (3) of this section apply to each 37358  
community school sponsor that is subject to approval by the 37359  
department under section 3314.015 of the Revised Code whose 37360  
approval under that section is granted, renewed, or extended on or 37361  
after October 1, 2012. Divisions (E)(1) to (3) of this section do 37362

not apply to a sponsor that has been approved by the department 37363  
prior to that date, until the sponsor's approval is renewed, 37364  
granted anew, or extended on or after that date. 37365

(1) Before a sponsor to which this section applies may 37366  
sponsor new community schools in an alliance municipal school 37367  
district, the sponsor shall request recommendation from the 37368  
alliance to sponsor community schools in the district. 37369

(2) The alliance shall review the sponsor's request and shall 37370  
make a recommendation to the department based on the standards for 37371  
sponsors developed under division (A)(2) of section 3311.87 of the 37372  
Revised Code. 37373

(3) The department shall use the standards developed under 37374  
division (A)(2) of section 3311.87 of the Revised Code, in 37375  
addition to any other requirements of the Revised Code, to review 37376  
a sponsor's request and make a final determination, on 37377  
recommendation of the alliance, of whether the sponsor may sponsor 37378  
new community schools in the alliance municipal school district. 37379

No sponsor shall be required to receive authorization to 37380  
sponsor new community schools under division (E)(3) of this 37381  
section more than one time. 37382

(F) Directors, officers, and employees of an alliance are not 37383  
public employees or public officials, are not subject to Chapters 37384  
124., 145., and 4117. of the Revised Code, and are not "public 37385  
officials" or "public servants" as defined in section 2921.01 of 37386  
the Revised Code. Membership on the board of directors of an 37387  
alliance does not constitute the holding of an incompatible public 37388  
office or employment in violation of any statutory or common law 37389  
prohibition against the simultaneous holding of more than one 37390  
public office or employment. Members of the board of directors of 37391  
an alliance are not disqualified from holding any public office by 37392  
reason of that membership, and do not forfeit by reason of that 37393

membership the public office or employment held when appointed to 37394  
the board, notwithstanding any contrary disqualification or 37395  
forfeiture requirement under the Revised Code or the common law of 37396  
this state. 37397

~~(G) The authority to establish an alliance under this section 37398  
expires on January 1, 2018. Any alliance established under this 37399  
section is terminated, and any related authority granted to the 37400  
alliance under this section expires on that date. 37401~~

**Sec. 3313.372.** (A) As used in this section, "energy 37402  
conservation measure" means an installation or modification of an 37403  
installation in, or remodeling of, a building, to reduce energy 37404  
consumption. It includes: 37405

(1) Insulation of the building structure and systems within 37406  
the building; 37407

(2) Storm windows and doors, multiglazed windows and doors, 37408  
heat absorbing or heat reflective glazed and coated window and 37409  
door systems, additional glazing, reductions in glass area, and 37410  
other window and door system modifications that reduce energy 37411  
consumption; 37412

(3) Automatic energy control systems; 37413

(4) Heating, ventilating, or air conditioning system 37414  
modifications or replacements; 37415

(5) Caulking and weatherstripping; 37416

(6) Replacement or modification of lighting fixtures to 37417  
increase the energy efficiency of the system without increasing 37418  
the overall illumination of a facility, unless such increase in 37419  
illumination is necessary to conform to the applicable state or 37420  
local building code for the proposed lighting system; 37421

(7) Energy recovery systems; 37422

(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;

(9) Any other modification, installation, or remodeling approved by the Ohio ~~school~~ facilities construction commission as an energy conservation measure.

(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms:

(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase.

(2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase.

The provisions of any installment payment contract entered into pursuant to this section shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, shall not exceed the calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more measures over a defined period of time. Those payments shall be made only to the extent that the savings described in this division actually occur. The energy services company shall warrant and guarantee that the energy conservation measures shall realize guaranteed savings and shall be responsible to pay an amount equal to any savings shortfall.

An installment payment contract entered into by a board of education under this section shall require the board to contract

in accordance with division (A) of section 3313.46 of the Revised Code for the installation, modification, or remodeling of energy conservation measures unless division (A) of section 3313.46 of the Revised Code does not apply pursuant to division (B)(3) of that section, in which case the contract shall be awarded through a competitive selection process pursuant to rules adopted by the ~~school~~ facilities construction commission.

An installment payment contract entered into by a board of education under this section may include services for measurement and verification of energy savings associated with the guarantee. The annual cost of measurement and verification services shall not exceed ten per cent of the guaranteed savings in any year of the installment payment contract.

(C) If a board of education determines that a surety bond is necessary to secure energy, water, or waste water cost savings guaranteed in a contract entered into by the board of education under this section, the energy services company shall provide a surety bond that satisfies all of the following requirements:

(1) The penal sum of the surety bond for the first guarantee year shall equal the amount of savings included in the annual guaranteed savings amount that is measured and calculated in accordance with the measurement and verification plan included in the contract, but may not include guaranteed savings that are not measured or that are stipulated in the contract. The annual guaranteed savings amount shall include only the savings guaranteed in the contract for the one-year term that begins on the first day of the first savings guarantee year and may not include amounts from subsequent years.

(2) The surety bond shall have a term of not more than one year unless renewed. At the option of the board of education, the surety bond may be renewed for one or two additional terms, each term not to exceed one year. The surety bond may not be renewed or

extended so that it is in effect for more than three consecutive 37486  
years. 37487

In the event of a renewal, the penal sum of the surety bond 37488  
for each renewed year shall be revised so that the penal sum 37489  
equals the annual guaranteed savings amount for such renewal year 37490  
that is measured and calculated in accordance with the measurement 37491  
and verification plan included in the contract, but may not 37492  
include guaranteed savings that are not measured or that are 37493  
stipulated in the contract. Regardless of the number of renewals 37494  
of the bond, the aggregate liability under each renewed bond may 37495  
not exceed the penal sum stated in the renewal certificate for the 37496  
applicable renewal year. 37497

(3) The surety bond for the first year shall be issued within 37498  
thirty days of the commencement of the first savings guarantee 37499  
year under the contract. 37500

In the event of renewal, the surety shall deliver to the 37501  
board of education a renewal certificate reflecting the revised 37502  
penal sum within thirty days of the board of education's request. 37503  
The board of education shall deliver the request for renewal not 37504  
less than thirty days prior to the expiration date of the surety 37505  
bond then in existence. A surety bond furnished pursuant to 37506  
section 153.54 of the Revised Code shall not secure obligations 37507  
related to energy, water, or waste water cost savings as 37508  
referenced in division (C) of this section. 37509

(D) The board may issue the notes of the school district 37510  
signed by the president and the treasurer of the board and 37511  
specifying the terms of the purchase and securing the deferred 37512  
payments provided in this section, payable at the times provided 37513  
and bearing interest at a rate not exceeding the rate determined 37514  
as provided in section 9.95 of the Revised Code. The notes may 37515  
contain an option for prepayment and shall not be subject to 37516  
Chapter 133. of the Revised Code. In the resolution authorizing 37517

the notes, the board may provide, without the vote of the electors 37518  
of the district, for annually levying and collecting taxes in 37519  
amounts sufficient to pay the interest on and retire the notes, 37520  
except that the total net indebtedness of the district without a 37521  
vote of the electors incurred under this and all other sections of 37522  
the Revised Code, except section 3318.052 of the Revised Code, 37523  
shall not exceed one per cent of the district's tax valuation. 37524  
Revenues derived from local taxes or otherwise, for the purpose of 37525  
conserving energy or for defraying the current operating expenses 37526  
of the district, may be applied to the payment of interest and the 37527  
retirement of such notes. The notes may be sold at private sale or 37528  
given to the energy services company under the installment payment 37529  
contract authorized by division (B) of this section. 37530

(E) Debt incurred under this section shall not be included in 37531  
the calculation of the net indebtedness of a school district under 37532  
section 133.06 of the Revised Code. 37533

(F) No school district board shall enter into an installment 37534  
payment contract under division (B) of this section unless it 37535  
first obtains a report of the costs of the energy conservation 37536  
measures and the savings thereof as described under division 37537  
(G)(1) of section 133.06 of the Revised Code as a requirement for 37538  
issuing energy securities, makes a finding that the amount spent 37539  
on such measures is not likely to exceed the amount of money it 37540  
would save in energy costs and resultant operational and 37541  
maintenance costs as described in that division, except that that 37542  
finding shall cover the ensuing fifteen years, and the ~~school~~ 37543  
facilities construction commission determines that the district 37544  
board's findings are reasonable and approves the contract as 37545  
described in that division. 37546

The district board shall monitor the savings and maintain a 37547  
report of those savings, which shall be submitted to the 37548  
commission in the same manner as required by division (G) of 37549

section 133.06 of the Revised Code in the case of energy securities. 37550  
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**Sec. 3313.411.** (A) As used in this section: 37552

(1) "College-preparatory boarding school" means a college-preparatory boarding school established under Chapter 3328. of the Revised Code. 37553  
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(2) "Community school" means a community school established under Chapter 3314. of the Revised Code. 37556  
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(3) "High-performing community school" has the same meaning as in section 3313.413 of the Revised Code. 37558  
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(4) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 37560  
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(5) "Unused school facilities" means any real property that has been used by a school district for school operations, including, but not limited to, academic instruction or administration, since July 1, 1998, but has not been used in that capacity for two years. 37563  
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(B)(1) Except as provided in section 3313.412 of the Revised Code, on and after June 30, 2011, any school district board of education shall offer any unused school facilities it owns in its corporate capacity for lease or sale to the governing authorities of community schools, ~~and~~ the board boards of trustees of any college-preparatory boarding ~~school~~ schools, and the governing bodies of any STEM schools, that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities ~~and,~~ boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to lease or purchase the property. 37568  
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The district board shall give priority to the governing 37580  
authorities of high-performing community schools that are located 37581  
within the territory of the district. 37582

(2) At the same time that a district board makes the offer 37583  
required under division (B)(1) of this section, the board also 37584  
may, but shall not be required to, offer that property for sale or 37585  
lease to the governing authorities of community schools with 37586  
plans, stipulated in their contracts entered into under section 37587  
3314.03 of the Revised Code, either to relocate their operations 37588  
to the territory of the district or to add facilities, as 37589  
authorized by division (B)(3) or (4) of section 3314.05 of the 37590  
Revised Code, to be located within the territory of the district. 37591

(C)(1) If, not later than sixty days after the district board 37592  
makes the offer, only one governing authority of a high-performing 37593  
community school offered the property under division (B) of this 37594  
section notifies the district treasurer in writing of the 37595  
intention to purchase the property pursuant to that division, the 37596  
district board shall sell the property to that party for the 37597  
appraised fair market value of the property as determined in an 37598  
appraisal of the property that is not more than one year old. 37599

If, not later than sixty days after the district board makes 37600  
the offer, more than one governing authority of a high-performing 37601  
community school offered the property under division (B) of this 37602  
section notifies the district treasurer in writing of the 37603  
intention to purchase the property pursuant to that division, the 37604  
board shall conduct a public auction in the manner required for 37605  
auctions of district property under division (A) of section 37606  
3313.41 of the Revised Code. Only the governing authorities of 37607  
high-performing community schools that notified the district 37608  
treasurer of the intention to purchase the property pursuant to 37609  
division (B) of this section are eligible to bid at the auction. 37610  
The district board is not obligated to accept any bid for the 37611

property that is lower than the appraised fair market value of the 37612  
property as determined in an appraisal that is not more than one 37613  
year old. 37614

(2) If, not later than sixty days after the district board 37615  
makes the offer, no governing authority of a high-performing 37616  
community school notifies the district treasurer of its intention 37617  
to purchase the property pursuant to division (B) of this section, 37618  
the board shall then proceed with the offers from all other 37619  
start-up community schools ~~and~~, college-preparatory boarding 37620  
schools, and STEM schools made pursuant to that division. 37621

If more than one such entity notifies the district treasurer 37622  
of its intention to purchase the property pursuant to division (B) 37623  
of this section, the board shall conduct a public auction in the 37624  
manner required for auctions of district property under division 37625  
(A) of section 3313.41 of the Revised Code. Only the entities that 37626  
notified the district treasurer pursuant to division (B) of this 37627  
section are eligible to bid at the auction. 37628

(3) If more than one governing authority of a high-performing 37629  
community school notifies the district treasurer in writing of the 37630  
intention to lease the property pursuant to division (B) of this 37631  
section, the district board shall conduct a lottery to select from 37632  
among those governing authorities the one qualified governing 37633  
authority to which the district board shall lease the property. 37634

If no such governing authority of a high-performing community 37635  
school notifies the district treasurer of its intention to lease 37636  
the property pursuant to division (B) of this section, the board 37637  
shall then proceed with the offers from all other start-up 37638  
community schools ~~and~~, college-preparatory boarding schools, and 37639  
STEM schools made pursuant to that division. If more than one 37640  
other start-up community school ~~or~~, college-preparatory boarding 37641  
school, or STEM school notified the district treasurer of its 37642  
intention to lease the property pursuant to division (B) of this 37643

section, the district board shall conduct a lottery to select from 37644  
among those parties the one qualified party to which the district 37645  
board shall lease the property. 37646

(4) The lease price offered by a district board to a 37647  
community school ~~or~~, college-preparatory boarding school, or STEM 37648  
school under this section shall not be higher than the fair market 37649  
value for such a leasehold as determined in an appraisal that is 37650  
not more than one year old. 37651

(5) If no qualified party offered the property under division 37652  
(B) of this section accepts the offer to lease or buy the property 37653  
within sixty days after the offer is made, the district board may 37654  
offer the property to any other entity in accordance with 37655  
divisions (A) to (F) of section 3313.41 of the Revised Code. 37656

(D) Notwithstanding division (B) of this section, a school 37657  
district board may renew any agreement it originally entered into 37658  
prior to June 30, 2011, to lease real property to an entity other 37659  
than a community school ~~or~~, college-preparatory boarding school, 37660  
or STEM school. Nothing in this section shall affect the leasehold 37661  
arrangements between the district board and that other entity. 37662

(E)(1) Except as provided in division (E)(2) of this section, 37663  
the governing authority of a community school ~~or the~~, board of 37664  
trustees of a college-preparatory boarding school, or governing 37665  
body of a STEM school shall not sell any property purchased under 37666  
division (B) of this section within five years of purchasing that 37667  
property. 37668

(2) The governing authority ~~or~~, board of trustees, or 37669  
governing body may sell a property purchased under division (B) of 37670  
this section within five years of the purchase, only if the 37671  
governing authority ~~or~~, board of trustees, or governing body sells 37672  
or transfers that property to another entity described in that 37673  
division. 37674

Sec. 3313.413. (A) As used in this section, "high-performing community school" means either of the following:

(1) A community school established under Chapter 3314. of the Revised Code that meets the following conditions:

(a) Except as provided in division (A)(1)(b) or (c) of this section, the school both:

(i) Has received a grade of "A," "B," or "C" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or has increased its performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code in each of the previous three years of operation; and

(ii) Has received a grade of "A" or "B" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code on its most recent report card rating issued under that section.

(b) If the school serves only grades kindergarten through three, the school received a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code on its most recent report card issued under that section.

(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education.

(B) When a school district board of education decides to

dispose of real property it owns in its corporate capacity under 37705  
section 3313.41 of the Revised Code, the board shall first offer 37706  
that property to the governing authorities of all start-up 37707  
community schools ~~and~~, the boards of trustees of any 37708  
college-preparatory boarding ~~school~~ schools, and the governing 37709  
bodies of any STEM schools that are located within the territory 37710  
of the district. Not later than sixty days after the district 37711  
board makes the offer, interested governing authorities ~~and~~, 37712  
boards of trustees, and governing bodies shall notify the district 37713  
treasurer in writing of the intention to purchase the property. 37714

The district board shall give priority to the governing 37715  
authorities of high-performing community schools that are located 37716  
within the territory of the district. 37717

(1) If more than one governing authority of a high-performing 37718  
community school notifies the district treasurer of its intention 37719  
to purchase the property pursuant to division (B) of this section, 37720  
the board shall conduct a public auction in the manner required 37721  
for auctions of district property under division (A) of section 37722  
3313.41 of the Revised Code. Only the governing authorities of 37723  
high-performing community schools that notified the district 37724  
treasurer pursuant to division (B) of this section are eligible to 37725  
bid at the auction. 37726

(2) If no governing authority of a high-performing community 37727  
school notifies the district treasurer of its intention to 37728  
purchase the property pursuant to division (B) of this section, 37729  
the board shall then proceed with the offers from all other 37730  
start-up community schools ~~and~~, college-preparatory boarding 37731  
schools, and STEM schools made pursuant to that division. If more 37732  
than one such entity notifies the district treasurer of its 37733  
intention to purchase the property pursuant to division (B) of 37734  
this section, the board shall conduct a public auction in the 37735  
manner required for auctions of district property under division 37736

(A) of section 3313.41 of the Revised Code. Only the entities that notified the district treasurer pursuant to division (B) of this section are eligible to bid at the auction.

(3) If no governing authority ~~or~~, board of trustees, or governing body notifies the district treasurer of its intention to purchase the property pursuant to division (B) of this section, the district may then offer the property for sale in the manner prescribed under divisions (A) to (F) of section 3313.41 of the Revised Code.

(C) Notwithstanding anything to the contrary in sections 3313.41 and 3313.411 of the Revised Code, the purchase price of any real property sold to any of the entities in accordance with division (B) of this section shall not be more than the appraised fair market value of that property as determined in an appraisal of the property that is not more than one year old.

(D) Not later than the first day of October of each year, the department of education shall post in a prominent location on its web site a list of schools that qualify as high-performing community schools for purposes of this section and section 3313.411 of the Revised Code.

**Sec. 3313.46.** (A) In addition to any other law governing the bidding for contracts by the board of education of any school district, when any such board determines to build, repair, enlarge, improve, or demolish any school building, the cost of which will exceed fifty thousand dollars, except in cases of urgent necessity, or for the security and protection of school property, and except as otherwise provided in division (D) of section 713.23 and in section 125.04 of the Revised Code, all of the following shall apply:

(1) The board shall cause to be prepared the plans, specifications, and related information as required in divisions

(A)(1), (2), and (3) of section 153.01 of the Revised Code unless 37768  
the board determines that other information is sufficient to 37769  
inform any bidders of the board's requirements. However, if the 37770  
board determines that such other information is sufficient for 37771  
bidding a project, the board shall not engage in the construction 37772  
of any such project involving the practice of professional 37773  
engineering, professional surveying, or architecture, for which 37774  
plans, specifications, and estimates have not been made by, and 37775  
the construction thereof inspected by, a licensed professional 37776  
engineer, licensed professional surveyor, or registered architect. 37777

(2) The board shall advertise for bids once each week for a 37778  
period of not less than two consecutive weeks, or as provided in 37779  
section 7.16 of the Revised Code, in a newspaper of general 37780  
circulation in the district before the date specified by the board 37781  
for receiving bids. The board may also cause notice to be inserted 37782  
in trade papers or other publications designated by it or to be 37783  
distributed by electronic means, including posting the notice on 37784  
the board's internet web site. If the board posts the notice on 37785  
its web site, it may eliminate the second notice otherwise 37786  
required to be published in a newspaper of general circulation 37787  
within the school district, provided that the first notice 37788  
published in such newspaper meets all of the following 37789  
requirements: 37790

(a) It is published at least two weeks before the opening of 37791  
bids. 37792

(b) It includes a statement that the notice is posted on the 37793  
board of education's internet web site. 37794

(c) It includes the internet address of the board's internet 37795  
web site. 37796

(d) It includes instructions describing how the notice may be 37797  
accessed on the board's internet web site. 37798

(3) Unless the board extends the time for the opening of bids 37799  
they shall be opened at the time and place specified by the board 37800  
in the advertisement for the bids. 37801

(4) Each bid shall contain the name of every person 37802  
interested therein. Each bid shall meet the requirements of 37803  
section 153.54 of the Revised Code. 37804

(5) When both labor and materials are embraced in the work 37805  
bid for, the board may require that each be separately stated in 37806  
the bid, with the price thereof, or may require that bids be 37807  
submitted without such separation. 37808

(6) None but the lowest responsible bid shall be accepted. 37809  
The board may reject all the bids, or accept any bid for both 37810  
labor and material for such improvement or repair, which is the 37811  
lowest in the aggregate. In all other respects, the award of 37812  
contracts for improvement or repair, but not for purchases made 37813  
under section 3327.08 of the Revised Code, shall be pursuant to 37814  
section 153.12 of the Revised Code. 37815

(7) The contract shall be between the board and the bidders. 37816  
The board shall pay the contract price for the work pursuant to 37817  
sections 153.13 and 153.14 of the Revised Code. The board shall 37818  
approve and retain the estimates referred to in section 153.13 of 37819  
the Revised Code and make them available to the auditor of state 37820  
upon request. 37821

(8) When two or more bids are equal, in the whole, or in any 37822  
part thereof, and are lower than any others, either may be 37823  
accepted, but in no case shall the work be divided between such 37824  
bidders. 37825

(9) When there is reason to believe there is collusion or 37826  
combination among the bidders, or any number of them, the bids of 37827  
those concerned therein shall be rejected. 37828

(B) Division (A) of this section does not apply to the board 37829

of education of any school district in any of the following	37830
situations:	37831
(1) The acquisition of educational materials used in	37832
teaching.	37833
(2) If the board determines and declares by resolution	37834
adopted by two-thirds of all its members that any item is	37835
available and can be acquired only from a single source.	37836
(3) If the board declares by resolution adopted by two-thirds	37837
of all its members that division (A) of this section does not	37838
apply to any installation, modification, or remodeling involved in	37839
any energy conservation measure undertaken through an installment	37840
payment contract under section 3313.372 of the Revised Code or	37841
undertaken pursuant to division (G)(1) of section 133.06 of the	37842
Revised Code.	37843
(4) The acquisition of computer software for instructional	37844
purposes and computer hardware for instructional purposes pursuant	37845
to division (B)(4) of section 3313.37 of the Revised Code.	37846
(C) No resolution adopted pursuant to division (B)(2) or (3)	37847
of this section shall have any effect on whether sections 153.12	37848
to 153.14 and 153.54 of the Revised Code apply to the board of	37849
education of any school district with regard to any item.	37850
<b>Sec. 3313.5310.</b> (A)(1) This section applies to both of the	37851
following:	37852
(a) Any school operated by a school district board of	37853
education;	37854
(b) Any chartered or nonchartered nonpublic school that is	37855
subject to the rules of an interscholastic conference or an	37856
organization that regulates interscholastic conferences or events.	37857
(2) As used in this section, "athletic activity" means all of	37858
the following:	37859

(a) Interscholastic athletics;	37860
(b) An athletic contest or competition that is sponsored by or associated with a school that is subject to this section, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations;	37861 37862 37863 37864
(c) Noncompetitive cheerleading that is sponsored by school-affiliated organizations;	37865 37866
(d) Practices, interschool practices, and scrimmages for all of the activities described in divisions (A)(2)(a), (b), and (c) of this section.	37867 37868 37869
(B) Prior to the start of each athletic season, a school that is subject to this section may hold an informational meeting for students, parents, guardians, other persons having care or charge of a student, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students.	37870 37871 37872 37873 37874 37875
(C) No student shall participate in an athletic activity until the student has submitted to a designated school official a form signed by the student and the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received and reviewed a copy of the information developed by the departments of health and education and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each school year, as defined in section 3313.62 of the Revised Code, <del>for each athletic activity</del> in which the student participates <u>in an athletic activity</u> .	37876 37877 37878 37879 37880 37881 37882 37883 37884 37885 37886 37887
(D) No individual shall coach an athletic activity unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the department of health under	37888 37889 37890

division (C) of section 3707.59 of the Revised Code. 37891

(E)(1) A student shall not be allowed to participate in an 37892  
athletic activity if either of the following is the case: 37893

(a) The student's biological parent, biological sibling, or 37894  
biological child has previously experienced sudden cardiac arrest, 37895  
and the student has not been evaluated and cleared for 37896  
participation in an athletic activity by a physician authorized 37897  
under Chapter 4731. of the Revised Code to practice medicine and 37898  
surgery or osteopathic medicine and surgery. 37899

(b) The student is known to have exhibited syncope or 37900  
fainting at any time prior to or following an athletic activity 37901  
and has not been evaluated and cleared for return under division 37902  
(E)(3) of this section after exhibiting syncope or fainting. 37903

(2) A student shall be removed by the student's coach from 37904  
participation in an athletic activity if the student exhibits 37905  
syncope or fainting. 37906

(3) If a student is not allowed to participate in or is 37907  
removed from participation in an athletic activity under division 37908  
(E)(1) or (2) of this section, the student shall not be allowed to 37909  
return to participation until the student is evaluated and cleared 37910  
for return in writing by any of the following: 37911

(a) A physician authorized under Chapter 4731. of the Revised 37912  
Code to practice medicine and surgery or osteopathic medicine and 37913  
surgery, including a physician who specializes in cardiology; 37914

(b) A certified nurse practitioner, clinical nurse 37915  
specialist, or certified nurse-midwife who holds a certificate of 37916  
authority issued under Chapter 4723. of the Revised Code; 37917

(c) A physician assistant licensed under Chapter 4730. of the 37918  
Revised Code; 37919

(d) An athletic trainer licensed under Chapter 4755. of the 37920

Revised Code. 37921

The licensed health care providers specified in divisions 37922  
(E)(3)(a) to (d) of this section may consult with any other 37923  
licensed or certified health care providers in order to determine 37924  
whether a student is ready to return to participation. 37925

(F) A school that is subject to this section shall establish 37926  
penalties for a coach who violates the provisions of division (E) 37927  
of this section. 37928

(G) Nothing in this section shall be construed to abridge or 37929  
limit any rights provided under a collective bargaining agreement 37930  
entered into under Chapter 4117. of the Revised Code prior to ~~the~~ 37931  
~~effective date of this section~~ March 14, 2017. 37932

(H)(1) A school district, member of a school district board 37933  
of education, or school district employee or volunteer, including 37934  
a coach, is not liable in damages in a civil action for injury, 37935  
death, or loss to person or property allegedly arising from 37936  
providing services or performing duties under this section, unless 37937  
the act or omission constitutes willful or wanton misconduct. 37938

This section does not eliminate, limit, or reduce any other 37939  
immunity or defense that a school district, member of a school 37940  
district board of education, or school district employee or 37941  
volunteer, including a coach, may be entitled to under Chapter 37942  
2744. or any other provision of the Revised Code or under the 37943  
common law of this state. 37944

(2) A chartered or nonchartered nonpublic school or any 37945  
officer, director, employee, or volunteer of the school, including 37946  
a coach, is not liable in damages in a civil action for injury, 37947  
death, or loss to person or property allegedly arising from 37948  
providing services or performing duties under this section, unless 37949  
the act or omission constitutes willful or wanton misconduct. 37950

Sec. 3313.5315. Any student from a country or province 37951  
outside the United States, who attends an elementary or secondary 37952  
school in this state that began operating a dormitory on its 37953  
campus prior to 2014, shall be permitted to participate in 37954  
interscholastic athletics at that school on the same basis as 37955  
students who are residents of this state, so long as the student 37956  
holds an F-1 visa issued by the United States department of state. 37957  
Such a student shall not be denied the opportunity to participate 37958  
in interscholastic athletics solely because the student's parents 37959  
do not reside in this state. 37960

No school district, school, interscholastic conference, or 37961  
organization that regulates interscholastic conferences or events 37962  
shall have a rule, bylaw, or other regulation that conflicts with 37963  
this section. 37964

**Sec. 3313.603.** (A) As used in this section: 37965

(1) "One unit" means a minimum of one hundred twenty hours of 37966  
course instruction, except that for a laboratory course, "one 37967  
unit" means a minimum of one hundred fifty hours of course 37968  
instruction. 37969

(2) "One-half unit" means a minimum of sixty hours of course 37970  
instruction, except that for physical education courses, "one-half 37971  
unit" means a minimum of one hundred twenty hours of course 37972  
instruction. 37973

(B) Beginning September 15, 2001, except as required in 37974  
division (C) of this section and division (C) of section 3313.614 37975  
of the Revised Code, the requirements for graduation from every 37976  
high school shall include twenty units earned in grades nine 37977  
through twelve and shall be distributed as follows: 37978

(1) English language arts, four units; 37979

(2) Health, one-half unit; 37980

(3) Mathematics, three units;	37981
(4) Physical education, one-half unit;	37982
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	37983 37984 37985
(a) Biological sciences, one unit;	37986
(b) Physical sciences, one unit.	37987
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	37988 37989 37990
(a) American history, one-half unit;	37991
(b) American government, one-half unit.	37992
(7) Social studies, two units.	37993
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (B)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	37994 37995 37996 37997 37998
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	37999 38000
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	38001 38002 38003
(C) Beginning with students who enter ninth grade for the first time on or after July 1, 2010, except as provided in divisions (D) to (F) of this section, the requirements for graduation from every public and chartered nonpublic high school shall include twenty units that are designed to prepare students for the workforce and college. The units shall be distributed as	38004 38005 38006 38007 38008 38009

follows:	38010
(1) English language arts, four units;	38011
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	38012 38013 38014
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II, and instead may complete a career-based pathway mathematics course approved by the department of education as an alternative.	38015 38016 38017 38018 38019 38020 38021
(4) Physical education, one-half unit;	38022
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	38023 38024 38025 38026
(a) Physical sciences, one unit;	38027
(b) Life sciences, one unit;	38028
(c) Advanced study in one or more of the following sciences, one unit:	38029 38030
(i) Chemistry, physics, or other physical science;	38031
(ii) Advanced biology or other life science;	38032
(iii) Astronomy, physical geology, or other earth or space science.	38033 38034
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	38035 38036 38037
(a) American history, one-half unit;	38038

(b) American government, one-half unit. 38039

(7) Social studies, two units. 38040

Each school shall integrate the study of economics and 38041  
financial literacy, as expressed in the social studies academic 38042  
content standards adopted by the state board of education under 38043  
division (A)(1) of section 3301.079 of the Revised Code and the 38044  
academic content standards for financial literacy and 38045  
entrepreneurship adopted under division (A)(2) of that section, 38046  
into one or more existing social studies credits required under 38047  
division (C)(7) of this section, or into the content of another 38048  
class, so that every high school student receives instruction in 38049  
those concepts. In developing the curriculum required by this 38050  
paragraph, schools shall use available public-private partnerships 38051  
and resources and materials that exist in business, industry, and 38052  
through the centers for economics education at institutions of 38053  
higher education in the state. 38054

Beginning with students who enter ninth grade for the first 38055  
time on or after July 1, 2017, the two units of instruction 38056  
prescribed by division (C)(7) of this section shall include at 38057  
least one-half unit of instruction in the study of world history 38058  
and civilizations. 38059

(8) Five units consisting of one or any combination of 38060  
foreign language, fine arts, business, career-technical education, 38061  
family and consumer sciences, technology, agricultural education, 38062  
a junior reserve officer training corps (JROTC) program approved 38063  
by the congress of the United States under title 10 of the United 38064  
States Code, or English language arts, mathematics, science, or 38065  
social studies courses not otherwise required under division (C) 38066  
of this section. 38067

Ohioans must be prepared to apply increased knowledge and 38068  
skills in the workplace and to adapt their knowledge and skills 38069

quickly to meet the rapidly changing conditions of the 38070  
twenty-first century. National studies indicate that all high 38071  
school graduates need the same academic foundation, regardless of 38072  
the opportunities they pursue after graduation. The goal of Ohio's 38073  
system of elementary and secondary education is to prepare all 38074  
students for and seamlessly connect all students to success in 38075  
life beyond high school graduation, regardless of whether the next 38076  
step is entering the workforce, beginning an apprenticeship, 38077  
engaging in post-secondary training, serving in the military, or 38078  
pursuing a college degree. 38079

The requirements for graduation prescribed in division (C) of 38080  
this section are the standard expectation for all students 38081  
entering ninth grade for the first time at a public or chartered 38082  
nonpublic high school on or after July 1, 2010. A student may 38083  
satisfy this expectation through a variety of methods, including, 38084  
but not limited to, integrated, applied, career-technical, and 38085  
traditional coursework. 38086

Whereas teacher quality is essential for student success when 38087  
completing the requirements for graduation, the general assembly 38088  
shall appropriate funds for strategic initiatives designed to 38089  
strengthen schools' capacities to hire and retain highly qualified 38090  
teachers in the subject areas required by the curriculum. Such 38091  
initiatives are expected to require an investment of \$120,000,000 38092  
over five years. 38093

Stronger coordination between high schools and institutions 38094  
of higher education is necessary to prepare students for more 38095  
challenging academic endeavors and to lessen the need for academic 38096  
remediation in college, thereby reducing the costs of higher 38097  
education for Ohio's students, families, and the state. The state 38098  
board and the chancellor of higher education shall develop 38099  
policies to ensure that only in rare instances will students who 38100  
complete the requirements for graduation prescribed in division 38101

(C) of this section require academic remediation after high school. 38102  
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School districts, community schools, and chartered nonpublic schools shall integrate technology into learning experiences across the curriculum in order to maximize efficiency, enhance learning, and prepare students for success in the technology-driven twenty-first century. Districts and schools shall use distance and web-based course delivery as a method of providing or augmenting all instruction required under this division, including laboratory experience in science. Districts and schools shall utilize technology access and electronic learning opportunities provided by the broadcast educational media commission, chancellor, the Ohio learning network, education technology centers, public television stations, and other public and private providers. 38104  
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(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2016, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the requirements for graduation prescribed in division (C) of this section if all of the following conditions are satisfied: 38117  
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(1) During the student's third year of attending high school, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework. 38124  
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(2) The student and parent, guardian, or custodian fulfill 38133

any procedural requirements the school stipulates to ensure the 38134  
student's and parent's, guardian's, or custodian's informed 38135  
consent and to facilitate orderly filing of statements under 38136  
division (D)(1) of this section. Annually, each district or school 38137  
shall notify the department of the number of students who choose 38138  
to qualify for graduation under division (D) of this section and 38139  
the number of students who complete the student's success plan and 38140  
graduate from high school. 38141

(3) The student and the student's parent, guardian, or 38142  
custodian and a representative of the student's high school 38143  
jointly develop a student success plan for the student in the 38144  
manner described in division (C)(1) of section 3313.6020 of the 38145  
Revised Code that specifies the student matriculating to a 38146  
two-year degree program, acquiring a business and 38147  
industry-recognized credential, or entering an apprenticeship. 38148

(4) The student's high school provides counseling and support 38149  
for the student related to the plan developed under division 38150  
(D)(3) of this section during the remainder of the student's high 38151  
school experience. 38152

(5)(a) Except as provided in division (D)(5)(b) of this 38153  
section, the student successfully completes, at a minimum, the 38154  
curriculum prescribed in division (B) of this section. 38155

(b) Beginning with students who enter ninth grade for the 38156  
first time on or after July 1, 2014, a student shall be required 38157  
to complete successfully, at the minimum, the curriculum 38158  
prescribed in division (B) of this section, except as follows: 38159

(i) Mathematics, four units, one unit which shall be one of 38160  
the following: 38161

(I) Probability and statistics; 38162

(II) Computer programming; 38163

(III) Applied mathematics or quantitative reasoning;	38164
(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.	38165 38166 38167
(ii) Elective units, five units;	38168
(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information.	38169 38170 38171 38172
The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2016. The department shall submit its findings and any recommendations not later than December 1, 2015, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction.	38173 38174 38175 38176 38177 38178 38179 38180 38181 38182 38183 38184
(E) Each school district and chartered nonpublic school retains the authority to require an even more challenging minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following:	38185 38186 38187 38188 38189 38190 38191
(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate;	38192 38193
(2) An exception to the district's or school's minimum high	38194

school curriculum that is comparable to the exception provided in 38195  
division (D) of this section but with additional requirements, 38196  
which may include a requirement that the student successfully 38197  
complete more than the minimum curriculum prescribed in division 38198  
(B) of this section; 38199

(3) That no exception comparable to that provided in division 38200  
(D) of this section is available. 38201

(F) A student enrolled in a dropout prevention and recovery 38202  
program, which program has received a waiver from the department, 38203  
may qualify for graduation from high school by successfully 38204  
completing a competency-based instructional program administered 38205  
by the dropout prevention and recovery program in lieu of 38206  
completing the requirements for graduation prescribed in division 38207  
(C) of this section. The department shall grant a waiver to a 38208  
dropout prevention and recovery program, within sixty days after 38209  
the program applies for the waiver, if the program meets all of 38210  
the following conditions: 38211

(1) The program serves only students not younger than sixteen 38212  
years of age and not older than twenty-one years of age. 38213

(2) The program enrolls students who, at the time of their 38214  
initial enrollment, either, or both, are at least one grade level 38215  
behind their cohort age groups or experience crises that 38216  
significantly interfere with their academic progress such that 38217  
they are prevented from continuing their traditional programs. 38218

(3) The program requires students to attain at least the 38219  
applicable score designated for each of the assessments prescribed 38220  
under division (B)(1) of section 3301.0710 of the Revised Code or, 38221  
to the extent prescribed by rule of the state board under division 38222  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 38223  
of that section. 38224

(4) The program develops a student success plan for the 38225

student in the manner described in division (C)(1) of section 38226  
3313.6020 of the Revised Code that specifies the student's 38227  
matriculating to a two-year degree program, acquiring a business 38228  
and industry-recognized credential, or entering an apprenticeship. 38229

(5) The program provides counseling and support for the 38230  
student related to the plan developed under division (F)(4) of 38231  
this section during the remainder of the student's high school 38232  
experience. 38233

(6) The program requires the student and the student's 38234  
parent, guardian, or custodian to sign and file, in accordance 38235  
with procedural requirements stipulated by the program, a written 38236  
statement asserting the parent's, guardian's, or custodian's 38237  
consent to the student's graduating without completing the 38238  
requirements for graduation prescribed in division (C) of this 38239  
section and acknowledging that one consequence of not completing 38240  
those requirements is ineligibility to enroll in most state 38241  
universities in Ohio without further coursework. 38242

(7) Prior to receiving the waiver, the program has submitted 38243  
to the department an instructional plan that demonstrates how the 38244  
academic content standards adopted by the state board under 38245  
section 3301.079 of the Revised Code will be taught and assessed. 38246

(8) Prior to receiving the waiver, the program has submitted 38247  
to the department a policy on career advising that satisfies the 38248  
requirements of section 3313.6020 of the Revised Code, with an 38249  
emphasis on how every student will receive career advising. 38250

(9) Prior to receiving the waiver, the program has submitted 38251  
to the department a written agreement outlining the future 38252  
cooperation between the program and any combination of local job 38253  
training, postsecondary education, nonprofit, and health and 38254  
social service organizations to provide services for students in 38255  
the program and their families. 38256

Divisions (F)(8) and (9) of this section apply only to 38257  
waivers granted on or after July 1, 2015. 38258

If the department does not act either to grant the waiver or 38259  
to reject the program application for the waiver within sixty days 38260  
as required under this section, the waiver shall be considered to 38261  
be granted. 38262

(G) Every high school may permit students below the ninth 38263  
grade to take advanced work. If a high school so permits, it shall 38264  
award high school credit for successful completion of the advanced 38265  
work and shall count such advanced work toward the graduation 38266  
requirements of division (B) or (C) of this section if the 38267  
advanced work was both: 38268

(1) Taught by a person who possesses a license or certificate 38269  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 38270  
Code that is valid for teaching high school; 38271

(2) Designated by the board of education of the city, local, 38272  
or exempted village school district, the board of the cooperative 38273  
education school district, or the governing authority of the 38274  
chartered nonpublic school as meeting the high school curriculum 38275  
requirements. 38276

Each high school shall record on the student's high school 38277  
transcript all high school credit awarded under division (G) of 38278  
this section. In addition, if the student completed a seventh- or 38279  
eighth-grade fine arts course described in division (K) of this 38280  
section and the course qualified for high school credit under that 38281  
division, the high school shall record that course on the 38282  
student's high school transcript. 38283

(H) The department shall make its individual academic career 38284  
plan available through its Ohio career information system web site 38285  
for districts and schools to use as a tool for communicating with 38286  
and providing guidance to students and families in selecting high 38287

school courses. 38288

(I) A school district or chartered nonpublic school may 38289  
integrate academic content in a subject area for which the state 38290  
board has adopted standards under section 3301.079 of the Revised 38291  
Code into a course in a different subject area, including a 38292  
career-technical education course, in accordance with guidance for 38293  
integrated coursework developed by the department. Upon successful 38294  
completion of an integrated course, a student may receive credit 38295  
for both subject areas that were integrated into the course. Units 38296  
earned in English language arts, mathematics, science, and social 38297  
studies that are for subject area content delivered through 38298  
integrated academic and career-technical instruction are eligible 38299  
to meet the graduation requirements of division (B) or (C) of this 38300  
section. 38301

For purposes of meeting graduation requirements, if an 38302  
end-of-course examination has been prescribed under section 38303  
3301.0712 of the Revised Code for the subject area delivered 38304  
through integrated instruction, the school district or school may 38305  
administer the related subject area examinations upon the 38306  
student's completion of the integrated course. 38307

Nothing in division (I) of this section shall be construed to 38308  
excuse any school district, chartered nonpublic school, or student 38309  
from any requirement in the Revised Code related to curriculum, 38310  
assessments, or the awarding of a high school diploma. 38311

(J)(1) The state board, in consultation with the chancellor, 38312  
shall adopt a statewide plan implementing methods for students to 38313  
earn units of high school credit based on a demonstration of 38314  
subject area competency, instead of or in combination with 38315  
completing hours of classroom instruction. The state board shall 38316  
adopt the plan not later than March 31, 2009, and commence phasing 38317  
in the plan during the 2009-2010 school year. The plan shall 38318  
include a standard method for recording demonstrated proficiency 38319

on high school transcripts. Each school district and community 38320  
school shall comply with the state board's plan adopted under this 38321  
division and award units of high school credit in accordance with 38322  
the plan. The state board may adopt existing methods for earning 38323  
high school credit based on a demonstration of subject area 38324  
competency as necessary prior to the 2009-2010 school year. 38325

(2) Not later than December 31, 2015, the state board shall 38326  
update the statewide plan adopted pursuant to division (J)(1) of 38327  
this section to also include methods for students enrolled in 38328  
seventh and eighth grade to meet curriculum requirements based on 38329  
a demonstration of subject area competency, instead of or in 38330  
combination with completing hours of classroom instruction. 38331  
Beginning with the 2017-2018 school year, each school district and 38332  
community school also shall comply with the updated plan adopted 38333  
pursuant to this division and permit students enrolled in seventh 38334  
and eighth grade to meet curriculum requirements based on subject 38335  
area competency in accordance with the plan. 38336

(3) Not later than December 31, 2017, the department shall 38337  
develop a framework for school districts and community schools to 38338  
use in granting units of high school credit to students who 38339  
demonstrate subject area competency through work-based learning 38340  
experiences, internships, or cooperative education. Beginning with 38341  
the 2018-2019 school year, each district and community school 38342  
shall comply with the framework. Each district and community 38343  
school also shall review any policy it has adopted regarding the 38344  
demonstration of subject area competency to identify ways to 38345  
incorporate work-based learning experiences, internships, and 38346  
cooperative education into the policy in order to increase student 38347  
engagement and opportunities to earn units of high school credit. 38348

(K) This division does not apply to students who qualify for 38349  
graduation from high school under division (D) or (F) of this 38350  
section, or to students pursuing a career-technical instructional 38351

track as determined by the school district board of education or 38352  
the chartered nonpublic school's governing authority. 38353  
Nevertheless, the general assembly encourages such students to 38354  
consider enrolling in a fine arts course as an elective. 38355

Beginning with students who enter ninth grade for the first 38356  
time on or after July 1, 2010, each student enrolled in a public 38357  
or chartered nonpublic high school shall complete two semesters or 38358  
the equivalent of fine arts to graduate from high school. The 38359  
coursework may be completed in any of grades seven to twelve. Each 38360  
student who completes a fine arts course in grade seven or eight 38361  
may elect to count that course toward the five units of electives 38362  
required for graduation under division (C)(8) of this section, if 38363  
the course satisfied the requirements of division (G) of this 38364  
section. In that case, the high school shall award the student 38365  
high school credit for the course and count the course toward the 38366  
five units required under division (C)(8) of this section. If the 38367  
course in grade seven or eight did not satisfy the requirements of 38368  
division (G) of this section, the high school shall not award the 38369  
student high school credit for the course but shall count the 38370  
course toward the two semesters or the equivalent of fine arts 38371  
required by this division. 38372

(L) Notwithstanding anything to the contrary in this section, 38373  
the board of education of each school district and the governing 38374  
authority of each chartered nonpublic school may adopt a policy to 38375  
excuse from the high school physical education requirement each 38376  
student who, during high school, has participated in 38377  
interscholastic athletics, marching band, or cheerleading for at 38378  
least two full seasons or in the junior reserve officer training 38379  
corps for at least two full school years. If the board or 38380  
authority adopts such a policy, the board or authority shall not 38381  
require the student to complete any physical education course as a 38382  
condition to graduate. However, the student shall be required to 38383

complete one-half unit, consisting of at least sixty hours of 38384  
instruction, in another course of study. In the case of a student 38385  
who has participated in the junior reserve officer training corps 38386  
for at least two full school years, credit received for that 38387  
participation may be used to satisfy the requirement to complete 38388  
one-half unit in another course of study. 38389

(M) It is important that high school students learn and 38390  
understand United States history and the governments of both the 38391  
United States and the state of Ohio. Therefore, beginning with 38392  
students who enter ninth grade for the first time on or after July 38393  
1, 2012, the study of American history and American government 38394  
required by divisions (B)(6) and (C)(6) of this section shall 38395  
include the study of all of the following documents: 38396

(1) The Declaration of Independence; 38397

(2) The Northwest Ordinance; 38398

(3) The Constitution of the United States with emphasis on 38399  
the Bill of Rights; 38400

(4) The Ohio Constitution. 38401

The study of each of the documents prescribed in divisions 38402  
(M)(1) to (4) of this section shall include study of that document 38403  
in its original context. 38404

The study of American history and government required by 38405  
divisions (B)(6) and (C)(6) of this section shall include the 38406  
historical evidence of the role of documents such as the 38407  
Federalist Papers and the Anti-Federalist Papers to firmly 38408  
establish the historical background leading to the establishment 38409  
of the provisions of the Constitution and Bill of Rights. 38410

**Sec. 3313.6012.** (A) The board of education of each city, 38411  
exempted village, and local school district shall adopt a policy 38412  
governing the conduct of academic prevention/intervention services 38413

for all grades and all schools throughout the district. The board 38414  
shall update the policy annually. The policy shall include, but 38415  
not be limited to, all of the following: 38416

(1) Procedures for using diagnostic assessments to measure 38417  
student progress toward the attainment of academic standards and 38418  
to identify students who may not attain the academic standards in 38419  
accordance with section 3301.0715 of the Revised Code; 38420

(2) A plan for the design of classroom-based intervention 38421  
services to meet the instructional needs of individual students as 38422  
determined by the results of diagnostic assessments; 38423

(3) Procedures for the regular collection of student 38424  
performance data; 38425

(4) Procedures for using student performance data to evaluate 38426  
the effectiveness of intervention services and, if necessary, to 38427  
modify such services. 38428

The policy shall include any prevention/intervention services 38429  
required under sections 3301.0711, 3301.0715, and 3313.608 of the 38430  
Revised Code. 38431

(B) In accordance with the policy adopted under division (A) 38432  
of this section, each school district shall provide 38433  
prevention/intervention services in pertinent subject areas to 38434  
students who score below the proficient level on a reading, 38435  
writing, mathematics, ~~social studies~~, or science proficiency or 38436  
achievement test or who do not demonstrate academic performance at 38437  
their grade level based on the results of a diagnostic assessment. 38438

**Sec. 3313.6013.** (A) As used in this section, "advanced 38439  
standing program" means a program that enables a student to earn 38440  
credit toward a degree from an institution of higher education 38441  
while enrolled in high school or that enables a student to 38442  
complete coursework while enrolled in high school that may earn 38443

credit toward a degree from an institution of higher education 38444  
upon the student's attainment of a specified score on an 38445  
examination covering the coursework. Advanced standing programs 38446  
may include any of the following: 38447

(1) The college credit plus program established under Chapter 38448  
3365. of the Revised Code; 38449

(2) Advanced placement courses; 38450

(3) International baccalaureate diploma courses; 38451

(4) Early college high school programs. 38452

(B) Each city, local, exempted village, and joint vocational 38453  
school district and each chartered nonpublic high school shall 38454  
provide students enrolled in grades nine through twelve with the 38455  
opportunity to participate in an advanced standing program. For 38456  
this purpose, each school district and chartered nonpublic high 38457  
school shall offer at least one advanced standing program in 38458  
accordance with division (B)(1) or (2) of this section, as 38459  
applicable. 38460

(1) A city, local, or exempted village school district meets 38461  
the requirements of this division through its mandatory 38462  
participation in the college credit plus program established under 38463  
Chapter 3365. of the Revised Code. However, a city, local, or 38464  
exempted village school district may offer any other advanced 38465  
standing program, in addition to the college credit plus program, 38466  
and each joint vocational school district shall offer at least one 38467  
other advanced standing program, to students in good standing, as 38468  
defined by the partnership for continued learning under section 38469  
3301.42 of the Revised Code as it existed prior to October 16, 38470  
2009, or as subsequently defined by the department of education. 38471

(2) A chartered nonpublic high school that elects to 38472  
participate in the college credit plus program established under 38473

Chapter 3365. of the Revised Code meets the requirements of this 38474  
division. Each chartered nonpublic high school that elects not to 38475  
participate in the college credit plus program instead shall offer 38476  
at least one other advanced standing program to students in good 38477  
standing, as defined by the partnership for continued learning 38478  
under section 3301.42 of the Revised Code as it existed prior to 38479  
October 16, 2009, or as subsequently defined by the department of 38480  
education. 38481

(C) Each school district and each chartered nonpublic high 38482  
school shall provide information about the advanced standing 38483  
programs offered by the district or school to all students 38484  
enrolled in grades six through eleven. The district or school 38485  
shall include information about all of the following: 38486

(1) The process colleges and universities use in awarding 38487  
credit for advanced placement and international baccalaureate 38488  
courses and examinations, including minimum scores required by 38489  
state institutions of higher education, as defined in section 38490  
3345.011 of the Revised Code, for a student to receive college 38491  
credit; 38492

(2) The availability of tuition and fee waivers for advanced 38493  
placement and international baccalaureate courses and 38494  
examinations; 38495

(3) The availability of online advanced placement or 38496  
international baccalaureate courses, including those that may be 38497  
available at no cost; 38498

(4) The benefits of earning postsecondary credit through 38499  
advanced placement or international baccalaureate courses; 38500

(5) The availability of advanced placement or international 38501  
baccalaureate courses offered throughout the district. 38502

The district or school may include additional information as 38503  
determined appropriate by the district or school. 38504

(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination.

(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be ~~subject to~~ exempt from the requirements of the college credit plus program, ~~with the following exceptions:~~

~~(1) Any aspect of the agreement that does not relate to the conferral of transcribed credit, as defined in section 3365.01 of the Revised Code, shall not be subject to the requirements of the college credit plus program.~~

~~(2) If the early college high school program began operating prior to July 1, 2014, the agreement shall not be subject to the requirements of the college credit plus program until the later of the date on which the existing agreement expires or July 1, 2015.~~

~~(3) If the district, school, or associated college operating the early college high school program was granted an award under Section 263.325 of Am. Sub. H.B. 59 of the 130th general assembly for the 2014-2015 school year, as the lead applicant on the grant or as part of a consortium, for a project involving the establishment or expansion of an early college high school, the agreement shall not be subject to the requirements of the college credit plus program during the period of time for which the project is funded by the grant award under that section.~~

~~(4) If the district, school, or associated college obtains a waiver for the agreement under section 3365.10 of the Revised~~

~~Code, the agreement shall not be subject to the requirements of~~ 38536  
~~the college credit plus program as expressed in and excused by the~~ 38537  
~~waiver provided the program meets the definition set forth in~~ 38538  
~~division (F)(2) of this section and is approved by the~~ 38539  
~~superintendent of public instruction and the chancellor of higher~~ 38540  
~~education.~~ 38541

The college credit plus program also shall not govern any 38542  
advanced placement course or international baccalaureate diploma 38543  
course as described under this section. 38544

(F) As used in this section: 38545

(1) "Associated college" means a public or private college, 38546  
as defined in section 3365.01 of the Revised Code, which has 38547  
entered into an agreement with a school district or school to 38548  
establish an early college high school program, as described in 38549  
division (F)(2) of this section, and awards transcribed credit, 38550  
as defined in section 3365.01 of the Revised Code, to students 38551  
through that program. 38552

(2) "Early college high school program" means a ~~program~~ 38553  
~~operated by a school district or school and an associated college~~ 38554  
~~that provides a personalized learning plan, which is based on~~ 38555  
~~accelerated curriculum and includes both high school and~~ 38556  
~~college level coursework, and enables the following students to~~ 38557  
~~earn a high school diploma and an associate degree, or the~~ 38558  
~~equivalent number of transcribed credits, upon successful~~ 38559  
~~completion of the program partnership between at least one school~~ 38560  
~~district or school and at least one institution of higher~~ 38561  
~~education that allows participants to simultaneously complete~~ 38562  
~~requirements toward earning a regular high school diploma and have~~ 38563  
~~the opportunity to earn not less than twenty-four credits that are~~ 38564  
~~transferable to the institutions of higher education in the~~ 38565  
~~partnership as part of an organized course of study toward a~~ 38566  
~~post-secondary degree or credential at no cost to the participant~~ 38567

or participant's family. The program also shall prioritize the 38568  
following students: 38569

(a) Students who are underrepresented in regard to completing 38570  
post-secondary education; 38571

(b) Students who are economically disadvantaged, as defined 38572  
by the department of education; 38573

(c) Students whose parents did not earn a college degree. 38574

**Sec. 3313.6023.** The board of education of each school 38575  
district shall provide training in the use of an automated 38576  
external defibrillator to each person employed by that district, 38577  
except for substitutes, adult education instructors who are 38578  
scheduled to work the full-time equivalent of less than one 38579  
hundred twenty days per school year, or persons who are employed 38580  
on an as-needed, seasonal, or intermittent basis, so long as the 38581  
persons are not employed to coach or supervise interscholastic 38582  
athletics. This training may be incorporated into the in-service 38583  
training required by division (A) of section 3319.073 of the 38584  
Revised Code. For this purpose, the board shall use one of the 38585  
instructional programs listed in divisions (B)(1) and (2) of 38586  
section 3313.6021 of the Revised Code. 38587

Each person to whom this section applies shall complete the 38588  
training not later than July 1, 2018, and at least once every five 38589  
years thereafter. 38590

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 38591  
board of education shall grant a high school diploma to any person 38592  
unless, subject to section 3313.614 of the Revised Code, the 38593  
person has met the assessment requirements of division (A)(1) or 38594  
(2) of this section, as applicable. 38595

(1) If the person entered the ninth grade prior to July 1, 38596  
2014, the person has attained at least the applicable scores 38597

designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(2) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.

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

(1) Any person with regard to any assessment from which the person was excused pursuant to division (C)(1)(c) of section 3301.0711 of the Revised Code;

(2) ~~Any~~ Except as provided in division (B)(4) of this section, any person who attends a nonpublic school accredited through the independent schools association of the central states, except for a student attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code.

(3) Any person with regard to the social studies assessment under division (B)(1) of section 3301.0710 of the Revised Code, any American history end-of-course examination and any American government end-of-course examination required under division (B) of section 3301.0712 of the Revised Code if such an exemption is prescribed by rule of the state board of education under division (D)(3) of section 3301.0712 of the Revised Code, or the citizenship test under former division (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, if all of the following apply:

(a) The person is not a citizen of the United States;

(b) The person is not a permanent resident of the United States;

(c) The person indicates no intention to reside in the United States after completion of high school. 38628  
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(4) Any person who attends a chartered nonpublic school in which at least seventy-five per cent of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code and whose school has received approval from the department of education to administer an alternate assessment plan in accordance with division (L)(4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body. 38630  
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(C) As used in this division, "limited English proficient student" has the same meaning as in division (C)(3) of section 3301.0711 of the Revised Code. 38640  
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Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section. 38643  
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(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 38650  
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(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code. 38653  
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**Sec. 3313.618.** (A) In addition to the applicable curriculum requirements, each student entering ninth grade for the first time 38656  
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on or after July 1, 2014, shall satisfy at least one of the 38658  
following conditions in order to qualify for a high school 38659  
diploma: 38660

(1) Be remediation-free, in accordance with standards adopted 38661  
under division (F) of section 3345.061 of the Revised Code, on 38662  
each of the nationally standardized assessments in English, 38663  
mathematics, and reading; 38664

(2) Attain a score specified under division (B)(5)(c) of 38665  
section 3301.0712 of the Revised Code on the end-of-course 38666  
examinations prescribed under division (B) of section 3301.0712 of 38667  
the Revised Code. 38668

(3) Attain a score that demonstrates workforce readiness and 38669  
employability on a nationally recognized job skills assessment 38670  
selected by the state board of education under division (G) of 38671  
section 3301.0712 of the Revised Code and obtain either an 38672  
industry-recognized credential, as described under division 38673  
(B)(2)(d) of section 3302.03 of the Revised Code, or a license 38674  
issued by a state agency or board for practice in a vocation that 38675  
requires an examination for issuance of that license. 38676

~~The state board shall approve the industry recognized 38677  
credentials and licenses that may qualify a student for a high 38678  
school diploma under division (A)(3) of this section. The 38679  
industry-recognized credentials and licenses shall be as approved 38680  
under section 3313.6113 of the Revised Code. 38681~~

A student may choose to qualify for a high school diploma by 38682  
satisfying any of the separate requirements prescribed by 38683  
divisions (A)(1) to (3) of this section. If the student's school 38684  
district or school does not administer the examination prescribed 38685  
by one of those divisions that the student chooses to take to 38686  
satisfy the requirements of this section, the school district or 38687  
school may require that student to arrange for the applicable 38688

scores to be sent directly to the district or school by the 38689  
company or organization that administers the examination. 38690

(B) The state board of education shall not create or require 38691  
any additional assessment for the granting of any type of high 38692  
school diploma other than as prescribed by this section. Except as 38693  
provided in ~~section~~ sections 3313.6111 and 3313.6112 of the 38694  
Revised Code, the state board or the superintendent of public 38695  
instruction shall not create any endorsement or designation that 38696  
may be affiliated with a high school diploma. 38697

**Sec. 3313.6110.** (A) A person who has completed the final year 38698  
of instruction at home, as authorized under section 3321.04 of the 38699  
Revised Code, and has successfully fulfilled the high school 38700  
curriculum applicable to that person may be granted a high school 38701  
diploma by the person's parent, guardian, or other person having 38702  
charge or care of a child, as defined in division (A)(1) of 38703  
section 3321.01 of the Revised Code. 38704

(B) Beginning with diplomas issued on or after July 1, 2015, 38705  
each diploma granted under division (A) of this section shall be 38706  
accompanied by the official letter of excuse issued by the 38707  
district superintendent for the student's final year of home 38708  
education. 38709

(C) A person who has graduated from a nonchartered nonpublic 38710  
school in Ohio and who has successfully fulfilled that school's 38711  
high school curriculum may be granted a high school diploma by the 38712  
governing authority of that school. 38713

(D) Notwithstanding anything in the Revised Code to the 38714  
contrary, a diploma granted under this section shall serve as 38715  
proof of the successful completion of that person's applicable 38716  
high school curriculum and satisfactory to fulfill any legal 38717  
requirement to show such proof. 38718

(E) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

(F) A diploma granted under division (A) of this section may include a state seal of biliteracy or an OhioMeansJobs-readiness seal that may be assigned to the student's diploma, by the parent, guardian, or other person having charge or care of the student, in the same manner as prescribed for transcripts issued by school districts and chartered nonpublic schools under ~~section~~ sections 3313.6111 and 3113.6112 of the Revised Code.

Sec. 3313.6112. (A) The superintendent of public instruction, in consultation with the chancellor of higher education and the governor's office of workforce transformation, shall establish the OhioMeansJobs-readiness seal, which may be attached or affixed to the high school diploma and transcript of a student enrolled in a public or chartered nonpublic school.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the OhioMeansJobs-readiness seal to the diploma and transcript of a student enrolled in the school who meets the requirements prescribed under division (C)(1) of this section.

(C) The state superintendent, in consultation with the chancellor and the governor's office of workforce transformation, shall do the following:

(1) Establish the requirements and criteria for earning an

OhioMeansJobs-readiness seal, including demonstration of 38750  
work-readiness and work ethic competencies such as teamwork, 38751  
problem-solving, reliability, punctuality, and computer technology 38752  
competency; 38753

(2) Develop a standardized form for students to complete and 38754  
have validated prior to graduation by at least three individuals, 38755  
each of whom must be an employer, teacher, business mentor, 38756  
community leader, faith-based leader, school leader, or coach of 38757  
the student; 38758

(3) Prepare and deliver to all school districts, community 38759  
schools, STEM schools, college-preparatory boarding schools, and 38760  
chartered nonpublic schools an appropriate mechanism for assigning 38761  
an OhioMeansJobs-readiness seal on a student's diploma and 38762  
transcript indicating that the student has been assigned the seal; 38763

(4) Provide any other information the state superintendent 38764  
considers necessary for school districts, community schools, STEM 38765  
schools, college-preparatory boarding schools, and chartered 38766  
nonpublic schools to assign an OhioMeansJobs-readiness seal. 38767

(D) A student shall not be charged a fee to be assigned an 38768  
OhioMeansJobs-readiness seal on the student's diploma and 38769  
transcript. 38770

**Sec. 3313.6113.** (A) The superintendent of public instruction, 38771  
in collaboration with the governor's office of workforce 38772  
transformation and representatives of business organizations, 38773  
shall establish a committee to develop a list of 38774  
industry-recognized credentials and licenses that may be used to 38775  
qualify for a high school diploma under division (A)(3) of section 38776  
3313.618 of the Revised Code and shall be used for state report 38777  
card purposes under section 3302.03 of the Revised Code. The state 38778  
superintendent shall appoint the members of the committee not 38779  
later than January 1, 2018. 38780

<u>(B) The committee shall do the following:</u>	38781
<u>(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list published by the department of job and family services;</u>	38782 38783 38784
<u>(2) Review the list of industry-recognized credentials and licenses that was in existence on January 1, 2018, and update the list as it considers necessary;</u>	38785 38786 38787
<u>(3) Review and update the list of industry-recognized credentials and licenses at least biennially.</u>	38788 38789
<b>Sec. 3313.64.</b> (A) As used in this section and in section 3313.65 of the Revised Code:	38790 38791
(1)(a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.	38792 38793 38794 38795 38796 38797 38798 38799 38800 38801 38802 38803 38804 38805 38806
(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a	38807 38808 38809 38810

caretaker authorization affidavit executed under sections 3109.64 38811  
to 3109.73 of the Revised Code, "parent" means the grandparent 38812  
that executed the affidavit. 38813

(2) "Legal custody," "permanent custody," and "residual 38814  
parental rights, privileges, and responsibilities" have the same 38815  
meanings as in section 2151.011 of the Revised Code. 38816

(3) "School district" or "district" means a city, local, or 38817  
exempted village school district and excludes any school operated 38818  
in an institution maintained by the department of youth services. 38819

(4) Except as used in division (C)(2) of this section, "home" 38820  
means a home, institution, foster home, group home, or other 38821  
residential facility in this state that receives and cares for 38822  
children, to which any of the following applies: 38823

(a) The home is licensed, certified, or approved for such 38824  
purpose by the state or is maintained by the department of youth 38825  
services. 38826

(b) The home is operated by a person who is licensed, 38827  
certified, or approved by the state to operate the home for such 38828  
purpose. 38829

(c) The home accepted the child through a placement by a 38830  
person licensed, certified, or approved to place a child in such a 38831  
home by the state. 38832

(d) The home is a children's home created under section 38833  
5153.21 or 5153.36 of the Revised Code. 38834

(5) "Agency" means all of the following: 38835

(a) A public children services agency; 38836

(b) An organization that holds a certificate issued by the 38837  
Ohio department of job and family services in accordance with the 38838  
requirements of section 5103.03 of the Revised Code and assumes 38839  
temporary or permanent custody of children through commitment, 38840

agreement, or surrender, and places children in family homes for 38841  
the purpose of adoption; 38842

(c) Comparable agencies of other states or countries that 38843  
have complied with applicable requirements of section 2151.39 of 38844  
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 38845  
5103.23 to 5103.237 of the Revised Code. 38846

(6) A child is placed for adoption if either of the following 38847  
occurs: 38848

(a) An agency to which the child has been permanently 38849  
committed or surrendered enters into an agreement with a person 38850  
pursuant to section 5103.16 of the Revised Code for the care and 38851  
adoption of the child. 38852

(b) The child's natural parent places the child pursuant to 38853  
section 5103.16 of the Revised Code with a person who will care 38854  
for and adopt the child. 38855

(7) "Preschool child with a disability" has the same meaning 38856  
as in section 3323.01 of the Revised Code. 38857

(8) "Child," unless otherwise indicated, includes preschool 38858  
children with disabilities. 38859

(9) "Active duty" means active duty pursuant to an executive 38860  
order of the president of the United States, an act of the 38861  
congress of the United States, or section 5919.29 or 5923.21 of 38862  
the Revised Code. 38863

(B) Except as otherwise provided in section 3321.01 of the 38864  
Revised Code for admittance to kindergarten and first grade, a 38865  
child who is at least five but under twenty-two years of age and 38866  
any preschool child with a disability shall be admitted to school 38867  
as provided in this division. 38868

(1) A child shall be admitted to the schools of the school 38869  
district in which the child's parent resides. 38870

(2) Except as provided in division (B) of section 2151.362 38871  
and section 3317.30 of the Revised Code, a child who does not 38872  
reside in the district where the child's parent resides shall be 38873  
admitted to the schools of the district in which the child resides 38874  
if any of the following applies: 38875

(a) The child is in the legal or permanent custody of a 38876  
government agency or a person other than the child's natural or 38877  
adoptive parent. 38878

(b) The child resides in a home. 38879

(c) The child requires special education. 38880

(3) A child who is not entitled under division (B)(2) of this 38881  
section to be admitted to the schools of the district where the 38882  
child resides and who is residing with a resident of this state 38883  
with whom the child has been placed for adoption shall be admitted 38884  
to the schools of the district where the child resides unless 38885  
either of the following applies: 38886

(a) The placement for adoption has been terminated. 38887

(b) Another school district is required to admit the child 38888  
under division (B)(1) of this section. 38889

Division (B) of this section does not prohibit the board of 38890  
education of a school district from placing a child with a 38891  
disability who resides in the district in a special education 38892  
program outside of the district or its schools in compliance with 38893  
Chapter 3323. of the Revised Code. 38894

(C) A district shall not charge tuition for children admitted 38895  
under division (B)(1) or (3) of this section. If the district 38896  
admits a child under division (B)(2) of this section, tuition 38897  
shall be paid to the district that admits the child as provided in 38898  
divisions (C)(1) to (3) of this section, unless division (C)(4) of 38899  
this section applies to the child: 38900

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential

placement and the other parent, if living and not in such a 38932  
facility or placement, was not known to reside in this state, 38933  
tuition shall be paid by the district determined under division 38934  
(D) of section 3313.65 of the Revised Code as the district 38935  
required to pay any tuition while the parent was in such facility 38936  
or placement; 38937

(e) If the department of education has determined, pursuant 38938  
to division (A)(2) of section 2151.362 of the Revised Code, that a 38939  
school district other than the one named in the court's initial 38940  
order, or in a prior determination of the department, is 38941  
responsible to bear the cost of educating the child, the district 38942  
so determined shall be responsible for that cost. 38943

(3) If the child is not in the permanent or legal custody of 38944  
a government agency or person other than the child's parent and 38945  
the child resides in a home, tuition shall be paid by one of the 38946  
following: 38947

(a) The school district in which the child's parent resides; 38948

(b) If the child's parent is not a resident of this state, 38949  
the home in which the child resides. 38950

(4) Division (C)(4) of this section applies to any child who 38951  
is admitted to a school district under division (B)(2) of this 38952  
section, resides in a home that is not a foster home, a home 38953  
maintained by the department of youth services, a detention 38954  
facility established under section 2152.41 of the Revised Code, or 38955  
a juvenile facility established under section 2151.65 of the 38956  
Revised Code, and receives educational services at the home or 38957  
facility in which the child resides pursuant to a contract between 38958  
the home or facility and the school district providing those 38959  
services, ~~and does not receive special education.~~ 38960

If a child to whom division (C)(4) of this section applies is 38961  
a special education student, a district may choose whether to 38962

receive a tuition payment for that child under division (C)(4) of this section or to receive a payment for that child under section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C)(4) of this section.

If a child to whom division (C)(4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C)(4) of this section.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may

recover in a civil action the tuition and the expenses incurred in 38995  
prosecuting the action, including court costs and reasonable 38996  
attorney's fees. If the prosecuting attorney or city director of 38997  
law represents the board in such action, costs and reasonable 38998  
attorney's fees awarded by the court, based upon the prosecuting 38999  
attorney's, director's, or one of their designee's time spent 39000  
preparing and presenting the case, shall be deposited in the 39001  
county or city general fund. 39002

(E) A board of education may enroll a child free of any 39003  
tuition obligation for a period not to exceed sixty days, on the 39004  
sworn statement of an adult resident of the district that the 39005  
resident has initiated legal proceedings for custody of the child. 39006

(F) In the case of any individual entitled to attend school 39007  
under this division, no tuition shall be charged by the school 39008  
district of attendance and no other school district shall be 39009  
required to pay tuition for the individual's attendance. 39010  
Notwithstanding division (B), (C), or (E) of this section: 39011

(1) All persons at least eighteen but under twenty-two years 39012  
of age who live apart from their parents, support themselves by 39013  
their own labor, and have not successfully completed the high 39014  
school curriculum or the individualized education program 39015  
developed for the person by the high school pursuant to section 39016  
3323.08 of the Revised Code, are entitled to attend school in the 39017  
district in which they reside. 39018

(2) Any child under eighteen years of age who is married is 39019  
entitled to attend school in the child's district of residence. 39020

(3) A child is entitled to attend school in the district in 39021  
which either of the child's parents is employed if the child has a 39022  
medical condition that may require emergency medical attention. 39023  
The parent of a child entitled to attend school under division 39024  
(F)(3) of this section shall submit to the board of education of 39025

the district in which the parent is employed a statement from the 39026  
child's physician certifying that the child's medical condition 39027  
may require emergency medical attention. The statement shall be 39028  
supported by such other evidence as the board may require. 39029

(4) Any child residing with a person other than the child's 39030  
parent is entitled, for a period not to exceed twelve months, to 39031  
attend school in the district in which that person resides if the 39032  
child's parent files an affidavit with the superintendent of the 39033  
district in which the person with whom the child is living resides 39034  
stating all of the following: 39035

(a) That the parent is serving outside of the state in the 39036  
armed services of the United States; 39037

(b) That the parent intends to reside in the district upon 39038  
returning to this state; 39039

(c) The name and address of the person with whom the child is 39040  
living while the parent is outside the state. 39041

(5) Any child under the age of twenty-two years who, after 39042  
the death of a parent, resides in a school district other than the 39043  
district in which the child attended school at the time of the 39044  
parent's death is entitled to continue to attend school in the 39045  
district in which the child attended school at the time of the 39046  
parent's death for the remainder of the school year, subject to 39047  
approval of that district board. 39048

(6) A child under the age of twenty-two years who resides 39049  
with a parent who is having a new house built in a school district 39050  
outside the district where the parent is residing is entitled to 39051  
attend school for a period of time in the district where the new 39052  
house is being built. In order to be entitled to such attendance, 39053  
the parent shall provide the district superintendent with the 39054  
following: 39055

(a) A sworn statement explaining the situation, revealing the 39056

location of the house being built, and stating the parent's 39057  
intention to reside there upon its completion; 39058

(b) A statement from the builder confirming that a new house 39059  
is being built for the parent and that the house is at the 39060  
location indicated in the parent's statement. 39061

(7) A child under the age of twenty-two years residing with a 39062  
parent who has a contract to purchase a house in a school district 39063  
outside the district where the parent is residing and who is 39064  
waiting upon the date of closing of the mortgage loan for the 39065  
purchase of such house is entitled to attend school for a period 39066  
of time in the district where the house is being purchased. In 39067  
order to be entitled to such attendance, the parent shall provide 39068  
the district superintendent with the following: 39069

(a) A sworn statement explaining the situation, revealing the 39070  
location of the house being purchased, and stating the parent's 39071  
intent to reside there; 39072

(b) A statement from a real estate broker or bank officer 39073  
confirming that the parent has a contract to purchase the house, 39074  
that the parent is waiting upon the date of closing of the 39075  
mortgage loan, and that the house is at the location indicated in 39076  
the parent's statement. 39077

The district superintendent shall establish a period of time 39078  
not to exceed ninety days during which the child entitled to 39079  
attend school under division (F)(6) or (7) of this section may 39080  
attend without tuition obligation. A student attending a school 39081  
under division (F)(6) or (7) of this section shall be eligible to 39082  
participate in interscholastic athletics under the auspices of 39083  
that school, provided the board of education of the school 39084  
district where the student's parent resides, by a formal action, 39085  
releases the student to participate in interscholastic athletics 39086  
at the school where the student is attending, and provided the 39087

student receives any authorization required by a public agency or 39088  
private organization of which the school district is a member 39089  
exercising authority over interscholastic sports. 39090

(8) A child whose parent is a full-time employee of a city, 39091  
local, or exempted village school district, or of an educational 39092  
service center, may be admitted to the schools of the district 39093  
where the child's parent is employed, or in the case of a child 39094  
whose parent is employed by an educational service center, in the 39095  
district that serves the location where the parent's job is 39096  
primarily located, provided the district board of education 39097  
establishes such an admission policy by resolution adopted by a 39098  
majority of its members. Any such policy shall take effect on the 39099  
first day of the school year and the effective date of any 39100  
amendment or repeal may not be prior to the first day of the 39101  
subsequent school year. The policy shall be uniformly applied to 39102  
all such children and shall provide for the admission of any such 39103  
child upon request of the parent. No child may be admitted under 39104  
this policy after the first day of classes of any school year. 39105

(9) A child who is with the child's parent under the care of 39106  
a shelter for victims of domestic violence, as defined in section 39107  
3113.33 of the Revised Code, is entitled to attend school free in 39108  
the district in which the child is with the child's parent, and no 39109  
other school district shall be required to pay tuition for the 39110  
child's attendance in that school district. 39111

The enrollment of a child in a school district under this 39112  
division shall not be denied due to a delay in the school 39113  
district's receipt of any records required under section 3313.672 39114  
of the Revised Code or any other records required for enrollment. 39115  
Any days of attendance and any credits earned by a child while 39116  
enrolled in a school district under this division shall be 39117  
transferred to and accepted by any school district in which the 39118  
child subsequently enrolls. The state board of education shall 39119

adopt rules to ensure compliance with this division. 39120

(10) Any child under the age of twenty-two years whose parent 39121  
has moved out of the school district after the commencement of 39122  
classes in the child's senior year of high school is entitled, 39123  
subject to the approval of that district board, to attend school 39124  
in the district in which the child attended school at the time of 39125  
the parental move for the remainder of the school year and for one 39126  
additional semester or equivalent term. A district board may also 39127  
adopt a policy specifying extenuating circumstances under which a 39128  
student may continue to attend school under division (F)(10) of 39129  
this section for an additional period of time in order to 39130  
successfully complete the high school curriculum for the 39131  
individualized education program developed for the student by the 39132  
high school pursuant to section 3323.08 of the Revised Code. 39133

(11) As used in this division, "grandparent" means a parent 39134  
of a parent of a child. A child under the age of twenty-two years 39135  
who is in the custody of the child's parent, resides with a 39136  
grandparent, and does not require special education is entitled to 39137  
attend the schools of the district in which the child's 39138  
grandparent resides, provided that, prior to such attendance in 39139  
any school year, the board of education of the school district in 39140  
which the child's grandparent resides and the board of education 39141  
of the school district in which the child's parent resides enter 39142  
into a written agreement specifying that good cause exists for 39143  
such attendance, describing the nature of this good cause, and 39144  
consenting to such attendance. 39145

In lieu of a consent form signed by a parent, a board of 39146  
education may request the grandparent of a child attending school 39147  
in the district in which the grandparent resides pursuant to 39148  
division (F)(11) of this section to complete any consent form 39149  
required by the district, including any authorization required by 39150  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 39151

Code. Upon request, the grandparent shall complete any consent 39152  
form required by the district. A school district shall not incur 39153  
any liability solely because of its receipt of a consent form from 39154  
a grandparent in lieu of a parent. 39155

Division (F)(11) of this section does not create, and shall 39156  
not be construed as creating, a new cause of action or substantive 39157  
legal right against a school district, a member of a board of 39158  
education, or an employee of a school district. This section does 39159  
not affect, and shall not be construed as affecting, any 39160  
immunities from defenses to tort liability created or recognized 39161  
by Chapter 2744. of the Revised Code for a school district, 39162  
member, or employee. 39163

(12) A child under the age of twenty-two years is entitled to 39164  
attend school in a school district other than the district in 39165  
which the child is entitled to attend school under division (B), 39166  
(C), or (E) of this section provided that, prior to such 39167  
attendance in any school year, both of the following occur: 39168

(a) The superintendent of the district in which the child is 39169  
entitled to attend school under division (B), (C), or (E) of this 39170  
section contacts the superintendent of another district for 39171  
purposes of this division; 39172

(b) The superintendents of both districts enter into a 39173  
written agreement that consents to the attendance and specifies 39174  
that the purpose of such attendance is to protect the student's 39175  
physical or mental well-being or to deal with other extenuating 39176  
circumstances deemed appropriate by the superintendents. 39177

While an agreement is in effect under this division for a 39178  
student who is not receiving special education under Chapter 3323. 39179  
of the Revised Code and notwithstanding Chapter 3327. of the 39180  
Revised Code, the board of education of neither school district 39181  
involved in the agreement is required to provide transportation 39182

for the student to and from the school where the student attends. 39183

A student attending a school of a district pursuant to this 39184  
division shall be allowed to participate in all student 39185  
activities, including interscholastic athletics, at the school 39186  
where the student is attending on the same basis as any student 39187  
who has always attended the schools of that district while of 39188  
compulsory school age. 39189

(13) All school districts shall comply with the 39190  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 39191  
seq., for the education of homeless children. Each city, local, 39192  
and exempted village school district shall comply with the 39193  
requirements of that act governing the provision of a free, 39194  
appropriate public education, including public preschool, to each 39195  
homeless child. 39196

When a child loses permanent housing and becomes a homeless 39197  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 39198  
such a homeless person changes temporary living arrangements, the 39199  
child's parent or guardian shall have the option of enrolling the 39200  
child in either of the following: 39201

(a) The child's school of origin, as defined in 42 U.S.C.A. 39202  
11432(g)(3)(C); 39203

(b) The school that is operated by the school district in 39204  
which the shelter where the child currently resides is located and 39205  
that serves the geographic area in which the shelter is located. 39206

(14) A child under the age of twenty-two years who resides 39207  
with a person other than the child's parent is entitled to attend 39208  
school in the school district in which that person resides if both 39209  
of the following apply: 39210

(a) That person has been appointed, through a military power 39211  
of attorney executed under section 574(a) of the "National Defense 39212  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 39213

U.S.C. 1044b, or through a comparable document necessary to 39214  
complete a family care plan, as the parent's agent for the care, 39215  
custody, and control of the child while the parent is on active 39216  
duty as a member of the national guard or a reserve unit of the 39217  
armed forces of the United States or because the parent is a 39218  
member of the armed forces of the United States and is on a duty 39219  
assignment away from the parent's residence. 39220

(b) The military power of attorney or comparable document 39221  
includes at least the authority to enroll the child in school. 39222

The entitlement to attend school in the district in which the 39223  
parent's agent under the military power of attorney or comparable 39224  
document resides applies until the end of the school year in which 39225  
the military power of attorney or comparable document expires. 39226

(G) A board of education, after approving admission, may 39227  
waive tuition for students who will temporarily reside in the 39228  
district and who are either of the following: 39229

(1) Residents or domiciliaries of a foreign nation who 39230  
request admission as foreign exchange students; 39231

(2) Residents or domiciliaries of the United States but not 39232  
of Ohio who request admission as participants in an exchange 39233  
program operated by a student exchange organization. 39234

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 39235  
3327.04, and 3327.06 of the Revised Code, a child may attend 39236  
school or participate in a special education program in a school 39237  
district other than in the district where the child is entitled to 39238  
attend school under division (B) of this section. 39239

(I)(1) Notwithstanding anything to the contrary in this 39240  
section or section 3313.65 of the Revised Code, a child under 39241  
twenty-two years of age may attend school in the school district 39242  
in which the child, at the end of the first full week of October 39243  
of the school year, was entitled to attend school as otherwise 39244

provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under 39277  
division (I)(1) of this section shall be entitled to 39278  
transportation services pursuant to an agreement between the 39279  
district and the district in which the child or child's parent has 39280  
relocated unless the districts have not entered into such 39281  
agreement, in which case the child shall be entitled to 39282  
transportation services in the same manner as a pupil attending 39283  
school in the district under interdistrict open enrollment as 39284  
described in division (H) of section 3313.981 of the Revised Code, 39285  
regardless of whether the district has adopted an open enrollment 39286  
policy as described in division (B)(1)(b) or (c) of section 39287  
3313.98 of the Revised Code. 39288

(J) This division does not apply to a child receiving special 39289  
education. 39290

A school district required to pay tuition pursuant to 39291  
division (C)(2) or (3) of this section or section 3313.65 of the 39292  
Revised Code shall have an amount deducted under division (C) of 39293  
section 3317.023 of the Revised Code equal to its own tuition rate 39294  
for the same period of attendance. A school district entitled to 39295  
receive tuition pursuant to division (C)(2) or (3) of this section 39296  
or section 3313.65 of the Revised Code shall have an amount 39297  
credited under division (C) of section 3317.023 of the Revised 39298  
Code equal to its own tuition rate for the same period of 39299  
attendance. If the tuition rate credited to the district of 39300  
attendance exceeds the rate deducted from the district required to 39301  
pay tuition, the department of education shall pay the district of 39302  
attendance the difference from amounts deducted from all 39303  
districts' payments under division (C) of section 3317.023 of the 39304  
Revised Code but not credited to other school districts under such 39305  
division and from appropriations made for such purpose. The 39306  
treasurer of each school district shall, by the fifteenth day of 39307  
January and July, furnish the superintendent of public instruction 39308

a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (C) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or

temporary duty assignment. However, the district is not 39341  
responsible for providing transportation for the child if the 39342  
child lives outside of the district as a result of the parent's 39343  
active duty status or temporary duty assignment. 39344

**Sec. 3313.6410.** This section applies to any school that is 39345  
operated by a school district and in which the enrolled students 39346  
work primarily on assignments in nonclassroom-based learning 39347  
opportunities provided via an internet- or other computer-based 39348  
instructional method. 39349

(A) Any school to which this section applies shall withdraw 39350  
from the school any student who, for two consecutive school years 39351  
of enrollment in the school, has failed to participate in the 39352  
spring administration of any assessment prescribed under section 39353  
3301.0710 or 3301.0712 of the Revised Code for the student's grade 39354  
level and was not excused from the assessment pursuant to division 39355  
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 39356  
of whether a waiver was granted for the student under division (E) 39357  
of section 3317.03 of the Revised Code. The school shall report 39358  
any such student's data verification code, as assigned pursuant to 39359  
section 3301.0714 of the Revised Code, to the department of 39360  
education to be added to the list maintained by the department 39361  
under section 3314.26 of the Revised Code. 39362

(B) No school to which this section applies shall receive any 39363  
state funds under Chapter 3317. of the Revised Code for any 39364  
enrolled student whose data verification code appears on the list 39365  
maintained by the department under section 3314.26 of the Revised 39366  
Code. Notwithstanding any provision of the Revised Code to the 39367  
contrary, the parent of any such student shall pay tuition to the 39368  
school district that operates the school in an amount equal to the 39369  
state funds the district otherwise would receive for that student, 39370  
as determined by the department. A school to which this section 39371

applies may withdraw any student for whom the parent does not pay 39372  
tuition as required by this division. 39373

**Sec. 3313.713.** (A) As used in this section: 39374

(1) "Drug" means a drug, as defined in section 4729.01 of the 39375  
Revised Code, that is to be administered pursuant to the 39376  
instructions of the prescriber, whether or not required by law to 39377  
be sold only upon a prescription. 39378

(2) "Federal law" means the "Individuals with Disabilities 39379  
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 39380

(3) "Prescriber" has the same meaning as in section 4729.01 39381  
of the Revised Code. 39382

(B) The board of education of each city, local, exempted 39383  
village, and joint vocational school district shall adopt a policy 39384  
on the authority of its employees, when acting in situations other 39385  
than those governed by sections 2305.23, 2305.231, 3313.712, 39386  
3313.7110, 3313.7112, and 3313.7113 of the Revised Code, to 39387  
administer drugs prescribed to students enrolled in the schools of 39388  
the district. The policy shall provide either that: 39389

(1) Except as otherwise required by federal law, no person 39390  
employed by the board shall, in the course of such employment, 39391  
administer any drug prescribed to any student enrolled in the 39392  
schools of the district. 39393

(2) Designated persons employed by the board are authorized 39394  
to administer to a student a drug prescribed for the student. 39395  
Effective July 1, 2011, only employees of the board who are 39396  
licensed health professionals, or who have completed a drug 39397  
administration training program conducted by a licensed health 39398  
professional and considered appropriate by the board, may 39399  
administer to a student a drug prescribed for the student. Except 39400  
as otherwise provided by federal law, the board's policy may 39401

provide that certain drugs or types of drugs shall not be 39402  
administered or that no employee shall use certain procedures, 39403  
such as injection, to administer a drug to a student. 39404

(C) No drug prescribed for a student shall be administered 39405  
pursuant to federal law or a policy adopted under division (B) of 39406  
this section until the following occur: 39407

(1) The board, or a person designated by the board, receives 39408  
a written request, signed by the parent, guardian, or other person 39409  
having care or charge of the student, that the drug be 39410  
administered to the student. 39411

(2) The board, or a person designated by the board, receives 39412  
a statement, signed by the prescriber, that includes all of the 39413  
following information: 39414

(a) The name and address of the student; 39415

(b) The school and class in which the student is enrolled; 39416

(c) The name of the drug and the dosage to be administered; 39417

(d) The times or intervals at which each dosage of the drug 39418  
is to be administered; 39419

(e) The date the administration of the drug is to begin; 39420

(f) The date the administration of the drug is to cease; 39421

(g) Any severe adverse reactions that should be reported to 39422  
the prescriber and one or more phone numbers at which the 39423  
prescriber can be reached in an emergency; 39424

(h) Special instructions for administration of the drug, 39425  
including sterile conditions and storage. 39426

(3) The parent, guardian, or other person having care or 39427  
charge of the student agrees to submit a revised statement signed 39428  
by the prescriber to the board or a person designated by the board 39429  
if any of the information provided by the prescriber pursuant to 39430

division (C)(2) of this section changes. 39431

(4) The person authorized by the board to administer the drug 39432  
receives a copy of the statement required by division (C)(2) or 39433  
(3) of this section. 39434

(5) The drug is received by the person authorized to 39435  
administer the drug to the student for whom the drug is prescribed 39436  
in the container in which it was dispensed by the prescriber or a 39437  
licensed pharmacist. 39438

(6) Any other procedures required by the board are followed. 39439

(D) If a drug is administered to a student, the board of 39440  
education shall acquire and retain copies of the written requests 39441  
required by division (C)(1) and the statements required by 39442  
divisions (C)(2) and (3) of this section and shall ensure that by 39443  
the next school day following the receipt of any such statement a 39444  
copy is given to the person authorized to administer drugs to the 39445  
student for whom the statement has been received. The board, or a 39446  
person designated by the board, shall establish a location in each 39447  
school building for the storage of drugs to be administered under 39448  
this section and federal law. All such drugs shall be stored in 39449  
that location in a locked storage place, except that drugs that 39450  
require refrigeration may be kept in a refrigerator in a place not 39451  
commonly used by students. 39452

(E) No person who has been authorized by a board of education 39453  
to administer a drug and has a copy of the most recent statement 39454  
required by division (C)(2) or (3) of this section given to the 39455  
person in accordance with division (D) of this section prior to 39456  
administering the drug is liable in civil damages for 39457  
administering or failing to administer the drug, unless such 39458  
person acts in a manner that constitutes gross negligence or 39459  
wanton or reckless misconduct. 39460

(F) A board of education may designate a person or persons to 39461

perform any function or functions in connection with a drug policy 39462  
adopted under this section either by name or by position, 39463  
training, qualifications, or similar distinguishing factors. 39464

(G) A policy adopted by a board of education pursuant to this 39465  
section may be changed, modified, or revised by action of the 39466  
board. 39467

(H) Nothing in this section shall be construed to require a 39468  
person employed by a board of education to administer a drug to a 39469  
student unless the board's policy adopted in compliance with this 39470  
section establishes such a requirement. A board shall not require 39471  
an employee to administer a drug to a student if the employee 39472  
objects, on the basis of religious convictions, to administering 39473  
the drug. 39474

Nothing in this section affects the application of section 39475  
2305.23, 2305.231, 3313.712, 3313.7110, 3313.7112, or 3313.7113 of 39476  
the Revised Code to the administration of emergency care or 39477  
treatment to a student. 39478

Nothing in this section affects the ability of a public or 39479  
nonpublic school to participate in a school-based fluoride mouth 39480  
rinse program established by the director of health pursuant to 39481  
section 3701.136 of the Revised Code. Nothing in this section 39482  
affects the ability of a person who is employed by, or who 39483  
volunteers for, a school that participates in such a program to 39484  
administer fluoride mouth rinse to a student in accordance with 39485  
section 3701.136 of the Revised Code and any rules adopted by the 39486  
director under that section. 39487

(I) Nothing in this section shall be construed to require a 39488  
school district to obtain written authorization or instructions 39489  
from a health care provider to apply nonprescription topical 39490  
ointments designed to prevent sunburn. Furthermore, nothing in 39491  
this section shall be construed to prohibit a student to possess 39492

and self-apply nonprescription topical ointment designed to 39493  
prevent sunburn while on school property or at a school-sponsored 39494  
event without written authorization or instructions from a 39495  
healthcare provider. The policy adopted by a school district 39496  
pursuant to this section shall not require written authorization 39497  
from a health care provider, but may require parental 39498  
authorization, for the possession or application of such 39499  
sunscreen. A designated person employed by the board of education 39500  
of a school district shall apply sunscreen to a student in 39501  
accordance with the school district's policy upon request. 39502

**Sec. 3313.717.** (A) As used in this section, "automated 39503  
external defibrillator" means a specialized defibrillator that is 39504  
approved for use as a medical device by the United States food and 39505  
drug administration for performing automated external 39506  
defibrillation, as defined in section 2305.235 of the Revised 39507  
Code. 39508

(B)(1) The board of education of each school district may 39509  
require the placement of an automated external defibrillator in 39510  
each school under the control of the board. Not later than July 1, 39511  
2018, pursuant to section 3313.6023 of the Revised Code, all 39512  
persons employed by a school district shall receive training in 39513  
the use of an automated external defibrillator in accordance with 39514  
that section, except for substitutes, adult education instructors 39515  
who are scheduled to work the full-time equivalent of less than 39516  
one hundred twenty days per school year, or persons who are 39517  
employed on an as-needed, seasonal, or intermittent basis, so long 39518  
as the persons are not employed to coach or supervise 39519  
interscholastic athletics. 39520

(2) The administrative authority of each chartered nonpublic 39521  
school may require the placement of an automated external 39522  
defibrillator in each school under the control of the authority. 39523

If an authority requires the placement of an automated external 39524  
defibrillator as provided in this section, the authority also 39525  
shall require that a sufficient number of the staff persons 39526  
assigned to each school under the control of the authority 39527  
successfully complete an appropriate training course in the use of 39528  
an automated external defibrillator as described in section 39529  
3701.85 of the Revised Code. 39530

(C) In regard to the use of an automated external 39531  
defibrillator that is placed in a school as specified in this 39532  
section, and except in the case of willful or wanton misconduct or 39533  
when there is no good faith attempt to activate an emergency 39534  
medical services system in accordance with section 3701.85 of the 39535  
Revised Code, no person shall be held liable in civil damages for 39536  
injury, death, or loss to person or property, or held criminally 39537  
liable, for performing automated external defibrillation in good 39538  
faith, regardless of whether the person has obtained appropriate 39539  
training on how to perform automated external defibrillation or 39540  
successfully completed a course in cardiopulmonary resuscitation. 39541

**Sec. 3313.751.** (A) As used in this section: 39542

(1) "School district" means a city, local, exempted village, 39543  
or joint vocational school district. 39544

(2) "Smoke" means to burn any substance containing tobacco, 39545  
including a lighted cigarette, cigar, or pipe, or to burn a clove 39546  
cigarette. 39547

(3) "Use tobacco" means to chew or maintain any substance 39548  
containing tobacco, including smokeless tobacco, in the mouth to 39549  
derive the effects of tobacco. 39550

(B) No pupil shall smoke or use tobacco or possess any 39551  
substance containing tobacco in any area under the control of a 39552  
school district or an educational service center or at any 39553

activity supervised by any school operated by a school district or 39554  
an educational service center. 39555

(C) No pupil shall use or possess any substance containing 39556  
betel nut in any area under the control of a school district or an 39557  
educational service center or at any activity supervised by any 39558  
school operated by a school district or an educational service 39559  
center. 39560

(D) The board of education of each school district and the 39561  
governing board of each educational service center shall adopt a 39562  
policy providing for the enforcement of division (B) of this 39563  
section and establishing disciplinary measures for a violation of 39564  
division (B) of this section. 39565

**Sec. 3313.813.** (A) As used in this section: 39566

(1) "Outdoor education center" means a public or nonprofit 39567  
private entity that provides to pupils enrolled in any public or 39568  
chartered nonpublic elementary or secondary school an outdoor 39569  
educational curriculum that the school considers to be part of its 39570  
educational program. 39571

(2) "Outside-school-hours care center" has the meaning 39572  
established in 7 C.F.R. 226.2. 39573

(B) The state board of education shall establish standards 39574  
for a school lunch program, school breakfast program, child and 39575  
adult care food program, special food service program for 39576  
children, summer food service program for children, special milk 39577  
program for children, food service equipment assistance program, 39578  
and commodity distribution program established under the "National 39579  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 39580  
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 39581  
U.S.C. 1771, as amended. Any board of education of a school 39582  
district, nonprofit private school, outdoor education center, 39583

child care institution, outside-school-hours care center, or 39584  
summer camp desiring to participate in such a program or required 39585  
to participate under this section shall, if eligible to 39586  
participate under the "National School Lunch Act," as amended, or 39587  
the "Child Nutrition Act of 1966," as amended, make application to 39588  
the state board of education for assistance. The board shall 39589  
administer the allocation and distribution of all state and 39590  
federal funds for these programs. 39591

(C) The state board of education shall require the board of 39592  
education of each school district to establish and maintain a 39593  
school breakfast, lunch, and summer food service program pursuant 39594  
to the "National School Lunch Act" and the "Child Nutrition Act of 39595  
1966," as described in divisions (C)(1) to (4) of this section. 39596

(1) The state board shall require the board of education in 39597  
each school district to establish a breakfast program in every 39598  
school where at least one-fifth of the pupils in the school are 39599  
eligible under federal requirements for free breakfasts and to 39600  
establish a lunch program in every school where at least one-fifth 39601  
of the pupils are eligible for free lunches. The board of 39602  
education required to establish a breakfast program under this 39603  
division may make a charge in accordance with federal requirements 39604  
for each reduced price breakfast or paid breakfast to cover the 39605  
cost incurred in providing that meal. 39606

(2) The state board shall require the board of education in 39607  
each school district to establish a breakfast program in every 39608  
school in which the parents of at least one-half of the children 39609  
enrolled in the school have requested that the breakfast program 39610  
be established. The board of education required to establish a 39611  
program under this division may make a charge in accordance with 39612  
federal requirements for each meal to cover all or part of the 39613  
costs incurred in establishing such a program. 39614

(3) The state board shall require the board of education in 39615

each school district to establish one of the following for summer 39616  
intervention services described in division (D) of section 39617  
3301.0711 or provided under section 3313.608 of the Revised Code, 39618  
and any other summer intervention program required by law: 39619

(a) An extension of the school breakfast program pursuant to 39620  
the "National School Lunch Act" and the "Child Nutrition Act of 39621  
1966"; 39622

(b) An extension of the school lunch program pursuant to 39623  
those acts; 39624

(c) A summer food service program pursuant to those acts. 39625

(4)(a) If the board of education of a school district 39626  
determines that, for financial reasons, it cannot comply with 39627  
division (C)(1) or (3) of this section, the district board may 39628  
choose not to comply with either or both divisions, except as 39629  
provided in ~~division~~ divisions (C)(4)(b) and (c) of this section. 39630  
The district board publicly shall communicate to the residents of 39631  
the district, in the manner it determines appropriate, its 39632  
decision not to comply. 39633

(b) If a district board chooses not to comply with division 39634  
(C)(1) of this section, the state board nevertheless shall require 39635  
the district board to establish a breakfast program in every 39636  
school where at least one-third of the pupils in the school are 39637  
eligible under federal requirements for free breakfasts and to 39638  
establish a lunch program in every school where at least one-third 39639  
of the pupils are eligible for free lunches. The district board 39640  
may make a charge in accordance with federal requirements for each 39641  
reduced price breakfast or paid breakfast to cover the cost 39642  
incurred in providing that meal. 39643

(c) If the board of education of a school district chooses 39644  
not to comply with division (C)(3) of this section, the state 39645  
board nevertheless shall require the district board to permit an 39646

approved summer food service program sponsor to use school facilities located in a school building attendance area where at least one-half of the pupils are eligible for free lunches.

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The department of education shall post in a prominent location on the department's web site a list of approved summer food service program sponsors that may use school facilities under this division.

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Subject to the provisions of sections 3313.75 and 3313.77 of the Revised Code, a school district may charge the summer food service program sponsor a reasonable fee for the use of school facilities that may include the actual cost of custodial services, charges for the use of school equipment, and a prorated share of the utility costs as determined by the district board. A school district shall require the summer food service program sponsor to indemnify and hold harmless the district from any potential liability resulting from the operation of the summer food service program under this division. For this purpose, the district shall either add the summer food service program sponsor, as an additional insured party, to the district's existing liability insurance policy or require the summer food service program sponsor to submit evidence of a separate liability insurance policy, for an amount approved by the district board. The summer food service program sponsor shall be responsible for any costs incurred in obtaining coverage under either option.

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(d) If a school district cannot for good cause comply with the requirements of division (C)(2) or (4)(b) or (c) of this section at the time the state board determines that a district is subject to these requirements, the state board shall grant a reasonable extension of time. Good cause for an extension of time shall include, but need not be limited to, economic impossibility of compliance with the requirements at the time the state board determines that a district is subject to them.

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(D)(1) The state board shall accept the application of any outdoor education center in the state making application for participation in a program pursuant to division (B) of this section.

(2) For purposes of participation in any program pursuant to this section, the board shall certify any outdoor education center making application as an educational unit that is part of the educational system of the state, if the center:

(a) Meets the definition of an outdoor education center;

(b) Provides its outdoor education curriculum to pupils on an overnight basis so that pupils are in residence at the center for more than twenty-four consecutive hours;

(c) Operates under public or nonprofit private ownership in a single building or complex of buildings.

(3) The board shall approve any outdoor education center certified under this division for participation in the program for which the center is making application on the same basis as any other applicant for that program.

(E) Any school district board of education or chartered nonpublic school that participates in a breakfast program pursuant to this section may offer breakfast to pupils in their classrooms during the school day.

(F) Notwithstanding anything in this section to the contrary, in each fiscal year in which the general assembly appropriates funds for purposes of this division, the board of education of each school district and each chartered nonpublic school that participates in a breakfast program pursuant to this section shall provide a breakfast free of charge to each pupil who is eligible under federal requirements for a reduced price breakfast.

**Sec. 3313.821.** The superintendent of public instruction, in

consultation with the governor's executive workforce board, shall 39709  
establish standards for the operation of business advisory 39710  
councils established by the board of education of a school 39711  
district or the governing board of an educational service center 39712  
under section 3313.82 of the Revised Code. The standards adopted 39713  
by the state superintendent shall include at least the following 39714  
requirements: 39715

(A) Each advisory council and the board of education or 39716  
governing board that established it shall develop a plan by which 39717  
the advisory council shall advise the board of at least those 39718  
matters specified by the board pursuant to section 3313.82 of the 39719  
Revised Code. 39720

(B) Each plan developed pursuant to division (A) of this 39721  
section shall be filed with the department of education. 39722

(C) Each business advisory council shall meet with its school 39723  
board at least quarterly. 39724

(D) Each business advisory council and its school board shall 39725  
file a joint statement, not later than the first day of March of 39726  
each school year, describing how the school district or service 39727  
center and its business advisory council has fulfilled their 39728  
responsibilities pursuant to this section and section 3313.82 of 39729  
the Revised Code. 39730

**Sec. 3313.89.** Beginning with the 2014-2015 school year, each 39731  
public high school shall publish or provide, not later than the 39732  
first day of April of each year, in its newsletter, high school 39733  
planning guide, regular publication provided to parents and 39734  
students, or in a prominent location on the school web site, 39735  
information regarding the online education and career planning 39736  
tool developed under section 6301.15 of the Revised Code. The 39737  
information shall include the internet web site address for the 39738

planning tool and a link to that web site. The information also 39739  
shall include a link to the OhioMeansJobs web site. 39740

As used in this section, "OhioMeansJobs web site" has the 39741  
same meaning as in section 6301.01 of the Revised Code. 39742

**Sec. 3313.902.** (A) As used in this section: 39743

(1) "Approved industry credential or certificate" means a 39744  
credential or certificate that is approved by the chancellor of 39745  
higher education. 39746

(2) "Approved institution" means an eligible institution that 39747  
has been approved to participate in the adult diploma pilot 39748  
program under this section. 39749

(3) "Approved program of study" means a program of study 39750  
offered by an approved institution that satisfies the requirements 39751  
of division (B) of this section. 39752

(4) An eligible student's "career pathway training program 39753  
amount" means the following: 39754

(a) If the student is enrolled in a tier one career pathway 39755  
training program, \$4,800; 39756

(b) If the student is enrolled in a tier two career pathway 39757  
training program, \$3,200; 39758

(c) If the student is enrolled in a tier three career pathway 39759  
training program, \$1,600. 39760

(5) "Eligible institution" means any of the following: 39761

(a) A community college established under Chapter 3354. of 39762  
the Revised Code; 39763

(b) A technical college established under Chapter 3357. of 39764  
the Revised Code; 39765

(c) A state community college established under Chapter 3358. 39766

of the Revised Code;	39767
(d) An Ohio technical center recognized by the chancellor	39768
that provides post-secondary workforce education.	39769
(6) "Eligible student" means an individual who is at least	39770
twenty-two years of age and has not received a high school diploma	39771
or a certificate of high school equivalence, as defined in section	39772
4109.06 of the Revised Code.	39773
(7) A "tier one career pathway training program" is a career	39774
pathway training program that requires more than six hundred hours	39775
of technical training, as determined by the department of	39776
education.	39777
(8) A "tier two career pathway training program" is a career	39778
pathway training program that requires more than three hundred	39779
hours of technical training but less than six hundred hours of	39780
technical training, as determined by the department.	39781
(9) A "tier three career pathway training program" is a	39782
career pathway training program that requires three hundred hours	39783
or less of technical training, as determined by the department.	39784
(10) An eligible student's "work readiness training amount"	39785
means the following:	39786
(a) If the student's grade level upon initial enrollment in	39787
an approved program of study at an approved institution is below	39788
the ninth grade, as determined in accordance with rules adopted	39789
under division (E) of this section, \$1,500.	39790
(b) If the student's grade level upon initial enrollment in	39791
an approved program of study at an approved institution is at or	39792
above the ninth grade, as determined in accordance with rules	39793
adopted under division (E) of this section, \$750.	39794
(B) The adult diploma pilot program is hereby established to	39795
permit an eligible institution to obtain approval from the	39796

superintendent of public instruction and the chancellor to develop 39797  
and offer a program of study that allows an eligible student to 39798  
obtain a high school diploma. A program shall be eligible for this 39799  
approval if it satisfies all of the following requirements: 39800

(1) The program allows an eligible student to complete the 39801  
requirements for obtaining a high school diploma that are 39802  
specified in rules adopted by the superintendent under division 39803  
(E) of this section while also completing requirements for an 39804  
approved industry credential or certificate. 39805

(2) The program includes career advising and outreach. 39806

(3) The program includes opportunities for students to 39807  
receive a competency-based education. 39808

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 39809  
3313.614, 3313.618, and ~~3313.319~~ 3313.619 of the Revised Code, the 39810  
state board of education shall grant a high school diploma to each 39811  
eligible student who enrolls in an approved program of study at an 39812  
approved institution and completes the requirements for obtaining 39813  
a high school diploma that are specified in rules adopted by the 39814  
superintendent under division (E) of this section. 39815

(D)(1) The department shall calculate the following amount 39816  
for each eligible student enrolled in each approved institution's 39817  
approved program of study: 39818

(The student's career pathway training program amount + the 39819  
student's work readiness training amount) X 1.2 39820

(2) ~~The~~ Except as provided in division (D)(4) of this 39821  
section, the department shall pay the amount calculated for an 39822  
eligible student under division (D)(1) of this section to the 39823  
approved institution in which the student is enrolled in the 39824  
following manner: 39825

(a) Twenty-five per cent of the amount calculated under 39826  
division (D)(1) of this section shall be paid to the approved 39827

institution after the student successfully completes the first 39828  
third of the approved program of study, as determined by the 39829  
department; 39830

(b) Twenty-five per cent of the amount calculated under 39831  
division (D)(1) of this section shall be paid to the approved 39832  
institution after the student successfully completes the second 39833  
third of the approved program of study, as determined by the 39834  
department; 39835

(c) Fifty per cent of the amount calculated under division 39836  
(D)(1) of this section shall be paid to the approved institution 39837  
after the student successfully completes the final third of the 39838  
approved program of study, as determined by the department. 39839

(3) Of the amount paid to an approved institution under 39840  
division (D)(2) of this section, the institution may use the 39841  
amount that is in addition to the student's career pathway 39842  
training amount and the student's work readiness training amount 39843  
for the associated services of the approved program of study. 39844  
These services include counseling, advising, assessment, and other 39845  
services as determined or required by the department. 39846

(4) If the superintendent and the chancellor determine that 39847  
is it appropriate for an entity other than the department to make 39848  
full or partial payments for an eligible student under division 39849  
(D)(2) of this section, that entity shall make those payments and 39850  
the department shall not make those payments. 39851

(E) The superintendent, in consultation with the chancellor, 39852  
shall adopt rules for the implementation of the adult diploma 39853  
pilot program, including all of the following: 39854

(1) The requirements for applying for program approval; 39855

(2) The requirements for obtaining a high school diploma 39856  
through the program, including the requirement to obtain a passing 39857  
score on an assessment that is appropriate for the career pathway 39858

training program that is being completed by the eligible student, 39859  
and the date on which these requirements take effect; 39860

(3) The assessment or assessments that may be used to 39861  
complete the assessment requirement for each career pathway 39862  
training program under division (E)(2) of this section and the 39863  
score that must be obtained on each assessment in order to pass 39864  
the assessment; 39865

(4) Guidelines regarding the funding of the program under 39866  
division (D) of this section, including a method of funding for 39867  
students who transfer from one approved institution to another 39868  
approved institution prior to completing an approved program of 39869  
study; 39870

(5) Circumstances under which an eligible student may be 39871  
charged for tuition, supplies, or associated fees while enrolled 39872  
in an approved institution's approved program of study; 39873

(6) A requirement that an eligible student may not be charged 39874  
for tuition, supplies, or associated fees while enrolled in an 39875  
approved institution's approved program of study except in the 39876  
circumstances described under division (E)(5) of this section; 39877

(7) The payment of federal funds that are to be used by 39878  
approved programs of study at approved institutions. 39879

Sec. 3313.904. The department of education and the department 39880  
of job and family services, in consultation with the governor's 39881  
office of workforce transformation, shall establish an option for 39882  
career-technical education students to participate in 39883  
pre-apprenticeship training programs that impart the skills and 39884  
knowledge needed for successful participation in a registered 39885  
apprenticeship occupation course. 39886

**Sec. 3313.978.** (A) Annually by the first day of November, the 39887  
superintendent of public instruction shall notify the pilot 39888

project school district of the number of initial scholarships that 39889  
the state superintendent will be awarding in each of grades 39890  
kindergarten through twelve. 39891

The state superintendent shall provide information about the 39892  
scholarship program to all students residing in the district, 39893  
shall accept applications from any such students until such date 39894  
as shall be established by the state superintendent as a deadline 39895  
for applications, and shall establish criteria for the selection 39896  
of students to receive scholarships from among all those applying 39897  
prior to the deadline, which criteria shall give preference to 39898  
students from low-income families. The state superintendent shall 39899  
notify students of their selection prior to the fifteenth day of 39900  
January. 39901

(1) A student receiving a pilot project scholarship may 39902  
utilize it at an alternative public school by notifying the 39903  
district superintendent, at any time before the beginning of the 39904  
school year, of the name of the public school in an adjacent 39905  
school district to which the student has been accepted pursuant to 39906  
section 3327.06 of the Revised Code. 39907

(2) A student may decide to utilize a pilot project 39908  
scholarship at a registered private school in the district if all 39909  
of the following conditions are met: 39910

(a) By the fifteenth day of February of the preceding school 39911  
year, or at any time prior to the start of the school year, the 39912  
parent makes an application on behalf of the student to a 39913  
registered private school. 39914

(b) The registered private school notifies the parent and the 39915  
state superintendent as follows that the student has been 39916  
admitted: 39917

(i) By the fifteenth day of March of the preceding school 39918  
year if the student filed an application by the fifteenth day of 39919

February and was admitted by the school pursuant to division (A) 39920  
of section 3313.977 of the Revised Code; 39921

(ii) Within one week of the decision to admit the student if 39922  
the student is admitted pursuant to division (C) of section 39923  
3313.977 of the Revised Code. 39924

(c) The student actually enrolls in the registered private 39925  
school to which the student was first admitted or in another 39926  
registered private school in the district or in a public school in 39927  
an adjacent school district. 39928

(B) The state superintendent shall also award in any school 39929  
year tutorial assistance grants to a number of students equal to 39930  
the number of students who receive scholarships under division (A) 39931  
of this section. Tutorial assistance grants shall be awarded 39932  
solely to students who are enrolled in the public schools of the 39933  
district in a grade level covered by the pilot project. Tutorial 39934  
assistance grants may be used solely to obtain tutorial assistance 39935  
from a provider approved pursuant to division (D) of section 39936  
3313.976 of the Revised Code. 39937

All students wishing to obtain tutorial assistance grants 39938  
shall make application to the state superintendent by the first 39939  
day of the school year in which the assistance will be used. The 39940  
state superintendent shall award assistance grants in accordance 39941  
with criteria the superintendent shall establish. 39942

(C)(1) In the case of basic scholarships for students in 39943  
grades kindergarten through eight, the scholarship amount shall 39944  
not exceed the lesser of the net tuition charges of the 39945  
alternative school the scholarship recipient attends or four 39946  
thousand ~~two~~ six hundred fifty dollars ~~in fiscal year 2012 and~~ 39947  
~~thereafter.~~ 39948

In the case of basic scholarships for students in grades nine 39949  
through twelve, the scholarship amount shall not exceed the lesser 39950

of the net tuition charges of the alternative school the 39951  
scholarship recipient attends or ~~five~~ six thousand dollars in 39952  
~~fiscal year 2012 and fiscal year 2013, and five thousand seven~~ 39953  
~~hundred dollars in fiscal year 2014 and thereafter.~~ 39954

The net tuition and fees charged to a student shall be the 39955  
tuition amount specified by the alternative school minus all other 39956  
financial aid, discounts, and adjustments received for the 39957  
student. In cases where discounts are offered for multiple 39958  
students from the same family, and not all students in the same 39959  
family are scholarship recipients, the net tuition amount 39960  
attributable to the scholarship recipient shall be the lowest net 39961  
tuition to which the family is entitled. 39962

(2) The state superintendent shall provide for an increase in 39963  
the basic scholarship amount in the case of any student who is a 39964  
mainstreamed student with a disability and shall further increase 39965  
such amount in the case of any separately educated student with a 39966  
disability. Such increases shall take into account the 39967  
instruction, related services, and transportation costs of 39968  
educating such students. 39969

(3) In the case of tutorial assistance grants, the grant 39970  
amount shall not exceed the lesser of the provider's actual 39971  
charges for such assistance or: 39972

(a) Before fiscal year 2007, a percentage established by the 39973  
state superintendent, not to exceed twenty per cent, of the amount 39974  
of the pilot project school district's average basic scholarship 39975  
amount; 39976

(b) In fiscal year 2007 and thereafter, four hundred dollars. 39977

(D)(1) Annually by the first day of November, the state 39978  
superintendent shall estimate the maximum per-pupil scholarship 39979  
amounts for the ensuing school year. The state superintendent 39980  
shall make this estimate available to the general public at the 39981

offices of the district board of education together with the forms 39982  
required by division (D)(2) of this section. 39983

(2) Annually by the fifteenth day of January, the chief 39984  
administrator of each registered private school located in the 39985  
pilot project district and the principal of each public school in 39986  
such district shall complete a parental information form and 39987  
forward it to the president of the board of education. The 39988  
parental information form shall be prescribed by the department of 39989  
education and shall provide information about the grade levels 39990  
offered, the numbers of students, tuition amounts, achievement 39991  
test results, and any sectarian or other organizational 39992  
affiliations. 39993

(E)(1) Only for the purpose of administering the pilot 39994  
project scholarship program, the department may request from any 39995  
of the following entities the data verification code assigned 39996  
under division (D)(2) of section 3301.0714 of the Revised Code to 39997  
any student who is seeking a scholarship under the program: 39998

(a) The school district in which the student is entitled to 39999  
attend school under section 3313.64 or 3313.65 of the Revised 40000  
Code; 40001

(b) If applicable, the community school in which the student 40002  
is enrolled; 40003

(c) The independent contractor engaged to create and maintain 40004  
data verification codes. 40005

(2) Upon a request by the department under division (E)(1) of 40006  
this section for the data verification code of a student seeking a 40007  
scholarship or a request by the student's parent for that code, 40008  
the school district or community school shall submit that code to 40009  
the department or parent in the manner specified by the 40010  
department. If the student has not been assigned a code, because 40011  
the student will be entering kindergarten during the school year 40012

for which the scholarship is sought, the district shall assign a 40013  
code to that student and submit the code to the department or 40014  
parent by a date specified by the department. If the district does 40015  
not assign a code to the student by the specified date, the 40016  
department shall assign a code to the student. 40017

The department annually shall submit to each school district 40018  
the name and data verification code of each student residing in 40019  
the district who is entering kindergarten, who has been awarded a 40020  
scholarship under the program, and for whom the department has 40021  
assigned a code under this division. 40022

(3) The department shall not release any data verification 40023  
code that it receives under division (E) of this section to any 40024  
person except as provided by law. 40025

(F) Any document relative to the pilot project scholarship 40026  
program that the department holds in its files that contains both 40027  
a student's name or other personally identifiable information and 40028  
the student's data verification code shall not be a public record 40029  
under section 149.43 of the Revised Code. 40030

(G)(1) The department annually shall compile the scores 40031  
attained by scholarship students enrolled in registered private 40032  
schools on the assessments administered to the students pursuant 40033  
to division (A)(11) of section 3313.976 of the Revised Code. The 40034  
scores shall be aggregated as follows: 40035

(a) By school district, which shall include all scholarship 40036  
students residing in the pilot project school district who are 40037  
enrolled in a registered private school and were required to take 40038  
an assessment pursuant to division (A)(11) of section 3313.976 of 40039  
the Revised Code; 40040

(b) By registered private school, which shall include all 40041  
scholarship students enrolled in that school who were required to 40042  
take an assessment pursuant to division (A)(11) of section 40043

3313.976 of the Revised Code.	40044
(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:	40045
(a) Grade level;	40046
(b) Race and ethnicity;	40047
(c) Gender;	40048
(d) Students who have participated in the scholarship program for three or more years;	40049
(e) Students who have participated in the scholarship program for more than one year and less than three years;	40050
(f) Students who have participated in the scholarship program for one year or less;	40051
(g) Economically disadvantaged students.	40052
(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	40053
(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school	40054
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district that the scholarship student would otherwise attend. In 40074  
calculating the performance of similar students, the department 40075  
shall consider age, grade, race and ethnicity, gender, and 40076  
socioeconomic status. 40077

**Sec. 3314.016.** This section applies to any entity that 40078  
sponsors a community school, regardless of whether section 40079  
3314.021 or 3314.027 of the Revised Code exempts the entity from 40080  
the requirement to be approved for sponsorship under divisions 40081  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 40082  
office of Ohio school sponsorship established under section 40083  
3314.029 of the Revised Code shall be rated under division (B) of 40084  
this section, but divisions (A) and (C) of this section do not 40085  
apply to the office. 40086

(A) An entity that sponsors a community school shall be 40087  
permitted to enter into contracts under section 3314.03 of the 40088  
Revised Code to sponsor additional community schools only if the 40089  
entity meets all of the following criteria: 40090

(1) The entity is in compliance with all provisions of this 40091  
chapter requiring sponsors of community schools to report data or 40092  
information to the department of education. 40093

(2) The entity is not rated as "ineffective" under division 40094  
(B)(6) of this section. 40095

(3) Except as set forth in sections 3314.021 and 3314.027 of 40096  
the Revised Code, the entity has received approval from and 40097  
entered into an agreement with the department of education 40098  
pursuant to section 3314.015 of the Revised Code. 40099

(B)(1) Beginning with the 2015-2016 school year, the 40100  
department shall develop and implement an evaluation system that 40101  
annually rates and assigns an overall rating to each entity that 40102  
sponsors a community school. That evaluation system shall be 40103

developed and posted on the department's web site by the fifteenth 40104  
day of July of each school year. Any changes to the evaluation 40105  
system after that date shall take effect the following year. The 40106  
evaluation system shall be based on the following components: 40107

(a) Academic performance of students enrolled in community 40108  
schools sponsored by the same entity. The academic performance 40109  
component shall be derived from the performance measures 40110  
prescribed for the state report cards under section 3302.03 or 40111  
3314.017 of the Revised Code, and shall be based on the 40112  
performance of the schools for the school year for which the 40113  
evaluation is conducted. In addition to the academic performance 40114  
for a specific school year, the academic performance component 40115  
shall also include year-to-year changes in the overall sponsor 40116  
portfolio. For a community school for which no graded performance 40117  
measures are applicable or available, the department shall use 40118  
nonreport card performance measures specified in the contract 40119  
between the community school and the sponsor under division (A)(4) 40120  
of section 3314.03 of the Revised Code. 40121

If the department uses a component prescribed under division 40122  
(C)(3) of section 3302.03 of the Revised Code to calculate the 40123  
academic performance component specified under division (B)(1)(a) 40124  
of this section, the department shall weight the progress 40125  
component specified under division (C)(3)(c) of section 3302.03 of 40126  
the Revised Code at sixty per cent of the total score for the 40127  
academic performance component under this section. 40128

(b) Adherence by a sponsor to the quality practices 40129  
prescribed by the department under division (B)(3) of this 40130  
section. For a sponsor that was rated "effective" or "exemplary" 40131  
on its most recent rating, the department may evaluate that 40132  
sponsor's adherence to quality practices once over a period of 40133  
three years. If the department elects to evaluate a sponsor once 40134  
over a period of three years, the most recent rating for a 40135

sponsor's adherence to quality practices shall be used when 40136  
determining an annual overall rating conducted under this section. 40137

(c) Compliance with all applicable laws and administrative 40138  
rules by an entity that sponsors a community school. 40139

(2) In calculating an academic performance component, the 40140  
department shall exclude all community schools that have been in 40141  
operation for not more than two full school years and all 40142  
community schools described in division (A)(4)(b) of section 40143  
3314.35 of the Revised Code. However, the academic performance of 40144  
the community schools described in division (A)(4)(b) of section 40145  
3314.35 of the Revised Code shall be reported, but shall not be 40146  
used as a factor when determining a sponsoring entity's rating 40147  
under this section. 40148

(3) The department, in consultation with entities that 40149  
sponsor community schools, shall prescribe quality practices for 40150  
community school sponsors and develop an instrument to measure 40151  
adherence to those quality practices. The quality practices shall 40152  
be based on standards developed by the national association of 40153  
charter school authorizers or any other nationally organized 40154  
community school organization. 40155

(4)(a) The department may permit peer review of a sponsor's 40156  
adherence to the quality practices prescribed under division 40157  
(B)(3) of this section. Peer reviewers shall be limited to 40158  
individuals employed by sponsors rated "effective" or "exemplary" 40159  
on the most recent ratings conducted under this section. 40160

(b) The department shall require individuals participating in 40161  
peer review under division (B)(4)(a) of this section to complete 40162  
training approved or established by the department. 40163

(c) The department may enter into an agreement with another 40164  
entity to provide training to individuals conducting peer review 40165  
of sponsors. Prior to entering into an agreement with an entity, 40166

the department shall review and approve of the entity's training program. 40167  
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(5) Not later than July 1, 2013, the state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B)(1)(c) of this section. 40169  
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(6) The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," "ineffective," or "poor," based on the components prescribed by division (B) of this section, where each component is weighted equally. A separate rating shall be given by the department for each component of the evaluation system. 40174  
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The department shall publish the ratings between the first day of October and the fifteenth day of ~~October~~ November. 40180  
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Prior to the publication of the final ratings, the department shall designate and provide notice of a period of at least ten business days during which each sponsor may review the information used by the department to determine the sponsor's rating on the components prescribed by divisions (B)(1)(b) and (c) of this section. If the sponsor believes there is an error in the department's evaluation, the sponsor may request adjustments to the rating of either of those components based on documentation previously submitted as part of an evaluation. The sponsor shall provide to the department any necessary evidence or information to support the requested adjustments. The department shall review the evidence and information, determine whether an adjustment is valid, and promptly notify the sponsor of its determination and reasons. If any adjustments to the data could result in a change to the rating on the applicable component or to the overall rating, the department shall recalculate the ratings prior to publication. 40182  
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The department shall provide training on an annual basis 40199  
regarding the evaluation system prescribed under this section. The 40200  
training shall, at a minimum, describe methodology, timelines, and 40201  
data required for the evaluation system. The first training 40202  
session shall occur not later than ~~thirty days after the effective~~ 40203  
~~date of this section~~ March 2, 2016. Beginning in 2018, the 40204  
training shall be made available to each entity that sponsors a 40205  
community school by the fifteenth day of July of each year and 40206  
shall include guidance on any changes made to the evaluation 40207  
system. 40208

If the department uses a points system to determine component 40209  
ratings and overall ratings under this section, the department 40210  
shall not assign an automatic overall rating to an entity based 40211  
solely on the entity receiving an equivalent score of zero points 40212  
on one or more of the individual components prescribed in division 40213  
(B)(1)(b) or (c) of this section. An overall rating shall be the 40214  
cumulative score of the individual components prescribed under 40215  
this section unless the entity receives a score of zero on the 40216  
academic performance component prescribed in division (B)(1)(a) of 40217  
this section. 40218

(7)(a) Entities with an overall rating of "exemplary" for at 40219  
least two consecutive years may take advantage of the following 40220  
incentives: 40221

(i) Renewal of the written agreement with the department, not 40222  
to exceed ten years, provided that the entity consents to 40223  
continued evaluation of adherence to quality practices as 40224  
described in division (B)(1)(b) of this section; 40225

(ii) The ability to extend the term of the contract between 40226  
the sponsoring entity and the community school beyond the term 40227  
described in the written agreement with the department; 40228

(iii) An exemption from the preliminary agreement and 40229

contract adoption and execution deadline requirements prescribed 40230  
in division (D) of section 3314.02 of the Revised Code; 40231

(iv) An exemption from the automatic contract expiration 40232  
requirement, should a new community school fail to open by the 40233  
thirtieth day of September of the calendar year in which the 40234  
community school contract is executed; 40235

(v) No limit on the number of community schools the entity 40236  
may sponsor; 40237

(vi) No territorial restrictions on sponsorship. 40238

An entity may continue to sponsor any community schools with 40239  
which it entered into agreements under division (B)(7)(a)(v) or 40240  
(vi) of this section while rated "exemplary," notwithstanding the 40241  
fact that the entity later receives a lower overall rating. 40242

(b)(i) Entities that receive an overall rating of 40243  
"ineffective" shall be prohibited from sponsoring any new or 40244  
additional community schools during the time in which the sponsor 40245  
is rated as "ineffective" and shall be subject to a quality 40246  
improvement plan based on correcting the deficiencies that led to 40247  
the "ineffective" rating, with timelines and benchmarks that have 40248  
been established by the department. 40249

(ii) Entities that receive an overall rating of "ineffective" 40250  
on their three most recent ratings shall have all sponsorship 40251  
authority revoked. Within thirty days after receiving its third 40252  
rating of "ineffective," the entity may appeal the revocation of 40253  
its sponsorship authority to the superintendent of public 40254  
instruction, who shall appoint an independent hearing officer to 40255  
conduct a hearing in accordance with Chapter 119. of the Revised 40256  
Code. The hearing shall be conducted within thirty days after 40257  
receipt of the notice of appeal. Within forty-five days after the 40258  
hearing is completed, the state board of education shall determine 40259  
whether the revocation is appropriate based on the hearing 40260

conducted by the independent hearing officer, and if determined 40261  
appropriate, the revocation shall be confirmed. 40262

(c) Entities that receive an overall rating of "poor" shall 40263  
have all sponsorship authority revoked. Within thirty days after 40264  
receiving a rating of "poor," the entity may appeal the revocation 40265  
of its sponsorship authority to the superintendent of public 40266  
instruction, who shall appoint an independent hearing officer to 40267  
conduct a hearing in accordance with Chapter 119. of the Revised 40268  
Code. The hearing shall be conducted within thirty days after 40269  
receipt of the notice of appeal. Within forty-five days after the 40270  
hearing is completed, the state board of education shall determine 40271  
whether the revocation is appropriate based on the hearing 40272  
conducted by the independent hearing officer, and if determined 40273  
appropriate, the revocation shall be confirmed. 40274

(d) Notwithstanding division (F)(3) of section 3314.02 of the 40275  
Revised Code and the agreement entered into with the department 40276  
under section 3314.015 of the Revised Code, an entity that is an 40277  
educational service center that receives an overall rating of 40278  
"effective" or higher may sponsor a community school regardless of 40279  
whether it is located in a county within the service territory of 40280  
the service center or in a contiguous county. 40281

(8) For the 2014-2015 school year and each school year 40282  
thereafter, student academic performance prescribed under division 40283  
(B)(1)(a) of this section shall include student academic 40284  
performance data from community schools that primarily serve 40285  
students enrolled in a dropout prevention and recovery program. 40286

(C) If the governing authority of a community school enters 40287  
into a contract with a sponsor prior to the date on which the 40288  
sponsor is prohibited from sponsoring additional schools under 40289  
division (A) of this section and the school has not opened for 40290  
operation as of that date, that contract shall be void and the 40291  
school shall not open until the governing authority secures a new 40292

sponsor by entering into a contract with the new sponsor under 40293  
section 3314.03 of the Revised Code. However, the department's 40294  
office of Ohio school sponsorship, established under section 40295  
3314.029 of the Revised Code, may assume the sponsorship of the 40296  
school until the earlier of the expiration of two school years or 40297  
until a new sponsor is secured by the school's governing 40298  
authority. A community school sponsored by the department under 40299  
this division shall not be included when calculating the maximum 40300  
number of directly authorized community schools permitted under 40301  
division (A)(3) of section 3314.029 of the Revised Code. 40302

(D) When an entity's authority to sponsor schools is revoked 40303  
pursuant to division (B)(7)(b) or (c) of this section, the office 40304  
of Ohio school sponsorship shall assume sponsorship of any schools 40305  
with which the original sponsor has contracted for the remainder 40306  
of that school year. The office may continue sponsoring those 40307  
schools until the earlier of: 40308

(1) The expiration of two school years from the time that 40309  
sponsorship is revoked; 40310

(2) When a new sponsor is secured by the governing authority 40311  
pursuant to division (C)(1) of section 3314.02 of the Revised 40312  
Code. 40313

Any community school sponsored under this division shall not 40314  
be counted for purposes of directly authorized community schools 40315  
under division (A)(3) of section 3314.029 of the Revised Code. 40316

**Sec. 3314.03.** A copy of every contract entered into under 40317  
this section shall be filed with the superintendent of public 40318  
instruction. The department of education shall make available on 40319  
its web site a copy of every approved, executed contract filed 40320  
with the superintendent under this section. 40321

(A) Each contract entered into between a sponsor and the 40322

governing authority of a community school shall specify the 40323  
following: 40324

(1) That the school shall be established as either of the 40325  
following: 40326

(a) A nonprofit corporation established under Chapter 1702. 40327  
of the Revised Code, if established prior to April 8, 2003; 40328

(b) A public benefit corporation established under Chapter 40329  
1702. of the Revised Code, if established after April 8, 2003. 40330

(2) The education program of the school, including the 40331  
school's mission, the characteristics of the students the school 40332  
is expected to attract, the ages and grades of students, and the 40333  
focus of the curriculum; 40334

(3) The academic goals to be achieved and the method of 40335  
measurement that will be used to determine progress toward those 40336  
goals, which shall include the statewide achievement assessments; 40337

(4) Performance standards, including but not limited to all 40338  
applicable report card measures set forth in section 3302.03 or 40339  
3314.017 of the Revised Code, by which the success of the school 40340  
will be evaluated by the sponsor; 40341

(5) The admission standards of section 3314.06 of the Revised 40342  
Code and, if applicable, section 3314.061 of the Revised Code; 40343

(6)(a) Dismissal procedures; 40344

(b) A requirement that the governing authority adopt an 40345  
attendance policy that includes a procedure for automatically 40346  
withdrawing a student from the school if the student without a 40347  
legitimate excuse fails to participate in one hundred five 40348  
consecutive hours of the learning opportunities offered to the 40349  
student. 40350

(7) The ways by which the school will achieve racial and 40351  
ethnic balance reflective of the community it serves; 40352

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the

school. 40383

(c) The school will be nonsectarian in its programs, 40384  
admission policies, employment practices, and all other 40385  
operations, and will not be operated by a sectarian school or 40386  
religious institution. 40387

(d) The school will comply with sections 9.90, 9.91, 109.65, 40388  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 40389  
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 40390  
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 40391  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 40392  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 40393  
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 40394  
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 40395  
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 40396  
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 40397  
3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 40398  
4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 40399  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 40400  
as if it were a school district and will comply with section 40401  
3301.0714 of the Revised Code in the manner specified in section 40402  
3314.17 of the Revised Code. 40403

(e) The school shall comply with Chapter 102. and section 40404  
2921.42 of the Revised Code. 40405

(f) The school will comply with sections 3313.61, 3313.611, 40406  
and 3313.614 of the Revised Code, except that for students who 40407  
enter ninth grade for the first time before July 1, 2010, the 40408  
requirement in sections 3313.61 and 3313.611 of the Revised Code 40409  
that a person must successfully complete the curriculum in any 40410  
high school prior to receiving a high school diploma may be met by 40411  
completing the curriculum adopted by the governing authority of 40412  
the community school rather than the curriculum specified in Title 40413  
XXXIII of the Revised Code or any rules of the state board of 40414

education. Beginning with students who enter ninth grade for the 40415  
first time on or after July 1, 2010, the requirement in sections 40416  
3313.61 and 3313.611 of the Revised Code that a person must 40417  
successfully complete the curriculum of a high school prior to 40418  
receiving a high school diploma shall be met by completing the 40419  
requirements prescribed in division (C) of section 3313.603 of the 40420  
Revised Code, unless the person qualifies under division (D) or 40421  
(F) of that section. Each school shall comply with the plan for 40422  
awarding high school credit based on demonstration of subject area 40423  
competency, and beginning with the 2017-2018 school year, with the 40424  
updated plan that permits students enrolled in seventh and eighth 40425  
grade to meet curriculum requirements based on subject area 40426  
competency adopted by the state board of education under divisions 40427  
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 40428  
with the 2018-2019 school year, the school shall comply with the 40429  
framework for granting units of high school credit to students who 40430  
demonstrate subject area competency through work-based learning 40431  
experiences, internships, or cooperative education developed by 40432  
the department under division (J)(3) of section 3313.603 of the 40433  
Revised Code. 40434

(g) The school governing authority will submit within four 40435  
months after the end of each school year a report of its 40436  
activities and progress in meeting the goals and standards of 40437  
divisions (A)(3) and (4) of this section and its financial status 40438  
to the sponsor and the parents of all students enrolled in the 40439  
school. 40440

(h) The school, unless it is an internet- or computer-based 40441  
community school, will comply with section 3313.801 of the Revised 40442  
Code as if it were a school district. 40443

(i) If the school is the recipient of moneys from a grant 40444  
awarded under the federal race to the top program, Division (A), 40445  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 40446

Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 40447  
school will pay teachers based upon performance in accordance with 40448  
section 3317.141 and will comply with section 3319.111 of the 40449  
Revised Code as if it were a school district. 40450

(j) If the school operates a preschool program that is 40451  
licensed by the department of education under sections 3301.52 to 40452  
3301.59 of the Revised Code, the school shall comply with sections 40453  
3301.50 to 3301.59 of the Revised Code and the minimum standards 40454  
for preschool programs prescribed in rules adopted by the state 40455  
board under section 3301.53 of the Revised Code. 40456

(k) The school will comply with sections 3313.6021 and 40457  
3313.6023 of the Revised Code as if it were a school district 40458  
unless it is either of the following: 40459

(i) An internet- or computer-based community school; 40460

(ii) A community school in which a majority of the enrolled 40461  
students are children with disabilities as described in division 40462  
(A)(4)(b) of section 3314.35 of the Revised Code. 40463

(12) Arrangements for providing health and other benefits to 40464  
employees; 40465

(13) The length of the contract, which shall begin at the 40466  
beginning of an academic year. No contract shall exceed five years 40467  
unless such contract has been renewed pursuant to division (E) of 40468  
this section. 40469

(14) The governing authority of the school, which shall be 40470  
responsible for carrying out the provisions of the contract; 40471

(15) A financial plan detailing an estimated school budget 40472  
for each year of the period of the contract and specifying the 40473  
total estimated per pupil expenditure amount for each such year. 40474

(16) Requirements and procedures regarding the disposition of 40475  
employees of the school in the event the contract is terminated or 40476

not renewed pursuant to section 3314.07 of the Revised Code; 40477

(17) Whether the school is to be created by converting all or 40478  
part of an existing public school or educational service center 40479  
building or is to be a new start-up school, and if it is a 40480  
converted public school or service center building, specification 40481  
of any duties or responsibilities of an employer that the board of 40482  
education or service center governing board that operated the 40483  
school or building before conversion is delegating to the 40484  
governing authority of the community school with respect to all or 40485  
any specified group of employees provided the delegation is not 40486  
prohibited by a collective bargaining agreement applicable to such 40487  
employees; 40488

(18) Provisions establishing procedures for resolving 40489  
disputes or differences of opinion between the sponsor and the 40490  
governing authority of the community school; 40491

(19) A provision requiring the governing authority to adopt a 40492  
policy regarding the admission of students who reside outside the 40493  
district in which the school is located. That policy shall comply 40494  
with the admissions procedures specified in sections 3314.06 and 40495  
3314.061 of the Revised Code and, at the sole discretion of the 40496  
authority, shall do one of the following: 40497

(a) Prohibit the enrollment of students who reside outside 40498  
the district in which the school is located; 40499

(b) Permit the enrollment of students who reside in districts 40500  
adjacent to the district in which the school is located; 40501

(c) Permit the enrollment of students who reside in any other 40502  
district in the state. 40503

(20) A provision recognizing the authority of the department 40504  
of education to take over the sponsorship of the school in 40505  
accordance with the provisions of division (C) of section 3314.015 40506  
of the Revised Code; 40507

(21) A provision recognizing the sponsor's authority to 40508  
assume the operation of a school under the conditions specified in 40509  
division (B) of section 3314.073 of the Revised Code; 40510

(22) A provision recognizing both of the following: 40511

(a) The authority of public health and safety officials to 40512  
inspect the facilities of the school and to order the facilities 40513  
closed if those officials find that the facilities are not in 40514  
compliance with health and safety laws and regulations; 40515

(b) The authority of the department of education as the 40516  
community school oversight body to suspend the operation of the 40517  
school under section 3314.072 of the Revised Code if the 40518  
department has evidence of conditions or violations of law at the 40519  
school that pose an imminent danger to the health and safety of 40520  
the school's students and employees and the sponsor refuses to 40521  
take such action. 40522

(23) A description of the learning opportunities that will be 40523  
offered to students including both classroom-based and 40524  
non-classroom-based learning opportunities that is in compliance 40525  
with criteria for student participation established by the 40526  
department under division (H)(2) of section 3314.08 of the Revised 40527  
Code; 40528

(24) The school will comply with sections 3302.04 and 40529  
3302.041 of the Revised Code, except that any action required to 40530  
be taken by a school district pursuant to those sections shall be 40531  
taken by the sponsor of the school. However, the sponsor shall not 40532  
be required to take any action described in division (F) of 40533  
section 3302.04 of the Revised Code. 40534

(25) Beginning in the 2006-2007 school year, the school will 40535  
open for operation not later than the thirtieth day of September 40536  
each school year, unless the mission of the school as specified 40537  
under division (A)(2) of this section is solely to serve dropouts. 40538

In its initial year of operation, if the school fails to open by 40539  
the thirtieth day of September, or within one year after the 40540  
adoption of the contract pursuant to division (D) of section 40541  
3314.02 of the Revised Code if the mission of the school is solely 40542  
to serve dropouts, the contract shall be void. 40543

(26) Whether the school's governing authority is planning to 40544  
seek designation for the school as a STEM school equivalent under 40545  
section 3326.032 of the Revised Code; 40546

(27) That the school's attendance and participation policies 40547  
will be available for public inspection; 40548

(28) That the school's attendance and participation records 40549  
shall be made available to the department of education, auditor of 40550  
state, and school's sponsor to the extent permitted under and in 40551  
accordance with the "Family Educational Rights and Privacy Act of 40552  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 40553  
regulations promulgated under that act, and section 3319.321 of 40554  
the Revised Code; 40555

(29) If a school operates using the blended learning model, 40556  
as defined in section 3301.079 of the Revised Code, all of the 40557  
following information: 40558

(a) An indication of what blended learning model or models 40559  
will be used; 40560

(b) A description of how student instructional needs will be 40561  
determined and documented; 40562

(c) The method to be used for determining competency, 40563  
granting credit, and promoting students to a higher grade level; 40564

(d) The school's attendance requirements, including how the 40565  
school will document participation in learning opportunities; 40566

(e) A statement describing how student progress will be 40567  
monitored; 40568

(f) A statement describing how private student data will be protected;	40569 40570
(g) A description of the professional development activities that will be offered to teachers.	40571 40572
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	40573 40574 40575 40576
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	40577 40578 40579 40580
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	40581 40582 40583
(1) The process by which the governing authority of the school will be selected in the future;	40584 40585
(2) The management and administration of the school;	40586
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	40587 40588 40589 40590 40591
(4) The instructional program and educational philosophy of the school;	40592 40593
(5) Internal financial controls.	40594
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	40595 40596 40597 40598

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant

to section 3314.072 of the Revised Code, or terminate the contract 40630  
of the school pursuant to section 3314.07 of the Revised Code as 40631  
determined necessary by the sponsor; 40632

(6) Have in place a plan of action to be undertaken in the 40633  
event the community school experiences financial difficulties or 40634  
closes prior to the end of a school year. 40635

(E) Upon the expiration of a contract entered into under this 40636  
section, the sponsor of a community school may, with the approval 40637  
of the governing authority of the school, renew that contract for 40638  
a period of time determined by the sponsor, but not ending earlier 40639  
than the end of any school year, if the sponsor finds that the 40640  
school's compliance with applicable laws and terms of the contract 40641  
and the school's progress in meeting the academic goals prescribed 40642  
in the contract have been satisfactory. Any contract that is 40643  
renewed under this division remains subject to the provisions of 40644  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 40645

(F) If a community school fails to open for operation within 40646  
one year after the contract entered into under this section is 40647  
adopted pursuant to division (D) of section 3314.02 of the Revised 40648  
Code or permanently closes prior to the expiration of the 40649  
contract, the contract shall be void and the school shall not 40650  
enter into a contract with any other sponsor. A school shall not 40651  
be considered permanently closed because the operations of the 40652  
school have been suspended pursuant to section 3314.072 of the 40653  
Revised Code. 40654

**Sec. 3314.08.** (A) As used in this section: 40655

(1)(a) "Category one career-technical education student" 40656  
means a student who is receiving the career-technical education 40657  
services described in division (A) of section 3317.014 of the 40658  
Revised Code. 40659

(b) "Category two career-technical student" means a student 40660  
who is receiving the career-technical education services described 40661  
in division (B) of section 3317.014 of the Revised Code. 40662

(c) "Category three career-technical student" means a student 40663  
who is receiving the career-technical education services described 40664  
in division (C) of section 3317.014 of the Revised Code. 40665

(d) "Category four career-technical student" means a student 40666  
who is receiving the career-technical education services described 40667  
in division (D) of section 3317.014 of the Revised Code. 40668

(e) "Category five career-technical education student" means 40669  
a student who is receiving the career-technical education services 40670  
described in division (E) of section 3317.014 of the Revised Code. 40671

(2)(a) "Category one limited English proficient student" 40672  
means a limited English proficient student described in division 40673  
(A) of section 3317.016 of the Revised Code. 40674

(b) "Category two limited English proficient student" means a 40675  
limited English proficient student described in division (B) of 40676  
section 3317.016 of the Revised Code. 40677

(c) "Category three limited English proficient student" means 40678  
a limited English proficient student described in division (C) of 40679  
section 3317.016 of the Revised Code. 40680

(3)(a) "Category one special education student" means a 40681  
student who is receiving special education services for a 40682  
disability specified in division (A) of section 3317.013 of the 40683  
Revised Code. 40684

(b) "Category two special education student" means a student 40685  
who is receiving special education services for a disability 40686  
specified in division (B) of section 3317.013 of the Revised Code. 40687

(c) "Category three special education student" means a 40688  
student who is receiving special education services for a 40689

disability specified in division (C) of section 3317.013 of the Revised Code. 40690  
40691

(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 40692  
40693  
40694

(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 40695  
40696  
40697

(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 40698  
40699  
40700

(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 40701  
40702

(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 40703  
40704

(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 40705  
40706  
40707

(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 40708  
40709

(B) The state board of education shall adopt rules requiring both of the following: 40710  
40711

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in each grade kindergarten through twelve in a community school established under this chapter, and for each child, the community school in which the child is enrolled. 40712  
40713  
40714  
40715  
40716  
40717

(2) The governing authority of each community school established under this chapter to annually report all of the 40718  
40719

following:	40720
(a) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	40721 40722 40723 40724
(b) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	40725 40726 40727 40728
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	40729 40730 40731 40732
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code that are provided by the community school;	40733 40734 40735 40736 40737
(e) The number of students reported under divisions (B)(2)(a) and (b) of this section who are not reported under division (B)(2)(d) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) to (E) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	40738 40739 40740 40741 40742 40743 40744 40745
(f) The number of students reported under divisions (B)(2)(a) and (b) of this section who are category one to three limited English proficient students described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;	40746 40747 40748 40749
(g) The number of students reported under divisions (B)(2)(a)	40750

and (b) of this section who are economically disadvantaged, as 40751  
defined by the department. A student shall not be categorically 40752  
excluded from the number reported under division (B)(2)(g) of this 40753  
section based on anything other than family income. 40754

(h) For each student, the city, exempted village, or local 40755  
school district in which the student is entitled to attend school 40756  
under section 3313.64 or 3313.65 of the Revised Code. 40757

(i) The number of students enrolled in a preschool program 40758  
operated by the school that is licensed by the department of 40759  
education under sections 3301.52 to 3301.59 of the Revised Code 40760  
who are not receiving special education and related services 40761  
pursuant to an IEP. 40762

A school district board and a community school governing 40763  
authority shall include in their respective reports under division 40764  
(B) of this section any child admitted in accordance with division 40765  
(A)(2) of section 3321.01 of the Revised Code. 40766

A governing authority of a community school shall not include 40767  
in its report under divisions (B)(2)(a) to (h) of this section any 40768  
student for whom tuition is charged under division (F) of this 40769  
section. 40770

(C)(1) Except as provided in division (C)(2) of this section, 40771  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 40772  
section, on a full-time equivalency basis, for each student 40773  
enrolled in a community school established under this chapter, the 40774  
department of education annually shall deduct from the state 40775  
education aid of a student's resident district and, if necessary, 40776  
from the payment made to the district under sections 321.24 and 40777  
323.156 of the Revised Code and pay to the community school the 40778  
sum of the following: 40779

(a) An opportunity grant in an amount equal to the formula 40780  
amount; 40781

(b) The per pupil amount of targeted assistance funds	40782
calculated under division (A) of section 3317.0217 of the Revised	40783
Code for the student's resident district, as determined by the	40784
department, X 0.25;	40785
(c) Additional state aid for special education and related	40786
services provided under Chapter 3323. of the Revised Code as	40787
follows:	40788
(i) If the student is a category one special education	40789
student, the amount specified in division (A) of section 3317.013	40790
of the Revised Code;	40791
(ii) If the student is a category two special education	40792
student, the amount specified in division (B) of section 3317.013	40793
of the Revised Code;	40794
(iii) If the student is a category three special education	40795
student, the amount specified in division (C) of section 3317.013	40796
of the Revised Code;	40797
(iv) If the student is a category four special education	40798
student, the amount specified in division (D) of section 3317.013	40799
of the Revised Code;	40800
(v) If the student is a category five special education	40801
student, the amount specified in division (E) of section 3317.013	40802
of the Revised Code;	40803
(vi) If the student is a category six special education	40804
student, the amount specified in division (F) of section 3317.013	40805
of the Revised Code.	40806
(d) If the student is in kindergarten through third grade, an	40807
additional amount of <del>\$305, in fiscal year 2016, and \$320, in</del>	40808
<del>fiscal year 2017;</del>	40809
(e) If the student is economically disadvantaged, an	40810
additional amount equal to the following:	40811

§272 X the resident district's economically disadvantaged	40812
index	40813
(f) Limited English proficiency funds as follows:	40814
(i) If the student is a category one limited English	40815
proficient student, the amount specified in division (A) of	40816
section 3317.016 of the Revised Code;	40817
(ii) If the student is a category two limited English	40818
proficient student, the amount specified in division (B) of	40819
section 3317.016 of the Revised Code;	40820
(iii) If the student is a category three limited English	40821
proficient student, the amount specified in division (C) of	40822
section 3317.016 of the Revised Code.	40823
(g) If the student is reported under division (B)(2)(d) of	40824
this section, career-technical education funds as follows:	40825
(i) If the student is a category one career-technical	40826
education student, the amount specified in division (A) of section	40827
3317.014 of the Revised Code;	40828
(ii) If the student is a category two career-technical	40829
education student, the amount specified in division (B) of section	40830
3317.014 of the Revised Code;	40831
(iii) If the student is a category three career-technical	40832
education student, the amount specified in division (C) of section	40833
3317.014 of the Revised Code;	40834
(iv) If the student is a category four career-technical	40835
education student, the amount specified in division (D) of section	40836
3317.014 of the Revised Code;	40837
(v) If the student is a category five career-technical	40838
education student, the amount specified in division (E) of section	40839
3317.014 of the Revised Code.	40840
Deduction and payment of funds under division (C)(1)(g) of	40841

this section is subject to approval by the lead district of a 40842  
career-technical planning district or the department of education 40843  
under section 3317.161 of the Revised Code. 40844

(2) When deducting from the state education aid of a 40845  
student's resident district for students enrolled in an internet- 40846  
or computer-based community school and making payments to such 40847  
school under this section, the department shall make the 40848  
deductions and payments described in only divisions (C)(1)(a), 40849  
(c), and (g) of this section. 40850

No deductions or payments shall be made for a student 40851  
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 40852  
of this section. 40853

(3)(a) If a community school's costs for a fiscal year for a 40854  
student receiving special education and related services pursuant 40855  
to an IEP for a disability described in divisions (B) to (F) of 40856  
section 3317.013 of the Revised Code exceed the threshold 40857  
catastrophic cost for serving the student as specified in division 40858  
(B) of section 3317.0214 of the Revised Code, the school may 40859  
submit to the superintendent of public instruction documentation, 40860  
as prescribed by the superintendent, of all its costs for that 40861  
student. Upon submission of documentation for a student of the 40862  
type and in the manner prescribed, the department shall pay to the 40863  
community school an amount equal to the school's costs for the 40864  
student in excess of the threshold catastrophic costs. 40865

(b) The community school shall report under division 40866  
(C)(3)(a) of this section, and the department shall pay for, only 40867  
the costs of educational expenses and the related services 40868  
provided to the student in accordance with the student's 40869  
individualized education program. Any legal fees, court costs, or 40870  
other costs associated with any cause of action relating to the 40871  
student may not be included in the amount. 40872

(4) In any fiscal year, a community school receiving funds 40873  
under division (C)(1)(g) of this section shall spend those funds 40874  
only for the purposes that the department designates as approved 40875  
for career-technical education expenses. Career-technical 40876  
education expenses approved by the department shall include only 40877  
expenses connected to the delivery of career-technical programming 40878  
to career-technical students. The department shall require the 40879  
school to report data annually so that the department may monitor 40880  
the school's compliance with the requirements regarding the manner 40881  
in which funding received under division (C)(1)(g) of this section 40882  
may be spent. 40883

(5) Notwithstanding anything to the contrary in section 40884  
3313.90 of the Revised Code, except as provided in division (C)(9) 40885  
of this section, all funds received under division (C)(1)(g) of 40886  
this section shall be spent in the following manner: 40887

(a) At least seventy-five per cent of the funds shall be 40888  
spent on curriculum development, purchase, and implementation; 40889  
instructional resources and supplies; industry-based program 40890  
certification; student assessment, credentialing, and placement; 40891  
curriculum specific equipment purchases and leases; 40892  
career-technical student organization fees and expenses; home and 40893  
agency linkages; work-based learning experiences; professional 40894  
development; and other costs directly associated with 40895  
career-technical education programs including development of new 40896  
programs. 40897

(b) Not more than twenty-five per cent of the funds shall be 40898  
used for personnel expenditures. 40899

(6) A community school shall spend the funds it receives 40900  
under division (C)(1)(e) of this section in accordance with 40901  
section 3317.25 of the Revised Code. 40902

(7) If the sum of the payments computed under divisions 40903

(C)(1) and (8)(a) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to attend school in that district.

(8)(a) Subject to division (C)(7) of this section, the department annually shall pay to each community school, including each internet- or computer-based community school, an amount equal to the following:

(The number of students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)

(b) For each payment made to a community school under division (C)(8)(a) of this section, the department shall deduct from the state education aid of each city, local, and exempted village school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code an amount equal to the following:

(The number of the district's students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)

(9) The department may waive the requirement in division (C)(5) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department.

(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or

may agree, either as part of the contract or separately, to 40935  
provide any specific services to the community school at no cost 40936  
to the school. 40937

(E) A community school may not levy taxes or issue bonds 40938  
secured by tax revenues. 40939

(F) No community school shall charge tuition for the 40940  
enrollment of any student who is a resident of this state. A 40941  
community school may charge tuition for the enrollment of any 40942  
student who is not a resident of this state. 40943

(G)(1)(a) A community school may borrow money to pay any 40944  
necessary and actual expenses of the school in anticipation of the 40945  
receipt of any portion of the payments to be received by the 40946  
school pursuant to division (C) of this section. The school may 40947  
issue notes to evidence such borrowing. The proceeds of the notes 40948  
shall be used only for the purposes for which the anticipated 40949  
receipts may be lawfully expended by the school. 40950

(b) A school may also borrow money for a term not to exceed 40951  
fifteen years for the purpose of acquiring facilities. 40952

(2) Except for any amount guaranteed under section 3318.50 of 40953  
the Revised Code, the state is not liable for debt incurred by the 40954  
governing authority of a community school. 40955

(H) The department of education shall adjust the amounts 40956  
subtracted and paid under division (C) of this section to reflect 40957  
any enrollment of students in community schools for less than the 40958  
equivalent of a full school year. The state board of education 40959  
within ninety days after April 8, 2003, shall adopt in accordance 40960  
with Chapter 119. of the Revised Code rules governing the payments 40961  
to community schools under this section including initial payments 40962  
in a school year and adjustments and reductions made in subsequent 40963  
periodic payments to community schools and corresponding 40964  
deductions from school district accounts as provided under 40965

division (C) of this section. For purposes of this section: 40966

(1) A student shall be considered enrolled in the community 40967  
school for any portion of the school year the student is 40968  
participating at a college under Chapter 3365. of the Revised 40969  
Code. 40970

(2) A student shall be considered to be enrolled in a 40971  
community school for the period of time beginning on the later of 40972  
the date on which the school both has received documentation of 40973  
the student's enrollment from a parent and the student has 40974  
commenced participation in learning opportunities as defined in 40975  
the contract with the sponsor, or thirty days prior to the date on 40976  
which the student is entered into the education management 40977  
information system established under section 3301.0714 of the 40978  
Revised Code. For purposes of applying this division and divisions 40979  
(H)(3) and (4) of this section to a community school student, 40980  
"learning opportunities" shall be defined in the contract, which 40981  
shall describe both classroom-based and non-classroom-based 40982  
learning opportunities and shall be in compliance with criteria 40983  
and documentation requirements for student participation which 40984  
shall be established by the department. Any student's instruction 40985  
time in non-classroom-based learning opportunities shall be 40986  
certified by an employee of the community school. A student's 40987  
enrollment shall be considered to cease on the date on which any 40988  
of the following occur: 40989

(a) The community school receives documentation from a parent 40990  
terminating enrollment of the student. 40991

(b) The community school is provided documentation of a 40992  
student's enrollment in another public or private school. 40993

(c) The community school ceases to offer learning 40994  
opportunities to the student pursuant to the terms of the contract 40995  
with the sponsor or the operation of any provision of this 40996

chapter. 40997

Except as otherwise specified in this paragraph, beginning in 40998  
the 2011-2012 school year, any student who completed the prior 40999  
school year in an internet- or computer-based community school 41000  
shall be considered to be enrolled in the same school in the 41001  
subsequent school year until the student's enrollment has ceased 41002  
as specified in division (H)(2) of this section. The department 41003  
shall continue subtracting and paying amounts for the student 41004  
under division (C) of this section without interruption at the 41005  
start of the subsequent school year. However, if the student 41006  
without a legitimate excuse fails to participate in the first one 41007  
hundred five consecutive hours of learning opportunities offered 41008  
to the student in that subsequent school year, the student shall 41009  
be considered not to have re-enrolled in the school for that 41010  
school year and the department shall recalculate the payments to 41011  
the school for that school year to account for the fact that the 41012  
student is not enrolled. 41013

(3) The department shall determine each community school 41014  
student's percentage of full-time equivalency based on the 41015  
percentage of learning opportunities offered by the community 41016  
school to that student, reported either as number of hours or 41017  
number of days, is of the total learning opportunities offered by 41018  
the community school to a student who attends for the school's 41019  
entire school year. However, no internet- or computer-based 41020  
community school shall be credited for any time a student spends 41021  
participating in learning opportunities beyond ten hours within 41022  
any period of twenty-four consecutive hours. Whether it reports 41023  
hours or days of learning opportunities, each community school 41024  
shall offer not less than nine hundred twenty hours of learning 41025  
opportunities during the school year. 41026

(4) With respect to the calculation of full-time equivalency 41027  
under division (H)(3) of this section, the department shall waive 41028

the number of hours or days of learning opportunities not offered 41029  
to a student because the community school was closed during the 41030  
school year due to disease epidemic, hazardous weather conditions, 41031  
law enforcement emergencies, inoperability of school buses or 41032  
other equipment necessary to the school's operation, damage to a 41033  
school building, or other temporary circumstances due to utility 41034  
failure rendering the school building unfit for school use, so 41035  
long as the school was actually open for instruction with students 41036  
in attendance during that school year for not less than the 41037  
minimum number of hours required by this chapter. The department 41038  
shall treat the school as if it were open for instruction with 41039  
students in attendance during the hours or days waived under this 41040  
division. 41041

(I) The department of education shall reduce the amounts paid 41042  
under this section to reflect payments made to colleges under 41043  
section 3365.07 of the Revised Code. 41044

(J)(1) No student shall be considered enrolled in any 41045  
internet- or computer-based community school or, if applicable to 41046  
the student, in any community school that is required to provide 41047  
the student with a computer pursuant to division (C) of section 41048  
3314.22 of the Revised Code, unless both of the following 41049  
conditions are satisfied: 41050

(a) The student possesses or has been provided with all 41051  
required hardware and software materials and all such materials 41052  
are operational so that the student is capable of fully 41053  
participating in the learning opportunities specified in the 41054  
contract between the school and the school's sponsor as required 41055  
by division (A)(23) of section 3314.03 of the Revised Code; 41056

(b) The school is in compliance with division (A) of section 41057  
3314.22 of the Revised Code, relative to such student. 41058

(2) In accordance with policies adopted jointly by the 41059

superintendent of public instruction and the auditor of state, the 41060  
department shall reduce the amounts otherwise payable under 41061  
division (C) of this section to any community school that includes 41062  
in its program the provision of computer hardware and software 41063  
materials to any student, if such hardware and software materials 41064  
have not been delivered, installed, and activated for each such 41065  
student in a timely manner or other educational materials or 41066  
services have not been provided according to the contract between 41067  
the individual community school and its sponsor. 41068

The superintendent of public instruction and the auditor of 41069  
state shall jointly establish a method for auditing any community 41070  
school to which this division pertains to ensure compliance with 41071  
this section. 41072

The superintendent, auditor of state, and the governor shall 41073  
jointly make recommendations to the general assembly for 41074  
legislative changes that may be required to assure fiscal and 41075  
academic accountability for such schools. 41076

(K)(1) If the department determines that a review of a 41077  
community school's enrollment is necessary, such review shall be 41078  
completed and written notice of the findings shall be provided to 41079  
the governing authority of the community school and its sponsor 41080  
within ninety days of the end of the community school's fiscal 41081  
year, unless extended for a period not to exceed thirty additional 41082  
days for one of the following reasons: 41083

(a) The department and the community school mutually agree to 41084  
the extension. 41085

(b) Delays in data submission caused by either a community 41086  
school or its sponsor. 41087

(2) If the review results in a finding that additional 41088  
funding is owed to the school, such payment shall be made within 41089  
thirty days of the written notice. If the review results in a 41090

finding that the community school owes moneys to the state, the 41091  
following procedure shall apply: 41092

(a) Within ten business days of the receipt of the notice of 41093  
findings, the community school may appeal the department's 41094  
determination to the state board of education or its designee. 41095

(b) The board or its designee shall conduct an informal 41096  
hearing on the matter within thirty days of receipt of such an 41097  
appeal and shall issue a decision within fifteen days of the 41098  
conclusion of the hearing. 41099

(c) If the board has enlisted a designee to conduct the 41100  
hearing, the designee shall certify its decision to the board. The 41101  
board may accept the decision of the designee or may reject the 41102  
decision of the designee and issue its own decision on the matter. 41103

(d) Any decision made by the board under this division is 41104  
final. 41105

(3) If it is decided that the community school owes moneys to 41106  
the state, the department shall deduct such amount from the 41107  
school's future payments in accordance with guidelines issued by 41108  
the superintendent of public instruction. 41109

(L) The department shall not subtract from a school 41110  
district's state aid account and shall not pay to a community 41111  
school under division (C) of this section any amount for any of 41112  
the following: 41113

(1) Any student who has graduated from the twelfth grade of a 41114  
public or nonpublic high school; 41115

(2) Any student who is not a resident of the state; 41116

(3) Any student who was enrolled in the community school 41117  
during the previous school year when assessments were administered 41118  
under section 3301.0711 of the Revised Code but did not take one 41119  
or more of the assessments required by that section and was not 41120

excused pursuant to division (C)(1) or (3) of that section, unless 41121  
the superintendent of public instruction grants the student a 41122  
waiver from the requirement to take the assessment and a parent is 41123  
not paying tuition for the student pursuant to section 3314.26 of 41124  
the Revised Code. The superintendent may grant a waiver only for 41125  
good cause in accordance with rules adopted by the state board of 41126  
education. 41127

(4) Any student who has attained the age of twenty-two years, 41128  
except for veterans of the armed services whose attendance was 41129  
interrupted before completing the recognized twelve-year course of 41130  
the public schools by reason of induction or enlistment in the 41131  
armed forces and who apply for enrollment in a community school 41132  
not later than four years after termination of war or their 41133  
honorable discharge. If, however, any such veteran elects to 41134  
enroll in special courses organized for veterans for whom tuition 41135  
is paid under federal law, or otherwise, the department shall not 41136  
subtract from a school district's state aid account and shall not 41137  
pay to a community school under division (C) of this section any 41138  
amount for that veteran. 41139

**Sec. 3314.26.** (A) Each internet- or computer-based community 41140  
school shall withdraw from the school any student who, for two 41141  
consecutive school years of enrollment in the school, has failed 41142  
to participate in the spring administration of any assessment 41143  
prescribed under section 3301.0710 or 3301.0712 of the Revised 41144  
Code for the student's grade level and was not excused from the 41145  
assessment pursuant to division (C)(1) or (3) of section 3301.0711 41146  
of the Revised Code, regardless of whether a waiver was granted 41147  
for the student under division (L)(3) of section 3314.08 of the 41148  
Revised Code. The school shall report any such student's data 41149  
verification code, as assigned pursuant to section 3301.0714 of 41150  
the Revised Code, to the department of education. The department 41151  
shall maintain a list of all data verification codes reported 41152

under this division and section 3313.6410 of the Revised Code and 41153  
provide that list to each internet- or computer-based community 41154  
school and to each school to which section 3313.6410 of the 41155  
Revised Code applies. 41156

(B) No internet- or computer-based community school shall 41157  
receive any state funds under this chapter for any enrolled 41158  
student whose data verification code appears on the list 41159  
maintained by the department under division (A) of this section. 41160

Notwithstanding any provision of the Revised Code to the 41161  
contrary, the parent of any such student shall pay tuition to the 41162  
internet- or computer-based community school in an amount equal to 41163  
the state funds the school otherwise would receive for that 41164  
student, as determined by the department. An internet- or 41165  
computer-based community school may withdraw any student for whom 41166  
the parent does not pay tuition as required by this division. 41167

Sec. 3314.29. (A) This section applies to any internet- or 41168  
computer-based community school that meets all of the following 41169  
conditions: 41170

(1) Serves all of grades kindergarten through twelve; 41171

(2) Has an enrollment of at least two thousand students; 41172

(3) Has a sponsor that was not rated ineffective or poor on 41173  
its most recent evaluation under section 3314.016 of the Revised 41174  
Code. 41175

(B) Beginning with the 2018-2019 school year, the governing 41176  
authority of a community school to which this section applies may 41177  
adopt a resolution to divide the school into two or three separate 41178  
schools as follows: 41179

(1) If the school is divided into two schools, one school 41180  
shall serve grades kindergarten through eight and one school shall 41181  
serve grades nine through twelve. 41182

(2) If the school is divided into three schools, one school shall serve grades kindergarten through five, one school shall serve grades six through eight, and one school shall serve grades nine through twelve. 41183  
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(C) The resolution adopted by the governing authority shall not be effective unless approved by the school's sponsor. Following approval of the resolution by the sponsor, and by the fifteenth day of March prior to the school year in which it will take effect, the governing authority shall file the resolution with the department of education. The division of the schools shall be effective on the first day of July succeeding the date the resolution is filed with the department. 41187  
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(D) All of the following shall apply to each new school created as a result of the resolution authorized by this section and to the school that is divided as a result of the resolution: 41195  
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(1) Each school shall have the same governing authority. 41198

(2) The sponsor and governing authority shall enter into a separate contract under section 3314.03 of the Revised Code for each school. 41199  
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(3) No school shall primarily serve students enrolled in a dropout prevention and recovery program operated by the school. 41202  
41203

(4) No school shall be permitted to divide again under this section. 41204  
41205

(5) Notwithstanding anything to the contrary in division (B)(2) of section 3314.016 of the Revised Code, each school shall be included in the calculation of the academic performance component for purposes of rating the schools' sponsor under the evaluation system prescribed by that section. 41206  
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(6) Each school shall be subject to the laws contained in Chapter 3314. of the Revised Code, except as otherwise specified 41211  
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in this section. 41213

(E) The department shall issue a report card under section 3314.012 of the Revised Code for each new school created as a result of the resolution authorized by this section and for the school that is divided as a result of the resolution. For purposes of the report cards and other reporting requirements under this chapter, the department shall assign the school that serves the highest grades the same internal retrieval number previously used by the school that is divided under this section. The department shall assign a new internal retrieval number to each other school resulting from the division. 41214  
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Notwithstanding division (B) of section 3314.012 of the Revised Code, the ratings a school receives on its report card for the first two full school years after the division under this section shall count toward closure of the school under section 3314.35 of the Revised Code and any other matter that is based on report card ratings or measures. 41224  
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**Sec. 3316.20.** (A)(1) The school district solvency assistance fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be used to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that they are unable to pay from existing resources. 41230  
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(2) There is hereby created within the fund an account known as the school district shared resource account, which shall consist of money appropriated to it by the general assembly. The money in the account shall be used solely for solvency assistance to school districts that have been declared under division (B) of section 3316.03 of the Revised Code to be in a state of fiscal emergency. 41237  
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(3) There is hereby created within the fund an account known 41244  
as the catastrophic expenditures account, which shall consist of 41245  
money appropriated to the account by the general assembly plus all 41246  
investment earnings of the fund. Money in the account shall be 41247  
used solely for the following: 41248

(a) Solvency assistance to school districts that have been 41249  
declared under division (B) of section 3316.03 of the Revised Code 41250  
to be in a state of fiscal emergency, in the event that all money 41251  
in the shared resource account is utilized for solvency 41252  
assistance; 41253

(b) Grants to school districts under division (C) of this 41254  
section. 41255

(B) Solvency assistance payments under division (A)(2) or 41256  
(3)(a) of this section shall be made from the fund by the 41257  
superintendent of public instruction in accordance with rules 41258  
adopted by the director of budget and management, after consulting 41259  
with the superintendent, specifying approval criteria and 41260  
procedures necessary for administering the fund. 41261

The fund shall be reimbursed for any solvency assistance 41262  
amounts paid under division (A)(2) or (3)(a) of this section not 41263  
later than the end of the second fiscal year following the fiscal 41264  
year in which the solvency assistance payment was made, except 41265  
that, upon the approval of the director of budget and management 41266  
and the superintendent of public instruction, the fund may be 41267  
reimbursed in another fiscal year designated by the director and 41268  
superintendent that is not later than the end of the tenth fiscal 41269  
year following the fiscal year in which the solvency assistance 41270  
payment was made. If not made directly by the school district, 41271  
such reimbursement shall be made by the director of budget and 41272  
management from the amounts the school district would otherwise 41273  
receive pursuant to Chapter 3317. of the Revised Code, or from any 41274  
other funds appropriated for the district by the general assembly. 41275

Reimbursements shall be credited to the respective account from 41276  
which the solvency assistance paid to the district was deducted. 41277

(C) The superintendent of public instruction may make 41278  
recommendations, and the controlling board may grant money from 41279  
the catastrophic expenditures account to any school district that 41280  
suffers an unforeseen catastrophic event that severely depletes 41281  
the district's financial resources. The superintendent shall make 41282  
recommendations for the grants in accordance with rules adopted by 41283  
the director of budget and management, after consulting with the 41284  
superintendent. A school district shall not be required to repay 41285  
any grant awarded to the district under this division, unless the 41286  
district receives money from this state or a third party, 41287  
including an agency of the government of the United States, 41288  
specifically for the purpose of compensating the district for 41289  
revenue lost or expenses incurred as a result of the unforeseen 41290  
catastrophic event. If a school district receives a grant from the 41291  
catastrophic expenditures account on the basis of the same 41292  
circumstances for which an adjustment or recomputation is 41293  
authorized under section 3317.025, ~~3317.026, 3317.027,~~ 3317.028, 41294  
3317.0210, or 3317.0211 of the Revised Code, the department of 41295  
education shall reduce the adjustment or recomputation by an 41296  
amount not to exceed the total amount of the grant, and an amount 41297  
equal to the reduction shall be transferred, from the funding 41298  
source from which the adjustment or recomputation would be paid, 41299  
to the catastrophic expenditures account. Any adjustment or 41300  
recomputation under such sections that is in excess of the total 41301  
amount of the grant shall be paid to the school district. 41302

**Sec. 3317.01.** As used in this section, "school district," 41303  
unless otherwise specified, means any city, local, exempted 41304  
village, joint vocational, or cooperative education school 41305  
district and any educational service center. 41306

This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. As soon as possible after such amounts are calculated, the superintendent shall certify to the treasurer of each school district the district's adjusted charge-off increase, as defined in section 5705.211 of the Revised Code. Certification of moneys pursuant to this section shall include the amounts payable to each school building, at a frequency determined by the superintendent, for each subgroup of students, as defined in section 3317.40 of the Revised Code, receiving services, provided for by state funding, from the district or school. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

Moneys distributed to school districts pursuant to this chapter shall be calculated based on the annual enrollment calculated from the three reports required under sections 3317.03 and 3317.036 of the Revised Code and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. In any given fiscal year, prior to school districts submitting the first report required under section 3317.03 of the Revised Code, enrollment for the districts shall be calculated based on the third report submitted by the districts for the previous fiscal year. The moneys appropriated for each fiscal year shall be distributed periodically to each school district unless otherwise provided for. The state board, in June of each year, shall submit to the controlling board the state

board's year-end distributions pursuant to this chapter. 41339

Except as otherwise provided, payments under this chapter 41340  
shall be made only to those school districts in which: 41341

(A) The school district, except for any educational service 41342  
center and any joint vocational or cooperative education school 41343  
district, levies for current operating expenses at least twenty 41344  
mills. Levies for joint vocational or cooperative education school 41345  
districts or county school financing districts, limited to or to 41346  
the extent apportioned to current expenses, shall be included in 41347  
this qualification requirement. School district income tax levies 41348  
under Chapter 5748. of the Revised Code, limited to or to the 41349  
extent apportioned to current operating expenses, shall be 41350  
included in this qualification requirement to the extent 41351  
determined by the tax commissioner under division ~~(D)~~(C) of 41352  
section 3317.021 of the Revised Code. 41353

(B) The school year next preceding the fiscal year for which 41354  
such payments are authorized meets the requirement of section 41355  
3313.48 of the Revised Code, with regard to the minimum number of 41356  
hours school must be open for instruction with pupils in 41357  
attendance, for individualized parent-teacher conference and 41358  
reporting periods, and for professional meetings of teachers. 41359

A school district shall not be considered to have failed to 41360  
comply with this division because schools were open for 41361  
instruction but either twelfth grade students were excused from 41362  
attendance for up to the equivalent of three school days or only a 41363  
portion of the kindergarten students were in attendance for up to 41364  
the equivalent of three school days in order to allow for the 41365  
gradual orientation to school of such students. 41366

A board of education or governing board of an educational 41367  
service center which has not conformed with other law and the 41368  
rules pursuant thereto, shall not participate in the distribution 41369

of funds authorized by this chapter, except for good and 41370  
sufficient reason established to the satisfaction of the state 41371  
board of education and the state controlling board. 41372

All funds allocated to school districts under this chapter, 41373  
except those specifically allocated for other purposes, shall be 41374  
used to pay current operating expenses only. 41375

**Sec. 3317.013.** The amounts for the following categories of 41376  
special education programs, as these programs are defined for 41377  
purposes of Chapter 3323. of the Revised Code, are as follows: 41378

(A) An amount of ~~\$1,547, in fiscal year 2016, or \$1,578, in~~ 41379  
~~fiscal year 2017,~~ for each student whose primary or only 41380  
identified disability is a speech and language disability, as this 41381  
term is defined pursuant to Chapter 3323. of the Revised Code; 41382

(B) An amount of ~~\$3,926, in fiscal year 2016, or \$4,005, in~~ 41383  
~~fiscal year 2017,~~ for each student identified as specific learning 41384  
disabled or developmentally disabled, as these terms are defined 41385  
pursuant to Chapter 3323. of the Revised Code, identified as 41386  
having an other health impairment-minor, or identified as a 41387  
preschool child who is developmentally delayed; 41388

(C) An amount of ~~\$9,433, in fiscal year 2016, or \$9,622, in~~ 41389  
~~fiscal year 2017,~~ for each student identified as hearing disabled 41390  
or severe behavior disabled, as these terms are defined pursuant 41391  
to Chapter 3323. of the Revised Code; 41392

(D) An amount of ~~\$12,589, in fiscal year 2016, or \$12,841, in~~ 41393  
~~fiscal year 2017,~~ for each student identified as vision impaired, 41394  
as this term is defined pursuant to Chapter 3323. of the Revised 41395  
Code, or as having an other health impairment-major; 41396

(E) An amount of ~~\$17,049, in fiscal year 2016, or \$17,390, in~~ 41397  
~~fiscal year 2017,~~ for each student identified as orthopedically 41398  
disabled or as having multiple disabilities, as these terms are 41399

defined pursuant to Chapter 3323. of the Revised Code; 41400

(F) An amount of ~~\$25,134, in fiscal year 2016, or \$25,637, in~~ 41401  
~~fiscal year 2017,~~ for each student identified as autistic, having 41402  
traumatic brain injuries, or as both visually and hearing 41403  
impaired, as these terms are defined pursuant to Chapter 3323. of 41404  
the Revised Code. 41405

**Sec. 3317.014.** The career-technical education additional 41406  
amount per pupil for each student enrolled in career-technical 41407  
education programs approved by the department of education under 41408  
section 3317.161 of the Revised Code shall be as follows: 41409

(A) An amount of ~~\$4,992, in fiscal year 2016, or \$5,192, in~~ 41410  
~~fiscal year 2017,~~ for each student enrolled in career-technical 41411  
education workforce development programs in agricultural and 41412  
environmental systems, construction technologies, engineering and 41413  
science technologies, finance, health science, information 41414  
technology, and manufacturing technologies, each of which shall be 41415  
defined by the department in consultation with the governor's 41416  
office of workforce transformation; 41417

(B) An amount of ~~\$4,732, in fiscal year 2016, or \$4,921, in~~ 41418  
~~fiscal year 2017,~~ for each student enrolled in workforce 41419  
development programs in business and administration, hospitality 41420  
and tourism, human services, law and public safety, transportation 41421  
systems, and arts and communications, each of which shall be 41422  
defined by the department in consultation with the governor's 41423  
office of workforce transformation; 41424

(C) An amount of ~~\$1,726, in fiscal year 2016, or \$1,795, in~~ 41425  
~~fiscal year 2017,~~ for students enrolled in career-based 41426  
intervention programs, which shall be defined by the department in 41427  
consultation with the governor's office of workforce 41428  
transformation; 41429

(D) An amount of ~~\$1,466, in fiscal year 2016, or \$1,525, in~~ 41430  
~~fiscal year 2017,~~ for students enrolled in workforce development 41431  
programs in education and training, marketing, workforce 41432  
development academics, public administration, and career 41433  
development, each of which shall be defined by the department of 41434  
education in consultation with the governor's office of workforce 41435  
transformation; 41436

(E) An amount of ~~\$1,258, in fiscal year 2016, or \$1,308, in~~ 41437  
~~fiscal year 2017,~~ for students enrolled in family and consumer 41438  
science programs, which shall be defined by the department of 41439  
education in consultation with the governor's office of workforce 41440  
transformation. 41441

The amount for career-technical education associated 41442  
services, as defined by the department, shall be ~~\$236, in fiscal~~ 41443  
~~year 2016, or \$245, in fiscal year 2017.~~ 41444

**Sec. 3317.017.** The department of education shall compute a 41445  
school district's state share index as follows: 41446

(A) Calculate the district's valuation index, which equals 41447  
the following quotient: 41448

(The district's three-year average valuation / the district's 41449  
total ADM) / (the statewide three-year average valuation for 41450  
school districts with a total ADM greater than zero / the 41451  
statewide total ADM) 41452

(B)(1) Calculate the district's median income index, which 41453  
equals the following quotient: 41454

(The district's median Ohio adjusted gross income / the 41455  
median of the median Ohio adjusted gross income of all districts 41456  
statewide with a total ADM greater than zero) 41457

(2) Calculate the district's income index, which equals the 41458  
following sum: 41459

(The district's median income index X 0.5) + {[(the three-year average federal adjusted gross income of the school district's residents / the district's formula ADM for fiscal year 2017) / (the three-year average federal adjusted gross income of all districts statewide with a formula ADM for fiscal year 2017 greater than zero / the statewide formula ADM for fiscal year 2017)] X 0.5}

(C) Determine the district's wealth index as follows: 41467

(1) If the district's income index is less than the district's valuation index and the district's median income index is less than or equal to 1.5, then the district's wealth index shall be equal to [( 0.4 X the district's income index) + ( 0.6 X the district's valuation index)].

(2) If the district's income index does not meet both of the conditions described in division (C)(1) of this section, then the district's wealth index shall be equal to the district's valuation index.

(D) Determine the district's state share index as follows: 41477

(1) If the district's wealth index is less than or equal to 0.35, then the district's state share index shall be equal to 0.90.

(2) If the district's wealth index is greater than 0.35 but less than or equal to 0.90, then the district's state share index shall be equal to {0.40 X [(0.90 - the district's wealth index) / 0.55]} + 0.50.

(3) If the district's wealth index is greater than 0.90 but less than 1.8, then the district's state share index shall be equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 0.05.

(4) If the district's wealth index is greater than or equal to 1.8, then the district's state share index shall be equal to

0.05. 41491

(E)(1) For each school district for which the tax-exempt 41492  
value of the district, as certified under division (A)(4) of 41493  
section 3317.021 of the Revised Code, equals or exceeds thirty per 41494  
cent of the potential value of the district, the department shall 41495  
calculate the difference between the district's tax-exempt value 41496  
and thirty per cent of the district's potential value. For this 41497  
purpose, the "potential value" of a school district is the 41498  
three-year average valuation of the district plus the tax-exempt 41499  
value of the district. 41500

(2) For each school district to which division (E)(1) of this 41501  
section applies, the department shall adjust the district's 41502  
three-year average valuation used in the calculation under 41503  
division (A) of this section by subtracting from it the amount 41504  
calculated under division (E)(1) of this section. The department 41505  
shall not, however, make any adjustments to the statewide 41506  
three-year average valuation used in the calculation under 41507  
division (A) of this section. 41508

(F)(1) Except as provided in division (F)(3) of this section, 41509  
for purposes of division (F) of this section, for fiscal year 2018 41510  
or 2019, an "eligible school district" is a school district that 41511  
satisfies all of the following for that fiscal year: 41512

(a) The total taxable value of public utility personal 41513  
property in the district is at least ten per cent of the 41514  
district's total taxable value for the tax year immediately 41515  
preceding the most recent tax year for which data is available. 41516

(b) The total taxable value of public utility personal 41517  
property in the district for the most recent tax year for which 41518  
data is available is at least ten per cent less than the total 41519  
taxable value of public utility property in the district for the 41520  
tax year immediately preceding the most recent tax year for which 41521

data is available. 41522

(c) The total taxable value of power plants in the district 41523  
for the most recent tax year for which data is available is at 41524  
least ten per cent less than the total taxable value of power 41525  
plants in the district for the tax year immediately preceding the 41526  
most recent tax year for which data is available. 41527

(2) Notwithstanding divisions (A) to (E) of this section, the 41528  
department shall compute each eligible school district's state 41529  
share index as follows: 41530

(a) Calculate the district's valuation index in accordance 41531  
with division (A) of this section, except that, if the district's 41532  
total taxable value for the most recent tax year for which data is 41533  
available is less than the district's "three-year average 41534  
valuation," the district's "three-year average valuation" shall be 41535  
replaced in that calculation with the district's total taxable 41536  
value for the most recent tax year for which data is available; 41537

(b) Calculate the district's median income index and income 41538  
index in accordance with division (B) of this section; 41539

(c) Determine the district's wealth index in accordance with 41540  
division (C) of this section using the district's valuation index, 41541  
median income index, and income index as calculated under 41542  
divisions (F)(2)(a) and (b) of this section; 41543

(d) Determine the district's state share index in accordance 41544  
with division (D) of this section using the district's wealth 41545  
index as determined under division (F)(2)(c) of this section. 41546

(3) For purposes of division (F) of this section, if a 41547  
district is an eligible school district for fiscal year 2018 but 41548  
is not an eligible school district for fiscal year 2019, the 41549  
district's state share index for fiscal year 2019 shall be equal 41550  
to the district's state share index for 2018. 41551

(G) When performing the calculations required under this 41552  
section, the department shall not round to fewer than four decimal 41553  
places. 41554

For purposes of these calculations for fiscal years ~~2016~~ 2018 41555  
and ~~2017~~ 2019, "total ADM" means the total ADM for fiscal year 41556  
~~2015~~ 2017; "median Ohio adjusted gross income" means the median 41557  
Ohio adjusted gross income, as that term is defined in section 41558  
5747.01 of the Revised Code, for tax year ~~2013~~ 2015; "three-year 41559  
average federal adjusted gross income" means the average of the 41560  
federal adjusted gross income for tax years ~~2011~~ 2013, ~~2012~~ 2014, 41561  
and ~~2013~~ 2015 as reported under section 3317.021 of the Revised 41562  
Code; and "tax-exempt value" means the tax-exempt value for tax 41563  
year ~~2014~~ 2016. 41564

**Sec. 3317.02.** As used in this chapter: 41565

(A)(1) "Category one career-technical education ADM" means 41566  
the enrollment of students during the school year on a full-time 41567  
equivalency basis in career-technical education programs described 41568  
in division (A) of section 3317.014 of the Revised Code and 41569  
certified under division (B)(11) or (D)(2)(h) of section 3317.03 41570  
of the Revised Code. 41571

(2) "Category two career-technical education ADM" means the 41572  
enrollment of students during the school year on a full-time 41573  
equivalency basis in career-technical education programs described 41574  
in division (B) of section 3317.014 of the Revised Code and 41575  
certified under division (B)(12) or (D)(2)(i) of section 3317.03 41576  
of the Revised Code. 41577

(3) "Category three career-technical education ADM" means the 41578  
enrollment of students during the school year on a full-time 41579  
equivalency basis in career-technical education programs described 41580  
in division (C) of section 3317.014 of the Revised Code and 41581  
certified under division (B)(13) or (D)(2)(j) of section 3317.03 41582

of the Revised Code. 41583

(4) "Category four career-technical education ADM" means the 41584  
enrollment of students during the school year on a full-time 41585  
equivalency basis in career-technical education programs described 41586  
in division (D) of section 3317.014 of the Revised Code and 41587  
certified under division (B)(14) or (D)(2)(k) of section 3317.03 41588  
of the Revised Code. 41589

(5) "Category five career-technical education ADM" means the 41590  
enrollment of students during the school year on a full-time 41591  
equivalency basis in career-technical education programs described 41592  
in division (E) of section 3317.014 of the Revised Code and 41593  
certified under division (B)(15) or (D)(2)(l) of section 3317.03 41594  
of the Revised Code. 41595

(B)(1) "Category one limited English proficient ADM" means 41596  
the full-time equivalent number of limited English proficient 41597  
students described in division (A) of section 3317.016 of the 41598  
Revised Code and certified under division (B)(16) or (D)(2)(m) of 41599  
section 3317.03 of the Revised Code. 41600

(2) "Category two limited English proficient ADM" means the 41601  
full-time equivalent number of limited English proficient students 41602  
described in division (B) of section 3317.016 of the Revised Code 41603  
and certified under division (B)(17) or (D)(2)(n) of section 41604  
3317.03 of the Revised Code. 41605

(3) "Category three limited English proficient ADM" means the 41606  
full-time equivalent number of limited English proficient students 41607  
described in division (C) of section 3317.016 of the Revised Code 41608  
and certified under division (B)(18) or (D)(2)(o) of section 41609  
3317.03 of the Revised Code. 41610

(C)(1) "Category one special education ADM" means the 41611  
full-time equivalent number of children with disabilities 41612  
receiving special education services for the disability specified 41613

in division (A) of section 3317.013 of the Revised Code and 41614  
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 41615  
the Revised Code. 41616

(2) "Category two special education ADM" means the full-time 41617  
equivalent number of children with disabilities receiving special 41618  
education services for those disabilities specified in division 41619  
(B) of section 3317.013 of the Revised Code and certified under 41620  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 41621  
Code. 41622

(3) "Category three special education ADM" means the 41623  
full-time equivalent number of students receiving special 41624  
education services for those disabilities specified in division 41625  
(C) of section 3317.013 of the Revised Code, and certified under 41626  
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 41627  
Code. 41628

(4) "Category four special education ADM" means the full-time 41629  
equivalent number of students receiving special education services 41630  
for those disabilities specified in division (D) of section 41631  
3317.013 of the Revised Code and certified under division (B)(8) 41632  
or (D)(2)(e) of section 3317.03 of the Revised Code. 41633

(5) "Category five special education ADM" means the full-time 41634  
equivalent number of students receiving special education services 41635  
for the disabilities specified in division (E) of section 3317.013 41636  
of the Revised Code and certified under division (B)(9) or 41637  
(D)(2)(f) of section 3317.03 of the Revised Code. 41638

(6) "Category six special education ADM" means the full-time 41639  
equivalent number of students receiving special education services 41640  
for the disabilities specified in division (F) of section 3317.013 41641  
of the Revised Code and certified under division (B)(10) or 41642  
(D)(2)(g) of section 3317.03 of the Revised Code. 41643

(D) "Economically disadvantaged index for a school district" 41644

means the square of the quotient of that district's percentage of students in its total ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide total ADM identified as economically disadvantaged. For purposes of this calculation:

(1) For a city, local, or exempted village school district, the "statewide total ADM" equals the sum of the total ADM for all city, local, and exempted village school districts combined.

(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint vocational school districts combined.

(E)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(F) "Formula amount" means ~~\$5,900~~ \$6,010, for fiscal year

~~2016~~ 2018, and ~~\$6,000~~ \$6,020, for fiscal year ~~2017~~ 2019. 41676

(G) "FTE basis" means a count of students based on full-time 41677  
equivalency, in accordance with rules adopted by the department of 41678  
education pursuant to section 3317.03 of the Revised Code. In 41679  
adopting its rules under this division, the department shall 41680  
provide for counting any student in category one, two, three, 41681  
four, five, or six special education ADM or in category one, two, 41682  
three, four, or five career\_technical education ADM in the same 41683  
proportion the student is counted in formula ADM. 41684

(H) "Internet- or computer-based community school" has the 41685  
same meaning as in section 3314.02 of the Revised Code. 41686

(I) "Medically fragile child" means a child to whom all of 41687  
the following apply: 41688

(1) The child requires the services of a doctor of medicine 41689  
or osteopathic medicine at least once a week due to the 41690  
instability of the child's medical condition. 41691

(2) The child requires the services of a registered nurse on 41692  
a daily basis. 41693

(3) The child is at risk of institutionalization in a 41694  
hospital, skilled nursing facility, or intermediate care facility 41695  
for individuals with intellectual disabilities. 41696

(J)(1) A child may be identified as having an "other health 41697  
impairment-major" if the child's condition meets the definition of 41698  
"other health impaired" established in rules previously adopted by 41699  
the state board of education and if either of the following apply: 41700

(a) The child is identified as having a medical condition 41701  
that is among those listed by the superintendent of public 41702  
instruction as conditions where a substantial majority of cases 41703  
fall within the definition of "medically fragile child." 41704

(b) The child is determined by the superintendent of public 41705

instruction to be a medically fragile child. A school district 41706  
superintendent may petition the superintendent of public 41707  
instruction for a determination that a child is a medically 41708  
fragile child. 41709

(2) A child may be identified as having an "other health 41710  
impairment-minor" if the child's condition meets the definition of 41711  
"other health impaired" established in rules previously adopted by 41712  
the state board of education but the child's condition does not 41713  
meet either of the conditions specified in division ~~(K)~~(J)(1)(a) 41714  
or (b) of this section. 41715

(K) "Preschool child with a disability" means a child with a 41716  
disability, as defined in section 3323.01 of the Revised Code, who 41717  
is at least age three but is not of compulsory school age, as 41718  
defined in section 3321.01 of the Revised Code, and who is not 41719  
currently enrolled in kindergarten. 41720

(L) "Preschool scholarship ADM" means the number of preschool 41721  
children with disabilities certified under division (B)(3)(h) of 41722  
section 3317.03 of the Revised Code. 41723

(M) "Related services" includes: 41724

(1) Child study, special education supervisors and 41725  
coordinators, speech and hearing services, adaptive physical 41726  
development services, occupational or physical therapy, teacher 41727  
assistants for children with disabilities whose disabilities are 41728  
described in division (B) of section 3317.013 or division (B)(3) 41729  
of this section, behavioral intervention, interpreter services, 41730  
work study, nursing services, and specialized integrative services 41731  
as those terms are defined by the department; 41732

(2) Speech and language services provided to any student with 41733  
a disability, including any student whose primary or only 41734  
disability is a speech and language disability; 41735

(3) Any related service not specifically covered by other 41736

state funds but specified in federal law, including but not limited to, audiology and school psychological services; 41737  
41738

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code; 41739  
41740

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs. 41741  
41742  
41743

(N) "School district," unless otherwise specified, means city, local, and exempted village school districts. 41744  
41745

(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 41746  
41747

(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code. 41748  
41749  
41750

(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 41751  
41752  
41753  
41754

(R)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years ~~2012~~ 2014, ~~2013~~ 2015, and ~~2014~~ 2016. 41755  
41756  
41757

~~(2) For purposes of section 3317.018 of the Revised Code, "three year average valuation" means the following:~~ 41758  
41759

~~(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015;~~ 41760  
41761

~~(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016.~~ 41762  
41763

~~(3)~~ For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following: 41764  
41765  
41766

(a) For fiscal year ~~2016~~ 2018, the average of total taxable value for tax years ~~2012~~ 2014, ~~2013~~ 2015, and ~~2014~~ 2016;

(b) For fiscal year ~~2017~~ 2019, the average of total taxable value for tax years ~~2013~~ 2015, ~~2014~~ 2016, and ~~2015~~ 2017.

(S) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(T) "Total special education ADM" means the sum of categories one through six special education ADM.

(U) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

**Sec. 3317.021.** (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.

(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.

(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by

the district for the preceding tax year.	41797
(3)(a) The total property tax rate and total taxes charged	41798
and payable for the current expenses for the preceding tax year	41799
and the total property tax rate and the total taxes charged and	41800
payable to a joint vocational district for the preceding tax year	41801
that are limited to or to the extent apportioned to current	41802
expenses.	41803
(b) The portion of the amount of taxes charged and payable	41804
reported for each city, local, and exempted village school	41805
district under division (A)(3)(a) of this section attributable to	41806
a joint vocational school district.	41807
(4) The value of all real and public utility real property in	41808
the school district exempted from taxation minus both of the	41809
following:	41810
(a) The value of real and public utility real property in the	41811
district owned by the United States government and used	41812
exclusively for a public purpose;	41813
(b) The value of real and public utility real property in the	41814
district exempted from taxation under Chapter 725. or 1728. or	41815
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63,	41816
5709.632, 5709.73, or 5709.78 of the Revised Code.	41817
(5) The total federal adjusted gross income of the residents	41818
of the school district, based on tax returns filed by the	41819
residents of the district, for the most recent year for which this	41820
information is available, and the median Ohio adjusted gross	41821
income of the residents of the school district determined on the	41822
basis of tax returns filed for the second preceding tax year by	41823
the residents of the district.	41824
(B) On or before the first day of May each year, the tax	41825
commissioner shall certify to the department of education and the	41826
office of budget and management the total taxable real property	41827

value of railroads and, separately, the total taxable tangible 41828  
personal property value of all public utilities for the preceding 41829  
tax year, by school district and by county of location. 41830

~~(C) If a public utility has properly and timely filed a 41831  
petition for reassessment under section 5727.47 of the Revised 41832  
Code with respect to an assessment issued under section 5727.23 of 41833  
the Revised Code affecting taxable property apportioned by the tax 41834  
commissioner to a school district, the taxable value of public 41835  
utility tangible personal property included in the certification 41836  
under divisions (A)(2) and (B) of this section for the school 41837  
district shall include only the amount of taxable value on the 41838  
basis of which the public utility paid tax for the preceding year 41839  
as provided in division (B)(1) or (2) of section 5727.47 of the 41840  
Revised Code. 41841~~

~~(D)~~ If on the basis of the information certified under 41842  
division (A) of this section, the department determines that any 41843  
district fails in any year to meet the qualification requirement 41844  
specified in division (A) of section 3317.01 of the Revised Code, 41845  
the department shall immediately request the tax commissioner to 41846  
determine the extent to which any school district income tax 41847  
levied by the district under Chapter 5748. of the Revised Code 41848  
shall be included in meeting that requirement. Within five days of 41849  
receiving such a request from the department, the tax commissioner 41850  
shall make the determination required by this division and report 41851  
the quotient obtained under division ~~(D)~~(C)(3) of this section to 41852  
the department and the office of budget and management. This 41853  
quotient represents the number of mills that the department shall 41854  
include in determining whether the district meets the 41855  
qualification requirement of division (A) of section 3317.01 of 41856  
the Revised Code. 41857

The tax commissioner shall make the determination required by 41858  
this division as follows: 41859

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division ~~(D)~~(C)(2) of this section by the product obtained under division ~~(D)~~(C)(1) of this section.

**Sec. 3317.022.** (A) The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, as prescribed in the following divisions:

(1) An opportunity grant calculated according to the following formula:

The formula amount X (formula ADM + preschool scholarship ADM) X the district's state share index

(2) Targeted assistance funds calculated under divisions (A) and (B) of section 3317.0217 of the Revised Code;

(3) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the

Revised Code X the district's state share index;	41890
(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index;	41891 41892 41893
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index;	41894 41895 41896
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index;	41897 41898 41899
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;	41900 41901 41902
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.	41903 41904 41905
(4) Kindergarten through third grade literacy funds calculated according to the following formula:	41906 41907
$\{(\text{\$184, in fiscal year 2016, or \$193, in fiscal year 2017}) \times \text{formula ADM for grades kindergarten through three} \times \text{the district's state share index}\} + \{(\text{\$121, in fiscal year 2016, or \$127, in fiscal year 2017}) \times \text{formula ADM for grades kindergarten through three}\}$	41908 41909 41910 41911 41912
For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.	41913 41914 41915 41916 41917 41918
(5) Economically disadvantaged funds calculated according to	41919

the following formula:	41920
\$272 X (the district's economically disadvantaged index) X	41921
the number of students who are economically disadvantaged as	41922
certified under division (B)(21) of section 3317.03 of the Revised	41923
Code	41924
(6) Limited English proficiency funds calculated as the sum	41925
of the following:	41926
(a) The district's category one limited English proficient	41927
ADM X the amount specified in division (A) of section 3317.016 of	41928
the Revised Code X the district's state share index;	41929
(b) The district's category two limited English proficient	41930
ADM X the amount specified in division (B) of section 3317.016 of	41931
the Revised Code X the district's state share index;	41932
(c) The district's category three limited English proficient	41933
ADM X the amount specified in division (C) of section 3317.016 of	41934
the Revised Code X the district's state share index.	41935
(7)(a) Gifted identification funds calculated according to	41936
the following formula:	41937
\$5.05 X the district's formula ADM	41938
(b) Gifted unit funding calculated under section 3317.051 of	41939
the Revised Code.	41940
(8) Career-technical education funds calculated as the sum of	41941
the following:	41942
(a) The district's category one career-technical education	41943
ADM X the amount specified in division (A) of section 3317.014 of	41944
the Revised Code X the district's state share index;	41945
(b) The district's category two career-technical education	41946
ADM X the amount specified in division (B) of section 3317.014 of	41947
the Revised Code X the district's state share index;	41948
(c) The district's category three career-technical education	41949

ADM X the amount specified in division (C) of section 3317.014 of 41950  
the Revised Code X the district's state share index; 41951

(d) The district's category four career-technical education 41952  
ADM X the amount specified in division (D) of section 3317.014 of 41953  
the Revised Code X the district's state share index; 41954

(e) The district's category five career-technical education 41955  
ADM X the amount specified in division (E) of section 3317.014 of 41956  
the Revised Code X the district's state share index. 41957

Payment of funds under division (A)(8) of this section is 41958  
subject to approval under section 3317.161 of the Revised Code. 41959

(9) Career-technical education associated services funds 41960  
calculated according to the following formula: 41961  
The district's state share index X the amount for career-technical 41962  
education associated services specified in section 3317.014 of the 41963  
Revised Code X the sum of categories one through five 41964  
career-technical education ADM 41965

(10) Capacity aid funds calculated under section 3317.0218 of 41966  
the Revised Code; 41967

(11) A graduation bonus calculated under section 3317.0215 of 41968  
the Revised Code; 41969

(12) A third-grade reading bonus calculated under section 41970  
3317.0216 of the Revised Code. 41971

(B) In any fiscal year, a school district shall spend for 41972  
purposes that the department designates as approved for special 41973  
education and related services expenses at least the amount 41974  
calculated as follows: 41975

(The formula amount X the total special education ADM) + (the 41976  
district's category one special education ADM X the amount 41977  
specified in division (A) of section 3317.013 of the Revised Code) 41978  
+ (the district's category two special education ADM X the amount 41979

specified in division (B) of section 3317.013 of the Revised Code) 41980  
+ (the district's category three special education ADM X the 41981  
amount specified in division (C) of section 3317.013 of the 41982  
Revised Code) + (the district's category four special education 41983  
ADM X the amount specified in division (D) of section 3317.013 of 41984  
the Revised Code) + (the district's category five special 41985  
education ADM X the amount specified in division (E) of section 41986  
3317.013 of the Revised Code) + (the district's category six 41987  
special education ADM X the amount specified in division (F) of 41988  
section 3317.013 of the Revised Code) 41989

The purposes approved by the department for special education 41990  
expenses shall include, but shall not be limited to, 41991  
identification of children with disabilities, compliance with 41992  
state rules governing the education of children with disabilities 41993  
and prescribing the continuum of program options for children with 41994  
disabilities, provision of speech language pathology services, and 41995  
the portion of the school district's overall administrative and 41996  
overhead costs that are attributable to the district's special 41997  
education student population. 41998

The scholarships deducted from the school district's account 41999  
under sections 3310.41 and 3310.55 of the Revised Code shall be 42000  
considered to be an approved special education and related 42001  
services expense for the purpose of the school district's 42002  
compliance with this division. 42003

(C) In any fiscal year, a school district receiving funds 42004  
under division (A)(8) of this section shall spend those funds only 42005  
for the purposes that the department designates as approved for 42006  
career-technical education expenses. Career-technical education 42007  
expenses approved by the department shall include only expenses 42008  
connected to the delivery of career-technical programming to 42009  
career-technical students. The department shall require the school 42010  
district to report data annually so that the department may 42011

monitor the district's compliance with the requirements regarding 42012  
the manner in which funding received under division (A)(8) of this 42013  
section may be spent. 42014

(D) In any fiscal year, a school district receiving funds 42015  
under division (A)(9) of this section, or through a transfer of 42016  
funds pursuant to division (I) of section 3317.023 of the Revised 42017  
Code, shall spend those funds only for the purposes that the 42018  
department designates as approved for career-technical education 42019  
associated services expenses, which may include such purposes as 42020  
apprenticeship coordinators, coordinators for other 42021  
career-technical education services, career-technical evaluation, 42022  
and other purposes designated by the department. The department 42023  
may deny payment under division (A)(9) of this section to any 42024  
district that the department determines is not operating those 42025  
services or is using funds paid under division (A)(9) of this 42026  
section, or through a transfer of funds pursuant to division (I) 42027  
of section 3317.023 of the Revised Code, for other purposes. 42028

(E) All funds received under division (A)(8) of this section 42029  
shall be spent in the following manner: 42030

(1) At least seventy-five per cent of the funds shall be 42031  
spent on curriculum development, purchase, and implementation; 42032  
instructional resources and supplies; industry-based program 42033  
certification; student assessment, credentialing, and placement; 42034  
curriculum specific equipment purchases and leases; 42035  
career-technical student organization fees and expenses; home and 42036  
agency linkages; work-based learning experiences; professional 42037  
development; and other costs directly associated with 42038  
career-technical education programs including development of new 42039  
programs. 42040

(2) Not more than twenty-five per cent of the funds shall be 42041  
used for personnel expenditures. 42042

(F) A school district shall spend the funds it receives under 42043  
division (A)(5) of this section in accordance with section 3317.25 42044  
of the Revised Code. 42045

**Sec. 3317.024.** The following shall be distributed monthly, 42046  
quarterly, or annually as may be determined by the state board of 42047  
education: 42048

(A) An amount for each island school district and each joint 42049  
state school district for the operation of each high school and 42050  
each elementary school maintained within such district and for 42051  
capital improvements for such schools. Such amounts shall be 42052  
determined on the basis of standards adopted by the state board of 42053  
education. However, for fiscal years 2012 and 2013, an island 42054  
district shall receive the lesser of its actual cost of operation, 42055  
as certified to the department of education, or ninety-three per 42056  
cent of the amount the district received in state operating 42057  
funding for fiscal year 2011. If an island district received no 42058  
funding for fiscal year 2011, it shall receive no funding for 42059  
either of fiscal year 2012 or 2013. 42060

(B) An amount for each school district required to pay 42061  
tuition for a child in an institution maintained by the department 42062  
of youth services pursuant to section 3317.082 of the Revised 42063  
Code, provided the child was not included in the calculation of 42064  
the district's formula ADM, as that term is defined in section 42065  
3317.02 of the Revised Code, for the preceding school year. 42066

(C) An amount for the approved cost of transporting eligible 42067  
pupils with disabilities attending a special education program 42068  
approved by the department of education whom it is impossible or 42069  
impractical to transport by regular school bus in the course of 42070  
regular route transportation provided by the school district or 42071  
educational service center. No district or service center is 42072  
eligible to receive a payment under this division for the cost of 42073

transporting any pupil whom it transports by regular school bus 42074  
and who is included in the district's transportation ADM. The 42075  
state board of education shall establish standards and guidelines 42076  
for use by the department of education in determining the approved 42077  
cost of such transportation for each district or service center. 42078

(D) An amount to each school district, including each 42079  
cooperative education school district, pursuant to section 3313.81 42080  
of the Revised Code to assist in providing free lunches to needy 42081  
children. The amounts shall be determined on the basis of rules 42082  
adopted by the state board of education. 42083

(E)(1) An amount for auxiliary services to each school 42084  
district, for each pupil attending a chartered nonpublic 42085  
elementary or high school within the district. ~~The that is~~ 42086  
affiliated with a religious order, sect, church, or denomination 42087  
or has a curriculum or mission that contains religious content, 42088  
religious courses, devotional exercises, religious training, or 42089  
any other religious activity. 42090

(2) An amount for auxiliary services paid directly to each 42091  
chartered nonpublic school not described in division (E)(1) of 42092  
this section for each pupil attending the school. 42093

The amount paid under divisions (E)(1) and (2) of this 42094  
section shall equal the total amount appropriated for the 42095  
implementation of ~~section~~ sections 3317.06 and 3317.062 of the 42096  
Revised Code divided by the average daily membership in grades 42097  
kindergarten through twelve in chartered nonpublic elementary and 42098  
high schools within the state as determined as of the last day of 42099  
October of each school year. 42100

(F) An amount for each county board of developmental 42101  
disabilities, distributed on the basis of standards adopted by the 42102  
state board of education, for the approved cost of transportation 42103  
required for children attending special education programs 42104

operated by the county board under section 3323.09 of the Revised Code; 42105  
42106

(G) An amount to each institution defined under section 42107  
3317.082 of the Revised Code providing elementary or secondary 42108  
education to children other than children receiving special 42109  
education under section 3323.091 of the Revised Code. This amount 42110  
for any institution in any fiscal year shall equal the total of 42111  
all tuition amounts required to be paid to the institution under 42112  
division (A)(1) of section 3317.082 of the Revised Code. 42113

The state board of education or any other board of education 42114  
or governing board may provide for any resident of a district or 42115  
educational service center territory any educational service for 42116  
which funds are made available to the board by the United States 42117  
under the authority of public law, whether such funds come 42118  
directly or indirectly from the United States or any agency or 42119  
department thereof or through the state or any agency, department, 42120  
or political subdivision thereof. 42121

**Sec. 3317.025.** On or before the first day of June of each 42122  
year, the tax commissioner shall certify the following information 42123  
to the department of education and the office of budget and 42124  
management, for each school district in which the value of the 42125  
property described under division (A) of this section exceeds one 42126  
per cent of the taxable value of all real and tangible personal 42127  
property in the district or in which is located tangible personal 42128  
property designed for use or used in strip mining operations, 42129  
whose taxable value exceeds five million dollars, and the taxes 42130  
upon which the district is precluded from collecting by virtue of 42131  
legal proceedings to determine the value of such property: 42132

(A) The total taxable value of all property in the district 42133  
owned by a public utility or railroad that has filed a petition 42134  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 42135

(1898), 11 U.S.C. 205, as amended, and all tangible personal 42136  
property in the district designed for use or used in strip mining 42137  
operations whose taxable value exceeds five million dollars upon 42138  
which have not been paid in full on or before the first day of 42139  
April of that calendar year all real and tangible personal 42140  
property taxes levied for the preceding calendar year and which 42141  
the district was precluded from collecting by virtue of 42142  
proceedings under section 205 of said act or by virtue of legal 42143  
proceedings to determine the tax liability of such strip mining 42144  
equipment; 42145

(B) The percentage of the total operating taxes charged and 42146  
payable for school district purposes levied against such valuation 42147  
for the preceding calendar year that have not been paid by such 42148  
date; 42149

(C) The product obtained by multiplying the value certified 42150  
under division (A) of this section by the percentage certified 42151  
under division (B) of this section. If the value certified under 42152  
division (A) of this section includes taxable property owned by a 42153  
public utility or railroad that has filed a petition for 42154  
reorganization under the bankruptcy act, the amount used in making 42155  
the calculation under this division shall be reduced by one per 42156  
cent of the total value of all real and tangible personal property 42157  
in the district or the value of the utility's or railroad's 42158  
property, whichever is less. 42159

Upon receipt of the certification, the department shall 42160  
recompute the payments required under this chapter in the manner 42161  
the payments would have been computed if: 42162

(1) The amount certified under division (C) of this section 42163  
was not subject to taxation by the district and was not included 42164  
in the certification made under division (A)(1), (A)(2), or ~~(D)~~(C) 42165  
of section 3317.021 of the Revised Code. 42166

(2) The amount of taxes charged and payable and unpaid and used to make the computation under division (B) of this section had not been levied and had not been used in the computation required by division (B) of section 3317.021 of the Revised Code. The department shall pay the district that amount in the ensuing fiscal year in lieu of the amounts computed under this chapter.

If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of the recomputation shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.

~~Sec. 3317.028. (A) On or before the fifteenth day of May in each calendar year prior to calendar year 2007, the tax commissioner shall determine for each school district whether the taxable value of all tangible personal property, including utility tangible personal property, subject to taxation by the district in the preceding tax year was less or greater than the taxable value of such property during the second preceding tax year. If any such decrease exceeds five per cent of the district's tangible personal property taxable value included in the total taxable value used in computing the district's state education aid for the fiscal year that ends in the current calendar year, or if any such increase exceeds five per cent of the district's total taxable value used in computing the district's state education aid for the fiscal year that ends in the current calendar year, the tax commissioner shall certify both of the following to the department of education and the office of budget and management:~~

~~(1) The taxable value of the tangible personal property increase or decrease, including utility tangible personal property increase or decrease, which shall be considered a change in~~

valuation; 42198

~~(2) The decrease or increase in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code.~~ 42199  
42200  
42201

~~(B)~~ On or before May 15, 2007, and the fifteenth day of May 42202  
in each calendar year thereafter, the tax commissioner shall 42203  
determine for each school district whether the taxable value of 42204  
all utility tangible personal property subject to taxation by the 42205  
district in the preceding tax year was less or greater than the 42206  
taxable value of such property during the second preceding tax 42207  
year. If any decrease exceeds ~~five~~ ten per cent of the district's 42208  
tangible personal property taxable value included in the total 42209  
taxable value used in the district's state aid computation for the 42210  
fiscal year that ends in the current calendar year, or if any 42211  
increase exceeds ~~five~~ ten per cent of the district's total taxable 42212  
value used in the district's state education aid computation for 42213  
the fiscal year that ends in the current calendar year, the tax 42214  
commissioner shall certify ~~both~~ all of the following to the 42215  
department of education and the office of budget and management: 42216

(1) The district's total taxable value for the preceding tax year; 42217  
42218

(2) The decrease or increase in taxes charged and payable on the district's total taxable value for the preceding tax year and the second preceding tax year; 42219  
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42221

(3) The taxable value of the utility tangible personal 42222  
property increase or decrease, which shall be considered a change 42223  
in valuation; 42224

~~(2)~~(4) The decrease or increase in taxes charged and payable 42225  
on such change in taxable value calculated in the same manner as 42226  
in division (A)(3) of section 3317.021 of the Revised Code. 42227

~~(C)~~(B)(1) Upon receipt of a certification specified in this 42228

section, the department of education shall ~~reduce or increase by~~ 42229  
the respective amounts certified and the taxable value and the 42230  
~~taxes charged and payable~~ replace the three-year average 42231  
valuations that were used in computing the district's state 42232  
education aid for the fiscal year that ends in the current 42233  
calendar year with the taxable value certified under division 42234  
(A)(1) of this section and shall recompute the state education aid 42235  
for such fiscal year without applying any funding limitations 42236  
enacted by the general assembly to the computation. ~~The~~ Subject to 42237  
division (B)(2) of this section, the department shall pay to or 42238  
deduct from the district an amount equal to ~~one-half of the~~ the 42239  
lesser of the following: 42240

(a) The difference between the district's state education aid 42241  
prior to the recomputation under this section and the district's 42242  
recomputed state education aid; 42243

(b) The increase or decrease certified under division (A)(2) 42244  
of this section. ~~The~~ 42245

The payment date shall be determined by the director of 42246  
budget and management. The director shall select a payment date 42247  
that is not earlier than the first day of June of the current 42248  
fiscal year and not later than the thirty-first day of July of the 42249  
following fiscal year. The department of education shall not pay 42250  
the district under this section prior to approval by the director 42251  
of budget and management to make that payment. 42252

(2)(a) If an increase in the taxable value of the utility 42253  
tangible personal property is certified for a district under 42254  
division (A)(2) of this section, the department shall not make a 42255  
payment to the district under division (B)(1) of this section. ~~The~~ 42256  
department may, however, deduct funds from the district under 42257  
division (B)(1) of this section. 42258

(b) If a decrease in the taxable value of the utility 42259

tangible personal property is certified for a district under 42260  
division (A)(2) of this section, the department shall not deduct 42261  
funds from the district under division (B)(1) of this section. The 42262  
department may, however, make a payment to the district under 42263  
division (B)(1) of this section. 42264

~~(D)~~(C) If a school district received a grant from the 42265  
catastrophic expenditures account pursuant to division (C) of 42266  
section 3316.20 of the Revised Code on the basis of the same 42267  
circumstances for which a recomputation is made under this 42268  
section, the amount of the recomputation shall be reduced and 42269  
transferred in accordance with division (C) of section 3316.20 of 42270  
the Revised Code. 42271

**Sec. 3317.0212.** (A) As used in this section: 42272

(1) "Qualifying riders" means resident students enrolled in 42273  
regular education in grades kindergarten to twelve who are 42274  
provided school bus service by a school district and who live more 42275  
than one mile from the school they attend, including students with 42276  
dual enrollment in a joint vocational school district or a 42277  
cooperative education school district, and students enrolled in a 42278  
community school, STEM school, or nonpublic school. 42279

(2) "Qualifying ridership" means the average number of 42280  
qualifying riders who are provided school bus service by a school 42281  
district during the first full week of October. 42282

(3) "Rider density" means the total ADM per square mile of a 42283  
school district. 42284

(4) "School bus service" means a school district's 42285  
transportation of qualifying riders in any of the following types 42286  
of vehicles: 42287

(a) School buses owned or leased by the district; 42288

(b) School buses operated by a private contractor hired by 42289

the district; 42290

(c) School buses operated by another school district or 42291  
entity with which the district has contracted, either as part of a 42292  
consortium for the provision of transportation or otherwise. 42293

(B) Not later than the fifteenth day of October each year, 42294  
each city, local, and exempted village school district shall 42295  
report to the department of education its qualifying ridership and 42296  
any other information requested by the department. Subsequent 42297  
adjustments to the reported numbers shall be made only in 42298  
accordance with rules adopted by the department. 42299

(C) The department shall calculate the statewide 42300  
transportation cost per student as follows: 42301

(1) Determine each city, local, and exempted village school 42302  
district's transportation cost per student by dividing the 42303  
district's total costs for school bus service in the previous 42304  
fiscal year by its qualifying ridership in the previous fiscal 42305  
year. 42306

(2) After excluding districts that do not provide school bus 42307  
service and the ten districts with the highest transportation 42308  
costs per student and the ten districts with the lowest 42309  
transportation costs per student, divide the aggregate cost for 42310  
school bus service for the remaining districts in the previous 42311  
fiscal year by the aggregate qualifying ridership of those 42312  
districts in the previous fiscal year. 42313

(D) The department shall calculate the statewide 42314  
transportation cost per mile as follows: 42315

(1) Determine each city, local, and exempted village school 42316  
district's transportation cost per mile by dividing the district's 42317  
total costs for school bus service in the previous fiscal year by 42318  
its total number of miles driven for school bus service in the 42319  
previous fiscal year. 42320

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation payment as follows:

(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year.

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year.

(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the following:

(a) For fiscal year 2018, the greater of fifty thirty-seven and one-half per cent or the district's state share index, as defined in section 3317.02 of the Revised Code;

(b) For fiscal year 2019, the greater of twenty-five per cent or the district's state share index.

(F) In addition to funds paid under division (E) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(G)(1) For purposes of division (G) of this section, a school district's "transportation supplement percentage" means the following quotient:

~~[(35, in fiscal year 2016, or 50, in fiscal year 2017) - the district's rider density]~~ / 100

If the result of the calculation for a district under division (G)(1) of this section is less than zero, the district's transportation supplement percentage shall be zero.

(2) The department shall pay each district a transportation supplement calculated according to the following formula:

The district's transportation supplement percentage X the amount calculated for the district under division (E)(2) of this section  
X 0.55

**Sec. 3317.0218.** The department of education shall annually compute capacity aid funds to school districts, as follows:

(A) For each school district, multiply the district's three-year average valuation by 0.001;

(B) Determine the median amount of all of the amounts calculated under division (A) of this section;

(C) Calculate each school district's capacity ratio, which equals the greater of zero or the amount calculated as follows:

(The amount determined under division (B) of this section / the amount calculated for the district under division (A) of this section) - 1

If the result of a calculation for a school district under division (C) of this section is greater than 2.5, the district's capacity ratio shall be 2.5.

(D) Calculate the capacity aid per pupil amount, which equals the following quotient:

(The amount determined under division (B) of this section) / (the

average of the formula ADMs of all of the districts for which the 42381  
amount calculated under division (A) of this section is less than 42382  
the amount determined under division (B) of this section) 42383

(E) Calculate each school district's capacity aid, which 42384  
equals the following product: 42385

The capacity aid per pupil amount calculated under division (D) of 42386  
this section X the district's formula ADM X ~~(2.75, for fiscal year~~ 42387  
~~2016, or 3.5, for fiscal year 2017)~~ 4.0 X the district's capacity 42388  
ratio calculated under division (C) of this section 42389

**Sec. 3317.06.** Moneys paid to school districts under division 42390  
(E)(1) of section 3317.024 of the Revised Code shall be used for 42391  
the following independent and fully severable purposes: 42392

(A) To purchase such secular textbooks or digital texts as 42393  
have been approved by the superintendent of public instruction for 42394  
use in public schools in the state and to loan such textbooks or 42395  
digital texts to pupils attending nonpublic schools within the 42396  
district described in division (E)(1) of section 3317.024 of the 42397  
Revised Code or to their parents and to hire clerical personnel to 42398  
administer such lending program. Such loans shall be based upon 42399  
individual requests submitted by such nonpublic school pupils or 42400  
parents. Such requests shall be submitted to the school district 42401  
in which the nonpublic school is located. Such individual requests 42402  
for the loan of textbooks or digital texts shall, for 42403  
administrative convenience, be submitted by the nonpublic school 42404  
pupil or the pupil's parent to the nonpublic school, which shall 42405  
prepare and submit collective summaries of the individual requests 42406  
to the school district. As used in this section: 42407

(1) "Textbook" means any book or book substitute that a pupil 42408  
uses as a consumable or nonconsumable text, text substitute, or 42409  
text supplement in a particular class or program in the school the 42410  
pupil regularly attends. 42411

(2) "Digital text" means a consumable book or book substitute 42412  
that a student accesses through the use of a computer or other 42413  
electronic medium or that is available through an internet-based 42414  
provider of course content, or any other material that contributes 42415  
to the learning process through electronic means. 42416

(B) To provide speech and hearing diagnostic services to 42417  
pupils attending nonpublic schools within the district described 42418  
in division (E)(1) of section 3317.024 of the Revised Code. Such 42419  
service shall be provided in the nonpublic school attended by the 42420  
pupil receiving the service. 42421

(C) To provide physician, nursing, dental, and optometric 42422  
services to pupils attending nonpublic schools within the district 42423  
described in division (E)(1) of section 3317.024 of the Revised 42424  
Code. Such services shall be provided in the school attended by 42425  
the nonpublic school pupil receiving the service. 42426

(D) To provide diagnostic psychological services to pupils 42427  
attending nonpublic schools within the district described in 42428  
division (E)(1) of section 3317.024 of the Revised Code. Such 42429  
services shall be provided in the school attended by the pupil 42430  
receiving the service. 42431

(E) To provide therapeutic psychological and speech and 42432  
hearing services to pupils attending nonpublic schools within the 42433  
district described in division (E)(1) of section 3317.024 of the 42434  
Revised Code. Such services shall be provided in the public 42435  
school, in nonpublic schools, in public centers, or in mobile 42436  
units located on or off of the nonpublic premises. If such 42437  
services are provided in the public school or in public centers, 42438  
transportation to and from such facilities shall be provided by 42439  
the school district in which the nonpublic school is located. 42440

(F) To provide guidance, counseling, and social work services 42441  
to pupils attending nonpublic schools within the district 42442

described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and are children with disabilities as defined in section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D),

(E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section. 42475  
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(K) To purchase or lease any secular, neutral, and nonideological computer application software designed to assist students in performing a single task or multiple related tasks, device management software, learning management software, site-licensing, digital video on demand (DVD), wide area connectivity and related technology as it relates to internet access, mathematics or science equipment and materials, instructional materials, and school library materials that are in general use in the public schools of the state and loan such items to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code or to their parents, and to hire clerical personnel to administer the lending program. Only such items that are incapable of diversion to religious use and that are susceptible of loan to individual pupils and are furnished for the use of individual pupils shall be purchased and loaned under this division. As used in this section, "instructional materials" means prepared learning materials that are secular, neutral, and nonideological in character and are of benefit to the instruction of school children. "Instructional materials" includes media content that a student may access through the use of a computer or electronic device. 42478  
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Mobile applications that are secular, neutral, and nonideological in character and that are purchased for less than twenty dollars for instructional use shall be considered to be consumable and shall be distributed to students without the expectation that the applications must be returned. 42500  
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42503  
42504

(L) To purchase or lease instructional equipment, including computer hardware and related equipment in general use in the 42505  
42506

public schools of the state, for use by pupils attending nonpublic 42507  
schools within the district described in division (E)(1) of 42508  
section 3317.024 of the Revised Code and to loan such items to 42509  
pupils attending such nonpublic schools within the district or to 42510  
their parents, and to hire clerical personnel to administer the 42511  
lending program. "Computer hardware and related equipment" 42512  
includes desktop computers and workstations; laptop computers, 42513  
computer tablets, and other mobile handheld devices; their 42514  
operating systems and accessories; and any equipment designed to 42515  
make accessible the environment of a classroom to a student, who 42516  
is physically unable to attend classroom activities due to 42517  
hospitalization or other circumstances, by allowing real-time 42518  
interaction with other students both one-on-one and in group 42519  
discussion. 42520

(M) To purchase mobile units to be used for the provision of 42521  
services pursuant to divisions (E), (F), (G), and (I) of this 42522  
section and to pay for necessary repairs and operating costs 42523  
associated with these units. 42524

(N) To reimburse costs the district incurred to store the 42525  
records of a chartered nonpublic school that closes. 42526  
Reimbursements under this division shall be made one time only for 42527  
each chartered nonpublic school described in division (E)(1) of 42528  
section 3317.024 of the Revised Code that closes. 42529

(O) To purchase life-saving medical or other emergency 42530  
equipment for placement in nonpublic schools within the district 42531  
described in division (E)(1) of section 3317.024 of the Revised 42532  
Code or to maintain such equipment. 42533

(P) To procure and pay for security services from a county 42534  
sheriff or a township or municipal police force or from a person 42535  
certified through the Ohio peace officer training commission, in 42536  
accordance with section 109.78 of the Revised Code, as a special 42537  
police, security guard, or as a privately employed person serving 42538

in a police capacity for nonpublic schools in the district 42539  
described in division (E)(1) of section 3317.024 of the Revised 42540  
Code. 42541

(Q) To provide language and academic support services and 42542  
other accommodations for English language learners attending 42543  
nonpublic schools within the district described in division (E)(1) 42544  
of section 3317.024 of the Revised Code. 42545

Clerical and supervisory personnel hired pursuant to division 42546  
(J) of this section shall perform their services in the public 42547  
schools, in nonpublic schools, public centers, or mobile units 42548  
where the services are provided to the nonpublic school pupil, 42549  
except that such personnel may accompany pupils to and from the 42550  
service sites when necessary to ensure the safety of the children 42551  
receiving the services. 42552

All services provided pursuant to this section may be 42553  
provided under contract with educational service centers, the 42554  
department of health, city or general health districts, or private 42555  
agencies whose personnel are properly licensed by an appropriate 42556  
state board or agency. 42557

Transportation of pupils provided pursuant to divisions (E), 42558  
(F), (G), and (I) of this section shall be provided by the school 42559  
district from its general funds and not from moneys paid to it 42560  
under division (E)(1) of section 3317.024 of the Revised Code 42561  
unless a special transportation request is submitted by the parent 42562  
of the child receiving service pursuant to such divisions. If such 42563  
an application is presented to the school district, it may pay for 42564  
the transportation from moneys paid to it under division (E)(1) of 42565  
section 3317.024 of the Revised Code. 42566

No school district shall provide health or remedial services 42567  
to nonpublic school pupils as authorized by this section unless 42568  
such services are available to pupils attending the public schools 42569

within the district. 42570

Materials, equipment, computer hardware or software, 42571  
textbooks, digital texts, and health and remedial services 42572  
provided for the benefit of nonpublic school pupils pursuant to 42573  
this section and the admission of pupils to such nonpublic schools 42574  
shall be provided without distinction as to race, creed, color, or 42575  
national origin of such pupils or of their teachers. 42576

No school district shall provide services, materials, or 42577  
equipment that contain religious content for use in religious 42578  
courses, devotional exercises, religious training, or any other 42579  
religious activity. 42580

As used in this section, "parent" includes a person standing 42581  
in loco parentis to a child. 42582

Notwithstanding section 3317.01 of the Revised Code, payments 42583  
shall be made under this section to any city, local, or exempted 42584  
village school district within which is located one or more 42585  
nonpublic elementary or high schools described in division (E)(1) 42586  
of section 3317.024 of the Revised Code and any payments made to 42587  
school districts under division (E)(1) of section 3317.024 of the 42588  
Revised Code for purposes of this section may be disbursed without 42589  
submission to and approval of the controlling board. 42590

The allocation of payments for materials, equipment, 42591  
textbooks, digital texts, health services, and remedial services 42592  
to city, local, and exempted village school districts shall be on 42593  
the basis of the state board of education's estimated annual 42594  
average daily membership in nonpublic elementary and high schools 42595  
located in the district described in division (E)(1) of section 42596  
3317.024 of the Revised Code. 42597

Payments made to city, local, and exempted village school 42598  
districts under this section shall be equal to specific 42599  
appropriations made for the purpose. All interest earned by a 42600

school district on such payments shall be used by the district for 42601  
the same purposes and in the same manner as the payments may be 42602  
used. 42603

The department of education shall adopt guidelines and 42604  
procedures under which such programs and services shall be 42605  
provided, under which districts shall be reimbursed for 42606  
administrative costs incurred in providing such programs and 42607  
services, and under which any unexpended balance of the amounts 42608  
appropriated by the general assembly to implement this section may 42609  
be transferred to the auxiliary services personnel unemployment 42610  
compensation fund established pursuant to section 4141.47 of the 42611  
Revised Code. The department shall also adopt guidelines and 42612  
procedures limiting the purchase and loan of the items described 42613  
in division (K) of this section to items that are in general use 42614  
in the public schools of the state, that are incapable of 42615  
diversion to religious use, and that are susceptible to individual 42616  
use rather than classroom use. Within thirty days after the end of 42617  
each biennium, each board of education shall remit to the 42618  
department all moneys paid to it under division (E)(1) of section 42619  
3317.024 of the Revised Code and any interest earned on those 42620  
moneys that are not required to pay expenses incurred under this 42621  
section during the biennium for which the money was appropriated 42622  
and during which the interest was earned. If a board of education 42623  
subsequently determines that the remittal of moneys leaves the 42624  
board with insufficient money to pay all valid expenses incurred 42625  
under this section during the biennium for which the remitted 42626  
money was appropriated, the board may apply to the department of 42627  
education for a refund of money, not to exceed the amount of the 42628  
insufficiency. If the department determines the expenses were 42629  
lawfully incurred and would have been lawful expenditures of the 42630  
refunded money, it shall certify its determination and the amount 42631  
of the refund to be made to the director of job and family 42632  
services who shall make a refund as provided in section 4141.47 of 42633

the Revised Code. 42634

Each school district shall label materials, equipment, 42635  
computer hardware or software, textbooks, and digital texts 42636  
purchased or leased for loan to a nonpublic school under this 42637  
section, acknowledging that they were purchased or leased with 42638  
state funds under this section. However, a district need not label 42639  
materials, equipment, computer hardware or software, textbooks, or 42640  
digital texts that the district determines are consumable in 42641  
nature or have a value of less than two hundred dollars. 42642

Sec. 3317.062. (A) Moneys paid to chartered nonpublic schools 42643  
under division (E)(2) of section 3317.024 of the Revised Code 42644  
shall be used for one or more of the following purposes: 42645

(1) To purchase secular textbooks or digital texts, as 42646  
defined in divisions (A)(1) and (2) of section 3317.06 of the 42647  
Revised Code, as have been approved by the superintendent of 42648  
public instruction for use in public schools in the state; 42649

(2) To provide the services described in divisions (B), (C), 42650  
(D), and (O) of section 3317.06 of the Revised Code; 42651

(3) To provide the services described in divisions (E), (F), 42652  
(G), and (I) of section 3317.06 of the Revised Code. If such 42653  
services are provided in public schools or in public centers, 42654  
transportation to and from such facilities shall be provided by 42655  
the nonpublic school. 42656

(4) To supply for use by pupils attending the school such 42657  
standardized tests and scoring services as are in use in the 42658  
public schools of the state; 42659

(5) To hire clerical personnel to assist in the 42660  
administration of divisions (A)(2), (3), and (4) of this section 42661  
and to hire supervisory personnel to supervise the providing of 42662  
services and textbooks pursuant to this section. These personnel 42663

shall perform their services in the public schools, in nonpublic schools, public centers, or mobile units where the services are provided to the nonpublic school pupil, except that such personnel may accompany pupils to and from the service sites when necessary to ensure the safety of the children receiving the services. All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency.

(6) To purchase any of the materials described in division (K) of section 3317.06 of the Revised Code;

(7) To purchase any of the equipment described in division (L) of section 3317.06 of the Revised Code;

(8) To purchase mobile units to be used for the provision of services pursuant to division (A)(3) of this section and to pay for necessary repairs and operating costs associated with these units;

(9) To purchase the equipment described in division (O) of section 3317.06 of the Revised Code;

(10) To procure and pay for security services described in division (P) of section 3317.06 of the Revised Code.

(B) Materials, equipment, computer hardware and software, textbooks, digital texts, and health and remedial services provided pursuant to this section and the admission of pupils to nonpublic schools shall be provided without distinction as to race, creed, color, or national origin of such pupils or of their teachers.

(C) The department of education shall adopt guidelines and procedures regarding both of the following:

<u>(1) The expenditure of moneys under this section;</u>	42694
<u>(2) The audit of nonpublic schools receiving funds under this section to ensure the appropriate use of funds.</u>	42695 42696
<b>Sec. 3317.16.</b> (A) The department of education shall compute and distribute state core foundation funding to each joint vocational school district for the fiscal year as prescribed in the following divisions:	42697 42698 42699 42700
(1) An opportunity grant calculated according to the following formula:	42701 42702
(The formula amount X formula ADM) - (0.0005 X the district's three-year average valuation)	42703 42704
However, no district shall receive an opportunity grant that is less than 0.05 times the formula amount times formula ADM.	42705 42706
(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:	42707 42708 42709
(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;	42710 42711 42712
(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;	42713 42714 42715
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;	42716 42717 42718
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;	42719 42720 42721
(e) The district's category five special education ADM X the	42722

amount specified in division (E) of section 3317.013 of the	42723
Revised Code X the district's state share percentage;	42724
(f) The district's category six special education ADM X the	42725
amount specified in division (F) of section 3317.013 of the	42726
Revised Code X the district's state share percentage.	42727
(3) Economically disadvantaged funds calculated according to	42728
the following formula:	42729
\$272 X the district's economically disadvantaged index X the	42730
number of students who are economically disadvantaged as certified	42731
under division (D)(2)(p) of section 3317.03 of the Revised Code	42732
(4) Limited English proficiency funds calculated as the sum	42733
of the following:	42734
(a) The district's category one limited English proficient	42735
ADM X the amount specified in division (A) of section 3317.016 of	42736
the Revised Code X the district's state share percentage;	42737
(b) The district's category two limited English proficient	42738
ADM X the amount specified in division (B) of section 3317.016 of	42739
the Revised Code X the district's state share percentage;	42740
(c) The district's category three limited English proficient	42741
ADM X the amount specified in division (C) of section 3317.016 of	42742
the Revised Code X the district's state share percentage;	42743
(5) Career-technical education funds calculated as the sum of	42744
the following:	42745
(a) The district's category one career-technical education	42746
ADM X the amount specified in division (A) of section 3317.014 of	42747
the Revised Code X the district's state share percentage;	42748
(b) The district's category two career-technical education	42749
ADM X the amount specified in division (B) of section 3317.014 of	42750
the Revised Code X the district's state share percentage;	42751
(c) The district's category three career-technical education	42752

ADM X the amount specified in division (C) of section 3317.014 of 42753  
the Revised Code X the district's state share percentage; 42754

(d) The district's category four career-technical education 42755  
ADM X the amount specified in division (D) of section 3317.014 of 42756  
the Revised Code X the district's state share percentage; 42757

(e) The district's category five career-technical education 42758  
ADM X the amount specified in division (E) of section 3317.014 of 42759  
the Revised Code X the district's state share percentage. 42760

Payment of funds under division (A)(5) of this section is 42761  
subject to approval under section 3317.161 of the Revised Code. 42762

(6) Career-technical education associated services funds 42763  
calculated under the following formula: 42764

The district's state share percentage X the 42765  
amount for career-technical education associated services 42766  
specified in section 3317.014 of the Revised Code X the sum of 42767  
categories one through five career-technical 42768  
education ~~ADM X the district's state share percentage~~ 42769

(7) A graduation bonus calculated according to the following 42770  
formula: 42771

The district's graduation rate as reported on its most recent 42772  
report card issued by the department under section 3302.033 of the 42773  
Revised Code X 0.075 X the formula amount X the number of the 42774  
district's students who received high school or honors high school 42775  
diplomas as reported by the district to the department, in 42776  
accordance with the guidelines adopted under section 3301.0714 of 42777  
the Revised Code, for the same school year for which the most 42778  
recent report card was issued X the district's state share 42779  
percentage 42780

(B)(1) If a joint vocational school district's costs for a 42781  
fiscal year for a student in its categories two through six 42782  
special education ADM exceed the threshold catastrophic cost for 42783

serving the student, as specified in division (B) of section 42784  
3317.0214 of the Revised Code, the district may submit to the 42785  
superintendent of public instruction documentation, as prescribed 42786  
by the superintendent, of all of its costs for that student. Upon 42787  
submission of documentation for a student of the type and in the 42788  
manner prescribed, the department shall pay to the district an 42789  
amount equal to the sum of the following: 42790

(a) One-half of the district's costs for the student in 42791  
excess of the threshold catastrophic cost; 42792

(b) The product of one-half of the district's costs for the 42793  
student in excess of the threshold catastrophic cost multiplied by 42794  
the district's state share percentage. 42795

(2) The district shall report under division (B)(1) of this 42796  
section, and the department shall pay for, only the costs of 42797  
educational expenses and the related services provided to the 42798  
student in accordance with the student's individualized education 42799  
program. Any legal fees, court costs, or other costs associated 42800  
with any cause of action relating to the student may not be 42801  
included in the amount. 42802

(C)(1) For each student with a disability receiving special 42803  
education and related services under an individualized education 42804  
program, as defined in section 3323.01 of the Revised Code, at a 42805  
joint vocational school district, the resident district or, if the 42806  
student is enrolled in a community school, the community school 42807  
shall be responsible for the amount of any costs of providing 42808  
those special education and related services to that student that 42809  
exceed the sum of the amount calculated for those services 42810  
attributable to that student under division (A) of this section. 42811

Those excess costs shall be calculated using a formula 42812  
approved by the department. 42813

(2) The board of education of the joint vocational school 42814

district may report the excess costs calculated under division 42815  
(C)(1) of this section to the department of education. 42816

(3) If the board of education of the joint vocational school 42817  
district reports excess costs under division (C)(2) of this 42818  
section, the department shall pay the amount of excess cost 42819  
calculated under division (C)(2) of this section to the joint 42820  
vocational school district and shall deduct that amount as 42821  
provided in division (C)(3)(a) or (b) of this section, as 42822  
applicable: 42823

(a) If the student is not enrolled in a community school, the 42824  
department shall deduct the amount from the account of the 42825  
student's resident district pursuant to division (J) of section 42826  
3317.023 of the Revised Code. 42827

(b) If the student is enrolled in a community school, the 42828  
department shall deduct the amount from the account of the 42829  
community school pursuant to section 3314.083 of the Revised Code. 42830

(D)(1) In any fiscal year, a school district receiving funds 42831  
under division (A)(5) of this section shall spend those funds only 42832  
for the purposes that the department designates as approved for 42833  
career-technical education expenses. Career-technical education 42834  
expenses approved by the department shall include only expenses 42835  
connected to the delivery of career-technical programming to 42836  
career-technical students. The department shall require the school 42837  
district to report data annually so that the department may 42838  
monitor the district's compliance with the requirements regarding 42839  
the manner in which funding received under division (A)(5) of this 42840  
section may be spent. 42841

(2) All funds received under division (A)(5) of this section 42842  
shall be spent in the following manner: 42843

(a) At least seventy-five per cent of the funds shall be 42844  
spent on curriculum development, purchase, and implementation; 42845

instructional resources and supplies; industry-based program 42846  
certification; student assessment, credentialing, and placement; 42847  
curriculum specific equipment purchases and leases; 42848  
career-technical student organization fees and expenses; home and 42849  
agency linkages; work-based learning experiences; professional 42850  
development; and other costs directly associated with 42851  
career-technical education programs including development of new 42852  
programs. 42853

(b) Not more than twenty-five per cent of the funds shall be 42854  
used for personnel expenditures. 42855

(E) In any fiscal year, a school district receiving funds 42856  
under division (A)(6) of this section, or through a transfer of 42857  
funds pursuant to division (I) of section 3317.023 of the Revised 42858  
Code, shall spend those funds only for the purposes that the 42859  
department designates as approved for career-technical education 42860  
associated services expenses, which may include such purposes as 42861  
apprenticeship coordinators, coordinators for other 42862  
career-technical education services, career-technical evaluation, 42863  
and other purposes designated by the department. The department 42864  
may deny payment under division (A)(6) of this section to any 42865  
district that the department determines is not operating those 42866  
services or is using funds paid under division (A)(6) of this 42867  
section, or through a transfer of funds pursuant to division (I) 42868  
of section 3317.023 of the Revised Code, for other purposes. 42869

(F) A joint vocational school district shall spend the funds 42870  
it receives under division (A)(3) of this section in accordance 42871  
with section 3317.25 of the Revised Code. 42872

(G) As used in this section: 42873

(1) "Community school" means a community school established 42874  
under Chapter 3314. of the Revised Code. 42875

(2) "Resident district" means the city, local, or exempted 42876

village school district in which a student is entitled to attend 42877  
school under section 3313.64 or 3313.65 of the Revised Code. 42878

(3) "State share percentage" is equal to the following: 42879  
The amount computed under division (A)(1) of this section / 42880  
(the formula amount X formula ADM) 42881

**Sec. 3317.27.** (A) In any fiscal year, if a city, exempted 42882  
village, local, or joint vocational school district experiences at 42883  
least a fifty per cent decrease in valuation of public utility 42884  
personal property, as certified to the department of education 42885  
under division (A)(2) of section 3317.021 of the Revised Code, 42886  
from the tax year immediately preceding the most recent tax year 42887  
for which data is available to the most recent tax year for which 42888  
data is available, the department shall develop a payment 42889  
structure to recommend to the general assembly that would provide 42890  
additional state funds to the district to compensate the district 42891  
for a percentage of that decrease in valuation. This payment 42892  
structure shall take into consideration the effect the valuation 42893  
decrease has on the amount of state foundation aid received by the 42894  
district under this chapter and any temporary transitional aid or 42895  
payment limitations imposed by the general assembly that apply to 42896  
the district. 42897

(B) Annually, the department shall submit to the general 42898  
assembly, in accordance with section 101.68 of the Revised Code, 42899  
the recommended structure for each district to which division (A) 42900  
of this section applies for the current fiscal year. 42901

**Sec. 3318.01.** As used in sections 3318.01 to 3318.20 of the 42902  
Revised Code: 42903

(A) "Ohio ~~school~~ facilities construction commission" means 42904  
the commission created pursuant to section ~~3318.30~~ 123.20 of the 42905  
Revised Code. 42906

(B) "Classroom facilities" means rooms in which pupils 42907  
regularly assemble in public school buildings to receive 42908  
instruction and education and such facilities and building 42909  
improvements for the operation and use of such rooms as may be 42910  
needed in order to provide a complete educational program, and may 42911  
include space within which a child care facility or a community 42912  
resource center is housed. "Classroom facilities" includes any 42913  
space necessary for the operation of a vocational education 42914  
program for secondary students in any school district that 42915  
operates such a program. 42916

(C) "Project" means a project to construct or acquire 42917  
classroom facilities, or to reconstruct or make additions to 42918  
existing classroom facilities, to be used for housing the 42919  
applicable school district and its functions. 42920

(D) "School district" means a local, exempted village, or 42921  
city school district as such districts are defined in Chapter 42922  
3311. of the Revised Code, acting as an agency of state 42923  
government, performing essential governmental functions of state 42924  
government pursuant to sections 3318.01 to 3318.20 of the Revised 42925  
Code. 42926

For purposes of assistance provided under sections 3318.40 to 42927  
3318.45 of the Revised Code, the term "school district" as used in 42928  
this section and in divisions (A), (C), and (D) of section 3318.03 42929  
and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 42930  
3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 42931  
3318.14, 3318.15, 3318.16, ~~3318.19~~, and 3318.20 of the Revised 42932  
Code means a joint vocational school district established pursuant 42933  
to section 3311.18 of the Revised Code. 42934

(E) "School district board" means the board of education of a 42935  
school district. 42936

(F) "Net bonded indebtedness" means the difference between 42937

the sum of the par value of all outstanding and unpaid bonds and 42938  
notes which a school district board is obligated to pay and any 42939  
amounts the school district is obligated to pay under 42940  
lease-purchase agreements entered into under section 3313.375 of 42941  
the Revised Code, and the amount held in the sinking fund and 42942  
other indebtedness retirement funds for their redemption. Notes 42943  
issued for school buses in accordance with section 3327.08 of the 42944  
Revised Code, notes issued in anticipation of the collection of 42945  
current revenues, and bonds issued to pay final judgments shall 42946  
not be considered in calculating the net bonded indebtedness. 42947

"Net bonded indebtedness" does not include indebtedness 42948  
arising from the acquisition of land to provide a site for 42949  
classroom facilities constructed, acquired, or added to pursuant 42950  
to sections 3318.01 to 3318.20 of the Revised Code or the par 42951  
value of bonds that have been authorized by the electors and the 42952  
proceeds of which will be used by the district to provide any part 42953  
of its portion of the basic project cost. 42954

(G) "Board of elections" means the board of elections of the 42955  
county containing the most populous portion of the school 42956  
district. 42957

(H) "County auditor" means the auditor of the county in which 42958  
the greatest value of taxable property of such school district is 42959  
located. 42960

(I) "Tax duplicates" means the general tax lists and 42961  
duplicates prescribed by sections 319.28 and 319.29 of the Revised 42962  
Code. 42963

(J) "Required level of indebtedness" means: 42964

(1) In the case of school districts in the first percentile, 42965  
five per cent of the district's valuation for the year preceding 42966  
the year in which the controlling board approved the project under 42967  
section 3318.04 of the Revised Code. 42968

(2) In the case of school districts ranked in a subsequent 42969  
percentile, five per cent of the district's valuation for the year 42970  
preceding the year in which the controlling board approved the 42971  
project under section 3318.04 of the Revised Code, plus [two 42972  
one-hundredths of one per cent multiplied by (the percentile in 42973  
which the district ranks for the fiscal year preceding the fiscal 42974  
year in which the controlling board approved the district's 42975  
project minus one)]. 42976

(K) "Required percentage of the basic project costs" means 42977  
one per cent of the basic project costs times the percentile in 42978  
which the school district ranks for the fiscal year preceding the 42979  
fiscal year in which the controlling board approved the district's 42980  
project. 42981

(L) "Basic project cost" means a cost amount determined in 42982  
accordance with rules adopted under section 111.15 of the Revised 42983  
Code by the Ohio ~~school~~ facilities construction commission. The 42984  
basic project cost calculation shall take into consideration the 42985  
square footage and cost per square foot necessary for the grade 42986  
levels to be housed in the classroom facilities, the variation 42987  
across the state in construction and related costs, the cost of 42988  
the installation of site utilities and site preparation, the cost 42989  
of demolition of all or part of any existing classroom facilities 42990  
that are abandoned under the project, the cost of insuring the 42991  
project until it is completed, any contingency reserve amount 42992  
prescribed by the commission under section 3318.086 of the Revised 42993  
Code, and the professional planning, administration, and design 42994  
fees that a school district may have to pay to undertake a 42995  
classroom facilities project. 42996

For a joint vocational school district that receives 42997  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 42998  
the basic project cost calculation for a project under those 42999  
sections shall also take into account the types of laboratory 43000

spaces and program square footages needed for the vocational 43001  
education programs for high school students offered by the school 43002  
district. 43003

For a district that opts to divide its entire classroom 43004  
facilities needs into segments, as authorized by section 3318.034 43005  
of the Revised Code, "basic project cost" means the cost 43006  
determined in accordance with this division of a segment. 43007

(M)(1) Except for a joint vocational school district that 43008  
receives assistance under sections 3318.40 to 3318.45 of the 43009  
Revised Code, a "school district's portion of the basic project 43010  
cost" means the amount determined under section 3318.032 of the 43011  
Revised Code. 43012

(2) For a joint vocational school district that receives 43013  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 43014  
a "school district's portion of the basic project cost" means the 43015  
amount determined under division (C) of section 3318.42 of the 43016  
Revised Code. 43017

(N) "Child care facility" means space within a classroom 43018  
facility in which the needs of infants, toddlers, preschool 43019  
children, and school children are provided for by persons other 43020  
than the parent or guardian of such children for any part of the 43021  
day, including persons not employed by the school district 43022  
operating such classroom facility. 43023

(O) "Community resource center" means space within a 43024  
classroom facility in which comprehensive services that support 43025  
the needs of families and children are provided by community-based 43026  
social service providers. 43027

(P) "Valuation" means the total value of all property in the 43028  
school district as listed and assessed for taxation on the tax 43029  
duplicates. 43030

(Q) "Percentile" means the percentile in which the school 43031

district is ranked pursuant to section 3318.011 of the Revised Code. 43032  
43033

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system. 43034  
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(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site. 43038  
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**Sec. 3318.011.** For purposes of providing assistance under sections 3318.01 to 3318.20 of the Revised Code, the department of education shall annually do all of the following: 43042  
43043  
43044

(A) Calculate the adjusted valuation per pupil of each city, local, and exempted village school district according to the following formula: 43045  
43046  
43047

The district's valuation per pupil - 43048  
[\$30,000 X (1 - the district's income factor)]. 43049

For purposes of this calculation: 43050

(1) Except for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, "valuation per pupil" for a district means its average taxable value, divided by its formula ADM for the previous fiscal year. "Valuation per pupil," for a district with an open enrollment net gain that is ten per cent or more of its formula ADM, means its average taxable value, divided by the sum of its formula ADM for the previous fiscal year plus its open enrollment net gain for the previous fiscal year. 43051  
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(2) "Average taxable value" means the average of the sum of the amounts certified for a district under divisions (A)(1) and 43060  
43061

- (2) of section 3317.021 of the Revised Code in the second, third, and fourth preceding fiscal years. 43062  
43063
- (3) "Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code. 43064  
43065  
43066
- (4) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code. 43067  
43068
- (5) "Native student" has the same meaning as in section 3313.98 of the Revised Code. 43069  
43070
- (6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the district's "open enrollment net gain" is zero. 43071  
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- (7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code. 43080  
43081  
43082
- (8) "District median income" means the median Ohio adjusted gross income certified for a school district under section 3317.021 of the Revised Code. 43083  
43084  
43085
- (9) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state. 43086  
43087  
43088
- (10) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income. 43089  
43090  
43091

(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years;

(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil;

(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil;

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio ~~school~~ facilities construction commission.

**Sec. 3318.02.** (A) For purposes of sections 3318.01 to 3318.20 of the Revised Code, the Ohio ~~school~~ facilities construction commission shall periodically perform an assessment of the classroom facility needs in the state to identify school districts in need of additional classroom facilities, or replacement or reconstruction of existent classroom facilities, and the cost to each such district of constructing or acquiring such additional facilities or making such renovations.

(B) Based upon the most recent assessment conducted pursuant to division (A) of this section, the commission shall conduct

on-site visits to school districts identified as having classroom 43122  
facility needs to confirm the findings of the periodic assessment 43123  
and further evaluate the classroom facility needs of the district. 43124  
The evaluation shall assess the district's need to construct or 43125  
acquire new classroom facilities and may include an assessment of 43126  
the district's need for building additions or for the 43127  
reconstruction of existent buildings in lieu of constructing or 43128  
acquiring replacement buildings. 43129

(C)(1) Except as provided in division (C)(2) of this section, 43130  
on-site visits performed on or after May 20, 1997, shall be 43131  
performed in the order specified in this division. The first round 43132  
of on-site visits first succeeding the effective date of this 43133  
amendment, May 20, 1997, shall be limited to the school districts 43134  
in the first through fifth percentiles, excluding districts that 43135  
are ineligible for funding under this chapter pursuant to section 43136  
3318.04 of the Revised Code. The second round of on-site visits 43137  
shall be limited to the school districts in the first through 43138  
tenth percentiles, excluding districts that are ineligible for 43139  
funding under this chapter pursuant to section 3318.04 of the 43140  
Revised Code. Each succeeding round of on-site visits shall be 43141  
limited to the percentiles included in the immediately preceding 43142  
round of on-site visits plus the next five percentiles. Except for 43143  
the first round of on-site visits, no round of on-site visits 43144  
shall commence unless eighty per cent of the districts for which 43145  
on-site visits were performed during the immediately preceding 43146  
round, have had projects approved under section 3318.04 of the 43147  
Revised Code. 43148

(2) Notwithstanding division (C)(1) of this section, the 43149  
commission may perform on-site visits for school districts in the 43150  
next highest percentile to the percentiles included in the current 43151  
round of on-site visits, and then to succeeding percentiles one at 43152  
a time, not to exceed the twenty-fifth percentile, if all of the 43153

following apply: 43154

(a) Less than eighty per cent of the districts for which 43155  
on-site visits were performed in the current round, and in any 43156  
percentiles for which on-site visits were performed in addition to 43157  
the current round pursuant to this division, have had projects 43158  
approved under section 3318.04 of the Revised Code; 43159

(b) There are funds appropriated for the purpose of sections 43160  
3318.01 to 3318.20 of the Revised Code that are not reserved and 43161  
encumbered for projects pursuant to section 3318.04 of the Revised 43162  
Code; 43163

(c) The commission makes a finding that such available funds 43164  
would be more thoroughly utilized if on-site visits were extended 43165  
to the next highest percentile. 43166

(D) Notwithstanding divisions (B) and (C) of this section, in 43167  
any fiscal year, the commission may limit the number of districts 43168  
for which it conducts on-site visits based upon its projections of 43169  
the moneys available and moneys necessary to undertake projects 43170  
under sections 3318.01 to 3318.20 of the Revised Code for that 43171  
year. 43172

**Sec. 3318.021.** Notwithstanding section 3318.02 of the Revised 43173  
Code, the Ohio ~~school~~ facilities construction commission may 43174  
conduct on-site visits to any school district whose district board 43175  
adopts a resolution certifying to the commission the board's 43176  
intent to participate in the school building assistance expedited 43177  
local partnership program under section 3318.36 of the Revised 43178  
Code. 43179

**Sec. 3318.022.** Notwithstanding anything to the contrary in 43180  
section 3318.02 of the Revised Code, within two years following 43181  
the request of the school district, the Ohio ~~school~~ facilities 43182  
construction commission shall assess the current conditions of the 43183

classroom facilities needs of any school district that is not yet 43184  
eligible for state assistance under Chapter 3318. of the Revised 43185  
Code and that requests such an assessment. The assessment made 43186  
under this section shall not include a final agreement between the 43187  
school district and the commission as to the basic project cost of 43188  
the school district's classroom facilities needs. The commission 43189  
shall not consider any request for an assessment under this 43190  
section that is submitted sooner than ~~the effective date of this~~ 43191  
~~section~~ September 14, 2000. 43192

**Sec. 3318.024.** In the first year of a capital biennium, any 43193  
funds appropriated to the Ohio ~~school~~ facilities construction 43194  
commission for classroom facilities projects under this chapter in 43195  
the previous capital biennium that were not spent or encumbered, 43196  
or for which an encumbrance has been canceled under section 43197  
3318.05 of the Revised Code, shall be used by the commission only 43198  
for projects under sections 3318.01 to 3318.20 of the Revised 43199  
Code, subject to appropriation by the general assembly. 43200

In the second year of a capital biennium, any funds 43201  
appropriated to the Ohio ~~school~~ facilities construction commission 43202  
for classroom facilities projects under this chapter that were not 43203  
spent or encumbered in the first year of the biennium and which 43204  
are in excess of an amount equal to half of the appropriations for 43205  
the capital biennium, or for which an encumbrance has been 43206  
canceled under section 3318.05 of the Revised Code, shall be used 43207  
by the commission only for projects under sections 3318.01 to 43208  
3318.20, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, and 43209  
3318.40 to 3318.46 of the Revised Code, subject to appropriation 43210  
by the general assembly. 43211

**Sec. 3318.03.** (A) Before conducting an on-site evaluation of 43212  
a school district under section 3318.02 of the Revised Code, at 43213  
the request of the district board of education, the Ohio ~~school~~ 43214

facilities construction commission shall examine any classroom 43215  
facilities needs assessment that has been conducted by the 43216  
district and any master plan developed for meeting the facility 43217  
needs of the district. 43218

(B) Upon conducting the on-site evaluation under section 43219  
3318.02 of the Revised Code, the Ohio ~~school~~ facilities 43220  
construction commission shall make a determination of all of the 43221  
following: 43222

(1) The needs of the school district for additional classroom 43223  
facilities; 43224

(2) The number of classroom facilities to be included in a 43225  
project and the basic project cost of constructing, acquiring, 43226  
reconstructing, or making additions to each such facility; 43227

(3) The amount of such cost that the school district can 43228  
supply from available funds, by the issuance of bonds previously 43229  
authorized by the electors of the school district the proceeds of 43230  
which can lawfully be used for the project and by the issuance of 43231  
bonds under section 3318.05 of the Revised Code; 43232

(4) The remaining amount of such cost that shall be supplied 43233  
by the state; 43234

(5) The amount of the state's portion to be encumbered in 43235  
accordance with section 3318.11 of the Revised Code in the current 43236  
and subsequent fiscal years from funds appropriated for purposes 43237  
of sections 3318.01 to 3318.20 of the Revised Code. 43238

(C) The commission shall make a determination in favor of 43239  
constructing, acquiring, reconstructing, or making additions to a 43240  
classroom facility only upon evidence that the proposed project 43241  
conforms to sound educational practice, that it is in keeping with 43242  
the orderly process of school district reorganization and 43243  
consolidation, and that the actual or projected enrollment in each 43244  
classroom facility proposed to be included in the project is at 43245

least three hundred fifty pupils. Exceptions shall be authorized 43246  
only in those districts where topography, sparsity of population, 43247  
and other factors make larger schools impracticable. 43248

If the school district board determines that an existing 43249  
facility has historical value or for other good cause determines 43250  
that an existing facility should be renovated in lieu of acquiring 43251  
a comparable facility by new construction, the commission may 43252  
approve the expenditure of project funds for the renovation of 43253  
that facility up to but not exceeding one hundred per cent of the 43254  
estimated cost of acquiring a comparable facility by new 43255  
construction, as long as the commission determines that the 43256  
facility when renovated can be operationally efficient, will be 43257  
adequate for the future needs of the district, and will comply 43258  
with the other provisions of this division. 43259

(D) Sections 125.81 and 153.04 of the Revised Code shall not 43260  
apply to classroom facilities constructed under either sections 43261  
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 43262  
Code. 43263

**Sec. 3318.031.** (A) The Ohio ~~school~~ facilities construction 43264  
commission shall consider student and staff safety and health when 43265  
reviewing design plans for classroom facility construction 43266  
projects proposed under this chapter. After consulting with 43267  
appropriate education, health, and law enforcement personnel, the 43268  
commission may require as a condition of project approval under 43269  
either section 3318.03 or division (B)(1) of section 3318.41 of 43270  
the Revised Code such changes in the design plans as the 43271  
commission believes will advance or improve student and staff 43272  
safety and health in the proposed classroom facility. 43273

To carry out its duties under this division, the commission 43274  
shall review and, if necessary, amend any construction and design 43275  
standards used in its project approval process, including 43276

standards for location and number of exits, standards for lead safety in classroom facilities constructed before 1978 in which services are provided to children under six years of age, and location of restrooms, with a focus on advancing student and staff safety and health.

(B) When reviewing design standards for classroom facility construction projects proposed under this chapter, the commission shall also consider the extent to which the design standards support the following:

(1) Trends in educational delivery methods, including digital access and blended learning;

(2) Provision of sufficient space for training new teachers and promotion of collaboration among teaching candidates, experienced teachers, and teacher educators;

(3) Provision of adequate space for teacher planning and collaboration;

(4) Provision of adequate space for parent involvement activities;

(5) Provision of sufficient space for innovative partnerships between schools and health and social service agencies.

**Sec. 3318.032.** (A) Except as otherwise provided in divisions (C) and (D) of this section, the portion of the basic project cost supplied by the school district shall be the greater of:

(1) The required percentage of the basic project costs;

(2)(a) For all districts except a district that opts to divide its entire classroom facilities needs into segments to be completed separately as authorized by section 3318.034 of the Revised Code, an amount necessary to raise the school district's net bonded indebtedness, as of the date the controlling board approved the project, to within five thousand dollars of the

required level of indebtedness; 43307

(b) For a district that opts to divide its entire classroom 43308  
facilities needs into segments to be completed separately as 43309  
authorized by section 3318.034 of the Revised Code, an amount 43310  
necessary to raise the school district's net bonded indebtedness, 43311  
as of the date the controlling board approved the project, to 43312  
within five thousand dollars of the following: 43313

The required level of indebtedness X (the basic 43314  
project cost of the segment as approved 43315  
by the controlling board / the estimated basic 43316  
project cost of the district's entire classroom facilities 43317  
needs as determined jointly by the staff of the Ohio 43318  
~~school~~ facilities construction commission and the district) 43319

(B) The amount of the district's share determined under this 43320  
section shall be calculated only as of the date the controlling 43321  
board approved the project, and that amount applies throughout the 43322  
thirteen-month period permitted under section 3318.05 of the 43323  
Revised Code for the district's electors to approve the 43324  
propositions described in that section. If the amount reserved and 43325  
encumbered for a project is released because the electors do not 43326  
approve those propositions within that period, and the school 43327  
district later receives the controlling board's approval for the 43328  
project, subject to a new project scope and estimated costs under 43329  
section 3318.054 of the Revised Code, the district's portion shall 43330  
be recalculated in accordance with this section as of the date of 43331  
the controlling board's subsequent approval. 43332

(C) At no time shall a school district's portion of the basic 43333  
project cost be greater than ninety-five per cent of the total 43334  
basic project cost. 43335

(D) If the controlling board approves a project under 43336  
sections 3318.01 to 3318.20 of the Revised Code for a school 43337  
district that previously received assistance under those sections 43338

or section 3318.37 of the Revised Code within the twenty-year 43339  
period prior to the date on which the controlling board approves 43340  
the new project, the district's portion of the basic project cost 43341  
for the new project shall be the lesser of the following: 43342

(1) The portion calculated under division (A) of this 43343  
section; 43344

(2) The greater of the following: 43345

(a) The required percentage of the basic project costs for 43346  
the new project; 43347

(b) The percentage of the basic project cost paid by the 43348  
district for the previous project. 43349

**Sec. 3318.033.** (A) As used in this section: 43350

(1) "Formula ADM" has the same meaning as in section 3317.02 43351  
of the Revised Code. 43352

(2) "Open enrollment net gain" has the same meaning as in 43353  
section 3318.011 of the Revised Code. 43354

(B) This section applies to each school district that meets 43355  
the following criteria: 43356

(1) The Ohio ~~school~~ facilities construction commission 43357  
certified its conditional approval of the district's project under 43358  
sections 3318.01 to 3318.20 of the Revised Code after July 1, 43359  
2006, and prior to September 29, 2007, and the project had not 43360  
been completed as of September 29, 2007. 43361

(2) Within one year after the date of the commission's 43362  
certification of its conditional approval, the district's electors 43363  
approved a bond issue to pay the district's portion of the basic 43364  
project cost or the district board of education complied with 43365  
section 3318.052 of the Revised Code. 43366

(3) In the fiscal year prior to the fiscal year in which the 43367

district's project was conditionally approved, the district had an 43368  
open enrollment net gain that was ten per cent or more of its 43369  
formula ADM. 43370

(C) For each school district to which this section applies, 43371  
the department of education shall recalculate the district's 43372  
percentile ranking under section 3318.011 of the Revised Code for 43373  
the fiscal year prior to the fiscal year in which the district's 43374  
project was conditionally approved and shall report the 43375  
recalculated percentile ranking to the commission. For this 43376  
purpose, the department shall recalculate every school district's 43377  
percentile ranking for that fiscal year using the district's 43378  
"valuation per pupil" as that term is defined in section 3318.011 43379  
of the Revised Code on and after September 29, 2007. 43380

(D) For each school district to which this section applies, 43381  
the commission shall use the recalculated percentile ranking 43382  
reported under division (C) of this section to determine the 43383  
district's portion of the basic project cost under section 43384  
3318.032 of the Revised Code. The commission shall not use the 43385  
recalculated percentile ranking for any other purpose, and the 43386  
recalculated ranking shall not affect any other district's portion 43387  
of the basic project cost under section 3318.032 of the Revised 43388  
Code or any district's eligibility for assistance under sections 43389  
3318.01 to 3318.20 of the Revised Code. The commission shall 43390  
revise the agreement entered into under section 3318.08 of the 43391  
Revised Code to reflect the district's new portion of the basic 43392  
project cost as determined under this division. 43393

**Sec. 3318.034.** (A) This section applies to both of the 43394  
following: 43395

(1) Any school district that has not executed an agreement 43396  
for a project under sections 3318.01 to 3318.20 of the Revised 43397  
Code prior to June 24, 2008; 43398

(2) Any school district that is eligible for additional 43399  
assistance under sections 3318.01 to 3318.20 of the Revised Code 43400  
pursuant to division (B)(2) of section 3318.04 of the Revised 43401  
Code. 43402

Notwithstanding any provision of this chapter to the 43403  
contrary, with the approval of the Ohio ~~school~~ facilities 43404  
construction commission, any school district to which this section 43405  
applies may opt to divide the district's entire classroom 43406  
facilities needs, as those needs are jointly determined by the 43407  
staff of the commission and the school district, into discrete 43408  
segments and shall comply with all of the provisions of those 43409  
sections unless otherwise provided in this section. 43410

(B) Except as provided in division (C) of this section, each 43411  
segment shall comply with both of the following: 43412

(1) The segment shall consist of the new construction of one 43413  
or more entire buildings, a stand-alone segment of a building that 43414  
serves grades kindergarten through twelve, or the complete 43415  
renovation of one or more entire existing buildings, with any 43416  
necessary additions to that building. 43417

(2) The segment shall not include any construction of or 43418  
renovation or repair to any building that does not complete the 43419  
needs of the district with respect to that particular building at 43420  
the time the segment is completed. 43421

(C) A district described in division (A)(2) of this section 43422  
that has not received the additional assistance authorized under 43423  
division (B)(2) of section 3318.04 of the Revised Code may 43424  
undertake a segment, with commission approval, for the purpose of 43425  
renovating or replacing work performed on a facility under the 43426  
district's prior project. The commission may approve that segment 43427  
if the commission determines that the renovation or replacement is 43428  
necessary to protect the facility. The basic project cost of the 43429

segment shall be allocated between the state and the district in 43430  
accordance with section 3318.032 of the Revised Code. However, the 43431  
requirements of division (B) of this section shall not apply to a 43432  
segment undertaken under this division. 43433

(D) The commission shall conditionally approve and seek 43434  
controlling board approval in accordance with division (A) of 43435  
section 3318.04 of the Revised Code of each segment. 43436

(E)(1) When undertaking a segment under this section, a 43437  
school district may elect to prorate its full maintenance amount 43438  
by setting aside for maintenance the amount calculated under 43439  
division (E)(2) of this section to maintain the classroom 43440  
facilities acquired under the segment, if the district will use 43441  
one or more of the alternative methods authorized in sections 43442  
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 43443  
the entire amount calculated under that division. If the district 43444  
so elects, the commission and the district shall include in the 43445  
agreement entered into under section 3318.08 of the Revised Code a 43446  
statement specifying that the district will use the amount 43447  
calculated under that division only to maintain the classroom 43448  
facilities acquired under the segment. 43449

(2) The commission shall calculate the amount for a school 43450  
district to maintain the classroom facilities acquired under a 43451  
segment as follows: 43452

The full maintenance amount X (the school district's portion 43453  
of the basic project cost for the segment / the school district's 43454  
portion of the basic project cost for the district's entire 43455  
classroom facilities needs, as determined jointly by the staff of 43456  
the commission and the district) 43457

(3) A school district may elect to prorate its full 43458  
maintenance amount for any number of segments, provided the 43459  
district will use one or more of the alternative methods 43460

authorized in sections 3318.051, 3318.052, and 3318.084 of the 43461  
Revised Code to generate the entire amount calculated under 43462  
division (E)(2) of this section to maintain the classroom 43463  
facilities acquired under each segment for which it so elects. If 43464  
the district cannot use one or more of those alternative methods 43465  
to generate the entire amount calculated under that division, the 43466  
district shall levy the tax described in division (B) of section 43467  
3318.05 of the Revised Code or an extension of that tax under 43468  
section 3318.061 of the Revised Code in an amount necessary to 43469  
generate the remainder of its full maintenance amount. The 43470  
commission shall calculate the remainder of the district's full 43471  
maintenance amount as follows: 43472

The full maintenance amount - the sum of the amounts 43473  
calculated for the district under division (E)(2) of this section 43474  
for each prior segment of the district's project 43475

(4) In no case shall the sum of the amounts calculated for a 43476  
school district's maintenance of classroom facilities under 43477  
divisions (E)(2) and (3) of this section exceed the amount that 43478  
would have been required for maintenance if the district had 43479  
elected to undertake its project in its entirety instead of 43480  
segmenting the project under this section. 43481

(5) If a school district commenced a segment under this 43482  
section prior to September 10, 2012, but has not completed that 43483  
segment, and has not levied the tax described in division (B) of 43484  
section 3318.05 of the Revised Code or an extension of that tax 43485  
under section 3318.061 of the Revised Code, the district may 43486  
request approval from the commission to prorate its full 43487  
maintenance amount in accordance with divisions (E)(1) to (4) of 43488  
this section. If the commission approves the request, the 43489  
commission and the district shall amend the agreement entered into 43490  
under section 3318.08 of the Revised Code to reflect the change. 43491

(F) If a school district levies the tax described in division 43492

(B) of section 3318.05 of the Revised Code or an extension of that 43493  
tax under section 3318.061 of the Revised Code, the tax shall run 43494  
for twenty-three years from the date the segment for which the tax 43495  
is initially levied is undertaken. The maintenance levy 43496  
requirement, as defined in section 3318.18 of the Revised Code, 43497  
does not apply to a segment undertaken under division (C) of this 43498  
section. 43499

(G) As used in this section, "full maintenance amount" means 43500  
the amount of total revenue that a school district likely would 43501  
generate by one-half mill of the tax described in division (B) of 43502  
section 3318.05 of the Revised Code over the entire 43503  
twenty-three-year period required under that section, as 43504  
determined by the commission in consultation with the department 43505  
of taxation. 43506

**Sec. 3318.035.** (A) This section applies only if there is a 43507  
change in the assessment rates on gas pipelines imposed under 43508  
state law. 43509

(B) If at any time division (A) of this section applies and 43510  
if the change in assessment rates described in that division 43511  
affects a school district's valuation as determined under division 43512  
(P) of section 3318.01 of the Revised Code by greater than ten per 43513  
cent and if the Ohio ~~school~~ facilities construction commission had 43514  
determined the state and school district portion of the basic 43515  
project cost of such a district's project under section 3318.36 or 43516  
3318.37 of the Revised Code prior to that change in valuation, the 43517  
commission shall adjust the state and school district portions of 43518  
the basic project cost of the school district's project using the 43519  
valuation altered by the change in assessment rates described in 43520  
division (A) of this section. 43521

**Sec. 3318.036.** (A) For purposes of this section: 43522

(1) "Eligible school district" is a city, local, or exempted village school district that satisfies both of the following conditions: 43523  
43524  
43525

(a) The district resulted from one of the following that became effective between July 1, 2013, and June 30, 2018: 43526  
43527

(i) A transfer of all of the territory of one school district to another school district in accordance with section 3311.22, 3311.231, 3311.24, or 3311.38 of the Revised Code; 43528  
43529  
43530

(ii) The merger of two or more districts in accordance with section 3311.25 of the Revised Code; 43531  
43532

(iii) The creation of a new local school district from all of one or more local school districts in accordance with section 3311.26 of the Revised Code; 43533  
43534  
43535

(iv) The consolidation of two or more school districts under section 3311.37 of the Revised Code. 43536  
43537

(b) The district has demonstrated to the Ohio ~~school~~ facilities construction commission an efficient use of facility space, including a reduction in the number of buildings used by students and administrative staff. 43538  
43539  
43540  
43541

(2) "Basic project cost" and "required percentage of the basic project cost" have the same meanings as in section 3318.01 of the Revised Code. 43542  
43543  
43544

(B) Notwithstanding anything to the contrary in this chapter: 43545

(1) If the commission determines that a district is an eligible school district, the commission shall give that district first priority for funding for a project under sections 3318.01 to 3318.20 of the Revised Code as such funds become available, regardless of the district's percentile rank under section 3318.011 of the Revised Code. If the district results from a transfer, merger, consolidation, or creation of a new local 43546  
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district that takes effect prior to ~~the effective date of this~~ 43553  
~~section April 6, 2017~~, the district's portion of the basic project 43554  
cost shall be the required percentage of the basic project cost 43555  
based on the percentile ranking of the district that was 43556  
transferred, merged, consolidated, or existed prior to the 43557  
creation of the new district that has the lowest three-year 43558  
average adjusted valuation per pupil, as calculated under section 43559  
3318.011 of the Revised Code, on the date that the transfer, 43560  
merger, consolidation, or creation of the new district became 43561  
effective. 43562

(2) If an eligible school district is given priority under 43563  
division (B)(1) of this section, the commission may reduce that 43564  
district's portion of the basic project cost by twenty-five 43565  
percentage points from the portion determined under section 43566  
3318.032 of the Revised Code or, if the district results from a 43567  
transfer, merger, consolidation, or creation of a new local 43568  
district that takes effect prior to ~~the effective date of this~~ 43569  
~~section April 6, 2017~~, from the portion determined under division 43570  
(B)(1) of this section. At no time, however, shall that district's 43571  
portion of the basic project cost be less than five per cent. 43572

(3) If an eligible school district is given priority under 43573  
division (B)(1) of this section, the commission may reduce that 43574  
district's portion of the basic project cost by ten percentage 43575  
points from the portion determined under section 3318.032 of the 43576  
Revised Code or, if the district results from a transfer, merger, 43577  
consolidation, or creation of a new local district that takes 43578  
effect prior to ~~the effective date of this section April 6, 2017~~, 43579  
from the portion determined under division (B)(1) of this section, 43580  
if the district's project satisfies the following conditions: 43581

(a) The project involves construction of a building on land 43582  
owned by a state institution of higher education, as that term is 43583  
defined in section 3345.011 of the Revised Code, and the 43584

commission approves the project. 43585

(b) The district and the state institution of higher 43586  
education enter into a written agreement regarding the continued 43587  
use of the institution's land by the district, and the commission 43588  
approves the agreement. 43589

(c) On the date that the district and the state institution 43590  
of higher education enter into the written agreement described in 43591  
division (B)(3)(b) of this section, the state institution of 43592  
higher education is participating in the college credit plus 43593  
program established under Chapter 3365. of the Revised Code. 43594

At no time, however, shall that district's portion of the 43595  
basic project cost be less than five per cent. 43596

The reduction of the district's portion of the basic project 43597  
cost described in division (B)(3) of this section may be in 43598  
addition to a reduction of the district's portion of the basic 43599  
project cost under division (B)(2) of this section. 43600

(C) Except as provided in division (B) of this section, a 43601  
district's project undertaken pursuant to this section shall be 43602  
subject to all other requirements in sections 3318.01 to 3318.20 43603  
of the Revised Code. 43604

Sec. 3318.037. (A) For purposes of this section, an "eligible 43605  
school district" is a school district that satisfies all of the 43606  
following conditions: 43607

(1) The district executed an agreement for a project under 43608  
sections 3318.01 to 3318.20 of the Revised Code that was segmented 43609  
under section 3318.034 of the Revised Code. 43610

(2) The district has undertaken one or more segments of that 43611  
project and has applied to the Ohio facilities construction 43612  
commission for funding for a subsequent segment of the project. 43613

(3) Since the original project agreement described in 43614

division (A)(1) of this section was executed, the district has 43615  
experienced a decrease in its adjusted valuation per pupil, as 43616  
determined annually under section 3318.011 of the Revised Code, 43617  
such that, as of the date the district submits its application for 43618  
a subsequent segment of the project as described in division 43619  
(A)(2) of this section, the district's annual percentile ranking 43620  
under that section is lower than its percentile ranking on the 43621  
date the district executed the original agreement for the project. 43622

(B) Notwithstanding anything to the contrary in this chapter 43623  
or in any rule of the commission, an eligible school district's 43624  
portion of the cost for a subsequent segment of its project shall 43625  
be the "required percentage of the basic project costs" based on 43626  
the district's current percentile ranking for the fiscal year for 43627  
which the district seeks funding for the segment. 43628

Upon determining the respective state and district portions 43629  
of the basic project cost for the segment pursuant to this 43630  
section, the commission and the district shall amend the project 43631  
agreement to stipulate those portions, and the commission shall 43632  
encumber funds for the segment in accordance with section 3318.11 43633  
of the Revised Code. 43634

(C) Nothing in this section shall affect the respective state 43635  
and district portions of the basic project cost of segments of a 43636  
district's project undertaken prior to the district's application 43637  
for funding for a subsequent segment of the project under this 43638  
section. 43639

**Sec. 3318.04.** (A) If the Ohio ~~school~~ facilities construction 43640  
commission makes a determination under section 3318.03 of the 43641  
Revised Code in favor of constructing, acquiring, reconstructing, 43642  
or making additions to a classroom facility, the project shall be 43643  
conditionally approved. Such conditional approval shall be 43644  
submitted to the controlling board for approval thereof. The 43645

controlling board shall forthwith approve or reject the 43646  
commission's determination, conditional approval, the amount of 43647  
the state's portion of the basic project cost, and, the amount of 43648  
the state's portion to be encumbered in the current fiscal year. 43649  
In the event of approval thereof by the controlling board, the 43650  
commission shall certify such conditional approval to the school 43651  
district board and shall encumber from the total funds 43652  
appropriated for the purpose of sections 3318.01 to 3318.20 of the 43653  
Revised Code the amount approved under this section to be 43654  
encumbered in the current fiscal year. 43655

The basic project cost for a project approved under this 43656  
section shall not exceed the cost that would otherwise have to be 43657  
incurred if the classroom facilities to be constructed, acquired, 43658  
or reconstructed, or the additions to be made to classroom 43659  
facilities, under such project meet, but do not exceed, the 43660  
specifications for plans and materials for classroom facilities 43661  
adopted by the commission. 43662

(B)(1) No school district shall have a project conditionally 43663  
approved pursuant to this section if the school district has 43664  
already received any assistance for a project funded under any 43665  
version of sections 3318.01 to 3318.20 of the Revised Code, and 43666  
the prior project was one for which the electors of such district 43667  
approved a levy within the last twenty years pursuant to any 43668  
version of section 3318.06 of the Revised Code for purposes of 43669  
qualifying for the funding of that project, unless the district 43670  
demonstrates to the satisfaction of the commission that the 43671  
district has experienced since approval of its prior project an 43672  
exceptional increase in enrollment significantly above the 43673  
district's design capacity under that prior project as determined 43674  
by rule of the commission. 43675

(2) Notwithstanding division (B)(1) of this section, any 43676  
school district that received assistance under sections 3318.01 to 43677

3318.20 of the Revised Code, as those sections existed prior to 43678  
May 20, 1997, may receive additional assistance under those 43679  
sections, as they exist on and after May 20, 1997, prior to the 43680  
expiration of the period of time required under division (B)(1) of 43681  
this section, if the percentile in which the school district is 43682  
located, as determined under section 3318.011 of the Revised Code, 43683  
is eligible for assistance as prescribed in section 3318.02 of the 43684  
Revised Code. 43685

The commission may provide assistance under sections 3318.01 43686  
to 3318.20 of the Revised Code pursuant to this division to no 43687  
more than five school districts per fiscal year until all eligible 43688  
school districts have received the additional assistance 43689  
authorized under this division. The commission shall establish 43690  
application procedures, deadlines, and priorities for funding 43691  
projects under this division. 43692

The commission at its discretion may waive current design 43693  
specifications it has adopted for projects under sections 3318.01 43694  
to 3318.20 of the Revised Code when assessing an application for 43695  
additional assistance under this division for the renovation of 43696  
classroom facilities constructed or renovated under a school 43697  
district's previous project. If the commission finds that a school 43698  
district's existing classroom facilities are adequate to meet all 43699  
of the school district's needs, the commission may determine that 43700  
no additional state assistance be awarded to a school district 43701  
under this division. 43702

In order for a school district to be eligible to receive any 43703  
additional assistance under this division, the school district 43704  
electors shall extend the school district's existing levy 43705  
dedicated for maintenance of classroom facilities under Chapter 43706  
3318. of the Revised Code, pursuant to section 3318.061 of the 43707  
Revised Code or shall provide equivalent alternative maintenance 43708  
funds as specified in division (A)(2) of section 3318.06 of the 43709

Revised Code. 43710

(3) Notwithstanding division (B)(1) of this section, any 43711  
school district that has received assistance under sections 43712  
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 43713  
receive additional assistance if the commission decides in favor 43714  
of providing such assistance pursuant to section 3318.042 of the 43715  
Revised Code. 43716

(4) Notwithstanding division (B)(1) of this section, any 43717  
school district that has opted to divide its entire classroom 43718  
facilities needs into segments to be completed separately, as 43719  
authorized by section 3318.034 of the Revised Code, and that has 43720  
received assistance under sections 3318.01 to 3318.20 of the 43721  
Revised Code for one of those segments may receive assistance 43722  
under those sections for a subsequent segment. Assistance for any 43723  
subsequent segment shall not include any additional work on a 43724  
building included in a prior segment unless the district 43725  
demonstrates to the satisfaction of the commission that the 43726  
district has experienced since the completion of the prior segment 43727  
an exceptional increase in enrollment in the grade levels housed 43728  
in that building. 43729

**Sec. 3318.041.** A school district ranked in the first through 43730  
twenty-fifth percentiles may adopt and certify to the Ohio ~~school~~ 43731  
facilities construction commission a resolution specifying a 43732  
proposed project that meets the requirements of this chapter and 43733  
the needs of the district, as confirmed through an on-site visit 43734  
pursuant to section 3318.02 of the Revised Code. The commission 43735  
shall consider such projects for conditional approval pursuant to 43736  
section 3318.03 and shall encumber funds pursuant to section 43737  
3318.04 of the Revised Code in the order in which such resolutions 43738  
are received. 43739

**Sec. 3318.042.** (A) The board of education of any school 43740  
district that is receiving assistance under sections 3318.01 to 43741  
3318.20 of the Revised Code after May 20, 1997, or under sections 43742  
3318.40 to 3318.45 of the Revised Code, and whose project is still 43743  
under construction, may request that the Ohio ~~school~~ facilities 43744  
construction commission examine whether the circumstances 43745  
prescribed in either division (B)(1) or (2) of this section exist 43746  
in the school district. If the commission so finds, the commission 43747  
shall review the school district's original assessment and 43748  
approved project and consider providing additional assistance to 43749  
the school district to correct the prescribed conditions found to 43750  
exist in the district. Additional assistance under this section 43751  
shall be limited to additions to one or more buildings, remodeling 43752  
of one or more buildings, or changes to the infrastructure of one 43753  
or more buildings. 43754

(B) Consideration of additional assistance to a school 43755  
district under this section is warranted in either of the 43756  
following circumstances: 43757

(1) Additional work is needed to correct an oversight or 43758  
deficiency not identified or included in the district's initial 43759  
assessment. 43760

(2) Other conditions exist that, in the opinion of the 43761  
commission, warrant additions or remodeling of the project 43762  
facilities or changes to infrastructure associated with the 43763  
district's project that were not identified in the initial 43764  
assessment and plan. 43765

(C) If the commission decides in favor of providing 43766  
additional assistance to any school district under this section, 43767  
the school district shall be responsible for paying for its 43768  
portion of the cost of the additions, remodeling, or 43769  
infrastructure changes pursuant to section 3318.083 of the Revised 43770

Code. If, after making a financial evaluation of the school 43771  
district, the commission determines that the school district is 43772  
unable without undue hardship, according to the guidelines adopted 43773  
by the commission, to fund the school district portion of the 43774  
increase, then the state and the school district shall enter into 43775  
an agreement whereby the state shall pay the portion of the cost 43776  
increase attributable to the school district which is determined 43777  
to be in excess of any local resources available to the district 43778  
and the district shall thereafter reimburse the state. The 43779  
commission shall establish the district's schedule for reimbursing 43780  
the state, which shall not extend beyond ten years. The commission 43781  
may lengthen the reimbursement schedule of a school district that 43782  
has entered into an agreement under this section prior to ~~the~~ 43783  
~~effective date of this amendment~~ September 26, 2003, as long as 43784  
the total term of that schedule does not extend beyond ten years. 43785  
Debt incurred under this section shall not be included in the 43786  
calculation of the net indebtedness of the school district under 43787  
section 133.06 of the Revised Code. 43788

**Sec. 3318.05.** The conditional approval of the Ohio ~~school~~ 43789  
facilities construction commission for a project shall lapse and 43790  
the amount reserved and encumbered for such project shall be 43791  
released unless the school district board accepts such conditional 43792  
approval within one hundred twenty days following the date of 43793  
certification of the conditional approval to the school district 43794  
board and the electors of the school district vote favorably on 43795  
both of the propositions described in divisions (A) and (B) of 43796  
this section within thirteen months of the date of such 43797  
certification, except that a school district described in division 43798  
(C) of this section does not need to submit the proposition 43799  
described in division (B) of this section. The propositions 43800  
described in divisions (A) and (B) of this section shall be 43801  
combined in a single proposal. If the district board or the 43802

district's electors fail to meet such requirements and the amount 43803  
reserved and encumbered for the district's project is released, 43804  
the district shall be given first priority for project funding as 43805  
such funds become available, subject to section 3318.054 of the 43806  
Revised Code. 43807

(A) On the question of issuing bonds of the school district 43808  
board, for the school district's portion of the basic project 43809  
cost, in an amount equal to the school district's portion of the 43810  
basic project cost less the amount of the proceeds of any 43811  
securities authorized or to be authorized under division (J) of 43812  
section 133.06 of the Revised Code and dedicated by the school 43813  
district board to payment of the district's portion of the basic 43814  
project cost; and 43815

(B) On the question of levying a tax the proceeds of which 43816  
shall be used to pay the cost of maintaining the classroom 43817  
facilities included in the project. Such tax shall be at the rate 43818  
of not less than one-half mill for each dollar of valuation for a 43819  
period of twenty-three years, subject to any extension approved 43820  
under section 3318.061 of the Revised Code. 43821

(C) If a school district has in place a tax levied under 43822  
section 5705.21 of the Revised Code for general permanent 43823  
improvements for a continuing period of time and the proceeds of 43824  
such tax can be used for maintenance, or if a district agrees to 43825  
the transfers described in section 3318.051 of the Revised Code, 43826  
the school district need not levy the additional tax required 43827  
under division (B) of this section, provided the school district 43828  
board includes in the agreement entered into under section 3318.08 43829  
of the Revised Code provisions either: 43830

(1) Earmarking an amount from the proceeds of that permanent 43831  
improvement tax for maintenance of classroom facilities equivalent 43832  
to the amount of the additional tax and for the equivalent number 43833  
of years otherwise required under this section; 43834

(2) Requiring the transfer of money in accordance with 43835  
section 3318.051 of the Revised Code. 43836

The district board subsequently may rescind the agreement to 43837  
make the transfers under section 3318.051 of the Revised Code only 43838  
so long as the electors of the district have approved, in 43839  
accordance with section 3318.063 of the Revised Code, the levy of 43840  
a tax for the maintenance of the classroom facilities acquired 43841  
under the district's project and that levy continues to be 43842  
collected as approved by the electors. 43843

(D) Proceeds of the tax to be used for maintenance of the 43844  
classroom facilities under either division (B) or (C)(1) of this 43845  
section, and transfers of money in accordance with section 43846  
3318.051 of the Revised Code shall be deposited into a separate 43847  
fund established by the school district for such purpose. 43848

**Sec. 3318.051.** (A) Any city, exempted village, or local 43849  
school district that commences a project under sections 3318.01 to 43850  
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 43851  
after September 5, 2006, need not levy the tax otherwise required 43852  
under division (B) of section 3318.05 of the Revised Code, if the 43853  
district board of education adopts a resolution petitioning the 43854  
Ohio ~~school~~ facilities construction commission to approve the 43855  
transfer of money in accordance with this section and the 43856  
commission approves that transfer. If so approved, the commission 43857  
and the district board shall enter into an agreement under which 43858  
the board, in each of twenty-three consecutive years beginning in 43859  
the year in which the board and the commission enter into the 43860  
project agreement under section 3318.08 of the Revised Code, shall 43861  
transfer into the maintenance fund required by division (D) of 43862  
section 3318.05 of the Revised Code not less than an amount equal 43863  
to one-half mill for each dollar of the district's valuation 43864  
unless and until the agreement to make those transfers is 43865

rescinded by the district board pursuant to division (F) of this section. 43866  
43867

(B) On the first day of July each year, or on an alternative date prescribed by the commission, the district treasurer shall certify to the commission and the auditor of state that the amount required for the year has been transferred. The auditor of state shall include verification of the transfer as part of any audit of the district under section 117.11 of the Revised Code. If the auditor of state finds that less than the required amount has been deposited into a district's maintenance fund, the auditor of state shall notify the district board of education in writing of that fact and require the board to deposit into the fund, within ninety days after the date of the notice, the amount by which the fund is deficient for the year. If the district board fails to demonstrate to the auditor of state's satisfaction that the board has made the deposit required in the notice, the auditor of state shall notify the department of education. At that time, the department shall withhold an amount equal to ten per cent of the district's funds calculated for the current fiscal year under Chapter 3317. of the Revised Code until the auditor of state notifies the department that the auditor of state is satisfied that the board has made the required transfer. 43868  
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(C) Money transferred to the maintenance fund shall be used for the maintenance of the facilities acquired under the district's project. 43888  
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(D) The transfers to the maintenance fund under this section does not affect a district's obligation to establish and maintain a capital and maintenance fund under section 3315.18 of the Revised Code. 43891  
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(E) Any decision by the commission to approve or not approve the transfer of money under this section is final and not subject to appeal. The commission shall not be responsible for errors or 43895  
43896  
43897

miscalculations made in deciding whether to approve a petition to 43898  
make transfers under this section. 43899

(F) If the district board determines that it no longer can 43900  
continue making the transfers agreed to under this section, the 43901  
board may rescind the agreement only so long as the electors of 43902  
the district have approved, in accordance with section 3318.063 of 43903  
the Revised Code, the levy of a tax for the maintenance of the 43904  
classroom facilities acquired under the district's project and 43905  
that levy continues to be collected as approved by the electors. 43906  
That levy shall be for a number of years that is equal to the 43907  
difference between twenty-three years and the number of years that 43908  
the district made transfers under this section and shall be at the 43909  
rate of not less than one-half mill for each dollar of the 43910  
district's valuation. The district board shall continue to make 43911  
the transfers agreed to under this section until that levy has 43912  
been approved by the electors. 43913

**Sec. 3318.052.** At any time after the electors of a school 43914  
district have approved either or both a property tax levied under 43915  
section 5705.21 or 5705.218 of the Revised Code for the purpose of 43916  
permanent improvements, including general permanent improvements, 43917  
or a school district income tax levied under Chapter 5748. of the 43918  
Revised Code, the proceeds of either of which, pursuant to the 43919  
ballot measures approved by the electors, are not so restricted 43920  
that they cannot be used to pay the costs of a project or 43921  
maintaining classroom facilities, the school district board may: 43922

(A) Within one year following the date of the certification 43923  
of the conditional approval of the school district's classroom 43924  
facilities project by the Ohio ~~school~~ facilities construction 43925  
commission, enter into a written agreement with the commission, 43926  
which may be part of an agreement entered into under section 43927  
3318.08 of the Revised Code, and in which the school district 43928

board covenants and agrees to do one or both of the following: 43929

(1) Apply a specified amount of available proceeds of that 43930  
property tax levy, of that school district income tax, or of 43931  
securities issued under this section, or of proceeds from any two 43932  
or more of those sources, to pay all or part of the district's 43933  
portion of the basic project cost of its classroom facilities 43934  
project; 43935

(2) Apply available proceeds of either or both a property tax 43936  
levied under section 5705.21 or 5705.218 of the Revised Code in 43937  
effect for a continuing period of time, or of a school district 43938  
income tax levied under Chapter 5748. of the Revised Code in 43939  
effect for a continuing period of time to the payment of costs of 43940  
maintaining the classroom facilities. 43941

(B) Receive, as a credit against the amount of bonds required 43942  
under sections 3318.05 and 3318.06 of the Revised Code, to be 43943  
approved by the electors of the district and issued by the 43944  
district board for the district's portion of the basic project 43945  
cost of its classroom facilities project in order for the district 43946  
to receive state assistance for the project, an amount equal to 43947  
the specified amount that the district board covenants and agrees 43948  
with the commission to apply as set forth in division (A)(1) of 43949  
this section; 43950

(C) Receive, as a credit against the amount of the tax levy 43951  
required under sections 3318.05 and 3318.06 of the Revised Code, 43952  
to be approved by the electors of the district to pay the costs of 43953  
maintaining the classroom facilities in order to receive state 43954  
assistance for the classroom facilities project, an amount 43955  
equivalent to the specified amount of proceeds the school district 43956  
board covenants and agrees with the commission to apply as 43957  
referred to in division (A)(2) of this section; 43958

(D) Apply proceeds of either or both a school district income 43959

tax levied under Chapter 5748. of the Revised Code that may 43960  
lawfully be used to pay the costs of a classroom facilities 43961  
project or of a tax levied under section 5705.21 or 5705.218 of 43962  
the Revised Code to the payment of debt charges on and financing 43963  
costs related to securities issued under this section; 43964

(E) Issue securities to provide moneys to pay all or part of 43965  
the district's portion of the basic project cost of its classroom 43966  
facilities project in accordance with an agreement entered into 43967  
under division (A) of this section. Securities issued under this 43968  
section shall be Chapter 133. securities and may be issued as 43969  
general obligation securities or issued in anticipation of a 43970  
school district income tax or as property tax anticipation notes 43971  
under section 133.24 of the Revised Code. The district board's 43972  
resolution authorizing the issuance and sale of general obligation 43973  
securities under this section shall conform to the applicable 43974  
requirements of section 133.22 or 133.23 of the Revised Code. 43975  
Securities issued under this section shall have principal payments 43976  
during each year after the year of issuance over a period of not 43977  
more than twenty-three years and, if so determined by the district 43978  
board, during the year of issuance. Securities issued under this 43979  
section shall not be included in the calculation of net 43980  
indebtedness of the district under section 133.06 of the Revised 43981  
Code, including but not limited to the limitation on unvoted 43982  
indebtedness specified in division (G) of that section, or under 43983  
section 3313.372 of the Revised Code, if the resolution of the 43984  
district board authorizing their issuance and sale includes 43985  
covenants to appropriate annually from lawfully available proceeds 43986  
of a property tax levied under section 5705.21 or 5705.218 of the 43987  
Revised Code or of a school district income tax levied under 43988  
Chapter 5748. of the Revised Code and to continue to levy and 43989  
collect the tax in amounts necessary to pay the debt charges on 43990  
and financing costs related to the securities as they become due. 43991  
No property tax levied under section 5705.21 or 5705.218 of the 43992

Revised Code and no school district income tax levied under 43993  
Chapter 5748. of the Revised Code that is pledged, or that the 43994  
school district board has covenanted to levy, collect, and 43995  
appropriate annually, to pay the debt charges on and financing 43996  
costs related to securities issued under this section shall be 43997  
repealed while those securities are outstanding. If such a tax is 43998  
reduced by the electors of the district or by the district board 43999  
while those securities are outstanding, the school district board 44000  
shall continue to levy and collect the tax under the authority of 44001  
the original election authorizing the tax at a rate in each year 44002  
that the board reasonably estimates will produce an amount in that 44003  
year equal to the debt charges on the securities in that year, 44004  
except that in the case of a school district income tax that 44005  
amount shall be rounded up to the nearest one-fourth of one per 44006  
cent. 44007

No state moneys shall be released for a project to which this 44008  
section applies until the proceeds of the tax securities issued 44009  
under this section that are dedicated for the payment of the 44010  
district portion of the basic project cost of its classroom 44011  
facilities project are first deposited into the district's project 44012  
construction fund. 44013

**Sec. 3318.054.** (A) If conditional approval of a city, 44014  
exempted village, or local school district's project lapses as 44015  
provided in section 3318.05 of the Revised Code, or if conditional 44016  
approval of a joint vocational school district's project lapses as 44017  
provided in division (D) of section 3318.41 of the Revised Code, 44018  
because the district's electors have not approved the ballot 44019  
measures necessary to generate the district's portion of the basic 44020  
project cost, and if the district board desires to seek a new 44021  
conditional approval of the project, the district board shall 44022  
request that the Ohio ~~school~~ facilities construction commission 44023  
set the scope, basic project cost, and school district portion of 44024

the basic project cost prior to resubmitting the ballot measures 44025  
to the electors. To do so, the commission shall use the district's 44026  
current assessed tax valuation and the district's percentile for 44027  
the prior fiscal year. For a district that has entered into an 44028  
agreement under section 3318.36 of the Revised Code and desires to 44029  
proceed with a project under sections 3318.01 to 3318.20 of the 44030  
Revised Code, the district's portion of the basic project cost 44031  
shall be the percentage specified in that agreement. The project 44032  
scope and basic costs established under this division shall be 44033  
valid for thirteen months from the date the commission approves 44034  
them. 44035

(B) Upon the commission's approval under division (A) of this 44036  
section, the district board may submit the ballot measures to the 44037  
district's electors for approval of the project based on the new 44038  
project scope and estimated costs. Upon electoral approval of 44039  
those measures, the district shall be given first priority for 44040  
project funding as such funds become available. 44041

(C) When the commission determines that funds are available 44042  
for the district's project, the commission shall do all of the 44043  
following: 44044

(1) Determine the school district portion of the basic 44045  
project cost under section 3318.032 of the Revised Code, in the 44046  
case of a city, exempted village, or local school district, or 44047  
under section 3318.42 of the Revised Code, in the case of a joint 44048  
vocational school district; 44049

(2) Conditionally approve the project and submit it to the 44050  
controlling board for approval pursuant to section 3318.04 of the 44051  
Revised Code; 44052

(3) Encumber funds for the project under section 3318.11 of 44053  
the Revised Code; 44054

(4) Enter into an agreement with the district board under 44055  
section 3318.08 of the Revised Code. 44056

**Sec. 3318.06.** (A) After receipt of the conditional approval 44057  
of the Ohio ~~school~~ facilities construction commission, the school 44058  
district board by a majority of all of its members shall, if it 44059  
desires to proceed with the project, declare all of the following 44060  
by resolution: 44061

(1) That by issuing bonds in an amount equal to the school 44062  
district's portion of the basic project cost the district is 44063  
unable to provide adequate classroom facilities without assistance 44064  
from the state; 44065

(2) Unless the school district board has resolved to transfer 44066  
money in accordance with section 3318.051 of the Revised Code or 44067  
to apply the proceeds of a property tax or the proceeds of an 44068  
income tax, or a combination of proceeds from such taxes, as 44069  
authorized under section 3318.052 of the Revised Code, that to 44070  
qualify for such state assistance it is necessary to do either of 44071  
the following: 44072

(a) Levy a tax outside the ten-mill limitation the proceeds 44073  
of which shall be used to pay the cost of maintaining the 44074  
classroom facilities included in the project; 44075

(b) Earmark for maintenance of classroom facilities from the 44076  
proceeds of an existing permanent improvement tax levied under 44077  
section 5705.21 of the Revised Code, if such tax can be used for 44078  
maintenance, an amount equivalent to the amount of the additional 44079  
tax otherwise required under this section and sections 3318.05 and 44080  
3318.08 of the Revised Code. 44081

(3) That the question of any tax levy specified in a 44082  
resolution described in division (A)(2)(a) of this section, if 44083  
required, shall be submitted to the electors of the school 44084

district at the next general or primary election, if there be a 44085  
general or primary election not less than ninety and not more than 44086  
one hundred ten days after the day of the adoption of such 44087  
resolution or, if not, at a special election to be held at a time 44088  
specified in the resolution which shall be not less than ninety 44089  
days after the day of the adoption of the resolution and which 44090  
shall be in accordance with the requirements of section 3501.01 of 44091  
the Revised Code. 44092

Such resolution shall also state that the question of issuing 44093  
bonds of the board shall be combined in a single proposal with the 44094  
question of such tax levy. More than one election under this 44095  
section may be held in any one calendar year. Such resolution 44096  
shall specify both of the following: 44097

(a) That the rate which it is necessary to levy shall be at 44098  
the rate of not less than one-half mill for each one dollar of 44099  
valuation, and that such tax shall be levied for a period of 44100  
twenty-three years; 44101

(b) That the proceeds of the tax shall be used to pay the 44102  
cost of maintaining the classroom facilities included in the 44103  
project. 44104

(B) A copy of a resolution adopted under division (A) of this 44105  
section shall after its passage and not less than ninety days 44106  
prior to the date set therein for the election be certified to the 44107  
county board of elections. 44108

The resolution of the school district board, in addition to 44109  
meeting other applicable requirements of section 133.18 of the 44110  
Revised Code, shall state that the amount of bonds to be issued 44111  
will be an amount equal to the school district's portion of the 44112  
basic project cost, and state the maximum maturity of the bonds 44113  
which may be any number of years not exceeding the term calculated 44114  
under section 133.20 of the Revised Code as determined by the 44115

board. In estimating the amount of bonds to be issued, the board 44116  
shall take into consideration the amount of moneys then in the 44117  
bond retirement fund and the amount of moneys to be collected for 44118  
and disbursed from the bond retirement fund during the remainder 44119  
of the year in which the resolution of necessity is adopted. 44120

If the bonds are to be issued in more than one series, the 44121  
resolution may state, in addition to the information required to 44122  
be stated under division (B)(3) of section 133.18 of the Revised 44123  
Code, the number of series, which shall not exceed five, the 44124  
principal amount of each series, and the approximate date each 44125  
series will be issued, and may provide that no series, or any 44126  
portion thereof, may be issued before such date. Upon such a 44127  
resolution being certified to the county auditor as required by 44128  
division (C) of section 133.18 of the Revised Code, the county 44129  
auditor, in calculating, advising, and confirming the estimated 44130  
average annual property tax levy under that division, shall also 44131  
calculate, advise, and confirm by certification the estimated 44132  
average property tax levy for each series of bonds to be issued. 44133

Notice of the election shall include the fact that the tax 44134  
levy shall be at the rate of not less than one-half mill for each 44135  
one dollar of valuation for a period of twenty-three years, and 44136  
that the proceeds of the tax shall be used to pay the cost of 44137  
maintaining the classroom facilities included in the project. 44138

If the bonds are to be issued in more than one series, the 44139  
board of education, when filing copies of the resolution with the 44140  
board of elections as required by division (D) of section 133.18 44141  
of the Revised Code, may direct the board of elections to include 44142  
in the notice of election the principal amount and approximate 44143  
date of each series, the maximum number of years over which the 44144  
principal of each series may be paid, the estimated additional 44145  
average property tax levy for each series, and the first calendar 44146  
year in which the tax is expected to be due for each series, in 44147

addition to the information required to be stated in the notice 44148  
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 44149  
Code. 44150

(C)(1) Except as otherwise provided in division (C)(2) of 44151  
this section, the form of the ballot to be used at such election 44152  
shall be: 44153

"A majority affirmative vote is necessary for passage. 44154

Shall bonds be issued by the ..... (here insert name 44155  
of school district) school district to pay the local share of 44156  
school construction under the State of Ohio Classroom Facilities 44157  
Assistance Program in the principal amount of ..... (here 44158  
insert principal amount of the bond issue), to be repaid annually 44159  
over a maximum period of ..... (here insert the maximum 44160  
number of years over which the principal of the bonds may be paid) 44161  
years, and an annual levy of property taxes be made outside the 44162  
ten-mill limitation, estimated by the county auditor to average 44163  
over the repayment period of the bond issue ..... (here 44164  
insert the number of mills estimated) mills for each one dollar of 44165  
tax valuation, which amounts to ..... (rate expressed in 44166  
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 44167  
for each one hundred dollars of tax valuation to pay the annual 44168  
debt charges on the bonds and to pay debt charges on any notes 44169  
issued in anticipation of the bonds?" 44170

and, unless the additional levy 44171

of taxes is not required pursuant 44172

to division (C) of section 44173

3318.05 of the Revised Code, 44174

"Shall an additional levy of taxes be made for a period of 44175  
twenty-three years to benefit the ..... (here insert name 44176  
of school district) school district, the proceeds of which shall 44177  
be used to pay the cost of maintaining the classroom facilities 44178  
included in the project at the rate of ..... (here insert the 44179

number of mills, which shall not be less than one-half mill) mills 44180  
for each one dollar of valuation? 44181

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	"

44182  
44183  
44184

44185

(2) If authority is sought to issue bonds in more than one 44186  
series and the board of education so elects, the form of the 44187  
ballot shall be as prescribed in section 3318.062 of the Revised 44188  
Code. If the board of education elects the form of the ballot 44189  
prescribed in that section, it shall so state in the resolution 44190  
adopted under this section. 44191

(D) If it is necessary for the school district to acquire a 44192  
site for the classroom facilities to be acquired pursuant to 44193  
sections 3318.01 to 3318.20 of the Revised Code, the district 44194  
board may propose either to issue bonds of the board or to levy a 44195  
tax to pay for the acquisition of such site, and may combine the 44196  
question of doing so with the questions specified in division (B) 44197  
of this section. Bonds issued under this division for the purpose 44198  
of acquiring a site are a general obligation of the school 44199  
district and are Chapter 133. securities. 44200

The form of that portion of the ballot to include the 44201  
question of either issuing bonds or levying a tax for site 44202  
acquisition purposes shall be one of the following: 44203

(1) "Shall bonds be issued by the ..... (here insert 44204  
name of the school district) school district to pay costs of 44205  
acquiring a site for classroom facilities under the State of Ohio 44206  
Classroom Facilities Assistance Program in the principal amount of 44207  
..... (here insert principal amount of the bond issue), to be 44208  
repaid annually over a maximum period of ..... (here insert 44209  
maximum number of years over which the principal of the bonds may 44210

be paid) years, and an annual levy of property taxes be made 44211  
outside the ten-mill limitation, estimated by the county auditor 44212  
to average over the repayment period of the bond issue ..... 44213  
(here insert number of mills) mills for each one dollar of tax 44214  
valuation, which amount to ..... (here insert rate expressed 44215  
in cents or dollars and cents, such as "thirty-six cents" or 44216  
"\$0.36") for each one hundred dollars of valuation to pay the 44217  
annual debt charges on the bonds and to pay debt charges on any 44218  
notes issued in anticipation of the bonds?" 44219

(2) "Shall an additional levy of taxes outside the ten-mill 44220  
limitation be made for the benefit of the ..... (here insert 44221  
name of the school district) school district for the purpose of 44222  
acquiring a site for classroom facilities in the sum of ..... 44223  
(here insert annual amount the levy is to produce) estimated by 44224  
the county auditor to average ..... (here insert number of 44225  
mills) mills for each one hundred dollars of valuation, for a 44226  
period of ..... (here insert number of years the millage is to 44227  
be imposed) years?" 44228

Where it is necessary to combine the question of issuing 44229  
bonds of the school district and levying a tax as described in 44230  
division (B) of this section with the question of issuing bonds of 44231  
the school district for acquisition of a site, the question 44232  
specified in that division to be voted on shall be "For the Bond 44233  
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 44234  
Levy." 44235

Where it is necessary to combine the question of issuing 44236  
bonds of the school district and levying a tax as described in 44237  
division (B) of this section with the question of levying a tax 44238  
for the acquisition of a site, the question specified in that 44239  
division to be voted on shall be "For the Bond Issue and the Tax 44240  
Levies" and "Against the Bond Issue and the Tax Levies." 44241

Where the school district board chooses to combine the 44242

question in division (B) of this section with any of the 44243  
additional questions described in divisions (A) to (D) of section 44244  
3318.056 of the Revised Code, the question specified in division 44245  
(B) of this section to be voted on shall be "For the Bond Issues 44246  
and the Tax Levies" and "Against the Bond Issues and the Tax 44247  
Levies." 44248

If a majority of those voting upon a proposition hereunder 44249  
which includes the question of issuing bonds vote in favor 44250  
thereof, and if the agreement provided for by section 3318.08 of 44251  
the Revised Code has been entered into, the school district board 44252  
may proceed under Chapter 133. of the Revised Code, with the 44253  
issuance of bonds or bond anticipation notes in accordance with 44254  
the terms of the agreement. 44255

**Sec. 3318.061.** This section applies only to school districts 44256  
eligible to receive additional assistance under division (B)(2) of 44257  
section 3318.04 of the Revised Code. 44258

The board of education of a school district in which a tax 44259  
described by division (B) of section 3318.05 and levied under 44260  
section 3318.06 of the Revised Code is in effect, may adopt a 44261  
resolution by vote of a majority of its members to extend the term 44262  
of that tax beyond the expiration of that tax as originally 44263  
approved under that section. The school district board may include 44264  
in the resolution a proposal to extend the term of that tax at the 44265  
rate of not less than one-half mill for each dollar of valuation 44266  
for a period of twenty-three years from the year in which the 44267  
school district board and the Ohio ~~school~~ facilities construction 44268  
commission enter into an agreement under division (B)(2) of 44269  
section 3318.04 of the Revised Code or in the following year, as 44270  
specified in the resolution. Such a resolution may be adopted at 44271  
any time before such an agreement is entered into and before the 44272  
tax levied pursuant to section 3318.06 of the Revised Code 44273

expires. If the resolution is combined with a resolution to issue 44274  
bonds to pay the school district's portion of the basic project 44275  
cost, it shall conform with the requirements of divisions (A)(1), 44276  
(2), and (3) of section 3318.06 of the Revised Code, except that 44277  
the resolution also shall state that the tax levy proposed in the 44278  
resolution is an extension of an existing tax levied under that 44279  
section. A resolution proposing an extension adopted under this 44280  
section does not take effect until it is approved by a majority of 44281  
electors voting in favor of the resolution at a general, primary, 44282  
or special election as provided in this section. 44283

A tax levy extended under this section is subject to the same 44284  
terms and limitations to which the original tax levied under 44285  
section 3318.06 of the Revised Code is subject under that section, 44286  
except the term of the extension shall be as specified in this 44287  
section. 44288

The school district board shall certify a copy of the 44289  
resolution adopted under this section to the proper county board 44290  
of elections not later than ninety days before the date set in the 44291  
resolution as the date of the election at which the question will 44292  
be submitted to electors. The notice of the election shall conform 44293  
with the requirements of division (A)(3) of section 3318.06 of the 44294  
Revised Code, except that the notice also shall state that the 44295  
maintenance tax levy is an extension of an existing tax levy. 44296

The form of the ballot shall be as follows: 44297

"Shall the existing tax levied to pay the cost of maintaining 44298  
classroom facilities constructed with the proceeds of the 44299  
previously issued bonds at the rate of ..... (here insert the 44300  
number of mills, which shall not be less than one-half mill) mills 44301  
per dollar of tax valuation, be extended until ..... (here 44302  
insert the year that is twenty-three years after the year in which 44303  
the district and commission will enter into an agreement under 44304  
division (B)(2) of section 3318.04 of the Revised Code or the 44305

following year)? 44306

44307

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	

44308

" 44309

44310

Section 3318.07 of the Revised Code applies to ballot 44311

questions under this section. 44312

**Sec. 3318.07.** The board of elections shall certify the result 44313

of the election to the tax commissioner, to the auditor of the 44314

county or counties in which the school district is located, to the 44315

treasurer of the school district board, and to the Ohio ~~school~~ 44316

facilities construction commission. The necessary tax levy for 44317

debt service on the bonds shall be included in the annual tax 44318

budget that is certified to the county budget commission or, if 44319

adoption of the tax budget is waived under section 5705.281 of the 44320

Revised Code, included among the tax rates required to be provided 44321

to the budget commission under that section. 44322

**Sec. 3318.08.** Except in the case of a joint vocational school 44323

district that receives assistance under sections 3318.40 to 44324

3318.45 of the Revised Code, if the requisite favorable vote on 44325

the election is obtained, or if the school district board has 44326

resolved to apply the proceeds of a property tax levy or the 44327

proceeds of an income tax, or a combination of proceeds from such 44328

taxes, as authorized in section 3318.052 of the Revised Code, the 44329

Ohio ~~school~~ facilities construction commission, upon certification 44330

to it of either the results of the election or the resolution 44331

under section 3318.052 of the Revised Code, shall enter into a 44332

written agreement with the school district board for the 44333

construction and sale of the project. In the case of a joint 44334

vocational school district that receives assistance under sections 44335

3318.40 to 3318.45 of the Revised Code, if the school district 44336  
board of education and the school district electors have satisfied 44337  
the conditions prescribed in division (D)(1) of section 3318.41 of 44338  
the Revised Code, the commission shall enter into an agreement 44339  
with the school district board for the construction and sale of 44340  
the project. In either case, the agreement shall include, but need 44341  
not be limited to, the following provisions: 44342

(A) The sale and issuance of bonds or notes in anticipation 44343  
thereof, as soon as practicable after the execution of the 44344  
agreement, in an amount equal to the school district's portion of 44345  
the basic project cost, including any securities authorized under 44346  
division (J) of section 133.06 of the Revised Code and dedicated 44347  
by the school district board to payment of the district's portion 44348  
of the basic project cost of the project; provided, that if at 44349  
that time the county treasurer of each county in which the school 44350  
district is located has not commenced the collection of taxes on 44351  
the general duplicate of real and public utility property for the 44352  
year in which the controlling board approved the project, the 44353  
school district board shall authorize the issuance of a first 44354  
installment of bond anticipation notes in an amount specified by 44355  
the agreement, which amount shall not exceed an amount necessary 44356  
to raise the net bonded indebtedness of the school district as of 44357  
the date of the controlling board's approval to within five 44358  
thousand dollars of the required level of indebtedness for the 44359  
preceding year. In the event that a first installment of bond 44360  
anticipation notes is issued, the school district board shall, as 44361  
soon as practicable after the county treasurer of each county in 44362  
which the school district is located has commenced the collection 44363  
of taxes on the general duplicate of real and public utility 44364  
property for the year in which the controlling board approved the 44365  
project, authorize the issuance of a second and final installment 44366  
of bond anticipation notes or a first and final issue of bonds. 44367

The combined value of the first and second installment of 44368  
bond anticipation notes or the value of the first and final issue 44369  
of bonds shall be equal to the school district's portion of the 44370  
basic project cost. The proceeds of any such bonds shall be used 44371  
first to retire any bond anticipation notes. Otherwise, the 44372  
proceeds of such bonds and of any bond anticipation notes, except 44373  
the premium and accrued interest thereon, shall be deposited in 44374  
the school district's project construction fund. In determining 44375  
the amount of net bonded indebtedness for the purpose of fixing 44376  
the amount of an issue of either bonds or bond anticipation notes, 44377  
gross indebtedness shall be reduced by moneys in the bond 44378  
retirement fund only to the extent of the moneys therein on the 44379  
first day of the year preceding the year in which the controlling 44380  
board approved the project. Should there be a decrease in the tax 44381  
valuation of the school district so that the amount of 44382  
indebtedness that can be incurred on the tax duplicates for the 44383  
year in which the controlling board approved the project is less 44384  
than the amount of the first installment of bond anticipation 44385  
notes, there shall be paid from the school district's project 44386  
construction fund to the school district's bond retirement fund to 44387  
be applied against such notes an amount sufficient to cause the 44388  
net bonded indebtedness of the school district, as of the first 44389  
day of the year following the year in which the controlling board 44390  
approved the project, to be within five thousand dollars of the 44391  
required level of indebtedness for the year in which the 44392  
controlling board approved the project. The maximum amount of 44393  
indebtedness to be incurred by any school district board as its 44394  
share of the cost of the project is either an amount that will 44395  
cause its net bonded indebtedness, as of the first day of the year 44396  
following the year in which the controlling board approved the 44397  
project, to be within five thousand dollars of the required level 44398  
of indebtedness, or an amount equal to the required percentage of 44399  
the basic project costs, whichever is greater. All bonds and bond 44400

anticipation notes shall be issued in accordance with Chapter 133. 44401  
of the Revised Code, and notes may be renewed as provided in 44402  
section 133.22 of the Revised Code. 44403

(B) The transfer of such funds of the school district board 44404  
available for the project, together with the proceeds of the sale 44405  
of the bonds or notes, except premium, accrued interest, and 44406  
interest included in the amount of the issue, to the school 44407  
district's project construction fund; 44408

(C) For all school districts except joint vocational school 44409  
districts that receive assistance under sections 3318.40 to 44410  
3318.45 of the Revised Code, the following provisions as 44411  
applicable: 44412

(1) If section 3318.052 of the Revised Code applies, the 44413  
earmarking of the proceeds of a tax levied under section 5705.21 44414  
of the Revised Code for general permanent improvements or under 44415  
section 5705.218 of the Revised Code for the purpose of permanent 44416  
improvements, or the proceeds of a school district income tax 44417  
levied under Chapter 5748. of the Revised Code, or the proceeds 44418  
from a combination of those two taxes, in an amount to pay all or 44419  
part of the service charges on bonds issued to pay the school 44420  
district portion of the project and an amount equivalent to all or 44421  
part of the tax required under division (B) of section 3318.05 of 44422  
the Revised Code; 44423

(2) If section 3318.052 of the Revised Code does not apply, 44424  
one of the following: 44425

(a) The levy of the tax authorized at the election for the 44426  
payment of maintenance costs, as specified in division (B) of 44427  
section 3318.05 of the Revised Code; 44428

(b) If the school district electors have approved a 44429  
continuing tax for general permanent improvements under section 44430  
5705.21 of the Revised Code and that tax can be used for 44431

maintenance, the earmarking of an amount of the proceeds from such 44432  
tax for maintenance of classroom facilities as specified in 44433  
division (B) of section 3318.05 of the Revised Code; 44434

(c) If, in lieu of the tax otherwise required under division 44435  
(B) of section 3318.05 of the Revised Code, the commission has 44436  
approved the transfer of money to the maintenance fund in 44437  
accordance with section 3318.051 of the Revised Code, a 44438  
requirement that the district board comply with the provisions of 44439  
that section. The district board may rescind the provision 44440  
prescribed under division (C)(2)(c) of this section only so long 44441  
as the electors of the district have approved, in accordance with 44442  
section 3318.063 of the Revised Code, the levy of a tax for the 44443  
maintenance of the classroom facilities acquired under the 44444  
district's project and that levy continues to be collected as 44445  
approved by the electors. 44446

(D) For joint vocational school districts that receive 44447  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 44448  
provision for deposit of school district moneys dedicated to 44449  
maintenance of the classroom facilities acquired under those 44450  
sections as prescribed in section 3318.43 of the Revised Code; 44451

(E) Dedication of any local donated contribution as provided 44452  
for under section 3318.084 of the Revised Code, including a 44453  
schedule for depositing such moneys applied as an offset of the 44454  
district's obligation to levy the tax described in division (B) of 44455  
section 3318.05 of the Revised Code as required under division 44456  
(D)(2) of section 3318.084 of the Revised Code; 44457

(F) Ownership of or interest in the project during the period 44458  
of construction, which shall be divided between the commission and 44459  
the school district board in proportion to their respective 44460  
contributions to the school district's project construction fund; 44461

(G) Maintenance of the state's interest in the project until 44462

any obligations issued for the project under section 3318.26 of 44463  
the Revised Code are no longer outstanding; 44464

(H) The insurance of the project by the school district from 44465  
the time there is an insurable interest therein and so long as the 44466  
state retains any ownership or interest in the project pursuant to 44467  
division (F) of this section, in such amounts and against such 44468  
risks as the commission shall require; provided, that the cost of 44469  
any required insurance until the project is completed shall be a 44470  
part of the basic project cost; 44471

(I) The certification by the director of budget and 44472  
management that funds are available and have been set aside to 44473  
meet the state's share of the basic project cost as approved by 44474  
the controlling board pursuant to either section 3318.04 or 44475  
division (B)(1) of section 3318.41 of the Revised Code; 44476

(J) Authorization of the school district board to advertise 44477  
for and receive construction bids for the project, for and on 44478  
behalf of the commission, and to award contracts in the name of 44479  
the state subject to approval by the commission; 44480

(K) Provisions for the disbursement of moneys from the school 44481  
district's project account upon issuance by the commission or the 44482  
commission's designated representative of vouchers for work done 44483  
to be certified to the commission by the treasurer of the school 44484  
district board; 44485

(L) Disposal of any balance left in the school district's 44486  
project construction fund upon completion of the project; 44487

(M) Limitations upon use of the project or any part of it so 44488  
long as any obligations issued to finance the project under 44489  
section 3318.26 of the Revised Code are outstanding; 44490

(N) Provision for vesting the state's interest in the project 44491  
to the school district board when the obligations issued to 44492  
finance the project under section 3318.26 of the Revised Code are 44493

outstanding; 44494

(O) Provision for deposit of an executed copy of the 44495  
agreement in the office of the commission; 44496

(P) Provision for termination of the contract and release of 44497  
the funds encumbered at the time of the conditional approval, if 44498  
the proceeds of the sale of the bonds of the school district board 44499  
are not paid into the school district's project construction fund 44500  
and if bids for the construction of the project have not been 44501  
taken within such period after the execution of the agreement as 44502  
may be fixed by the commission; 44503

(Q) Provision for the school district to maintain the project 44504  
in accordance with a plan approved by the commission; 44505

(R) Provision that all state funds reserved and encumbered to 44506  
pay the state share of the cost of the project and the funds 44507  
provided by the school district to pay for its share of the 44508  
project cost, including the respective shares of the cost of a 44509  
segment if the project is divided into segments, be spent on the 44510  
construction and acquisition of the project or segment 44511  
simultaneously in proportion to the state's and the school 44512  
district's respective shares of that basic project cost as 44513  
determined under section 3318.032 of the Revised Code or, if the 44514  
district is a joint vocational school district, under section 44515  
3318.42 of the Revised Code. However, if the school district 44516  
certifies to the commission that expenditure by the school 44517  
district is necessary to maintain the federal tax status or 44518  
tax-exempt status of notes or bonds issued by the school district 44519  
to pay for its share of the project cost or to comply with 44520  
applicable temporary investment periods or spending exceptions to 44521  
rebate as provided for under federal law in regard to those notes 44522  
or bonds, the school district may commit to spend, or spend, a 44523  
greater portion of the funds it provides during any specific 44524  
period than would otherwise be required under this division. 44525

(S) A provision stipulating that the commission may prohibit 44526  
the district from proceeding with any project if the commission 44527  
determines that the site is not suitable for construction 44528  
purposes. The commission may perform soil tests in its 44529  
determination of whether a site is appropriate for construction 44530  
purposes. 44531

(T) A provision stipulating that, unless otherwise authorized 44532  
by the commission, any contingency reserve portion of the 44533  
construction budget prescribed by the commission shall be used 44534  
only to pay costs resulting from unforeseen job conditions, to 44535  
comply with rulings regarding building and other codes, to pay 44536  
costs related to design clarifications or corrections to contract 44537  
documents, and to pay the costs of settlements or judgments 44538  
related to the project as provided under section 3318.086 of the 44539  
Revised Code; 44540

(U) A provision stipulating that for continued release of 44541  
project funds the school district board shall comply with sections 44542  
3313.41, 3313.411, and 3313.413 of the Revised Code throughout the 44543  
project and shall notify the department of education and the Ohio 44544  
community school association when the board plans to dispose of 44545  
facilities by sale under that section; 44546

(V) A provision stipulating that the commission shall not 44547  
approve a contract for demolition of a facility until the school 44548  
district board has complied with sections 3313.41, 3313.411, and 44549  
3313.413 of the Revised Code relative to that facility, unless 44550  
demolition of that facility is to clear a site for construction of 44551  
a replacement facility included in the district's project; 44552

(W) A requirement for the school district to adhere to a 44553  
facilities maintenance plan approved by the commission. 44554

**Sec. 3318.081.** If the board of education of a school district 44555  
authorized to impose a tax pursuant to section 3318.06 of the 44556

Revised Code determines that taxable value of property subject to 44557  
the tax has increased to the extent it will not be necessary to 44558  
impose such tax for twenty-three years in order to generate an 44559  
amount equal to the amount of the project cost supplied by the 44560  
state, it may request the county auditor to determine the amount 44561  
remaining to be paid and the estimated rate of taxation required 44562  
each year to pay such remainder in equal installments over the 44563  
maximum number of remaining years the tax may be in effect. The 44564  
auditor shall make such determination upon request and certify the 44565  
results thereof to the board of education. 44566

Upon receipt of the auditor's determination, the board of 44567  
education may request the Ohio ~~school~~ facilities construction 44568  
commission to enter into a supplemental agreement under which the 44569  
district may pay the remainder of the amount in annual amounts 44570  
equal to the quotient obtained by dividing the amount remaining to 44571  
be paid by the maximum number of remaining years the tax may be in 44572  
effect. If such an agreement is entered into, the commission shall 44573  
certify a copy thereof to the county auditor and the tax 44574  
authorized by section 3318.06 of the Revised Code thereafter shall 44575  
be levied at the rate required to make the annual payments 44576  
required by the supplemental agreement rather than the rate 44577  
required by such section. 44578

**Sec. 3318.082.** The board of education of any school district 44579  
imposing a tax for the purpose of paying the state pursuant to 44580  
section 3318.06 of the Revised Code prior to the effective date of 44581  
the amendments to that section by Amended Substitute House Bill 44582  
No. 748 of the 121st ~~General Assembly~~ general assembly, may enter 44583  
into a supplemental agreement with the Ohio ~~school~~ facilities 44584  
construction commission under which the proceeds of such tax shall 44585  
be distributed in accordance with the requirements of section 44586  
3318.06 of the Revised Code, as amended by Amended Substitute 44587  
House Bill No. 748 of the 121st general assembly. 44588

**Sec. 3318.083.** If, after the Ohio ~~school~~ facilities 44589  
construction commission and a school district enter into a written 44590  
agreement under section 3318.08 of the Revised Code for the 44591  
construction of a classroom facilities project, the commission 44592  
approves an increase in the basic project cost above the amount 44593  
budgeted plus any interest earned and available in the project 44594  
construction fund, the state and the school district shall share 44595  
the increased cost in proportion to their respective contributions 44596  
to the district's project construction fund. 44597

**Sec. 3318.084.** (A) Notwithstanding anything to the contrary 44598  
in Chapter 3318. of the Revised Code, a school district board may 44599  
apply any local donated contribution toward any of the following: 44600

(1) The district's portion of the basic project cost of a 44601  
project under either sections 3318.01 to 3318.20 or sections 44602  
3318.40 to 3318.45 of the Revised Code to reduce the amount of 44603  
bonds the district otherwise must issue in order to receive state 44604  
assistance under those sections; 44605

(2) If the school district is not a joint vocational school 44606  
district proceeding under sections 3318.40 to 3318.45 of the 44607  
Revised Code, an offset of all or part of a district's obligation 44608  
to levy the tax described in division (B) of section 3318.05 of 44609  
the Revised Code, which shall be applied only in the manner 44610  
prescribed in division (B) of this section; 44611

(3) If the school district is a joint vocational school 44612  
district proceeding under sections 3318.40 to 3318.45 of the 44613  
Revised Code, all or part of the amount the school district is 44614  
obligated to set aside for maintenance of the classroom facilities 44615  
acquired under that project pursuant to section 3318.43 of the 44616  
Revised Code. 44617

(B) No school district board shall apply any local donated 44618

contribution under division (A)(2) of this section unless the Ohio 44619  
~~school~~ facilities construction commission first approves that 44620  
application. 44621

Upon the request of the school district board to apply local 44622  
donated contribution under division (A)(2) of this section, the 44623  
commission in consultation with the department of taxation shall 44624  
determine the amount of total revenue that likely would be 44625  
generated by one-half mill of the tax described in division (B) of 44626  
section 3318.05 of the Revised Code over the entire 44627  
twenty-three-year period required under that section and shall 44628  
deduct from that amount any amount of local donated contribution 44629  
that the board has committed to apply under division (A)(2) of 44630  
this section. The commission then shall determine in consultation 44631  
with the department of taxation the rate of tax over twenty-three 44632  
years necessary to generate the amount of a one-half mill tax not 44633  
offset by the local donated contribution. Notwithstanding anything 44634  
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 44635  
Revised Code, the rate determined by the commission shall be the 44636  
rate for which the district board shall seek elector approval 44637  
under those sections to meet its obligation under division (B) of 44638  
section 3318.05 of the Revised Code. In the case of a complete 44639  
offset of the district's obligation under division (B) of section 44640  
3318.05 of the Revised Code, the district shall not be required to 44641  
levy the tax otherwise required under that section. At the end of 44642  
the twenty-three-year period of the tax required under division 44643  
(B) of section 3318.05 of the Revised Code, whether or not the tax 44644  
is actually levied, the commission in consultation of the 44645  
department of taxation shall recalculate the amount that would 44646  
have been generated by the tax if it had been levied at one-half 44647  
mill. If the total amount actually generated over that period from 44648  
both the tax that was actually levied and any local donated 44649  
contribution applied under division (A)(2) of this section is less 44650  
than the amount that would have been raised by a one-half mill 44651

tax, the district shall pay any difference. If the total amount 44652  
actually raised in such manner is greater than the amount that 44653  
would have been raised by a one-half mill tax the difference shall 44654  
be zero and no payments shall be made by either the district or 44655  
the commission. 44656

(C) As used in this section, "local donated contribution" 44657  
means any of the following: 44658

(1) Any moneys irrevocably donated or granted to a school 44659  
district board by a source other than the state which the board 44660  
has the authority to apply to the school district's project under 44661  
sections 3318.01 to 3318.20 of the Revised Code and which the 44662  
board has pledged for that purpose by resolution adopted by a 44663  
majority of its members; 44664

(2) Any irrevocable letter of credit issued on behalf of a 44665  
school district which the school district board has encumbered for 44666  
payment of the school district's share of its project under 44667  
sections 3318.01 to 3318.20 of the Revised Code that has been 44668  
approved by the commission in consultation with the department of 44669  
education; 44670

(3) Any cash a school district has on hand that the school 44671  
district board has encumbered for payment of the school district's 44672  
share of its project under sections 3318.01 to 3318.20 of the 44673  
Revised Code that has been approved by the commission in 44674  
consultation with the department of education, including the 44675  
following: 44676

(a) Any year-end operating fund balances that can be spent 44677  
for classroom facilities; 44678

(b) Any cash resulting from a lease-purchase agreement that 44679  
the school district board has entered into under section 3313.375 44680  
of the Revised Code, provided that the agreement and the related 44681  
financing documents contain provisions protecting the state's 44682

superior interest in the project. 44683

(4) Any moneys spent by a source other than the school 44684  
district or the state for construction or renovation of specific 44685  
classroom facilities that have been approved by the commission as 44686  
part of the basic project cost of the district's project. The 44687  
school district, the commission, and the entity providing the 44688  
local donated contribution under division (C)(4) of this section 44689  
shall enter into an agreement identifying the classroom facilities 44690  
to be acquired by the expenditures made by that entity. The 44691  
agreement shall include, but not be limited to, stipulations that 44692  
require an audit by the commission of such expenditures made on 44693  
behalf of the district and that specify the maximum amount of 44694  
credit to be allowed for those expenditures. Upon completion of 44695  
the construction or renovation, the commission shall determine the 44696  
actual amount that the commission will credit, at the request of 44697  
the district board, toward the district's portion of the basic 44698  
project cost, any project cost overruns, or the basic project cost 44699  
of future segments if the project has been divided into segments 44700  
under section 3318.38 of the Revised Code. The actual amount of 44701  
the credit shall not exceed the lesser of the amount specified in 44702  
the agreement or the actual cost of the construction or 44703  
renovation. 44704

(D) No state moneys shall be released for a project to which 44705  
this section applies until: 44706

(1) Any local donated contribution authorized under division 44707  
(A)(1) of this section is first deposited into the school 44708  
district's project construction fund. 44709

(2) The school district board and the commission have 44710  
included a stipulation in their agreement entered into under 44711  
section 3318.08 of the Revised Code under which the board will 44712  
deposit into a fund approved by the commission according to a 44713  
schedule that does not extend beyond the anticipated completion 44714

date of the project the total amount of any local donated 44715  
contribution authorized under division (A)(2) or (3) of this 44716  
section and dedicated by the board for that purpose. 44717

However, if any local donated contribution as described in 44718  
division (C)(4) of this section has been approved under this 44719  
section, the state moneys may be released even if the entity 44720  
providing that local donated contribution has not spent the moneys 44721  
so dedicated as long as the agreement required under that section 44722  
has been executed. 44723

**Sec. 3318.086.** The construction budget for any project under 44724  
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 44725  
Revised Code shall contain a contingency reserve in an amount 44726  
prescribed by the Ohio ~~school~~ facilities construction commission, 44727  
which unless otherwise authorized by the commission, shall be used 44728  
only to pay costs resulting from unforeseen job conditions, to 44729  
comply with rulings regarding building and other codes, to pay 44730  
costs related to design clarifications or corrections to contract 44731  
documents, and to pay the costs of settlements or judgments 44732  
related to the project. 44733

**Sec. 3318.091.** (A) Promptly after the written agreement 44734  
between the school district board and the Ohio ~~school~~ facilities 44735  
construction commission has been entered into, the school district 44736  
board shall proceed with the issuance of its bonds or notes in 44737  
anticipation thereof pursuant to the provision of such agreement 44738  
required by division (A) of section 3318.08 of the Revised Code 44739  
and the deposit of the proceeds thereof in the school district's 44740  
project construction fund pursuant to the provision of such 44741  
agreement required by division (B) of section 3318.08 of the 44742  
Revised Code, and the school district board, with the approval of 44743  
the commission shall employ a qualified professional person or 44744  
firm to prepare preliminary plans, working drawings, 44745

specifications, estimates of cost, and such data as the school 44746  
district board and the commission consider necessary for the 44747  
project. When the preliminary plans and preliminary estimates of 44748  
cost have been prepared, and approved by the school district 44749  
board, they shall be submitted to the commission for approval, 44750  
modification, or rejection. The commission shall ensure that the 44751  
plans and materials proposed for use in the project comply with 44752  
specifications for plans and materials that shall be established 44753  
by the commission. When such preliminary plans and preliminary 44754  
estimates of cost and any modifications thereof have been approved 44755  
by the commission and the school district board, the school 44756  
district board shall cause such qualified professional person or 44757  
firm to prepare the working drawings, specifications, and 44758  
estimates of cost. 44759

(B) Whenever project plans submitted to the commission for 44760  
approval under division (A) of this section propose to locate a 44761  
facility on a state route or United States highway or within one 44762  
mile of a state route or United States highway, the commission 44763  
shall send a copy of the plans to the director of transportation. 44764  
The director of transportation shall review the plans to determine 44765  
the feasibility of the proposed ingress and egress to the 44766  
facility, the traffic circulation pattern on roadways around the 44767  
facility, and any improvements that would be necessary to conform 44768  
the roadways to provisions of the manual adopted by the department 44769  
of transportation pursuant to section 4511.09 of the Revised Code 44770  
or state or federal law. The director of transportation shall 44771  
provide a written summary of the director's findings to the 44772  
commission in a timely manner. The commission shall consider the 44773  
findings in deciding whether to approve the plans. 44774

**Sec. 3318.10.** When such working drawings, specifications, and 44775  
estimates of cost have been approved by the school district board 44776  
and the Ohio ~~school~~ facilities construction commission, the 44777

treasurer of the school district board shall advertise for 44778  
construction bids in accordance with section 3313.46 of the 44779  
Revised Code. Such notices shall state that plans and 44780  
specifications for the project are on file in the office of the 44781  
commission and such other place as may be designated in such 44782  
notice, and the time and place when and where bids therefor will 44783  
be received. 44784

The form of proposal to be submitted by bidders shall be 44785  
supplied by the commission. Bidders may be permitted to bid upon 44786  
all the branches of work and materials to be furnished and 44787  
supplied, upon any branch thereof, or upon all or any thereof. 44788

When the construction bids for all branches of work and 44789  
materials have been tabulated, the commission shall cause to be 44790  
prepared a revised estimate of the basic project cost based upon 44791  
the lowest responsible bids received. If such revised estimate 44792  
exceeds the estimated basic project cost as approved by the 44793  
controlling board pursuant to section 3318.04 or division (B)(1) 44794  
of section 3318.41 of the Revised Code, no contracts may be 44795  
entered into pursuant to this section unless such revised estimate 44796  
is approved by the commission and by the controlling board. When 44797  
such revised estimate has been prepared, and after such approvals 44798  
are given, if necessary, and if the school district board has 44799  
caused to be transferred to the project construction fund the 44800  
proceeds from the sale of the first or first and final installment 44801  
of its bonds or bond anticipation notes pursuant to the provision 44802  
of the written agreement required by division (B) of section 44803  
3318.08 of the Revised Code, and when the director of budget and 44804  
management has certified that there is a balance in the 44805  
appropriation, not otherwise obligated to pay precedent 44806  
obligations, pursuant to which the state's share of such revised 44807  
estimate is required to be paid, the contract for all branches of 44808  
work and materials to be furnished and supplied, or for any branch 44809

thereof as determined by the school district board, shall be 44810  
awarded by the school district board to the lowest responsible 44811  
bidder subject to the approval of the commission. Such award shall 44812  
be made within sixty days after the date on which the bids are 44813  
opened, and the successful bidder shall enter into a contract 44814  
within ten days after the successful bidder is notified of the 44815  
award of the contract. 44816

Subject to the approval of the commission, the school 44817  
district board may reject all bids and readvertise. Any contract 44818  
made under this section shall be made in the name of the state and 44819  
executed on its behalf by the president and treasurer of the 44820  
school district board. 44821

The provisions of sections 9.312 and 3313.46 of the Revised 44822  
Code, which are applicable to construction contracts of boards of 44823  
education, shall apply to construction contracts for the project. 44824

The remedies afforded to any subcontractor, materials 44825  
supplier, laborer, mechanic, or persons furnishing material or 44826  
machinery for the project under sections 1311.26 to 1311.32 of the 44827  
Revised Code, shall apply to contracts entered into under this 44828  
section and the itemized statement required by section 1311.26 of 44829  
the Revised Code shall be filed with the school district board. 44830

Notwithstanding any other requirement of this section, a 44831  
school district, with the approval of the commission, may utilize 44832  
any otherwise lawful alternative construction delivery method for 44833  
the construction of the project. 44834

**Sec. 3318.11.** For any project undertaken with financial 44835  
assistance from the state under this chapter, the amount of state 44836  
appropriations to be encumbered for the project in each fiscal 44837  
year shall be determined by the Ohio ~~school~~ facilities 44838  
construction commission based on the project's estimated 44839  
construction schedule for that year. In each fiscal year 44840

subsequent to the first year in which state appropriations are 44841  
encumbered for the project, the project has priority for state 44842  
funds over projects for which initial state funding is sought. 44843

**Sec. 3318.112.** (A) As used in this section, "solar\_ready" 44844  
means capable of accommodating the eventual installation of roof 44845  
top, solar photovoltaic energy equipment. 44846

(B) The Ohio ~~school~~ facilities construction commission shall 44847  
adopt rules prescribing standards for solar\_ready equipment in 44848  
school buildings under their jurisdiction. The rules shall 44849  
include, but not be limited to, standards regarding roof space 44850  
limitations, shading and obstruction, building orientation, roof 44851  
loading capacity, and electric systems. 44852

(C) A school district may seek, and the commission may grant 44853  
for good cause shown, a waiver from part or all of the standards 44854  
prescribed under division (B) of this section. 44855

**Sec. 3318.12.** (A) The Ohio ~~school~~ facilities construction 44856  
commission shall cause to be transferred to the school district's 44857  
project construction fund the necessary amounts from amounts 44858  
appropriated by the general assembly and set aside for such 44859  
purpose, from time to time as may be necessary to pay obligations 44860  
chargeable to such fund when due. All investment earnings of a 44861  
school district's project construction fund shall be credited to 44862  
the fund. 44863

(B)(1) The treasurer of the school district board shall 44864  
disburse funds from the school district's project construction 44865  
fund, including investment earnings credited to the fund, only 44866  
upon the approval of the commission or the commission's designated 44867  
representative. The commission or the commission's designated 44868  
representative shall issue vouchers against such fund, in such 44869  
amounts, and at such times as required by the contracts for 44870

construction of the project. 44871

(2) Notwithstanding anything to the contrary in division 44872  
(B)(1) of this section, the school district board may, by a duly 44873  
adopted resolution, choose to use all or part of the investment 44874  
earnings of the district's project construction fund that are 44875  
attributable to the district's contribution to the fund to pay the 44876  
cost of classroom facilities or portions or components of 44877  
classroom facilities that are not included in the district's basic 44878  
project cost but that are related to the district's project. If 44879  
the district board adopts a resolution in favor of using those 44880  
investment earnings as authorized under division (B)(2) of this 44881  
section, the treasurer shall disburse the amount as designated and 44882  
directed by the board. However, if the district board chooses to 44883  
use any part of the investment earnings for classroom facilities 44884  
or portions or components of classroom facilities that are not 44885  
included in the basic project cost, as authorized under division 44886  
(B)(2) of this section, and, subsequently, the cost of the project 44887  
exceeds the amount in the project construction fund, the district 44888  
board shall restore to the project construction fund the full 44889  
amount of the investment earnings used under division (B)(2) of 44890  
this section before any additional state moneys shall be released 44891  
for the project. 44892

(C) After a certificate of completion has been issued for a 44893  
project under section 3318.48 of the Revised Code: 44894

(1) At the discretion of the school district board, any 44895  
investment earnings remaining in the project construction fund 44896  
that are attributable to the school district's contribution to the 44897  
fund shall be: 44898

(a) Retained in the project construction fund for future 44899  
projects; 44900

(b) Transferred to the district's maintenance fund required 44901

by division (B) of section 3318.05 or section 3318.43 of the Revised Code, and the money so transferred shall be used solely for maintaining the classroom facilities included in the project;

(c) Transferred to the district's permanent improvement fund.

(2) Any investment earnings remaining in the project construction fund that are attributable to the state's contribution to the fund shall be transferred to the commission for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(3) Any other surplus remaining in the school district's project construction fund shall be transferred to the commission and the school district board in proportion to their respective contributions to the fund. The commission shall use the money transferred to it under this division for expenditure pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code.

(D) Pursuant to appropriations of the general assembly, any moneys transferred to the commission under division (C)(2) or (3) of this section from a project construction fund for a project under sections 3318.40 to 3318.45 of the Revised Code may be used for future expenditures for projects under sections 3318.40 to 3318.45 of the Revised Code, notwithstanding the two per cent annual limit specified in division (B) of section 3318.40 of the Revised Code.

**Sec. 3318.121.** As used in this section, "big-eight school district" has the same meaning as in section 3314.02 of the Revised Code.

Notwithstanding any provision to the contrary in section 3318.12 or Chapter 5705. of the Revised Code, a big-eight school district receiving assistance for a project under this chapter,

that has opted with the approval of the Ohio ~~school~~ facilities 44932  
construction commission to divide the project into discrete 44933  
segments to be completed sequentially, or otherwise, may, with the 44934  
approval of the commission or the commission's designated 44935  
representative, and pursuant to a resolution adopted by the school 44936  
district board, transfer to a special construction fund investment 44937  
earnings credited to the project construction fund that are 44938  
attributable to the district's contribution to that fund, if the 44939  
school district board and the commission, or its designated 44940  
representative, determine that the unspent amount of the 44941  
district's contribution to the project construction fund, 44942  
including any investment earnings on that contribution that are 44943  
not to be transferred to the special construction fund, together 44944  
with the principal amount of any additional securities authorized 44945  
by the voters of the district to be issued to pay the local share 44946  
of the basic project cost of the entire project that have not yet 44947  
been issued by the district, are projected at the time of the 44948  
transfer to be not less than one hundred ten per cent of the 44949  
amount required to provide for the entire remaining local share of 44950  
the basic project cost because of reductions in the scope and 44951  
estimated cost of the project that have been incorporated in the 44952  
district's approved master facilities plan. The money in that 44953  
special construction fund, including investment earnings 44954  
attributable to money in that fund, shall be used by the district 44955  
solely to pay costs of classroom facilities (A) in later segments 44956  
of the project that are consistent with the specifications for 44957  
plans and materials for classroom facilities adopted by the 44958  
commission and those specifications used by the district for 44959  
classroom facilities included in one or more prior segments, but 44960  
which would cause the cost of the facilities in one or more later 44961  
segments to be in excess of the approved budgeted basic project 44962  
cost for the segment to be shared by the state and the district in 44963  
proportion to the state's and the school district's respective 44964

shares of the basic project cost as determined under section 44965  
3318.032 of the Revised Code, or (B) that were included in the 44966  
master facilities plan prior to the reduction in scope. All 44967  
investment earnings on a district's special construction fund 44968  
shall be credited to the fund. After the entire project has been 44969  
completed, any investment earnings remaining in the special 44970  
construction fund shall be transferred to the district's 44971  
maintenance fund required by division (B) of section 3318.05 of 44972  
the Revised Code, and used solely for maintaining the classroom 44973  
facilities included in the project. 44974

**Sec. 3318.13.** Notwithstanding any provision of sections 44975  
5705.27 to 5705.50 of the Revised Code, the tax to be levied on 44976  
all taxable property within a school district for the purpose of 44977  
paying the cost of maintaining the classroom facilities included 44978  
in the project under the agreement provided in section 3318.08 of 44979  
the Revised Code or the supplemental agreement provided in section 44980  
3318.081 of the Revised Code shall be included in the budget of 44981  
the school district for each year upon the certification to the 44982  
county budget commission or commissions of the county or counties 44983  
in which said school district is located, by the Ohio ~~school~~ 44984  
facilities construction commission of the balance due the state 44985  
under said agreement or supplemental agreement. Such certification 44986  
shall be made on or before the fifteenth day of July in each year. 44987  
Thereafter, the respective county budget commissions shall treat 44988  
such certification as an additional item on the tax budget for the 44989  
school district as to which such certification has been made and 44990  
shall provide for the levy therefor in the manner provided in 44991  
sections 5705.27 to 5705.50 of the Revised Code for tax levies 44992  
included directly in the budgets of the subdivisions. 44993

The levy of taxes shall be included in the next annual tax 44994  
budget that is certified to the county budget commission after the 44995  
execution of the agreement for the project. 44996

**Sec. 3318.15.** There is hereby created the public school building fund within the state treasury consisting of any moneys transferred or appropriated to the fund by the general assembly, moneys paid into or transferred in accordance with section 3318.47 of the Revised Code, and any grants, gifts, or contributions received by the Ohio ~~school~~ facilities construction commission to be used for the purposes of the fund. All investment earnings of the fund shall be credited to the fund.

Moneys transferred or appropriated to the fund by the general assembly and moneys in the fund from grants, gifts, and contributions shall be used for the purposes of Chapter 3318. of the Revised Code as prescribed by the general assembly.

**Sec. 3318.16.** The Ohio ~~school~~ facilities construction commission shall have an interest in real property purchased with moneys in the school district's project construction fund.

Once obligations issued to finance a project under section 3318.26 of the Revised Code are no longer outstanding, any interest held by the commission shall be transferred to the school district.

**Sec. 3318.18.** (A) As used in this section:

(1) "Valuation" of a school district means the sum of the amounts described in divisions (A)(1) and (2) of section 3317.021 of the Revised Code as most recently certified for the district before the annual computation is made under division (B) of this section.

(2) "Valuation per pupil" of a school district means the district's valuation divided by the district's formula ADM as most recently calculated under section 3317.03 of the Revised Code before the annual computation is made under division (B) of this

section. 45026

(3) "Statewide average valuation per pupil" means the total 45027  
of the valuations of all school districts divided by the total of 45028  
the formula ADMs of all school districts as most recently 45029  
calculated under section 3317.03 of the Revised Code before the 45030  
annual computation is made under division (C) of this section. 45031

(4) "Maintenance levy requirement" means the tax required to 45032  
be levied pursuant to division (C)(2)(a) of section 3318.08 and 45033  
division (B) of section 3318.05 of the Revised Code or the 45034  
application of proceeds of another levy to paying the costs of 45035  
maintaining classroom facilities pursuant to division (A)(2) of 45036  
section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 45037  
or division (D)(2) of section 3318.36 of the Revised Code, or a 45038  
combination thereof. 45039

(5) "Project agreement" means an agreement between a school 45040  
district and the Ohio ~~school~~ facilities construction commission 45041  
under section 3318.08 or division (B)(1) of section 3318.36 of the 45042  
Revised Code. 45043

(B) On or before July 1, 2006, the department of education 45044  
shall compute the statewide average valuation per pupil and the 45045  
valuation per pupil of each school district, and provide them to 45046  
the Ohio ~~school~~ facilities construction commission. On or before 45047  
the first day of July each year beginning in 2007, the department 45048  
of education shall compute the statewide average valuation per 45049  
pupil and the valuation per pupil of each school district that has 45050  
not already entered into a project agreement, and provide the 45051  
results of those computations to the commission. 45052

(C)(1) At the time the Ohio ~~school~~ facilities construction 45053  
commission enters into a project agreement with a school district, 45054  
the commission shall compute the difference between the district's 45055  
valuation per pupil and the statewide average valuation per pupil 45056

as most recently provided to the commission under division (B) of 45057  
this section. If the school district's valuation per pupil is less 45058  
than the average statewide valuation per pupil, the commission 45059  
shall multiply the difference between those amounts by one-half 45060  
mill times the formula ADM of the district as most recently 45061  
reported to the department of education for October under division 45062  
(A) of section 3317.03 of the Revised Code. The commission shall 45063  
certify the resulting product to the department of education, 45064  
along with the date on which the maintenance levy requirement 45065  
terminates as provided in the project agreement between the school 45066  
district board and the commission. 45067

(2) In the case of a school district that entered into a 45068  
project agreement after July 1, 1997, but before July 1, 2006, the 45069  
commission shall make the computation described in division (C)(1) 45070  
of this section on the basis of the district's valuation per pupil 45071  
and the statewide average valuation per pupil computed as of 45072  
September 1, 2006, and the district's formula ADM reported for 45073  
October 2005. 45074

(3) The amount computed for a school district under division 45075  
(C)(1) or (2) of this section shall not change for the period 45076  
during which payments are made to the district under division (D) 45077  
of this section. 45078

(4) A computation need not be made under division (C)(1) or 45079  
(2) of this section for a school district that certified a 45080  
resolution to the commission under division (D)(3) of section 45081  
3318.36 of the Revised Code until the district becomes eligible 45082  
for state assistance as provided in that division. 45083

(D) In the fourth quarter of each fiscal year, for each 45084  
school district for which a computation has been made under 45085  
division (C) of this section, the department of education shall 45086  
pay the amount computed to each such school district. Payments 45087  
shall be made to a school district each year until and including 45088

the tax year in which the district's maintenance levy requirement 45089  
terminates. Payments shall be paid from the half-mill equalization 45090  
fund, subject to appropriation by the general assembly. However, 45091  
the department shall make no payments under this section to any 45092  
district that elects the procedure authorized by section 3318.051 45093  
of the Revised Code. 45094

(E) Payments made to a school district under this section 45095  
shall be credited to the district's classroom facilities 45096  
maintenance fund and shall be used only for the purpose of 45097  
maintaining facilities constructed or renovated under the project 45098  
agreement. 45099

(F) There is hereby created in the state treasury the 45100  
half-mill equalization fund. The fund shall receive transfers 45101  
pursuant to section 5727.85 of the Revised Code. The fund shall be 45102  
used first to make annual payments under division (D) of this 45103  
section. If a balance remains in the fund after such payments are 45104  
made in full for a year, the Ohio ~~school~~ facilities construction 45105  
commission may request the controlling board to transfer a 45106  
reasonable amount from such remaining balance to the public school 45107  
building fund created under section 3318.15 of the Revised Code 45108  
for the purposes of this chapter. 45109

All investment earnings arising from investment of money in 45110  
the half-mill equalization fund shall be credited to the fund. 45111

**Sec. 3318.22.** (A) The general assembly finds that many school 45112  
districts are prevented by their size, tax base, or other 45113  
conditions from performing their essential functions as agencies 45114  
of state government to provide adequate classroom facilities and 45115  
issuing securities under Chapter 133. of the Revised Code at 45116  
favorable interest rates or charges. Accordingly, the Ohio ~~school~~ 45117  
facilities construction commission is invested with the powers and 45118  
duties provided in sections 3318.21 to 3318.29 of the Revised Code 45119

in order to provide deserved assistance and materially contribute 45120  
to the educational revitalization of such school districts and 45121  
result in improving the education and welfare of all the people of 45122  
the state. 45123

(B) Sections 3318.21 to 3318.29 of the Revised Code do not 45124  
authorize the commission or the issuing authority to incur bonded 45125  
indebtedness of the state or any political subdivision of the 45126  
state, or to obligate or pledge moneys raised by taxation for the 45127  
payment of any bonds or notes issued pursuant to sections 3318.21 45128  
to 3318.29 of the Revised Code. 45129

**Sec. 3318.25.** There is hereby created in the state treasury 45130  
the school building program assistance fund. The fund shall 45131  
consist of the proceeds of obligations issued for the purposes of 45132  
such fund pursuant to section 3318.26 of the Revised Code that are 45133  
payable from moneys in the lottery profits education fund created 45134  
in section 3770.06 of the Revised Code or pursuant to section 45135  
151.03 of the Revised Code. All investment earnings of the fund 45136  
shall be credited to the fund. Moneys in the fund shall be used as 45137  
directed by the Ohio ~~school~~ facilities construction commission for 45138  
the cost to the state of constructing classroom facilities under 45139  
Chapter 3318. of the Revised Code as prescribed by the general 45140  
assembly. 45141

**Sec. 3318.26.** (A) The provisions of this section apply only 45142  
to obligations issued by the issuing authority prior to December 45143  
1, 1999. 45144

(B) Subject to the limitations provided in section 3318.29 of 45145  
the Revised Code, the issuing authority, upon the certification by 45146  
the Ohio ~~school~~ facilities construction commission to the issuing 45147  
authority of the amount of moneys or additional moneys needed in 45148  
the school building program assistance fund for the purposes of 45149

sections 3318.01 to 3318.20 and sections 3318.40 to 3318.45 of the Revised Code, or needed for capitalized interest, for funding reserves, and for paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, shall issue obligations of the state under this section in the required amount. The proceeds of such obligations, except for obligations issued to provide moneys for the school building program assistance fund shall be deposited by the treasurer of state in special funds, including reserve funds, as provided in the bond proceedings. The issuing authority may appoint trustees, paying agents, and transfer agents and may retain the services of financial advisors and accounting experts and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are payable from the school building program assistance fund or any special fund determined by the issuing authority.

(C) The holders or owners of such obligations shall have no right to have moneys raised by taxation obligated or pledged, and moneys raised by taxation shall not be obligated or pledged, for the payment of bond service charges. Such holders or owners shall have no rights to payment of bond service charges from any money or property received by the commission, treasurer of state, or the state, or from any other use of the proceeds of the sale of the

obligations, and no such moneys may be used for the payment of 45183  
bond service charges, except for accrued interest, capitalized 45184  
interest, and reserves funded from proceeds received upon the sale 45185  
of the obligations and except as otherwise expressly provided in 45186  
the applicable bond proceedings pursuant to written directions by 45187  
the treasurer of state. The right of such holders and owners to 45188  
payment of bond service charges shall be limited to all or that 45189  
portion of the pledged receipts and those special funds pledged 45190  
thereto pursuant to the bond proceedings in accordance with this 45191  
section, and each such obligation shall bear on its face a 45192  
statement to that effect. 45193

(D) Obligations shall be authorized by resolution or order of 45194  
the issuing authority and the bond proceedings shall provide for 45195  
the purpose thereof and the principal amount or amounts, and shall 45196  
provide for or authorize the manner or agency for determining the 45197  
principal maturity or maturities, not exceeding the limits 45198  
specified in section 3318.29 of the Revised Code, the interest 45199  
rate or rates or the maximum interest rate, the date of the 45200  
obligations and the dates of payment of interest thereon, their 45201  
denomination, and the establishment within or without the state of 45202  
a place or places of payment of bond service charges. Sections 45203  
9.98 to 9.983 of the Revised Code are applicable to obligations 45204  
issued under this section, subject to any applicable limitation 45205  
under section 3318.29 of the Revised Code. The purpose of such 45206  
obligations may be stated in the bond proceedings in terms 45207  
describing the general purpose or purposes to be served. The bond 45208  
proceedings shall also provide, subject to the provisions of any 45209  
other applicable bond proceedings, for the pledge of all, or such 45210  
part as the issuing authority may determine, of the pledged 45211  
receipts and the applicable special fund or funds to the payment 45212  
of bond service charges, which pledges may be made either prior or 45213  
subordinate to other expenses, claims, or payments, and may be 45214  
made to secure the obligations on a parity with obligations 45215

theretofore or thereafter issued, if and to the extent provided in 45216  
the bond proceedings. The pledged receipts and special funds so 45217  
pledged and thereafter received by the state are immediately 45218  
subject to the lien of such pledge without any physical delivery 45219  
thereof or further act, and the lien of any such pledges is valid 45220  
and binding against all parties having claims of any kind against 45221  
the state or any governmental agency of the state, irrespective of 45222  
whether such parties have notice thereof, and shall create a 45223  
perfected security interest for all purposes of Chapter 1309. of 45224  
the Revised Code, without the necessity for separation or delivery 45225  
of funds or for the filing or recording of the bond proceedings by 45226  
which such pledge is created or any certificate, statement or 45227  
other document with respect thereto; and the pledge of such 45228  
pledged receipts and special funds is effective and the money 45229  
therefrom and thereof may be applied to the purposes for which 45230  
pledged without necessity for any act of appropriation, except as 45231  
required by section 3770.06 of the Revised Code. Every pledge, and 45232  
every covenant and agreement made with respect thereto, made in 45233  
the bond proceedings may therein be extended to the benefit of the 45234  
owners and holders of obligations authorized by this section, and 45235  
to any trustee therefor, for the further security of the payment 45236  
of the bond service charges. 45237

(E) The bond proceedings may contain additional provisions as 45238  
to: 45239

(1) The redemption of obligations prior to maturity at the 45240  
option of the issuing authority at such price or prices and under 45241  
such terms and conditions as are provided in the bond proceedings; 45242

(2) Other terms of the obligations; 45243

(3) Limitations on the issuance of additional obligations; 45244

(4) The terms of any trust agreement or indenture securing 45245  
the obligations or under which the same may be issued; 45246

(5) The deposit, investment and application of special funds, 45247  
and the safeguarding of moneys on hand or on deposit, without 45248  
regard to Chapter 131., 133., or 135. of the Revised Code, but 45249  
subject to any special provisions of sections 3318.21 to 3318.29 45250  
of the Revised Code, with respect to particular funds or moneys, 45251  
provided that any bank or trust company that acts as depository of 45252  
any moneys in the special funds may furnish such indemnifying 45253  
bonds or may pledge such securities as required by the issuing 45254  
authority; 45255

(6) Any or every provision of the bond proceedings being 45256  
binding upon such officer, board, commission, authority, agency, 45257  
department, or other person or body as may from time to time have 45258  
the authority under law to take such actions as may be necessary 45259  
to perform all or any part of the duty required by such provision; 45260

(7) Any provision that may be made in a trust agreement or 45261  
indenture; 45262

(8) The lease or sublease of any interest of the school 45263  
district or the state in one or more projects as defined in 45264  
division (C) of section 3318.01 of the Revised Code, or in one or 45265  
more permanent improvements, to or from the issuing authority, as 45266  
provided in one or more lease or sublease agreements between the 45267  
school or the state and the issuing authority; 45268

(9) Any other or additional agreements with the holders of 45269  
the obligations, or the trustee therefor, relating to the 45270  
obligations or the security therefor. 45271

(F) The obligations may have the great seal of the state or a 45272  
facsimile thereof affixed thereto or printed thereon. The 45273  
obligations and any coupons pertaining to obligations shall be 45274  
signed or bear the facsimile signature of the issuing authority. 45275  
Any obligations or coupons may be executed by the person who, on 45276  
the date of execution, is the proper issuing authority although on 45277

the date of such bonds or coupons such person was not the issuing 45278  
authority. In case the issuing authority whose signature or a 45279  
facsimile of whose signature appears on any such obligation or 45280  
coupon ceases to be the issuing authority before delivery thereof, 45281  
such signature or facsimile is nevertheless valid and sufficient 45282  
for all purposes as if the issuing authority had remained the 45283  
issuing authority until such delivery; and in case the seal to be 45284  
affixed to obligations has been changed after a facsimile of the 45285  
seal has been imprinted on such obligations, such facsimile seal 45286  
shall continue to be sufficient as to such obligations and 45287  
obligations issued in substitution or exchange therefor. 45288

(G) All obligations are negotiable instruments and securities 45289  
under Chapter 1308. of the Revised Code, subject to the provisions 45290  
of the bond proceedings as to registration. The obligations may be 45291  
issued in coupon or in registered form, or both, as the issuing 45292  
authority determines. Provision may be made for the registration 45293  
of any obligations with coupons attached thereto as to principal 45294  
alone or as to both principal and interest, their exchange for 45295  
obligations so registered, and for the conversion or reconversion 45296  
into obligations with coupons attached thereto of any obligations 45297  
registered as to both principal and interest, and for reasonable 45298  
charges for such registration, exchange, conversion, and 45299  
reconversion. 45300

(H) Obligations may be sold at public sale or at private 45301  
sale, as determined in the bond proceedings. 45302

(I) Pending preparation of definitive obligations, the 45303  
issuing authority may issue interim receipts or certificates which 45304  
shall be exchanged for such definitive obligations. 45305

(J) In the discretion of the issuing authority, obligations 45306  
may be secured additionally by a trust agreement or indenture 45307  
between the issuing authority and a corporate trustee which may be 45308  
any trust company or bank having a place of business within the 45309

state. Any such agreement or indenture may contain the resolution 45310  
or order authorizing the issuance of the obligations, any 45311  
provisions that may be contained in any bond proceedings, and 45312  
other provisions that are customary or appropriate in an agreement 45313  
or indenture of such type, including, but not limited to: 45314

(1) Maintenance of each pledge, trust agreement, indenture, 45315  
or other instrument comprising part of the bond proceedings until 45316  
the state has fully paid the bond service charges on the 45317  
obligations secured thereby, or provision therefor has been made; 45318

(2) In the event of default in any payments required to be 45319  
made by the bond proceedings, or any other agreement of the 45320  
issuing authority made as a part of the contract under which the 45321  
obligations were issued, enforcement of such payments or agreement 45322  
by mandamus, the appointment of a receiver, suit in equity, action 45323  
at law, or any combination of the foregoing; 45324

(3) The rights and remedies of the holders of obligations and 45325  
of the trustee, and provisions for protecting and enforcing them, 45326  
including limitations on rights of individual holders of 45327  
obligations; 45328

(4) The replacement of any obligations that become mutilated 45329  
or are destroyed, lost, or stolen; 45330

(5) Such other provisions as the trustee and the issuing 45331  
authority agree upon, including limitations, conditions, or 45332  
qualifications relating to any of the foregoing. 45333

(K) Any holder of obligations or a trustee under the bond 45334  
proceedings, except to the extent that the holder's or trustee's 45335  
rights are restricted by the bond proceedings, may by any suitable 45336  
form of legal proceedings, protect and enforce any rights under 45337  
the laws of this state or granted by such bond proceedings. Such 45338  
rights include the right to compel the performance of all duties 45339  
of the issuing authority, the commission, or the director of 45340

budget and management required by sections 3318.21 to 3318.29 of 45341  
the Revised Code or the bond proceedings; to enjoin unlawful 45342  
activities; and in the event of default with respect to the 45343  
payment of any bond service charges on any obligations or in the 45344  
performance of any covenant or agreement on the part of the 45345  
issuing authority, the commission, or the director of budget and 45346  
management in the bond proceedings, to apply to a court having 45347  
jurisdiction of the cause to appoint a receiver to receive and 45348  
administer the pledged receipts and special funds, other than 45349  
those in the custody of the treasurer of state or the commission, 45350  
which are pledged to the payment of the bond service charges on 45351  
such obligations or which are the subject of the covenant or 45352  
agreement, with full power to pay, and to provide for payment of 45353  
bond service charges on, such obligations, and with such powers, 45354  
subject to the direction of the court, as are accorded receivers 45355  
in general equity cases, excluding any power to pledge additional 45356  
revenues or receipts or other income or moneys of the issuing 45357  
authority or the state or governmental agencies of the state to 45358  
the payment of such principal and interest and excluding the power 45359  
to take possession of, mortgage, or cause the sale or otherwise 45360  
dispose of any permanent improvement. 45361

Each duty of the issuing authority and the issuing 45362  
authority's officers and employees, and of each governmental 45363  
agency and its officers, members, or employees, undertaken 45364  
pursuant to the bond proceedings or any agreement or loan made 45365  
under authority of sections 3318.21 to 3318.29 of the Revised 45366  
Code, and in every agreement by or with the issuing authority, is 45367  
hereby established as a duty of the issuing authority, and of each 45368  
such officer, member, or employee having authority to perform such 45369  
duty, specifically enjoined by the law resulting from an office, 45370  
trust, or station within the meaning of section 2731.01 of the 45371  
Revised Code. 45372

The person who is at the time the issuing authority, or the 45373  
issuing authority's officers or employees, are not liable in their 45374  
personal capacities on any obligations issued by the issuing 45375  
authority or any agreements of or with the issuing authority. 45376

(L) Obligations issued under this section are lawful 45377  
investments for banks, societies for savings, savings and loan 45378  
associations, deposit guarantee associations, trust companies, 45379  
trustees, fiduciaries, insurance companies, including domestic for 45380  
life and domestic not for life, trustees or other officers having 45381  
charge of sinking and bond retirement or other special funds of 45382  
political subdivisions and taxing districts of this state, the 45383  
commissioners of the sinking fund of the state, the administrator 45384  
of workers' compensation, the state teachers retirement system, 45385  
the public employees retirement system, the school employees 45386  
retirement system, and the Ohio police and fire pension fund, 45387  
notwithstanding any other provisions of the Revised Code or rules 45388  
adopted pursuant thereto by any governmental agency of the state 45389  
with respect to investments by them, and also are acceptable as 45390  
security for the deposit of public moneys. 45391

(M) Unless otherwise provided in any applicable bond 45392  
proceedings, moneys to the credit of or in the special funds 45393  
established by or pursuant to this section may be invested by or 45394  
on behalf of the issuing authority only in notes, bonds, or other 45395  
obligations of the United States, or of any agency or 45396  
instrumentality of the United States, obligations guaranteed as to 45397  
principal and interest by the United States, obligations of this 45398  
state or any political subdivision of this state, and certificates 45399  
of deposit of any national bank located in this state and any 45400  
bank, as defined in section 1101.01 of the Revised Code, subject 45401  
to inspection by the superintendent of financial institutions. If 45402  
the law or the instrument creating a trust pursuant to division 45403  
(J) of this section expressly permits investment in direct 45404

obligations of the United States or an agency of the United 45405  
States, unless expressly prohibited by the instrument, such moneys 45406  
also may be invested in no front end load money market mutual 45407  
funds consisting exclusively of obligations of the United States 45408  
or an agency of the United States and in repurchase agreements, 45409  
including those issued by the fiduciary itself, secured by 45410  
obligations of the United States or an agency of the United 45411  
States; and in collective investment funds established in 45412  
accordance with section 1111.14 of the Revised Code and consisting 45413  
exclusively of any such securities, notwithstanding division 45414  
(B)(1)(c) of that section. The income from such investments shall 45415  
be credited to such funds as the issuing authority determines, and 45416  
such investments may be sold at such times as the issuing 45417  
authority determines or authorizes. 45418

(N) Provision may be made in the applicable bond proceedings 45419  
for the establishment of separate accounts in the bond service 45420  
fund and for the application of such accounts only to the 45421  
specified bond service charges on obligations pertinent to such 45422  
accounts and bond service fund and for other accounts therein 45423  
within the general purposes of such fund. Unless otherwise 45424  
provided in any applicable bond proceedings, moneys to the credit 45425  
of or in the several special funds established pursuant to this 45426  
section shall be disbursed on the order of the treasurer of state, 45427  
provided that no such order is required for the payment from the 45428  
bond service fund when due of bond service charges on obligations. 45429

(O) The issuing authority may pledge all, or such portion as 45430  
the issuing authority determines, of the pledged receipts to the 45431  
payment of bond service charges on obligations issued under this 45432  
section, and for the establishment and maintenance of any 45433  
reserves, as provided in the bond proceedings, and make other 45434  
provisions therein with respect to pledged receipts as authorized 45435  
by this chapter, which provisions shall be controlling 45436

notwithstanding any other provisions of law pertaining thereto. 45437

(P) The issuing authority may covenant in the bond 45438  
proceedings, and any such covenants shall be controlling 45439  
notwithstanding any other provision of law, that the state and 45440  
applicable officers and governmental agencies of the state, 45441  
including the general assembly, so long as any obligations are 45442  
outstanding, shall: 45443

(1) Maintain statutory authority for and cause to be operated 45444  
the state lottery, including the transfers to and from the lottery 45445  
profits education fund created in section 3770.06 of the Revised 45446  
Code so that the pledged receipts shall be sufficient in amount to 45447  
meet bond service charges, and the establishment and maintenance 45448  
of any reserves and other requirements provided for in the bond 45449  
proceedings; 45450

(2) Take or permit no action, by statute or otherwise, that 45451  
would impair the exclusion from gross income for federal income 45452  
tax purposes of the interest on any obligations designated by the 45453  
bond proceeding as tax-exempt obligations. 45454

(Q) There is hereby created the school building program bond 45455  
service fund, which shall be in the custody of the treasurer of 45456  
state but shall be separate and apart from and not a part of the 45457  
state treasury. All moneys received by or on account of the 45458  
issuing authority or state agencies and required by the applicable 45459  
bond proceedings, consistent with this section, to be deposited, 45460  
transferred, or credited to the school building program bond 45461  
service fund, and all other moneys transferred or allocated to or 45462  
received for the purposes of the fund, shall be deposited and 45463  
credited to such fund and to any separate accounts therein, 45464  
subject to applicable provisions of the bond proceedings, but 45465  
without necessity for any act of appropriation, except as required 45466  
by section 3770.06 of the Revised Code. During the period 45467  
beginning with the date of the first issuance of obligations and 45468

continuing during such time as any such obligations are 45469  
outstanding, and so long as moneys in the school building program 45470  
bond service fund are insufficient to pay all bond service charges 45471  
on such obligations becoming due in each year, a sufficient amount 45472  
of the moneys from the lottery profits education fund included in 45473  
pledged receipts, subject to appropriation for such purpose as 45474  
provided in section 3770.06 of the Revised Code, are committed and 45475  
shall be paid to the school building program bond service fund in 45476  
each year for the purpose of paying the bond service charges 45477  
becoming due in that year. The school building program bond 45478  
service fund is a trust fund and is hereby pledged to the payment 45479  
of bond service charges solely on obligations issued to provide 45480  
moneys for the school building program assistance fund to the 45481  
extent provided in the applicable bond proceedings, and payment 45482  
thereof from such fund shall be made or provided for by the 45483  
treasurer of state in accordance with such bond proceedings 45484  
without necessity for any act of appropriation except as required 45485  
by section 3770.06 of the Revised Code. 45486

(R) The obligations, the transfer thereof, and the income 45487  
therefrom, including any profit made on the sale thereof, at all 45488  
times shall be free from taxation within the state. 45489

**Sec. 3318.311.** ~~Not later than six months after September 14,~~ 45490  
~~2000, the~~ The Ohio school facilities construction commission shall 45491  
establish design specifications for classroom facilities that are 45492  
appropriate for joint vocational education programs. The 45493  
specifications shall provide standards for appropriate pupil 45494  
instruction space but shall not include standards for any 45495  
vocational education furnishings or equipment that is not 45496  
comparable to, or the vocational education equivalent of, the 45497  
furnishings or equipment for which assistance is available to 45498  
other school districts under sections 3318.01 to 3318.20 of the 45499  
Revised Code. 45500

Beginning September 1, 2003, from time to time the commission 45501  
may amend the specifications as determined necessary by the 45502  
commission; however, any project under sections 3318.40 to 3318.45 45503  
of the Revised Code approved by the commission prior to the most 45504  
recent amendment to the specifications shall not be subject to the 45505  
provisions of such amendment. 45506

**Sec. 3318.351.** (A) As used in this section: 45507

(1) "Classroom facilities" has the same meaning as in section 45508  
3318.01 of the Revised Code. 45509

(2) "Emergency project" means reconstruction or renovation of 45510  
or repair to any classroom facilities made necessary because of 45511  
damage due to an act of God. 45512

(3) "Eligible school district" means any school district in 45513  
the first through one-hundredth percentiles as determined under 45514  
section 3318.011 of the Revised Code. 45515

(B)(1) There is hereby established the school building 45516  
emergency assistance program, under which the Ohio ~~school~~ 45517  
facilities construction commission shall distribute grants to 45518  
eligible school districts from moneys specifically appropriated by 45519  
the general assembly for the purposes of this section to assist in 45520  
emergency projects. Any assistance under this section shall be 45521  
used to pay the cost of only the portion of an emergency project 45522  
that is not covered by insurance or other public or private 45523  
emergency assistance received by or payable to the school 45524  
district. Any damage to classroom facilities caused by age of the 45525  
facilities or by lack of timely maintenance to the facilities 45526  
shall not constitute damage that is subject to assistance under 45527  
this section. 45528

(2) The commission shall establish procedures and deadlines 45529  
for eligible school districts to follow in applying for assistance 45530

under this section. The commission shall consider such 45531  
applications on a case-by-case basis taking into account the 45532  
amount of moneys available under this section. 45533

(3) Every effort shall be made to conform an emergency 45534  
project to design specifications adopted by the commission, 45535  
including minimum capacity requirements adopted under section 45536  
3318.03 of the Revised Code, unless in the judgment of the 45537  
commission it is not possible to conform the project to such 45538  
specifications. 45539

**Sec. 3318.36.** (A)(1) As used in this section: 45540

(a) "Ohio ~~school~~ facilities construction commission," 45541  
"classroom facilities," "school district," "school district 45542  
board," "net bonded indebtedness," "required percentage of the 45543  
basic project costs," "basic project cost," "valuation," and 45544  
"percentile" have the same meanings as in section 3318.01 of the 45545  
Revised Code. 45546

(b) "Required level of indebtedness" means five per cent of 45547  
the school district's valuation for the year preceding the year in 45548  
which the commission and school district enter into an agreement 45549  
under division (B) of this section, plus [two one-hundredths of 45550  
one per cent multiplied by (the percentile in which the district 45551  
ranks minus one)]. 45552

(c) "Local resources" means any moneys generated in any 45553  
manner permitted for a school district board to raise the school 45554  
district portion of a project undertaken with assistance under 45555  
sections 3318.01 to 3318.20 of the Revised Code. 45556

(2) For purposes of determining the required level of 45557  
indebtedness, the required percentage of the basic project costs 45558  
under division (C)(1) of this section, and priority for assistance 45559  
under sections 3318.01 to 3318.20 of the Revised Code, the 45560

percentile ranking of a school district with which the commission 45561  
has entered into an agreement under this section between the first 45562  
day of July and the thirty-first day of August in each fiscal year 45563  
is the percentile ranking calculated for that district for the 45564  
immediately preceding fiscal year, and the percentile ranking of a 45565  
school district with which the commission has entered into such 45566  
agreement between the first day of September and the thirtieth day 45567  
of June in each fiscal year is the percentile ranking calculated 45568  
for that district for the current fiscal year. 45569

(B)(1) There is hereby established the school building 45570  
assistance expedited local partnership program. Under the program, 45571  
the Ohio ~~school~~ facilities construction commission may enter into 45572  
an agreement with the board of any school district under which the 45573  
board may proceed with the new construction or major repairs of a 45574  
part of the district's classroom facilities needs, as determined 45575  
under sections 3318.01 to 3318.20 of the Revised Code, through the 45576  
expenditure of local resources prior to the school district's 45577  
eligibility for state assistance under those sections, and may 45578  
apply that expenditure toward meeting the school district's 45579  
portion of the basic project cost of the total of the district's 45580  
classroom facilities needs, as recalculated under division (E) of 45581  
this section, when the district becomes eligible for state 45582  
assistance under sections 3318.01 to 3318.20 or section 3318.364 45583  
of the Revised Code. Any school district that is reasonably 45584  
expected to receive assistance under sections 3318.01 to 3318.20 45585  
of the Revised Code within two fiscal years from the date the 45586  
school district adopts its resolution under division (B) of this 45587  
section shall not be eligible to participate in the program 45588  
established under this section. 45589

(2) To participate in the program, a school district board 45590  
shall first adopt a resolution certifying to the commission the 45591  
board's intent to participate in the program. 45592

The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than September 14, 2000.

(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code or priority for assistance under section 3318.364 of the Revised Code, the commission shall use the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section.

(4) Any project under this section shall comply with section 3318.03 of the Revised Code and with any specifications for plans and materials for classroom facilities adopted by the commission under section 3318.04 of the Revised Code.

(5) If a school district that enters into an agreement under this section has not begun a project applying local resources as provided for under that agreement at the time the district is notified by the commission that it is eligible to receive state

assistance under sections 3318.01 to 3318.20 of the Revised Code, 45625  
all assessment and agreement documents entered into under this 45626  
section are void. 45627

(6) Only construction of or repairs to classroom facilities 45628  
that have been approved by the commission and have been therefore 45629  
included as part of a district's basic project cost qualify for 45630  
application of local resources under this section. 45631

(C) Based on the results of on-site visits and assessment, 45632  
the commission shall determine the basic project cost of the 45633  
school district's classroom facilities needs. The commission shall 45634  
determine the school district's portion of such basic project 45635  
cost, which shall be the greater of: 45636

(1) The required percentage of the basic project costs, 45637  
determined based on the school district's percentile ranking; 45638

(2) An amount necessary to raise the school district's net 45639  
bonded indebtedness, as of the fiscal year the commission and the 45640  
school district enter into the agreement under division (B) of 45641  
this section, to within five thousand dollars of the required 45642  
level of indebtedness. 45643

(D)(1) When the commission determines the basic project cost 45644  
of the classroom facilities needs of a school district and the 45645  
school district's portion of that basic project cost under 45646  
division (C) of this section, the project shall be conditionally 45647  
approved. Such conditional approval shall be submitted to the 45648  
controlling board for approval thereof. The controlling board 45649  
shall forthwith approve or reject the commission's determination, 45650  
conditional approval, and the amount of the state's portion of the 45651  
basic project cost; however, no state funds shall be encumbered 45652  
under this section. Upon approval by the controlling board, the 45653  
school district board may identify a discrete part of its 45654  
classroom facilities needs, which shall include only new 45655

construction of or additions or major repairs to a particular 45656  
building, to address with local resources. Upon identifying a part 45657  
of the school district's basic project cost to address with local 45658  
resources, the school district board may allocate any available 45659  
school district moneys to pay the cost of that identified part, 45660  
including the proceeds of an issuance of bonds if approved by the 45661  
electors of the school district. 45662

All local resources utilized under this division shall first 45663  
be deposited in the project construction account required under 45664  
section 3318.08 of the Revised Code. 45665

(2) Unless the school district board exercises its option 45666  
under division (D)(3) of this section, for a school district to 45667  
qualify for participation in the program authorized under this 45668  
section, one of the following conditions shall be satisfied: 45669

(a) The electors of the school district by a majority vote 45670  
shall approve the levy of taxes outside the ten-mill limitation 45671  
for a period of twenty-three years at the rate of not less than 45672  
one-half mill for each dollar of valuation to be used to pay the 45673  
cost of maintaining the classroom facilities included in the basic 45674  
project cost as determined by the commission. The form of the 45675  
ballot to be used to submit the question whether to approve the 45676  
tax required under this division to the electors of the school 45677  
district shall be the form for an additional levy of taxes 45678  
prescribed in section 3318.361 of the Revised Code, which may be 45679  
combined in a single ballot question with the questions prescribed 45680  
under section 5705.218 of the Revised Code. 45681

(b) As authorized under division (C) of section 3318.05 of 45682  
the Revised Code, the school district board shall earmark from the 45683  
proceeds of a permanent improvement tax levied under section 45684  
5705.21 of the Revised Code, an amount equivalent to the 45685  
additional tax otherwise required under division (D)(2)(a) of this 45686  
section for the maintenance of the classroom facilities included 45687

in the basic project cost as determined by the commission. 45688

(c) As authorized under section 3318.051 of the Revised Code, 45689  
the school district board shall, if approved by the commission, 45690  
annually transfer into the maintenance fund required under section 45691  
3318.05 of the Revised Code the amount prescribed in section 45692  
3318.051 of the Revised Code in lieu of the tax otherwise required 45693  
under division (D)(2)(a) of this section for the maintenance of 45694  
the classroom facilities included in the basic project cost as 45695  
determined by the commission. 45696

(d) If the school district board has rescinded the agreement 45697  
to make transfers under section 3318.051 of the Revised Code, as 45698  
provided under division (F) of that section, the electors of the 45699  
school district, in accordance with section 3318.063 of the 45700  
Revised Code, first shall approve the levy of taxes outside the 45701  
ten-mill limitation for the period specified in that section at a 45702  
rate of not less than one-half mill for each dollar of valuation. 45703

(e) The school district board shall apply the proceeds of a 45704  
tax to leverage bonds as authorized under section 3318.052 of the 45705  
Revised Code or dedicate a local donated contribution in the 45706  
manner described in division (B) of section 3318.084 of the 45707  
Revised Code in an amount equivalent to the additional tax 45708  
otherwise required under division (D)(2)(a) of this section for 45709  
the maintenance of the classroom facilities included in the basic 45710  
project cost as determined by the commission. 45711

(3) A school district board may opt to delay taking any of 45712  
the actions described in division (D)(2) of this section until the 45713  
school district becomes eligible for state assistance under 45714  
sections 3318.01 to 3318.20 of the Revised Code. In order to 45715  
exercise this option, the board shall certify to the commission a 45716  
resolution indicating the board's intent to do so prior to 45717  
entering into an agreement under division (B) of this section. 45718

(4) If pursuant to division (D)(3) of this section a district board opts to delay levying an additional tax until the district becomes eligible for state assistance, it shall submit the question of levying that tax to the district electors as follows:

(a) In accordance with section 3318.06 of the Revised Code if it will also be necessary pursuant to division (E) of this section to submit a proposal for approval of a bond issue;

(b) In accordance with section 3318.361 of the Revised Code if it is not necessary to also submit a proposal for approval of a bond issue pursuant to division (E) of this section.

(5) No state assistance under sections 3318.01 to 3318.20 of the Revised Code shall be released until a school district board that adopts and certifies a resolution under division (D) of this section also demonstrates to the satisfaction of the commission compliance with the provisions of division (D)(2) of this section.

Any amount required for maintenance under division (D)(2) of this section shall be deposited into a separate fund as specified in division (B) of section 3318.05 of the Revised Code.

(E)(1) If the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code based on its percentile ranking under division (B)(3) of this section or is offered assistance under section 3318.364 of the Revised Code, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the percentage of the original basic project cost assigned to the school district as its portion under division

(C) of this section. The commission shall deduct the expenditure 45750  
of school district moneys made under division (D)(1) of this 45751  
section from the school district's portion of the basic project 45752  
cost as recalculated under this division. If the amount of school 45753  
district resources applied by the school district board to the 45754  
school district's portion of the basic project cost under this 45755  
section is less than the total amount of such portion as 45756  
recalculated under this division, the school district board by a 45757  
majority vote of all of its members shall, if it desires to seek 45758  
state assistance under sections 3318.01 to 3318.20 of the Revised 45759  
Code, adopt a resolution as specified in section 3318.06 of the 45760  
Revised Code to submit to the electors of the school district the 45761  
question of approval of a bond issue in order to pay any 45762  
additional amount of school district portion required for state 45763  
assistance. Any tax levy approved under division (D) of this 45764  
section satisfies the requirements to levy the additional tax 45765  
under section 3318.06 of the Revised Code. 45766

(2) If the amount of school district resources applied by the 45767  
school district board to the school district's portion of the 45768  
basic project cost under this section is more than the total 45769  
amount of such portion as recalculated under this division, within 45770  
one year after the school district's portion is recalculated under 45771  
division (E)(1) of this section the commission may grant to the 45772  
school district the difference between the two calculated 45773  
portions, but at no time shall the commission expend any state 45774  
funds on a project in an amount greater than the state's portion 45775  
of the basic project cost as recalculated under this division. 45776

Any reimbursement under this division shall be only for local 45777  
resources the school district has applied toward construction cost 45778  
expenditures for the classroom facilities approved by the 45779  
commission, which shall not include any financing costs associated 45780  
with that construction. 45781

The school district board shall use any moneys reimbursed to 45782  
the district under this division to pay off any debt service the 45783  
district owes for classroom facilities constructed under its 45784  
project under this section before such moneys are applied to any 45785  
other purpose. However, the district board first may deposit 45786  
moneys reimbursed under this division into the district's general 45787  
fund or a permanent improvement fund to replace local resources 45788  
the district withdrew from those funds, as long as, and to the 45789  
extent that, those local resources were used by the district for 45790  
constructing classroom facilities included in the district's basic 45791  
project cost. 45792

**Sec. 3318.362.** This section applies only to a school district 45793  
that participates in the school building assistance expedited 45794  
local partnership program under section 3318.36 of the Revised 45795  
Code. 45796

A school district board that enters into an agreement with 45797  
the Ohio ~~school~~ facilities construction commission under division 45798  
(B) of section 3318.36 of the Revised Code may propose for 45799  
issuance any bonds necessary for its participation in the program 45800  
under section 3318.36 of the Revised Code for any number of years 45801  
not exceeding the term calculated pursuant to section 133.20 of 45802  
the Revised Code. Any moneys received from the state under 45803  
division (E)(2) of section 3318.36 of the Revised Code shall be 45804  
applied, as agreed in writing by the school district board and the 45805  
commission, to pay debt service on outstanding bonds or bond 45806  
anticipation notes issued by the school district board for its 45807  
participation in the expedited local partnership program, 45808  
including by placing those moneys in an applicable escrow fund 45809  
under division (D) of section 133.34 of the Revised Code. 45810

**Sec. 3318.363.** (A) This section applies beginning in fiscal 45811  
year 2003 and only to a school district participating in the 45812

school building assistance expedited local partnership program 45813  
under section 3318.36 of the Revised Code. 45814

(B) If there is a decrease in the tax valuation of a school 45815  
district to which this section applies by ten per cent or greater 45816  
from one tax year to the next due to a decrease in the assessment 45817  
rate of the taxable property of an electric company that owns 45818  
property in the district, as provided for in section 5727.111 of 45819  
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 45820  
General Assembly, the Ohio ~~school~~ facilities construction 45821  
commission shall calculate or recalculate the state and school 45822  
district portions of the basic project cost of the school 45823  
district's project by determining the percentile rank in which the 45824  
district would be located if such ranking were made using the 45825  
adjusted valuation per pupil calculated under division (C) of this 45826  
section rather than the three-year average adjusted valuation per 45827  
pupil, calculated under division (B) of section 3318.011 of the 45828  
Revised Code. For such district, the required percentage of the 45829  
basic project cost used to determine the state and school district 45830  
shares of that cost under division (C) of section 3318.36 of the 45831  
Revised Code shall be based on the percentile rank as calculated 45832  
under this section rather than as otherwise provided in division 45833  
(C)(1) of section 3318.36 of the Revised Code. If the commission 45834  
has determined the state and school district portion of the basic 45835  
project cost of such a district's project under section 3318.36 of 45836  
the Revised Code prior to that decrease in tax valuation, the 45837  
commission shall adjust the state and school district shares of 45838  
the basic project cost of such project in accordance with this 45839  
section. 45840

(C)(1) As used in divisions (C) and (D) of this section, 45841  
"total taxable value" and "formula ADM" have the same meanings as 45842  
in section 3317.02 of the Revised Code, and "income factor" has 45843  
the same meaning as in section 3318.011 of the Revised Code. 45844

(2) The adjusted valuation per pupil for a school district to which this section applies shall be calculated using the following formula:

(The district's total taxable value for the tax year preceding the calendar year in which the current fiscal year begins / the district's formula ADM for the previous fiscal year) - [\$30,000 x (1 - the district's income factor)].

(D) At the request of the Ohio ~~school~~ facilities construction commission, the department of education shall report a district's total taxable value for the tax year preceding the calendar year in which the current fiscal year begins for any district to which this section applies as that information has been certified to the department by the tax commissioner pursuant to section 3317.021 of the Revised Code.

**Sec. 3318.364.** In any fiscal year, the Ohio ~~school~~ facilities construction commission may, at its discretion, provide assistance under sections 3318.01 to 3318.20 of the Revised Code to a school district that has entered into an expedited local partnership agreement under section 3318.36 of the Revised Code before the district is otherwise eligible for that assistance based on its percentile rank, if the commission determines all of the following:

(A) The district has made an expenditure of local resources under its expedited local partnership agreement on a discrete part of its district-wide project.

(B) The district is ready to complete its district-wide project or a segment of the project, in accordance with section 3318.034 of the Revised Code.

(C) The district is in compliance with division (D)(2) of section 3318.36 of the Revised Code.

(D) Sufficient state funds have been appropriated for 45875  
classroom facilities projects for the fiscal year to pay the state 45876  
share of the district's project or segment after paying the state 45877  
share of projects for all of the following: 45878

(1) Districts that previously had their conditional approval 45879  
lapse pursuant to section 3318.05 of the Revised Code; 45880

(2) Districts eligible for assistance under division (B)(2) 45881  
of section 3318.04 of the Revised Code; 45882

(3) Districts participating in the exceptional needs school 45883  
facilities assistance program under section 3318.37 or 3318.371 of 45884  
the Revised Code; 45885

(4) Districts participating in the accelerated urban school 45886  
building assistance program under section 3318.38 of the Revised 45887  
Code. 45888

Assistance under this section shall be offered to eligible 45889  
districts in the order of their percentile rankings at the time 45890  
they entered into their expedited local partnership agreements, 45891  
from lowest to highest percentile. In the event that more than one 45892  
district has the same percentile ranking, those districts shall be 45893  
offered assistance in the order of the date they entered into 45894  
their expedited local partnership agreements, from earliest to 45895  
latest date. 45896

As used in this section, "local resources" and "percentile" 45897  
have the same meanings as in section 3318.36 of the Revised Code. 45898

**Sec. 3318.37.** (A)(1) As used in this section: 45899

(a) "Full maintenance amount" has the same meaning as in 45900  
section 3318.034 of the Revised Code. 45901

(b) A "school district with an exceptional need for immediate 45902  
classroom facilities assistance" means a school district with an 45903  
exceptional need for new facilities in order to protect the health 45904

and safety of all or a portion of its students. 45905

(2) No school district that participates in the school 45906  
building assistance expedited local partnership program under 45907  
section 3318.36 of the Revised Code shall receive assistance under 45908  
the program established under this section unless the following 45909  
conditions are satisfied: 45910

(a) The district board adopted a resolution certifying its 45911  
intent to participate in the school building assistance expedited 45912  
local partnership program under section 3318.36 of the Revised 45913  
Code prior to September 14, 2000. 45914

(b) The district was selected by the Ohio ~~school~~ facilities 45915  
construction commission for participation in the school building 45916  
assistance expedited local partnership program under section 45917  
3318.36 of the Revised Code in the manner prescribed by the 45918  
commission under that section as it existed prior to September 14, 45919  
2000. 45920

(B)(1) There is hereby established the exceptional needs 45921  
school facilities assistance program. Under the program, the Ohio 45922  
~~school~~ facilities construction commission may set aside from the 45923  
moneys annually appropriated to it for classroom facilities 45924  
assistance projects up to twenty-five per cent for assistance to 45925  
school districts with exceptional needs for immediate classroom 45926  
facilities assistance. 45927

(2)(a) After consulting with education and construction 45928  
experts, the commission shall adopt guidelines for identifying 45929  
school districts with an exceptional need for immediate classroom 45930  
facilities assistance. 45931

(b) The guidelines shall include application forms and 45932  
instructions for school districts to use in applying for 45933  
assistance under this section. 45934

(3) The commission shall evaluate the classroom facilities, 45935

and the need for replacement classroom facilities from the 45936  
applications received under this section. The commission, 45937  
utilizing the guidelines adopted under division (B)(2)(a) of this 45938  
section, shall prioritize the school districts to be assessed. 45939

Notwithstanding section 3318.02 of the Revised Code, the 45940  
commission may conduct on-site evaluation of the school districts 45941  
prioritized under this section and approve and award funds until 45942  
such time as all funds set aside under division (B)(1) of this 45943  
section have been encumbered. However, the commission need not 45944  
conduct the evaluation of facilities if the commission determines 45945  
that a district's assessment conducted under section 3318.36 of 45946  
the Revised Code is sufficient for purposes of this section. 45947

(4) Notwithstanding division (A) of section 3318.05 of the 45948  
Revised Code, the school district's portion of the basic project 45949  
cost under this section shall be the "required percentage of the 45950  
basic project costs," as defined in division (K) of section 45951  
3318.01 of the Revised Code. 45952

(5) Except as otherwise specified in this section, any 45953  
project undertaken with assistance under this section shall comply 45954  
with all provisions of sections 3318.01 to 3318.20 of the Revised 45955  
Code. A school district may receive assistance under sections 45956  
3318.01 to 3318.20 of the Revised Code for the remainder of the 45957  
district's classroom facilities needs as assessed under this 45958  
section when the district is eligible for such assistance pursuant 45959  
to section 3318.02 of the Revised Code, but any classroom facility 45960  
constructed with assistance under this section shall not be 45961  
included in a district's project at that time unless the 45962  
commission determines the district has experienced the increased 45963  
enrollment specified in division (B)(1) of section 3318.04 of the 45964  
Revised Code. 45965

(C) No school district shall receive assistance under this 45966  
section for a classroom facility that has been included in the 45967

discrete part of the district's classroom facilities needs 45968  
identified and addressed in the district's project pursuant to an 45969  
agreement entered into under section 3318.36 of the Revised Code, 45970  
unless the district's entire classroom facilities plan consists of 45971  
only a single building designed to house grades kindergarten 45972  
through twelve. 45973

(D)(1) When undertaking a project under this section, a 45974  
school district may elect to prorate its full maintenance amount 45975  
by setting aside for maintenance the amount calculated under 45976  
division (D)(2) of this section to maintain the classroom 45977  
facilities acquired under the project, if the district will use 45978  
one or more of the alternative methods authorized in sections 45979  
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 45980  
the entire amount calculated under that division. If the district 45981  
so elects, the commission and the district shall include in the 45982  
agreement entered into under section 3318.08 of the Revised Code a 45983  
statement specifying that the district will use the amount 45984  
calculated under that division only to maintain the classroom 45985  
facilities acquired under the project under this section. 45986

(2) The commission shall calculate the amount for a school 45987  
district to maintain the classroom facilities acquired under a 45988  
project under this section as follows: 45989

The full maintenance amount X (the school district's portion 45990  
of the basic project cost under this section / the school 45991  
district's portion of the basic project cost for the district's 45992  
entire classroom facilities needs, as determined jointly by the 45993  
staff of the commission and the district) 45994

(3) A school district may elect to prorate its full 45995  
maintenance amount for any number of projects under this section, 45996  
provided the district will use one or more of the alternative 45997  
methods authorized in sections 3318.051, 3318.052, and 3318.084 of 45998  
the Revised Code to generate the entire amount calculated under 45999

division (D)(2) of this section to maintain the classroom 46000  
facilities acquired under each project for which it so elects. If 46001  
the district cannot use one or more of those alternative methods 46002  
to generate the entire amount calculated under that division, the 46003  
district shall levy the tax described in division (B) of section 46004  
3318.05 of the Revised Code or an extension of that tax under 46005  
section 3318.061 of the Revised Code in an amount necessary to 46006  
generate the remainder of its full maintenance amount. The 46007  
commission shall calculate the remainder of the district's full 46008  
maintenance amount as follows: 46009

The full maintenance amount - the sum of the amounts 46010  
calculated for the district under division (D)(2) of this section 46011  
for each of the district's prior projects under this section 46012

(4) In no case shall the sum of the amounts calculated for a 46013  
school district's maintenance of classroom facilities under 46014  
divisions (D)(2) and (3) of this section exceed the amount that 46015  
would have been required for maintenance if the district had 46016  
elected to meet its entire classroom facilities needs with a 46017  
project under sections 3318.01 to 3318.20 of the Revised Code and 46018  
had not undertaken one or more projects under this section. 46019

(5) If a school district commenced a project under this 46020  
section prior to ~~the effective date of this amendment~~ September 46021  
10, 2012, but has not completed that project, and has not levied 46022  
the tax described in division (B) of section 3318.05 of the 46023  
Revised Code or an extension of that tax under section 3318.061 of 46024  
the Revised Code, the district may request approval from the 46025  
commission to prorate its full maintenance amount in accordance 46026  
with divisions (D)(1) to (4) of this section. If the commission 46027  
approves the request, the commission and the district shall amend 46028  
the agreement entered into under section 3318.08 of the Revised 46029  
Code to reflect the change. 46030

**Sec. 3318.371.** The Ohio ~~school~~ facilities construction 46031  
commission may provide assistance under the exceptional needs 46032  
school facilities program established by section 3318.37 of the 46033  
Revised Code to any school district for the purpose of the 46034  
relocation or replacement of classroom facilities required as a 46035  
result of any contamination of air, soil, or water that impacts 46036  
the occupants of the facility. 46037

The commission shall make a determination in accordance with 46038  
guidelines adopted by the commission regarding eligibility and 46039  
funding for projects under this section. The commission may 46040  
contract with an independent environmental consultant to conduct a 46041  
study to assist the commission in making the determination. 46042

If the federal government or other public or private entity 46043  
provides funds for restitution of costs incurred by the state or 46044  
school district in the relocation or replacement of the classroom 46045  
facilities, the school district shall use such funds in excess of 46046  
the school district's share to refund the state for the state's 46047  
contribution to the environmental contamination portion of the 46048  
project. The school district may apply an amount of such 46049  
restitution funds up to an amount equal to the school district's 46050  
portion of the project, as defined by the commission, toward 46051  
paying its portion of that project to reduce the amount of bonds 46052  
the school district otherwise must issue to receive state 46053  
assistance under sections 3318.01 to 3318.20 of the Revised Code. 46054

**Sec. 3318.38.** (A) As used in this section, "big-eight school 46055  
district" has the same meaning as in section 3314.02 of the 46056  
Revised Code. 46057

(B) There is hereby established the accelerated urban school 46058  
building assistance program. Under the program, notwithstanding 46059  
section 3318.02 of the Revised Code, any big-eight school district 46060

that has not been approved to receive assistance under sections 46061  
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 46062  
beginning on that date apply for approval of and be approved for 46063  
such assistance. Except as otherwise provided in this section, any 46064  
project approved and undertaken pursuant to this section shall 46065  
comply with all provisions of sections 3318.01 to 3318.20 of the 46066  
Revised Code. 46067

The Ohio ~~school~~ facilities construction commission shall 46068  
provide assistance to any big-eight school district eligible for 46069  
assistance under this section in the following manner: 46070

(1) Notwithstanding section 3318.02 of the Revised Code: 46071

(a) Not later than June 30, 2002, the commission shall 46072  
conduct an on-site visit and shall assess the classroom facilities 46073  
needs of each big-eight school district eligible for assistance 46074  
under this section; 46075

(b) Beginning July 1, 2002, any big-eight school district 46076  
eligible for assistance under this section may apply to the 46077  
commission for conditional approval of its project as determined 46078  
by the assessment conducted under division (B)(1)(a) of this 46079  
section. The commission may conditionally approve that project and 46080  
submit it to the controlling board for approval pursuant to 46081  
section 3318.04 of the Revised Code. 46082

(2) If the controlling board approves the project of a 46083  
big-eight school district eligible for assistance under this 46084  
section, the commission and the school district shall enter into 46085  
an agreement as prescribed in section 3318.08 of the Revised Code. 46086  
Any agreement executed pursuant to this division shall include any 46087  
applicable segmentation provisions as approved by the commission 46088  
under division (B)(3) of this section. 46089

(3) Notwithstanding any provision to the contrary in sections 46090  
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 46091

school district eligible for assistance under this section may 46092  
with the approval of the commission opt to divide the project as 46093  
approved under division (B)(1)(b) of this section into discrete 46094  
segments to be completed sequentially. Any project divided into 46095  
segments shall comply with all other provisions of sections 46096  
3318.05, 3318.06, and 3318.08 of the Revised Code except as 46097  
otherwise specified in this division. 46098

If a project is divided into segments under this division: 46099

(a) The school district need raise only the amount equal to 46100  
its proportionate share, as determined under section 3318.032 of 46101  
the Revised Code, of each segment at any one time and may seek 46102  
voter approval of each segment separately; 46103

(b) The state's proportionate share, as determined under 46104  
section 3318.032 of the Revised Code, of only the segment which 46105  
has been approved by the school district electors or for which the 46106  
district has applied a local donated contribution under section 46107  
3318.084 of the Revised Code shall be encumbered in accordance 46108  
with section 3318.11 of the Revised Code. Encumbrance of 46109  
additional amounts to cover the state's proportionate share of 46110  
later segments shall be approved separately as they are approved 46111  
by the school district electors or as the district applies a local 46112  
donated contribution to the segments under section 3318.084 of the 46113  
Revised Code. 46114

(c) The school district's maintenance levy requirement, as 46115  
defined in section 3318.18 of the Revised Code, shall run for 46116  
twenty-three years from the date the first segment is undertaken. 46117

(C) In accordance with division (R) of section 3318.08 of the 46118  
Revised Code, the state funds reserved and encumbered and the 46119  
funds provided by the school district to pay the basic project 46120  
cost of any segment of the project under this section, or of the 46121  
entire project if it is not divided into segments, shall be spent 46122

on the construction and acquisition of the project simultaneously 46123  
in proportion to the state's and the school district's respective 46124  
shares of that basic project cost as determined under section 46125  
3318.032 of the Revised Code. 46126

Sec. 3318.39. (A) The 1:1 school facilities option program is 46127  
hereby established. Under the program, the Ohio facilities 46128  
construction commission shall provide state funds to assist 46129  
eligible school districts in constructing, acquiring, 46130  
reconstructing, or making additions or repairs to any feature of a 46131  
classroom facility that meets the design standards of the 46132  
commission in lieu of that district participating in the classroom 46133  
facilities assistance program under sections 3318.01 to 3318.20 of 46134  
the Revised Code, in the case of a city, exempted village, or 46135  
local school district, or sections 3318.40 to 3318.45 of the 46136  
Revised Code, in the case of a joint vocational school district. 46137

For purposes of this program, an eligible school district is 46138  
either of the following: 46139

(1) A city, exempted village, or local school district that 46140  
has not entered into an agreement for any program under this 46141  
chapter, except for emergency assistance under section 3318.351 of 46142  
the Revised Code, prior to the effective date of this section. A 46143  
district that received partial assistance prior to May 20, 1997, 46144  
and can qualify for assistance under division (B)(2) of section 46145  
3318.04 of the Revised Code shall not be eligible for assistance 46146  
under this section. 46147

(2) A joint vocational school district that has not entered 46148  
into an agreement for any program under this chapter prior to the 46149  
effective date of this section. 46150

An eligible school district may avail itself of the option 46151  
provided under this section only at the time it becomes eligible 46152  
for assistance under the classroom facilities assistance program 46153

in accordance with the annual percentile ranking of districts 46154  
under section 3318.011 or 3318.42 of the Revised Code. 46155

(B)(1) The commission, at the request of a school district 46156  
that meets the criteria set forth in division (A) of this section, 46157  
shall assess the current conditions of the classroom facilities of 46158  
that school district. Based on the results of the assessment, the 46159  
commission shall determine the scope of the entire project, the 46160  
basic project cost of the school district's classroom facilities 46161  
needs, and the state's portion of the total project if the school 46162  
district were to receive assistance under sections 3318.01 to 46163  
3318.20 of the Revised Code, in the case of a city, exempted 46164  
village, or local school district, or sections 3318.40 to 3318.45 46165  
of the Revised Code, in the case of a joint vocational school 46166  
district. 46167

(2) A district that opts to receive assistance under this 46168  
section shall be eligible to receive state funds in the amount of 46169  
up to the greater of one million dollars or ten per cent of the 46170  
state's share of the total project cost determined under division 46171  
(B)(1) of this section. However, a district may choose to receive 46172  
less than the maximum amount of state funds for which it is 46173  
eligible under this division. 46174

(3) A district that opts to receive assistance under this 46175  
section shall match the amount of state funds it receives on a 46176  
one-to-one basis. A district may generate the school district 46177  
funds for its match using any lawful manner. 46178

(C) The commission shall adopt guidelines and procedures for 46179  
the administration of the program. The guidelines shall include 46180  
the following: 46181

(1) A requirement that, in order to participate in the 46182  
program, the district's board of education must approve 46183  
participation by an affirmative vote of not less than four-fifths 46184

of the board's full membership; 46185

(2) The application process for districts; 46186

(3) A requirement that, in order to participate in the 46187  
program, the district shall provide a share that is at least equal 46188  
to the amount of the state assistance provided under this section. 46189

(D) If a district participates in the program established 46190  
under this section, that district shall not have another project 46191  
under sections 3318.01 to 3318.20 of the Revised Code, in the case 46192  
of a city, exempted village, or local school district, or sections 46193  
3318.40 to 3318.45 of the Revised Code, in the case of a joint 46194  
vocational school district, conditionally approved until the 46195  
expiration of twenty years after the date the district enters into 46196  
an agreement with the commission for assistance under this 46197  
section. 46198

**Sec. 3318.40.** (A)(1) Sections 3318.40 to 3318.45 of the 46199  
Revised Code apply only to joint vocational school districts. 46200

(2) As used in sections 3318.40 to 3318.45 of the Revised 46201  
Code: 46202

(a) "Ohio ~~school~~ facilities construction commission," 46203  
"classroom facilities," "project," and "basic project cost" have 46204  
the same meanings as in section 3318.01 of the Revised Code. 46205

(b) "Acquisition of classroom facilities" means constructing, 46206  
reconstructing, repairing, or making additions to classroom 46207  
facilities. 46208

(B) There is hereby established the vocational school 46209  
facilities assistance program. Under the program, the Ohio ~~school~~ 46210  
facilities construction commission shall provide assistance to 46211  
joint vocational school districts for the acquisition of classroom 46212  
facilities suitable to the vocational education programs of the 46213  
districts in accordance with sections 3318.40 to 3318.45 of the 46214

Revised Code. For purposes of the program, beginning July 1, 2003, 46215  
the commission annually may set aside up to two per cent of the 46216  
aggregate amount appropriated to it for classroom facilities 46217  
assistance projects in the public school building fund, 46218  
established under section 3318.15 of the Revised Code, and the 46219  
school building program assistance fund, established under section 46220  
3318.25 of the Revised Code. 46221

(C) The commission shall not provide assistance for any 46222  
distinct part of a project under sections 3318.40 to 3318.45 of 46223  
the Revised Code that when completed will be used exclusively for 46224  
an adult education program or exclusively for operation of a 46225  
driver training school for instruction leading to the issuance of 46226  
a commercial driver's license under Chapter 4506. of the Revised 46227  
Code, except for life safety items and basic building components 46228  
necessary for complete and continuous construction or renovation 46229  
of a classroom facility as determined by the commission. 46230

(D) The commission shall not provide assistance under 46231  
sections 3318.40 to 3318.45 of the Revised Code to acquire 46232  
classroom facilities for vocational educational instruction at a 46233  
location under the control of a school district that is a member 46234  
of a joint vocational school district. Any assistance to acquire 46235  
classroom facilities for vocational educational instruction at 46236  
such location shall be provided to the school district that is a 46237  
member of the joint vocational school district through other 46238  
provisions of this chapter when that member school district is 46239  
eligible for assistance under those provisions. 46240

(E) By September 1, 2003, the commission shall assess the 46241  
classroom facilities needs of at least five joint vocational 46242  
school districts, according to the order of priority prescribed in 46243  
division (B) of section 3318.42 of the Revised Code, and based on 46244  
the results of those assessments shall determine the extent to 46245  
which amendments to the specifications adopted under section 46246

3318.311 of the Revised Code are warranted. The commission, 46247  
thereafter, may amend the specifications as provided in that 46248  
section. 46249

(F) After the commission has conducted the assessments 46250  
prescribed in division (E) of this section, the commission shall 46251  
establish, by rule adopted in accordance with section 111.15 of 46252  
the Revised Code, guidelines for the commission to use in deciding 46253  
whether to waive compliance with the design specifications adopted 46254  
under section 3318.311 of the Revised Code when determining the 46255  
number of facilities and the basic project cost of projects as 46256  
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 46257  
Code. The guidelines shall address the following situations: 46258

(1) Under what circumstances, if any, particular classroom 46259  
facilities are adequate to meet the needs of the school district 46260  
even though the facilities do not comply with the specifications 46261  
adopted under section 3318.311 of the Revised Code; 46262

(2) Under what circumstances, if any, particular classroom 46263  
facilities will be renovated or repaired rather than replaced by 46264  
construction of new facilities. 46265

**Sec. 3318.41.** (A)(1) The Ohio ~~school~~ facilities construction 46266  
commission annually shall assess the classroom facilities needs of 46267  
the number of joint vocational school districts that the 46268  
commission reasonably expects to be able to provide assistance to 46269  
in a fiscal year, based on the amount set aside for that fiscal 46270  
year under division (B) of section 3318.40 of the Revised Code and 46271  
the order of priority prescribed in division (B) of section 46272  
3318.42 of the Revised Code, except that in fiscal year 2004 the 46273  
commission shall conduct at least the five assessments prescribed 46274  
in division (E) of section 3318.40 of the Revised Code. 46275

Upon conducting an assessment of the classroom facilities 46276  
needs of a school district, the commission shall make a 46277

determination of all of the following: 46278

(a) The number of classroom facilities to be included in a 46279  
project and the basic project cost of acquiring the classroom 46280  
facilities included in the project. The number of facilities and 46281  
basic project cost shall be determined in accordance with the 46282  
specifications adopted under section 3318.311 of the Revised Code 46283  
except to the extent that compliance with such specifications is 46284  
waived by the commission pursuant to the rule of the commission 46285  
adopted under division (F) of section 3318.40 of the Revised Code. 46286

(b) The school district's portion of the basic project cost 46287  
as determined under division (C) of section 3318.42 of the Revised 46288  
Code; 46289

(c) The remaining portion of the basic project cost that 46290  
shall be supplied by the state; 46291

(d) The amount of the state's portion of the basic project 46292  
cost to be encumbered in accordance with section 3318.11 of the 46293  
Revised Code in the current and subsequent fiscal years from funds 46294  
set aside under division (B) of section 3318.40 of the Revised 46295  
Code. 46296

(2) Divisions (A), (C), and (D) of section 3318.03 of the 46297  
Revised Code apply to any project under sections 3318.40 to 46298  
3318.45 of the Revised Code. 46299

(B)(1) If the commission makes a determination under division 46300  
(A) of this section in favor of the acquisition of classroom 46301  
facilities for a project under sections 3318.40 to 3318.45 of the 46302  
Revised Code, such project shall be conditionally approved. Such 46303  
conditional approval shall be submitted to the controlling board 46304  
for approval. The controlling board shall immediately approve or 46305  
reject the commission's determination, conditional approval, the 46306  
amount of the state's portion of the basic project cost, and the 46307  
amount of the state's portion of the basic project cost to be 46308

encumbered in the current fiscal year. In the event of approval by the controlling board, the commission shall certify the conditional approval to the joint vocational school district board of education and shall encumber the approved funds for the current fiscal year.

(2) No school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code shall have another such project conditionally approved until the expiration of twenty years after the school district's prior project was conditionally approved, unless the school district board demonstrates to the satisfaction of the commission that the school district has experienced since conditional approval of its prior project an exceptional increase in enrollment or program requirements significantly above the school district's design capacity under that prior project as determined by rule of the commission. Any rule adopted by the commission to implement this division shall be tailored to address the classroom facilities needs of joint vocational school districts.

(C) In addition to generating the amount of the school district's portion of the basic project cost as determined under division (C) of section 3318.42 of the Revised Code, in order for a school district to receive assistance under sections 3318.40 to 3318.45 of the Revised Code, the school district board shall set aside school district moneys for the maintenance of the classroom facilities included in the school district's project in the amount and manner prescribed in section 3318.43 of the Revised Code.

(D)(1) The conditional approval for a project certified under division (B)(1) of this section shall lapse and the amount reserved and encumbered for such project shall be released unless both of the following conditions are satisfied:

(a) Within one hundred twenty days following the date of certification of the conditional approval to the joint vocational

school district board, the school district board accepts the 46341  
conditional approval and certifies to the commission the school 46342  
district board's plan to generate the school district's portion of 46343  
the basic project cost, as determined under division (C) of 46344  
section 3318.42 of the Revised Code, and to set aside moneys for 46345  
maintenance of the classroom facilities acquired under the 46346  
project, as prescribed in section 3318.43 of the Revised Code. 46347

(b) Within thirteen months following the date of 46348  
certification of the conditional approval to the school district 46349  
board, the electors of the school district vote favorably on any 46350  
ballot measures proposed by the school district board to generate 46351  
the school district's portion of the basic project cost. 46352

(2) If the school district board or electors fail to satisfy 46353  
the conditions prescribed in division (D)(1) of this section and 46354  
the amount reserved and encumbered for the school district's 46355  
project is released, the school district shall be given first 46356  
priority over other joint vocational school districts for project 46357  
funding under sections 3318.40 to 3318.45 of the Revised Code as 46358  
such funds become available, subject to section 3318.054 of the 46359  
Revised Code. 46360

(E) If the conditions prescribed in division (D)(1) of this 46361  
section are satisfied, the commission and the school district 46362  
board shall enter into an agreement as prescribed in section 46363  
3318.08 of the Revised Code and shall proceed with the development 46364  
of plans, cost estimates, designs, drawings, and specifications as 46365  
prescribed in section 3318.091 of the Revised Code. 46366

(F) Costs in excess of those approved by the commission under 46367  
section 3318.091 of the Revised Code shall be payable only as 46368  
provided in sections 3318.042 and 3318.083 of the Revised Code. 46369

(G) Advertisement for bids and the award of contracts for 46370  
construction of any project under sections 3318.40 to 3318.45 of 46371

the Revised Code shall be conducted in accordance with section 46372  
3318.10 of the Revised Code. 46373

(H) In accordance with division (R) of section 3318.08 of the 46374  
Revised Code, the state funds reserved and encumbered and the 46375  
funds provided by the school district to pay the basic project 46376  
cost of a project under sections 3318.40 to 3318.45 of the Revised 46377  
Code shall be spent simultaneously in proportion to the state's 46378  
and the school district's respective portions of that basic 46379  
project cost. 46380

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 46381  
Code apply to projects under sections 3318.40 to 3318.45 of the 46382  
Revised Code. 46383

**Sec. 3318.42.** (A) Not later than the sixty-first day after 46384  
March 14, 2003, and subsequently not later than the sixty-first 46385  
day after the first day of each ensuing fiscal year, the 46386  
department of education shall do all of the following: 46387

(1) Calculate the valuation per pupil of each joint 46388  
vocational school district according to the following formula: 46389

The school district's average taxable value divided by the 46390  
school district's formula ADM calculated under section 46391  
3317.03 of the Revised Code for the previous fiscal year. 46392

For purposes of this calculation: 46393

(a) "Average taxable value" means the average of the amounts 46394  
certified for a school district in the second, third, and fourth 46395  
preceding tax years under divisions (A)(1) and (2) of section 46396  
3317.021 of the Revised Code. 46397

(b) "Formula ADM" has the same meaning as defined in section 46398  
3317.02 of the Revised Code. 46399

(2) Calculate for each school district the three-year average 46400  
of the valuations per pupil calculated for the school district for 46401

the current and two preceding fiscal years; 46402

(3) Rank all joint vocational school districts in order from 46403  
the school district with the lowest three-year average valuation 46404  
per pupil to the school district with the highest three-year 46405  
average valuation per pupil; 46406

(4) Divide the ranking under division (A)(3) of this section 46407  
into percentiles with the first percentile containing the one per 46408  
cent of school districts having the lowest three-year average 46409  
valuations per pupil and the one-hundredth percentile containing 46410  
the one per cent of school districts having the highest three-year 46411  
average valuations per pupil; 46412

(5) Certify the information described in divisions (A)(1) to 46413  
(4) of this section to the Ohio ~~school~~ facilities construction 46414  
commission. 46415

(B) The commission annually shall select school districts for 46416  
assistance under sections 3318.40 to 3318.45 of the Revised Code 46417  
in the order of the school districts' three-year average 46418  
valuations per pupil such that the school district with the lowest 46419  
three-year average valuation per pupil shall be given the highest 46420  
priority for assistance. 46421

(C) Each joint vocational school district's portion of the 46422  
basic project cost of the school district's project under sections 46423  
3318.40 to 3318.45 of the Revised Code shall be one per cent times 46424  
the percentile in which the district ranks, except that no school 46425  
district's portion shall be less than twenty-five per cent or 46426  
greater than ninety-five per cent of the basic project cost. 46427

Sec. 3318.421. A project under this section shall proceed in 46428  
the manner prescribed in sections 3318.40 to 3318.45 of the 46429  
Revised Code except as otherwise specified by this section. 46430

In addition to any joint vocational school districts selected 46431

in accordance with section 3318.40 of the Revised Code, the Ohio facilities construction commission may select one joint vocational school district in fiscal year 2018 and one joint vocational school district in fiscal year 2019 for assistance to do one or both of the following:

(A) Construct a new complete classroom facility as a replacement for one or more of the facilities currently operated by the district;

(B) Renovate the district's existing facilities.

The selection shall be made through a competitive process that allows any joint vocational school district in this state to apply for assistance under this section.

The commission shall select for assistance under this section a district that has a compelling need for new construction and that demonstrates to the satisfaction of the commission that the project is necessary for the district to meet the workforce deficiency or demand in the local community or a local industry. The commission may consult with other state agencies, public entities, nonprofit organizations, private corporations, or the JobsOhio nonprofit corporation formed under section 187.01 of the Revised Code in making its determination.

Except as provided in this section, the district's portion of the basic project cost shall be determined in accordance with division (C) of section 3318.42 of the Revised Code. If the district's portion of the basic project cost is greater than fifty per cent, the Ohio facilities construction commission shall decrease the district's portion so that it is equal to fifty per cent. At no time, however, shall the state share of the basic project cost exceed \$26,000,000.

Notwithstanding anything to the contrary in section 3318.40 of the Revised Code, the commission may set aside from funds

appropriated to it for classroom facilities assistance projects 46463  
under this chapter an amount each fiscal year adequate for this 46464  
section. 46465

**Sec. 3318.43.** Each year for twenty-three successive years 46466  
after the commencement of a joint vocational school district's 46467  
project under sections 3318.40 to 3318.45 of the Revised Code, the 46468  
board of education of that school district shall deposit into a 46469  
separate maintenance account or into the school district's capital 46470  
and maintenance fund established under section 3315.18 of the 46471  
Revised Code, school district moneys dedicated to maintenance of 46472  
the classroom facilities acquired under sections 3318.40 to 46473  
3318.45 of the Revised Code in an amount equal to one and one-half 46474  
of one per cent of the current insurance value of the classroom 46475  
facilities acquired under the project, which value shall be 46476  
subject to the approval of the Ohio ~~school~~ facilities construction 46477  
commission. 46478

**Sec. 3318.46.** By rule adopted in accordance with section 46479  
111.15 of the Revised Code, the Ohio ~~school~~ facilities 46480  
construction commission shall establish a program whereby the 46481  
board of education of any joint vocational school district may 46482  
enter into an agreement with the commission under which the board 46483  
may proceed with the new construction or major repairs of a part 46484  
of the school district's classroom facilities needs, as determined 46485  
under sections 3318.40 to 3318.45 of the Revised Code, through the 46486  
expenditure of local resources prior to the school district's 46487  
eligibility for state assistance under sections 3318.40 to 3318.45 46488  
of the Revised Code. The program shall be structured in a manner 46489  
similar to the program established under section 3318.36 of the 46490  
Revised Code. The program shall be operational on July 1, 2004. 46491

**Sec. 3318.48.** (A) When all of the following have occurred, a 46492

project undertaken by a school district pursuant to this chapter 46493  
shall be considered complete and the Ohio ~~school~~ facilities 46494  
construction commission shall issue a certificate of completion to 46495  
the district board of education: 46496

(1) All facilities to be constructed under the project, as 46497  
specified in the project agreement entered into under section 46498  
3318.08 of the Revised Code, have been completed and the board has 46499  
received a permanent certificate of occupancy for each of those 46500  
facilities. 46501

(2) The commission has issued certificates of contract 46502  
completion on all prime construction contracts entered into by the 46503  
board under section 3318.10 of the Revised Code. 46504

(3) The commission has completed a final accounting of the 46505  
district's project construction fund and has determined that all 46506  
payments from the fund were made in compliance with all policies 46507  
of the commission. 46508

(4) Any litigation concerning the project has been finally 46509  
resolved with no chance of appeal. 46510

(5) All construction management services typically provided 46511  
by the commission to school districts have been delivered and the 46512  
commission has canceled any remaining encumbrance of funds for 46513  
those services. 46514

(B) The commission may issue a certificate of completion to a 46515  
district board prior to all of the conditions described in 46516  
division (A) of this section being satisfied, if the commission 46517  
determines that the circumstances preventing the conditions from 46518  
being satisfied are so minor in nature that the project should be 46519  
considered complete. When issuing a certificate of completion 46520  
under this division, the commission may specify any of the 46521  
following: 46522

(1) Any construction or work that has yet to be completed and 46523  
the manner in which the board shall oversee its completion, which 46524  
may include procedures for reporting progress to the commission 46525  
and for accounting of expenditures; 46526

(2) Terms and conditions for the resolution of any pending 46527  
litigation; 46528

(3) Any remaining responsibilities of the construction 46529  
manager regarding the project. 46530

(C) The commission may issue a certificate of completion to a 46531  
district board that does not voluntarily participate in the 46532  
process of closing out the district's project, if the construction 46533  
manager for the project verifies that all facilities to be 46534  
constructed under the project, as specified in the project 46535  
agreement entered into under section 3318.08 of the Revised Code, 46536  
have been completed and the commission determines that those 46537  
facilities have been occupied for at least one year. In that case, 46538  
all funds due to the commission under division (C) of section 46539  
3318.12 of the Revised Code shall be returned to the commission 46540  
not later than thirty days after receipt of the certificate of 46541  
completion. If the funds due to the commission have not been 46542  
returned within sixty days after receipt of the certificate of 46543  
completion, the auditor of state shall issue a finding for 46544  
recovery against the school district and shall request legal 46545  
action under section 117.42 of the Revised Code. 46546

(D) Upon issuance of a certificate of completion under this 46547  
section, the commission's ownership of and interest in the 46548  
project, as specified in division (F) of section 3318.08 of the 46549  
Revised Code, shall cease. This cessation shall not alter or 46550  
otherwise affect the state's or commission's interest in the 46551  
project or any limitations on the use of the project as specified 46552  
in the project agreement pursuant to divisions (G), (M), and (N) 46553  
of that section or as specified in section 3318.16 of the Revised 46554

Code. 46555

**Sec. 3318.49.** (A) The corrective action program is hereby 46556  
established to provide funding for the correction of work, in 46557  
connection with a project funded under sections 3318.01 to 3318.20 46558  
or sections 3318.40 to 3318.45 of the Revised Code, that is found 46559  
after occupancy of the facility to be defective or to have been 46560  
omitted. 46561

(B) The Ohio ~~school~~ facilities construction commission may 46562  
provide funding under this section only if the school district 46563  
notifies the executive director of the commission of the defective 46564  
or omitted work within five years after occupancy of the facility 46565  
for which the district seeks the funding. 46566

(C) The commission shall establish procedures and deadlines 46567  
for school districts to follow in applying for assistance under 46568  
this section. The procedures shall include definitions of 46569  
"defective" and "omitted," and shall require that remediation 46570  
efforts focus first on engaging the respective contractors that 46571  
designed and constructed the areas that have design or 46572  
construction-related issues. The commission shall consider 46573  
applications on a case-by-case basis, taking into account the 46574  
amount of money appropriated and available for purposes of this 46575  
section. 46576

(D) The commission may provide funding assistance necessary 46577  
to take corrective measures after evaluating the defective or 46578  
omitted work. 46579

(1) If the work to be corrected or remediated is part of a 46580  
project not yet completed, the commission may amend the project 46581  
agreement to increase the project budget and use corrective action 46582  
funding to provide the state portion of the amendment. If the work 46583  
to be corrected or remediated is part of a completed project and 46584  
funds were retained or transferred pursuant to division (C) of 46585

section 3318.12 of the Revised Code, the commission may enter into a new agreement to address the corrective action.

(2) Whether or not the project is completed, the district shall contribute a portion of the cost of the corrective action, to be determined in accordance with section 3318.032 of the Revised Code or, if the district is a joint vocational school district, section 3318.42 of the Revised Code. A district that is unable to provide its portion so that remediation can proceed may apply to the commission for additional assistance under section 3318.042 of the Revised Code.

(E) The commission shall assess responsibility for the defective or omitted work and seek cost recovery from responsible parties, if applicable. Any recovery of the expense of remediation shall be applied first to the district portion of the cost of the corrective action. Any remaining funds shall be applied to the state portion and deposited into the school building program assistance fund established under section 3318.25 of the Revised Code.

**Sec. 3318.50.** (A) As used in this section and in section 3318.52 of the Revised Code, "classroom facilities" means buildings, land, grounds, equipment, and furnishings used by a community school in furtherance of its mission and contract entered into by the school's governing authority under Chapter 3314. of the Revised Code.

(B) There is hereby established the community school classroom facilities loan guarantee program. Under the program, the Ohio ~~school~~ facilities construction commission may guarantee for up to fifteen years up to eighty-five per cent of the sum of the principal and interest on a loan made to the governing authority of a community school established under Chapter 3314. of the Revised Code for the sole purpose of assisting the governing

authority in acquiring, improving, or replacing classroom 46617  
facilities for the community school by lease, purchase, remodeling 46618  
of existing facilities, or any other means including new 46619  
construction. 46620

The commission shall not make any loan guarantee under this 46621  
section unless the commission has determined both that the 46622  
applicant is creditworthy and that the classroom facilities that 46623  
have been acquired, improved, or replaced under the loan meet 46624  
applicable health and safety standards established by law for 46625  
school buildings or those facilities that will be acquired, 46626  
improved, or replaced under the loan will meet such standards. 46627

The commission shall not guarantee any loan under this 46628  
section unless the loan is obtained from a financial institution 46629  
regulated by the United States or this state. 46630

(C) At no time shall the commission exceed an aggregate 46631  
liability of ten million dollars to repay loans guaranteed under 46632  
this section. 46633

(D) Any payment made to a lending institution as a result of 46634  
default on a loan guaranteed under this section shall be made from 46635  
moneys in the community school classroom facilities loan guarantee 46636  
fund established under section 3318.52 of the Revised Code. 46637

(E) The commission may assess a fee of up to five hundred 46638  
dollars for each loan guaranteed under this section. 46639

(F) Not later than ninety days after September 5, 2001, the 46640  
commission shall adopt rules that prescribe loan standards and 46641  
procedures consistent with this section that are designed to 46642  
protect the state's interest in any loan guaranteed by this 46643  
section and to ensure that the state has a reasonable chance of 46644  
recovering any payments made by the state in the event of a 46645  
default on any such loan. 46646

Sec. 3318.60. (A) As used in this section and section 3318.61 46647  
of the Revised Code: 46648

(1) "Acquisition of classroom facilities" means constructing, 46649  
reconstructing, repairing, or making additions to classroom 46650  
facilities. 46651

(2) "Ohio ~~school~~ facilities construction commission" and 46652  
"classroom facilities" have the same meanings as in section 46653  
3318.01 of the Revised Code. 46654

(B) There is hereby established the college-preparatory 46655  
boarding school facilities program. Under the program, the Ohio 46656  
~~school~~ facilities construction commission shall provide assistance 46657  
to the boards of trustees of college-preparatory boarding schools 46658  
established under Chapter 3328. of the Revised Code for the 46659  
acquisition of classroom facilities. 46660

(C) The program shall comply with sections 3318.01 to 3318.20 46661  
of the Revised Code, except as follows: 46662

(1) The commission, in consultation with the board of 46663  
trustees of a college-preparatory boarding school, shall determine 46664  
the basic project cost based on all campus facilities needed for 46665  
the school's programs and operations and shall take into account 46666  
any unique spaces or square footages needed for such facilities 46667  
when calculating the basic project cost. Regardless of the 46668  
inclusion of nonclassroom facilities in the calculation of the 46669  
basic project cost, state funds provided under the program shall 46670  
be used only to pay for the acquisition of classroom facilities 46671  
that do not exceed the construction and design standards 46672  
established by the commission. 46673

(2) To be eligible for assistance under the program, the 46674  
board of trustees of a college-preparatory boarding school shall 46675  
secure at least twenty million dollars of private money to satisfy 46676

its share of the basic project cost. Funds provided by the board 46677  
may be used for any type of facility. 46678

(3) A college-preparatory boarding school shall not be 46679  
included in the ranking required by section 3318.011 of the 46680  
Revised Code. The commission shall initiate procedures for the 46681  
school's project when the contract required by section 3328.12 of 46682  
the Revised Code has been executed. 46683

(4) No requirement related to the issuance of bonds or 46684  
securities or the levying of taxes by a school district shall 46685  
apply to a college-preparatory boarding school or its board of 46686  
trustees. 46687

(5) The agreement entered into by the commission with the 46688  
board of trustees of a college-preparatory boarding school under 46689  
section 3318.08 of the Revised Code shall provide for termination 46690  
of the contract and release of the funds encumbered at the time of 46691  
the project's conditional approval, if the board fails to secure 46692  
the amount specified in division (C)(2) of this section within 46693  
such period after the execution of the agreement as may be fixed 46694  
by the commission. 46695

(D) Within the ninety-day period immediately following ~~the~~ 46696  
~~effective date of this section~~ September 29, 2011, the commission 46697  
shall adopt rules necessary for the implementation and 46698  
administration of the program. 46699

**Sec. 3318.61.** (A) In lieu of participating in the 46700  
college-preparatory boarding school facilities program under 46701  
section 3318.60 of the Revised Code, if the board of trustees of a 46702  
college-preparatory boarding school established under Chapter 46703  
3328. of the Revised Code has leased, purchased, or otherwise 46704  
acquired a site for the school, the board of trustees may request 46705  
approval from the Ohio ~~school~~ facilities construction commission 46706  
for the board of trustees and the commission to enter into an 46707

agreement with a person or entity for the development of the site, 46708  
under which agreement all of the following shall occur: 46709

(1) The board of trustees will lease the site and any 46710  
facilities located on that site to the person or entity for the 46711  
purpose of enabling the person or entity to provide the campus 46712  
facilities needed for the school's programs and operations by 46713  
constructing new facilities on the site; reconstructing, 46714  
repairing, or making additions to the existing facilities on the 46715  
site; or both. 46716

(2) The person or entity will lease the site and any new or 46717  
existing facilities located on that site back to the board of 46718  
trustees for use by the school. 46719

(3) The commission will pay the board of trustees state funds 46720  
for the cost of acquisition of classroom facilities on the site 46721  
and the board of trustees will use those funds to make rent 46722  
payments on the lease provided by the person or entity. As agreed 46723  
to by the commission and the board of trustees, the commission may 46724  
pay the state funds to the board of trustees in periodic 46725  
installments or as one lump sum in an amount equal to the 46726  
outstanding balance on the lease for classroom facilities. 46727

(B) The commission shall approve the request of the board of 46728  
trustees under division (A) of this section only if the following 46729  
conditions are satisfied: 46730

(1) The person or entity that would be party to the agreement 46731  
submits to the board of trustees and the commission a plan for 46732  
developing the site that includes the following: 46733

(a) Provision for installation of site utilities that meet 46734  
the requirements of all applicable laws; 46735

(b) A description of the facilities that will be constructed, 46736  
reconstructed, repaired, or added to and their total square 46737

footage;	46738
(c) A description of how the facilities will enable the board of trustees to provide the educational program described in section 3328.22 of the Revised Code;	46739 46740 46741
(d) Provision for securing property and liability insurance for the facilities;	46742 46743
(e) A description of how the development of the site will be financed by the person or entity;	46744 46745
(f) The length of the lease that the person or entity will offer the board of trustees, which shall not exceed forty years, and the monthly rent that will be owed to the person or entity for that lease.	46746 46747 46748 46749
(2) The commission determines that the plan submitted under division (B)(1) of this section is satisfactory and will meet the needs of the students enrolled in the school and that the classroom facilities described in the plan do not exceed the construction and design standards established by the commission.	46750 46751 46752 46753 46754
(3) The person or entity that would be party to the agreement has demonstrated financial responsibility to the satisfaction of the commission.	46755 46756 46757
(4) The commission, in consultation with the board of trustees, determines that it is in the best interest of the school for the board of trustees and the commission to enter into the agreement.	46758 46759 46760 46761
(C) Upon approval of the commission, the board of trustees and the commission may enter into an agreement with the person or entity for development of the site in accordance with this section. The agreement shall include the following:	46762 46763 46764 46765
(1) A requirement that development of the site begin not later than eighteen months after the agreement is executed and	46766 46767

proceed according to a schedule specified in the agreement; 46768

(2) A stipulation that failure of the person or entity 46769  
developing the site to comply with the schedule shall be grounds 46770  
for termination of the agreement; 46771

(3) A provision specifying which party to the agreement owns 46772  
the facilities located on the site if the school closes prior to 46773  
the expiration of the agreement and a provision indicating the 46774  
period of time after the school's closure, if any, during which 46775  
rent payments will continue to be paid to the person or entity 46776  
developing the site. 46777

**Sec. 3318.62.** Any agreement between the Ohio ~~school~~ 46778  
facilities construction commission and the board of trustees of a 46779  
college-preparatory boarding school to provide facilities 46780  
assistance under section 3318.60 or 3318.61 of the Revised Code 46781  
shall include the following stipulations: 46782

(A) If the school ceases its operations, the school's board 46783  
of trustees may permit the classroom facilities to be used for 46784  
only an alternative public purpose, including, but not limited to, 46785  
primary, secondary, vocational, or higher education services. 46786

(B) If the school ceases its operations due to either the 46787  
failure of the school's operator to comply with any of the 46788  
requirements of the contract prescribed under section 3328.12 of 46789  
the Revised Code or the default by the school's board of trustees 46790  
on an underlying leasehold or mortgage agreement, the school's 46791  
board of trustees shall return to the commission the unamortized 46792  
portion of the state funds provided to the board of trustees under 46793  
this chapter, based on a straight-line depreciation over the first 46794  
eighteen years of occupancy. However, if, within twenty-four 46795  
months after the school's cessation from operation, the classroom 46796  
facilities of a college-preparatory boarding school are used for 46797  
an alternative public purpose as prescribed by division (A) of 46798

this section, no return of funds by the board of trustees under 46799  
this division shall be required. 46800

**Sec. 3318.70.** (A) As used in this section: 46801

(1) "Acquisition of classroom facilities" has the same 46802  
meaning as in section 3318.40 of the Revised Code. 46803

(2) "Classroom facilities" has the same meaning as in section 46804  
3318.01 of the Revised Code. 46805

(3) "STEM school" means a science, technology, engineering, 46806  
and mathematics school established under Chapter 3326. of the 46807  
Revised Code that is not governed by a single school district 46808  
board of education, as prescribed by section 3326.51 of the 46809  
Revised Code. 46810

(B) The Ohio ~~school~~ facilities construction commission shall 46811  
establish guidelines for assisting STEM schools in the acquisition 46812  
of classroom facilities. 46813

(C) Upon receipt of a written proposal by the governing body 46814  
of a STEM school, the commission, subject to approval of the 46815  
controlling board, shall provide funding to assist that STEM 46816  
school in the acquisition of classroom facilities. The proposal of 46817  
the governing body shall be submitted in a form and in the manner 46818  
prescribed by the commission. The proposal shall indicate both the 46819  
total amount of funding requested from the commission and the 46820  
amount of other funding pledged for the acquisition of the 46821  
classroom facilities, the latter of which shall not be less than 46822  
the total amount of funding requested from the commission. Once 46823  
the commission determines a proposal meets its established 46824  
guidelines and if the controlling board approves that funding, the 46825  
commission shall enter into an agreement with the governing body 46826  
for the acquisition of the classroom facilities and shall 46827  
encumber, in accordance with section 3318.11 of the Revised Code, 46828

the approved funding from the amounts appropriated to the 46829  
commission for classroom facilities assistance projects. The 46830  
agreement shall include a stipulation of the ownership of the 46831  
classroom facilities in the event the STEM school permanently 46832  
closes at any time. 46833

(D) In the case of the governing body of a group of STEM 46834  
schools, as prescribed by section 3326.031 of the Revised Code, 46835  
the governing body shall submit a proposal for each school under 46836  
its direction separately, and the commission shall consider each 46837  
proposal separately. 46838

**Sec. 3318.71.** (A) As used in this section: 46839

(1) "Acquisition of classroom facilities" has the same 46840  
meaning as in section 3318.40 of the Revised Code. 46841

(2) "Classroom facilities" has the same meaning as in section 46842  
3318.01 of the Revised Code. 46843

(3) "Qualifying partnership" means a group of city, exempted 46844  
village, or local school districts that are part of a 46845  
career-technical education compact and have entered into an 46846  
agreement for joint or cooperative establishment and operation of 46847  
a science, technology, engineering, and mathematics education 46848  
program under section 3313.842 of the Revised Code. The aggregate 46849  
territory of the school districts composing a qualifying 46850  
partnership shall be located in two adjacent counties, each having 46851  
a population greater than forty thousand, but less than fifty 46852  
thousand, and at least one of which borders another state. 46853

(B) The Ohio ~~school~~ facilities construction commission shall 46854  
establish guidelines for assisting a qualifying partnership in the 46855  
acquisition of classroom facilities to be used for a joint 46856  
science, technology, engineering, and mathematics education 46857  
program. 46858

(C) Upon receipt of a written proposal from a qualifying partnership, the commission, subject to approval of the controlling board, shall provide funding to assist that qualifying partnership in the acquisition of classroom facilities described in division (B) of this section. The proposal of the qualifying partnership shall be submitted in a form and in the manner prescribed by the commission. The proposal shall indicate both the total amount of funding requested from the commission and the amount of other funding pledged for the acquisition of the classroom facilities, the latter of which shall not be less than the total amount of funding requested from the commission. Once the commission determines a proposal meets its established guidelines, and if the controlling board approves that funding, the commission shall enter into an agreement with the qualifying partnership for the acquisition of the classroom facilities and shall encumber, in accordance with section 3318.11 of the Revised Code, the approved funding from the amounts appropriated to the commission for classroom facilities assistance projects. The agreement shall include a stipulation of the ownership of the classroom facilities in the event the qualifying partnership ceases to exist.

(D) A qualifying partnership may levy taxes and issue bonds under section 5705.2112 or 5705.2113 of the Revised Code to use for all or part of the funding pledged for the acquisition of classroom facilities under division (C) of this section. If a qualifying partnership chooses to levy taxes or issue bonds for this purpose, it shall select one of the districts that is a member of the qualifying partnership to be the fiscal agent of the qualifying partnership for purposes of those sections.

**Sec. 3319.088.** As used in this section, "educational assistant" means any nonteaching employee in a school district who directly assists a teacher as defined in section 3319.09 of the

Revised Code, by performing duties for which a license issued 46891  
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 46892  
required. 46893

(A) The state board of education shall issue educational aide 46894  
permits and educational paraprofessional licenses for educational 46895  
assistants and shall adopt rules for the issuance and renewal of 46896  
such permits and licenses which shall be consistent with the 46897  
provisions of this section. Educational aide permits and 46898  
educational paraprofessional licenses may be of several types and 46899  
the rules shall prescribe the minimum qualifications of education, 46900  
health, and character for the service to be authorized under each 46901  
type. The prescribed minimum qualifications may require special 46902  
training or educational courses designed to qualify a person to 46903  
perform effectively the duties authorized under an educational 46904  
aide permit or educational paraprofessional license. 46905

(B)(1) Any application for a permit or license, or a renewal 46906  
or duplicate of a permit or license, under this section shall be 46907  
accompanied by the payment of a fee in the amount established 46908  
under division (A) of section 3319.51 of the Revised Code. Any 46909  
fees received under this division shall be paid into the state 46910  
treasury to the credit of the state board of education licensure 46911  
fund established under division (B) of section 3319.51 of the 46912  
Revised Code. 46913

(2) Any person applying for or holding a permit or license 46914  
pursuant to this section is subject to sections 3123.41 to 3123.50 46915  
of the Revised Code and any applicable rules adopted under section 46916  
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 46917  
the Revised Code. 46918

(C) Educational assistants shall at all times while in the 46919  
performance of their duties be under the supervision and direction 46920  
of a teacher as defined in section 3319.09 of the Revised Code. 46921

Educational assistants may assist a teacher to whom assigned in 46922  
the supervision of pupils, in assisting with instructional tasks, 46923  
and in the performance of duties which, in the judgment of the 46924  
teacher to whom the assistant is assigned, may be performed by a 46925  
person not licensed pursuant to sections 3319.22 to 3319.30 of the 46926  
Revised Code and for which a teaching license, issued pursuant to 46927  
sections 3319.22 to 3319.30 of the Revised Code is not required. 46928  
The duties of an educational assistant shall not include the 46929  
assignment of grades to pupils. The duties of an educational 46930  
assistant need not be performed in the physical presence of the 46931  
teacher to whom assigned, but the activity of an educational 46932  
assistant shall at all times be under the direction of the teacher 46933  
to whom assigned. The assignment of an educational assistant need 46934  
not be limited to assisting a single teacher. In the event an 46935  
educational assistant is assigned to assist more than one teacher 46936  
the assignments shall be clearly delineated and so arranged that 46937  
the educational assistant shall never be subject to simultaneous 46938  
supervision or direction by more than one teacher. 46939

Educational assistants assigned to supervise children shall, 46940  
when the teacher to whom assigned is not physically present, 46941  
maintain the degree of control and discipline that would be 46942  
maintained by the teacher. 46943

Educational assistants may not be used in place of classroom 46944  
teachers or other employees and any payment of compensation by 46945  
boards of education to educational assistants for such services is 46946  
prohibited. The ratio between the number of licensed teachers and 46947  
the pupils in a school district may not be decreased by 46948  
utilization of educational assistants and no grouping, or other 46949  
organization of pupils, for utilization of educational assistants 46950  
shall be established which is inconsistent with sound educational 46951  
practices and procedures. A school district may employ up to one 46952  
full time equivalent educational assistant for each six full time 46953

equivalent licensed employees of the district. Educational 46954  
assistants shall not be counted as licensed employees for purposes 46955  
of state support in the school foundation program and no grouping 46956  
or regrouping of pupils with educational assistants may be counted 46957  
as a class or unit for school foundation program purposes. Neither 46958  
special courses required by the regulations of the state board of 46959  
education, prescribing minimum qualifications of education for an 46960  
educational assistant, nor years of service as an educational 46961  
assistant shall be counted in any way toward qualifying for a 46962  
teacher license, for a teacher contract of any type, or for 46963  
determining placement on a salary schedule in a school district as 46964  
a teacher. 46965

(D) Educational assistants employed by a board of education 46966  
shall have all rights, benefits, and legal protection available to 46967  
other nonteaching employees in the school district, except that 46968  
provisions of Chapter 124. of the Revised Code shall not apply to 46969  
any person employed as an educational assistant, and shall be 46970  
members of the school employees retirement system. Educational 46971  
assistants shall be compensated according to a salary plan adopted 46972  
annually by the board. 46973

Except as provided in this section nonteaching employees 46974  
shall not serve as educational assistants without first obtaining 46975  
an appropriate educational aide permit or educational 46976  
paraprofessional license from the state board of education. A 46977  
nonteaching employee who is the holder of a valid educational aide 46978  
permit or educational paraprofessional license shall neither 46979  
render nor be required to render services inconsistent with the 46980  
type of services authorized by the permit or license held. No 46981  
person shall receive compensation from a board of education for 46982  
services rendered as an educational assistant in violation of this 46983  
provision. 46984

Nonteaching employees whose functions are solely 46985

secretarial-clerical and who do not perform any other duties as 46986  
educational assistants, even though they assist a teacher and work 46987  
under the direction of a teacher shall not be required to hold a 46988  
permit or license issued pursuant to this section. Students 46989  
preparing to become licensed teachers or educational assistants 46990  
shall not be required to hold an educational aide permit or 46991  
paraprofessional license for such periods of time as such students 46992  
are assigned, as part of their training program, to work with a 46993  
teacher in a school district. Such students shall not be 46994  
compensated for such services. 46995

Following the determination of the assignment and general job 46996  
description of an educational assistant and subject to supervision 46997  
by the teacher's immediate administrative officer, a teacher to 46998  
whom an educational assistant is assigned shall make all final 46999  
determinations of the duties to be assigned to such assistant. 47000  
Teachers shall not be required to hold a license designated for 47001  
being a supervisor or administrator in order to perform the 47002  
necessary supervision of educational assistants. 47003

(E) No person who is, or who has been employed as an 47004  
educational assistant shall divulge, except to the teacher to whom 47005  
assigned, or the administrator of the school in the absence of the 47006  
teacher to whom assigned, or when required to testify in a court 47007  
or proceedings, any personal information concerning any pupil in 47008  
the school district which was obtained or obtainable by the 47009  
educational assistant while so employed. Violation of this 47010  
provision is grounds for disciplinary action or dismissal, or 47011  
both. 47012

(F) Notwithstanding anything to the contrary in this section, 47013  
the superintendent of a school district may allow an employee who 47014  
does not hold a permit or license issued under this section to 47015  
work as a substitute for an educational assistant who is absent on 47016  
account of illness or on a leave of absence, or to fill a 47017

temporary position created by an emergency, provided that the 47018  
superintendent believes the employee's application materials 47019  
indicate that the employee is qualified to obtain a permit or 47020  
license under this section. 47021

An employee shall begin work as a substitute under this 47022  
division not earlier than on the date on which the employee files 47023  
an application with the state board for a permit or license under 47024  
this section. An employee shall cease working as a substitute 47025  
under this division on the earliest of the following: 47026

(1) The date on which the employee files a valid permit or 47027  
license issued under this section with the superintendent; 47028

(2) The date on which the employee is denied a permit or 47029  
license under this section; 47030

(3) Sixty days following the date on which the employee began 47031  
work as a substitute under this division. 47032

The superintendent shall ensure that an employee assigned to 47033  
work as a substitute under division (F) of this section has 47034  
undergone a criminal records check in accordance with section 47035  
3319.391 of the Revised Code. 47036

**Sec. 3319.111.** Notwithstanding section 3319.09 of the Revised 47037  
Code, this section applies to any person who is employed under a 47038  
teacher license issued under this chapter, or under a professional 47039  
or permanent teacher's certificate issued under former section 47040  
3319.222 of the Revised Code, and who spends at least fifty per 47041  
cent of the time employed providing student instruction. However, 47042  
this section does not apply to any person who is employed as a 47043  
substitute teacher or as an instructor of adult education. 47044

(A) Not later than July 1, 2013, the board of education of 47046  
each school district, in consultation with teachers employed by 47047

the board, shall adopt a standards-based teacher evaluation policy 47048  
that conforms with the framework for evaluation of teachers 47049  
developed under section 3319.112 of the Revised Code. The policy 47050  
shall become operative at the expiration of any collective 47051  
bargaining agreement covering teachers employed by the board that 47052  
is in effect on September 29, 2011, and shall be included in any 47053  
renewal or extension of such an agreement. 47054

(B) When using measures of student academic growth as a 47055  
component of a teacher's evaluation, those measures shall include 47056  
the value-added progress dimension prescribed by section 3302.021 47057  
of the Revised Code or an alternative student academic progress 47058  
measure if adopted under division (C)(1)(e) of section 3302.03 of 47059  
the Revised Code. For teachers of grade levels and subjects for 47060  
which the value-added progress dimension or alternative student 47061  
academic progress measure is not applicable, the board shall 47062  
administer assessments on the list developed under division (B)(2) 47063  
of section 3319.112 of the Revised Code. 47064

(C)(1) The board shall conduct an evaluation of each teacher 47065  
employed by the board at least once each school year, except as 47066  
provided in division (C)(2) of this section. The evaluation shall 47067  
be completed by the first day of May and the teacher shall receive 47068  
a written report of the results of the evaluation by the tenth day 47069  
of May. 47070

(2)(a) The board may evaluate each teacher who received a 47071  
rating of accomplished on the teacher's most recent evaluation 47072  
conducted under this section once every three school years, so 47073  
long as the teacher's student academic growth measure, for the 47074  
most recent school year for which data is available, is average or 47075  
higher, as determined by the department of education. 47076

(b) The board may evaluate each teacher who received a rating 47077  
of skilled on the teacher's most recent evaluation conducted under 47078  
this section once every two years, so long as the teacher's 47079

student academic growth measure, for the most recent school year 47080  
for which data is available, is average or higher, as determined 47081  
by the department of education. 47082

(c) For each teacher who is evaluated pursuant to division 47083  
(C)(2) of this section, the evaluation shall be completed by the 47084  
first day of May of the applicable school year, and the teacher 47085  
shall receive a written report of the results of the evaluation by 47086  
the tenth day of May of that school year. 47087

(d) Beginning with the 2014-2015 school year, the board may 47088  
elect not to conduct an evaluation of a teacher who meets one of 47089  
the following requirements: 47090

(i) The teacher was on leave from the school district for 47091  
fifty per cent or more of the school year, as calculated by the 47092  
board. 47093

(ii) The teacher has submitted notice of retirement and that 47094  
notice has been accepted by the board not later than the first day 47095  
of December of the school year in which the evaluation is 47096  
otherwise scheduled to be conducted. 47097

~~(e) Beginning with the 2017-2018 school year, the board may 47098  
elect not to conduct an evaluation of a teacher who is 47099  
participating in the teacher residency program established under 47100  
section 3319.223 of the Revised Code for the year during which 47101  
that teacher takes, for the first time, at least half of the 47102  
performance-based assessment prescribed by the state board of 47103  
education for resident educators. 47104~~

(3) In any year that a teacher is not formally evaluated 47105  
pursuant to division (C) of this section as a result of receiving 47106  
a rating of accomplished or skilled on the teacher's most recent 47107  
evaluation, an individual qualified to evaluate a teacher under 47108  
division (D) of this section shall conduct at least one 47109  
observation of the teacher and hold at least one conference with 47110

the teacher. 47111

(D) Each evaluation conducted pursuant to this section shall 47112  
be conducted by one or more of the following persons who hold a 47113  
credential established by the department of education for being an 47114  
evaluator: 47115

(1) A person who is under contract with the board pursuant to 47116  
section 3319.01 or 3319.02 of the Revised Code and holds a license 47117  
designated for being a superintendent, assistant superintendent, 47118  
or principal issued under section 3319.22 of the Revised Code; 47119

(2) A person who is under contract with the board pursuant to 47120  
section 3319.02 of the Revised Code and holds a license designated 47121  
for being a vocational director, administrative specialist, or 47122  
supervisor in any educational area issued under section 3319.22 of 47123  
the Revised Code; 47124

(3) A person designated to conduct evaluations under an 47125  
agreement entered into by the board, including an agreement 47126  
providing for peer review entered into by the board and 47127  
representatives of teachers employed by the board; 47128

(4) A person who is employed by an entity contracted by the 47129  
board to conduct evaluations and who holds a license designated 47130  
for being a superintendent, assistant superintendent, principal, 47131  
vocational director, administrative specialist, or supervisor in 47132  
any educational area issued under section 3319.22 of the Revised 47133  
Code or is qualified to conduct evaluations. 47134

(E) Notwithstanding division (A)(3) of section 3319.112 of 47135  
the Revised Code: 47136

(1) The board shall require at least three formal 47137  
observations of each teacher who is under consideration for 47138  
nonrenewal and with whom the board has entered into a limited 47139  
contract or an extended limited contract under section 3319.11 of 47140  
the Revised Code. 47141

(2) The board may elect, by adoption of a resolution, to 47142  
require only one formal observation of a teacher who received a 47143  
rating of accomplished on the teacher's most recent evaluation 47144  
conducted under this section, provided the teacher completes a 47145  
project that has been approved by the board to demonstrate the 47146  
teacher's continued growth and practice at the accomplished level. 47147

(F) The board shall include in its evaluation policy 47148  
procedures for using the evaluation results for retention and 47149  
promotion decisions and for removal of poorly performing teachers. 47150  
Seniority shall not be the basis for a decision to retain a 47151  
teacher, except when making a decision between teachers who have 47152  
comparable evaluations. 47153

(G) For purposes of section 3333.0411 of the Revised Code, 47154  
the board annually shall report to the department of education the 47155  
number of teachers for whom an evaluation was conducted under this 47156  
section and the number of teachers assigned each rating prescribed 47157  
under division (B)(1) of section 3319.112 of the Revised Code, 47158  
aggregated by the teacher preparation programs from which and the 47159  
years in which the teachers graduated. The department shall 47160  
establish guidelines for reporting the information required by 47161  
this division. The guidelines shall not permit or require that the 47162  
name of, or any other personally identifiable information about, 47163  
any teacher be reported under this division. 47164

(H) Notwithstanding any provision to the contrary in Chapter 47165  
4117. of the Revised Code, the requirements of this section 47166  
prevail over any conflicting provisions of a collective bargaining 47167  
agreement entered into on or after September 24, 2012. 47168

**Sec. 3319.22.** (A)(1) The state board of education shall issue 47169  
the following educator licenses: 47170

(a) A resident educator license, which shall be valid for 47171  
four years and shall be renewable ~~for reasons specified by rules~~ 47172

~~adopted by the state board pursuant to division (A)(3) of this section. The state board, on a case by case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code;~~

(b) A professional educator license, which shall be valid for five years and shall be renewable;

(c) A senior professional educator license, which shall be valid for five years and shall be renewable;

(d) A lead professional educator license, which shall be valid for five years and shall be renewable.

(2) The state board may issue any additional educator licenses of categories, types, and levels the board elects to provide.

(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. ~~The rules shall also include the reasons for which a resident educator license may be renewed under division (A)(1)(a) of this section.~~

(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section:

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.

(2) An applicant for a professional educator license shall:

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting

organization; 47203

(b) Have ~~successfully completed the Ohio teacher residency~~ 47204  
~~program established under section 3319.223 of the Revised Code, if~~ 47205  
~~the applicant's current or most recently issued license is~~ 47206  
previously held a resident educator license issued under this 47207  
section or an alternative resident educator license issued under 47208  
section 3319.26 of the Revised Code. 47209

(3) An applicant for a senior professional educator license 47210  
shall: 47211

(a) Hold at least a master's degree from an institution of 47212  
higher education accredited by a regional accrediting 47213  
organization; 47214

(b) Have previously held a professional educator license 47215  
issued under this section or section 3319.222 or under former 47216  
section 3319.22 of the Revised Code; 47217

(c) Meet the criteria for the accomplished or distinguished 47218  
level of performance, as described in the standards for teachers 47219  
adopted by the state board under section 3319.61 of the Revised 47220  
Code. 47221

(4) An applicant for a lead professional educator license 47222  
shall: 47223

(a) Hold at least a master's degree from an institution of 47224  
higher education accredited by a regional accrediting 47225  
organization; 47226

(b) Have previously held a professional educator license or a 47227  
senior professional educator license issued under this section or 47228  
a professional educator license issued under section 3319.222 or 47229  
former section 3319.22 of the Revised Code; 47230

(c) Meet the criteria for the distinguished level of 47231  
performance, as described in the standards for teachers adopted by 47232

the state board under section 3319.61 of the Revised Code; 47233

(d) Either hold a valid certificate issued by the national 47234  
board for professional teaching standards or meet the criteria for 47235  
a master teacher or other criteria for a lead teacher adopted by 47236  
the educator standards board under division (F)(4) or (5) of 47237  
section 3319.61 of the Revised Code. 47238

(C) The state board shall align the standards and 47239  
qualifications for obtaining a principal license with the 47240  
standards for principals adopted by the state board under section 47241  
3319.61 of the Revised Code. 47242

(D) If the state board requires any examinations for educator 47243  
licensure, the department of education shall provide the results 47244  
of such examinations received by the department to the chancellor 47245  
of higher education, in the manner and to the extent permitted by 47246  
state and federal law. 47247

(E) Any rules the state board of education adopts, amends, or 47248  
rescinds for educator licenses under this section, division (D) of 47249  
section 3301.07 of the Revised Code, or any other law shall be 47250  
adopted, amended, or rescinded under Chapter 119. of the Revised 47251  
Code except as follows: 47252

(1) Notwithstanding division (E) of section 119.03 and 47253  
division (A)(1) of section 119.04 of the Revised Code, in the case 47254  
of the adoption of any rule or the amendment or rescission of any 47255  
rule that necessitates institutions' offering preparation programs 47256  
for educators and other school personnel that are approved by the 47257  
chancellor of higher education under section 3333.048 of the 47258  
Revised Code to revise the curriculum of those programs, the 47259  
effective date shall not be as prescribed in division (E) of 47260  
section 119.03 and division (A)(1) of section 119.04 of the 47261  
Revised Code. Instead, the effective date of such rules, or the 47262  
amendment or rescission of such rules, shall be the date 47263

prescribed by section 3333.048 of the Revised Code. 47264

(2) Notwithstanding the authority to adopt, amend, or rescind 47265  
emergency rules in division (G) of section 119.03 of the Revised 47266  
Code, this authority shall not apply to the state board of 47267  
education with regard to rules for educator licenses. 47268

(F)(1) The rules adopted under this section establishing 47269  
standards requiring additional coursework for the renewal of any 47270  
educator license shall require a school district and a chartered 47271  
nonpublic school to establish local professional development 47272  
committees. In a nonpublic school, the chief administrative 47273  
officer shall establish the committees in any manner acceptable to 47274  
such officer. The committees established under this division shall 47275  
determine whether coursework that a district or chartered 47276  
nonpublic school teacher proposes to complete meets the 47277  
requirement of the rules. The department of education shall 47278  
provide technical assistance and support to committees as the 47279  
committees incorporate the professional development standards 47280  
adopted by the state board of education pursuant to section 47281  
3319.61 of the Revised Code into their review of coursework that 47282  
is appropriate for license renewal. The rules shall establish a 47283  
procedure by which a teacher may appeal the decision of a local 47284  
professional development committee. 47285

(2) In any school district in which there is no exclusive 47286  
representative established under Chapter 4117. of the Revised 47287  
Code, the professional development committees shall be established 47288  
as described in division (F)(2) of this section. 47289

Not later than the effective date of the rules adopted under 47290  
this section, the board of education of each school district shall 47291  
establish the structure for one or more local professional 47292  
development committees to be operated by such school district. The 47293  
committee structure so established by a district board shall 47294  
remain in effect unless within thirty days prior to an anniversary 47295

of the date upon which the current committee structure was 47296  
established, the board provides notice to all affected district 47297  
employees that the committee structure is to be modified. 47298  
Professional development committees may have a district-level or 47299  
building-level scope of operations, and may be established with 47300  
regard to particular grade or age levels for which an educator 47301  
license is designated. 47302

Each professional development committee shall consist of at 47303  
least three classroom teachers employed by the district, one 47304  
principal employed by the district, and one other employee of the 47305  
district appointed by the district superintendent. For committees 47306  
with a building-level scope, the teacher and principal members 47307  
shall be assigned to that building, and the teacher members shall 47308  
be elected by majority vote of the classroom teachers assigned to 47309  
that building. For committees with a district-level scope, the 47310  
teacher members shall be elected by majority vote of the classroom 47311  
teachers of the district, and the principal member shall be 47312  
elected by a majority vote of the principals of the district, 47313  
unless there are two or fewer principals employed by the district, 47314  
in which case the one or two principals employed shall serve on 47315  
the committee. If a committee has a particular grade or age level 47316  
scope, the teacher members shall be licensed to teach such grade 47317  
or age levels, and shall be elected by majority vote of the 47318  
classroom teachers holding such a license and the principal shall 47319  
be elected by all principals serving in buildings where any such 47320  
teachers serve. The district superintendent shall appoint a 47321  
replacement to fill any vacancy that occurs on a professional 47322  
development committee, except in the case of vacancies among the 47323  
elected classroom teacher members, which shall be filled by vote 47324  
of the remaining members of the committee so selected. 47325

Terms of office on professional development committees shall 47326  
be prescribed by the district board establishing the committees. 47327

The conduct of elections for members of professional development committees shall be prescribed by the district board establishing the committees. A professional development committee may include additional members, except that the majority of members on each such committee shall be classroom teachers employed by the district. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that term.

The initial meeting of any professional development committee, upon election and appointment of all committee members, shall be called by a member designated by the district superintendent. At this initial meeting, the committee shall select a chairperson and such other officers the committee deems necessary, and shall adopt rules for the conduct of its meetings. Thereafter, the committee shall meet at the call of the chairperson or upon the filing of a petition with the district superintendent signed by a majority of the committee members calling for the committee to meet.

(3) In the case of a school district in which an exclusive representative has been established pursuant to Chapter 4117. of the Revised Code, professional development committees shall be established in accordance with any collective bargaining agreement in effect in the district that includes provisions for such committees.

If the collective bargaining agreement does not specify a different method for the selection of teacher members of the committees, the exclusive representative of the district's teachers shall select the teacher members.

If the collective bargaining agreement does not specify a different structure for the committees, the board of education of the school district shall establish the structure, including the

number of committees and the number of teacher and administrative 47360  
members on each committee; the specific administrative members to 47361  
be part of each committee; whether the scope of the committees 47362  
will be district levels, building levels, or by type of grade or 47363  
age levels for which educator licenses are designated; the lengths 47364  
of terms for members; the manner of filling vacancies on the 47365  
committees; and the frequency and time and place of meetings. 47366  
However, in all cases, except as provided in division (F)(4) of 47367  
this section, there shall be a majority of teacher members of any 47368  
professional development committee, there shall be at least five 47369  
total members of any professional development committee, and the 47370  
exclusive representative shall designate replacement members in 47371  
the case of vacancies among teacher members, unless the collective 47372  
bargaining agreement specifies a different method of selecting 47373  
such replacements. 47374

(4) Whenever an administrator's coursework plan is being 47375  
discussed or voted upon, the local professional development 47376  
committee shall, at the request of one of its administrative 47377  
members, cause a majority of the committee to consist of 47378  
administrative members by reducing the number of teacher members 47379  
voting on the plan. 47380

(G)(1) The department of education, educational service 47381  
centers, county boards of developmental disabilities, regional 47382  
professional development centers, special education regional 47383  
resource centers, college and university departments of education, 47384  
head start programs, and the Ohio education computer network may 47385  
establish local professional development committees to determine 47386  
whether the coursework proposed by their employees who are 47387  
licensed or certificated under this section or section 3319.222 of 47388  
the Revised Code, or under the former version of either section as 47389  
it existed prior to October 16, 2009, meet the requirements of the 47390  
rules adopted under this section. They may establish local 47391

professional development committees on their own or in 47392  
collaboration with a school district or other agency having 47393  
authority to establish them. 47394

Local professional development committees established by 47395  
county boards of developmental disabilities shall be structured in 47396  
a manner comparable to the structures prescribed for school 47397  
districts in divisions (F)(2) and (3) of this section, as shall 47398  
the committees established by any other entity specified in 47399  
division (G)(1) of this section that provides educational services 47400  
by employing or contracting for services of classroom teachers 47401  
licensed or certificated under this section or section 3319.222 of 47402  
the Revised Code, or under the former version of either section as 47403  
it existed prior to October 16, 2009. All other entities specified 47404  
in division (G)(1) of this section shall structure their 47405  
committees in accordance with guidelines which shall be issued by 47406  
the state board. 47407

(2) Any public agency that is not specified in division 47408  
(G)(1) of this section but provides educational services and 47409  
employs or contracts for services of classroom teachers licensed 47410  
or certificated under this section or section 3319.222 of the 47411  
Revised Code, or under the former version of either section as it 47412  
existed prior to October 16, 2009, may establish a local 47413  
professional development committee, subject to the approval of the 47414  
department of education. The committee shall be structured in 47415  
accordance with guidelines issued by the state board. 47416

(H) Not later than July 1, 2016, the state board, in 47417  
accordance with Chapter 119. of the Revised Code, shall adopt 47418  
rules pursuant to division (A)(3) of this section that do both of 47419  
the following: 47420

(1) Exempt consistently high-performing teachers from the 47421  
requirement to complete any additional coursework for the renewal 47422  
of an educator license issued under this section or section 47423

3319.26 of the Revised Code. The rules also shall specify that 47424  
such teachers are exempt from any requirements prescribed by 47425  
professional development committees established under divisions 47426  
(F) and (G) of this section. 47427

(2) For purposes of division (H)(1) of this section, the 47428  
state board shall define the term "consistently high-performing 47429  
teacher. 47430

**Sec. 3319.227.** (A) Notwithstanding any other provision of the 47431  
Revised Code or any rule adopted by the state board of education 47432  
to the contrary, the state board shall issue a resident educator 47433  
license under section 3319.22 of the Revised Code to each person 47434  
who is assigned to teach in this state as a participant in the 47435  
teach for America program and who satisfies the following 47436  
conditions for the duration of the program: 47437

(1) Holds a bachelor's degree from an accredited institution 47438  
of higher education; 47439

(2) Maintained a cumulative undergraduate grade point average 47440  
of at least 2.5 out of 4.0, or its equivalent; 47441

(3) Has passed an examination prescribed by the state board 47442  
in the subject area to be taught; 47443

(4) Has successfully completed the summer training institute 47444  
operated by teach for America; 47445

(5) Remains an active member of the teach for America 47446  
two-year support program. 47447

(B) The state board shall issue a resident educator license 47448  
under this section for teaching in any grade level or subject area 47449  
for which a person may obtain a resident educator license under 47450  
section 3319.22 of the Revised Code. The state board shall not 47451  
adopt rules establishing any additional qualifications for the 47452  
license beyond those specified in this section. 47453

(C) Notwithstanding any other provision of the Revised Code 47454  
or any rule adopted by the state board to the contrary, the state 47455  
board shall issue a resident educator license under section 47456  
3319.22 of the Revised Code to any applicant who has completed at 47457  
least two years of teaching in another state as a participant in 47458  
the teach for America program and meets all of the conditions of 47459  
divisions (A)(1) to (4) of this section. ~~The state board shall~~ 47460  
~~credit an applicant under this division as having completed two~~ 47461  
~~years of the teacher residency program under section 3319.223 of~~ 47462  
~~the Revised Code.~~ 47463

(D) In order to place teachers in this state, the teach for 47464  
America program shall enter into an agreement with one or more 47465  
accredited four-year public or private institutions of higher 47466  
education in the state to provide optional training of teach for 47467  
America participants for the purpose of enabling those 47468  
participants to complete an optional master's degree or an 47469  
equivalent amount of coursework. Nothing in this division shall 47470  
require any teach for America participant to complete a master's 47471  
degree as a condition of holding a license issued under this 47472  
section. 47473

(E) The state board shall revoke a resident educator license 47474  
issued to a participant in the teach for America program who is 47475  
assigned to teach in this state if the participant resigns or is 47476  
dismissed from the program prior to completion of the two-year 47477  
teach for America support program. 47478

**Sec. 3319.26.** (A) The state board of education shall adopt 47479  
rules establishing the standards and requirements for obtaining an 47480  
alternative resident educator license for teaching in grades 47481  
kindergarten to twelve, or the equivalent, in a designated subject 47482  
area or in the area of intervention specialist, as defined by rule 47483  
of the state board. The rules shall also include the reasons for 47484

which an alternative resident educator license may be renewed 47485  
under division (D) of this section. 47486

(B) The superintendent of public instruction and the 47487  
chancellor of ~~the Ohio board of regents~~ higher education jointly 47488  
shall develop an intensive pedagogical training institute to 47489  
provide instruction in the principles and practices of teaching 47490  
for individuals seeking an alternative resident educator license. 47491  
The instruction shall cover such topics as student development and 47492  
learning, pupil assessment procedures, curriculum development, 47493  
classroom management, and teaching methodology. 47494

(C) The rules adopted under this section shall require 47495  
applicants for the alternative resident educator license to 47496  
satisfy the following conditions prior to issuance of the license, 47497  
but they shall not require applicants to have completed a major or 47498  
coursework in the subject area for which application is being 47499  
made: 47500

(1) Hold a minimum of a baccalaureate degree; 47501

(2) Successfully complete the pedagogical training institute 47502  
described in division (B) of this section or a summer training 47503  
institute provided to participants of a teacher preparation 47504  
program that is operated by a nonprofit organization and has been 47505  
approved by the chancellor. The chancellor shall approve any such 47506  
program that requires participants to hold a bachelor's degree; 47507  
have a cumulative undergraduate grade point average of at least 47508  
2.5 out of 4.0, or its equivalent; and successfully complete the 47509  
program's summer training institute. 47510

(3) Pass an examination in the subject area for which 47511  
application is being made. 47512

(D) An alternative resident educator license shall be valid 47513  
for four years and shall be renewable for reasons specified by 47514

rules adopted by the state board pursuant to division (A) of this 47515  
section. ~~The state board, on a case by case basis, may extend the~~ 47516  
~~license's duration as necessary to enable the license holder to~~ 47517  
~~complete the Ohio teacher residency program established under~~ 47518  
~~section 3319.223 of the Revised Code.~~ 47519

(E) The rules shall require the holder of an alternative 47520  
resident educator license, as a condition of continuing to hold 47521  
the license, to do ~~all~~ both of the following: 47522

~~(1) Participate in the Ohio teacher residency program;~~ 47523

~~(2)~~ Show satisfactory progress in taking and successfully 47524  
completing one of the following: 47525

(a) At least twelve additional semester hours, or the 47526  
equivalent, of college coursework in the principles and practices 47527  
of teaching in such topics as student development and learning, 47528  
pupil assessment procedures, curriculum development, classroom 47529  
management, and teaching methodology; 47530

(b) Professional development provided by a teacher 47531  
preparation program that has been approved by the chancellor under 47532  
division (C)(2) of this section. 47533

~~(3)~~(2) Take an assessment of professional knowledge in the 47534  
second year of teaching under the license. 47535

(F) The rules shall provide for the granting of a 47536  
professional educator license to a holder of an alternative 47537  
resident educator license upon successfully completing all of the 47538  
following: 47539

(1) Four years of teaching under the alternative license; 47540

(2) The additional college coursework or professional 47541  
development described in division (E)~~(2)~~(1) of this section; 47542

(3) The assessment of professional knowledge described in 47543  
division (E)~~(3)~~(2) of this section. The standards for successfully 47544

completing this assessment and the manner of conducting the 47545  
assessment shall be the same as for any other individual who is 47546  
required to take the assessment pursuant to rules adopted by the 47547  
state board under section 3319.22 of the Revised Code. 47548

(4) ~~The Ohio teacher residency program;~~ 47549

~~(5)~~ All other requirements for a professional educator 47550  
license adopted by the state board under section 3319.22 of the 47551  
Revised Code. 47552

(G) A person who is assigned to teach in this state as a 47553  
participant in the teach for America program or who has completed 47554  
two years of teaching in another state as a participant in that 47555  
program shall be eligible for a license only under section 47556  
3319.227 of the Revised Code and shall not be eligible for a 47557  
license under this section. 47558

**Sec. 3319.271.** (A) The superintendent of public instruction 47559  
shall appoint three incorporators who are knowledgeable about the 47560  
administration of public schools and about the operation of 47561  
nonprofit corporations in Ohio. 47562

(B) The incorporators shall do whatever is necessary and 47563  
proper to set up a nonprofit corporation under Chapter 1702. of 47564  
the Revised Code. The articles of incorporation, in addition to 47565  
meeting the requirements of section 1702.04 of the Revised Code, 47566  
shall set forth the following provisions: 47567

(1) That the nonprofit corporation is to create and implement 47568  
a pilot program that provides an alternative path for individuals 47569  
to receive training and development in the administration of 47570  
primary and secondary education and leadership, that will enable 47571  
these individuals to earn a degree in public school 47572  
administration, that will enable these individuals to obtain 47573  
licenses in public school administration, and that promotes the 47574

placement of these individuals in public schools that have a 47575  
poverty percentage greater than fifty per cent; 47576

(2) That the board of directors are to establish criteria for 47577  
program costs, participant selection, and continued participation, 47578  
and metrics to document and measure pilot program activities; 47579

(3) That the name of the nonprofit corporation is "bright new 47580  
leaders for Ohio schools;" 47581

(4) That the board of directors is to consist of the 47582  
following eleven directors: 47583

(a) The governor or the governor's designee; 47584

(b) The superintendent of public instruction, or the 47585  
superintendent's designee; 47586

(c) The chancellor of higher education, or the chancellor's 47587  
designee; 47588

(d) Four individuals to represent major business enterprises 47589  
in Ohio; 47590

(e) Two individuals appointed by the speaker of the house of 47591  
representatives, one of whom shall be an active duty or retired 47592  
military officer; 47593

(f) Two individuals appointed by the president of the senate, 47594  
one of whom shall be a current or retired teacher or principal . 47595

The dean of the Ohio state university fisher college of 47596  
business and the dean of the Ohio state university college of 47597  
education and human ecology are to serve as ex-officio nonvoting 47598  
members of the board. 47599

The individuals on the board who represent major business 47600  
enterprises in Ohio are to be appointed by a statewide 47601  
organization selected by the governor. The organization is to be 47602  
nonpartisan and consist of chief executive officers of major 47603  
corporations organized in Ohio. 47604

(5) That the board is to elect a chairperson from among its members, and is to appoint a president of the corporation;

(6) That the president of the corporation, subject to the approval of the board, is to enter into a contract with the Ohio state university fisher college of business. Under the contract, the college is to provide oversight to the corporation and is to provide the corporation with office space, and with office furniture and equipment, as is necessary for the corporation successfully to fulfill its duties.

(7) That the overhead expenses of the corporation are not to exceed fifteen per cent of the annual budget of the corporation;

(8) That the president is to apply for, and is to receive and accept, grants, gifts, bequests, and contributions from private sources;

(9) That the corporation is to submit an annual report to the general assembly and governor beginning December 31, 2013;

~~(10) That state financial support for the corporation shall cease on June 30, 2018.~~

(C) In accordance with the selection process of the bright new leaders for Ohio schools program and the admission requirements of the Ohio state university, the governor, president of the senate, and speaker of the house of representatives each may nominate three individuals to apply to be participants in the program.

**Sec. 3319.291.** (A) The state board of education shall require each of the following persons, at the times prescribed by division (A) of this section, to undergo a criminal records check, unless the person has undergone a records check under this section or a former version of this section less than five years prior to that time.

(1) Any person initially applying for any certificate, 47635  
license, or permit described in this chapter or in division (B) of 47636  
section 3301.071 or in section 3301.074 of the Revised Code at the 47637  
time that application is made; 47638

(2) Any person applying for renewal of any certificate, 47639  
license, or permit described in division (A)(1) of this section at 47640  
the time that application is made; 47641

(3) Any person who is teaching under a professional teaching 47642  
certificate issued under former section 3319.222 of the Revised 47643  
Code upon a date prescribed by the state board; 47644

(4) Any person who is teaching under a permanent teaching 47645  
certificate issued under former section 3319.22 as it existed 47646  
prior to October 29, 1996, or under former section 3319.222 of the 47647  
Revised Code upon a date prescribed by the state board and every 47648  
five years thereafter. 47649

(B)(1) Except as otherwise provided in division (B)(2) of 47650  
this section, the state board shall require each person subject to 47651  
a criminal records check under this section to submit two complete 47652  
sets of fingerprints and written permission that authorizes the 47653  
superintendent of public instruction to forward the fingerprints 47654  
to the bureau of criminal identification and investigation 47655  
pursuant to division (F) of section 109.57 of the Revised Code and 47656  
that authorizes that bureau to forward the fingerprints to the 47657  
federal bureau of investigation for purposes of obtaining any 47658  
criminal records that the federal bureau maintains on the person. 47659

(2) If both of the following conditions apply to a person 47660  
subject to a criminal records check under this section, the state 47661  
board shall require the person to submit one complete set of 47662  
fingerprints and written permission that authorizes the 47663  
superintendent of public instruction to forward the fingerprints 47664  
to the bureau of criminal identification and investigation so that 47665

bureau may forward the fingerprints to the federal bureau of 47666  
investigation for purposes of obtaining any criminal records that 47667  
the federal bureau maintains on the person: 47668

(a) Under this section or any former version of this section, 47669  
the state board or the superintendent of public instruction 47670  
previously requested the superintendent of the bureau of criminal 47671  
identification and investigation to determine whether the bureau 47672  
has any information, gathered pursuant to division (A) of section 47673  
109.57 of the Revised Code, on the person. 47674

(b) The person presents proof that the person has been a 47675  
resident of this state for the five-year period immediately prior 47676  
to the date upon which the person becomes subject to a criminal 47677  
records check under this section. 47678

(C) Except as provided in division (D) of this section, prior 47679  
to issuing or renewing any certificate, license, or permit for a 47680  
person described in division (A)(1) or (2) of this section who is 47681  
subject to a criminal records check and in the case of a person 47682  
described in division (A)(3) or (4) of this section who is subject 47683  
to a criminal records check, the state board or the superintendent 47684  
of public instruction shall do one of the following: 47685

(1) If the person is required to submit fingerprints and 47686  
written permission under division (B)(1) of this section, request 47687  
the superintendent of the bureau of criminal identification and 47688  
investigation to determine whether the bureau has any information, 47689  
gathered pursuant to division (A) of section 109.57 of the Revised 47690  
Code, pertaining to the person and to obtain any criminal records 47691  
that the federal bureau of investigation has on the person. 47692

(2) If the person is required to submit fingerprints and 47693  
written permission under division (B)(2) of this section, request 47694  
the superintendent of the bureau of criminal identification and 47695  
investigation to obtain any criminal records that the federal 47696

bureau of investigation has on the person. 47697

(D) The state board or the superintendent of public 47698  
instruction may choose not to request any information about a 47699  
person required by division (C) of this section if the person 47700  
provides proof that a criminal records check that satisfies the 47701  
requirements of that division was conducted on the person as a 47702  
condition of employment pursuant to section 3319.39 of the Revised 47703  
Code within the immediately preceding year. The state board or the 47704  
superintendent of public instruction may accept a certified copy 47705  
of records that were issued by the bureau of criminal 47706  
identification and investigation and that are presented by the 47707  
person in lieu of requesting that information under division (C) 47708  
of this section if the records were issued by the bureau within 47709  
the immediately preceding year. 47710

(E)(1) If a person described in division (A)(3) or (4) of 47711  
this section who is subject to a criminal records check fails to 47712  
submit fingerprints and written permission by the date specified 47713  
in the applicable division, and the state board or the 47714  
superintendent of public instruction does not apply division (D) 47715  
of this section to the person, or if a person who is subject to 47716  
division (G) of this section fails to submit fingerprints and 47717  
written permission by the date prescribed under that division, the 47718  
superintendent shall prepare a written notice stating that if the 47719  
person does not submit the fingerprints and written permission 47720  
within fifteen days after the date the notice was mailed, the 47721  
person's application will be rejected or the person's professional 47722  
or permanent teaching certificate or license will be inactivated. 47723  
The superintendent shall send the notification by regular mail to 47724  
the person's last known residence address or last known place of 47725  
employment, as indicated in the department of education's records, 47726  
or both. 47727

If the person fails to submit the fingerprints and written 47728

permission within fifteen days after the date the notice was 47729  
mailed, the superintendent of public instruction, on behalf of the 47730  
state board, shall issue a written order rejecting the application 47731  
or inactivating the person's professional or permanent teaching 47732  
certificate or license. The rejection or inactivation shall remain 47733  
in effect until the person submits the fingerprints and written 47734  
permission. The superintendent shall send the order by regular 47735  
mail to the person's last known residence address or last known 47736  
place of employment, as indicated in the department's records, or 47737  
both. The order shall state the reason for the rejection or 47738  
inactivation and shall explain that the rejection or inactivation 47739  
remains in effect until the person ~~complies with division (B) of~~ 47740  
~~this section~~ submits the fingerprints and written permission. 47741

The rejection or inactivation of a professional or permanent 47742  
teaching certificate or license under division (E)(1) of this 47743  
section does not constitute a suspension or revocation of the 47744  
certificate or license by the state board under section 3319.31 of 47745  
the Revised Code and the state board and the superintendent of 47746  
public instruction need not provide the person with an opportunity 47747  
for a hearing with respect to the rejection or inactivation. 47748

(2) If a person whose professional or permanent teaching 47749  
certificate or license has been rejected or inactivated under 47750  
division (E)(1) of this section submits fingerprints and written 47751  
permission as required by division (B) or (G) of this section, the 47752  
superintendent of public instruction, on behalf of the state 47753  
board, shall issue a written order issuing or reactivating the 47754  
certificate or license. The superintendent shall send the order to 47755  
the person by regular mail. 47756

(F) Notwithstanding divisions (A) to (C) of this section, if 47757  
a person holds more than one certificate, license, or permit 47758  
described in division (A)(1) of this section, the following shall 47759  
apply: 47760

(1) If the certificates, licenses, or permits are of 47761  
different durations, the person shall be subject to divisions (A) 47762  
to (C) of this section only when applying for renewal of the 47763  
certificate, license, or permit that is of the longest duration. 47764  
Prior to renewing any certificate, license, or permit with a 47765  
shorter duration, the state board or the superintendent of public 47766  
instruction shall determine whether the department of education 47767  
has received any information about the person pursuant to section 47768  
109.5721 of the Revised Code, but the person shall not be subject 47769  
to divisions (A) to (C) of this section as long as the person's 47770  
certificate, license, or permit with the longest duration is 47771  
valid. 47772

(2) If the certificates, licenses, or permits are of the same 47773  
duration but do not expire in the same year, the person shall 47774  
designate one of the certificates, licenses, or permits as the 47775  
person's primary certificate, license, or permit and shall notify 47776  
the department of that designation. The person shall be subject to 47777  
divisions (A) to (C) of this section only when applying for 47778  
renewal of the person's primary certificate, license, or permit. 47779  
Prior to renewing any certificate, license, or permit that is not 47780  
the person's primary certificate, license, or permit, the state 47781  
board or the superintendent of public instruction shall determine 47782  
whether the department has received any information about the 47783  
person pursuant to section 109.5721 of the Revised Code, but the 47784  
person shall not be subject to divisions (A) to (C) of this 47785  
section as long as the person's primary certificate, license, or 47786  
permit is valid. 47787

(3) If the certificates, licenses, or permits are of the same 47788  
duration and expire in the same year and the person applies for 47789  
renewal of the certificates, licenses, or permits at the same 47790  
time, the state board or the superintendent of public instruction 47791  
shall request only one criminal records check of the person under 47792

division (C) of this section. 47793

(G) If the department is unable to enroll a person who has 47794  
submitted an application for licensure, or to whom the state board 47795  
has issued a license, in the retained applicant fingerprint 47796  
database established under section 109.5721 of the Revised Code 47797  
because the person has not satisfied the requirements for 47798  
enrollment, the department shall require the person to satisfy the 47799  
requirements for enrollment, including requiring the person to 47800  
submit, by a date prescribed by the department, one complete set 47801  
of fingerprints and written permission that authorizes the 47802  
superintendent of public instruction to forward the fingerprints 47803  
to the bureau of criminal identification and investigation for the 47804  
purpose of enrolling the person in the database. If the person 47805  
fails to comply by the prescribed date, the department shall 47806  
reject the application or shall take action to inactivate the 47807  
person's license in accordance with division (E) of this section. 47808

**Sec. 3319.36.** (A) No treasurer of a board of education or 47809  
educational service center shall draw a check for the payment of a 47810  
teacher for services until the teacher files with the treasurer 47811  
both of the following: 47812

(1) Such reports as are required by the state board of 47813  
education, the school district board of education, or the 47814  
superintendent of schools; 47815

(2) Except for a teacher who is engaged pursuant to section 47816  
3319.301 of the Revised Code, a written statement from the city, 47817  
exempted village, or local school district superintendent or the 47818  
educational service center superintendent that the teacher has 47819  
filed with the treasurer a legal educator license, or true copy of 47820  
it, to teach the subjects or grades taught, with the dates of its 47821  
validity. The state board of education shall prescribe the record 47822  
and administration for such filing of educator licenses in 47823

educational service centers. 47824

(B) Notwithstanding division (A) of this section, the 47825  
treasurer may pay ~~either~~ any of the following: 47826

(1) Any teacher for services rendered during the first two 47827  
months of the teacher's initial employment with the school 47828  
district or educational service center, provided such teacher is 47829  
the holder of a bachelor's degree or higher and has filed with the 47830  
state board of education an application for the issuance of an 47831  
educator license described in division (A)(1) of section 3319.22 47832  
of the Revised Code. 47833

(2) Any substitute teacher for services rendered while 47834  
conditionally employed under section 3319.101 of the Revised Code. 47835

(3) Any employee for services rendered under division (F) of 47836  
section 3319.088 of the Revised Code. 47837

(C) Upon notice to the treasurer given by the state board of 47838  
education or any superintendent having jurisdiction that reports 47839  
required of a teacher have not been made, the treasurer shall 47840  
withhold the salary of the teacher until the required reports are 47841  
completed and furnished. 47842

**Sec. 3319.61.** (A) The educator standards board, in 47843  
consultation with the chancellor of higher education, shall do all 47844  
of the following: 47845

(1) Develop state standards for teachers and principals that 47846  
reflect what teachers and principals are expected to know and be 47847  
able to do at all stages of their careers. These standards shall 47848  
be aligned with the statewide academic content standards for 47849  
students adopted pursuant to section 3301.079 of the Revised Code, 47850  
be primarily based on educator performance instead of years of 47851  
experience or certain courses completed, and rely on 47852  
evidence-based factors. These standards shall also be aligned with 47853

the operating standards adopted under division (D)(3) of section 47854  
3301.07 of the Revised Code. 47855

(a) The standards for teachers shall reflect the following 47856  
additional criteria: 47857

(i) Alignment with the interstate new teacher assessment and 47858  
support consortium standards; 47859

(ii) Differentiation among novice, experienced, and advanced 47860  
teachers; 47861

(iii) Reliance on competencies that can be measured; 47862

(iv) Reliance on content knowledge, teaching skills, 47863  
discipline-specific teaching methods, and requirements for 47864  
professional development; 47865

(v) Alignment with a career-long system of professional 47866  
development and evaluation that ensures teachers receive the 47867  
support and training needed to achieve the teaching standards as 47868  
well as reliable feedback about how well they meet the standards; 47869

(vi) The standards under section 3301.079 of the Revised 47870  
Code, including standards on collaborative learning environments 47871  
and interdisciplinary, project-based, real-world learning and 47872  
differentiated instruction; 47873

(vii) The Ohio leadership framework. 47874

(b) The standards for principals shall be aligned with the 47875  
interstate school leaders licensing consortium standards. 47876

(2) Develop standards for school district superintendents 47877  
that reflect what superintendents are expected to know and be able 47878  
to do at all stages of their careers. The standards shall reflect 47879  
knowledge of systems theory and effective management principles 47880  
and be aligned with the buckeye association of school 47881  
administrators standards and the operating standards developed 47882  
under division (D)(3) of section 3301.07 of the Revised Code. 47883

(3) Develop standards for school district treasurers and 47884  
business managers that reflect what treasurers and business 47885  
managers are expected to know and be able to do at all stages of 47886  
their careers. The standards shall reflect knowledge of systems 47887  
theory and effective management principles and be aligned with the 47888  
association of school business officials international standards 47889  
and the operating standards developed under division (D)(3) of 47890  
section 3301.07 of the Revised Code. 47891

(4) Develop standards for the renewal of licenses under 47892  
sections 3301.074 and 3319.22 of the Revised Code; 47893

(5) Develop standards for educator professional development; 47894

(6) Investigate and make recommendations for the creation, 47895  
expansion, and implementation of school building and school 47896  
district leadership academies; 47897

(7) Develop standards for school counselors that reflect what 47898  
school counselors are expected to know and be able to do at all 47899  
stages of their careers. The standards shall reflect knowledge of 47900  
academic, personal, and social counseling for students and 47901  
effective principles to implement an effective school counseling 47902  
program. The standards also shall reflect Ohio-specific knowledge 47903  
of career counseling for students and education options that 47904  
provide flexibility for earning credit, such as earning units of 47905  
high school credit using the methods adopted by the state board of 47906  
education under division (J) of section 3313.603 of the Revised 47907  
Code and earning college credit through the college credit plus 47908  
program established under Chapter 3365. of the Revised Code. The 47909  
standards shall align with the American school counselor 47910  
association's professional standards and the operating standards 47911  
developed under division (D)(3) of section 3301.07 of the Revised 47912  
Code. 47913

The superintendent of public instruction, the chancellor of 47914

higher education, or the education standards board itself may 47915  
request that the educator standards board update, review, or 47916  
reconsider any standards developed under this section. 47917

(B) The educator standards board shall incorporate indicators 47918  
of cultural competency into the standards developed under division 47919  
(A) of this section. For this purpose, the educator standards 47920  
board shall develop a definition of cultural competency based upon 47921  
content and experiences that enable educators to know, understand, 47922  
and appreciate the students, families, and communities that they 47923  
serve and skills for addressing cultural diversity in ways that 47924  
respond equitably and appropriately to the cultural needs of 47925  
individual students. 47926

(C) In developing the standards under division (A) of this 47927  
section, the educator standards board shall consider the impact of 47928  
the standards on closing the achievement gap between students of 47929  
different subgroups. 47930

(D) In developing the standards under division (A) of this 47931  
section, the educator standards board shall ensure both of the 47932  
following: 47933

(1) That teachers have sufficient knowledge to provide 47934  
appropriate instruction for students identified as gifted pursuant 47935  
to Chapter 3324. of the Revised Code and to assist in the 47936  
identification of such students, and have sufficient knowledge 47937  
that will enable teachers to provide learning opportunities for 47938  
all children to succeed; 47939

(2) That principals, superintendents, school treasurers, and 47940  
school business managers have sufficient knowledge to provide 47941  
principled, collaborative, foresighted, and data-based leadership 47942  
that will provide learning opportunities for all children to 47943  
succeed. 47944

(E) The standards for educator professional development 47945

developed under division (A)(5) of this section shall include the 47946  
following: 47947

(1) Standards for the inclusion of local professional 47948  
development committees established under section 3319.22 of the 47949  
Revised Code in the planning and design of professional 47950  
development; 47951

(2) Standards that address the crucial link between academic 47952  
achievement and mental health issues. 47953

(F) The educator standards board shall also perform the 47954  
following functions: 47955

(1) Monitor compliance with the standards developed under 47956  
division (A) of this section and make recommendations to the state 47957  
board of education for appropriate corrective action if such 47958  
standards are not met; 47959

(2) Research, develop, and recommend policies on the 47960  
professions of teaching and school administration; 47961

(3) Recommend policies to close the achievement gap between 47962  
students of different subgroups; 47963

(4) Define a "master teacher" in a manner that can be used 47964  
uniformly by all school districts; 47965

(5) Adopt criteria that a candidate for a lead professional 47966  
educator license under section 3319.22 of the Revised Code who 47967  
does not hold a valid certificate issued by the national board for 47968  
professional teaching standards must meet to be considered a lead 47969  
teacher for purposes of division (B)(4)(d) of that section. It is 47970  
the intent of the general assembly that the educator standards 47971  
board shall adopt multiple, equal-weighted criteria to use in 47972  
determining whether a person is a lead teacher. The criteria shall 47973  
be in addition to the other standards and qualifications 47974  
prescribed in division (B)(4) of section 3319.22 of the Revised 47975

Code. The criteria may include, but shall not be limited to, 47976  
completion of educational levels beyond a master's degree or other 47977  
professional development courses or demonstration of a leadership 47978  
role in the teacher's school building or district. The board shall 47979  
determine the number of criteria that a teacher shall satisfy to 47980  
be recognized as a lead teacher, which shall not be the total 47981  
number of criteria adopted by the board. 47982

(6) Develop model teacher and principal evaluation 47983  
instruments and processes. The models shall be based on the 47984  
standards developed under division (A) of this section. 47985

(7) Develop a method of measuring the academic improvement 47986  
made by individual students during a one-year period and make 47987  
recommendations for incorporating the measurement as one of 47988  
multiple evaluation criteria into ~~each~~ both of the following: 47989

(a) Eligibility for a professional educator license, senior 47990  
professional educator license, lead professional educator license, 47991  
or principal license issued under section 3319.22 of the Revised 47992  
Code; 47993

(b) ~~The Ohio teacher residency program established under~~ 47994  
~~section 3319.223 of the Revised Code;~~ 47995

~~(c)~~ The model teacher and principal evaluation instruments 47996  
and processes developed under division (F)(6) of this section. 47997

(G) The educator standards board shall submit recommendations 47998  
of standards developed under division (A) of this section to the 47999  
state board of education not later than September 1, 2010. The 48000  
state board of education shall review those recommendations at the 48001  
state board's regular meeting that next succeeds the date that the 48002  
recommendations are submitted to the state board. At that meeting, 48003  
the state board of education shall vote to either adopt standards 48004  
based on those recommendations or request that the educator 48005  
standards board reconsider its recommendations. The state board of 48006

education shall articulate reasons for requesting reconsideration 48007  
of the recommendations but shall not direct the content of the 48008  
recommendations. The educator standards board shall reconsider its 48009  
recommendations if the state board of education so requests, may 48010  
revise the recommendations, and shall resubmit the 48011  
recommendations, whether revised or not, to the state board not 48012  
later than two weeks prior to the state board's regular meeting 48013  
that next succeeds the meeting at which the state board requested 48014  
reconsideration of the initial recommendations. The state board of 48015  
education shall review the recommendations as resubmitted by the 48016  
educator standards board at the state board's regular meeting that 48017  
next succeeds the meeting at which the state board requested 48018  
reconsideration of the initial recommendations and may adopt the 48019  
standards as resubmitted or, if the resubmitted standards have not 48020  
addressed the state board's concerns, the state board may modify 48021  
the standards prior to adopting them. The final responsibility to 48022  
determine whether to adopt standards as described in division (A) 48023  
of this section and the content of those standards, if adopted, 48024  
belongs solely to the state board of education. 48025

Sec. 3323.022. The rules of the state board of education for 48026  
staffing ratios for programs with preschool children with 48027  
disabilities shall require the following: 48028

(A) A full-time staff member shall be provided when there are 48029  
eight full-day or sixteen half-day preschool children eligible for 48030  
special education enrolled in a center-based preschool special 48031  
education program. 48032

(B) Staff ratios of one teacher for every eight children 48033  
shall be maintained at all times for a program with a center-based 48034  
teacher, and a second adult shall be present when there are nine 48035  
or more children, including nondisabled children enrolled in a 48036  
class session. 48037

**Sec. 3323.052.** (A) ~~Not later than November 28, 2011, the~~ The 48038  
department of education shall develop a document that compares a 48039  
parent's and child's rights under this chapter and 20 U.S.C. 1400 48040  
et seq. with the parent's and child's rights under the Jon 48041  
Peterson special needs scholarship program, established in 48042  
sections 3310.51 to 3310.64 of the Revised Code, including ~~the~~ 48043  
~~deadline for application for a scholarship or renewal of a~~ 48044  
~~scholarship and notice of that application to the child's school~~ 48045  
~~district, prescribed in division (C) of section 3310.52 of the~~ 48046  
~~Revised Code, and~~ the provisions of divisions (A) and (B) of 48047  
section 3310.53 of the Revised Code. The department shall revise 48048  
that document as necessary to reflect any pertinent changes in 48049  
state or federal statutory law, rule, or regulation ~~enacted or~~ 48050  
~~adopted after the initial document is developed.~~ 48051

(B) The department and each school district shall ensure that 48052  
the document prescribed in division (A) of this section is 48053  
included in, appended to, or otherwise distributed in conjunction 48054  
with the notice required under 20 U.S.C. 1415(d), and any 48055  
provision of the Code of Federal Regulations implementing that 48056  
requirement, in the manner and at all the times specified for such 48057  
notice in federal law or regulation. 48058

(C) In addition to the requirement prescribed by division (B) 48059  
of this section, each time a child's school district completes an 48060  
evaluation for a child with a disability or undertakes the 48061  
development, review, or revision of the child's IEP, the district 48062  
shall notify the child's parent, by letter or electronic means, 48063  
about both the autism scholarship program, under section 3310.41 48064  
of the Revised Code, and the Jon Peterson special needs 48065  
scholarship program, under sections 3310.51 to 3310.64 of the 48066  
Revised Code. The notice shall include the following statement: 48067

"Your child may be eligible for a scholarship under the 48068

Autism Scholarship Program or the Jon Peterson Special Needs 48069  
Scholarship Program to attend a special education program that 48070  
implements the child's individualized education program and that 48071  
is operated by an alternative public provider or by a registered 48072  
private provider." 48073

The notice shall include the telephone number of the office 48074  
of the department responsible for administering the scholarship 48075  
programs and the specific location of scholarship information on 48076  
the department's web site. 48077

(D) As used in this section, a "child's school district" 48078  
means the school district in which the child is entitled to attend 48079  
school under section 3313.64 or 3313.65 of the Revised Code. 48080

**Sec. 3323.14.** (A) Where a child who is a school resident of 48081  
one school district receives special education from another 48082  
district and the per capita cost to the educating district for 48083  
that child exceeds the sum of the amount received by the educating 48084  
district for that child under division (A) of section 3317.08 of 48085  
the Revised Code and the amount received by the district from the 48086  
state board of education for that child, then the board of 48087  
education of the district of residence shall pay to the board of 48088  
the school district that is providing the special education such 48089  
excess cost as is determined by using a formula approved by the 48090  
department of education and agreed upon in contracts entered into 48091  
by the boards of the districts concerned at the time the district 48092  
providing such special education accepts the child for enrollment. 48093  
The department shall certify the amount of the payments under 48094  
Chapter 3317. of the Revised Code for such pupils with 48095  
disabilities for each school year ending on the thirtieth day of 48096  
July. 48097

(B) In the case of a child described in division (A) of this 48098  
section who has been placed in a home, as defined in section 48099

3313.64 of the Revised Code, pursuant to the order of a court and who is not subject to section 3323.141 of the Revised Code, the district providing the child with special education and related services may charge to the child's district of residence the excess cost determined by formula approved by the department, regardless of whether the district of residence has entered into a contract with the district providing the services. If the district providing the services chooses to charge excess costs, the district may report the amount calculated under this division to the department.

(C) If a district providing special education for a child reports an amount for the excess cost of those services, as authorized and calculated under division (A) or (B) of this section, the department shall pay that amount of excess cost to the district providing the services and shall deduct that amount from the child's district of residence in accordance with division (K) of section 3317.023 of the Revised Code.

(D) If a district providing special education to a child to whom division (C)(4) of section 3313.64 of the Revised Code applies chooses to receive a tuition payment for that child under that division, that district shall not receive any payments under this section.

**Sec. 3326.01. (A)** As used in this chapter:

(1) "STEM" is an abbreviation of "science, technology, engineering, and mathematics."

(2) "STEAM" is an abbreviation of "science, technology, engineering, arts, and mathematics."

(B)(1) A science, technology, engineering, arts, and mathematics school shall be considered a type of science, technology, engineering, and mathematics school.

(2) A STEAM school equivalent shall be considered to be a 48130  
type of STEM school equivalent. 48131

(3) A STEAM program of excellence shall be considered to be a 48132  
type of STEM program of excellence. 48133

(C)(1) Any reference to a STEM school or science, technology, 48134  
engineering, and mathematics school in the Revised Code shall be 48135  
considered to include a STEAM school, unless the context 48136  
specifically indicates a different meaning or intent. All 48137  
provisions of the Revised Code applicable to a STEM school shall 48138  
apply to a STEAM school in the same manner, except as otherwise 48139  
provided in this chapter. 48140

(2) Any reference to a STEM school equivalent in the Revised 48141  
Code shall be considered to include a STEAM school equivalent, 48142  
unless the context specifically indicates a different meaning or 48143  
intent. All provisions of the Revised Code applicable to a STEM 48144  
school equivalent shall apply to a STEAM school equivalent in the 48145  
same manner, except as otherwise provided in this chapter. 48146

(3) Any reference to a STEM program of excellence in the 48147  
Revised Code shall be considered to include a STEAM program of 48148  
excellence, unless the context specifically indicates a different 48149  
meaning or intent. All provisions of the Revised Code applicable 48150  
to a STEM program of excellence shall apply to a STEAM program of 48151  
excellence in the same manner, except as otherwise provided in 48152  
this chapter. 48153

**Sec. 3326.03.** (A) The STEM committee shall authorize the 48154  
establishment of and award grants to science, technology, 48155  
engineering, and mathematics schools based on proposals submitted 48156  
to the committee. 48157

The committee shall determine the criteria for proposals, 48158  
establish procedures for the submission of proposals, accept and 48159

evaluate proposals, and choose which proposals to approve to 48160  
become a STEM school. In approving proposals for STEM schools, the 48161  
committee shall consider locating the schools in diverse 48162  
geographic regions of the state so that all students have access 48163  
to a STEM school. 48164

The committee shall seek technical assistance from the Ohio 48165  
STEM learning network, or its successor, throughout the process of 48166  
accepting and evaluating proposals and choosing which proposals to 48167  
approve. In approving proposals for STEM schools, the committee 48168  
shall consider the recommendations of the Ohio STEM learning 48169  
network, or its successor. 48170

The committee may authorize the establishment of a group of 48171  
multiple STEM schools to operate from multiple facilities located 48172  
in one or more school districts under the direction of a single 48173  
governing body in the manner prescribed by section 3326.031 of the 48174  
Revised Code. The committee shall consider the merits of each of 48175  
the proposed STEM schools within a group and shall authorize each 48176  
school separately. Anytime after authorizing a group of STEM 48177  
schools to be under the direction of a single governing body, upon 48178  
a proposal from the governing body, the committee may authorize 48179  
one or more additional schools to operate as part of that group. 48180

The STEM committee may approve one or more STEM schools to 48181  
serve only students identified as gifted under Chapter 3324. of 48182  
the Revised Code. 48183

(B) Proposals may be submitted only by a partnership of 48184  
public and private entities consisting of at least all of the 48185  
following: 48186

(1) A city, exempted village, local, or joint vocational 48187  
school district or an educational service center; 48188

(2) Higher education entities; 48189

(3) Business organizations. 48190

A community school established under Chapter 3314. of the Revised Code, a chartered nonpublic school, or both may be part of the partnership.

(C) Each proposal shall include at least the following:

(1) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;

(2) Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee;

(3) Evidence that each school will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades kindergarten through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) Incorporates scientific inquiry and technological design;

(c) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

(d) Emphasizes personalized learning and teamwork skills.

(4) Evidence that each school will attract school leaders who support the curriculum principles of division (C)(3) of this section;

(5) A description of how each school's curriculum will be

developed and approved in accordance with section 3326.09 of the Revised Code;

(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor;

(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses~~+~~. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations.

(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities~~+~~. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

(9) A description of how each school's assets will be distributed if the school closes for any reason.

(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit the revised proposal to the STEM committee for approval.

**Sec. 3326.032.** (A) The STEM committee may grant a designation of STEM school equivalent to a community school established under Chapter 3314. of the Revised Code or to a chartered nonpublic school. In order to be eligible for this designation, a community school or chartered nonpublic school shall submit a proposal that satisfies the requirements of this section.

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The committee shall determine the criteria for proposals, 48251  
establish procedures for the submission of proposals, accept and 48252  
evaluate proposals, and choose which proposals warrant a community 48253  
school or chartered nonpublic school to be designated as a STEM 48254  
school equivalent. 48255

(B) A proposal for designation as a STEM school equivalent 48256  
shall include at least the following: 48257

(1) Assurances that the community school or chartered 48258  
nonpublic school submitting the proposal has a working partnership 48259  
with both public and private entities, including higher education 48260  
entities and business organizations~~†~~. If the proposal is for a 48261  
STEAM school equivalent, it also shall include evidence that this 48262  
partnership includes arts organizations. 48263

(2) Assurances that the school submitting the proposal will 48264  
operate in compliance with this section and the provisions of the 48265  
proposal as accepted by the committee; 48266

(3) Evidence that the school submitting the proposal will 48267  
offer a rigorous, diverse, integrated, and project-based 48268  
curriculum to students in any of grades kindergarten through 48269  
twelve, with the goal to prepare those students for college, the 48270  
workforce, and citizenship, and that does all of the following: 48271

(a) Emphasizes the role of science, technology, engineering, 48272  
and mathematics in promoting innovation and economic progress; 48273

(b) Incorporates scientific inquiry and technological design; 48274

(c) Includes the arts and humanities~~†~~. If the proposal is for 48275  
a STEAM school equivalent, it also shall include evidence that the 48276  
curriculum will integrate arts and design into the study of 48277  
science, technology, engineering, and mathematics to foster 48278  
creative thinking, problem-solving, and new approaches to 48279  
scientific invention. 48280

(d) Emphasizes personalized learning and teamwork skills.	48281
(4) Evidence that the school submitting the proposal will attract school leaders who support the curriculum principles of division (B)(3) of this section;	48282 48283 48284
(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;	48285 48286 48287
(6) Evidence that the school submitting the proposal will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;	48288 48289 48290
(7) Assurances that the school submitting the proposal has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. <u>If the proposal is for a STEAM school equivalent, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.</u>	48291 48292 48293 48294 48295 48296 48297
(C)(1) A community school or chartered nonpublic school that is designated as a STEM school equivalent under this section shall not be subject to the requirements of Chapter 3326. of the Revised Code, except that the school shall be subject to the requirements of this section and to the curriculum requirements of section 3326.09 of the Revised Code.	48298 48299 48300 48301 48302 48303
Nothing in this section, however, shall relieve a community school of the applicable requirements of Chapter 3314. of the Revised Code. Nor shall anything in this section relieve a chartered nonpublic school of any provisions of law outside of this chapter that are applicable to chartered nonpublic schools.	48304 48305 48306 48307 48308
(2) A community school or chartered nonpublic school that is designated as a STEM school equivalent under this section shall not be eligible for operating funding under sections 3326.31 to	48309 48310 48311

3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised Code. 48312

(3) A community school or chartered nonpublic school that is 48313  
designated as a STEM school equivalent under this section may 48314  
apply for any of the grants and additional funds described in 48315  
section 3326.38 of the Revised Code for which the school is 48316  
eligible. 48317

(D) If a community school or chartered nonpublic school that 48318  
is designated as a STEM school equivalent under this section 48319  
intends to close or intends to no longer be designated as a STEM 48320  
school equivalent, it shall notify the STEM committee of that 48321  
fact. 48322

(E) If a community school or chartered nonpublic school that 48323  
is designated as a STEM school equivalent wishes to be designated 48324  
as a STEAM school equivalent, it may change its existing proposal 48325  
to include the items required under divisions (B)(1), (B)(3)(c), 48326  
and (B)(7) of this section and submit the revised proposal to the 48327  
STEM committee for approval. 48328

**Sec. 3326.04.** (A) The STEM committee shall award grants to 48329  
support the operation of STEM programs of excellence to serve 48330  
students in any of grades kindergarten through ~~eight~~ twelve 48331  
through a request for proposals. 48332

(B) Proposals may be submitted by any of the following: 48333

(1) The board of education of a city, exempted village, or 48334  
local school district; 48335

(2) The governing authority of a community school established 48336  
under Chapter 3314. of the Revised Code; 48337

(3) The governing authority of a chartered nonpublic school. 48338

(C) Each proposal shall demonstrate to the satisfaction of 48339  
the STEM committee that the program meets at least the following 48340  
standards: 48341

(1) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will serve all students enrolled in the district or school in the grades for which the program is designed.

(2) The program will offer a rigorous and diverse curriculum that is based on scientific inquiry and technological design, that emphasizes personalized learning and teamwork skills, and that will expose students to advanced scientific concepts within and outside the classroom. If the proposal is for a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the curriculum to foster creative thinking, problem-solving, and new approaches to scientific invention.

(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.

(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.

(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.

(E) If a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to

include the items required under divisions (C)(2) and (C)(5) of this section and submit the revised proposal to the STEM committee for approval. 48373  
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**Sec. 3326.09.** Subject to approval by its governing body or governing authority, the curriculum of each science, technology, engineering, and mathematics school and of each community school or chartered nonpublic school that is designated as a STEM school equivalent under section 3326.032 of the Revised Code shall be developed by a team that consists of at least the school's chief administrative officer, a teacher, a representative of the higher education institution that is a collaborating partner in the STEM school or school designated as a STEM school equivalent, and a member of the public with expertise in the application of science, technology, engineering, or mathematics. In the case of a STEAM school or a STEAM school equivalent, the team also shall include an expert in the integration of arts and design into the STEM fields. 48376  
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**Sec. 3326.10.** Each science, technology, engineering, and mathematics school shall adopt admission procedures that specify the following: 48390  
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(A)(1) Admission shall be open to individuals entitled and eligible to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state. 48393  
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(2)(a) Admission may be open on a tuition basis to individuals who are not residents of this state. The school shall not receive state funds under sections 3326.33 to 3326.51 of the Revised Code for any student who is not a resident of this state. 48396  
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(b) The school shall charge tuition for a student who is not a resident of this state in an amount ~~equal to the amount~~ determined by the calculated by the department of education under determined by the 48400  
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school in accordance with section 3326.101 of the Revised Code. 48403

(B) There will be no discrimination in the admission of 48404  
students to the school on the basis of race, creed, color, 48405  
disability, or sex. 48406

(C) The school will comply with all federal and state laws 48407  
regarding the education of students with disabilities. 48408

(D) Unless the school serves only students identified as 48409  
gifted under Chapter 3324. of the Revised Code, the school will 48410  
not limit admission to students on the basis of intellectual 48411  
ability, measures of achievement or aptitude, or athletic or 48412  
artistic ability. 48413

(E) The school will assert its best effort to attract a 48414  
diverse student body that reflects the community, and the school 48415  
will recruit students from disadvantaged and underrepresented 48416  
groups. 48417

**Sec. 3326.101.** For each student who is not a resident of this 48418  
state and is enrolled in a science, technology, engineering, and 48419  
mathematics school under division (A)(2) of section 3326.10 of the 48420  
Revised Code, the ~~department of education~~ school shall ~~calculate~~ 48421  
determine the amount ~~that the school would have received for that~~ 48422  
~~student under section 3326.33 of the Revised Code if that student~~ 48423  
~~were a resident of this state. The department shall not pay that~~ 48424  
~~amount to the school, but the school shall to charge that amount~~ 48425  
to the student as tuition. This amount shall be not less than the 48426  
minimum amount paid to the school for a student under section 48427  
3326.33 of the Revised Code. 48428

**Sec. 3326.11.** Each science, technology, engineering, and 48429  
mathematics school established under this chapter and its 48430  
governing body shall comply with sections 9.90, 9.91, 109.65, 48431  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 48432

3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 48433  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 48434  
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 48435  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 48436  
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 48437  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 48438  
3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 48439  
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 48440  
3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 48441  
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 48442  
3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.05, 3321.13, 48443  
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 48444  
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 48445  
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 48446  
Revised Code as if it were a school district. 48447

**Sec. 3326.33.** For each student enrolled in a science, 48448  
technology, engineering, and mathematics school established under 48449  
this chapter, on a full-time equivalency basis, the department of 48450  
education annually shall deduct from the state education aid of a 48451  
student's resident school district and, if necessary, from the 48452  
payment made to the district under sections 321.24 and 323.156 of 48453  
the Revised Code and pay to the school the sum of the following: 48454

(A) An opportunity grant in an amount equal to the formula 48455  
amount; 48456

(B) The per pupil amount of targeted assistance funds 48457  
calculated under division (A) of section 3317.0217 of the Revised 48458  
Code for the student's resident district, as determined by the 48459  
department, X 0.25; 48460

(C) Additional state aid for special education and related 48461  
services provided under Chapter 3323. of the Revised Code as 48462

follows:	48463
(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	48464 48465 48466
(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	48467 48468 48469
(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	48470 48471 48472
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	48473 48474 48475
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	48476 48477 48478
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	48479 48480 48481
(D) If the student is in kindergarten through third grade, <del>\$305, in fiscal year 2016, or \$320, in fiscal year 2017;</del>	48482 48483
(E) If the student is economically disadvantaged, an amount equal to the following:	48484 48485
\$272 X the resident district's economically disadvantaged index	48486
(F) Limited English proficiency funds, as follows:	48487
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	48488 48489 48490
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of	48491 48492

section 3317.016 of the Revised Code;	48493
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	48494 48495 48496
(G) Career-technical education funds as follows:	48497
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	48498 48499 48500
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	48501 48502 48503
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	48504 48505 48506
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	48507 48508 48509
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	48510 48511 48512
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	48513 48514 48515
<b>Sec. 3326.41.</b> (A) For purposes of this section:	48516
(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	48517 48518
(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code.	48519 48520
<u>(3) A science, technology, engineering, and mathematics</u>	48521

school's "third-grade reading proficiency percentage" means the 48522  
percentage of the school's students scoring at a proficient level 48523  
of skill or higher on the third-grade English language arts 48524  
assessment prescribed under division (A)(1)(a) of section 48525  
3301.0710 of the Revised Code for the immediately preceding school 48526  
year, as reported on the school's report card under section 48527  
3302.03 of the Revised Code. 48528

(B) In addition to the payments made under section 3326.33 of 48529  
the Revised Code, the department of education shall annually pay 48530  
to each science, technology, engineering, and mathematics school a 48531  
both of the following: 48532

(1) A graduation bonus calculated according to the following 48533  
formula: 48534

The school's four-year adjusted cohort graduation rate on its most 48535  
recent report card issued by the department under section 3302.03 48536  
of the Revised Code X 0.075 X the formula amount X the number of 48537  
the school's graduates reported to the department, in accordance 48538  
with the guidelines adopted under section 3301.0714 of the Revised 48539  
Code, for the same school year for which the most recent report 48540  
card was issued 48541

(2) A third-grade reading bonus calculated according to the 48542  
following formula: 48543

The school's third-grade reading proficiency percentage X 0.075 X 48544  
the formula amount X the number of the school's students scoring 48545  
at a proficient level or higher on the third-grade English 48546  
language arts assessment prescribed under division (A)(1)(a) of 48547  
section 3301.0710 of the Revised Code for the immediately 48548  
preceding school year 48549

**Sec. 3327.08.** Boards of education of city school districts, 48550  
local school districts, exempted village school districts, 48551  
cooperative education school districts, and joint vocational 48552

school districts and governing boards of educational service 48553  
centers may purchase on individual contract school buses and other 48554  
equipment used in transporting children to and from school and to 48555  
other functions as authorized by the boards, or the boards, at 48556  
their discretion, may purchase the buses and equipment through any 48557  
system of centralized purchasing established by the state 48558  
department of education for that purpose, provided that state 48559  
subsidy payments shall be based on the amount of the lowest price 48560  
available to the boards by either method of purchase. No board 48561  
shall be deprived of any form of state assistance in the purchase 48562  
of buses and equipment by reason of purchases of buses and 48563  
equipment on an individual contract. 48564

The purchase of school buses shall be made only after 48565  
competitive bidding in accordance with section 3313.46 of the 48566  
Revised Code. All bids shall state that the buses, prior to 48567  
delivery, will comply with the safety rules of the department of 48568  
public safety adopted pursuant to section 4511.76 of the Revised 48569  
Code and all other pertinent provisions of law. 48570

At no time shall bid bonds be required for the purchase of 48571  
school buses, unless the district board or educational service 48572  
center governing board requests that bid bonds be part of the 48573  
competitive bidding process for a specified purchase. 48574

Sec. 3332.071. A college or school that holds a certificate 48575  
of registration under this chapter shall pay any fee required by 48576  
the state board of career colleges and schools for a new student 48577  
disclosure course fee. No college or school shall charge a student 48578  
for the fee paid under this section, either directly or through 48579  
any increase in fees or tuition charged to a student to pay the 48580  
disclosure course fee. 48581

**Sec. 3333.048.** (A) Not later than one year after October 16, 48582

2009, the chancellor of higher education and the superintendent of public instruction jointly shall do the following:

(1) In accordance with Chapter 119. of the Revised Code, establish metrics and educator preparation programs for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics and educator preparation programs shall be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code ~~and the requirements of the Ohio teacher residency program established under section 3319.223 of the Revised Code~~. The metrics and educator preparation programs also shall ensure that educators and other school personnel are adequately prepared to use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code.

(2) Provide for the inspection of institutions of higher education desiring to prepare educators and other school personnel.

(B) Not later than one year after October 16, 2009, the chancellor shall approve institutions of higher education engaged in the preparation of educators and other school personnel that maintain satisfactory training procedures and records of performance, as determined by the chancellor.

(C) If the metrics established under division (A)(1) of this section require an institution of higher education that prepares teachers to satisfy the standards of an independent accreditation organization, the chancellor shall permit each institution to satisfy the standards of any applicable national educator preparation accrediting agency recognized by the United States

department of education. 48614

(D) The metrics and educator preparation programs established 48615  
under division (A)(1) of this section may require an institution 48616  
of higher education, as a condition of approval by the chancellor, 48617  
to make changes in the curricula of its preparation programs for 48618  
educators and other school personnel. 48619

Notwithstanding division (E) of section 119.03 and division 48620  
(A)(1) of section 119.04 of the Revised Code, any metrics, 48621  
educator preparation programs, rules, and regulations, or any 48622  
amendment or rescission of such metrics, educator preparation 48623  
programs, rules, and regulations, adopted under this section that 48624  
necessitate institutions offering preparation programs for 48625  
educators and other school personnel approved by the chancellor to 48626  
revise the curricula of those programs shall not be effective for 48627  
at least one year after the first day of January next succeeding 48628  
the publication of the said change. 48629

Each institution shall allocate money from its existing 48630  
revenue sources to pay the cost of making the curricular changes. 48631

(E) The chancellor shall notify the state board of the 48632  
metrics and educator preparation programs established under 48633  
division (A)(1) of this section and the institutions of higher 48634  
education approved under division (B) of this section. The state 48635  
board shall publish the metrics, educator preparation programs, 48636  
and approved institutions with the standards and qualifications 48637  
for each type of educator license. 48638

(F) The graduates of educator preparation programs approved 48639  
by the chancellor shall be licensed by the state board in 48640  
accordance with the standards and qualifications adopted under 48641  
section 3319.22 of the Revised Code. 48642

**Sec. 3333.0414.** (A) In accordance with Chapter 119. of the 48643

Revised Code, the chancellor of higher education shall adopt rules 48644  
that require education preparation programs approved under section 48645  
3333.048 of the Revised Code to include instruction in opioid and 48646  
other substance abuse prevention. The instruction shall be for all 48647  
educator and other school personnel preparation programs for all 48648  
content areas and grade levels. 48649

(B) Instruction shall include all of the following: 48650

(1) Information on the magnitude of opioid and other 48651  
substance abuse; 48652

(2) The role educators and other school personnel can play in 48653  
educating students about the adverse effects of opioid and other 48654  
substance abuse; 48655

(3) Resources available to teach students about the 48656  
consequences of opioid and substance abuse; 48657

(4) Resources available to help fight and treat opioid abuse. 48658

**Sec. 3333.0415.** Beginning in 2018, the chancellor of higher 48659  
education, in collaboration with the department of education, 48660  
shall prepare an annual report regarding the progress the state is 48661  
making in increasing the percentage of adults in the state with a 48662  
college degree, industry certificate, or other postsecondary 48663  
credential to sixty-five per cent by the year 2025. The chancellor 48664  
shall submit an electronic copy of the report to the governor, the 48665  
president and minority leader of the senate, and speaker and 48666  
minority leader of the house of representatives. 48667

**Sec. 3333.0416.** (A) The chancellor of higher education may do 48668  
both of the following with regard to student fees: 48669

(1) Investigate all fees charged to students by any state 48670  
institution of higher education, as defined in section 3345.011 of 48671  
the Revised Code; 48672

(2) Prohibit any state institution from charging a fee that the chancellor determines is not in the best interest of the students. 48673  
48674  
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(B) If the chancellor prohibits a state institution from charging a fee pursuant to this section, the institution may seek approval from the controlling board to charge the fee. 48676  
48677  
48678

**Sec. 3333.051.** (A) The chancellor of higher education shall establish a program under which a community college established under Chapter 3354., technical college established under Chapter 3357., or state community college established under Chapter 3358. of the Revised Code may apply to the chancellor for authorization to offer applied bachelor's degree programs. 48679  
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The chancellor may approve programs under this section that demonstrate all of the following: 48685  
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(1) Evidence of an agreement between the college and a regional business or industry to train students in an in-demand field and to employ students upon their successful completion of the program; 48687  
48688  
48689  
48690

(2) That the workforce need of the regional business or industry is in an in-demand field with long-term sustainability based upon data provided by the governor's office of workforce transformation; 48691  
48692  
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(3) Supporting data that identifies the specific workforce need the program will address; 48695  
48696

(4) The absence of a bachelor's degree program that meets the workforce need addressed by the proposed program that is offered by a state university or private college or university; 48697  
48698  
48699

(5) Willingness of an industry partner to offer workplace-based learning and employment opportunities to students enrolled in the proposed program. 48700  
48701  
48702

(B) The chancellor may approve a program under this section that does not meet the criteria described in division (A) of this section, if the program clearly demonstrates a unique approach, as determined by the chancellor, to benefit the state's system of higher education or the state of Ohio. 48703  
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(C) Before approving a program under this section, the chancellor shall consult with the governor's office of workforce transformation, the inter-university council of Ohio, the Ohio association of community colleges, and the association of independent colleges and universities of Ohio, or any successor to those organizations. 48708  
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(D) As used in this section: 48714

(1) "Applied bachelor's degree" means a bachelor's degree that is both of the following: 48715  
48716

(a) Specifically designed for an individual who holds an associate of applied science degree, or its equivalent, in order to maximize application of the individual's technical course credits toward the bachelor's degree; 48717  
48718  
48719  
48720

(b) Based on curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field. 48721  
48722

(2) "Private college or university" means a nonprofit institution that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 48723  
48724  
48725

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code. 48726  
48727

**Sec. 3333.121.** There is hereby established in the state treasury the state ~~need-based~~ financial aid reconciliation fund, which shall consist of refunds of ~~instructional grant payments made pursuant to section 3333.12 of the Revised Code and refunds of state need-based financial aid payments made pursuant to~~ 48728  
48729  
48730  
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48732

~~section 3333.122 of the Revised Code state financial aid payments~~ 48733  
~~originally disbursed by the department of higher education for~~ 48734  
~~programs that the department is responsible for administering.~~ 48735  
Revenues credited to the fund shall be used by the chancellor of 48736  
higher education to pay to higher education institutions any 48737  
outstanding obligations ~~from the prior year owed for the Ohio~~ 48738  
~~instructional grant program and the Ohio college opportunity grant~~ 48739  
~~program~~ state financial aid programs that are identified through 48740  
the annual reconciliation and financial audit or through other 48741  
means. Any amount in the fund that is in excess of the amount 48742  
certified to the director of budget and management by the 48743  
chancellor of higher education as necessary to reconcile ~~prior~~ 48744  
~~year~~ payments under the program shall be transferred to the 48745  
general revenue fund. 48746

**Sec. 3333.122.** (A) The chancellor of higher education shall 48747  
adopt rules to carry out this section and as authorized under 48748  
section 3333.123 of the Revised Code. The rules shall include 48749  
definitions of the terms "resident," "expected family 48750  
contribution," "full-time student," "three-quarters-time student," 48751  
"half-time student," "one-quarter-time student," "state cost of 48752  
attendance," and "accredited" for the purpose of those sections. 48753

(B) Only an Ohio resident who meets both of the following is 48754  
eligible for a grant awarded under this section: 48755

(1) The resident has an expected family contribution of two 48756  
thousand one hundred ninety or less; 48757

(2) The resident enrolls in one of the following: 48758

(a) An undergraduate program, or a nursing diploma program 48759  
approved by the board of nursing under section 4723.06 of the 48760  
Revised Code, at a state-assisted state institution of higher 48761  
education, as defined in section 3345.12 of the Revised Code, that 48762  
meets the requirements of Title VI of the Civil Rights Act of 48763

1964; 48764

(b) An undergraduate program, or a nursing diploma program 48765  
approved by the board of nursing under section 4723.06 of the 48766  
Revised Code, at a private, nonprofit institution in this state 48767  
holding a certificate of authorization pursuant to Chapter 1713. 48768  
of the Revised Code; 48769

(c) An undergraduate program, or a nursing diploma program 48770  
approved by the board of nursing under section 4723.06 of the 48771  
Revised Code, at a career college in this state that holds a 48772  
certificate of registration from the state board of career 48773  
colleges and schools under Chapter 3332. of the Revised Code or at 48774  
a private institution exempt from regulation under Chapter 3332. 48775  
of the Revised Code as prescribed in section 3333.046 of the 48776  
Revised Code, if the program has a certificate of authorization 48777  
pursuant to Chapter 1713. of the Revised Code. 48778

(d) A comprehensive transition and postsecondary program that 48779  
is certified by the United States department of education. For 48780  
purposes of this section, a "comprehensive transition and 48781  
postsecondary program" means a degree, certificate, or non-degree 48782  
program that is designed to support persons with intellectual 48783  
disabilities who are receiving academic, career, technical, and 48784  
independent living instruction at an institution of higher 48785  
education in order to prepare for gainful employment as defined in 48786  
20 U.S.C. 1140. 48787

(C)(1) The chancellor shall establish and administer a 48788  
needs-based financial aid grants program based on the United 48789  
States department of education's method of determining financial 48790  
need. The program shall be known as the Ohio college opportunity 48791  
grant program. The general assembly shall support the needs-based 48792  
financial aid program by such sums and in such manner as it may 48793  
provide, but the chancellor also may receive funds from other 48794  
sources to support the program. If, for any academic year, the 48795

amounts available for support of the program are inadequate to 48796  
provide grants to all eligible students, the chancellor shall do 48797  
one of the following: 48798

(a) Give preference in the payment of grants based upon 48799  
expected family contribution, beginning with the lowest expected 48800  
family contribution category and proceeding upward by category to 48801  
the highest expected family contribution category; 48802

(b) Proportionately reduce the amount of each grant to be 48803  
awarded for the academic year under this section; 48804

(c) Use an alternate formula for such grants that addresses 48805  
the shortage of available funds and has been submitted to and 48806  
approved by the controlling board. 48807

(2) The needs-based financial aid grant shall be paid to the 48808  
eligible student through the institution in which the student is 48809  
enrolled, except that no needs-based financial aid grant shall be 48810  
paid to any person serving a term of imprisonment. Applications 48811  
for the grants shall be made as prescribed by the chancellor, and 48812  
such applications may be made in conjunction with and upon the 48813  
basis of information provided in conjunction with student 48814  
assistance programs funded by agencies of the United States 48815  
government or from financial resources of the institution of 48816  
higher education. The institution shall certify that the student 48817  
applicant meets the requirements set forth in division (B) of this 48818  
section. Needs-based financial aid grants shall be provided to an 48819  
eligible student only as long as the student is making appropriate 48820  
progress toward a nursing diploma ~~or~~, an associate or bachelor's 48821  
degree, or completion of a comprehensive transition and 48822  
postsecondary program. No student shall be eligible to receive a 48823  
grant for more than ten semesters, fifteen quarters, or the 48824  
equivalent of five academic years. A grant made to an eligible 48825  
student on the basis of less than full-time enrollment shall be 48826  
based on the number of credit hours for which the student is 48827

enrolled and shall be computed in accordance with a formula 48828  
adopted by rule issued by the chancellor. No student shall receive 48829  
more than one grant on the basis of less than full-time 48830  
enrollment. 48831

(D)(1) Except as provided in ~~division~~ divisions (D)(4) and 48832  
(5) of this section, no grant awarded under this section shall 48833  
exceed the total state cost of attendance. 48834

(2) Subject to divisions (D)(1), (3), ~~and~~ (4), and (5) of 48835  
this section, the amount of a grant awarded to a student under 48836  
this section shall equal the student's remaining state cost of 48837  
attendance after the student's Pell grant and expected family 48838  
contribution are applied to the instructional and general charges 48839  
for the undergraduate or comprehensive transition and 48840  
postsecondary program. However, for students enrolled in a state 48841  
university or college as defined in section 3345.12 of the Revised 48842  
Code or a university branch, the chancellor may provide that the 48843  
grant amount shall equal the student's remaining instructional and 48844  
general charges for the undergraduate program after the student's 48845  
Pell grant and expected family contribution have been applied to 48846  
those charges, but, in no case, shall the grant amount for such a 48847  
student exceed any maximum that the chancellor may set by rule. 48848

(3) For a student enrolled for a semester or quarter in 48849  
addition to the portion of the academic year covered by a grant 48850  
under this section, the maximum grant amount shall be a percentage 48851  
of the maximum specified in any table established in rules adopted 48852  
by the chancellor as provided in division (A) of this section. The 48853  
maximum grant for a fourth quarter shall be one-third of the 48854  
maximum amount so prescribed. The maximum grant for a third 48855  
semester shall be one-half of the maximum amount so prescribed. 48856

(4) If a student is enrolled in a two-year institution of 48857  
higher education and is eligible for an education and training 48858  
voucher through the Ohio education and training voucher program 48859

that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under this section may exceed the total state cost of attendance to additionally cover housing costs.

(5) For a student who is receiving federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, the amount of a grant awarded under this section shall be applied toward the total state cost of attendance and the student's housing costs and living expenses. Living expenses shall include reasonable costs for room and board.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply in the case of either of the following:

(a) The institution pursuant to federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1)

of this section or the secretary determines due to mitigating 48891  
circumstances that the institution may continue to participate in 48892  
federal financial aid programs. The chancellor shall adopt rules 48893  
requiring any such appellant to provide information to the 48894  
chancellor regarding an appeal. 48895

(b) Any student who has previously received a grant pursuant 48896  
to any provision of this section, including prior to the section's 48897  
amendment by H.B. 1 of the 128th general assembly, effective July 48898  
17, 2009, and who meets all other eligibility requirements of this 48899  
section. 48900

(3) The chancellor shall adopt rules for the notification of 48901  
all institutions whose students will be ineligible to participate 48902  
in the grant program pursuant to division (F)(1) of this section. 48903

(4) A student's attendance at any institution whose students 48904  
are ineligible for grants due to division (F)(1) of this section 48905  
shall not affect that student's eligibility to receive a grant 48906  
when enrolled in another institution. 48907

(G) Institutions of higher education that enroll students 48908  
receiving needs-based financial aid grants under this section 48909  
shall report to the chancellor all students who have received such 48910  
needs-based financial aid grants but are no longer eligible for 48911  
all or part of those grants and shall refund any moneys due the 48912  
state within thirty days after the beginning of the quarter or 48913  
term immediately following the quarter or term in which the 48914  
student was no longer eligible to receive all or part of the 48915  
student's grant. There shall be an interest charge of one per cent 48916  
per month on all moneys due and payable after such thirty-day 48917  
period. The chancellor shall immediately notify the office of 48918  
budget and management and the legislative service commission of 48919  
all refunds so received. 48920

**Sec. 3333.166.** (A) As used in this section: 48921

(1) "For-profit private college" means a career college in this state that holds a certificate of registration from the chancellor of higher education under Chapter 3332. of the Revised Code or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) The chancellor shall prepare a transferability strategy plan that defines criteria, policies, procedures, and timelines that would enable students to transfer agreed upon courses completed through a for-profit private college to a state institution of higher education without unnecessary duplication or institutional barriers. Where applicable, the policies and procedures in the strategy plan shall build upon the articulation agreement and transfer initiative course equivalency system required by section 3333.16 of the Revised Code.

(C) The chancellor shall convene the necessary stakeholders to assist in the preparation of the strategy plan. The chancellor shall complete and deliver to the governor, president and minority leader of the senate, and speaker and minority leader of the house of representatives an interim strategy plan on or before July 1, 2018, and the final strategy plan on or before January 1, 2019.

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge purposes, status as a resident of Ohio shall be defined by the chancellor of higher education by rule promulgated pursuant to Chapter 119. of the Revised Code. No adjudication as to the status of any person under such rule, however, shall be required to be made pursuant to Chapter 119. of the Revised Code. The term "resident" for these purposes shall not be equated with the definition of that term as it is employed elsewhere under the laws

of this state and other states, and shall not carry with it any of 48953  
the legal connotations appurtenant thereto. Rather, except as 48954  
provided in divisions (B), (C), and (E) of this section, for such 48955  
purposes, the rule promulgated under this section shall have the 48956  
objective of excluding from treatment as residents those who are 48957  
present in the state primarily for the purpose of attending a 48958  
state-supported or state-assisted institution of higher education, 48959  
and may prescribe presumptive rules, rebuttable or conclusive, as 48960  
to such purpose based upon the source or sources of support of the 48961  
student, residence prior to first enrollment, evidence of 48962  
intention to remain in the state after completion of studies, or 48963  
such other factors as the chancellor deems relevant. 48964

(B) The rules of the chancellor for determining student 48965  
residency shall grant residency status to a veteran and to the 48966  
veteran's spouse and any dependent of the veteran, if both of the 48967  
following conditions are met: 48968

(1) The veteran either: 48969

(a) Served one or more years on active military duty and was 48970  
honorably discharged or received a medical discharge that was 48971  
related to the military service; 48972

(b) Was killed while serving on active military duty or has 48973  
been declared to be missing in action or a prisoner of war. 48974

(2) If the veteran seeks residency status for tuition 48975  
surcharge purposes, the veteran has established domicile in this 48976  
state as of the first day of a term of enrollment in an 48977  
institution of higher education. If the spouse or a dependent of 48978  
the veteran seeks residency status for tuition surcharge purposes, 48979  
the veteran and the spouse or dependent seeking residency status 48980  
have established domicile in this state as of the first day of a 48981  
term of enrollment in an institution of higher education, except 48982  
that if the veteran was killed while serving on active military 48983

duty, has been declared to be missing in action or a prisoner of 48984  
war, or is deceased after discharge, only the spouse or dependent 48985  
seeking residency status shall be required to have established 48986  
domicile in accordance with this division. 48987

(C) The rules of the chancellor for determining student 48988  
residency shall grant residency status to both of the following: 48989

(1) A veteran who is the recipient of federal veterans' 48990  
benefits under the "All-Volunteer Force Educational Assistance 48991  
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 48992  
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 48993  
successor program, if the veteran meets all of the following 48994  
criteria: 48995

(a) The veteran served at least ninety days on active duty. 48996

(b) The veteran enrolls in a state institution of higher 48997  
education, as defined in section 3345.011 of the Revised Code. 48998

(c) The veteran lives in the state as of the first day of a 48999  
term of enrollment in the state institution of higher education. 49000

(2) A person who is the recipient of the federal Marine 49001  
Gunnery Sergeant John David Fry scholarship or transferred federal 49002  
veterans' benefits under any of the programs described in division 49003  
(C)(1) of this section, if the person meets both of the following 49004  
criteria: 49005

(a) The person enrolls in a state institution of higher 49006  
education. 49007

(b) The person lives in the state as of the first day of a 49008  
term of enrollment in the state institution of higher education. 49009

In order for a person using transferred federal veterans' 49010  
benefits to qualify under division (C)(2) of this section, the 49011  
veteran's period of active duty veteran who transferred the 49012  
benefits must have ~~been~~ served at least ninety days on active duty 49013

or the service member who transferred the benefits must be on 49014  
active duty. 49015

(D) The rules of the chancellor for determining student 49016  
residency shall not deny residency status to a student who is 49017  
either a dependent child of a parent, or the spouse of a person 49018  
who, as of the first day of a term of enrollment in an institution 49019  
of higher education, has accepted full-time employment and 49020  
established domicile in this state for reasons other than gaining 49021  
the benefit of favorable tuition rates. 49022

Documentation of full-time employment and domicile shall 49023  
include both of the following documents: 49024

(1) A sworn statement from the employer or the employer's 49025  
representative on the letterhead of the employer or the employer's 49026  
representative certifying that the parent or spouse of the student 49027  
is employed full-time in Ohio; 49028

(2) A copy of the lease under which the parent or spouse is 49029  
the lessee and occupant of rented residential property in the 49030  
state, a copy of the closing statement on residential real 49031  
property of which the parent or spouse is the owner and occupant 49032  
in this state or, if the parent or spouse is not the lessee or 49033  
owner of the residence in which the parent or spouse has 49034  
established domicile, a letter from the owner of the residence 49035  
certifying that the parent or spouse resides at that residence. 49036

Residency officers may also evaluate, in accordance with the 49037  
chancellor's rule, requests for immediate residency status from 49038  
dependent students whose parents are not living and whose domicile 49039  
follows that of a legal guardian who has accepted full-time 49040  
employment and established domicile in the state for reasons other 49041  
than gaining the benefit of favorable tuition rates. 49042

(E)(1) The rules of the chancellor for determining student 49043  
residency shall grant residency status to a person who, while a 49044

resident of this state for state subsidy and tuition surcharge 49045  
purposes, graduated from a high school in this state or completed 49046  
the final year of instruction at home as authorized under section 49047  
3321.04 of the Revised Code, if the person enrolls in an 49048  
institution of higher education and establishes domicile in this 49049  
state, regardless of the student's residence prior to that 49050  
enrollment. 49051

(2) The rules of the chancellor for determining student 49052  
residency shall not grant residency status to an alien if the 49053  
alien is not also an immigrant or a nonimmigrant. 49054

(F) As used in this section: 49055

(1) "Dependent," "domicile," "institution of higher 49056  
education," and "residency officer" have the meanings ascribed in 49057  
the chancellor's rules adopted under this section. 49058

(2) "Alien" means a person who is not a United States citizen 49059  
or a United States national. 49060

(3) "Immigrant" means an alien who has been granted the right 49061  
by the United States bureau of citizenship and immigration 49062  
services to reside permanently in the United States and to work 49063  
without restrictions in the United States. 49064

(4) "Nonimmigrant" means an alien who has been granted the 49065  
right by the United States bureau of citizenship and immigration 49066  
services to reside temporarily in the United States. 49067

(5) "Veteran" means any person who has completed service in 49068  
the uniformed services, as defined in section 3511.01 of the 49069  
Revised Code. 49070

(6) "Service member" has the same meaning as in section 49071  
5903.01 of the Revised Code. 49072

**Sec. 3333.39.** The chancellor of higher education and the 49073  
superintendent of public instruction shall establish and 49074

administer the teach Ohio program to promote and encourage 49075  
citizens of this state to consider teaching as a profession. The 49076  
program shall include all of the following: 49077

(A) A statewide program administered by a nonprofit 49078  
corporation that has been in existence for at least fifteen years 49079  
with demonstrated results in encouraging high school students from 49080  
economically disadvantaged groups to enter the teaching 49081  
profession. The chancellor and superintendent jointly shall select 49082  
the nonprofit corporation. 49083

(B) The Ohio teaching fellows program established under 49084  
sections 3333.391 and 3333.392 of the Revised Code; 49085

~~(C) The Ohio teacher residency program established under 49086  
section 3319.223 of the Revised Code; 49087~~

~~(D)~~ Alternative licensure procedures established under 49088  
section 3319.26 of the Revised Code; 49089

~~(E)~~(D) Any other program as identified by the chancellor and 49090  
the superintendent. 49091

**Sec. 3333.45.** (A) For purposes of this section, "eligible 49092  
institution of higher education" means any of the following: 49093

(1) A regionally accredited private, nonprofit institution of 49094  
higher education that is created by the governors of several 49095  
states. At least one of the governors of these states shall also 49096  
be a member of the institution's board of trustees. 49097

(2) A state institution of higher education, as that term is 49098  
defined in section 3345.011 of the Revised Code; 49099

(3) A private, nonprofit institution of higher education that 49100  
has received a certificate of authorization under Chapter 1713. of 49101  
the Revised Code. 49102

(B) The chancellor of higher education may recognize or 49103

endorse an eligible institution of higher education for the 49104  
purpose of providing competency-based education programs. 49105

(C) In recognizing or endorsing an eligible institution of 49106  
higher education described in division (A)(1) of this section, the 49107  
chancellor may specify all of the following: 49108

(1) The eligibility of students enrolled in the institution 49109  
for state student financial aid programs; 49110

(2) Any articulation and transfer policies of the chancellor 49111  
that apply to the institution; 49112

(3) The reporting requirements for the institution. 49113

(D) In recognizing or endorsing any eligible institution of 49114  
higher education, the chancellor may: 49115

(1) Recognize competency-based education as an important 49116  
component of this state's higher education system; 49117

(2) Eliminate any unnecessary barriers to the delivery of 49118  
competency-based education; 49119

(3) Facilitate opportunities to share best practices on the 49120  
delivery of competency-based education with any eligible 49121  
institution of higher education; 49122

(4) Establish any other requirements that the chancellor 49123  
determines are in the best interest of this state. 49124

(E) The chancellor shall not provide any public operating or 49125  
capital assistance to an eligible institution of higher education 49126  
described in division (A)(1) of this section for the purpose of 49127  
providing competency-based education in this state. 49128

**Sec. 3333.91.** ~~Not later than December 31, 2014, the~~ The 49129  
governor's office of workforce transformation, in collaboration 49130  
with the chancellor of higher education, the superintendent of 49131  
public instruction, and the department of job and family services, 49132

shall develop and submit to the appropriate federal agency a 49133  
single, state unified plan required under the "Workforce 49134  
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which 49135  
shall include the information required for the adult basic and 49136  
literacy education program administered by the United States 49137  
secretary of education, and the "Carl D. Perkins Vocational and 49138  
Technical Education Act," 20 U.S.C. 2301, et seq., as amended, ~~and~~ 49139  
~~the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq.,~~ 49140  
~~as amended.~~ Following the plan's initial submission to the 49141  
appropriate federal agency, the governor's office of workforce 49142  
transformation may update it as necessary. If the plan is updated, 49143  
the governor's office of workforce transformation shall submit the 49144  
updated plan to the appropriate federal agency. 49145

**Sec. 3333.92.** (A) As used in this section, "OhioMeansJobs web 49146  
site" has the same meaning as in section 6301.01 of the Revised 49147  
Code. 49148

(B)(1) ~~Beginning January 1, 2016, each~~ Each participant in an 49149  
adult basic and literacy education funded training or education 49150  
program shall create an account with the OhioMeansJobs web site at 49151  
the twelfth week of the program. 49152

(2) ~~Beginning January 1, 2016, each~~ Each participant in an 49153  
Ohio technical center funded training or education program shall 49154  
create an account with the OhioMeansJobs web site at the time of 49155  
enrollment in the program. 49156

(C) Division (B) of this section does not apply to any 49157  
individual who is legally prohibited from using a computer, has a 49158  
physical or visual impairment that makes the individual unable to 49159  
use a computer, or has a limited ability to read, write, speak, or 49160  
understand a language in which the OhioMeansJobs web site is 49161  
available. 49162

Sec. 3333.94. (A) As used in this section: 49163

(1) "In-demand job" means a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code. 49164  
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(2) "Ohio technical center" means a center that provides adult technical education services and is recognized by the chancellor of higher education. 49167  
49168  
49169

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 49170  
49171

(B) Not later than January 1, 2018, the chancellor of higher education shall create an inventory of both credit and non-credit certificate programs and industry-recognized credentials offered at state institutions of higher education and Ohio technical centers that align with in-demand jobs in the state. 49172  
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When awarding funds from the OhioMeansJobs workforce development revolving loan fund established under section 6301.14 of the Revised Code, the chancellor shall give preference to certificate programs that support adult learners and are included in the inventory. 49177  
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Sec. 3333.951. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 49182  
49183  
49184

(B) Each state institution of higher education that is co-located with another state institution of higher education annually shall review best practices and shared services in order to improve academic and other services and reduce costs for students. Each state institution shall report its findings to the efficiency advisory committee established under section 3333.95 of the Revised Code. The committee shall include the information reported under this section in the committee's annual report. 49185  
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(C) Each state institution of higher education annually shall 49193  
report to the efficiency advisory committee on its efforts to 49194  
reduce textbook costs to students. 49195

(D) Each state institution of higher education shall conduct 49196  
a study to determine the current cost of textbooks for students 49197  
enrolled in the institution, and shall submit the study to the 49198  
chancellor of higher education annually by a date prescribed by 49199  
the chancellor. 49200

**Sec. 3345.025.** The board of trustees of each state 49201  
institution of higher education as defined in section 3345.011 of 49202  
the Revised Code shall adopt a textbook selection policy for 49203  
faculty to follow in selecting and assigning textbooks and other 49204  
instructional materials for use in courses offered by the 49205  
institution. The policy shall include faculty responsibilities and 49206  
actions faculty may take in selecting and assigning textbooks and 49207  
other instructional materials. 49208

**Sec. 3345.061.** (A) Ohio's two-year institutions of higher 49209  
education are respected points of entry for students embarking on 49210  
post-secondary careers and courses completed at those institutions 49211  
are transferable to state universities in accordance with 49212  
articulation and transfer agreements developed under sections 49213  
3333.16, 3333.161, and 3333.162 of the Revised Code. 49214

(B) Beginning with undergraduate students who commence 49215  
undergraduate studies in the 2014-2015 academic year, no state 49216  
university listed in section 3345.011 of the Revised Code, except 49217  
Central state university, Shawnee state university, and Youngstown 49218  
state university, shall receive any state operating subsidies for 49219  
any academic remedial or developmental courses for undergraduate 49220  
students, including courses prescribed in division (C) of section 49221  
3313.603 of the Revised Code, offered at its main campus, except 49222

as provided in divisions (B)(1) to (4) of this section. 49223

(1) In the 2014-2015 and 2015-2016 academic years, a state 49224  
university may receive state operating subsidies for academic 49225  
remedial or developmental courses completed at the main campus for 49226  
not more than three per cent of the total undergraduate credit 49227  
hours provided by the university at its main campus. 49228

(2) In the 2016-2017 academic year, a state university may 49229  
receive state operating subsidies for academic remedial or 49230  
developmental courses completed at the main campus for not more 49231  
than fifteen per cent of the first-year students who have 49232  
graduated from high school within the previous twelve months and 49233  
who are enrolled in the university at its main campus, as 49234  
calculated on a full-time-equivalent basis. 49235

(3) In the 2017-2018 academic year, a state university may 49236  
receive state operating subsidies for academic remedial or 49237  
developmental courses completed at the main campus for not more 49238  
than ten per cent of the first-year students who have graduated 49239  
from high school within the previous twelve months and who are 49240  
enrolled in the university at its main campus, as calculated on a 49241  
full-time-equivalent basis. 49242

(4) In the 2018-2019 academic year, a state university may 49243  
receive state operating subsidies for academic remedial or 49244  
developmental courses completed at the main campus for not more 49245  
than five per cent of the first-year students who have graduated 49246  
from high school within the previous twelve months and who are 49247  
enrolled in the university at its main campus, as calculated on a 49248  
full-time-equivalent basis. 49249

Each state university may continue to offer academic remedial 49250  
and developmental courses at its main campus beyond the extent for 49251  
which state operating subsidies may be paid under this division 49252  
and may continue to offer such courses beyond the 2018-2019 49253

academic year. However, the main campus of a state university 49254  
shall not receive any state operating subsidies for such courses 49255  
above the maximum amounts permitted in this division. 49256

(C) Except as otherwise provided in division (B) of this 49257  
section, beginning with students who commence undergraduate 49258  
studies in the 2014-2015 academic year, state operating subsidies 49259  
for academic remedial or developmental courses offered by state 49260  
institutions of higher education may be paid only to Central state 49261  
university, Shawnee state university, Youngstown state university, 49262  
any university branch, any community college, any state community 49263  
college, or any technical college. 49264

(D) Each state university shall grant credit for academic 49265  
remedial or developmental courses successfully completed at an 49266  
institution described in division (C) of this section pursuant to 49267  
any applicable articulation and transfer agreements the university 49268  
has entered into in accordance with policies and procedures 49269  
adopted under section 3333.16, 3333.161, or 3333.162 of the 49270  
Revised Code. 49271

(E) The chancellor of higher education shall do all of the 49272  
following: 49273

(1) Withhold state operating subsidies for academic remedial 49274  
or developmental courses provided by a main campus of a state 49275  
university as required in order to conform to divisions (B) and 49276  
(C) of this section; 49277

(2) Adopt uniform statewide standards for academic remedial 49278  
and developmental courses offered by all state institutions of 49279  
higher education; 49280

(3) Encourage and assist in the design and establishment of 49281  
academic remedial and developmental courses by institutions of 49282  
higher education; 49283

(4) Define "academic year" for purposes of this section and 49284

section 3345.06 of the Revised Code; 49285

(5) Encourage and assist in the development of articulation 49286  
and transfer agreements between state universities and other 49287  
institutions of higher education in accordance with policies and 49288  
procedures adopted under sections 3333.16, 3333.161, and 3333.162 49289  
of the Revised Code. 49290

(F) Not later than December 31, 2012, the presidents, or 49291  
equivalent position, of all state institutions of higher 49292  
education, or their designees, jointly shall establish uniform 49293  
statewide standards in mathematics, science, reading, and writing 49294  
each student enrolled in a state institution of higher education 49295  
must meet to be considered in remediation-free status. The 49296  
presidents also shall establish assessments, if they deem 49297  
necessary, to determine if a student meets the standards adopted 49298  
under this division. Each institution is responsible for assessing 49299  
the needs of its enrolled students in the manner adopted by the 49300  
presidents. The board of trustees or managing authority of each 49301  
state institution of higher education shall adopt the 49302  
remediation-free status standard, and any related assessments, 49303  
into the institution's policies. 49304

The chancellor shall assist in coordinating the work of the 49305  
presidents under this division. The chancellor shall monitor the 49306  
standards in mathematics, science, reading, and writing 49307  
established under division (F) of this section to ensure that the 49308  
standards adequately demonstrate a student's remediation-free 49309  
status. 49310

(G) Each year, not later than a date established by the 49311  
chancellor, each state institution of higher education shall 49312  
report to the governor, the general assembly, the chancellor, and 49313  
the superintendent of public instruction all of the following for 49314  
the prior academic year: 49315

(1) The institution's aggregate costs for providing academic remedial or developmental courses;	49316 49317
(2) The amount of those costs disaggregated according to the city, local, or exempted village school districts from which the students taking those courses received their high school diplomas;	49318 49319 49320
(3) Any other information with respect to academic remedial and developmental courses that the chancellor considers appropriate.	49321 49322 49323
(H) Not later than December 31, 2011, and the thirty-first day of each December thereafter, the chancellor and the superintendent of public instruction shall issue a report recommending policies and strategies for reducing the need for academic remediation and developmental courses at state institutions of higher education.	49324 49325 49326 49327 49328 49329
(I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.	49330 49331 49332
<u>Sec. 3345.062. (A) Not later than December 31, 2017, and each thirty-first day of December thereafter, the president, or equivalent position, of each state university shall issue a report regarding the remediation of students that includes all of the following:</u>	49333 49334 49335 49336 49337
<u>(1) The number of enrolled students that require remedial education;</u>	49338 49339
<u>(2) The cost of remedial coursework the state university provides;</u>	49340 49341
<u>(3) The specific areas of remediation provided by the state university;</u>	49342 49343
<u>(4) Causes for remediation.</u>	49344

(B) Each president, or equivalent, shall present the findings of the report to the state university's board of trustees and shall submit a copy of the report to the chancellor of higher education and the superintendent of public instruction.

(C) As used in this section, "state university" has the same meaning as in section 3345.011 of the Revised Code.

**Sec. 3345.14.** (A) As used in this section, "state college or university" means any state university or college defined in division (A)(1) of section 3345.12 of the Revised Code, and any other institution of higher education defined in division (A)(2) of that section.

(B) All rights to and interests in discoveries, inventions, or patents which result from research or investigation conducted in any experiment station, bureau, laboratory, research facility, or other facility of any state college or university, or by employees of any state college or university acting within the scope of their employment or with funding, equipment, or infrastructure provided by or through any state college or university, shall be the sole property of that college or university. No person, firm, association, corporation, or governmental agency which uses the facilities of such college or university in connection with such research or investigation and no faculty member, employee, or student of such college or university participating in or making such discoveries or inventions, shall have any rights to or interests in such discoveries or inventions, including income therefrom, except as may, by determination of the board of trustees of such college or university, be assigned, licensed, transferred, or paid to such persons or entities in accordance with division (C) of this section or in accordance with rules adopted under division (D) of this section.

(C) As may be determined from time to time by the board of trustees of any state college or university, the college or university may retain, assign, license, transfer, sell, or otherwise dispose of, in whole or in part and upon such terms as the board of trustees may direct, any and all rights to, interests in, or income from any such discoveries, inventions, or patents which the college or university owns or may acquire. Such dispositions may be to any individual, firm, association, corporation, or governmental agency, or to any faculty member, employee, or student of the college or university as the board of trustees may direct. Any and all income or proceeds derived or retained from such dispositions shall be applied to the general or special use of the college or university as determined by the board of trustees of such college or university.

(D)(1) Notwithstanding any provision of the Revised Code to the contrary, including but not limited to sections 102.03, 102.04, 2921.42, and 2921.43 of the Revised Code, the board of trustees of any state college or university ~~may~~ shall adopt rules in accordance with section 111.15 of the Revised Code that set forth circumstances under which an employee of the college or university may solicit or accept, and under which a person may give or promise to give to such an employee, a financial interest in any firm, corporation, or other association to which the board has assigned, licensed, transferred, or sold the college or university's interests in its intellectual property, including discoveries or inventions made or created by that employee or in patents issued to that employee.

(2) Rules established under division (D)(1) of this section shall include the following:

(a) A requirement that each college or university employee disclose to the college or university board of trustees any financial interest the employee holds in a firm, corporation, or

other association as described in division (D)(1) of this section; 49408

(b) A requirement that all disclosures made under division 49409  
(D)(2)(a) of this section are reviewed by officials designated by 49410  
the college or university board of trustees. The officials 49411  
designated under this division shall determine the information 49412  
that shall be disclosed and safeguards that shall be applied in 49413  
order to manage, reduce, or eliminate any actual or potential 49414  
conflict of interest. 49415

(c) A requirement that in implementing division (D) of this 49416  
section all members of the college or university board of trustees 49417  
shall be governed by Chapter 102. and sections 2921.42 and 2921.43 49418  
of the Revised Code. 49419

(d) Guidelines to ensure that any financial interest held by 49420  
any employee of the college or university does not result in 49421  
misuse of the students, employees, or resources of the college or 49422  
university for the benefit of the firm, corporation, or other 49423  
association in which such interest is held or does not otherwise 49424  
interfere with the duties and responsibilities of the employee who 49425  
holds such an interest. 49426

(3) Rules established under division (D)(1) of this section 49427  
may include other provisions at the discretion of the college or 49428  
university board of trustees. 49429

(E) Notwithstanding division (D) of this section, the Ohio 49430  
ethics commission retains authority to provide assistance to a 49431  
college or university board of trustees in the implementation of 49432  
division (D)(2) of this section and to address any matter that is 49433  
outside the scope of the exception to division (B) of this section 49434  
as set forth in division (D) of this section or as set forth in 49435  
rules established under division (D) of this section. 49436

**Sec. 3345.35.** Not later than ~~January 1, 2016~~ December 31, 49437

2017, and by the first day of ~~January~~ September of every fifth 49438  
year thereafter, the board of trustees of each state institution 49439  
of higher education, as defined in section 3345.011 of the Revised 49440  
Code, shall evaluate all courses and programs the institution 49441  
offers based on enrollment and ~~student performance in each course~~ 49442  
~~or program~~ duplication of its courses and programs with those of 49443  
other state institutions of higher education within a geographic 49444  
region, as determined by the chancellor of higher education. For 49445  
courses and programs with low enrollment, as defined by the 49446  
chancellor ~~of higher education~~, the board of trustees shall 49447  
provide a summary of recommended actions, including consideration 49448  
of collaboration with other state institutions of higher 49449  
education. For duplicative programs, as defined by the chancellor, 49450  
the board of trustees shall evaluate the benefits of collaboration 49451  
with other institutions of higher education, ~~based on geographic~~ 49452  
~~region,~~ to deliver the course program. 49453

Each board of trustees shall submit its findings under this 49454  
section to the chancellor not later than thirty days after the 49455  
completion of the evaluations or as part of submitting the annual 49456  
efficiency report required pursuant to section 3333.95 of the 49457  
Revised Code. For the findings required to be submitted by 49458  
December 31, 2017, a board of trustees may submit the additional 49459  
information required under this section as amended by this act, as 49460  
an addendum to the findings the board submitted prior to January 49461  
1, 2016, under former law. 49462

**Sec. 3345.45.** (A) On or before January 1, 1994, the 49463  
chancellor of higher education jointly with all state 49464  
universities, as defined in section 3345.011 of the Revised Code, 49465  
shall develop standards for instructional workloads for full-time 49466  
and part-time faculty in keeping with the universities' missions 49467  
and with special emphasis on the undergraduate learning 49468

experience. The standards shall contain clear guidelines for 49469  
institutions to determine a range of acceptable undergraduate 49470  
teaching by faculty. 49471

(B) On or before June 30, 1994, the board of trustees of each 49472  
state university shall take formal action to adopt a faculty 49473  
workload policy consistent with the standards developed under this 49474  
section. Notwithstanding section 4117.08 of the Revised Code, the 49475  
policies adopted under this section are not appropriate subjects 49476  
for collective bargaining. Notwithstanding division (A) of section 49477  
4117.10 of the Revised Code, any policy adopted under this section 49478  
by a board of trustees prevails over any conflicting provisions of 49479  
any collective bargaining agreement between an employees 49480  
organization and that board of trustees. 49481

(C)(1) The board of trustees of each state university shall 49482  
review the university's policy on faculty tenure and update that 49483  
policy to promote excellence in instruction, research, service, or 49484  
commercialization, or any combination thereof. 49485

(2) Beginning on July 1, 2018, as a condition for a state 49486  
university to receive any state funds for research that are 49487  
allocated to the department of higher education under the 49488  
appropriation line items referred to as either "research incentive 49489  
third frontier fund" or "research incentive third frontier-tax," 49490  
the chancellor shall require the university to include multiple 49491  
pathways for faculty tenure, one of which may be a 49492  
commercialization pathway, in its policy. 49493

**Sec. 3345.48.** (A) As used in this section: 49494

(1) "Cohort" means a group of students who will complete 49495  
their bachelor's degree requirements and graduate from a state 49496  
university at the same time. A cohort may include transfer 49497  
students and other selected undergraduate student academic 49498  
programs as determined by the board of trustees of a state 49499

university. 49500

(2) "Eligible student" means an undergraduate student who: 49501

(a) Is enrolled full-time in a bachelor's degree program at a 49502  
state university; 49503

(b) Is a resident of this state, as defined by the chancellor 49504  
of higher education under section 3333.31 of the Revised Code. 49505

(3) "State university" has the same meaning as in section 49506  
3345.011 of the Revised Code. 49507

(B) The board of trustees of a state university may establish 49508  
an undergraduate tuition guarantee program that allows eligible 49509  
students in the same cohort to pay a fixed rate for general and 49510  
instructional fees for four years. A board of trustees may include 49511  
room and board and any additional fees in the program. 49512

If the board of trustees chooses to establish such a program, 49513  
the board shall adopt rules for the program that include, but are 49514  
not limited to, all of the following: 49515

(1) The number of credit hours required to earn an 49516  
undergraduate degree in each major; 49517

(2) A guarantee that the general and instructional fees for 49518  
each student in the cohort shall remain constant for four years so 49519  
long as the student complies with the requirements of the program, 49520  
except that, notwithstanding any law to the contrary, the board 49521  
may increase the guaranteed amount by up to ~~six~~ eight per cent 49522  
above what has been charged in the previous academic year one time 49523  
for the first cohort enrolled under the tuition guarantee program. 49524  
If the board of trustees determines that economic conditions or 49525  
other circumstances require an increase for the first cohort of 49526  
above ~~six~~ eight per cent, the board shall submit a request to 49527  
increase the amount by a specified percentage to the chancellor. 49528  
The chancellor, based on information the chancellor requires from 49529

the board of trustees, shall approve or disapprove such a request. 49530  
Thereafter, the board of trustees may increase the guaranteed 49531  
amount by up to the sum of the following above what has been 49532  
charged in the previous academic year one time per subsequent 49533  
cohort: 49534

(a) The average rate of inflation, as measured by the 49535  
consumer price index prepared by the bureau of labor statistics of 49536  
the United States department of labor (all urban consumers, all 49537  
items), for the previous sixty-month period; and 49538

(b) The percentage amount the general assembly restrains 49539  
increases on in-state undergraduate instructional and general fees 49540  
for the applicable fiscal year. If the general assembly does not 49541  
enact a limit on the increase of in-state undergraduate 49542  
instructional and general fees, then no limit shall apply under 49543  
this division for the cohort that first enrolls in any academic 49544  
year for which the general assembly does not prescribe a limit. 49545

If, beginning with the academic year that starts four years 49546  
after September 29, 2013, the board of trustees determines that 49547  
the general and instructional fees charged under the tuition 49548  
guarantee have fallen significantly lower than those of other 49549  
state universities, the board of trustees may submit a request to 49550  
increase the amount charged to a cohort by a specified percentage 49551  
to the chancellor, who shall approve or disapprove such a request. 49552

(3) A benchmark by which the board sets annual increases in 49553  
general and instructional fees. This benchmark and any subsequent 49554  
change to the benchmark shall be subject to approval of the 49555  
chancellor. 49556

(4) Eligibility requirements for students to participate in 49557  
the program; 49558

(5) Student rights and privileges under the program; 49559

(6) Consequences to the university for students unable to 49560

complete a degree program within four years, as follows: 49561

(a) For a student who could not complete the program in four 49562  
years due to a lack of available classes or space in classes 49563  
provided by the university, the university shall provide the 49564  
necessary course or courses for completion to the student free of 49565  
charge. 49566

(b) For a student who could not complete the program in four 49567  
years due to military service or other circumstances beyond a 49568  
student's control, as determined by the board of trustees, the 49569  
university shall provide the necessary course or courses for 49570  
completion to the student at the student's initial cohort rate. 49571

(c) For a student who did not complete the program in four 49572  
years for any other reason, as determined by the board of 49573  
trustees, the university shall provide the necessary course or 49574  
courses for completion to the student at a rate determined through 49575  
a method established by the board under division (B)(7) of this 49576  
section. 49577

(7) Guidelines for adjusting a student's annual charges if 49578  
the student, due to circumstances under the student's control, is 49579  
unable to complete a degree program within four years; 49580

(8) A requirement that the rules adopted under division (B) 49581  
of this section be published or posted in the university handbook, 49582  
course catalog, and web site. 49583

(C) If a board of trustees implements a program under this 49584  
section, the board shall submit the rules adopted under division 49585  
(B) of this section to the chancellor for approval before 49586  
beginning implementation of the program. 49587

The chancellor shall not unreasonably withhold approval of a 49588  
program if the program conforms in principle with the parameters 49589  
and guidelines of this section. 49590

(D) A board of trustees of a state university may establish 49591  
an undergraduate tuition guarantee program for nonresident 49592  
students. 49593

(E) Within five years after September 29, 2013, the 49594  
chancellor shall publish on the chancellor's web site a report 49595  
that includes all of the following: 49596

(1) The state universities that have adopted an undergraduate 49597  
tuition guarantee program under this section; 49598

(2) The details of each undergraduate tuition guarantee 49599  
program established under this section; 49600

(3) Comparative data, including general and instructional 49601  
fees, room and board, graduation rates, and retention rates, from 49602  
all state universities. 49603

(F) Except as provided in this section, no other limitation 49604  
on the increase of in-state undergraduate instructional and 49605  
general fees shall apply to a state university that has 49606  
established an undergraduate tuition guarantee program under this 49607  
section. 49608

Sec. 3345.57. (A) As used in this section, "state institution 49609  
of higher education" has the same meaning as in section 3345.011 49610  
of the Revised Code. 49611

(B) A state institution of higher education may establish a 49612  
program under which an employee of the institution may donate that 49613  
employee's accrued but unused paid leave to another employee of 49614  
the institution who has no accrued but unused paid leave and who 49615  
has a critical need for it because of circumstances such as a 49616  
serious illness or the serious illness of a member of the 49617  
employee's immediate family. If a state institution of higher 49618  
education establishes a leave donation program under this section, 49619  
the institution shall adopt rules in accordance with Chapter 119. 49620

of the Revised Code to provide for the administration of the 49621  
program. These rules shall include, but not be limited to, 49622  
provisions that identify the circumstances under which leave may 49623  
be donated and that specify the amount, types, and value of leave 49624  
that may be donated. 49625

**Sec. 3345.58.** (A) As used in this section, "state institution 49626  
of higher education" has the same meaning as in section 3345.011 49627  
of the Revised Code. 49628

(B) No state institution of higher education shall refuse to 49629  
accept college credit earned in this state within the past five 49630  
years as a substitute for comparable coursework offered at the 49631  
institution. Additionally, no state institution shall refuse to 49632  
accept advanced or upper level coursework completed in the past 49633  
five years in this state as a substitute for comparable core or 49634  
lower level coursework. 49635

If college credit was earned in this state more than five 49636  
years ago, the state institution shall permit the student to take 49637  
a competency-based assessment in the relevant subject area. If the 49638  
student passes the assessment, the state institution shall excuse 49639  
the student from completing the applicable course and shall grant 49640  
credit to the student for that course. 49641

**Sec. 3345.59.** (A) As used in this section: 49642

(1) "Information technology center" means a center 49643  
established under section 3301.075 of the Revised Code. 49644

(2) "State institution of higher education" and "state 49645  
university" have the same meanings as in section 3345.011 of the 49646  
Revised Code. 49647

(B) Not later than June 30, 2018, all state institutions of 49648  
higher education that are located in the same region of the state, 49649  
as defined by the chancellor of higher education, shall enter into 49650

an agreement providing for the creation of a compact. Under that 49651  
agreement, the compact shall do all of the following: 49652

(1) Examine whether unnecessary duplication of academic 49653  
programming exists; 49654

(2) Develop strategies to address the workforce education 49655  
needs of the region; 49656

(3) Enhance the sharing of resources between institutions to 49657  
align educational pathways and to increase access within the 49658  
region. For these purposes, the compact shall do all of the 49659  
following: 49660

(a) Provide and share resources and programming to improve 49661  
academic performance and opportunities to address the workforce 49662  
needs of the region; 49663

(b) Identify, develop, and implement shared curriculum and 49664  
resources to promote educational pathways that minimize the time 49665  
required to earn a degree. This may include, but is not limited 49666  
to, curriculum delivered using open educational resources and 49667  
online formats. 49668

(c) Analyze operational costs and implement cost-effective 49669  
procedures that support greater access and opportunities for 49670  
students in the region. 49671

(4) Reduce operational and administrative costs to provide 49672  
more learning opportunities and collaboration in the region; 49673

(5) Enhance career counseling and experiential learning 49674  
opportunities for students; 49675

(6) Expand alternative education delivery models such as 49676  
competency-based and project-based learning; 49677

(7) Develop a strategy to increase collaboration and pathways 49678  
with information technology centers, adult basic and literacy 49679  
education programs, and school districts in the region; 49680

(8) Develop strategies to enhance the sharing of resources between institutions to improve and expand the capacity and capability for research and development; 49681  
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49683

(9) Identify and implement the best use of university regional campuses to reflect the goals described in division (B) of this section. 49684  
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(C) Nothing in this section shall prohibit a state institution of higher education from entering into multiple agreements under division (B) of this section. Additionally, there is no limit to the number, or the number of each type, of state institutions of higher education that may enter into an agreement under that division. 49687  
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(D) In addition to any agreement entered into pursuant to division (B) of this section, each state institution of higher education that is designated a land grant college under the federal "Morrill Act of 1862," 7 U.S.C. 301 et seq., or the "Agricultural College Act of 1890," 7 U.S.C. 321 et seq., or any subsequent act of congress, also shall to enter into an agreement providing for the creation of a compact that enhances collaboration between state institutions designated as land grant colleges. 49693  
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(E) Each state institution of higher education shall include in its annual efficiency report to the chancellor the efficiencies produced as a result of each compact to which the institution belongs. 49702  
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**Sec. 3347.091.** (A) Real property or buildings a university housing commission identifies as a property site for development or redevelopment under section 3347.09 of the Revised Code may be situated within or outside of the political subdivision in which the administrative offices of the university identified with the commission are principally located. 49706  
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(B) If located entirely outside of the political subdivision, 49712  
but not less than thirty-three per cent of the property site's 49713  
boundary is contiguous, continuously or otherwise, to other 49714  
university-owned or leased property, then all of the following 49715  
apply: 49716

(1) The uses specified in section 3347.09 of the Revised Code 49717  
are unconditionally permitted on the property site. 49718

(2) The property site may be developed to accommodate 49719  
population and structural densities exhibited in any other 49720  
developed real property and buildings owned or leased by the 49721  
university or commission for the purposes provided in section 49722  
3347.09 of the Revised Code. 49723

(3) None of the following may be enforced, to the extent they 49724  
prohibit, condition, limit, or impair either the development of a 49725  
property site in accordance with this section or the housing or 49726  
structural types or dimensions proposed for such purposes: 49727

(a) Land use laws enacted by a municipality, township, city, 49728  
or county; 49729

(b) Subdivision regulations; 49730

(c) Any other similar lawfully binding provision. 49731

(C) Nothing in this section shall be construed to impair or 49732  
prohibit a commission or university from acquiring title to real 49733  
property or buildings leased or proposed to be leased in 49734  
accordance with this section. 49735

**Sec. 3354.01.** As used in sections 3354.01 to 3354.18 of the 49736  
Revised Code: 49737

(A) "Community college district" means a political 49738  
subdivision of the state and a body corporate with all the powers 49739  
of a corporation, comprised of the territory of one or more 49740  
contiguous counties having together a total population of not less 49741

than seventy-five thousand preceding the establishment of such 49742  
district, and organized for the purpose of establishing, owning, 49743  
and operating a community college within the territory of such 49744  
district. 49745

(B) "Contiguous counties" means counties so located that each 49746  
such county shares at least one boundary in common with at least 49747  
one other such county in the group of counties referred to as 49748  
being "contiguous." 49749

(C) "Community college" means a public institution of 49750  
education beyond the high school organized for the principal 49751  
purpose of providing for the people of the community college 49752  
district wherein such college is situated the instructional 49753  
programs defined in this section as "arts and sciences" and 49754  
"technical," or either, and may include the "adult-education" 49755  
program as defined in this section. Except for applied bachelor's 49756  
degree programs ~~offered~~ approved by the chancellor of higher 49757  
education under section ~~3354.071~~ 3333.051 of the Revised Code, 49758  
instructional programs shall not exceed two years in duration. 49759

A university maintained and operated by a municipality 49760  
located in a county having a total population equal to the 49761  
requirement for a community college district as set forth in 49762  
division (A) of section 3354.01 of the Revised Code and is found 49763  
by the chancellor of higher education to offer instructional 49764  
programs which are needed in the community and which are 49765  
equivalent to those required of community colleges shall be, for 49766  
the purposes of receiving state or federal financial aid only, 49767  
considered a community college and shall receive the same state 49768  
financial assistance granted to community colleges but only in 49769  
respect to students enrolled in their first and second year of 49770  
post high school education in the kinds of instructional programs 49771  
offered by the municipal university. 49772

(D) "Arts and sciences program" means both of the following: 49773

(1) A curricular program of two years or less duration, 49774  
provided within a community college, planned and intended to 49775  
enable students to gain academic credit for courses generally 49776  
comparable to courses offered in the first two years in accredited 49777  
colleges and universities in the state, and designed either to 49778  
enable students to transfer to such colleges and universities for 49779  
the purpose of earning baccalaureate degrees or to enable students 49780  
to terminate academic study after two years with a proportionate 49781  
recognition of academic achievement. 49782

(2) ~~A~~ An applied bachelor's degree program approved and 49783  
offered under section ~~3354.071~~ 3333.051 of the Revised Code. 49784

(E) "Adult-education program" means the dissemination of post 49785  
high school educational service and knowledge, by a community 49786  
college, for the occupational, cultural, or general educational 49787  
benefit of adult persons, such educational service and knowledge 49788  
not being offered for the primary purpose of enabling such persons 49789  
to obtain academic credit or other formal academic recognition. 49790

(F) "Charter amendment" means a change in the official plan 49791  
of a community college for the purpose of acquiring additional 49792  
lands or structures, disposing of or transferring lands or 49793  
structures, erection of structures, or creating or abolishing of 49794  
one or more academic departments corresponding to generally 49795  
recognized fields of academic study. 49796

(G) "Technical program" means a post high school curricular 49797  
program of two years or less duration, provided within a community 49798  
college, planned and intended to enable students to gain academic 49799  
credit for courses designed to prepare such students to meet the 49800  
occupational requirements of the community. 49801

(H) "Operating costs" means all expenses for all purposes of 49802  
the community college district except expenditures for permanent 49803  
improvements having an estimated life of usefulness of five years 49804

or more as certified by the fiscal officer of the community college district. 49805  
49806

(I) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code. 49807  
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**Sec. 3354.09.** The board of trustees of a community college district may: 49809  
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(A) Own and operate a community college, pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code, or enter into a contract with a generally accredited public university or college for operation of such community college by such university or college pursuant to an official plan prepared and approved in accordance with section 3354.07 of the Revised Code; 49811  
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(B) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell real and personal property as is necessary for the conduct of the program of the community college on whatever terms and for whatever consideration may be appropriate for the purpose of the college; 49818  
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(C) Accept gifts, grants, bequests, and devises absolutely or in trust for support of the college during the existence of the college; 49823  
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(D) Appoint the administrative officers, faculty, and staff, necessary and proper for such community college, and fix their compensation except in instances in which the board of trustees has delegated such powers to a college or university operating such community college pursuant to a contract entered into by the board of trustees of the district; 49826  
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(E) Provide for a community college necessary lands, buildings or other structures, equipment, means, and appliances; 49832  
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(F) Develop and adopt, pursuant to the official plan, the 49834

curricular programs identified in section 3354.01 of the Revised Code as arts and sciences programs and technical programs, or either. Such programs may include adult-education programs.

(G) Except as provided in sections 3333.17 and 3333.32 of the Revised Code, establish schedules of fees and tuition for students who are residents of the district, residents of Ohio but not of the district, and students who are nonresidents of Ohio. The establishment of rules governing the determination of residence shall be subject to approval of the ~~Ohio board of regents~~ chancellor of higher education. Students who are nonresidents of Ohio shall be required to pay higher rates of fees and tuition than the rates required of students who are residents of Ohio but not of the district, and students who are residents of the district shall pay a smaller tuition and fee rate than the rate for either category of nonresident students.

(H) Authorize, approve, ratify, or confirm any agreement relating to any such community college with the United States government, acting through any agency of such government designated or created to aid in the financing of such projects, or with any person or agency offering grants in aid in financing such educational facilities or the operation of such facilities except as prohibited in division (K) of this section.

Such agreement may include a provision for repayment of advances, grants, or loans made to any community college district from funds which may become available to it.

When the United States government or its agent makes a grant of money to any community college district to aid in paying the cost of any projects of such district, or enters into an agreement with the community college district for the making of any such grant of money, the amount thereof is deemed appropriated for such purpose by the community college district and is deemed in process of collection within the meaning of section 5705.41 of the Revised

Code.	49867
(I) Grant appropriate certificates of achievement <u>or degrees</u>	49868
to students successfully completing the community college	49869
programs;	49870
(J) Prescribe rules for the effective operation of a	49871
community college and exercise such other powers as are necessary	49872
for the efficient management of such college;	49873
(K) Receive and expend gifts or grants from the state for the	49874
payment of operating costs, for the acquisition, construction, or	49875
improvement of buildings or other structures, or for the	49876
acquisition or use of land. In no event shall state gifts or	49877
grants be expended for the support of adult-education programs.	49878
Gifts or grants from the state for operating costs shall not in	49879
any biennium exceed the amount recommended by the <del>Ohio board of</del>	49880
<del>regents</del> <u>chancellor</u> to the governor as provided in Chapter 3333. of	49881
the Revised Code. Such gifts or grants shall be distributed to	49882
such districts in equal quarter-annual payments, unless otherwise	49883
provided or authorized in any act appropriating moneys for such	49884
purposes, on or before the last day of February, May, August, and	49885
November in each year.	49886
(L) Retain consultants in the fields of education, planning,	49887
architecture, law, engineering, or other fields of professional	49888
skill;	49889
(M) Purchase:	49890
(1) A policy or policies of insurance insuring the district	49891
against loss of or damage to property, whether real, personal, or	49892
mixed, which is owned by the district or leased by it as lessee or	49893
which is in the process of construction by or for the district;	49894
(2) A policy or policies of fidelity insurance in such	49895
amounts and covering such trustees, officers, and employees of the	49896
district as it considers necessary or desirable;	49897

(3) A policy or policies of liability insurance from an 49898  
insurer or insurers licensed to do business in this state insuring 49899  
its members, officers, and employees against all civil liability 49900  
arising from an act or omission by the member, officer, or 49901  
employee when the member, officer, or employee is not acting 49902  
manifestly outside the scope of employment or official 49903  
responsibilities with the institution, with malicious purpose or 49904  
bad faith, or in a wanton or reckless manner, or may otherwise 49905  
provide for the indemnification of such persons against such 49906  
liability. All or any portion of the cost, premium, or charge for 49907  
such a policy or policies or indemnification payment may be paid 49908  
from any funds under the institution's control. The policy or 49909  
policies of liability insurance or the indemnification policy of 49910  
the institution may cover any risks including, but not limited to, 49911  
damages resulting from injury to property or person, professional 49912  
liability, and other special risks, including legal fees and 49913  
expenses incurred in the defense or settlement of claims for such 49914  
damages. 49915

(4) A policy or policies of insurance insuring the district 49916  
against any liabilities to which it may be subject on account of 49917  
damage or injury to persons or property, including liability for 49918  
wrongful death. 49919

(N) Designate one or more employees of the institution as 49920  
state university law enforcement officers, to serve and have 49921  
duties as prescribed in section 3345.04 of the Revised Code. 49922

Any instrument by which real property is acquired pursuant to 49923  
this section shall identify the agency of the state that has the 49924  
use and benefit of the real property as specified in section 49925  
5301.012 of the Revised Code. 49926

**Sec. 3357.01.** As used in this chapter: 49927

(A) "Technical college" means an institution of education 49928

beyond the high school, including an institution of higher 49929  
education, organized for the principal purpose of providing for 49930  
the residents of the technical college district, wherein such 49931  
college is situated, any one or more of the instructional programs 49932  
defined in this section as "technical college," or 49933  
"adult-education technical programs," normally not exceeding two 49934  
years' duration and not leading to a baccalaureate degree, except 49935  
as provided in section 3333.051 of the Revised Code. 49936

(B) "Technical college district" means a political 49937  
subdivision of the state and a body corporate with all the powers 49938  
of a corporation, comprised of the territory of a city school 49939  
district or a county, or two or more contiguous school districts 49940  
or counties, which meets the standards prescribed by the ~~Ohio~~ 49941  
~~board of regents~~ chancellor of higher education pursuant to 49942  
section 3357.02 of the Revised Code, and which is organized for 49943  
the purpose of establishing, owning, and operating one or more 49944  
technical colleges within the territory of such district. 49945

(C) "Contiguous school districts or counties" means school 49946  
districts or counties so located that each such school district or 49947  
county shares at least one boundary or a portion thereof in common 49948  
with at least one other such school district or county in the 49949  
group of school districts or counties referred to as being 49950  
"contiguous." 49951

(D) "Technical college program" means a post high school 49952  
curricular program provided within a technical college, planned 49953  
and intended to qualify students, after satisfactory completion of 49954  
such a program normally two years in duration, to pursue careers 49955  
in which they provide immediate technical assistance to 49956  
professional or managerial persons generally required to hold 49957  
baccalaureate or higher academic degrees in technical or 49958  
professional fields. The technical and professional fields 49959  
referred to in this section include, but are not limited to, 49960

engineering and physical, medical, or other sciences. 49961

(E) "Adult-education technical program" means the 49962  
dissemination of post high school technical education service and 49963  
knowledge, for the occupational, or general educational benefit of 49964  
adult persons. 49965

(F) "Charter amendment" means a change in the official plan 49966  
of a technical college for the purpose of acquiring additional 49967  
lands or structures, disposing of or transferring lands or 49968  
structures, erecting structures, creating or abolishing technical 49969  
college or adult education technical curricular programs. 49970

(G) "Baccalaureate-oriented associate degree program" means a 49971  
curricular program of not more than two years' duration that is 49972  
planned and intended to enable students to gain academic credit 49973  
for courses comparable to first- and second-year courses offered 49974  
by accredited colleges and universities. The purpose of 49975  
baccalaureate-oriented associate degree coursework in technical 49976  
colleges is to enable students to transfer to colleges and 49977  
universities and earn baccalaureate degrees or to enable students 49978  
to terminate academic study after two years with a proportionate 49979  
recognition of academic achievement through receipt of an 49980  
associate degree. 49981

(H) "Applied bachelor's degree" has the same meaning as in 49982  
section 3333.051 of the Revised Code. 49983

**Sec. 3357.09.** The board of trustees of a technical college 49984  
district may: 49985

(A) Own and operate a technical college, pursuant to an 49986  
official plan prepared and approved in accordance with section 49987  
3357.07 of the Revised Code; 49988

(B) Hold, encumber, control, acquire by donation, purchase, 49989  
or condemnation, construct, own, lease, use, and sell, real and 49990

personal property as necessary for the conduct of the program of 49991  
the technical college on whatever terms and for whatever 49992  
consideration may be appropriate for the purposes of the 49993  
institution; 49994

(C) Accept gifts, grants, bequests, and devises absolutely or 49995  
in trust for support of the technical college; 49996

(D) Appoint the president, faculty, and such other employees 49997  
as necessary and proper for such technical college, and fix their 49998  
compensation; 49999

(E) Provide for a technical college necessary lands, 50000  
buildings or other structures, equipment, means, and appliances; 50001

(F) Develop and adopt, pursuant to the official plan, any one 50002  
or more of the curricular programs identified in section 3357.01 50003  
of the Revised Code as technical-college programs, or 50004  
adult-education technical programs, and applied bachelor's degree 50005  
programs under section 3333.051 of the Revised Code; 50006

(G) Except as provided in sections 3333.17 and 3333.32 of the 50007  
Revised Code, establish schedules of fees and tuition for: 50008  
students who are residents of the district; students who are 50009  
residents of Ohio but not of the district; students who are 50010  
nonresidents of Ohio. The establishment of rules governing the 50011  
determination of residence shall be subject to approval of the 50012  
~~Ohio board of regents~~ chancellor of higher education. Students who 50013  
are nonresidents of Ohio shall be required to pay higher rates of 50014  
fees and tuition than the rates required of students who are 50015  
residents of Ohio but not of the district, and students who are 50016  
residents of the district shall pay smaller tuition and fee rates 50017  
than the rates for either of the above categories of nonresident 50018  
students, except that students who are residents of Ohio but not 50019  
of the district shall be required to pay higher fees and tuition 50020  
than students who are residents of the district only when a 50021

district tax levy has been adopted and is in effect under the 50022  
authority of section 3357.11, 5705.19, or 5705.191 of the Revised 50023  
Code. 50024

(H) Authorize, approve, ratify, or confirm, with approval of 50025  
the ~~Ohio board of regents~~ chancellor, any agreement with the 50026  
United States government, acting through any agency designated to 50027  
aid in the financing of technical college projects, or with any 50028  
person, organization, or agency offering grants-in-aid for 50029  
technical college facilities or operation; 50030

(I) Receive assistance for the cost of equipment and for the 50031  
operation of such technical colleges from moneys appropriated for 50032  
technical education or for matching of Title VIII of the "National 50033  
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 50034  
Moneys shall be distributed by the ~~Ohio board of regents~~ 50035  
chancellor in accordance with rules which the board shall 50036  
establish governing its allocations to technical colleges 50037  
chartered under section 3357.07 of the Revised Code. 50038

(J) Grant appropriate associate degrees to students 50039  
successfully completing the technical college programs, 50040  
appropriate applied bachelor's degrees to students successfully 50041  
completing applied bachelor's degree programs, and certificates of 50042  
achievement to those students who complete other programs; 50043

(K) Prescribe rules for the effective operation of a 50044  
technical college, and exercise such other powers as are necessary 50045  
for the efficient management of such college; 50046

(L) Enter into contracts and conduct technical college 50047  
programs or technical courses outside the technical college 50048  
district; 50049

(M) Enter into contracts with the board of education of any 50050  
local, exempted village, or city school district or the governing 50051  
board of any educational service center to permit the school 50052

district or service center to use the facilities of the technical 50053  
college district; 50054

(N) Designate one or more employees of the institution as 50055  
state university law enforcement officers, to serve and have 50056  
duties as prescribed in section 3345.04 of the Revised Code; 50057

(O) Subject to the approval of the ~~Ohio board of regents~~ 50058  
chancellor, offer technical college programs or technical courses 50059  
for credit at locations outside the technical college district. 50060  
For purposes of computing state aid, students enrolled in such 50061  
courses shall be deemed to be students enrolled in programs and 50062  
courses at off-campus locations in the district. 50063

(P) Purchase a policy or policies of liability insurance from 50064  
an insurer or insurers licensed to do business in this state 50065  
insuring its members, officers, and employees against all civil 50066  
liability arising from an act or omission by the member, officer, 50067  
or employee, when the member, officer, or employee is not acting 50068  
manifestly outside the scope of the member's, officer's, or 50069  
employee's employment or official responsibilities with the 50070  
institution, with malicious purpose or bad faith, or in a wanton 50071  
or reckless manner, or may otherwise provide for the 50072  
indemnification of such persons against such liability. All or any 50073  
portion of the cost, premium, or charge for such a policy or 50074  
policies or indemnification payment may be paid from any funds 50075  
under the institution's control. The policy or policies of 50076  
liability insurance or the indemnification policy of the 50077  
institution may cover any risks including, but not limited to, 50078  
damages resulting from injury to property or person, professional 50079  
liability, and other special risks, including legal fees and 50080  
expenses incurred in the defense or settlement of claims for such 50081  
damages. 50082

Any instrument by which real property is acquired pursuant to 50083  
this section shall identify the agency of the state that has the 50084

use and benefit of the real property as specified in section 50085  
5301.012 of the Revised Code. 50086

**Sec. 3357.19.** The ~~Ohio board of regents~~ chancellor of higher 50087  
education shall: 50088

(A) Promulgate rules, regulations, and standards in 50089  
conformity with Chapter 119. of the Revised Code relative to the 50090  
qualifications of teaching personnel in technical colleges, and 50091  
require conformity to all such rules, regulations, and standards 50092  
as a condition upon the issuance of a charter to any technical 50093  
college and upon the continued operation of such colleges; 50094

(B) Promulgate rules, regulations, and standards relative to 50095  
the quality and content of instructional courses in technical 50096  
colleges, and relative to the awarding of certificates of 50097  
achievement or ~~associate~~ degrees to students in such colleges, and 50098  
require conformity to all such rules, regulations, and standards 50099  
as a condition upon the issuance of a charter to any technical 50100  
college and upon the continued operation of such college; 50101

(C) Conduct studies and examinations of the operation and 50102  
facilities of technical colleges, and require reports from such 50103  
colleges, from time to time as the ~~board~~ chancellor deems 50104  
necessary, and revoke or suspend pursuant to Chapter 119. of the 50105  
Revised Code, the charter of any technical college found to be in 50106  
substantial violation of law, of rules, regulations, or standards 50107  
of the ~~board~~ chancellor, or of the approved official plan of such 50108  
college; 50109

(D) Employ such professional, administrative, clerical, or 50110  
secretarial personnel as may be found necessary to assist the 50111  
~~board~~ chancellor in the performance of ~~its~~ the chancellor's 50112  
duties; 50113

(E) Perform biennial examinations of the budget requirements 50114

of the technical colleges in the state, and present 50115  
recommendations to the governor with respect to such budget 50116  
requirements; 50117

(F) Perform research studies relative to technical college 50118  
education. 50119

**Sec. 3358.01.** As used in sections 3358.01 to 3358.10 of the 50120  
Revised Code: 50121

(A) "State community college district" means a political 50122  
subdivision composed of the territory of a county, or of two or 50123  
more contiguous counties, in either case having a total population 50124  
of at least one hundred fifty thousand, and organized for the 50125  
purpose of establishing, owning, and operating a state community 50126  
college within the district or a political subdivision created 50127  
pursuant to division (A) of section 3358.02 of the Revised Code. 50128

(B) "State community college" means a two-year institution, 50129  
offering a baccalaureate-oriented program, technical education 50130  
program, or an adult continuing education program. The extent to 50131  
which the college offers baccalaureate-oriented and technical 50132  
programs shall be determined in its charter. However, a state 50133  
community college may offer applied bachelor's degree programs 50134  
pursuant to section 3333.051 of the Revised Code. 50135

(C) "Baccalaureate-oriented program" means a curricular 50136  
program of not more than two years' duration that is planned and 50137  
intended to enable students to gain academic credit for courses 50138  
comparable to first- and second-year courses offered by accredited 50139  
colleges and universities. The purpose of baccalaureate-oriented 50140  
coursework in state community colleges is to enable students to 50141  
transfer to colleges and universities and earn baccalaureate 50142  
degrees or to enable students to terminate academic study after 50143  
two years with a proportionate recognition of academic achievement 50144  
through receipt of an associate degree. 50145

(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical education programs include, but are not limited to, programs in the technologies of business, engineering, health, natural science, and public service and are programs which, after two years of academic study, result in proportionate recognition of academic achievement through receipt of an associate degree.

(E) "Adult continuing education program" means the offering of short courses, seminars, workshops, exhibits, performances, and other educational activities for the general educational or occupational benefit of adults.

(F) "Applied bachelor's degree" has the same meaning as in section 3333.051 of the Revised Code.

**Sec. 3358.08.** The board of trustees of a state community college district may:

(A) Own and operate a state community college;

(B) Hold, encumber, control, acquire by donation, purchase or condemn, construct, own, lease, use, and sell, real and personal property as necessary for the conduct of the program of the state community college on whatever terms and for whatever consideration may be appropriate for the purpose of the institution;

(C) Accept gifts, grants, bequests, and devises absolute or in trust for support of the state community college;

(D) Employ a president, and appoint or approve the appointment of other necessary administrative officers, full-time faculty members, and operating staff. The board may delegate the appointment of operating staff and part-time faculty members to

the college president. The board shall fix the rate of 50176  
compensation of the president and all officers and full-time 50177  
employees as are necessary and proper for state community 50178  
colleges. 50179

(E) Provide for the state community college necessary lands, 50180  
buildings, or other structures, equipment, means, and appliances; 50181

(F) Establish within the maximum amounts permitted by law, 50182  
schedules of fees and tuition for students who are Ohio residents 50183  
and students who are not; 50184

(G) Grant appropriate ~~associate~~ degrees to students 50185  
successfully completing the state community college's programs, 50186  
and certificates of achievement to students who complete other 50187  
programs; 50188

(H) Prescribe policies for the effective operation of the 50189  
state community college and exercise such other powers as are 50190  
necessary for the efficient management of the college; 50191

(I) Enter into contracts with neighboring colleges and 50192  
universities for the conduct of state community college programs 50193  
or technical courses outside the state community college district; 50194

(J) Purchase: 50195

(1) A policy or policies of insurance insuring the district 50196  
against loss or damage to property, whether real, personal, or 50197  
mixed, which is owned by the district or leased by it as lessee or 50198  
which is in the process of construction by or for the district; 50199

(2) A policy or policies of fidelity insurance in such 50200  
amounts and covering such trustees, officers, and employees of the 50201  
district as the board may consider necessary or desirable; 50202

(3) A policy or policies of liability insurance from an 50203  
insurer or insurers licensed to do business in this state insuring 50204  
its members, officers, and employees against all civil liability 50205

arising from an act or omission by the member, officer, or 50206  
employee, when the member, officer, or employee is not acting 50207  
manifestly outside the scope of employment or official 50208  
responsibilities with the institution, with malicious purpose or 50209  
bad faith, or in a wanton or reckless manner, or may otherwise 50210  
provide for the indemnification of such persons against such 50211  
liability. All or any portion of the cost, premium, or charge for 50212  
such a policy or policies or indemnification payment may be paid 50213  
from any funds under the institution's control. The policy or 50214  
policies of liability insurance or the indemnification policy of 50215  
the institution may cover any risks including, but not limited to, 50216  
damages resulting from injury to property or person, professional 50217  
liability, and other special risks, including legal fees and 50218  
expenses incurred in the defense or settlement claims of such 50219  
damages. 50220

(4) A policy or policies of insurance insuring the district 50221  
against any liabilities to which it may be subject on account of 50222  
damage or injury to persons or property, including liability for 50223  
wrongful death. 50224

Any instrument by which real property is acquired pursuant to 50225  
this section shall identify the agency of the state that has the 50226  
use and benefit of the real property as specified in section 50227  
5301.012 of the Revised Code. 50228

**Sec. 3365.01.** As used in this chapter: 50229

(A) "Articulated credit" means post-secondary credit that is 50230  
reflected on the official record of a student at an institution of 50231  
higher education only upon enrollment at that institution after 50232  
graduation from a secondary school. 50233

(B) "Default ceiling amount" means one of the following 50234  
amounts, whichever is applicable: 50235

(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	50236
	50237
	50238
	50239
((0.83 X formula amount) / 30)	50240
X number of enrolled credit hours	50241
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	50242
	50243
	50244
	50245
((0.83 X formula amount) / 45)	50246
X number of enrolled credit hours	50247
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	50248
	50249
(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of <del>the Ohio board of regents</del> <u>higher education</u> to participate in the college credit plus program.	50250
	50251
	50252
	50253
(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	50254
	50255
	50256
(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	50257
	50258
(G) "Governing entity" means a board of education of a school district, a governing authority of a community school established under Chapter 3314., a governing body of a STEM school established under Chapter 3326., or a board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	50259
	50260
	50261
	50262
	50263
	50264
(H) "Home-instructed participant" means a student who has	50265

been excused from the compulsory attendance law for the purpose of 50266  
home instruction under section 3321.04 of the Revised Code, and is 50267  
participating in the program established by this chapter. 50268

(I) "Maximum per participant charge amount" means one of the 50269  
following amounts, whichever is applicable: 50270

(1) For a participant enrolled in a college operating on a 50271  
semester schedule, the amount calculated according to the 50272  
following formula: 50273

((formula amount / 30) 50274  
X number of enrolled credit hours) 50275

(2) For a participant enrolled in a college operating on a 50276  
quarter schedule, the amount calculated according to the following 50277  
formula: 50278

((formula amount / 45) 50279  
X number of enrolled credit hours) 50280

(J) "Nonpublic secondary school" means a chartered school for 50281  
which minimum standards are prescribed by the state board of 50282  
education pursuant to division (D) of section 3301.07 of the 50283  
Revised Code. 50284

(K) "Number of enrolled credit hours" means the number of 50285  
credit hours for a course in which a participant is enrolled 50286  
during the previous term after the date on which a withdrawal from 50287  
a course would have negatively affected the participant's 50288  
transcripted grade, as prescribed by the college's established 50289  
withdrawal policy. 50290

(L) "Parent" has the same meaning as in section 3313.64 of 50291  
the Revised Code. 50292

(M) "Participant" means any student enrolled in a college 50293  
under the program established by this chapter. 50294

(N) "Partnering college" means a college with which a public 50295

or nonpublic secondary school has entered into an agreement in	50296
order to offer the program established by this chapter.	50297
(O) "Partnering secondary school" means a public or nonpublic	50298
secondary school with which a college has entered into an	50299
agreement in order to offer the program established by this	50300
chapter.	50301
(P) "Private college" means any of the following:	50302
(1) A nonprofit institution holding a certificate of	50303
authorization pursuant to Chapter 1713. of the Revised Code;	50304
(2) An institution holding a certificate of registration from	50305
the state board of career colleges and schools and program	50306
authorization for an associate or bachelor's degree program issued	50307
under section 3332.05 of the Revised Code;	50308
(3) A private institution exempt from regulation under	50309
Chapter 3332. of the Revised Code as prescribed in section	50310
3333.046 of the Revised Code.	50311
(Q) "Public college" means a "state institution of higher	50312
education" in section 3345.011 of the Revised Code, excluding the	50313
northeast Ohio medical university.	50314
(R) "Public secondary school" means a school serving grades	50315
nine through twelve in a city, local, or exempted village school	50316
district, a joint vocational school district, a community school	50317
established under Chapter 3314., a STEM school established under	50318
Chapter 3326., or a college-preparatory boarding school	50319
established under Chapter 3328. of the Revised Code.	50320
(S) "School year" has the same meaning as in section 3313.62	50321
of the Revised Code.	50322
(T) "Secondary grade" means any of grades nine through	50323
twelve.	50324
(U) <u>"Standard rate" means the amount per credit hour assessed</u>	50325

by the college for an in-state student who is enrolled in an 50326  
undergraduate course at that college, but who is not participating 50327  
in the college credit plus program, as prescribed by the college's 50328  
established tuition policy. 50329

(V) "Transcribed credit" means post-secondary credit that is 50330  
conferred by an institution of higher education and is reflected 50331  
on a student's official record at that institution upon completion 50332  
of a course. 50333

**Sec. 3365.02.** (A) There is hereby established the college 50334  
credit plus program under which, beginning with the 2015-2016 50335  
school year, a secondary grade student who is a resident of this 50336  
state may enroll at a college, on a full- or part-time basis, and 50337  
complete nonsectarian, nonremedial courses for high school and 50338  
college credit. The program shall govern arrangements in which a 50339  
secondary grade student enrolls in a college and, upon successful 50340  
completion of coursework taken under the program, receives 50341  
transcribed credit from the college. The following are not 50342  
governed by the college credit plus program: 50343

(1) An agreement governing an early college high school 50344  
program ~~that, provided the program meets any of the exemption~~ 50345  
~~criteria under the definition set forth in division (E)(F)(2) of~~ 50346  
section 3313.6013 of the Revised Code and is approved by the 50347  
superintendent of public instruction and the chancellor of higher 50348  
education; 50349

(2) An advanced placement course or international 50350  
baccalaureate diploma course, as described in divisions (A)(2) and 50351  
(3) of section 3313.6013 of the Revised Code; 50352

(3) A career-technical education program that is approved by 50353  
the department of education under section 3317.161 of the Revised 50354  
Code and grants articulated credit to students participating in 50355  
that program. However, any portion of an approved program that 50356

results in the conferral of transcribed credit upon the 50357  
completion of the course shall be governed by the college credit 50358  
plus program. 50359

(B) Any student enrolled in a public or nonpublic secondary 50360  
school in the student's ninth, tenth, eleventh, or twelfth grade; 50361  
any student enrolled in a nonchartered nonpublic secondary school 50362  
in the student's ninth, tenth, eleventh, or twelfth grade; and any 50363  
student who has been excused from the compulsory attendance law 50364  
for the purpose of home instruction under section 3321.04 of the 50365  
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 50366  
twelfth grade student, may participate in the program, if the 50367  
student meets the applicable eligibility criteria in section 50368  
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 50369  
school student chooses to participate in the program, that student 50370  
shall be subject to the same requirements as a home-instructed 50371  
student who chooses to participate in the program under this 50372  
chapter. 50373

(C) All public secondary schools and all public colleges 50374  
shall participate in the program and are subject to the 50375  
requirements of this chapter. Any nonpublic secondary school or 50376  
private college that chooses to participate in the program shall 50377  
also be subject to the requirements of this chapter. 50378

(D) The chancellor, in accordance with Chapter 119. of the 50379  
Revised Code and in consultation with the state superintendent of 50380  
~~public instruction~~, shall adopt rules governing the program. 50381

**Sec. 3365.03.** (A) A student enrolled in a public or nonpublic 50382  
secondary school during the student's ninth, tenth, eleventh, or 50383  
twelfth grade school year; a student enrolled in a nonchartered 50384  
nonpublic secondary school in the student's ninth, tenth, 50385  
eleventh, or twelfth grade school year; or a student who has been 50386  
excused from the compulsory attendance law for the purpose of home 50387

instruction under section 3321.04 of the Revised Code and is the 50388  
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 50389  
may apply to and enroll in a college under the college credit plus 50390  
program. 50391

(1) In order for a public secondary school student to 50392  
participate in the program, all of the following criteria shall be 50393  
met: 50394

(a) The student or the student's parent shall inform the 50395  
principal, or equivalent, of the student's school by the first day 50396  
of April of the student's intent to participate in the program 50397  
during the following school year. Any student who fails to provide 50398  
the notification by the required date may not participate in the 50399  
program during the following school year without the written 50400  
consent of the principal, or equivalent. If a student seeks 50401  
consent from the principal after failing to provide notification 50402  
by the required date, the principal shall notify the department of 50403  
education of the student's intent to participate within ten days 50404  
of the date on which the student seeks consent. If the principal 50405  
does not provide written consent, the student may appeal the 50406  
principal's decision to the ~~state board of education~~ governing 50407  
entity of the school, except for a student who is enrolled in a 50408  
school district, who may appeal the decision to the district 50409  
superintendent. Not later than thirty days after the notification 50410  
of the appeal, the ~~state board~~ district superintendent or 50411  
governing entity shall hear the appeal and shall make a decision 50412  
to either grant or deny that student's participation in the 50413  
program. The decision of the district superintendent or governing 50414  
entity shall be final. 50415

(b) The student shall ~~both~~: 50416

(i) Apply to a public or a participating private college, or 50417  
an eligible out-of-state college participating in the program, in 50418

accordance with the college's established procedures for 50419  
admission, pursuant to section 3365.05 of the Revised Code; 50420

(ii) As a condition of eligibility, be remediation-free, in 50421  
accordance with one of the assessments established under division 50422  
(F) of section 3345.061 of the Revised Code. However, a student 50423  
who scores within one standard error of measurement below the 50424  
remediation-free threshold for one of those assessments shall be 50425  
considered to have met this requirement if the student also 50426  
either: 50427

(I) Has a cumulative high school grade point average of at 50428  
least 3.0. If the student is seeking to participate under section 50429  
3365.033 of the Revised Code, the student must have an equivalent 50430  
cumulative grade point average in the applicable grade levels. 50431

(II) Receives a recommendation from a school counselor, 50432  
principal, or career-technical program advisor. 50433

(iii) Meet the college's and relevant academic program's 50434  
established standards for admission, enrollment, and ~~for~~ course 50435  
placement, including course-specific capacity limitations, 50436  
pursuant to section 3365.05 of the Revised Code. 50437

(c) The student shall elect at the time of enrollment to 50438  
participate under either division (A) or (B) of section 3365.06 of 50439  
the Revised Code for each course under the program. 50440

(d) The student and the student's parent shall sign a form, 50441  
provided by the school, stating that they have received the 50442  
counseling required under division (B) of section 3365.04 of the 50443  
Revised Code and that they understand the responsibilities they 50444  
must assume in the program. 50445

(2) In order for a nonpublic secondary school student, a 50446  
nonchartered nonpublic secondary school student, or a 50447  
home-instructed student to participate in the program, both of the 50448  
following criteria shall be met: 50449

(a) The student shall meet the criteria in divisions 50450  
(A)(1)(b) and (c) of this section. 50451

(b)(i) If the student is enrolled in a nonpublic secondary 50452  
school, that student shall send to the department of education a 50453  
copy of the student's acceptance from a college and an 50454  
application. The application shall be made on forms provided by 50455  
the state board of education and shall include information about 50456  
the student's proposed participation, including the school year in 50457  
which the student wishes to participate; and the semesters or 50458  
terms the student wishes to enroll during such year. The 50459  
department shall mark each application with the date and time of 50460  
receipt. 50461

(ii) If the student is enrolled in a nonchartered nonpublic 50462  
secondary school or is home-instructed, the parent or guardian of 50463  
that student shall notify the department by the first day of April 50464  
prior to the school year in which the student wishes to 50465  
participate. 50466

(B) Except as provided for in division (C) of this section 50467  
and in sections 3365.031 and 3365.032 of the Revised Code: 50468

(1) No public secondary school shall prohibit a student 50469  
enrolled in that school from participating in the program if that 50470  
student meets all of the criteria in division (A)(1) of this 50471  
section. 50472

(2) No participating nonpublic secondary school shall 50473  
prohibit a student enrolled in that school from participating in 50474  
the program if the student meets all of the criteria in division 50475  
(A)(2) of this section and, if the student is enrolled under 50476  
division (B) of section 3365.06 of the Revised Code, the student 50477  
is awarded funding from the department in accordance with rules 50478  
adopted by the chancellor of ~~the Ohio board of regents~~ higher 50479  
education, in consultation with the superintendent of public 50480

instruction, pursuant to section 3365.071 of the Revised Code. 50481

(C) For purposes of this section, during the period of an 50482  
expulsion imposed by a public secondary school, a student is 50483  
ineligible to apply to enroll in a college under this section, 50484  
unless the student is admitted to another public secondary or 50485  
participating nonpublic secondary school. If a student is enrolled 50486  
in a college under this section at the time the student is 50487  
expelled, the student's status for the remainder of the college 50488  
term in which the expulsion is imposed shall be determined under 50489  
section 3365.032 of the Revised Code. 50490

(D) Upon a student's graduation from high school, 50491  
participation in the college credit plus program shall not affect 50492  
the student's eligibility at any public college for scholarships 50493  
or for other benefits or opportunities that are available to 50494  
first-time college students and are awarded by that college, 50495  
regardless of the number of credit hours that the student 50496  
completed under the program. 50497

(E) The college to which a student applies to participate 50498  
under this section shall pay for one assessment used to determine 50499  
that student's eligibility under this section. However, 50500  
notwithstanding anything to the contrary in Chapter 3365. of the 50501  
Revised Code, any additional assessments used to determine the 50502  
student's eligibility shall be the financial responsibility of the 50503  
student. 50504

**Sec. 3365.04.** Each public and participating nonpublic 50505  
secondary school shall do all of the following with respect to the 50506  
college credit plus program: 50507

(A) Provide information about the program prior to the first 50508  
day of ~~March~~ February of each year to all students enrolled in 50509  
grades six through eleven; 50510

(B) Provide counseling services to students in grades six 50511  
through eleven and to their parents before the students 50512  
participate in the program under this chapter to ensure that 50513  
students and parents are fully aware of the possible consequences 50514  
and benefits of participation. Counseling information shall 50515  
include: 50516

(1) Program eligibility; 50517

(2) The process for granting academic credits; 50518

(3) Any necessary financial arrangements for tuition, 50519  
textbooks, and fees; 50520

(4) Criteria for any transportation aid; 50521

(5) Available support services; 50522

(6) Scheduling; 50523

(7) Communicating the possible consequences and benefits of 50524  
participation, including all of the following: 50525

(a) The consequences of failing or not completing a course 50526  
under the program, including the effect on the student's ability 50527  
to complete the secondary school's graduation requirements; 50528

(b) The effect of the grade attained in a course under the 50529  
program being included in the student's grade point average, as 50530  
applicable; 50531

(c) The benefits to the student for successfully completing a 50532  
course under the program, including the ability to reduce the 50533  
overall costs of, and the amount of time required for, a college 50534  
education. 50535

(8) The academic and social responsibilities of students and 50536  
parents under the program; 50537

(9) Information about and encouragement to use the counseling 50538  
services of the college in which the student intends to enroll; 50539

(10) The standard packet of information for the program 50540  
developed by the chancellor of ~~the Ohio board of regents~~ higher 50541  
education pursuant to section 3365.15 of the Revised Code; 50542

For a participating nonpublic secondary school, counseling 50543  
information shall also include an explanation that funding may be 50544  
limited and that not all students who wish to participate may be 50545  
able to do so. 50546

(C) Promote the program on the school's web site, including 50547  
the details of the school's current agreements with partnering 50548  
colleges; 50549

(D) Schedule at least one informational session per school 50550  
year to allow each partnering college that is located within 50551  
thirty miles of the school to meet with interested students and 50552  
parents. The session shall include the benefits and consequences 50553  
of participation and shall outline any changes or additions to the 50554  
requirements of the program. If there are no partnering colleges 50555  
located within thirty miles of the school, the school shall 50556  
coordinate with the closest partnering college to offer an 50557  
informational session. 50558

(E) Implement a policy for the awarding of grades and the 50559  
calculation of class standing for courses taken under division 50560  
(A)(2) or (B) of section 3365.06 of the Revised Code. The policy 50561  
adopted under this division shall require a participant to receive 50562  
a grade of "C" or better in the course in order to receive high 50563  
school credit for that course. 50564

The policy also shall be equivalent to the school's policy 50565  
for courses taken under the advanced standing programs described 50566  
in divisions (A)(2) and (3) of section 3313.6013 of the Revised 50567  
Code or for other courses designated as honors courses by the 50568  
school. If the policy includes awarding a weighted grade or 50569  
enhancing a student's class standing for these courses, the policy 50570

adopted under this section shall also provide for these procedures 50571  
to be applied to courses taken under the college credit plus 50572  
program. 50573

(F) Develop model course pathways, pursuant to section 50574  
3365.13 of the Revised Code, and publish the course pathways among 50575  
the school's official list of course offerings for the program. 50576

(G) Annually collect, report, and track specified data 50577  
related to the program according to data reporting guidelines 50578  
adopted by the chancellor and the superintendent of public 50579  
instruction pursuant to section 3365.15 of the Revised Code. 50580

**Sec. 3365.05.** Each public and participating private college 50581  
shall do all of the following with respect to the college credit 50582  
plus program: 50583

(A) Apply established standards and procedures for admission 50584  
to the college and for course placement for participants. When 50585  
determining admission and course placement, the college shall do 50586  
all of the following: 50587

(1) Consider all available student data that may be an 50588  
indicator of college readiness, including grade point average and 50589  
end-of-course examination scores, if applicable; 50590

(2) Give priority to its current students regarding 50591  
enrollment in courses. However, once a participant has been 50592  
accepted into a course, the college shall not displace the 50593  
participant for another student. 50594

(3) Adhere to any capacity limitations that the college has 50595  
established for specified courses. 50596

(B) Send written notice to a the participant, the 50597  
participant's parent, and the participant's secondary school, and 50598  
~~the superintendent of public instruction,~~ not later than fourteen 50599  
calendar days prior to the first day of classes for that term, of 50600

the participant's admission to the college and to specified 50601  
courses under the program. 50602

(C) Provide both of the following, not later than twenty-one 50603  
calendar days after the first day of classes for that term, to 50604  
each participant, ~~and the participant's secondary school, and the~~ 50605  
~~superintendent of public instruction:~~ 50606

(1) The courses and hours of enrollment of the participant; 50607

(2) The option elected by the participant under division (A) 50608  
or (B) of section 3365.06 of the Revised Code for each course. 50609

The college shall also provide to each partnering school a 50610  
roster of participants from that school that are enrolled in the 50611  
college and a list of course assignments for each participant. 50612

(D) Promote the program on the college's web site, including 50613  
the details of the college's current agreements with partnering 50614  
secondary schools. 50615

(E) Coordinate with each partnering secondary school that is 50616  
located within thirty miles of the college to present at least one 50617  
informational session per school year for interested students and 50618  
parents. The session shall include the benefits and consequences 50619  
of participation and shall outline any changes or additions to the 50620  
requirements of the program. If there are no partnering schools 50621  
located within thirty miles of the college, the college shall 50622  
coordinate with the closest partnering school to offer an 50623  
informational session. 50624

(F) Assign an academic advisor that is employed by the 50625  
college to each participant enrolled in that college. Prior to the 50626  
date on which a withdrawal from a course would negatively affect a 50627  
participant's transcribed grade, as prescribed by the college's 50628  
established withdrawal policy, the college shall ensure that the 50629  
academic advisor and the participant meet at least once to discuss 50630  
the program and the courses in which the participant is enrolled. 50631

(G) Implement a policy for the awarding of grades for courses taken under the program. The policy adopted under this division shall require a participant to receive a grade of "C" or better in the course in order to receive college credit for that course. 50632  
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(H) Do both of the following with regard to high school teachers that are teaching courses for the college at a secondary school under the program: 50636  
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(1) Provide at least one professional development session per school year; 50639  
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(2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course. 50641  
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~~(H)~~(I) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code. 50645  
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~~(I)~~(J) With the exception of divisions (D) and (E) of this section, any eligible out-of-state college participating in the college credit plus program shall be subject to the same requirements as a participating private college under this section. 50649  
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50653

**Sec. 3365.06.** The rules adopted under section 3365.02 of the Revised Code shall provide for participants to enroll in courses under either of the ~~following~~ options: prescribed by division (A) or (B) of this section. 50654  
50655  
50656  
50657

(A) The participant may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the participant about payment of tuition and 50658  
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fees in the customary manner followed by the college. A 50662  
participant electing this option also shall elect, at the time of 50663  
enrollment, whether to receive only college credit or high school 50664  
credit and college credit for the course. 50665

(1) The participant may elect to receive only college credit 50666  
for the course. Except as provided in section 3365.032 of the 50667  
Revised Code, if the participant successfully completes the 50668  
course, the college shall award the participant full credit for 50669  
the course, but the governing entity of a public secondary school 50670  
or the governing body of a participating nonpublic secondary 50671  
school shall not award the high school credit. 50672

(2) The participant may elect to receive both high school 50673  
credit and college credit for the course. Except as provided in 50674  
section 3365.032 of the Revised Code, if the participant 50675  
successfully completes the course, the college shall award the 50676  
participant full credit for the course and the governing entity of 50677  
a public school or the governing body of a participating nonpublic 50678  
school shall award the participant high school credit. 50679

(B) The If a course is eligible for funding under rules 50680  
adopted pursuant to division (C)(1) of this section, the 50681  
participant may elect at the time of enrollment for ~~each~~ the 50682  
course to have the college reimbursed under section 3365.07 of the 50683  
Revised Code. Except as provided in section 3365.032 of the 50684  
Revised Code, if the participant successfully completes the 50685  
course, the college shall award the participant full credit for 50686  
the course and the governing entity of a public school or the 50687  
governing body of a participating nonpublic school shall award the 50688  
participant high school credit. If the participant elects to have 50689  
the college reimbursed under this division, the department shall 50690  
reimburse the college for the number of enrolled credit hours in 50691  
accordance with section 3365.07 of the Revised Code. 50692

(C)(1) The chancellor of higher education, in consultation 50693

with the superintendent of public instruction, shall adopt rules 50694  
specifying which courses are eligible for funding under section 50695  
3365.07 of the Revised Code. 50696

The rules shall address at least the following: 50697

(a) Whether courses must be taken in a specified sequence; 50698

(b) Whether to restrict funding and limit eligibility to 50699  
certain types of courses, including (i) courses that are included 50700  
in the statewide articulation and transfer system, established by 50701  
the chancellor pursuant to section 3333.161 of the Revised Code; 50702  
(ii) courses that may be applied to multiple degree pathways or 50703  
are applicable to in-demand jobs; or (iii) other types of courses; 50704

(c) Whether courses with private instruction, as defined by 50705  
the chancellor, are eligible for funding. 50706

The rules also shall specify the school year for which 50707  
implementation of the rules adopted pursuant to this division 50708  
shall first apply. 50709

(2) In developing the rules, the chancellor, in consultation 50710  
with the state superintendent, shall establish a process to 50711  
receive input from public and nonpublic secondary schools, public 50712  
and private colleges, and other interested parties. 50713

(D) When determining a school district's enrollment under 50714  
section 3317.03 of the Revised Code, the time a participant is 50715  
attending courses under division (A) of this section shall be 50716  
considered as time the participant is not attending or enrolled in 50717  
school anywhere, and the time a participant is attending courses 50718  
under division (B) of this section shall be considered as time the 50719  
participant is attending or enrolled in the district's schools. 50720

**Sec. 3365.07.** The department of education shall calculate and 50721  
pay state funds to colleges for participants in the college credit 50722  
plus program under division (B) of section 3365.06 of the Revised 50723

Code pursuant to this section. For a nonpublic secondary school 50724  
participant, a nonchartered nonpublic secondary school 50725  
participant, or a home-instructed participant, the department 50726  
shall pay state funds pursuant to this section only if that 50727  
participant is awarded funding according to rules adopted by the 50728  
chancellor of higher education, in consultation with the 50729  
superintendent of public instruction, pursuant to section 3365.071 50730  
of the Revised Code. The program shall be the sole mechanism by 50731  
which state funds are paid to colleges for students to earn 50732  
transcripted credit for college courses while enrolled in both a 50733  
secondary school and a college, with the exception of state funds 50734  
paid to colleges according to an agreement described in division 50735  
(A)(1) of section 3365.02 of the Revised Code. 50736

(A) For each public or nonpublic secondary school participant 50737  
enrolled in a public college: 50738

(1) If no agreement has been entered into under division 50739  
(A)(2) of this section, both of the following shall apply: 50740

(a) The department shall pay to the college the applicable 50741  
amount as follows: 50742

(i) For a participant enrolled in a college course delivered 50743  
on the college campus, at another location operated by the 50744  
college, or online, the lesser of the default ceiling amount or 50745  
the college's standard rate; 50746

(ii) For a participant enrolled in a college course delivered 50747  
at the participant's secondary school but taught by college 50748  
faculty, the lesser of fifty per cent of the default ceiling 50749  
amount or the college's standard rate; 50750

(iii) For a participant enrolled in a college course 50751  
delivered at the participant's secondary school and taught by a 50752  
high school teacher who has met the credential requirements 50753

established for purposes of the program in rules adopted by the 50754  
chancellor, the default floor amount. 50755

(b) The participant's secondary school shall pay for 50756  
textbooks, and the college shall waive payment of all other fees 50757  
related to participation in the program. 50758

(2) The governing entity of a participant's secondary school 50759  
and the college may enter into an agreement to establish an 50760  
alternative payment structure for tuition, textbooks, and fees. 50761  
Under such an agreement, payments for each participant made by the 50762  
department shall be not less than the default floor amount, unless 50763  
approved by the chancellor, and not more than either the default 50764  
ceiling amount or the college's standard rate, whichever is less. 50765  
The chancellor ~~shall~~ may approve an agreement that includes a 50766  
payment below the default floor amount, as long as the provisions 50767  
of the agreement comply with all other requirements of this 50768  
chapter to ensure program quality. If no agreement is entered into 50769  
under division (A)(2) of this section, both of the following shall 50770  
apply: 50771

(a) The department shall pay to the college the applicable 50772  
default amounts prescribed by division (A)(1)(a) of this section, 50773  
depending upon the method of delivery and instruction. 50774

(b) In accordance with division (A)(1)(b) of this section, 50775  
the participant's secondary school shall pay for textbooks, and 50776  
the college shall waive payment of all other fees related to 50777  
participation in the program. 50778

(3) No participant that is enrolled in a public college shall 50779  
be charged for any tuition, textbooks, or other fees related to 50780  
participation in the program. 50781

(B) For each public secondary school participant enrolled in 50782  
a private college: 50783

(1) If no agreement has been entered into under division 50784

(B)(2) of this section, the department shall pay to the college 50785  
the applicable amount calculated in the same manner as in division 50786  
(A)(1)(a) of this section. 50787

(2) The governing entity of a participant's secondary school 50788  
and the college may enter into an agreement to establish an 50789  
alternative payment structure for tuition, textbooks, and fees. 50790  
Under such an agreement, payments shall be not less than the 50791  
default floor amount, unless approved by the chancellor, and not 50792  
more than either the default ceiling amount or the college's 50793  
standard rate, whichever is less. 50794

If an agreement is entered into under division (B)(2) of this 50795  
section, both of the following shall apply: 50796

(a) The department shall make a payment to the college for 50797  
each participant that is equal to the default floor amount, unless 50798  
approved by the chancellor to pay an amount below the default 50799  
floor amount. The chancellor ~~shall~~ may approve an agreement that 50800  
includes a payment below the default floor amount, as long as the 50801  
provisions of the agreement comply with all other requirements of 50802  
this chapter to ensure program quality. 50803

(b) Payment for costs for the participant that exceed the 50804  
amount paid by the department pursuant to division (B)(2)(a) of 50805  
this section shall be negotiated by the school and the college. 50806  
The agreement may include a stipulation permitting the charging of 50807  
a participant. 50808

However, under no circumstances shall: 50809

(i) Payments for a participant made by the department under 50810  
division (B)(2) of this section exceed the lesser of the default 50811  
ceiling amount or the college's standard rate; 50812

(ii) The amount charged to a participant under division 50813  
(B)(2) of this section exceed the difference between the maximum 50814  
per participant charge amount and the default floor amount; 50815

(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B)(2) of this section exceed the following amounts, as applicable:

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.

(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.

(2) Any nonpublic secondary school participant, who is 50846  
enrolled in that secondary school with a scholarship awarded under 50847  
either the educational choice scholarship pilot program, as 50848  
prescribed by sections 3310.01 to 3310.17, or the pilot project 50849  
scholarship program, as prescribed by sections 3313.974 to 50850  
3313.979 of the Revised Code, and who qualifies as a low-income 50851  
student under either of those programs, be charged for any 50852  
tuition, textbooks, or other fees related to participation in the 50853  
college credit plus program. 50854

(D) For each nonchartered nonpublic secondary school 50855  
participant and each home-instructed participant enrolled in a 50856  
public, private, or eligible out-of-state college, the department 50857  
shall pay to the college the lesser of the default ceiling amount 50858  
or the college's standard rate, if that participant is enrolled in 50859  
a college course delivered on the college campus, at another 50860  
location operated by the college, or online. 50861

(E) Not later than thirty days after the end of each term, 50862  
each college expecting to receive payment for the costs of a 50863  
participant under this section shall notify the department of the 50864  
number of enrolled credit hours for each participant. 50865

(F) ~~Each January and July, or as soon as possible thereafter,~~ 50866  
~~the~~ The department shall make the applicable payments under this 50867  
section to each college, which provided proper notification to the 50868  
department under division (E) of this section, for the number of 50869  
enrolled credit hours for participants enrolled in the college 50870  
under division (B) of section 3365.06 of the Revised Code. Except 50871  
in cases involving incomplete participant information or a dispute 50872  
of participant information, payments shall be made by the last day 50873  
of January for participants who were enrolled during the fall term 50874  
and by the last day of July for participants who were enrolled 50875  
during the spring term. The department shall not make any payments 50876  
to a college under this section if a participant withdrew from a 50877

course prior to the date on which a withdrawal from the course 50878  
would have negatively affected the participant's transcribed 50879  
grade, as prescribed by the college's established withdrawal 50880  
policy. 50881

(1) Payments made for public secondary school participants 50882  
under this section shall be deducted from the school foundation 50883  
payments made to the participant's school district or, if the 50884  
participant is enrolled in a community school, a STEM school, or a 50885  
college-preparatory boarding school, from the payments made to 50886  
that school under section 3314.08, 3326.33, or 3328.34 of the 50887  
Revised Code. If the participant is enrolled in a joint vocational 50888  
school district, a portion of the amount shall be deducted from 50889  
the payments to the joint vocational school district and a portion 50890  
shall be deducted from the payments to the participant's city, 50891  
local, or exempted village school district in accordance with the 50892  
full-time equivalency of the student's enrollment in each 50893  
district. Amounts deducted under division (F)(1) of this section 50894  
shall be calculated in accordance with rules adopted by the 50895  
chancellor, in consultation with the state superintendent, 50896  
pursuant to division (B) of section 3365.071 of the Revised Code. 50897

(2) Payments made for nonpublic secondary school 50898  
participants, nonchartered nonpublic secondary school 50899  
participants, and home-instructed participants under this section 50900  
shall be deducted from moneys appropriated by the general assembly 50901  
for such purpose. Payments shall be allocated and distributed in 50902  
accordance with rules adopted by the chancellor, in consultation 50903  
with the state superintendent, pursuant to division (A) of section 50904  
3365.071 of the Revised Code. 50905

(G) Any public college that enrolls a student under division 50906  
(B) of section 3365.06 of the Revised Code may include that 50907  
student in the calculation used to determine its state share of 50908  
instruction funds appropriated to the department of higher 50909

education by the general assembly. 50910

Sec. 3365.091. (A) The chancellor of higher education, in 50911  
consultation with the superintendent of public instruction, shall 50912  
adopt rules specifying the conditions under which an 50913  
underperforming participant may continue to participate in the 50914  
college credit plus program. 50915

The rules shall address at least the following: 50916

(1) The definition of an "underperforming participant"; 50917

(2) Any additional conditions that participants with repeated 50918  
underperformance must satisfy; 50919

(3) The timeframe for notifying an underperforming 50920  
participant who is determined to be ineligible for participation 50921  
of such ineligibility; 50922

(4) Mechanisms available to assist underperforming 50923  
participants; 50924

(5) The role of school guidance counselors and college 50925  
academic advisers in assisting underperforming participants; 50926

(6) If an underperforming participant is determined to be 50927  
ineligible for participation, any consequences that such 50928  
ineligibility may have on the student's ability to complete the 50929  
secondary school's graduation requirements. 50930

The rules also shall specify the school year for which 50931  
implementation of the rules adopted pursuant to division (A) of 50932  
this section shall first apply. 50933

(B) In developing the rules pursuant to division (A) of this 50934  
section, the chancellor, in consultation with the state 50935  
superintendent, shall establish a process to receive input from 50936  
public and nonpublic secondary schools, public and private 50937  
colleges, and other interested parties. 50938

Sec. 3365.10. (A) Any public or participating nonpublic 50939  
secondary school or any public or participating private college, 50940  
~~including a secondary school and an associated college operating~~ 50941  
~~an early college high school program,~~ may apply to the chancellor 50942  
of the Ohio board of regents higher education and the 50943  
superintendent of public instruction for a waiver from the 50944  
requirements of the college credit plus program. The chancellor 50945  
and the superintendent may grant a waiver under this section for 50946  
an agreement ~~governing an early college high school program~~ or for 50947  
a proposed agreement between a public or participating nonpublic 50948  
secondary school and a public or participating private or 50949  
out-of-state college, only if the agreement does both of the 50950  
following: 50951

(1) Includes innovative programming proposed to exclusively 50952  
address the needs of underrepresented student subgroups; 50953

(2) Meets all criteria set forth in rules adopted by the 50954  
chancellor and the superintendent pursuant to division (C) of this 50955  
section. 50956

(B) Any waiver granted under this section shall apply only to 50957  
the agreement for which the waiver is granted and shall not apply 50958  
to any other agreement that the school or college enters into 50959  
under this chapter. 50960

(C) The chancellor and the superintendent of public 50961  
instruction shall jointly adopt rules, in accordance with Chapter 50962  
119. of the Revised Code, regarding the granting of waivers under 50963  
this section. 50964

~~(D) As used in this section, "associated college" and "early~~ 50965  
~~college high school program" have the same meanings as in section~~ 50966  
~~3313.6013 of the Revised Code.~~ 50967

Sec. 3365.12. (A) All courses offered under the college 50968

credit plus program shall be the same courses that are included in 50969  
the partnering college's course catalogue for college-level, 50970  
nonremedial courses and shall apply to at least one degree or 50971  
professional certification at the partnering college. 50972

(B)(1) ~~High~~ In accordance with division (E) of section 50973  
3365.04 of the Revised Code, high school credit awarded for 50974  
courses successfully completed under this chapter shall count 50975  
toward the graduation requirements and subject area requirements 50976  
of the public secondary school or participating nonpublic 50977  
secondary school. If a course comparable to one a participant 50978  
completed at a college is offered by the school, the governing 50979  
entity or governing body shall award comparable credit for the 50980  
course completed at the college. If no comparable course is 50981  
offered by the school, the governing entity or governing body 50982  
shall grant an appropriate number of elective credits to the 50983  
participant. 50984

(2) If there is a dispute between a participant's school and 50985  
a participant regarding high school credits granted for a course, 50986  
the participant may appeal the decision to the ~~state board~~ 50987  
department of education. The ~~state board's~~ department's decision 50988  
regarding any high school credits granted under this section is 50989  
final. 50990

(C) Evidence of successful completion of each course and the 50991  
high school credits awarded by the school shall be included in the 50992  
student's record. The record shall indicate that the credits were 50993  
earned as a participant under this chapter and shall include the 50994  
name of the college at which the credits were earned. 50995

**Sec. 3365.15.** The chancellor of higher education and the 50996  
superintendent of public instruction jointly shall do all of the 50997  
following: 50998

(A) Adopt data reporting guidelines specifying the types of 50999

data that public and participating nonpublic secondary schools and 51000  
public and participating private colleges, including eligible 51001  
out-of-state colleges participating in the program, must annually 51002  
collect, report, and track under division (G) of section 3365.04 51003  
and division ~~(H)~~(I) of section 3365.05 of the Revised Code. The 51004  
types of data shall include all of the following: 51005

(1) For each secondary school and college: 51006

(a) The number of participants disaggregated by grade level, 51007  
socioeconomic status, race, gender, and disability; 51008

(b) The number of completed courses and credit hours, 51009  
disaggregated by the college in which participants were enrolled; 51010

(c) The number of courses in which participants enrolled, 51011  
disaggregated by subject area and level of difficulty. 51012

(2) For each secondary school, the number of students who 51013  
were denied participation in the program under division (A)(1)(a) 51014  
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 51015  
Revised Code. Each participating nonpublic secondary school shall 51016  
also include the number of students who were denied participation 51017  
due to the student not being awarded funding by the department of 51018  
education pursuant to section 3365.071 of the Revised Code. 51019

(3) For each college: 51020

(a) The number of students who applied to enroll in the 51021  
college under the program but were not granted admission; 51022

(b) The average number of completed courses per participant; 51023

(c) The average grade point average for participants in 51024  
college courses under the program. 51025

The guidelines adopted under this division shall also include 51026  
policies and procedures for the collection, reporting, and 51027  
tracking of such data. 51028

(B) Annually compile the data required under division (A) of 51029

this section. Not later than the thirty-first day of December of 51030  
each year, the data from the previous school year shall be posted 51031  
in a prominent location on both the chancellor of higher 51032  
education's and the department of education's web sites. 51033

~~(C) Submit a biennial report detailing the status of the 51034  
college credit plus program, including an analysis of quality 51035  
assurance measures related to the program, to the governor, the 51036  
president of the senate, the speaker of the house of 51037  
representatives, and the chairpersons of the education committees 51038  
of the senate and house of representatives. The first report shall 51039  
be submitted not later than December 31, 2017, and each subsequent 51040  
report shall be submitted not later than the thirty first day of 51041  
December every two years thereafter. 51042~~

Until December 2023, submit an annual report on outcomes of 51043  
the college credit plus program that are supported by empirical 51044  
evidence to the governor, the president of the senate, the speaker 51045  
of the house of representatives, and the chairpersons of the 51046  
education committees of the senate and house of representatives. 51047  
The report shall include all of the following, disaggregated by 51048  
cohort: 51049

(1) Number of degrees attained; 51050

(2) Level and type of degrees attained; 51051

(3) Number of students who receive a degree in two different 51052  
subject areas; 51053

(4) Time to completion of a degree, disaggregated by level 51054  
and type of degree attained; 51055

(5) Time to enrollment in a graduate or doctoral degree 51056  
program; 51057

(6) The number of students who participate in a study abroad 51058  
course; 51059

(7) How all of the measures described in division (C) of this section compare to both: 51060  
51061

(a) The overall student population who did not participate in the college credit plus program; 51062  
51063

(b) Any similar measures compiled under the former postsecondary enrollment options program, to the extent that such data is available. 51064  
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The first report shall be submitted not later than December 31, 2018, and each subsequent report shall be submitted not later than the thirty-first day of December each year thereafter until December 2023. 51067  
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(D) Establish a college credit plus advisory committee to assist in the development of performance metrics and the monitoring of the program's progress. At least one member of the advisory committee shall be a school guidance counselor. 51071  
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The chancellor shall also, in consultation with the superintendent, create a standard packet of information for the college credit plus program directed toward students and parents that are interested in the program. 51075  
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(E) The chancellor and the state superintendent also may submit a biennial report detailing the status of the college credit plus program, including an analysis of quality assurance measures related to the program, to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives. If the chancellor and state superintendent choose to jointly submit the biennial report, both of the following shall apply: 51079  
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(1) The report shall include only data available through the higher education information system administered by the chancellor. 51088  
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(2) The first report shall be submitted not later than 51091  
December 31, 2017, and each subsequent report shall be submitted 51092  
not later than the thirty-first day of December every two years 51093  
thereafter. 51094

(F) For purposes of this section, "cohort" means a group of 51095  
students who participated in the college credit plus program and 51096  
who, upon graduation from high school, enroll in an Ohio 51097  
institution of higher education during the same academic year. 51098

**Sec. 3503.16.** (A) Except as otherwise provided in division 51099  
~~(D)~~(E) of section 111.44 of the Revised Code, whenever a 51100  
registered elector changes the place of residence of that 51101  
registered elector from one precinct to another within a county or 51102  
from one county to another, or has a change of name, that 51103  
registered elector shall report the change by delivering a change 51104  
of residence or change of name form, whichever is appropriate, as 51105  
prescribed by the secretary of state under section 3503.14 of the 51106  
Revised Code to the state or local office of a designated agency, 51107  
a public high school or vocational school, a public library, the 51108  
office of the county treasurer, the office of the secretary of 51109  
state, any office of the registrar or deputy registrar of motor 51110  
vehicles, or any office of a board of elections in person or by a 51111  
third person. Any voter registration, change of address, or change 51112  
of name application, returned by mail, may be sent only to the 51113  
secretary of state or the board of elections. 51114

A registered elector also may update the registration of that 51115  
registered elector by filing a change of residence or change of 51116  
name form on the day of a special, primary, or general election at 51117  
the polling place in the precinct in which that registered elector 51118  
resides or at the board of elections or at another site designated 51119  
by the board. 51120

(B)(1)(a) Any registered elector who moves within a precinct 51121

on or prior to the day of a general, primary, or special election 51122  
and has not filed a notice of change of residence with the board 51123  
of elections may vote in that election by going to that registered 51124  
elector's assigned polling place, completing and signing a notice 51125  
of change of residence, showing identification in the form of a 51126  
current and valid photo identification, a military identification, 51127  
or a copy of a current utility bill, bank statement, government 51128  
check, paycheck, or other government document, other than a notice 51129  
of voter registration mailed by a board of elections under section 51130  
3503.19 of the Revised Code, that shows the name and current 51131  
address of the elector, and casting a ballot. 51132

(b) Any registered elector who changes the name of that 51133  
registered elector and remains within a precinct on or prior to 51134  
the day of a general, primary, or special election and has not 51135  
filed a notice of change of name with the board of elections may 51136  
vote in that election by going to that registered elector's 51137  
assigned polling place, completing and signing a notice of a 51138  
change of name, and casting a provisional ballot under section 51139  
3505.181 of the Revised Code. If the registered elector provides 51140  
to the precinct election officials proof of a legal name change, 51141  
such as a marriage license or court order that includes the 51142  
elector's current and prior names, the elector may complete and 51143  
sign a notice of change of name and cast a regular ballot. 51144

(2) Any registered elector who moves from one precinct to 51145  
another within a county or moves from one precinct to another and 51146  
changes the name of that registered elector on or prior to the day 51147  
of a general, primary, or special election and has not filed a 51148  
notice of change of residence or change of name, whichever is 51149  
appropriate, with the board of elections may vote in that election 51150  
if that registered elector complies with division (G) of this 51151  
section or does all of the following: 51152

(a) Appears at anytime during regular business hours on or 51153

after the twenty-eighth day prior to the election in which that registered elector wishes to vote or, if the election is held on the day of a presidential primary election, the twenty-fifth day prior to the election, through noon of the Saturday prior to the election at the office of the board of elections, appears at any time during regular business hours on the Monday prior to the election at the office of the board of elections, or appears on the day of the election at either of the following locations:

(i) The polling place for the precinct in which that registered elector resides;

(ii) The office of the board of elections or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections.

(b) Completes and signs, under penalty of election falsification, the written affirmation on the provisional ballot envelope, which shall serve as a notice of change of residence or change of name, whichever is appropriate;

(c) Votes a provisional ballot under section 3505.181 of the Revised Code at the polling place, at the office of the board of elections, or, if pursuant to division (C) of section 3501.10 of the Revised Code the board has designated another location in the county at which registered electors may vote, at that other location instead of the office of the board of elections, whichever is appropriate, using the address to which that registered elector has moved or the name of that registered elector as changed, whichever is appropriate;

(d) Completes and signs, under penalty of election falsification, a statement attesting that that registered elector moved or had a change of name, whichever is appropriate, on or

prior to the day of the election, has voted a provisional ballot 51185  
at the polling place for the precinct in which that registered 51186  
elector resides, at the office of the board of elections, or, if 51187  
pursuant to division (C) of section 3501.10 of the Revised Code 51188  
the board has designated another location in the county at which 51189  
registered electors may vote, at that other location instead of 51190  
the office of the board of elections, whichever is appropriate, 51191  
and will not vote or attempt to vote at any other location for 51192  
that particular election. 51193

(C) Any registered elector who moves from one county to 51194  
another county within the state on or prior to the day of a 51195  
general, primary, or special election and has not registered to 51196  
vote in the county to which that registered elector moved may vote 51197  
in that election if that registered elector complies with division 51198  
(G) of this section or does all of the following: 51199

(1) Appears at any time during regular business hours on or 51200  
after the twenty-eighth day prior to the election in which that 51201  
registered elector wishes to vote or, if the election is held on 51202  
the day of a presidential primary election, the twenty-fifth day 51203  
prior to the election, through noon of the Saturday prior to the 51204  
election at the office of the board of elections or, if pursuant 51205  
to division (C) of section 3501.10 of the Revised Code the board 51206  
has designated another location in the county at which registered 51207  
electors may vote, at that other location instead of the office of 51208  
the board of elections, appears during regular business hours on 51209  
the Monday prior to the election at the office of the board of 51210  
elections or, if pursuant to division (C) of section 3501.10 of 51211  
the Revised Code the board has designated another location in the 51212  
county at which registered electors may vote, at that other 51213  
location instead of the office of the board of elections, or 51214  
appears on the day of the election at the office of the board of 51215  
elections or, if pursuant to division (C) of section 3501.10 of 51216

the Revised Code the board has designated another location in the 51217  
county at which registered electors may vote, at that other 51218  
location instead of the office of the board of elections; 51219

(2) Completes and signs, under penalty of election 51220  
falsification, the written affirmation on the provisional ballot 51221  
envelope, which shall serve as a notice of change of residence; 51222

(3) Votes a provisional ballot under section 3505.181 of the 51223  
Revised Code at the office of the board of elections or, if 51224  
pursuant to division (C) of section 3501.10 of the Revised Code 51225  
the board has designated another location in the county at which 51226  
registered electors may vote, at that other location instead of 51227  
the office of the board of elections, using the address to which 51228  
that registered elector has moved; 51229

(4) Completes and signs, under penalty of election 51230  
falsification, a statement attesting that that registered elector 51231  
has moved from one county to another county within the state on or 51232  
prior to the day of the election, has voted at the office of the 51233  
board of elections or, if pursuant to division (C) of section 51234  
3501.10 of the Revised Code the board has designated another 51235  
location in the county at which registered electors may vote, at 51236  
that other location instead of the office of the board of 51237  
elections, and will not vote or attempt to vote at any other 51238  
location for that particular election. 51239

(D) A person who votes by absent voter's ballots pursuant to 51240  
division (G) of this section shall not make written application 51241  
for the ballots pursuant to Chapter 3509. of the Revised Code. 51242  
Ballots cast pursuant to division (G) of this section shall be set 51243  
aside in a special envelope and counted during the official 51244  
canvass of votes in the manner provided for in sections 3505.32 51245  
and 3509.06 of the Revised Code insofar as that manner is 51246  
applicable. The board shall examine the pollbooks to verify that 51247  
no ballot was cast at the polls or by absent voter's ballots under 51248

Chapter 3509. or 3511. of the Revised Code by an elector who has 51249  
voted by absent voter's ballots pursuant to division (G) of this 51250  
section. Any ballot determined to be insufficient for any of the 51251  
reasons stated above or stated in section 3509.07 of the Revised 51252  
Code shall not be counted. 51253

Subject to division (C) of section 3501.10 of the Revised 51254  
Code, a board of elections may lease or otherwise acquire a site 51255  
different from the office of the board at which registered 51256  
electors may vote pursuant to division (B) or (C) of this section. 51257

(E) Upon receiving a notice of change of residence or change 51258  
of name, the board of elections shall immediately send the 51259  
registrant an acknowledgment notice. If the change of residence or 51260  
change of name notice is valid, the board shall update the voter's 51261  
registration as appropriate. If that form is incomplete, the board 51262  
shall inform the registrant in the acknowledgment notice specified 51263  
in this division of the information necessary to complete or 51264  
update that registrant's registration. 51265

(F) Change of residence and change of name forms shall be 51266  
available at each polling place, and when these forms are 51267  
completed, noting changes of residence or name, as appropriate, 51268  
they shall be filed with election officials at the polling place. 51269  
Election officials shall return completed forms, together with the 51270  
pollbooks and tally sheets, to the board of elections. 51271

The board of elections shall provide change of residence and 51272  
change of name forms to the probate court and court of common 51273  
pleas. The court shall provide the forms to any person eighteen 51274  
years of age or older who has a change of name by order of the 51275  
court or who applies for a marriage license. The court shall 51276  
forward all completed forms to the board of elections within five 51277  
days after receiving them. 51278

(G) A registered elector who otherwise would qualify to vote 51279

under division (B) or (C) of this section but is unable to appear 51280  
at the office of the board of elections or, if pursuant to 51281  
division (C) of section 3501.10 of the Revised Code the board has 51282  
designated another location in the county at which registered 51283  
electors may vote, at that other location, on account of personal 51284  
illness, physical disability, or infirmity, may vote on the day of 51285  
the election if that registered elector does all of the following: 51286

(1) Makes a written application that includes all of the 51287  
information required under section 3509.03 of the Revised Code to 51288  
the appropriate board for an absent voter's ballot on or after the 51289  
twenty-seventh day prior to the election in which the registered 51290  
elector wishes to vote through noon of the Saturday prior to that 51291  
election and requests that the absent voter's ballot be sent to 51292  
the address to which the registered elector has moved if the 51293  
registered elector has moved, or to the address of that registered 51294  
elector who has not moved but has had a change of name; 51295

(2) Declares that the registered elector has moved or had a 51296  
change of name, whichever is appropriate, and otherwise is 51297  
qualified to vote under the circumstances described in division 51298  
(B) or (C) of this section, whichever is appropriate, but that the 51299  
registered elector is unable to appear at the board of elections 51300  
because of personal illness, physical disability, or infirmity; 51301

(3) Completes and returns along with the completed absent 51302  
voter's ballot a notice of change of residence indicating the 51303  
address to which the registered elector has moved, or a notice of 51304  
change of name, whichever is appropriate; 51305

(4) Completes and signs, under penalty of election 51306  
falsification, a statement attesting that the registered elector 51307  
has moved or had a change of name on or prior to the day before 51308  
the election, has voted by absent voter's ballot because of 51309  
personal illness, physical disability, or infirmity that prevented 51310  
the registered elector from appearing at the board of elections, 51311

and will not vote or attempt to vote at any other location or by  
absent voter's ballot mailed to any other location or address for  
that particular election.

**Sec. 3506.01.** As used in this chapter and Chapters 3501.,  
3503., 3505., 3509., 3511., 3513., 3515., 3517., 3519., 3521.,  
3523., and 3599. of the Revised Code:

(A) "Marking device" means an apparatus operated by a voter  
to record the voter's choices through the ~~piercing or~~ marking of  
ballots enabling them to be examined and counted by automatic  
tabulating equipment.

(B) "Ballot" means the official election presentation of  
offices and candidates, including write-in candidates, and of  
questions and issues, and the means by which votes are recorded.

(C) "Automatic tabulating equipment" means a machine or  
electronic device, or interconnected or interrelated machines or  
electronic devices, that will automatically examine and count  
votes recorded on ballots. Automatic tabulating equipment may  
allow for the voter's selections to be indicated by marks made on  
a paper record by an electronic marking device.

(D) "Central counting station" means a location, or one of a  
number of locations, designated by the board of elections for the  
automatic examining, sorting, or counting of ballots.

(E) "Voting machines" means mechanical or electronic  
equipment for the direct recording and tabulation of votes.

(F) "Direct recording electronic voting machine" means a  
voting machine that records votes by means of a ballot display  
provided with mechanical or electro-optical components that can be  
actuated by the voter, that processes the data by means of a  
computer program, and that records voting data and ballot images  
in internal or external memory components. A "direct recording

electronic voting machine" produces a tabulation of the voting 51342  
data stored in a removable memory component and in printed copy. 51343  
"Direct recording electronic voting machine" does not include a 51344  
voting machine that captures votes by means of a ballot display 51345  
but that transfers those votes onto an optical scan ballot or 51346  
other paper record for tabulation. 51347

(G) "Help America Vote Act of 2002" means the "Help America 51348  
Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666. 51349

(H) "Voter verified paper audit trail" means a physical paper 51350  
printout on which the voter's ballot choices, as registered by a 51351  
direct recording electronic voting machine, are recorded. The 51352  
voter shall be permitted to visually or audibly inspect the 51353  
contents of the physical paper printout. The physical paper 51354  
printout shall be securely retained at the polling place until the 51355  
close of the polls on the day of the election; the secretary of 51356  
state shall adopt rules under Chapter 119. of the Revised Code 51357  
specifying the manner of storing the physical paper printout at 51358  
the polling place. After the physical paper printout is produced, 51359  
but before the voter's ballot is recorded, the voter shall have an 51360  
opportunity to accept or reject the contents of the printout as 51361  
matching the voter's ballot choices. If a voter rejects the 51362  
contents of the physical paper printout, the system that produces 51363  
the voter verified paper audit trail shall invalidate the printout 51364  
and permit the voter to recast the voter's ballot. On and after 51365  
the first federal election that occurs after January 1, 2006, 51366  
unless required sooner by the Help America Vote Act of 2002, any 51367  
system that produces a voter verified paper audit trail shall be 51368  
accessible to disabled voters, including visually impaired voters, 51369  
in the same manner as the direct recording electronic voting 51370  
machine that produces it. 51371

**Sec. 3506.06.** No marking device shall be approved by the 51372

board of voting machine examiners or certified by the secretary of 51373  
state, or be purchased, rented, or otherwise acquired, or used, 51374  
unless it fulfills the following requirements: 51375

(A) It shall permit and require voting in absolute secrecy, 51376  
and shall be so constructed that no person can see or know for 51377  
whom any other elector has voted or is voting, except an elector 51378  
who is assisting a voter as prescribed by section 3505.24 of the 51379  
Revised Code. 51380

(B) It shall permit each elector to vote at any election for 51381  
all persons and offices for whom and for which the elector is 51382  
lawfully entitled to vote, whether or not the name of any such 51383  
person appears on a ballot as a candidate; to vote for as many 51384  
persons for an office as the elector is entitled to vote for; and 51385  
to vote for or against any question upon which the elector is 51386  
entitled to vote. 51387

(C) It shall permit each elector to write in the names of 51388  
persons for whom the elector desires to vote, whose names do not 51389  
appear upon the ballot, if such write-in candidates are permitted 51390  
by law. 51391

(D) It shall permit each elector, at all presidential 51392  
elections, by one ~~punch~~ or mark to vote for candidates of one 51393  
party for president, vice president, and presidential electors. 51394

(E) It shall be durably constructed of material of good 51395  
quality in a neat and workerlike manner, and in form that shall 51396  
make it safely transportable. 51397

(F) It shall be so constructed that a voter may readily learn 51398  
the method of operating it and may expeditiously cast the voter's 51399  
vote for all candidates of the voter's choice. 51400

(G) It shall not provide to a voter any type of receipt or 51401  
voter confirmation that the voter legally may retain after leaving 51402  
the polling place. 51403

**Sec. 3506.07.** No automatic tabulating equipment shall be 51404  
approved by the board of voting machine examiners or certified by 51405  
the secretary of state, or be purchased, rented, or otherwise 51406  
acquired, or used, unless it has been or is capable of being 51407  
manufactured for use and distribution beyond a prototype and can 51408  
be set by election officials, to examine ballots and to count 51409  
votes accurately for each candidate, question, and issue, 51410  
excluding any ballots ~~punched or~~ marked contrary to the 51411  
instructions printed on such ballots, provided that such equipment 51412  
shall not be required to count write-in votes or the votes on any 51413  
ballots that have been voted other than at the regular polling 51414  
place on election day. 51415

**Sec. 3517.17.** (A)~~(1)~~ At the beginning of each calendar 51416  
quarter, after the costs of audits are deducted under division 51417  
(B)(1) of section 3517.16 of the Revised Code, the tax 51418  
commissioner shall ~~divide~~ distribute any remaining moneys that 51419  
have accrued in the Ohio political party fund during the previous 51420  
quarter ~~equally among all qualified political parties in the~~ 51421  
~~following manner. Of the public moneys to which a party is~~ 51422  
~~entitled:~~ 51423

~~(1) One half shall be paid~~ to the treasurer of the state 51424  
executive committee of the party~~+. Along with the distribution,~~ 51425  
the commissioner shall provide a list of amounts to be allocated 51426  
to each county executive committee, which shall be determined by 51427  
multiplying one-half of the total distribution by the ratio that 51428  
the number of checkoffs in each county bears to the total number 51429  
of checkoffs. 51430

~~(2) One half shall be distributed~~ Upon receiving a 51431  
distribution of funds under division (A)(1) of this section, the 51432  
treasurer of the state executive committee of the party shall 51433  
distribute, from one-half of the received distribution of funds, 51434

an amount to the treasurer of each county executive committee of 51435  
the various counties in accordance with the ~~ratio that the number~~ 51436  
~~of checkoffs in each county bears to the total number of~~ 51437  
~~checkoffs, as determined~~ list provided by the ~~tax~~ commissioner. 51438

Each party treasurer receiving public moneys from the Ohio 51439  
political party fund shall deposit those moneys into the party's 51440  
restricted fund created under section 3517.1012 of the Revised 51441  
Code, shall expend and maintain those moneys subject to the 51442  
requirements of that section and section 3517.18 of the Revised 51443  
Code, and shall file deposit and disbursement statements as 51444  
required by division (B) of section 3517.1012 of the Revised Code. 51445  
The auditor of state shall annually audit the deposit and 51446  
disbursement statements of the state committee of a political 51447  
party that is eligible to receive public moneys collected during 51448  
the previous year, to ascertain that all moneys in the party's 51449  
restricted fund are expended in accordance with law. The auditor 51450  
of state shall audit the deposit and disbursement statements of 51451  
each county committee of such a political party to ascertain that 51452  
all moneys in the party's restricted fund are expended in 51453  
accordance with law at the time of the public office audit of that 51454  
county under Chapter 117. of the Revised Code. 51455

(B) Only major political parties, as defined in section 51456  
3501.01 of the Revised Code, may apply for public moneys from the 51457  
Ohio political party fund. At the end of each even-numbered 51458  
calendar year, the secretary of state shall announce the names of 51459  
all such political parties, indicating that they may apply to 51460  
receive such moneys during the ensuing two years. Any political 51461  
party named at this time may, not later than the last day of 51462  
January of the ensuing odd-numbered year, make application with 51463  
the tax commissioner to receive public moneys. A political party 51464  
that fails to make a timely application shall not receive public 51465  
moneys during that two-year period. The tax commissioner shall 51466

prescribe an appropriate application form. Moneys from the fund 51467  
shall be provided during the appropriate two-year period to each 51468  
political party that makes a timely application in accordance with 51469  
this division. 51470

**Sec. 3701.021.** (A) The director of health shall adopt, in 51471  
accordance with Chapter 119. of the Revised Code, such rules as 51472  
are necessary to carry out sections 3701.021 to 3701.0210 of the 51473  
Revised Code, including, but not limited to, rules to establish 51474  
the following: 51475

(1) Medical and financial eligibility requirements for the 51476  
program for medically handicapped children; 51477

(2) ~~Eligibility~~ Subject to division (C) of this section, 51478  
eligibility requirements for providers ~~of~~ who provide goods and 51479  
services for the program for medically handicapped children; 51480

(3) Procedures to be followed by the department of health in 51481  
disqualifying providers for violating requirements adopted under 51482  
division (A)(2) of this section; 51483

(4) Procedures to be used by the department regarding 51484  
application for diagnostic services under division (B) of section 51485  
3701.023 of the Revised Code and payment for those services under 51486  
division (E) of that section; 51487

(5) Standards for the provision of service coordination by 51488  
the department of health and city and general health districts; 51489

(6) Procedures for the department to use to determine the 51490  
amount to be paid annually by each county for services for 51491  
medically handicapped children and to allow counties to retain 51492  
funds under divisions (A)(2) and (3) of section 3701.024 of the 51493  
Revised Code; 51494

(7) Financial eligibility requirements for services for Ohio 51495  
residents twenty-one years of age or older who have cystic 51496

fibrosis;	51497
(8) Criteria for payment of approved providers who provide	51498
<u>goods and services</u> for medically handicapped children;	51499
(9) Criteria for the department to use in determining whether	51500
the payment of health insurance premiums of participants in the	51501
program for medically handicapped children is cost-effective;	51502
(10) Procedures for appeal of denials of applications under	51503
divisions (A) and (D) of section 3701.023 of the Revised Code,	51504
disqualification of providers, and amounts paid for services;	51505
(11) Terms of appointment for members of the medically	51506
handicapped children's medical advisory council created in section	51507
3701.025 of the Revised Code;	51508
(12) Eligibility requirements for the hemophilia program,	51509
including income and hardship requirements;	51510
(13) If a manufacturer discount program is established under	51511
division (J)(1) of section 3701.023 of the Revised Code,	51512
procedures for administering the program, including criteria and	51513
other requirements for participation in the program by	51514
manufacturers of drugs and nutritional formulas.	51515
(B) The department of health shall develop a manual of	51516
operational procedures and guidelines for the program for	51517
medically handicapped children to implement sections 3701.021 to	51518
3701.0210 of the Revised Code.	51519
<u>(C) A medicaid provider, as defined in section 5164.01 of the</u>	51520
<u>Revised Code, is eligible to be a provider of the same goods and</u>	51521
<u>services for the program for medically handicapped children that</u>	51522
<u>the provider is approved to provide for the medicaid program and</u>	51523
<u>the director shall approve such a provider for participation in</u>	51524
<u>the program for medically handicapped children.</u>	51525
<b><u>Sec. 3701.12.</u></b> (A) As used in this section:	51526

(1) "Third party" means any person or government entity other than the department of health or a program administered by the department. 51527  
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(2) "Third party benefits" means any and all benefits paid by a third party to or on behalf of an individual or the individual's parent or guardian for goods or services the individual has received from the department of health or a grantee or contractor of the department. 51530  
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(B) Except as provided in division (C) of this section, the department of health shall not, on or after January 1, 2018, pay for goods or services that are payable through third party benefits. 51535  
51536  
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(C) The prohibition in division (B) of this section does not apply when expressly contrary to another provision of the Revised Code or when, as determined by the director of health, department of health funds are required to mitigate the spread of infectious disease or are needed for exceptional circumstances. 51539  
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**Sec. 3701.144.** (A) As used in this section, "cost sharing" has the same meaning as in section 3923.85 of the Revised Code. 51544  
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(B) The department of health shall administer the state's participation in the national breast and cervical cancer early detection program (NBCCEDP), which shall be known as the Ohio breast and cervical cancer project. The project shall be administered in accordance with Title XV of the "Public Health Service Act," 42 U.S.C. 300k et seq., and the department's NBCCEDP grant agreement with the United States centers for disease control and prevention. 51546  
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(C) In administering the project, the department shall set eligibility requirements for services provided through the project as follows: 51554  
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<u>(1) The woman must have countable family income not exceeding</u>	51557
<u>two hundred fifty per cent of the federal poverty line.</u>	51558
<u>(2) One of the following must be the case:</u>	51559
<u>(a) The woman is not covered by health insurance.</u>	51560
<u>(b) The woman is covered by health insurance that does not</u>	51561
<u>include the screening or diagnostic services the woman seeks</u>	51562
<u>through the project.</u>	51563
<u>(c) The woman is covered by health insurance that imposes</u>	51564
<u>cost sharing for the screening or diagnostic services the woman</u>	51565
<u>seeks through the project that exceeds the limit specified by the</u>	51566
<u>director of health in rules adopted under division (D) of this</u>	51567
<u>section.</u>	51568
<u>(3) In the case of a woman seeking cervical cancer screening</u>	51569
<u>and diagnostic services through the project, the woman must be at</u>	51570
<u>least twenty-one and less than sixty-five years of age.</u>	51571
<u>(4) In the case of a woman seeking breast cancer screening</u>	51572
<u>and diagnostic services through the project, either of the</u>	51573
<u>following must be the case:</u>	51574
<u>(a) The woman is at least forty and less than sixty-five</u>	51575
<u>years of age.</u>	51576
<u>(b) The woman is at least twenty-five and less than forty</u>	51577
<u>years of age and has been determined by a physician to need breast</u>	51578
<u>cancer screening and diagnostic services due to the results of a</u>	51579
<u>clinical breast examination, the woman's family history, or other</u>	51580
<u>factors.</u>	51581
<u>(D) The director shall adopt rules for purposes of division</u>	51582
<u>(C)(2)(c) of this section specifying the cost sharing limit for</u>	51583
<u>each screening and diagnostic service that may be obtained through</u>	51584
<u>the project. The director may adopt other rules as necessary to</u>	51585
<u>implement this section. The rules shall be adopted in accordance</u>	51586

with Chapter 119. of the Revised Code. 51587

**Sec. 3701.243.** (A) Except as provided in this section or 51588  
section 3701.248 of the Revised Code, no person or agency of state 51589  
or local government that acquires the information while providing 51590  
any health care service or while in the employ of a health care 51591  
facility or health care provider shall disclose or compel another 51592  
to disclose any of the following: 51593

(1) The identity of any individual on whom an HIV test is 51594  
performed; 51595

(2) The results of an HIV test in a form that identifies the 51596  
individual tested; 51597

(3) The identity of any individual diagnosed as having AIDS 51598  
or an AIDS-related condition. 51599

(B)(1) Except as provided in divisions (B)(2), (C), (D), and 51600  
(F) of this section, the results of an HIV test or the identity of 51601  
an individual on whom an HIV test is performed or who is diagnosed 51602  
as having AIDS or an AIDS-related condition may be disclosed only 51603  
to the following: 51604

(a) The individual who was tested or the individual's legal 51605  
guardian, and the individual's spouse or any sexual partner; 51606

(b) A person to whom disclosure is authorized by a written 51607  
release, executed by the individual tested or by the individual's 51608  
legal guardian and specifying to whom disclosure of the test 51609  
results or diagnosis is authorized and the time period during 51610  
which the release is to be effective; 51611

(c) ~~The individual's~~ Any physician who treats the individual; 51612

(d) The department of health or a health commissioner to 51613  
which reports are made under section 3701.24 of the Revised Code; 51614

(e) A health care facility or provider that procures, 51615

processes, distributes, or uses a human body part from a deceased individual, donated for a purpose specified in Chapter 2108. of the Revised Code, and that needs medical information about the deceased individual to ensure that the body part is medically acceptable for its intended purpose;

(f) Health care facility staff committees or accreditation or oversight review organizations conducting program monitoring, program evaluation, or service reviews;

(g) A health care provider, emergency medical services worker, or peace officer who sustained a significant exposure to the body fluids of another individual, if that individual was tested pursuant to division (E)(6) of section 3701.242 of the Revised Code, except that the identity of the individual tested shall not be revealed;

(h) To law enforcement authorities pursuant to a search warrant or a subpoena issued by or at the request of a grand jury, a prosecuting attorney, a city director of law or similar chief legal officer of a municipal corporation, or a village solicitor, in connection with a criminal investigation or prosecution.

(2) The results of an HIV test or a diagnosis of AIDS or an AIDS-related condition may be disclosed to a health care provider, or an authorized agent or employee of a health care facility or a health care provider, if the provider, agent, or employee has a medical need to know the information and is participating in the diagnosis, care, or treatment of the individual on whom the test was performed or who has been diagnosed as having AIDS or an AIDS-related condition.

This division does not impose a standard of disclosure different from the standard for disclosure of all other specific information about a patient to health care providers and facilities. Disclosure may not be requested or made solely for the

purpose of identifying an individual who has a positive HIV test 51647  
result or has been diagnosed as having AIDS or an AIDS-related 51648  
condition in order to refuse to treat the individual. Referral of 51649  
an individual to another health care provider or facility based on 51650  
reasonable professional judgment does not constitute refusal to 51651  
treat the individual. 51652

(3) Not later than ninety days after November 1, 1989, each 51653  
health care facility in this state shall establish a protocol to 51654  
be followed by employees and individuals affiliated with the 51655  
facility in making disclosures authorized by division (B)(2) of 51656  
this section. A person employed by or affiliated with a health 51657  
care facility who determines in accordance with the protocol 51658  
established by the facility that a disclosure is authorized by 51659  
division (B)(2) of this section is immune from liability to any 51660  
person in a civil action for damages for injury, death, or loss to 51661  
person or property resulting from the disclosure. 51662

(C)(1) Any person or government agency may seek access to or 51663  
authority to disclose the HIV test records of an individual in 51664  
accordance with the following provisions: 51665

(a) The person or government agency shall bring an action in 51666  
a court of common pleas requesting disclosure of or authority to 51667  
disclose the results of an HIV test of a specific individual, who 51668  
shall be identified in the complaint by a pseudonym but whose name 51669  
shall be communicated to the court confidentially, pursuant to a 51670  
court order restricting the use of the name. The court shall 51671  
provide the individual with notice and an opportunity to 51672  
participate in the proceedings if the individual is not named as a 51673  
party. Proceedings shall be conducted in chambers unless the 51674  
individual agrees to a hearing in open court. 51675

(b) The court may issue an order granting the plaintiff 51676  
access to or authority to disclose the test results only if the 51677  
court finds by clear and convincing evidence that the plaintiff 51678

has demonstrated a compelling need for disclosure of the 51679  
information that cannot be accommodated by other means. In 51680  
assessing compelling need, the court shall weigh the need for 51681  
disclosure against the privacy right of the individual tested and 51682  
against any disservice to the public interest that might result 51683  
from the disclosure, such as discrimination against the individual 51684  
or the deterrence of others from being tested. 51685

(c) If the court issues an order, it shall guard against 51686  
unauthorized disclosure by specifying the persons who may have 51687  
access to the information, the purposes for which the information 51688  
shall be used, and prohibitions against future disclosure. 51689

(2) A person or government agency that considers it necessary 51690  
to disclose the results of an HIV test of a specific individual in 51691  
an action in which it is a party may seek authority for the 51692  
disclosure by filing an in camera motion with the court in which 51693  
the action is being heard. In hearing the motion, the court shall 51694  
employ procedures for confidentiality similar to those specified 51695  
in division (C)(1) of this section. The court shall grant the 51696  
motion only if it finds by clear and convincing evidence that a 51697  
compelling need for the disclosure has been demonstrated. 51698

(3) Except for an order issued in a criminal prosecution or 51699  
an order under division (C)(1) or (2) of this section granting 51700  
disclosure of the result of an HIV test of a specific individual, 51701  
a court shall not compel a blood bank, hospital blood center, or 51702  
blood collection facility to disclose the result of HIV tests 51703  
performed on the blood of voluntary donors in a way that reveals 51704  
the identity of any donor. 51705

(4) In a civil action in which the plaintiff seeks to recover 51706  
damages from an individual defendant based on an allegation that 51707  
the plaintiff contracted the HIV virus as a result of actions of 51708  
the defendant, the prohibitions against disclosure in this section 51709  
do not bar discovery of the results of any HIV test given to the 51710

defendant or any diagnosis that the defendant suffers from AIDS or 51711  
an AIDS-related condition. 51712

(D) The results of an HIV test or the identity of an 51713  
individual on whom an HIV test is performed or who is diagnosed as 51714  
having AIDS or an AIDS-related condition may be disclosed to a 51715  
federal, state, or local government agency, or the official 51716  
representative of such an agency, for purposes of the medicaid 51717  
program, the medicare program, or any other public assistance 51718  
program. 51719

(E) Any disclosure pursuant to this section shall be in 51720  
writing and accompanied by a written statement that includes the 51721  
following or substantially similar language: "This information has 51722  
been disclosed to you from confidential records protected from 51723  
disclosure by state law. You shall make no further disclosure of 51724  
this information without the specific, written, and informed 51725  
release of the individual to whom it pertains, or as otherwise 51726  
permitted by state law. A general authorization for the release of 51727  
medical or other information is not sufficient for the purpose of 51728  
the release of HIV test results or diagnoses." 51729

(F) An individual who knows that the individual has received 51730  
a positive result on an HIV test or has been diagnosed as having 51731  
AIDS or an AIDS-related condition shall disclose this information 51732  
to any other person with whom the individual intends to make 51733  
common use of a hypodermic needle or engage in sexual conduct as 51734  
defined in section 2907.01 of the Revised Code. An individual's 51735  
compliance with this division does not prohibit a prosecution of 51736  
the individual for a violation of division (B) of section 2903.11 51737  
of the Revised Code. 51738

(G) Nothing in this section prohibits the introduction of 51739  
evidence concerning an HIV test of a specific individual in a 51740  
criminal proceeding. 51741

**Sec. 3701.601.** There is hereby created in the state treasury 51742  
the breast and cervical cancer project income tax contribution 51743  
fund, which shall consist of money contributed to it under section 51744  
5747.113 of the Revised Code and of contributions made directly to 51745  
it. Any person may contribute directly to the fund in addition to 51746  
or independently of the income tax refund contribution system 51747  
established in section 5747.113 of the Revised Code. 51748

The director of health shall distribute the contributed funds 51749  
to the Ohio breast and cervical cancer project ~~funded by the~~ 51750  
~~national breast and cervical cancer early detection program~~ 51751  
~~established under the "Breast and Cervical Cancer Mortality~~ 51752  
~~Prevention Act of 1990," 104 Stat. 409, 42 U.S.C. 300k et seq.~~ 51753  
administered under section 3701.144 of the Revised Code. The 51754  
contributed funds shall be used specifically for the provision of 51755  
breast and cervical cancer screening, diagnostic, and outreach 51756  
services to uninsured and under-insured women who meet the 51757  
eligibility requirements specified in that section. The breast and 51758  
cervical cancer project, through its regional agencies, shall 51759  
~~first~~ use the contributed funds to pay for services provided 51760  
directly by personnel of local departments of health, federally 51761  
qualified health centers as defined by section 3701.047 of the 51762  
Revised Code, or other community health centers. ~~If contributed~~ 51763  
~~funds remain after a regional agency pays for all screening,~~ 51764  
~~diagnostic, and outreach services provided by local departments of~~ 51765  
~~health, federally qualified health centers, or other community~~ 51766  
~~health centers, the regional agency may use contributed funds to~~ 51767  
~~pay for services provided by other providers.~~ 51768

**Sec. 3701.611.** (A) Not later than six months after ~~the~~ 51769  
~~effective date of this section~~ April 6, 2017, the department of 51770  
health and the department of developmental disabilities shall 51771  
create a central intake and referral system for the state's part C 51772

early intervention services program and all home visiting programs 51773  
operating in this state. The system shall comply with all 51774  
regulations governing the part C early intervention program for 51775  
infants and toddlers with disabilities that are promulgated under 51776  
the "Individuals with Disabilities Education Act of 1997," 20 51777  
U.S.C. 1400, as amended. Through a competitive bidding process, 51778  
the department of health and department of developmental 51779  
disabilities may select one or more persons or government entities 51780  
to operate the system. 51781

(B) If the department of health and department of 51782  
developmental disabilities choose to select one or more system 51783  
operators as described in division (A) of this section, a contract 51784  
with any system operator shall require that the system do both of 51785  
the following: 51786

(1) Serve as a single point of entry for access, assessment, 51787  
and referral of families to appropriate home visiting services and 51788  
part C early intervention services based on each family's location 51789  
of residence; 51790

(2) Use a standardized form or other mechanism to assess for 51791  
each family member's risk factors and social determinants of 51792  
health, as well as ensure that the family is referred to the 51793  
appropriate home visiting or part C early intervention program or 51794  
service. 51795

(C) The standardized form or other mechanism described in 51796  
division (B)(2) of this section shall be agreed to by the home 51797  
visiting consortium created under section 3701.612 of the Revised 51798  
Code and the early intervention services advisory council created 51799  
under section 5123.0422 of the Revised Code. 51800

~~If the Ohio home visiting consortium created under section~~ 51801  
~~3701.612 of the Revised Code has recommended a standardized form~~ 51802  
~~or other mechanism for this purpose, the contract may require the~~ 51803

~~use of that form or other mechanism.~~ 51804

(D) A contract entered into under division (B) of this section shall require a system operator to issue an annual report to the department of health and department of developmental disabilities that includes data regarding referrals made by the central intake and referral system, costs associated with the referrals, and the quality of services received by families who were referred to services through the system. The report shall be distributed to the home visiting consortium created under section 3701.612 of the Revised Code and the early intervention services advisory council created under section 5123.0422 of the Revised Code. 51805  
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(E) The department of health and department of developmental disabilities shall share any funding made available to each department for local outreach and child find efforts after creating the central intake and referral system described in division (A) of this section. 51816  
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(F) Nothing in this section is intended to do any of the following: 51821  
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(1) Prohibit the department of health or department of developmental disabilities from using alternative promotional materials or names for the central intake and referral system; 51823  
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(2) Require the use of help me grow program promotional materials or names; 51826  
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(3) Prohibit providers, central coordinators, the department of health, the department of developmental disabilities, or stakeholders from using the help me grow name for promotional materials for both the home visiting and part C early intervention services components. 51828  
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**Sec. 3701.65.** (A) There is hereby created in the state 51833

treasury the "choose life" fund. The fund shall consist of the 51834  
contributions that are paid to the registrar of motor vehicles by 51835  
applicants who voluntarily elect to obtain "choose life" license 51836  
plates pursuant to section 4503.91 of the Revised Code and any 51837  
money returned to the fund under division (E)(1)(d) of this 51838  
section. All investment earnings of the fund shall be credited to 51839  
the fund. 51840

(B)(1) At least annually, the director of health shall 51841  
distribute the money in the fund to any private, nonprofit 51842  
organization that is eligible to receive funds under this section 51843  
and that applies for funding under division (C) of this section. 51844

(2) The director shall allocate the funds to each county in 51845  
proportion to the number of "choose life" license plates issued 51846  
during the preceding year to vehicles registered in each county. 51847  
The director shall distribute funds allocated for a county as 51848  
follows: 51849

(a) To one or more eligible organizations located within the 51850  
county; 51851

(b) If no eligible organization located within the county 51852  
applies for funding, to one or more eligible organizations located 51853  
in contiguous counties; 51854

(c) If no eligible organization located within the county or 51855  
a contiguous county applies for funding, to one or more eligible 51856  
organizations within any other county. 51857

(3) The director shall ensure that any funds allocated for a 51858  
county are distributed equally among eligible organizations that 51859  
apply for funding within the county. 51860

(C) Any organization seeking funds under this section 51861  
annually shall apply for distribution of the funds based on the 51862  
county in which the organization is located. An organization also 51863

may apply for funding in a county in which it is not located if it 51864  
demonstrates that it provides services for pregnant women residing 51865  
in that county. The director shall develop an application form and 51866  
may determine the schedule and procedures that an organization 51867  
shall follow when annually applying for funds. The application 51868  
shall inform the applicant of the conditions for receiving and 51869  
using funds under division (E) of this section. The application 51870  
shall require evidence that the organization meets all of the 51871  
following requirements: 51872

(1) Is a private, nonprofit organization; 51873

(2) Is committed to counseling pregnant women about the 51874  
option of adoption; 51875

(3) Provides services within the state to pregnant women who 51876  
are planning to place their children for adoption, including 51877  
counseling and meeting the material needs of the women; 51878

(4) Does not charge women for any services received; 51879

(5) Is not involved or associated with any abortion 51880  
activities, including counseling for or referrals to abortion 51881  
clinics, providing medical abortion-related procedures, or 51882  
pro-abortion advertising; 51883

(6) Does not discriminate in its provision of any services on 51884  
the basis of race, religion, color, age, marital status, national 51885  
origin, handicap, gender, or age; 51886

(7) If the organization is applying for funding in a county 51887  
in which it is not located, provides services for pregnant women 51888  
residing in that county. 51889

(D) The director shall not distribute funds to an 51890  
organization that does not provide verifiable evidence of the 51891  
requirements specified in the application under division (C) of 51892  
this section and shall not provide additional funds to any 51893

organization that fails to comply with division (E) of this 51894  
section in regard to its previous receipt of funds under this 51895  
section. 51896

(E)(1) An organization receiving funds under this section 51897  
shall do all of the following: 51898

(a) Use not more than sixty per cent of the funds distributed 51899  
to it for the material needs of pregnant women who are planning to 51900  
place their children for adoption or for infants awaiting 51901  
placement with adoptive parents, including clothing, housing, 51902  
medical care, food, utilities, and transportation; 51903

(b) Use not more than forty per cent of the funds distributed 51904  
to it for counseling, training, or advertising; 51905

(c) Not use any of the funds distributed to it for 51906  
administrative expenses, legal expenses, or capital expenditures; 51907

(d) Annually return to the fund created under division (A) of 51908  
this section any unused money that exceeds ten per cent of the 51909  
money distributed to the organization. 51910

(2) The organization annually shall submit to the director an 51911  
audited financial statement verifying its compliance with division 51912  
(E)(1) of this section. 51913

(F) The director, in accordance with Chapter 119. of the 51914  
Revised Code, shall adopt rules to implement this section. 51915

It is not the intent of the general assembly that the 51916  
department create a new position within the department to 51917  
implement and administer this section. It is the intent of the 51918  
general assembly that the implementation and administration of 51919  
this section be accomplished by existing department personnel. 51920

(G) If funds that have been allocated to a county for any 51921  
previous year have not been distributed to one or more eligible 51922  
organizations, the director may distribute those funds in 51923

accordance with this section. 51924

**Sec. 3701.83.** There is hereby created in the state treasury 51925  
the general operations fund. Moneys in the fund shall be used for 51926  
the purposes specified in sections 3701.04, 3701.344, 3702.20, 51927  
~~3710.15~~, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 51928  
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 51929  
3749.07, 4736.06, 4747.04, and 4769.09 of the Revised Code. 51930

**Sec. 3701.881.** (A) As used in this section: 51931

(1) "Applicant" means a person who is under final 51932  
consideration for employment with a home health agency in a 51933  
full-time, part-time, or temporary position that involves 51934  
providing direct care to an individual or is referred to a home 51935  
health agency by an employment service for such a position. 51936

(2) "Community-based long-term care provider" means a 51937  
provider as defined in section 173.39 of the Revised Code. 51938

(3) "Community-based long-term care subcontractor" means a 51939  
subcontractor as defined in section 173.38 of the Revised Code. 51940

(4) "Criminal records check" has the same meaning as in 51941  
section 109.572 of the Revised Code. 51942

(5) "Direct care" means any of the following: 51943

(a) Any service identified in divisions (A)(8)(a) to (f) of 51944  
this section that is provided in a patient's place of residence 51945  
used as the patient's home; 51946

(b) Any activity that requires the person performing the 51947  
activity to be routinely alone with a patient or to routinely have 51948  
access to a patient's personal property or financial documents 51949  
regarding a patient; 51950

(c) For each home health agency individually, any other 51951  
routine service or activity that the chief administrator of the 51952

home health agency designates as direct care.	51953
(6) "Disqualifying offense" means any of the offenses listed	51954
or described in divisions (A)(3)(a) to (e) of section 109.572 of	51955
the Revised Code.	51956
(7) "Employee" means a person employed by a home health	51957
agency in a full-time, part-time, or temporary position that	51958
involves providing direct care to an individual and a person who	51959
works in such a position due to being referred to a home health	51960
agency by an employment service.	51961
(8) "Home health agency" means a person or government entity,	51962
other than a nursing home, residential care facility, hospice care	51963
program, or pediatric respite care program, that has the primary	51964
function of providing any of the following services to a patient	51965
at a place of residence used as the patient's home:	51966
(a) Skilled nursing care;	51967
(b) Physical therapy;	51968
(c) Speech-language pathology;	51969
(d) Occupational therapy;	51970
(e) Medical social services;	51971
(f) Home health aide services.	51972
(9) "Home health aide services" means any of the following	51973
services provided by an employee of a home health agency:	51974
(a) Hands-on bathing or assistance with a tub bath or shower;	51975
(b) Assistance with dressing, ambulation, and toileting;	51976
(c) Catheter care but not insertion;	51977
(d) Meal preparation and feeding.	51978
(10) "Hospice care program" and "pediatric respite care	51979
program" have the same meanings as in section 3712.01 of the	51980

Revised Code.	51981
(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	51982 51983 51984
(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	51985 51986
(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	51987 51988 51989
(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	51990 51991
(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	51992 51993
(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	51994 51995 51996
(17) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	51997 51998
(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.	51999 52000
(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply:	52001 52002 52003 52004
(1) A review of the databases listed in division (D) of this section reveals any of the following:	52005 52006
(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section;	52007 52008 52009

(b) That there is in the state nurse aide registry 52010  
established under section 3721.32 of the Revised Code a statement 52011  
detailing findings by the director of health that the applicant or 52012  
employee abused, neglected, or ~~abused~~ exploited a long-term care 52013  
facility or residential care facility resident or misappropriated 52014  
property of such a resident; 52015

(c) That the applicant or employee is included in one or more 52016  
of the databases, if any, specified in rules adopted under this 52017  
section and the rules prohibit the home health agency from 52018  
employing an applicant or continuing to employ an employee 52019  
included in such a database in a position that involves providing 52020  
direct care to an individual. 52021

(2) After the applicant or employee is provided, pursuant to 52022  
division (E)(2)(a) of this section, a copy of the form prescribed 52023  
pursuant to division (C)(1) of section 109.572 of the Revised Code 52024  
and the standard impression sheet prescribed pursuant to division 52025  
(C)(2) of that section, the applicant or employee fails to 52026  
complete the form or provide the applicant's or employee's 52027  
fingerprint impressions on the standard impression sheet. 52028

(3) Except as provided in rules adopted under this section, 52029  
the applicant or employee is found by a criminal records check 52030  
required by this section to have been convicted of, pleaded guilty 52031  
to, or been found eligible for intervention in lieu of conviction 52032  
for a disqualifying offense. 52033

(C) Except as provided by division (F) of this section, the 52034  
chief administrator of a home health agency shall inform each 52035  
applicant of both of the following at the time of the applicant's 52036  
initial application for employment or referral to the home health 52037  
agency by an employment service for a position that involves 52038  
providing direct care to an individual: 52039

(1) That a review of the databases listed in division (D) of 52040

this section will be conducted to determine whether the home 52041  
health agency is prohibited by division (B)(1) of this section 52042  
from employing the applicant in the position; 52043

(2) That, unless the database review reveals that the 52044  
applicant may not be employed in the position, a criminal records 52045  
check of the applicant will be conducted and the applicant is 52046  
required to provide a set of the applicant's fingerprint 52047  
impressions as part of the criminal records check. 52048

(D) As a condition of employing any applicant in a position 52049  
that involves providing direct care to an individual, the chief 52050  
administrator of a home health agency shall conduct a database 52051  
review of the applicant in accordance with rules adopted under 52052  
this section. If rules adopted under this section so require, the 52053  
chief administrator of a home health agency shall conduct a 52054  
database review of an employee in accordance with the rules as a 52055  
condition of continuing to employ the employee in a position that 52056  
involves providing direct care to an individual. However, the 52057  
chief administrator is not required to conduct a database review 52058  
of an applicant or employee if division (F) of this section 52059  
applies. A database review shall determine whether the applicant 52060  
or employee is included in any of the following: 52061

(1) The excluded parties list system that is maintained by 52062  
the United States general services administration pursuant to 52063  
subpart 9.4 of the federal acquisition regulation and available at 52064  
the federal web site known as the system for award management; 52065

(2) The list of excluded individuals and entities maintained 52066  
by the office of inspector general in the United States department 52067  
of health and human services pursuant to the "Social Security 52068  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 52069

(3) The registry of developmental disabilities employees 52070  
established under section 5123.52 of the Revised Code; 52071

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 52072  
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 52075  
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 52077  
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(7) Any other database, if any, specified in rules adopted under this section. 52079  
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(E)(1) As a condition of employing any applicant in a position that involves providing direct care to an individual, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section so require, the chief administrator of a home health agency shall request the superintendent to conduct a criminal records check of an employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing direct care to an individual. However, the chief administrator is not required to request the criminal records check of the applicant or the employee if division (F) of this section applies or the home health agency is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing direct care to an individual. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of 52081  
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investigation in a criminal records check, the chief administrator 52104  
shall request that the superintendent obtain information from the 52105  
federal bureau of investigation as a part of the criminal records 52106  
check. Even if an applicant or employee for whom a criminal 52107  
records check request is required by this section presents proof 52108  
that the applicant or employee has been a resident of this state 52109  
for that five-year period, the chief administrator may request 52110  
that the superintendent include information from the federal 52111  
bureau of investigation in the criminal records check. 52112

(2) The chief administrator shall do all of the following: 52113

(a) Provide to each applicant and employee for whom a 52114  
criminal records check request is required by this section a copy 52115  
of the form prescribed pursuant to division (C)(1) of section 52116  
109.572 of the Revised Code and a standard impression sheet 52117  
prescribed pursuant to division (C)(2) of that section; 52118

(b) Obtain the completed form and standard impression sheet 52119  
from each applicant and employee; 52120

(c) Forward the completed form and standard impression sheet 52121  
to the superintendent at the time the chief administrator requests 52122  
the criminal records check. 52123

(3) A home health agency shall pay to the bureau of criminal 52124  
identification and investigation the fee prescribed pursuant to 52125  
division (C)(3) of section 109.572 of the Revised Code for each 52126  
criminal records check the agency requests under this section. A 52127  
home health agency may charge an applicant a fee not exceeding the 52128  
amount the agency pays to the bureau under this section if both of 52129  
the following apply: 52130

(a) The home health agency notifies the applicant at the time 52131  
of initial application for employment of the amount of the fee and 52132  
that, unless the fee is paid, the applicant will not be considered 52133  
for employment. 52134

(b) The medicaid program does not reimburse the home health agency for the fee it pays to the bureau under this section. 52135  
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(F) Divisions (C) to (E) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions that involve providing direct care to an individual and both of the following apply: 52137  
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(1) The chief administrator of the home health agency receives from the employment service confirmation that a review of the databases listed in division (D) of this section was conducted with regard to the applicant or employee. 52143  
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(2) The chief administrator of the home health agency receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following: 52147  
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(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency; 52152  
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(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section. 52154  
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(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies: 52157  
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(a) The chief administrator of the home health agency requests the criminal records check in accordance with division 52164  
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(E) of this section not later than five business days after the applicant begins conditional employment. 52166  
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(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following: 52168  
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(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant; 52174  
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(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense; 52177  
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(iii) That the employment service has not received the results of the criminal records check as of the date set forth on the letter; 52181  
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(iv) That the employment service promptly will send a copy of the results of the criminal records check to the chief administrator of the home health agency when the employment service receives the results. 52184  
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(2) If a home health agency employs an applicant conditionally pursuant to division (G)(1)(b) of this section, the employment service, on its receipt of the results of the criminal records check, promptly shall send a copy of the results to the chief administrator of the agency. 52188  
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(3) A home health agency that employs an applicant conditionally pursuant to division (G)(1)(a) or (b) of this section shall terminate the applicant's employment if the results of the criminal records check, other than the results of any 52193  
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request for information from the federal bureau of investigation, 52197  
are not obtained within the period ending sixty days after the 52198  
date the request for the criminal records check is made. 52199  
Regardless of when the results of the criminal records check are 52200  
obtained, if the results indicate that the applicant has been 52201  
convicted of, pleaded guilty to, or been found eligible for 52202  
intervention in lieu of conviction for a disqualifying offense, 52203  
the home health agency shall terminate the applicant's employment 52204  
unless circumstances specified in rules adopted under this section 52205  
that permit the agency to employ the applicant exist and the 52206  
agency chooses to employ the applicant. Termination of employment 52207  
under this division shall be considered just cause for discharge 52208  
for purposes of division (D)(2) of section 4141.29 of the Revised 52209  
Code if the applicant makes any attempt to deceive the home health 52210  
agency about the applicant's criminal record. 52211

(H) The report of any criminal records check conducted by the 52212  
bureau of criminal identification and investigation in accordance 52213  
with section 109.572 of the Revised Code and pursuant to a request 52214  
made under this section is not a public record for the purposes of 52215  
section 149.43 of the Revised Code and shall not be made available 52216  
to any person other than the following: 52217

(1) The applicant or employee who is the subject of the 52218  
criminal records check or the applicant's or employee's 52219  
representative; 52220

(2) The home health agency requesting the criminal records 52221  
check or its representative; 52222

(3) The administrator of any other facility, agency, or 52223  
program that provides direct care to individuals that is owned or 52224  
operated by the same entity that owns or operates the home health 52225  
agency that requested the criminal records check; 52226

(4) The employment service that requested the criminal 52227

records check;	52228
(5) The director of health and the staff of the department of health who monitor a home health agency's compliance with this section;	52229 52230 52231
(6) The director of aging or the director's designee if either of the following apply:	52232 52233
(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a community-based long-term care provider or community-based long-term care subcontractor;	52234 52235 52236 52237
(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a community-based long-term care provider or community-based long-term care subcontractor.	52238 52239 52240 52241 52242
(7) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if either of the following apply:	52243 52244 52245
(a) In the case of a criminal records check requested by a home health agency, the home health agency also is a waiver agency;	52246 52247 52248
(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a home health agency that also is a waiver agency.	52249 52250 52251 52252
(8) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	52253 52254
(a) A denial of employment of the applicant or employee;	52255
(b) Employment or unemployment benefits of the applicant or employee;	52256 52257

(c) A civil or criminal action regarding the medicaid program. 52258  
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(I) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a home health agency employs in a position that involves providing direct care to an individual, all of the following shall apply: 52260  
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(1) If the home health agency employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 52265  
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(2) If the home health agency employed the applicant in good faith on a conditional basis pursuant to division (G) of this section, the agency shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section. 52271  
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(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 52276  
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(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 52283  
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(1) The rules may do the following: 52285

(a) Require employees to undergo database reviews and criminal records checks under this section; 52286  
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(d) Circumstances under which a home health agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets personal character standards.

Sec. 3701.916. (A) As used in this section, "direct care" and "home health agency" have the same meanings as in section 3701.881 of the Revised Code.

(B) For the purpose of identifying jobs that are in demand in this state under section 6301.11 of the Revised Code, direct care provided by a home health agency shall be considered a targeted

industry sector as identified by the governor's office of 52318  
workforce transformation. 52319

(C) The director of job and family services shall review the 52320  
criteria for any program that provides occupational training, 52321  
adult education, or career pathway assistance through a grant or 52322  
other source of funding to determine whether an employee of a home 52323  
health agency may participate in the program, and, to the extent 52324  
possible, make any necessary changes to the criteria to allow a 52325  
home health agency employee to participate in the program. 52326

**Sec. 3702.304.** (A)(1) The director of health may grant a 52327  
variance from the written transfer agreement requirement of 52328  
section 3702.303 of the Revised Code if the ambulatory surgical 52329  
facility submits to the director a complete variance application, 52330  
prescribed by the director, and the director determines after 52331  
reviewing the application that the facility is capable of 52332  
achieving the purpose of a written transfer agreement in the 52333  
absence of one. The director's determination is final. 52334

(2) Not later than sixty days after receiving a variance 52335  
application from an ambulatory surgical facility, the director 52336  
shall grant or deny the variance. A variance application that has 52337  
not been approved within sixty days is considered denied. 52338

(B) A variance application is complete for purposes of 52339  
division (A)(1) of this section if it contains or includes as 52340  
attachments all of the following: 52341

(1) A statement explaining why application of the requirement 52342  
would cause the facility undue hardship and why the variance will 52343  
not jeopardize the health and safety of any patient; 52344

(2) A letter, contract, or memorandum of understanding signed 52345  
by the facility and one or more consulting physicians who have 52346  
admitting privileges at a minimum of one local hospital, 52347

memorializing the physician or physicians' agreement to provide 52348  
back-up coverage when medical care beyond the level the facility 52349  
can provide is necessary; 52350

(3) For each consulting physician described in division 52351  
(B)(2) of this section: 52352

(a) A signed statement in which the physician attests that 52353  
the physician is familiar with the facility and its operations, 52354  
and agrees to provide notice to the facility of any changes in the 52355  
physician's ability to provide back-up coverage; 52356

(b) The estimated travel time from the physician's main 52357  
residence or office to each local hospital where the physician has 52358  
admitting privileges; 52359

(c) Written verification that the facility has a record of 52360  
the name, telephone numbers, and practice specialties of the 52361  
physician; 52362

(d) Written verification from the state medical board that 52363  
the physician possesses a valid ~~certificate~~ license to practice 52364  
medicine and surgery or osteopathic medicine and surgery issued 52365  
under Chapter 4731. of the Revised Code; 52366

(e) Documented verification that each hospital at which the 52367  
physician has admitting privileges has been informed in writing by 52368  
the physician that the physician is a consulting physician for the 52369  
ambulatory surgical facility and has agreed to provide back-up 52370  
coverage for the facility when medical care beyond the care the 52371  
facility can provide is necessary. 52372

(4) A copy of the facility's operating procedures or 52373  
protocols that, at a minimum, do all of the following: 52374

(a) Address how back-up coverage by consulting physicians is 52375  
to occur, including how back-up coverage is to occur when 52376  
consulting physicians are temporarily unavailable; 52377

(b) Specify that each consulting physician is required to 52378  
notify the facility, without delay, when the physician is unable 52379  
to expeditiously admit patients to a local hospital and provide 52380  
for continuity of patient care; 52381

(c) Specify that a patient's medical record maintained by the 52382  
facility must be transferred contemporaneously with the patient 52383  
when the patient is transferred from the facility to a hospital. 52384

(5) Any other information the director considers necessary. 52385

(C) The director's decision to grant, refuse, or rescind a 52386  
variance is final. 52387

(D) The director shall consider each application for a 52388  
variance independently without regard to any decision the director 52389  
may have made on a prior occasion to grant or deny a variance to 52390  
that ambulatory surgical facility or any other facility. 52391

**Sec. 3702.307.** An ambulatory surgical facility shall notify 52392  
the director of health when any of the following occurs: 52393

(A) The facility modifies any provision of its most recent 52394  
written transfer agreement filed with the director under section 52395  
3702.303 of the Revised Code. Notification under these 52396  
circumstances shall occur not later than the business day after 52397  
the modification is finalized. As used in this division, "business 52398  
day" means a day of the week excluding Saturday, Sunday, and a 52399  
legal holiday as defined in section 1.14 of the Revised Code. 52400

(B) The facility modifies its operating procedures or 52401  
protocols described in division (B)(4) of section 3702.304 of the 52402  
Revised Code. Notification under these circumstances shall occur 52403  
not later than forty-eight hours after the modification is made. 52404

(C) The ambulatory surgical facility becomes aware of an 52405  
event, including disciplinary action by the state medical board 52406  
pursuant to section 4731.22 of the Revised Code, that may affect a 52407

consulting physician's ~~certificate~~ license to practice medicine 52408  
and surgery or osteopathic medicine and surgery or the physician's 52409  
ability to admit patients to a hospital identified in a variance 52410  
application, as described in division (B)(3)(e) of section 52411  
3702.304 of the Revised Code. Notification under these 52412  
circumstances shall occur not later than one week after the 52413  
facility becomes aware of the event's occurrence. 52414

**Sec. 3702.52.** The director of health shall administer a state 52415  
certificate of need program in accordance with sections 3702.51 to 52416  
3702.62 of the Revised Code and rules adopted under those 52417  
sections. Administration of the program shall include both a 52418  
standard review process and an expedited review process. 52419

(A) The director shall issue rulings on whether a particular 52420  
proposed project is a reviewable activity. The director shall 52421  
issue a ruling not later than forty-five days after receiving a 52422  
request for a ruling accompanied by the information needed to make 52423  
the ruling, except that if an expedited review is requested, the 52424  
ruling shall be issued not later than thirty days after receiving 52425  
the request for a ruling accompanied by the information needed to 52426  
make the ruling. If the director does not issue a ruling in ~~that~~ 52427  
the required time, the project shall be considered to have been 52428  
ruled not a reviewable activity. 52429

(B)(1) Each application for a certificate of need shall be 52430  
submitted to the director on forms and in the manner prescribed by 52431  
the director. ~~Each~~ An application for which expedited review is 52432  
requested must meet the same requirements as all other 52433  
applications. 52434

Each application shall include a plan for obligating the 52435  
capital expenditures or implementing the proposed project on a 52436  
timely basis in accordance with section 3702.524 of the Revised 52437  
Code. Each application shall also include all other information 52438

required by rules adopted under division (B) of section 3702.57 of the Revised Code. 52439  
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(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted. 52441  
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(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. The For an application being considered under the standard review process, the director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the director receives the application or a response to an earlier request for information. Except as provided in section 3702.522 of the Revised Code, the director shall not make more than two requests for additional information. The director's determination that an application is not complete is final and not subject to appeal. 52451  
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(4) Except as necessary to comply with a subpoena issued 52470

under division (F) of this section, after a notice of completeness 52471  
has been received, no person shall make revisions to information 52472  
that was submitted to the director before the director mailed the 52473  
notice of completeness or knowingly discuss in person or by 52474  
telephone the merits of the application with the director. A 52475  
person may supplement an application after a notice of 52476  
completeness has been received by submitting clarifying 52477  
information to the director. 52478

(C) All of the following apply to the process of granting or 52479  
denying a certificate of need: 52480

(1) If the project proposed in a certificate of need 52481  
application meets all of the applicable certificate of need 52482  
criteria for approval under sections 3702.51 to 3702.62 of the 52483  
Revised Code and the rules adopted under those sections, the 52484  
director shall grant a certificate of need for all or part of the 52485  
project that is the subject of the application by the applicable 52486  
deadline specified in division (C)(4) of this section or any 52487  
extension of it under division (C)(5) of this section. 52488

(2) The director's grant of a certificate of need does not 52489  
affect, and sets no precedent for, the director's decision to 52490  
grant or deny other applications for similar reviewable 52491  
activities. 52492

(3) Any affected person may submit written comments regarding 52493  
an application. The director shall consider all written comments 52494  
received by the forty-fifth day after the application is submitted 52495  
to the director, except that to be considered in an expedited 52496  
review, written comments must be received by the twenty-first day 52497  
after the application is submitted. 52498

(4) Except as provided in division (C)(5) of this section, 52499  
the director shall grant or deny certificate of need applications 52500  
not later than sixty days after mailing the notice of completeness 52501

unless the application is receiving expedited review. If the 52502  
application is receiving expedited review, the director shall 52503  
grant or deny the application not later than forty-five days after 52504  
mailing the notice of completeness. 52505

(5) Except as otherwise provided in division (C)(6) of this 52506  
section, the director or the applicant may extend the deadline 52507  
prescribed in division (C)(4) of this section once, for no longer 52508  
than thirty days, by written notice before the end of the deadline 52509  
prescribed by division (C)(4) of this section. An extension by the 52510  
director under division (C)(5) of this section shall apply to all 52511  
applications that are in comparative review. 52512

(6) No applicant in a comparative review may extend the 52513  
deadline specified in division (C)(4) of this section. 52514

(7) If the director does not grant or deny the certificate by 52515  
the applicable deadline specified in division (C)(4) of this 52516  
section or any extension of it under division (C)(5) of this 52517  
section, the certificate shall be considered to have been granted. 52518

(8) In granting a certificate of need, the director shall 52519  
specify as the maximum capital expenditure the certificate holder 52520  
may obligate under the certificate a figure equal to one hundred 52521  
ten per cent of the approved project cost. 52522

(9) In granting a certificate of need, the director may grant 52523  
the certificate with conditions that must be met by the holder of 52524  
the certificate. 52525

(D) When a certificate of need is granted for a project under 52526  
which beds are to be relocated, upon completion of the project for 52527  
which the certificate of need was granted a number of beds equal 52528  
to the number of beds relocated shall cease to be operated in the 52529  
long-term care facility from which they are relocated, except that 52530  
the beds may continue to be operated for not more than fifteen 52531  
days to allow relocation of residents to the facility to which the 52532

beds have been relocated. Notwithstanding section 3721.03 of the Revised Code, if the relocated beds are in a home licensed under Chapter 3721. of the Revised Code, the facility's license is automatically reduced by the number of beds relocated effective fifteen days after the beds are relocated. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the certification for the beds shall be surrendered. If the beds are registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds, the director shall remove the beds from registration not later than fifteen days after the beds are relocated.

(E) During the period beginning with the granting of a certificate of need and ending five years after implementation of the reviewable activity for which the certificate was granted, the director shall monitor the activities of the person granted the certificate to determine whether the reviewable activity is conducted in substantial accordance with the certificate. A reviewable activity shall not be determined to be not in substantial accordance with the certificate of need solely because of a either of the following:

(1) A decrease in bed capacity;

(2) A change in the owner or operator of the facility unless any of the circumstances specified in division (B) of section 3702.59 of the Revised Code apply to the new owner or operator.

(F) When reviewing applications for certificates of need, considering appeals under section 3702.60 of the Revised Code, or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas and subpoenas duces tecum to compel a person to testify and produce documents relevant to review of the application, consideration of the appeal, or

monitoring of the activities. In addition, the director or the 52565  
director's designee may visit the sites where the activities are 52566  
or will be conducted. 52567

(G) The director may withdraw certificates of need. 52568

(H) All long-term care facilities shall submit to the 52569  
director, upon request, any information prescribed by rules 52570  
adopted under division (H) of section 3702.57 of the Revised Code 52571  
that is necessary to conduct reviews of certificate of need 52572  
applications and to develop criteria for reviews. 52573

(I) Any decision to grant or deny a certificate of need shall 52574  
consider the special needs and circumstances resulting from moral 52575  
and ethical values and the free exercise of religious rights of 52576  
long-term care facilities administered by religious organizations, 52577  
and the special needs and circumstances of inner city and rural 52578  
communities. 52579

**Sec. 3702.72.** (A) A primary care physician who will not have 52580  
an outstanding obligation for medical service to the federal 52581  
government, a state, or other entity at the time of participation 52582  
in the physician loan repayment program and meets one of the 52583  
following requirements may apply for participation in the 52584  
physician loan repayment program: 52585

(1) The primary care physician is enrolled in the final year 52586  
of an accredited program required for board certification in a 52587  
primary care specialty. 52588

(2) The primary care physician is enrolled in the final year 52589  
of a fellowship program in a primary care specialty. 52590

(3) The primary care physician holds a valid ~~certificate~~ 52591  
license to practice medicine and surgery or osteopathic medicine 52592  
and surgery issued under Chapter 4731. of the Revised Code. 52593

(B) An application for participation in the physician loan 52594

repayment program shall be submitted to the director of health on 52595  
a form that the director shall prescribe. The information required 52596  
to be submitted with an application includes the following: 52597

(1) The applicant's name, permanent address or address at 52598  
which the applicant is currently residing if different from the 52599  
permanent address, and telephone number; 52600

(2) The applicant's primary care specialty or specialties; 52601

(3) The medical school or osteopathic medical school the 52602  
applicant attended, the dates of attendance, and verification of 52603  
attendance; 52604

(4) The facility or institution where the applicant's medical 52605  
residency program was completed or is being performed, and, if 52606  
completed, the date of completion; 52607

(5) If applicable, the facility or institution where the 52608  
applicant's fellowship was completed or is being performed, and, 52609  
if completed, the date of completion; 52610

(6) A summary and verification of the educational expenses 52611  
for which the applicant seeks reimbursement under the program; 52612

(7) Verification of the applicant's authorization under 52613  
Chapter 4731. of the Revised Code to practice medicine and surgery 52614  
or osteopathic medicine and surgery; 52615

(8) Verification of the applicant's United States citizenship 52616  
or status as a legal alien. 52617

**Sec. 3704.01.** As used in this chapter: 52618

(A) "Administrator" means the administrator of the United 52619  
States environmental protection agency or the chief executive of 52620  
any successor federal agency responsible for implementation of the 52621  
federal Clean Air Act. 52622

(B) "Air contaminant" means particulate matter, dust, fumes, 52623

gas, mist, radionuclides, smoke, vapor, or odorous substances, or 52624  
any combination thereof, but does not mean emissions from 52625  
agricultural production activities, as defined in section 929.01 52626  
of the Revised Code, that are consistent with generally accepted 52627  
agricultural practices, were established prior to adjacent 52628  
nonagricultural activities, have no substantial, adverse effect on 52629  
the public health, safety, or welfare, do not result from the 52630  
negligent or other improper operations of any such agricultural 52631  
activities, and would not be required to obtain a Title V permit. 52632  
For the purposes of this chapter, agricultural production 52633  
activities do not include the installation and operation of 52634  
off-farm facilities for the storage or processing of agricultural 52635  
products, including, but not limited to, alfalfa dehydrating 52636  
facilities, rendering plants, and feed and grain mills, elevators, 52637  
and terminals. 52638

(C) "Air contaminant source" means each separate operation or 52639  
activity that results or may result in the emission of any air 52640  
contaminant. 52641

(D) "Air pollution" means the presence in the ambient air of 52642  
one or more air contaminants or any combination thereof in 52643  
sufficient quantity and of such characteristics and duration as is 52644  
or threatens to be injurious to human health or welfare, plant or 52645  
animal life, or property, or as unreasonably interferes with the 52646  
comfortable enjoyment of life or property. 52647

(E) "Ambient air" means that portion of the atmosphere 52648  
outside of buildings and other enclosures, stacks, or ducts that 52649  
surrounds human, plant, or animal life or property. 52650

(F) "Best available technology" means any combination of work 52651  
practices, raw material specifications, throughput limitations, 52652  
source design characteristics, an evaluation of the annualized 52653  
cost per ton of pollutant removed, and air pollution control 52654  
devices that have been previously demonstrated to the director of 52655

environmental protection to operate satisfactorily in this state 52656  
or other states with similar air quality on substantially similar 52657  
air pollution sources. 52658

(G) "Change within a permitted facility" means, within the 52659  
context of the Title V permit program established under section 52660  
3704.036 of the Revised Code, a change that is limited by a 52661  
federally enforceable provision of an applicable Title V permit 52662  
and that does not include physical, production, or other changes 52663  
that are neither addressed nor limited by the federally 52664  
enforceable portion of a Title V permit unless the change would 52665  
result in a violation of a federally enforceable requirement or a 52666  
modification under Title I of the federal Clean Air Act or would 52667  
be subject to any requirements under Title IV of that act. 52668

(H) "Emit" or "emission" means the release into the ambient 52669  
air of an air contaminant. 52670

(I) "Emission limitation" and "emission standard" mean a 52671  
requirement that limits the quantity, rate, or concentration of 52672  
emissions of air contaminants, including any requirement relating 52673  
to the operation or maintenance of an air contaminant source. 52674

(J) "Facility," for the purposes of the Title V permit 52675  
program established under section 3704.036 of the Revised Code, 52676  
means all of the emitting activities that are located on 52677  
contiguous or adjacent properties that are under the control of 52678  
the same person or persons or are under common control and that 52679  
are in the same major group as described in the standard 52680  
Industrial Classification Manual, 1987. 52681

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 52682  
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 52683  
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 52684  
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 52685  
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 52686

Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 52687  
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 52688  
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 52689  
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 52690  
that have been or may hereafter be adopted, or any supplements to 52691  
those acts and laws of the United States that have been or may 52692  
hereafter be enacted in substitution therefor, together with any 52693  
regulations that have been or may hereafter be adopted by the 52694  
administrator by virtue of and in accordance with those acts and 52695  
laws. Reference to a particular title or section of the federal 52696  
Clean Air Act includes any amendments that have been or may 52697  
hereafter be enacted in substitution therefor and any regulations 52698  
pertaining to the title or section that have been or may hereafter 52699  
be adopted by the administrator by virtue of and in accordance 52700  
with the federal Clean Air Act. 52701

(L) "Hazardous air pollutant" means any pollutant listed 52702  
under section 112(b) of the federal Clean Air Act. 52703

(M) "Implementation plan" means a program for the prevention 52704  
and abatement of air pollution in the state that has been 52705  
promulgated or approved by the administrator pursuant to the 52706  
federal Clean Air Act. 52707

(N) "Local air pollution control authority" includes all of 52708  
the following unless terminated by the political subdivisions 52709  
represented thereby: 52710

(1) All of the following agencies representing the following 52711  
political subdivisions, as those agencies existed on ~~the effective~~ 52712  
~~date of this section~~ July 1, 1993: 52713

(a) The Akron regional air quality management district 52714  
representing Medina, Summit, and Portage counties; 52715

(b) The Canton city health department representing Stark 52716  
county; 52717

(c) The Hamilton county department of environmental services,	52718
<u>southwest Ohio air quality agency</u> representing Butler, Warren,	52719
Hamilton, and Clermont counties;	52720
(d) The city of Cleveland division of the environment	52721
representing <del>the city of Cleveland</del> <u>Cuyahoga county</u> ;	52722
(e) The regional air pollution control agency representing	52723
Darke, Preble, Miami, Montgomery, Clark, and Greene counties;	52724
(f) The Lake county general health district representing Lake	52725
and Geauga counties;	52726
(g) The Portsmouth city health department representing Brown,	52727
Adams, Scioto, and Lawrence counties;	52728
(h) <del>The north Ohio valley air authority representing Carroll,</del>	52729
<del>Jefferson, Columbiana, Harrison, Belmont, and Monroe counties;</del>	52730
<del>(i)</del> The city of Toledo division of pollution control	52731
representing Lucas county and the city of Rossford in Wood county;	52732
<del>(j)</del> <u>(i)</u> The Mahoning-Trumbull air pollution control agency,	52733
city of Youngstown, representing Trumbull and Mahoning counties.	52734
(2) Any successor to an existing local air pollution control	52735
authority listed in divisions (N)(1)(a) to <del>(j)</del> <u>(i)</u> of this section	52736
that results from a change in the political subdivisions	52737
comprising the local air pollution control authority through the	52738
withdrawal of a political subdivision from membership in the local	52739
air pollution control authority or the inclusion of an additional	52740
political subdivision in the membership of the local air pollution	52741
control authority;	52742
(3) Any new local air pollution control authority established	52743
on or after <del>the effective date of this section</del> <u>July 1, 1993</u> , by	52744
one or more political subdivisions of this state for the purposes	52745
of exercising the powers reserved to political subdivisions of	52746
this state under division (A) of section 3704.11 of the Revised	52747

Code. 52748

(O) "Person" means the federal government or any agency 52749  
thereof, the state or any agency thereof, any political 52750  
subdivision or any agency thereof, or any public or private 52751  
corporation, individual, partnership, or other entity. 52752

(P) "Research and development sources" means sources whose 52753  
activities are conducted for nonprofit scientific or educational 52754  
purposes; sources whose activities are conducted to test more 52755  
efficient production processes or methods for preventing or 52756  
reducing adverse environmental impacts, provided that the 52757  
activities do not include the production of an intermediate or 52758  
final product for sale or exchange for commercial profit, except 52759  
in a de minimis manner; a research or laboratory source the 52760  
primary purpose of which is to conduct research and development 52761  
into new processes and products, that is operated under the close 52762  
supervision of technically trained personnel, and that is not 52763  
engaged in the manufacture of products for sale or exchange for 52764  
commercial profit, except in a de minimis manner; the temporary 52765  
use of normal production sources in a research and development 52766  
mode to test the technical or commercial viability of alternative 52767  
raw materials or production processes, provided that the use does 52768  
not include the production of an intermediate or final product for 52769  
sale or exchange for commercial profit, except in a de minimis 52770  
manner; the experimental firing of any fuel or combination of 52771  
fuels in a boiler, heater, furnace, or dryer for the purpose of 52772  
conducting research and development of more efficient combustion 52773  
or more effective prevention or control of air pollutant 52774  
emissions, provided that, during those periods of research and 52775  
development, the heat generated is not used for normal production 52776  
purposes or for producing a product for sale or exchange for 52777  
commercial profit, except in a de minimis manner; and such other 52778  
similar sources as the director may prescribe by rule. 52779

(Q) "Responsible official" means one of the following, as applicable:	52780 52781
(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of any such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a Title V permit and if one of the following applies:	52782 52783 52784 52785 52786 52787 52788 52789
(a) The facilities employ more than two hundred fifty individuals or have gross annual sales or expenditures exceeding twenty-five million dollars, in second quarter 1980 dollars;	52790 52791 52792
(b) The delegation of authority to the representative is approved in advance by the director.	52793 52794
(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.	52795 52796
(3) For the federal government or any agency thereof, the state or any agency thereof, a political subdivision or any agency thereof, or any other public agency, either a principal executive officer or authorized elected official. For the purposes of this division, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operation of a principal geographic unit of the agency.	52797 52798 52799 52800 52801 52802 52803
(4) For affected sources, both of the following:	52804
(a) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the federal Clean Air Act or regulations adopted under it are concerned;	52805 52806 52807 52808
(b) The designated representative for any other purposes	52809

under 40 C.F.R. part 70. 52810

(R) "Small business stationary source" means any building, 52811  
structure, facility, or installation that emits any federally 52812  
regulated air pollutant and is owned or operated by a person who 52813  
employs one hundred or fewer individuals; is a small business 52814  
concern as defined in the "Small Business Act," 72 Stat. 384 52815  
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 52816  
source as defined in section 302(j) of the federal Clean Air Act; 52817  
does not emit fifty tons or more per year of any federally 52818  
regulated air pollutant or any hazardous air pollutant; and emits 52819  
less than seventy-five tons per year of all federally regulated 52820  
air pollutants. 52821

(S) "Title V permit" means an operating permit required to be 52822  
issued by the state under section 502 of the federal Clean Air Act 52823  
and issued under section 3704.036 of the Revised Code and rules 52824  
adopted under it. 52825

(T) For the purposes of the Title V permit program 52826  
established under this chapter and rules adopted under it, all 52827  
terms defined in 40 C.F.R. part 70 have the same meaning as in 52828  
that part. 52829

**Sec. 3704.035.** (A) There is hereby created in the state 52830  
treasury the Title V clean air fund. Except as otherwise provided 52831  
in division (K) of section 3745.11 of the Revised Code, all moneys 52832  
collected under division (B) of that section, and any gifts, 52833  
grants, or contributions received by the director of environmental 52834  
protection for the purposes of the fund, shall be credited to the 52835  
fund. 52836

The director shall expend all moneys credited to the fund 52837  
solely to administer and enforce the Title V program pursuant to 52838  
the federal Clean Air Act, this chapter, and rules adopted under 52839  
it, except as costs relating to enforcement are limited by the 52840

federal Clean Air Act. The director shall establish separate and distinct accounting for all such moneys.

(B) There is hereby created in the state treasury the non-Title V clean air fund. All money collected under section 3710.15 and divisions (D), (F), (G), (H), (I), and (J) of section 3745.11 of the Revised Code shall be credited to the fund. In addition, any gifts, grants, or contributions received by the director for the purposes of the fund shall be credited to the fund.

The director shall expend money in the fund exclusively to pay the cost of administering and enforcing the laws of this state pertaining to the prevention, control, and abatement of air pollution, the prevention, control, and abatement of asbestos, rules adopted under those laws, and terms and conditions of permits, variances, and orders issued under those laws, and asbestos abatement licensure and certification issued under those laws. However, the director shall not expend money credited to the fund for the administration and enforcement of the Title V permit program established under this chapter and rules adopted under it or motor vehicle inspection and maintenance programs established under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 of the Revised Code.

(C) The director shall report biennially to the general assembly the amounts of fees and other moneys credited to the funds under this section and the amounts expended from them for each of the various air pollution control programs.

**Sec. 3704.111.** (A) Not later than October 1, 1993, the director of environmental protection shall enter into a delegation agreement with each local air pollution control authority listed in divisions ~~(J)~~(N)(1)(a) to ~~(j)~~(i) of section 3704.01 of the Revised Code under which the local air pollution control authority

agrees to perform on behalf of the environmental protection agency 52872  
air pollution control regulatory services within the political 52873  
subdivision represented by the local air pollution control 52874  
authority. The director may enter into such a delegation agreement 52875  
with a local air pollution control authority established on or 52876  
after the effective date of this section, subject to the condition 52877  
established in division (B) of this section. Each delegation 52878  
agreement shall be self-renewing on an annual basis on the first 52879  
day of October of each year. The terms of each such delegation 52880  
agreement shall remain unchanged from year to year unless they are 52881  
amended by mutual agreement of the director and the local air 52882  
pollution control authority. 52883

(B) The director may conduct a periodic performance 52884  
evaluation of the air pollution control program operated by each 52885  
local air pollution control authority. Based upon the findings of 52886  
such a performance evaluation, the director may terminate or 52887  
refuse to renew the delegation agreement with a local air 52888  
pollution control authority if ~~he~~ the director determines that the 52889  
local air pollution control authority is not adequately performing 52890  
its obligations under the agreement. 52891

(C) The director may enter into contracts for payments to 52892  
local air pollution control authorities from moneys credited to 52893  
the clean air fund created in section 3704.035 of the Revised 52894  
Code, subject to the limitation specified in that section, and any 52895  
other moneys appropriated by the general assembly for that 52896  
purpose. The director shall distribute the moneys available for 52897  
making payments to the local air pollution control authorities 52898  
pursuant to such contracts equitably among the local air pollution 52899  
control authorities based upon the amount of local funding and the 52900  
workload of each local air pollution control authority, including, 52901  
without limitation, population served, number of air permits 52902  
issued for both new and existing sources, land area, and number of 52903

air contaminant sources. The director biennially shall review the 52904  
workload of each local air pollution control authority and shall 52905  
determine the percentage of the moneys available for the purpose 52906  
of making payments under the contracts. In determining the 52907  
percentage of those moneys that is to be so distributed, the 52908  
director shall consider the recommendations of the local air 52909  
pollution control authorities. 52910

(D) The director may modify a contract between the director 52911  
and a local air pollution control authority to authorize the local 52912  
air pollution control authority to perform air pollution control 52913  
activities outside the geographic boundaries of that local air 52914  
pollution control authority. 52915

**Sec. 3705.07.** (A) The local registrar of vital statistics 52916  
shall number consecutively ~~the birth,~~ each fetal death, and death 52917  
~~certificates in three separate series, beginning with "number one"~~ 52918  
~~for the first birth, the first fetal death, and the first death~~ 52919  
~~registered in each calendar year~~ certificate printed on paper that 52920  
the local registrar receives from the electronic death 52921  
registration system (EDRS) maintained by the department of health. 52922  
The number assigned to each certificate shall be the one provided 52923  
by EDRS. Such local registrar shall sign the local registrar's 52924  
name in attest to the date of filing in the local office. The 52925  
local registrar shall make a complete and accurate copy of each 52926  
~~birth,~~ fetal death, and death certificate registered printed on 52927  
paper that is filed. Each paper copy shall be filed and 52928  
~~permanently~~ preserved as the local record ~~of such birth, fetal~~ 52929  
~~death, or death except as provided in sections 3705.09, 3705.12,~~ 52930  
~~and 3705.124 of the Revised Code~~ until the electronic information 52931  
regarding the event has been completed and made available in EDRS 52932  
and EDRS is capable of issuing a complete and accurate electronic 52933  
copy of the certificate. The local record may be a ~~typewritten,~~ 52934  
photographic, electronic, or other reproduction. ~~On or before the~~ 52935

~~tenth day of each month, the~~ The local registrar shall transmit to 52936  
the state office of vital statistics all original ~~birth,~~ fetal 52937  
~~death, and death, and military service~~ certificates received, ~~and~~ 52938  
~~all social security numbers obtained under section 3705.09,~~ 52939  
~~3705.10, or 3705.16 of the Revised Code, during the preceding~~ 52940  
~~month~~ using the state transmittal schedule specified by the 52941  
department of health. The local registrar shall immediately notify 52942  
the health commissioner with jurisdiction in the registration 52943  
district of the receipt of a death certificate attesting that 52944  
death resulted from a communicable disease. 52945

The office of vital statistics shall carefully examine the 52946  
records and certificates received from local registrars of vital 52947  
statistics and shall secure any further information that may be 52948  
necessary to make each record and certificate complete and 52949  
satisfactory. It shall arrange and preserve the records and 52950  
certificates, or reproductions of them produced pursuant to 52951  
section 3705.03 of the Revised Code, in a systematic manner and 52952  
shall maintain a permanent index of all births, fetal deaths, and 52953  
deaths registered, which shall show the name of the child or 52954  
deceased person, place and date of birth or death, and number of 52955  
the ~~record or certificate, and the volume in which it is~~ 52956  
~~contained.~~ 52957

(B)(1) The office of vital statistics shall make available to 52958  
the division of child support in the department of job and family 52959  
services all social security numbers that ~~were furnished to a~~ 52960  
~~local registrar of vital statistics~~ accompany a birth certificate 52961  
submitted for filing under division ~~(I)~~(H) of section 3705.09 or 52962  
~~under~~ section 3705.10 ~~or 3705.16~~ of the Revised Code ~~and that were~~ 52963  
~~transmitted to the office under division (A) of this section or~~ 52964  
that accompany a death certificate registered under section 52965  
3705.16 of the Revised Code. 52966

(2) The office of vital statistics also shall make available 52967

to the division of child support in the department of job and 52968  
family services any other information recorded in the birth record 52969  
that may enable the division to use the social security numbers 52970  
provided under division (B)(1) of this section to obtain the 52971  
location of the father of the child whose birth certificate was 52972  
accompanied by the social security number or to otherwise enforce 52973  
a child support order pertaining to that child or any other child. 52974

**Sec. 3705.08.** (A) The director of health, by rule, shall 52975  
prescribe the form of records and certificates required by this 52976  
chapter. Records and certificates shall include the items and 52977  
information prescribed by the director, including the items 52978  
recommended by the national center for health statistics of the 52979  
United States department of health and human services, subject to 52980  
approval of and modification by the director. 52981

(B) All birth certificates shall include a statement setting 52982  
forth the names of the child's parents ~~and a line for the mother's~~ 52983  
~~and the father's signature.~~ 52984

(C) All death certificates shall include, in the medical 52985  
certification portion of the certificate, a space to indicate, if 52986  
the deceased individual is female and the manner of death is 52987  
determined to be a suspicious or violent death, whether any of the 52988  
following conditions apply to the individual: 52989

(1) Not pregnant within the past year; 52990

(2) Pregnant at the time of death; 52991

(3) Not pregnant, but had been pregnant within forty-two days 52992  
prior to the time of death; 52993

(4) Not pregnant, but had been pregnant within forty-three 52994  
days to one year prior to the time of death; 52995

(5) Unknown whether pregnant within the past year. 52996

(D)(1) The director shall prescribe electronic methods, and 52997

forms, and blanks and shall furnish necessary postage, forms, and 52998  
~~blanks~~ for obtaining registration of births, deaths, and other 52999  
vital statistics in each registration district, and for preserving 53000  
the records of the office of vital statistics, and no forms or 53001  
blanks shall be used other than those prescribed by the director. 53002

(2) All birth, fetal death, and death records and 53003  
certificates shall be ~~signed~~ certified. Except as provided in 53004  
division (G) of section 3705.09, section 3705.12, 3705.121, 53005  
3705.122, or 3705.124, division (D) of section 3705.15, or section 53006  
3705.16 of the Revised Code, a birth, ~~fetal death, or death~~ 53007  
~~certificate shall be signed by the person required to sign the~~ 53008  
~~certificate~~ certificate requiring signature may be electronically 53009  
certified by the person in charge of the institution or that 53010  
person's designee. A death certificate may be electronically 53011  
certified by the individual who attests to the facts of death. 53012

(3) All vital records shall contain the date received for 53013  
~~registration~~ filing. 53014

(4) Information and signatures required in certificates, 53015  
records, or reports authorized by this chapter may be filed and 53016  
registered by photographic, electronic, or other means as 53017  
prescribed by the director. 53018

**Sec. 3705.09.** (A) A birth certificate for each live birth in 53019  
this state shall be filed in the registration district in which it 53020  
occurs within ten calendar days after such birth and shall be 53021  
registered if it has been completed and filed in accordance with 53022  
this section. 53023

(B) When a birth occurs in or en route to an institution, the 53024  
person in charge of the institution or a designated representative 53025  
shall obtain the personal data, prepare the certificate, ~~secure~~ 53026  
~~the signatures required,~~ and file complete and certify the facts 53027  
of birth on the certificate within ten calendar days ~~with the~~ 53028

~~local registrar of vital statistics. The physician or certified nurse-midwife in attendance shall provide the medical information required by the certificate and certify to the facts of birth within seventy two hours after the birth be listed on the birth record.~~

(C) When a birth occurs outside an institution, the birth certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) The physician or certified nurse-midwife in attendance at or immediately after the birth;

(2) Any other person in attendance at or immediately after the birth;

(3) The father;

(4) The mother;

(5) The person in charge of the premises where the birth occurred.

(D) Either of the parents of the child or other informant shall attest to the accuracy of the personal data entered on the birth certificate in time to permit the filing of the certificate within the ten days prescribed in this section.

(E) When a birth occurs in a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the record shall show the actual place of birth insofar as can be determined.

(F)(1) If the mother of a child was married at the time of 53059  
either conception or birth or between conception and birth, the 53060  
child shall be registered in the surname designated by the mother, 53061  
and the name of the husband shall be entered on the certificate as 53062  
the father of the child. The presumption of paternity shall be in 53063  
accordance with section 3111.03 of the Revised Code. 53064

(2) If the mother was not married at the time of conception 53065  
or birth or between conception and birth, the child shall be 53066  
registered by the surname designated by the mother. The name of 53067  
the father of such child shall also be inserted on the birth 53068  
certificate if both the mother and the father sign an 53069  
acknowledgement of paternity affidavit before the birth record has 53070  
been sent to the local registrar. If the father is not named on 53071  
the birth certificate pursuant to division (F)(1) or (2) of this 53072  
section, no other information about the father shall be entered on 53073  
the record. 53074

(G) When a man is presumed, found, or declared to be the 53075  
father of a child, according to section 2105.26, sections 3111.01 53076  
to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 53077  
of the Revised Code, or the father has acknowledged the child as 53078  
his child in an acknowledgment of paternity, and the 53079  
acknowledgment has become final pursuant to section 2151.232, 53080  
3111.25, or 3111.821 of the Revised Code, and documentary evidence 53081  
of such fact is submitted to the department of health in such form 53082  
as the director may require, a new birth record shall be issued by 53083  
the department which shall have the same overall appearance as the 53084  
record which would have been issued under this section if a 53085  
marriage had occurred before the birth of such child. Where 53086  
handwriting is required to effect such appearance, the department 53087  
shall supply it. Upon the issuance of such new birth record, the 53088  
original birth record shall cease to be a public record. Except as 53089  
provided in division (C) of section 3705.091 of the Revised Code, 53090

the original record and any documentary evidence supporting the 53091  
new registration of birth shall be placed in an envelope which 53092  
shall be sealed by the department and shall not be open to 53093  
inspection or copy unless so ordered by a court of competent 53094  
jurisdiction. 53095

~~The department shall then promptly forward a copy of the new 53096  
birth record to the local registrar of vital statistics of the 53097  
district in which the birth occurred, and such local registrar 53098  
shall file a copy of such new birth record along with and in the 53099  
same manner as the other copies of birth records in such local 53100  
registrar's possession. All copies of the original birth record in 53101  
the possession of the local registrar or the probate court, as 53102  
well as any and all index references to it, shall be destroyed. 53103  
Such new birth record, as well as any certified or exact copy of 53104  
it, when properly authenticated by a duly authorized person shall 53105  
be prima facie evidence in all courts and places of the facts 53106  
stated in it. 53107~~

~~(H) When a woman who is a legal resident of this state has 53108  
given birth to a child in a foreign country that does not have a 53109  
system of registration of vital statistics, a birth record may be 53110  
filed in the office of vital statistics on evidence satisfactory 53111  
to the director of health. 53112~~

~~(I)(H) Every birth certificate filed under this section on or 53113  
after July 1, 1990, shall be accompanied by all social security 53114  
numbers that have been issued to the parents of the child, unless 53115  
the division of child support in the department of job and family 53116  
services, acting in accordance with regulations prescribed under 53117  
the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, 53118  
as amended, finds good cause for not requiring that the numbers be 53119  
furnished with the certificate. The parents' social security 53120  
numbers shall not be recorded on the certificate. ~~The local 53121  
registrar of vital statistics shall transmit the social security 53122~~~~

~~numbers to the state office of vital statistics in accordance with~~ 53123  
~~section 3705.07 of the Revised Code.~~ No social security number 53124  
obtained under this division shall be used for any purpose other 53125  
than child support enforcement. 53126

**Sec. 3705.10.** Any birth certificate submitted for filing 53127  
eleven or more days after the birth occurred constitutes a delayed 53128  
birth registration. A delayed birth certificate may be filed in 53129  
accordance with rules which shall be adopted by the director of 53130  
health. The rules shall include, but not be limited to, all of the 53131  
following requirements for each delayed birth certificate filed on 53132  
or after July 1, 1990: 53133

(A) The certificate shall be accompanied by all social 53134  
security numbers that have been issued to the parents of the 53135  
child, unless the division of child support in the department of 53136  
job and family services, acting in accordance with regulations 53137  
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 53138  
42 U.S.C.A. 405, as amended, finds good cause for not requiring 53139  
that the numbers be furnished with the certificate. 53140

(B) The parents' social security numbers shall not be 53141  
recorded on the certificate. 53142

~~(C) The local registrar of vital statistics shall transmit~~ 53143  
~~the social security numbers to the state office of vital~~ 53144  
~~statistics in accordance with section 3705.07 of the Revised Code.~~ 53145

~~(D)~~ No social security number obtained under this section 53146  
shall be used for any purpose other than child support 53147  
enforcement. 53148

**Sec. 3706.05.** The Ohio air quality development authority may 53149  
at any time issue revenue bonds and notes of the state in such 53150  
principal amount as, in the opinion of the authority, are 53151  
necessary for the purpose of paying any part of the cost of one or 53152

more air quality projects or parts thereof, including one or more 53153  
payments pursuant to a commodity contract entered into in 53154  
connection with the acquisition or construction of air quality 53155  
facilities. The authority may at any time issue renewal notes, 53156  
issue bonds to pay such notes and whenever it deems refunding 53157  
expedient, refund any bonds by the issuance of air quality revenue 53158  
refunding bonds of the state, whether the bonds to be refunded 53159  
have or have not matured, and issue bonds partly to refund bonds 53160  
then outstanding, and partly for any other authorized purpose. The 53161  
refunding bonds shall be sold and the proceeds applied to the 53162  
purchase, redemption, or payment of the bonds to be refunded. 53163  
Except as may otherwise be expressly provided by the authority, 53164  
every issue of its bonds or notes shall be ~~general~~ obligations of 53165  
the authority payable solely out of the revenues of the authority 53166  
that are pledged for such payment, without preference or priority 53167  
of the first bonds issued, subject only to any agreements with the 53168  
holders of particular bonds or notes pledging any particular 53169  
revenues. Such pledge shall be valid and binding from the time the 53170  
pledge is made and the revenues so pledged and thereafter received 53171  
by the authority shall immediately be subject to the lien of such 53172  
pledge without any physical delivery thereof or further act, and 53173  
the lien of any such pledge is valid and binding as against all 53174  
parties having claims of any kind in tort, contract, or otherwise 53175  
against the authority, irrespective of whether such parties have 53176  
notice thereof. Neither the resolution nor any trust agreement by 53177  
which a pledge is created need be filed or recorded except in the 53178  
records of the authority. 53179

Whether or not the bonds or notes are of such form and 53180  
character as to be negotiable instruments, the bonds or notes 53181  
shall have all the qualities and incidents of negotiable 53182  
instruments, subject only to the provisions of the bonds or notes 53183  
for registration. 53184

The bonds and notes shall be authorized by resolution of the 53185  
authority, shall bear such date or dates, and shall mature at such 53186  
time or times, in the case of any such note or any renewals 53187  
thereof not exceeding five years from the date of issue of such 53188  
original note and in the case of any such bond not exceeding forty 53189  
years from the date of issue, as such resolution or resolutions 53190  
may provide. The bonds and notes shall bear interest at such rate 53191  
or rates, be in such denominations, be in such form, either coupon 53192  
or registered, carry such registration privileges, be payable in 53193  
such medium of payment, at such place or places, and be subject to 53194  
such terms of redemption as the authority may authorize. The bonds 53195  
and notes of the authority may be sold by the authority, at public 53196  
or private sale, at or at not less than such price or prices as 53197  
the authority determines. The bonds and notes shall be executed by 53198  
the chairperson and vice-chairperson of the authority, either or 53199  
both of whom may use a facsimile signature, the official seal of 53200  
the authority or a facsimile thereof shall be affixed thereto or 53201  
printed thereon and attested, manually or by facsimile signature, 53202  
by the secretary-treasurer of the authority, and any coupons 53203  
attached thereto shall bear the signature or facsimile signature 53204  
of the chairperson of the authority. In case any officer whose 53205  
signature, or a facsimile of whose signature, appears on any 53206  
bonds, notes or coupons ceases to be such officer before delivery 53207  
of bonds or notes, such signature or facsimile shall nevertheless 53208  
be sufficient for all purposes the same as if the officer had 53209  
remained in office until such delivery, and in case the seal of 53210  
the authority has been changed after a facsimile has been 53211  
imprinted on such bonds or notes, such facsimile seal will 53212  
continue to be sufficient for all purposes. 53213

Any resolution or resolutions authorizing any bonds or notes 53214  
or any issue thereof may contain provisions, subject to such 53215  
agreements with bondholders or noteholders as may then exist, 53216  
which provisions shall be a part of the contract with the holders 53217

thereof, as to: the pledging of all or any part of the revenues of 53218  
the authority to secure the payment of the bonds or notes or of 53219  
any issue thereof; the use and disposition of revenues of the 53220  
authority; a covenant to fix, alter, and collect rentals and other 53221  
charges so that pledged revenues will be sufficient to pay costs 53222  
of operation, maintenance, and repairs, pay principal of and 53223  
interest on bonds or notes secured by the pledge of such revenues, 53224  
and provide such reserves as may be required by the applicable 53225  
resolution or trust agreement; the setting aside of reserve funds, 53226  
sinking funds, or replacement and improvement funds and the 53227  
regulation and disposition thereof; the crediting of the proceeds 53228  
of the sale of bonds or notes to and among the funds referred to 53229  
or provided for in the resolution authorizing the issuance of the 53230  
bonds or notes; the use, lease, sale, or other disposition of any 53231  
air quality project or any other assets of the authority; 53232  
limitations on the purpose to which the proceeds of sale of bonds 53233  
or notes may be applied and the pledging of such proceeds to 53234  
secure the payment of the bonds or notes or of any issue thereof; 53235  
as to notes issued in anticipation of the issuance of bonds, the 53236  
agreement of the authority to do all things necessary for the 53237  
authorization, issuance, and sale of such bonds in such amounts as 53238  
may be necessary for the timely retirement of such notes; 53239  
limitations on the issuance of additional bonds or notes; the 53240  
terms upon which additional bonds or notes may be issued and 53241  
secured; the refunding of outstanding bonds or notes; the 53242  
procedure, if any, by which the terms of any contract with 53243  
bondholders or noteholders may be amended or abrogated, the amount 53244  
of bonds or notes the holders of which must consent thereto, and 53245  
the manner in which such consent may be given; limitations on the 53246  
amount of moneys to be expended by the authority for operating, 53247  
administrative, or other expenses of the authority; securing any 53248  
bonds or notes by a trust agreement in accordance with section 53249  
3706.07 of the Revised Code; any other matters, of like or 53250

different character, that in any way affect the security or 53251  
protection of the bonds or notes. 53252

Neither the members of the authority nor any person executing 53253  
the bonds or notes shall be liable personally on the bonds or 53254  
notes or be subject to any personal liability or accountability by 53255  
reason of the issuance thereof. 53256

**Sec. 3706.27.** (A) There is hereby created in the state 53257  
treasury the advanced energy research and development fund to 53258  
provide grants for advanced energy projects. There is hereby 53259  
created in the state treasury the advanced energy research and 53260  
development taxable fund to provide loans for advanced energy 53261  
projects. 53262

(B)(1) The advanced energy research and development fund and 53263  
the advanced energy research and development taxable fund shall 53264  
consist of the proceeds of obligations that were issued prior to 53265  
the effective date of this amendment under section 166.08 of the 53266  
Revised Code. Money shall be credited to the respective funds in 53267  
the proportion that the executive director of the Ohio air quality 53268  
development authority, with the affirmative vote of a majority of 53269  
the members of the authority, determines appropriate. 53270

(2) Any investment earnings from the money in the advanced 53271  
energy research and development fund and in the advanced energy 53272  
research and development taxable fund shall be credited to those 53273  
funds, respectively. Any repayment of loans made from money in the 53274  
advanced energy research and development taxable fund shall be 53275  
credited to the alternative fuel transportation fund created in 53276  
section 122.075 of the Revised Code. 53277

(C) The director of budget and management shall establish and 53278  
maintain records or accounts for or within these funds in such a 53279  
manner as to show the ~~amount~~ amounts credited to the funds 53280  
~~pursuant to section 166.08 of the Revised Code~~ and that the 53281

amounts so credited have been expended for the purposes set forth 53282  
in Section 2p or 13 of Article VIII, Ohio Constitution, and 53283  
sections 166.08~~7~~ and 166.30~~7~~ of the Revised Code and former 53284  
section 3706.26 of the Revised Code. 53285

**Sec. 3707.58.** (A) As used in this section: 53286

(1) "Youth athlete" means an individual who wishes to 53287  
practice for or compete in athletic activities organized by a 53288  
youth sports organization; 53289

(2) "Youth sports organization" has the same meaning as in 53290  
section 3707.51 of the Revised Code. 53291

(B) Prior to the start of each athletic season, a youth 53292  
sports organization that is subject to this section may hold an 53293  
informational meeting for youth athletes, parents, guardians, 53294  
other persons having care or charge of a youth athlete, 53295  
physicians, pediatric cardiologists, athletic trainers, and any 53296  
other persons regarding the symptoms and warning signs of sudden 53297  
cardiac arrest for all ages of youth athletes. 53298

(C) No youth athlete shall participate in an athletic 53299  
activity organized by a youth sports organization until the youth 53300  
athlete has submitted to a designated official of the youth sports 53301  
organization a form signed by the youth athlete and the parent, 53302  
guardian, or other person having care or charge of the youth 53303  
athlete stating that the youth athlete and the parent, guardian, 53304  
or other person having care or charge of the youth athlete have 53305  
received and reviewed a copy of the information developed by the 53306  
departments of health and education and posted on their respective 53307  
internet web sites as required by section 3707.59 of the Revised 53308  
Code. A completed form shall be submitted each calendar year ~~for~~ 53309  
to each youth sports organization that organizes an athletic 53310  
activity in which the youth athlete participates. 53311

(D) No individual shall coach an athletic activity organized 53312  
by a youth sports organization unless the individual has 53313  
completed, on an annual basis, the sudden cardiac arrest training 53314  
course approved by the department of health under division (C) of 53315  
section 3707.59 of the Revised Code. 53316

(E)(1) A youth athlete shall not be allowed to participate in 53317  
an athletic activity organized by a youth sports organization if 53318  
either of the following is the case: 53319

(a) The youth athlete's biological parent, biological 53320  
sibling, or biological child has previously experienced sudden 53321  
cardiac arrest, and the youth athlete has not been evaluated and 53322  
cleared for participation in an athletic activity organized by a 53323  
youth sports organization by a physician authorized under Chapter 53324  
4731. of the Revised Code to practice medicine and surgery or 53325  
osteopathic medicine and surgery. 53326

(b) The youth athlete is known to have exhibited syncope or 53327  
fainting at any time prior to or following an athletic activity 53328  
and has not been evaluated and cleared for return under division 53329  
(E)(3) of this section after exhibiting syncope or fainting. 53330

(2) A youth athlete shall be removed by the youth athlete's 53331  
coach from participation in an athletic activity organized by a 53332  
youth sports organization if the youth athlete exhibits syncope or 53333  
fainting. 53334

(3) If a youth athlete is not allowed to participate in or is 53335  
removed from participation in an athletic activity organized by a 53336  
youth sports organization under division (E)(1) or (2) of this 53337  
section, the youth athlete shall not be allowed to return to 53338  
participation until the youth athlete is evaluated and cleared for 53339  
return in writing by any of the following: 53340

(a) A physician authorized under Chapter 4731. of the Revised 53341  
Code to practice medicine and surgery or osteopathic medicine and 53342

surgery, including a physician who specializes in cardiology; 53343

(b) A certified nurse practitioner, clinical nurse 53344  
specialist, or certified nurse-midwife who holds a certificate of 53345  
authority issued under Chapter 4723. of the Revised Code. 53346

The licensed health care providers specified in divisions 53347  
(E)(3)(a) and (b) of this section may consult with any other 53348  
licensed or certified health care providers in order to determine 53349  
whether a youth athlete is ready to return to participation. 53350

(F) A youth sports organization that is subject to this 53351  
section shall establish penalties for a coach who violates the 53352  
provisions of division (E) of this section. 53353

(G)(1) A youth sports organization or official, employee, or 53354  
volunteer of a youth sports organization, including a coach, is 53355  
not liable in damages in a civil action for injury, death, or loss 53356  
to person or property allegedly arising from providing services or 53357  
performing duties under this section, unless the act or omission 53358  
constitutes willful or wanton misconduct. 53359

(2) This section does not eliminate, limit, or reduce any 53360  
other immunity or defense that a public entity, public official, 53361  
or public employee may be entitled to under Chapter 2744. or any 53362  
other provision of the Revised Code or under the common law of 53363  
this state. 53364

**Sec. 3710.01.** As used in this chapter: 53365

(A) "Asbestos" means the asbestiform varieties of ~~chrysotile~~ 53366  
~~or serpentine, amosite or cummingtonite-grunerite, crocidolite or~~ 53367  
~~riebeckite, actinolite, tremolite, and anthophyllite~~ serpentine 53368  
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 53369  
anthophyllite, and actinolite-tremolite as determined using the 53370  
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 53371  
Section 1, Polarized Light Microscopy (PLM). 53372

(B) "Asbestos hazard abatement activity" means any activity 53373  
involving the removal, renovation, enclosure, repair, or 53374  
encapsulation of reasonably related friable asbestos-containing 53375  
materials in an amount greater than fifty linear feet or fifty 53376  
square feet. "Asbestos hazard abatement activity" also includes 53377  
any such activity involving such asbestos-containing materials in 53378  
an amount of fifty linear or fifty square feet or less if, when 53379  
combined with any other reasonably related activity in terms of 53380  
time and location of the activity, the total amount is in an 53381  
amount greater than fifty linear or fifty square feet. 53382

(C) "Asbestos hazard abatement contractor" means a business 53383  
entity or public entity that engages in or intends to engage in 53384  
asbestos hazard abatement activities and that employs or 53385  
supervises one or more asbestos hazard abatement specialists for 53386  
asbestos hazard abatement activities. "Asbestos hazard abatement 53387  
contractor" does not mean an employee of an asbestos hazard 53388  
abatement contractor, a general contractor who subcontracts to an 53389  
asbestos hazard abatement contractor an asbestos hazard abatement 53390  
activity, or any individual who engages in asbestos hazard 53391  
abatement activity in the individual's own home. 53392

(D) "Asbestos hazard abatement project" means one or more 53393  
asbestos hazard abatement activities that are conducted by one 53394  
asbestos hazard abatement contractor and that are reasonably 53395  
related to each other. 53396

(E) "Asbestos hazard abatement specialist" means a person 53397  
with responsibility for the oversight or supervision of asbestos 53398  
hazard abatement activities, including asbestos hazard abatement 53399  
project managers, hazard abatement project supervisors and 53400  
foremen, and employees of school districts or other governmental 53401  
or public entities who coordinate or directly supervise or oversee 53402  
asbestos hazard abatement activities performed by school district, 53403  
governmental, or other public employees in school district, 53404

governmental, or other public buildings. 53405

(F) "Asbestos hazard evaluation specialist" means a person 53406  
responsible for the identification, detection, and assessment of 53407  
asbestos-containing materials, the determination of appropriate 53408  
response actions, or the preparation of asbestos management plans 53409  
for the purpose of protecting the public health from the hazards 53410  
associated with exposure to asbestos, including the performance of 53411  
air and bulk sampling. This category of specialists includes 53412  
management planners, health professionals, industrial hygienists, 53413  
private consultants, or other individuals involved in asbestos 53414  
risk identification or assessment or regulatory activities. 53415

(G) "Business entity" means a partnership, firm, association, 53416  
corporation, sole proprietorship, or other business concern. 53417

(H) "Public entity" means the state or any of its political 53418  
subdivisions or any agency or instrumentality of either. 53419

(I) "License" means a document issued by the ~~department of~~ 53420  
~~health~~ director of environmental protection to a business entity 53421  
or public entity affirming that the entity has met the 53422  
requirements set forth in this chapter to engage in asbestos 53423  
hazard abatement activities as an asbestos hazard abatement 53424  
contractor. 53425

(J) "Certificate" means: 53426

(1) A document issued by the ~~department~~ director to an 53427  
individual affirming that the individual has successfully 53428  
completed the training and other requirements set forth in this 53429  
chapter to qualify as an asbestos hazard abatement specialist, an 53430  
asbestos hazard evaluation specialist, an asbestos hazard 53431  
abatement worker, an asbestos hazard abatement project designer, 53432  
an asbestos hazard abatement air-monitoring technician, an 53433  
approved asbestos hazard training provider, or other category of 53434  
asbestos hazard specialist that the director establishes by rule; 53435

or 53436

(2) A document issued by a training institution in accordance 53437  
with rules adopted by the director affirming that an individual 53438  
has successfully completed the instruction required in all 53439  
categories as provided in sections 3710.07 and 3710.10 of the 53440  
Revised Code. 53441

(K) "Person" means any individual, business entity, 53442  
governmental body, or other public or private entity. 53443

(L) "Encapsulate" means to coat, bind, or resurface walls, 53444  
ceilings, pipes, or other structures ~~to prevent friable asbestos~~ 53445  
for asbestos-containing materials with suitable products to 53446  
prevent friable asbestos from becoming airborne. 53447

(M) "Friable asbestos-containing material" means ~~any material~~ 53448  
~~that contains more than one per cent asbestos by weight and that~~ 53449  
~~can be crumbled, pulverized, or reduced to powder, when dry, by~~ 53450  
~~hand pressure~~ friable asbestos material as defined in rules 53451  
adopted under Chapter 3704. of the Revised Code. 53452

(N) "Enclosure" means the permanent confinement of friable 53453  
asbestos-containing materials with an airtight barrier in an area 53454  
not used as an air plenum. 53455

(O) "Renovation" means ~~the removal or stripping of friable~~ 53456  
~~asbestos-containing materials used on any pipe, duct, boiler,~~ 53457  
~~tank, reactor, turbine, furnace, or load supporting member~~ 53458  
altering a facility or one or more facility components in any way, 53459  
including the stripping or removal of friable asbestos-containing 53460  
material from a facility component. 53461

(P) "Asbestos hazard abatement worker" means the person 53462  
responsible in a nonsupervisory capacity for the performance of an 53463  
asbestos hazard abatement activity. 53464

(Q) "Asbestos hazard abatement project designer" means the 53465

person responsible for the determination of the workscope, work sequence, or performance standards for an asbestos hazard abatement activity, including preparation of specifications, plans, and contract documents.

(R) ~~"Director" means the director of health or the director's authorized representative.~~

~~(S)~~ "Clearance air sampling" means an air sampling performed after the completion of any asbestos hazard abatement activity and prior to the reoccupation of the contained work area by the public and conducted for the purpose of protecting the public from the health hazards associated with exposure to friable asbestos-containing material.

~~(T)~~(S) "Asbestos hazard abatement air-monitoring technician" means the person who is responsible for environmental monitoring or work area clearance air sampling, including air monitoring performed to determine completion of response actions under the rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United States environmental protection agency pursuant to the "Asbestos Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 2970. "Asbestos hazard abatement air-monitoring technician" does not mean an industrial hygienist or industrial hygienist in training, certified by the American board of industrial hygiene.

**Sec. 3710.02.** (A) In accordance with Chapter 119. of the Revised Code, the director of ~~health~~ environmental protection shall, as the director determines necessary, adopt rules to carry out this chapter. The rules shall include all of the following:

(1) Criteria and procedures for the certification of asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement workers, asbestos hazard abatement project designers, and asbestos hazard abatement air-monitoring technicians by the director ~~of health~~;

(2) Criteria and procedures for the director to examine the records of licensees, certificate holders, and asbestos hazard abatement training schools;	53497 53498 53499
(3) Procedures and criteria in addition to those provided in this chapter for the approval of courses for asbestos hazard training;	53500 53501 53502
(4) Fees for licenses, certifications, and course approvals in excess of the levels set in section 3710.05 of the Revised Code and fees for the certification of asbestos hazard abatement air-monitoring technicians;	53503 53504 53505 53506
(5) Levels of asbestos exposure or other circumstances constituting <del>a public</del> <u>an environmental</u> health emergency that authorize the director to issue an emergency order under division (B) of section 3710.13 of the Revised Code;	53507 53508 53509 53510
(6) Employee training standards, work practices that reduce the risk of contamination and recontamination of the environment, record-keeping requirements, action levels, project clearance levels, and other requirements that asbestos hazard abatement contractors, asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement project designers, asbestos hazard abatement air-monitoring technicians, asbestos hazard abatement workers, and other persons involved with asbestos hazard abatement activities must follow for the prevention of hazard to the public;	53511 53512 53513 53514 53515 53516 53517 53518 53519 53520
(7) Worker protection equipment and practices and other health and safety standards for employees and agents of public entities coming in contact with asbestos through asbestos hazard abatement activity;	53521 53522 53523 53524
(8) Standards of acceptable conduct for licensees and certificate holders engaged in asbestos hazard abatement or evaluation activities and acts and omissions that constitute	53525 53526 53527

grounds for the suspension or revocation of a license or 53528  
certificate, or the denial of an application or renewal of a 53529  
license or certificate in addition to those otherwise provided in 53530  
this chapter; 53531

(9) Training requirements for asbestos hazard abatement 53532  
project designers and asbestos hazard abatement air-monitoring 53533  
technicians; 53534

(10)(a) Subject to the condition specified in division 53535  
(A)(10)(b) of this section, a standard requiring that the amount 53536  
of asbestos contained in the air in areas accessible to the public 53537  
in buildings that are owned, operated, or leased by a public 53538  
entity be not more than ten thousand asbestos fibers longer than 53539  
five microns per cubic meter of air calculated as an eight-hour 53540  
time-weighted average, which is measured during periods of normal 53541  
building occupancy, and a requirement that measurement of airborne 53542  
asbestos be made by either or both of the following methods, 53543  
provided that results derived by use of the method described in 53544  
division (A)(10)(a)(i) of this section supersede results derived 53545  
by use of the method described in division (A)(10)(a)(ii) of this 53546  
section if both methods are used and the methods yield conflicting 53547  
results concerning the presence of fibers in the tested air that 53548  
may not be asbestos: 53549

(i) Transmission electron microscopy in the manner described 53550  
in the measurement protocol established by the United States 53551  
environmental protection agency as set forth in 40 C.F.R. 763; 53552

(ii) Optical phase contrast microscopy in the manner 53553  
described in the measurement protocol established by the United 53554  
States occupational safety and health administration as set forth 53555  
in 29 C.F.R. 1910. 53556

(b) The director periodically shall review the standard 53557  
required by division (A)(10)(a) of this section and determine 53558

whether and how it should be amended and how it shall be used in 53559  
conjunction with visual and physical assessment of 53560  
asbestos-containing materials located in buildings that are owned,  
operated, or leased by a public entity to determine appropriate 53561  
and cost-effective response actions to such asbestos-containing 53562  
materials and shall amend the standard if it determines that such 53563  
action is necessary. 53564  
53565

(11) Other rules that the director determines necessary for 53566  
the implementation of this chapter and to protect the public 53567  
health from the hazards associated with exposure to asbestos. 53568

(B) The director shall do all of the following: 53569

(1) Administer and enforce this chapter and the rules adopted 53570  
pursuant thereto; 53571

(2) Develop comprehensive programs and policies for the 53572  
control and prevention of nonoccupational exposure of the public 53573  
to friable asbestos-containing materials; 53574

(3) Ensure that persons are trained and licensed or 53575  
certified, where appropriate, in accordance with this chapter and 53576  
the rules adopted pursuant thereto; 53577

(4) Examine those records of licensed asbestos hazard 53578  
abatement contractors, certified asbestos hazard abatement 53579  
specialists, asbestos hazard evaluation specialists, asbestos 53580  
hazard abatement project designers, asbestos hazard abatement 53581  
air-monitoring technicians, and asbestos hazard training courses 53582  
in accordance with rules adopted by the director as the director 53583  
determines necessary to determine compliance with this chapter and 53584  
the rules adopted pursuant thereto; 53585

(5) Prohibit and prevent improper asbestos hazard abatement 53586  
procedures and require the modification or alteration of asbestos 53587  
abatement procedures as they relate to this chapter and the rules 53588  
adopted pursuant thereto; 53589

(6) Collect and disseminate health education information relating to safe management of asbestos hazards;	53590 53591
(7) Accept and administer grants from the federal government and other sources, both public and private, for carrying out any of the director's functions;	53592 53593 53594
(8) As the director determines appropriate, conduct on-site inspections at any location where an asbestos hazard abatement activity is planned, in progress, or has been completed, at any location where <del>a public</del> <u>an environmental</u> health emergency <u>involving asbestos</u> may occur, is occurring, or has occurred, or to evaluate the performance or compliance of any person subject to this chapter;	53595 53596 53597 53598 53599 53600 53601
(9) Conduct an on-site audit of each asbestos hazard training provider approved pursuant to this chapter, at least once biennially, during an actual course conducted by the provider within the state;	53602 53603 53604 53605
(10) Cooperate and assist in investigations, as such relate to this chapter, conducted by local law enforcement agencies, <del>the Ohio environmental protection agency</del> , the United States occupational safety and health administration, and other local, state, and federal agencies.	53606 53607 53608 53609 53610
<b>Sec. 3710.04.</b> (A) To qualify for an asbestos hazard abatement contractor's license, a business entity or public entity shall meet the requirements of this section.	53611 53612 53613
(B) Each employee or agent of the business entity or public entity applying for a license who will come in contact with asbestos or will be responsible for an asbestos hazard abatement project shall:	53614 53615 53616 53617
(1) Be familiar with all applicable state and federal standards for asbestos hazard abatement projects;	53618 53619

(2) Have successfully completed the course of instruction on asbestos hazard abatement activities, for their particular certification, approved by the ~~department of health~~ Ohio environmental protection agency pursuant to section 3710.10 of the Revised Code, have passed an examination approved by the ~~department~~ agency, and demonstrate to the ~~department~~ agency that the employee or agent is capable of complying with all applicable standards of this state, the United States environmental protection agency, and the United States occupational safety and health administration.

(C) A business entity or public entity applying for an asbestos hazard abatement contractor's license shall, in addition to the other requirements of this section, provide at least one asbestos hazard abatement specialist, certified pursuant to this chapter and the rules adopted under it, for each asbestos hazard abatement project, and demonstrate to the satisfaction of the ~~department~~ Ohio environmental protection agency that the applicant:

(1) Has access to at least one asbestos disposal site approved by the ~~Ohio environmental protection~~ agency that is sufficient for the deposit of all asbestos waste that the applicant will generate during the term of the license;

(2) Is sufficiently qualified to safely remove asbestos, demonstrated by reliability as an asbestos hazard abatement contractor, possesses a work program that prevents the contamination or recontamination of the environment and protects the public health from the hazards of exposure to asbestos, possesses evidence of certification of each individual employee or agent who will be responsible for others who may come in contact with friable asbestos-containing materials, possesses evidence of training of workers required by section 3710.07 of the Revised Code, and has prior successful experience in asbestos hazard

abatement projects or equivalent qualifications as determined in 53652  
accordance with rules adopted by the director of ~~health~~ 53653  
environmental protection; 53654

(3) Possesses a worker protection program consistent with 53655  
requirements established by the director if the contractor is a 53656  
public entity, and a worker protection program consistent with the 53657  
requirements of the United States occupational safety and health 53658  
administration if the contractor is a business entity; 53659

(4) Is registered as a business entity with the secretary of 53660  
state. 53661

(D) No applicant for licensure as an asbestos hazard 53662  
abatement contractor, in order to meet the requirements of this 53663  
chapter, shall list an employee of another contractor. 53664

(E) The business entity or public entity shall meet any other 53665  
standards that the director, by rule, sets. 53666

(F) Nothing in this chapter or the rules adopted pursuant 53667  
thereto relating to asbestos hazard abatement project designers 53668  
shall be interpreted as authorizing or permitting an individual 53669  
who is certified as an asbestos hazard abatement project designer 53670  
to perform the services of a registered architect or professional 53671  
engineer unless that person is registered under Chapter 4703. or 53672  
4733. of the Revised Code to perform such services. 53673

**Sec. 3710.05.** (A) Except as otherwise provided in this 53674  
chapter, no person shall engage in any asbestos hazard abatement 53675  
activities in this state unless licensed or certified pursuant to 53676  
this chapter. 53677

(B) To apply for licensure as an asbestos abatement 53678  
contractor or certification as an asbestos hazard abatement 53679  
specialist, an asbestos hazard evaluation specialist, an asbestos 53680  
hazard abatement project designer, or an asbestos hazard abatement 53681

air-monitoring technician, a person shall do all of the following: 53682

(1) Submit a completed application to the ~~department~~ director 53683  
of ~~health~~ environmental protection, on a form provided by the 53684  
~~department~~ agency; 53685

(2) Pay the requisite fee as provided in division (D) of this 53686  
section; 53687

(3) Submit any other information the director ~~of health~~ by 53688  
rule requires. 53689

(C) The application form for a business entity or public 53690  
entity applying for an asbestos hazard abatement contractor's 53691  
license shall include all of the following: 53692

(1) A description of the protective clothing and respirators 53693  
that the public entity will use to comply with rules adopted by 53694  
the director and that the business entity will use to comply with 53695  
requirements of the United States occupational safety and health 53696  
administration; 53697

(2) A description of procedures the business entity or public 53698  
entity will use for the selection, utilization, handling, removal, 53699  
and disposal of clothing to prevent contamination or 53700  
recontamination of the environment and to protect the public 53701  
health from the hazards associated with exposure to asbestos; 53702

(3) The name and address of each asbestos disposal site that 53703  
the business entity or public entity might use during the year; 53704

(4) A description of the site decontamination procedures that 53705  
the business entity or public entity will use; 53706

(5) A description of the asbestos hazard abatement procedures 53707  
that the business entity or public entity will use; 53708

(6) A description of the procedures that the business entity 53709  
or public entity will use for handling waste containing asbestos; 53710

(7) A description of the air-monitoring procedures that the 53711

business entity or public entity will use to prevent contamination 53712  
or recontamination of the environment and to protect the public 53713  
health from the hazards of exposure to asbestos; 53714

(8) A description of the final clean-up procedures that the 53715  
business entity or public entity will use; 53716

(9) A list of all partners, owners, and officers of the 53717  
business entity along with their social security numbers; 53718

(10) The federal tax identification number of the business 53719  
entity or the public entity. 53720

(D) The fees to be charged to each public entity, except for 53721  
the agency, and each business entity and their employees and 53722  
agents for licensure, certification, approval, and renewal of 53723  
licenses, certifications, and approvals granted under this 53724  
chapter, subject to division (A)(4) of section 3710.02 of the 53725  
Revised Code, are: 53726

(1) Seven hundred fifty dollars for asbestos hazard abatement 53727  
contractors; 53728

(2) Two hundred dollars for asbestos hazard abatement project 53729  
designers; 53730

(3) Fifty dollars for asbestos hazard abatement workers; 53731

(4) Two hundred dollars for asbestos hazard abatement 53732  
specialists; 53733

(5) Two hundred dollars for asbestos hazard evaluation 53734  
specialists; and 53735

(6) Nine hundred dollars for approval or renewal of asbestos 53736  
hazard training providers. 53737

(E) Notwithstanding division (A) of this section, no business 53738  
entity which engages in asbestos hazard abatement activities 53739  
solely at its own place of business is required to be licensed as 53740  
an asbestos hazard abatement contractor provided that the business 53741

entity is required to and does comply with all applicable 53742  
standards of the United States environmental protection agency and 53743  
the United States occupational safety and health administration 53744  
and provided further that all persons employed by the business 53745  
entity on the activity meet the requirements of this chapter. 53746

**Sec. 3710.051.** No person shall enter into an agreement to 53747  
perform any aspect of an asbestos hazard abatement project unless 53748  
the agreement is written and contains at least all of the 53749  
following: 53750

(A) A requirement that all persons working on the project are 53751  
licensed or certified by the ~~department of health~~ director of  
environmental protection as required by this chapter; 53752  
53753

(B) A requirement that all project clearance levels and 53754  
sampling be in accordance with rules adopted by the director ~~of~~  
~~health~~; 53755  
53756

(C) A requirement that all clearance air-monitoring be 53757  
conducted by asbestos hazard abatement air-monitoring technicians 53758  
or asbestos hazard evaluation specialists certified by the 53759  
~~department~~ director. 53760

**Sec. 3710.06.** (A) Within fifteen business days after 53761  
receiving an application, the ~~department of health~~ director of  
environmental protection shall acknowledge receipt of the 53762  
application and notify the applicant of any deficiency in the 53763  
application. Within sixty calendar days after receiving a 53764  
completed application, including all additional information 53765  
requested by the ~~department~~ director, the ~~department~~ director 53766  
shall issue a license or certificate or deny the application. The 53767  
~~department~~ director shall issue only one license or certificate 53768  
that is in effect at one time to a business entity and its 53769  
principal officers and a public entity and its principal officers. 53770  
53771

(B)(1) The ~~department~~ director shall deny an application if 53772  
it determines that the applicant has not demonstrated the ability 53773  
to comply fully with all applicable federal and state requirements 53774  
and all requirements, procedures, and standards established by the 53775  
~~director of health~~ in this chapter, Chapter 3704. of the Revised 53776  
Code, or rules adopted under those chapters, as those chapters and 53777  
rules pertain to asbestos. 53778

(2) The ~~department~~ director shall deny any application for an 53779  
asbestos hazard abatement contractor's license if the applicant or 53780  
an officer or employee of the applicant has been convicted of a 53781  
felony under any state or federal law designed to protect the 53782  
environment. 53783

(3) The ~~department~~ director shall send all denials of an 53784  
application by certified mail to the applicant. If the ~~department~~ 53785  
director receives a timely request for a hearing from the 53786  
applicant on the proposed denial of an application, as provided in 53787  
division (D) of section 3710.13 of the Revised Code, the 53788  
~~department~~ director shall hold a hearing in accordance with 53789  
Chapter 119. of the Revised Code, as provided in division (A) of 53790  
section 3710.13 of the Revised Code. 53791

(C) In an emergency that results from a sudden, unexpected 53792  
event that is not a planned asbestos hazard abatement project, the 53793  
~~department~~ director may waive the requirements for a license or 53794  
certificate. For the purposes of this division, "emergency" 53795  
includes operations necessitated by nonroutine failures of 53796  
equipment or by actions of fire and emergency medical personnel 53797  
pursuant to duties within their official capacities. Any person 53798  
who performs an asbestos hazard abatement activity under emergency 53799  
conditions shall notify the director within three days after 53800  
performance thereof. 53801

(D) Each license or certificate issued under this chapter 53802  
expires one year after the date of issue, but each licensee or 53803

certificate holder may apply to the ~~department~~ environmental 53804  
protection agency for the extension of the holder's license or 53805  
certificate under the standard renewal procedures of Chapter 4745. 53806  
of the Revised Code. 53807

To qualify for renewal of a license or certificate issued 53808  
under this chapter, each licensee or certificate holder shall send 53809  
the appropriate renewal fee set forth in division (D) of section 53810  
3710.05 of the Revised Code or as adopted by rule by the director 53811  
pursuant to division (A)(4) of section 3710.02 of the Revised 53812  
Code. 53813

Certificate holders also shall successfully complete an 53814  
annual renewal course approved by the ~~department~~ agency pursuant 53815  
to section 3710.10 of the Revised Code. 53816

(E) The ~~department~~ director may charge a fee in addition to 53817  
those specified in division (D) of section 3710.05 of the Revised 53818  
Code or in rules adopted by the director pursuant to division 53819  
(A)(4) of section 3710.02 of the Revised Code if the licensee or 53820  
certificate holder applies for renewal after the expiration 53821  
thereof or requests a reissuance of any license or certificate, 53822  
provided that no such fee shall exceed the original fees by more 53823  
than fifty per cent. 53824

**Sec. 3710.07.** (A) Prior to engaging in any asbestos hazard 53825  
abatement project, an asbestos hazard abatement contractor shall 53826  
do all of the following: 53827

(1) Prepare a written respiratory protection program as 53828  
defined by the director of ~~health~~ environmental protection 53829  
pursuant to rule, and make the program available to the ~~department~~ 53830  
~~of health~~ environmental protection agency, and workers at the job 53831  
site if the contractor is a public entity or prepare a written 53832  
respiratory protection program, consistent with 29 C.F.R. 1910.134 53833  
and make the program available to the ~~department~~ agency, and 53834

workers at the job site if the contractor is a business entity; 53835

(2) Ensure that each worker who will be involved in any 53836  
asbestos hazard abatement project has been examined within the 53837  
preceding year and has been declared by a physician to be 53838  
physically capable of working while wearing a respirator; 53839

(3) Ensure that each of the contractor's employees or agents 53840  
who will come in contact with asbestos-containing materials or 53841  
will be responsible for an asbestos hazard abatement project 53842  
receives the appropriate certification or licensure required by 53843  
this chapter and the following training: 53844

(a) An initial course approved by the ~~department~~ agency 53845  
pursuant to section 3710.10 of the Revised Code, completed before 53846  
engaging in any asbestos hazard abatement project; and 53847

(b) An annual review course approved by the ~~department~~ agency 53848  
pursuant to section 3710.10 of the Revised Code. 53849

(B) After obtaining or renewing a license, an asbestos hazard 53850  
abatement contractor shall notify the ~~department~~ agency, on a form 53851  
approved by the director ~~of health~~, at least ten days before 53852  
beginning each asbestos hazard abatement project conducted during 53853  
the term of the contractor's license. 53854

(C) In addition to any other fee imposed under this chapter, 53855  
an asbestos hazard abatement contractor shall pay, at the time of 53856  
providing notice under division (B) of this section, the 53857  
~~department~~ agency a fee of sixty-five dollars for each asbestos 53858  
hazard abatement project conducted. 53859

**Sec. 3710.08.** (A) An asbestos hazard abatement contractor 53860  
engaging in any asbestos hazard abatement project shall, during 53861  
the course of the project: 53862

(1) Conduct each project in a manner that is in compliance 53863  
with the requirements the director of environmental protection 53864

adopts pursuant to section 3704.03 of the Revised Code and the 53865  
asbestos requirements of the United States occupational safety and 53866  
health administration set forth in 29 C.F.R. ~~1926.58~~ 1926.1101; 53867

(2) Comply with all applicable rules adopted by the director 53868  
of ~~health~~ environmental protection pursuant to ~~section~~ sections 53869  
3704.03 and 3710.02 of the Revised Code. 53870

(B) An asbestos hazard abatement contractor that is a public 53871  
entity shall: 53872

(1) Provide workers with protective clothing and equipment 53873  
and ensure that the workers involved in any asbestos hazard 53874  
abatement project use the items properly. Protective clothing and 53875  
equipment shall include: 53876

(a) Respirators approved by the national institute of 53877  
occupational safety and health. These respirators shall be fit 53878  
tested in accordance with requirements of the United States 53879  
occupational safety and health administration set forth in 29 53880  
C.F.R. ~~1926.58(h)~~ 1926.1101. At the request of an employee, the 53881  
asbestos hazard abatement contractor shall provide the employee 53882  
with a powered air purifying respirator, in which case, the 53883  
testing requirements of division (B)(1)(a) of this section do not 53884  
apply. 53885

(b) Items required by the director ~~of health~~ by rule as 53886  
provided in division (A)(7) of section 3710.02 of the Revised 53887  
Code. 53888

(2) Comply with all applicable standards of conduct and 53889  
requirements adopted by the director ~~of health~~ pursuant to section 53890  
3710.02 of the Revised Code. 53891

(C) An asbestos hazard abatement specialist engaging in any 53892  
asbestos hazard abatement project shall, during the course of the 53893  
project: 53894

(1) Conduct each project in a manner that will meet 53895  
decontamination procedures, project containment procedures, and 53896  
asbestos fiber dispersal methods as provided in division (A)(6) of 53897  
section 3710.02 of the Revised Code; 53898

(2) Ensure that workers utilize, handle, remove, and dispose 53899  
of the disposable clothing provided by abatement contractors in a 53900  
manner that will prevent contamination or recontamination of the 53901  
environment and protect the public health from the hazards of 53902  
exposure to asbestos; 53903

(3) Ensure that workers utilize protective clothing and 53904  
equipment and comply with the applicable health and safety 53905  
standards set forth in division (A) of section 3710.08 of the 53906  
Revised Code; 53907

(4) Ensure that there is no smoking, eating, or drinking in 53908  
the work area; 53909

(5) Comply with all applicable standards of conduct and 53910  
requirements adopted by the director ~~of health~~ pursuant to ~~section~~ 53911  
sections 3704.03 and 3710.02 of the Revised Code. 53912

(D) An asbestos hazard evaluation specialist engaged in the 53913  
identification, detection, and assessment of asbestos-containing 53914  
materials, the determination of appropriate response actions, or 53915  
other activities associated with an abatement project or the 53916  
preparation of management plans, shall comply with the applicable 53917  
standards of conduct and requirements adopted by the director ~~of~~ 53918  
~~health~~ pursuant to ~~section~~ sections 3704.03 and 3710.02 of the 53919  
Revised Code. 53920

(E) Every asbestos hazard abatement worker shall comply with 53921  
all applicable standards adopted by the director ~~of health~~ 53922  
pursuant to ~~section~~ sections 3704.03 and 3710.02 of the Revised 53923  
Code. 53924

(F) The ~~department~~ director may, on a case-by-case basis, 53925

approve an alternative to the worker protection requirements of 53926  
divisions (A), (B), and (C) of this section for an asbestos hazard 53927  
abatement project conducted by a public entity, provided that the 53928  
asbestos hazard abatement contractor submits the alternative 53929  
procedure to the ~~department~~ director in writing and demonstrates 53930  
to the satisfaction of the ~~department~~ director that the proposed 53931  
alternative procedure provides equivalent worker protection. 53932

**Sec. 3710.09.** (A) As a means of protecting the public, each 53933  
asbestos hazard abatement contractor licensed under this chapter 53934  
shall maintain records of all asbestos hazard abatement projects 53935  
which the contractor performs and make these records available to 53936  
the ~~department of health~~ the director of environmental protection 53937  
upon request. The licensee shall maintain the records for at least 53938  
thirty years. 53939

(B) The records required by this section shall include all of 53940  
the following: 53941

(1) The name, social security number, and address of the 53942  
person who supervised the asbestos hazard abatement project; 53943

(2) The names and social security numbers of all workers at 53944  
the job site; 53945

(3) The location and description of the asbestos hazard 53946  
abatement project and the amount of asbestos-containing material 53947  
that was removed; 53948

(4) The starting and completion dates of each asbestos hazard 53949  
abatement project; 53950

(5) A summary of the procedures that were used to comply with 53951  
all applicable federal, state, and local standards; 53952

(6) The name and address of each asbestos disposal site where 53953  
the waste containing asbestos was deposited; 53954

(7) Any other information that the director ~~of health~~, by 53955

rule, requires. 53956

**Sec. 3710.10.** (A) No person other than the ~~department of~~ 53957  
~~health director of environmental protection~~ shall conduct or offer 53958  
to conduct any initial or review training course or examination 53959  
required by this chapter unless that person is approved to sponsor 53960  
the courses and examinations under this section. In conducting any 53961  
such course or examination, the ~~department~~ director and the 53962  
approved person shall administer the courses and examinations 53963  
according to the United States environmental protection agency 53964  
"Model Accreditation Plan," 40 C.F.R. 763, Subpart E, Appendix C, 53965  
and the rules of the director ~~of health~~ adopted pursuant to 53966  
division (A)(3) of section 3710.02 of the Revised Code. A person 53967  
may apply for approval or renewal of a course on the health and 53968  
safety aspects of asbestos hazard abatement activities which meets 53969  
the requirements of division (A)(3) of section 3710.07 of the 53970  
Revised Code by submitting a written application on forms provided 53971  
by the ~~department~~ director. 53972

(B) In order to obtain or renew ~~department~~ approval, a person 53973  
sponsoring a course shall substantially satisfy all of the 53974  
following criteria: 53975

(1) Provide courses of instruction and examinations that meet 53976  
the requirements of division (A) of this section; 53977

(2) Ensure that instruction is given or supervised by 53978  
personnel with sufficient education and experience as determined 53979  
in rules adopted by the director; 53980

(3) Maintain lists of students trained and the dates on which 53981  
training occurred for at least twenty years, and make this 53982  
information available to the ~~department~~ director upon request. 53983

(C) In order to obtain or renew ~~department~~ approval, a person 53984  
sponsoring an initial course or a review course annually shall 53985

apply to the ~~department~~ director for approval. In applying, the 53986  
person shall submit the fee set forth in division (D) of section 53987  
3710.05 of the Revised Code along with any increase in fee adopted 53988  
pursuant to division (A)(4) of section 3710.02 of the Revised 53989  
Code. 53990

(D)(1) The ~~department~~ director shall act or acknowledge 53991  
receipt of an application within ten working days after receiving 53992  
the application. 53993

(2) The ~~department~~ director shall act on the application 53994  
within ninety days after it is complete. 53995

(3) The ~~department~~ director shall grant contingent approval 53996  
of an application if the ~~department~~ director determines the course 53997  
substantially satisfies or will substantially satisfy the criteria 53998  
in this chapter and the rules adopted by the director. 53999

(4) The ~~department~~ director may deny or revoke approval of a 54000  
course if the ~~department~~ director determines the course does not 54001  
or will not substantially satisfy the criteria in this chapter or 54002  
the rules adopted by the director. 54003

(5) The ~~department~~ director shall grant final approval of a 54004  
course only after an on-site audit by the ~~department~~ director 54005  
which reveals that the course substantially satisfies the criteria 54006  
in this chapter and the rules adopted by the director. Course 54007  
approvals expire one year from the date of final approval under 54008  
division (D)(5) of this section. 54009

(E) Each course approval issued under this section expires 54010  
one year after the date of issue, but a person who received 54011  
approval may apply to the ~~department~~ director for renewal under 54012  
the standard renewal procedures of Chapter 4745. of the Revised 54013  
Code. The fee prescribed in section 3710.05 of the Revised Code 54014  
must accompany the application. 54015

**Sec. 3710.11.** Persons licensed, certified, or otherwise 54016  
approved under the laws of another state to perform functions 54017  
substantially similar to those of an asbestos hazard abatement 54018  
contractor, asbestos hazard abatement specialist, asbestos hazard 54019  
evaluation specialist, asbestos hazard abatement project designer, 54020  
or asbestos hazard abatement air-monitoring technician, may apply 54021  
to the director of ~~health~~ environmental protection for licensure 54022  
or certification. The director shall license or certify persons 54023  
under this section upon a determination that the standards for 54024  
certification, licensure, or approval in the other state are at 54025  
least substantially equivalent to those established by this 54026  
chapter and the rules adopted thereunder. The director may require 54027  
an examination before licensure or certification under this 54028  
section. 54029

Persons certified or licensed under this section are subject 54030  
to the same duties and requirements for renewal as other persons 54031  
certified or licensed pursuant to this chapter and the rules 54032  
adopted thereunder. 54033

**Sec. 3710.12.** Subject to ~~the hearing provisions of this~~ 54034  
~~chapter~~ section 3710.13 of the Revised Code, the ~~department of~~ 54035  
~~health~~ director of environmental protection may deny, suspend, or 54036  
revoke any license or certificate, or renewal thereof, if the 54037  
licensee or certificate holder: 54038

(A) Fraudulently or deceptively obtains or attempts to obtain 54039  
a license or certificate; 54040

(B) Fails at any time to meet the qualifications for a 54041  
license or certificate; 54042

(C) Is violating or threatening to violate any provisions of 54043  
any of the following: 54044

(1) This chapter, Chapters 3704. and 3745. of the Revised 54045

Code, or the rules of the director ~~of health~~ adopted pursuant 54046  
~~thereto to those chapters, as those chapters and rules pertain to~~ 54047  
asbestos; 54048

(2) The "National Emission Standard for Hazardous Air 54049  
Pollutants" regulations of the United States environmental 54050  
protection agency as the regulations pertain to asbestos; 54051

(3) The regulations of the United States occupational safety 54052  
and health administration as the regulations pertain to asbestos. 54053

**Sec. 3710.13.** (A) ~~Except as otherwise provided in Chapter~~ 54054  
~~119. of the Revised Code or this section, before~~ Before the 54055  
~~department of health~~ director of environmental protection takes 54056  
any action under section 3710.12 of the Revised Code, ~~it~~ the 54057  
director shall give the license applicant, licensee, or 54058  
certificate holder against whom action is contemplated an 54059  
opportunity for a hearing. 54060

Except as otherwise provided in this section, the ~~department~~ 54061  
director shall give notice and hold the hearing in accordance with 54062  
Chapter 119. of the Revised Code. 54063

(B) The ~~department~~ director, without notice or hearing and in 54064  
accordance with rules adopted by the director ~~of health~~, may issue 54065  
an order requiring any action necessary to meet ~~a public~~ an 54066  
environmental health emergency involving asbestos. Any person to 54067  
whom an order is directed shall immediately comply with the order. 54068  
Upon application to the director ~~of health~~, the person shall be 54069  
afforded a hearing as soon as possible, but no more than twenty 54070  
days after receipt of the application by the director. 54071

(C) If the director determines, pursuant to division (B) of 54072  
this section, that ~~a public~~ an environmental health emergency 54073  
involving asbestos exists, the director may order, without a 54074  
hearing, the denial, suspension, or revocation of any license or 54075

certificate issued under this chapter of the parties involved, 54076  
provided that an opportunity for a hearing is provided to the 54077  
affected party as soon as reasonably possible. 54078

~~(D) All proceedings under this chapter are subject to Chapter 54079  
119. of the Revised Code, except that: 54080~~

~~(1) Upon the request of a licensee or certificate holder, the 54081  
location of an adjudicatory hearing is the county seat of the 54082  
county in which the licensee or certificate holder conducts 54083  
business. 54084~~

~~(2) The director shall notify, by certified mail or personal 54085  
delivery, a licensee or certificate holder that the licensee or 54086  
certificate holder is entitled to a hearing if the licensee or 54087  
certificate holder requests it, in writing, within ten days of the 54088  
time that the licensee or certificate holder receives the notice. 54089  
If the licensee or certificate holder requests such a hearing, the 54090  
director shall set the hearing date no later than ten days after 54091  
the director receives the request. 54092~~

~~(3) The director shall not apply for or receive a 54093  
postponement or continuation of an adjudication hearing. If a 54094  
licensee or certificate holder requests a postponement or 54095  
continuation of an adjudication hearing, the director only shall 54096  
grant the request if the licensee or certificate holder 54097  
demonstrates extreme hardship in complying with the hearing date. 54098  
If the director grants a postponement or continuation on the 54099  
grounds of extreme hardship, the director shall include in the 54100  
record of the case, the nature and cause of the extreme hardship. 54101~~

~~(4) In lieu of an adjudicatory hearing required by this 54102  
chapter, a licensee or certificate holder, by no later than the 54103  
date set for a hearing pursuant to division (A)(3) of this 54104  
section, may by written request to the director, request that the 54105  
matter be resolved by the licensee or certificate holder 54106~~

~~submitting documents, papers, and other written evidence to the~~ 54107  
~~director to support the licensee's or certificate holder's claim.~~ 54108

~~(5) If the director appoints a referee or an examiner to~~ 54109  
~~conduct a hearing, all of the following apply:~~ 54110

~~(a) The examiner or referee shall serve, by certified mail~~ 54111  
~~and within three business days of the conclusion of the hearing, a~~ 54112  
~~copy of the written adjudication report and the referee's or~~ 54113  
~~examiner's recommendations, on the director and the affected~~ 54114  
~~licensee or certificate holder or the licensee's or certificate~~ 54115  
~~holder's attorney or other representative of record.~~ 54116

~~(b) The licensee or certificate holder, within three business~~ 54117  
~~days of receipt of the report under division (D)(5)(a) of this~~ 54118  
~~section, may file with the director written objections to the~~ 54119  
~~report and recommendations.~~ 54120

~~(c) The director shall consider any objections received under~~ 54121  
~~division (D)(5)(b) of this section prior to approving, modifying,~~ 54122  
~~or disapproving the report and recommendations. Within six~~ 54123  
~~business days of receiving the report under division (D)(5)(a) of~~ 54124  
~~this section, the director shall serve the director's order, by~~ 54125  
~~certified mail, on the affected licensee or certificate holder or~~ 54126  
~~the licensee's or certificate holder's attorney or other~~ 54127  
~~representative of record.~~ 54128

~~(6) If the director conducts an adjudicatory hearing under~~ 54129  
~~this chapter, the director shall serve the director's decision, by~~ 54130  
~~certified mail and within three business days of the conclusion of~~ 54131  
~~the hearing, on the affected licensee or certificate holder or the~~ 54132  
~~licensee's or certificate holder's attorney or other~~ 54133  
~~representative of record.~~ 54134

~~(7) If no hearing is held, the director shall issue an order,~~ 54135  
~~by certified mail and within three business days of the last date~~ 54136  
~~possible for a hearing, based upon the record available to the~~ 54137

~~director, to the affected licensee or certificate holder or the  
licensee's or certificate holder's attorney or other  
representative of record.~~

~~(8) A licensee or certificate holder shall file a notice of  
appeal to an adverse adjudication decision within fifteen days  
after receipt of the director's order.~~

**Sec. 3710.14.** (A) At the request of the director of ~~health~~  
environmental protection, the attorney general may commence a  
civil action for civil penalties and injunctions, in a court of  
common pleas, against any person who has violated, is violating,  
or is threatening to violate this chapter, any rule adopted under  
this chapter, or any license or certificate issued under this  
chapter.

(B) The court of common pleas in which an action for  
injunctive relief is filed has jurisdiction to, and shall grant,  
preliminary and permanent injunctive relief upon a showing that  
the person against whom the action is brought has violated, is  
violating, or is threatening to violate any provision of this  
~~chapter~~ chapter, any rule adopted under this chapter, or any  
license or certificate issued under this chapter.

(C) Upon a finding of a violation, the court shall assess a  
civil penalty of not more than five thousand dollars against the  
person.

(D) Each day a violation continues is a separate violation  
under this section.

(E) The remedies provided in Chapter 3710. of the Revised  
Code are in addition to remedies otherwise available under any  
federal, state, or local law.

**Sec. 3710.15.** All civil and criminal penalties ordered  
pursuant to this chapter and paid as provided in the chapter, and

all fees and other moneys collected pursuant to the chapter, shall 54168  
be deposited in the ~~general operations~~ non-title V clean air fund 54169  
created in section ~~3701.83~~ 3704.035 of the Revised Code ~~and shall~~ 54170  
~~be used for the sole purpose of administering and enforcing this~~ 54171  
~~chapter and the rules adopted under it.~~ 54172

**Sec. 3710.17.** (A) Where any person is certified or licensed 54173  
by the ~~department of health~~ director of environmental protection 54174  
to engage in asbestos hazard abatement or evaluation activity 54175  
pursuant to this chapter, the liability of that person when 54176  
performing such activity in accordance with procedures established 54177  
pursuant to state or federal law for an injury to any individual 54178  
or property caused or related to this activity shall be limited to 54179  
acts or omissions of the person during the course of performing 54180  
the activity which can be shown, based on a preponderance of the 54181  
evidence, to have been negligent. For the purposes of this 54182  
section, the demonstration that acts or omissions of a person 54183  
performing asbestos hazard abatement or evaluation activities were 54184  
in accordance with generally accepted practice and with procedures 54185  
established by state or federal law at the time the abatement or 54186  
evaluation activity was performed creates a rebuttable presumption 54187  
that the acts or omissions were not negligent. 54188

(B) Where any person contracts with a certified asbestos 54189  
hazard abatement specialist, asbestos hazard evaluation 54190  
specialist, or other category of asbestos hazard specialist 54191  
established by the director of health, or a licensed asbestos 54192  
hazard abatement contractor, the liability of that person for 54193  
asbestos-related injuries caused by the person's contractee in the 54194  
performance of asbestos hazard abatement or evaluation activities 54195  
shall be limited to those asbestos-related injuries arising from 54196  
acts which the person knew or could reasonably have been expected 54197  
to know were not in accordance with generally accepted practice or 54198  
with procedures established by state or federal law at the time 54199

the abatement activity took place. 54200

(C) Notwithstanding any other provisions of the Revised Code 54201  
or rules of a court to the contrary, this section governs all 54202  
claims for asbestos-related injuries arising from asbestos hazard 54203  
abatement or evaluation activities. 54204

**Sec. 3710.19.** On receipt of a notice pursuant to section 54205  
3123.43 of the Revised Code, the ~~department of health~~ director of 54206  
environmental protection shall comply with sections 3123.41 to 54207  
3123.50 of the Revised Code and any applicable rules adopted under 54208  
section 3123.63 of the Revised Code with respect to a license or 54209  
certificate issued pursuant to this chapter. 54210

**Sec. 3710.99.** (A) At the request of the director of ~~health~~ 54211  
environmental protection, a prosecuting attorney, city director of 54212  
law, or similar chief legal officer may commence a criminal 54213  
action, in a court of this state, against any person who violates 54214  
any provision of ~~Chapter 3710. of the Revised Code~~ this chapter, 54215  
any rule adopted under this chapter, any license or certificate 54216  
issued under ~~the~~ this chapter, or any order issued pursuant to ~~the~~ 54217  
this chapter. 54218

(B) Upon conviction, the person is subject to: 54219

(1) A fine of at least ten thousand dollars but not more than 54220  
twenty-five thousand dollars or imprisonment at least one year but 54221  
not more than two years, or both, for a first offense; or 54222

(2) A fine of at least twenty thousand dollars but not more 54223  
than forty thousand dollars or imprisonment of at least two years 54224  
but not more than four years or both for a second or subsequent 54225  
offense. 54226

**Sec. 3713.04.** (A) In accordance with Chapter 119. of the 54227  
Revised Code, the superintendent of industrial compliance shall: 54228

(1) Adopt rules pertaining to the definition, name, and description of materials necessary to carry out this chapter;	54229 54230
(2) Determine the testing standards, fees, and charges to be paid for making any test or analysis required pursuant to section 3713.08 of the Revised Code.	54231 54232 54233
(B) In accordance with Chapter 119. of the Revised Code, the superintendent may adopt rules regarding the following:	54234 54235
(1) Establishing an initial application fee or an annual registration renewal fee not more than fifty per cent higher than the fees set forth in section <del>4713.05</del> <u>3713.05</u> of the Revised Code;	54236 54237 54238
(2) Establishing standards, on a reciprocal basis, for the acceptance of labels and laboratory analyses from other states where the labeling requirements and laboratory analysis standards are substantially equal to the requirements of this state, provided the other state extends similar reciprocity to labels and laboratory analysis conducted under this chapter;	54239 54240 54241 54242 54243 54244
(3) Any other rules necessary to administer and carry out this chapter.	54245 54246
(C) The superintendent may do any of the following:	54247
(1) Issue administrative orders, conduct hearings, and take all actions necessary under the authority of Chapter 119. of the Revised Code for the administration of this chapter. The authority granted under this division shall include the authority to suspend, revoke, or deny registration under this chapter.	54248 54249 54250 54251 54252
(2) Establish and maintain facilities within the department of commerce to make tests and analysis of materials used in the manufacture of bedding and stuffed toys. The superintendent also may designate established laboratories <del>in various sections of the state</del> that are qualified to make these tests. <u>These laboratories may be used for making any test or analysis of materials used in</u>	54253 54254 54255 54256 54257 54258

the manufacture of bedding and stuffed toys. If the superintendent 54259  
exercises this authority, the superintendent shall adopt rules to 54260  
determine the fees and charges to be paid for making the tests or 54261  
analyses authorized under this section. 54262

(3) Exercise such other powers and duties as are necessary to 54263  
carry out the purpose and intent of this chapter. 54264

**Sec. 3715.021.** (A) As used in this section, "food processing 54265  
establishment" means a premises or part of a premises where food 54266  
is processed, packaged, manufactured, or otherwise held or handled 54267  
for distribution to another location or for sale at wholesale. 54268  
"Food processing establishment" includes the activities of a 54269  
bakery, confectionery, cannery, bottler, warehouse, or 54270  
distributor, and the activities of an entity that receives or 54271  
salvages distressed food for sale or use as food. A "food 54272  
processing establishment" does not include a cottage food 54273  
production operation; a processor of maple syrup who boils sap 54274  
when a minimum of seventy-five per cent of the sap used to produce 54275  
the syrup is collected directly from trees by that processor; a 54276  
processor of sorghum who processes sorghum juice when a minimum of 54277  
seventy-five per cent of the sorghum juice used to produce the 54278  
sorghum is extracted directly from sorghum plants by that 54279  
processor; ~~or~~ a beekeeper who jars honey when a minimum of 54280  
seventy-five per cent of the honey is from that beekeeper's own 54281  
hives; or a processor of apple syrup or apple butter who directly 54282  
harvests from trees a minimum of seventy-five per cent of the 54283  
apples used to produce the apple syrup or apple butter. 54284

(B) The director of agriculture shall adopt rules in 54285  
accordance with Chapter 119. of the Revised Code that establish, 54286  
when otherwise not established by the Revised Code, standards and 54287  
good manufacturing practices for food processing establishments, 54288  
including the facilities of food processing establishments and 54289

their sanitation. The rules shall conform with or be equivalent to 54290  
the standards for foods established by the United States food and 54291  
drug administration in Title 21 of the Code of Federal 54292  
Regulations. 54293

A business or that portion of a business that is regulated by 54294  
the department of agriculture under Chapter 917. or 918. of the 54295  
Revised Code is not subject to regulation under this section as a 54296  
food processing establishment. 54297

**Sec. 3715.041.** (A)(1) As used in this section, "food 54298  
processing establishment" has the same meaning as in section 54299  
3715.021 of the Revised Code. 54300

(2) A person that operates a food processing establishment 54301  
shall register the establishment annually with the director of 54302  
agriculture. The person shall submit an application for 54303  
registration or renewal on a form prescribed and provided by the 54304  
director. Except as provided in division (G) of this section, an 54305  
application for registration or renewal shall be accompanied by a 54306  
registration fee in an amount established in rules adopted under 54307  
this section. If a person files an application for registration on 54308  
or after the first day of August of any year, the fee shall be 54309  
one-half of the annual registration fee. 54310

(B)(1) The director shall inspect the food processing 54311  
establishment for which an application for initial registration 54312  
has been submitted. If, upon inspection, the director finds that 54313  
the establishment is in compliance with this chapter and Chapter 54314  
911., 913., 915., or 925. of the Revised Code, as applicable, or 54315  
applicable rules adopted under those chapters, the director shall 54316  
issue a certificate of registration to the food processing 54317  
establishment. A food processing establishment registration 54318  
expires on the thirty-first day of January and is valid until that 54319  
date unless it is suspended or revoked under this section. 54320

(2) A person that is operating a food processing establishment ~~on the effective date of this section~~ shall apply to the director for a certificate of registration ~~not later than ninety days after the effective date of this section~~ not later than a date specified by the director in rules adopted under this section. If an application is not filed with the director or postmarked on or before ~~ninety days after the effective date of this section~~ that date, the director shall assess a late fee in an amount established in rules adopted under this section.

(C)(1) A food processing establishment registration may be renewed by the director. A person seeking registration renewal shall submit an application for renewal to the director not later than the thirty-first day of January. The director shall issue a renewed certificate of registration on receipt of a complete renewal application except as provided in division (C)(2) of this section.

(2) If a renewal application is not filed with the director or postmarked on or before the thirty-first day of January, the director shall assess a late fee in an amount established in rules adopted under this section. The director shall not renew the registration until the applicant pays the late fee.

(D) A copy of the food processing establishment registration certificate shall be conspicuously displayed in an area of the establishment to which customers of the establishment have access.

(E)(1) The director or the director's designee may issue an order suspending or revoking a food processing establishment registration upon determining that the registration holder is in violation of this chapter or Chapter 911., 913., 915., or 925. of the Revised Code, as applicable, or applicable rules adopted under those chapters. Except as provided in division (E)(2) of this section, a registration shall not be suspended or revoked until the registration holder is provided an opportunity to appeal the

suspension or revocation in accordance with Chapter 119. of the Revised Code. 54353  
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(2) If the director determines that a food processing establishment presents an immediate danger to the public health, the director may issue an order immediately suspending the establishment's registration without affording the registration holder an opportunity for a hearing. The director then shall afford the registration holder a hearing in accordance with Chapter 119. of the Revised Code not later than ten days after the date of suspension. 54355  
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(3) If the director finds that a person is operating a food processing establishment without registering the establishment under this section, the director shall issue a letter of warning to the person giving the person ten days to register the establishment. If the person fails to register the establishment within that ten-day time period, the director may assess a civil penalty against the person. If the director assesses a civil penalty, the director shall do so as follows: 54363  
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(a) If, within five years of the issuance of the letter of warning to the person, the director has not previously assessed a civil penalty against the person under this section, in an amount not exceeding five hundred dollars; 54371  
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(b) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed one civil penalty against the person under this section, in an amount not exceeding one thousand five hundred dollars; 54375  
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(c) If, within five years of the issuance of the letter of warning to the person, the director has previously assessed two or more civil penalties against the person under this section, in an amount not exceeding five thousand dollars. 54379  
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(F) The director shall adopt rules in accordance with Chapter 54383

119. of the Revised Code that establish all of the following:	54384
(1) <u>The date by which a person that is operating a food processing establishment must submit an application for a food processing establishment registration;</u>	54385 54386 54387
(2) The amount of the registration fee that must be submitted with an application for a food processing establishment registration and with an application for renewal;	54388 54389 54390
<del>(2)</del> (3) The amount of the late fee that is required in division (B)(2) of this section;	54391 54392
<del>(3)</del> (4) The amount of the fee for the late renewal of a food processing establishment registration that is required in division (C)(2) of this section;	54393 54394 54395
<del>(4)</del> (5) Any other procedures and requirements that are necessary to administer and enforce this section.	54396 54397
(G) The following are not required to pay any registration fee that is otherwise required in this section:	54398 54399
(1) <del>Home bakeries</del> <u>Bakeries</u> registered under section 911.02 of the Revised Code;	54400 54401
(2) Canneries licensed under section 913.02 of the Revised Code;	54402 54403
(3) Soft drink plants licensed under section 913.23 of the Revised Code;	54404 54405
(4) Cold-storage warehouses licensed under section 915.02 of the Revised Code;	54406 54407
(5) Persons licensed under section 915.15 of the Revised Code;	54408 54409
(6) Persons that are engaged in egg production and that maintain annually five hundred or fewer laying hens.	54410 54411
(H) All money that is collected under this section shall be	54412

credited to the food safety fund created in section 915.24 of the Revised Code. 54413  
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Sec. 3715.08. (A) As used in this section: 54415

(1) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 54416  
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(2) "Prescriber" means any of the following: 54418

(a) An advanced practice registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner; 54419  
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(b) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 54423  
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(c) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority. 54426  
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(3) "Qualifying practitioner" has the same meaning as in section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended. 54430  
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(B) Before initiating medication-assisted treatment, a prescriber shall give the patient or the patient's representative information about all drugs approved by the United States food and drug administration for use in medication-assisted treatment. The information must be provided both orally and in writing. The prescriber or the prescriber's delegate shall note in the patient's medical record when this information was provided and make the record available to employees of the board of nursing or state medical board on their request. 54433  
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If the prescriber is not a qualifying practitioner and the 54442

patient's choice is treatment with a controlled substance 54443  
containing buprenorphine and the prescriber determines that such 54444  
treatment is clinically appropriate and meets generally accepted 54445  
standards of medicine, the prescriber shall refer the patient to a 54446  
qualifying practitioner. If the patient's choice is methadone 54447  
treatment and the prescriber determines that such treatment is 54448  
clinically appropriate and meets generally accepted standards of 54449  
medicine, the prescriber shall refer the patient to a community 54450  
addiction services provider licensed under section 5119.391 of the 54451  
Revised Code. In either case, the prescriber or the prescriber's 54452  
delegate shall make a notation in the patient's medical record 54453  
naming the practitioner or provider to whom the patient was 54454  
referred and specifying when the referral was made. 54455

**Sec. 3717.22.** (A) The following are not retail food 54456  
establishments: 54457

(1) A food service operation licensed under this chapter, 54458  
including a food service operation that provides the services of a 54459  
retail food establishment pursuant to an endorsement issued under 54460  
section 3717.44 of the Revised Code; 54461

(2) An entity exempt under divisions (B)(1) to (9) or (11) to 54462  
(13) of section 3717.42 of the Revised Code from the requirement 54463  
to be licensed as a food service operation and an entity exempt 54464  
under division (B)(10) of that section if the entity is regulated 54465  
by the department of agriculture as a food processing 54466  
establishment under section 3715.021 of the Revised Code; 54467

(3) A business or that portion of a business that is 54468  
regulated by the federal government or the department of 54469  
agriculture as a food manufacturing or food processing business, 54470  
including a business or that portion of a business regulated by 54471  
the department of agriculture under Chapter 911., 913., 915., 54472  
917., 918., or 925. of the Revised Code. 54473

(B) All of the following are exempt from the requirement to be licensed as a retail food establishment:	54474 54475
(1) An establishment with commercially prepackaged foods that are not potentially hazardous and contained in displays, the total space of which equals less than two hundred cubic feet;	54476 54477 54478
(2) A person at a farmers market that is registered with the director of agriculture pursuant to section 3717.221 of the Revised Code that offers for sale only one or more of the following:	54479 54480 54481 54482
(a) Fresh unprocessed fruits or vegetables;	54483
(b) Products of a cottage food production operation;	54484
(c) Maple syrup, sorghum, <del>or</del> <u>honey, apple syrup, or apple butter</u> that is produced by a maple syrup or sorghum producer <del>or</del> <u>beekeeper, or apple syrup or apple butter processor</u> described in division (A) of section 3715.021 of the Revised Code;	54485 54486 54487 54488
(d) Wine as authorized under section 4303.2010 of the Revised Code;	54489 54490
(e) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers market.	54491 54492 54493 54494 54495
(3) A person who offers for sale at a roadside stand only fresh fruits and fresh vegetables that are unprocessed;	54496 54497
(4) A nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises funds by selling foods and that, if required to be licensed, would be classified as risk level one in accordance with rules establishing licensing categories for retail food establishments	54498 54499 54500 54501 54502 54503

adopted under section 3717.33 of the Revised Code, if the sales 54504  
occur inside a building and are for not more than seven 54505  
consecutive days or more than fifty-two separate days during a 54506  
licensing period. This exemption extends to any individual or 54507  
group raising all of its funds during the time periods specified 54508  
in division (B)(4) of this section for the benefit of the 54509  
nonprofit organization by selling foods under the same conditions. 54510

(5) An establishment that offers food contained in displays 54511  
of less than five hundred square feet, and if required to be 54512  
licensed would be classified as risk level one pursuant to rules 54513  
establishing licensing categories for retail food establishments 54514  
adopted under section 3717.33 of the Revised Code, on the 54515  
condition that the establishment offers the food for sale at 54516  
retail not more than six months in each calendar year; 54517

(6) A cottage food production operation, on the condition 54518  
that the operation offers its products directly to the consumer 54519  
from the site where the products are produced; 54520

(7) A maple syrup and sorghum processor ~~and~~, beekeeper, or 54521  
apple syrup and apple butter processor described in division (A) 54522  
of section 3715.021 of the Revised Code, on the condition that the 54523  
processor or beekeeper offers only maple syrup, sorghum, ~~or~~ honey, 54524  
apple syrup, or apple butter directly to the consumer from the 54525  
site where those products are processed; 54526

(8) A person who annually maintains five hundred or fewer 54527  
birds, on the condition that the person offers the eggs from those 54528  
birds directly to the consumer from the location where the eggs 54529  
are produced or at a farm product auction to which division 54530  
(B)(11) of this section applies; 54531

(9) A person who annually raises and slaughters one thousand 54532  
or fewer chickens, on the condition that the person offers dressed 54533  
chickens directly to the consumer from the location where the 54534

chickens are raised and slaughtered or at a farm product auction 54535  
to which division (B)(11) of this section applies; 54536

(10) A person who raises, slaughters, and processes the meat 54537  
of nonamenable species described in divisions (A) and (B) of 54538  
section 918.12 of the Revised Code, on the condition that the 54539  
person offers the meat directly to the consumer from the location 54540  
where the meat is processed or at a farm product auction to which 54541  
division (B)(11) of this section applies; 54542

(11) A farm product auction, on the condition that it is 54543  
registered with the director pursuant to section 3717.221 of the 54544  
Revised Code that offers for sale at the farm product auction only 54545  
one or more of the following: 54546

(a) The products described in divisions (B)(8) to (10) of 54547  
this section that are produced, raised, slaughtered, or processed, 54548  
as appropriate, by persons described in divisions (B)(8) to (10) 54549  
of this section; 54550

(b) Fresh unprocessed fruits or vegetables; 54551

(c) Products of a cottage food production operation; 54552

(d) Maple syrup, sorghum, ~~or~~ honey, apple syrup, or apple 54553  
butter that is produced by a maple syrup or sorghum producer ~~or~~, 54554  
beekeeper, or apple syrup or apple butter processor described in 54555  
division (A) of section 3715.021 of the Revised Code. 54556

(12) An establishment that, with respect to offering food for 54557  
sale, offers only alcoholic beverages or prepackaged beverages 54558  
that are not potentially hazardous; 54559

(13) An establishment that, with respect to offering food for 54560  
sale, offers only alcoholic beverages, prepackaged beverages that 54561  
are not potentially hazardous, or commercially prepackaged food 54562  
that is not potentially hazardous, on the condition that the 54563  
commercially prepackaged food is contained in displays, the total 54564

space of which equals less than two hundred cubic feet on the 54565  
premises of the establishment; 54566

(14) An establishment that, with respect to offering food for 54567  
sale, offers only fountain beverages that are not potentially 54568  
hazardous; 54569

(15) A person who offers for sale only one or more of the 54570  
following foods at a festival or celebration, on the condition 54571  
that the festival or celebration is organized by a political 54572  
subdivision of the state and lasts for a period not longer than 54573  
seven consecutive days: 54574

(a) Fresh unprocessed fruits or vegetables; 54575

(b) Products of a cottage food production operation; 54576

(c) Maple syrup, sorghum, ~~or~~ honey, apple syrup, or apple 54577  
butter if produced by a maple syrup or sorghum processor ~~or~~, 54578  
beekeeper, or apple syrup or apple butter processor as described 54579  
in division (A) of section 3715.021 of the Revised Code; 54580

(d) Commercially prepackaged food that is not potentially 54581  
hazardous, on the condition that the food is contained in 54582  
displays, the total space of which equals less than one hundred 54583  
cubic feet; 54584

(e) Fruit butter produced at the festival or celebration and 54585  
sold from the production site. 54586

(16) A farm market on the condition that it is registered 54587  
with the director pursuant to section 3717.221 of the Revised Code 54588  
that offers for sale at the farm market only one or more of the 54589  
following: 54590

(a) Fresh unprocessed fruits or vegetables; 54591

(b) Products of a cottage food production operation; 54592

(c) Maple syrup, sorghum, ~~or~~ honey, apple syrup, or apple 54593  
butter that is produced by a maple syrup or sorghum producer ~~or~~, 54594

beekeeper, or apple syrup or apple butter processor described in 54595  
division (A) of section 3715.021 of the Revised Code; 54596

(d) Commercially prepackaged food that is not potentially 54597  
hazardous, on the condition that the food is contained in 54598  
displays, the total space of which equals less than one hundred 54599  
cubic feet on the premises where the person conducts business at 54600  
the farm market; 54601

(e) Cider and other juices manufactured on site at the farm 54602  
market; 54603

(f) The products or items described in divisions (B)(8) to 54604  
(10) of this section, on the condition that those products or 54605  
items were produced by the person offering to sell them, and 54606  
further conditioned that, with respect to eggs offered, the person 54607  
offering to sell them annually maintains five hundred or fewer 54608  
birds, and with respect to dressed chickens offered, the person 54609  
annually raises and slaughters one thousand or fewer chickens. 54610

**Sec. 3719.04.** (A) ~~A licensed manufacturer or wholesaler of~~ 54611  
~~controlled substances~~ person identified in division (B)(1)(a) of 54612  
section 4729.52 of the Revised Code who holds a category III 54613  
license under that section may sell at wholesale controlled 54614  
substances to any of the following persons and subject to the 54615  
following conditions: 54616

(1) ~~To a licensed manufacturer or wholesaler of controlled~~ 54617  
~~substances~~ another person who holds a category III license under 54618  
section 4729.50 of the Revised Code, or a terminal distributor of 54619  
dangerous drugs having a category III license under section 54620  
4729.54 of the Revised Code; 54621

(2) To a person in the employ of the United States government 54622  
or of any state, territorial, district, county, municipal, or 54623  
insular government, purchasing, receiving, possessing, or 54624

dispensing controlled substances by reason of official duties; 54625

(3) To a master of a ship or a person in charge of any 54626  
aircraft upon which no physician is regularly employed, for the 54627  
actual medical needs of persons on board the ship or aircraft, 54628  
when not in port; provided such controlled substances shall be 54629  
sold to the master of the ship or person in charge of the aircraft 54630  
only in pursuance of a special official written order approved by 54631  
a commissioned medical officer or acting assistant surgeon of the 54632  
United States public health service; 54633

(4) To a person in a foreign country, if the federal drug 54634  
abuse control laws are complied with. 54635

(B) An official written order for any schedule II controlled 54636  
substances shall be signed in triplicate by the person giving the 54637  
order or by the person's authorized agent. The original shall be 54638  
presented to the person who sells or dispenses the schedule II 54639  
controlled substances named in the order and, if that person 54640  
accepts the order, each party to the transaction shall preserve 54641  
the party's copy of the order for a period of three years in such 54642  
a way as to be readily accessible for inspection by any public 54643  
officer or employee engaged in the enforcement of Chapter 3719. of 54644  
the Revised Code. Compliance with the federal drug abuse control 54645  
laws, respecting the requirements governing the use of a special 54646  
official written order constitutes compliance with this division. 54647

**Sec. 3719.07.** (A) As used in this section, "description" 54648  
means the dosage form, strength, and quantity, and the brand name, 54649  
if any, or the generic name, of a drug or controlled substance. 54650

(B)(1) Every licensed health professional authorized to 54651  
prescribe drugs shall keep a record of all controlled substances 54652  
received and a record of all controlled substances administered, 54653  
dispensed, or used other than by prescription. Every other person, 54654  
except a pharmacist, or a manufacturer, or wholesaler, or other 54655

person licensed under section 4729.52 of the Revised Code, who is 54656  
authorized to purchase and use controlled substances shall keep a 54657  
record of all controlled substances purchased and used other than 54658  
by prescription. The records shall be kept in accordance with 54659  
division (C)(1) of this section. 54660

(2) Manufacturers ~~and~~, wholesalers, and other persons 54661  
licensed under section 4729.52 of the Revised Code shall keep 54662  
records of all controlled substances compounded, mixed, 54663  
cultivated, grown, or by any other process produced or prepared by 54664  
them, and of all controlled substances received or sold by them. 54665  
The records shall be kept in accordance with division (C)(2) of 54666  
this section. 54667

(3) Every category III terminal distributor of dangerous 54668  
drugs shall keep records of all controlled substances received or 54669  
sold. The records shall be kept in accordance with division (C)(3) 54670  
of this section. 54671

(4) Every person who sells or purchases for resale schedule V 54672  
controlled substances exempted by section 3719.15 of the Revised 54673  
Code shall keep a record showing the quantities and kinds thereof 54674  
received or sold. The records shall be kept in accordance with 54675  
divisions (C)(1), (2), and (3) of this section. 54676

(C)(1) The records required by divisions (B)(1) and (4) of 54677  
this section shall contain the following: 54678

(a) The description of all controlled substances received, 54679  
the name and address of the person from whom received, and the 54680  
date of receipt; 54681

(b) The description of controlled substances administered, 54682  
dispensed, purchased, sold, or used; the date of administering, 54683  
dispensing, purchasing, selling, or using; the name and address of 54684  
the person to whom, or for whose use, or the owner and species of 54685  
the animal for which the controlled substance was administered, 54686

dispensed, purchased, sold, or used. 54687

(2) The records required by divisions (B)(2) and (4) of this 54688  
section shall contain the following: 54689

(a) The description of all controlled substances produced or 54690  
prepared, the name and address of the person from whom received, 54691  
and the date of receipt; 54692

(b) The description of controlled substances sold, the name 54693  
and address of each person to whom a controlled substance is sold, 54694  
the amount of the controlled substance sold to each person, and 54695  
the date it was sold. 54696

(3) The records required by divisions (B)(3) and (4) of this 54697  
section shall contain the following: 54698

(a) The description of controlled substances received, the 54699  
name and address of the person from whom controlled substances are 54700  
received, and the date of receipt; 54701

(b) The name and place of residence of each person to whom 54702  
controlled substances, including those otherwise exempted by 54703  
section 3719.15 of the Revised Code, are sold, the description of 54704  
the controlled substances sold to each person, and the date the 54705  
controlled substances are sold to each person. 54706

(D) Every record required by this section shall be kept for a 54707  
period of three years. 54708

The keeping of a record required by or under the federal drug 54709  
abuse control laws, containing substantially the same information 54710  
as specified in this section, constitutes compliance with this 54711  
section. 54712

Every person who purchases for resale or who sells controlled 54713  
substance preparations exempted by section 3719.15 of the Revised 54714  
Code shall keep the record required by or under the federal drug 54715  
abuse control laws. 54716

Sec. 3719.08. (A) ~~Whenever~~ As used in this division, 54717  
"repackager" and "outsourcing facility" have the same meanings as 54718  
in section 4729.01 of the Revised Code. 54719

Whenever a manufacturer sells a controlled substance, and 54720  
whenever a wholesaler, repackager, or outsourcing facility sells a 54721  
controlled substance in a package the wholesaler, repackager, or 54722  
outsourcing facility has prepared, the manufacturer or the 54723  
wholesaler, repackager, or outsourcing facility, as the case may 54724  
be, shall securely affix to each package in which the controlled 54725  
substance is contained a label showing in legible English the name 54726  
and address of the vendor and the quantity, kind, and form of 54727  
controlled substance contained therein. No person, except a 54728  
pharmacist for the purpose of dispensing a controlled substance 54729  
upon a prescription shall alter, deface, or remove any label so 54730  
affixed. 54731

(B) Except as provided in division (C) of this section, when 54732  
a pharmacist dispenses any controlled substance on a prescription 54733  
for use by a patient, or supplies a controlled substance to a 54734  
licensed health professional authorized to prescribe drugs for use 54735  
by the professional in personally furnishing patients with 54736  
controlled substances, the pharmacist shall affix to the container 54737  
in which the controlled substance is dispensed or supplied a label 54738  
showing the following: 54739

(1) The name and address of the pharmacy dispensing or 54740  
supplying the controlled substance; 54741

(2) The name of the patient for whom the controlled substance 54742  
is prescribed and, if the patient is an animal, the name of the 54743  
owner and the species of the animal; 54744

(3) The name of the prescriber; 54745

(4) All directions for use stated on the prescription or 54746

provided by the prescriber; 54747

(5) The date on which the controlled substance was dispensed 54748  
or supplied; 54749

(6) The name, quantity, and strength of the controlled 54750  
substance and, if applicable, the name of the distributor or 54751  
manufacturer. 54752

(C) The requirements of division (B) of this section do not 54753  
apply when a controlled substance is prescribed or supplied for 54754  
administration to an ultimate user who is institutionalized. 54755

(D) A licensed health professional authorized to prescribe 54756  
drugs who personally furnishes a controlled substance to a patient 54757  
shall comply with division (A) of section 4729.291 of the Revised 54758  
Code with respect to labeling and packaging of the controlled 54759  
substance. 54760

(E) No person shall alter, deface, or remove any label 54761  
affixed pursuant to this section as long as any of the original 54762  
contents remain. 54763

(F) Every label for a schedule II, III, or IV controlled 54764  
substance shall contain the following warning: 54765

"Caution: federal law prohibits the transfer of this drug to 54766  
any person other than the patient for whom it was prescribed." 54767

**Sec. 3721.02.** (A) As used in this section, "residential 54768  
facility" means a residential facility licensed under section 54769  
5119.34 of the Revised Code that provides accommodations, 54770  
supervision, and personal care services for three to sixteen 54771  
unrelated adults. 54772

(B)(1) The director of health shall license homes and 54773  
establish procedures to be followed in inspecting and licensing 54774  
homes. The director may inspect a home at any time. Each home 54775  
shall be inspected by the director at least once prior to the 54776

issuance of a license and at least once every fifteen months 54777  
thereafter. The state fire marshal or a township, municipal, or 54778  
other legally constituted fire department approved by the marshal 54779  
shall also inspect a home prior to issuance of a license, at least 54780  
once every fifteen months thereafter, and at any other time 54781  
requested by the director. A home does not have to be inspected 54782  
prior to issuance of a license by the director, state fire 54783  
marshal, or a fire department if ownership of the home is assigned 54784  
or transferred to a different person and the home was licensed 54785  
under this chapter immediately prior to the assignment or 54786  
transfer. A nursing home does not need to be inspected before the 54787  
director increases the nursing home's licensed capacity if the 54788  
beds being added to the nursing home are placed in resident rooms 54789  
that were inspected, as part of the most recent previous 54790  
inspection of the nursing home, for the same number of residents 54791  
proposed to be placed in a room after the capacity increase. The 54792  
director may enter at any time, for the purposes of investigation, 54793  
any institution, residence, facility, or other structure that has 54794  
been reported to the director or that the director has reasonable 54795  
cause to believe is operating as a nursing home, residential care 54796  
facility, or home for the aging without a valid license required 54797  
by section 3721.05 of the Revised Code or, in the case of a county 54798  
home or district home, is operating despite the revocation of its 54799  
residential care facility license. The director may delegate the 54800  
director's authority and duties under this chapter to any 54801  
division, bureau, agency, or official of the department of health. 54802

(2)(a) If, prior to issuance of a license, a home submits a 54803  
request for an expedited licensing inspection and the request is 54804  
submitted in a manner and form approved by the director, the 54805  
director shall commence an inspection of the home not later than 54806  
ten business days after receiving the request. 54807

(b) On request, submitted in a manner and form approved by 54808

the director, the director may review plans for a building that is 54809  
to be used as a home for compliance with applicable state and 54810  
local building and safety codes. 54811

(c) The director may charge a fee for an expedited licensing 54812  
inspection or a plan review that is adequate to cover the expense 54813  
of expediting the inspection or reviewing the plans. The fee shall 54814  
be deposited in the state treasury to the credit of the general 54815  
operations fund created in section 3701.83 of the Revised Code and 54816  
used solely for expediting inspections and reviewing plans. 54817

(C) A single facility may be licensed both as a nursing home 54818  
pursuant to this chapter and as a residential facility pursuant to 54819  
section 5119.34 of the Revised Code if the director determines 54820  
that the part or unit to be licensed as a nursing home can be 54821  
maintained separate and discrete from the part or unit to be 54822  
licensed as a residential facility. 54823

(D) In determining the number of residents in a home for the 54824  
purpose of licensing, the director shall consider all the 54825  
individuals for whom the home provides accommodations as one group 54826  
unless one of the following is the case: 54827

(1) The home is a home for the aging, in which case all the 54828  
individuals in the part or unit licensed as a nursing home shall 54829  
be considered as one group, and all the individuals in the part or 54830  
unit licensed as a rest home shall be considered as another group. 54831

(2) The home is both a nursing home and a residential 54832  
facility. In that case, all the individuals in the part or unit 54833  
licensed as a nursing home shall be considered as one group, and 54834  
all the individuals in the part or unit licensed as an adult care 54835  
facility shall be considered as another group. 54836

(3) The home maintains, in addition to a nursing home or 54837  
residential care facility, a separate and discrete part or unit 54838  
that provides accommodations to individuals who do not require or 54839

receive skilled nursing care and do not receive personal care 54840  
services from the home, in which case the individuals in the 54841  
separate and discrete part or unit shall not be considered in 54842  
determining the number of residents in the home if the separate 54843  
and discrete part or unit is in compliance with the Ohio basic 54844  
building code established by the board of building standards under 54845  
Chapters 3781. and 3791. of the Revised Code and the home permits 54846  
the director, on request, to inspect the separate and discrete 54847  
part or unit and speak with the individuals residing there, if 54848  
they consent, to determine whether the separate and discrete part 54849  
or unit meets the requirements of this division. 54850

(E)(1) The director of health shall charge the following 54851  
application fee and annual renewal licensing and inspection fee 54852  
for each fifty persons or part thereof of a home's licensed 54853  
capacity: 54854

(a) For state fiscal year 2010, two hundred twenty dollars; 54855

(b) For state fiscal year 2011, two hundred seventy dollars; 54856

(c) For each state fiscal year thereafter, three hundred 54857  
twenty dollars. 54858

(2) All fees collected by the director for the issuance or 54859  
renewal of licenses shall be deposited into the state treasury to 54860  
the credit of the general operations fund created in section 54861  
3701.83 of the Revised Code for use only in administering and 54862  
enforcing this chapter and rules adopted under it. 54863

(F)(1) Except as otherwise provided in this section, the 54864  
results of an inspection or investigation of a home that is 54865  
conducted under this section, including any statement of 54866  
deficiencies and all findings and deficiencies cited in the 54867  
statement on the basis of the inspection or investigation, shall 54868  
be used solely to determine the home's compliance with this 54869  
chapter or another chapter of the Revised Code in any action or 54870

proceeding other than an action commenced under division (I) of 54871  
section 3721.17 of the Revised Code. Those results of an 54872  
inspection or investigation, that statement of deficiencies, and 54873  
the findings and deficiencies cited in that statement shall not be 54874  
used in either of the following: 54875

(a) Any court or in any action or proceeding that is pending 54876  
in any court and are not admissible in evidence in any action or 54877  
proceeding unless that action or proceeding is an appeal of an 54878  
action by the department of health under this chapter or is an 54879  
action by any department or agency of the state to enforce this 54880  
chapter or another chapter of the Revised Code; 54881

(b) An advertisement, unless the advertisement includes all 54882  
of the following: 54883

(i) The date the inspection or investigation was conducted; 54884

(ii) A statement that the director of health inspects all 54885  
homes at least once every fifteen months; 54886

(iii) If a finding or deficiency cited in the statement of 54887  
deficiencies has been substantially corrected, a statement that 54888  
the finding or deficiency has been substantially corrected and the 54889  
date that the finding or deficiency was substantially corrected; 54890

(iv) The number of findings and deficiencies cited in the 54891  
statement of deficiencies on the basis of the inspection or 54892  
investigation; 54893

(v) The average number of findings and deficiencies cited in 54894  
a statement of deficiencies on the basis of an inspection or 54895  
investigation conducted under this section during the same 54896  
calendar year as the inspection or investigation used in the 54897  
advertisement; 54898

(vi) A statement that the advertisement is neither authorized 54899  
nor endorsed by the department of health or any other government 54900

agency. 54901

(2) Nothing in division (F)(1) of this section prohibits the 54902  
results of an inspection or investigation conducted under this 54903  
section from being used in a criminal investigation or 54904  
prosecution. 54905

**Sec. 3721.031.** (A) The director of health may investigate any 54906  
complaint the director receives concerning a home. 54907

(1) Except as required by court order, as necessary for the 54908  
administration or enforcement of any statute relating to homes, or 54909  
as provided in division (C) of this section, the director and any 54910  
employee of the department of health shall not release any of the 54911  
following information without the permission of the individual or 54912  
of the individual's legal representative: 54913

(a) The identity of any patient or resident; 54914

(b) The identity of any individual who submits a complaint 54915  
about a home; 54916

(c) The identity of any individual who provides the director 54917  
with information about a home and has requested confidentiality; 54918

(d) Any information that reasonably would tend to disclose 54919  
the identity of any individual described in division (A)(1)(a) to 54920  
(c) of this section. 54921

(2) An agency or individual to whom the director is required, 54922  
by court order or for the administration or enforcement of a 54923  
statute relating to homes, to release information described in 54924  
division (A)(1) of this section shall not release the information 54925  
without the permission of the individual who would be or would 54926  
reasonably tend to be identified, or of the individual's legal 54927  
representative, unless the agency or individual is required to 54928  
release it by division (C) of this section, by court order, or for 54929  
the administration or enforcement of a statute relating to homes. 54930

(B) Except as provided in division (C) of this section, any record that identifies an individual described in division (A)(1)(a) to (c) of this section or that reasonably would tend to identify such an individual is not a public record for the purposes of section 149.43 of the Revised Code, and is not subject to inspection and copying under section 1347.08 of the Revised Code.

(C)(1) If the director, or an agency or individual to whom the director is required by court order or for administration or enforcement of a statute relating to homes to release information described in division (A)(1) of this section, uses information in any administrative or judicial proceeding against a home that reasonably would tend to identify an individual described in division (A)(1)(a) to (c) of this section, the director, agency, or individual shall disclose that information to the home. However, the director, agency, or individual shall not disclose information that directly identifies an individual described in divisions (A)(1)(a) to (c) of this section, unless the individual is to testify in the proceedings.

(2)(a) On the request of the director of aging or the director's designee and subject to division (C)(2)(b) of this section, the director of health may release to the department of aging the identity of a patient or resident of a home who receives assisted living services pursuant to sections 173.54 to 173.548 of the Revised Code.

(b) The department of aging shall not use information obtained under division (C)(2)(a) for any purpose other than monitoring the well-being of patients or residents who receive assisted living services.

(D) No person shall knowingly register a false complaint about a home with the director, or knowingly swear or affirm the truth of a false complaint, when the complaint is made for the

purpose of incriminating another. 54963

(E) An individual who in good faith submits a complaint under 54964  
this section or any other provision of the Revised Code regarding 54965  
a violation of this chapter, or participates in any investigation, 54966  
administrative proceeding, or judicial proceeding resulting from 54967  
the complaint, has the full protection against retaliatory action 54968  
provided by sections 4113.51 to 4113.53 of the Revised Code. 54969

**Sec. 3721.21.** As used in sections 3721.21 to 3721.34 of the 54970  
Revised Code: 54971

(A) "Long-term care facility" means either of the following: 54972

(1) A nursing home as defined in section 3721.01 of the 54973  
Revised Code; 54974

(2) A facility or part of a facility that is certified as a 54975  
skilled nursing facility or a nursing facility under Title XVIII 54976  
or XIX of the "Social Security Act." 54977

(B) "Residential care facility" has the same meaning as in 54978  
section 3721.01 of the Revised Code. 54979

(C) "Abuse" means ~~knowingly causing physical harm or~~ 54980  
~~recklessly causing serious physical harm to a resident by physical~~ 54981  
~~contact with the resident or by use of physical or chemical~~ 54982  
~~restraint, medication, or isolation as punishment, for staff~~ 54983  
~~convenience, excessively, as a substitute for treatment, or in~~ 54984  
~~amounts that preclude habilitation and treatment~~ any of the 54985  
following: 54986

(1) Physical abuse; 54987

(2) Psychological abuse; 54988

(3) Sexual abuse. 54989

(D) "Neglect" means recklessly failing to provide a resident 54990  
with any treatment, care, goods, or service necessary to maintain 54991

the health or safety of the resident when the failure results in 54992  
serious physical harm to the resident. "Neglect" does not include 54993  
allowing a resident, at the resident's option, to receive only 54994  
treatment by spiritual means through prayer in accordance with the 54995  
tenets of a recognized religious denomination. 54996

(E) "Exploitation" means taking advantage of a resident, 54997  
regardless of whether the action was for personal gain, whether 54998  
the resident knew of the action, or whether the resident was 54999  
harmed. 55000

(F) "Misappropriation" means depriving, defrauding, or 55001  
otherwise obtaining the real or personal property of a resident by 55002  
any means prohibited by the Revised Code, including violations of 55003  
Chapter 2911. or 2913. of the Revised Code. 55004

~~(F)~~(G) "Resident" includes a resident, patient, former 55005  
resident or patient, or deceased resident or patient of a 55006  
long-term care facility or a residential care facility. 55007

(H) "Physical abuse" means knowingly causing physical harm or 55008  
recklessly causing serious physical harm to a resident through 55009  
either of the following: 55010

(1) Physical contact with the resident; 55011

(2) The use of physical restraint, chemical restraint, 55012  
medication that does not constitute a chemical restraint, or 55013  
isolation, if the restraint, medication, or isolation is 55014  
excessive, for punishment, for staff convenience, a substitute for 55015  
treatment, or in an amount that precludes habilitation and 55016  
treatment. 55017

(I) "Psychological abuse" means knowingly or recklessly 55018  
causing psychological harm to a resident, whether verbally or by 55019  
action. 55020

(J) "Sexual abuse" means sexual conduct or sexual contact 55021

with a resident, as those terms are defined in section 2907.01 of 55022  
the Revised Code. 55023

~~(G)~~(K) "Physical restraint" has the same meaning as in 55024  
section 3721.10 of the Revised Code. 55025

~~(H)~~(L) "Chemical restraint" has the same meaning as in 55026  
section 3721.10 of the Revised Code. 55027

~~(I)~~(M) "Nursing and nursing-related services" means the 55028  
personal care services and other services not constituting skilled 55029  
nursing care that are specified in rules the director of health 55030  
shall adopt in accordance with Chapter 119. of the Revised Code. 55031

~~(J)~~(N) "Personal care services" has the same meaning as in 55032  
section 3721.01 of the Revised Code. 55033

~~(K)~~(O)(1) Except as provided in division ~~(K)~~(O)(2) of this 55034  
section, "nurse aide" means an individual who provides nursing and 55035  
nursing-related services to residents in a long-term care 55036  
facility, either as a member of the staff of the facility for 55037  
monetary compensation or as a volunteer without monetary 55038  
compensation. 55039

(2) "Nurse aide" does not include either of the following: 55040

(a) A licensed health professional practicing within the 55041  
scope of the professional's license; 55042

(b) An individual providing nursing and nursing-related 55043  
services in a religious nonmedical health care institution, if the 55044  
individual has been trained in the principles of nonmedical care 55045  
and is recognized by the institution as being competent in the 55046  
administration of care within the religious tenets practiced by 55047  
the residents of the institution. 55048

~~(L)~~(P) "Licensed health professional" means all of the 55049  
following: 55050

(1) An occupational therapist or occupational therapy 55051

assistant licensed under Chapter 4755. of the Revised Code;	55052
(2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	55053 55054
(3) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or <del>pediatry</del> <u>podiatric medicine and surgery</u> ;	55055 55056 55057
(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	55058 55059
(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	55060 55061
(6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;	55062 55063 55064
(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	55065 55066
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	55067 55068
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	55069 55070
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	55071 55072
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	55073 55074
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	55075 55076
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	55077 55078
(14) A licensed professional counselor or licensed professional clinical counselor licensed under Chapter 4757. of	55079 55080

the Revised Code; 55081

(15) A marriage and family therapist or independent marriage 55082  
and family therapist licensed under Chapter 4757. of the Revised 55083  
Code. 55084

~~(M)~~(Q) "Religious nonmedical health care institution" means 55085  
an institution that meets or exceeds the conditions to receive 55086  
payment under the medicare program established under Title XVIII 55087  
of the "Social Security Act" for inpatient hospital services or 55088  
post-hospital extended care services furnished to an individual in 55089  
a religious nonmedical health care institution, as defined in 55090  
section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 55091  
(1965), 42 U.S.C. 1395x(ss)(1), as amended. 55092

~~(N)~~(R) "Competency evaluation program" means a program 55093  
through which the competency of a nurse aide to provide nursing 55094  
and nursing-related services is evaluated. 55095

~~(O)~~(S) "Training and competency evaluation program" means a 55096  
program of nurse aide training and evaluation of competency to 55097  
provide nursing and nursing-related services. 55098

**Sec. 3721.22.** (A)~~(1)~~ No licensed health professional person 55099  
identified in division (P)(1) to (12), (14), or (15) of section 55100  
3721.21 of the Revised Code who knows or suspects that a resident 55101  
has been abused ~~or~~, neglected, or exploited, or that a resident's 55102  
property has been misappropriated, by any individual used by a 55103  
long-term care facility or residential care facility to provide 55104  
services to residents, shall fail to report that knowledge or 55105  
suspicion to the ~~director of health facility~~. 55106

(2) No nursing home administrator licensed or temporarily 55107  
licensed under Chapter 4751. of the Revised Code, and no 55108  
administrator of a residential care facility, who knows or 55109  
suspects that a resident has been abused, neglected, or exploited, 55110

or that a resident's property has been misappropriated, by any individual used by a long-term care facility or residential care facility to provide services to residents, shall fail to report that knowledge or suspicion to the director of health.

(B) Any person, including a resident, who knows or suspects that a resident has been abused ~~or~~, neglected, or exploited, or that a resident's property has been misappropriated, by any individual used by a long-term care facility or residential care facility to provide services to residents, may report that knowledge or suspicion to the director of health.

(C) Any person who in good faith reports suspected abuse, neglect, exploitation, or misappropriation to a facility or the director of health, provides information during an investigation of suspected abuse, neglect, exploitation, or misappropriation conducted by the director, or participates in a hearing conducted under section 3721.23 of the Revised Code is not subject to criminal prosecution, liable in damages in a tort or other civil action, or subject to professional disciplinary action because of injury or loss to person or property allegedly arising from the making of the report, provision of information, or participation in the hearing.

(D) If the director has reason to believe that a violation of division (A) of this section has occurred, the director may report the suspected violation to the appropriate professional licensing authority and to the attorney general, county prosecutor, or other appropriate law enforcement official.

(E) No person shall knowingly make a false allegation of abuse ~~or~~, neglect, or exploitation of a resident or misappropriation of a resident's property, or knowingly swear or affirm the truth of a false allegation, when the allegation is made for the purpose of incriminating another.

Sec. 3721.23. (A) The director of health shall receive, 55142  
review, and investigate allegations of abuse ~~or~~, neglect, or 55143  
exploitation of a resident or misappropriation of the property of 55144  
a resident by any individual used by a long-term care facility or 55145  
residential care facility to provide services to residents. 55146

(B) The director shall make findings regarding alleged abuse, 55147  
neglect, exploitation, or misappropriation of property after doing 55148  
both of the following: 55149

(1) Investigating the allegation and determining that there 55150  
is a reasonable basis for it; 55151

(2) Giving notice to the individual named in the allegation 55152  
and affording the individual a reasonable opportunity for a 55153  
hearing. 55154

Notice to the person named in an allegation shall be given 55155  
and the hearing shall be conducted pursuant to rules adopted by 55156  
the director under section 3721.26 of the Revised Code. For 55157  
purposes of conducting a hearing under this section, the director 55158  
may issue subpoenas compelling attendance of witnesses or 55159  
production of documents. The subpoenas shall be served in the same 55160  
manner as subpoenas and subpoenas duces tecum issued for a trial 55161  
of a civil action in a court of common pleas. If a person who is 55162  
served a subpoena fails to attend a hearing or to produce 55163  
documents, or refuses to be sworn or to answer any questions, the 55164  
director may apply to the common pleas court of the county in 55165  
which the person resides, or the county in which the long-term 55166  
care facility or residential care facility is located, for a 55167  
contempt order, as in the case of a failure of a person who is 55168  
served a subpoena issued by the court to attend or to produce 55169  
documents or a refusal of such person to testify. 55170

(C)(1) If the director finds that an individual used by a 55171  
long-term care facility or residential care facility has abused, 55172

neglected, or ~~abused~~ exploited a resident or misappropriated 55173  
property of a resident, the director shall ~~notify~~ do both of the 55174  
following: 55175

(a) Notify the individual, the facility using the individual, 55176  
~~and~~ the attorney general, county prosecutor, or other appropriate 55177  
law enforcement official. ~~The director also shall do the~~ 55178  
~~following:~~ 55179

~~(a) If the individual is used by a long term care facility as~~ 55180  
~~a nurse aide, the director shall, in accordance with section~~ 55181  
~~3721.32 of the Revised Code, include in the nurse aide registry~~ 55182  
~~established under that section a statement detailing the findings~~ 55183  
~~pertaining to the individual.~~ 55184

~~(b) If the individual is a licensed health professional used~~ 55185  
~~by a long term care facility or residential care facility to~~ 55186  
~~provide services to residents, the director shall notify, and, if~~ 55187  
~~applicable, the appropriate professional licensing authority~~ 55188  
~~established under Title XLVII of the Revised Code.~~ 55189

~~(c) If the individual is used by a long term care facility~~ 55190  
~~and is neither a nurse aide nor a licensed health professional, or~~ 55191  
~~is used by a residential care facility and is not a licensed~~ 55192  
~~health professional, the director shall, in:~~ 55193

(b) In accordance with section 3721.32 of the Revised Code, 55194  
include in the nurse aide registry established under that section 55195  
a statement detailing the findings pertaining to the individual. 55196

(2) ~~A nurse aide or other~~ An individual about whom a 55197  
statement is required by this division to be included in the nurse 55198  
aide registry may provide the director with a statement disputing 55199  
the director's findings and explaining the circumstances of the 55200  
allegation. The statement shall be included in the nurse aide 55201  
registry with the director's findings. 55202

(D)(1) If the director finds that alleged abuse, neglect, or 55203

~~abuse~~ exploitation of a resident or misappropriation of property 55204  
of a resident cannot be substantiated, the director shall notify 55205  
the individual and expunge all files and records of the 55206  
investigation and the hearing by doing all of the following: 55207

(a) Removing and destroying the files and records, originals 55208  
and copies, and deleting all index references; 55209

(b) Reporting to the individual the nature and extent of any 55210  
information about the individual transmitted to any other person 55211  
or government entity by the director of health; 55212

(c) Otherwise ensuring that any examination of files and 55213  
records in question show no record whatever with respect to the 55214  
individual. 55215

(2)(a) If, in accordance with division (C)(1)~~(a) or (e)~~ of 55216  
this section, the director includes in the nurse aide registry a 55217  
statement of a finding of neglect, the individual found to have 55218  
neglected a resident may, not earlier than one year after the date 55219  
of the finding, petition the director to rescind the finding and 55220  
remove the statement and any accompanying information from the 55221  
nurse aide registry. The director shall consider the petition. If, 55222  
in the judgment of the director, the neglect was a singular 55223  
occurrence and the employment and personal history of the 55224  
individual does not evidence abuse, exploitation, or any other 55225  
incident of neglect of residents, the director shall notify the 55226  
individual and remove the statement and any accompanying 55227  
information from the nurse aide registry. The director shall 55228  
expunge all files and records of the investigation and the 55229  
hearing, except the petition for rescission of the finding of 55230  
neglect and the director's notice that the rescission has been 55231  
approved. 55232

(b) A petition for rescission of a finding of neglect and the 55233  
director's notice that the rescission has been approved are not 55234

public records for the purposes of section 149.43 of the Revised Code. 55235  
55236

(3) When files and records have been expunged under division (D)(1) or (2) of this section, all rights and privileges are restored, and the individual, the director, and any other person or government entity may properly reply to an inquiry that no such record exists as to the matter expunged. 55237  
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**Sec. 3721.24.** (A) No person or government entity shall retaliate against an employee or another individual used by the person or government entity to perform any work or services who, in good faith, makes or causes to be made a report of suspected abuse ~~or~~, neglect, or exploitation of a resident or misappropriation of the property of a resident; indicates an intention to make such a report; provides information during an investigation of suspected abuse, neglect, exploitation, or misappropriation conducted by the director of health; or participates in a hearing conducted under section 3721.23 of the Revised Code or in any other administrative or judicial proceedings pertaining to the suspected abuse, neglect, exploitation, or misappropriation. For purposes of this division, retaliatory actions include discharging, demoting, or transferring the employee or other person, preparing a negative work performance evaluation of the employee or other person, reducing the benefits, pay, or work privileges of the employee or other person, and any other action intended to retaliate against the employee or other person. 55242  
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(B)(1) No person or government entity shall retaliate against a resident who reports or causes to be reported suspected abuse, neglect, exploitation, or misappropriation; indicates an intention to make such a report; provides information during an investigation of alleged abuse, neglect, exploitation, or 55261  
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misappropriation conducted by the director; or participates in a 55266  
hearing under section 3721.23 of the Revised Code or in any other 55267  
administrative or judicial proceeding pertaining to the suspected 55268  
abuse, neglect, exploitation, or misappropriation; or on whose 55269  
behalf any other person or government entity takes any of those 55270  
actions. ~~For~~ 55271

(2) No person or government entity shall retaliate against a 55272  
resident whose family member, guardian, sponsor, or personal 55273  
representative reports or causes to be reported suspected abuse, 55274  
neglect, exploitation, or misappropriation; indicates an intention 55275  
to make such a report; provides information during an 55276  
investigation of alleged abuse, neglect, exploitation, or 55277  
misappropriation conducted by the director; or participates in a 55278  
hearing under section 3721.23 of the Revised Code or in any other 55279  
administrative or judicial proceeding pertaining to the suspected 55280  
abuse, neglect, exploitation, or misappropriation; or on whose 55281  
behalf any other person or government entity takes any of those 55282  
actions. 55283

(3) For purposes of ~~this division~~ divisions (B)(1) and (2) of 55284  
this section, retaliatory actions include abuse, verbal threats or 55285  
other harsh language, change of room assignment, withholding of 55286  
services, failure to provide care in a timely manner, and any 55287  
other action intended to retaliate against the resident. 55288

(C) Any person has a cause of action against a person or 55289  
government entity for harm resulting from violation of division 55290  
(A) or (B) of this section. If it finds that a violation has 55291  
occurred, the court may award damages and order injunctive relief. 55292  
The court may award court costs and reasonable attorney's fees to 55293  
the prevailing party. 55294

**Sec. 3721.25.** (A)(1) Except as required by court order, as 55295  
necessary for the administration or enforcement of any statute or 55296

rule relating to long-term care facilities or residential care 55297  
facilities, or as provided in division (D) of this section, the 55298  
director of health shall not disclose any of the following without 55299  
the consent of the individual or the individual's legal 55300  
representative: 55301

(a) The name of an individual who reports suspected abuse ~~or~~, 55302  
neglect, or exploitation of a resident or misappropriation of a 55303  
resident's property to the facility or director; 55304

(b) The name of an individual who provides information during 55305  
an investigation of suspected abuse, neglect, exploitation, or 55306  
misappropriation conducted by the director; 55307

(c) Any information that would tend to disclose the identity 55308  
of an individual described in division (A)(1)(a) or (b) of this 55309  
section. 55310

(2) An agency or individual to whom the director is required, 55311  
by court order or for the administration or enforcement of a 55312  
statute relating to long-term care facilities or residential care 55313  
facilities, to release information described in division (A)(1) of 55314  
this section shall not release the information without the 55315  
permission of the individual who would be or would reasonably tend 55316  
to be identified, or of the individual's legal representative, 55317  
unless the agency or individual is required to release it by 55318  
division (D) of this section, by court order, or for the 55319  
administration or enforcement of a statute relating to long-term 55320  
care facilities or residential care facilities. 55321

(B) Except as provided in division (D) of this section, any 55322  
record that identifies an individual described in division 55323  
(A)(1)(a) or (b) of this section, or that would tend to disclose 55324  
the identity of such an individual, is not a public record for the 55325  
purposes of section 149.43 of the Revised Code, and is not subject 55326  
to inspection or copying under section 1347.08 of the Revised 55327

Code. 55328

(C) Except as provided in division (B) of this section and 55329  
division (D) of section 3721.23 of the Revised Code, the records 55330  
of a hearing conducted under section 3721.23 of the Revised Code 55331  
are public records for the purposes of section 149.43 of the 55332  
Revised Code and are subject to inspection and copying under 55333  
section 1347.08 of the Revised Code. 55334

(D) If the director, or an agency or individual to whom the 55335  
director is required by court order or for administration or 55336  
enforcement of a statute relating to long-term care facilities or 55337  
residential care facilities to release information described in 55338  
division (A)(1) of this section, uses information in any 55339  
administrative or judicial proceeding against a long-term care 55340  
facility or residential care facility that reasonably would tend 55341  
to identify an individual described in division (A)(1)(a) or (b) 55342  
of this section, the director, agency, or individual shall 55343  
disclose that information to the facility. However, the director, 55344  
agency, or individual shall not disclose information that directly 55345  
identifies an individual described in division (A)(1)(a) or (b) of 55346  
this section, unless the individual is to testify in the 55347  
proceedings. 55348

**Sec. 3721.32.** (A) The director of health shall establish a 55349  
state nurse aide registry listing all individuals who have done 55350  
any of the following: 55351

(1) Were used by a long-term care facility as nurse aides on 55352  
a full-time, temporary, per diem, or other basis at any time 55353  
during the period commencing July 1, 1989, and ending January 1, 55354  
1990, and successfully completed, not later than October 1, 1990, 55355  
a competency evaluation program approved by the director under 55356  
division (A) of section 3721.31 of the Revised Code or conducted 55357  
by the director under division (C) of that section; 55358

(2) Successfully completed a training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code or met the conditions specified in division (F) of section 3721.28 of the Revised Code, and, if the training and competency evaluation program or the training, instruction, or education the individual completed in meeting the conditions specified in division (F) of section 3721.28 of the Revised Code was conducted in or by a long-term care facility, or if the director so required pursuant to division (E) of section 3721.31 of the Revised Code, has successfully completed a competency evaluation program conducted by the director;

(3) Successfully completed a training and competency evaluation program conducted by the director under division (C) of section 3721.31 of the Revised Code;

(4) Successfully completed, prior to July 1, 1989, a program that the director has determined under division (B)(3) of section 3721.28 of the Revised Code included a competency evaluation component no less stringent than the competency evaluation programs approved or conducted by the director under section 3721.31 of the Revised Code, and was otherwise comparable to the training and competency evaluation program being approved by the director under section 3721.31 of the Revised Code;

(5) Are listed in a nurse aide registry maintained by another state that certifies that its program for training and evaluation of competency of nurse aides complies with Titles XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, or regulations adopted thereunder;

(6) Were found competent, as provided in division (B)(5) of section 3721.28 of the Revised Code, prior to July 1, 1989, after the completion of a course of nurse aide training of at least one hundred hours' duration;

(7) Are enrolled in a prelicensure program of nursing 55391  
education approved by the board of nursing or by an agency of 55392  
another state that regulates nursing education, have provided the 55393  
long-term care facility with a certificate from the program 55394  
indicating that the individual has successfully completed the 55395  
courses that teach basic nursing skills including infection 55396  
control, safety and emergency procedures, and personal care, and 55397  
have successfully completed a competency evaluation program 55398  
conducted by the director under division (A) of section 3721.31 of 55399  
the Revised Code; 55400

(8) Have the equivalent of twelve months or more of full-time 55401  
employment in the five years preceding listing in the registry as 55402  
a hospital aide or orderly and have successfully completed a 55403  
competency evaluation program conducted by the director under 55404  
division (C) of section 3721.31 of the Revised Code. 55405

(B) The In addition to the list of individuals required by 55406  
division (A) of this section, the registry shall include both of 55407  
the following: 55408

(1) The statement required by section 3721.23 of the Revised 55409  
Code detailing findings by the director under that section 55410  
regarding alleged abuse ~~or~~, neglect, or exploitation of a resident 55411  
or misappropriation of resident property; 55412

(2) Any statement provided by an individual under section 55413  
3721.23 of the Revised Code disputing the director's findings. 55414

Whenever an inquiry is received as to the information 55415  
contained in the registry concerning an individual about whom a 55416  
statement required by section 3721.23 of the Revised Code is 55417  
included in the registry, the director shall disclose the 55418  
statement or a summary of the statement together with any 55419  
statement provided by the individual under section 3721.23 or a 55420  
clear and accurate summary of that statement. 55421

(C) The director may by rule specify additional information 55422  
that must be provided to the registry by long-term care facilities 55423  
and persons or government agencies conducting approved competency 55424  
evaluation programs and training and competency evaluation 55425  
programs. 55426

(D) Information contained in the registry is a public record 55427  
for the purposes of section 149.43 of the Revised Code, and is 55428  
subject to inspection and copying under section 1347.08 of the 55429  
Revised Code. 55430

**Sec. 3727.45.** The director of health may apply to the court 55431  
of common pleas of the county in which a hospital is located for a 55432  
temporary or permanent injunction restraining the hospital from 55433  
failure to comply with ~~sections 3727.33, 3727.34, and section~~ 55434  
3727.42 of the Revised Code. 55435

**Sec. 3727.54.** (A) At least once ~~a year~~ every two years, the 55436  
hospital-wide nursing care committee convened pursuant to section 55437  
3727.51 of the Revised Code shall do both of the following: 55438

~~(A)(1)~~ Review how the ~~most current~~ nursing services staffing 55439  
plan in effect at the time of the review does all of the 55440  
following: 55441

~~(1)(a)~~ Affects inpatient care outcomes; 55442

~~(2)(b)~~ Affects clinical management; 55443

~~(3)(c)~~ Facilitates a delivery system that provides, on a 55444  
cost-effective basis, quality nursing care consistent with 55445  
acceptable and prevailing standards of safe nursing care and 55446  
~~evidence-based~~ evidence-based guidelines established by national 55447  
nursing organizations. 55448

~~(B)(2)~~ Make recommendations, based on the ~~most recent~~ review 55449  
conducted under division (A)(1) of this section, regarding how the 55450

~~most current~~ nursing services staffing plan should be revised, if 55451  
at all. 55452

(B) For the purpose of maintaining a repository for public 55453  
access, beginning in 2018, a hospital shall submit to the 55454  
department of health, by March 1 of each even-numbered year, a 55455  
copy of the hospital's nursing services staffing plan in effect at 55456  
that time. The copy of the plan is a public record under section 55457  
149.43 of the Revised Code. 55458

**Sec. 3729.08.** (A) The licenser of the health district in 55459  
which a recreational vehicle park, recreation camp, combined 55460  
park-camp, or temporary park-camp is or is to be located, in 55461  
accordance with Chapter 119. of the Revised Code, may refuse to 55462  
grant, may suspend, or may revoke any license granted to any 55463  
person for failure to comply with this chapter or with any rule 55464  
adopted by the director of health under section 3729.02 of the 55465  
Revised Code. 55466

(B) If a recreational vehicle park or combined park-camp 55467  
operator is found to have used the park or park-camp as a chronic 55468  
nuisance in violation of division (B) of section 3729.14 of the 55469  
Revised Code, the licenser shall immediately revoke any license 55470  
held by the park or park-camp operator upon receipt of information 55471  
provided by the local board of health in accordance with division 55472  
(D) of that section. 55473

**Sec. 3729.14.** (A) As used in this section: 55474

(1) "Chronic nuisance property" means a property on which 55475  
three or more nuisance activities have occurred during any 55476  
consecutive six-month period. 55477

(2) "Deadly weapon" and "firearm" have the same meanings as 55478  
in section 2923.11 of the Revised Code. 55479

(3) "Nuisance activity" includes all of the following: 55480

<u>(a) A felony drug abuse offense as defined in section 2925.01</u>	55481
<u>of the Revised Code;</u>	55482
<u>(b) A felony sex offense as defined in section 2967.28 of the</u>	55483
<u>Revised Code;</u>	55484
<u>(c) A felony offense of violence;</u>	55485
<u>(d) A felony or a specification an element of which includes</u>	55486
<u>the possession or use of a deadly weapon, including an explosive</u>	55487
<u>or a firearm.</u>	55488
<u>(4) "Offense of violence" has the same meaning as in section</u>	55489
<u>2901.01 of the Revised Code.</u>	55490
<u>(5) "Person associated with the property" includes a camp</u>	55491
<u>operator; camp employee; camp official; camp agent; campsite user;</u>	55492
<u>any other person licensed under Chapter 3729. of the Revised Code;</u>	55493
<u>any person occupying a campsite including a tenant or invitee; or</u>	55494
<u>any person present on the property of a recreational park camp or</u>	55495
<u>combined park-camp with the permission of the camp operator or</u>	55496
<u>other person licensed under Chapter 3729. of the Revised Code or</u>	55497
<u>the consent of any campsite user, tenant, or invitee.</u>	55498
<u>(6) "Property" means the property of a recreational vehicle</u>	55499
<u>park or a combined park-camp, including all lots, buildings, or</u>	55500
<u>campsites, whether contained on one or multiple parcels of real</u>	55501
<u>property.</u>	55502
<u>(B) No person shall use or operate a recreational vehicle</u>	55503
<u>park or combined park-camp as a chronic nuisance. No camp operator</u>	55504
<u>shall let a park or park-camp be so used, or knowingly permit a</u>	55505
<u>person who has entered into a campsite use agreement with the</u>	55506
<u>operator to engage in such conduct in the park or park-camp.</u>	55507
<u>(C) If a local board of health of the health district in</u>	55508
<u>which a recreational vehicle park or combined park-camp is located</u>	55509
<u>finds that persons associated with the property of the park or</u>	55510

park-camp have engaged in a nuisance activity on the park or 55511  
park-camp property two or more times in any consecutive six-month 55512  
period, the local board of health shall send notice to the camp 55513  
operator specifying the conduct that constitutes the nuisance 55514  
activity. The notice shall be sent to the camp operator by 55515  
certified mail. The notice shall inform the operator that if one 55516  
or more nuisance activities occurs on the property within the 55517  
consecutive six-month period beginning on the date of the first 55518  
nuisance activity, the property will be declared a chronic 55519  
nuisance as described in division (A) of this section and the camp 55520  
operator's license will be revoked. 55521

If subsequent to the mailing of the notice, the local board 55522  
of health learns of an additional nuisance activity on the 55523  
recreational vehicle park or combined park-camp property during a 55524  
consecutive six-month period beginning on the date the notice was 55525  
mailed to the park operator, the board shall immediately report to 55526  
the licensing authority that the property is a chronic nuisance. 55527  
Upon receipt of such information, the licensing authority shall 55528  
revoke the camp operator's license in accordance with section 55529  
3729.08 of the Revised Code. 55530

(D) This section does not limit any recourse permitted 55531  
elsewhere in the Revised Code or at common law for conduct that 55532  
violates this section. 55533

**Sec. 3734.02.** (A) The director of environmental protection, 55534  
in accordance with Chapter 119. of the Revised Code, shall adopt 55535  
and may amend, suspend, or rescind rules having uniform 55536  
application throughout the state governing solid waste facilities 55537  
and the inspections of and issuance of permits and licenses for 55538  
all solid waste facilities in order to ensure that the facilities 55539  
will be located, maintained, and operated, and will undergo 55540  
closure and post-closure care, in a sanitary manner so as not to 55541

create a nuisance, cause or contribute to water pollution, create 55542  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 55543  
257.3-8, as amended. The rules may include, without limitation, 55544  
financial assurance requirements for closure and post-closure care 55545  
and corrective action and requirements for taking corrective 55546  
action in the event of the surface or subsurface discharge or 55547  
migration of explosive gases or leachate from a solid waste 55548  
facility, or of ground water contamination resulting from the 55549  
transfer or disposal of solid wastes at a facility, beyond the 55550  
boundaries of any area within a facility that is operating or is 55551  
undergoing closure or post-closure care where solid wastes were 55552  
disposed of or are being disposed of. The rules shall not concern 55553  
or relate to personnel policies, salaries, wages, fringe benefits, 55554  
or other conditions of employment of employees of persons owning 55555  
or operating solid waste facilities. The director, in accordance 55556  
with Chapter 119. of the Revised Code, shall adopt and may amend, 55557  
suspend, or rescind rules governing the issuance, modification, 55558  
revocation, suspension, or denial of variances from the director's 55559  
solid waste rules, including, without limitation, rules adopted 55560  
under this chapter governing the management of scrap tires. 55561

Variances shall be issued, modified, revoked, suspended, or 55562  
rescinded in accordance with this division, rules adopted under 55563  
it, and Chapter 3745. of the Revised Code. The director may order 55564  
the person to whom a variance is issued to take such action within 55565  
such time as the director may determine to be appropriate and 55566  
reasonable to prevent the creation of a nuisance or a hazard to 55567  
the public health or safety or the environment. Applications for 55568  
variances shall contain such detail plans, specifications, and 55569  
information regarding objectives, procedures, controls, and other 55570  
pertinent data as the director may require. The director shall 55571  
grant a variance only if the applicant demonstrates to the 55572  
director's satisfaction that construction and operation of the 55573  
solid waste facility in the manner allowed by the variance and any 55574

terms or conditions imposed as part of the variance will not 55575  
create a nuisance or a hazard to the public health or safety or 55576  
the environment. In granting any variance, the director shall 55577  
state the specific provision or provisions whose terms are to be 55578  
varied and also shall state specific terms or conditions imposed 55579  
upon the applicant in place of the provision or provisions. 55580

The director may hold a public hearing on an application for 55581  
a variance or renewal of a variance at a location in the county 55582  
where the operations that are the subject of the application for 55583  
the variance are conducted. The director shall give not less than 55584  
twenty days' notice of the hearing to the applicant by certified 55585  
mail or by another type of mail accompanied by a receipt and shall 55586  
publish at least one notice of the hearing in a newspaper with 55587  
general circulation in the county where the hearing is to be held. 55588  
The director shall make available for public inspection at the 55589  
principal office of the environmental protection agency a current 55590  
list of pending applications for variances and a current schedule 55591  
of pending variance hearings. The director shall make a complete 55592  
stenographic record of testimony and other evidence submitted at 55593  
the hearing. 55594

Within ten days after the hearing, the director shall make a 55595  
written determination to issue, renew, or deny the variance and 55596  
shall enter the determination and the basis for it into the record 55597  
of the hearing. The director shall issue, renew, or deny an 55598  
application for a variance or renewal of a variance within six 55599  
months of the date upon which the director receives a complete 55600  
application with all pertinent information and data required. No 55601  
variance shall be issued, revoked, modified, or denied until the 55602  
director has considered the relative interests of the applicant, 55603  
other persons and property affected by the variance, and the 55604  
general public. Any variance granted under this division shall be 55605  
for a period specified by the director and may be renewed from 55606

time to time on such terms and for such periods as the director 55607  
determines to be appropriate. No application shall be denied and 55608  
no variance shall be revoked or modified without a written order 55609  
stating the findings upon which the denial, revocation, or 55610  
modification is based. A copy of the order shall be sent to the 55611  
applicant or variance holder by certified mail or by another type 55612  
of mail accompanied by a receipt. 55613

(B) The director shall prescribe and furnish the forms 55614  
necessary to administer and enforce this chapter. The director may 55615  
cooperate with and enter into agreements with other state, local, 55616  
or federal agencies to carry out the purposes of this chapter. The 55617  
director may exercise all incidental powers necessary to carry out 55618  
the purposes of this chapter. 55619

(C) Except as provided in this division and divisions (N)(2) 55620  
and (3) of this section, no person shall establish a new solid 55621  
waste facility or infectious waste treatment facility, or modify 55622  
an existing solid waste facility or infectious waste treatment 55623  
facility, without submitting an application for a permit with 55624  
accompanying detail plans, specifications, and information 55625  
regarding the facility and method of operation and receiving a 55626  
permit issued by the director, except that no permit shall be 55627  
required under this division to install or operate a solid waste 55628  
facility for sewage sludge treatment or disposal when the 55629  
treatment or disposal is authorized by a current permit issued 55630  
under Chapter 3704. or 6111. of the Revised Code. 55631

No person shall continue to operate a solid waste facility 55632  
for which the director ~~has denied a permit for which an~~ 55633  
~~application was required under division (A)(3) of section 3734.05~~ 55634  
~~of the Revised Code, or for which the director has disapproved~~ 55635  
plans and specifications required to be filed by an order issued 55636  
under division (A)(~~5~~)(3) of ~~that~~ section 3734.05 of the Revised 55637  
Code, after the date prescribed for commencement of closure of the 55638

facility in the order issued under division (A)~~(6)~~(4) of that 55639  
section 3734.05 ~~of the Revised Code~~ denying the permit application 55640  
or approval. 55641

On and after the effective date of the rules adopted under 55642  
division (A) of this section and division (D) of section 3734.12 55643  
of the Revised Code governing solid waste transfer facilities, no 55644  
person shall establish a new, or modify an existing, solid waste 55645  
transfer facility without first submitting an application for a 55646  
permit with accompanying engineering detail plans, specifications, 55647  
and information regarding the facility and its method of operation 55648  
to the director and receiving a permit issued by the director. 55649

No person shall establish a new compost facility or continue 55650  
to operate an existing compost facility that accepts exclusively 55651  
source separated yard wastes without submitting a completed 55652  
registration for the facility to the director in accordance with 55653  
rules adopted under divisions (A) and (N)(3) of this section. 55654

This division does not apply to a generator of infectious 55655  
wastes that does any of the following: 55656

(1) Treats, by methods, techniques, and practices established 55657  
by rules adopted under division (B)(2)(a) of section 3734.021 of 55658  
the Revised Code, any of the following: 55659

(a) Infectious wastes that are generated on any premises that 55660  
are owned or operated by the generator; 55661

(b) Infectious wastes that are generated by a generator who 55662  
has staff privileges at a hospital as defined in section 3727.01 55663  
of the Revised Code; 55664

(c) Infectious wastes that are generated in providing care to 55665  
a patient by an emergency medical services organization as defined 55666  
in section 4765.01 of the Revised Code. 55667

(2) Holds a license or renewal of a license to operate a 55668

crematory facility issued under Chapter 4717. and a permit issued 55669  
under Chapter 3704. of the Revised Code; 55670

(3) Treats or disposes of dead animals or parts thereof, or 55671  
the blood of animals, and is subject to any of the following: 55672

(a) Inspection under the "Federal Meat Inspection Act," 81 55673  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 55674

(b) Chapter 918. of the Revised Code; 55675

(c) Chapter 953. of the Revised Code. 55676

(D) Neither this chapter nor any rules adopted under it apply 55677  
to single-family residential premises; to infectious wastes 55678  
generated by individuals for purposes of their own care or 55679  
treatment; to the temporary storage of solid wastes, other than 55680  
scrap tires, prior to their collection for disposal; to the 55681  
storage of one hundred or fewer scrap tires unless they are stored 55682  
in such a manner that, in the judgment of the director or the 55683  
board of health of the health district in which the scrap tires 55684  
are stored, the storage causes a nuisance, a hazard to public 55685  
health or safety, or a fire hazard; or to the collection of solid 55686  
wastes, other than scrap tires, by a political subdivision or a 55687  
person holding a franchise or license from a political subdivision 55688  
of the state; to composting, as defined in section 1511.01 of the 55689  
Revised Code, conducted in accordance with section 1511.022 of the 55690  
Revised Code; or to any person who is licensed to transport raw 55691  
rendering material to a compost facility pursuant to section 55692  
953.23 of the Revised Code. 55693

(E)(1) As used in this division: 55694

(a) "On-site facility" means a facility that stores, treats, 55695  
or disposes of hazardous waste that is generated on the premises 55696  
of the facility. 55697

(b) "Off-site facility" means a facility that stores, treats, 55698

or disposes of hazardous waste that is generated off the premises 55699  
of the facility and includes such a facility that is also an 55700  
on-site facility. 55701

(c) "Satellite facility" means any of the following: 55702

(i) An on-site facility that also receives hazardous waste 55703  
from other premises owned by the same person who generates the 55704  
waste on the facility premises; 55705

(ii) An off-site facility operated so that all of the 55706  
hazardous waste it receives is generated on one or more premises 55707  
owned by the person who owns the facility; 55708

(iii) An on-site facility that also receives hazardous waste 55709  
that is transported uninterruptedly and directly to the facility 55710  
through a pipeline from a generator who is not the owner of the 55711  
facility. 55712

(2) Except as provided in division (E)(3) of this section, no 55713  
person shall establish or operate a hazardous waste facility, or 55714  
use a solid waste facility for the storage, treatment, or disposal 55715  
of any hazardous waste, without a hazardous waste facility 55716  
installation and operation permit issued in accordance with 55717  
section 3734.05 of the Revised Code and subject to the payment of 55718  
an application fee not to exceed one thousand five hundred 55719  
dollars, payable upon application for a hazardous waste facility 55720  
installation and operation permit and upon application for a 55721  
renewal permit issued under division (H) of section 3734.05 of the 55722  
Revised Code, to be credited to the hazardous waste facility 55723  
management fund created in section 3734.18 of the Revised Code. 55724  
The term of a hazardous waste facility installation and operation 55725  
permit shall not exceed ten years. 55726

In addition to the application fee, there is hereby levied an 55727  
annual permit fee to be paid by the permit holder upon the 55728  
anniversaries of the date of issuance of the hazardous waste 55729

facility installation and operation permit and of any subsequent			55730
renewal permits and to be credited to the hazardous waste facility			55731
management fund. Annual permit fees totaling forty thousand			55732
dollars or more for any one facility may be paid on a quarterly			55733
basis with the first quarterly payment each year being due on the			55734
anniversary of the date of issuance of the hazardous waste			55735
facility installation and operation permit and of any subsequent			55736
renewal permits. The annual permit fee shall be determined for			55737
each permit holder by the director in accordance with the			55738
following schedule:			55739
TYPE OF BASIC			55740
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	55741
Storage facility using:			55742
Containers	On-site, off-site, and		55743
	satellite	\$ 500	55744
Tanks	On-site, off-site, and		55745
	satellite	500	55746
Waste pile	On-site, off-site, and		55747
	satellite	3,000	55748
Surface impoundment	On-site and satellite	8,000	55749
	Off-site	10,000	55750
Disposal facility using:			55751
Deep well injection	On-site and satellite	15,000	55752
	Off-site	25,000	55753
Landfill	On-site and satellite	25,000	55754
	Off-site	40,000	55755
Land application	On-site and satellite	2,500	55756
	Off-site	5,000	55757
Surface impoundment	On-site and satellite	10,000	55758
	Off-site	20,000	55759
Treatment facility using:			55760
Tanks	On-site, off-site, and		55761
	satellite	700	55762

Surface impoundment	On-site and satellite	8,000	55763
	Off-site	10,000	55764
Incinerator	On-site and satellite	5,000	55765
	Off-site	10,000	55766
Other forms			55767
of treatment	On-site, off-site, and		55768
	satellite	1,000	55769

A hazardous waste disposal facility that disposes of 55770  
hazardous waste by deep well injection and that pays the annual 55771  
permit fee established in section 6111.046 of the Revised Code is 55772  
not subject to the permit fee established in this division for 55773  
disposal facilities using deep well injection unless the director 55774  
determines that the facility is not in compliance with applicable 55775  
requirements established under this chapter and rules adopted 55776  
under it. 55777

In determining the annual permit fee required by this 55778  
section, the director shall not require additional payments for 55779  
multiple units of the same method of storage, treatment, or 55780  
disposal or for individual units that are used for both storage 55781  
and treatment. A facility using more than one method of storage, 55782  
treatment, or disposal shall pay the permit fee indicated by the 55783  
schedule for each such method. 55784

The director shall not require the payment of that portion of 55785  
an annual permit fee of any permit holder that would apply to a 55786  
hazardous waste management unit for which a permit has been 55787  
issued, but for which construction has not yet commenced. Once 55788  
construction has commenced, the director shall require the payment 55789  
of a part of the appropriate fee indicated by the schedule that 55790  
bears the same relationship to the total fee that the number of 55791  
days remaining until the next anniversary date at which payment of 55792  
the annual permit fee is due bears to three hundred sixty-five. 55793

The director, by rules adopted in accordance with Chapters 55794

119. and 3745. of the Revised Code, shall prescribe procedures for 55795  
collecting the annual permit fee established by this division and 55796  
may prescribe other requirements necessary to carry out this 55797  
division. 55798

(3) The prohibition against establishing or operating a 55799  
hazardous waste facility without a hazardous waste facility 55800  
installation and operation permit does not apply to either of the 55801  
following: 55802

(a) A facility that is operating in accordance with a permit 55803  
renewal issued under division (H) of section 3734.05 of the 55804  
Revised Code, a revision issued under division (I) of that section 55805  
as it existed prior to August 20, 1996, or a modification issued 55806  
by the director under division (I) of that section on and after 55807  
August 20, 1996; 55808

(b) Except as provided in division (J) of section 3734.05 of 55809  
the Revised Code, a facility that will operate or is operating in 55810  
accordance with a permit by rule, or that is not subject to permit 55811  
requirements, under rules adopted by the director. In accordance 55812  
with Chapter 119. of the Revised Code, the director shall adopt, 55813  
and subsequently may amend, suspend, or rescind, rules for the 55814  
purposes of division (E)(3)(b) of this section. Any rules so 55815  
adopted shall be consistent with and equivalent to regulations 55816  
pertaining to interim status adopted under the "Resource 55817  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 55818  
6921, as amended, except as otherwise provided in this chapter. 55819

If a modification is requested or proposed for a facility 55820  
described in division (E)(3)(a) or (b) of this section, division 55821  
(I)(7) of section 3734.05 of the Revised Code applies. 55822

(F) No person shall store, treat, or dispose of hazardous 55823  
waste identified or listed under this chapter and rules adopted 55824  
under it, regardless of whether generated on or off the premises 55825

where the waste is stored, treated, or disposed of, or transport 55826  
or cause to be transported any hazardous waste identified or 55827  
listed under this chapter and rules adopted under it to any other 55828  
premises, except at or to any of the following: 55829

(1) A hazardous waste facility operating under a permit 55830  
issued in accordance with this chapter; 55831

(2) A facility in another state operating under a license or 55832  
permit issued in accordance with the "Resource Conservation and 55833  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 55834  
amended; 55835

(3) A facility in another nation operating in accordance with 55836  
the laws of that nation; 55837

(4) A facility holding a permit issued pursuant to Title I of 55838  
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 55839  
Stat. 1052, 33 U.S.C.A. 1401, as amended; 55840

(5) A hazardous waste facility as described in division 55841  
(E)(3)(a) or (b) of this section. 55842

(G) The director, by order, may exempt any person generating, 55843  
collecting, storing, treating, disposing of, or transporting solid 55844  
wastes, infectious wastes, or hazardous waste, or processing solid 55845  
wastes that consist of scrap tires, in such quantities or under 55846  
such circumstances that, in the determination of the director, are 55847  
unlikely to adversely affect the public health or safety or the 55848  
environment from any requirement to obtain a registration 55849  
certificate, permit, or license or comply with the manifest system 55850  
or other requirements of this chapter. Such an exemption shall be 55851  
consistent with and equivalent to any regulations adopted by the 55852  
administrator of the United States environmental protection agency 55853  
under the "Resource Conservation and Recovery Act of 1976," 90 55854  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 55855  
provided in this chapter. 55856

(H) No person shall engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility, or a solid waste facility, was operated without prior authorization from the director, who shall establish the procedure for granting such authorization by rules adopted in accordance with Chapter 119. of the Revised Code.

A public utility that has main or distribution lines above or below the land surface located on an easement or right-of-way across land where a solid waste facility was operated may engage in any such activity within the easement or right-of-way without prior authorization from the director for purposes of performing emergency repair or emergency replacement of its lines; of the poles, towers, foundations, or other structures supporting or sustaining any such lines; or of the appurtenances to those structures, necessary to restore or maintain existing public utility service. A public utility may enter upon any such easement or right-of-way without prior authorization from the director for purposes of performing necessary or routine maintenance of those portions of its existing lines; of the existing poles, towers, foundations, or other structures sustaining or supporting its lines; or of the appurtenances to any such supporting or sustaining structure, located on or above the land surface on any such easement or right-of-way. Within twenty-four hours after commencing any such emergency repair, replacement, or maintenance work, the public utility shall notify the director or the director's authorized representative of those activities and shall provide such information regarding those activities as the director or the director's representative may request. Upon completion of the emergency repair, replacement, or maintenance activities, the public utility shall restore any land of the solid waste facility disturbed by those activities to the condition existing prior to the commencement of those activities.

(I) No owner or operator of a hazardous waste facility, in 55889  
the operation of the facility, shall cause, permit, or allow the 55890  
emission therefrom of any particulate matter, dust, fumes, gas, 55891  
mist, smoke, vapor, or odorous substance that, in the opinion of 55892  
the director, unreasonably interferes with the comfortable 55893  
enjoyment of life or property by persons living or working in the 55894  
vicinity of the facility, or that is injurious to public health. 55895  
Any such action is hereby declared to be a public nuisance. 55896

(J) Notwithstanding any other provision of this chapter, in 55897  
the event the director finds an imminent and substantial danger to 55898  
public health or safety or the environment that creates an 55899  
emergency situation requiring the immediate treatment, storage, or 55900  
disposal of hazardous waste, the director may issue a temporary 55901  
emergency permit to allow the treatment, storage, or disposal of 55902  
the hazardous waste at a facility that is not otherwise authorized 55903  
by a hazardous waste facility installation and operation permit to 55904  
treat, store, or dispose of the waste. The emergency permit shall 55905  
not exceed ninety days in duration and shall not be renewed. The 55906  
director shall adopt, and may amend, suspend, or rescind, rules in 55907  
accordance with Chapter 119. of the Revised Code governing the 55908  
issuance, modification, revocation, and denial of emergency 55909  
permits. 55910

(K) Except for infectious wastes generated by a person who 55911  
produces fewer than fifty pounds of infectious wastes at a 55912  
premises during any one month, no owner or operator of a sanitary 55913  
landfill shall knowingly accept for disposal, or dispose of, any 55914  
infectious wastes that have not been treated to render them 55915  
noninfectious. 55916

(L) The director, in accordance with Chapter 119. of the 55917  
Revised Code, shall adopt, and may amend, suspend, or rescind, 55918  
rules having uniform application throughout the state establishing 55919  
a training and certification program that shall be required for 55920

employees of boards of health who are responsible for enforcing 55921  
the solid waste and infectious waste provisions of this chapter 55922  
and rules adopted under them and for persons who are responsible 55923  
for the operation of solid waste facilities or infectious waste 55924  
treatment facilities. The rules shall provide all of the 55925  
following, without limitation: 55926

(1) The program shall be administered by the director and 55927  
shall consist of a course on new solid waste and infectious waste 55928  
technologies, enforcement procedures, and rules; 55929

(2) The course shall be offered on an annual basis; 55930

(3) Those persons who are required to take the course under 55931  
division (L) of this section shall do so triennially; 55932

(4) Persons who successfully complete the course shall be 55933  
certified by the director; 55934

(5) Certification shall be required for all employees of 55935  
boards of health who are responsible for enforcing the solid waste 55936  
or infectious waste provisions of this chapter and rules adopted 55937  
under them and for all persons who are responsible for the 55938  
operation of solid waste facilities or infectious waste treatment 55939  
facilities; 55940

(6)(a) All employees of a board of health who, on the 55941  
effective date of the rules adopted under this division, are 55942  
responsible for enforcing the solid waste or infectious waste 55943  
provisions of this chapter and the rules adopted under them shall 55944  
complete the course and be certified by the director not later 55945  
than January 1, 1995; 55946

(b) All employees of a board of health who, after the 55947  
effective date of the rules adopted under division (L) of this 55948  
section, become responsible for enforcing the solid waste or 55949  
infectious waste provisions of this chapter and rules adopted 55950  
under them and who do not hold a current and valid certification 55951

from the director at that time shall complete the course and be 55952  
certified by the director within two years after becoming 55953  
responsible for performing those activities. 55954

No person shall fail to obtain the certification required 55955  
under this division. 55956

(M) The director shall not issue a permit under section 55957  
3734.05 of the Revised Code to establish a solid waste facility, 55958  
or to modify a solid waste facility operating on December 21, 55959  
1988, in a manner that expands the disposal capacity or geographic 55960  
area covered by the facility, that is or is to be located within 55961  
the boundaries of a state park established or dedicated under 55962  
Chapter 1546. of the Revised Code, a state park purchase area 55963  
established under section 1546.06 of the Revised Code, any unit of 55964  
the national park system, or any property that lies within the 55965  
boundaries of a national park or recreation area, but that has not 55966  
been acquired or is not administered by the secretary of the 55967  
United States department of the interior, located in this state, 55968  
or any candidate area located in this state and identified for 55969  
potential inclusion in the national park system in the edition of 55970  
the "national park system plan" submitted under paragraph (b) of 55971  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 55972  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 55973  
application for the permit, unless the facility or proposed 55974  
facility is or is to be used exclusively for the disposal of solid 55975  
wastes generated within the park or recreation area and the 55976  
director determines that the facility or proposed facility will 55977  
not degrade any of the natural or cultural resources of the park 55978  
or recreation area. The director shall not issue a variance under 55979  
division (A) of this section and rules adopted under it, or issue 55980  
an exemption order under division (G) of this section, that would 55981  
authorize any such establishment or expansion of a solid waste 55982  
facility within the boundaries of any such park or recreation 55983

area, state park purchase area, or candidate area, other than a 55984  
solid waste facility exclusively for the disposal of solid wastes 55985  
generated within the park or recreation area when the director 55986  
determines that the facility will not degrade any of the natural 55987  
or cultural resources of the park or recreation area. 55988

(N)(1) The rules adopted under division (A) of this section, 55989  
other than those governing variances, do not apply to scrap tire 55990  
collection, storage, monocell, monofill, and recovery facilities. 55991  
Those facilities are subject to and governed by rules adopted 55992  
under sections 3734.70 to 3734.73 of the Revised Code, as 55993  
applicable. 55994

(2) Division (C) of this section does not apply to scrap tire 55995  
collection, storage, monocell, monofill, and recovery facilities. 55996  
The establishment and modification of those facilities are subject 55997  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 55998  
Code, as applicable. 55999

(3) The director may adopt, amend, suspend, or rescind rules 56000  
under division (A) of this section creating an alternative system 56001  
for authorizing the establishment, operation, or modification of a 56002  
solid waste compost facility in lieu of the requirement that a 56003  
person seeking to establish, operate, or modify a solid waste 56004  
compost facility apply for and receive a permit under division (C) 56005  
of this section and section 3734.05 of the Revised Code and a 56006  
license under division (A)(1) of that section. The rules may 56007  
include requirements governing, without limitation, the 56008  
classification of solid waste compost facilities, the submittal of 56009  
operating records for solid waste compost facilities, and the 56010  
creation of a registration or notification system in lieu of the 56011  
issuance of permits and licenses for solid waste compost 56012  
facilities. The rules shall specify the applicability of divisions 56013  
(A)(1), and (2)(a), ~~(3), and (4)~~ of section 3734.05 of the Revised 56014  
Code to a solid waste compost facility. 56015

(O)(1) As used in this division, "secondary aluminum waste" 56016  
means waste material or byproducts, when disposed of, containing 56017  
aluminum generated from secondary aluminum smelting operations and 56018  
consisting of dross, salt cake, baghouse dust associated with 56019  
aluminum recycling furnace operations, or dry-milled wastes. 56020

(2) The owner or operator of a sanitary landfill shall not 56021  
dispose of municipal solid waste that has been commingled with 56022  
secondary aluminum waste. 56023

(3) The owner or operator of a sanitary landfill may dispose 56024  
of secondary aluminum waste, but only in a monocell or monofill 56025  
that has been permitted for that purpose in accordance with this 56026  
chapter and rules adopted under it. 56027

(P)(1) As used in divisions (P) and (Q) of this section: 56028

(a) "Natural background" means two picocuries per gram or the 56029  
actual number of picocuries per gram as measured at an individual 56030  
solid waste facility, subject to verification by the director of 56031  
health. 56032

(b) "Drilling operation" includes a production operation as 56033  
defined in section 1509.01 of the Revised Code. 56034

(2) The owner or operator of a solid waste facility shall not 56035  
accept for transfer or disposal technologically enhanced naturally 56036  
occurring radioactive material if that material contains or is 56037  
contaminated with radium-226, radium-228, or any combination of 56038  
radium-226 and radium-228 at concentrations equal to or greater 56039  
than five picocuries per gram above natural background. 56040

(3) The owner or operator of a solid waste facility may 56041  
receive and process for purposes other than transfer or disposal 56042  
technologically enhanced naturally occurring radioactive material 56043  
that contains or is contaminated with radium-226, radium-228, or 56044  
any combination of radium-226 and radium-228 at concentrations 56045  
equal to or greater than five picocuries per gram above natural 56046

background, provided that the owner or operator has obtained and 56047  
maintains all other necessary authorizations, including any 56048  
authorization required by rules adopted by the director of health 56049  
under section 3748.04 of the Revised Code. 56050

(4) The director of environmental protection may adopt rules 56051  
in accordance with Chapter 119. of the Revised Code governing the 56052  
receipt, acceptance, processing, handling, management, and 56053  
disposal by solid waste facilities of material that contains or is 56054  
contaminated with radioactive material, including, without 56055  
limitation, technologically enhanced naturally occurring 56056  
radioactive material that contains or is contaminated with 56057  
radium-226, radium-228, or any combination of radium-226 and 56058  
radium-228 at concentrations less than five picocuries per gram 56059  
above natural background. Rules adopted by the director may 56060  
include at a minimum both of the following: 56061

(a) Requirements in accordance with which the owner or 56062  
operator of a solid waste facility must monitor leachate and 56063  
ground water for radium-226, radium-228, and other radionuclides; 56064

(b) Requirements in accordance with which the owner or 56065  
operator of a solid waste facility must develop procedures to 56066  
ensure that technologically enhanced naturally occurring 56067  
radioactive material accepted at the facility neither contains nor 56068  
is contaminated with radium-226, radium-228, or any combination of 56069  
radium-226 and radium-228 at concentrations equal to or greater 56070  
than five picocuries per gram above natural background. 56071

(Q) Notwithstanding any other provision of this section, the 56072  
owner or operator of a solid waste facility shall not receive, 56073  
accept, process, handle, manage, or dispose of technologically 56074  
enhanced naturally occurring radioactive material associated with 56075  
drilling operations without first obtaining representative 56076  
analytical results to determine compliance with divisions (P)(2) 56077  
and (3) of this section and rules adopted under it. 56078

Sec. 3734.041. (A) The owner or operator holding a license 56079  
issued under division (A) of section 3734.05 of the Revised Code 56080  
for a sanitary landfill that is so situated that a residence or 56081  
other occupied structure off the premises of the landfill is 56082  
located within one thousand feet horizontal distance from the 56083  
exterior boundary of the landfill, and the owner or operator of 56084  
any closed landfill that is so situated and for which a license 56085  
was issued under division (A) of section 3734.05 of the Revised 56086  
Code, or the subsequent owner, lessee, or other person who has 56087  
control of the land on which the closed landfill is located, 56088  
shall, within sixty days after the effective date of the rules 56089  
adopted under division (F) of this section, submit an explosive 56090  
gas monitoring plan for the landfill or closed landfill to the 56091  
director of environmental protection for approval for compliance 56092  
with those rules. After approval of the plan, the owner ~~or,~~ 56093  
~~operator of the landfill, or, in the instance of a closed~~ 56094  
~~landfill, the owner or operator of the closed landfill, or the,~~ 56095  
subsequent owner, lessee, or other person ~~who has control of the~~ 56096  
~~land on which the closed landfill is located~~ shall conduct 56097  
monitoring of explosive gas levels at the landfill or closed 56098  
landfill, and submit written reports of the results of the 56099  
monitoring to the director and the board of health of the health 56100  
district in which the landfill is located in accordance with the 56101  
approved plan and the schedule for implementation contained in the 56102  
approved plan. 56103

No person shall violate or fail to perform a duty imposed by 56104  
a plan approved under this section. 56105

(B) Division (A) of this section does not apply to a sanitary 56106  
landfill or closed sanitary landfill that exclusively disposes, or 56107  
disposed, of solid wastes generated on the premises where the 56108  
landfill or closed landfill is located; to a sanitary landfill or 56109  
closed sanitary landfill that exclusively disposes, or disposed, 56110

of solid wastes generated on one or more premises owned by the 56111  
person who owns the landfill or closed landfill; or to a sanitary 56112  
landfill or closed sanitary landfill owned or operated by a person 56113  
other than the generator of the wastes that exclusively disposes, 56114  
or disposed, of nonputrescible solid wastes or nonputrescible 56115  
wastes generated by a single generator at one or more premises 56116  
owned by the generator. 56117

(C) ~~When~~ As used in this division and division (D) of this 56118  
section, "responsible party" includes the owner or operator of a 56119  
solid waste disposal facility; any current or former owner of a 56120  
closed solid waste disposal facility; any person who was 56121  
responsible for the operations of a closed solid waste disposal 56122  
facility; any lessee or other person who has control of the 56123  
property on which a closed solid waste disposal facility is 56124  
located; a receiver appointed pursuant to Chapter 2735. of the 56125  
Revised Code with respect to a solid waste disposal facility or 56126  
closed solid waste disposal facility; and a trustee in bankruptcy. 56127

Notwithstanding division (B) of this section, if the director 56128  
determines that, due to the types of wastes disposed of, the 56129  
engineering design, the hydrogeological setting, the period of 56130  
time since the commencement of operation, ~~and~~ the proximity of 56131  
residential or other occupied structures located off the premises 56132  
of ~~the landfill~~ a solid waste disposal facility to the exterior 56133  
boundaries, ~~of~~ or information related to concentrations of 56134  
explosive gas at or surrounding a sanitary landfill licensed under 56135  
~~division (A) of section 3734.05 of the Revised Code~~ facility or 56136  
closed ~~sanitary landfill for which a license was issued under that~~ 56137  
~~division~~ facility, the potential exists for the formation and 56138  
subsurface migration of explosive gases in such quantities and 56139  
under such conditions as to ~~endanger~~ threaten human health or 56140  
safety or the environment, the director ~~shall~~ may issue to the 56141  
~~owner or operator of the sanitary landfill, or, in the instance of~~ 56142

~~a closed sanitary landfill, the owner or operator of the sanitary landfill, or the subsequent owner, lessee, or other person who has control of the property on which the closed landfill is located, any responsible party~~ an order directing ~~such owner~~ the responsible party to prepare, ~~obtain approval of, and implement an~~ and submit a new or revised explosive gas monitoring and reporting plan, ~~in accordance with division (A) of~~ that complies with division (A) of this section and provides for the adequate evaluation of explosive gas generation at and migration from the solid waste disposal facility or closed solid waste disposal facility. A plan so submitted shall be approved in accordance with division (A) of this section. After approval of the plan, the responsible party shall conduct monitoring of explosive gas levels at the facility or closed facility and submit written reports of the results of the monitoring in accordance with the plan approved under this section. For the purposes of this division and division (D) of this section, explosive gases shall be considered to ~~endanger~~ threaten human health or safety or the environment if concentrations of methane generated by ~~the landfill~~ a facility in landfill occupied structures, ~~excluding gas control or recovery system components,~~ exceed twenty-five per cent of the lower explosive limit or if concentrations of methane generated by the ~~landfill~~ facility at the ~~landfill~~ facility boundary exceed the lower explosive limit. As used in this division, "lower explosive limit" means the lowest per cent by volume of methane that will produce a flame in air at twenty-five degrees centigrade and atmospheric pressure.

(D) If a report submitted pursuant to a plan approved under division (A) of this section indicates that the formation of explosive gases at, and migration of explosive gases from, a ~~sanitary landfill~~ solid waste disposal facility or closed ~~sanitary landfill~~ solid waste disposal facility threatens human health or safety or the environment, the director or his authorized

representative ~~shall promptly~~ may conduct an evaluation of the 56176  
levels of explosive gases on the premises of the landfill facility 56177  
and in occupied structures located in proximity to the boundaries 56178  
of the landfill facility to determine whether the formation of 56179  
explosive gases at, and migration of those gases from, the 56180  
landfill facility or closed landfill facility constitutes such a 56181  
threat. In addition, the director or the director's authorized 56182  
representative, on their own initiative, may conduct an evaluation 56183  
in accordance with division (G) of this section. Based upon the 56184  
findings of ~~the an~~ an evaluation, ~~or of an evaluation conducted by~~ 56185  
~~the director, or his authorized representative, on his own~~ 56186  
initiative, the director ~~shall~~ may issue an order under division 56187  
(A) or (B) of section 3734.13 of the Revised Code, as the director 56188  
considers necessary or appropriate, directing ~~the owner or~~ 56189  
~~operator of the landfill, or, in the instance of a closed~~ 56190  
~~landfill, the owner or operator of the landfill, or the subsequent~~ 56191  
~~owner, lessee, or other person who has control of the land on~~ 56192  
~~which the closed landfill is located,~~ any responsible party to 56193  
perform such measures as the director considers necessary or 56194  
appropriate, to abate or minimize the formation of explosive gases 56195  
or their migration off the premises of the landfill facility, to 56196  
abate or remedy any conditions caused by the formation and 56197  
migration of such gases that ~~endanger~~ threaten human health or 56198  
safety or the environment and to take such actions as the director 56199  
finds necessary or appropriate to prevent recurrence of the 56200  
migration of explosive gases or decrease their concentration to 56201  
levels set forth in division (C) of this section. 56202

After the issuance of an order under this division, the 56203  
director shall inspect the ~~landfill at least once each week, or~~ 56204  
facility at such ~~other~~ intervals as the director or ~~his~~ an 56205  
authorized representative of the director considers necessary or 56206  
appropriate, to ascertain compliance with the order until such 56207  
time as the director determines that full compliance with those 56208

terms and conditions has been achieved. 56209

If a report submitted pursuant to a plan approved under 56210  
division (A) of this section indicates that the formation of 56211  
explosive gases at, and migration of explosive gases from, a 56212  
~~landfill~~ solid waste disposal facility that is subject to an order 56213  
issued under division (D) of this section has recurred in such 56214  
quantities or under such conditions as to threaten human health or 56215  
safety or the environment, or if the director determines from an 56216  
inspection of any such ~~landfill~~ facility that the ~~owner or~~ 56217  
~~operator of the landfill, or, in the instance of a closed~~ 56218  
~~landfill, the owner or operator of the landfill, or the subsequent~~ 56219  
~~owner, lessee, or other person who has control of the land on~~ 56220  
~~which the closed landfill is located,~~ responsible party has 56221  
violated or is violating a term or condition of the order or that 56222  
measures in addition to those prescribed by the order are 56223  
necessary or appropriate under the circumstances, the director 56224  
shall take such actions under division (A), (B), or (C) of section 56225  
3734.13 of the Revised Code as ~~he~~ the director considers necessary 56226  
or appropriate to protect human health or safety or the 56227  
environment. 56228

(E) The director shall conduct random inspections of licensed 56229  
and closed sanitary landfills for explosive gas levels and to 56230  
monitor the accuracy of the reports submitted pursuant to plans 56231  
approved under division (A) of this section. 56232

(F) The director shall adopt rules under Chapter 119. of the 56233  
Revised Code prescribing standards for conducting the explosive 56234  
gas monitoring required by division (A) of this section including, 56235  
without limitation, standards governing the numbers, locations, 56236  
and design and construction of monitoring wells; quality control 56237  
procedures to be followed by persons conducting those evaluations 56238  
to ensure the accuracy of the monitoring; the frequency for 56239  
sampling the monitoring wells, which shall be at least quarterly, 56240

except as otherwise provided in this division; and the frequency 56241  
of reporting monitoring results to the director and board of 56242  
health. The rules shall require that, in the instance of closed 56243  
sanitary landfills, explosive gas monitoring be conducted for the 56244  
period of twenty years after closure or for such other period as 56245  
the director considers necessary or appropriate. Such explosive 56246  
gas monitoring shall be conducted quarterly during each of the 56247  
five years immediately following closure of the landfills and 56248  
semiannually thereafter. If such semiannual sampling shows that 56249  
the methane limits set in division (C) of this section are 56250  
exceeded, sampling may be resumed at a frequency determined by the 56251  
director. 56252

(G) The director or the director's authorized representative 56253  
may enter upon a solid waste disposal facility or a closed solid 56254  
waste disposal facility to conduct an evaluation of the 56255  
concentration of explosive gas generated at or migrating from the 56256  
facility. The owner or operator of a solid waste disposal facility 56257  
or closed solid waste disposal facility shall allow the director 56258  
or representative to conduct such an evaluation of the facility, 56259  
any structures within the boundary of the facility, and any 56260  
occupied structures in close proximity to the boundary of the 56261  
facility that are owned or controlled by the owner or operator. 56262

(H) The remedy provided by division (D) of this section is 56263  
cumulative and concurrent with any other remedy provided in this 56264  
chapter or Chapter 3704. of the Revised Code, and the existence or 56265  
exercise of one remedy does not prevent the exercise of any other. 56266

**Sec. 3734.05.** (A)(1) Except as provided in divisions (A)~~(4)~~, 56267  
~~(8)~~, (6) and ~~(9)~~, (7) of this section, no person shall operate or 56268  
maintain a solid waste facility without a license issued under 56269  
this division by the board of health of the health district in 56270  
which the facility is located or by the director of environmental 56271

protection when the health district in which the facility is 56272  
located is not on the approved list under section 3734.08 of the 56273  
Revised Code. 56274

During the month of December, but before the first day of 56275  
January of the next year, every person proposing to continue to 56276  
operate an existing solid waste facility shall procure a license 56277  
under this division to operate the facility for that year from the 56278  
board of health of the health district in which the facility is 56279  
located or, if the health district is not on the approved list 56280  
under section 3734.08 of the Revised Code, from the director. The 56281  
application for such a license shall be submitted to the board of 56282  
health or to the director, as appropriate, on or before the last 56283  
day of September of the year preceding that for which the license 56284  
is sought. In addition to the application fee prescribed in 56285  
division (A)(2) of this section, a person who submits an 56286  
application after that date shall pay an additional ten per cent 56287  
of the amount of the application fee for each week that the 56288  
application is late. Late payment fees accompanying an application 56289  
submitted to the board of health shall be credited to the special 56290  
fund of the health district created in division (B) of section 56291  
3734.06 of the Revised Code, and late payment fees accompanying an 56292  
application submitted to the director shall be credited to the 56293  
general revenue fund. A person who has received a license, upon 56294  
sale or disposition of a solid waste facility, and upon consent of 56295  
the board of health and the director, may have the license 56296  
transferred to another person. The board of health or the director 56297  
may include such terms and conditions in a license or revision to 56298  
a license as are appropriate to ensure compliance with this 56299  
chapter and rules adopted under it. The terms and conditions may 56300  
establish the authorized maximum daily waste receipts for the 56301  
facility. Limitations on maximum daily waste receipts shall be 56302  
specified in cubic yards of volume for the purpose of regulating 56303  
the design, construction, and operation of solid waste facilities. 56304

Terms and conditions included in a license or revision to a 56305  
license by a board of health shall be consistent with, and pertain 56306  
only to the subjects addressed in, the rules adopted under 56307  
division (A) of section 3734.02 and division (D) of section 56308  
3734.12 of the Revised Code. 56309

(2)(a) Except as provided in divisions (A)(2)(b), ~~(8)(6)~~, and 56310  
~~(9)(7)~~ of this section, each person proposing to open a new solid 56311  
waste facility or to modify an existing solid waste facility shall 56312  
submit an application for a permit with accompanying detail plans 56313  
and specifications to the environmental protection agency for 56314  
required approval under the rules adopted by the director pursuant 56315  
to division (A) of section 3734.02 of the Revised Code and 56316  
applicable rules adopted under division (D) of section 3734.12 of 56317  
the Revised Code at least two hundred seventy days before proposed 56318  
operation of the facility and shall concurrently make application 56319  
for the issuance of a license under division (A)(1) of this 56320  
section with the board of health of the health district in which 56321  
the proposed facility is to be located. 56322

(b) On and after the effective date of the rules adopted 56323  
under division (A) of section 3734.02 of the Revised Code and 56324  
division (D) of section 3734.12 of the Revised Code governing 56325  
solid waste transfer facilities, each person proposing to open a 56326  
new solid waste transfer facility or to modify an existing solid 56327  
waste transfer facility shall submit an application for a permit 56328  
with accompanying engineering detail plans, specifications, and 56329  
information regarding the facility and its method of operation to 56330  
the environmental protection agency for required approval under 56331  
those rules at least two hundred seventy days before commencing 56332  
proposed operation of the facility and concurrently shall make 56333  
application for the issuance of a license under division (A)(1) of 56334  
this section with the board of health of the health district in 56335  
which the facility is located or proposed. 56336

(c) Each application for a permit under division (A)(2)(a) or (b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (A)(1) or (2) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special fund of the health district created in division (B) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (A)(1), (2), (3), (4), or (5) of section 3734.06 of the Revised Code.

(d) As used in divisions (A)(2)(d), (e), and (f) of this section, "modify" means any of the following:

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;

(ii) Any expansion of the limits of solid waste placement at a solid waste facility;

(iii) Any increase in the depth of excavation at a solid waste facility;

(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.

Not later than forty-five days after submitting an

application under division (A)(2)(a) or (b) of this section for a 56368  
permit to open a new or modify an existing solid waste facility, 56369  
the applicant, in conjunction with an officer or employee of the 56370  
environmental protection agency, shall hold a public meeting on 56371  
the application within the county in which the new or modified 56372  
solid waste facility is or is proposed to be located or within a 56373  
contiguous county. Not less than thirty days before holding the 56374  
public meeting on the application, the applicant shall publish 56375  
notice of the meeting in each newspaper of general circulation 56376  
that is published in the county in which the facility is or is 56377  
proposed to be located. If no newspaper of general circulation is 56378  
published in the county, the applicant shall publish the notice in 56379  
a newspaper of general circulation in the county. The notice shall 56380  
contain the date, time, and location of the public meeting and a 56381  
general description of the proposed new or modified facility. Not 56382  
later than five days after publishing the notice, the applicant 56383  
shall send by certified mail a copy of the notice and the date the 56384  
notice was published to the director and the legislative authority 56385  
of each municipal corporation, township, and county, and to the 56386  
chief executive officer of each municipal corporation, in which 56387  
the facility is or is proposed to be located. At the public 56388  
meeting, the applicant shall provide information and describe the 56389  
application and respond to comments or questions concerning the 56390  
application, and the officer or employee of the agency shall 56391  
describe the permit application process. At the public meeting, 56392  
any person may submit written or oral comments on or objections to 56393  
the application. Not more than thirty days after the public 56394  
meeting, the applicant shall provide the director with a copy of a 56395  
transcript of the full meeting, copies of any exhibits, displays, 56396  
or other materials presented by the applicant at the meeting, and 56397  
the original copy of any written comments submitted at the 56398  
meeting. 56399

(e) Except as provided in division (A)(2)(f) of this section, 56400

prior to taking an action, other than a proposed or final denial, 56401  
upon an application submitted under division (A)(2)(a) of this 56402  
section for a permit to open a new or modify an existing solid 56403  
waste facility, the director shall hold a public information 56404  
session and a public hearing on the application within the county 56405  
in which the new or modified solid waste facility is or is 56406  
proposed to be located or within a contiguous county. If the 56407  
application is for a permit to open a new solid waste facility, 56408  
the director shall hold the hearing not less than fourteen days 56409  
after the information session. If the application is for a permit 56410  
to modify an existing solid waste facility, the director may hold 56411  
both the information session and the hearing on the same day 56412  
unless any individual affected by the application requests in 56413  
writing that the information session and the hearing not be held 56414  
on the same day, in which case the director shall hold the hearing 56415  
not less than fourteen days after the information session. The 56416  
director shall publish notice of the public information session or 56417  
public hearing not less than thirty days before holding the 56418  
information session or hearing, as applicable. The notice shall be 56419  
published in each newspaper of general circulation that is 56420  
published in the county in which the facility is or is proposed to 56421  
be located. If no newspaper of general circulation is published in 56422  
the county, the director shall publish the notice in a newspaper 56423  
of general circulation in the county. The notice shall contain the 56424  
date, time, and location of the information session or hearing, as 56425  
applicable, and a general description of the proposed new or 56426  
modified facility. At the public information session, an officer 56427  
or employee of the environmental protection agency shall describe 56428  
the status of the permit application and be available to respond 56429  
to comments or questions concerning the application. At the public 56430  
hearing, any person may submit written or oral comments on or 56431  
objections to the approval of the application. The applicant, or a 56432  
representative of the applicant who has knowledge of the location, 56433

construction, and operation of the facility, shall attend the 56434  
information session and public hearing to respond to comments or 56435  
questions concerning the facility directed to the applicant or 56436  
representative by the officer or employee of the environmental 56437  
protection agency presiding at the information session and 56438  
hearing. 56439

(f) The solid waste management policy committee of a county 56440  
or joint solid waste management district may adopt a resolution 56441  
requesting expeditious consideration of a specific application 56442  
submitted under division (A)(2)(a) of this section for a permit to 56443  
modify an existing solid waste facility within the district. The 56444  
resolution shall make the finding that expedited consideration of 56445  
the application without the public information session and public 56446  
hearing under division (A)(2)(e) of this section is in the public 56447  
interest and will not endanger human health, as determined by the 56448  
director by rules adopted in accordance with Chapter 119. of the 56449  
Revised Code. Upon receiving such a resolution, the director, at 56450  
the director's discretion, may issue a final action upon the 56451  
application without holding a public information session or public 56452  
hearing pursuant to division (A)(2)(e) of this section. 56453

~~(3) Except as provided in division (A)(10) of this section, 56454  
and unless the owner or operator of any solid waste facility, 56455  
other than a solid waste transfer facility or a compost facility 56456  
that accepts exclusively source separated yard wastes, that 56457  
commenced operation on or before July 1, 1968, has obtained an 56458  
exemption from the requirements of division (A)(3) of this section 56459  
in accordance with division (G) of section 3734.02 of the Revised 56460  
Code, the owner or operator shall submit to the director an 56461  
application for a permit with accompanying engineering detail 56462  
plans, specifications, and information regarding the facility and 56463  
its method of operation for approval under rules adopted under 56464  
division (A) of section 3734.02 of the Revised Code and applicable 56465~~

~~rules adopted under division (D) of section 3734.12 of the Revised Code in accordance with the following schedule:~~ 56466  
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~~(a) Not later than September 24, 1988, if the facility is located in the city of Garfield Heights or Parma in Cuyahoga county;~~ 56468  
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~~(b) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;~~ 56471  
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~~(c) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn or Cuyahoga Heights in Cuyahoga county;~~ 56474  
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~~(d) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights;~~ 56478  
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~~(e) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Eric, Lake, Portage, Putnam, or Ross county;~~ 56482  
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~~(f) Not later than December 24, 1989, if the facility is located in a county not listed in divisions (A)(3)(a) to (c) of this section;~~ 56485  
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~~(g) Notwithstanding divisions (A)(3)(a) to (f) of this section, not later than December 31, 1990, if the facility is a solid waste facility owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated and if the facility disposes of more than one hundred thousand tons of solid wastes per year, provided that any such facility shall be subject to division (A)(5) of this~~ 56488  
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~~section.~~ 56497

~~(4) Except as provided in divisions (A)(8), (9), and (10) of this section, unless the owner or operator of any solid waste facility for which a permit was issued after July 1, 1968, but before January 1, 1980, has obtained an exemption from the requirements of division (A)(4) of this section under division (G) of section 3734.02 of the Revised Code, the owner or operator shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under those rules.~~ 56498  
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~~(5) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of a solid waste facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.~~ 56508  
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~~(6)(4) The director shall act upon an application submitted under division (A)(3) or (4) of this section and any updated engineering plans, specifications, and information submitted under division (A)(5)(3) of this section within one hundred eighty days after receiving them. If the director denies any such permit application, the issues an order ~~denying the application or~~ 56523  
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disapproving the plans, specifications, and information submitted 56529  
under division (A)(3) of this section, the order shall include all 56530  
of the following requirements that: 56531

(a) That the owner or operator submit a plan for closure and 56532  
post-closure care of the facility to the director for approval 56533  
within six months after issuance of the order; 56534

(b) That the owner or operator cease accepting solid wastes 56535  
for disposal or transfer at the facility; and 56536

(c) The owner or operator commence closure of the facility 56537  
not later than one year after issuance of the order. ~~It~~ 56538

If the director determines that closure of the facility 56539  
within that one-year period would result in the unavailability of 56540  
sufficient solid waste management facility capacity within the 56541  
county or joint solid waste management district in which the 56542  
facility is located to dispose of or transfer the solid waste 56543  
generated within the district, the director in the order of ~~denial~~ 56544  
~~or~~ disapproval may postpone commencement of closure of the 56545  
facility for such period of time as the director finds necessary 56546  
for the board of county commissioners or directors of the district 56547  
to secure access to or for there to be constructed within the 56548  
district sufficient solid waste management facility capacity to 56549  
meet the needs of the district, provided that the director shall 56550  
certify in the director's order that postponing the date for 56551  
commencement of closure will not endanger ground water or any 56552  
property surrounding the facility, allow methane gas migration to 56553  
occur, or cause or contribute to any other type of environmental 56554  
damage. 56555

If an emergency need for disposal capacity that may affect 56556  
public health and safety exists as a result of closure of a 56557  
facility under division (A)~~(6)~~(4) of this section, the director 56558  
may issue an order designating another solid waste facility to 56559

accept the wastes that would have been disposed of at the facility 56560  
to be closed. 56561

~~(7)~~(5) If the director determines that standards more 56562  
stringent than those applicable in rules adopted under division 56563  
(A) of section 3734.02 of the Revised Code and division (D) of 56564  
section 3734.12 of the Revised Code, or standards pertaining to 56565  
subjects not specifically addressed by those rules, are necessary 56566  
to ensure that a solid waste facility constructed at the proposed 56567  
location will not cause a nuisance, cause or contribute to water 56568  
pollution, or endanger public health or safety, the director may 56569  
issue a permit for the facility with such terms and conditions as 56570  
the director finds necessary to protect public health and safety 56571  
and the environment. If a permit is issued, the director shall 56572  
state in the order issuing it the specific findings supporting 56573  
each such term or condition. 56574

~~(8)~~(6) Divisions (A)(1), and (2)(a), ~~(3), and (4)~~ of this 56575  
section do not apply to a solid waste compost facility that 56576  
accepts exclusively source separated yard wastes and that is 56577  
registered under division (C) of section 3734.02 of the Revised 56578  
Code or, unless otherwise provided in rules adopted under division 56579  
(N)(3) of section 3734.02 of the Revised Code, to a solid waste 56580  
compost facility if the director has adopted rules establishing an 56581  
alternative system for authorizing the establishment, operation, 56582  
or modification of a solid waste compost facility under that 56583  
division. 56584

~~(9)~~(7) Divisions (A)(1) to ~~(7)~~(5) of this section do not 56585  
apply to scrap tire collection, storage, monocell, monofill, and 56586  
recovery facilities. The approval of plans and specifications, as 56587  
applicable, and the issuance of registration certificates, 56588  
permits, and licenses for those facilities are subject to sections 56589  
3734.75 to 3734.78 of the Revised Code, as applicable, and section 56590  
3734.81 of the Revised Code. 56591

~~(10) Divisions (A)(3) and (4) of this section do not apply to a solid waste incinerator that was placed into operation on or before October 12, 1994, and that is not authorized to accept and treat infectious wastes pursuant to division (B) of this section.~~

(B)(1) No person shall operate or maintain an infectious waste treatment facility without a license issued by the board of health of the health district in which the facility is located or by the director when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

(2)(a) During the month of December, but before the first day of January of the next year, every person proposing to continue to operate an existing infectious waste treatment facility shall procure a license to operate the facility for that year from the board of health of the health district in which the facility is located or, if the health district is not on the approved list under section 3734.08 of the Revised Code, from the director. The application for such a license shall be submitted to the board of health or to the director, as appropriate, on or before the last day of September of the year preceding that for which the license is sought. In addition to the application fee prescribed in division (B)(2)(c) of this section, a person who submits an application after that date shall pay an additional ten per cent of the amount of the application fee for each week that the application is late. Late payment fees accompanying an application submitted to the board of health shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code, and late payment fees accompanying an application submitted to the director shall be credited to the general revenue fund. A person who has received a license, upon sale or disposition of an infectious waste treatment facility and upon consent of the board of health and the director,

may have the license transferred to another person. The board of 56624  
health or the director may include such terms and conditions in a 56625  
license or revision to a license as are appropriate to ensure 56626  
compliance with the infectious waste provisions of this chapter 56627  
and rules adopted under them. 56628

(b) Each person proposing to open a new infectious waste 56629  
treatment facility or to modify an existing infectious waste 56630  
treatment facility shall submit an application for a permit with 56631  
accompanying detail plans and specifications to the environmental 56632  
protection agency for required approval under the rules adopted by 56633  
the director pursuant to section 3734.021 of the Revised Code two 56634  
hundred seventy days before proposed operation of the facility and 56635  
concurrently shall make application for a license with the board 56636  
of health of the health district in which the facility is or is 56637  
proposed to be located. Not later than ninety days after receiving 56638  
a complete application under division (B)(2)(b) of this section 56639  
for a permit to open a new infectious waste treatment facility or 56640  
modify an existing infectious waste treatment facility to expand 56641  
its treatment capacity, or receiving a complete application under 56642  
division (A)(2)(a) of this section for a permit to open a new 56643  
solid waste incineration facility, or modify an existing solid 56644  
waste incineration facility to also treat infectious wastes or to 56645  
increase its infectious waste treatment capacity, that pertains to 56646  
a facility for which a notation authorizing infectious waste 56647  
treatment is included or proposed to be included in the solid 56648  
waste incineration facility's license pursuant to division (B)(3) 56649  
of this section, the director shall hold a public hearing on the 56650  
application within the county in which the new or modified 56651  
infectious waste or solid waste facility is or is proposed to be 56652  
located or within a contiguous county. Not less than thirty days 56653  
before holding the public hearing on the application, the director 56654  
shall publish notice of the hearing in each newspaper that has 56655  
general circulation and that is published in the county in which 56656

the facility is or is proposed to be located. If there is no newspaper that has general circulation and that is published in the county, the director shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public hearing and a general description of the proposed new or modified facility. At the public hearing, any person may submit written or oral comments on or objections to the approval or disapproval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the hearing.

(c) Each application for a permit under division (B)(2)(b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (B)(2)(a) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (C) of section 3734.06 of the Revised Code.

(d) The director may issue an order in accordance with 56689  
Chapter 3745. of the Revised Code to the owner or operator of an 56690  
infectious waste treatment facility requiring the person to submit 56691  
to the director updated engineering detail plans, specifications, 56692  
and information regarding the facility and its method of operation 56693  
for approval under rules adopted under section 3734.021 of the 56694  
Revised Code if, in the director's judgment, conditions at the 56695  
facility constitute a substantial threat to public health or 56696  
safety or are causing or contributing to or threatening to cause 56697  
or contribute to air or water pollution or soil contamination. Any 56698  
person who receives such an order shall submit the updated 56699  
engineering detail plans, specifications, and information to the 56700  
director within one hundred eighty days after the effective date 56701  
of the order. 56702

(e) The director shall act on any updated engineering plans, 56703  
specifications, and information submitted under division (B)(2)(d) 56704  
of this section within one hundred eighty days after receiving 56705  
them. If the director disapproves any such updated engineering 56706  
plans, specifications, and information, the director shall include 56707  
in the order disapproving the plans the requirement that the owner 56708  
or operator cease accepting infectious wastes for treatment at the 56709  
facility. 56710

(3) Division (B) of this section does not apply to a 56711  
generator of infectious wastes that meets any of the following 56712  
conditions: 56713

(a) Treats, by methods, techniques, and practices established 56714  
by rules adopted under division (B)(2)(a) of section 3734.021 of 56715  
the Revised Code, any of the following wastes: 56716

(i) Infectious wastes that are generated on any premises that 56717  
are owned or operated by the generator; 56718

(ii) Infectious wastes that are generated by a generator who 56719

has staff privileges at a hospital as defined in section 3727.01 56720  
of the Revised Code; 56721

(iii) Infectious wastes that are generated in providing care 56722  
to a patient by an emergency medical services organization as 56723  
defined in section 4765.01 of the Revised Code. 56724

(b) Holds a license or renewal of a license to operate a 56725  
crematory facility issued under Chapter 4717. and a permit issued 56726  
under Chapter 3704. of the Revised Code; 56727

(c) Treats or disposes of dead animals or parts thereof, or 56728  
the blood of animals, and is subject to any of the following: 56729

(i) Inspection under the "Federal Meat Inspection Act," 81 56730  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 56731

(ii) Chapter 918. of the Revised Code; 56732

(iii) Chapter 953. of the Revised Code. 56733

Nothing in division (B) of this section requires a facility 56734  
that holds a license issued under division (A) of this section as 56735  
a solid waste facility and that also treats infectious wastes by 56736  
the same method, technique, or process to obtain a license under 56737  
division (B) of this section as an infectious waste treatment 56738  
facility. However, the solid waste facility license for the 56739  
facility shall include the notation that the facility also treats 56740  
infectious wastes. 56741

The director shall not issue a permit to open a new solid 56742  
waste incineration facility unless the proposed facility complies 56743  
with the requirements for the location of new infectious waste 56744  
incineration facilities established in rules adopted under 56745  
division (B)(2)(b) of section 3734.021 of the Revised Code. 56746

(C) Except for a facility or activity described in division 56747  
(E)(3) of section 3734.02 of the Revised Code, a person who 56748  
proposes to establish or operate a hazardous waste facility shall 56749

submit a complete application for a hazardous waste facility 56750  
installation and operation permit and accompanying detail plans, 56751  
specifications, and such information as the director may require 56752  
to the environmental protection agency at least one hundred eighty 56753  
days before the proposed beginning of operation of the facility. 56754  
The applicant shall notify by certified mail the legislative 56755  
authority of each municipal corporation, township, and county in 56756  
which the facility is proposed to be located of the submission of 56757  
the application within ten days after the submission or at such 56758  
earlier time as the director may establish by rule. If the 56759  
application is for a proposed new hazardous waste disposal or 56760  
thermal treatment facility, the applicant also shall give actual 56761  
notice of the general design and purpose of the facility to the 56762  
legislative authority of each municipal corporation, township, and 56763  
county in which the facility is proposed to be located at least 56764  
ninety days before the permit application is submitted to the 56765  
environmental protection agency. 56766

In accordance with rules adopted under section 3734.12 of the 56767  
Revised Code, prior to the submission of a complete application 56768  
for a hazardous waste facility installation and operation permit, 56769  
the applicant shall hold at least one meeting in the township or 56770  
municipal corporation in which the facility is proposed to be 56771  
located, whichever is geographically closer to the proposed 56772  
location of the facility. The meeting shall be open to the public 56773  
and shall be held to inform the community of the proposed 56774  
hazardous waste management activities and to solicit questions 56775  
from the community concerning the activities. 56776

(D)(1) Except as provided in section 3734.123 of the Revised 56777  
Code, upon receipt of a complete application for a hazardous waste 56778  
facility installation and operation permit under division (C) of 56779  
this section, the director shall consider the application and 56780  
accompanying information to determine whether the application 56781

complies with agency rules and the requirements of division (D)(2) 56782  
of this section. After making a determination, the director shall 56783  
issue either a draft permit or a notice of intent to deny the 56784  
permit. The director, in accordance with rules adopted under 56785  
section 3734.12 of the Revised Code or with rules adopted to 56786  
implement Chapter 3745. of the Revised Code, shall provide public 56787  
notice of the application and the draft permit or the notice of 56788  
intent to deny the permit, provide an opportunity for public 56789  
comments, and, if significant interest is shown, schedule a public 56790  
meeting in the county in which the facility is proposed to be 56791  
located and give public notice of the date, time, and location of 56792  
the public meeting in a newspaper of general circulation in that 56793  
county. 56794

(2) The director shall not approve an application for a 56795  
hazardous waste facility installation and operation permit or an 56796  
application for a modification under division (I)(3) of this 56797  
section unless the director finds and determines as follows: 56798

(a) The nature and volume of the waste to be treated, stored, 56799  
or disposed of at the facility; 56800

(b) That the facility complies with the director's hazardous 56801  
waste standards adopted pursuant to section 3734.12 of the Revised 56802  
Code; 56803

(c) That the facility represents the minimum adverse 56804  
environmental impact, considering the state of available 56805  
technology and the nature and economics of various alternatives, 56806  
and other pertinent considerations; 56807

(d) That the facility represents the minimum risk of all of 56808  
the following: 56809

(i) Fires or explosions from treatment, storage, or disposal 56810  
methods; 56811

(ii) Release of hazardous waste during transportation of 56812

hazardous waste to or from the facility; 56813

(iii) Adverse impact on the public health and safety. 56814

(e) That the facility will comply with this chapter and 56815  
Chapters 3704. and 6111. of the Revised Code and all rules and 56816  
standards adopted under them; 56817

(f) That if the owner of the facility, the operator of the 56818  
facility, or any other person in a position with the facility from 56819  
which the person may influence the installation and operation of 56820  
the facility has been involved in any prior activity involving 56821  
transportation, treatment, storage, or disposal of hazardous 56822  
waste, that person has a history of compliance with this chapter 56823  
and Chapters 3704. and 6111. of the Revised Code and all rules and 56824  
standards adopted under them, the "Resource Conservation and 56825  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 56826  
amended, and all regulations adopted under it, and similar laws 56827  
and rules of other states if any such prior operation was located 56828  
in another state that demonstrates sufficient reliability, 56829  
expertise, and competency to operate a hazardous waste facility 56830  
under the applicable provisions of this chapter and Chapters 3704. 56831  
and 6111. of the Revised Code, the applicable rules and standards 56832  
adopted under them, and terms and conditions of a hazardous waste 56833  
facility installation and operation permit, given the potential 56834  
for harm to the public health and safety and the environment that 56835  
could result from the irresponsible operation of the facility. For 56836  
off-site facilities, as defined in section 3734.41 of the Revised 56837  
Code, the director may use the investigative reports of the 56838  
attorney general prepared pursuant to section 3734.42 of the 56839  
Revised Code as a basis for making a finding and determination 56840  
under division (D)(2)(f) of this section. 56841

(g) That the active areas within a new hazardous waste 56842  
facility where acute hazardous waste as listed in 40 C.F.R. 261.33 56843  
(e), as amended, or organic waste that is toxic and is listed 56844

under 40 C.F.R. 261, as amended, is being stored, treated, or 56845  
disposed of and where the aggregate of the storage design capacity 56846  
and the disposal design capacity of all hazardous waste in those 56847  
areas is greater than two hundred fifty thousand gallons, are not 56848  
located or operated within any of the following: 56849

(i) Two thousand feet of any residence, school, hospital, 56850  
jail, or prison; 56851

(ii) Any naturally occurring wetland; 56852

(iii) Any flood hazard area if the applicant cannot show that 56853  
the facility will be designed, constructed, operated, and 56854  
maintained to prevent washout by a one-hundred-year flood. 56855

Division (D)(2)(g) of this section does not apply to the 56856  
facility of any applicant who demonstrates to the director that 56857  
the limitations specified in that division are not necessary 56858  
because of the nature or volume of the waste and the manner of 56859  
management applied, the facility will impose no substantial danger 56860  
to the health and safety of persons occupying the structures 56861  
listed in division (D)(2)(g)(i) of this section, and the facility 56862  
is to be located or operated in an area where the proposed 56863  
hazardous waste activities will not be incompatible with existing 56864  
land uses in the area. 56865

(h) That the facility will not be located within the 56866  
boundaries of a state park established or dedicated under Chapter 56867  
1546. of the Revised Code, a state park purchase area established 56868  
under section 1546.06 of the Revised Code, any unit of the 56869  
national park system, or any property that lies within the 56870  
boundaries of a national park or recreation area, but that has not 56871  
been acquired or is not administered by the secretary of the 56872  
United States department of the interior, located in this state, 56873  
or any candidate area located in this state identified for 56874  
potential inclusion in the national park system in the edition of 56875

the "national park system plan" submitted under paragraph (b) of 56876  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 56877  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 56878  
application for the permit, unless the facility will be used 56879  
exclusively for the storage of hazardous waste generated within 56880  
the park or recreation area in conjunction with the operation of 56881  
the park or recreation area. Division (D)(2)(h) of this section 56882  
does not apply to the facility of any applicant for modification 56883  
of a permit unless the modification application proposes to 56884  
increase the land area included in the facility or to increase the 56885  
quantity of hazardous waste that will be treated, stored, or 56886  
disposed of at the facility. 56887

(3) Not later than one hundred eighty days after the end of 56888  
the public comment period, the director, without prior hearing, 56889  
shall issue or deny the permit in accordance with Chapter 3745. of 56890  
the Revised Code. If the director approves an application for a 56891  
hazardous waste facility installation and operation permit, the 56892  
director shall issue the permit, upon such terms and conditions as 56893  
the director finds are necessary to ensure the construction and 56894  
operation of the hazardous waste facility in accordance with the 56895  
standards of this section. 56896

(E) No political subdivision of this state shall require any 56897  
additional zoning or other approval, consent, permit, certificate, 56898  
or condition for the construction or operation of a hazardous 56899  
waste facility authorized by a hazardous waste facility 56900  
installation and operation permit issued pursuant to this chapter, 56901  
nor shall any political subdivision adopt or enforce any law, 56902  
ordinance, or rule that in any way alters, impairs, or limits the 56903  
authority granted in the permit. 56904

(F) The director may issue a single hazardous waste facility 56905  
installation and operation permit to a person who operates two or 56906  
more adjoining facilities where hazardous waste is stored, 56907

treated, or disposed of if the application includes detail plans, 56908  
specifications, and information on all facilities. For the 56909  
purposes of this section, "adjoining" means sharing a common 56910  
boundary, separated only by a public road, or in such proximity 56911  
that the director determines that the issuance of a single permit 56912  
will not create a hazard to the public health or safety or the 56913  
environment. 56914

(G) No person shall falsify or fail to keep or submit any 56915  
plans, specifications, data, reports, records, manifests, or other 56916  
information required to be kept or submitted to the director by 56917  
this chapter or the rules adopted under it. 56918

(H)(1) Each person who holds an installation and operation 56919  
permit issued under this section and who wishes to obtain a permit 56920  
renewal shall submit a completed application for an installation 56921  
and operation permit renewal and any necessary accompanying 56922  
general plans, detail plans, specifications, and such information 56923  
as the director may require to the director no later than one 56924  
hundred eighty days prior to the expiration date of the existing 56925  
permit or upon a later date prior to the expiration of the 56926  
existing permit if the permittee can demonstrate good cause for 56927  
the late submittal. The director shall consider the application 56928  
and accompanying information, inspection reports of the facility, 56929  
results of performance tests, a report regarding the facility's 56930  
compliance or noncompliance with the terms and conditions of its 56931  
permit and rules adopted by the director under this chapter, and 56932  
such other information as is relevant to the operation of the 56933  
facility and shall issue a draft renewal permit or a notice of 56934  
intent to deny the renewal permit. The director, in accordance 56935  
with rules adopted under this section or with rules adopted to 56936  
implement Chapter 3745. of the Revised Code, shall give public 56937  
notice of the application and draft renewal permit or notice of 56938  
intent to deny the renewal permit, provide for the opportunity for 56939

public comments within a specified time period, schedule a public meeting in the county in which the facility is located if significant interest is shown, and give public notice of the public meeting.

(2) Within sixty days after the public meeting or close of the public comment period, the director, without prior hearing, shall issue or deny the renewal permit in accordance with Chapter 3745. of the Revised Code. The director shall not issue a renewal permit unless the director determines that the facility under the existing permit has a history of compliance with this chapter, rules adopted under it, the existing permit, or orders entered to enforce such requirements that demonstrates sufficient reliability, expertise, and competency to operate the facility henceforth under this chapter, rules adopted under it, and the renewal permit. If the director approves an application for a renewal permit, the director shall issue the permit subject to the payment of the annual permit fee required under division (E) of section 3734.02 of the Revised Code and upon such terms and conditions as the director finds are reasonable to ensure that continued operation, maintenance, closure, and post-closure care of the hazardous waste facility are in accordance with the rules adopted under section 3734.12 of the Revised Code.

(3) An installation and operation permit renewal application submitted to the director that also contains or would constitute an application for a modification shall be acted upon by the director in accordance with division (I) of this section in the same manner as an application for a modification. In approving or disapproving the renewal portion of a permit renewal application containing an application for a modification, the director shall apply the criteria established under division (H)(2) of this section.

(4) An application for renewal or modification of a permit

that does not contain an application for a modification as 56972  
described in divisions (I)(3)(a) to (d) of this section shall not 56973  
be subject to division (D)(2) of this section. 56974

(I)(1) As used in this section, "modification" means a change 56975  
or alteration to a hazardous waste facility or its operations that 56976  
is inconsistent with or not authorized by its existing permit or 56977  
authorization to operate. Modifications shall be classified as 56978  
Class 1, 2, or 3 modifications in accordance with rules adopted 56979  
under division (K) of this section. Modifications classified as 56980  
Class 3 modifications, in accordance with rules adopted under that 56981  
division, shall be further classified by the director as either 56982  
Class 3 modifications that are to be approved or disapproved by 56983  
the director under divisions (I)(3)(a) to (d) of this section or 56984  
as Class 3 modifications that are to be approved or disapproved by 56985  
the director under division (I)(5) of this section. Not later than 56986  
thirty days after receiving a request for a modification under 56987  
division (I)(4) of this section that is not listed in Appendix I 56988  
to 40 C.F.R. 270.42 or in rules adopted under division (K) of this 56989  
section, the director shall classify the modification and shall 56990  
notify the owner or operator of the facility requesting the 56991  
modification of the classification. Notwithstanding any other law 56992  
to the contrary, a modification that involves the transfer of a 56993  
hazardous waste facility installation and operation permit to a 56994  
new owner or operator for any off-site facility as defined in 56995  
section 3734.41 of the Revised Code shall be classified as a Class 56996  
3 modification. The transfer of a hazardous waste facility 56997  
installation and operation permit to a new owner or operator for a 56998  
facility that is not an off-site facility shall be classified as a 56999  
Class 1 modification requiring prior approval of the director. 57000

(2) Except as provided in section 3734.123 of the Revised 57001  
Code, a hazardous waste facility installation and operation permit 57002  
may be modified at the request of the director or upon the written 57003

request of the permittee only if any of the following applies: 57004

(a) The permittee desires to accomplish alterations, 57005  
additions, or deletions to the permitted facility or to undertake 57006  
alterations, additions, deletions, or activities that are 57007  
inconsistent with or not authorized by the existing permit; 57008

(b) New information or data justify permit conditions in 57009  
addition to or different from those in the existing permit; 57010

(c) The standards, criteria, or rules upon which the existing 57011  
permit is based have been changed by new, amended, or rescinded 57012  
standards, criteria, or rules, or by judicial decision after the 57013  
existing permit was issued, and the change justifies permit 57014  
conditions in addition to or different from those in the existing 57015  
permit; 57016

(d) The permittee proposes to transfer the permit to another 57017  
person. 57018

(3) The director shall approve or disapprove an application 57019  
for a modification in accordance with division (D)(2) of this 57020  
section and rules adopted under division (K) of this section for 57021  
all of the following categories of Class 3 modifications: 57022

(a) Authority to conduct treatment, storage, or disposal at a 57023  
site, location, or tract of land that has not been authorized for 57024  
the proposed category of treatment, storage, or disposal activity 57025  
by the facility's permit; 57026

(b) Modification or addition of a hazardous waste management 57027  
unit, as defined in rules adopted under section 3734.12 of the 57028  
Revised Code, that results in an increase in a facility's storage 57029  
capacity of more than twenty-five per cent over the capacity 57030  
authorized by the facility's permit, an increase in a facility's 57031  
treatment rate of more than twenty-five per cent over the rate so 57032  
authorized, or an increase in a facility's disposal capacity over 57033  
the capacity so authorized. The authorized disposal capacity for a 57034

facility shall be calculated from the approved design plans for 57035  
the disposal units at that facility. In no case during a five-year 57036  
period shall a facility's storage capacity or treatment rate be 57037  
modified to increase by more than twenty-five per cent in the 57038  
aggregate without the director's approval in accordance with 57039  
division (D)(2) of this section. Notwithstanding any provision of 57040  
division (I) of this section to the contrary, a request for 57041  
modification of a facility's annual total waste receipt limit 57042  
shall be classified and approved or disapproved by the director 57043  
under division (I)(5) of this section. 57044

(c) Authority to add any of the following categories of 57045  
regulated activities not previously authorized at a facility by 57046  
the facility's permit: storage at a facility not previously 57047  
authorized to store hazardous waste, treatment at a facility not 57048  
previously authorized to treat hazardous waste, or disposal at a 57049  
facility not previously authorized to dispose of hazardous waste; 57050  
or authority to add a category of hazardous waste management unit 57051  
not previously authorized at the facility by the facility's 57052  
permit. Notwithstanding any provision of division (I) of this 57053  
section to the contrary, a request for authority to add or to 57054  
modify an activity or a hazardous waste management unit for the 57055  
purposes of performing a corrective action shall be classified and 57056  
approved or disapproved by the director under division (I)(5) of 57057  
this section. 57058

(d) Authority to treat, store, or dispose of waste types 57059  
listed or characterized as reactive or explosive, in rules adopted 57060  
under section 3734.12 of the Revised Code, or any acute hazardous 57061  
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 57062  
previously authorized to treat, store, or dispose of those types 57063  
of wastes by the facility's permit unless the requested authority 57064  
is limited to wastes that no longer exhibit characteristics 57065  
meeting the criteria for listing or characterization as reactive 57066

or explosive wastes, or for listing as acute hazardous waste, but 57067  
still are required to carry those waste codes as established in 57068  
rules adopted under section 3734.12 of the Revised Code because of 57069  
the requirements established in 40 C.F.R. 261(a) and (e), as 57070  
amended, that is, the "mixture," "derived-from," or "contained-in" 57071  
regulations. 57072

(4) A written request for a modification from the permittee 57073  
shall be submitted to the director and shall contain such 57074  
information as is necessary to support the request. Requests for 57075  
modifications shall be acted upon by the director in accordance 57076  
with this section and rules adopted under it. 57077

(5) Class 1 modification applications that require prior 57078  
approval of the director, as provided in division (I)(1) of this 57079  
section or as determined in accordance with rules adopted under 57080  
division (K) of this section, Class 2 modification applications, 57081  
and Class 3 modification applications that are not described in 57082  
divisions (I)(3)(a) to (d) of this section shall be approved or 57083  
disapproved by the director in accordance with rules adopted under 57084  
division (K) of this section. The board of county commissioners of 57085  
the county, the board of township trustees of the township, and 57086  
the city manager or mayor of the municipal corporation in which a 57087  
hazardous waste facility is located shall receive notification of 57088  
any application for a modification for that facility and shall be 57089  
considered as interested persons with respect to the director's 57090  
consideration of the application. 57091

As used in division (I) of this section: 57092

(a) "Owner" means the person who owns a majority or 57093  
controlling interest in a facility. 57094

(b) "Operator" means the person who is responsible for the 57095  
overall operation of a facility. 57096

The director shall approve or disapprove an application for a 57097

Class 1 modification that requires the director's approval within 57098  
sixty days after receiving the request for modification. The 57099  
director shall approve or disapprove an application for a Class 2 57100  
modification within three hundred days after receiving the request 57101  
for modification. The director shall approve or disapprove an 57102  
application for a Class 3 modification within three hundred 57103  
sixty-five days after receiving the request for modification. 57104

(6) The approval or disapproval by the director of a Class 1 57105  
modification application is not a final action that is appealable 57106  
under Chapter 3745. of the Revised Code. The approval or 57107  
disapproval by the director of a Class 2 modification or a Class 3 57108  
modification is a final action that is appealable under that 57109  
chapter. In approving or disapproving a request for a 57110  
modification, the director shall consider all comments pertaining 57111  
to the request that are received during the public comment period 57112  
and the public meetings. The administrative record for appeal of a 57113  
final action by the director in approving or disapproving a 57114  
request for a modification shall include all comments received 57115  
during the public comment period relating to the request for 57116  
modification, written materials submitted at the public meetings 57117  
relating to the request, and any other documents related to the 57118  
director's action. 57119

(7) Notwithstanding any other provision of law to the 57120  
contrary, a change or alteration to a hazardous waste facility 57121  
described in division (E)(3)(a) or (b) of section 3734.02 of the 57122  
Revised Code, or its operations, is a modification for the 57123  
purposes of this section. An application for a modification at 57124  
such a facility shall be submitted, classified, and approved or 57125  
disapproved in accordance with divisions (I)(1) to (6) of this 57126  
section in the same manner as a modification to a hazardous waste 57127  
facility installation and operation permit. 57128

(J)(1) Except as provided in division (J)(2) of this section, 57129

an owner or operator of a hazardous waste facility that is 57130  
operating in accordance with a permit by rule under rules adopted 57131  
by the director under division (E)(3)(b) of section 3734.02 of the 57132  
Revised Code shall submit either a hazardous waste facility 57133  
installation and operation permit application for the facility or 57134  
a modification application, whichever is required under division 57135  
(J)(1)(a) or (b) of this section, within one hundred eighty days 57136  
after the director has requested the application or upon a later 57137  
date if the owner or operator demonstrates to the director good 57138  
cause for the late submittal. 57139

(a) If the owner or operator does not have a hazardous waste 57140  
facility installation and operation permit for any hazardous waste 57141  
treatment, storage, or disposal activities at the facility, the 57142  
owner or operator shall submit an application for such a permit to 57143  
the director for the activities authorized by the permit by rule. 57144  
Notwithstanding any other provision of law to the contrary, the 57145  
director shall approve or disapprove the application for the 57146  
permit in accordance with the procedures governing the approval or 57147  
disapproval of permit renewals under division (H) of this section. 57148

(b) If the owner or operator has a hazardous waste facility 57149  
installation and operation permit for hazardous waste treatment, 57150  
storage, or disposal activities at the facility other than those 57151  
authorized by the permit by rule, the owner or operator shall 57152  
submit to the director a request for modification in accordance 57153  
with division (I) of this section. Notwithstanding any other 57154  
provision of law to the contrary, the director shall approve or 57155  
disapprove the modification application in accordance with 57156  
division (I)(5) of this section. 57157

(2) The owner or operator of a boiler or industrial furnace 57158  
that is conducting thermal treatment activities in accordance with 57159  
a permit by rule under rules adopted by the director under 57160  
division (E)(3)(b) of section 3734.02 of the Revised Code shall 57161

submit a hazardous waste facility installation and operation 57162  
permit application if the owner or operator does not have such a 57163  
permit for any hazardous waste treatment, storage, or disposal 57164  
activities at the facility or, if the owner or operator has such a 57165  
permit for hazardous waste treatment, storage, or disposal 57166  
activities at the facility other than thermal treatment activities 57167  
authorized by the permit by rule, a modification application to 57168  
add those activities authorized by the permit by rule, whichever 57169  
is applicable, within one hundred eighty days after the director 57170  
has requested the submission of the application or upon a later 57171  
date if the owner or operator demonstrates to the director good 57172  
cause for the late submittal. The application shall be accompanied 57173  
by information necessary to support the request. The director 57174  
shall approve or disapprove an application for a hazardous waste 57175  
facility installation and operation permit in accordance with 57176  
division (D) of this section and approve or disapprove an 57177  
application for a modification in accordance with division (I)(3) 57178  
of this section, except that the director shall not disapprove an 57179  
application for the thermal treatment activities on the basis of 57180  
the criteria set forth in division (D)(2)(g) or (h) of this 57181  
section. 57182

(3) As used in division (J) of this section: 57183

(a) "Modification application" means a request for a 57184  
modification submitted in accordance with division (I) of this 57185  
section. 57186

(b) "Thermal treatment," "boiler," and "industrial furnace" 57187  
have the same meanings as in rules adopted under section 3734.12 57188  
of the Revised Code. 57189

(K) The director shall adopt, and may amend, suspend, or 57190  
rescind, rules in accordance with Chapter 119. of the Revised Code 57191  
in order to implement divisions (H) and (I) of this section. 57192  
Except when in actual conflict with this section, rules governing 57193

the classification of and procedures for the modification of 57194  
hazardous waste facility installation and operation permits shall 57195  
be substantively and procedurally identical to the regulations 57196  
governing hazardous waste facility permitting and permit 57197  
modifications adopted under the "Resource Conservation and 57198  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 57199  
amended. 57200

**Sec. 3734.06.** (A)(1) Except as provided in divisions (A)(2), 57201  
(3), (4), and (5) of this section and in section 3734.82 of the 57202  
Revised Code, the annual fee for a solid waste facility license 57203  
shall be in accordance with the following schedule: 57204

AUTHORIZED MAXIMUM	ANNUAL	
DAILY WASTE	LICENSE	
RECEIPT (TONS)	FEE	
100 or less	\$ 5,000	57208
101 to 200	12,500	57209
201 to 500	30,000	57210
501 or more	60,000	57211

For the purpose of determining the applicable license fee 57212  
under divisions (A)(1), (2), and (3) of this section, the 57213  
authorized maximum daily waste receipt shall be the maximum amount 57214  
of wastes the facility is authorized to receive daily that is 57215  
established in the permit for the facility, and any modifications 57216  
to that permit, issued under division (A)(2) ~~or (3)~~ of section 57217  
3734.05 of the Revised Code; the annual license for the facility, 57218  
and any revisions to that license, issued under division (A)(1) of 57219  
section 3734.05 of the Revised Code; the approved operating plan 57220  
or operational report for which submission and approval are 57221  
required by rules adopted by the director of environmental 57222  
protection under section 3734.02 of the Revised Code; or an order 57223  
issued by the director as authorized by rule; ~~or the updated~~ 57224  
~~engineering plans, specifications, and facility and operation~~ 57225

~~information approved under division (A)(4) of section 3734.05 of~~ 57226  
~~the Revised Code. If no authorized maximum daily waste receipt is~~ 57227  
so established, the annual license fee is sixty thousand dollars 57228  
under division (A)(1) of this section and thirty thousand dollars 57229  
under divisions (A)(2) and (3) of this section. 57230

The authorized maximum daily waste receipt set forth in any 57231  
such document shall be stated in terms of cubic yards of volume 57232  
for the purpose of regulating the design, construction, and 57233  
operation of a solid waste facility. For the purpose of 57234  
determining applicable license fees under this section, the 57235  
authorized maximum daily waste receipt so stated shall be 57236  
converted from cubic yards to tons as the unit of measurement 57237  
based upon a conversion factor of three cubic yards per ton for 57238  
compacted wastes generally and one cubic yard per ton for baled 57239  
wastes. 57240

(2) The annual license fee for a facility that is an 57241  
incinerator facility is one-half the amount shown in division 57242  
(A)(1) of this section. When a municipal corporation, county, or 57243  
township owns and operates more than one incinerator within its 57244  
boundaries, the municipal corporation, county, or township shall 57245  
pay one fee for the licenses for all of its incinerators. The fee 57246  
shall be determined on the basis of the aggregate maximum daily 57247  
waste receipt for all the incinerators owned and operated by the 57248  
municipal corporation, county, or township in an amount that is 57249  
one-half the amount shown in division (A)(1) of this section. 57250

(3) The annual fee for a solid waste compost facility license 57251  
shall be in accordance with the following schedule: 57252

AUTHORIZED MAXIMUM	ANNUAL	57253
DAILY WASTE	LICENSE	57254
RECEIPT (TONS)	FEE	57255
12 or less	\$ 300	57256
13 to 25	600	57257

26 to 50	1,200	57258
51 to 75	1,800	57259
76 to 100	2,500	57260
101 to 150	3,750	57261
151 to 200	5,000	57262
201 to 250	6,250	57263
251 to 300	7,500	57264
301 to 400	10,000	57265
401 to 500	12,500	57266
501 or more	30,000	57267

(4) The annual license fee for a solid waste facility, 57268  
regardless of its authorized maximum daily waster receipt, is five 57269  
thousand dollars for a facility meeting either of the following 57270  
qualifications: 57271

(a) The facility is owned by a generator of solid wastes when 57272  
the solid waste facility exclusively disposes of solid wastes 57273  
generated at one or more premises owned by the generator 57274  
regardless of whether the facility is located on a premises where 57275  
the wastes are generated. 57276

(b) The facility exclusively disposes of wastes that are 57277  
generated from the combustion of coal, or from the combustion of 57278  
primarily coal in combination with scrap tires, that is not 57279  
combined in any way with garbage at one or more premises owned by 57280  
the generator. 57281

(5) The annual license fee for a facility that is a transfer 57282  
facility is seven hundred fifty dollars. 57283

(6) The same fees shall apply to private operators and to the 57284  
state and its political subdivisions and shall be paid within 57285  
thirty days after issuance of a license. The fee includes the cost 57286  
of licensing, all inspections, and other costs associated with the 57287  
administration of the solid waste provisions of this chapter and 57288  
rules adopted under them, excluding the provisions governing scrap 57289

tires. Each such license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director, as appropriate, within thirty days after issuance of the license.

(B) The board of health shall retain two thousand five hundred dollars of each license fee collected by the board under divisions (A)(1), (2), (3), and (4) of this section or the entire amount of any such fee that is less than two thousand five hundred dollars. The moneys retained shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce the solid waste provisions of this chapter and the rules adopted under them, excluding the provisions governing scrap tires. The remainder of each license fee collected by the board shall be transmitted to the director within forty-five days after receipt of the fee. The director shall transmit these moneys to the treasurer of state to be credited to the general revenue fund. The board of health shall retain the entire amount of each fee collected under division (A)(5) of this section, which moneys shall be paid into the special fund of the health district.

(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the annual fee for an infectious waste treatment facility license shall be in accordance with the following schedule:

MAXIMUM	ANNUAL	
DAILY WASTE	LICENSE	
RECEIPT (TONS)	FEE	
100 or less	\$ 5,000	
101 to 200	12,500	
201 to 500	30,000	
501 or more	60,000	

For the purpose of determining the applicable license fee under divisions (C)(1) and (2) of this section, the maximum daily

waste receipt shall be the maximum amount of infectious wastes the facility is authorized to receive daily that is established in the permit for the facility, and any modifications to that permit, issued under division (B)(2)(b) of section 3734.05 of the Revised Code; or the annual license for the facility, and any revisions to that license, issued under division (B)(2)(a) of section 3734.05 of the Revised Code. If no maximum daily waste receipt is so established, the annual license fee is sixty thousand dollars under division (C)(1) of this section and thirty thousand dollars under division (C)(2) of this section.

(2) The annual license fee for an infectious waste treatment facility that is an incinerator is one-half the amount shown in division (C)(1) of this section.

(3) Fees levied under divisions (C)(1) and (2) of this section shall apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after issuance of a license. The fee includes the cost of licensing, all inspections, and other costs associated with the administration of the infectious waste provisions of this chapter and rules adopted under them. Each such license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director, as appropriate, within thirty days after issuance of the license.

(4) The board of health shall retain two thousand five hundred dollars of each license fee collected by the board under divisions (C)(1) and (2) of this section. The moneys retained shall be paid into a special infectious waste fund, which is hereby created in each health district, and used solely to administer and enforce the infectious waste provisions of this chapter and the rules adopted under them. The remainder of each license fee collected by the board shall be transmitted to the director within forty-five days after receipt of the fee. The

director shall transmit these moneys to the treasurer of state to 57354  
be credited to the general revenue fund. 57355

**Sec. 3734.15.** (A) No person shall transport hazardous waste 57356  
anywhere in this state unless the person has first ~~registered~~ 57357  
~~filed an annual registration statement with,~~ and ~~obtained a~~ 57358  
~~uniform permit from the public utilities commission~~ paid an annual 57359  
registration fee to, the United States department of 57360  
transportation in accordance with ~~Chapter 4921. of the Revised~~ 57361  
~~Code~~ 49 C.F.R. 107.601 to 107.620. 57362

For the purposes of this section, "registered transporter" 57363  
means any person who ~~is registered~~ has filed an annual 57364  
registration statement with ~~and has received a uniform permit from~~ 57365  
~~the public utilities commission pursuant to Chapter 4921. of the~~ 57366  
~~Revised Code,~~ and paid an annual registration fee to, the United 57367  
States department of transportation in accordance with 49 C.F.R. 57368  
107.601 to 107.620. 57369

(B) A registered transporter of hazardous waste shall be 57370  
responsible for the safe delivery of any hazardous waste that the 57371  
registered transporter transports from such time as the registered 57372  
transporter obtains the waste until the registered transporter 57373  
delivers it to a treatment, storage, or disposal facility 57374  
specified in division (F) of section 3734.02 of the Revised Code, 57375  
as recorded on the manifest required in division (B) of section 57376  
3734.12 of the Revised Code. Any registered transporter who 57377  
violates this chapter or any rule adopted under the chapter while 57378  
transporting hazardous waste shall be liable for any damage or 57379  
injury caused by the violation and for the costs of rectifying the 57380  
violation and conditions caused by the violation. 57381

(C) No person who generates hazardous waste shall cause the 57382  
waste to be transported by any person who is not a registered 57383  
transporter. No person shall accept for treatment, storage, or 57384

disposal any hazardous waste from an unregistered transporter. Any 57385  
person who is requested to accept such waste for treatment, 57386  
storage, or disposal shall notify the director, the board of 57387  
health in the person's location, and the public utilities 57388  
commission of the request. 57389

If a generator causes an unregistered transporter to 57390  
transport the hazardous waste, the generator of the waste, the 57391  
transporter, and any person who accepts the waste for treatment, 57392  
storage, or disposal shall be jointly and severally liable for any 57393  
damage or injury caused by the handling of the waste and for the 57394  
costs of rectifying their violation and conditions caused by their 57395  
violation. 57396

**Sec. 3734.31.** (A) The director of environmental protection 57397  
shall employ and equip such individuals as are needed to 57398  
adequately and regularly inspect and monitor operating hazardous 57399  
waste facilities, infectious waste treatment facilities, or solid 57400  
waste facilities located off the premises where hazardous waste, 57401  
infectious waste, or solid waste is generated. 57402

(B) The director may employ and equip such individuals as are 57403  
necessary to inspect and monitor operating hazardous waste 57404  
facilities, infectious waste treatment facilities, or solid waste 57405  
facilities other than those described in division (A) of this 57406  
section. 57407

~~(C)(1) As used in division (C)(2) of this section:~~ 57408

~~(a) "Commercial hazardous waste landfill" means a disposal 57409  
facility or part of a facility whose primary business activity is 57410  
the placement in or on land of hazardous waste that is generated 57411  
off the premises on which the landfill is located by any person 57412  
other than the one who controls, is controlled by, or is under 57413  
common control with the person who owns or operates the landfill. 57414  
"Commercial hazardous waste landfill" does not include a pile, 57415~~

~~land treatment facility, surface impoundment, underground  
injection well, salt dome formation, salt bed formation,  
underground mine, or cave.~~ 57416  
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~~(b) "Commercial hazardous waste underground injection well"  
means a bored, drilled, or driven hole, or a dug well whose depth  
is greater than its largest surface dimension, whose primary  
business activity is the subsurface emplacement of hazardous waste  
fluids that are generated off the premises on which the  
underground injection well is located by any person other than the  
one who controls, is controlled by, or is under common control  
with the person who owns or operates the underground injection  
well.~~ 57419  
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~~(c) "Commercial hazardous waste incinerator" means an  
enclosed device that treats hazardous waste by means of controlled  
flame combustion and whose primary business activity is the  
acceptance for treatment of hazardous waste that is generated off  
the premises on which the device is located by any person other  
than the one who owns or operates the device or the one who  
controls, is controlled by, or is under common control with the  
person who owns or operates the device.~~ 57428  
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~~(d) "Commercial hazardous waste facility" includes a  
commercial hazardous waste landfill, commercial hazardous waste  
underground injection well, and commercial hazardous waste  
incinerator.~~ 57436  
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~~(2) The director may employ and equip one qualified  
individual or may utilize proven and universally accepted  
technology to perform ongoing on-site inspection and monitoring  
functions at each operating commercial hazardous waste facility.  
The director may recover the actual and reasonable costs incurred  
by the environmental protection agency for maintaining qualified  
agency personnel on site to perform such inspection and monitoring  
functions at the facility. The director may negotiate with the~~ 57440  
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~~owner or operator of a facility for the placement of additional 57448  
on-site inspectors at the facility and for the recovery of the 57449  
costs incurred by the agency for maintaining those inspectors at 57450  
the facility. 57451~~

~~Costs incurred by the agency under this division are 57452  
recoverable quarterly. Moneys recovered by the agency pursuant to 57453  
this division shall be credited to the hazardous waste facility 57454  
management fund created in section 3734.18 of the Revised Code. 57455~~

**Sec. 3734.42.** (A)(1) Every applicant for a permit shall file 57456  
a disclosure statement, on a form developed by the attorney 57457  
general, with the director of environmental protection and the 57458  
attorney general at the same time the applicant files an 57459  
application for the permit with the director. 57460

(2) Any individual required to be listed in the disclosure 57461  
statement shall be fingerprinted for identification and 57462  
investigation purposes in accordance with procedures established 57463  
by the attorney general. An individual required to be 57464  
fingerprinted under this section shall not be required to be 57465  
fingerprinted more than once under this section. 57466

(3) The attorney general, within one hundred eighty days 57467  
after receipt of the disclosure statement from an applicant for a 57468  
permit, shall prepare and transmit to the director an 57469  
investigative report on the applicant, based in part upon the 57470  
disclosure statement, except that this deadline may be extended 57471  
for a reasonable period of time, for good cause, by the director 57472  
or the attorney general. In preparing this report, the attorney 57473  
general may request and receive criminal history information from 57474  
the federal bureau of investigation and any other law enforcement 57475  
agency or organization. The attorney general may provide such 57476  
confidentiality regarding the information received from a law 57477  
enforcement agency as may be imposed by that agency as a condition 57478

for providing that information to the attorney general. 57479

(4) The review of the application by the director shall 57480  
include a review of the disclosure statement and investigative 57481  
report. 57482

(B) All applicants and permittees shall provide any 57483  
assistance or information requested by the director or the 57484  
attorney general and shall cooperate in any inquiry or 57485  
investigation conducted by the attorney general and any inquiry, 57486  
investigation, or hearing conducted by the director. If, upon 57487  
issuance of a formal request to answer any inquiry or produce 57488  
information, evidence, or testimony, any applicant or permittee, 57489  
any officer, director, or partner of any business concern, or any 57490  
key employee of the applicant or permittee refuses to comply, the 57491  
permit of the applicant or permittee may be denied or revoked by 57492  
the director. 57493

(C) The attorney general may charge and collect such fees 57494  
from applicants and permittees as are necessary to cover the costs 57495  
of administering and enforcing the investigative procedures 57496  
authorized in sections 3734.41 to 3734.47 of the Revised Code. The 57497  
attorney general shall transmit moneys collected under this 57498  
division to the treasurer of state to be credited to the solid and 57499  
hazardous waste background investigations fund, which is hereby 57500  
created in the state treasury. Moneys in the fund shall be used 57501  
solely for paying the attorney general's costs of administering 57502  
and enforcing the investigative procedures authorized in sections 57503  
3734.41 to 3734.47 of the Revised Code. 57504

(D) An appropriate applicant, a permittee, or a prospective 57505  
owner shall submit to the attorney general, on a form provided by 57506  
the attorney general, the following information within the periods 57507  
specified: 57508

(1) Information required to be included in the disclosure 57509

statement for any new officer, director, partner, or key employee, 57510  
to be submitted within ninety days from the addition of the 57511  
officer, director, partner, or key employee; 57512

(2) Information required to be included in a disclosure 57513  
statement regarding the addition of any new business concern to be 57514  
submitted within ninety days from the addition of the new business 57515  
concern. 57516

(E)(1) The attorney general shall enter in the database 57517  
established under section 109.5721 of the Revised Code the name, 57518  
the fingerprints, and other relevant information concerning each 57519  
officer, director, partner, or key employee of an applicant, 57520  
permittee, or prospective owner. 57521

(2) For purposes of section 109.5721 of the Revised Code, 57522  
annually on a date assigned by the attorney general, an applicant, 57523  
permittee, or prospective owner shall provide the attorney general 57524  
with a list of both of the following: 57525

(a) Each officer, director, partner, or key employee of the 57526  
applicant, permittee, or prospective owner and the person's 57527  
address and social security number; 57528

(b) Any officer, director, partner, or key employee of the 57529  
applicant, permittee, or prospective owner who has left a position 57530  
previously held with the applicant, permittee, or prospective 57531  
owner during the previous one-year period and the person's social 57532  
security number. 57533

(3) Annually, the attorney general shall update the database 57534  
established under section 109.5721 of the Revised Code to reflect 57535  
the information provided by an applicant, permittee, or 57536  
prospective owner under divisions (E)(2)(a) and (b) of this 57537  
section. 57538

(4) Notwithstanding division (C) of this section, the 57539  
attorney general shall charge and collect fees from an applicant, 57540

permittee, or prospective owner that is required to submit 57541  
information under this division in accordance with rules adopted 57542  
under section 109.5721 of the Revised Code. The fees shall not 57543  
exceed fees that are charged to any other person who is charged 57544  
fees for purposes of the database established under that section 57545  
and who is not an officer, director, partner, or key employee of 57546  
an applicant, permittee, or prospective owner under this section. 57547

(F)(1) Every ~~three~~ five years, the attorney general shall 57548  
request from the federal bureau of investigation any information 57549  
regarding a criminal conviction with respect to each officer, 57550  
director, partner, or key employee of an applicant, permittee, or 57551  
prospective owner. The attorney general may take any actions 57552  
necessary for purposes of this division, including, as necessary, 57553  
requesting the submission of any necessary documents authorizing 57554  
the release of information. 57555

(2) Every ~~three~~ five years, an applicant, permittee, or 57556  
prospective owner shall submit an affidavit listing all of the 57557  
following regarding a business concern required to be listed in 57558  
the applicant's, permittee's, or prospective owner's disclosure 57559  
statement: 57560

(a) Any administrative enforcement order issued to the 57561  
business concern in connection with any violation of any federal 57562  
or state environmental protection laws, rules, or regulations 57563  
during the previous ~~three-year~~ five-year period; 57564

(b) Any civil action in which the business concern was 57565  
determined to be liable or was the subject of injunctive relief or 57566  
another type of civil relief in connection with any violation of 57567  
any federal or state environmental protection laws, rules, or 57568  
regulations during the previous ~~three-year~~ five-year period; 57569

(c) Any criminal conviction for a violation of any federal or 57570  
state environmental protection laws, rules, or regulations that 57571

has been committed knowingly or recklessly by the business concern 57572  
during the previous ~~three-year~~ five-year period. 57573

(G) With respect to an applicant, permittee, or prospective 57574  
owner, the attorney general shall notify the director of 57575  
environmental protection of any crime ascertained under division 57576  
(E) or (F) of this section that is a disqualifying crime under 57577  
section 3734.44 of the Revised Code. The attorney general shall 57578  
provide the notification not later than thirty days after the 57579  
crime was ascertained. 57580

(H) The failure to provide information under this section may 57581  
constitute the basis for the revocation of a permit or license, 57582  
the denial of a permit or license application, the denial of a 57583  
renewal of a permit or license, or the disapproval of a change in 57584  
ownership as described in division (I) of this section. Prior to a 57585  
denial, revocation, or disapproval, the director shall notify the 57586  
applicant, permittee, or prospective owner of the director's 57587  
intention to do so. The director shall give the applicant, 57588  
permittee, or prospective owner fourteen days from the date of the 57589  
notice to explain why the information was not provided. The 57590  
director shall consider the explanation when determining whether 57591  
to revoke the permit or license, deny the permit or license 57592  
application or renewal, or disapprove the change in ownership. 57593

Nothing in this section affects the rights of the director or 57594  
the attorney general granted under sections 3734.40 to 3734.47 of 57595  
the Revised Code to request information from a person at any other 57596  
time. 57597

(I)(1) Whenever there is a change in ownership of any 57598  
operating off-site solid waste facility, any operating off-site 57599  
infectious waste facility, or any operating off-site hazardous 57600  
waste facility, the prospective owner shall file a disclosure 57601  
statement with the attorney general and the director at least one 57602  
hundred eighty days prior to the proposed change in ownership. In 57603

addition, whenever there is a change in ownership of any operating 57604  
on-site solid waste facility, any operating on-site infectious 57605  
waste facility, or any operating on-site hazardous waste facility 57606  
and the prospective owner intends to operate the facility as an 57607  
off-site facility by accepting wastes other than wastes generated 57608  
by the facility owner, the prospective owner shall file a 57609  
disclosure statement with the attorney general and the director. 57610  
The prospective owner shall file the disclosure statement at least 57611  
one hundred eighty days prior to the proposed change in ownership. 57612

Upon receipt of the disclosure statement, the attorney 57613  
general shall prepare an investigative report and transmit it to 57614  
the director. The director shall review the disclosure statement 57615  
and investigative report to determine whether the statement or 57616  
report contains information that if submitted with a permit 57617  
application would require a denial of the permit pursuant to 57618  
section 3734.44 of the Revised Code. If the director determines 57619  
that the statement or report contains such information, the 57620  
director shall disapprove the change in ownership. 57621

(2) If the parties to a change in ownership decide to proceed 57622  
with the change prior to the action of the director on the 57623  
disclosure statement and investigative report, the parties shall 57624  
include in all contracts or other documents reflecting the change 57625  
in ownership language expressly making the change in ownership 57626  
subject to the approval of the director and expressly negating the 57627  
change if it is disapproved by the director pursuant to division 57628  
(I)(1) of this section. 57629

(3) As used in this section, "change in ownership" includes a 57630  
change of the individuals or entities who own a solid waste 57631  
facility, infectious waste facility, or hazardous waste facility. 57632  
"Change in ownership" does not include a legal change in a 57633  
business concern's name when its ownership otherwise remains the 57634  
same. "Change in ownership" also does not include a personal name 57635

change of officers, directors, partners, or key employees 57636  
contained in a disclosure statement. 57637

**Sec. 3734.57.** (A) The following fees are hereby levied on the 57638  
transfer or disposal of solid wastes in this state: 57639

(1) Ninety cents per ton through June 30, ~~2018~~ 2020, twenty 57640  
cents of the proceeds of which shall be deposited in the state 57641  
treasury to the credit of the hazardous waste facility management 57642  
fund created in section 3734.18 of the Revised Code and seventy 57643  
cents of the proceeds of which shall be deposited in the state 57644  
treasury to the credit of the hazardous waste clean-up fund 57645  
created in section 3734.28 of the Revised Code; 57646

(2) An additional seventy-five cents per ton through June 30, 57647  
~~2018~~ 2020, the proceeds of which shall be deposited in the state 57648  
treasury to the credit of the waste management fund created in 57649  
section 3734.061 of the Revised Code. 57650

(3) An additional two dollars and eighty-five cents per ton 57651  
through June 30, ~~2018~~ 2020, the proceeds of which shall be 57652  
deposited in the state treasury to the credit of the environmental 57653  
protection fund created in section 3745.015 of the Revised Code; 57654

(4) An additional twenty-five cents per ton through June 30, 57655  
~~2018~~ 2020, the proceeds of which shall be deposited in the state 57656  
treasury to the credit of the soil and water conservation district 57657  
assistance fund created in section 940.15 of the Revised Code. 57658

In the case of solid wastes that are taken to a solid waste 57659  
transfer facility located in this state prior to being transported 57660  
for disposal at a solid waste disposal facility located in this 57661  
state or outside of this state, the fees levied under this 57662  
division shall be collected by the owner or operator of the 57663  
transfer facility as a trustee for the state. The amount of fees 57664  
required to be collected under this division at such a transfer 57665

facility shall equal the total tonnage of solid wastes received at 57666  
the facility multiplied by the fees levied under this division. In 57667  
the case of solid wastes that are not taken to a solid waste 57668  
transfer facility located in this state prior to being transported 57669  
to a solid waste disposal facility, the fees shall be collected by 57670  
the owner or operator of the solid waste disposal facility as a 57671  
trustee for the state. The amount of fees required to be collected 57672  
under this division at such a disposal facility shall equal the 57673  
total tonnage of solid wastes received at the facility that was 57674  
not previously taken to a solid waste transfer facility located in 57675  
this state multiplied by the fees levied under this division. Fees 57676  
levied under this division do not apply to materials separated 57677  
from a mixed waste stream for recycling by a generator or 57678  
materials removed from the solid waste stream through recycling, 57679  
as "recycling" is defined in rules adopted under section 3734.02 57680  
of the Revised Code. 57681

The owner or operator of a solid waste transfer facility or 57682  
disposal facility, as applicable, shall prepare and file with the 57683  
director of environmental protection each month a return 57684  
indicating the total tonnage of solid wastes received at the 57685  
facility during that month and the total amount of the fees 57686  
required to be collected under this division during that month. In 57687  
addition, the owner or operator of a solid waste disposal facility 57688  
shall indicate on the return the total tonnage of solid wastes 57689  
received from transfer facilities located in this state during 57690  
that month for which the fees were required to be collected by the 57691  
transfer facilities. The monthly returns shall be filed on a form 57692  
prescribed by the director. Not later than thirty days after the 57693  
last day of the month to which a return applies, the owner or 57694  
operator shall mail to the director the return for that month 57695  
together with the fees required to be collected under this 57696  
division during that month as indicated on the return or may 57697  
submit the return and fees electronically in a manner approved by 57698

the director. If the return is filed and the amount of the fees 57699  
due is paid in a timely manner as required in this division, the 57700  
owner or operator may retain a discount of three-fourths of one 57701  
per cent of the total amount of the fees that are required to be 57702  
paid as indicated on the return. 57703

The owner or operator may request an extension of not more 57704  
than thirty days for filing the return and remitting the fees, 57705  
provided that the owner or operator has submitted such a request 57706  
in writing to the director together with a detailed description of 57707  
why the extension is requested, the director has received the 57708  
request not later than the day on which the return is required to 57709  
be filed, and the director has approved the request. If the fees 57710  
are not remitted within thirty days after the last day of the 57711  
month to which the return applies or are not remitted by the last 57712  
day of an extension approved by the director, the owner or 57713  
operator shall not retain the three-fourths of one per cent 57714  
discount and shall pay an additional ten per cent of the amount of 57715  
the fees for each month that they are late. For purposes of 57716  
calculating the late fee, the first month in which fees are late 57717  
begins on the first day after the deadline has passed for timely 57718  
submitting the return and fees, and one additional month shall be 57719  
counted every thirty days thereafter. 57720

The owner or operator of a solid waste facility may request a 57721  
refund or credit of fees levied under this division and remitted 57722  
to the director that have not been paid to the owner or operator. 57723  
Such a request shall be made only if the fees have not been 57724  
collected by the owner or operator, have become a debt that has 57725  
become worthless or uncollectable for a period of six months or 57726  
more, and may be claimed as a deduction, including a deduction 57727  
claimed if the owner or operator keeps accounts on an accrual 57728  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 57729  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 57730

making a request for a refund or credit, an owner or operator 57731  
shall make reasonable efforts to collect the applicable fees. A 57732  
request for a refund or credit shall not include any costs 57733  
resulting from those efforts to collect unpaid fees. 57734

A request for a refund or credit of fees shall be made in 57735  
writing, on a form prescribed by the director, and shall be 57736  
supported by evidence that may be required in rules adopted by the 57737  
director under this chapter. After reviewing the request, and if 57738  
the request and evidence submitted with the request indicate that 57739  
a refund or credit is warranted, the director shall grant a refund 57740  
to the owner or operator or shall permit a credit to be taken by 57741  
the owner or operator on a subsequent monthly return submitted by 57742  
the owner or operator. The amount of a refund or credit shall not 57743  
exceed an amount that is equal to ninety days' worth of fees owed 57744  
to an owner or operator by a particular debtor of the owner or 57745  
operator. A refund or credit shall not be granted by the director 57746  
to an owner or operator more than once in any twelve-month period 57747  
for fees owed to the owner or operator by a particular debtor. 57748

If, after receiving a refund or credit from the director, an 57749  
owner or operator receives payment of all or part of the fees, the 57750  
owner or operator shall remit the fees with the next monthly 57751  
return submitted to the director together with a written 57752  
explanation of the reason for the submittal. 57753

For purposes of computing the fees levied under this division 57754  
or division (B) of this section, any solid waste transfer or 57755  
disposal facility that does not use scales as a means of 57756  
determining gate receipts shall use a conversion factor of three 57757  
cubic yards per ton of solid waste or one cubic yard per ton for 57758  
baled waste, as applicable. 57759

The fees levied under this division and divisions (B) and (C) 57760  
of this section are in addition to all other applicable fees and 57761  
taxes and shall be paid by the customer or a political subdivision 57762

to the owner or operator of a solid waste transfer or disposal 57763  
facility. In the alternative, the fees shall be paid by a customer 57764  
or political subdivision to a transporter of waste who 57765  
subsequently transfers the fees to the owner or operator of such a 57766  
facility. The fees shall be paid notwithstanding the existence of 57767  
any provision in a contract that the customer or a political 57768  
subdivision may have with the owner or operator or with a 57769  
transporter of waste to the facility that would not require or 57770  
allow such payment regardless of whether the contract was entered 57771  
prior to or after October 16, 2009. For those purposes, "customer" 57772  
means a person who contracts with, or utilizes the solid waste 57773  
services of, the owner or operator of a solid waste transfer or 57774  
disposal facility or a transporter of solid waste to such a 57775  
facility. 57776

(B) For the purposes specified in division (G) of this 57777  
section, the solid waste management policy committee of a county 57778  
or joint solid waste management district may levy fees upon the 57779  
following activities: 57780

(1) The disposal at a solid waste disposal facility located 57781  
in the district of solid wastes generated within the district; 57782

(2) The disposal at a solid waste disposal facility within 57783  
the district of solid wastes generated outside the boundaries of 57784  
the district, but inside this state; 57785

(3) The disposal at a solid waste disposal facility within 57786  
the district of solid wastes generated outside the boundaries of 57787  
this state. 57788

The solid waste management plan of the county or joint 57789  
district approved under section 3734.521 or 3734.55 of the Revised 57790  
Code and any amendments to it, or the resolution adopted under 57791  
this division, as appropriate, shall establish the rates of the 57792  
fees levied under divisions (B)(1), (2), and (3) of this section, 57793

if any, and shall specify whether the fees are levied on the basis 57794  
of tons or cubic yards as the unit of measurement. A solid waste 57795  
management district that levies fees under this division on the 57796  
basis of cubic yards shall do so in accordance with division (A) 57797  
of this section. 57798

The fee levied under division (B)(1) of this section shall be 57799  
not less than one dollar per ton nor more than two dollars per 57800  
ton, the fee levied under division (B)(2) of this section shall be 57801  
not less than two dollars per ton nor more than four dollars per 57802  
ton, and the fee levied under division (B)(3) of this section 57803  
shall be not more than the fee levied under division (B)(1) of 57804  
this section. 57805

Prior to the approval of the solid waste management plan of a 57806  
district under section 3734.55 of the Revised Code, the solid 57807  
waste management policy committee of a district may levy fees 57808  
under this division by adopting a resolution establishing the 57809  
proposed amount of the fees. Upon adopting the resolution, the 57810  
committee shall deliver a copy of the resolution to the board of 57811  
county commissioners of each county forming the district and to 57812  
the legislative authority of each municipal corporation and 57813  
township under the jurisdiction of the district and shall prepare 57814  
and publish the resolution and a notice of the time and location 57815  
where a public hearing on the fees will be held. Upon adopting the 57816  
resolution, the committee shall deliver written notice of the 57817  
adoption of the resolution; of the amount of the proposed fees; 57818  
and of the date, time, and location of the public hearing to the 57819  
director and to the fifty industrial, commercial, or institutional 57820  
generators of solid wastes within the district that generate the 57821  
largest quantities of solid wastes, as determined by the 57822  
committee, and to their local trade associations. The committee 57823  
shall make good faith efforts to identify those generators within 57824  
the district and their local trade associations, but the 57825

nonprovision of notice under this division to a particular 57826  
generator or local trade association does not invalidate the 57827  
proceedings under this division. The publication shall occur at 57828  
least thirty days before the hearing. After the hearing, the 57829  
committee may make such revisions to the proposed fees as it 57830  
considers appropriate and thereafter, by resolution, shall adopt 57831  
the revised fee schedule. Upon adopting the revised fee schedule, 57832  
the committee shall deliver a copy of the resolution doing so to 57833  
the board of county commissioners of each county forming the 57834  
district and to the legislative authority of each municipal 57835  
corporation and township under the jurisdiction of the district. 57836  
Within sixty days after the delivery of a copy of the resolution 57837  
adopting the proposed revised fees by the policy committee, each 57838  
such board and legislative authority, by ordinance or resolution, 57839  
shall approve or disapprove the revised fees and deliver a copy of 57840  
the ordinance or resolution to the committee. If any such board or 57841  
legislative authority fails to adopt and deliver to the policy 57842  
committee an ordinance or resolution approving or disapproving the 57843  
revised fees within sixty days after the policy committee 57844  
delivered its resolution adopting the proposed revised fees, it 57845  
shall be conclusively presumed that the board or legislative 57846  
authority has approved the proposed revised fees. The committee 57847  
shall determine if the resolution has been ratified in the same 57848  
manner in which it determines if a draft solid waste management 57849  
plan has been ratified under division (B) of section 3734.55 of 57850  
the Revised Code. 57851

The committee may amend the schedule of fees levied pursuant 57852  
to a resolution adopted and ratified under this division by 57853  
adopting a resolution establishing the proposed amount of the 57854  
amended fees. The committee may repeal the fees levied pursuant to 57855  
such a resolution by adopting a resolution proposing to repeal 57856  
them. Upon adopting such a resolution, the committee shall proceed 57857  
to obtain ratification of the resolution in accordance with this 57858

division. 57859

Not later than fourteen days after declaring the new fees to 57860  
be ratified or the fees to be repealed under this division, the 57861  
committee shall notify by certified mail the owner or operator of 57862  
each solid waste disposal facility that is required to collect the 57863  
fees of the ratification and the amount of the fees or of the 57864  
repeal of the fees. Collection of any fees shall commence or 57865  
collection of repealed fees shall cease on the first day of the 57866  
second month following the month in which notification is sent to 57867  
the owner or operator. 57868

Fees levied under this division also may be established, 57869  
amended, or repealed by a solid waste management policy committee 57870  
through the adoption of a new district solid waste management 57871  
plan, the adoption of an amended plan, or the amendment of the 57872  
plan or amended plan in accordance with sections 3734.55 and 57873  
3734.56 of the Revised Code or the adoption or amendment of a 57874  
district plan in connection with a change in district composition 57875  
under section 3734.521 of the Revised Code. 57876

Not later than fourteen days after the director issues an 57877  
order approving a district's solid waste management plan, amended 57878  
plan, or amendment to a plan or amended plan that establishes, 57879  
amends, or repeals a schedule of fees levied by the district, the 57880  
committee shall notify by certified mail the owner or operator of 57881  
each solid waste disposal facility that is required to collect the 57882  
fees of the approval of the plan or amended plan, or the amendment 57883  
to the plan, as appropriate, and the amount of the fees, if any. 57884  
In the case of an initial or amended plan approved under section 57885  
3734.521 of the Revised Code in connection with a change in 57886  
district composition, other than one involving the withdrawal of a 57887  
county from a joint district, the committee, within fourteen days 57888  
after the change takes effect pursuant to division (G) of that 57889  
section, shall notify by certified mail the owner or operator of 57890

each solid waste disposal facility that is required to collect the 57891  
fees that the change has taken effect and of the amount of the 57892  
fees, if any. Collection of any fees shall commence or collection 57893  
of repealed fees shall cease on the first day of the second month 57894  
following the month in which notification is sent to the owner or 57895  
operator. 57896

If, in the case of a change in district composition involving 57897  
the withdrawal of a county from a joint district, the director 57898  
completes the actions required under division (G)(1) or (3) of 57899  
section 3734.521 of the Revised Code, as appropriate, forty-five 57900  
days or more before the beginning of a calendar year, the policy 57901  
committee of each of the districts resulting from the change that 57902  
obtained the director's approval of an initial or amended plan in 57903  
connection with the change, within fourteen days after the 57904  
director's completion of the required actions, shall notify by 57905  
certified mail the owner or operator of each solid waste disposal 57906  
facility that is required to collect the district's fees that the 57907  
change is to take effect on the first day of January immediately 57908  
following the issuance of the notice and of the amount of the fees 57909  
or amended fees levied under divisions (B)(1) to (3) of this 57910  
section pursuant to the district's initial or amended plan as so 57911  
approved or, if appropriate, the repeal of the district's fees by 57912  
that initial or amended plan. Collection of any fees set forth in 57913  
such a plan or amended plan shall commence on the first day of 57914  
January immediately following the issuance of the notice. If such 57915  
an initial or amended plan repeals a schedule of fees, collection 57916  
of the fees shall cease on that first day of January. 57917

If, in the case of a change in district composition involving 57918  
the withdrawal of a county from a joint district, the director 57919  
completes the actions required under division (G)(1) or (3) of 57920  
section 3734.521 of the Revised Code, as appropriate, less than 57921  
forty-five days before the beginning of a calendar year, the 57922

director, on behalf of each of the districts resulting from the 57923  
change that obtained the director's approval of an initial or 57924  
amended plan in connection with the change proceedings, shall 57925  
notify by certified mail the owner or operator of each solid waste 57926  
disposal facility that is required to collect the district's fees 57927  
that the change is to take effect on the first day of January 57928  
immediately following the mailing of the notice and of the amount 57929  
of the fees or amended fees levied under divisions (B)(1) to (3) 57930  
of this section pursuant to the district's initial or amended plan 57931  
as so approved or, if appropriate, the repeal of the district's 57932  
fees by that initial or amended plan. Collection of any fees set 57933  
forth in such a plan or amended plan shall commence on the first 57934  
day of the second month following the month in which notification 57935  
is sent to the owner or operator. If such an initial or amended 57936  
plan repeals a schedule of fees, collection of the fees shall 57937  
cease on the first day of the second month following the month in 57938  
which notification is sent to the owner or operator. 57939

If the schedule of fees that a solid waste management 57940  
district is levying under divisions (B)(1) to (3) of this section 57941  
is amended or repealed, the fees in effect immediately prior to 57942  
the amendment or repeal shall continue to be collected until 57943  
collection of the amended fees commences or collection of the 57944  
repealed fees ceases, as applicable, as specified in this 57945  
division. In the case of a change in district composition, money 57946  
so received from the collection of the fees of the former 57947  
districts shall be divided among the resulting districts in 57948  
accordance with division (B) of section 343.012 of the Revised 57949  
Code and the agreements entered into under division (B) of section 57950  
343.01 of the Revised Code to establish the former and resulting 57951  
districts and any amendments to those agreements. 57952

For the purposes of the provisions of division (B) of this 57953  
section establishing the times when newly established or amended 57954

fees levied by a district are required to commence and the 57955  
collection of fees that have been amended or repealed is required 57956  
to cease, "fees" or "schedule of fees" includes, in addition to 57957  
fees levied under divisions (B)(1) to (3) of this section, those 57958  
levied under section 3734.573 or 3734.574 of the Revised Code. 57959

(C) For the purposes of defraying the added costs to a 57960  
municipal corporation or township of maintaining roads and other 57961  
public facilities and of providing emergency and other public 57962  
services, and compensating a municipal corporation or township for 57963  
reductions in real property tax revenues due to reductions in real 57964  
property valuations resulting from the location and operation of a 57965  
solid waste disposal facility within the municipal corporation or 57966  
township, a municipal corporation or township in which such a 57967  
solid waste disposal facility is located may levy a fee of not 57968  
more than twenty-five cents per ton on the disposal of solid 57969  
wastes at a solid waste disposal facility located within the 57970  
boundaries of the municipal corporation or township regardless of 57971  
where the wastes were generated. 57972

The legislative authority of a municipal corporation or 57973  
township may levy fees under this division by enacting an 57974  
ordinance or adopting a resolution establishing the amount of the 57975  
fees. Upon so doing the legislative authority shall mail a 57976  
certified copy of the ordinance or resolution to the board of 57977  
county commissioners or directors of the county or joint solid 57978  
waste management district in which the municipal corporation or 57979  
township is located or, if a regional solid waste management 57980  
authority has been formed under section 343.011 of the Revised 57981  
Code, to the board of trustees of that regional authority, the 57982  
owner or operator of each solid waste disposal facility in the 57983  
municipal corporation or township that is required to collect the 57984  
fee by the ordinance or resolution, and the director of 57985  
environmental protection. Although the fees levied under this 57986

division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are generated;

(c) Are asbestos or asbestos-containing materials or products disposed of at a construction and demolition debris facility that is licensed under Chapter 3714. of the Revised Code or at a solid waste facility that is licensed under this chapter.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or

joint district that are covered by an agreement for the joint use 58018  
of solid waste facilities entered into under section 343.02 of the 58019  
Revised Code by the board of county commissioners or board of 58020  
directors of the county or joint district where the wastes are 58021  
generated and disposed of. 58022

(3) When solid wastes, other than solid wastes that consist 58023  
of scrap tires, are burned in a disposal facility that is an 58024  
incinerator or energy recovery facility, the fees levied under 58025  
divisions (A), (B), and (C) of this section shall be levied upon 58026  
the disposal of the fly ash and bottom ash remaining after burning 58027  
of the solid wastes and shall be collected by the owner or 58028  
operator of the sanitary landfill where the ash is disposed of. 58029

(4) When solid wastes are delivered to a solid waste transfer 58030  
facility, the fees levied under divisions (B) and (C) of this 58031  
section shall be levied upon the disposal of solid wastes 58032  
transported off the premises of the transfer facility for disposal 58033  
and shall be collected by the owner or operator of the solid waste 58034  
disposal facility where the wastes are disposed of. 58035

(5) The fees levied under divisions (A), (B), and (C) of this 58036  
section do not apply to sewage sludge that is generated by a waste 58037  
water treatment facility holding a national pollutant discharge 58038  
elimination system permit and that is disposed of through 58039  
incineration, land application, or composting or at another 58040  
resource recovery or disposal facility that is not a landfill. 58041

(6) The fees levied under divisions (A), (B), and (C) of this 58042  
section do not apply to solid wastes delivered to a solid waste 58043  
composting facility for processing. When any unprocessed solid 58044  
waste or compost product is transported off the premises of a 58045  
composting facility and disposed of at a landfill, the fees levied 58046  
under divisions (A), (B), and (C) of this section shall be 58047  
collected by the owner or operator of the landfill where the 58048  
unprocessed waste or compost product is disposed of. 58049

(7) When solid wastes that consist of scrap tires are 58050  
processed at a scrap tire recovery facility, the fees levied under 58051  
divisions (A), (B), and (C) of this section shall be levied upon 58052  
the disposal of the fly ash and bottom ash or other solid wastes 58053  
remaining after the processing of the scrap tires and shall be 58054  
collected by the owner or operator of the solid waste disposal 58055  
facility where the ash or other solid wastes are disposed of. 58056

(8) The director of environmental protection may issue an 58057  
order exempting from the fees levied under this section solid 58058  
wastes, including, but not limited to, scrap tires, that are 58059  
generated, transferred, or disposed of as a result of a contract 58060  
providing for the expenditure of public funds entered into by the 58061  
administrator or regional administrator of the United States 58062  
environmental protection agency, the director of environmental 58063  
protection, or the director of administrative services on behalf 58064  
of the director of environmental protection for the purpose of 58065  
remediating conditions at a hazardous waste facility, solid waste 58066  
facility, or other location at which the administrator or regional 58067  
administrator or the director of environmental protection has 58068  
reason to believe that there is a substantial threat to public 58069  
health or safety or the environment or that the conditions are 58070  
causing or contributing to air or water pollution or soil 58071  
contamination. An order issued by the director of environmental 58072  
protection under division (D)(8) of this section shall include a 58073  
determination that the amount of the fees not received by a solid 58074  
waste management district as a result of the order will not 58075  
adversely impact the implementation and financing of the 58076  
district's approved solid waste management plan and any approved 58077  
amendments to the plan. Such an order is a final action of the 58078  
director of environmental protection. 58079

(E) The fees levied under divisions (B) and (C) of this 58080  
section shall be collected by the owner or operator of the solid 58081

waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit

of the district. Moneys in the special fund of the county or joint 58114  
district arising from the fees levied under division (B) of this 58115  
section and the fee levied under division (A) of section 3734.573 58116  
of the Revised Code shall be expended by the board of county 58117  
commissioners or directors of the district in accordance with the 58118  
district's solid waste management plan or amended plan approved 58119  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 58120  
exclusively for the following purposes: 58121

(1) Preparation of the solid waste management plan of the 58122  
district under section 3734.54 of the Revised Code, monitoring 58123  
implementation of the plan, and conducting the periodic review and 58124  
amendment of the plan required by section 3734.56 of the Revised 58125  
Code by the solid waste management policy committee; 58126

(2) Implementation of the approved solid waste management 58127  
plan or amended plan of the district, including, without 58128  
limitation, the development and implementation of solid waste 58129  
recycling or reduction programs; 58130

(3) Providing financial assistance to boards of health within 58131  
the district, if solid waste facilities are located within the 58132  
district, for enforcement of this chapter and rules, orders, and 58133  
terms and conditions of permits, licenses, and variances adopted 58134  
or issued under it, other than the hazardous waste provisions of 58135  
this chapter and rules adopted and orders and terms and conditions 58136  
of permits issued under those provisions; 58137

(4) Providing financial assistance to each county within the 58138  
district to defray the added costs of maintaining roads and other 58139  
public facilities and of providing emergency and other public 58140  
services resulting from the location and operation of a solid 58141  
waste facility within the county under the district's approved 58142  
solid waste management plan or amended plan; 58143

(5) Pursuant to contracts entered into with boards of health 58144

within the district, if solid waste facilities contained in the 58145  
district's approved plan or amended plan are located within the 58146  
district, for paying the costs incurred by those boards of health 58147  
for collecting and analyzing samples from public or private water 58148  
wells on lands adjacent to those facilities; 58149

(6) Developing and implementing a program for the inspection 58150  
of solid wastes generated outside the boundaries of this state 58151  
that are disposed of at solid waste facilities included in the 58152  
district's approved solid waste management plan or amended plan; 58153

(7) Providing financial assistance to boards of health within 58154  
the district for the enforcement of section 3734.03 of the Revised 58155  
Code or to local law enforcement agencies having jurisdiction 58156  
within the district for enforcing anti-littering laws and 58157  
ordinances; 58158

(8) Providing financial assistance to boards of health of 58159  
health districts within the district that are on the approved list 58160  
under section 3734.08 of the Revised Code to defray the costs to 58161  
the health districts for the participation of their employees 58162  
responsible for enforcement of the solid waste provisions of this 58163  
chapter and rules adopted and orders and terms and conditions of 58164  
permits, licenses, and variances issued under those provisions in 58165  
the training and certification program as required by rules 58166  
adopted under division (L) of section 3734.02 of the Revised Code; 58167

(9) Providing financial assistance to individual municipal 58168  
corporations and townships within the district to defray their 58169  
added costs of maintaining roads and other public facilities and 58170  
of providing emergency and other public services resulting from 58171  
the location and operation within their boundaries of a 58172  
composting, energy or resource recovery, incineration, or 58173  
recycling facility that either is owned by the district or is 58174  
furnishing solid waste management facility or recycling services 58175  
to the district pursuant to a contract or agreement with the board 58176

of county commissioners or directors of the district; 58177

(10) Payment of any expenses that are agreed to, awarded, or 58178  
ordered to be paid under section 3734.35 of the Revised Code and 58179  
of any administrative costs incurred pursuant to that section. In 58180  
the case of a joint solid waste management district, if the board 58181  
of county commissioners of one of the counties in the district is 58182  
negotiating on behalf of affected communities, as defined in that 58183  
section, in that county, the board shall obtain the approval of 58184  
the board of directors of the district in order to expend moneys 58185  
for administrative costs incurred. 58186

Prior to the approval of the district's solid waste 58187  
management plan under section 3734.55 of the Revised Code, moneys 58188  
in the special fund of the district arising from the fees shall be 58189  
expended for those purposes in the manner prescribed by the solid 58190  
waste management policy committee by resolution. 58191

Notwithstanding division (G)(6) of this section as it existed 58192  
prior to October 29, 1993, or any provision in a district's solid 58193  
waste management plan prepared in accordance with division 58194  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 58195  
prior to that date, any moneys arising from the fees levied under 58196  
division (B)(3) of this section prior to January 1, 1994, may be 58197  
expended for any of the purposes authorized in divisions (G)(1) to 58198  
(10) of this section. 58199

(H) The director shall adopt rules in accordance with Chapter 58200  
119. of the Revised Code prescribing procedures for collecting and 58201  
forwarding the fees levied under divisions (B) and (C) of this 58202  
section to the boards of county commissioners or directors of 58203  
county or joint solid waste management districts and to the 58204  
treasurers or other officers of municipal corporations and the 58205  
fiscal officers of townships. The rules also shall prescribe the 58206  
dates for forwarding the fees to the boards and officials and may 58207  
prescribe any other requirements the director considers necessary 58208

or appropriate to implement and administer divisions (A), (B), and (C) of this section.

Sec. 3734.578. Fees applicable to solid waste under this chapter do not apply to solid waste that the director of environmental protection approves for use as alternative daily cover in accordance with rules adopted under section 3734.02 of the Revised Code and that is used as alternative daily cover in accordance with those rules.

**Sec. 3734.82.** (A) The annual fee for a scrap tire recovery facility license issued under section 3734.81 of the Revised Code shall be in accordance with the following schedule:

Daily Design Input Capacity (Tons)	Annual License Fee	
1 or less	\$ 100	
2 to 25	500	
26 to 50	1,000	
51 to 100	1,500	
101 to 200	2,500	
201 to 500	3,500	
501 or more	5,500	

For the purpose of determining the applicable license fee under this division, the daily design input capacity shall be the quantity of scrap tires the facility is designed to process daily as set forth in the registration certificate or permit for the facility, and any modifications to the permit, if applicable, issued under section 3734.78 of the Revised Code.

(B) The annual fee for a scrap tire monocell or monofill facility license shall be in accordance with the following schedule:

Authorized Maximum	Annual	58239
Daily Waste Receipt	License	58240
(Tons)	Fee	58241
100 or less	\$ 5,000	58242
101 to 200	12,500	58243
201 to 500	30,000	58244
501 or more	60,000	58245

For the purpose of determining the applicable license fee 58246  
under this division, the authorized maximum daily waste receipt 58247  
shall be the maximum amount of scrap tires the facility is 58248  
authorized to receive daily that is established in the permit for 58249  
the facility, and any modification to that permit, issued under 58250  
section 3734.77 of the Revised Code. 58251

(C)(1) Except as otherwise provided in division (C)(2) of 58252  
this section, the annual fee for a scrap tire storage facility 58253  
license shall equal one thousand dollars times the number of acres 58254  
on which scrap tires are to be stored at the facility during the 58255  
license year, as set forth on the application for the annual 58256  
license, except that the total annual license fee for any such 58257  
facility shall not exceed three thousand dollars. 58258

(2) The annual fee for a scrap tire storage facility license 58259  
for a storage facility that is owned or operated by a motor 58260  
vehicle salvage dealer licensed under Chapter 4738. of the Revised 58261  
Code is one hundred dollars. 58262

(D)(1) Except as otherwise provided in division (D)(2) of 58263  
this section, the annual fee for a scrap tire collection facility 58264  
license is two hundred dollars. 58265

(2) The annual fee for a scrap tire collection facility 58266  
license for a collection facility that is owned or operated by a 58267  
motor vehicle salvage dealer licensed under Chapter 4738. of the 58268  
Revised Code is fifty dollars. 58269

(E) Except as otherwise provided in divisions (C)(2) and 58270  
(D)(2) of this section, the same fees apply to private operators 58271  
and to the state and its political subdivisions and shall be paid 58272  
within thirty days after the issuance of a license. The fees 58273  
include the cost of licensing, all inspections, and other costs 58274  
associated with the administration of the scrap tire provisions of 58275  
this chapter and rules adopted under them. Each license shall 58276  
specify that it is conditioned upon payment of the applicable fee 58277  
to the board of health or the director of environmental 58278  
protection, as appropriate, within thirty days after the issuance 58279  
of the license. 58280

(F) The board of health shall retain fifteen thousand dollars 58281  
of each license fee collected by the board under division (B) of 58282  
this section, or the entire amount of any such fee that is less 58283  
than fifteen thousand dollars, and the entire amount of each 58284  
license fee collected by the board under divisions (A), (C), and 58285  
(D) of this section. The moneys retained shall be paid into a 58286  
special fund, which is hereby created in each health district, and 58287  
used solely to administer and enforce the scrap tire provisions of 58288  
this chapter and rules adopted under them. The remainder, if any, 58289  
of each license fee collected by the board under division (B) of 58290  
this section shall be transmitted to the director within 58291  
forty-five days after receipt of the fee. 58292

(G) The director shall transmit the moneys received by the 58293  
director from license fees collected under division (B) of this 58294  
section to the treasurer of state to be credited to the scrap tire 58295  
management fund, which is hereby created in the state treasury. 58296  
The fund shall consist of all federal moneys received by the 58297  
environmental protection agency for the scrap tire management 58298  
program; all grants, gifts, and contributions made to the director 58299  
for that program; and all other moneys that may be provided by law 58300  
for that program. The director shall use moneys in the fund as 58301

follows: 58302

(1) Expend amounts determined necessary by the director to 58303  
implement, administer, and enforce the scrap tire provisions of 58304  
this chapter and rules adopted under them; 58305

(2) During each fiscal year, if the director of environmental 58306  
protection determines it to be appropriate and advisable, request 58307  
the director of budget and management to, and the director of 58308  
budget and management ~~shall~~ may, transfer up to one million 58309  
dollars to the scrap tire grant fund created in section 3734.822 58310  
of the Revised Code for supporting market development activities 58311  
for scrap tires and synthetic rubber from tire manufacturing 58312  
processes and tire recycling processes. In addition, during a 58313  
fiscal year, the director of environmental protection may request 58314  
the director of budget and management to, and the director of 58315  
budget and management shall, transfer up to an additional five 58316  
hundred thousand dollars to the scrap tire grant fund for scrap 58317  
tire amnesty events and scrap tire cleanup events. 58318

(3) After the expenditures and transfers are made under 58319  
divisions (G)(1) and (2) of this section, expend the balance of 58320  
the money in the scrap tire management fund remaining in each 58321  
fiscal year to conduct removal actions under section 3734.85 of 58322  
the Revised Code and to provide grants to boards of health under 58323  
section 3734.042 of the Revised Code. 58324

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 58325  
defray the cost of administering and enforcing the scrap tire 58326  
provisions of this chapter, rules adopted under those provisions, 58327  
and terms and conditions of orders, variances, and licenses issued 58328  
under those provisions; to abate accumulations of scrap tires; to 58329  
make grants supporting market development activities for scrap 58330  
tires and synthetic rubber from tire manufacturing processes and 58331  
tire recycling processes and to support scrap tire amnesty and 58332

cleanup events; to make loans to promote the recycling or recovery 58333  
of energy from scrap tires; and to defray the costs of 58334  
administering and enforcing sections 3734.90 to 3734.9014 of the 58335  
Revised Code, a fee of fifty cents per tire is hereby levied on 58336  
the sale of tires. The proceeds of the fee shall be deposited in 58337  
the state treasury to the credit of the scrap tire management fund 58338  
created in section 3734.82 of the Revised Code. The fee is levied 58339  
from the first day of the calendar month that begins next after 58340  
thirty days from October 29, 1993, through June 30, ~~2018~~ 2020. 58341

(2) Beginning on July 1, 2011, and ending on June 30, ~~2018~~ 58342  
2020, there is hereby levied an additional fee of fifty cents per 58343  
tire on the sale of tires the proceeds of which shall be deposited 58344  
in the state treasury to the credit of the soil and water 58345  
conservation district assistance fund created in section 940.15 of 58346  
the Revised Code. 58347

(B) Only one sale of the same article shall be used in 58348  
computing the amount of the fee due. 58349

**Sec. 3734.9011.** (A) No wholesale distributor or other person 58350  
shall sell tires to a retail dealer within this state, and no 58351  
retail dealer or other person shall import or otherwise acquire 58352  
tires for sale at retail within this state from a person who is 58353  
not a registered wholesale distributor, without having a 58354  
registration therefor. 58355

(B) Each wholesale distributor and each retail dealer 58356  
required to be registered under division (A) of this section shall 58357  
apply for registration ~~on or before the date that is two months~~ 58358  
~~after the effective date of this section, or on or before the~~ 58359  
first day of doing business that ~~required~~ requires the 58360  
registration. The application shall be filed with the tax 58361  
commissioner, in a form and providing such information as 58362  
prescribed by the commissioner. The commissioner shall assign an 58363

account number to each registration and shall so notify the 58364  
registrant. ~~The~~ An unrevoked registration shall remain in effect 58365  
until canceled by the wholesale distributor or retail dealer upon 58366  
the cessation of business. 58367

(C) The tax commissioner shall not accept a registration 58368  
under division (B) of this section or may suspend or revoke the 58369  
registration of a wholesale distributor or retail dealer if the 58370  
wholesale distributor or retail dealer has failed to file any 58371  
returns, submit any information, or pay any outstanding taxes, 58372  
charges, or fees as required for any tax, charge, or fee 58373  
administered by the commissioner, to the extent that the 58374  
commissioner is aware of such failure at the time of the 58375  
application. 58376

**Sec. 3735.31.** A metropolitan housing authority created under 58377  
sections 3735.27 to 3735.50 of the Revised Code constitutes a body 58378  
corporate and politic. Nothing in this chapter shall limit the 58379  
authority of a metropolitan housing authority, or a nonprofit 58380  
corporation formed by a metropolitan housing authority to carry 58381  
out its functions, to compete for and perform federal housing 58382  
contracts or grants within or outside this state. To clear, plan, 58383  
and rebuild slum areas within the district in which the authority 58384  
is created, to provide safe and sanitary housing accommodations to 58385  
families of low income within that district, or to accomplish any 58386  
combination of the foregoing purposes, the authority may do any of 58387  
the following: 58388

(A) Sue and be sued; have a seal; have corporate succession; 58389  
receive grants from state, federal, or other governments, or from 58390  
private sources; conduct investigations into housing and living 58391  
conditions; enter any buildings or property in order to conduct 58392  
its investigations; conduct examinations, subpoena, and require 58393  
the attendance of witnesses and the production of books and 58394

papers; issue commissions for the examination of witnesses who are 58395  
out of the state or unable to attend before the authority or 58396  
excused from attendance; and in connection with these powers, any 58397  
member of the authority may administer oaths, take affidavits, and 58398  
issue subpoenas; 58399

(B) Determine what areas constitute slum areas, and prepare 58400  
plans for housing or other projects in those areas; purchase, 58401  
lease, sell, exchange, transfer, assign, or mortgage any property, 58402  
real or personal, or any interest in that property, or acquire the 58403  
same by gift, bequest, or eminent domain; own, hold, clear, and 58404  
improve property; provide and set aside housing projects, or 58405  
dwelling units comprising portions of housing projects, designed 58406  
especially for the use of families, the head of which or the 58407  
spouse of which is sixty-five years of age or older; engage in, or 58408  
contract for, the construction, reconstruction, alteration, or 58409  
repair, or both, of any housing project or part of any housing 58410  
project; include in any contract let in connection with a project, 58411  
stipulations requiring that the contractor and any subcontractors 58412  
comply with requirements as to minimum wages and maximum hours of 58413  
labor, and comply with any conditions that the federal government 58414  
has attached to its financial aid of the project; lease or 58415  
operate, or both, any project, and establish or revise schedules 58416  
of rents for any projects or part of any project; arrange with the 58417  
county or municipal corporations, or both, for the planning and 58418  
replanning of streets, alleys, and other public places or 58419  
facilities in connection with any area or project; borrow money 58420  
upon its notes, debentures, or other evidences of indebtedness, 58421  
and secure the same by mortgages upon property held or to be held 58422  
by it, or by pledge of its revenues, or in any other manner; 58423  
invest any funds held in reserves or sinking funds or not required 58424  
for immediate disbursements; enter into a shared service agreement 58425  
with another metropolitan housing authority; execute contracts and 58426  
all other instruments necessary or convenient to the exercise of 58427

the powers granted in this section; make, amend, and repeal bylaws 58428  
and rules to carry into effect its powers and purposes; 58429

(C) Borrow money or accept grants or other financial 58430  
assistance from the federal government for or in aid of any 58431  
housing project within its territorial limits; take over or lease 58432  
or manage any housing project or undertaking constructed or owned 58433  
by the federal government; comply with any conditions and enter 58434  
into any mortgages, trust indentures, leases, or agreements that 58435  
are necessary, convenient, or desirable; 58436

(D) Subject to section 3735.311 of the Revised Code, employ a 58437  
police force to protect the lives and property of the residents of 58438  
housing projects within the district, to preserve the peace in the 58439  
housing projects, and to enforce the laws, ordinances, and 58440  
regulations of this state and its political subdivisions in the 58441  
housing projects and, when authorized by law, outside the limits 58442  
of the housing projects. 58443

(E) Enter into an agreement with a county, municipal 58444  
corporation, or township in whose jurisdiction the metropolitan 58445  
housing authority is located that permits metropolitan housing 58446  
authority police officers employed under division (D) of this 58447  
section to exercise full arrest powers as provided in section 58448  
2935.03 of the Revised Code, perform any police function, exercise 58449  
any police power, or render any police service within specified 58450  
areas of the county, municipal corporation, or township for the 58451  
purpose of preserving the peace and enforcing all laws of the 58452  
state, ordinances of the municipal corporation, or regulations of 58453  
the township. 58454

**Sec. 3735.33.** Any two or more metropolitan housing 58455  
authorities created under sections 3735.27 to 3735.50, ~~inclusive,~~ 58456  
of the Revised Code, may join or cooperate with one another in the 58457  
exercise, either jointly or otherwise, of any or all of their 58458

powers relative to the purpose of financing as provided in 58459  
sections 3735.31 and 3735.45 to 3735.49, ~~inclusive~~, of the Revised 58460  
Code. The moneys received from such joint or cooperative financing 58461  
may be used for planning, undertaking, owning, constructing, 58462  
operating, or contracting with respect to a housing project or 58463  
projects located within the area of operation of any one or more 58464  
of the authorities. An authority may by resolution prescribe and 58465  
authorize any other authority or authorities, joining or 58466  
cooperating with it, to act on its behalf with respect to any or 58467  
all powers relative to the purpose of financing, as its agent or 58468  
otherwise, in the name of the authority or authorities so joining 58469  
or cooperating, or in its own name. 58470

Any two or more metropolitan housing authorities created 58471  
under sections 3735.27 to 3735.50 of the Revised Code may enter 58472  
into a shared service agreement. 58473

**Sec. 3735.40.** As used in sections 3735.27, 3735.31, and 58474  
3735.40 to 3735.50 of the Revised Code: 58475

(A) "Federal government" includes the United States, the 58476  
federal works administrator, or any other agency or 58477  
instrumentality, corporate or otherwise, of the United States. 58478

(B) "Slum" has the meaning defined in section 1.08 of the 58479  
Revised Code. 58480

(C) "Housing project" or "project" means any of the following 58481  
works or undertakings: 58482

(1) Demolish, clear, or remove buildings from any slum area. 58483  
Such work or undertaking may embrace the adaptation of such area 58484  
to public purposes, including parks or other recreational or 58485  
community purposes. 58486

(2) Provide decent, safe, and sanitary urban or rural 58487  
dwellings, apartments, or other living accommodations for persons 58488

of low income. ~~Such work or undertaking may include~~ 58489

(3) Provide for buildings, land, equipment, facilities, and 58490  
other real or personal property for necessary, convenient, or 58491  
desirable appurtenances, streets, sewers, water service, parks, 58492  
site preparation, gardening, administrative, community, health, 58493  
recreational, educational, welfare, commercial, residential, or 58494  
other purposes. 58495

~~(3)~~(4) Accomplish a combination of the foregoing. "Housing 58496  
project" also may be applied to the planning of the buildings and 58497  
improvements, the acquisition of property, the demolition of 58498  
existing structures, the construction, reconstruction, alteration, 58499  
and repair of the improvements, and all other work in connection 58500  
therewith. 58501

(D) "Families of low income" means persons or families who 58502  
lack the amount of income which is necessary, as determined by the 58503  
metropolitan housing authority undertaking the housing project, to 58504  
enable them, without financial assistance, to live in decent, 58505  
safe, and sanitary dwellings, without overcrowding. 58506

(E) "Families" means families consisting of two or more 58507  
persons, a single person who has attained the age at which an 58508  
individual may elect to receive an old age benefit under Title II 58509  
of the "Social Security Act" or is under disability as defined in 58510  
section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as 58511  
amended, or the remaining member of a tenant family. 58512

(F) "Families" also means a single person discharged by the 58513  
head of a hospital pursuant to section 5122.21 of the Revised Code 58514  
after March 10, 1964. 58515

**Sec. 3735.41.** Except as otherwise provided in section 3735.43 58516  
of the Revised Code, in the operation or management of housing 58517  
projects a metropolitan housing authority shall observe the 58518

following with respect to rentals and tenant selection: 58519

(A)(1) It shall not ~~accept~~ provide a federally derived rent 58520  
subsidy to any person as a tenant in for any dwelling in a housing 58521  
project if the persons who would occupy the dwelling have an 58522  
aggregate annual net income ~~less such deductions and exemptions~~ 58523  
~~therefrom as are authorized by law or the regulations established~~ 58524  
~~by the public housing administration which that~~ equals or exceeds 58525  
the amount ~~which that~~ the authority determines to be necessary ~~in~~ 58526  
~~order~~ to enable such persons to ~~secure~~ do both of the following: 58527

(a) Secure safe, sanitary, and uncongested dwelling 58528  
accommodations within the area of operation of the authority ~~and~~ 58529  
~~to provide;~~ 58530

(b) Provide an adequate standard of living for themselves. 58531

(2) As used in this division, "aggregate annual net income" 58532  
means the aggregate annual income less the deductions and 58533  
exemptions from that income authorized by law or regulations 58534  
established by the United States department of housing and urban 58535  
development. 58536

(B) It may rent or lease the dwelling accommodations therein 58537  
only at rentals within the financial reach of persons who lack the 58538  
amount of income which it determines, pursuant to division (A) of 58539  
this section, to be necessary in order to obtain safe, sanitary, 58540  
and uncongested dwelling accommodations within the area of 58541  
operation of the authority and to provide an adequate standard of 58542  
living. 58543

(C) It may use a federally derived rent subsidy to rent or 58544  
lease to a tenant a dwelling consisting of the number of rooms, 58545  
but no greater number, which it considers necessary to provide 58546  
safe and sanitary accommodations to the proposed occupants 58547  
thereof, without overcrowding. 58548

Sections 3735.27 to 3735.50 of the Revised Code do not limit 58549

the power of an authority to vest in a bondholder the right, in 58550  
the event of a default by such authority, to take possession of a 58551  
housing project or cause the appointment of a receiver thereof or 58552  
acquire title thereto through foreclosure proceedings, free from 58553  
all the restrictions imposed by such sections. 58554

**Sec. 3735.66.** The legislative authorities of municipal 58555  
corporations and counties may survey the housing within their 58556  
jurisdictions and, after the survey, may adopt resolutions 58557  
describing the boundaries of community reinvestment areas which 58558  
contain the conditions required for the finding under division (B) 58559  
of section 3735.65 of the Revised Code. The findings resulting 58560  
from the survey shall be incorporated in the resolution describing 58561  
the boundaries of an area. The legislative authority may stipulate 58562  
in the resolution that only new structures or remodeling 58563  
classified as to use as commercial, industrial, or residential, or 58564  
some combination thereof, and otherwise satisfying the 58565  
requirements of section 3735.67 of the Revised Code are eligible 58566  
for exemption from taxation under that section. If the resolution 58567  
does not include such a stipulation, all new structures and 58568  
remodeling satisfying the requirements of section 3735.67 of the 58569  
Revised Code are eligible for exemption from taxation regardless 58570  
of classification. Whether or not the resolution includes such a 58571  
stipulation, the classification of the structures or remodeling 58572  
eligible for exemption in the area shall at all times be 58573  
consistent with zoning restrictions applicable to the area. For 58574  
the purposes of sections 3735.65 to 3735.70 of the Revised Code, 58575  
whether a structure or remodeling composed of multiple units is 58576  
classified as commercial or residential shall be determined by 58577  
resolution or ordinance of the legislative authority or, in the 58578  
absence of such a determination, by the classification of the use 58579  
of the structure or remodeling under the applicable zoning 58580  
regulations. 58581

If construction or remodeling classified as residential is 58582  
eligible for exemption from taxation, the resolution shall specify 58583  
a percentage, not to exceed one hundred per cent, of the assessed 58584  
valuation of such property to be exempted. The percentage 58585  
specified shall apply to all residential construction or 58586  
remodeling for which exemption is granted. 58587

The resolution adopted pursuant to this section shall be 58588  
published in a newspaper of general circulation in the municipal 58589  
corporation, if the resolution is adopted by the legislative 58590  
authority of a municipal corporation, or in a newspaper of general 58591  
circulation in the county, if the resolution is adopted by the 58592  
legislative authority of the county, once a week for two 58593  
consecutive weeks or as provided in section 7.16 of the Revised 58594  
Code, immediately following its adoption. 58595

Each legislative authority adopting a resolution pursuant to 58596  
this section shall designate a housing officer. In addition, each 58597  
such legislative authority, not later than ~~fifteen~~ sixty days 58598  
after the adoption of the resolution, shall petition the director 58599  
of development services for the director to confirm the findings 58600  
described in the resolution. The petition shall be accompanied by 58601  
a copy of the resolution and by a map of the community 58602  
reinvestment area in sufficient detail to denote the specific 58603  
boundaries of the area and to indicate zoning restrictions 58604  
applicable to the area. The director shall determine whether the 58605  
findings contained in the resolution are valid, and whether the 58606  
classification of structures or remodeling eligible for exemption 58607  
under the resolution is consistent with zoning restrictions 58608  
applicable to the area as indicated on the map. Within thirty days 58609  
of receiving the petition, the director shall forward the 58610  
director's determination to the legislative authority. The 58611  
legislative authority or housing officer shall not grant any 58612  
exemption from taxation under section 3735.67 of the Revised Code 58613

until the director forwards the director's determination to the 58614  
legislative authority. The director shall assign to each community 58615  
reinvestment area a unique designation by which the area shall be 58616  
identified for purposes of sections 3735.65 to 3735.70 of the 58617  
Revised Code. 58618

If zoning restrictions in any part of a community 58619  
reinvestment area are changed at any time after the legislative 58620  
authority petitions the director under this section, the 58621  
legislative authority shall notify the director and shall submit a 58622  
map of the area indicating the new zoning restrictions in the 58623  
area. 58624

**Sec. 3735.661.** (A) For the purpose of determining the "first 58625  
two amendments" referenced in division (B) of Section 3 of Am. 58626  
Sub. S.B. 19 of the 120th general assembly, an amendment means any 58627  
modification to an ordinance or resolution adopted under section 58628  
3735.66 of the Revised Code that does any of the following: 58629

(1) Expands the geographic size of a community reinvestment 58630  
area; 58631

(2) Increases a property's or category of property's exempted 58632  
percentage of assessed valuation, notwithstanding the requirements 58633  
of section 3735.66 of the Revised Code as that section existed on 58634  
July 21, 1994. Division (A)(2) of this section does not authorize 58635  
a municipal corporation or county to increase a property's or 58636  
category of property's exempted percentage of assessed valuation 58637  
pursuant to that section. 58638

(3) Increases the term of any tax exemption or category of 58639  
tax exemptions, except as provided in division (B)(6) of this 58640  
section; 58641

(4) Extends the duration of a community reinvestment area; 58642

(5) Changes eligibility requirements for receiving tax 58643

exemptions.	58644
(B) For the purpose of determining the "first two amendments"	58645
in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th	58646
general assembly, an amendment does not include any modification	58647
to an ordinance or resolution adopted under section 3735.66 of the	58648
Revised Code that does any of the following:	58649
(1) Restricts the availability of tax exemptions, including	58650
any of the following:	58651
(a) Removes area from or decreases the geographic size of a	58652
community reinvestment area;	58653
(b) Decreases a property's or category of property's exempted	58654
percentage of assessed valuation, notwithstanding the requirements	58655
of section 3735.66 of the Revised Code as that section existed on	58656
July 21, 1994. Division (B)(1)(b) of this section does not	58657
authorize a municipal corporation or county to decrease a	58658
property's or category of property's exempted percentage of	58659
assessed valuation pursuant to that section.	58660
(c) Decreases the term of any tax exemption or category of	58661
exemption;	58662
(d) Shortens the period of time after which the granting of	58663
tax exemptions may be terminated.	58664
(2) Recognizes or confirms the continuing existence of a	58665
community reinvestment area, including by providing a date after	58666
which the area may be terminated;	58667
(3) Recognizes or confirms a previously granted tax	58668
exemption;	58669
(4) Clarifies ambiguities or corrects defects in previously	58670
enacted ordinances or resolutions;	58671
(5) Makes modifications that are procedural or	58672
administrative, including changing the designation of a housing	58673

officer, the process for approving or appealing a tax exemption, 58674  
or the amount of any application fee, or modifying a community 58675  
reinvestment area housing council created under section 3735.69 of 58676  
the Revised Code or a tax incentive review council under section 58677  
5709.85 of the Revised Code; 58678

(6) Increases the term of tax exemption for remodeling to not 58679  
more than that authorized by H.B. 463 of the 131st general 58680  
assembly for an exemption application that has been filed but not 58681  
yet granted, or has been filed, on or after April 6, 2017, or that 58682  
is filed on or after any other later date, provided the maximum 58683  
term of the exemption for such remodeling before the ordinance's 58684  
or resolution's modification was the maximum term allowed under 58685  
division (D)(1) or (2) of section 3735.67 of the Revised Code as 58686  
that section existed before its amendment by H.B. 463 of the 131st 58687  
general assembly. 58688

**Sec. 3735.672.** (A) On or before the thirty-first day of March 58689  
each year, a legislative authority that has entered into an 58690  
agreement with a party under section 3735.671 of the Revised Code 58691  
shall submit to the director of development services and the board 58692  
of education of each school district of which a municipal 58693  
corporation or township to which such an agreement applies is a 58694  
part a report on all such agreements in effect during the 58695  
preceding calendar year. The report shall include the following 58696  
information: 58697

(1) The designation, assigned by the director of development 58698  
services, of each community reinvestment area within the municipal 58699  
corporation or county, and the total population of each area 58700  
according to the most recent data available; 58701

(2) The number of agreements and the number of full-time 58702  
employees subject to those agreements within each area, each 58703  
according to the most recent data available and identified and 58704

categorized by the appropriate standard industrial code, and the 58705  
rate of unemployment in the municipal corporation or county in 58706  
which the area is located for each year since the area was 58707  
certified; 58708

(3) The number of agreements approved and executed during the 58709  
calendar year for which the report is submitted, the total number 58710  
of agreements in effect on the thirty-first day of December of the 58711  
preceding calendar year, the number of agreements that expired 58712  
during the calendar year for which the report is submitted, and 58713  
the number of agreements scheduled to expire during the calendar 58714  
year in which the report is submitted. For each agreement that 58715  
expired during the calendar year for which the report is 58716  
submitted, the legislative authority shall include the amount of 58717  
taxes exempted under the agreement. 58718

(4) The number of agreements receiving compliance reviews by 58719  
the tax incentive review council in the municipal corporation or 58720  
county during the calendar year for which the report is submitted, 58721  
including all of the following information: 58722

(a) The number of agreements the terms of which the party has 58723  
complied with, indicating separately for each such agreement the 58724  
value of the real property exempted pursuant to the agreement and 58725  
a comparison of the stipulated and actual schedules for hiring new 58726  
employees, for retaining existing employees, and for the amount of 58727  
payroll of the party attributable to these employees; 58728

(b) The number of agreements the terms of which a party has 58729  
failed to comply with, indicating separately for each such 58730  
agreement the value of the real and personal property exempted 58731  
pursuant to the agreement and a comparison of the stipulated and 58732  
actual schedules for hiring new employees, for retaining existing 58733  
employees, and for the amount of payroll of the enterprise 58734  
attributable to these employees; 58735

(c) The number of agreements about which the tax incentive review council made recommendations to the legislative authority, and the number of such recommendations that have not been followed;	58736 58737 58738 58739
(d) The number of agreements rescinded during the calendar year for which the report is submitted.	58740 58741
(5) The number of parties subject to agreements that expanded within each area, including the number of new employees hired and existing employees retained by that party, and the number of new parties subject to agreements that established within each area, including the number of new employees hired by each party;	58742 58743 58744 58745 58746
(6) For each agreement in effect during any part of the preceding year, the number of employees employed by the party at the property that is the subject of the agreement immediately prior to formal approval of the agreement, the number of employees employed by the party at that property on the thirty-first day of December of the preceding year, the payroll of the party for the preceding year, the amount of taxes paid on real property that was exempted under the agreement, and the amount of such taxes that were not paid because of the exemption.	58747 58748 58749 58750 58751 58752 58753 58754 58755
(B) Upon the failure of a municipal corporation or county to comply with division (A) of this section:	58756 58757
(1) Beginning on the first day of April of the calendar year in which the municipal corporation or county fails to comply with that division, the municipal corporation or county shall not enter into any agreements under section 3735.671 of the Revised Code until the municipal corporation or county has complied with division (A) of this section.	58758 58759 58760 58761 58762 58763
(2) On the first day of each ensuing calendar month until the municipal corporation or county complies with that division, the director of development services shall either order the proper	58764 58765 58766

county auditor to deduct from the next succeeding payment of taxes 58767  
to the municipal corporation or county under section 321.31, 58768  
321.32, 321.33, or 321.34 of the Revised Code an amount equal to 58769  
five hundred dollars for each calendar month the municipal 58770  
corporation or county fails to comply with that division, or order 58771  
the county auditor to deduct such an amount from the next 58772  
succeeding payment to the municipal corporation or county from the 58773  
undivided local government fund under section 5747.51 of the 58774  
Revised Code. At the time such a payment is made, the county 58775  
auditor shall comply with the director's order by issuing a 58776  
warrant, drawn on the fund from which such money would have been 58777  
paid, to the director of development services, who shall deposit 58778  
the warrant into the state community reinvestment area program 58779  
administration fund created in division (C) of this section. 58780

(C) The director, by rule, shall establish the state's 58781  
application fee for applications submitted to a municipal 58782  
corporation or county to enter into an agreement under section 58783  
3735.671 of the Revised Code. In establishing the amount of the 58784  
fee, the director shall consider the state's cost of administering 58785  
the community reinvestment area program, including the cost of 58786  
reviewing the reports required under division (A) of this section. 58787  
The director may change the amount of the fee at such times and in 58788  
such increments as the director considers necessary. Any municipal 58789  
corporation or county that receives an application shall collect 58790  
the application fee and remit the fee for deposit in the state 58791  
treasury to the credit of the ~~business assistance~~ tax incentives 58792  
operating fund created in section 122.174 of the Revised Code. 58793

**Sec. 3737.21.** (A) The director of the department of commerce 58794  
shall appoint, from names submitted to the director by the state 58795  
fire council, a state fire marshal, who shall serve at the 58796  
pleasure of the director and shall possess the following 58797  
qualifications: 58798

(1) A degree from an accredited college or university with 58799  
specialized study in either the field of fire protection or fire 58800  
protection engineering, or the equivalent qualifications 58801  
determined from training, experience, and duties in a fire 58802  
service; 58803

(2) Five years of recent, progressively more responsible 58804  
experience in fire inspection, fire code enforcement, fire 58805  
investigation, fire protection engineering, teaching of fire 58806  
safety engineering, or fire fighting. 58807

(B) When a vacancy occurs in the position of state fire 58808  
marshal, the director shall notify the state fire council. ~~The~~ 58809  
~~council shall communicate the fact of the vacancy by regular mail~~ 58810  
~~to all fire chiefs and fire protection engineers known to the~~ 58811  
~~council, or whose identity may be ascertained by the council by~~ 58812  
~~the exercise of due diligence. The council, no earlier than thirty~~ 58813  
~~days after mailing the notification, shall compile a list of all~~ 58814  
~~applicants for the position of fire marshal who are qualified~~ 58815  
~~under this section.~~ The council shall submit the names of at least 58816  
three persons on the list for the position of state fire marshal 58817  
who are qualified under this section to the director. The director 58818  
shall appoint the state fire marshal from the list of at least 58819  
three names or may request the council to submit additional names. 58820

**Sec. 3742.01.** As used in this chapter: 58821

(A) "Board of health" means the board of health of a city or 58822  
general health district or the authority having the duties of a 58823  
board of health under section 3709.05 of the Revised Code. 58824

(B) "Child care facility" means each area of any of the 58825  
following in which child care, as defined in section 5104.01 of 58826  
the Revised Code, is provided to children under six years of age: 58827

(1) A child day-care center, type A family day-care home, or 58828

type B family day-care home as defined in section 5104.01 of the Revised Code;

(2) A preschool program or school child program as defined in section 3301.52 of the Revised Code.

(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.

(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who performs a clearance examination.

(E) "Clinical laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing.

(F) "Encapsulation" means the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or otherwise accessible to children.

(G) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the

sealing or caulking of edges and joints, so as to prevent or 58860  
control chalking, flaking, peeling, scaling, or loose 58861  
lead-containing substances from becoming part of house dust or 58862  
otherwise accessible to children. 58863

(H) "Environmental lead analytical laboratory" means a 58864  
facility that analyzes air, dust, soil, water, paint, film, or 58865  
other substances, other than substances derived from the human 58866  
body, for the presence and concentration of lead. 58867

(I) "HEPA" means the designation given to a product, device, 58868  
or system that has been equipped with a high-efficiency 58869  
particulate air filter, which is a filter capable of removing 58870  
particles of 0.3 microns or larger from air at 99.97 per cent or 58871  
greater efficiency. 58872

(J) "Interim controls" means a set of measures designed to 58873  
reduce temporarily human exposure or likely human exposure to lead 58874  
hazards. Interim controls include specialized cleaning, repairs, 58875  
painting, temporary containment, ongoing lead hazard maintenance 58876  
activities, and the establishment and operation of management and 58877  
resident education programs. 58878

(K)(1) "Lead abatement" means a measure or set of measures 58879  
designed for the single purpose of permanently eliminating lead 58880  
hazards. "Lead abatement" includes all of the following: 58881

(a) Removal of lead-based paint and lead-contaminated dust; 58882

(b) Permanent enclosure or encapsulation of lead-based paint; 58883

(c) Replacement of surfaces or fixtures painted with 58884  
lead-based paint; 58885

(d) Removal or permanent covering of lead-contaminated soil; 58886

(e) Preparation, cleanup, and disposal activities associated 58887  
with lead abatement. 58888

(2) "Lead abatement" does not include any of the following: 58889

(a) <del>Preventive treatments</del> <u>Residential rental unit lead-safe</u>	58890
<u>maintenance practices</u> performed pursuant to <del>section</del> <u>sections</u>	58891
3742.41 <u>and 3742.42</u> of the Revised Code;	58892
(b) Implementation of interim controls;	58893
(c) Activities performed by a property owner on a residential	58894
unit to which both of the following apply:	58895
(i) It is a freestanding single-family home used as the	58896
property owner's private residence.	58897
(ii) No child under six years of age who has lead poisoning	58898
resides in the unit.	58899
(L) "Lead abatement contractor" means any individual who	58900
engages in or intends to engage in lead abatement and employs or	58901
supervises one or more lead abatement workers, including on-site	58902
supervision of lead abatement projects, or prepares	58903
specifications, plans, or documents for a lead abatement project.	58904
(M) "Lead abatement project" means one or more lead abatement	58905
activities that are conducted by a lead abatement contractor and	58906
are reasonably related to each other.	58907
(N) "Lead abatement project designer" means a person who is	58908
responsible for designing lead abatement projects and preparing a	58909
pre-abatement plan for all designed projects.	58910
(O) "Lead abatement worker" means an individual who is	58911
responsible in a nonsupervisory capacity for the performance of	58912
lead abatement.	58913
(P) "Lead-based paint" means any paint or other similar	58914
surface-coating substance containing lead at or in excess of the	58915
level that is hazardous to human health, as that level is	58916
established in rules adopted under section <del>3742.50</del> <u>3742.45</u> of the	58917
Revised Code.	58918
(Q) "Lead-contaminated dust" means dust that contains an area	58919

or mass concentration of lead at or in excess of the level that is 58920  
hazardous to human health, as that level is established in rules 58921  
adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 58922

(R) "Lead-contaminated soil" means soil that contains lead at 58923  
or in excess of the level that is hazardous to human health, as 58924  
that level is established in rules adopted under section ~~3742.50~~ 58925  
3742.45 of the Revised Code. 58926

(S) "~~Lead hazard free~~" means no lead-based paint is present 58927  
in any area referenced in division (B) of section 3742.42 of the 58928  
Revised Code. 58929

(T) "Lead hazard" means material that is likely to cause lead 58930  
exposure and endanger an individual's health as determined by the 58931  
director of health in rules adopted under section ~~3742.50~~ 3742.45 58932  
of the Revised Code. "Lead hazard" includes lead-based paint, 58933  
lead-contaminated dust, lead-contaminated soil, and 58934  
lead-contaminated water pipes. 58935

~~(T)~~(U) "Lead inspection" means a surface-by-surface 58936  
investigation to determine the presence of lead-based paint. The 58937  
inspection shall use a sampling or testing technique approved by 58938  
the director in rules adopted under section 3742.03 of the Revised 58939  
Code. A licensed lead inspector or laboratory approved under 58940  
section 3742.09 of the Revised Code shall certify in writing the 58941  
precise results of the inspection. 58942

~~(U)~~(V) "Lead inspector" means any individual who conducts a 58943  
lead inspection, provides professional advice regarding a lead 58944  
inspection, or prepares a report explaining the results of a lead 58945  
inspection. 58946

~~(V)~~(W) "Lead poisoning" means the level of lead in human 58947  
blood that is hazardous to human health, as specified in rules 58948  
adopted under section ~~3742.50~~ 3742.45 of the Revised Code. 58949

~~(W)~~(X) "Lead risk assessment" means an on-site investigation 58950

to determine and report the existence, nature, severity, and 58951  
location of lead hazards in a residential unit, child care 58952  
facility, or school, including information gathering from the 58953  
unit, facility, or school's current owner's knowledge regarding 58954  
the age and painting history of the unit, facility, or school and 58955  
occupancy by children under six years of age, visual inspection, 58956  
limited wipe sampling or other environmental sampling techniques, 58957  
and any other activity as may be appropriate. 58958

~~(X)~~(Y) "Lead risk assessor" means a person who is responsible 58959  
for developing a written inspection, risk assessment, and analysis 58960  
plan; conducting inspections for lead hazards in a residential 58961  
unit, child care facility, or school; interpreting results of 58962  
inspections and risk assessments; identifying hazard control 58963  
strategies to reduce or eliminate lead exposures; and completing a 58964  
risk assessment report. 58965

~~(Y) "Lead safe renovation" means the supervision or 58966  
performance of services for the general improvement of all or part 58967  
of an existing structure, including a residential unit, child care 58968  
facility, or school, when the services are supervised or performed 58969  
by a lead safe renovator. 58970~~

(Z) ~~"Lead safe renovator" means a person who has successfully 58971  
completed a training program in lead safe renovation approved 58972  
under section 3742.47 of the Revised Code. "Lead-safe residential 58973  
rental unit" means a residential rental unit that has undergone 58974  
the residential rental unit lead-safe maintenance practices 58975  
described in section 3742.42 of the Revised Code, including 58976  
post-maintenance dust sampling or are registered pursuant to 58977  
division (D) of section 3742.41 of the Revised Code. 58978~~

(AA) "Manager" means a person, who may be the same person as 58979  
the owner, responsible for the daily operation of a residential 58980  
unit, child care facility, or school. 58981

(BB) "Permanent" means an expected design life of at least twenty years.	58982 58983
(CC) "Replacement" means an activity that entails removing components such as windows, doors, and trim that have lead hazards on their surfaces and installing components free of lead hazards.	58984 58985 58986
(DD) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence. <u>"Residential unit" includes a residential rental unit.</u>	58987 58988 58989
(EE) <del>"School"</del> <u>"Residential rental unit" means a rental property containing a dwelling or any part of a building being used as an individual's private residence.</u>	58990 58991 58992
<u>"School"</u> means a public or nonpublic school in which children under six years of age receive education.	58993 58994
<b>Sec. 3742.02.</b> (A) No person shall do any of the following:	58995
(1) Violate any provision of this chapter or the rules adopted pursuant to it;	58996 58997
(2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child care facility, or school, unless the director of health has determined by rule under section <del>3742.50</del> <u>3742.45</u> of the Revised Code that no suitable substitute exists;	58998 58999 59000 59001 59002
(3) Interfere with an investigation conducted by the director of health or a board of health in accordance with section 3742.35 of the Revised Code.	59003 59004 59005
(B) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child care facility, or school unless the individual who will perform the lead abatement holds a valid license issued under section 3742.05 of the Revised Code.	59006 59007 59008 59009 59010

(C) No person shall do any of the following when a residential unit, child care facility, or school is involved:	59011 59012
(1) Perform a lead inspection without a valid lead inspector license issued under section 3742.05 of the Revised Code;	59013 59014
(2) Perform a lead risk assessment or provide professional advice regarding lead abatement without a valid lead risk assessor license issued under section 3742.05 of the Revised Code;	59015 59016 59017
(3) Act as a lead abatement contractor without a valid lead abatement contractor's license issued under section 3742.05 of the Revised Code;	59018 59019 59020
(4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under section 3742.05 of the Revised Code;	59021 59022 59023
(5) Perform lead abatement without a valid lead abatement worker license issued under section 3742.05 of the Revised Code;	59024 59025
(6) Effective one year after April 7, 2003, perform a clearance examination without a valid clearance technician license issued under section 3742.05 of the Revised Code, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;	59026 59027 59028 59029 59030
(7) Perform lead training for the licensing purposes of this chapter without a valid approval from the director of health under section 3742.08 of the Revised Code;	59031 59032 59033
(8) Perform interim controls without complying with 24 C.F.R. Part 35.	59034 59035
<b>Sec. 3742.31.</b> (A) The director of health shall establish, promote, and maintain a child lead poisoning prevention program. The program shall provide statewide coordination of screening, diagnosis, and treatment services for children under age six, including both of the following:	59036 59037 59038 59039 59040

(1) Collecting the social security numbers of all children 59041  
screened, diagnosed, or treated as part of the program's case 59042  
management system; 59043

(2) Disclosing to the department of medicaid on at least an 59044  
annual basis the identity and lead screening test results of each 59045  
child screened pursuant to section 3742.30 of the Revised Code. 59046  
The director shall collect and disseminate information relating to 59047  
child lead poisoning and controlling lead hazards. 59048

(B) The director of health shall operate the child lead 59049  
poisoning prevention program in accordance with rules adopted 59050  
under section ~~3742.50~~ 3742.45 of the Revised Code. The director 59051  
may enter into an interagency agreement with one or more other 59052  
state agencies to perform one or more of the program's duties. The 59053  
director shall supervise and direct an agency's performance of 59054  
such a duty. 59055

**Sec. 3742.35.** When the director of health or a board of 59056  
health authorized to enforce sections 3742.35 to 3742.40 of the 59057  
Revised Code becomes aware that an individual under six years of 59058  
age has lead poisoning, the director or board shall conduct an 59059  
investigation to determine the source of the lead poisoning. The 59060  
director or board may conduct such an investigation when the 59061  
director or board becomes aware that an individual six years of 59062  
age or older has lead poisoning. The director or board shall 59063  
conduct the investigation in accordance with rules adopted under 59064  
section ~~3742.50~~ 3742.45 of the Revised Code. 59065

In conducting the investigation, the director or board may 59066  
request permission to enter the residential unit, child care 59067  
facility, or school that the director or board reasonably suspects 59068  
to be the source of the lead poisoning. If the property is 59069  
occupied, the director or board shall ask the occupant for 59070  
permission. If the property is not occupied, the director or board 59071

shall ask the property owner or manager for permission. If the 59072  
occupant, owner, or manager fails or refuses to permit entry, the 59073  
director or board may petition and obtain an order to enter the 59074  
property from a court of competent jurisdiction in the county in 59075  
which the property is located. 59076

As part of the investigation, the director or board may 59077  
review the records and reports, if any, maintained by a lead 59078  
inspector, lead abatement contractor, lead risk assessor, lead 59079  
abatement project designer, lead abatement worker, or clearance 59080  
technician. 59081

**Sec. 3742.36.** When the director of health or an authorized 59082  
board of health determines pursuant to an investigation conducted 59083  
under section 3742.35 of the Revised Code that a residential unit, 59084  
child care facility, or school is a possible source of the child's 59085  
lead poisoning, the director or board shall conduct a risk 59086  
assessment of that property in accordance with rules adopted under 59087  
section ~~3742.50~~ 3742.45 of the Revised Code. 59088

**Sec. 3742.41.** (A) ~~A property~~ The director of health shall 59089  
establish and maintain a lead-safe residential rental unit 59090  
registry in accordance with rules adopted under section 3742.45 of 59091  
the Revised Code. The director shall not impose a fee for 59092  
registration of a residential rental unit on the registry. 59093

(B) Beginning six months after the effective date of the 59094  
rules referenced in division (A) of this section, the owner of a 59095  
residential rental unit constructed before January 1, ~~1950~~ 1978, 59096  
that is used as a residential unit, child care facility, or school 59097  
shall be legally presumed not to contain a lead hazard and not to 59098  
be the source of the lead poisoning of an individual who resides 59099  
in the unit or receives child care or education at the facility or 59100  
school if the owner or manager of the unit, facility, or school 59101

~~successfully completes both of the following preventive treatments:~~ 59102  
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~~(1) Follows may implement the essential residential rental unit lead-safe maintenance practices specified in section 3742.42 of the Revised Code for the control of any lead hazards.~~ 59104  
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~~(2) Covers all rough, pitted, or porous horizontal surfaces of the inhabited or occupied areas within the unit, facility, or school with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, carpet, or linoleum.~~ 59107  
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~~(B) The owner or manager of a residential unit, child care facility, or school has successfully completed the preventive treatments specified in division (A) of this section if the unit, facility, or school passes a clearance examination in accordance with standards for passage established by rules adopted under section 3742.49 of the Revised Code.~~ 59111  
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~~(C) The legal presumption established under this section is rebuttable in a court of law only on a showing of clear and convincing evidence to the contrary After completion of the residential rental unit lead-safe maintenance practices, the owner may register the property as a lead-safe residential rental unit with the department of health for inclusion on the registry.~~ 59117  
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~~(D) The owner of a residential rental unit also may register the unit as a lead-safe residential rental unit with the department for inclusion on the registry if either of the following apply:~~ 59123  
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~~(1) The residential rental unit was or is constructed after January 1, 1978;~~ 59127  
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~~(2) The residential rental unit is lead free as determined by a licensed lead inspector or lead risk assessor after an inspection of the unit.~~ 59129  
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(E)(1) The owner of a residential rental unit that is subject to a lead hazard control order under section 3742.37 of the Revised Code shall register the residential rental unit on the lead-safe residential rental unit lead-safe registry after the unit passes a clearance examination, as specified in section 3742.39 of the Revised Code, indicating that the lead hazards identified in the order are controlled. 59132  
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(2) The owner of a residential rental unit that is designated as housing for the elderly or senior housing by the director is exempt from the requirement to register under division (E)(1) of this section. 59139  
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**Sec. 3742.42.** (A) In completing ~~the essential residential rental unit lead-safe maintenance practices portion of the preventive treatments specified in section 3742.41 of the Revised Code,~~ the owner or ~~manager~~ agent of the owner of a residential rental unit, ~~child care facility, or school~~ shall do all of the following: 59143  
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~~(1) Use only safe work practices, which include compliance with section 3742.44 of the Revised Code, to prevent the spread of lead-contaminated dust~~ Successfully complete a training program in residential rental unit lead-safe maintenance practices approved by the director under section 3742.43 of the Revised Code; 59149  
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~~(2) Perform~~ Annually perform a visual examinations examination for deteriorated paint, underlying damage, and other conditions that may cause exposure to lead; 59154  
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~~(3) Promptly and safely~~ After completing the visual examination and identification of deteriorated paint or other conditions that may cause exposure to lead, repair deteriorated paint or other building components that may cause exposure to lead and eliminate the cause of the deterioration in accordance with the work practice standards established by the United States 59157  
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<u>environmental protection agency in 40 C.F.R. Part 745.85;</u>	59163
(4) <del>Ask tenants in a residential unit, and parents,</del>	59164
<del>guardians, and custodians of children in a child care facility or</del>	59165
<del>school, to report concerns about potential lead hazards by</del>	59166
<del>providing written notices to the tenants or parents, guardians,</del>	59167
<del>and custodians or by posting notices in conspicuous locations</del>	59168
<u>Conduct post-maintenance dust sampling in accordance with rules</u>	59169
<u>adopted under section 3742.45 of the Revised Code;</u>	59170
(5) <del>Perform specialized cleaning in accordance with section</del>	59171
<del>3742.45 of the Revised Code to control lead-contaminated dust;</del>	59172
(6) <del>Cover any bare soil on the property, except soil proven</del>	59173
<del>not to be lead-contaminated;</del>	59174
(7) <del>Maintain a record of essential</del> <u>residential rental unit</u>	59175
<u>lead-safe</u> maintenance practices for at least three years that	59176
documents all <del>essential</del> <u>those</u> maintenance practices;	59177
(8) <del>Successfully complete a training program in essential</del>	59178
<del>maintenance practices that has been approved under section</del>	59179
<del>3742.47, including post-maintenance dust sampling conducted in</del>	59180
<u>accordance with rules adopted under section 3742.45 of the Revised</u>	59181
<u>Code.</u>	59182
(B) The areas of a residential <u>rental</u> unit, <del>child care</del>	59183
<del>facility, or school</del> that are subject to division (A) of this	59184
section include all of the following:	59185
(1) The interior surfaces and all common areas <del>of the unit,</del>	59186
<del>facility, or school;</del>	59187
(2) Every attached or unattached structure located within the	59188
same lot line as the <u>residential rental</u> unit, <del>facility, or school</del>	59189
that the owner or manager considers to be associated with the	59190
operation of the <u>residential rental</u> unit, <del>facility, or school,</del>	59191
including garages, play equipment, and fences;	59192

(3) The lot or land that the residential rental unit,  
facility, or school occupies. 59193  
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(C) The residential rental unit lead-safe maintenance  
practices described in this section are not required to be  
performed by a person licensed as a lead abatement contractor or  
lead abatement worker under this chapter. However, six months  
after the effective date of this amendment, any person other than  
a lead abatement contractor or lead abatement worker who performs  
the residential rental unit lead-safe maintenance practices shall  
have successfully completed a training program in residential  
rental unit lead-safe maintenance practices approved by the  
director under section 3742.43 of the Revised Code. 59195  
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**Sec. 3742.43.** (A) A person seeking approval of a training  
program in residential rental unit lead-safe maintenance practices  
shall apply for approval of the training program to the director  
of health. The application shall be made on a form prescribed by  
the director and shall include the nonrefundable application fee  
established in division (B) of this section. The director shall  
approve the training program if the applicant demonstrates to the  
satisfaction of the director both of the following: 59205  
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(1) That the training program will provide written proof of  
completion to each person who completes the program and passes an  
examination; 59213  
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(2) The program is in compliance with any other training  
program requirements established in rules adopted under section  
3742.45 of the Revised Code. 59216  
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(B) The director of health shall establish a nonrefundable  
application fee for approving a training program under this  
section. The fee shall be reasonable and shall not exceed the  
expense incurred in conducting evaluation and approval of a  
training program. 59219  
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**Sec. ~~3742.49~~ 3742.44.** The director of health, in consultation 59224  
with the individual authorized by the governor to act as the state 59225  
historic preservation officer, shall develop recommendations for 59226  
controlling lead hazards that take into consideration the historic 59227  
nature of the property in which the hazards are located. The 59228  
director shall provide periodic notifications of the 59229  
recommendations to all persons licensed under this chapter. All 59230  
lead hazard control orders issued under section 3742.37 of the 59231  
Revised Code shall inform the recipient of the recommendations 59232  
developed under this section. 59233

In no event shall a person use the recommendations as 59234  
justification for refusing to comply with a lead hazard control 59235  
order issued under section 3742.37 of the Revised Code. 59236

**Sec. ~~3742.50~~ 3742.45.** (A) The director of health shall adopt 59237  
rules in accordance with Chapter 119. of the Revised Code 59238  
establishing all of the following: 59239

(1) Procedures necessary for the development and operation of 59240  
the child lead poisoning prevention program established under 59241  
section 3742.31 of the Revised Code; 59242

(2) Standards and procedures for conducting investigations 59243  
and risk assessments under sections 3742.35 and 3742.36 of the 59244  
Revised Code; 59245

(3) Standards and procedures for issuing lead hazard control 59246  
orders under section 3742.37 of the Revised Code, including 59247  
standards and procedures for determining appropriate deadlines for 59248  
complying with lead hazard control orders; 59249

(4) The level of lead in human blood that is hazardous to 59250  
human health, consistent with the guidelines issued by the centers 59251  
for disease control and prevention in the public health service of 59252  
the United States department of health and human services; 59253

- (5) The level of lead in paint, dust, and soil that is hazardous to human health; 59254  
59255
- (6) Standards and procedures to be followed when ~~implementing preventive treatments for the control of lead hazards pursuant to registering a residential rental unit on the lead-safe residential rental unit registry under~~ section 3742.41 of the Revised Code that are based on information from the United States environmental protection agency, ~~department of housing and urban development, occupational safety and health administration, or other agencies with recommendations or guidelines regarding implementation of preventive treatments;~~ 59256  
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- (7) Standards that must be met to pass a clearance examination; 59265  
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- (8) Procedures and criteria for approving ~~under section 3742.47 of the Revised Code~~ training programs in essential residential rental unit lead-safe maintenance practices ~~and lead-safe renovation and requirements~~, in addition to those specified in section ~~3742.47~~ 3742.43 of the Revised Code, ~~that a program must meet to receive approval;~~ 59267  
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- (9) ~~The examination to be administered by a training program approved under section 3742.47 of the Revised Code and the examination's passing score~~ Procedures for post-maintenance dust sampling. 59273  
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- (B) The director shall establish procedures for revising its rules to ensure that the child lead poisoning prevention activities conducted under this chapter continue to meet the requirements necessary to obtain any federal funding available for those activities, including requirements established by the United States environmental protection agency, United States department of housing and urban development, or any other federal agency with jurisdiction over activities pertaining to child lead poisoning 59277  
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prevention. 59285

**Sec. ~~3742.51~~ 3742.46.** (A) There is hereby created in the 59286  
state treasury the lead poisoning prevention fund. The fund shall 59287  
include all moneys appropriated to the department of health for 59288  
the administration and enforcement of sections 3742.31 to ~~3742.50~~ 59289  
3742.45 of the Revised Code and the rules adopted under those 59290  
sections. Any grants, contributions, or other moneys collected by 59291  
the department for purposes of preventing lead poisoning shall be 59292  
deposited in the state treasury to the credit of the fund. 59293

(B) Moneys in the fund shall be used solely for the purposes 59294  
of the child lead poisoning prevention program established under 59295  
section 3742.31 of the Revised Code, including providing financial 59296  
assistance to individuals who are unable to pay for the following: 59297

(1) Costs associated with obtaining lead tests and lead 59298  
poisoning treatment for children under six years of age who are 59299  
not covered by private medical insurance or are underinsured, are 59300  
not eligible for the medicaid program or any other government 59301  
health program, and do not have access to another source of funds 59302  
to cover the cost of lead tests and any indicated treatments; 59303

(2) Costs associated with having lead abatement performed or 59304  
having the ~~preventive treatments~~ residential rental unit lead-safe 59305  
maintenance practices specified in section ~~3742.41~~ 3742.42 of the 59306  
Revised Code performed. 59307

**Sec. 3743.75.** (A) During the period beginning on June 29, 59308  
2001, and ending on ~~December 15, 2017~~ September 15, 2018, the 59309  
state fire marshal shall not do any of the following: 59310

(1) Issue a license as a manufacturer of fireworks under 59311  
sections 3743.02 and 3743.03 of the Revised Code to a person for a 59312  
particular fireworks plant unless that person possessed such a 59313  
license for that fireworks plant immediately prior to June 29, 59314

2001; 59315

(2) Issue a license as a wholesaler of fireworks under 59316  
sections 3743.15 and 3743.16 of the Revised Code to a person for a 59317  
particular location unless that person possessed such a license 59318  
for that location immediately prior to June 29, 2001; 59319

(3) Except as provided in division (B) of this section, 59320  
approve the geographic transfer of a license as a manufacturer or 59321  
wholesaler of fireworks issued under this chapter to any location 59322  
other than a location for which a license was issued under this 59323  
chapter immediately prior to June 29, 2001. 59324

(B) Division (A)(3) of this section does not apply to a 59325  
transfer that the state fire marshal approves under division (F) 59326  
of section 3743.17 of the Revised Code. 59327

(C) Notwithstanding section 3743.59 of the Revised Code, the 59328  
prohibited activities established in divisions (A)(1) and (2) of 59329  
this section, geographic transfers approved pursuant to division 59330  
(F) of section 3743.17 of the Revised Code, and storage locations 59331  
allowed pursuant to division (I) of section 3743.04 of the Revised 59332  
Code or division (G) of section 3743.17 of the Revised Code are 59333  
not subject to any variance, waiver, or exclusion. 59334

(D) As used in division (A) of this section: 59335

(1) "Person" includes any person or entity, in whatever form 59336  
or name, that acquires possession of a manufacturer or wholesaler 59337  
of fireworks license issued pursuant to this chapter by transfer 59338  
of possession of a license, whether that transfer occurs by 59339  
purchase, assignment, inheritance, bequest, stock transfer, or any 59340  
other type of transfer, on the condition that the transfer is in 59341  
accordance with division (D) of section 3743.04 of the Revised 59342  
Code or division (D) of section 3743.17 of the Revised Code and is 59343  
approved by the fire marshal. 59344

(2) "Particular location" includes a licensed premises and, 59345

regardless of when approved, any storage location approved in 59346  
accordance with section 3743.04 or 3743.17 of the Revised Code. 59347

(3) "Such a license" includes a wholesaler of fireworks 59348  
license that was issued in place of a manufacturer of fireworks 59349  
license that existed prior to June 29, 2001, and was requested to 59350  
be canceled by the license holder pursuant to division (D) of 59351  
section 3743.03 of the Revised Code. 59352

**Sec. 3745.012.** (A) The director of environmental protection 59353  
shall collect all moneys for permits, licenses, plan approvals, 59354  
variances, and certifications of any nature issued and 59355  
administered by the environmental protection agency under Chapter 59356  
3704., 3714., 3734., 6109., or 6111. of the Revised Code. The 59357  
director shall keep a record of all such moneys collected showing 59358  
the amounts received, from whom, and for what purpose collected. 59359  
All such moneys shall be credited to the general revenue fund, 59360  
except for such moneys required to be credited to any other fund. 59361

(B) The director may reduce or waive a fee incurred for 59362  
either of the following: 59363

(1) Submitting a late payment if the original amount has been 59364  
paid in full; 59365

(2) Responding to an emergency, including fees for the 59366  
disposal of material and debris, if the governor declares a state 59367  
of emergency. 59368

**Sec. 3745.016.** There is hereby created in the state treasury 59369  
the federally supported cleanup and response fund consisting of 59370  
money credited to the fund from federal grants, gifts, and 59371  
contributions ~~to support the investigation and remediation of~~ 59372  
~~contaminated property.~~ The environmental protection agency shall 59373  
use money in the fund to support the investigation and remediation 59374  
of contaminated property and implementation of the hazardous waste 59375

provisions of Chapter 3734. of the Revised Code. 59376

Sec. 3745.018. The director of environmental protection shall 59377  
establish within environmental protection the agency a division to 59378  
administer the agency's financial, technical, and compliance 59379  
programs to assist communities, businesses, and other regulated 59380  
entities. The division shall administer all of the following: 59381

(A) State revolving wastewater and drinking water loan 59382  
programs under sections 6109.22 and 6111.036 of the Revised Code; 59383

(B) Agency grant programs, including recycling and litter 59384  
prevention grant programs under section 3736.05 of the Revised 59385  
Code; 59386

(C) Programs for providing compliance and pollution 59387  
prevention assistance to regulated entities under sections 3704.18 59388  
and 3745.017 of the Revised Code; 59389

(D) Statewide source reduction, recycling, recycling market 59390  
development, and litter prevention programs under section 3736.02 59391  
of the Revised Code. 59392

Sec. 3745.03. (A) The environmental review appeals commission 59393  
shall adopt or amend, as appropriate, regulations governing 59394  
procedure to be followed for hearings before it, including 59395  
regulations governing all of the following: 59396

(1) Expedited hearings; 59397

(2) Expedited decisions; 59398

(3) Stays. No 59399

(B) No regulation adopted by the commission shall be 59400  
effective until the tenth day after it has been adopted by the 59401  
filing of a certified copy thereof with the secretary of state who 59402  
shall record them under the heading "regulations of the 59403

environmental review appeals commission." The regulations shall be 59404  
numbered consecutively under the heading and shall bear the date 59405  
of filing. The regulations shall be public records open to public 59406  
inspection. 59407

(C) No regulation filed in the office of the secretary of 59408  
state pursuant to this section shall be amended except by a 59409  
regulation which contains the entire regulation as amended and 59410  
which repeals the regulation amended. Each regulation which amends 59411  
a regulation shall bear the same consecutive regulation number as 59412  
the number of the regulation which it amends, and it shall bear 59413  
the date of filing. 59414

(D) No regulation filed in the office of the secretary of 59415  
state pursuant to this section shall be repealed except by a 59416  
regulation. Each regulation which repeals a regulation shall bear 59417  
the same consecutive regulation number as the number of the 59418  
regulation which it repeals, and it shall bear the date of filing. 59419

(E) The authority and the duty of the commission to adopt 59420  
regulations under this section shall not be governed by or be 59421  
subject to Chapter 119. of the Revised Code. 59422

(F) The commission shall have available at all times copies 59423  
of all regulations of the commission which it has filed in the 59424  
office of the secretary of state pursuant to this section, and 59425  
shall furnish them free of charge to any person requesting them. 59426

(G) The commission shall maintain and keep available for 59427  
public inspection, at its principal office, a current register of 59428  
all appeals filed, hearings pending, its final action thereon, and 59429  
the dates on which such filings, hearings, and final actions 59430  
occur. 59431

**Sec. 3745.11.** (A) Applicants for and holders of permits, 59432  
licenses, variances, plan approvals, and certifications issued by 59433

the director of environmental protection pursuant to Chapters 59434  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 59435  
to the environmental protection agency for each such issuance and 59436  
each application for an issuance as provided by this section. No 59437  
fee shall be charged for any issuance for which no application has 59438  
been submitted to the director. 59439

(B) Except as otherwise provided in division (C)(2) of this 59440  
section, beginning July 1, 1994, each person who owns or operates 59441  
an air contaminant source and who is required to apply for and 59442  
obtain a Title V permit under section 3704.036 of the Revised Code 59443  
shall pay the fees set forth in this division. For the purposes of 59444  
this division, total emissions of air contaminants may be 59445  
calculated using engineering calculations, emissions factors, 59446  
material balance calculations, or performance testing procedures, 59447  
as authorized by the director. 59448

The following fees shall be assessed on the total actual 59449  
emissions from a source in tons per year of the regulated 59450  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 59451  
organic compounds, and lead: 59452

(1) Fifteen dollars per ton on the total actual emissions of 59453  
each such regulated pollutant during the period July through 59454  
December 1993, to be collected no sooner than July 1, 1994; 59455

(2) Twenty dollars per ton on the total actual emissions of 59456  
each such regulated pollutant during calendar year 1994, to be 59457  
collected no sooner than April 15, 1995; 59458

(3) Twenty-five dollars per ton on the total actual emissions 59459  
of each such regulated pollutant in calendar year 1995, and each 59460  
subsequent calendar year, to be collected no sooner than the 59461  
fifteenth day of April of the year next succeeding the calendar 59462  
year in which the emissions occurred. 59463

The fees levied under this division do not apply to that 59464

portion of the emissions of a regulated pollutant at a facility 59465  
that exceed four thousand tons during a calendar year. 59466

(C)(1) The fees assessed under division (B) of this section 59467  
are for the purpose of providing funding for the Title V permit 59468  
program. 59469

(2) The fees assessed under division (B) of this section do 59470  
not apply to emissions from any electric generating unit 59471  
designated as a Phase I unit under Title IV of the federal Clean 59472  
Air Act prior to calendar year 2000. Those fees shall be assessed 59473  
on the emissions from such a generating unit commencing in 59474  
calendar year 2001 based upon the total actual emissions from the 59475  
generating unit during calendar year 2000 and shall continue to be 59476  
assessed each subsequent calendar year based on the total actual 59477  
emissions from the generating unit during the preceding calendar 59478  
year. 59479

(3) The director shall issue invoices to owners or operators 59480  
of air contaminant sources who are required to pay a fee assessed 59481  
under division (B) or (D) of this section. Any such invoice shall 59482  
be issued no sooner than the applicable date when the fee first 59483  
may be collected in a year under the applicable division, shall 59484  
identify the nature and amount of the fee assessed, and shall 59485  
indicate that the fee is required to be paid within thirty days 59486  
after the issuance of the invoice. 59487

(D)(1) Except as provided in division (D)(3) of this section, 59488  
from January 1, 1994, through December 31, 2003, each person who 59489  
owns or operates an air contaminant source; who is required to 59490  
apply for a permit to operate pursuant to rules adopted under 59491  
division (G), or a variance pursuant to division (H), of section 59492  
3704.03 of the Revised Code; and who is not required to apply for 59493  
and obtain a Title V permit under section 3704.036 of the Revised 59494  
Code shall pay a single fee based upon the sum of the actual 59495  
annual emissions from the facility of the regulated pollutants 59496

particulate matter, sulfur dioxide, nitrogen oxides, organic  
compounds, and lead in accordance with the following schedule:

Total tons per year		59497
of regulated pollutants	Annual fee	59498
emitted	per facility	59499
More than 0, but less than 50	\$ 75	59500
50 or more, but less than 100	300	59501
100 or more	700	59502

(2) Except as provided in division (D)(3) of this section,  
beginning January 1, 2004, each person who owns or operates an air  
contaminant source; who is required to apply for a permit to  
operate pursuant to rules adopted under division (G), or a  
variance pursuant to division (H), of section 3704.03 of the  
Revised Code; and who is not required to apply for and obtain a  
Title V permit under section 3704.03 of the Revised Code shall pay  
a single fee based upon the sum of the actual annual emissions  
from the facility of the regulated pollutants particulate matter,  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in  
accordance with the following schedule:

Total tons per year		59505
of regulated pollutants	Annual fee	59506
emitted	per facility	59507
More than 0, but less than 10	\$ 100	59508
10 or more, but less than 50	200	59509
50 or more, but less than 100	300	59510
100 or more	700	59511

(3)(a) As used in division (D) of this section, "synthetic  
minor facility" means a facility for which one or more permits to  
install or permits to operate have been issued for the air  
contaminant sources at the facility that include terms and  
conditions that lower the facility's potential to emit air  
contaminants below the major source thresholds established in

rules adopted under section 3704.036 of the Revised Code. 59529

(b) Beginning January 1, 2000, through June 30, ~~2018~~ 2020, 59530  
each person who owns or operates a synthetic minor facility shall 59531  
pay an annual fee based on the sum of the actual annual emissions 59532  
from the facility of particulate matter, sulfur dioxide, nitrogen 59533  
dioxide, organic compounds, and lead in accordance with the 59534  
following schedule: 59535

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	59539
10 or more, but less than 20	340	59540
20 or more, but less than 30	670	59541
30 or more, but less than 40	1,010	59542
40 or more, but less than 50	1,340	59543
50 or more, but less than 60	1,680	59544
60 or more, but less than 70	2,010	59545
70 or more, but less than 80	2,350	59546
80 or more, but less than 90	2,680	59547
90 or more, but less than 100	3,020	59548
100 or more	3,350	59549

(4) The fees assessed under division (D)(1) of this section 59550  
shall be collected annually no sooner than the fifteenth day of 59551  
April, commencing in 1995. The fees assessed under division (D)(2) 59552  
of this section shall be collected annually no sooner than the 59553  
fifteenth day of April, commencing in 2005. The fees assessed 59554  
under division (D)(3) of this section shall be collected no sooner 59555  
than the fifteenth day of April, commencing in 2000. The fees 59556  
assessed under division (D) of this section in a calendar year 59557  
shall be based upon the sum of the actual emissions of those 59558  
regulated pollutants during the preceding calendar year. For the 59559  
purpose of division (D) of this section, emissions of air 59560

contaminants may be calculated using engineering calculations, 59561  
emission factors, material balance calculations, or performance 59562  
testing procedures, as authorized by the director. The director, 59563  
by rule, may require persons who are required to pay the fees 59564  
assessed under division (D) of this section to pay those fees 59565  
biennially rather than annually. 59566

(E)(1) Consistent with the need to cover the reasonable costs 59567  
of the Title V permit program, the director annually shall 59568  
increase the fees prescribed in division (B) of this section by 59569  
the percentage, if any, by which the consumer price index for the 59570  
most recent calendar year ending before the beginning of a year 59571  
exceeds the consumer price index for calendar year 1989. Upon 59572  
calculating an increase in fees authorized by division (E)(1) of 59573  
this section, the director shall compile revised fee schedules for 59574  
the purposes of division (B) of this section and shall make the 59575  
revised schedules available to persons required to pay the fees 59576  
assessed under that division and to the public. 59577

(2) For the purposes of division (E)(1) of this section: 59578

(a) The consumer price index for any year is the average of 59579  
the consumer price index for all urban consumers published by the 59580  
United States department of labor as of the close of the 59581  
twelve-month period ending on the thirty-first day of August of 59582  
that year. 59583

(b) If the 1989 consumer price index is revised, the director 59584  
shall use the revision of the consumer price index that is most 59585  
consistent with that for calendar year 1989. 59586

(F) Each person who is issued a permit to install pursuant to 59587  
rules adopted under division (F) of section 3704.03 of the Revised 59588  
Code on or after July 1, 2003, shall pay the fees specified in the 59589  
following schedules: 59590

(1) Fuel-burning equipment (boilers, furnaces, or process 59591

heaters used in the process of burning fuel for the primary		59592
purpose of producing heat or power by indirect heat transfer)		59593
Input capacity (maximum)		59594
(million British thermal units per hour)	Permit to install	59595
Greater than 0, but less than 10	\$ 200	59596
10 or more, but less than 100	400	59597
100 or more, but less than 300	1000	59598
300 or more, but less than 500	2250	59599
500 or more, but less than 1000	3750	59600
1000 or more, but less than 5000	6000	59601
5000 or more	9000	59602
Units burning exclusively natural gas, number two fuel oil,		59603
or both shall be assessed a fee that is one-half the applicable		59604
amount shown in division (F)(1) of this section.		59605
(2) Combustion turbines and stationary internal combustion		59606
engines designed to generate electricity		59607
Generating capacity (mega watts)	Permit to install	59608
0 or more, but less than 10	\$ 25	59609
10 or more, but less than 25	150	59610
25 or more, but less than 50	300	59611
50 or more, but less than 100	500	59612
100 or more, but less than 250	1000	59613
250 or more	2000	59614
(3) Incinerators		59615
Input capacity (pounds per hour)	Permit to install	59616
0 to 100	\$ 100	59617
101 to 500	500	59618
501 to 2000	1000	59619
2001 to 20,000	1500	59620
more than 20,000	3750	59621
(4)(a) Process		59622

Process weight rate (pounds per hour)	Permit to install	59623
0 to 1000	\$ 200	59624
1001 to 5000	500	59625
5001 to 10,000	750	59626
10,001 to 50,000	1000	59627
more than 50,000	1250	59628

In any process where process weight rate cannot be 59629  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 59630  
combustion turbine, stationary internal combustion engine, or 59631  
process heater designed to provide direct heat or power to a 59632  
process not designed to generate electricity shall be assessed a 59633  
fee established in division (F)(4)(a) of this section. A 59634  
combustion turbine or stationary internal combustion engine 59635  
designed to generate electricity shall be assessed a fee 59636  
established in division (F)(2) of this section. 59637

(b) Notwithstanding division (F)(4)(a) of this section, any 59638  
person issued a permit to install pursuant to rules adopted under 59639  
division (F) of section 3704.03 of the Revised Code shall pay the 59640  
fees set forth in division (F)(4)(c) of this section for a process 59641  
used in any of the following industries, as identified by the 59642  
applicable two-digit, three-digit, or four-digit standard 59643  
industrial classification code according to the Standard 59644  
Industrial Classification Manual published by the United States 59645  
office of management and budget in the executive office of the 59646  
president, 1987, as revised: 59647

Major group 10, metal mining; 59648

Major group 12, coal mining; 59649

Major group 14, mining and quarrying of nonmetallic minerals; 59650

Industry group 204, grain mill products; 59651

2873 Nitrogen fertilizers; 59652

2874 Phosphatic fertilizers; 59653

3281 Cut stone and stone products;		59654
3295 Minerals and earth, ground or otherwise treated;		59655
4221 Grain elevators (storage only);		59656
5159 Farm related raw materials;		59657
5261 Retail nurseries and lawn and garden supply stores.		59658
(c) The fees set forth in the following schedule apply to the		59659
issuance of a permit to install pursuant to rules adopted under		59660
division (F) of section 3704.03 of the Revised Code for a process		59661
identified in division (F)(4)(b) of this section:		59662
Process weight rate (pounds per	Permit to install	59663
hour)		
0 to 10,000	\$ 200	59664
10,001 to 50,000	400	59665
50,001 to 100,000	500	59666
100,001 to 200,000	600	59667
200,001 to 400,000	750	59668
400,001 or more	900	59669
(5) Storage tanks		59670
Gallons (maximum useful capacity)	Permit to install	59671
0 to 20,000	\$ 100	59672
20,001 to 40,000	150	59673
40,001 to 100,000	250	59674
100,001 to 500,000	400	59675
500,001 or greater	750	59676
(6) Gasoline/fuel dispensing facilities		59677
For each gasoline/fuel		59678
dispensing facility (includes all	Permit to install	59679
units at the facility)	\$ 100	59680
(7) Dry cleaning facilities		59681
For each dry cleaning		59682

facility (includes all units	Permit to install	59683
at the facility)	\$ 100	59684
(8) Registration status		59685
For each source covered	Permit to install	59686
by registration status	\$ 75	59687
(G) An owner or operator who is responsible for an asbestos		59688
demolition or renovation project pursuant to rules adopted under		59689
section 3704.03 of the Revised Code shall <u>pay, upon submitting a</u>		59690
<u>notification pursuant to rules adopted under that section,</u> the		59691
fees set forth in the following schedule:		59692
Action	Fee	59693
Each notification	\$75	59694
Asbestos removal	\$3/unit	59695
Asbestos cleanup	\$4/cubic yard	59696
For purposes of this division, "unit" means any combination of		59697
linear feet or square feet equal to fifty.		59698
(H) A person who is issued an extension of time for a permit		59699
to install an air contaminant source pursuant to rules adopted		59700
under division (F) of section 3704.03 of the Revised Code shall		59701
pay a fee equal to one-half the fee originally assessed for the		59702
permit to install under this section, except that the fee for such		59703
an extension shall not exceed two hundred dollars.		59704
(I) A person who is issued a modification to a permit to		59705
install an air contaminant source pursuant to rules adopted under		59706
section 3704.03 of the Revised Code shall pay a fee equal to		59707
one-half of the fee that would be assessed under this section to		59708
obtain a permit to install the source. The fee assessed by this		59709
division only applies to modifications that are initiated by the		59710
owner or operator of the source and shall not exceed two thousand		59711
dollars.		59712
(J) Notwithstanding division (F) of this section, a person		59713

who applies for or obtains a permit to install pursuant to rules 59714  
adopted under division (F) of section 3704.03 of the Revised Code 59715  
after the date actual construction of the source began shall pay a 59716  
fee for the permit to install that is equal to twice the fee that 59717  
otherwise would be assessed under the applicable division unless 59718  
the applicant received authorization to begin construction under 59719  
division (W) of section 3704.03 of the Revised Code. This division 59720  
only applies to sources for which actual construction of the 59721  
source begins on or after July 1, 1993. The imposition or payment 59722  
of the fee established in this division does not preclude the 59723  
director from taking any administrative or judicial enforcement 59724  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 59725  
of the Revised Code, or a rule adopted under any of them, in 59726  
connection with a violation of rules adopted under division (F) of 59727  
section 3704.03 of the Revised Code. 59728

As used in this division, "actual construction of the source" 59729  
means the initiation of physical on-site construction activities 59730  
in connection with improvements to the source that are permanent 59731  
in nature, including, without limitation, the installation of 59732  
building supports and foundations and the laying of underground 59733  
pipework. 59734

(K)(1) Money received under division (B) of this section 59735  
shall be deposited in the state treasury to the credit of the 59736  
Title V clean air fund created in section 3704.035 of the Revised 59737  
Code. Annually, not more than fifty cents per ton of each fee 59738  
assessed under division (B) of this section on actual emissions 59739  
from a source and received by the environmental protection agency 59740  
pursuant to that division ~~shall~~ may be transferred by the director 59741  
using an interstate transfer voucher to the state treasury to the 59742  
credit of the small business assistance fund created in section 59743  
3706.19 of the Revised Code. In addition, annually, the amount of 59744  
money necessary for the operation of the office of ombudsperson as 59745

determined under division (B) of that section shall be transferred 59746  
to the state treasury to the credit of the small business 59747  
ombudsperson fund created by that section. 59748

(2) Money received by the agency pursuant to divisions (D), 59749  
(F), (G), (H), (I), and (J) of this section shall be deposited in 59750  
the state treasury to the credit of the non-Title V clean air fund 59751  
created in section 3704.035 of the Revised Code. 59752

~~(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 59753  
or (c) of this section, a person issued a water discharge permit 59754  
or renewal of a water discharge permit pursuant to Chapter 6111. 59755  
of the Revised Code shall pay a fee based on each point source to 59756  
which the issuance is applicable in accordance with the following 59757  
schedule: 59758~~

<del>Design flow discharge (gallons per day)</del>	<del>Fee</del>	59759
<del>0 to 1000</del>	<del>\$ 0</del>	59760
<del>1,001 to 5000</del>	<del>100</del>	59761
<del>5,001 to 50,000</del>	<del>200</del>	59762
<del>50,001 to 100,000</del>	<del>300</del>	59763
<del>100,001 to 300,000</del>	<del>525</del>	59764
<del>over 300,000</del>	<del>750</del>	59765

~~(b) Notwithstanding the fee schedule specified in division 59766  
(L)(1)(a) of this section, the fee for a water discharge permit 59767  
that is applicable to coal mining operations regulated under 59768  
Chapter 1513. of the Revised Code shall be two hundred fifty 59769  
dollars per mine. 59770~~

~~(c) Notwithstanding the fee schedule specified in division 59771  
(L)(1)(a) of this section, the fee for a water discharge permit 59772  
for a public discharger identified by I in the third character of 59773  
the permittee's NPDES permit number shall not exceed seven hundred 59774  
fifty dollars. 59775~~

~~(2) A person applying for a plan approval for a wastewater 59776~~

treatment works pursuant to section 6111.44, 6111.45, or 6111.46 59777  
of the Revised Code shall pay a nonrefundable fee of one hundred 59778  
dollars plus sixty-five one-hundredths of one per cent of the 59779  
estimated project cost through June 30, ~~2018~~ 2020, and a 59780  
nonrefundable application fee of one hundred dollars plus 59781  
two-tenths of one per cent of the estimated project cost on and 59782  
after July 1, ~~2018~~ 2020, except that the total fee shall not 59783  
exceed fifteen thousand dollars through June 30, ~~2018~~ 2020, and 59784  
five thousand dollars on and after July 1, ~~2018~~ 2020. The fee 59785  
shall be paid at the time the application is submitted. 59786

~~(3) A person issued a modification of a water discharge 59787  
permit shall pay a fee equal to one half the fee that otherwise 59788  
would be charged for a water discharge permit, except that the fee 59789  
for the modification shall not exceed four hundred dollars. 59790~~

~~(4)~~(2) A person who has entered into an agreement with the 59791  
director under section 6111.14 of the Revised Code shall pay an 59792  
administrative service fee for each plan submitted under that 59793  
section for approval that shall not exceed the minimum amount 59794  
necessary to pay administrative costs directly attributable to 59795  
processing plan approvals. The director annually shall calculate 59796  
the fee and shall notify all persons who have entered into 59797  
agreements under that section, or who have applied for agreements, 59798  
of the amount of the fee. 59799

~~(5)~~(3)(a)(i) Not later than January 30, ~~2016~~ 2018, and 59800  
January 30, ~~2017~~ 2019, a person holding an NPDES discharge permit 59801  
issued pursuant to Chapter 6111. of the Revised Code with an 59802  
average daily discharge flow of five thousand gallons or more 59803  
shall pay a nonrefundable annual discharge fee. Any person who 59804  
fails to pay the fee at that time shall pay an additional amount 59805  
that equals ten per cent of the required annual discharge fee. 59806

(ii) The billing year for the annual discharge fee 59807  
established in division (L)~~(5)~~(3)(a)(i) of this section shall 59808

consist of a twelve-month period beginning on the first day of 59809  
January of the year preceding the date when the annual discharge 59810  
fee is due. In the case of an existing source that permanently 59811  
ceases to discharge during a billing year, the director shall 59812  
reduce the annual discharge fee, including the surcharge 59813  
applicable to certain industrial facilities pursuant to division 59814  
(L)~~(5)~~(3)(c) of this section, by one-twelfth for each full month 59815  
during the billing year that the source was not discharging, but 59816  
only if the person holding the NPDES discharge permit for the 59817  
source notifies the director in writing, not later than the first 59818  
day of October of the billing year, of the circumstances causing 59819  
the cessation of discharge. 59820

(iii) The annual discharge fee established in division 59821  
(L)~~(5)~~(3)(a)(i) of this section, except for the surcharge 59822  
applicable to certain industrial facilities pursuant to division 59823  
(L)~~(5)~~(3)(c) of this section, shall be based upon the average 59824  
daily discharge flow in gallons per day calculated using first day 59825  
of May through thirty-first day of October flow data for the 59826  
period two years prior to the date on which the fee is due. In the 59827  
case of NPDES discharge permits for new sources, the fee shall be 59828  
calculated using the average daily design flow of the facility 59829  
until actual average daily discharge flow values are available for 59830  
the time period specified in division (L)~~(5)~~(3)(a)(iii) of this 59831  
section. The annual discharge fee may be prorated for a new source 59832  
as described in division (L)~~(5)~~(3)(a)(ii) of this section. 59833

(b)(i) An NPDES permit holder that is a public discharger 59834  
shall pay the fee specified in the following schedule: 59835

Average daily	Fee due by	59836
discharge flow	January 30,	59837
	<del>2016</del> 2018, and	59838
	January 30, <del>2017</del>	59839
	<u>2019</u>	

5,000 to 49,999	\$ 200	59840
50,000 to 100,000	500	59841
100,001 to 250,000	1,050	59842
250,001 to 1,000,000	2,600	59843
1,000,001 to 5,000,000	5,200	59844
5,000,001 to 10,000,000	10,350	59845
10,000,001 to 20,000,000	15,550	59846
20,000,001 to 50,000,000	25,900	59847
50,000,001 to 100,000,000	41,400	59848
100,000,001 or more	62,100	59849

(ii) Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand persons shall pay an annual discharge fee under division (L)~~(5)~~(3)(b)(i) of this section that is based on the combined average daily discharge flow of the treatment works.

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, <del>2016</del> <u>2018</u> , and January 30, <del>2017</del> <u>2019</u>	
5,000 to 49,999	\$ 250	59866
50,000 to 250,000	1,200	59867
250,001 to 1,000,000	2,950	59868
1,000,001 to 5,000,000	5,850	59869
5,000,001 to 10,000,000	8,800	59870

10,000,001 to 20,000,000	11,700	59871
20,000,001 to 100,000,000	14,050	59872
100,000,001 to 250,000,000	16,400	59873
250,000,001 or more	18,700	59874

(ii) In addition to the fee specified in the above schedule, 59875  
an NPDES permit holder that is an industrial discharger classified 59876  
as a major discharger during all or part of the annual discharge 59877  
fee billing year specified in division (L)~~(5)~~(3)(a)(ii) of this 59878  
section shall pay a nonrefundable annual surcharge of seven 59879  
thousand five hundred dollars not later than January 30, ~~2016~~ 59880  
2018, and not later than January 30, ~~2017~~ 2019. Any person who 59881  
fails to pay the surcharge at that time shall pay an additional 59882  
amount that equals ten per cent of the amount of the surcharge. 59883

(d) Notwithstanding divisions (L)~~(5)~~(3)(b) and (c) of this 59884  
section, a public discharger, that is not a separate municipal 59885  
storm sewer system, identified by I in the third character of the 59886  
permittee's NPDES permit number and an industrial discharger 59887  
identified by I, J, L, V, W, X, Y, or Z in the third character of 59888  
the permittee's NPDES permit number shall pay a nonrefundable 59889  
annual discharge fee of one hundred eighty dollars not later than 59890  
January 30, ~~2016~~ 2018, and not later than January 30, ~~2017~~ 2019. 59891  
Any person who fails to pay the fee at that time shall pay an 59892  
additional amount that equals ten per cent of the required fee. 59893

~~(6)~~(4) Each person obtaining a ~~national pollutant discharge~~ 59894  
~~elimination system general or individual~~ an NPDES permit for 59895  
municipal storm water discharge shall pay a nonrefundable storm 59896  
water annual discharge fee of ~~one hundred~~ ten dollars per 59897  
one-tenth of a square mile of area permitted. The fee shall not 59898  
exceed ten thousand dollars and shall be payable on or before 59899  
January 30, 2004, and the thirtieth day of January of each year 59900  
thereafter. Any person who fails to pay the fee on the date 59901  
specified in division (L)~~(6)~~(4) of this section shall pay an 59902

additional amount per year equal to ten per cent of the annual fee 59903  
that is unpaid. 59904

~~(7)~~(5) The director shall transmit all moneys collected under 59905  
division (L) of this section to the treasurer of state for deposit 59906  
into the state treasury to the credit of the surface water 59907  
protection fund created in section 6111.038 of the Revised Code. 59908

~~(8)~~(6) As used in ~~division (L)~~ of this section: 59909

(a) "NPDES" means the federally approved national pollutant 59910  
discharge elimination system individual and general program for 59911  
issuing, modifying, revoking, reissuing, terminating, monitoring, 59912  
and enforcing permits and imposing and enforcing pretreatment 59913  
requirements under Chapter 6111. of the Revised Code and rules 59914  
adopted under it. 59915

(b) "Public discharger" means any holder of an NPDES permit 59916  
identified by P in the second character of the NPDES permit number 59917  
assigned by the director. 59918

(c) "Industrial discharger" means any holder of an NPDES 59919  
permit identified by I in the second character of the NPDES permit 59920  
number assigned by the director. 59921

(d) "Major discharger" means any holder of an NPDES permit 59922  
classified as major by the regional administrator of the United 59923  
States environmental protection agency in conjunction with the 59924  
director. 59925

(M) Through June 30, ~~2018~~ 2020, a person applying for a 59926  
license or license renewal to operate a public water system under 59927  
section 6109.21 of the Revised Code shall pay the appropriate fee 59928  
established under this division at the time of application to the 59929  
director. Any person who fails to pay the fee at that time shall 59930  
pay an additional amount that equals ten per cent of the required 59931  
fee. The director shall transmit all moneys collected under this 59932  
division to the treasurer of state for deposit into the drinking 59933

water protection fund created in section 6109.30 of the Revised Code. 59934  
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Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 59936  
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(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2018~~ 2020, the fee is: 59939  
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59941  
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Number of service connections	Fee amount	
Not more than 49	\$ 112	59944 59945
50 to 99	176	59946
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	59947 59948
2,500 to 4,999	1.48	59949
5,000 to 7,499	1.42	59950
7,500 to 9,999	1.34	59951
10,000 to 14,999	1.16	59952
15,000 to 24,999	1.10	59953
25,000 to 49,999	1.04	59954
50,000 to 99,999	.92	59955
100,000 to 149,999	.86	59956
150,000 to 199,999	.80	59957
200,000 or more	.76	59958

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis. 59959  
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As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water 59963  
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main to any building outlet. 59966

(2) For the initial license required under section 6109.21 of 59967  
the Revised Code for any public water system that is not a 59968  
community water system and serves a nontransient population, and 59969  
for each license renewal required for such a system prior to 59970  
January 31, ~~2018~~ 2020, the fee is: 59971

Population served	Fee amount	
Fewer than 150	\$ 112	59973
150 to 299	176	59974
300 to 749	384	59975
750 to 1,499	628	59976
1,500 to 2,999	1,268	59977
3,000 to 7,499	2,816	59978
7,500 to 14,999	5,510	59979
15,000 to 22,499	9,048	59980
22,500 to 29,999	12,430	59981
30,000 or more	16,820	59982

As used in division (M)(2) of this section, "population 59983  
served" means the total number of individuals having access to the 59984  
water supply during a twenty-four-hour period for at least sixty 59985  
days during any calendar year. In the absence of a specific 59986  
population count, that number shall be calculated at the rate of 59987  
three individuals per service connection. 59988

(3) For the initial license required under section 6109.21 of 59989  
the Revised Code for any public water system that is not a 59990  
community water system and serves a transient population, and for 59991  
each license renewal required for such a system prior to January 59992  
31, ~~2018~~ 2020, the fee is: 59993

Number of wells or sources, other 59994 than surface water, supplying system	Fee amount	
1	\$112	59995
2	112	59996

3	176	59997
4	278	59998
5	568	59999
System designated as using a		60000
surface water source	792	60001
As used in division (M)(3) of this section, "number of wells		60002
or sources, other than surface water, supplying system" means		60003
those wells or sources that are physically connected to the		60004
plumbing system serving the public water system.		60005
(4) A public water system designated as using a surface water		60006
source shall pay a fee of seven hundred ninety-two dollars or the		60007
amount calculated under division (M)(1) or (2) of this section,		60008
whichever is greater.		60009
(5) An applicant for an initial license who is proposing to		60010
operate a new public water supply system shall submit a fee that		60011
equals a prorated amount of the appropriate fee for the remainder		60012
of the licensing year.		60013
(N)(1) A person applying for a plan approval for a public		60014
water supply system under section 6109.07 of the Revised Code		60015
shall pay a fee of one hundred fifty dollars plus thirty-five		60016
hundredths of one per cent of the estimated project cost, except		60017
that the total fee shall not exceed twenty thousand dollars		60018
through June 30, <del>2018</del> <u>2020</u> , and fifteen thousand dollars on and		60019
after July 1, <del>2018</del> <u>2020</u> . The fee shall be paid at the time the		60020
application is submitted.		60021
(2) A person who has entered into an agreement with the		60022
director under division (A)(2) of section 6109.07 of the Revised		60023
Code shall pay an administrative service fee for each plan		60024
submitted under that section for approval that shall not exceed		60025
the minimum amount necessary to pay administrative costs directly		60026
attributable to processing plan approvals. The director annually		60027
shall calculate the fee and shall notify all persons that have		60028

entered into agreements under that division, or who have applied 60029  
for agreements, of the amount of the fee. 60030

(3) Through June 30, ~~2018~~ 2020, the following fee, on a per 60031  
survey basis, shall be charged any person for services rendered by 60032  
the state in the evaluation of laboratories and laboratory 60033  
personnel for compliance with accepted analytical techniques and 60034  
procedures established pursuant to Chapter 6109. of the Revised 60035  
Code for determining the qualitative characteristics of water: 60036

microbiological		60037
MMO-MUG	\$2,000	60038
MF	2,100	60039
MMO-MUG and MF	2,550	60040
organic chemical	5,400	60041
trace metals	5,400	60042
standard chemistry	2,800	60043
limited chemistry	1,550	60044

On and after July 1, ~~2018~~ 2020, the following fee, on a per 60045  
survey basis, shall be charged any such person: 60046

microbiological	\$ 1,650	60047
organic chemicals	3,500	60048
trace metals	3,500	60049
standard chemistry	1,800	60050
limited chemistry	1,000	60051

The fee for those services shall be paid at the time the request 60052  
for the survey is made. Through June 30, ~~2018~~ 2020, an individual 60053  
laboratory shall not be assessed a fee under this division more 60054  
than once in any three-year period unless the person requests the 60055  
addition of analytical methods or analysts, in which case the 60056  
person shall pay eighteen hundred dollars for each additional 60057  
survey requested. 60058

As used in division (N)(3) of this section: 60059

- (a) "MF" means microfiltration. 60060
- (b) "MMO" means minimal medium ONPG. 60061
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 60062
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 60063

The director shall transmit all moneys collected under this 60064  
division to the treasurer of state for deposit into the drinking 60065  
water protection fund created in section 6109.30 of the Revised 60066  
Code. 60067

(O) Any person applying to the director to take an 60068  
examination for certification as an operator of a water supply 60069  
system or wastewater system under Chapter 6109. or 6111. of the 60070  
Revised Code that is administered by the director, at the time the 60071  
application is submitted, shall pay a fee in accordance with the 60072  
following schedule through November 30, ~~2018~~ 2020: 60073

Class A operator	\$ 80	60074
Class I operator	105	60075
Class II operator	120	60076
Class III operator	130	60077
Class IV operator	145	60078

On and after December 1, ~~2018~~ 2020, the applicant shall pay a 60079  
fee in accordance with the following schedule: 60080

Class A operator	\$ 50	60081
Class I operator	70	60082
Class II operator	80	60083
Class III operator	90	60084
Class IV operator	100	60085

Any person applying to the director for certification as an 60086  
operator of a water supply system or wastewater system who has 60087  
passed an examination administered by an examination provider 60088  
approved by the director shall pay a certification fee of 60089  
forty-five dollars. 60090

A person shall pay a biennial certification renewal fee for 60091  
each applicable class of certification in accordance with the 60092  
following schedule: 60093

Class A operator	\$25	60094
Class I operator	35	60095
Class II operator	45	60096
Class III operator	55	60097
Class IV operator	65	60098

If a certification renewal fee is received by the director 60099  
more than thirty days, but not more than one year, after the 60100  
expiration date of the certification, the person shall pay a 60101  
certification renewal fee in accordance with the following 60102  
schedule: 60103

Class A operator	\$45	60104
Class I operator	55	60105
Class II operator	65	60106
Class III operator	75	60107
Class IV operator	85	60108

A person who requests a replacement certificate shall pay a 60109  
fee of twenty-five dollars at the time the request is made. 60110

Any person applying to be a water supply system or wastewater 60111  
treatment system examination provider shall pay an application fee 60112  
of five hundred dollars. Any person approved by the director as a 60113  
water supply system or wastewater treatment system examination 60114  
provider shall pay an annual fee that is equal to ten per cent of 60115  
the fees that the provider assesses and collects for administering 60116  
water supply system or wastewater treatment system certification 60117  
examinations in this state for the calendar year. The fee shall be 60118  
paid not later than forty-five days after the end of a calendar 60119  
year. 60120

The director shall transmit all moneys collected under this 60121  
division to the treasurer of state for deposit into the drinking 60122

water protection fund created in section 6109.30 of the Revised Code. 60123  
60124

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code. 60125  
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(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste 60139  
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transfer facility under that chapter shall pay a fee of two 60155  
thousand five hundred dollars. A person issued a permit to install 60156  
a new or to modify an existing solid waste incineration or 60157  
composting facility, or an existing infectious waste treatment 60158  
facility using incineration as its principal method of treatment, 60159  
under that chapter shall pay a fee of one thousand dollars. The 60160  
increases in the permit fees under this division resulting from 60161  
the amendments made by Amended Substitute House Bill 592 of the 60162  
117th general assembly do not apply to any person who submitted an 60163  
application for a permit to install a new, or modify an existing, 60164  
solid waste disposal facility under that chapter prior to 60165  
September 1, 1987; any such person shall pay the permit fee 60166  
established in this division as it existed prior to June 24, 1988. 60167  
In addition to the applicable permit fee under this division, a 60168  
person issued a permit to install or modify a solid waste facility 60169  
or an infectious waste treatment facility under that chapter who 60170  
fails to pay the permit fee to the director in compliance with 60171  
division (V) of this section shall pay an additional ten per cent 60172  
of the amount of the fee for each week that the permit fee is 60173  
late. 60174

Permit and late payment fees paid to the director under this 60175  
division shall be credited to the general revenue fund. 60176

(R)(1) A person issued a registration certificate for a scrap 60177  
tire collection facility under section 3734.75 of the Revised Code 60178  
shall pay a fee of two hundred dollars, except that if the 60179  
facility is owned or operated by a motor vehicle salvage dealer 60180  
licensed under Chapter 4738. of the Revised Code, the person shall 60181  
pay a fee of twenty-five dollars. 60182

(2) A person issued a registration certificate for a new 60183  
scrap tire storage facility under section 3734.76 of the Revised 60184  
Code shall pay a fee of three hundred dollars, except that if the 60185  
facility is owned or operated by a motor vehicle salvage dealer 60186

licensed under Chapter 4738. of the Revised Code, the person shall 60187  
pay a fee of twenty-five dollars. 60188

(3) A person issued a permit for a scrap tire storage 60189  
facility under section 3734.76 of the Revised Code shall pay a fee 60190  
of one thousand dollars, except that if the facility is owned or 60191  
operated by a motor vehicle salvage dealer licensed under Chapter 60192  
4738. of the Revised Code, the person shall pay a fee of fifty 60193  
dollars. 60194

(4) A person issued a permit for a scrap tire monocell or 60195  
monofill facility under section 3734.77 of the Revised Code shall 60196  
pay a fee of ten dollars per thousand cubic yards of disposal 60197  
capacity or one thousand dollars, whichever is greater, except 60198  
that the total fee for any such permit shall not exceed eighty 60199  
thousand dollars. 60200

(5) A person issued a registration certificate for a scrap 60201  
tire recovery facility under section 3734.78 of the Revised Code 60202  
shall pay a fee of one hundred dollars. 60203

(6) A person issued a permit for a scrap tire recovery 60204  
facility under section 3734.78 of the Revised Code shall pay a fee 60205  
of one thousand dollars. 60206

(7) In addition to the applicable registration certificate or 60207  
permit fee under divisions (R)(1) to (6) of this section, a person 60208  
issued a registration certificate or permit for any such scrap 60209  
tire facility who fails to pay the registration certificate or 60210  
permit fee to the director in compliance with division (V) of this 60211  
section shall pay an additional ten per cent of the amount of the 60212  
fee for each week that the fee is late. 60213

(8) The registration certificate, permit, and late payment 60214  
fees paid to the director under divisions (R)(1) to (7) of this 60215  
section shall be credited to the scrap tire management fund 60216  
created in section 3734.82 of the Revised Code. 60217

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), (P), and (S)(2) of this section, division (A)(2) of section 3734.05 of the Revised Code, section 3734.79 of the Revised Code, and rules adopted under division (T)(1) of this section, any person applying for a registration certificate under section 3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, variance, or plan approval under Chapter 3734. of the Revised Code shall pay a nonrefundable fee of fifteen dollars at the time the application is submitted.

(b) Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, ~~2018~~ 2020, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2018~~ 2020. ~~Except~~

(c)(i) ~~Except~~ as otherwise provided in ~~division~~ divisions (S)~~(3)~~(1)(c)(iii) and (iv) of this section, through June 30, ~~2018~~ 2020, any person applying for ~~a national pollutant discharge elimination system~~ an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2018~~ 2020, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application.

(ii) In addition to the nonrefundable application fee, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a design flow discharge fee based on each point source to which the issuance is applicable in accordance with the following schedule:

<u>Design flow discharge (gallons per day)</u>	<u>Fee</u>	
<u>0 to 1000</u>	<u>\$ 0</u>	60247
<u>1,001 to 5000</u>	<u>100</u>	60248
		60249

<u>5,001 to 50,000</u>	<u>200</u>	60250
<u>50,001 to 100,000</u>	<u>300</u>	60251
<u>100,001 to 300,000</u>	<u>525</u>	60252
<u>over 300,000</u>	<u>750</u>	60253

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

(d) In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for a national pollutant discharge elimination system an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition to the application fee established under division (S)(1)(c)(i) of this section, any person applying for a national pollutant discharge elimination system an NPDES general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

(e) The director shall transmit all moneys collected under 60282  
division (S)(1) of this section pursuant to Chapter 6109. of the 60283  
Revised Code to the treasurer of state for deposit into the 60284  
drinking water protection fund created in section 6109.30 of the 60285  
Revised Code. 60286

(f) The director shall transmit all moneys collected under 60287  
division (S)(1) of this section pursuant to Chapter 6111. of the 60288  
Revised Code and under division (S)(3) of this section to the 60289  
treasurer of state for deposit into the surface water protection 60290  
fund created in section 6111.038 of the Revised Code. 60291

(g) If a registration certificate is issued under section 60292  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 60293  
the application fee paid shall be deducted from the amount of the 60294  
registration certificate fee due under division (R)(1), (2), or 60295  
(5) of this section, as applicable. 60296

(h) If a person submits an electronic application for a 60297  
registration certificate, permit, variance, or plan approval for 60298  
which an application fee is established under division (S)(1) of 60299  
this section, the person shall pay ~~the all~~ applicable ~~application~~ 60300  
~~fee fees~~ as expeditiously as possible after the submission of the 60301  
electronic application. An application for a registration 60302  
certificate, permit, variance, or plan approval for which an 60303  
application fee is established under division (S)(1) of this 60304  
section shall not be reviewed or processed until the applicable 60305  
application fee, and any other fees established under this 60306  
division, are paid. 60307

(2) Division (S)(1) of this section does not apply to an 60308  
application for a registration certificate for a scrap tire 60309  
collection or storage facility submitted under section 3734.75 or 60310  
3734.76 of the Revised Code, as applicable, if the owner or 60311  
operator of the facility or proposed facility is a motor vehicle 60312  
salvage dealer licensed under Chapter 4738. of the Revised Code. 60313

(3) A person applying for coverage under a ~~national pollutant discharge elimination system~~ an NPDES general discharge permit for household sewage treatment systems shall pay the following fees:

(a) A nonrefundable fee of two hundred dollars at the time of application for initial permit coverage;

(b) A nonrefundable fee of one hundred dollars at the time of application for a renewal of permit coverage.

(T) The director may adopt, amend, and rescind rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Prescribe fees to be paid by applicants for and holders of any license, permit, variance, plan approval, or certification required or authorized by Chapter 3704., 3734., 6109., or 6111. of the Revised Code that are not specifically established in this section. The fees shall be designed to defray the cost of processing, issuing, revoking, modifying, denying, and enforcing the licenses, permits, variances, plan approvals, and certifications.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6109. of the Revised Code to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from

taxation by section 5709.07 or 5709.12 of the Revised Code, from 60345  
any fee required by this section; 60346

(3) Provide for the waiver of any fee, or any part thereof, 60347  
otherwise required by this section whenever the director 60348  
determines that the imposition of the fee would constitute an 60349  
unreasonable cost of doing business for any applicant, class of 60350  
applicants, or other person subject to the fee; 60351

(4) Prescribe measures that the director considers necessary 60352  
to carry out this section. 60353

(U) When the director reasonably demonstrates that the direct 60354  
cost to the state associated with the issuance of a permit ~~to~~ 60355  
~~install~~, license, variance, plan approval, or certification 60356  
exceeds the fee for the issuance or review specified by this 60357  
section, the director may condition the issuance or review on the 60358  
payment by the person receiving the issuance or review of, in 60359  
addition to the fee specified by this section, the amount, or any 60360  
portion thereof, in excess of the fee specified under this 60361  
section. The director shall not so condition issuances for which a 60362  
fee is prescribed in division ~~(L)(1)(b)~~(S)(1)(c)(iii) of this 60363  
section. 60364

(V) Except as provided in divisions (L), (M), ~~and~~ (P), and 60365  
(S) of this section or unless otherwise prescribed by a rule of 60366  
the director adopted pursuant to Chapter 119. of the Revised Code, 60367  
all fees required by this section are payable within thirty days 60368  
after the issuance of an invoice for the fee by the director or 60369  
the effective date of the issuance of the license, permit, 60370  
variance, plan approval, or certification. If payment is late, the 60371  
person responsible for payment of the fee shall pay an additional 60372  
ten per cent of the amount due for each month that it is late. 60373

(W) As used in this section, "fuel-burning equipment," 60374  
"fuel-burning equipment input capacity," "incinerator," 60375

"incinerator input capacity," "process," "process weight rate," 60376  
"storage tank," "gasoline dispensing facility," "dry cleaning 60377  
facility," "design flow discharge," and "new source treatment 60378  
works" have the meanings ascribed to those terms by applicable 60379  
rules or standards adopted by the director under Chapter 3704. or 60380  
6111. of the Revised Code. 60381

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 60382  
(J) of this section, and in any other provision of this section 60383  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 60384  
Code: 60385

(1) "Facility," "federal Clean Air Act," "person," and "Title 60386  
V permit" have the same meanings as in section 3704.01 of the 60387  
Revised Code. 60388

(2) "Title V permit program" means the following activities 60389  
as necessary to meet the requirements of Title V of the federal 60390  
Clean Air Act and 40 C.F.R. part 70, including at least: 60391

(a) Preparing and adopting, if applicable, generally 60392  
applicable rules or guidance regarding the permit program or its 60393  
implementation or enforcement; 60394

(b) Reviewing and acting on any application for a Title V 60395  
permit, permit revision, or permit renewal, including the 60396  
development of an applicable requirement as part of the processing 60397  
of a permit, permit revision, or permit renewal; 60398

(c) Administering the permit program, including the 60399  
supporting and tracking of permit applications, compliance 60400  
certification, and related data entry; 60401

(d) Determining which sources are subject to the program and 60402  
implementing and enforcing the terms of any Title V permit, not 60403  
including any court actions or other formal enforcement actions; 60404

(e) Emission and ambient monitoring; 60405

(f) Modeling, analyses, or demonstrations;	60406
(g) Preparing inventories and tracking emissions;	60407
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	60408 60409 60410 60411 60412 60413 60414
(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.	60415 60416 60417
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due.	60418 60419 60420 60421 60422 60423 60424 60425 60426 60427
(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.	60428 60429 60430
(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:	60431 60432 60433 60434 60435 60436

(i) Except as provided in division (Y)(2)(d) of this section, 60437  
a sewage sludge facility that treats or disposes of exceptional 60438  
quality sludge shall pay a minimum annual sewage sludge fee of one 60439  
hundred dollars. 60440

(ii) A sewage sludge facility that treats or disposes of 60441  
exceptional quality sludge shall not be required to pay the annual 60442  
sludge fee for treatment or disposal in this state of exceptional 60443  
quality sludge generated outside of this state and contained in 60444  
bags or other containers not greater than one hundred pounds in 60445  
capacity. 60446

A thirty-five per cent reduction for exceptional quality 60447  
sludge applies to the maximum annual fees established under 60448  
division (Y)(3) of this section. 60449

(c) A sewage sludge facility that transfers sewage sludge to 60450  
another sewage sludge facility in this state for further treatment 60451  
prior to disposal in this state shall not be required to pay the 60452  
annual sludge fee for the tons of sewage sludge that have been 60453  
transferred. In such a case, the sewage sludge facility that 60454  
disposes of the sewage sludge shall pay the annual sludge fee. 60455  
However, the facility transferring the sewage sludge shall pay the 60456  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 60457  
of this section. 60458

In the case of a sewage sludge facility that treats sewage 60459  
sludge in this state and transfers it out of this state to another 60460  
entity for disposal, the sewage sludge facility in this state 60461  
shall be required to pay the annual sludge fee for the tons of 60462  
sewage sludge that have been transferred. 60463

(d) A sewage sludge facility that generates sewage sludge 60464  
resulting from an average daily discharge flow of less than five 60465  
thousand gallons per day is not subject to the fees assessed under 60466  
division (Y) of this section. 60467

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of sewage sludge that are transferred. However, the entity or facility generating or treating the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

(b) In the case of an entity that generates sewage sludge and transfers the sewage sludge to a landfill for disposal or to a sewage sludge facility for land reclamation or surface disposal, the entity generating the sewage sludge, and not the landfill or sewage sludge facility, shall pay the annual sludge fee for the tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar year following March 17, 2000, and each first day of April

thereafter, the director shall issue invoices to persons who are 60499  
required to pay the annual sludge fee. The invoice shall identify 60500  
the nature and amount of the annual sludge fee assessed and state 60501  
the first day of May as the deadline for receipt by the director 60502  
of objections regarding the amount of the fee and the first day of 60503  
July as the deadline for payment of the fee. 60504

Not later than the first day of May following receipt of an 60505  
invoice, a person required to pay the annual sludge fee may submit 60506  
objections to the director concerning the accuracy of information 60507  
regarding the number of dry tons of sewage sludge used to 60508  
calculate the amount of the annual sludge fee or regarding whether 60509  
the sewage sludge qualifies for the exceptional quality sludge 60510  
discount established in division (Y)(2)(b) of this section. The 60511  
director may consider the objections and adjust the amount of the 60512  
fee to ensure that it is accurate. 60513

If the director does not adjust the amount of the annual 60514  
sludge fee in response to a person's objections, the person may 60515  
appeal the director's determination in accordance with Chapter 60516  
119. of the Revised Code. 60517

Not later than the first day of June, the director shall 60518  
notify the objecting person regarding whether the director has 60519  
found the objections to be valid and the reasons for the finding. 60520  
If the director finds the objections to be valid and adjusts the 60521  
amount of the annual sludge fee accordingly, the director shall 60522  
issue with the notification a new invoice to the person 60523  
identifying the amount of the annual sludge fee assessed and 60524  
stating the first day of July as the deadline for payment. 60525

Not later than the first day of July, any person who is 60526  
required to do so shall pay the annual sludge fee. Any person who 60527  
is required to pay the fee, but who fails to do so on or before 60528  
that date shall pay an additional amount that equals ten per cent 60529  
of the required annual sludge fee. 60530

(6) The director shall transmit all moneys collected under 60531  
division (Y) of this section to the treasurer of state for deposit 60532  
into the surface water protection fund created in section 6111.038 60533  
of the Revised Code. The moneys shall be used to defray the costs 60534  
of administering and enforcing provisions in Chapter 6111. of the 60535  
Revised Code and rules adopted under it that govern the use, 60536  
storage, treatment, or disposal of sewage sludge. 60537

(7) Beginning in fiscal year 2001, and every two years 60538  
thereafter, the director shall review the total amount of moneys 60539  
generated by the annual sludge fees to determine if that amount 60540  
exceeded six hundred thousand dollars in either of the two 60541  
preceding fiscal years. If the total amount of moneys in the fund 60542  
exceeded six hundred thousand dollars in either fiscal year, the 60543  
director, after review of the fee structure and consultation with 60544  
affected persons, shall issue an order reducing the amount of the 60545  
fees levied under division (Y) of this section so that the 60546  
estimated amount of moneys resulting from the fees will not exceed 60547  
six hundred thousand dollars in any fiscal year. 60548

If, upon review of the fees under division (Y)(7) of this 60549  
section and after the fees have been reduced, the director 60550  
determines that the total amount of moneys collected and 60551  
accumulated is less than six hundred thousand dollars, the 60552  
director, after review of the fee structure and consultation with 60553  
affected persons, may issue an order increasing the amount of the 60554  
fees levied under division (Y) of this section so that the 60555  
estimated amount of moneys resulting from the fees will be 60556  
approximately six hundred thousand dollars. Fees shall never be 60557  
increased to an amount exceeding the amount specified in division 60558  
(Y)(7) of this section. 60559

Notwithstanding section 119.06 of the Revised Code, the 60560  
director may issue an order under division (Y)(7) of this section 60561  
without the necessity to hold an adjudicatory hearing in 60562

connection with the order. The issuance of an order under this 60563  
division is not an act or action for purposes of section 3745.04 60564  
of the Revised Code. 60565

(8) As used in division (Y) of this section: 60566

(a) "Sewage sludge facility" means an entity that performs 60567  
treatment on or is responsible for the disposal of sewage sludge. 60568

(b) "Sewage sludge" means a solid, semi-solid, or liquid 60569  
residue generated during the treatment of domestic sewage in a 60570  
treatment works as defined in section 6111.01 of the Revised Code. 60571  
"Sewage sludge" includes, but is not limited to, scum or solids 60572  
removed in primary, secondary, or advanced wastewater treatment 60573  
processes. "Sewage sludge" does not include ash generated during 60574  
the firing of sewage sludge in a sewage sludge incinerator, grit 60575  
and screenings generated during preliminary treatment of domestic 60576  
sewage in a treatment works, animal manure, residue generated 60577  
during treatment of animal manure, or domestic septage. 60578

(c) "Exceptional quality sludge" means sewage sludge that 60579  
meets all of the following qualifications: 60580

(i) Satisfies the class A pathogen standards in 40 C.F.R. 60581  
503.32(a); 60582

(ii) Satisfies one of the vector attraction reduction 60583  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 60584

(iii) Does not exceed the ceiling concentration limitations 60585  
for metals listed in table one of 40 C.F.R. 503.13; 60586

(iv) Does not exceed the concentration limitations for metals 60587  
listed in table three of 40 C.F.R. 503.13. 60588

(d) "Treatment" means the preparation of sewage sludge for 60589  
final use or disposal and includes, but is not limited to, 60590  
thickening, stabilization, and dewatering of sewage sludge. 60591

(e) "Disposal" means the final use of sewage sludge, 60592

including, but not limited to, land application, land reclamation, 60593  
surface disposal, or disposal in a landfill or an incinerator. 60594

(f) "Land application" means the spraying or spreading of 60595  
sewage sludge onto the land surface, the injection of sewage 60596  
sludge below the land surface, or the incorporation of sewage 60597  
sludge into the soil for the purposes of conditioning the soil or 60598  
fertilizing crops or vegetation grown in the soil. 60599

(g) "Land reclamation" means the returning of disturbed land 60600  
to productive use. 60601

(h) "Surface disposal" means the placement of sludge on an 60602  
area of land for disposal, including, but not limited to, 60603  
monofills, surface impoundments, lagoons, waste piles, or 60604  
dedicated disposal sites. 60605

(i) "Incinerator" means an entity that disposes of sewage 60606  
sludge through the combustion of organic matter and inorganic 60607  
matter in sewage sludge by high temperatures in an enclosed 60608  
device. 60609

(j) "Incineration facility" includes all incinerators owned 60610  
or operated by the same entity and located on a contiguous tract 60611  
of land. Areas of land are considered to be contiguous even if 60612  
they are separated by a public road or highway. 60613

(k) "Annual sludge fee" means the fee assessed under division 60614  
(Y)(1) of this section. 60615

(l) "Landfill" means a sanitary landfill facility, as defined 60616  
in rules adopted under section 3734.02 of the Revised Code, that 60617  
is licensed under section 3734.05 of the Revised Code. 60618

(m) "Preexisting land reclamation project" means a 60619  
property-specific land reclamation project that has been in 60620  
continuous operation for not less than five years pursuant to 60621  
approval of the activity by the director and includes the 60622

implementation of a community outreach program concerning the 60623  
activity. 60624

Sec. 3745.45. There is hereby created in the state treasury 60625  
the Volkswagen clean air act settlement fund consisting of money 60626  
received by the state from the Volkswagen clean air act 60627  
settlement. It is the intent of the general assembly to 60628  
appropriate into the fund the money received by the state from 60629  
that settlement. 60630

**Sec. 3749.01.** As used in sections 3749.01 to 3749.10 of the 60631  
Revised Code: 60632

(A) "Board of health" means a city board of health or a 60633  
general health district, or an authority having the duties of a 60634  
city board of health as authorized by section 3709.05 of the 60635  
Revised Code. 60636

(B) "Health district" means any city or general health 60637  
district created pursuant to section 3709.01 of the Revised Code. 60638

(C) "Person" means the state, any political subdivision, 60639  
special district, public or private corporation, individual, firm, 60640  
partnership, association, or any other entity. 60641

(D) "Licensor" means a city board of health or a general 60642  
health district, an authority having the duties of a city board of 60643  
health as authorized pursuant to section 3709.05 of the Revised 60644  
Code, or the director of ~~the department of~~ health when acting 60645  
under section 3749.07 of the Revised Code. 60646

(E) "Director" means the director of ~~the department of~~ health 60647  
or ~~his~~ an authorized representative of the director of health. 60648

(F) "Private residential swimming pool" means any indoor or 60649  
outdoor structure, chamber, or tank containing a body of water for 60650  
swimming, diving, or bathing located at a dwelling housing no more 60651

than three families and used exclusively by the residents and 60652  
their nonpaying guests. 60653

(G) "Public swimming pool" means any indoor or outdoor 60654  
structure, chamber, or tank containing a body of water for 60655  
swimming, diving, or bathing that is intended to be used 60656  
collectively for swimming, diving, or bathing and is operated by 60657  
any person whether as the owner, lessee, operator, licensee, or 60658  
concessionaire, regardless of whether or not a fee is charged for 60659  
use, but does not mean any public bathing area or private 60660  
residential swimming pool. 60661

(H) "Public spa" means any public swimming pool that is 60662  
typically operated as a smaller, higher temperature pool for 60663  
recreational or nonmedical uses. 60664

(I) "Special use pool" means a public swimming pool 60665  
containing flume slides, wave generating equipment, or other 60666  
special features that necessitate different design and safety 60667  
requirements. ~~Special use pool does not include any water slide or~~ 60668  
~~wave generating pool at a public amusement area which is licensed~~ 60669  
~~and inspected by the department of agriculture pursuant to~~ 60670  
~~sections 1711.50 to 1711.57 of the Revised Code.~~ 60671

(J) "Public bathing area" means an impounding reservoir, 60672  
basin, lake, pond, creek, river, or other similar natural body of 60673  
water. 60674

(K) "Aquatic amusement ride" means an amusement ride, as 60675  
defined in section 1711.50 of the Revised Code, that contains a 60676  
water slide, catch pool, wave generating equipment, or a body of 60677  
water that is used for bathing, swimming, or other purposes 60678  
related to those activities. 60679

**Sec. 3749.02.** The director of health shall, subject to 60680  
Chapter 119. of the Revised Code, adopt rules of general 60681

application throughout the state governing the issuance of 60682  
licenses, approval of plans, layout, construction, sanitation, 60683  
safety, and operation of public swimming pools, public spas, and 60684  
special use pools. Such rules shall not be applied to the 60685  
construction, erection, or manufacture of any building to which 60686  
section 3781.06 of the Revised Code is applicable when the 60687  
building or structure is either integral to or appurtenant to a 60688  
public swimming pool, a public spa, or a special use pool. 60689

The director of health shall, subject to Chapter 119. of the 60690  
Revised Code, adopt rules for general application throughout the 60691  
state governing the operation, components, appurtenant facilities, 60692  
surrounding areas, water quality, disinfection, and health of 60693  
aquatic amusement rides. The structural integrity and physical 60694  
safety of an aquatic amusement ride shall be the responsibility of 60695  
the department of agriculture in accordance with sections 1711.50 60696  
to 1711.57 of the Revised Code. 60697

**Sec. 3749.03.** (A) No person shall construct or install, or 60698  
renovate or otherwise substantially alter, a public swimming pool, 60699  
public spa, or special use pool after September 10, 1987, or an 60700  
aquatic amusement ride after the effective date of this amendment, 60701  
until the plans for the pool ~~or~~, spa, or ride have been submitted 60702  
to and approved by the director of health. Within thirty days of 60703  
receipt of the plans, the director shall approve or disapprove 60704  
them. The plans and approval required under this division do not 60705  
apply to repairs or ordinary maintenance that does not 60706  
substantially affect the manner of water recirculation or basic 60707  
design of the public swimming pool, public spa, ~~or~~ special use 60708  
pool, or aquatic amusement ride. 60709

Any person aggrieved by the director's disapproval of plans 60710  
under this division may, within thirty days following receipt of 60711  
the director's notice of disapproval, request a hearing on the 60712

matter. The hearing shall be held in accordance with Chapter 119. 60713  
of the Revised Code and may be appealed in the manner provided in 60714  
that chapter. 60715

(B) Prior to the issuance of a license to operate a newly 60716  
constructed or altered public swimming pool, public spa, ~~or~~ 60717  
special use pool, or aquatic amusement ride, the director or a 60718  
licensor authorized by the director shall verify that the 60719  
construction or alterations are consistent with the plans 60720  
submitted and approved under division (A) of this section. The 60721  
director or licensor authorized by the director shall have two 60722  
working days from the time notification is received that a public 60723  
swimming pool, public spa, ~~or~~ special use pool, or aquatic 60724  
amusement ride is ready for an inspection to verify the 60725  
construction or alterations. 60726

(C)(1) Except as provided in division (C)(2) of this section, 60727  
the fees for the approval of plans are as follows: 60728

(a) Five per cent of the total cost of the equipment and 60729  
installation not to exceed two hundred seventy-five dollars for a 60730  
public swimming pool, public spa, ~~or~~ special use pool, aquatic 60731  
amusement ride, or a combination thereof, that has less than two 60732  
thousand square feet of surface area; 60733

(b) Five per cent of the total cost of the equipment and 60734  
installation not to exceed five hundred fifty dollars for a public 60735  
swimming pool, public spa, special use pool, aquatic amusement 60736  
ride, or a combination thereof, that has two thousand or more 60737  
square feet of surface area. 60738

(2) The director may, by rule adopted in accordance with 60739  
Chapter 119. of the Revised Code, increase the fees established by 60740  
this section. 60741

(D) All plan approval fees shall be paid into the state 60742  
treasury to the credit of the general operations fund created by 60743

section 3701.83 of the Revised Code. The fees shall be 60744  
administered by the director and shall be used solely for the 60745  
administration and enforcement of this chapter and the rules 60746  
adopted thereunder. 60747

(E) Plan approvals issued under this section shall not 60748  
constitute an exemption from the land use and building 60749  
requirements of the political subdivision in which the public 60750  
swimming pool, public spa, ~~or~~ special use pool, or aquatic 60751  
amusement ride is or is to be located. 60752

**Sec. 3749.04.** (A) No person shall operate or maintain a 60753  
public swimming pool, public spa, ~~or~~ special use pool, or aquatic 60754  
amusement ride without a license issued by the licensor having 60755  
jurisdiction. 60756

(B) Every person who intends to operate or maintain an 60757  
existing public swimming pool, public spa, ~~or~~ special use pool, or 60758  
aquatic amusement ride shall, during the month of April of each 60759  
year, apply to the licensor having jurisdiction for a license to 60760  
operate the pool ~~or~~, spa, or ride. Any person proposing to operate 60761  
or maintain a new or otherwise unlicensed public swimming pool, 60762  
public spa, ~~or~~ special use pool, or aquatic amusement ride shall 60763  
apply to the licensor having jurisdiction at least thirty days 60764  
prior to the intended start of operation of the pool ~~or~~, spa, or 60765  
ride. Within thirty days of receipt of an application for 60766  
licensure of a public swimming pool, public spa, ~~or~~ special use 60767  
pool, or aquatic amusement ride, the licensor shall process the 60768  
application and either issue a license or otherwise respond to the 60769  
applicant regarding the application. 60770

(C) Each license issued shall be effective from the date of 60771  
issuance until the last day of May of the following year. 60772

(D) Each licensor administering and enforcing sections 60773  
3749.01 to 3749.09 of the Revised Code and the rules adopted 60774

thereunder may establish licensing and inspection fees in 60775  
accordance with section 3709.09 of the Revised Code, which shall 60776  
not exceed the cost of licensing and inspecting public swimming 60777  
pools, public spas, ~~and~~ special use pools, and aquatic amusement 60778  
rides. 60779

(E) Except as provided in division (F) of this section and in 60780  
division (B) of section 3749.07 of the Revised Code, all license 60781  
fees collected by a licensor shall be deposited into a swimming 60782  
pool fund, which is hereby created in each health district. The 60783  
fees shall be used by the licensor solely for the purpose of 60784  
administering and enforcing this chapter and the rules adopted 60785  
under this chapter. 60786

(F) An annual license fee established under division (D) of 60787  
this section shall include any additional amount determined by 60788  
rule of the director of health, which the board of health shall 60789  
collect and transmit to the director pursuant to section 3709.092 60790  
of the Revised Code. The amounts collected under this division 60791  
shall be administered by the director of health and shall be used 60792  
solely for the administration and enforcement of this chapter and 60793  
the rules adopted under this chapter. 60794

**Sec. 3749.05.** The licensor of the district in which a public 60795  
swimming pool, public spa, ~~or~~ special use pool, or aquatic 60796  
amusement ride is located may, in accordance with Chapter 119. of 60797  
the Revised Code, refuse to grant a license or suspend or revoke 60798  
any license issued to any person for failure to comply with the 60799  
requirements of Chapter 3749. of the Revised Code and the rules 60800  
adopted thereunder. 60801

**Sec. 3749.06.** Prior to the issuance of an initial license and 60802  
annually thereafter, the licensor shall inspect each public 60803  
swimming pool, public spa, ~~or~~ special use pool, or aquatic 60804

amusement ride in ~~his~~ the licensor's jurisdiction to determine 60805  
whether or not the pool ~~or~~, spa, or ride is in compliance with 60806  
Chapter 3749. of the Revised Code and the rules adopted 60807  
thereunder. A licensor may, as ~~he~~ the licensor determines 60808  
appropriate, inspect a public swimming pool, public spa, ~~or~~ 60809  
special use pool, or aquatic amusement ride at any other time. The 60810  
licensor shall make the initial inspection within five days from 60811  
the date of receipt of notification that the pool ~~or~~, spa, or ride 60812  
is ready for operation and shall maintain a record of each 60813  
inspection that ~~he~~ the licensor conducts for a period of at least 60814  
five years on forms prescribed by the director of health. 60815

**Sec. 3749.07.** (A) The director of health shall annually 60816  
survey each health district that licenses public swimming pools, 60817  
public spas, ~~and special use~~ special use pools, ~~and aquatic~~ 60818  
amusement rides to determine whether or not the health district is 60819  
in substantial compliance with this chapter and the rules adopted 60820  
thereunder. If the director determines that a health district is 60821  
in substantial compliance, ~~he~~ the director shall place the 60822  
district on an approved health district licensing list. The 60823  
director shall, as ~~he~~ the director determines necessary, make 60824  
additional surveys of health districts and shall remove from the 60825  
approved health district licensing list any health district ~~he~~ the 60826  
director determines not to be in substantial compliance with this 60827  
chapter and the rules adopted thereunder. 60828

(B) If the director determines that a health district is not 60829  
eligible to be placed on the approved health district licensing 60830  
list, ~~he~~ the director shall certify the same to the board of 60831  
health of the health district and shall perform the duties of a 60832  
health district in that area until the health district is eligible 60833  
for placement on the approved list. All fees payable to the health 60834  
district during the time that the director performs the duties of 60835  
the health district and all other such fees that have not been 60836

expended or otherwise encumbered shall be deposited by the 60837  
director in the state treasury to the credit of the general 60838  
operations fund created by section 3701.83 of the Revised Code, to 60839  
be used by the director in ~~his~~ the director's capacity as a 60840  
licensor. The director shall keep a record of the fees so 60841  
deposited and, when the health district is placed on the approved 60842  
list, shall transfer any remaining balance of the fees to the 60843  
health district swimming pool fund created under division (E) of 60844  
section 3749.04 of the Revised Code. 60845

**Sec. 3751.01.** As used in this chapter: 60846

(A) "Confidential business information" means the types or 60847  
categories of information identified in rules adopted by the 60848  
administrator of the United States environmental protection agency 60849  
under ~~division (A)(1)(g) of section 3751.02 of the Revised Code~~ 60850  
EPCRA. 60851

(B) "EPCRA" means the "Emergency Planning and Community 60852  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, et 60853  
seq. 60854

(C) "Facility" means all buildings, equipment, structures, 60855  
and other stationary items that are located on a single site or on 60856  
contiguous or adjacent sites and that are owned or operated by the 60857  
same person or by any person who controls, is controlled by, or is 60858  
under common control with such person. 60859

~~(C)~~(D) "Manufacture" means the production, preparation, 60860  
importation, or compounding of a toxic chemical. The term also 60861  
applies to a toxic chemical produced coincidentally during the 60862  
manufacture, processing, use, or disposal of another substance or 60863  
mixture including, without limitation, byproducts and coproducts 60864  
that are separated from the other substance or mixture and 60865  
impurities that remain in that substance or mixture. 60866

~~(D)~~(E) "Person" includes the state, any political subdivision 60867  
or other state or local body, the United States and any agency or 60868  
instrumentality thereof, and any entity defined as a person under 60869  
section 1.59 of the Revised Code. 60870

~~(E)~~(F) "Process" means the preparation of a toxic chemical 60871  
after its manufacture for distribution in commerce: 60872

(1) In the same form or physical state as, or in a different 60873  
form or physical state from, that in which it was received by the 60874  
person so preparing such chemical; 60875

(2) As part of an article containing the toxic chemical. 60876

~~(F)~~(G) "Release" means any spilling, leaking, pumping, 60877  
pouring, emitting, emptying, discharging, injecting, escaping, 60878  
leaching, dumping, or discharging into the environment of any 60879  
toxic chemical including, without limitation, the abandonment or 60880  
discarding of barrels, containers, and other closed receptacles 60881  
that contained a toxic chemical. 60882

~~(G)~~(H) "Toxic chemical" means a chemical listed in rules 60883  
adopted by the administrator of the United States environmental 60884  
protection agency under division (A)(1)(a) of section 3751.02 of 60885  
the Revised Code EPCRA. 60886

**Sec. 3751.02.** ~~(A)~~ The director of environmental protection 60887  
~~shall~~ may do any of the following: 60888

~~(1)~~(A) Adopt rules in accordance with Chapter 119. of the 60889  
Revised Code ~~that are consistent with and equivalent in scope,~~ 60890  
~~content, and coverage to, and no more stringent than section 313~~ 60891  
~~of the "Emergency Planning and Community Right To Know Act of~~ 60892  
~~1986," 100 Stat. 1741, 42 U.S.C.A. 11023, and regulations adopted~~ 60893  
~~under that section:~~ 60894

~~(a) Identifying and listing toxic chemicals, establishing 60895  
threshold quantities for any such chemical used, manufactured, or 60896~~

~~processed at a facility that differ from and supersede a threshold quantity prescribed in division (C) of section 3751.03 of the Revised Code, and establishing ranges of quantities of those chemicals to be used in preparing toxic chemical release forms under that section. The rules may establish different annual threshold quantities based upon whether a toxic chemical is used, manufactured, or processed at a facility or based upon classes of chemicals or categories of facilities.~~

~~(b) Adding or deleting standard industrial classification codes from the list in division (A)(1) of section 3751.03 of the Revised Code establishing the categories of facilities subject to the reporting requirements of that section;~~

~~(c) Applying the reporting requirements of section 3751.03 of the Revised Code to owners or operators of individual facilities in this state that manufacture, process, or otherwise use a toxic chemical, in addition to those subject to the reporting requirements of that section pursuant to the criteria contained in it or rules adopted under division (A)(1)(a) or (b) of this section;~~

~~(d) Modifying the frequency for submitting the report required by division (A) of section 3751.03 of the Revised Code applicable to:~~

~~(i) All toxic chemical release forms required to be submitted by division (A) of section 3751.03 of the Revised Code;~~

~~(ii) A class of toxic chemicals or a category of facilities;~~

~~(iii) A specific toxic chemical;~~

~~(iv) A specific facility.~~

~~(e) Establishing procedures for receiving and fulfilling requests from the public for information held by the director under this chapter;~~

<del>(f) Establishing procedures and criteria to protect trade secret and confidential business information from unauthorized disclosure;</del>	60927
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	60929
<del>(g) Identifying the types or categories of information submitted or obtained under this chapter and rules adopted under it that constitute confidential business information;</del>	60930
	60931
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<del>(h) Establishing other <u>establishing</u> requirements or authorizations that the director considers necessary or appropriate to implement and administer this chapter.</del>	60933
	60934
	60935
<del>(2) Adopt rules in accordance with Chapter 119. of the Revised Code requiring that all claims for protection of information obtained under this chapter as a trade secret be submitted to the administrator of the United States environmental protection agency for determination under section 322 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under that section.</del>	60936
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<del>(3) Prescribe and publish a uniform toxic release form to be used by owners or operators of facilities subject to the reporting requirements of section 3751.03 of the Revised Code. The form shall require the submission of only the information and certifications required by division (B) of section 3751.03 of the Revised Code and such additional information as is required to be provided on the uniform toxic chemical release form published by the administrator under section 313 of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11023.</del>	60944
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<del>(B) The director may:</del>	60954
<del>(1) As the representative of the governor pursuant to section 313(b) of the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 10041 <u>EPCRA</u>, request the</del>	60955
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	60957

administrator of the United States environmental protection agency 60958  
to apply the toxic chemical release reporting requirements of 60959  
~~section 313~~ of that act to the owner or operator of any facility 60960  
in this state that manufactures, processes, or otherwise uses a 60961  
toxic chemical if, in the director's judgment, such reporting is 60962  
warranted by the toxicity of the toxic chemical manufactured, 60963  
processed, or otherwise used at the facility; the proximity of the 60964  
facility to other facilities that release the toxic chemical or to 60965  
population centers; or the history of releases of the toxic 60966  
chemical at the facility; 60967

~~(2)(C)~~ As the representative of the governor pursuant to 60968  
~~section 313(e)(2)~~ of the "Emergency Planning and Community 60969  
Right To Know Act of 1986," 100 Stat. 1741, 42 U.S.C.A. 11041 60970  
EPCRA, petition the administrator to, by regulation, add a 60971  
chemical to or delete a chemical from the list of toxic chemicals 60972  
subject to the toxic chemical release reporting requirements of 60973  
~~section 313~~ of that act if, in the director's judgment, the 60974  
chemical meets the criteria of ~~paragraph (d)(2) or (3)~~ of required 60975  
by that section act. 60976

**Sec. 3751.03.** (A)(1) On or before the first day of July of 60977  
each year or as otherwise prescribed ~~in rules adopted by the~~ 60978  
administrator of the United States environmental protection agency 60979  
under ~~division (A)(1)(d)~~ of section 3751.02 of the Revised Code 60980  
EPCRA, the owner or operator of a facility ~~that is in standard~~ 60981  
~~industrial classification codes 20 to 39 and any other codes added~~ 60982  
~~by rules adopted under division (A)(1)(b)~~ of section 3751.02 of 60983  
the Revised Code, as those standard industrial classification 60984  
codes were in effect on July 1, 1985, that has ten or more 60985  
full-time employees, and that manufactured, processed, or 60986  
otherwise used during the preceding calendar year a toxic chemical 60987  
in an amount exceeding the applicable threshold quantity 60988  
~~established in division (C) of this section or otherwise~~ 60989

~~prescribed in rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code, described in division (A)(2) of this section shall prepare and submit to the director of environmental protection administrator a completed toxic chemical release form for each toxic chemical that was so manufactured, processed, or otherwise used at the facility during the preceding calendar year. The electronic submission of the form to the administrator constitutes simultaneous submission of the form to the director of environmental protection for purposes of EPCRA. The~~ 60990  
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(2) Division (A)(1) of this section applies to the owner or operator of a facility to which all of the following apply: 60999  
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(a) The facility is in standard industrial classification codes 20 to 39, as those codes were in effect on July 1, 1985, or in any other applicable code added by the administrator. 61001  
61002  
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(b) The owner or operator has ten or more full-time employees. 61004  
61005

(c) The facility manufactured, processed, or otherwise used during the calendar year immediately preceding the first day of July or date otherwise prescribed by the administrator, a toxic chemical in an amount exceeding the applicable threshold quantity established by the administrator under EPCRA. 61006  
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(3) The owner or operator shall submit the information required by division (B) of this section on a uniform toxic chemical release form prescribed by the administrator under division (A)(3) of section 3751.02 of the Revised Code EPCRA. If the director has not prescribed the form, an owner or operator shall submit the information required to be included on the form under that division to the director by means of a letter postmarked not later than the date on which the form is due under this division. 61011  
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~~(2) In addition to the owners or operators of facilities~~ 61020

~~meeting the criteria enumerated in division (A)(1) of this 61021  
section, the owners and operators of facilities identified in 61022  
rules adopted under division (A)(1)(c) of section 3751.02 of the 61023  
Revised Code shall comply with division (A)(1) of this section. 61024  
Division (A)(1) of this section does not apply to the owner or 61025  
operator of a facility in a standard industrial classification 61026  
code that has been deleted from the list in division (A)(1) of 61027  
this section by rules adopted under division (A)(1)(b) of section 61028  
3751.02 of the Revised Code. 61029~~

~~(B) The uniform toxic chemical release form shall contain all 61030  
of the following information: 61031~~

~~(1) The name, location of, and principal business activities 61032  
conducted at the facility; 61033~~

~~(2) Each of the following items of information regarding the 61034  
toxic chemical: 61035~~

~~(a) Whether the toxic chemical is manufactured, processed, or 61036  
otherwise used and the general category or categories of use of 61037  
the chemical; 61038~~

~~(b) An estimate of the maximum amount in pounds of the toxic 61039  
chemical present at the facility at any time during the preceding 61040  
calendar year. The estimate shall be provided in the appropriate 61041  
reporting range established by rules adopted under division 61042  
(A)(1)(a) of section 3751.02 of the Revised Code. 61043~~

~~(c) The waste treatment or disposal methods employed for each 61044  
waste stream and an estimate of the efficiency typically achieved 61045  
by those methods for that waste stream; 61046~~

~~(d) The quantity of the toxic chemical entering each 61047  
environmental medium annually; 61048~~

~~(e) An indication as to whether the owner or operator chooses 61049  
to withhold information about it as a trade secret and, if so, 61050~~

~~whether the owner or operator has filed a claim with the administrator of the United States environmental protection agency for protection of that information as a trade secret pursuant to rules adopted under division (A)(2) of section 3751.02 of the Revised Code.~~

~~(3) An appropriate certification regarding the accuracy and completeness of the report, signed by an official of the owner or operator with management responsibility.~~

~~(C) The threshold amounts for purposes of reporting toxic chemicals under this section are as follow:~~

~~(1) With respect to a toxic chemical used at a facility, ten thousand pounds for the applicable calendar year;~~

~~(2) With respect to a toxic chemical manufactured or processed at a facility:~~

~~(a) For the form required to be submitted on or before July 1, 1989, fifty thousand pounds per year;~~

~~(b) For the form required to be submitted on or before July 1, 1990, and for each year thereafter, twenty five thousand pounds per year;~~

~~(c) Such other threshold quantities as may be prescribed by rules adopted under division (A)(1)(a) of section 3751.02 of the Revised Code.~~

~~(D)(B) The toxic chemical release forms required by this section are intended to provide information to federal, state, and local governments and the public, including residents of communities surrounding facilities covered by this section. Subject to the limitations prescribed in section 3751.04 of the Revised Code and rules adopted under division (A)(1)(f) of section 3751.02 of the Revised Code governing the protection of trade secrets and confidential business information, the director, upon~~

~~request, shall make toxic chemical release forms submitted under 61081  
this section available to inform persons about releases of toxic 61082  
chemicals to the environment, to assist government agencies, 61083  
researchers, and other persons in conducting research and 61084  
gathering data, to aid in the development of appropriate rules, 61085  
guidelines, standards, and emergency plans, and for other similar 61086  
purposes. 61087~~

~~(E)(C)~~ No owner or operator of a facility who is required by 61088  
this section to file a toxic chemical release form shall fail to 61089  
submit a toxic chemical release form as required by this section. 61090

~~(F)(D)~~ An owner or operator of a facility who is required 61091  
under this section to file a toxic chemical release form and who 61092  
knowingly makes a false statement on that form, on a record upon 61093  
which the information on that form is based, or on other 61094  
information or records required to be kept or submitted under this 61095  
chapter and the rules adopted under this chapter is guilty of 61096  
falsification under section 2921.13 of the Revised Code. 61097

**Sec. 3751.04.** (A) Except as otherwise provided in division 61098  
(D) of this section, any person required to provide information ~~to~~ 61099  
~~the director of environmental protection~~ under section 3751.03 of 61100  
the Revised Code may withhold from submission ~~to the director or~~ 61101  
~~any other person~~ the specific chemical identity, including the 61102  
chemical name and other specific identification, of the toxic 61103  
chemical on the grounds that the information constitutes a trade 61104  
secret if either of the following conditions is met: 61105

(1)(a) At the time of submitting the information sought to be 61106  
classified as a trade secret, the owner or operator of the 61107  
facility submits a claim for protection of that information as a 61108  
trade secret pursuant to ~~rules adopted~~ regulations promulgated by 61109  
the administrator of the United States environmental protection 61110  
agency under ~~division (A)(2) of section 3751.02 of the Revised~~ 61111

Code EPCRA, and submits a copy of the required toxic chemical 61112  
release form that indicates that such a claim has been filed and 61113  
contains the generic class or category of the identity in place of 61114  
the identity ~~and that is accompanied by a copy of the~~ 61115  
~~substantiation supporting the trade secret claim that was~~ 61116  
~~submitted to the administrator of the United States environmental~~ 61117  
~~protection agency. The owner or operator may withhold from the~~ 61118  
~~copy of the explanations and supplemental information submitted to~~ 61119  
~~the director information identified as confidential business~~ 61120  
~~information in rules adopted under division (A)(1)(g) of section~~ 61121  
~~3751.02 of the Revised Code.~~ 61122

(b) A determination of the claim remains pending pursuant to 61123  
those ~~rules~~ regulations. 61124

(2) It has been determined by the administrator pursuant to 61125  
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 61126  
~~Revised Code~~ those regulations that a trade secret exists. 61127

(B) No person shall withhold the specific identity of a toxic 61128  
chemical on the grounds that the information is a trade secret in 61129  
either of the following instances: 61130

(1) From any toxic chemical release form if it has been 61131  
determined by the administrator pursuant to ~~rules adopted~~ 61132  
regulations promulgated under ~~division (A)(2) of section 3751.02~~ 61133  
~~of the Revised Code~~ EPCRA that no trade secret exists; 61134

(2) When required to provide the specific chemical identity 61135  
to a health professional, physician, or nurse pursuant to division 61136  
(D) of this section. 61137

(C) The governor may, pursuant to ~~section 322 of the~~ 61138  
~~"Emergency Planning and Community Right To Know Act of 1986," 100~~ 61139  
~~Stat. 1747, 42 U.S.C.A. 11042~~ EPCRA, request the administrator of 61140  
the United States environmental protection agency to provide 61141  
specific chemical identities that are claimed or have been 61142

determined to be trade secret information or the explanations and 61143  
supplemental information supporting trade secret protection claims 61144  
regarding facilities located in this state that are subject to 61145  
this chapter. The governor shall not make any trade secret or 61146  
confidential information obtained under this division available to 61147  
any member of the emergency planning commission created in section 61148  
3750.02 of the Revised Code or to any member of a local emergency 61149  
planning committee of an emergency planning district established 61150  
under section 3750.03 of the Revised Code who is not also an 61151  
officer or employee of the state or a political subdivision. Any 61152  
trade secret or confidential business information obtained under 61153  
this division shall be protected from unauthorized disclosure ~~in~~ 61154  
~~accordance with rules adopted under division (A)(1)(f) of section~~ 61155  
~~3751.02 of the Revised Code.~~ 61156

(D)(1) The owner or operator of a facility that is subject to 61157  
section 3751.03 of the Revised Code shall provide the specific 61158  
chemical identity of a toxic chemical, if the specific chemical 61159  
identity is known, to any health professional who submits to the 61160  
owner or operator a written request and statement of need for the 61161  
specific chemical identity. The written statement of need shall be 61162  
a statement of the health professional that the health 61163  
professional has a reasonable basis to believe that all of the 61164  
following conditions pertain to the request: 61165

(a) The information is needed for purposes of diagnosis or 61166  
treatment of an individual; 61167

(b) The individual being diagnosed or treated has been 61168  
exposed to the chemical concerned; 61169

(c) Knowledge of the specific chemical identity of the 61170  
chemical will assist in diagnosis and treatment. 61171

An owner or operator to whom such a written request and 61172  
statement of need is submitted shall provide the requested 61173

information to the health professional promptly after receiving 61174  
the request and statement of need, subject to division (D)(4) of 61175  
this section. 61176

(2) The owner or operator of a facility that is subject to 61177  
section 3751.03 of the Revised Code shall provide a copy of a 61178  
toxic chemical release form that contains the specific chemical 61179  
identity of a toxic chemical, if the specific chemical identity is 61180  
known, to any treating physician or nurse who requests that 61181  
information if the physician or nurse determines that all of the 61182  
following conditions pertain to the request: 61183

(a) A medical emergency exists; 61184

(b) The specific chemical identity of the chemical concerned 61185  
is necessary for or will assist in emergency or first aid 61186  
diagnosis or treatment; 61187

(c) The individual being diagnosed or treated has been 61188  
exposed to the chemical concerned. 61189

The owner or operator shall provide the requested information 61190  
to the physician or nurse immediately upon receiving such a 61191  
request. The owner or operator shall not require any such treating 61192  
physician or nurse to provide a written confidentiality agreement 61193  
or statement of need as a precondition for disclosure of a 61194  
specific chemical identity under this division; however, the owner 61195  
or operator may require the treating physician or nurse to provide 61196  
a written confidentiality agreement under division (D)(4) of this 61197  
section and a statement setting forth the conditions listed in 61198  
divisions (D)(2)(a) to (c) of this section as soon after the 61199  
disclosure is made as circumstances permit. 61200

(3) The owner or operator of a facility that is subject to 61201  
section 3751.03 of the Revised Code shall provide the specific 61202  
chemical identity of a toxic chemical, if the specific chemical 61203  
identity is known, to any health professional, including, without 61204

limitation, a physician, toxicologist, or epidemiologist, who is 61205  
either employed by or under contract with a political subdivision 61206  
and who submits to the owner or operator a written request for the 61207  
information, a written statement of need for the information that 61208  
meets the requirements of division (D)(3) of this section, and a 61209  
written confidentiality agreement under division (D)(4) of this 61210  
section. The owner or operator shall promptly after receipt of the 61211  
written request, statement of need, and confidentiality agreement 61212  
provide the requested information to the local health professional 61213  
who requested it. 61214

The written statement of need for a specific chemical 61215  
identity required by division (D)(3) of this section shall 61216  
describe with reasonable detail one or more of the following 61217  
health needs for the information: 61218

(a) To assess exposure of persons living in a local community 61219  
to the hazards of the chemical concerned; 61220

(b) To conduct or assess sampling to determine exposure 61221  
levels of various population groups to the chemical concerned; 61222

(c) To conduct periodic medical surveillance of population 61223  
groups exposed to the chemical concerned; 61224

(d) To provide medical treatment to individuals or population 61225  
groups exposed to the chemical concerned; 61226

(e) To conduct studies to determine the health effects of 61227  
exposure to the chemical concerned; 61228

(f) To conduct studies to aid in the identification of a 61229  
chemical that may reasonably be anticipated to cause an observed 61230  
health effect. 61231

(4) Any person who obtains information under division (D)(1) 61232  
or (3) of this section shall, as a precondition for receiving that 61233  
information, enter into a written confidentiality agreement with 61234

the owner or operator of the facility from whom the information 61235  
was requested that the person will not use the information for any 61236  
purpose other than the health needs asserted in the statement of 61237  
need provided thereunder, except as otherwise may be authorized by 61238  
the terms of the agreement or by the person providing the 61239  
information. 61240

(E) An officer or employee of the environmental protection 61241  
agency shall not request the owner or operator of a facility 61242  
subject to this chapter to submit to the officer or employee a 61243  
trade secret claim, toxic chemical release form required by 61244  
section 3751.03 of the Revised Code, substantiation of a trade 61245  
secret claim, or explanation or supporting information or copy 61246  
thereof pertaining to a trade secret claim, that contains any 61247  
information claimed or determined to be a trade secret ~~pursuant to~~ 61248  
~~rules adopted under division (A)(2) of section 3751.02 of the~~ 61249  
~~Revised Code~~ or identified as confidential business information ~~by~~ 61250  
~~rules adopted under division (A)(1)(g) of that section~~ EPCRA. If 61251  
any officer or employee of the agency knows or has reason to 61252  
believe that a trade secret claim, toxic chemical release form, 61253  
substantiation, or explanation or supporting information 61254  
pertaining to a trade secret claim contains any such information, 61255  
the officer or employee immediately shall return it to the owner 61256  
or operator of the facility who submitted it without reading it 61257  
and shall request the owner or operator to submit the appropriate 61258  
report or substantiation that does not contain the information 61259  
claimed or determined to be a trade secret or so identified as 61260  
confidential business information. 61261

(F) No officer or employee of the environmental protection 61262  
agency, health professional, physician, nurse, or other person who 61263  
receives information claimed or determined to be a trade secret 61264  
~~pursuant to rules adopted under division (A)(2) of section 3751.02~~ 61265  
~~of the Revised Code~~ or identified as confidential business 61266

~~information by rules adopted by regulations promulgated by the administrator under division (A)(1)(g) of section 3751.02 of the Revised Code EPCRA shall release any information so classified or identified to any person not authorized to have that information under division (C) of this section or rules adopted under division (A)(1)(f) of section 3751.02 of the Revised Code. A violation of this division is not also a violation of section 2913.02 or 2913.04 of the Revised Code.~~

**Sec. 3751.05.** ~~(A) The owner or operator of a facility required to annually file one or more toxic chemical release forms under section 3751.03 of the Revised Code shall submit with the release forms a filing fee of fifty dollars. In addition to the filing fee, the owner or operator shall submit an additional fee of fifteen dollars per release form filed but not exceeding a total additional fee of five hundred dollars.~~

~~(B) An owner or operator of a facility who fails to submit a toxic chemical release form within thirty days after the applicable filing date prescribed in that section shall submit with the form a late filing fee of fifteen per cent of the total fees due under division (A) of this section, whichever is more, in addition to the fees due under that division.~~

~~(C) The director of environmental protection may establish fees to be paid by persons, other than public officers or employees, obtaining copies of documents or information submitted to the director under this chapter and rules adopted under it. The fee shall be established at a level calculated to defray the costs of copying the documents or information. The director may charge the actual costs involved in accessing any computerized data base established by him under this chapter or by the administrator of the United States environmental protection agency under the "Emergency Planning and Community Right To Know Act of 1986," 100~~

~~Stat. 1729, 42 U.S.C.A. 11002, needed to fulfill a request for~~ 61298  
~~information regarding releases of toxic chemicals for which~~ 61299  
~~reporting is required by this chapter and rules adopted under it.~~ 61300

~~(D) All moneys received by the director under this section~~ 61301  
~~and all~~ civil penalties received under division (B) of section 61302  
3751.10 of the Revised Code shall be credited to the toxic 61303  
chemical release reporting fund, hereby created in the state 61304  
treasury. Moneys credited to the fund shall be expended by the 61305  
director exclusively for the purposes of implementing, 61306  
administering, and enforcing this chapter and the rules adopted 61307  
and orders issued under it. 61308

**Sec. 3751.10.** (A) The attorney general, the prosecuting 61309  
attorney of the county, or the city director of law of the city 61310  
where a violation has occurred or is occurring, upon the written 61311  
request of the director of environmental protection, shall 61312  
prosecute to termination or bring an action for injunction against 61313  
any person who has violated or is violating any section of this 61314  
chapter or any rule adopted or order issued under it. The court of 61315  
common pleas in which an action for injunction is filed has the 61316  
jurisdiction to and shall grant preliminary and permanent 61317  
injunctive relief upon a showing that the person against whom the 61318  
action is brought has violated or is violating any section of this 61319  
chapter or a rule adopted or order issued under it. The court 61320  
shall give precedence to such an action over all other cases. 61321

Upon the certified written request of any person, the 61322  
director shall conduct such investigations and make such inquiries 61323  
as are necessary to secure compliance with this chapter or rules 61324  
adopted or orders issued under it. The director may, upon request 61325  
or upon ~~his~~ the director's own initiative, investigate or make 61326  
inquiries into any violation of this chapter or rules adopted or 61327  
orders issued under it. 61328

(B) Whoever violates division ~~(E)~~(C) of section 3751.03, 61329  
division (B)(1) or (2) of section 3751.04 of the Revised Code, or 61330  
an order issued under this chapter, shall pay a civil penalty of 61331  
not more than twenty-five thousand dollars for each day of 61332  
violation. The attorney general, the prosecuting attorney of the 61333  
county, or the city director of law of the city where a violation 61334  
of this chapter or a rule adopted or order issued under it has 61335  
occurred or is occurring, upon the written request of the 61336  
director, shall bring an action for imposition of a civil penalty 61337  
under this division against any person who has committed or is 61338  
committing any such violation. All civil penalties received under 61339  
this division shall be credited to the toxic chemical release 61340  
reporting fund created in section 3751.05 of the Revised Code. 61341

(C) Any action for injunction or civil penalties under 61342  
division (A) or (B) of this section is a civil action governed by 61343  
the Rules of Civil Procedure. 61344

**Sec. 3751.11.** A member of the emergency response commission, 61345  
officer or employee of the environmental protection agency, member 61346  
or employee of a local emergency planning committee, officer or 61347  
employee of a fire department, health professional, physician, 61348  
nurse, or other person who receives information classified as a 61349  
trade secret ~~pursuant to rules adopted under division (A)(2) of~~ 61350  
~~section 3751.02 of the Revised Code~~ or identified as confidential 61351  
business information ~~by rules adopted under division (A)(1)(g) of~~ 61352  
~~section 3751.02 of the Revised Code~~ pursuant to EPCRA and who 61353  
violates division (F) of section 3751.04 of the Revised Code or 61354  
otherwise discloses information classified as a trade secret or 61355  
identified as confidential business information pursuant to ~~those~~ 61356  
~~rules that act~~ to a person not authorized to have that information 61357  
under division (C) of section 3751.04 of the Revised Code or ~~rules~~ 61358  
~~adopted under division (A)(1)(f) of section 3751.02 of the Revised~~ 61359  
~~Code~~ EPCRA, is liable in damages in a civil action to the owner of 61360

the trade secret information for any injury or loss to person or 61361  
property sustained by ~~him~~ the owner resulting from the violation 61362  
or unauthorized disclosure of that information. Any owner of 61363  
information so classified as a trade secret or identified as 61364  
confidential business information who, as a result of a violation 61365  
of division (F) of section 3751.04 of the Revised Code or by 61366  
disclosure of trade secret or confidential business information to 61367  
a person not authorized to have it pursuant to division (C) of 61368  
section 3751.04 of the Revised Code or ~~rules adopted~~ under 61369  
~~division (A)(1)(f) of section 3751.02 of the Revised Code~~ EPCRA, 61370  
sustains any injury or loss to person or property may bring a 61371  
civil action for damages and other appropriate relief against the 61372  
person who violated that division or otherwise disclosed the trade 61373  
secret or confidential business information to a person not so 61374  
authorized to have it. 61375

In such a civil action, if the plaintiff establishes by a 61376  
preponderance of the evidence, and if the trier of fact finds, 61377  
that the defendant violated that division or otherwise disclosed 61378  
information classified as a trade secret or identified as 61379  
confidential business information to a person not so authorized to 61380  
have it, and that the plaintiff sustained injury or loss to person 61381  
or property as a result of the violation or unauthorized 61382  
disclosure of the information, the trier of fact may award 61383  
compensatory damages and such other relief as the trier of fact 61384  
finds appropriate. 61385

In any civil action under this section the court may award 61386  
costs and reasonable attorney's fees to the prevailing party. 61387

Liability imposed under this section for a violation of 61388  
division (F) of section 3751.04 of the Revised Code is in addition 61389  
to other civil liability, if any, under the Revised Code or common 61390  
law of this state and in addition to any criminal penalty that is 61391  
imposed for the same violation under section 3751.99 of the 61392

Revised Code. 61393

**Sec. 3769.087.** (A) In addition to the commission of eighteen 61394  
per cent retained by each permit holder as provided in section 61395  
3769.08 of the Revised Code, each permit holder shall retain an 61396  
additional amount equal to four per cent of the total of all 61397  
moneys wagered on each racing day on all wagering pools other than 61398  
win, place, and show, of which amount retained an amount equal to 61399  
three per cent of the total of all moneys wagered on each racing 61400  
day on those pools shall be paid in the manner prescribed under 61401  
section 3769.103 of the Revised Code, as a tax. Subject to the 61402  
restrictions contained in divisions (B), (C), and (M) of section 61403  
3769.08 of the Revised Code, from such additional moneys paid to 61404  
the tax commissioner: 61405

(1) Four-sixths shall be allocated to fund distribution as 61406  
provided in division (M) of section 3769.08 of the Revised Code. 61407

(2) One-twelfth shall be paid into the Ohio fairs fund 61408  
created by section 3769.082 of the Revised Code. 61409

(3) ~~One-sixth~~ One-twelfth of the additional moneys paid to 61410  
the tax commissioner by thoroughbred racing permit holders shall 61411  
be paid into the Ohio thoroughbred race fund created by section 61412  
3769.083 of the Revised Code. 61413

(4) One-twelfth of the additional moneys paid to the tax 61414  
commissioner by harness horse racing permit holders shall be paid 61415  
to the Ohio standardbred development fund created by section 61416  
3769.085 of the Revised Code. 61417

(5) One-sixth shall be paid into the state racing commission 61418  
operating fund created by section 3769.03 of the Revised Code. 61419

(6) One-twelfth of the additional moneys paid to the tax 61420  
commissioner by quarterhorse racing permit holders shall be paid 61421  
into the Ohio thoroughbred race fund created by section 3769.083 61422

of the Revised Code to support quarterhorse development and 61423  
purses. 61424

The remaining one per cent that is retained of the total of 61425  
all moneys wagered on each racing day on all pools other than win, 61426  
place, and show, shall be retained by racing permit holders, and, 61427  
except as otherwise provided in section 3769.089 of the Revised 61428  
Code, racing permit holders shall use one-half for purse money and 61429  
retain one-half. 61430

(B) In addition to the commission of eighteen per cent 61431  
retained by each permit holder as provided in section 3769.08 of 61432  
the Revised Code and the additional amount retained by each permit 61433  
holder as provided in division (A) of this section, each permit 61434  
holder shall retain an additional amount equal to one-half of one 61435  
per cent of the total of all moneys wagered on each racing day on 61436  
all wagering pools other than win, place, and show. The additional 61437  
amount retained under this division shall be paid in the manner 61438  
prescribed under section 3769.103 of the Revised Code, as a tax. 61439  
The tax commissioner shall pay the amount of the tax received 61440  
under this division to the state racing commission operating fund 61441  
created by section 3769.03 of the Revised Code. 61442

(C) Unless otherwise agreed to by the video lottery sales 61443  
agent and the applicable horsemen's association recognized by the 61444  
state racing commission to represent such persons, within ninety 61445  
days after September 29, 2013, for video lottery sales agents 61446  
operating as such on September 29, 2013, or within six months 61447  
after the date a video lottery sales agent begins operating as 61448  
such for video lottery sales agents not operating as such on 61449  
September 29, 2013, the state racing commission shall direct 61450  
through rule that a percentage of the lottery sales agent's 61451  
commission as determined by the state lottery commission for 61452  
conducting video lottery terminal gaming on behalf of the state be 61453  
paid to the state racing commission for the benefit of breeding 61454

and racing in this state. The percentage so determined shall not 61455  
be less than nine per cent or more than eleven per cent of the 61456  
video lottery terminal income, and shall be a sliding scale based 61457  
upon capital expenditures necessary to build the video lottery 61458  
sales agent's facility. The aggregate of one hundred per cent of 61459  
video lottery terminal income minus the lottery sales agent's 61460  
commission percentage as determined by the state lottery 61461  
commission plus the percentage of the lottery sale agent's 61462  
commission, as determined by the state racing commission or 61463  
otherwise agreed to by the video lottery sales agent and the 61464  
applicable horsemen's association recognized by the state racing 61465  
commission to represent such persons, for the benefit of breeding 61466  
and racing in this state shall not exceed forty-five per cent of 61467  
the video lottery terminal income. In addition, beginning July 1, 61468  
2013, the state lottery commission shall adopt a rule to require 61469  
the lottery sales agent conducting video lottery terminal gaming 61470  
on behalf of the state to disperse to the state lottery commission 61471  
one-half of one per cent of such a lottery sales agent's 61472  
commission for the purpose of providing funding support to 61473  
appropriate state agencies for programs that provide for gambling 61474  
addiction and other related addiction services. The state lottery 61475  
commission's rule also may require the lottery sales agent 61476  
conducting video lottery terminal gaming on behalf of the state to 61477  
disperse to the state lottery commission an additional amount up 61478  
to one-half of one per cent of such a lottery sales agent's 61479  
commission for that purpose. 61480

**Sec. 3770.02.** (A) Subject to the advice and consent of the 61481  
senate, the governor shall appoint a director of the state lottery 61482  
commission who shall serve at the pleasure of the governor. The 61483  
director shall devote full time to the duties of the office and 61484  
shall hold no other office or employment. The director shall meet 61485  
all requirements for appointment as a member of the commission and 61486

shall, by experience and training, possess management skills that 61487  
equip the director to administer an enterprise of the nature of a 61488  
state lottery. The director shall receive an annual salary in 61489  
accordance with pay range 48 of section 124.152 of the Revised 61490  
Code. 61491

(B)(1) The director shall attend all meetings of the 61492  
commission and shall act as its secretary. The director shall keep 61493  
a record of all commission proceedings and shall keep the 61494  
commission's records, files, and documents at the commission's 61495  
principal office. All records of the commission's meetings shall 61496  
be available for inspection by any member of the public, upon a 61497  
showing of good cause and prior notification to the director. 61498

(2) The director shall be the commission's executive officer 61499  
and shall be responsible for keeping all commission records and 61500  
supervising and administering the state lottery in accordance with 61501  
this chapter, and carrying out all commission rules adopted under 61502  
section 3770.03 of the Revised Code. 61503

(C)(1) The director shall appoint ~~an assistant director,~~ 61504  
~~deputy directors of marketing, operations, sales, finance, public~~ 61505  
~~relations, security, and administration, as necessary~~ and as many 61506  
regional managers as are required. The director may also appoint 61507  
necessary professional, technical, and clerical assistants. All 61508  
such officers and employees shall be appointed and compensated 61509  
pursuant to Chapter 124. of the Revised Code. Regional and 61510  
assistant regional managers, sales representatives, and any 61511  
lottery executive account representatives shall remain in the 61512  
unclassified service. The assistant director shall act as director 61513  
in the absence or disability of the director. If the director does 61514  
not appoint an assistant director, the director shall designate a 61515  
deputy director to act as director in the absence or disability of 61516  
the director. 61517

(2) The director, in consultation with the director of 61518

administrative services, may establish standards of proficiency 61519  
and productivity for commission field representatives. 61520

(D) The director shall request the bureau of criminal 61521  
identification and investigation, the department of public safety, 61522  
or any other state, local, or federal agency to supply the 61523  
director with the criminal records of any job applicant and may 61524  
periodically request the criminal records of commission employees. 61525  
At or prior to the time of making such a request, the director 61526  
shall require a job applicant or commission employee to obtain 61527  
fingerprint cards prescribed by the superintendent of the bureau 61528  
of criminal identification and investigation at a qualified law 61529  
enforcement agency, and the director shall cause these fingerprint 61530  
cards to be forwarded to the bureau of criminal identification and 61531  
investigation and the federal bureau of investigation. The 61532  
commission shall assume the cost of obtaining the fingerprint 61533  
cards and shall pay to each agency supplying criminal records for 61534  
each investigation under this division a reasonable fee, as 61535  
determined by the agency. 61536

(E) The director shall license lottery sales agents pursuant 61537  
to section 3770.05 of the Revised Code and, when it is considered 61538  
necessary, may revoke or suspend the license of any lottery sales 61539  
agent. The director may license video lottery technology 61540  
providers, independent testing laboratories, and gaming employees, 61541  
and promulgate rules relating thereto. When the director considers 61542  
it necessary, the director may suspend or revoke the license of a 61543  
video lottery technology provider, independent testing laboratory, 61544  
or gaming employee, including suspension or revocation without 61545  
affording an opportunity for a prior hearing under section 119.07 61546  
of the Revised Code when the public safety, convenience, or trust 61547  
requires immediate action. 61548

(F) The director shall confer at least once each month with 61549  
the commission, at which time the director shall advise it 61550

regarding the operation and administration of the lottery. The 61551  
director shall make available at the request of the commission all 61552  
documents, files, and other records pertaining to the operation 61553  
and administration of the lottery. The director shall prepare and 61554  
make available to the commission each month a complete and 61555  
accurate accounting of lottery revenues, prize money disbursements 61556  
and the cost of goods and services awarded as prizes, operating 61557  
expenses, and all other relevant financial information, including 61558  
an accounting of all transfers made from any lottery funds in the 61559  
custody of the treasurer of state to benefit education. 61560

(G) The director may enter into contracts for the operation 61561  
or promotion of the lottery pursuant to Chapter 125. of the 61562  
Revised Code. 61563

(H)(1) Pursuant to rules adopted by the commission under 61564  
section 3770.03 of the Revised Code, the director shall require 61565  
any lottery sales agents to deposit to the credit of the state 61566  
lottery fund, in banking institutions designated by the treasurer 61567  
of state, net proceeds due the commission as determined by the 61568  
director. 61569

(2) Pursuant to rules adopted by the commission under Chapter 61570  
119. of the Revised Code, the director may impose penalties for 61571  
the failure of a sales agent to transfer funds to the commission 61572  
in a timely manner. Penalties may include monetary penalties, 61573  
immediate suspension or revocation of a license, or any other 61574  
penalty the commission adopts by rule. 61575

(I) The director may arrange for any person, or any banking 61576  
institution, to perform functions and services in connection with 61577  
the operation of the lottery as the director may consider 61578  
necessary to carry out this chapter. 61579

(J)(1) As used in this chapter, "statewide joint lottery 61580  
game" means a lottery game that the commission sells solely within 61581

this state under an agreement with other lottery jurisdictions to 61582  
sell the same lottery game solely within their statewide or other 61583  
jurisdictional boundaries. 61584

(2) If the governor directs the director to do so, the 61585  
director shall enter into an agreement with other lottery 61586  
jurisdictions to conduct statewide joint lottery games. If the 61587  
governor signs the agreement personally or by means of an 61588  
authenticating officer pursuant to section 107.15 of the Revised 61589  
Code, the director then may conduct statewide joint lottery games 61590  
under the agreement. 61591

(3) The entire net proceeds from any statewide joint lottery 61592  
games shall be used to fund elementary, secondary, vocational, and 61593  
special education programs in this state. 61594

(4) The commission shall conduct any statewide joint lottery 61595  
games in accordance with rules it adopts under division (B)(5) of 61596  
section 3770.03 of the Revised Code. 61597

(K)(1) The director shall enter into an agreement with the 61598  
department of mental health and addiction services under which the 61599  
department shall provide a program of gambling addiction services 61600  
on behalf of the commission. The commission shall pay the costs of 61601  
the program provided pursuant to the agreement. 61602

(2) As used in this section, "gambling addiction services" 61603  
has the same meaning as in section 5119.01 of the Revised Code. 61604

**Sec. 3770.03.** (A) The state lottery commission shall 61605  
promulgate rules under which a statewide lottery may be conducted, 61606  
which includes, and since the original enactment of this section 61607  
has included, the authority for the commission to operate video 61608  
lottery terminal games. Any reference in this chapter to tickets 61609  
shall not be construed to in any way limit the authority of the 61610  
commission to operate video lottery terminal games. Nothing in 61611

this chapter shall restrict the authority of the commission to 61612  
promulgate rules related to the operation of games utilizing video 61613  
lottery terminals as described in section 3770.21 of the Revised 61614  
Code. The rules shall be promulgated pursuant to Chapter 119. of 61615  
the Revised Code, except that instant game rules shall be 61616  
promulgated pursuant to section 111.15 of the Revised Code but are 61617  
not subject to division (D) of that section. Subjects covered in 61618  
these rules shall include, but need not be limited to, the 61619  
following: 61620

(1) The type of lottery to be conducted; 61621

(2) The prices of tickets in the lottery; 61622

(3) The number, nature, and value of prize awards, the manner 61623  
and frequency of prize drawings, and the manner in which prizes 61624  
shall be awarded to holders of winning tickets. 61625

(B) The commission shall promulgate rules, in addition to 61626  
those described in division (A) of this section, pursuant to 61627  
Chapter 119. of the Revised Code under which a statewide lottery 61628  
and statewide joint lottery games may be conducted. Subjects 61629  
covered in these rules shall include, but not be limited to, the 61630  
following: 61631

(1) The locations at which lottery tickets may be sold and 61632  
the manner in which they are to be sold. These rules may authorize 61633  
the sale of lottery tickets by commission personnel or other 61634  
licensed individuals from traveling show wagons at the state fair, 61635  
and at any other expositions the director of the commission 61636  
considers acceptable. These rules shall prohibit commission 61637  
personnel or other licensed individuals from soliciting from an 61638  
exposition the right to sell lottery tickets at that exposition, 61639  
but shall allow commission personnel or other licensed individuals 61640  
to sell lottery tickets at an exposition if the exposition 61641  
requests commission personnel or licensed individuals to do so. 61642

These rules may also address the accessibility of sales agent 61643  
locations to commission products in accordance with the "Americans 61644  
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 61645  
et seq. These rules may not permit a lottery sales agent to accept 61646  
a credit card for the purchase of a lottery ticket, except for a  
video lottery terminal as provided in rule 3770:2-7-01 of the 61648  
Administrative Code. 61649

(2) The manner in which lottery sales revenues are to be 61650  
collected, including authorization for the director to impose 61651  
penalties for failure by lottery sales agents to transfer revenues 61652  
to the commission in a timely manner; 61653

(3) The amount of compensation to be paid to licensed lottery 61654  
sales agents; 61655

(4) The substantive criteria for the licensing of lottery 61656  
sales agents consistent with section 3770.05 of the Revised Code, 61657  
and procedures for revoking or suspending their licenses 61658  
consistent with Chapter 119. of the Revised Code. If 61659  
circumstances, such as the nonpayment of funds owed by a lottery 61660  
sales agent, or other circumstances related to the public safety, 61661  
convenience, or trust, require immediate action, the director may 61662  
suspend a license without affording an opportunity for a prior 61663  
hearing under section 119.07 of the Revised Code. 61664

(5) Special game rules to implement any agreements signed by 61665  
the governor that the director enters into with other lottery 61666  
jurisdictions under division (J) of section 3770.02 of the Revised 61667  
Code to conduct statewide joint lottery games. The rules shall 61668  
require that the entire net proceeds of those games that remain, 61669  
after associated operating expenses, prize disbursements, lottery 61670  
sales agent bonuses, commissions, and reimbursements, and any 61671  
other expenses necessary to comply with the agreements or the 61672  
rules are deducted from the gross proceeds of those games, be 61673  
transferred to the lottery profits education fund under division 61674

(B) of section 3770.06 of the Revised Code. 61675

(6) Any other subjects the commission determines are 61676  
necessary for the operation of video lottery terminal games, 61677  
including the establishment of any fees, fines, ~~or~~ payment 61678  
schedules, or the establishment of a voluntary exclusion program. 61679

(C) Chapter 2915. of the Revised Code does not apply to, 61680  
affect, or prohibit lotteries conducted pursuant to this chapter. 61681

(D) The commission may promulgate rules, in addition to those 61682  
described in divisions (A) and (B) of this section, that establish 61683  
standards governing the display of advertising and celebrity 61684  
images on lottery tickets and on other items that are used in the 61685  
conduct of, or to promote, the statewide lottery and statewide 61686  
joint lottery games. Any revenue derived from the sale of 61687  
advertising displayed on lottery tickets and on those other items 61688  
shall be considered, for purposes of section 3770.06 of the 61689  
Revised Code, to be related proceeds in connection with the 61690  
statewide lottery or gross proceeds from statewide joint lottery 61691  
games, as applicable. 61692

(E)(1) The commission shall meet with the director at least 61693  
once each month and shall convene other meetings at the request of 61694  
the chairperson or any five of the members. No action taken by the 61695  
commission shall be binding unless at least five of the members 61696  
present vote in favor of the action. A written record shall be 61697  
made of the proceedings of each meeting and shall be transmitted 61698  
forthwith to the governor, the president of the senate, the senate 61699  
minority leader, the speaker of the house of representatives, and 61700  
the house minority leader. 61701

(2) The director shall present to the commission a report 61702  
each month, showing the total revenues, prize disbursements, and 61703  
operating expenses of the state lottery for the preceding month. 61704  
As soon as practicable after the end of each fiscal year, the 61705

commission shall prepare and transmit to the governor and the 61706  
general assembly a report of lottery revenues, prize 61707  
disbursements, and operating expenses for the preceding fiscal 61708  
year and any recommendations for legislation considered necessary 61709  
by the commission. 61710

**Sec. 3770.22.** (A) Any information concerning the following 61711  
that is submitted, collected, or gathered as part of an 61712  
application to the state lottery commission for a video lottery 61713  
related license under this chapter is confidential and not subject 61714  
to disclosure by a state agency or political subdivision as a 61715  
public record under section 149.43 of the Revised Code: 61716

(1) A dependent of an applicant; 61717

(2) The social security number, passport number, or federal 61718  
tax identification number of an applicant or the spouse of an 61719  
applicant; 61720

(3) The home address and telephone number of an applicant or 61721  
the spouse or dependent of an applicant; 61722

(4) An applicant's birth certificate; 61723

(5) The driver's license number of an applicant or the 61724  
applicant's spouse; 61725

(6) The name or address of a previous spouse of the 61726  
applicant; 61727

(7) The date of birth of the applicant and the spouse of an 61728  
applicant; 61729

(8) The place of birth of the applicant and the spouse of an 61730  
applicant; 61731

(9) The personal financial information and records of an 61732  
applicant or of an employee or the spouse or dependent of an 61733  
applicant, including tax returns and information, and records of 61734

criminal proceedings;	61735
(10) Any information concerning a victim of domestic violence, sexual assault, or stalking;	61736 61737
(11) The electronic mail address of the spouse or family member of the applicant;	61738 61739
(12) Any trade secret, medical records, and patents or exclusive licenses;	61740 61741
(13) Security information, including risk prevention plans, detection and countermeasures, location of count rooms or other money storage areas, emergency management plans, security and surveillance plans, equipment and usage protocols, and theft and fraud prevention plans and countermeasures;	61742 61743 61744 61745 61746
(14) Information provided in a multijurisdictional personal history disclosure form, including the Ohio supplement, exhibits, attachments, and updates.	61747 61748 61749
(B) The individual's name, the individual's place of employment, the individual's job title, and the individual's gaming experience that is provided for an individual who holds, held, or has applied for a video lottery related license under this chapter is not confidential. The reason for denial or revocation of a video lottery related license or for disciplinary action against the individual is not confidential.	61750 61751 61752 61753 61754 61755 61756
(C) An individual who holds, held, or has applied for a video lottery related license under this chapter may waive the confidentiality requirements of division (A) of this section.	61757 61758 61759
(D) Confidential information received by the commission from another jurisdiction relating to a person who holds, held, or has applied for a license under this chapter is confidential and not subject to disclosure as a public record under section 149.43 of the Revised Code. The commission may share the information	61760 61761 61762 61763 61764

referenced in this division with, or disclose the information to, 61765  
the inspector general, any appropriate prosecuting authority, any 61766  
law enforcement agency, or any other appropriate governmental or 61767  
licensing agency, if the agency that receives the information 61768  
complies with the same requirements regarding confidentiality as 61769  
those with which the commission must comply. 61770

The applicant shall complete a cover sheet for the 61771  
application on which the applicant shall disclose the applicant's 61772  
name, the business address of the lottery sales agent, management 61773  
company, holding company, or gaming-related vendor employing the 61774  
applicant, the business address and telephone number of such 61775  
employer, and the county, state, and country in which the 61776  
applicant's residence is located. 61777

(E) The identity and personal information of a person 61778  
participating in a voluntary exclusion program implemented either 61779  
by the lottery commission or a video lottery terminal sales agent 61780  
shall be confidential and only shall be disseminated according to 61781  
the following: 61782

(1) The commission may disseminate the information to a video 61783  
lottery terminal sales agent and the agents and employees of the 61784  
agent for purposes of enforcement. 61785

(2) A video lottery terminal sales agent operating a 61786  
voluntary exclusion program may disseminate the information to the 61787  
agents, employees of the agent, and to the commission for purposes 61788  
of enforcement. 61789

(3) Either the commission or a video lottery terminal sales 61790  
agent operating a voluntary exclusion program may disseminate the 61791  
information to other entities upon request of the participant and 61792  
agreement by the commission. 61793

**Sec. 3772.03.** (A) To ensure the integrity of casino gaming, 61794

the commission shall have authority to complete the functions of 61795  
licensing, regulating, investigating, and penalizing casino 61796  
operators, management companies, holding companies, key employees, 61797  
casino gaming employees, and gaming-related vendors. The 61798  
commission also shall have jurisdiction over all persons 61799  
participating in casino gaming authorized by Section 6(C) of 61800  
Article XV, Ohio Constitution, and this chapter. 61801

(B) All rules adopted by the commission under this chapter 61802  
shall be adopted under procedures established in Chapter 119. of 61803  
the Revised Code. The commission may contract for the services of 61804  
experts and consultants to assist the commission in carrying out 61805  
its duties under this section. 61806

(C) The commission shall adopt rules as are necessary for 61807  
completing the functions stated in division (A) of this section 61808  
and for addressing the subjects enumerated in division (D) of this 61809  
section. 61810

(D) The commission shall adopt, and as advisable and 61811  
necessary shall amend or repeal, rules that include all of the 61812  
following: 61813

(1) The prevention of practices detrimental to the public 61814  
interest; 61815

(2) Prescribing the method of applying, and the form of 61816  
application, that an applicant for a license under this chapter 61817  
must follow as otherwise described in this chapter; 61818

(3) Prescribing the information to be furnished by an 61819  
applicant or licensee as described in section 3772.11 of the 61820  
Revised Code; 61821

(4) Describing the certification standards and duties of an 61822  
independent testing laboratory certified under section 3772.31 of 61823  
the Revised Code and the relationship between the commission, the 61824  
laboratory, the gaming-related vendor, and the casino operator; 61825

(5) The minimum amount of insurance that must be maintained	61826
by a casino operator, management company, holding company, or	61827
gaming-related vendor;	61828
(6) The approval process for a significant change in	61829
ownership or transfer of control of a licensee as provided in	61830
section 3772.091 of the Revised Code;	61831
(7) The design of gaming supplies, devices, and equipment to	61832
be distributed by gaming-related vendors;	61833
(8) Identifying the casino gaming that is permitted,	61834
identifying the gaming supplies, devices, and equipment, that are	61835
permitted, defining the area in which the permitted casino gaming	61836
may be conducted, and specifying the method of operation according	61837
to which the permitted casino gaming is to be conducted as	61838
provided in section 3772.20 of the Revised Code, and requiring	61839
gaming devices and equipment to meet the standards of this state;	61840
(9) Tournament play in any casino facility;	61841
(10) Establishing and implementing a voluntary exclusion	61842
program that provides all of the following:	61843
(a) Except as provided by commission rule, a person who	61844
participates in the program shall agree to refrain from entering a	61845
casino facility.	61846
(b) The name of a person participating in the program shall	61847
be included on a list of persons excluded from all casino	61848
facilities.	61849
(c) Except as provided by commission rule, no person who	61850
participates in the program shall petition the commission for	61851
admittance into a casino facility.	61852
(d) The list of persons participating in the program and the	61853
personal information of those persons shall be confidential and	61854
shall only be disseminated by the commission to a casino operator	61855

and the agents and employees of the casino operator for purposes 61856  
of enforcement and to other entities, upon request of the 61857  
participant and agreement by the commission. 61858

(e) A casino operator shall make all reasonable attempts as 61859  
determined by the commission to cease all direct marketing efforts 61860  
to a person participating in the program. 61861

(f) A casino operator shall not cash the check of a person 61862  
participating in the program or extend credit to the person in any 61863  
manner. However, the program shall not exclude a casino operator 61864  
from seeking the payment of a debt accrued by a person before 61865  
participating in the program. 61866

(g) Any and all locations at which a person may register as a 61867  
participant in the program shall be published. 61868

(11) Requiring the commission to adopt standards regarding 61869  
the marketing materials of a licensed casino operator, including 61870  
allowing the commission to prohibit marketing materials that are 61871  
contrary to the adopted standards; 61872

(12) Requiring that the records, including financial 61873  
statements, of any casino operator, management company, holding 61874  
company, and gaming-related vendor be maintained in the manner 61875  
prescribed by the commission and made available for inspection 61876  
upon demand by the commission, but shall be subject to section 61877  
3772.16 of the Revised Code; 61878

(13) Permitting a licensed casino operator, management 61879  
company, key employee, or casino gaming employee to question a 61880  
person suspected of violating this chapter; 61881

(14) The chips, tokens, tickets, electronic cards, or similar 61882  
objects that may be purchased by means of an agreement under which 61883  
credit is extended to a wagerer by a casino operator; 61884

(15) Establishing standards for provisional key employee 61885

licenses for a person who is required to be licensed as a key 61886  
employee and is in exigent circumstances and standards for 61887  
provisional licenses for casino gaming employees who submit 61888  
complete applications and are compliant under an instant 61889  
background check. A provisional license shall be valid not longer 61890  
than three months. A provisional license may be renewed one time, 61891  
at the commission's discretion, for an additional three months. In 61892  
establishing standards with regard to instant background checks 61893  
the commission shall take notice of criminal records checks as 61894  
they are conducted under section 311.41 of the Revised Code using 61895  
electronic fingerprint reading devices. 61896

(16) Establishing approval procedures for third-party 61897  
engineering or accounting firms, as described in section 3772.09 61898  
of the Revised Code; 61899

(17) Prescribing the manner in which winnings, compensation 61900  
from casino gaming, and gross revenue must be computed and 61901  
reported by a licensee as described in Chapter 5753. of the 61902  
Revised Code; 61903

(18) Prescribing conditions under which a licensee's license 61904  
may be suspended or revoked as described in section 3772.04 of the 61905  
Revised Code; 61906

(19) Prescribing the manner and procedure of all hearings to 61907  
be conducted by the commission or by any hearing examiner; 61908

(20) Prescribing technical standards and requirements that 61909  
are to be met by security and surveillance equipment that is used 61910  
at and standards and requirements to be met by personnel who are 61911  
employed at casino facilities, and standards and requirements for 61912  
the provision of security at and surveillance of casino 61913  
facilities; 61914

(21) Prescribing requirements for a casino operator to 61915  
provide unarmed security services at a casino facility by licensed 61916

casino employees, and the training that shall be completed by 61917  
these employees; 61918

(22) Prescribing standards according to which casino 61919  
operators shall keep accounts and standards according to which 61920  
casino accounts shall be audited, and establish means of assisting 61921  
the tax commissioner in levying and collecting the gross casino 61922  
revenue tax levied under section 5753.02 of the Revised Code; 61923

(23) Defining penalties for violation of commission rules and 61924  
a process for imposing such penalties ~~subject to the review of the~~ 61925  
~~joint committee on gaming and wagering;~~ 61926

(24) Establishing standards for decertifying contractors that 61927  
violate statutes or rules of this state or the federal government; 61928

(25) Establishing standards for the repair of casino gaming 61929  
equipment; 61930

(26) Establishing procedures to ensure that casino operators, 61931  
management companies, and holding companies are compliant with the 61932  
compulsive and problem gambling plan submitted under section 61933  
3772.18 of the Revised Code; 61934

(27) Prescribing, for institutional investors in or holding 61935  
companies of a casino operator, management company, holding 61936  
company, or gaming-related vendor that fall below the threshold 61937  
needed to be considered an institutional investor or a holding 61938  
company, standards regarding what any employees, members, or 61939  
owners of those investors or holding companies may do and shall 61940  
not do in relation to casino facilities and casino gaming in this 61941  
state, which standards shall rationally relate to the need to 61942  
proscribe conduct that is inconsistent with passive institutional 61943  
investment status; 61944

(28) Providing for any other thing necessary and proper for 61945  
successful and efficient regulation of casino gaming under this 61946  
chapter. 61947

(E) The commission shall employ and assign gaming agents as 61948  
necessary to assist the commission in carrying out the duties of 61949  
this chapter and Chapter 2915. of the Revised Code. In order to 61950  
maintain employment as a gaming agent, the gaming agent shall 61951  
successfully complete all continuing training programs required by 61952  
the commission and shall not have been convicted of or pleaded 61953  
guilty or no contest to a disqualifying offense as defined in 61954  
section 3772.07 of the Revised Code. 61955

(F) The commission, as a law enforcement agency, and its 61956  
gaming agents, as law enforcement officers as defined in section 61957  
2901.01 of the Revised Code, shall have authority with regard to 61958  
the detection and investigation of, the seizure of evidence 61959  
allegedly relating to, and the apprehension and arrest of persons 61960  
allegedly committing violations of this chapter or gambling 61961  
offenses as defined in section 2915.01 of the Revised Code or 61962  
violations of any other law of this state that may affect the 61963  
integrity of casino gaming or the operation of skill-based 61964  
amusement machines, and shall have access to casino facilities and 61965  
skill-based amusement machine facilities to carry out the 61966  
requirements of this chapter. 61967

(G) The commission may eject or exclude or authorize the 61968  
ejection or exclusion of and a gaming agent may eject a person 61969  
from a casino facility for any of the following reasons: 61970

(1) The person's name is on the list of persons voluntarily 61971  
excluding themselves from all casinos in a program established 61972  
according to rules adopted by the commission; 61973

(2) The person violates or conspires to violate this chapter 61974  
or a rule adopted thereunder; or 61975

(3) The commission determines that the person's conduct or 61976  
reputation is such that the person's presence within a casino 61977  
facility may call into question the honesty and integrity of the 61978

casino gaming operations or interfere with the orderly conduct of 61979  
the casino gaming operations. 61980

(H) A person, other than a person participating in a 61981  
voluntary exclusion program, may petition the commission for a 61982  
public hearing on the person's ejection or exclusion under this 61983  
chapter. 61984

(I) A casino operator or management company shall have the 61985  
same authority to eject or exclude a person from the management 61986  
company's casino facilities as authorized in division (G) of this 61987  
section. The licensee shall immediately notify the commission of 61988  
an ejection or exclusion. 61989

(J) The commission shall submit a written annual report with 61990  
the governor, president and minority leader of the senate, and the 61991  
speaker and minority leader of the house of representatives, ~~and~~ 61992  
~~joint committee on gaming and wagering~~ before the first day of 61993  
September each year. The annual report shall cover the previous 61994  
fiscal year and shall include all of the following: 61995

(1) A statement describing the receipts and disbursements of 61996  
the commission; 61997

(2) Relevant financial data regarding casino gaming, 61998  
including gross revenues and disbursements made under this 61999  
chapter; 62000

(3) Actions taken by the commission; 62001

(4) An update on casino operators', management companies', 62002  
and holding companies' compulsive and problem gambling plans and 62003  
the voluntary exclusion program and list; 62004

(5) Information regarding prosecutions for conduct described 62005  
in division (H) of section 3772.99 of the Revised Code, including, 62006  
but not limited to, the total number of prosecutions commenced and 62007  
the name of each person prosecuted; 62008

(6) Any additional information that the commission considers 62009  
useful or that the governor, president or minority leader of the 62010  
senate, or speaker or minority leader of the house of 62011  
representatives, ~~or joint committee on gaming and wagering~~ 62012  
requests. 62013

(K) To ensure the integrity of skill-based amusement machine 62014  
operations, the commission shall have jurisdiction over all 62015  
persons conducting or participating in the conduct of skill-based 62016  
amusement machine operations authorized by this chapter and 62017  
Chapter 2915. of the Revised Code, including the authority to 62018  
complete the functions of licensing, regulating, investigating, 62019  
and penalizing those persons in a manner that is consistent with 62020  
the commission's authority to do the same with respect to casino 62021  
gaming. To carry out this division, the commission may adopt rules 62022  
under Chapter 119. of the Revised Code, including rules 62023  
establishing fees and penalties related to the operation of 62024  
skill-based amusement machines. 62025

**Sec. 3772.17.** (A) The upfront license fee to obtain a license 62026  
as a casino operator shall be fifty million dollars per casino 62027  
facility and shall be paid upon each casino operator's filing of 62028  
its casino operator license application with the commission. The 62029  
upfront license fee, once paid to the commission, shall be 62030  
deposited into the economic development programs fund, which is 62031  
created in the state treasury. 62032

(B) New casino operator, management company, and holding 62033  
company license and renewal license fees shall be set by rule, 62034  
~~subject to the review of the joint committee on gaming and~~ 62035  
~~wagering.~~ If an applicant for a license as a management company or 62036  
holding company is related through a joint venture or controlled 62037  
by or under common control with another applicant for a license as 62038  
a casino operator, management company, or holding company for the 62039

same casino facility and the applicant for a license as a 62040  
management company or holding company was reviewed for suitability 62041  
as part of the investigation of the casino operator, only one 62042  
license fee shall be assessed against both applicants for that 62043  
casino facility. 62044

(C) The fee to obtain an application for a casino operator, 62045  
management company, or holding company license shall be one 62046  
million five hundred thousand dollars per application. The 62047  
application fee for a casino operator, management company, or 62048  
holding company license may be increased to the extent that the 62049  
actual review and investigation costs relating to an applicant 62050  
exceed the application fee set forth in this division. If an 62051  
applicant for a license as a management company or holding company 62052  
is related through a joint venture or controlled by or under 62053  
common control with another applicant for a license as a casino 62054  
operator, management company, or holding company for the same 62055  
casino facility, with the exception of actual costs of the review 62056  
and investigation of the additional applicant, only one 62057  
application fee shall be required of such applicants for that 62058  
casino facility. The application fee shall be deposited into the 62059  
casino control commission fund. The application fee is 62060  
nonrefundable. 62061

(D) The license fees for a gaming-related vendor shall be set 62062  
by rule, ~~subject to the review of the joint committee on gaming~~ 62063  
~~and wagering~~. Additionally, the commission may assess an applicant 62064  
a reasonable fee in the amount necessary to process a 62065  
gaming-related vendor license application. 62066

(E) The license fees for a key employee shall be set by rule, 62067  
~~subject to the review of the joint committee on gaming and~~ 62068  
~~wagering~~. Additionally, the commission may assess an applicant a 62069  
reasonable fee in the amount necessary to process a key employee 62070  
license application. If the license is being sought at the request 62071

of a casino operator, such fees shall be paid by the casino operator. 62072  
operator. 62073

(F) The license fees for a casino gaming employee shall be set by rule, ~~subject to the review of the joint committee on gaming and wagering.~~ If the license is being sought at the request of a casino operator, the fee shall be paid by the casino operator. 62074  
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**Sec. 3772.99.** (A) The commission shall levy and collect penalties for noncriminal violations of this chapter. Noncriminal violations include using the term "casino" in any advertisement in regard to a facility operating video lottery terminals, as defined in section 3770.21 of the Revised Code, in this state. Moneys collected from such penalty levies shall be credited to the general revenue fund. 62079  
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(B) If a licensed casino operator, management company, holding company, gaming-related vendor, or key employee violates this chapter or engages in a fraudulent act, the commission may suspend or revoke the license and may do either or both of the following: 62086  
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(1) Suspend, revoke, or restrict the casino gaming operations of a casino operator; 62091  
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(2) Require the removal of a management company, key employee, or discontinuance of services from a gaming-related vendor. 62093  
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(C) The commission shall impose civil penalties against a person who violates this chapter under the penalties adopted by commission rule ~~and reviewed by the joint committee on gaming and wagering.~~ 62096  
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(D) A person who purposely or knowingly does any of the following commits a misdemeanor of the first degree on the first 62100  
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offense and a felony of the fifth degree for a subsequent offense:	62102
(1) Makes a false statement on an application submitted under this chapter;	62103 62104
(2) Permits a person less than twenty-one years of age to make a wager at a casino facility;	62105 62106
(3) Aids, induces, or causes a person less than twenty-one years of age who is not an employee of the casino gaming operation to enter or attempt to enter a casino facility;	62107 62108 62109
(4) Enters or attempts to enter a casino facility while under twenty-one years of age, unless the person enters a designated area as described in section 3772.24 of the Revised Code;	62110 62111 62112
(5) Is a casino operator or employee and participates in casino gaming other than as part of operation or employment.	62113 62114
(E) A person who purposely or knowingly does any of the following commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense.	62115 62116 62117 62118 62119
(1) Uses or possesses with the intent to use a device to assist in projecting the outcome of the casino game, keeping track of the cards played, analyzing the probability of the occurrence of an event relating to the casino game, or analyzing the strategy for playing or betting to be used in the casino game, except as permitted by the commission;	62120 62121 62122 62123 62124 62125
(2) Cheats at a casino game;	62126
(3) Manufactures, sells, or distributes any cards, chips, dice, game, or device that is intended to be used to violate this chapter;	62127 62128 62129
(4) Alters or misrepresents the outcome of a casino game on which wagers have been made after the outcome is made sure but	62130 62131

before the outcome is revealed to the players;	62132
(5) Places, increases, or decreases a wager on the outcome of a casino game after acquiring knowledge that is not available to all players and concerns the outcome of the casino game that is the subject of the wager;	62133 62134 62135 62136
(6) Aids a person in acquiring the knowledge described in division (E)(5) of this section for the purpose of placing, increasing, or decreasing a wager contingent on the outcome of a casino game;	62137 62138 62139 62140
(7) Claims, collects, takes, or attempts to claim, collect, or take money or anything of value in or from a casino game with the intent to defraud or without having made a wager contingent on winning a casino game;	62141 62142 62143 62144
(8) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a casino game;	62145 62146
(9) Uses or possesses counterfeit chips, tokens, or cashless wagering instruments in or for use in a casino game;	62147 62148
(10) Possesses a key or device designed for opening, entering, or affecting the operation of a casino game, drop box, or an electronic or a mechanical device connected with the casino game or removing coins, tokens, chips, or other contents of a casino game. This division does not apply to a casino operator, management company, or gaming-related vendor or their agents and employees in the course of agency or employment.	62149 62150 62151 62152 62153 62154 62155
(11) Possesses materials used to manufacture a device intended to be used in a manner that violates this chapter;	62156 62157
(12) Operates a casino gaming operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this chapter or a skill-based amusement machine operation in a manner other than the manner required under Chapter	62158 62159 62160 62161

2915. of the Revised Code. 62162

(F) The possession of more than one of the devices described 62163  
in division (E)(9), (10), or (11) of this section creates a 62164  
rebuttable presumption that the possessor intended to use the 62165  
devices for cheating. 62166

(G) A person who purposely or knowingly does any of the 62167  
following commits a felony of the third degree. If the person is a 62168  
licensee under this chapter, the commission shall revoke the 62169  
person's license after the first offense. A public servant or 62170  
party official who is convicted under this division is forever 62171  
disqualified from holding any public office, employment, or 62172  
position of trust in this state. 62173

(1) Offers, promises, or gives anything of value or benefit 62174  
to a person who is connected with the casino operator, management 62175  
company, holding company, or gaming-related vendor, including 62176  
their officers and employees, under an agreement to influence or 62177  
with the intent to influence the actions of the person to whom the 62178  
offer, promise, or gift was made in order to affect or attempt to 62179  
affect the outcome of a casino game or an official action of a 62180  
commission member, agent, or employee; 62181

(2) Solicits, accepts, or receives a promise of anything of 62182  
value or benefit while the person is connected with a casino, 62183  
including an officer or employee of a casino operator, management 62184  
company, or gaming-related vendor, under an agreement to influence 62185  
or with the intent to influence the actions of the person to 62186  
affect or attempt to affect the outcome of a casino game or an 62187  
official action of a commission member, agent, or employee; 62188

(H) A person who knowingly or intentionally does any of the 62189  
following while participating in casino gaming or otherwise 62190  
transacting with a casino facility as permitted by Chapter 3772. 62191  
of the Revised Code commits a felony of the fifth degree on a 62192

first offense and a felony of the fourth degree for a subsequent offense: 62193  
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(1) Causes or attempts to cause a casino facility to fail to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, or to fail to file a report or maintain a record required by an order issued under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508; 62195  
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(2) Causes or attempts to cause a casino facility to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, to file a report or to maintain a record required by any order issued under 31 U.S.C. 5326, or to maintain a record required under any regulation prescribed under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that contains a material omission or misstatement of fact; 62201  
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(3) With one or more casino facilities, structures a transaction, is complicit in structuring a transaction, attempts to structure a transaction, or is complicit in an attempt to structure a transaction. 62209  
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(I) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission. 62213  
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(J) As used in division (H) of this section: 62216

(1) To be "complicit" means to engage in any conduct of a type described in divisions (A)(1) to (4) of section 2923.03 of the Revised Code. 62217  
62218  
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(2) "Structure a transaction" has the same meaning as in section 1315.51 of the Revised Code. 62220  
62221

(K) Premises used or occupied in violation of division 62222

(E)(12) of this section constitute a nuisance subject to abatement 62223  
under Chapter 3767. of the Revised Code. 62224

**Sec. 3794.03. Areas where smoking is not regulated by this** 62225  
**chapter.** 62226

The following shall be exempt from the provisions of this 62227  
chapter: 62228

(A) Private residences, except during the hours of operation 62229  
as a child care or adult care facility for compensation, during 62230  
the hours of operation as a business by a person other than a 62231  
person residing in the private residence, or during the hours of 62232  
operation as a business, when employees of the business, who are 62233  
not residents of the private residence or are not related to the 62234  
owner, are present. 62235

(B) Rooms for sleeping in hotels, motels and other lodging 62236  
facilities designated as smoking rooms; provided, however, that 62237  
not more than twenty ~~percent~~ per cent of sleeping rooms may be so 62238  
designated. 62239

(C) Family-owned and operated places of employment in which 62240  
all employees are related to the owner, but only if the enclosed 62241  
areas of the place of employment are not open to the public, are 62242  
in a ~~free-standing~~ freestanding structure occupied solely by the 62243  
place of employment, and smoke from the place of employment does 62244  
not migrate into an enclosed area where smoking is prohibited 62245  
under the provisions of this chapter. 62246

(D) Any nursing home, as defined in division (A) of section 62247  
3721.10~~(A)~~ of the Revised Code, but only to the extent necessary 62248  
to comply with division (A)(18) of section 3721.13~~(A)(18)~~ of the 62249  
Revised Code. If indoor smoking area is provided by a nursing home 62250  
for residents of the nursing home, the designated indoor smoking 62251  
area shall be separately enclosed and separately ventilated so 62252

that tobacco smoke does not enter, through entrances, windows, 62253  
ventilation systems, or other means, any areas where smoking is 62254  
otherwise prohibited under this chapter. Only residents of the 62255  
nursing home may utilize the designated indoor smoking area for 62256  
smoking. A nursing home may designate specific times when the 62257  
indoor smoking area may be used for such purpose. No employee of a 62258  
nursing home shall be required to accompany a resident into a 62259  
designated indoor smoking area or perform services in such area 62260  
when being used for smoking. 62261

(E) Retail tobacco stores ~~as defined in section 3794.01(H) of~~ 62262  
~~this chapter~~ in operation prior to ~~the effective date of this~~ 62263  
~~section~~ December 7, 2006. The retail tobacco store shall annually 62264  
file with the department of health by the thirty-first day of 62265  
January ~~thirty-first~~ an affidavit stating the percentage of its 62266  
gross income during the prior calendar year that was derived from 62267  
the sale of cigars, cigarettes, pipes, or other smoking devices 62268  
for smoking tobacco and related smoking accessories. Any retail 62269  
tobacco store that begins operation after ~~the effective date of~~ 62270  
~~this section~~ December 7, 2006, or any existing retail tobacco 62271  
store that relocates to another location after ~~the effective date~~ 62272  
~~of this section~~ December 7, 2006, may only qualify for this 62273  
exemption if located in a freestanding structure occupied solely 62274  
by the business and smoke from the business does not migrate into 62275  
an enclosed area where smoking is prohibited under the provisions 62276  
of this chapter. 62277

(F) Outdoor patios ~~as defined in Section 3794.01(I) of this~~ 62278  
~~chapter~~. All outdoor patios shall be physically separated from an 62279  
enclosed area. If windows or doors form any part of the partition 62280  
between an enclosed area and the outdoor patio, the openings shall 62281  
be closed to prevent the migration of smoke into the enclosed 62282  
area. If windows or doors do not prevent the migration of smoke 62283  
into the enclosed area, the outdoor patio shall be considered an 62284

extension of the enclosed area and subject to the prohibitions of 62285  
this chapter. 62286

(G) Private clubs as defined in division (B)(13) of section 62287  
4301.01~~(B)(13)~~ of the Revised Code, provided all of the following 62288  
apply: the club has no employees; the club is organized as a 62289  
not\_for\_profit entity; only members of the club are present in the 62290  
club's building; no persons under the age of eighteen are present 62291  
in the club's building; the club is located in a freestanding 62292  
structure occupied solely by the club; smoke from the club does 62293  
not migrate into an enclosed area where smoking is prohibited 62294  
under the provisions of this chapter; and, if the club serves 62295  
alcohol, it holds a valid D4 liquor permit. 62296

(H) An enclosed space in a laboratory facility at an 62297  
accredited college or university, when used solely and exclusively 62298  
for clinical research activities by a person, organization, or 62299  
other entity conducting institutional review board-approved 62300  
scientific or medical research related to the health effects of 62301  
smoking or the use of tobacco products. The enclosed space shall 62302  
not be open to the public and shall be designed to minimize 62303  
exposure of nonsmokers to smoke. The program administrator shall 62304  
annually file a notice of new research with the department of 62305  
health on a form prescribed by the department. 62306

**Sec. 3796.08.** (A)(1) A patient seeking to use medical 62307  
marijuana or a caregiver seeking to assist a patient in the use or 62308  
administration of medical marijuana shall apply to the state board 62309  
of pharmacy for registration. The physician who holds a 62310  
certificate to recommend issued by the state medical board and is 62311  
treating the patient or the physician's delegate shall submit the 62312  
application on the patient's or caregiver's behalf in the manner 62313  
established in rules adopted under section 3796.04 of the Revised 62314  
Code. 62315

(2) The application shall include all of the following:	62316
(a) A statement from the physician certifying all of the following:	62317
(i) That a bona fide physician-patient relationship exists between the physician and patient;	62318
(ii) That the patient has been diagnosed with a qualifying medical condition;	62319
(iii) That the physician or physician delegate has requested from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the report;	62320
(iv) That the physician has informed the patient of the risks and benefits of medical marijuana as it pertains to the patient's qualifying medical condition and medical history;	62321
<del>(v) That the physician has informed the patient that it is the physician's opinion that the benefits of medical marijuana outweigh its risks.</del>	62322
(b) In the case of an application submitted on behalf of a patient, the name or names of the one or more caregivers that will assist the patient in the use or administration of medical marijuana;	62323
(c) In the case of an application submitted on behalf of a caregiver, the name of the patient or patients that the caregiver seeks to assist in the use or administration of medical marijuana.	62324
(3) If the application is complete and meets the requirements established in rules, the board shall register the patient or caregiver and issue to the patient or caregiver an identification card.	62325
(B) The board shall not make public any information reported to or collected by the board under this section that identifies or	62326
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would tend to identify any specific patient. 62346

Information collected by the board pursuant to this section 62347  
is confidential and not a public record. The board may share 62348  
identifying information with a licensed retail dispensary for the 62349  
purpose of confirming that a person has a valid registration. 62350  
Information that does not identify a person may be released in 62351  
summary, statistical, or aggregate form. 62352

(C) A registration expires according to the renewal schedule 62353  
established in rules adopted under section 3796.04 of the Revised 62354  
Code and may be renewed in accordance with procedures established 62355  
in those rules. 62356

Sec. 3901.90. The superintendent of insurance, in 62357  
consultation with the director of mental health and addiction 62358  
services, shall develop consumer and payer education on mental 62359  
health and addiction services insurance parity and establish and 62360  
promote a consumer hotline to collect information and help 62361  
consumers understand and access their insurance benefits. 62362

The department of insurance and the department of mental 62363  
health and addiction services shall jointly report annually on the 62364  
department's efforts, which shall include information on consumer 62365  
and payer outreach activities and identification of trends and 62366  
barriers to access and coverage in this state. The departments 62367  
shall submit the report to the general assembly, the joint 62368  
medicaid oversight committee, and the governor, not later than the 62369  
thirtieth day of January of each year. 62370

**Sec. 3923.041.** (A) As used in this section: 62371

(1) "Chronic condition" means a medical condition that has 62372  
persisted after reasonable efforts have been made to relieve or 62373  
cure its cause and has continued, either continuously or 62374  
episodically, for longer than six continuous months. 62375

- (2) "Clinical peer" means a health care practitioner in the same or in a similar, specialty that typically manages the medical condition, procedure, or treatment under review. 62376  
62377  
62378
- (3) "Covered person" means a person receiving coverage for health services under a policy of sickness and accident insurance or a public employee benefit plan. 62379  
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- (4) "Emergency service" has the same meaning as in section 1753.28 of the Revised Code. 62382  
62383
- (5) "Fraudulent or materially incorrect information" means any type of intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to the covered person in question. 62384  
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- (6) "Health care practitioner" has the same meaning as in section 3701.74 of the Revised Code. 62388  
62389
- (7) "NCPDP SCRIPT standard" means the national council for prescription drug programs SCRIPT standard version 201310 or the most recent standard adopted by the United States department of health and human services. 62390  
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- (8) "Prior authorization requirement" means any practice implemented by either a sickness and accident insurer or a public employee benefit plan in which coverage of a health care service, device, or drug is dependent upon a covered person or a health care practitioner obtaining approval from the insurer or plan prior to the service, device, or drug being performed, received, or prescribed, as applicable. "Prior authorization" includes prospective or utilization review procedures conducted prior to providing a health care service, device, or drug. 62394  
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- (9) "Urgent care services" means a medical care or other service for a condition where application of the timeframe for making routine or non-life threatening care determinations is either of the following: 62403  
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(a) Could seriously jeopardize the life, health, or safety of the patient or others due to the patient's psychological state; 62407  
62408

(b) In the opinion of a practitioner with knowledge of the patient's medical or behavioral condition, would subject the patient to adverse health consequences without the care or treatment that is the subject of the request. 62409  
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(10) "Utilization review" and "utilization review organization" have the same meanings as in section 1751.77 of the Revised Code. 62413  
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(B) If a policy issued by a sickness and accident insurer or a public employee benefit plan contains a prior authorization requirement, then all of the following apply: 62416  
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(1) For policies issued on or after January 1, 2018, the insurer or plan shall permit health care practitioners to access the prior authorization form through the applicable electronic software system. 62419  
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(2)(a) For policies issued on or after January 1, 2018, the insurer or plan, or other payer acting on behalf of the insurer or plan, to accept prior authorization requests through a secure electronic transmission. 62423  
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(b) For policies issued on or after January 1, 2018, the insurer or plan, a pharmacy benefit manager responsible for handling prior authorization requests, or other payer acting on behalf of the insurer or plan shall accept and respond to prior prescription benefit authorization requests through a secure electronic transmission using NCPDP SCRIPT standard ePA transactions, and for prior medical benefit authorization requests through a secure electronic transmission using standards established by the council for affordable quality health care on operating rules for information exchange or its successor. 62427  
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(c) For purposes of division (B)(2) of this section, neither 62437

of the following shall be considered a secure electronic transmission: 62438  
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(i) A facsimile; 62440

(ii) A proprietary payer portal for prescription drug requests that does not use NCPDP SCRIPT standard. 62441  
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(3) For policies issued on or after January 1, 2018, a health care practitioner and an insurer or plan may enter into a contractual arrangement under which the insurer or plan agrees to process prior authorization requests that are not submitted electronically because of the financial hardship that electronic submission of prior authorization requests would create for the health care practitioner or if internet connectivity is limited or unavailable where the health care practitioner is located. 62443  
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(4)(a) For policies issued on or after January 1, 2018, if the health care practitioner submits the request for prior authorization electronically as described in divisions (B)(1) and (2) of this section, the insurer or plan shall respond to all prior authorization requests within forty-eight hours for urgent care services, or ten calendar days for any prior authorization request that is not for an urgent care service, of the time the request is received by the insurer or plan. Division (B)(4) of this section does not apply to emergency services. 62451  
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(b) The response required under division (B)(4)(a) of this section shall indicate whether the request is approved or denied. If the prior authorization is denied, the insurer or plan shall provide the specific reason for the denial. 62460  
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62462  
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(c) If the prior authorization request is incomplete, the insurer or plan shall indicate the specific additional information that is required to process the request. 62464  
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62466

(5)(a) For policies issued on or after January 1, 2018, if a health care practitioner submits a prior authorization request as 62467  
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described in divisions (B)(1) and (2) of this section, the insurer  
or plan shall provide an electronic receipt to the health care  
practitioner acknowledging that the prior authorization request  
was received.

(b) For policies issued on or after January 1, 2018, if an  
issuer or plan requests additional information that is required to  
process a prior authorization request as described in division  
(B)(4)(c) of this section, the health care practitioner shall  
provide an electronic receipt to the issuer or plan acknowledging  
that the request for additional information was received.

(6)(a) For policies issued on or after January 1, 2017, for a  
prior approval related to a chronic condition, the insurer or plan  
shall honor a prior authorization approval for an approved drug  
for the lesser of the following from the date of the approval:

(i) Twelve months;

(ii) The last day of the covered person's eligibility under  
the policy or plan.

(b) The duration of all other prior authorization approvals  
shall be dictated by the policy or plan.

(c) An insurer or plan, in relation to prior approval under  
division (B)(6)(a) of this section, may require a health care  
practitioner to submit information to the insurer or plan  
indicating that the patient's chronic condition has not changed.

(i) The request for information by the insurer or plan and  
the response by the health care practitioner shall be in an  
electronic format, which may be by electronic mail or other  
electronic communication.

(ii) The frequency of the submission of requested information  
shall be consistent with medical or scientific evidence, as  
defined in section 3922.01 of the Revised Code, but shall not be

required more frequently than quarterly. 62499

(iii) If the health care practitioner does not respond within 62500  
five calendar days from the date the request was received, the 62501  
insurer or plan may terminate the twelve-month approval. 62502

(d) A twelve-month approval provided under division (B)(6)(a) 62503  
of this section is no longer valid and automatically terminates if 62504  
there are changes to federal or state laws or federal regulatory 62505  
guidance or compliance information prescribing that the drug in 62506  
question is no longer approved or safe for the intended purpose. 62507

(e) A twelve-month approval provided under division (B)(6)(a) 62508  
of this section does not apply to and is not required for any of 62509  
the following: 62510

(i) Medications that are prescribed for a non-maintenance 62511  
condition; 62512

(ii) Medications that have a typical treatment of less than 62513  
one year; 62514

(iii) Medications that require an initial trial period to 62515  
determine effectiveness and tolerability, beyond which a one-year, 62516  
or greater, prior authorization period will be given; 62517

(iv) Medications where there is medical or scientific 62518  
evidence as defined in section 3922.01 of the Revised Code that do 62519  
not support a twelve-month prior approval; 62520

(v) Medications that are a schedule I or II controlled 62521  
substance or any opioid analgesic or benzodiazepine, as defined in 62522  
section 3719.01 of the Revised Code; 62523

(vi) Medications that are not prescribed by an in-network 62524  
provider as part of the care management program. 62525

(7) For policies issued on or after January 1, 2017, an 62526  
insurer or plan may, but is not required to, provide the 62527  
twelve-month approval prescribed in division (B)(6)(a) of this 62528

section for a prescription drug that meets either of the 62529  
following: 62530

(a) The drug is prescribed or administered to treat a rare 62531  
medical condition and pursuant to medical or scientific evidence 62532  
as defined in section 3922.01 of the Revised Code. 62533

(b) Medications that are controlled substances not included 62534  
in division (B)(6)(e)(v) of this section. 62535

For purposes of division (B)(7) of this section, "rare 62536  
medical condition" means any disease or condition that affects 62537  
fewer than two hundred thousand individuals in the United States. 62538

(8) Nothing in division (B)(6) or (7) of this section 62539  
prohibits the substitution, in accordance with section 4729.38 of 62540  
the Revised Code, of any drug that has received a twelve-month 62541  
approval under division (B)(6)(a) of this section when there is a 62542  
release of either of the following: 62543

(a) A United States food and drug administration approved 62544  
comparable brand product or a generic counterpart of a brand 62545  
product that is listed as therapeutically equivalent in the United 62546  
States food and drug administration's publication titled approved 62547  
drug products with therapeutic equivalence evaluations; 62548

(b) An interchangeable biological product, as defined in 62549  
section 3715.01 of the Revised Code. 62550

(9)(a) For policies issued on or after January 1, 2017, upon 62551  
written request, an insurer or plan shall permit a retrospective 62552  
review for a claim that is submitted for a service where prior 62553  
authorization was required but not obtained if the service in 62554  
question meets all of the following: 62555

(i) The service is directly related to another service for 62556  
which prior approval has already been obtained and that has 62557  
already been performed. 62558

(ii) The new service was not known to be needed at the time 62559  
the original prior authorized service was performed. 62560

(iii) The need for the new service was revealed at the time 62561  
the original authorized service was performed. 62562

(b) Once the written request and all necessary information is 62563  
received, the insurer or plan shall review the claim for coverage 62564  
and medical necessity. The insurer or plan shall not deny a claim 62565  
for such a new service based solely on the fact that a prior 62566  
authorization approval was not received for the new service in 62567  
question. 62568

(10)(a) For policies issued on or after January 1, 2017, the 62569  
insurer or plan shall disclose to all participating health care 62570  
practitioners any new prior authorization requirement at least 62571  
thirty days prior to the effective date of the new requirement. 62572

(b) The notice may be sent via electronic mail or standard 62573  
mail and shall be conspicuously entitled "Notice of Changes to 62574  
Prior Authorization Requirements." The notice is not required to 62575  
contain a complete listing of all changes made to the prior 62576  
authorization requirements, but shall include specific information 62577  
on where the health care practitioner may locate the information 62578  
on the insurer or plan's web site or, if applicable, the insurer's 62579  
or plan's portal. 62580

(c) All participating health care practitioners shall 62581  
promptly notify the insurer or plan of any changes to the health 62582  
care practitioner's electronic mail or standard mail address. 62583

(11)(a) For policies issued on or after January 1, 2017, the 62584  
insurer or plan shall make available to all participating health 62585  
care practitioners on its web site or provider portal a listing of 62586  
its prior authorization requirements, including specific 62587  
information or documentation that a practitioner must submit in 62588  
order for the prior authorization request to be considered 62589

complete. 62590

(b) The insurer or plan shall make available on its web site 62591  
information about the policies, contracts, or agreements offered 62592  
by the insurer or plan that clearly identifies specific services, 62593  
drugs, or devices to which a prior authorization requirement 62594  
exists. 62595

(12) For policies issued on or after January 1, 2018, the 62596  
insurer or plan shall establish a streamlined appeal process 62597  
relating to adverse prior authorization determinations that shall 62598  
include all of the following: 62599

(a) For urgent care services, the appeal shall be considered 62600  
within forty-eight hours after the insurer or plan receives the 62601  
appeal. 62602

(b) For all other matters, the appeal shall be considered 62603  
within ten calendar days after the insurer or plan receives the 62604  
appeal. 62605

(c) The appeal shall be between the health care practitioner 62606  
requesting the service in question and a clinical peer. 62607

(d) If the appeal does not resolve the disagreement, either 62608  
the covered person or an authorized representative as defined in 62609  
section 3922.01 of the Revised Code may request an external review 62610  
under Chapter 3922. of the Revised Code to the extent Chapter 62611  
3922. of the Revised Code is applicable. 62612

(C) For policies issued on or after January 1, 2017, except 62613  
in cases of fraudulent or materially incorrect information, an 62614  
insurer or plan shall not retroactively deny a prior authorization 62615  
for a health care service, drug, or device when all of the 62616  
following are met: 62617

(1) The health care practitioner submits a prior 62618  
authorization request to the insurer or plan for a health care 62619

service, drug, or device;	62620
(2) The insurer or plan approves the prior authorization request after determining that all of the following are true:	62621 62622
(a) The patient is eligible under the health benefit plan.	62623
(b) The health care service, drug, or device is covered under the patient's health benefit plan.	62624 62625
(c) The health care service, drug, or device meets the insurer's or plan's standards for medical necessity and prior authorization.	62626 62627 62628
(3) The health care practitioner renders the health care service, drug, or device pursuant to the approved prior authorization request and all of the terms and conditions of the health care practitioner's contract with the insurer or plan;	62629 62630 62631 62632
(4) On the date the health care practitioner renders the prior approved health care service, drug, or device, all of the following are true:	62633 62634 62635
(a) The patient is eligible under the health benefit plan.	62636
(b) The patient's condition or circumstances related to the patient's care has not changed.	62637 62638
(c) The health care practitioner submits an accurate claim that matches the information submitted by the health care practitioner in the approved prior authorization request.	62639 62640 62641
(5) If the health care practitioner submits a claim that includes an unintentional error and the error results in a claim that does not match the information originally submitted by the health care practitioner in the approved prior authorization request, upon receiving a denial of services from the insurer or plan, the health care practitioner may resubmit the claim pursuant to division (C) of this section with the information that matches the information included in the approved prior authorization.	62642 62643 62644 62645 62646 62647 62648 62649

(D) Any provision of a contractual arrangement entered into 62650  
between an insurer or plan and a health care practitioner or 62651  
beneficiary that is contrary to divisions (A) to (C) of this 62652  
section is unenforceable. 62653

(E) For policies issued on or after January 1, 2017, 62654  
committing a series of violations of this section that, taken 62655  
together, constitute a practice or pattern shall be considered an 62656  
unfair and deceptive practice under sections 3901.19 to 3901.26 of 62657  
the Revised Code. 62658

(F) The superintendent of insurance may adopt rules in 62659  
accordance with Chapter 119. of the Revised Code as necessary to 62660  
implement the provisions of this section. 62661

(G) This section does not apply to any of the following types 62662  
of coverage: a policy, contract, certificate, or agreement that 62663  
covers only a specified accident, accident only, credit, dental, 62664  
disability income, long-term care, hospital indemnity, 62665  
supplemental coverage as described in section 3923.37 of the 62666  
Revised Code, specified disease, or vision care; a dental benefit 62667  
that is offered as a part of a policy of sickness and accident 62668  
insurance or a public employee benefit plan; coverage issued as a 62669  
supplement to liability insurance; insurance arising out of 62670  
workers' compensation or similar law; automobile medical payment 62671  
insurance; insurance under which benefits are payable with or 62672  
without regard to fault and which is statutorily required to be 62673  
contained in any liability insurance policy or equivalent 62674  
self-insurance; a medicare supplement policy of insurance as 62675  
defined by the superintendent of insurance by rule; coverage under 62676  
a plan through medicare or the federal employees benefit program; 62677  
or any coverage issued under Chapter 55 of Title 10 of the United 62678  
States Code and any coverage issued as a supplement to that 62679  
coverage. 62680

**Sec. 3937.25.** (A) As used in sections 3937.25 to 3937.29 of 62681  
the Revised Code, "medical malpractice insurance" means insurance 62682  
coverage against the legal liability of the insured for loss, 62683  
damage, or expense arising from a medical, optometric, or 62684  
chiropractic claim, as those claims are defined in section 62685  
2305.113 of the Revised Code. 62686

(B) After a policy of commercial property insurance, 62687  
commercial fire insurance, or commercial casualty insurance other 62688  
than fidelity or surety bonds, medical malpractice insurance, and 62689  
automobile insurance as defined in section 3937.30 of the Revised 62690  
Code, has been in effect for more than ninety days, a notice of 62691  
cancellation for such policy shall not be issued by any licensed 62692  
insurer unless it is based on one of the following grounds: 62693

(1) Nonpayment of premium; 62694

(2) Discovery of fraud or material misrepresentation in the 62695  
procurement of the insurance or with respect to any claims 62696  
submitted thereunder; 62697

(3) Discovery of a moral hazard or willful or reckless acts 62698  
or omissions on the part of the named insured that increase any 62699  
hazard insured against; 62700

(4) The occurrence of a change in the individual risk which 62701  
substantially increases any hazard insured against after insurance 62702  
coverage has been issued or renewed, except to the extent the 62703  
insurer reasonably should have foreseen the change or contemplated 62704  
the risk in writing the contract; 62705

(5) Loss of applicable reinsurance or a substantial decrease 62706  
in applicable reinsurance, if the superintendent has determined 62707  
that reasonable efforts have been made to prevent the loss of, or 62708  
substantial decrease in, the applicable reinsurance, or to obtain 62709  
replacement coverage; 62710

(6) Failure of an insured to correct material violations of safety codes or to comply with reasonable written loss control recommendations; 62711  
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62713

(7) A determination by the superintendent of insurance that the continuation of the policy would create a condition that would be hazardous to the policyholders or the public. 62714  
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62716

(C) The notice of cancellation required by this section must be in writing, be mailed to the insured at the insured's last known address, and contain all of the following: 62717  
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62719

(1) The policy number; 62720

(2) The date of the notice; 62721

(3) The effective date of the cancellation; 62722

(4) An explanation of the reason for cancellation. 62723

Such notice of cancellation also shall be mailed to the insured's agent. 62724  
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(D)(1) Except for nonpayment of premium, the effective date of cancellation must be no less than thirty days from the date of mailing the notice. ~~When~~ 62726  
62727  
62728

(2)(a) When cancellation is for nonpayment of premium, the effective date of cancellation must be no less than ten days from the date of mailing the notice. 62729  
62730  
62731

(b) An insurer may include a notice of cancellation of a policy of automobile insurance for nonpayment of premium with a billing notice. Subject to division (D)(2)(a) of this section, such a cancellation is effective on or after the due date of the bill. 62732  
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(E) Nothing in division (B) of this section shall be construed to prevent an insurer from writing a policy of commercial property insurance, commercial fire insurance, or commercial casualty insurance other than medical malpractice 62737  
62738  
62739  
62740

insurance and automobile insurance as defined in section 3937.30 62741  
of the Revised Code for a period greater than one year and 62742  
providing in such policy that the insurer may issue a notice of 62743  
cancellation of such policy at least thirty days prior to an 62744  
anniversary of such policy, with the effective date of 62745  
cancellation being that anniversary. 62746

The superintendent may prescribe that adequate disclosure be 62747  
made to the insured when a policy is issued for a term of more 62748  
than one year. 62749

(F) There is no liability on the part of, and no cause of 62750  
action of any nature arises against, the superintendent of 62751  
insurance, any insurer, or any person furnishing information 62752  
requested by the superintendent, an insurer, the agent, employee, 62753  
attorney, or other authorized representative of any such persons, 62754  
for any oral or written statement made to supply information 62755  
relevant to a determination on cancellation of any policy of 62756  
commercial property insurance, commercial fire insurance, or 62757  
commercial casualty insurance other than fidelity or surety bonds, 62758  
medical malpractice insurance, and automobile insurance as defined 62759  
in section 3937.30 of the Revised Code, or in connection with 62760  
advising an insured or an insured's attorney of the reasons for a 62761  
cancellation of such insurance, or in connection with any 62762  
administrative or judicial proceeding arising out of or related to 62763  
such cancellation. 62764

**Sec. 3937.32.** (A) No cancellation of an automobile insurance 62765  
policy is effective, unless it is pursuant to written notice to 62766  
the insured of cancellation. Such notice shall contain: 62767

~~(A)~~(1) The policy number; 62768

~~(B)~~(2) The date of the notice; 62769

~~(C)~~(3) The effective date of cancellation of the policy, 62770

which shall not be earlier than thirty days following the date of  
the notice;

~~(D)~~(4) An explanation of the reason for cancellation and the  
information upon which it is based, or a statement that such  
explanation will be furnished to the insured in writing within  
five days after receipt of the insured's written request therefor  
to the insurer;

~~(E)~~(5) Where cancellation is for nonpayment of premium at  
least ten days notice from the date of mailing of cancellation  
accompanied by the reason therefor shall be given;

~~(F)~~(6) A statement that if there is cause to believe such  
cancellation is based on erroneous information, or is contrary to  
law or the terms of the policy, the insured is entitled to have  
the matter reviewed by the superintendent of insurance, upon  
written application to the superintendent made not later than the  
effective date of cancellation of the policy.

(B) An insurer may include a notice of cancellation for  
nonpayment of premium with a billing notice. Subject to division  
(A)(5) of this section, such a cancellation is effective on or  
after the due date of the bill.

**Sec. 4104.15.** (A) All certificates of inspection for boilers,  
issued prior to October 15, 1965, are valid and effective for the  
period set forth in such certificates unless sooner withdrawn by  
the superintendent of industrial compliance. The owner or user of  
any such boiler shall obtain an appropriate certificate of  
operation for such boiler, and shall not operate such boiler, or  
permit it to be operated unless a certificate of operation has  
been obtained in accordance with section 4104.17 of the Revised  
Code.

(B) If, ~~upon making the internal and external inspection~~

~~required under sections 4104.11, 4104.12, and 4104.13 of the~~ 62801  
~~Revised Code, the inspector finds the boiler to be in safe working~~ 62802  
~~order, with the fittings necessary to safety, and properly set up,~~ 62803  
~~upon the inspector's report to the superintendent, the~~ 62804  
~~superintendent shall issue to the owner or user thereof, or renew,~~ 62805  
~~upon application and upon a boiler owner or user is in~~ 62806  
with sections 4104.13, 4104.17, and 4104.18 of the Revised Code, a 62807  
the superintendent, upon application, shall issue the boiler owner 62808  
or user a certificate of operation or renew the boiler owner's or 62809  
user's certificate of operation. The certificate of operation 62810  
~~which shall state:~~ 62811

(1) State the maximum pressure at which the boiler may be 62812  
operated, as ascertained by the rules of the board of building 62813  
standards. ~~Such certificates shall also state,~~ the name of the 62814  
owner or user, the location, size, and number of each boiler, and 62815  
the date of issuance, ~~and shall be;~~ 62816

(2) Be so placed as to be easily read in the engine room or 62817  
boiler room of the plant where the boiler is located, except that 62818  
the certificate of operation for a portable boiler shall be kept 62819  
on the premises and shall be accessible at all times. 62820

(C) If an inspector at any inspection finds that the boiler 62821  
or pressure vessel is not in safe working condition, or is not 62822  
provided with the fittings necessary to safety, or if the fittings 62823  
are improperly arranged, the inspector shall immediately notify 62824  
the owner or user and person in charge of the boiler and shall 62825  
report the same to the superintendent who may revoke, suspend, or 62826  
deny the certificate of operation and not renew the same until the 62827  
boiler or pressure vessel and its fittings are put in condition to 62828  
insure safety of operation, and the owner or user shall not 62829  
operate the boiler or pressure vessel, or permit it to be operated 62830  
until such certificate has been granted or restored. 62831

(D) If the superintendent or a general boiler inspector finds 62832

that a pressure vessel or boiler or a part thereof poses an 62833  
explosion hazard that reasonably can be regarded as posing an 62834  
imminent danger of death or serious physical harm to persons, the 62835  
superintendent or the general boiler inspector shall seal the 62836  
pressure vessel or boiler and order, in writing, the operator or 62837  
owner of the pressure vessel or boiler to immediately cease the 62838  
pressure vessel's or boiler's operation. The order shall be 62839  
effective until the nonconformities are eliminated, corrected, or 62840  
otherwise remedied, or for a period of seventy-two hours from the 62841  
time of issuance, whichever occurs first. During the 62842  
seventy-two-hour period, the superintendent may request that the 62843  
prosecuting attorney or city attorney of Franklin county or of the 62844  
county in which the pressure vessel or boiler is located obtain an 62845  
injunction restraining the operator or owner of the pressure 62846  
vessel or boiler from continuing its operation after the 62847  
seventy-two-hour period expires until the nonconformities are 62848  
eliminated, corrected, or otherwise remedied. 62849

(E) Each boiler which has been inspected shall be assigned a 62850  
number by the superintendent, which number shall be stamped on a 62851  
nonferrous metal tag affixed to the boiler or its fittings by seal 62852  
or otherwise. No person except an inspector shall deface or remove 62853  
any such number or tag. 62854

(F) If the owner or user of any pressure vessel or boiler 62855  
disagrees with the inspector as to the necessity for shutting down 62856  
a pressure vessel or boiler or for making repairs or alterations 62857  
in it, or taking any other measures for safety that are requested 62858  
by an inspector, the owner or user may appeal from the decision of 62859  
the inspector to the superintendent, who may, after such other 62860  
inspection by a general inspector or special inspector as the 62861  
superintendent deems necessary, decide the issue. 62862

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 62863  
nor an inspection or report by any inspector, shall relieve the 62864

owner or user of a pressure vessel or boiler of the duty of using 62865  
due care in the inspection, operation, and repair of the pressure 62866  
vessel or boiler or of any liability for damages for failure to 62867  
inspect, repair, or operate the pressure vessel or boiler safely. 62868

**Sec. 4104.18.** (A) The owner or user of a boiler required 62869  
under section 4104.12 of the Revised Code to be inspected upon 62870  
installation, and the owner or user of a boiler for which a 62871  
certificate of inspection has been issued ~~which~~ that is replaced 62872  
with an appropriate certificate of operation, shall pay to the 62873  
superintendent of industrial compliance ~~a~~ an initial certificate  
of operation fee in the following amount ~~of fifty, as applicable:~~ 62874  
62875

(1) Fifty dollars for boilers subject to annual inspections 62876  
under section 4104.11 of the Revised Code, ~~one;~~ 62877

(2) One hundred dollars for boilers subject to biennial 62878  
inspection under section 4104.13 of the Revised Code, ~~one;~~ 62879

(3) One hundred fifty dollars for boilers subject to 62880  
triennial inspection under section 4104.11 of the Revised Code, ~~or~~  
~~two;~~ 62881  
62882

(4) Two hundred fifty dollars for boilers subject to 62883  
quinquennial inspection under section 4104.13 of the Revised Code. 62884

(B) The owner or user of a boiler required under section 62885  
4104.12 of the Revised Code to be inspected upon installation, and 62886  
the owner or user of a boiler for which a certificate of 62887  
inspection has been issued that is replaced with an appropriate 62888  
certificate of operation, shall pay to the superintendent of 62889  
industrial compliance an annual certificate of operation renewal 62890  
fee in the following amount, as applicable: 62891

(1) Fifty dollars for boilers subject to annual inspections 62892  
under section 4101.11 of the Revised Code; 62893

(2) One hundred dollars for boilers subject to biennial 62894

inspections under section 4104.13 of the Revised Code; 62895

(3) One hundred fifty dollars for boilers subject to 62896  
triennial inspections under section 4104.11 of the Revised Code; 62897

(4) Two hundred fifty dollars for boilers subject to 62898  
quinquennial inspections under section 4104.13 of the Revised 62899  
Code. 62900

(C) The fee for complete inspection during construction by a 62901  
general inspector on boilers and pressure vessels manufactured 62902  
within the state shall be thirty-five dollars per hour. Boiler and 62903  
pressure vessel manufacturers other than those located in the 62904  
state may secure inspection by a general inspector on work during 62905  
construction, upon application to the superintendent, and upon 62906  
payment of a fee of thirty-five dollars per hour, plus the 62907  
necessary traveling and hotel expenses incurred by the inspector. 62908

~~(C)~~(D) The application fee for applicants for steam engineer, 62909  
high pressure boiler operator, or low pressure boiler operator 62910  
licenses is seventy-five dollars. The fee for each original or 62911  
renewal steam engineer, high pressure boiler operator, or low 62912  
pressure boiler operator license is fifty dollars. 62913

~~(D) The director of commerce, subject to the approval of the~~ 62914  
~~controlling board, may establish fees in excess of the fees~~ 62915  
~~provided in divisions (A), (B), and (C) of this section.~~ (E) The 62916  
superintendent of industrial compliance, by rule adopted in 62917  
accordance with Chapter 119. of the Revised Code, may increase the 62918  
fees required by this section and may establish fees to pay the 62919  
costs of the division to fulfill its duties established by this 62920  
chapter. The fees shall bear some reasonable relationship to the 62921  
cost of administering and enforcing the provisions of this 62922  
chapter. Any moneys collected under this section shall be paid 62923  
into the state treasury to the credit of the industrial compliance 62924  
operating fund created in section 121.084 of the Revised Code. 62925

~~(E)~~(F) Any person who fails to pay an invoiced renewal fee or 62926  
an invoiced inspection fee required for any inspection conducted 62927  
by the division of industrial compliance pursuant to this chapter 62928  
within forty-five days of the invoice date shall pay a late 62929  
payment fee equal to twenty-five per cent of the invoiced fee. 62930

~~(F)~~(G) In addition to the fees assessed in divisions (A) ~~and~~ 62931  
(B), and (C) of this section, the board of building standards 62932  
shall assess the owner or user a fee of three dollars and 62933  
twenty-five cents for each certificate of operation or renewal 62934  
thereof issued under ~~division~~ divisions (A) and (B) of this 62935  
section and for each inspection conducted under division ~~(B)~~(C) of 62936  
this section. The board shall adopt rules, in accordance with 62937  
Chapter 119. of the Revised Code, specifying the manner by which 62938  
the superintendent shall collect and remit to the board the fees 62939  
assessed under this division and requiring that remittance of the 62940  
fees be made at least quarterly. 62941

**Sec. 4105.17.** (A) The fee for each ~~inspection, or~~ attempted 62942  
inspection that, due to no fault of a general inspector or the 62943  
division of industrial compliance, is not successfully completed, 62944  
by a general inspector before the operation of a permanent new 62945  
elevator prior to the issuance of a certificate of operation, 62946  
before operation of an elevator being put back into service after 62947  
a repair or after an adjudication under section 4105.11 of the 62948  
Revised Code, or as a result of the operation of section 4105.08 62949  
of the Revised Code and is an elevator required to be inspected 62950  
under this chapter is one hundred twenty dollars plus ten dollars 62951  
for each floor where the elevator stops. ~~The superintendent of~~ 62952  
~~industrial compliance may assess an additional fee of one hundred~~ 62953  
~~twenty dollars plus ten dollars for each floor where an elevator~~ 62954  
~~stops for the reinspection of an elevator when a previous attempt~~ 62955  
~~to inspect that elevator has been unsuccessful through no fault of~~ 62956  
~~a general inspector or the division of industrial compliance.~~ 62957

(B) The fee for each ~~inspection, or~~ attempted inspection, 62958  
that due to no fault of the general inspector or the division, is 62959  
not successfully completed by a general inspector before operation 62960  
of a permanent new escalator or moving walk prior to the issuance 62961  
of a certificate of operation, before operation of an escalator or 62962  
moving walk being put back in service after a repair, or as a 62963  
result of the operation of section 4105.08 of the Revised Code is 62964  
three hundred dollars. ~~The superintendent may assess an additional~~ 62965  
~~fee of one hundred fifty dollars for the reinspection of an~~ 62966  
~~escalator or moving walk when a previous attempt to inspect that~~ 62967  
~~escalator or moving walk has been unsuccessful through no fault of~~ 62968  
~~the general inspector or the division.~~ 62969

(C) The fee for issuing or renewing a certificate of 62970  
operation under section 4105.15 of the Revised Code for an 62971  
elevator that is inspected every six months in accordance with 62972  
division (A) of section 4105.10 of the Revised Code is two hundred 62973  
twenty dollars plus twelve dollars for each floor where the 62974  
elevator stops, except where the elevator has been inspected by a 62975  
special inspector in accordance with section 4105.07 of the 62976  
Revised Code. 62977

(D) The fee for issuing or renewing a certificate of 62978  
operation under section 4105.05 of the Revised Code for an 62979  
elevator that is inspected every twelve months in accordance with 62980  
division (A) of section 4105.10 of the Revised Code is fifty-five 62981  
dollars plus ten dollars for each floor where the elevator stops, 62982  
except where the elevator has been inspected by a special 62983  
inspector in accordance with section 4105.07 of the Revised Code. 62984

(E) The fee for issuing or renewing a certificate of 62985  
operation under section 4105.15 of the Revised Code for an 62986  
escalator or moving walk is three hundred dollars, except where 62987  
the escalator or moving walk has been inspected by a special 62988  
inspector in accordance with section 4105.07 of the Revised Code. 62989

(F) All other fees to be charged for any examination given or other service performed by the division pursuant to this chapter shall be prescribed by the director of commerce. The fees shall be reasonably related to the costs of such examination or other service.

(G) The director of commerce, subject to the approval of the controlling board, may establish fees in excess of the fees provided in divisions (A), (B), (C), (D), and (E) of this section. Any moneys collected under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.

(H) Any person who fails to pay an inspection fee required for any inspection ~~conducted~~ attempted by the division pursuant to this chapter within forty-five days after the inspection is ~~conducted~~ attempted, or who fails to pay a certificate of operation fee pursuant to this chapter within forty-five days after the certificate's expiration, shall pay a late payment fee equal to twenty-five per cent of the inspection fee.

(I) In addition to the fees assessed in divisions (A), (B), (C), (D), and (E) of this section, the board of building standards shall assess a fee of three dollars and twenty-five cents for each certificate of operation or renewal thereof issued under divisions (A), (B), (C), (D), or (E) of this section and for each permit issued under section 4105.16 of the Revised Code. The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner by which the superintendent shall collect and remit to the board the fees assessed under this division and requiring that remittance of the fees be made at least quarterly.

(J) The superintendent, by rule adopted in accordance with Chapter 119. of the Revised Code, may increase the fees required by this section and may establish fees to pay the costs of the division to fulfill its duties established by this chapter. The

fees shall bear some reasonable relationship to the cost of 63022  
administering and enforcing this chapter. 63023

(K) For purposes of this section: 63024

(1) "Escalator" means a power driven, inclined, continuous 63025  
stairway used for raising or lowering passengers. 63026

(2) "Moving walk" means a passenger carrying device on which 63027  
passengers stand or walk, with a passenger carrying surface that 63028  
is uninterrupted and remains parallel to its direction of motion. 63029

**Sec. 4109.06.** (A) This chapter does not apply to the 63030  
following: 63031

(1) Minors who are students working on any properly guarded 63032  
machines in the manual training department of any school when the 63033  
work is performed under the personal supervision of an instructor; 63034

(2) Students participating in a ~~vocational~~ career-technical 63035  
or STEM program approved by the Ohio department of education or 63036  
students participating in any eligible classes through the college 63037  
credit plus program established under Chapter 3365. of the Revised 63038  
Code that include a state-recognized pre-apprenticeship program 63039  
that imparts the skills and knowledge needed for successful 63040  
participation in a registered apprenticeship occupation course; 63041

(3) A minor participating in a play, pageant, or concert 63042  
produced by an outdoor historical drama corporation, a 63043  
professional traveling theatrical production, a professional 63044  
concert tour, or a personal appearance tour as a professional 63045  
motion picture star, or as an actor or performer in motion 63046  
pictures or in radio or television productions in accordance with 63047  
the rules adopted pursuant to division (A) of section 4109.05 of 63048  
the Revised Code; 63049

(4) The participation, without remuneration of a minor and 63050  
with the consent of a parent or guardian, in a performance given 63051

by a church, school, or academy, or at a concert or entertainment	63052
given solely for charitable purposes, or by a charitable or	63053
religious institution;	63054
(5) Minors who are employed by their parents in occupations	63055
other than occupations prohibited by rule adopted under this	63056
chapter;	63057
(6) Minors engaged in the delivery of newspapers to the	63058
consumer;	63059
(7) Minors who have received a high school diploma or a	63060
certificate of attendance from an accredited secondary school or a	63061
certificate of high school equivalence;	63062
(8) Minors who are currently heads of households or are	63063
parents contributing to the support of their children;	63064
(9) Minors engaged in lawn mowing, snow shoveling, and other	63065
related employment;	63066
(10) Minors employed in agricultural employment in connection	63067
with farms operated by their parents, grandparents, or guardians	63068
where they are members of the guardians' household. Minors are not	63069
exempt from this chapter if they reside in agricultural labor	63070
camps as defined in section 3733.41 of the Revised Code;	63071
(11) Students participating in a program to serve as precinct	63072
officers as authorized by section 3501.22 of the Revised Code.	63073
(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the	63074
Revised Code do not apply to the following:	63075
(1) Minors who work in a sheltered workshop operated by a	63076
county board of developmental disabilities;	63077
(2) Minors performing services for a nonprofit organization	63078
where the minor receives no compensation, except for any expenses	63079
incurred by the minor or except for meals provided to the minor;	63080
(3) Minors who are employed in agricultural employment and	63081

who do not reside in agricultural labor camps. 63082

(C) Division (D) of section 4109.07 of the Revised Code does 63083  
not apply to minors who have their employment hours established as 63084  
follows: 63085

(1) A minor adjudicated to be an unruly child or delinquent 63086  
child who, as a result of the adjudication, is placed on probation 63087  
may either file a petition in the juvenile court in whose 63088  
jurisdiction the minor resides, or apply to the superintendent or 63089  
to the chief administrative officer who issued the minor's age and 63090  
schooling certificate pursuant to section 3331.01 of the Revised 63091  
Code, alleging the restrictions on the hours of employment 63092  
described in division (D) of section 4109.07 of the Revised Code 63093  
will cause a substantial hardship or are not in the minor's best 63094  
interests. Upon receipt of a petition or application, the court, 63095  
the superintendent, or the chief administrative officer, as 63096  
appropriate, shall consult with the person required to supervise 63097  
the minor on probation. If after that consultation, the court, the 63098  
superintendent, or the chief administrative officer finds the 63099  
minor has failed to show the restrictions will result in a 63100  
substantial hardship or that the restrictions are not in the 63101  
minor's best interests, the court, the superintendent, or the 63102  
chief administrative officer shall uphold the restrictions. If 63103  
after that consultation, the court, the superintendent, or the 63104  
chief administrative officer finds the minor has shown the 63105  
restricted hours will cause a substantial hardship or are not in 63106  
the minor's best interests, the court, the superintendent, or the 63107  
chief administrative officer shall establish differing hours of 63108  
employment for the minor and notify the minor and the minor's 63109  
employer of those hours, which shall be binding in lieu of the 63110  
restrictions on the hours of employment described in division (D) 63111  
of section 4109.07 of the Revised Code. 63112

(2) Any minor to whom division (C)(1) of this section does 63113

not apply may either file a petition in the juvenile court in 63114  
whose jurisdiction the person resides, or apply to the 63115  
superintendent or to the chief administrative officer who issued 63116  
the minor's age and schooling certificate pursuant to section 63117  
3331.01 of the Revised Code, alleging the restrictions on the 63118  
hours of employment described in division (D) of section 4109.07 63119  
of the Revised Code will cause a substantial hardship or are not 63120  
in the minor's best interests. 63121

If, as a result of a petition or application, the court, the 63122  
superintendent, or the chief administrative officer, as 63123  
appropriate, finds the minor has failed to show such restrictions 63124  
will result in a substantial hardship or that the restrictions are 63125  
not in the minor's best interests, the court, the superintendent, 63126  
or the chief administrative officer shall uphold the restrictions. 63127  
If the court, the superintendent, or the chief administrative 63128  
officer finds the minor has shown the restricted hours will cause 63129  
a substantial hardship or are not in the minor's best interests, 63130  
the court, the superintendent, or the chief administrative officer 63131  
shall establish the hours of employment for the minor and shall 63132  
notify the minor and the minor's employer of those hours. 63133

(D) Section 4109.03, divisions (A) and (C) of section 63134  
4109.02, and division (B) of section 4109.08 of the Revised Code 63135  
do not apply to minors who are sixteen or seventeen years of age 63136  
and who are employed at a seasonal amusement or recreational 63137  
establishment. 63138

(E) As used in this section, "certificate of high school 63139  
equivalence" means either: 63140

(1) A statement issued by the department of education that 63141  
the holder of the statement has achieved the equivalent of a high 63142  
school education as measured by scores obtained on a high school 63143  
equivalency test approved by the department pursuant to division 63144  
(B) of section 3301.80 of the Revised Code; 63145

(2) A statement issued by a primary-secondary education or 63146  
higher education agency of another state that the holder of the 63147  
statement has achieved the equivalent of a high school education 63148  
as measured by scores obtained on a similar nationally recognized 63149  
high school equivalency test. 63150

**Sec. 4112.05.** (A)(1) The commission, as provided in this 63151  
section, shall prevent any person from engaging in unlawful 63152  
discriminatory practices. 63153

(2) The commission may at any time attempt to resolve 63154  
allegations of unlawful discriminatory practices by the use of 63155  
alternative dispute resolution, provided that, before instituting 63156  
the formal hearing authorized by division (B) of this section, it 63157  
shall attempt, by informal methods of conference, conciliation, 63158  
and persuasion, to induce compliance with this chapter. 63159

(B)(1) Any person may file a charge with the commission 63160  
alleging that another person has engaged or is engaging in an 63161  
unlawful discriminatory practice. In the case of a charge alleging 63162  
an unlawful discriminatory practice described in division (A), 63163  
(B), (C), (D), (E), (F), (G), (I), or (J) of section 4112.02 or in 63164  
section 4112.021 or 4112.022 of the Revised Code, the charge shall 63165  
be in writing and under oath and shall be filed with the 63166  
commission within six months after the alleged unlawful 63167  
discriminatory practice was committed. In the case of a charge 63168  
alleging an unlawful discriminatory practice described in division 63169  
(H) of section 4112.02 of the Revised Code, the charge shall be in 63170  
writing and under oath and shall be filed with the commission 63171  
within one year after the alleged unlawful discriminatory practice 63172  
was committed. 63173

(a) An oath under this chapter may be made in any form of 63174  
affirmation the person deems binding on the person's conscience. 63175  
Acceptable forms include, but are not limited to, declarations 63176

made under penalty of perjury. 63177

(b) Any charge timely received, via facsimile, postal mail, 63178  
electronic mail, or otherwise, may be signed under oath after the 63179  
limitations period for filing set forth under division (B)(1) of 63180  
this section and will relate back to the original filing date. 63181

(2) Upon receiving a charge, the commission may initiate a 63182  
preliminary investigation to determine whether it is probable that 63183  
an unlawful discriminatory practice has been or is being engaged 63184  
in. The commission also may conduct, upon its own initiative and 63185  
independent of the filing of any charges, a preliminary 63186  
investigation relating to any of the unlawful discriminatory 63187  
practices described in division (A), (B), (C), (D), (E), (F), (I), 63188  
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 63189  
the Revised Code. Prior to a notification of a complainant under 63190  
division (B)(4) of this section or prior to the commencement of 63191  
informal methods of conference, conciliation, and persuasion, or 63192  
alternative dispute resolution, under that division, the members 63193  
of the commission and the officers and employees of the commission 63194  
shall not make public in any manner and shall retain as 63195  
confidential all information that was obtained as a result of or 63196  
that otherwise pertains to a preliminary investigation other than 63197  
one described in division (B)(3) of this section. 63198

(3)(a) Unless it is impracticable to do so and subject to its 63199  
authority under division (B)(3)(d) of this section, the commission 63200  
shall complete a preliminary investigation of a charge filed 63201  
pursuant to division (B)(1) of this section that alleges an 63202  
unlawful discriminatory practice described in division (H) of 63203  
section 4112.02 of the Revised Code, and shall take one of the 63204  
following actions, within one hundred days after the filing of the 63205  
charge: 63206

(i) Notify the complainant and the respondent that it is not 63207  
probable that an unlawful discriminatory practice described in 63208

division (H) of section 4112.02 of the Revised Code has been or is 63209  
being engaged in and that the commission will not issue a 63210  
complaint in the matter; 63211

(ii) Initiate a complaint and schedule it for informal 63212  
methods of conference, conciliation, and persuasion, or 63213  
alternative dispute resolution; 63214

(iii) Initiate a complaint and refer it to the attorney 63215  
general with a recommendation to seek a temporary or permanent 63216  
injunction or a temporary restraining order. If this action is 63217  
taken, the attorney general shall apply, as expeditiously as 63218  
possible after receipt of the complaint, to the court of common 63219  
pleas of the county in which the unlawful discriminatory practice 63220  
allegedly occurred for the appropriate injunction or order, and 63221  
the court shall hear and determine the application as 63222  
expeditiously as possible. 63223

(b) If it is not practicable to comply with the requirements 63224  
of division (B)(3)(a) of this section within the one-hundred-day 63225  
period described in that division, the commission shall notify the 63226  
complainant and the respondent in writing of the reasons for the 63227  
noncompliance. 63228

(c) Prior to the issuance of a complaint under division 63229  
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 63230  
of the complainant and the respondent under division (B)(3)(a)(i) 63231  
of this section, the members of the commission and the officers 63232  
and employees of the commission shall not make public in any 63233  
manner and shall retain as confidential all information that was 63234  
obtained as a result of or that otherwise pertains to a 63235  
preliminary investigation of a charge filed pursuant to division 63236  
(B)(1) of this section that alleges an unlawful discriminatory 63237  
practice described in division (H) of section 4112.02 of the 63238  
Revised Code. 63239

(d) Notwithstanding the types of action described in 63240  
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 63241  
issuance of a complaint or the referral of a complaint to the 63242  
attorney general and prior to endeavoring to eliminate an unlawful 63243  
discriminatory practice described in division (H) of section 63244  
4112.02 of the Revised Code by informal methods of conference, 63245  
conciliation, and persuasion, or by alternative dispute 63246  
resolution, the commission may seek a temporary or permanent 63247  
injunction or a temporary restraining order in the court of common 63248  
pleas of the county in which the unlawful discriminatory practice 63249  
allegedly occurred. 63250

(4) If the commission determines after a preliminary 63251  
investigation other than one described in division (B)(3) of this 63252  
section that it is not probable that an unlawful discriminatory 63253  
practice has been or is being engaged in, it shall notify any 63254  
complainant under division (B)(1) of this section that it has so 63255  
determined and that it will not issue a complaint in the matter. 63256  
If the commission determines after a preliminary investigation 63257  
other than the one described in division (B)(3) of this section 63258  
that it is probable that an unlawful discriminatory practice has 63259  
been or is being engaged in, it shall endeavor to eliminate the 63260  
practice by informal methods of conference, conciliation, and 63261  
persuasion, or by alternative dispute resolution. 63262

(5) Nothing said or done during informal methods of 63263  
conference, conciliation, and persuasion, or during alternative 63264  
dispute resolution, under this section shall be disclosed by any 63265  
member of the commission or its staff or be used as evidence in 63266  
any subsequent hearing or other proceeding. If, after a 63267  
preliminary investigation and the use of informal methods of 63268  
conference, conciliation, and persuasion, or alternative dispute 63269  
resolution, under this section, the commission is satisfied that 63270  
any unlawful discriminatory practice will be eliminated, it may 63271

treat the charge involved as being conciliated and enter that 63272  
disposition on the records of the commission. If the commission 63273  
fails to effect the elimination of an unlawful discriminatory 63274  
practice by informal methods of conference, conciliation, and 63275  
persuasion, or by alternative dispute resolution under this 63276  
section and to obtain voluntary compliance with this chapter, the 63277  
commission shall issue and cause to be served upon any person, 63278  
including the respondent against whom a complainant has filed a 63279  
charge pursuant to division (B)(1) of this section, a complaint 63280  
stating the charges involved and containing a notice of an 63281  
opportunity for a hearing before the commission, a member of the 63282  
commission, or a hearing examiner at a place that is stated in the 63283  
notice and that is located within the county in which the alleged 63284  
unlawful discriminatory practice has occurred or is occurring or 63285  
in which the respondent resides or transacts business. The hearing 63286  
shall be held not less than thirty days after the service of the 63287  
complaint upon the complainant, the aggrieved persons other than 63288  
the complainant on whose behalf the complaint is issued, and the 63289  
respondent, unless the complainant, an aggrieved person, or the 63290  
respondent elects to proceed under division (A)(2) of section 63291  
4112.051 of the Revised Code when that division is applicable. If 63292  
a complaint pertains to an alleged unlawful discriminatory 63293  
practice described in division (H) of section 4112.02 of the 63294  
Revised Code, the complaint shall notify the complainant, an 63295  
aggrieved person, and the respondent of the right of the 63296  
complainant, an aggrieved person, or the respondent to elect to 63297  
proceed with the administrative hearing process under this section 63298  
or to proceed under division (A)(2) of section 4112.051 of the 63299  
Revised Code. 63300

(6) The attorney general shall represent the commission at 63301  
any hearing held pursuant to division (B)(5) of this section and 63302  
shall present the evidence in support of the complaint. 63303

(7) Any complaint issued pursuant to division (B)(5) of this section after the filing of a charge under division (B)(1) of this section shall be so issued within one year after the complainant filed the charge with respect to an alleged unlawful discriminatory practice.

(C)(1) Any complaint issued pursuant to division (B) of this section may be amended by the commission, a member of the commission, or the hearing examiner conducting a hearing under division (B) of this section.

(a) Except as provided in division (C)(1)(b) of this section, a complaint issued pursuant to division (B) of this section may be amended at any time prior to or during the hearing.

(b) If a complaint issued pursuant to division (B) of this section alleges an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint may be amended at any time up to seven days prior to the hearing and not thereafter.

(2) The respondent has the right to file an answer or an amended answer to the original and amended complaints and to appear at the hearing in person, by attorney, or otherwise to examine and cross-examine witnesses.

(D) The complainant shall be a party to a hearing under division (B) of this section, and any person who is an indispensable party to a complete determination or settlement of a question involved in the hearing shall be joined. Any aggrieved person who has or claims an interest in the subject of the hearing and in obtaining or preventing relief against the unlawful discriminatory practices complained of shall be permitted to appear only for the presentation of oral or written arguments, to present evidence, perform direct and cross-examination, and be represented by counsel. The commission shall adopt rules, in

accordance with Chapter 119. of the Revised Code governing the 63335  
authority granted under this division. 63336

(E) In any hearing under division (B) of this section, the 63337  
commission, a member of the commission, or the hearing examiner 63338  
shall not be bound by the Rules of Evidence but, in ascertaining 63339  
the practices followed by the respondent, shall take into account 63340  
all reliable, probative, and substantial statistical or other 63341  
evidence produced at the hearing that may tend to prove the 63342  
existence of a predetermined pattern of employment or membership, 63343  
provided that nothing contained in this section shall be construed 63344  
to authorize or require any person to observe the proportion that 63345  
persons of any race, color, religion, sex, military status, 63346  
familial status, national origin, disability, age, or ancestry 63347  
bear to the total population or in accordance with any criterion 63348  
other than the individual qualifications of the applicant. 63349

(F) The testimony taken at a hearing under division (B) of 63350  
this section shall be under oath and shall be reduced to writing 63351  
and filed with the commission. Thereafter, in its discretion, the 63352  
commission, upon the service of a notice upon the complainant and 63353  
the respondent that indicates an opportunity to be present, may 63354  
take further testimony or hear argument. 63355

(G)(1)(a) If, upon all reliable, probative, and substantial 63356  
evidence presented at a hearing under division (B) of this 63357  
section, the commission determines that the respondent has engaged 63358  
in, or is engaging in, any unlawful discriminatory practice, 63359  
whether against the complainant or others, the commission shall 63360  
state its findings of fact and conclusions of law and shall issue 63361  
and, subject to the provisions of Chapter 119. of the Revised 63362  
Code, cause to be served on the respondent an order requiring the 63363  
respondent to do all of the following: 63364

~~(1)~~(i) Cease and desist from the unlawful discriminatory 63365  
practice; 63366

(ii) Take any further affirmative or other action that will effectuate the purposes of this chapter, including, but not limited to, hiring, reinstatement, or upgrading of employees with or without back pay, or admission or restoration to union membership;

(iii) Report to the commission the manner of compliance.

If the commission directs payment of back pay, it shall make allowance for interim earnings.

(b) If the commission finds a violation of division (H) of section 4112.02 of the Revised Code, in addition to the action described in division (G)(1)(a) of this section, the commission additionally may require the respondent to undergo ~~recommendation~~ remediation in the form of a class, seminar, or any other type of remediation approved by the commission, may require the ~~responded~~ respondent to pay actual damages and reasonable attorney's fees, and may, to vindicate the public interest, assess a civil penalty against the respondent as follows:

(i) If division (G)(1)(b)(ii) or (iii) of this section does not apply, a civil penalty in an amount not to exceed ten thousand dollars;

(ii) If division (G)(1)(b)(iii) of this section does not apply and if the respondent has been determined by a final order of the commission or by a final judgment of a court to have committed one violation of division (H) of section 4112.02 of the Revised Code during the five-year period immediately preceding the date on which a complaint was issued pursuant to division (B) of this section, a civil penalty in an amount not to exceed twenty-five thousand dollars;

(iii) If the respondent has been determined by a final order of the commission or by a final judgment of a court to have committed two or more violations of division (H) of section

4112.02 of the Revised Code during the seven-year period 63398  
immediately preceding the date on which a complaint was issued 63399  
pursuant to division (B) of this section, a civil penalty damages 63400  
in an amount not to exceed fifty thousand dollars. 63401

(2) Upon the submission of reports of compliance, the 63402  
commission may issue a declaratory order stating that the 63403  
respondent has ceased to engage in particular unlawful 63404  
discriminatory practices. 63405

(H) If the commission finds that no probable cause exists for 63406  
crediting charges of unlawful discriminatory practices or if, upon 63407  
all the evidence presented at a hearing under division (B) of this 63408  
section on a charge, the commission finds that a respondent has 63409  
not engaged in any unlawful discriminatory practice against the 63410  
complainant or others, it shall state its findings of fact and 63411  
shall issue and cause to be served on the complainant an order 63412  
dismissing the complaint as to the respondent. A copy of the order 63413  
shall be delivered in all cases to the attorney general and any 63414  
other public officers whom the commission considers proper. 63415

If, upon all the evidence presented at a hearing under 63416  
division (B) of this section on a charge, the commission finds 63417  
that a respondent has not engaged in any unlawful discriminatory 63418  
practice against the complainant or others, it may award to the 63419  
respondent reasonable attorney's fees to the extent provided in 5 63420  
U.S.C. 504 and accompanying regulations. 63421

(I) Until the time period for appeal set forth in division 63422  
(H) of section 4112.06 of the Revised Code expires, the 63423  
commission, subject to the provisions of Chapter 119. of the 63424  
Revised Code, at any time, upon reasonable notice, and in the 63425  
manner it considers proper, may modify or set aside, in whole or 63426  
in part, any finding or order made by it under this section. 63427

**Sec. 4141.29.** Each eligible individual shall receive benefits 63428

as compensation for loss of remuneration due to involuntary total 63429  
or partial unemployment in the amounts and subject to the 63430  
conditions stipulated in this chapter. 63431

(A) No individual is entitled to a waiting period or benefits 63432  
for any week unless the individual: 63433

(1) Has filed a valid application for determination of 63434  
benefit rights in accordance with section 4141.28 of the Revised 63435  
Code; 63436

(2) Has made a claim for benefits in accordance with section 63437  
4141.28 of the Revised Code; 63438

(3)(a) Has registered for work and thereafter continues to 63439  
report to an employment office or other registration place 63440  
maintained or designated by the director of job and family 63441  
services. Registration shall be made in accordance with the time 63442  
limits, frequency, and manner prescribed by the director. 63443

(b) For purposes of division (A)(3) of this section, an 63444  
individual has "registered" upon doing any of the following: 63445

(i) Filing an application for benefit rights; 63446

(ii) Making a weekly claim for benefits; 63447

(iii) Reopening an existing claim following a period of 63448  
employment or nonreporting. 63449

(c) After an applicant is registered, that registration 63450  
continues for a period of three calendar weeks, including the week 63451  
during which the applicant registered. However, an individual is 63452  
not registered for purposes of division (A)(3) of this section 63453  
during any period in which the individual fails to report, as 63454  
instructed by the director, or fails to reopen an existing claim 63455  
following a period of employment. 63456

(d) The director may, for good cause, extend the period of 63457  
registration. 63458

(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director.

(4)(a)(i) Is able to work and available for suitable work and, except as provided in division (A)(4)(a)(ii) or (iii) of this section, is actively seeking suitable work either in a locality in which the individual has earned wages subject to this chapter during the individual's base period, or if the individual leaves that locality, then in a locality where suitable work normally is performed.

(ii) The director may waive the requirement that a claimant be actively seeking work when the director finds that the individual has been laid off and the employer who laid the individual off has notified the director within ten days after the layoff, that work is expected to be available for the individual within a specified number of days not to exceed forty-five calendar days following the last day the individual worked. In the event the individual is not recalled within the specified period, this waiver shall cease to be operative with respect to that layoff.

(iii) The director may waive the requirement that a claimant be actively seeking work if the director determines that the individual has been laid off and the employer who laid the individual off has notified the director in accordance with division (C) of section 4141.28 of the Revised Code that the employer has closed the employer's entire plant or part of the employer's plant for a purpose other than inventory or vacation that will cause unemployment for a definite period not exceeding twenty-six weeks beginning on the date the employer notifies the director, for the period of the specific shutdown, if all of the following apply:

(I) The employer and the individuals affected by the layoff

who are claiming benefits under this chapter jointly request the exemption. 63491  
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(II) The employer provides that the affected individuals shall return to work for the employer within twenty-six weeks after the date the employer notifies the director. 63493  
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(III) The director determines that the waiver of the active search for work requirement will promote productivity and economic stability within the state. 63496  
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(iv) Division (A)(4)(a)(iii) of this section does not exempt an individual from meeting the other requirements specified in division (A)(4)(a)(i) of this section to be able to work and otherwise fully be available for work. An exemption granted under division (A)(4)(a)(iii) of this section may be granted only with respect to a specific plant closing. 63499  
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(b)(i) The individual shall be instructed as to the efforts that the individual must make in the search for suitable work, including that, within six months after October 11, 2013, the individual shall register with the OhioMeansJobs web site, except in any of the following circumstances: 63505  
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63509

(I) The individual is an individual described in division (A)(4)(b)(iii) of this section; 63510  
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(II) Where the active search for work requirement has been waived under division (A)(4)(a) of this section; 63512  
63513

(III) Where the active search for work requirement is considered to be met under division (A)(4)(c), (d), or (e) of this section. 63514  
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(ii) An individual who is registered with the OhioMeansJobs web site shall receive a weekly listing of available jobs based on information provided by the individual at the time of registration. For each week that the individual claims benefits, 63517  
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the individual shall keep a record of the individual's work search 63521  
efforts and shall produce that record in the manner and means 63522  
prescribed by the director. 63523

(iii) No individual shall be required to register with the 63524  
OhioMeansJobs web site if the individual is legally prohibited 63525  
from using a computer, has a physical or visual impairment that 63526  
makes the individual unable to use a computer, or has a limited 63527  
ability to read, write, speak, or understand a language in which 63528  
the OhioMeansJobs web site is available. 63529

(iv) As used in division (A)(4)(b) of this section: 63530

(I) "OhioMeansJobs web site" ~~means the electronic job~~ 63531  
~~placement system operated by the state~~ has the same meaning as in 63532  
section 6301.01 of the Revised Code. 63533

(II) "Registration" includes the creation, electronic 63534  
posting, and maintenance of an active, searchable resume. 63535

(c) An individual who is attending a training course approved 63536  
by the director meets the requirement of this division, if 63537  
attendance was recommended by the director and the individual is 63538  
regularly attending the course and is making satisfactory 63539  
progress. An individual also meets the requirements of this 63540  
division if the individual is participating and advancing in a 63541  
training program, as defined in division (P) of section 5709.61 of 63542  
the Revised Code, and if an enterprise, defined in division (B) of 63543  
section 5709.61 of the Revised Code, is paying all or part of the 63544  
cost of the individual's participation in the training program 63545  
with the intention of hiring the individual for employment as a 63546  
new employee, as defined in division (L) of section 5709.61 of the 63547  
Revised Code, for at least ninety days after the individual's 63548  
completion of the training program. 63549

(d) An individual who becomes unemployed while attending a 63550  
regularly established school and whose base period qualifying 63551

weeks were earned in whole or in part while attending that school, 63552  
meets the availability and active search for work requirements of 63553  
division (A)(4)(a) of this section if the individual regularly 63554  
attends the school during weeks with respect to which the 63555  
individual claims unemployment benefits and makes self available 63556  
on any shift of hours for suitable employment with the 63557  
individual's most recent employer or any other employer in the 63558  
individual's base period, or for any other suitable employment to 63559  
which the individual is directed, under this chapter. 63560

(e) An individual who is a member in good standing with a 63561  
labor organization that refers individuals to jobs meets the 63562  
active search for work requirement specified in division (A)(4)(a) 63563  
of this section if the individual provides documentation that the 63564  
individual is eligible for a referral or placement upon request 63565  
and in a manner prescribed by the director. 63566

(f) Notwithstanding any other provisions of this section, no 63567  
otherwise eligible individual shall be denied benefits for any 63568  
week because the individual is in training approved under section 63569  
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 63570  
2296, nor shall that individual be denied benefits by reason of 63571  
leaving work to enter such training, provided the work left is not 63572  
suitable employment, or because of the application to any week in 63573  
training of provisions in this chapter, or any applicable federal 63574  
unemployment compensation law, relating to availability for work, 63575  
active search for work, or refusal to accept work. 63576

For the purposes of division (A)(4)(f) of this section, 63577  
"suitable employment" means with respect to an individual, work of 63578  
a substantially equal or higher skill level than the individual's 63579  
past adversely affected employment, as defined for the purposes of 63580  
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 63581  
wages for such work at not less than eighty per cent of the 63582  
individual's average weekly wage as determined for the purposes of 63583

that federal act. 63584

(5) Is unable to obtain suitable work. An individual who is 63585  
provided temporary work assignments by the individual's employer 63586  
under agreed terms and conditions of employment, and who is 63587  
required pursuant to those terms and conditions to inquire with 63588  
the individual's employer for available work assignments upon the 63589  
conclusion of each work assignment, is not considered unable to 63590  
obtain suitable employment if suitable work assignments are 63591  
available with the employer but the individual fails to contact 63592  
the employer to inquire about work assignments. 63593

(6) Participates in reemployment services, such as job search 63594  
assistance services, if the individual has been determined to be 63595  
likely to exhaust benefits under this chapter, including 63596  
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 63597  
extended compensation, and needs reemployment services pursuant to 63598  
the profiling system established by the director under division 63599  
(K) of this section, unless the director determines that: 63600

(a) The individual has completed such services; or 63601

(b) There is justifiable cause for the claimant's failure to 63602  
participate in such services. 63603

Ineligibility for failure to participate in reemployment 63604  
services as described in division (A)(6) of this section shall be 63605  
for the week or weeks in which the claimant was scheduled and 63606  
failed to participate without justifiable cause. 63607

(7) Participates in the reemployment and eligibility 63608  
assessment program, or other reemployment services, as required by 63609  
the director. As used in division (A)(7) of this section, 63610  
"reemployment services" includes job search assistance activities, 63611  
skills assessments, and the provision of labor market statistics 63612  
or analysis. 63613

(a) For purposes of division (A)(7) of this section, 63614

participation is required unless the director determines that 63615  
either of the following circumstances applies to the individual: 63616

(i) The individual has completed similar services. 63617

(ii) Justifiable cause exists for the failure of the 63618  
individual to participate in those services. 63619

(b) Within six months after October 11, 2013, notwithstanding 63620  
any earlier contact an individual may have had with a local 63621  
~~one-stop county office~~ OhioMeansJobs center, including as 63622  
~~described~~ defined in section ~~6301.08~~ 6301.01 of the Revised Code, 63623  
beginning with the eighth week after the week during which an 63624  
individual first files a valid application for determination of 63625  
benefit rights in the individual's benefit year, the individual 63626  
shall report to a local ~~one-stop county office~~ OhioMeansJobs 63627  
center for reemployment services in the manner prescribed by the 63628  
director. 63629

(c) An individual whose active search for work requirement 63630  
has been waived under division (A)(4)(a) of this section or is 63631  
considered to be satisfied under division (A)(4)(c), (d), or (e) 63632  
of this section is exempt from the requirements of division (A)(7) 63633  
of this section. 63634

(B) An individual suffering total or partial unemployment is 63635  
eligible for benefits for unemployment occurring subsequent to a 63636  
waiting period of one week and no benefits shall be payable during 63637  
this required waiting period. Not more than one week of waiting 63638  
period shall be required of any individual in any benefit year in 63639  
order to establish the individual's eligibility for total or 63640  
partial unemployment benefits. 63641

(C) The waiting period for total or partial unemployment 63642  
shall commence on the first day of the first week with respect to 63643  
which the individual first files a claim for benefits at an 63644  
employment office or other place of registration maintained or 63645

designated by the director or on the first day of the first week 63646  
with respect to which the individual has otherwise filed a claim 63647  
for benefits in accordance with the rules of the department of job 63648  
and family services, provided such claim is allowed by the 63649  
director. 63650

(D) Notwithstanding division (A) of this section, no 63651  
individual may serve a waiting period or be paid benefits under 63652  
the following conditions: 63653

(1) For any week with respect to which the director finds 63654  
that: 63655

(a) The individual's unemployment was due to a labor dispute 63656  
other than a lockout at any factory, establishment, or other 63657  
premises located in this or any other state and owned or operated 63658  
by the employer by which the individual is or was last employed; 63659  
and for so long as the individual's unemployment is due to such 63660  
labor dispute. No individual shall be disqualified under this 63661  
provision if either of the following applies: 63662

(i) The individual's employment was with such employer at any 63663  
factory, establishment, or premises located in this state, owned 63664  
or operated by such employer, other than the factory, 63665  
establishment, or premises at which the labor dispute exists, if 63666  
it is shown that the individual is not financing, participating 63667  
in, or directly interested in such labor dispute; 63668

(ii) The individual's employment was with an employer not 63669  
involved in the labor dispute but whose place of business was 63670  
located within the same premises as the employer engaged in the 63671  
dispute, unless the individual's employer is a wholly owned 63672  
subsidiary of the employer engaged in the dispute, or unless the 63673  
individual actively participates in or voluntarily stops work 63674  
because of such dispute. If it is established that the claimant 63675  
was laid off for an indefinite period and not recalled to work 63676

prior to the dispute, or was separated by the employer prior to 63677  
the dispute for reasons other than the labor dispute, or that the 63678  
individual obtained a bona fide job with another employer while 63679  
the dispute was still in progress, such labor dispute shall not 63680  
render the employee ineligible for benefits. 63681

(b) The individual has been given a disciplinary layoff for 63682  
misconduct in connection with the individual's work. 63683

(2) For the duration of the individual's unemployment if the 63684  
director finds that: 63685

(a) The individual quit work without just cause or has been 63686  
discharged for just cause in connection with the individual's 63687  
work, provided division (D)(2) of this section does not apply to 63688  
the separation of a person under any of the following 63689  
circumstances: 63690

(i) Separation from employment for the purpose of entering 63691  
the armed forces of the United States if the individual is 63692  
inducted into the armed forces within one of the following 63693  
periods: 63694

(I) Thirty days after separation; 63695

(II) One hundred eighty days after separation if the 63696  
individual's date of induction is delayed solely at the discretion 63697  
of the armed forces. 63698

(ii) Separation from employment pursuant to a 63699  
labor-management contract or agreement, or pursuant to an 63700  
established employer plan, program, or policy, which permits the 63701  
employee, because of lack of work, to accept a separation from 63702  
employment; 63703

(iii) The individual has left employment to accept a recall 63704  
from a prior employer or, except as provided in division 63705  
(D)(2)(a)(iv) of this section, to accept other employment as 63706

provided under section 4141.291 of the Revised Code, or left or 63707  
was separated from employment that was concurrent employment at 63708  
the time of the most recent separation or within six weeks prior 63709  
to the most recent separation where the remuneration, hours, or 63710  
other conditions of such concurrent employment were substantially 63711  
less favorable than the individual's most recent employment and 63712  
where such employment, if offered as new work, would be considered 63713  
not suitable under the provisions of divisions (E) and (F) of this 63714  
section. Any benefits that would otherwise be chargeable to the 63715  
account of the employer from whom an individual has left 63716  
employment or was separated from employment that was concurrent 63717  
employment under conditions described in division (D)(2)(a)(iii) 63718  
of this section, shall instead be charged to the mutualized 63719  
account created by division (B) of section 4141.25 of the Revised 63720  
Code, except that any benefits chargeable to the account of a 63721  
reimbursing employer under division (D)(2)(a)(iii) of this section 63722  
shall be charged to the account of the reimbursing employer and 63723  
not to the mutualized account, except as provided in division 63724  
(D)(2) of section 4141.24 of the Revised Code. 63725

(iv) When an individual has been issued a definite layoff 63726  
date by the individual's employer and before the layoff date, the 63727  
individual quits to accept other employment, the provisions of 63728  
division (D)(2)(a)(iii) of this section apply and no 63729  
disqualification shall be imposed under division (D) of this 63730  
section. However, if the individual fails to meet the employment 63731  
and earnings requirements of division (A)(2) of section 4141.291 63732  
of the Revised Code, then the individual, pursuant to division 63733  
(A)(5) of this section, shall be ineligible for benefits for any 63734  
week of unemployment that occurs prior to the layoff date. 63735

(b) The individual has refused without good cause to accept 63736  
an offer of suitable work when made by an employer either in 63737  
person or to the individual's last known address, or has refused 63738

or failed to investigate a referral to suitable work when directed 63739  
to do so by a local employment office of this state or another 63740  
state, provided that this division shall not cause a 63741  
disqualification for a waiting week or benefits under the 63742  
following circumstances: 63743

(i) When work is offered by the individual's employer and the 63744  
individual is not required to accept the offer pursuant to the 63745  
terms of the labor-management contract or agreement; or 63746

(ii) When the individual is attending a training course 63747  
pursuant to division (A)(4) of this section except, in the event 63748  
of a refusal to accept an offer of suitable work or a refusal or 63749  
failure to investigate a referral, benefits thereafter paid to 63750  
such individual shall not be charged to the account of any 63751  
employer and, except as provided in division (B)(1)(b) of section 63752  
4141.241 of the Revised Code, shall be charged to the mutualized 63753  
account as provided in division (B) of section 4141.25 of the 63754  
Revised Code. 63755

(c) Such individual quit work to marry or because of marital, 63756  
parental, filial, or other domestic obligations. 63757

(d) The individual became unemployed by reason of commitment 63758  
to any correctional institution. 63759

(e) The individual became unemployed because of dishonesty in 63760  
connection with the individual's most recent or any base period 63761  
work. Remuneration earned in such work shall be excluded from the 63762  
individual's total base period remuneration and qualifying weeks 63763  
that otherwise would be credited to the individual for such work 63764  
in the individual's base period shall not be credited for the 63765  
purpose of determining the total benefits to which the individual 63766  
is eligible and the weekly benefit amount to be paid under section 63767  
4141.30 of the Revised Code. Such excluded remuneration and 63768  
noncredited qualifying weeks shall be excluded from the 63769

calculation of the maximum amount to be charged, under division 63770  
(D) of section 4141.24 and section 4141.33 of the Revised Code, 63771  
against the accounts of the individual's base period employers. In 63772  
addition, no benefits shall thereafter be paid to the individual 63773  
based upon such excluded remuneration or noncredited qualifying 63774  
weeks. 63775

For purposes of division (D)(2)(e) of this section, 63776  
"dishonesty" means the commission of substantive theft, fraud, or 63777  
deceitful acts. 63778

(E) No individual otherwise qualified to receive benefits 63779  
shall lose the right to benefits by reason of a refusal to accept 63780  
new work if: 63781

(1) As a condition of being so employed the individual would 63782  
be required to join a company union, or to resign from or refrain 63783  
from joining any bona fide labor organization, or would be denied 63784  
the right to retain membership in and observe the lawful rules of 63785  
any such organization. 63786

(2) The position offered is vacant due directly to a strike, 63787  
lockout, or other labor dispute. 63788

(3) The work is at an unreasonable distance from the 63789  
individual's residence, having regard to the character of the work 63790  
the individual has been accustomed to do, and travel to the place 63791  
of work involves expenses substantially greater than that required 63792  
for the individual's former work, unless the expense is provided 63793  
for. 63794

(4) The remuneration, hours, or other conditions of the work 63795  
offered are substantially less favorable to the individual than 63796  
those prevailing for similar work in the locality. 63797

(F) Subject to the special exceptions contained in division 63798  
(A)(4)(f) of this section and section 4141.301 of the Revised 63799  
Code, in determining whether any work is suitable for a claimant 63800

in the administration of this chapter, the director, in addition 63801  
to the determination required under division (E) of this section, 63802  
shall consider the degree of risk to the claimant's health, 63803  
safety, and morals, the individual's physical fitness for the 63804  
work, the individual's prior training and experience, the length 63805  
of the individual's unemployment, the distance of the available 63806  
work from the individual's residence, and the individual's 63807  
prospects for obtaining local work. 63808

(G) The "duration of unemployment" as used in this section 63809  
means the full period of unemployment next ensuing after a 63810  
separation from any base period or subsequent work and until an 63811  
individual has become reemployed in employment subject to this 63812  
chapter, or the unemployment compensation act of another state, or 63813  
of the United States, and until such individual has worked six 63814  
weeks and for those weeks has earned or been paid remuneration 63815  
equal to six times an average weekly wage of not less than: 63816  
eighty-five dollars and ten cents per week beginning on June 26, 63817  
1990; and beginning on and after January 1, 1992, twenty-seven and 63818  
one-half per cent of the statewide average weekly wage as computed 63819  
each first day of January under division (B)(3) of section 4141.30 63820  
of the Revised Code, rounded down to the nearest dollar, except 63821  
for purposes of division (D)(2)(c) of this section, such term 63822  
means the full period of unemployment next ensuing after a 63823  
separation from such work and until such individual has become 63824  
reemployed subject to the terms set forth above, and has earned 63825  
wages equal to one-half of the individual's average weekly wage or 63826  
sixty dollars, whichever is less. 63827

(H) If a claimant is disqualified under division (D)(2)(a), 63828  
(c), or (d) of this section or found to be qualified under the 63829  
exceptions provided in division (D)(2)(a)(i), (iii), or (iv) of 63830  
this section or division (A)(2) of section 4141.291 of the Revised 63831  
Code, then benefits that may become payable to such claimant, 63832

which are chargeable to the account of the employer from whom the individual was separated under such conditions, shall be charged to the mutualized account provided in section 4141.25 of the Revised Code, provided that no charge shall be made to the mutualized account for benefits chargeable to a reimbursing employer, except as provided in division (D)(2) of section 4141.24 of the Revised Code. In the case of a reimbursing employer, the director shall refund or credit to the account of the reimbursing employer any over-paid benefits that are recovered under division (B) of section 4141.35 of the Revised Code. Amounts chargeable to other states, the United States, or Canada that are subject to agreements and arrangements that are established pursuant to section 4141.43 of the Revised Code shall be credited or reimbursed according to the agreements and arrangements to which the chargeable amounts are subject.

(I)(1) Benefits based on service in employment as provided in divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter; except that after December 31, 1977:

(a) Benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education, as defined in division (Y) of section 4141.01 of the Revised Code; or for an educational institution as defined in division (CC) of section 4141.01 of the Revised Code, shall not be paid to any individual for any week of unemployment that begins during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of those academic years or terms and has a

contract or a reasonable assurance that the individual will 63865  
perform services in any such capacity for any such institution in 63866  
the second of those academic years or terms. 63867

(b) Benefits based on service for an educational institution 63868  
or an institution of higher education in other than an 63869  
instructional, research, or principal administrative capacity, 63870  
shall not be paid to any individual for any week of unemployment 63871  
which begins during the period between two successive academic 63872  
years or terms of the employing educational institution or 63873  
institution of higher education, provided the individual performed 63874  
those services for the educational institution or institution of 63875  
higher education during the first such academic year or term and, 63876  
there is a reasonable assurance that such individual will perform 63877  
those services for any educational institution or institution of 63878  
higher education in the second of such academic years or terms. 63879

If compensation is denied to any individual for any week 63880  
under division (I)(1)(b) of this section and the individual was 63881  
not offered an opportunity to perform those services for an 63882  
institution of higher education or for an educational institution 63883  
for the second of such academic years or terms, the individual is 63884  
entitled to a retroactive payment of compensation for each week 63885  
for which the individual timely filed a claim for compensation and 63886  
for which compensation was denied solely by reason of division 63887  
(I)(1)(b) of this section. An application for retroactive benefits 63888  
shall be timely filed if received by the director or the 63889  
director's deputy within or prior to the end of the fourth full 63890  
calendar week after the end of the period for which benefits were 63891  
denied because of reasonable assurance of employment. The 63892  
provision for the payment of retroactive benefits under division 63893  
(I)(1)(b) of this section is applicable to weeks of unemployment 63894  
beginning on and after November 18, 1983. The provisions under 63895  
division (I)(1)(b) of this section shall be retroactive to 63896

September 5, 1982, only if, as a condition for full tax credit 63897  
against the tax imposed by the "Federal Unemployment Tax Act," 53 63898  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 63899  
secretary of labor determines that retroactivity is required by 63900  
federal law. 63901

(c) With respect to weeks of unemployment beginning after 63902  
December 31, 1977, benefits shall be denied to any individual for 63903  
any week which commences during an established and customary 63904  
vacation period or holiday recess, if the individual performs any 63905  
services described in divisions (I)(1)(a) and (b) of this section 63906  
in the period immediately before the vacation period or holiday 63907  
recess, and there is a reasonable assurance that the individual 63908  
will perform any such services in the period immediately following 63909  
the vacation period or holiday recess. 63910

(d) With respect to any services described in division 63911  
(I)(1)(a), (b), or (c) of this section, benefits payable on the 63912  
basis of services in any such capacity shall be denied as 63913  
specified in division (I)(1)(a), (b), or (c) of this section to 63914  
any individual who performs such services in an educational 63915  
institution or institution of higher education while in the employ 63916  
of an educational service agency. For this purpose, the term 63917  
"educational service agency" means a governmental agency or 63918  
governmental entity that is established and operated exclusively 63919  
for the purpose of providing services to one or more educational 63920  
institutions or one or more institutions of higher education. 63921

(e) Any individual employed by a county board of 63922  
developmental disabilities shall be notified by the thirtieth day 63923  
of April each year if the individual is not to be reemployed the 63924  
following academic year. 63925

(f) Any individual employed by a school district, other than 63926  
a municipal school district as defined in section 3311.71 of the 63927  
Revised Code, shall be notified by the first day of June each year 63928

if the individual is not to be reemployed the following academic 63929  
year. 63930

(2) No disqualification will be imposed, between academic 63931  
years or terms or during a vacation period or holiday recess under 63932  
this division, unless the director or the director's deputy has 63933  
received a statement in writing from the educational institution 63934  
or institution of higher education that the claimant has a 63935  
contract for, or a reasonable assurance of, reemployment for the 63936  
ensuing academic year or term. 63937

(3) If an individual has employment with an educational 63938  
institution or an institution of higher education and employment 63939  
with a noneducational employer, during the base period of the 63940  
individual's benefit year, then the individual may become eligible 63941  
for benefits during the between-term, or vacation or holiday 63942  
recess, disqualification period, based on employment performed for 63943  
the noneducational employer, provided that the employment is 63944  
sufficient to qualify the individual for benefit rights separately 63945  
from the benefit rights based on school employment. The weekly 63946  
benefit amount and maximum benefits payable during a 63947  
disqualification period shall be computed based solely on the 63948  
nonschool employment. 63949

(J) Benefits shall not be paid on the basis of employment 63950  
performed by an alien, unless the alien had been lawfully admitted 63951  
to the United States for permanent residence at the time the 63952  
services were performed, was lawfully present for purposes of 63953  
performing the services, or was otherwise permanently residing in 63954  
the United States under color of law at the time the services were 63955  
performed, under section 212(d)(5) of the "Immigration and 63956  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 63957

(1) Any data or information required of individuals applying 63958  
for benefits to determine whether benefits are not payable to them 63959  
because of their alien status shall be uniformly required from all 63960

applicants for benefits. 63961

(2) In the case of an individual whose application for 63962  
benefits would otherwise be approved, no determination that 63963  
benefits to the individual are not payable because of the 63964  
individual's alien status shall be made except upon a 63965  
preponderance of the evidence that the individual had not, in 63966  
fact, been lawfully admitted to the United States. 63967

(K) The director shall establish and utilize a system of 63968  
profiling all new claimants under this chapter that: 63969

(1) Identifies which claimants will be likely to exhaust 63970  
regular compensation and will need job search assistance services 63971  
to make a successful transition to new employment; 63972

(2) Refers claimants identified pursuant to division (K)(1) 63973  
of this section to reemployment services, such as job search 63974  
assistance services, available under any state or federal law; 63975

(3) Collects follow-up information relating to the services 63976  
received by such claimants and the employment outcomes for such 63977  
claimant's subsequent to receiving such services and utilizes such 63978  
information in making identifications pursuant to division (K)(1) 63979  
of this section; and 63980

(4) Meets such other requirements as the United States 63981  
secretary of labor determines are appropriate. 63982

(L) Except as otherwise provided in division (A)(6) of this 63983  
section, ineligibility pursuant to division (A) of this section 63984  
shall begin on the first day of the week in which the claimant 63985  
becomes ineligible for benefits and shall end on the last day of 63986  
the week preceding the week in which the claimant satisfies the 63987  
eligibility requirements. 63988

(M) The director may adopt rules that the director considers 63989  
necessary for the administration of division (A) of this section. 63990

Sec. 4141.43. (A) The director of job and family services may 63991  
cooperate with the industrial commission, the bureau of workers' 63992  
compensation, the United States internal revenue service, the 63993  
United States employment service, and other similar departments 63994  
and agencies, as determined by the director, in the exchange or 63995  
disclosure of information as to wages, employment, payrolls, 63996  
unemployment, and other information. The director may employ, 63997  
jointly with one or more of such agencies or departments, 63998  
auditors, examiners, inspectors, and other employees necessary for 63999  
the administration of this chapter and employment and training 64000  
services for workers in the state. 64001

(B) The director may make the state's record relating to the 64002  
administration of this chapter available to the railroad 64003  
retirement board and may furnish the board at the board's expense 64004  
such copies thereof as the board deems necessary for its purposes. 64005

(C) The director may afford reasonable cooperation with every 64006  
agency of the United States charged with the administration of any 64007  
unemployment compensation law. 64008

(D) The director may enter into arrangements with the 64009  
appropriate agencies of other states or of the United States or 64010  
Canada whereby individuals performing services in this and other 64011  
states for a single employer under circumstances not specifically 64012  
provided for in division (B) of section 4141.01 of the Revised 64013  
Code or in similar provisions in the unemployment compensation 64014  
laws of such other states shall be deemed to be engaged in 64015  
employment performed entirely within this state or within one of 64016  
such other states or within Canada, and whereby potential rights 64017  
to benefits accumulated under the unemployment compensation laws 64018  
of several states or under such a law of the United States, or 64019  
both, or of Canada may constitute the basis for the payment of 64020  
benefits through a single appropriate agency under terms that the 64021

director finds will be fair and reasonable as to all affected 64022  
interests and will not result in any substantial loss to the 64023  
unemployment compensation fund. 64024

(E) The director may enter into agreements with the 64025  
appropriate agencies of other states or of the United States or 64026  
Canada: 64027

(1) Whereby services or wages upon the basis of which an 64028  
individual may become entitled to benefits under the unemployment 64029  
compensation law of another state or of the United States or 64030  
Canada shall be deemed to be employment or wages for employment by 64031  
employers for the purposes of qualifying claimants for benefits 64032  
under this chapter, and the director may estimate the number of 64033  
weeks of employment represented by the wages reported to the 64034  
director for such claimants by such other agency, provided such 64035  
other state agency or agency of the United States or Canada has 64036  
agreed to reimburse the unemployment compensation fund for such 64037  
portion of benefits paid under this chapter upon the basis of such 64038  
services or wages as the director finds will be fair and 64039  
reasonable as to all affected interests; 64040

(2) Whereby the director will reimburse other state or 64041  
federal or Canadian agencies charged with the administration of 64042  
unemployment compensation laws with such reasonable portion of 64043  
benefits, paid under the law of such other states or of the United 64044  
States or of Canada upon the basis of employment or wages for 64045  
employment by employers, as the director finds will be fair and 64046  
reasonable as to all affected interests. Reimbursements so payable 64047  
shall be deemed to be benefits for the purpose of section 4141.09 64048  
and division (A) of section 4141.30 of the Revised Code. However, 64049  
no reimbursement so payable shall be charged against any 64050  
employer's account for the purposes of section 4141.24 of the 64051  
Revised Code if the employer's account, under the same or similar 64052  
circumstances, with respect to benefits charged under the 64053

provisions of this chapter, other than this section, would not be charged or, if the claimant at the time the claimant files the combined wage claim cannot establish benefit rights under this chapter. This noncharging shall not be applicable to a nonprofit organization that has elected to make payments in lieu of contributions under section 4141.241 of the Revised Code, except as provided in division (D)(2) of section 4141.24 of the Revised Code. The director may make to other state or federal or Canadian agencies and receive from such other state or federal or Canadian agencies reimbursements from or to the unemployment compensation fund, in accordance with arrangements pursuant to this section.

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of the Revised Code, the director may enter into agreements with other states whereby services performed for a crew leader, as defined in division (BB) of section 4141.01 of the Revised Code, may be covered in the state in which the crew leader either:

(a) Has the crew leader's place of business or from which the crew leader's business is operated or controlled;

(b) Resides if the crew leader has no place of business in any state.

(F) The director may apply for an advance to the unemployment compensation fund and do all things necessary or required to obtain such advance and arrange for the repayment of such advance in accordance with Title XII of the "Social Security Act" as amended.

(G) The director may enter into reciprocal agreements or arrangements with the appropriate agencies of other states in regard to services on vessels engaged in interstate or foreign commerce whereby such services for a single employer, wherever performed, shall be deemed performed within this state or within such other states.

(H) The director shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment, covered under this chapter, with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for:

(1) Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and

(2) Avoiding the duplicate use of wages and employment by reason of such combining.

(I) The director shall cooperate with the United States department of labor to the fullest extent consistent with this chapter, and shall take such action, through the adoption of appropriate rules, regulations, and administrative methods and standards, as may be necessary to secure to this state and its citizens all advantages available under the provisions of the "Social Security Act" that relate to unemployment compensation, the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 113, 29 U.S.C.A. 49, ~~and~~ the "Federal-State Extended Unemployment Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801 et seq~~ "Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 et seq.

(J) The director may disclose wage information furnished to or maintained by the director under Chapter 4141. of the Revised Code to a consumer reporting agency as defined by the "Fair Credit

Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for 64117  
the purpose of verifying an individual's income under a written 64118  
agreement that requires all of the following: 64119

(1) A written statement of informed consent from the 64120  
individual whose information is to be disclosed; 64121

(2) A written statement confirming that the consumer 64122  
reporting agency and any other entity to which the information is 64123  
disclosed or released will safeguard the information from illegal 64124  
or unauthorized disclosure; 64125

(3) A written statement confirming that the consumer 64126  
reporting agency will pay to the bureau all costs associated with 64127  
the disclosure. 64128

The director shall prescribe a manner and format in which 64129  
this information may be provided. 64130

(K) The director shall adopt rules defining the requirements 64131  
of the release of individual income verification information 64132  
specified in division (J) of this section, which shall include all 64133  
terms and conditions necessary to meet the requirements of federal 64134  
law as interpreted by the United States department of labor or 64135  
considered necessary by the director for the proper administration 64136  
of this division. 64137

(L) The director shall disclose information furnished to or 64138  
maintained by the director under this chapter upon request and on 64139  
a reimbursable basis as required by section 303 of the "Social 64140  
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 64141  
Revenue Code," 26 U.S.C.A. 3304. 64142

**Sec. 4141.51.** (A) An employer who wishes to participate in 64143  
the SharedWork Ohio program shall submit a plan to the director of 64144  
job and family services in which the employer does all of the 64145  
following: 64146

- (1) Identifies the participating employees by name, social security number, affected unit, and normal weekly hours of work; 64147  
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- (2) Describes the manner in which the employer will implement the requirements of the SharedWork Ohio program, including the proposed reduction percentage, which shall be between ten per cent and fifty per cent, and any temporary closure of the participating employer's business for equipment maintenance or other similar circumstances that the employer knows may occur during the effective period of an approved plan; 64149  
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- (3) Includes a plan for giving advance notice, if feasible, to an employee whose normal weekly hours of work are to be reduced and, if advance notice is not feasible, an explanation of why that notice is not feasible; 64156  
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- (4) Includes a certification by the employer that the aggregate reduction in the number of hours worked by the employees of the employer is in lieu of layoffs and includes an estimate of the number of layoffs that would have occurred absent the ability to participate in the SharedWork Ohio program; 64160  
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- (5) Includes a certification by the employer that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, or contributions under a defined contribution plan as defined in 26 U.S.C. 414(i), as amended, to any employee whose normal weekly hours of work are reduced under the program that such benefits will continue to be provided to an employee participating in the SharedWork Ohio program under the same terms and conditions as though the normal weekly hours of work of the employee had not been reduced or to the same extent as other employees not participating in the program; 64165  
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- (6) Permits eligible employees to participate, as appropriate, in training to enhance job skills approved by the 64176  
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director, including employer-sponsored training or worker training	64178
funded under the federal <del>"Workforce Investment Act of 1998,"</del> 112	64179
<del>Stat. 936, 29 U.S.C. 2801 et seq., as amended</del> <u>"Workforce</u>	64180
<u>Innovation and Opportunity Act,"</u> 29 U.S.C. 3101 et seq.;	64181
(7) Includes any other information as required by the United	64182
States secretary of labor or the director under the rules the	64183
director adopts under section 4141.50 of the Revised Code;	64184
(8) Includes an attestation by the employer that the terms of	64185
the written plan submitted by the employer and implementation of	64186
that plan are consistent with obligations of the employer under	64187
the applicable federal and state laws;	64188
(9) Includes a certification by the employer that the	64189
employer will promptly notify the director of any change in the	64190
business that includes the sale or transfer of all or part of the	64191
business, and that the employer will notify any successor in	64192
interest to the employer's business prior to the transfer of all	64193
or part of the business, of the existence of any approved shared	64194
work plan;	64195
(10) Includes a certification by the employer that, as of the	64196
date the employer submits the plan, the employer is current on all	64197
reports and has paid all contributions, reimbursements, interest,	64198
and penalties due under this chapter;	64199
(11) Includes an assurance from the employer that the	64200
employer will remain current on all employer reporting and	64201
payments of contributions, reimbursements, interest, and penalties	64202
as required by this chapter;	64203
(12) Includes a certification by the employer that none of	64204
the participating employees are employed on a seasonal, temporary,	64205
or intermittent basis;	64206
(13) Includes an assurance from the employer that the	64207
employer will not reduce a participating employee's normal weekly	64208

hours of work by more than the reduction percentage, except in the 64209  
event of a temporary closure of the employer's business for 64210  
equipment maintenance, or when the employee takes approved time 64211  
off during the week with pay, and the combined work hours and paid 64212  
leave hours equal the number of hours the employee would have 64213  
worked under the plan. 64214

(B) The director shall approve a shared work plan if an 64215  
employer includes in the plan all of the information, 64216  
certifications, and assurances required under division (A) of this 64217  
section. 64218

(C) The director shall approve or deny a shared work plan and 64219  
shall send a written notice to the employer stating whether the 64220  
director approved or denied the plan not later than thirty days 64221  
after the director receives the plan. If the director denies 64222  
approval of a shared work plan, the director shall state the 64223  
reasons for denying approval in the written notice sent to the 64224  
employer. 64225

(D) The director shall enforce the requirements of the 64226  
SharedWork Ohio program in the same manner as the director 64227  
enforces the requirements of this chapter, including under section 64228  
4141.40 of the Revised Code. 64229

**Sec. 4301.13.** (A) The liquor control commission may adopt, 64230  
promulgate, repeal, rescind, and amend rules to regulate the 64231  
manner of dealing in and distributing and selling bottled wine 64232  
within the state. The commission may require out-of-state 64233  
producers, shippers, bottlers, and holders of federal importers' 64234  
permits shipping bottled wine into Ohio and holders of A-2, A-2f, 64235  
B-5, B-3, and B-2 permits issued by the division of liquor 64236  
control, engaged in distributing and selling bottled wine in Ohio, 64237  
to file with the division a schedule of prices in which minimum 64238  
prices are set forth for the sale of bottled wine at wholesale or 64239

retail, or both, in Ohio. Any amendments, additions, alterations, 64240  
or revisions to the schedule of prices as originally filed with 64241  
the division shall be filed in the same manner as the original 64242  
schedule of prices required to be filed with the division. 64243

(B)(1) The commission may determine and fix the minimum 64244  
mark-ups at wholesale or retail, or both, for bottled wine, and 64245  
fix the minimum prices at which the various classes of bottled 64246  
wine shall be distributed and sold in Ohio either at wholesale or 64247  
retail, or both. With regard to the minimum prices at which 64248  
various classes of bottled wine are sold in the state at retail, 64249  
the commission shall allow a retail permit holder to offer to a 64250  
personal consumer a ten per cent discount off the per-bottle 64251  
retail sale price on each bottle included in a case of that wine 64252  
that is offered for sale. 64253

(2) As used in division (B)(1) of this section, "case" means 64254  
not less than six and not more than twelve bottles of wine, which 64255  
need not be of the same brand, variety, or volume. 64256

**Sec. 4301.22.** Sales of beer and intoxicating liquor under all 64257  
classes of permits and from state liquor stores are subject to the 64258  
following restrictions, in addition to those imposed by the rules 64259  
or orders of the division of liquor control: 64260

(A)(1) Except as otherwise provided in this chapter, no beer 64261  
or intoxicating liquor shall be sold to any person under 64262  
twenty-one years of age. 64263

(2) No low-alcohol beverage shall be sold to any person under 64264  
eighteen years of age. No permit issued by the division shall be 64265  
suspended, revoked, or canceled because of a violation of division 64266  
(A)(2) of this section. 64267

(3) No intoxicating liquor shall be handled by any person 64268  
under twenty-one years of age, except that a person eighteen years 64269

of age or older employed by a permit holder may handle or sell 64270  
beer or intoxicating liquor in sealed containers in connection 64271  
with wholesale or retail sales, and any person nineteen years of 64272  
age or older employed by a permit holder may handle intoxicating 64273  
liquor in open containers when acting in the capacity of a server 64274  
in a hotel, restaurant, club, or night club, as defined in 64275  
division (B) of section 4301.01 of the Revised Code, or in the 64276  
premises of a D-7 permit holder. This section does not authorize 64277  
persons under twenty-one years of age to sell intoxicating liquor 64278  
across a bar. Any person employed by a permit holder may handle 64279  
beer or intoxicating liquor in sealed containers in connection 64280  
with manufacturing, storage, warehousing, placement, stocking, 64281  
bagging, loading, or unloading, and may handle beer or 64282  
intoxicating liquor in open containers in connection with cleaning 64283  
tables or handling empty bottles or glasses. 64284

(B) No permit holder and no agent or employee of a permit 64285  
holder shall sell or furnish beer or intoxicating liquor to an 64286  
intoxicated person. 64287

(C) No sales of intoxicating liquor shall be made after 64288  
two-thirty a.m. on Sunday except under either of the following 64289  
circumstances: 64290

(1) Intoxicating liquor may be sold on Sunday under authority 64291  
of a permit that authorizes Sunday sale. 64292

(2) Spirituous liquor may be sold on Sunday by any person 64293  
awarded an agency contract under section 4301.17 of the Revised 64294  
Code if the sale of spirituous liquor is authorized in the 64295  
applicable precinct as the result of an election on question 64296  
(B)(1) or (2) of section 4301.351 of the Revised Code and if the 64297  
agency contract authorizes the sale of spirituous liquor on 64298  
Sunday. 64299

This section does not prevent a municipal corporation from 64300

adopting a closing hour for the sale of intoxicating liquor 64301  
earlier than two-thirty a.m. on Sunday or to provide that no 64302  
intoxicating liquor may be sold prior to that hour on Sunday. 64303

(D) No holder of a permit shall give away any beer or 64304  
intoxicating liquor of any kind at any time in connection with the 64305  
permit holder's business. However, with the exception of an A-1-A 64306  
permit holder that also has been issued an A-2 or A-2f permit, an 64307  
A-1-A, A-1c, or D permit holder may provide to a paying customer 64308  
not more than a total of four tasting samples of beer, wine, or 64309  
spirituous liquor, as authorized by the applicable permit, in any 64310  
twenty-four-hour period. The permit holder shall provide the 64311  
tasting samples free of charge, at the permit holder's expense, 64312  
only to a person who is twenty-one years of age or older. The 64313  
person shall consume the tasting samples on the premises of the 64314  
permit holder. A distributor is not responsible for the costs of 64315  
providing tasting samples authorized under division (D) of this 64316  
section. 64317

As used in division (D) of this section: 64318

(1) "Tasting sample" means one of the following, as 64319  
applicable: 64320

(a) An amount not to exceed two ounces of beer; 64321

(b) An amount not to exceed two ounces of wine; 64322

(c) An amount not to exceed a quarter ounce of spirituous 64323  
liquor. 64324

(2) "D permit holder" means a person that has been issued a 64325  
D-1, D-2, D-2x, D-3, D-3a, D-3x, D-4, D-5, D-5a, D-5c, D-5d, D-5e, 64326  
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-6, 64327  
or D-7 permit. 64328

(E) Except as otherwise provided in this division, no retail 64329  
permit holder shall display or permit the display on the outside 64330

of any licensed retail premises, or on any lot of ground on which 64331  
the licensed premises are situated, or on the exterior of any 64332  
building of which the licensed premises are a part, any sign, 64333  
illustration, or advertisement bearing the name, brand name, trade 64334  
name, trade-mark, designation, or other emblem of or indicating 64335  
the manufacturer, producer, distributor, place of manufacture, 64336  
production, or distribution of any beer or intoxicating liquor. 64337  
Signs, illustrations, or advertisements bearing the name, brand 64338  
name, trade name, trade-mark, designation, or other emblem of or 64339  
indicating the manufacturer, producer, distributor, place of 64340  
manufacture, production, or distribution of beer or intoxicating 64341  
liquor may be displayed and permitted to be displayed on the 64342  
interior or in the show windows of any licensed premises, if the 64343  
particular brand or type of product so advertised is actually 64344  
available for sale on the premises at the time of that display. 64345  
The liquor control commission shall determine by rule the size and 64346  
character of those signs, illustrations, or advertisements. 64347

(F) No retail permit holder shall possess on the licensed 64348  
premises any barrel or other container from which beer is drawn, 64349  
unless there is attached to the spigot or other dispensing 64350  
apparatus the name of the manufacturer of the product contained in 64351  
the barrel or other container, provided that, if the beer is 64352  
served at a bar, the manufacturer's name or brand shall appear in 64353  
full view of the purchaser. The commission shall regulate the size 64354  
and character of the devices provided for in this section. 64355

(G) Except as otherwise provided in this division, no sale of 64356  
any gift certificate shall be permitted whereby beer or 64357  
intoxicating liquor of any kind is to be exchanged for the 64358  
certificate, unless the gift certificate can be exchanged only for 64359  
food, and beer or intoxicating liquor, for on-premises consumption 64360  
and the value of the beer or intoxicating liquor for which the 64361  
certificate can be exchanged does not exceed more than thirty per 64362

cent of the total value of the gift certificate. The sale of gift 64363  
certificates for the purchase of beer, wine, or mixed beverages 64364  
shall be permitted for the purchase of beer, wine, or mixed 64365  
beverages for off-premises consumption. Limitations on the use of 64366  
a gift certificate for the purchase of beer, wine, or mixed 64367  
beverages for off-premises consumption may be expressed by clearly 64368  
stamping or typing on the face of the certificate that the 64369  
certificate may not be used for the purchase of beer, wine, or 64370  
mixed beverages. 64371

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 64372  
the Revised Code: 64373

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 64374  
fluid ounces. 64375

(2) "Sale" or "sell" includes exchange, barter, gift, 64376  
distribution, and, except with respect to A-4 permit holders, 64377  
offer for sale. 64378

(B) For the purposes of providing revenues for the support of 64379  
the state and encouraging the grape industries in the state, a tax 64380  
is hereby levied on the sale or distribution of wine in Ohio, 64381  
except for known sacramental purposes, at the rate of thirty cents 64382  
per wine gallon for wine containing not less than four per cent of 64383  
alcohol by volume and not more than fourteen per cent of alcohol 64384  
by volume, ninety-eight cents per wine gallon for wine containing 64385  
more than fourteen per cent but not more than twenty-one per cent 64386  
of alcohol by volume, one dollar and eight cents per wine gallon 64387  
for vermouth, and one dollar and forty-eight cents per wine gallon 64388  
for sparkling and carbonated wine and champagne, the tax to be 64389  
paid by the holders of A-2, A-2f, and B-5 permits or by any other 64390  
person selling or distributing wine upon which no tax has been 64391  
paid. From the tax paid under this section on wine, vermouth, and 64392  
sparkling and carbonated wine and champagne, the treasurer of 64393

state shall credit to the Ohio grape industries fund created under 64394  
section 924.54 of the Revised Code a sum equal to one cent per 64395  
gallon for each gallon upon which the tax is paid. 64396

(C) For the purpose of providing revenues for the support of 64397  
the state, there is hereby levied a tax on prepared and bottled 64398  
highballs, cocktails, cordials, and other mixed beverages at the 64399  
rate of one dollar and twenty cents per wine gallon to be paid by 64400  
holders of A-4 permits or by any other person selling or 64401  
distributing those products upon which no tax has been paid. Only 64402  
one sale of the same article shall be used in computing the amount 64403  
of tax due. The tax on mixed beverages to be paid by holders of 64404  
A-4 permits under this section shall not attach until the 64405  
ownership of the mixed beverage is transferred for valuable 64406  
consideration to a wholesaler or retailer, and no payment of the 64407  
tax shall be required prior to that time. 64408

(D) During the period of July 1, ~~2015~~ 2017, through June 30, 64409  
~~2017~~ 2019, from the tax paid under this section on wine, vermouth, 64410  
and sparkling and carbonated wine and champagne, the treasurer of 64411  
state shall credit to the Ohio grape industries fund created under 64412  
section 924.54 of the Revised Code a sum equal to two cents per 64413  
gallon upon which the tax is paid. The amount credited under this 64414  
division is in addition to the amount credited to the Ohio grape 64415  
industries fund under division (B) of this section. 64416

(E) For the purpose of providing revenues for the support of 64417  
the state, there is hereby levied a tax on cider at the rate of 64418  
twenty-four cents per wine gallon to be paid by the holders of 64419  
A-2, A-2f, and B-5 permits or by any other person selling or 64420  
distributing cider upon which no tax has been paid. Only one sale 64421  
of the same article shall be used in computing the amount of the 64422  
tax due. 64423

**Sec. 4301.62.** (A) As used in this section: 64424

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code. 64425  
64426

(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code. 64427  
64428

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances: 64429  
64430  
64431

(1) Except as provided in division (C)(1)(e) of this section, in an agency store; 64432  
64433

(2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control; 64434  
64435  
64436

(3) In any other public place; 64437

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking; 64438  
64439  
64440  
64441  
64442

(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. 64443  
64444  
64445  
64446

(C)(1) A person may have in the person's possession an opened container of any of the following: 64447  
64448

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit; 64449  
64450  
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64454

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2 permit holder or S permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;

(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

(3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission

for the possession and consumption of wine in certain 64486  
predesignated areas of the premises during the period for which 64487  
the D-2 permit is issued. 64488

(b) As used in division (C)(3)(a) of this section: 64489

(i) "Orchestral performance" means a concert comprised of a 64490  
group of not fewer than forty musicians playing various musical 64491  
instruments. 64492

(ii) "Outdoor performing arts center" means an outdoor 64493  
performing arts center that is located on not less than one 64494  
hundred fifty acres of land and that is open for performances from 64495  
the first day of April to the last day of October of each year. 64496

(4) A person may have in the person's possession an opened or 64497  
unopened container of beer or intoxicating liquor at an outdoor 64498  
location at which the person is attending an orchestral 64499  
performance as defined in division (C)(3)(b)(i) of this section if 64500  
the person with supervision and control over the performance 64501  
grants permission for the possession and consumption of beer or 64502  
intoxicating liquor in certain predesignated areas of that outdoor 64503  
location. 64504

(5) A person may have in the person's possession on an F-9 64505  
liquor permit premises an opened or unopened container of beer or 64506  
intoxicating liquor that was not purchased from the holder of the 64507  
F-9 permit if the person is attending ~~an~~ either of the following: 64508

(a) An orchestral performance and the F-9 permit holder of 64509  
~~the F-9 permit~~ grants permission for the possession and 64510  
consumption of beer or intoxicating liquor in certain 64511  
predesignated areas of the premises during the period for which 64512  
the F-9 permit is issued; 64513

(b) An outdoor performing arts event or orchestral 64514  
performance that is free of charge and the F-9 permit holder 64515  
annually hosts not less than twenty-five other events or 64516

performances that are free of charge on the permit premises. 64517

As used in division (C)(5) of this section, "orchestral 64518  
performance" has the same meaning as in division (C)(3)(b) of this 64519  
section. 64520

(6)(a) A person may have in the person's possession on the 64521  
property of an outdoor motorsports facility an opened or unopened 64522  
container of beer or intoxicating liquor that was not purchased 64523  
from the owner of the facility if both of the following apply: 64524

(i) The person is attending a racing event at the facility; 64525  
and 64526

(ii) The owner of the facility grants permission for the 64527  
possession and consumption of beer or intoxicating liquor on the 64528  
property of the facility. 64529

(b) As used in division (C)(6)(a) of this section: 64530

(i) "Racing event" means a motor vehicle racing event 64531  
sanctioned by one or more motor racing sanctioning organizations. 64532

(ii) "Outdoor motorsports facility" means an outdoor 64533  
racetrack to which all of the following apply: 64534

(I) It is two and four-tenths miles or more in length. 64535

(II) It is located on two hundred acres or more of land. 64536

(III) The primary business of the owner of the facility is 64537  
the hosting and promoting of racing events. 64538

(IV) The holder of a D-1, D-2, or D-3 permit is located on 64539  
the property of the facility. 64540

(7)(a) A person may have in the person's possession an opened 64541  
container of beer or intoxicating liquor at an outdoor location 64542  
within an outdoor refreshment area created under section 4301.82 64543  
of the Revised Code if the opened container of beer or 64544  
intoxicating liquor was purchased from a qualified permit holder 64545

to which both of the following apply: 64546

(i) The permit holder's premises is located within the 64547  
outdoor refreshment area. 64548

(ii) The permit held by the permit holder has an outdoor 64549  
refreshment area designation. 64550

(b) Division (C)(7) of this section does not authorize a 64551  
person to do either of the following: 64552

(i) Enter the premises of an establishment within an outdoor 64553  
refreshment area while possessing an opened container of beer or 64554  
intoxicating liquor acquired elsewhere; 64555

(ii) Possess an opened container of beer or intoxicating 64556  
liquor while being in or on a motor vehicle within an outdoor 64557  
refreshment area, unless the motor vehicle is stationary and is 64558  
not being operated in a lane of vehicular travel or unless the 64559  
possession is otherwise authorized under division (D) or (E) of 64560  
this section. 64561

(8)(a) A person may have in the person's possession on the 64562  
property of a market, within a defined F-8 permit premises, an 64563  
opened container of beer or intoxicating liquor that was purchased 64564  
from a D permit premises that is located immediately adjacent to 64565  
the market if both of the following apply: 64566

(i) The market grants permission for the possession and 64567  
consumption of beer and intoxicating liquor within the defined F-8 64568  
permit premises; 64569

(ii) The market is hosting an event pursuant to an F-8 permit 64570  
and the market has notified the division of liquor control about 64571  
the event in accordance with division (A)(3) of section 4303.208 64572  
of the Revised Code. 64573

(b) As used in division (C)(8) of this section, ~~market~~ 64574  
"market" means a market, for which an F-8 permit is held, that has 64575

been in operation since 1860. 64576

(D) This section does not apply to a person who pays all or a 64577  
portion of the fee imposed for the use of a chauffeured limousine 64578  
pursuant to a prearranged contract, or the guest of the person, 64579  
when all of the following apply: 64580

(1) The person or guest is a passenger in the limousine. 64581

(2) The person or guest is located in the limousine, but is 64582  
not occupying a seat in the front compartment of the limousine 64583  
where the operator of the limousine is located. 64584

(3) The limousine is located on any street, highway, or other 64585  
public or private property open to the public for purposes of 64586  
vehicular travel or parking. 64587

(E) An opened bottle of wine that was purchased from the 64588  
holder of a permit that authorizes the sale of wine for 64589  
consumption on the premises where sold is not an opened container 64590  
for the purposes of this section if both of the following apply: 64591

(1) The opened bottle of wine is securely resealed by the 64592  
permit holder or an employee of the permit holder before the 64593  
bottle is removed from the premises. The bottle shall be secured 64594  
in such a manner that it is visibly apparent if the bottle has 64595  
been subsequently opened or tampered with. 64596

(2) The opened bottle of wine that is resealed in accordance 64597  
with division (E)(1) of this section is stored in the trunk of a 64598  
motor vehicle or, if the motor vehicle does not have a trunk, 64599  
behind the last upright seat or in an area not normally occupied 64600  
by the driver or passengers and not easily accessible by the 64601  
driver. 64602

(F)(1) Except if an ordinance or resolution is enacted or 64603  
adopted under division (F)(2) of this section, this section does 64604  
not apply to a person who, pursuant to a prearranged contract, is 64605

a passenger riding on a commercial quadricycle when all of the following apply:

(a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking.

(b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(c) The person has in their possession on the commercial quadricycle an opened container of beer or wine.

(d) The person has in their possession on the commercial quadricycle not more than either thirty-six ounces of beer or eighteen ounces of wine.

(2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine.

(3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements:

(a) It has four wheels and is operated in a manner similar to a bicycle.

(b) It has at least five seats for passengers.

(c) It is designed to be powered by the pedaling of the operator and the passengers.

(d) It is used for commercial purposes.

(e) It is operated by the vehicle owner or an employee of the owner.

(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating

liquor on the premises of a market if the beer or intoxicating 64635  
liquor has been purchased from a D liquor permit holder that is 64636  
located in the market. 64637

As used in division (G) of this section, "market" means an 64638  
establishment that: 64639

(1) Leases space in the market to individual vendors, not 64640  
less than fifty per cent of which are retail food establishments 64641  
or food service operations licensed under Chapter 3717. of the 64642  
Revised Code; 64643

(2) Has an indoor sales floor area of not less than 64644  
twenty-two thousand square feet; 64645

(3) Hosts a farmer's market on each Saturday from April 64646  
through December. 64647

Sec. 4303.051. (A) Permit A-5 may be issued to a manufacturer 64648  
of ice cream to manufacture ice cream that contains not less than 64649  
one-half of one per cent of alcohol by volume and not more than 64650  
six per cent of alcohol by volume, provided that the sale of beer 64651  
or intoxicating liquor for on- and off-premises consumption is 64652  
authorized in the election precinct in which the manufacturer is 64653  
located. 64654

(B) An A-5 permit holder may sell ice cream under this 64655  
section only for consumption on the premises where manufactured or 64656  
in sealed containers for consumption off the premises where 64657  
manufactured. An A-5 permit holder may sell ice cream under this 64658  
section only by in-person transaction at the permit premises. An 64659  
A-5 permit holder shall not ship, send, or use an H permit holder 64660  
to deliver ice cream to a personal consumer. An A-5 permit holder 64661  
shall not sell more than four pints of ice cream for off-premises 64662  
consumption to a personal consumer in any calendar day. 64663

(C) The fee for an A-5 permit is one thousand dollars for 64664

each plant. 64665

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 64666  
owner or operator of a hotel or motel that is required to be 64667  
licensed under section 3731.03 of the Revised Code, that contains 64668  
at least fifty rooms for registered transient guests or is owned 64669  
by a state institution of higher education as defined in section 64670  
3345.011 of the Revised Code or a private college or university, 64671  
and that qualifies under the other requirements of this section, 64672  
or to the owner or operator of a restaurant specified under this 64673  
section, to sell beer and any intoxicating liquor at retail, only 64674  
by the individual drink in glass and from the container, for 64675  
consumption on the premises where sold, and to registered guests 64676  
in their rooms, which may be sold by means of a controlled access 64677  
alcohol and beverage cabinet in accordance with division (B) of 64678  
section 4301.21 of the Revised Code; and to sell the same products 64679  
in the same manner and amounts not for consumption on the premises 64680  
as may be sold by holders of D-1 and D-2 permits. The premises of 64681  
the hotel or motel shall include a retail food establishment or a 64682  
food service operation licensed pursuant to Chapter 3717. of the 64683  
Revised Code that operates as a restaurant for purposes of this 64684  
chapter and that is affiliated with the hotel or motel and within 64685  
or contiguous to the hotel or motel, and that serves food within 64686  
the hotel or motel, but the principal business of the owner or 64687  
operator of the hotel or motel shall be the accommodation of 64688  
transient guests. In addition to the privileges authorized in this 64689  
division, the holder of a D-5a permit may exercise the same 64690  
privileges as the holder of a D-5 permit. 64691

The owner or operator of a hotel, motel, or restaurant who 64692  
qualified for and held a D-5a permit on August 4, 1976, may, if 64693  
the owner or operator held another permit before holding a D-5a 64694  
permit, either retain a D-5a permit or apply for the permit 64695  
formerly held, and the division of liquor control shall issue the 64696

permit for which the owner or operator applies and formerly held, 64697  
notwithstanding any quota. 64698

A D-5a permit shall not be transferred to another location. 64699  
No quota restriction shall be placed on the number of D-5a permits 64700  
that may be issued. 64701

The fee for this permit is two thousand three hundred 64702  
forty-four dollars. 64703

(B) Permit D-5b may be issued to the owner, operator, tenant, 64704  
lessee, or occupant of an enclosed shopping center to sell beer 64705  
and intoxicating liquor at retail, only by the individual drink in 64706  
glass and from the container, for consumption on the premises 64707  
where sold; and to sell the same products in the same manner and 64708  
amount not for consumption on the premises as may be sold by 64709  
holders of D-1 and D-2 permits. In addition to the privileges 64710  
authorized in this division, the holder of a D-5b permit may 64711  
exercise the same privileges as a holder of a D-5 permit. 64712

A D-5b permit shall not be transferred to another location. 64713

One D-5b permit may be issued at an enclosed shopping center 64714  
containing at least two hundred twenty-five thousand, but less 64715  
than four hundred thousand, square feet of floor area. 64716

Two D-5b permits may be issued at an enclosed shopping center 64717  
containing at least four hundred thousand square feet of floor 64718  
area. No more than one D-5b permit may be issued at an enclosed 64719  
shopping center for each additional two hundred thousand square 64720  
feet of floor area or fraction of that floor area, up to a maximum 64721  
of five D-5b permits for each enclosed shopping center. The number 64722  
of D-5b permits that may be issued at an enclosed shopping center 64723  
shall be determined by subtracting the number of D-3 and D-5 64724  
permits issued in the enclosed shopping center from the number of 64725  
D-5b permits that otherwise may be issued at the enclosed shopping 64726  
center under the formulas provided in this division. Except as 64727

provided in this section, no quota shall be placed on the number 64728  
of D-5b permits that may be issued. Notwithstanding any quota 64729  
provided in this section, the holder of any D-5b permit first 64730  
issued in accordance with this section is entitled to its renewal 64731  
in accordance with section 4303.271 of the Revised Code. 64732

The holder of a D-5b permit issued before April 4, 1984, 64733  
whose tenancy is terminated for a cause other than nonpayment of 64734  
rent, may return the D-5b permit to the division of liquor 64735  
control, and the division shall cancel that permit. Upon 64736  
cancellation of that permit and upon the permit holder's payment 64737  
of taxes, contributions, premiums, assessments, and other debts 64738  
owing or accrued upon the date of cancellation to this state and 64739  
its political subdivisions and a filing with the division of a 64740  
certification of that payment, the division shall issue to that 64741  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 64742  
that person requests. The division shall issue the D-5 permit, or 64743  
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 64744  
D-3, or D-5 permits currently issued in the municipal corporation 64745  
or in the unincorporated area of the township where that person's 64746  
proposed premises is located equals or exceeds the maximum number 64747  
of such permits that can be issued in that municipal corporation 64748  
or in the unincorporated area of that township under the 64749  
population quota restrictions contained in section 4303.29 of the 64750  
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 64751  
be transferred to another location. If a D-5b permit is canceled 64752  
under the provisions of this paragraph, the number of D-5b permits 64753  
that may be issued at the enclosed shopping center for which the 64754  
D-5b permit was issued, under the formula provided in this 64755  
division, shall be reduced by one if the enclosed shopping center 64756  
was entitled to more than one D-5b permit under the formula. 64757

The fee for this permit is two thousand three hundred 64758  
forty-four dollars. 64759

(C) Permit D-5c may be issued to the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that qualifies under the other requirements of this section to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5c permit may exercise the same privileges as the holder of a D-5 permit.

To qualify for a D-5c permit, the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter, shall have operated the restaurant at the proposed premises for not less than twenty-four consecutive months immediately preceding the filing of the application for the permit, have applied for a D-5 permit no later than December 31, 1988, and appear on the division's quota waiting list for not less than six months immediately preceding the filing of the application for the permit. In addition to these requirements, the proposed D-5c permit premises shall be located within a municipal corporation and further within an election precinct that, at the time of the application, has no more than twenty-five per cent of its total land area zoned for residential use.

A D-5c permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued.

Any person who has held a D-5c permit for at least two years may apply for a D-5 permit, and the division of liquor control

shall issue the D-5 permit notwithstanding the quota restrictions 64792  
contained in section 4303.29 of the Revised Code or in any rule of 64793  
the liquor control commission. 64794

The fee for this permit is one thousand five hundred 64795  
sixty-three dollars. 64796

(D) Permit D-5d may be issued to the owner or operator of a 64797  
retail food establishment or a food service operation licensed 64798  
pursuant to Chapter 3717. of the Revised Code that operates as a 64799  
restaurant for purposes of this chapter and that is located at an 64800  
airport operated by a board of county commissioners pursuant to 64801  
section 307.20 of the Revised Code, at an airport operated by a 64802  
port authority pursuant to Chapter 4582. of the Revised Code, or 64803  
at an airport operated by a regional airport authority pursuant to 64804  
Chapter 308. of the Revised Code. The holder of a D-5d permit may 64805  
sell beer and any intoxicating liquor at retail, only by the 64806  
individual drink in glass and from the container, for consumption 64807  
on the premises where sold, and may sell the same products in the 64808  
same manner and amounts not for consumption on the premises where 64809  
sold as may be sold by the holders of D-1 and D-2 permits. In 64810  
addition to the privileges authorized in this division, the holder 64811  
of a D-5d permit may exercise the same privileges as the holder of 64812  
a D-5 permit. 64813

A D-5d permit shall not be transferred to another location. 64814  
No quota restrictions shall be placed on the number of such 64815  
permits that may be issued. 64816

The fee for this permit is two thousand three hundred 64817  
forty-four dollars. 64818

(E) Permit D-5e may be issued to any nonprofit organization 64819  
that is exempt from federal income taxation under the "Internal 64820  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 64821  
amended, or that is a charitable organization under any chapter of 64822

the Revised Code, and that owns or operates a riverboat that meets 64823  
all of the following: 64824

(1) Is permanently docked at one location; 64825

(2) Is designated as an historical riverboat by the Ohio 64826  
history connection; 64827

(3) Contains not less than fifteen hundred square feet of 64828  
floor area; 64829

(4) Has a seating capacity of fifty or more persons. 64830

The holder of a D-5e permit may sell beer and intoxicating 64831  
liquor at retail, only by the individual drink in glass and from 64832  
the container, for consumption on the premises where sold. 64833

A D-5e permit shall not be transferred to another location. 64834  
No quota restriction shall be placed on the number of such permits 64835  
that may be issued. The population quota restrictions contained in 64836  
section 4303.29 of the Revised Code or in any rule of the liquor 64837  
control commission shall not apply to this division, and the 64838  
division shall issue a D-5e permit to any applicant who meets the 64839  
requirements of this division. However, the division shall not 64840  
issue a D-5e permit if the permit premises or proposed permit 64841  
premises are located within an area in which the sale of 64842  
spirituous liquor by the glass is prohibited. 64843

The fee for this permit is one thousand two hundred nineteen 64844  
dollars. 64845

(F) Permit D-5f may be issued to the owner or operator of a 64846  
retail food establishment or a food service operation licensed 64847  
under Chapter 3717. of the Revised Code that operates as a 64848  
restaurant for purposes of this chapter and that meets all of the 64849  
following: 64850

(1) It contains not less than twenty-five hundred square feet 64851  
of floor area. 64852

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river. 64853  
64854

(3) It provides docking space for twenty-five boats. 64855

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration. 64856  
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In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority. 64859  
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The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. 64865  
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A D-5f permit shall not be transferred to another location. 64868

The division of liquor control shall not issue a D-5f permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited. 64869  
64870  
64871  
64872

A fee for this permit is two thousand three hundred forty-four dollars. 64873  
64874

As used in this division, "navigable river" means a river that is also a "navigable water" as defined in the "Federal Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 64875  
64876  
64877

(G) Permit D-5g may be issued to a nonprofit corporation that is either the owner or the operator of a national professional sports museum. The holder of a D-5g permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises 64878  
64879  
64880  
64881  
64882

where sold. The holder of a D-5g permit shall sell no beer or 64883  
intoxicating liquor for consumption on the premises where sold 64884  
after two-thirty a.m. A D-5g permit shall not be transferred to 64885  
another location. No quota restrictions shall be placed on the 64886  
number of D-5g permits that may be issued. The fee for this permit 64887  
is one thousand eight hundred seventy-five dollars. 64888

(H)(1) Permit D-5h may be issued to any nonprofit 64889  
organization that is exempt from federal income taxation under the 64890  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 64891  
501(c)(3), as amended, that owns or operates any of the following: 64892

(a) A fine arts museum, provided that the nonprofit 64893  
organization has no less than one thousand five hundred bona fide 64894  
members possessing full membership privileges; 64895

(b) A community arts center. As used in division (H)(1)(b) of 64896  
this section, "community arts center" means a facility that 64897  
provides arts programming to the community in more than one arts 64898  
discipline, including, but not limited to, exhibits of works of 64899  
art and performances by both professional and amateur artists. 64900

(c) A community theater, provided that the nonprofit 64901  
organization is a member of the Ohio arts council and the American 64902  
community theatre association and has been in existence for not 64903  
less than ten years. As used in division (H)(1)(c) of this 64904  
section, "community theater" means a facility that contains at 64905  
least one hundred fifty seats and has a primary function of 64906  
presenting live theatrical performances and providing recreational 64907  
opportunities to the community. 64908

(2) The holder of a D-5h permit may sell beer and any 64909  
intoxicating liquor at retail, only by the individual drink in 64910  
glass and from the container, for consumption on the premises 64911  
where sold. The holder of a D-5h permit shall sell no beer or 64912  
intoxicating liquor for consumption on the premises where sold 64913

after one a.m. A D-5h permit shall not be transferred to another 64914  
location. No quota restrictions shall be placed on the number of 64915  
D-5h permits that may be issued. 64916

(3) The fee for a D-5h permit is one thousand eight hundred 64917  
seventy-five dollars. 64918

(I) Permit D-5i may be issued to the owner or operator of a 64919  
retail food establishment or a food service operation licensed 64920  
under Chapter 3717. of the Revised Code that operates as a 64921  
restaurant for purposes of this chapter and that meets all of the 64922  
following requirements: 64923

(1) It is located in a municipal corporation or a township 64924  
with a population of one hundred thousand or less. 64925

(2) It has inside seating capacity for at least one hundred 64926  
forty persons. 64927

(3) It has at least four thousand square feet of floor area. 64928

(4) It offers full-course meals, appetizers, and sandwiches. 64929

(5) Its receipts from beer and liquor sales, excluding wine 64930  
sales, do not exceed twenty-five per cent of its total gross 64931  
receipts. 64932

(6) It has at least one of the following characteristics: 64933

(a) The value of its real and personal property exceeds seven 64934  
hundred twenty-five thousand dollars. 64935

(b) It is located on property that is owned or leased by the 64936  
state or a state agency, and its owner or operator has 64937  
authorization from the state or the state agency that owns or 64938  
leases the property to obtain a D-5i permit. 64939

The holder of a D-5i permit may sell beer and any 64940  
intoxicating liquor at retail, only by the individual drink in 64941  
glass and from the container, for consumption on the premises 64942  
where sold, and may sell the same products in the same manner and 64943

amounts not for consumption on the premises where sold as may be 64944  
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 64945  
permit shall sell no beer or intoxicating liquor for consumption 64946  
on the premises where sold after two-thirty a.m. In addition to 64947  
the privileges authorized in this division, the holder of a D-5i 64948  
permit may exercise the same privileges as the holder of a D-5 64949  
permit. 64950

A D-5i permit shall not be transferred to another location. 64951  
The division of liquor control shall not renew a D-5i permit 64952  
unless the retail food establishment or food service operation for 64953  
which it is issued continues to meet the requirements described in 64954  
divisions (I)(1) to (6) of this section. No quota restrictions 64955  
shall be placed on the number of D-5i permits that may be issued. 64956  
The fee for the D-5i permit is two thousand three hundred 64957  
forty-four dollars. 64958

(J) Permit D-5j may be issued to the owner or the operator of 64959  
a retail food establishment or a food service operation licensed 64960  
under Chapter 3717. of the Revised Code to sell beer and 64961  
intoxicating liquor at retail, only by the individual drink in 64962  
glass and from the container, for consumption on the premises 64963  
where sold and to sell beer and intoxicating liquor in the same 64964  
manner and amounts not for consumption on the premises where sold 64965  
as may be sold by the holders of D-1 and D-2 permits. The holder 64966  
of a D-5j permit may exercise the same privileges, and shall 64967  
observe the same hours of operation, as the holder of a D-5 64968  
permit. 64969

The D-5j permit shall be issued only within a community 64970  
entertainment district that is designated under section 4301.80 of 64971  
the Revised Code. The permit shall not be issued to a community 64972  
entertainment district that is designated under divisions (B) and 64973  
(C) of section 4301.80 of the Revised Code if the district does 64974  
not meet one of the following qualifications: 64975

- (1) It is located in a municipal corporation with a population of at least one hundred thousand. 64976  
64977
- (2) It is located in a municipal corporation with a population of at least twenty thousand, and either of the following applies: 64978  
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64980
- (a) It contains an amusement park the rides of which have been issued a permit by the department of agriculture under Chapter 1711. of the Revised Code. 64981  
64982  
64983
- (b) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. 64984  
64985  
64986
- (3) It is located in a township with a population of at least forty thousand. 64987  
64988
- (4) It is located in a township with a population of at least twenty thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the township. 64989  
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64992
- (5) It is located in a municipal corporation with a population between seven thousand and twenty thousand, and both of the following apply: 64993  
64994  
64995
- (a) The municipal corporation was incorporated as a village prior to calendar year 1860 and currently has a historic downtown business district. 64996  
64997  
64998
- (b) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district. 64999  
65000  
65001
- (6) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the 65002  
65003  
65004  
65005

municipal corporation. 65006

(7) It is located in a municipal corporation with a 65007  
population of at least ~~five~~ three thousand, and not less than one 65008  
hundred fifty million dollars will be invested in development and 65009  
construction in the community entertainment district's area 65010  
located in the municipal corporation. 65011

The location of a D-5j permit may be transferred only within 65012  
the geographic boundaries of the community entertainment district 65013  
in which it was issued and shall not be transferred outside the 65014  
geographic boundaries of that district. 65015

Not more than one D-5j permit shall be issued within each 65016  
community entertainment district for each five acres of land 65017  
located within the district. Not more than fifteen D-5j permits 65018  
may be issued within a single community entertainment district. 65019  
Except as otherwise provided in division (J)(4) of this section, 65020  
no quota restrictions shall be placed upon the number of D-5j 65021  
permits that may be issued. 65022

The fee for a D-5j permit is two thousand three hundred 65023  
forty-four dollars. 65024

(K)(1) Permit D-5k may be issued to any nonprofit 65025  
organization that is exempt from federal income taxation under the 65026  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 65027  
501(c)(3), as amended, that is the owner or operator of a 65028  
botanical garden recognized by the American association of 65029  
botanical gardens and arboreta, and that has not less than 65030  
twenty-five hundred bona fide members. 65031

(2) The holder of a D-5k permit may sell beer and any 65032  
intoxicating liquor at retail, only by the individual drink in 65033  
glass and from the container, on the premises where sold. 65034

(3) The holder of a D-5k permit shall sell no beer or 65035  
intoxicating liquor for consumption on the premises where sold 65036

after one a.m. 65037

(4) A D-5k permit shall not be transferred to another 65038  
location. 65039

(5) No quota restrictions shall be placed on the number of 65040  
D-5k permits that may be issued. 65041

(6) The fee for the D-5k permit is one thousand eight hundred 65042  
seventy-five dollars. 65043

(L)(1) Permit D-5l may be issued to the owner or the operator 65044  
of a retail food establishment or a food service operation 65045  
licensed under Chapter 3717. of the Revised Code to sell beer and 65046  
intoxicating liquor at retail, only by the individual drink in 65047  
glass and from the container, for consumption on the premises 65048  
where sold and to sell beer and intoxicating liquor in the same 65049  
manner and amounts not for consumption on the premises where sold 65050  
as may be sold by the holders of D-1 and D-2 permits. The holder 65051  
of a D-5l permit may exercise the same privileges, and shall 65052  
observe the same hours of operation, as the holder of a D-5 65053  
permit. 65054

(2) The D-5l permit shall be issued only to a premises to 65055  
which all of the following apply: 65056

(a) The premises has gross annual receipts from the sale of 65057  
food and meals that constitute not less than seventy-five per cent 65058  
of its total gross annual receipts. 65059

(b) The premises is located within a revitalization district 65060  
that is designated under section 4301.81 of the Revised Code. 65061

(c) The premises is located in a municipal corporation or 65062  
township in which the number of D-5 permits issued equals or 65063  
exceeds the number of those permits that may be issued in that 65064  
municipal corporation or township under section 4303.29 of the 65065  
Revised Code. 65066

(d) The premises meets any of the following qualifications: 65067

(i) It is located in a county with a population of one 65068  
hundred twenty-five thousand or less according to the population 65069  
estimates certified by the development services agency for 65070  
calendar year 2006. 65071

(ii) It is located in the municipal corporation that has the 65072  
largest population in a county when the county has a population 65073  
between two hundred fifteen thousand and two hundred twenty-five 65074  
thousand according to the population estimates certified by the 65075  
development services agency for calendar year 2006. Division 65076  
(L)(2)(d)(ii) of this section applies only to a municipal 65077  
corporation that is wholly located in a county. 65078

(iii) It is located in the municipal corporation that has the 65079  
largest population in a county when the county has a population 65080  
between one hundred forty thousand and one hundred forty-one 65081  
thousand according to the population estimates certified by the 65082  
development services agency for calendar year 2006. Division 65083  
(L)(2)(d)(iii) of this section applies only to a municipal 65084  
corporation that is wholly located in a county. 65085

(iv) It is located in a township with a population density of 65086  
less than four hundred fifty people per square mile. For purposes 65087  
of division (L)(2)(d)(iv) of this section, the population of a 65088  
township is considered to be the population shown by the most 65089  
recent regular federal decennial census. 65090

(v) It is located in a municipal corporation that is wholly 65091  
located within the geographic boundaries of a township, provided 65092  
that the municipal corporation and the unincorporated portion of 65093  
the township have a combined population density of less than four 65094  
hundred fifty people per square mile. For purposes of division 65095  
(L)(2)(d)(v) of this section, the population of a municipal 65096  
corporation and unincorporated portion of a township is the 65097

population shown by the most recent federal decennial census. 65098

(3) The location of a D-51 permit may be transferred only 65099  
within the geographic boundaries of the revitalization district in 65100  
which it was issued and shall not be transferred outside the 65101  
geographic boundaries of that district. 65102

(4) Not more than one D-51 permit shall be issued within each 65103  
revitalization district for each five acres of land located within 65104  
the district. Not more than fifteen D-51 permits may be issued 65105  
within a single revitalization district. Except as otherwise 65106  
provided in division (L)(4) of this section, no quota restrictions 65107  
shall be placed upon the number of D-51 permits that may be 65108  
issued. 65109

(5) No D-51 permit shall be issued to an adult entertainment 65110  
establishment as defined in section 2907.39 of the Revised Code. 65111

(6) The fee for a D-51 permit is two thousand three hundred 65112  
forty-four dollars. 65113

(M) Permit D-5m may be issued to either the owner or the 65114  
operator of a retail food establishment or food service operation 65115  
licensed under Chapter 3717. of the Revised Code that operates as 65116  
a restaurant for purposes of this chapter and that is located in, 65117  
or affiliated with, a center for the preservation of wild animals 65118  
as defined in section 4301.404 of the Revised Code, to sell beer 65119  
and any intoxicating liquor at retail, only by the glass and from 65120  
the container, for consumption on the premises where sold, and to 65121  
sell the same products in the same manner and amounts not for 65122  
consumption on the premises as may be sold by the holders of D-1 65123  
and D-2 permits. In addition to the privileges authorized by this 65124  
division, the holder of a D-5m permit may exercise the same 65125  
privileges as the holder of a D-5 permit. 65126

A D-5m permit shall not be transferred to another location. 65127

No quota restrictions shall be placed on the number of D-5m 65128

permits that may be issued. The fee for a permit D-5m is two 65129  
thousand three hundred forty-four dollars. 65130

(N) Permit D-5n shall be issued to either a casino operator 65131  
or a casino management company licensed under Chapter 3772. of the 65132  
Revised Code that operates a casino facility under that chapter, 65133  
to sell beer and any intoxicating liquor at retail, only by the 65134  
individual drink in glass and from the container, for consumption 65135  
on the premises where sold, and to sell the same products in the 65136  
same manner and amounts not for consumption on the premises as may 65137  
be sold by the holders of D-1 and D-2 permits. In addition to the 65138  
privileges authorized by this division, the holder of a D-5n 65139  
permit may exercise the same privileges as the holder of a D-5 65140  
permit. A D-5n permit shall not be transferred to another 65141  
location. Only one D-5n permit may be issued per casino facility 65142  
and not more than four D-5n permits shall be issued in this state. 65143  
The fee for a permit D-5n shall be twenty thousand dollars. The 65144  
holder of a D-5n permit may conduct casino gaming on the permit 65145  
premises notwithstanding any provision of the Revised Code or 65146  
Administrative Code. 65147

(O) Permit D-5o may be issued to the owner or operator of a 65148  
retail food establishment or a food service operation licensed 65149  
under Chapter 3717. of the Revised Code that operates as a 65150  
restaurant for purposes of this chapter and that is located within 65151  
a casino facility for which a D-5n permit has been issued. The 65152  
holder of a D-5o permit may sell beer and any intoxicating liquor 65153  
at retail, only by the individual drink in glass and from the 65154  
container, for consumption on the premises where sold, and may 65155  
sell the same products in the same manner and amounts not for 65156  
consumption on the premises where sold as may be sold by the 65157  
holders of D-1 and D-2 permits. In addition to the privileges 65158  
authorized by this division, the holder of a D-5o permit may 65159  
exercise the same privileges as the holder of a D-5 permit. A D-5o 65160

permit shall not be transferred to another location. No quota 65161  
restrictions shall be placed on the number of such permits that 65162  
may be issued. The fee for this permit is two thousand three 65163  
hundred forty-four dollars. 65164

**Sec. 4303.209.** (A)(1) The division of liquor control may 65165  
issue an F-9 permit to a nonprofit corporation that operates a 65166  
park on property leased from a municipal corporation or to a 65167  
nonprofit corporation that provides or manages entertainment 65168  
programming pursuant to an agreement with a nonprofit corporation 65169  
that operates a park on property leased from a municipal 65170  
corporation to sell beer or intoxicating liquor by the individual 65171  
drink at specific events conducted within the park property and 65172  
appurtenant streets, but only if, and only at times at which, the 65173  
sale of beer and intoxicating liquor on the premises is otherwise 65174  
permitted by law. Additionally, an F-9 permit may be issued only 65175  
if the park property ~~is~~ meets either of the following: 65176

(a) It is located in a county that has a population of 65177  
between one million one hundred thousand and one million two 65178  
hundred thousand on ~~the effective date of this section~~ March 22, 65179  
2012. 65180

(b) It is the subject of an agreement between a municipal 65181  
corporation, a national nonprofit organization that is a 65182  
foundation, and an Ohio-based nonprofit organization for the 65183  
purposes of hosting outdoor performing arts events or orchestral 65184  
performances. As used in division (A)(1)(b) of this section, 65185  
"orchestral performance" has the same meaning as in division 65186  
(C)(3)(a) of section 4301.62 of the Revised Code. 65187

(2) The division may issue separate F-9 permits to a 65188  
nonprofit corporation that operates a park on property leased from 65189  
a municipal corporation and a nonprofit corporation that provides 65190  
or manages entertainment programming pursuant to an agreement with 65191

a nonprofit corporation that operates a park on property leased 65192  
from a municipal corporation to be effective during the same time 65193  
period. However, the permit privileges may be exercised by only 65194  
one of the holders of an F-9 permit at specific events. The other 65195  
holder of an F-9 permit shall certify to the division that it will 65196  
not exercise its permit privileges during that specific event. 65197

(3) The premises on which an F-9 permit will be used shall be 65198  
clearly defined and sufficiently restricted to allow proper 65199  
supervision of the permit's use by state and local law enforcement 65200  
officers. Sales under an F-9 permit shall be confined to the same 65201  
hours permitted to the holder of a D-3 permit. 65202

(4) The fee for an F-9 permit is one thousand seven hundred 65203  
dollars. An F-9 permit is effective for a period not to exceed 65204  
nine months as specified in the permit. An F-9 permit is not 65205  
transferable or renewable. However, the holder of an F-9 permit 65206  
may apply for a new F-9 permit at any time. The holder of an F-9 65207  
permit shall make sales only at those specific events about which 65208  
the permit holder has notified in advance the division of liquor 65209  
control, the department of public safety, and the chief, sheriff, 65210  
or other principal peace officer of the local law enforcement 65211  
agencies having jurisdiction over the premises. 65212

(B)(1) An application for the issuance of an F-9 permit is 65213  
subject to the notice and hearing requirements established in 65214  
division (A) of section 4303.26 of the Revised Code. 65215

(2) The liquor control commission shall adopt rules under 65216  
Chapter 119. of the Revised Code necessary to administer this 65217  
section. 65218

(C) No F-9 permit holder shall sell beer or intoxicating 65219  
liquor beyond the hours of sale allowed by the permit. This 65220  
division imposes strict liability on the holder of an F-9 permit 65221  
and on any officer, agent, or employee of that permit holder. 65222

(D) Nothing in this section prohibits the division from 65223  
issuing an F-2 permit for a specific event not conducted by the 65224  
holder of an F-9 permit provided that the holder of the F-9 permit 65225  
certifies to the division that it will not exercise its permit 65226  
privileges during that specific event. 65227

**Sec. 4303.22.** (A) Permit H may be issued for a fee of three 65228  
hundred dollars to a for-hire motor carrier who holds a license 65229  
issued by the public utilities commission to transport beer, 65230  
intoxicating liquor, and alcohol, or any of them, in this state 65231  
for delivery or use in this state. This section does not prevent 65232  
the division of liquor control from contracting with for-hire 65233  
motor carriers for the delivery or transportation of liquor for 65234  
the division, and any for-hire motor carrier so contracting with 65235  
the division is eligible for an H permit. Manufacturers or 65236  
wholesale distributors of beer or intoxicating liquor other than 65237  
spirituous liquor who transport or deliver their own products to 65238  
or from their premises licensed under this chapter and Chapter 65239  
4301. of the Revised Code by their own trucks as an incident to 65240  
the purchase or sale of such beverages need not obtain an H 65241  
permit. Carriers by rail shall receive an H permit upon 65242  
application for it. 65243

(B)(1) Every person that transports beer or intoxicating 65244  
liquor into this state for delivery in this state to an individual 65245  
or entity, other than to the holder of a permit issued under this 65246  
chapter, shall prepare and submit a monthly report to the 65247  
division. The report shall contain all of the following: 65248

(a) The name of the person preparing and submitting the 65249  
report; 65250

(b) The period of time covered by the report; 65251

(c) The name and business address of each consignor of the 65252  
beer or intoxicating liquor; 65253

(d) The name and address of each consignee of the beer or intoxicating liquor; 65254  
65255

(e) The weight of, and unique tracking number assigned for, each delivery of beer or intoxicating liquor to each consignee; 65256  
65257

(f) The date of delivery. 65258

The division shall make any such report available to the public upon request under section 149.43 of the Revised Code. 65259  
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(2) Upon the division's request and not later than thirty days after the request, a person that submits a report shall provide the documents used to prepare the report to the division. The person shall keep and maintain the documents for a period of two years after the submission of the applicable report, unless the division, in writing, authorizes the destruction of the documents at an earlier date. The person shall allow the division, any other state regulatory body, or any law enforcement agency to inspect the documents at any time during regular business hours. 65261  
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(3) No person shall violate division (B) of this section. 65270

If a person willfully violates division (B) of this section, the liquor control commission may suspend or revoke any permit issued to the person under this chapter. 65271  
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(C) This section does not prevent the division from issuing, upon the payment of the permit fee, an H permit to any person, partnership, firm, or corporation licensed by any other state to engage in the business of manufacturing and brewing or producing beer, wine, and mixed beverages or any person, partnership, firm, or corporation licensed by the United States or any other state to engage in the business of importing beer, wine, and mixed beverages manufactured outside the United States. The 65274  
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The manufacturer, brewer, or importer of products manufactured outside the United States, upon the issuance of an H 65282  
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permit, may transport, ship, and deliver only its own products to 65284  
holders of B-1 or B-5 permits in Ohio in motor trucks and 65285  
equipment owned and operated by such class H permit holder. No H 65286  
permit shall be issued by the division to such applicant until the 65287  
applicant files with the division a liability insurance 65288  
certificate or policy satisfactory to the division, in a sum of 65289  
not less than one thousand nor more than five thousand dollars for 65290  
property damage and for not less than five thousand nor more than 65291  
fifty thousand dollars for loss sustained by reason of injury or 65292  
death and with such other terms as the division considers 65293  
necessary to adequately protect the interest of the public, having 65294  
due regard for the number of persons and amount of property 65295  
affected. The certificate or policy shall insure the manufacturer, 65296  
brewer, or importer of products manufactured outside the United 65297  
States against loss sustained by reason of the death of or injury 65298  
to persons, and for loss of or damage to property, from the 65299  
negligence of such class H permit holder in the operation of its 65300  
motor vehicles or equipment in this state. 65301

**Sec. 4303.26.** (A) Applications for regular permits authorized 65302  
by sections 4303.02 to 4303.23 of the Revised Code may be filed 65303  
with the division of liquor control. No permit shall be issued by 65304  
the division until fifteen days after the application for it is 65305  
filed. An applicant for the issuance of a new permit shall pay a 65306  
processing fee of one hundred dollars when filing application for 65307  
the permit, if the permit is then available, or shall pay the 65308  
processing fee when a permit becomes available, if it is not 65309  
available when the applicant initially files the application. When 65310  
an application for a new class C or D permit is filed, when class 65311  
C or D permits become available, or when an application for 65312  
transfer of ownership of a class C or D permit or transfer of a 65313  
location of a class C or D permit is filed, no permit shall be 65314  
issued, nor shall the location or the ownership of a permit be 65315

transferred, by the division until the division notifies the 65316  
legislative authority of the municipal corporation, if the 65317  
business or event is or is to be located within the corporate 65318  
limits of a municipal corporation, or the clerk of the board of 65319  
county commissioners and the fiscal officer of the board of 65320  
township trustees in the county in which the business or event is 65321  
or is to be conducted, if the business is or is to be located 65322  
outside the corporate limits of a municipal corporation, and an 65323  
opportunity is provided officials or employees of the municipal 65324  
corporation or county and township, who shall be designated by the 65325  
legislative authority ~~of the municipal corporation~~ or the board of 65326  
county commissioners or board of township trustees, for a complete 65327  
hearing upon the advisability of the issuance, transfer of 65328  
ownership, or transfer of location of the permit. In this hearing, 65329  
no objection to the issuance, transfer of ownership, or transfer 65330  
of location of the permit shall be based upon noncompliance of the 65331  
proposed permit premises with local zoning regulations which 65332  
prohibit the sale of beer or intoxicating liquor, in an area zoned 65333  
for commercial or industrial uses, for a permit premises that 65334  
would otherwise qualify for a proper permit issued by the 65335  
division. 65336

When the division sends notice to the legislative or 65337  
executive authority of the political subdivision, as required by 65338  
this section, the division shall also so notify, by certified 65339  
mail, return receipt requested, or by personal service, the chief 65340  
peace officer of the political subdivision. Upon the request of 65341  
the chief peace officer, the division shall send the chief peace 65342  
officer a copy of the application for the issuance or the transfer 65343  
of ownership or location of the permit and all other documents or 65344  
materials filed by the applicant or applicants in relation to the 65345  
application. The chief peace officer may appear and testify, 65346  
either in person or through a representative, at any hearing held 65347  
on the advisability of the issuance, transfer of ownership, or 65348

transfer of location of the permit. The hearing shall be held in 65349  
the central office of the division, except that upon written 65350  
request of the legislative authority of the municipal corporation 65351  
or the board of county commissioners or board of township 65352  
trustees, the hearing shall be held in the county seat of the 65353  
county where the applicant's business is or is to be conducted. 65354

If the business or event specified in an application for the 65355  
issuance, transfer of ownership, or transfer of location of any 65356  
regular permit authorized by sections 4303.02 to 4303.23 of the 65357  
Revised Code, except for an F-2 permit, is, or is to be operated, 65358  
within five hundred feet from the boundaries of a parcel of real 65359  
estate having situated on it a school, church, library, public 65360  
playground, or township park, no permit shall be issued, nor shall 65361  
the location or the ownership of a permit be transferred, by the 65362  
division until written notice of the filing of the application 65363  
with the division is served, by certified mail, return receipt 65364  
requested, or by personal service, upon the authorities in control 65365  
of the school, church, library, public playground, or township 65366  
park and an opportunity is provided them for a complete hearing 65367  
upon the advisability of the issuance, transfer of ownership, or 65368  
transfer of location of the permit. In this hearing, no objection 65369  
to the issuance, transfer of ownership, or transfer of location of 65370  
the permit shall be based upon the noncompliance of the proposed 65371  
permit premises with local zoning regulations which prohibit the 65372  
sale of beer or intoxicating liquor, in an area zoned for 65373  
commercial or industrial uses, for a permit premises that would 65374  
otherwise qualify for a proper permit issued by the division. Upon 65375  
the written request of any of these authorities, the hearing shall 65376  
be held in the county seat of the county where the applicant's 65377  
business is or is to be conducted. 65378

A request for any hearing authorized by this section shall be 65379  
made no later than thirty days from the time of notification by 65380

the division. This thirty-day period begins on the date the 65381  
division mails notice to the legislative authority or the date on 65382  
which the division mails notice to or, by personal service, serves 65383  
notice upon, the institution. The division shall conduct a hearing 65384  
if the request for the hearing is postmarked by the deadline date. 65385  
The division may allow, upon cause shown by the requesting 65386  
legislative authority or board, an extension of thirty additional 65387  
days for the legislative authority of the municipal corporation, 65388  
board of township trustees of the township, or board of county 65389  
commissioners of the county in which a permit premises is or is to 65390  
be located to object to the issuance, transfer of ownership, or 65391  
transfer of location of a permit. The request for the extension 65392  
shall be made by the legislative authority or board to the 65393  
division no later than thirty days after the time of notification 65394  
by the division. 65395

(B)~~(1)~~ When an application for transfer of ownership of a 65396  
permit is filed with the division, the division shall give notice 65397  
of the application to the ~~department of taxation~~ tax commissioner. 65398  
Within twenty days after receiving this notification, the 65399  
~~department of taxation~~ commissioner shall notify the division of 65400  
liquor control and the proposed transferee of the permit if the 65401  
permit holder owes to this state any delinquent horse-racing 65402  
taxes, alcoholic beverage taxes, motor fuel taxes, petroleum 65403  
activity taxes, sales or use taxes ~~or~~, cigarette taxes, other 65404  
tobacco product taxes, income taxes withheld from employee 65405  
compensation, commercial activity taxes, or gross casino revenue 65406  
taxes, or has failed to file any sales tax returns or employee 65407  
income tax withholding corresponding returns or submit any 65408  
information required by the commissioner, as required for such 65409  
taxes, to the extent that the any delinquent taxes and delinquent 65410  
returns are payment or return, or any failure to submit 65411  
information, is known to the department of taxation at that the 65412  
time of the application. The division shall not transfer ownership 65413

of the permit until payments known to be delinquent are resolved, 65414  
returns known to be delinquent are filed, and ~~until the tax or~~ 65415  
~~withholding delinquency is resolved~~ any information required by 65416  
the commissioner has been provided. As used in this division, 65417  
"resolved" means that the ~~tax or withholding delinquency~~ 65418  
delinquent payment has been paid in full or an amount sufficient 65419  
to satisfy the ~~delinquency~~ delinquent payment is in escrow for the 65420  
benefit of the state. The ~~department of taxation~~ commissioner 65421  
shall notify the division of the resolution. After the division 65422  
has received the notification from the ~~department of taxation~~ 65423  
commissioner, the division may proceed to transfer ownership of 65424  
the permit. Nothing in this division shall be construed to affect 65425  
or limit the responsibilities or liabilities of the transferor or 65426  
the transferee imposed by Chapter 3769., 4301., 4303., 4305., 65427  
5735., 5736., 5739. or, 5741., 5743., 5747., 5751., or 5753. of 65428  
the Revised Code. 65429

~~(2) Notwithstanding section 5703.21 of the Revised Code,~~ 65430  
~~nothing prohibits the department of taxation from disclosing to~~ 65431  
~~the division or to the proposed transferee or the proposed~~ 65432  
~~transferee's designated agent any information pursuant to division~~ 65433  
~~(B)(1) of this section.~~ 65434

(C) No F or F-2 permit shall be issued for an event until the 65435  
applicant has, by means of a form that the division shall provide 65436  
to the applicant, notified the chief peace officer of the 65437  
political subdivision in which the event will be conducted of the 65438  
date, time, place, and duration of the event. 65439

(D) The division of liquor control shall notify an applicant 65440  
for a permit authorized by sections 4303.02 to 4303.23 of the 65441  
Revised Code of an action pending or judgment entered against a 65442  
liquor permit premises, of which the division has knowledge, 65443  
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 65444  
applicant is applying for a permit at the location of the premises 65445

that is the subject of the action under section 3767.03 or 65446  
judgment under section 3767.05 of the Revised Code. 65447

**Sec. 4303.271.** (A) Except as provided in divisions (B) and 65448  
(D) of this section, the holder of a permit issued under sections 65449  
4303.02 to 4303.232 of the Revised Code, who files an application 65450  
for the renewal of the same class of permit for the same premises, 65451  
shall be entitled to the renewal of the permit. The division of 65452  
liquor control shall renew the permit unless the division rejects 65453  
for good cause any renewal application, subject to the right of 65454  
the applicant to appeal the rejection to the liquor control 65455  
commission. 65456

(B) The legislative authority of the municipal corporation, 65457  
the board of township trustees, or the board of county 65458  
commissioners of the county in which a permit premises is located 65459  
may object to the renewal of a permit issued under sections 65460  
4303.11 to 4303.183 of the Revised Code for any of the reasons 65461  
contained in division (A) of section 4303.292 of the Revised Code. 65462  
Any objection shall be made no later than thirty days prior to the 65463  
expiration of the permit, and the division shall accept the 65464  
objection if it is postmarked no later than thirty days prior to 65465  
the expiration of the permit. The objection shall be made by a 65466  
resolution specifying the reasons for objecting to the renewal and 65467  
requesting a hearing, but no objection shall be based upon 65468  
noncompliance of the permit premises with local zoning regulations 65469  
that prohibit the sale of beer or intoxicating liquor in an area 65470  
zoned for commercial or industrial uses, for a permit premises 65471  
that would otherwise qualify for a proper permit issued by the 65472  
division. The resolution shall be accompanied by a statement by 65473  
the chief legal officer of the political subdivision that, in the 65474  
chief legal officer's opinion, the objection is based upon 65475  
substantial legal grounds within the meaning and intent of 65476  
division (A) of section 4303.292 of the Revised Code. 65477

Upon receipt of a resolution of a legislative authority or 65478  
board objecting to the renewal of a permit and a statement from 65479  
the chief legal officer, the division shall set a time for the 65480  
hearing and send by certified mail to the permit holder, at the 65481  
permit holder's usual place of business, a copy of the resolution 65482  
and notice of the hearing. The division shall then hold a hearing 65483  
in the central office of the division, except that, upon written 65484  
request of the legislative authority or board, the hearing shall 65485  
be held in the county seat of the county in which the permit 65486  
premises is located, to determine whether the renewal shall be 65487  
denied for any of the reasons contained in division (A) of section 65488  
4303.292 of the Revised Code. Only the reasons for refusal 65489  
contained in division (A) of section 4303.292 of the Revised Code 65490  
and specified in the resolution of objection shall be considered 65491  
at the hearing. 65492

The permit holder and the objecting legislative authority or 65493  
board shall be parties to the proceedings under this section and 65494  
shall have the right to be present, to be represented by counsel, 65495  
to offer evidence, to require the attendance of witnesses, and to 65496  
cross-examine witnesses at the hearing. 65497

(C) An application for renewal of a permit shall be filed 65498  
with the division at least fifteen days prior to the expiration of 65499  
an existing permit, and the existing permit shall continue in 65500  
effect as provided in section 119.06 of the Revised Code until the 65501  
application is approved or rejected by the division. Any holder of 65502  
a permit, which has expired through failure to be renewed as 65503  
provided in this section, shall obtain a renewal of the permit, 65504  
upon filing an application for renewal with the division, at any 65505  
time within thirty days from the date of the expired permit. A 65506  
penalty of ten per cent of the permit fee shall be paid by the 65507  
permit holder if the application for renewal is not filed at least 65508  
fifteen days prior to the expiration of the permit. 65509

(D)(1) Annually, the tax commissioner shall cause the 65510  
horse-racing, alcoholic beverage, motor fuel, petroleum activity, 65511  
sales and or use, cigarette, other tobacco products, employer 65512  
withholding, commercial activity, and gross casino revenue tax 65513  
records in the department of taxation for each holder of a permit 65514  
issued under sections 4303.02 to 4303.232 of the Revised Code to 65515  
be examined to determine if the permit holder is delinquent in 65516  
filing any ~~sales or withholding tax~~ returns ~~or has any outstanding~~ 65517  
~~liability for sales or withholding tax, penalties, or interest~~ 65518  
~~imposed pursuant to Chapter 5739. or sections 5747.06 and 5747.07~~ 65519  
of the Revised Code, submitting any information required by the 65520  
commissioner, or remitting any payments with respect to those 65521  
taxes or any fees, charges, penalties, or interest related to 65522  
those taxes. ~~If~~ 65523

If any delinquency or liability exists, the commissioner 65524  
shall send a notice of that fact by certified mail, return receipt 65525  
requested, to the permit holder at the mailing address shown in 65526  
the records of the department. The notice shall specify, in as 65527  
much detail as is possible, the periods for which returns have not 65528  
been filed and the nature and amount of unpaid assessments and 65529  
other liabilities and shall be sent on or before the first day of 65530  
the third month preceding the month in which the permit expires. 65531  
The commissioner also shall notify the division of liquor control 65532  
of the delinquency or liability, identifying the permit holder by 65533  
name and permit number. 65534

(2)(a) Except as provided in division (D)(4) of this section, 65535  
the division of liquor control shall not renew the permit of any 65536  
permit holder the tax commissioner has identified as being 65537  
delinquent in filing any ~~sales or withholding tax~~ returns ~~or as~~ 65538  
~~being liable for outstanding sales or withholding tax, penalties,~~ 65539  
~~or interest, providing any information, or remitting any payments~~ 65540  
with respect to the taxes listed in division (D)(1) of this 65541

section as of the first day of the sixth month preceding the month 65542  
in which the permit expires, or of any permit holder the 65543  
commissioner has identified as having been assessed by the 65544  
department on or before the first day of the third month preceding 65545  
the month in which the permit expires, until the division is 65546  
notified by the ~~tax~~ commissioner that the delinquency, liability, 65547  
or assessment has been resolved. 65548

(b)(i) Within ninety days after the date on which the permit 65549  
expires, any permit holder whose permit is not renewed under this 65550  
division may file an appeal with the liquor control commission. 65551  
The commission shall notify the tax commissioner regarding the 65552  
filing of any such appeal. During the period in which the appeal 65553  
is pending, the permit shall not be renewed by the division. The 65554  
permit shall be reinstated if the permit holder and the ~~tax~~ 65555  
commissioner or the attorney general demonstrate to the liquor 65556  
control commission that the commissioner's notification of a 65557  
delinquency or assessment was in error or that the issue of the 65558  
delinquency or assessment has been resolved. 65559

(ii) A permit holder who has filed an appeal under division 65560  
(D)(2)(b)(i) of this section may file a motion to withdraw the 65561  
appeal. The division of liquor control may renew a permit holder's 65562  
permit if the permit holder has withdrawn such an appeal and the 65563  
division receives written certification from the tax commissioner 65564  
that the permit holder's delinquency or assessment has been 65565  
resolved. 65566

(3) A permit holder notified of delinquency or liability 65567  
under this section may protest the notification to the tax 65568  
commissioner on the basis that no ~~returns are~~ return or 65569  
information is delinquent and no tax, ~~penalties fee, charge,~~ 65570  
penalty, or interest is outstanding. The commissioner shall 65571  
expeditiously consider any evidence submitted by the permit holder 65572  
and, if it is determined that the notification was in error, 65573

immediately shall inform the division of liquor control that the 65574  
renewal application may be granted. The renewal shall not be 65575  
denied if the delinquency or unreported liability is the subject 65576  
of a bona fide dispute ~~pursuant to section 5717.02, 5717.04,~~ 65577  
~~5739.13, or 5747.13 of the Revised Code as to the validity of the~~ 65578  
delinquency or unreported liability and is the subject of an 65579  
assessment and of an appeal properly filed by the permit holder. 65580

(4) If the commissioner concludes that under the 65581  
circumstances the permit holder's delinquency or liability has 65582  
been conditionally resolved, the commissioner shall allow the 65583  
permit to be renewed, conditioned upon the permit holder's 65584  
continuing performance in satisfying the delinquency and 65585  
liability. The conditional nature of the renewal shall be 65586  
specified in the notification given to the division of liquor 65587  
control under division (D)(1) of this section. Upon receipt of 65588  
notice of the resolution, the division shall issue a conditional 65589  
renewal. If the taxpayer defaults on any agreement to pay the 65590  
delinquency or liability or fails to keep subsequent tax or fee 65591  
payments current, the liquor control commission, upon request and 65592  
proof of the default or failure to keep subsequent tax or fee 65593  
payments current, shall indefinitely suspend the permit holder's 65594  
permit until all taxes or fees and interest due are paid. 65595

(5) The commissioner may adopt rules to assist in 65596  
administering the duties imposed by this section. 65597

**Sec. 4501.044.** (A) All moneys received under section 4503.65 65598  
of the Revised Code ~~and~~ from the tax imposed by section 4503.02 of 65599  
the Revised Code on vehicles that are apportionable ~~and to which~~ 65600  
~~the rates specified in divisions (A)(1) to (21) and division (B)~~ 65601  
~~of section 4503.042 of the Revised Code apply~~ shall be paid into 65602  
the international registration plan distribution fund, which is 65603  
hereby created in the state treasury, and distributed as follows: 65604

(1) First, to make payments to other states that are members of the international registration plan of the portions of registration taxes the states are eligible to receive because of the operation within their borders of apportionable vehicles that are registered in Ohio;

(2) Second, two and five-tenths per cent of all the moneys received from apportionable vehicles under section 4503.65 of the Revised Code that are collected from other international registration plan jurisdictions shall be deposited into the public safety - highway purposes fund established in section 4501.06 of the Revised Code;

(3) Third, forty-two and six-tenths per cent of the moneys received from apportionable vehicles registered in this state under divisions (A)(8) to (21) of section ~~4503.042~~ 4503.65 and forty-two and six-tenths per cent of the balance remaining from the moneys received from apportionable vehicles under section 4503.65 of the Revised Code that are collected from other international registration plan jurisdictions after distribution under division (A)(2) of this section shall be deposited in the state treasury to the credit of the public safety - highway purposes fund created by section 4501.06 of the Revised Code;

(4) Fourth, an amount estimated as the annual costs that the department of taxation will incur in conducting audits of persons who have registered motor vehicles under the international registration plan, one-twelfth of which amount shall be paid by the registrar of motor vehicles into the international registration plan auditing fund created by section 5703.12 of the Revised Code by the fifteenth day of each month;

(5) Fifth, to the public safety - highway purposes fund established in section 4501.06 of the Revised Code, to offset operating expenses incurred by the bureau of motor vehicles in administering the international registration plan;

(6) Any moneys remaining in the international registration plan distribution fund after distribution under divisions (A)(1) to (5) of this section shall be distributed in accordance with division (B) of this section.

(B)(1) Moneys received under section 4503.65 from the tax imposed by section 4503.02 of the Revised Code on vehicles that are apportionable ~~and to which the rates specified in divisions (A)(1) to (21) and division (B) of section 4503.042 of the Revised Code apply~~ vehicles registered in this state shall be distributed and used in the manner provided in section 4501.04 of the Revised Code and rules adopted by the registrar of motor vehicles for moneys deposited to the credit of the auto registration distribution fund.

(2) Moneys received from ~~collections~~ apportionable vehicles under section 4503.65 of the Revised Code that are collected from other international registration plan jurisdictions shall be distributed under divisions (B)(2) and (3) of this section.

Each county, township, and municipal corporation shall receive an amount such that the ratio that the amount of moneys received by that county, township, or municipal corporation under division (B)(1) of this section from apportionable vehicles registered in Ohio and under section 4503.65 of the Revised Code from apportionable vehicles registered in other international registration plan jurisdictions bears to the total amount of moneys received by all counties, townships, and municipal corporations under division (B)(1) of this section from apportionable vehicles registered in Ohio and under section 4503.65 of the Revised Code from apportionable vehicles registered in other international registration plan jurisdictions equals the ratio that the amount of moneys that the county, township, or municipal corporation would receive from apportionable vehicles registered in Ohio were the moneys from such vehicles distributed

under section 4501.04 of the Revised Code, based solely on the 65669  
weight schedules contained in section ~~4503.042~~ 4503.65 of the 65670  
Revised Code, bears to the total amount of money that all 65671  
counties, townships, and municipal corporations would receive from 65672  
apportionable vehicles registered in Ohio were the moneys from 65673  
such vehicles distributed under section 4501.04 of the Revised 65674  
Code, based solely on the weight schedules contained in section 65675  
~~4503.042~~ 4503.65 of the Revised Code. 65676

No county, township, or municipal corporation shall receive 65677  
under division (B)(2) of this section an amount greater than the 65678  
amount of money that that county, township, or municipal 65679  
corporation would receive from apportionable vehicles registered 65680  
in Ohio were the money from the taxation of such vehicles 65681  
distributed under section 4501.04 of the Revised Code based solely 65682  
on the weight schedules contained in section ~~4503.042~~ 4503.65 of 65683  
the Revised Code. 65684

(3) If, at the end of the distribution year, the total of all 65685  
moneys received under section 4503.65 of the Revised Code for 65686  
apportionable vehicles registered in another international 65687  
registration plan jurisdiction exceeds the total moneys subject to 65688  
distribution under division (B)(2) of this section, the registrar 65689  
shall distribute to each county, township, and municipal 65690  
corporation a portion of the excess. The excess shall be 65691  
distributed to counties, townships, and municipal corporations in 65692  
the same proportion that the revenues received by each county, 65693  
township, and municipal corporation from collections under section 65694  
4503.02 of the Revised Code for apportionable vehicles registered 65695  
in this state and from collections under section 4503.65 of the 65696  
Revised Code for apportionable vehicles registered in another 65697  
international registration plan jurisdiction during that 65698  
distribution year bears to the total revenues received by 65699  
counties, townships, and municipal corporations from taxes levied 65700

under section 4503.02 of the Revised Code for apportionable 65701  
vehicles registered in this state and from collections under 65702  
section 4503.65 of the Revised Code for apportionable vehicles 65703  
registered in another international registration plan jurisdiction 65704  
during that distribution year. 65705

(C) All moneys received from the administrative fee imposed 65706  
by division (C)(2) of section ~~4503.042~~ 4503.65 of the Revised Code 65707  
shall be deposited to the credit of the public safety - highway 65708  
purposes fund established in section 4501.06 of the Revised Code, 65709  
to offset operating expenses incurred by the bureau of motor 65710  
vehicles in administering the international registration plan. 65711

(D) A deputy registrar shall retain fifty cents of the fee 65712  
imposed under division (C)(3) of section 4503.65 of the Revised 65713  
Code and shall transmit the remaining amount to the registrar at 65714  
the time and in the manner provided by section 4503.10 of the 65715  
Revised Code. The registrar shall deposit all such moneys received 65716  
into the public safety - highway purposes fund established in 65717  
section 4501.06 of the Revised Code. 65718

(E) All investment earnings of the international registration 65719  
plan distribution fund shall be credited to the fund. 65720

**Sec. 4501.045.** (A) All moneys received from the tax imposed 65721  
by section 4503.02 of the Revised Code on commercial cars and 65722  
buses that are registered in this state and that are not 65723  
apportionable and to which the rates provided under divisions 65724  
(A)(8) to (21) of section 4503.042 of the Revised Code apply, 65725  
shall be distributed as follows: 65726

(1) First, forty-two and six-tenths per cent shall be 65727  
deposited in the state treasury to the credit of the public safety 65728  
- highway purposes fund created by section 4501.06 of the Revised 65729  
Code, to be used solely for the purposes set forth in that 65730  
section; 65731

(2) Second, the balance remaining after distribution under 65732  
division (A)(1) of this section shall be deposited to the credit 65733  
of the auto registration distribution fund for distribution in the 65734  
manner provided in sections 4501.03 and 4501.04 of the Revised 65735  
Code. 65736

(B) All moneys received from the tax imposed by section 65737  
4503.02 of the Revised Code on commercial cars and buses that are 65738  
registered in this state and that are not apportionable and to 65739  
which the rates provided under divisions (A)(1) to (7) and 65740  
division (B) of section 4503.042 of the Revised Code apply, shall 65741  
be deposited to the credit of the auto registration distribution 65742  
fund for distribution in the manner provided in sections 4501.03 65743  
and 4501.04 of the Revised Code. 65744

(C) All moneys received from the tax imposed by section 65745  
4503.02 of the Revised Code on trailers and semitrailers shall be 65746  
deposited to the credit of the auto registration distribution fund 65747  
for distribution in the manner provided in sections 4501.03 and 65748  
4501.04 of the Revised Code. 65749

Sec. 4501.07. There is hereby created the public safety 65750  
highway patrol custodial fund, which shall be in the custody of 65751  
the treasurer of state, but shall not be part of the state 65752  
treasury. Except as otherwise provided in section 5502.1321 of the 65753  
Revised Code, all money seized during investigations or other 65754  
enforcement activities of the highway patrol shall be deposited 65755  
into the fund or otherwise safeguarded as provided in Chapter 65756  
2981. of the Revised Code. The director of public safety shall 65757  
transfer money upon resolution of all legal proceedings in 65758  
accordance with Chapter 2981. of the Revised Code. 65759

**Sec. 4503.02.** An annual license tax is hereby levied upon the 65760  
operation of motor vehicles on the public roads or highways, for 65761

the purpose of enforcing and paying the expense of administering 65762  
the law relative to the registration and operation of such 65763  
vehicles; planning, constructing, maintaining, and repairing 65764  
public roads, highways, and streets; maintaining and repairing 65765  
bridges and viaducts; paying the counties' proportion of the cost 65766  
and expenses of cooperating with the department of transportation 65767  
in the planning, improvement, and construction of state highways; 65768  
paying the counties' portion of the compensation, damages, cost, 65769  
and expenses of planning, constructing, reconstructing, improving, 65770  
maintaining, and repairing roads; paying the principal, interest, 65771  
and charges on county bonds and other obligations issued pursuant 65772  
to Chapter 133. of the Revised Code or incurred pursuant to 65773  
section 5531.09 of the Revised Code for highway improvements; for 65774  
the purpose of providing motorcycle safety and education 65775  
instruction; enabling municipal corporations to plan, construct, 65776  
reconstruct, repave, widen, maintain, repair, clear, and clean 65777  
public highways, roads, and streets; paying the principal, 65778  
interest, and other charges on municipal bonds and other 65779  
obligations issued pursuant to Chapter 133. of the Revised Code or 65780  
incurred pursuant to section 5531.09 of the Revised Code for 65781  
highway improvements; to maintain and repair bridges and viaducts; 65782  
to purchase, erect, and maintain street and traffic signs and 65783  
markers; to purchase, erect, and maintain traffic lights and 65784  
signals; to supplement revenue already available for such 65785  
purposes; to pay the interest, principal, and charges on bonds and 65786  
other obligations issued pursuant to Section 2i of Article VIII, 65787  
Ohio Constitution, and sections 5528.30 and 5528.31 of the Revised 65788  
Code. ~~Such~~ 65789

The tax shall be at the rates specified in sections 4503.04 65790  
~~and~~, 4503.042, and 4503.65 of the Revised Code. Under section 65791  
4503.04 of the Revised Code, the tax shall be paid to and 65792  
collected by the registrar of motor vehicles or deputy registrar 65793  
at the time of making application for registration. Under ~~section~~ 65794

sections 4503.042 and 4503.65 of the Revised Code, the tax shall 65795  
be paid to and collected by the registrar or deputy registrar as 65796  
specified in those sections at the time and manner set forth by 65797  
the registrar by rule. 65798

**Sec. 4503.038.** (A) Not later than nine months after ~~the~~ 65799  
~~effective date of this section~~ June 30, 2017, the registrar of 65800  
motor vehicles shall adopt rules in accordance with Chapter 119. 65801  
of the Revised Code establishing a service fee that applies for 65802  
purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 65803  
4503.102, 4503.12, 4503.182, 4503.24, 4503.65, 4505.061, 4506.08, 65804  
4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 65805  
4519.56, and 4519.69 of the Revised Code. The service fee shall be 65806  
not more than five dollars and twenty-five cents. When 65807  
establishing the fee, the registrar shall consider inflation and 65808  
any other factors the registrar considers to be relevant to the 65809  
determination. 65810

(B) Not later than nine months after ~~the effective date of~~ 65811  
~~this section~~ June 30, 2017, the registrar shall adopt rules in 65812  
accordance with Chapter 119. of the Revised Code establishing 65813  
prorated service fees that apply for purposes of multi-year 65814  
registrations authorized under section 4503.103 of the Revised 65815  
Code. When establishing the fee, the registrar shall consider 65816  
inflation and any other factors the registrar considers to be 65817  
relevant to the determination. 65818

**Sec. 4503.04.** Except as provided in sections 4503.042 and 65819  
4503.65 of the Revised Code for the registration of commercial 65820  
cars, trailers, semitrailers, and certain buses, the rates of the 65821  
taxes imposed by section 4503.02 of the Revised Code shall be as 65822  
follows: 65823

(A)(1) For motor vehicles having three wheels or less, the 65824

license tax is:	65825
(a) For each motorized bicycle or moped, ten dollars;	65826
(b) For each motorcycle, autocycle, cab-enclosed motorcycle, motor-driven cycle, or motor scooter, fourteen dollars.	65827 65828
(2) For each low-speed, under-speed, and utility vehicle, and each mini-truck, ten dollars.	65829 65830
(B) For each passenger car, twenty dollars;	65831
(C) For each manufactured home, each mobile home, and each travel trailer or house vehicle, ten dollars;	65832 65833
(D) For each noncommercial motor vehicle designed by the manufacturer to carry a load of no more than three-quarters of one ton and for each motor home, thirty-five dollars; for each noncommercial motor vehicle designed by the manufacturer to carry a load of more than three-quarters of one ton, but not more than one ton, seventy dollars;	65834 65835 65836 65837 65838 65839
(E) For each noncommercial trailer, the license tax is:	65840
(1) Eighty-five cents for each one hundred pounds or part thereof for the first two thousand pounds or part thereof of weight of vehicle fully equipped;	65841 65842 65843
(2) One dollar and forty cents for each one hundred pounds or part thereof in excess of two thousand pounds up to and including ten thousand pounds.	65844 65845 65846
(F) Notwithstanding its weight, twelve dollars for any:	65847
(1) Vehicle equipped, owned, and used by a charitable or nonprofit corporation exclusively for the purpose of administering chest x-rays or receiving blood donations;	65848 65849 65850
(2) Van used principally for the transportation of handicapped persons that has been modified by being equipped with adaptive equipment to facilitate the movement of such persons into	65851 65852 65853

and out of the van; 65854

(3) Bus used principally for the transportation of 65855  
handicapped persons or persons sixty-five years of age or older. 65856

(G) Notwithstanding its weight, twenty dollars for any bus 65857  
used principally for the transportation of persons in a 65858  
ridesharing arrangement. 65859

(H) For each transit bus having motor power the license tax 65860  
is twelve dollars. 65861

"Transit bus" means either a motor vehicle having a seating 65862  
capacity of more than seven persons which is operated and used by 65863  
any person in the rendition of a public mass transportation 65864  
service primarily in a municipal corporation or municipal 65865  
corporations and provided at least seventy-five per cent of the 65866  
annual mileage of such service and use is within such municipal 65867  
corporation or municipal corporations or a motor vehicle having a 65868  
seating capacity of more than seven persons which is operated 65869  
solely for the transportation of persons associated with a 65870  
charitable or nonprofit corporation, but does not mean any motor 65871  
vehicle having a seating capacity of more than seven persons when 65872  
such vehicle is used in a ridesharing capacity or any bus 65873  
described by division (F)(3) of this section. 65874

The application for registration of such transit bus shall be 65875  
accompanied by an affidavit prescribed by the registrar of motor 65876  
vehicles and signed by the person or an agent of the firm or 65877  
corporation operating such bus stating that the bus has a seating 65878  
capacity of more than seven persons, and that it is either to be 65879  
operated and used in the rendition of a public mass transportation 65880  
service and that at least seventy-five per cent of the annual 65881  
mileage of such operation and use shall be within one or more 65882  
municipal corporations or that it is to be operated solely for the 65883  
transportation of persons associated with a charitable or 65884

nonprofit corporation. 65885

The form of the license plate, and the manner of its 65886  
attachment to the vehicle, shall be prescribed by the registrar of 65887  
motor vehicles. 65888

(I) Except as otherwise provided in division (A) or (J) of 65889  
this section, the minimum tax for any vehicle having motor power 65890  
is ten dollars and eighty cents, and for each noncommercial 65891  
trailer, five dollars. 65892

(J)(1) Except as otherwise provided in division (J) of this 65893  
section, for each farm truck, except a noncommercial motor 65894  
vehicle, that is owned, controlled, or operated by one or more 65895  
farmers exclusively in farm use as defined in this section, and 65896  
not for commercial purposes, and provided that at least 65897  
seventy-five per cent of such farm use is by or for the one or 65898  
more owners, controllers, or operators of the farm in the 65899  
operation of which a farm truck is used, the license tax is five 65900  
dollars plus: 65901

(a) Fifty cents per one hundred pounds or part thereof for 65902  
the first three thousand pounds; 65903

(b) Seventy cents per one hundred pounds or part thereof in 65904  
excess of three thousand pounds up to and including four thousand 65905  
pounds; 65906

(c) Ninety cents per one hundred pounds or part thereof in 65907  
excess of four thousand pounds up to and including six thousand 65908  
pounds; 65909

(d) Two dollars for each one hundred pounds or part thereof 65910  
in excess of six thousand pounds up to and including ten thousand 65911  
pounds; 65912

(e) Two dollars and twenty-five cents for each one hundred 65913  
pounds or part thereof in excess of ten thousand pounds; 65914

(f) The minimum license tax for any farm truck shall be 65915  
twelve dollars. 65916

(2) The owner of a farm truck may register the truck for a 65917  
period of one-half year by paying one-half the registration tax 65918  
imposed on the truck under this chapter and one-half the amount of 65919  
any tax imposed on the truck under Chapter 4504. of the Revised 65920  
Code. 65921

(3) A farm bus may be registered for a period of two hundred 65922  
ten days from the date of issue of the license plates for the bus, 65923  
for a fee of ten dollars, provided such license plates shall not 65924  
be issued for more than one such period in any calendar year. Such 65925  
use does not include the operation of trucks by commercial 65926  
processors of agricultural products. 65927

(4) License plates for farm trucks and for farm buses shall 65928  
have some distinguishing marks, letters, colors, or other 65929  
characteristics to be determined by the director of public safety. 65930

(5) Every person registering a farm truck or bus under this 65931  
section shall furnish an affidavit certifying that the truck or 65932  
bus licensed to that person is to be so used as to meet the 65933  
requirements necessary for the farm truck or farm bus 65934  
classification. 65935

Any farmer may use a truck owned by the farmer for commercial 65936  
purposes by paying the difference between the commercial truck 65937  
registration fee and the farm truck registration fee for the 65938  
remaining part of the registration period for which the truck is 65939  
registered. Such remainder shall be calculated from the beginning 65940  
of the semiannual period in which application for such commercial 65941  
license is made. 65942

Taxes at the rates provided in this section are in lieu of 65943  
all taxes on or with respect to the ownership of such motor 65944  
vehicles, except as provided in ~~section~~ sections 4503.042 and 65945

~~section, 4503.06, and 4503.65~~ of the Revised Code. 65946

(K) Other than trucks registered under the international 65947  
registration plan in another jurisdiction and for which this state 65948  
has received an apportioned registration fee, the license tax for 65949  
each truck which is owned, controlled, or operated by a 65950  
nonresident, and licensed in another state, and which is used 65951  
exclusively for the transportation of nonprocessed agricultural 65952  
products intrastate, from the place of production to the place of 65953  
processing, is twenty-four dollars. 65954

"Truck," as used in this division, means any pickup truck, 65955  
straight truck, semitrailer, or trailer other than a travel 65956  
trailer. Nonprocessed agricultural products, as used in this 65957  
division, does not include livestock or grain. 65958

A license issued under this division shall be issued for a 65959  
period of one hundred thirty days in the same manner in which all 65960  
other licenses are issued under this section, provided that no 65961  
truck shall be so licensed for more than one 65962  
one-hundred-thirty-day period during any calendar year. 65963

The license issued pursuant to this division shall consist of 65964  
a windshield decal to be designed by the director of public 65965  
safety. 65966

Every person registering a truck under this division shall 65967  
furnish an affidavit certifying that the truck licensed to the 65968  
person is to be used exclusively for the purposes specified in 65969  
this division. 65970

(L) Every person registering a motor vehicle as a 65971  
noncommercial motor vehicle as defined in section 4501.01 of the 65972  
Revised Code, or registering a trailer as a noncommercial trailer 65973  
as defined in that section, shall furnish an affidavit certifying 65974  
that the motor vehicle or trailer so licensed to the person is to 65975  
be so used as to meet the requirements necessary for the 65976

noncommercial vehicle classification. 65977

(M) Every person registering a van or bus as provided in 65978  
divisions (F)(2) and (3) of this section shall furnish a notarized 65979  
statement certifying that the van or bus licensed to the person is 65980  
to be used for the purposes specified in those divisions. The form 65981  
of the license plate issued for such motor vehicles shall be 65982  
prescribed by the registrar. 65983

(N) Every person registering as a passenger car a motor 65984  
vehicle designed and used for carrying more than nine but not more 65985  
than fifteen passengers, and every person registering a bus as 65986  
provided in division (G) of this section, shall furnish an 65987  
affidavit certifying that the vehicle so licensed to the person is 65988  
to be used in a ridesharing arrangement and that the person will 65989  
have in effect whenever the vehicle is used in a ridesharing 65990  
arrangement a policy of liability insurance with respect to the 65991  
motor vehicle in amounts and coverages no less than those required 65992  
by section 4509.79 of the Revised Code. The form of the license 65993  
plate issued for such a motor vehicle shall be prescribed by the 65994  
registrar. 65995

(O)(1) If an application for registration renewal is not 65996  
applied for prior to the expiration date of the registration or 65997  
within thirty days after that date, the registrar or deputy 65998  
registrar shall collect a fee of ten dollars for the issuance of 65999  
the vehicle registration. For any motor vehicle that is used on a 66000  
seasonal basis, whether used for general transportation or not, 66001  
and that has not been used on the public roads or highways since 66002  
the expiration of the registration, the registrar or deputy 66003  
registrar shall waive the fee established under this division if 66004  
the application is accompanied by supporting evidence of seasonal 66005  
use as the registrar may require. The registrar or deputy 66006  
registrar may waive the fee for other good cause shown if the 66007  
application is accompanied by supporting evidence as the registrar 66008

may require. The fee shall be in addition to all other fees 66009  
established by this section. A deputy registrar shall retain fifty 66010  
cents of the fee and shall transmit the remaining amount to the 66011  
registrar at the time and in the manner provided by section 66012  
4503.10 of the Revised Code. The registrar shall deposit all 66013  
moneys received under this division into the public safety - 66014  
highway purposes fund established in section 4501.06 of the 66015  
Revised Code. 66016

(2) Division (O)(1) of this section does not apply to a farm 66017  
truck or farm bus registered under division (J) of this section. 66018

(P) As used in this section: 66019

(1) "Van" means any motor vehicle having a single rear axle 66020  
and an enclosed body without a second seat. 66021

(2) "Handicapped person" means any person who has lost the 66022  
use of one or both legs, or one or both arms, or is blind, deaf, 66023  
or so severely disabled as to be unable to move about without the 66024  
aid of crutches or a wheelchair. 66025

(3) "Farm truck" means a truck used in the transportation 66026  
from the farm of products of the farm, including livestock and its 66027  
products, poultry and its products, floricultural and 66028  
horticultural products, and in the transportation to the farm of 66029  
supplies for the farm, including tile, fence, and every other 66030  
thing or commodity used in agricultural, floricultural, 66031  
horticultural, livestock, and poultry production and livestock, 66032  
poultry, and other animals and things used for breeding, feeding, 66033  
or other purposes connected with the operation of the farm. 66034

(4) "Farm bus" means a bus used only for the transportation 66035  
of agricultural employees and used only in the transportation of 66036  
such employees as are necessary in the operation of the farm. 66037

(5) "Farm supplies" includes fuel used exclusively in the 66038  
operation of a farm, including one or more homes located on and 66039

used in the operation of one or more farms, and furniture and 66040  
other things used in and around such homes. 66041

**Sec. 4503.042.** ~~The registrar of motor vehicles shall adopt~~ 66042  
~~rules establishing the date, subsequent to this state's entry into~~ 66043  
~~membership in the international registration plan, when the rates~~ 66044  
~~established by under this section become operative apply to~~ 66045  
commercial cars, buses, trailers, and semitrailers that are not 66046  
subject to apportioned rates under the international registration 66047  
plan. 66048

(A) The rates of the annual registration taxes imposed by 66049  
section 4503.02 of the Revised Code ~~are as follows for commercial~~ 66050  
~~cars having a, based on~~ gross vehicle weight or combined gross 66051  
vehicle weight ~~of, for commercial cars that are not apportionable~~ 66052  
are as follows: 66053

(1) ~~Not~~ For not more than two thousand pounds, forty-five 66054  
dollars; 66055

(2) ~~More~~ For more than two thousand but not more than six 66056  
thousand pounds, seventy dollars; 66057

(3) ~~More~~ For more than six thousand but not more than ten 66058  
thousand pounds, eighty-five dollars; 66059

(4) ~~More~~ For more than ten thousand but not more than 66060  
fourteen thousand pounds, one hundred five dollars; 66061

(5) ~~More~~ For more than fourteen thousand but not more than 66062  
eighteen thousand pounds, one hundred twenty-five dollars; 66063

(6) ~~More~~ For more than eighteen thousand but not more than 66064  
twenty-two thousand pounds, one hundred fifty dollars; 66065

(7) ~~More~~ For more than twenty-two thousand but not more than 66066  
twenty-six thousand pounds, one hundred seventy-five dollars; 66067

(8) ~~More~~ For more than twenty-six thousand but not more than 66068

thirty thousand pounds, three hundred fifty-five dollars;	66069
(9) <del>More</del> <u>For more</u> than thirty thousand but not more than	66070
thirty-four thousand pounds, four hundred twenty dollars;	66071
(10) <del>More</del> <u>For more</u> than thirty-four thousand but not more	66072
than thirty-eight thousand pounds, four hundred eighty dollars;	66073
(11) <del>More</del> <u>For more</u> than thirty-eight thousand but not more	66074
than forty-two thousand pounds, five hundred forty dollars;	66075
(12) <del>More</del> <u>For more</u> than forty-two thousand but not more than	66076
forty-six thousand pounds, six hundred dollars;	66077
(13) <del>More</del> <u>For more</u> than forty-six thousand but not more than	66078
fifty thousand pounds, six hundred sixty dollars;	66079
(14) <del>More</del> <u>For more</u> than fifty thousand but not more than	66080
fifty-four thousand pounds, seven hundred twenty-five dollars;	66081
(15) <del>More</del> <u>For more</u> than fifty-four thousand but not more than	66082
fifty-eight thousand pounds, seven hundred eighty-five dollars;	66083
(16) <del>More</del> <u>For more</u> than fifty-eight thousand but not more	66084
than sixty-two thousand pounds, eight hundred fifty-five dollars;	66085
(17) <del>More</del> <u>For more</u> than sixty-two thousand but not more than	66086
sixty-six thousand pounds, nine hundred twenty-five dollars;	66087
(18) <del>More</del> <u>For more</u> than sixty-six thousand but not more than	66088
seventy thousand pounds, nine hundred ninety-five dollars;	66089
(19) <del>More</del> <u>For more</u> than seventy thousand but not more than	66090
seventy-four thousand pounds, one thousand eighty dollars;	66091
(20) <del>More</del> <u>For more</u> than seventy-four thousand but not more	66092
than seventy-eight thousand pounds, one thousand two hundred	66093
dollars;	66094
(21) <del>More</del> <u>For more</u> than seventy-eight thousand pounds, one	66095
thousand three hundred forty dollars.	66096
(B) The rates of the <u>annual registration</u> taxes imposed by	66097

section 4503.02 of the Revised Code <del>are as follows for buses</del>	66098
<del>having a, based on</del> gross vehicle weight or combined gross vehicle	66099
weight <del>of, for buses that are not apportionable are as follows:</del>	66100
(1) <del>Not</del> <u>For not</u> more than two thousand pounds, ten dollars;	66101
(2) <del>More</del> <u>For more</u> than two thousand but not more than six	66102
thousand pounds, forty dollars;	66103
(3) <del>More</del> <u>For more</u> than six thousand but not more than ten	66104
thousand pounds, one hundred dollars;	66105
(4) <del>More</del> <u>For more</u> than ten thousand but not more than	66106
fourteen thousand pounds, one hundred eighty dollars;	66107
(5) <del>More</del> <u>For more</u> than fourteen thousand but not more than	66108
eighteen thousand pounds, two hundred sixty dollars;	66109
(6) <del>More</del> <u>For more</u> than eighteen thousand but not more than	66110
twenty-two thousand pounds, three hundred forty dollars;	66111
(7) <del>More</del> <u>For more</u> than twenty-two thousand but not more than	66112
twenty-six thousand pounds, four hundred twenty dollars;	66113
(8) <del>More</del> <u>For more</u> than twenty-six thousand but not more than	66114
thirty thousand pounds, five hundred dollars;	66115
(9) <del>More</del> <u>For more</u> than thirty thousand but not more than	66116
thirty-four thousand pounds, five hundred eighty dollars;	66117
(10) <del>More</del> <u>For more</u> than thirty-four thousand but not more	66118
than thirty-eight thousand pounds, six hundred sixty dollars;	66119
(11) <del>More</del> <u>For more</u> than thirty-eight thousand but not more	66120
than forty-two thousand pounds, seven hundred forty dollars;	66121
(12) <del>More</del> <u>For more</u> than forty-two thousand but not more than	66122
forty-six thousand pounds, eight hundred twenty dollars;	66123
(13) <del>More</del> <u>For more</u> than forty-six thousand but not more than	66124
fifty thousand pounds, nine hundred forty dollars;	66125
(14) <del>More</del> <u>For more</u> than fifty thousand but not more than	66126

fifty-four thousand pounds, one thousand dollars; 66127

(15) ~~More~~ For more than fifty-four thousand but not more than 66128  
fifty-eight thousand pounds, one thousand ninety dollars; 66129

(16) ~~More~~ For more than fifty-eight thousand but not more 66130  
than sixty-two thousand pounds, one thousand one hundred eighty 66131  
dollars; 66132

(17) ~~More~~ For more than sixty-two thousand but not more than 66133  
sixty-six thousand pounds, one thousand two hundred seventy 66134  
dollars; 66135

(18) ~~More~~ For more than sixty-six thousand but not more than 66136  
seventy thousand pounds, one thousand three hundred sixty dollars; 66137

(19) ~~More~~ For more than seventy thousand but not more than 66138  
seventy-four thousand pounds, one thousand four hundred fifty 66139  
dollars; 66140

(20) ~~More~~ For more than seventy-four thousand but not more 66141  
than seventy-eight thousand pounds, one thousand five hundred 66142  
forty dollars; 66143

(21) ~~More~~ For more than seventy-eight thousand pounds, one 66144  
thousand six hundred thirty dollars. 66145

(C) ~~In addition to the license taxes imposed at the rates 66146  
specified in divisions (A) and (B) of this section, a fee equal to 66147  
the amount established under section 4503.038 of the Revised Code, 66148  
plus an appropriate amount to cover the cost of postage, shall be 66149  
collected by the registrar for each international registration 66150  
plan license processed by the registrar. 66151~~

~~(D)~~ The rate of the tax for each trailer and semitrailer is 66152  
twenty-five dollars. 66153

~~(E)~~(D) If an application for registration renewal is not 66154  
applied for prior to the expiration date of the registration or 66155  
within thirty days after that date, the registrar or deputy 66156

registrar shall collect a fee of ten dollars for the issuance of 66157  
the vehicle registration, but may waive the fee for good cause 66158  
shown if the application is accompanied by supporting evidence as 66159  
the registrar may require. The fee shall be in addition to all 66160  
other fees established by this section. A deputy registrar shall 66161  
retain fifty cents of the fee and shall transmit the remaining 66162  
amount to the registrar at the time and in the manner provided by 66163  
section 4503.10 of the Revised Code. The registrar shall deposit 66164  
all moneys received under this division into the public safety - 66165  
highway purposes fund established in section 4501.06 of the 66166  
Revised Code. 66167

~~(F)~~(E) The rates established by this section shall not apply 66168  
to any of the following: 66169

(1) Vehicles equipped, owned, and used by a charitable or 66170  
nonprofit corporation exclusively for the purpose of administering 66171  
chest x-rays or receiving blood donations; 66172

(2) Vans used principally for the transportation of 66173  
handicapped persons that have been modified by being equipped with 66174  
adaptive equipment to facilitate the movement of such persons into 66175  
and out of the vans; 66176

(3) Buses used principally for the transportation of 66177  
handicapped persons or persons sixty-five years of age or older; 66178

(4) Buses used principally for the transportation of persons 66179  
in a ridesharing arrangement; 66180

(5) Transit buses having motor power; 66181

(6) Noncommercial trailers, mobile homes, or manufactured 66182  
homes. 66183

**Sec. 4503.066.** (A)(1) To obtain a tax reduction under section 66184  
4503.065 of the Revised Code, the owner of the home shall file an 66185  
application with the county auditor of the county in which the 66186

home is located. An application for reduction in taxes based upon 66187  
a physical disability shall be accompanied by a certificate signed 66188  
by a physician, and an application for reduction in taxes based 66189  
upon a mental disability shall be accompanied by a certificate 66190  
signed by a physician or psychologist licensed to practice in this 66191  
state. The certificate shall attest to the fact that the applicant 66192  
is permanently and totally disabled, shall be in a form that the 66193  
department of taxation requires, and shall include the definition 66194  
of totally and permanently disabled as set forth in section 66195  
4503.064 of the Revised Code. An application for reduction in 66196  
taxes based upon a disability certified as permanent and total by 66197  
a state or federal agency having the function of so classifying 66198  
persons shall be accompanied by a certificate from that agency. An 66199  
application by a disabled veteran for the reduction under division 66200  
(B) of section 4503.065 of the Revised Code shall be accompanied 66201  
by a letter or other written confirmation from the United States 66202  
department of veterans affairs, or its predecessor or successor 66203  
agency, showing that the veteran qualifies as a disabled veteran. 66204

66205  
(2) Each application shall constitute a continuing 66206  
application for a reduction in taxes for each year in which the 66207  
manufactured or mobile home is occupied by the applicant. Failure 66208  
to receive a new application or notification under division (B) of 66209  
this section after an application for reduction has been approved 66210  
is prima-facie evidence that the original applicant is entitled to 66211  
the reduction calculated on the basis of the information contained 66212  
in the original application. The original application and any 66213  
subsequent application shall be in the form of a signed statement 66214  
and shall be filed ~~not later than the first Monday in June on or~~ 66215  
before the thirty-first day of December of the year for which the 66216  
reduction is sought. The statement shall be on a form, devised and 66217  
supplied by the tax commissioner, that shall require no more 66218  
information than is necessary to establish the applicant's 66219

eligibility for the reduction in taxes and the amount of the 66220  
reduction to which the applicant is entitled. The form shall 66221  
contain a statement that signing such application constitutes a 66222  
delegation of authority by the applicant to the tax commissioner 66223  
or the county auditor, individually or in consultation with each 66224  
other, to examine any tax or financial records that relate to the 66225  
income of the applicant as stated on the application for the 66226  
purpose of determining eligibility under, or possible violation 66227  
of, division (C) or (D) of this section. The form also shall 66228  
contain a statement that conviction of willfully falsifying 66229  
information to obtain a reduction in taxes or failing to comply 66230  
with division (B) of this section shall result in the revocation 66231  
of the right to the reduction for a period of three years. 66232

If an application filed for the current tax year is approved 66233  
after the taxes have been paid for the current year, the amount of 66234  
the reduction in taxes for the current year shall be treated as an 66235  
overpayment of taxes in the same manner as a late application 66236  
under division (A)(3) of this section. 66237

(3) A late application for a reduction in taxes for the year 66238  
preceding the year for which an original application is filed may 66239  
be filed with an original application. If the auditor determines 66240  
that the information contained in the late application is correct, 66241  
the auditor shall determine both the amount of the reduction in 66242  
taxes to which the applicant would have been entitled for the 66243  
current tax year had the application been timely filed and 66244  
approved in the preceding year, and the amount the taxes levied 66245  
under section 4503.06 of the Revised Code for the current year 66246  
would have been reduced as a result of the reduction. When an 66247  
applicant is permanently and totally disabled on the first day of 66248  
January of the year in which the applicant files a late 66249  
application, the auditor, in making the determination of the 66250  
amounts of the reduction in taxes under division (A)(3) of this 66251

section, is not required to determine that the applicant was 66252  
permanently and totally disabled on the first day of January of 66253  
the preceding year. 66254

The amount of the reduction in taxes pursuant to a late 66255  
application shall be treated as an overpayment of taxes by the 66256  
applicant. The auditor shall credit the amount of the overpayment 66257  
against the amount of the taxes or penalties then due from the 66258  
applicant, and, at the next succeeding settlement, the amount of 66259  
the credit shall be deducted from the amount of any taxes or 66260  
penalties distributable to the county or any taxing unit in the 66261  
county that has received the benefit of the taxes or penalties 66262  
previously overpaid, in proportion to the benefits previously 66263  
received. If, after the credit has been made, there remains a 66264  
balance of the overpayment, or if there are no taxes or penalties 66265  
due from the applicant, the auditor shall refund that balance to 66266  
the applicant by a warrant drawn on the county treasurer in favor 66267  
of the applicant. The treasurer shall pay the warrant from the 66268  
general fund of the county. If there is insufficient money in the 66269  
general fund to make the payment, the treasurer shall pay the 66270  
warrant out of any undivided manufactured or mobile home taxes 66271  
subsequently received by the treasurer for distribution to the 66272  
county or taxing district in the county that received the benefit 66273  
of the overpaid taxes, in proportion to the benefits previously 66274  
received, and the amount paid from the undivided funds shall be 66275  
deducted from the money otherwise distributable to the county or 66276  
taxing district in the county at the next or any succeeding 66277  
distribution. At the next or any succeeding distribution after 66278  
making the refund, the treasurer shall reimburse the general fund 66279  
for any payment made from that fund by deducting the amount of 66280  
that payment from the money distributable to the county or other 66281  
taxing unit in the county that has received the benefit of the 66282  
taxes, in proportion to the benefits previously received. ~~On the~~ 66283  
~~second Monday in September of each year, the~~ The county auditor 66284

shall certify the total amount of the reductions in taxes made in 66285  
the current year under division (A)(3) of this section to the tax 66286  
commissioner who shall treat that amount as a reduction in taxes 66287  
for the current tax year and shall make reimbursement to the 66288  
county of that amount in the manner prescribed in section 4503.068 66289  
of the Revised Code, from moneys appropriated for that purpose. 66290

(B) If in any year for which an application for reduction in 66291  
taxes has been approved the owner no longer qualifies for the 66292  
reduction, the owner shall notify the county auditor that the 66293  
owner is not qualified for a reduction in taxes. 66294

During ~~January~~ February of each year, the county auditor 66295  
shall furnish each person whose application for reduction has been 66296  
approved, by ordinary mail, a form on which to report any changes 66297  
in total income, ownership, occupancy, disability, and other 66298  
information earlier furnished the auditor relative to the 66299  
application. The form shall be completed and returned to the 66300  
auditor not later than the ~~first Monday in June~~ thirty-first day  
of December if the changes would affect the person's eligibility 66301  
for the reduction. 66302  
66303

(C) No person shall knowingly make a false statement for the 66304  
purpose of obtaining a reduction in taxes under section 4503.065 66305  
of the Revised Code. 66306

(D) No person shall knowingly fail to notify the county 66307  
auditor of any change required by division (B) of this section 66308  
that has the effect of maintaining or securing a reduction in 66309  
taxes under section 4503.065 of the Revised Code. 66310

(E) No person shall knowingly make a false statement or 66311  
certification attesting to any person's physical or mental 66312  
condition for purposes of qualifying such person for tax relief 66313  
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 66314

(F) Whoever violates division (C), (D), or (E) of this 66315

section is guilty of a misdemeanor of the fourth degree. 66316

**Sec. 4503.08.** (A) The weight of all motor vehicles, except 66317  
those taxed under ~~section~~ sections 4503.042 and 4503.65 of the 66318  
Revised Code, shall be the weight of the vehicle fully equipped as 66319  
determined on a standard scale. The weight of any machinery 66320  
mounted upon or affixed to a motor vehicle and not inherently 66321  
motor vehicle equipment shall not be included in the determination 66322  
of the total weight. 66323

(B) The horsepower of all vehicles propelled by internal 66324  
combustion engines shall be computed upon the following formula: 66325  
square the diameter of the cylinder measured in inches, multiply 66326  
by the number of cylinders, and divide by two and one half. For 66327  
all motor vehicles propelled by steam engines, the rating of the 66328  
horsepower shall be based on the system of rating adopted by the 66329  
United States government. 66330

(C) For all motor vehicles propelled by electricity, the 66331  
rating of the horsepower shall be the normal horsepower of the 66332  
electric motor therein, to be ascertained by the registrar of 66333  
motor vehicles. 66334

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway 66335  
motorcycle, and all-purpose vehicle required to be registered 66336  
under section 4519.02 of the Revised Code shall file an 66337  
application for registration under section 4519.03 of the Revised 66338  
Code. The owner of a motor vehicle, other than a snowmobile, 66339  
off-highway motorcycle, or all-purpose vehicle, that is not 66340  
designed and constructed by the manufacturer for operation on a 66341  
street or highway may not register it under this chapter except 66342  
upon certification of inspection pursuant to section 4513.02 of 66343  
the Revised Code by the sheriff, or the chief of police of the 66344  
municipal corporation or township, with jurisdiction over the 66345

political subdivision in which the owner of the motor vehicle 66346  
resides. Except as provided in section 4503.103 of the Revised 66347  
Code, every owner of every other motor vehicle not previously 66348  
described in this section and every person mentioned as owner in 66349  
the last certificate of title of a motor vehicle that is operated 66350  
or driven upon the public roads or highways shall cause to be 66351  
filed each year, by mail or otherwise, in the office of the 66352  
registrar of motor vehicles or a deputy registrar, a written or 66353  
electronic application or a preprinted registration renewal notice 66354  
issued under section 4503.102 of the Revised Code, the form of 66355  
which shall be prescribed by the registrar, for registration for 66356  
the following registration year, which shall begin on the first 66357  
day of January of every calendar year and end on the thirty-first 66358  
day of December in the same year. Applications for registration 66359  
and registration renewal notices shall be filed at the times 66360  
established by the registrar pursuant to section 4503.101 of the 66361  
Revised Code. A motor vehicle owner also may elect to apply for or 66362  
renew a motor vehicle registration by electronic means using 66363  
electronic signature in accordance with rules adopted by the 66364  
registrar. Except as provided in division (J) of this section, 66365  
applications for registration shall be made on blanks furnished by 66366  
the registrar for that purpose, containing the following 66367  
information: 66368

(1) A brief description of the motor vehicle to be 66369  
registered, including the year, make, model, and vehicle 66370  
identification number, and, in the case of commercial cars, the 66371  
gross weight of the vehicle fully equipped computed in the manner 66372  
prescribed in section 4503.08 of the Revised Code; 66373

(2) The name and residence address of the owner, and the 66374  
township and municipal corporation in which the owner resides; 66375

(3) The district of registration, which shall be determined 66376  
as follows: 66377

(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located.

(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required.

(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle to be registered is used for hire or principally in connection with any established business, the owner's federal taxpayer identification number. The bureau of motor vehicles shall retain in its records all social security numbers provided under this section, but the bureau shall not place social security numbers on motor vehicle certificates of registration.

(B) Except as otherwise provided in this division, each time an applicant first registers a motor vehicle in the applicant's

name, the applicant shall present for inspection a physical 66409  
certificate of title or memorandum certificate showing title to 66410  
the motor vehicle to be registered in the name of the applicant if 66411  
a physical certificate of title or memorandum certificate has been 66412  
issued by a clerk of a court of common pleas. If, under sections 66413  
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 66414  
instead has issued an electronic certificate of title for the 66415  
applicant's motor vehicle, that certificate may be presented for 66416  
inspection at the time of first registration in a manner 66417  
prescribed by rules adopted by the registrar. An applicant is not 66418  
required to present a certificate of title to an electronic motor 66419  
vehicle dealer acting as a limited authority deputy registrar in 66420  
accordance with rules adopted by the registrar. When a motor 66421  
vehicle inspection and maintenance program is in effect under 66422  
section 3704.14 of the Revised Code and rules adopted under it, 66423  
each application for registration for a vehicle required to be 66424  
inspected under that section and those rules shall be accompanied 66425  
by an inspection certificate for the motor vehicle issued in 66426  
accordance with that section. The application shall be refused if 66427  
any of the following applies: 66428

(1) The application is not in proper form. 66429

(2) The application is prohibited from being accepted by 66430  
division (D) of section 2935.27, division (A) of section 2937.221, 66431  
division (A) of section 4503.13, division (B) of section 4510.22, 66432  
or division (B)(1) of section 4521.10 of the Revised Code. 66433

(3) A certificate of title or memorandum certificate of title 66434  
is required but does not accompany the application or, in the case 66435  
of an electronic certificate of title, is required but is not 66436  
presented in a manner prescribed by the registrar's rules. 66437

(4) All registration and transfer fees for the motor vehicle, 66438  
for the preceding year or the preceding period of the current 66439  
registration year, have not been paid. 66440

(5) The owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, and rules adopted under it, if that section is applicable.

This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under sections 4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the Revised Code. When a certificate of registration is issued upon the first registration of a motor vehicle by or on behalf of the owner, the official issuing the certificate shall indicate the issuance with a stamp on the certificate of title or memorandum certificate or, in the case of an electronic certificate of title, an electronic stamp or other notation as specified in rules adopted by the registrar, and with a stamp on the inspection certificate for the motor vehicle, if any. The official also shall indicate, by a stamp or by other means the registrar prescribes, on the registration certificate issued upon the first registration of a motor vehicle by or on behalf of the owner the odometer reading of the motor vehicle as shown in the odometer statement included in or attached to the certificate of title. Upon each subsequent registration of the motor vehicle by or on behalf of the same owner, the official also shall so indicate the odometer reading of the motor vehicle as shown on the immediately preceding certificate of registration.

The registrar shall include in the permanent registration record of any vehicle required to be inspected under section 3704.14 of the Revised Code the inspection certificate number from the inspection certificate that is presented at the time of registration of the vehicle as required under this division.

(C)(1) Except as otherwise provided in division (C)(1) of

this section, the registrar and each deputy registrar shall 66473  
collect an additional fee of eleven dollars for each application 66474  
for registration and registration renewal received. For vehicles 66475  
specified in divisions (A)(1) to (21) of section 4503.042 of the 66476  
Revised Code, the registrar and deputy registrar shall collect an 66477  
additional fee of thirty dollars for each application for 66478  
registration and registration renewal received. No additional fee 66479  
shall be charged for vehicles registered under section 4503.65 of 66480  
the Revised Code. The additional fee is for the purpose of 66481  
defraying the department of public safety's costs associated with 66482  
the administration and enforcement of the motor vehicle and 66483  
traffic laws of Ohio. Each deputy registrar shall transmit the 66484  
fees collected under division (C)(1) of this section in the time 66485  
and manner provided in this section. The registrar shall deposit 66486  
all moneys received under division (C)(1) of this section into the 66487  
public safety - highway purposes fund established in section 66488  
4501.06 of the Revised Code. 66489

(2) In addition, a charge of twenty-five cents shall be made 66490  
for each reflectorized safety license plate issued, and a single 66491  
charge of twenty-five cents shall be made for each county 66492  
identification sticker or each set of county identification 66493  
stickers issued, as the case may be, to cover the cost of 66494  
producing the license plates and stickers, including material, 66495  
manufacturing, and administrative costs. Those fees shall be in 66496  
addition to the license tax. If the total cost of producing the 66497  
plates is less than twenty-five cents per plate, or if the total 66498  
cost of producing the stickers is less than twenty-five cents per 66499  
sticker or per set issued, any excess moneys accruing from the 66500  
fees shall be distributed in the same manner as provided by 66501  
section 4501.04 of the Revised Code for the distribution of 66502  
license tax moneys. If the total cost of producing the plates 66503  
exceeds twenty-five cents per plate, or if the total cost of 66504  
producing the stickers exceeds twenty-five cents per sticker or 66505

per set issued, the difference shall be paid from the license tax 66506  
moneys collected pursuant to section 4503.02 of the Revised Code. 66507

(D) Each deputy registrar shall be allowed a fee equal to the 66508  
amount established under section 4503.038 of the Revised Code for 66509  
each application for registration and registration renewal notice 66510  
the deputy registrar receives, which shall be for the purpose of 66511  
compensating the deputy registrar for the deputy registrar's 66512  
services, and such office and rental expenses, as may be necessary 66513  
for the proper discharge of the deputy registrar's duties in the 66514  
receiving of applications and renewal notices and the issuing of 66515  
registrations. 66516

(E) Upon the certification of the registrar, the county 66517  
sheriff or local police officials shall recover license plates 66518  
erroneously or fraudulently issued. 66519

(F) Each deputy registrar, upon receipt of any application 66520  
for registration or registration renewal notice, together with the 66521  
license fee and any local motor vehicle license tax levied 66522  
pursuant to Chapter 4504. of the Revised Code, shall transmit that 66523  
fee and tax, if any, in the manner provided in this section, 66524  
together with the original and duplicate copy of the application, 66525  
to the registrar. The registrar, subject to the approval of the 66526  
director of public safety, may deposit the funds collected by 66527  
those deputies in a local bank or depository to the credit of the 66528  
"state of Ohio, bureau of motor vehicles." Where a local bank or 66529  
depository has been designated by the registrar, each deputy 66530  
registrar shall deposit all moneys collected by the deputy 66531  
registrar into that bank or depository not more than one business 66532  
day after their collection and shall make reports to the registrar 66533  
of the amounts so deposited, together with any other information, 66534  
some of which may be prescribed by the treasurer of state, as the 66535  
registrar may require and as prescribed by the registrar by rule. 66536  
The registrar, within three days after receipt of notification of 66537

the deposit of funds by a deputy registrar in a local bank or 66538  
depository, shall draw on that account in favor of the treasurer 66539  
of state. The registrar, subject to the approval of the director 66540  
and the treasurer of state, may make reasonable rules necessary 66541  
for the prompt transmittal of fees and for safeguarding the 66542  
interests of the state and of counties, townships, municipal 66543  
corporations, and transportation improvement districts levying 66544  
local motor vehicle license taxes. The registrar may pay service 66545  
charges usually collected by banks and depositories for such 66546  
service. If deputy registrars are located in communities where 66547  
banking facilities are not available, they shall transmit the fees 66548  
forthwith, by money order or otherwise, as the registrar, by rule 66549  
approved by the director and the treasurer of state, may 66550  
prescribe. The registrar may pay the usual and customary fees for 66551  
such service. 66552

(G) This section does not prevent any person from making an 66553  
application for a motor vehicle license directly to the registrar 66554  
by mail, by electronic means, or in person at any of the 66555  
registrar's offices, upon payment of a service fee equal to the 66556  
amount established under section 4503.038 of the Revised Code for 66557  
each application. 66558

(H) No person shall make a false statement as to the district 66559  
of registration in an application required by division (A) of this 66560  
section. Violation of this division is falsification under section 66561  
2921.13 of the Revised Code and punishable as specified in that 66562  
section. 66563

(I)(1) Where applicable, the requirements of division (B) of 66564  
this section relating to the presentation of an inspection 66565  
certificate issued under section 3704.14 of the Revised Code and 66566  
rules adopted under it for a motor vehicle, the refusal of a 66567  
license for failure to present an inspection certificate, and the 66568  
stamping of the inspection certificate by the official issuing the 66569

certificate of registration apply to the registration of and 66570  
issuance of license plates for a motor vehicle under sections 66571  
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 66572  
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 66573  
4503.47, and 4503.51 of the Revised Code. 66574

(2)(a) The registrar shall adopt rules ensuring that each 66575  
owner registering a motor vehicle in a county where a motor 66576  
vehicle inspection and maintenance program is in effect under 66577  
section 3704.14 of the Revised Code and rules adopted under it 66578  
receives information about the requirements established in that 66579  
section and those rules and about the need in those counties to 66580  
present an inspection certificate with an application for 66581  
registration or preregistration. 66582

(b) Upon request, the registrar shall provide the director of 66583  
environmental protection, or any person that has been awarded a 66584  
contract under section 3704.14 of the Revised Code, an on-line 66585  
computer data link to registration information for all passenger 66586  
cars, noncommercial motor vehicles, and commercial cars that are 66587  
subject to that section. The registrar also shall provide to the 66588  
director of environmental protection a magnetic data tape 66589  
containing registration information regarding passenger cars, 66590  
noncommercial motor vehicles, and commercial cars for which a 66591  
multi-year registration is in effect under section 4503.103 of the 66592  
Revised Code or rules adopted under it, including, without 66593  
limitation, the date of issuance of the multi-year registration, 66594  
the registration deadline established under rules adopted under 66595  
section 4503.101 of the Revised Code that was applicable in the 66596  
year in which the multi-year registration was issued, and the 66597  
registration deadline for renewal of the multi-year registration. 66598

(J) Subject to division (K) of this section, application for 66599  
registration under the international registration plan, as set 66600  
forth in sections 4503.60 to 4503.66 of the Revised Code, shall be 66601

made to the registrar on forms furnished by the registrar. In 66602  
accordance with international registration plan guidelines and 66603  
pursuant to rules adopted by the registrar, the forms shall 66604  
include the following: 66605

(1) A uniform mileage schedule; 66606

(2) The gross vehicle weight of the vehicle or combined gross 66607  
vehicle weight of the combination vehicle as declared by the 66608  
registrant; 66609

(3) Any other information the registrar requires by rule. 66610

(K) The registrar shall determine the feasibility of 66611  
implementing an electronic commercial fleet licensing and 66612  
management program that will enable the owners of commercial 66613  
tractors, commercial trailers, and commercial semitrailers to 66614  
conduct electronic transactions by July 1, 2010, or sooner. If the 66615  
registrar determines that implementing such a program is feasible, 66616  
the registrar shall adopt new rules under this division or amend 66617  
existing rules adopted under this division as necessary in order 66618  
to respond to advances in technology. 66619

If international registration plan guidelines and provisions 66620  
allow member jurisdictions to permit applications for 66621  
registrations under the international registration plan to be made 66622  
via the internet, the rules the registrar adopts under this 66623  
division shall permit such action. 66624

**Sec. 4503.101.** (A) The registrar of motor vehicles shall 66625  
adopt rules to establish a system of motor vehicle registration 66626  
based upon the type of vehicle to be registered, the type of 66627  
ownership of the vehicle, the class of license plate to be issued, 66628  
and any other factor the registrar determines to be relevant. 66629  
Except for commercial cars, buses, trailers, and semitrailers that 66630  
are registered in this state and that are taxed under section 66631

sections 4503.042 and 4503.65 of the Revised Code; except for 66632  
rental vehicles owned by motor vehicle renting dealers; and except 66633  
as otherwise provided by rule, motor vehicles owned by an 66634  
individual shall be registered based upon the motor vehicle 66635  
owner's date of birth. Beginning with the 2004 registration year, 66636  
the registrar shall assign motor vehicles to the registration 66637  
periods established by rules adopted under this section. 66638

(B) The registrar shall adopt rules to permit motor vehicle 66639  
owners residing together at one address to select the date of 66640  
birth of any one of the owners as the date to register any or all 66641  
of the vehicles at that residence address, as shown in the records 66642  
of the bureau of motor vehicles. 66643

(C) The registrar shall adopt rules to assign and reassign 66644  
all commercial cars, trailers, and semitrailers that are 66645  
registered in this state and that are taxed under ~~section~~ sections 66646  
4503.042 and 4503.65 of the Revised Code and all rental vehicles 66647  
owned by motor vehicle renting dealers to a system of registration 66648  
so that the registrations of approximately one-twelfth of all such 66649  
vehicles expire on the last day of each month of a calendar year. 66650  
To effect a reassignment from the registration period in effect on 66651  
June 30, 2003, to the new registration periods established by the 66652  
rules adopted under this section as amended, the rules may require 66653  
the motor vehicle to be registered for more or less than a 66654  
twelve-month period at the time the motor vehicle's registration 66655  
is subject to its initial renewal following the effective date of 66656  
such rules. If necessary to effect an efficient transition, the 66657  
rules may provide that the registration reassignments take place 66658  
over two consecutive registration periods. The registration taxes 66659  
to be charged shall be determined by the registrar on the basis of 66660  
the annual tax otherwise due on the motor vehicle, prorated in 66661  
accordance with the number of months for which the motor vehicle 66662  
is registered, except that the fee established by division (C)(1) 66663

of section 4503.10 of the Revised Code shall be collected in full 66664  
for each renewal that occurs during the transition period and 66665  
shall not be prorated. 66666

(D) The registrar shall adopt rules to permit any commercial 66667  
motor vehicle owner or motor vehicle renting dealer who owns two 66668  
or more motor vehicles to request the registrar to permit the 66669  
owner to separate the owner's fleet into up to four divisions for 66670  
assignment to separate dates upon which to register the vehicles, 66671  
provided that the registrar may disapprove any such request 66672  
whenever the registrar has reason to believe that an uneven 66673  
distribution of registrations throughout the calendar year has 66674  
developed or is likely to develop. 66675

(E) Every owner or lessee of a motor vehicle holding a 66676  
certificate of registration shall notify the registrar of any 66677  
change of the owner's or lessee's correct address within ten days 66678  
after the change occurs. The notification shall be in writing on a 66679  
form provided by the registrar or by electronic means approved by 66680  
the registrar and shall include the full name, date of birth if 66681  
applicable, license number, county of residence or place of 66682  
business, social security account number of an individual or 66683  
federal tax identification number of a business, and new address. 66684

(F) As used in this section, "motor vehicle renting dealer" 66685  
has the same meaning as in section 4549.65 of the Revised Code. 66686

**Sec. 4503.15.** Owners and lessees of motor vehicles who are 66687  
residents of this state and hold an unrevoked and unexpired 66688  
license duly admitting them to the practice of medicine in this 66689  
state, upon application, accompanied by proof of the issuance to 66690  
the applicant by this state of a ~~certificate~~ license issued 66691  
pursuant to section 4731.14 of the Revised Code authorizing the 66692  
person to engage in the practice of medicine, upon complying with 66693  
the motor vehicle laws relating to registration and licensing of 66694

motor vehicles, and upon payment of the regular license fee, as 66695  
prescribed under sections 4503.04 and 4503.10 of the Revised Code, 66696  
and the payment of an additional fee of ten dollars, which shall 66697  
be for the purpose of compensating the bureau of motor vehicles 66698  
for additional services required in the issuing of license plates 66699  
under this section, shall be issued a validation sticker and 66700  
license plates, or a validation sticker alone when required by 66701  
section 4503.191 of the Revised Code, for passenger cars and other 66702  
vehicles of a class approved by the registrar. Such license 66703  
plates, in addition to the letters and numbers ordinarily 66704  
inscribed thereon, shall be inscribed with the word "physician." 66705

**Sec. 4503.503.** (A) The owner or lessee of any passenger car, 66706  
noncommercial motor vehicle, recreational vehicle, or other 66707  
vehicle of a class approved by the registrar of motor vehicles may 66708  
apply to the registrar for the registration of the vehicle and 66709  
issuance of "Ohio agriculture" license plates. The application for 66710  
"Ohio agriculture" license plates may be combined with a request 66711  
for a special reserved license plate under section 4503.40 or 66712  
4503.42 of the Revised Code. Upon receipt of the completed 66713  
application and compliance with division (B) of this section, the 66714  
registrar shall issue to the applicant the appropriate vehicle 66715  
registration and a set of "Ohio agriculture" license plates with a 66716  
validation sticker or a validation sticker alone when required by 66717  
section 4503.191 of the Revised Code. 66718

In addition to the letters and numbers ordinarily inscribed 66719  
thereon, "Ohio agriculture" license plates shall be inscribed with 66720  
words and markings selected and designed by the Ohio farm bureau 66721  
federation, in consultation with representatives of agricultural 66722  
commodity organizations of this state. The registrar shall approve 66723  
the final design. "Ohio agriculture" license plates shall bear 66724  
county identification stickers that identify the county of 66725  
registration as required under section 4503.19 of the Revised 66726

Code. 66727

(B) "Ohio agriculture" license plates and validation stickers 66728  
shall be issued upon payment of the regular license tax as 66729  
prescribed under section 4503.04 of the Revised Code, any 66730  
applicable motor vehicle tax levied under Chapter 4504. of the 66731  
Revised Code, any applicable fee prescribed by section 4503.40 or 66732  
4503.42 of the Revised Code, a bureau of motor vehicles 66733  
administrative fee of ten dollars, the contribution specified 66734  
under division (C) of this section, and compliance with all other 66735  
applicable laws relating to the registration of motor vehicles. 66736

(C) For each application for registration and registration 66737  
renewal received under this section, the registrar shall collect a 66738  
contribution of twenty dollars. The registrar shall transmit this 66739  
contribution to the treasurer of state for deposit in the ~~Ohio~~ 66740  
~~agriculture license plate scholarship~~ state treasury to the credit 66741  
of the agro Ohio fund created in section ~~901.90~~ 901.04 of the 66742  
Revised Code. 66743

(D) The registrar shall deposit the bureau administrative fee 66744  
of ten dollars specified in division (B) of this section, the 66745  
purpose of which is to compensate the bureau for the additional 66746  
services required in the issuing of the applicant's "Ohio 66747  
agriculture" license plates, into the state bureau of motor 66748  
vehicles fund created in section 4501.25 of the Revised Code. 66749

**Sec. 4503.63.** (A) The registrar of motor vehicles shall adopt 66750  
rules in accordance with the international registration plan for 66751  
the calculation of the proportionate registration tax due under 66752  
section ~~4503.042~~ 4503.65 of the Revised Code for the registration 66753  
of a vehicle in this state and in all jurisdictions declared for 66754  
apportionment purposes on the uniform mileage schedule. In 66755  
accordance with such rules, the registrar shall notify the 66756  
registrant of the taxes or fees due and shall collect the amount 66757

due for registration in each declared jurisdiction, unless the 66758  
other jurisdiction bills the registrant directly. 66759

(B) The registrar shall notify other declared jurisdictions 66760  
that an apportioned registration application has been filed, shall 66761  
furnish the declared jurisdiction documentation to substantiate 66762  
and verify the application, and shall transmit the taxes or fees 66763  
to those jurisdictions within forty-five days of receipt. 66764

(C) The registrar shall cooperate with other jurisdictions in 66765  
connection with registration of vehicles under sections 4503.60 to 66766  
4503.66 of the Revised Code and the collection of apportioned 66767  
taxes and fees. 66768

~~Sec. 4503.65. The registrar of motor vehicles shall take all 66769  
steps necessary to determine and collect the apportioned 66770  
registration tax due for vehicles registered in another 66771  
international registration plan jurisdiction that lists Ohio for 66772  
apportionment purposes on a uniform mileage schedule. The 66773  
registration taxes to be charged shall be determined on the basis 66774  
of the annual tax otherwise due on the motor vehicle, prorated in 66775  
accordance with the number of months for which the motor vehicle 66776  
is registered. Until October 1, 2009, such vehicles shall be taxed 66777  
at the rates established under section 4503.042 of the Revised 66778  
Code. The rates in established under this section ~~become effective~~ 66779  
on and after October 1, 2009 apply to commercial cars and buses 66780  
that are subject to apportioned rates under the international 66781  
registration plan. 66782~~

(A) The rates of the annual registration taxes imposed by 66783  
this section are as follows for commercial cars having a, based on 66784  
gross vehicle weight or combined gross vehicle weight of, for 66785  
commercial cars that are apportionable are as follows: 66786

(1) ~~Not~~ For not more than two thousand pounds, ~~forty seven~~ 66787  
one hundred dollars; 66788

(2) <del>More</del> <u>For more</u> than two thousand but not more than six thousand pounds, <del>seventy-two</del> <u>one hundred twenty-five</u> dollars;	66789
	66790
(3) <del>More</del> <u>For more</u> than six thousand but not more than ten thousand pounds, <del>eighty-eight</del> <u>one hundred forty</u> dollars;	66791
	66792
(4) <del>More</del> <u>For more</u> than ten thousand but not more than fourteen thousand pounds, one hundred <del>eight</del> <u>sixty</u> dollars;	66793
	66794
(5) <del>More</del> <u>For more</u> than fourteen thousand but not more than eighteen thousand pounds, one hundred <del>twenty-nine</del> <u>eighty</u> dollars;	66795
	66796
(6) <del>More</del> <u>For more</u> than eighteen thousand but not more than twenty-two thousand pounds, <del>one two</del> hundred <del>fifty-four</del> <u>five</u> dollars;	66797
	66798
	66799
(7) <del>More</del> <u>For more</u> than twenty-two thousand but not more than twenty-six thousand pounds, <del>one two</del> hundred <del>eighty</del> <u>thirty</u> dollars;	66800
	66801
(8) <del>More</del> <u>For more</u> than twenty-six thousand but not more than thirty thousand pounds, <del>three four</del> hundred <del>sixty-four</del> <u>ten</u> dollars;	66802
	66803
(9) <del>More</del> <u>For more</u> than thirty thousand but not more than thirty-four thousand pounds, four hundred <del>thirty-one</del> <u>seventy-five</u> dollars;	66804
	66805
	66806
(10) <del>More</del> <u>For more</u> than thirty-four thousand but not more than thirty-eight thousand pounds, <del>four</del> <u>five</u> hundred <del>ninety-two</del> <u>thirty-five</u> dollars;	66807
	66808
	66809
(11) <del>More</del> <u>For more</u> than thirty-eight thousand but not more than forty-two thousand pounds, five hundred <del>fifty-four</del> <u>ninety-five</u> dollars;	66810
	66811
	66812
(12) <del>More</del> <u>For more</u> than forty-two thousand but not more than forty-six thousand pounds, six hundred <del>fifteen</del> <u>fifty-five</u> dollars;	66813
	66814
(13) <del>More</del> <u>For more</u> than forty-six thousand but not more than fifty thousand pounds, <del>six</del> <u>seven</u> hundred <del>seventy-seven</del> <u>fifteen</u> dollars;	66815
	66816
	66817

- (14) ~~More~~ For more than fifty thousand but not more than 66818  
fifty-four thousand pounds, seven hundred ~~forty-four~~ eighty 66819  
dollars; 66820
- (15) ~~More~~ For more than fifty-four thousand but not more than 66821  
fifty-eight thousand pounds, eight hundred ~~five~~ forty dollars; 66822
- (16) ~~More~~ For more than fifty-eight thousand but not more 66823  
than sixty-two thousand pounds, ~~eight~~ nine hundred ~~seventy-seven~~ 66824  
ten dollars; 66825
- (17) ~~More~~ For more than sixty-two thousand but not more than 66826  
sixty-six thousand pounds, nine hundred ~~forty-nine~~ eighty dollars; 66827
- (18) ~~More~~ For more than sixty-six thousand but not more than 66828  
seventy thousand pounds, one thousand ~~twenty~~ fifty dollars; 66829
- (19) ~~More~~ For more than seventy thousand but not more than 66830  
seventy-four thousand pounds, one thousand one hundred ~~seven~~ 66831  
thirty-five dollars; 66832
- (20) ~~More~~ For more than seventy-four thousand but not more 66833  
than seventy-eight thousand pounds, one thousand two hundred 66834  
~~thirty~~ fifty-five dollars; 66835
- (21) ~~More~~ For more than seventy-eight thousand pounds, one 66836  
thousand three hundred ~~seventy-three~~ ninety-five dollars ~~and fifty~~ 66837  
~~cents.~~ 66838
- (B) The rates of ~~the~~ annual registration taxes imposed ~~by~~ 66839  
~~this section are as follows for buses having a,~~ based on gross 66840  
vehicle weight or combined gross vehicle weight ~~of,~~ for buses that 66841  
are apportionable are as follows: 66842
- (1) ~~Not~~ For not more than two thousand pounds, ~~eleven~~ 66843  
forty-six dollars; 66844
- (2) ~~More~~ For more than two thousand but not more than six 66845  
thousand pounds, ~~forty-one~~ seventy-six dollars; 66846
- (3) ~~More~~ For more than six thousand but not more than ten 66847

thousand pounds, one hundred ~~three~~ thirty-six dollars; 66848

(4) ~~More~~ For more than ten thousand but not more than 66849  
fourteen thousand pounds, ~~one two~~ hundred ~~eighty-five~~ sixteen 66850  
dollars; 66851

(5) ~~More~~ For more than fourteen thousand but not more than 66852  
eighteen thousand pounds, two hundred ~~sixty-seven~~ ninety-six 66853  
dollars; 66854

(6) ~~More~~ For more than eighteen thousand but not more than 66855  
twenty-two thousand pounds, three hundred ~~forty-nine~~ seventy-six 66856  
dollars; 66857

(7) ~~More~~ For more than twenty-two thousand but not more than 66858  
twenty-six thousand pounds, four hundred ~~thirty-one~~ fifty-six 66859  
dollars; 66860

(8) ~~More~~ For more than twenty-six thousand but not more than 66861  
thirty thousand pounds, five hundred ~~thirteen~~ thirty-six dollars; 66862

(9) ~~More~~ For more than thirty thousand but not more than 66863  
thirty-four thousand pounds, ~~five~~ six hundred ~~ninety-four~~ sixteen 66864  
dollars ~~and fifty cents~~; 66865

(10) ~~More~~ For more than thirty-four thousand but not more 66866  
than thirty-eight thousand pounds, six hundred ~~seventy-four~~ 66867  
ninety-six dollars ~~and fifty cents~~; 66868

(11) ~~More~~ For more than thirty-eight thousand but not more 66869  
than forty-two thousand pounds, seven hundred ~~fifty-four~~ 66870  
seventy-six dollars ~~and fifty cents~~; 66871

(12) ~~More~~ For more than forty-two thousand but not more than 66872  
forty-six thousand pounds, eight hundred ~~thirty-four~~ fifty-six 66873  
dollars ~~and fifty cents~~; 66874

(13) ~~More~~ For more than forty-six thousand but not more than 66875  
fifty thousand pounds, nine hundred ~~fifty-four~~ seventy-six dollars 66876  
~~and fifty cents~~; 66877

(14) ~~More~~ For more than fifty thousand but not more than 66878  
fifty-four thousand pounds, one thousand ~~fourteen~~ thirty-six 66879  
dollars ~~and fifty cents~~; 66880

(15) ~~More~~ For more than fifty-four thousand but not more than 66881  
fifty-eight thousand pounds, one thousand one hundred ~~four~~ 66882  
twenty-six dollars ~~and fifty cents~~; 66883

(16) ~~More~~ For more than fifty-eight thousand but not more 66884  
than sixty-two thousand pounds, one thousand ~~one~~ two hundred 66885  
~~ninety-four~~ sixteen dollars ~~and fifty cents~~; 66886

(17) ~~More~~ For more than sixty-two thousand but not more than 66887  
sixty-six thousand pounds, one thousand ~~two~~ three hundred 66888  
~~eighty-four~~ six dollars ~~and fifty cents~~; 66889

(18) ~~More~~ For more than sixty-six thousand but not more than 66890  
seventy thousand pounds, one thousand three hundred ~~seventy-four~~ 66891  
ninety-six dollars ~~and fifty cents~~; 66892

(19) ~~More~~ For more than seventy thousand but not more than 66893  
seventy-four thousand pounds, one thousand four hundred ~~sixty-four~~ 66894  
eighty-six dollars ~~and fifty cents~~; 66895

(20) ~~More~~ For more than seventy-four thousand but not more 66896  
than seventy-eight thousand pounds, one thousand five hundred 66897  
~~fifty-four~~ seventy-six dollars ~~and fifty cents~~; 66898

(21) ~~More~~ For more than seventy-eight thousand pounds, one 66899  
thousand six hundred ~~forty-four~~ sixty-six dollars ~~and fifty cents~~. 66900

(C)(1) Applications for the in-state registration of a 66901  
commercial car or commercial bus under the international 66902  
registration plan shall be filed with the registrar. The registrar 66903  
shall use the appropriate amount under division (A) or (B) of this 66904  
section as the base rate for purposes of determining the 66905  
registration taxes due to this state in accordance with rules 66906  
adopted under section 4503.63 of the Revised Code for 66907

apportionment purposes. 66908

(2) With regard to a commercial car or commercial bus that is registered in this state and is subject to the international registration plan, the registrar or deputy registrar shall charge a fee equal to the amount established under section 4503.038 of the Revised Code, plus an appropriate amount to cover the cost of postage. 66909  
66910  
66911  
66912  
66913  
66914

(3) With regard to a commercial car or commercial bus that is registered in this state and is subject to the international registration plan, if an application for registration renewal is not applied for prior to the expiration date of the registration or within thirty days after that date, the registrar or deputy registrar shall collect a fee of ten dollars for the issuance of the vehicle registration. The registrar may waive the fee for good cause shown if the application is accompanied by supporting evidence as the registrar may require. 66915  
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(D) The registrar of motor vehicles shall take all steps necessary to determine and collect the apportioned registration tax due for vehicles registered in another international registration plan jurisdiction that lists Ohio for apportionment purposes on a uniform mileage schedule. The registration taxes charged shall be determined on the basis of the annual tax otherwise due on the motor vehicle, prorated in accordance with the number of months for which the motor vehicle is registered. The base rate shall be the applicable amount under division (A) or (B) of this section. 66924  
66925  
66926  
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**Sec. 4503.77.** (A) As used in this section: 66934

(1) "Nonstandard license plate" means all of the following: 66935

(a) A license plate issued under sections 4503.52, 4503.55, 4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the 66936  
66937

Revised Code; 66938

(b) A license plate issued under a program that is 66939  
reestablished under division (D) of this section and that meets 66940  
the requirements contained in division (B) of section 4503.78 of 66941  
the Revised Code; 66942

(c) Except as may otherwise be specifically provided by law, 66943  
any license plate created after August 21, 1997. 66944

(2) For purposes of license plates issued under sections 66945  
4503.503 and 4503.504 of the Revised Code, "sponsor" includes ~~the~~ 66946  
~~Ohio agriculture license plate scholarship fund board created in~~ 66947  
~~section 901.90 of the Revised Code and~~ the director of 66948  
agriculture. 66949

(B)(1) If, during any calendar year, the total number of 66950  
motor vehicle registrations involving a particular type of 66951  
nonstandard license plate is less than twenty-five, including both 66952  
new registrations and registration renewals, the registrar of 66953  
motor vehicles, on or after the first day of January, but not 66954  
later than the fifteenth day of January of the following year, 66955  
shall send a written notice to the sponsor of that type of 66956  
nonstandard license plate, if a sponsor exists, informing the 66957  
sponsor of this fact. The registrar also shall inform the sponsor 66958  
that if, during the calendar year in which the written notice is 66959  
sent, the total number of motor vehicle registrations involving 66960  
the sponsor's nonstandard license plate again is less than 66961  
twenty-five, the program involving that type of nonstandard 66962  
license plate will be terminated on the thirty-first day of 66963  
December of the calendar year in which the written notice is sent 66964  
and, except as provided in division (C) of this section, no motor 66965  
vehicle registration application involving either the actual 66966  
issuance of that type of nonstandard license plate or the 66967  
registration renewal of a motor vehicle displaying that type of 66968  
nonstandard license plate will be accepted by the registrar or a 66969

deputy registrar beginning the first day of January of the next 66970  
calendar year. The registrar also shall inform the sponsor that if 66971  
the program involving the sponsor's nonstandard license plate is 66972  
terminated under this section, it may be reestablished pursuant to 66973  
division (D) of this section. 66974

(2) If, during any calendar year, the total number of motor 66975  
vehicle registrations involving a particular type of nonstandard 66976  
license plate is less than twenty-five, including both new 66977  
registrations and registration renewals, and no sponsor exists for 66978  
that license plate, the registrar shall issue a public notice on 66979  
or after the first day of January, but not later than the 66980  
fifteenth day of January of the following year, stating that fact. 66981  
The notice also shall inform the public that if, during the 66982  
calendar year in which the registrar issues the public notice, the 66983  
total number of motor vehicle registrations for that type of 66984  
nonstandard license plate, including both new registrations and 66985  
registration renewals, again is less than twenty-five, the program 66986  
involving that type of nonstandard license plate will be 66987  
terminated on the thirty-first day of December of the calendar 66988  
year in which the registrar issues the public notice and, except 66989  
as provided in division (C) of this section, no motor vehicle 66990  
registration application involving either the actual issuance of 66991  
that type of nonstandard license plate or the registration renewal 66992  
of a motor vehicle displaying that type of nonstandard license 66993  
plate will be accepted by the registrar or a deputy registrar 66994  
beginning on the first day of January of the next calendar year. 66995

(C) If the program involving a type of nonstandard license 66996  
plate is terminated under division (B) of this section, the 66997  
registration of any motor vehicle displaying that type of 66998  
nonstandard license plate at the time of termination may be 66999  
renewed so long as the nonstandard license plates remain 67000  
serviceable. If the nonstandard license plates of such a motor 67001

vehicle become unfit for service, the owner of the motor vehicle 67002  
may apply for the issuance of nonstandard license plates of that 67003  
same type, but the registrar or deputy registrar shall issue such 67004  
nonstandard license plates only if at the time of application the 67005  
stock of the bureau contains license plates of that type of 67006  
nonstandard license plate. If, at the time of such application, 67007  
the stock of the bureau does not contain license plates of that 67008  
type of nonstandard license plate, the registrar or deputy 67009  
registrar shall inform the owner of that fact, and the application 67010  
shall be refused. 67011

If the program involving a type of nonstandard license plate 67012  
is terminated under division (B) of this section and the 67013  
registration of motor vehicles displaying such license plates 67014  
continues as permitted by this division, the registrar, for as 67015  
long as such registrations continue to be issued, shall continue 67016  
to collect and distribute any contribution that was required to be 67017  
collected and distributed prior to the termination of that 67018  
program. 67019

(D) If the program involving a nonstandard license plate is 67020  
terminated under division (B)(1) of this section, the sponsor of 67021  
that license plate may apply to the registrar for the 67022  
reestablishment of the program. If the program involving that 67023  
nonstandard license plate is reestablished, the reestablishment is 67024  
subject to division (B) of section 4503.78 of the Revised Code. 67025

**Sec. 4503.83.** (A) Commencing January 1, 2014, the owner or 67026  
lessee of a fleet of apportioned vehicles may apply to the 67027  
registrar of motor vehicles for the registration of any 67028  
apportioned vehicle, commercial trailer, or other vehicle of a 67029  
class approved by the registrar and issuance of company logo 67030  
license plates. The initial application shall be for not less than 67031  
fifty eligible vehicles. The applicant shall provide the registrar 67032

the artwork for the company logo plate in a format designated by 67033  
the registrar. The registrar shall approve the artwork or return 67034  
the artwork for modification in accordance with any design 67035  
requirements reasonably imposed by the registrar. 67036

Upon approval of the artwork and receipt of the completed 67037  
application and compliance with divisions (B) and (C) of this 67038  
section, the registrar shall issue to the applicant the 67039  
appropriate vehicle registration and the appropriate number of 67040  
company logo license plates with a validation sticker or a 67041  
validation sticker alone when required by section 4503.191 of the 67042  
Revised Code, except that no validation sticker shall be issued 67043  
under this section for a motor vehicle for which the registration 67044  
tax is specified in section 4503.042 of the Revised Code. 67045

In addition to the letters and numbers ordinarily inscribed 67046  
on license plates, company logo license plates shall be inscribed 67047  
with words and markings requested by the applicant and approved by 67048  
the registrar. 67049

(B) A company logo license plate and a validation sticker or, 67050  
when applicable, a validation sticker alone shall be issued upon 67051  
payment of the applicable regular license tax prescribed in 67052  
section 4503.042 or 4503.65 of the Revised Code for the 67053  
registration of a vehicle in this state, any applicable fees 67054  
prescribed in section 4503.10 of the Revised Code, any applicable 67055  
motor vehicle tax levied under Chapter 4504. of the Revised Code, 67056  
a bureau of motor vehicles fee of six dollars when a company logo 67057  
license plate actually is issued, and compliance with all other 67058  
applicable laws relating to the registration of motor vehicles. If 67059  
a company logo plate is issued to replace an existing license 67060  
plate for the same vehicle, the replacement license plate fees 67061  
prescribed in division (A) of section 4503.19 of the Revised Code 67062  
shall not apply. 67063

(C) The registrar shall deposit the bureau of motor vehicles 67064

fee specified in division (B) of this section, the purpose of 67065  
which is to compensate the bureau for the additional services 67066  
required in issuing company logo license plates, in the public 67067  
safety - highway purposes fund created in section 4501.06 of the 67068  
Revised Code. 67069

Sec. 4504.201. No commercial car that is taxed under division 67070  
(A) of section 4503.65 of the Revised Code, and no commercial bus 67071  
that is taxed under division (B) of section 4503.65 of the Revised 67072  
Code, is subject to a tax established under section 4504.02, 67073  
4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.18, 67074  
or 4504.24 of the Revised Code. 67075

**Sec. 4505.06.** (A)(1) Application for a certificate of title 67076  
shall be made in a form prescribed by the registrar of motor 67077  
vehicles and shall be sworn to before a notary public or other 67078  
officer empowered to administer oaths. The application shall be 67079  
filed with the clerk of any court of common pleas. An application 67080  
for a certificate of title may be filed electronically by any 67081  
electronic means approved by the registrar in any county with the 67082  
clerk of the court of common pleas of that county. Any payments 67083  
required by this chapter shall be considered as accompanying any 67084  
electronically transmitted application when payment actually is 67085  
received by the clerk. Payment of any fee or taxes may be made by 67086  
electronic transfer of funds. 67087

(2) The application for a certificate of title shall be 67088  
accompanied by the fee prescribed in section 4505.09 of the 67089  
Revised Code. The fee shall be retained by the clerk who issues 67090  
the certificate of title and shall be distributed in accordance 67091  
with that section. If a clerk of a court of common pleas, other 67092  
than the clerk of the court of common pleas of an applicant's 67093  
county of residence, issues a certificate of title to the 67094  
applicant, the clerk shall transmit data related to the 67095

transaction to the automated title processing system. 67096

(3) If a certificate of title previously has been issued for 67097  
a motor vehicle in this state, the application for a certificate 67098  
of title also shall be accompanied by that certificate of title 67099  
duly assigned, unless otherwise provided in this chapter. If a 67100  
certificate of title previously has not been issued for the motor 67101  
vehicle in this state, the application, unless otherwise provided 67102  
in this chapter, shall be accompanied by a manufacturer's or 67103  
importer's certificate or by a certificate of title of another 67104  
state from which the motor vehicle was brought into this state. If 67105  
the application refers to a motor vehicle last previously 67106  
registered in another state, the application also shall be 67107  
accompanied by the physical inspection certificate required by 67108  
section 4505.061 of the Revised Code. If the application is made 67109  
by two persons regarding a motor vehicle in which they wish to 67110  
establish joint ownership with right of survivorship, they may do 67111  
so as provided in section 2131.12 of the Revised Code. If the 67112  
applicant requests a designation of the motor vehicle in 67113  
beneficiary form so that upon the death of the owner of the motor 67114  
vehicle, ownership of the motor vehicle will pass to a designated 67115  
transfer-on-death beneficiary or beneficiaries, the applicant may 67116  
do so as provided in section 2131.13 of the Revised Code. A person 67117  
who establishes ownership of a motor vehicle that is transferable 67118  
on death in accordance with section 2131.13 of the Revised Code 67119  
may terminate that type of ownership or change the designation of 67120  
the transfer-on-death beneficiary or beneficiaries by applying for 67121  
a certificate of title pursuant to this section. The clerk shall 67122  
retain the evidence of title presented by the applicant and on 67123  
which the certificate of title is issued, except that, if an 67124  
application for a certificate of title is filed electronically by 67125  
an electronic motor vehicle dealer on behalf of the purchaser of a 67126  
motor vehicle, the clerk shall retain the completed electronic 67127  
record to which the dealer converted the certificate of title 67128

application and other required documents. The registrar, after 67129  
consultation with the attorney general, shall adopt rules that 67130  
govern the location at which, and the manner in which, are stored 67131  
the actual application and all other documents relating to the 67132  
sale of a motor vehicle when an electronic motor vehicle dealer 67133  
files the application for a certificate of title electronically on 67134  
behalf of the purchaser. Not later than December 31, 2017, the 67135  
registrar shall arrange for a service that enables all electronic 67136  
motor vehicle dealers to file applications for certificates of 67137  
title on behalf of purchasers of motor vehicles electronically by 67138  
transferring the applications directly from the computer systems 67139  
of the dealers to the clerk. 67140

The clerk shall use reasonable diligence in ascertaining 67141  
whether or not the facts in the application for a certificate of 67142  
title are true by checking the application and documents 67143  
accompanying it or the electronic record to which a dealer 67144  
converted the application and accompanying documents with the 67145  
records of motor vehicles in the clerk's office. If the clerk is 67146  
satisfied that the applicant is the owner of the motor vehicle and 67147  
that the application is in the proper form, the clerk, within five 67148  
business days after the application is filed and except as 67149  
provided in section 4505.021 of the Revised Code, shall issue a 67150  
physical certificate of title over the clerk's signature and 67151  
sealed with the clerk's seal, unless the applicant specifically 67152  
requests the clerk not to issue a physical certificate of title 67153  
and instead to issue an electronic certificate of title. For 67154  
purposes of the transfer of a certificate of title, if the clerk 67155  
is satisfied that the secured party has duly discharged a lien 67156  
notation but has not canceled the lien notation with a clerk, the 67157  
clerk may cancel the lien notation on the automated title 67158  
processing system and notify the clerk of the county of origin. 67159

(4) In the case of the sale of a motor vehicle to a general 67160

buyer or user by a dealer, by a motor vehicle leasing dealer 67161  
selling the motor vehicle to the lessee or, in a case in which the 67162  
leasing dealer subleased the motor vehicle, the sublessee, at the 67163  
end of the lease agreement or sublease agreement, or by a 67164  
manufactured housing broker, the certificate of title shall be 67165  
obtained in the name of the buyer by the dealer, leasing dealer, 67166  
or manufactured housing broker, as the case may be, upon 67167  
application signed by the buyer. The certificate of title shall be 67168  
issued, or the process of entering the certificate of title 67169  
application information into the automated title processing system 67170  
if a physical certificate of title is not to be issued shall be 67171  
completed, within five business days after the application for 67172  
title is filed with the clerk. If the buyer of the motor vehicle 67173  
previously leased the motor vehicle and is buying the motor 67174  
vehicle at the end of the lease pursuant to that lease, the 67175  
certificate of title shall be obtained in the name of the buyer by 67176  
the motor vehicle leasing dealer who previously leased the motor 67177  
vehicle to the buyer or by the motor vehicle leasing dealer who 67178  
subleased the motor vehicle to the buyer under a sublease 67179  
agreement. 67180

In all other cases, except as provided in section 4505.032 67181  
and division (D)(2) of section 4505.11 of the Revised Code, such 67182  
certificates shall be obtained by the buyer. 67183

(5)(a)(i) If the certificate of title is being obtained in 67184  
the name of the buyer by a motor vehicle dealer or motor vehicle 67185  
leasing dealer and there is a security interest to be noted on the 67186  
certificate of title, the dealer or leasing dealer shall submit 67187  
the application for the certificate of title and, if required by 67188  
division (B)(5) of this section, payment of the applicable tax to 67189  
a clerk within seven business days after the later of the delivery 67190  
of the motor vehicle to the buyer or the date the dealer or 67191  
leasing dealer obtains the manufacturer's or importer's 67192

certificate, or certificate of title issued in the name of the 67193  
dealer or leasing dealer, for the motor vehicle. Submission of the 67194  
application for the certificate of title and payment, if required, 67195  
of the applicable tax within the required seven business days may 67196  
be indicated by postmark or receipt by a clerk within that period. 67197

(ii) Upon receipt of the certificate of title with the 67198  
security interest noted on its face, the dealer or leasing dealer 67199  
shall forward the certificate of title to the secured party at the 67200  
location noted in the financing documents or otherwise specified 67201  
by the secured party. 67202

(iii) A motor vehicle dealer or motor vehicle leasing dealer 67203  
is liable to a secured party for a late fee of ten dollars per day 67204  
for each certificate of title application and, if required by 67205  
division (B)(5) of this section, payment of the applicable tax 67206  
~~that is~~, submitted to a clerk more than seven business days but 67207  
less than twenty-one days after the later of the delivery of the 67208  
motor vehicle to the buyer or the date the dealer or leasing 67209  
dealer obtains the manufacturer's or importer's certificate, or 67210  
certificate of title issued in the name of the dealer or leasing 67211  
dealer, for the motor vehicle and, from then on, twenty-five 67212  
dollars per day until the application and applicable tax are 67213  
submitted to a clerk. 67214

(b) In all cases of transfer of a motor vehicle except the 67215  
transfer of a manufactured home or mobile home, the application 67216  
for certificate of title shall be filed within thirty days after 67217  
the assignment or delivery of the motor vehicle. 67218

(c) An application for a certificate of title for a new 67219  
manufactured home shall be filed within thirty days after the 67220  
delivery of the new manufactured home to the purchaser. The date 67221  
of the delivery shall be the date on which an occupancy permit for 67222  
the manufactured home is delivered to the purchaser of the home by 67223  
the appropriate legal authority. 67224

(d) An application for a certificate of title for a used 67225  
manufactured home or a used mobile home shall be filed as follows: 67226

(i) If a certificate of title for the used manufactured home 67227  
or used mobile home was issued to the motor vehicle dealer prior 67228  
to the sale of the manufactured or mobile home to the purchaser, 67229  
the application for certificate of title shall be filed within 67230  
thirty days after the date on which an occupancy permit for the 67231  
manufactured or mobile home is delivered to the purchaser by the 67232  
appropriate legal authority. 67233

(ii) If the motor vehicle dealer has been designated by a 67234  
secured party to display the manufactured or mobile home for sale, 67235  
or to sell the manufactured or mobile home under section 4505.20 67236  
of the Revised Code, but the certificate of title has not been 67237  
transferred by the secured party to the motor vehicle dealer, and 67238  
the dealer has complied with the requirements of division (A) of 67239  
section 4505.181 of the Revised Code, the application for 67240  
certificate of title shall be filed within thirty days after the 67241  
date on which the motor vehicle dealer obtains the certificate of 67242  
title for the home from the secured party or the date on which an 67243  
occupancy permit for the manufactured or mobile home is delivered 67244  
to the purchaser by the appropriate legal authority, whichever 67245  
occurs later. 67246

(6) If an application for a certificate of title is not filed 67247  
within the period specified in division (A)(5)(b), (c), or (d) of 67248  
this section, the clerk shall collect a fee of five dollars for 67249  
the issuance of the certificate, except that no such fee shall be 67250  
required from a motor vehicle salvage dealer, as defined in 67251  
division (A) of section 4738.01 of the Revised Code, who 67252  
immediately surrenders the certificate of title for cancellation. 67253  
The fee shall be in addition to all other fees established by this 67254  
chapter, and shall be retained by the clerk. The registrar shall 67255  
provide, on the certificate of title form prescribed by section 67256

4505.07 of the Revised Code, language necessary to give evidence 67257  
of the date on which the assignment or delivery of the motor 67258  
vehicle was made. 67259

(7) As used in division (A) of this section, "lease 67260  
agreement," "lessee," and "sublease agreement" have the same 67261  
meanings as in section 4505.04 of the Revised Code and "new 67262  
manufactured home," "used manufactured home," and "used mobile 67263  
home" have the same meanings as in section 5739.0210 of the 67264  
Revised Code. 67265

(B)(1) The clerk, except as otherwise provided in this 67266  
section, shall refuse to accept for filing any application for a 67267  
certificate of title and shall refuse to issue a certificate of 67268  
title unless the dealer or the applicant, in cases in which the 67269  
certificate shall be obtained by the buyer, submits with the 67270  
application payment of the tax levied by or pursuant to Chapters 67271  
5739. and 5741. of the Revised Code based on the purchaser's 67272  
county of residence. Upon payment of the tax in accordance with 67273  
division (E) of this section, the clerk shall issue a receipt 67274  
prescribed by the registrar and agreed upon by the tax 67275  
commissioner showing payment of the tax or a receipt issued by the 67276  
commissioner showing the payment of the tax. When submitting 67277  
payment of the tax to the clerk, a dealer shall retain any 67278  
discount to which the dealer is entitled under section 5739.12 of 67279  
the Revised Code. 67280

(2) For receiving and disbursing such taxes paid to the clerk 67281  
by a resident of the clerk's county, the clerk may retain a 67282  
poundage fee of one and one one-hundredth per cent, and the clerk 67283  
shall pay the poundage fee into the certificate of title 67284  
administration fund created by section 325.33 of the Revised Code. 67285  
The clerk shall not retain a poundage fee from payments of taxes 67286  
by persons who do not reside in the clerk's county. 67287

A clerk, however, may retain from the taxes paid to the clerk 67288

an amount equal to the poundage fees associated with certificates 67289  
of title issued by other clerks of courts of common pleas to 67290  
applicants who reside in the first clerk's county. The registrar, 67291  
in consultation with the tax commissioner and the clerks of the 67292  
courts of common pleas, shall develop a report from the automated 67293  
title processing system that informs each clerk of the amount of 67294  
the poundage fees that the clerk is permitted to retain from those 67295  
taxes because of certificates of title issued by the clerks of 67296  
other counties to applicants who reside in the first clerk's 67297  
county. 67298

(3) In the case of casual sales of motor vehicles, as defined 67299  
in section 4517.01 of the Revised Code, the price for the purpose 67300  
of determining the tax shall be the purchase price on the assigned 67301  
certificate of title executed by the seller and filed with the 67302  
clerk by the buyer on a form to be prescribed by the registrar, 67303  
which shall be prima-facie evidence of the amount for the 67304  
determination of the tax. 67305

(4) Each county clerk shall forward to the treasurer of state 67306  
all sales and use tax collections resulting from sales of motor 67307  
vehicles, off-highway motorcycles, and all-purpose vehicles during 67308  
a calendar week on or before the Friday following the close of 67309  
that week. If, on any Friday, the offices of the clerk of courts 67310  
or the state are not open for business, the tax shall be forwarded 67311  
to the treasurer of state on or before the next day on which the 67312  
offices are open. Every remittance of tax under division (B)(4) of 67313  
this section shall be accompanied by a remittance report in such 67314  
form as the tax commissioner prescribes. Upon receipt of a tax 67315  
remittance and remittance report, the treasurer of state shall 67316  
date stamp the report and forward it to the tax commissioner. If 67317  
the tax due for any week is not remitted by a clerk of courts as 67318  
required under division (B)(4) of this section, the commissioner 67319  
may require the clerk to forfeit the poundage fees for the sales 67320

made during that week. The treasurer of state may require the 67321  
clerks of courts to transmit tax collections and remittance 67322  
reports electronically. 67323

(5)(a) A new or used motor vehicle dealer licensed in this 67324  
state with more than twenty million dollars in motor vehicle sales 67325  
in the preceding calendar year per vendor's license held by the 67326  
dealer, in lieu of remitting the tax levied by or pursuant to 67327  
Chapters 5739. and 5741. of the Revised Code to the clerk under 67328  
this section, may make an election to report and remit the tax due 67329  
directly to the commissioner as required by section 5739.12 or 67330  
5741.12 of the Revised Code. A motor vehicle dealer that does not 67331  
make an election under division (B)(5) of this section or whose 67332  
election has not been approved or has been terminated or revoked 67333  
shall pay the tax to the clerk of courts as provided in division 67334  
(A)(5)(a) of this section. Division (B)(5) of this section applies 67335  
only to sales of motor vehicles occurring on or after July 1, 67336  
2018. 67337

(b) To make an election under division (B)(5) of this 67338  
section, a dealer shall notify the commissioner on or before the 67339  
first day of May on a form prescribed by the commissioner for that 67340  
purpose. If a dealer's election is approved by the commissioner, 67341  
it shall be effective on the first day of the ensuing July and, 67342  
unless it is revoked under division (B)(5)(e) of this section, it 67343  
shall be valid for a period of one year. The commissioner shall 67344  
not approve a dealer's election if the commissioner has knowledge 67345  
that the dealer failed to file a return or failed to submit any 67346  
information required by the commissioner or that the dealer failed 67347  
to remit a required payment for any tax, fee, or charge 67348  
administered by the commissioner. Once an election is approved by 67349  
the commissioner, it shall be renewed for each subsequent one-year 67350  
period unless the dealer terminates the election under division 67351  
(B)(5)(d) of this section or the commissioner revokes the election 67352

under division (B)(5)(e) of this section. No action shall be 67353  
required on the part of the dealer or the commissioner to 67354  
effectuate such renewal. 67355

(c) A dealer that makes an election under division (B)(5) of 67356  
this section agrees to all of the following terms: 67357

(i) The dealer shall notify the clerk of courts of each sale 67358  
of a motor vehicle, state the purchaser's county of residence, and 67359  
pledge that the dealer will report and remit the tax due directly 67360  
to the commissioner as required by section 5739.12 or 5741.12 of 67361  
the Revised Code. 67362

(ii) The dealer shall timely submit the information required 67363  
by division (C)(3) of section 5739.12 of the Revised Code. 67364

(iii) The dealer is and shall remain current on all taxes, 67365  
fees, and charges administered by the commissioner. 67366

(iv) The dealer shall timely submit any information requested 67367  
by the commissioner. 67368

(d) A dealer may terminate an election under division (B)(5) 67369  
of this section by submitting a notification of termination to the 67370  
commissioner on a form prescribed by the commissioner for that 67371  
purpose. The notice of termination shall be submitted on or before 67372  
the first day of May. Such termination shall be effective on the 67373  
first day of the ensuing July. 67374

(e) The commissioner may immediately revoke a dealer's 67375  
election under division (B)(5) of this section if the dealer fails 67376  
to comply with any of the terms prescribed by division (B)(5)(c) 67377  
of this section. If the dealer's motor vehicle sales in any 67378  
calendar year are less than twenty million dollars per vendor's 67379  
license held by the dealer, the commissioner may revoke that 67380  
dealer's election, effective on the first day of the ensuing July. 67381

(f) The commissioner is not required to approve subsequent 67382

elections under division (B)(5) of this section of a motor vehicle dealer whose election has, at any time, been terminated under division (B)(5)(d) of this section or revoked under division (B)(5)(e) of this section. 67383  
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(g) On or before the thirtieth day of June of each year, the commissioner shall notify the registrar and the clerks through the automated title processing system, if available, of the dealers that have made elections under division (B)(5) of this section and of any elections that have been terminated by the dealer or revoked by the commissioner, as necessary. 67387  
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(h)(i) For each motor vehicle sold by a dealer that makes an election under division (B)(5) of this section, the clerk that issued the certificate of title shall receive a poundage fee equal to the poundage fee that the clerk would have been entitled to retain if the dealer had remitted the tax due to the clerk under division (A)(5)(a) of this section. 67393  
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(ii) On or before the twentieth day of each month, the commissioner shall calculate the poundage fees due to each clerk in the state under division (B)(5)(h)(i) of this section for motor vehicles titled in the preceding month. The commissioner shall certify those amounts to the director of budget and management, who shall transfer the sum of those amounts from the general revenue fund to the poundage fee compensation fund, which is hereby created in the state treasury. 67399  
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(iii) On or before the tenth day of each month following a deposit to the poundage fee compensation fund under division (B)(5)(h)(ii) of this section, the director of budget and management shall distribute the amount certified for each county in the preceding month to the appropriate clerks. Such distributions shall be paid to the certificate of title administration fund of each such county created pursuant to section 325.33 of the Revised Code. 67407  
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(C)(1) If the transferor indicates on the certificate of title that the odometer reflects mileage in excess of the designed mechanical limit of the odometer, the clerk shall enter the phrase "exceeds mechanical limits" following the mileage designation. If the transferor indicates on the certificate of title that the odometer reading is not the actual mileage, the clerk shall enter the phrase "nonactual: warning - odometer discrepancy" following the mileage designation. The clerk shall use reasonable care in transferring the information supplied by the transferor, but is not liable for any errors or omissions of the clerk or those of the clerk's deputies in the performance of the clerk's duties created by this chapter.

The registrar shall prescribe an affidavit in which the transferor shall swear to the true selling price and, except as provided in this division, the true odometer reading of the motor vehicle. The registrar may prescribe an affidavit in which the seller and buyer provide information pertaining to the odometer reading of the motor vehicle in addition to that required by this section, as such information may be required by the United States secretary of transportation by rule prescribed under authority of subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(2) Division (C)(1) of this section does not require the giving of information concerning the odometer and odometer reading of a motor vehicle when ownership of a motor vehicle is being transferred as a result of a bequest, under the laws of intestate succession, to a survivor pursuant to section 2106.18, 2131.12, or 4505.10 of the Revised Code, to a transfer-on-death beneficiary or beneficiaries pursuant to section 2131.13 of the Revised Code, in connection with the creation of a security interest or for a vehicle with a gross vehicle weight rating of more than sixteen thousand pounds.

(D) When the transfer to the applicant was made in some other state or in interstate commerce, the clerk, except as provided in this section, shall refuse to issue any certificate of title unless the tax imposed by or pursuant to Chapter 5741. of the Revised Code based on the purchaser's county of residence has been paid as evidenced by a receipt issued by the tax commissioner, or unless the applicant submits with the application payment of the tax. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner, showing payment of the tax.

For receiving and disbursing such taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county.

When the vendor is not regularly engaged in the business of selling motor vehicles, the vendor shall not be required to purchase a vendor's license or make reports concerning those sales.

(E) The clerk shall accept any payment of a tax in cash, or

by cashier's check, certified check, draft, money order, or teller 67479  
check issued by any insured financial institution payable to the 67480  
clerk and submitted with an application for a certificate of title 67481  
under division (B) or (D) of this section. The clerk also may 67482  
accept payment of the tax by corporate, business, or personal 67483  
check, credit card, electronic transfer or wire transfer, debit 67484  
card, or any other accepted form of payment made payable to the 67485  
clerk. The clerk may require bonds, guarantees, or letters of 67486  
credit to ensure the collection of corporate, business, or 67487  
personal checks. Any service fee charged by a third party to a 67488  
clerk for the use of any form of payment may be paid by the clerk 67489  
from the certificate of title administration fund created in 67490  
section 325.33 of the Revised Code, or may be assessed by the 67491  
clerk upon the applicant as an additional fee. Upon collection, 67492  
the additional fees shall be paid by the clerk into that 67493  
certificate of title administration fund. 67494

The clerk shall make a good faith effort to collect any 67495  
payment of taxes due but not made because the payment was returned 67496  
or dishonored, but the clerk is not personally liable for the 67497  
payment of uncollected taxes or uncollected fees. The clerk shall 67498  
notify the tax commissioner of any such payment of taxes that is 67499  
due but not made and shall furnish the information to the 67500  
commissioner that the commissioner requires. The clerk shall 67501  
deduct the amount of taxes due but not paid from the clerk's 67502  
periodic remittance of tax payments, in accordance with procedures 67503  
agreed upon by the tax commissioner. The commissioner may collect 67504  
taxes due by assessment in the manner provided in section 5739.13 67505  
of the Revised Code. 67506

Any person who presents payment that is returned or 67507  
dishonored for any reason is liable to the clerk for payment of a 67508  
penalty over and above the amount of the taxes due. The clerk 67509  
shall determine the amount of the penalty, and the penalty shall 67510

be no greater than that amount necessary to compensate the clerk 67511  
for banking charges, legal fees, or other expenses incurred by the 67512  
clerk in collecting the returned or dishonored payment. The 67513  
remedies and procedures provided in this section are in addition 67514  
to any other available civil or criminal remedies. Subsequently 67515  
collected penalties, poundage fees, and title fees, less any title 67516  
fee due the state, from returned or dishonored payments collected 67517  
by the clerk shall be paid into the certificate of title 67518  
administration fund. Subsequently collected taxes, less poundage 67519  
fees, shall be sent by the clerk to the treasurer of state at the 67520  
next scheduled periodic remittance of tax payments, with 67521  
information as the commissioner may require. The clerk may abate 67522  
all or any part of any penalty assessed under this division. 67523

(F) In the following cases, the clerk shall accept for filing 67524  
an application and shall issue a certificate of title without 67525  
requiring payment or evidence of payment of the tax: 67526

(1) When the purchaser is this state or any of its political 67527  
subdivisions, a church, or an organization whose purchases are 67528  
exempted by section 5739.02 of the Revised Code; 67529

(2) When the transaction in this state is not a retail sale 67530  
as defined by section 5739.01 of the Revised Code; 67531

(3) When the purchase is outside this state or in interstate 67532  
commerce and the purpose of the purchaser is not to use, store, or 67533  
consume within the meaning of section 5741.01 of the Revised Code; 67534

(4) When the purchaser is the federal government; 67535

(5) When the motor vehicle was purchased outside this state 67536  
for use outside this state; 67537

(6) When the motor vehicle is purchased by a nonresident 67538  
under the circumstances described in division (B)(1) of section 67539  
5739.029 of the Revised Code, and upon presentation of a copy of 67540  
the affidavit provided by that section, and a copy of the 67541

exemption certificate provided by section 5739.03 of the Revised Code; 67542  
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(7) When the applicant is a new or used motor vehicle dealer that makes an election and submits a certificate under division (B)(5) of this section. 67544  
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(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due." 67547  
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(H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home without requiring payment of any tax pursuant to section 5739.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt issued by the tax commissioner showing payment of the tax. For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the applicant shall pay to the clerk an additional fee of five dollars for each certificate of title issued by the clerk for a manufactured or mobile home pursuant to division (H) of section 4505.11 of the Revised Code and for each certificate of title issued upon transfer of ownership of the home. The clerk shall credit the fee to the county certificate of title administration fund, and the fee shall be used to pay the 67559  
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expenses of archiving those certificates pursuant to division (A) 67574  
of section 4505.08 and division (H)(3) of section 4505.11 of the 67575  
Revised Code. The tax commissioner shall administer any tax on a 67576  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 67577  
of the Revised Code. 67578

(I) Every clerk shall have the capability to transact by 67579  
electronic means all procedures and transactions relating to the 67580  
issuance of motor vehicle certificates of title that are described 67581  
in the Revised Code as being accomplished by electronic means. 67582

**Sec. 4508.02.** (A)(1) The director of public safety, subject 67583  
to Chapter 119. of the Revised Code, shall adopt and prescribe 67584  
such rules concerning the administration and enforcement of this 67585  
chapter as are necessary to protect the public. The rules shall 67586  
require an assessment of the holder of a probationary instructor 67587  
license. The director shall inspect the school facilities and 67588  
equipment of applicants and licensees and examine applicants for 67589  
instructor's licenses. 67590

(2) The director shall adopt rules governing online driver 67591  
education courses that may be completed via the internet to 67592  
satisfy the classroom instruction under division (C) of this 67593  
section. The rules shall do all of the following: 67594

(a) Establish standards that an online driver training 67595  
enterprise must satisfy to be licensed to offer an online driver 67596  
education course via the internet, including, at a minimum, proven 67597  
expertise in providing driver education and an acceptable 67598  
infrastructure capable of providing secure online driver education 67599  
in accord with advances in internet technology. The rules shall 67600  
allow an online driver training enterprise to be affiliated with a 67601  
licensed driver training school offering in-person classroom 67602  
instruction, but shall not require such an affiliation. 67603

(b) Establish content requirements that an online driver 67604

education course must satisfy to be approved as equivalent to 67605  
twenty-four hours of in-person classroom instruction; 67606

(c) Establish attendance standards, including a maximum 67607  
number of course hours that may be completed in a twenty-four-hour 67608  
period; 67609

(d) Allow an enrolled applicant to begin the required eight 67610  
hours of actual behind-the-wheel instruction upon completing at 67611  
least two hours of course instruction and being issued a 67612  
certificate of enrollment by a licensed online driver training 67613  
enterprise; 67614

(e) Establish any other requirements necessary to regulate 67615  
online driver education. 67616

(B) The director shall administer and enforce this chapter. 67617

(C) The rules shall require twenty-four hours of in-person 67618  
classroom instruction or completion of an approved, equivalent 67619  
online driver education course offered via the internet by a 67620  
licensed online driver training enterprise, and eight hours of 67621  
actual behind-the-wheel instruction conducted on public streets 67622  
and highways of this state for all beginning drivers of 67623  
noncommercial motor vehicles who are under age eighteen. The rules 67624  
also shall require the classroom instruction or online driver 67625  
education course for such drivers to include instruction ~~in the~~ on 67626  
both of the following: 67627

(1) The dangers of driving a motor vehicle while using an 67628  
electronic wireless communications device to write, send, or read 67629  
a text-based communication; 67630

(2) The dangers of driving a motor vehicle while under the 67631  
influence of a controlled substance, prescription medication, or 67632  
alcohol. 67633

(D) The rules shall state the minimum hours for classroom and 67634

behind-the-wheel instruction required for beginning drivers of 67635  
commercial trucks, commercial cars, buses, and commercial 67636  
tractors, trailers, and semitrailers. 67637

(E)(1) The department of public safety may charge a fee to 67638  
each online driver training enterprise in an amount sufficient to 67639  
pay the actual expenses the department incurs in the regulation of 67640  
online driver education courses. 67641

(2) The department shall supply to each licensed online 67642  
driver training enterprise certificates to be used for certifying 67643  
an applicant's enrollment in an approved online driver education 67644  
course and a separate certificate to be issued upon successful 67645  
completion of an approved online driver education course. The 67646  
certificates shall be numbered serially. The department may charge 67647  
a fee to each online driver training enterprise per certificate 67648  
supplied to pay the actual expenses the department incurs in 67649  
supplying the certificates. 67650

(F) The director shall adopt rules in accordance with Chapter 67651  
119. of the Revised Code governing an abbreviated driver training 67652  
course for adults that must be completed by any applicant for an 67653  
initial driver's license who is eighteen years of age or older and 67654  
who failed the road or maneuverability test required under 67655  
division (A)(2) of section 4507.11 of the Revised Code prior to 67656  
attempting the test a second or subsequent time. 67657

**Sec. 4510.022.** (A) As used in this section: 67658

(1) "First-time offender" means a person whose driver's 67659  
license or commercial driver's license or permit or nonresident 67660  
operating privilege has been suspended for being convicted of, or 67661  
pleading guilty to, an OVI offense under any of the following: 67662

(a) Division (G)(1)(a) or (H)(1) of section 4511.19 of the 67663  
Revised Code; 67664

(b) Section 4510.07 of the Revised Code for a municipal OVI offense when the offense is equivalent to an offense under division (G)(1)(a) or (H)(1) of section 4511.19 of the Revised Code; 67665  
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(c) Division (B) or (D) of section 4510.17 of the Revised Code when the offense is equivalent to an offense under division (G)(1)(a) or (H)(1) of section 4511.19 of the Revised Code. 67669  
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(2) "OVI offense" means a violation of section 4511.19 of the Revised Code or a violation of a substantially similar municipal ordinance or law of another state or the United States. 67672  
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(3) "Unlimited driving privileges" means driving privileges that are unrestricted as to purpose, time, and place, but that are subject to any other reasonable conditions imposed by a court under division (C)(2) of this section. 67675  
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(B) A first-time offender may file a petition for unlimited driving privileges with a certified ignition interlock device during the period of suspension imposed for an OVI offense in the same manner and in the same venue as the person is permitted to apply for limited driving privileges. 67679  
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(C)(1) With regard to a first-time offender, in any circumstance in which a court is authorized to grant limited driving privileges under section 4510.021, 4510.13, or 4510.17 of the Revised Code during the period of suspension, as applicable, the court may instead grant unlimited driving privileges with a certified ignition interlock device. No court shall grant unlimited driving privileges with a certified ignition interlock device during any period, or under any circumstance, that the court is prohibited from granting limited driving privileges. 67684  
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(2) All of the following apply when a court grants unlimited driving privileges with a certified ignition interlock device to a first-time offender: 67693  
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(a) The court shall issue an order authorizing the first-time offender to operate a motor vehicle only if the vehicle is equipped with a certified ignition interlock device, except as provided in division (C) of section 4510.43 of the Revised Code. The order may include any reasonable conditions other than conditions that restrict the driving privileges in terms of purpose, time, or place.

The court shall provide to the first-time offender a copy of the order and a notice that the first-time offender is subject to the sanctions specified in division (E) of this section.

The court also shall submit a copy of the order to the registrar of motor vehicles.

(b) The court may reduce the period of suspension imposed by the court by an amount of time not greater than half the period of suspension.

(c) The court shall suspend any jail term imposed for the OVI offense. The court shall retain jurisdiction over the first-time offender until the expiration of the period of suspension imposed for the OVI offense and, if the offender violates any term or condition of the order during the period of suspension, the court shall require the first-time offender to serve the jail term.

(D)(1) A first-time offender shall present to the registrar or to a deputy registrar an order issued under this section and a certificate affirming the installation of a certified ignition interlock device that is in a form established by the director of public safety and that is signed by the person who installed the device. Upon presentation of the order and certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving

privileges have not been granted with regard to that suspension. A 67727  
restricted license issued under this division shall be identical 67728  
to an Ohio driver's license, except that it shall have printed on 67729  
its face a statement that the offender is prohibited from 67730  
operating any motor vehicle that is not equipped with a certified 67731  
ignition interlock device. 67732

(2)(a) No person who has been granted unlimited driving 67733  
privileges with a certified ignition interlock device under this 67734  
section shall operate a motor vehicle prior to obtaining a 67735  
restricted license. Any person who violates this prohibition is 67736  
subject to the penalties prescribed in section 4510.14 of the 67737  
Revised Code. 67738

(b) The offense established under division (D)(2)(a) of this 67739  
section is a strict liability offense and section 2901.20 of the 67740  
Revised Code does not apply. 67741

(E) If a first-time offender has been granted unlimited 67742  
driving privileges with a certified ignition interlock device 67743  
under this section and the first-time offender either commits an 67744  
ignition interlock device violation as defined under section 67745  
4510.46 of the Revised Code or the first-time offender operates a 67746  
motor vehicle that is not equipped with a certified ignition 67747  
interlock device, the following applies: 67748

(1) On a first violation, the court may require the 67749  
first-time offender to wear a monitor that provides continuous 67750  
alcohol monitoring that is remote. 67751

(2) On a second violation, the court shall require the 67752  
first-time offender to wear a monitor that provides continuous 67753  
alcohol monitoring that is remote for a minimum of forty days. 67754

(3) On a third or subsequent violation, the court shall 67755  
require the first-time offender to wear a monitor that provides 67756  
continuous alcohol monitoring that is remote for a minimum of 67757

sixty days. 67758

(4) With regard to any instance, the judge may increase the 67759  
period of suspension and the period during which the first-time 67760  
offender must drive a motor vehicle equipped with a certified 67761  
ignition interlock device in the same manner as provided in 67762  
division (A)(8)(c) of section 4510.13 of the Revised Code. The 67763  
limitation under division (E) of section 4510.46 of the Revised 67764  
Code applies to an increase under division (E)(4) of this section. 67765

(5) If the instance occurred within sixty days of the end of 67766  
the suspension of the offender's driver's or commercial driver's 67767  
license or permit or nonresident operating privilege and the court 67768  
does not increase the period of the suspension under division 67769  
(E)(4) of this section, the court shall proceed as follows: 67770

(a) Issue an order extending the period of suspension and the 67771  
period of time during which the first-time offender must drive a 67772  
vehicle equipped with a certified ignition interlock device so 67773  
that the suspension terminates sixty days from the date the 67774  
offender committed that violation. 67775

(b) For each violation subsequent to a violation for which an 67776  
extension was ordered under division (E)(5)(a) of this section, 67777  
issue an order extending the period of suspension and the period 67778  
of time during which the first-time offender must drive a vehicle 67779  
equipped with a certified ignition interlock device so that the 67780  
suspension terminates sixty days from the date the offender 67781  
committed that violation. 67782

The registrar of motor vehicles is prohibited from 67783  
reinstating a first-time offender's license unless the applicable 67784  
period of suspension has been served and no ignition interlock 67785  
device violations have been committed within the sixty days prior 67786  
to the application for reinstatement. 67787

(F) With respect to an order issued under this section, the 67788

judge shall impose an additional court cost of two dollars and 67789  
fifty cents upon the first-time offender. The judge shall not 67790  
waive this payment unless the judge determines that the first-time 67791  
offender is indigent and waives the payment of all court costs 67792  
imposed upon the indigent first-time offender. The clerk of court 67793  
shall transmit one hundred per cent of this mandatory court cost 67794  
collected during a month on or before the twenty-third day of the 67795  
following month to the state treasury to be credited to the ~~state~~ 67796  
~~highway safety~~ public safety - highway purposes fund created under 67797  
section 4501.06 of the Revised Code. The department of public 67798  
safety shall use the amounts collected to cover costs associated 67799  
with maintaining the habitual OVI/OMWI offender registry created 67800  
under section 5502.10 of the Revised Code. 67801

A judge may impose an additional court cost of two dollars 67802  
and fifty cents upon the first-time offender. The clerk of court 67803  
shall retain this discretionary two dollar and fifty cent court 67804  
cost, if imposed. The clerk shall deposit it in the court's 67805  
special projects fund that is established under division (E)(1) of 67806  
section 2303.201, division (B)(1) of section 1901.26, or division 67807  
(B)(1) of section 1907.24 of the Revised Code. 67808

**Sec. 4511.01.** As used in this chapter and in Chapter 4513. of 67809  
the Revised Code: 67810

(A) "Vehicle" means every device, including a motorized 67811  
bicycle, in, upon, or by which any person or property may be 67812  
transported or drawn upon a highway, except that "vehicle" does 67813  
not include any motorized wheelchair, any electric personal 67814  
assistive mobility device, any personal delivery device as defined 67815  
in section 4511.513 of the Revised Code, any device that is moved 67816  
by power collected from overhead electric trolley wires or that is 67817  
used exclusively upon stationary rails or tracks, or any device, 67818  
other than a bicycle, that is moved by human power. 67819

(B) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(C) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower.

(D) "Emergency vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of public safety, or local authorities, and motor vehicles when commandeered by a police officer.

(E) "Public safety vehicle" means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under section 4503.49 of the Revised Code;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of

the state; 67851

(3) Any motor vehicle when properly identified as required by 67852  
the director of public safety, when used in response to fire 67853  
emergency calls or to provide emergency medical service to ill or 67854  
injured persons, and when operated by a duly qualified person who 67855  
is a member of a volunteer rescue service or a volunteer fire 67856  
department, and who is on duty pursuant to the rules or directives 67857  
of that service. The state fire marshal shall be designated by the 67858  
director of public safety as the certifying agency for all public 67859  
safety vehicles described in division (E)(3) of this section. 67860

(4) Vehicles used by fire departments, including motor 67861  
vehicles when used by volunteer fire fighters responding to 67862  
emergency calls in the fire department service when identified as 67863  
required by the director of public safety. 67864

Any vehicle used to transport or provide emergency medical 67865  
service to an ill or injured person, when certified as a public 67866  
safety vehicle, shall be considered a public safety vehicle when 67867  
transporting an ill or injured person to a hospital regardless of 67868  
whether such vehicle has already passed a hospital. 67869

(5) Vehicles used by the motor carrier enforcement unit for 67870  
the enforcement of orders and rules of the public utilities 67871  
commission as specified in section 5503.34 of the Revised Code. 67872

(F) "School bus" means every bus designed for carrying more 67873  
than nine passengers that is owned by a public, private, or 67874  
governmental agency or institution of learning and operated for 67875  
the transportation of children to or from a school session or a 67876  
school function, or owned by a private person and operated for 67877  
compensation for the transportation of children to or from a 67878  
school session or a school function, provided "school bus" does 67879  
not include a bus operated by a municipally owned transportation 67880  
system, a mass transit company operating exclusively within the 67881

territorial limits of a municipal corporation, or within such 67882  
limits and the territorial limits of municipal corporations 67883  
immediately contiguous to such municipal corporation, nor a common 67884  
passenger carrier certified by the public utilities commission 67885  
unless such bus is devoted exclusively to the transportation of 67886  
children to and from a school session or a school function, and 67887  
"school bus" does not include a van or bus used by a licensed 67888  
child day-care center or type A family day-care home to transport 67889  
children from the child day-care center or type A family day-care 67890  
home to a school if the van or bus does not have more than fifteen 67891  
children in the van or bus at any time. 67892

(G) "Bicycle" means every device, other than a device that is 67893  
designed solely for use as a play vehicle by a child, that is 67894  
propelled solely by human power upon which a person may ride, and 67895  
that has two or more wheels, any of which is more than fourteen 67896  
inches in diameter. 67897

(H)(1) Until January 1, 2017, "motorized bicycle" means any 67898  
vehicle having either two tandem wheels or one wheel in the front 67899  
and two wheels in the rear, that is capable of being pedaled and 67900  
is equipped with a helper motor of not more than fifty cubic 67901  
centimeters piston displacement that produces no more than one 67902  
brake horsepower and is capable of propelling the vehicle at a 67903  
speed of no greater than twenty miles per hour on a level surface. 67904

(2) Effective January 1, 2017, "motorized bicycle" or "moped" 67905  
means any vehicle having either two tandem wheels or one wheel in 67906  
the front and two wheels in the rear, that may be pedaled, and 67907  
that is equipped with a helper motor of not more than fifty cubic 67908  
centimeters piston displacement that produces not more than one 67909  
brake horsepower and is capable of propelling the vehicle at a 67910  
speed of not greater than twenty miles per hour on a level 67911  
surface. 67912

(I) "Commercial tractor" means every motor vehicle having 67913

motive power designed or used for drawing other vehicles and not 67914  
so constructed as to carry any load thereon, or designed or used 67915  
for drawing other vehicles while carrying a portion of such other 67916  
vehicles, or load thereon, or both. 67917

(J) "Agricultural tractor" means every self-propelling 67918  
vehicle designed or used for drawing other vehicles or wheeled 67919  
machinery but having no provision for carrying loads independently 67920  
of such other vehicles, and used principally for agricultural 67921  
purposes. 67922

(K) "Truck" means every motor vehicle, except trailers and 67923  
semitrailers, designed and used to carry property. 67924

(L) "Bus" means every motor vehicle designed for carrying 67925  
more than nine passengers and used for the transportation of 67926  
persons other than in a ridesharing arrangement, and every motor 67927  
vehicle, automobile for hire, or funeral car, other than a taxicab 67928  
or motor vehicle used in a ridesharing arrangement, designed and 67929  
used for the transportation of persons for compensation. 67930

(M) "Trailer" means every vehicle designed or used for 67931  
carrying persons or property wholly on its own structure and for 67932  
being drawn by a motor vehicle, including any such vehicle when 67933  
formed by or operated as a combination of a "semitrailer" and a 67934  
vehicle of the dolly type, such as that commonly known as a 67935  
"trailer dolly," a vehicle used to transport agricultural produce 67936  
or agricultural production materials between a local place of 67937  
storage or supply and the farm when drawn or towed on a street or 67938  
highway at a speed greater than twenty-five miles per hour, and a 67939  
vehicle designed and used exclusively to transport a boat between 67940  
a place of storage and a marina, or in and around a marina, when 67941  
drawn or towed on a street or highway for a distance of more than 67942  
ten miles or at a speed of more than twenty-five miles per hour. 67943

(N) "Semitrailer" means every vehicle designed or used for 67944

carrying persons or property with another and separate motor 67945  
vehicle so that in operation a part of its own weight or that of 67946  
its load, or both, rests upon and is carried by another vehicle. 67947

(O) "Pole trailer" means every trailer or semitrailer 67948  
attached to the towing vehicle by means of a reach, pole, or by 67949  
being boomed or otherwise secured to the towing vehicle, and 67950  
ordinarily used for transporting long or irregular shaped loads 67951  
such as poles, pipes, or structural members capable, generally, of 67952  
sustaining themselves as beams between the supporting connections. 67953

(P) "Railroad" means a carrier of persons or property 67954  
operating upon rails placed principally on a private right-of-way. 67955

(Q) "Railroad train" means a steam engine or an electric or 67956  
other motor, with or without cars coupled thereto, operated by a 67957  
railroad. 67958

(R) "Streetcar" means a car, other than a railroad train, for 67959  
transporting persons or property, operated upon rails principally 67960  
within a street or highway. 67961

(S) "Trackless trolley" means every car that collects its 67962  
power from overhead electric trolley wires and that is not 67963  
operated upon rails or tracks. 67964

(T) "Explosives" means any chemical compound or mechanical 67965  
mixture that is intended for the purpose of producing an explosion 67966  
that contains any oxidizing and combustible units or other 67967  
ingredients in such proportions, quantities, or packing that an 67968  
ignition by fire, by friction, by concussion, by percussion, or by 67969  
a detonator of any part of the compound or mixture may cause such 67970  
a sudden generation of highly heated gases that the resultant 67971  
gaseous pressures are capable of producing destructive effects on 67972  
contiguous objects, or of destroying life or limb. Manufactured 67973  
articles shall not be held to be explosives when the individual 67974  
units contain explosives in such limited quantities, of such 67975

nature, or in such packing, that it is impossible to procure a 67976  
simultaneous or a destructive explosion of such units, to the 67977  
injury of life, limb, or property by fire, by friction, by 67978  
concussion, by percussion, or by a detonator, such as fixed 67979  
ammunition for small arms, firecrackers, or safety fuse matches. 67980

(U) "Flammable liquid" means any liquid that has a flash 67981  
point of seventy degrees fahrenheit, or less, as determined by a 67982  
tagliabue or equivalent closed cup test device. 67983

(V) "Gross weight" means the weight of a vehicle plus the 67984  
weight of any load thereon. 67985

(W) "Person" means every natural person, firm, 67986  
co-partnership, association, or corporation. 67987

(X) "Pedestrian" means any natural person afoot. "Pedestrian" 67988  
includes a personal delivery device as defined in section 4511.513 67989  
of the Revised Code unless the context clearly suggests otherwise. 67990  
67991

(Y) "Driver or operator" means every person who drives or is 67992  
in actual physical control of a vehicle, trackless trolley, or 67993  
streetcar. 67994

(Z) "Police officer" means every officer authorized to direct 67995  
or regulate traffic, or to make arrests for violations of traffic 67996  
regulations. 67997

(AA) "Local authorities" means every county, municipal, and 67998  
other local board or body having authority to adopt police 67999  
regulations under the constitution and laws of this state. 68000

(BB) "Street" or "highway" means the entire width between the 68001  
boundary lines of every way open to the use of the public as a 68002  
thoroughfare for purposes of vehicular travel. 68003

(CC) "Controlled-access highway" means every street or 68004  
highway in respect to which owners or occupants of abutting lands 68005

and other persons have no legal right of access to or from the 68006  
same except at such points only and in such manner as may be 68007  
determined by the public authority having jurisdiction over such 68008  
street or highway. 68009

(DD) "Private road or driveway" means every way or place in 68010  
private ownership used for vehicular travel by the owner and those 68011  
having express or implied permission from the owner but not by 68012  
other persons. 68013

(EE) "Roadway" means that portion of a highway improved, 68014  
designed, or ordinarily used for vehicular travel, except the berm 68015  
or shoulder. If a highway includes two or more separate roadways 68016  
the term "roadway" means any such roadway separately but not all 68017  
such roadways collectively. 68018

(FF) "Sidewalk" means that portion of a street between the 68019  
curb lines, or the lateral lines of a roadway, and the adjacent 68020  
property lines, intended for the use of pedestrians. 68021

(GG) "Laned highway" means a highway the roadway of which is 68022  
divided into two or more clearly marked lanes for vehicular 68023  
traffic. 68024

(HH) "Through highway" means every street or highway as 68025  
provided in section 4511.65 of the Revised Code. 68026

(II) "State highway" means a highway under the jurisdiction 68027  
of the department of transportation, outside the limits of 68028  
municipal corporations, provided that the authority conferred upon 68029  
the director of transportation in section 5511.01 of the Revised 68030  
Code to erect state highway route markers and signs directing 68031  
traffic shall not be modified by sections 4511.01 to 4511.79 and 68032  
4511.99 of the Revised Code. 68033

(JJ) "State route" means every highway that is designated 68034  
with an official state route number and so marked. 68035

(KK) "Intersection" means: 68036

(1) The area embraced within the prolongation or connection 68037  
of the lateral curb lines, or, if none, the lateral boundary lines 68038  
of the roadways of two highways that join one another at, or 68039  
approximately at, right angles, or the area within which vehicles 68040  
traveling upon different highways that join at any other angle 68041  
might come into conflict. The junction of an alley or driveway 68042  
with a roadway or highway does not constitute an intersection 68043  
unless the roadway or highway at the junction is controlled by a 68044  
traffic control device. 68045

(2) If a highway includes two roadways that are thirty feet 68046  
or more apart, then every crossing of each roadway of such divided 68047  
highway by an intersecting highway constitutes a separate 68048  
intersection. If both intersecting highways include two roadways 68049  
thirty feet or more apart, then every crossing of any two roadways 68050  
of such highways constitutes a separate intersection. 68051

(3) At a location controlled by a traffic control signal, 68052  
regardless of the distance between the separate intersections as 68053  
described in division (KK)(2) of this section: 68054

(a) If a stop line, yield line, or crosswalk has not been 68055  
designated on the roadway within the median between the separate 68056  
intersections, the two intersections and the roadway and median 68057  
constitute one intersection. 68058

(b) Where a stop line, yield line, or crosswalk line is 68059  
designated on the roadway on the intersection approach, the area 68060  
within the crosswalk and any area beyond the designated stop line 68061  
or yield line constitute part of the intersection. 68062

(c) Where a crosswalk is designated on a roadway on the 68063  
departure from the intersection, the intersection includes the 68064  
area that extends to the far side of the crosswalk. 68065

(LL) "Crosswalk" means: 68066

(1) That part of a roadway at intersections ordinarily 68067  
included within the real or projected prolongation of property 68068  
lines and curb lines or, in the absence of curbs, the edges of the 68069  
traversable roadway; 68070

(2) Any portion of a roadway at an intersection or elsewhere, 68071  
distinctly indicated for pedestrian crossing by lines or other 68072  
markings on the surface; 68073

(3) Notwithstanding divisions (LL)(1) and (2) of this 68074  
section, there shall not be a crosswalk where local authorities 68075  
have placed signs indicating no crossing. 68076

(MM) "Safety zone" means the area or space officially set 68077  
apart within a roadway for the exclusive use of pedestrians and 68078  
protected or marked or indicated by adequate signs as to be 68079  
plainly visible at all times. 68080

(NN) "Business district" means the territory fronting upon a 68081  
street or highway, including the street or highway, between 68082  
successive intersections within municipal corporations where fifty 68083  
per cent or more of the frontage between such successive 68084  
intersections is occupied by buildings in use for business, or 68085  
within or outside municipal corporations where fifty per cent or 68086  
more of the frontage for a distance of three hundred feet or more 68087  
is occupied by buildings in use for business, and the character of 68088  
such territory is indicated by official traffic control devices. 68089

(OO) "Residence district" means the territory, not comprising 68090  
a business district, fronting on a street or highway, including 68091  
the street or highway, where, for a distance of three hundred feet 68092  
or more, the frontage is improved with residences or residences 68093  
and buildings in use for business. 68094

(PP) "Urban district" means the territory contiguous to and 68095  
including any street or highway which is built up with structures 68096  
devoted to business, industry, or dwelling houses situated at 68097

intervals of less than one hundred feet for a distance of a 68098  
quarter of a mile or more, and the character of such territory is 68099  
indicated by official traffic control devices. 68100

(QQ) "Traffic control device" means a flagger, sign, signal, 68101  
marking, or other device used to regulate, warn, or guide traffic, 68102  
placed on, over, or adjacent to a street, highway, private road 68103  
open to public travel, pedestrian facility, or shared-use path by 68104  
authority of a public agency or official having jurisdiction, or, 68105  
in the case of a private road open to public travel, by authority 68106  
of the private owner or private official having jurisdiction. 68107

(RR) "Traffic control signal" means any highway traffic 68108  
signal by which traffic is alternately directed to stop and 68109  
permitted to proceed. 68110

(SS) "Railroad sign or signal" means any sign, signal, or 68111  
device erected by authority of a public body or official or by a 68112  
railroad and intended to give notice of the presence of railroad 68113  
tracks or the approach of a railroad train. 68114

(TT) "Traffic" means pedestrians, ridden or herded animals, 68115  
vehicles, streetcars, trackless trolleys, and other devices, 68116  
either singly or together, while using for purposes of travel any 68117  
highway or private road open to public travel. 68118

(UU) "Right-of-way" means either of the following, as the 68119  
context requires: 68120

(1) The right of a vehicle, streetcar, trackless trolley, or 68121  
pedestrian to proceed uninterruptedly in a lawful manner in the 68122  
direction in which it or the individual is moving in preference to 68123  
another vehicle, streetcar, trackless trolley, or pedestrian 68124  
approaching from a different direction into its or the 68125  
individual's path; 68126

(2) A general term denoting land, property, or the interest 68127  
therein, usually in the configuration of a strip, acquired for or 68128

devoted to transportation purposes. When used in this context, 68129  
right-of-way includes the roadway, shoulders or berm, ditch, and 68130  
slopes extending to the right-of-way limits under the control of 68131  
the state or local authority. 68132

(VV) "Rural mail delivery vehicle" means every vehicle used 68133  
to deliver United States mail on a rural mail delivery route. 68134

(WW) "Funeral escort vehicle" means any motor vehicle, 68135  
including a funeral hearse, while used to facilitate the movement 68136  
of a funeral procession. 68137

(XX) "Alley" means a street or highway intended to provide 68138  
access to the rear or side of lots or buildings in urban districts 68139  
and not intended for the purpose of through vehicular traffic, and 68140  
includes any street or highway that has been declared an "alley" 68141  
by the legislative authority of the municipal corporation in which 68142  
such street or highway is located. 68143

(YY) "Freeway" means a divided multi-lane highway for through 68144  
traffic with all crossroads separated in grade and with full 68145  
control of access. 68146

(ZZ) "Expressway" means a divided arterial highway for 68147  
through traffic with full or partial control of access with an 68148  
excess of fifty per cent of all crossroads separated in grade. 68149

(AAA) "Thruway" means a through highway whose entire roadway 68150  
is reserved for through traffic and on which roadway parking is 68151  
prohibited. 68152

(BBB) "Stop intersection" means any intersection at one or 68153  
more entrances of which stop signs are erected. 68154

(CCC) "Arterial street" means any United States or state 68155  
numbered route, controlled access highway, or other major radial 68156  
or circumferential street or highway designated by local 68157  
authorities within their respective jurisdictions as part of a 68158

major arterial system of streets or highways. 68159

(DDD) "Ridesharing arrangement" means the transportation of 68160  
persons in a motor vehicle where such transportation is incidental 68161  
to another purpose of a volunteer driver and includes ridesharing 68162  
arrangements known as carpools, vanpools, and buspools. 68163

(EEE) "Motorized wheelchair" means any self-propelled vehicle 68164  
designed for, and used by, a handicapped person and that is 68165  
incapable of a speed in excess of eight miles per hour. 68166

(FFF) "Child day-care center" and "type A family day-care 68167  
home" have the same meanings as in section 5104.01 of the Revised 68168  
Code. 68169

(GGG) "Multi-wheel agricultural tractor" means a type of 68170  
agricultural tractor that has two or more wheels or tires on each 68171  
side of one axle at the rear of the tractor, is designed or used 68172  
for drawing other vehicles or wheeled machinery, has no provision 68173  
for carrying loads independently of the drawn vehicles or 68174  
machinery, and is used principally for agricultural purposes. 68175

(HHH) "Operate" means to cause or have caused movement of a 68176  
vehicle, streetcar, or trackless trolley. 68177

(III) "Predicate motor vehicle or traffic offense" means any 68178  
of the following: 68179

(1) A violation of section 4511.03, 4511.051, 4511.12, 68180  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 68181  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 68182  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 68183  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 68184  
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 68185  
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 68186  
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 68187  
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 68188  
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 68189

4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code;	68190
(2) A violation of division (A)(2) of section 4511.17,	68191
divisions (A) to (D) of section 4511.51, or division (A) of	68192
section 4511.74 of the Revised Code;	68193
(3) A violation of any provision of sections 4511.01 to	68194
4511.76 of the Revised Code for which no penalty otherwise is	68195
provided in the section that contains the provision violated;	68196
(4) Until January 1, 2017, a violation of a municipal	68197
ordinance that is substantially similar to any section or	68198
provision set forth or described in division (III)(1), (2), or (3)	68199
of this section;	68200
(5) Effective January 1, 2017, a violation of section	68201
4511.214 of the Revised Code;	68202
(6) Effective January 1, 2017, a violation of a municipal	68203
ordinance that is substantially similar to any section or	68204
provision set forth or described in division (III)(1), (2), (3),	68205
or (5) of this section.	68206
(JJJ) "Road service vehicle" means wreckers, utility repair	68207
vehicles, and state, county, and municipal service vehicles	68208
equipped with visual signals by means of flashing, rotating, or	68209
oscillating lights.	68210
(KKK) "Beacon" means a highway traffic signal with one or	68211
more signal sections that operate in a flashing mode.	68212
(LLL) "Hybrid beacon" means a type of beacon that is	68213
intentionally placed in a dark mode between periods of operation	68214
where no indications are displayed and, when in operation,	68215
displays both steady and flashing traffic control signal	68216
indications.	68217
(MMM) "Highway traffic signal" means a power-operated traffic	68218
control device by which traffic is warned or directed to take some	68219

specific action. "Highway traffic signal" does not include a 68220  
power-operated sign, steadily illuminated pavement marker, warning 68221  
light, or steady burning electric lamp. 68222

(NNN) "Median" means the area between two roadways of a 68223  
divided highway, measured from edge of traveled way to edge of 68224  
traveled way, but excluding turn lanes. The width of a median may 68225  
be different between intersections, between interchanges, and at 68226  
opposite approaches of the same intersection. 68227

(OOO) "Private road open to public travel" means a private 68228  
toll road or road, including any adjacent sidewalks that generally 68229  
run parallel to the road, within a shopping center, airport, 68230  
sports arena, or other similar business or recreation facility 68231  
that is privately owned but where the public is allowed to travel 68232  
without access restrictions. "Private road open to public travel" 68233  
includes a gated toll road but does not include a road within a 68234  
private gated property where access is restricted at all times, a 68235  
parking area, a driving aisle within a parking area, or a private 68236  
grade crossing. 68237

(PPP) "Shared-use path" means a bikeway outside the traveled 68238  
way and physically separated from motorized vehicular traffic by 68239  
an open space or barrier and either within the highway 68240  
right-of-way or within an independent alignment. A shared-use path 68241  
also may be used by pedestrians, including skaters, joggers, users 68242  
of manual and motorized wheelchairs, and other authorized 68243  
motorized and non-motorized users. 68244

(QQQ) "Highway maintenance vehicle" means a vehicle used in 68245  
snow and ice removal or road surface maintenance, including a snow 68246  
plow, traffic line striper, road sweeper, mowing machine, asphalt 68247  
distributing vehicle, or other such vehicle designed for use in 68248  
specific highway maintenance activities. 68249

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, 68250

streetcar, or trackless trolley within this state, if, at the time 68251  
of the operation, any of the following apply: 68252

(a) The person is under the influence of alcohol, a drug of 68253  
abuse, or a combination of them. 68254

(b) The person has a concentration of eight-hundredths of one 68255  
per cent or more but less than seventeen-hundredths of one per 68256  
cent by weight per unit volume of alcohol in the person's whole 68257  
blood. 68258

(c) The person has a concentration of ninety-six-thousandths 68259  
of one per cent or more but less than two hundred four-thousandths 68260  
of one per cent by weight per unit volume of alcohol in the 68261  
person's blood serum or plasma. 68262

(d) The person has a concentration of eight-hundredths of one 68263  
gram or more but less than seventeen-hundredths of one gram by 68264  
weight of alcohol per two hundred ten liters of the person's 68265  
breath. 68266

(e) The person has a concentration of eleven-hundredths of 68267  
one gram or more but less than two hundred 68268  
thirty-eight-thousandths of one gram by weight of alcohol per one 68269  
hundred milliliters of the person's urine. 68270

(f) The person has a concentration of seventeen-hundredths of 68271  
one per cent or more by weight per unit volume of alcohol in the 68272  
person's whole blood. 68273

(g) The person has a concentration of two hundred 68274  
four-thousandths of one per cent or more by weight per unit volume 68275  
of alcohol in the person's blood serum or plasma. 68276

(h) The person has a concentration of seventeen-hundredths of 68277  
one gram or more by weight of alcohol per two hundred ten liters 68278  
of the person's breath. 68279

(i) The person has a concentration of two hundred 68280

thirty-eight-thousandths of one gram or more by weight of alcohol 68281  
per one hundred milliliters of the person's urine. 68282

(j) Except as provided in division (K) of this section, the 68283  
person has a concentration of any of the following controlled 68284  
substances or metabolites of a controlled substance in the 68285  
person's whole blood, blood serum or plasma, or urine that equals 68286  
or exceeds any of the following: 68287

(i) The person has a concentration of amphetamine in the 68288  
person's urine of at least five hundred nanograms of amphetamine 68289  
per milliliter of the person's urine or has a concentration of 68290  
amphetamine in the person's whole blood or blood serum or plasma 68291  
of at least one hundred nanograms of amphetamine per milliliter of 68292  
the person's whole blood or blood serum or plasma. 68293

(ii) The person has a concentration of cocaine in the 68294  
person's urine of at least one hundred fifty nanograms of cocaine 68295  
per milliliter of the person's urine or has a concentration of 68296  
cocaine in the person's whole blood or blood serum or plasma of at 68297  
least fifty nanograms of cocaine per milliliter of the person's 68298  
whole blood or blood serum or plasma. 68299

(iii) The person has a concentration of cocaine metabolite in 68300  
the person's urine of at least one hundred fifty nanograms of 68301  
cocaine metabolite per milliliter of the person's urine or has a 68302  
concentration of cocaine metabolite in the person's whole blood or 68303  
blood serum or plasma of at least fifty nanograms of cocaine 68304  
metabolite per milliliter of the person's whole blood or blood 68305  
serum or plasma. 68306

(iv) The person has a concentration of heroin in the person's 68307  
urine of at least two thousand nanograms of heroin per milliliter 68308  
of the person's urine or has a concentration of heroin in the 68309  
person's whole blood or blood serum or plasma of at least fifty 68310  
nanograms of heroin per milliliter of the person's whole blood or 68311

blood serum or plasma. 68312

(v) The person has a concentration of heroin metabolite 68313  
(6-monoacetyl morphine) in the person's urine of at least ten 68314  
nanograms of heroin metabolite (6-monoacetyl morphine) per 68315  
milliliter of the person's urine or has a concentration of heroin 68316  
metabolite (6-monoacetyl morphine) in the person's whole blood or 68317  
blood serum or plasma of at least ten nanograms of heroin 68318  
metabolite (6-monoacetyl morphine) per milliliter of the person's 68319  
whole blood or blood serum or plasma. 68320

(vi) The person has a concentration of L.S.D. in the person's 68321  
urine of at least twenty-five nanograms of L.S.D. per milliliter 68322  
of the person's urine or a concentration of L.S.D. in the person's 68323  
whole blood or blood serum or plasma of at least ten nanograms of 68324  
L.S.D. per milliliter of the person's whole blood or blood serum 68325  
or plasma. 68326

(vii) The person has a concentration of marihuana in the 68327  
person's urine of at least ten nanograms of marihuana per 68328  
milliliter of the person's urine or has a concentration of 68329  
marihuana in the person's whole blood or blood serum or plasma of 68330  
at least two nanograms of marihuana per milliliter of the person's 68331  
whole blood or blood serum or plasma. 68332

(viii) Either of the following applies: 68333

(I) The person is under the influence of alcohol, a drug of 68334  
abuse, or a combination of them, and, ~~as measured by gas~~ 68335  
~~chromatography mass spectrometry,~~ the person has a concentration 68336  
of marihuana metabolite in the person's urine of at least fifteen 68337  
nanograms of marihuana metabolite per milliliter of the person's 68338  
urine or has a concentration of marihuana metabolite in the 68339  
person's whole blood or blood serum or plasma of at least five 68340  
nanograms of marihuana metabolite per milliliter of the person's 68341  
whole blood or blood serum or plasma. 68342

(II) ~~As measured by gas chromatography mass spectrometry, the~~ 68343  
The person has a concentration of marihuana metabolite in the 68344  
person's urine of at least thirty-five nanograms of marihuana 68345  
metabolite per milliliter of the person's urine or has a 68346  
concentration of marihuana metabolite in the person's whole blood 68347  
or blood serum or plasma of at least fifty nanograms of marihuana 68348  
metabolite per milliliter of the person's whole blood or blood 68349  
serum or plasma. 68350

(ix) The person has a concentration of methamphetamine in the 68351  
person's urine of at least five hundred nanograms of 68352  
methamphetamine per milliliter of the person's urine or has a 68353  
concentration of methamphetamine in the person's whole blood or 68354  
blood serum or plasma of at least one hundred nanograms of 68355  
methamphetamine per milliliter of the person's whole blood or 68356  
blood serum or plasma. 68357

(x) The person has a concentration of phencyclidine in the 68358  
person's urine of at least twenty-five nanograms of phencyclidine 68359  
per milliliter of the person's urine or has a concentration of 68360  
phencyclidine in the person's whole blood or blood serum or plasma 68361  
of at least ten nanograms of phencyclidine per milliliter of the 68362  
person's whole blood or blood serum or plasma. 68363

(xi) The state board of pharmacy has adopted a rule pursuant 68364  
to section 4729.041 of the Revised Code that specifies the amount 68365  
of salvia divinorum and the amount of salvinorin A that constitute 68366  
concentrations of salvia divinorum and salvinorin A in a person's 68367  
urine, in a person's whole blood, or in a person's blood serum or 68368  
plasma at or above which the person is impaired for purposes of 68369  
operating any vehicle, streetcar, or trackless trolley within this 68370  
state, the rule is in effect, and the person has a concentration 68371  
of salvia divinorum or salvinorin A of at least that amount so 68372  
specified by rule in the person's urine, in the person's whole 68373  
blood, or in the person's blood serum or plasma. 68374

(2) No person who, within twenty years of the conduct described in division (A)(2)(a) of this section, previously has been convicted of or pleaded guilty to a violation of this division, a violation of division (A)(1) or (B) of this section, or any other equivalent offense shall do both of the following:

(a) Operate any vehicle, streetcar, or trackless trolley within this state while under the influence of alcohol, a drug of abuse, or a combination of them;

(b) Subsequent to being arrested for operating the vehicle, streetcar, or trackless trolley as described in division (A)(2)(a) of this section, being asked by a law enforcement officer to submit to a chemical test or tests under section 4511.191 of the Revised Code, and being advised by the officer in accordance with section 4511.192 of the Revised Code of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(B) No person under twenty-one years of age shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one

gram by weight of alcohol per one hundred milliliters of the 68406  
person's urine. 68407

(C) In any proceeding arising out of one incident, a person 68408  
may be charged with a violation of division (A)(1)(a) or (A)(2) 68409  
and a violation of division (B)(1), (2), or (3) of this section, 68410  
but the person may not be convicted of more than one violation of 68411  
these divisions. 68412

(D)(1)(a) In any criminal prosecution or juvenile court 68413  
proceeding for a violation of division (A)(1)(a) of this section 68414  
or for an equivalent offense that is vehicle-related, the result 68415  
of any test of any blood or urine withdrawn and analyzed at any 68416  
health care provider, as defined in section 2317.02 of the Revised 68417  
Code, may be admitted with expert testimony to be considered with 68418  
any other relevant and competent evidence in determining the guilt 68419  
or innocence of the defendant. 68420

(b) In any criminal prosecution or juvenile court proceeding 68421  
for a violation of division (A) or (B) of this section or for an 68422  
equivalent offense that is vehicle-related, the court may admit 68423  
evidence on the concentration of alcohol, drugs of abuse, 68424  
controlled substances, metabolites of a controlled substance, or a 68425  
combination of them in the defendant's whole blood, blood serum or 68426  
plasma, breath, urine, or other bodily substance at the time of 68427  
the alleged violation as shown by chemical analysis of the 68428  
substance withdrawn within three hours of the time of the alleged 68429  
violation. The three-hour time limit specified in this division 68430  
regarding the admission of evidence does not extend or affect the 68431  
two-hour time limit specified in division (A) of section 4511.192 68432  
of the Revised Code as the maximum period of time during which a 68433  
person may consent to a chemical test or tests as described in 68434  
that section. The court may admit evidence on the concentration of 68435  
alcohol, drugs of abuse, or a combination of them as described in 68436  
this division when a person submits to a blood, breath, urine, or 68437

other bodily substance test at the request of a law enforcement 68438  
officer under section 4511.191 of the Revised Code or a blood or 68439  
urine sample is obtained pursuant to a search warrant. Only a 68440  
physician, a registered nurse, an emergency medical 68441  
technician-intermediate, an emergency medical 68442  
technician-paramedic, or a qualified technician, chemist, or 68443  
phlebotomist shall withdraw a blood sample for the purpose of 68444  
determining the alcohol, drug, controlled substance, metabolite of 68445  
a controlled substance, or combination content of the whole blood, 68446  
blood serum, or blood plasma. This limitation does not apply to 68447  
the taking of breath or urine specimens. A person authorized to 68448  
withdraw blood under this division may refuse to withdraw blood 68449  
under this division, if in that person's opinion, the physical 68450  
welfare of the person would be endangered by the withdrawing of 68451  
blood. 68452

The bodily substance withdrawn under division (D)(1)(b) of 68453  
this section shall be analyzed in accordance with methods approved 68454  
by the director of health by an individual possessing a valid 68455  
permit issued by the director pursuant to section 3701.143 of the 68456  
Revised Code. 68457

(c) As used in division (D)(1)(b) of this section, "emergency 68458  
medical technician-intermediate" and "emergency medical 68459  
technician-paramedic" have the same meanings as in section 4765.01 68460  
of the Revised Code. 68461

(2) In a criminal prosecution or juvenile court proceeding 68462  
for a violation of division (A) of this section or for an 68463  
equivalent offense that is vehicle-related, if there was at the 68464  
time the bodily substance was withdrawn a concentration of less 68465  
than the applicable concentration of alcohol specified in 68466  
divisions (A)(1)(b), (c), (d), and (e) of this section or less 68467  
than the applicable concentration of a listed controlled substance 68468  
or a listed metabolite of a controlled substance specified for a 68469

violation of division (A)(1)(j) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (B) of this section or for an equivalent offense that is substantially equivalent to that division.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

If the chemical test was obtained pursuant to division (D)(1)(b) of this section, the person tested may have a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in division (A)(5) of section 4511.191 of the Revised Code, the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in division (A)(5) of section 4511.191 of the Revised Code, the form to be read to the person to be tested, as required under section 4511.192 of the Revised Code, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4)(a) As used in divisions (D)(4)(b) and (c) of this section, "national highway traffic safety administration" means the national highway traffic safety administration established as

an administration of the United States department of 68502  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 68503

(b) In any criminal prosecution or juvenile court proceeding 68504  
for a violation of division (A) or (B) of this section, of a 68505  
municipal ordinance relating to operating a vehicle while under 68506  
the influence of alcohol, a drug of abuse, or alcohol and a drug 68507  
of abuse, or of a municipal ordinance relating to operating a 68508  
vehicle with a prohibited concentration of alcohol, a controlled 68509  
substance, or a metabolite of a controlled substance in the whole 68510  
blood, blood serum or plasma, breath, or urine, if a law 68511  
enforcement officer has administered a field sobriety test to the 68512  
operator of the vehicle involved in the violation and if it is 68513  
shown by clear and convincing evidence that the officer 68514  
administered the test in substantial compliance with the testing 68515  
standards for any reliable, credible, and generally accepted field 68516  
sobriety tests that were in effect at the time the tests were 68517  
administered, including, but not limited to, any testing standards 68518  
then in effect that were set by the national highway traffic 68519  
safety administration, all of the following apply: 68520

(i) The officer may testify concerning the results of the 68521  
field sobriety test so administered. 68522

(ii) The prosecution may introduce the results of the field 68523  
sobriety test so administered as evidence in any proceedings in 68524  
the criminal prosecution or juvenile court proceeding. 68525

(iii) If testimony is presented or evidence is introduced 68526  
under division (D)(4)(b)(i) or (ii) of this section and if the 68527  
testimony or evidence is admissible under the Rules of Evidence, 68528  
the court shall admit the testimony or evidence and the trier of 68529  
fact shall give it whatever weight the trier of fact considers to 68530  
be appropriate. 68531

(c) Division (D)(4)(b) of this section does not limit or 68532

preclude a court, in its determination of whether the arrest of a 68533  
person was supported by probable cause or its determination of any 68534  
other matter in a criminal prosecution or juvenile court 68535  
proceeding of a type described in that division, from considering 68536  
evidence or testimony that is not otherwise disallowed by division 68537  
(D)(4)(b) of this section. 68538

(E)(1) Subject to division (E)(3) of this section, in any 68539  
criminal prosecution or juvenile court proceeding for a violation 68540  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 68541  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 68542  
offense that is substantially equivalent to any of those 68543  
divisions, a laboratory report from any laboratory personnel 68544  
issued a permit by the department of health authorizing an 68545  
analysis as described in this division that contains an analysis 68546  
of the whole blood, blood serum or plasma, breath, urine, or other 68547  
bodily substance tested and that contains all of the information 68548  
specified in this division shall be admitted as prima-facie 68549  
evidence of the information and statements that the report 68550  
contains. The laboratory report shall contain all of the 68551  
following: 68552

(a) The signature, under oath, of any person who performed 68553  
the analysis; 68554

(b) Any findings as to the identity and quantity of alcohol, 68555  
a drug of abuse, a controlled substance, a metabolite of a 68556  
controlled substance, or a combination of them that was found; 68557

(c) A copy of a notarized statement by the laboratory 68558  
director or a designee of the director that contains the name of 68559  
each certified analyst or test performer involved with the report, 68560  
the analyst's or test performer's employment relationship with the 68561  
laboratory that issued the report, and a notation that performing 68562  
an analysis of the type involved is part of the analyst's or test 68563  
performer's regular duties; 68564

(d) An outline of the analyst's or test performer's 68565  
education, training, and experience in performing the type of 68566  
analysis involved and a certification that the laboratory 68567  
satisfies appropriate quality control standards in general and, in 68568  
this particular analysis, under rules of the department of health. 68569

(2) Notwithstanding any other provision of law regarding the 68570  
admission of evidence, a report of the type described in division 68571  
(E)(1) of this section is not admissible against the defendant to 68572  
whom it pertains in any proceeding, other than a preliminary 68573  
hearing or a grand jury proceeding, unless the prosecutor has 68574  
served a copy of the report on the defendant's attorney or, if the 68575  
defendant has no attorney, on the defendant. 68576

(3) A report of the type described in division (E)(1) of this 68577  
section shall not be prima-facie evidence of the contents, 68578  
identity, or amount of any substance if, within seven days after 68579  
the defendant to whom the report pertains or the defendant's 68580  
attorney receives a copy of the report, the defendant or the 68581  
defendant's attorney demands the testimony of the person who 68582  
signed the report. The judge in the case may extend the seven-day 68583  
time limit in the interest of justice. 68584

(F) Except as otherwise provided in this division, any 68585  
physician, registered nurse, emergency medical 68586  
technician-intermediate, emergency medical technician-paramedic, 68587  
or qualified technician, chemist, or phlebotomist who withdraws 68588  
blood from a person pursuant to this section or section 4511.191 68589  
or 4511.192 of the Revised Code, and any hospital, first-aid 68590  
station, or clinic at which blood is withdrawn from a person 68591  
pursuant to this section or section 4511.191 or 4511.192 of the 68592  
Revised Code, is immune from criminal liability and civil 68593  
liability based upon a claim of assault and battery or any other 68594  
claim that is not a claim of malpractice, for any act performed in 68595  
withdrawing blood from the person. The immunity provided in this 68596

division also extends to an emergency medical service organization 68597  
that employs an emergency medical technician-intermediate or 68598  
emergency medical technician-paramedic who withdraws blood under 68599  
this section. The immunity provided in this division is not 68600  
available to a person who withdraws blood if the person engages in 68601  
willful or wanton misconduct. 68602

As used in this division, "emergency medical 68603  
technician-intermediate" and "emergency medical 68604  
technician-paramedic" have the same meanings as in section 4765.01 68605  
of the Revised Code. 68606

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 68607  
to (i) or (A)(2) of this section is guilty of operating a vehicle 68608  
under the influence of alcohol, a drug of abuse, or a combination 68609  
of them. Whoever violates division (A)(1)(j) of this section is 68610  
guilty of operating a vehicle while under the influence of a 68611  
listed controlled substance or a listed metabolite of a controlled 68612  
substance. The court shall sentence the offender for either 68613  
offense under Chapter 2929. of the Revised Code, except as 68614  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 68615  
this section: 68616

(a) Except as otherwise provided in division (G)(1)(b), (c), 68617  
(d), or (e) of this section, the offender is guilty of a 68618  
misdemeanor of the first degree, and the court shall sentence the 68619  
offender to all of the following: 68620

(i) If the sentence is being imposed for a violation of 68621  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 68622  
mandatory jail term of three consecutive days. As used in this 68623  
division, three consecutive days means seventy-two consecutive 68624  
hours. The court may sentence an offender to both an intervention 68625  
program and a jail term. The court may impose a jail term in 68626  
addition to the three-day mandatory jail term or intervention 68627  
program. However, in no case shall the cumulative jail term 68628

imposed for the offense exceed six months. 68629

The court may suspend the execution of the three-day jail 68630  
term under this division if the court, in lieu of that suspended 68631  
term, places the offender under a community control sanction 68632  
pursuant to section 2929.25 of the Revised Code and requires the 68633  
offender to attend, for three consecutive days, a drivers' 68634  
intervention program certified under section 5119.38 of the 68635  
Revised Code. The court also may suspend the execution of any part 68636  
of the three-day jail term under this division if it places the 68637  
offender under a community control sanction pursuant to section 68638  
2929.25 of the Revised Code for part of the three days, requires 68639  
the offender to attend for the suspended part of the term a 68640  
drivers' intervention program so certified, and sentences the 68641  
offender to a jail term equal to the remainder of the three 68642  
consecutive days that the offender does not spend attending the 68643  
program. The court may require the offender, as a condition of 68644  
community control and in addition to the required attendance at a 68645  
drivers' intervention program, to attend and satisfactorily 68646  
complete any treatment or education programs that comply with the 68647  
minimum standards adopted pursuant to Chapter 5119. of the Revised 68648  
Code by the director of mental health and addiction services that 68649  
the operators of the drivers' intervention program determine that 68650  
the offender should attend and to report periodically to the court 68651  
on the offender's progress in the programs. The court also may 68652  
impose on the offender any other conditions of community control 68653  
that it considers necessary. 68654

If the court grants unlimited driving privileges to a 68655  
first-time offender under section 4510.022 of the Revised Code, 68656  
all penalties imposed upon the offender by the court under 68657  
division (G)(1)(a)(i) of this section for the offense apply, 68658  
except that the court shall suspend any mandatory or additional 68659  
jail term imposed by the court under division (G)(1)(a)(i) of this 68660

section upon granting unlimited driving privileges in accordance 68661  
with section 4510.022 of the Revised Code. 68662

(ii) If the sentence is being imposed for a violation of 68663  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 68664  
section, except as otherwise provided in this division, a 68665  
mandatory jail term of at least three consecutive days and a 68666  
requirement that the offender attend, for three consecutive days, 68667  
a drivers' intervention program that is certified pursuant to 68668  
section 5119.38 of the Revised Code. As used in this division, 68669  
three consecutive days means seventy-two consecutive hours. If the 68670  
court determines that the offender is not conducive to treatment 68671  
in a drivers' intervention program, if the offender refuses to 68672  
attend a drivers' intervention program, or if the jail at which 68673  
the offender is to serve the jail term imposed can provide a 68674  
driver's intervention program, the court shall sentence the 68675  
offender to a mandatory jail term of at least six consecutive 68676  
days. 68677

If the court grants unlimited driving privileges to a 68678  
first-time offender under section 4510.022 of the Revised Code, 68679  
all penalties imposed upon the offender by the court under 68680  
division (G)(1)(a)(ii) of this section for the offense apply, 68681  
except that the court shall suspend any mandatory or additional 68682  
jail term imposed by the court under division (G)(1)(a)(ii) of 68683  
this section upon granting unlimited driving privileges in 68684  
accordance with section 4510.022 of the Revised Code. 68685

The court may require the offender, under a community control 68686  
sanction imposed under section 2929.25 of the Revised Code, to 68687  
attend and satisfactorily complete any treatment or education 68688  
programs that comply with the minimum standards adopted pursuant 68689  
to Chapter 5119. of the Revised Code by the director of mental 68690  
health and addiction services, in addition to the required 68691  
attendance at drivers' intervention program, that the operators of 68692

the drivers' intervention program determine that the offender 68693  
should attend and to report periodically to the court on the 68694  
offender's progress in the programs. The court also may impose any 68695  
other conditions of community control on the offender that it 68696  
considers necessary. 68697

(iii) In all cases, a fine of not less than three hundred 68698  
seventy-five and not more than one thousand seventy-five dollars; 68699

(iv) In all cases, a suspension of the offender's driver's or 68700  
commercial driver's license or permit or nonresident operating 68701  
privilege for a definite period of one to three years. The court 68702  
may grant limited driving privileges relative to the suspension 68703  
under sections 4510.021 and 4510.13 of the Revised Code. The court 68704  
may grant unlimited driving privileges with an ignition interlock 68705  
device relative to the suspension and may reduce the period of 68706  
suspension as authorized under section 4510.022 of the Revised 68707  
Code. 68708

(b) Except as otherwise provided in division (G)(1)(e) of 68709  
this section, an offender who, within ten years of the offense, 68710  
previously has been convicted of or pleaded guilty to one 68711  
violation of division (A) or (B) of this section or one other 68712  
equivalent offense is guilty of a misdemeanor of the first degree. 68713  
The court shall sentence the offender to all of the following: 68714

(i) If the sentence is being imposed for a violation of 68715  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 68716  
mandatory jail term of ten consecutive days. The court shall 68717  
impose the ten-day mandatory jail term under this division unless, 68718  
subject to division (G)(3) of this section, it instead imposes a 68719  
sentence under that division consisting of both a jail term and a 68720  
term of house arrest with electronic monitoring, with continuous 68721  
alcohol monitoring, or with both electronic monitoring and 68722  
continuous alcohol monitoring. The court may impose a jail term in 68723  
addition to the ten-day mandatory jail term. The cumulative jail 68724

term imposed for the offense shall not exceed six months. 68725

In addition to the jail term or the term of house arrest with 68726  
electronic monitoring or continuous alcohol monitoring or both 68727  
types of monitoring and jail term, the court shall require the 68728  
offender to be assessed by a community addiction services provider 68729  
that is authorized by section 5119.21 of the Revised Code, subject 68730  
to division (I) of this section, and shall order the offender to 68731  
follow the treatment recommendations of the services provider. The 68732  
purpose of the assessment is to determine the degree of the 68733  
offender's alcohol usage and to determine whether or not treatment 68734  
is warranted. Upon the request of the court, the services provider 68735  
shall submit the results of the assessment to the court, including 68736  
all treatment recommendations and clinical diagnoses related to 68737  
alcohol use. 68738

(ii) If the sentence is being imposed for a violation of 68739  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 68740  
section, except as otherwise provided in this division, a 68741  
mandatory jail term of twenty consecutive days. The court shall 68742  
impose the twenty-day mandatory jail term under this division 68743  
unless, subject to division (G)(3) of this section, it instead 68744  
imposes a sentence under that division consisting of both a jail 68745  
term and a term of house arrest with electronic monitoring, with 68746  
continuous alcohol monitoring, or with both electronic monitoring 68747  
and continuous alcohol monitoring. The court may impose a jail 68748  
term in addition to the twenty-day mandatory jail term. The 68749  
cumulative jail term imposed for the offense shall not exceed six 68750  
months. 68751

In addition to the jail term or the term of house arrest with 68752  
electronic monitoring or continuous alcohol monitoring or both 68753  
types of monitoring and jail term, the court shall require the 68754  
offender to be assessed by a community addiction service provider 68755  
that is authorized by section 5119.21 of the Revised Code, subject 68756

to division (I) of this section, and shall order the offender to 68757  
follow the treatment recommendations of the services provider. The 68758  
purpose of the assessment is to determine the degree of the 68759  
offender's alcohol usage and to determine whether or not treatment 68760  
is warranted. Upon the request of the court, the services provider 68761  
shall submit the results of the assessment to the court, including 68762  
all treatment recommendations and clinical diagnoses related to 68763  
alcohol use. 68764

(iii) In all cases, notwithstanding the fines set forth in 68765  
Chapter 2929. of the Revised Code, a fine of not less than five 68766  
hundred twenty-five and not more than one thousand six hundred 68767  
twenty-five dollars; 68768

(iv) In all cases, a suspension of the offender's driver's 68769  
license, commercial driver's license, temporary instruction 68770  
permit, probationary license, or nonresident operating privilege 68771  
for a definite period of one to seven years. The court may grant 68772  
limited driving privileges relative to the suspension under 68773  
sections 4510.021 and 4510.13 of the Revised Code. 68774

(v) In all cases, if the vehicle is registered in the 68775  
offender's name, immobilization of the vehicle involved in the 68776  
offense for ninety days in accordance with section 4503.233 of the 68777  
Revised Code and impoundment of the license plates of that vehicle 68778  
for ninety days. 68779

(c) Except as otherwise provided in division (G)(1)(e) of 68780  
this section, an offender who, within ten years of the offense, 68781  
previously has been convicted of or pleaded guilty to two 68782  
violations of division (A) or (B) of this section or other 68783  
equivalent offenses is guilty of a misdemeanor. The court shall 68784  
sentence the offender to all of the following: 68785

(i) If the sentence is being imposed for a violation of 68786  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 68787

mandatory jail term of thirty consecutive days. The court shall 68788  
impose the thirty-day mandatory jail term under this division 68789  
unless, subject to division (G)(3) of this section, it instead 68790  
imposes a sentence under that division consisting of both a jail 68791  
term and a term of house arrest with electronic monitoring, with 68792  
continuous alcohol monitoring, or with both electronic monitoring 68793  
and continuous alcohol monitoring. The court may impose a jail 68794  
term in addition to the thirty-day mandatory jail term. 68795  
Notwithstanding the jail terms set forth in sections 2929.21 to 68796  
2929.28 of the Revised Code, the additional jail term shall not 68797  
exceed one year, and the cumulative jail term imposed for the 68798  
offense shall not exceed one year. 68799

(ii) If the sentence is being imposed for a violation of 68800  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 68801  
section, a mandatory jail term of sixty consecutive days. The 68802  
court shall impose the sixty-day mandatory jail term under this 68803  
division unless, subject to division (G)(3) of this section, it 68804  
instead imposes a sentence under that division consisting of both 68805  
a jail term and a term of house arrest with electronic monitoring, 68806  
with continuous alcohol monitoring, or with both electronic 68807  
monitoring and continuous alcohol monitoring. The court may impose 68808  
a jail term in addition to the sixty-day mandatory jail term. 68809  
Notwithstanding the jail terms set forth in sections 2929.21 to 68810  
2929.28 of the Revised Code, the additional jail term shall not 68811  
exceed one year, and the cumulative jail term imposed for the 68812  
offense shall not exceed one year. 68813

(iii) In all cases, notwithstanding the fines set forth in 68814  
Chapter 2929. of the Revised Code, a fine of not less than eight 68815  
hundred fifty and not more than two thousand seven hundred fifty 68816  
dollars; 68817

(iv) In all cases, a suspension of the offender's driver's 68818  
license, commercial driver's license, temporary instruction 68819

permit, probationary license, or nonresident operating privilege 68820  
for a definite period of two to twelve years. The court may grant 68821  
limited driving privileges relative to the suspension under 68822  
sections 4510.021 and 4510.13 of the Revised Code. 68823

(v) In all cases, if the vehicle is registered in the 68824  
offender's name, criminal forfeiture of the vehicle involved in 68825  
the offense in accordance with section 4503.234 of the Revised 68826  
Code. Division (G)(6) of this section applies regarding any 68827  
vehicle that is subject to an order of criminal forfeiture under 68828  
this division. 68829

(vi) In all cases, the court shall order the offender to 68830  
participate with a community addiction services provider 68831  
authorized by section 5119.21 of the Revised Code, subject to 68832  
division (I) of this section, and shall order the offender to 68833  
follow the treatment recommendations of the services provider. The 68834  
operator of the services provider shall determine and assess the 68835  
degree of the offender's alcohol dependency and shall make 68836  
recommendations for treatment. Upon the request of the court, the 68837  
services provider shall submit the results of the assessment to 68838  
the court, including all treatment recommendations and clinical 68839  
diagnoses related to alcohol use. 68840

(d) Except as otherwise provided in division (G)(1)(e) of 68841  
this section, an offender who, within ten years of the offense, 68842  
previously has been convicted of or pleaded guilty to three or 68843  
four violations of division (A) or (B) of this section or other 68844  
equivalent offenses or an offender who, within twenty years of the 68845  
offense, previously has been convicted of or pleaded guilty to 68846  
five or more violations of that nature is guilty of a felony of 68847  
the fourth degree. The court shall sentence the offender to all of 68848  
the following: 68849

(i) If the sentence is being imposed for a violation of 68850  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 68851

mandatory prison term of one, two, three, four, or five years as 68852  
required by and in accordance with division (G)(2) of section 68853  
2929.13 of the Revised Code if the offender also is convicted of 68854  
or also pleads guilty to a specification of the type described in 68855  
section 2941.1413 of the Revised Code or, in the discretion of the 68856  
court, either a mandatory term of local incarceration of sixty 68857  
consecutive days in accordance with division (G)(1) of section 68858  
2929.13 of the Revised Code or a mandatory prison term of sixty 68859  
consecutive days in accordance with division (G)(2) of that 68860  
section if the offender is not convicted of and does not plead 68861  
guilty to a specification of that type. If the court imposes a 68862  
mandatory term of local incarceration, it may impose a jail term 68863  
in addition to the sixty-day mandatory term, the cumulative total 68864  
of the mandatory term and the jail term for the offense shall not 68865  
exceed one year, and, except as provided in division (A)(1) of 68866  
section 2929.13 of the Revised Code, no prison term is authorized 68867  
for the offense. If the court imposes a mandatory prison term, 68868  
notwithstanding division (A)(4) of section 2929.14 of the Revised 68869  
Code, it also may sentence the offender to a definite prison term 68870  
that shall be not less than six months and not more than thirty 68871  
months and the prison terms shall be imposed as described in 68872  
division (G)(2) of section 2929.13 of the Revised Code. If the 68873  
court imposes a mandatory prison term or mandatory prison term and 68874  
additional prison term, in addition to the term or terms so 68875  
imposed, the court also may sentence the offender to a community 68876  
control sanction for the offense, but the offender shall serve all 68877  
of the prison terms so imposed prior to serving the community 68878  
control sanction. 68879

(ii) If the sentence is being imposed for a violation of 68880  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 68881  
section, a mandatory prison term of one, two, three, four, or five 68882  
years as required by and in accordance with division (G)(2) of 68883  
section 2929.13 of the Revised Code if the offender also is 68884

convicted of or also pleads guilty to a specification of the type 68885  
described in section 2941.1413 of the Revised Code or, in the 68886  
discretion of the court, either a mandatory term of local 68887  
incarceration of one hundred twenty consecutive days in accordance 68888  
with division (G)(1) of section 2929.13 of the Revised Code or a 68889  
mandatory prison term of one hundred twenty consecutive days in 68890  
accordance with division (G)(2) of that section if the offender is 68891  
not convicted of and does not plead guilty to a specification of 68892  
that type. If the court imposes a mandatory term of local 68893  
incarceration, it may impose a jail term in addition to the one 68894  
hundred twenty-day mandatory term, the cumulative total of the 68895  
mandatory term and the jail term for the offense shall not exceed 68896  
one year, and, except as provided in division (A)(1) of section 68897  
2929.13 of the Revised Code, no prison term is authorized for the 68898  
offense. If the court imposes a mandatory prison term, 68899  
notwithstanding division (A)(4) of section 2929.14 of the Revised 68900  
Code, it also may sentence the offender to a definite prison term 68901  
that shall be not less than six months and not more than thirty 68902  
months and the prison terms shall be imposed as described in 68903  
division (G)(2) of section 2929.13 of the Revised Code. If the 68904  
court imposes a mandatory prison term or mandatory prison term and 68905  
additional prison term, in addition to the term or terms so 68906  
imposed, the court also may sentence the offender to a community 68907  
control sanction for the offense, but the offender shall serve all 68908  
of the prison terms so imposed prior to serving the community 68909  
control sanction. 68910

(iii) In all cases, notwithstanding section 2929.18 of the 68911  
Revised Code, a fine of not less than one thousand three hundred 68912  
fifty nor more than ten thousand five hundred dollars; 68913

(iv) In all cases, a class two license suspension of the 68914  
offender's driver's license, commercial driver's license, 68915  
temporary instruction permit, probationary license, or nonresident 68916

operating privilege from the range specified in division (A)(2) of 68917  
section 4510.02 of the Revised Code. The court may grant limited 68918  
driving privileges relative to the suspension under sections 68919  
4510.021 and 4510.13 of the Revised Code. 68920

(v) In all cases, if the vehicle is registered in the 68921  
offender's name, criminal forfeiture of the vehicle involved in 68922  
the offense in accordance with section 4503.234 of the Revised 68923  
Code. Division (G)(6) of this section applies regarding any 68924  
vehicle that is subject to an order of criminal forfeiture under 68925  
this division. 68926

(vi) In all cases, the court shall order the offender to 68927  
participate with a community addiction services provider 68928  
authorized by section 5119.21 of the Revised Code, subject to 68929  
division (I) of this section, and shall order the offender to 68930  
follow the treatment recommendations of the services provider. The 68931  
operator of the services provider shall determine and assess the 68932  
degree of the offender's alcohol dependency and shall make 68933  
recommendations for treatment. Upon the request of the court, the 68934  
services provider shall submit the results of the assessment to 68935  
the court, including all treatment recommendations and clinical 68936  
diagnoses related to alcohol use. 68937

(vii) In all cases, if the court sentences the offender to a 68938  
mandatory term of local incarceration, in addition to the 68939  
mandatory term, the court, pursuant to section 2929.17 of the 68940  
Revised Code, may impose a term of house arrest with electronic 68941  
monitoring. The term shall not commence until after the offender 68942  
has served the mandatory term of local incarceration. 68943

(e) An offender who previously has been convicted of or 68944  
pleaded guilty to a violation of division (A) of this section that 68945  
was a felony, regardless of when the violation and the conviction 68946  
or guilty plea occurred, is guilty of a felony of the third 68947  
degree. The court shall sentence the offender to all of the 68948

following: 68949

(i) If the offender is being sentenced for a violation of 68950  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 68951  
mandatory prison term of one, two, three, four, or five years as 68952  
required by and in accordance with division (G)(2) of section 68953  
2929.13 of the Revised Code if the offender also is convicted of 68954  
or also pleads guilty to a specification of the type described in 68955  
section 2941.1413 of the Revised Code or a mandatory prison term 68956  
of sixty consecutive days in accordance with division (G)(2) of 68957  
section 2929.13 of the Revised Code if the offender is not 68958  
convicted of and does not plead guilty to a specification of that 68959  
type. The court may impose a prison term in addition to the 68960  
mandatory prison term. The cumulative total of a sixty-day 68961  
mandatory prison term and the additional prison term for the 68962  
offense shall not exceed five years. In addition to the mandatory 68963  
prison term or mandatory prison term and additional prison term 68964  
the court imposes, the court also may sentence the offender to a 68965  
community control sanction for the offense, but the offender shall 68966  
serve all of the prison terms so imposed prior to serving the 68967  
community control sanction. 68968

(ii) If the sentence is being imposed for a violation of 68969  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 68970  
section, a mandatory prison term of one, two, three, four, or five 68971  
years as required by and in accordance with division (G)(2) of 68972  
section 2929.13 of the Revised Code if the offender also is 68973  
convicted of or also pleads guilty to a specification of the type 68974  
described in section 2941.1413 of the Revised Code or a mandatory 68975  
prison term of one hundred twenty consecutive days in accordance 68976  
with division (G)(2) of section 2929.13 of the Revised Code if the 68977  
offender is not convicted of and does not plead guilty to a 68978  
specification of that type. The court may impose a prison term in 68979  
addition to the mandatory prison term. The cumulative total of a 68980

one hundred twenty-day mandatory prison term and the additional 68981  
prison term for the offense shall not exceed five years. In 68982  
addition to the mandatory prison term or mandatory prison term and 68983  
additional prison term the court imposes, the court also may 68984  
sentence the offender to a community control sanction for the 68985  
offense, but the offender shall serve all of the prison terms so 68986  
imposed prior to serving the community control sanction. 68987

(iii) In all cases, notwithstanding section 2929.18 of the 68988  
Revised Code, a fine of not less than one thousand three hundred 68989  
fifty nor more than ten thousand five hundred dollars; 68990

(iv) In all cases, a class two license suspension of the 68991  
offender's driver's license, commercial driver's license, 68992  
temporary instruction permit, probationary license, or nonresident 68993  
operating privilege from the range specified in division (A)(2) of 68994  
section 4510.02 of the Revised Code. The court may grant limited 68995  
driving privileges relative to the suspension under sections 68996  
4510.021 and 4510.13 of the Revised Code. 68997

(v) In all cases, if the vehicle is registered in the 68998  
offender's name, criminal forfeiture of the vehicle involved in 68999  
the offense in accordance with section 4503.234 of the Revised 69000  
Code. Division (G)(6) of this section applies regarding any 69001  
vehicle that is subject to an order of criminal forfeiture under 69002  
this division. 69003

(vi) In all cases, the court shall order the offender to 69004  
participate with a community addiction services provider 69005  
authorized by section 5119.21 of the Revised Code, subject to 69006  
division (I) of this section, and shall order the offender to 69007  
follow the treatment recommendations of the services provider. The 69008  
operator of the services provider shall determine and assess the 69009  
degree of the offender's alcohol dependency and shall make 69010  
recommendations for treatment. Upon the request of the court, the 69011  
services provider shall submit the results of the assessment to 69012

the court, including all treatment recommendations and clinical 69013  
diagnoses related to alcohol use. 69014

(2) An offender who is convicted of or pleads guilty to a 69015  
violation of division (A) of this section and who subsequently 69016  
seeks reinstatement of the driver's or occupational driver's 69017  
license or permit or nonresident operating privilege suspended 69018  
under this section as a result of the conviction or guilty plea 69019  
shall pay a reinstatement fee as provided in division (F)(2) of 69020  
section 4511.191 of the Revised Code. 69021

(3) If an offender is sentenced to a jail term under division 69022  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 69023  
if, within sixty days of sentencing of the offender, the court 69024  
issues a written finding on the record that, due to the 69025  
unavailability of space at the jail where the offender is required 69026  
to serve the term, the offender will not be able to begin serving 69027  
that term within the sixty-day period following the date of 69028  
sentencing, the court may impose an alternative sentence under 69029  
this division that includes a term of house arrest with electronic 69030  
monitoring, with continuous alcohol monitoring, or with both 69031  
electronic monitoring and continuous alcohol monitoring. 69032

As an alternative to a mandatory jail term of ten consecutive 69033  
days required by division (G)(1)(b)(i) of this section, the court, 69034  
under this division, may sentence the offender to five consecutive 69035  
days in jail and not less than eighteen consecutive days of house 69036  
arrest with electronic monitoring, with continuous alcohol 69037  
monitoring, or with both electronic monitoring and continuous 69038  
alcohol monitoring. The cumulative total of the five consecutive 69039  
days in jail and the period of house arrest with electronic 69040  
monitoring, continuous alcohol monitoring, or both types of 69041  
monitoring shall not exceed six months. The five consecutive days 69042  
in jail do not have to be served prior to or consecutively to the 69043  
period of house arrest. 69044

As an alternative to the mandatory jail term of twenty 69045  
consecutive days required by division (G)(1)(b)(ii) of this 69046  
section, the court, under this division, may sentence the offender 69047  
to ten consecutive days in jail and not less than thirty-six 69048  
consecutive days of house arrest with electronic monitoring, with 69049  
continuous alcohol monitoring, or with both electronic monitoring 69050  
and continuous alcohol monitoring. The cumulative total of the ten 69051  
consecutive days in jail and the period of house arrest with 69052  
electronic monitoring, continuous alcohol monitoring, or both 69053  
types of monitoring shall not exceed six months. The ten 69054  
consecutive days in jail do not have to be served prior to or 69055  
consecutively to the period of house arrest. 69056

As an alternative to a mandatory jail term of thirty 69057  
consecutive days required by division (G)(1)(c)(i) of this 69058  
section, the court, under this division, may sentence the offender 69059  
to fifteen consecutive days in jail and not less than fifty-five 69060  
consecutive days of house arrest with electronic monitoring, with 69061  
continuous alcohol monitoring, or with both electronic monitoring 69062  
and continuous alcohol monitoring. The cumulative total of the 69063  
fifteen consecutive days in jail and the period of house arrest 69064  
with electronic monitoring, continuous alcohol monitoring, or both 69065  
types of monitoring shall not exceed one year. The fifteen 69066  
consecutive days in jail do not have to be served prior to or 69067  
consecutively to the period of house arrest. 69068

As an alternative to the mandatory jail term of sixty 69069  
consecutive days required by division (G)(1)(c)(ii) of this 69070  
section, the court, under this division, may sentence the offender 69071  
to thirty consecutive days in jail and not less than one hundred 69072  
ten consecutive days of house arrest with electronic monitoring, 69073  
with continuous alcohol monitoring, or with both electronic 69074  
monitoring and continuous alcohol monitoring. The cumulative total 69075  
of the thirty consecutive days in jail and the period of house 69076

arrest with electronic monitoring, continuous alcohol monitoring, 69077  
or both types of monitoring shall not exceed one year. The thirty 69078  
consecutive days in jail do not have to be served prior to or 69079  
consecutively to the period of house arrest. 69080

(4) If an offender's driver's or occupational driver's 69081  
license or permit or nonresident operating privilege is suspended 69082  
under division (G) of this section and if section 4510.13 of the 69083  
Revised Code permits the court to grant limited driving 69084  
privileges, the court may grant the limited driving privileges in 69085  
accordance with that section. If division (A)(7) of that section 69086  
requires that the court impose as a condition of the privileges 69087  
that the offender must display on the vehicle that is driven 69088  
subject to the privileges restricted license plates that are 69089  
issued under section 4503.231 of the Revised Code, except as 69090  
provided in division (B) of that section, the court shall impose 69091  
that condition as one of the conditions of the limited driving 69092  
privileges granted to the offender, except as provided in division 69093  
(B) of section 4503.231 of the Revised Code. 69094

(5) Fines imposed under this section for a violation of 69095  
division (A) of this section shall be distributed as follows: 69096

(a) Twenty-five dollars of the fine imposed under division 69097  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 69098  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 69099  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 69100  
dollars of the fine imposed under division (G)(1)(d)(iii) or 69101  
(e)(iii) of this section shall be paid to an enforcement and 69102  
education fund established by the legislative authority of the law 69103  
enforcement agency in this state that primarily was responsible 69104  
for the arrest of the offender, as determined by the court that 69105  
imposes the fine. The agency shall use this share to pay only 69106  
those costs it incurs in enforcing this section or a municipal OVI 69107  
ordinance and in informing the public of the laws governing the 69108

operation of a vehicle while under the influence of alcohol, the dangers of the operation of a vehicle under the influence of alcohol, and other information relating to the operation of a vehicle under the influence of alcohol and the consumption of alcoholic beverages.

(b) Fifty dollars of the fine imposed under division (G)(1)(a)(iii) of this section shall be paid to the political subdivision that pays the cost of housing the offender during the offender's term of incarceration. If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section and was confined as a result of the offense prior to being sentenced for the offense but is not sentenced to a term of incarceration, the fifty dollars shall be paid to the political subdivision that paid the cost of housing the offender during that period of confinement. The political subdivision shall use the share under this division to pay or reimburse incarceration or treatment costs it incurs in housing or providing drug and alcohol treatment to persons who violate this section or a municipal OVI ordinance, costs of any immobilizing or disabling device used on the offender's vehicle, and costs of electronic house arrest equipment needed for persons who violate this section.

(c) Twenty-five dollars of the fine imposed under division (G)(1)(a)(iii) and fifty dollars of the fine imposed under division (G)(1)(b)(iii) of this section shall be deposited into the county or municipal indigent drivers' alcohol treatment fund under the control of that court, as created by the county or municipal corporation under division (F) of section 4511.191 of the Revised Code.

(d) One hundred fifteen dollars of the fine imposed under division (G)(1)(b)(iii), two hundred seventy-seven dollars of the fine imposed under division (G)(1)(c)(iii), and four hundred forty

dollars of the fine imposed under division (G)(1)(d)(iii) or 69141  
(e)(iii) of this section shall be paid to the political 69142  
subdivision that pays the cost of housing the offender during the 69143  
offender's term of incarceration. The political subdivision shall 69144  
use this share to pay or reimburse incarceration or treatment 69145  
costs it incurs in housing or providing drug and alcohol treatment 69146  
to persons who violate this section or a municipal OVI ordinance, 69147  
costs for any immobilizing or disabling device used on the 69148  
offender's vehicle, and costs of electronic house arrest equipment 69149  
needed for persons who violate this section. 69150

(e) Fifty dollars of the fine imposed under divisions 69151  
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 69152  
and (G)(1)(e)(iii) of this section shall be deposited into the 69153  
special projects fund of the court in which the offender was 69154  
convicted and that is established under division (E)(1) of section 69155  
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 69156  
of section 1907.24 of the Revised Code, to be used exclusively to 69157  
cover the cost of immobilizing or disabling devices, including 69158  
certified ignition interlock devices, and remote alcohol 69159  
monitoring devices for indigent offenders who are required by a 69160  
judge to use either of these devices. If the court in which the 69161  
offender was convicted does not have a special projects fund that 69162  
is established under division (E)(1) of section 2303.201, division 69163  
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 69164  
of the Revised Code, the fifty dollars shall be deposited into the 69165  
indigent drivers interlock and alcohol monitoring fund under 69166  
division (I) of section 4511.191 of the Revised Code. 69167

(f) Seventy-five dollars of the fine imposed under division 69168  
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 69169  
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 69170  
of the fine imposed under division (G)(1)(c)(iii), and five 69171  
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 69172

or (e)(iii) of this section shall be transmitted to the treasurer 69173  
of state for deposit into the indigent defense support fund 69174  
established under section 120.08 of the Revised Code. 69175

(g) The balance of the fine imposed under division 69176  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 69177  
section shall be disbursed as otherwise provided by law. 69178

(6) If title to a motor vehicle that is subject to an order 69179  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 69180  
this section is assigned or transferred and division (B)(2) or (3) 69181  
of section 4503.234 of the Revised Code applies, in addition to or 69182  
independent of any other penalty established by law, the court may 69183  
fine the offender the value of the vehicle as determined by 69184  
publications of the national automobile dealers association. The 69185  
proceeds of any fine so imposed shall be distributed in accordance 69186  
with division (C)(2) of that section. 69187

(7) In all cases in which an offender is sentenced under 69188  
division (G) of this section, the offender shall provide the court 69189  
with proof of financial responsibility as defined in section 69190  
4509.01 of the Revised Code. If the offender fails to provide that 69191  
proof of financial responsibility, the court, in addition to any 69192  
other penalties provided by law, may order restitution pursuant to 69193  
section 2929.18 or 2929.28 of the Revised Code in an amount not 69194  
exceeding five thousand dollars for any economic loss arising from 69195  
an accident or collision that was the direct and proximate result 69196  
of the offender's operation of the vehicle before, during, or 69197  
after committing the offense for which the offender is sentenced 69198  
under division (G) of this section. 69199

(8) A court may order an offender to reimburse a law 69200  
enforcement agency for any costs incurred by the agency with 69201  
respect to a chemical test or tests administered to the offender 69202  
if all of the following apply: 69203

(a) The offender is convicted of or pleads guilty to a violation of division (A) of this section. 69204  
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(b) The test or tests were of the offender's whole blood, blood serum or plasma, or urine. 69206  
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(c) The test or tests indicated that the offender had a prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine at the time of the offense. 69208  
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(9) As used in division (G) of this section, "electronic monitoring," "mandatory prison term," and "mandatory term of local incarceration" have the same meanings as in section 2929.01 of the Revised Code. 69212  
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(H) Whoever violates division (B) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows: 69216  
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(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under section 4510.022 of the Revised Code. If the court grants unlimited driving privileges under section 4510.022 of the Revised Code, the court shall suspend any jail term imposed under division (H)(1) of this section as required under that section. 69219  
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(2) If, within one year of the offense, the offender  
previously has been convicted of or pleaded guilty to one or more  
violations of division (A) or (B) of this section or other  
equivalent offenses, the offender is guilty of a misdemeanor of  
the third degree. In addition to any other sanction imposed for  
the offense, the court shall impose a class four suspension of the  
offender's driver's license, commercial driver's license,  
temporary instruction permit, probationary license, or nonresident  
operating privilege from the range specified in division (A)(4) of  
section 4510.02 of the Revised Code. The court may grant limited  
driving privileges relative to the suspension under sections  
4510.021 and 4510.13 of the Revised Code.

(3) If the offender also is convicted of or also pleads  
guilty to a specification of the type described in section  
2941.1416 of the Revised Code and if the court imposes a jail term  
for the violation of division (B) of this section, the court shall  
impose upon the offender an additional definite jail term pursuant  
to division (E) of section 2929.24 of the Revised Code.

(4) The offender shall provide the court with proof of  
financial responsibility as defined in section 4509.01 of the  
Revised Code. If the offender fails to provide that proof of  
financial responsibility, then, in addition to any other penalties  
provided by law, the court may order restitution pursuant to  
section 2929.28 of the Revised Code in an amount not exceeding  
five thousand dollars for any economic loss arising from an  
accident or collision that was the direct and proximate result of  
the offender's operation of the vehicle before, during, or after  
committing the violation of division (B) of this section.

(I)(1) No court shall sentence an offender to an alcohol  
treatment program under this section unless the treatment program  
complies with the minimum standards for alcohol treatment programs  
adopted under Chapter 5119. of the Revised Code by the director of

mental health and addiction services. 69267

(2) An offender who stays in a drivers' intervention program 69268  
or in an alcohol treatment program under an order issued under 69269  
this section shall pay the cost of the stay in the program. 69270  
However, if the court determines that an offender who stays in an 69271  
alcohol treatment program under an order issued under this section 69272  
is unable to pay the cost of the stay in the program, the court 69273  
may order that the cost be paid from the court's indigent drivers' 69274  
alcohol treatment fund. 69275

(J) If a person whose driver's or commercial driver's license 69276  
or permit or nonresident operating privilege is suspended under 69277  
this section files an appeal regarding any aspect of the person's 69278  
trial or sentence, the appeal itself does not stay the operation 69279  
of the suspension. 69280

(K) Division (A)(1)(j) of this section does not apply to a 69281  
person who operates a vehicle, streetcar, or trackless trolley 69282  
while the person has a concentration of a listed controlled 69283  
substance or a listed metabolite of a controlled substance in the 69284  
person's whole blood, blood serum or plasma, or urine that equals 69285  
or exceeds the amount specified in that division, if both of the 69286  
following apply: 69287

(1) The person obtained the controlled substance pursuant to 69288  
a prescription issued by a licensed health professional authorized 69289  
to prescribe drugs. 69290

(2) The person injected, ingested, or inhaled the controlled 69291  
substance in accordance with the health professional's directions. 69292

(L) The prohibited concentrations of a controlled substance 69293  
or a metabolite of a controlled substance listed in division 69294  
(A)(1)(j) of this section also apply in a prosecution of a 69295  
violation of division (D) of section 2923.16 of the Revised Code 69296  
in the same manner as if the offender is being prosecuted for a 69297

prohibited concentration of alcohol. 69298

(M) All terms defined in section 4510.01 of the Revised Code 69299  
apply to this section. If the meaning of a term defined in section 69300  
4510.01 of the Revised Code conflicts with the meaning of the same 69301  
term as defined in section 4501.01 or 4511.01 of the Revised Code, 69302  
the term as defined in section 4510.01 of the Revised Code applies 69303  
to this section. 69304

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 69305  
as adopted by the supreme court under authority of section 2937.46 69306  
of the Revised Code, do not apply to felony violations of this 69307  
section. Subject to division (N)(2) of this section, the Rules of 69308  
Criminal Procedure apply to felony violations of this section. 69309

(2) If, on or after January 1, 2004, the supreme court 69310  
modifies the Ohio Traffic Rules to provide procedures to govern 69311  
felony violations of this section, the modified rules shall apply 69312  
to felony violations of this section. 69313

**Sec. 4511.513.** (A) As used in this section: 69314

(1) "Eligible entity" means a corporation, partnership, 69315  
association, firm, sole proprietorship, or other entity engaged in 69316  
business. 69317

(2) "Personal delivery device" means an electrically powered 69318  
device to which all of the following apply: 69319

(a) The device is intended primarily to transport property on 69320  
sidewalks and crosswalks. 69321

(b) The device weighs less than ninety pounds excluding any 69322  
property being carried in the device. 69323

(c) The device has a maximum speed of ten miles per hour. 69324

(d) The device is equipped with technology that enables the 69325  
operation of the device with active control or monitoring by a 69326

person, without active control or monitoring by a person, or both 69327  
with or without active control or monitoring by a person. 69328

(3) "Personal delivery device operator" means an agent of an 69329  
eligible entity who exercises direct physical control over, or 69330  
monitoring of, the navigation and operation of a personal delivery 69331  
device. "Personal delivery device operator" does not include, with 69332  
respect to a delivery or other service rendered by a personal 69333  
delivery device, the person who requests the delivery or service. 69334  
"Personal delivery device operator" also does not include a person 69335  
who only arranges for and dispatches a personal delivery device 69336  
for a delivery or other service. 69337

(B) An eligible entity may operate a personal delivery device 69338  
on sidewalks and crosswalks so long as all of the following 69339  
requirements are met: 69340

(1) The personal delivery device is operated in accordance 69341  
with all regulations, if any, established by each local authority 69342  
within which the personal delivery device is operated. 69343

(2) A personal delivery device operator is actively 69344  
controlling or monitoring the navigation and operation of the 69345  
personal delivery device. 69346

(3) The eligible entity maintains an insurance policy that 69347  
includes general liability coverage of not less than one hundred 69348  
thousand dollars for damages arising from the operation of the 69349  
personal delivery device by the eligible entity and any agent of 69350  
the eligible entity. 69351

(4) The device is equipped with all of the following: 69352

(a) A marker that clearly identifies the name and contact 69353  
information of the eligible entity operating the personal delivery 69354  
device and a unique identification number; 69355

(b) A braking system that enables the personal delivery 69356

device to come to a controlled stop; 69357

(c) If the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible in clear weather from a distance of at least five hundred feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle. 69358  
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(C) No personal delivery device operator shall allow a personal delivery device to do any of the following: 69364  
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(1) Fail to comply with traffic or pedestrian control devices and signals; 69366  
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(2) Unreasonably interfere with pedestrians or traffic; 69368

(3) Transport any hazardous material that would require a permit issued by the public utilities commission; 69369  
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(4) Operate on a street or highway, except when crossing the street or highway within a crosswalk. 69371  
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(D) A personal delivery device has all of the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to human pedestrians on sidewalks and crosswalks. 69373  
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(E)(1) No person shall operate a personal delivery device unless the person is authorized to do so under this section and complies with the requirements of this section. 69377  
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(2) An eligible entity is responsible for both of the following: 69380  
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(a) Any violation of this section that is committed by a personal delivery device operator; and 69382  
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(b) Any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by divisions (C)(1) to (4) of this section. 69384  
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Sec. 4582.12. (A)(1) Except as otherwise provided in division 69387  
(E) of section 307.671 of the Revised Code, division (A) of this 69388  
section does not apply to a port authority educational and 69389  
cultural facility acquired, constructed, and equipped pursuant to 69390  
a cooperative agreement entered into under section 307.671 of the 69391  
Revised Code. 69392

(2)~~(a)~~ Except as provided in division (C) of this section or 69393  
except when the port authority elects to construct a building, 69394  
structure, or other improvement pursuant to a contract made with a 69395  
construction manager at risk under sections 9.33 to 9.335 of the 69396  
Revised Code or with a design-build firm under sections 153.65 to 69397  
153.73 of the Revised Code, when the cost of a contract for the 69398  
construction of any building, structure, or other improvement 69399  
undertaken by a port authority involves an expenditure exceeding 69400  
~~the higher of one hundred fifty thousand dollars or the amount as~~ 69401  
~~adjusted under division (A)(2)(b) of this section~~ and the port 69402  
authority is the contracting entity, the port authority shall make 69403  
a written contract after notice calling for bids for the award of 69404  
the contract has been given by publication twice, with at least 69405  
seven days between publications, in a newspaper of general 69406  
circulation in the area of the jurisdiction of the port authority. 69407  
Each such contract shall be let to the lowest responsive and 69408  
responsible bidder in accordance with section 9.312 of the Revised 69409  
Code. Every contract let shall be in writing and if the contract 69410  
involves work or construction, it shall be accompanied by or shall 69411  
refer to plans and specifications for the work to be done, 69412  
prepared for and approved by the port authority, signed by an 69413  
authorized officer of the port authority and by the contractor, 69414  
and shall be executed in triplicate. 69415

Each bid shall be awarded in accordance with sections 153.54, 69416  
153.57, and 153.571 of the Revised Code. 69417

The port authority may reject any and all bids. 69418

~~(b) On January 1, 2012, and the first day of January of every even numbered year thereafter, the director of commerce shall adjust the threshold level for contracts subject to the bidding requirements contained in division (A)(2)(a) of this section. The director shall adjust this amount according to the average increase for each of the two years immediately preceding the adjustment as set forth in the producer price index for material and supply inputs for new nonresidential construction as determined by the bureau of labor statistics of the United States department of labor or, if that index no longer is published, a generally available comparable index. If there is no resulting increase, the threshold shall remain the same until the next scheduled adjustment on the first day of January of the next even numbered year.~~ 69419  
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(B) The board of directors of a port authority by rule may provide criteria for the negotiation and award without competitive bidding of any contract as to which the port authority is the contracting entity for the construction of any building, structure, or other improvement under any of the following circumstances: 69433  
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(1) There exists a real and present emergency that threatens damage or injury to persons or property of the port authority or other persons, provided that a statement specifying the nature of the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed by the officer of the port authority that executes that contract at the time of the contract's execution and shall be attached to the contract. 69439  
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(2) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement. 69447  
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(3) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code. 69450  
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(4) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material. 69452  
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(5) A single bid is received by the port authority after complying with the provisions of division (A) of this section. 69455  
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(C)(1) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(2) of this section, the port authority shall publish a notice calling for technical proposals at least twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority. 69457  
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(2) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(4) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material. 69466  
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**Sec. 4582.31.** (A) A port authority created in accordance with section 4582.22 of the Revised Code may: 69472  
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(1) Adopt bylaws for the regulation of its affairs and the conduct of its business; 69474  
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(2) Adopt an official seal; 69476

(3) Maintain a principal office within its jurisdiction, and maintain such branch offices as it may require; 69477  
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(4) Acquire, construct, furnish, equip, maintain, repair, 69479

sell, exchange, lease to or from, or lease with an option to 69480  
purchase, convey other interests in real or personal property, or 69481  
any combination thereof, related to, useful for, or in furtherance 69482  
of any authorized purpose and operate any property in connection 69483  
with transportation, recreational, governmental operations, or 69484  
cultural activities; 69485

(5) Straigten, deepen, and improve any channel, river, 69486  
stream, or other water course or way which may be necessary or 69487  
proper in the development of the facilities of a port authority; 69488

(6) Make available the use or services of any port authority 69489  
facility to one or more persons, one or more governmental 69490  
agencies, or any combination thereof; 69491

(7) Issue bonds or notes for the acquisition, construction, 69492  
furnishing, or equipping of any port authority facility or other 69493  
permanent improvement that a port authority is authorized to 69494  
acquire, construct, furnish, or equip, in compliance with Chapter 69495  
133. of the Revised Code, except that such bonds or notes may only 69496  
be issued pursuant to a vote of the electors residing within the 69497  
area of jurisdiction of the port authority. The net indebtedness 69498  
incurred by a port authority shall never exceed two per cent of 69499  
the total value of all property within the territory comprising 69500  
the port authority as listed and assessed for taxation. 69501

(8) Issue port authority revenue bonds beyond the limit of 69502  
bonded indebtedness provided by law, payable solely from revenues 69503  
as provided in section 4582.48 of the Revised Code, for the 69504  
purpose of providing funds to pay the costs of any port authority 69505  
facility or facilities or parts thereof; 69506

(9) Apply to the proper authorities of the United States 69507  
pursuant to appropriate law for the right to establish, operate, 69508  
and maintain foreign trade zones and establish, operate, and 69509  
maintain foreign trade zones and to acquire, exchange, sell, lease 69510

to or from, lease with an option to purchase, or operate 69511  
facilities, land, or property therefor in accordance with the 69512  
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 69513  
81u; 69514

(10) Enjoy and possess the same rights, privileges, and 69515  
powers granted municipal corporations under sections 721.04 to 69516  
721.11 of the Revised Code; 69517

(11) Maintain such funds as it considers necessary; 69518

(12) Direct its agents or employees, when properly identified 69519  
in writing, and after at least five days' written notice, to enter 69520  
upon lands within the confines of its jurisdiction in order to 69521  
make surveys and examinations preliminary to location and 69522  
construction of works for the purposes of the port authority, 69523  
without liability of the port authority or its agents or employees 69524  
except for actual damage done; 69525

(13) Promote, advertise, and publicize the port authority and 69526  
its facilities; provide information to shippers and other 69527  
commercial interests; and appear before rate-making authorities to 69528  
represent and promote the interests of the port authority; 69529

(14) Adopt rules, not in conflict with general law, it finds 69530  
necessary or incidental to the performance of its duties and the 69531  
execution of its powers under sections 4582.21 to 4582.54 of the 69532  
Revised Code. Any such rule shall be posted at no less than five 69533  
public places in the port authority, as determined by the board of 69534  
directors, for a period of not fewer than fifteen days, and shall 69535  
be available for public inspection at the principal office of the 69536  
port authority during regular business hours. No person shall 69537  
violate any lawful rule adopted and posted as provided in this 69538  
division. 69539

(15) Do any of the following, in regard to any interests in 69540  
any real or personal property, or any combination thereof, 69541

including, without limitation, machinery, equipment, plants, 69542  
factories, offices, and other structures and facilities related 69543  
to, useful for, or in furtherance of any authorized purpose, for 69544  
such consideration and in such manner, consistent with Article 69545  
VIII of the Ohio Constitution, as the board in its sole discretion 69546  
may determine: 69547

(a) Loan moneys to any person or governmental entity for the 69548  
acquisition, construction, furnishing, and equipping of the 69549  
property; 69550

(b) Acquire, construct, maintain, repair, furnish, and equip 69551  
the property; 69552

(c) Sell to, exchange with, lease, convey other interests in, 69553  
or lease with an option to purchase the same or any lesser 69554  
interest in the property to the same or any other person or 69555  
governmental entity; 69556

(d) Guarantee the obligations of any person or governmental 69557  
entity. 69558

A port authority may accept and hold as consideration for the 69559  
conveyance of property or any interest therein such property or 69560  
interests therein as the board in its discretion may determine, 69561  
notwithstanding any restrictions that apply to the investment of 69562  
funds by a port authority. 69563

(16) Sell, lease, or convey other interests in real and 69564  
personal property, and grant easements or rights-of-way over 69565  
property of the port authority. The board of directors shall 69566  
specify the consideration and any terms for the sale, lease, or 69567  
conveyance of other interests in real and personal property. Any 69568  
determination made by the board under this division shall be 69569  
conclusive. The sale, lease, or conveyance may be made without 69570  
advertising and the receipt of bids. 69571

(17) Exercise the right of eminent domain to appropriate any 69572

land, rights, rights-of-way, franchises, easements, or other 69573  
property, necessary or proper for any authorized purpose, pursuant 69574  
to the procedure provided in sections 163.01 to 163.22 of the 69575  
Revised Code, if funds equal to the appraised value of the 69576  
property to be acquired as a result of such proceedings are 69577  
available for that purpose. However, nothing contained in sections 69578  
4582.201 to 4582.59 of the Revised Code shall authorize a port 69579  
authority to take or disturb property or facilities belonging to 69580  
any agency or political subdivision of this state, public utility, 69581  
cable operator, or common carrier, which property or facilities 69582  
are necessary and convenient in the operation of the agency or 69583  
political subdivision, public utility, cable operator, or common 69584  
carrier, unless provision is made for the restoration, relocation, 69585  
or duplication of such property or facilities, or upon the 69586  
election of the agency or political subdivision, public utility, 69587  
cable operator, or common carrier, for the payment of 69588  
compensation, if any, at the sole cost of the port authority, 69589  
provided that: 69590

(a) If any restoration or duplication proposed to be made 69591  
under this section involves a relocation of the property or 69592  
facilities, the new facilities and location shall be of at least 69593  
comparable utilitarian value and effectiveness and shall not 69594  
impair the ability of the public utility, cable operator, or 69595  
common carrier to compete in its original area of operation; 69596

(b) If any restoration or duplication made under this section 69597  
involves a relocation of the property or facilities, the port 69598  
authority shall acquire no interest or right in or to the 69599  
appropriated property or facilities, except as provided in 69600  
division (A)(15) of this section, until the relocated property or 69601  
facilities are available for use and until marketable title 69602  
thereto has been transferred to the public utility, cable 69603  
operator, or common carrier. 69604

As used in division (A)(17) of this section, "cable operator" 69605  
has the same meaning as in the "Cable Communications Policy Act of 69606  
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 69607  
amended by the "Telecommunications Act of 1996," Pub. L. No. 69608  
104-104, 110 Stat. 56. 69609

(18)(a) Make and enter into all contracts and agreements and 69610  
execute all instruments necessary or incidental to the performance 69611  
of its duties and the execution of its powers under sections 69612  
4582.21 to 4582.59 of the Revised Code. 69613

(b)~~(i)~~ Except as provided in division (A)(18)(c) of this 69614  
section or except when the port authority elects to construct a 69615  
building, structure, or other improvement pursuant to a contract 69616  
made with a construction manager at risk under sections 9.33 to 69617  
9.335 of the Revised Code or with a design-build firm under 69618  
section 153.65 to 153.73 of the Revised Code, when the cost of a 69619  
contract for the construction of any building, structure, or other 69620  
improvement undertaken by a port authority involves an expenditure 69621  
exceeding ~~the higher of~~ one hundred fifty thousand dollars ~~or the~~ 69622  
~~amount as adjusted under division (A)(18)(b)(ii) of this section,~~ 69623  
and the port authority is the contracting entity, the port 69624  
authority shall make a written contract after notice calling for 69625  
bids for the award of the contract has been given by publication 69626  
twice, with at least seven days between publications, in a 69627  
newspaper of general circulation in the area of the port authority 69628  
or as provided in section 7.16 of the Revised Code. Each such 69629  
contract shall be let to the lowest responsive and responsible 69630  
bidder in accordance with section 9.312 of the Revised Code. Every 69631  
contract shall be accompanied by or shall refer to plans and 69632  
specifications for the work to be done, prepared for and approved 69633  
by the port authority, signed by an authorized officer of the port 69634  
authority and by the contractor, and shall be executed in 69635  
triplicate. 69636

Each bid shall be awarded in accordance with sections 153.54, 69637  
153.57, and 153.571 of the Revised Code. The port authority may 69638  
reject any and all bids. 69639

~~(ii) On January 1, 2012, and the first day of January of 69640  
every even numbered year thereafter, the director of commerce 69641  
shall adjust the threshold level for contracts subject to the 69642  
bidding requirements contained in division (A)(18)(b)(i) of this 69643  
section. The director shall adjust this amount according to the 69644  
average increase for each of the two years immediately preceding 69645  
the adjustment as set forth in the producer price index for 69646  
material and supply inputs for new nonresidential construction as 69647  
determined by the bureau of labor statistics of the United States 69648  
department of labor or, if that index no longer is published, a 69649  
generally available comparable index. If there is no resulting 69650  
increase, the threshold shall remain the same until the next 69651  
scheduled adjustment on the first day of January of the next 69652  
even numbered year. 69653~~

(c) The board of directors by rule may provide criteria for 69654  
the negotiation and award without competitive bidding of any 69655  
contract as to which the port authority is the contracting entity 69656  
for the construction of any building or structure or other 69657  
improvement under any of the following circumstances: 69658

(i) There exists a real and present emergency that threatens 69659  
damage or injury to persons or property of the port authority or 69660  
other persons, provided that a statement specifying the nature of 69661  
the emergency that is the basis for the negotiation and award of a 69662  
contract without competitive bidding shall be signed by the 69663  
officer of the port authority that executes that contract at the 69664  
time of the contract's execution and shall be attached to the 69665  
contract. 69666

(ii) A commonly recognized industry or other standard or 69667  
specification does not exist and cannot objectively be articulated 69668

for the improvement. 69669

(iii) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code. 69670  
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(iv) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material. 69672  
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(v) A single bid is received by the port authority after complying with the provisions of division (A)(18)(b) of this section. 69675  
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(d)(i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(ii) of this section, the port authority shall publish a notice calling for technical proposals twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority. 69678  
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(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material. 69688  
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(e)(i) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, or any combination thereof, related to, useful for, or in furtherance of 69694  
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an activity contemplated by Section 13 or 16 of Article VIII, Ohio 69700  
Constitution, shall be made in such manner and subject to such 69701  
terms and conditions as may be determined by the board of 69702  
directors in its discretion. 69703

(ii) Division (A)(18)(e)(i) of this section applies to all 69704  
contracts that are subject to the division, notwithstanding any 69705  
other provision of law that might otherwise apply, including, 69706  
without limitation, any requirement of notice, any requirement of 69707  
competitive bidding or selection, or any requirement for the 69708  
provision of security. 69709

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 69710  
apply to either of the following: any contract secured by or to be 69711  
paid from moneys raised by taxation or the proceeds of obligations 69712  
secured by a pledge of moneys raised by taxation; or any contract 69713  
secured exclusively by or to be paid exclusively from the general 69714  
revenues of the port authority. For the purposes of this section, 69715  
any revenues derived by the port authority under a lease or other 69716  
agreement that, by its terms, contemplates the use of amounts 69717  
payable under the agreement either to pay the costs of the 69718  
improvement that is the subject of the contract or to secure 69719  
obligations of the port authority issued to finance costs of such 69720  
improvement, are excluded from general revenues. 69721

(19) Employ managers, superintendents, and other employees 69722  
and retain or contract with consulting engineers, financial 69723  
consultants, accounting experts, architects, attorneys, and any 69724  
other consultants and independent contractors as are necessary in 69725  
its judgment to carry out this chapter, and fix the compensation 69726  
thereof. All expenses thereof shall be payable from any available 69727  
funds of the port authority or from funds appropriated for that 69728  
purpose by a political subdivision creating or participating in 69729  
the creation of the port authority. 69730

(20) Receive and accept from any state or federal agency 69731

grants and loans for or in aid of the construction of any port 69732  
authority facility or for research and development with respect to 69733  
port authority facilities, and receive and accept aid or 69734  
contributions from any source of money, property, labor, or other 69735  
things of value, to be held, used, and applied only for the 69736  
purposes for which the grants and contributions are made; 69737

(21) Engage in research and development with respect to port 69738  
authority facilities; 69739

(22) Purchase fire and extended coverage and liability 69740  
insurance for any port authority facility and for the principal 69741  
office and branch offices of the port authority, insurance 69742  
protecting the port authority and its officers and employees 69743  
against liability for damage to property or injury to or death of 69744  
persons arising from its operations, and any other insurance the 69745  
port authority may agree to provide under any resolution 69746  
authorizing its port authority revenue bonds or in any trust 69747  
agreement securing the same; 69748

(23) Charge, alter, and collect rentals and other charges for 69749  
the use or services of any port authority facility as provided in 69750  
section 4582.43 of the Revised Code; 69751

(24) Provide coverage for its employees under Chapters 145., 69752  
4123., and 4141. of the Revised Code; 69753

(25) Establish and administer one or more payment card 69754  
programs for purposes of paying expenses related to port authority 69755  
business. Any obligation incurred as a result of the use of such a 69756  
payment card shall be paid from port authority funds. 69757

(26) Do all acts necessary or proper to carry out the powers 69758  
expressly granted in sections 4582.21 to 4582.59 of the Revised 69759  
Code. 69760

(B) Any instrument by which real property is acquired 69761  
pursuant to this section shall identify the agency of the state 69762

that has the use and benefit of the real property as specified in 69763  
section 5301.012 of the Revised Code. 69764

(C) Whoever violates division (A)(14) of this section is 69765  
guilty of a minor misdemeanor. 69766

**Sec. 4709.02.** Except as provided in this chapter, no person 69767  
shall do any of the following: 69768

(A) Engage in or attempt to engage in the practice of 69769  
barbering, hold themselves out as a practicing barber, or 69770  
advertise in a manner that indicates they are a barber, without a 69771  
barber license issued pursuant to this chapter; 69772

(B) Operate or attempt to operate a barber shop without a 69773  
barber shop license issued pursuant to this chapter; 69774

(C) Engage in or attempt to engage in the teaching of or 69775  
assist in the teaching of the practice of barbering without a 69776  
barber teacher or assistant barber teacher license issued pursuant 69777  
to this chapter; 69778

(D) Advertise barbering services unless the establishment and 69779  
personnel employed therein are licensed pursuant to this chapter; 69780

(E) Use or display a barber pole for the purpose of offering 69781  
barber services to the consuming public without a barber shop 69782  
license issued pursuant to this chapter; 69783

(F) Operate or attempt to operate a barber school without a 69784  
barber school license issued pursuant to this chapter; 69785

(G) Teach or attempt to teach any phase of barbering for pay, 69786  
free, or otherwise without approval from the state cosmetology and 69787  
barber board; 69788

(H) Being a barber, knowingly continue the practice of 69789  
barbering, or being a student, knowingly continue as a student in 69790  
any barber school, while such person has an infectious, 69791

contagious, or communicable disease;	69792
(I) Obtain or attempt to obtain a license by fraudulent misrepresentation for money, other than the required fee, or any other thing of value;	69793 69794 69795
(J) Practice or attempt to practice barbering by fraudulent misrepresentation;	69796 69797
(K) Employ another person to perform or himself perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;	69798 69799 69800
(L) Use any room or place for barbering which is also used for residential or other business purposes, unless it is separated by a substantial ceiling-high partition. This does not exclude hair care products used and sold in barber shops or the sale of clothing and related accessories as authorized by division (F) of section 4709.09 of the Revised Code.	69801 69802 69803 69804 69805 69806
(M) Violate any rule adopted by the board or department of health for barber shops or barber schools.	69807 69808
<b>Sec. 4709.05.</b> In addition to any other duty imposed on the <u>state cosmetology and barber board under this chapter or Chapter 4713. of the Revised Code</u> , the board shall do all of the following:	69809 69810 69811 69812
(A) <del>Organize by electing a chairperson from its members to serve a one year term;</del>	69813 69814
<del>(B) Hold regular meetings, at the times and places as it determines for the purpose of conducting the examinations required under this chapter, and hold additional meetings for the transaction of necessary business;</del>	69815 69816 69817 69818
<del>(C) Provide for suitable quarters, in the city of Columbus, for the conduct of its business and the maintenance of its records;</del>	69819 69820 69821

~~(D) Adopt a common seal for the authentication of its orders, communications, and records;~~ 69822  
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~~(E)~~(B) Maintain a record of its proceedings and a register of persons licensed as barbers. The register shall include each licensee's name, place of business, residence, and licensure date and number, and a record of all licenses issued, refused, renewed, suspended, or revoked. The records are open to public inspection at all reasonable times. 69824  
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~~(F) Annually, on or before the first day of January, make a report to the governor of all its official acts during the preceding year, its receipts and disbursements, recommendations it determines appropriate, and an evaluation of board activities intended to aid or protect consumers of barber services;~~ 69830  
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~~(G) Employ an executive director who shall do all things requested by the board for the administration and enforcement of this chapter. The executive director shall employ inspectors, clerks, and other assistants as the executive director determines necessary.~~ 69835  
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~~(H)~~(C) Ensure that the practice of barbering is conducted only in a licensed barber shop, except when the practice of barbering is performed on a person whose physical or mental disability prevents that person from going to a licensed barber shop; 69840  
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~~(I)~~(D) Conduct or have conducted the examination for applicants to practice as licensed barbers at least four times per year at the times and places the board determines; 69845  
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~~(J)~~(E) Adopt rules, in accordance with Chapter 119. of the Revised Code, to administer and enforce this chapter and which cover all of the following: 69848  
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69850

(1) Sanitary standards for the operation of barber shops and barber schools that conform to guidelines established by the 69851  
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department of health; 69853

(2) The content of the examination required of an applicant 69854  
for a barber license. The examination shall include a practical 69855  
demonstration and a written test, shall relate only to the 69856  
practice of barbering, and shall require the applicant to 69857  
demonstrate that the applicant has a thorough knowledge of and 69858  
competence in the proper techniques in the safe use of chemicals 69859  
used in the practice of barbering. 69860

(3) Continuing education requirements for persons licensed 69861  
pursuant to this chapter. The board may impose continuing 69862  
education requirements upon a licensee for a violation of this 69863  
chapter or the rules adopted pursuant thereto or if the board 69864  
determines that the requirements are necessary to preserve the 69865  
health, safety, or welfare of the public. 69866

(4) Requirements for the licensure of barber schools, barber 69867  
teachers, and assistant barber teachers; 69868

(5) Requirements for students of barber schools; 69869

(6) Any other area the board determines appropriate to 69870  
administer or enforce this chapter. 69871

~~(K) Annually review the rules adopted pursuant to division 69872  
(J) of this section in order to compare those rules with the rules 69873  
adopted by the state board of cosmetology pursuant to section 69874  
4713.08 of the Revised Code. If the barber board determines that 69875  
the rules adopted by the state board of cosmetology, including, 69876  
but not limited to, rules concerning using career technical 69877  
schools, would be beneficial to the barbering profession, the 69878  
barber board shall adopt rules similar to those it determines 69879  
would be beneficial for barbers. 69880~~

~~(L)~~(F) Prior to adopting any rule under this chapter, 69881  
indicate at a formal hearing the reasons why the rule is necessary 69882  
as a protection of the persons who use barber services or as an 69883

improvement of the professional standing of barbers in this state; 69884

~~(M)~~(G) Furnish each owner or manager of a barber shop and 69885  
barber school with a copy of all sanitary rules adopted pursuant 69886  
to division ~~(J)~~(E) of this section; 69887

~~(N)~~(H) Conduct such investigations and inspections of persons 69888  
and establishments licensed or unlicensed pursuant to this chapter 69889  
and for that purpose, any member of the board or any of its 69890  
authorized agents may enter and inspect any place of business of a 69891  
licensee or a person suspected of violating this chapter or the 69892  
rules adopted pursuant thereto, during normal business hours; 69893

~~(O)~~(I) Upon the written request of an applicant and the 69894  
payment of the appropriate fee, provide to the applicant licensure 69895  
information concerning the applicant; 69896

~~(P)~~(J) Do all things necessary for the proper administration 69897  
and enforcement of this chapter. 69898

**Sec. 4709.07.** (A) Each person who desires to obtain an 69899  
initial license to practice barbering shall apply to the state 69900  
cosmetology and barber board, on forms provided by the board. The 69901  
application form shall include the name of the person applying for 69902  
the license and evidence that the applicant meets all of the 69903  
requirements of division (B) of this section. The application 69904  
shall be accompanied by two signed current photographs of the 69905  
applicant, in the size determined by the board, that show only the 69906  
head and shoulders of the applicant, and the examination 69907  
application fee. 69908

(B) In order to take the required barber examination and to 69909  
qualify for licensure as a barber, an applicant must demonstrate 69910  
that the applicant meets all of the following: 69911

(1) Is of good moral character; 69912

(2) Is at least eighteen years of age; 69913

(3) Has an eighth grade education or an equivalent education 69914  
as determined by the state board of education in the state where 69915  
the applicant resides; 69916

(4) Has graduated with at least ~~eighteen~~ one thousand eight 69917  
hundred hours of training from a board-approved barber school or 69918  
has graduated with at least one thousand hours of training from a 69919  
board-approved barber school in this state and has a current 69920  
cosmetology or hair designer license issued pursuant to Chapter 69921  
4713. of the Revised Code. No hours of instruction earned by an 69922  
applicant five or more years prior to the examination apply to the 69923  
hours of study required by this division. 69924

(C) Any applicant who meets all of the requirements of 69925  
divisions (A) and (B) of this section may take the barber 69926  
examination at the time and place specified by the board. If the 69927  
applicant fails to attain at least a seventy-five per cent pass 69928  
rate on each part of the examination, the applicant is ineligible 69929  
for licensure; however, the applicant may reapply for examination 69930  
within ninety days after the date of the release of the 69931  
examination scores by paying the required reexamination fee. An 69932  
applicant is only required to take that part or parts of the 69933  
examination on which the applicant did not receive a score of 69934  
seventy-five per cent or higher. If the applicant fails to reapply 69935  
for examination within ninety days or fails the second 69936  
examination, in order to reapply for examination for licensure the 69937  
applicant shall complete an additional course of study of not less 69938  
than two hundred hours, in a board-approved barber school. The 69939  
board shall provide to an applicant, upon request, a report which 69940  
explains the reasons for the applicant's failure to pass the 69941  
examination. 69942

(D) The board shall issue a license to practice barbering to 69943  
any applicant who, to the satisfaction of the board, meets the 69944  
requirements of divisions (A) and (B) of this section, who passes 69945

the required examination, and pays the initial licensure fee. 69946  
Every licensed barber shall display the certificate of licensure 69947  
in a conspicuous place adjacent to or near the licensed barber's 69948  
work chair, along with a signed current photograph, in the size 69949  
determined by the board, showing head and shoulders only. 69950

**Sec. 4709.08.** Any person who holds a current license or 69951  
registration to practice as a barber in any other state or 69952  
district of the United States or country whose requirements for 69953  
licensure or registration of barbers are substantially equivalent 69954  
to the requirements of this chapter and rules adopted under it and 69955  
that extends similar reciprocity to persons licensed as barbers in 69956  
this state may apply to the state cosmetology and barber board for 69957  
a barber license. The board shall, without examination, unless the 69958  
board determines to require an examination, issue a license to 69959  
practice as a licensed barber in this state if the person meets 69960  
the requirements of this section, is at least eighteen years of 69961  
age and of good moral character, and pays the required fees. The 69962  
board may waive any of the requirements of this section. 69963

**Sec. 4709.09.** (A) Each person who desires to obtain a barber 69964  
shop license shall apply to the state cosmetology and barber 69965  
board, on forms provided by the board. The board shall issue a 69966  
barber shop license to a person if the board determines that the 69967  
person meets all of the requirements of division (B) of this 69968  
section and pays the required license and inspection fees. 69969

(B) In order for a person to qualify for a license to operate 69970  
a barber shop, the barber shop shall meet all of the following 69971  
requirements: 69972

(1) Be in the charge and under the immediate supervision of a 69973  
licensed barber; 69974

(2) Be equipped to provide running hot and cold water and 69975

proper drainage; 69976

(3) Sanitize and maintain in a sanitary condition, all 69977  
instruments and supplies; 69978

(4) Keep towels and linens clean and sanitary and in a dry, 69979  
dust-proof container; 69980

(5) Display the shop license and a copy of the board's 69981  
sanitary rules in a conspicuous place in the working area. 69982

(C) Any licensed barber who leases space in a licensed barber 69983  
shop and engages in the practice of barbering independent and free 69984  
from supervision of the owner or manager of the barber shop is 69985  
considered to be engaged in the operation of a separate and 69986  
distinct barber shop and shall obtain a license to operate a 69987  
barber shop pursuant to this section. 69988

(D) A shop license is not transferable from one owner to 69989  
another and if an owner or operator of a barber shop permanently 69990  
ceases offering barber services at the shop, the owner or operator 69991  
shall return the barber shop license to the board within ten days 69992  
of the cessation of services. 69993

(E)(1) Manicurists licensed under Chapter 4713. of the 69994  
Revised Code may practice manicuring in a barber shop. 69995

(2) Tanning facilities issued a permit under section 4713.48 69996  
of the Revised Code may be operated in a barber shop. 69997

(F) Clothing and related accessories may be sold at retail in 69998  
a barber shop so long as these sales maintain the integrity of the 69999  
facility as a barber shop. 70000

**Sec. 4709.10.** (A) Each person who desires to obtain a license 70001  
to operate a barber school shall apply to the state cosmetology 70002  
and barber board, on forms provided by the board. The board shall 70003  
issue a barber school license to a person if the board determines 70004  
that the person meets and will comply with all of the requirements 70005

of division (B) of this section and pays the required licensure and inspection fees. 70006  
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(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements: 70008  
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(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board; 70011  
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(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board; 70015  
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(3) Have established and provide to the board proof that it has met all of the board requirements to operate a barber school, as adopted by rule of the board; 70017  
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(4) File with the board a program of its curriculum, accounting for not less than ~~eighteen~~ one thousand eight hundred hours of instruction in the courses of theory and practical demonstration required by rule of the board; 70020  
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(5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering may maintain an action on the bond against the barber school or the surety, or both, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of barbering 70024  
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which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond. 70037  
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(6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule; 70039  
70040  
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(7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following: 70042  
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(a) Be at least seventeen years of age; 70047

(b) Be of good moral character; 70048

(c) Have an eighth grade education, or an equivalent education as determined by the state board of education; 70049  
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(d) Submit two signed current photographs of ~~himself~~ the applicant, in the size determined by the board. 70051  
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(8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school; 70053  
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(9) Operate in a manner which reflects credit upon the barbering profession; 70056  
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(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 70058  
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(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility. 70061  
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(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the ~~barber~~ board, 70065  
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on forms provided by the ~~barber~~ board. The board shall only issue 70067  
a barber teacher license to a person who meets all of the 70068  
following requirements: 70069

(1) Holds a current barber license issued pursuant to this 70070  
chapter and has at least eighteen months of work experience in a 70071  
licensed barber shop or has been employed as an assistant barber 70072  
teacher under the supervision of a licensed barber teacher for at 70073  
least one year, unless, for good cause, the board waives this 70074  
requirement; 70075

(2) Meets such other requirements as adopted by rule by the 70076  
board; 70077

(3) Passes the required examination; and 70078

(4) Pays the required fees. If an applicant fails to pass the 70079  
examination, ~~he~~ the applicant may reapply for the examination and 70080  
licensure no earlier than one year after the failure to pass and 70081  
provided that during that period, ~~he~~ the applicant remains 70082  
employed as an assistant barber teacher. 70083

The board shall only issue an assistant barber teacher 70084  
license to a person who holds a current barber license issued 70085  
pursuant to this chapter and pays the required fees. 70086

(D) Any person who meets the qualifications of an assistant 70087  
teacher pursuant to division (C) of this section, may be employed 70088  
as an assistant teacher, provided that within five days after the 70089  
commencement of the employment the barber school submits to the 70090  
board, on forms provided by the board, the applicant's 70091  
qualifications. 70092

**Sec. 4709.12.** (A) The state cosmetology and barber board 70093  
shall charge and collect the following fees: 70094

(1) For the application to take the barber examination, 70095  
ninety dollars; 70096

(2) For an application to retake any part of the barber examination, forty-five dollars;	70097 70098
(3) For the initial issuance of a license to practice as a barber, thirty dollars;	70099 70100
(4) For the biennial renewal of the license to practice as a barber, one hundred ten dollars;	70101 70102
(5) For the restoration of an expired barber license, one hundred dollars, and seventy-five dollars for each lapsed year, provided that the total fee shall not exceed six hundred ninety dollars;	70103 70104 70105 70106
(6) For the issuance of a duplicate barber or shop license, forty-five dollars;	70107 70108
(7) For the inspection of a new barber shop, change of ownership, or reopening of premises or facilities formerly operated as a barber shop, and issuance of a shop license, one hundred ten dollars;	70109 70110 70111 70112
(8) For the biennial renewal of a barber shop license, seventy-five dollars;	70113 70114
(9) For the restoration of a barber shop license, one hundred ten dollars;	70115 70116
(10) For each inspection of premises for location of a new barber school, or each inspection of premises for relocation of a currently licensed barber school, seven hundred fifty dollars;	70117 70118 70119
(11) For the initial barber school license, one thousand dollars, and one thousand dollars for the renewal of the license;	70120 70121
(12) For the restoration of a barber school license, one thousand dollars;	70122 70123
(13) For the issuance of a student registration, forty dollars;	70124 70125

(14) For the examination and issuance of a biennial teacher license, one hundred eighty-five dollars;	70126 70127
(15) For the renewal of a biennial teacher license, one hundred fifty dollars;	70128 70129
(16) For the restoration of an expired teacher license, two hundred twenty-five dollars, and sixty dollars for each lapsed year, provided that the total fee shall not exceed four hundred fifty dollars;	70130 70131 70132 70133
(17) For the issuance of a barber license by reciprocity pursuant to section 4709.08 of the Revised Code, three hundred dollars;	70134 70135 70136
(18) For providing licensure information concerning an applicant, upon written request of the applicant, forty dollars.	70137 70138
(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent.	70139 70140 70141 70142
(C) In addition to any other fee charged and collected under this section, the <del>barber</del> board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund.	70143 70144 70145 70146 70147 70148 70149
<b>Sec. 4709.13.</b> (A) The <u>state cosmetology and</u> barber board may refuse to issue or renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for any one or more of the following causes:	70150 70151 70152 70153
(1) Advertising by means of knowingly false or deceptive statements;	70154 70155

(2) Habitual drunkenness or possession of or addiction to the use of any controlled drug prohibited by state or federal law;	70156 70157
(3) Immoral or unprofessional conduct;	70158
(4) Continuing to be employed in a barber shop wherein rules of the board or department of health are violated;	70159 70160
(5) Employing any person who does not have a current Ohio license to perform the practice of barbering;	70161 70162
(6) Owning, managing, operating, or controlling any barber school or portion thereof, wherein the practice of barbering is carried on, whether in the same building or not, without displaying a sign at all entrances to the places where the barbering is carried on, indicating that the work therein is done by students exclusively;	70163 70164 70165 70166 70167 70168
(7) Owning, managing, operating, or controlling any barber shop, unless it displays a recognizable sign or barber pole indicating that it is a barber shop, and the sign or pole is clearly visible at the main entrance to the shop;	70169 70170 70171 70172
(8) Violating any sanitary rules approved by the department of health or the board;	70173 70174
(9) Employing another person to perform or personally perform the practice of barbering in a licensed barber shop unless that person is licensed as a barber under this chapter;	70175 70176 70177
(10) Gross incompetence.	70178
(B)(1) The board may refuse to renew or may suspend or revoke or impose conditions upon any license issued pursuant to this chapter for conviction of or plea of guilty to a felony committed after the person has been issued a license under this chapter, shown by a certified copy of the record of the court in which the person was convicted or pleaded guilty.	70179 70180 70181 70182 70183 70184
(2) A conviction or plea of guilty to a felony committed	70185

prior to being issued a license under this chapter shall not 70186  
disqualify a person from being issued an initial license under 70187  
this chapter. 70188

(C) Prior to taking any action under division (A) or (B) of 70189  
this section, the board shall provide the person with a statement 70190  
of the charges against the person and notice of the time and place 70191  
of a hearing on the charges. The board shall conduct the hearing 70192  
according to Chapter 119. of the Revised Code. Any person 70193  
dissatisfied with a decision of the board may appeal the board's 70194  
decision to the court of common pleas in Franklin county. 70195

(D) The board may adopt rules in accordance with Chapter 119. 70196  
of the Revised Code, specifying additional grounds upon which the 70197  
board may take action under division (A) of this section. 70198

**Sec. 4709.14.** (A) If the state cosmetology and barber board 70199  
determines that any person is violating or threatening to violate 70200  
any provision of this chapter or the rules adopted pursuant 70201  
thereto and such violation or threatened violation is a threat to 70202  
the health or safety of persons who use barber services, the board 70203  
may apply to a court of competent jurisdiction in the county in 70204  
which the violation or threatened violation occurred or will occur 70205  
for injunctive relief and such other relief to prevent further 70206  
violations. The attorney general shall, at the board's request, 70207  
represent the board in any such action. 70208

(B) If the board determines, after a hearing conducted in 70209  
accordance with Chapter 119. of the Revised Code, that any person 70210  
has violated any provision of this chapter or the rules adopted 70211  
pursuant thereto, the board may, in addition to any other action 70212  
it may take or any other penalty imposed pursuant to this chapter, 70213  
impose one or more fines upon the person. In no event, however, 70214  
shall the fines imposed under this division exceed five hundred 70215  
dollars for a first offense or one thousand dollars for each 70216

subsequent offense. 70217

(C) A person who allegedly has violated a provision of this 70218  
chapter for which the board proposes to impose a fine may pay the 70219  
board the amount of the fine and waive the right to an 70220  
adjudicatory hearing conducted under Chapter 119. of the Revised 70221  
Code and described in division (B) of this section. 70222

**Sec. 4709.23.** No phase of barbering shall be taught for pay, 70223  
free, or otherwise, without approval from the state cosmetology 70224  
and barber board. 70225

**Sec. 4713.01.** As used in this chapter: 70226

"Apprentice instructor" means an individual holding a 70227  
practicing license issued by the state ~~board of~~ cosmetology and 70228  
barber board who is engaged in learning or acquiring knowledge of 70229  
the occupation of an instructor of a branch of cosmetology at a 70230  
school of cosmetology. 70231

"Beauty salon" means a salon in which an individual is 70232  
authorized to engage in all branches of cosmetology. 70233

"Biennial licensing period" means the two-year period 70234  
beginning on the first day of February of an odd-numbered year and 70235  
ending on the last day of January of the next odd-numbered year. 70236

"Boutique salon" means a salon in which an individual engages 70237  
in boutique services and no other branch of cosmetology. 70238

"Boutique services" means braiding, threading, and 70239  
shampooing. 70240

"Braiding" means intertwining the hair in a systematic motion 70241  
to create patterns in a three-dimensional form, inverting the hair 70242  
against the scalp along part of a straight or curved row of 70243  
intertwined hair, or twisting the hair in a systematic motion, and 70244  
includes extending the hair with natural or synthetic hair fibers. 70245

"Branch of cosmetology" means the practice of cosmetology, 70246  
practice of esthetics, practice of hair design, practice of 70247  
manicuring, practice of natural hair styling, or practice of 70248  
boutique services. 70249

"Cosmetic therapy" has the same meaning as in section 4731.15 70250  
of the Revised Code. 70251

"Cosmetologist" means an individual authorized to engage in 70252  
all branches of cosmetology in a licensed facility. 70253

"Cosmetology" means the art or practice of embellishment, 70254  
cleansing, beautification, and styling of hair, wigs, postiches, 70255  
face, body, or nails. 70256

"Cosmetology instructor" means an individual authorized to 70257  
teach the theory and practice of all branches of cosmetology at a 70258  
school of cosmetology. 70259

"Esthetician" means an individual who engages in the practice 70260  
of esthetics but no other branch of cosmetology in a licensed 70261  
facility. 70262

"Esthetics instructor" means an individual who teaches the 70263  
theory and practice of esthetics, but no other branch of 70264  
cosmetology, at a school of cosmetology. 70265

"Esthetics salon" means a salon in which an individual 70266  
engages in the practice of esthetics but no other branch of 70267  
cosmetology. 70268

"Eye lash extensions" include temporary and semi-permanent 70269  
enhancements designed to add length, thickness, and fullness to 70270  
natural eyelashes. 70271

"Hair designer" means an individual who engages in the 70272  
practice of hair design but no other branch of cosmetology in a 70273  
licensed facility. 70274

"Hair design instructor" means an individual who teaches the 70275

theory and practice of hair design, but no other branch of	70276
cosmetology, at a school of cosmetology.	70277
"Hair design salon" means a salon in which an individual	70278
engages in the practice of hair design but no other branch of	70279
cosmetology.	70280
"Hair removal" includes tweezing, waxing, sugaring, and	70281
threading. "Hair removal" does not include electrolysis.	70282
"Independent contractor" means an individual who is not an	70283
employee of a salon but practices a branch of cosmetology within a	70284
salon in a licensed facility.	70285
"Instructor license" means a license to teach the theory and	70286
practice of a branch of cosmetology at a school of cosmetology.	70287
"Licensed facility" means any premises, building, or part of	70288
a building licensed under section 4713.41 of the Revised Code in	70289
which cosmetology services are authorized by the state <del>board of</del>	70290
cosmetology <u>and barber board</u> to be performed.	70291
"Advanced cosmetologist" means an individual authorized to	70292
work in a beauty salon and engage in all branches of cosmetology.	70293
"Advanced esthetician" means an individual authorized to work	70294
in an esthetics salon, but no other type of salon, and engage in	70295
the practice of esthetics, but no other branch of cosmetology.	70296
"Advanced hair designer" means an individual authorized to	70297
work in a hair design salon, but no other type of salon, and	70298
engage in the practice of hair design, but no other branch of	70299
cosmetology.	70300
"Advanced license" means a license to work in a salon and	70301
practice the branch of cosmetology practiced at the salon.	70302
"Advanced manicurist" means an individual authorized to work	70303
in a nail salon, but no other type of salon, and engage in the	70304
practice of manicuring, but no other branch of cosmetology.	70305

"Advanced natural hair stylist" means an individual 70306  
authorized to work in a natural hair style salon, but no other 70307  
type of salon, and engage in the practice of natural hair styling, 70308  
but no other branch of cosmetology. 70309

"Manicurist" means an individual who engages in the practice 70310  
of manicuring but no other branch of cosmetology in a licensed 70311  
facility. 70312

"Manicurist instructor" means an individual who teaches the 70313  
theory and practice of manicuring, but no other branch of 70314  
cosmetology, at a school of cosmetology. 70315

"Nail salon" means a salon in which an individual engages in 70316  
the practice of manicuring but no other branch of cosmetology. 70317

"Natural hair stylist" means an individual who engages in the 70318  
practice of natural hair styling but no other branch of 70319  
cosmetology in a licensed facility. 70320

"Natural hair style instructor" means an individual who 70321  
teaches the theory and practice of natural hair styling, but no 70322  
other branch of cosmetology, at a school of cosmetology. 70323

"Natural hair style salon" means a salon in which an 70324  
individual engages in the practice of natural hair styling but no 70325  
other branch of cosmetology. 70326

"Practice of braiding" means utilizing the technique of 70327  
intertwining hair in a systematic motion to create patterns in a 70328  
three-dimensional form, including patterns that are inverted, 70329  
upright, or singled against the scalp that follow along straight 70330  
or curved partings. It may include twisting or locking the hair 70331  
while adding bulk or length with human hair, synthetic hair, or 70332  
both and using simple devices such as clips, combs, and hairpins. 70333

"Practice of braiding" does not include application of weaving, 70334  
bonding, and fusion of individual strands or wefts; application of 70335  
dyes, reactive chemicals, or other preparations to alter the color 70336

or straighten, curl, or alter the structure of hair; embellishing 70337  
or beautifying hair by cutting or singeing, except as needed to 70338  
finish the ends of synthetic fibers used to add bulk to or 70339  
lengthen hair. 70340

"Practice of cosmetology" means the practice of all branches 70341  
of cosmetology. 70342

"Practice of esthetics" means the application of cosmetics, 70343  
tonics, antiseptics, creams, lotions, or other preparations for 70344  
the purpose of skin beautification and includes preparation of the 70345  
skin by manual massage techniques or by use of electrical, 70346  
mechanical, or other apparatus; enhancement of the skin by skin 70347  
care, facials, body treatments, hair removal, and other 70348  
treatments; and eye lash extension services. 70349

"Practice of hair design" means embellishing or beautifying 70350  
hair, wigs, or hairpieces by arranging, dressing, pressing, 70351  
curling, waving, permanent waving, cleansing, cutting, singeing, 70352  
bleaching, coloring, braiding, weaving, or similar work. "Practice 70353  
of hair design" includes utilizing techniques performed by hand 70354  
that result in tension on hair roots such as twisting, wrapping, 70355  
weaving, extending, locking, or braiding of the hair. 70356

"Practice of manicuring" means cleaning, trimming, shaping 70357  
the free edge of, or applying polish to the nails of any 70358  
individual; applying nail enhancements and embellishments to any 70359  
individual; massaging the hands and lower arms up to the elbow of 70360  
any individual; massaging the feet and lower legs up to the knee 70361  
of any individual; using lotions or softeners on the hands and 70362  
feet of any individual; or any combination of these types of 70363  
services. 70364

"Practice of natural hair styling" means utilizing techniques 70365  
performed by hand that result in tension on hair roots such as 70366  
twisting, wrapping, weaving, extending, locking, or braiding of 70367

the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. "Practice of natural hair styling" also does not include embellishing or beautifying hair by cutting or singeing, except as needed to finish off the end of a braid, or by dressing, pressing, curling, waving, permanent waving, or similar work.

"Practicing license" means a license to practice a branch of cosmetology in a licensed facility.

"Salon" means a licensed facility on any premises, building, or part of a building in which an individual engages in the practice of one or more branches of cosmetology. "Salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code. "Salon" does not mean a tanning facility, although a tanning facility may be located in a salon.

"School of cosmetology" means any premises, building, or part of a building in which students are instructed in the theories and practices of one or more branches of cosmetology.

"Shampooing" means the act of cleansing and conditioning an individual's hair under the supervision of an individual licensed under this chapter and in preparation to immediately receive a service from a licensee.

"Student" means an individual, other than an apprentice instructor, who is engaged in learning or acquiring knowledge of the practice of a branch of cosmetology at a school of cosmetology.

"Tanning facility" means any premises, building, or part of a building that contains one or more rooms or booths with any of the following:

(A) Equipment or beds used for tanning human skin by the use of fluorescent sun lamps using ultraviolet or other artificial

radiation; 70399

(B) Equipment or booths that use chemicals applied to human skin, including chemical applications commonly referred to as spray-on, mist-on, or sunless tans; 70400  
70401  
70402

(C) Equipment or beds that use visible light for cosmetic purposes. 70403  
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"Threading" includes a service that results in the removal of hair from its follicle from around the eyebrows and from other parts of the face with the use of a single strand of thread and an astringent, if the service does not use chemicals of any kind, wax, or any implements, instruments, or tools to remove hair. 70405  
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**Sec. 4713.02.** (A) There is hereby created the state ~~board of~~ cosmetology and barber board, consisting of all of the following members appointed by the governor, with the advice and consent of the senate: 70410  
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(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment; 70414  
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(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment; 70416  
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(3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology; 70419  
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(4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school; 70422  
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(5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology; 70425  
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(6) One owner of at least five licensed salons; 70427

(7) One individual who is either a certified nurse 70428  
practitioner or clinical nurse specialist holding a current, valid 70429  
license to practice nursing as an advanced practice registered 70430  
nurse issued under Chapter 4723. of the Revised Code or a 70431  
physician authorized under Chapter 4731. of the Revised Code to 70432  
practice medicine and surgery or osteopathic medicine and surgery; 70433

(8) One individual representing the general public; 70434

(9) One individual who holds a current, valid tanning permit 70435  
and who has owned or managed a tanning facility for at least five 70436  
years immediately preceding the individual's appointment; 70437

(10) One individual who holds a current, valid esthetician 70438  
license and who has been actively practicing esthetics for a 70439  
period of not less than five years immediately preceding the 70440  
individual's appointment; 70441

(11) Two barbers, one of whom is an employer barber and one 70442  
of whom is employed as a barber, both of whom have been licensed 70443  
as barbers in this state for at least five years immediately 70444  
preceding their appointment. 70445

(B) The superintendent of public instruction shall nominate 70446  
three individuals for the governor to choose from when making an 70447  
appointment under division (A)(4) of this section. 70448

(C) All members shall be at least twenty-five years of age, 70449  
residents of the state, and citizens of the United States. No more 70450  
than two members, at any time, shall be graduates of the same 70451  
school of cosmetology. Not more than one member shall have a 70452  
common financial connection with any school of cosmetology ~~or~~ 70453  
salon, barber school, or barber shop. 70454

Terms of office are for five years. Terms shall commence on 70455  
the first day of November and end on the thirty-first day of 70456  
October. Each member shall hold office from the date of 70457  
appointment until the end of the term for which appointed. In case 70458

of a vacancy occurring on the board, the governor shall, in the 70459  
same manner prescribed for the regular appointment to the board, 70460  
fill the vacancy by appointing a member. Any member appointed to 70461  
fill a vacancy occurring prior to the expiration of the term for 70462  
which the member's predecessor was appointed shall hold office for 70463  
the remainder of such term. Any member shall continue in office 70464  
subsequent to the expiration date of the member's term until the 70465  
member's successor takes office, or until a period of sixty days 70466  
has elapsed, whichever occurs first. Before entering upon the 70467  
discharge of the duties of the office of member, each member shall 70468  
take, and file with the secretary of state, the oath of office 70469  
required by Section 7 of Article XV, Ohio Constitution. 70470

The members of the board shall receive an amount fixed 70471  
pursuant to Chapter 124. of the Revised Code per diem for every 70472  
meeting of the board which they attend, together with their 70473  
necessary expenses, and mileage for each mile necessarily 70474  
traveled. 70475

The members of the board shall annually elect, from among 70476  
their number, a chairperson and a vice-chairperson. The executive 70477  
director appointed pursuant to section 4713.06 of the Revised Code 70478  
shall serve as the board's secretary. 70479

(D) The board shall prescribe the duties of its officers and 70480  
establish an office within Franklin county. The board shall keep 70481  
all records and files at the office and have the records and files 70482  
at all reasonable hours open to public inspection in accordance 70483  
with section 149.43 of the Revised Code and any rules adopted by 70484  
the board in compliance with this state's record retention policy. 70485  
The board also shall adopt a seal for the authentication of its 70486  
orders, communications, and records. 70487

(E) The governor may remove any member for cause prior to the 70488  
expiration of the member's term of office. 70489

(F) Whenever the term "state board of cosmetology" is used, 70490  
referred to, or designated in statute, rule, contract, grant, or 70491  
other document, the use, reference, or designation shall be deemed 70492  
to mean the "state cosmetology and barber board" or the executive 70493  
director of the state cosmetology and barber board, whichever is 70494  
appropriate in context. Whenever the term "barber board" is used, 70495  
referred to, or designated in statute, rule, contract, grant, or 70496  
other document, the use, reference, or designation shall be deemed 70497  
to mean the "state cosmetology and barber board" or the executive 70498  
director of the state cosmetology and barber board, whichever is 70499  
appropriate in context. 70500

**Sec. 4713.03.** The state ~~board of~~ cosmetology and barber board 70501  
shall hold meetings to transact its business at least four times a 70502  
year. The board may hold additional meetings as, in its judgment, 70503  
are necessary. The board shall meet at the times and places it 70504  
selects. 70505

**Sec. 4713.04.** The state ~~board of~~ cosmetology and barber board 70506  
may authorize any of its members, in writing, to undertake any 70507  
proceedings authorized by this chapter, and the finding or order 70508  
of such members is the finding of the board when confirmed by it. 70509  
70510

**Sec. 4713.05.** All receipts of the state ~~board of~~ cosmetology 70511  
and barber board shall be deposited into the state treasury to the 70512  
credit of the occupational licensing and regulatory fund. All 70513  
vouchers of the board shall be approved by the board chairperson 70514  
or executive director, or both, as authorized by the board. 70515

**Sec. 4713.06.** The state ~~board of~~ cosmetology and barber board 70516  
shall annually appoint an executive director. The executive 70517  
director may not be a member of the board, but subsequent to 70518

appointment, shall serve as secretary of the board. The executive 70519  
director, before entering upon the discharge of the executive 70520  
director's duties, shall file with the secretary of state a good 70521  
and sufficient bond payable to the state, to ensure the faithful 70522  
performance of duties of the office of executive director. The 70523  
bond shall be in an amount the board requires. The premium of the 70524  
bond shall be paid from appropriations made to the board for 70525  
operating purposes. Whenever the term "executive director of the 70526  
state board of cosmetology" or the term "executive director of the 70527  
barber board," or variations thereof, is used, referred to, or 70528  
designated in statute, rule, contract, grant, or other document, 70529  
the use, reference, or designation shall be deemed to mean the 70530  
"executive director of the state cosmetology and barber board." 70531

The board may employ inspectors, examiners, consultants on 70532  
contents of examinations, clerks, or other individuals as 70533  
necessary for the administration of this chapter and Chapter 4709. 70534  
of the Revised Code. All inspectors and examiners shall be 70535  
licensed cosmetologists pursuant to this chapter or licensed 70536  
barbers pursuant to Chapter 4709. of the Revised Code. 70537

The board may appoint inspectors to inspect and investigate 70538  
all facilities regulated by this chapter and Chapter 4709. of the 70539  
Revised Code, including tanning facilities, to ensure compliance 70540  
with this chapter and Chapter 4709. of the Revised Code, the rules 70541  
adopted ~~pursuant to it~~ by the board, and the board's policies, in 70542  
accordance with division (A)(11) of section 4713.07 of the Revised 70543  
Code. 70544

**Sec. 4713.07.** (A) The state ~~board of~~ cosmetology and barber 70545  
board shall do all of the following: 70546

(1) Regulate the practice of cosmetology and all of its 70547  
branches in this state; 70548

- (2) Investigate or inspect, when evidence appears to demonstrate that an individual has violated any provision of this chapter or any rule adopted pursuant to it, the activities or premises of a license holder or unlicensed individual; 70549  
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- (3) Adopt rules in accordance with section 4713.08 of the Revised Code; 70553  
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- (4) Prescribe and make available application forms to be used by individuals seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license or registration issued under this chapter; 70555  
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- (5) Prescribe and make available application forms to be used by individuals seeking renewal of a license or registration issued under this chapter; 70559  
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- (6) Provide a toll-free number and an online service to receive complaints alleging violations of this chapter or Chapter 4709. of the Revised Code; 70562  
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- (7) Report to the proper prosecuting officer violations of section 4713.14 of the Revised Code of which the board is aware; 70565  
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- (8) Submit a written report annually to the governor that provides all of the following: 70567  
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- (a) A discussion of the conditions in this state of the branches of cosmetology; 70569  
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- (b) An evaluation of board activities intended to aid or protect consumers; 70571  
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- (c) A brief summary of the board's proceedings during the year the report covers; 70573  
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- ~~(c)~~(d) A statement of all money that the board received and expended during the year the report covers. 70575  
70576
- (9) Keep a record of all of the following: 70577

(a) The board's proceedings;	70578
(b) The name and last known physical address, electronic mail address, and telephone number of each individual issued a license or registration under this chapter;	70579 70580 70581
(c) The date and number of each license, permit, and registration that the board issues.	70582 70583
(10) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;	70584 70585 70586
(11) Require inspectors appointed pursuant to section 4713.06 of the Revised Code to conduct inspections of licensed or permitted facilities, including salons and boutique salons, schools of cosmetology, <u>barber schools, barber shops,</u> and tanning facilities, within ninety days of the opening for business of a licensed facility, upon complaints reported to the board, within ninety days after a violation was documented at a facility, and at least once every two years. Any individual, after providing the individual's name and contact information, may report to the board any information the individual may have that appears to show a violation of any provision of this chapter or rule adopted under it <u>or a violation of any provision of Chapter 4709. of the Revised Code or rule adopted by the board pursuant to Chapter 4709. of the Revised Code.</u> In the absence of bad faith, any individual who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable for damages in a civil action as a result of the report or testimony. For the purpose of inspections, an independent contractor shall be added to the board's records as an individual salon.	70587 70588 70589 70590 70591 70592 70593 70594 70595 70596 70597 70598 70599 70600 70601 70602 70603 70604 70605 70606
(12) Supply a copy of the poster created pursuant to division (B) of section 5502.63 of the Revised Code to each person	70607 70608

authorized to operate a salon, school of cosmetology, tanning facility, or other type of facility under this chapter; 70609  
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(13) All other duties that this chapter imposes on the board. 70611

(B) The board may delegate any of the duties listed in division (A) of this section to the executive director of the board or to an individual designated by the executive director. 70612  
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**Sec. 4713.071.** (A) ~~Beginning one year after the effective date of this section, the~~ The state board of cosmetology and barber board shall annually submit a written report to the governor, president of the senate, and speaker of the house of representatives. The report shall list all of the following for the preceding twelve-month period: 70615  
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(1) The number of students enrolled in courses at licensed public and private schools of cosmetology and barbering; 70621  
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(2) The number of students graduating from licensed public and private schools of cosmetology and barbering; 70623  
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(3) The annual cost for students to attend each licensed public or private school of cosmetology and barbering; 70625  
70626

(4) The loan default rates for licensed public and private schools of cosmetology and barbering; 70627  
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(5) The first-time licensure passage rate for graduates of all public and private schools of cosmetology and barbering; 70629  
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(6) The total number of new and renewal licenses in each profession; 70631  
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(7) The total number of complaint-driven inspections conducted by the board; 70633  
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(8) The total number and type of violations, including a list of the top ten violations, which shall aid in the identification of focus areas for continuing education purposes; 70635  
70636  
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(9) The twenty salons and individuals cited with the most violations for unlicensed workers; 70638  
70639

(10) The number of adjudications or other disciplinary action taken by the board. 70640  
70641

(B) The board shall include in the final report under division (A) of this section any recommendations it has for changes to this chapter or Chapter 4709. of the Revised Code. 70642  
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70644

**Sec. 4713.08.** (A) The state ~~board of~~ cosmetology and barber board shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this chapter. The rules shall do all of the following: 70645  
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(1) Govern the practice of the branches of cosmetology; 70649

(2) Specify conditions an individual must satisfy to qualify for a temporary pre-examination work permit under section 4713.22 of the Revised Code and the conditions and method of renewing a temporary pre-examination work permit under that section; 70650  
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(3) Provide for the conduct of examinations under section 4713.24 of the Revised Code; 70654  
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(4) Specify conditions under which the board will take into account, under section 4713.32 of the Revised Code, instruction an applicant for a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code received more than five years before the date of application for the license; 70656  
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(5) Provide for the granting of waivers under section 4713.29 of the Revised Code; 70661  
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(6) Specify conditions an applicant must satisfy for the board to issue the applicant a license under section 4713.34 of the Revised Code without the applicant taking an examination conducted under section 4713.24 of the Revised Code; 70663  
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- (7) Specify locations in which glamour photography services 70667  
in which a branch of cosmetology is practiced may be provided; 70668
- (8) Establish conditions and the fee for a temporary special 70669  
occasion work permit under section 4713.37 of the Revised Code and 70670  
specify the amount of time such a permit is valid; 70671
- (9) Specify conditions an applicant must satisfy for the 70672  
board to issue the applicant an independent contractor license 70673  
under section 4713.39 of the Revised Code and the fee for issuance 70674  
and renewal of the license; 70675
- (10) Establish conditions under which food may be sold at a 70676  
salon; 70677
- (11) Specify which professions regulated by a professional 70678  
regulatory board of this state may be practiced in a salon under 70679  
section 4713.42 of the Revised Code; 70680
- (12) Establish standards for the provision of cosmetic 70681  
therapy, massage therapy, or other professional service in a salon 70682  
pursuant to section 4713.42 of the Revised Code; 70683
- (13) Establish standards for board approval of, and the 70684  
granting of credits for, training in branches of cosmetology at 70685  
schools of cosmetology licensed in this state; 70686
- (14) Establish the manner in which a school of cosmetology 70687  
licensed under section 4713.44 of the Revised Code may offer 70688  
post-secondary and advanced practice programs; 70689
- (15) Establish sanitary standards for the practice of the 70690  
branches of cosmetology, salons, and schools of cosmetology; 70691
- (16) Establish the application process for obtaining a 70692  
tanning facility permit under section 4713.48 of the Revised Code, 70693  
including the amount of the fee for an initial or renewed permit; 70694
- (17) Establish standards for installing and operating a 70695  
tanning facility in a manner that ensures the health and safety of 70696

consumers, including standards that do all of the following:	70697
(a) Establish a maximum safe time of exposure to radiation	70698
and a maximum safe temperature at which sun lamps may be operated;	70699
(b) Require consumers to wear protective eyeglasses;	70700
(c) Require consumers to be supervised as to the length of	70701
time consumers use the facility's sun lamps;	70702
(d) Require the operator to prohibit consumers from standing	70703
too close to sun lamps and to post signs warning consumers of the	70704
potential effects of radiation on individuals taking certain	70705
medications and of the possible relationship of the radiation to	70706
skin cancer;	70707
(e) Require the installation of protective shielding for sun	70708
lamps and handrails for consumers;	70709
(f) Require floors to be dry during operation of lamps;	70710
(g) Establish procedures an operator must follow in making	70711
reasonable efforts in compliance with section 4713.50 of the	70712
Revised Code to determine the age of an individual seeking to use	70713
sun lamp tanning services.	70714
(18)(a) If the board, under section 4713.61 of the Revised	70715
Code, develops a procedure for classifying licenses inactive, do	70716
both of the following:	70717
(i) Establish a fee for having a license classified inactive	70718
that reflects the cost to the board of providing the inactive	70719
license service. If one or more renewal periods have elapsed since	70720
the license was valid, the fee shall not include lapsed renewal	70721
fees for more than three of those renewal periods;	70722
(ii) Specify the continuing education that an individual	70723
whose license has been classified inactive must complete to have	70724
the license restored. The continuing education shall be sufficient	70725
to ensure the minimum competency in the use or administration of a	70726

new procedure or product required by a licensee necessary to 70727  
protect public health and safety. The requirement shall not exceed 70728  
the cumulative number of hours of continuing education that the 70729  
individual would have been required to complete had the individual 70730  
retained an active license. 70731

(b) In addition, the board may specify the conditions and 70732  
method for granting a temporary work permit to practice a branch 70733  
of cosmetology to an individual whose license has been classified 70734  
inactive. 70735

(19) Establish a fee for approval of a continuing education 70736  
program under section 4713.62 of the Revised Code that is adequate 70737  
to cover any expense the board incurs in the approval process; 70738

(20) Anything else necessary to implement this chapter. 70739

(B)(1) The rules adopted under division (A)(2) of this 70740  
section may establish additional conditions for a temporary 70741  
pre-examination work permit under section 4713.22 of the Revised 70742  
Code that are applicable to individuals who practice a branch of 70743  
cosmetology in another state or country. 70744

(2) The rules adopted under division (A)(18)(b) of this 70745  
section may establish additional conditions for a temporary work 70746  
permit that are applicable to individuals who practice a branch of 70747  
cosmetology in another state. 70748

(C) The conditions specified in rules adopted under division 70749  
(A)(6) of this section may include that an applicant is applying 70750  
for a license to practice a branch of cosmetology for which the 70751  
board determines an examination is unnecessary. 70752

(D) The rules adopted under division (A)(11) of this section 70753  
shall not include a profession if practice of the profession in a 70754  
salon is a violation of a statute or rule governing the 70755  
profession. 70756

(E) The sanitary standards established under division (A)(15) 70757  
of this section shall focus in particular on precautions to be 70758  
employed to prevent infectious or contagious diseases being 70759  
created or spread. The board shall consult with the Ohio 70760  
department of health when establishing the sanitary standards. 70761

(F) The fee established by rules adopted under division 70762  
(A)(16) of this section shall cover the cost the board incurs in 70763  
inspecting tanning facilities and enforcing the board's rules but 70764  
may not exceed one hundred dollars per location of such 70765  
facilities. 70766

**Sec. 4713.081.** The state ~~board of~~ cosmetology and barber 70767  
board shall furnish a copy of the sanitary standards established 70768  
by rules adopted under section 4713.08 of the Revised Code to each 70769  
individual to whom the board issues a practicing license, advanced 70770  
license, license to operate a salon or school of cosmetology, or 70771  
boutique services registration. The board also shall furnish a 70772  
copy of the sanitary standards to each individual providing 70773  
cosmetic therapy, massage therapy, or other professional service 70774  
in a salon under section 4713.42 of the Revised Code. A salon or 70775  
school of cosmetology provided a copy of the sanitary standards 70776  
shall post the standards in a public and conspicuous place in the 70777  
salon or school. 70778

**Sec. 4713.082.** The state ~~board of~~ cosmetology and barber 70779  
board shall furnish a copy of the standards established by rules 70780  
adopted under section 4713.08 of the Revised Code for installing 70781  
and operating a tanning facility to each individual to whom the 70782  
board issues a permit to operate a tanning facility. An individual 70783  
provided a copy of the standards shall post the standards in a 70784  
public and conspicuous place in the tanning facility. 70785

**Sec. 4713.09.** The state ~~board of~~ cosmetology and barber board 70786

may adopt rules in accordance with section 4713.08 of the Revised 70787  
Code to establish a continuing education requirement, not to 70788  
exceed eight hours in a biennial licensing period, as a condition 70789  
of renewal for a practicing license, advanced license, instructor 70790  
license, or boutique services registration. These hours may 70791  
include training in identifying and addressing the crime of 70792  
trafficking in persons as described in section 2905.32 of the 70793  
Revised Code. At least two of the eight hours of the continuing 70794  
education requirement must be achieved in courses concerning 70795  
safety and sanitation, and at least one hour of the eight hours of 70796  
the continuing education requirement must be achieved in courses 70797  
concerning law and rule updates. 70798

**Sec. 4713.10.** (A) The state board of cosmetology shall charge 70799  
and collect the following fees: 70800

(1) For a temporary pre-examination work permit under section 70801  
4713.22 of the Revised Code, ~~seven~~ not more than fifteen dollars 70802  
~~and fifty cents~~; 70803

(2) For initial application to take an examination under 70804  
section 4713.24 of the Revised Code, ~~thirty-one~~ not more than 70805  
forty dollars ~~and fifty cents~~; 70806

(3) For application to take an examination under section 70807  
4713.24 of the Revised Code by an applicant who has previously 70808  
applied to take, but failed to appear for, the examination, ~~forty~~ 70809  
not more than fifty-five dollars; 70810

(4) For application to re-take an examination under section 70811  
4713.24 of the Revised Code by an applicant who has previously 70812  
appeared for, but failed to pass, the examination, ~~thirty-one~~ not 70813  
more than forty dollars ~~and fifty cents~~; 70814

(5) For the issuance of a license under section 4713.28, 70815  
4713.30, or 4713.31 of the Revised Code, ~~forty-five~~ not more than 70816

seventy-five dollars; 70817

(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars; 70818  
70819

(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, ~~forty-five~~ not more than seventy dollars; 70820  
70821  
70822

(8) For the issuance or renewal of a cosmetology school license, not more than two hundred fifty dollars; 70823  
70824

(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, ~~seventy-five~~ not more than one hundred dollars; 70825  
70826  
70827

(10) For the renewal of a salon license under section 4713.41 of the Revised Code, ~~sixty~~ not more than ninety dollars; 70828  
70829

(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of not more than forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed; 70830  
70831  
70832  
70833  
70834  
70835

(12) For the issuance of a duplicate of any license, ~~twenty~~ not more than thirty dollars; 70836  
70837

(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars; 70838  
70839  
70840

(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars. 70841  
70842  
70843

(B) The board shall adjust the fees biennially, by rule, within the limits established by division (A) of this section, to provide sufficient revenues to meet its expenses. 70844  
70845  
70846

(C) The board may establish an installment plan for the 70847  
payment of fines and fees and may reduce fees as considered 70848  
appropriate by the board. 70849

~~(C)~~(D) At the request of a person who is temporarily unable 70850  
to pay a fee imposed under division (A) of this section, or on its 70851  
own motion, the board may extend the date payment is due by up to 70852  
ninety days. If the fee remains unpaid after the date payment is 70853  
due, the amount of the fee shall be certified to the attorney 70854  
general for collection in the form and manner prescribed by the 70855  
attorney general. The attorney general may assess the collection 70856  
cost to the amount certified in such a manner and amount as 70857  
prescribed by the attorney general. 70858

**Sec. 4713.11.** The state ~~board of~~ cosmetology and barber 70859  
board, subject to the approval of the controlling board, may 70860  
establish fees in excess of the amounts provided by section 70861  
4713.10 of the Revised Code, provided that any fee increase does 70862  
not exceed the amount permitted by more than fifty per cent. 70863

**Sec. 4713.13.** Whenever in the judgment of the state ~~board of~~ 70864  
cosmetology and barber board any individual has engaged in or is 70865  
about to engage in any acts or practices that constitute a 70866  
violation of this chapter, or any rule adopted under this chapter, 70867  
the board may apply to the appropriate court for an order 70868  
enjoining the acts or practices, and upon a showing by the board 70869  
that the individual has engaged in the acts or practices, the 70870  
court shall grant an injunction, restraining order, or other order 70871  
as may be appropriate. 70872

**Sec. 4713.141.** An inspector employed by the state ~~board of~~ 70873  
cosmetology and barber board may take a sample of a product used 70874  
or sold in a salon or school of cosmetology for the purpose of 70875  
examining the sample, or causing an examination of the sample to 70876

be made, to determine whether division (M) of section 4713.14 of  
the Revised Code has been violated. 70877  
70878

Should the results of the test prove that division (M) of  
section 4713.14 of the Revised Code has been violated, the board 70879  
shall take action in accordance with section 4713.64 of the 70880  
Revised Code. A fine imposed under that section shall include the 70881  
cost of the test. The person's license may be suspended or 70882  
revoked. 70883  
70884

**Sec. 4713.17.** (A) The following persons are exempt from the 70885  
provisions of this chapter, except, as applicable, section 4713.42 70886  
of the Revised Code: 70887

(1) All individuals authorized to practice medicine, surgery, 70888  
dentistry, and nursing or any of its branches in this state; 70889

(2) Commissioned surgical and medical officers of the United 70890  
States army, navy, air force, or marine hospital service when 70891  
engaged in the actual performance of their official duties, and 70892  
attendants attached to same; 70893

(3) ~~Barbers, insofar as their usual and ordinary vocation and~~ 70894  
~~profession is concerned;~~ 70895

~~(4)~~ Funeral directors, embalmers, and apprentices licensed or 70896  
registered under Chapter 4717. of the Revised Code; 70897

~~(5)~~(4) Persons who are engaged in the retail sale, cleaning, 70898  
or beautification of wigs and hairpieces but who do not engage in 70899  
any other act constituting the practice of a branch of 70900  
cosmetology; 70901

~~(6)~~(5) Volunteers of hospitals, and homes as defined in 70902  
section 3721.01 of the Revised Code, who render service to 70903  
registered patients and inpatients who reside in such hospitals or 70904  
homes. Such volunteers shall not use or work with any chemical 70905

products such as permanent wave, hair dye, or chemical hair 70906  
relaxer, which without proper training would pose a health or 70907  
safety problem to the patient. 70908

~~(7)~~(6) Nurse aides and other employees of hospitals and homes 70909  
as defined in section 3721.01 of the Revised Code, who practice a 70910  
branch of cosmetology on registered patients only as part of 70911  
general patient care services and who do not charge patients 70912  
directly on a fee for service basis; 70913

~~(8)~~(7) Cosmetic therapists and massage therapists who hold 70914  
current, valid certificates to practice cosmetic or massage 70915  
therapy issued by the state medical board under section 4731.15 of 70916  
the Revised Code, to the extent their actions are authorized by 70917  
their certificates to practice; 70918

~~(9)~~(8) Inmates who provide services related to a branch of 70919  
cosmetology to other inmates, except when those services are 70920  
provided in a licensed school of cosmetology within a state 70921  
correctional institution for females. 70922

(B) The director of rehabilitation and correction shall 70923  
oversee the services described in division (A)~~(9)~~(8) of this 70924  
section with respect to sanitation and adopt rules governing those 70925  
types of services provided by inmates. 70926

**Sec. 4713.20.** Each individual who seeks admission to an 70927  
examination conducted under section 4713.24 of the Revised Code 70928  
shall submit both of the following to the state ~~board of~~ 70929  
cosmetology and barber board: 70930

(A) As part of a license application, proof that the 70931  
individual satisfies all conditions to obtain the license for 70932  
which the examination is conducted, other than the requirement to 70933  
have passed the examination; 70934

(B) A set of the individual's biometric fingerprint scan 70935

taken at the board's offices. 70936

**Sec. 4713.22.** (A) The state ~~board of~~ cosmetology and barber  
board shall issue a temporary pre-examination work permit to an 70937  
individual who applies under section 4713.20 of the Revised Code 70938  
for admission to an examination conducted under section 4713.24 of 70939  
the Revised Code, if the individual satisfies all of the following 70940  
conditions: 70941  
70942

(1) Is seeking a practicing license or an instructor license; 70943

(2) Has not previously failed an examination conducted under 70944  
section 4713.24 of the Revised Code to determine the applicant's 70945  
fitness to practice or instruct the branch of cosmetology for 70946  
which the individual seeks a license; 70947

(3) Pays to the board the applicable fee; 70948

(4) Satisfies all other conditions established by rules 70949  
adopted under section 4713.08 of the Revised Code. 70950

(B) An individual issued a temporary pre-examination work 70951  
permit may practice the branch of cosmetology for which the 70952  
individual seeks a practicing license until the date the 70953  
individual is scheduled to take an examination under section 70954  
4713.24 of the Revised Code. The individual shall practice under 70955  
the supervision of an individual holding a current, valid license 70956  
appropriate for the type of salon in which the permit holder 70957  
practices. 70958

(C) An individual issued a temporary pre-examination work 70959  
permit may instruct the branch of cosmetology for which the 70960  
individual seeks an instructor license for a period not to exceed 70961  
one hundred twenty days. 70962

(D) A temporary pre-examination work permit is renewable in 70963  
accordance with rules adopted under section 4713.08 of the Revised 70964  
Code. 70965

**Sec. 4713.24.** (A) The state ~~board of~~ cosmetology and barber  
board shall conduct an examination for each individual who  
satisfies the requirements established by section 4713.20 of the  
Revised Code for admission to the examination. Examinations for  
licensure for any branch of cosmetology shall assess the ability  
of a prospective cosmetology professional to maintain a safe and  
sanitary place of service delivery. The board may develop and  
administer the appropriate examination or enter into an agreement  
with a national testing service to develop the examination,  
administer the examination, or both. The examination shall be  
specific to the type of license the individual seeks and satisfy  
all of the following conditions:

(1) Include both practical demonstrations and written or oral  
tests related to the type of license the individual seeks;

(2) Relate only to a branch of cosmetology, but not be  
confined to any special system or method;

(3) Be consistent in both practical and technical  
requirements for the type of license the individual seeks;

(4) Be of sufficient thoroughness to satisfy the board as to  
the individual's skill in and knowledge of the branch of  
cosmetology for which the examination is conducted.

(B) Not later than two years after ~~the effective date of this~~  
~~amendment~~ September 13, 2016, the board shall create a curriculum  
and an examination for individuals seeking licensure to become an  
instructor and shall conduct an examination for each individual  
who satisfies the requirements established pursuant to section  
4713.31 of the Revised Code for admission to the examination.

(C) The board shall adopt rules regarding the equipment or  
supplies an individual is required to bring to an examination  
described in this section.

(D) The board shall not release the questions developed for 70996  
the examinations and the practical demonstrations used in the 70997  
testing process, except for the following purposes: 70998

(1) Reviewing or rewriting of any part of the examination on 70999  
a periodic basis as prescribed in rules adopted under section 71000  
4713.08 of the Revised Code; 71001

(2) Testing of individuals in another state for admission to 71002  
the profession of cosmetology or any of its branches as required 71003  
under a contract or by means of a license with that state; 71004

(3) Complying with a public records request after which the 71005  
questions or the demonstrations have become a public record under 71006  
division (F) of this section and otherwise may lawfully be 71007  
released. 71008

(E) The examination papers and the scored results of the 71009  
practical demonstrations of each individual examined by the board 71010  
shall be open for inspection by the individual or the individual's 71011  
attorney for at least ninety days following the announcement of 71012  
the individual's grade, except for papers that under the terms of 71013  
a contract with a testing service are not available for 71014  
inspection. On written request of an individual or the 71015  
individual's attorney made to the board not later than ninety days 71016  
after announcement of the individual's grade, the board shall have 71017  
the individual's practical examination papers regraded manually. 71018

(F) Test materials, examinations, or evaluation tools used in 71019  
an examination for licensure under this chapter that the board 71020  
develops or contracts with a private or government entity to 71021  
administer shall become public records under section 149.43 of the 71022  
Revised Code fifteen years after the materials, examinations, or 71023  
tools were first used in an assessment for licensure, unless the 71024  
release of the record is otherwise prohibited by state or federal 71025  
law, or the record is deemed to be the proprietary information of 71026

a private entity. 71027

**Sec. 4713.25.** (A) The state ~~board of~~ cosmetology and barber 71028  
board may administer a separate advanced cosmetologist examination 71029  
for individuals who complete an advanced cosmetologist training 71030  
course separate from a cosmetologist training course. The board 71031  
may combine the advanced cosmetologist examination with the 71032  
cosmetologist examination for individuals who complete a combined 71033  
cosmetologist and advanced cosmetologist training course. 71034

(B) The board may administer a separate advanced esthetician 71035  
examination for individuals who complete an advanced esthetician 71036  
training course separate from an esthetician training course. The 71037  
board may combine the advanced esthetician examination with the 71038  
esthetician examination for individuals who complete an 71039  
esthetician and advanced esthetician training course. 71040

(C) The board may administer a separate advanced hair 71041  
designer examination for individuals who complete an advanced hair 71042  
designer training course separate from a hair designer training 71043  
course. The board may combine the advanced hair designer 71044  
examination with the hair designer examination for individuals who 71045  
complete a hair designer and advanced hair designer training 71046  
course. 71047

(D) The board may administer a separate advanced manicurist 71048  
examination for individuals who complete an advanced manicurist 71049  
training course separate from a manicurist training course. The 71050  
board may combine the advanced manicurist examination with the 71051  
manicurist examination for individuals who complete a manicurist 71052  
and advanced manicurist training course. 71053

(E) The board may administer a separate advanced natural hair 71054  
stylist examination for individuals who complete an advanced 71055  
natural hair stylist training course separate from a natural hair 71056  
stylist training course. The board may combine the advanced 71057

natural hair stylist examination with the natural hair stylist 71058  
examination for individuals who complete a natural hair stylist 71059  
and advanced natural hair stylist training course. 71060

**Sec. 4713.28.** (A) The state ~~board of~~ cosmetology and barber 71061  
board shall issue a practicing license to an applicant who 71062  
satisfies all of the following applicable conditions: 71063

(1) Is at least sixteen years of age; 71064

(2) Is of good moral character; 71065

(3) Has the equivalent of an Ohio public school tenth grade 71066  
education; 71067

(4) Has submitted a written application on a form furnished 71068  
by the board that contains all of the following: 71069

(a) The name of the individual and any other identifying 71070  
information required by the board; 71071

(b) A recent photograph of the individual that meets the 71072  
specifications established by the board; 71073

(c) A photocopy of the individual's current driver's license 71074  
or other proof of legal residence; 71075

(d) Proof that the individual is qualified to take the 71076  
applicable examination as required by section 4713.20 of the 71077  
Revised Code; 71078

(e) An oath verifying that the information in the application 71079  
is true; 71080

(f) The applicable application fee. 71081

(5) Passes an examination conducted under division (A) of 71082  
section 4713.24 of the Revised Code for the branch of cosmetology 71083  
the applicant seeks to practice; 71084

(6) Pays to the board the applicable license fee; 71085

(7) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;

(9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;

(10) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology licensed in this state;

(11) In the case of an applicant for an initial natural hair stylist license, has successfully completed at least four hundred fifty hours of instruction in subjects relating to sanitation, scalp care, anatomy, hair styling, communication skills, and laws and rules governing the practice of cosmetology.

(B) The board shall not deny a license to any applicant based on prior incarceration or conviction for any crime. If the board denies an individual a license or license renewal, the reasons for

such denial shall be put in writing. 71117

**Sec. 4713.29.** In accordance with rules adopted under section 71118  
4713.08 of the Revised Code, the state ~~board of~~ cosmetology and 71119  
barber board may waive a condition established by section 4713.28 71120  
of the Revised Code for a license to practice a branch of 71121  
cosmetology for an applicant who practices that branch of 71122  
cosmetology in a state or country that does not license or 71123  
register branches of cosmetology. 71124

**Sec. 4713.30.** The state ~~board of~~ cosmetology and barber board 71125  
shall issue an advanced license to an applicant who satisfies all 71126  
of the following applicable conditions: 71127

(A) Is at least sixteen years of age; 71128

(B) Is of good moral character; 71129

(C) Has the equivalent of an Ohio public school tenth grade 71130  
education; 71131

(D) Pays to the board the applicable fee; 71132

(E) Passes the appropriate advanced license examination; 71133

(F) In the case of an applicant for an initial advanced 71134  
cosmetologist license, does either of the following: 71135

(1) Has a licensed advanced cosmetologist or owner of a 71136  
licensed beauty salon located in this or another state certify to 71137  
the board that the applicant has practiced as a cosmetologist for 71138  
at least one thousand eight hundred hours in a licensed beauty 71139  
salon; 71140

(2) Has a school of cosmetology licensed in this state 71141  
certify to the board that the applicant has successfully 71142  
completed, in addition to the hours required for licensure as a 71143  
cosmetologist, at least three hundred hours of board-approved 71144  
advanced cosmetologist training. 71145

(G) In the case of an applicant for an initial advanced  
esthetician license, does either of the following:

(1) Has the licensed advanced esthetician, licensed advanced  
cosmetologist, or owner of a licensed esthetics salon or licensed  
beauty salon located in this or another state certify to the board  
that the applicant has practiced esthetics for at least one  
thousand eight hundred hours as an esthetician in a licensed  
esthetics salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state  
certify to the board that the applicant has successfully  
completed, in addition to the hours required for licensure as an  
esthetician or cosmetologist, at least one hundred fifty hours of  
board-approved advanced esthetician training.

(H) In the case of an applicant for an initial advanced hair  
designer license, does either of the following:

(1) Has the licensed advanced hair designer, licensed  
advanced cosmetologist, or owner of a licensed hair design salon  
or licensed beauty salon located in this or another state certify  
to the board that the applicant has practiced hair design for at  
least one thousand eight hundred hours as a hair designer in a  
licensed hair design salon or as a cosmetologist in a licensed  
beauty salon;

(2) Has a school of cosmetology licensed in this state  
certify to the board that the applicant has successfully  
completed, in addition to the hours required for licensure as a  
hair designer or cosmetologist, at least two hundred forty hours  
of board-approved advanced hair designer training.

(I) In the case of an applicant for an initial advanced  
manicurist license, does either of the following:

(1) Has the licensed advanced manicurist, licensed advanced  
cosmetologist, or owner of a licensed nail salon, licensed beauty

salon, or licensed barber shop located in this or another state 71177  
certify to the board that the applicant has practiced manicuring 71178  
for at least one thousand eight hundred hours as a manicurist in a 71179  
licensed nail salon or licensed barber shop or as a cosmetologist 71180  
in a licensed beauty salon or licensed barber shop; 71181

(2) Has a school of cosmetology licensed in this state 71182  
certify to the board that the applicant has successfully 71183  
completed, in addition to the hours required for licensure as a 71184  
manicurist or cosmetologist, at least one hundred hours of 71185  
board-approved advanced manicurist training. 71186

(J) In the case of an applicant for an initial advanced 71187  
natural hair stylist license, does either of the following: 71188

(1) Has the licensed advanced natural hair stylist, licensed 71189  
advanced cosmetologist, or owner of a licensed natural hair style 71190  
salon or licensed beauty salon located in this or another state 71191  
certify to the board that the applicant has practiced natural hair 71192  
styling for at least one thousand eight hundred hours as a natural 71193  
hair stylist in a licensed natural hair style salon or as a 71194  
cosmetologist in a licensed beauty salon; 71195

(2) Has a school of cosmetology licensed in this state 71196  
certify to the board that the applicant has successfully 71197  
completed, in addition to the hours required for licensure as 71198  
natural hair stylist or cosmetologist, at least one hundred fifty 71199  
hours of board-approved advanced natural hair stylist training. 71200

**Sec. 4713.31.** The state ~~board of~~ cosmetology and barber board 71201  
shall issue an instructor license to an applicant who satisfies 71202  
all of the following applicable conditions: 71203

(A) Is at least eighteen years of age; 71204

(B) Is of good moral character; 71205

(C) Has the equivalent of an Ohio public school twelfth grade 71206

education;	71207
(D) Pays to the board the applicable fee;	71208
(E) In the case of an applicant for an initial cosmetology instructor license, holds a current, valid advanced cosmetologist license issued in this state and does either of the following:	71209 71210 71211
(1) Has the licensed advanced cosmetologist or owner of the licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;	71212 71213 71214 71215 71216
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed one thousand hours of board-approved cosmetology instructor training as an apprentice instructor.	71217 71218 71219 71220
(F) In the case of an applicant for an initial esthetics instructor license, holds a current, valid advanced esthetician or advanced cosmetologist license issued in this state and does either of the following:	71221 71222 71223 71224
(1) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of the licensed esthetics salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of esthetics in a licensed esthetics salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;	71225 71226 71227 71228 71229 71230 71231
(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least five hundred hours of board-approved esthetics instructor training as an apprentice instructor.	71232 71233 71234 71235
(G) In the case of an applicant for an initial hair design	71236

instructor license, holds a current, valid advanced hair designer 71237  
or advanced cosmetologist license and does either of the 71238  
following: 71239

(1) Has the licensed advanced hair designer, licensed 71240  
advanced cosmetologist, or owner of the licensed hair design salon 71241  
or licensed beauty salon in which the applicant has been employed 71242  
certify to the board that the applicant has engaged in the 71243  
practice of hair design in a licensed hair design salon or 71244  
practice of cosmetology in a licensed beauty salon for at least 71245  
one thousand eight hundred hours; 71246

(2) Has a school of cosmetology licensed in this state 71247  
certify to the board that the applicant has successfully completed 71248  
at least eight hundred hours of board-approved hair design 71249  
instructor's training as an apprentice instructor. 71250

(H) In the case of an applicant for an initial manicurist 71251  
instructor license, holds a current, valid advanced manicurist or 71252  
advanced cosmetologist license and does either of the following: 71253

(1) Has the licensed advanced manicurist, licensed advanced 71254  
cosmetologist, or owner of the licensed nail salon or licensed 71255  
beauty salon in which the applicant has been employed certify to 71256  
the board that the applicant has engaged in the practice of 71257  
manicuring in a licensed nail salon or practice of cosmetology in 71258  
a licensed beauty salon for at least one thousand eight hundred 71259  
hours; 71260

(2) Has a school of cosmetology licensed in this state 71261  
certify to the board that the applicant has successfully completed 71262  
at least three hundred hours of board-approved manicurist 71263  
instructor training as an apprentice instructor. 71264

(I) In the case of an applicant for an initial natural hair 71265  
style instructor license, holds a current, valid advanced natural 71266  
hair stylist or advanced cosmetologist license and does either of 71267

the following: 71268

(1) Has the licensed advanced natural hair stylist, licensed 71269  
advanced cosmetologist, or owner of the licensed natural hair 71270  
style salon or licensed beauty salon in which the applicant has 71271  
been employed certify to the board that the applicant has engaged 71272  
in the practice of natural hair styling in a licensed natural hair 71273  
style salon or practice of cosmetology in a licensed beauty salon 71274  
for at least one thousand eight hundred hours; 71275

(2) Has a school of cosmetology licensed in this state 71276  
certify to the board that the applicant has successfully completed 71277  
at least four hundred hours of board-approved natural hair style 71278  
instructor training as an apprentice instructor. 71279

(J) In the case of all applicants, passes an examination 71280  
conducted under division (B) of section 4713.24 of the Revised 71281  
Code for the branch of cosmetology the applicant seeks to 71282  
instruct. 71283

**Sec. 4713.32.** When determining the total hours of instruction 71284  
received by an applicant for a license under section 4713.28, 71285  
4713.30, or 4713.31 of the Revised Code, the state ~~board of~~ 71286  
cosmetology and barber board shall not take into account more than 71287  
ten hours of instruction per day. The board shall take into 71288  
account instruction received more than five years prior to the 71289  
date of application for the license in accordance with rules 71290  
adopted under section 4713.08 of the Revised Code. 71291

**Sec. 4713.34.** The state ~~board of~~ cosmetology and barber board 71292  
shall issue a license to practice a branch of cosmetology or 71293  
instructor license to an applicant who is licensed or registered 71294  
in another state or country to practice that branch of cosmetology 71295  
or teach the theory and practice of that branch of cosmetology, as 71296  
appropriate, if all of the following conditions are satisfied: 71297

(A) The applicant satisfies all of the following conditions:	71298
(1) Is not less than eighteen years of age;	71299
(2) Is of good moral character;	71300
(3) In the case of an applicant for a practicing license,	71301
passes an examination conducted under section 4713.24 of the	71302
Revised Code for the license the applicant seeks, unless the	71303
applicant satisfies conditions specified in rules adopted under	71304
section 4713.08 of the Revised Code for the board to issue the	71305
applicant a license without taking the examination;	71306
(4) Pays the applicable fee.	71307
(B) At the time the applicant obtained the license or	71308
registration in the other state or country, the requirements in	71309
this state for obtaining the license the applicant seeks were	71310
substantially equal to the other state or country's requirements.	71311
(C) The jurisdiction that issued the applicant's license or	71312
registration extends similar reciprocity to individuals holding a	71313
license issued by the board.	71314
<b>Sec. 4713.35.</b> An individual who holds a current, valid	71315
cosmetologist or advanced cosmetologist license issued by the	71316
state <del>board of cosmetology and barber board</del> may engage in the	71317
practice of one or more branches of cosmetology as the individual	71318
chooses in a licensed facility.	71319
An individual who holds a current, valid esthetician or	71320
advanced esthetician license issued by the board may engage in the	71321
practice of esthetics but no other branch of cosmetology in a	71322
licensed facility.	71323
An individual who holds a current, valid hair designer or	71324
advanced hair designer license issued by the board may engage in	71325
the practice of hair design but no other branch of cosmetology in	71326
a licensed facility.	71327

An individual who holds a current, valid manicurist or 71328  
advanced manicurist license issued by the board may engage in the 71329  
practice of manicuring but no other branch of cosmetology in a 71330  
licensed facility. 71331

An individual who holds a current, valid natural hair stylist 71332  
or advanced natural hair stylist license issued by the board may 71333  
engage in the practice of natural hair styling but no other branch 71334  
of cosmetology in a licensed facility. 71335

An individual who holds a current, valid cosmetology 71336  
instructor license issued by the board may teach the theory and 71337  
practice of one or more branches of cosmetology at a school of 71338  
cosmetology as the individual chooses. 71339

An individual who holds a current, valid esthetics instructor 71340  
license issued by the board may teach the theory and practice of 71341  
esthetics, but no other branch of cosmetology, at a school of 71342  
cosmetology. 71343

An individual who holds a current, valid hair design 71344  
instructor license issued by the board may teach the theory and 71345  
practice of hair design, but no other branch of cosmetology, at a 71346  
school of cosmetology. 71347

An individual who holds a current, valid manicurist 71348  
instructor license issued by the board may teach the theory and 71349  
practice of manicuring, but no other branch of cosmetology, at a 71350  
school of cosmetology. 71351

An individual who holds a current, valid natural hair style 71352  
instructor license issued by the board may teach the theory and 71353  
practice of natural hair styling, but no other branch of 71354  
cosmetology, at a school of cosmetology. 71355

An individual who holds a current, valid boutique 71356  
registration with the board may engage in the practice of boutique 71357  
services but no other branch of cosmetology. 71358

**Sec. 4713.37.** (A) The state ~~board of~~ cosmetology and barber  
board may issue a temporary special occasion work permit to an  
individual who satisfies all of the following conditions:

(1) Has been licensed or registered in another state or  
country to practice a branch of cosmetology or teach the theory  
and practice of a branch of cosmetology for at least five years;

(2) Is a recognized expert in the practice or teaching of the  
branch of cosmetology the individual practices or teaches;

(3) Is to practice that branch of cosmetology or teach the  
theory and practice of that branch of cosmetology in this state as  
part of a promotional or instructional program for not more than  
the amount of time a temporary special occasion work permit is  
effective;

(4) Satisfies all other conditions for a temporary special  
occasion work permit established by rules adopted under section  
4713.08 of the Revised Code;

(5) Pays the fee established by rules adopted under section  
4713.08 of the Revised Code.

(B) An individual issued a temporary special occasion work  
permit may practice the branch of cosmetology the individual  
practices in another state or country, or teach the theory and  
practice of the branch of cosmetology the individual teaches in  
another state or country, until the expiration date of the permit.  
A temporary special occasion work permit is valid for the period  
of time specified in rules adopted under section 4713.08 of the  
Revised Code.

**Sec. 4713.39.** The state ~~board of~~ cosmetology and barber board  
shall issue a license to engage in the practice of a branch of  
cosmetology as an independent contractor to an applicant who pays  
the applicable fee; holds a current, valid license for the type of

salon in which the applicant will practice that branch of 71389  
cosmetology; and satisfies the conditions for the license 71390  
established by rules adopted under section 4713.08 of the Revised 71391  
Code. 71392

**Sec. 4713.41.** The state ~~board of cosmetology and barber board~~ 71393  
shall issue a license to operate a salon, including a boutique 71394  
salon, to an applicant who pays the applicable fee and affirms 71395  
that all of the following conditions will be met: 71396

(A)(1) An individual holding a current, valid cosmetologist 71397  
license or boutique services registration pertaining to the branch 71398  
of cosmetology services performed at the salon or boutique salon, 71399  
shall have charge of and immediate supervision over the salon at 71400  
all times when the salon is open for business except as permitted 71401  
under division (A)(2) of this section. 71402

(2) A business establishment that is engaged primarily in 71403  
retail sales but is also licensed as a salon shall have present an 71404  
individual holding a current, valid license or registration to 71405  
practice in that type of salon in charge of and in immediate 71406  
supervision of the salon during posted or advertised service 71407  
hours, if the practice of cosmetology is restricted to those 71408  
posted or advertised service hours. 71409

(B) The salon is equipped to do all of the following: 71410

(1) Provide potable running hot and cold water and proper 71411  
drainage; 71412

(2) Sanitize all instruments and supplies used in the branch 71413  
of cosmetology provided at the salon; 71414

(3) If cosmetic therapy, massage therapy, or other 71415  
professional service is provided at the salon under section 71416  
4713.42 of the Revised Code, sanitize all instruments and supplies 71417  
used in the cosmetic therapy, massage therapy, or other 71418

professional service. 71419

(C) Except as provided in sections 4713.42 and 4713.49 of the Revised Code, only the branch of cosmetology that the salon is licensed to provide is practiced at the salon. 71420  
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(D) The salon is kept in a clean and sanitary condition and properly ventilated. 71423  
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(E) No food is sold at the salon in a manner inconsistent with rules adopted under section 4713.08 of the Revised Code. 71425  
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(F) A notice that contains a toll-free number and online process for reporting alleged violations of this chapter, as prescribed by the board of cosmetology, is posted at the salon in a common area for all customers of salon services. 71427  
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**Sec. 4713.44.** (A) The state ~~board of~~ cosmetology and barber board shall issue a license to operate a school of cosmetology to an applicant who pays the applicable fee and satisfies all of the following requirements: 71431  
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(1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that an individual must pass to obtain a license to practice that branch or those branches of cosmetology; 71435  
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(2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum; 71441  
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(3) Maintains individuals licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology; 71444  
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(4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes 71447  
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grades, and holds examinations in order to certify the students' 71449  
completion of the prescribed course of study before the issuance 71450  
of certificates of completion; 71451

(5) In the case of a school of cosmetology that offers clock 71452  
hours for the purpose of satisfying minimum hours of training and 71453  
instruction, keeps a daily record of the attendance of each 71454  
student; 71455

(6) On the date that an apprentice cosmetology instructor 71456  
begins cosmetology instructor training at the school, certifies 71457  
the name of the apprentice cosmetology instructor to the board 71458  
along with the date on which the apprentice's instructor training 71459  
began; 71460

(7) Instructs not more than six apprentice cosmetology 71461  
instructors at any one time; 71462

(8) Files with the board a good and sufficient surety bond 71463  
executed by the individual, firm, or corporation operating the 71464  
school of cosmetology as principal and by a surety company as 71465  
surety in the amount of ten thousand dollars; provided, that this 71466  
requirement does not apply to a vocational or career-technical 71467  
school program conducted by a city, exempted village, local, or 71468  
joint vocational school district. The bond shall be in the form 71469  
prescribed by the board and be conditioned upon the school's 71470  
continued instruction in the theory and practice of the branches 71471  
of cosmetology. Every bond shall continue in effect until notice 71472  
of its termination is given to the board by registered mail and 71473  
every bond shall so provide. 71474

(9) Establishes and maintains an internal procedure for 71475  
processing complaints filed against the school and for providing 71476  
students with instructions on how to file a complaint directly 71477  
with the board pursuant to section 4713.641 of the Revised Code. 71478

(B) A school of cosmetology holding a license issued under 71479

division (A) of this section is an educational institution and is 71480  
authorized to offer educational programs beyond secondary 71481  
education, advanced practice programs, or both in accordance with 71482  
rules adopted by the board pursuant to section 4713.08 of the 71483  
Revised Code. 71484

(C) A school of cosmetology holding a license to operate a 71485  
school of cosmetology on September 29, 2013, shall establish and 71486  
maintain an internal procedure for processing complaints filed 71487  
against the school and shall provide each of the school's students 71488  
with instructions on how to file a complaint directly with the 71489  
board pursuant to section 4713.641 of the Revised Code. 71490

**Sec. 4713.45.** (A) A school of cosmetology may do the 71491  
following: 71492

(1) In accordance with rules adopted under section 4713.08 of 71493  
the Revised Code, a school of cosmetology operated by a public 71494  
entity or a private person may offer clock hours, credit hours, or 71495  
competency-based credits for the purpose of satisfying minimum 71496  
hours of training and instruction; 71497

(2) Allow an apprentice cosmetology instructor the regular 71498  
quota of students prescribed by the state ~~board of cosmetology~~ and 71499  
barber board if a cosmetology instructor is present; 71500

(3) Compensate an apprentice cosmetology instructor; 71501

(4) Subject to division (B) of this section, employ an 71502  
individual who does not hold a current, valid instructor license 71503  
to teach subjects related to a branch of cosmetology. 71504

(B) A school of cosmetology shall have a licensed cosmetology 71505  
instructor present when an individual employed pursuant to 71506  
division (A)(4) of this section teaches at the school, unless the 71507  
individual is one of the following: 71508

(1) An individual with a current, valid teacher's certificate 71509

or educator license issued by the state board of education; 71510

(2) An individual with a bachelor's degree in the subject the 71511  
person teaches at the school; 71512

(3) An individual also employed by a university or college to 71513  
teach the subject the person teaches at the school. 71514

(C) A school of cosmetology shall annually review the 71515  
subjects and coursework required to receive an initial cosmetology 71516  
license and advanced license and, in doing so, shall incorporate 71517  
standards adopted by the state ~~board of~~ cosmetology and barber 71518  
board pursuant to division (A)(13) of section 4713.08 of the 71519  
Revised Code. 71520

**Sec. 4713.48.** (A) The state ~~board of~~ cosmetology and barber 71521  
board shall issue a permit to operate a tanning facility to an 71522  
applicant if all of the following conditions are satisfied: 71523

(1) The applicant applies in accordance with the application 71524  
process adopted by rules adopted under section 4713.08 of the 71525  
Revised Code. 71526

(2) The applicant pays to the treasurer of state the fee 71527  
established by those rules. 71528

(3) An initial inspection of the premises indicates that the 71529  
tanning facility has been installed and will be operated in 71530  
accordance with those rules. 71531

(B) A permit holder shall post the permit in a public and 71532  
conspicuous place on any premises where the tanning facility is 71533  
located. An individual shall obtain a separate permit for each of 71534  
the premises owned or operated by that individual at which the 71535  
individual seeks to operate a tanning facility. 71536

(C) To continue operating, a permit holder shall biennially 71537  
renew the permit by the last day of January of each odd-numbered 71538  
year. The board shall renew the permit upon the holder's payment 71539

to the treasurer of state of the biennial renewal fee. 71540

**Sec. 4713.50.** (A) A tanning facility operator or employee 71541  
shall make reasonable efforts, in accordance with procedures 71542  
established under section 4713.08 of the Revised Code, to 71543  
determine whether an individual seeking to use the facility's sun 71544  
lamp tanning services is less than sixteen years of age, at least 71545  
sixteen but less than eighteen years of age, or eighteen years of 71546  
age or older. 71547

(B)(1) A tanning facility operator or employee shall not 71548  
allow an individual who is eighteen years of age or older to use 71549  
the facility's sun lamp tanning services without first obtaining 71550  
the consent of the individual. The consent shall be evidenced by 71551  
the individual's signature on the form developed by the state 71552  
~~board of cosmetology~~ and barber board under section 4713.51 of the 71553  
Revised Code. The consent is valid indefinitely. 71554

(2) A tanning facility operator or employee shall not allow 71555  
an individual who is at least sixteen but less than eighteen years 71556  
of age to use the facility's sun lamp tanning services without 71557  
first obtaining the consent of a parent or legal guardian of the 71558  
individual. The consent shall be evidenced by the signature of the 71559  
parent or legal guardian on the form developed by the board under 71560  
section 4713.51 of the Revised Code. The form must be signed in 71561  
the presence of the operator or an employee of the tanning 71562  
facility. The consent is valid for ninety days from the date the 71563  
form is signed. A tanning facility operator or employee shall not 71564  
allow an individual who is at least sixteen but less than eighteen 71565  
years of age to use the facility's sun lamp tanning services for 71566  
more than forty-five sessions during the ninety-day period covered 71567  
by the consent. No such session may be longer than the maximum 71568  
safe time of exposure specified in rules adopted under division 71569  
(A)(17) of section 4713.08 of the Revised Code. 71570

(3) A tanning facility operator or employee shall not allow an individual who is less than sixteen years of age to use the facility's sun lamp tanning services unless both of the following apply:

(a) The tanning facility operator or employee obtains the consent of a parent or legal guardian of the individual prior to each session of the use of the facility's sun lamp tanning services. The consent shall be evidenced by the signature of the parent or legal guardian on the form developed by the board under section 4713.51 of the Revised Code. The form must be signed in the presence of the operator or an employee of the tanning facility.

(b) A parent or legal guardian of the individual is present at the tanning facility for the duration of each session of the use of the facility's sun lamp tanning services.

(c) For purposes of division (B) of this section, an electronic signature may be used to provide and may be accepted as a signature evidencing consent.

**Sec. 4713.51.** The state ~~board of~~ cosmetology and barber board shall develop a form for use by tanning facility operators and employees in complying with the consent requirements of division (B) of section 4713.50 of the Revised Code. The form must describe the potential health effects of radiation from sun lamps, including a description of the possible relationship of the radiation to skin cancer. In developing the form, the board shall consult with the department of health, dermatologists, and tanning facility operators. The board shall make the form available on the internet web site maintained by the board.

**Sec. 4713.55.** Every license issued by the state ~~board of~~ cosmetology and barber board shall be signed by the chairperson

and attested by the executive director of the board, with the seal of the board attached. 71601  
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The board shall specify on each practicing license that the board issues the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each advanced license that the board issues the type of salon in which the license entitles the holder to work and the branch of cosmetology that the license entitles the holder to practice. The board shall specify on each instructor license that the board issues the branch of cosmetology that the license entitles the holder to teach. The board shall specify on each salon license that the board issues the branch of cosmetology that the license entitles the holder to offer. The board shall specify on each independent contractor license that the board issues the branch of cosmetology that the license entitles the holder to offer within a licensed salon. Such licenses are prima-facie evidence of the right of the holder to practice or teach the branch of cosmetology that the license specifies. 71603  
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**Sec. 4713.56.** Every holder of a practicing license, instructor license, independent contractor license, or boutique service registration issued by the state board of cosmetology shall maintain the board-issued, wallet-sized license or electronically generated license certification or registration and a current government-issued photo identification that can be produced upon inspection or request. 71619  
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Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon. 71626  
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Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and 71629  
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conspicuous place in the school. 71631

Every individual who provides cosmetic therapy, massage 71632  
therapy, or other professional service in a salon under section 71633  
4713.42 of the Revised Code shall maintain the individual's 71634  
professional license or certificate or electronically generated 71635  
license certification or registration and a state of Ohio issued 71636  
photo identification that can be produced upon inspection or 71637  
request. 71638

**Sec. 4713.57.** A license or registration issued by the state 71639  
~~board of cosmetology and barber board~~ pursuant to this chapter is 71640  
valid until the last day of January of the odd-numbered year 71641  
following its original issuance or renewal, unless the license is 71642  
revoked or suspended prior to that date. Renewal shall be done in 71643  
accordance with the standard renewal procedure of Chapter 4745. of 71644  
the Revised Code. The board may refuse to renew a license if the 71645  
individual holding the license has an outstanding unpaid fine 71646  
levied under section 4713.64 of the Revised Code. 71647

**Sec. 4713.58.** (A) Except as provided in division (B) of this 71648  
section, on payment of the renewal fee and submission of proof 71649  
satisfactory to the state ~~board of cosmetology and barber board~~ 71650  
that any applicable continuing education requirements have been 71651  
completed, an individual currently licensed as: 71652

(1) A cosmetology instructor who has previously been licensed 71653  
as a cosmetologist or an advanced cosmetologist, is entitled to 71654  
the reissuance of a cosmetologist or advanced cosmetologist 71655  
license; 71656

(2) An esthetics instructor who has previously been licensed 71657  
as an esthetician or an advanced esthetician, is entitled to the 71658  
reissuance of an esthetician or advanced esthetician license; 71659

(3) A hair design instructor who has previously been licensed 71660

as a hair designer or an advanced hair designer, is entitled to 71661  
the reissuance of a hair designer or advanced hair designer 71662  
license; 71663

(4) A manicurist instructor who has previously been licensed 71664  
as a manicurist or an advanced manicurist, is entitled to the 71665  
reissuance of a manicurist or advanced manicurist license; 71666

(5) A natural hair style instructor who has previously been 71667  
licensed as a natural hair stylist or an advanced natural hair 71668  
stylist, is entitled to the reissuance of a natural hair stylist 71669  
or advanced natural hair stylist license. 71670

(B) No individual is entitled to the reissuance of a license 71671  
under division (A) of this section if the license was revoked or 71672  
suspended or the individual has an outstanding unpaid fine levied 71673  
under section 4713.64 of the Revised Code. 71674

**Sec. 4713.59.** If the state ~~board of~~ cosmetology and barber 71675  
board adopts rules under section 4713.09 of the Revised Code to 71676  
establish a continuing education requirement as a condition of 71677  
renewal for a practicing license, advanced license, or instructor 71678  
license, the board shall inform each affected licensee of the 71679  
continuing education requirement that applies to the next biennial 71680  
licensing period by including that information in the renewal 71681  
notification it sends the licensee. The notification shall state 71682  
that the licensee must complete the continuing education 71683  
requirement by the fifteenth day of January of the next 71684  
odd-numbered year. 71685

Hours completed in excess of the continuing education 71686  
requirement may not be applied to the next biennial licensing 71687  
period. 71688

**Sec. 4713.61.** (A) If the state ~~board of~~ cosmetology and 71689  
barber board adopts a continuing education requirement under 71690

section 4713.09 of the Revised Code, it may develop a procedure by which an individual who holds a license to practice a branch of cosmetology, advanced license, or instructor license and who is not currently engaged in the practice of the branch of cosmetology or teaching the theory and practice of the branch of cosmetology, but who desires to be so engaged in the future, may apply to the board to have the individual's license classified inactive. If the board develops such a procedure, an individual seeking to have the individual's license classified inactive shall apply to the board on a form provided by the board and pay the fee established by rules adopted under section 4713.08 of the Revised Code.

(B) The board shall not restore an inactive license until the later of the following:

(1) The date that the individual holding the license submits proof satisfactory to the board that the individual has completed the continuing education that a rule adopted under section 4713.08 of the Revised Code requires;

(2) The last day of January of the next odd-numbered year following the year the license is classified inactive.

(C) An individual who holds an inactive license may engage in the practice of a branch of cosmetology if the individual holds a temporary work permit as specified in rules adopted by the board under section 4713.08 of the Revised Code.

**Sec. 4713.62.** (A) An individual holding a practicing license, advanced license, instructor license, or boutique services registration may satisfy a continuing education requirement established by rules adopted under section 4713.09 of the Revised Code only by completing continuing education programs approved under division (B) of this section.

(B) The state ~~board of~~ cosmetology and barber board shall

approve a continuing education program if all of the following 71721  
conditions are satisfied: 71722

(1) The person operating the program submits to the board a 71723  
written application for approval. 71724

(2) The person operating the program pays to the board a fee 71725  
established by rules adopted under section 4713.08 of the Revised 71726  
Code. 71727

(3) The program is operated by an employee, officer, or 71728  
director of a nonprofit professional association, college or 71729  
university, proprietary continuing education institutions 71730  
providing programs approved by the board, vocational school, 71731  
postsecondary proprietary school of cosmetology licensed by the 71732  
board, salon licensed by the board, or manufacturer of supplies or 71733  
equipment used in the practice of a branch of cosmetology. 71734

(4) The program will do at least one of the following: 71735

(a) Enhance the professional competency of the affected 71736  
licensees or registrants; 71737

(b) Protect the public; 71738

(c) Educate the affected licensees or registrants in the 71739  
application of the laws and rules regulating the practice of a 71740  
branch of cosmetology. 71741

(5) The person operating the program provides the board a 71742  
tentative schedule of when the program will be available so that 71743  
the board can make the schedule readily available to all licensees 71744  
and registrants throughout the state. 71745

**Sec. 4713.63.** A practicing license, advanced license, or 71746  
instructor license that has not been renewed for any reason other 71747  
than because it has been revoked, suspended, or classified 71748  
inactive, or because the license holder has been given a waiver or 71749  
extension under section 4713.60 of the Revised Code, is expired. 71750

An expired license may be restored if the individual who held the license meets all of the following applicable conditions:

(A) Pays to the state ~~board of~~ cosmetology and barber board the restoration fee established under section 4713.10 of the Revised Code;

(B) In the case of a practicing license or advanced license that has been expired for more than two consecutive license renewal periods, completes eight hours of continuing education for each license renewal period that has elapsed since the license was last issued or renewed, up to a maximum of twenty-four hours. At least four of those hours shall include a course pertaining to sanitation and safety methods.

The board shall deposit all fees it receives under division (B) of this section into the general revenue fund.

**Sec. 4713.64.** (A) The state ~~board of~~ cosmetology and barber board may take disciplinary action under this chapter for any of the following:

(1) Failure to comply with the safety, sanitation, and licensing requirements of this chapter or rules adopted under it;

(2) Continued practice by an individual knowingly having an infectious or contagious disease;

(3) Habitual drunkenness or addiction to any habit-forming drug;

(4) Willful false and fraudulent or deceptive advertising;

(5) Falsification of any record or application required to be filed with the board;

(6) Failure to pay a fine or abide by a suspension order issued by the board;

(7) Failure to cooperate with an investigation or inspection;	71779
(8) Failure to respond to a subpoena;	71780
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	71781 71782
(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.	71783 71784 71785
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	71786 71787
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board <u>under this chapter</u> ;	71788 71789
(2) Impose a fine;	71790
(3) Require the holder of a license, permit, or registration <u>issued under this chapter</u> to take corrective action courses.	71791 71792
(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.	71793 71794 71795
(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual or salon who violates division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.	71796 71797 71798 71799 71800 71801 71802
(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license, permit, or registration <u>issued under this chapter</u> . A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board	71803 71804 71805 71806 71807 71808

does not ratify a consent agreement, the admissions and findings 71809  
contained in the agreement are of no effect, and the case shall be 71810  
scheduled for adjudication under Chapter 119. of the Revised Code. 71811

(D) The amount and content of corrective action courses and 71812  
other relevant criteria shall be established by the board in rules 71813  
adopted under section 4713.08 of the Revised Code. 71814

(E)(1) The board may impose a separate fine for each offense 71815  
listed in division (A) of this section. The amount of the first 71816  
fine issued for a violation as the result of an inspection shall 71817  
be not more than two hundred fifty dollars if the violator has not 71818  
previously been fined for that offense. Any fines issued for 71819  
additional violations during such an inspection shall not be more 71820  
than one hundred dollars for each additional violation. The fine 71821  
shall be not more than five hundred dollars if the violator has 71822  
been fined for the same offense once before. Any fines issued for 71823  
additional violations during a second inspection shall not be more 71824  
than two hundred dollars for each additional violation. The fine 71825  
shall be not more than one thousand dollars if the violator has 71826  
been fined for the same offense two or more times before. Any 71827  
fines issued for additional violations during a third inspection 71828  
shall not be more than three hundred dollars for each additional 71829  
violation. 71830

(2) The board shall issue an order notifying a violator of a 71831  
fine imposed under division (E)(1) of this section. The notice 71832  
shall specify the date by which the fine is to be paid. The date 71833  
shall be less than forty-five days after the board issues the 71834  
order. 71835

(3) At the request of a violator who is temporarily unable to 71836  
pay a fine, or upon its own motion, the board may extend the time 71837  
period within which the violator shall pay the fine up to ninety 71838  
days after the date the board issues the order. 71839

(4) If a violator fails to pay a fine by the date specified 71840  
in the board's order and does not request an extension within ten 71841  
days after the date the board issues the order, or if the violator 71842  
fails to pay the fine within the extended time period as described 71843  
in division (E)(3) of this section, the board shall add to the 71844  
fine an additional penalty equal to ten per cent of the fine. 71845

(5) If a violator fails to pay a fine within ninety days 71846  
after the board issues the order, the board shall add to the fine 71847  
interest at a rate specified by the board in rules adopted under 71848  
section 4713.08 of the Revised Code. 71849

(6) If the fine, including any interest or additional 71850  
penalty, remains unpaid on the ninety-first day after the board 71851  
issues an order under division (E)(2) of this section, the amount 71852  
of the fine and any interest or additional penalty shall be 71853  
certified to the attorney general for collection in the form and 71854  
manner prescribed by the attorney general. The attorney general 71855  
may assess the collection cost to the amount certified in such a 71856  
manner and amount as prescribed by the attorney general. 71857

(F) In the case of an offense of failure to comply with 71858  
division (A) or (B)(2) or (3) of section 4713.50 of the Revised 71859  
Code, the board shall impose a fine of five hundred dollars if the 71860  
violator has not previously been fined for that offense. If the 71861  
violator has previously been fined for the offense, the board may 71862  
impose a fine in accordance with this division or take another 71863  
action in accordance with division (B) of this section. 71864

(G) The board shall notify a licensee or registrant who is in 71865  
violation of division (A) of this section and the owner of the 71866  
salon in which the conditions constituting the violation were 71867  
found. The individual receiving the notice of violation and the 71868  
owner of the salon may request a hearing pursuant to section 71869  
119.07 of the Revised Code. If the individual or owner fails to 71870  
request a hearing or enter into a consent agreement thirty days 71871

after the date the board, in accordance with section 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit holder, or registrant fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license, permit, or registration.

(I) The board shall not take disciplinary action against an individual licensed to operate a salon or school of cosmetology for a violation of this chapter that was committed by an individual licensed to practice a branch of cosmetology, while practicing within the salon or school, when the individual's actions were beyond the control of the salon owner or school.

(J) In addition to the methods of notification required under section 119.07 of the Revised Code, the board may send the notices required under divisions (C)(2), (E)(2), and (G) of this section by any delivery method that is traceable and requires that the

delivery person obtain a signature to verify that the notice has 71904  
been delivered. The board also may send the notices by electronic 71905  
mail, provided that the electronic mail delivery system certifies 71906  
that a notice has been received. 71907

**Sec. 4713.641.** Any student or former student of a school of 71908  
cosmetology licensed under division (A) of section 4713.44 of the 71909  
Revised Code may file a complaint with the state ~~board of~~ 71910  
cosmetology and barber board alleging that the school has violated 71911  
division (A) of section 4713.64 of the Revised Code. The complaint 71912  
shall be in writing and signed by the individual bringing the 71913  
complaint. Upon receiving a complaint, the board shall initiate a 71914  
preliminary investigation to determine whether it is probable that 71915  
a violation was committed. If the board determines after 71916  
preliminary investigation that it is not probable that a violation 71917  
was committed, the board shall notify the individual who filed the 71918  
complaint of the board's findings and that the board will not 71919  
issue a formal complaint in the matter. If the board determines 71920  
after a preliminary investigation that it is probable that a 71921  
violation was committed, the board shall proceed against the 71922  
school pursuant to the board's authority under section 4713.64 of 71923  
the Revised Code and in accordance with the hearing and notice 71924  
requirements prescribed in Chapter 119. of the Revised Code. 71925

**Sec. 4713.65.** On receipt of a notice pursuant to section 71926  
3123.43 of the Revised Code, the state ~~board of~~ cosmetology and 71927  
barber board shall comply with sections 3123.41 to 3123.50 of the 71928  
Revised Code and any applicable rules adopted under section 71929  
3123.63 of the Revised Code with respect to a license issued 71930  
pursuant to this chapter or licenses issued pursuant to Chapter 71931  
4709. of the Revised Code. 71932

**Sec. 4713.66.** (A) The state ~~board of~~ cosmetology and barber 71933

board, on its own motion or on receipt of a written complaint, may 71934  
investigate or inspect the activities or premises of an individual 71935  
or entity who is alleged to have violated this chapter or rules 71936  
adopted under it, regardless of whether the individual or entity 71937  
holds a license or registration issued under this chapter. 71938

(B) If, based on its investigation, the board determines that 71939  
there is reasonable cause to believe that an individual or entity 71940  
has violated this chapter or rules adopted under it, the board 71941  
shall afford the individual or entity an opportunity for a 71942  
hearing. Notice shall be given and any hearing conducted in 71943  
accordance with Chapter 119. of the Revised Code. 71944

(C) The board shall maintain a transcript of the hearing and 71945  
issue a written opinion to all parties, citing its findings and 71946  
ground for any action it takes. Any action shall be taken in 71947  
accordance with section 4713.64 of the Revised Code. 71948

**Sec. 4713.68.** The state ~~board of cosmetology and barber board~~ 71949  
shall comply with section 4776.20 of the Revised Code. 71950

**Sec. 4713.69.** (A) The state ~~board of cosmetology and barber~~ 71951  
board shall issue a boutique services registration to an applicant 71952  
who satisfies all of the following applicable conditions: 71953

(1) Is at least sixteen years of age; 71954

(2) Is of good moral character; 71955

(3) Has the equivalent of an Ohio public school tenth grade 71956  
education; 71957

(4) Has submitted a written application on a form prescribed 71958  
by the board containing all of the following: 71959

(a) The applicant's name and home address; 71960

(b) The applicant's home telephone number and cellular 71961

telephone number, if any;	71962
(c) The applicant's electronic mail address, if any;	71963
(d) The applicant's date of birth;	71964
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	71965 71966 71967
(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	71968 71969 71970
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	71971 71972 71973
(h) An affidavit providing proof of formal training or apprenticeship under an individual providing such services.	71974 71975
(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.	71976 71977 71978 71979
(C) <del>Within six months of the effective date of this section,</del> <del>the</del> <u>The</u> board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.	71980 71981 71982 71983
<b>Sec. 4715.13.</b> (A) Applicants for licenses to practice dentistry or for a general anesthesia permit or a conscious intravenous sedation permit shall pay to the secretary of the state dental board the following fees:	71984 71985 71986 71987
(1) For license to practice dentistry, two hundred <del>ten</del> <del>sixty-seven</del> dollars if issued in an odd-numbered year or <del>three</del> <del>four</del> hundred <del>fifty-seven</del> <u>fifty-four</u> dollars if issued in an	71988 71989 71990

even-numbered year;	71991
(2) For duplicate license, to be granted upon proof of loss of the original, twenty dollars;	71992 71993
(3) For a general anesthesia permit, one hundred twenty-seven dollars;	71994 71995
(4) For a conscious intravenous sedation permit, one hundred twenty-seven dollars.	71996 71997
(B) Forty dollars of each fee collected under division (A)(1) of this section for a license issued in an even-numbered year and twenty dollars of each fee collected under division (A)(1) of this section in an odd-numbered year shall be paid to the dentist loan repayment fund established under section 3702.95 of the Revised Code.	71998 71999 72000 72001 72002 72003
(C) In the case of a person who applies for a license to practice dentistry by taking an examination administered by the state dental board, both of the following apply:	72004 72005 72006
(1) The fee in division (A)(1) of this section may be refunded to an applicant who is unavoidably prevented from attending the examination, or the applicant may be examined at the next regular or special meeting of the board without an additional fee.	72007 72008 72009 72010 72011
(2) An applicant who fails the first examination may be re-examined at the next regular or special meeting of the board without an additional fee.	72012 72013 72014
<b>Sec. 4715.14.</b> (A)(1) Each person who is licensed to practice dentistry in Ohio shall, on or before the first day of January of each even-numbered year, register with the state dental board. The registration shall be made on a form prescribed by the board and furnished by the secretary, shall include the licensee's name, address, license number, and such other reasonable information as	72015 72016 72017 72018 72019 72020

the board may consider necessary, and shall include payment of a 72021  
biennial registration fee of ~~two~~ three hundred ~~forty five~~ twelve 72022  
dollars. ~~Except as provided in division (E) of this section, this~~ 72023  
~~fee shall be paid to the treasurer of state.~~ Subject to division 72024  
(C) of this section, a registration shall be in effect for the 72025  
two-year period beginning on the first day of January of the 72026  
even-numbered year and ending on the last day of December of the 72027  
following odd-numbered year, and shall be renewed in accordance 72028  
with the standard renewal procedure of sections 4745.01 to 4745.03 72029  
of the Revised Code. 72030

(2)(a) Except as provided in division (A)(2)(b) of this 72031  
section, in the case of a licensee seeking registration who 72032  
prescribes or personally furnishes opioid analgesics or 72033  
benzodiazepines, as defined in section 3719.01 of the Revised 72034  
Code, the licensee shall certify to the board whether the licensee 72035  
has been granted access to the drug database established and 72036  
maintained by the state board of pharmacy pursuant to section 72037  
4729.75 of the Revised Code. 72038

(b) The requirement in division (A)(2)(a) of this section 72039  
does not apply if any of the following is the case: 72040

(i) The state board of pharmacy notifies the state dental 72041  
board pursuant to section 4729.861 of the Revised Code that the 72042  
licensee has been restricted from obtaining further information 72043  
from the drug database. 72044

(ii) The state board of pharmacy no longer maintains the drug 72045  
database. 72046

(iii) The licensee does not practice dentistry in this state. 72047

(3) If a licensee certifies to the state dental board that 72048  
the licensee has been granted access to the drug database and the 72049  
board finds through an audit or other means that the licensee has 72050  
not been granted access, the board may take action under section 72051

4715.30 of the Revised Code. 72052

(B) A licensed dentist who desires to temporarily retire from 72053  
practice and who has given the board notice in writing to that 72054  
effect shall be granted such a retirement, provided only that at 72055  
that time all previous registration fees and additional costs of 72056  
reinstatement have been paid. 72057

(C) Not later than the thirty-first day of January of an 72058  
even-numbered year, the board shall send a notice by certified 72059  
mail to a dentist who fails to renew a license in accordance with 72060  
division (A) of this section. The notice shall state all of the 72061  
following: 72062

(1) That the board has not received the registration form and 72063  
fee described in that division; 72064

(2) That the license shall remain valid and in good standing 72065  
until the first day of April following the last day of December of 72066  
the odd-numbered year in which the dentist was scheduled to renew 72067  
if the dentist remains in compliance with all other applicable 72068  
provisions of this chapter and any rule adopted under it; 72069

(3) That the license may be renewed until the first day of 72070  
April following the last day of December of the odd-numbered year 72071  
in which the dentist was scheduled to renew by the payment of the 72072  
biennial registration fee and an additional fee of one hundred 72073  
twenty-seven dollars to cover the cost of late renewal; 72074

(4) That unless the board receives the registration form and 72075  
fee before the first day of April following the last day of 72076  
December of the odd-numbered year in which the dentist was 72077  
scheduled to renew, the board may, on or after the relevant first 72078  
day of April, initiate disciplinary action against the dentist 72079  
pursuant to Chapter 119. of the Revised Code; 72080

(5) That a dentist whose license has been suspended as a 72081  
result of disciplinary action initiated pursuant to division 72082

(C)(4) of this section may be reinstated by the payment of the 72083  
biennial registration fee and an additional fee of three hundred 72084  
eighty-one dollars to cover the cost of reinstatement. 72085

(D) Each dentist licensed to practice, whether a resident or 72086  
not, shall notify the secretary in writing or electronically of 72087  
any change in the dentist's office address or employment within 72088  
ten days after such change has taken place. On the first day of 72089  
July of every even-numbered year, the secretary shall issue a 72090  
printed roster of the names and addresses so registered. 72091

(E) ~~Twenty~~ Forty dollars of each biennial registration fee 72092  
shall be paid to the dentist loan repayment fund created under 72093  
section 3702.95 of the Revised Code. 72094

**Sec. 4715.16.** (A) Upon payment of a fee of ~~ten~~ thirteen 72095  
dollars, the state dental board may without examination issue a 72096  
limited resident's license to any person who is a graduate of a 72097  
dental college, is authorized to practice in another state or 72098  
country or qualified to take the regular licensing examination in 72099  
this state, and furnishes the board satisfactory proof of having 72100  
been appointed a dental resident at an accredited dental college 72101  
in this state or at an accredited program of a hospital in this 72102  
state, but has not yet been licensed as a dentist by the board. 72103  
Any person receiving a limited resident's license may practice 72104  
dentistry only in connection with programs operated by the dental 72105  
college or hospital at which the person is appointed as a resident 72106  
as designated on the person's limited resident's license, and only 72107  
under the direction of a licensed dentist who is a member of the 72108  
dental staff of the college or hospital or a dentist holding a 72109  
current limited teaching license issued under division (B) of this 72110  
section, and only on bona fide patients of such programs. The 72111  
holder of a limited resident's license may be disciplined by the 72112  
board pursuant to section 4715.30 of the Revised Code. 72113

(B) Upon payment of one hundred ~~one~~ twenty-seven dollars and 72114  
upon application endorsed by an accredited dental college in this 72115  
state, the board may without examination issue a limited teaching 72116  
license to a dentist who is a graduate of a dental college, is 72117  
authorized to practice dentistry in another state or country, and 72118  
has full-time appointment to the faculty of the endorsing dental 72119  
college. A limited teaching license is subject to annual renewal 72120  
in accordance with the standard renewal procedure of Chapter 4745. 72121  
of the Revised Code, and automatically expires upon termination of 72122  
the full-time faculty appointment. A person holding a limited 72123  
teaching license may practice dentistry only in connection with 72124  
programs operated by the endorsing dental college. The board may 72125  
discipline the holder of a limited teaching license pursuant to 72126  
section 4715.30 of the Revised Code. 72127

(C)(1) As used in this division: 72128

(a) "Continuing dental education practicum" or "practicum" 72129  
means a course of instruction, approved by the American dental 72130  
association, Ohio dental association, or academy of general 72131  
dentistry, that is designed to improve the clinical skills of a 72132  
dentist by requiring the dentist to participate in clinical 72133  
exercises on patients. 72134

(b) "Director" means the person responsible for the operation 72135  
of a practicum. 72136

(2) Upon payment of one hundred ~~one~~ twenty-seven dollars and 72137  
application endorsed by the director of a continuing dental 72138  
education practicum, the board shall, without examination, issue a 72139  
temporary limited continuing education license to a resident of a 72140  
state other than Ohio who is licensed to practice dentistry in 72141  
such state and is in good standing, is a graduate of an accredited 72142  
dental college, and is registered to participate in the endorsing 72143  
practicum. The determination of whether a dentist is in good 72144  
standing shall be made by the board. 72145

A dentist holding a temporary limited continuing education license may practice dentistry only on residents of the state in which the dentist is permanently licensed or on patients referred by a dentist licensed pursuant to section 4715.12 of the Revised Code to an instructing dentist licensed pursuant to that section, and only while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted.

Practice under a temporary limited continuing education license shall be under the direct supervision and full professional responsibility of an instructing dentist licensed pursuant to section 4715.12 of the Revised Code, shall be limited to the performance of those procedures necessary to complete the endorsing practicum, and shall not exceed thirty days of actual patient treatment in any year.

(3) A director of a continuing dental education practicum who endorses an application for a temporary limited continuing education license shall, prior to making the endorsement, notify the state dental board in writing of the identity of the sponsors and the faculty of the practicum and the dates and locations at which it will be offered. The notice shall also include a brief description of the course of instruction. The board may prohibit a continuing dental education practicum from endorsing applications for temporary limited continuing education licenses if the board determines that the practicum is engaged in activities that constitute a threat to public health and safety or do not constitute bona fide continuing dental education, or that the practicum permits activities which otherwise violate this chapter. Any continuing dental education practicum prohibited from endorsing applications may request an adjudication pursuant to Chapter 119. of the Revised Code.

A temporary limited continuing education license shall be

valid only when the dentist is participating in the endorsing 72178  
continuing dental education practicum and shall expire at the end 72179  
of one year. If the dentist fails to complete the endorsing 72180  
practicum in one year, the board may, upon the dentist's 72181  
application and payment of a fee of ~~seventy-five~~ ninety-four 72182  
dollars, renew the temporary limited continuing education license 72183  
for a consecutive one-year period. Only two renewals may be 72184  
granted. The holder of a temporary limited continuing education 72185  
license may be disciplined by the board pursuant to section 72186  
4715.30 of the Revised Code. 72187

(D) The board shall act either to approve or to deny any 72188  
application for a limited license pursuant to division (A), (B), 72189  
or (C) of this section not later than sixty days of the date the 72190  
board receives the application. 72191

**Sec. 4715.21.** Each person who desires to practice as a dental 72192  
hygienist shall file with the secretary of the state dental board 72193  
a written application for a license, under oath, upon the form 72194  
prescribed. Such applicant shall furnish satisfactory proof of 72195  
being at least eighteen years of age and of good moral character. 72196  
An applicant shall present a diploma or certificate of graduation 72197  
from an accredited dental hygiene school and shall pay the 72198  
examination fee of ~~ninety-six~~ one hundred twenty dollars if the 72199  
license is issued in an odd-numbered year or one hundred 72200  
~~forty-seven~~ eighty-four dollars if issued in an even-numbered 72201  
year. Those passing such examination as the board prescribes 72202  
relating to dental hygiene shall receive a certificate of 72203  
registration entitling them to practice. If an applicant fails to 72204  
pass the first examination the applicant may apply for a 72205  
re-examination at the next regular or special examination meeting 72206  
of the board. 72207

No applicant shall be admitted to more than two examinations 72208

without first presenting satisfactory proof that the applicant has 72209  
successfully completed such refresher courses in an accredited 72210  
dental hygiene school as the state dental board may prescribe. 72211

An accredited dental hygiene school shall be one accredited 72212  
by the American dental association commission on dental 72213  
accreditation or whose educational standards are recognized by the 72214  
American dental association commission on dental accreditation and 72215  
approved by the state dental board. 72216

**Sec. 4715.24.** (A) Each person who is licensed to practice as 72217  
a dental hygienist in Ohio shall, on or before the first day of 72218  
January of each even-numbered year, register with the state dental 72219  
board, unless the person is temporarily retired pursuant to 72220  
section 4715.241 of the Revised Code. The registration shall be 72221  
made on a form prescribed by the board and furnished by the 72222  
secretary, shall include the licensee's name, address, license 72223  
number, and such other reasonable information as the board may 72224  
consider necessary, and shall include payment of a biennial 72225  
registration fee of one hundred ~~fifteen~~ forty-four dollars. This 72226  
fee shall be paid to the treasurer of state. All such 72227  
registrations shall be in effect for the two-year period beginning 72228  
on the first day of January of each even-numbered year and ending 72229  
on the last day of December of the following odd-numbered year, 72230  
and shall be renewed in accordance with the standard renewal 72231  
procedure of sections 4745.01 to 4745.03 of the Revised Code. The 72232  
failure of a licensee to renew registration in accordance with 72233  
this section shall result in the automatic suspension of the 72234  
licensee's license to practice as a dental hygienist, unless the 72235  
licensee is temporarily retired pursuant to section 4715.241 of 72236  
the Revised Code. 72237

(B) Any dental hygienist whose license has been automatically 72238  
suspended under this section may be reinstated on application to 72239

the board on a form prescribed by the board for licensure 72240  
reinstatement and payment of the biennial registration fee and in 72241  
addition thereto ~~thirty-one~~ thirty-nine dollars to cover the costs 72242  
of reinstatement. 72243

(C) The license of a dental hygienist shall be exhibited in a 72244  
conspicuous place in the room in which the dental hygienist 72245  
practices. Each dental hygienist licensed to practice, whether a 72246  
resident or not, shall notify the secretary in writing or 72247  
electronically of any change in the dental hygienist's office 72248  
address or employment within ten days after the change takes 72249  
place. 72250

(D) Ten dollars of each biennial registration fee collected 72251  
under division (A) or (B) of this section shall be paid to the 72252  
dental hygienist loan repayment fund established under section 72253  
3702.967 of the Revised Code. 72254

**Sec. 4715.27.** The state dental board may issue a license to 72255  
an applicant who furnishes satisfactory proof of being at least 72256  
eighteen years of age, of good moral character and who 72257  
demonstrates, to the satisfaction of the board, knowledge of the 72258  
laws, regulations, and rules governing the practice of a dental 72259  
hygienist; who proves, to the satisfaction of the board, intent to 72260  
practice as a dental hygienist in this state; who is a graduate 72261  
from an accredited school of dental hygiene and who holds a 72262  
license by examination from a similar dental board, and who passes 72263  
an examination as prescribed by the board relating to dental 72264  
hygiene. 72265

Upon payment of ~~fifty-eight~~ seventy-three dollars and upon 72266  
application endorsed by an accredited dental hygiene school in 72267  
this state, the state dental board may without examination issue a 72268  
teacher's certificate to a dental hygienist, authorized to 72269  
practice in another state or country. A teacher's certificate 72270

shall be subject to annual renewal in accordance with the standard 72271  
renewal procedure of sections 4745.01 to 4745.03 of the Revised 72272  
Code, and shall not be construed as authorizing anything other 72273  
than teaching or demonstrating the skills of a dental hygienist in 72274  
the educational programs of the accredited dental hygiene school 72275  
which endorsed the application. 72276

**Sec. 4715.362.** A dentist who desires to participate in the 72277  
oral health access supervision program shall apply to the state 72278  
dental board for an oral health access supervision permit. The 72279  
application shall be under oath, on a form prescribed by the board 72280  
in rules adopted under section 4715.372 of the Revised Code, and 72281  
accompanied by an application fee of ~~twenty~~ twenty-five dollars. 72282  
To be eligible to receive the permit, an applicant shall meet the 72283  
requirements established by the board in rules adopted under 72284  
section 4715.372 of the Revised Code. 72285

The state dental board shall issue an oral health access 72286  
supervision permit to a dentist who is in good standing with the 72287  
board and satisfies all of the requirements of this section. 72288

**Sec. 4715.363.** (A) A dental hygienist who desires to 72289  
participate in the oral health access supervision program shall 72290  
apply to the state dental board for a permit to practice under the 72291  
oral health access supervision of a dentist. The application shall 72292  
be under oath, on a form prescribed by the board in rules adopted 72293  
under section 4715.372 of the Revised Code, and accompanied by an 72294  
application fee of ~~twenty~~ twenty-five dollars, which may be paid 72295  
by ~~personal check or~~ credit card. 72296

(B) The applicant shall provide evidence satisfactory to the 72297  
board that the applicant has done all of the following: 72298

(1) Completed at least one year and attained a minimum of one 72299  
thousand five hundred hours of experience in the practice of 72300

dental hygiene; 72301

(2) Completed at least twenty-four hours of continuing dental 72302  
hygiene education during the two years prior to submission of the 72303  
application; 72304

(3) Completed a course pertaining to the practice of dental 72305  
hygiene under the oral health access supervision of a dentist that 72306  
meets standards established in rules adopted under section 72307  
4715.372 of the Revised Code; 72308

(4) Completed, during the two years prior to submission of 72309  
the application, a course pertaining to the identification and 72310  
prevention of potential medical emergencies that is the same as 72311  
the course described in division (C)(2) of section 4715.22 of the 72312  
Revised Code. 72313

(C) The state dental board shall issue a permit to practice 72314  
under the oral health access supervision of a dentist to a dental 72315  
hygienist who is in good standing with the board and meets all of 72316  
the requirements of divisions (A) and (B) of this section. 72317

**Sec. 4715.369.** (A) An oral health access supervision permit 72318  
issued under section 4715.362 of the Revised Code expires on the 72319  
thirty-first day of December of the odd-numbered year that occurs 72320  
after the permit's issuance. A dentist who desires to renew a 72321  
permit shall apply, under oath, to the state dental board on a 72322  
form prescribed by the board in rules adopted under section 72323  
4715.372 of the Revised Code. At the time of application, the 72324  
dentist shall pay a renewal fee of ~~twenty~~ twenty-five dollars. 72325

(B) The board shall renew an oral health access supervision 72326  
permit for a two-year period if the dentist submitted a complete 72327  
application, paid the renewal fee, is in good standing with the 72328  
board, and verified with the board all of the following: 72329

(1) The locations at which dental hygienists have, under the 72330

dentist's authorization, provided services during the two years 72331  
prior to submission of the renewal application; 72332

(2) The number of patients treated, during the two years 72333  
prior to submission of the renewal application, by each dental 72334  
hygienist providing dental hygiene services under the dentist's 72335  
authorization; 72336

(3) For each number of patients provided under division 72337  
(B)(2) of this section, the number of patients whom the dentist 72338  
clinically evaluated following the provision of dental hygiene 72339  
services by a dental hygienist. 72340

**Sec. 4715.37.** (A) A permit to practice under the oral health 72341  
access supervision of a dentist issued under section 4715.363 of 72342  
the Revised Code expires on the thirty-first day of December of 72343  
the odd-numbered year that occurs after the permit's issuance. A 72344  
dental hygienist who desires to renew a permit to practice under 72345  
the oral health access supervision of a dentist shall apply, under 72346  
oath, to the state dental board on a form prescribed by the board 72347  
in rules adopted under section 4715.372 of the Revised Code. At 72348  
the time of application, the dental hygienist shall pay a renewal 72349  
fee of ~~twenty~~ twenty-five dollars. 72350

(B) The state dental board shall renew a permit for a 72351  
two-year period if the dental hygienist submitted a complete 72352  
application, paid the renewal fee, is in good standing with the 72353  
board, and has verified with the board both of the following: 72354

(1) The locations at which the hygienist has provided dental 72355  
hygiene services under a permit to practice under the oral health 72356  
access supervision of a dentist; 72357

(2) The number of patients that the hygienist has treated 72358  
under a permit during the two years prior to submission of the 72359  
renewal application. 72360

Sec. 4715.53. (A) Each individual seeking a certificate to 72361  
practice as a dental x-ray machine operator shall apply to the 72362  
state dental board on a form the board shall prescribe and 72363  
provide. The application shall be accompanied by an application 72364  
fee of ~~twenty-five~~ thirty-two dollars. 72365

(B) The board shall review all applications received and 72366  
issue a dental x-ray machine operator certificate to each 72367  
applicant who submits evidence satisfactory to the board of one of 72368  
the following: 72369

(1) The applicant holds certification from the dental 72370  
assisting national board or the Ohio commission on dental 72371  
assistant certification. 72372

(2) The applicant holds a license, certificate, permit, 72373  
registration, or other credential issued by another state that the 72374  
board determines uses standards for dental x-ray machine operators 72375  
that are at least equal to those established under this chapter. 72376

(3) The applicant has successfully completed an educational 72377  
program consisting of at least seven hours of instruction in 72378  
dental x-ray machine operation that meets either of the following 72379  
requirements: 72380

(a) Has been approved by the board in accordance with section 72381  
4715.57 of the Revised Code; 72382

(b) Is conducted by an institution accredited by the American 72383  
dental association commission on dental accreditation. 72384

(C) A certificate issued under this section expires two years 72385  
after it is issued and may be renewed if the certificate holder 72386  
does both of the following: 72387

(1) Certifies to the board that the certificate holder has 72388  
completed at least two hours of instruction in dental x-ray 72389  
machine operation approved by the board in accordance with section 72390

4715.57 of the Revised Code during the two-year period preceding 72391  
the date the renewal application is received by the board. 72392

(2) Submits a renewal fee of ~~twenty-five~~ thirty-two dollars 72393  
to the board. 72394

Renewals shall be made in accordance with the standard 72395  
renewal procedure established under Chapter 4745. of the Revised 72396  
Code. 72397

**Sec. 4715.62.** (A) Each individual seeking to register with 72398  
the state dental board as an expanded function dental auxiliary 72399  
shall file with the secretary of the board a written application 72400  
for registration, under oath, on a form the board shall prescribe 72401  
and provide. An applicant shall include with the completed 72402  
application all of the following: 72403

(1) An application fee of ~~twenty~~ twenty-five dollars; 72404

(2) Proof satisfactory to the board that the applicant has 72405  
successfully completed, at an educational institution accredited 72406  
by the commission on dental accreditation of the American dental 72407  
association or the higher learning commission of the north central 72408  
association of colleges and schools, the education or training 72409  
specified by the board in rules adopted under section 4715.66 of 72410  
the Revised Code as the education or training that is necessary to 72411  
obtain registration under this chapter to practice as an expanded 72412  
function dental auxiliary, as evidenced by a diploma or other 72413  
certificate of graduation or completion that has been signed by an 72414  
appropriate official of the accredited institution that provided 72415  
education or training; 72416

(3) Proof satisfactory to the board that the applicant has 72417  
passed an examination that meets the standards established by the 72418  
board in rules adopted under section 4715.66 of the Revised Code 72419  
to be accepted by the board as an examination of competency to 72420

practice as an expanded function dental auxiliary; 72421

(4) Proof that the applicant holds current certification to 72422  
perform basic life-support procedures, evidenced by documentation 72423  
showing the successful completion of a basic life-support training 72424  
course certified by the American red cross, the American heart 72425  
association, or the American safety and health institute. 72426

(B) If an applicant complies with division (A) of this 72427  
section, the board shall register the applicant as an expanded 72428  
function dental auxiliary. 72429

**Sec. 4715.63.** (A) Registration under section 4715.62 of the 72430  
Revised Code expires on the thirty-first day of December of the 72431  
year following the year in which the registration occurs. An 72432  
individual may renew a registration for subsequent two-year 72433  
periods by submitting both of the following to the secretary of 72434  
the state dental board each time the individual seeks to renew a 72435  
registration: 72436

(1) A completed application for renewal, under oath, on a 72437  
form the board shall prescribe and provide; 72438

(2) A renewal fee of ~~twenty~~ twenty-five dollars. 72439

(B) If an individual complies with division (A) of this 72440  
section and is not in violation of any section of this chapter or 72441  
rule adopted under it, the board shall renew the individual's 72442  
registration for a two-year period that expires on the 72443  
thirty-first day of December of the year following the year in 72444  
which the registration was renewed. 72445

(C) Registration renewals shall be made in accordance with 72446  
the standard renewal procedure established under Chapter 4745. of 72447  
the Revised Code. 72448

**Sec. 4717.01.** As used in this chapter: 72449

(A) "Embalming" means the ~~preservation and disinfection, or attempted preservation and disinfection,~~ process of chemically treating the dead human body by application any of chemicals externally, internally, or both the following to reduce the presence and growth of microorganisms, to temporarily slow organic decomposition, and to restore acceptable physical appearance: 72450  
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(1) Arterial injection; 72456

(2) Cavity treatment; 72457

(3) Hypodermic tissue injection. 72458

(B) "Funeral business" means a sole proprietorship, 72459  
partnership, corporation, limited liability company, or other 72460  
business entity that is engaged in funeral directing for profit or 72461  
for free from one or more funeral homes licensed under this 72462  
chapter. 72463

(C) "Funeral directing" means the business or profession of 72464  
directing or supervising funerals for profit from one or more 72465  
funeral homes licensed under this chapter, the arrangement or sale 72466  
of funeral services, the filling out or execution of a funeral 72467  
service contract, the business or profession of preparing dead 72468  
human bodies for burial by means other than embalming, the 72469  
disposition of dead human bodies, the provision or maintenance of 72470  
a place for the preparation, the care, or disposition of dead 72471  
human bodies, the use in connection with a business of the term 72472  
"funeral director," "undertaker," "mortician," or any other term 72473  
from which can be implied the business of funeral directing, or 72474  
the holding out to the public that one is a funeral director or a 72475  
disposer of dead human bodies. 72476

(D) "Funeral home" means a fixed place for the care, 72477  
preparation for burial, or disposition of dead human bodies or the 72478  
conducting of funerals. Each business location is a funeral home, 72479  
regardless of common ownership or management. 72480

(E) "Embalmer" means a person who engages, in whole or in part, in embalming and who is licensed under this chapter. 72481  
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(F) "Funeral director" means a person who engages, in whole or in part, in funeral directing and who is licensed under this chapter. 72483  
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(G) "Final disposition" has the same meaning as in division (J) of section 3705.01 of the Revised Code. 72486  
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(H) "Supervision" means the operation of all phases of the business of funeral directing or embalming under the specific direction of a licensed funeral director or licensed embalmer. 72488  
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(I) "Direct supervision" means the physical presence of a licensed funeral director or licensed embalmer while the specific functions of the funeral or embalming are being carried out. 72491  
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(J) "Embalming facility" means a fixed location, separate from the funeral home, that is licensed under this chapter whose only function is the embalming and preparation of dead human bodies. 72494  
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(K) "Crematory facility" means the physical location at which a cremation chamber is located and the cremation process takes place. "Crematory facility" does not include an infectious waste incineration facility for which a license is held under division (B) of section 3734.05 of the Revised Code, or a solid waste incineration facility for which a license is held under division (A) of that section that includes a notation pursuant to division (B)(3) of that section authorizing the facility to also treat infectious wastes, in connection with the incineration of body parts other than dead human bodies that were donated to science for purposes of medical education or research. 72498  
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(L) "Crematory" means the building or portion of a building that houses the holding facility and the cremation chamber. 72509  
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(M) "Cremation" means the technical process of using heat and flame to reduce human or animal remains to bone fragments or ashes or any combination thereof. "Cremation" includes processing and may include the pulverization of bone fragments.

(N) "Cremation chamber" means the enclosed space within which cremation takes place.

(O) "Cremated remains" means all human or animal remains recovered after the completion of the cremation process, which may include the residue of any foreign matter such as casket material, dental work, or eyeglasses that were cremated with the human or animal remains.

(P) "Lapsed license" means a license issued under this chapter that has become invalid because of the failure of the licensee to renew the license within the time limits prescribed under this chapter.

(Q) "~~Operator of a crematory facility~~ Crematory operator" means the ~~sole proprietorship, partnership, corporation, limited liability company, or other business entity responsible for the overall operation of~~ person who engages, in whole or in part, in cremation from one or more crematories licensed under this chapter and who has been issued a crematory facility operator permit under this chapter.

(R) "Processing" means the reduction of identifiable bone fragments to unidentifiable bone fragments through manual or mechanical means after the completion of the cremation process.

(S) "Pulverization" means the reduction of identifiable bone fragments to granulated particles by manual or mechanical means after the completion of the cremation process.

(T) "Preneed funeral contract" means a written agreement, contract, or series of contracts to sell or otherwise provide any funeral services, funeral goods, or any combination thereof to be

used in connection with the funeral or final disposition of a dead 72542  
human body, where payment for the goods or services is made either 72543  
outright or on an installment basis, prior to the death of the 72544  
person purchasing the goods or services or for whom the goods or 72545  
services are purchased. "Preneed funeral contract" does not 72546  
include any preneed cemetery merchandise and services contract or 72547  
any agreement, contract, or series of contracts pertaining to the 72548  
sale of any burial lot, burial or interment right, entombment 72549  
right, or columbarium right with respect to which an endowment 72550  
care fund is established or is exempt from establishment pursuant 72551  
to section 1721.21 of the Revised Code. 72552

For the purposes of division (T) of this section, "funeral 72553  
goods" includes caskets. 72554

(U) "Purchaser" means the individual who has purchased and 72555  
financed a preneed funeral contract, and who may or may not be the 72556  
contract beneficiary. 72557

(V) "Contract beneficiary" means the individual for whom 72558  
funeral goods and funeral services are provided pursuant to a 72559  
preneed funeral contract. 72560

(W) "Seller" means any person that enters into a preneed 72561  
funeral contract with a purchaser for the provision of funeral 72562  
goods, funeral services, or both. 72563

(X) "Felony" means a criminal act classified as a felony by 72564  
this state, any other state, or federal law. 72565

**Sec. 4717.02.** (A) There is hereby created the board of 72566  
embalmers and funeral directors consisting of seven members to be 72567  
appointed by the governor with the advice and consent of the 72568  
senate. Five members shall be licensed ~~embalmers and~~ practicing 72569  
funeral directors, each with four of which shall also be licensed 72570  
embalmers. Each of the funeral director members shall have at 72571

least ten consecutive years of experience in this state 72572  
immediately preceding the date of the person's appointment+. In 72573  
addition, one of ~~these~~ the funeral director members shall hold a 72574  
crematory operator permit and be knowledgeable and experienced in 72575  
operating a crematory. Two members shall represent the public; at 72576  
least one of these members shall be at least sixty years of age. 72577

(B) Terms of office are for five years, commencing on the 72578  
first day of July and ending on the last day of June. Each member 72579  
shall hold office from the date of the member's appointment until 72580  
the end of the term for which the member was appointed. Before 72581  
entering upon the duties of the office, each member shall take and 72582  
file with the secretary of state an oath of office as required by 72583  
Section 7 of Article XV, Ohio Constitution. 72584

(C) The governor may remove a member of the board for neglect 72585  
of duty, incompetency, or immoral conduct. Vacancies shall be 72586  
filled in the manner provided for original appointments. Any 72587  
member appointed to fill a vacancy occurring prior to the 72588  
expiration date of the term for which the member's predecessor was 72589  
appointed shall hold office as a member for the remainder of that 72590  
term. A member shall continue in office subsequent to the 72591  
expiration date of the member's term until the member's successor 72592  
takes office, or until a period of sixty days has elapsed, 72593  
whichever occurs first. 72594

(D) Each member of the board shall receive an amount fixed 72595  
under division (J) of section 124.15 of the Revised Code for each 72596  
day, not to exceed sixty days per year, employed in the discharge 72597  
of the member's duties as a board member, together with any 72598  
necessary expenses incurred in the performance of those duties. 72599

**Sec. 4717.03.** (A) Members of the board of embalmers and 72600  
funeral directors shall annually in July, or within thirty days 72601  
after the senate's confirmation of the new members appointed in 72602

that year, meet and organize by selecting from among its members a president, vice-president, and secretary-treasurer. The board may hold other meetings as it determines necessary. A quorum of the board consists of four members, of whom at least three shall be members who are embalmers and funeral directors. The concurrence of at least four members is necessary for the board to take any action. The president and secretary-treasurer shall sign all licenses issued under this chapter and affix the board's seal to each license.

(B) The board may appoint an individual who is not a member of the board to serve as executive director of the board. The executive director serves at the pleasure of the board and shall do all of the following:

(1) Serve as the board's chief administrative officer;

(2) Act as custodian of the board's records;

(3) Execute all of the board's orders;

(4) Employ staff who are not members of the board and who serve at the pleasure of the executive director to provide any assistance that the board considers necessary.

(C) In executing the board's orders as required by division (B)(3) of this section, the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or ~~operator of a crematory facility~~ operator in this state. The executive director may serve and execute any process issued by any court under this chapter.

(D) The executive director may employ necessary inspectors, who shall be licensed embalmers and funeral directors. An inspector employed by the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or crematory operator of a, embalming facility, funeral home, or crematory facility in this state, for

the purposes of inspecting the facility and premises; the license, 72634  
permit, and registration of embalmers and, funeral directors, and 72635  
crematory operators operating in the facility; and the license of 72636  
the funeral home, embalming facility, or crematory facility and 72637  
perform any other duties delegated to the inspector by the board 72638  
or assigned to the inspector by the executive director. The 72639  
executive director may enter the facility or premises of a funeral 72640  
home, embalming facility, or crematory for the purpose of an 72641  
inspection if accompanied by an inspector or, if an inspector is 72642  
not available, when a situation presents a danger of immediate and 72643  
serious harm to the public. 72644

(E) The president of the board shall designate three of the 72645  
board's members to serve on the crematory review board, which is 72646  
hereby created, for such time as the president finds appropriate 72647  
to carry out the provisions of this chapter. Those members of the 72648  
crematory review board designated by the president to serve and 72649  
three members designated by the cemetery dispute resolution 72650  
commission shall designate, by a majority vote, one person who 72651  
holds a crematory operator permit, who is experienced in the 72652  
operation of a crematory facility, and who is not affiliated with 72653  
a cemetery or a funeral home to serve on the crematory review 72654  
board for such time as the crematory review board finds 72655  
appropriate. Members serving on the crematory review board shall 72656  
not receive any additional compensation for serving on the board, 72657  
but may be reimbursed for their actual and necessary expenses 72658  
incurred in the performance of official duties as members of the 72659  
board. Members of the crematory review board shall designate one 72660  
from among its members to serve as a chairperson for such time as 72661  
the board finds appropriate. Costs associated with conducting an 72662  
adjudicatory hearing in accordance with division (F) of this 72663  
section shall be paid from funds available to the board of 72664  
embalmers and funeral directors. 72665

(F) Upon receiving written notice from the board of embalmers and funeral directors of any of the following, the crematory review board shall conduct an adjudicatory hearing on the matter in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this section or division (C) of section 4717.14 of the Revised Code:

(1) Notice provided under division (I) of this section of an alleged violation of any provision of this chapter or any rules adopted under this chapter governing or in connection with crematory operators, crematory facilities, or cremation;

(2) Notice provided under division (B) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors proposes to refuse to grant or renew, or to suspend or revoke, a license to operate a crematory facility;

(3) Notice provided under division (C) of section 4717.14 of the Revised Code that the board of embalmers and funeral directors has issued an order summarily suspending a crematory operator permit or a license to operate a crematory facility;

(4) Notice provided under division (B) of section 4717.15 of the Revised Code that the board of embalmers and funeral directors proposes to issue a notice of violation and order requiring payment of a forfeiture for any violation described in divisions (A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in connection with a crematory operator, crematory facility, or cremation.

Nothing in division (F) of this section precludes the crematory review board from appointing an independent examiner in accordance with section 119.09 of the Revised Code to conduct any adjudication hearing required under division (F) of this section.

The crematory review board shall submit a written report of findings and advisory recommendations, and a written transcript of

its proceedings, to the board of embalmers and funeral directors. 72697  
The board of embalmers and funeral directors shall serve a copy of 72698  
the written report of the crematory review board's findings and 72699  
advisory recommendations on the party to the adjudication or the 72700  
party's attorney, by certified mail, within five days after 72701  
receiving the report and advisory recommendations. A party may 72702  
file objections to the written report with the board of embalmers 72703  
and funeral directors within ten days after receiving the report. 72704  
No written report is final or appealable until it is issued as a 72705  
final order by the board of embalmers and funeral directors and 72706  
entered on the record of the proceedings. The board of embalmers 72707  
and funeral directors shall consider objections filed by the party 72708  
prior to issuing a final order. After reviewing the findings and 72709  
advisory recommendations of the crematory review board, the 72710  
written transcript of the crematory review board's proceedings, 72711  
and any objections filed by a party, the board of embalmers and 72712  
funeral directors shall issue a final order in the matter. Any 72713  
party may appeal the final order issued by the board of embalmers 72714  
and funeral directors in a matter described in divisions (F)(1) to 72715  
(4) of this section in accordance with section 119.12 of the 72716  
Revised Code, except that the appeal may be made to the court of 72717  
common pleas in the county in which is located the crematory 72718  
facility to which the final order pertains, or in the county in 72719  
which the party resides. 72720

(G) On its own initiative or on receiving a written complaint 72721  
from any person whose identity is made known to the board of 72722  
embalmers and funeral directors, the board shall investigate the 72723  
acts or practices of any person holding or claiming to hold a 72724  
license, permit, or registration under this chapter that, if 72725  
proven to have occurred, would violate this chapter or any rules 72726  
adopted under it. The board may compel witnesses by subpoena to 72727  
appear and testify in relation to investigations conducted under 72728  
this chapter and may require by subpoena duces tecum the 72729

production of any book, paper, or document pertaining to an 72730  
investigation. If a person does not comply with a subpoena or 72731  
subpoena duces tecum, the board may apply to the court of common 72732  
pleas of any county in this state for an order compelling the 72733  
person to comply with the subpoena or subpoena duces tecum, or for 72734  
failure to do so, to be held in contempt of court. 72735

(H) If, as a result of its investigation conducted under 72736  
division (G) of this section, the board of embalmers and funeral 72737  
directors has reasonable cause to believe that the person 72738  
investigated is violating any provision of this chapter or any 72739  
rules adopted under this chapter governing or in connection with 72740  
embalming, funeral directing, cremation, funeral homes, embalming 72741  
facilities, or cremation facilities, or the operation of funeral 72742  
homes ~~or~~, embalming facilities, or crematory facilities, it may, 72743  
after providing the opportunity for an adjudicatory hearing, issue 72744  
an order directing the person to cease the acts or practices that 72745  
constitute the violation. The board shall conduct the adjudicatory 72746  
hearing in accordance with Chapter 119. of the Revised Code except 72747  
that, notwithstanding the provisions of that chapter, the 72748  
following shall apply: 72749

(1) The board shall send the notice informing the person of 72750  
the person's right to a hearing by certified mail. 72751

(2) The person is entitled to a hearing only if the person 72752  
requests a hearing and if the board receives the request within 72753  
thirty days after the mailing of the notice described in division 72754  
(H)(1) of this section. 72755

(3) A stenographic record shall be taken, in the manner 72756  
prescribed in section 119.09 of the Revised Code, at every 72757  
adjudicatory hearing held under this section, regardless of 72758  
whether the record may be the basis of an appeal to a court. 72759

(I) If, as a result of its investigation conducted under 72760

division (G) of this section, the board of embalmers and funeral 72761  
directors has reasonable cause to believe that the person 72762  
investigated is violating any provision of this chapter or any 72763  
rules adopted under this chapter governing or in connection with 72764  
crematory operators, crematory facilities, or cremation, the board 72765  
shall send written notice of the alleged violation to the 72766  
crematory review board. If, after the conclusion of the 72767  
adjudicatory hearing in the matter conducted under division (F) of 72768  
this section, the board of embalmers and funeral directors finds 72769  
that a person is in violation of any provision of this chapter or 72770  
any rules adopted under this chapter governing or in connection 72771  
with crematory operators, crematory facilities, or cremation, the 72772  
board may issue a final order under that division directing the 72773  
person to cease the acts or practices that constitute the 72774  
violation. 72775

(J) The board of embalmers and funeral directors may bring a 72776  
civil action to enjoin any violation or threatened violation of 72777  
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 72778  
under any of those sections; division (A) or (B) of section 72779  
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 72780  
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 72781  
division (D)(1) of section 4717.27; divisions (A) to (C) of 72782  
section 4717.28, or division (D) or (E) of section 4717.31 of the 72783  
Revised Code. The action shall be brought in the county where the 72784  
violation occurred or the threatened violation is expected to 72785  
occur. At the request of the board, the attorney general shall 72786  
represent the board in any matter arising under this chapter. 72787

(K) The board of embalmers and funeral directors and the 72788  
crematory review board may issue subpoenas for ~~funeral directors~~ 72789  
~~and embalmers or persons holding themselves out as such, for~~ 72790  
~~operators of crematory facilities~~ any person holding a license or 72791  
permit under this chapter or persons holding themselves out as 72792

such, or for any other person whose testimony, in the opinion of 72793  
either board, is necessary. The subpoena shall require the person 72794  
to appear before the appropriate board or any designated member of 72795  
either board, upon any hearing conducted under this chapter. The 72796  
penalty for disobedience to the command of such a subpoena is the 72797  
same as for refusal to answer such a process issued under 72798  
authority of the court of common pleas. 72799

(L) ~~All~~ Except as provided in section 4717.41 of the Revised 72800  
Code, all moneys received by the board of embalmers and funeral 72801  
directors from any source shall be deposited in the state treasury 72802  
to the credit of the occupational licensing and regulatory fund 72803  
created in section 4743.05 of the Revised Code. 72804

(M) The board of embalmers and funeral directors shall submit 72805  
a written report to the governor on or before the first Monday of 72806  
July of each year. This report shall contain a detailed statement 72807  
of the nature and amount of the board's receipts and the amount 72808  
and manner of its expenditures. 72809

**Sec. 4717.04.** (A) The board of embalmers and funeral 72810  
directors shall adopt rules in accordance with Chapter 119. of the 72811  
Revised Code for the government, transaction of the business, and 72812  
the management of the affairs of the board of embalmers and 72813  
funeral directors and the crematory review board, and for the 72814  
administration and enforcement of this chapter. These rules shall 72815  
include all of the following: 72816

(1) The nature, scope, content, and form of the application 72817  
that must be completed and license examination that must be passed 72818  
in order to receive an embalmer's license or a funeral director's 72819  
license under section 4717.05 of the Revised Code. The rules shall 72820  
ensure both of the following: 72821

(a) That the embalmer's license examination tests the 72822  
applicant's knowledge through at least a comprehensive section and 72823

an Ohio laws section; 72824

(b) That the funeral director's license examination tests the 72825  
applicant's knowledge through at least a comprehensive section, an 72826  
Ohio laws section, and a sanitation section. 72827

(2) The minimum license examination score necessary to be 72828  
licensed under section 4717.05 of the Revised Code as an embalmer 72829  
or as a funeral director; 72830

(3) Procedures for determining the dates of the embalmer's 72831  
and funeral director's license examinations, which shall be 72832  
administered at least once each year, the time and place of each 72833  
examination, and the supervision required for each examination; 72834

(4) Procedures for determining whether the board shall accept 72835  
an applicant's compliance with the licensure, registration, or 72836  
certification requirements of another state as grounds for 72837  
granting the applicant a license under this chapter; 72838

(5) A determination of whether completion of a nationally 72839  
recognized embalmer's or funeral director's examination 72840  
sufficiently meets the license requirements for the comprehensive 72841  
section of either the embalmer's or the funeral director's license 72842  
examination administered under this chapter; 72843

(6) Continuing education requirements for licensed embalmers 72844  
and funeral directors; 72845

(7) Requirements for the licensing and operation of funeral 72846  
homes; 72847

(8) Requirements for the licensing and operation of embalming 72848  
facilities; 72849

(9) A schedule that lists, and specifies a forfeiture 72850  
commensurate with, each of the following types of conduct which, 72851  
for the purposes of division (A)(9) of this section and section 72852  
4717.15 of the Revised Code, are violations of this chapter: 72853

(a) Obtaining a license under this chapter by fraud or 72854  
misrepresentation either in the application or in passing the 72855  
required examination for the license; 72856

(b) Purposely violating any provision of sections 4717.01 to 72857  
4717.15 of the Revised Code or a rule adopted under any of those 72858  
sections; division (A) or (B) of section 4717.23; division (B)(1) 72859  
or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions 72860  
(H) to (K) of section 4717.26; division (D)(1) of section 4717.27; 72861  
or divisions (A) to (C) of section 4717.28 of the Revised Code; 72862

(c) Committing unprofessional conduct; 72863

(d) Knowingly permitting an unlicensed person, other than a 72864  
person serving an apprenticeship, to engage in the profession or 72865  
business of embalming or funeral directing under the licensee's 72866  
supervision; 72867

(e) Refusing to promptly submit the custody of a dead human 72868  
body or cremated remains upon the express order of the person 72869  
legally entitled to the body; 72870

(f) Transferring a license to operate a funeral home, 72871  
embalming facility, or crematory facility from one owner or 72872  
operator to another, or from one location to another, without 72873  
notifying the board; 72874

(g) Misleading the public using false or deceptive 72875  
advertising; 72876

(h) Failing to forward to the board on or before its due date 72877  
the annual report of preneed funeral sales required by division 72878  
(J) of section 4717.31 of the Revised Code. If the annual report 72879  
is sent to the board by United States mail, it shall be postmarked 72880  
on or before the due date for the submission of the annual report 72881  
in order to be timely filed with the board. Mail that is not 72882  
postmarked shall be considered filed on the date it is received by 72883  
the board. 72884

Each instance of the commission of any of the types of 72885  
conduct described in ~~divisions~~ division (A)(9)(a), ~~(b), (c), (d),~~ 72886  
~~(e), (f), and (g)~~ of this section is a separate violation. The 72887  
rules adopted under division (A)(9) of this section shall 72888  
establish the amount of the forfeiture for a violation of each of 72889  
those divisions. The forfeiture for a first violation shall not 72890  
exceed five thousand dollars, and the forfeiture for a second or 72891  
subsequent violation shall not exceed ten thousand dollars. The 72892  
amount of the forfeiture may differ among the types of violations 72893  
according to what the board considers the seriousness of each 72894  
violation. 72895

(10) Requirements for the licensing and operation of 72896  
crematory facilities; 72897

(11) Procedures for the board to take possession of and to 72898  
arrange the lawful disposition of unclaimed cremated remains that 72899  
were held or stored at a funeral home or crematory that has been 72900  
closed; 72901

(12) Procedures for the issuance of duplicate licenses; 72902

~~(12)~~(13) Requirements for criminal records checks of 72903  
applicants under section 4776.03 of the Revised Code; 72904

~~(13)~~(14) The amount and content of corrective action courses 72905  
required by the board under section 4717.14 of the Revised Code. 72906

(B) The board may adopt rules governing the educational 72907  
standards for licensure as an embalmer or funeral director, or 72908  
obtaining a permit to be a crematory operator, and the standards 72909  
of service and practice to be followed in embalming ~~and,~~ funeral 72910  
directing, and cremation, and in the operation of funeral homes, 72911  
embalming facilities, and crematory facilities in this state. 72912

(C) Nothing in this chapter authorizes the board of embalmers 72913  
and funeral directors to regulate cemeteries, except that the 72914  
board shall license and regulate ~~crematories~~ funeral homes, 72915

embalming facilities, and crematory facilities located at 72916  
cemeteries in accordance with this chapter. 72917

**Sec. 4717.05.** (A) Any person who desires to be licensed as an 72918  
embalmer shall apply to the board of embalmers and funeral 72919  
directors on a form provided by the board. The applicant shall 72920  
include with the application an initial license fee as set forth 72921  
in section 4717.07 of the Revised Code and evidence, verified by 72922  
oath and satisfactory to the board, that the applicant meets all 72923  
of the following requirements: 72924

(1) The applicant is at least eighteen years of age and of 72925  
good moral character. 72926

(2) If the applicant has pleaded guilty to, has been found by 72927  
a judge or jury to be guilty of, or has had a judicial finding of 72928  
eligibility for treatment in lieu of conviction entered against 72929  
the applicant in this state for aggravated murder, murder, 72930  
voluntary manslaughter, felonious assault, kidnapping, rape, 72931  
sexual battery, gross sexual imposition, aggravated arson, 72932  
aggravated robbery, or aggravated burglary, or has pleaded guilty 72933  
to, has been found by a judge or jury to be guilty of, or has had 72934  
a judicial finding of eligibility for treatment in lieu of 72935  
conviction entered against the applicant in another jurisdiction 72936  
for a substantially equivalent offense, at least five years has 72937  
elapsed since the applicant was released from incarceration, a 72938  
community control sanction, a post-release control sanction, 72939  
parole, or treatment in connection with the offense. 72940

(3) The applicant holds at least a bachelor's degree from a 72941  
college or university authorized to confer degrees by the ~~Ohio~~ 72942  
~~board~~ department of ~~regents~~ higher education or the comparable 72943  
legal agency of another state in which the college or university 72944  
is located and submits an official transcript from that college or 72945  
university with the application. 72946

(4) The applicant has satisfactorily completed at least 72947  
twelve months of instruction in a prescribed course in mortuary 72948  
science as approved by the board and has presented to the board a 72949  
certificate showing successful completion of the course. The 72950  
course of mortuary science college training may be completed 72951  
either before or after the completion of the educational standard 72952  
set forth in division (A)(3) of this section. 72953

(5) The applicant has registered with the board prior to 72954  
beginning an embalmer apprenticeship. 72955

(6) The applicant has satisfactorily completed at least one 72956  
year of apprenticeship under an embalmer licensed in this state 72957  
and has ~~assisted that person~~ participated in embalming at least 72958  
twenty-five dead human bodies. 72959

(7) The applicant, upon meeting the educational standards 72960  
provided for in divisions (A)(3) and (4) of this section and 72961  
completing the apprenticeship required in division (A)(6) of this 72962  
section, has completed the examination for an embalmer's license 72963  
required by the board. 72964

(B) Upon receiving satisfactory evidence verified by oath 72965  
that the applicant meets all the requirements of division (A) of 72966  
this section, the board shall issue the applicant an embalmer's 72967  
license. 72968

(C) Any person who desires to be licensed as a funeral 72969  
director shall apply to the board on a form ~~provided~~ prescribed by 72970  
the board. The application shall include an initial license fee as 72971  
set forth in section 4717.07 of the Revised Code and evidence, 72972  
verified by oath and satisfactory to the board, that the applicant 72973  
meets all of the following requirements: 72974

(1) Except as otherwise provided in division (D) of this 72975  
section, the applicant has satisfactorily met all the requirements 72976  
for an embalmer's license as described in divisions (A)(1) to (4) 72977

of this section. 72978

(2) The applicant has registered with the board prior to 72979  
beginning a funeral director apprenticeship. 72980

(3) The applicant, following mortuary science college 72981  
training described in division (A)(4) of this section, has 72982  
satisfactorily completed a one-year apprenticeship under a 72983  
licensed funeral director in this state and has ~~assisted that~~ 72984  
~~person~~ participated in directing at least twenty-five funerals. 72985

(4) The applicant has satisfactorily completed the 72986  
examination for a funeral director's license as required by the 72987  
board. 72988

(D) In lieu of mortuary science college training required for 72989  
a funeral director's license under division (C)(1) of this 72990  
section, the applicant may substitute a satisfactorily completed 72991  
two-year apprenticeship under a licensed funeral director in this 72992  
state assisting that person in directing at least fifty funerals. 72993

(E) Upon receiving satisfactory evidence that the applicant 72994  
meets all the requirements of division (C) of this section, the 72995  
board shall issue to the applicant a funeral director's license. 72996

(F) A funeral director or embalmer may request the funeral 72997  
director's or embalmer's license be placed on inactive status by 72998  
submitting to the board a form prescribed by the board and such 72999  
other information as the board may request. A funeral director or 73000  
embalmer may not place the funeral director's or embalmer's 73001  
license on inactive status unless the funeral director or embalmer 73002  
is in good standing with the board and is in compliance with 73003  
applicable continuing education requirements. A funeral director 73004  
or embalmer who is granted inactive status is prohibited from 73005  
participating in any activity for which a funeral director's or 73006  
embalmer's license is required in this state. A funeral director 73007  
or embalmer who has been granted inactive status is exempt from 73008

the continuing education requirements under section 4717.09 of the Revised Code during the period of the inactive status.

(G) A funeral director or embalmer who has been granted inactive status may not return to active status for at least two years following the date that the inactive status was granted. Following a period of at least two years of inactive status, the funeral director or embalmer may apply to return to active status upon completion of all of the following conditions:

(1) The funeral director or embalmer files with the board a form prescribed by the board seeking active status and provides any other information as the board may request;

(2) The funeral director or embalmer takes and passes the Ohio laws examination for each license being activated;

(3) The funeral director or embalmer pays a reactivation fee to the board in the amount of one hundred forty dollars for each license being reactivated.

(H) As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

Sec. 4717.051. (A) Any person who desires to obtain a permit as a crematory operator shall apply to the board of embalmers and funeral directors on a form prescribed by the board. The applicant shall include with the application the initial permit fee set forth in section 4717.07 of the Revised Code and evidence, verified under oath and satisfactory to the board, that the applicant satisfies all of the following requirements:

(1) The applicant is at least eighteen years of age and of good moral character.

(2) If the applicant has pleaded guilty to, or has been found by a judge or jury to be guilty of, or has had judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in this state for aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or has pleaded guilty to, has been found by a judge or jury to be guilty of, or has had judicial finding of eligibility for treatment in lieu of conviction entered against the applicant in another jurisdiction for a substantially equivalent offense, at least five years has elapsed since the applicant was released from incarceration, a community control sanction, a post-release control sanction, parole, or treatment in connection with the offense. 73039  
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(3) The applicant has satisfactorily completed a crematory operation certification program approved by the board and has presented to the board a certificate showing completion of the program. 73053  
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(B) If the board of embalmers and funeral directors, upon receiving satisfactory evidence, determines that the applicant satisfies all of the requirements of division (A) of this section, the board shall issue to the applicant a permit as a crematory operator. 73057  
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(C) The board of embalmers and funeral directors may revoke or suspend a crematory operator permit or subject a crematory operator permit holder to discipline in accordance with the laws, rules, and procedures applicable to licensees under this chapter. 73062  
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**Sec. 4717.06.** (A)(1) ~~Any person~~ A licensed funeral director who desires to obtain a license to operate a funeral home, a licensed embalmer who desires to obtain a license to operate an embalming facility, or a holder of a crematory operator permit who 73066  
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desires to obtain a license to operate a crematory facility shall 73070  
apply to the board of embalmers and funeral directors on a form 73071  
~~provided~~ prescribed by the board. The application shall include 73072  
the initial license application fee set forth in section 4717.07 73073  
of the Revised Code and proof satisfactory to the board that the 73074  
funeral home, embalming facility, or crematory facility is in 73075  
compliance with rules adopted by the board under section 4717.04 73076  
of the Revised Code, rules adopted by the board of building 73077  
standards under Chapter 3781. of the Revised Code, and all other 73078  
federal, state, and local requirements relating to the safety of 73079  
the premises. 73080

(2) If the funeral home, embalming facility, or crematory 73081  
facility to which the license application pertains is owned by a 73082  
corporation or limited liability company, the application shall 73083  
include the name and address of the corporation's or limited 73084  
liability company's statutory agent appointed under section 73085  
1701.07 or 1705.06 of the Revised Code or, in the case of a 73086  
foreign corporation, the corporation's designated agent appointed 73087  
under section 1703.041 of the Revised Code. If the funeral home, 73088  
embalming facility, or crematory facility to which the application 73089  
pertains is owned by a partnership, the application shall include 73090  
the name and address of each of the partners. If, at any time 73091  
after the submission of a license application or issuance of a 73092  
license, the statutory or designated agent of a corporation or 73093  
limited liability company owning a funeral home, embalming 73094  
facility, or crematory facility or the address of the statutory or 73095  
designated agent changes or, in the case of a partnership, any of 73096  
the partners of the funeral home, embalming facility, or crematory 73097  
facility or the address of any of the partners changes, the 73098  
applicant for or holder of the license to operate the funeral 73099  
home, embalming facility, or crematory facility shall submit 73100  
written notice to the board, within thirty days after the change, 73101  
informing the board of the change and of any name or address of a 73102

statutory or designated agent or partner that has changed from 73103  
that contained in the application for the license or the most 73104  
recent notice submitted under division (A)(2) of this section. 73105

(B)(1) The board of embalmers and funeral directors shall 73106  
issue a license to operate a funeral home only to a licensed 73107  
funeral director who is named in the application as the funeral 73108  
director actually in charge and ultimately responsible for the 73109  
funeral home. The board shall issue the license only for the 73110  
address at which the funeral home is physically located and 73111  
operated. The funeral home license and licenses of the embalmers 73112  
and funeral directors employed by the funeral home shall be 73113  
displayed in a conspicuous place within the funeral home. The name 73114  
of the funeral director to whom the funeral home license has been 73115  
issued shall be conspicuously displayed immediately on the outside 73116  
or the inside of the primary entrance to the funeral home that is 73117  
used by the public. 73118

(2) The funeral home shall have on the premises one of the 73119  
following: 73120

(a) If embalming will take place at the funeral home, an 73121  
embalming room that is adequately equipped and maintained. The 73122  
embalming room shall be kept in a clean and sanitary manner and 73123  
used only for the embalming, preparation, or holding of dead human 73124  
bodies. The embalming room shall contain only the articles, 73125  
facilities, and instruments necessary for those purposes. 73126

(b) If embalming will not take place at the funeral home, a 73127  
holding room that is adequately equipped and maintained. The 73128  
holding room shall be kept in a clean and sanitary manner and used 73129  
only for the preparation, other than embalming, and holding of 73130  
dead human bodies. The holding room shall contain only the 73131  
articles and facilities necessary for those purposes. 73132

(3) ~~Except as provided in division (B) of section 4717.11 of~~ 73133

~~the Revised Code, a funeral home shall be established and operated 73134  
only under the name of a holder of a funeral director's license 73135  
issued by the board who is actually in charge of and ultimately 73136  
responsible for the funeral home, and a funeral home license shall 73137  
not include directional or geographical references in the name of 73138  
the funeral home. The holder of the funeral home license shall be 73139  
a funeral director licensed under this chapter who is actually in 73140  
charge of and ultimately responsible for the funeral home. Nothing 73141  
in division (B)(3) of this section prohibits the holder of a 73142  
funeral home license from including directional or geographical 73143  
references in promotional or advertising materials identifying the 73144  
location of the funeral home. 73145~~

~~(4) Each funeral home shall be directly supervised by a 73146  
funeral director licensed under this chapter, who may supervise 73147  
more than one funeral home. 73148~~

~~(C)(1) The board shall issue a license to operate an 73149  
embalming facility only to a licensed embalmer who is actually in 73150  
charge of and ultimately responsible for the embalming facility. 73151  
The board shall issue the license only for the address at which 73152  
the embalming facility is physically located and operated. The 73153  
license shall be displayed in a conspicuous place within the 73154  
facility. The name of the embalmer to whom the embalming facility 73155  
license has been issued shall be conspicuously displayed on the 73156  
outside or inside of the primary entrance to the embalming 73157  
facility. 73158~~

~~(2) The embalming facility shall be adequately equipped and 73159  
maintained in a sanitary manner. The embalming room at such a 73160  
facility shall contain only the articles, facilities, and 73161  
instruments necessary for its stated purpose. The embalming room 73162  
shall be kept in a clean and sanitary condition and used only for 73163  
the care and preparation of dead human bodies. 73164~~

~~(3) An embalming facility license shall be issued only to an 73165~~

~~embalmer licensed under division (B) of section 4717.05 of the Revised Code, who is actually in charge of the facility.~~ 73166  
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(D)(1) The board shall issue a license to operate a crematory facility only to a crematory operator who is actually in charge and ultimately responsible for the crematory facility. The board shall issue the license only for the address at which the crematory facility is physically located and operated. The license shall be displayed in a conspicuous place within the crematory facility. The name of the crematory operator to whom the crematory facility license has been issued shall be conspicuously displayed on the outside or inside of the primary entrance to the crematory facility. 73168  
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(2) The crematory facility shall be adequately equipped and maintained in a clean and sanitary manner. The crematory facility may be located in a funeral home, embalming facility, cemetery building, or other building in which the crematory facility may lawfully operate. If a crematory facility engages in the cremation of animals, the crematory facility shall cremate animals in a cremation chamber that also is not used to cremate dead human bodies or human body parts and shall not cremate animals in a cremation chamber used for the cremation of dead human bodies and human body parts. Cremation chambers that are used for the cremation of dead human bodies or human body parts and cremation chambers used for the cremation of animals may be located in the same area. Cremation chambers used for the cremation of animals shall have conspicuously displayed on the unit a notice that the unit is to be used for animals only. 73178  
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(3) A license to operate a crematory facility shall be issued to the person actually in charge of the crematory facility. This section does not require the individual who is actually in charge of the crematory facility to be an embalmer or funeral director licensed under this chapter. 73193  
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(4) Nothing in this section or rules adopted under section 73198  
4717.04 of the Revised Code precludes the establishment and 73199  
operation of a crematory facility on or adjacent to the property 73200  
on which a cemetery, funeral home, or embalming facility is 73201  
located. 73202

**Sec. 4717.07.** (A) The board of embalmers and funeral 73203  
directors shall charge and collect the following fees: 73204

(1) For ~~the~~ applying for an initial ~~issuance~~ or biennial 73205  
renewal of an embalmer's or funeral director's license, one 73206  
hundred fifty dollars; 73207

(2) For ~~the issuance of~~ applying for an embalmer or funeral 73208  
director registration, twenty-five dollars; 73209

(3) For filing an embalmer or funeral director certificate of 73210  
apprenticeship, ten dollars; 73211

(4) For the application to take the examination for a license 73212  
to practice as an embalmer or funeral director, or to retake a 73213  
section of the examination, thirty-five dollars; 73214

(5) For ~~the~~ applying for an initial ~~issuance of a~~ license to 73215  
operate a funeral home, three hundred fifty dollars and biennial 73216  
renewal of a license to operate a funeral home, three hundred 73217  
fifty dollars; 73218

(6) For the reinstatement of a lapsed embalmer's or funeral 73219  
director's license, the renewal fee prescribed in division (A)(1) 73220  
of this section plus fifty dollars for each month or portion of a 73221  
month the license is lapsed, but not more than one thousand 73222  
dollars; 73223

(7) For the reinstatement of a lapsed license to operate a 73224  
funeral home, the renewal fee prescribed in division (A)(5) of 73225  
this section plus fifty dollars for each month or portion of a 73226  
month the license is lapsed until reinstatement, but not more than 73227

<u>one thousand dollars;</u>	73228
(8) For <del>the initial issuance of</del> <u>applying for</u> a license to operate an embalming facility, three hundred fifty dollars and biennial renewal of a license to operate an embalming facility, three hundred fifty dollars;	73229 73230 73231 73232
(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(8) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, <u>but not more than one thousand dollars;</u>	73233 73234 73235 73236 73237
(10) For <del>the initial issuance of</del> <u>applying for</u> a license to operate a crematory facility, three hundred fifty dollars and biennial renewal of a license to operate a crematory facility, three hundred fifty dollars;	73238 73239 73240 73241
(11) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)(10) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, <u>but not more than five hundred dollars;</u>	73242 73243 73244 73245 73246
(12) For <u>applying for the initial or biennial renewal of a crematory operator permit, one hundred dollars;</u>	73247 73248
<u>(13) For the reinstatement of a lapsed crematory operator permit, the renewal fee prescribed in division (A)(12) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars;</u>	73249 73250 73251 73252
<u>(14) For</u> the issuance of a duplicate of a license issued under this chapter, ten dollars;	73253 73254
<u>(15) For each preneed funeral contract sold in the state other than those funded by the assignment of an existing insurance policy, ten dollars.</u>	73255 73256 73257

(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter.

(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent.

**Sec. 4717.08.** (A) Every license and permit issued under this chapter expires on the last day of December of each even-numbered year and shall be renewed on or before that date according to the standard license renewal procedure set forth in Chapter 4745. of the Revised Code. Licenses and permits not renewed by the last day of December of each even-numbered year are lapsed.

(B) A holder of a lapsed license to operate a funeral home, license to operate an embalming facility, or license to operate a crematory facility or a crematory operator permit may reinstate the license or permit with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code.

(C) A holder of a lapsed embalmer's or funeral director's license may reinstate the license with the board by paying the lapsed license fee established under section 4717.07 of the Revised Code, except that if the license is lapsed for more than one hundred eighty days after its expiration date, the holder also shall take and pass the Ohio laws examination for each license as a condition for reinstatement.

**Sec. 4717.09.** (A) Every two years, licensed embalmers and funeral directors shall attend between twelve and thirty hours of educational programs as a condition for renewal of their licenses.

The board of embalmers and funeral directors shall adopt rules governing the administration and enforcement of the continuing education requirements of this section. The board may contract with a professional organization or association or other third party to assist it in performing functions necessary to administer and enforce the continuing education requirements of this section. A professional organization or association or other third party with whom the board so contracts may charge a reasonable fee for performing these functions to licensees or to the persons who provide continuing education programs.

(B) A person holding both an embalmer's license and a funeral director's license need meet only the continuing education requirements established by the board for one or the other of those licenses in order to satisfy the requirement of division (A) of this section.

(C) A person holding a courtesy card permit issued under section 4717.10 of the Revised Code is not required to satisfy the continuing education requirements specified in division (A) of this section as a condition of renewal of the permit.

(D) A crematory operator shall maintain an active certification from a crematory operator certification program as a condition for renewal of the permit.

(E) The board shall not renew the license of a licensee who fails to meet the continuing education requirements of this section and who has not been granted ~~a waiver or~~ an exemption under division ~~(D)~~(F) or ~~(E)~~(G) of this section.

~~(D)~~(F) Any licensee who fails to meet the continuing education requirements of this section because of undue hardship or disability, or who is not actively engaged in the practice of funeral directing or embalming in this state, may apply to the board for ~~a waiver or~~ an exemption.

~~(E) A (G) Any~~ licensee who has been an embalmer or a funeral 73319  
director for not less than fifty years and who is not ~~actually~~ 73320  
actively in charge ~~of an embalming facility or a manager or~~ 73321  
~~actually in charge of~~ and ultimately responsible for a funeral 73322  
home or embalming facility in this state may apply to the board 73323  
for an exemption. 73324

~~(F) The board shall determine, by rule, the procedures for~~ 73325  
~~applying for a waiver or an exemption from the~~ continuing 73326  
education requirements ~~under~~ specified in division (A) of this 73327  
~~section and under what conditions a waiver or an exemption may be~~ 73328  
~~granted.~~ 73329

(H) The board shall not renew the crematory operator permit 73330  
of an individual who fails to satisfy the certification 73331  
requirement of division (D) of this section. 73332

**Sec. 4717.10.** (A) The board of embalmers and funeral 73333  
directors may recognize licenses issued to embalmers and funeral 73334  
directors by other states, and upon presentation of such licenses, 73335  
may issue to the holder an embalmer's or funeral director's 73336  
license under this chapter. The board shall charge the same fee as 73337  
prescribed in section 4717.07 of the Revised Code to issue or 73338  
renew such an embalmer's or funeral director's license. Such 73339  
licenses shall be renewed biennially as provided in section 73340  
4717.08 of the Revised Code. The board shall not issue a license 73341  
to any person under division (A) of this section unless the 73342  
applicant proves that the applicant, in the state in which the 73343  
applicant is licensed, has complied with requirements 73344  
substantially equal to those established in section 4717.05 of the 73345  
Revised Code. 73346

(B) The board of embalmers and funeral directors may issue 73347  
courtesy card permits. A courtesy card permit holder shall be 73348  
authorized to undertake both the following acts in this state: 73349

(1) Prepare and complete those sections of a death certificate and other permits needed for disposition of deceased human remains in this state and sign and file such death certificates and permits;

(2) Supervise and conduct funeral ceremonies, interments, and entombments in this state.

(C) The board of embalmers and funeral directors may determine under what conditions a courtesy card permit may be issued to funeral directors in bordering states after taking into account whether and under what conditions and fees such border states issue similar courtesy card permits to funeral directors licensed in this state. A courtesy card permit holder shall comply with all applicable laws and rules of this state while engaged in any acts of funeral directing in this state. The board may revoke or suspend a courtesy card permit or subject a courtesy card permit holder to discipline in accordance with the laws, rules, and procedures applicable to funeral ~~director-licensees~~ directors under this chapter. Applicants for courtesy card permits shall apply on forms prescribed by the board, pay a biennial fee set by the board for initial applications and renewals, and adhere to such other requirements imposed by the board on courtesy card permit holders.

(D) No courtesy card permit holder shall be authorized to undertake any of the following activities in this state:

(1) Arranging funerals or disposition services with members of the public in this state;

(2) Be employed by or under contract to a funeral home licensed in this state to perform funeral services in this state;

(3) Advertise funeral or disposition services in this state;

(4) Enter into or execute funeral or disposition contracts in this state;

(5) Prepare or embalm deceased human remains in this state; 73381

(6) Arrange for or carry out the disinterment of human 73382  
remains in this state. 73383

(E) As used in this section, "courtesy card permit" means a 73384  
special permit that may be issued to a funeral director licensed 73385  
in a state that borders this state and who does not hold a funeral 73386  
director's license under this chapter. 73387

**Sec. 4717.11.** (A)(1) A person who is licensed to operate a 73388  
funeral home shall ~~obtain a new~~ surrender that person's license 73389  
~~upon any to operate a funeral home within thirty days after a~~ 73390  
change in any of the following: 73391

(a) The location of the funeral home ~~or any change in~~ 73392  
~~ownership of the funeral;~~ 73393

(b) The person who is actually in charge and ultimately 73394  
responsible for the funeral home; 73395

(c) Ownership of the funeral home business that owns the 73396  
funeral home that results in a majority of the ownership of the 73397  
funeral business being held by one or more persons who solely or 73398  
in combination with others did not own a majority of the funeral 73399  
business immediately prior to the change in ownership. ~~The person~~ 73400  
~~licensed to operate the funeral home shall surrender the current~~ 73401  
~~license to the board within~~ 73402

(2) Within thirty days after ~~any such a~~ change described in 73403  
division (A)(1) of this section occurs. ~~If a funeral home is sold,~~ 73404  
the ~~new~~ funeral director who will be actually in charge and 73405  
ultimately responsible for the funeral home after the change shall 73406  
apply for a ~~license within thirty days after the date of the~~ 73407  
~~closing of the purchase of the~~ new funeral home license. Upon the 73408  
filing of an application for a funeral home license by a licensed 73409  
funeral director, the funeral home may continue to operate until 73410

the board denies the funeral home's application. 73411

~~(B) When the funeral director who is licensed to operate a funeral home ceases to operate the home because of death, resignation, employment termination, sale of the funeral home, or any other reason, the funeral home may continue to operate under that person's name, provided that the name of the new person licensed to operate the funeral home is added to the license within twenty four months after the previous license holder dies or otherwise ceases to operate the funeral home. The new licensee shall meet the requirements of section 4717.06 of the Revised Code.~~ 73412  
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~~(C) A person who is licensed to operate an embalming facility shall obtain a new license upon any change in~~ 73422  
(1) A person who is licensed to operate an embalming facility shall surrender that person's license to operate an embalming facility within thirty days after a change in any of the following: 73423  
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(a) The location of the embalming facility ~~or any change in ownership;~~ 73427  
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(b) The person who is actually in charge and ultimately responsible for the embalming facility; 73429  
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(c) Ownership of the business entity that owns the embalming facility that results in a majority of the ownership of the business entity being held by one or more persons who solely or in combination with others did not own a majority of the business entity immediately prior to the change in ownership. ~~The person licensed to operate the facility shall surrender the current license to the board within thirty days after any such change occurs.~~ 73431  
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~~(D) A person who is licensed to operate a crematory facility shall obtain a new license upon any change in location of the crematory facility or any change in ownership of the business~~ 73439  
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~~entity operating the facility that results in a majority of the 73442  
ownership of the business entity being held by one or more persons 73443  
who solely or in combination with others did not own a majority of 73444  
the business entity immediately prior to the change in ownership. 73445  
The person licensed to operate the crematory facility shall 73446  
surrender the current license to the board within thirty days 73447  
after any such change occurs. 73448~~

(2) Within thirty days after a change described in division 73449  
(B)(1) of this section occurs, the person who will be actually in 73450  
charge and ultimately responsible for the embalming facility after 73451  
the change shall apply for a new license to operate the embalming 73452  
facility. Upon filing of an application for a license to operate 73453  
an embalming facility by a licensed embalmer, the embalming 73454  
facility may continue to operate until the board denies the 73455  
embalming facility's application. 73456

(C)(1) A person who is licensed to operate a crematory 73457  
facility shall surrender that person's license to operate a 73458  
crematory facility within thirty days after a change in any of the 73459  
following: 73460

(a) The location of the crematory facility; 73461

(b) The person who is actually in charge and ultimately 73462  
responsible for the crematory facility; 73463

(c) Ownership of the business entity that owns the crematory 73464  
facility that results in a majority of the ownership of the 73465  
business entity being held by one or more persons who alone or in 73466  
combination with others did not own a majority of the business 73467  
entity immediately prior to the change in ownership. 73468

(2) Within thirty days after a change described in division 73469  
(C)(1) of this section occurs, the person who will be actually in 73470  
charge and ultimately responsible for the crematory facility after 73471  
the change shall apply for a new license to operate the crematory 73472

facility. Upon the filing of an application for a license to 73473  
operate a crematory facility by a person holding a crematory 73474  
operator permit, the crematory facility may continue to operate 73475  
until the board denies the crematory facility's application. 73476

(D)(1) The board of embalmers and funeral directors shall 73477  
review applications for new licenses under section 4717.06 of the 73478  
Revised Code. 73479

(2) If the board, upon receiving satisfactory evidence, 73480  
determines that the applicant satisfies all of the requirements of 73481  
division (A), (B), (C), or (D) of section 4717.06 of the Revised 73482  
Code with respect to a particular funeral home, embalming 73483  
facility, or crematory facility, the board shall issue to the 73484  
applicant a new license to operate that funeral home, embalming 73485  
facility, or crematory facility. 73486

**Sec. 4717.13.** (A) No person shall do any of the following: 73487

(1) Engage in the business or profession of funeral directing 73488  
unless the person is licensed as a funeral director under this 73489  
chapter, is certified as an apprentice funeral director in 73490  
accordance with rules adopted under section 4717.04 of the Revised 73491  
Code and ~~is assisting~~ under the supervision of a funeral director 73492  
licensed under this chapter, or is a student in a college of 73493  
mortuary sciences approved by the board of embalmers and funeral 73494  
directors and is under the direct supervision of a funeral 73495  
director licensed by the board; 73496

(2) Engage in embalming unless the person is licensed as an 73497  
embalmer under this chapter, is certified as an apprentice 73498  
embalmer in accordance with rules adopted under section 4717.04 of 73499  
the Revised Code and is ~~assisting~~ under the supervision of an 73500  
embalmer licensed under this chapter, or is a student in a college 73501  
of mortuary science approved by the board and is under the direct 73502  
supervision of an embalmer licensed by the board; 73503

- (3) Advertise or otherwise offer to provide or convey the impression that the person provides funeral directing services unless the person is licensed as a funeral director under this chapter and is employed by or under contract to a licensed funeral home and performs funeral directing services for that funeral home in a manner consistent with the advertisement, offering, or conveyance; 73504  
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- (4) Advertise or otherwise offer to provide or convey the impression that the person provides embalming services unless the person is licensed as an embalmer under this chapter and is employed by or under contract to a licensed funeral home or a licensed embalming facility and performs embalming services for the funeral home or embalming facility in a manner consistent with the advertisement, offering, or conveyance; 73511  
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- (5) Operate a funeral home without a license to operate the funeral home issued by the board under this chapter; 73518  
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- (6) Practice the business or profession of funeral directing from any place except from a funeral home that a person is licensed to operate under this chapter; 73520  
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- (7) Practice embalming from any place except from a funeral home or embalming facility that a person is licensed to operate under this chapter; 73523  
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- (8) Operate a crematory or perform cremation without a license to operate the crematory issued under this chapter; 73526  
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- (9) Cremate animals in a cremation chamber in which dead human bodies or body parts are cremated or cremate dead human bodies or human body parts in a cremation chamber in which animals are cremated; 73528  
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- (10) Hold a dead human body, before final disposition, for more than forty-eight hours after the time of death unless the dead human body is embalmed or placed into refrigeration and 73532  
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maintained at a constant temperature of less than forty degrees; 73535

(11) Knowingly refuse to promptly submit the custody of a 73536  
dead human body or cremated remains upon the oral or written order 73537  
of the person legally entitled to the body or cremated remains; 73538

(12) Except as ordered by the person holding the right of 73539  
disposition under section 2108.70 or 2108.81 of the Revised Code, 73540  
knowingly fail to carry out the final disposition of a dead human 73541  
body within thirty days after taking custody of the body. 73542

(B) No funeral director or other person in charge of the 73543  
final disposition of a dead human body shall fail to do one of the 73544  
following prior to the interment of the body: 73545

(1) Affix to the ankle or wrist of the deceased a tag encased 73546  
in a durable and long-lasting material that contains the name, 73547  
date of birth, date of death, and social security number of the 73548  
deceased; 73549

(2) Place in the casket a capsule containing a tag bearing 73550  
the information described in division (B)(1) of this section; 73551

(3) If the body was cremated, place in the vessel containing 73552  
the cremated remains a tag bearing the information described in 73553  
division (B)(1) of this section. 73554

(C) No person who holds a funeral home license for a funeral 73555  
home that is closed, or that is owned by a funeral business in 73556  
which changes in the ownership of the funeral business result in a 73557  
majority of the ownership of the funeral business being held by 73558  
one or more persons who solely or in combination with others did 73559  
not own a majority of the funeral business immediately prior to 73560  
the change in ownership, shall fail to submit to the board within 73561  
thirty days after the closing or such a change ~~in~~ of ownership of 73562  
the funeral business owning the funeral home, a clearly enumerated 73563  
account of all of the following from which the licensee, at the 73564  
time of the closing or change ~~in~~ of ownership of the funeral 73565

business and in connection with the funeral home, was to receive 73566  
payment for providing the funeral services, funeral goods, or any 73567  
combination of those in connection with the funeral or final 73568  
disposition of a dead human body: 73569

(1) Preneed funeral contracts governed by sections 4717.31 to 73570  
4717.38 of the Revised Code; 73571

(2) Life insurance policies or annuities the benefits of 73572  
which are payable to the provider of funeral or burial goods or 73573  
services; 73574

(3) Accounts at banks or savings banks insured by the federal 73575  
deposit insurance corporation, savings and loan associations 73576  
insured by the federal savings and loan insurance corporation or 73577  
the Ohio deposit guarantee fund, or credit unions insured by the 73578  
national credit union administration or a credit union share 73579  
guaranty corporation organized under Chapter 1761. of the Revised 73580  
Code that are payable upon the death of the person for whose 73581  
benefit deposits into the accounts were made. 73582

(D)(1) No person who holds a funeral home license for a 73583  
funeral home that is closed shall negligently fail to send written 73584  
notice to the purchaser of every preneed funeral contract to which 73585  
the funeral business is a party via first class United States 73586  
mail. Such notice shall be addressed to the purchaser's last known 73587  
address and shall explain that the funeral business is being 73588  
closed and the name of any funeral business that has been 73589  
designated to assume the obligations of the preneed contract. 73590

(2) Within thirty days of the closing of a funeral home, no 73591  
person who held the funeral home license for the closed funeral 73592  
home shall negligently fail to transfer all preneed contracts to 73593  
the funeral home or funeral homes that have been designated to 73594  
assume the obligation of the preneed contracts. If the person who 73595  
holds a funeral home license for a funeral home that is closed 73596

fails to designate a successor funeral home or funeral homes to 73597  
assume the obligations of the preneed funeral contracts, the board 73598  
shall make such designations and order the transfer of the preneed 73599  
funeral contracts to the designated funeral home or funeral homes. 73600

**Sec. 4717.14.** (A) The board of embalmers and funeral 73601  
directors may refuse to grant or renew, or may suspend or revoke, 73602  
any license or permit issued under this chapter or may require the 73603  
holder of a license or permit to take corrective action courses 73604  
for any of the following reasons: 73605

(1) The holder of a license was or permit obtained the 73606  
license or permit by fraud or misrepresentation either in the 73607  
application or in passing the examination. 73608

(2) The applicant ~~or~~, licensee, or permit holder has been 73609  
convicted of or has pleaded guilty to a felony or of any crime 73610  
involving moral turpitude. 73611

(3) The applicant ~~or~~, licensee, or permit holder has 73612  
purposely violated any provision of sections 4717.01 to 4717.15 or 73613  
a rule adopted under any of those sections; division (A) or (B) of 73614  
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), 73615  
or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 73616  
division (D)(1) of section 4717.27; or divisions (A) to (C) of 73617  
section 4717.28 of the Revised Code; or any provisions of sections 73618  
4717.31 to 4717.38 of the Revised Code; any rule or order of the 73619  
department of health or a board of health of a health district 73620  
governing the disposition of dead human bodies; or any other rule 73621  
or order applicable to the applicant or licensee. 73622

(4) The applicant ~~or~~, licensee, or permit holder has 73623  
committed immoral or unprofessional conduct. 73624

(5) The applicant or licensee knowingly permitted an 73625  
unlicensed person, other than a person serving an apprenticeship, 73626

to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision. 73627  
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(6) The applicant ~~or~~, licensee, or permit holder has been habitually intoxicated, or is addicted to the use of morphine, cocaine, or other habit-forming or illegal drugs. 73629  
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(7) The applicant ~~or~~, licensee, or permit holder has refused to promptly submit the custody of a dead human body or cremated remains upon the express order of the person legally entitled to the body or cremated remains. 73632  
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(8) The licensee or permit holder loaned the licensee's own license or the permit holder's own permit, or the applicant ~~or~~, licensee, or permit holder borrowed or used the license or permit of another person, or knowingly aided or abetted the granting of an improper license or permit. 73636  
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(9) The applicant ~~or~~, licensee ~~transferred a license to operate a funeral home, embalming facility, or crematory from one owner or operator to another, or from one location to another, without notifying the board.~~ 73641  
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~~(10) The applicant or licensee, or permit holder misled the public by using false or deceptive advertising. As used in this division, "false and deceptive advertising" includes, but is not limited to, any of the following:~~ 73645  
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~~(a) Using the names of persons who are not licensed to practice funeral directing in a way that leads the public to believe that such persons are engaging in funeral directing;~~ 73649  
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~~(b) Using any name for the funeral home other than the name under which the funeral home is licensed;~~ 73652  
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~~(c) Using in the funeral home's name the surname of an individual who is not directly, actively, or presently associated with the funeral home, unless such surname has been previously and~~ 73654  
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continuously used by the funeral home. 73657

(B)(1) The board of embalmers and funeral directors shall 73658  
refuse to grant or renew, or shall suspend or revoke, ~~an~~ 73659  
~~embalmer's, funeral director's, funeral home, or embalming~~ 73660  
~~facility~~ a license or permit only in accordance with Chapter 119. 73661  
of the Revised Code. 73662

(2) The board shall send to the crematory review board 73663  
written notice that it proposes to refuse to issue or renew, or 73664  
proposes to suspend or revoke, a license to operate a crematory 73665  
facility. If, after the conclusion of the adjudicatory hearing on 73666  
the matter conducted under division (F) of section 4717.03 of the 73667  
Revised Code, the board of embalmers and funeral directors finds 73668  
that any of the circumstances described in divisions (A)(1) to 73669  
~~(10)~~(9) of this section apply to the person named in its proposed 73670  
action, the board may issue a final order under division (F) of 73671  
section 4717.03 of the Revised Code refusing to issue or renew, or 73672  
suspending or revoking, the person's license to operate a 73673  
crematory facility. 73674

(C) If the board of embalmers and funeral directors 73675  
determines that there is clear and convincing evidence that any of 73676  
the circumstances described in divisions (A)(1) to ~~(10)~~(9) of this 73677  
section apply to the holder of a license or permit issued under 73678  
this chapter and that the licensee's or permit holder's continued 73679  
practice presents a danger of immediate and serious harm to the 73680  
public, the board may suspend the licensee's license or permit 73681  
holder's permit without a prior adjudicatory hearing. The 73682  
executive director of the board shall prepare written allegations 73683  
for consideration by the board. 73684

The board, after reviewing the written allegations, may 73685  
suspend a license or permit without a prior hearing. 73686

The board shall issue a written order of suspension by a 73687

delivery system or in person in accordance with section 119.07 of 73688  
the Revised Code. Such an order is not subject to suspension by 73689  
the court during the pendency of any appeal filed under section 73690  
119.12 of the Revised Code. If the licensee or permit holder ~~of an~~ 73691  
~~embalmer's, funeral director's, funeral home, or embalming~~ 73692  
~~facility license~~ requests an adjudicatory hearing by the board, 73693  
the date set for the hearing shall be within fifteen days, but not 73694  
earlier than seven days, after the licensee or permit holder has 73695  
requested a hearing, unless the board and the licensee or permit 73696  
holder agree to a different time for holding the hearing. 73697

Upon issuing a written order of suspension to the holder of a 73698  
license to operate a crematory facility, the board of embalmers 73699  
and funeral directors shall send written notice of the issuance of 73700  
the order to the crematory review board. The crematory review 73701  
board shall hold an adjudicatory hearing on the order under 73702  
division (F) of section 4717.03 of the Revised Code within fifteen 73703  
days, but not earlier than seven days, after the issuance of the 73704  
order, unless the crematory review board and the licensee agree to 73705  
a different time for holding the adjudicatory hearing. 73706

Any summary suspension imposed under this division shall 73707  
remain in effect, unless reversed on appeal, until a final 73708  
adjudicatory order issued by the board of embalmers and funeral 73709  
directors pursuant to this division and Chapter 119. of the 73710  
Revised Code, or division (F) of section 4717.03 of the Revised 73711  
Code, as applicable, becomes effective. The board of embalmers and 73712  
funeral directors shall issue its final adjudicatory order within 73713  
sixty days after the completion of its hearing or, in the case of 73714  
the summary suspension of a license to operate a crematory 73715  
facility, within sixty days after completion of the adjudicatory 73716  
hearing by the crematory review board. A failure to issue the 73717  
order within that time results in the dissolution of the summary 73718  
suspension order, but does not invalidate any subsequent final 73719

adjudicatory order. 73720

(D) If the board of embalmers and funeral directors suspends 73721  
or revokes a funeral director's license ~~held by a funeral director~~ 73722  
or a license to operate a funeral home for any reason identified 73723  
in division (A) of this section, the board may file a complaint 73724  
with the court of common pleas in the county where the violation 73725  
occurred requesting appointment of a receiver and the 73726  
sequestration of the assets of the funeral home that held the 73727  
suspended or revoked license or the licensed funeral home that 73728  
employs the funeral director that held the suspended or revoked 73729  
license. If the court of common pleas is satisfied with the 73730  
application for a receivership, the court may appoint a receiver. 73731

The board or a receiver may employ and procure whatever 73732  
assistance or advice is necessary in the receivership or 73733  
liquidation and distribution of the assets of the funeral home, 73734  
and, for that purpose, may retain officers or employees of the 73735  
funeral home as needed. All expenses of the receivership or 73736  
liquidation shall be paid from the assets of the funeral home and 73737  
shall be a lien on those assets, and that lien shall be a priority 73738  
to any other lien. 73739

(E) Any holder of a license or permit issued under this 73740  
chapter who has pleaded guilty to, has been found by a judge or 73741  
jury to be guilty of, or has had a judicial finding of eligibility 73742  
for treatment in lieu of conviction entered against the individual 73743  
in this state for aggravated murder, murder, voluntary 73744  
manslaughter, felonious assault, kidnapping, rape, sexual battery, 73745  
gross sexual imposition, aggravated arson, aggravated robbery, or 73746  
aggravated burglary, or who has pleaded guilty to, has been found 73747  
by a judge or jury to be guilty of, or has had a judicial finding 73748  
of eligibility for treatment in lieu of conviction entered against 73749  
the individual in another jurisdiction for any substantially 73750  
equivalent criminal offense, is hereby suspended from practice 73751

under this chapter by operation of law, and any license or permit 73752  
issued to the individual under this chapter is hereby suspended by 73753  
operation of law as of the date of the guilty plea, verdict or 73754  
finding of guilt, or judicial finding of eligibility for treatment 73755  
in lieu of conviction, regardless of whether the proceedings are 73756  
brought in this state or another jurisdiction. The board shall 73757  
notify the suspended individual of the suspension of the 73758  
individual's license or permit by the operation of this division 73759  
by a delivery system or in person in accordance with section 73760  
119.07 of the Revised Code. If an individual whose license or 73761  
permit is suspended under this division fails to make a timely 73762  
request for an adjudicatory hearing, the board shall enter a final 73763  
order revoking the license. 73764

(F) No person whose license or permit has been suspended or 73765  
revoked under or by the operation of this section shall knowingly 73766  
practice embalming ~~or~~, funeral directing, or cremation, or operate 73767  
a funeral home, embalming facility, or crematory facility until 73768  
the board has reinstated the person's license or permit. 73769

**Sec. 4717.15.** (A) The board of embalmers and funeral 73770  
directors, without the necessity for conducting a prior 73771  
adjudication hearing, may issue a notice of violation to the 73772  
holder of an embalmer's, funeral director's, funeral home, or 73773  
embalming facility, or crematory facility license, or a crematory 73774  
operator permit or a courtesy card permit issued under this 73775  
chapter who the board finds has committed any of the violations 73776  
described in ~~divisions~~ division (A)(9)(a) ~~to (g)~~ of section 73777  
4717.04 of the Revised Code. The notice shall set forth the 73778  
specific violation committed by the licensee or permit holder and 73779  
shall be sent by certified mail. The notice shall be accompanied 73780  
by an order requiring the payment of the appropriate forfeiture 73781  
prescribed in rules adopted under division (A)(9) of section 73782  
4717.04 of the Revised Code and by a notice informing the licensee 73783

or permit holder that the licensee is entitled to an adjudicatory hearing on the notice of violation and order if the licensee or permit holder requests a hearing and if the board receives the request within thirty days after the mailing of the notice of violation and order. The board shall conduct any such adjudicatory hearing in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this division.

A licensee or permit holder who receives a notice of violation and order under this division shall pay to the executive director of the board the full amount of the forfeiture by certified check within thirty days after the notice of violation and order were mailed to the licensee or permit holder unless, within that time, the licensee or permit holder submits a request for an adjudicatory hearing on the notice of violation and order. If such a request for an adjudicatory hearing is timely filed, the licensee or permit holder need not pay the forfeiture to the executive director until after a final, nonappealable administrative or judicial decision is rendered on the order requiring payment of the forfeiture. If a final nonappealable administrative or judicial decision is rendered affirming the board's order, the licensee or permit holder shall pay to the executive director of the board the full amount of the forfeiture by certified check within thirty days after notice of the decision was sent to the licensee. A forfeiture is considered to be paid when the licensee's or permit holder's certified check is received by the executive director in Columbus. If the licensee or permit holder fails to so pay the full amount of the forfeiture to the executive director within that time, the board shall issue an order suspending or revoking the individual's license or permit, as the board considers appropriate.

(B) The board shall send to the crematory review board written notice that it proposes to issue to the holder of a

license to operate a crematory facility issued under this chapter 73816  
a notice of violation and order requiring payment of a forfeiture 73817  
specified in rules adopted under division (A)(9) of section 73818  
4717.04 of the Revised Code. If, after the conclusion of the 73819  
adjudicatory hearing on the matter conducted under division (F) of 73820  
section 4717.03 of the Revised Code, the board of embalmers and 73821  
funeral directors finds that the licensee has committed any of the 73822  
violations described in ~~divisions~~ division (A)(9)(a) to (g) of 73823  
section 4717.04 of the Revised Code in connection with the 73824  
operation of a crematory facility or cremation, the board of 73825  
embalmers and funeral directors may issue a final order under 73826  
division (F) of section 4717.03 of the Revised Code requiring 73827  
payment of the appropriate forfeiture specified in rules adopted 73828  
under division (A)(9) of section 4717.04 of the Revised Code. A 73829  
licensee who receives such an order shall pay the full amount of 73830  
the forfeiture to the executive director by certified check within 73831  
thirty days after the order was sent to the licensee unless, 73832  
within that time, the licensee files a notice of appeal in 73833  
accordance with division (F) of section 4717.03 and section 119.12 73834  
of the Revised Code. If such a notice of appeal is timely filed, 73835  
the licensee or permit holder need not pay the forfeiture to the 73836  
executive director until after a final, nonappealable judicial 73837  
decision is rendered in the appeal. If a final, nonappealable 73838  
judicial decision is rendered affirming the board's order, the 73839  
licensee or permit holder shall pay to the executive director the 73840  
full amount of the forfeiture by certified check within thirty 73841  
days after notice of the decision was sent to the licensee or 73842  
permit holder. A forfeiture is considered paid when the licensee's 73843  
or permit holder's certified check is received by the executive 73844  
director in Columbus. If the licensee or permit holder fails to so 73845  
pay the full amount of the forfeiture to the executive director 73846  
within that time, the board shall issue an order suspending or 73847  
revoking the individual's license, as the board considers 73848

appropriate. 73849

**Sec. 4717.16.** On receipt of a notice pursuant to section 73850  
3123.43 of the Revised Code, the board of embalmers and funeral 73851  
directors shall comply with sections 3123.41 to 3123.50 of the 73852  
Revised Code and any applicable rules adopted under section 73853  
3123.63 of the Revised Code with respect to a license or permit 73854  
issued pursuant to this chapter. 73855

**Sec. 4717.21.** (A) Any person, on an antemortem basis, may 73856  
serve as the person's own authorizing agent, authorize the 73857  
person's own cremation, and specify the arrangements for the final 73858  
disposition of the person's own cremated remains by executing an 73859  
antemortem cremation authorization form. A guardian, custodian, or 73860  
other personal representative who is authorized by law or contract 73861  
to do so on behalf of a person, on an antemortem basis, may 73862  
authorize the cremation of the person and specify the arrangements 73863  
for the final disposition of the person's cremated remains by 73864  
executing an antemortem cremation authorization form on the 73865  
person's behalf. Any such antemortem cremation authorization form 73866  
also shall be signed by one witness. The original copy of the 73867  
executed authorization form shall be sent to the ~~operator of the~~ 73868  
crematory facility being authorized to conduct the cremation, and 73869  
a copy shall be retained by the person who executed the 73870  
authorization form. The person who executed an antemortem 73871  
cremation authorization form may revoke the authorization at any 73872  
time by providing written notice of the revocation to ~~the operator~~ 73873  
~~of~~ the crematory facility named in the authorization form. The 73874  
person who executed the authorization form may transfer the 73875  
authorization to another crematory facility by providing written 73876  
notice to the ~~operator of the~~ crematory facility named in the 73877  
original authorization of the revocation of the authorization and, 73878  
in accordance with this division, executing a new antemortem 73879

cremation authorization form authorizing ~~the operator of~~ another 73880  
crematory facility to conduct the cremation. 73881

(B)(1) Each antemortem cremation authorization form shall 73882  
specify the final disposition that is to be made of the cremated 73883  
remains. 73884

(2) Every antemortem cremation authorization form entered 73885  
into on or after ~~the effective date of this amendment~~ October 12, 73886  
2006, shall specify the final disposition that is to be made of 73887  
the remains and shall include a provision in substantially the 73888  
following form: 73889

NOTICE: Upon the death of the person who is the subject of 73890  
this antemortem cremation authorization, the person holding the 73891  
right of disposition under section 2108.70 or 2108.81 of the 73892  
Revised Code may cancel the cremation arrangements, modify the 73893  
arrangements for the final disposition of the cremated remains, or 73894  
make alternative arrangements for the final disposition of the 73895  
decedent's body. However, the person executing this antemortem 73896  
cremation authorization is encouraged to state his or her 73897  
preferences as to the manner of final disposition in a declaration 73898  
of the right of disposition pursuant to section 2108.72 of the 73899  
Revised Code, including that the arrangements set forth in this 73900  
form shall be followed. 73901

(C)(1) Except as provided in division (C)(2) of this section, 73902  
when the ~~operator of~~ a crematory facility is in possession of a 73903  
cremation authorization form that has been executed on an 73904  
antemortem basis in accordance with this section, the other 73905  
conditions set forth in division (A) of section 4717.23 of the 73906  
Revised Code have been met, the crematory facility has possession 73907  
of the decedent to which the antemortem authorization pertains, 73908  
and the crematory facility has received payment for the cremation 73909  
of the decedent and the final disposition of the cremated remains 73910  
of the decedent or is otherwise assured of payment for those 73911

services, the crematory facility shall cremate the decedent as 73912  
directed and dispose of the cremated remains in accordance with 73913  
the instructions contained in the antemortem cremation 73914  
authorization form. 73915

(2) A person with the right of disposition for a decedent 73916  
under section 2108.70 or 2108.81 of the Revised Code who is not 73917  
disqualified under section 2108.75 of the Revised Code may cancel 73918  
the arrangements for the decedent's cremation, modify the 73919  
arrangements for the final disposition of the decedent's cremated 73920  
remains, or make alternative arrangements for the final 73921  
disposition of the decedent's body. If a person with the right 73922  
takes any such action, the ~~operator~~ crematory facility shall 73923  
disregard the instructions contained in the antemortem cremation 73924  
authorization form and follow the instructions of the person with 73925  
the right. 73926

(D) An antemortem cremation authorization form executed under 73927  
division (A) of this section does not constitute a contract for 73928  
conducting the cremation of the person named in the authorization 73929  
form or for the final disposition of the person's cremated 73930  
remains. Despite the existence of such an antemortem cremation 73931  
authorization, a person with the right of disposition for a 73932  
decedent under section 2108.70 or 2108.81 of the Revised Code may 73933  
modify, in writing, the arrangements for the final disposition of 73934  
the cremated remains of the decedent set forth in the 73935  
authorization form or may cancel the cremation and claim the 73936  
decedent's body for purposes of making alternative arrangements 73937  
for the final disposition of the decedent's body. The revocation 73938  
of an antemortem cremation authorization form executed under 73939  
division (A) of this section, or the cancellation of the cremation 73940  
of the person named in the antemortem authorization or 73941  
modification of the arrangements for the final disposition of the 73942  
person's cremated remains as authorized by this division, does not 73943

affect the validity or enforceability of any contract entered into 73944  
for the cremation of the person named in the antemortem 73945  
authorization or for the final disposition of the person's 73946  
cremated remains. 73947

(E) Nothing in this section applies to any antemortem 73948  
cremation authorization form executed prior to ~~the effective date~~ 73949  
~~of this section~~ August 5, 1998. Any cemetery, funeral home, 73950  
crematory facility, or other party may specify, with the written 73951  
approval of the person who executed the antemortem authorization, 73952  
that such an antemortem authorization is subject to sections 73953  
4717.21 to 4717.30 of the Revised Code. 73954

**Sec. 4717.23.** (A) No crematory operator ~~of a or~~ crematory 73955  
facility shall cremate or allow the cremation ~~at a crematory~~ 73956  
~~facility the operator is licensed to operate under this chapter~~ of 73957  
a dead human body, other than one that was donated to science for 73958  
purposes of medical education or research, until all of the 73959  
following have occurred: 73960

(1) A period of at least twenty-four hours has elapsed since 73961  
the decedent's death as indicated on a complete, nonprovisional 73962  
death certificate filed under section 3705.16 of the Revised Code 73963  
or under the laws of another state that are substantially 73964  
equivalent to that section, unless, if the decedent died from a 73965  
virulent communicable disease, the department of health or board 73966  
of health having territorial jurisdiction where the death of the 73967  
decedent occurred requires by rule or order the cremation to occur 73968  
prior to the end of that period; 73969

(2) The ~~operator~~ crematory facility has received a burial or 73970  
burial-transit permit that authorizes the cremation of the 73971  
decedent; 73972

(3) The ~~operator~~ crematory facility has received a completed 73973  
cremation authorization form executed pursuant to section 4717.21 73974

or 4717.24 of the Revised Code, as applicable, that authorizes the 73975  
cremation of the decedent. A blank cremation authorization form 73976  
shall be provided by the ~~operator~~ crematory facility and shall 73977  
comply with section 4717.24 of the Revised Code and, if 73978  
applicable, section 4717.21 of the Revised Code. 73979

(4) The ~~operator~~ crematory facility has received any other 73980  
documentation required by this state or a political subdivision of 73981  
this state. 73982

(B) No crematory operator ~~of a~~ or crematory facility shall 73983  
cremate or allow the cremation of any body parts, including, 73984  
without limitation, dead human bodies that were donated to science 73985  
for purposes of medical research or education, at a crematory 73986  
facility ~~the operator is~~ licensed to operate in this state until 73987  
both of the following have occurred: 73988

(1) The ~~operator~~ crematory facility has received a completed 73989  
cremation authorization form executed pursuant to section 4717.25 73990  
of the Revised Code or, if the decedent has executed an antemortem 73991  
cremation authorization form in accordance with section 4717.21 of 73992  
the Revised Code and has donated the decedent's body to science 73993  
for purposes of medical education or research, such an antemortem 73994  
cremation authorization form; 73995

(2) The ~~operator~~ crematory facility has received any other 73996  
documentation required by this state or a political subdivision of 73997  
this state. 73998

**Sec. 4717.24.** (A) A cremation authorization form authorizing 73999  
the cremation of a dead human body, other than one that was 74000  
donated to science for purposes of medical education or research, 74001  
shall include at least all of the following information and 74002  
statements: 74003

(1) A statement that the decedent has been identified in 74004

accordance with division (B) of this section; 74005

(2) The name of the funeral director or other individual who 74006  
obtained the burial or burial-transit permit authorizing the 74007  
cremation of the decedent; 74008

(3) The name of the authorizing agent and the relationship of 74009  
the authorizing agent to the decedent; 74010

(4) A statement that the authorizing agent in fact has the 74011  
right to authorize cremation of the decedent and that the 74012  
authorizing agent does not have actual knowledge of the existence 74013  
of any living person who has a superior priority right to act as 74014  
the authorizing agent under section 4717.22 of the Revised Code. 74015  
If the person executing the cremation authorization form knows of 74016  
another living person who has such a superior priority right, the 74017  
authorization form shall include a statement indicating that the 74018  
person executing the authorization form has made reasonable 74019  
efforts to contact the person having the superior priority right 74020  
and has been unable to do so and that the person executing the 74021  
authorization form has no reason to believe that the person having 74022  
the superior priority right would object to the cremation of the 74023  
decedent. 74024

(5) A statement of whether the authorizing agent has actual 74025  
knowledge of the presence in the decedent of a pacemaker, 74026  
defibrillator, or any other mechanical or radioactive device or 74027  
implant that poses a hazard to the health or safety of personnel 74028  
performing the cremation; 74029

(6) A statement indicating the crematory facility is to 74030  
cremate the casket or alternative container in which the decedent 74031  
was delivered to or accepted by the crematory facility; 74032

(7) A statement of whether the crematory facility is 74033  
authorized to simultaneously cremate the decedent in the same 74034  
cremation chamber with one or more other decedents who were 74035

related to the decedent named in the cremation authorization form 74036  
by consanguinity or affinity or who, at any time during the 74037  
one-year period preceding the decedent's death, lived with the 74038  
decedent in a common law marital relationship or otherwise 74039  
cohabited with the decedent. A cremation authorization form 74040  
executed under this section shall not authorize the simultaneous 74041  
cremation of a decedent in the same cremation chamber with one or 74042  
more other decedents except under the circumstances described in 74043  
the immediately preceding sentence. 74044

(8) The names of any persons designated by the authorizing 74045  
agent to be present in the holding facility or cremation room 74046  
prior to or during the cremation of the decedent or during the 74047  
removal of the cremated remains from the cremation chamber; 74048

(9) The authorization for the crematory facility to cremate 74049  
the decedent and to process or pulverize the cremated remains as 74050  
is the practice at the particular crematory facility; 74051

(10) A statement of whether it is the crematory facility's 74052  
practice to return all of the residue removed from the cremation 74053  
chamber following the cremation or to separate and remove foreign 74054  
matter from the residue before returning the cremated remains to 74055  
the authorizing agent or the person designated on the 74056  
authorization form to receive the cremated remains pursuant to 74057  
division (A)(11) of this section; 74058

(11) The name of the person who is to receive the cremated 74059  
remains of the decedent from the crematory facility; 74060

(12) The manner in which the final disposition of the 74061  
cremated remains of the decedent is to occur, if known. If the 74062  
cremation authorization form does not specify the manner of the 74063  
final disposition of the cremated remains, it shall indicate that 74064  
the cremated remains will be held by the crematory facility for 74065  
thirty days after the cremation, unless, prior to the end of that 74066

period, they are picked up from the crematory facility by the 74067  
person designated on the cremation authorization form to receive 74068  
them, the authorizing agent, or, if applicable, the funeral 74069  
director who obtained the burial or burial-transit permit for the 74070  
decedent, or are delivered or shipped by the ~~operator of the~~ 74071  
crematory facility to one of those persons. The authorization form 74072  
shall indicate that if no instructions for the final disposition 74073  
are provided on the authorization form and that if no arrangements 74074  
for final disposition have been made within the thirty-day period, 74075  
the crematory facility may return the cremated remains to the 74076  
authorizing agent. The authorization form shall further indicate 74077  
that if no arrangements for the final disposition of the cremated 74078  
remains have been made within sixty days after the completion of 74079  
the cremation and if the authorizing agent has not picked them up 74080  
or caused them to be picked up within that period, the crematory 74081  
operator or crematory facility may dispose of them in accordance 74082  
with division (C) of section 4717.27 of the Revised Code. 74083

(13) A listing of the items of value to be delivered to the 74084  
crematory facility along with the dead human body, if any, and 74085  
instructions regarding how those items are to be handled; 74086

(14) A statement of whether the authorizing agent has made 74087  
arrangements for any type of viewing of the decedent or for a 74088  
service with the decedent present prior to the cremation and, if 74089  
so, the date, time, and place of the service; 74090

(15) A statement of whether the crematory facility may 74091  
proceed with the cremation at any time after the conditions set 74092  
forth in division (A) of section 4717.23 of the Revised Code have 74093  
been met and the decedent has been received at the facility; 74094

(16) The certification of the authorizing agent to the effect 74095  
that all of the information and statements contained in the 74096  
authorization form are accurate; 74097

(17) The signature of the authorizing agent and the signature 74098  
of at least one witness who observed the authorizing agent execute 74099  
the cremation authorization form. 74100

(B) In making the identification of the decedent required by 74101  
division (A)(1) of this section, the funeral home arranging the 74102  
cremation shall require the authorizing agent or the agent's 74103  
appointed representative to visually identify the decedent's 74104  
remains or a photograph or other visual image of the remains. If 74105  
identification is by photograph or other visual image, the 74106  
authorizing agent or representative shall sign the photograph or 74107  
other visual image. If visual identification is not feasible, 74108  
other positive identification of the decedent may be used 74109  
including, but not limited to, reliance upon an identification 74110  
made through the coroner's office or identification of photographs 74111  
or other visual images of scars, tattoos, or physical deformities 74112  
taken from the decedent's remains. 74113

(C) An authorizing agent who is not available to execute a 74114  
cremation authorization form in person may designate another 74115  
individual to serve as the authorizing agent by providing to the 74116  
~~operator of the~~ crematory facility where the cremation is to occur 74117  
a written designation, acknowledged before a notary public or 74118  
other person authorized to administer oaths, authorizing that 74119  
other individual to serve as the authorizing agent, ~~or by sending~~ 74120  
~~to the operator a facsimile transmission of the written~~ 74121  
~~designation that has been so acknowledged.~~ Any such written 74122  
designation shall contain the name of the decedent, the name and 74123  
address of the authorizing agent, the relationship of the 74124  
authorizing agent to the decedent, and the name and address of the 74125  
individual who is being designated to serve as the authorizing 74126  
agent. Upon receiving ~~such a written designation or a facsimile~~ 74127  
~~transmission of~~ such a written designation, the operator shall 74128  
permit the individual named in the written designation to serve as 74129

the authorizing agent and to execute the cremation authorization 74130  
form authorizing the cremation of the decedent named in the 74131  
written designation. 74132

(D) An authorizing agent who signs a cremation authorization 74133  
form under this section is hereby deemed to warrant the accuracy 74134  
of the information and statements contained in such authorization 74135  
form, including the identification of the decedent and the agent's 74136  
authority to authorize the cremation. A funeral home and its 74137  
employees are not responsible for verifying the accuracy of any 74138  
information or statements the authorizing agent made on the 74139  
authorization form, unless the funeral home or its employees have 74140  
actual knowledge to the contrary regarding any such information or 74141  
statement. When delivering the decedent's remains to a crematory 74142  
facility or in carrying out the disposition in its own facility, 74143  
the funeral home is responsible for having the decedent identified 74144  
pursuant to division (B) of this section and carrying out the 74145  
obligations imposed on the funeral home by division (B) of section 74146  
4717.29 of the Revised Code. 74147

(E) At any time after executing a cremation authorization 74148  
form and prior to the beginning of the cremation process, the 74149  
authorizing agent who executed the cremation authorization form 74150  
under division (A) or (C) of this section may, in writing, modify 74151  
the arrangements for the final disposition of the cremated remains 74152  
of the decedent set forth in the authorization form or may, in 74153  
writing, revoke the authorization, cancel the cremation, and claim 74154  
the decedent's body for purposes of making alternative 74155  
arrangements for the final disposition of the decedent's body. The 74156  
~~operator of a~~ crematory facility shall cancel the cremation if the 74157  
~~operator~~ crematory facility receives such a revocation before 74158  
beginning the cremation. 74159

(F) A cremation authorization form executed under this 74160  
section does not constitute a contract for conducting the 74161

cremation of the decedent named in the authorization form or for 74162  
the final disposition of the cremated remains of the decedent. The 74163  
revocation of a cremation authorization form or modification of 74164  
the arrangements for the final disposition of the cremated remains 74165  
of the decedent pursuant to division (E) of this section does not 74166  
affect the validity or enforceability of any contract for the 74167  
cremation of the decedent named in the authorization form or for 74168  
the final disposition of the cremated remains of the decedent. 74169

**Sec. 4717.25.** (A) A cremation authorization form authorizing 74170  
the cremation of any body parts, including, without limitation, 74171  
dead human bodies that were donated to science for purposes of 74172  
medical education or research shall include at least all of the 74173  
following information and statements, as applicable: 74174

(1) The identity of the decedent whose body was donated to 74175  
science for purposes of medical education or research or the 74176  
identity of the living person or such a decedent from whom the 74177  
body parts were removed; 74178

(2) The name of the authorizing agent and the relationship of 74179  
the authorizing agent to the decedent or the living person from 74180  
whom the body parts were removed; 74181

(3) A statement that the authorizing agent in fact has the 74182  
right to authorize the cremation of the decedent or the body parts 74183  
removed from the decedent or living person and a description of 74184  
the basis of the person's right to execute the cremation 74185  
authorization form; 74186

(4) A statement of whether the crematory facility is 74187  
authorized to simultaneously cremate the decedent or body parts 74188  
removed from the decedent or living person with one or more other 74189  
decedents whose bodies were donated to science for purposes of 74190  
medical education or research or with body parts removed from one 74191  
or more other decedents or living persons; 74192

(5) The authorization for the crematory facility to cremate 74193  
the decedent or body parts removed from the decedent or living 74194  
person and to process or pulverize the cremated remains as is the 74195  
practice at the particular crematory facility; 74196

(6) A statement of whether it is the crematory facility's 74197  
practice to return all of the residue removed from the cremation 74198  
chamber following the cremation or to separate and remove foreign 74199  
matter from the residue before returning the cremated remains to 74200  
the authorizing agent or the authorizing agent's designee; 74201

(7) The name of the person who is to receive the cremated 74202  
remains from the crematory facility; 74203

(8) The manner in which the final disposition of the cremated 74204  
remains is to occur, if known. If the cremation authorization form 74205  
does not specify the manner of the final disposition of the 74206  
cremated remains, it shall indicate that the cremated remains will 74207  
be held by the crematory facility for thirty days after the 74208  
cremation, unless, prior to the end of that period, they are 74209  
picked up from the crematory facility by the person designated on 74210  
the authorization form to receive them or by the authorizing 74211  
agent, or are delivered or shipped by the ~~operator of the~~ 74212  
crematory facility to one of those persons. The authorization form 74213  
shall indicate that if no instructions for the final disposition 74214  
of the cremated remains are provided on the authorization form and 74215  
that if no arrangements for final disposition have been made 74216  
within the thirty-day period, the crematory facility may return 74217  
the cremated remains to the authorizing agent. The authorization 74218  
form shall further indicate that if no arrangements for the final 74219  
disposition of the cremated remains have been made within sixty 74220  
days after the cremation and if the authorizing agent or person 74221  
designated on the authorization form to receive the cremated 74222  
remains has not picked them up or caused them to be picked up 74223  
within that period, the crematory operator or the crematory 74224

facility may dispose of them in accordance with division (C)(1) or 74225  
(2) of section 4717.27 of the Revised Code. 74226

(9) The certification of the authorizing agent to the effect 74227  
that all of the information and statements contained in the 74228  
authorization form are accurate. 74229

(B) An authorizing agent who signs a cremation authorization 74230  
form under this section is hereby deemed to warrant the accuracy 74231  
of the information and statements contained in the authorization 74232  
form, including the person's authority to authorize the cremation. 74233

(C) At any time after executing a cremation authorization 74234  
form and prior to the beginning of the cremation process, an 74235  
authorizing agent who executed a cremation authorization form 74236  
under this section may, in writing, revoke the authorization, 74237  
cancel the cremation, and claim the decedent's body or the body 74238  
parts for purposes of making alternative arrangements for the 74239  
final disposition of the decedent's body or the body parts. The 74240  
~~operator of a~~ crematory facility shall cancel the cremation if the 74241  
~~operator~~ crematory facility receives such a revocation before 74242  
beginning the cremation. 74243

(D) A cremation authorization form executed under this 74244  
section does not constitute a contract for conducting the 74245  
cremation of the decedent named in the authorization form or body 74246  
parts removed from the decedent or living person named in the form 74247  
or for the final disposition of the cremated remains of the 74248  
decedent or body parts. The revocation of a cremation 74249  
authorization form or modification of the arrangements for the 74250  
final disposition of the cremated remains of the decedent or the 74251  
body parts pursuant to division (C) of this section does not 74252  
affect the validity or enforceability of any contract for the 74253  
cremation of the decedent named in the authorization form, the 74254  
cremation of body parts from the decedent or living person named 74255  
in the authorization form, or the final disposition of the 74256

cremated remains of the decedent or body parts. 74257

**Sec. 4717.26.** (A) The ~~operator of a~~ crematory facility may 74258  
schedule the time for the cremation of a dead human body to occur 74259  
at the ~~operator's~~ crematory facility's own convenience at any time 74260  
after the conditions set forth in division (A) or (B) of section 74261  
4717.23 of the Revised Code, as applicable, have been met and the 74262  
decedent or body parts have been delivered to the facility, 74263  
unless, in the case of a dead human body, the ~~operator~~ crematory 74264  
facility has received specific instructions to the contrary on the 74265  
cremation authorization form authorizing the cremation of the 74266  
decedent executed under section 4717.21, 4717.24, or 4717.25 of 74267  
the Revised Code. The ~~operator of a~~ crematory facility becomes 74268  
responsible for a dead human body or body parts when the body or 74269  
body parts have been delivered to or accepted by the facility or 74270  
an employee or agent of the facility. 74271

(B) No crematory operator ~~of a~~ or crematory facility shall 74272  
fail to do either of the following: 74273

(1) Upon receipt at the crematory facility of any dead human 74274  
body that has not been embalmed, and subject to the prohibition 74275  
set forth in division (C)(1) of this section, place the body in a 74276  
holding or refrigerated facility at the crematory facility and 74277  
keep the body in the holding or refrigerated facility until near 74278  
the time the cremation process commences or until the body is held 74279  
at the facility for eight hours or longer. If the body is held for 74280  
eight hours or longer, place the body in a refrigerated facility 74281  
at the crematory facility and keep the body in the refrigerated 74282  
facility until near the time the cremation process commences; 74283

(2) Upon receipt of any dead human body that has been 74284  
embalmed, place the body in a holding facility at the crematory 74285  
facility and keep the body in the holding facility until the 74286  
cremation process commences. 74287

(C) No crematory operator ~~of a~~ or crematory facility shall do 74288  
either of the following, unless the instructions contained in the 74289  
cremation authorization form authorizing the cremation of the 74290  
decedent executed under section 4717.21, 4717.24, or 4717.25 of 74291  
the Revised Code specifically provide otherwise: 74292

(1) Remove any dead human body from the casket or alternative 74293  
container in which the body was delivered to or accepted by the 74294  
crematory facility; 74295

(2) Fail to cremate the casket or alternative container in 74296  
which the body was delivered or accepted, in its entirety with the 74297  
body. 74298

(D) No ~~operator of a~~ crematory facility shall simultaneously 74299  
cremate more than one decedent or body parts removed from more 74300  
than one decedent or living person in the same cremation chamber 74301  
unless the cremation authorization forms executed under section 74302  
4717.21, 4717.24, or 4717.25 of the Revised Code authorizing the 74303  
cremation of each of the decedents or body parts removed from each 74304  
decedent or living person specifically authorize such a 74305  
simultaneous cremation. This division does not prohibit the use of 74306  
cremation equipment that contains more than one cremation chamber. 74307

(E) No ~~operator of a~~ crematory facility shall permit any 74308  
persons other than employees of the crematory facility, the 74309  
authorizing agent for the cremation of the decedent who is to be, 74310  
is being, or was cremated, persons designated to be present at the 74311  
cremation of the decedent on the cremation authorization form 74312  
executed under section 4717.21 or 4717.24 of the Revised Code, and 74313  
persons authorized by the individual who is actually in charge of 74314  
the crematory facility, to be present in the holding facility or 74315  
cremation room while any dead human bodies or body parts are being 74316  
held there prior to cremation or are being cremated or while any 74317  
cremated remains are being removed from the cremation chamber. 74318

(F)(1) ~~No operator of a~~ crematory facility shall remove any 74319  
dental gold, body parts, organs, or other items of value from a 74320  
dead human body prior to the cremation or from the cremated 74321  
remains after cremation unless the cremation authorization form 74322  
authorizing the cremation of the decedent executed under section 74323  
4717.21 or 4717.24 of the Revised Code specifically authorizes the 74324  
removal thereof. 74325

(2) No ~~operator of a~~ crematory facility that removes any 74326  
dental gold, body parts, organs, or other items from a dead human 74327  
body or assists in such removal shall charge a fee for doing so 74328  
that exceeds the actual cost to the crematory facility for 74329  
performing or assisting in the removal. 74330

(G) Upon the completion of each cremation, the ~~operator of a~~ 74331  
crematory facility shall remove from the cremation chamber all of 74332  
the cremation residue that is practicably recoverable. If the 74333  
cremation authorization form executed under section 4717.21, 74334  
4717.24, or 4717.25 of the Revised Code specifies that the 74335  
cremated remains are to be placed in an urn, the ~~operator~~ 74336  
crematory facility shall place them in the type of urn specified 74337  
on the authorization form. If the authorization form does not 74338  
specify that the cremated remains are to be placed in an urn, the 74339  
~~operator~~ crematory facility shall place them in a temporary 74340  
container. If not all of the recovered cremated remains will fit 74341  
in the urn selected or the temporary container, the ~~operator~~ 74342  
crematory facility shall place the remainder in a separate 74343  
temporary container, and the cremated remains placed in the 74344  
separate temporary container shall be delivered, released, or 74345  
disposed of along with those in the urn or other temporary 74346  
container. Nothing in this section requires ~~an operator of a~~ 74347  
crematory facility to recover any specified quantity or quality of 74348  
cremated remains upon the completion of a cremation, but only 74349  
requires ~~an operator~~ a crematory facility to recover from the 74350

cremation chamber all of the cremation residue that is ~~practically~~ 74351  
practicably recoverable. 74352

(H) No ~~operator of a~~ crematory facility shall knowingly 74353  
represent to an authorizing agent or a designee of an authorizing 74354  
agent that an urn or temporary container contains the recovered 74355  
cremated remains of a specific decedent or of body parts removed 74356  
from a specific decedent or living person when it does not. This 74357  
division does not prohibit the making of such a representation 74358  
because of the presence in the recovered cremated remains of de 74359  
minimus amounts of the cremated remains of another decedent or of 74360  
body parts removed from another decedent or living person that 74361  
were not practicably recoverable and that remained in the 74362  
cremation chamber after the cremated remains from previous 74363  
cremations were removed. 74364

(I) No ~~operator of a~~ crematory facility or funeral director 74365  
shall ship or cause to be shipped any cremated remains by a class 74366  
or method of mail, common carrier service, or delivery service 74367  
that does not have an internal system for tracing the location of 74368  
the cremated remains during shipment and that does not require a 74369  
signed receipt from the person accepting delivery of the cremated 74370  
remains. 74371

(J) No ~~operator of a~~ crematory facility shall fail to 74372  
establish and maintain a system for accurately identifying each 74373  
dead human body in the facility's possession, and for identifying 74374  
each decedent or living person from which body parts in the 74375  
facility's possession were removed, throughout all phases of the 74376  
holding and cremation process. 74377

(K) No ~~operator of a~~ crematory facility shall knowingly use 74378  
or allow the use of the same cremation chamber for the cremation 74379  
of dead human bodies, or human body parts, and animals. 74380

**Sec. 4717.27.** (A) The authorizing agent who executed the 74381

cremation authorization form authorizing the cremation of a 74382  
decedent under section 4717.24 of the Revised Code or the 74383  
cremation of body parts under section 4717.25 of the Revised Code 74384  
is ultimately responsible for the final disposition of the 74385  
cremated remains of the decedent or body parts. 74386

(B) If the cremation authorization form does not contain 74387  
instructions for the final disposition of the cremated remains of 74388  
the decedent or body parts, if no arrangements for the disposition 74389  
of the cremated remains are made within thirty days after the 74390  
completion of the cremation, and if the cremated remains have not 74391  
been picked up within that thirty-day period by the person 74392  
designated to receive them on the authorization form or, in the 74393  
absence of such a designated person, by the authorizing agent, the 74394  
~~operator of the~~ crematory facility or the funeral home holding the 74395  
unclaimed cremated remains, at the end of that thirty-day period, 74396  
may release or deliver them in person to, or cause their delivery 74397  
by a method described in division (I) of section 4717.26 of the 74398  
Revised Code that is acceptable under that division to, the person 74399  
designated to receive them on the cremation authorization form or, 74400  
if no person has been so designated, to the authorizing agent. 74401

(C)(1) If the cremation authorization form does not contain 74402  
instructions for the final disposition of the cremated remains of 74403  
the decedent or body parts, if no arrangements for the final 74404  
disposition of the cremated remains are made within sixty days 74405  
after the completion of the cremation, and if the cremated remains 74406  
have not been picked up by the person designated on the 74407  
authorization form to receive them or, in the absence of such a 74408  
designated person, by the authorizing agent, the ~~operator of the~~ 74409  
crematory facility or the funeral home holding the unclaimed 74410  
cremated remains may dispose of the cremated remains in a grave, 74411  
crypt, or niche, by scattering them in any dignified manner, 74412  
including in a memorial garden, at sea, by air, or at any 74413

scattering grounds described in section 1721.21 of the Revised 74414  
Code, or in any other lawful manner, at any time after the end of 74415  
that sixty-day period. 74416

(2) If the cremation authorization form specifies the manner 74417  
of the final disposition of the cremated remains, or if within 74418  
sixty days after the completion of the cremation the authorizing 74419  
agent makes arrangements for the final disposition of the cremated 74420  
remains, and if either the arrangements have not been carried out 74421  
within that sixty-day period because of the inaction of a party 74422  
other than the operator of the crematory facility or the funeral 74423  
home holding the unclaimed cremated remains, or the authorizing 74424  
agent fails to pick up the cremated remains within that sixty-day 74425  
period, ~~the operator of the~~ crematory facility or the funeral home 74426  
holding the unclaimed cremated remains may dispose of the cremated 74427  
remains in a grave, crypt, or niche, by scattering them in any 74428  
dignified manner, including in a memorial garden, at sea, by air, 74429  
or at any scattering grounds described in section 1721.21 of the 74430  
Revised Code, or in any other lawful manner, at any time after the 74431  
end of that period. 74432

(3) If cremated remains of a decedent who was eighteen years 74433  
or older at the time of death are unclaimed under divisions (C)(1) 74434  
and (2) of this section, ~~the operator of the~~ crematory facility or 74435  
the funeral home holding the cremated remains shall, before 74436  
disposing of the unclaimed cremated remains, notify the secretary 74437  
of the United States department of veterans affairs of the name 74438  
of, and other identifying information related to, the decedent. 74439  
If, within sixty days of the notification, the secretary of the 74440  
department of veterans affairs notifies the crematory facility or 74441  
funeral home that the decedent was a veteran who is eligible for 74442  
burial in a national cemetery under the control of the national 74443  
cemetery administration and that the secretary agrees to provide 74444  
for the cost of the transportation and burial of the unclaimed 74445

cremated remains in a national cemetery, the crematory facility or 74446  
funeral home shall follow the directions of the secretary and 74447  
arrange for the burial of the unclaimed remains in the national 74448  
cemetery at the secretary's expense. If the secretary does not 74449  
assume the right to direct the burial of the unclaimed remains 74450  
within sixty days of the notification by the crematory facility or 74451  
funeral home, the crematory facility or funeral home may carry out 74452  
the disposition of the unclaimed remains under divisions (C)(1) 74453  
and (2) of this section. 74454

(4) When cremated remains are disposed of in accordance with 74455  
division (C)(1) or (2) of this section, the authorizing agent who 74456  
executed the cremation authorization form authorizing the 74457  
cremation of the decedent or body parts under section 4717.24 or 74458  
4717.25 of the Revised Code is liable to the ~~operator of the~~ 74459  
crematory facility or the funeral home for the cost of the final 74460  
disposition, which cost shall not exceed the reasonable cost for 74461  
disposing of the cremated remains in a common grave or crypt in 74462  
the county where the cremated remains were buried or placed in a 74463  
grave, crypt or niche, or scattered. 74464

(D)(1) Except as provided in division (D)(2) of this section, 74465  
no person shall do either of the following: 74466

(a) Dispose of the cremated remains of a dead human body or 74467  
body parts in such a manner or in such a location that the 74468  
cremated remains are commingled with those of another decedent or 74469  
body parts removed from another decedent or living person; 74470

(b) Place the cremated remains of more than one decedent or 74471  
of body parts removed from more than one decedent or living person 74472  
in the same urn or temporary container. 74473

(2) Division (D)(1) of this section does not prohibit any of 74474  
the following: 74475

(a) The scattering of cremated remains at sea or by air or in 74476

a dedicated area at a cemetery used exclusively for the scattering 74477  
on the ground of the cremated remains of dead human bodies or body 74478  
parts. 74479

(b) The commingling of the cremated remains of more than one 74480  
decedent or of body parts removed from more than one decedent or 74481  
living person or the placement in the same urn or temporary 74482  
container of the cremated remains of more than one decedent or of 74483  
body parts removed from more than one decedent or living person 74484  
when each authorizing agent who executed the cremation 74485  
authorization form authorizing the cremation of each of the 74486  
decedents or body parts removed from each of the decedents or 74487  
living persons under section 4717.21, 4717.24, or 4717.25 of the 74488  
Revised Code authorized the commingling of the cremated remains or 74489  
the placement of the cremated remains in the same urn or temporary 74490  
container on the authorization form. 74491

(c) The commingling, by the individual designated on the 74492  
cremation authorization form authorizing the cremation of the 74493  
decedent or body parts to receive the cremated remains, other than 74494  
a funeral director or employee of a cemetery, or by the 74495  
authorizing agent who executed the cremation authorization form, 74496  
after receipt of the cremated remains, of the cremated remains 74497  
with those of another decedent or of body parts removed from 74498  
another decedent or living person or the placing of them by any 74499  
such person in the same urn or temporary container with those of 74500  
another decedent or of body parts removed from another decedent or 74501  
living person. 74502

**Sec. 4717.28.** (A) No ~~operator of a~~ crematory facility shall 74503  
fail to ensure that a written receipt is provided to the person 74504  
who delivers a dead human body or body parts to the facility for 74505  
cremation. If the dead human body is other than one that was 74506  
donated to science for purposes of medical education or research, 74507

the receipt shall be signed by both a representative of the 74508  
crematory facility and the person who delivered the decedent to 74509  
the crematory facility and shall indicate the name of the 74510  
decedent; the date and time of delivery; the type of casket or 74511  
alternative container in which the decedent was delivered to the 74512  
facility; the name of the person who delivered the decedent to the 74513  
facility; if applicable, the name of the funeral home or other 74514  
establishment with whom the delivery person is affiliated; and the 74515  
name of the person who received the decedent on behalf of the 74516  
facility. If the dead human body was donated to science for 74517  
purposes of medical education or research, the receipt shall 74518  
consist of a copy of the cremation authorization form executed 74519  
under section 4717.21, 4717.24, or 4717.25 of the Revised Code 74520  
that authorizes the cremation of the decedent or body parts that 74521  
has been signed by both a representative of the crematory facility 74522  
and the person who delivered the decedent or body parts to the 74523  
crematory facility and that indicates the date and time of the 74524  
delivery. The operator may provide the copy of the receipt to the 74525  
person who delivered the decedent or body parts to the facility 74526  
either in person or by certified mail, return receipt requested. 74527

(B) No ~~operator of a~~ crematory facility shall fail to ensure 74528  
at the time of releasing cremated remains that a written receipt 74529  
signed by both a representative of the crematory facility and the 74530  
person who received the cremated remains is provided to the person 74531  
who received the cremated remains. Unless the cremated remains are 74532  
those of a dead human body that was donated to science for 74533  
purposes of medical education or research or are those of body 74534  
parts, the receipt shall indicate the name of the decedent; the 74535  
date and time of the release; the name of the person to whom the 74536  
cremated remains were released; if applicable, the name of the 74537  
funeral home, cemetery, or other entity to whom the cremated 74538  
remains were released; and the name of the person who released the 74539  
cremated remains on behalf of the crematory facility. If the 74540

cremated remains are those of a dead human body that was donated 74541  
to science for purposes of medical education or research or are 74542  
those of body parts, the receipt shall consist of a copy of the 74543  
cremation authorization form executed under section 4717.21, 74544  
4717.24, or 4717.25 of the Revised Code that authorizes the 74545  
cremation of the decedent or body parts that has been signed by 74546  
both a representative of the crematory facility and the person who 74547  
received the cremated remains and that indicates the date and time 74548  
of the release. If the cremated remains were delivered to the 74549  
authorizing agent or other individual designated on the cremation 74550  
authorization form by a method described in division (I) of 74551  
section 4717.26 of the Revised Code that is acceptable under that 74552  
division, the receipt required by this division shall accompany 74553  
the cremated remains, and the signature of the authorizing agent 74554  
or other designated individual on the delivery receipt meets the 74555  
requirement of this division that the person receiving the 74556  
cremated remains sign the receipt provided by the crematory 74557  
facility. 74558

(C) No ~~operator of a~~ crematory facility shall fail to make or 74559  
keep on file during the time that the ~~operator~~ crematory facility 74560  
remains engaged in the business of cremating dead human bodies or 74561  
body parts, all of the following records and documents: 74562

(1) A copy of each receipt issued upon acceptance by or 74563  
delivery to the crematory facility of a dead human body under 74564  
division (A) of this section; 74565

(2) A record of each cremation conducted at the facility, 74566  
containing at least the name of the decedent or, in the case of 74567  
body parts, the name of the decedent or living person from whom 74568  
the body parts were removed, the date and time of the cremation, 74569  
and the final disposition made of the cremated remains; 74570

(3) A copy of each delivery receipt issued under division (B) 74571  
of this section; 74572

(4) A separate record of the cremated remains of each 74573  
decedent or the body parts removed from each decedent or living 74574  
person that were disposed of in accordance with division (C)(1) or 74575  
(2) of section 4717.27 of the Revised Code, containing at least 74576  
the name of the decedent, the date and time of the cremation, and 74577  
the location, date, and manner of final disposition of the 74578  
cremated remains. 74579

(D) All records required to be maintained under sections 74580  
4717.21 to 4717.30 of the Revised Code are subject to inspection 74581  
by the board of embalmers and funeral directors or an authorized 74582  
representative of the board, upon reasonable notice, at any 74583  
reasonable time. 74584

**Sec. 4717.30.** (A) ~~The~~ A crematory operator ~~of a~~ crematory 74585  
facility ~~or a~~ funeral director, or funeral home is not liable in 74586  
damages in a civil action for any of the following actions or 74587  
omissions, unless the actions or omissions were made with 74588  
malicious purpose, in bad faith, or in a wanton or reckless manner 74589  
or unless any of the conditions set forth in divisions (B)(1) to 74590  
(3) of this section apply: 74591

(1)(a) For having arranged or performed the cremation of the 74592  
decedent, or having released or disposed of the cremated remains, 74593  
in accordance with the instructions set forth in the cremation 74594  
authorization form executed by the decedent on an antemortem basis 74595  
under section 4717.21 of the Revised Code; 74596

(b) For having arranged or performed the cremation of the 74597  
decedent or body parts removed from the decedent or living person 74598  
or having released or disposed of the cremated remains in 74599  
accordance with the instructions set forth in a cremation 74600  
authorization form executed by the person authorized to serve as 74601  
the authorizing agent for the cremation of the decedent or for the 74602  
cremation of body parts of the decedent or living person, named in 74603

the cremation authorization form executed under section 4717.24 or 74604  
4717.25 of the Revised Code. 74605

(2) For having arranged or performed the cremation of the 74606  
decedent, or having released or disposed of the cremated remains, 74607  
in accordance with the instructions set forth in the cremation 74608  
authorization form executed by a designated agent under division 74609  
(C) of section 4717.24 of the Revised Code. 74610

(B) The crematory operator of a crematory facility, funeral 74611  
director, or funeral home is not liable in damages in a civil 74612  
action for refusing to accept a dead human body or body parts or 74613  
to perform a cremation under any of the following circumstances, 74614  
unless the refusal was made with malicious purpose, in bad faith, 74615  
or in a wanton or reckless manner: 74616

(1) The crematory operator, crematory facility, funeral 74617  
director, or funeral home has actual knowledge that there is a 74618  
dispute regarding the cremation of the decedent or body parts, 74619  
until such time as the crematory operator, crematory facility, 74620  
funeral director, or funeral home receives an order of the probate 74621  
court having jurisdiction ordering the cremation of the decedent 74622  
or body parts or until the crematory operator, crematory facility, 74623  
funeral director, or funeral home receives from the parties to the 74624  
dispute a copy of a written agreement resolving the dispute and 74625  
authorizing the cremation to be performed. 74626

(2) The crematory operator, crematory facility, funeral 74627  
director, or funeral home has a reasonable basis for questioning 74628  
the accuracy of any of the information or statements contained in 74629  
a cremation authorization form executed under section 4717.21, 74630  
4717.24, or 4717.25 of the Revised Code, as applicable, that 74631  
authorizes the cremation of the decedent or body parts. 74632

(3) The crematory operator, crematory facility, funeral 74633  
director, or funeral home has any other lawful reason for refusing 74634

to accept the dead human body or body parts or to perform the cremation. 74635  
74636

(C) ~~The~~ A crematory operator ~~of a~~, crematory facility ~~or a~~, 74637  
funeral director, or funeral home is not liable in damages in a 74638  
civil action for refusing to release or dispose of the cremated 74639  
remains of a decedent or body parts when the crematory operator 74640  
~~of, crematory facility,~~ funeral director, or funeral home has 74641  
actual knowledge that there is a dispute regarding the release or 74642  
final disposition of the cremated remains in connection with any 74643  
damages sustained, prior to the time the crematory operator, 74644  
crematory facility, funeral home, or funeral director receives an 74645  
order of the probate court having jurisdiction ordering the 74646  
release or final disposition of the cremated remains, or prior to 74647  
the time the crematory operator ~~of, crematory facility,~~ funeral 74648  
director, or funeral home receives from the parties to the dispute 74649  
a copy of a written agreement resolving the dispute and 74650  
authorizing the cremation to be performed. 74651

(D) ~~The~~ A crematory operator ~~of a~~, crematory facility, 74652  
funeral director, or funeral home is not liable in damages in a 74653  
civil action in connection with the cremation of, or disposition 74654  
of the cremated remains of, any dental gold, jewelry, or other 74655  
items of value delivered to the crematory facility or funeral home 74656  
with a dead human body or body parts, unless either or both of the 74657  
following apply: 74658

(1) The cremation authorization form authorizing the 74659  
cremation of the decedent or body parts executed under section 74660  
4717.21, 4717.24, or 4717.25 of the Revised Code, as applicable, 74661  
contains specific instructions for the removal or recovery and 74662  
disposition of any such dental gold, jewelry, or other items of 74663  
value prior to the cremation, and the crematory operator, 74664  
crematory facility, funeral director, or funeral home has failed 74665  
to comply with the written instructions. 74666

(2) The actions or omissions of the crematory operator, 74667  
crematory facility, funeral director, or funeral home were made 74668  
with malicious purpose, in bad faith, or in a wanton or reckless 74669  
manner. 74670

(E)(1) This section does not create a new cause of action 74671  
against or substantive legal right against ~~the operator of a~~ 74672  
crematory operator, crematory facility or a, funeral director, or 74673  
funeral home. 74674

(2) This section does not affect any immunities from civil 74675  
liability or defenses established by another section of the 74676  
Revised Code or available at common law to which ~~the operator of a~~ 74677  
crematory ~~or a~~ operator, crematory facility, funeral director, or 74678  
funeral home may be entitled under circumstances not covered by 74679  
this section. 74680

**Sec. 4717.32.** (A) Any preneed funeral contract that involves 74681  
the payment of money or the purchase or assignment of an insurance 74682  
policy or annuity shall be in writing and shall include all of the 74683  
following information: 74684

(1) The name, address, and phone number of the seller and the 74685  
name and address of the purchaser of the contract, and, if the 74686  
contract beneficiary is someone other than the purchaser of the 74687  
contract, the name and address of the contract beneficiary, and if 74688  
the contract involves the payment of money but not the purchase or 74689  
assignment of an insurance policy or annuity, the social security 74690  
number of the purchaser of the contract or if the contract 74691  
beneficiary is someone other than the purchaser, the social 74692  
security number of the contract beneficiary; 74693

(2) A statement of the funeral goods and funeral services 74694  
purchased, which disclosure may be made by attaching a copy of the 74695  
completed statement of funeral goods and services selected to the 74696  
preneed funeral contract; 74697

(3) A disclosure informing the purchaser whether the contract is either a guaranteed preneed funeral contract or a nonguaranteed preneed funeral contract, and, if the contract is guaranteed only in part, a disclosure specifying the funeral goods or funeral services included in the guarantee;

(4) If the preneed funeral contract is a guaranteed contract, a disclosure that the seller, in exchange for all of the proceeds of the trust, insurance policy, or annuity, shall provide the funeral goods and funeral services set forth in the preneed funeral contract without regard to the actual cost of such funeral goods and funeral services prevailing at the time of performance and that the seller may receive any excess funds remaining after all expenses for the funeral have been paid.

(5) If the preneed funeral contract is a nonguaranteed contract, a disclosure that the proceeds of the trust, insurance policy, or annuity shall be applied to the retail prices in effect at the time of the funeral for the funeral goods and funeral services set forth in the contract, that any excess funds remaining after all expenses for the funeral have been paid shall be paid to the estate of the decedent or the beneficiary named in the life insurance policy if the preneed funeral contract is funded by a life insurance policy, and that, in the event of an insufficiency in funds, the seller shall not be required to perform until payment arrangements satisfactory to the seller have been made.

(6) A disclosure that the purchaser has the right to make the contract irrevocable and that if the preneed funeral contract is irrevocable, the purchaser does not have a right to revoke the contract;

(7) A disclosure informing the purchaser of the initial right to cancel the preneed funeral contract within seven days as provided in division (A) of section 4717.34 of the Revised Code

and the right to revoke a revocable preneed funeral contract in 74730  
accordance with section 4717.35 or division ~~(E)~~(G) of section 74731  
4717.36 of the Revised Code, as applicable; 74732

(8) A disclosure that the seller may substitute funeral goods 74733  
or funeral services of equal quality, value, and workmanship if 74734  
those specified in the preneed funeral contract are unavailable at 74735  
the time of need; 74736

(9) A disclosure that any purchaser of funeral goods and 74737  
funeral services is entitled to receive price information prior to 74738  
making that purchase in accordance with the federal trade 74739  
commission's funeral industry practices revised rule, 16 C.F.R. 74740  
part 453; 74741

(10) The following notice in boldface print and in 74742  
substantially the following form: 74743

"NOTICE: Under Ohio law, the person holding the right of 74744  
disposition of the remains of the individual contract beneficiary 74745  
pursuant to section 2108.70 or 2108.81 of the Revised Code will 74746  
have the right to make funeral arrangements inconsistent with the 74747  
arrangements set forth in this contract. However, the individual 74748  
contract beneficiary is encouraged to state his or her preferences 74749  
as to funeral arrangements in a declaration of the right of 74750  
disposition pursuant to section 2108.72 of the Revised Code, 74751  
including that the arrangements set forth in this contract shall 74752  
be followed." 74753

(11) The notice described in division (A) of section 4717.34 74754  
of the Revised Code; 74755

(12) A disclosure that any purchaser of funeral goods or 74756  
funeral services funded in whole or in part in advance of death 74757  
under a preneed funeral contract sold by a licensee under this 74758  
chapter may be eligible for reimbursement of financial loses 74759  
suffered as a result of malfeasance, misfeasance, default, 74760

failure, or insolvency of the licensee. 74761

(B) If a preneed funeral contract is funded by any means 74762  
other than an insurance policy or policies, or an annuity or 74763  
annuities, the preneed funeral contract shall include all of the 74764  
following information in addition to the information required to 74765  
be included under division (A) of this section: 74766

(1) Disclosures ~~identifying that identify~~ the name and 74767  
address of the trustee of the preneed funeral contract trust 74768  
established pursuant to section 4717.36 of the Revised Code, 74769  
~~indicating that direct that any payments made by the purchaser of~~ 74770  
the preneed funeral contract shall be made directly to the trustee 74771  
identified in the preneed funeral contract, that indicate whether 74772  
fees, expenses, ~~or~~ and taxes will be deducted from the trust, and 74773  
~~a statement of who~~ that identify whether the trust or the 74774  
purchaser will be responsible for the taxes owed on the trust 74775  
earnings; 74776

(2) A disclosure explaining the form in which the purchase 74777  
price must be paid and, if the price is to be paid in 74778  
installments, a disclosure to the purchaser regarding what 74779  
constitutes a default under the preneed funeral contract and the 74780  
consequences of the default; 74781

(3) The following notice in boldface print and in 74782  
substantially the following form: 74783

"NOTICE: You, as the purchaser of this contract, will be 74784  
notified in writing when the trustee of this contract has received 74785  
a deposit of the funds you paid the seller under this contract. If 74786  
you do not receive that notice within sixty days after the date 74787  
you paid the funds to the seller, you should contact the trustee 74788  
identified in the contract." 74789

(4) A disclosure that ~~a purchaser of~~ if a preneed funeral 74790  
contract ~~that is irrevocable and that~~ stipulates a ~~firm or~~ fixed 74791

~~or firm or guaranteed price for the funeral goods and services and  
goods to be provided under the preneed funeral contract may be  
charged a whether the seller will charge any initial service fee  
as permitted by division (B) of section 4717.36 and a cancellation  
or transfer fee as ~~specified in division (F)~~ permitted by division  
(G)(2), (H), or (J) of section 4717.36 of the Revised Code ~~if the~~  
~~purchaser wishes to transfer the contract to another seller.~~~~

(C) If a preneed funeral contract is funded by the purchase  
or assignment of one or more insurance policies or annuities, the  
preneed funeral contract shall include all of the following  
information in addition to the information required to be included  
under division (A) of this section:

(1) The name and address of each applicable insurance company  
and any right the purchaser has regarding canceling or  
transferring the applicable insurance policies or annuities;

(2) A directive that any payment made by the purchaser of the  
preneed funeral contract shall be made directly to the insurance  
company and, if premiums are being paid in installments, a  
description of the terms of payment for any remaining payments due  
~~if the funding is to be paid in installments;~~

(3) A list of actions that constitute default under a preneed  
funeral contract and the consequences of a default;

(4) The following notice in boldface print and in  
substantially the following form:

"NOTICE: You, as the purchaser of this contract, will be  
notified in writing by the insurance company identified in this  
contract when the insurance policy or policies, or annuity or  
annuities, that will fund this contract have been issued. If you  
do not receive the notice within sixty days after the date you  
paid the funds to the seller, you should contact the insurance  
company identified in the contract."

(D) The seller of a preneed funeral contract that is funded 74823  
by the purchase or assignment of one or more insurance policies or 74824  
annuities does not need to include in the contract the information 74825  
described in divisions (C)(2) and (3) of this section if those 74826  
disclosures are provided in the application for a life insurance 74827  
policy or annuity or in the life insurance policy or annuity. 74828

**Sec. 4717.33.** (A) If a preneed funeral contract is funded by 74829  
any means other than an insurance policy or policies, or an 74830  
annuity or annuities, the trustee of the trust created pursuant to 74831  
section 4717.36 of the Revised Code shall notify the purchaser of 74832  
the preneed funeral contract in writing, within fifteen days after 74833  
the trustee receives any payment to be deposited into the trust, 74834  
that the trustee has received payment. The notice shall include 74835  
all of the following information: 74836

(1) The amount the trustee received; 74837

(2) The name and address of the institution described in 74838  
division ~~(B)~~(D) of section 4717.36 of the Revised Code where the 74839  
trust is being held; 74840

(3) The name of the beneficiary of that trust. 74841

(B) If a preneed funeral contract is funded by the purchase 74842  
or assignment of one or more insurance policies or annuities, the 74843  
insurance company shall notify the purchaser of the preneed 74844  
funeral contract in writing within sixty days after the insurance 74845  
company receives an initial premium payment applicable to that 74846  
preneed funeral contract. The notice shall include all of the 74847  
following information that is pertinent to that preneed funeral 74848  
contract: 74849

(1) The amount the insurance company received; 74850

(2) The name and address of the insurance company; 74851

(3) The name of the insured; 74852

(4) The amount of the death benefit; 74853

(5) The policy or contract number of the insurance policy,  
annuity, or contract. 74854  
74855

(C) For purposes of division (B) of this section, delivery of 74856  
an insurance policy, certificate, annuity, or contract to the 74857  
purchaser shall satisfy the notice requirement specified in that 74858  
division. 74859

**Sec. 4717.35.** If a preneed funeral contract contains a 74860  
provision stating that the preneed funeral contract will be funded 74861  
by the purchase of an insurance policy, the insurance agent who 74862  
sold the policy that will fund that preneed funeral contract shall 74863  
require that any payment made by the purchaser be made in the form 74864  
of a check, cashier's check, money order, or debit or credit card, 74865  
payable only to the insurance company. The insurance agent shall 74866  
remit the application for insurance and the premium paid to the 74867  
insurance company designated in the preneed funeral contract 74868  
within the time period specified in division (B)(15) of section 74869  
3905.14 of the Revised Code, unless the purchaser rescinds the 74870  
preneed funeral contract in accordance with division (A) of 74871  
section 4717.34 of the Revised Code. 74872

If the purchaser of a preneed funeral contract that is 74873  
revocable and that is funded by an insurance policy or annuity 74874  
elects to cancel the preneed funeral contract, the purchaser shall 74875  
provide a written notice to the seller and the insurance company 74876  
designated in the contract stating that the purchaser intends to 74877  
cancel that contract. Fifteen days after the purchaser provides 74878  
the notice to the seller of the contract and the insurance 74879  
company, the purchaser may cancel the preneed funeral contract and 74880  
change the beneficiary of the insurance policy or annuity or 74881  
reassign the benefits under the policy or annuity. 74882

The purchaser of a preneed funeral contract that is 74883

irrevocable and that is funded by an insurance policy or annuity 74884  
may transfer the preneed funeral contract to a successor seller by 74885  
notifying the original seller of the designation of a successor 74886  
seller. Within fifteen days after receiving the written notice of 74887  
the designation of the successor seller from the purchaser, the 74888  
original seller shall assign the seller's rights to the proceeds 74889  
of the policy to the successor seller. The insurance company shall 74890  
confirm the change of assignment by providing written notice to 74891  
the policyholder. 74892

**Sec. 4717.36.** (A) This section applies only to preneed 74893  
funeral contracts that are funded by any means other than an 74894  
insurance policy or policies, or an annuity or annuities. 74895

~~One hundred per cent of all payments for funeral goods and 74896  
funeral services made under a preneed funeral contract shall 74897  
remain intact and held in trust in accordance with this section 74898  
for the benefit of the contract beneficiary. No money in a preneed 74899  
funeral contract trust shall be distributed from the trust except 74900  
as provided in this section. Within thirty days after the provider 74901  
of the funeral goods or funeral services receives any payment 74902  
under a preneed funeral contract, the seller of the preneed 74903  
funeral contract shall deliver the moneys received for that 74904  
preneed funeral contract that have not been returned to the 74905  
purchaser as provided in division (A) of section 4717.34 of the 74906  
Revised Code to the trustee designated in the preneed funeral 74907  
contract. No money in a preneed funeral contract trust shall be 74908  
distributed from the trust except as provided in this section. 74909~~

(B) A seller of a preneed funeral contract that stipulates a 74910  
fixed or firm or guaranteed price for funeral services and funeral 74911  
goods to be provided under a preneed funeral contract may charge 74912  
an initial service fee not to exceed ten per cent of the total 74913  
amount of all payments to be paid under the preneed funeral 74914

contract for such guaranteed price funeral services and funeral goods. If the amount to be paid by the purchaser is to be paid in installments, not more than one-half of any payment may be applied to the initial service fee. If the preneed funeral contract is revoked by the purchaser, any portion of the initial service fee that has not been paid under the preneed funeral contract is no longer due and payable to the seller.

(C) All payments made by the purchaser of a preneed funeral contract, except for the initial service fee permitted by division (B) of this section and any applicable sales tax, shall be made in the form of a check, cashier's check, money order, or debit or credit card, payable only to the trustee of the preneed funeral contract trust. Within thirty days of the seller receiving any form of payment made payable to the trustee, the seller shall remit the payment to the trustee unless the purchaser rescinds the preneed funeral contract in accordance with division (A) of section 4717.34 of the Revised Code. The funds deposited with the trustee shall remain intact and held in trust for the contract beneficiary.

(D) The seller shall establish a preneed funeral contract trust at one of the following types of institutions and shall designate that institution as the trustee of the preneed funeral contract trust:

(1) A trust company licensed under Chapter 1111. of the Revised Code;

(2) A national bank, federal savings bank, or federal savings association that pledges securities in accordance with section 1111.04 of the Revised Code;

(3) A credit union authorized to conduct business in this state pursuant to Chapter 1733. of the Revised Code.

~~(C)~~(E) Moneys deposited in a preneed funeral contract trust

fund shall be held and invested in the manner in which trust funds 74946  
are permitted to be held and invested pursuant to Chapter 1111. of 74947  
the Revised Code. 74948

~~(D)~~(F) The seller shall establish a separate preneed funeral 74949  
contract trust for the moneys paid under each preneed funeral 74950  
contract, unless the purchaser or purchasers of a preneed funeral 74951  
contract or contracts authorize the seller to place the moneys 74952  
paid for that contract or those contracts in a combined preneed 74953  
funeral contract trust. The trustee of a combined preneed funeral 74954  
contract trust shall keep exact records of the corpus, income, 74955  
expenses, and disbursements with regard to each purchaser and 74956  
contract beneficiary for whom moneys are held in the trust. The 74957  
terms of a preneed funeral contract trust are governed by this 74958  
section and the payments from that trust are governed by Chapter 74959  
1111. of the Revised Code, except as otherwise provided in this 74960  
section. 74961

A trustee of a preneed funeral contract trust may pay taxes 74962  
and expenses for a preneed funeral contract trust and may charge a 74963  
fee for managing a preneed funeral contract trust. The fee shall 74964  
not exceed the amount regularly or usually charged for similar 74965  
services rendered by the institutions described in division ~~(B)~~(D) 74966  
of this section when serving as a trustee. ~~The taxes, expenses,~~ 74967  
~~and fees shall be paid only from the accumulated income on that~~ 74968  
~~trust.~~ 74969

~~(E)~~(G) If the purchaser of a preneed funeral contract that is 74970  
revocable elects to cancel the contract, the purchaser shall 74971  
provide a written notice to the seller of the contract and the 74972  
trustee of the preneed funeral contract trust stating that the 74973  
purchaser intends to cancel the contract. Fifteen days after the 74974  
purchaser provides that notice to the seller and trustee, the 74975  
purchaser may cancel the contract. Upon canceling a preneed 74976  
funeral contract pursuant to this division, one of the following 74977

shall occur, as applicable: 74978

(1) If the preneed funeral contract does not stipulate a firm 74979  
or fixed or guaranteed price for funeral goods and funeral 74980  
services to be provided under the preneed funeral contract, the 74981  
trustee shall give to the purchaser all of the assets of the trust 74982  
that exist at the time of cancellation, less any fees charged, 74983  
distributions paid, and expenses incurred by the trustee pursuant 74984  
to division ~~(D)~~(F) of this section. 74985

(2) If the preneed funeral contract does stipulate a firm or 74986  
fixed or guaranteed price for funeral goods and funeral services 74987  
to be provided under the contract, the purchaser may request and 74988  
receive from the trustee all of the assets of the trust at the 74989  
time of cancellation, less a cancellation fee that the original 74990  
seller may collect from the trustee that is equal to or less than 74991  
ten per cent of the value of the assets of the trust on the date 74992  
the trust is cancelled, provided, however, that to the extent the 74993  
original seller took an initial service fee as permitted by 74994  
division (B) of this section, the aggregate amount of the 74995  
cancellation fee and less the initial service fee may not exceed 74996  
ten per cent of the value of those assets. In addition to any 74997  
cancellation fee, there may also be deducted any fees charged, 74998  
distributions paid, and expenses incurred by the trustee pursuant 74999  
to division ~~(D)~~(F) of this section. 75000

If more than one purchaser enters into the contract, all of 75001  
those purchasers must request cancellation of the contract for it 75002  
to be effective under this division, and the trustee shall refund 75003  
to each purchaser only those funds that purchaser has paid under 75004  
the contract and any income earned on those funds in an amount 75005  
that is in direct proportion to the amount of funds that purchaser 75006  
paid relative to the total amount of payments deposited in that 75007  
trust, less any fees charged, distributions paid, and expenses 75008  
incurred by the trustee pursuant to division ~~(D)~~(F) of this 75009

section, the amount of which are in direct proportion to the 75010  
amount of funds that purchaser paid relative to the total amount 75011  
of payments deposited in that trust. 75012

~~(F)~~(H) The purchaser of a preneed funeral contract that is 75013  
irrevocable may transfer the preneed funeral contract to a 75014  
successor seller. A purchaser who elects to make such a transfer 75015  
shall provide a written notice of the designation of a successor 75016  
seller to the trustee and the original seller. Within fifteen days 75017  
after receiving the written notice of the new designation from the 75018  
purchaser, the trustee shall list the successor seller as the 75019  
seller of the preneed funeral contract and the original seller 75020  
shall relinquish and transfer all rights under the preneed funeral 75021  
contract to the successor seller. The trustee shall confirm the 75022  
transfer by providing written notice of the transfer to the 75023  
original seller, the successor seller, and the purchaser. If the 75024  
preneed funeral contract stipulates a firm or fixed or guaranteed 75025  
price for the funeral goods and funeral services to be provided 75026  
under the preneed funeral contract, the original seller may 75027  
collect from the trustee a transfer fee from the trust that equals 75028  
up to ten per cent of the value of the assets of the trust on the 75029  
date the trust is transferred, provided, however, that to the 75030  
extent the original seller took an initial service fee as 75031  
permitted by division (B) of this section, the aggregate amount of 75032  
the transfer fee and the initial service fee may not exceed ten 75033  
per cent of the value of those assets. If the preneed funeral 75034  
contract does not stipulate a firm or fixed or guaranteed price 75035  
for funeral goods and funeral services to be provided under the 75036  
preneed funeral contract, no transfer fee shall be collected by 75037  
the original seller. 75038

~~(G)~~(I) If a seller of a preneed funeral contract elects to 75039  
transfer a preneed funeral contract trust from an institution 75040  
listed in divisions ~~(B)~~(D)(1) to (3) of this section to a 75041

different institution, the trustee of the original trust shall 75042  
notify the purchaser of the preneed funeral contract of that 75043  
transfer in writing within thirty days after the transfer occurred 75044  
and shall provide the purchaser with the name of and the contact 75045  
information for the institution where the new trust is maintained. 75046  
Upon receipt of the trust, the trustee of the transferred trust 75047  
shall notify the purchaser of the receipt of the trusts in 75048  
accordance with division (A) of section 4717.33 of the Revised 75049  
Code. 75050

~~(H)~~(J) If a seller receives a notice that the contract 75051  
beneficiary has died and that funeral goods and funeral services 75052  
have been provided by a provider other than the seller, except as 75053  
otherwise specified in this section, the seller shall direct the 75054  
trustee, within thirty days after receiving that notice, to pay to 75055  
the provider that provided the funeral goods and services, if 75056  
still unpaid, or the estate of the contract beneficiary all funds 75057  
held by the trustee, less any fees charged, distributions paid, 75058  
and expenses incurred by the trustee pursuant to division ~~(D)~~(F) 75059  
of this section. In the event the preneed funeral contract 75060  
stipulates a firm or fixed or guaranteed price for funeral goods 75061  
and funeral services that were to be provided under the preneed 75062  
funeral contract, the seller may collect from the trustee a 75063  
cancellation fee not exceeding ten per cent of the value of the 75064  
assets of the trust on the date the trust is transferred, 75065  
provided, however, that to the extent the original seller took an 75066  
initial service fee as permitted by division (B) of this section, 75067  
the aggregate amount of the transfer fee and the initial service 75068  
fee shall not exceed ten per cent of the value of those assets. If 75069  
the preneed funeral trust does not stipulate a firm or fixed or 75070  
guaranteed price for funeral goods and funeral services to be 75071  
provided under the preneed funeral contract, no cancellation fees 75072  
shall be collected by the original seller. 75073

~~(I)~~(K) A certified copy of the certificate of death or other 75074  
evidence of death satisfactory to the trustee shall be furnished 75075  
to the trustee as evidence of death, and the trustee shall 75076  
promptly pay the accumulated payments and income, if any, 75077  
according to the preneed funeral contract. Such payment of the 75078  
accumulated payments and income pursuant to this section and, when 75079  
applicable, the preneed funeral contract, relieves the trustee of 75080  
any further liability on the accumulated payments and income. 75081

**Sec. 4717.41.** (A) There is hereby created the preneed 75082  
recovery fund, which shall be in the custody of the treasurer of 75083  
state but shall not be part of the state treasury. All fees 75084  
collected under division (A)(15) of section 4717.07 of the Revised 75085  
Code shall be deposited into the fund. The fund shall be used to 75086  
reimburse purchasers of preneed funeral contracts who have 75087  
suffered financial loss as a result of the malfeasance, 75088  
misfeasance, default, failure, or insolvency in connection with 75089  
the sale of a preneed funeral contract by any licensee under this 75090  
chapter, regardless of whether the sale of such contract occurred 75091  
before or after the establishment of the fund. The fund, and all 75092  
investment earnings thereon, shall only be used for the purposes 75093  
set forth in this section and shall not be used for any other 75094  
purposes. The fund shall be administered by the board of embalmers 75095  
and funeral directors. 75096

(B) All fees collected under division (A)(15) of section 75097  
4717.07 of the Revised Code shall be deposited into the fund. 75098  
Deposits to and disbursements from the fund account shall be 75099  
subject to rules established by the board. 75100

(C) If at the end of any fiscal year for this state, the 75101  
balance in the fund exceeds two million dollars, the fee required 75102  
by division (A)(15) of section 4717.07 of the Revised Code for the 75103  
upcoming fiscal year shall be reduced by fifty per cent. If the 75104

balance in the fund at the end of a fiscal year exceeds three 75105  
million dollars, the payment of the fee required by division 75106  
(A)(15) of section 4717.07 of the Revised Code shall be suspended 75107  
for the upcoming fiscal year. 75108

(D) The board shall adopt rules governing management of the 75109  
fund, the presentation and processing of applications for 75110  
reimbursement, subrogation, or assignment of the rights of any 75111  
reimbursed applicant. 75112

(E) The board may expend moneys in the fund for the following 75113  
purposes: 75114

(1) To make reimbursements on approved applications; 75115

(2) To purchase insurance to cover losses as considered 75116  
appropriate by the board and not inconsistent with the purposes of 75117  
the fund; 75118

(3) To invest such portions of the fund as are not currently 75119  
needed to reimburse losses and maintain adequate reserves, as are 75120  
permitted to be made by fiduciaries under the laws of this state; 75121

(4) To pay the expenses of the board for administering the 75122  
fund, including employment of local counsel to prosecute 75123  
subrogation claims. 75124

(F) Reimbursements from the fund shall be made only to the 75125  
extent to which those losses are not bonded or otherwise covered, 75126  
protected, or reimbursed and only after the applicant has complied 75127  
with all applicable rules of the board. 75128

(G) The board shall investigate all applications made and may 75129  
reject or allow such claims in whole or in part to the extent that 75130  
moneys are available in the fund. The board shall have complete 75131  
discretion to determine the order and manner of payment of 75132  
approved applications. All payments shall be a matter of privilege 75133  
and not of right, and no person shall have any right in the fund 75134

as a third-party beneficiary or otherwise. No attorney may be 75135  
compensated by the board for prosecuting an application for 75136  
reimbursement. 75137

(H) If reimbursement is made to an applicant under this 75138  
section, the board shall be subrogated in the reimbursement amount 75139  
and may bring any action it considers advisable against any 75140  
person. The board may enforce any claims it may have for 75141  
restitution or otherwise and may employ and compensate 75142  
consultants, agents, legal counsel, accountants, and other persons 75143  
it considers appropriate. 75144

**Sec. 4723.05.** The board of nursing shall appoint an executive 75145  
director, ~~who shall be a registered nurse of this state with at~~ 75146  
~~least five years experience in the practice of nursing as a~~ 75147  
~~registered nurse,~~ shall be a resident of this state during the 75148  
term of appointment, and shall not be a member of the board at the 75149  
time of appointment or during the term of appointment. The board 75150  
shall meet at such times and places as it may direct and provide 75151  
in its rules. The president may call special meetings, and the 75152  
executive director shall call special meetings upon the written 75153  
request of two or more board members. The board shall provide 75154  
itself with a seal. The president and executive director may 75155  
administer oaths. The executive director is the chief 75156  
administrative officer of the board and shall serve as a full time 75157  
employee of the board and shall be entitled to attend all meetings 75158  
of the board except meetings concerning the appointment and terms 75159  
of employment of the executive director. 75160

The term of the executive director shall be one year 75161  
commencing on the first day of January. The executive director 75162  
shall receive necessary expenses in addition to salary. The 75163  
executive director shall give a surety bond to the state in such 75164  
sum as the board requires, and conditioned upon the faithful 75165

performance of the duties of executive director. 75166

The executive director is an appointing authority as defined 75167  
in section 124.01 of the Revised Code, and may appoint such 75168  
nursing education consultants, nursing practice consultants, 75169  
investigative personnel, and any additional employees for 75170  
professional, clerical, and special work necessary to carry out 75171  
the board's functions and with the board's approval, may establish 75172  
standards for the conduct of employees. 75173

**Sec. 4723.09.** (A)(1) An application for licensure by 75174  
examination to practice as a registered nurse or as a licensed 75175  
practical nurse shall be submitted to the board of nursing in the 75176  
form prescribed by rules of the board. The application shall 75177  
include all of the following: 75178

(a) Evidence that the applicant has met the educational 75179  
requirements described in division (C) of this section; 75180

(b) Any other information required by rules of the board; 75181

(c) The application fee required by section 4723.08 of the 75182  
Revised Code. 75183

(2) The board shall grant a license to practice nursing as a 75184  
registered nurse or as a licensed practical nurse if the 75185  
conditions of divisions (A)(2)(a) to (d) have been met: 75186

(a) The applicant passes the examination accepted by the 75187  
board under section 4723.10 of the Revised Code. 75188

(b) In the case of an applicant who entered a prelicensure 75189  
nursing education program on or after June 1, 2003, the results of 75190  
a criminal records check conducted in accordance with section 75191  
4723.091 of the Revised Code demonstrate that the applicant is not 75192  
ineligible for licensure as specified in section 4723.092 of the 75193  
Revised Code. 75194

(c) The board determines that the applicant has not committed 75195

any act that is grounds for disciplinary action under section 75196  
3123.47 or 4723.28 of the Revised Code or determines that an 75197  
applicant who has committed any act that is grounds for 75198  
disciplinary action under either section has made restitution or 75199  
has been rehabilitated, or both. 75200

(d) The applicant is not required to register under Chapter 75201  
2950. of the Revised Code or a substantially similar law of 75202  
another state, the United States, or another country. 75203

(3) The board is not required to afford an adjudication to an 75204  
individual to whom it has refused to grant a license because of 75205  
that individual's failure to pass the examination. 75206

(B)(1) An application for licensure by endorsement to 75207  
practice nursing as a registered nurse or as a licensed practical 75208  
nurse shall be submitted to the board in the form prescribed by 75209  
rules of the board. The application shall include all of the 75210  
following: 75211

(a) Evidence that the applicant holds a current, valid, and 75212  
unrestricted license or equivalent authorization from another 75213  
jurisdiction granted after passing an examination approved by the 75214  
board of that jurisdiction that is equivalent to the examination 75215  
requirements under this chapter for a license to practice nursing 75216  
as a registered nurse or licensed practical nurse; 75217

(b) Any other information required by rules of the board; 75218

(c) The application fee required by section 4723.08 of the 75219  
Revised Code. 75220

(2) The board shall grant a license by endorsement to 75221  
practice nursing as a registered nurse or as a licensed practical 75222  
nurse if the conditions of divisions (B)(2)(a) to (f) have been 75223  
met: 75224

(a) The applicant provides evidence satisfactory to the board 75225

that the applicant has met the educational requirements described 75226  
in division (C) of this section. 75227

(b) The examination, at the time it is successfully 75228  
completed, is equivalent to the examination requirements in effect 75229  
at that time for applicants who were licensed by examination in 75230  
this state. 75231

(c) The board determines there is sufficient evidence that 75232  
the applicant completed two contact hours of continuing education 75233  
directly related to this chapter or the rules adopted under it. 75234

(d) The results of a criminal records check conducted in 75235  
accordance with section 4723.091 of the Revised Code demonstrate 75236  
that the applicant is not ineligible for licensure as specified in 75237  
section 4723.092 of the Revised Code. 75238

(e) The applicant has not committed any act that is grounds 75239  
for disciplinary action under section 3123.47 or 4723.28 of the 75240  
Revised Code, or the board determines that an applicant who has 75241  
committed any act that is grounds for disciplinary action under 75242  
either of those sections has made restitution or has been 75243  
rehabilitated, or both. 75244

(f) The applicant is not required to register under Chapter 75245  
2950. of the Revised Code, or a substantially similar law of 75246  
another state, the United States, or another country. 75247

(C)(1) To be eligible for licensure by examination or 75248  
endorsement, an applicant seeking a license to practice nursing as 75249  
a registered nurse must successfully complete either of the 75250  
following: 75251

(a) A nursing education program approved by the board under 75252  
division (A) of section 4723.06 of the Revised Code; 75253

(b) A nursing education program approved by a board of 75254  
another jurisdiction that is a member of the national council of 75255

state boards of nursing. 75256

(2) To be eligible for licensure by examination or 75257  
endorsement, an applicant seeking a license to practice nursing as 75258  
a licensed practical nurse must successfully complete one of the 75259  
following: 75260

(a) A nursing education program approved by the board under 75261  
division (A) of section 4723.06 of the Revised Code; 75262

(b) A nursing education program approved by a board of 75263  
another jurisdiction that is a member of the national council of 75264  
state boards of nursing; 75265

(c) A practical nurse course offered or approved by the 75266  
United States army; 75267

(d) A practical nurse education program approved by the 75268  
United States air force as either of the following: 75269

(i) The community college of the air force associate degree 75270  
in practical nursing technology; 75271

(ii) The allied health program, for students who graduated 75272  
that program prior to 2016. 75273

(D) The board may grant a nonrenewable temporary permit to 75274  
practice nursing as a registered nurse or as a licensed practical 75275  
nurse to an applicant for license by endorsement if the board is 75276  
satisfied by the evidence that the applicant holds a current, 75277  
valid, and unrestricted license or equivalent authorization from 75278  
another jurisdiction. Subject to earlier automatic termination as 75279  
described in this paragraph, the temporary permit shall expire at 75280  
the earlier of one hundred eighty days after issuance or upon the 75281  
issuance of a license by endorsement. The temporary permit shall 75282  
terminate automatically if the criminal records check completed by 75283  
the bureau of criminal identification and investigation as 75284  
described in section 4723.091 of the Revised Code regarding the 75285

applicant indicates that the applicant is ineligible for licensure 75286  
as specified in section 4723.092 of the Revised Code. An applicant 75287  
whose temporary permit is automatically terminated is permanently 75288  
prohibited from obtaining a license to practice nursing in this 75289  
state as a registered nurse or as a licensed practical nurse. 75290

**Sec. 4723.32.** This chapter does not prohibit any of the 75291  
following: 75292

(A) The practice of nursing by a student currently enrolled 75293  
in and actively pursuing completion of a prelicensure nursing 75294  
education program, if all of the following are the case: 75295

(1) The student is participating in a program located in this 75296  
state and approved by the board of nursing or participating in 75297  
this state in a component of a program located in another 75298  
jurisdiction and approved by a board that is a member of the 75299  
national council of state boards of nursing; 75300

(2) The student's practice is under the auspices of the 75301  
program; 75302

(3) The student acts under the supervision of a registered 75303  
nurse serving for the program as a faculty member or teaching 75304  
assistant. 75305

(B) The rendering of medical assistance to a licensed 75306  
physician, licensed dentist, or licensed podiatrist by a person 75307  
under the direction, supervision, and control of such licensed 75308  
physician, dentist, or podiatrist; 75309

(C) The activities of persons employed as nursing aides, 75310  
attendants, orderlies, or other auxiliary workers in patient 75311  
homes, nurseries, nursing homes, hospitals, home health agencies, 75312  
or other similar institutions; 75313

(D) The provision of nursing services to family members or in 75314  
emergency situations; 75315

(E) The care of the sick when done in connection with the practice of religious tenets of any church and by or for its members;

(F) The practice of nursing as an advanced practice registered nurse by a student currently enrolled in and actively pursuing completion of a program of study leading to initial authorization by the board of nursing to practice nursing as an advanced practice registered nurse in a designated specialty, if all of the following are the case:

(1) The program qualifies the student to sit for the examination of a national certifying organization approved by the board under section 4723.46 of the Revised Code or the program prepares the student to receive a master's or doctoral degree in accordance with division (A)(2) of section 4723.41 of the Revised Code;

(2) The student's practice is under the auspices of the program;

(3) The student acts under the supervision of an advanced practice registered nurse serving for the program as a faculty member, teaching assistant, or preceptor.

(G) The activities of an individual who currently holds a license to practice nursing or equivalent authorization from another jurisdiction, if the individual's authority to practice has not been revoked, the individual is not currently under suspension or on probation, the individual does not represent the individual as being licensed under this chapter, and one of the following is the case:

(1) The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract with the United States government or any agency thereof;

(2) The individual is engaging in the practice of nursing as

an employee of an individual, agency, or corporation located in 75347  
the other jurisdiction in a position with employment 75348  
responsibilities that include transporting patients into, out of, 75349  
or through this state, as long as each trip in this state does not 75350  
exceed seventy-two hours; 75351

(3) The individual is consulting with an individual licensed 75352  
in this state to practice any health-related profession; 75353

(4) The individual is engaging in activities associated with 75354  
teaching in this state as a guest lecturer at or for a nursing 75355  
education program, continuing nursing education program, or 75356  
in-service presentation; 75357

(5) The individual is conducting evaluations of nursing care 75358  
that are undertaken on behalf of an accrediting organization, 75359  
including the national league for nursing accrediting committee, 75360  
the joint commission on accreditation of healthcare organizations, 75361  
or any other nationally recognized accrediting organization; 75362

(6) The individual is providing nursing care to an individual 75363  
who is in this state on a temporary basis, not to exceed six 75364  
months in any one calendar year, if the nurse is directly employed 75365  
by or under contract with the individual or a guardian or other 75366  
person acting on the individual's behalf; 75367

(7) The individual is providing nursing care during any 75368  
disaster, natural or otherwise, that has been officially declared 75369  
to be a disaster by a public announcement issued by an appropriate 75370  
federal, state, county, or municipal official; 75371

(8) The individual is providing nursing care at a 75372  
free-of-charge camp accredited by the SeriousFun children's 75373  
network that specializes in providing therapeutic recreation, as 75374  
defined in section 2305.231 of the Revised Code, for individuals 75375  
with chronic diseases, if all of the following are the case: 75376

(a) The individual provides documentation to the medical 75377

director of the camp that the individual holds a current, valid license to practice nursing or equivalent authorization from another jurisdiction. 75378  
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(b) The individual provides nursing care only at the camp or in connection with camp events or activities that occur off the grounds of the camp. 75381  
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(c) The individual is not compensated for the individual's services. 75384  
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(d) The individual provides nursing care within this state for not more than thirty days per calendar year. 75386  
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(e) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with Chapter 4731. of the Revised Code. 75388  
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75390

(H) The administration of medication by an individual who holds a valid medication aide certificate issued under this chapter, if the medication is administered to a resident of a nursing home, residential care facility, or ICF/IID authorized by section 4723.64 of the Revised Code to use a certified medication aide and the medication is administered in accordance with section 4723.67 of the Revised Code. 75391  
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**Sec. 4723.50.** (A) As used in this section: 75398

(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 75399  
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 75401  
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(B) In accordance with Chapter 119. of the Revised Code, the board of nursing shall adopt rules as necessary to implement the provisions of this chapter pertaining to the authority of advanced practice registered nurses who are designated as clinical nurse specialists, certified nurse-midwives, and certified nurse 75403  
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practitioners to prescribe and furnish drugs and therapeutic devices. 75408  
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The board shall adopt rules that are consistent with a 75410  
recommended exclusionary formulary the board receives from the 75411  
committee on prescriptive governance pursuant to section 4723.492 75412  
of the Revised Code. After reviewing a formulary submitted by the 75413  
committee, the board may either adopt the formulary as a rule or 75414  
ask the committee to reconsider and resubmit the formulary. The 75415  
board shall not adopt any rule that does not conform to a 75416  
formulary developed by the committee. 75417

The exclusionary formulary shall permit, in a manner 75418  
consistent with section 4723.481 of the Revised Code, the 75419  
prescribing of controlled substances, ~~as defined in section~~ 75420  
~~3719.01 of the Revised Code, in a manner consistent with section~~ 75421  
~~4723.481 of the Revised Code~~ including drugs that contain 75422  
buprenorphine used in medication-assisted treatment and both oral 75423  
and long-acting opioid antagonists. The formulary shall not permit 75424  
the prescribing or furnishing of any of the following: 75425

(1) A drug or device to perform or induce an abortion; 75426

(2) A drug or device prohibited by federal or state law. 75427

~~(B)~~(C) In addition to the rules described in division ~~(A)~~(B) 75428  
of this section, the board shall adopt rules under this section 75429  
that do the following: 75430

(1) Establish standards for board approval of the course of 75431  
study in advanced pharmacology and related topics required by 75432  
section 4723.482 of the Revised Code; 75433

(2) Establish requirements for board approval of the two-hour 75434  
course of instruction in the laws of this state as required under 75435  
division (C)(1) of section 4723.482 of the Revised Code and 75436  
division (B)(2) of section 4723.484 of the Revised Code; 75437

(3) Establish criteria for the components of the standard care arrangements described in section 4723.431 of the Revised Code that apply to the authority to prescribe, including the components that apply to the authority to prescribe schedule II controlled substances. The rules shall be consistent with that section and include all of the following:

(a) Quality assurance standards;

(b) Standards for periodic review by a collaborating physician or podiatrist of the records of patients treated by the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner;

(c) Acceptable travel time between the location at which the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is engaging in the prescribing components of the nurse's practice and the location of the nurse's collaborating physician or podiatrist;

(d) Any other criteria recommended by the committee on prescriptive governance.

**Sec. 4723.51.** (A) As used in this section:

(1) "Controlled substance," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.

(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(B) The board of nursing shall adopt rules establishing standards and procedures to be followed by advanced practice registered nurses in the use of all drugs approved by the United States food and drug administration for use in medication-assisted treatment, including controlled substances in schedule III, IV, or V. The rules shall address detoxification, relapse prevention,

patient assessment, individual treatment planning, counseling and 75468  
recovery supports, diversion control, and other topics selected by 75469  
the board after considering best practices in medication-assisted 75470  
treatment. 75471

The board may apply the rules to all circumstances in which 75472  
an advanced practice registered nurse prescribes drugs for use in 75473  
medication-assisted treatment or limit the application of the 75474  
rules to prescriptions for medication-assisted treatment issued 75475  
for patients being treated in office-based practices or other 75476  
practice types or locations specified by the board. 75477

(C) All rules adopted under this section shall be adopted in 75478  
accordance with Chapter 119. of the Revised Code. The rules shall 75479  
be consistent with rules adopted under sections 4730.55 and 75480  
4731.056 of the Revised Code. 75481

**Sec. 4723.52. (A) As used in this section:** 75482

(1) "Community addiction services provider" has the same 75483  
meaning as in section 5119.01 of the Revised Code. 75484

(2) "Medication-assisted treatment" has the same meaning as 75485  
in section 340.01 of the Revised Code. 75486

(B) An advanced practice registered nurse shall comply with 75487  
section 3715.08 of the Revised Code and rules adopted under 75488  
section 4723.51 of the Revised Code when treating a patient for 75489  
addiction with medication-assisted treatment or proposing to 75490  
initiate such treatment. 75491

(C) An advanced practice registered nurse who fails to comply 75492  
with this section shall treat not more than thirty patients at any 75493  
one time with medication-assisted treatment even if the facility 75494  
or location at which the treatment is provided is either of the 75495  
following: 75496

(1) Exempted by divisions (B)(2)(a) to (d) of section 75497

4729.553 of the Revised Code from being required to possess a 75498  
category III terminal distributor of dangerous drugs license with 75499  
an office-based opioid treatment classification; 75500

(2) A community addiction services provider that provides 75501  
alcohol and drug addiction services that are certified by the 75502  
department of mental health and addiction services under section 75503  
5119.36 of the Revised Code. 75504

**Sec. 4729.01.** As used in this chapter: 75505

(A) "Pharmacy," except when used in a context that refers to 75506  
the practice of pharmacy, means any area, room, rooms, place of 75507  
business, department, or portion of any of the foregoing where the 75508  
practice of pharmacy is conducted. 75509

(B) "Practice of pharmacy" means providing pharmacist care 75510  
requiring specialized knowledge, judgment, and skill derived from 75511  
the principles of biological, chemical, behavioral, social, 75512  
pharmaceutical, and clinical sciences. As used in this division, 75513  
"pharmacist care" includes the following: 75514

(1) Interpreting prescriptions; 75515

(2) Dispensing drugs and drug therapy related devices; 75516

(3) Compounding drugs; 75517

(4) Counseling individuals with regard to their drug therapy, 75518  
recommending drug therapy related devices, and assisting in the 75519  
selection of drugs and appliances for treatment of common diseases 75520  
and injuries and providing instruction in the proper use of the 75521  
drugs and appliances; 75522

(5) Performing drug regimen reviews with individuals by 75523  
discussing all of the drugs that the individual is taking and 75524  
explaining the interactions of the drugs; 75525

(6) Performing drug utilization reviews with licensed health 75526

professionals authorized to prescribe drugs when the pharmacist	75527
determines that an individual with a prescription has a drug	75528
regimen that warrants additional discussion with the prescriber;	75529
(7) Advising an individual and the health care professionals	75530
treating an individual with regard to the individual's drug	75531
therapy;	75532
(8) Acting pursuant to a consult agreement with one or more	75533
physicians authorized under Chapter 4731. of the Revised Code to	75534
practice medicine and surgery or osteopathic medicine and surgery,	75535
if an agreement has been established;	75536
(9) Engaging in the administration of immunizations to the	75537
extent authorized by section 4729.41 of the Revised Code;	75538
(10) Engaging in the administration of drugs to the extent	75539
authorized by section 4729.45 of the Revised Code.	75540
(C) "Compounding" means the preparation, mixing, assembling,	75541
packaging, and labeling of one or more drugs in any of the	75542
following circumstances:	75543
(1) Pursuant to a prescription issued by a licensed health	75544
professional authorized to prescribe drugs;	75545
(2) Pursuant to the modification of a prescription made in	75546
accordance with a consult agreement;	75547
(3) As an incident to research, teaching activities, or	75548
chemical analysis;	75549
(4) In anticipation of orders for drugs pursuant to	75550
prescriptions, based on routine, regularly observed dispensing	75551
patterns;	75552
(5) Pursuant to a request made by a licensed health	75553
professional authorized to prescribe drugs for a drug that is to	75554
be used by the professional for the purpose of direct	75555
administration to patients in the course of the professional's	75556

practice, if all of the following apply: 75557

(a) At the time the request is made, the drug is not 75558  
commercially available regardless of the reason that the drug is 75559  
not available, including the absence of a manufacturer for the 75560  
drug or the lack of a readily available supply of the drug from a 75561  
manufacturer. 75562

(b) A limited quantity of the drug is compounded and provided 75563  
to the professional. 75564

(c) The drug is compounded and provided to the professional 75565  
as an occasional exception to the normal practice of dispensing 75566  
drugs pursuant to patient-specific prescriptions. 75567

(D) "Consult agreement" means an agreement that has been 75568  
entered into under section 4729.39 of the Revised Code. 75569

(E) "Drug" means: 75570

(1) Any article recognized in the United States pharmacopoeia 75571  
and national formulary, or any supplement to them, intended for 75572  
use in the diagnosis, cure, mitigation, treatment, or prevention 75573  
of disease in humans or animals; 75574

(2) Any other article intended for use in the diagnosis, 75575  
cure, mitigation, treatment, or prevention of disease in humans or 75576  
animals; 75577

(3) Any article, other than food, intended to affect the 75578  
structure or any function of the body of humans or animals; 75579

(4) Any article intended for use as a component of any 75580  
article specified in division (E)(1), (2), or (3) of this section; 75581  
but does not include devices or their components, parts, or 75582  
accessories. 75583

(F) "Dangerous drug" means any of the following: 75584

(1) Any drug to which either of the following applies: 75585

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Prescription" means all of the following:

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;

(2) For purposes of sections 2925.61, 4723.488, 4729.44, 4730.431, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.

(3) For purposes of sections 4723.4810, 4729.282, 4730.432, 75616  
and 4731.93 of the Revised Code, a written, electronic, or oral 75617  
order for a drug to treat chlamydia, gonorrhea, or trichomoniasis 75618  
issued to and in the name of a patient who is not the intended 75619  
user of the drug but is the sexual partner of the intended user; 75620

(4) For purposes of sections 3313.7110, 3313.7111, 3314.143, 75621  
3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 75622  
5101.76 of the Revised Code, a written, electronic, or oral order 75623  
for an epinephrine autoinjector issued to and in the name of a 75624  
school, school district, or camp; 75625

(5) For purposes of Chapter 3728. and sections 4723.483, 75626  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 75627  
electronic, or oral order for an epinephrine autoinjector issued 75628  
to and in the name of a qualified entity, as defined in section 75629  
3728.01 of the Revised Code. 75630

(I) "Licensed health professional authorized to prescribe 75631  
drugs" or "prescriber" means an individual who is authorized by 75632  
law to prescribe drugs or dangerous drugs or drug therapy related 75633  
devices in the course of the individual's professional practice, 75634  
including only the following: 75635

(1) A dentist licensed under Chapter 4715. of the Revised 75636  
Code; 75637

(2) A clinical nurse specialist, certified nurse-midwife, or 75638  
certified nurse practitioner who holds a current, valid license to 75639  
practice nursing as an advanced practice registered nurse issued 75640  
under Chapter 4723. of the Revised Code; 75641

(3) An optometrist licensed under Chapter 4725. of the 75642  
Revised Code to practice optometry under a therapeutic 75643  
pharmaceutical agents certificate; 75644

(4) A physician authorized under Chapter 4731. of the Revised 75645  
Code to practice medicine and surgery, osteopathic medicine and 75646

surgery, or podiatric medicine and surgery; 75647

(5) A physician assistant who holds a license to practice as 75648  
a physician assistant issued under Chapter 4730. of the Revised 75649  
Code, holds a valid prescriber number issued by the state medical 75650  
board, and has been granted physician-delegated prescriptive 75651  
authority; 75652

(6) A veterinarian licensed under Chapter 4741. of the 75653  
Revised Code. 75654

(J) "Sale" ~~and or~~ "sell" ~~include delivery, transfer, barter,~~ 75655  
~~exchange, or gift, or offer therefor, and each such~~ includes any 75656  
transaction made by any person, whether as principal proprietor, 75657  
agent, or employee, to do or offer to do any of the following: 75658  
deliver, distribute, broker, exchange, gift or otherwise give 75659  
away, or transfer, whether the transfer is by passage of title, 75660  
physical movement, or both. 75661

(K) "Wholesale sale" and "sale at wholesale" mean any sale in 75662  
which the purpose of the purchaser is to resell the article 75663  
purchased or received by the purchaser. 75664

(L) "Retail sale" and "sale at retail" mean any sale other 75665  
than a wholesale sale or sale at wholesale. 75666

(M) "Retail seller" means any person that sells any dangerous 75667  
drug to consumers without assuming control over and responsibility 75668  
for its administration. Mere advice or instructions regarding 75669  
administration do not constitute control or establish 75670  
responsibility. 75671

(N) "Price information" means the price charged for a 75672  
prescription for a particular drug product and, in an easily 75673  
understandable manner, all of the following: 75674

(1) The proprietary name of the drug product; 75675

(2) The established (generic) name of the drug product; 75676

(3) The strength of the drug product if the product contains 75677  
a single active ingredient or if the drug product contains more 75678  
than one active ingredient and a relevant strength can be 75679  
associated with the product without indicating each active 75680  
ingredient. The established name and quantity of each active 75681  
ingredient are required if such a relevant strength cannot be so 75682  
associated with a drug product containing more than one 75683  
ingredient. 75684

(4) The dosage form; 75685

(5) The price charged for a specific quantity of the drug 75686  
product. The stated price shall include all charges to the 75687  
consumer, including, but not limited to, the cost of the drug 75688  
product, professional fees, handling fees, if any, and a statement 75689  
identifying professional services routinely furnished by the 75690  
pharmacy. Any mailing fees and delivery fees may be stated 75691  
separately without repetition. The information shall not be false 75692  
or misleading. 75693

(O) "Wholesale distributor of dangerous drugs" or "wholesale 75694  
distributor" means a person engaged in the sale of dangerous drugs 75695  
at wholesale and includes any agent or employee of such a person 75696  
authorized by the person to engage in the sale of dangerous drugs 75697  
at wholesale. 75698

(P) "Manufacturer of dangerous drugs" or "manufacturer" means 75699  
a person, other than a pharmacist or prescriber, who manufactures 75700  
dangerous drugs and who is engaged in the sale of those dangerous 75701  
drugs ~~within this state~~. 75702

(Q) "Terminal distributor of dangerous drugs" or "terminal 75703  
distributor" means a person who is engaged in the sale of 75704  
dangerous drugs at retail, or any person, other than a 75705  
manufacturer, repackager, outsourcing facility, third-party 75706  
logistics provider, wholesale distributor, or a pharmacist, who 75707

has possession, custody, or control of dangerous drugs for any 75708  
purpose other than for that person's own use and consumption,~~and,~~ 75709  
"Terminal distributor" includes pharmacies, hospitals, nursing 75710  
homes, and laboratories and all other persons who procure 75711  
dangerous drugs for sale or other distribution by or under the 75712  
supervision of a pharmacist or licensed health professional 75713  
authorized to prescribe drugs. 75714

(R) "Promote to the public" means disseminating a 75715  
representation to the public in any manner or by any means, other 75716  
than by labeling, for the purpose of inducing, or that is likely 75717  
to induce, directly or indirectly, the purchase of a dangerous 75718  
drug at retail. 75719

(S) "Person" includes any individual, partnership, 75720  
association, limited liability company, or corporation, the state, 75721  
any political subdivision of the state, and any district, 75722  
department, or agency of the state or its political subdivisions. 75723

(T) "Animal shelter" means a facility operated by a humane 75724  
society or any society organized under Chapter 1717. of the 75725  
Revised Code or a dog pound operated pursuant to Chapter 955. of 75726  
the Revised Code. 75727

(U) "Food" has the same meaning as in section 3715.01 of the 75728  
Revised Code. 75729

(V) "Pain management clinic" has the same meaning as in 75730  
section 4731.054 of the Revised Code. 75731

(W) "Investigational drug or product" means a drug or product 75732  
that has successfully completed phase one of the United States 75733  
food and drug administration clinical trials and remains under 75734  
clinical trial, but has not been approved for general use by the 75735  
United States food and drug administration. "Investigational drug 75736  
or product" does not include controlled substances in schedule I, 75737  
as established pursuant to section 3719.41 of the Revised Code, 75738

and as amended. 75739

(X) "Product," when used in reference to an investigational 75740  
drug or product, means a biological product, other than a drug, 75741  
that is made from a natural human, animal, or microorganism source 75742  
and is intended to treat a disease or medical condition. 75743

(Y) "Third-party logistics provider" means a person that 75744  
provides or coordinates warehousing or other logistics services 75745  
pertaining to dangerous drugs including distribution, on behalf of 75746  
a manufacturer, wholesale distributor, or terminal distributor of 75747  
dangerous drugs, but does not take ownership of the drugs or have 75748  
responsibility to direct the sale or disposition of the drugs. 75749

(Z) "Repackager of dangerous drugs" or "repackager" means a 75750  
person that repacks and relabels dangerous drugs for sale or 75751  
distribution. 75752

(AA) "Outsourcing facility" means a facility that is engaged 75753  
in the compounding and sale of sterile drugs and is registered as 75754  
an outsourcing facility with the United States food and drug 75755  
administration. 75756

**Sec. 4729.06.** The state board of pharmacy shall keep a record 75757  
of its proceedings and a register of all ~~identification cards,~~ 75758  
licenses, and registrations that have been granted, together with 75759  
each renewal and suspension or revocation of ~~an identification~~ 75760  
~~card,~~ a license, or registration. The books and registers of the 75761  
board shall be prima-facie evidence of the matters therein 75762  
recorded. The books and registers may be in electronic format. 75763

The president and executive director of the board may 75764  
administer oaths. 75765  
75766

A statement signed by the executive director to which is 75767  
affixed the official seal of the board to the effect that it 75768

appears from the records of the board that the board has not 75769  
issued ~~an identification card~~, a license, or registration to the 75770  
person specified in the statement, or that ~~an identification card~~, 75771  
a license, or registration, if issued, has been revoked or 75772  
suspended, or the holder has been subjected to disciplinary action 75773  
by the board shall be received as prima-facie evidence of the 75774  
record of the board in any court or before any officer of this 75775  
state. 75776

**Sec. 4729.08.** Every applicant for examination and licensure 75777  
as a pharmacist shall: 75778

(A) Be at least eighteen years of age; 75779

(B) Be of good moral character ~~and habits~~, as defined in 75780  
rules adopted by the state board of pharmacy under section 4729.26 75781  
of the Revised Code; 75782

(C) Have obtained a degree in pharmacy from a program that 75783  
has been recognized and approved by the state board of pharmacy, 75784  
except that graduates of schools or colleges of pharmacy that are 75785  
located outside the United States and have not demonstrated that 75786  
the standards of their programs are at least equivalent to 75787  
programs recognized and approved by the board shall be required to 75788  
pass an equivalency examination recognized and approved by the 75789  
board and to establish written and oral proficiency in English. 75790

(D) Have satisfactorily completed at least the minimum 75791  
requirements for pharmacy internship as outlined by the board. 75792

If the board is satisfied that the applicant meets the 75793  
foregoing requirements and if the applicant passes the examination 75794  
required under section 4729.07 of the Revised Code, the board 75795  
shall issue to the applicant a license ~~and an identification card~~ 75796  
authorizing the individual to practice pharmacy. 75797

**Sec. 4729.09.** The state board of pharmacy may license an 75798

individual as a pharmacist without examination ~~and issue an~~ 75799  
~~identification card to the pharmacist~~ if the individual: 75800

(A) Holds a license in good standing to practice pharmacy 75801  
under the laws of another state, has successfully completed an 75802  
examination for licensure in the other state, and in the opinion 75803  
of the board, the examination was at least as thorough as that 75804  
required by the board at the time the individual took the 75805  
examination; 75806

(B) Is of good moral character ~~and habit,~~ as defined in rules 75807  
adopted by the board under section 4729.26 of the Revised Code; 75808

(C) Has filed with the licensing body of the other state at 75809  
least the credentials or the equivalent that were required by this 75810  
state at the time the other state licensed the individual ~~was~~ 75811  
~~licensed~~ as a pharmacist. 75812

The board shall not issue ~~any identification card or a~~ 75813  
license to practice pharmacy to an individual licensed in another 75814  
state if the state in which the individual is licensed does not 75815  
reciprocate by granting licenses to practice pharmacy to ~~persons~~ 75816  
individuals holding valid licenses received through examination by 75817  
the state board of pharmacy. 75818

**Sec. 4729.11.** The state board of pharmacy shall establish a 75819  
pharmacy internship program for the purpose of providing the 75820  
practical experience necessary to practice as a pharmacist. Any 75821  
individual who desires to become a pharmacy intern shall apply for 75822  
licensure to the board. An application filed under this section 75823  
may not be withdrawn without the approval of the board. 75824

Each applicant shall be issued ~~an identification card and a~~ 75825  
license as a pharmacy intern if ~~in the opinion of~~ the board 75826  
determines that the applicant is actively pursuing an educational 75827  
program in preparation for licensure as a pharmacist and meets the 75828

other requirements as determined by the board. ~~An identification~~ 75829  
~~card and~~ A license shall be valid until the next ~~annual~~ renewal 75830  
date and shall be renewed only if the intern is meeting the 75831  
requirements and rules of the board. 75832

~~The state board of pharmacy may appoint a director of~~ 75833  
~~pharmacy internship who is a licensed pharmacist and who is not~~ 75834  
~~directly or indirectly connected with a school or college of~~ 75835  
~~pharmacy or department of pharmacy of a university. The director~~ 75836  
~~of pharmacy internship shall be responsible to the board for the~~ 75837  
~~operation and direction of the pharmacy internship program~~ 75838  
~~established by the board under this section, and for such other~~ 75839  
~~duties as the board may assign.~~ 75840

**Sec. 4729.12.** ~~An identification card~~ A license issued by the 75841  
state board of pharmacy under section 4729.08 ~~or 4729.11~~ of the 75842  
Revised Code entitles the individual to whom it is issued to 75843  
practice as a pharmacist or as a pharmacy intern in this state 75844  
until the next ~~annual~~ renewal date. 75845

~~Identification cards~~ Licenses shall be renewed ~~annually on~~ 75846  
~~the fifteenth day of September,~~ according to the standard renewal 75847  
procedure of Chapter 4745. of the Revised Code and rules adopted 75848  
by the board under section 4729.26 of the Revised Code. Licenses 75849  
are valid for the period specified in the rules, unless earlier 75850  
revoked or suspended by the board. The period shall not exceed 75851  
twenty-four months unless the board extends the period in the 75852  
rules to adjust license renewal schedules. 75853

~~Each pharmacist and pharmacy intern shall carry the~~ 75854  
~~identification card or renewal identification card while engaged~~ 75855  
~~in the practice of pharmacy. The license shall be conspicuously~~ 75856  
~~exposed at the principal place where the pharmacist or pharmacy~~ 75857  
~~intern practices pharmacy.~~ 75858

A pharmacist or pharmacy intern who desires to continue in 75859

the practice of pharmacy shall file with the board an application 75860  
in such form and containing such data as the board may require for 75861  
renewal of ~~an identification card~~ a license. In the case of a 75862  
pharmacist who dispenses or plans to dispense controlled 75863  
substances in this state, the pharmacist shall certify, as part of 75864  
the application, that the pharmacist has been granted access to 75865  
the drug database established and maintained by the board pursuant 75866  
to section 4729.75 of the Revised Code, unless the board has 75867  
restricted the pharmacist from obtaining further information from 75868  
the database or the board no longer maintains the database. If the 75869  
pharmacist certifies to the board that the applicant has been 75870  
granted access to the drug database and the board finds through an 75871  
audit or other means that the pharmacist has not been granted 75872  
access, the board may take action under section 4729.16 of the 75873  
Revised Code. 75874

An application filed under this section for renewal of ~~an~~ 75875  
~~identification card~~ a license may not be withdrawn without the 75876  
approval of the board. 75877

If the board finds that an applicant's ~~identification card~~ 75878  
license has not been revoked or placed under suspension and that 75879  
the applicant has paid the renewal fee, has continued pharmacy 75880  
education in accordance with the rules of the board, and is 75881  
entitled to continue in the practice of pharmacy, the board shall 75882  
~~issue a renewal identification card to the applicant~~ renew the 75883  
applicant's license. 75884

When ~~an identification card~~ a license has ~~lapsed for more~~ 75885  
~~than sixty days~~ expired but an application is made within three 75886  
years after the expiration of the ~~card~~ license, the ~~applicant~~ 75887  
applicant's license shall be ~~issued a renewal identification card~~ 75888  
renewed without further examination if the applicant meets the 75889  
requirements of this section and pays the fee designated under 75890  
division (A)(5) of section 4729.15 of the Revised Code. 75891

A pharmacist or pharmacy intern who fails to renew the 75892  
pharmacist's or intern's license by the renewal date prescribed by 75893  
the board shall not engage in the practice of pharmacy until a 75894  
valid license is issued by the board. 75895

**Sec. 4729.13.** A pharmacist who fails to make application to 75896  
the state board of pharmacy for a ~~renewal-identification-card~~ 75897  
license renewal within a period of three years from the expiration 75898  
of the ~~identification-card~~ license must pass an examination for 75899  
registration licensure and comply with sections 4776.01 to 4776.04 75900  
of the Revised Code; except that a pharmacist whose ~~registration~~ 75901  
license has expired, but who has continually practiced pharmacy in 75902  
another state under a license issued by the authority of that 75903  
state, may obtain a ~~renewal-identification-card~~ renewed license 75904  
upon payment to the executive director of the board the fee 75905  
designated under division (A)(6) of section 4729.15 of the Revised 75906  
Code. 75907

**Sec. 4729.15.** (A) Except as provided in division (B) of this 75908  
section, the state board of pharmacy shall charge the following 75909  
fees: 75910

(1) For applying for a license to practice as a pharmacist, 75911  
an amount adequate to cover all ~~rentals, compensation for~~ 75912  
~~proctors, and other~~ expenses of the board related to examination 75913  
except the expenses of procuring and grading the examination, 75914  
which fee shall not be returned if the applicant fails to pass the 75915  
examination; 75916

(2) For the examination of an applicant for licensure as a 75917  
pharmacist, an amount adequate to cover any expenses to the board 75918  
of procuring and grading the examination or any part thereof, 75919  
which fee shall not be returned if the applicant fails to pass the 75920  
examination; 75921

(3) For issuing a license ~~and an identification card~~ to an individual who passes the examination described in section 4729.07 of the Revised Code, an amount that is adequate to cover the expense;

(4) For a pharmacist applying for renewal of ~~an identification card within sixty days after~~ a license before the expiration date, ~~ninety-seven~~ two hundred fifty dollars ~~and fifty cents~~, which fee shall not be returned if the applicant fails to qualify for renewal;

(5) For a pharmacist applying for renewal of ~~an identification card~~ a license that has ~~lapsed~~ been expired for more than sixty days, but for less than three years, ~~one hundred thirty-five dollars~~ the renewal fee identified in division (A)(4) of this section plus a penalty of thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal;

(6) For a pharmacist applying for renewal of ~~an identification card~~ a license that has ~~lapsed~~ been expired for more than three years, three hundred thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal;

(7) For a pharmacist applying for a license ~~and identification card~~, on presentation of a pharmacist license granted by another state, three hundred thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for licensure.

(8) For a license ~~and identification card~~ to practice as a pharmacy intern, ~~twenty-two~~ forty-five dollars ~~and fifty cents~~, which fee shall not be returned if the applicant fails to qualify for licensure;

(9) For the renewal of a pharmacy intern ~~identification card~~

~~license, twenty two forty-five dollars and fifty cents, which fee~~ 75953  
shall not be returned if the applicant fails to qualify for 75954  
renewal; 75955

~~(10) For issuing a replacement license to a pharmacist,~~ 75956  
~~twenty two dollars and fifty cents;~~ 75957

~~(11) For issuing a replacement license to a pharmacy intern,~~ 75958  
~~seven dollars and fifty cents;~~ 75959

~~(12) For issuing a replacement identification card to a~~ 75960  
~~pharmacist, thirty seven dollars and fifty cents, or pharmacy~~ 75961  
~~intern, seven dollars and fifty cents;~~ 75962

~~(13) For certifying licensure and grades for reciprocal~~ 75963  
licensure, ~~ten~~ thirty-five dollars; 75964

~~(14)~~(11) For making copies of any application, affidavit, or 75965  
other document filed in the state board of pharmacy office, an 75966  
amount fixed by the board that is adequate to cover the expense, 75967  
except that for copies required by federal or state agencies or 75968  
law enforcement officers for official purposes, no charge need be 75969  
made; 75970

~~(15)~~(12) For certifying and affixing the seal of the board, 75971  
an amount fixed by the board that is adequate to cover the 75972  
expense, except that for certifying and affixing the seal of the 75973  
board to a document required by federal or state agencies or law 75974  
enforcement officers for official purposes, no charge need be 75975  
made; 75976

~~(16)~~(13) For each copy of a book or pamphlet that includes 75977  
laws administered by the state board of pharmacy, rules adopted by 75978  
the board, and chapters of the Revised Code with which the board 75979  
is required to comply, an amount fixed by the board that is 75980  
adequate to cover the expense of publishing and furnishing the 75981  
book or pamphlet. 75982

(B)(1) Subject to division (B)(2) of this section, the fees 75983  
described in divisions (A)(1) to ~~(13)~~(10) of this section do not 75984  
apply to an individual who is on active duty in the armed forces 75985  
of the United States, as defined in section 5903.01 of the Revised 75986  
Code, to the spouse of an individual who is on active duty in the 75987  
armed forces of the United States, or to an individual who served 75988  
in the armed forces of the United States and presents ~~a valid copy~~ 75989  
~~of the individual's DD-214 form or an equivalent document issued~~ 75990  
~~by the United States department of defense indicating that the~~ 75991  
~~individual is an honorably discharged veteran~~ documentation that 75992  
the individual has been discharged under honorable conditions from 75993  
the armed forces or has been transferred to the reserve with 75994  
evidence of satisfactory service. 75995

(2) The state board of pharmacy may establish limits with 75996  
respect to the individuals for whom fees are not applicable under 75997  
division (B)(1) of this section. 75998

**Sec. 4729.16.** (A)(1) The state board of pharmacy, after 75999  
notice and hearing in accordance with Chapter 119. of the Revised 76000  
Code, may impose any one or more of the following sanctions on a 76001  
pharmacist or pharmacy intern if the board finds the individual 76002  
engaged in any of the conduct set forth in division (A)(2) of this 76003  
section: 76004

(a) Revoke, suspend, restrict, limit, or refuse to grant or 76005  
renew a license; 76006

(b) Reprimand or place the license holder on probation; 76007

(c) Impose a monetary penalty or forfeiture not to exceed in 76008  
severity any fine designated under the Revised Code for a similar 76009  
offense, or in the case of a violation of a section of the Revised 76010  
Code that does not bear a penalty, a monetary penalty or 76011  
forfeiture of not more than five hundred dollars. 76012

(2) The board may impose the sanctions listed in division	76013
(A)(1) of this section if the board finds a pharmacist or pharmacy	76014
intern:	76015
(a) Has been convicted of a felony, or a crime of moral	76016
turpitude, as defined in section 4776.10 of the Revised Code;	76017
(b) Engaged in dishonesty or unprofessional conduct in the	76018
practice of pharmacy;	76019
(c) Is addicted to or abusing alcohol or drugs or is impaired	76020
physically or mentally to such a degree as to render the	76021
pharmacist or pharmacy intern unfit to practice pharmacy;	76022
(d) Has been convicted of a misdemeanor related to, or	76023
committed in, the practice of pharmacy;	76024
(e) Violated, conspired to violate, attempted to violate, or	76025
aided and abetted the violation of any of the provisions of this	76026
chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter	76027
2925. or 3719. of the Revised Code, or any rule adopted by the	76028
board under those provisions;	76029
(f) Permitted someone other than a pharmacist or pharmacy	76030
intern to practice pharmacy;	76031
(g) Knowingly lent the pharmacist's or pharmacy intern's name	76032
to an illegal practitioner of pharmacy or had a professional	76033
connection with an illegal practitioner of pharmacy;	76034
(h) Divided or agreed to divide remuneration made in the	76035
practice of pharmacy with any other individual, including, but not	76036
limited to, any licensed health professional authorized to	76037
prescribe drugs or any owner, manager, or employee of a health	76038
care facility, residential care facility, or nursing home;	76039
(i) Violated the terms of a consult agreement entered into	76040
pursuant to section 4729.39 of the Revised Code;	76041
(j) Committed fraud, misrepresentation, or deception in	76042

applying for or securing a license ~~or identification card~~ issued 76043  
by the board under this chapter or under Chapter 3715. or 3719. of 76044  
the Revised Code; 76045

(k) Failed to comply with an order of the board or a 76046  
settlement agreement; 76047

(l) Engaged in any other conduct for which the board may 76048  
impose discipline as set forth in rules adopted under section 76049  
4729.26 of the Revised Code. 76050

(B) Any individual whose ~~identification card~~ or license is 76051  
revoked, suspended, or refused, shall return the ~~identification~~ 76052  
~~card and~~ license to the offices of the state board of pharmacy 76053  
within ten days after receipt of notice of such action. 76054

(C) As used in this section: 76055

"Unprofessional conduct in the practice of pharmacy" includes 76056  
any of the following: 76057

(1) Advertising or displaying signs that promote dangerous 76058  
drugs to the public in a manner that is false or misleading; 76059

(2) Except as provided in section 4729.281 or 4729.44 of the 76060  
Revised Code, the dispensing or sale of any drug for which a 76061  
prescription is required, without having received a prescription 76062  
for the drug; 76063

(3) Knowingly dispensing medication pursuant to false or 76064  
forged prescriptions; 76065

(4) Knowingly failing to maintain complete and accurate 76066  
records of all dangerous drugs received or dispensed in compliance 76067  
with federal laws and regulations and state laws and rules; 76068

(5) Obtaining any remuneration by fraud, misrepresentation, 76069  
or deception; 76070

(6) Failing to conform to prevailing standards of care of 76071  
similar pharmacists or pharmacy interns under the same or similar 76072

circumstances, whether or not actual injury to a patient is established; 76073  
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(7) Engaging in any other conduct that the board specifies as unprofessional conduct in the practice of pharmacy in rules adopted under section 4729.26 of the Revised Code. 76075  
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(D) The board may suspend a license ~~or identification card~~ under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote. 76078  
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(E) For purposes of this division, an individual authorized to practice as a pharmacist or pharmacy intern accepts the privilege of practicing in this state subject to supervision by the board. By filing an application for or holding a license to practice as a pharmacist or pharmacy intern, an individual gives consent to submit to a mental or physical examination when ordered to do so by the board in writing and waives all objections to the admissibility of testimony or examination reports that constitute privileged communications. 76082  
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If the board has reasonable cause to believe that an individual who is a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the individual to submit to a physical or mental examination, or both. The expense of the examination is the responsibility of the individual required to be examined. 76091  
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Failure of an individual who is a pharmacist or pharmacy intern to submit to a physical or mental examination ordered by the board, unless the failure is due to circumstances beyond the individual's control, constitutes an admission of the allegations and a suspension order shall be entered without the taking of testimony or presentation of evidence. Any subsequent adjudication hearing under Chapter 119. of the Revised Code concerning failure 76097  
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to submit to an examination is limited to consideration of whether 76104  
the failure was beyond the individual's control. 76105

If, based on the results of an examination ordered under this 76106  
division, the board determines that the individual's ability to 76107  
practice is impaired, the board shall suspend the individual's 76108  
license or deny the individual's application and shall require the 76109  
individual, as a condition for an initial, continued, reinstated, 76110  
or renewed license to practice, to submit to a physical or mental 76111  
examination and treatment. 76112

An order of suspension issued under this division shall not 76113  
be subject to suspension by a court during pendency of any appeal 76114  
filed under section 119.12 of the Revised Code. 76115

(F) If the board is required under Chapter 119. of the 76116  
Revised Code to give notice of an opportunity for a hearing and 76117  
the applicant or licensee does not make a timely request for a 76118  
hearing in accordance with section 119.07 of the Revised Code, the 76119  
board is not required to hold a hearing, but may adopt a final 76120  
order that contains the board's findings. In the final order, the 76121  
board may impose any of the sanctions listed in division (A) of 76122  
this section. 76123

(G) Notwithstanding the provision of division (C)(2) of 76124  
section 2953.32 of the Revised Code specifying that if records 76125  
pertaining to a criminal case are sealed under that section the 76126  
proceedings in the case must be deemed not to have occurred, 76127  
sealing of the following records on which the board has based an 76128  
action under this section shall have no effect on the board's 76129  
action or any sanction imposed by the board under this section: 76130  
records of any conviction, guilty plea, judicial finding of guilt 76131  
resulting from a plea of no contest, or a judicial finding of 76132  
eligibility for a pretrial diversion program or intervention in 76133  
lieu of conviction. The board shall not be required to seal, 76134  
destroy, redact, or otherwise modify its records to reflect the 76135

court's sealing of conviction records. 76136

(H) No pharmacist or pharmacy intern shall knowingly engage 76137  
in any conduct described in divisions (A)(2)(b) or (A)(2)(e) to 76138  
(1) of this section. 76139

Sec. 4729.23. (A) Except as provided in division (B) of this 76140  
section, information received by the state board of pharmacy 76141  
pursuant to an investigation is confidential and is not subject to 76142  
discovery in any civil action. Any record that identifies a 76143  
patient, confidential informant, or individual who files a 76144  
complaint with the board or may reasonably lead to the 76145  
identification of the patient, informant, or complainant is not a 76146  
public record for purposes of section 149.43 of the Revised Code 76147  
and is not subject to inspection or copying under section 1347.08 76148  
of the Revised Code. 76149

(B) The board shall conduct all investigations or inspections 76150  
and proceedings in a manner that protects the confidentiality of 76151  
patients, confidential informants, and individuals who file 76152  
complaints with the board. The board shall not make public the 76153  
names or any other identifying information of patients, 76154  
confidential informants, or complainants unless proper consent is 76155  
given or, in the case of a patient, a waiver of the patient 76156  
privilege exists under division (B) of section 2317.02 of the 76157  
Revised Code. The consent or waiver is not required if the board 76158  
possesses reliable and substantial evidence that no bona fide 76159  
physician-patient relationship exists. 76160

On request, the board may share any information it receives 76161  
pursuant to an investigation or inspection, including patient 76162  
records and patient record information, with law enforcement 76163  
agencies, other licensing boards, and other state or federal 76164  
governmental agencies that are prosecuting, adjudicating, or 76165  
investigating alleged violations of statutes or administrative 76166

rules. An agency or board that receives the information shall 76167  
comply with the same requirements regarding confidentiality as 76168  
those with which the state board of pharmacy must comply, 76169  
notwithstanding any conflicting provision of the Revised Code or 76170  
agency procedure that applies when the agency is dealing with 76171  
other information in its possession. 76172

Any information the board receives from a state or federal 76173  
agency is subject to the same confidentiality requirements as the 76174  
agency from which it was received and shall not be released by the 76175  
board without prior authorization from that agency. 76176

The board may, for good cause shown, disclose or authorize 76177  
disclosure of information gathered pursuant to an investigation. 76178

(C) Any board activity that involves continued monitoring of 76179  
an individual for treatment or recovery purposes as part of or 76180  
following any disciplinary action taken under section 4729.16, 76181  
4729.56, or 4729.57 of the Revised Code shall be conducted in a 76182  
manner that maintains an individual's confidentiality with respect 76183  
to the individual's treatment or recovery program. Information 76184  
received or maintained by the board with respect to the board's 76185  
monitoring activities is not subject to discovery in any civil 76186  
action and is confidential, except that the board may disclose 76187  
information to law enforcement officers and government entities 76188  
for purposes of an investigation of a license or certificate 76189  
holder. 76190

**Sec. 4729.24.** (A) Subject to division (B) of this section, in 76191  
addition to the actions the state board of pharmacy may take under 76192  
Chapter 119. of the Revised Code, the board may order the taking 76193  
of depositions; examine and copy any books, accounts, papers, 76194  
records, documents, and other tangible objects; issue subpoenas; 76195  
and compel the attendance of witnesses and production of books, 76196  
accounts, papers, records, documents, and other tangible objects. 76197

On failure of a person to comply with a subpoena issued by the board and after reasonable notice to that person, the board may apply to the court of common pleas of Franklin county for an order compelling the production of persons or records pursuant to the Ohio Rules of Civil Procedure. 76198  
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A subpoena issued by the board may be served by a sheriff, sheriff's deputy, or board employee designated by the board. Service of a subpoena may be made by delivering a copy of the subpoena to the person named in the subpoena or by leaving it at the person's usual place of residence. 76203  
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(B) A subpoena for patient record information may be issued only on approval by the board's executive director and the president or another board member designated by the president, in consultation with the office of the attorney general. Before issuing the subpoena, the executive director and the office of the attorney general shall determine whether probable cause exists to believe that the complaint filed alleges, or an investigation has revealed, a violation of this chapter or Chapters 2925., 3715., 3719., or 3796. of the Revised Code or any rule adopted by the board, that the records sought are relevant to the alleged violation and material to the investigation, and that the records cover a reasonable period of time surrounding the alleged violation. 76208  
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(C) The board may adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures to be followed in taking the actions authorized by this section, including procedures regarding payment for and service of subpoenas. 76221  
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**Sec. 4729.51.** (A) No person other than a registered licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs shall possess for sale, sell, 76225  
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distribute, or deliver, at wholesale, dangerous drugs or 76229  
investigational drugs or products, except as follows: 76230

(1) A licensed terminal distributor of dangerous drugs that 76231  
is a pharmacy may make occasional sales of dangerous drugs or 76232  
investigational drugs or products at wholesale. 76233

(2) A licensed terminal distributor of dangerous drugs having 76234  
more than one licensed location may transfer or deliver dangerous 76235  
drugs from one licensed location to another licensed location 76236  
owned by the terminal distributor if the license issued for each 76237  
location is in effect at the time of the transfer or delivery. 76238

(3) A licensed terminal distributor of dangerous drugs that 76239  
is not a pharmacy may make occasional sales of naloxone at 76240  
wholesale. 76241

(B) No ~~registered~~ licensed manufacturer, outsourcing 76242  
facility, third-party logistics provider, repackager, or wholesale 76243  
~~distributor of dangerous drugs~~ shall possess for sale, sell, or 76244  
distribute, at wholesale, dangerous drugs or investigational drugs 76245  
or products to any person other than the following: 76246

(1) Subject to division (D) of this section, a licensed 76247  
terminal distributor of dangerous drugs; 76248

(2) Subject to division (C) of this section, any person 76249  
exempt from licensure as a terminal distributor of dangerous drugs 76250  
under section 4729.541 of the Revised Code; 76251

(3) A ~~registered~~ licensed manufacturer, outsourcing facility, 76252  
third-party logistics provider, repackager, or wholesale 76253  
~~distributor of dangerous drugs~~; 76254

(4) A terminal distributor, manufacturer, outsourcing 76255  
facility, third-party logistics provider, repackager, or wholesale 76256  
~~distributor of dangerous drugs~~ that is located in another state, 76257  
is not engaged in the sale of dangerous drugs within this state, 76258

and is actively licensed to engage in the sale of dangerous drugs 76259  
by the state in which the distributor conducts business. 76260

(C) No ~~registered~~ licensed manufacturer, outsourcing 76261  
facility, third-party logistics provider, repackager, or 76262  
distributor ~~of dangerous drugs~~ shall possess for sale, sell, or 76263  
distribute, at wholesale, dangerous drugs or investigational drugs 76264  
or products to either of the following: 76265

(1) A prescriber who is employed by either of the following: 76266

(a) A pain management clinic that is not licensed as a 76267  
terminal distributor of dangerous drugs with a pain management 76268  
clinic classification issued under section 4729.552 of the Revised 76269  
Code; 76270

(b) A facility, clinic, or other location that provides 76271  
office-based opioid treatment but is not licensed as a terminal 76272  
distributor of dangerous drugs with an office-based opioid 76273  
treatment classification issued under section 4729.553 of the 76274  
Revised Code if such a license is required by that section. 76275

(2) A business entity described in division (A)(2) or (3) of 76276  
section 4729.541 of the Revised Code that is, or is operating, 76277  
either of the following: 76278

(a) A pain management clinic without a license as a terminal 76279  
distributor of dangerous drugs with a pain management clinic 76280  
classification issued under section 4729.552 of the Revised Code; 76281

(b) A facility, clinic, or other location that provides 76282  
office-based opioid treatment without a license as a terminal 76283  
distributor of dangerous drugs with an office-based opioid 76284  
treatment classification issued under section 4729.553 of the 76285  
Revised Code if such a license is required by that section. 76286

(D) No ~~registered~~ licensed manufacturer, outsourcing 76287  
facility, third-party logistics provider, repackager, or 76288  
wholesale

distributor ~~of dangerous drugs~~ shall possess dangerous drugs or 76289  
investigational drugs or products for sale at wholesale, or sell 76290  
or distribute such drugs at wholesale, to a licensed terminal 76291  
distributor of dangerous drugs, except as follows: 76292

~~(1) In the case of a terminal distributor with a category I 76293  
license, only dangerous drugs described in category I, as defined 76294  
in division (A)(1) of section 4729.54 of the Revised Code;~~ 76295

~~(2) In the case of a terminal distributor with a category II 76296  
license, only dangerous drugs described in category I and category 76297  
II, as defined in ~~divisions~~ division (A)(1) ~~and (2)~~ of section 76298  
4729.54 of the Revised Code;~~ 76299

~~(3)(2) In the case of a terminal distributor with a category 76300  
III license, dangerous drugs described in category I, category II, 76301  
and category III, as defined in divisions (A)(1), and (2), ~~and (3)~~ 76302  
of section 4729.54 of the Revised Code;~~ 76303

~~(4)(3) In the case of a terminal distributor with a limited 76304  
category I, II, or III license, only the dangerous drugs specified 76305  
in the ~~certificate furnished by the terminal distributor in~~ 76306  
~~accordance with section 4729.60 of the Revised Code~~ license. 76307~~

(E)(1) Except as provided in division (E)(2) of this section, 76308  
no person shall do any of the following: 76309

(a) Sell or distribute, at retail, dangerous drugs; 76310

(b) Possess for sale, at retail, dangerous drugs; 76311

(c) Possess dangerous drugs. 76312

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do 76313  
not apply to any of the following: 76314

(i) A licensed terminal distributor of dangerous drugs; 76315

(ii) A person who possesses, or possesses for sale or sells, 76316  
at retail, a dangerous drug in accordance with Chapters 3719., 76317  
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised 76318

Code; 76319

(iii) Any of the persons identified in divisions (A)(1) to 76320  
(5) and (13) of section 4729.541 of the Revised Code, but only to 76321  
the extent specified in that section. 76322

(b) Division (E)(1)(c) of this section does not apply to any 76323  
of the following: 76324

(i) A ~~registered~~ licensed manufacturer, outsourcing facility, 76325  
third-party logistics provider, repackager, or wholesale 76326  
distributor of dangerous drugs; 76327

(ii) Any of the persons identified in divisions (A)(6) to 76328  
(12) of section 4729.541 of the Revised Code, but only to the 76329  
extent specified in that section. 76330

(F) No licensed terminal distributor of dangerous drugs or 76331  
person that is exempt from licensure under section 4729.541 of the 76332  
Revised Code shall purchase dangerous drugs or investigational 76333  
drugs or products from any person other than a ~~registered~~ licensed 76334  
manufacturer, outsourcing facility, third-party logistics 76335  
provider, repackager, or wholesale distributor ~~of dangerous drugs,~~ 76336  
except as follows: 76337

(1) A licensed terminal distributor of dangerous drugs or 76338  
person that is exempt from licensure under section 4729.541 of the 76339  
Revised Code may make occasional purchases of dangerous drugs or 76340  
investigational drugs or products that are sold in accordance with 76341  
division (A)(1) or (3) of this section. 76342

(2) A licensed terminal distributor of dangerous drugs having 76343  
more than one licensed location may transfer or deliver dangerous 76344  
drugs or investigational drugs or products from one licensed 76345  
location to another licensed location if the license issued for 76346  
each location is in effect at the time of the transfer or 76347  
delivery. 76348

(G) No licensed terminal distributor of dangerous drugs shall  
engage in the retail sale or other distribution of dangerous drugs  
or investigational drugs or products or maintain possession,  
custody, or control of dangerous drugs or investigational drugs or  
products for any purpose other than the distributor's personal use  
or consumption, at any establishment or place other than that or  
those described in the license issued by the state board of  
pharmacy to such terminal distributor.

(H) Nothing in this section shall be construed to interfere  
with the performance of official duties by any law enforcement  
official authorized by municipal, county, state, or federal law to  
collect samples of any drug, regardless of its nature or in whose  
possession it may be.

(I) Notwithstanding anything to the contrary in this section,  
the board of education of a city, local, exempted village, or  
joint vocational school district may distribute epinephrine  
autoinjectors for use in accordance with section 3313.7110 of the  
Revised Code and may distribute inhalers for use in accordance  
with section 3313.7113 of the Revised Code.

**Sec. 4729.52.** (A) As used in this section:

(1) "Category II" means any dangerous drug that is not  
included in category III.

(2) "Category III" means any controlled substance that is  
contained in schedule I, II, III, IV, or V.

(3) "Schedule I, schedule II, schedule III, schedule IV, and  
schedule V" mean controlled substance schedules I, II, III, IV,  
and V, respectively, as established pursuant to section 3719.41 of  
the Revised Code and as amended.

(B)(1)(a) The state board of pharmacy shall license the  
following persons:

<u>(i) Wholesale distributors of dangerous drugs;</u>	76379
<u>(ii) Manufacturers of dangerous drugs;</u>	76380
<u>(iii) Outsourcing facilities;</u>	76381
<u>(iv) Third-party logistics providers;</u>	76382
<u>(v) Repackagers of dangerous drugs.</u>	76383
<u>(b) There shall be two categories for the licenses identified</u>	76384
<u>in division (B)(1)(a) of this section. The categories are as</u>	76385
<u>follows:</u>	76386
<u>(i) Category II license. A person who obtains this license</u>	76387
<u>may possess, have custody or control of, and distribute, only the</u>	76388
<u>dangerous drugs described in category II.</u>	76389
<u>(ii) Category III license. A person who obtains this license</u>	76390
<u>may possess, have custody or control of, and distribute, the</u>	76391
<u>dangerous drugs described in category II and category III.</u>	76392
<u>(c) The board may adopt rules under section 4729.26 of the</u>	76393
<u>Revised Code to create classification types of any license issued</u>	76394
<u>pursuant to this section. Persons who meet the definitions of the</u>	76395
<u>classification types shall comply with all requirements for the</u>	76396
<u>specific license classification specified in rule.</u>	76397
<u>(C) A person <del>desiring to be registered as a wholesale</del></u>	76398
<u><del>distributor of dangerous drugs</del> seeking a license identified in</u>	76399
<u>division (B)(1)(a) of this section shall file with the executive</u>	76400
<u>director of the <del>state board of pharmacy</del> a verified application</u>	76401
<u>containing such information as the board requires of the applicant</u>	76402
<u>relative to the <u>licensure</u> qualifications <del>to be registered as a</del></u>	76403
<u><del>wholesale distributor of dangerous drugs</del> set forth in section</u>	76404
<u>4729.53 of the Revised Code and the rules adopted under that</u>	76405
<u>section. <del>The</del></u>	76406
<u>The board shall <del>register</del> license as a <u>category II or category</u></u>	76407
<u>III manufacturer, outsourcing facility, third-party logistics</u>	76408

~~provider, repackager, or wholesale distributor of dangerous drugs~~ 76409  
each applicant who has paid the required ~~registration~~ license fee, 76410  
if the board determines that the applicant meets the licensure 76411  
~~qualifications to be registered as a wholesale distributor of~~ 76412  
~~dangerous drugs~~ set forth in section 4729.53 of the Revised Code 76413  
and the rules adopted under that section. 76414

~~(B)(D)~~ The board may ~~register and~~ issue to a person who does 76415  
not reside in this state a ~~registration certificate as a wholesale~~ 76416  
~~distributor of dangerous drugs~~ license identified in division 76417  
(B)(1)(a) of this section if the person ~~possesses~~ pays the 76418  
required licensure fee and meets either of the following: 76419

(1) Possesses a current and valid manufacturer, outsourcing 76420  
facility, third-party logistics provider, repackager, or wholesale 76421  
~~distributor of dangerous drugs registration certificate or~~ 76422  
license, or its equivalent, issued by another state ~~that in which~~ 76423  
that person is physically located, but only if that state has 76424  
qualifications for licensure ~~or registration~~ comparable to the 76425  
~~registration~~ licensure requirements in this state ~~and pays the~~ 76426  
~~required registration fee;~~ 76427

(2) Meets the requirements set forth by the board for 76428  
issuance of a license identified in division (B)(1)(a) of this 76429  
section, as verified by a state, federal, or other entity 76430  
recognized by the board to perform such verification. 76431

~~(C)(E)~~ All ~~registration certificates~~ licenses issued or 76432  
renewed pursuant to this section are effective for a period ~~of~~ 76433  
~~twelve months from the first day of July of each year~~ specified by 76434  
the board in rules adopted under section 4729.26 of the Revised 76435  
Code. The effective period for an initial or renewed license shall 76436  
not exceed twenty-four months unless the board extends the period 76437  
in rules to adjust license renewal schedules. A registration 76438  
~~certificate~~ license shall be renewed ~~annually~~ by the board ~~for a~~ 76439  
~~like period,~~ pursuant to this section ~~and,~~ the standard renewal 76440

procedure of Chapter 4745. of the Revised Code, and rules adopted 76441  
by the board under section 4729.26 of the Revised Code. A person 76442  
~~desiring~~ seeking to renew a ~~registration certificate~~ license shall 76443  
submit an application for renewal and pay the required renewal fee 76444  
before the ~~first day of July each year~~ date specified in the rules 76445  
adopted by the board. 76446

~~(D)~~(F) Each ~~registration certificate and its application~~ 76447  
license issued under this section shall describe not more than one 76448  
establishment or place where the ~~registrant or applicant~~ license 76449  
holder may engage in the ~~sale of dangerous drugs at wholesale~~ 76450  
activities authorized by the license. No ~~registration certificate~~ 76451  
license shall authorize or permit the ~~wholesale distributor of~~ 76452  
~~dangerous drugs~~ person named therein to engage in the sale or 76453  
distribution of drugs at wholesale or to maintain possession, 76454  
custody, or control of dangerous drugs for any purpose other than 76455  
for the ~~registrant's~~ licensee's own use and consumption at any 76456  
establishment or place other than that described in the 76457  
~~certificate~~ license. 76458

~~(E)~~(G)(1)(a) The ~~registration category II license~~ fee is 76459  
~~seven hundred fifty one thousand nine hundred~~ dollars and shall 76460  
accompany each application for ~~registration~~ licensure. The 76461  
~~registration~~ license renewal fee is ~~seven hundred fifty one~~ 76462  
thousand nine hundred dollars and shall accompany each renewal 76463  
application. 76464

(b) The category III license fee is two thousand dollars and 76465  
shall accompany each application for licensure. The license 76466  
renewal fee is two thousand dollars and shall accompany each 76467  
renewal application. 76468

~~A registration certificate~~ (c)(i) Subject to division 76469  
(G)(1)(c)(ii) of this section, a license issued pursuant to this 76470  
section that has not been renewed ~~in any year by the first day of~~ 76471  
~~August~~ by the date specified in rules adopted by the board may be 76472

reinstated upon payment of the renewal fee and a penalty of ~~one~~ 76473  
three hundred fifty dollars. 76474

(ii) If a complete application for renewal has not been 76475  
submitted by the sixty-first day after the renewal date specified 76476  
in rules adopted by the board, the license is considered void and 76477  
cannot be renewed, but the license holder may reapply for 76478  
licensure. 76479

(2) Renewal fees and penalties assessed under division 76480  
~~(E)~~(G)(1) of this section shall not be returned if the applicant 76481  
fails to qualify for renewal. 76482

(3) A person licensed pursuant to this section that fails to 76483  
renew licensure in accordance with this section and rules adopted 76484  
by the board is prohibited from engaging in manufacturing, 76485  
repackaging, compounding, or distributing as a third-party 76486  
logistics provider or wholesale distributor until a valid license 76487  
is issued by the board. 76488

~~(F) The registration of any person as a wholesale distributor~~ 76489  
~~of dangerous drugs~~ (H) Holding a license issued pursuant to this 76490  
section subjects the person holder and the person's holder's 76491  
agents and employees to the jurisdiction of the board and to the 76492  
laws of this state for the purpose of the enforcement of this 76493  
chapter and the rules of the board. However, the filing of an 76494  
application for ~~registration as a wholesale distributor of~~ 76495  
~~dangerous drugs~~ licensure under this section by, or on behalf of, 76496  
any person, or the registration issuance of a license pursuant to 76497  
this section to or on behalf of any person as a wholesale 76498  
distributor of dangerous drugs, shall not, of itself, constitute 76499  
evidence that the person is doing business within this state. 76500

(I) The board may enter into agreements with other states, 76501  
federal agencies, and other entities to exchange information 76502  
concerning licensing and inspection of any manufacturer, 76503

outsourcing facility, third-party logistics provider, repackager, 76504  
or wholesale distributor located within or outside this state and 76505  
to investigate alleged violations of the laws and rules governing 76506  
distribution of drugs by such persons. Any information received 76507  
pursuant to such an agreement is subject to the same 76508  
confidentiality requirements applicable to the agency or entity 76509  
from which it was received and shall not be released without prior 76510  
authorization from that agency or entity. Any information received 76511  
is also subject to section 4729.23 of the Revised Code. 76512

**Sec. 4729.53.** (A) The state board of pharmacy shall not 76513  
~~register~~ license any person as a manufacturer of dangerous drugs, 76514  
outsourcing facility, third-party logistics provider, repackager 76515  
of dangerous drugs, or wholesale distributor of dangerous drugs 76516  
unless the applicant for ~~registration~~ licensure furnishes 76517  
satisfactory proof to the board that the applicant meets all of 76518  
the following: 76519

(1) If the applicant has ~~been convicted of a violation of~~ 76520  
committed acts that the board finds violate any federal, state, or 76521  
local law, regulation, or rule relating to drug samples, 76522  
manufacturing, compounding, repackaging, wholesale or retail drug 76523  
distribution, or distribution of dangerous drugs, including 76524  
controlled substances, ~~or~~ constitute a felony, or if a federal, 76525  
state, or local governmental entity has suspended or revoked any 76526  
current or prior license ~~or registration~~ of the applicant for the 76527  
manufacture, compounding, repackaging, distribution, or sale of 76528  
any dangerous drugs, including controlled substances, the 76529  
applicant, to the satisfaction of the board, assures that the 76530  
applicant has in place adequate safeguards to prevent the 76531  
recurrence of any such violations. 76532

(2) The applicant's past experience in the manufacture, 76533  
compounding, repackaging, or distribution of dangerous drugs, 76534

including controlled substances, is acceptable to the board. 76535

(3) The applicant is properly equipped as to land, buildings, 76536  
equipment, and personnel to properly carry on ~~the~~ its business ~~of~~ 76537  
~~a wholesale distributor of dangerous drugs~~, including providing 76538  
adequate security for and proper storage conditions and handling 76539  
for dangerous drugs, and is complying with the requirements under 76540  
this chapter and the rules adopted pursuant thereto for 76541  
maintaining and making available records to properly identified 76542  
board officials and federal, state, and local law enforcement 76543  
agencies. 76544

(4) Personnel employed by the applicant have the appropriate 76545  
education or experience, as determined by the board, to assume 76546  
responsibility for positions related to compliance with this 76547  
chapter and the rules adopted pursuant thereto. 76548

(5) The applicant has designated the name and address of a 76549  
person to whom communications from the board may be directed and 76550  
upon whom the notices and citations provided for in section 76551  
4729.56 of the Revised Code may be served. 76552

(6) Adequate safeguards are assured to prevent the sale of 76553  
dangerous drugs ~~to any person~~ other than ~~those named in division~~ 76554  
~~(B) of~~ in accordance with section 4729.51 of the Revised Code. 76555

(7) Any other requirement or qualification the board, by rule 76556  
adopted in accordance with Chapter 119. of the Revised Code, 76557  
considers relevant to and consistent with the public safety and 76558  
health. 76559

(B) In addition to the causes described in section 4729.56 of 76560  
the Revised Code for refusing to grant or renew a ~~registration~~ 76561  
~~certificate~~ license, the board may refuse to ~~register~~ grant or 76562  
renew ~~the registration certificate of any person~~ a license if the 76563  
board determines that the granting of the ~~registration certificate~~ 76564  
license or its renewal is not in the public interest. 76565

Sec. 4729.54. (A) As used in this section: 76566

(1) ~~"Category I" means single dose injections of intravenous fluids, including saline, Ringer's lactate, five per cent dextrose and distilled water, and other intravenous fluids or parenteral solutions included in this category by rule of the state board of pharmacy, that have a volume of one hundred milliliters or more and that contain no added substances, or single dose injections of epinephrine to be administered pursuant to sections 4765.38 and 4765.39 of the Revised Code.~~ 76567  
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~~(2)~~ "Category II" means any dangerous drug that is not included in category ~~I or~~ III. 76575  
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~~(3)~~(2) "Category III" means any controlled substance that is contained in schedule I, II, III, IV, or V. 76577  
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~~(4)~~(3) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code. 76579  
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~~(5)~~(4) "Person" includes an emergency medical service organization. 76581  
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~~(6)~~(5) "Schedule I, schedule II, schedule III, schedule IV, and schedule V" mean controlled substance schedules I, II, III, IV, and V, respectively, as established pursuant to section 3719.41 of the Revised Code and as amended. 76583  
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(B)(1) A person ~~who desires~~ seeking to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the state board of pharmacy a verified application. After it is filed, the application may not be withdrawn without approval of the board. 76587  
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(2) An application shall contain all the following that apply in the applicant's case: 76592  
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(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set 76594  
76595

forth in section 4729.55 of the Revised Code; 76596

(b) A statement ~~that as to whether~~ the person ~~wishes is~~ seeking to be licensed as a ~~category I,~~ category II, category III, ~~limited category I,~~ limited category II, or limited category III terminal distributor of dangerous drugs; 76597  
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(c) If the person ~~wishes is seeking~~ to be licensed as a ~~limited category I,~~ limited category II, or limited category III terminal distributor of dangerous drugs, a ~~notarized~~ list of the dangerous drugs that the person ~~wishes is seeking~~ to possess, have custody or control of, and distribute, which list shall also specify the purpose for which those drugs will be used and their source; 76601  
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(d) If the person is an emergency medical service organization, the information that is specified in division (C)(1) of this section; 76608  
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(e) Except for an emergency medical service organization, the identity of the one establishment or place at which the person intends to engage in the sale or other distribution of dangerous drugs at retail, and maintain possession, custody, or control of dangerous drugs for purposes other than the person's own use or consumption; 76611  
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(f) If the application pertains to a pain management clinic, information that demonstrates, to the satisfaction of the board, compliance with division (A) of section 4729.552 of the Revised Code; 76617  
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(g) If the application pertains to a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, information that demonstrates, to the satisfaction of the board, compliance with division (C) of that 76621  
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section. 76627

(C)(1) An emergency medical service organization ~~that wishes~~ 76628  
seeking to be licensed as a terminal distributor of dangerous 76629  
drugs shall list in its application for licensure the following 76630  
additional information: 76631

(a) The units under its control that the organization 76632  
determines will possess dangerous drugs for the purpose of 76633  
administering emergency medical services in accordance with 76634  
Chapter 4765. of the Revised Code; 76635

(b) With respect to each such unit, whether the dangerous 76636  
drugs that the organization determines the unit will possess are 76637  
in category I, II, or III. 76638

(2) An emergency medical service organization that is 76639  
licensed as a terminal distributor of dangerous drugs shall file a 76640  
new application for such licensure if there is any change in the 76641  
number, or location of, any of its units or any change in the 76642  
category of the dangerous drugs that any unit will possess. 76643

(3) A unit listed in an application for licensure pursuant to 76644  
division (C)(1) of this section may obtain the dangerous drugs it 76645  
is authorized to possess from its emergency medical service 76646  
organization or, on a replacement basis, from a hospital pharmacy. 76647  
If units will obtain dangerous drugs from a hospital pharmacy, the 76648  
organization shall file, and maintain in current form, the 76649  
following items with the pharmacist who is responsible for the 76650  
hospital's terminal distributor of dangerous drugs license: 76651

(a) A copy of its standing orders or protocol; 76652

(b) A list of the personnel employed or used by the 76653  
organization to provide emergency medical services in accordance 76654  
with Chapter 4765. of the Revised Code, who are authorized to 76655  
possess the drugs, which list also shall indicate the personnel 76656  
who are authorized to administer the drugs. 76657

(D) Each emergency medical service organization that applies for a terminal distributor of dangerous drugs license shall submit with its application the following:

(1) A ~~notarized~~ copy of its standing orders or protocol, which orders or protocol shall be signed by a physician ~~and specify;~~

(2) A list of the dangerous drugs that its units may carry, expressed in standard dose units, which shall be signed by a physician;

~~(2)~~(3) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code.

~~An~~ In accordance with Chapter 119. of the Revised Code, the board shall adopt rules specifying when an emergency medical service organization that is licensed as a terminal distributor ~~shall~~ must notify the board ~~immediately~~ of any changes in its ~~standing orders or protocol~~ documentation submitted pursuant to division (D) of this section.

(E) There shall be ~~six~~ four categories of terminal distributor of dangerous drugs licenses, ~~which.~~ The categories ~~shall be~~ are as follows:

(1) ~~Category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I.~~

~~(2) Limited category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I that were listed in the application for licensure.~~

~~(3)~~ Category II license. A person who obtains this license may possess, have custody or control of, and distribute only the

dangerous drugs described in ~~category I~~ and category II. 76688

~~(4)~~(2) Limited category II license. A person who obtains this 76689  
license may possess, have custody or control of, and distribute 76690  
only the dangerous drugs described in ~~category I~~ or category II 76691  
that were listed in the application for licensure. 76692

~~(5)~~(3) Category III license, which may include a pain 76693  
management clinic classification issued under section 4729.552 of 76694  
the Revised Code. A person who obtains this license may possess, 76695  
have custody or control of, and distribute the dangerous drugs 76696  
described in ~~category I~~, category II, and category III. If the 76697  
license includes a pain management clinic classification, the 76698  
person may operate a pain management clinic. 76699

~~(6)~~(4) Limited category III license. A person who obtains 76700  
this license may possess, have custody or control of, and 76701  
distribute only the dangerous drugs described in ~~category I~~, 76702  
category II, or category III that were listed in the application 76703  
for licensure. 76704

(F) Except for an application made on behalf of an animal 76705  
shelter, if an applicant for licensure as a limited category I, 76706  
II, license or limited category III ~~terminal distributor of~~ 76707  
~~dangerous drugs~~ license intends to administer dangerous drugs to a 76708  
person or animal, the applicant shall submit, with the 76709  
application, a ~~notarized~~ copy of its protocol or standing orders, 76710  
~~which~~. The protocol or orders shall be signed by a licensed health 76711  
professional authorized to prescribe drugs, specify the dangerous 76712  
drugs to be administered, and list personnel who are authorized to 76713  
administer the dangerous drugs in accordance with federal law or 76714  
the law of this state. An application made on behalf of an animal 76715  
shelter shall include a ~~notarized~~ list of the dangerous drugs to 76716  
be administered to animals and the personnel who are authorized to 76717  
administer the drugs to animals in accordance with section 76718  
4729.532 of the Revised Code. ~~After obtaining a terminal~~ 76719

~~distributor license,~~ 76720

In accordance with Chapter 119. of the Revised Code, the 76721  
board shall adopt rules specifying when a licensee shall must 76722  
notify the board ~~immediately~~ of any changes in its ~~protocol or~~ 76723  
~~standing orders, or in such personnel~~ documentation submitted 76724  
pursuant to this division. 76725

(G)(1) Except as provided in division (G)(2) of this section, 76726  
each applicant for licensure as a terminal distributor of 76727  
dangerous drugs shall submit, with the application, a license fee 76728  
determined as follows: 76729

~~(a) For a category I or limited category I license,~~ 76730  
~~forty five dollars;~~ 76731

~~(b) For a category II or limited category II license, one the~~ 76732  
~~fee is three hundred twelve twenty dollars and fifty cents;.~~ 76733

~~(c)~~(b) For a category III license, including a license with a 76734  
pain management clinic classification issued under section 76735  
4729.552 of the Revised Code, or a limited category III license, 76736  
~~one~~ four hundred ~~fifty~~ forty dollars. 76737

(2)(a) Except as provided in division (G)(2)(b) of this 76738  
section, for a person who is required to hold a license as a 76739  
terminal distributor of dangerous drugs pursuant to division (D) 76740  
of section 4729.541 of the Revised Code, the fee ~~shall be sixty~~ is 76741  
one hundred twenty dollars. 76742

(b) For a professional association, corporation, partnership, 76743  
or limited liability company organized for the purpose of 76744  
practicing veterinary medicine, the fee ~~shall be forty~~ is one 76745  
hundred twenty dollars. 76746

(3) Fees assessed under divisions (G)(1) and (2) of this 76747  
section shall not be returned if the applicant fails to qualify 76748  
for ~~registration~~ the license. 76749

(H)(1) The board shall issue a terminal distributor of dangerous drugs license to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other applicable requirements of this section.

(2) The license of a person other than an emergency medical service organization shall describe the one establishment or place at which the licensee may engage in the sale or other distribution of dangerous drugs at retail and maintain possession, custody, or control of dangerous drugs for purposes other than the licensee's own use or consumption. The one establishment or place shall be that which is ~~described~~ identified in the application for licensure.

No such license shall authorize or permit the terminal distributor of dangerous drugs named in it to engage in the sale or other distribution of dangerous drugs at retail or to maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's own use or consumption, at any establishment or place other than that described in the license, except that an agent or employee of an animal shelter may possess and use dangerous drugs in the course of business as provided in division (D) of section 4729.532 of the Revised Code.

(3) The license of an emergency medical service organization shall cover and describe all the units of the organization listed in its application for licensure.

~~(4) The license of every terminal distributor of dangerous drugs shall indicate, on its face, the category of licensure. If the license is a limited category I, II, or III license, it shall specify, and shall authorize the licensee to possess, have custody or control of, and distribute only, the dangerous drugs that were listed in the application for licensure.~~

(I)(1) All licenses issued or renewed pursuant to this 76782  
section shall be effective for a period ~~of twelve months from the~~ 76783  
~~first day of April of each year~~ specified by the board in rules 76784  
adopted under section 4729.26 of the Revised Code. The effective 76785  
period for an initial or renewed license shall not exceed 76786  
twenty-four months unless the board extends the period in rules to 76787  
adjust license renewal schedules. A license shall be renewed by 76788  
the board ~~for a like period, annually,~~ according to the provisions 76789  
of this section, ~~and~~ the standard renewal procedure of Chapter 76790  
4745. of the Revised Code, and rules adopted by the board under 76791  
section 4729.26 of the Revised Code. A person ~~who desires~~ seeking 76792  
to renew a license shall submit an application for renewal and pay 76793  
the required fee on or before the ~~thirty first day of March each~~ 76794  
~~year~~ date specified in the rules adopted by the board. The fee 76795  
required for the renewal of a license shall be the same as the 76796  
license fee paid ~~for the license being renewed, and shall~~ 76797  
~~accompany the application for renewal~~ under division (G) of this 76798  
section. 76799

A (2)(a) Subject to division (I)(2)(b) of this section, a 76800  
license that has not been renewed ~~during March in any year and by~~ 76801  
~~the first day of May of the same year~~ by the date specified in 76802  
rules adopted by the board may be reinstated only upon payment of 76803  
the required renewal fee and a penalty fee of ~~fifty five one~~ 76804  
hundred ten dollars. 76805

(b) If an application for renewal has not been submitted by 76806  
the sixty-first day after the renewal date specified in rules 76807  
adopted by the board, the license is considered void and cannot be 76808  
renewed, but the license holder may reapply for licensure. 76809

(3) A terminal distributor of dangerous drugs that fails to 76810  
renew licensure in accordance with this section and rules adopted 76811  
by the board is prohibited from engaging in the retail sale, 76812  
possession, or distribution of dangerous drugs until a valid 76813

license is issued by the board. 76814

(J)(1) No emergency medical service organization that is 76815  
licensed as a terminal distributor of dangerous drugs shall fail 76816  
to comply with division (C)(2) or (3) of this section. 76817

(2) No emergency medical service organization that is 76818  
licensed as a terminal distributor of dangerous drugs shall fail 76819  
to comply with division (D) of this section. 76820

(3) No licensed terminal distributor of dangerous drugs shall 76821  
possess, have custody or control of, or distribute dangerous drugs 76822  
that the terminal distributor is not entitled to possess, have 76823  
custody or control of, or distribute by virtue of its category of 76824  
licensure. 76825

(4) No licensee that is required by division (F) of this 76826  
section to notify the board of changes in its protocol or standing 76827  
orders, or in personnel, shall fail to comply with that division. 76828

(K) The board may enter into agreements with other states, 76829  
federal agencies, and other entities to exchange information 76830  
concerning licensing and inspection of terminal distributors of 76831  
dangerous drugs located within or outside this state and to 76832  
investigate alleged violations of the laws and rules governing 76833  
distribution of drugs by terminal distributors. Any information 76834  
received pursuant to such an agreement is subject to the same 76835  
confidentiality requirements applicable to the agency or entity 76836  
from which it was received and shall not be released without prior 76837  
authorization from that agency or entity. 76838

**Sec. 4729.552.** (A) To be eligible to receive a license as a 76839  
category III terminal distributor of dangerous drugs with a pain 76840  
management clinic classification, an applicant shall submit 76841  
evidence satisfactory to the state board of pharmacy that the 76842  
applicant's pain management clinic will be operated in accordance 76843

with the requirements specified in division (B) of this section 76844  
and that the applicant meets any other applicable requirements of 76845  
this chapter. 76846

If the board determines that an applicant meets all of the 76847  
requirements, the board shall issue to the applicant a license as 76848  
a category III terminal distributor of dangerous drugs and specify 76849  
on the license that the terminal distributor is classified as a 76850  
pain management clinic. 76851

(B) The holder of a terminal distributor license with a pain 76852  
management clinic classification shall do all of the following: 76853

(1) Be in control of a facility that is owned and operated 76854  
solely by one or more physicians authorized under Chapter 4731. of 76855  
the Revised Code to practice medicine and surgery or osteopathic 76856  
medicine and surgery; 76857

(2) Comply with the requirements for the operation of a pain 76858  
management clinic, as established by the state medical board in 76859  
rules adopted under section 4731.054 of the Revised Code; 76860

(3) Ensure that any person employed by the facility complies 76861  
with the requirements for the operation of a pain management 76862  
clinic established by the state medical board in rules adopted 76863  
under section 4731.054 of the Revised Code; 76864

(4) Require any person with ownership of the facility to 76865  
submit to a criminal records check in accordance with section 76866  
4776.02 of the Revised Code and send the results of the criminal 76867  
records check directly to the state board of pharmacy for review 76868  
and decision under section 4729.071 of the Revised Code; 76869

(5) Require all employees of the facility to submit to a 76870  
criminal records check in accordance with section 4776.02 of the 76871  
Revised Code and ensure that no person is employed who has 76872  
previously been convicted of, or pleaded guilty to, either of the 76873  
following: 76874

(a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States; 76875  
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(b) A felony drug abuse offense, as defined in section 2925.01 of the Revised Code. 76878  
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(6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list. 76880  
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(C) No person shall operate a facility that under this chapter is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification without obtaining and maintaining the license with the classification. 76883  
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No person who holds a category III license with a pain management clinic classification shall fail to remain in compliance with the requirements of division (B) of this section and any other applicable requirements of this chapter. 76888  
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(D) The state board of pharmacy may impose a fine of not more than five thousand dollars on a ~~terminal distributor of dangerous drugs license holder~~ person who violates division (C) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code. 76892  
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(E) The state board of pharmacy shall adopt rules as it considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 76898  
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**Sec. 4729.56.** (A) ~~In~~ (1) The state board of pharmacy, in accordance with Chapter 119. of the Revised Code, ~~the board of pharmacy~~ may ~~suspend~~ impose any one or more of the following 76902  
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sanctions on a person licensed under division (B)(1)(a) of section 76905  
4729.52 of the Revised Code for any of the causes set forth in 76906  
division (A)(2) of this section: 76907

(a) Suspend, revoke, restrict, limit, or refuse to grant or 76908  
renew any registration certificate issued to a wholesale 76909  
distributor of dangerous drugs pursuant to section 4729.52 of the 76910  
Revised Code or may impose a license; 76911

(b) Reprimand or place the license holder on probation; 76912

(c) Impose a monetary penalty or forfeiture not to exceed in 76913  
severity any fine designated under the Revised Code for a similar 76914  
offense or ~~one~~ two thousand five hundred dollars if the acts 76915  
committed are not classified as an offense by the Revised Code ~~for~~ 76916  
any of the following causes+; 76917

(2) The board may impose the sanctions set forth in division 76918  
(A)(1) of this section for any of the following: 76919

+1)(a) Making any false material statements in an application 76920  
for registration as a wholesale distributor of dangerous drugs 76921  
licensure under section 4729.52 of the Revised Code; 76922

+2)(b) Violating any federal, state, or local drug law; any 76923  
provision of this chapter or Chapter 2925., 3715., or 3719. of the 76924  
Revised Code; or any rule of the board; 76925

+3)(c) A conviction of a felony; 76926

+4)(d) Failing to satisfy the qualifications for registration 76927  
licensure under section 4729.53 of the Revised Code or the rules 76928  
of the board or ceasing to satisfy the qualifications after the 76929  
registration is granted or renewed; 76930

(e) Falsely or fraudulently promoting to the public a drug 76931  
that is a controlled substance included in schedule I, II, III, 76932  
IV, or V, except that nothing in this division prohibits a 76933  
manufacturer, outsourcing facility, third-party logistics 76934

provider, repackager, or wholesale distributor of dangerous drugs 76935  
from furnishing information concerning a controlled substance to a 76936  
health care provider or licensed terminal distributor; 76937

(f) Violating any provision of the "Federal Food, Drug, and 76938  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or Chapter 76939  
3715. of the Revised Code; 76940

(g) Any other cause for which the board may impose sanctions 76941  
as set forth in rules adopted under section 4729.26 of the Revised 76942  
Code. 76943

(B) Upon the suspension or revocation of ~~the registration~~ 76944  
~~certificate of any wholesale distributor of dangerous drugs~~ any 76945  
license identified in division (B)(1)(a) of section 4729.52 of the 76946  
Revised Code, the ~~distributor~~ licensee shall immediately surrender 76947  
the ~~distributor's registration certificate~~ license to the board. 76948  
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(C) If the board suspends, revokes, or refuses to renew any 76950  
~~registration certificate issued to a wholesale distributor of~~ 76951  
~~dangerous drugs~~ license identified in division (B)(1)(a) of 76952  
section 4729.52 of the Revised Code and determines that there is 76953  
clear and convincing evidence of a danger of immediate and serious 76954  
harm to any person, the board may place under seal all dangerous 76955  
drugs owned by or in the possession, custody, or control of the 76956  
affected ~~wholesale distributor of dangerous drugs~~ licensee. Except 76957  
as provided in this division, the board shall not dispose of the 76958  
dangerous drugs sealed under this division until the ~~wholesale~~ 76959  
~~distributor of dangerous drugs~~ licensee exhausts all of the 76960  
~~distributor's licensee's~~ appeal rights under Chapter 119. of the 76961  
Revised Code. The court involved in such an appeal may order the 76962  
board, during the pendency of the appeal, to sell sealed dangerous 76963  
drugs that are perishable. The board shall deposit the proceeds of 76964  
the sale with the court. 76965

(D) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this section. 76966  
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(E) Notwithstanding division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records. 76974  
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**Sec. 4729.561.** If the state board of pharmacy determines that there is clear and convincing evidence that the method used by a registered licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs to possess or distribute dangerous drugs presents a danger of immediate and serious harm to others, the board may suspend without a hearing the ~~wholesaler distributor's registration certificate~~ license issued pursuant to section 4729.52 of the Revised Code. The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final 76986  
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adjudication order becomes effective, except that if the board 76998  
does not issue its final adjudication order within ~~ninety one~~ 76999  
hundred twenty days after the ~~hearing suspension~~, the suspension 77000  
shall be void on the ~~ninety-first~~ one hundred twenty-first day 77001  
after the suspension. 77002

**Sec. 4729.57.** (A) The state board of pharmacy may ~~suspend~~ 77003  
after notice and a hearing in accordance with Chapter 119. of the 77004  
Revised Code, impose any one or more of the following sanctions on 77005  
a terminal distributor of dangerous drugs for any of the causes 77006  
set forth in division (B) of this section: 77007

(1) Suspend, revoke, restrict, limit, or refuse to grant or 77008  
renew any license as a terminal distributor of dangerous drugs, or 77009  
may impose; 77010

(2) Reprimand or place the license holder on probation; 77011

(3) Impose a monetary penalty or forfeiture not to exceed in 77012  
severity any fine designated under the Revised Code for a similar 77013  
offense or one thousand dollars if the acts committed have not 77014  
been classified as an offense by the Revised Code, for any of the 77015  
following causes: 77016

(B) The board may impose the sanctions listed in division (A) 77017  
of this section for any of the following: 77018

(1) Making any false material statements in an application 77019  
for a license as a terminal distributor of dangerous drugs; 77020

(2) Violating any rule of the board; 77021

(3) Violating any provision of this chapter; 77022

(4) Except as provided in section 4729.89 of the Revised 77023  
Code, violating any provision of the "Federal Food, Drug, and 77024  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 77025  
3715. of the Revised Code; 77026

(5) Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code;	77027 77028
(6) Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this division prohibits a terminal distributor of dangerous drugs from furnishing information concerning a dangerous drug to a health care provider or another licensed terminal distributor;	77029 77030 77031 77032 77033
(7) Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;	77034 77035 77036
(8) Except as provided in division <del>(B)</del> (C) of this section:	77037
(a) Waiving the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the services provided by a terminal distributor of dangerous drugs, would otherwise be required to pay for the services if the waiver is used as an enticement to a patient or group of patients to receive pharmacy services from that terminal distributor;	77038 77039 77040 77041 77042 77043 77044
(b) Advertising that the terminal distributor will waive the payment of all or any part of a deductible or copayment that an individual, pursuant to a health insurance or health care policy, contract, or plan that covers the pharmaceutical services, would otherwise be required to pay for the services.	77045 77046 77047 77048 77049
<u>(9) Conviction of a felony;</u>	77050
<u>(10) Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.</u>	77051 77052 77053
<del>(B)</del> (C) Sanctions shall not be imposed under division <del>(A)</del> (B)(8) of this section against any terminal distributor of dangerous drugs that waives deductibles and copayments as follows:	77054 77055 77056

(1) In compliance with a health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board on request.

(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

~~(C)~~(D)(1) Upon the suspension or revocation of a license issued to a terminal distributor of dangerous drugs or the refusal by the board to renew such a license, the distributor shall immediately surrender the license to the board.

(2)(a) The board may place under seal all dangerous drugs that are owned by or in the possession, custody, or control of a terminal distributor at the time the license is suspended or revoked or at the time the board refuses to renew the license. Except as ~~otherwise~~ provided in ~~this~~ division (D)(2)(b) of this section, dangerous drugs so sealed shall not be disposed of until appeal rights under Chapter 119. of the Revised Code have expired or an appeal filed pursuant to that chapter has been determined.

(b) The court involved in an appeal filed pursuant to Chapter 119. of the Revised Code may order the board, during the pendency of the appeal, to sell sealed dangerous drugs that are perishable. The proceeds of such a sale shall be deposited with that court.

(E) If the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the license holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division (A) of this

section. 77088

(F) Notwithstanding division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case must be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction. The board is not required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records. 77089  
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**Sec. 4729.571.** ~~If the~~ (A) The state board of pharmacy determines that there is clear and convincing evidence that the method used by ~~may~~ suspend without a hearing the license of a terminal distributor of dangerous drugs ~~to distribute or prescribe dangerous drugs presents~~ if the board determines that there is clear and convincing evidence of a danger of immediate and serious harm to others, the board may suspend the terminal distributor's license without a hearing due to either of the following: 77101  
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(1) The method used by the terminal distributor to possess or distribute dangerous drugs; 77109  
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(2) The method of prescribing dangerous drugs used by a licensed health professional authorized to prescribe drugs who holds a terminal distributor license or practices in the employ of or under contract with a terminal distributor. The 77111  
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(B) The board shall follow the procedure for suspension without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, 77115  
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except that if the board does not issue its final adjudication 77119  
order within ~~ninety~~ one hundred twenty days after the ~~hearing~~ 77120  
suspension, the suspension shall be void on the ~~ninety-first~~ one 77121  
hundred twenty-first day after the suspension. 77122

If the terminal distributor holds a license with a pain 77123  
management clinic classification issued under section 4729.552 of 77124  
the Revised Code or a license with an office-based opioid 77125  
treatment classification issued under section 4729.553 of the 77126  
Revised Code and the person holding the license also holds a 77127  
certificate issued under Chapter 4731. of the Revised Code to 77128  
practice medicine and surgery or osteopathic medicine and surgery, 77129  
prior to suspending the license without a hearing, the board shall 77130  
consult with the secretary of the state medical board or, if the 77131  
secretary is unavailable, another physician member of the board. 77132

**Sec. 4729.58.** The state board of pharmacy, within thirty days 77133  
after receipt of ~~an~~ a complete application filed in the form and 77134  
manner set forth in section 4729.52 or 4729.54 of the Revised Code 77135  
for the issuance of a ~~new~~ license ~~or registration certificate~~ or 77136  
the renewal of a license ~~or registration certificate~~ ~~previously~~ 77137  
~~issued~~, shall notify the applicant therefor whether or not such 77138  
license ~~or registration certificate~~ will be issued or renewed. If 77139  
the board determines that such license ~~or registration certificate~~ 77140  
will not be issued or renewed, such notice to the applicant shall 77141  
set forth, in a manner determined by the board, the reason or 77142  
reasons that such license ~~or registration certificate~~ will not be 77143  
issued or renewed. 77144

**Sec. 4729.59.** The executive director of the state board of 77145  
pharmacy shall maintain a register of the names, addresses, and 77146  
the date of ~~registration~~ licensure of those persons to whom a 77147  
~~registration certificate~~ has licenses have been issued pursuant to 77148  
~~section sections~~ 4729.52 of the Revised Code and those persons to 77149

~~whom a license has been issued pursuant to section and 4729.54 of  
the Revised Code. The register shall be the property of the board  
and shall be open for public examination and inspection at all  
reasonable times, as the board may direct.~~ 77150  
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The board shall ~~publish or~~ make available to registered 77154  
~~wholesale distributors and licensed terminal distributors of~~ 77155  
~~dangerous drugs, annually, and at such other times and in such~~ 77156  
~~manner as the board shall prescribe, a roster setting forth the~~ 77157  
~~names and addresses of those persons who have been registered by~~ 77158  
~~the board pursuant to section 4729.52 of the Revised Code and~~ 77159  
~~those persons who have been licensed pursuant to section 4729.54~~ 77160  
~~of the Revised Code, . The roster shall indicate those persons~~ 77161  
~~whose licenses or registration certificates have been suspended,~~ 77162  
~~revoked, or surrendered, and those persons whose licenses or~~ 77163  
~~registration certificates have not been renewed.~~ 77164

A written statement signed and verified by the executive 77165  
director of the board or the director's designee in which it is 77166  
stated that after diligent search of the register no record or 77167  
entry of the issuance of a license ~~or registration certificate~~ to 77168  
a person is found is admissible in evidence and constitutes 77169  
presumptive evidence of the fact that the person is not a licensed 77170  
~~terminal distributor or is not a registered wholesale distributor~~ 77171  
~~of dangerous drugs pursuant to section 4729.52 or 4729.54 of the~~ 77172  
Revised Code. 77173

**Sec. 4729.60.** (A)(1) Before a ~~registered wholesale~~ 77174  
~~distributor of dangerous drugs~~ licensee identified in division 77175  
(B)(1)(a) of section 4729.52 of the Revised Code may sell or 77176  
distribute dangerous drugs at wholesale to any person, except as 77177  
provided in division (A)(2) of this section, the ~~wholesale~~ 77178  
~~distributor~~ licensee shall obtain from the purchaser and the 77179  
~~purchaser shall furnish to the wholesale distributor a certificate~~ 77180

~~indicating that query the roster established pursuant to section 4729.59 of the Revised Code to determine whether the purchaser is a licensed terminal distributor of dangerous drugs. The certificate shall be in the form that the state board of pharmacy shall prescribe, and shall set forth the name of the licensee, the number of the license, a description of the place or establishment or each place or establishment for which the license was issued, the category of licensure, and, if the license is a limited category I, II, or III license, the dangerous drugs that the licensee is authorized to possess, have custody or control of, and distribute.~~ 77181  
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If no ~~certificate is obtained or furnished~~ documented query is conducted before a sale is made, it shall be presumed that the sale of dangerous drugs by the ~~wholesale distributor licensee~~ is in violation of division (B) of section 4729.51 of the Revised Code and the purchase of dangerous drugs by the purchaser is in violation of division (E) of section 4729.51 of the Revised Code. If a registered wholesale distributor of dangerous drugs obtains or is furnished a certificate from a terminal distributor of dangerous drugs licensee conducts a documented query and relies on the certificate results of the query in selling or distributing dangerous drugs at wholesale to the terminal distributor of dangerous drugs, the wholesale distributor of dangerous drugs licensee shall be deemed not to have violated division (B) of section 4729.51 of the Revised Code in making the sale. 77192  
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(2) Division (A)(1) of this section does not apply when a ~~wholesale distributor licensee identified in division (B)(1)(a) of section 4729.52 of the Revised Code~~ sells or distributes dangerous drugs at wholesale to any of the following: 77206  
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(a) A person specified in division (B)(4) of section 4729.51 of the Revised Code; 77210  
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(b) Any of the persons described in divisions (A)(1) to (13) 77212  
of section 4729.541 of the Revised Code, but only if the purchaser 77213  
is not required to obtain licensure as provided in divisions (B) 77214  
to (D) of that section. 77215

(B) Before a licensed terminal distributor of dangerous drugs 77216  
may purchase dangerous drugs at wholesale, the terminal 77217  
distributor shall ~~obtain from the seller and the seller shall~~ 77218  
~~furnish to the terminal distributor the number of~~ query the roster 77219  
established pursuant to section 4729.59 of the Revised Code to 77220  
confirm the seller's registration certificate seller is licensed 77221  
to engage in the sale or distribution of dangerous drugs at 77222  
wholesale. 77223

If no ~~registration number is obtained or furnished~~ documented 77224  
query is conducted before a purchase is made, it shall be presumed 77225  
that the purchase of dangerous drugs by the terminal distributor 77226  
is in violation of division (F) of section 4729.51 of the Revised 77227  
Code and the sale of dangerous drugs by the seller is in violation 77228  
of division (A) of section 4729.51 of the Revised Code. If a 77229  
licensed terminal distributor of dangerous drugs ~~obtains or is~~ 77230  
~~furnished a registration number from a wholesale distributor of~~ 77231  
~~dangerous drugs~~ conducts a documented query at least annually and 77232  
relies on the ~~registration number~~ results of the query in 77233  
purchasing dangerous drugs at wholesale ~~from the wholesale~~ 77234  
~~distributor of dangerous drugs~~, the terminal distributor shall be 77235  
deemed not to have violated division (F) of section 4729.51 of the 77236  
Revised Code in making the purchase. 77237

**Sec. 4729.61.** ~~(A) No person shall make or cause to be made,~~ 77238  
~~or furnish or cause to be furnished to a wholesale distributor of~~ 77239  
~~dangerous drugs, a false certificate required to be furnished to a~~ 77240  
~~wholesale distributor of dangerous drugs by section 4729.60 of the~~ 77241  
~~Revised Code for the purchase of dangerous drugs at wholesale.~~ 77242

(B) No person shall make or cause to be made a false registration certificate of a wholesale distributor of dangerous drugs or a false or fraudulent license of a terminal distributor of dangerous drugs or a manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor of dangerous drugs.

**Sec. 4729.62.** If a ~~wholesale distributor of dangerous drugs~~ who has been registered ceases to engage in the sale of dangerous drugs at wholesale, or if a terminal distributor of dangerous drugs to whom a license has been issued ceases to engage in the sale of dangerous drugs at retail, such terminal or wholesale distributor of dangerous drugs person licensed under section 4729.52 or 4729.54 of the Revised Code ceases to engage in the activities for which the license was issued, the person shall notify the state board of pharmacy of such fact and shall surrender such license ~~or registration certificate~~ to the board within a time frame specified by the board in rules adopted under section 4729.26 of the Revised Code; provided, that on dissolution of a partnership by death, the surviving partner may operate under a license ~~or registration certificate~~ issued to the partnership until expiration, revocation, or suspension of such license ~~or registration certificate~~, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license ~~or registration certificate~~ issued to the persons succeeded in possession by such heir, representative, receiver, or trustee in bankruptcy until expiration, revocation, or suspension of such license ~~or registration certificate~~.

**Sec. 4729.67.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state board of pharmacy shall comply with sections 3123.41 to 3123.50 of the Revised Code and

any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license, ~~identification card~~, or certificate of registration issued pursuant to this chapter.

**Sec. 4729.75.** The state board of pharmacy may establish and maintain a drug database. The board shall use the drug database to monitor the misuse and diversion of the following: controlled substances, as defined in section 3719.01 of the Revised Code; medical marijuana, as authorized under Chapter 3796. of the Revised Code; and other dangerous drugs the board includes in the database pursuant to rules adopted under section 4729.84 of the Revised Code. In establishing and maintaining the database, the board shall electronically collect information pursuant to sections 4729.77, 4729.771, 4729.772, 4729.78, and 4729.79 of the Revised Code and shall disseminate information as authorized or required by sections 4729.80 and 4729.81 of the Revised Code. The board's collection and dissemination of information shall be conducted in accordance with rules adopted under section 4729.84 of the Revised Code.

**Sec. 4729.77.** (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, each pharmacy licensed as a terminal distributor of dangerous drugs that dispenses drugs to patients in this state and is included in the types of pharmacies specified in rules adopted under section 4729.84 of the Revised Code shall submit to the board the following prescription information:

- (1) Terminal distributor identification;
- (2) Patient identification;
- (3) Prescriber identification;
- (4) Date prescription was issued by prescriber;

(5) Date drug was dispensed;	77303
(6) Indication of whether the drug dispensed is new or a refill;	77304 77305
(7) Name, strength, and national drug code of the drug dispensed;	77306 77307
(8) Quantity of drug dispensed;	77308
(9) Number of days' supply of drug dispensed;	77309
(10) Serial or prescription number assigned by the terminal distributor;	77310 77311
(11) Source of payment for the drug dispensed;	77312
<u>(12) Any other data fields recognized by the American society for automation in pharmacy and specified in rules adopted under section 4729.84 of the Revised Code.</u>	77313 77314 77315
(B)(1) The information shall be transmitted as specified by the board in rules adopted under section 4729.84 of the Revised Code.	77316 77317 77318
(2) The information shall be submitted electronically in the format specified by the board, except that the board may grant a waiver allowing the distributor to submit the information in another format.	77319 77320 77321 77322
(3) The information shall be submitted in accordance with any time limits specified by the board, except that the board may grant an extension if either of the following occurs:	77323 77324 77325
(a) The distributor suffers a mechanical or electronic failure, or cannot meet the deadline for other reasons beyond the distributor's control.	77326 77327 77328
(b) The board is unable to receive electronic submissions.	77329
(C) This section does not apply to a prescriber personally furnishing or administering dangerous drugs to the prescriber's	77330 77331

patient. 77332

Sec. 4729.772. (A) If the state board of pharmacy establishes 77333  
and maintains a drug database pursuant to section 4729.75 of the 77334  
Revised Code, in addition to the information required to be 77335  
submitted under sections 4729.77, 4729.771, 4729.78, and 4729.79 77336  
of the Revised Code, the board may accept information from other 77337  
sources, including other state agencies, to the extent the 77338  
information is related to monitoring the misuse and diversion of 77339  
drugs as set forth in section 4729.75 of the Revised Code. 77340

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(B) Any information submitted pursuant to this section shall 77342  
be transmitted as specified by the board in rules adopted under 77343  
section 4729.84 of the Revised Code. 77344

**Sec. 4729.78.** (A) If the state board of pharmacy establishes 77345  
and maintains a drug database pursuant to section 4729.75 of the 77346  
Revised Code, each manufacturer of dangerous drugs, outsourcing 77347  
facility, repackager of dangerous drugs, or wholesale distributor 77348  
of dangerous drugs that delivers drugs ~~in this state~~ to 77349  
prescribers or terminal distributors of dangerous drugs shall 77350  
submit to the board the following purchase information: 77351

(1) Purchaser identification; 77352

(2) Identification of the drug sold; 77353

(3) Quantity of the drug sold; 77354

(4) Date of sale; 77355

(5) The ~~wholesale distributor's~~ license number issued by the 77356  
board. 77357

(B)(1) The information shall be transmitted as specified by 77358  
the board in rules adopted under section 4729.84 of the Revised 77359  
Code. 77360

(2) The information shall be submitted electronically in the 77361  
format specified by the board, except that the board may grant a 77362  
waiver allowing ~~the distributor to submit~~ submission of the 77363  
information in another format. 77364

(3) The information shall be submitted in accordance with any 77365  
time limits specified by the board, except that the board may 77366  
grant an extension if either of the following occurs: 77367

(a) The manufacturer, outsourcing facility, repackager, or 77368  
wholesale distributor suffers a mechanical or electronic failure, 77369  
or cannot meet the deadline for other reasons beyond the 77370  
~~distributor's~~ person's control. 77371

(b) The board is unable to receive electronic submissions. 77372

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 77373  
and maintains a drug database pursuant to section 4729.75 of the 77374  
Revised Code, the board is authorized or required to provide 77375  
information from the database ~~in accordance with the following~~ 77376  
only as follows: 77377

(1) On receipt of a request from a designated representative 77378  
of a government entity responsible for the licensure, regulation, 77379  
or discipline of health care professionals with authority to 77380  
prescribe, administer, or dispense drugs, the board may provide to 77381  
the representative information from the database relating to the 77382  
professional who is the subject of an active investigation being 77383  
conducted by the government entity or relating to a professional 77384  
who is acting as an expert witness for the government entity in 77385  
such an investigation. 77386

(2) On receipt of a request from a federal officer, or a 77387  
state or local officer of this or any other state, whose duties 77388  
include enforcing laws relating to drugs, the board shall provide 77389  
to the officer information from the database relating to the 77390

person who is the subject of an active investigation of a drug 77391  
abuse offense, as defined in section 2925.01 of the Revised Code, 77392  
being conducted by the officer's employing government entity. 77393

(3) Pursuant to a subpoena issued by a grand jury, the board 77394  
shall provide to the grand jury information from the database 77395  
relating to the person who is the subject of an investigation 77396  
being conducted by the grand jury. 77397

(4) Pursuant to a subpoena, search warrant, or court order in 77398  
connection with the investigation or prosecution of a possible or 77399  
alleged criminal offense, the board shall provide information from 77400  
the database as necessary to comply with the subpoena, search 77401  
warrant, or court order. 77402

(5) On receipt of a request from a prescriber or the 77403  
prescriber's delegate approved by the board, the board shall 77404  
provide to the prescriber a report of information from the 77405  
database relating to a patient who is either a current patient of 77406  
the prescriber or a potential patient of the prescriber based on a 77407  
referral of the patient to the prescriber, if all of the following 77408  
conditions are met: 77409

(a) The prescriber certifies in a form specified by the board 77410  
that it is for the purpose of providing medical treatment to the 77411  
patient who is the subject of the request; 77412

(b) The prescriber has not been denied access to the database 77413  
by the board. 77414

(6) On receipt of a request from a pharmacist or the 77415  
pharmacist's delegate approved by the board, the board shall 77416  
provide to the pharmacist information from the database relating 77417  
to a current patient of the pharmacist, if the pharmacist 77418  
certifies in a form specified by the board that it is for the 77419  
purpose of the pharmacist's practice of pharmacy involving the 77420  
patient who is the subject of the request and the pharmacist has 77421

not been denied access to the database by the board. 77422

(7) On receipt of a request from an individual seeking the 77423  
individual's own database information in accordance with the 77424  
procedure established in rules adopted under section 4729.84 of 77425  
the Revised Code, the board may provide to the individual the 77426  
individual's own ~~database information~~ prescription history. 77427

(8) On receipt of a request from a medical director or a 77428  
pharmacy director of a managed care organization that has entered 77429  
into a contract with the department of medicaid under section 77430  
5167.10 of the Revised Code and a data security agreement with the 77431  
board required by section 5167.14 of the Revised Code, the board 77432  
shall provide to the medical director or the pharmacy director 77433  
information from the database relating to a medicaid recipient 77434  
enrolled in the managed care organization, including information 77435  
in the database related to prescriptions for the recipient that 77436  
were not covered or reimbursed under a program administered by the 77437  
department of medicaid. 77438

(9) On receipt of a request from the medicaid director, the 77439  
board shall provide to the director information from the database 77440  
relating to a recipient of a program administered by the 77441  
department of medicaid, including information in the database 77442  
related to prescriptions for the recipient that were not covered 77443  
or paid by a program administered by the department. 77444

(10) On receipt of a request from a medical director of a 77445  
managed care organization that has entered into a contract with 77446  
the administrator of workers' compensation under division (B)(4) 77447  
of section 4121.44 of the Revised Code and a data security 77448  
agreement with the board required by section 4121.447 of the 77449  
Revised Code, the board shall provide to the medical director 77450  
information from the database relating to a claimant under Chapter 77451  
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 77452  
managed care organization, including information in the database 77453

related to prescriptions for the claimant that were not covered or 77454  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 77455  
Revised Code, if the administrator of workers' compensation 77456  
confirms, upon request from the board, that the claimant is 77457  
assigned to the managed care organization. 77458

(11) On receipt of a request from the administrator of 77459  
workers' compensation, the board shall provide to the 77460  
administrator information from the database relating to a claimant 77461  
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 77462  
including information in the database related to prescriptions for 77463  
the claimant that were not covered or reimbursed under Chapter 77464  
4121., 4123., 4127., or 4131. of the Revised Code. 77465

(12) On receipt of a request from a prescriber or the 77466  
prescriber's delegate approved by the board, the board shall 77467  
provide to the prescriber information from the database relating 77468  
to a patient's mother, if the prescriber certifies in a form 77469  
specified by the board that it is for the purpose of providing 77470  
medical treatment to a newborn or infant patient diagnosed as 77471  
opioid dependent and the prescriber has not been denied access to 77472  
the database by the board. 77473

(13) On receipt of a request from the director of health, the 77474  
board shall provide to the director information from the database 77475  
relating to the duties of the director or the department of health 77476  
in implementing the Ohio violent death reporting system 77477  
established under section 3701.93 of the Revised Code. 77478

(14) On receipt of a request from a requestor described in 77479  
division (A)(1), (2), (5), or (6) of this section who is from or 77480  
participating with another state's prescription monitoring 77481  
program, the board may provide to the requestor information from 77482  
the database, but only if there is a written agreement under which 77483  
the information is to be used and disseminated according to the 77484  
laws of this state. 77485

(15) On receipt of a request from a delegate of a retail dispensary licensed under Chapter 3796. of the Revised Code who is approved by the board to serve as the dispensary's delegate, the board shall provide to the delegate a report of information from the database pertaining only to a patient's use of medical marijuana, if both of the following conditions are met:

(a) The delegate certifies in a form specified by the board that it is for the purpose of dispensing medical marijuana for use in accordance with Chapter 3796. of the Revised Code.

(b) The retail dispensary or delegate has not been denied access to the database by the board.

(16) On receipt of a request from a judge of a program certified by the Ohio supreme court as a specialized docket program for drugs, the board shall provide to the judge, or an employee of the program who is designated by the judge to receive the information, information from the database that relates specifically to a current or prospective program participant.

(17) On receipt of a request from a coroner, deputy coroner, or coroner's delegate approved by the board, the board shall provide to the requestor information from the database relating to a deceased person about whom the coroner is conducting or has conducted an autopsy or investigation.

(18) On receipt of a request from a prescriber, the board may provide to the prescriber a summary of the prescriber's prescribing record if such a record is created by the board. Information in the summary is subject to the confidentiality requirements of this chapter.

(19)(a) On receipt of a request from a pharmacy's responsible person, the board may provide to the responsible person a summary of the pharmacy's dispensing record if such a record is created by the board. Information in the summary is subject to the

confidentiality requirements of this chapter. 77517

(b) As used in division (A)(19)(a) of this section, 77518  
"responsible person" has the same meaning as in rules adopted by 77519  
the board under section 4729.26 of the Revised Code. 77520

(20) The board may provide information from the database 77521  
without request to a prescriber or pharmacist who is authorized to 77522  
use the database pursuant to this chapter. 77523

(21)(a) On receipt of a request from a prescriber or 77524  
pharmacist, or the prescriber's or pharmacist's delegate, who is a 77525  
designated representative of a peer review committee, the board 77526  
shall provide to the committee information from the database 77527  
relating to a prescriber who is subject to the committee's 77528  
evaluation, supervision, or discipline if the information is to be 77529  
used for one of those purposes. The board shall provide only 77530  
information that it determines, in accordance with rules adopted 77531  
under section 4729.84 of the Revised Code, is appropriate to be 77532  
provided to the committee. 77533

(b) As used in division (A)(21)(a) of this section, "peer 77534  
review committee" has the same meaning as in section 2305.25 of 77535  
the Revised Code, except that it includes only a peer review 77536  
committee of a hospital or a peer review committee of a nonprofit 77537  
health care corporation that is a member of the hospital or of 77538  
which the hospital is a member. 77539

(22) Any personal health information submitted to the board 77540  
pursuant to section 4729.772 of the Revised Code may be provided 77541  
by the board only as authorized by the submitter of the 77542  
information and in accordance with rules adopted under section 77543  
4729.84 of the Revised Code. 77544

(B) The state board of pharmacy shall maintain a record of 77545  
each individual or entity that requests information from the 77546  
database pursuant to this section. In accordance with rules 77547

adopted under section 4729.84 of the Revised Code, the board may 77548  
use the records to document and report statistics and law 77549  
enforcement outcomes. 77550

The board may provide records of an individual's requests for 77551  
database information only to the following: 77552

(1) A designated representative of a government entity that 77553  
is responsible for the licensure, regulation, or discipline of 77554  
health care professionals with authority to prescribe, administer, 77555  
or dispense drugs who is involved in an active criminal or 77556  
disciplinary investigation being conducted by the government 77557  
entity of the individual who submitted the requests for database 77558  
information; 77559

(2) A federal officer, or a state or local officer of this or 77560  
any other state, whose duties include enforcing laws relating to 77561  
drugs and who is involved in an active investigation being 77562  
conducted by the officer's employing government entity of the 77563  
individual who submitted the requests for database information; 77564

(3) A designated representative of the department of medicaid 77565  
regarding a prescriber who is treating or has treated a recipient 77566  
of a program administered by the department and who submitted the 77567  
requests for database information. 77568

(C) Information contained in the database and any information 77569  
obtained from it is confidential and is not a public record. 77570  
Information contained in the records of requests for information 77571  
from the database is confidential and is not a public record. 77572  
Information contained in the database that does not identify a 77573  
person, including any licensee or registrant of the board or other 77574  
entity, may be released in summary, statistical, or aggregate 77575  
form. 77576

~~(D) Information contained in the database may be provided 77577  
only as expressly permitted in law, including any information 77578~~

~~contained in the database that relates to any person, including  
any licensee or registrant of the board or other entity.~~ 77579  
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~~(E)~~ A pharmacist or prescriber shall not be held liable in 77581  
damages to any person in any civil action for injury, death, or 77582  
loss to person or property on the basis that the pharmacist or 77583  
prescriber did or did not seek or obtain information from the 77584  
database. 77585

**Sec. 4729.82.** (A) If the state board of pharmacy establishes 77586  
a drug database pursuant to section 4729.75 of the Revised Code, 77587  
the information collected for the database shall be retained in 77588  
the database and accessible to persons listed in division (A) of 77589  
section 4729.80 of the Revised Code for at least ~~three~~ five years. 77590  
~~Any~~ 77591

(B) Except as provided in division (C) of this section, any 77592  
information that identifies a patient shall be destroyed after it 77593  
has been retained for ~~three~~ five years unless a law enforcement 77594  
agency or a government entity responsible for the licensure, 77595  
regulation, or discipline of licensed health professionals 77596  
authorized to prescribe drugs has submitted a written request to 77597  
the board for retention of the information in accordance with 77598  
rules adopted by the board under section 4729.84 of the Revised 77599  
Code. 77600

(C) The board may retain information that identifies a 77601  
patient for a period in excess of five years if the board 77602  
considers retention of the information necessary to serve an 77603  
investigatory or public health purpose. 77604

**Sec. 4729.83.** (A) If the state board of pharmacy establishes 77605  
and maintains a drug database pursuant to section 4729.75 of the 77606  
Revised Code, the board may use, for the purpose of establishing 77607  
or maintaining the database, any portion of the licensure or 77608

~~registration~~ fees collected under ~~section 4729.15, 4729.52, or~~ 77609  
~~4729.54 of the Revised Code for the licensing or registration of~~ 77610  
~~pharmacists, pharmacy interns, wholesale distributors of dangerous~~ 77611  
~~drugs, or terminal distributors of dangerous drugs~~ this chapter. 77612  
The board shall not increase the amount of any of those fees 77613  
solely for the purpose of establishing or maintaining the 77614  
database. 77615

The board shall not impose any charge on a prescriber for the 77616  
establishment or maintenance of the database. The board shall not 77617  
charge any fees for the transmission of data to the database or 77618  
for the receipt of information from the database, except that the 77619  
board may charge a fee in accordance with rules adopted under 77620  
section 4729.84 of the Revised Code to an individual who requests 77621  
the individual's own database information under section 4729.80 of 77622  
the Revised Code. 77623

(B) The board may accept grants, gifts, or donations for 77624  
purposes of the drug database. Any money received shall be 77625  
deposited into the state treasury to the credit of the drug 77626  
database fund, which is hereby created. Money in the fund shall be 77627  
used solely for purposes of the drug database. 77628

**Sec. 4729.84.** For purposes of establishing and maintaining a 77629  
drug database pursuant to section 4729.75 of the Revised Code, the 77630  
state board of pharmacy shall adopt rules in accordance with 77631  
Chapter 119. of the Revised Code to carry out and enforce sections 77632  
4729.75 to 4729.83 of the Revised Code. The rules shall specify 77633  
all of the following: 77634

(A) A means of identifying each patient, each terminal 77635  
distributor of dangerous drugs, each purchase at wholesale of 77636  
dangerous drugs, and each retail dispensary licensed under Chapter 77637  
3796. of the Revised Code about which information is entered into 77638  
the drug database; 77639

(B) Requirements for the transmission of information from 77640  
terminal distributors of dangerous drugs, manufacturers of 77641  
dangerous drugs, outsourcing facilities, repackagers of dangerous 77642  
drugs, wholesale distributors of dangerous drugs, prescribers, and 77643  
retail dispensaries; 77644

(C) An electronic format for the submission of information 77645  
from ~~terminal distributors, wholesale distributors, prescribers,~~ 77646  
~~and retail dispensaries~~ persons identified in division (B) of this 77647  
section; 77648

(D) A procedure whereby a ~~terminal distributor, wholesale~~ 77649  
~~distributor, prescriber, or retail dispensary person~~ unable to 77650  
submit information electronically may obtain a waiver to submit 77651  
information in another format; 77652

(E) A procedure whereby the board may grant a request from a 77653  
law enforcement agency or a government entity responsible for the 77654  
licensure, regulation, or discipline of licensed health 77655  
professionals authorized to prescribe drugs that information that 77656  
has been stored for three years be retained when the information 77657  
pertains to an open investigation being conducted by the agency or 77658  
entity; 77659

(F) A procedure whereby a ~~terminal distributor, wholesale~~ 77660  
~~distributor, prescriber, or retail dispensary person~~ identified in 77661  
division (B) of this section may apply for an extension to the 77662  
time by which information must be transmitted to the board; 77663

(G) A procedure whereby a person or government entity to 77664  
which the board is authorized to provide information may submit a 77665  
request to the board for the information and the board may verify 77666  
the identity of the requestor; 77667

(H) Standards for determining what information is appropriate 77668  
to be provided under division (A)(21) of section 4729.80 of the 77669  
Revised Code; 77670

(I) A procedure whereby the board can use the database 77671  
request records required by division (B) of section 4729.80 of the 77672  
Revised Code to document and report statistics and law enforcement 77673  
outcomes; 77674

~~(I)~~(J) A procedure whereby an individual may request the 77675  
individual's own database information and the board may verify the 77676  
identity of the requestor; 77677

~~(J)~~(K) A reasonable fee that the board may charge under 77678  
section 4729.83 of the Revised Code for providing an individual 77679  
with the individual's own database information pursuant to section 77680  
4729.80 of the Revised Code; 77681

~~(K)~~(L) The other specific dangerous drugs that, in addition 77682  
to controlled substances, must be included in the database; 77683

~~(L)~~(M) The types of pharmacies licensed as terminal 77684  
distributors of dangerous drugs that are required to submit 77685  
prescription information to the board pursuant to section 4729.77 77686  
of the Revised Code; 77687

~~(M)~~(N) Additional data fields, recognized by the American 77688  
society for automation in pharmacy, that licensed terminal 77689  
distributors of dangerous drugs must submit to the board pursuant 77690  
to section 4729.77 of the Revised Code; 77691

(O) The information regarding medical marijuana dispensed to 77692  
a patient that a retail dispensary is required to submit to the 77693  
board pursuant to section 4729.771 of the Revised Code; 77694

(P) Requirements for the transmission of information pursuant 77695  
to section 4729.772 of the Revised Code and requirements for the 77696  
release of such information by the board. 77697

**Sec. 4729.86.** If the state board of pharmacy establishes and 77698  
maintains a drug database pursuant to section 4729.75 of the 77699  
Revised Code, all of the following apply: 77700

(A)(1) No person identified in divisions (A)(1) to (13) ~~or~~  
(15) to (22), or (B) of section 4729.80 of the Revised Code shall  
disseminate any written or electronic information the person  
receives from the drug database or otherwise provide another  
person access to the information that the person receives from the  
database, except as follows:

(a) When necessary in the investigation or prosecution of a  
possible or alleged criminal offense;

(b) When a person provides the information to the prescriber,  
pharmacist, or retail dispensary licensed under Chapter 3796. of  
the Revised Code for whom the person is approved by the board to  
serve as a delegate of the prescriber, pharmacist, or retail  
dispensary for purposes of requesting and receiving information  
from the drug database under division (A)(5), (6), or (15) of  
section 4729.80 of the Revised Code;

(c) When a prescriber, pharmacist, or retail dispensary  
licensed under Chapter 3796. of the Revised Code provides the  
information to a person who is approved by the board to serve as  
such a delegate of the prescriber, pharmacist, or retail  
dispensary;

(d) When a prescriber or pharmacist includes the information  
in a medical record, as defined in section 3701.74 of the Revised  
Code.

(2) No person shall provide false information to the state  
board of pharmacy with the intent to obtain or alter information  
contained in the drug database.

(3) No person shall obtain drug database information by any  
means except as provided under section 4729.80 or 4729.81 of the  
Revised Code.

(B) A person shall not use information obtained pursuant to  
division (A) of section 4729.80 of the Revised Code as evidence in

any civil or administrative proceeding. 77732

(C)(1) Except as provided in division (C)(2) of this section, 77733  
after providing notice and affording an opportunity for a hearing 77734  
in accordance with Chapter 119. of the Revised Code, the board may 77735  
restrict a person from obtaining further information from the drug 77736  
database if any of the following is the case: 77737

(a) The person violates division (A)(1), (2), or (3) of this 77738  
section; 77739

(b) The person is a requestor identified in division (A)(14) 77740  
of section 4729.80 of the Revised Code and the board determines 77741  
that the person's actions in another state would have constituted 77742  
a violation of division (A)(1), (2), or (3) of this section; 77743

(c) The person fails to comply with division (B) of this 77744  
section, regardless of the jurisdiction in which the failure to 77745  
comply occurred; 77746

(d) The person creates, by clear and convincing evidence, a 77747  
threat to the security of information contained in the database. 77748

(2) If the board determines that allegations regarding a 77749  
person's actions warrant restricting the person from obtaining 77750  
further information from the drug database without a prior 77751  
hearing, the board may summarily impose the restriction. A 77752  
telephone conference call may be used for reviewing the 77753  
allegations and taking a vote on the summary restriction. The 77754  
summary restriction shall remain in effect, unless removed by the 77755  
board, until the board's final adjudication order becomes 77756  
effective. 77757

(3) The board shall determine the extent to which the person 77758  
is restricted from obtaining further information from the 77759  
database. 77760

**Sec. 4730.05.** (A) There is hereby created the physician 77761

assistant policy committee of the state medical board. The 77762  
president of the board shall appoint the members of the committee. 77763  
The committee shall consist of the seven members specified in 77764  
divisions (A)(1) to (3) of this section. When the committee is 77765  
developing or revising policy and procedures for 77766  
physician-delegated prescriptive authority for physician 77767  
assistants, the committee shall include the two additional members 77768  
specified in division (A)(4) of this section. 77769

(1) Three members of the committee shall be physicians. Of 77770  
the physician members, one shall be a member of the state medical 77771  
board, one shall be appointed from a list of five physicians 77772  
recommended by the Ohio state medical association, and one shall 77773  
be appointed from a list of five physicians recommended by the 77774  
Ohio osteopathic association. At all times, the physician 77775  
membership of the committee shall include at least one physician 77776  
who is a supervising physician of a physician assistant, 77777  
preferably with at least two years' experience as a supervising 77778  
physician. 77779

(2) Three members shall be physician assistants appointed 77780  
from a list of five individuals recommended by the Ohio 77781  
association of physician assistants. 77782

(3) One member, who is not affiliated with any health care 77783  
profession, shall be appointed to represent the interests of 77784  
consumers. 77785

(4) The two additional members, appointed to serve only when 77786  
the committee is developing or revising policy and procedures for 77787  
physician-delegated prescriptive authority for physician 77788  
assistants, shall be pharmacists. Of these members, one shall be 77789  
appointed from a list of five clinical pharmacists recommended by 77790  
the Ohio pharmacists association and one shall be appointed from 77791  
the pharmacist members of the state board of pharmacy, preferably 77792  
from among the members who are clinical pharmacists. 77793

The pharmacist members shall have voting privileges only for 77794  
purposes of developing or revising policy and procedures for 77795  
physician-delegated prescriptive authority for physician 77796  
assistants. Presence of the pharmacist members shall not be 77797  
required for the transaction of any other business. 77798

(B) Terms of office shall be for two years, with each term 77799  
ending on the same day of the same month as did the term that it 77800  
succeeds. Each member shall hold office from the date of being 77801  
appointed until the end of the term for which the member was 77802  
appointed. Members may be reappointed, except that a member may 77803  
not be appointed to serve more than three consecutive terms. As 77804  
vacancies occur, a successor shall be appointed who has the 77805  
qualifications the vacancy requires. A member appointed to fill a 77806  
vacancy occurring prior to the expiration of the term for which a 77807  
predecessor was appointed shall hold office as a member for the 77808  
remainder of that term. A member shall continue in office 77809  
subsequent to the expiration date of the member's term until a 77810  
successor takes office or until a period of sixty days has 77811  
elapsed, whichever occurs first. 77812

(C) Each member of the committee shall receive ~~an amount~~ 77813  
~~fixed pursuant to division (J) of section 124.15 of the Revised~~ 77814  
~~Code for each day employed in the discharge of official duties as~~ 77815  
~~a member, and shall also receive the member's necessary and actual~~ 77816  
~~expenses incurred in the performance of official duties as a~~ 77817  
~~member.~~ 77818

(D) The committee members specified in divisions (A)(1) to 77819  
(3) of this section by a majority vote shall elect a chairperson 77820  
from among those members. The members may elect a new chairperson 77821  
at any time. 77822

(E) The state medical board may appoint assistants, clerical 77823  
staff, or other employees as necessary for the committee to 77824  
perform its duties adequately. 77825

(F) The committee shall meet at least four times a year and 77826  
at such other times as may be necessary to carry out its 77827  
responsibilities. 77828

**Sec. 4730.40.** (A) ~~Subject to division (B)~~ As used in this 77829  
section, "medication-assisted treatment" has the same meaning as 77830  
in section 340.01 of the Revised Code. 77831

(B) Except as provided in divisions (C) and (D) of this 77832  
section, the physician assistant formulary adopted by the state 77833  
medical board under section 4730.39 of the Revised Code may 77834  
include any or all of the following drugs: 77835

(1) Schedule II, III, IV, and V controlled substances; 77836

(2) Drugs that under state or federal law may be dispensed 77837  
only pursuant to a prescription by a licensed health professional 77838  
authorized to prescribe drugs, as defined in section 4729.01 of 77839  
the Revised Code; 77840

(3) Any drug that is not a dangerous drug, as defined in 77841  
section 4729.01 of the Revised Code. 77842

~~(B)~~(C) The formulary adopted by the board shall include both 77843  
of the following for use in medication-assisted treatment: 77844

(1) Drugs that contain buprenorphine; 77845

(2) Opioid antagonists, including oral and long-acting forms. 77846

(D) The formulary adopted by the board shall not include, and 77847  
shall specify that it does not include, any drug or device used to 77848  
perform or induce an abortion. 77849

**Sec. 4730.55.** (A) As used in this section: 77850

(1) "Controlled substance," "schedule III," "schedule IV," 77851  
and "schedule V" have the same meanings as in section 3719.01 of 77852  
the Revised Code. 77853

(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 77854  
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(B) The state medical board shall adopt rules that establish standards and procedures to be followed by physician assistants in the use of all drugs approved by the United States food and drug administration for use in medication-assisted treatment, including controlled substances in schedule III, IV, or V. The rules shall address detoxification, relapse prevention, patient assessment, individual treatment planning, counseling and recovery supports, diversion control, and other topics selected by the board after considering best practices in medication-assisted treatment. 77856  
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The board may apply the rules to all circumstances in which a physician assistant prescribes drugs for use in medication-assisted treatment or limit the application of the rules to prescriptions for medication-assisted treatment issued for patients being treated in office-based practices or other practice types or locations specified by the board. 77865  
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(C) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall be consistent with rules adopted under sections 4723.51 and 4731.056 of the Revised Code. 77871  
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**Sec. 4730.56. (A) As used in this section:** 77875

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 77876  
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 77878  
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(B) A physician assistant shall comply with section 3715.08 of the Revised Code and rules adopted under section 4730.55 of the Revised Code when treating a patient with medication-assisted treatment or proposing to initiate such treatment. 77880  
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(C) A physician assistant who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following: 77884  
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(1) Exempted by divisions (B)(2)(a) to (d) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification; 77889  
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(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. 77893  
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**Sec. 4731.04. As used in this chapter:** 77897

(A) "Cosmetic therapy" means the permanent removal of hair from the human body through the use of electric modalities approved by the state medical board for use in cosmetic therapy and may include the systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders. 77898  
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(B) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school. 77903  
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(C) "Graduate medical education" means education received through any of the following: 77907  
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(1) An internship or residency program conducted in the United States and accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association; 77909  
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(2) A clinical fellowship program conducted in the United 77913

States at an institution with a residency program accredited by 77914  
either the accreditation council for graduate medical education of 77915  
the American medical association or the American osteopathic 77916  
association that is in a clinical field the same as or related to 77917  
the clinical field of the fellowship program; 77918

(3) An internship program conducted in Canada and accredited 77919  
by the committee on accreditation of preregistration physician 77920  
training programs of the federation of provincial medical 77921  
licensing authorities of Canada; 77922

(4) A residency program conducted in Canada and accredited by 77923  
either the royal college of physicians and surgeons of Canada or 77924  
the college of family physicians of Canada. 77925

(D) "Massage therapy" means the treatment of disorders of the 77926  
human body by the manipulation of soft tissue through the 77927  
systematic external application of massage techniques including 77928  
touch, stroking, friction, vibration, percussion, kneading, 77929  
stretching, compression, and joint movements within the normal 77930  
physiologic range of motion; and adjunctive thereto, the external 77931  
application of water, heat, cold, topical preparations, and 77932  
mechanical devices. 77933

**Sec. 4731.056.** (A) As used in this section: 77934

(1) "Controlled substance," "schedule III," "schedule IV," 77935  
and "schedule V" have the same meanings as in section 3719.01 of 77936  
the Revised Code. 77937

(2) "Medication-assisted treatment" has the same meaning as 77938  
in section 340.01 of the Revised Code. 77939

(3) "Physician" means an individual authorized by this 77940  
chapter to practice medicine and surgery or osteopathic medicine 77941  
and surgery. 77942

(B) The state medical board shall adopt rules ~~in accordance~~ 77943

~~with Chapter 119. of the Revised Code that establish standards and~~ 77944  
~~procedures to be followed by physicians in the use of all drugs~~ 77945  
~~approved by the United States food and drug administration for use~~ 77946  
~~in medication-assisted treatment, including controlled substances~~ 77947  
~~in schedule III, IV, or V to treat opioid dependence or addiction.~~ 77948  
~~The rules shall address detoxification, relapse prevention,~~ 77949  
~~patient assessment, individual treatment planning, counseling and~~ 77950  
~~recovery supports, diversion control, and other topics selected by~~ 77951  
~~the board after considering best practices in medication-assisted~~ 77952  
~~treatment. The~~ 77953

~~The board may limit the application of apply the rules to~~ 77954  
~~treatment provided through an all circumstances in which a~~ 77955  
~~physician prescribes drugs for use in medication-assisted~~ 77956  
~~treatment or limit the application of the rules to prescriptions~~ 77957  
~~for medication-assisted treatment for patients being treated in~~ 77958  
~~office-based ~~practice~~ practices or other practice ~~type~~ types or~~ 77959  
~~~~location~~ locations specified by the board.~~ 77960

~~(C) All rules adopted under this section shall be adopted in~~ 77961  
~~accordance with Chapter 119. of the Revised Code. The rules shall~~ 77962  
~~be consistent with rules adopted under sections 4723.51 and~~ 77963  
~~4730.55 of the Revised Code.~~ 77964

**Sec. 4731.07.** (A) The state medical board shall keep a record 77965  
of its proceedings. The minutes of a meeting of the board shall, 77966  
on approval by the board, constitute an official record of its 77967  
proceedings. 77968

(B) The board shall keep a register of applicants for 77969  
certificates ~~to practice~~ issued under this chapter and Chapters 77970  
4760., 4762., and 4774. of the Revised Code and licenses issued 77971  
under this chapter and Chapters 4730. and 4778. of the Revised 77972  
Code. The register shall show the name of the applicant and 77973  
whether the applicant was granted or refused a certificate or 77974

license. With respect to applicants to practice medicine and 77975  
surgery or osteopathic medicine and surgery, the register shall 77976  
show the name of the institution that granted the applicant the 77977  
degree of doctor of medicine or osteopathic medicine. The books 77978  
and records of the board shall be prima-facie evidence of matters 77979  
therein contained. 77980

**Sec. ~~4731.081~~ 4731.08.** In addition to any other eligibility 77981  
requirement set forth in this chapter, each applicant for a 77982  
~~certificate~~ license to practice medicine and surgery or 77983  
osteopathic medicine and surgery shall comply with sections 77984  
4776.01 to 4776.04 of the Revised Code. The state medical board 77985  
shall not grant to an applicant a ~~certificate~~ license to practice 77986  
medicine and surgery or osteopathic medicine and surgery unless 77987  
the board, in its discretion, decides that the results of the 77988  
criminal records check do not make the applicant ineligible for a 77989  
~~certificate~~ license issued pursuant to section 4731.14 of the 77990  
Revised Code. 77991

**Sec. ~~4731.091~~ 4731.09.** (A) ~~As used in this section and in~~ 77992  
~~section 4731.092 of the Revised Code:~~ 77993

~~(1) "Graduate medical education" means education received~~ 77994  
~~through any of the following:~~ 77995

~~(a) An internship or residency program conducted in the~~ 77996  
~~United States and accredited by either the accreditation council~~ 77997  
~~for graduate medical education of the American medical association~~ 77998  
~~or the American osteopathic association;~~ 77999

~~(b) A clinical fellowship program conducted in the United~~ 78000  
~~States at an institution with a residency program accredited by~~ 78001  
~~either the accreditation council for graduate medical education of~~ 78002  
~~the American medical association or the American osteopathic~~ 78003  
~~association that is in a clinical field the same as or related to~~ 78004

~~the clinical field of the fellowship program;~~ 78005

~~(c) An internship program conducted in Canada and accredited by the committee on accreditation of preregistration physician training programs of the federation of provincial medical licensing authorities of Canada;~~ 78006  
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~~(d) A residency program conducted in Canada and accredited by either the royal college of physicians and surgeons of Canada or the college of family physicians of Canada.~~ 78010  
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~~(2) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school.~~ 78013  
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~~(B) To be eligible for admission to the examination conducted by the state medical board under section 4731.13 of the Revised Code, an applicant must meet the medical education and graduate medical education requirements specified in any one of the following and any additional requirements of division (C) of this section An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery must meet all of the following requirements:~~ 78017  
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~~(1) Be at least eighteen years of age and of good moral character;~~ 78025  
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~~(2) Possess a high school diploma or a certificate of high school equivalence or have obtained the equivalent of such education as determined by the state medical board;~~ 78027  
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~~(3) Have completed two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board;~~ 78030  
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~~(4) Meet one of the following medical education and graduate medical education requirements:~~ 78033  
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(a) Hold a diploma from a medical school or osteopathic medical school that, at the time the diploma was issued, was a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association and have successfully completed not less than ~~nine~~ twelve months of graduate medical education through the first-year level of graduate medical education or its equivalent as determined by the board;

~~(2)~~(b) Hold certification from the educational commission for foreign medical graduates and have successfully completed not less than ~~nine~~ twenty-four months of graduate medical education through the ~~first-year~~ second-year level of graduate medical education or its equivalent as determined by the board;

~~(3)~~(c) Be a qualified graduate of a fifth pathway training program as recognized by the board under section ~~4731.092~~ 4731.091 of the Revised Code and have successfully completed, subsequent to completing fifth pathway training, not less than ~~nine~~ twelve months of graduate medical education or its equivalent as determined by the board.

(5) Have successfully passed an examination prescribed in rules adopted by the board to determine competency to practice medicine and surgery or osteopathic medicine and surgery;

(6) Comply with section 4731.08 of the Revised Code;

(7) Meet the requirements of section 4731.142 of the Revised Code if eligibility for the license applied for is based in part on certification from the educational commission for foreign medical graduates and the undergraduate education requirements established by this section were fulfilled at an institution outside of the United States.

~~(C) If an applicant holding certification from the educational commission for foreign medical graduates received the~~

~~core clinical instruction segment of the applicant's medical education at an institution in the United States, the board may require that to be eligible for admission to its examination, the applicant must have received the instruction at either of the following:~~

~~(1) An institution that, at the time of the instruction, was a formal part of or had formal affiliation with a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association.~~

~~(2) An institution with, at the time of the instruction, a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that is in a field the same as or related to the core clinical instruction~~ (B) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall submit to the board an application in the form and manner prescribed by the board. The application must include all of the following:

(1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the requirements of division (A) of this section;

(2) An affidavit from the applicant attesting to the accuracy and truthfulness of the information submitted under this section;

(3) Consent to the release of the applicant's information;

(4) Any other information the board requires.

(C) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall include with the application a fee of three hundred five dollars, no part of which may be returned. An application is not considered submitted until

the board receives the fee. 78097

(D) The board may conduct an investigation related to the 78098  
application materials received pursuant to this section and may 78099  
contact any individual, agency, or organization for 78100  
recommendations or other information about the applicant. 78101

(E) The board shall conclude any investigation of an 78102  
applicant conducted under section 4731.22 of the Revised Code not 78103  
later than ninety days after receipt of a complete application 78104  
unless the applicant agrees in writing to an extension or the 78105  
board determines that there is a substantial question of a 78106  
violation of this chapter or the rules adopted under it and 78107  
notifies the applicant in writing of the reasons for continuation 78108  
of the investigation. If the board determines that the applicant 78109  
is not in violation of this chapter or the rules adopted under it, 78110  
the board shall issue a license not later than forty-five days 78111  
after making that determination. 78112

**Sec. ~~4731.092~~ 4731.091.** To be recognized by the state medical 78113  
board as a qualified graduate of a fifth pathway training program, 78114  
an applicant shall submit evidence satisfactory to the board that 78115  
~~he~~ the applicant has done all of the following: 78116

(A) Studied medicine in a foreign medical school acknowledged 78117  
by the world health organization and verified by a member state of 78118  
that organization as operating within the state's jurisdiction at 78119  
the time ~~he~~ the applicant studied medicine; 78120

(B) Successfully completed all the formal requirements of the 78121  
foreign medical school except internship or social service 78122  
requirements; 78123

(C) Prior to entrance into the fifth pathway training 78124  
program, attained on a screening examination acceptable to the 78125  
board a score satisfactory to a medical school accredited by the 78126

liaison committee on medical education; 78127

(D) Successfully completed one academic year of fifth pathway 78128  
training at a hospital affiliated with a medical school accredited 78129  
by the liaison committee on medical education. 78130

**Sec. 4731.10.** Upon the request of a person who holds a 78131  
license or certificate to practice in this state pursuant to 78132  
Chapter 4731. of the Revised Code issued under this chapter and is 78133  
seeking licensure in another state, the state medical board shall 78134  
provide verification of the person's license or certificate to 78135  
practice the person's profession in this state. The fee for such 78136  
verification ~~shall be~~ is fifty dollars. 78137

**Sec. 4731.14.** (A) ~~As used in this section, "graduate medical~~ 78138  
~~education" has the same meaning as in section 4731.091 of the~~ 78139  
~~Revised Code~~ The state medical board shall review all applications 78140  
submitted under section 4731.09 or 4731.296 of the Revised Code 78141  
and determine whether each applicant meets the requirements for a 78142  
license to practice medicine and surgery or osteopathic medicine 78143  
and surgery. An affirmative vote of not fewer than six members of 78144  
the board is necessary for the board to determine that an 78145  
applicant meets the requirements for a license. 78146

(B) ~~The state medical board shall issue its certificate to~~ 78147  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 78148  
~~as follows:~~ 78149

(1) ~~The board shall issue its certificate to each individual~~ 78150  
~~who was admitted to the board's examination by meeting the~~ 78151  
~~educational requirements specified in division (B)(1) or (3) of~~ 78152  
~~section 4731.091 of the Revised Code if the individual passes the~~ 78153  
~~examination, pays a certificate issuance fee of three hundred~~ 78154  
~~dollars, and submits evidence satisfactory to the board that the~~ 78155  
~~individual has successfully completed not less than twelve months~~ 78156

~~of graduate medical education or its equivalent as determined by~~ 78157  
~~the board.~~ 78158

~~(2) Except as provided in section 4731.142 of the Revised~~ 78159  
~~Code, the board shall issue its certificate to each individual who~~ 78160  
~~was admitted to the board's examination by meeting the educational~~ 78161  
~~requirements specified in division (B)(2) of section 4731.091 of~~ 78162  
~~the Revised Code if the individual passes the examination, pays a~~ 78163  
~~certificate issuance fee of three hundred dollars, submits~~ 78164  
~~evidence satisfactory to the board that the individual has~~ 78165  
~~successfully completed not less than twenty four months of~~ 78166  
~~graduate medical education through the second year level of~~ 78167  
~~graduate medical education or its equivalent as determined by the~~ 78168  
~~board, and, if the individual passed the examination prior to~~ 78169  
~~completing twenty four months of graduate medical education or its~~ 78170  
~~equivalent, the individual continues to meet the moral character~~ 78171  
~~requirements for admission to the board's examination.~~ 78172

~~(C) If the board determines that the evidence submitted with~~ 78173  
~~an application is satisfactory and the applicant meets the~~ 78174  
~~requirements for a license, the board shall issue to the applicant~~ 78175  
~~a license to practice medicine and surgery or osteopathic medicine~~ 78176  
~~and surgery, as applicable. If the applicant holds a medical~~ 78177  
~~degree other than the degree of doctor of medicine or doctor of~~ 78178  
~~osteopathic medicine, the license shall indicate that the~~ 78179  
~~applicant is authorized to practice medicine and surgery pursuant~~ 78180  
~~to the laws of this state. Each certificate license issued by the~~ 78181  
~~board shall be signed by its president and secretary, and attested~~ 78182  
~~by its seal. ~~The certificate shall be on a form prescribed by the~~~~ 78183  
~~board and shall indicate the medical degree held by the individual~~ 78184  
~~to whom the certificate is issued. ~~If the individual holds the~~~~ 78185  
~~degree of doctor of medicine, the certificate shall state that the~~ 78186  
~~individual is authorized to practice medicine and surgery pursuant~~ 78187  
~~to the laws of this state. ~~If the individual holds the degree of~~~~ 78188

~~doctor of osteopathic medicine, the certificate shall state that 78189  
the individual is authorized to practice osteopathic medicine and 78190  
surgery pursuant to the laws of this state. If the individual 78191  
holds a medical degree other than the degree of doctor of medicine 78192  
or doctor of osteopathic medicine, the certificate shall indicate 78193  
the diploma, degree, or other document issued by the medical 78194  
school or institution the individual attended and shall state that 78195  
the individual is authorized to practice medicine and surgery 78196  
pursuant to the laws of this state. 78197~~

(C) The holder of a license to practice medicine and surgery 78198  
issued under this chapter may use the titles "Dr.," "doctor," 78199  
"M.D.," or "physician." The holder of a license to practice 78200  
osteopathic medicine and surgery issued under this chapter may use 78201  
the titles "Dr.," "doctor," "D.O.," or "physician." 78202

~~(D) The certificate shall be prominently displayed in the 78203  
certificate holder's office or place where a major portion of the 78204  
certificate holder's practice is conducted and shall entitle the 78205  
holder to practice either medicine and surgery or osteopathic 78206  
medicine and surgery provided the certificate holder maintains 78207  
current registration as required by section 4731.281 of the 78208  
Revised Code and provided further that such certificate has not 78209  
been revoked, suspended, or limited by action of the state medical 78210  
board pursuant to this chapter holder of a license issued under 78211  
this section shall either provide verification of licensure status 78212  
from the board's internet web site on request or prominently 78213  
display a wall certificate in the license holder's office or place 78214  
where the majority of the holder's practice is conducted. 78215~~

~~(E) An affirmative vote of not less than six members of the 78216  
board is required for the issuance of a certificate. 78217~~

**Sec. 4731.142.** (A) Except as provided in division (B) of this 78218  
section, an individual must demonstrate proficiency in spoken 78219

English, by passing an examination specified by the state medical board, to receive a ~~certificate~~ license to practice issued under section 4731.14 of the Revised Code if the individual's eligibility for the ~~certificate~~ license is based in part on certification from the educational commission for foreign medical graduates and fulfillment of the undergraduate requirements established by section 4731.09 of the Revised Code at an institution outside the United States. The board shall adopt rules specifying an acceptable examination and establishing the minimum score that demonstrates proficiency in spoken English.

(B) An individual is not required to demonstrate proficiency in spoken English in accordance with division (A) of this section if any of the following apply:

(1) The individual was required to demonstrate such proficiency as a condition of certification from the educational commission for foreign medical graduates;

(2) For the five years immediately preceding the date on which the applicant submitted to the board an application as described in section 4731.09 of the Revised Code, the applicant held an unrestricted license issued by another state to practice medicine and surgery or osteopathic medicine and surgery and was actively engaged in such practice in the United States;

(3) At the beginning of the five-year period preceding the date on which the applicant submitted to the board an application as described in section 4731.09 of the Revised Code, the applicant was receiving graduate medical education and, upon completion of that education, held an unrestricted license issued by another state to practice medicine and surgery or osteopathic medicine and surgery and was actively engaged in such practice in the United States.

**Sec. 4731.143.** (A) Each person holding a valid ~~certificate~~

license issued under this chapter authorizing the ~~certificate~~ 78251  
license holder to practice medicine and surgery, osteopathic 78252  
medicine and surgery, or podiatric medicine and surgery, who is 78253  
not covered by medical malpractice insurance shall provide a 78254  
patient with written notice of the ~~certificate~~ license holder's 78255  
lack of that insurance coverage prior to providing nonemergency 78256  
professional services to the patient. The notice shall be provided 78257  
alone on its own page. The notice shall provide space for the 78258  
patient to acknowledge receipt of the notice, and shall be in the 78259  
following form: 78260

"N O T I C E: 78261

Dr. .... (here state the full name of the 78262  
~~certificate~~ license holder) is not covered by medical malpractice 78263  
insurance. 78264

The undersigned acknowledges the receipt of this notice. 78265  
..... 78266  
(Patient's Signature) 78267  
..... 78268  
(Date)" 78269

The ~~certificate~~ license holder shall obtain the patient's 78270  
signature, acknowledging the patient's receipt of the notice, 78271  
prior to providing nonemergency professional services to the 78272  
patient. The ~~certificate~~ license holder shall maintain the signed 78273  
notice in the patient's ~~file~~ medical record. 78274

(B) This section does not apply to any officer or employee of 78275  
the state, as those terms are defined in section 9.85 of the 78276  
Revised Code, who is immune from civil liability under section 78277  
9.86 of the Revised Code or is entitled to indemnification 78278  
pursuant to section 9.87 of the Revised Code, to the extent that 78279  
the person is acting within the scope of the person's employment 78280  
or official responsibilities. 78281

This section does not apply to a person who complies with 78282  
division (B)(2) of section 2305.234 of the Revised Code. 78283

(C) As used in this section, "medical malpractice insurance" 78284  
means insurance coverage against the legal liability of the 78285  
insured and against loss, damage, or expense incident to a claim 78286  
arising out of the death, disease, or injury of any person as the 78287  
result of negligence or malpractice in rendering professional 78288  
service by any licensed physician, podiatrist, or hospital, as 78289  
those terms are defined in section 2305.113 of the Revised Code. 78290

**Sec. 4731.15.** (A)~~(1)~~ The state medical board also shall 78291  
regulate the following limited branches of medicine: massage 78292  
therapy and cosmetic therapy, and to the extent specified in 78293  
section 4731.151 of the Revised Code, naprapathy and 78294  
mechanotherapy. The board shall adopt rules governing the limited 78295  
branches of medicine under its jurisdiction. The rules shall be 78296  
adopted in accordance with Chapter 119. of the Revised Code. 78297

~~(2) As used in this chapter:~~ 78298

~~(a) "Cosmetic therapy" means the permanent removal of hair 78299  
from the human body through the use of electric modalities 78300  
approved by the board for use in cosmetic therapy, and 78301  
additionally may include the systematic friction, stroking, 78302  
slapping, and kneading or tapping of the face, neck, scalp, or 78303  
shoulders.~~ 78304

~~(b) "Massage therapy" means the treatment of disorders of the 78305  
human body by the manipulation of soft tissue through the 78306  
systematic external application of massage techniques including 78307  
touch, stroking, friction, vibration, percussion, kneading, 78308  
stretching, compression, and joint movements within the normal 78309  
physiologic range of motion; and adjunctive thereto, the external 78310  
application of water, heat, cold, topical preparations, and 78311  
mechanical devices.~~ 78312

(B) A certificate to practice a limited branch of medicine 78313  
issued by the state medical board is valid for a two-year period, 78314  
except when an initial certificate is issued for a shorter period 78315  
or when division (C)(2) of this section is applicable. The 78316  
certificate may be renewed in accordance with division (C) of this 78317  
section. 78318

(C)(1) Except as provided in division (C)(2) of this section, 78319  
~~all~~ both of the following apply with respect to the renewal of 78320  
certificates to practice a limited branch of medicine: 78321

(a) Each person seeking to renew a certificate to practice a 78322  
limited branch of medicine shall apply for biennial renewal with 78323  
the state medical board in a manner prescribed by the board. An 78324  
applicant for renewal shall pay a biennial renewal fee of one 78325  
hundred dollars. 78326

(b) At least ~~six months~~ one month before a certificate 78327  
expires, the board shall provide a renewal notice to the 78328  
certificate holder. 78329

~~(c) At least three months before a certificate expires, the 78330  
certificate holder shall submit the renewal application and 78331  
biennial renewal fee to the board. 78332~~

(2) The board shall implement a staggered renewal system that 78333  
is substantially similar to the staggered renewal system the board 78334  
uses under division (A) of section 4731.281 of the Revised Code. 78335

(D) All persons who hold a certificate to practice a limited 78336  
branch of medicine issued by the state medical board shall provide 78337  
the board notice of any change of address. The notice shall be 78338  
submitted to the board not later than thirty days after the change 78339  
of address. 78340

(E) A certificate to practice a limited branch of medicine 78341  
shall be automatically suspended if the certificate holder fails 78342  
to renew the certificate in accordance with division (C) of this 78343

section. Continued practice after the suspension of the 78344  
certificate to practice shall be considered as practicing in 78345  
violation of sections 4731.34 and 4731.41 of the Revised Code. 78346

If a certificate to practice has been suspended pursuant to 78347  
this division for two years or less, it may be reinstated. The 78348  
board shall reinstate the certificate upon an applicant's 78349  
submission of a renewal application and payment of ~~the biennial~~ 78350  
~~renewal~~ a reinstatement fee and the applicable monetary penalty of 78351  
one hundred twenty-five dollars. With regard to reinstatement of a 78352  
certificate to practice cosmetic therapy, the applicant also shall 78353  
submit with the application a certification that the number of 78354  
hours of continuing education necessary to have a suspended 78355  
certificate reinstated have been completed, as specified in rules 78356  
the board shall adopt in accordance with Chapter 119. of the 78357  
Revised Code. ~~The penalty for reinstatement shall be twenty five~~ 78358  
~~dollars.~~ 78359

If a certificate has been suspended pursuant to this division 78360  
for more than two years, it may be restored. Subject to section 78361  
4731.222 of the Revised Code, the board may restore the 78362  
certificate upon an applicant's submission of a restoration 78363  
application, ~~the biennial renewal fee, and the applicable monetary~~ 78364  
~~penalty~~ a restoration fee of one hundred fifty dollars and 78365  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 78366  
The board shall not restore to an applicant a certificate to 78367  
practice unless the board, in its discretion, decides that the 78368  
results of the criminal records check do not make the applicant 78369  
ineligible for a certificate issued pursuant to section 4731.17 of 78370  
the Revised Code. ~~The penalty for restoration is fifty dollars.~~ 78371

**Sec. 4731.22.** (A) The state medical board, by an affirmative 78372  
vote of not fewer than six of its members, may limit, revoke, or 78373  
suspend ~~an individual's~~ a license or certificate to practice or 78374

certificate to recommend, refuse to grant a license or certificate 78375  
~~to an individual~~, refuse to renew a license or certificate, refuse 78376  
to reinstate a license or certificate, or reprimand or place on 78377  
probation the holder of a license or certificate if the individual 78378  
applying for or holding the license or certificate ~~holder~~ is found 78379  
by the board to have committed fraud during the administration of 78380  
the examination for a license or certificate to practice or to 78381  
have committed fraud, misrepresentation, or deception in applying 78382  
for, renewing, or securing any license or certificate to practice 78383  
or certificate to recommend issued by the board. 78384

(B) The board, by an affirmative vote of not fewer than six 78385  
members, shall, to the extent permitted by law, limit, revoke, or 78386  
suspend ~~an individual's~~ a license or certificate to practice or 78387  
certificate to recommend, refuse to issue a license or certificate 78388  
~~to an individual~~, refuse to renew a license or certificate, refuse 78389  
to reinstate a license or certificate, or reprimand or place on 78390  
probation the holder of a license or certificate for one or more 78391  
of the following reasons: 78392

(1) Permitting one's name or one's license or certificate to 78393  
practice to be used by a person, group, or corporation when the 78394  
individual concerned is not actually directing the treatment 78395  
given; 78396

(2) Failure to maintain minimal standards applicable to the 78397  
selection or administration of drugs, or failure to employ 78398  
acceptable scientific methods in the selection of drugs or other 78399  
modalities for treatment of disease; 78400

(3) Except as provided in section 4731.97 of the Revised 78401  
Code, selling, giving away, personally furnishing, prescribing, or 78402  
administering drugs for other than legal and legitimate 78403  
therapeutic purposes or a plea of guilty to, a judicial finding of 78404  
guilt of, or a judicial finding of eligibility for intervention in 78405

lieu of conviction of, a violation of any federal or state law 78406  
regulating the possession, distribution, or use of any drug; 78407

(4) Willfully betraying a professional confidence. 78408

For purposes of this division, "willfully betraying a 78409  
professional confidence" does not include providing any 78410  
information, documents, or reports under sections 307.621 to 78411  
307.629 of the Revised Code to a child fatality review board; does 78412  
not include providing any information, documents, or reports to 78413  
the director of health pursuant to guidelines established under 78414  
section 3701.70 of the Revised Code; does not include written 78415  
notice to a mental health professional under section 4731.62 of 78416  
the Revised Code; and does not include the making of a report of 78417  
an employee's use of a drug of abuse, or a report of a condition 78418  
of an employee other than one involving the use of a drug of 78419  
abuse, to the employer of the employee as described in division 78420  
(B) of section 2305.33 of the Revised Code. Nothing in this 78421  
division affects the immunity from civil liability conferred by 78422  
section 2305.33 or 4731.62 of the Revised Code upon a physician 78423  
who makes a report in accordance with section 2305.33 or notifies 78424  
a mental health professional in accordance with section 4731.62 of 78425  
the Revised Code. As used in this division, "employee," 78426  
"employer," and "physician" have the same meanings as in section 78427  
2305.33 of the Revised Code. 78428

(5) Making a false, fraudulent, deceptive, or misleading 78429  
statement in the solicitation of or advertising for patients; in 78430  
relation to the practice of medicine and surgery, osteopathic 78431  
medicine and surgery, podiatric medicine and surgery, or a limited 78432  
branch of medicine; or in securing or attempting to secure any 78433  
license or certificate to practice issued by the board. 78434

As used in this division, "false, fraudulent, deceptive, or 78435  
misleading statement" means a statement that includes a 78436  
misrepresentation of fact, is likely to mislead or deceive because 78437

of a failure to disclose material facts, is intended or is likely 78438  
to create false or unjustified expectations of favorable results, 78439  
or includes representations or implications that in reasonable 78440  
probability will cause an ordinarily prudent person to 78441  
misunderstand or be deceived. 78442

(6) A departure from, or the failure to conform to, minimal 78443  
standards of care of similar practitioners under the same or 78444  
similar circumstances, whether or not actual injury to a patient 78445  
is established; 78446

(7) Representing, with the purpose of obtaining compensation 78447  
or other advantage as personal gain or for any other person, that 78448  
an incurable disease or injury, or other incurable condition, can 78449  
be permanently cured; 78450

(8) The obtaining of, or attempting to obtain, money or 78451  
anything of value by fraudulent misrepresentations in the course 78452  
of practice; 78453

(9) A plea of guilty to, a judicial finding of guilt of, or a 78454  
judicial finding of eligibility for intervention in lieu of 78455  
conviction for, a felony; 78456

(10) Commission of an act that constitutes a felony in this 78457  
state, regardless of the jurisdiction in which the act was 78458  
committed; 78459

(11) A plea of guilty to, a judicial finding of guilt of, or 78460  
a judicial finding of eligibility for intervention in lieu of 78461  
conviction for, a misdemeanor committed in the course of practice; 78462

(12) Commission of an act in the course of practice that 78463  
constitutes a misdemeanor in this state, regardless of the 78464  
jurisdiction in which the act was committed; 78465

(13) A plea of guilty to, a judicial finding of guilt of, or 78466  
a judicial finding of eligibility for intervention in lieu of 78467

conviction for, a misdemeanor involving moral turpitude; 78468

(14) Commission of an act involving moral turpitude that 78469  
constitutes a misdemeanor in this state, regardless of the 78470  
jurisdiction in which the act was committed; 78471

(15) Violation of the conditions of limitation placed by the 78472  
board upon a license or certificate to practice; 78473

(16) Failure to pay license renewal fees specified in this 78474  
chapter; 78475

(17) Except as authorized in section 4731.31 of the Revised 78476  
Code, engaging in the division of fees for referral of patients, 78477  
or the receiving of a thing of value in return for a specific 78478  
referral of a patient to utilize a particular service or business; 78479

(18) Subject to section 4731.226 of the Revised Code, 78480  
violation of any provision of a code of ethics of the American 78481  
medical association, the American osteopathic association, the 78482  
American podiatric medical association, or any other national 78483  
professional organizations that the board specifies by rule. The 78484  
state medical board shall obtain and keep on file current copies 78485  
of the codes of ethics of the various national professional 78486  
organizations. The individual whose license or certificate is 78487  
being suspended or revoked shall not be found to have violated any 78488  
provision of a code of ethics of an organization not appropriate 78489  
to the individual's profession. 78490

For purposes of this division, a "provision of a code of 78491  
ethics of a national professional organization" does not include 78492  
any provision that would preclude the making of a report by a 78493  
physician of an employee's use of a drug of abuse, or of a 78494  
condition of an employee other than one involving the use of a 78495  
drug of abuse, to the employer of the employee as described in 78496  
division (B) of section 2305.33 of the Revised Code. Nothing in 78497  
this division affects the immunity from civil liability conferred 78498

by that section upon a physician who makes either type of report 78499  
in accordance with division (B) of that section. As used in this 78500  
division, "employee," "employer," and "physician" have the same 78501  
meanings as in section 2305.33 of the Revised Code. 78502

(19) Inability to practice according to acceptable and 78503  
prevailing standards of care by reason of mental illness or 78504  
physical illness, including, but not limited to, physical 78505  
deterioration that adversely affects cognitive, motor, or 78506  
perceptive skills. 78507

In enforcing this division, the board, upon a showing of a 78508  
possible violation, may compel any individual authorized to 78509  
practice by this chapter or who has submitted an application 78510  
pursuant to this chapter to submit to a mental examination, 78511  
physical examination, including an HIV test, or both a mental and 78512  
a physical examination. The expense of the examination is the 78513  
responsibility of the individual compelled to be examined. Failure 78514  
to submit to a mental or physical examination or consent to an HIV 78515  
test ordered by the board constitutes an admission of the 78516  
allegations against the individual unless the failure is due to 78517  
circumstances beyond the individual's control, and a default and 78518  
final order may be entered without the taking of testimony or 78519  
presentation of evidence. If the board finds an individual unable 78520  
to practice because of the reasons set forth in this division, the 78521  
board shall require the individual to submit to care, counseling, 78522  
or treatment by physicians approved or designated by the board, as 78523  
a condition for initial, continued, reinstated, or renewed 78524  
authority to practice. An individual affected under this division 78525  
shall be afforded an opportunity to demonstrate to the board the 78526  
ability to resume practice in compliance with acceptable and 78527  
prevailing standards under the provisions of the individual's 78528  
license or certificate. For the purpose of this division, any 78529  
individual who applies for or receives a license or certificate to 78530

practice under this chapter accepts the privilege of practicing in 78531  
this state and, by so doing, shall be deemed to have given consent 78532  
to submit to a mental or physical examination when directed to do 78533  
so in writing by the board, and to have waived all objections to 78534  
the admissibility of testimony or examination reports that 78535  
constitute a privileged communication. 78536

(20) Except as provided in division (F)(1)(b) of section 78537  
4731.282 of the Revised Code or when civil penalties are imposed 78538  
under section 4731.225 ~~or 4731.282~~ of the Revised Code, and 78539  
subject to section 4731.226 of the Revised Code, violating or 78540  
attempting to violate, directly or indirectly, or assisting in or 78541  
abetting the violation of, or conspiring to violate, any 78542  
provisions of this chapter or any rule promulgated by the board. 78543

This division does not apply to a violation or attempted 78544  
violation of, assisting in or abetting the violation of, or a 78545  
conspiracy to violate, any provision of this chapter or any rule 78546  
adopted by the board that would preclude the making of a report by 78547  
a physician of an employee's use of a drug of abuse, or of a 78548  
condition of an employee other than one involving the use of a 78549  
drug of abuse, to the employer of the employee as described in 78550  
division (B) of section 2305.33 of the Revised Code. Nothing in 78551  
this division affects the immunity from civil liability conferred 78552  
by that section upon a physician who makes either type of report 78553  
in accordance with division (B) of that section. As used in this 78554  
division, "employee," "employer," and "physician" have the same 78555  
meanings as in section 2305.33 of the Revised Code. 78556

(21) The violation of section 3701.79 of the Revised Code or 78557  
of any abortion rule adopted by the director of health pursuant to 78558  
section 3701.341 of the Revised Code; 78559

(22) Any of the following actions taken by an agency 78560  
responsible for authorizing, certifying, or regulating an 78561  
individual to practice a health care occupation or provide health 78562

care services in this state or another jurisdiction, for any 78563  
reason other than the nonpayment of fees: the limitation, 78564  
revocation, or suspension of an individual's license to practice; 78565  
acceptance of an individual's license surrender; denial of a 78566  
license; refusal to renew or reinstate a license; imposition of 78567  
probation; or issuance of an order of censure or other reprimand; 78568

(23) The violation of section 2919.12 of the Revised Code or 78569  
the performance or inducement of an abortion upon a pregnant woman 78570  
with actual knowledge that the conditions specified in division 78571  
(B) of section 2317.56 of the Revised Code have not been satisfied 78572  
or with a heedless indifference as to whether those conditions 78573  
have been satisfied, unless an affirmative defense as specified in 78574  
division (H)(2) of that section would apply in a civil action 78575  
authorized by division (H)(1) of that section; 78576

(24) The revocation, suspension, restriction, reduction, or 78577  
termination of clinical privileges by the United States department 78578  
of defense or department of veterans affairs or the termination or 78579  
suspension of a certificate of registration to prescribe drugs by 78580  
the drug enforcement administration of the United States 78581  
department of justice; 78582

(25) Termination or suspension from participation in the 78583  
medicare or medicaid programs by the department of health and 78584  
human services or other responsible agency for any act or acts 78585  
that also would constitute a violation of division (B)(2), (3), 78586  
(6), (8), or (19) of this section; 78587

(26) Impairment of ability to practice according to 78588  
acceptable and prevailing standards of care because of habitual or 78589  
excessive use or abuse of drugs, alcohol, or other substances that 78590  
impair ability to practice. 78591

For the purposes of this division, any individual authorized 78592  
to practice by this chapter accepts the privilege of practicing in 78593

this state subject to supervision by the board. By filing an 78594  
application for or holding a license or certificate to practice 78595  
under this chapter, an individual shall be deemed to have given 78596  
consent to submit to a mental or physical examination when ordered 78597  
to do so by the board in writing, and to have waived all 78598  
objections to the admissibility of testimony or examination 78599  
reports that constitute privileged communications. 78600

If it has reason to believe that any individual authorized to 78601  
practice by this chapter or any applicant for licensure or 78602  
certification to practice suffers such impairment, the board may 78603  
compel the individual to submit to a mental or physical 78604  
examination, or both. The expense of the examination is the 78605  
responsibility of the individual compelled to be examined. Any 78606  
mental or physical examination required under this division shall 78607  
be undertaken by a treatment provider or physician who is 78608  
qualified to conduct the examination and who is chosen by the 78609  
board. 78610

Failure to submit to a mental or physical examination ordered 78611  
by the board constitutes an admission of the allegations against 78612  
the individual unless the failure is due to circumstances beyond 78613  
the individual's control, and a default and final order may be 78614  
entered without the taking of testimony or presentation of 78615  
evidence. If the board determines that the individual's ability to 78616  
practice is impaired, the board shall suspend the individual's 78617  
license or certificate or deny the individual's application and 78618  
shall require the individual, as a condition for initial, 78619  
continued, reinstated, or renewed licensure or certification to 78620  
practice, to submit to treatment. 78621

Before being eligible to apply for reinstatement of a license 78622  
or certificate suspended under this division, the impaired 78623  
practitioner shall demonstrate to the board the ability to resume 78624  
practice in compliance with acceptable and prevailing standards of 78625

care under the provisions of the practitioner's license or 78626  
certificate. The demonstration shall include, but shall not be 78627  
limited to, the following: 78628

(a) Certification from a treatment provider approved under 78629  
section 4731.25 of the Revised Code that the individual has 78630  
successfully completed any required inpatient treatment; 78631

(b) Evidence of continuing full compliance with an aftercare 78632  
contract or consent agreement; 78633

(c) Two written reports indicating that the individual's 78634  
ability to practice has been assessed and that the individual has 78635  
been found capable of practicing according to acceptable and 78636  
prevailing standards of care. The reports shall be made by 78637  
individuals or providers approved by the board for making the 78638  
assessments and shall describe the basis for their determination. 78639

The board may reinstate a license or certificate suspended 78640  
under this division after that demonstration and after the 78641  
individual has entered into a written consent agreement. 78642

When the impaired practitioner resumes practice, the board 78643  
shall require continued monitoring of the individual. The 78644  
monitoring shall include, but not be limited to, compliance with 78645  
the written consent agreement entered into before reinstatement or 78646  
with conditions imposed by board order after a hearing, and, upon 78647  
termination of the consent agreement, submission to the board for 78648  
at least two years of annual written progress reports made under 78649  
penalty of perjury stating whether the individual has maintained 78650  
sobriety. 78651

(27) A second or subsequent violation of section 4731.66 or 78652  
4731.69 of the Revised Code; 78653

(28) Except as provided in division (N) of this section: 78654

(a) Waiving the payment of all or any part of a deductible or 78655

copayment that a patient, pursuant to a health insurance or health 78656  
care policy, contract, or plan that covers the individual's 78657  
services, otherwise would be required to pay if the waiver is used 78658  
as an enticement to a patient or group of patients to receive 78659  
health care services from that individual; 78660

(b) Advertising that the individual will waive the payment of 78661  
all or any part of a deductible or copayment that a patient, 78662  
pursuant to a health insurance or health care policy, contract, or 78663  
plan that covers the individual's services, otherwise would be 78664  
required to pay. 78665

(29) Failure to use universal blood and body fluid 78666  
precautions established by rules adopted under section 4731.051 of 78667  
the Revised Code; 78668

(30) Failure to provide notice to, and receive acknowledgment 78669  
of the notice from, a patient when required by section 4731.143 of 78670  
the Revised Code prior to providing nonemergency professional 78671  
services, or failure to maintain that notice in the patient's ~~file~~ 78672  
medical record; 78673

(31) Failure of a physician supervising a physician assistant 78674  
to maintain supervision in accordance with the requirements of 78675  
Chapter 4730. of the Revised Code and the rules adopted under that 78676  
chapter; 78677

(32) Failure of a physician or podiatrist to enter into a 78678  
standard care arrangement with a clinical nurse specialist, 78679  
certified nurse-midwife, or certified nurse practitioner with whom 78680  
the physician or podiatrist is in collaboration pursuant to 78681  
section 4731.27 of the Revised Code or failure to fulfill the 78682  
responsibilities of collaboration after entering into a standard 78683  
care arrangement; 78684

(33) Failure to comply with the terms of a consult agreement 78685  
entered into with a pharmacist pursuant to section 4729.39 of the 78686

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 78687                                                                                  |
| (34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; | 78688<br>78689<br>78690<br>78691<br>78692<br>78693<br>78694<br>78695<br>78696<br>78697 |
| (35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 78698<br>78699<br>78700                                                                |
| (36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 78701<br>78702<br>78703                                                                |
| (37) Assisting suicide, as defined in section 3795.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 78704<br>78705                                                                         |
| (38) Failure to comply with the requirements of section 2317.561 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 78706<br>78707                                                                         |
| (39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 78708<br>78709<br>78710                                                                |
| (40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 78711<br>78712<br>78713                                                                |
| (41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 78714<br>78715<br>78716                                                                |

|                                                                                                                                                                                                                                                                                             |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| clinic;                                                                                                                                                                                                                                                                                     | 78717                                     |
| (42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;                                                                      | 78718<br>78719<br>78720<br>78721          |
| (43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;                                                                    | 78722<br>78723<br>78724<br>78725          |
| (44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;           | 78726<br>78727<br>78728<br>78729<br>78730 |
| (45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;                  | 78731<br>78732<br>78733<br>78734<br>78735 |
| (46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;                                                                         | 78736<br>78737<br>78738<br>78739          |
| (47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman; | 78740<br>78741<br>78742<br>78743<br>78744 |
| (48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section                                                                                                               | 78745<br>78746<br>78747                   |

3719.01 of the Revised Code; 78748

(49) Failure to comply with the requirements of section 78749  
4731.30 of the Revised Code or rules adopted under section 78750  
4731.301 of the Revised Code when recommending treatment with 78751  
medical marijuana; 78752

(50) Practicing at a facility, clinic, or other location that 78753  
is subject to licensure as a category III terminal distributor of 78754  
dangerous drugs with an office-based opioid treatment 78755  
classification unless the person operating that place has obtained 78756  
and maintains the license with the classification; 78757

(51) Owning a facility, clinic, or other location that is 78758  
subject to licensure as a category III terminal distributor of 78759  
dangerous drugs with an office-based opioid treatment 78760  
classification unless that place is licensed with the 78761  
classification. 78762

(C) Disciplinary actions taken by the board under divisions 78763  
(A) and (B) of this section shall be taken pursuant to an 78764  
adjudication under Chapter 119. of the Revised Code, except that 78765  
in lieu of an adjudication, the board may enter into a consent 78766  
agreement with an individual to resolve an allegation of a 78767  
violation of this chapter or any rule adopted under it. A consent 78768  
agreement, when ratified by an affirmative vote of not fewer than 78769  
six members of the board, shall constitute the findings and order 78770  
of the board with respect to the matter addressed in the 78771  
agreement. If the board refuses to ratify a consent agreement, the 78772  
admissions and findings contained in the consent agreement shall 78773  
be of no force or effect. 78774

A telephone conference call may be utilized for ratification 78775  
of a consent agreement that revokes or suspends an individual's 78776  
license or certificate to practice or certificate to recommend. 78777  
The telephone conference call shall be considered a special 78778

meeting under division (F) of section 121.22 of the Revised Code. 78779

If the board takes disciplinary action against an individual 78780  
under division (B) of this section for a second or subsequent plea 78781  
of guilty to, or judicial finding of guilt of, a violation of 78782  
section 2919.123 of the Revised Code, the disciplinary action 78783  
shall consist of a suspension of the individual's license or 78784  
certificate to practice for a period of at least one year or, if 78785  
determined appropriate by the board, a more serious sanction 78786  
involving the individual's license or certificate to practice. Any 78787  
consent agreement entered into under this division with an 78788  
individual that pertains to a second or subsequent plea of guilty 78789  
to, or judicial finding of guilt of, a violation of that section 78790  
shall provide for a suspension of the individual's license or 78791  
certificate to practice for a period of at least one year or, if 78792  
determined appropriate by the board, a more serious sanction 78793  
involving the individual's license or certificate to practice. 78794

(D) For purposes of divisions (B)(10), (12), and (14) of this 78795  
section, the commission of the act may be established by a finding 78796  
by the board, pursuant to an adjudication under Chapter 119. of 78797  
the Revised Code, that the individual committed the act. The board 78798  
does not have jurisdiction under those divisions if the trial 78799  
court renders a final judgment in the individual's favor and that 78800  
judgment is based upon an adjudication on the merits. The board 78801  
has jurisdiction under those divisions if the trial court issues 78802  
an order of dismissal upon technical or procedural grounds. 78803

(E) The sealing of conviction records by any court shall have 78804  
no effect upon a prior board order entered under this section or 78805  
upon the board's jurisdiction to take action under this section 78806  
if, based upon a plea of guilty, a judicial finding of guilt, or a 78807  
judicial finding of eligibility for intervention in lieu of 78808  
conviction, the board issued a notice of opportunity for a hearing 78809  
prior to the court's order to seal the records. The board shall 78810

not be required to seal, destroy, redact, or otherwise modify its 78811  
records to reflect the court's sealing of conviction records. 78812

(F)(1) The board shall investigate evidence that appears to 78813  
show that a person has violated any provision of this chapter or 78814  
any rule adopted under it. Any person may report to the board in a 78815  
signed writing any information that the person may have that 78816  
appears to show a violation of any provision of this chapter or 78817  
any rule adopted under it. In the absence of bad faith, any person 78818  
who reports information of that nature or who testifies before the 78819  
board in any adjudication conducted under Chapter 119. of the 78820  
Revised Code shall not be liable in damages in a civil action as a 78821  
result of the report or testimony. Each complaint or allegation of 78822  
a violation received by the board shall be assigned a case number 78823  
and shall be recorded by the board. 78824

(2) Investigations of alleged violations of this chapter or 78825  
any rule adopted under it shall be supervised by the supervising 78826  
member elected by the board in accordance with section 4731.02 of 78827  
the Revised Code and by the secretary as provided in section 78828  
4731.39 of the Revised Code. The president may designate another 78829  
member of the board to supervise the investigation in place of the 78830  
supervising member. No member of the board who supervises the 78831  
investigation of a case shall participate in further adjudication 78832  
of the case. 78833

(3) In investigating a possible violation of this chapter or 78834  
any rule adopted under this chapter, or in conducting an 78835  
inspection under division (E) of section 4731.054 of the Revised 78836  
Code, the board may question witnesses, conduct interviews, 78837  
administer oaths, order the taking of depositions, inspect and 78838  
copy any books, accounts, papers, records, or documents, issue 78839  
subpoenas, and compel the attendance of witnesses and production 78840  
of books, accounts, papers, records, documents, and testimony, 78841  
except that a subpoena for patient record information shall not be 78842

issued without consultation with the attorney general's office and 78843  
approval of the secretary and supervising member of the board. 78844

(a) Before issuance of a subpoena for patient record 78845  
information, the secretary and supervising member shall determine 78846  
whether there is probable cause to believe that the complaint 78847  
filed alleges a violation of this chapter or any rule adopted 78848  
under it and that the records sought are relevant to the alleged 78849  
violation and material to the investigation. The subpoena may 78850  
apply only to records that cover a reasonable period of time 78851  
surrounding the alleged violation. 78852

(b) On failure to comply with any subpoena issued by the 78853  
board and after reasonable notice to the person being subpoenaed, 78854  
the board may move for an order compelling the production of 78855  
persons or records pursuant to the Rules of Civil Procedure. 78856

(c) A subpoena issued by the board may be served by a 78857  
sheriff, the sheriff's deputy, or a board employee designated by 78858  
the board. Service of a subpoena issued by the board may be made 78859  
by delivering a copy of the subpoena to the person named therein, 78860  
reading it to the person, or leaving it at the person's usual 78861  
place of residence, usual place of business, or address on file 78862  
with the board. When serving a subpoena to an applicant for or the 78863  
holder of a license or certificate issued under this chapter, 78864  
service of the subpoena may be made by certified mail, return 78865  
receipt requested, and the subpoena shall be deemed served on the 78866  
date delivery is made or the date the person refuses to accept 78867  
delivery. If the person being served refuses to accept the 78868  
subpoena or is not located, service may be made to an attorney who 78869  
notifies the board that the attorney is representing the person. 78870

(d) A sheriff's deputy who serves a subpoena shall receive 78871  
the same fees as a sheriff. Each witness who appears before the 78872  
board in obedience to a subpoena shall receive the fees and 78873  
mileage provided for under section 119.094 of the Revised Code. 78874

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality

is maintained with respect to any part of the information that 78907  
contains names or other identifying information about patients or 78908  
complainants whose confidentiality was protected by the state 78909  
medical board when the information was in the board's possession. 78910  
Measures to ensure confidentiality that may be taken by the court 78911  
include sealing its records or deleting specific information from 78912  
its records. 78913

(6) On a quarterly basis, the board shall prepare a report 78914  
that documents the disposition of all cases during the preceding 78915  
three months. The report shall contain the following information 78916  
for each case with which the board has completed its activities: 78917

(a) The case number assigned to the complaint or alleged 78918  
violation; 78919

(b) The type of license or certificate to practice, if any, 78920  
held by the individual against whom the complaint is directed; 78921

(c) A description of the allegations contained in the 78922  
complaint; 78923

(d) The disposition of the case. 78924

The report shall state how many cases are still pending and 78925  
shall be prepared in a manner that protects the identity of each 78926  
person involved in each case. The report shall be a public record 78927  
under section 149.43 of the Revised Code. 78928

(G) If the secretary and supervising member determine both of 78929  
the following, they may recommend that the board suspend an 78930  
individual's license or certificate to practice or certificate to 78931  
recommend without a prior hearing: 78932

(1) That there is clear and convincing evidence that an 78933  
individual has violated division (B) of this section; 78934

(2) That the individual's continued practice presents a 78935  
danger of immediate and serious harm to the public. 78936

Written allegations shall be prepared for consideration by 78937  
the board. The board, upon review of those allegations and by an 78938  
affirmative vote of not fewer than six of its members, excluding 78939  
the secretary and supervising member, may suspend a license or 78940  
certificate without a prior hearing. A telephone conference call 78941  
may be utilized for reviewing the allegations and taking the vote 78942  
on the summary suspension. 78943

The board shall issue a written order of suspension by 78944  
certified mail or in person in accordance with section 119.07 of 78945  
the Revised Code. The order shall not be subject to suspension by 78946  
the court during pendency of any appeal filed under section 119.12 78947  
of the Revised Code. If the individual subject to the summary 78948  
suspension requests an adjudicatory hearing by the board, the date 78949  
set for the hearing shall be within fifteen days, but not earlier 78950  
than seven days, after the individual requests the hearing, unless 78951  
otherwise agreed to by both the board and the individual. 78952

Any summary suspension imposed under this division shall 78953  
remain in effect, unless reversed on appeal, until a final 78954  
adjudicative order issued by the board pursuant to this section 78955  
and Chapter 119. of the Revised Code becomes effective. The board 78956  
shall issue its final adjudicative order within seventy-five days 78957  
after completion of its hearing. A failure to issue the order 78958  
within seventy-five days shall result in dissolution of the 78959  
summary suspension order but shall not invalidate any subsequent, 78960  
final adjudicative order. 78961

(H) If the board takes action under division (B)(9), (11), or 78962  
(13) of this section and the judicial finding of guilt, guilty 78963  
plea, or judicial finding of eligibility for intervention in lieu 78964  
of conviction is overturned on appeal, upon exhaustion of the 78965  
criminal appeal, a petition for reconsideration of the order may 78966  
be filed with the board along with appropriate court documents. 78967  
Upon receipt of a petition of that nature and supporting court 78968

documents, the board shall reinstate the individual's license or 78969  
certificate to practice. The board may then hold an adjudication 78970  
under Chapter 119. of the Revised Code to determine whether the 78971  
individual committed the act in question. Notice of an opportunity 78972  
for a hearing shall be given in accordance with Chapter 119. of 78973  
the Revised Code. If the board finds, pursuant to an adjudication 78974  
held under this division, that the individual committed the act or 78975  
if no hearing is requested, the board may order any of the 78976  
sanctions identified under division (B) of this section. 78977

(I) The license or certificate to practice issued to an 78978  
individual under this chapter and the individual's practice in 78979  
this state are automatically suspended as of the date of the 78980  
individual's second or subsequent plea of guilty to, or judicial 78981  
finding of guilt of, a violation of section 2919.123 of the 78982  
Revised Code. In addition, the license or certificate to practice 78983  
or certificate to recommend issued to an individual under this 78984  
chapter and the individual's practice in this state are 78985  
automatically suspended as of the date the individual pleads 78986  
guilty to, is found by a judge or jury to be guilty of, or is 78987  
subject to a judicial finding of eligibility for intervention in 78988  
lieu of conviction in this state or treatment or intervention in 78989  
lieu of conviction in another jurisdiction for any of the 78990  
following criminal offenses in this state or a substantially 78991  
equivalent criminal offense in another jurisdiction: aggravated 78992  
murder, murder, voluntary manslaughter, felonious assault, 78993  
kidnapping, rape, sexual battery, gross sexual imposition, 78994  
aggravated arson, aggravated robbery, or aggravated burglary. 78995  
Continued practice after suspension shall be considered practicing 78996  
without a license or certificate. 78997

The board shall notify the individual subject to the 78998  
suspension by certified mail or in person in accordance with 78999  
section 119.07 of the Revised Code. If an individual whose license 79000

or certificate is automatically suspended under this division 79001  
fails to make a timely request for an adjudication under Chapter 79002  
119. of the Revised Code, the board shall do whichever of the 79003  
following is applicable: 79004

(1) If the automatic suspension under this division is for a 79005  
second or subsequent plea of guilty to, or judicial finding of 79006  
guilt of, a violation of section 2919.123 of the Revised Code, the 79007  
board shall enter an order suspending the individual's license or 79008  
certificate to practice for a period of at least one year or, if 79009  
determined appropriate by the board, imposing a more serious 79010  
sanction involving the individual's license or certificate to 79011  
practice. 79012

(2) In all circumstances in which division (I)(1) of this 79013  
section does not apply, enter a final order permanently revoking 79014  
the individual's license or certificate to practice. 79015

(J) If the board is required by Chapter 119. of the Revised 79016  
Code to give notice of an opportunity for a hearing and if the 79017  
individual subject to the notice does not timely request a hearing 79018  
in accordance with section 119.07 of the Revised Code, the board 79019  
is not required to hold a hearing, but may adopt, by an 79020  
affirmative vote of not fewer than six of its members, a final 79021  
order that contains the board's findings. In that final order, the 79022  
board may order any of the sanctions identified under division (A) 79023  
or (B) of this section. 79024

(K) Any action taken by the board under division (B) of this 79025  
section resulting in a suspension from practice shall be 79026  
accompanied by a written statement of the conditions under which 79027  
the individual's license or certificate to practice may be 79028  
reinstated. The board shall adopt rules governing conditions to be 79029  
imposed for reinstatement. Reinstatement of a license or 79030  
certificate suspended pursuant to division (B) of this section 79031  
requires an affirmative vote of not fewer than six members of the 79032

board. 79033

(L) When the board refuses to grant or issue a license or 79034  
certificate to practice to an applicant, revokes an individual's 79035  
license or certificate to practice, refuses to renew an 79036  
individual's license or certificate to practice, or refuses to 79037  
reinstate an individual's license or certificate to practice, the 79038  
board may specify that its action is permanent. An individual 79039  
subject to a permanent action taken by the board is forever 79040  
thereafter ineligible to hold a license or certificate to practice 79041  
and the board shall not accept an application for reinstatement of 79042  
the license or certificate or for issuance of a new license or 79043  
certificate. 79044

(M) Notwithstanding any other provision of the Revised Code, 79045  
all of the following apply: 79046

(1) The surrender of a license or certificate issued under 79047  
this chapter shall not be effective unless or until accepted by 79048  
the board. A telephone conference call may be utilized for 79049  
acceptance of the surrender of an individual's license or 79050  
certificate to practice. The telephone conference call shall be 79051  
considered a special meeting under division (F) of section 121.22 79052  
of the Revised Code. Reinstatement of a license or certificate 79053  
surrendered to the board requires an affirmative vote of not fewer 79054  
than six members of the board. 79055

(2) An application for a license or certificate made under 79056  
the provisions of this chapter may not be withdrawn without 79057  
approval of the board. 79058

(3) Failure by an individual to renew a license or 79059  
certificate to practice in accordance with this chapter or a 79060  
certificate to recommend in accordance with rules adopted under 79061  
section 4731.301 of the Revised Code shall not remove or limit the 79062  
board's jurisdiction to take any disciplinary action under this 79063

section against the individual. 79064

(4) At the request of the board, a license or certificate 79065  
holder shall immediately surrender to the board a license or 79066  
certificate that the board has suspended, revoked, or permanently 79067  
revoked. 79068

(N) Sanctions shall not be imposed under division (B)(28) of 79069  
this section against any person who waives deductibles and 79070  
copayments as follows: 79071

(1) In compliance with the health benefit plan that expressly 79072  
allows such a practice. Waiver of the deductibles or copayments 79073  
shall be made only with the full knowledge and consent of the plan 79074  
purchaser, payer, and third-party administrator. Documentation of 79075  
the consent shall be made available to the board upon request. 79076

(2) For professional services rendered to any other person 79077  
authorized to practice pursuant to this chapter, to the extent 79078  
allowed by this chapter and rules adopted by the board. 79079

(O) Under the board's investigative duties described in this 79080  
section and subject to division (F) of this section, the board 79081  
shall develop and implement a quality intervention program 79082  
designed to improve through remedial education the clinical and 79083  
communication skills of individuals authorized under this chapter 79084  
to practice medicine and surgery, osteopathic medicine and 79085  
surgery, and podiatric medicine and surgery. In developing and 79086  
implementing the quality intervention program, the board may do 79087  
all of the following: 79088

(1) Offer in appropriate cases as determined by the board an 79089  
educational and assessment program pursuant to an investigation 79090  
the board conducts under this section; 79091

(2) Select providers of educational and assessment services, 79092  
including a quality intervention program panel of case reviewers; 79093

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

**Sec. 4731.221.** If the state medical board has reason to believe that any person who has been granted a license or certificate under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which such person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the board secretary or a member of the board secretary's staff, whereupon the same proceedings shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section.

If any person who has been granted a license or certificate under this chapter is adjudged by a probate court to be mentally ill or mentally incompetent, the person's license or certificate shall be automatically suspended until such person has filed with the state medical board a certified copy of an adjudication by a probate court of the person's subsequent restoration to competency

or has submitted to such board proof, satisfactory to the board, 79125  
that the person has been discharged as having a restoration to 79126  
competency in the manner and form provided in section 5122.38 of 79127  
the Revised Code. The judge of such court shall forthwith notify 79128  
the state medical board of an adjudication of mental illness or 79129  
mental incompetence, and shall note any suspension of a license or 79130  
certificate in the margin of the court's record of such license or 79131  
certificate. 79132

**Sec. 4731.222.** (A) This section applies to both of the 79133  
following: 79134

(1) An applicant seeking restoration of a license or 79135  
certificate issued under this chapter that has been in a suspended 79136  
or inactive state for any cause for more than two years; 79137

(2) An applicant seeking issuance of a license or certificate 79138  
pursuant to section 4731.17, ~~4731.29~~, or 4731.295, ~~4731.57~~, or 79139  
~~4731.571~~ of the Revised Code who for more than two years has not 79140  
been engaged in the practice of medicine and surgery, osteopathic 79141  
medicine and surgery, ~~podiatric medicine and surgery~~, or a limited 79142  
branch of medicine as any of the following: 79143

(a) An active practitioner; 79144

(b) A participant in a program of graduate medical education, 79145  
as defined in section ~~4731.091~~ 4731.04 of the Revised Code; 79146

(c) A student in a college of podiatry determined by the 79147  
state medical board to be in good standing; 79148

(d) A student in a school, college, or institution giving 79149  
instruction in a limited branch of medicine determined by the 79150  
board to be in good standing under section 4731.16 of the Revised 79151  
Code. 79152

(B) Before restoring a license or certificate to good 79153  
standing for or issuing a license or certificate to an applicant 79154

subject to this section, the state medical board may impose terms 79155  
and conditions including any one or more of the following: 79156

(1) Requiring the applicant to pass an oral or written 79157  
examination, or both, to determine the applicant's present fitness 79158  
to resume practice; 79159

(2) Requiring the applicant to obtain additional training and 79160  
to pass an examination upon completion of such training; 79161

(3) Requiring an assessment of the applicant's physical 79162  
skills for purposes of determining whether the applicant's 79163  
coordination, fine motor skills, and dexterity are sufficient for 79164  
performing medical evaluations and procedures in a manner that 79165  
meets the minimal standards of care; 79166

(4) Requiring an assessment of the applicant's skills in 79167  
recognizing and understanding diseases and conditions; 79168

(5) Requiring the applicant to undergo a comprehensive 79169  
physical examination, which may include an assessment of physical 79170  
abilities, evaluation of sensory capabilities, or screening for 79171  
the presence of neurological disorders; 79172

(6) Restricting or limiting the extent, scope, or type of 79173  
practice of the applicant. 79174

The board shall consider the moral background and the 79175  
activities of the applicant during the period of suspension or 79176  
inactivity, in accordance with section ~~4731.08~~ 4731.09, 4731.19, 79177  
or 4731.52 of the Revised Code. The board shall not restore a 79178  
license or certificate under this section unless the applicant 79179  
complies with sections 4776.01 to 4776.04 of the Revised Code. 79180

**Sec. 4731.223.** (A) As used in this section, "prosecutor" has 79181  
the same meaning as in section 2935.01 of the Revised Code. 79182

(B) Whenever any person holding a valid license or 79183  
certificate issued pursuant to this chapter pleads guilty to, is 79184

subject to a judicial finding of guilt of, or is subject to a 79185  
judicial finding of eligibility for intervention in lieu of 79186  
conviction for a violation of Chapter 2907., 2925., or 3719. of 79187  
the Revised Code or of any substantively comparable ordinance of a 79188  
municipal corporation in connection with the person's practice, or 79189  
for a second or subsequent time pleads guilty to, or is subject to 79190  
a judicial finding of guilt of, a violation of section 2919.123 of 79191  
the Revised Code, the prosecutor in the case, on forms prescribed 79192  
and provided by the state medical board, shall promptly notify the 79193  
board of the conviction or guilty plea. Within thirty days of 79194  
receipt of that information, the board shall initiate action in 79195  
accordance with Chapter 119. of the Revised Code to determine 79196  
whether to suspend or revoke the license or certificate under 79197  
section 4731.22 of the Revised Code. 79198

(C) The prosecutor in any case against any person holding a 79199  
valid license or certificate issued pursuant to this chapter, on 79200  
forms prescribed and provided by the state medical board, shall 79201  
notify the board of any of the following: 79202

(1) A plea of guilty to, a finding of guilt by a jury or 79203  
court of, or judicial finding of eligibility for intervention in 79204  
lieu of conviction for a felony, or a case in which the trial 79205  
court issues an order of dismissal upon technical or procedural 79206  
grounds of a felony charge; 79207

(2) A plea of guilty to, a finding of guilt by a jury or 79208  
court of, or judicial finding of eligibility for intervention in 79209  
lieu of conviction for a misdemeanor committed in the course of 79210  
practice, or a case in which the trial court issues an order of 79211  
dismissal upon technical or procedural grounds of a charge of a 79212  
misdemeanor, if the alleged act was committed in the course of 79213  
practice; 79214

(3) A plea of guilty to, a finding of guilt by a jury or 79215  
court of, or judicial finding of eligibility for intervention in 79216

lieu of conviction for a misdemeanor involving moral turpitude, or 79217  
a case in which the trial court issues an order of dismissal upon 79218  
technical or procedural grounds of a charge of a misdemeanor 79219  
involving moral turpitude. 79220

The report shall include the name and address of the license 79221  
or certificate holder, the nature of the offense for which the 79222  
action was taken, and the certified court documents recording the 79223  
action. 79224

**Sec. 4731.224.** (A) Within sixty days after the imposition of 79225  
any formal disciplinary action taken by any health care facility, 79226  
including a hospital, health care facility operated by a health 79227  
insuring corporation, ambulatory surgical center, or similar 79228  
facility, against any individual holding a valid license or 79229  
certificate to practice issued pursuant to this chapter, the chief 79230  
administrator or executive officer of the facility shall report to 79231  
the state medical board the name of the individual, the action 79232  
taken by the facility, and a summary of the underlying facts 79233  
leading to the action taken. Upon request, the board shall be 79234  
provided certified copies of the patient records that were the 79235  
basis for the facility's action. Prior to release to the board, 79236  
the summary shall be approved by the peer review committee that 79237  
reviewed the case or by the governing board of the facility. As 79238  
used in this division, "formal disciplinary action" means any 79239  
action resulting in the revocation, restriction, reduction, or 79240  
termination of clinical privileges for violations of professional 79241  
ethics, or for reasons of medical incompetence, medical 79242  
malpractice, or drug or alcohol abuse. "Formal disciplinary 79243  
action" includes a summary action, an action that takes effect 79244  
notwithstanding any appeal rights that may exist, and an action 79245  
that results in an individual surrendering clinical privileges 79246  
while under investigation and during proceedings regarding the 79247  
action being taken or in return for not being investigated or 79248

having proceedings held. "Formal disciplinary action" does not 79249  
include any action taken for the sole reason of failure to 79250  
maintain records on a timely basis or failure to attend staff or 79251  
section meetings. 79252

The filing or nonfiling of a report with the board, 79253  
investigation by the board, or any disciplinary action taken by 79254  
the board, shall not preclude any action by a health care facility 79255  
to suspend, restrict, or revoke the individual's clinical 79256  
privileges. 79257

In the absence of fraud or bad faith, no individual or entity 79258  
that provides patient records to the board shall be liable in 79259  
damages to any person as a result of providing the records. 79260

(B) If any individual authorized to practice under this 79261  
chapter or any professional association or society of such 79262  
individuals believes that a violation of any provision of this 79263  
chapter, Chapter 4730., 4760., 4762., 4774., or 4778. of the 79264  
Revised Code, or any rule of the board has occurred, the 79265  
individual, association, or society shall report to the board the 79266  
information upon which the belief is based. This division does not 79267  
require any treatment provider approved by the board under section 79268  
4731.25 of the Revised Code or any employee, agent, or 79269  
representative of such a provider to make reports with respect to 79270  
an impaired practitioner participating in treatment or aftercare 79271  
for substance abuse as long as the practitioner maintains 79272  
participation in accordance with the requirements of section 79273  
4731.25 of the Revised Code, and as long as the treatment provider 79274  
or employee, agent, or representative of the provider has no 79275  
reason to believe that the practitioner has violated any provision 79276  
of this chapter or any rule adopted under it, other than the 79277  
provisions of division (B)(26) of section 4731.22 of the Revised 79278  
Code. This division does not require reporting by any member of an 79279

impaired practitioner committee established by a health care 79280  
facility or by any representative or agent of a committee or 79281  
program sponsored by a professional association or society of 79282  
individuals authorized to practice under this chapter to provide 79283  
peer assistance to practitioners with substance abuse problems 79284  
with respect to a practitioner who has been referred for 79285  
examination to a treatment program approved by the board under 79286  
section 4731.25 of the Revised Code if the practitioner cooperates 79287  
with the referral for examination and with any determination that 79288  
the practitioner should enter treatment and as long as the 79289  
committee member, representative, or agent has no reason to 79290  
believe that the practitioner has ceased to participate in the 79291  
treatment program in accordance with section 4731.25 of the 79292  
Revised Code or has violated any provision of this chapter or any 79293  
rule adopted under it, other than the provisions of division 79294  
(B)(26) of section 4731.22 of the Revised Code. 79295

(C) Any professional association or society composed 79296  
primarily of doctors of medicine and surgery, doctors of 79297  
osteopathic medicine and surgery, doctors of podiatric medicine 79298  
and surgery, or practitioners of limited branches of medicine that 79299  
suspends or revokes an individual's membership for violations of 79300  
professional ethics, or for reasons of professional incompetence 79301  
or professional malpractice, within sixty days after a final 79302  
decision shall report to the board, on forms prescribed and 79303  
provided by the board, the name of the individual, the action 79304  
taken by the professional organization, and a summary of the 79305  
underlying facts leading to the action taken. 79306

The filing of a report with the board or decision not to file 79307  
a report, investigation by the board, or any disciplinary action 79308  
taken by the board, does not preclude a professional organization 79309  
from taking disciplinary action against an individual. 79310

(D) Any insurer providing professional liability insurance to 79311

an individual authorized to practice under this chapter, or any 79312  
other entity that seeks to indemnify the professional liability of 79313  
such an individual, shall notify the board within thirty days 79314  
after the final disposition of any written claim for damages where 79315  
such disposition results in a payment exceeding twenty-five 79316  
thousand dollars. The notice shall contain the following 79317  
information: 79318

(1) The name and address of the person submitting the 79319  
notification; 79320

(2) The name and address of the insured who is the subject of 79321  
the claim; 79322

(3) The name of the person filing the written claim; 79323

(4) The date of final disposition; 79324

(5) If applicable, the identity of the court in which the 79325  
final disposition of the claim took place. 79326

(E) The board may investigate possible violations of this 79327  
chapter or the rules adopted under it that are brought to its 79328  
attention as a result of the reporting requirements of this 79329  
section, except that the board shall conduct an investigation if a 79330  
possible violation involves repeated malpractice. As used in this 79331  
division, "repeated malpractice" means three or more claims for 79332  
medical malpractice within the previous five-year period, each 79333  
resulting in a judgment or settlement in excess of twenty-five 79334  
thousand dollars in favor of the claimant, and each involving 79335  
negligent conduct by the practicing individual. 79336

(F) All summaries, reports, and records received and 79337  
maintained by the board pursuant to this section shall be held in 79338  
confidence and shall not be subject to discovery or introduction 79339  
in evidence in any federal or state civil action involving a 79340  
health care professional or facility arising out of matters that 79341  
are the subject of the reporting required by this section. The 79342

board may use the information obtained only as the basis for an 79343  
investigation, as evidence in a disciplinary hearing against an 79344  
individual whose practice is regulated under this chapter, or in 79345  
any subsequent trial or appeal of a board action or order. 79346

The board may disclose the summaries and reports it receives 79347  
under this section only to health care facility committees within 79348  
or outside this state that are involved in credentialing or 79349  
recredentialing the individual or in reviewing the individual's 79350  
clinical privileges. The board shall indicate whether or not the 79351  
information has been verified. Information transmitted by the 79352  
board shall be subject to the same confidentiality provisions as 79353  
when maintained by the board. 79354

(G) Except for reports filed by an individual pursuant to 79355  
division (B) of this section, the board shall send a copy of any 79356  
reports or summaries it receives pursuant to this section to the 79357  
individual who is the subject of the reports or summaries. The 79358  
individual shall have the right to file a statement with the board 79359  
concerning the correctness or relevance of the information. The 79360  
statement shall at all times accompany that part of the record in 79361  
contention. 79362

(H) An individual or entity that, pursuant to this section, 79363  
reports to the board or refers an impaired practitioner to a 79364  
treatment provider approved by the board under section 4731.25 of 79365  
the Revised Code shall not be subject to suit for civil damages as 79366  
a result of the report, referral, or provision of the information. 79367

(I) In the absence of fraud or bad faith, no professional 79368  
association or society of individuals authorized to practice under 79369  
this chapter that sponsors a committee or program to provide peer 79370  
assistance to practitioners with substance abuse problems, no 79371  
representative or agent of such a committee or program, and no 79372  
member of the state medical board shall be held liable in damages 79373  
to any person by reason of actions taken to refer a practitioner 79374

to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

**Sec. 4731.225.** (A) If the holder of a license or certificate issued under this chapter violates division (A), (B), or (C) of section 4731.66 or section 4731.69 of the Revised Code, or if any other person violates division (B) or (C) of section 4731.66 or section 4731.69 of the Revised Code, the state medical board, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, shall:

(1) For a first violation, impose a civil penalty of not more than five thousand dollars;

(2) For each subsequent violation, impose a civil penalty of not more than twenty thousand dollars and, if the violator is a license or certificate holder, proceed under division (B)(27) of section 4731.22 of the Revised Code.

(B)(1) If the holder of a license or certificate issued under this chapter violates any section of this chapter other than section 4731.281 or 4731.282 of the Revised Code or the sections specified in division (A) of this section, or violates any rule adopted under this chapter, the board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (B)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4731.22 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of

not fewer than six board members. 79406

Under the guidelines, no civil penalty amount shall exceed 79407  
twenty thousand dollars. 79408

(C) Amounts received from payment of civil penalties imposed 79409  
under this section shall be deposited by the board in accordance 79410  
with section 4731.24 of the Revised Code. Amounts received from 79411  
payment of civil penalties imposed for violations of division 79412  
(B)(26) of section 4731.22 of the Revised Code shall be used by 79413  
the board solely for investigations, enforcement, and compliance 79414  
monitoring. 79415

**Sec. 4731.23.** (A)(1)(a) The state medical board shall 79416  
designate one or more attorneys at law who have been admitted to 79417  
the practice of law, and who are classified as either 79418  
administrative law attorney examiners or as administrative law 79419  
attorney examiner administrators under the state job 79420  
classification plan adopted under section 124.14 of the Revised 79421  
Code, as hearing examiners, subject to Chapter 119. of the Revised 79422  
Code, to conduct any hearing which the medical board is empowered 79423  
to hold or undertake pursuant to Chapter 119. of the Revised Code. 79424

(b) Notwithstanding the requirement of division (A)(1)(a) of 79425  
this section that the board designate as a hearing examiner an 79426  
attorney who is classified as either an administrative law 79427  
attorney examiner or an administrative law attorney examiner 79428  
administrator, the board may, subject to section 127.16 of the 79429  
Revised Code, enter into a personal service contract with an 79430  
attorney admitted to the practice of law in this state to serve on 79431  
a temporary basis as a hearing examiner. 79432

(2) The hearing examiner shall hear and consider the oral and 79433  
documented evidence introduced by the parties and issue in writing 79434  
proposed findings of fact and conclusions of law to the board for 79435  
their consideration within thirty days following the close of the 79436

hearing. 79437

(B) The board shall be given copies of the transcript of the 79438  
record hearing and all exhibits and documents presented by the 79439  
parties at the hearing. 79440

(C) The board shall, upon the favorable vote of three 79441  
members, allow the parties or their counsel the opportunity to 79442  
present oral arguments on the proposed findings of fact and 79443  
conclusions of law of the hearing examiner prior to the board's 79444  
final action. 79445

(D) The board shall render a decision and take action within 79446  
sixty days following the receipt of the hearing examiner's 79447  
proposed findings of fact and conclusions of law or within any 79448  
longer period mutually agreed upon by the board and the license or 79449  
certificate holder. 79450

(E) The final decision of the board in any hearing which the 79451  
board is empowered to undertake shall be in writing and contain 79452  
findings of fact and conclusions of law. Copies of the decision 79453  
shall be delivered to the parties personally or by certified mail. 79454  
The decision shall be final upon delivery or mailing, except that 79455  
the license or certificate holder may appeal in the manner 79456  
provided by Chapter 119. of the Revised Code. 79457

**Sec. 4731.26.** Upon application by the holder of a license or 79458  
certificate to practice issued under this chapter, the state 79459  
medical board shall issue a duplicate license or certificate to 79460  
replace one missing or damaged, to reflect a name change, or for 79461  
any other reasonable cause. The fee for a duplicate license or 79462  
certificate to practice shall be thirty-five dollars. 79463

**Sec. 4731.281.** (A)(1) Each person holding a ~~certificate~~ 79464  
license issued under this chapter to practice medicine and 79465  
surgery, osteopathic medicine and surgery, or podiatric medicine 79466

and surgery wishing to renew that ~~certificate~~ license shall apply 79467  
to the board for renewal. Applications shall be submitted to the 79468  
board in a manner prescribed by the board. Each application shall 79469  
be accompanied by a biennial renewal fee of three hundred five 79470  
dollars. Applications shall be submitted according to the 79471  
following schedule: 79472

(a) Persons whose last name begins with the letters "A" 79473  
through "B," on or before ~~April 1, 2001,~~ and the first day of 79474  
~~April~~ July of every odd-numbered year ~~thereafter;~~ 79475

(b) Persons whose last name begins with the letters "C" 79476  
through "D," on or before ~~January 1, 2001,~~ and the first day of 79477  
~~January~~ April of every odd-numbered year ~~thereafter;~~ 79478

(c) Persons whose last name begins with the letters "E" 79479  
through "G," on or before ~~October 1, 2000,~~ and the first day of 79480  
~~October~~ January of every ~~even-numbered~~ odd-numbered year 79481  
~~thereafter;~~ 79482

(d) Persons whose last name begins with the letters "H" 79483  
through "K," on or before ~~July 1, 2000,~~ and the first day of ~~July~~ 79484  
October of every even-numbered year ~~thereafter;~~ 79485

(e) Persons whose last name begins with the letters "L" 79486  
through "M," on or before ~~April 1, 2000,~~ and the first day of 79487  
~~April~~ July of every even-numbered year ~~thereafter;~~ 79488

(f) Persons whose last name begins with the letters "N" 79489  
through "R," on or before ~~January 1, 2000,~~ and the first day of 79490  
~~January~~ April of every even-numbered year ~~thereafter;~~ 79491

(g) Persons whose last name begins with the letter "S," on or 79492  
before ~~October 1, 1999,~~ and the first day of ~~October~~ January of 79493  
every ~~odd-numbered~~ even-numbered year ~~thereafter;~~ 79494

(h) Persons whose last name begins with the letters "T" 79495  
through "Z," on or before ~~July 1, 1999,~~ and the first day of ~~July~~ 79496

October of every odd-numbered year ~~thereafter.~~ 79497

The board shall deposit the fee in accordance with section 79498  
4731.24 of the Revised Code, except that the board shall deposit 79499  
twenty dollars of the fee into the state treasury to the credit of 79500  
the physician loan repayment fund created by section 3702.78 of 79501  
the Revised Code. 79502

(2) The board shall provide to every person holding a 79503  
~~certificate~~ license to practice medicine and surgery, osteopathic 79504  
medicine and surgery, or podiatric medicine and surgery, a renewal 79505  
notice or may provide the notice to the person through the 79506  
secretary of any recognized medical, osteopathic, or podiatric 79507  
society, ~~according to the following schedule:~~ 79508

~~(a) To persons whose last name begins with the letters "A" 79509  
through "B," on or before January 1, 2001, and the first day of 79510  
January of every odd numbered year thereafter;~~ 79511

~~(b) To persons whose last name begins with the letters "C" 79512  
through "D," on or before October 1, 2000, and the first day of 79513  
October of every even numbered year thereafter;~~ 79514

~~(c) To persons whose last name begins with the letters "E" 79515  
through "G," on or before July 1, 2000, and the first day of July 79516  
of every even numbered year thereafter;~~ 79517

~~(d) To persons whose last name begins with the letters "H" 79518  
through "K," on or before April 1, 2000, and the first day of 79519  
April of every even numbered year thereafter;~~ 79520

~~(e) To persons whose last name begins with the letters "L" 79521  
through "M," on or before January 1, 2000, and the first day of 79522  
January of every even numbered year thereafter;~~ 79523

~~(f) To persons whose last name begins with the letters "N" 79524  
through "R," on or before October 1, 1999, and the first day of 79525  
October of every odd numbered year thereafter;~~ 79526

~~(g) To persons whose last name begins with the letter "S," on or before July 1, 1999, and the first day of July of every odd numbered year thereafter;~~ 79527  
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~~(h) To persons whose last name begins with the letters "T" through "Z," on or before April 1, 1999, and the first day of April of every odd numbered year thereafter. The notice shall be provided to the person at least one month prior to the date on which the person's license expires.~~ 79530  
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(3) Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section. 79535  
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(4) The board's notice shall inform the applicant of the renewal procedure. The board shall provide the application for renewal in a form determined by the board. 79538  
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(5) The applicant shall provide in the application the applicant's full name; the applicant's residence address, business address, and electronic mail address; the number of the applicant's ~~certificate~~ license to practice; and any other information required by the board. 79541  
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(6)(a) Except as provided in division (A)(6)(b) of this section, in the case of an applicant who prescribes or personally furnishes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the applicant shall certify to the board whether the applicant has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code. 79546  
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(b) The requirement in division (A)(6)(a) of this section does not apply if any of the following is the case: 79553  
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(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information 79555  
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from the drug database. 79558

(ii) The state board of pharmacy no longer maintains the drug database. 79559  
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(iii) The applicant does not practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery in this state. 79561  
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(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4731.22 of the Revised Code. 79564  
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(7) The applicant shall ~~include with the application a list of the names and addresses of~~ indicate whether the applicant currently collaborates, as that term is defined in section 4723.01 of the Revised Code, with any clinical nurse specialists, certified nurse-midwives, or certified nurse practitioners ~~with whom the applicant is currently collaborating, as defined in section 4723.01 of the Revised Code.~~ 79569  
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(8) The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last ~~filing~~ submitting an application for a ~~certificate~~ license to practice or renewal of a ~~certificate~~ license. 79576  
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(9) The applicant shall execute and deliver the application to the board in a manner prescribed by the board. 79582  
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(B) The board shall renew a ~~certificate~~ license under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery upon application and qualification therefor in accordance with this section. A renewal shall be valid for a two-year period. 79584  
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(C) Failure of any ~~certificate~~ license holder to renew and 79589  
comply with this section shall operate automatically to suspend 79590  
the holder's ~~certificate~~ license to practice and if applicable, 79591  
the holder's certificate to recommend issued under section 4731.30 79592  
of the Revised Code. Continued practice after the suspension shall 79593  
be considered as practicing in violation of section 4731.41, 79594  
4731.43, or 4731.60 of the Revised Code. ~~If~~ 79595

If the ~~certificate~~ license has been suspended pursuant to 79596  
this division for two years or less, it may be reinstated. The 79597  
board shall reinstate a ~~certificate~~ license to practice suspended 79598  
for failure to renew upon an applicant's submission of a renewal 79599  
application, ~~the biennial renewal fee, and the applicable monetary~~ 79600  
~~penalty. The penalty for reinstatement shall be one~~ payment of a 79601  
reinstatement fee of four hundred five dollars. ~~If~~ 79602

If the ~~certificate~~ license has been suspended pursuant to 79603  
this division for more than two years, it may be restored. Subject 79604  
to section 4731.222 of the Revised Code, the board may restore a 79605  
~~certificate~~ license to practice suspended for failure to renew 79606  
upon an applicant's submission of a restoration application, ~~the~~ 79607  
~~biennial renewal fee, and the applicable monetary penalty~~ payment 79608  
of a restoration fee of five hundred five dollars, and compliance 79609  
with sections 4776.01 to 4776.04 of the Revised Code. The board 79610  
shall not restore to an applicant a ~~certificate~~ license to 79611  
practice unless the board, in its discretion, decides that the 79612  
results of the criminal records check do not make the applicant 79613  
ineligible for a ~~certificate~~ license issued pursuant to section 79614  
4731.14, ~~or~~ 4731.56, ~~or~~ 4731.57 of the Revised Code. ~~The penalty~~ 79615  
~~for restoration shall be two hundred dollars. The board shall~~ 79616  
~~deposit the penalties in accordance with section 4731.24 of the~~ 79617  
~~Revised Code. Any renewal reinstatement~~ or restoration of a 79618  
~~certificate~~ license to practice under this section shall operate 79619  
automatically to renew the holder's certificate to recommend. 79620

~~(D) If an individual certifies completion of the number of hours and type of continuing medical education required to renew or reinstate a certificate to practice, and the board finds through the random samples it conducts under this section or through any other means that the individual did not complete the requisite continuing medical education, the board may impose a civil penalty of not more than five thousand dollars. The board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members.~~

~~A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4731.22 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.~~

~~(E)~~ The state medical board may obtain information not protected by statutory or common law privilege from courts and other sources concerning malpractice claims against any person holding a certificate license to practice under this chapter or practicing as provided in section 4731.36 of the Revised Code.

~~(F)~~(E) Each mailing sent by the board under division (A)(2) of this section to a person holding a certificate license to practice medicine and surgery or osteopathic medicine and surgery shall inform the applicant of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

~~(G)~~(F) Each person holding a certificate license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery shall give notice to the board of any of the following changes a change in the license holder's

residence address, business address, or electronic mail address 79653  
not later than thirty days after the change occurs+ 79654

~~(1) A change in the certificate holder's residence address,~~ 79655  
~~business address, or electronic mail address;~~ 79656

~~(2) A change in the list provided under division (B)(7) of~~ 79657  
~~this section of names and addresses of the nurses with whom the~~ 79658  
~~certificate holder is collaborating.~~ 79659

**Sec. 4731.282.** (A)(1) Except as provided in division (D) of 79660  
this section, each person holding a certificate license to 79661  
practice medicine and surgery, osteopathic medicine and surgery, 79662  
or podiatric medicine and surgery issued by the state medical 79663  
board shall complete biennially not less than one hundred hours of 79664  
continuing medical education that has been approved by the board. 79665

(2) Each person holding a certificate license to practice 79666  
shall be given sufficient choice of continuing education programs 79667  
to ensure that the person has had a reasonable opportunity to 79668  
participate in continuing education programs that are relevant to 79669  
the person's medical practice in terms of subject matter and 79670  
level. 79671

(B) In determining whether a course, program, or activity 79672  
qualifies for credit as continuing medical education, the board 79673  
shall approve all of the following: 79674

(1) Continuing medical education completed by holders of 79675  
~~certificates~~ licenses to practice medicine and surgery that is 79676  
certified by the Ohio state medical association; 79677

(2) Continuing medical education completed by holders of 79678  
~~certificates~~ licenses to practice osteopathic medicine and surgery 79679  
that is certified by the Ohio osteopathic association; 79680

(3) Continuing medical education completed by holders of 79681  
~~certificates~~ licenses to practice podiatric medicine and surgery 79682

that is certified by the Ohio podiatric medical association. 79683

(C) The board shall approve one or more continuing medical 79684  
education courses of study included within the programs certified 79685  
by the Ohio state medical association and the Ohio osteopathic 79686  
association under divisions (B)(1) and (2) of this section that 79687  
assist doctors of medicine and doctors of osteopathic medicine in 79688  
both of the following: 79689

(1) Recognizing the signs of domestic violence and its 79690  
relationship to child abuse; 79691

(2) Diagnosing and treating chronic pain, as defined in 79692  
section 4731.052 of the Revised Code. 79693

(D) The board shall adopt rules providing for pro rata 79694  
reductions by month of the number of hours of continuing education 79695  
that must be completed for ~~certificate~~ license holders who are in 79696  
their first renewal period, have been disabled by illness or 79697  
accident, or have been absent from the country. The board shall 79698  
adopt the rules in accordance with Chapter 119. of the Revised 79699  
Code. 79700

(E) The board may require a random sample of holders of 79701  
~~certificates~~ licenses to practice medicine and surgery, 79702  
osteopathic medicine and surgery, or podiatric medicine and 79703  
surgery to submit materials documenting completion of the required 79704  
number of hours of continuing medical education. This division 79705  
does not limit the board's authority to conduct investigations 79706  
pursuant to section 4731.22 of the Revised Code. 79707

(F) ~~The board may impose a civil penalty of not more than~~ 79708  
~~five thousand dollars if (1) If,~~ through a random sample conducted 79709  
under division (E) of this section or any other means, ~~it~~ the 79710  
board finds that an individual ~~falsely~~ who certified ~~that the~~ 79711  
~~individual completed~~ completion of the number of hours and type of 79712  
continuing medical education required ~~for renewal of~~ to renew, 79713

~~reinstate, or restore a certificate license to practice. If the~~ 79714  
~~civil penalty is imposed in addition to any other action the board~~ 79715  
~~takes did not complete the requisite continuing medical education,~~ 79716  
~~the board may do either of the following:~~ 79717

~~(a) Take disciplinary action against the individual under~~ 79718  
~~section 4731.22 of the Revised Code, ~~the,~~ impose a civil penalty,~~ 79719  
~~or both;~~ 79720

~~(b) Permit the individual to agree in writing to complete the~~ 79721  
~~continuing medical education and pay a civil penalty.~~ 79722

~~(2) The board's finding in any disciplinary action taken~~ 79723  
~~under division (F)(1)(a) of this section shall be made pursuant to~~ 79724  
~~an adjudication under Chapter 119. of the Revised Code and by an~~ 79725  
~~affirmative vote of not fewer than six of its members.~~ 79726

~~(3) A civil penalty ~~imposed under this division may be in~~~~ 79727  
~~addition to or in lieu of any other action the board takes under~~ 79728  
~~section 4731.22 of the Revised Code. paid under division (F)(1)(b)~~ 79729  
~~of this section or imposed under division (F)(1)(a) of this~~ 79730  
~~section shall be in an amount specified by the board of not more~~ 79731  
~~than five thousand dollars. The board shall deposit civil~~ 79732  
~~penalties in accordance with section 4731.24 of the Revised Code.~~ 79733

**Sec. 4731.291.** (A) An individual seeking to pursue an 79734  
internship, residency, or clinical fellowship program in this 79735  
state, who does not hold a ~~certificate license~~ to practice 79736  
medicine and surgery or osteopathic medicine or surgery issued 79737  
under this chapter, shall apply to the state medical board for a 79738  
training certificate. The application shall be made on forms that 79739  
the board shall furnish and shall be accompanied by an application 79740  
fee of seventy-five dollars. 79741

An applicant for a training certificate shall furnish to the 79742  
board ~~of~~ all of the following: 79743

(1) Evidence satisfactory to the board that the applicant is 79744  
at least eighteen years of age and is of good moral character. 79745

(2) Evidence satisfactory to the board that the applicant has 79746  
been accepted or appointed to participate in this state in one of 79747  
the following: 79748

(a) An internship or residency program accredited by either 79749  
the accreditation council for graduate medical education of the 79750  
American medical association or the American osteopathic 79751  
association; 79752

(b) A clinical fellowship program at an institution with a 79753  
residency program accredited by either the accreditation council 79754  
for graduate medical education of the American medical association 79755  
or the American osteopathic association that is in a clinical 79756  
field the same as or related to the clinical field of the 79757  
fellowship program; 79758

(3) Information identifying the beginning and ending dates of 79759  
the period for which the applicant has been accepted or appointed 79760  
to participate in the internship, residency, or clinical 79761  
fellowship program; 79762

(4) Any other information that the board requires. 79763

(B) If no grounds for denying a license or certificate under 79764  
section 4731.22 of the Revised Code apply, and the applicant meets 79765  
the requirements of division (A) of this section, the board shall 79766  
issue a training certificate to the applicant. The board shall not 79767  
require an examination as a condition of receiving a training 79768  
certificate. 79769

A training certificate issued pursuant to this section shall 79770  
be valid only for the period of ~~one year~~ three years, but may in 79771  
the discretion of the board and upon application duly made, be 79772  
renewed annually ~~for a maximum of five~~ thereafter for up to two 79773  
additional years. The fee for renewal of a training certificate 79774

shall be thirty-five dollars. 79775

The board shall maintain a register of all individuals who 79776  
hold training certificates. 79777

(C) The holder of a valid training certificate shall be 79778  
entitled to perform such acts as may be prescribed by or 79779  
incidental to the holder's internship, residency, or clinical 79780  
fellowship program, but the holder shall not be entitled otherwise 79781  
to engage in the practice of medicine and surgery or osteopathic 79782  
medicine and surgery in this state. The holder shall limit 79783  
activities under the certificate to the programs of the hospitals 79784  
or facilities for which the training certificate is issued. The 79785  
holder shall train only under the supervision of the physicians 79786  
responsible for supervision as part of the internship, residency, 79787  
or clinical fellowship program. A 79788

A training certificate may be revoked by the board upon 79789  
proof, satisfactory to the board, that the holder thereof has 79790  
engaged in practice in this state outside the scope of the 79791  
internship, residency, or clinical fellowship program for which 79792  
the training certificate has been issued, or upon proof, 79793  
satisfactory to the board, that the holder thereof has engaged in 79794  
unethical conduct or that there are grounds for action against the 79795  
holder under section 4731.22 of the Revised Code. 79796

(D) The board may adopt rules as the board finds necessary to 79797  
effect the purpose of this section. 79798

**Sec. 4731.292.** The state medical board may register, without 79799  
examination, persons who are not citizens of the United States, 79800  
but who hold the degree of doctor of medicine or the degree of 79801  
doctor of osteopathic medicine and surgery, for the purpose of 79802  
permitting such persons to practice in hospitals operated by the 79803  
state. Registration pursuant to this section permits practice of 79804  
medicine or osteopathic medicine and surgery in state operated 79805

institutions under the supervision of the medical staff of such 79806  
institution until the next scheduled examination ~~conducted~~ 79807  
~~prescribed~~ by the state medical board ~~under section 4731.13 of the~~ 79808  
~~Revised Code~~ in its rules. 79809

An applicant for a limited certificate to practice medicine 79810  
or osteopathic medicine and surgery shall furnish proof, 79811  
satisfactory to the board, that: 79812

(A) ~~He~~ The applicant has filed an application for 79813  
naturalization and that such application has not been rejected or 79814  
withdrawn, or if not yet eligible to file an application for 79815  
naturalization, ~~he~~ the applicant has filed a declaration of 79816  
intention to become a citizen of the United States in an 79817  
appropriate court of record. 79818

(B) ~~He~~ The applicant has successfully passed the educational 79819  
council for foreign medical graduates test. 79820

(C) ~~He~~ The applicant is at least eighteen years of age and of 79821  
good moral character. 79822

(D) ~~He~~ The applicant is a graduate of a medical or 79823  
osteopathic school or college which is reputable and in good 79824  
standing in the judgment of the board. 79825

(E) ~~He~~ The applicant will limit ~~his~~ the applicant's practice 79826  
and training within the physical confines of the institution for 79827  
which the limited certificate to practice is granted. 79828

(F) The medical staff of the institution for which the 79829  
limited certificate to practice is granted has approved in writing 79830  
~~his~~ the applicant's application for such certificate. 79831

(G) ~~He~~ The applicant will practice medicine or osteopathic 79832  
medicine and surgery only under the supervision of the attending 79833  
medical staff of the institution for which the limited certificate 79834  
is granted. 79835

(H) ~~He~~ The applicant has made application to take the state 79836  
medical board examination as provided by this section. 79837

Registration pursuant to this section shall be valid until 79838  
such time as the applicant takes the state medical board 79839  
examination. If the applicant passes the examination, ~~he~~ the 79840  
applicant shall then be granted a limited certificate to practice 79841  
medicine or osteopathic medicine and surgery. A holder of a 79842  
limited certificate to practice, upon completion of the requisite 79843  
training and upon receipt of ~~his~~ United States citizenship, shall 79844  
be entitled to receive an unlimited ~~certificate~~ license to 79845  
practice. 79846

A limited certificate to practice issued pursuant to this 79847  
section shall be valid for a period of one year only, but may be 79848  
renewed, in the discretion of the board and upon application duly 79849  
made, annually, with the written approval of the medical staff of 79850  
the institution for which the limited certificate to practice has 79851  
been issued, but no limited certificate shall be renewed more than 79852  
four times. The fee to be paid to the board for the issuances of 79853  
the pre-examination registration permit to engage in limited 79854  
practice shall be one hundred dollars; the fee to be paid for each 79855  
renewal of a limited certificate shall be ten dollars. 79856

An applicant for a limited certificate to practice must take 79857  
~~the an examination conducted under section 4731.13 of the Revised~~ 79858  
~~Code~~ prescribed by the board in its rules at the first reasonable 79859  
opportunity. Failure to take the examination at the first 79860  
reasonable opportunity authorizes the termination of the 79861  
pre-examination registration permit to engage in a limited 79862  
practice as defined in this section. 79863

The holder of a valid limited certificate to practice may 79864  
engage in the practice of medicine and surgery or osteopathic 79865  
medicine and surgery only under the supervision of a member of the 79866  
medical staff of the institution for which the limited certificate 79867

to practice has been issued, and only within physical confines of 79868  
the institution so named. A limited certificate to practice may be 79869  
revoked by the board upon proof, satisfactory to the board, that 79870  
the holder thereof has engaged in the practice of medicine and 79871  
surgery or osteopathic medicine and surgery in this state outside 79872  
the scope of ~~his~~ the holder's certificate, or upon proof that the 79873  
holder thereof has engaged in unethical conduct or has violated 79874  
section 4731.22 of the Revised Code. 79875

The board may promulgate such additional rules and 79876  
regulations as the board finds necessary to effect the purpose of 79877  
this section. 79878

**Sec. 4731.293.** (A) The state medical board may issue, without 79879  
examination, a clinical research faculty certificate to practice 79880  
medicine and surgery, osteopathic medicine and surgery, or 79881  
podiatric medicine and surgery to any person who applies for the 79882  
certificate and provides to the board all of the following: 79883

(1) Evidence satisfactory to the board of all of the 79884  
following: 79885

(a) That the applicant holds a current, unrestricted license 79886  
to practice medicine and surgery ~~or~~ osteopathic medicine and 79887  
surgery, or podiatric medicine and surgery issued by another state 79888  
or country; 79889

(b) That the applicant has been appointed to serve in this 79890  
state on the academic staff of a medical school accredited by the 79891  
liaison committee on medical education ~~or~~ an osteopathic medical 79892  
school accredited by the American osteopathic association, or a 79893  
college of podiatric medicine and surgery in good standing with 79894  
the board; 79895

(c) That the applicant is an international medical graduate 79896  
who holds a medical degree from an educational institution listed 79897

in the international medical education directory. 79898

(2) An affidavit and supporting documentation from the dean 79899  
of the ~~medical~~ school or college, or the department director or 79900  
chairperson of a teaching hospital affiliated with the school or 79901  
college, that the applicant is qualified to perform teaching and 79902  
research activities and will be permitted to work only under the 79903  
authority of the department director or chairperson of a teaching 79904  
hospital affiliated with the ~~medical~~ school or college where the 79905  
applicant's teaching and research activities will occur; 79906

(3) A description from the ~~medical~~ school, college, or 79907  
teaching hospital of the scope of practice in which the applicant 79908  
will be involved, including the types of teaching, research, and 79909  
procedures in which the applicant will be engaged; 79910

(4) A description from the ~~medical~~ school, college, or 79911  
teaching hospital of the type and amount of patient contact that 79912  
will occur in connection with the applicant's teaching and 79913  
research activities. 79914

(B) An applicant for an initial clinical research faculty 79915  
certificate shall pay a fee of three hundred seventy-five dollars. 79916

(C) The holder of a clinical research faculty certificate may 79917  
~~practice~~ do one of the following, as applicable: 79918

(1) Practice medicine and surgery or osteopathic medicine and 79919  
surgery only as is incidental to the certificate holder's teaching 79920  
or research duties at the medical school or a teaching hospital 79921  
affiliated with the school; 79922

(2) Practice podiatric medicine and surgery only as is 79923  
incidental to the certificate holder's teaching or research duties 79924  
at the college of podiatric medicine and surgery or a teaching 79925  
hospital affiliated with the college. ~~The~~ 79926

(D) The board may revoke a certificate on receiving proof 79927

satisfactory to the board that the certificate holder has engaged 79928  
in practice in this state outside the scope of the certificate or 79929  
that there are grounds for action against the certificate holder 79930  
under section 4731.22 of the Revised Code. 79931

~~(D)~~(E) A clinical research faculty certificate is valid for 79932  
three years, except that the certificate ceases to be valid if the 79933  
holder's academic staff appointment ~~to the academic staff of the~~ 79934  
~~school~~ described in division (A)(1)(b) of this section is no 79935  
longer valid or the certificate is revoked pursuant to division 79936  
~~(C)~~(D) of this section. 79937

~~(E)~~(F)(1) ~~Three months before a clinical research faculty~~ 79938  
~~certificate expires, the~~ The board shall ~~mail or cause to be~~ 79939  
~~mailed~~ provide a renewal notice to the certificate holder ~~a notice~~ 79940  
~~of renewal addressed to the certificate holder's last known~~ 79941  
~~address~~ at least one month before the certificate expires. Failure 79942  
of a certificate holder to receive a notice of renewal from the 79943  
board shall not excuse the certificate holder from the 79944  
requirements contained in this section. The notice shall inform 79945  
the certificate holder of the renewal procedure. The notice also 79946  
shall inform the certificate holder of the reporting requirement 79947  
established by division (H) of section 3701.79 of the Revised 79948  
Code. At the discretion of the board, the information may be 79949  
included on the application for renewal or on an accompanying 79950  
page. 79951

(2) A clinical research faculty certificate may be renewed 79952  
for an additional three-year period. There is no limit on the 79953  
number of times a certificate may be renewed. A person seeking 79954  
renewal of a certificate shall apply to the board. The board shall 79955  
provide the application for renewal in a form determined by the 79956  
board. 79957

(3) An applicant is eligible for renewal if the applicant 79958  
does all of the following: 79959

- (a) Pays a renewal fee of three hundred seventy-five dollars; 79960
- (b) Reports any criminal offense to which the applicant has 79961  
pleaded guilty, of which the applicant has been found guilty, or 79962  
for which the applicant has been found eligible for intervention 79963  
in lieu of conviction, since last filing an application for a 79964  
clinical research faculty certificate; 79965
- (c) Provides to the board an affidavit and supporting 79966  
documentation from the dean of the ~~medical~~ school or college, or 79967  
the department director or chairperson of a teaching hospital 79968  
affiliated with the school or college, that the applicant is in 79969  
compliance with the applicant's current clinical research faculty 79970  
certificate; 79971
- (d) Provides evidence satisfactory to the board of all of the 79972  
following: 79973
- (i) That the applicant continues to maintain a current, 79974  
unrestricted license to practice medicine and surgery ~~or~~, 79975  
osteopathic medicine and surgery, or podiatric medicine and 79976  
surgery issued by another state or country; 79977
- (ii) That the applicant's initial appointment to serve in 79978  
this state on the academic staff of a ~~medical~~ school or college is 79979  
still valid or has been renewed; 79980
- (iii) That the applicant has completed one hundred fifty 79981  
hours of continuing medical education that meet the requirements 79982  
set forth in section 4731.282 of the Revised Code. 79983
- (4) Regardless of whether the certificate has expired, a 79984  
person who was granted a visiting medical faculty certificate 79985  
under this section as it existed immediately prior to June 6, 79986  
2012, may apply for a clinical research faculty certificate as a 79987  
renewal. The board may issue the clinical research faculty 79988  
certificate if the applicant meets the requirements of division 79989  
~~(E)~~(F)(3) of this section. The board may not issue a clinical 79990

research faculty certificate if the visiting medical faculty certificate was revoked. 79991  
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~~(F)~~(G) The board shall maintain a register of all persons who hold clinical research faculty certificates. 79993  
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~~(G)~~(H) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 79995  
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**Sec. 4731.294.** (A) The state medical board may issue, without examination, a special activity certificate to any person seeking to practice medicine and surgery or osteopathic medicine and surgery in conjunction with a special activity, program, or event taking place in this state. 79998  
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(B) An applicant for a special activity certificate shall hold a telemedicine certificate issued under section 4731.296 of the Revised Code or submit evidence satisfactory to the board of all of the following: 80003  
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(1) The applicant holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country and that within the two-year period immediately preceding application, the applicant has done one of the following: 80007  
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80009  
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(a) Actively practiced medicine and surgery or osteopathic medicine and surgery in the United States; 80012  
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(b) Participated in a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association; 80014  
80015  
80016  
80017

(c) Successfully passed the federation licensing examination established by the federation of state medical boards, a special examination established by the federation of state medical boards, 80018  
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or all parts of a standard medical licensing examination 80021  
established for purposes of determining the competence of 80022  
individuals to practice medicine and surgery or osteopathic 80023  
medicine and surgery in the United States. 80024

(2) The applicant meets the same educational requirements 80025  
that individuals must meet under sections 4731.09, ~~4731.091~~, and 80026  
4731.14 of the Revised Code. 80027

(3) The applicant's practice in conjunction with the special 80028  
activity, program, or event will be in the public interest. 80029

(C) The applicant shall pay a fee of one hundred twenty-five 80030  
dollars unless the applicant holds a telemedicine certificate 80031  
issued under section 4731.296 of the Revised Code. If the 80032  
applicant holds a telemedicine certificate, the board shall not 80033  
charge a fee for issuing a certificate under this section. The 80034  
board shall maintain a register of all persons who hold a special 80035  
activity certificate. 80036

(D) The holder of a special activity certificate may practice 80037  
medicine and surgery or osteopathic medicine and surgery only in 80038  
conjunction with the special activity, event, or program for which 80039  
the certificate is issued. The board may revoke a certificate on 80040  
receiving proof satisfactory to the board that the holder of the 80041  
certificate has engaged in practice in this state outside the 80042  
scope of the certificate or that there are grounds for action 80043  
against the certificate holder under section 4731.22 of the 80044  
Revised Code. 80045

(E) A special activity certificate is valid for the shorter 80046  
of thirty days or the duration of the special activity, program, 80047  
or event. The certificate may not be renewed. 80048

(F) The state medical board shall adopt rules in accordance 80049  
with Chapter 119. of the Revised Code that specify how often an 80050  
applicant may be granted a certificate under this section. 80051

**Sec. 4731.295.** (A)(1) As used in this section: 80052

(a) "Free clinic" has the same meaning as in section 3701.071 80053  
of the Revised Code. 80054

(b) "Indigent and uninsured person" and "operation" have the 80055  
same meanings as in section 2305.234 of the Revised Code. 80056

(2) For the purposes of this section, a person shall be 80057  
considered retired from practice if the person's license ~~or~~ 80058  
~~certificate~~ has expired with the person's intention of ceasing to 80059  
practice medicine and surgery or osteopathic medicine and surgery 80060  
for remuneration. 80061

(B) The state medical board may issue, without examination, a 80062  
volunteer's certificate to a person who is retired from practice 80063  
so that the person may provide medical services to indigent and 80064  
uninsured persons at any location, including a free clinic. The 80065  
board shall deny issuance of a volunteer's certificate to a person 80066  
who is not qualified under this section to hold a volunteer's 80067  
certificate. 80068

(C) An application for a volunteer's certificate shall 80069  
include all of the following: 80070

(1) A copy of the applicant's degree of medicine or 80071  
osteopathic medicine. 80072

(2) One of the following, as applicable: 80073

(a) A copy of the applicant's most recent license ~~or~~ 80074  
~~certificate~~ authorizing the practice of medicine and surgery or 80075  
osteopathic medicine and surgery issued by a jurisdiction in the 80076  
United States that licenses persons to practice medicine and 80077  
surgery or osteopathic medicine and surgery. 80078

(b) A copy of the applicant's most recent license equivalent 80079  
to a license to practice medicine and surgery or osteopathic 80080  
medicine and surgery in one or more branches of the United States 80081

armed services that the United States government issued. 80082

(3) Evidence of one of the following, as applicable: 80083

(a) That the applicant has maintained for at least ten years 80084  
prior to retirement full licensure in good standing in any 80085  
jurisdiction in the United States that licenses persons to 80086  
practice medicine and surgery or osteopathic medicine and surgery. 80087

(b) That the applicant has practiced for at least ten years 80088  
prior to retirement in good standing as a doctor of medicine and 80089  
surgery or osteopathic medicine and surgery in one or more of the 80090  
branches of the United States armed services. 80091

(4) A notarized statement from the applicant, on a form 80092  
prescribed by the board, that the applicant will not accept any 80093  
form of remuneration for any medical services rendered while in 80094  
possession of a volunteer's certificate. 80095

(D) The holder of a volunteer's certificate may provide 80096  
medical services only to indigent and uninsured persons, but may 80097  
do so at any location, including a free clinic. The holder shall 80098  
not accept any form of remuneration for providing medical services 80099  
while in possession of the certificate. Except in a medical 80100  
emergency, the holder shall not perform any operation or deliver 80101  
babies. The board may revoke a volunteer's certificate on 80102  
receiving proof satisfactory to the board that the holder has 80103  
engaged in practice in this state outside the scope of the 80104  
certificate. 80105

(E)(1) A volunteer's certificate shall be valid for a period 80106  
of three years, unless earlier revoked under division (D) of this 80107  
section or pursuant to section 4731.22 of the Revised Code. A 80108  
volunteer's certificate may be renewed upon the application of the 80109  
holder. The board shall maintain a register of all persons who 80110  
hold volunteer's certificates. The board shall not charge a fee 80111  
for issuing or renewing a certificate pursuant to this section. 80112

(2) To be eligible for renewal of a volunteer's certificate 80113  
the holder of the certificate shall certify to the board 80114  
completion of one hundred fifty hours of continuing medical 80115  
education that meets the requirements of section 4731.282 of the 80116  
Revised Code regarding certification by private associations and 80117  
approval by the board. The board may not renew a certificate if 80118  
the holder has not complied with the continuing medical education 80119  
requirements. Any entity for which the holder provides medical 80120  
services may pay for or reimburse the holder for any costs 80121  
incurred in obtaining the required continuing medical education 80122  
credits. 80123

(3) The board shall issue a volunteer's certificate to each 80124  
person who qualifies under this section for the certificate. The 80125  
certificate shall state that the certificate holder is authorized 80126  
to provide medical services pursuant to the laws of this state. 80127  
The holder shall display the certificate prominently at the 80128  
location where the holder primarily practices. 80129

(4) The holder of a volunteer's certificate issued pursuant 80130  
to this section is subject to the immunity provisions regarding 80131  
the provision of services to indigent and uninsured persons in 80132  
section 2305.234 of the Revised Code. 80133

(F) The board shall adopt rules in accordance with Chapter 80134  
119. of the Revised Code to administer and enforce this section. 80135

**Sec. 4731.296.** (A) For the purposes of this section, "the 80136  
practice of telemedicine" means the practice of medicine in this 80137  
state through the use of any communication, including oral, 80138  
written, or electronic communication, by a physician located 80139  
outside this state. 80140

(B) A person who wishes to practice telemedicine in this 80141  
state shall file an application with the state medical board, 80142  
together with a fee ~~in the amount of the fee described in division~~ 80143

~~(D) of section 4731.29 of the Revised Code~~ three hundred five 80144  
dollars and shall comply with sections 4776.01 to 4776.04 of the 80145  
Revised Code. If the board, in its discretion, decides that the 80146  
results of the criminal records check do not make the person 80147  
ineligible for a telemedicine certificate, the board may issue, 80148  
without examination, a telemedicine certificate to a person who 80149  
meets all of the following requirements: 80150

(1) The person holds a current, unrestricted license to 80151  
practice medicine and surgery or osteopathic medicine and surgery 80152  
issued by another state that requires license holders to complete 80153  
at least fifty hours of continuing medical education every two 80154  
years. 80155

(2) The person's principal place of practice is in that 80156  
state. 80157

(3) The person does not hold a ~~certificate~~ license issued 80158  
under this chapter authorizing the practice of medicine and 80159  
surgery or osteopathic medicine and surgery in this state. 80160

(4) The person meets the same age, moral character, and 80161  
educational requirements individuals must meet under sections 80162  
~~4731.08, 4731.09, 4731.091,~~ and 4731.14 of the Revised Code and, 80163  
if applicable, demonstrates proficiency in spoken English in 80164  
accordance with ~~division (E) of section 4731.29~~ 4731.142 of the 80165  
Revised Code. 80166

(C) The holder of a telemedicine certificate may engage in 80167  
the practice of telemedicine in this state. A person holding a 80168  
telemedicine certificate shall not practice medicine in person in 80169  
this state without obtaining a special activity certificate under 80170  
section 4731.294 of the Revised Code. 80171

(D) The board may revoke a certificate issued under this 80172  
section or take other disciplinary action against a certificate 80173  
holder pursuant to section 4731.22 of the Revised Code on 80174

receiving proof satisfactory to the board that the certificate 80175  
holder has engaged in practice in this state outside the scope of 80176  
the certificate or that there are grounds for action against the 80177  
holder under section 4731.22 of the Revised Code. 80178

(E) A telemedicine certificate shall be valid for a period 80179  
specified by the board, and the initial renewal shall be in 80180  
accordance with a schedule established by the board. Thereafter, 80181  
the certificate shall be valid for two years. A certificate may be 80182  
renewed on application of the holder. 80183

To be eligible for renewal, the holder of the certificate 80184  
shall do both of the following: 80185

(1) Pay a fee in the amount of the fee described in division 80186  
(A)(1) of section 4731.281 of the Revised Code; 80187

(2) Certify to the board compliance with the continuing 80188  
medical education requirements of the state in which the holder's 80189  
principal place of practice is located. 80190

The board may require a random sample of persons holding a 80191  
telemedicine certificate to submit materials documenting 80192  
completion of the continuing medical education requirements 80193  
described in this division. 80194

(F) The board shall convert a telemedicine certificate to a 80195  
~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the 80196  
Revised Code on receipt of a written request from the certificate 80197  
holder. Once the telemedicine certificate is converted, the holder 80198  
is subject to all requirements and privileges attendant to a 80199  
~~certificate~~ license issued under section ~~4731.29~~ 4731.14 of the 80200  
Revised Code, including continuing medical education requirements. 80201

**Sec. 4731.298.** (A) The state medical board shall issue, 80202  
without examination, to an applicant who meets the requirements of 80203  
this section a visiting clinical professional development 80204

certificate authorizing the practice of medicine and surgery or 80205  
osteopathic medicine and surgery as part of the applicant's 80206  
participation in a clinical professional development program. 80207

(B) To be eligible for a visiting clinical professional 80208  
development certificate, an applicant shall provide to the board 80209  
both of the following: 80210

(1) Documentation satisfactory to the board of all of the 80211  
following: 80212

(a) Verification from the school or hospital conducting the 80213  
program that the applicant has sufficient financial resources to 80214  
support the applicant and any dependents based on the cost of 80215  
living in the geographic area of the school or hospital conducting 80216  
the program, including room, board, transportation, and related 80217  
living expenses; 80218

(b) Valid health and evacuation insurance for the duration of 80219  
the applicant's stay in the United States; 80220

(c) Professional liability insurance provided by the program 80221  
or the school or hospital conducting the program for the duration 80222  
of the applicant's participation in the program; 80223

(d) Proficiency in spoken English as demonstrated by passing 80224  
the examination described in section 4731.142 of the Revised Code; 80225

(e) A description from the school or hospital conducting the 80226  
program of the scope of medical or surgical activities permitted 80227  
during the applicant's participation in the program that includes 80228  
all of the following: 80229

(i) The type of practice in which the applicant will be 80230  
involved; 80231

(ii) The type of patient contact that will occur; 80232

(iii) The type of supervision the applicant will experience; 80233

(iv) A list of procedures the applicant will learn; 80234

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (v) A list of any patient-based research projects in which the applicant will be involved;                                                                                                                                                                                                                                       | 80235<br>80236                                     |
| (vi) Whether the applicant will act as a consultant to a person who holds a <del>certificate</del> <u>license</u> to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter;                                                                                                                | 80237<br>80238<br>80239<br>80240                   |
| (vii) Any other details of the applicant's participation in the program.                                                                                                                                                                                                                                                         | 80241<br>80242                                     |
| (f) A statement from the school or hospital conducting the program regarding why the applicant needs advanced training and the benefits to the applicant's home country of the applicant receiving the training.                                                                                                                 | 80243<br>80244<br>80245<br>80246                   |
| (2) Evidence satisfactory to the board that the applicant meets all of the following requirements:                                                                                                                                                                                                                               | 80247<br>80248                                     |
| (a) Has been accepted for participation in a clinical professional development program of a medical school or osteopathic medical school in this state that is accredited by the liaison committee on medical education or the American osteopathic association or of a teaching hospital affiliated with such a medical school; | 80249<br>80250<br>80251<br>80252<br>80253<br>80254 |
| (b) Is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory;                                                                                                                                                                     | 80255<br>80256<br>80257                            |
| (c) Has practiced medicine and surgery or osteopathic medicine and surgery for at least five years after completing graduate medical education, including postgraduate residency and advanced training;                                                                                                                          | 80258<br>80259<br>80260<br>80261                   |
| (d) Has credentials that are primary-source verified by the educational commission for foreign medical graduates or the federation credentials verification service;                                                                                                                                                             | 80262<br>80263<br>80264                            |

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (e) Holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued in another country;                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 80265<br>80266<br>80267                                                                |
| (f) Agrees to comply with all state and federal laws regarding health, health care, and patient privacy;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 80268<br>80269                                                                         |
| (g) Agrees to return to the applicant's home state or country at the conclusion of the clinical professional development program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 80270<br>80271<br>80272                                                                |
| (C) The applicant shall pay a fee of three hundred seventy-five dollars. The board shall maintain a register of all persons who hold visiting clinical professional development certificates.                                                                                                                                                                                                                                                                                                                                                                                                                      | 80273<br>80274<br>80275<br>80276                                                       |
| (D) The holder of a visiting clinical professional development certificate may practice medicine and surgery or osteopathic medicine and surgery only as part of the clinical professional development program in which the certificate holder participates. The certificate holder's practice must be under the direct supervision of a qualified faculty member of the medical school, osteopathic medical school, or teaching hospital conducting the program who holds a <del>certificate</del> <u>license</u> to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter. | 80277<br>80278<br>80279<br>80280<br>80281<br>80282<br>80283<br>80284<br>80285<br>80286 |
| The program in which the certificate holder participates shall ensure that the certificate holder does not do any of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 80287<br>80288<br>80289                                                                |
| (1) Write orders or prescribe medication;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 80290                                                                                  |
| (2) Bill for services performed;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 80291                                                                                  |
| (3) Occupy a residency or fellowship position approved by the accreditation council for graduate medical education;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 80292<br>80293                                                                         |
| (4) Attempt to have participation in a clinical professional                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 80294                                                                                  |

development program pursuant to this section counted toward 80295  
meeting the graduate medical education requirements specified in 80296  
section ~~4731.091~~ 4731.09 of the Revised Code. 80297

(E) The board may revoke a certificate issued under this 80298  
section on receiving proof satisfactory to the board that the 80299  
certificate holder has engaged in practice in this state outside 80300  
the scope of the certificate or that there are grounds for action 80301  
against the certificate holder under section 4731.22 of the 80302  
Revised Code. 80303

(F) A visiting clinical professional development certificate 80304  
is valid for the shorter of one year or the duration of the 80305  
program in which the holder is participating. The certificate 80306  
ceases to be valid if the holder resigns or is otherwise 80307  
terminated from the program. The certificate may not be extended. 80308

(G) The program in which a certificate holder participates 80309  
shall obtain from each patient or patient's parent or legal 80310  
guardian written consent to any medical or surgical procedure or 80311  
course of procedures in which the certificate holder participates. 80312

(H) The board may adopt any rules it considers necessary to 80313  
implement this section. The rules shall be adopted in accordance 80314  
with Chapter 119. of the Revised Code. 80315

**Sec. 4731.299.** (A) The state medical board may issue, without 80316  
examination, to an applicant who meets all of the requirements of 80317  
this section an expedited ~~certificate~~ license to practice medicine 80318  
and surgery or osteopathic medicine and surgery by endorsement. 80319  
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(B) An individual who seeks an expedited ~~certificate to~~ 80321  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 80322  
license by endorsement shall file with the board a written 80323  
application on a form prescribed and supplied by the board. The 80324

application shall include all of the information the board  
considers necessary to process it.

(C) To be eligible to receive an expedited ~~certificate~~  
license by endorsement, an applicant shall do both of the  
following:

(1) Provide evidence satisfactory to the board that the  
applicant meets all of the following requirements:

(a) Has passed one of the following:

(i) Steps one, two, and three of the United States medical  
licensing examination;

(ii) Levels one, two, and three of the comprehensive  
osteopathic medical licensing examination of the United States;

(iii) Any other medical licensing examination recognized by  
the board.

(b) For at least five years immediately preceding the date of  
application, has held a current, unrestricted license to practice  
medicine and surgery or osteopathic medicine and surgery issued by  
the licensing authority of another state or a Canadian province;

(c) For at least two years immediately preceding the date of  
application, has actively practiced medicine and surgery or  
osteopathic medicine and surgery in a clinical setting;

(d) Is in compliance with the medical education and training  
requirements in sections ~~4731.091~~ 4731.09 and 4731.14 of the  
Revised Code.

(2) Certify to the board that all of the following are the  
case:

(a) Not more than two malpractice claims have been filed  
against the applicant within a period of ten years and no  
malpractice claim against the applicant has resulted in total  
payment of more than five hundred thousand dollars.

(b) The applicant does not have a criminal record according 80355  
to the criminal records check required by section ~~4731.081~~ 4731.08 80356  
of the Revised Code. 80357

(c) The applicant does not have a medical condition that 80358  
could affect the applicant's ability to practice according to 80359  
acceptable and prevailing standards of care. 80360

(d) No adverse action has been taken against the applicant by 80361  
a health care institution. 80362

(e) To the applicant's knowledge, no federal agency, medical 80363  
society, medical association, or branch of the United States 80364  
military has investigated or taken action against the applicant. 80365

(f) No professional licensing or regulatory authority has 80366  
filed a complaint against, investigated, or taken action against 80367  
the applicant and the applicant has not withdrawn a professional 80368  
license application. 80369

(g) The applicant has not been suspended or expelled from any 80370  
institution of higher education or school, including a medical 80371  
school. 80372

(D) An applicant for an expedited ~~certificate~~ license by 80373  
endorsement shall comply with section ~~4731.081~~ 4731.08 of the 80374  
Revised Code. 80375

(E) At the time of application, the applicant shall pay to 80376  
the board a fee of one thousand dollars, no part of which shall be 80377  
returned. No application shall be considered filed until the board 80378  
receives the fee. 80379

(F) The secretary and supervising member of the board shall 80380  
review all applications received under this section. 80381

If the secretary and supervising member determine that an 80382  
applicant meets the requirements for an expedited ~~certificate to~~ 80383  
~~practice medicine and surgery or osteopathic medicine and surgery~~ 80384

license by endorsement, the board shall issue the ~~certificate~~ 80385  
license to the applicant. 80386

If the secretary and supervising member determine that an 80387  
applicant does not meet the requirements for an expedited 80388  
~~certificate to practice medicine and surgery or osteopathic~~ 80389  
~~medicine and surgery~~ license by endorsement, the application shall 80390  
be treated as an application under section ~~4731.08~~ 4731.09 of the 80391  
Revised Code. 80392

(G) Each ~~certificate~~ license issued by the board under this 80393  
section shall be signed by the president and secretary of the 80394  
board and attested by the board's seal. 80395

(H) Within sixty days after September 29, 2013, the board 80396  
shall approve acceptable means of demonstrating compliance with 80397  
sections ~~4731.091~~ 4731.09 and 4731.14 of the Revised Code as 80398  
required by division (C)(1)(d) of this section. 80399

**Sec. 4731.341.** (A) The practice of medicine in all of its 80400  
branches or the treatment of human ailments without the use of 80401  
drugs or medicines and without operative surgery by any person not 80402  
at that time holding a valid and current license or certificate as 80403  
provided by Chapter 4723., 4725., or 4731. of the Revised Code is 80404  
hereby declared to be inimical to the public welfare and to 80405  
constitute a public nuisance. 80406

(B) The attorney general, the prosecuting attorney of any 80407  
county in which the offense was committed or the offender resides, 80408  
the state medical board, or any other person having knowledge of a 80409  
person who either directly or by complicity is in violation of 80410  
division (A) of this section, may on or after January 1, 1969, in 80411  
accord with provisions of the Revised Code governing injunctions, 80412  
maintain an action in the name of the state to enjoin any person 80413  
from engaging either directly or by complicity in the unlawful 80414  
activity by applying for an injunction in the Franklin county 80415

court of common pleas or any other court of competent jurisdiction. 80416  
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Prior to application for such injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful activity by registered mail that the secretary has received information indicating that this person is so engaged. Said person shall answer the secretary within thirty days showing either that the person is ~~either~~ properly licensed or certified for the stated activity or that the person is not in violation of Chapter 4723. or 4731. of the Revised Code. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section. 80418  
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Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court. 80432  
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Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in Chapters 4723. and 4731. of the Revised Code. 80437  
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**Sec. 4731.36.** (A) Sections 4731.01 to 4731.47 of the Revised Code shall not prohibit service in case of emergency, domestic administration of family remedies, or provision of assistance to another individual who is self-administering drugs. 80440  
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Sections 4731.01 to 4731.47 of the Revised Code shall not apply to any of the following: 80444  
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(1) A commissioned medical officer of the armed forces of the United States or an employee of the veterans administration of the United States or the United States public health service in the discharge of the officer's or employee's professional duties; 80446  
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(2) A dentist authorized under Chapter 4715. of the Revised Code to practice dentistry when engaged exclusively in the practice of dentistry or when administering anesthetics in the practice of dentistry; 80450  
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(3) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein when providing consultation to an individual holding a ~~certificate~~ license to practice issued under this chapter who is responsible for the examination, diagnosis, and treatment of the patient who is the subject of the consultation, if one of the following applies: 80454  
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(a) The physician or surgeon does not provide consultation in this state on a regular or frequent basis. 80461  
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(b) The physician or surgeon provides the consultation without compensation of any kind, direct or indirect, for the consultation. 80463  
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(c) The consultation is part of the curriculum of a medical school or osteopathic medical school of this state or a program described in division (A)(2) of section 4731.291 of the Revised Code. 80466  
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(4) A physician or surgeon in another state or territory who is a legal practitioner of medicine or surgery therein and provided services to a patient in that state or territory, when providing, not later than one year after the last date services were provided in another state or territory, follow-up services in person or through the use of any communication, including oral, written, or electronic communication, in this state to the patient 80470  
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for the same condition; 80477

(5) A physician or surgeon residing on the border of a 80478  
contiguous state and authorized under the laws thereof to practice 80479  
medicine and surgery therein, whose practice extends within the 80480  
limits of this state. Such practitioner shall not either in person 80481  
or through the use of any communication, including oral, written, 80482  
or electronic communication, open an office or appoint a place to 80483  
see patients or receive calls within the limits of this state. 80484

(6) A board, committee, or corporation engaged in the conduct 80485  
described in division (A) of section 2305.251 of the Revised Code 80486  
when acting within the scope of the functions of the board, 80487  
committee, or corporation; 80488

(7) The conduct of an independent review organization 80489  
accredited by the superintendent of insurance under section 80490  
3922.13 of the Revised Code for the purpose of external reviews 80491  
conducted under Chapter 3922. of the Revised Code. 80492

As used in division (A)(1) of this section, "armed forces of 80493  
the United States" means the army, air force, navy, marine corps, 80494  
coast guard, and any other military service branch that is 80495  
designated by congress as a part of the armed forces of the United 80496  
States. 80497

(B)(1) Subject to division (B)(2) of this section, this 80498  
chapter does not apply to a person who holds a current, 80499  
unrestricted license to practice medicine and surgery or 80500  
osteopathic medicine and surgery in another state when the person, 80501  
pursuant to a written agreement with an athletic team located in 80502  
the state in which the person holds the license, provides medical 80503  
services to any of the following while the team is traveling to or 80504  
from or participating in a sporting event in this state: 80505

(a) A member of the athletic team; 80506

(b) A member of the athletic team's coaching, communications, 80507

equipment, or sports medicine staff; 80508

(c) A member of a band or cheerleading squad accompanying the athletic team; 80509  
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(d) The athletic team's mascot. 80511

(2) In providing medical services pursuant to division (B)(1) of this section, the person shall not provide medical services at a health care facility, including a hospital, an ambulatory surgical facility, or any other facility in which medical care, diagnosis, or treatment is provided on an inpatient or outpatient basis. 80512  
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(C) Sections 4731.51 to 4731.61 of the Revised Code do not apply to any graduate of a podiatric school or college while performing those acts that may be prescribed by or incidental to participation in an accredited podiatric internship, residency, or fellowship program situated in this state approved by the state medical board. 80518  
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(D) This chapter does not apply to an oriental medicine practitioner or acupuncturist who complies with Chapter 4762. of the Revised Code. 80524  
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(E) This chapter does not prohibit the administration of drugs by any of the following: 80527  
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(1) An individual who is licensed or otherwise specifically authorized by the Revised Code to administer drugs; 80529  
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(2) An individual who is not licensed or otherwise specifically authorized by the Revised Code to administer drugs, but is acting pursuant to the rules for delegation of medical tasks adopted under section 4731.053 of the Revised Code; 80531  
80532  
80533  
80534

(3) An individual specifically authorized to administer drugs pursuant to a rule adopted under the Revised Code that is in effect on April 10, 2001, as long as the rule remains in effect, 80535  
80536  
80537

specifically authorizing an individual to administer drugs. 80538

(F) The exemptions described in divisions (A)(3), (4), and 80539  
(5) of this section do not apply to a physician or surgeon whose 80540  
~~certificate~~ license to practice issued under this chapter is under 80541  
suspension or has been revoked or permanently revoked by action of 80542  
the state medical board. 80543

**Sec. 4731.41.** (A) No person shall practice medicine and 80544  
surgery, or any of its branches, without the appropriate license 80545  
or certificate from the state medical board to engage in the 80546  
practice. No person shall advertise or claim to the public to be a 80547  
practitioner of medicine and surgery, or any of its branches, 80548  
without a license or certificate from the board. No person shall 80549  
open or conduct an office or other place for such practice without 80550  
a license or certificate from the board. No person shall conduct 80551  
an office in the name of some person who has a license or 80552  
certificate to practice medicine and surgery, or any of its 80553  
branches. No person shall practice medicine and surgery, or any of 80554  
its branches, after the person's license or certificate has been 80555  
revoked, or, if suspended, during the time of such suspension. 80556

A license or certificate signed by the secretary of the board 80557  
to which is affixed the official seal of the board to the effect 80558  
that it appears from the records of the board that no such license 80559  
or certificate to practice medicine and surgery, or any of its 80560  
branches, in this state has been issued to the person specified 80561  
therein, or that a license or certificate to practice, if issued, 80562  
has been revoked or suspended, shall be received as prima-facie 80563  
evidence of the record of the board in any court or before any 80564  
officer of the state. 80565

(B) No license or certificate from the state medical board is 80566  
required by a physician who comes into this state to practice 80567  
medicine at a free-of-charge camp accredited by the SeriousFun 80568

children's network that specializes in providing therapeutic 80569  
recreation, as defined in section 2305.231 of the Revised Code, 80570  
for individuals with chronic illnesses as long as all of the 80571  
following apply: 80572

(1) The physician provides documentation to the medical 80573  
director of the camp that the physician is licensed and in good 80574  
standing to practice medicine in another state; 80575

(2) The physician provides services only at the camp or in 80576  
connection with camp events or camp activities that occur off the 80577  
grounds of the camp; 80578

(3) The physician receives no compensation for the services; 80579

(4) The physician provides those services within this state 80580  
for not more than thirty days per calendar year; 80581

(5) The camp has a medical director who holds an unrestricted 80582  
license to practice medicine issued in accordance with division 80583  
(A) of this section. 80584

**Sec. 4731.43.** No person shall announce or advertise ~~himself~~ 80585  
that person as an osteopathic physician and surgeon, or shall 80586  
practice as such, without a ~~certificate~~ license from the state 80587  
medical board or without complying with all the provisions of law 80588  
relating to such practice, or shall practice after such 80589  
~~certificate~~ license has been revoked, or if suspended, during the 80590  
time of such suspension. 80591

A ~~certificate~~ license certified by the secretary, under the 80592  
official seal of the said board to the effect that it appears from 80593  
the records of the board that no ~~certificate~~ license to practice 80594  
osteopathic medicine and surgery has been issued to any person 80595  
specified therein, or that a ~~certificate~~ license, if issued, has 80596  
been revoked or suspended shall be received as prima-facie 80597  
evidence of the record in any court or before any officer of the 80598

state. 80599

**Sec. 4731.51.** The practice of podiatric medicine and surgery 80600  
consists of the medical, mechanical, and surgical treatment of 80601  
ailments of the foot, the muscles and tendons of the leg governing 80602  
the functions of the foot; and superficial lesions of the hand 80603  
other than those associated with trauma. Podiatrists are permitted 80604  
the use of such preparations, medicines, and drugs as may be 80605  
necessary for the treatment of such ailments. A podiatrist may 80606  
treat the local manifestations of systemic diseases as they appear 80607  
in the hand and foot, but the patient shall be concurrently 80608  
referred to a doctor of medicine or a doctor of osteopathic 80609  
medicine and surgery for the treatment of the systemic disease 80610  
itself. General anaesthetics may be used under this section only 80611  
in colleges of podiatric medicine and surgery approved by in good 80612  
standing with the state medical board ~~pursuant to section 4731.53~~ 80613  
~~of the Revised Code~~ and in hospitals approved by the joint 80614  
commission or the American osteopathic association. 80615

Hyperbaric oxygen therapy may be ordered by a podiatrist to 80616  
treat ailments within the scope of practice of podiatry as set 80617  
forth in this section and, in accordance with section 4731.511 of 80618  
the Revised Code, the podiatrist may supervise hyperbaric oxygen 80619  
therapy for the treatment of such ailments. 80620

The use of x-ray or radium for therapeutic purposes is not 80621  
permitted. 80622

**Sec. 4731.52.** ~~Each (A) A person who desires seeking a license~~ 80623  
to practice podiatric medicine and surgery ~~and is not now~~ 80624  
~~authorized to do so~~ shall file with the ~~secretary of the state~~ 80625  
medical board ~~a written~~ an application, ~~under oath, on a form in~~ 80626  
the form and manner prescribed by the board ~~and furnish~~ 80627  
~~satisfactory proof that the applicant is more than eighteen years~~ 80628

of age and of good moral character. The application must include 80629  
all of the following: 80630

(1) Evidence satisfactory to the board to demonstrate that 80631  
the applicant meets all of the following requirements: 80632

(a) Is at least eighteen years of age and of good moral 80633  
character; 80634

(b) Possesses a high school diploma or a certificate of high 80635  
school equivalence or has obtained the equivalent of such 80636  
education as determined by the board; 80637

(c) Has completed at least two years of undergraduate work in 80638  
a college of arts and sciences or the equivalent of such education 80639  
as determined by the board; 80640

(d) Holds a degree from a college of podiatric medicine and 80641  
surgery that was in good standing with the board at the time the 80642  
degree was granted, as determined by the board; 80643

(e) Has completed one year of postgraduate training in a 80644  
podiatric internship, residency, or clinical fellowship program 80645  
accredited by the council on podiatric medicine or the American 80646  
podiatric medical association; 80647

(f) Has successfully passed an examination prescribed in 80648  
rules adopted by the board to determine competency to practice 80649  
podiatric medicine and surgery; 80650

(g) Has complied with section 4731.531 of the Revised Code. 80651

(2) An affidavit signed by the applicant attesting to the 80652  
accuracy and truthfulness of the information submitted under this 80653  
section; 80654

(3) Consent to the release of the applicant's information; 80655

(4) Any other information the board requires. 80656

(B) An applicant for a license to practice podiatric medicine 80657

and surgery shall include with the application a fee of three 80658  
hundred five dollars, no part of which may be returned. An 80659  
application is not considered submitted until the board receives 80660  
the fee. 80661

(C) The board may conduct an investigation related to the 80662  
application materials received pursuant to this section and may 80663  
contact any individual, agency, or organization for 80664  
recommendations or other information about the applicant. 80665

(D) The board shall conclude any investigation of an 80666  
applicant conducted under section 4731.22 of the Revised Code not 80667  
later than ninety days after receipt of a complete application 80668  
unless the applicant agrees in writing to an extension or the 80669  
board determines that there is a substantial question of a 80670  
violation of this chapter or the rules adopted under it and 80671  
notifies the applicant in writing of the reasons for continuation 80672  
of the investigation. If the board determines that the applicant 80673  
is not in violation of this chapter or the rules adopted under it, 80674  
the board shall issue a license not later than forty-five days 80675  
after making that determination. 80676

**Sec. 4731.531.** In addition to any other eligibility 80677  
requirement set forth in this chapter, each applicant for a 80678  
~~certificate~~ license to practice podiatric medicine and surgery 80679  
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 80680  
The state medical board shall not grant to an applicant a 80681  
~~certificate~~ license to practice podiatric medicine and surgery 80682  
unless the board, in its discretion, decides that the results of 80683  
the criminal records check do not make the applicant ineligible 80684  
for a ~~certificate~~ license issued pursuant to section 4731.56 ~~or~~ 80685  
~~4731.57~~ of the Revised Code. 80686

**Sec. 4731.56.** (A) The state medical board shall ~~issue its~~ 80687

~~certificate to practice podiatric medicine and surgery to each~~ 80688  
~~applicant who passes the examination conducted under section~~ 80689  
~~4731.55 of the Revised Code and has paid the treasurer of the~~ 80690  
~~state medical board a certificate issuance fee of three hundred~~ 80691  
~~dollars. Each certificate shall be signed by the board's president~~ 80692  
~~and secretary and attested by its seal~~ review all applications 80693  
received under section 4731.52 of the Revised Code. The board 80694  
shall determine whether an applicant meets the requirements for a 80695  
license to practice podiatric medicine and surgery. An affirmative 80696  
vote of not less fewer than six members of the state medical board 80697  
is required to determine that an applicant meets the requirements 80698  
for issuance of a certificate license. 80699

(B) If the board determines that the applicant meets the 80700  
requirements for a license and that the documentation provided is 80701  
satisfactory to the board, the board shall issue to the applicant 80702  
a license to practice podiatric medicine and surgery. Each license 80703  
shall be signed by the president and secretary of the board and 80704  
attested by its seal. 80705

(C) A certificate authorizing the person who holds a license 80706  
to practice of podiatric medicine and surgery permits the holder 80707  
the issued under this section may use of the title "Dr.," 80708  
"doctor," "D.P.M.," "physician," or the use of the title "surgeon" 80709  
when the title is qualified by letters or words showing that the 80710  
holder of the certificate is a practitioner of podiatric medicine 80711  
and surgery. The certificate "surgeon." 80712

(D) The holder of a license issued under this section shall 80713  
be either provide verification of licensure status from the 80714  
board's internet web site on request or prominently displayed 80715  
display a wall certificate in the certificate license holder's 80716  
office or the place where a major portion of the certificate 80717  
license holder's practice is conducted. 80718

**Sec. 4731.573.** (A) An individual seeking to pursue an 80719  
internship, residency, or clinical fellowship program in podiatric 80720  
medicine and surgery in this state, who does not hold a 80721  
~~certificate~~ license to practice podiatric medicine and surgery 80722  
issued under this chapter, shall apply to the state medical board 80723  
for a training certificate. The application shall be made on forms 80724  
that the board shall furnish and shall be accompanied by an 80725  
application fee of seventy-five dollars. 80726

An applicant for a training certificate shall furnish to the 80727  
board all of the following: 80728

(1) Evidence satisfactory to the board that the applicant is 80729  
at least eighteen years of age and is of good moral character; 80730

(2) Evidence satisfactory to the board that the applicant has 80731  
been accepted or appointed to participate in this state in one of 80732  
the following: 80733

(a) An internship or residency program accredited by either 80734  
the council on podiatric medical education or the American 80735  
podiatric medical association; 80736

(b) A clinical fellowship program at an institution with a 80737  
residency program accredited by either the council on podiatric 80738  
medical education or the American podiatric medical association 80739  
that is in a clinical field the same as or related to the clinical 80740  
field of the fellowship program. 80741

(3) Information identifying the beginning and ending dates of 80742  
the period for which the applicant has been accepted or appointed 80743  
to participate in the internship, residency, or clinical 80744  
fellowship program; 80745

(4) Any other information that the board requires. 80746

(B) If no grounds for denying a license or certificate under 80747  
section 4731.22 of the Revised Code apply and the applicant meets 80748

the requirements of division (A) of this section, the board shall 80749  
issue a training certificate to the applicant. The board shall not 80750  
require an examination as a condition of receiving a training 80751  
certificate. 80752

A training certificate issued pursuant to this section shall 80753  
be valid only for the period of one year, but may in the 80754  
discretion of the board and upon application duly made, be renewed 80755  
annually for a maximum of five years. The fee for renewal of a 80756  
training certificate shall be thirty-five dollars. 80757

The board shall maintain a register of all individuals who 80758  
hold training certificates. 80759

(C) The holder of a valid training certificate shall be 80760  
entitled to perform such acts as may be prescribed by or 80761  
incidental to the holder's internship, residency, or clinical 80762  
fellowship program, but the holder shall not be entitled otherwise 80763  
to engage in the practice of podiatric medicine and surgery in 80764  
this state. The holder shall limit activities under the 80765  
certificate to the programs of the hospitals or facilities for 80766  
which the training certificate is issued. The holder shall train 80767  
only under the supervision of the podiatrists responsible for 80768  
supervision as part of the internship, residency, or clinical 80769  
fellowship program. A training certificate may be revoked by the 80770  
board upon proof, satisfactory to the board, that the holder 80771  
thereof has engaged in practice in this state outside the scope of 80772  
the internship, residency, or clinical fellowship program for 80773  
which the training certificate has been issued, or upon proof, 80774  
satisfactory to the board, that the holder thereof has engaged in 80775  
unethical conduct or that there are grounds for action against the 80776  
holder under section 4731.22 of the Revised Code. 80777

(D) The board may adopt rules as the board finds necessary to 80778  
effect the purpose of this section. 80779

Sec. 4731.60. (A)(1) No person shall engage in the practice 80780  
of podiatric medicine and surgery without a certificate from 80781  
current, valid license to practice podiatric medicine and surgery 80782  
issued by the state medical board; no. 80783

(2) No person shall advertise or ~~announce as a practitioner~~ 80784  
~~of~~ claim to be authorized to practice podiatric medicine and 80785  
surgery ~~without~~ unless the person holds a certificate from 80786  
current, valid license to practice podiatric medicine and surgery 80787  
issued by the board; no person shall open or conduct an office or 80788  
~~other place for such practice without a certificate from the~~ 80789  
~~board; no person shall conduct an office in the name of some~~ 80790  
~~person who has a certificate to practice podiatric medicine and~~ 80791  
~~surgery; and no~~ under this chapter. 80792

(3) No person shall practice podiatric medicine and surgery 80793  
after ~~a certificate~~ the person's license has been revoked, or if 80794  
suspended, during the time of such suspension. 80795

(B) A ~~certificate~~ document that is signed by the president 80796  
and secretary to which is of the board and has affixed the 80797  
official seal of the board to the effect that it appears from the 80798  
records of the board that ~~no such certificate~~ a license to 80799  
practice podiatric medicine and surgery, in ~~the~~ this state has not 80800  
been issued to ~~any such a particular~~ any such a particular person ~~specified therein~~, or 80801  
that a ~~certificate~~ license, if issued, has been revoked or 80802  
suspended, shall be received as prima-facie evidence of the record 80803  
of ~~such~~ the board in any court or before any officer of this 80804  
state. 80805

Sec. 4731.61. The ~~certificate of a podiatrist may be revoked,~~ 80806  
~~limited, or suspended; the holder of~~ state medical board, by an 80807  
affirmative vote of not fewer than six members, may limit, 80808  
suspend, or revoke a ~~certificate may be placed~~ license to practice 80809

~~podiatric medicine and surgery, refuse to issue a license to an applicant, refuse to reinstate a license, or reprimand or place on probation or reprimanded; or an applicant may be refused registration or reinstatement~~ the holder of a license for violations of section 4731.22 or sections 4731.51 to 4731.60 of the Revised Code ~~by an affirmative vote of not less than six members of the state medical board.~~

This section does not preclude the application to, or limit the operation or effect upon, podiatrists of other sections of ~~Chapter 4731. of the Revised Code~~ this chapter.

**Sec. 4731.65.** As used in sections 4731.65 to 4731.71 of the Revised Code:

(A)(1) "Clinical laboratory services" means either of the following:

(a) Any examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment or for the assessment of health;

(b) Procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the body.

(2) "Clinical laboratory services" does not include the mere collection or preparation of specimens.

(B) "Designated health services" means any of the following:

(1) Clinical laboratory services;

(2) Home health care services;

(3) Outpatient prescription drugs.

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:

(1) With respect to rentals or leases, the value of rental 80839  
property for general commercial purposes, not taking into account 80840  
its intended use; 80841

(2) With respect to a lease of space, not adjusted to reflect 80842  
the additional value the prospective lessee or lessor would 80843  
attribute to the proximity or convenience to the lessor if the 80844  
lessor is a potential source of referrals to the lessee. 80845

(D) "Governmental health care program" means any program 80846  
providing health care benefits that is administered by the federal 80847  
government, this state, or a political subdivision of this state, 80848  
including the medicare program, health care coverage for public 80849  
employees, health care benefits administered by the bureau of 80850  
workers' compensation, and the medicaid program. 80851

(E)(1) "Group practice" means a group of two or more holders 80852  
of licenses or certificates under this chapter legally organized 80853  
as a partnership, professional corporation or association, limited 80854  
liability company, foundation, nonprofit corporation, faculty 80855  
practice plan, or similar group practice entity, including an 80856  
organization comprised of a nonprofit medical clinic that 80857  
contracts with a professional corporation or association of 80858  
physicians to provide medical services exclusively to patients of 80859  
the clinic in order to comply with section 1701.03 of the Revised 80860  
Code and including a corporation, limited liability company, 80861  
partnership, or professional association described in division (B) 80862  
of section 4731.226 of the Revised Code formed for the purpose of 80863  
providing a combination of the professional services of 80864  
optometrists who are licensed, certificated, or otherwise legally 80865  
authorized to practice optometry under Chapter 4725. of the 80866  
Revised Code, chiropractors who are licensed, certificated, or 80867  
otherwise legally authorized to practice chiropractic or 80868  
acupuncture under Chapter 4734. of the Revised Code, psychologists 80869  
who are licensed, certificated, or otherwise legally authorized to 80870

practice psychology under Chapter 4732. of the Revised Code, 80871  
registered or licensed practical nurses who are licensed, 80872  
certificated, or otherwise legally authorized to practice nursing 80873  
under Chapter 4723. of the Revised Code, pharmacists who are 80874  
licensed, certificated, or otherwise legally authorized to 80875  
practice pharmacy under Chapter 4729. of the Revised Code, 80876  
physical therapists who are licensed, certificated, or otherwise 80877  
legally authorized to practice physical therapy under sections 80878  
4755.40 to 4755.56 of the Revised Code, occupational therapists 80879  
who are licensed, certificated, or otherwise legally authorized to 80880  
practice occupational therapy under sections 4755.04 to 4755.13 of 80881  
the Revised Code, mechanotherapists who are licensed, 80882  
certificated, or otherwise legally authorized to practice 80883  
mechanotherapy under section 4731.151 of the Revised Code, and 80884  
doctors of medicine and surgery, osteopathic medicine and surgery, 80885  
or podiatric medicine and surgery who are licensed, certificated, 80886  
or otherwise legally authorized for their respective practices 80887  
under this chapter, and licensed professional clinical counselors, 80888  
licensed professional counselors, independent social workers, 80889  
social workers, independent marriage and family therapists, or 80890  
marriage and family therapists who are licensed, certificated, or 80891  
otherwise legally authorized for their respective practices under 80892  
Chapter 4757. of the Revised Code to which all of the following 80893  
apply: 80894

(a) Each physician who is a member of the group practice 80895  
provides substantially the full range of services that the 80896  
physician routinely provides, including medical care, 80897  
consultation, diagnosis, or treatment, through the joint use of 80898  
shared office space, facilities, equipment, and personnel. 80899

(b) Substantially all of the services of the members of the 80900  
group are provided through the group and are billed in the name of 80901  
the group and amounts so received are treated as receipts of the 80902

group. 80903

(c) The overhead expenses of and the income from the practice 80904  
are distributed in accordance with methods previously determined 80905  
by members of the group. 80906

(d) The group practice meets any other requirements that the 80907  
state medical board applies in rules adopted under section 4731.70 80908  
of the Revised Code. 80909

(2) In the case of a faculty practice plan associated with a 80910  
hospital with a medical residency training program in which 80911  
physician members may provide a variety of specialty services and 80912  
provide professional services both within and outside the group, 80913  
as well as perform other tasks such as research, the criteria in 80914  
division (E)(1) of this section apply only with respect to 80915  
services rendered within the faculty practice plan. 80916

(F) "Home health care services" and "immediate family" have 80917  
the same meanings as in the rules adopted under section 4731.70 of 80918  
the Revised Code. 80919

(G) "Hospital" has the same meaning as in section 3727.01 of 80920  
the Revised Code. 80921

(H) A "referral" includes both of the following: 80922

(1) A request by a holder of a license or certificate under 80923  
this chapter for an item or service, including a request for a 80924  
consultation with another physician and any test or procedure 80925  
ordered by or to be performed by or under the supervision of the 80926  
other physician; 80927

(2) A request for or establishment of a plan of care by a 80928  
license or certificate holder that includes the provision of 80929  
designated health services. 80930

(I) "Third-party payer" has the same meaning as in section 80931  
3901.38 of the Revised Code. 80932

**Sec. 4731.66.** (A) Except as provided in sections 4731.67 and 80933  
4731.68 of the Revised Code, no holder of a ~~certificate~~ license 80934  
under this chapter to practice medicine and surgery, osteopathic 80935  
medicine and surgery, or podiatric medicine and surgery shall 80936  
refer a patient to a person for a designated health service if the 80937  
~~certificate~~ license holder, or a member of the ~~certificate~~ license 80938  
holder's immediate family, has either of the following financial 80939  
relationships with the person: 80940

(1) An ownership or investment interest in the person whether 80941  
through debt, equity, or other means; 80942

(2) Any compensation arrangement involving any remuneration, 80943  
directly or indirectly, overtly or covertly, in cash or in kind. 80944

(B) No person to which a ~~certificate~~ license holder has 80945  
referred a patient in violation of division (A) of this section 80946  
shall bill the patient, any third-party payer, any governmental 80947  
health care program, or any other person or governmental entity 80948  
for the designated health service rendered pursuant to the 80949  
referral. 80950

(C) No person shall knowingly enter into an arrangement or 80951  
scheme, including a cross-referral arrangement, that has a 80952  
principal purpose of assuring referrals by a ~~certificate~~ license 80953  
holder to a particular person that, if the ~~certificate~~ license 80954  
holder directly made referrals to such person, would violate 80955  
division (A) of this section. 80956

**Sec. 4731.67.** Section 4731.66 of the Revised Code does not 80957  
apply to any of the following referrals by the holder of a 80958  
~~certificate~~ license under this chapter: 80959

(A) Referrals for physicians' services that are performed by 80960  
or under the personal supervision of a physician in the same group 80961  
practice as the referring physician; 80962

(B) Referrals for clinical laboratory services by a  
eertificate license holder specializing in the practice of  
pathology if those services are provided by or under the  
supervision of the pathologist pursuant to a consultation  
requested by another physician;

(C) Referrals for in-office ancillary services to which all  
of the following apply:

(1) The services are furnished by the referring physician, a  
physician in the same group practice as the referring physician,  
or individuals who are employed by the referring physician or the  
group practice and who are supervised by the referring physician  
or a physician in the group practice, and are furnished either:

(a) In a building in which the referring physician, or  
another physician in the same group practice as the referring  
physician, furnishes physicians' services unrelated to the  
furnishing of designated health services;

(b) In another building used by the referring physician's  
group practice for the centralized provision of the group's  
designated health services.

(2) The services are billed by the physician performing or  
supervising the services, the physician's group practice, or an  
entity wholly owned by the group practice.

(3) The physician's ownership or investment interest in the  
services described in this division meets any other requirements  
that the state medical board applies in rules adopted under  
section 4731.70 of the Revised Code.

(D) Referrals for in-office ancillary services if the  
third-party payer is aware of and has agreed in writing to  
reimburse the services notwithstanding the financial arrangement  
between the physician and the provider of such ancillary services.

|                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (E) Referrals for services furnished by a health insuring corporation to an enrollee of the corporation;                                                                                                                                                                                                                                                                                                                  | 80993<br>80994                                              |
| (F) Referrals to a hospital for designated health services, if all of the following apply:                                                                                                                                                                                                                                                                                                                                | 80995<br>80996                                              |
| (1) The financial arrangement between the referring physician or immediate family member and the hospital consists of an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code and not a compensation arrangement described in division (A)(2) of that section.                                                                                                            | 80997<br>80998<br>80999<br>81000<br>81001                   |
| (2) The referring physician is authorized to perform services at the hospital.                                                                                                                                                                                                                                                                                                                                            | 81002<br>81003                                              |
| (3) The ownership or investment interest is in the hospital itself and not merely in a subdivision of the hospital.                                                                                                                                                                                                                                                                                                       | 81004<br>81005                                              |
| (G) Referrals to a hospital with which the <del>certificate</del> <u>license</u> holder's or immediate family member's financial relationship does not relate to the provision of designated health services;                                                                                                                                                                                                             | 81006<br>81007<br>81008<br>81009                            |
| (H) Referrals to a laboratory located in a rural area as defined in section 1886(d)(2)(D) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1395ww(d)(2)(D), as amended, if the financial relationship consists of an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code, and not a compensation arrangement described in division (A)(2) of that section; | 81010<br>81011<br>81012<br>81013<br>81014<br>81015<br>81016 |
| (I) Any other referrals in which the financial relationship between the <del>certificate</del> <u>license</u> holder or immediate family member and the person furnishing services has been specified in rules adopted by the state medical board under section 4731.70 of the Revised Code.                                                                                                                              | 81017<br>81018<br>81019<br>81020<br>81021                   |
| <b>Sec. 4731.68.</b> (A) Ownership of investment securities in a                                                                                                                                                                                                                                                                                                                                                          | 81022                                                       |

corporation, including bonds, debentures, notes, other debt 81023  
instruments, or shares, shall not be considered an ownership or 81024  
investment interest described in division (A)(1) of section 81025  
4731.66 of the Revised Code if all of the following apply: 81026

(1) The securities were purchased on terms generally 81027  
available to the public. 81028

(2) The corporation is listed for trading on the New York 81029  
stock exchange or the American stock exchange or is a national 81030  
market system security traded under an automated interdealer 81031  
quotation system operated by the national association of 81032  
securities dealers. 81033

(3) The corporation had, at the end of its most recent fiscal 81034  
year, total assets exceeding one hundred million dollars. 81035

(B) Payments for the rental or lease of office space shall 81036  
not be considered a compensation arrangement described in division 81037  
(A)(2) of section 4731.66 of the Revised Code if all of the 81038  
following apply: 81039

(1) There is a written agreement signed by the parties for 81040  
the rental or lease of the space that does all of the following: 81041

(a) Specifies the space covered by the agreement and 81042  
dedicated for the use of the lessee; 81043

(b) Provides for a term of rental or lease of at least one 81044  
year; 81045

(c) Provides for payment on a periodic basis of an amount 81046  
that is consistent with fair market value; 81047

(d) Provides for an amount of aggregate payments that does 81048  
not directly or indirectly vary based on the volume or value of 81049  
any referrals of business between the parties; 81050

(e) Would be commercially reasonable even if no referrals 81051  
were made between the parties. 81052

(2) In the case of a rental or lease arrangement between a holder of a ~~certificate~~ license under this chapter or member of the ~~certificate~~ license holder's immediate family and another person in which the ~~certificate~~ license holder or family member also has an ownership or investment interest described in division (A)(1) of section 4731.66 of the Revised Code, the office space is in the same building as the building in which the ~~certificate~~ license holder or the ~~certificate~~ license holder's group practice has a practice.

(3) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(C) An arrangement between a hospital and a ~~certificate~~ license holder or a member of the ~~certificate~~ license holder's immediate family for the employment of the ~~certificate~~ license holder or family member or for the provision of administrative services shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The arrangement is for identifiable services.

(2) The amount of the remuneration under the arrangement is consistent with the fair market value of the services and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder.

(3) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the ~~certificate~~ license holder made no referrals to the hospital.

(4) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(D) Remuneration by a hospital of a ~~certificate~~ license holder to induce the ~~certificate~~ license holder to relocate to the geographic area served by the hospital in order to be a member of the hospital's medical staff shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The ~~certificate~~ license holder is not required to refer patients to the hospital.

(2) The amount of the remuneration is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder to the hospital.

(3) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code.

(E) Remuneration of a ~~certificate~~ license holder or member of the ~~certificate~~ license holder's immediate family by a person other than a hospital shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply:

(1) The remuneration is for any of the following:

(a) Specific, identifiable services as the medical director or a member of a medical advisory board of the person;

(b) Specific, identifiable physicians' services furnished to an individual in a hospice if the physicians' services are payable by the individual's third-party payer only to the hospice;

(c) Specific, identifiable physicians' services furnished to a nonprofit blood center;

(d) Specific, identifiable administrative services other than direct patient care services in circumstances specified in rules

adopted by the state medical board under section 4731.70 of the Revised Code. 81114  
81115

(2) The amount of the remuneration under the arrangement is consistent with the fair market value of the services and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder. 81116  
81117  
81118  
81119  
81120

(3) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the ~~certificate~~ license holder made no referrals to the person. 81121  
81122  
81123

(4) The arrangement meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code. 81124  
81125  
81126

(F) Isolated financial transactions, including a one-time sale of property, shall not be considered a compensation arrangement described in division (A)(2) of section 4731.66 of the Revised Code if all of the following apply: 81127  
81128  
81129  
81130

(1) The amount of the remuneration under the arrangement is consistent with fair market value and is not determined in a manner that directly or indirectly takes into account the volume or value of any referrals by the ~~certificate~~ license holder. 81131  
81132  
81133  
81134

(2) The remuneration is provided pursuant to an agreement that would be commercially reasonable even if the ~~certificate~~ license holder made no referrals to the other parties to the transaction. 81135  
81136  
81137  
81138

(3) The transaction meets any other requirements that the state medical board applies in rules adopted under section 4731.70 of the Revised Code. 81139  
81140  
81141

(G) Payment of the salary of a ~~certificate~~ license holder by the ~~certificate~~ license holder's group practice shall not be 81142  
81143

considered a compensation arrangement described in division (A)(2) 81144  
of section 4731.66 of the Revised Code. 81145

**Sec. 4731.76.** On receipt of a notice pursuant to section 81146  
3123.43 of the Revised Code, the state medical board shall comply 81147  
with sections 3123.41 to 3123.50 of the Revised Code and any 81148  
applicable rules adopted under section 3123.63 of the Revised Code 81149  
with respect to a license or certificate issued pursuant to this 81150  
chapter. 81151

**Sec. 4731.82.** (A) As used in this section: 81152

(1) "Fetal death" has the same meaning as in section 3705.01 81153  
of the Revised Code, except that it does not include either of the 81154  
following: 81155

(a) The product of human conception of at least twenty weeks 81156  
of gestation; 81157

(b) The purposeful termination of a pregnancy, as described 81158  
in section 2919.11 of the Revised Code. 81159

(2) "Physician" means an individual holding a ~~certificate~~ 81160  
license issued under this chapter to practice medicine and surgery 81161  
or osteopathic medicine and surgery ~~pursuant to this chapter.~~ 81162

(B) If a woman in the process of experiencing a fetal death 81163  
or with the product of human conception as a result of a fetal 81164  
death presents herself to a physician and is not referred to a 81165  
hospital, the attending physician shall provide the woman with all 81166  
of the following: 81167

(1) A written statement, not longer than one page in length, 81168  
that confirms that the woman was pregnant and that she 81169  
subsequently suffered a miscarriage that resulted in a fetal 81170  
death; 81171

(2) Notice of the right of the woman to apply for a fetal 81172

death certificate pursuant to section 3705.20 of the Revised Code; 81173

(3) A short, general description of the attending physician's 81174  
procedures for disposing of the product of a fetal death. 81175

The attending physician may present the notice and 81176  
description required by divisions (B)(2) and (B)(3) of this 81177  
section through oral or written means. The physician shall 81178  
document in the woman's medical record that all of the items 81179  
required by this division were provided to the woman and shall 81180  
place in the record a copy of the statement required by division 81181  
(B)(1) of this section. 81182

(C) A physician is immune from civil or criminal liability or 81183  
professional disciplinary action with regard to any action taken 81184  
in good faith compliance with this section. 81185

Sec. 4731.83. (A) As used in this section: 81186

(1) "Medication-assisted treatment" has the same meaning as 81187  
in section 340.01 of the Revised Code. 81188

(2) "Physician" means an individual authorized by this 81189  
chapter to practice medicine and surgery or osteopathic medicine 81190  
and surgery. 81191

(B) A physician shall comply with section 3715.08 of the 81192  
Revised Code and rules adopted under section 4731.056 of the 81193  
Revised Code when treating a patient with medication-assisted 81194  
treatment or proposing to initiate such treatment. 81195

(C) A physician who fails to comply with this section shall 81196  
treat not more than thirty patients at any one time with 81197  
medication-assisted treatment even if the facility or location at 81198  
which the treatment is provided is either of the following: 81199

(1) Exempted by divisions (B)(2)(a) to (d) of section 81200  
4729.553 of the Revised Code from being required to possess a 81201  
category III terminal distributor of dangerous drugs license with 81202

an office-based opioid treatment classification; 81203

(2) A community addiction services provider that provides 81204  
alcohol and drug addiction services that are certified by the 81205  
department of mental health and addiction services under section 81206  
5119.36 of the Revised Code. 81207

**Sec. 4731.85.** The department of health shall establish a 81208  
procedure to provide special recognition annually to one or more 81209  
persons issued a ~~certificate~~ license under this chapter to 81210  
practice medicine and surgery, osteopathic medicine and surgery, 81211  
or podiatric medicine and surgery who volunteer medical services 81212  
to medically underserved areas of this state or to charitable 81213  
shelters or clinics. Any person may nominate a ~~certificate~~ license 81214  
holder for consideration by the department. The department shall 81215  
annually submit to newspapers of general circulation and other 81216  
publications selected by the department a request for nominations. 81217  
The request shall describe the required form and content of 81218  
nominations and indicate a deadline for submitting nominations. 81219

The department may adopt criteria and guidelines for 81220  
selecting nominees for recognition. The department shall publicize 81221  
the names, professional accomplishments, and service contributions 81222  
of the ~~certificate~~ license holders that it recognizes under this 81223  
section. The department may purchase recognition awards and take 81224  
other actions to honor such volunteers. 81225

**Sec. 4736.01.** As used in this chapter: 81226

(A) "Environmental health science" means the aspect of public 81227  
health science that includes, but is not limited to, the following 81228  
bodies of knowledge: air quality, food quality and protection, 81229  
hazardous and toxic substances, consumer product safety, housing, 81230  
institutional health and safety, community noise control, 81231  
radiation protection, recreational facilities, solid and liquid 81232

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| waste management, vector control, drinking water quality, milk sanitation, and rabies control.                                                                                                                                                                                                                                                                                                                                                                                                              | 81233<br>81234                                                       |
| (B) "Sanitarian" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science.                                                                                                                                                                                                                                                                                    | 81235<br>81236<br>81237<br>81238                                     |
| (C) "Registered sanitarian" means a person who is registered as a sanitarian in accordance with this chapter.                                                                                                                                                                                                                                                                                                                                                                                               | 81239<br>81240                                                       |
| (D) "Sanitarian-in-training" means a person who is registered as a sanitarian-in-training in accordance with this chapter.                                                                                                                                                                                                                                                                                                                                                                                  | 81241<br>81242                                                       |
| (E) "Practice of environmental health" means consultation, instruction, investigation, inspection, or evaluation by an employee of a city health district, a general health district, the environmental protection agency, the department of health, or the department of agriculture requiring specialized knowledge, training, and experience in the field of environmental health science, with the primary purpose of improving or conducting administration or enforcement under any of the following: | 81243<br>81244<br>81245<br>81246<br>81247<br>81248<br>81249<br>81250 |
| (1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 3733. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                     | 81251<br>81252                                                       |
| (2) Chapter 3734. of the Revised Code as it pertains to solid waste;                                                                                                                                                                                                                                                                                                                                                                                                                                        | 81253<br>81254                                                       |
| (3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 3707.38 to 3707.99, or section 3715.21 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                     | 81255<br>81256                                                       |
| (4) Rules adopted under former section 3701.34 of the Revised Code pertaining to rabies control or swimming pools;                                                                                                                                                                                                                                                                                                                                                                                          | 81257<br>81258                                                       |
| (5) Rules adopted under section 3701.935 of the Revised Code for school health and safety network inspections and rules adopted under section 3707.26 of the Revised Code for sanitary inspections.                                                                                                                                                                                                                                                                                                         | 81259<br>81260<br>81261<br>81262                                     |

"Practice of environmental health" does not include sampling, 81263  
testing, controlling of vectors, reporting of observations, or 81264  
other duties that do not require application of specialized 81265  
knowledge and skills in environmental health science performed 81266  
under the supervision of a registered sanitarian. 81267

The ~~state board~~ director of ~~sanitarian registration~~ health 81268  
may further define environmental health science in relation to 81269  
specific functions in the practice of environmental health through 81270  
rules adopted by the ~~board~~ director under Chapter 119. of the 81271  
Revised Code. 81272

**Sec. 4736.02.** ~~(A)~~ There is hereby created the ~~state board of~~ 81273  
~~sanitarian registration. The board shall consist~~ advisory board 81274  
consisting of seven members appointed by the director of health ~~or~~ 81275  
~~his designated representative, the director of environmental~~ 81276  
~~protection or his designated representative, and five members~~ 81277  
~~appointed by the governor with the advice and consent of the~~ 81278  
~~senate~~ for terms established in accordance with rules adopted by 81279  
the director under section 4736.03 of the Revised Code. The 81280  
advisory board shall advise the director regarding the 81281  
registration of sanitarians-in-training and sanitarians, 81282  
continuing education requirements for sanitarians, the 81283  
administration of examinations prescribed by section 4736.09 of 81284  
the Revised Code, the education criteria required under section 81285  
4736.08 of the Revised Code, and any other matters as may be of 81286  
assistance to the director in the regulation of sanitarians and 81287  
sanitarians-in-training. Each 81288

Each member appointed by the ~~governor~~ director shall be a 81289  
registered sanitarian; ~~however, the initial five members appointed~~ 81290  
~~by the governor shall be persons~~ who ~~meet~~ meets the education and 81291  
experience requirements of section 4736.08 of the Revised Code for 81292  
registration as ~~sanitarians~~ a sanitarian. ~~Of the five members~~ 81293

~~appointed by the governor, at~~ At least one and not more than two 81294  
~~of the members~~ shall be employees of a general health district; at 81295  
least one and not more than two shall be employees of a city 81296  
health district; and at least one and not more than two shall be 81297  
employed in private industry. Not more than one member may be 81298  
employed by a university and not more than one member may be 81299  
employed by an agency or department of the state. 81300

Within ninety days of the effective date of this ~~section~~ 81301  
~~amendment~~, the ~~governor~~ director shall make initial appointments 81302  
to the advisory board. ~~Of the initial appointments, two shall be~~ 81303  
~~for terms ending one year after the effective date of this~~ 81304  
~~section; two shall be for terms ending two years after that~~ 81305  
~~effective date; and one shall be for a term ending three years~~ 81306  
~~after that effective date. Thereafter, terms of office shall be~~ 81307  
~~for three years, each term ending on the same day of the same~~ 81308  
~~month of the year as did the term which it succeeds. Each member~~ 81309  
~~shall hold office from the date of his appointment until the end~~ 81310  
~~of the term for which he was appointed. Any member appointed to~~ 81311  
~~fill a vacancy occurring prior to the expiration of the term for~~ 81312  
~~which his the member's predecessor was appointed shall hold office~~ 81313  
~~for the remainder of such term. Any member shall continue in~~ 81314  
~~office subsequent to the expiration date of his the member's term~~ 81315  
~~until his the member's successor takes office, or until a period~~ 81316  
~~of sixty days has elapsed, whichever occurs first.~~ 81317

~~The governor may remove any member of the board for~~ 81318  
~~malfeasance, misfeasance, or nonfeasance after an adjudication~~ 81319  
~~hearing in accordance with Chapter 119. of the Revised Code.~~ 81320

**Sec. 4736.03.** ~~The state board of sanitarian registration~~ 81321  
~~shall organize within thirty days after its initial members have~~ 81322  
~~been appointed by the governor. The board shall annually elect a~~ 81323  
~~chairman and a vice chairman from its members and shall elect a~~ 81324

~~secretary to serve at the pleasure of the board. The chairman and 81325  
the secretary may administer oaths. A majority of the board 81326  
constitutes a quorum. Members shall be compensated for their 81327  
necessary expenses incurred in the performance of their official 81328  
duties. 81329~~

The ~~board~~ director of health shall adopt and may amend or 81330  
rescind rules in accordance with Chapter 119. of the Revised Code 81331  
governing the administration of the examinations prescribed by 81332  
section 4736.09 of the Revised Code, prescribing the form for 81333  
application, establishing criteria for determining what courses 81334  
may be included toward fulfillment of the science course 81335  
requirements of section 4736.08 of the Revised Code, determining 81336  
the continuing education program requirements of section 4736.11 81337  
of the Revised Code, and for the administration and enforcement of 81338  
this chapter. 81339

The director shall adopt, in accordance with Chapter 119. of 81340  
the Revised Code, rules establishing terms of office for members 81341  
of the sanitarian advisory board created in section 4736.02 of the 81342  
Revised Code. 81343

**Sec. 4736.05.** The ~~state board~~ director of ~~sanitarian 81344  
registration~~ health shall ~~hold at least one meeting annually to 81345  
review and evaluate applications for registration as sanitarians 81346  
and sanitarians-in-training, conduct examinations, review and 81347  
approve expenses, prepare and approve reports, and transact all 81348  
other business as may be necessary to administer and enforce 81349  
Chapter 4736. of the Revised Code. ~~Special meetings shall be 81350  
called by the secretary upon written request of any three members 81351  
of the board or upon the written request of ten registered 81352  
sanitarians. 81353~~~~

**Sec. 4736.06.** (A) All receipts of the ~~state board~~ department 81354

of ~~sanitarian registration~~ health that are associated with 81355  
sanitarian and sanitarian-in-training registration and renewal 81356  
fees shall be deposited in the state treasury to the credit of the 81357  
~~occupational licensing and regulatory~~ general operations fund 81358  
created in section 3701.83 of the Revised Code. 81359

~~All vouchers of the board shall be approved by the~~ 81360  
~~chairperson of the board or secretary, or both, as authorized by~~ 81361  
~~the board.~~ 81362

~~(B) The board may employ such persons as are necessary to~~ 81363  
~~administer and enforce this chapter.~~ 81364

**Sec. 4736.07.** The ~~state board~~ director of ~~sanitarian~~ 81365  
~~registration~~ health shall keep a record ~~of its proceedings and a~~ 81366  
~~record~~ of all applications for registration, which shall include: 81367

(A) The name and address of each applicant; 81368

(B) The name and address of the employer or business 81369  
connection of each applicant; 81370

(C) The date of the application; 81371

(D) The educational and experience qualifications of each 81372  
applicant; 81373

(E) The date on which the ~~board~~ director reviewed and acted 81374  
upon each application; 81375

(F) The action taken by the ~~board~~ director on each 81376  
application; 81377

(G) A serial number of each certificate of registration 81378  
issued by the ~~board~~ director. 81379

The ~~board~~ director shall prepare annually a list of the names 81380  
and addresses of every person registered by it and a list of every 81381  
person whose registration has been suspended or revoked within the 81382  
previous year. 81383

**Sec. 4736.08.** An application for registration as a sanitarian 81384  
shall be made to the ~~state board~~ director of ~~sanitarian~~ 81385  
~~registration health~~ on a form prescribed by the ~~board~~ director and 81386  
accompanied by the application fee prescribed in section 4736.12 81387  
of the Revised Code. The ~~board~~ director shall register an 81388  
applicant if the applicant ~~meets the requirements of section~~ 81389  
~~4736.16 of the Revised Code or~~ is of good moral character, passes 81390  
an examination conducted by the ~~board~~ director in accordance with 81391  
section 4736.09 of the Revised Code, and meets the education and 81392  
experience requirements of division (A), (B), or (C) of this 81393  
section: 81394

(A) Graduated from an accredited college or university with 81395  
at least a baccalaureate degree, including at least forty-five 81396  
quarter units or thirty semester units of science courses approved 81397  
by the ~~board~~ director; and completed at least two years of 81398  
full-time employment as a sanitarian; 81399

(B) Graduated from an accredited college or university with 81400  
at least a baccalaureate degree, completed a major in 81401  
environmental health science which included an internship program 81402  
approved by the ~~board~~ director; and completed at least one year of 81403  
full-time employment as a sanitarian; 81404

(C) Graduated from an accredited college or university with a 81405  
degree higher than a baccalaureate degree, including at least 81406  
forty-five quarter units or thirty semester units of science 81407  
courses approved by the ~~board~~ director; and completed at least one 81408  
year of full-time employment as a sanitarian. 81409

**Sec. 4736.09.** Examinations required by section 4736.08 of the 81410  
Revised Code shall be conducted not less than once each calendar 81411  
year at such times and places as the ~~state board~~ director of 81412  
~~sanitarian registration health~~ prescribes. Such examinations shall 81413

be written and shall include applicable subjects in the field of 81414  
environmental health science and such other subjects as the ~~board~~ 81415  
director may prescribe. The examination shall be objective and 81416  
practical. Any examination papers shall not disclose the name of 81417  
the applicant, but shall be identified by a number assigned by the 81418  
~~secretary of the board~~ director. The preparation of the 81419  
examination shall be the responsibility of the ~~board~~ director; 81420  
however, the ~~board~~ director may use material prepared by 81421  
recognized examination agencies. 81422

No person shall be registered if ~~he~~ the person fails to meet 81423  
the minimum grade requirements for the examination specified by 81424  
the ~~board~~ director. An applicant who fails to meet such minimum 81425  
grade requirements in ~~his~~ the applicant's first examination may be 81426  
reexamined at any time and place specified by the ~~board~~ director, 81427  
upon resubmission of ~~his~~ an application and payment of the fee 81428  
prescribed in section 4736.12 of the Revised Code. 81429

**Sec. 4736.10.** Any person who meets the educational 81430  
qualifications of division (A), (B), or (C) of section 4736.08 of 81431  
the Revised Code, but does not meet the experience requirement of 81432  
such division may make application to the ~~state board~~ director of 81433  
~~sanitarian registration~~ health on a form prescribed by the ~~board~~ 81434  
director for registration as a sanitarian-in-training. The ~~board~~ 81435  
director shall register such person as a sanitarian-in-training 81436  
upon payment of the fee required by section 4736.12 of the Revised 81437  
Code, if ~~he~~ the person passes any examination which the ~~board~~ 81438  
director may require for registration as a sanitarian-in-training. 81439  
Any such examination shall be conducted in the same manner as the 81440  
examination required for registration as a sanitarian under 81441  
section 4736.09 of the Revised Code. 81442

A sanitarian-in-training shall apply for registration as a 81443  
sanitarian within three years ~~of his~~ after registration as a 81444

sanitarian-in-training. The ~~board~~ director may extend the 81445  
registration of any sanitarian-in-training who furnishes, in 81446  
writing, sufficient cause for not applying for registration as a 81447  
sanitarian within the three-year period. 81448

**Sec. 4736.11.** The ~~state board~~ director of ~~sanitarian~~ 81449  
~~registration~~ health shall issue a certificate of registration to 81450  
any applicant whom it registers as a sanitarian or a 81451  
sanitarian-in-training. Such certificate shall bear: 81452

(A) The name of the person; 81453

(B) The date of issue; 81454

(C) A serial number, designated by the ~~board~~ director; 81455

(D) The ~~seal of the board and~~ signature of the ~~chairperson of~~ 81456  
the ~~board~~ director; 81457

(E) The designation "registered sanitarian" or 81458  
"sanitarian-in-training." 81459

Certificates of registration shall expire annually on the 81460  
date fixed by the ~~board~~ director and become invalid on that date 81461  
unless renewed pursuant to this section. All registered 81462  
sanitarians shall be required annually to complete a continuing 81463  
education program in subjects relating to practices of the 81464  
profession as a sanitarian to the end that the utilization and 81465  
application of new techniques, scientific advancements, and 81466  
research findings will assure comprehensive service to the public. 81467  
The ~~board~~ director shall prescribe by rule a continuing education 81468  
program for registered sanitarians to meet this requirement. The 81469  
length of study for this program shall be determined by the ~~board~~ 81470  
director but shall be not less than six nor more than twenty-five 81471  
hours during the calendar year. At least once annually the ~~board~~ 81472  
director shall provide to each registered sanitarian a list of 81473  
courses approved by the ~~board~~ director as satisfying the program 81474

prescribed by rule. Upon the request of a registered sanitarian, 81475  
the ~~secretary~~ director shall supply a list of applicable courses 81476  
that the ~~board~~ director has approved. A certificate may be renewed 81477  
for a period of one year at any time prior to the date of 81478  
expiration upon payment of the renewal fee prescribed by section 81479  
4736.12 of the Revised Code and upon showing proof of having 81480  
complied with the continuing education requirements of this 81481  
section. The ~~state board of sanitarian registration~~ director may 81482  
waive the continuing education requirement in cases of certified 81483  
illness or disability which prevents the attendance at any 81484  
qualified educational seminars during the twelve months 81485  
immediately preceding the annual certificate of registration 81486  
renewal date. Certificates which expire may be reinstated under 81487  
rules adopted by the ~~board~~ director. 81488

**Sec. 4736.12.** (A) The ~~state board~~ director of ~~sanitarian~~ 81489  
~~registration~~ health shall charge the following fees: 81490

(1) To apply as a sanitarian-in-training, eighty dollars; 81491

(2) For sanitarians-in-training to apply for registration as 81492  
sanitarians, eighty dollars. The applicant shall pay this fee only 81493  
once regardless of the number of times the applicant takes an 81494  
examination required under section 4736.08 of the Revised Code. 81495

(3) For persons other than sanitarians-in-training to apply 81496  
for registration as sanitarians, ~~including persons meeting the~~ 81497  
~~requirements of section 4736.16 of the Revised Code,~~ one hundred 81498  
sixty dollars. The applicant shall pay this fee only once 81499  
regardless of the number of times the applicant takes an 81500  
examination required under section 4736.08 of the Revised Code. 81501

(4) The renewal fee for registered sanitarians shall be 81502  
ninety dollars. 81503

(5) The renewal fee for sanitarians-in-training shall be 81504

ninety dollars. 81505

(6) For late application for renewal, an additional 81506  
seventy-five dollars. 81507

The ~~board of sanitarian registration~~ director, with the 81508  
approval of the controlling board, may establish fees in excess of 81509  
the amounts provided in this section, provided that such fees do 81510  
not exceed the amounts permitted by this section by more than 81511  
fifty per cent. 81512

(B) The ~~board of sanitarian registration~~ director shall 81513  
charge separate fees for examinations as required by section 81514  
4736.08 of the Revised Code, provided that the fees are not in 81515  
excess of the actual cost to the ~~board~~ department of health of 81516  
conducting the examinations. 81517

(C) The ~~board of sanitarian registration~~ director may adopt 81518  
rules establishing fees for all of the following: 81519

(1) Application for the registration of a training agency 81520  
approved under rules adopted by the ~~board~~ director pursuant to 81521  
section 4736.11 of the Revised Code and for the annual 81522  
registration renewal of an approved training agency; 81523

(2) Application for the review of continuing education hours 81524  
submitted for the ~~board's~~ director's approval by approved training 81525  
agencies or by registered sanitarians or sanitarians-in-training; 81526

(3) Additional copies of pocket identification cards and wall 81527  
certificates. 81528

**Sec. 4736.13.** The ~~state board~~ director of ~~sanitarian~~ 81529  
~~registration~~ health may deny, refuse to renew, revoke, or suspend 81530  
a certificate of registration in accordance with Chapter 119. of 81531  
the Revised Code for unprofessional conduct, the practice of fraud 81532  
or deceit in obtaining a certificate of registration, dereliction 81533  
of duty, incompetence in the practice of environmental health 81534

science, or for other good and sufficient cause. 81535

**Sec. 4736.14.** The ~~state board~~ director of ~~sanitarian~~ 81536  
~~registration~~ health may, upon application and proof of valid 81537  
registration, issue a certificate of registration to any person 81538  
who is or has been registered as a sanitarian by any other state, 81539  
if the requirements of that state at the time of such registration 81540  
are determined by the ~~board~~ director to be at least equivalent to 81541  
the requirements of this chapter. 81542

**Sec. 4736.15.** No person shall engage in, or offer to engage 81543  
in, the practice of environmental health without being registered 81544  
in accordance with sections 4736.01 to ~~4736.16~~ 4736.15 of the 81545  
Revised Code. A sanitarian-in-training may engage in the practice 81546  
of environmental health for a period not to exceed five years, 81547  
provided ~~he~~ the sanitarian-in-training is supervised by a 81548  
registered sanitarian. No person except a registered sanitarian 81549  
shall use the title "registered sanitarian" or the abbreviation 81550  
"R.S." after ~~his~~ the person's name, or represent ~~himself~~ self as a 81551  
registered sanitarian. Whoever violates this section is guilty of 81552  
a misdemeanor of the fourth degree. 81553

**Sec. 4736.17.** On receipt of a notice pursuant to section 81554  
3123.43 of the Revised Code, the ~~state board~~ director of 81555  
~~sanitarian registration~~ health shall comply with sections 3123.41 81556  
to 3123.50 of the Revised Code and any applicable rules adopted 81557  
under section 3123.63 of the Revised Code with respect to a 81558  
certificate issued pursuant to this chapter. 81559

**Sec. 4736.18.** The ~~state board~~ director of ~~sanitarian~~ 81560  
~~registration~~ health shall comply with section 4776.20 of the 81561  
Revised Code. 81562

Sec. 4745.01. (A) "Standard renewal procedure," as used in 81563  
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 81564  
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 81565  
3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~ 4169., 4561., 81566  
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 81567  
4728., 4729., 4731., 4733., 4734., ~~4735.~~ 4739., 4741., 4747., 81568  
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 81569  
4773., and 4775. of the Revised Code, means the license renewal 81570  
procedures specified in this chapter. 81571

(B) "Licensing agency," as used in this chapter, means any 81572  
department, division, board, section of a board, or other state 81573  
governmental unit subject to the standard renewal procedure, as 81574  
defined in this section, and authorized by the Revised Code to 81575  
issue a license to engage in a specific profession, occupation, or 81576  
occupational activity, or to have charge of and operate certain 81577  
specified equipment, machinery, or premises. 81578

(C) "License," as used in this chapter, means a license, 81579  
certificate, permit, card, or other authority issued or conferred 81580  
by a licensing agency by authority of which the licensee has or 81581  
claims the privilege to engage in the profession, occupation, or 81582  
occupational activity, or to have control of and operate certain 81583  
specific equipment, machinery, or premises, over which the 81584  
licensing agency has jurisdiction. 81585

(D) "Licensee," as used in this chapter, means either the 81586  
person to whom the license is issued or renewed by a licensing 81587  
agency, or the person, partnership, or corporation at whose 81588  
request the license is issued or renewed. 81589

(E) "Renewal" and "renewed," as used in this chapter and in 81590  
the chapters of the Revised Code specified in division (A) of this 81591  
section, includes the continuing licensing procedure provided in 81592  
Chapter 3748. of the Revised Code and rules adopted under it and 81593

in sections 1321.05 and 3921.33 of the Revised Code, and as 81594  
applied to those continuing licenses any reference in this chapter 81595  
to the date of expiration of any license shall be construed to 81596  
mean the due date of the annual or other fee for the continuing 81597  
license. 81598

**Sec. 4749.031.** (A) The department of public safety shall be a 81599  
participating public office for purposes of the retained applicant 81600  
fingerprint database established under section 109.5721 of the 81601  
Revised Code. The department shall elect to participate in the 81602  
continuous record monitoring service for all persons licensed or 81603  
registered under this chapter. When the superintendent of the 81604  
bureau of criminal identification and investigation, under section 81605  
109.57 of the Revised Code, indicates that an individual in the 81606  
retained applicant fingerprint database has been arrested for, 81607  
convicted of, or pleaded guilty to any offense, the superintendent 81608  
promptly shall notify the department either electronically or by 81609  
mail that additional arrest or conviction information is 81610  
available. 81611

(B) In addition to any other fees charged by the department 81612  
under this chapter, an applicant for a license under section 81613  
4749.03 of the Revised Code, at the time of making an initial or 81614  
renewal application, shall pay any initial or annual fee charged 81615  
by the superintendent pursuant to rules adopted under division 81616  
(~~F~~)(H) of section 109.5721 of the Revised Code. 81617

**Sec. 4751.03.** (A) There is hereby established in the 81618  
department of aging a board of executives of long-term services 81619  
and supports, which board shall be composed of the following 81620  
eleven members: 81621

(1) Four members who are nursing home administrators, owners 81622  
of nursing homes, or officers of corporations owning nursing 81623

homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings; 81624  
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(2)(a) Three members who work in long-term services and supports settings that are not nursing homes, and who shall have an understanding of person-centered care, and experience with a range of long-term services and supports settings; 81627  
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(b) At least one of the members described in division (A)(2)(a) of this section shall be a home health administrator, an owner of a home health agency, or an officer of a home health agency. 81631  
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(3) One member who is a member of the academic community; 81635

(4) One member who is a consumer of services offered in a long-term services and supports setting; 81636  
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(5) One nonvoting member who is a representative of the department of health, designated by the director of health, who is involved in the nursing home survey and certification process, who shall serve in an advisory capacity only; 81638  
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81640  
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(6) One nonvoting member who is a representative of the office of the state long-term care ombudsman, designated by the state long-term care ombudsman, who shall serve in an advisory capacity only. 81642  
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All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings. 81646  
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(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall 81651  
81652  
81653

serve from the date of appointment until the end of the term for 81654  
which appointed. No member shall serve more than two consecutive 81655  
full terms. 81656

(C) Appointments to the board shall be made by the governor. 81657  
Any member appointed to fill a vacancy occurring prior to the 81658  
expiration of the term for which the member's predecessor was 81659  
appointed shall hold office for the remainder of such term. Any 81660  
appointed member shall continue in office subsequent to the 81661  
expiration date of the member's term until the member's successor 81662  
takes office, or until a period of sixty days has elapsed, 81663  
whichever occurs first. 81664

(D) The governor may remove any member of the board for 81665  
misconduct, incapacity, incompetence, or neglect of duty after the 81666  
member so charged has been served with a written statement of 81667  
charges and has been given an opportunity to be heard. 81668

(E) Each member of the board, except the member designated by 81669  
the director of health and the member designated by the ombudsman, 81670  
shall be paid in accordance with section 124.15 of the Revised 81671  
Code and each member shall be reimbursed for the member's actual 81672  
and necessary expenses incurred in the discharge of such duties. 81673

(F) The board shall elect annually from its membership a 81674  
chairperson and a vice-chairperson. 81675

(G) The board shall hold and conduct meetings quarterly and 81676  
at such other times as its business requires. A majority of the 81677  
voting members of the board shall constitute a quorum. The 81678  
affirmative vote of a majority of the voting members of the board 81679  
is necessary for the board to act. 81680

(H) The board shall appoint a secretary who has no financial 81681  
interest in a long-term services and supports setting, and may 81682  
employ and prescribe the powers and duties of such employees and 81683  
consultants as are necessary to carry out this chapter and the 81684

rules adopted under it. 81685

**Sec. 4751.04.** (A) The board of executives of long-term 81686  
services and supports shall: 81687

(1) Develop, adopt, impose, and enforce regulations 81688  
prescribing standards which must be met by individuals in order to 81689  
receive a license as a nursing home administrator, which standards 81690  
shall be designed to ensure that nursing home administrators are 81691  
of good character and are otherwise suitable, and who, by training 81692  
and experience, are qualified to serve as nursing home 81693  
administrators; 81694

(2) Develop and apply appropriate techniques, including 81695  
examinations and investigations, for determining whether an 81696  
individual meets such standards; 81697

(3) Issue licenses and registrations to individuals 81698  
determined, after application of such techniques, to meet such 81699  
standards, ~~and revoke;~~ 81700

(4) Revoke or suspend licenses or registrations previously 81701  
issued by the board or impose a civil penalty, fine, or any other 81702  
sanction authorized by the board on an individual holding a 81703  
license or registration, in any case where the individual ~~holding~~ 81704  
~~such license or registration~~ is determined to have failed 81705  
substantially to conform to the requirements of such standards; 81706

~~(4)~~(5) Develop, adopt, impose, and enforce regulations and 81707  
procedures designed to ensure that individuals holding a temporary 81708  
license, or licensed as nursing home administrators will, during 81709  
any period that they serve as such, comply with Chapter 4751. of 81710  
the Revised Code and the regulations adopted thereunder; 81711

~~(5)~~(6) Receive, investigate, and take appropriate action with 81712  
respect to any charge or complaint filed with the board to the 81713  
effect that any individual licensed as a nursing home 81714

administrator has failed to comply with Chapter 4751. of the 81715  
Revised Code and the regulations adopted thereunder; 81716

~~(6)~~(7) Take such other actions as may be necessary to enable 81717  
the state to meet the requirements set forth in the "Social 81718  
Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 81719  
g; 81720

~~(7)~~(8) Pay all license and registration fees, civil 81721  
penalties, and fines collected under Chapter 4751. of the Revised 81722  
Code into the board of executives of long-term services and 81723  
supports fund created by section 4751.14 of the Revised Code to be 81724  
used in administering and enforcing this chapter and the rules 81725  
adopted under it; 81726

~~(8)~~(9) Administer, or contract with a government or private 81727  
entity to administer, examinations for licensure as a nursing home 81728  
administrator. If the board contracts with a government or private 81729  
entity to administer the examinations, the contract may authorize 81730  
the entity to collect and keep, as all or part of the entity's 81731  
compensation under the contract, any fee an applicant for 81732  
licensure pays to take an examination. The entity is not required 81733  
to deposit the fee into the state treasury; 81734

~~(9)~~(10) Enter into a contract with the department of aging as 81735  
required under section 4751.042 of the Revised Code; 81736

~~(10)~~(11) Create opportunities for the education, training, 81737  
and credentialing of nursing home administrators ~~and others,~~ 81738  
persons in leadership positions who practice in long-term services 81739  
and supports settings or who direct the practices of others in 81740  
those settings, and persons interested in serving in those roles. 81741  
In carrying out this function, the board shall do the following: 81742

(a) Identify core competencies and areas of knowledge that 81743  
are appropriate for nursing home administrators, credentialed 81744  
individuals, and others working within the long-term services and 81745

|                                                                         |       |
|-------------------------------------------------------------------------|-------|
| supports settings system, with an emphasis on all of the                | 81746 |
| following:                                                              | 81747 |
| (i) Leadership;                                                         | 81748 |
| (ii) Person-centered care;                                              | 81749 |
| (iii) Principles of management within both the business and             | 81750 |
| regulatory environments;                                                | 81751 |
| (iv) An understanding of all post-acute settings, including             | 81752 |
| transitions from acute settings and between post-acute settings.        | 81753 |
| (b) Assist in the development of a strong, competitive market           | 81754 |
| in Ohio for training, continuing education, and degree programs in      | 81755 |
| long-term services and supports settings administration.                | 81756 |
| (B) In the administration and enforcement of Chapter 4751. of           | 81757 |
| the Revised Code, and the regulations adopted thereunder, the           | 81758 |
| board is subject to Chapter 119. of the Revised Code and sections       | 81759 |
| 4743.01 and 4743.02 of the Revised Code except that a notice of         | 81760 |
| appeal of an order of the board adopting, amending, or rescinding       | 81761 |
| a rule or regulation does not operate as a stay of the effective        | 81762 |
| date of such order as provided in section 119.11 of the Revised         | 81763 |
| Code. The court, at its discretion, may grant a stay of any             | 81764 |
| regulation in its application against the person filing the notice      | 81765 |
| of appeal.                                                              | 81766 |
| <u>Sec. 4751.043. (A) Training and education programs developed</u>     | 81767 |
| <u>by the board of executives of long-term services and supports</u>    | 81768 |
| <u>pursuant to division (A)(10) of section 4751.04 of the Revised</u>   | 81769 |
| <u>Code may be conducted in person or through electronic media. The</u> | 81770 |
| <u>board may establish and charge a fee for the education and</u>       | 81771 |
| <u>training programs.</u>                                               | 81772 |
| (B) <u>The board may enter into a contract with a government or</u>     | 81773 |
| <u>private entity to perform the board's duties under division</u>      | 81774 |
| <u>(A)(10) of section 4751.04 of the Revised Code to develop and</u>    | 81775 |

conduct education and training programs. If the board enters into 81776  
such a contract, the contract may authorize the entity to pay any 81777  
or all costs associated with the education or training programs 81778  
and to collect and keep, as all or part of the entity's 81779  
compensation under the contract, any fee an applicant for 81780  
education or training pays to enroll in the education or training 81781  
program. 81782

Sec. 4751.044. The board of executives of long-term services 81783  
and supports shall approve continuing education courses for 81784  
nursing home administrators. The board may establish a fee for 81785  
approval of such courses that is adequate to cover any expense the 81786  
board incurs in the approval process. 81787

**Sec. 4751.10.** The license or registration, or both, or the 81788  
temporary license of any person practicing or offering to practice 81789  
nursing home administration, shall be revoked or suspended by the 81790  
board of executives of long-term services and supports if such 81791  
licensee or temporary licensee: 81792

(A) Is unfit or incompetent by reason of negligence, habits, 81793  
or other causes; 81794

(B) Has willfully or repeatedly violated any of the 81795  
provisions of Chapter 4751. of the Revised Code or the regulations 81796  
adopted thereunder; or willfully or repeatedly acted in a manner 81797  
inconsistent with the health and safety of the patients of the 81798  
nursing home in which the licensee or temporary licensee is the 81799  
administrator; 81800

(C) Is guilty of fraud or deceit in the practice of nursing 81801  
home administration or in the licensee's or temporary licensee's 81802  
admission to such practice; 81803

(D) Has been convicted in a court of competent jurisdiction, 81804  
either within or without this state, of a felony. 81805

~~Proceedings under this section shall be instituted by the board or shall be begun by filing with the board charges in writing and under oath.~~

**Sec. 4751.14.** There is hereby created in the state treasury the board of executives of long-term services and supports fund. The fund shall consist of the amounts the board collects under this chapter as license and registration fees collected under this chapter, other fees, civil penalties, and fines. Money in the fund shall be used by the board of executives of long-term services and supports to administer and enforce this chapter and the rules adopted under it. Investment earnings of the fund shall be credited to the fund.

**Sec. 4751.99.** Whoever violates section 4751.02 or 4751.09 of the Revised Code ~~shall~~ may be fined not ~~less than fifty nor~~ more than five hundred dollars for the first offense; for each subsequent offense such person ~~shall~~ may be fined not ~~less than one hundred nor~~ more than five hundred dollars or imprisoned for not more than ninety days, or both.

The imposition of fines pursuant to this section does not preclude the imposition of any civil penalties or fines authorized under section 4751.04 or any other section of the Revised Code.

**Sec. 4762.14.** (A) The state medical board shall investigate evidence that appears to show that any person has violated this chapter or the rules adopted under it. Any person may report to the board in a signed writing any information the person has that appears to show a violation of any provision of this chapter or the rules adopted under it. In the absence of bad faith, a person who reports such information or testifies before the board in an adjudication conducted under Chapter 119. of the Revised Code shall not be liable for civil damages as a result of reporting the

information or providing testimony. Each complaint or allegation 81836  
of a violation received by the board shall be assigned a case 81837  
number and be recorded by the board. 81838

(B) Investigations of alleged violations of this chapter or 81839  
rules adopted under it shall be supervised by the supervising 81840  
member elected by the board in accordance with section 4731.02 of 81841  
the Revised Code and by the secretary as provided in section 81842  
~~4762.15~~ 4762.17 of the Revised Code. The board's president may 81843  
designate another member of the board to supervise the 81844  
investigation in place of the supervising member. A member of the 81845  
board who supervises the investigation of a case shall not 81846  
participate in further adjudication of the case. 81847

(C) In investigating a possible violation of this chapter or 81848  
the rules adopted under it, the board may administer oaths, order 81849  
the taking of depositions, issue subpoenas, and compel the 81850  
attendance of witnesses and production of books, accounts, papers, 81851  
records, documents, and testimony, except that a subpoena for 81852  
patient record information shall not be issued without 81853  
consultation with the attorney general's office and approval of 81854  
the secretary and supervising member of the board. Before issuance 81855  
of a subpoena for patient record information, the secretary and 81856  
supervising member shall determine whether there is probable cause 81857  
to believe that the complaint filed alleges a violation of this 81858  
chapter or the rules adopted under it and that the records sought 81859  
are relevant to the alleged violation and material to the 81860  
investigation. The subpoena may apply only to records that cover a 81861  
reasonable period of time surrounding the alleged violation. 81862

On failure to comply with any subpoena issued by the board 81863  
and after reasonable notice to the person being subpoenaed, the 81864  
board may move for an order compelling the production of persons 81865  
or records pursuant to the Rules of Civil Procedure. 81866

A subpoena issued by the board may be served by a sheriff, 81867

the sheriff's deputy, or a board employee designated by the board. 81868  
Service of a subpoena issued by the board may be made by 81869  
delivering a copy of the subpoena to the person named therein, 81870  
reading it to the person, or leaving it at the person's usual 81871  
place of residence. When the person being served is an oriental 81872  
medicine practitioner or acupuncturist, service of the subpoena 81873  
may be made by certified mail, restricted delivery, return receipt 81874  
requested, and the subpoena shall be deemed served on the date 81875  
delivery is made or the date the person refuses to accept 81876  
delivery. 81877

A sheriff's deputy who serves a subpoena shall receive the 81878  
same fees as a sheriff. Each witness who appears before the board 81879  
in obedience to a subpoena shall receive the fees and mileage 81880  
provided for under section 119.094 of the Revised Code. 81881

(D) All hearings and investigations of the board shall be 81882  
considered civil actions for the purposes of section 2305.252 of 81883  
the Revised Code. 81884

(E) Information received by the board pursuant to an 81885  
investigation is confidential and not subject to discovery in any 81886  
civil action. 81887

The board shall conduct all investigations and proceedings in 81888  
a manner that protects the confidentiality of patients and persons 81889  
who file complaints with the board. The board shall not make 81890  
public the names or any other identifying information about 81891  
patients or complainants unless proper consent is given. 81892

The board may share any information it receives pursuant to 81893  
an investigation, including patient records and patient record 81894  
information, with law enforcement agencies, other licensing 81895  
boards, and other governmental agencies that are prosecuting, 81896  
adjudicating, or investigating alleged violations of statutes or 81897  
administrative rules. An agency or board that receives the 81898

information shall comply with the same requirements regarding 81899  
confidentiality as those with which the state medical board must 81900  
comply, notwithstanding any conflicting provision of the Revised 81901  
Code or procedure of the agency or board that applies when it is 81902  
dealing with other information in its possession. In a judicial 81903  
proceeding, the information may be admitted into evidence only in 81904  
accordance with the Rules of Evidence, but the court shall require 81905  
that appropriate measures are taken to ensure that confidentiality 81906  
is maintained with respect to any part of the information that 81907  
contains names or other identifying information about patients or 81908  
complainants whose confidentiality was protected by the state 81909  
medical board when the information was in the board's possession. 81910  
Measures to ensure confidentiality that may be taken by the court 81911  
include sealing its records or deleting specific information from 81912  
its records. 81913

(F) The state medical board shall develop requirements for 81914  
and provide appropriate initial training and continuing education 81915  
for investigators employed by the board to carry out its duties 81916  
under this chapter. The training and continuing education may 81917  
include enrollment in courses operated or approved by the Ohio 81918  
peace officer training council that the board considers 81919  
appropriate under conditions set forth in section 109.79 of the 81920  
Revised Code. 81921

(G) On a quarterly basis, the board shall prepare a report 81922  
that documents the disposition of all cases during the preceding 81923  
three months. The report shall contain the following information 81924  
for each case with which the board has completed its activities: 81925

(1) The case number assigned to the complaint or alleged 81926  
violation; 81927

(2) The type of certificate to practice, if any, held by the 81928  
individual against whom the complaint is directed; 81929

|                                                                                                                                                                                                                                                                                   |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (3) A description of the allegations contained in the complaint;                                                                                                                                                                                                                  | 81930<br>81931                            |
| (4) The disposition of the case.                                                                                                                                                                                                                                                  | 81932                                     |
| The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code.                                     | 81933<br>81934<br>81935<br>81936          |
| <b>Sec. 4765.01.</b> As used in this chapter:                                                                                                                                                                                                                                     | 81937                                     |
| (A) "First responder" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as a first responder.                                                                                                               | 81938<br>81939<br>81940                   |
| (B) "Emergency medical technician-basic" or "EMT-basic" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as an emergency medical technician-basic.                                                         | 81941<br>81942<br>81943<br>81944          |
| (C) "Emergency medical technician-intermediate" or "EMT-I" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as an emergency medical technician-intermediate.                                               | 81945<br>81946<br>81947<br>81948          |
| (D) "Emergency medical technician-paramedic" or "paramedic" means an individual who holds a current, valid certificate issued under section 4765.30 of the Revised Code to practice as an emergency medical technician-paramedic.                                                 | 81949<br>81950<br>81951<br>81952          |
| (E) "Ambulance" means any motor vehicle that is used, or is intended to be used, for the purpose of responding to emergency medical situations, transporting emergency patients, and administering emergency medical service to patients before, during, or after transportation. | 81953<br>81954<br>81955<br>81956<br>81957 |
| (F) "Cardiac monitoring" means a procedure used for the purpose of observing and documenting the rate and rhythm of a                                                                                                                                                             | 81958<br>81959                            |

patient's heart by attaching electrical leads from an 81960  
electrocardiograph monitor to certain points on the patient's body 81961  
surface. 81962

(G) "Emergency medical service" means any of the services 81963  
described in sections 4765.35, 4765.37, 4765.38, and 4765.39 of 81964  
the Revised Code that are performed by first responders, emergency 81965  
medical technicians-basic, emergency medical 81966  
technicians-intermediate, and paramedics. "Emergency medical 81967  
service" includes such services performed before or during any 81968  
transport of a patient, including transports between hospitals and 81969  
transports to and from helicopters. 81970

(H) "Emergency medical service organization" means a public 81971  
or private organization using first responders, EMTs-basic, 81972  
EMTs-I, or paramedics, or a combination of first responders, 81973  
EMTs-basic, EMTs-I, and paramedics, to provide emergency medical 81974  
services. 81975

(I) "Physician" means an individual who holds a current, 81976  
valid ~~certificate~~ license issued under Chapter 4731. of the 81977  
Revised Code authorizing the practice of medicine and surgery or 81978  
osteopathic medicine and surgery. 81979

(J) "Registered nurse" means an individual who holds a 81980  
current, valid license issued under Chapter 4723. of the Revised 81981  
Code authorizing the practice of nursing as a registered nurse. 81982

(K) "Volunteer" means a person who provides services either 81983  
for no compensation or for compensation that does not exceed the 81984  
actual expenses incurred in providing the services or in training 81985  
to provide the services. 81986

(L) "Emergency medical service personnel" means first 81987  
responders, emergency medical technicians-basic, emergency medical 81988  
technicians-intermediate, emergency medical technicians-paramedic, 81989  
and persons who provide medical direction to such persons. 81990

|                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (M) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                          | 81991<br>81992                                              |
| (N) "Trauma" or "traumatic injury" means severe damage to or destruction of tissue that satisfies both of the following conditions:                                                                                                                                                                                                                                                                                     | 81993<br>81994<br>81995                                     |
| (1) It creates a significant risk of any of the following:                                                                                                                                                                                                                                                                                                                                                              | 81996                                                       |
| (a) Loss of life;                                                                                                                                                                                                                                                                                                                                                                                                       | 81997                                                       |
| (b) Loss of a limb;                                                                                                                                                                                                                                                                                                                                                                                                     | 81998                                                       |
| (c) Significant, permanent disfigurement;                                                                                                                                                                                                                                                                                                                                                                               | 81999                                                       |
| (d) Significant, permanent disability.                                                                                                                                                                                                                                                                                                                                                                                  | 82000                                                       |
| (2) It is caused by any of the following:                                                                                                                                                                                                                                                                                                                                                                               | 82001                                                       |
| (a) Blunt or penetrating injury;                                                                                                                                                                                                                                                                                                                                                                                        | 82002                                                       |
| (b) Exposure to electromagnetic, chemical, or radioactive energy;                                                                                                                                                                                                                                                                                                                                                       | 82003<br>82004                                              |
| (c) Drowning, suffocation, or strangulation;                                                                                                                                                                                                                                                                                                                                                                            | 82005                                                       |
| (d) A deficit or excess of heat.                                                                                                                                                                                                                                                                                                                                                                                        | 82006                                                       |
| (O) "Trauma victim" or "trauma patient" means a person who has sustained a traumatic injury.                                                                                                                                                                                                                                                                                                                            | 82007<br>82008                                              |
| (P) "Trauma care" means the assessment, diagnosis, transportation, treatment, or rehabilitation of a trauma victim by emergency medical service personnel or by a physician, nurse, physician assistant, respiratory therapist, physical therapist, chiropractor, occupational therapist, speech-language pathologist, audiologist, or psychologist licensed to practice as such in this state or another jurisdiction. | 82009<br>82010<br>82011<br>82012<br>82013<br>82014<br>82015 |
| (Q) "Trauma center" means all of the following:                                                                                                                                                                                                                                                                                                                                                                         | 82016                                                       |
| (1) Any hospital that is verified by the American college of surgeons as an adult or pediatric trauma center;                                                                                                                                                                                                                                                                                                           | 82017<br>82018                                              |

|                                                                                                                                                                                                                     |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (2) Any hospital that is operating as an adult or pediatric trauma center under provisional status pursuant to section 3727.101 of the Revised Code;                                                                | 82019<br>82020<br>82021          |
| (3) Until December 31, 2004, any hospital in this state that is designated by the director of health as a level II pediatric trauma center under section 3727.081 of the Revised Code;                              | 82022<br>82023<br>82024          |
| (4) Any hospital in another state that is licensed or designated under the laws of that state as capable of providing specialized trauma care appropriate to the medical needs of the trauma patient.               | 82025<br>82026<br>82027<br>82028 |
| (R) "Pediatric" means involving a patient who is less than sixteen years of age.                                                                                                                                    | 82029<br>82030                   |
| (S) "Adult" means involving a patient who is not a pediatric patient.                                                                                                                                               | 82031<br>82032                   |
| (T) "Geriatric" means involving a patient who is at least seventy years old or exhibits significant anatomical or physiological characteristics associated with advanced aging.                                     | 82033<br>82034<br>82035          |
| (U) "Air medical organization" means an organization that provides emergency medical services, or transports emergency victims, by means of fixed or rotary wing aircraft.                                          | 82036<br>82037<br>82038          |
| (V) "Emergency care" and "emergency facility" have the same meanings as in section 3727.01 of the Revised Code.                                                                                                     | 82039<br>82040                   |
| (W) "Stabilize," except as it is used in division (B) of section 4765.35 of the Revised Code with respect to the manual stabilization of fractures, has the same meaning as in section 1753.28 of the Revised Code. | 82041<br>82042<br>82043<br>82044 |
| (X) "Transfer" has the same meaning as in section 1753.28 of the Revised Code.                                                                                                                                      | 82045<br>82046                   |
| (Y) "Firefighter" means any member of a fire department as defined in section 742.01 of the Revised Code.                                                                                                           | 82047<br>82048                   |

(Z) "Volunteer firefighter" has the same meaning as in 82049  
section 146.01 of the Revised Code. 82050

(AA) "Part-time paid firefighter" means a person who provides 82051  
firefighting services on less than a full-time basis, is routinely 82052  
scheduled to be present on site at a fire station or other 82053  
designated location for purposes of responding to a fire or other 82054  
emergency, and receives more than nominal compensation for the 82055  
provision of firefighting services. 82056

(BB) "Physician assistant" means an individual who holds a 82057  
valid license to practice as a physician assistant issued under 82058  
Chapter 4730. of the Revised Code. 82059

**Sec. 4765.02.** (A)(1) There is hereby created the state board 82060  
of emergency medical, fire, and transportation services within the 82061  
division of emergency medical services of the department of public 82062  
safety. The board shall consist of the members specified in this 82063  
section who are residents of this state. The governor, with the 82064  
advice and consent of the senate, shall appoint all members of the 82065  
board, except the employee of the department of public safety 82066  
designated by the director of public safety under this section to 82067  
be a member of the board. In making the appointments, the governor 82068  
shall appoint only members with background or experience in 82069  
emergency medical services or trauma care and shall attempt to 82070  
include members representing urban and rural areas, various 82071  
geographical regions of the state, and various schools of 82072  
training. 82073

(2) One member of the board shall be a physician certified by 82074  
the American board of emergency medicine or the American 82075  
osteopathic board of emergency medicine who is active in the 82076  
practice of emergency medicine and is actively involved with an 82077  
emergency medical service organization. The governor shall appoint 82078  
this member from among three persons nominated by the Ohio chapter 82079

of the American college of emergency physicians and three persons 82080  
nominated by the Ohio osteopathic association. One member shall be 82081  
a physician certified by the American board of surgery or the 82082  
American osteopathic board of surgery who is active in the 82083  
practice of trauma surgery and is actively involved with emergency 82084  
medical services. The governor shall appoint this member from 82085  
among three persons nominated by the Ohio chapter of the American 82086  
college of surgeons and three persons nominated by the Ohio 82087  
osteopathic association. One member shall be a physician certified 82088  
by the American academy of pediatrics or American osteopathic 82089  
board of pediatrics who is active in the practice of pediatric 82090  
emergency medicine and actively involved with an emergency medical 82091  
service organization. The governor shall appoint this member from 82092  
among three persons nominated by the Ohio chapter of the American 82093  
academy of pediatrics and three persons nominated by the Ohio 82094  
osteopathic association. One member shall be the administrator of 82095  
a hospital located in this state. The governor shall appoint this 82096  
member from among three persons nominated by OHA: the association 82097  
for hospitals and health systems, three persons nominated by the 82098  
Ohio osteopathic association, and three persons nominated by the 82099  
association of Ohio children's hospitals. One member shall be an 82100  
adult or pediatric trauma program manager or trauma program 82101  
director who is involved in the daily management of a verified 82102  
trauma center. The governor shall appoint this member from among 82103  
three persons nominated by the Ohio nurses association, three 82104  
persons nominated by the Ohio society of trauma nurse leaders, and 82105  
three persons nominated by the Ohio state council of the emergency 82106  
nurses association. One member shall be the chief of a fire 82107  
department that is also an emergency medical service organization 82108  
in which more than fifty per cent of the persons who provide 82109  
emergency medical services are full-time paid employees. The 82110  
governor shall appoint this member from among three persons 82111  
nominated by the Ohio fire chiefs' association. One member shall 82112

be the chief of a fire department that is also an emergency 82113  
medical service organization in which more than fifty per cent of 82114  
the persons who provide emergency medical services are volunteers. 82115  
The governor shall appoint this member from among three persons 82116  
nominated by the Ohio fire chiefs' association. One member shall 82117  
be a person who is certified to teach under section 4765.23 of the 82118  
Revised Code and holds a valid certificate to practice as an EMT, 82119  
AEMT, or paramedic. The governor shall appoint this member from 82120  
among three persons nominated by the Ohio emergency medical 82121  
technician instructors association and the Ohio 82122  
instructor/coordinators' society. One member shall be an EMT, 82123  
AEMT, or paramedic, and one member shall be a paramedic. The 82124  
governor shall appoint these members from among three EMTs or 82125  
AEMTs and three paramedics nominated by the Ohio association of 82126  
professional fire fighters and three EMTs, three AEMTs, and three 82127  
paramedics nominated by the northern Ohio fire fighters. One 82128  
member shall be an EMT, AEMT, or paramedic, and one member shall 82129  
be a paramedic. The governor shall appoint these members from 82130  
among three EMTs or AEMTs and three paramedics nominated by the 82131  
Ohio state firefighter's association. One member shall be a person 82132  
whom the governor shall appoint from among an EMT, AEMT, or a 82133  
paramedic nominated by the Ohio association of emergency medical 82134  
services or the Ohio ambulance and medical transportation 82135  
association. One member shall be an EMT, AEMT, or a paramedic, 82136  
whom the governor shall appoint from among three persons nominated 82137  
by the Ohio ambulance and medical transportation association. One 82138  
member shall be a paramedic, whom the governor shall appoint from 82139  
among three persons nominated by the Ohio ambulance and medical 82140  
transportation association. One member shall be the owner or 82141  
operator of a private emergency medical service organization whom 82142  
the governor shall appoint from among three persons nominated by 82143  
the Ohio ambulance and medical transportation association. One 82144  
member shall be a member of a third-service emergency medical 82145

service agency or organization whom the governor shall appoint 82146  
from among three persons nominated by the Ohio EMS chiefs 82147  
association. One member shall be a provider of mobile intensive 82148  
care unit transportation in this state whom the governor shall 82149  
appoint from among three persons nominated by the Ohio association 82150  
of critical care transport. One member shall be a provider of 82151  
air-medical transportation in this state whom the governor shall 82152  
appoint from among three persons nominated by the Ohio association 82153  
of critical care transport. One member shall be the owner or 82154  
operator of a nonemergency medical service organization in this 82155  
state that provides ambulette services whom the governor shall 82156  
appoint from among three persons nominated by the Ohio ambulance 82157  
and medical transportation association. 82158

The governor may refuse to appoint any of the persons 82159  
nominated by one or more organizations under division (A)(2) of 82160  
this section, except the employee of the department of public 82161  
safety designated by the director of public safety under this 82162  
section to be a member of the board. In that event, the 82163  
organization or organizations shall continue to nominate the 82164  
required number of persons until the governor appoints to the 82165  
board one or more of the persons nominated by the organization or 82166  
organizations. 82167

The director of public safety shall designate an employee of 82168  
the department of public safety to serve as a member of the board 82169  
at the director's pleasure. This member shall serve as a liaison 82170  
between the department and the division of emergency medical 82171  
services in cooperation with the executive director of the board. 82172

(B) Terms of office of all members appointed by the governor 82173  
shall be for three years, each term ending on the same day of the 82174  
same month as did the term it succeeds. Each member shall hold 82175  
office from the date of appointment until the end of the term for 82176  
which the member was appointed. A member shall continue in office 82177

subsequent to the expiration date of the member's term until the 82178  
member's successor takes office, or until a period of sixty days 82179  
has elapsed, whichever occurs first. 82180

Each vacancy shall be filled in the same manner as the 82181  
original appointment. A member appointed to fill a vacancy 82182  
occurring prior to the expiration of the term for which the 82183  
member's predecessor was appointed shall hold office for the 82184  
remainder of the unexpired term. 82185

The term of a member shall expire if the member ceases to 82186  
meet any of the requirements to be appointed as that member. The 82187  
governor may remove any member from office for neglect of duty, 82188  
malfeasance, misfeasance, or nonfeasance, after an adjudication 82189  
hearing held in accordance with Chapter 119. of the Revised Code. 82190

(C) The members of the board shall serve without compensation 82191  
but shall be reimbursed for their actual and necessary expenses 82192  
incurred in carrying out their duties as board members. 82193

(D) The board shall organize by annually selecting a chair 82194  
and vice-chair from among its members. The board may adopt bylaws 82195  
to regulate its affairs. A majority of all members of the board 82196  
shall constitute a quorum. No action shall be taken without the 82197  
concurrence of a majority of all members of the board. The board 82198  
shall meet at least four times annually and at the call of the 82199  
chair. The chair shall call a meeting on the request of the 82200  
executive director or the medical director of the board or on the 82201  
written request of five members. The board shall maintain written 82202  
or electronic records of its meetings. 82203

(E) Upon twenty-four hours' notice from a member of the 82204  
board, the member's employer shall release the member from the 82205  
member's employment duties to attend meetings of the full board. 82206  
Nothing in this division requires the employer of a member of the 82207  
board to compensate the member for time the member is released 82208

from employment duties under this paragraph, but any civil 82209  
immunity, workers' compensation, disability, or similar coverage 82210  
that applies to a member of the board as a result of the member's 82211  
employment shall continue to apply while the member is released 82212  
from employment duties under this paragraph. 82213

**Sec. 4776.01.** As used in this chapter: 82214

(A) "License" means an authorization evidenced by a license, 82215  
certificate, registration, permit, card, or other authority that 82216  
is issued or conferred by a licensing agency to a licensee or to 82217  
an applicant for an initial license by which the licensee or 82218  
initial license applicant has or claims the privilege to engage in 82219  
a profession, occupation, or occupational activity, or, except in 82220  
the case of the state dental board, to have control of and operate 82221  
certain specific equipment, machinery, or premises, over which the 82222  
licensing agency has jurisdiction. 82223

(B) Except as provided in section 4776.20 of the Revised 82224  
Code, "licensee" means the person to whom the license is issued by 82225  
a licensing agency. "Licensee" includes a person who, for purposes 82226  
of section 3796.13 of the Revised Code, has complied with sections 82227  
4776.01 to 4776.04 of the Revised Code and has been determined by 82228  
the department of commerce or state board of pharmacy, as the 82229  
applicable licensing agency, to meet the requirements for 82230  
employment. 82231

(C) Except as provided in section 4776.20 of the Revised 82232  
Code, "licensing agency" means any of the following: 82233

(1) The board authorized by Chapters 4701., 4717., 4725., 82234  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 82235  
4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the 82236  
Revised Code to issue a license to engage in a specific 82237  
profession, occupation, or occupational activity, or to have 82238  
charge of and operate certain ~~specified~~ specific equipment, 82239

machinery, or premises. 82240

(2) The state dental board, relative to its authority to 82241  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 82242  
4715.27 of the Revised Code; 82243

(3) The department of commerce or state board of pharmacy, 82244  
relative to its authority under Chapter 3796. of the Revised Code 82245  
and any rules adopted under that chapter with respect to a person 82246  
who is subject to section 3796.13 of the Revised Code. 82247

(D) "Applicant for an initial license" includes persons 82248  
seeking a license for the first time and persons seeking a license 82249  
by reciprocity, endorsement, or similar manner of a license issued 82250  
in another state. "Applicant for an initial license" also includes 82251  
a person who, for purposes of section 3796.13 of the Revised Code, 82252  
is required to comply with sections 4776.01 to 4776.04 of the 82253  
Revised Code. 82254

(E) "Applicant for a restored license" includes persons 82255  
seeking restoration of a certificate under section 4730.14, 82256  
4731.281, 4760.06, or 4762.06 of the Revised Code. 82257

(F) "Criminal records check" has the same meaning as in 82258  
section 109.572 of the Revised Code. 82259

**Sec. 4776.02.** (A) An applicant for an initial license or 82260  
restored license from a licensing agency, a person seeking to 82261  
satisfy the requirements to be an employee of a pain management 82262  
clinic as specified in section 4729.552 of the Revised Code, or 82263  
a person seeking to satisfy the requirements to be an employee of a 82264  
facility, clinic, or other location that is subject to licensure 82265  
as a category III terminal distributor of dangerous drugs with an 82266  
office-based opioid treatment classification under section 82267  
4729.553 of the Revised Code, ~~or a person seeking employment with~~ 82268  
~~an entity holding a license issued under Chapter 3796. of the~~ 82269

~~Revised Code~~ shall submit a request to the bureau of criminal 82270  
identification and investigation for a criminal records check of 82271  
the applicant or person. The request shall be accompanied by a 82272  
completed copy of the form prescribed under division (C)(1) of 82273  
section 109.572 of the Revised Code, a set of fingerprint 82274  
impressions obtained as described in division (C)(2) of that 82275  
section, and the fee prescribed under division (C)(3) of that 82276  
section. The applicant or person shall ask the superintendent of 82277  
the bureau of criminal identification and investigation in the 82278  
request to obtain from the federal bureau of investigation any 82279  
information it has pertaining to the applicant or person. 82280

An applicant or person requesting a criminal records check 82281  
shall provide the bureau of criminal identification and 82282  
investigation with the applicant's or person's name and address 82283  
and, regarding an applicant, with the licensing agency's name and 82284  
address. ~~If the person requesting the criminal records check is a~~ 82285  
~~person seeking employment with an entity holding a license under~~ 82286  
~~Chapter 3796. of the Revised Code, the person also shall provide~~ 82287  
~~the bureau with the name and address of the entity holding the~~ 82288  
~~license.~~ 82289

(B) Upon receipt of the completed form, the set of 82290  
fingerprint impressions, and the fee provided for in division (A) 82291  
of this section, the superintendent of the bureau of criminal 82292  
identification and investigation shall conduct a criminal records 82293  
check of the applicant or person under division (B) of section 82294  
109.572 of the Revised Code. Upon completion of the criminal 82295  
records check, the superintendent shall do whichever of the 82296  
following is applicable: 82297

(1) If the request was submitted by an applicant for an 82298  
initial license or restored license, report the results of the 82299  
criminal records check and any information the federal bureau of 82300

investigation provides to the licensing agency identified in the 82301  
request for a criminal records check; 82302

(2) If the request was submitted by a person seeking to 82303  
satisfy the requirements to be an employee of a pain management 82304  
clinic or a person seeking to satisfy the requirements to be an 82305  
employee of a facility, clinic, or other location that is subject 82306  
to licensure as a category III terminal distributor of dangerous 82307  
drugs with an office-based opioid treatment classification, do 82308  
both of the following: 82309

(a) Report the results of the criminal records check and any 82310  
information the federal bureau of investigation provides to the 82311  
person who submitted the request; 82312

(b) Report the results of the portion of the criminal records 82313  
check performed by the bureau of criminal identification and 82314  
investigation under division (B)(1) of section 109.572 of the 82315  
Revised Code to the employer or potential employer specified in 82316  
the request of the person who submitted the request and send a 82317  
letter to that employer or potential employer regarding the 82318  
information provided by the federal bureau of investigation that 82319  
states whichever of the following is applicable: 82320

(i) That based on that information there is no record of any 82321  
conviction; 82322

(ii) That based on that information the person who submitted 82323  
the request may not meet the criteria that are specified in 82324  
section 4729.552 or 4729.553 of the Revised Code, whichever is 82325  
applicable. 82326

~~(3) If the request was submitted by a person seeking 82327  
employment with an entity holding a license issued under Chapter 82328  
3796. of the Revised Code, report the results of the criminal 82329  
records check, including any information the federal bureau of 82330  
investigation provides as part of the criminal records check, to 82331~~

|                                                                        |       |
|------------------------------------------------------------------------|-------|
| <del>both of the following:</del>                                      | 82332 |
| <del>(a) The person who submitted the request;</del>                   | 82333 |
| <del>(b) The entity holding a license issued under Chapter 3796-</del> | 82334 |
| <del>of the Revised Code from which the person who submitted the</del> | 82335 |
| <del>request is seeking employment.</del>                              | 82336 |
| <br>                                                                   |       |
| <b>Sec. 4776.04.</b> The results of any criminal records check         | 82337 |
| conducted pursuant to a request made under this chapter and any        | 82338 |
| report containing those results, including any information the         | 82339 |
| federal bureau of investigation provides, are not public records       | 82340 |
| for purposes of section 149.43 of the Revised Code and shall not       | 82341 |
| be made available to any person or for any purpose other than as       | 82342 |
| follows:                                                               | 82343 |
| <br>                                                                   |       |
| (A) If the request for the criminal records check was                  | 82344 |
| submitted by an applicant for an initial license or restored           | 82345 |
| license, as follows:                                                   | 82346 |
| <br>                                                                   |       |
| (1) The superintendent of the bureau of criminal                       | 82347 |
| identification and investigation shall make the results available      | 82348 |
| to the licensing agency for use in determining, under the agency's     | 82349 |
| authorizing chapter of the Revised Code, whether the applicant who     | 82350 |
| is the subject of the criminal records check should be granted a       | 82351 |
| license under that chapter.                                            | 82352 |
| <br>                                                                   |       |
| (2) The licensing agency shall make the results available to           | 82353 |
| the applicant who is the subject of the criminal records check.        | 82354 |
| <br>                                                                   |       |
| (B) If the request for the criminal records check was                  | 82355 |
| submitted by a person seeking to satisfy the requirements to be an     | 82356 |
| employee of a pain management clinic as specified in section           | 82357 |
| 4729.552 of the Revised Code or a person seeking to satisfy the        | 82358 |
| requirements to be an employee of a facility, clinic, or other         | 82359 |
| location that is subject to licensure as a category III terminal       | 82360 |
| distributor of dangerous drugs with an office-based opioid             | 82361 |

treatment classification, the superintendent of the bureau of 82362  
criminal identification and investigation shall make the results 82363  
available in accordance with the following: 82364

(1) The superintendent shall make the results of the criminal 82365  
records check, including any information the federal bureau of 82366  
investigation provides, available to the person who submitted the 82367  
request and is the subject of the criminal records check. 82368

(2) The superintendent shall make the results of the portion 82369  
of the criminal records check performed by the bureau of criminal 82370  
identification and investigation under division (B)(1) of section 82371  
109.572 of the Revised Code available to the employer or potential 82372  
employer specified in the request of the person who submitted the 82373  
request and shall send a letter of the type described in division 82374  
(B)(2) of section 4776.02 of the Revised Code to that employer or 82375  
potential employer regarding the information provided by the 82376  
federal bureau of investigation that contains one of the types of 82377  
statements described in that division. 82378

(C) If the request for the criminal records check was 82379  
submitted by an applicant for a trainee license under section 82380  
4776.021 of the Revised Code, as follows: 82381

(1) The superintendent of the bureau of criminal 82382  
identification and investigation shall make the results available 82383  
to the licensing agency or other agency identified in division (B) 82384  
of section 4776.021 of the Revised Code for use in determining, 82385  
under the agency's authorizing chapter of the Revised Code and 82386  
division (D) of section 4776.021 of the Revised Code, whether the 82387  
applicant who is the subject of the criminal records check should 82388  
be granted a trainee license under that chapter and that division. 82389

(2) The licensing agency or other agency identified in 82390  
division (B) of section 4776.021 of the Revised Code shall make 82391  
the results available to the applicant who is the subject of the 82392

criminal records check. 82393

~~(D) If the request for the criminal records check was 82394  
submitted by a person seeking employment with an entity holding a 82395  
license issued under Chapter 3796. of the Revised Code, the 82396  
superintendent shall make the results available in accordance with 82397  
division (B)(3) of section 4776.02 of the Revised Code. 82398~~

**Sec. 4776.20.** (A) As used in this section: 82399

(1) "Licensing agency" means, in addition to each board 82400  
identified in division (C) of section 4776.01 of the Revised Code, 82401  
the board or other government entity authorized to issue a license 82402  
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 82403  
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 82404  
4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 82405  
4766., 4771., 4773., ~~4774., 4778.,~~ and 4781. of the Revised Code. 82406  
"Licensing agency" includes an administrative officer that has 82407  
authority to issue a license. 82408

(2) "Licensee" means, in addition to a licensee as described 82409  
in division (B) of section 4776.01 of the Revised Code, the person 82410  
to whom a license is issued by the board or other government 82411  
entity authorized to issue a license under Chapters 4703., 4707., 82412  
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 82413  
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 82414  
4753., 4758., 4759., 4763., 4765., 4766., 4771., 4773., ~~4774.,~~ 82415  
~~4778.,~~ and 4781. of the Revised Code. 82416

(3) "Prosecutor" has the same meaning as in section 2935.01 82417  
of the Revised Code. 82418

(B) On a licensee's conviction of, plea of guilty to, 82419  
judicial finding of guilt of, or judicial finding of guilt 82420  
resulting from a plea of no contest to the offense of trafficking 82421  
in persons in violation of section 2905.32 of the Revised Code, 82422

the prosecutor in the case shall promptly notify the licensing 82423  
agency of the conviction, plea, or finding and provide the 82424  
licensee's name and residential address. On receipt of this 82425  
notification, the licensing agency shall immediately suspend the 82426  
licensee's license. 82427

(C) If there is a conviction of, plea of guilty to, judicial 82428  
finding of guilt of, or judicial finding of guilt resulting from a 82429  
plea of no contest to the offense of trafficking in persons in 82430  
violation of section 2905.32 of the Revised Code and all or part 82431  
of the violation occurred on the premises of a facility that is 82432  
licensed by a licensing agency, the prosecutor in the case shall 82433  
promptly notify the licensing agency of the conviction, plea, or 82434  
finding and provide the facility's name and address and the 82435  
offender's name and residential address. On receipt of this 82436  
notification, the licensing agency shall immediately suspend the 82437  
facility's license. 82438

(D) Notwithstanding any provision of the Revised Code to the 82439  
contrary, the suspension of a license under division (B) or (C) of 82440  
this section shall be implemented by a licensing agency without a 82441  
prior hearing. After the suspension, the licensing agency shall 82442  
give written notice to the subject of the suspension of the right 82443  
to request a hearing under Chapter 119. of the Revised Code. After 82444  
a hearing is held, the licensing agency shall either revoke or 82445  
permanently revoke the ~~license~~ license of the subject of the 82446  
suspension, unless it determines that the license holder has not 82447  
been convicted of, pleaded guilty to, been found guilty of, or 82448  
been found guilty based on a plea of no contest to the offense of 82449  
trafficking in persons in violation of section 2905.32 of the 82450  
Revised Code. 82451

**Sec. 4781.04.** (A) The manufactured homes commission shall 82452  
adopt rules pursuant to Chapter 119. of the Revised Code to do all 82453

of the following: 82454

(1) Establish uniform standards that govern the installation 82455  
of manufactured housing. ~~Not later than one hundred eighty days~~ 82456  
~~after the secretary of the United States department of housing and~~ 82457  
~~urban development adopts model standards for the installation of~~ 82458  
~~manufactured housing or amends those standards, the commission~~ 82459  
~~shall amend its standards as necessary to be that are consistent~~ 82460  
with, and not less stringent than, the model standards for the 82461  
design and installation of manufactured housing the secretary of 82462  
the United States department of housing and urban development 82463  
adopts ~~or any manufacturers' standards that the secretary~~ 82464  
~~determines are equal to or not less stringent than the model~~ 82465  
~~standards.;~~ 82466

(2) Govern the inspection of the installation of manufactured 82467  
housing. The rules shall specify that the commission, any building 82468  
department or personnel of any department, or any private third 82469  
party, certified pursuant to section 4781.07 of the Revised Code 82470  
shall conduct all inspections of the installation of manufactured 82471  
housing located in manufactured home parks to determine compliance 82472  
with the uniform installation standards the commission establishes 82473  
pursuant to this section. 82474

(3) Govern the design, construction, installation, approval, 82475  
and inspection of foundations and the base support systems for 82476  
manufactured housing. The rules shall specify that the commission, 82477  
any building department or personnel of any department, or any 82478  
private third party, certified pursuant to section 4781.07 of the 82479  
Revised Code shall conduct all inspections of the installation, 82480  
foundations, and base support systems of manufactured housing 82481  
located in manufactured home parks to determine compliance with 82482  
the uniform installation standards and foundation and base support 82483  
system design the commission establishes pursuant to this section. 82484

(4) Govern the training, experience, and education 82485

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| requirements for manufactured housing installers, manufactured     | 82486 |
| housing dealers, manufactured housing brokers, and manufactured    | 82487 |
| housing salespersons;                                              | 82488 |
| (5) Establish a code of ethics for manufactured housing            | 82489 |
| installers;                                                        | 82490 |
| (6) Govern the issuance, revocation, and suspension of             | 82491 |
| licenses to manufactured housing installers;                       | 82492 |
| (7) Establish fees for the issuance and renewal of licenses,       | 82493 |
| for conducting inspections to determine an applicant's compliance  | 82494 |
| with this chapter and the rules adopted pursuant to it, and for    | 82495 |
| the commission's expenses incurred in implementing this chapter;   | 82496 |
| (8) Establish conditions under which a licensee may enter          | 82497 |
| into contracts to fulfill the licensee's responsibilities;         | 82498 |
| (9) Govern the investigation of complaints concerning any          | 82499 |
| violation of this chapter or the rules adopted pursuant to it or   | 82500 |
| complaints involving the conduct of any licensed manufactured      | 82501 |
| housing installer or person installing manufactured housing        | 82502 |
| without a license, licensed manufactured housing dealer, licensed  | 82503 |
| manufactured housing broker, or manufactured housing salesperson;  | 82504 |
| (10) Establish a dispute resolution program for the timely         | 82505 |
| resolution of warranty issues involving new manufactured homes,    | 82506 |
| disputes regarding responsibility for the correction or repair of  | 82507 |
| defects in manufactured housing, and the installation of           | 82508 |
| manufactured housing. The rules shall provide for the timely       | 82509 |
| resolution of disputes between manufacturers, manufactured housing | 82510 |
| dealers, and installers regarding the correction or repair of      | 82511 |
| defects in manufactured housing that are reported by the purchaser | 82512 |
| of the home during the one-year period beginning on the date of    | 82513 |
| installation of the home. The rules also shall provide that        | 82514 |
| decisions made regarding the dispute under the program are not     | 82515 |
| binding upon the purchaser of the home or the other parties        | 82516 |

involved in the dispute unless the purchaser so agrees in a 82517  
written acknowledgement that the purchaser signs and delivers to 82518  
the program within ten business days after the decision is issued. 82519

(11) Establish the requirements and procedures for the 82520  
certification of building departments and building department 82521  
personnel pursuant to section 4781.07 of the Revised Code; 82522

(12) Establish fees to be charged to building departments and 82523  
building department personnel applying for certification and 82524  
renewal of certification pursuant to section 4781.07 of the 82525  
Revised Code; 82526

(13) Develop a policy regarding the maintenance of records 82527  
for any inspection authorized or conducted pursuant to this 82528  
chapter. Any record maintained under division (A)(13) of this 82529  
section shall be a public record under section 149.43 of the 82530  
Revised Code. 82531

(14) Carry out any other provision of this chapter. 82532

(B) The manufactured homes commission shall do all of the 82533  
following: 82534

(1) Prepare and administer a licensure examination to 82535  
determine an applicant's knowledge of manufactured housing 82536  
installation and other aspects of installation the commission 82537  
determines appropriate; 82538

(2) Select, provide, or procure appropriate examination 82539  
questions and answers for the licensure examination and establish 82540  
the criteria for successful completion of the examination; 82541

(3) Prepare and distribute any application form this chapter 82542  
requires; 82543

(4) Receive applications for licenses and renewal of licenses 82544  
and issue licenses to qualified applicants; 82545

(5) Establish procedures for processing, approving, and 82546

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| disapproving applications for licensure;                           | 82547 |
| (6) Retain records of applications for licensure, including        | 82548 |
| all application materials submitted and a written record of the    | 82549 |
| action taken on each application;                                  | 82550 |
| (7) Review the design and plans for manufactured housing           | 82551 |
| installations, foundations, and support systems;                   | 82552 |
| (8) Inspect a sample of homes at a percentage the commission       | 82553 |
| determines to evaluate the construction and installation of        | 82554 |
| manufactured housing installations, foundations, and support       | 82555 |
| systems to determine compliance with the standards the commission  | 82556 |
| adopts;                                                            | 82557 |
| (9) Investigate complaints concerning violations of this           | 82558 |
| chapter or the rules adopted pursuant to it, or the conduct of any | 82559 |
| manufactured housing installer, manufactured housing dealer,       | 82560 |
| manufactured housing broker, or manufactured housing salesperson;  | 82561 |
| (10) Determine appropriate disciplinary actions for                | 82562 |
| violations of this chapter;                                        | 82563 |
| (11) Conduct audits and inquiries of manufactured housing          | 82564 |
| installers, manufactured housing dealers, and manufactured housing | 82565 |
| brokers as appropriate for the enforcement of this chapter. The    | 82566 |
| commission, or any person the commission employs for the purpose,  | 82567 |
| may review and audit the business records of any manufactured      | 82568 |
| housing installer, dealer, or broker during normal business hours. | 82569 |
| (12) Approve an installation training course, which may be         | 82570 |
| offered by the Ohio manufactured homes association or other        | 82571 |
| entity;                                                            | 82572 |
| (13) Perform any function or duty necessary to administer          | 82573 |
| this chapter and the rules adopted pursuant to it.                 | 82574 |
| (C) Nothing in this section, or in any rule adopted by the         | 82575 |
| manufactured homes commission, shall be construed to limit the     | 82576 |

authority of a board of health to enforce section 3701.344 or 82577  
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 82578  
authority of the department of administrative services to lease 82579  
space for the use of a state agency and to group together state 82580  
offices in any city in the state as provided in section 123.01 of 82581  
the Revised Code. 82582

**Sec. 4781.07.** (A) Pursuant to rules the manufactured homes 82583  
commission adopts, the commission may certify municipal, township, 82584  
and county building departments and the personnel of those 82585  
departments, or any private third party, to exercise the 82586  
commission's enforcement authority, accept and approve plans and 82587  
specifications for foundations, support systems and installations, 82588  
and inspect manufactured housing foundations, support systems, and 82589  
manufactured housing installations. Any certification is effective 82590  
for three years. 82591

(B) Following an investigation and finding of facts that 82592  
support its action, the commission may revoke or suspend 82593  
certification. The commission may initiate an investigation on its 82594  
own motion or the petition of a person affected by the enforcement 82595  
or approval of plans. 82596

(C)(1) If a township, municipal corporation, or county does 82597  
not have a building department that is certified pursuant to this 82598  
section, it may designate by resolution or ordinance another 82599  
building department that has been certified pursuant to this 82600  
section to exercise the commission's enforcement authority, accept 82601  
and approve plans and specifications for foundations, support 82602  
systems and installations, and inspect manufactured housing 82603  
foundations, support systems, and manufactured housing 82604  
installations. The designation is effective upon acceptance by the 82605  
designee. 82606

(2) An owner of a manufactured home or an operator of a 82607

manufactured home park may request an inspection and obtain an approval described in division (C)(1) of this section from any building department certified pursuant to this section designated by the township, municipal corporation, or county in which the owner's manufactured home or operator's manufactured home park is located.

**Sec. 4781.121.** (A) The manufactured homes commission, pursuant to section 4781.04 of the Revised Code, may investigate any person who allegedly has committed a violation. If, after an investigation the commission determines that reasonable evidence exists that a person has committed a violation, within seven days after that determination, the commission shall send a written notice to that person in the same manner as prescribed in section 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing.

(B) The commission shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the commission, after the hearing, determines that a violation has occurred, the commission, upon an affirmative vote of five of its members, may impose a fine not exceeding one thousand dollars per violation per day. The commission's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code.

(C) If the person who allegedly committed a violation fails to appear for a hearing, the commission may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the commission for a hearing.

(D) If the commission assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within

the time period prescribed by the commission pursuant to section 82639  
131.02 of the Revised Code, the commission shall forward to the 82640  
attorney general the name of the person and the amount of the 82641  
civil penalty for the purpose of collecting that civil penalty. In 82642  
addition to the civil penalty assessed pursuant to this section, 82643  
the person also shall pay any fee assessed by the attorney general 82644  
for collection of the civil penalty. 82645

(E) The authority provided to the commission pursuant to this 82646  
section, and any fine imposed under this section, shall be in 82647  
addition to, and not in lieu of, all penalties and other remedies 82648  
provided in this chapter. Any fines collected pursuant to this 82649  
section shall be used solely to administer and enforce this 82650  
chapter and rules adopted under it. Any fees collected pursuant to 82651  
this section shall be transmitted to the treasurer of state and 82652  
shall be credited to the manufactured homes commission regulatory 82653  
fund created in section 4781.54 of the Revised Code and the rules 82654  
adopted thereunder. The fees shall be used only for the purpose of 82655  
administering and enforcing sections 4781.26 to 4781.35 of the 82656  
Revised Code and the rules adopted thereunder. 82657

(F) As used in this section, "violation" means a violation of 82658  
section 4781.11, 4781.16, ~~or~~ 4781.27, or 4781.57 or any rule 82659  
adopted pursuant to section 4781.04<sub>7</sub> of the Revised Code. 82660

**Sec. 4781.281.** (A) The manufactured homes commission may 82661  
charge a fee for inspector certification. The fees shall include 82662  
all of the following: 82663

(1) The nonrefundable certification fee for inspectors shall 82664  
not be greater than fifty dollars for each three-year 82665  
certification period. 82666

(2) The nonrefundable certification renewal fee for 82667  
inspectors shall not be greater than fifty dollars. 82668

(3) The nonrefundable late fee for certification renewal shall not be greater than twenty-five dollars in addition to the renewal fee. 82669  
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(B) The commission may adopt rules pursuant to Chapter 119. of the Revised Code establishing fees less than those described in division (A) of this section. 82672  
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**Sec. 4781.56.** (A) The manufactured homes commission may contract with the board of health of a city or general health district to permit the commission to abate and remove, in accordance with sections 3707.01 to 3707.021 of the Revised Code, any abandoned or unoccupied manufactured home, mobile home, or recreational vehicle that constitutes a nuisance and that is located in a manufactured home park within the board of health's jurisdiction. Under the contract, the commission may receive complaints of abandoned or unoccupied manufactured homes, mobile homes, or recreational vehicles that constitute a nuisance and may, by order, compel the park operator to abate and remove the nuisance. The park operator shall pay any costs for the removal. 82675  
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(B) The sheriff, police officer, constable, or bailiff shall not be liable pursuant to the abatement or removal of any abandoned or unoccupied manufactured home, mobile home, or recreational vehicle pursuant to this section. 82687  
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**Sec. 4781.57.** The park operator of a manufactured home park shall ensure that all manufactured home park buildings, lots, streets, walkways, manufactured homes, mobile homes, and other facilities located in the manufactured home park shall be maintained in a condition satisfactory to the commission at all times. 82691  
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**Sec. 4905.02.** (A) As used in this chapter, "public utility" includes every corporation, company, copartnership, person, or 82697  
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association, the lessees, trustees, or receivers of the foregoing, 82699  
defined in section 4905.03 of the Revised Code, including any 82700  
public utility that operates its utility not for profit, except 82701  
the following: 82702

(1) An electric light company that operates its utility not 82703  
for profit; 82704

(2) A public utility, other than a telephone company, that is 82705  
owned and operated exclusively by and solely for the utility's 82706  
customers, including any consumer or group of consumers 82707  
purchasing, delivering, storing, or transporting, or seeking to 82708  
purchase, deliver, store, or transport, natural gas exclusively by 82709  
and solely for the consumer's or consumers' own intended use as 82710  
the end user or end users and not for profit; 82711

(3) A public utility that is owned or operated by any 82712  
municipal corporation; 82713

(4) A railroad as defined in sections 4907.02 and 4907.03 of 82714  
the Revised Code; 82715

(5) Any provider, including a telephone company, with respect 82716  
to its provision of any of the following: 82717

(a) Advanced services as defined in 47 C.F.R. 51.5; 82718

(b) Broadband service, however defined or classified by the 82719  
federal communications commission; 82720

(c) Information service as defined in the "Telecommunications 82721  
Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20); 82722

(d) Subject to division (A) of section 4927.03 of the Revised 82723  
Code, internet protocol-enabled services as defined in section 82724  
4927.01 of the Revised Code; 82725

(e) Subject to division (A) of section 4927.03 of the Revised 82726  
Code, any telecommunications service as defined in section 4927.01 82727  
of the Revised Code to which both of the following apply: 82728

(i) The service was not commercially available on September 13, 2010, the effective date of the amendment of this section by S.B. 162 of the 128th general assembly. 82729  
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(ii) The service employs technology that became available for commercial use only after September 13, 2010, the effective date of the amendment of this section by S.B. 162 of the 128th general assembly. 82732  
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(B)(1) "Public utility" includes a for-hire motor carrier even if the carrier is operated in connection with an entity described in division (A)(1), (2), (4), or (5) of this section. 82736  
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(2) Division (A) of this section shall not be construed to relieve a private motor carrier, operated in connection with an entity described in division (A)(1), (2), (4), or (5) of this section, from compliance with ~~any~~ either of the following: 82739  
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(a) Chapter 4923. of the Revised Code; 82743

(b) ~~Hazardous material regulation under section 4921.15 of the Revised Code and division (H) of section 4921.19 of the Revised Code, or rules adopted thereunder;~~ 82744  
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~~(c)~~ Rules governing unified carrier registration adopted under section 4921.11 of the Revised Code. 82747  
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**Sec. 4906.01.** As used in Chapter 4906. of the Revised Code: 82749

(A) "Person" means an individual, corporation, business trust, association, estate, trust, or partnership or any officer, board, commission, department, division, or bureau of the state or a political subdivision of the state, or any other entity. 82750  
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(B)(1) "Major utility facility" means: 82754

(a) Electric generating plant and associated facilities designed for, or capable of, operation at a capacity of fifty megawatts or more; 82755  
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|                                                                               |       |
|-------------------------------------------------------------------------------|-------|
| (b) An electric transmission line and associated facilities                   | 82758 |
| of a design capacity of one hundred <del>twenty-five</del> kilovolts or more; | 82759 |
| (c) A gas pipeline that is greater than five hundred feet in                  | 82760 |
| length, and its associated facilities, is more than nine inches in            | 82761 |
| outside diameter and is designed for transporting gas at a maximum            | 82762 |
| allowable operating pressure in excess of one hundred twenty-five             | 82763 |
| pounds per square inch.                                                       | 82764 |
| (2) "Major utility facility" does not include any of the                      | 82765 |
| following:                                                                    | 82766 |
| (a) Gas transmission lines over which an agency of the United                 | 82767 |
| States has exclusive jurisdiction;                                            | 82768 |
| (b) Any solid waste facilities as defined in section 6123.01                  | 82769 |
| of the Revised Code;                                                          | 82770 |
| (c) Electric distributing lines and associated facilities as                  | 82771 |
| defined by the power siting board;                                            | 82772 |
| (d) Any manufacturing facility that creates byproducts that                   | 82773 |
| may be used in the generation of electricity as defined by the                | 82774 |
| power siting board;                                                           | 82775 |
| (e) Gathering lines, gas gathering pipelines, and processing                  | 82776 |
| plant gas stub pipelines as those terms are defined in section                | 82777 |
| 4905.90 of the Revised Code and associated facilities;                        | 82778 |
| (f) Any gas processing plant as defined in section 4905.90 of                 | 82779 |
| the Revised Code;                                                             | 82780 |
| (g) Natural gas liquids finished product pipelines;                           | 82781 |
| (h) Pipelines from a gas processing plant as defined in                       | 82782 |
| section 4905.90 of the Revised Code to a natural gas liquids                  | 82783 |
| fractionation plant, including a raw natural gas liquids pipeline,            | 82784 |
| or to an interstate or intrastate gas pipeline;                               | 82785 |
| (i) Any natural gas liquids fractionation plant;                              | 82786 |

|                                                                                                                                                                                                                                                                                                                                                                                                            |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (j) A production operation as defined in section 1509.01 of the Revised Code, including all pipelines upstream of any gathering lines;                                                                                                                                                                                                                                                                     | 82787<br>82788<br>82789                                     |
| (k) Any compressor stations used by the following:                                                                                                                                                                                                                                                                                                                                                         | 82790                                                       |
| (i) A gathering line, a gas gathering pipeline, a processing plant gas stub pipeline, or a gas processing plant as those terms are defined in section 4905.90 of the Revised Code;                                                                                                                                                                                                                         | 82791<br>82792<br>82793                                     |
| (ii) A natural gas liquids finished product pipeline, a natural gas liquids fractionation plant, or any pipeline upstream of a natural gas liquids fractionation plant; or                                                                                                                                                                                                                                 | 82794<br>82795<br>82796                                     |
| (iii) A production operation as defined in section 1509.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                            | 82797<br>82798                                              |
| (C) "Commence to construct" means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route of a major utility facility, but does not include surveying changes needed for temporary use of sites or routes for nonutility purposes, or uses in securing geological data, including necessary borings to ascertain foundation conditions. | 82799<br>82800<br>82801<br>82802<br>82803<br>82804<br>82805 |
| (D) "Certificate" means a certificate of environmental compatibility and public need issued by the power siting board under section 4906.10 of the Revised Code or a construction certificate issued by the board under rules adopted under division (E) or (F) of section 4906.03 of the Revised Code.                                                                                                    | 82806<br>82807<br>82808<br>82809<br>82810                   |
| (E) "Gas" means natural gas, flammable gas, or gas that is toxic or corrosive.                                                                                                                                                                                                                                                                                                                             | 82811<br>82812                                              |
| (F) "Natural gas liquids finished product pipeline" means a pipeline that carries finished product natural gas liquids to the inlet of an interstate or intrastate finished product natural gas liquid transmission pipeline, rail loading facility, or other                                                                                                                                              | 82813<br>82814<br>82815<br>82816                            |

petrochemical or refinery facility. 82817

(G) "Natural gas liquids fractionation plant" means a 82818  
facility that takes a feed of raw natural gas liquids and produces 82819  
finished product natural gas liquids. 82820

(H) "Raw natural gas" means hydrocarbons that are produced in 82821  
a gaseous state from gas wells and that generally include methane, 82822  
ethane, propane, butanes, pentanes, hexanes, heptanes, octanes, 82823  
nonanes, and decanes, plus other naturally occurring impurities 82824  
like water, carbon dioxide, hydrogen sulfide, nitrogen, oxygen, 82825  
and helium. 82826

(I) "Raw natural gas liquids" means naturally occurring 82827  
hydrocarbons contained in raw natural gas that are extracted in a 82828  
gas processing plant and liquefied and generally include mixtures 82829  
of ethane, propane, butanes, and natural gasoline. 82830

(J) "Finished product natural gas liquids" means an 82831  
individual finished product produced by a natural gas liquids 82832  
fractionation plant as a liquid that meets the specifications for 82833  
commercial products as defined by the gas processors association. 82834  
Those products include ethane, propane, iso-butane, normal butane, 82835  
and natural gasoline. 82836

**Sec. 4906.10.** (A) The power siting board shall render a 82837  
decision upon the record either granting or denying the 82838  
application as filed, or granting it upon such terms, conditions, 82839  
or modifications of the construction, operation, or maintenance of 82840  
the major utility facility as the board considers appropriate. The 82841  
certificate shall be conditioned upon the facility being in 82842  
compliance with standards and rules adopted under sections 82843  
1501.33, 1501.34, and 4561.32 and Chapters 3704., 3734., and 6111. 82844  
of the Revised Code. An applicant may withdraw an application if 82845  
the board grants a certificate on terms, conditions, or 82846  
modifications other than those proposed by the applicant in the 82847

~~application. The period of initial operation under a certificate 82848  
shall expire two years after the date on which electric power is 82849  
first generated by the facility. During the period of initial 82850  
operation, the facility shall be subject to the enforcement and 82851  
monitoring powers of the director of environmental protection 82852  
under Chapters 3704., 3734., and 6111. of the Revised Code and to 82853  
the emergency provisions under those chapters. If a major utility 82854  
facility constructed in accordance with the terms and conditions 82855  
of its certificate is unable to operate in compliance with all 82856  
applicable requirements of state laws, rules, and standards 82857  
pertaining to air pollution, the facility may apply to the 82858  
director of environmental protection for a conditional operating 82859  
permit under division (C) of section 3704.03 of the Revised Code 82860  
and the rules adopted thereunder. The operation of a major utility 82861  
facility in compliance with a conditional operating permit is not 82862  
in violation of its certificate. After the expiration of the 82863  
period of initial operation of a major utility facility, the 82864  
facility shall be under the jurisdiction of the environmental 82865  
protection agency and shall comply with all laws, rules, and 82866  
standards pertaining to air pollution, water pollution, and solid 82867  
and hazardous waste disposal. 82868~~

The board shall not grant a certificate for the construction, 82869  
operation, and maintenance of a major utility facility, either as 82870  
proposed or as modified by the board, unless it finds and 82871  
determines all of the following: 82872

(1) The basis of the need for the facility if the facility is 82873  
an electric transmission line or gas pipeline; 82874

(2) The nature of the probable environmental impact; 82875

(3) That the facility represents the minimum adverse 82876  
environmental impact, considering the state of available 82877  
technology and the nature and economics of the various 82878  
alternatives, and other pertinent considerations; 82879

(4) In the case of an electric transmission line or 82880  
generating facility, that the facility is consistent with regional 82881  
plans for expansion of the electric power grid of the electric 82882  
systems serving this state and interconnected utility systems and 82883  
that the facility will serve the interests of electric system 82884  
economy and reliability; 82885

(5) That the facility will comply with Chapters 3704., 3734., 82886  
and 6111. of the Revised Code and all rules and standards adopted 82887  
under those chapters and under sections 1501.33, 1501.34, and 82888  
4561.32 of the Revised Code. In determining whether the facility 82889  
will comply with all rules and standards adopted under section 82890  
4561.32 of the Revised Code, the board shall consult with the 82891  
office of aviation of the division of multi-modal planning and 82892  
programs of the department of transportation under section 82893  
4561.341 of the Revised Code. 82894

(6) That the facility will serve the public interest, 82895  
convenience, and necessity; 82896

(7) In addition to the provisions contained in divisions 82897  
(A)(1) to (6) of this section and rules adopted under those 82898  
divisions, what its impact will be on the viability as 82899  
agricultural land of any land in an existing agricultural district 82900  
established under Chapter 929. of the Revised Code that is located 82901  
within the site and alternative site of the proposed major utility 82902  
facility. Rules adopted to evaluate impact under division (A)(7) 82903  
of this section shall not require the compilation, creation, 82904  
submission, or production of any information, document, or other 82905  
data pertaining to land not located within the site and 82906  
alternative site. 82907

(8) That the facility incorporates maximum feasible water 82908  
conservation practices as determined by the board, considering 82909  
available technology and the nature and economics of the various 82910  
alternatives. 82911

(B) If the board determines that the location of all or a part of the proposed facility should be modified, it may condition its certificate upon that modification, provided that the municipal corporations and counties, and persons residing therein, affected by the modification shall have been given reasonable notice thereof.

(C) A copy of the decision and any opinion issued therewith shall be served upon each party.

**Sec. 4906.13.** (A) As used in this section and sections 4906.20 and 4906.98 of the Revised Code, "economically significant wind farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five or more megawatts but less than fifty megawatts. The term excludes any such wind farm in operation on ~~the effective date of this section~~ June 24, 2008.

(B) No public agency or political subdivision of this state may require any approval, consent, permit, certificate, or other condition for the construction or ~~initial~~ operation of a major utility facility or economically significant wind farm authorized by a certificate issued pursuant to Chapter 4906. of the Revised Code. Nothing herein shall prevent the application of state laws for the protection of employees engaged in the construction of such facility or wind farm nor of municipal regulations that do not pertain to the location or design of, or pollution control and abatement standards for, a major utility facility or economically significant wind farm for which a certificate has been granted under this chapter.

**Sec. 4911.021.** The consumers' counsel shall not operate a telephone call center for consumer complaints. ~~Any~~ However, for

any calls received by the consumers' counsel concerning consumer 82942  
complaints ~~shall be forwarded, the consumers' counsel may assist~~ 82943  
consumers with their complaints or forward the calls to the public 82944  
utilities commission's call center. 82945

**Sec. 4921.01.** As used in this chapter: 82946

(A) "Ambulance" has the same meaning as in section 4766.01 of 82947  
the Revised Code. 82948

(B) "For-hire motor carrier" means a person engaged in the 82949  
business of transporting persons or property by motor vehicle for 82950  
compensation, except when engaged in any of the following in 82951  
intrastate commerce: 82952

(1) The transportation of persons in taxicabs in the usual 82953  
taxicab service; 82954

(2) The transportation of pupils in school ~~busses~~ buses 82955  
operating to or from school sessions or school events; 82956

(3) The transportation of farm supplies to the farm or farm 82957  
products from farm to market or to food fabricating plants; 82958

(4) The distribution of newspapers; 82959

(5) The transportation of crude petroleum incidental to 82960  
gathering from wells and delivery to destination by ~~pipe-line~~ 82961  
pipeline; 82962

(6) The transportation of injured, ill, or deceased persons 82963  
by hearse or ambulance; 82964

(7) The transportation of compost (a combination of manure 82965  
and sand or shredded bark mulch) or shredded bark mulch; 82966

(8) The transportation of persons in a ridesharing 82967  
arrangement when any fee charged each person so transported is in 82968  
such amount as to recover only the person's share of the costs of 82969

operating the motor vehicle for such purpose; 82970

(9) The operation of motor vehicles for contractors on public 82971  
road work. 82972

"For-hire motor carrier" includes the carrier's agents, 82973  
officers, and representatives, as well as employees responsible 82974  
for hiring, supervising, training, assigning, or dispatching 82975  
drivers and employees concerned with the installation, inspection, 82976  
and maintenance of motor-vehicle equipment and accessories. 82977

Divisions (B)(1) to (9) of this section shall not be 82978  
construed to relieve a person from compliance with 82979  
~~hazardous material regulation under section 4921.15 of the Revised~~ 82980  
~~Code and division (H) of section 4921.19 of the Revised Code, or~~ 82981  
~~rules adopted thereunder, or from compliance with rules governing~~ 82982  
unified carrier registration adopted under section 4921.11 of the 82983  
Revised Code. 82984

(C) "Household goods" means personal effects and property 82985  
used or to be used in a dwelling, excluding property moving from a 82986  
factory or store. 82987

(D) "Interstate commerce" means trade, traffic, or 82988  
transportation in the United States that is any of the following: 82989

(1) Between a place in a state and a place outside of that 82990  
state (including a place outside of the United States); 82991

(2) Between two places in a state through another state or a 82992  
place outside of the United States; 82993

(3) Between two places in a state as part of trade, traffic, 82994  
or transportation originating or terminating outside the state or 82995  
the United States. 82996

(E) "Intrastate commerce" means any trade, traffic, or 82997  
transportation in any state which is not described in the term 82998  
"interstate commerce." 82999

(F) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of persons or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service.

(G) "Public highway" means any public street, road, or highway in this state, whether within or without the corporate limits of a municipal corporation.

(H) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver, and includes ridesharing arrangements known as carpools, vanpools, and buspools.

(I) "School bus" has the same meaning as in section 4511.01 of the Revised Code.

(J) "Trailer" means any vehicle without motive power designed or used for carrying persons or property and for being drawn by a separate motor vehicle, including any vehicle of the trailer type, whether designed or used for carrying persons or property wholly on its own structure, or so designed or used that a part of its own weight or the weight of its load rests upon and is carried by such motor vehicle.

**Sec. 4921.19.** (A) Every for-hire motor carrier operating in this state shall, at the time of the issuance of a certificate of public convenience and necessity under section 4921.03 of the Revised Code, pay to the public utilities commission, for and on behalf of the treasurer of state, the following taxes:

(1) For each motor vehicle used for transporting persons,

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| thirty dollars;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 83030                                                                         |
| (2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;                                                                                                                                                                                                                                                                                                                                                                                                                                           | 83031<br>83032<br>83033                                                       |
| (3) For each other motor vehicle transporting property, twenty dollars.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 83034<br>83035                                                                |
| (B) Every for-hire motor carrier operating in this state solely in intrastate commerce shall, annually between the first day of May and the thirtieth day of June, pay to the commission, for and on behalf of the treasurer of state, the following taxes:                                                                                                                                                                                                                                                                                                                   | 83036<br>83037<br>83038<br>83039                                              |
| (1) For each motor vehicle used for transporting persons, thirty dollars;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 83040<br>83041                                                                |
| (2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;                                                                                                                                                                                                                                                                                                                                                                                                                                           | 83042<br>83043<br>83044                                                       |
| (3) For each other motor vehicle transporting property, twenty dollars.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 83045<br>83046                                                                |
| (C) After a for-hire motor carrier has paid the applicable taxes under division (A) or (B) of this section and met all applicable requirements under section 4921.03 or division (C) of section 4921.13 of the Revised Code, the commission shall issue the carrier a tax receipt for each motor vehicle for which a tax has been paid under this section. The carrier shall keep the appropriate tax receipt in each motor vehicle operated by the carrier. The carrier shall maintain tax receipt records that specify to which motor vehicle each tax receipt is assigned. | 83047<br>83048<br>83049<br>83050<br>83051<br>83052<br>83053<br>83054<br>83055 |
| (D) A trailer used by a for-hire motor carrier shall not be taxed under this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 83056<br>83057                                                                |
| (E) The annual tax levied by division (B) of this section does not apply in those cases where the commission finds that the                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 83058<br>83059                                                                |

movement of agricultural commodities or foodstuffs produced 83060  
therefrom requires a temporary and seasonal use of vehicular 83061  
equipment for a period of not more than ninety days. In such 83062  
event, the tax on the vehicular equipment shall be twenty-five per 83063  
cent of the annual tax levied by division (B) of this section. If 83064  
any vehicular equipment is used in excess of the ninety-day 83065  
period, the annual tax levied by this section shall be paid. 83066

(F) All taxes levied by division (B) of this section shall be 83067  
reckoned as from the beginning of the quarter in which the tax 83068  
receipt is issued or as from when the use of equipment under any 83069  
existing tax receipt began. 83070

(G) The fees for unified carrier registration pursuant to 83071  
section 4921.11 of the Revised Code shall be identical to those 83072  
established by the unified carrier registration act board as 83073  
approved by the federal motor carrier safety administration for 83074  
each year. 83075

~~(H)(1) The fees for uniform registration and a uniform permit 83076  
as a carrier of hazardous materials pursuant to section 4921.15 of 83077  
the Revised Code shall consist of the following: 83078~~

~~(a) A processing fee of fifty dollars; 83079~~

~~(b) An apportioned per truck registration fee, which shall be 83080  
calculated by multiplying the percentage of a registrant's 83081  
activity in this state times the percentage of the registrant's 83082  
business that is hazardous materials related, times the number of 83083  
vehicles owned or operated by the registrant, times a per truck 83084  
fee determined by order of the commission following public notice 83085  
and an opportunity for comment. 83086~~

~~(i) The percentage of a registrant's activity in this state 83087  
shall be calculated by dividing the number of miles that the 83088  
registrant travels in this state under the international 83089  
registration plan, pursuant to section 4503.61 of the Revised 83090~~

~~Code, by the number of miles that the registrant travels 83091  
nationwide under the international registration plan. Registrants 83092  
that operate solely within this state shall use one hundred per 83093  
cent as their percentage of activity. Registrants that do not 83094  
register their vehicles through the international registration 83095  
plan shall calculate activity in the state in the same manner as 83096  
that required by the international registration plan. 83097~~

~~(ii) The percentage of a registrant's business that is 83098  
hazardous materials related shall be calculated, for 83099  
less than truckload shipments, by dividing the weight of all the 83100  
registrant's hazardous materials shipments by the total weight of 83101  
all shipments in the previous year. The percentage of a 83102  
registrant's business that is hazardous materials related shall be 83103  
calculated, for truckload shipments, by dividing the number of 83104  
shipments for which placarding, marking of the vehicle, or 83105  
manifesting, as appropriate, was required by regulations adopted 83106  
under sections 4 to 6 of the "Hazardous Materials Transportation 83107  
Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804, 83108  
by the total number of the registrant's shipments that transported 83109  
any kind of goods in the previous year. A registrant that 83110  
transports both less than truckload and truckload shipments of 83111  
hazardous materials shall calculate the percentage of business 83112  
that is hazardous materials related on a proportional basis. 83113~~

~~(iii) A registrant may utilize fiscal year, or calendar year, 83114  
or other current company accounting data, or other publicly 83115  
available information, in calculating the percentages required by 83116  
divisions (H)(1)(b)(i) and (ii) of this section. 83117~~

~~(2) The commission, after notice and opportunity for a 83118  
hearing, may assess each carrier a fee for any background 83119  
investigation required for the issuance, for the purpose of 83120  
section 3734.15 of the Revised Code, of a uniform permit as a 83121  
carrier of hazardous wastes and fees related to investigations and 83122~~

~~proceedings for the denial, suspension, or revocation of a uniform 83123  
permit as a carrier of hazardous materials. The fees shall not 83124  
exceed the reasonable costs of the investigations and proceedings. 83125  
The fee for a background investigation for a uniform permit as a 83126  
carrier of hazardous wastes shall be six hundred dollars plus the 83127  
costs of obtaining any necessary information not included in the 83128  
permit application, to be calculated at the rate of thirty dollars 83129  
per hour, not exceeding six hundred dollars, plus any fees payable 83130  
to obtain necessary information. 83131~~

~~(I) The application fee for a certificate for the 83132  
transportation of household goods issued pursuant to sections 83133  
4921.30 to 4921.38 of the Revised Code shall be based on the 83134  
certificate holder's gross revenue, in the prior year, for the 83135  
intrastate transportation of household goods. The commission shall 83136  
establish, by order, ranges of gross revenue and the fee for each 83137  
range. The fees shall be set in amounts sufficient to carry out 83138  
the purposes of sections 4921.30 to 4921.38 and 4923.99 of the 83139  
Revised Code and, to the extent necessary, the commission shall 83140  
make changes to the fee structure to ensure that neither over nor 83141  
under collection of the fees occurs. The fees shall also take into 83142  
consideration the revenue generated from the assessment of 83143  
forfeitures under section 4923.99 of the Revised Code regarding 83144  
the consumer protection provisions applicable to for hire motor 83145  
carriers engaged in the transportation of household goods. 83146~~

~~(J)(I) The fees and taxes provided under this section shall 83147  
be in addition to taxes, fees, and charges fixed and exacted by 83148  
other sections of the Revised Code, except the assessments 83149  
required by section 4905.10 of the Revised Code, but all fees, 83150  
license fees, annual payments, license taxes, or taxes or other 83151  
money exactions, except the general property tax, assessed, 83152  
charged, fixed, or exacted by local authorities such as municipal 83153  
corporations, townships, counties, or other local boards, or the 83154~~

officers of such subdivisions are illegal and, are superseded by 83155  
sections 4503.04 and 4905.03 and Chapter 4921. of the Revised 83156  
Code. On compliance with sections 4503.04 and 4905.03 and Chapter 83157  
4921. of the Revised Code, all local ordinances, resolutions, 83158  
bylaws, and rules in force shall cease to be operative as to the 83159  
persons in compliance, except that such local subdivisions may 83160  
make reasonable local police regulations within their respective 83161  
boundaries not inconsistent with sections 4503.04 and 4905.03 and 83162  
Chapter 4921. of the Revised Code. 83163

**Sec. 4921.21.** (A) As used in this section, "adjusted credit 83164  
amount" means the aggregate amount credited to the public 83165  
utilities transportation safety fund, less the sum of ~~all~~ both of 83166  
the following: 83167

(1) The fees collected by the public utilities commission, in 83168  
accordance with the unified carrier registration plan under 83169  
section 4921.11 of the Revised Code, that exceed the federal 83170  
certification of revenue for each year of the plan; 83171

~~(2) The fees collected by the commission on behalf of other 83172  
states under division (C) of section 4921.15 of the Revised Code;~~ 83173

~~(3) The forfeitures collected by the commission under section 83174  
4923.99 of the Revised Code for violations of rules adopted under 83175  
division (A)(2) of section 4923.04 of the Revised Code. 83176~~

(B)(1) There is hereby created in the state treasury the 83177  
public utilities transportation safety fund. The fees collected in 83178  
accordance with the unified carrier registration plan under 83179  
section 4921.11 of the Revised Code, ~~the fees collected under 83180  
section 4921.15 of the Revised Code,~~ the taxes and fees remitted 83181  
under section 4921.19 of the Revised Code, the forfeitures imposed 83182  
under section 4923.99 of the Revised Code, except as provided in 83183  
division (B)(2) of this section, and the fines collected under 83184  
section 4163.07 of the Revised Code shall be deposited into the 83185

state treasury to the credit of the public utilities 83186  
transportation safety fund, until the adjusted credit amount in a 83187  
fiscal year is equal to the total amount appropriated from the 83188  
fund for the fiscal year. Once this point of parity is reached, 83189  
any additional fees, taxes, forfeitures, or fines received during 83190  
the fiscal year shall be credited to the general revenue fund, 83191  
except as provided in division (B)(2) of this section, and except 83192  
for ~~both of the following~~: 83193

~~(a) The fees collected in accordance with the unified carrier 83194  
registration plan under section 4921.11 of the Revised Code, that 83195  
exceed the federal certification of revenue for each year of the 83196  
plan~~: 83197

~~(b) The fees collected on behalf of other states under 83198  
division (C) of section 4921.15 of the Revised Code.~~ 83199

(2) The first eight hundred thousand dollars of forfeitures 83200  
collected under section 4923.99 of the Revised Code, for 83201  
violations of rules adopted under division (A)(2) of section 83202  
4923.04 of the Revised Code, during each fiscal year shall be 83203  
credited to the public utilities transportation safety fund. Any 83204  
forfeitures in excess of that amount shall be deposited into the 83205  
general revenue fund. In each fiscal year, the commission shall 83206  
distribute moneys from these forfeitures credited to the public 83207  
utilities transportation safety fund for the purposes of emergency 83208  
response planning and the training of safety, enforcement, and 83209  
emergency services personnel in proper techniques for the 83210  
management of hazardous materials releases that occur during 83211  
transportation or otherwise. For these purposes, fifty per cent of 83212  
all such moneys credited to the public utilities transportation 83213  
safety fund shall be distributed to Cleveland state university, 83214  
forty-five per cent shall be distributed to other educational 83215  
institutions, state agencies, regional planning commissions, and 83216  
political subdivisions, and five per cent shall be retained by the 83217

commission for the administration of this section and for training 83218  
employees. However, if, in any such period, moneys from these 83219  
forfeitures credited to the public utilities transportation safety 83220  
fund equal an amount less than four hundred thousand dollars, the 83221  
commission shall distribute, to the extent of the aggregate amount 83222  
of those moneys, two hundred thousand dollars to Cleveland state 83223  
university and the remainder to other educational institutions, 83224  
state agencies, regional planning commissions, and political 83225  
subdivisions. 83226

(C) The purpose of the public utilities transportation safety 83227  
fund shall be for defraying all expenses incident to maintaining 83228  
the nonrailroad transportation activities of the commission. 83229

(D) There is hereby created in the state treasury the federal 83230  
commercial vehicle transportation systems fund. The fund shall 83231  
consist of money received from the United States department of 83232  
transportation's commercial vehicle intelligent transportation 83233  
systems infrastructure deployment program. The public utilities 83234  
commission shall use the fund to deploy the Ohio commercial 83235  
vehicle information systems networks project and to improve safety 83236  
of motor carrier operations through electronic exchange of data. 83237

(E) There is hereby created in the state treasury the motor 83238  
carrier safety fund. The fund shall consist of money received from 83239  
the United States department of transportation for motor carrier 83240  
safety. The commission shall use the fund to administer the 83241  
state's motor carrier safety assistance program and associated 83242  
grants, including the motor carrier safety assistance program 83243  
basic grant, the incentive grant, the high priority grants, the 83244  
new entrant safety assurance grant, the safety data improvement 83245  
grant, or their equivalents. 83246

(F) If the director of budget and management determines there 83247  
is not sufficient money in the public utilities transportation 83248  
safety fund, the director shall transfer money from the general 83249

revenue fund to the public utilities transportation safety fund in 83250  
an amount up to the difference between the balance of the public 83251  
utilities transportation safety fund and the appropriations from 83252  
that fund. If the director subsequently determines during the 83253  
fiscal year that the balance of the public utilities 83254  
transportation safety fund exceeds the amount needed to support 83255  
the appropriations from the fund, the director shall transfer the 83256  
excess money, up to the amount of the original transfer, to the 83257  
general revenue fund. 83258

**Sec. 4923.02.** (A) As used in this chapter, "private motor 83259  
carrier" does not include a person when engaged in any of the 83260  
following in intrastate commerce: 83261

(1) The transportation of persons in taxicabs in the usual 83262  
taxicab service; 83263

(2) The transportation of pupils in school busses operating 83264  
to or from school sessions or school events; 83265

(3) The transportation of farm supplies to the farm or farm 83266  
products from farm to market or to food fabricating plants; 83267

(4) The distribution of newspapers; 83268

(5) The transportation of crude petroleum incidental to 83269  
gathering from wells and delivery to destination by pipe line; 83270

(6) The transportation of injured, ill, or deceased persons 83271  
by hearse or ambulance; 83272

(7) The transportation of compost (a combination of manure 83273  
and sand or shredded bark mulch) or shredded bark mulch; 83274

(8) The transportation of persons in a ridesharing 83275  
arrangement when any fee charged each person so transported is in 83276  
such amount as to recover only the person's share of the costs of 83277  
operating the motor vehicle for such purpose; 83278

|                                                                                                                                                                                                                                                                         |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (9) The operation of motor vehicles for contractors on public road work.                                                                                                                                                                                                | 83279<br>83280                            |
| (B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies:                           | 83281<br>83282<br>83283<br>83284          |
| (1) The governor of this state has declared an emergency.                                                                                                                                                                                                               | 83285                                     |
| (2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency.                                                                                                                                                   | 83286<br>83287                            |
| (C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate commerce not otherwise identified in divisions (A) and (B) of this section. | 83288<br>83289<br>83290<br>83291<br>83292 |
| (D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with the following:                                                                                                                                                 | 83293<br>83294                            |
| (1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code;                                      | 83295<br>83296<br>83297<br>83298          |
| (2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code;                                                                                                                                                  | 83299<br>83300                            |
| <del>(3) Rules adopted under section 4921.15 of the Revised Code regarding uniform registration and permitting of carriers of hazardous materials and other applicable provisions of that section and division (H) of section 4921.19 of the Revised Code.</del>        | 83301<br>83302<br>83303<br>83304          |
| <b>Sec. 4923.99.</b> (A)(1) Whoever violates Chapter 4921. or 4923. of the Revised Code, <u>or rules adopted thereunder,</u> is liable to the state for a forfeiture of not more than twenty-five thousand dollars for each day of each violation. The public utilities | 83305<br>83306<br>83307<br>83308          |

commission, after providing reasonable notice and the opportunity 83309  
for a hearing in accordance with the procedural rules adopted 83310  
under section 4901.13 of the Revised Code, shall assess, by order, 83311  
a forfeiture upon a person whom the commission determines, by a 83312  
preponderance of the evidence, committed the violation. In 83313  
determining the amount of the forfeiture for a violation 83314  
discovered during a driver or motor-vehicle inspection under 83315  
section 4923.06 of the Revised Code, or discovered during a 83316  
compliance review under section 4923.07 of the Revised Code, the 83317  
commission shall, ~~to the extent practicable,~~ not act in a manner 83318  
incompatible with the applicable requirements of the United States 83319  
department of transportation, ~~and, to the extent practicable,~~ 83320  
~~shall utilize a system comparable to the recommended civil penalty~~ 83321  
~~procedure adopted by the commercial vehicle safety alliance. In~~ 83322  
~~determining the amount of the forfeiture for a violation~~ 83323  
~~discovered during a compliance review of a motor carrier under~~ 83324  
~~section 4923.07 of the Revised Code, the commission shall, to the~~ 83325  
~~extent practicable, not act in a manner incompatible with the~~ 83326  
~~civil penalty guidelines of the United States department of~~ 83327  
~~transportation.~~ 83328

The attorney general, upon the written request of the 83329  
commission, shall bring a civil action in the court of common 83330  
pleas of Franklin county to collect a forfeiture assessed under 83331  
this section. The commission shall account for the forfeitures 83332  
collected under this section and pay them to the treasurer of 83333  
state under section 4921.21 of the Revised Code. 83334

(2) The attorney general, upon the written request of the 83335  
commission, shall bring an action for injunctive relief in the 83336  
court of common pleas of Franklin county against any person who 83337  
has violated or is violating any order issued by the commission to 83338  
secure compliance with any provision of Chapter 4921. or 4923. of 83339  
the Revised Code. The court of common pleas of Franklin county has 83340

jurisdiction to and may grant preliminary and permanent injunctive 83341  
relief upon a showing that the person against whom the action is 83342  
brought has violated or is violating any such order. The court 83343  
shall give precedence to such an action over all other cases. 83344

(B) The amount of any forfeiture may be compromised at any 83345  
time prior to collection of the forfeiture. The commission shall 83346  
adopt rules governing the manner in which the amount of a 83347  
forfeiture may be established by agreement prior to the hearing on 83348  
the forfeiture before the commission. 83349

(C) The proceedings of the commission specified in division 83350  
(A) of this section are subject to and governed by Chapter 4903. 83351  
of the Revised Code, except as otherwise specifically provided in 83352  
this section. The court of appeals of Franklin county has 83353  
exclusive, original jurisdiction to review, modify, or vacate an 83354  
order of the commission issued to secure compliance with any 83355  
provision of Chapter 4921. or 4923. of the Revised Code. The court 83356  
of appeals shall hear and determine those appeals in the same 83357  
manner, and under the same standards, as the supreme court hears 83358  
and determines appeals under Chapter 4903. of the Revised Code. 83359  
The judgment of the court of appeals is final and conclusive 83360  
unless reversed, vacated, or modified on appeal. Such appeals may 83361  
be taken either by the commission or the person to whom the 83362  
compliance order or forfeiture assessment was issued and shall 83363  
proceed as in the case of appeals in civil actions as provided in 83364  
the rules of appellate procedure and Chapter 2505. of the Revised 83365  
Code. 83366

(D) Section 4903.11 of the Revised Code does not apply to an 83367  
appeal of an order issued to secure compliance with Chapter 4921. 83368  
or 4923. of the Revised Code or an order issued under division 83369  
(A)(1) of this section assessing a forfeiture. Any person to whom 83370  
any such order is issued who wishes to contest a compliance order, 83371  
the fact of the violation, or the amount of the forfeiture shall 83372

file a notice of appeal, setting forth the order appealed from and 83373  
the errors complained of, within sixty days after the entry of the 83374  
order upon the journal of the commission. The notice of appeal 83375  
shall be served, unless waived, upon the chairperson of the 83376  
commission or, in the event of the chairperson's absence, upon any 83377  
public utilities commissioner, or by leaving a copy at the office 83378  
of the commission at Columbus. An order issued by the commission 83379  
to secure compliance with Chapter 4921. or 4923. of the Revised 83380  
Code or an order issued under division (A)(1) of this section 83381  
assessing a forfeiture shall be reversed, vacated, or modified on 83382  
appeal if, upon consideration of the record, the court is of the 83383  
opinion that the order was unlawful or unreasonable. 83384

(E) Only for such violations that constitute violations of 83385  
the "Hazardous Materials Transportation Uniform Safety Act of 83386  
1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or 83387  
regulations adopted under the act, the commission, in determining 83388  
liability, shall use the same standard of culpability for civil 83389  
forfeitures under this section as that set forth for civil 83390  
penalties under section 12 of the "Hazardous Materials 83391  
Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 83392  
U.S.C.A. App. 1809. The commission shall consider the assessment 83393  
considerations for civil penalties specified in regulations 83394  
adopted under the "Hazardous Materials Transportation Act," 88 83395  
Stat. 2156 (1975), 49 U.S.C. 1801. 83396

**Sec. 4927.13.** (A) An incumbent local exchange carrier that is 83397  
an eligible telecommunications carrier under 47 C.F.R. 54.201 83398  
shall implement lifeline service ~~throughout the carrier's~~ 83399  
~~traditional service area for its eligible residential customers~~ 83400  
consistent with the requirements of federal law. 83401

(1) Lifeline service shall consist of all of the following: 83402

(a) ~~Flat rate, monthly, primary~~ Monthly access line service 83403

~~with touch-tone service,~~ at a recurring discount to the monthly 83404  
basic local exchange service rate that provides for the maximum 83405  
contribution of federally available assistance; 83406

(b) Not more than once per customer at a single address in a 83407  
twelve-month period, a waiver of all nonrecurring service order 83408  
charges for establishing service; 83409

(c) Free blocking of toll service, 900 service, and 976 83410  
service. 83411

The carrier may offer to lifeline service customers any other 83412  
services and bundles or packages of services at the prevailing 83413  
prices, less the lifeline discount. 83414

(2) The carrier also shall offer special payment arrangements 83415  
to lifeline service customers that have past due bills for 83416  
regulated local service charges, with the initial payment not to 83417  
exceed twenty-five dollars before service is installed, and the 83418  
balance for regulated local service charges to be paid over six, 83419  
equal, monthly payments. Lifeline service customers with past due 83420  
bills for toll service charges shall have toll restricted service 83421  
until the past due toll service charges have been paid or until 83422  
the customer establishes service with another toll service 83423  
provider. 83424

(3)(a) Every incumbent local exchange carrier required to 83425  
implement lifeline service under division (A) of this section 83426  
shall establish an annual marketing budget for promoting lifeline 83427  
service and performing outreach regarding lifeline service. All 83428  
funds allocated to this budget shall be spent for the promotion 83429  
and marketing of lifeline service and outreach regarding lifeline 83430  
service and only for those purposes and not for any administrative 83431  
costs of implementing lifeline service. All activities relating to 83432  
the promotion of, marketing of, and outreach regarding lifeline 83433  
service shall be coordinated through a single advisory board 83434

composed of staff of the public utilities commission, the office 83435  
of the consumers' counsel, consumer groups representing low-income 83436  
constituents, two representatives from the Ohio association of 83437  
community action agencies, and, except as provided in division 83438  
(A)(3)(b) of this section, every incumbent local exchange carrier 83439  
required to implement lifeline service under division (A) of this 83440  
section. The public utilities commission may review and approve 83441  
decisions of the advisory board in accordance with commission 83442  
rules, including decisions on how the lifeline marketing, 83443  
promotion, and outreach activities are implemented. 83444

(b) Division (A)(3)(a) of this section does not apply to an 83445  
incumbent local exchange carrier with fewer than fifty thousand 83446  
access lines. 83447

(4) All other aspects of the carrier's state-specific 83448  
lifeline service shall be consistent with federal requirements. 83449

(B) The rates, terms, and conditions for the carrier's 83450  
lifeline service shall be tariffed in the manner prescribed by 83451  
rule adopted by the public utilities commission. 83452

(C)(1) Eligibility for lifeline service under division (A) of 83453  
this section shall be based on either of the following criteria: 83454

(a) An individual's verifiable participation in any federal 83455  
or state low-income assistance program, specified in rules adopted 83456  
by the commission, that limits assistance based on household 83457  
income; 83458

(b) Other verification that an individual's household income 83459  
~~is at or below one hundred fifty per cent of the federal poverty~~ 83460  
~~level~~ consistent with the income eligibility threshold in 47 83461  
C.F.R. 54.409(a)(1). 83462

The public utilities commission shall adopt rules 83463  
establishing requirements for the implementation of automatic 83464  
enrollment of eligible individuals for lifeline assistance. The 83465

public utilities commission shall work with the appropriate state 83466  
agencies that administer federal or state low-income assistance 83467  
programs and with carriers to negotiate and acquire information 83468  
necessary to verify an individual's eligibility and the data 83469  
necessary to automatically enroll eligible individuals for 83470  
lifeline service. Every incumbent local exchange carrier required 83471  
to implement lifeline service under division (A) of this section 83472  
shall implement automatic enrollment in accordance with the 83473  
applicable rules of the public utilities commission and to the 83474  
extent that appropriate state agencies are able to accommodate the 83475  
automatic enrollment. 83476

(2) The carrier shall provide written notification if the 83477  
carrier determines that an individual is not eligible for lifeline 83478  
service and shall provide the individual an additional thirty days 83479  
to prove eligibility. 83480

(3) The carrier shall provide written customer notification 83481  
if a customer's lifeline service is to be terminated due to 83482  
failure to submit acceptable documentation for continued 83483  
eligibility for that assistance and shall provide the customer an 83484  
additional ~~sixty~~ thirty days to submit acceptable documentation of 83485  
continued eligibility or dispute the carrier's findings regarding 83486  
termination of the lifeline service. 83487

(D) An incumbent local exchange carrier required to implement 83488  
lifeline service under division (A) of this section may recover 83489  
from end users of the carrier's telecommunications service other 83490  
than lifeline service customers, by a method approved by the 83491  
public utilities commission, any lifeline service discounts and 83492  
any other lifeline service expenses that the public utilities 83493  
commission prescribes by rule and that are not recovered through 83494  
federal or state funding, except for expenses incurred under 83495  
division (A)(3)(a) of this section. A carrier seeking recovery of 83496  
discounts or expenses shall, in accordance with rules adopted by 83497

the public utilities commission, apply to the public utilities 83498  
commission for approval of the method of recovery. If the method 83499  
of recovery includes a customer billing surcharge, the public 83500  
utilities commission shall prescribe by rule how the surcharge is 83501  
to be identified on customer bills. 83502

(E) Every incumbent local exchange carrier required to 83503  
implement lifeline service under division (A) of this section 83504  
shall annually file with the public utilities commission a report 83505  
that identifies the number of its customers who receive, at the 83506  
time of the filing of the report, lifeline service. 83507

**Sec. 4928.01.** (A) As used in this chapter: 83508

(1) "Ancillary service" means any function necessary to the 83509  
provision of electric transmission or distribution service to a 83510  
retail customer and includes, but is not limited to, scheduling, 83511  
system control, and dispatch services; reactive supply from 83512  
generation resources and voltage control service; reactive supply 83513  
from transmission resources service; regulation service; frequency 83514  
response service; energy imbalance service; operating 83515  
reserve-spinning reserve service; operating reserve-supplemental 83516  
reserve service; load following; back-up supply service; 83517  
real-power loss replacement service; dynamic scheduling; system 83518  
black start capability; and network stability service. 83519

(2) "Billing and collection agent" means a fully independent 83520  
agent, not affiliated with or otherwise controlled by an electric 83521  
utility, electric services company, electric cooperative, or 83522  
governmental aggregator subject to certification under section 83523  
4928.08 of the Revised Code, to the extent that the agent is under 83524  
contract with such utility, company, cooperative, or aggregator 83525  
solely to provide billing and collection for retail electric 83526  
service on behalf of the utility company, cooperative, or 83527  
aggregator. 83528

- (3) "Certified territory" means the certified territory established for an electric supplier under sections 4933.81 to 4933.90 of the Revised Code. 83529  
83530  
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- (4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section. 83532  
83533  
83534
- (5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company. 83535  
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- (6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service. 83541  
83542
- (7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent that it consumes electricity it so produces, sells that electricity for resale, or obtains electricity from a generating facility it hosts on its premises. 83543  
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- (8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code. 83549  
83550
- (9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent. 83551  
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- (10) "Electric supplier" has the same meaning as in section 83559

4933.81 of the Revised Code. 83560

(11) "Electric utility" means an electric light company that 83561  
has a certified territory and is engaged on a for-profit basis 83562  
either in the business of supplying a noncompetitive retail 83563  
electric service in this state or in the businesses of supplying 83564  
both a noncompetitive and a competitive retail electric service in 83565  
this state. "Electric utility" excludes a municipal electric 83566  
utility or a billing and collection agent. 83567

(12) "Firm electric service" means electric service other 83568  
than nonfirm electric service. 83569

(13) "Governmental aggregator" means a legislative authority 83570  
of a municipal corporation, a board of township trustees, or a 83571  
board of county commissioners acting as an aggregator for the 83572  
provision of a competitive retail electric service under authority 83573  
conferred under section 4928.20 of the Revised Code. 83574

(14) A person acts "knowingly," regardless of the person's 83575  
purpose, when the person is aware that the person's conduct will 83576  
probably cause a certain result or will probably be of a certain 83577  
nature. A person has knowledge of circumstances when the person is 83578  
aware that such circumstances probably exist. 83579

(15) "Level of funding for low-income customer energy 83580  
efficiency programs provided through electric utility rates" means 83581  
the level of funds specifically included in an electric utility's 83582  
rates on October 5, 1999, pursuant to an order of the public 83583  
utilities commission issued under Chapter 4905. or 4909. of the 83584  
Revised Code and in effect on October 4, 1999, for the purpose of 83585  
improving the energy efficiency of housing for the utility's 83586  
low-income customers. The term excludes the level of any such 83587  
funds committed to a specific nonprofit organization or 83588  
organizations pursuant to a stipulation or contract. 83589

(16) "Low-income customer assistance programs" means the 83590

percentage of income payment plan program, the home energy 83591  
assistance program, the home weatherization assistance program, 83592  
and the targeted energy efficiency and weatherization program. 83593

(17) "Market development period" for an electric utility 83594  
means the period of time beginning on the starting date of 83595  
competitive retail electric service and ending on the applicable 83596  
date for that utility as specified in section 4928.40 of the 83597  
Revised Code, irrespective of whether the utility applies to 83598  
receive transition revenues under this chapter. 83599

(18) "Market power" means the ability to impose on customers 83600  
a sustained price for a product or service above the price that 83601  
would prevail in a competitive market. 83602

(19) "Mercantile customer" means a commercial or industrial 83603  
customer if the electricity consumed is for nonresidential use and 83604  
the customer consumes more than seven hundred thousand kilowatt 83605  
hours per year or is part of a national account involving multiple 83606  
facilities in one or more states. 83607

(20) "Municipal electric utility" means a municipal 83608  
corporation that owns or operates facilities to generate, 83609  
transmit, or distribute electricity. 83610

(21) "Noncompetitive retail electric service" means a 83611  
component of retail electric service that is noncompetitive as 83612  
provided under division (B) of this section. 83613

(22) "Nonfirm electric service" means electric service 83614  
provided pursuant to a schedule filed under section 4905.30 of the 83615  
Revised Code or pursuant to an arrangement under section 4905.31 83616  
of the Revised Code, which schedule or arrangement includes 83617  
conditions that may require the customer to curtail or interrupt 83618  
electric usage during nonemergency circumstances upon notification 83619  
by an electric utility. 83620

(23) "Percentage of income payment plan arrears" means funds 83621

eligible for collection through the percentage of income payment 83622  
plan rider, but uncollected as of July 1, 2000. 83623

(24) "Person" has the same meaning as in section 1.59 of the 83624  
Revised Code. 83625

(25) "Advanced energy project" means any technologies, 83626  
products, activities, or management practices or strategies that 83627  
facilitate the generation or use of electricity or energy and that 83628  
reduce or support the reduction of energy consumption or support 83629  
the production of clean, renewable energy for industrial, 83630  
distribution, commercial, institutional, governmental, research, 83631  
not-for-profit, or residential energy users, including, but not 83632  
limited to, advanced energy resources and renewable energy 83633  
resources. "Advanced energy project" also includes any project 83634  
described in division (A), (B), or (C) of section 4928.621 of the 83635  
Revised Code. 83636

(26) "Regulatory assets" means the unamortized net regulatory 83637  
assets that are capitalized or deferred on the regulatory books of 83638  
the electric utility, pursuant to an order or practice of the 83639  
public utilities commission or pursuant to generally accepted 83640  
accounting principles as a result of a prior commission 83641  
rate-making decision, and that would otherwise have been charged 83642  
to expense as incurred or would not have been capitalized or 83643  
otherwise deferred for future regulatory consideration absent 83644  
commission action. "Regulatory assets" includes, but is not 83645  
limited to, all deferred demand-side management costs; all 83646  
deferred percentage of income payment plan arrears; 83647  
post-in-service capitalized charges and assets recognized in 83648  
connection with statement of financial accounting standards no. 83649  
109 (receivables from customers for income taxes); future nuclear 83650  
decommissioning costs and fuel disposal costs as those costs have 83651  
been determined by the commission in the electric utility's most 83652  
recent rate or accounting application proceeding addressing such 83653

costs; the undepreciated costs of safety and radiation control 83654  
equipment on nuclear generating plants owned or leased by an 83655  
electric utility; and fuel costs currently deferred pursuant to 83656  
the terms of one or more settlement agreements approved by the 83657  
commission. 83658

(27) "Retail electric service" means any service involved in 83659  
supplying or arranging for the supply of electricity to ultimate 83660  
consumers in this state, from the point of generation to the point 83661  
of consumption. For the purposes of this chapter, retail electric 83662  
service includes one or more of the following "service 83663  
components": generation service, aggregation service, power 83664  
marketing service, power brokerage service, transmission service, 83665  
distribution service, ancillary service, metering service, and 83666  
billing and collection service. 83667

(28) "Starting date of competitive retail electric service" 83668  
means January 1, 2001. 83669

(29) "Customer-generator" means a user of a net metering 83670  
system. 83671

(30) "Net metering" means measuring the difference in an 83672  
applicable billing period between the electricity supplied by an 83673  
electric service provider and the electricity generated by a 83674  
customer-generator that is fed back to the electric service 83675  
provider. 83676

(31) "Net metering system" means a facility for the 83677  
production of electrical energy that does all of the following: 83678

(a) Uses as its fuel either solar, wind, biomass, landfill 83679  
gas, or hydropower, or uses a microturbine or a fuel cell; 83680

(b) Is located on a customer-generator's premises; 83681

(c) Operates in parallel with the electric utility's 83682  
transmission and distribution facilities; 83683

(d) Is intended primarily to offset part or all of the 83684  
customer-generator's requirements for electricity. 83685

(32) "Self-generator" means an entity in this state that owns 83686  
or hosts on its premises an electric generation facility that 83687  
produces electricity primarily for the owner's consumption and 83688  
that may provide any such excess electricity to another entity, 83689  
whether the facility is installed or operated by the owner or by 83690  
an agent under a contract. 83691

(33) "Rate plan" means the standard service offer in effect 83692  
on the effective date of the amendment of this section by S.B. 221 83693  
of the 127th general assembly, July 31, 2008. 83694

(34) "Advanced energy resource" means any of the following: 83695

(a) Any method or any modification or replacement of any 83696  
property, process, device, structure, or equipment that increases 83697  
the generation output of an electric generating facility to the 83698  
extent such efficiency is achieved without additional carbon 83699  
dioxide emissions by that facility; 83700

(b) Any distributed generation system consisting of customer 83701  
cogeneration technology; 83702

(c) Clean coal technology that includes a carbon-based 83703  
product that is chemically altered before combustion to 83704  
demonstrate a reduction, as expressed as ash, in emissions of 83705  
nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or 83706  
sulfur trioxide in accordance with the American society of testing 83707  
and materials standard D1757A or a reduction of metal oxide 83708  
emissions in accordance with standard D5142 of that society, or 83709  
clean coal technology that includes the design capability to 83710  
control or prevent the emission of carbon dioxide, which design 83711  
capability the commission shall adopt by rule and shall be based 83712  
on economically feasible best available technology or, in the 83713  
absence of a determined best available technology, shall be of the 83714

highest level of economically feasible design capability for which 83715  
there exists generally accepted scientific opinion; 83716

(d) Advanced nuclear energy technology consisting of 83717  
generation III technology as defined by the nuclear regulatory 83718  
commission; other, later technology; or significant improvements 83719  
to existing facilities; 83720

(e) Any fuel cell used in the generation of electricity, 83721  
including, but not limited to, a proton exchange membrane fuel 83722  
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 83723  
solid oxide fuel cell; 83724

(f) Advanced solid waste or construction and demolition 83725  
debris conversion technology, including, but not limited to, 83726  
advanced stoker technology, and advanced fluidized bed 83727  
gasification technology, that results in measurable greenhouse gas 83728  
emissions reductions as calculated pursuant to the United States 83729  
environmental protection agency's waste reduction model (WARM); 83730

(g) Demand-side management and any energy efficiency 83731  
improvement; 83732

(h) Any new, retrofitted, refueled, or repowered generating 83733  
facility located in Ohio, including a simple or combined-cycle 83734  
natural gas generating facility or a generating facility that uses 83735  
biomass, coal, modular nuclear, or any other fuel as its input; 83736

(i) Any uprated capacity of an existing electric generating 83737  
facility if the uprated capacity results from the deployment of 83738  
advanced technology. 83739

"Advanced energy resource" does not include a waste energy 83740  
recovery system that is, or has been, included in an energy 83741  
efficiency program of an electric distribution utility pursuant to 83742  
requirements under section 4928.66 of the Revised Code. 83743

(35) "Air contaminant source" has the same meaning as in 83744

section 3704.01 of the Revised Code. 83745

(36) "Cogeneration technology" means technology that produces 83746  
electricity and useful thermal output simultaneously. 83747

(37)(a) "Renewable energy resource" means any of the 83748  
following: 83749

(i) Solar photovoltaic or solar thermal energy; 83750

(ii) Wind energy; 83751

(iii) Power produced by a hydroelectric facility; 83752

(iv) Power produced by a small hydroelectric facility, which 83753  
is a facility that operates, or is rated to operate, at an 83754  
aggregate capacity of less than six megawatts; 83755

(v) Power produced by a run-of-the-river hydroelectric 83756  
facility placed in service on or after January 1, 1980, that is 83757  
located within this state, relies upon the Ohio river, and 83758  
operates, or is rated to operate, at an aggregate capacity of 83759  
forty or more megawatts; 83760

~~(v)~~(vi) Geothermal energy; 83761

~~(vi)~~(vii) Fuel derived from solid wastes, as defined in 83762  
section 3734.01 of the Revised Code, through fractionation, 83763  
biological decomposition, or other process that does not 83764  
principally involve combustion; 83765

~~(vii)~~(viii) Biomass energy; 83766

~~(viii)~~(ix) Energy produced by cogeneration technology that is 83767  
placed into service on or before December 31, 2015, and for which 83768  
more than ninety per cent of the total annual energy input is from 83769  
combustion of a waste or byproduct gas from an air contaminant 83770  
source in this state, which source has been in operation since on 83771  
or before January 1, 1985, provided that the cogeneration 83772  
technology is a part of a facility located in a county having a 83773  
population of more than three hundred sixty-five thousand but less 83774

than three hundred seventy thousand according to the most recent federal decennial census; 83775  
83776

~~(ix)~~(x) Biologically derived methane gas; 83777

~~(x)~~(xi) Heat captured from a generator of electricity, boiler, or heat exchanger fueled by biologically derived methane gas; 83778  
83779  
83780

~~(xi)~~(xii) Energy derived from nontreated by-products of the pulping process or wood manufacturing process, including bark, wood chips, sawdust, and lignin in spent pulping liquors. 83781  
83782  
83783

"Renewable energy resource" includes, but is not limited to, any fuel cell used in the generation of electricity, including, but not limited to, a proton exchange membrane fuel cell, phosphoric acid fuel cell, molten carbonate fuel cell, or solid oxide fuel cell; wind turbine located in the state's territorial waters of Lake Erie; methane gas emitted from an abandoned coal mine; waste energy recovery system placed into service or retrofitted on or after the effective date of the amendment of this section by S.B. 315 of the 129th general assembly, September 10, 2012, except that a waste energy recovery system described in division (A)(38)(b) of this section may be included only if it was placed into service between January 1, 2002, and December 31, 2004; storage facility that will promote the better utilization of a renewable energy resource; or distributed generation system used by a customer to generate electricity from any such energy. 83784  
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"Renewable energy resource" does not include a waste energy recovery system that is, or was, on or after January 1, 2012, included in an energy efficiency program of an electric distribution utility pursuant to requirements under section 4928.66 of the Revised Code. 83799  
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(b) As used in division (A)(37) of this section, "hydroelectric facility" means a hydroelectric generating facility 83804  
83805

that is located at a dam on a river, or on any water discharged to 83806  
a river, that is within or bordering this state or within or 83807  
bordering an adjoining state and meets all of the following 83808  
standards: 83809

(i) The facility provides for river flows that are not 83810  
detrimental for fish, wildlife, and water quality, including 83811  
seasonal flow fluctuations as defined by the applicable licensing 83812  
agency for the facility. 83813

(ii) The facility demonstrates that it complies with the 83814  
water quality standards of this state, which compliance may 83815  
consist of certification under Section 401 of the "Clean Water Act 83816  
of 1977," 91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates 83817  
that it has not contributed to a finding by this state that the 83818  
river has impaired water quality under Section 303(d) of the 83819  
"Clean Water Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 83820

(iii) The facility complies with mandatory prescriptions 83821  
regarding fish passage as required by the federal energy 83822  
regulatory commission license issued for the project, regarding 83823  
fish protection for riverine, anadromous, and catadromous fish. 83824

(iv) The facility complies with the recommendations of the 83825  
Ohio environmental protection agency and with the terms of its 83826  
federal energy regulatory commission license regarding watershed 83827  
protection, mitigation, or enhancement, to the extent of each 83828  
agency's respective jurisdiction over the facility. 83829

(v) The facility complies with provisions of the "Endangered 83830  
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 83831  
amended. 83832

(vi) The facility does not harm cultural resources of the 83833  
area. This can be shown through compliance with the terms of its 83834  
federal energy regulatory commission license or, if the facility 83835  
is not regulated by that commission, through development of a plan 83836

approved by the Ohio historic preservation office, to the extent 83837  
it has jurisdiction over the facility. 83838

(vii) The facility complies with the terms of its federal 83839  
energy regulatory commission license or exemption that are related 83840  
to recreational access, accommodation, and facilities or, if the 83841  
facility is not regulated by that commission, the facility 83842  
complies with similar requirements as are recommended by resource 83843  
agencies, to the extent they have jurisdiction over the facility; 83844  
and the facility provides access to water to the public without 83845  
fee or charge. 83846

(viii) The facility is not recommended for removal by any 83847  
federal agency or agency of any state, to the extent the 83848  
particular agency has jurisdiction over the facility. 83849

(c) The standards in divisions (A)(37)(b)(i) to (viii) of 83850  
this section do not apply to a small hydroelectric facility under 83851  
division (A)(37)(a)(iv) of this section. 83852

(38) "Waste energy recovery system" means either of the 83853  
following: 83854

(a) A facility that generates electricity through the 83855  
conversion of energy from either of the following: 83856

(i) Exhaust heat from engines or manufacturing, industrial, 83857  
commercial, or institutional sites, except for exhaust heat from a 83858  
facility whose primary purpose is the generation of electricity; 83859

(ii) Reduction of pressure in gas pipelines before gas is 83860  
distributed through the pipeline, provided that the conversion of 83861  
energy to electricity is achieved without using additional fossil 83862  
fuels. 83863

(b) A facility at a state institution of higher education as 83864  
defined in section 3345.011 of the Revised Code that recovers 83865  
waste heat from electricity-producing engines or combustion 83866

turbines and that simultaneously uses the recovered heat to 83867  
produce steam, provided that the facility was placed into service 83868  
between January 1, 2002, and December 31, 2004. 83869

(39) "Smart grid" means capital improvements to an electric 83870  
distribution utility's distribution infrastructure that improve 83871  
reliability, efficiency, resiliency, or reduce energy demand or 83872  
use, including, but not limited to, advanced metering and 83873  
automation of system functions. 83874

(40) "Combined heat and power system" means the coproduction 83875  
of electricity and useful thermal energy from the same fuel source 83876  
designed to achieve thermal-efficiency levels of at least sixty 83877  
per cent, with at least twenty per cent of the system's total 83878  
useful energy in the form of thermal energy. 83879

(B) For the purposes of this chapter, a retail electric 83880  
service component shall be deemed a competitive retail electric 83881  
service if the service component is competitive pursuant to a 83882  
declaration by a provision of the Revised Code or pursuant to an 83883  
order of the public utilities commission authorized under division 83884  
(A) of section 4928.04 of the Revised Code. Otherwise, the service 83885  
component shall be deemed a noncompetitive retail electric 83886  
service. 83887

**Sec. 4928.64.** (A)(1) As used in this section, "qualifying 83888  
renewable energy resource" means a renewable energy resource, as 83889  
defined in section 4928.01 of the Revised Code that ~~has:~~ 83890

(a) Has a placed-in-service date on or after January 1, 1998, 83891  
~~or with respect to;~~ 83892

(b) Is any run-of-the-river hydroelectric facility, that has 83893  
an in-service date on or after January 1, 1980; ~~a renewable energy~~ 83894  
~~resource~~ 83895

(c) Is a small hydroelectric facility; 83896

(d) Is created on or after January 1, 1998, by the 83897  
modification or retrofit of any facility placed in service prior 83898  
to January 1, 1998; or 83899

(e) Is a mercantile customer-sited renewable energy resource, 83900  
whether new or existing, that the mercantile customer commits for 83901  
integration into the electric distribution utility's 83902  
demand-response, energy efficiency, or peak demand reduction 83903  
programs as provided under division (A)(2)(c) of section 4928.66 83904  
of the Revised Code, including, but not limited to, any of the 83905  
following: 83906

~~(a)~~(i) A resource that has the effect of improving the 83907  
relationship between real and reactive power; 83908

~~(b)~~(ii) A resource that makes efficient use of waste heat or 83909  
other thermal capabilities owned or controlled by a mercantile 83910  
customer; 83911

~~(c)~~(iii) Storage technology that allows a mercantile customer 83912  
more flexibility to modify its demand or load and usage 83913  
characteristics; 83914

~~(d)~~(iv) Electric generation equipment owned or controlled by 83915  
a mercantile customer that uses a renewable energy resource. 83916

(2) For the purpose of this section and as it considers 83917  
appropriate, the public utilities commission may classify any new 83918  
technology as such a qualifying renewable energy resource. 83919

(B)(1) By 2027 and thereafter, an electric distribution 83920  
utility shall provide from qualifying renewable energy resources, 83921  
including, at its discretion, qualifying renewable energy 83922  
resources obtained pursuant to an electricity supply contract, a 83923  
portion of the electricity supply required for its standard 83924  
service offer under section 4928.141 of the Revised Code, and an 83925  
electric services company shall provide a portion of its 83926  
electricity supply for retail consumers in this state from 83927

qualifying renewable energy resources, including, at its discretion, qualifying renewable energy resources obtained pursuant to an electricity supply contract. That portion shall equal twelve and one-half per cent of the total number of kilowatt hours of electricity sold by the subject utility or company to any and all retail electric consumers whose electric load centers are served by that utility and are located within the utility's certified territory or, in the case of an electric services company, are served by the company and are located within this state. However, nothing in this section precludes a utility or company from providing a greater percentage.

(2) The portion required under division (B)(1) of this section shall be generated from renewable energy resources, including one-half per cent from solar energy resources, in accordance with the following benchmarks:

| By end of year | Renewable energy resources | Solar energy resources |       |
|----------------|----------------------------|------------------------|-------|
| 2009           | 0.25%                      | 0.004%                 | 83944 |
| 2010           | 0.50%                      | 0.010%                 | 83945 |
| 2011           | 1%                         | 0.030%                 | 83946 |
| 2012           | 1.5%                       | 0.060%                 | 83947 |
| 2013           | 2%                         | 0.090%                 | 83948 |
| 2014           | 2.5%                       | 0.12%                  | 83949 |
| 2015           | 2.5%                       | 0.12%                  | 83950 |
| 2016           | 2.5%                       | 0.12%                  | 83951 |
| 2017           | 3.5%                       | 0.15%                  | 83952 |
| 2018           | 4.5%                       | 0.18%                  | 83953 |
| 2019           | 5.5%                       | 0.22%                  | 83954 |
| 2020           | 6.5%                       | 0.26%                  | 83955 |
| 2021           | 7.5%                       | 0.3%                   | 83956 |
| 2022           | 8.5%                       | 0.34%                  | 83957 |
| 2023           | 9.5%                       | 0.38%                  | 83958 |

|                                           |       |       |       |
|-------------------------------------------|-------|-------|-------|
| 2024                                      | 10.5% | 0.42% | 83959 |
| 2025                                      | 11.5% | 0.46% | 83960 |
| 2026 and each calendar<br>year thereafter | 12.5% | 0.5%. | 83961 |

(3) The qualifying renewable energy resources implemented by the utility or company shall be met either:

(a) Through facilities located in this state; or

(b) With resources that can be shown to be deliverable into this state.

(C)(1) The commission annually shall review an electric distribution utility's or electric services company's compliance with the most recent applicable benchmark under division (B)(2) of this section and, in the course of that review, shall identify any undercompliance or noncompliance of the utility or company that it determines is weather-related, related to equipment or resource shortages for qualifying renewable energy resources as applicable, or is otherwise outside the utility's or company's control.

(2) Subject to the cost cap provisions of division (C)(3) of this section, if the commission determines, after notice and opportunity for hearing, and based upon its findings in that review regarding avoidable undercompliance or noncompliance, but subject to division (C)(4) of this section, that the utility or company has failed to comply with any such benchmark, the commission shall impose a renewable energy compliance payment on the utility or company.

(a) The compliance payment pertaining to the solar energy resource benchmarks under division (B)(2) of this section shall be an amount per megawatt hour of undercompliance or noncompliance in the period under review, as follows:

(i) Three hundred dollars for 2014, 2015, and 2016;

(ii) Two hundred fifty dollars for 2017 and 2018;

(iii) Two hundred dollars for 2019 and 2020; 83989

(iv) Similarly reduced every two years thereafter through 83990  
2026 by fifty dollars, to a minimum of fifty dollars. 83991

(b) The compliance payment pertaining to the renewable energy 83992  
resource benchmarks under division (B)(2) of this section shall 83993  
equal the number of additional renewable energy credits that the 83994  
electric distribution utility or electric services company would 83995  
have needed to comply with the applicable benchmark in the period 83996  
under review times an amount that shall begin at forty-five 83997  
dollars and shall be adjusted annually by the commission to 83998  
reflect any change in the consumer price index as defined in 83999  
section 101.27 of the Revised Code, but shall not be less than 84000  
forty-five dollars. 84001

(c) The compliance payment shall not be passed through by the 84002  
electric distribution utility or electric services company to 84003  
consumers. The compliance payment shall be remitted to the 84004  
commission, for deposit to the credit of the advanced energy fund 84005  
created under section 4928.61 of the Revised Code. Payment of the 84006  
compliance payment shall be subject to such collection and 84007  
enforcement procedures as apply to the collection of a forfeiture 84008  
under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code. 84009

(3) An electric distribution utility or an electric services 84010  
company need not comply with a benchmark under division (B)(2) of 84011  
this section to the extent that its reasonably expected cost of 84012  
that compliance exceeds its reasonably expected cost of otherwise 84013  
producing or acquiring the requisite electricity by three per cent 84014  
or more. The cost of compliance shall be calculated as though any 84015  
exemption from taxes and assessments had not been granted under 84016  
section 5727.75 of the Revised Code. 84017

(4)(a) An electric distribution utility or electric services 84018  
company may request the commission to make a force majeure 84019

determination pursuant to this division regarding all or part of 84020  
the utility's or company's compliance with any minimum benchmark 84021  
under division (B)(2) of this section during the period of review 84022  
occurring pursuant to division (C)(2) of this section. The 84023  
commission may require the electric distribution utility or 84024  
electric services company to make solicitations for renewable 84025  
energy resource credits as part of its default service before the 84026  
utility's or company's request of force majeure under this 84027  
division can be made. 84028

(b) Within ninety days after the filing of a request by an 84029  
electric distribution utility or electric services company under 84030  
division (C)(4)(a) of this section, the commission shall determine 84031  
if qualifying renewable energy resources are reasonably available 84032  
in the marketplace in sufficient quantities for the utility or 84033  
company to comply with the subject minimum benchmark during the 84034  
review period. In making this determination, the commission shall 84035  
consider whether the electric distribution utility or electric 84036  
services company has made a good faith effort to acquire 84037  
sufficient qualifying renewable energy or, as applicable, solar 84038  
energy resources to so comply, including, but not limited to, by 84039  
banking or seeking renewable energy resource credits or by seeking 84040  
the resources through long-term contracts. Additionally, the 84041  
commission shall consider the availability of qualifying renewable 84042  
energy or solar energy resources in this state and other 84043  
jurisdictions in the PJM interconnection regional transmission 84044  
organization, L.L.C., or its successor and the midcontinent 84045  
independent system operator or its successor. 84046

(c) If, pursuant to division (C)(4)(b) of this section, the 84047  
commission determines that qualifying renewable energy or solar 84048  
energy resources are not reasonably available to permit the 84049  
electric distribution utility or electric services company to 84050  
comply, during the period of review, with the subject minimum 84051

benchmark prescribed under division (B)(2) of this section, the 84052  
commission shall modify that compliance obligation of the utility 84053  
or company as it determines appropriate to accommodate the 84054  
finding. Commission modification shall not automatically reduce 84055  
the obligation for the electric distribution utility's or electric 84056  
services company's compliance in subsequent years. If it modifies 84057  
the electric distribution utility or electric services company 84058  
obligation under division (C)(4)(c) of this section, the 84059  
commission may require the utility or company, if sufficient 84060  
renewable energy resource credits exist in the marketplace, to 84061  
acquire additional renewable energy resource credits in subsequent 84062  
years equivalent to the utility's or company's modified obligation 84063  
under division (C)(4)(c) of this section. 84064

(5) The commission shall establish a process to provide for 84065  
at least an annual review of the renewable energy resource market 84066  
in this state and in the service territories of the regional 84067  
transmission organizations that manage transmission systems 84068  
located in this state. The commission shall use the results of 84069  
this study to identify any needed changes to the amount of the 84070  
renewable energy compliance payment specified under divisions 84071  
(C)(2)(a) and (b) of this section. Specifically, the commission 84072  
may increase the amount to ensure that payment of compliance 84073  
payments is not used to achieve compliance with this section in 84074  
lieu of actually acquiring or realizing energy derived from 84075  
qualifying renewable energy resources. However, if the commission 84076  
finds that the amount of the compliance payment should be 84077  
otherwise changed, the commission shall present this finding to 84078  
the general assembly for legislative enactment. 84079

(D) The commission annually shall submit to the general 84080  
assembly in accordance with section 101.68 of the Revised Code a 84081  
report describing all of the following: 84082

(1) The compliance of electric distribution utilities and 84083

electric services companies with division (B) of this section; 84084

(2) The average annual cost of renewable energy credits 84085  
purchased by utilities and companies for the year covered in the 84086  
report; 84087

(3) Any strategy for utility and company compliance or for 84088  
encouraging the use of qualifying renewable energy resources in 84089  
supplying this state's electricity needs in a manner that 84090  
considers available technology, costs, job creation, and economic 84091  
impacts. 84092

The commission shall begin providing the information 84093  
described in division (D)(2) of this section in each report 84094  
submitted after September 10, 2012. The commission shall allow and 84095  
consider public comments on the report prior to its submission to 84096  
the general assembly. Nothing in the report shall be binding on 84097  
any person, including any utility or company for the purpose of 84098  
its compliance with any benchmark under division (B) of this 84099  
section, or the enforcement of that provision under division (C) 84100  
of this section. 84101

(E) All costs incurred by an electric distribution utility in 84102  
complying with the requirements of this section shall be 84103  
bypassable by any consumer that has exercised choice of supplier 84104  
under section 4928.03 of the Revised Code. 84105

Sec. 5101.074. If the department of job and family services 84106  
receives money from a refund or reconciliation related to the 84107  
medicaid program, the department shall transfer the money to the 84108  
department of medicaid for deposit into the refunds and 84109  
reconciliation fund created under section 5162.65 of the Revised 84110  
Code. 84111

**Sec. 5101.09.** (A) When the director of job and family 84112  
services is authorized by the Revised Code to adopt a rule, the 84113

director shall adopt the rule in accordance with the following: 84114

(1) Chapter 119. of the Revised Code if any of the following 84115  
apply: 84116

(a) The rule concerns the administration or enforcement of 84117  
Chapter 4141. of the Revised Code; 84118

(b) The rule concerns a program administered by the 84119  
department of job and family services, unless the statute 84120  
authorizing the rule requires that it be adopted in accordance 84121  
with section 111.15 of the Revised Code; 84122

(c) The statute authorizing the rule requires that the rule 84123  
be adopted in accordance with Chapter 119. of the Revised Code. 84124

(2) Section 111.15 of the Revised Code, excluding division 84125  
(D) of that section, if either of the following apply: 84126

(a) The rule concerns the day-to-day staff procedures and 84127  
operations of the department or financial and operational matters 84128  
between the department and another government entity or a private 84129  
entity receiving a grant from the department, unless the statute 84130  
authorizing the rule requires that it be adopted in accordance 84131  
with Chapter 119. of the Revised Code; 84132

(b) The statute authorizing the rule requires that the rule 84133  
be adopted in accordance with section 111.15 of the Revised Code 84134  
and, by the terms of division (D) of that section, division (D) of 84135  
that section does not apply to the rule. 84136

(3) Section 111.15 of the Revised Code, including division 84137  
(D) of that section, if the statute authorizing the rule requires 84138  
that the rule be adopted in accordance with that section and the 84139  
rule is not exempt from the application of division (D) of that 84140  
section. 84141

(B) Except as otherwise required by the Revised Code, the 84142  
adoption of a rule in accordance with Chapter 119. of the Revised 84143

Code does not make the department of job and family services, a 84144  
county family services agency, or a ~~workforce development agency~~ 84145  
local board subject to the notice, hearing, or other requirements 84146  
of sections 119.06 to 119.13 of the Revised Code. As used in this 84147  
division, "~~workforce development agency~~ local board" has the same 84148  
meaning as in section 6301.01 of the Revised Code. 84149

**Sec. 5101.16.** (A) As used in this section and sections 84150  
5101.161 and 5101.162 of the Revised Code: 84151

(1) "Disability financial assistance" means the financial 84152  
assistance program established under former Chapter 5115. of the 84153  
Revised Code. 84154

(2) "Supplemental nutrition assistance program" means the 84155  
program administered by the department of job and family services 84156  
pursuant to section 5101.54 of the Revised Code. 84157

(3) "Ohio works first" means the program established by 84158  
Chapter 5107. of the Revised Code. 84159

(4) "Prevention, retention, and contingency" means the 84160  
program established by Chapter 5108. of the Revised Code. 84161

(5) "Public assistance expenditures" means expenditures for 84162  
all of the following: 84163

(a) Ohio works first; 84164

(b) County administration of Ohio works first; 84165

(c) Prevention, retention, and contingency; 84166

(d) County administration of prevention, retention, and 84167  
contingency; 84168

(e) Disability financial assistance; 84169

(f) County administration of disability financial assistance; 84170

(g) County administration of the supplemental nutrition 84171

assistance program; 84172

(h) County administration of medicaid, excluding 84173  
administrative expenditures for transportation services covered by 84174  
the medicaid program. 84175

~~(7)~~(6) "Title IV-A program" has the same meaning as in 84176  
section 5101.80 of the Revised Code. 84177

(B) Each board of county commissioners shall pay the county 84178  
share of public assistance expenditures in accordance with section 84179  
5101.161 of the Revised Code. Except as provided in division (C) 84180  
of this section, a county's share of public assistance 84181  
expenditures is the sum of all of the following for state fiscal 84182  
year 1998 and each state fiscal year thereafter: 84183

(1) The amount that is twenty-five per cent of the county's 84184  
total expenditures for disability financial assistance and county 84185  
administration of that program during the state fiscal year ending 84186  
in the previous calendar year that the department of job and 84187  
family services determines are allowable. 84188

(2) The amount that is ten per cent, or other percentage 84189  
determined under division (D) of this section, of the county's 84190  
total expenditures for county administration of the supplemental 84191  
nutrition assistance program and medicaid (excluding 84192  
administrative expenditures for transportation services covered by 84193  
the medicaid program) during the state fiscal year ending in the 84194  
previous calendar year that the department determines are 84195  
allowable, less the amount of federal reimbursement credited to 84196  
the county under division (E) of this section for the state fiscal 84197  
year ending in the previous calendar year; 84198

(3) A percentage of the actual amount of the county share of 84199  
program and administrative expenditures during federal fiscal year 84200  
1994 for assistance and services, other than child care, provided 84201  
under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 84202

620 (1935), 42 U.S.C. 301, as those titles existed prior to the 84203  
enactment of the "Personal Responsibility and Work Opportunity 84204  
Reconciliation Act of 1996," 110 Stat. 2105. The department of job 84205  
and family services shall determine the actual amount of the 84206  
county share from expenditure reports submitted to the United 84207  
States department of health and human services. The percentage 84208  
shall be the percentage established in rules adopted under 84209  
division (F) of this section. 84210

(C)(1) If a county's share of public assistance expenditures 84211  
determined under division (B) of this section for a state fiscal 84212  
year exceeds one hundred five per cent of the county's share for 84213  
those expenditures for the immediately preceding state fiscal 84214  
year, the department of job and family services shall reduce the 84215  
county's share for expenditures under divisions (B)(1) and (2) of 84216  
this section so that the total of the county's share for 84217  
expenditures under division (B) of this section equals one hundred 84218  
five per cent of the county's share of those expenditures for the 84219  
immediately preceding state fiscal year. 84220

(2) A county's share of public assistance expenditures 84221  
determined under division (B) of this section may be increased 84222  
pursuant to section 5101.163 of the Revised Code and a sanction 84223  
under section 5101.24 of the Revised Code. An increase made 84224  
pursuant to section 5101.163 of the Revised Code may cause the 84225  
county's share to exceed the limit established by division (C)(1) 84226  
of this section. 84227

(D)(1) If the per capita tax duplicate of a county is less 84228  
than the per capita tax duplicate of the state as a whole and 84229  
division (D)(2) of this section does not apply to the county, the 84230  
percentage to be used for the purpose of division (B)(2) of this 84231  
section is the product of ten multiplied by a fraction of which 84232  
the numerator is the per capita tax duplicate of the county and 84233  
the denominator is the per capita tax duplicate of the state as a 84234

whole. The department of job and family services shall compute the 84235  
per capita tax duplicate for the state and for each county by 84236  
dividing the tax duplicate for the most recent available year by 84237  
the current estimate of population prepared by the development 84238  
services agency. 84239

(2) If the percentage of families in a county with an annual 84240  
income of less than three thousand dollars is greater than the 84241  
percentage of such families in the state and division (D)(1) of 84242  
this section does not apply to the county, the percentage to be 84243  
used for the purpose of division (B)(2) of this section is the 84244  
product of ten multiplied by a fraction of which the numerator is 84245  
the percentage of families in the state with an annual income of 84246  
less than three thousand dollars a year and the denominator is the 84247  
percentage of such families in the county. The department of job 84248  
and family services shall compute the percentage of families with 84249  
an annual income of less than three thousand dollars for the state 84250  
and for each county by multiplying the most recent estimate of 84251  
such families published by the development services agency, by a 84252  
fraction, the numerator of which is the estimate of average annual 84253  
personal income published by the bureau of economic analysis of 84254  
the United States department of commerce for the year on which the 84255  
census estimate is based and the denominator of which is the most 84256  
recent such estimate published by the bureau. 84257

(3) If the per capita tax duplicate of a county is less than 84258  
the per capita tax duplicate of the state as a whole and the 84259  
percentage of families in the county with an annual income of less 84260  
than three thousand dollars is greater than the percentage of such 84261  
families in the state, the percentage to be used for the purpose 84262  
of division (B)(2) of this section shall be determined as follows: 84263

(a) Multiply ten by the fraction determined under division 84264  
(D)(1) of this section; 84265

(b) Multiply the product determined under division (D)(3)(a) 84266

of this section by the fraction determined under division (D)(2) 84267  
of this section. 84268

(4) The department of job and family services shall 84269  
determine, for each county, the percentage to be used for the 84270  
purpose of division (B)(2) of this section not later than the 84271  
first day of July of the year preceding the state fiscal year for 84272  
which the percentage is used. 84273

(E) The department of job and family services shall credit to 84274  
a county the amount of federal reimbursement the department 84275  
receives from the United States departments of agriculture and 84276  
health and human services for the county's expenditures for 84277  
administration of the supplemental nutrition assistance program 84278  
and medicaid (excluding administrative expenditures for 84279  
transportation services covered by the medicaid program) that the 84280  
department determines are allowable administrative expenditures. 84281

(F)(1) The director of job and family services shall adopt 84282  
rules in accordance with section 111.15 of the Revised Code to 84283  
establish all of the following: 84284

(a) The method the department is to use to change a county's 84285  
share of public assistance expenditures determined under division 84286  
(B) of this section as provided in division (C) of this section; 84287

(b) The allocation methodology and formula the department 84288  
will use to determine the amount of funds to credit to a county 84289  
under this section; 84290

(c) The method the department will use to change the payment 84291  
of the county share of public assistance expenditures from a 84292  
calendar-year basis to a state fiscal year basis; 84293

(d) The percentage to be used for the purpose of division 84294  
(B)(3) of this section, which shall, except as provided in section 84295  
5101.163 of the Revised Code, meet both of the following 84296  
requirements: 84297

(i) The percentage shall not be less than seventy-five per cent nor more than eighty-two per cent; 84298  
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(ii) The percentage shall not exceed the percentage that the state's qualified state expenditures is of the state's historic state expenditures as those terms are defined in 42 U.S.C. 609(a)(7). 84300  
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(e) Other procedures and requirements necessary to implement this section. 84304  
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(2) The director of job and family services may amend the rule adopted under division (F)(1)(d) of this section to modify the percentage on determination that the amount the general assembly appropriates for Title IV-A programs makes the modification necessary. The rule shall be adopted and amended as if an internal management rule and in consultation with the director of budget and management. 84306  
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**Sec. 5101.17.** In determining the need of any person under Chapter 5107. ~~or 5115.~~ of the Revised Code, the first eighty-five dollars plus one-half of the excess over eighty-five dollars of payments made to or in behalf of any person for or with respect to any month under Title I or II of the "Economic Opportunity Act of 1964," 78 Stat. 508, 42 U.S.C.A. 2701, as amended, shall not be regarded as income or resources. No payments made under such titles shall be regarded as income or resources of another individual except to the extent that they are made available to the other individual. No grant made to any family under Title III of such act shall be regarded as income or resources in determining the need of any member of such family under Chapter 5107. ~~or 5115.~~ of the Revised Code. 84313  
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**Sec. 5101.18.** When the director of job and family services adopts rules under section 5107.05 of the Revised Code regarding 84326  
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income requirements for the Ohio works first program ~~and under~~ 84328  
~~section 5115.03 of the Revised Code regarding income and resource~~ 84329  
~~requirements for the disability financial assistance program,~~ the 84330  
director shall determine what payments shall be regarded or 84331  
disregarded. In making this determination, the director shall 84332  
consider: 84333

(A) The source of the payment; 84334

(B) The amount of the payment; 84335

(C) The purpose for which the payment was made; 84336

(D) Whether regarding the payment as income would be in the 84337  
public interest; 84338

(E) Whether treating the payment as income would be 84339  
detrimental to any of the programs administered in whole or in 84340  
part by the department of job and family services and whether such 84341  
determination would jeopardize the receipt of any federal grant or 84342  
payment by the state or any receipt of aid under Chapter 5107. of 84343  
the Revised Code. 84344

**Sec. 5101.181.** (A) As used in this section and section 84345  
5101.182 of the Revised Code, "public assistance" means any or all 84346  
of the following: 84347

(1) Ohio works first; 84348

(2) Prevention, retention, and contingency; 84349

(3) Disability financial assistance provided prior to 84350  
December 31, 2017, under former Chapter 5115. of the Revised Code; 84351

(4) General assistance provided prior to July 17, 1995, under 84352  
former Chapter 5113. of the Revised Code. 84353

(B) As part of the procedure for the determination of 84354  
overpayment to a recipient of public assistance under Chapter 84355  
5107. ~~or~~ or 5108., or former Chapter 5115. of the Revised Code, the 84356

director of job and family services may furnish quarterly the name 84357  
and social security number of each individual who receives public 84358  
assistance to the director of administrative services, the 84359  
administrator of the bureau of workers' compensation, and each of 84360  
the state's retirement boards. Within fourteen days after 84361  
receiving the name and social security number of an individual who 84362  
receives public assistance, the director of administrative 84363  
services, administrator, or board shall inform the auditor of 84364  
state as to whether such individual is receiving wages or 84365  
benefits, the amount of any wages or benefits being received, the 84366  
social security number, and the address of the individual. The 84367  
director of administrative services, administrator, boards, and 84368  
any agent or employee of those officials and boards shall comply 84369  
with the rules of the director of job and family services 84370  
restricting the disclosure of information regarding recipients of 84371  
public assistance. Any person who violates this provision shall 84372  
thereafter be disqualified from acting as an agent or employee or 84373  
in any other capacity under appointment or employment of any state 84374  
board, commission, or agency. 84375

(C) The auditor of state may enter into a reciprocal 84376  
agreement with the director of job and family services or 84377  
comparable officer of any other state for the exchange of names, 84378  
current or most recent addresses, or social security numbers of 84379  
persons receiving public assistance under Title IV-A of the 84380  
"Social Security Act," 42 U.S.C. 601 et seq. 84381

(D) The auditor of state shall retain, for not less than two 84382  
years, at least one copy of all information received under this 84383  
section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 84384  
5101.182, and 5505.04 of the Revised Code. 84385

(E) The auditor shall review the information described in 84386  
division (D) of this section to determine whether overpayments 84387  
were made to recipients of public assistance under Chapters 5107.7 84388

or 5108.7 and former Chapter 5115. of the Revised Code. The 84389  
auditor of state shall initiate action leading to prosecution, 84390  
where warranted, of recipients who received overpayments by 84391  
forwarding the name of each recipient who received overpayment, 84392  
together with other pertinent information, to the director of job 84393  
and family services, the attorney general, and the county director 84394  
of job and family services and county prosecutor of the county 84395  
through which public assistance was received. 84396

(F) The auditor of state and the attorney general or their 84397  
designees may examine any records, whether in computer or printed 84398  
format, in the possession of the director of job and family 84399  
services or any county director of job and family services. They 84400  
shall provide safeguards which restrict access to such records to 84401  
purposes directly connected with an audit or investigation, 84402  
prosecution, or criminal or civil proceeding conducted in 84403  
connection with the administration of the programs and shall 84404  
comply with section 5101.27 of the Revised Code and rules adopted 84405  
by the director of job and family services restricting the 84406  
disclosure of information regarding recipients of public 84407  
assistance. Any person who violates this provision shall 84408  
thereafter be disqualified from acting as an agent or employee or 84409  
in any other capacity under appointment or employment of any state 84410  
board, commission, or agency. 84411

(G) Costs incurred by the auditor of state in carrying out 84412  
the auditor of state's duties under this section shall be borne by 84413  
the auditor of state. 84414

**Sec. 5101.184.** (A) The director of job and family services 84415  
shall work with the tax commissioner to collect overpayments of 84416  
assistance under Chapter 5107. ~~or, former Chapter~~ 5115., former 84417  
Chapter 5113., or section 5101.54 of the Revised Code from refunds 84418  
of state income taxes for taxable year 1992 and thereafter that 84419

are payable to the recipients of such overpayments. 84420

Any overpayment of assistance, whether obtained by fraud or 84421  
misrepresentation, as the result of an error by the recipient or 84422  
by the agency making the payment, or in any other manner, may be 84423  
collected under this section. Any reduction under section 5747.12 84424  
or 5747.121 of the Revised Code to an income tax refund shall be 84425  
made before a reduction under this section. No reduction shall be 84426  
made under this section if the amount of the refund is less than 84427  
twenty-five dollars after any reduction under section 5747.12 of 84428  
the Revised Code. A reduction under this section shall be made 84429  
before any part of the refund is contributed under section 84430  
5747.113 of the Revised Code, or is credited under section 5747.12 84431  
of the Revised Code against tax due in any subsequent year. 84432

The director and the tax commissioner, by rules adopted in 84433  
accordance with Chapter 119. of the Revised Code, shall establish 84434  
procedures to implement this division. The procedures shall 84435  
provide for notice to a recipient of assistance and an opportunity 84436  
for the recipient to be heard before the recipient's income tax 84437  
refund is reduced. 84438

(B) The director of job and family services may enter into 84439  
agreements with the federal government to collect overpayments of 84440  
assistance from refunds of federal income taxes that are payable 84441  
to recipients of the overpayments. 84442

**Sec. 5101.20.** (A) As used in this section of the Revised 84443  
Code: 84444

(1) "Local area" has the same meaning as in section ~~101 of~~ 84445  
~~the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 84446  
~~2801, as amended, and division (A) of section 6301.01 of the~~ 84447  
Revised Code; 1 84448

(2) "Chief elected official" has the same meaning as ~~in~~ 84449

~~section 101 of the "Workforce Investment Act of 1998," 112 Stat.~~ 84450  
~~936, 29 U.S.C. 2801, as amended, and division (F) of "chief~~ 84451  
~~elected official or officials" as defined in section 6301.01 of~~ 84452  
the Revised Code~~.~~ 84453

(3) "Grantee" means the chief elected officials of a local 84454  
area. 84455

(4) "Local board" has the same meaning as in section 6301.01 84456  
of the Revised Code. 84457

(5) "Planning region" has the same meaning as in section 84458  
6301.01 of the Revised Code. 84459

(B) The director of job and family services shall enter into 84460  
one or more written grant agreements with each local area under 84461  
which ~~financial assistance is~~ allocated funds are awarded for 84462  
workforce development activities included in the agreements. A 84463  
grant agreement shall establish the terms and conditions governing 84464  
the accountability for and use of grants provided by the 84465  
department of job and family services to the grantee for the 84466  
administration of workforce development activities funded under 84467  
the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.~~ 84468  
~~2801, as amended~~ "Workforce Innovation and Opportunity Act," 29 84469  
U.S.C. 3101 et seq. 84470

(C) The director may award grants to local areas only through 84471  
grant agreements entered into under this section. 84472

(D) In the case of a local area comprised of multiple 84473  
political subdivisions, nothing in this section shall preclude the 84474  
chief elected officials of a local area from entering into an 84475  
agreement among themselves to distribute any liability for 84476  
activities of the local area, but such an agreement shall not be 84477  
binding on the department of job and family services. 84478

~~(D)~~(E) The written grant agreement entered into under 84479  
division (B) of this section shall comply with all applicable 84480

federal and state laws governing workforce development activities 84481  
and related funding. All Each local area is subject to all federal 84482  
conditions and restrictions that apply to the use of ~~grants~~ 84483  
~~received by funds allotted to~~ the department of job and family 84484  
services ~~shall apply to the use of the grants received by the~~ and 84485  
allocated to local areas from the department for workforce 84486  
development activities. 84487

~~(E)~~(F) A written grant agreement entered into under division 84488  
(B) of this section shall: 84489

(1) Identify as parties to the agreement the ~~chief-elected~~ 84490  
~~officials~~ representatives for the local area, including the chief 84491  
elected official or officials, the local board, and the fiscal 84492  
agent; 84493

(2) Provide for the incorporation of the planning region and 84494  
local ~~workforce development~~ plan; 84495

(3) Include the chief elected official's or officials' 84496  
assurance that the local area and any subgrantee or contractor of 84497  
the local area will do all of the following: 84498

(a) Ensure that the ~~financial assistance awarded funds~~ 84499  
allocated under the grant agreement ~~is~~ are used, and the workforce 84500  
development duties included in the agreement are performed, in 84501  
accordance with ~~requirements established by the department or any~~ 84502  
~~of the following:~~ federal ~~or~~ and state law, the state plan for 84503  
receipt of federal financial participation, grant agreements 84504  
between the department and a federal agency, ~~or~~ executive orders, ~~and~~ 84505  
and policies and guidance issued by the department; 84506

(b) Ensure ~~that the chief elected officials and any~~ 84507  
~~subgrantee or contractor of the local area utilize~~ that the 84508  
implementation and use of a financial management system and other 84509  
accountability mechanisms ~~that~~ meet the requirements of federal 84510  
and state law and are in accordance with the policies and 84511

procedures that the department establishes; 84512

(c) Require the chief elected officials and any subgrantee or 84513  
contractor of the local area to do both of the following: 84514

(i) Monitor all private and government entities that receive 84515  
~~a payment from financial assistance awarded~~ funds allocated under 84516  
the grant agreement to ensure that ~~each entity uses the payment~~ 84517  
funds are utilized in accordance with ~~requirements for the~~ 84518  
~~workforce development duties included in the~~ all applicable 84519  
federal and state laws, policies, and guidance, and with the terms 84520  
and conditions of the grant agreement; 84521

(ii) Take action to recover ~~payments that are not used in~~ 84522  
~~accordance with the requirements for the workforce development~~ 84523  
~~duties that are included in the~~ funds for expenditures that are 84524  
unallowable under federal or state law or under the terms of the 84525  
grant agreement. 84526

(d) ~~Require the chief elected officials of a local area to~~ 84527  
~~promptly reimburse the department the amount that represents the~~ 84528  
~~amount a local area is responsible for of funds the department~~ 84529  
~~pays to any entity~~ Promptly remit funds to the department that are 84530  
payable to the state or federal government because of an adverse 84531  
audit finding, adverse quality control finding, final disallowance 84532  
of federal financial participation, or other sanction or penalty; 84533

(e) ~~Require chief elected officials of a local area to take~~ 84534  
Take prompt corrective action if the department, auditor of state, 84535  
~~federal agency,~~ or other ~~entity authorized by federal or state law~~ 84536  
~~to determine compliance with requirements for a workforce~~ 84537  
~~development duty included in the agreement~~ state or a federal 84538  
agency determines compliance has not been achieved; noncompliance 84539  
with state or federal law. 84540

(4) Provide that the ~~award of financial assistance~~ allocation 84541  
is subject to the availability of federal funds and appropriations 84542

made by the general assembly; 84543

(5) Provide for annual financial, administrative, or other 84544  
incentive awards, if any, to be provided in accordance with 84545  
section 5101.23 of the Revised Code. 84546

(6) Establish the ~~method of~~ terms and conditions for amending 84547  
or terminating the grant agreement and an expedited process for 84548  
correcting terms or conditions of the agreement that the director 84549  
and the chief elected officials agree are erroneous. 84550

(7) ~~Provide for Permit~~ the department of job and family 84551  
services to ~~award financial assistance~~ allocate funds for the 84552  
workforce development duties included in the agreement in 84553  
accordance with a methodology for determining the amount of the 84554  
award established by rules adopted under division ~~(F)~~(G) of this 84555  
section. 84556

(8) Determine the dates that the grant agreement begins and 84557  
ends. 84558

~~(F)~~(G)(1) The director shall adopt rules in accordance with 84559  
section 111.15 of the Revised Code governing grant agreements. The 84560  
director shall adopt the rules as if they were internal management 84561  
rules. The rules shall establish methodologies to be used to 84562  
determine the amount of ~~financial assistance~~ funds to be awarded 84563  
under the agreements and may do any of the following: 84564

(a) Govern the establishment of consolidated funding 84565  
allocations and other allocations; 84566

(b) Specify allowable uses of ~~financial assistance awarded~~ 84567  
funds allocated under the agreements; 84568

(c) Establish reporting, cash management, audit, and other 84569  
requirements the director determines are necessary to provide 84570  
accountability for the use of ~~financial assistance awarded~~ funds 84571  
allocated under the agreements and determine compliance with 84572

requirements established by the department or any of the 84573  
following: a federal or state law, state plan for receipt of 84574  
federal financial participation, grant agreement between the 84575  
department and a federal entity, or executive order. 84576

(2) A requirement of a grant agreement established by a rule 84577  
adopted under this division is applicable to a grant agreement 84578  
without having to be restated in the grant agreement. 84579

**Sec. 5101.201.** ~~The~~ As the director of the state agency for 84580  
the implementation of several workforce programs, the director of 84581  
job and family services may enter into agreements with ~~one-stop~~ 84582  
~~operators~~ local boards, as defined in section 6301.01 of the 84583  
Revised Code, and one-stop other OhioMeansJobs center partners for 84584  
the purpose of implementing the requirements of section 121 of the 84585  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801~~ 84586  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3151. 84587

**Sec. 5101.214.** The director of job and family services may 84588  
enter into a written agreement with one or more state agencies, as 84589  
defined in section 117.01 of the Revised Code, and state 84590  
universities and colleges to assist in the coordination, 84591  
provision, or enhancement of the family services duties of a 84592  
county family services agency or the workforce development 84593  
activities of a ~~workforce development agency~~ local board, as 84594  
defined in section 6301.01 of the Revised Code. The director also 84595  
may enter into written agreements or contracts with, or issue 84596  
grants to, private and government entities under which funds are 84597  
provided for the enhancement or innovation of family services 84598  
duties or workforce development activities on the state or local 84599  
level. 84600

The director may adopt internal management rules in 84601  
accordance with section 111.15 of the Revised Code to implement 84602

this section. 84603

**Sec. 5101.23.** Subject to the availability of funds, the 84604  
department of job and family services may provide annual 84605  
financial, administrative, or other incentive awards to county 84606  
family services agencies and ~~workforce development agencies~~ local 84607  
areas as defined in section 6301.01 of the Revised Code. A county 84608  
family services agency or ~~workforce development agency~~ local area 84609  
may spend ~~funds provided as a financial~~ an incentive award awarded 84610  
under this section only for the purpose for which the funds are 84611  
appropriated. The department may adopt internal management rules 84612  
in accordance with section 111.15 of the Revised Code to establish 84613  
the amounts of awards, methodology for distributing the awards, 84614  
types of awards, and standards for administration ~~by the~~ 84615  
~~department.~~ 84616

There is hereby created in the state treasury the social 84617  
services incentive fund. The director of job and family services 84618  
may request that the director of budget and management transfer 84619  
funds in the Title IV-A reserve fund created under section 5101.82 84620  
of the Revised Code and other funds appropriated for family 84621  
services duties or workforce investment activities into the fund. 84622  
If the director of budget and management determines that the funds 84623  
identified by the director of job and family services are 84624  
available and appropriate for transfer, the director of budget and 84625  
management shall make the transfer. Money in the fund shall be 84626  
used to provide incentive awards under this section. 84627

**Sec. 5101.241.** (A) As used in this section: 84628

(1) "Local area" and "chief elected official" have the same 84629  
meaning as in section 5101.20 of the Revised Code. 84630

(2) "Responsible entity" means the chief elected officials of 84631  
a local area. 84632

(B) The department of job and family services may take action 84633  
under division (C) of this section against the responsible entity, 84634  
regardless of who performs the workforce development activity, if 84635  
the department determines any of the following are the case: 84636

(1) ~~A requirement~~ An entity has failed to comply with the 84637  
terms and conditions of a grant agreement ~~entered into~~ executed 84638  
between the department and a local area under section 5101.20 of 84639  
the Revised Code ~~that includes the workforce development activity,~~ 84640  
~~including a requirement for grant agreements established by rules~~ 84641  
~~adopted under that section, is not complied with;.~~ 84642

(2) A performance standard for the workforce development 84643  
activity established by the federal government or the department 84644  
is not met;.

(3) ~~A~~ An entity has failed to comply with a workforce 84646  
development activity requirement ~~for the workforce development~~ 84647  
~~activity~~ established by the department ~~or any of the following is~~ 84648  
~~not complied with;.~~ a federal or state law, a state plan for 84649  
receipt of federal financial participation, a grant agreement 84650  
between the department and a federal agency, or an executive 84651  
order;.

(4) The responsible entity is solely or partially 84653  
responsible, as determined by the director of job and family 84654  
services, for an adverse audit finding, adverse quality control 84655  
finding, final disallowance of federal financial participation, or 84656  
other sanction or penalty regarding the workforce development 84657  
activity. 84658

(C) The department may take one or more of the following 84659  
actions against the responsible entity when authorized by division 84660  
(B)(1), (2), (3), or (4) of this section: 84661

(1) Require the responsible entity to submit to and comply 84662  
with a corrective action plan, established or approved by the 84663

department, pursuant to a time schedule specified by the 84664  
department; 84665

(2) Require the responsible entity to do one of the 84666  
following: 84667

(a) Share with the department a final disallowance of federal 84668  
financial participation or other sanction or penalty; 84669

(b) Reimburse the department the amount the department pays 84670  
to the federal government or another entity that represents the 84671  
amount the responsible entity is responsible for of an adverse 84672  
audit finding, adverse quality control finding, final disallowance 84673  
of federal financial participation, or other sanction or penalty 84674  
issued by the federal government, auditor of state, or other 84675  
entity; 84676

(c) Pay the federal government or another entity the amount 84677  
that represents the amount the responsible entity is responsible 84678  
for of an adverse audit finding, adverse quality control finding, 84679  
final disallowance of federal financial participation, or other 84680  
sanction or penalty issued by the federal government, auditor of 84681  
state, or other entity; 84682

(d) Pay the department the amount that represents the amount 84683  
the responsible entity is responsible for of an adverse audit 84684  
finding, adverse quality control finding, or other sanction or 84685  
penalty issued by the department. 84686

(3) Impose a financial or administrative sanction or adverse 84687  
audit finding issued by the department against the responsible 84688  
entity, which may be increased with each subsequent action taken 84689  
against the responsible entity; 84690

(4) Perform or contract with a government or private entity 84691  
for the entity to perform the workforce development activity until 84692  
the department is satisfied that the responsible entity ensures 84693  
that the activity will be performed to the department's 84694

satisfaction. If the department performs or contracts with an entity to perform the workforce development activity under division (C)(4) of this section, the department may withhold funds allocated to or reimbursements due to the responsible entity for the activity and use those funds to implement division (C)(4) of this section.

(5) Request the attorney general to bring mandamus proceedings to compel the responsible entity to take or cease the actions listed in division (B) of this section. The attorney general shall bring any mandamus proceedings in the Franklin county court of appeals at the department's request.

(6) If the department takes action under this division because of division (B)(3) of this section, withhold funds allocated or reimbursement due to the responsible entity until the department determines that the responsible entity is in compliance with the requirement. The department shall release the funds when the department determines that compliance has been achieved.

(7) Issue a notice of intent to revoke approval of all or part of the local plan effected that conflicts with state or federal law and effectuate the revocation.

(D) The department shall notify the responsible entity and the appropriate county auditor ~~when the department proposes to take~~ before taking action under division (C) of this section. The notice shall be in writing and specify the proposed action ~~the department proposes to take~~. The department shall send the notice by regular United States mail. Except as provided in division (E) of this section, the responsible entity may request an administrative review of a proposed action in accordance with administrative review procedures the department shall establish. The administrative review procedures shall comply with all of the following:

(1) A request for an administrative review shall state 84726  
specifically all of the following: 84727

(a) The proposed action specified in the notice from the 84728  
department for which the review is requested; 84729

(b) The reason why the responsible entity believes the 84730  
proposed action is inappropriate; 84731

(c) All facts and legal arguments that the responsible entity 84732  
wants the department to consider; 84733

(d) The name of the person who will serve as the responsible 84734  
entity's representative in the review. 84735

(2) If the department's notice specifies more than one 84736  
proposed action and the responsible entity does not specify all of 84737  
the proposed actions in its request pursuant to division (D)(1)(a) 84738  
of this section, the proposed actions not specified in the request 84739  
shall not be subject to administrative review and the parts of the 84740  
notice regarding those proposed actions shall be final and binding 84741  
on the responsible entity. 84742

(3) The responsible entity shall have fifteen calendar days 84743  
after the department mails the notice to the responsible entity to 84744  
send a written request to the department for an administrative 84745  
review. The responsible entity and the department shall attempt to 84746  
resolve informally any dispute and may develop a written 84747  
resolution to the dispute at any time prior to submitting the 84748  
written report described in division (D)(7) of this section to the 84749  
director. 84750

(4) In the case of a proposed action under division (C)(2) of 84751  
this section, the responsible entity may not include in its 84752  
request disputes over a finding, final disallowance of federal 84753  
financial participation, or other sanction or penalty issued by 84754  
the federal government, auditor of state, or other entity other 84755  
than the department. 84756

(5) If the responsible entity fails to request an administrative review within the required time, the responsible entity loses the right to request an administrative review of the proposed actions specified in the notice and the notice becomes final and binding on the responsible entity.

(6) The director of job and family services shall appoint an administrative review panel to conduct the administrative review. The review panel shall consist of department employees who are not involved in the department's proposal to take action against the responsible entity. The review panel shall review the responsible entity's request. The review panel may require that the department or responsible entity submit additional information and schedule and conduct an informal hearing to obtain testimony or additional evidence. A review of a proposal to take action under division (C)(2) of this section shall be limited solely to the issue of the amount the responsible entity shall share with the department, reimburse the department, or pay to the federal government, department, or other entity under division (C)(2) of this section. The review panel is not required to make a stenographic record of its hearing or other proceedings.

(7) After finishing an administrative review, an administrative review panel appointed under division (D)(6) of this section shall submit a written report to the director setting forth its findings of fact, conclusions of law, and recommendations for action. The director may approve, modify, or disapprove the recommendations.

(8) The director's approval, modification, or disapproval under division (D)(7) of this section shall be final and binding on the responsible entity and shall not be subject to further review.

(E) The responsible entity is not entitled to an administrative review under division (D) of this section for any

of the following: 84789

(1) An action taken under division (C)(5) or (6) of this 84790  
section; 84791

(2) An action taken under section 5101.242 of the Revised 84792  
Code; 84793

(3) An action taken under division (C)(2) of this section if 84794  
the federal government, auditor of state, or entity other than the 84795  
department has identified the responsible entity as being solely 84796  
or partially responsible for an adverse audit finding, adverse 84797  
quality control finding, final disallowance of federal financial 84798  
participation, or other sanction or penalty; 84799

(4) An adjustment to an allocation, cash draw, advance, or 84800  
reimbursement to the responsible entity's local area that the 84801  
department determines necessary for budgetary reasons; 84802

(5) Withholding of a cash draw or reimbursement due to 84803  
noncompliance with a reporting requirement established in rules 84804  
adopted under section 5101.243 of the Revised Code. 84805

(F) This section does not apply to other actions the 84806  
department takes against the responsible entity pursuant to 84807  
authority granted by another state law unless the other state law 84808  
requires the department to take the action in accordance with this 84809  
section. 84810

(G) The director of job and family services may adopt rules 84811  
in accordance with Chapter 119. of the Revised Code as necessary 84812  
to implement this section. 84813

(H) The governor may decertify a local ~~workforce development~~ 84814  
board for any of the following reasons in accordance with 84815  
subsection ~~(e) of section 117 of the "Workforce Investment Act of~~ 84816  
~~1998" 112 Stat. 936, 29 U.S.C. 2801, as amended (c)(3) of section~~ 84817  
107 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 84818

|                                                                            |       |
|----------------------------------------------------------------------------|-------|
| <u>3122:</u>                                                               | 84819 |
| (1) Fraud or abuse;                                                        | 84820 |
| (2) Failure to carry out the requirements of the federal                   | 84821 |
| <del>"Workforce Investment Act," 112 Stat. 936, 29 U.S.C. 2801, as</del>   | 84822 |
| <del>amended, including failure to meet performance standards</del>        | 84823 |
| <del>established by the federal government for two consecutive years</del> | 84824 |
| <u>"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et</u>       | 84825 |
| <u>seq. i</u>                                                              | 84826 |
| <u>(3) Failure to meet local performance accountability measures</u>       | 84827 |
| <u>for the local area for two consecutive program years, as specified</u>  | 84828 |
| <u>in subsection (c)(3)(B) of section 107 of the "Workforce</u>            | 84829 |
| <u>Innovation and Opportunity Act," 29 U.S.C. 3122.</u>                    | 84830 |
| <u>(I)(1) If the governor finds that access to basic "Workforce</u>        | 84831 |
| <u>Investment Act" services is not being provided in a local area,</u>     | 84832 |
| <u>the governor may declare an emergency and, in consultation with</u>     | 84833 |
| <u>the chief elected officials of the local area affected, arrange</u>     | 84834 |
| <u>for provision of these services through an alternative entity</u>       | 84835 |
| <u>during the time period in which resolution of the problem</u>           | 84836 |
| <u>preventing service delivery in the local area is pending</u>            | 84837 |
| <u>determines that there has been a substantial violation of a</u>         | 84838 |
| <u>specific provision of the "Workforce Innovation and Opportunity</u>     | 84839 |
| <u>Act," 29 U.S.C. 3101 et seq., and that corrective action has not</u>    | 84840 |
| <u>been taken, the governor shall take one of the following actions:</u>   | 84841 |
| <u>(a) Issue a notice of intent to revoke approval of all or</u>           | 84842 |
| <u>part of a local plan affected by the violation;</u>                     | 84843 |
| <u>(b) Impose a reorganization plan.</u>                                   | 84844 |
| <u>(2) A reorganization plan imposed under division (I)(1) of</u>          | 84845 |
| <u>this section may include any of the following:</u>                      | 84846 |
| <u>(a) Decertifying the local board involved in the violation;</u>         | 84847 |
| <u>(b) Prohibiting the use of eligible providers;</u>                      | 84848 |

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(c) Selecting an alternate entity to administer the program</u>        | 84849 |
| <u>for the local area involved in the violation;</u>                      | 84850 |
| <u>(d) Merging the local area with one or more other local</u>            | 84851 |
| <u>areas;</u>                                                             | 84852 |
| <u>(e) Making other changes that the governor determines to be</u>        | 84853 |
| <u>necessary to secure compliance with the specific provision. An</u>     | 84854 |
| <u>An action taken by the governor pursuant to this section is</u>        | 84855 |
| <u>not subject to appeal under this section may be appealed and shall</u> | 84856 |
| <u>not become effective until the time for appeal has expired or a</u>    | 84857 |
| <u>final decision has been issued on the appeal.</u>                      | 84858 |
| <br>                                                                      |       |
| <b>Sec. 5101.26.</b> As used in this section and in sections 5101.27      | 84859 |
| to 5101.30 of the Revised Code:                                           | 84860 |
| <br>                                                                      |       |
| (A) "County agency" means a county department of job and                  | 84861 |
| family services or a public children services agency.                     | 84862 |
| <br>                                                                      |       |
| (B) "Fugitive felon" means an individual who is fleeing to                | 84863 |
| avoid prosecution, or custody or confinement after conviction,            | 84864 |
| under the laws of the place from which the individual is fleeing,         | 84865 |
| for a crime or an attempt to commit a crime that is a felony under        | 84866 |
| the laws of the place from which the individual is fleeing or, in         | 84867 |
| the case of New Jersey, a high misdemeanor, regardless of whether         | 84868 |
| the individual has departed from the individual's usual place of          | 84869 |
| residence.                                                                | 84870 |
| <br>                                                                      |       |
| (C) "Information" means records as defined in section 149.011             | 84871 |
| of the Revised Code, any other documents in any format, and data          | 84872 |
| derived from records and documents that are generated, acquired,          | 84873 |
| or maintained by the department of job and family services, a             | 84874 |
| county agency, or an entity performing duties on behalf of the            | 84875 |
| department or a county agency.                                            | 84876 |
| <br>                                                                      |       |
| (D) "Law enforcement agency" means the state highway patrol,              | 84877 |
| an agency that employs peace officers as defined in section 109.71        | 84878 |

of the Revised Code, the adult parole authority, a county 84879  
department of probation, a prosecuting attorney, the attorney 84880  
general, similar agencies of other states, federal law enforcement 84881  
agencies, and postal inspectors. "Law enforcement agency" includes 84882  
the peace officers and other law enforcement officers employed by 84883  
the agency. 84884

(E) "Public assistance" means financial assistance or social 84885  
services that are provided under a program administered by the 84886  
department of job and family services or a county agency pursuant 84887  
to Chapter 329., 5101., 5104., 5107., or 5108., ~~or 5115.~~ of the 84888  
Revised Code or an executive order issued under section 107.17 of 84889  
the Revised Code. "Public assistance" does not mean medical 84890  
assistance provided under a medical assistance program, as defined 84891  
in section 5160.01 of the Revised Code. 84892

(F) "Public assistance recipient" means an applicant for or 84893  
recipient or former recipient of public assistance. 84894

**Sec. 5101.27.** (A) Except as permitted by this section, 84895  
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 84896  
rules adopted under section 5101.30 of the Revised Code, or when 84897  
required by federal law, no person or government entity shall 84898  
solicit, disclose, receive, use, or knowingly permit, or 84899  
participate in the use of any information regarding a public 84900  
assistance recipient for any purpose not directly connected with 84901  
the administration of a public assistance program. 84902

(B) To the extent permitted by federal law, the department of 84903  
job and family services and county agencies shall do all of the 84904  
following: 84905

(1) Release information regarding a public assistance 84906  
recipient for purposes directly connected to the administration of 84907  
the program to a government entity responsible for administering 84908  
that public assistance program; 84909

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (2) Provide information regarding a public assistance recipient to a law enforcement agency for the purpose of any investigation, prosecution, or criminal or civil proceeding relating to the administration of that public assistance program;                                                                                                                                                                                                                                    | 84910<br>84911<br>84912<br>84913                                     |
| (3) Provide, for purposes directly connected to the administration of a program that assists needy individuals with the costs of public utility services, information regarding a recipient of financial assistance provided under a program administered by the department or a county agency pursuant to Chapter 5107. or 5108. of the Revised Code <del>or sections 5115.01 to 5115.07 of the Revised Code</del> to an entity administering the public utility services program. | 84914<br>84915<br>84916<br>84917<br>84918<br>84919<br>84920<br>84921 |
| (C) To the extent permitted by federal law and section 1347.08 of the Revised Code, the department and county agencies shall provide access to information regarding a public assistance recipient to all of the following:                                                                                                                                                                                                                                                         | 84922<br>84923<br>84924<br>84925                                     |
| (1) The recipient;                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 84926                                                                |
| (2) The authorized representative;                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 84927                                                                |
| (3) The legal guardian of the recipient;                                                                                                                                                                                                                                                                                                                                                                                                                                            | 84928                                                                |
| (4) The attorney of the recipient, if the attorney has written authorization that complies with section 5101.272 of the Revised Code from the recipient.                                                                                                                                                                                                                                                                                                                            | 84929<br>84930<br>84931                                              |
| (D) To the extent permitted by federal law and subject to division (E) of this section, the department and county agencies may do both of the following:                                                                                                                                                                                                                                                                                                                            | 84932<br>84933<br>84934                                              |
| (1) Release information about a public assistance recipient if the recipient gives voluntary, written authorization that complies with section 5101.272 of the Revised Code;                                                                                                                                                                                                                                                                                                        | 84935<br>84936<br>84937                                              |
| (2) Release information regarding a public assistance recipient to a state, federal, or federally assisted program that                                                                                                                                                                                                                                                                                                                                                             | 84938<br>84939                                                       |

provides cash or in-kind assistance or services directly to 84940  
individuals based on need or for the purpose of protecting 84941  
children to a government entity responsible for administering a 84942  
children's protective services program. 84943

(E) Except when the release is required by division (B), (C), 84944  
or (D)(2) of this section, the department or county agency shall 84945  
release the information only in accordance with the authorization. 84946  
The department or county agency shall provide, at no cost, a copy 84947  
of each written authorization to the individual who signed it. 84948

(F) The department of job and family services may adopt rules 84949  
defining "authorized representative" for purposes of division 84950  
(C)(2) of this section. 84951

**Sec. 5101.28.** (A)(1) On request of the department of job and 84952  
family services or a county agency, a law enforcement agency shall 84953  
provide information regarding public assistance recipients to 84954  
enable the department or county agency to determine, for 84955  
eligibility purposes, whether a recipient or a member of a 84956  
recipient's assistance group is a fugitive felon or violating a 84957  
condition of probation, a community control sanction, parole, or a 84958  
post-release control sanction imposed under state or federal law. 84959

(2) A county agency may enter into a written agreement with a 84960  
local law enforcement agency establishing procedures concerning 84961  
access to information and providing for compliance with division 84962  
(F) of this section. 84963

(B) To the extent permitted by federal law, the department 84964  
and county agencies shall provide information regarding recipients 84965  
of public assistance under a program administered by the state 84966  
department or a county agency pursuant to Chapter 5107.7 or 5108.7 84967  
~~or 5115.~~ of the Revised Code to law enforcement agencies on 84968  
request for the purposes of investigations, prosecutions, and 84969  
criminal and civil proceedings that are within the scope of the 84970

law enforcement agencies' official duties. 84971

(C) Information about a public assistance recipient shall be 84972  
exchanged, obtained, or shared only if the department, county 84973  
agency, or law enforcement agency requesting the information gives 84974  
sufficient information to specifically identify the recipient. In 84975  
addition to the recipient's name, identifying information may 84976  
include the recipient's current or last known address, social 84977  
security number, other identifying number, age, gender, physical 84978  
characteristics, any information specified in an agreement entered 84979  
into under division (A) of this section, or any information 84980  
considered appropriate by the department or agency. 84981

(D)(1) The department and its officers and employees are not 84982  
liable in damages in a civil action for any injury, death, or loss 84983  
to person or property that allegedly arises from the release of 84984  
information in accordance with divisions (A), (B), and (C) of this 84985  
section. This section does not affect any immunity or defense that 84986  
the department and its officers and employees may be entitled to 84987  
under another section of the Revised Code or the common law of 84988  
this state, including section 9.86 of the Revised Code. 84989

(2) The county agencies and their employees are not liable in 84990  
damages in a civil action for any injury, death, or loss to person 84991  
or property that allegedly arises from the release of information 84992  
in accordance with divisions (A), (B), and (C) of this section. 84993  
"Employee" has the same meaning as in division (B) of section 84994  
2744.01 of the Revised Code. This section does not affect any 84995  
immunity or defense that the county agencies and their employees 84996  
may be entitled to under another section of the Revised Code or 84997  
the common law of this state, including section 2744.02 and 84998  
division (A)(6) of section 2744.03 of the Revised Code. 84999

(E) To the extent permitted by federal law, the department 85000  
and county agencies shall provide access to information to the 85001  
auditor of state acting pursuant to Chapter 117. or sections 85002

5101.181 and 5101.182 of the Revised Code and to any other 85003  
government entity authorized by federal law to conduct an audit 85004  
of, or similar activity involving, a public assistance program. 85005

(F) The auditor of state shall prepare an annual report on 85006  
the outcome of the agreements required under division (A) of this 85007  
section. The report shall include the number of fugitive felons, 85008  
probation and parole violators, and violators of community control 85009  
sanctions and post-release control sanctions apprehended during 85010  
the immediately preceding year as a result of the exchange of 85011  
information pursuant to that division. The auditor of state shall 85012  
file the report with the governor, the president and minority 85013  
leader of the senate, and the speaker and minority leader of the 85014  
house of representatives. The state department, county agencies, 85015  
and law enforcement agencies shall cooperate with the auditor of 85016  
state's office in gathering the information required under this 85017  
division. 85018

(G) To the extent permitted by federal law, the department of 85019  
job and family services, county departments of job and family 85020  
services, and employees of the departments may report to a public 85021  
children services agency or other appropriate agency information 85022  
on known or suspected physical or mental injury, sexual abuse or 85023  
exploitation, or negligent treatment or maltreatment, of a child 85024  
receiving public assistance, if circumstances indicate that the 85025  
child's health or welfare is threatened. 85026

(H) As used in this section: 85027

(1) "Community control sanction" has the same meaning as in 85028  
section 2929.01 of the Revised Code. 85029

(2) "Post-release control sanction" has the same meaning as 85030  
in section 2967.01 of the Revised Code. 85031

**Sec. 5101.32.** (A) The department of job and family services 85032

shall work with the superintendent of the bureau of criminal 85033  
identification and investigation to develop procedures and formats 85034  
necessary to produce the notices described in division ~~(C)~~(D) of 85035  
section 109.5721 of the Revised Code in a format that is 85036  
acceptable for use by the department. The department may adopt 85037  
rules in accordance with section 111.15 of the Revised Code, as if 85038  
they were internal management rules, necessary for such 85039  
collaboration. 85040

(B) The department of job and family services may adopt rules 85041  
in accordance with Chapter 119. of the Revised Code necessary for 85042  
utilizing the information received pursuant to section 109.5721 of 85043  
the Revised Code, with a final effective date that is not later 85044  
than December 31, 2008. 85045

**Sec. 5101.33.** (A) As used in this section, "benefits" means 85046  
any of the following: 85047

(1) Cash assistance paid under Chapter 5107. ~~or 5115.~~ of the 85048  
Revised Code; 85049

(2) Supplemental nutrition assistance program benefits 85050  
provided under section 5101.54 of the Revised Code; 85051

(3) Any other program administered by the department of job 85052  
and family services under which assistance is provided or service 85053  
rendered; 85054

(4) Any other program, service, or assistance administered by 85055  
a person or government entity that the department determines may 85056  
be delivered through the medium of electronic benefit transfer. 85057

(B) The department of job and family services may make any 85058  
payment or delivery of benefits to eligible individuals through 85059  
the medium of electronic benefit transfer by doing all of the 85060  
following: 85061

(1) Contracting with an agent to supply debit cards to the 85062

department of job and family services for use by such individuals 85063  
in accessing their benefits and to credit such cards 85064  
electronically with the amounts specified by the director of job 85065  
and family services pursuant to law; 85066

(2) Informing such individuals about the use of the 85067  
electronic benefit transfer system and furnishing them with debit 85068  
cards and information that will enable them to access their 85069  
benefits through the system; 85070

(3) Arranging with specific financial institutions or 85071  
vendors, county departments of job and family services, or persons 85072  
or government entities for individuals to have their cards 85073  
credited electronically with the proper amounts at their 85074  
facilities; 85075

(4) Periodically preparing vouchers for the payment of such 85076  
benefits by electronic benefit transfer; 85077

(5) Satisfying any applicable requirements of federal and 85078  
state law. 85079

(C) The department may enter into a written agreement with 85080  
any person or government entity to provide benefits administered 85081  
by that person or entity through the medium of electronic benefit 85082  
transfer. A written agreement may require the person or government 85083  
entity to pay to the department either or both of the following: 85084

(1) A charge that reimburses the department for all costs the 85085  
department incurs in having the benefits administered by the 85086  
person or entity provided through the electronic benefit transfer 85087  
system; 85088

(2) A fee for having the benefits provided through the 85089  
electronic benefit transfer system. 85090

(D) The department may designate which counties will 85091  
participate in the medium of electronic benefit transfer, specify 85092

the date a designated county will begin participation, and specify 85093  
which benefits will be provided through the medium of electronic 85094  
benefit transfer in a designated county. 85095

(E) The department may adopt rules in accordance with Chapter 85096  
119. of the Revised Code for the efficient administration of this 85097  
section. 85098

**Sec. 5101.35.** (A) As used in this section: 85099

(1)(a) "Agency" means the following entities that administer 85100  
a family services program: 85101

(i) The department of job and family services; 85102

(ii) A county department of job and family services; 85103

(iii) A public children services agency; 85104

(iv) A private or government entity administering, in whole 85105  
or in part, a family services program for or on behalf of the 85106  
department of job and family services or a county department of 85107  
job and family services or public children services agency. 85108

(b) If the department of medicaid contracts with the 85109  
department of job and family services to hear appeals authorized 85110  
by section 5160.31 of the Revised Code regarding medical 85111  
assistance programs, "agency" includes the department of medicaid. 85112

(2) "Appellant" means an applicant, participant, former 85113  
participant, recipient, or former recipient of a family services 85114  
program who is entitled by federal or state law to a hearing 85115  
regarding a decision or order of the agency that administers the 85116  
program. 85117

(3)(a) "Family services program" means all of the following: 85118

(i) A Title IV-A program as defined in section 5101.80 of the 85119  
Revised Code; 85120

(ii) Programs that provide assistance under Chapter 5104. ~~or~~ 85121

~~5115~~ of the Revised Code; 85122

(iii) Programs that provide assistance under section 85123  
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 85124  
Revised Code; 85125

(iv) Title XX social services provided under section 5101.46 85126  
of the Revised Code, other than such services provided by the 85127  
department of mental health and addiction services, the department 85128  
of developmental disabilities, a board of alcohol, drug addiction, 85129  
and mental health services, or a county board of developmental 85130  
disabilities. 85131

(b) If the department of medicaid contracts with the 85132  
department of job and family services to hear appeals authorized 85133  
by section 5160.31 of the Revised Code regarding medical 85134  
assistance programs, "family services program" includes medical 85135  
assistance programs. 85136

(4) "Medical assistance program" has the same meaning as in 85137  
section 5160.01 of the Revised Code. 85138

(B) Except as provided by divisions (G) and (H) of this 85139  
section, an appellant who appeals under federal or state law a 85140  
decision or order of an agency administering a family services 85141  
program shall, at the appellant's request, be granted a state 85142  
hearing by the department of job and family services. This state 85143  
hearing shall be conducted in accordance with rules adopted under 85144  
this section. The state hearing shall be recorded, but neither the 85145  
recording nor a transcript of the recording shall be part of the 85146  
official record of the proceeding. Except as provided in section 85147  
5160.31 of the Revised Code, a state hearing decision is binding 85148  
upon the agency and department, unless it is reversed or modified 85149  
on appeal to the director of job and family services or a court of 85150  
common pleas. 85151

(C) Except as provided by division (G) of this section, an 85152

appellant who disagrees with a state hearing decision may make an 85153  
administrative appeal to the director of job and family services 85154  
in accordance with rules adopted under this section. This 85155  
administrative appeal does not require a hearing, but the director 85156  
or the director's designee shall review the state hearing decision 85157  
and previous administrative action and may affirm, modify, remand, 85158  
or reverse the state hearing decision. An administrative appeal 85159  
decision is the final decision of the department and, except as 85160  
provided in section 5160.31 of the Revised Code, is binding upon 85161  
the department and agency, unless it is reversed or modified on 85162  
appeal to the court of common pleas. 85163

(D) An agency shall comply with a decision issued pursuant to 85164  
division (B) or (C) of this section within the time limits 85165  
established by rules adopted under this section. If a county 85166  
department of job and family services or a public children 85167  
services agency fails to comply within these time limits, the 85168  
department may take action pursuant to section 5101.24 of the 85169  
Revised Code. If another agency, other than the department of 85170  
medicaid, fails to comply within the time limits, the department 85171  
may force compliance by withholding funds due the agency or 85172  
imposing another sanction established by rules adopted under this 85173  
section. 85174

(E) An appellant who disagrees with an administrative appeal 85175  
decision of the director of job and family services or the 85176  
director's designee issued under division (C) of this section may 85177  
appeal from the decision to the court of common pleas pursuant to 85178  
section 119.12 of the Revised Code. The appeal shall be governed 85179  
by section 119.12 of the Revised Code except that: 85180

(1) The person may appeal to the court of common pleas of the 85181  
county in which the person resides, or to the court of common 85182  
pleas of Franklin county if the person does not reside in this 85183  
state. 85184

(2) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal.

(3) The appellant shall mail the notice of appeal to the department of job and family services and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.

(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following:

(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family services to request a county conference with the county department before the state hearing is held.

(2) Administrative appeals under division (C) of this section;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| (3) Time limits for complying with a decision issued under division (B) or (C) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 85216<br>85217                                                                                  |
| (4) Sanctions that may be applied against an agency under division (D) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 85218<br>85219                                                                                  |
| (G) The department of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing an appeals process for an appellant who appeals a decision or order regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code that is different from the appeals process established by this section. The different appeals process may include having a state agency that administers the Title IV-A program pursuant to an interagency agreement entered into under section 5101.801 of the Revised Code administer the appeals process.                      | 85220<br>85221<br>85222<br>85223<br>85224<br>85225<br>85226<br>85227<br>85228<br>85229          |
| (H) If an appellant receiving medicaid through a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code is appealing a denial of medicaid services based on lack of medical necessity or other clinical issues regarding coverage by the health insuring corporation, the person hearing the appeal may order an independent medical review if that person determines that a review is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review. | 85230<br>85231<br>85232<br>85233<br>85234<br>85235<br>85236<br>85237<br>85238<br>85239<br>85240 |
| A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 85241<br>85242<br>85243                                                                         |
| (I) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 85244<br>85245<br>85246                                                                         |

adopted under this section. 85247

**Sec. 5101.36.** Any application for public assistance gives a 85248  
right of subrogation to the department of job and family services 85249  
for any workers' compensation benefits payable to a person who is 85250  
subject to a support order, as defined in section 3119.01 of the 85251  
Revised Code, on behalf of the applicant, to the extent of any 85252  
public assistance payments made on the applicant's behalf. If the 85253  
director of job and family services, in consultation with a child 85254  
support enforcement agency and the administrator of the bureau of 85255  
workers' compensation, determines that a person responsible for 85256  
support payments to a recipient of public assistance is receiving 85257  
workers' compensation, the director shall notify the administrator 85258  
of the amount of the benefit to be paid to the department of job 85259  
and family services. 85260

For purposes of this section, "public assistance" means Ohio 85261  
works first provided under Chapter 5107. of the Revised Code; or 85262  
prevention, retention, and contingency benefits and services 85263  
provided under Chapter 5108. of the Revised Code; ~~or disability~~ 85264  
~~financial assistance provided under Chapter 5115. of the Revised~~ 85265  
~~Code.~~ 85266

**Sec. 5101.61.** (A) As used in this section: 85267

(1) "Senior service provider" means any person who provides 85268  
care or services to a person who is an adult as defined in 85269  
division (B) of section 5101.60 of the Revised Code. 85270

(2) "Ambulatory health facility" means a nonprofit, public or 85271  
proprietary freestanding organization or a unit of such an agency 85272  
or organization that: 85273

(a) Provides preventive, diagnostic, therapeutic, 85274  
rehabilitative, or palliative items or services furnished to an 85275  
outpatient or ambulatory patient, by or under the direction of a 85276

physician or dentist in a facility which is not a part of a 85277  
hospital, but which is organized and operated to provide medical 85278  
care to outpatients; 85279

(b) Has health and medical care policies which are developed 85280  
with the advice of, and with the provision of review of such 85281  
policies, an advisory committee of professional personnel, 85282  
including one or more physicians, one or more dentists, if dental 85283  
care is provided, and one or more registered nurses; 85284

(c) Has a medical director, a dental director, if dental care 85285  
is provided, and a nursing director responsible for the execution 85286  
of such policies, and has physicians, dentists, nursing, and 85287  
ancillary staff appropriate to the scope of services provided; 85288

(d) Requires that the health care and medical care of every 85289  
patient be under the supervision of a physician, provides for 85290  
medical care in a case of emergency, has in effect a written 85291  
agreement with one or more hospitals and other centers or clinics, 85292  
and has an established patient referral system to other resources, 85293  
and a utilization review plan and program; 85294

(e) Maintains clinical records on all patients; 85295

(f) Provides nursing services and other therapeutic services 85296  
in accordance with programs and policies, with such services 85297  
supervised by a registered professional nurse, and has a 85298  
registered professional nurse on duty at all times of clinical 85299  
operations; 85300

(g) Provides approved methods and procedures for the 85301  
dispensing and administration of drugs and biologicals; 85302

(h) Has established an accounting and record keeping system 85303  
to determine reasonable and allowable costs; 85304

(i) "Ambulatory health facilities" also includes an 85305  
alcoholism treatment facility approved by the joint commission on 85306

accreditation of healthcare organizations as an alcoholism 85307  
treatment facility or certified by the department of mental health 85308  
and addiction services, and such facility shall comply with other 85309  
provisions of this division not inconsistent with such 85310  
accreditation or certification. 85311

(3) "Community mental health facility" means a facility which 85312  
provides community mental health services and is included in the 85313  
comprehensive mental health plan for the alcohol, drug addiction, 85314  
and mental health service district in which it is located. 85315

(4) "Community mental health service" means services, other 85316  
than inpatient services, provided by a community mental health 85317  
facility. 85318

(5) "Home health agency" means an institution or a distinct 85319  
part of an institution operated in this state which: 85320

(a) Is primarily engaged in providing home health services; 85321

(b) Has home health policies which are established by a group 85322  
of professional personnel, including one or more duly licensed 85323  
doctors of medicine or osteopathy and one or more registered 85324  
professional nurses, to govern the home health services it 85325  
provides and which includes a requirement that every patient must 85326  
be under the care of a duly licensed doctor of medicine or 85327  
osteopathy; 85328

(c) Is under the supervision of a duly licensed doctor of 85329  
medicine or doctor of osteopathy or a registered professional 85330  
nurse who is responsible for the execution of such home health 85331  
policies; 85332

(d) Maintains comprehensive records on all patients; 85333

(e) Is operated by the state, a political subdivision, or an 85334  
agency of either, or is operated not for profit in this state and 85335  
is licensed or registered, if required, pursuant to law by the 85336

appropriate department of the state, county, or municipality in 85337  
which it furnishes services; or is operated for profit in this 85338  
state, meets all the requirements specified in divisions (A)(5)(a) 85339  
to (d) of this section, and is certified under Title XVIII of the 85340  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 85341  
amended. 85342

(6) "Home health service" means the following items and 85343  
services, provided, except as provided in division (A)(6)(g) of 85344  
this section, on a visiting basis in a place of residence used as 85345  
the patient's home: 85346

(a) Nursing care provided by or under the supervision of a 85347  
registered professional nurse; 85348

(b) Physical, occupational, or speech therapy ordered by the 85349  
patient's attending physician; 85350

(c) Medical social services performed by or under the 85351  
supervision of a qualified medical or psychiatric social worker 85352  
and under the direction of the patient's attending physician; 85353

(d) Personal health care of the patient performed by aides in 85354  
accordance with the orders of a doctor of medicine or osteopathy 85355  
and under the supervision of a registered professional nurse; 85356

(e) Medical supplies and the use of medical appliances; 85357

(f) Medical services of interns and residents-in-training 85358  
under an approved teaching program of a nonprofit hospital and 85359  
under the direction and supervision of the patient's attending 85360  
physician; 85361

(g) Any of the foregoing items and services which: 85362

(i) Are provided on an outpatient basis under arrangements 85363  
made by the home health agency at a hospital or skilled nursing 85364  
facility; 85365

(ii) Involve the use of equipment of such a nature that the 85366

items and services cannot readily be made available to the patient 85367  
in the patient's place of residence, or which are furnished at the 85368  
hospital or skilled nursing facility while the patient is there to 85369  
receive any item or service involving the use of such equipment. 85370

(7) "Representative of the office of the state long-term care 85371  
program" has the same meaning as in section 173.14 of the Revised 85372  
Code. 85373

Any attorney, physician, osteopath, podiatrist, chiropractor, 85374  
dentist, psychologist, any employee of a hospital as defined in 85375  
section 3701.01 of the Revised Code, any nurse licensed under 85376  
Chapter 4723. of the Revised Code, any employee of an ambulatory 85377  
health facility, any employee of a home health agency, any 85378  
employee of a residential facility licensed under section 5119.34 85379  
of the Revised Code that provides accommodations, supervision, and 85380  
personal care services for three to sixteen unrelated adults, any 85381  
employee of a nursing home, residential care facility, or home for 85382  
the aging, as defined in section 3721.01 of the Revised Code, any 85383  
senior service provider other than a representative of the office 85384  
of the state long-term care program, any peace officer, coroner, 85385  
member of the clergy, any employee of a community mental health 85386  
facility, and any person engaged in professional counseling, 85387  
social work, or marriage and family therapy having reasonable 85388  
cause to believe that an adult is being abused, neglected, or 85389  
exploited, or is in a condition which is the result of abuse, 85390  
neglect, or exploitation shall immediately report such belief to 85391  
the county department of job and family services. ~~This~~ 85392

This section does not apply to employees of any hospital or 85393  
public hospital as defined in section 5122.01 of the Revised Code. 85394

(B) Any person having reasonable cause to believe that an 85395  
adult has suffered abuse, neglect, or exploitation may report, or 85396  
cause reports to be made of such belief to the department. 85397

This division applies to a representative of the office of 85398  
the state long-term care program only to the extent permitted by 85399  
federal law. 85400

(C) The reports made under this section shall be made orally 85401  
or in writing except that oral reports shall be followed by a 85402  
written report if a written report is requested by the department. 85403  
Written reports shall include: 85404

(1) The name, address, and approximate age of the adult who 85405  
is the subject of the report; 85406

(2) The name and address of the individual responsible for 85407  
the adult's care, if any individual is, and if the individual is 85408  
known; 85409

(3) The nature and extent of the alleged abuse, neglect, or 85410  
exploitation of the adult; 85411

(4) The basis of the reporter's belief that the adult has 85412  
been abused, neglected, or exploited. 85413

(D) Any person with reasonable cause to believe that an adult 85414  
is suffering abuse, neglect, or exploitation who makes a report 85415  
pursuant to this section or who testifies in any administrative or 85416  
judicial proceeding arising from such a report, or any employee of 85417  
the state or any of its subdivisions who is discharging 85418  
responsibilities under section 5101.62 of the Revised Code shall 85419  
be immune from civil or criminal liability on account of such 85420  
investigation, report, or testimony, except liability for perjury, 85421  
unless the person has acted in bad faith or with malicious 85422  
purpose. 85423

(E) No employer or any other person with the authority to do 85424  
so shall discharge, demote, transfer, prepare a negative work 85425  
performance evaluation, or reduce benefits, pay, or work 85426  
privileges, or take any other action detrimental to an employee or 85427  
in any way retaliate against an employee as a result of the 85428

employee's having filed a report under this section. 85429

(F) The written or oral report provided for in this section 85430  
and the investigatory report provided for in section 5101.62 of 85431  
the Revised Code are confidential and are not public records, as 85432  
defined in section 149.43 of the Revised Code. In accordance with 85433  
rules adopted by the department of job and family services, 85434  
information contained in the report shall upon request be made 85435  
available to the adult who is the subject of the report and to 85436  
legal counsel for the adult. 85437

(G) The county department of job and family services shall be 85438  
available to receive the written or oral report provided for in 85439  
this section twenty-four hours a day and seven days a week. 85440

**Sec. 5101.802.** (A) As used in this section: 85441

(1) "Custodian," "guardian," and "minor child" have the same 85442  
meanings as in section 5107.02 of the Revised Code. 85443

(2) "Federal poverty guidelines" has the same meaning as in 85444  
section 5101.46 of the Revised Code. 85445

(3) "Kinship caregiver" has the same meaning as in section 85446  
5101.85 of the Revised Code. 85447

(B) Subject to division (E) of section 5101.801 of the 85448  
Revised Code, there is hereby created the kinship permanency 85449  
incentive program to promote permanency for a minor child in the 85450  
legal and physical custody of a kinship caregiver. The program 85451  
shall provide an initial one-time incentive payment to the kinship 85452  
caregiver to defray the costs of initial placement of the minor 85453  
child in the kinship caregiver's home. The program may provide 85454  
additional permanency incentive payments for the minor child at 85455  
six month intervals ~~for a total period not to exceed forty eight~~ 85456  
~~months~~, based on the availability of funds. An eligible caregiver 85457  
may receive a maximum of eight incentive payments per minor child. 85458

(C) A kinship caregiver may participate in the program if all 85459  
of the following requirements are met: 85460

(1) The kinship caregiver applies to a public children 85461  
services agency in accordance with the application process 85462  
established in rules authorized by division (E) of this section; 85463

(2) Not earlier than July 1, 2005, a juvenile court issues an 85464  
order granting legal custody to the kinship caregiver, or a 85465  
probate court grants guardianship to the kinship caregiver, except 85466  
that a temporary court order is not sufficient to meet this 85467  
requirement; 85468

(3) The kinship caregiver is either the minor child's 85469  
custodian or guardian; 85470

(4) The minor child resides with the kinship caregiver 85471  
pursuant to a placement approval process established in rules 85472  
authorized by division (E) of this section; 85473

(5) Excluding any income excluded under rules adopted under 85474  
division (E) of this section, the gross income of the kinship 85475  
caregiver's family, including the minor child, does not exceed 85476  
three hundred per cent of the federal poverty guidelines. 85477

(D) Public children services agencies shall make initial and 85478  
ongoing eligibility determinations for the kinship permanency 85479  
incentive program in accordance with rules authorized by division 85480  
(E) of this section. The director of job and family services shall 85481  
supervise public children services agencies' duties under this 85482  
section. 85483

(E) The director of job and family services shall adopt rules 85484  
under division (C) of section 5101.801 of the Revised Code as 85485  
necessary to implement the kinship permanency incentive program. 85486  
The rules shall establish all of the following: 85487

(1) The application process for the program; 85488

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| (2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 85489<br>85490<br>85491                                                                                           |
| (3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 85492<br>85493                                                                                                    |
| (4) The amount of the incentive payments provided under the program;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 85494<br>85495                                                                                                    |
| (5) The method by which the incentive payments are provided to a kinship caregiver.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 85496<br>85497                                                                                                    |
| (F) The amendments made to this section by Am. Sub. H.B. 119 of the 127th general assembly shall not affect the eligibility of any kinship caregiver whose eligibility was established before June 30, 2007.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 85498<br>85499<br>85500<br>85501                                                                                  |
| <b>Sec. 5107.05.</b> The director of job and family services shall adopt rules to implement this chapter. The rules shall be consistent with Title IV-A, Title IV-D, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the plan, and waivers granted by the United States secretary. Rules governing eligibility, program participation, and other applicant and participant requirements shall be adopted in accordance with Chapter 119. of the Revised Code. Rules governing financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code. | 85502<br>85503<br>85504<br>85505<br>85506<br>85507<br>85508<br>85509<br>85510<br>85511<br>85512<br>85513<br>85514 |
| (A) The rules shall specify, establish, or govern all of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 85515<br>85516                                                                                                    |
| (1) A payment standard for Ohio works first based on federal and state appropriations that is increased in accordance with                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 85517<br>85518                                                                                                    |

|                                                                                                                                                                                                                                                                             |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| section 5107.04 of the Revised Code;                                                                                                                                                                                                                                        | 85519                            |
| (2) For the purpose of section 5107.04 of the Revised Code,<br>the method of determining the amount of cash assistance an<br>assistance group receives under Ohio works first;                                                                                              | 85520<br>85521<br>85522          |
| (3) Requirements for initial and continued eligibility for<br>Ohio works first, including requirements regarding income,<br>citizenship, age, residence, and assistance group composition;                                                                                  | 85523<br>85524<br>85525          |
| (4) For the purpose of section 5107.12 of the Revised Code,<br>application and verification procedures, including the minimum<br>information an application must contain;                                                                                                   | 85526<br>85527<br>85528          |
| (5) The extent to which a participant of Ohio works first<br>must notify, pursuant to section 5107.12 of the Revised Code, a<br>county department of job and family services of additional income<br>not previously reported to the county department;                      | 85529<br>85530<br>85531<br>85532 |
| (6) For the purpose of section 5107.16 of the Revised Code,<br>both of the following:                                                                                                                                                                                       | 85533<br>85534                   |
| (a) Standards for the determination of good cause for failure<br>or refusal to comply in full with a provision of a<br>self-sufficiency contract;                                                                                                                           | 85535<br>85536<br>85537          |
| (b) The compliance activities a member of an assistance group<br>must complete for the member to be considered to have ceased to<br>fail or refuse to comply in full with a provision of a<br>self-sufficiency contract.                                                    | 85538<br>85539<br>85540<br>85541 |
| (7) The department of job and family services providing<br>written notice of a sanction under section 5107.161 of the Revised<br>Code;                                                                                                                                      | 85542<br>85543<br>85544          |
| (8) For the purpose of division (B) of section 5107.17 of the<br>Revised Code, the circumstances under which the adult member of an<br>assistance group or an assistance group's minor head of household<br>whose failure or refusal, without good cause, to comply in full | 85545<br>85546<br>85547<br>85548 |

with a provision of a self-sufficiency contract causes a sanction 85549  
under section 5107.16 of the Revised Code must enter into a new, 85550  
or amend an existing, self-sufficiency contract before the 85551  
assistance group may resume participation in Ohio works first 85552  
following the sanction; 85553

(9) Requirements for the collection and distribution of 85554  
support payments owed participants of Ohio works first pursuant to 85555  
section 5107.20 of the Revised Code; 85556

(10) For the purpose of section 5107.22 of the Revised Code, 85557  
what constitutes cooperating in establishing a minor child's 85558  
paternity or establishing, modifying, or enforcing a child support 85559  
order and good cause for failure or refusal to cooperate; 85560

(11) The requirements governing the LEAP program, including 85561  
the definitions of "equivalent of a high school diploma" and "good 85562  
cause," and the incentives provided under the LEAP program; 85563

(12) If the director implements section 5107.301 of the 85564  
Revised Code, the requirements governing the award provided under 85565  
that section, including the form that the award is to take and 85566  
requirements an individual must satisfy to receive the award; 85567

(13) Circumstances under which a county department of job and 85568  
family services may exempt a minor head of household or adult from 85569  
participating in a work activity or developmental activity for all 85570  
or some of the weekly hours otherwise required by section 5107.43 85571  
of the Revised Code. 85572

(14) The maximum amount of time the department will subsidize 85573  
positions created by state agencies and political subdivisions 85574  
under division (C) of section 5107.52 of the Revised Code; 85575

(15) The implementation of sections 5107.71 to 5107.717 of 85576  
the Revised Code by county departments of job and family services; 85577

(16) A domestic violence screening process to be used for the 85578

purpose of division (A) of section 5107.71 of the Revised Code; 85579

(17) The minimum frequency with which county departments of 85580  
job and family services must redetermine a member of an assistance 85581  
group's need for a waiver issued under section 5107.714 of the 85582  
Revised Code; 85583

(18) Requirements for work activities, developmental 85584  
activities, and alternative work activities for Ohio works first 85585  
participants. 85586

(B) The rules adopted under division (A)(3) of this section 85587  
regarding income shall specify what is countable income, gross 85588  
earned income, and gross unearned income for the purpose of 85589  
section 5107.10 of the Revised Code. The rules also shall specify 85590  
the amount of an assistance group's gross earned income that is to 85591  
be disregarded for the purpose of division (D)(3) of section 85592  
5107.10 of the Revised Code. 85593

The rules adopted under division (A)(10) of this section 85594  
shall be consistent with 42 U.S.C. 654(29). 85595

The rules adopted under division (A)(13) of this section 85596  
shall specify that the circumstances include that a school or 85597  
place of work is closed due to a holiday or weather or other 85598  
emergency and that an employer grants the minor head of household 85599  
or adult leave for illness or earned vacation. 85600

(C) The rules may provide that a county department of job and 85601  
family services is not required to take action under section 85602  
5107.76 of the Revised Code to recover an erroneous payment under 85603  
circumstances the rules specify. 85604

**Sec. 5107.10.** (A) As used in this section: 85605

(1) "Countable income," "gross earned income," and "gross 85606  
unearned income" have the meanings established in rules adopted 85607  
under section 5107.05 of the Revised Code. 85608

(2) "Federal poverty guidelines" has the same meaning as in 85609  
section 5101.46 of the Revised Code, except that references to a 85610  
person's family in the definition shall be deemed to be references 85611  
to the person's assistance group. 85612

(3) "Gross income" means gross earned income and gross 85613  
unearned income. 85614

(4) "Strike" means continuous concerted action in failing to 85615  
report to duty; willful absence from one's position; or stoppage 85616  
of work in whole from the full, faithful, and proper performance 85617  
of the duties of employment, for the purpose of inducing, 85618  
influencing, or coercing a change in wages, hours, terms, and 85619  
other conditions of employment. "Strike" does not include a 85620  
stoppage of work by employees in good faith because of dangerous 85621  
or unhealthful working conditions at the place of employment that 85622  
are abnormal to the place of employment. 85623

(B) Under the Ohio works first program, an assistance group 85624  
shall receive, except as otherwise provided by this chapter, 85625  
time-limited cash assistance. In the case of an assistance group 85626  
that includes a minor head of household or adult, assistance shall 85627  
be provided in accordance with the self-sufficiency contract 85628  
entered into under section 5107.14 of the Revised Code. 85629

(C)(1) To be eligible to participate in Ohio works first, an 85630  
assistance group must meet all of the following requirements: 85631

~~(1)~~(a) The assistance group, except as provided in division 85632  
(E) of this section, must include at least one of the following: 85633

~~(a)~~(i) A minor child who, except as provided in section 85634  
5107.24 of the Revised Code, resides with a parent, or specified 85635  
relative caring for the child, or, to the extent permitted by 85636  
Title IV-A and federal regulations adopted until Title IV-A, 85637  
resides with a guardian or custodian caring for the child; 85638

~~(b)~~(ii) A parent residing with and caring for the parent's 85639

minor child who receives supplemental security income under Title 85640  
XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 85641  
U.S.C.A. 1383, as amended, or federal, state, or local adoption 85642  
assistance; 85643

~~(e)(iii)~~ A specified relative residing with and caring for a 85644  
minor child who is related to the specified relative in a manner 85645  
that makes the specified relative a specified relative and 85646  
receives supplemental security income or federal, state, or local 85647  
foster care or adoption assistance; 85648

~~(d)(iv)~~ A woman at least six months pregnant. 85649

~~(2)(b)~~ The assistance group must meet the income requirements 85650  
established by division (D) of this section. 85651

~~(3)(c)~~ No member of the assistance group may be involved in a 85652  
strike. 85653

~~(4)(d)~~ The assistance group must satisfy the requirements for 85654  
Ohio works first established by this chapter and section 5101.83 85655  
of the Revised Code. 85656

~~(5)(e)~~ The assistance group must meet requirements for Ohio 85657  
works first established by rules adopted under section 5107.05 of 85658  
the Revised Code. 85659

(2) In addition to meeting the requirements specified in 85660  
division (C)(1) of this section, a member of an assistance group 85661  
who is required by section 5116.10 of the Revised Code to 85662  
participate in the comprehensive case management and employment 85663  
program must participate in that program to be eligible to 85664  
participate in Ohio works first. 85665

(D)(1) Except as provided in division (D)(4) of this section, 85666  
to determine whether an assistance group is initially eligible to 85667  
participate in Ohio works first, a county department of job and 85668  
family services shall do the following: 85669

(a) Determine whether the assistance group's gross income exceeds fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds fifty per cent of the federal poverty guidelines.

(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed fifty per cent of the federal poverty guidelines, determine whether the assistance group's countable income is less than the payment standard. The assistance group is ineligible to participate in Ohio works first if the assistance group's countable income equals or exceeds the payment standard.

(2) For the purpose of determining whether an assistance group meets the income requirement established by division (D)(1)(a) of this section, the annual revision that the United States department of health and human services makes to the federal poverty guidelines shall go into effect on the first day of July of the year for which the revision is made.

(3) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard ~~the first two hundred fifty dollars~~ an amount specified in rules adopted under section 5107.05 of the Revised Code and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group

ceases to be eligible to participate in Ohio works first if its 85702  
countable income, less the amounts disregarded, equals or exceeds 85703  
the payment standard. 85704

(4) If an assistance group reapplies to participate in Ohio 85705  
works first not more than four months after ceasing to 85706  
participate, a county department of job and family services shall 85707  
use the income requirement established by division (D)(3) of this 85708  
section to determine eligibility for resumed participation rather 85709  
than the income requirement established by division (D)(1) of this 85710  
section. 85711

(E)(1) An assistance group may continue to participate in 85712  
Ohio works first even though a public children services agency 85713  
removes the assistance group's minor children from the assistance 85714  
group's home due to abuse, neglect, or dependency if the agency 85715  
does both of the following: 85716

(a) Notifies the county department of job and family services 85717  
at the time the agency removes the children that it believes the 85718  
children will be able to return to the assistance group within six 85719  
months; 85720

(b) Informs the county department at the end of each of the 85721  
first five months after the agency removes the children that the 85722  
parent, guardian, custodian, or specified relative of the children 85723  
is cooperating with the case plans prepared for the children under 85724  
section 2151.412 of the Revised Code and that the agency is making 85725  
reasonable efforts to return the children to the assistance group. 85726

(2) An assistance group may continue to participate in Ohio 85727  
works first pursuant to division (E)(1) of this section for not 85728  
more than six payment months. This division does not affect the 85729  
eligibility of an assistance group that includes a woman at least 85730  
six months pregnant. 85731

**Sec. 5108.01.** As used in this chapter: 85732

(A) "County family services planning committee" means the 85733  
county family services planning committee established under 85734  
section 329.06 of the Revised Code ~~or the board created by~~ 85735  
~~consolidation under division (C) of section 6301.06 of the Revised~~ 85736  
~~Code.~~ 85737

(B) "Prevention, retention, and contingency program" means 85738  
the program established by this chapter and funded in part with 85739  
federal funds provided under Title IV-A. 85740

(C) "Title IV-A" means Title IV-A of the "Social Security 85741  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 85742

**Sec. 5116.01.** As used in this chapter: 85743

(A) "Certificate of high school equivalence" has the same 85744  
meaning as in section 5107.40 of the Revised Code. 85745

(B) "Fiscal biennial period" means a two-year period 85746  
beginning on the first day of July of an odd-numbered year and 85747  
ending on the last day of June of the next odd-numbered year. 85748

(C) "In-school youth" has the same meaning as in section 85749  
129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 85750  
U.S.C. 3164(a)(1)(C). 85751

(D) "Lead agency" means the local participating agency 85752  
designated under section 5116.22 of the Revised Code to serve for 85753  
a fiscal biennial period, or part thereof, as a county's lead 85754  
agency for the purpose of the comprehensive case management and 85755  
employment program. 85756

(E) "Local participating agencies" means the county 85757  
department of job and family services and workforce development 85758  
agency that serve the same county. 85759

(F) "Local workforce development board" means a local 85760

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>workforce development board established under section 107 of the</u>   | 85761 |
| <u>"Workforce Innovation and Opportunity Act," 29 U.S.C. 3122.</u>        | 85762 |
| <u>(G) "Ohio works first" has the same meaning as in section</u>          | 85763 |
| <u>5107.02 of the Revised Code.</u>                                       | 85764 |
| <u>(H) "Out-of-school youth" has the same meaning as in section</u>       | 85765 |
| <u>129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29</u> | 85766 |
| <u>U.S.C. 3164(a)(1)(B).</u>                                              | 85767 |
| <u>(I) "Prevention, retention, and contingency program" has the</u>       | 85768 |
| <u>same meaning as in section 5108.01 of the Revised Code.</u>            | 85769 |
| <u>(J) "Subcontractor" means an entity with which a local</u>             | 85770 |
| <u>participating agency contracts to perform, on behalf of the local</u>  | 85771 |
| <u>participating agency, one or more of the local participating</u>       | 85772 |
| <u>agency's duties regarding the comprehensive case management and</u>    | 85773 |
| <u>employment program.</u>                                                | 85774 |
| <u>(K) "TANF block grant" means the temporary assistance for</u>          | 85775 |
| <u>needy families block grant established by Title IV-A of the</u>        | 85776 |
| <u>"Social Security Act," 42 U.S.C. 601 et seq.</u>                       | 85777 |
| <u>(L) "Work-eligible individual" has the same meaning as in 45</u>       | 85778 |
| <u>C.F.R. 261.2(n).</u>                                                   | 85779 |
| <u>(M) "Workforce development activity" has the same meaning as</u>       | 85780 |
| <u>in section 6301.01 of the Revised Code.</u>                            | 85781 |
| <u>(N) "Workforce development agency" means a public or private</u>       | 85782 |
| <u>entity designated or certified by a local workforce development</u>    | 85783 |
| <u>board to coordinate the delivery of workforce services for a</u>       | 85784 |
| <u>county.</u>                                                            | 85785 |
| <u>(O) "Workforce Innovation and Opportunity Act" means Public</u>        | 85786 |
| <u>Law 113-128, 29 U.S.C. 3101 et seq.</u>                                | 85787 |
| <u>(P) "Youth workforce investment activity funds" means funds</u>        | 85788 |
| <u>allocated or granted under Title I, Subtitle B, Chapter 2 of the</u>   | 85789 |
| <u>"Workforce Innovation and Opportunity Act," 29 U.S.C. 1361 et</u>      | 85790 |

seq., for youth workforce investment activities. 85791

Sec. 5116.02. There is hereby established the comprehensive 85792  
case management and employment program. The department of job and 85793  
family services shall coordinate and supervise the administration 85794  
of the program to the extent funds are available for this purpose 85795  
under the TANF block grant or the Workforce Innovation and 85796  
Opportunity Act. 85797

Sec. 5116.03. The comprehensive case management and 85798  
employment program is all of the following: 85799

(A) A Title IV-A program for the purpose of division 85800  
(A)(4)(c) of section 5101.80 of the Revised Code and, therefore, 85801  
subject to all statutes applicable to such a program, including 85802  
sections 5101.16, 5101.35, 5101.80, and 5101.801 of the Revised 85803  
Code; 85804

(B) A workforce development activity and, therefore, subject 85805  
to all statutes applicable to workforce development activities, 85806  
including sections 5101.20, 5101.214, 5101.241, and 5101.243 of 85807  
the Revised Code and Chapter 6301. of the Revised Code; 85808

(C) A family services duty, notwithstanding the second 85809  
sentence of division (A)(1)(b) of section 307.981 of the Revised 85810  
Code, and, therefore, subject to all statutes applicable to family 85811  
services duties, including sections 5101.183, 5101.21, 5101.212, 85812  
5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, and 85813  
5101.243 of the Revised Code. 85814

Sec. 5116.06. (A) The director of job and family services 85815  
shall adopt rules that are necessary to implement the 85816  
comprehensive case management and employment program, including 85817  
rules that do all of the following: 85818

(1) Provide for the program to do both of the following: 85819

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>(a) Help a work-eligible individual satisfy the work</u>               | 85820 |
| <u>requirements of section 407 of the "Social Security Act," 42</u>       | 85821 |
| <u>U.S.C. 607;</u>                                                        | 85822 |
| <u>(b) Help an Ohio works first participant who participates in</u>       | 85823 |
| <u>the program do both of the following:</u>                              | 85824 |
| <u>(i) Satisfy other Ohio works first requirements, including</u>         | 85825 |
| <u>requirements included in the participant's self-sufficiency</u>        | 85826 |
| <u>contract entered into under section 5107.14 of the Revised Code;</u>   | 85827 |
| <u>(ii) Obtain assistance or services the participant needs</u>           | 85828 |
| <u>according to an assessment conducted under section 5107.70 of the</u>  | 85829 |
| <u>Revised Code.</u>                                                      | 85830 |
| <u>(2) For the purpose of section 5116.11 of the Revised Code,</u>        | 85831 |
| <u>establish procedures for both of the following:</u>                    | 85832 |
| <u>(a) Assessing the employment and training needs of</u>                 | 85833 |
| <u>individuals participating in the comprehensive case management and</u> | 85834 |
| <u>employment program;</u>                                                | 85835 |
| <u>(b) Creating, reviewing, revising, and terminating individual</u>      | 85836 |
| <u>opportunity plans.</u>                                                 | 85837 |
| <u>(3) For the purpose of section 5116.20 of the Revised Code,</u>        | 85838 |
| <u>establish procedures, including procedures regarding timing, for a</u> | 85839 |
| <u>local workforce development board to decide whether to authorize</u>   | 85840 |
| <u>the use of its youth workforce investment activity funds for the</u>   | 85841 |
| <u>comprehensive case management and employment program;</u>              | 85842 |
| <u>(4) Establish requirements for the plans required by division</u>      | 85843 |
| <u>(A)(1) of section 5116.23 of the Revised Code;</u>                     | 85844 |
| <u>(5) For the purpose of division (A)(3) of section 5116.23 of</u>       | 85845 |
| <u>the Revised Code, establish procedures for a lead agency to</u>        | 85846 |
| <u>partner with the other local participating agency and</u>              | 85847 |
| <u>subcontractors.</u>                                                    | 85848 |
| <u>(B) For the purposes of divisions (C) and (F) of section</u>           | 85849 |

5116.10 of the Revised Code, the rules adopted under this section 85850  
may do either or both of the following: 85851

(1) Specify one or more additional mandatory participation 85852  
groups that are required to participate in the comprehensive case 85853  
management and employment program; 85854

(2) Specify one or more additional voluntary participation 85855  
groups that may volunteer to participate in the program. 85856

(C) The rules adopted under this section shall be consistent 85857  
with all of the following: 85858

(1) The Title IV-A state plan prepared under section 5101.80 85859  
of the Revised Code, amendments to the plan, and any waivers 85860  
regarding the plan granted by the United States secretary of 85861  
health and human services; 85862

(2) The combined state plan authorized by section 103 of the 85863  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3113, 85864  
amendments to the plan, and any waivers regarding the plan granted 85865  
by the United States secretary of labor. 85866

(D) The rules adopted under division (A)(1)(a) of this 85867  
section may deviate from Chapter 5107. of the Revised Code. 85868

**Sec. 5116.10.** (A) Each work-eligible individual shall 85869  
participate in the comprehensive case management and employment 85870  
program as a condition of participating in Ohio works first if the 85871  
individual is at least fourteen but not more than twenty-four 85872  
years of age. 85873

(B) Each individual who is an in-school youth or 85874  
out-of-school youth shall participate in the comprehensive case 85875  
management and employment program as a condition of enrollment in 85876  
workforce development activities funded by the Workforce 85877  
Innovation and Opportunity Act. 85878

(C) Each individual who is a member of a group, if any, 85879

specified in rules adopted under section 5116.06 of the Revised Code as an additional mandatory participation group shall participate in the comprehensive case management and employment program if funds are available for the group under the TANF block grant or the Workforce Innovation and Opportunity Act. 85880  
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(D) Any Ohio works first participant who is not a work-eligible individual may volunteer to participate in the comprehensive case management and employment program if the participant is at least fourteen but not more than twenty-four years of age. 85885  
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(E) Any individual receiving benefits and services under the prevention, retention, and contingency program may volunteer to participate in the comprehensive case management and employment program if the individual is at least fourteen but not more than twenty-four years of age. 85890  
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(F) Any individual who is a member of a group, if any, specified in rules adopted under section 5116.06 of the Revised Code as a voluntary participation group may volunteer to participate in the comprehensive case management and employment program if funds are available for the group under the TANF block grant or the Workforce Innovation and Opportunity Act. 85895  
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Sec. 5116.11. In accordance with rules adopted under section 5116.06 of the Revised Code, a lead agency shall provide for all of the following to occur: 85901  
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(A) An individual participating in the comprehensive case management and employment program undergoing an assessment of the individual's employment and training needs; 85904  
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(B) An individual opportunity plan being created for the individual as part of the assessment; 85907  
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(C) The individual opportunity plan being reviewed, revised, 85909

and terminated as appropriate. 85910

Sec. 5116.12. (A) An individual opportunity plan created 85911  
under section 5116.11 of the Revised Code shall specify which of 85912  
the following services, if any, an individual participating in the 85913  
comprehensive case management and employment program needs: 85914

(1) Support for the individual to obtain a high school 85915  
diploma or a certificate of high school equivalence; 85916

(2) Job placement; 85917

(3) Job retention support; 85918

(4) Other services that aid the individual in achieving the 85919  
plan's goals. 85920

(B) The services an individual receives in accordance with an 85921  
individual opportunity plan are inalienable by way of assignment, 85922  
charge, or otherwise and exempt from execution, attachment, 85923  
garnishment, and other similar processes. 85924

Sec. 5116.20. In accordance with rules adopted under section 85925  
5116.06 of the Revised Code, each local workforce development 85926  
board shall decide whether to authorize the use of its youth 85927  
workforce investment activity funds for the comprehensive case 85928  
management and employment program. The decision shall be made for 85929  
each fiscal biennial period. A board's decision applies to all of 85930  
the counties the board serves. 85931

Sec. 5116.21. If a local workforce development board decides 85932  
under section 5116.20 of the Revised Code not to authorize the use 85933  
of its youth workforce investment activity funds for the 85934  
comprehensive case management and employment program for a fiscal 85935  
biennial period, all of the following shall apply to that fiscal 85936  
biennial period: 85937

(A) The board shall use its youth workforce investment activity funds in accordance with Section 129 of the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3164. 85938  
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(B) No TANF block grant funds shall be made available to the board or any county the board serves for the comprehensive case management and employment program. 85941  
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(C) The department of job and family services shall use available TANF block grant funds to administer, or to contract with a government or private entity to administer, the comprehensive case management and employment program in the counties the board serves. 85944  
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**Sec. 5116.22.** (A) If a local workforce development board decides under section 5116.20 of the Revised Code to authorize the use of its youth workforce investment activity funds for the comprehensive case management and employment program for a fiscal biennial period, all of the following shall apply to that fiscal biennial period: 85949  
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(1) Before the beginning of the fiscal biennial period, the board shall enter into a written agreement with department of job and family services that, to the extent permitted by federal law, requires the board and the counties the board serves to operate the comprehensive case management and employment program in accordance with the program's requirements, including the requirements established by this chapter, rules adopted under section 5116.06 of the Revised Code, and any other rules applicable to the program. 85955  
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(2) Before the beginning of the fiscal biennial period, the board of county commissioners of each of the counties the local workforce development board serves shall designate either of the local participating agencies to serve as the county's lead agency for the purpose of the comprehensive case management and 85964  
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employment program. 85969

(B) After a board of county commissioners designates a local participating agency to serve as the county's lead agency for a fiscal biennial period, the board may designate the other local participating agency to take over as the county's lead agency for the remainder of the fiscal biennial period. 85970  
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(C) A board of county commissioners shall inform the department of job and family services of its designation of the lead agency under division (A)(2) of this section before the beginning of the fiscal biennial period for which the designation is made. A board shall notify the department of any redesignation of a lead agency under division (B) of this section not later than sixty days after the redesignation takes effect. 85975  
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**Sec. 5116.23.** (A) Each lead agency, in consultation with the local workforce development board that serves the same county for which the lead agency has been designated to serve as lead agency, shall, in accordance with rules adopted under section 5116.06 of the Revised Code, do all of the following for the fiscal biennial period, or part thereof, for which it is so designated: 85982  
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(1) Prepare and submit to the department of job and family services a plan containing standing procedures for determining and maintaining individuals' eligibility to participate in the comprehensive case management and employment program; 85988  
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(2) Administer the program in the county for which it is designated to serve as lead agency; 85992  
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(3) Partner with the other local participating agency and subcontractors to do both of the following: 85994  
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(a) Actively coordinate activities regarding the program with the other local participating agency and any subcontractors; 85996  
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(b) Help both local participating agencies and any 85998

subcontractors to use their expertise in administering the 85999  
program. 86000

(B) If a board of county commissioners redesignates the lead 86001  
agency under division (B) of section 5116.22 of the Revised Code 86002  
during a fiscal biennial period, the new lead agency shall prepare 86003  
and submit to the department of job and family services a new plan 86004  
under division (A)(1) of this section not later than sixty days 86005  
after the redesignation takes effect. 86006

(C) Each local workforce development board shall ensure that 86007  
the plans prepared under division (A)(1) of this section by the 86008  
lead agencies serving the same counties the board serves are 86009  
included in the board's workforce development plan prepared under 86010  
section 6301.07 of the Revised Code. 86011

Sec. 5116.24. A lead agency is responsible for all of the 86012  
funds received for the comprehensive case management and 86013  
employment program by the county for which the lead agency is 86014  
designated to be the lead agency and shall use the funds in a 86015  
manner consistent with federal and state law. The lead agency 86016  
shall coordinate this responsibility with any entity that has been 86017  
designated to serve as a local grant subrecipient or a local 86018  
fiscal agent under section 107(d)(12)(B)(i)(II) of the "Workforce 86019  
Innovation and Opportunity Act," 29 U.S.C. 3122(d)(12)(B)(i)(II). 86020

Sec. 5116.25. If a lead agency fails to enroll in the 86021  
comprehensive case management and employment program an individual 86022  
who is required by section 5116.10 of the Revised Code to 86023  
participate in the program and to take corrective action that the 86024  
department of job and family services requires the lead agency to 86025  
take as a consequence of that failure, the department may take the 86026  
action authorized by division (C)(5) of section 5101.24 of the 86027  
Revised Code, including withholding and spending TANF block grant 86028

funds. 86029

**Sec. 5117.10.** (A) On or before the fifteenth day of January, 86030  
the director of development services shall pay each applicant 86031  
determined eligible for a payment under divisions (A) and (B) of 86032  
section 5117.07 of the Revised Code one hundred twenty-five 86033  
dollars. 86034

(B) The director may withhold from any payment to which a 86035  
person would otherwise be entitled under division (A) of this 86036  
section any amount that the director determines was erroneously 86037  
received by such person in a preceding year under this or the 86038  
program established under Am. Sub. H.B. 230, as amended by Am. 86039  
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 86040  
523 of the 112th general assembly, provided the director has 86041  
employed all other legal methods reasonably available to obtain 86042  
reimbursement for the erroneous payment or credit prior to the 86043  
commencement of the current program year. 86044

(C) Payments made under this section and credits granted 86045  
under section 5117.09 of the Revised Code shall not be considered 86046  
income for the purpose of determining eligibility or the level of 86047  
benefits or assistance under section 329.042 or ~~Chapters~~ Chapter 86048  
5107. ~~and 5115.~~ of the Revised Code; the medicaid program; 86049  
supplemental security income payments under Title XVI of the 86050  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 86051  
amended; or any other program under which eligibility or the level 86052  
of benefits or assistance is based upon need measured by income. 86053

**Sec. 5119.01.** (A) As used in this chapter: 86054

(1) "Addiction" means the chronic and habitual use of 86055  
alcoholic beverages, the use of a drug of abuse as defined in 86056  
section 3719.011 of the Revised Code, or the use of gambling by an 86057  
individual to the extent that the individual no longer can control 86058

the individual's use of alcohol, the individual becomes physically 86059  
or psychologically dependent on the drug, the individual's use of 86060  
alcohol or drugs endangers the health, safety, or welfare of the 86061  
individual or others, or the individual's gambling causes 86062  
psychological, financial, emotional, marital, legal, or other 86063  
difficulties endangering the health, safety, or welfare of the 86064  
individual or others. 86065

(2) "Addiction services" means services, including 86066  
intervention, for the treatment of persons with alcohol, drug, or 86067  
gambling addictions, and for the prevention of such addictions. 86068

(3) "Alcohol and drug addiction services" means services, 86069  
including intervention, for the treatment of alcoholics or persons 86070  
who abuse drugs of abuse and for the prevention of alcoholism and 86071  
drug addiction. 86072

(4) "Alcoholic" means a person suffering from alcoholism. 86073

(5) "Alcoholism" means the chronic and habitual use of 86074  
alcoholic beverages by an individual to the extent that the 86075  
individual no longer can control the individual's use of alcohol 86076  
or endangers the health, safety, or welfare of the individual or 86077  
others. 86078

(6) "Certifiable services and supports" means all of the 86079  
following: 86080

(a) Alcohol and drug addiction services; 86081

(b) Mental health services; 86082

(c) The types of recovery supports that are specified in 86083  
rules adopted under section 5119.36 of the Revised Code as 86084  
requiring certification under that section. 86085

(7) "Community addiction services provider" means an agency, 86086  
association, corporation, individual, or program that provides one 86087  
or more of the following: 86088

(a) Alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code; 86089  
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(b) Gambling addiction services; 86092

(c) Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services. 86093  
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(8) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following: 86098  
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(a) Mental health services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code; 86101  
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(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services. 86104  
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(9) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others. 86109  
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(10) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others. 86114  
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(11) "Gambling addiction services" means services for the 86118

treatment of persons who have a gambling addiction and for the 86119  
prevention of gambling addiction. 86120

(12) "Hospital" means a hospital or inpatient unit licensed 86121  
by the department of mental health and addiction services under 86122  
section 5119.33 of the Revised Code, and any institution, 86123  
hospital, or other place established, controlled, or supervised by 86124  
the department under Chapter 5119. of the Revised Code. 86125

(13) "Included opioid and co-occurring drug addiction 86126  
services and recovery supports" means the addiction services and 86127  
recovery supports that, pursuant to section 340.033 of the Revised 86128  
Code, are included in the array of services and recovery supports 86129  
for all levels of opioid and co-occurring drug addiction required,  ~~86130  
except as otherwise authorized by a time limited waiver issued  
under division (A)(1) of section 5119.221 of the Revised Code,~~ to 86131  
be included in the community-based continuum of care established 86132  
under section 340.032 of the Revised Code. 86133  
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(14) "Mental illness" means a substantial disorder of 86135  
thought, mood, perception, orientation, or memory that grossly 86136  
impairs judgment, behavior, capacity to recognize reality, or 86137  
ability to meet the ordinary demands of life. 86138

(15) "Mental health services" means services for the 86139  
assessment, care, or treatment of persons who have a mental 86140  
illness and for the prevention of mental illness. 86141

(16) "Recovery supports" means assistance that is intended to 86142  
help an individual who is an alcoholic or has a drug addiction or 86143  
mental illness, or a member of such an individual's family, 86144  
initiate and sustain the individual's recovery from alcoholism, 86145  
drug addiction, or mental illness. "Recovery supports" does not 86146  
mean alcohol and drug addiction services or mental health 86147  
services. 86148

(17)(a) "Residence" means a person's physical presence in a 86149

county with intent to remain there, except in either of the 86150  
following circumstances: 86151

(i) If a person is receiving a mental health treatment 86152  
service at a facility that includes nighttime sleeping 86153  
accommodations, "residence" means that county in which the person 86154  
maintained the person's primary place of residence at the time the 86155  
person entered the facility; 86156

(ii) If a person is committed pursuant to section 2945.38, 86157  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 86158  
"residence" means the county where the criminal charges were 86159  
filed. 86160

(b) When the residence of a person is disputed, the matter of 86161  
residence shall be referred to the department of mental health and 86162  
addiction services for investigation and determination. Residence 86163  
shall not be a basis for a board of alcohol, drug addiction, and 86164  
mental health services to deny services to any person present in 86165  
the board's service district, and the board shall provide services 86166  
for a person whose residence is in dispute while residence is 86167  
being determined and for a person in an emergency situation. 86168

(B) Any reference in this chapter to a board of alcohol, drug 86169  
addiction, and mental health services also refers to an alcohol 86170  
and drug addiction services board or a community mental health 86171  
board in a service district in which an alcohol and drug addiction 86172  
services board or a community mental health board has been 86173  
established under section 340.021 or former section 340.02 of the 86174  
Revised Code. 86175

**Sec. 5119.011.** (A) Whenever the term "department of mental 86176  
health," the term "Ohio department of mental health," the term 86177  
"department of alcohol and drug addiction services," or the term 86178  
"Ohio department of alcohol and drug addiction services" is used, 86179  
referred to, or designated in any statute, rule, contract, grant, 86180

or other document, the use, reference, or designation shall be 86181  
construed to mean the department of mental health and addiction 86182  
services. 86183

(B) Whenever the term "director of mental health" or the term 86184  
"director of alcohol and drug addiction services" is used, 86185  
referred to, or designated in any statute, rule, contract, grant, 86186  
or other document, the use, reference, or designation shall be 86187  
construed to mean the director of mental health and addiction 86188  
services. 86189

**Sec. 5119.19.** (A)(1) As used in this section, "psychotropic 86190  
drug" means, except as provided in division (A)(2) of this 86191  
section, a drug that has the capability of changing or controlling 86192  
mental functioning or behavior through direct pharmacological 86193  
action. "Psychotropic drug" includes all of the following: 86194

(a) Antipsychotic medications; 86195

(b) Antidepressant medications; 86196

(c) Anti-anxiety medications; 86197

(d) Mood stabilizing medications. 86198

(2) "Psychotropic drug" excludes a stimulant prescribed for 86199  
the treatment of attention deficit hyperactivity disorder. 86200

(B) There is hereby created the psychotropic drug 86201  
reimbursement program. The program shall be administered by the 86202  
department of mental health and addiction services. 86203

The purpose of the program is to provide state reimbursement 86204  
to counties for the cost of psychotropic drugs that are dispensed 86205  
to inmates of county jails in this state. The department, based on 86206  
factors it considers appropriate, shall allocate an amount to each 86207  
county for reimbursement of such psychotropic drug costs incurred 86208  
by the county. 86209

(C) The director of mental health and addiction services may 86210  
adopt rules as necessary to implement this section. The rules, if 86211  
adopted, shall be adopted in accordance with Chapter 119. of the 86212  
Revised Code. 86213

**Sec. 5119.22.** The director of mental health and addiction 86214  
services, with respect to all mental health and addiction 86215  
facilities, addiction services, mental health services, and 86216  
recovery supports established and operated or provided under 86217  
Chapter 340. of the Revised Code, shall do all of the following: 86218

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 86219  
that may be necessary to carry out the purposes of this chapter 86220  
and Chapters 340. and 5122. of the Revised Code. 86221

(B) Review and evaluate the community-based continuum of care 86222  
required by section 340.032 of the Revised Code to be established 86223  
in each service district, taking into account the findings and 86224  
recommendations of the board of alcohol, drug addiction, and 86225  
mental health services of the district submitted under division 86226  
(A)(4) of section 340.03 of the Revised Code and the priorities 86227  
and plans of the department of mental health and addiction 86228  
services, including the needs of residents of the district 86229  
currently receiving services in state-operated hospitals, and make 86230  
recommendations for needed improvements to boards of alcohol, drug 86231  
addiction, and mental health services; 86232

(C) At the director's discretion, provide to boards of 86233  
alcohol, drug addiction, and mental health services state or 86234  
federal funds, in addition to those allocated under section 86235  
5119.23 of the Revised Code, for special programs or projects the 86236  
director considers necessary but for which local funds are not 86237  
available; 86238

(D) Establish criteria by which each board of alcohol, drug 86239  
addiction, and mental health services reviews and evaluates the 86240

quality, effectiveness, and efficiency of the facility services, 86241  
addiction services, mental health services, and recovery supports 86242  
for which it contracts under section 340.036 of the Revised Code. 86243  
The criteria shall include requirements ensuring appropriate 86244  
utilization of the services and supports. The department shall 86245  
assess each board's evaluation of the services and supports and 86246  
the compliance of each board with this section, Chapter 340. of 86247  
the Revised Code, and other state or federal law and regulations. 86248  
The department, in cooperation with the board, periodically shall 86249  
review and evaluate the quality, effectiveness, and efficiency of 86250  
the facility services, addiction services, mental health services, 86251  
and recovery supports for which each board contracts under section 86252  
340.036 of the Revised Code and the facilities, addiction 86253  
services, and mental health services that each board operates or 86254  
provides under section 340.037 of the Revised Code. The department 86255  
shall collect information that is necessary to perform these 86256  
functions. 86257

(E) To the extent the director determines necessary and after 86258  
consulting with boards of alcohol, drug addiction, and mental 86259  
health services, community addiction services providers, and 86260  
community mental health services providers, develop and operate, 86261  
or contract for the operation of, a community behavioral health 86262  
information system or systems. The department shall specify the 86263  
information that must be provided by the boards and providers for 86264  
inclusion in the system or systems. 86265

Boards of alcohol, drug addiction, and mental health 86266  
services, community addiction services providers, and community 86267  
mental health services providers shall submit information 86268  
requested by the department in the form and manner and in 86269  
accordance with time frames prescribed by the department. 86270  
Information collected by the department may include all of the 86271  
following: 86272

|                                                                                                                                                                                                                                                                                                               |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (1) Information on addiction services, mental health services, and recovery supports provided;                                                                                                                                                                                                                | 86273<br>86274                            |
| (2) Financial information regarding expenditures of federal, state, or local funds;                                                                                                                                                                                                                           | 86275<br>86276                            |
| (3) Information about persons served.                                                                                                                                                                                                                                                                         | 86277                                     |
| The department shall not collect any personal information from the boards or providers except as required or permitted by state or federal law for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight. | 86278<br>86279<br>86280<br>86281<br>86282 |
| (F) In consultation with representatives of boards of alcohol, drug addiction, and mental health services and after consideration of recommendations made by the medical director appointed under section 5119.11 of the Revised Code, establish all of the following:                                        | 86283<br>86284<br>86285<br>86286<br>86287 |
| (1) Guidelines, including a timetable, for the boards' development and submission of proposed community addiction and mental health plans, budgets, and lists of addiction services, mental health services, and recovery supports under sections 340.03 and 340.08 of the Revised Code;                      | 86288<br>86289<br>86290<br>86291<br>86292 |
| (2) Procedures, including a timetable, for the director's review and approval or disapproval of the plans, budgets, and lists;                                                                                                                                                                                | 86293<br>86294<br>86295                   |
| (3) Procedures for corrective action regarding the plans, budgets, and lists, including submission of revised or new plans, budgets, and lists;                                                                                                                                                               | 86296<br>86297<br>86298                   |
| (4) Procedures for the director to follow in offering technical assistance to boards to assist them in making the plans, budgets, and lists acceptable or in making proposed amendments to approved plans, budgets, and lists meet criteria for approval;                                                     | 86299<br>86300<br>86301<br>86302          |

(5) Procedures for issuing time-limited waivers under 86303  
~~division (A)(1) of section 5119.221 of the Revised Code and~~ 86304  
~~waivers under division (A)(2) of that section.~~ 86305

(G) Review each board's proposed community addiction and 86306  
mental health plan, budget, and list of addiction services, mental 86307  
health services, and recovery supports submitted pursuant to 86308  
sections 340.03 and 340.08 of the Revised Code and approve or 86309  
disapprove the plan, the budget, and the list in whole or in part. 86310  
~~Except as otherwise authorized by a time limited waiver issued~~ 86311  
~~under division (A)(1) of section 5119.221 of the Revised Code, the~~ 86312  
The director shall disapprove a board's proposed budget in whole 86313  
or in part if the proposed budget would not make available in the 86314  
board's service district the essential elements of the 86315  
community-based continuum of care required by section 340.032 of 86316  
the Revised Code, including, except as otherwise authorized by a 86317  
time-limited waiver issued under section 5119.221 of the Revised 86318  
Code, an array of addiction services and recovery supports for all 86319  
levels of opioid and co-occurring drug addiction. 86320

Prior to a final decision to disapprove a plan, budget, or 86321  
list in whole or in part, a representative of the director shall 86322  
meet with the board and discuss the reason for the action the 86323  
director proposes to take and any corrective action that should be 86324  
taken to make the plan, budget, or list acceptable to the 86325  
director. In addition, the director shall offer technical 86326  
assistance to the board to assist it to make the plan, budget, or 86327  
list acceptable. The director shall give the board a reasonable 86328  
time in which to revise the plan, budget, or list. The board 86329  
thereafter shall submit a revised plan, budget, or list or a new 86330  
plan, budget, or list. 86331

(H) Approve or disapprove all or part of proposed amendments 86332  
that a board of alcohol, drug addiction, or mental health services 86333  
submits under section 340.03 or 340.08 of the Revised Code to an 86334

approved community addiction and mental health plan, budget, or 86335  
list of addiction services, mental health services, and recovery 86336  
supports. 86337

If the director disapproves of all or part of any proposed 86338  
amendment, the director shall provide the board an opportunity to 86339  
present its position. The director shall inform the board of the 86340  
reasons for the disapproval and of the criteria that must be met 86341  
before the proposed amendment may be approved. The director shall 86342  
give the board a reasonable time within which to meet the criteria 86343  
and shall offer technical assistance to the board to help it meet 86344  
the criteria. 86345

**Sec. 5119.221.** (A) The director of mental health and 86346  
addiction services, in accordance with procedures established 86347  
under division (F)(5) of section 5119.22 of the Revised Code, may 86348  
~~do either or both of the following:~~ 86349

~~(1) Subject to division (B) of this section, issue to a board 86350  
of alcohol, drug addiction, and mental health services a 86351  
time-limited waiver of the requirement of section 340.032 of the 86352  
Revised Code that a community based continuum of care include all 86353  
of the essential elements specified in that section;~~ 86354

~~(2) Subject to division (C) of this section, issue to a board 86355  
a waiver of the requirement of section 340.033 of the Revised Code 86356  
that ambulatory detoxification and medication-assisted treatment 86357  
be included in the array of addiction services and recovery 86358  
supports for all levels of opioid and co-occurring drug addiction.~~ 86359

~~(B) The director may not issue a time limited waiver under 86360  
division (A)(1) of this section unless the director determines 86361  
that the board seeking the waiver has made reasonable efforts to 86362  
include in the community based continuum of care the essential 86363  
elements being waived. The waiver shall specify the amount of time 86364  
for which it is issued and which of the essential elements are 86365~~

~~waived.~~ 86366

~~(C) The director may not issue a waiver under division (A)(2) of this section unless made available within the borders of the board's service district if the director determines that both of the following apply:~~ 86367  
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~~(1) The board seeking the waiver has made reasonable efforts to make ambulatory detoxification and medication-assisted treatment available within the borders of the board's service district;~~ 86371  
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~~(2) Ambulatory detoxification and medication-assisted treatment can be made available through one or more contracts between the board seeking the waiver and community addiction services providers that are located not more than thirty miles beyond the borders of the board's service district ~~the board serves;~~~~ 86375  
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~~(2) The amount of time it takes for residents of the service district the board serves to travel to a community addiction services provider that provides ambulatory detoxification and medication-assisted treatment does not impose a significant barrier to successful treatment.~~ 86381  
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~~(B) Each waiver issued under this section shall specify the amount of time for which it is in effect and whether it applies to ambulatory detoxification, medication-assisted treatment, or both.~~ 86386  
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**Sec. 5119.34.** (A) As used in this section and sections 5119.341 and 5119.342 of the Revised Code: 86389  
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(1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care. 86391  
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- (2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services. 86396  
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- (3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age. 86398  
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- (4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age. 86401  
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- (5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code. 86404  
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- (6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code. 86407  
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86409
- (7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license. 86410  
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- (8) "Personal care services" means services including, but not limited to, the following: 86415  
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- (a) Assisting residents with activities of daily living; 86417
- (b) Assisting residents with self-administration of medication in accordance with rules adopted under this section; 86418  
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- (c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section. 86420  
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- "Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A 86424  
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facility need not provide more than one of the services listed in 86426  
division (A)(8) of this section to be considered to be providing 86427  
personal care services. 86428

(9) "Room and board" means the provision of sleeping and 86429  
living space, meals or meal preparation, laundry services, 86430  
housekeeping services, or any combination thereof. 86431

(10) "Residential state supplement program" means the program 86432  
~~administered established~~ under section 5119.41 of the Revised Code 86433  
~~and related provisions of the Administrative Code under which the~~ 86434  
~~state supplements the supplemental security income payments~~ 86435  
~~received by aged, blind, or disabled adults under Title XVI of the~~ 86436  
~~Social Security Act. Residential state supplement payments are~~ 86437  
~~used for the provision of accommodations, supervision, and~~ 86438  
~~personal care services to supplemental security income recipients~~ 86439  
~~the department of mental health and addition services determines~~ 86440  
~~are at risk of needing institutional care.~~ 86441

(11) "Supervision" means any of the following: 86442

(a) Observing a resident to ensure the resident's health, 86443  
safety, and welfare while the resident engages in activities of 86444  
daily living or other activities; 86445

(b) Reminding a resident to perform or complete an activity, 86446  
such as reminding a resident to engage in personal hygiene or 86447  
other self-care activities; 86448

(c) Assisting a resident in making or keeping an appointment. 86449

(12) "Unrelated" means that a resident is not related to the 86450  
owner or operator of a residential facility or to the owner's or 86451  
operator's spouse as a parent, grandparent, child, stepchild, 86452  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 86453  
the child of an aunt or uncle. 86454

(B)(1) A "residential facility" is a publicly or privately 86455

|                                                                            |       |
|----------------------------------------------------------------------------|-------|
| operated home or facility that falls into one of the following             | 86456 |
| categories:                                                                | 86457 |
| (a) Class one facilities provide accommodations, supervision,              | 86458 |
| personal care services, and mental health services for one or more         | 86459 |
| unrelated adults with mental illness or one or more unrelated              | 86460 |
| children or adolescents with severe emotional disturbances;                | 86461 |
| (b) Class two facilities provide accommodations, supervision,              | 86462 |
| and personal care services to any of the following:                        | 86463 |
| (i) One or two unrelated persons with mental illness;                      | 86464 |
| (ii) One or two unrelated adults who are receiving <u>payments</u>         | 86465 |
| <u>under the residential state supplement <del>payments</del> program;</u> | 86466 |
| (iii) Three to sixteen unrelated adults.                                   | 86467 |
| (c) Class three facilities provide room and board for five or              | 86468 |
| more unrelated adults with mental illness.                                 | 86469 |
| (2) "Residential facility" does not include any of the                     | 86470 |
| following:                                                                 | 86471 |
| (a) A hospital subject to licensure under section 5119.33 of               | 86472 |
| the Revised Code or an institution maintained, operated, managed,          | 86473 |
| and governed by the department of mental health and addiction              | 86474 |
| services for the hospitalization of mentally ill persons pursuant          | 86475 |
| to section 5119.14 of the Revised Code;                                    | 86476 |
| (b) A residential facility licensed under section 5123.19 of               | 86477 |
| the Revised Code or otherwise regulated by the department of               | 86478 |
| developmental disabilities;                                                | 86479 |
| (c) An institution or association subject to certification                 | 86480 |
| under section 5103.03 of the Revised Code;                                 | 86481 |
| (d) A facility operated by a hospice care program licensed                 | 86482 |
| under section 3712.04 of the Revised Code that is used exclusively         | 86483 |
| for care of hospice patients;                                              | 86484 |

|                                                                                                                                                                                                                                                |                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;                                                                                                                        | 86485<br>86486                   |
| (f) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code;                                                                                                                                             | 86487<br>86488                   |
| (g) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless;                                   | 86489<br>86490<br>86491<br>86492 |
| (h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;                                                                                        | 86493<br>86494<br>86495          |
| (i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans;            | 86496<br>86497<br>86498<br>86499 |
| (j) The residence of a relative or guardian of a person with mental illness.                                                                                                                                                                   | 86500<br>86501                   |
| (C) Nothing in division (B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance.                                          | 86502<br>86503<br>86504<br>86505 |
| (D) Except in the case of a residential facility described in division (B)(1)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following: | 86506<br>86507<br>86508<br>86509 |
| (1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;                                                                                                                   | 86510<br>86511                   |
| (2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this                                                             | 86512<br>86513<br>86514          |

section, and handing it to the resident. If the resident is 86515  
physically unable to open the container, a staff member may open 86516  
the container for the resident. 86517

(3) Assist a physically impaired but mentally alert resident, 86518  
such as a resident with arthritis, cerebral palsy, or Parkinson's 86519  
disease, in removing oral or topical medication from containers 86520  
and in consuming or applying the medication, upon request by or 86521  
with the consent of the resident. If a resident is physically 86522  
unable to place a dose of medicine to the resident's mouth without 86523  
spilling it, a staff member may place the dose in a container and 86524  
place the container to the mouth of the resident. 86525

(E)(1) Except as provided in division (E)(2) of this section, 86526  
a person operating or seeking to operate a residential facility 86527  
shall apply for licensure of the facility to the department of 86528  
mental health and addiction services. The application shall be 86529  
submitted by the operator. When applying for the license, the 86530  
applicant shall pay to the department the application fee 86531  
specified in rules adopted under division (L) of this section. The 86532  
fee is nonrefundable. 86533

The department shall send a copy of an application to the 86534  
ADAMHS board serving the county in which the person operates or 86535  
seeks to operate the facility. The ADAMHS board shall review the 86536  
application and provide to the department any information about 86537  
the applicant or the facility that the board would like the 86538  
department to consider in reviewing the application. 86539

(2) A person may not apply for a license to operate a 86540  
residential facility if the person is or has been the owner, 86541  
operator, or manager of a residential facility for which a license 86542  
to operate was revoked or for which renewal of a license was 86543  
refused for any reason other than nonpayment of the license 86544  
renewal fee, unless both of the following conditions are met: 86545

(a) A period of not less than two years has elapsed since the date the director of mental health and addiction services issued the order revoking or refusing to renew the facility's license.

(b) The director's revocation or refusal to renew the license was not based on an act or omission at the facility that violated a resident's right to be free from abuse, neglect, or exploitation.

(F)(1) The department of mental health and addiction services shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving at its licensure decision.

The department may issue full, probationary, and interim licenses. A full license shall expire up to three years after the date of issuance, a probationary license shall expire in a shorter period of time as specified in rules adopted by the director of mental health and addiction services under division (L) of this section, and an interim license shall expire ninety days after the date of issuance. A license may be renewed in accordance with rules adopted by the director under division (L) of this section. The renewal application shall be submitted by the operator. When applying for renewal of a license, the applicant shall pay to the department the renewal fee specified in rules adopted under division (L) of this section. The fee is nonrefundable.

(2) The department may issue an order suspending the admission of residents to the facility or refuse to issue or renew and may revoke a license if it finds any of the following:

(a) The facility is not in compliance with rules adopted by the director pursuant to division (L) of this section;

(b) Any facility operated by the applicant or licensee has been cited for a pattern of serious noncompliance or repeated violations of statutes or rules during the period of current or

previous licenses; 86577

(c) The applicant or licensee submits false or misleading 86578  
information as part of a license application, renewal, or 86579  
investigation. 86580

Proceedings initiated to deny applications for full or 86581  
probationary licenses or to revoke such licenses are governed by 86582  
Chapter 119. of the Revised Code. An order issued pursuant to this 86583  
division remains in effect during the pendency of those 86584  
proceedings. 86585

(G) The department may issue an interim license to operate a 86586  
residential facility if both of the following conditions are met: 86587

(1) The department determines that the closing of or the need 86588  
to remove residents from another residential facility has created 86589  
an emergency situation requiring immediate removal of residents 86590  
and an insufficient number of licensed beds are available. 86591

(2) The residential facility applying for an interim license 86592  
meets standards established for interim licenses in rules adopted 86593  
by the director under division (L) of this section. 86594

An interim license shall be valid for ninety days and may be 86595  
renewed by the director no more than twice. Proceedings initiated 86596  
to deny applications for or to revoke interim licenses under this 86597  
division are not subject to Chapter 119. of the Revised Code. 86598

(H)(1) The department of mental health and addiction services 86599  
may conduct an inspection of a residential facility as follows: 86600

(a) Prior to issuance of a license for the facility; 86601

(b) Prior to renewal of the license; 86602

(c) To determine whether the facility has completed a plan of 86603  
correction required pursuant to division (H)(2) of this section 86604  
and corrected deficiencies to the satisfaction of the department 86605  
and in compliance with this section and rules adopted pursuant to 86606

it; 86607

(d) Upon complaint by any individual or agency; 86608

(e) At any time the director considers an inspection to be 86609  
necessary in order to determine whether the facility is in 86610  
compliance with this section and rules adopted pursuant to this 86611  
section. 86612

(2) In conducting inspections the department may conduct an 86613  
on-site examination and evaluation of the residential facility and 86614  
its personnel, activities, and services. The department shall have 86615  
access to examine and copy all records, accounts, and any other 86616  
documents relating to the operation of the residential facility, 86617  
including records pertaining to residents, and shall have access 86618  
to the facility in order to conduct interviews with the operator, 86619  
staff, and residents. Following each inspection and review, the 86620  
department shall complete a report listing any deficiencies, and 86621  
including, when appropriate, a time table within which the 86622  
operator shall correct the deficiencies. The department may 86623  
require the operator to submit a plan of correction describing how 86624  
the deficiencies will be corrected. 86625

(I) No person shall do any of the following: 86626

(1) Operate a residential facility unless the facility holds 86627  
a valid license; 86628

(2) Violate any of the conditions of licensure after having 86629  
been granted a license; 86630

(3) Interfere with a state or local official's inspection or 86631  
investigation of a residential facility; 86632

(4) Violate any of the provisions of this section or any 86633  
rules adopted pursuant to this section. 86634

(J) The following may enter a residential facility at any 86635  
time: 86636

|                                                                                                                                                                                                                                                                                                                                                     |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (1) Employees designated by the director of mental health and addiction services;                                                                                                                                                                                                                                                                   | 86637<br>86638                                     |
| (2) Employees of an ADAMHS board under either of the following circumstances:                                                                                                                                                                                                                                                                       | 86639<br>86640                                     |
| (a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;                                                                                                                                                                           | 86641<br>86642<br>86643                            |
| (b) When authorized by section 340.05 of the Revised Code.                                                                                                                                                                                                                                                                                          | 86644                                              |
| (3) Employees of a community mental health services provider under either of the following circumstances:                                                                                                                                                                                                                                           | 86645<br>86646                                     |
| (a) When the provider has a person receiving services residing in the facility;                                                                                                                                                                                                                                                                     | 86647<br>86648                                     |
| (b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.                                                                                                                                                                                                                                | 86649<br>86650                                     |
| (4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are <del>recipients</del> <u>receiving payments</u> under the residential state supplement program.                | 86651<br>86652<br>86653<br>86654<br>86655          |
| The persons specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.                                                                                                 | 86656<br>86657<br>86658<br>86659                   |
| (K) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license. | 86660<br>86661<br>86662<br>86663<br>86664<br>86665 |
| (L) The director shall adopt and may amend and rescind rules                                                                                                                                                                                                                                                                                        | 86666                                              |

pursuant to Chapter 119. of the Revised Code governing the 86667  
licensing and operation of residential facilities. The rules shall 86668  
establish all of the following: 86669

(1) Minimum standards for the health, safety, adequacy, and 86670  
cultural competency of treatment of and services for persons in 86671  
residential facilities; 86672

(2) Procedures for the issuance, renewal, or revocation of 86673  
the licenses of residential facilities; 86674

(3) Procedures for conducting background investigations for 86675  
prospective or current operators, employees, volunteers, and other 86676  
non-resident occupants who may have direct access to facility 86677  
residents; 86678

(4) The fee to be paid when applying for a new residential 86679  
facility license or renewing the license; 86680

(5) Procedures for the operator of a residential facility to 86681  
follow when notifying the ADAMHS board serving the county in which 86682  
the facility is located when the facility is serving residents 86683  
with mental illness or severe mental disability, including the 86684  
circumstances under which the operator is required to make such a 86685  
notification; 86686

(6) Procedures for the issuance and termination of orders of 86687  
suspension of admission of residents to a residential facility; 86688

(7) Measures to be taken by residential facilities relative 86689  
to residents' medication; 86690

(8) Requirements relating to preparation of special diets; 86691

(9) The maximum number of residents who may be served in a 86692  
residential facility; 86693

(10) The rights of residents of residential facilities and 86694  
procedures to protect such rights; 86695

(11) Standards and procedures under which the director may 86696

waive the requirements of any of the rules adopted. 86697

(M)(1) The department may withhold the source of any 86698  
complaint reported as a violation of this section when the 86699  
department determines that disclosure could be detrimental to the 86700  
department's purposes or could jeopardize the investigation. The 86701  
department may disclose the source of any complaint if the 86702  
complainant agrees in writing to such disclosure and shall 86703  
disclose the source upon order by a court of competent 86704  
jurisdiction. 86705

(2) Any person who makes a complaint under division (M)(1) of 86706  
this section, or any person who participates in an administrative 86707  
or judicial proceeding resulting from such a complaint, is immune 86708  
from civil liability and is not subject to criminal prosecution, 86709  
other than for perjury, unless the person has acted in bad faith 86710  
or with malicious purpose. 86711

(N)(1) The director of mental health and addiction services 86712  
may petition the court of common pleas of the county in which a 86713  
residential facility is located for an order enjoining any person 86714  
from operating a residential facility without a license or from 86715  
operating a licensed facility when, in the director's judgment, 86716  
there is a present danger to the health or safety of any of the 86717  
occupants of the facility. The court shall have jurisdiction to 86718  
grant such injunctive relief upon a showing that the respondent 86719  
named in the petition is operating a facility without a license or 86720  
there is a present danger to the health or safety of any residents 86721  
of the facility. 86722

(2) When the court grants injunctive relief in the case of a 86723  
facility operating without a license, the court shall issue, at a 86724  
minimum, an order enjoining the facility from admitting new 86725  
residents to the facility and an order requiring the facility to 86726  
assist with the safe and orderly relocation of the facility's 86727  
residents. 86728

(3) If injunctive relief is granted against a facility for 86729  
operating without a license and the facility continues to operate 86730  
without a license, the director shall refer the case to the 86731  
attorney general for further action. 86732

(O) The director may fine a person for violating division (I) 86733  
of this section. The fine shall be five hundred dollars for a 86734  
first offense; for each subsequent offense, the fine shall be one 86735  
thousand dollars. The director's actions in imposing a fine shall 86736  
be taken in accordance with Chapter 119. of the Revised Code. 86737

**Sec. 5119.363.** The director of mental health and addiction 86738  
services shall adopt rules governing the duties of boards of 86739  
alcohol, drug addiction, and mental health services under section 86740  
340.20 of the Revised Code and the duties of community addiction 86741  
services providers under section 5119.362 of the Revised Code. The 86742  
rules shall be adopted in accordance with Chapter 119. of the 86743  
Revised Code. 86744

The director shall adopt rules under this section that 86745  
authorize the department of mental health and addiction services 86746  
to determine an advanced practice registered nurse's, physician 86747  
assistant's, or physician's compliance with section 3715.08 of the 86748  
Revised Code if such practitioner works for a community addiction 86749  
services provider. 86750

**Sec. 5119.41.** (A) ~~As used in this section:~~ 86751

~~(1) "Nursing facility" has the same meaning as in section 86752  
5165.01 of the Revised Code. 86753~~

~~(2) "Residential state supplement administrative agency" 86754  
means the department of mental health and addiction services or, 86755  
if the department designates an entity under division (C) of this 86756  
section for a particular area, the designated entity. 86757~~

~~(3) "Residential state supplement program" means the program 86758~~

~~administered pursuant to this section.~~ 86759

~~(B)~~ The department of mental health and addiction services 86760  
shall implement the residential state supplement program under 86761  
which the state supplements the amounts received by aged, blind, 86762  
or disabled adults as supplemental security income payments 86763  
~~received by aged, blind, or disabled adults~~ under Title XVI of the 86764  
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 86765  
security benefits or social security disability insurance benefits 86766  
under Title II of the "Social Security Act," 42 U.S.C. 401 et seq. 86767  
Residential state supplement payments shall be used for the 86768  
provision of accommodations, supervision, and personal care 86769  
services to ~~social security,~~ recipients of supplemental security 86770  
income payments, social security benefits, and social security 86771  
disability insurance ~~recipients~~ benefits who the department 86772  
determines are at risk of needing institutional care. 86773

~~(C)~~ In implementing the program, the department may designate 86774  
one or more entities to be responsible for providing 86775  
administrative services regarding the program. The department may 86776  
designate an entity ~~to be a residential state supplement~~ 86777  
~~administrative agency under this division~~ either by entering into 86778  
a contract with the entity to ~~serve in that capacity~~ provided the 86779  
services or by otherwise delegating to the entity the 86780  
responsibility to ~~serve in that capacity~~ provide the services. 86781

~~(D)~~ ~~For an individual to~~ (B) To be eligible for residential 86782  
state supplement payments, ~~all of the following must be the case:~~ 86783

~~(1) Except as provided by division (C) of this section, the~~ 86784  
~~individual must reside in one of the following living~~ 86785  
~~arrangements:~~ 86786

~~(a) A residential care facility licensed by the department of~~ 86787  
~~health under Chapter 3721. of the Revised Code or an assisted~~ 86788  
~~living program as defined in section 173.51 of the Revised Code;~~ 86789

~~(b) A class two residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code.~~

~~(2) If a residential state supplement administrative agency is aware that an individual enrolled in the program has mental health needs, the agency shall refer the individual for an assessment pursuant to division (A) of section 340.091 of the Revised Code.~~

~~(3) The an individual ~~satisfies~~ must satisfy all eligibility requirements established by rules adopted under ~~division (E)~~ of this section.~~

~~(4) An individual residing in a living arrangement housing more than sixteen individuals shall not be eligible for inclusion in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement.~~

~~(E)(C) The director of mental health and addiction services and the medicaid director shall adopt rules ~~in accordance with Chapter 119. of the Revised Code~~ as necessary to implement the residential state supplement program, including the requirements that an individual must satisfy to be eligible for payments under the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.~~

The rules adopted by the director of mental health and addiction services may establish the method to be used to determine the payment an eligible individual will receive under the program. The amount the general assembly appropriates for the program may be a factor included in the method that director

establishes. 86821

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the rules adopted by the medicaid director may ~~adopt rules establishing~~ establish standards for adjusting the eligibility requirements concerning the level of impairment ~~a person~~ an individual must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of individuals who are disabled persons solely on a basis classifying disabilities as physical or mental. ~~The medicaid director also may adopt rules that establish eligibility standards for aged, blind, or disabled individuals who reside in one of the homes or facilities specified in division (D)(1) of this section but who, because of their income, do not receive supplemental security income payments. The rules may provide that these individuals may include individuals who receive other types of benefits, including, social security payments or social security disability insurance benefits provided under Title II of the "Social Security Act," 42 U.S.C. 401, et seq. Notwithstanding division (B) of this section, such payments may be made if funds are available for them.~~

~~The director of mental health and addiction services may adopt rules establishing the method to be used to determine the amount an eligible individual will receive under the program. The amount the general assembly appropriates for the program may be a factor included in the method that director establishes.~~

~~(F)(D)~~ The county department of job and family services of the county in which an applicant for the residential state supplement program resides or the department of medicaid shall determine whether the applicant meets income and resource requirements for the program.

The county department of job and family services or the 86852

department of medicaid shall notify each individual who is denied approval for payments under the program of the individual's right to a hearing. On request, the hearing shall be provided in accordance with section 5101.35 of the Revised Code. 86853  
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~~(G)~~(E) An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this ~~section~~ program solely by reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990. 86857  
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~~(H) The county department of job and family services from which the person is receiving benefits or the department of medicaid shall notify each person denied approval for payments under this section of the person's right to a hearing. On request, the hearing shall be provided in accordance with section 5101.35 of the Revised Code.~~ 86864  
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**Sec. 5119.47.** The director of mental health and addiction services shall administer the problem casino gambling and addictions fund. The director shall use the money in the fund to support gambling addiction services, alcohol and drug addiction services, other services that relate to gambling addiction and substance abuse, and research that relates to gambling addiction and substance abuse. Treatment and prevention services supported by money in the fund under this section shall be services that are certified by the department of mental health and addiction services. 86870  
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The director shall prepare an annual report describing the use of the fund for these purposes. The director shall submit the report to the Ohio casino control commission, the speaker and minority leader of the house of representatives, the president and 86880  
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86883

minority leader of the senate, and the governor, ~~and the joint~~ 86884  
~~committee on gaming and wagering.~~ 86885

Sec. 5119.48. (A) The department of mental health and 86886  
addiction services shall create the all roads lead to home 86887  
program. The program shall include all of the following 86888  
initiatives: 86889

(1) A media campaign. As part of the campaign, the department 86890  
shall develop public service announcements and shall make the 86891  
announcements available to television and radio media outlets. The 86892  
announcements shall be made available beginning on January 1, 86893  
2018, and at least twice annually, once between January and March 86894  
of each year, and once in September of each year as part of 86895  
national recovery month. 86896

(2) A web site as described in division (C) of this section; 86897

(3) A twenty-four-hour hotline, that is operated by a call 86898  
center, for the purpose of helping individuals access addiction 86899  
services. 86900

(B) The media campaign described in division (A)(1) of this 86901  
section shall do all of the following: 86902

(1) Include messages to reduce the stigma associated with 86903  
seeking help for drug addiction; 86904

(2) Provide directions for people who are in need of drug 86905  
addiction assistance to a web-based location that includes all of 86906  
the following: 86907

(a) Information on where to find help for drug addiction; 86908

(b) Information on intervention and referral options; 86909

(c) Contact information for county board drug addiction 86910  
assistance authorities. 86911

(3) Prioritize its efforts in media markets that have the 86912

highest rates of drug overdose deaths in this state; 86913

(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets. 86914  
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(C) Before January 1, 2018, the department shall create a web site as described in division (A)(2) of this section that offers all of the following components: 86917  
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(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director; 86920  
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(2) Community detoxification and withdrawal management options and community treatment options; 86923  
86924

(3) A searchable database of certified substance abuse providers organized by zip code; 86925  
86926

(4) Information on recovery supports, including recovery housing; 86927  
86928

(5) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment. 86929  
86930

(D) The department may contract with private vendors for the creation and maintenance of the interactive web site described in division (C) of this section. 86931  
86932  
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Sec. 5119.89. The director of mental health and addiction services shall consult with the superintendent of insurance as required by section 3901.90 of the Revised Code to develop consumer and payer education on mental health and addiction services insurance parity and establish and promote a consumer hotline to collect information and help consumers understand and access their insurance benefits. 86934  
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The department of mental health and addiction services and 86941

the department of insurance shall jointly report annually on the 86942  
departments' efforts, which shall include information on consumer 86943  
and payer outreach activities and identification of trends and 86944  
barriers to access and coverage in this state. The departments 86945  
shall submit the report to the general assembly, the joint 86946  
medicaid oversight committee, and the governor, not later than the 86947  
thirtieth day of January of each year. 86948

**Sec. 5120.035.** (A) As used in this section: 86949

(1) "Community treatment provider" means a program that 86950  
provides substance use disorder assessment and treatment for 86951  
persons and that satisfies all of the following: 86952

(a) It is located outside of a state correctional 86953  
institution. 86954

(b) It shall provide the assessment and treatment for 86955  
qualified prisoners referred and transferred to it under this 86956  
section in a suitable facility that is licensed pursuant to 86957  
division (C) of section 2967.14 of the Revised Code. 86958

(c) All qualified prisoners referred and transferred to it 86959  
under this section shall reside initially in the suitable facility 86960  
specified in division (A)(1)(b) of this section while undergoing 86961  
the assessment and treatment. 86962

(2) "Electronic monitoring device" has the same meaning as in 86963  
section 2929.01 of the Revised Code. 86964

(3) "State correctional institution" has the same meaning as 86965  
in section 2967.01 of the Revised Code. 86966

(4) "Qualified prisoner" means a person who satisfies all of 86967  
the following: 86968

(a) The person is confined in a state correctional 86969  
institution under a prison term imposed for a felony of the fourth 86970  
or fifth degree that is not an offense of violence. 86971

(b) The person has not previously been convicted of or 86972  
pleaded guilty to ~~an~~ a felony offense of violence and, within the 86973  
preceding five years, has not been convicted of or pleaded guilty 86974  
to a misdemeanor offense of violence. 86975

(c) The department of rehabilitation and correction 86976  
determines, using a standardized assessment tool, that the person 86977  
has a substance use disorder. 86978

(d) The person has not more than twelve months remaining to 86979  
be served under the prison term described in division (A)(4)(a) of 86980  
this section. 86981

(e) The person is not serving any prison term other than the 86982  
term described in division (A)(4)(a) of this section. 86983

(f) The person is eighteen years of age or older. 86984

(g) The person does not show signs of drug or alcohol 86985  
withdrawal and does not require medical detoxification. 86986

(h) As determined by the department of rehabilitation and 86987  
correction, the person is physically and mentally capable of 86988  
uninterrupted participation in the substance use disorder 86989  
treatment program established under division (B) of this section. 86990

(B) The department of rehabilitation and correction shall 86991  
establish and operate a program for community-based substance use 86992  
disorder treatment for qualified prisoners. The purpose of the 86993  
program shall be to provide substance use disorder assessment and 86994  
treatment through community treatment providers to help reduce 86995  
substance use relapses and recidivism for qualified prisoners 86996  
while preparing them for reentry into the community and improving 86997  
public safety. 86998

(C)(1) The department shall determine which qualified 86999  
prisoners in its custody should be placed in the substance use 87000  
disorder treatment program established under division (B) of this 87001

section. The department has full discretion in making that 87002  
determination. If the department determines that a qualified 87003  
prisoner should be placed in the program, the department may refer 87004  
the prisoner to a community treatment provider the department has 87005  
approved under division (E) of this section for participation in 87006  
the program and transfer the prisoner from the state correctional 87007  
institution to the provider's approved and licensed facility. 87008  
Except as otherwise provided in division (C)(3) of this section, 87009  
no prisoner shall be placed under the program in any facility 87010  
other than a facility of a community treatment provider that has 87011  
been so approved. If the department places a prisoner in the 87012  
program, the prisoner shall receive credit against the prisoner's 87013  
prison term for all time served in the provider's approved and 87014  
licensed facility and may earn days of credit under section 87015  
2967.193 of the Revised Code, but otherwise neither the placement 87016  
nor the prisoner's participation in or completion of the program 87017  
shall result in any reduction of the prisoner's prison term. 87018

(2) If the department places a prisoner in the substance use 87019  
disorder treatment program, the prisoner does not satisfactorily 87020  
participate in the program, and the prisoner has not served the 87021  
prisoner's entire prison term, the department may remove the 87022  
prisoner from the program and return the prisoner to a state 87023  
correctional institution. 87024

(3) If the department places a prisoner in the substance use 87025  
disorder treatment program and the prisoner is satisfactorily 87026  
participating in the program, the department may permit the 87027  
prisoner to reside at a residence approved by the department if 87028  
the department determines, with input from the community treatment 87029  
provider, that residing at the approved residence will help the 87030  
prisoner prepare for reentry into the community and will help 87031  
reduce substance use relapses and recidivism for the prisoner. If 87032  
a prisoner is permitted under this division to reside at a 87033

residence approved by the department, the prisoner shall be 87034  
monitored during the period of that residence by an electronic 87035  
monitoring device. 87036

(D)(1) When a prisoner has been placed in the substance use 87037  
disorder treatment program established under division (B) of this 87038  
section, before the prisoner is released from custody of the 87039  
department upon completion of the prisoner's prison term, the 87040  
department shall conduct and prepare an evaluation of the 87041  
prisoner, the prisoner's participation in the program, and the 87042  
prisoner's needs regarding substance use disorder treatment upon 87043  
release. Before the prisoner is released from custody of the 87044  
department upon completion of the prisoner's prison term, the 87045  
parole board or the court acting pursuant to an agreement under 87046  
section 2967.29 of the Revised Code shall consider the evaluation, 87047  
in addition to all other information and materials considered, as 87048  
follows: 87049

(a) If the prisoner is a prisoner for whom post-release 87050  
control is mandatory under section 2967.28 of the Revised Code, 87051  
the board or court shall consider it in determining which 87052  
post-release control sanction or sanctions to impose upon the 87053  
prisoner under that section. 87054

(b) If the prisoner is a prisoner for whom post-release 87055  
control is not mandatory under section 2967.28 of the Revised 87056  
Code, the board or court shall consider it in determining whether 87057  
a post-release control sanction is necessary and, if so, which 87058  
post-release control sanction or sanctions to impose upon the 87059  
prisoner under that section. 87060

(2) If the department determines that a prisoner it placed in 87061  
the substance use disorder treatment program successfully 87062  
completed the program and successfully completed a term of 87063  
post-release control, if applicable, and if the prisoner submits 87064  
an application under section 2953.32 of the Revised Code for 87065

sealing the record of the conviction, the director may issue a 87066  
letter to the court in support of the application. 87067

(E)(1) The department shall accept applications from 87068  
community treatment providers that satisfy the requirement 87069  
specified in division (E)(2) of this section and that wish to 87070  
participate in the substance use disorder treatment program 87071  
established under division (B) of this section, and shall approve 87072  
for participation in the program at least four and not more than 87073  
eight of the providers that apply. To the extent feasible, the 87074  
department shall approve one or more providers from each 87075  
geographical quadrant of the state. 87076

(2) Each community treatment provider that applies under 87077  
division (E)(1) of this section to participate in the program 87078  
shall have the provider's alcohol and drug addiction services that 87079  
provide substance use disorder treatment certified by the 87080  
department of mental health and addiction services under section 87081  
5119.36 of the Revised Code. A community treatment provider is not 87082  
required to have the provider's halfway house or residential 87083  
treatment certified by the department of mental health and 87084  
addiction services. 87085

(F) The department of rehabilitation and correction shall 87086  
adopt rules for the operation of the substance use disorder 87087  
treatment program it establishes under division (B) of this 87088  
section and shall operate the program in accordance with this 87089  
section and those rules. The rules shall establish, at a minimum, 87090  
all of the following: 87091

(1) Criteria that establish which qualified prisoners are 87092  
eligible for the program; 87093

(2) Criteria that must be satisfied to transfer a qualified 87094  
prisoner to a residence pursuant to division (C)(3) of this 87095  
section; 87096

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| (3) Criteria for the removal of a prisoner from the program pursuant to division (C)(2) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 87097<br>87098                                                                                                    |
| (4) Criteria for determining when an offender has successfully completed the program for purposes of division (D)(2) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 87099<br>87100<br>87101                                                                                           |
| (5) Criteria for community treatment providers to provide assessment and treatment, including minimum standards for treatment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 87102<br>87103<br>87104                                                                                           |
| <b>Sec. 5120.22.</b> (A) The division of business administration shall examine the conditions of all buildings, grounds, and other property connected with the institutions under the control of the department of rehabilitation and correction, the methods of bookkeeping and storekeeping, and all matters relating to the management of such property. The division shall study and become familiar with the advantages and disadvantages of each as to location, freight rates, and efficiency of farm and equipment, for the purpose of aiding in the determination of the local and general requirements both for maintenance and improvements.                                                                                                                                                                                         | 87105<br>87106<br>87107<br>87108<br>87109<br>87110<br>87111<br>87112<br>87113<br>87114                            |
| (B) The division, with respect to the various types of state-owned housing under jurisdiction of the department, shall adopt, in accordance with section 111.15 of the Revised Code, rules governing maintenance of the housing and its usage by department personnel. The rules shall include a procedure for determining charges for rent and utilities, which the division shall assess against and collect from department personnel using the housing. All money collected for rent and utilities pursuant to the rules shall be deposited into the property receipts fund, which is hereby created in the state treasury. Money in the fund shall be used for any expenses necessary to provide housing of department employees, including but not limited to expenses for the acquisition, construction, operation, maintenance, repair, | 87115<br>87116<br>87117<br>87118<br>87119<br>87120<br>87121<br>87122<br>87123<br>87124<br>87125<br>87126<br>87127 |

reconstruction, or demolition of land and buildings. 87128

(C) The division may enter into a lease or agreement with a 87129  
state agency, political subdivision of the state, or private 87130  
entity to use facilities or other property under the jurisdiction 87131  
of the department that is not being utilized by the department. 87132  
All money collected for leasing and services performed in 87133  
accordance with the lease or agreement shall be deposited into the 87134  
property receipts fund created under division (B) of this section. 87135  
Money in the fund shall be used for any expenses resulting from 87136  
the lease or agreement, including, but not limited to, expenses 87137  
for services performed, construction, maintenance, repair, 87138  
reconstruction, or demolition of the facilities or other property. 87139

(D) If, after meeting the expenditure obligations required by 87140  
divisions (B) and (C) of this section, the division determines 87141  
that the property receipts fund has excess funds, the division may 87142  
use money in the fund for services performed, construction, 87143  
maintenance, repair, reconstruction, or demolition of any other 87144  
facilities or property owned by the department. 87145

**Sec. 5120.55.** (A) As used in this section, "licensed health 87146  
professional" means any or all of the following: 87147

(1) A dentist who holds a current, valid license issued under 87148  
Chapter 4715. of the Revised Code to practice dentistry; 87149

(2) A licensed practical nurse who holds a current, valid 87150  
license issued under Chapter 4723. of the Revised Code that 87151  
authorizes the practice of nursing as a licensed practical nurse; 87152

(3) An optometrist who holds a current, valid certificate of 87153  
licensure issued under Chapter 4725. of the Revised Code that 87154  
authorizes the holder to engage in the practice of optometry; 87155

(4) A physician who is authorized under Chapter 4731. of the 87156  
Revised Code to practice medicine and surgery, osteopathic 87157

medicine and surgery, or podiatric medicine and surgery; 87158

(5) A psychologist who holds a current, valid license issued 87159  
under Chapter 4732. of the Revised Code that authorizes the 87160  
practice of psychology as a licensed psychologist; 87161

(6) A registered nurse who holds a current, valid license 87162  
issued under Chapter 4723. of the Revised Code that authorizes the 87163  
practice of nursing as a registered nurse, including such a nurse 87164  
who is also licensed to practice as an advanced practice 87165  
registered nurse as defined in section 4723.01 of the Revised 87166  
Code. 87167

(B)(1) The department of rehabilitation and correction may 87168  
establish a recruitment program under which the department, by 87169  
means of a contract entered into under division (C) of this 87170  
section, agrees to repay all or part of the principal and interest 87171  
of a government or other educational loan incurred by a licensed 87172  
health professional who agrees to provide services to inmates of 87173  
correctional institutions under the department's administration. 87174

(2)(a) For a physician to be eligible to participate in the 87175  
program, the physician must have attended a school that was, 87176  
during the time of attendance, a medical school or osteopathic 87177  
medical school in this country accredited by the liaison committee 87178  
on medical education or the American osteopathic association, a 87179  
college of podiatry in this country ~~recognized as being~~ in good 87180  
standing ~~under section 4731.53 of the Revised Code with the state~~ 87181  
medical board, or a medical school, osteopathic medical school, or 87182  
college of podiatry located outside this country that was 87183  
acknowledged by the world health organization and verified by a 87184  
member state of that organization as operating within that state's 87185  
jurisdiction. 87186

(b) For a nurse to be eligible to participate in the program, 87187  
the nurse must have attended a school that was, during the time of 87188

attendance, a nursing school in this country accredited by the 87189  
commission on collegiate nursing education or the national league 87190  
for nursing accrediting commission or a nursing school located 87191  
outside this country that was acknowledged by the world health 87192  
organization and verified by a member state of that organization 87193  
as operating within that state's jurisdiction. 87194

(c) For a dentist to be eligible to participate in the 87195  
program, the dentist must have attended a school that was, during 87196  
the time of attendance, a dental college that enabled the dentist 87197  
to meet the requirements specified in section 4715.10 of the 87198  
Revised Code to be granted a license to practice dentistry. 87199

(d) For an optometrist to be eligible to participate in the 87200  
program, the optometrist must have attended a school of optometry 87201  
that was, during the time of attendance, approved by the state 87202  
board of optometry. 87203

(e) For a psychologist to be eligible to participate in the 87204  
program, the psychologist must have attended an educational 87205  
institution that, during the time of attendance, maintained a 87206  
specific degree program recognized by the state board of 87207  
psychology as acceptable for fulfilling the requirement of 87208  
division (B)(3) of section 4732.10 of the Revised Code. 87209

(C) The department shall enter into a contract with each 87210  
licensed health professional it recruits under this section. Each 87211  
contract shall include at least the following terms: 87212

(1) The licensed health professional agrees to provide a 87213  
specified scope of medical, osteopathic medical, podiatric, 87214  
optometric, psychological, nursing, or dental services to inmates 87215  
of one or more specified state correctional institutions for a 87216  
specified number of hours per week for a specified number of 87217  
years. 87218

(2) The department agrees to repay all or a specified portion 87219

of the principal and interest of a government or other educational 87220  
loan taken by the licensed health professional for the following 87221  
expenses to attend, for up to a maximum of four years, a school 87222  
that qualifies the licensed health professional to participate in 87223  
the program: 87224

(a) Tuition; 87225

(b) Other educational expenses for specific purposes, 87226  
including fees, books, and laboratory expenses, in amounts 87227  
determined to be reasonable in accordance with rules adopted under 87228  
division (D) of this section; 87229

(c) Room and board, in an amount determined to be reasonable 87230  
in accordance with rules adopted under division (D) of this 87231  
section. 87232

(3) The licensed health professional agrees to pay the 87233  
department a specified amount, which shall be no less than the 87234  
amount already paid by the department pursuant to its agreement, 87235  
as damages if the licensed health professional fails to complete 87236  
the service obligation agreed to or fails to comply with other 87237  
specified terms of the contract. The contract may vary the amount 87238  
of damages based on the portion of the service obligation that 87239  
remains uncompleted. 87240

(4) Other terms agreed upon by the parties. 87241

The licensed health professional's lending institution or the 87242  
~~Ohio board department of regents,~~ higher education may be a party 87243  
to the contract. The contract may include an assignment to the 87244  
department of rehabilitation and correction of the licensed health 87245  
professional's duty to repay the principal and interest of the 87246  
loan. 87247

(D) If the department of rehabilitation and correction elects 87248  
to implement the recruitment program, it shall adopt rules in 87249  
accordance with Chapter 119. of the Revised Code that establish 87250

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| all of the following:                                                                                                                                                                                                                                   | 87251                            |
| (1) Criteria for designating institutions for which licensed health professionals will be recruited;                                                                                                                                                    | 87252<br>87253                   |
| (2) Criteria for selecting licensed health professionals for participation in the program;                                                                                                                                                              | 87254<br>87255                   |
| (3) Criteria for determining the portion of a loan which the department will agree to repay;                                                                                                                                                            | 87256<br>87257                   |
| (4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section;                                                                                                                               | 87258<br>87259                   |
| (5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;                                                                              | 87260<br>87261<br>87262          |
| (6) Any other criteria or procedures necessary to implement the program.                                                                                                                                                                                | 87263<br>87264                   |
| <u>Sec. 5120.68. (A) When a prisoner becomes eligible for parole under section 2967.13 of the Revised Code, the warden of the institution in which the prisoner is incarcerated shall prepare a report containing all of the following information:</u> | 87265<br>87266<br>87267<br>87268 |
| <u>(1) Information concerning the prisoner's participation in programs during the prisoner's time at the institution;</u>                                                                                                                               | 87269<br>87270                   |
| <u>(2) Information concerning the prisoner's compliance or noncompliance with rules while at the institution;</u>                                                                                                                                       | 87271<br>87272                   |
| <u>(3) Information concerning the ability of the prisoner to seek and obtain employment upon release from incarceration.</u>                                                                                                                            | 87273<br>87274                   |
| <u>(B) The warden shall submit the report created under division (A) of this section to the parole board prior to any hearing to determine whether or not the prisoner should be paroled.</u>                                                           | 87275<br>87276<br>87277          |
| <b>Sec. 5122.32. (A) As used in this section:</b>                                                                                                                                                                                                       | 87278                            |

(1) "Quality assurance committee" means a committee that is appointed in the central office of the department of mental health and addiction services by the director of mental health and addiction services, a committee of a hospital or community setting program, or a duly authorized subcommittee of a committee of that nature and that is designated to carry out quality assurance program activities.

(2) "Quality assurance program" means a comprehensive program within the department of mental health and addiction services to systematically review and improve the quality of medical and mental health services within the department and its hospitals and community setting programs, the safety and security of persons receiving or administering medical and mental health services within the department and its hospitals and community setting programs, and the efficiency and effectiveness of the utilization of staff and resources in the delivery of medical and mental health services within the department and its hospitals and community setting programs. "Quality assurance program" includes the central office quality assurance committees, morbidity and mortality review committees, quality assurance programs of community setting programs, quality assurance committees of hospitals operated by the department of mental health and addiction services, and the office of licensure and certification of the department.

(3) "Quality assurance program activities" include collecting or compiling information and reports required by a quality assurance committee, receiving, reviewing, or implementing the recommendations made by a quality assurance committee, and credentialing, privileging, infection control, tissue review, peer review, utilization review including access to patient care records, patient care assessment records, and medical and mental health records, medical and mental health resource management,

mortality and morbidity review, and identification and prevention 87311  
of medical or mental health incidents and risks, whether performed 87312  
by a quality assurance committee or by persons who are directed by 87313  
a quality assurance committee. 87314

(4) "Quality assurance records" means the proceedings, 87315  
discussion, records, findings, recommendations, evaluations, 87316  
opinions, minutes, reports, and other documents or actions that 87317  
emanate from quality assurance committees, quality assurance 87318  
programs, or quality assurance program activities. "Quality 87319  
assurance records" does not include aggregate statistical 87320  
information that does not disclose the identity of persons 87321  
receiving or providing medical or mental health services in 87322  
department of mental health and addiction services hospitals or 87323  
community setting programs. 87324

(B)(1) Except as provided in division (E) of this section, 87325  
quality assurance records are confidential and are not public 87326  
records under section 149.43 of the Revised Code, and shall be 87327  
used only in the course of the proper functions of a quality 87328  
assurance program. 87329

(2) Except as provided in division (E) of this section, no 87330  
person who possesses or has access to quality assurance records 87331  
and who knows that the records are quality assurance records shall 87332  
willfully disclose the contents of the records to any person or 87333  
entity. 87334

(C)(1) Except as provided in division (E) of this section, no 87335  
quality assurance record shall be subject to discovery, and is not 87336  
admissible in evidence, in any judicial or administrative 87337  
proceeding. 87338

(2) Except as provided in division (E) of this section, no 87339  
member of a quality assurance committee or a person who is 87340  
performing a function that is part of a quality assurance program 87341

shall be permitted or required to testify in a judicial or 87342  
administrative proceeding with respect to quality assurance 87343  
records or with respect to any finding, recommendation, 87344  
evaluation, opinion, or other action taken by the committee, 87345  
member, or person. 87346

(3) Information, documents, or records otherwise available 87347  
from original sources are not to be construed as being unavailable 87348  
for discovery or admission in evidence in a judicial or 87349  
administrative proceeding merely because they were presented to a 87350  
quality assurance committee. No person testifying before a quality 87351  
assurance committee or person who is a member of a quality 87352  
assurance committee shall be prevented from testifying as to 87353  
matters within the person's knowledge, but the witness cannot be 87354  
asked about the witness' testimony before the quality assurance 87355  
committee or about an opinion formed by the person as a result of 87356  
the quality assurance committee proceedings. 87357

(D)(1) A person who, without malice and in the reasonable 87358  
belief that the information is warranted by the facts known to the 87359  
person, provides information to a person engaged in quality 87360  
assurance program activities is not liable for damages in a civil 87361  
action for injury, death, or loss to person or property to any 87362  
person as a result of providing the information. 87363

(2) A member of a quality assurance committee, a person 87364  
engaged in quality assurance program activities, and an employee 87365  
of the department of mental health and addiction services shall 87366  
not be liable in damages in a civil action for injury, death, or 87367  
loss to person or property to any person for any acts, omissions, 87368  
decisions, or other conduct within the scope of the functions of 87369  
the quality assurance program. 87370

(3) Nothing in this section shall relieve any institution or 87371  
individual from liability arising from the treatment of a patient. 87372

(E) Quality assurance records may be disclosed, and testimony 87373  
may be provided concerning quality assurance records, only to the 87374  
following persons or entities: 87375

(1) Persons who are employed or retained by the department of 87376  
mental health and addiction services and who have authority to 87377  
evaluate or implement the recommendations of a state-operated 87378  
hospital, community setting program, or central office quality 87379  
assurance committee; 87380

(2) Public or private agencies or organizations if needed to 87381  
perform a licensing or accreditation function related to 87382  
department of mental health and addiction services hospitals or 87383  
community setting programs, or to perform monitoring of a hospital 87384  
or program of that nature as required by law. 87385

(F) A disclosure of quality assurance records pursuant to 87386  
division (E) of this section does not otherwise waive the 87387  
confidential and privileged status of the disclosed quality 87388  
assurance records. 87389

(G) Nothing in this section shall limit the access of the 87390  
Ohio protection and advocacy system to records or personnel as 87391  
required under section 5123.601 of the Revised Code. Nothing in 87392  
this section shall limit the admissibility of documentary or 87393  
testimonial evidence in an action brought by the Ohio protection 87394  
and advocacy system in its own name or on behalf of a client. 87395

**Sec. 5123.01.** As used in this chapter: 87396

(A) "Chief medical officer" means the licensed physician 87397  
appointed by the managing officer of an institution for persons 87398  
with intellectual disabilities with the approval of the director 87399  
of developmental disabilities to provide medical treatment for 87400  
residents of the institution. 87401

(B) "Chief program director" means a person with special 87402

training and experience in the diagnosis and management of persons 87403  
with developmental disabilities, certified according to division 87404  
(C) of this section in at least one of the designated fields, and 87405  
appointed by the managing officer of an institution for persons 87406  
with intellectual disabilities with the approval of the director 87407  
to provide habilitation and care for residents of the institution. 87408

(C) "Comprehensive evaluation" means a study, including a 87409  
sequence of observations and examinations, of a person leading to 87410  
conclusions and recommendations formulated jointly, with 87411  
dissenting opinions if any, by a group of persons with special 87412  
training and experience in the diagnosis and management of persons 87413  
with developmental disabilities, which group shall include 87414  
individuals who are professionally qualified in the fields of 87415  
medicine, psychology, and social work, together with such other 87416  
specialists as the individual case may require. 87417

(D) "Education" means the process of formal training and 87418  
instruction to facilitate the intellectual and emotional 87419  
development of residents. 87420

(E) "Habilitation" means the process by which the staff of 87421  
the institution assists the resident in acquiring and maintaining 87422  
those life skills that enable the resident to cope more 87423  
effectively with the demands of the resident's own person and of 87424  
the resident's environment and in raising the level of the 87425  
resident's physical, mental, social, and vocational efficiency. 87426  
Habilitation includes but is not limited to programs of formal, 87427  
structured education and training. 87428

(F) "Health officer" means any public health physician, 87429  
public health nurse, or other person authorized or designated by a 87430  
city or general health district. 87431

(G) "Home and community-based services" means medicaid-funded 87432  
home and community-based services specified in division (A)(1) of 87433

section 5166.20 of the Revised Code provided under the medicaid 87434  
waiver components the department of developmental disabilities 87435  
administers pursuant to section 5166.21 of the Revised Code. 87436  
Except as provided in section 5123.0412 of the Revised Code, home 87437  
and community-based services provided under the medicaid waiver 87438  
component known as the transitions developmental disabilities 87439  
waiver are to be considered to be home and community-based 87440  
services for the purposes of this chapter, and Chapters 5124. and 87441  
5126. of the Revised Code, only to the extent, if any, provided by 87442  
the contract required by section 5166.21 of the Revised Code 87443  
regarding the waiver. 87444

(H) "ICF/IID" has the same meaning as in section 5124.01 of 87445  
the Revised Code. 87446

(I) "Indigent person" means a person who is unable, without 87447  
substantial financial hardship, to provide for the payment of an 87448  
attorney and for other necessary expenses of legal representation, 87449  
including expert testimony. 87450

(J) "Institution" means a public or private facility, or a 87451  
part of a public or private facility, that is licensed by the 87452  
appropriate state department and is equipped to provide 87453  
residential habilitation, care, and treatment for persons with 87454  
intellectual disabilities. 87455

(K) "Licensed physician" means a person who holds a valid 87456  
certificate issued under Chapter 4731. of the Revised Code 87457  
authorizing the person to practice medicine and surgery or 87458  
osteopathic medicine and surgery, or a medical officer of the 87459  
government of the United States while in the performance of the 87460  
officer's official duties. 87461

(L) "Managing officer" means a person who is appointed by the 87462  
director of developmental disabilities to be in executive control 87463  
of an institution under the jurisdiction of the department of 87464

developmental disabilities. 87465

(M) "Medicaid case management services" means case management 87466  
services provided to an individual with a developmental disability 87467  
that the state medicaid plan requires. 87468

(N) "Intellectual disability" means a disability 87469  
characterized by having significantly subaverage general 87470  
intellectual functioning existing concurrently with deficiencies 87471  
in adaptive behavior, manifested during the developmental period. 87472

(O) "Person with an intellectual disability subject to 87473  
institutionalization by court order" means a person eighteen years 87474  
of age or older with at least a moderate level of intellectual 87475  
disability and in relation to whom, because of the person's 87476  
disability, either of the following conditions exists: 87477

(1) The person represents a very substantial risk of physical 87478  
impairment or injury to self as manifested by evidence that the 87479  
person is unable to provide for and is not providing for the 87480  
person's most basic physical needs and that provision for those 87481  
needs is not available in the community; 87482

(2) The person needs and is susceptible to significant 87483  
habilitation in an institution. 87484

(P) "Moderate level of intellectual disability" means the 87485  
condition in which a person, following a comprehensive evaluation, 87486  
is found to have at least moderate deficits in overall 87487  
intellectual functioning, as indicated by a full-scale 87488  
intelligence quotient test score of fifty-five or below, and at 87489  
least moderate deficits in adaptive behavior, as determined in 87490  
accordance with the criteria established in the fifth edition of 87491  
the diagnostic and statistical manual of mental disorders 87492  
published by the American psychiatric association. 87493

(Q) "Developmental disability" means a severe, chronic 87494  
disability that is characterized by all of the following: 87495

- (1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness, as defined in division (A) of section 5122.01 of the Revised Code. 87496  
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- (2) It is manifested before age twenty-two. 87500
- (3) It is likely to continue indefinitely. 87501
- (4) It results in one of the following: 87502
- (a) In the case of a person under three years of age, at least one developmental delay, as defined in rules adopted under section 5123.011 of the Revised Code, or a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay, as defined in those rules; 87503  
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- (b) In the case of a person at least three years of age but under six years of age, at least two developmental delays, as defined in rules adopted under section 5123.011 of the Revised Code; 87508  
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- (c) In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency. 87512  
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- (5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person. 87519  
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- "Developmental disability" includes intellectual disability. 87523
- (R) "State institution" means an institution that is tax-supported and under the jurisdiction of the department of 87524  
87525

developmental disabilities. 87526

(S) "Residence" and "legal residence" have the same meaning 87527  
as "legal settlement," which is acquired by residing in Ohio for a 87528  
period of one year without receiving general assistance prior to 87529  
July 17, 1995, under former Chapter 5113. of the Revised Code, 87530  
without receiving financial assistance prior to December 31, 2017, 87531  
under former Chapter 5115. of the Revised Code, or assistance from 87532  
a private agency that maintains records of assistance given. A 87533  
person having a legal settlement in the state shall be considered 87534  
as having legal settlement in the assistance area in which the 87535  
person resides. No adult person coming into this state and having 87536  
a spouse or minor children residing in another state shall obtain 87537  
a legal settlement in this state as long as the spouse or minor 87538  
children are receiving public assistance, care, or support at the 87539  
expense of the other state or its subdivisions. For the purpose of 87540  
determining the legal settlement of a person who is living in a 87541  
public or private institution or in a home subject to licensing by 87542  
the department of job and family services, the department of 87543  
mental health and addiction services, or the department of 87544  
developmental disabilities, the residence of the person shall be 87545  
considered as though the person were residing in the county in 87546  
which the person was living prior to the person's entrance into 87547  
the institution or home. Settlement once acquired shall continue 87548  
until a person has been continuously absent from Ohio for a period 87549  
of one year or has acquired a legal residence in another state. A 87550  
woman who marries a man with legal settlement in any county 87551  
immediately acquires the settlement of her husband. The legal 87552  
settlement of a minor is that of the parents, surviving parent, 87553  
sole parent, parent who is designated the residential parent and 87554  
legal custodian by a court, other adult having permanent custody 87555  
awarded by a court, or guardian of the person of the minor, 87556  
provided that: 87557

(1) A minor female who marries shall be considered to have 87558  
the legal settlement of her husband and, in the case of death of 87559  
her husband or divorce, she shall not thereby lose her legal 87560  
settlement obtained by the marriage. 87561

(2) A minor male who marries, establishes a home, and who has 87562  
resided in this state for one year without receiving general 87563  
assistance prior to July 17, 1995, under former Chapter 5113. of 87564  
the Revised Code, ~~financial assistance under Chapter 5115. of the~~ 87565  
~~Revised Code,~~ or assistance from a private agency that maintains 87566  
records of assistance given shall be considered to have obtained a 87567  
legal settlement in this state. 87568

(3) The legal settlement of a child under eighteen years of 87569  
age who is in the care or custody of a public or private child 87570  
caring agency shall not change if the legal settlement of the 87571  
parent changes until after the child has been in the home of the 87572  
parent for a period of one year. 87573

No person, adult or minor, may establish a legal settlement 87574  
in this state for the purpose of gaining admission to any state 87575  
institution. 87576

(T)(1) "Resident" means, subject to division (T)(2) of this 87577  
section, a person who is admitted either voluntarily or 87578  
involuntarily to an institution or other facility pursuant to 87579  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 87580  
Code subsequent to a finding of not guilty by reason of insanity 87581  
or incompetence to stand trial or under this chapter who is under 87582  
observation or receiving habilitation and care in an institution. 87583

(2) "Resident" does not include a person admitted to an 87584  
institution or other facility under section 2945.39, 2945.40, 87585  
2945.401, or 2945.402 of the Revised Code to the extent that the 87586  
reference in this chapter to resident, or the context in which the 87587  
reference occurs, is in conflict with any provision of sections 87588

2945.37 to 2945.402 of the Revised Code. 87589

(U) "Respondent" means the person whose detention, 87590  
commitment, or continued commitment is being sought in any 87591  
proceeding under this chapter. 87592

(V) "Working day" and "court day" mean Monday, Tuesday, 87593  
Wednesday, Thursday, and Friday, except when such day is a legal 87594  
holiday. 87595

(W) "Prosecutor" means the prosecuting attorney, village 87596  
solicitor, city director of law, or similar chief legal officer 87597  
who prosecuted a criminal case in which a person was found not 87598  
guilty by reason of insanity, who would have had the authority to 87599  
prosecute a criminal case against a person if the person had not 87600  
been found incompetent to stand trial, or who prosecuted a case in 87601  
which a person was found guilty. 87602

(X) "Court" means the probate division of the court of common 87603  
pleas. 87604

(Y) "Supported living" and "residential services" have the 87605  
same meanings as in section 5126.01 of the Revised Code. 87606

**Sec. 5123.377.** (A) As used in this section: 87607

(1) "Adult services" has the same meaning as in section 87608  
5126.01 of the Revised Code. 87609

(2) "Community adult facility" means a facility in which 87610  
adult services are provided or a facility associated with the 87611  
provision of adult services. 87612

(3) "Renovation" means work done to a building to restore it 87613  
to an acceptable condition and to make it functional for use by 87614  
individuals with developmental disabilities. "Renovation" includes 87615  
architectural and structural changes and the modernization of 87616  
mechanical and electrical systems. "Renovation" does not include 87617  
work that consists primarily of maintenance repairs and 87618

replacements necessary due to normal use, wear and tear, or 87619  
deterioration. 87620

(B) The director of developmental disabilities may change the 87621  
terms of an agreement entered into with a county board of 87622  
developmental disabilities or a board of county commissioners 87623  
pursuant to section 5123.36 of the Revised Code or other statutory 87624  
authority in effect before July 1, 1980, regarding the 87625  
construction, acquisition, or renovation of a community adult 87626  
facility if all of the following apply: 87627

(1) The agreement was entered into ~~during the period~~ 87628  
~~beginning January 1, 1976, and ending on or before~~ December 31, 87629  
1999. 87630

(2) The agreement requires the county board or board of 87631  
county commissioners to use the community adult facility for at 87632  
least forty years. 87633

(3) The county board or board of county commissioners submits 87634  
to the director an application for a change in the agreement's 87635  
terms that includes all of the following: 87636

(a) A statement of intent to close the facility and the 87637  
anticipated date of closure; 87638

(b) The number of individuals with developmental disabilities 87639  
served in the facility at the time of application; 87640

(c) Identification of alternative providers of services to be 87641  
offered to those individuals; 87642

(d) A commitment and demonstration that those individuals 87643  
will receive services from the alternative providers; 87644

(e) A resolution from the county board or board of county 87645  
commissioners authorizing the application, including a commitment 87646  
that if the facility is sold, the county board or board of county 87647  
commissioners will do either of the following: 87648

(i) Reimburse the department of developmental disabilities 87649  
the proceeds of the sale up to the outstanding balance owed under 87650  
the agreement; 87651

(ii) Use the proceeds of the sale for the acquisition, 87652  
renovation, or accessibility modification of housing for 87653  
individuals with developmental disabilities that complies with the 87654  
requirements established by the director. 87655

(4) The director may establish a deadline by which the county 87656  
board or board of county commissioners shall use the proceeds of a 87657  
sale pursuant to division (B)(3)(e)(ii) of this section. The 87658  
director may extend the deadline as many times as the director 87659  
determines necessary. 87660

(C) Agreement terms that may be changed pursuant to division 87661  
(B) of this section include terms regarding the length of time the 87662  
facility must be used as a community adult facility. 87663

**Sec. 5123.378.** (A) As used in this section: 87664

(1) "Community early childhood facility" means a facility in 87665  
which early childhood services are provided. 87666

(2) "Early childhood services" has the same meaning as in 87667  
section 5126.01 of the Revised Code. 87668

(3) "Renovation" means work done to a building to restore it 87669  
to an acceptable condition and to make it functional for use by 87670  
individuals with developmental disabilities. "Renovation" includes 87671  
architectural and structural changes and the modernization of 87672  
mechanical and electrical systems. "Renovation" does not include 87673  
work that consists primarily of maintenance repairs and 87674  
replacements necessary due to normal use, wear and tear, or 87675  
deterioration. 87676

(B) The director of developmental disabilities may change the 87677  
terms of an agreement entered into with a county board of 87678

developmental disabilities or a board of county commissioners 87679  
pursuant to section 5123.36 of the Revised Code or other statutory 87680  
authority in effect before July 1, 1980, regarding the 87681  
construction, acquisition, or renovation of a community early 87682  
childhood facility if all of the following apply: 87683

(1) The agreement was entered into ~~during the period~~ 87684  
~~beginning January 1, 1976, and ending on or before~~ December 31, 87685  
1999. 87686

(2) The agreement requires the county board or board of 87687  
county commissioners to use the community early childhood facility 87688  
for at least fifteen years. 87689

(3) The county board or board of county commissioners submits 87690  
to the director an application for a change in the agreement's 87691  
terms that includes all of the following: 87692

(a) A statement of intent to close the facility and the 87693  
anticipated date of closure; 87694

(b) The number of individuals with developmental disabilities 87695  
served in the facility at the time of application; 87696

(c) A commitment and demonstration that those individuals 87697  
will continue to receive services; 87698

(d) A resolution from the county board or board of county 87699  
commissioners authorizing the application, including a commitment 87700  
that if the facility is sold, the county board or board of county 87701  
commissioners will do either of the following: 87702

(i) Reimburse the department of developmental disabilities 87703  
the proceeds of the sale up to the outstanding balance owed under 87704  
the agreement; 87705

(ii) Use the proceeds of the sale for the acquisition, 87706  
renovation, or accessibility modification of housing for 87707  
individuals with developmental disabilities that complies with the 87708

requirements established by the director. 87709

(4) The director may establish a deadline by which the county board or board of county commissioners shall use the proceeds of a sale pursuant to division (B)(3)(d)(ii) of this section. The director may extend the deadline as many times as the director determines necessary. 87710  
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(C) Agreement terms that may be changed pursuant to division (B) of this section include terms regarding the length of time the facility must be used as a community early childhood facility. 87715  
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**Sec. 5123.38.** (A) Except as provided in division (B) of this section, if an individual ~~receiving supported living or home and community based services funded by a county board of developmental disabilities~~ is committed to a state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of the Revised Code, the county board of developmental disabilities of the county from which the individual was ordered institutionalized is responsible for the nonfederal share of medicaid expenditures for the individual's care in the state-operated ICF/IID. The department of developmental disabilities shall collect the amount of the nonfederal share from the county board by either withholding that amount from funds the department has otherwise allocated to the county board or submitting an invoice for payment of that amount to the county board. 87718  
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(B) Division (A) of this section does not apply under ~~any~~ either of the following circumstances: 87732  
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(1) ~~The county board, not~~ Not later than ~~ninety one hundred eighty~~ ninety one hundred days after the date of the commitment of ~~a person receiving supported living~~ an individual, ~~commences funding of supported living for an individual who resides in a state operated ICF/IID on the date of the commitment or another eligible individual designated by the department~~ the county board arranges for the 87734  
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provision of alternative services for the individual, and the 87740  
individual is discharged from the ICF/IID. 87741

~~(2) The county board, not later than ninety days after the~~ 87742  
~~date of the commitment of a person receiving home and~~ 87743  
~~community based services, commences funding of home and~~ 87744  
~~community based services for an individual who resides in a~~ 87745  
~~state operated ICF/IID on the date of the commitment or another~~ 87746  
~~eligible individual designated by the department.~~ 87747

~~(3) The director of developmental disabilities, after~~ 87748  
~~determining that circumstances warrant granting a waiver in an~~ 87749  
~~individual's case, grants the county board a waiver that exempts~~ 87750  
~~the county board from responsibility for the nonfederal share for~~ 87751  
~~that case.~~ 87752

**Sec. 5123.47.** (A) As used in this section: 87753

(1) "In-home care" means the supportive services provided 87754  
within the home of an individual with a developmental disability 87755  
who receives funding for the services through a county board of 87756  
developmental disabilities, including any recipient of residential 87757  
services funded as home and community-based services, family 87758  
support services provided under section 5126.11 of the Revised 87759  
Code, or supported living provided in accordance with sections 87760  
5126.41 to 5126.47 of the Revised Code. "In-home care" includes 87761  
care that is provided outside an individual's home in places 87762  
incidental to the home, and while traveling to places incidental 87763  
to the home, except that "in-home care" does not include care 87764  
provided in the facilities of a county board of developmental 87765  
disabilities or care provided in schools. 87766

(2) "Parent" means either parent of a child, including an 87767  
adoptive parent but not a foster parent. 87768

(3) "Unlicensed in-home care worker" means an individual who 87769

provides in-home care but is not a health care professional. 87770

(4) "Family member" means a parent, sibling, spouse, son, 87771  
daughter, grandparent, aunt, uncle, cousin, or guardian of the 87772  
individual with a developmental disability if the individual with 87773  
a developmental disability lives with the person and is dependent 87774  
on the person to the extent that, if the supports were withdrawn, 87775  
another living arrangement would have to be found. 87776

(5) "Health care professional" means any of the following: 87777

(a) A dentist who holds a valid license issued under Chapter 87778  
4715. of the Revised Code; 87779

(b) A registered or licensed practical nurse who holds a 87780  
valid license issued under Chapter 4723. of the Revised Code; 87781

(c) An optometrist who holds a valid license issued under 87782  
Chapter 4725. of the Revised Code; 87783

(d) A pharmacist who holds a valid license issued under 87784  
Chapter 4729. of the Revised Code; 87785

(e) A person who holds a valid license or certificate issued 87786  
under Chapter 4731. of the Revised Code to practice medicine and 87787  
surgery, osteopathic medicine and surgery, podiatric medicine and 87788  
surgery, or a limited brand of medicine; 87789

(f) A physician assistant who holds a valid license issued 87790  
under Chapter 4730. of the Revised Code; 87791

(g) An occupational therapist or occupational therapy 87792  
assistant or a physical therapist or physical therapist assistant 87793  
who holds a valid license issued under Chapter 4755. of the 87794  
Revised Code; 87795

(h) A respiratory care professional who holds a valid license 87796  
issued under Chapter 4761. of the Revised Code. 87797

(6) "Health care task" means a task that is prescribed, 87798  
ordered, delegated, or otherwise directed by a health care 87799

professional acting within the scope of the professional's 87800  
practice. "Health care task" includes the administration of oral 87801  
and topical prescribed medications; administration of nutrition 87802  
and medications through gastrostomy and jejunostomy tubes that are 87803  
stable and labeled; administration of oxygen and metered dose 87804  
inhaled medications; administration of insulin through 87805  
subcutaneous injections, inhalation, and insulin pumps; and 87806  
administration of prescribed medications for the treatment of 87807  
metabolic glycemc disorders through subcutaneous injections. 87808

(B) Except as provided in division (E) of this section, a 87809  
family member of an individual with a developmental disability may 87810  
authorize an unlicensed in-home care worker to perform health care 87811  
tasks as part of the in-home care the worker provides to the 87812  
individual, if all of the following apply: 87813

(1) The family member is the primary supervisor of the care. 87814

(2) The unlicensed in-home care worker has been selected by 87815  
the family member or the individual receiving care and is under 87816  
the direct supervision of the family member. 87817

(3) The unlicensed in-home care worker is providing the care 87818  
through an employment or other arrangement entered into directly 87819  
with the family member and is not otherwise employed by or under 87820  
contract with a person or government entity to provide services to 87821  
individuals with developmental disabilities. 87822

(4) The health care task is completed in accordance with 87823  
standard, written instructions. 87824

(5) Performance of the health care task requires no judgment 87825  
based on specialized health care knowledge or expertise. 87826

(6) The outcome of the health care task is reasonably 87827  
predictable. 87828

(7) Performance of the health care task requires no complex 87829

observation of the individual receiving the care. 87830

(8) Improper performance of the health care task will result 87831  
in only minimal complications that are not life-threatening. 87832

(C) A family member shall obtain a prescription, if 87833  
applicable, and written instructions from a health care 87834  
professional for the care to be provided to the individual. The 87835  
family member shall authorize the unlicensed in-home care worker 87836  
to provide the care by preparing a written document granting the 87837  
authority. The family member shall provide the unlicensed in-home 87838  
care worker with appropriate training and written instructions in 87839  
accordance with the instructions obtained from the health care 87840  
professional. The family member or a health care professional 87841  
shall be available to communicate with the unlicensed in-home care 87842  
worker either in person or by telecommunication while the in-home 87843  
care worker performs a health care task. 87844

(D) A family member who authorizes an unlicensed in-home care 87845  
worker to administer oral and topical prescribed medications or 87846  
perform other health care tasks retains full responsibility for 87847  
the health and safety of the individual receiving the care and for 87848  
ensuring that the worker provides the care appropriately and 87849  
safely. No entity that funds or monitors the provision of in-home 87850  
care may be held liable for the results of the care provided under 87851  
this section by an unlicensed in-home care worker, including such 87852  
entities as the county board of developmental disabilities and the 87853  
department of developmental disabilities. 87854

An unlicensed in-home care worker who is authorized under 87855  
this section by a family member to provide care to an individual 87856  
may not be held liable for any injury caused in providing the 87857  
care, unless the worker provides the care in a manner that is not 87858  
in accordance with the training and instructions received or the 87859  
worker acts in a manner that constitutes willful or wanton 87860  
misconduct. 87861

(E) A county board of developmental disabilities may evaluate 87862  
the authority granted by a family member under this section to an 87863  
unlicensed in-home care worker at any time it considers necessary 87864  
and shall evaluate the authority on receipt of a complaint. If the 87865  
board determines that a family member has acted in a manner that 87866  
is inappropriate for the health and safety of the individual 87867  
receiving the care, the authorization granted by the family member 87868  
to an unlicensed in-home care worker is void, and the family 87869  
member may not authorize other unlicensed in-home care workers to 87870  
provide the care. In making such a determination, the board shall 87871  
use appropriately licensed health care professionals and shall 87872  
provide the family member an opportunity to file a complaint under 87873  
section 5126.06 of the Revised Code. 87874

**Sec. 5123.60.** (A) As used in this section and section 87875  
5123.601 of the Revised Code, "Ohio protection and advocacy 87876  
system" means the nonprofit entity designated by the governor in 87877  
accordance with Am. Sub. H.B. 153 of the 129th general assembly to 87878  
serve as the state's protection and advocacy system and client 87879  
assistance program. 87880

(B) The Ohio protection and advocacy system shall provide 87881  
both of the following: 87882

(1) Advocacy services for people with disabilities, as 87883  
provided under section 101 of the "Developmental Disabilities 87884  
Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 87885  
42 U.S.C. 15001; 87886

(2) A client assistance program, as provided under section 87887  
112 of the ~~"Workforce Investment Act of 1998," 112 Stat. 1163~~ 87888  
~~(1998), 29 U.S.C. 732, as amended~~ "Rehabilitation Act of 1973," 29 87889  
U.S.C. 732. 87890

(C) The Ohio protection and advocacy system may establish any 87891  
guidelines necessary for its operation. 87892

**Sec. 5124.15.** (A) Except as otherwise provided by section 87893  
5124.101 of the Revised Code, sections 5124.151 to 5124.155 of the 87894  
Revised Code, and divisions (B) and (C) of this section, the total 87895  
per medicaid day payment rate that the department of developmental 87896  
disabilities shall pay to an ICF/IID provider for ICF/IID services 87897  
the provider's ICF/IID provides during a fiscal year shall equal 87898  
the sum of all of the following: 87899

(1) The per medicaid day payment rate for capital costs 87900  
determined for the ICF/IID under section 5124.17 of the Revised 87901  
Code; 87902

(2) The per medicaid day payment rate for direct care costs 87903  
determined for the ICF/IID under section 5124.19 of the Revised 87904  
Code; 87905

(3) The per medicaid day payment rate for indirect care costs 87906  
determined for the ICF/IID under section 5124.21 of the Revised 87907  
Code; 87908

(4) The per medicaid day payment rate for other protected 87909  
costs determined for the ICF/IID under section 5124.23 of the 87910  
Revised Code. 87911

(B) The total per medicaid day payment rate for an ICF/IID in 87912  
peer group 3 shall not exceed the average total per medicaid day 87913  
payment rate in effect on July 1, 2013, for developmental centers. 87914

(C) The department shall adjust the total rate otherwise 87915  
determined under division (A) of this section as directed by the 87916  
general assembly through the enactment of law governing medicaid 87917  
payments to ICF/IID providers. 87918

(D) In addition to paying an ICF/IID provider the total rate 87919  
determined for the provider's ICF/IID under divisions (A), (B), 87920  
and (C) of this section for a fiscal year, the department, in 87921  
accordance with section 5124.25 of the Revised Code, may pay the 87922

provider a rate add-on for ~~pediatric~~ ventilator-dependent outlier 87923  
ICF/IID services if the rate add-on is to be paid under that 87924  
section and the department approves the provider's application for 87925  
the rate add-on. The rate add-on is not to be part of the 87926  
ICF/IID's total rate. 87927

**Sec. 5124.25.** (A) Subject to division (D) of this section, 87928  
the department of developmental disabilities may pay a medicaid 87929  
rate add-on to an ICF/IID provider for outlier ICF/IID services 87930  
the ICF/IID provides to qualifying ventilator-dependent residents 87931  
on or after ~~the effective date of this section~~ September 29, 2013, 87932  
if the provider applies to the department of developmental 87933  
disabilities to receive the rate add-on and the department 87934  
approves the application. The department of developmental 87935  
disabilities may approve a provider's application if both of the 87936  
following apply: 87937

(1) The provider submits to the department of developmental 87938  
disabilities a best practices protocol for providing outlier 87939  
ICF/IID services under this section and the department of 87940  
developmental disabilities determines that the protocol is 87941  
acceptable; 87942

(2) The provider and ICF/IID meet all other eligibility 87943  
requirements for the rate add-on established in rules authorized 87944  
by this section. 87945

(B) An ICF/IID that has been approved by the department of 87946  
developmental disabilities to provider outlier ICF/IID services 87947  
under this section shall provide the services in accordance with 87948  
both of the following: 87949

(1) The best practices protocol the department of 87950  
developmental disabilities determined is acceptable; 87951

(2) Requirements regarding the services established in rules 87952

authorized by this section. 87953

(C) To qualify to receive outlier ICF/IID services from an 87954  
ICF/IID under this section, a resident of the ICF/IID must be a 87955  
medicaid recipient, ~~be under twenty two years of age,~~ be dependent 87956  
on a ventilator, and meet all other eligibility requirements 87957  
established in rules authorized by this section. 87958

(D) The department of developmental disabilities shall 87959  
negotiate the amount of the medicaid payment rate add-on, if any, 87960  
to be paid under this section, or the method by which that amount 87961  
is to be determined, with the department of medicaid. The 87962  
department of developmental disabilities shall not pay the rate 87963  
add-on unless the department of medicaid has approved the amount 87964  
of the rate add-on or method by which the amount is to be 87965  
determined. 87966

**Sec. 5126.0221.** (A) As used in this section, "specialized 87967  
services" has the same meaning as in section 5123.081 of the 87968  
Revised Code. 87969

(B) Except as provided in division (C) of section 5126.033 of 87970  
the Revised Code, none of the following individuals may be 87971  
employed by a county board of developmental disabilities: 87972

(1) An employee of an agency contracting with the county 87973  
board; 87974

(2) An immediate family member of an employee of an agency 87975  
contracting with the county board unless the county board adopts a 87976  
resolution authorizing the immediate family member's employment 87977  
with the county board or the employment is consistent with a 87978  
policy adopted by the board establishing parameters for such 87979  
employment and the policy is consistent with Chapter 102. and 87980  
sections 2921.42, 2921.421, and 2921.43 of the Revised Code; 87981

(3) ~~An individual with an immediate family member who serves~~ 87982

~~as Except for an individual employed by a county board before 87983  
October 31, 1980, the spouse, son, or daughter of a county 87984  
commissioner of any of the counties county served by the county 87985  
board unless the individual was an employee of the county board 87986  
before October 31, 1980;. 87987~~

(4) An individual who is employed by, has an ownership 87988  
interest in, performs or provides administrative duties for, or is 87989  
a member of the governing board of an entity that provides 87990  
specialized services, regardless of whether the entity contracts 87991  
with the county board to provide specialized services. 87992

**Sec. 5126.042.** (A) As used in this section, "emergency 87993  
status" means a status that an individual with developmental 87994  
disabilities has when the individual is at risk of substantial 87995  
self-harm or substantial harm to others if action is not taken 87996  
within thirty days. An "emergency status" may include a status 87997  
resulting from one or more of the following situations: 87998

~~(1) Loss of present residence for any reason, including legal 87999  
action; 88000~~

~~(2) Loss of present caretaker for any reason, including 88001  
serious illness of the caretaker, change in the caretaker's 88002  
status, or inability of the caretaker to perform effectively for 88003  
the individual; 88004~~

~~(3) Abuse, neglect, or exploitation of the individual; 88005~~

~~(4) Health and safety conditions that pose a serious risk to 88006  
the individual or others of immediate harm or death; 88007~~

~~(5) Change in the emotional or physical condition of the 88008  
individual that necessitates substantial accommodation that cannot 88009  
be reasonably provided by the individual's existing caretaker 88010  
"Department of developmental disabilities-administered medicaid 88011  
waiver component" means a medicaid waiver component administered 88012~~

by the department of developmental disabilities pursuant to 88013  
section 5166.21 of the Revised Code. 88014

(B) If a county board of developmental disabilities 88015  
determines that available resources are not sufficient to meet the 88016  
needs of all individuals who request non-medicaid programs or 88017  
services, it shall establish one or more waiting lists for the 88018  
non-medicaid programs or services in accordance with its plan 88019  
developed under section 5126.04 of the Revised Code. The board may 88020  
establish priorities for making placements on its waiting lists 88021  
established under this division. Any such priorities shall be 88022  
consistent with the board's plan and applicable law. 88023

(C) If a county board determines that available resources are 88024  
insufficient to ~~meet the needs of~~ enroll in department of 88025  
developmental disabilities-administered medicaid waiver components 88026  
all individuals who ~~request~~ are assessed as needing home and 88027  
community-based services, it shall establish a waiting list for 88028  
the services in accordance with rules adopted under this section. 88029  
~~An individual's date of placement on the waiting list shall be the~~ 88030  
~~date a request is made to the board for the individual to receive~~ 88031  
~~the home and community based services. The board shall provide for~~ 88032  
~~an individual who has an emergency status to receive priority~~ 88033  
~~status on the waiting list. The board shall also provide for an~~ 88034  
~~individual to whom any of the following apply to receive priority~~ 88035  
~~status on the waiting list in accordance with rules adopted under~~ 88036  
~~division (E) of this section:~~ 88037

~~(1) The individual is receiving supported living, family 88038  
support services, or adult services for which no federal financial 88039  
participation is received under the medicaid program;~~ 88040

~~(2) The individual's primary caregiver is at least sixty 88041  
years of age;~~ 88042

~~(3) The individual has intensive needs as determined in 88043~~

~~accordance with rules adopted under division (E) of this section;~~ 88044

~~(4) The individual resides in an ICF/IID, as defined in section 5124.01 of the Revised Code;~~ 88045  
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~~(5) The individual resides in a nursing facility, as defined in section 5165.01 of the Revised Code.~~ 88047  
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~~(D) If two or more individuals on a waiting list established under division (C) of this section have priority for the services pursuant to that division, a county board shall use criteria specified in rules adopted under division (E) of this section in determining the order in which the individuals with priority will be offered the services. An individual who has priority for home and community based services because the individual has an emergency status has priority for the services over all other individuals on the waiting list who do not have emergency status.~~ 88049  
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~~(E) The department director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing a county board's waiting ~~lists~~ list established under division (C) of this section. ~~The, including~~ rules shall include procedures to be followed to that establish all of the following:~~ 88058  
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(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before the effective date of this amendment to the waiting list the county board establishes under that division after that date; 88064  
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(2) Procedures by which a county board is to ensure that the due process rights of individuals placed on the county board's waiting ~~lists~~ list are not violated. As part of the rules adopted under this division, the department shall adopt rules establishing eriteria a county board shall use under division (D) of this section in determining the order in which individuals with 88069  
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|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <del>priority for home and community based services pursuant to</del>     | 88075 |
| <del>division (C) of this section will be offered the services</del>      | 88076 |
| <del>observed;</del>                                                      | 88077 |
| <u>(3) Criteria a county board is to use to determine all of the</u>      | 88078 |
| <u>following:</u>                                                         | 88079 |
| <u>(a) An individual's eligibility to be placed on the county</u>         | 88080 |
| <u>board's waiting list;</u>                                              | 88081 |
| <u>(b) The date an individual was assessed as needing home and</u>        | 88082 |
| <u>community-based services;</u>                                          | 88083 |
| <u>(c) The order in which individuals on the county board's</u>           | 88084 |
| <u>waiting list are to be offered enrollment in a department of</u>       | 88085 |
| <u>developmental disabilities-administered medicaid waiver component;</u> | 88086 |
| <u>(d) The department of developmental disabilities-administered</u>      | 88087 |
| <u>medicaid waiver component in which an individual on the county</u>     | 88088 |
| <u>board's waiting list is to be offered enrollment.</u>                  | 88089 |
| <u>(4) Grounds for removing an individual from the county</u>             | 88090 |
| <u>board's waiting list.</u>                                              | 88091 |
| <u>(E) The director shall consult with all of the following when</u>      | 88092 |
| <u>adopting rules under division (D) of this section:</u>                 | 88093 |
| <u>(1) Individuals with developmental disabilities;</u>                   | 88094 |
| <u>(2) Associations representing individuals with developmental</u>       | 88095 |
| <u>disabilities and the families of such individuals;</u>                 | 88096 |
| <u>(3) Associations representing providers of services to</u>             | 88097 |
| <u>individuals with developmental disabilities;</u>                       | 88098 |
| <u>(4) The Ohio association of county boards serving people with</u>      | 88099 |
| <u>developmental disabilities.</u>                                        | 88100 |
| <u>(F) The following shall take precedence over the applicable</u>        | 88101 |
| <u>provisions of this section:</u>                                        | 88102 |
| <u>(1) Medicaid rules and regulations;</u>                                | 88103 |

(2) Any specific requirements that may be contained within a 88104  
medicaid state plan amendment or department of 88105  
disabilities-administered medicaid waiver ~~program that a county~~ 88106  
~~board has authority to administer or~~ component with respect to 88107  
which ~~it~~ a county board has authority to provide services, 88108  
programs, or supports. 88109

**Sec. 5126.054.** (A) Each county board of developmental 88110  
disabilities shall, by resolution, develop a three-calendar year 88111  
plan that includes the following three components: 88112

(1) An assessment component that includes all of the 88113  
following: 88114

(a) The number of individuals with developmental disabilities 88115  
residing in the county who need the level of care provided by an 88116  
ICF/IID, may seek home and community-based services, and are ~~given~~ 88117  
~~priority~~ placed on a the county board's waiting list established 88118  
for the services pursuant to section 5126.042 of the Revised Code; 88119  
the service needs of those individuals; and the projected 88120  
annualized cost for services; 88121

(b) The source of funds available to the county board to pay 88122  
the nonfederal share of medicaid expenditures that the county 88123  
board is required by sections 5126.059 and 5126.0510 of the 88124  
Revised Code to pay; 88125

(c) Any other applicable information or conditions that the 88126  
department of developmental disabilities requires as a condition 88127  
of approving the component under section 5123.046 of the Revised 88128  
Code. 88129

(2) A preliminary implementation component that specifies the 88130  
number of individuals to be provided, during the first year that 88131  
the plan is in effect, home and community-based services pursuant 88132  
to their placement on the county board's waiting list ~~priority~~ 88133

~~given to them under~~ established for the services pursuant to 88134  
section 5126.042 of the Revised Code and the types of home and 88135  
community-based services the individuals are to receive; 88136

(3) A component that provides for the implementation of 88137  
medicaid case management services and home and community-based 88138  
services for individuals who begin to receive the services on or 88139  
after the date the plan is approved under section 5123.046 of the 88140  
Revised Code. A county board shall include all of the following in 88141  
the component: 88142

(a) If the department of developmental disabilities or 88143  
department of medicaid requires, an agreement to pay the 88144  
nonfederal share of medicaid expenditures that the county board is 88145  
required by sections 5126.059 and 5126.0510 of the Revised Code to 88146  
pay; 88147

(b) How the services are to be phased in over the period the 88148  
plan covers, including how the county board will serve individuals 88149  
~~who have priority~~ placed on a the county board's waiting list 88150  
established ~~under~~ for the services pursuant to section 5126.042 of 88151  
the Revised Code; 88152

(c) Any agreement or commitment regarding the county board's 88153  
funding of home and community-based services that the county board 88154  
has with the department at the time the county board develops the 88155  
component; 88156

(d) Assurances adequate to the department that the county 88157  
board will comply with all of the following requirements: 88158

(i) To provide the types of home and community-based services 88159  
specified in the preliminary implementation component required by 88160  
division (A)(2) of this section to at least the number of 88161  
individuals specified in that component; 88162

(ii) To use any additional funds the county board receives 88163  
for the services to improve the county board's resource 88164

capabilities for supporting such services available in the county 88165  
at the time the component is developed and to expand the services 88166  
to accommodate the unmet need for those services in the county; 88167

(iii) To employ or contract with a business manager or enter 88168  
into an agreement with another county board of developmental 88169  
disabilities that employs or contracts with a business manager to 88170  
have the business manager serve both county boards. No 88171  
superintendent of a county board may serve as the county board's 88172  
business manager. 88173

(iv) To employ or contract with a medicaid services manager 88174  
or enter into an agreement with another county board of 88175  
developmental disabilities that employs or contracts with a 88176  
medicaid services manager to have the medicaid services manager 88177  
serve both county boards. No superintendent of a county board may 88178  
serve as the county board's medicaid services manager. 88179

(e) Programmatic and financial accountability measures and 88180  
projected outcomes expected from the implementation of the plan; 88181

(f) Any other applicable information or conditions that the 88182  
department requires as a condition of approving the component 88183  
under section 5123.046 of the Revised Code. 88184

(B) A county board whose plan developed under division (A) of 88185  
this section is approved by the department under section 5123.046 88186  
of the Revised Code shall update and renew the plan in accordance 88187  
with a schedule the department shall develop. 88188

**Sec. 5149.10.** (A)(1) The parole board shall consist of up to 88189  
twelve members, one of whom shall be designated as chairperson by 88190  
the director of the department of rehabilitation and correction 88191  
and who shall continue as chairperson until a successor is 88192  
designated, and any other personnel that are necessary for the 88193  
orderly performance of the duties of the board. In addition to the 88194

rules authorized by section 5149.02 of the Revised Code, the chief 88195  
of the adult parole authority, subject to the approval of the 88196  
chief of the division of parole and community services and subject 88197  
to this section, shall adopt rules governing the proceedings of 88198  
the parole board. The rules shall provide for all of the 88199  
following: 88200

(a) The convening of full board hearings, ~~the~~ 88201

(b) The procedures to be followed in full board hearings, ~~and~~ 88202  
general; 88203

(c) General procedures to be followed in other hearings of 88204  
the board and by the board's hearing officers. ~~The rules also~~ 88205  
~~shall require agreement by;~~ 88206

(d) A requirement that a majority of all the board members 88207  
must agree to any recommendation of clemency transmitted to the 88208  
governor; 88209

(e) For parole hearings, procedures for considering the 88210  
report of the warden of the institution in which the eligible 88211  
prisoner is incarcerated, submitted under section 5120.68 of the 88212  
Revised Code. 88213

(2) When the board members sit as a full board, the 88214  
chairperson shall preside. The chairperson shall also allocate the 88215  
work of the parole board among the board members. The full board 88216  
shall meet at least once each month. In the case of a tie vote on 88217  
the full board, the chief of the adult parole authority shall cast 88218  
the deciding vote. The chairperson may designate a person to serve 88219  
in the chairperson's place. 88220

(3) Except for the chairperson and the member appointed under 88221  
division (B) of this section, a member appointed to the parole 88222  
board on or after ~~the effective date of this amendment~~ September 88223  
30, 2011, shall be appointed to a six-year term. A member 88224  
appointed as described in this division shall hold office from the 88225

date of appointment until the end of the term for which the member 88226  
was appointed. A member appointed as described in this division is 88227  
eligible for reappointment for another six-year term that may or 88228  
may not be consecutive to the first six-year term. A member 88229  
appointed as described in this division is not eligible for 88230  
reappointment after serving two six-year terms whether or not 88231  
served consecutively. Vacancies shall be filled in the same manner 88232  
provided for original appointments. Any member appointed as 88233  
described in this division to fill a vacancy occurring prior to 88234  
the expiration date of the term for which the member's predecessor 88235  
was appointed shall begin that member's first six-year term upon 88236  
appointment, regardless of the time remaining in the term of the 88237  
member's predecessor. A member appointed as described in this 88238  
division shall continue in office subsequent to the expiration 88239  
date of the member's term until the member's successor takes 88240  
office or until a period of sixty days has elapsed, whichever 88241  
occurs first. 88242

(4) Except as otherwise provided in division (B) of this 88243  
section, no person shall be appointed a member of the board who is 88244  
not qualified by education or experience in correctional work, 88245  
including law enforcement, prosecution of offenses, advocating for 88246  
the rights of victims of crime, probation, or parole, in law, in 88247  
social work, or in a combination of the three categories. 88248

(B) The director of rehabilitation and correction, in 88249  
consultation with the governor, shall appoint one member of the 88250  
board, who shall be a person who has been a victim of crime or who 88251  
is a member of a victim's family or who represents an organization 88252  
that advocates for the rights of victims of crime. After 88253  
appointment, this member shall be an unclassified employee of the 88254  
department of rehabilitation and correction. 88255

The initial appointment shall be for a term ending four years 88256  
after July 1, 1996. Thereafter, the term of office of the member 88257

appointed under this division shall be for four years, with each 88258  
term ending on the same day of the same month as did the term that 88259  
it succeeds. The member shall hold office from the date of 88260  
appointment until the end of the term for which the member was 88261  
appointed and may be reappointed. Vacancies shall be filled in the 88262  
manner provided for original appointments. Any member appointed 88263  
under this division to fill a vacancy occurring prior to the 88264  
expiration date of the term for which the member's predecessor was 88265  
appointed shall hold office as a member for the remainder of that 88266  
term. The member appointed under this division shall continue in 88267  
office subsequent to the expiration date of the member's term 88268  
until the member's successor takes office or until a period of 88269  
sixty days has elapsed, whichever occurs first. 88270

The member appointed under this division shall be compensated 88271  
in the same manner as other board members and shall be reimbursed 88272  
for actual and necessary expenses incurred in the performance of 88273  
the member's duties. The member may vote on all cases heard by the 88274  
full board under section 5149.101 of the Revised Code, has such 88275  
duties as are assigned by the chairperson of the board, and shall 88276  
coordinate the member's activities with the office of victims' 88277  
services created under section 5120.60 of the Revised Code. 88278

As used in this division, "crime," "member of the victim's 88279  
family," and "victim" have the meanings given in section 2930.01 88280  
of the Revised Code. 88281

(C) The chairperson shall submit all recommendations for or 88282  
against clemency directly to the governor. 88283

(D) The chairperson shall transmit to the chief of the adult 88284  
parole authority all determinations for or against parole made by 88285  
the board. Parole determinations are final and are not subject to 88286  
review or change by the chief. 88287

(E) In addition to its duties pertaining to parole and 88288

clemency, if an offender is sentenced to a prison term pursuant to 88289  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 88290  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 88291  
Code, the parole board shall have control over the offender's 88292  
service of the prison term during the entire term unless the board 88293  
terminates its control in accordance with section 2971.04 of the 88294  
Revised Code. The parole board may terminate its control over the 88295  
offender's service of the prison term only in accordance with 88296  
section 2971.04 of the Revised Code. 88297

**Sec. 5149.311.** (A) The department of rehabilitation and 88298  
correction shall establish and administer the probation 88299  
improvement grant and the probation incentive grant for common 88300  
pleas, municipal, and county court probation departments and 88301  
community-based correctional facilities that supervise offenders 88302  
sentenced by courts of common pleas ~~or~~, municipal courts, or 88303  
county courts. 88304

(B)(1) The probation improvement grant shall provide funding 88305  
to common pleas, municipal, and county court probation departments 88306  
and community-based correctional facilities to adopt policies and 88307  
practices based on the latest research on how to reduce the number 88308  
of offenders on probation supervision who violate the conditions 88309  
of their supervision. 88310

(2) The department shall adopt rules for the distribution of 88311  
the probation improvement grant, including ~~the~~ both of the 88312  
following: 88313

(a) The formula for the allocation of the subsidy based on 88314  
the number of offenders placed on probation annually in each 88315  
jurisdiction; 88316

(b) The allocation of funds for the purpose of offsetting 88317  
costs incurred by political subdivisions in relation to offenders 88318  
who are prohibited from serving the term of imprisonment in an 88319

institution under the control of the department of rehabilitation 88320  
and correction pursuant to division (B)(3)(c) of section 2929.34 88321  
of the Revised Code. 88322

(C)(1) The probation incentive grant shall provide a 88323  
performance-based level of funding to common pleas, municipal, and 88324  
county court probation departments and community-based 88325  
correctional facilities that are successful in reducing the number 88326  
of offenders on probation supervision whose terms of supervision 88327  
are revoked. 88328

(2) The department shall calculate annually any cost savings 88329  
realized by the state from a reduction in the percentage of people 88330  
who are incarcerated because their terms of supervised probation 88331  
were revoked. The cost savings estimate shall be calculated for 88332  
each jurisdiction served by the probation department or 88333  
community-based correctional facility eligible for a grant under 88334  
this section and be based on the difference from ~~fiscal year 2010~~ 88335  
the average of such commitments from the five calendar years 88336  
immediately preceding the calendar year in which application for 88337  
the grant was made and the fiscal year under examination. 88338

(3) The department shall adopt rules that specify the subsidy 88339  
amount to be appropriated to common pleas, municipal, and county 88340  
court probation departments and community-based correctional 88341  
facilities that successfully reduce the percentage of people on 88342  
probation who are incarcerated because their terms of supervision 88343  
are revoked. 88344

(D) The following stipulations apply to both the probation 88345  
improvement grant and the probation incentive grant: 88346

(1) In order to be eligible for the probation improvement 88347  
grant and the probation incentive grant, common pleas, municipal, 88348  
and county courts must satisfy all requirements under sections 88349  
2301.27 and 2301.30 of the Revised Code. Except for sentencing 88350

decisions made by a court when use of the risk assessment tool is 88351  
discretionary, in order to be eligible for the probation 88352  
improvement grant and the probation incentive grant, a court or 88353  
community-based correctional facility must utilize the single 88354  
validated risk assessment tool selected by the department of 88355  
rehabilitation and correction under section 5120.114 of the 88356  
Revised Code. 88357

(2) The department may deny a subsidy under this section to 88358  
any applicant if the applicant fails to comply with the terms of 88359  
any agreement entered into pursuant to any of the provisions of 88360  
this section. 88361

(3) The department shall evaluate or provide for the 88362  
evaluation of the policies, practices, and programs the common 88363  
pleas, municipal, or county court probation departments or 88364  
community-based correctional facilities utilize with the programs 88365  
of subsidies established under this section and establish means of 88366  
measuring their effectiveness. 88367

(4) The department shall specify the policies, practices, and 88368  
programs for which common pleas, municipal, or county court 88369  
probation departments or community-based correctional facilities 88370  
may use the program subsidy and shall establish minimum standards 88371  
of quality and efficiency that recipients of the subsidy must 88372  
follow. The department shall give priority to supporting 88373  
evidence-based policies and practices, as defined by the 88374  
department. 88375

**Sec. 5149.36.** Subject to appropriations by the general 88376  
assembly, the department of rehabilitation and correction shall 88377  
award subsidies to eligible municipal corporations, counties, and 88378  
groups of counties pursuant to the subsidy programs described in 88379  
division (A)(1) of section 5149.31 of the Revised Code only in 88380  
accordance with criteria that the department shall specify in 88381

rules adopted pursuant to Chapter 119. of the Revised Code. The 88382  
criteria shall be designed to provide for subsidy awards only on 88383  
the basis of demonstrated need and the satisfaction of specified 88384  
priorities. The criteria shall ~~be consistent with the following:~~ 88385

~~(A) First require that priority shall be given to the 88386  
continued funding of existing community corrections programs that 88387  
satisfy the standards adopted pursuant to division (A)(2) of 88388  
section 5149.31 of the Revised Code and that are designed to 88389  
reduce the number of persons committed to state correctional 88390  
institutions. 88391~~

~~(B) Second priority shall be given to new community 88392  
corrections programs that are designed to reduce the number of 88393  
persons committed to state correctional institutions or the number 88394  
of persons committed to county, multicounty, municipal, 88395  
municipal-county, or multicounty-municipal jails or workhouses. 88396~~

Sec. 5149.38. (A) In each target county and in each voluntary 88397  
county, subject to division (B) of this section and not later than 88398  
thirty days after the effective date of this section, a county 88399  
commissioner representing the board of county commissioners of the 88400  
county, the administrative judge of the general division of the 88401  
court of common pleas of the county, the sheriff of the county, 88402  
and an official from any municipality operating a local 88403  
correctional facility in the county to which courts of the county 88404  
sentence offenders shall agree to, sign, and submit to the 88405  
department of rehabilitation and correction for its approval a 88406  
memorandum of understanding that does both of the following: 88407

(1) Sets forth the plans by which the county will use grant 88408  
money provided to the county in state fiscal year 2018 and 88409  
succeeding state fiscal years under the targeting community 88410  
alternatives to prison (T-CAP) program. 88411

(2) Specifies the manner in which the county will address a 88412

per diem reimbursement of local correctional facilities for 88413  
prisoners who serve a prison term in the facility pursuant to 88414  
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 88415  
diem reimbursement rate shall be the rate determined in division 88416  
(F)(1) of this section and shall be specified in the memorandum. 88417

(B) Two or more target counties or voluntary counties may 88418  
join together to jointly establish a memorandum of understanding 88419  
of the type described in division (A) of this section. Not later 88420  
than thirty days after the effective date of this section, a 88421  
county commissioner from each of the affiliating target counties 88422  
or voluntary counties representing the county's board of county 88423  
commissioners, the administrative judge of the general division of 88424  
the court of common pleas of each affiliating target county or 88425  
voluntary county, the sheriff of each affiliating target county or 88426  
voluntary county, and an official from any municipality operating 88427  
a local correctional facility in the affiliating target counties 88428  
and voluntary counties to which courts of the counties sentence 88429  
offenders shall agree to, sign, and submit to the department of 88430  
rehabilitation and correction for its approval the memorandum of 88431  
understanding. The memorandum of understanding shall set forth the 88432  
plans by which, and specify the manner in which, the affiliating 88433  
counties will complete the tasks identified in divisions (A)(1) 88434  
and (2) of this section. 88435

(C) The department of rehabilitation and correction shall 88436  
adopt rules establishing standards for approval of memorandums of 88437  
understanding submitted to it under division (A) or (B) of this 88438  
section. The department shall review the memorandums of 88439  
understanding submitted to it and may require the county or 88440  
counties that submit a memorandum to modify the memorandum. The 88441  
director of rehabilitation and correction shall approve 88442  
memorandums of understanding submitted to it under division (A) or 88443  
(B) of this section that the director determines satisfy the 88444

standards adopted by the department within thirty days after 88445  
receiving each memorandum submitted. 88446

(D) Any person responsible for agreeing to, signing, and 88447  
submitting a memorandum of understanding under division (A) or (B) 88448  
of this section may delegate the person's authority to do so to an 88449  
employee of the agency, entity, or office served by the person. 88450

(E) The persons signing a memorandum of understanding under 88451  
division (A) or (B) of this section, or their successors in 88452  
office, may revise the memorandum as they determine necessary. Any 88453  
revision of the memorandum shall be signed by the parties 88454  
specified in division (A) or (B) of this section and submitted to 88455  
the department of rehabilitation and correction for its approval 88456  
under division (C) of this section within thirty days after the 88457  
beginning of the state fiscal year. 88458

(F)(1) In each county, the sheriff shall determine the per 88459  
diem costs for local correctional facilities in the county for the 88460  
housing of prisoners who serve a term in the facility pursuant to 88461  
division (B)(3)(c) of section 2929.34 of the Revised Code, as 88462  
follows: 88463

(a) In calendar year 2017, not later than the date on which 88464  
the appropriate representatives of the county enter into a 88465  
contract with the department of rehabilitation and correction 88466  
under the targeting community alternatives to prison (T-CAP) 88467  
program, the sheriff shall determine the per diem costs for each 88468  
of the facilities for the housing in the facility of prisoners 88469  
serving a prison term for a felony in calendar year 2016. The per 88470  
diem cost so determined shall apply in calendar year 2017. 88471

(b) Commencing in calendar year 2018, on or before the first 88472  
day of February of each calendar year the sheriff shall determine 88473  
the per diem costs for the preceding calendar year for each of the 88474  
facilities for the housing in the facility of prisoners who serve 88475

a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made. 88476  
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(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. 88479  
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(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis. 88486  
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(G) As used in this section: 88490

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code. 88491  
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(2) "Target county" and "voluntary county" have the same meanings as in section 2929.34 of the Revised Code. 88494  
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**Sec. 5153.113.** (A)(1) As used in this section, "applicant" has the same meaning as in section 5153.111 of the Revised Code, and includes an intern applicant or a volunteer applicant. 88496  
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(2) "Intern applicant" means a trainee seeking practical educational and career experience who is under consideration for a position with a public children services agency to work, with or without monetary gain or compensation, as a person responsible for the care, custody, or control of a child; 88499  
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(3) "Volunteer applicant" means a person who is under consideration for a position with a public children services 88504  
88505

agency to perform services within the agency voluntarily, without 88506  
monetary gain or compensation, as a person responsible for the 88507  
care, custody, or control of a child. 88508

(B) Notwithstanding division (I)(1) of section 2151.421, 88509  
section 5153.17, and any other section of the Revised Code 88510  
pertaining to confidentiality, before a public children services 88511  
agency employs an applicant, the executive director of the agency, 88512  
or the executive director's designee within the agency, shall 88513  
review promptly any information the agency determines to be 88514  
relevant for the purpose of evaluating the fitness of the 88515  
applicant, including, but not limited to, the following: 88516

(1) Abuse and neglect reports made pursuant to section 88517  
2151.421 of the Revised Code of which the applicant is the subject 88518  
where it has been determined that abuse or neglect occurred; 88519

(2) The final disposition of investigations of the abuse and 88520  
neglect reports, or if the investigations have not been completed, 88521  
the status of the investigations; 88522

(3) Any underlying documentation concerning the reports. 88523

(C) The information reviewed under division (B) of this 88524  
section shall not include the name of the person or entity that 88525  
made the report or participated in the making of the report of 88526  
child abuse or neglect. 88527

(D) The director of job and family services shall adopt rules 88528  
pursuant to Chapter 119. of the Revised Code to implement this 88529  
section. 88530

**Sec. 5160.052.** The department of medicaid shall collaborate 88531  
with the superintendent of the bureau of criminal identification 88532  
and investigation to develop procedures and formats necessary to 88533  
produce the notices described in division ~~(C)~~(D) of section 88534  
109.5721 of the Revised Code in a format that is acceptable for 88535

use by the department. The medicaid director may adopt rules under 88536  
section 5160.02 of the Revised Code necessary for such 88537  
collaboration. Any such rules shall be adopted in accordance with 88538  
section 111.15 of the Revised Code as if they were internal 88539  
management rules. 88540

The medicaid director may adopt rules under section 5160.02 88541  
of the Revised Code necessary for utilizing the information 88542  
received pursuant to section 109.5721 of the Revised Code. The 88543  
rules shall be adopted in accordance with Chapter 119. of the 88544  
Revised Code. 88545

**Sec. 5160.37.** (A) A medical assistance recipient's enrollment 88546  
in a medical assistance program gives an automatic right of 88547  
recovery to the department of medicaid and a county department of 88548  
job and family services against the liability of a third party for 88549  
the cost of medical assistance paid on behalf of the recipient. 88550  
When an action or claim is brought against a third party by a 88551  
medical assistance recipient, any payment, settlement or 88552  
compromise of the action or claim, or any court award or judgment, 88553  
is subject to the recovery right of the department of medicaid or 88554  
county department. Except in the case of a medical assistance 88555  
recipient who receives medical assistance through a medicaid 88556  
managed care organization, the department's or county department's 88557  
claim shall not exceed the amount of medical assistance paid by 88558  
the department or county department on behalf of the recipient. A 88559  
payment, settlement, compromise, judgment, or award that excludes 88560  
the cost of medical assistance paid for by the department or 88561  
county department shall not preclude a department from enforcing 88562  
its rights under this section. 88563

(B)(1) In the case of a medical assistance recipient who 88564  
receives medical assistance through a medicaid managed care 88565  
organization that has a capitation agreement with a provider, the 88566

amount of the department's or county department's claim shall be 88567  
the amount the medicaid managed care organization would have paid 88568  
in the absence of a capitation agreement. 88569

(2) In the case of a medical assistance recipient who 88570  
receives medical assistance through a medicaid managed care 88571  
organization that does not have a capitation agreement with a 88572  
provider, the amount of the department's or county department's 88573  
claim shall be the amount the medicaid managed care organization 88574  
pays for medical assistance rendered to the recipient, even if 88575  
that amount is more than the amount the department or county 88576  
department pays to the medicaid managed care organization for the 88577  
recipient's medical assistance. 88578

(C) A medical assistance recipient, and the recipient's 88579  
attorney, if any, shall cooperate with the departments. In 88580  
furtherance of this requirement, the medical assistance recipient, 88581  
or the recipient's attorney, if any, shall, not later than thirty 88582  
days after initiating informal recovery activity or filing a legal 88583  
recovery action against a third party, provide written notice of 88584  
the activity or action to the department of medicaid or county 88585  
department if it has paid for medical assistance under a medical 88586  
assistance program. 88587

(D) The written notice that must be given under division (C) 88588  
of this section shall disclose the identity and address of any 88589  
third party against whom the medical assistance recipient has or 88590  
may have a right of recovery. 88591

(E) No settlement, compromise, judgment, or award or any 88592  
recovery in any action or claim by a medical assistance recipient 88593  
where the department or county department has a right of recovery 88594  
shall be made final without first giving the department or county 88595  
department written notice as described in division (C) of this 88596  
section and a reasonable opportunity to perfect its rights of 88597  
recovery. If the department or county department is not given the 88598

appropriate written notice, the medical assistance recipient and, 88599  
if there is one, the recipient's attorney, are liable to reimburse 88600  
the department or county department for the recovery received to 88601  
the extent of medical assistance payments made by the department 88602  
or county department. 88603

(F) The department or county department shall be permitted to 88604  
enforce its recovery rights against the third party even though it 88605  
accepted prior payments in discharge of its rights under this 88606  
section if, at the time the department or county department 88607  
received such payments, it was not aware that additional medical 88608  
expenses had been incurred but had not yet been paid by the 88609  
department or county department. The third party becomes liable to 88610  
the department or county department as soon as the third party is 88611  
notified in writing of the valid claims for recovery under this 88612  
section. 88613

(G)(1) Subject to division (G)(2) of this section, the right 88614  
of recovery of the department or county department does not apply 88615  
to that portion of any judgment, award, settlement, or compromise 88616  
of a claim, to the extent of attorneys' fees, costs, or other 88617  
expenses incurred by a medical assistance recipient in securing 88618  
the judgment, award, settlement, or compromise, or to the extent 88619  
of medical, surgical, and hospital expenses paid by such recipient 88620  
from the recipient's own resources. 88621

(2) Reasonable attorneys' fees, not to exceed one-third of 88622  
the total judgment, award, settlement, or compromise, plus costs 88623  
and other expenses incurred by the medical assistance recipient in 88624  
securing the judgment, award, settlement, or compromise, shall 88625  
first be deducted from the total judgment, award, settlement, or 88626  
compromise. After fees, costs, and other expenses are deducted 88627  
from the total judgment, award, settlement, or compromise, there 88628  
shall be a rebuttable presumption that the department of medicaid 88629  
or county department shall receive no less than one-half of the 88630

remaining amount, or the actual amount of medical assistance paid, 88631  
whichever is less. A party may rebut the presumption in accordance 88632  
with division (L)(1) or (2) of this section, as applicable. 88633

(H) A right of recovery created by this section may be 88634  
enforced separately or jointly by the department of medicaid or 88635  
county department. To enforce its recovery rights, the department 88636  
or county department may do any of the following: 88637

(1) Intervene or join in any action or proceeding brought by 88638  
the medical assistance recipient or on the recipient's behalf 88639  
against any third party who may be liable for the cost of medical 88640  
assistance paid; 88641

(2) Institute and pursue legal proceedings against any third 88642  
party who may be liable for the cost of medical assistance paid; 88643

(3) Initiate legal proceedings in conjunction with any 88644  
injured, diseased, or disabled medical assistance recipient or the 88645  
recipient's attorney or representative. 88646

(I) A medical assistance recipient shall not assess attorney 88647  
fees, costs, or other expenses against the department of medicaid 88648  
or a county department when the department or county department 88649  
enforces its right of recovery created by this section. 88650

(J) The right of recovery given to the department under this 88651  
section includes payments made by a third party under contract 88652  
with a person having a duty to support. 88653

(K) The department of medicaid may assign to a medical 88654  
assistance provider the right of recovery given to the department 88655  
under this section with respect to any claim for which the 88656  
department has notified the provider that the department intends 88657  
to recoup the department's prior payment for the claim. 88658

(L)(1) Prior to any payment to the department or a county 88659  
department pursuant to the department's or county department's 88660

right of recovery under this section, a party that desires to 88661  
rebut the presumption in division (G) of this section shall submit 88662  
to the department or county department a request for a hearing in 88663  
accordance with the procedure the department establishes in rules 88664  
required by division (O) of this section. The amount sought by the 88665  
department or county department shall be held in escrow or in an 88666  
interest on lawyers' trust account until the hearing examiner 88667  
renders a decision or the case is otherwise concluded. A party 88668  
successfully rebuts the presumption by a showing of clear and 88669  
convincing evidence that a different allocation is warranted. 88670

(2) A medical assistance recipient who has repaid money, on 88671  
or after September 29, 2007, to the department or a county 88672  
department pursuant to the department's or county department's 88673  
right of recovery under this section, section 5160.38 of the 88674  
Revised Code, or former section 5101.58 or 5101.59 of the Revised 88675  
Code may request a hearing to rebut the presumption in division 88676  
(G) of this section. The request shall be made in accordance with 88677  
the procedure the department establishes for this purpose in rules 88678  
required by division (O) of this section. It must be made not 88679  
later than one hundred eighty days after ~~the effective date of~~ 88680  
~~this amendment~~ September 29, 2015, or ninety days after the 88681  
payment is made, whichever is later. A party successfully rebuts 88682  
the presumption by a showing of clear and convincing evidence that 88683  
a different allocation is warranted. 88684

(3) With respect to a hearing requested under division (L)(1) 88685  
or (2) of this section, all of the following are the case: 88686

(a) The hearing examiner may consider, but is not bound by 88687  
the allocation of, medical expenses specified in a settlement 88688  
agreement between the medical assistance recipient and the 88689  
relevant third party; 88690

(b) The department or county department may raise affirmative 88691  
defenses during the hearing, including the existence of a prior 88692

settlement with the medical assistance recipient, the doctrine of 88693  
accord and satisfaction, or the common law principle of res 88694  
judicata; 88695

(c) If the parties agree, live testimony shall not be 88696  
presented at the hearing; 88697

(d) The hearing may be governed by rules adopted under 88698  
section 5160.02 of the Revised Code. If such rules are adopted, 88699  
Chapter 119. of the Revised Code applies to the hearing only to 88700  
the extent specified in those rules; 88701

(e) The hearing examiner's decision is binding on the 88702  
department or county department and the medical assistance 88703  
recipient unless the decision is reversed or modified on appeal to 88704  
the medicaid director as described in division (M) of this 88705  
section. 88706

(M)(1) A medical assistance recipient who disagrees with a 88707  
hearing examiner's decision under division (L) of this section may 88708  
file an administrative appeal with the medicaid director in 88709  
accordance with the procedure the department establishes for this 88710  
purpose in rules required by division (O) of this section. A 88711  
hearing is not required during the administrative appeal, but the 88712  
director or the director's designee shall review the hearing 88713  
examiner's decision and any prior relevant administrative action. 88714  
After the review, the director or the director's designee shall 88715  
affirm, modify, remand, or reverse the hearing decision. A 88716  
decision made under this division is final and binding on the 88717  
department or county department and the medical assistance 88718  
recipient unless it is reversed or modified on appeal to a court 88719  
of common pleas as described in division (N) of this section. 88720

(2) An administrative appeal may be governed by rules adopted 88721  
under section 5160.02 of the Revised Code. If such rules are 88722  
adopted, Chapter 119. of the Revised Code applies to an 88723

administrative appeal only to the extent specified in those rules. 88724

(N) A party to an administrative appeal described in division 88725  
(M) of this section may file an appeal with a court of common 88726  
pleas in accordance with section 119.12 of the Revised Code. 88727

(O) The medicaid director shall adopt rules under section 88728  
5160.02 of the Revised Code as necessary to implement this 88729  
section, including rules establishing procedures a party may use 88730  
to request a hearing under division (L)(1) or (2) of this section 88731  
or an administrative appeal under division (M)(1) of this section. 88732  
The rules shall be adopted in accordance with Chapter 119. of the 88733  
Revised Code. 88734

(P) Divisions (L) to (N) of this section are remedial in 88735  
nature and shall be liberally construed by the courts of this 88736  
state in accordance with section 1.11 of the Revised Code. Those 88737  
divisions specify the sole remedy available to a party who claims 88738  
the department or a county department has received or is to 88739  
receive more money than entitled to receive under this section, 88740  
section 5160.38 of the Revised Code, or former section 5101.58 or 88741  
5101.59 of the Revised Code. 88742

**Sec. 5160.40.** (A) As used in this section, "business day" 88743  
means any day of the week excluding Saturday, Sunday, and a legal 88744  
holiday, as defined in section 1.14 of the Revised Code. 88745

(B) Subject to divisions ~~(B)~~(C) and ~~(C)~~(D) of this section, a 88746  
third party shall do all of the following: 88747

(1) Accept the department of medicaid's right of recovery 88748  
under section 5160.37 of the Revised Code and the assignment of 88749  
rights to the department that are described in section 5160.38 of 88750  
the Revised Code; 88751

(2) Respond to an inquiry by the department regarding a claim 88752  
for payment of a medical item or service that was submitted to the 88753

third party not later than six years after the date of the 88754  
provision of such medical item or service; 88755

(3) Respond to the department's request for payment of a 88756  
claim described in division (B)(2) of this section not later than 88757  
ninety business days after receipt of written proof of the claim, 88758  
either by paying the claim or issuing a written denial to the 88759  
department; 88760

(4) Not charge a fee to do either of the following for a 88761  
claim described in division ~~(A)~~(B)(2) of this section: 88762

(a) Determine whether the claim should be paid; 88763

(b) Process the claim. 88764

~~(4)~~(5) Pay a claim described in division ~~(A)~~(B)(2) of this 88765  
section; 88766

~~(5)~~(6) Not deny a claim submitted by the department solely on 88767  
the basis of the date of submission of the claim, type or format 88768  
of the claim form, or a failure by the medical assistance 88769  
recipient who is the subject of the claim to present proper 88770  
documentation of coverage at the time of service, if both of the 88771  
following have occurred: 88772

(a) The claim was submitted by the department not later than 88773  
six years after the date of the provision of the medical item or 88774  
service. 88775

(b) An action by the department to enforce its right of 88776  
recovery under section 5160.37 of the Revised Code on the claim 88777  
was commenced not later than six years after the department's 88778  
submission of the claim. 88779

~~(6)~~(7) Consider the department's payment of a claim for a 88780  
medical item or service to be the equivalent of the medical 88781  
assistance recipient having obtained prior authorization for the 88782  
item or service from the third party; 88783

~~(7)~~(8) Not deny a claim described in division ~~(A)~~(6)(B)(7) of 88784  
this section that is submitted by the department solely on the 88785  
basis of the medical assistance recipient's failure to obtain 88786  
prior authorization for the medical item or service. 88787

~~(B)~~(C) For purposes of the requirements in division ~~(A)~~(B) of 88788  
this section, a third party shall treat a medicaid managed care 88789  
organization as the department for a claim if the individual who 88790  
is the subject of the claim received a medical item or service 88791  
through a medicaid managed care organization and the department 88792  
has assigned its right of recovery for the claim to the medicaid 88793  
managed care organization. Even if the department assigned its 88794  
right of recovery to a medicaid managed care organization, the 88795  
department may, beginning one year from the date the organization 88796  
paid the claim, recoup from a third party an amount that was 88797  
assigned to the organization but not collected. 88798

~~(C)~~(D) If the department of medicaid, as permitted by 88799  
division (K) of section 5160.37 of the Revised Code, assigns to a 88800  
medical assistance provider the department's right of recovery for 88801  
a claim for which it has notified the provider that it intends to 88802  
recoup its prior payment for a claim, a third party shall treat 88803  
the provider as the department and shall pay the provider the 88804  
greater of the following: 88805

(1) The amount the department intends to recoup from the 88806  
provider for the claim. 88807

(2) If the third party and the provider have an agreement 88808  
that requires the third party to pay the provider at the time the 88809  
provider presents the claim to the third party, the amount that is 88810  
to be paid under that agreement. 88811

~~(D)~~(E) The time limitations associated with the requirements 88812  
in divisions ~~(A)~~(B)(2) and ~~(5)~~(6) of this section apply only to 88813  
submissions of claims to, and payments of claims by, a health 88814

insurer to which the "Social Security Act," section 88815  
1902(a)(25)(I), 42 U.S.C. 1396a(a)(25)(I), applies. 88816

**Sec. 5160.401.** (A) A payment made by a third party under 88817  
division ~~(A)(4)~~(B)(5) of section 5160.40 of the Revised Code on a 88818  
claim for payment of a medical item or service provided to a 88819  
medical assistance recipient is final on the date that is two 88820  
years after the payment was made to the department of medicaid or 88821  
the applicable medicaid managed care organization. After a claim 88822  
is final, the claim is subject to adjustment only if an action for 88823  
recovery of an overpayment was commenced under division (B) of 88824  
this section before the date the claim became final and the 88825  
recovery is agreed to by the department or medicaid managed care 88826  
organization under division (C) of this section. 88827

(B) If a third party determines that it overpaid a claim for 88828  
payment, the third party may seek to recover all or part of the 88829  
overpayment by filing a notice of its intent to seek recovery with 88830  
the department or medicaid managed care organization, as 88831  
applicable. The notice of recovery must be filed in writing before 88832  
the date the payment is final. The notice must specify all of the 88833  
following: 88834

(1) The full name of the medical assistance recipient who 88835  
received the medical item or service that is the subject of the 88836  
claim; 88837

(2) The date or dates on which the medical item or service 88838  
was provided; 88839

(3) The amount allegedly overpaid and the amount the third 88840  
party seeks to recover; 88841

(4) The claim number and any other number the department or 88842  
medicaid managed care organization has assigned to the claim; 88843

(5) The third party's rationale for seeking recovery; 88844

(6) The date the third party made the payment and the method of payment used; 88845  
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(7) If payment was made by check, the check number; 88847

(8) Whether the third party would prefer to receive the amount being sought by obtaining a payment from the department or medicaid managed care organization, either by check or electronic means, or by offsetting the amount from a future payment to be made to the department or medicaid managed care organization. 88848  
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(C) If the department or appropriate medicaid managed care organization determines that a notice of recovery was filed before the claim for payment is final and agrees to the amount sought by the third party, the department or medicaid managed care organization, as applicable, shall notify the third party in writing of its determination and agreement. Recovery of the amount shall proceed in accordance with the method specified by the third party pursuant to division (B)(8) of this section. 88853  
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**Sec. 5162.021.** The medicaid director shall adopt rules under sections 5160.02, 5162.02, ~~5163.03~~ 5163.02, ~~5164.04~~ 5164.02, ~~5165.05~~ 5165.02, 5166.02, and 5167.02 of the Revised Code as necessary to authorize the directors of other state agencies to adopt rules regarding medicaid components, or aspects of medicaid components, the other state agencies administer pursuant to contracts entered into under section 5162.35 of the Revised Code. 88861  
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When the director of another state agency adopts a rule that would increase the medicaid payment rate for a medicaid service provided under a medicaid component or aspect of a medicaid component that the other state agency administers, the director of the other state agency shall comply with section 5164.021 of the Revised Code as if that director were the medicaid director. 88868  
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**Sec. 5162.12.** (A) The medicaid director shall enter into a 88874

contract with one or more persons to receive and process, on the 88875  
director's behalf, requests for medicaid recipient or claims 88876  
payment data, data from reports of audits conducted under section 88877  
5165.109 of the Revised Code, or extracts or analyses of any of 88878  
the foregoing data made by persons who intend to use the items 88879  
prepared pursuant to the requests for commercial or academic 88880  
purposes. 88881

(B) At a minimum, a contract entered into under this section 88882  
shall do both of the following: 88883

(1) Authorize the contracting person to engage in the 88884  
activities described in division (A) of this section for 88885  
compensation, which must be stated as a percentage of the fees 88886  
paid by persons who are provided the items; 88887

(2) Require the contracting person to charge for an item 88888  
prepared pursuant to a request a fee in an amount equal to one 88889  
hundred two per cent of the cost the department of medicaid incurs 88890  
in making the data used to prepare the item available to the 88891  
contracting person. 88892

(C) Except as required by federal or state law and subject to 88893  
division (E) of this section, both of the following conditions 88894  
apply with respect to a request for data described in division (A) 88895  
of this section: 88896

(1) The request shall be made through a person who has 88897  
entered into a contract with the medicaid director under this 88898  
section. 88899

(2) An item prepared pursuant to the request may be provided 88900  
to the department of medicaid and is confidential and not subject 88901  
to disclosure under section 149.43 or 1347.08 of the Revised Code. 88902

(D) The medicaid director shall use fees the director 88903  
receives pursuant to a contract entered into under this section to 88904

pay obligations specified in contracts entered under this section. 88905  
Any money remaining after the obligations are paid shall be 88906  
deposited in the health ~~care services administration~~ care/medicaid 88907  
support and recoveries fund created under section ~~5162.54~~ 5162.52 88908  
of the Revised Code. 88909

(E) This section does not apply to requests for medicaid 88910  
recipient or claims payment data, data from reports of audits 88911  
conducted under section 5165.109 of the Revised Code, or extracts 88912  
or analyses of any of the foregoing data that are for any of the 88913  
following purposes: 88914

(1) Treatment of medicaid recipients; 88915

(2) Payment of medicaid claims; 88916

(3) Establishment or management of medicaid third party 88917  
liability pursuant to sections 5160.35 to 5160.43 of the Revised 88918  
Code; 88919

(4) Compliance with the terms of an agreement the medicaid 88920  
director enters into for purposes of administering the medicaid 88921  
program; 88922

(5) Compliance with an operating protocol the executive 88923  
director of the office of health transformation or the executive 88924  
director's designee adopts under division (D) of section 191.06 of 88925  
the Revised Code. 88926

**Sec. 5162.16.** A government entity that administers one or 88927  
more components of the medicaid program and has reasonable cause 88928  
to believe that an instance of fraud, waste, or abuse has occurred 88929  
in the medicaid program shall inform the department of medicaid. 88930  
The department shall collect the information in the medicaid data 88931  
warehouse system established under section 5162.11 of the Revised 88932  
Code. 88933

Sec. 5162.40. (A)~~(1) Except as provided in division (B) of~~ 88934  
~~this section, if~~ If a state agency or political subdivision 88935  
administers one or more components of the medicaid program ~~that~~ 88936  
~~the United States department of health and human services~~ 88937  
~~approved, and for which federal financial participation was~~ 88938  
~~initially obtained, prior to January 1, 2002,~~ or administers one 88939  
or more aspects of such a component, the department of medicaid 88940  
may retain or collect not more than ten per cent of the federal 88941  
financial participation the state agency or political subdivision 88942  
obtains through an approved, administrative claim regarding the 88943  
component or aspect of the component. If the department retains or 88944  
collects a percentage of such federal financial participation, the 88945  
percentage the department retains or collects shall be specified 88946  
in a contract the department enters into with the state agency or 88947  
political subdivision under section 5162.35 of the Revised Code. 88948

~~(2) Except as provided in division (B) of this section, if a~~ 88949  
~~state agency or political subdivision administers one or more~~ 88950  
~~components of the medicaid program that the United States~~ 88951  
~~department of health and human services approved on or after~~ 88952  
~~January 1, 2002, or administers one or more aspects of such a~~ 88953  
~~component, the department of medicaid shall retain or collect not~~ 88954  
~~less than three and not more than ten per cent of the federal~~ 88955  
~~financial participation the state agency or political subdivision~~ 88956  
~~obtains through an approved, administrative claim regarding the~~ 88957  
~~component or aspect of the component. The percentage the~~ 88958  
~~department retains or collects shall be specified in a contract~~ 88959  
~~the department enters into with the state agency or political~~ 88960  
~~subdivision under section 5162.35 of the Revised Code.~~ 88961

(B) All amounts the department retains or collects under this 88962  
section shall be deposited into the health ~~care services~~ 88963  
~~administration~~ care/medicaid support and recoveries fund created 88964  
under section ~~5162.54~~ 5162.52 of the Revised Code. 88965

**Sec. 5162.41.** The department of medicaid may retain or 88966  
collect a percentage of the federal financial participation 88967  
included in a supplemental medicaid payment to one or more 88968  
medicaid providers owned or operated by a state agency or 88969  
political subdivision that brings the payment to such provider or 88970  
providers to the upper payment limit established by 42 C.F.R. 88971  
447.272. If the department retains or collects a percentage of 88972  
that federal financial participation, the medicaid director shall 88973  
adopt a rule under section 5162.02 of the Revised Code specifying 88974  
the percentage the department is to retain or collect. All amounts 88975  
the department retains or collects under this section shall be 88976  
deposited into the health ~~care services administration~~ 88977  
care/medicaid support and recoveries fund created under section 88978  
~~5162.54~~ 5162.52 of the Revised Code. 88979

**Sec. 5162.52.** (A) The health care/medicaid support and 88980  
recoveries fund is hereby created in the state treasury. All of 88981  
the following shall be credited to the fund: 88982

(1) Except as otherwise provided by statute or as authorized 88983  
by the controlling board, the nonfederal share of all 88984  
medicaid-related revenues, collections, and recoveries; 88985

(2) Federal reimbursement received for payment adjustments 88986  
made pursuant to the "Social Security Act," section 1923, 42 88987  
U.S.C. 1396r-4, under the medicaid program to state mental health 88988  
hospitals maintained and operated by the department of mental 88989  
health and addiction services under division (A) of section 88990  
5119.14 of the Revised Code; 88991

(3) Revenues the department of medicaid receives from another 88992  
state agency for medicaid services pursuant to an interagency 88993  
agreement, ~~other than such revenues required to be deposited into~~ 88994  
~~the health care services administration fund created under section~~ 88995

|                                                                                |       |
|--------------------------------------------------------------------------------|-------|
| 5162.54 of the Revised Code;                                                   | 88996 |
| (4) The <del>first seven hundred fifty thousand dollars</del> <u>money</u> the | 88997 |
| department <u>of medicaid</u> receives in a fiscal year for performing         | 88998 |
| eligibility verification services necessary for compliance with                | 88999 |
| the independent, certified audit requirement of 42 C.F.R. 455.304;             | 89000 |
| (5) The nonfederal share of all rebates paid by drug                           | 89001 |
| manufacturers to the department of medicaid in accordance with a               | 89002 |
| rebate agreement required by the "Social Security Act," section                | 89003 |
| 1927, 42 U.S.C. 1396r-8;                                                       | 89004 |
| (6) The nonfederal share of all supplemental rebates paid by                   | 89005 |
| drug manufacturers to the department of medicaid in accordance                 | 89006 |
| with the supplemental drug rebate program established under                    | 89007 |
| section 5164.755 of the Revised Code;                                          | 89008 |
| <u>(7) Amounts deposited into the fund pursuant to sections</u>                | 89009 |
| <u>5162.12, 5162.40, and 5162.41 of the Revised Code;</u>                      | 89010 |
| <u>(8) The application fees charged to providers under section</u>             | 89011 |
| <u>5164.31 of the Revised Code;</u>                                            | 89012 |
| <u>(9) The fines collected under section 5165.1010 of the</u>                  | 89013 |
| <u>Revised Code;</u>                                                           | 89014 |
| <u>(10) Amounts from assessments on hospitals under section</u>                | 89015 |
| <u>5168.06 of the Revised Code and intergovernmental transfers by</u>          | 89016 |
| <u>governmental hospitals under section 5168.07 of the Revised Code</u>        | 89017 |
| <u>that are deposited into the fund in accordance with the law.</u>            | 89018 |
| (B) The department of medicaid shall use money credited to                     | 89019 |
| the health care/medicaid support and recoveries fund to pay for                | 89020 |
| medicaid services and <del>contracts</del> <u>costs associated with the</u>    | 89021 |
| <u>administration of the medicaid program.</u>                                 | 89022 |
| <u>Sec. 5162.65. There is hereby created in the state treasury</u>             | 89023 |
| <u>the refunds and reconciliation fund.</u>                                    | 89024 |

Money the department of medicaid receives from a refund or reconciliation shall be deposited into the refunds and reconciliation fund if the department does not know the appropriate fund for the money at the time the department receives the money or if the money is to go to another government entity. Money transferred from the department of job and family services under section 5101.074 of the Revised Code also shall be deposited into the refunds and reconciliation fund.

Money in the refunds and reconciliation fund, including money transferred from the department of job and family services, shall be transferred to the appropriate fund once the appropriate fund is identified or shall be transferred to another government entity, as appropriate.

~~Sec. 5162.66. As used in this section, "deficiency" has the same meaning as in section 5165.60 of the Revised Code.~~

The (A) There is hereby created in the state treasury the residents protection fund. All of the following shall be deposited into the fund:

(1) The proceeds of all fines, including interest, collected under sections 5165.60 to 5165.89 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund, which is hereby created. The;

(2) The proceeds of all fines, including interest, collected under section 173.42 of the Revised Code shall be deposited in the state treasury to the credit of the residents protection fund;

(3) The portions of civil money penalties and corresponding interest that are disbursed on or after July 1, 2017, to the department of medicaid pursuant to 42 C.F.R. 488.845.

Money in the fund (B)(1) Money deposited into the fund pursuant to divisions (A)(1) and (2) of this section shall be used

for ~~the protection~~ all of the following: 89055

(a) Protection of the health or property of residents of 89056  
nursing facilities in which the department of health finds 89057  
deficiencies, including payment for the costs of relocation of 89058  
residents to other facilities, ~~maintenance;~~ 89059

(b) Maintenance of operation of a facility pending correction 89060  
of deficiencies or closure, ~~and reimbursement;~~ 89061

(c) Reimbursement of residents for the loss of money managed 89062  
by the facility under section 3721.15 of the Revised Code. ~~Money~~ 89063  
~~in the fund may also be used to make payments;~~ 89064

(d) Provision of funds for costs incurred by a temporary 89065  
resident safety assurance manager appointed under section 5165.78 89066  
of the Revised Code. 89067

(2) Subject to 42 C.F.R. 488.845(g)(2), money deposited into 89068  
the fund pursuant to division (A)(3) of this section shall be used 89069  
to improve the quality of medicaid services provided by 89070  
medicare-certified home health agencies. 89071

(C) The fund shall be maintained and administered by the 89072  
department of medicaid under rules developed in consultation with 89073  
the departments of health and aging and adopted under section 89074  
5162.02 of the Revised Code. The rules shall be adopted in 89075  
accordance with Chapter 119. of the Revised Code. 89076

**Sec. 5162.70.** (A) As used in this section: 89077

(1) "CPI" means the consumer price index for all urban 89078  
consumers as published by the United States bureau of labor 89079  
statistics. 89080

(2) "CPI medical inflation rate" means the inflation rate for 89081  
medical care, or the successor term for medical care, for the 89082  
midwest region as specified in the CPI. 89083

(3) "JMOC projected medical inflation rate" means the 89084  
following: 89085

(a) The projected medical inflation rate for a fiscal 89086  
biennium determined by the actuary with which the joint medicaid 89087  
oversight committee contracts under section 103.414 of the Revised 89088  
Code if the committee agrees with the actuary's projected medical 89089  
inflation rate for that fiscal biennium; 89090

(b) The different projected medical inflation rate for a 89091  
fiscal biennium determined by the joint medicaid oversight 89092  
committee under section 103.414 of the Revised Code if the 89093  
committee disagrees with the projected medical inflation rate 89094  
determined for that fiscal biennium by the actuary with which the 89095  
committee contracts under that section. 89096

(4) "Successor term" means a term that the United States 89097  
bureau of labor statistics uses in place of another term in 89098  
revisions to the CPI. 89099

(B) The medicaid director shall implement reforms to the 89100  
medicaid program that do all of the following: 89101

(1) Limit the growth in the per recipient per month cost of 89102  
the medicaid program, as determined on an aggregate basis for all 89103  
eligibility groups, for a fiscal biennium to not more than the 89104  
lesser of the following: 89105

(a) The average annual increase in the CPI medical inflation 89106  
rate for the most recent three-year period for which the necessary 89107  
data is available as of the first day of the fiscal biennium, 89108  
weighted by the most recent year of the three years; 89109

(b) The JMOC projected medical inflation rate for the fiscal 89110  
biennium. 89111

(2) Achieve the limit in the growth of the per recipient per 89112  
month cost of the medicaid program under division (B)(1) of this 89113

|                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                             |
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| section by doing all of the following:                                                                                                                                                                                                                                                                                                                                                                                                          | 89114                                                       |
| (a) Improving the physical and mental health of medicaid recipients;                                                                                                                                                                                                                                                                                                                                                                            | 89115<br>89116                                              |
| (b) Providing for medicaid recipients to receive medicaid services in the most cost-effective and sustainable manner;                                                                                                                                                                                                                                                                                                                           | 89117<br>89118                                              |
| (c) Removing barriers that impede medicaid recipients' ability to transfer to lower cost, and more appropriate, medicaid services, including home and community-based services;                                                                                                                                                                                                                                                                 | 89119<br>89120<br>89121                                     |
| (d) Establishing medicaid payment rates that encourage value over volume and result in medicaid services being provided in the most efficient and effective manner possible;                                                                                                                                                                                                                                                                    | 89122<br>89123<br>89124                                     |
| (e) Implementing fraud and abuse prevention and cost avoidance mechanisms to the fullest extent possible;                                                                                                                                                                                                                                                                                                                                       | 89125<br>89126                                              |
| <del>    (f) Integrating in the care management system established under section 5167.03 of the Revised Code the delivery of physical health, behavioral health, nursing facility, and home and community-based services covered by medicaid.</del>                                                                                                                                                                                             | 89127<br>89128<br>89129<br>89130                            |
| (3) Reduce the prevalence of comorbid health conditions among, and the mortality rates of, medicaid recipients;                                                                                                                                                                                                                                                                                                                                 | 89131<br>89132                                              |
| (4) Reduce infant mortality rates among medicaid recipients.                                                                                                                                                                                                                                                                                                                                                                                    | 89133                                                       |
| (C) The medicaid director shall implement the reforms under this section in accordance with evidence-based strategies that include measurable goals.                                                                                                                                                                                                                                                                                            | 89134<br>89135<br>89136                                     |
| (D) The reforms implemented under this section shall, without making the medicaid program's eligibility requirements more restrictive, reduce the relative number of individuals enrolled in the medicaid program who have the greatest potential to obtain the income and resources that would enable them to cease enrollment in medicaid and instead obtain health care coverage through employer-sponsored health insurance or an exchange. | 89137<br>89138<br>89139<br>89140<br>89141<br>89142<br>89143 |

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| Sec. 5163.01. As used in this chapter:                                                                                                                                                                                                                                                                                                                                                              | 89144 |
| "Caretaker relative" has the same meaning as in 42 C.F.R.                                                                                                                                                                                                                                                                                                                                           | 89145 |
| 435.4 as that regulation is amended effective January 1, 2014.                                                                                                                                                                                                                                                                                                                                      | 89146 |
| <u>"Expansion eligibility group" means the medicaid eligibility group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).</u>                                                                                                                                                                                                            | 89147 |
|                                                                                                                                                                                                                                                                                                                                                                                                     | 89148 |
|                                                                                                                                                                                                                                                                                                                                                                                                     | 89149 |
| "Federal financial participation" has the same meaning as in                                                                                                                                                                                                                                                                                                                                        | 89150 |
| section 5160.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                | 89151 |
| <u>"Federal medical assistance percentage for the expansion eligibility group" means the amount of the federal government's share of expenditures for medicaid services provided to medicaid recipients enrolled in the medicaid program on the basis of being included in the expansion eligibility group, as established by section 1905(y) of the "Social Security Act," 42 U.S.C. 1396d(y).</u> | 89152 |
|                                                                                                                                                                                                                                                                                                                                                                                                     | 89153 |
|                                                                                                                                                                                                                                                                                                                                                                                                     | 89154 |
|                                                                                                                                                                                                                                                                                                                                                                                                     | 89155 |
|                                                                                                                                                                                                                                                                                                                                                                                                     | 89156 |
|                                                                                                                                                                                                                                                                                                                                                                                                     | 89157 |
| "Federal poverty line" has the same meaning as in section                                                                                                                                                                                                                                                                                                                                           | 89158 |
| 5162.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                        | 89159 |
| "Healthy start component" has the same meaning as in section                                                                                                                                                                                                                                                                                                                                        | 89160 |
| 5162.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                        | 89161 |
| "Home and community-based services medicaid waiver component"                                                                                                                                                                                                                                                                                                                                       | 89162 |
| has the same meaning as in section 5166.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                     | 89163 |
| "Intermediate care facility for individuals with intellectual                                                                                                                                                                                                                                                                                                                                       | 89164 |
| disabilities" and "ICF/IID" have the same meanings as in section                                                                                                                                                                                                                                                                                                                                    | 89165 |
| 5124.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                        | 89166 |
| "Mandatory eligibility groups" means the groups of                                                                                                                                                                                                                                                                                                                                                  | 89167 |
| individuals that must be covered by the medicaid state plan as a                                                                                                                                                                                                                                                                                                                                    | 89168 |
| condition of the state receiving federal financial participation                                                                                                                                                                                                                                                                                                                                    | 89169 |
| for the medicaid program.                                                                                                                                                                                                                                                                                                                                                                           | 89170 |
| "Medicaid buy-in for workers with disabilities program" means                                                                                                                                                                                                                                                                                                                                       | 89171 |
| the component of the medicaid program established under sections                                                                                                                                                                                                                                                                                                                                    | 89172 |

|                                                                                                                                                                                                                      |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 5163.09 to 5163.098 of the Revised Code.                                                                                                                                                                             | 89173                            |
| "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.                                                                                                                                  | 89174<br>89175                   |
| "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.                                                                                                                          | 89176<br>89177                   |
| "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.                                                                                                 | 89178<br>89179                   |
| "Optional eligibility groups" means the groups of individuals who may be covered by the medicaid state plan or a federal medicaid waiver and for whom the medicaid program receives federal financial participation. | 89180<br>89181<br>89182<br>89183 |
| "Other medicaid-funded long-term care services" has the meaning specified in rules adopted under section 5163.02 of the Revised Code.                                                                                | 89184<br>89185<br>89186          |
| "Supplemental security income program" means the program established by Title XVI of the "Social Security Act," 42 U.S.C. 1381 et seq.                                                                               | 89187<br>89188<br>89189          |
| <b>Sec. 5163.03.</b> (A) Subject to section 5163.05 of the Revised Code, the medicaid program shall cover all mandatory eligibility groups.                                                                          | 89190<br>89191<br>89192          |
| (B) The medicaid program shall cover all of the optional eligibility groups that state statutes require the medicaid program to cover.                                                                               | 89193<br>89194<br>89195          |
| (C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies:                                                                                                  | 89196<br>89197                   |
| (1) State statutes expressly permit the medicaid program to cover the optional eligibility group.                                                                                                                    | 89198<br>89199                   |
| (2) <del>State statutes do not address whether the</del> <u>The</u> medicaid program <del>may cover</del> <u>covers</u> the optional eligibility group <u>on the</u>                                                 | 89200<br>89201                   |

effective date of this amendment. 89202

(D) The medicaid program shall not cover any an optional 89203  
eligibility group that state to which either of the following 89204  
applies: 89205

(1) State statutes prohibit the medicaid program from 89206  
covering the optional eligibility group. 89207

(2) Except as provided in divisions (B) and (C)(1) of this 89208  
section, the medicaid program does not cover the optional 89209  
eligibility group on the effective date of this amendment. 89210

**Sec. 5163.15.** (A) Except as provided in divisions (B) and (C) 89211  
of this section, the medicaid program shall not cover the 89212  
expansion eligibility group on or after July 1, 2018. 89213

(B) Subject to division (C) of this section, an individual 89214  
enrolled on June 30, 2018, in the medicaid program on the basis of 89215  
being included in the expansion eligibility group may continue to 89216  
be enrolled in the medicaid program until the earlier of the 89217  
following: 89218

(1) The date the individual ceases to meet the eligibility 89219  
requirements for the medicaid program; 89220

(2) If the federal medical assistance percentage for the 89221  
expansion eligibility group is reduced by federal legislation 89222  
enacted on or after July 1, 2018, the date the reduction takes 89223  
effect. 89224

(C) The medicaid program shall continue to cover individuals 89225  
who meet the eligibility requirements for the expansion 89226  
eligibility group if the individual has either of the following: 89227

(1) A mental illness as defined in section 5119.01 of the 89228  
Revised Code; 89229

(2) A drug addiction as defined in section 5119.01 of the 89230

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>Revised Code.</u>                                                      | 89231 |
| <u>(D) This section does not preclude an individual who meets</u>         | 89232 |
| <u>the requirements for the expansion eligibility group from</u>          | 89233 |
| <u>enrolling, or continuing to be enrolled, in the medicaid program</u>   | 89234 |
| <u>if the individual is eligible for medicaid on the basis of being</u>   | 89235 |
| <u>included in another eligibility group the medicaid program covers.</u> | 89236 |
| <br>                                                                      |       |
| <b>Sec. 5164.01.</b> As used in this chapter:                             | 89237 |
| <br>                                                                      |       |
| (A) "Adjudication" has the same meaning as in section 119.01              | 89238 |
| of the Revised Code.                                                      | 89239 |
| <br>                                                                      |       |
| (B) <u>"Behavioral health redesign" means proposals developed in</u>      | 89240 |
| <u>a collaborative effort by the office of health transformation,</u>     | 89241 |
| <u>department of medicaid, and department of mental health and</u>        | 89242 |
| <u>addiction services to make revisions to the medicaid program's</u>     | 89243 |
| <u>coverage of community behavioral health services beginning July 1,</u> | 89244 |
| <u>2017, including revisions that update medicaid billing codes and</u>   | 89245 |
| <u>payment rates for community behavioral health services.</u>            | 89246 |
| <br>                                                                      |       |
| (C) <u>"Clean claim" has the same meaning as in 42 C.F.R.</u>             | 89247 |
| <u>447.45(b).</u>                                                         | 89248 |
| <br>                                                                      |       |
| (D) <u>"Community behavioral health services" means both of the</u>       | 89249 |
| <u>following:</u>                                                         | 89250 |
| <br>                                                                      |       |
| <u>(1) Alcohol and drug addiction services provided by a</u>              | 89251 |
| <u>community addiction services provider, as defined in section</u>       | 89252 |
| <u>5119.01 of the Revised Code;</u>                                       | 89253 |
| <br>                                                                      |       |
| <u>(2) Mental health services provided by a community mental</u>          | 89254 |
| <u>health services provider, as defined in section 5119.01 of the</u>     | 89255 |
| <u>Revised Code.</u>                                                      | 89256 |
| <br>                                                                      |       |
| (E) <u>"Early and periodic screening, diagnostic, and treatment</u>       | 89257 |
| <u>services" has the same meaning as in the "Social Security Act,"</u>    | 89258 |
| <u>section 1905(r), 42 U.S.C. 1396d(r).</u>                               | 89259 |

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| <del>(C)</del> (F) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.                                                                                                                                                                                                      | 89260<br>89261                            |
| <del>(D)</del> (G) " <u>Federal poverty line</u> " has the same meaning as in <u>section 5162.01 of the Revised Code.</u>                                                                                                                                                                                                 | 89262<br>89263                            |
| (H) "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services.                                                                                                                                                                             | 89264<br>89265<br>89266                   |
| <del>(E)</del> (I) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.                                                                                                                                                                          | 89267<br>89268<br>89269                   |
| <del>(F)</del> (J) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.                                                                                                                                                                                                                             | 89270<br>89271                            |
| <del>(G)</del> (K) "ICDS participant" means a dual eligible individual who participates in the integrated care delivery system.                                                                                                                                                                                           | 89272<br>89273                            |
| <del>(H)</del> (L) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.                                                                                                                                                                                                                              | 89274<br>89275                            |
| <del>(I)</del> (M) "Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.                                                                                                                                                                         | 89276<br>89277<br>89278                   |
| <del>(J)</del> (N) "Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program.                                                                                          | 89279<br>89280<br>89281<br>89282          |
| <del>(K)</del> (O) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.                                                                                                                                                                                                   | 89283<br>89284                            |
| <del>(L)</del> (P) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid | 89285<br>89286<br>89287<br>89288<br>89289 |

provider, or both. 89290

~~(M)~~(O) "Medicaid services" means either or both of the 89291  
following: 89292

(1) Mandatory services; 89293

(2) Optional services that the medicaid program covers. 89294

~~(N)~~(R) "Nursing facility" has the same meaning as in section 89295  
5165.01 of the Revised Code. 89296

~~(O)~~(S) "Optional services" means the health care services and 89297  
items that may be covered by the medicaid state plan or a federal 89298  
medicaid waiver and for which the medicaid program receives 89299  
federal financial participation. 89300

~~(P)~~(T) "Prescribed drug" has the same meaning as in 42 C.F.R. 89301  
440.120. 89302

~~(Q)~~(U) "Provider agreement" means an agreement to which all 89303  
of the following apply: 89304

(1) It is between a medicaid provider and the department of 89305  
medicaid; 89306

(2) It provides for the medicaid provider to provide medicaid 89307  
services to medicaid recipients; 89308

(3) It complies with 42 C.F.R. 431.107(b). 89309

~~(R)~~(V) "State plan home and community-based services" means 89310  
home and community-based services that, as authorized by section 89311  
1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be 89312  
covered by the medicaid program pursuant to an amendment to the 89313  
medicaid state plan. 89314

(W) "Terminal distributor of dangerous drugs" has the same 89315  
meaning as in section 4729.01 of the Revised Code. 89316

**Sec. 5164.02.** (A) The Subject to section 5164.021 of the 89317

Revised Code, the medicaid director shall adopt rules as necessary 89318  
to implement this chapter. The rules shall be adopted in 89319  
accordance with Chapter 119. of the Revised Code. 89320

(B) The rules shall establish all of the following: 89321

(1) The amount, duration, and scope of the medicaid services 89322  
covered by the medicaid program; 89323

(2) The medicaid payment ~~amount~~ rate for each medicaid 89324  
service or, in lieu of the ~~payment amount~~ rate, the method by 89325  
which the ~~payment amount~~ rate is to be determined for each 89326  
medicaid service; 89327

(3) Procedures for enforcing the rules adopted under this 89328  
section that provide due process protections, including procedures 89329  
for corrective action plans for, and imposing financial and 89330  
administrative sanctions on, persons and government entities that 89331  
violate the rules. 89332

(C) The rules may be different for different medicaid 89333  
services. 89334

(D) The medicaid director is not required to adopt a rule 89335  
establishing the medicaid payment ~~amount~~ rate for a medicaid 89336  
service if the director adopts a rule establishing the method by 89337  
which the ~~payment amount~~ rate is to be determined for the medicaid 89338  
service and makes the ~~payment amount~~ rate available on the 89339  
internet web site maintained by the department of medicaid. 89340

**Sec. 5164.021.** For purposes of sections 103.417 and 5164.69 89341  
of the Revised Code, the medicaid director may not designate an 89342  
effective date for a rule increasing the medicaid payment rate for 89343  
a medicaid service that is earlier than the one hundred 89344  
twenty-first day after the date on which it is filed in final form 89345  
under section 119.04 of the Revised Code. This applies to such a 89346  
rule regardless of whether the rule involves a change to the 89347

method by which the medicaid payment rate is to be determined or 89348  
specifies the actual amount of the rate increase. 89349

Sec. 5164.10. The medicaid program may cover one or more 89350  
state plan home and community-based services that the department 89351  
of medicaid selects for coverage. A medicaid recipient of any age 89352  
may receive a state plan home and community-based service if the 89353  
recipient has countable income not exceeding two hundred 89354  
twenty-five per cent of the federal poverty line, has a medical 89355  
need for the service, and meets all other eligibility requirements 89356  
for the service specified in rules adopted under section 5164.02 89357  
of the Revised Code. The rules may not require a medicaid 89358  
recipient to undergo a level of care determination to be eligible 89359  
for a state plan home and community-based service. 89360

Sec. 5164.29. Not later than December 31, 2018, the 89361  
department of medicaid shall develop and implement revisions to 89362  
the system by which persons and government entities become and 89363  
remain medicaid providers so that there is a single system of 89364  
records for the system and the persons and government entities do 89365  
not have to submit duplicate data to the state to become or remain 89366  
medicaid providers for any component or aspect of a component of 89367  
the medicaid program, including a component or aspect of a 89368  
component administered by another state agency or political 89369  
subdivision pursuant to a contract entered into under section 89370  
5162.35 of the Revised Code. The departments of aging, 89371  
developmental disabilities, and mental health and addiction 89372  
services shall participate in the development of the revisions and 89373  
shall utilize the revised system. 89374

Sec. 5164.31. (A) For the purpose of raising funds necessary 89375  
to pay the expenses of implementing the provider screening 89376  
requirements of subpart E of 42 C.F.R. Part 455 and except as 89377

provided in division (B) of this section, the department of 89378  
medicaid shall collect an application fee from a medicaid provider 89379  
before doing any of the following: 89380

(1) Entering into a provider agreement with a medicaid 89381  
provider that seeks initial enrollment as a provider; 89382

(2) Entering into a provider agreement with a former medicaid 89383  
provider that seeks re-enrollment as a provider; 89384

(3) Revalidating a medicaid provider's continued enrollment 89385  
as a provider. 89386

(B) The department is not to collect an application fee from 89387  
a medicaid provider that is exempt from paying the fee under 42 89388  
C.F.R. 455.460(a). 89389

(C) The application fees shall be deposited into the health 89390  
~~care services administration~~ care/medicaid support and recoveries 89391  
fund created under section ~~5162.54~~ 5162.52 of the Revised Code. 89392  
Application fees are nonrefundable when collected in accordance 89393  
with 42 C.F.R. 455.460(a). 89394

(D) The medicaid director shall adopt rules under section 89395  
5164.02 of the Revised Code as necessary to implement this 89396  
section, including a rule establishing the amount of the 89397  
application fee to be collected under this section. The amount of 89398  
the application fee shall not be set at an amount that is more 89399  
than necessary to pay for the expenses of implementing the 89400  
provider screening requirements. 89401

**Sec. 5164.34.** (A) As used in this section: 89402

(1) "Criminal records check" has the same meaning as in 89403  
section 109.572 of the Revised Code. 89404

(2) "Disqualifying offense" means any of the offenses listed 89405  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 89406

the Revised Code. 89407

(3) "Owner" means a person who has an ownership interest in a 89408  
medicaid provider in an amount designated in rules authorized by 89409  
this section. 89410

(4) "Person subject to the criminal records check 89411  
requirement" means the following: 89412

(a) A medicaid provider who is notified under division (E)(1) 89413  
of this section that the provider is subject to a criminal records 89414  
check; 89415

(b) An owner or prospective owner, officer or prospective 89416  
officer, or board member or prospective board member of a medicaid 89417  
provider if, pursuant to division (E)(1)(a) of this section, the 89418  
owner or prospective owner, officer or prospective officer, or 89419  
board member or prospective board member is specified in 89420  
information given to the provider under division (E)(1) of this 89421  
section; 89422

(c) An employee or prospective employee of a medicaid 89423  
provider if both of the following apply: 89424

(i) The employee or prospective employee is specified, 89425  
pursuant to division (E)(1)(b) of this section, in information 89426  
given to the provider under division (E)(1) of this section. 89427

(ii) The provider is not prohibited by division (D)(3)(b) of 89428  
this section from employing the employee or prospective employee. 89429

(5) "Responsible entity" means the following: 89430

(a) With respect to a criminal records check required under 89431  
this section for a medicaid provider, the department of medicaid 89432  
or the department's designee; 89433

(b) With respect to a criminal records check required under 89434  
this section for an owner or prospective owner, officer or 89435  
prospective officer, board member or prospective board member, or 89436

employee or prospective employee of a medicaid provider, the 89437  
provider. 89438

(B) This section does not apply to any of the following: 89439

(1) An individual who is subject to a criminal records check 89440  
under section 3712.09, 3721.121, 5123.081, or 5123.169, ~~or~~ 89441  
~~5164.341~~ of the Revised Code ~~or any;~~ 89442

(2) An individual who is subject to a database review or 89443  
criminal records check under section 173.38, 173.381, 3701.881, or 89444  
5164.342 of the Revised Code; 89445

(3) An individual who is an applicant or independent 89446  
provider, both as defined in section 5164.341 of the Revised Code. 89447

(C) The department of medicaid may do any of the following: 89448

(1) Require that any medicaid provider submit to a criminal 89449  
records check as a condition of obtaining or maintaining a 89450  
provider agreement; 89451

(2) Require that any medicaid provider require an owner or 89452  
prospective owner, officer or prospective officer, or board member 89453  
or prospective board member of the provider submit to a criminal 89454  
records check as a condition of being an owner, officer, or board 89455  
member of the provider; 89456

(3) Require that any medicaid provider do the following: 89457

(a) If so required by rules authorized by this section, 89458  
determine pursuant to a database review conducted under division 89459  
(F)(1)(a) of this section whether any employee or prospective 89460  
employee of the provider is included in a database; 89461

(b) Unless the provider is prohibited by division (D)(3)(b) 89462  
of this section from employing the employee or prospective 89463  
employee, require the employee or prospective employee to submit 89464  
to a criminal records check as a condition of being an employee of 89465  
the provider. 89466

(D)(1) The department or the department's designee shall deny 89467  
or terminate a medicaid provider's provider agreement if the 89468  
provider is a person subject to the criminal records check 89469  
requirement and either of the following applies: 89470

(a) The provider fails to obtain the criminal records check 89471  
after being given the information specified in division (G)(1) of 89472  
this section. 89473

(b) Except as provided in rules authorized by this section, 89474  
the provider is found by the criminal records check to have been 89475  
convicted of or have pleaded guilty to a disqualifying offense, 89476  
regardless of the date of the conviction or the date of entry of 89477  
the guilty plea. 89478

(2) No medicaid provider shall permit a person to be an 89479  
owner, officer, or board member of the provider if the person is a 89480  
person subject to the criminal records check requirement and 89481  
either of the following applies: 89482

(a) The person fails to obtain the criminal records check 89483  
after being given the information specified in division (G)(1) of 89484  
this section. 89485

(b) Except as provided in rules authorized by this section, 89486  
the person is found by the criminal records check to have been 89487  
convicted of or have pleaded guilty to a disqualifying offense, 89488  
regardless of the date of the conviction or the date of entry of 89489  
the guilty plea. 89490

(3) No medicaid provider shall employ a person if any of the 89491  
following apply: 89492

(a) The person has been excluded from being a medicaid 89493  
provider, a medicare provider, or provider for any other federal 89494  
health care program. 89495

(b) If the person is subject to a database review conducted 89496

under division (F)(1)(a) of this section, the person is found by 89497  
the database review to be included in a database and the rules 89498  
authorized by this section regarding the database review prohibit 89499  
the provider from employing a person included in the database. 89500

(c) If the person is a person subject to the criminal records 89501  
check requirement, either of the following applies: 89502

(i) The person fails to obtain the criminal records check 89503  
after being given the information specified in division (G)(1) of 89504  
this section. 89505

(ii) Except as provided in rules authorized by this section, 89506  
the person is found by the criminal records check to have been 89507  
convicted of or have pleaded guilty to a disqualifying offense, 89508  
regardless of the date of the conviction or the date of entry of 89509  
the guilty plea. 89510

(E)(1) The department or the department's designee shall 89511  
inform each medicaid provider whether the provider is subject to a 89512  
criminal records check. For providers with valid provider 89513  
agreements, the information shall be given at times designated in 89514  
rules authorized by this section. For providers applying to be 89515  
medicaid providers, the information shall be given at the time of 89516  
initial application. When the information is given, the department 89517  
or the department's designee shall specify the following: 89518

(a) Which of the provider's owners or prospective owners, 89519  
officers or prospective officers, or board members or prospective 89520  
board members are subject to a criminal records check; 89521

(b) Which of the provider's employees or prospective 89522  
employees are subject to division (C)(3) of this section. 89523

(2) At times designated in rules authorized by this section, 89524  
a medicaid provider that is a person subject to the criminal 89525  
records check requirement shall do the following: 89526

(a) Inform each person specified under division (E)(1)(a) of this section that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;

(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section.

(F)(1) If a medicaid provider is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider shall do the following:

(a) If rules authorized by this section require the provider to conduct a database review to determine whether the employee or prospective employee is included in a database, conduct the database review in accordance with the rules;

(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the conduct of a criminal records check of the employee or prospective employee by the superintendent.

(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the person from the federal bureau of

investigation in a criminal records check, the responsible entity 89558  
shall require the person to request that the superintendent obtain 89559  
information from the federal bureau of investigation as part of 89560  
the criminal records check of the person. Even if the person 89561  
presents proof of having been a resident of this state for the 89562  
five-year period, the responsible entity may require that the 89563  
person request that the superintendent obtain information from the 89564  
federal bureau of investigation and include it in the criminal 89565  
records check of the person. 89566

(G) Criminal records checks required by this section shall be 89567  
obtained as follows: 89568

(1) The responsible entity shall provide each person subject 89569  
to the criminal records check requirement information about 89570  
accessing and completing the form prescribed pursuant to division 89571  
(C)(1) of section 109.572 of the Revised Code and the standard 89572  
impression sheet prescribed pursuant to division (C)(2) of that 89573  
section. 89574

(2) The person subject to the criminal records check 89575  
requirement shall submit the required form and one complete set of 89576  
the person's fingerprint impressions directly to the 89577  
superintendent for purposes of conducting the criminal records 89578  
check using the applicable methods prescribed by division (C) of 89579  
section 109.572 of the Revised Code. The person shall pay all fees 89580  
associated with obtaining the criminal records check. 89581

(3) The superintendent shall conduct the criminal records 89582  
check in accordance with section 109.572 of the Revised Code. The 89583  
person subject to the criminal records check requirement shall 89584  
instruct the superintendent to submit the report of the criminal 89585  
records check directly to the responsible entity. If the 89586  
department or the department's designee is not the responsible 89587  
entity, the department or designee may require the responsible 89588  
entity to submit the report to the department or designee. 89589

(H)(1) A medicaid provider may employ conditionally a person 89590  
for whom a criminal records check is required by this section 89591  
prior to obtaining the results of the criminal records check if 89592  
both of the following apply: 89593

(a) The provider is not prohibited by division (D)(3)(b) of 89594  
this section from employing the person. 89595

(b) The person submits a request for the criminal records 89596  
check not later than five business days after the person begins 89597  
conditional employment. 89598

(2) A medicaid provider that employs a person conditionally 89599  
under division (H)(1) of this section shall terminate the person's 89600  
employment if the results of the criminal records check request 89601  
are not obtained within the period ending sixty days after the 89602  
date the request is made. Regardless of when the results of the 89603  
criminal records check are obtained, if the results indicate that 89604  
the person has been convicted of or has pleaded guilty to a 89605  
disqualifying offense, the provider shall terminate the person's 89606  
employment unless circumstances specified in rules authorized by 89607  
this section exist that permit the provider to employ the person 89608  
and the provider chooses to employ the person. 89609

(I) The report of a criminal records check conducted pursuant 89610  
to this section is not a public record for the purposes of section 89611  
149.43 of the Revised Code and shall not be made available to any 89612  
person other than the following: 89613

(1) The person who is the subject of the criminal records 89614  
check or the person's representative; 89615

(2) The medicaid director and the staff of the department who 89616  
are involved in the administration of the medicaid program; 89617

(3) The department's designee; 89618

(4) The medicaid provider who required the person who is the 89619

subject of the criminal records check to submit to the criminal records check; 89620  
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(5) An individual receiving or deciding whether to receive, from the subject of the criminal records check, home and community-based services available under the medicaid state plan; 89622  
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(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 89625  
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(a) The denial or termination of a provider agreement; 89627

(b) A person's denial of employment, termination of employment, or employment or unemployment benefits; 89628  
89629

(c) A civil or criminal action regarding the medicaid program. 89630  
89631

(J) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following: 89632  
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(1) Designate the categories of persons who are subject to a criminal records check under this section; 89637  
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(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense; 89639  
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(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense; 89645  
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|                                                                                                                                                                                                                                                         |                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (4) Specify all of the following:                                                                                                                                                                                                                       | 89650                                     |
| (a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;                               | 89651<br>89652<br>89653<br>89654          |
| (b) The procedures for conducting the database review;                                                                                                                                                                                                  | 89655                                     |
| (c) The databases that are to be checked;                                                                                                                                                                                                               | 89656                                     |
| (d) The circumstances under which a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database.                                                                                           | 89657<br>89658<br>89659                   |
| <b>Sec. 5164.341.</b> (A) As used in this section:                                                                                                                                                                                                      | 89660                                     |
| "Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after September 26, 2003.                                                                                         | 89661<br>89662<br>89663                   |
| "Applicant" means a person who has applied for a provider agreement to provide home and community-based services as an independent provider under a home and community-based medicaid waiver component administered by the department of medicaid.      | 89664<br>89665<br>89666<br>89667          |
| "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.                                                                                                                                                                | 89668<br>89669                            |
| "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.                                                                                                             | 89670<br>89671<br>89672                   |
| "Independent provider" means a person who has a provider agreement to provide home and community-based services as an independent provider in a home and community-based services medicaid waiver component administered by the department of medicaid. | 89673<br>89674<br>89675<br>89676<br>89677 |
| (B) The department of medicaid or the department's designee                                                                                                                                                                                             | 89678                                     |

shall deny an applicant's application for a provider agreement and 89679  
shall terminate an independent provider's provider agreement if 89680  
either of the following applies: 89681

(1) After the applicant or independent provider is given the 89682  
information and notification required by divisions (D)(2)(a) and 89683  
(b) of this section, the applicant or independent provider fails 89684  
to do either of the following: 89685

(a) Access, complete, or forward to the superintendent of the 89686  
bureau of criminal identification and investigation the form 89687  
prescribed pursuant to division (C)(1) of section 109.572 of the 89688  
Revised Code or the standard impression sheet prescribed pursuant 89689  
to division (C)(2) of that section; 89690

(b) Instruct the superintendent to submit the completed 89691  
report of the criminal records check required by this section 89692  
directly to the department or the department's designee. 89693

(2) Except as provided in rules authorized by this section, 89694  
the applicant or independent provider is found by ~~a criminal~~ 89695  
~~records check required by this section~~ either of the following to 89696  
have been convicted of or have pleaded guilty to a disqualifying 89697  
offense, regardless of the date of the conviction or the date of 89698  
entry of the guilty plea: 89699

(a) A criminal records check required by this section; 89700

(b) In the case of an independent provider, a notice provided 89701  
by the bureau of criminal identification and investigation under 89702  
division (D) of section 109.5721 of the Revised Code. 89703

(C)(1) The department or the department's designee shall 89704  
inform each applicant, at the time of initial application for a 89705  
provider agreement, that the applicant is required to provide a 89706  
set of the applicant's fingerprint impressions and that a criminal 89707  
records check is required to be conducted as a condition of the 89708  
department's approving the application. 89709

(2) ~~Beginning on September 26, 2003~~ Unless the department 89710  
elects to receive notices about independent providers from the 89711  
bureau of criminal identification and investigation pursuant to 89712  
division (D) of section 109.5721 of the Revised Code, the 89713  
department or the department's designee shall inform each 89714  
independent provider on or before the time of the anniversary date 89715  
of the provider agreement that the independent provider is 89716  
required to provide a set of the independent provider's 89717  
fingerprint impressions and that a criminal records check is 89718  
required to be conducted. 89719

(D)(1) The department or the department's designee shall 89720  
require an applicant to complete a criminal records check prior to 89721  
entering into a provider agreement with the applicant. The 89722  
department or the department's designee shall require an 89723  
independent provider to complete a criminal records check at least 89724  
annually unless the department elects to receive notices about 89725  
independent providers from the bureau of criminal identification 89726  
and investigation pursuant to division (D) of section 109.5721 of 89727  
the Revised Code. If an applicant or independent provider for whom 89728  
a criminal records check is required by this section does not 89729  
present proof of having been a resident of this state for the 89730  
five-year period immediately prior to the date the criminal 89731  
records check is requested or provide evidence that within that 89732  
five-year period the superintendent of the bureau of criminal 89733  
identification and investigation has requested information about 89734  
the applicant or independent provider from the federal bureau of 89735  
investigation in a criminal records check, the department or the 89736  
department's designee shall request that the applicant or 89737  
independent provider obtain through the superintendent a criminal 89738  
records request from the federal bureau of investigation as part 89739  
of the criminal records check of the applicant or independent 89740  
provider. Even if an applicant or independent provider for whom a 89741  
criminal records check request is required by this section 89742

presents proof of having been a resident of this state for the 89743  
five-year period, the department or the department's designee may 89744  
request that the applicant or independent provider obtain 89745  
information through the superintendent from the federal bureau of 89746  
investigation in the criminal records check. 89747

(2) The department or the department's designee shall provide 89748  
the following to each applicant and independent provider for whom 89749  
a criminal records check is required by this section: 89750

(a) Information about accessing, completing, and forwarding 89751  
to the superintendent of the bureau of criminal identification and 89752  
investigation the form prescribed pursuant to division (C)(1) of 89753  
section 109.572 of the Revised Code and the standard impression 89754  
sheet prescribed pursuant to division (C)(2) of that section; 89755

(b) Written notification that the applicant or independent 89756  
provider is to instruct the superintendent to submit the completed 89757  
report of the criminal records check directly to the department or 89758  
the department's designee. 89759

(3) Each applicant and independent provider for whom a 89760  
criminal records check is required by this section shall pay to 89761  
the bureau of criminal identification and investigation the fee 89762  
prescribed pursuant to division (C)(3) of section 109.572 of the 89763  
Revised Code for the criminal records check conducted of the 89764  
applicant or independent provider. 89765

(E) ~~The~~ Neither the report of any criminal records check 89766  
conducted by the bureau of criminal identification and 89767  
investigation in accordance with section 109.572 of the Revised 89768  
Code and pursuant to a request made under this section nor a 89769  
notice provided by the bureau under division (D) of section 89770  
109.5721 of the Revised Code is ~~not~~ a public record for the 89771  
purposes of section 149.43 of the Revised Code and. Such a report 89772  
or notice shall not be made available to any person other than the 89773

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 89774                                                                         |
| (1) The person who is the subject of the criminal records check or the person's representative;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 89775<br>89776                                                                |
| (2) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 89777<br>89778                                                                |
| (3) The department's designee;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 89779                                                                         |
| (4) An individual receiving or deciding whether to receive home and community-based services from the person who is the subject of the criminal records check <u>or notice from the bureau;</u>                                                                                                                                                                                                                                                                                                                                                                                 | 89780<br>89781<br>89782                                                       |
| (5) A court, hearing officer, or other necessary individual involved in a case dealing with either of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 89783<br>89784                                                                |
| (a) A denial or termination of a provider agreement related to the criminal records check <u>or notice from the bureau;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 89785<br>89786                                                                |
| (b) A civil or criminal action regarding the medicaid program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 89787<br>89788                                                                |
| (F) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. The rules shall specify circumstances under which the department or the department's designee may either approve an applicant's application or allow an independent provider to maintain an existing provider agreement even though the applicant or independent provider is found by <del>a criminal records check required by this section</del> <u>either of the following</u> to have been convicted of or have pleaded guilty to a disqualifying offense: | 89789<br>89790<br>89791<br>89792<br>89793<br>89794<br>89795<br>89796<br>89797 |
| <u>(1) A criminal records check required by this section;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 89798                                                                         |
| <u>(2) In the case of an independent provider, a notice provided by the bureau of criminal identification and investigation under division (D) of section 109.5721 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                     | 89799<br>89800<br>89801                                                       |
| <b>Sec. 5164.342.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 89802                                                                         |

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code.

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services.

"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code.

(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for applicants and employees to undergo database reviews and criminal records checks in accordance with section 173.38 of the Revised Code rather than this section.

(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and community-based services if any of the following apply:

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee abused, neglected, or ~~abused~~ exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules authorized by this section and the rules prohibit the waiver agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing home and community-based services.

(2) After the applicant or employee is given the information and notification required by divisions (F)(2)(a) and (b) of this section, the applicant or employee fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section

directly to the chief administrator of the waiver agency. 89865

(3) Except as provided in rules authorized by this section, 89866  
the applicant or employee is found by a criminal records check 89867  
required by this section to have been convicted of or have pleaded 89868  
guilty to a disqualifying offense, regardless of the date of the 89869  
conviction or date of entry of the guilty plea. 89870

(D) At the time of each applicant's initial application for 89871  
employment in a position that involves providing home and 89872  
community-based services, the chief administrator of a waiver 89873  
agency shall inform the applicant of both of the following: 89874

(1) That a review of the databases listed in division (E) of 89875  
this section will be conducted to determine whether the waiver 89876  
agency is prohibited by division (C)(1) of this section from 89877  
employing the applicant in the position; 89878

(2) That, unless the database review reveals that the 89879  
applicant may not be employed in the position, a criminal records 89880  
check of the applicant will be conducted and the applicant is 89881  
required to provide a set of the applicant's fingerprint 89882  
impressions as part of the criminal records check. 89883

(E) As a condition of employing any applicant in a position 89884  
that involves providing home and community-based services, the 89885  
chief administrator of a waiver agency shall conduct a database 89886  
review of the applicant in accordance with rules authorized by 89887  
this section. If rules authorized by this section so require, the 89888  
chief administrator of a waiver agency shall conduct a database 89889  
review of an employee in accordance with the rules as a condition 89890  
of continuing to employ the employee in a position that involves 89891  
providing home and community-based services. A database review 89892  
shall determine whether the applicant or employee is included in 89893  
any of the following: 89894

(1) The excluded parties list system that is maintained by 89895

the United States general services administration pursuant to 89896  
subpart 9.4 of the federal acquisition regulation and available at 89897  
the federal web site known as the system for award management; 89898

(2) The list of excluded individuals and entities maintained 89899  
by the office of inspector general in the United States department 89900  
of health and human services pursuant to the "Social Security 89901  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 89902

(3) The registry of developmental disabilities employees 89903  
established under section 5123.52 of the Revised Code; 89904

(4) The internet-based sex offender and child-victim offender 89905  
database established under division (A)(11) of section 2950.13 of 89906  
the Revised Code; 89907

(5) The internet-based database of inmates established under 89908  
section 5120.66 of the Revised Code; 89909

(6) The state nurse aide registry established under section 89910  
3721.32 of the Revised Code; 89911

(7) Any other database, if any, specified in rules authorized 89912  
by this section. 89913

(F)(1) As a condition of employing any applicant in a 89914  
position that involves providing home and community-based 89915  
services, the chief administrator of a waiver agency shall require 89916  
the applicant to request that the superintendent of the bureau of 89917  
criminal identification and investigation conduct a criminal 89918  
records check of the applicant. If rules authorized by this 89919  
section so require, the chief administrator of a waiver agency 89920  
shall require an employee to request that the superintendent 89921  
conduct a criminal records check of the employee at times 89922  
specified in the rules as a condition of continuing to employ the 89923  
employee in a position that involves providing home and 89924  
community-based services. However, a criminal records check is not 89925  
required for an applicant or employee if the waiver agency is 89926

prohibited by division (C)(1) of this section from employing the 89927  
applicant or continuing to employ the employee in a position that 89928  
involves providing home and community-based services. If an 89929  
applicant or employee for whom a criminal records check request is 89930  
required by this section does not present proof of having been a 89931  
resident of this state for the five-year period immediately prior 89932  
to the date the criminal records check is requested or provide 89933  
evidence that within that five-year period the superintendent has 89934  
requested information about the applicant or employee from the 89935  
federal bureau of investigation in a criminal records check, the 89936  
chief administrator shall require the applicant or employee to 89937  
request that the superintendent obtain information from the 89938  
federal bureau of investigation as part of the criminal records 89939  
check. Even if an applicant or employee for whom a criminal 89940  
records check request is required by this section presents proof 89941  
of having been a resident of this state for the five-year period, 89942  
the chief administrator may require the applicant or employee to 89943  
request that the superintendent include information from the 89944  
federal bureau of investigation in the criminal records check. 89945

(2) The chief administrator shall provide the following to 89946  
each applicant and employee for whom a criminal records check is 89947  
required by this section: 89948

(a) Information about accessing, completing, and forwarding 89949  
to the superintendent of the bureau of criminal identification and 89950  
investigation the form prescribed pursuant to division (C)(1) of 89951  
section 109.572 of the Revised Code and the standard impression 89952  
sheet prescribed pursuant to division (C)(2) of that section; 89953

(b) Written notification that the applicant or employee is to 89954  
instruct the superintendent to submit the completed report of the 89955  
criminal records check directly to the chief administrator. 89956

(3) A waiver agency shall pay to the bureau of criminal 89957  
identification and investigation the fee prescribed pursuant to 89958

division (C)(3) of section 109.572 of the Revised Code for any 89959  
criminal records check required by this section. However, a waiver 89960  
agency may require an applicant to pay to the bureau the fee for a 89961  
criminal records check of the applicant. If the waiver agency pays 89962  
the fee for an applicant, it may charge the applicant a fee not 89963  
exceeding the amount the waiver agency pays to the bureau under 89964  
this section if the waiver agency notifies the applicant at the 89965  
time of initial application for employment of the amount of the 89966  
fee and that, unless the fee is paid, the applicant will not be 89967  
considered for employment. 89968

(G)(1) A waiver agency may employ conditionally an applicant 89969  
for whom a criminal records check is required by this section 89970  
prior to obtaining the results of the criminal records check if 89971  
both of the following apply: 89972

(a) The waiver agency is not prohibited by division (C)(1) of 89973  
this section from employing the applicant in a position that 89974  
involves providing home and community-based services. 89975

(b) The chief administrator of the waiver agency requires the 89976  
applicant to request a criminal records check regarding the 89977  
applicant in accordance with division (F)(1) of this section not 89978  
later than five business days after the applicant begins 89979  
conditional employment. 89980

(2) A waiver agency that employs an applicant conditionally 89981  
under division (G)(1) of this section shall terminate the 89982  
applicant's employment if the results of the criminal records 89983  
check, other than the results of any request for information from 89984  
the federal bureau of investigation, are not obtained within the 89985  
period ending sixty days after the date the request for the 89986  
criminal records check is made. Regardless of when the results of 89987  
the criminal records check are obtained, if the results indicate 89988  
that the applicant has been convicted of or has pleaded guilty to 89989  
a disqualifying offense, the waiver agency shall terminate the 89990

applicant's employment unless circumstances specified in rules 89991  
authorized by this section exist that permit the waiver agency to 89992  
employ the applicant and the waiver agency chooses to employ the 89993  
applicant. 89994

(H) The report of any criminal records check conducted 89995  
pursuant to a request made under this section is not a public 89996  
record for the purposes of section 149.43 of the Revised Code and 89997  
shall not be made available to any person other than the 89998  
following: 89999

(1) The applicant or employee who is the subject of the 90000  
criminal records check or the representative of the applicant or 90001  
employee; 90002

(2) The chief administrator of the waiver agency that 90003  
requires the applicant or employee to request the criminal records 90004  
check or the administrator's representative; 90005

(3) The medicaid director and the staff of the department who 90006  
are involved in the administration of the medicaid program; 90007

(4) The director of aging or the director's designee if the 90008  
waiver agency also is a community-based long-term care provider or 90009  
community-based long-term care subcontractor; 90010

(5) An individual receiving or deciding whether to receive 90011  
home and community-based services from the subject of the criminal 90012  
records check; 90013

(6) A court, hearing officer, or other necessary individual 90014  
involved in a case dealing with any of the following: 90015

(a) A denial of employment of the applicant or employee; 90016

(b) Employment or unemployment benefits of the applicant or 90017  
employee; 90018

(c) A civil or criminal action regarding the medicaid 90019  
program. 90020

|                                                                                                                                                                                                                                                                                                        |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.                                                                                                                                                                                       | 90021<br>90022                            |
| (1) The rules may do the following:                                                                                                                                                                                                                                                                    | 90023                                     |
| (a) Require employees to undergo database reviews and criminal records checks under this section;                                                                                                                                                                                                      | 90024<br>90025                            |
| (b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;                                                                                                                          | 90026<br>90027<br>90028                   |
| (c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.                                                                                                                                      | 90029<br>90030<br>90031                   |
| (2) The rules shall specify all of the following:                                                                                                                                                                                                                                                      | 90032                                     |
| (a) The procedures for conducting a database review under this section;                                                                                                                                                                                                                                | 90033<br>90034                            |
| (b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;                                                                                                | 90035<br>90036<br>90037<br>90038          |
| (c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases; | 90039<br>90040<br>90041<br>90042<br>90043 |
| (d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense.                                                                   | 90044<br>90045<br>90046<br>90047          |
| (J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of medicaid from taking action against a person for failure to comply                                                                                                                 | 90048<br>90049<br>90050                   |

with former division (H) of this section as that division existed 90051  
on the day preceding January 1, 2013. 90052

**Sec. 5164.37.** (A) As used in this section: 90053

(1) "Independent provider" has the same meaning as in section 90054  
5164.341 of the Revised Code. 90055

(2) "Noninstitutional medicaid provider" means any person or 90056  
entity with a provider agreement other than a hospital, nursing 90057  
facility, or ICF/IID. 90058

(3) "Owner" means any person having at least five per cent 90059  
ownership in a noninstitutional medicaid provider. 90060

(B) Notwithstanding any provision of this chapter to the 90061  
contrary, the department of medicaid shall take action under this 90062  
section against a noninstitutional medicaid provider or its owner, 90063  
officer, authorized agent, associate, manager, or employee. 90064

(C) Except as provided in division (D) of this section and in 90065  
rules authorized by this section, on receiving notice and a copy 90066  
of an indictment that is issued on or after September 29, 2007, 90067  
and charges a noninstitutional medicaid provider or its owner, 90068  
officer, authorized agent, associate, manager, or employee with 90069  
committing an offense specified in division (E) of this section, 90070  
the department shall suspend the provider agreement held by the 90071  
noninstitutional medicaid provider. Subject to division (D) of 90072  
this section, the department shall also terminate medicaid 90073  
payments to the provider for medicaid services rendered. 90074

The suspension shall continue in effect until the proceedings 90075  
in the criminal case are completed through dismissal of the 90076  
indictment or through conviction, entry of a guilty plea, or 90077  
finding of not guilty. If the department commences a process to 90078  
terminate the suspended provider agreement, the suspension shall 90079  
also continue in effect until the termination process is 90080

concluded. 90081

When subject to a suspension under this division, a provider, 90082  
owner, officer, authorized agent, associate, manager, or employee 90083  
shall not own or provide medicaid services to any other medicaid 90084  
provider or risk contractor or arrange for, render, or order 90085  
medicaid services for medicaid recipients during the period of 90086  
suspension. During the period of suspension, the provider, owner, 90087  
officer, authorized agent, associate, manager, or employee shall 90088  
not receive direct payments under the medicaid program or indirect 90089  
payments of medicaid funds in the form of salary, shared fees, 90090  
contracts, kickbacks, or rebates from or through any other 90091  
medicaid provider or risk contractor. 90092

(D)(1) The department shall not suspend a provider agreement 90093  
or terminate medicaid payments under division (C) of this section 90094  
if the provider or owner can demonstrate through the submission of 90095  
written evidence that the provider or owner did not directly or 90096  
indirectly sanction the action of its authorized agent, associate, 90097  
manager, or employee that resulted in the indictment. 90098

(2) The termination of medicaid payments applies only to 90099  
payments for medicaid services rendered subsequent to the date on 90100  
which the notice required under division (F) of this section is 90101  
sent. Claims for payment for medicaid services rendered by the 90102  
provider prior to the issuance of the notice may be subject to 90103  
prepayment review procedures whereby the department reviews claims 90104  
to determine whether they are supported by sufficient 90105  
documentation, are in compliance with state and federal statutes 90106  
and rules, and are otherwise complete. 90107

(E)(1) In the case of a noninstitutional medicaid provider 90108  
that is not an independent provider, the suspension of a provider 90109  
agreement under division (C) of this section applies when an 90110  
indictment charges a person with committing an act that would be a 90111  
felony or misdemeanor under the laws of this state and the act 90112

relates to or results from either of the following: 90113

(a) Furnishing or billing for medicaid services under the 90114  
medicaid program; 90115

(b) Participating in the performance of management or 90116  
administrative services relating to furnishing medicaid services 90117  
under the medicaid program. 90118

(2) In the case of a noninstitutional medicaid provider that 90119  
is an independent provider, the suspension of a provider agreement 90120  
under division (C) of this section applies when an indictment 90121  
charges a person with committing an act that would constitute a 90122  
disqualifying offense as defined in section ~~5164.34~~ 5164.341 of 90123  
the Revised Code. 90124

(F) Not later than five days after suspending a provider 90125  
agreement under division (C) of this section, the department shall 90126  
send notice of the suspension to the affected provider or owner. 90127  
In providing the notice, the department shall do all of the 90128  
following: 90129

(1) Describe the indictment that was the cause of the 90130  
suspension, without necessarily disclosing specific information 90131  
concerning any ongoing civil or criminal investigation; 90132

(2) State that the suspension will continue in effect until 90133  
the proceedings in the criminal case are completed through 90134  
dismissal of the indictment or through conviction, entry of a 90135  
guilty plea, or finding of not guilty and, if the department 90136  
commences a process to terminate the suspended provider agreement, 90137  
until the termination process is concluded; 90138

(3) Inform the provider or owner of the opportunity to submit 90139  
to the department, not later than thirty days after receiving the 90140  
notice, a request for a reconsideration pursuant to division (G) 90141  
of this section. 90142

(G)(1) Pursuant to the procedure specified in division (G)(2) 90143  
of this section, a noninstitutional medicaid provider or owner 90144  
subject to a suspension under this section may request a 90145  
reconsideration. The request shall be made not later than thirty 90146  
days after receipt of the notice provided under division (F) of 90147  
this section. The reconsideration is not subject to an 90148  
adjudication hearing pursuant to Chapter 119. of the Revised Code. 90149

(2) In requesting a reconsideration, the provider or owner 90150  
shall submit written information and documents to the department. 90151  
The information and documents may pertain to any of the following 90152  
issues: 90153

(a) Whether the determination to suspend the provider 90154  
agreement was based on a mistake of fact, other than the validity 90155  
of the indictment; 90156

(b) Whether any offense charged in the indictment resulted 90157  
from an offense specified in division (E) of this section; 90158

(c) Whether the provider or owner can demonstrate that the 90159  
provider or owner did not directly or indirectly sanction the 90160  
action of its authorized agent, associate, manager, or employee 90161  
that resulted in the indictment. 90162

(3) The department shall review the information and documents 90163  
submitted in a request for reconsideration. After the review, the 90164  
suspension may be affirmed, reversed, or modified, in whole or in 90165  
part. The department shall notify the affected provider or owner 90166  
of the results of the review. The review and notification of its 90167  
results shall be completed not later than forty-five days after 90168  
receiving the information and documents submitted in a request for 90169  
reconsideration. 90170

(H) Rules adopted under section 5164.02 of the Revised Code 90171  
may specify circumstances under which the department would not 90172  
suspend a provider agreement pursuant to this section. 90173

**Sec. 5164.57.** (A)(1) Except as provided in ~~division~~ divisions 90174  
(A)(2) and (3) of this section, the department of medicaid may 90175  
recover a medicaid payment or portion of a payment made to a 90176  
medicaid provider to which the provider is not entitled if the 90177  
department notifies the provider of the overpayment during the 90178  
five-year period immediately following the end of the state fiscal 90179  
year in which the overpayment was made. 90180

(2) In the case of a hospital medicaid provider, if the 90181  
department determines as a result of a medicare or medicaid cost 90182  
report settlement that the provider received an amount under the 90183  
medicaid program to which the provider is not entitled, the 90184  
department may recover the overpayment if the department notifies 90185  
the provider of the overpayment during the later of the following: 90186

(a) The five-year period immediately following the end of the 90187  
state fiscal year in which the overpayment was made; 90188

(b) The one-year period immediately following the date the 90189  
department receives from the United States centers for medicare 90190  
and medicaid services a completed, audited, medicare cost report 90191  
for the provider that applies to the state fiscal year in which 90192  
the overpayment was made. 90193

(3) In the case of a nursing facility provider or ICF/IID 90194  
provider, if the department determines, from data in the 90195  
possession of the department or another state agency at the time 90196  
the department makes the determination, that the provider received 90197  
an amount under the medicaid program to which the provider is not 90198  
entitled, the department may recover the overpayment if the 90199  
department notifies the provider of the overpayment during the 90200  
three-year period immediately following the end of the state 90201  
fiscal year in which the overpayment is made. 90202

(B) Among the overpayments that may be recovered under this 90203  
section are the following: 90204

|                                                                                                                                                                                                                                                                                                                                                           |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (1) Payment for a medicaid service, or a day of service, not rendered;                                                                                                                                                                                                                                                                                    | 90205<br>90206                                     |
| (2) Payment for a day of service at a full per diem rate that should have been paid at a percentage of the full per diem rate;                                                                                                                                                                                                                            | 90207<br>90208                                     |
| (3) Payment for a medicaid service, or day of service, that was paid by, or partially paid by, a third party, as defined in section 5160.35 of the Revised Code, and the third party's payment or partial payment was not offset against the amount paid by the medicaid program to reduce or eliminate the amount that was paid by the medicaid program; | 90209<br>90210<br>90211<br>90212<br>90213<br>90214 |
| (4) Payment when a medicaid recipient's responsibility for payment was understated and resulted in an overpayment to the provider.                                                                                                                                                                                                                        | 90215<br>90216<br>90217                            |
| (C) The department may recover an overpayment under this section prior to or after any of the following:                                                                                                                                                                                                                                                  | 90218<br>90219                                     |
| (1) Adjudication of a final fiscal audit that section 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;                                                                                                                                                                                           | 90220<br>90221<br>90222                            |
| (2) Adjudication of a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes;                                                                                                                                                                                                       | 90223<br>90224<br>90225                            |
| (3) Expiration of the time to issue a final fiscal audit that section 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code;                                                                                                                                                                           | 90226<br>90227<br>90228                            |
| (4) Expiration of the time to issue a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes.                                                                                                                                                                                       | 90229<br>90230<br>90231                            |
| (D)(1) Subject to division (D)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following:                                                                                                                                                                              | 90232<br>90233<br>90234                            |

(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section 5164.38 of the Revised Code; 90235  
90236  
90237

(b) Issuing a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes. 90238  
90239  
90240

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate. 90241  
90242  
90243

(E) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code. 90244  
90245  
90246

Sec. 5164.69. (A) Neither the department of medicaid nor another state agency with which the department has entered into a contract under section 5162.35 of the Revised Code to administer one or more components of the medicaid program or one or more aspects of a component may increase the medicaid payment rate for a medicaid service, by rule or otherwise, if any of the following applies: 90247  
90248  
90249  
90250  
90251  
90252  
90253

(1) The department or other state agency fails to submit the proposal to the joint medicaid oversight committee in accordance with section 103.417 of the Revised Code. 90254  
90255  
90256

(2) The joint medicaid oversight committee votes, not later than the deadline established by section 103.417 of the Revised Code, to prohibit implementation of the proposal. 90257  
90258  
90259

(3) The general assembly, not later than ninety days after that deadline, adopts a concurrent resolution prohibiting implementation of the proposal. 90260  
90261  
90262

(B) The general assembly's authority to adopt a concurrent resolution prohibiting implementation of a proposal to increase 90263  
90264

the medicaid payment rate for a medicaid service applies 90265  
regardless of whether the joint medicaid oversight committee votes 90266  
to permit implementation of the proposal or fails to vote on the 90267  
proposal before the deadline. 90268

(C) This section applies to a proposal to increase the 90269  
medicaid payment rate for a medicaid service regardless of whether 90270  
the proposal involves a change to the method by which the rate is 90271  
to be determined or specifies the actual amount of the rate 90272  
increase. 90273

**Sec. 5164.70.** Except as otherwise required by federal statute 90274  
or regulation, no medicaid payment for any medicaid service 90275  
provided by a hospital, nursing facility, or ICF/IID shall exceed 90276  
the following: 90277

~~(A) If the medicaid provider is a hospital, nursing facility,~~ 90278  
~~or ICF/IID,~~ the limits established under Subpart C of 42 C.F.R. 90279  
Part 447+ 90280

~~(B) If the medicaid provider is other than a provider~~ 90281  
~~described in division (A) of this section, the authorized payment~~ 90282  
~~limits for the same service under the medicare program.~~ 90283

**Sec. 5164.752.** In July of every even-numbered year, the 90284  
department of medicaid shall initiate a confidential survey of the 90285  
cost of dispensing drugs incurred by terminal distributors of 90286  
dangerous drugs in this state. The survey shall be used as the 90287  
basis for establishing the medicaid program's dispensing fee fees 90288  
for terminal distributors in accordance with section 5164.753 of 90289  
the Revised Code. The survey shall be completed and its results 90290  
published not later than the last day of ~~October~~ November of the 90291  
year in which it is conducted. 90292

Each terminal distributor that is a provider of drugs under 90293  
the medicaid program shall participate in the survey. Except as 90294

necessary to publish the survey's results, a terminal 90295  
distributor's responses to the survey are confidential and not a 90296  
public record under section 149.43 of the Revised Code. 90297

The survey shall be conducted in conformance with the 90298  
requirements set forth in 42 C.F.R. 447.500 to 447.518. The survey 90299  
shall include operational data and direct prescription expenses, 90300  
professional services and personnel costs, and usual and customary 90301  
overhead expenses of the terminal distributors surveyed. The 90302  
survey shall compute and report the cost of dispensing ~~on a basis~~ 90303  
~~of the usual and customary charges~~ by terminal distributors ~~to~~ 90304  
~~their customers for dispensing drugs.~~ 90305

**Sec. 5164.753.** In December of every even-numbered year, the 90306  
medicaid director shall establish a dispensing fee fees, effective 90307  
the following July, for terminal distributors of dangerous drugs 90308  
that are providers of drugs under the medicaid program. In 90309  
establishing ~~the~~ dispensing fee fees, the director shall take into 90310  
consideration the results of the survey conducted under section 90311  
5164.752 of the Revised Code. The director may establish 90312  
dispensing fees that vary by terminal distributor, taking into 90313  
consideration the volume of drugs a terminal distributor dispenses 90314  
under the medicaid program or any other criteria the director 90315  
considers relevant. 90316

**Sec. 5164.761.** Before the department of medicaid or 90317  
department of mental health and addiction services updates 90318  
medicaid billing codes or medicaid payment rates for community 90319  
behavioral health services as part of the behavioral health 90320  
redesign, the departments shall conduct a beta test of the 90321  
updates. Any medicaid provider of community behavioral health 90322  
services may volunteer to participate in the beta test. An update 90323  
may not begin to be implemented outside of the beta test until at 90324  
least half of the medicaid providers participating in the beta 90325

test are able to submit under the beta test a clean claim for 90326  
community behavioral health services that is properly adjudicated 90327  
not later than thirty days after the date the clean claim is 90328  
submitted. 90329

**Sec. 5164.78.** (A) The medicaid payment rates for the 90330  
following neonatal and newborn services shall equal seventy-five 90331  
per cent of the medicare payment rates for the services in effect 90332  
on the date the services are provided to medicaid recipients 90333  
eligible for the services: 90334

(1) Initial care for normal newborns; 90335

(2) Subsequent day, hospital care for normal newborns; 90336

(3) Same day, initial history and physical examination and 90337  
discharge for normal newborns; 90338

(4) Initial neonatal critical care for children not more than 90339  
twenty-eight days old; 90340

(5) Subsequent day, neonatal critical care for children not 90341  
more than twenty-eight days old; 90342

(6) Subsequent day, pediatric critical care for children at 90343  
least twenty-nine days but less than two years old; 90344

(7) Initial neonatal intensive care; 90345

(8) Subsequent day, neonatal intensive noncritical care for 90346  
children weighing less than one thousand five hundred grams; 90347

(9) Subsequent day, neonatal intensive noncritical care for 90348  
children weighing at least one thousand five hundred grams but not 90349  
more than two thousand five hundred grams; 90350

(10) Subsequent day, neonatal noncritical care for children 90351  
weighing more than two thousand five hundred grams but not more 90352  
than five thousand grams. 90353

(B) The medicaid payment rates for other medicaid services selected by the medicaid director shall be less than the amount of the rates in effect on the effective date of this section so that the cost of the rates set pursuant to division (A) of this section do not increase medicaid expenditures. The director may not select any medicaid service for which the medicaid payment rate is determined in accordance with state statutes.

**Sec. 5165.01.** As used in this chapter:

(A) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator with the exiting operator specified in division (A)(1) of this section.

(B) "Allowable costs" are a nursing facility's costs that the department of medicaid determines are reasonable. Fines paid under sections 5165.60 to 5165.89 and section 5165.99 of the Revised Code are not allowable costs.

(C) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs, tax costs, or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified intellectual disability professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry,

housekeeping, security, administration, medical equipment, 90384  
utilities, liability insurance, bookkeeping, purchasing 90385  
department, human resources, communications, travel, dues, license 90386  
fees, subscriptions, home office costs not otherwise allocated, 90387  
legal services, accounting services, minor equipment, maintenance 90388  
and repairs, help-wanted advertising, informational advertising, 90389  
start-up costs, organizational expenses, other interest, property 90390  
insurance, employee training and staff development, employee 90391  
benefits, payroll taxes, and workers' compensation premiums or 90392  
costs for self-insurance claims and related costs as specified in 90393  
rules adopted under section 5165.02 of the Revised Code, for 90394  
personnel listed in this division. "Ancillary and support costs" 90395  
also means the cost of equipment, including vehicles, acquired by 90396  
operating lease executed before December 1, 1992, if the costs are 90397  
reported as administrative and general costs on the nursing 90398  
facility's cost report for the cost reporting period ending 90399  
December 31, 1992. 90400

(D) "Applicable calendar year" means the calendar year 90401  
immediately preceding the calendar year that precedes the first of 90402  
the state fiscal years for which a rebasing is conducted. 90403

(E) "Budget reduction adjustment factor" means the factor 90404  
specified pursuant to or in section 5165.361 of the Revised Code 90405  
for a state fiscal year. 90406

(F)(1) "Capital costs" means the actual expense incurred by a 90407  
nursing facility for all of the following: 90408

(a) Depreciation and interest on any capital assets that cost 90409  
five hundred dollars or more per item, including the following: 90410

(i) Buildings; 90411

(ii) Building improvements; 90412

(iii) Except as provided in division (C) of this section, 90413  
equipment; 90414

|                                                                                                                                                                                                                                                                                      |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (iv) Transportation equipment.                                                                                                                                                                                                                                                       | 90415                                     |
| (b) Amortization and interest on land improvements and leasehold improvements;                                                                                                                                                                                                       | 90416<br>90417                            |
| (c) Amortization of financing costs;                                                                                                                                                                                                                                                 | 90418                                     |
| (d) Lease and rent of land, buildings, and equipment.                                                                                                                                                                                                                                | 90419                                     |
| (2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.                                                                                                                                 | 90420<br>90421<br>90422                   |
| <del>(E)</del> <u>(G)</u> "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.                                                                                                                                      | 90423<br>90424<br>90425                   |
| <del>(F)</del> <u>(H)</u> "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.                                                       | 90426<br>90427<br>90428<br>90429          |
| <del>(G)</del> <u>(I)</u> "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.                                                                                                                          | 90430<br>90431<br>90432                   |
| (1) Actions that constitute a change of operator include the following:                                                                                                                                                                                                              | 90433<br>90434                            |
| (a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;                                                                                                                                | 90435<br>90436<br>90437                   |
| (b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred; | 90438<br>90439<br>90440<br>90441<br>90442 |
| (c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's                                                                                                                                                         | 90443<br>90444                            |

|                                                                                                                                                                                                                                                |                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| lease;                                                                                                                                                                                                                                         | 90445                            |
| (d) If the exiting operator is a partnership, dissolution of the partnership;                                                                                                                                                                  | 90446<br>90447                   |
| (e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:                                                                                                                   | 90448<br>90449                   |
| (i) The change in composition does not cause the partnership's dissolution under state law.                                                                                                                                                    | 90450<br>90451                   |
| (ii) The partners agree that the change in composition does not constitute a change in operator.                                                                                                                                               | 90452<br>90453                   |
| (f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. | 90454<br>90455<br>90456<br>90457 |
| (2) The following, alone, do not constitute a change of operator:                                                                                                                                                                              | 90458<br>90459                   |
| (a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;                                                                             | 90460<br>90461<br>90462          |
| (b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;                     | 90463<br>90464<br>90465<br>90466 |
| (c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.     | 90467<br>90468<br>90469<br>90470 |
| <del>(H)</del> (J) "Cost center" means the following:                                                                                                                                                                                          | 90471                            |
| (1) Ancillary and support costs;                                                                                                                                                                                                               | 90472                            |
| (2) Capital costs;                                                                                                                                                                                                                             | 90473                            |

|                                                                         |       |
|-------------------------------------------------------------------------|-------|
| (3) Direct care costs;                                                  | 90474 |
| (4) Tax costs.                                                          | 90475 |
| <del>(I)</del> (K) "Custom wheelchair" means a wheelchair to which both | 90476 |
| of the following apply:                                                 | 90477 |
| (1) It has been measured, fitted, or adapted in consideration           | 90478 |
| of either of the following:                                             | 90479 |
| (a) The body size or disability of the individual who is to             | 90480 |
| use the wheelchair;                                                     | 90481 |
| (b) The individual's period of need for, or intended use of,            | 90482 |
| the wheelchair.                                                         | 90483 |
| (2) It has customized features, modifications, or components,           | 90484 |
| such as adaptive seating and positioning systems, that the              | 90485 |
| supplier who assembled the wheelchair, or the manufacturer from         | 90486 |
| which the wheelchair was ordered, added or made in accordance with      | 90487 |
| the instructions of the physician of the individual who is to use       | 90488 |
| the wheelchair.                                                         | 90489 |
| <del>(J)</del> (L)(1) "Date of licensure" means the following:          | 90490 |
| (a) In the case of a nursing facility that was required by              | 90491 |
| law to be licensed as a nursing home under Chapter 3721. of the         | 90492 |
| Revised Code when it originally began to be operated as a nursing       | 90493 |
| home, the date the nursing facility was originally so licensed;         | 90494 |
| (b) In the case of a nursing facility that was not required             | 90495 |
| by law to be licensed as a nursing home when it originally began        | 90496 |
| to be operated as a nursing home, the date it first began to be         | 90497 |
| operated as a nursing home, regardless of the date the nursing          | 90498 |
| facility was first licensed as a nursing home.                          | 90499 |
| (2) If, after a nursing facility's original date of                     | 90500 |
| licensure, more nursing home beds are added to the nursing              | 90501 |
| facility, the nursing facility has a different date of licensure        | 90502 |
| for the additional beds. This does not apply, however, to               | 90503 |

additional beds when both of the following apply: 90504

(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the continuing beds already located in that part of the nursing facility; 90505  
90506  
90507

(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility at a time when the nursing facility was not required by law to be licensed as a nursing home. 90508  
90509  
90510  
90511

(3) The definition of "date of licensure" in this section applies in determinations of nursing facilities' medicaid payment rates but does not apply in determinations of nursing facilities' franchise permit fees. 90512  
90513  
90514  
90515

~~(K)~~(M) "Desk-reviewed" means that a nursing facility's costs as reported on a cost report submitted under section 5165.10 of the Revised Code have been subjected to a desk review under section 5165.108 of the Revised Code and preliminarily determined to be allowable costs. 90516  
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90518  
90519  
90520

~~(L)~~(N) "Direct care costs" means all of the following costs incurred by a nursing facility: 90521  
90522

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the nursing facility; 90523  
90524

(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division ~~(L)~~(N)(8) of this section, other persons holding degrees qualifying them to provide therapy; 90525  
90526  
90527  
90528

(3) Costs of purchased nursing services; 90529

(4) Costs of quality assurance; 90530

(5) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in 90531  
90532  
90533

rules adopted under section 5165.02 of the Revised Code, for 90534  
personnel listed in divisions ~~(L)~~(N)(1), (2), (4), and (8) of this 90535  
section; 90536

(6) Costs of consulting and management fees related to direct 90537  
care; 90538

(7) Allocated direct care home office costs; 90539

(8) Costs of habilitation staff (other than habilitation 90540  
supervisors), medical supplies, emergency oxygen, over-the-counter 90541  
pharmacy products, physical therapists, physical therapy 90542  
assistants, occupational therapists, occupational therapy 90543  
assistants, speech therapists, audiologists, habilitation 90544  
supplies, and universal precautions supplies; 90545

~~(9) Until January 1, 2014, costs of oxygen, wheelchairs, and 90546  
resident transportation; 90547~~

~~(10) Beginning January 1, 2014, costs of both of the 90548  
following: 90549~~

~~(a) Emergency oxygen; 90550~~

~~(b) Wheelchairs Costs of wheelchairs other than the 90551  
following: 90552~~

~~(i)(a) Custom wheelchairs; 90553~~

~~(ii)(b) Repairs to and replacements of custom wheelchairs and 90554  
parts that are made in accordance with the instructions of the 90555  
physician of the individual who uses the custom wheelchair. 90556~~

~~(11)(10) Costs of other direct-care resources that are 90557  
specified as direct care costs in rules adopted under section 90558  
5165.02 of the Revised Code. 90559~~

~~(M)(O) "Dual eligible individual" has the same meaning as in 90560  
section 5160.01 of the Revised Code. 90561~~

~~(N)(P) "Effective date of a change of operator" means the day 90562~~

the entering operator becomes the operator of the nursing facility. 90563  
90564

~~(O)~~(O) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility. 90565  
90566  
90567

~~(P)~~(R) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility. 90568  
90569  
90570

~~(Q)~~(S) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation. 90571  
90572  
90573  
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~~(R)~~(T) "Entering operator" means the person or government entity that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination. 90576  
90577  
90578

~~(S)~~(U) "Exiting operator" means any of the following: 90579

(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator; 90580  
90581

(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure; 90582  
90583

(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation; 90584  
90585

(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination. 90586  
90587

~~(T)~~(V)(1) Subject to divisions ~~(T)~~(V)(2) and (3) of this section, "facility closure" means either of the following: 90588  
90589

(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's 90590  
90591  
90592

residents; 90593

(b) Conversion of the building, or part of the building, that 90594  
houses a nursing facility to a different use with any necessary 90595  
license or other approval needed for that use being obtained and 90596  
one or more of the nursing facility's residents remaining in the 90597  
building, or part of the building, to receive services under the 90598  
new use. 90599

(2) A facility closure occurs regardless of any of the 90600  
following: 90601

(a) The operator completely or partially replacing the 90602  
nursing facility by constructing a new nursing facility or 90603  
transferring the nursing facility's license to another nursing 90604  
facility; 90605

(b) The nursing facility's residents relocating to another of 90606  
the operator's nursing facilities; 90607

(c) Any action the department of health takes regarding the 90608  
nursing facility's medicaid certification that may result in the 90609  
transfer of part of the nursing facility's survey findings to 90610  
another of the operator's nursing facilities; 90611

(d) Any action the department of health takes regarding the 90612  
nursing facility's license under Chapter 3721. of the Revised 90613  
Code. 90614

(3) A facility closure does not occur if all of the nursing 90615  
facility's residents are relocated due to an emergency evacuation 90616  
and one or more of the residents return to a medicaid-certified 90617  
bed in the nursing facility not later than thirty days after the 90618  
evacuation occurs. 90619

~~(U) "Fiscal year" means the fiscal year of this state, as 90620  
specified in section 9.34 of the Revised Code. 90621~~

~~(V)~~(W) "Franchise permit fee" means the fee imposed by 90622

sections 5168.40 to 5168.56 of the Revised Code. 90623

~~(W)~~(X) "Inpatient days" means both of the following: 90624

(1) All days during which a resident, regardless of payment 90625  
source, occupies a bed in a nursing facility that is included in 90626  
the nursing facility's medicaid-certified capacity; 90627

(2) Fifty per cent of the days for which payment is made 90628  
under section 5165.34 of the Revised Code. 90629

~~(X)~~(Y) "Involuntary termination" means the department of 90630  
medicaid's termination of the operator's provider agreement for 90631  
the nursing facility when the termination is not taken at the 90632  
operator's request. 90633

~~(Y)~~(Z) "Low resource utilization resident" means a medicaid 90634  
recipient residing in a nursing facility who, for purposes of 90635  
calculating the nursing facility's medicaid payment rate for 90636  
direct care costs, is placed in either of the two lowest resource 90637  
utilization groups, excluding any resource utilization group that 90638  
is a default group used for residents with incomplete assessment 90639  
data. 90640

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing 90641  
facility's expenditures that are necessary and proper to maintain 90642  
an asset in a normally efficient working condition and that do not 90643  
extend the useful life of the asset two years or more. 90644  
"Maintenance and repair expenses" includes but is not limited to 90645  
the costs of ordinary repairs such as painting and wallpapering. 90646

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a 90647  
nursing facility's beds that are certified for participation in 90648  
medicaid as nursing facility beds. 90649

~~(BB)~~(CC) "Medicaid days" means both of the following: 90650

(1) All days during which a resident who is a medicaid 90651  
recipient eligible for nursing facility services occupies a bed in 90652

a nursing facility that is included in the nursing facility's  
medicaid-certified capacity; 90653  
90654

(2) Fifty per cent of the days for which payment is made  
under section 5165.34 of the Revised Code. 90655  
90656

~~(CC)~~(DD) "Medicare skilled nursing facility market basket  
index" means the index established by the United States secretary  
of health and human services under section 1888(e)(5) of the  
"Social Security Act," 42 U.S.C. 1395yy(e)(5). 90657  
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~~(EE)~~(1) "New nursing facility" means a nursing facility for  
which the provider obtains an initial provider agreement following  
medicaid certification of the nursing facility by the director of  
health, including such a nursing facility that replaces one or  
more nursing facilities for which a provider previously held a  
provider agreement. 90661  
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(2) "New nursing facility" does not mean a nursing facility  
for which the entering operator seeks a provider agreement  
pursuant to section 5165.511 or 5165.512 or (pursuant to section  
5165.515) section 5165.07 of the Revised Code. 90667  
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~~(DD)~~(FF) "Nursing facility" has the same meaning as in the  
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 90671  
90672

~~(EE)~~(GG) "Nursing facility services" has the same meaning as  
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 90673  
90674

~~(FF)~~(HH) "Nursing home" has the same meaning as in section  
3721.01 of the Revised Code. 90675  
90676

~~(GG)~~(II) "Operator" means the person or government entity  
responsible for the daily operating and management decisions for a  
nursing facility. 90677  
90678  
90679

~~(HH)~~(JJ)(1) "Owner" means any person or government entity  
that has at least five per cent ownership or interest, either  
directly, indirectly, or in any combination, in any of the 90680  
90681  
90682

following regarding a nursing facility: 90683

(a) The land on which the nursing facility is located; 90684

(b) The structure in which the nursing facility is located; 90685

(c) Any mortgage, contract for deed, or other obligation 90686  
secured in whole or in part by the land or structure on or in 90687  
which the nursing facility is located; 90688

(d) Any lease or sublease of the land or structure on or in 90689  
which the nursing facility is located. 90690

(2) "Owner" does not mean a holder of a debenture or bond 90691  
related to the nursing facility and purchased at public issue or a 90692  
regulated lender that has made a loan related to the nursing 90693  
facility unless the holder or lender operates the nursing facility 90694  
directly or through a subsidiary. 90695

~~(II)~~(KK) "Per diem" means a nursing facility's actual, 90696  
allowable costs in a given cost center in a cost reporting period, 90697  
divided by the nursing facility's inpatient days for that cost 90698  
reporting period. 90699

~~(JJ)~~(LL) "Provider" means an operator with a provider 90700  
agreement. 90701

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as 90702  
defined in section 5164.01 of the Revised Code, that is between 90703  
the department of medicaid and the operator of a nursing facility 90704  
for the provision of nursing facility services under the medicaid 90705  
program. 90706

~~(LL)~~(NN) "Purchased nursing services" means services that are 90707  
provided in a nursing facility by registered nurses, licensed 90708  
practical nurses, or nurse aides who are not employees of the 90709  
nursing facility. 90710

~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost 90711  
that is appropriate and helpful to develop and maintain the 90712

operation of patient care facilities and activities, including 90713  
normal standby costs, and that does not exceed what a prudent 90714  
buyer pays for a given item or services. Reasonable costs may vary 90715  
from provider to provider and from time to time for the same 90716  
provider. 90717

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the 90718  
following using information from cost reports for an applicable 90719  
calendar year that is later than the applicable calendar year used 90720  
for the previous rebasing: 90721

(1) Each peer group's rate for ancillary and support costs as 90722  
determined pursuant to division (C) of section 5165.16 of the 90723  
Revised Code; 90724

(2) Each peer group's rate for capital costs as determined 90725  
pursuant to division (C) of section 5165.17 of the Revised Code; 90726

(3) Each peer group's cost per case-mix unit as determined 90727  
pursuant to division (C) of section 5165.19 of the Revised Code; 90728

(4) Each nursing facility's rate for tax costs as determined 90729  
pursuant to section 5165.21 of the Revised Code. 90730

(OO) "Related party" means an individual or organization 90731  
that, to a significant extent, has common ownership with, is 90732  
associated or affiliated with, has control of, or is controlled 90733  
by, the provider. 90734

(1) An individual who is a relative of an owner is a related 90735  
party. 90736

(2) Common ownership exists when an individual or individuals 90737  
possess significant ownership or equity in both the provider and 90738  
the other organization. Significant ownership or equity exists 90739  
when an individual or individuals possess five per cent ownership 90740  
or equity in both the provider and a supplier. Significant 90741  
ownership or equity is presumed to exist when an individual or 90742

individuals possess ten per cent ownership or equity in both the 90743  
provider and another organization from which the provider 90744  
purchases or leases real property. 90745

(3) Control exists when an individual or organization has the 90746  
power, directly or indirectly, to significantly influence or 90747  
direct the actions or policies of an organization. 90748

(4) An individual or organization that supplies goods or 90749  
services to a provider shall not be considered a related party if 90750  
all of the following conditions are met: 90751

(a) The supplier is a separate bona fide organization. 90752

(b) A substantial part of the supplier's business activity of 90753  
the type carried on with the provider is transacted with others 90754  
than the provider and there is an open, competitive market for the 90755  
types of goods or services the supplier furnishes. 90756

(c) The types of goods or services are commonly obtained by 90757  
other nursing facilities from outside organizations and are not a 90758  
basic element of patient care ordinarily furnished directly to 90759  
patients by nursing facilities. 90760

(d) The charge to the provider is in line with the charge for 90761  
the goods or services in the open market and no more than the 90762  
charge made under comparable circumstances to others by the 90763  
supplier. 90764

~~(RR)~~(RR) "Relative of owner" means an individual who is 90765  
related to an owner of a nursing facility by one of the following 90766  
relationships: 90767

(1) Spouse; 90768

(2) Natural parent, child, or sibling; 90769

(3) Adopted parent, child, or sibling; 90770

(4) Stepparent, stepchild, stepbrother, or stepsister; 90771

(5) Father-in-law, mother-in-law, son-in-law, 90772  
daughter-in-law, brother-in-law, or sister-in-law; 90773

(6) Grandparent or grandchild; 90774

(7) Foster caregiver, foster child, foster brother, or foster 90775  
sister. 90776

~~(PP)~~(SS) "Residents' rights advocate" has the same meaning as 90777  
in section 3721.10 of the Revised Code. 90778

~~(QQ)~~(TT) "Skilled nursing facility" has the same meaning as 90779  
in the "Social Security Act," section 1819(a), 42 U.S.C. 90780  
1395i-3(a). 90781

~~(RR)~~(UU) "State fiscal year" means the fiscal year of this 90782  
state, as specified in section 9.34 of the Revised Code. 90783

(VV) "Sponsor" has the same meaning as in section 3721.10 of 90784  
the Revised Code. 90785

~~(SS)~~(WW) "Tax costs" means the costs of taxes imposed under 90786  
Chapter 5751. of the Revised Code, real estate taxes, personal 90787  
property taxes, and corporate franchise taxes. 90788

~~(TT)~~(XX) "Title XIX" means Title XIX of the "Social Security 90789  
Act," 42 U.S.C. 1396 et seq. 90790

~~(UU)~~(YY) "Title XVIII" means Title XVIII of the "Social 90791  
Security Act," 42 U.S.C. 1395 et seq. 90792

~~(VV)~~(ZZ) "Voluntary withdrawal of participation" means an 90793  
operator's voluntary election to terminate the participation of a 90794  
nursing facility in the medicaid program but to continue to 90795  
provide service of the type provided by a nursing facility. 90796

**Sec. 5165.106.** If a nursing facility provider required by 90797  
section 5165.10 of the Revised Code to file a cost report for the 90798  
nursing facility fails to file the cost report by the date it is 90799  
due or the date, if any, to which the due date is extended 90800

pursuant to division (D) of that section, or files an incomplete 90801  
or inadequate report for the nursing facility under that section, 90802  
the department of medicaid shall provide immediate written notice 90803  
to the provider that the provider agreement for the nursing 90804  
facility will be terminated in thirty days unless the provider 90805  
submits a complete and adequate cost report for the nursing 90806  
facility within thirty days. During the thirty-day termination 90807  
period or any additional time allowed for an appeal of the 90808  
proposed termination of a provider agreement, the provider shall 90809  
be paid the nursing facility's then current per medicaid day 90810  
payment rate, minus the dollar amount by which nursing facility's 90811  
per medicaid day payment rates are reduced during state fiscal 90812  
year 2013 in accordance with division (A)(2) of section 5111.26 of 90813  
the Revised Code (renumbered as section 5165.10 of the Revised 90814  
Code by H.B. 59 of the 130th general assembly) as that section 90815  
existed on the day immediately preceding September 29, 2013. On 90816  
the first day of each July, the department shall adjust the amount 90817  
of the reduction in effect during the previous twelve months to 90818  
reflect the rate of inflation during the preceding twelve months, 90819  
as shown in the consumer price index for all items for all urban 90820  
consumers for the north central region, published by the United 90821  
States bureau of labor statistics. 90822

**Sec. 5165.1010.** (A) Subject to division (D) of this section, 90823  
the department of medicaid shall fine the provider of a nursing 90824  
facility if the report of an audit conducted under section 90825  
5165.109 of the Revised Code regarding a cost report for the 90826  
nursing facility includes either of the following: 90827

(1) Adverse findings that exceed three per cent of the total 90828  
amount of medicaid-allowable costs reported in the cost report; 90829

(2) Adverse findings that exceed twenty per cent of 90830  
medicaid-allowable costs for a particular cost center reported in 90831

the cost report. 90832

(B) A fine issued under this section shall equal the greatest 90833  
of the following: 90834

(1) If the adverse findings exceed three per cent but do not 90835  
exceed ten per cent of the total amount of medicaid-allowable 90836  
costs reported in the cost report, the greater of three per cent 90837  
of those reported costs or ten thousand dollars; 90838

(2) If the adverse findings exceed ten per cent but do not 90839  
exceed twenty per cent of the total amount of medicaid-allowable 90840  
costs reported in the cost report, the greater of six per cent of 90841  
those reported costs or twenty-five thousand dollars; 90842

(3) If the adverse findings exceed twenty per cent of the 90843  
total amount of medicaid-allowable costs reported in the cost 90844  
report, the greater of ten per cent of those reported costs or 90845  
fifty thousand dollars; 90846

(4) If the adverse findings exceed twenty per cent but do not 90847  
exceed twenty-five per cent of medicaid-allowable costs for a 90848  
particular cost center reported in the cost report, the greater of 90849  
three per cent of the total amount of medicaid-allowable costs 90850  
reported in the cost report or ten thousand dollars; 90851

(5) If the adverse findings exceed twenty-five per cent but 90852  
do not exceed thirty per cent of medicaid-allowable costs for a 90853  
particular cost center reported in the cost report, the greater of 90854  
six per cent of the total amount of medicaid-allowable costs 90855  
reported in the cost report or twenty-five thousand dollars; 90856

(6) If the adverse findings exceed thirty per cent of 90857  
medicaid-allowable costs for a particular cost center reported in 90858  
the cost report, the greater of ten per cent of the total amount 90859  
of medicaid-allowable costs reported in the cost report or fifty 90860  
thousand dollars. 90861

(C) Fines paid under this section shall be deposited into the 90862  
health ~~care services administration~~ care/medicaid support and 90863  
recoveries fund created under section ~~5162.54~~ 5162.52 of the 90864  
Revised Code. 90865

(D) The department may not collect a fine under this section 90866  
until all appeal rights relating to the audit report that is the 90867  
basis for the fine are exhausted. 90868

**Sec. 5165.15.** Except as otherwise provided by sections 90869  
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 90870  
per medicaid day payment rate that the department of medicaid 90871  
shall pay a nursing facility provider for nursing facility 90872  
services the provider's nursing facility provides during a state 90873  
fiscal year shall be determined as follows: 90874

(A) Determine the sum of all of the following: 90875

(1) The per medicaid day payment rate for ancillary and 90876  
support costs determined for the nursing facility under section 90877  
5165.16 of the Revised Code; 90878

(2) The per medicaid day payment rate for capital costs 90879  
determined for the nursing facility under section 5165.17 of the 90880  
Revised Code; 90881

(3) The per medicaid day payment rate for direct care costs 90882  
determined for the nursing facility under section 5165.19 of the 90883  
Revised Code; 90884

(4) The per medicaid day payment rate for tax costs 90885  
determined for the nursing facility under section 5165.21 of the 90886  
Revised Code; 90887

(5) If the nursing facility qualifies as a critical access 90888  
nursing facility, the nursing facility's critical access incentive 90889  
payment paid under section 5165.23 of the Revised Code; 90890

~~(6) Sixteen~~ (B) To the sum determined under division (A) of 90891

this section, add the following: 90892

(1) For state fiscal years 2018 and 2019, sixteen dollars and 90893  
forty-four cents; 90894

(2) For state fiscal year 2020 and, except as provided in 90895  
division (B)(3) of this section, each state fiscal year 90896  
thereafter, the sum of the following: 90897

(a) The amount specified or determined for the purpose of 90898  
division (B) of this section for the immediately preceding state 90899  
fiscal year; 90900

(b) The difference between the following: 90901

(i) The medicare skilled nursing facility market basket index 90902  
determined for the federal fiscal year that begins during the 90903  
state fiscal year immediately preceding the state fiscal year for 90904  
which the determination is being made under division (B) of this 90905  
section; 90906

(ii) The budget reduction adjustment factor for the state 90907  
fiscal year for which the determination is being made under 90908  
division (B) of this section. 90909

(3) For the first state fiscal year in a group of consecutive 90910  
state fiscal years for which a rebasing is conducted after state 90911  
fiscal year 2020, the amount specified or determined for the 90912  
purpose of division (B) of this section for the immediately 90913  
preceding state fiscal year. 90914

~~(B)~~(C) From the sum determined under division ~~(A)~~(B) of this 90915  
section, subtract one dollar and seventy-nine cents. 90916

~~(C)~~(D) To the difference determined under division ~~(B)~~(C) of 90917  
this section, add the per medicaid day quality payment rate 90918  
determined for the nursing facility under section 5165.25 of the 90919  
Revised Code. 90920

Sec. 5165.151. (A) The total per medicaid day payment rate 90921  
determined under section 5165.15 of the Revised Code shall not be 90922  
the initial rate for nursing facility services provided by a new 90923  
nursing facility. Instead, the initial total per medicaid day 90924  
payment rate for nursing facility services provided by a new 90925  
nursing facility shall be determined in the following manner: 90926

(1) The initial rate for ancillary and support costs shall be 90927  
the rate for the new nursing facility's peer group determined 90928  
under division ~~(D)~~(C) of section 5165.16 of the Revised Code. 90929

(2) The initial rate for capital costs shall be the rate for 90930  
the new nursing facility's peer group determined under division 90931  
~~(D)~~(C) of section 5165.17 of the Revised Code; 90932

(3) The initial rate for direct care costs shall be the 90933  
product of the cost per case-mix unit determined under division 90934  
~~(D)~~(C) of section 5165.19 of the Revised Code for the new nursing 90935  
facility's peer group and the new nursing facility's case-mix 90936  
score determined under division (B) of this section. 90937

(4) The initial rate for tax costs shall be the following: 90938

(a) If the provider of the new nursing facility submits to 90939  
the department of medicaid the nursing facility's projected tax 90940  
costs for the calendar year in which the provider obtains an 90941  
initial provider agreement for the new nursing facility, an amount 90942  
determined by dividing those projected tax costs by the number of 90943  
inpatient days the nursing facility would have for that calendar 90944  
year if its occupancy rate were one hundred per cent; 90945

(b) If division (A)(4)(a) of this section does not apply, the 90946  
median rate for tax costs for the new nursing facility's peer 90947  
group in which the nursing facility is placed under division 90948  
~~(C)~~(B) of section 5165.16 of the Revised Code. 90949

(5) The quality payment shall be the mean quality payment 90950

rate determined for nursing facilities under section 5165.25 of 90951  
the Revised Code. 90952

(6) Fourteen dollars and sixty-five cents shall be added to 90953  
the sum of the rates and payment specified in divisions (A)(1) to 90954  
(5) of this section. 90955

(B) For the purpose of division (A)(3) of this section, a new 90956  
nursing facility's case-mix score shall be the following: 90957

(1) Unless the new nursing facility replaces an existing 90958  
nursing facility that participated in the medicaid program 90959  
immediately before the new nursing facility begins participating 90960  
in the medicaid program, the median annual average case-mix score 90961  
for the new nursing facility's peer group; 90962

(2) If the nursing facility replaces an existing nursing 90963  
facility that participated in the medicaid program immediately 90964  
before the new nursing facility begins participating in the 90965  
medicaid program, the semiannual case-mix score most recently 90966  
determined under section 5165.192 of the Revised Code for the 90967  
replaced nursing facility as adjusted, if necessary, to reflect 90968  
any difference in the number of beds in the replaced and new 90969  
nursing facilities. 90970

(C) Subject to division (D) of this section, the department 90971  
of medicaid shall adjust the rates established under division (A) 90972  
of this section effective the first day of July, to reflect new 90973  
rate calculations for all nursing facilities under this chapter. 90974

(D) If a rate for direct care costs is determined under this 90975  
section for a new nursing facility using the median annual average 90976  
case-mix score for the new nursing facility's peer group, the rate 90977  
shall be redetermined to reflect the new nursing facility's actual 90978  
semiannual average case-mix score determined under section 90979  
5165.192 of the Revised Code after the new nursing facility 90980  
submits its first two quarterly assessment data that qualify for 90981

use in calculating a case-mix score in accordance with rules 90982  
authorized by section 5165.192 of the Revised Code. If the new 90983  
nursing facility's quarterly submissions do not qualify for use in 90984  
calculating a case-mix score, the department shall continue to use 90985  
the median annual average case-mix score for the new nursing 90986  
facility's peer group in lieu of the new nursing facility's 90987  
semiannual case-mix score until the new nursing facility submits 90988  
two consecutive quarterly assessment data that qualify for use in 90989  
calculating a case-mix score. 90990

**Sec. 5165.153.** (A) The total per medicaid day payment rate 90991  
determined under section 5165.15 of the Revised Code shall not be 90992  
paid for nursing facility services provided by a nursing facility, 90993  
or discrete unit of a nursing facility, designated by the 90994  
department of medicaid as an outlier nursing facility or unit. 90995  
Instead, the provider of a designated outlier nursing facility or 90996  
unit shall be paid each state fiscal year a total per medicaid day 90997  
payment rate that the department shall prospectively determine in 90998  
accordance with a methodology established in rules authorized by 90999  
this section. 91000

(B) The department may designate a nursing facility, or 91001  
discrete unit of a nursing facility, as an outlier nursing 91002  
facility or unit if the nursing facility or unit serves residents 91003  
who have either of the following: 91004

(1) Diagnoses or special care needs that require direct care 91005  
resources that are not measured adequately by the resident 91006  
assessment instrument specified in rules authorized by section 91007  
5165.191 of the Revised Code; 91008

(2) Diagnoses or special care needs specified in rules 91009  
authorized by this section as otherwise qualifying for 91010  
consideration under this section. 91011

(C) Notwithstanding any other provision of this chapter 91012

(except section 5165.156 of the Revised Code), the costs incurred 91013  
by a designated outlier nursing facility or unit shall not be 91014  
considered in establishing medicaid payment rates for other 91015  
nursing facilities or units. 91016

(D) The medicaid director shall adopt rules under section 91017  
5165.02 of the Revised Code as necessary to implement this 91018  
section. 91019

(1)(a) The rules shall do both of the following: 91020

(i) Specify the criteria and procedures the department will 91021  
apply when designating a nursing facility, or discrete unit of a 91022  
nursing facility, as an outlier nursing facility or unit; 91023

(ii) Establish a methodology for prospectively determining 91024  
the total per medicaid day payment rate that will be paid each 91025  
state fiscal year for nursing facility services provided by a 91026  
designated outlier nursing facility or unit. 91027

(b) The rules authorized by division (D)(1)(a)(i) of this 91028  
section regarding the criteria for designating outlier nursing 91029  
facilities and units shall do both of the following: 91030

(i) Provide for consideration of whether all of the allowable 91031  
costs of a nursing facility, or discrete unit of a nursing 91032  
facility, would be paid by a rate determined under section 5165.15 91033  
of the Revised Code; 91034

(ii) Specify the minimum number of nursing facility beds that 91035  
a nursing facility, or discrete unit of a nursing facility, must 91036  
have to be designated an outlier nursing facility or unit, which 91037  
may vary based on the diagnoses or special care needs of the 91038  
residents served by the nursing facility or unit. 91039

(c) The rules authorized by division (D)(1)(a)(i) of this 91040  
section regarding the criteria for designating outlier nursing 91041  
facilities and units shall not limit the designation to nursing 91042

facilities, or discrete units of nursing facilities, located in 91043  
large cities. 91044

(d) The rules authorized by division (D)(1)(a)(ii) of this 91045  
section regarding the methodology for prospectively determining 91046  
the rates of designated outlier nursing facilities and units shall 91047  
provide for the methodology to consider the historical costs of 91048  
providing nursing facility services to the residents of designated 91049  
outlier nursing facilities and units. 91050

(2)(a) The rules may do both of the following: 91051

(i) Include for designation as an outlier nursing facility or 91052  
unit, a nursing facility, or discrete unit of a nursing facility, 91053  
that serves medically fragile pediatric residents; residents who 91054  
are dependent on ventilators; residents who have severe traumatic 91055  
brain injury, end-stage Alzheimer's disease, or end-stage acquired 91056  
immunodeficiency syndrome; or residents with other diagnoses or 91057  
special care needs specified in the rules; 91058

(ii) Require that a designated outlier nursing facility 91059  
receive authorization from the department before admitting or 91060  
retaining a resident. 91061

(b) If the director adopts rules authorized by division 91062  
(D)(2)(a)(ii) of this section regarding the authorization of a 91063  
designated outlier nursing facility or unit to admit or retain a 91064  
resident, the rules shall specify the criteria and procedures the 91065  
department will apply when granting that authorization. 91066

**Sec. 5165.154.** (A) To the extent, if any, provided for in 91067  
rules authorized by this section, the total per medicaid day 91068  
payment rate determined under section 5165.15 of the Revised Code 91069  
shall not be paid for nursing facility services that a nursing 91070  
facility not designated as an outlier nursing facility or unit 91071  
provides to a resident who meets the criteria for admission to a 91072

designated outlier nursing facility or unit, as specified in rules 91073  
authorized by section 5165.153 of the Revised Code. Instead, the 91074  
provider of a nursing facility providing nursing facility services 91075  
to such a resident shall be paid each state fiscal year a total 91076  
per medicaid day payment rate that the department of medicaid 91077  
shall prospectively determine in accordance with a methodology 91078  
established in rules authorized by this section. 91079

(B) The medicaid director may adopt rules under section 91080  
5165.02 of the Revised Code to implement this section. The rules 91081  
may require that a nursing facility receive authorization from the 91082  
department before admitting or retaining a resident who meets the 91083  
criteria for admission to a designated outlier nursing facility or 91084  
unit. If the director adopts such rules, the rules shall specify 91085  
the criteria and procedures the department will apply when 91086  
granting the authorization. 91087

**Sec. 5165.157.** (A) The medicaid director shall establish an 91088  
alternative purchasing model for nursing facility services 91089  
provided by designated discrete units of nursing facilities to 91090  
medicaid recipients with specialized health care needs. The 91091  
director shall do all of the following with regard to the model: 91092

(1) Establish criteria that a discrete unit of a nursing 91093  
facility must meet to be designated as a unit that, under the 91094  
alternative purchasing model, may admit and provide nursing 91095  
facility services to medicaid recipients with specialized health 91096  
care needs; 91097

(2) Specify the health care conditions that medicaid 91098  
recipients must have to have specialized health care needs, which 91099  
may include dependency on a ventilator, severe traumatic brain 91100  
injury, the need to be admitted to a long-term acute care hospital 91101  
or rehabilitation hospital if not for nursing facility services, 91102

and other serious health care conditions; 91103

(3) For each fiscal year, set the total per medicaid day 91104  
payment rate for nursing facility services provided by designated 91105  
discrete units of nursing facilities under the alternative 91106  
purchasing model at either of the following: 91107

(a) ~~Sixty~~ Thirty-four per cent of the statewide average of 91108  
the total per medicaid day payment rate for long-term acute care 91109  
hospital services as of the first day of the fiscal year; 91110

(b) Another amount determined in accordance with an 91111  
alternative methodology that includes improved health outcomes as 91112  
a factor in determining the payment rate; 91113

(4) Require, to the extent the director considers necessary, 91114  
a medicaid recipient to obtain prior authorization for admission 91115  
to a long-term acute care hospital or rehabilitation hospital as a 91116  
condition of medicaid payment for long-term acute care hospital or 91117  
rehabilitation hospital services. 91118

(B) The criteria established under division (A)(1) of this 91119  
section shall provide for a discrete unit of a nursing facility to 91120  
be excluded from the alternative purchasing model if the unit is 91121  
paid for nursing facility services in accordance with section 91122  
5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria 91123  
may require the provider of a nursing facility that has a discrete 91124  
unit designated for participation in the alternative purchasing 91125  
model to report health outcome measurement data to the department 91126  
of medicaid. 91127

(C) A discrete unit of a nursing facility that provides 91128  
nursing facility services to medicaid recipients with specialized 91129  
health care needs under the alternative purchasing model shall be 91130  
paid for those services in accordance with division (A)(3) of this 91131  
section instead of the total per medicaid day payment rate 91132  
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 91133

of the Revised Code. 91134

~~Sec. 5165.16. (A) As used in this section:~~ 91135

~~(1) "Applicable calendar year" means the following:~~ 91136

~~(a) For the purpose of the department of medicaid's initial determination under division (D) of this section of each peer group's rate for ancillary and support costs, calendar year 2003:~~ 91137  
91138  
91139

~~(b) For the purpose of the department's rebasings, the calendar year the department selects.~~ 91140  
91141

~~(2) "Rebasing" means a redetermination under division (D) of this section of each peer group's rate for ancillary and support costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.~~ 91142  
91143  
91144  
91145  
91146

~~(B) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for ancillary and support costs. A nursing facility's rate shall be the rate determined under division ~~(D)~~(C) of this section for the nursing facility's peer group. However, for the period beginning October 1, 2013, and ending on the first day of the first rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be the rate determined for the following:~~ 91147  
91148  
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91151  
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91154

~~(1) If the nursing facility has fewer than one hundred beds, the nursing facilities in peer group three;~~ 91155  
91156

~~(2) If the nursing facility has one hundred or more beds, the nursing facilities in peer group four.~~ 91157  
91158

~~(C)(B) For the purpose of determining nursing facilities' rates for ancillary and support costs, the department shall establish six peer groups:~~ 91159  
91160  
91161

~~(1) Until the first rebasing occurs, the peer groups shall be~~ 91162

composed as follows: 91163

~~(a)~~(1) Each nursing facility located in any of the following 91164  
counties shall be placed in peer group one or two: Brown, Butler, 91165  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 91166  
located in any of those counties that has fewer than one hundred 91167  
beds shall be placed in peer group one. Each nursing facility 91168  
located in any of those counties that has one hundred or more beds 91169  
shall be placed in peer group two. 91170

~~(b)~~(2) Each nursing facility located in any of the following 91171  
counties shall be placed in peer group three or four: Allen, 91172  
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 91173  
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 91174  
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 91175  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 91176  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 91177  
nursing facility located in any of those counties that has fewer 91178  
than one hundred beds shall be placed in peer group three. Each 91179  
nursing facility located in any of those counties that has one 91180  
hundred or more beds shall be placed in peer group four. 91181

~~(c)~~(3) Each nursing facility located in any of the following 91182  
counties shall be placed in peer group five or six: Adams, ~~Allen~~, 91183  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 91184  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 91185  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 91186  
Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, 91187  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 91188  
Scioto, Shelby, ~~Stark~~, ~~Trumbull~~, Tuscarawas, Van Wert, Vinton, 91189  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 91190  
located in any of those counties that has fewer than one hundred 91191  
beds shall be placed in peer group five. Each nursing facility 91192  
located in any of those counties that has one hundred or more beds 91193  
shall be placed in peer group six. 91194

~~(2) Beginning with the first rebasing, the peer groups shall be composed as they are under division (C)(1) of this section except as follows:~~

~~(a) Each nursing facility that has fewer than one hundred beds and is located in Allen, Mahoning, Stark, or Trumbull county shall be placed in peer group three rather than peer group five.~~

~~(b) Each nursing facility that has one hundred or more beds and is located in Allen, Mahoning, Stark, or Trumbull county shall be placed in peer group four rather than peer group six.~~

~~(D)(C)(1) The department shall determine the rate for ancillary and support costs for each peer group established under division (C)(B) of this section. The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general assembly, the rate for ancillary and support costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for ancillary and support costs, the department shall do all of the following:~~

~~(a) Subject to division (D)(C)(2) of this section, determine the rate for ancillary and support costs for each nursing facility in the peer group for the applicable calendar year by using the greater of the nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been ninety per cent;~~

~~(b) Subject to division (D)(C)(3) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division (D)(C)(1)(a) of~~

this section; 91226

(c) Multiply the rate for ancillary and support costs 91227  
determined under division ~~(D)~~(C)(1)(a) of this section for the 91228  
nursing facility identified under division ~~(D)~~(C)(1)(b) of this 91229  
section by the rate of inflation for the eighteen-month period 91230  
beginning on the first day of July of the applicable calendar year 91231  
and ending the last day of December of the calendar year 91232  
immediately following the applicable calendar year using the 91233  
following: 91234

(i) ~~Until the first rebasing occurs, the consumer price index~~ 91235  
~~for all items for all urban consumers for the north central~~ 91236  
~~region, published by the United States bureau of labor statistics,~~ 91237  
~~as that index existed on July 1, 2005;~~ 91238

~~(ii) Effective with the first rebasing and except~~ Except as 91239  
provided in division ~~(D)~~(C)(1)(c)~~(iii)~~(ii) of this section, the 91240  
consumer price index for all items for all urban consumers for the 91241  
midwest region, published by the United States bureau of labor 91242  
statistics; 91243

~~(iii)~~(ii) If the United States bureau of labor statistics 91244  
ceases to publish the index specified in division 91245  
~~(D)~~(C)(1)(c)~~(ii)~~(i) of this section, the index the bureau 91246  
subsequently publishes that covers urban consumers' prices for 91247  
items for the region that includes this state. 91248

(d) ~~Until the first rebasing occurs, increase~~ For state 91249  
fiscal year 2020 and each state fiscal year thereafter (other than 91250  
the first state fiscal year in a group of consecutive state fiscal 91251  
years for which a rebasing is conducted), adjust the amount 91252  
calculated under division ~~(D)~~(C)(1)(c) of this section ~~by five and~~ 91253  
~~eight hundredths per cent~~ using the difference between the 91254  
following: 91255

(i) The medicare skilled nursing facility market basket index 91256

determined for the federal fiscal year that begins during the 91257  
state fiscal year immediately preceding the state fiscal year for 91258  
which the adjustment is being made under division (C)(1)(d) of 91259  
this section; 91260

(ii) The budget reduction adjustment factor for the state 91261  
fiscal year for which the adjustment is being made under division 91262  
(C)(1)(d) of this section. 91263

(2) For the purpose of determining a nursing facility's 91264  
occupancy rate under division ~~(D)~~(C)(1)(a) of this section, the 91265  
department shall include any beds that the nursing facility 91266  
removes from its medicaid-certified capacity unless the nursing 91267  
facility also removes the beds from its licensed bed capacity. 91268

(3) In making the identification under division ~~(D)~~(C)(1)(b) 91269  
of this section, the department shall exclude both of the 91270  
following: 91271

(a) Nursing facilities that participated in the medicaid 91272  
program under the same provider for less than twelve months in the 91273  
applicable calendar year; 91274

(b) Nursing facilities whose ancillary and support costs are 91275  
more than one standard deviation from the mean desk-reviewed, 91276  
actual, allowable, per diem ancillary and support cost for all 91277  
nursing facilities in the nursing facility's peer group for the 91278  
applicable calendar year. 91279

(4) The department shall not redetermine a peer group's rate 91280  
for ancillary and support costs under this division based on 91281  
additional information that it receives after the rate is 91282  
determined. The department shall redetermine a peer group's rate 91283  
for ancillary and support costs only if the department made an 91284  
error in determining the rate based on information available to 91285  
the department at the time of the original determination. 91286

|                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <del>Sec. 5165.17. (A) As used in this section:</del>                                                                                                                                                                                                                                                                                                                                                                                                      | 91287                                                       |
| <del>(1) "Applicable calendar year" means the following:</del>                                                                                                                                                                                                                                                                                                                                                                                             | 91288                                                       |
| <del>(a) For the purpose of the department of medicaid's initial determination under division (D) of this section of each peer group's rate for capital costs, calendar year 2003;</del>                                                                                                                                                                                                                                                                   | 91289<br>91290<br>91291                                     |
| <del>(b) For the purpose of the department's rebasings, the calendar year the department selects.</del>                                                                                                                                                                                                                                                                                                                                                    | 91292<br>91293                                              |
| <del>(2) "Rebasing" means a redetermination under division (D) of this section of each peer group's rate for capital costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.</del>                                                                                                                                                    | 91294<br>91295<br>91296<br>91297<br>91298                   |
| <del>(B) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for capital costs. A nursing facility's rate shall be the rate determined under division (D)(C) of this section. However, for the period beginning October 1, 2013, and ending on the first day of the first rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be the rate determined for the following:</del> | 91299<br>91300<br>91301<br>91302<br>91303<br>91304<br>91305 |
| <del>(1) If the nursing facility has fewer than one hundred beds, the nursing facilities in peer group three;</del>                                                                                                                                                                                                                                                                                                                                        | 91306<br>91307                                              |
| <del>(2) If the nursing facility has one hundred or more beds, the nursing facilities in peer group four.</del>                                                                                                                                                                                                                                                                                                                                            | 91308<br>91309                                              |
| <del>(C)(B) For the purpose of determining nursing facilities' rates for capital costs, the department shall establish six peer groups.</del>                                                                                                                                                                                                                                                                                                              | 91310<br>91311<br>91312                                     |
| <del>(1) Until the first rebasing occurs, the peer groups shall be composed as follows:</del>                                                                                                                                                                                                                                                                                                                                                              | 91313<br>91314                                              |
| <del>(a) Each nursing facility located in any of the following</del>                                                                                                                                                                                                                                                                                                                                                                                       | 91315                                                       |

counties shall be placed in peer group one or two: Brown, Butler, 91316  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 91317  
located in any of those counties that has fewer than one hundred 91318  
beds shall be placed in peer group one. Each nursing facility 91319  
located in any of those counties that has one hundred or more beds 91320  
shall be placed in peer group two. 91321

~~(b)~~(2) Each nursing facility located in any of the following 91322  
counties shall be placed in peer group three or four: Allen, 91323  
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 91324  
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 91325  
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 91326  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 91327  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 91328  
nursing facility located in any of those counties that has fewer 91329  
than one hundred beds shall be placed in peer group three. Each 91330  
nursing facility located in any of those counties that has one 91331  
hundred or more beds shall be placed in peer group four. 91332

~~(e)~~(3) Each nursing facility located in any of the following 91333  
counties shall be placed in peer group five or six: Adams, ~~Allen~~, 91334  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 91335  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 91336  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 91337  
Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, 91338  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 91339  
Scioto, Shelby, ~~Stark~~, ~~Trumbull~~, Tuscarawas, Van Wert, Vinton, 91340  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 91341  
located in any of those counties that has fewer than one hundred 91342  
beds shall be placed in peer group five. Each nursing facility 91343  
located in any of those counties that has one hundred or more beds 91344  
shall be placed in peer group six. 91345

~~(2) Beginning with the first rebasing, the peer groups shall 91346  
be composed as they are under division (C)(1) of this section 91347~~

~~except as follows:~~ 91348

~~(a) Each nursing facility that has fewer than one hundred 91349  
beds and is located in Allen, Mahoning, Stark, or Trumbull county 91350  
shall be placed in peer group three rather than peer group five. 91351~~

~~(b) Each nursing facility that has one hundred or more beds 91352  
and is located in Allen, Mahoning, Stark, or Trumbull county shall 91353  
be placed in peer group four rather than peer group six. 91354~~

~~(D)(C)(1) The department shall determine the rate for capital 91355  
costs for each peer group established under division (C)(B) of 91356  
this section. The department is not required to conduct a rebasing 91357  
more than once every ten years. Except as necessary to implement 91358  
the amendments made to this section by Am. Sub. H.B. 153 and Sub. 91359  
H.B. 303, both of the 129th general assembly, the rate for capital 91360  
costs determined under this division for a peer group shall be 91361  
used for subsequent years until the department conducts a 91362  
rebasings. To determine a peer group's rate for capital costs, the 91363  
department shall do both of the following: 91364~~

~~(a) Determine the rate for capital costs for the nursing 91365  
facility in the peer group that is at the twenty-fifth percentile 91366  
of the rate for capital costs for the applicable calendar year; 91367~~

~~(b) Until the first rebasing occurs, increase For state 91368  
fiscal year 2020 and each state fiscal year thereafter (other than 91369  
the first state fiscal year in a group of consecutive state fiscal 91370  
years for which a rebasing is conducted), adjust the amount 91371  
calculated under division (D)(C)(1)(a) of this section by five and 91372  
eight hundredths per cent using the difference between the 91373  
following: 91374~~

~~(i) The medicare skilled nursing facility market basket index 91375  
determined for the federal fiscal year that begins during the 91376  
state fiscal year immediately preceding the state fiscal year for 91377  
which the adjustment is being made under division (C)(1)(a) of 91378~~

this section; 91379

(ii) The budget reduction adjustment factor for the state 91380  
fiscal year for which the adjustment is being made under division 91381  
(C)(1)(a) of this section. 91382

(2) To identify the nursing facility in a peer group that is 91383  
at the twenty-fifth percentile of the rate for capital costs for 91384  
the applicable calendar year, the department shall do both of the 91385  
following: 91386

(a) Subject to division ~~(D)~~(C)(3) of this section, use the 91387  
greater of each nursing facility's actual inpatient days for the 91388  
applicable calendar year or the inpatient days the nursing 91389  
facility would have had for the applicable calendar year if its 91390  
occupancy rate had been one hundred per cent; 91391

(b) Exclude both of the following: 91392

(i) Nursing facilities that participated in the medicaid 91393  
program under the same provider for less than twelve months in the 91394  
applicable calendar year; 91395

(ii) Nursing facilities whose capital costs are more than one 91396  
standard deviation from the mean desk-reviewed, actual, allowable, 91397  
per diem capital cost for all nursing facilities in the nursing 91398  
facility's peer group for the applicable calendar year. 91399

(3) For the purpose of determining a nursing facility's 91400  
occupancy rate under division ~~(D)~~(C)(2)(a) of this section, the 91401  
department shall include any beds that the nursing facility 91402  
removes from its medicaid-certified capacity after June 30, 2005, 91403  
unless the nursing facility also removes the beds from its 91404  
licensed bed capacity. 91405

(4) The department shall not redetermine a peer group's rate 91406  
for capital costs under this division based on additional 91407  
information that it receives after the rate is determined. The 91408

department shall redetermine a peer group's rate for capital costs 91409  
only if the department made an error in determining the rate based 91410  
on information available to the department at the time of the 91411  
original determination. 91412

~~(F)~~(D) Buildings shall be depreciated using the straight line 91413  
method over forty years or over a different period approved by the 91414  
department. Components and equipment shall be depreciated using 91415  
the straight-line method over a period designated in rules adopted 91416  
under section 5165.02 of the Revised Code, consistent with the 91417  
guidelines of the American hospital association, or over a 91418  
different period approved by the department. Any rules authorized 91419  
by this division that specify useful lives of buildings, 91420  
components, or equipment apply only to assets acquired on or after 91421  
July 1, 1993. Depreciation for costs paid or reimbursed by any 91422  
government agency shall not be included in capital costs unless 91423  
that part of the payment under this chapter is used to reimburse 91424  
the government agency. 91425

~~(F)~~(E) The capital cost basis of nursing facility assets 91426  
shall be determined in the following manner: 91427

(1) Except as provided in division ~~(F)~~(E)(3) of this section, 91428  
for purposes of calculating the rates to be paid for facilities 91429  
with dates of licensure on or before June 30, 1993, the capital 91430  
cost basis of each asset shall be equal to the desk-reviewed, 91431  
actual, allowable, capital cost basis that is listed on the 91432  
facility's cost report for the calendar year preceding the state 91433  
fiscal year during which the rate will be paid. 91434

(2) For facilities with dates of licensure after June 30, 91435  
1993, the capital cost basis shall be determined in accordance 91436  
with the principles of the medicare program, except as otherwise 91437  
provided in this chapter. 91438

(3) Except as provided in division ~~(F)~~(E)(4) of this section, 91439

if a provider transfers an interest in a facility to another 91440  
provider after June 30, 1993, there shall be no increase in the 91441  
capital cost basis of the asset if the providers are related 91442  
parties or the provider to which the interest is transferred 91443  
authorizes the provider that transferred the interest to continue 91444  
to operate the facility under a lease, management agreement, or 91445  
other arrangement. If the previous sentence does not prohibit the 91446  
adjustment of the capital cost basis under this division, the 91447  
basis of the asset shall be adjusted by one-half of the change in 91448  
the consumer price index for all items for all urban consumers, as 91449  
published by the United States bureau of labor statistics, during 91450  
the time that the transferor held the asset. 91451

(4) If a provider transfers an interest in a facility to 91452  
another provider who is a related party, the capital cost basis of 91453  
the asset shall be adjusted as specified in division ~~(F)~~(E)(3) of 91454  
this section if all of the following conditions are met: 91455

(a) The related party is a relative of owner; 91456

(b) Except as provided in division ~~(F)~~(E)(4)(c)(ii) of this 91457  
section, the provider making the transfer retains no ownership 91458  
interest in the facility; 91459

(c) The department determines that the transfer is an arm's 91460  
length transaction pursuant to rules adopted under section 5165.02 91461  
of the Revised Code. The rules shall provide that a transfer is an 91462  
arm's length transaction if all of the following apply: 91463

(i) Once the transfer goes into effect, the provider that 91464  
made the transfer has no direct or indirect interest in the 91465  
provider that acquires the facility or the facility itself, 91466  
including interest as an owner, officer, director, employee, 91467  
independent contractor, or consultant, but excluding interest as a 91468  
creditor. 91469

(ii) The provider that made the transfer does not reacquire 91470

an interest in the facility except through the exercise of a 91471  
creditor's rights in the event of a default. If the provider 91472  
reacquires an interest in the facility in this manner, the 91473  
department shall treat the facility as if the transfer never 91474  
occurred when the department calculates its reimbursement rates 91475  
for capital costs. 91476

(iii) The transfer satisfies any other criteria specified in 91477  
the rules. 91478

(d) Except in the case of hardship caused by a catastrophic 91479  
event, as determined by the department, or in the case of a 91480  
provider making the transfer who is at least sixty-five years of 91481  
age, not less than twenty years have elapsed since, for the same 91482  
facility, the capital cost basis was adjusted most recently under 91483  
division ~~(F)~~(E)(4) of this section or actual, allowable capital 91484  
costs was determined most recently under division ~~(G)~~(F)(9) of 91485  
this section. 91486

~~(G)~~(F) As used in this division: 91487

"Imputed interest" means the lesser of the prime rate plus 91488  
two per cent or ten per cent. 91489

"Lease expense" means lease payments in the case of an 91490  
operating lease and depreciation expense and interest expense in 91491  
the case of a capital lease. 91492

"New lease" means a lease, to a different lessee, of a 91493  
nursing facility that previously was operated under a lease. 91494

(1) Subject to division ~~(B)~~(A) of this section, for a lease 91495  
of a facility that was effective on May 27, 1992, the entire lease 91496  
expense is an actual, allowable capital cost during the term of 91497  
the existing lease. The entire lease expense also is an actual, 91498  
allowable capital cost if a lease in existence on May 27, 1992, is 91499  
renewed under either of the following circumstances: 91500

(a) The renewal is pursuant to a renewal option that was in 91501  
existence on May 27, 1992; 91502

(b) The renewal is for the same lease payment amount and 91503  
between the same parties as the lease in existence on May 27, 91504  
1992. 91505

(2) Subject to division ~~(B)~~(A) of this section, for a lease 91506  
of a facility that was in existence but not operated under a lease 91507  
on May 27, 1992, actual, allowable capital costs shall include the 91508  
lesser of the annual lease expense or the annual depreciation 91509  
expense and imputed interest expense that would be calculated at 91510  
the inception of the lease using the lessor's entire historical 91511  
capital asset cost basis, adjusted by one-half of the change in 91512  
the consumer price index for all items for all urban consumers, as 91513  
published by the United States bureau of labor statistics, during 91514  
the time the lessor held each asset until the beginning of the 91515  
lease. 91516

(3) Subject to division ~~(B)~~(A) of this section, for a lease 91517  
of a facility with a date of licensure on or after May 27, 1992, 91518  
that is initially operated under a lease, actual, allowable 91519  
capital costs shall include the annual lease expense if there was 91520  
a substantial commitment of money for construction of the facility 91521  
after December 22, 1992, and before July 1, 1993. If there was not 91522  
a substantial commitment of money after December 22, 1992, and 91523  
before July 1, 1993, actual, allowable capital costs shall include 91524  
the lesser of the annual lease expense or the sum of the 91525  
following: 91526

(a) The annual depreciation expense that would be calculated 91527  
at the inception of the lease using the lessor's entire historical 91528  
capital asset cost basis; 91529

(b) The greater of the lessor's actual annual amortization of 91530  
financing costs and interest expense at the inception of the lease 91531

or the imputed interest expense calculated at the inception of the 91532  
lease using seventy per cent of the lessor's historical capital 91533  
asset cost basis. 91534

(4) Subject to division ~~(B)~~(A) of this section, for a lease 91535  
of a facility with a date of licensure on or after May 27, 1992, 91536  
that was not initially operated under a lease and has been in 91537  
existence for ten years, actual, allowable capital costs shall 91538  
include the lesser of the annual lease expense or the annual 91539  
depreciation expense and imputed interest expense that would be 91540  
calculated at the inception of the lease using the entire 91541  
historical capital asset cost basis of one-half of the change in 91542  
the consumer price index for all items for all urban consumers, as 91543  
published by the United States bureau of labor statistics, during 91544  
the time the lessor held each asset until the beginning of the 91545  
lease. 91546

(5) Subject to division ~~(B)~~(A) of this section, for a new 91547  
lease of a facility that was operated under a lease on May 27, 91548  
1992, actual, allowable capital costs shall include the lesser of 91549  
the annual new lease expense or the annual old lease payment. If 91550  
the old lease was in effect for ten years or longer, the old lease 91551  
payment from the beginning of the old lease shall be adjusted by 91552  
one-half of the change in the consumer price index for all items 91553  
for all urban consumers, as published by the United States bureau 91554  
of labor statistics, from the beginning of the old lease to the 91555  
beginning of the new lease. 91556

(6) Subject to division ~~(B)~~(A) of this section, for a new 91557  
lease of a facility that was not in existence or that was in 91558  
existence but not operated under a lease on May 27, 1992, actual, 91559  
allowable capital costs shall include the lesser of annual new 91560  
lease expense or the annual amount calculated for the old lease 91561  
under division ~~(G)~~(F)(2), (3), (4), or (6) of this section, as 91562  
applicable. If the old lease was in effect for ten years or 91563

longer, the lessor's historical capital asset cost basis shall be, 91564  
for purposes of calculating the annual amount under division 91565  
~~(G)~~(F)(2), (3), (4), or (6) of this section, adjusted by one-half 91566  
of the change in the consumer price index for all items for all 91567  
urban consumers, as published by the United States bureau of labor 91568  
statistics, from the beginning of the old lease to the beginning 91569  
of the new lease. 91570

In the case of a lease under division ~~(G)~~(F)(3) of this 91571  
section of a facility for which a substantial commitment of money 91572  
was made after December 22, 1992, and before July 1, 1993, the old 91573  
lease payment shall be adjusted for the purpose of determining the 91574  
annual amount. 91575

(7) For any revision of a lease described in division 91576  
~~(G)~~(F)(1), (2), (3), (4), (5), or (6) of this section, or for any 91577  
subsequent lease of a facility operated under such a lease, other 91578  
than execution of a new lease, the portion of actual, allowable 91579  
capital costs attributable to the lease shall be the same as 91580  
before the revision or subsequent lease. 91581

(8) Except as provided in division ~~(G)~~(F)(9) of this section, 91582  
if a provider leases an interest in a facility to another provider 91583  
who is a related party or previously operated the facility, the 91584  
related party's or previous operator's actual, allowable capital 91585  
costs shall include the lesser of the annual lease expense or the 91586  
reasonable cost to the lessor. 91587

(9) If a provider leases an interest in a facility to another 91588  
provider who is a related party, regardless of the date of the 91589  
lease, the related party's actual, allowable capital costs shall 91590  
include the annual lease expense, subject to the limitations 91591  
specified in divisions ~~(G)~~(F)(1) to (7) of this section, if all of 91592  
the following conditions are met: 91593

(a) The related party is a relative of owner; 91594

(b) If the lessor retains an ownership interest, it is, 91595  
except as provided in division ~~(G)~~(F)(9)(c)(ii) of this section, 91596  
in only the real property and any improvements on the real 91597  
property; 91598

(c) The department determines that the lease is an arm's 91599  
length transaction pursuant to rules adopted under section 5165.02 91600  
of the Revised Code. The rules shall provide that a lease is an 91601  
arm's length transaction if all of the following apply: 91602

(i) Once the lease goes into effect, the lessor has no direct 91603  
or indirect interest in the lessee or, except as provided in 91604  
division ~~(G)~~(F)(9)(b) of this section, the facility itself, 91605  
including interest as an owner, officer, director, employee, 91606  
independent contractor, or consultant, but excluding interest as a 91607  
lessor. 91608

(ii) The lessor does not reacquire an interest in the 91609  
facility except through the exercise of a lessor's rights in the 91610  
event of a default. If the lessor reacquires an interest in the 91611  
facility in this manner, the department shall treat the facility 91612  
as if the lease never occurred when the department calculates its 91613  
reimbursement rates for capital costs. 91614

(iii) The lease satisfies any other criteria specified in the 91615  
rules. 91616

(d) Except in the case of hardship caused by a catastrophic 91617  
event, as determined by the department, or in the case of a lessor 91618  
who is at least sixty-five years of age, not less than twenty 91619  
years have elapsed since, for the same facility, the capital cost 91620  
basis was adjusted most recently under division ~~(F)~~(E)(4) of this 91621  
section or actual, allowable capital costs were determined most 91622  
recently under division ~~(G)~~(F)(9) of this section. 91623

(10) This division does not apply to leases of specific items 91624  
of equipment. 91625

~~Sec. 5165.19. (A) As used in this section:~~ 91626

~~(1) "Applicable calendar year" means the following:~~ 91627

~~(a) For the purpose of the department of medicaid's initial determination under division (D) of this section of each peer group's cost per case mix unit, calendar year 2003;~~ 91628  
91629  
91630

~~(b) For the purpose of the department's rebasings, the calendar year the department selects.~~ 91631  
91632

~~(2) "Rebasing" means a redetermination under division (D) of this section of each peer group's cost per case mix unit using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such costs.~~ 91633  
91634  
91635  
91636  
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~~(B) Semiannually, the department of medicaid shall determine each nursing facility's per medicaid day payment rate for direct care costs by multiplying the facility's semiannual case-mix score determined under section 5165.192 of the Revised Code by the cost per case-mix unit determined under division ~~(D)~~(C) of this section for the facility's peer group. However, for the period beginning October 1, 2013, and ending on the first day of the first rebasing, the rate for a nursing facility located in Mahoning or Stark county shall be determined semiannually by multiplying the facility's semiannual case mix score determined under section 5165.192 of the Revised Code by the cost per case mix unit determined under division (D) of this section for the nursing facilities in peer group two.~~ 91638  
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~~(C)(B) For the purpose of determining nursing facilities' rates for direct care costs, the department shall establish three peer groups.~~ 91651  
91652  
91653

~~(1) Until the first rebasing occurs, the peer groups shall be composed as follows:~~ 91654  
91655

~~(a)~~ Each nursing facility located in any of the following 91656  
counties shall be placed in peer group one: Brown, Butler, 91657  
Clermont, Clinton, Hamilton, and Warren. 91658

~~(b)~~(2) Each nursing facility located in any of the following 91659  
counties shall be placed in peer group two: Allen, Ashtabula, 91660  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 91661  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 91662  
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 91663  
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 91664  
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 91665

~~(c)~~(3) Each nursing facility located in any of the following 91666  
counties shall be placed in peer group three: Adams, ~~Allen~~, 91667  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 91668  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 91669  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 91670  
Jefferson, Lawrence, Logan, ~~Mahoning~~, Meigs, Mercer, Monroe, 91671  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 91672  
Scioto, Shelby, ~~Stark~~, ~~Trumbull~~, Tuscarawas, Van Wert, Vinton, 91673  
Washington, Wayne, Williams, and Wyandot. 91674

~~(2)~~ Beginning with the first rebasing, the peer groups shall 91675  
be composed as they are under division ~~(C)~~(1) of this section 91676  
except that each nursing facility located in Allen, Mahoning, 91677  
Stark, or Trumbull county shall be placed in peer group two rather 91678  
than peer group three. 91679

~~(D)~~(C)(1) The department shall determine a cost per case-mix 91680  
unit for each peer group established under division ~~(C)~~(B) of this 91681  
section. The department is not required to conduct a rebasing more 91682  
than once every ten years. Except as necessary to implement the 91683  
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 91684  
303, both of the 129th general assembly, and H.B. 59 of the 130th 91685  
general assembly, the cost per case-mix unit determined under this 91686  
division for a peer group shall be used for subsequent years until 91687

the department conducts a rebasing. To determine a peer group's 91688  
cost per case-mix unit, the department shall do all of the 91689  
following: 91690

(a) Determine the cost per case-mix unit for each nursing 91691  
facility in the peer group for the applicable calendar year by 91692  
dividing each facility's desk-reviewed, actual, allowable, per 91693  
diem direct care costs for the applicable calendar year by the 91694  
facility's annual average case-mix score determined under section 91695  
5165.192 of the Revised Code for the applicable calendar year; 91696

(b) Subject to division ~~(D)~~(C)(2) of this section, identify 91697  
which nursing facility in the peer group is at the twenty-fifth 91698  
percentile of the cost per case-mix units determined under 91699  
division ~~(D)~~(C)(1)(a) of this section; 91700

(c) Calculate the amount that is two per cent above the cost 91701  
per case-mix unit determined under division ~~(D)~~(C)(1)(a) of this 91702  
section for the nursing facility identified under division 91703  
~~(D)~~(C)(1)(b) of this section; 91704

(d) Using the index specified in division ~~(D)~~(C)(3) of this 91705  
section, multiply the rate of inflation for the eighteen-month 91706  
period beginning on the first day of July of the applicable 91707  
calendar year and ending the last day of December of the calendar 91708  
year immediately following the applicable calendar year by the 91709  
amount calculated under division ~~(D)~~(C)(1)(c) of this section; 91710

~~(e) Add the following to the amount calculated under division 91711  
(D)(1)(d) of this section: 91712~~

~~(i) Until the earlier of January 1, 2014, or when the first 91713  
rebasing occurs, one dollar and eighty eight cents; 91714~~

~~(ii) Unless the first rebasing occurs before January 1, 2014, 91715  
beginning January 1, 2014, and until the first rebasing occurs, 91716  
eighty six cents. 91717~~

~~(f) Until the first rebasing occurs, increase~~ For state 91718  
~~fiscal year 2020 and each state fiscal year thereafter (other than~~ 91719  
~~the first state fiscal year in a group of consecutive state fiscal~~ 91720  
~~years for which a rebasing is conducted), adjust the amount~~ 91721  
calculated under division ~~(D)(C)(1)(e)(d)~~ of this section ~~by five~~ 91722  
~~and eight hundredths per cent~~ using the difference between the 91723  
following: 91724

(i) The medicare skilled nursing facility market basket index 91725  
determined for the federal fiscal year that begins during the 91726  
state fiscal year immediately preceding the state fiscal year for 91727  
which the adjustment is being made under division (C)(1)(e) of 91728  
this section; 91729

(ii) The budget reduction adjustment factor for the state 91730  
fiscal year for which the adjustment is being made under division 91731  
(C)(1)(e) of this section. 91732

(2) In making the identification under division ~~(D)(C)(1)(b)~~ 91733  
of this section, the department shall exclude both of the 91734  
following: 91735

(a) Nursing facilities that participated in the medicaid 91736  
program under the same provider for less than twelve months in the 91737  
applicable calendar year; 91738

(b) Nursing facilities whose cost per case-mix unit is more 91739  
than one standard deviation from the mean cost per case-mix unit 91740  
for all nursing facilities in the nursing facility's peer group 91741  
for the applicable calendar year. 91742

(3) The following index shall be used for the purpose of the 91743  
calculation made under division ~~(D)(C)(1)(d)~~ of this section: 91744

~~(a) Until the first rebasing occurs, the employment cost~~ 91745  
~~index for total compensation, health services component, published~~ 91746  
~~by the United States bureau of labor statistics, as the index~~ 91747  
~~existed on July 1, 2005;~~ 91748

~~(b)~~ ~~Effective with the first rebasing and except~~ Except as 91749  
provided in division ~~(D)(C)(3)(e)(b)~~ of this section, the 91750  
employment cost index for total compensation, nursing and 91751  
residential care facilities occupational group, published by the 91752  
United States bureau of labor statistics; 91753

~~(e)(b)~~ If the United States bureau of labor statistics ceases 91754  
to publish the index specified in division ~~(D)(C)(3)(b)(a)~~ of this 91755  
section, the index the bureau subsequently publishes that covers 91756  
nursing facilities' staff costs. 91757

(4) The department shall not redetermine a peer group's cost 91758  
per case-mix unit under this division based on additional 91759  
information that it receives after the peer group's per case-mix 91760  
unit is determined. The department shall redetermine a peer 91761  
group's cost per case-mix unit only if it made an error in 91762  
determining the peer group's cost per case-mix unit based on 91763  
information available to the department at the time of the 91764  
original determination. 91765

**Sec. 5165.192.** (A)(1) Except as provided in division (B) of 91766  
this section and in accordance with the process specified in rules 91767  
authorized by this section, the department of medicaid shall do 91768  
all of the following: 91769

(a) Every quarter, determine the following two case-mix 91770  
scores for each nursing facility: 91771

(i) A quarterly case-mix score that includes each resident 91772  
who is a medicaid recipient and is not a low resource utilization 91773  
resident; 91774

(ii) A quarterly case-mix score that includes each resident 91775  
regardless of payment source. 91776

(b) Every six months, determine a semiannual average case-mix 91777  
score for each nursing facility by using the quarterly case-mix 91778

scores determined for the nursing facility pursuant to division 91779  
(A)(1)(a)(i) of this section; 91780

(c) After the end of each calendar year, determine an annual 91781  
average case-mix score for each nursing facility by using the 91782  
quarterly case-mix scores determined for the nursing facility 91783  
pursuant to division (A)(1)(a)(ii) of this section. 91784

(2) When determining case-mix scores under division (A)(1) of 91785  
this section, the department shall use all of the following: 91786

(a) Data from a resident assessment instrument specified in 91787  
rules authorized by section 5165.191 of the Revised Code; 91788

(b) Except as provided in rules authorized by this section, 91789  
the case-mix values established by the United States department of 91790  
health and human services; 91791

(c) Except as modified in rules authorized by this section, 91792  
the grouper methodology used on June 30, 1999, by the United 91793  
States department of health and human services for prospective 91794  
payment of skilled nursing facilities under the medicare program. 91795

(B)(1) Subject to division (B)(2) of this section, the 91796  
department, for one or more months of a calendar quarter, may 91797  
assign to a nursing facility a case-mix score that is five per 91798  
cent less than the nursing facility's case-mix score for the 91799  
immediately preceding calendar quarter if any of the following 91800  
apply: 91801

(a) The provider does not timely submit complete and accurate 91802  
resident assessment data necessary to determine the nursing 91803  
facility's case-mix score for the calendar quarter; 91804

(b) The nursing facility was subject to an exception review 91805  
under section 5165.193 of the Revised Code for the immediately 91806  
preceding calendar quarter; 91807

(c) The nursing facility was assigned a case-mix score for 91808

the immediately preceding calendar quarter. 91809

(2) Before assigning a case-mix score to a nursing facility 91810  
due to the submission of incorrect resident assessment data, the 91811  
department shall permit the provider to correct the data. The 91812  
department may assign the case-mix score if the provider fails to 91813  
submit the corrected resident assessment data not later than the 91814  
earlier of the forty-fifth day after the end of the calendar 91815  
quarter to which the data pertains or the deadline for submission 91816  
of such corrections established by regulations adopted by the 91817  
United States department of health and human services under Title 91818  
XVIII and Title XIX. 91819

(3) If, for more than six months in a calendar year, a 91820  
provider is paid a rate determined for a nursing facility using a 91821  
case-mix score assigned to the nursing facility under division 91822  
(B)(1) of this section, the department may assign the nursing 91823  
facility a cost per case-mix unit that is five per cent less than 91824  
the nursing facility's actual or assigned cost per case-mix unit 91825  
for the immediately preceding calendar year. The department may 91826  
use the assigned cost per case-mix unit, instead of determining 91827  
the nursing facility's actual cost per case-mix unit in accordance 91828  
with section 5165.19 of the Revised Code, to establish the nursing 91829  
facility's rate for direct care costs for the fiscal year 91830  
immediately following the calendar year for which the cost per 91831  
case-mix unit is assigned. 91832

(4) The department shall take action under division (B)(1), 91833  
(2), or (3) of this section only in accordance with rules 91834  
authorized by this section. The department shall not take an 91835  
action that affects rates for prior payment periods except in 91836  
accordance with sections 5165.41 and 5165.42 of the Revised Code. 91837

(C) The medicaid director shall adopt rules under section 91838  
5165.02 of the Revised Code as necessary to implement this 91839  
section. 91840

|                                                                                                                                                                                                                                                                                                                                                                     |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (1) The rules shall do all of the following:                                                                                                                                                                                                                                                                                                                        | 91841                                              |
| (a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities;                                                                                                                                                                                                                                                   | 91842<br>91843                                     |
| (b) Adjust the case-mix values specified in division (A)(2)(b) of this section to reflect changes in relative wage differentials that are specific to this state;                                                                                                                                                                                                   | 91844<br>91845<br>91846                            |
| (c) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;                                                                                                                    | 91847<br>91848<br>91849<br>91850                   |
| (d) Modify the grouper methodology specified in division (A)(2)(c) of this section as follows:                                                                                                                                                                                                                                                                      | 91851<br>91852                                     |
| (i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;                                                                                                                                                                                                                                                           | 91853<br>91854                                     |
| (ii) <del>Prohibit</del> <u>Allow</u> the use of the index maximizer element of the methodology;                                                                                                                                                                                                                                                                    | 91855<br>91856                                     |
| (iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;                                                                                                                                                                                                                                   | 91857<br>91858<br>91859                            |
| (iv) Make other changes the department determines are necessary.                                                                                                                                                                                                                                                                                                    | 91860<br>91861                                     |
| (e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;                                                                                                                                                                                                  | 91862<br>91863<br>91864                            |
| (f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX. | 91865<br>91866<br>91867<br>91868<br>91869<br>91870 |

(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules.

(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group.

~~Sec. 5165.21. (A) As used in this section:~~

~~(1) "Applicable calendar year" means the following:~~

~~(a) For the purpose of the department of medicaid's initial determination under this section of nursing facilities' rate for tax costs, calendar year 2003;~~

~~(b) For the purpose of the department's rebasings, the calendar year the department selects.~~

~~(2) "Rebasing" means a redetermination under division (B) of this section of each nursing facility's rate for tax costs using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such rates.~~

~~(B) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for tax costs. The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Sub. H.B. 303 of the 129th general assembly, the rate for tax costs determined under this division for a nursing facility shall be used for subsequent years until~~

the department conducts a rebasing. To determine a nursing 91901  
facility's rate for tax costs ~~and except as provided in division~~ 91902  
~~(C) of this section~~, the department shall do both of the 91903  
following: 91904

~~(1)(A)~~ Divide the nursing facility's desk-reviewed, actual, 91905  
allowable tax costs paid for the applicable calendar year by the 91906  
number of inpatient days the nursing facility would have had if 91907  
its occupancy rate had been one hundred per cent during the 91908  
applicable calendar year; 91909

~~(2) Until the first rebasing occurs, increase (B) For state~~ 91910  
~~fiscal year 2020 and each state fiscal year thereafter (other than~~ 91911  
~~the first state fiscal year in a group of consecutive state fiscal~~ 91912  
~~years for which a rebasing is conducted), adjust the amount~~ 91913  
calculated under division ~~(B)(1)(A)~~ of this section ~~by five and~~ 91914  
~~eight hundredths per cent using the difference between the~~ 91915  
following: 91916

(1) The medicare skilled nursing facility market basket index 91917  
determined for the federal fiscal year that begins during the 91918  
state fiscal year immediately preceding the state fiscal year for 91919  
which the adjustment is being made under division (B) of this 91920  
section; 91921

(2) The budget reduction adjustment factor for the state 91922  
fiscal year for which the adjustment is being made under division 91923  
(B) of this section. 91924

~~(C) If a nursing facility had a credit regarding its real~~ 91925  
~~estate taxes reflected on its cost report for calendar year 2003,~~ 91926  
~~the department shall determine, as follows, its rate for tax costs~~ 91927  
~~for the period beginning on July 1, 2010, and ending on the first~~ 91928  
~~day of the fiscal year for which the department first conducts a~~ 91929  
~~rebasing:~~ 91930

~~(1) Divide the nursing facility's desk reviewed, actual,~~ 91931

~~allowable tax costs paid for calendar year 2004 by the number of 91932  
inpatient days the nursing facility would have had if its 91933  
occupancy rate had been one hundred per cent during calendar year 91934  
2004; 91935~~

~~(2) Until the first rebasing occurs, increase the amount 91936  
calculated under division (C)(1) of this section by five and eight 91937  
hundredths per cent. 91938~~

**Sec. 5165.23.** (A) Each state fiscal year, the department of 91939  
medicaid shall determine the critical access incentive payment for 91940  
each nursing facility that qualifies as a critical access nursing 91941  
facility. To qualify as a critical access nursing facility for a 91942  
state fiscal year, a nursing facility must meet all of the 91943  
following requirements: 91944

(1) The nursing facility must be located in an area that, on 91945  
December 31, 2011, was designated an empowerment zone under the 91946  
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 91947

(2) The nursing facility must have an occupancy rate of at 91948  
least eighty-five per cent as of the last day of the calendar year 91949  
immediately preceding the state fiscal year. 91950

(3) The nursing facility must have a medicaid utilization 91951  
rate of at least sixty-five per cent as of the last day of the 91952  
calendar year immediately preceding the state fiscal year. 91953

~~(4) The nursing facility must have been awarded at least five 91954  
points for meeting accountability measures under section 5165.25 91955  
of the Revised Code for the fiscal year and at least one of the 91956  
five points must have been awarded for meeting the accountability 91957  
measures identified in divisions (C)(9), (10), (11), (12), and 91958  
(14) of section 5165.25 of the Revised Code. 91959~~

(B) A critical access nursing facility's critical access 91960  
incentive payment for a state fiscal year shall equal five per 91961

cent of the portion of the nursing facility's total per medicaid 91962  
day payment rate for the state fiscal year that is the sum of the 91963  
rates ~~and payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of 91964  
section 5165.15 of the Revised Code. 91965

**Sec. 5165.25.** (A) As used in this section: 91966

(1) "Long-stay resident" means an individual who has resided 91967  
in a nursing facility for at least one hundred one days. 91968

(2) "Measurement period" means the following: 91969

(a) For state fiscal year 2017, the period beginning July 1, 91970  
2015, and ending December 31, 2015; 91971

(b) For each subsequent state fiscal year, the calendar year 91972  
immediately preceding the calendar year in which the state fiscal 91973  
year begins. 91974

(3) "Nurse aide" has the same meaning as in section 3721.21 91975  
of the Revised Code. 91976

(4) "Short-stay resident" means a nursing facility resident 91977  
who is not a long-stay resident. 91978

(B)(1) Using all of the funds made available for a state 91979  
fiscal year by the rate reductions under division ~~(B)~~(C) of 91980  
section 5165.15 of the Revised Code, the department of medicaid 91981  
shall determine a per medicaid day quality payment rate to be paid 91982  
for that state fiscal year to each nursing facility that meets at 91983  
least one of the quality indicators specified in division (B)(2) 91984  
of this section for the measurement period. The largest quality 91985  
payment rate for a state fiscal year shall be paid to nursing 91986  
facilities that meet all of the quality indicators for the 91987  
measurement period. 91988

(2) The following are the quality indicators to be used for 91989  
the purpose of division (B)(1) of this section: 91990

(a) Not more than the target percentage of the nursing facility's short-stay residents had new or worsened pressure ulcers ~~and not.~~ 91991  
91992  
91993

(b) Not more than the target percentage of long-stay residents at high risk for pressure ulcers had pressure ulcers. 91994  
91995

~~(b)~~(c) Not more than the target percentage of the nursing facility's short-stay residents newly received an antipsychotic medication ~~and not.~~ 91996  
91997  
91998

(d) Not more than the target percentage of the nursing facility's long-stay residents received an antipsychotic medication. 91999  
92000  
92001

~~(c)~~ The number of the nursing facility's residents who had avoidable inpatient hospital admissions did not exceed the target rate. 92002  
92003  
92004

~~(d)~~(e) Not more than the target percentage of the nursing facility's long-stay residents had an unplanned weight loss. 92005  
92006

(f) The nursing facility's employee retention rate is at least the target rate. 92007  
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~~(e)~~(g) The nursing facility utilized the nursing home version of the preferences for everyday living inventory for all of its residents. 92009  
92010  
92011

(3) The department shall specify the target percentage for the purpose of divisions (B)(2)(a) ~~and (b)~~ to (e) of this section at the fortieth percentile of nursing facilities that have data for the quality indicators. The amount specified for division ~~(B)(2)(a)~~ of this section may differ from the amount specified for division ~~(B)(2)(b)~~ of this section and the amount specified for short stay residents may differ from the amount specified for long stay residents. The department also shall specify the target rate for the purpose of division (B)(2)~~(e)~~(f) of this section ~~and~~ 92012  
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~~the target rate for the purpose of division (B)(2)(d) of this section. In determining whether a nursing facility meets the quality indicators specified in divisions (B)(2)(c) and (d) of this section, the department shall exclude from consideration the following:~~ 92021  
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(a) In the case of the quality indicator specified in division (B)(2)(c) of this section, all of the nursing facility's short-stay residents who newly received an antipsychotic medication in conjunction with hospice care; 92026  
92027  
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92029

(b) In the case of the quality indicator specified in division (B)(2)(d) of this section, all of the nursing facility's long-stay residents who received antipsychotic medication in conjunction with hospice care. 92030  
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(C) If a nursing facility undergoes a change of operator during a state fiscal year, the per medicaid day quality payment rate to be paid to the entering operator for nursing facility services that the nursing facility provides during the period beginning on the effective date of the change of operator and ending on the last day of the state fiscal year shall be the same amount as the per medicaid day quality payment rate that was in effect on the day immediately preceding the effective date of the change of operator and paid to the nursing facility's exiting operator. For the immediately following state fiscal year, the per medicaid day quality payment rate shall be the following: 92034  
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(1) If the effective date of the change of operator is on or before the first day of October of the calendar year immediately preceding the state fiscal year, the amount determined for the nursing facility in accordance with division (B) of this section for the state fiscal year; 92045  
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92047  
92048  
92049

(2) If the effective date of the change of operator is after the first day of October of the calendar year immediately 92050  
92051

preceding the state fiscal year, the mean per medicaid day quality 92052  
payment rate for all nursing facilities for the state fiscal year. 92053

**Sec. 5165.34.** (A) The department of medicaid may make 92054  
medicaid payments to a nursing facility provider under this 92055  
chapter to reserve a bed for a recipient during a temporary 92056  
absence under conditions prescribed by the department, to include 92057  
hospitalization for an acute condition, visits with relatives and 92058  
friends, and participation in therapeutic programs outside the 92059  
facility, when the resident's plan of care provides for such 92060  
absence and federal financial participation for the payments is 92061  
available. 92062

(B) The maximum period for which payments may be made to 92063  
reserve a bed in a nursing facility shall not exceed thirty days 92064  
in a calendar year. 92065

(C) The department shall establish the per medicaid day 92066  
payment rates for reserving beds under this section. In 92067  
establishing the per medicaid day payment rates, the department 92068  
shall set the per medicaid day payment rate at an amount equal to 92069  
the following: 92070

(1) In the case of a nursing facility that had an occupancy 92071  
rate exceeding ninety-five per cent, an amount not exceeding fifty 92072  
per cent of the per medicaid day payment rate the provider would 92073  
be paid if the recipient were not absent from the nursing facility 92074  
that day; 92075

(2) In the case of a nursing facility that had an occupancy 92076  
rate not exceeding ninety-five per cent, an amount not exceeding 92077  
eighteen per cent of the per medicaid day payment rate the 92078  
provider would be paid if the recipient were not absent from the 92079  
nursing facility that day. 92080

(D) For the purpose of setting a nursing facility's per 92081

medicaid day payment rate to reserve a bed for a day during the 92082  
period beginning on ~~the effective date of this amendment~~ September 92083  
29, 2013, and ending December 31, 2013, the department shall 92084  
determine the nursing facility's occupancy rate by using 92085  
information reported on the nursing facility's cost report for 92086  
calendar year 2012. For the purpose of setting a nursing 92087  
facility's per medicaid day payment rate to reserve a bed for 92088  
January 1, 2014, or thereafter, the department shall determine the 92089  
nursing facility's occupancy rate by using information reported on 92090  
the nursing facility's cost report for the calendar year preceding 92091  
the state fiscal year in which the reservation falls. 92092

Sec. 5165.36. The department of medicaid shall conduct a 92093  
rebasings at least once every five state fiscal years. When the 92094  
department conducts a rebasing for a state fiscal year, it shall 92095  
conduct the rebasing for each cost center. 92096

Sec. 5165.361. It is the general assembly's intent to specify 92097  
in statute the factor to be used for state fiscal year 2020 and 92098  
each state fiscal year thereafter (other than the first state 92099  
fiscal year in a group of consecutive state fiscal years for which 92100  
a rebasing is conducted) as the budget reduction adjustment factor 92101  
for the purpose of sections 5165.15, 5165.16, 5165.17, 5165.19, 92102  
and 5165.21 of the Revised Code. The budget reduction adjustment 92103  
factor to be used for a state fiscal year shall not exceed the 92104  
medicare skilled nursing facility market basket index determined 92105  
for the federal fiscal year that begins during the state fiscal 92106  
year immediately preceding the state fiscal year for which the 92107  
budget reduction adjustment factor is being used. If the general 92108  
assembly fails to specify in statute the factor to be used for a 92109  
state fiscal year as the budget reduction adjustment factor, the 92110  
budget reduction adjustment factor shall be zero. 92111

**Sec. 5165.37.** The department of medicaid shall make its best 92112  
efforts each year to calculate nursing facilities' medicaid 92113  
payment rates under this chapter in time to pay the rates by the 92114  
fifteenth day of August of each state fiscal year. If the 92115  
department is unable to calculate the rates so that they can be 92116  
paid by that date, the department shall pay each provider the rate 92117  
calculated for the provider's nursing facilities under this 92118  
chapter at the end of the previous state fiscal year. If the 92119  
department also is unable to calculate the rates to pay the rates 92120  
by the fifteenth day of September and the fifteenth day of 92121  
October, the department shall pay the previous state fiscal year's 92122  
rate to make those payments. The department may increase by five 92123  
per cent the previous state fiscal year's rate paid for any 92124  
nursing facility pursuant to this section at the request of the 92125  
provider. The department shall use rates calculated for the 92126  
current state fiscal year to make the payments due by the 92127  
fifteenth day of November. 92128

If the rate paid to a provider for a nursing facility 92129  
pursuant to this section is lower than the rate calculated for the 92130  
nursing facility for the current state fiscal year, the department 92131  
shall pay the provider the difference between the two rates for 92132  
the number of days for which the provider was paid for the nursing 92133  
facility pursuant to this section. If the rate paid for a nursing 92134  
facility pursuant to this section is higher than the rate 92135  
calculated for it for the current state fiscal year, the provider 92136  
shall refund to the department the difference between the two 92137  
rates for the number of days for which the provider was paid for 92138  
the nursing facility pursuant to this section. 92139

**Sec. 5165.41.** (A) The department of medicaid shall 92140  
redetermine a provider's medicaid payment rate for a nursing 92141  
facility using revised information if any of the following results 92142

in a determination that the provider received a higher medicaid 92143  
payment rate for the nursing facility than the provider was 92144  
entitled to receive: 92145

(1) The provider properly amends a cost report for the 92146  
nursing facility under section 5165.107 of the Revised Code; 92147

(2) The department makes a finding based on an audit under 92148  
section 5165.109 of the Revised Code; 92149

(3) The department makes a finding based on an exception 92150  
review of resident assessment data conducted under section 92151  
5165.193 of the Revised Code after the effective date of the 92152  
nursing facility's rate for direct care costs that is based on the 92153  
resident assessment data; 92154

(4) The department makes a finding based on a post-payment 92155  
review conducted under section 5165.49 of the Revised Code. 92156

(B) The department shall apply the redetermined rate to the 92157  
periods when the provider received the incorrect rate to determine 92158  
the amount of the overpayment. The provider shall refund the 92159  
amount of the overpayment. The department may charge the provider 92160  
the following amount of interest from the time the overpayment was 92161  
made: 92162

(1) If the overpayment resulted from costs reported for 92163  
calendar year 1993, the interest shall be no greater than one and 92164  
one-half times the current average bank prime rate. 92165

(2) If the overpayment resulted from costs reported for a 92166  
subsequent calendar year: 92167

(a) The interest shall be no greater than two times the 92168  
current average bank prime rate if the overpayment was no more 92169  
than one per cent of the total medicaid payments to the provider 92170  
for the state fiscal year for which the overpayment was made. 92171

(b) The interest shall be no greater than two and one-half 92172

times the current average bank prime rate if the overpayment was 92173  
more than one per cent of the total medicaid payments to the 92174  
provider for the state fiscal year for which the overpayment was 92175  
made. 92176

**Sec. 5165.42.** In addition to the other penalties authorized 92177  
by this chapter, the department of medicaid may impose the 92178  
following penalties on a nursing facility provider: 92179

(A) If the provider does not furnish invoices or other 92180  
documentation that the department requests during an audit within 92181  
sixty days after the request, a fine of no more than the greater 92182  
of the following: 92183

(1) One thousand dollars per audit; 92184

(2) Twenty-five per cent of the cumulative amount by which 92185  
the costs for which documentation was not furnished increased the 92186  
total medicaid payments to the provider during the state fiscal 92187  
year for which the costs were used to determine a rate. 92188

(B) If an exiting operator or owner fails to provide notice 92189  
of a facility closure or voluntary withdrawal of participation in 92190  
the medicaid program as required by section 5165.50 of the Revised 92191  
Code, or an exiting operator or owner and entering operator fail 92192  
to provide notice of a change of operator as required by section 92193  
5165.51 of the Revised Code, a fine of not more than the current 92194  
average bank prime rate plus four per cent of the last two monthly 92195  
payments. 92196

**Sec. 5165.52.** (A) On receipt of a written notice under 92197  
section 5165.50 of the Revised Code of a facility closure or 92198  
voluntary withdrawal of participation, on receipt of a written 92199  
notice under section 5165.51 of the Revised Code of a change of 92200  
operator, or on the effective date of an involuntary termination, 92201  
the department of medicaid shall estimate the amount of any 92202

overpayments made under the medicaid program to the exiting operator, including overpayments the exiting operator disputes, and other actual and potential debts the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program, including a franchise permit fee.

(B) In estimating the exiting operator's other actual and potential debts to the department and the United States centers for medicare and medicaid services under the medicaid program, the department shall use a debt estimation methodology the medicaid director shall establish in rules authorized by section 5165.53 of the Revised Code. The methodology shall provide for estimating all of the following that the department determines are applicable:

(1) Refunds due the department under section 5165.41 of the Revised Code;

(2) Interest owed to the department and United States centers for medicare and medicaid services;

(3) Final civil monetary and other penalties for which all right of appeal has been exhausted;

(4) Money owed the department and United States centers for medicare and medicaid services from any outstanding final fiscal audit, including a final fiscal audit for the last state fiscal year or portion thereof in which the exiting operator participated in the medicaid program;

(5) Other amounts the department determines are applicable.

(C) The department shall provide the exiting operator written notice of the department's estimate under division (A) of this section not later than thirty days after the department receives the notice under section 5165.50 of the Revised Code of the facility closure or voluntary withdrawal of participation; the

department receives the notice under section 5165.51 of the Revised Code of the change of operator; or the effective date of the involuntary termination. The department's written notice shall include the basis for the estimate.

**Sec. 5166.01.** As used in this chapter:

"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program.

"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision.

"Care management system" means the system established under section 5167.03 of the Revised Code.

"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.

"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code. 92263  
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"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 92265  
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"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 92267  
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"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 92269  
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"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 92271  
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 92277  
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"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 92279  
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"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 92281  
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"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code. 92283  
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"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 92289  
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"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.

~~"Ohio transitions II aging carve out program" means the home and community based services medicaid waiver component that is known as Ohio transitions II aging carve out and was created pursuant to section 5166.11 of the Revised Code.~~

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

**Sec. 5166.16.** (A) As used in this section and section 5166.161 of the Revised Code, "ODA or MCD medicaid waiver component" means all of the following:

(1) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52

of the Revised Code; 92323

~~(2) The choices program, unless it is terminated pursuant to division (B) of section 173.53 of the Revised Code;~~ 92324  
92325

~~(3)~~ The medicaid-funded component of the assisted living program, unless it is terminated pursuant to division (C) of section 173.54 of the Revised Code; 92326  
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~~(4)~~(3) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code; 92329  
92330

~~(5) The Ohio transitions II aging carve out program, unless it is terminated pursuant to section 5166.13 of the Revised Code.~~ 92331  
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(B) The medicaid director may create a home and community-based services medicaid waiver component as part of the integrated care delivery system. If the ICDS medicaid waiver component is created, both of the following apply: 92333  
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(1) The department of medicaid shall administer it; 92337

(2) When it begins to accept enrollments, no ICDS participant who is eligible for the ICDS medicaid waiver component shall be enrolled in an ODA or MCD medicaid waiver component regardless of whether the participant prefers to remain or be enrolled in an ODA or MCD medicaid waiver component. 92338  
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(C) A dual eligible individual who is eligible for an ODA or MCD medicaid waiver component may enroll in the component before the individual becomes an ICDS participant. The dual eligible individual shall disenroll from the ODA or MCD medicaid waiver component and enroll in the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur regardless of whether the individual prefers to remain enrolled in 92343  
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the ODA or MCD medicaid waiver component. 92353

(D) An ICDS participant's disenrollment from an ODA or MCD 92354  
medicaid waiver component and enrollment in the ICDS medicaid 92355  
waiver component resulting from division (B)(2) or (C) of this 92356  
section shall be accomplished without a disruption in the 92357  
participant's services under the components. 92358

**Sec. 5166.22.** (A) Subject to division (B) of this section, 92359  
when the department of developmental disabilities allocates 92360  
enrollment numbers to a county board of developmental disabilities 92361  
for home and community-based services specified in division (A)(1) 92362  
of section 5166.20 of the Revised Code and provided under any of 92363  
the medicaid waiver components that the department administers 92364  
under section 5166.21 of the Revised Code, the department shall 92365  
consider all of the following: 92366

(1) The number of individuals with developmental disabilities 92367  
~~who are on a~~ placed on the county board's waiting list ~~the county~~ 92368  
~~board establishes under~~ established for the services pursuant to 92369  
section 5126.042 of the Revised Code ~~for those services and are~~ 92370  
~~given priority on the waiting list;~~ 92371

(2) The implementation component required by division (A)(3) 92372  
of section 5126.054 of the Revised Code of the county board's plan 92373  
approved under section 5123.046 of the Revised Code; 92374

(3) Anything else the department considers necessary to 92375  
enable the county boards board to provide ~~those~~ the services to 92376  
individuals ~~in accordance with the priority requirements for~~ 92377  
placed on the county board's waiting lists list established ~~under~~ 92378  
for the services pursuant to section 5126.042 of the Revised Code 92379  
~~for those services.~~ 92380

(B) Division (A) of this section applies to home and 92381  
community-based services provided under the medicaid waiver 92382

component known as the transitions developmental disabilities 92383  
waiver only to the extent, if any, provided by the contract 92384  
required by section 5166.21 of the Revised Code regarding the 92385  
component. 92386

**Sec. 5166.30.** (A) As used in sections 5166.30 to 5166.3010 of 92387  
the Revised Code: 92388

(1) "Adult" means an individual at least eighteen years of 92389  
age. 92390

(2) "Appropriate director" means the following: 92391

(a) The medicaid director in the context of ~~all~~ both of the 92392  
following: 92393

(i) The Ohio home care waiver program, unless it is 92394  
terminated pursuant to section 5166.12 of the Revised Code; 92395

(ii) ~~The Ohio transitions II aging carve out program, unless~~ 92396  
~~it is terminated pursuant to section 5166.13 of the Revised Code;~~ 92397

~~(iii)~~ The integrated care delivery system medicaid waiver 92398  
component authorized by section 5166.16 of the Revised Code. 92399

(b) The director of aging in the context of the 92400  
medicaid-funded component of the PASSPORT program, unless it is 92401  
terminated pursuant to division (C) of section 173.52 of the 92402  
Revised Code. 92403

(3) "Authorized representative" means the following: 92404

(a) In the case of a consumer who is a minor, the consumer's 92405  
parent, custodian, or guardian; 92406

(b) In the case of a consumer who is an adult, an individual 92407  
selected by the consumer pursuant to section 5166.3010 of the 92408  
Revised Code to act on the consumer's behalf for purposes 92409  
regarding home care attendant services. 92410

(4) "Authorizing health care professional" means a health 92411

care professional who, pursuant to section 5166.307 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.

(5) "Consumer" means an individual to whom all of the following apply:

(a) The individual is enrolled in a participating medicaid waiver component.

(b) The individual has a medically determinable physical impairment to which both of the following apply:

(i) It is expected to last for a continuous period of not less than twelve months.

(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.

(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.

(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant.

(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(7) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.

(8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.

(9) "Guardian" has the same meaning as in section 2111.01 of

|                                                                                                                                                                                                                                |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| the Revised Code.                                                                                                                                                                                                              | 92442                            |
| (10) "Health care professional" means a physician or registered nurse.                                                                                                                                                         | 92443<br>92444                   |
| (11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers. | 92445<br>92446<br>92447<br>92448 |
| (12) "Home care attendant services" means all of the following as provided by a home care attendant:                                                                                                                           | 92449<br>92450                   |
| (a) Personal care aide services;                                                                                                                                                                                               | 92451                            |
| (b) Assistance with the self-administration of medication;                                                                                                                                                                     | 92452                            |
| (c) Assistance with nursing tasks.                                                                                                                                                                                             | 92453                            |
| (13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.                                                                                                                               | 92454<br>92455                   |
| (14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.                                                                                                                                              | 92456<br>92457                   |
| (15) "Minor" means an individual under eighteen years of age.                                                                                                                                                                  | 92458                            |
| (16) "Participating medicaid waiver component" means all of the following:                                                                                                                                                     | 92459<br>92460                   |
| (a) The medicaid-funded component of the PASSPORT program, unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;                                                                             | 92461<br>92462<br>92463          |
| (b) The Ohio home care waiver program, unless it is terminated pursuant to section 5166.12 of the Revised Code;                                                                                                                | 92464<br>92465                   |
| <del>(c) The Ohio transitions II aging carve-out program, unless it is terminated pursuant to section 5166.13 of the Revised Code;</del>                                                                                       | 92466<br>92467                   |
| <del>(d)</del> The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.                                                                                                | 92468<br>92469                   |

(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 92470  
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(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. 92473  
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92475  
"Registered nurse" includes an advanced practice registered nurse, 92476  
as defined in section 4723.01 of the Revised Code. 92477

(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 92478  
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(B) Participating medicaid waiver components may cover home care attendant services in accordance with sections 5166.30 to 5166.3010 of the Revised Code and rules adopted under section 5166.02 of the Revised Code. 92481  
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Sec. 5166.37. The medicaid director shall establish a medicaid waiver component under which an individual eligible, subject to section 5163.15 of the Revised Code, for medicaid on the basis of being included in the expansion eligibility group must satisfy at least one of the following requirements to be able to enroll in medicaid as part of the expansion eligibility group: 92485  
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(A) Be at least fifty-five years of age; 92491

(B) Be employed; 92492

(C) Be enrolled in school or an occupational training program; 92493  
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(D) Be participating in an alcohol and drug addiction treatment program; 92495  
92496

(E) Have intensive physical health care needs or serious mental illness. 92497  
92498

Sec. 5166.38. As used in this section, "institution for 92499  
mental diseases" has the same meaning as in 42 C.F.R. 435.1010. 92500

The department of medicaid shall create and administer a 92501  
medicaid waiver component under which services are provided to 92502  
eligible individuals at least twenty-one years of age but less 92503  
than sixty-five years of age who are in need of care at an 92504  
institution for mental diseases. 92505

Before creating the waiver component, the department shall do 92506  
all of the following to determine where, when, and how services 92507  
are to be provided under the waiver component: 92508

(A) Participate in the centers for medicare and medicaid 92509  
services' innovation accelerator program; 92510

(B) With the assistance of the innovation accelerator program 92511  
and using data obtained from the certification of services under 92512  
section 5119.36 of the Revised Code and from claims for payment 92513  
for the provision of services, conduct an inventory of the 92514  
treatment capacity of mental health and substance use disorder 92515  
treatment providers; 92516

(C) With the assistance of the innovation accelerator 92517  
program, assess the community-based continuum of care established 92518  
by each board of alcohol, drug addiction, and mental health 92519  
services under section 340.032 of the Revised Code, including an 92520  
assessment of the ability of patients who are discharged from 92521  
institutions for mental diseases to be integrated into the 92522  
continuum of care. 92523

**Sec. 5166.40.** (A) As used in sections 5166.40 to 5166.409 of 92524  
the Revised Code: 92525

(1) "Adult" means an individual who is at least eighteen 92526  
years of age. 92527

- (2) "Buckeye account" means a modified health savings account established under section 5166.402 of the Revised Code. 92528  
92529
- (3) "Contribution" means the amounts that an individual contributes to the individual's buckeye account and are contributed to the account on the individual's behalf under divisions (C) and (D) of section 5166.402 of the Revised Code. "Contribution" does not mean the portion of an individual's buckeye account that consists of medicaid funds deposited under division (B) of section 5166.402 of the Revised Code or section 5166.404 of the Revised Code. 92530  
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- (4) "Core portion" means the portion of a healthy Ohio program participant's buckeye account that consists of the following: 92538  
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- (a) The amount of contributions to the account; 92541
- (b) The amounts awarded to the account under divisions (C) and (D) of section 5166.404 of the Revised Code. 92542  
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- (5) "Eligible employer-sponsored health plan" has the same meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 1986," 26 U.S.C. 5000A(f)(2). 92544  
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92546
- (6) "Healthy Ohio program" means the medicaid waiver component established under sections 5166.40 to 5166.409 of the Revised Code under which medicaid recipients specified in division (B) of this section enroll in comprehensive health plans and contribute to buckeye accounts. 92547  
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- (7) "Healthy Ohio program debit swipe card" means a debit swipe card issued by a managed care organization to a healthy Ohio program participant under section 5166.403 of the Revised Code. 92552  
92553  
92554
- (8) "Not-for-profit organization" means an organization that is exempt from federal income taxation under section 501(a) and (c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) 92555  
92556  
92557

and (c)(3). 92558

(9) "Ward of the state" means ~~both of the following~~: an 92559  
individual who is a ward, as defined in section 2111.01 of the 92560  
Revised Code. 92561

(10) "Workforce development activity" and "~~workforce~~ 92562  
~~development agency local board~~" have the same meanings as in 92563  
section 6301.01 of the Revised Code. 92564

(B) The medicaid director shall establish a medicaid waiver 92565  
component to be known as the healthy Ohio program. Each adult 92566  
medicaid recipient, other than a ward of the state, determined to 92567  
be eligible for medicaid on the basis of either of the following 92568  
shall participate in the healthy Ohio program: 92569

(1) On the basis of being included in the category identified 92570  
by the department of medicaid as covered families and children; 92571

(2) ~~On~~ Subject to section 5163.15 of the Revised Code, on the 92572  
basis of being included in the expansion eligibility group 92573  
~~described in section 1902(a)(10)(A)(i)(VIII) of the "Social~~ 92574  
~~Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).~~ 92575

(C) Except as provided in section 5166.406 of the Revised 92576  
Code, a healthy Ohio program participant shall not receive 92577  
medicaid services under the fee-for-service component of medicaid 92578  
or participate in the care management system. 92579

**Sec. 5166.405.** (A) A healthy Ohio program participant's 92580  
participation in the program shall cease if any of the following 92581  
applies: 92582

(1) Unless the participant is pregnant, a monthly installment 92583  
payment to the participant's buckeye account is sixty days late. 92584

(2) The participant fails to submit documentation needed for 92585  
a redetermination of the participant's eligibility for medicaid 92586  
before the sixty-first day after the documentation is requested. 92587

(3) The participant becomes eligible for medicaid on a basis 92588  
other than being included in the category identified by the 92589  
department of medicaid as covered families and children or being 92590  
included in the expansion eligibility group ~~described in section~~ 92591  
~~1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C.~~ 92592  
~~1396a(a)(10)(A)(i)(VIII).~~ 92593

(4) The participant becomes a ward of the state. 92594

(5) The participant ceases to be eligible for medicaid. 92595

(6) The participant exhausts the annual or lifetime payout 92596  
limit specified in division (D) of section 5166.401 of the Revised 92597  
Code. 92598

(7) The participant requests that the participant's 92599  
participation be terminated. 92600

(B) A healthy Ohio program participant who ceases to 92601  
participate in the program under division (A)(1) or (2) of this 92602  
section may not resume participation until the former participant 92603  
pays the full amount of the monthly installment payment or submits 92604  
the documentation needed for the former participant's medicaid 92605  
eligibility redetermination. The former participant shall not be 92606  
transferred to the fee-for-service component of medicaid or the 92607  
care management system as a result of ceasing to participate in 92608  
the healthy Ohio program under division (A)(1) or (2) of this 92609  
section. 92610

(C) Except as provided in section 5166.407 of the Revised 92611  
Code, a healthy Ohio program participant who ceases to participate 92612  
in the program shall be provided the contributions that are in the 92613  
participant's buckeye account at the time the participant ceases 92614  
participation. 92615

**Sec. 5166.408.** Each county department of job and family 92616  
services shall offer to refer to a ~~workforce development agency~~ 92617

local board each healthy Ohio program participant who resides in 92618  
the county served by the county department and is either 92619  
unemployed or employed for less than an average of twenty hours 92620  
per week. The referral shall include information about the 92621  
workforce development activities available from the ~~workforce~~ 92622  
~~development agency~~ local board. A participant may refuse to accept 92623  
the referral and to participate in the workforce development 92624  
activities without any affect on the participant's eligibility 92625  
for, or participation in, the healthy Ohio program. 92626

**Sec. 5167.01.** As used in this chapter: 92627

(A) "Controlled substance" has the same meaning as in section 92628  
3719.01 of the Revised Code. 92629

(B) "Dual eligible individual" has the same meaning as in 92630  
section 5160.01 of the Revised Code. 92631

(C) "Emergency services" has the same meaning as in the 92632  
"Social Security Act," section 1932(b)(2), 42 U.S.C. 92633  
1396u-2(b)(2). 92634

(D) ~~"Home and community based services medicaid waiver~~ 92635  
~~component"~~ "ICDS participant" has the same meaning as in section 92636  
~~5166.01~~ 5164.01 of the Revised Code. 92637

(E) "Medicaid managed care organization" means a managed care 92638  
organization under contract with the department of medicaid 92639  
pursuant to section 5167.10 of the Revised Code. 92640

(F) "Medicaid waiver component" has the same meaning as in 92641  
section 5166.01 of the Revised Code. 92642

(G) "Nursing facility services" has the same meaning as in 92643  
section 5165.01 of the Revised Code. 92644

(H) "Prescribed drug" has the same meaning as in section 92645  
5164.01 of the Revised Code. 92646

(I) "Provider" means any person or government entity that 92647  
furnishes services to a medicaid recipient enrolled in a medicaid 92648  
managed care organization, regardless of whether the person or 92649  
entity has a provider agreement. 92650

(J) "Provider agreement" has the same meaning as in section 92651  
5164.01 of the Revised Code. 92652

**Sec. 5167.03.** As part of the medicaid program, the department 92653  
of medicaid shall establish a care management system. The 92654  
department shall implement the system in some or all counties. 92655

The department shall designate the medicaid recipients who 92656  
are required or permitted to participate in the care management 92657  
system. Those who shall be required to participate in the system 92658  
include medicaid recipients who receive cognitive behavioral 92659  
therapy as described in division (A)(2) of section 5167.16 of the 92660  
Revised Code. Except as provided in section 5166.406 of the 92661  
Revised Code, no medicaid recipient participating in the healthy 92662  
Ohio program established under section 5166.40 of the Revised Code 92663  
shall participate in the ~~care management~~ system. 92664

Neither home and community-based services available under a 92665  
medicaid waiver component nor nursing facility services shall be 92666  
included in the care management system, except that ICDS 92667  
participants may be required or permitted to obtain such services 92668  
under the care management system. Medicaid recipients who receive 92669  
such services may be designated for voluntary or mandatory 92670  
participation in the care management system in order to receive 92671  
other health care services included in the system. 92672

The department may require or permit participants in the care 92673  
management system to obtain health care services from providers 92674  
designated by the department. The department may require or permit 92675  
participants to obtain health care services through medicaid 92676  
managed care organizations. 92677

~~Sec. 5167.04. (A) Subject to division (B) of this section,~~ 92678  
~~the The department of medicaid shall include alcohol, drug~~ 92679  
~~addiction, and mental health services covered by medicaid in the~~ 92680  
~~care management system established under section 5167.03 of the~~ 92681  
~~Revised Code.~~ 92682

~~(B) All of the following apply to the manner in which~~ 92683  
~~division (A) of this section is implemented:~~ 92684

~~(1) The department shall begin to include the services in the~~ 92685  
~~system not later than January Code. The services shall not be~~ 92686  
~~included in the system before July 1, 2018.~~ 92687

~~(2) Before January 1, 2018, any proposal by the department to~~ 92688  
~~include all or part of the services in all or part of the system~~ 92689  
~~is subject to review by the joint medicaid oversight committee~~ 92690  
~~under division (B) of section 103.42 of the Revised Code. The~~ 92691  
~~department may implement the proposal only if the committee~~ 92692  
~~approves the proposal.~~ 92693

~~(3) On and after January 1, 2018, any proposal by the~~ 92694  
~~department to include all or part of the services in all or part~~ 92695  
~~of the system is subject to monitoring by the committee under~~ 92696  
~~division (A) or (C) of section 103.42 of the Revised Code, but~~ 92697  
~~approval by the committee is no longer required before the~~ 92698  
~~proposal may be implemented.~~ 92699

**Sec. 5167.12.** (A) When contracting under section 5167.10 of 92700  
the Revised Code with a managed care organization that is a health 92701  
insuring corporation, the department of medicaid shall require the 92702  
health insuring corporation to provide coverage of prescribed 92703  
drugs for medicaid recipients enrolled in the health insuring 92704  
corporation. In providing the required coverage, the health 92705  
insuring corporation may use strategies for the management of drug 92706  
utilization, but any such strategies are subject to divisions (B) 92707

and (E) of this section and the department's approval. 92708

(B) The department shall not permit a health insuring 92709  
corporation to impose a prior authorization requirement in the 92710  
case of a drug to which all of the following apply: 92711

(1) The drug is an antidepressant or antipsychotic. 92712

(2) The drug is administered or dispensed in a standard 92713  
tablet or capsule form, except that in the case of an 92714  
antipsychotic, the drug also may be administered or dispensed in a 92715  
long-acting injectable form. 92716

(3) The drug is prescribed by ~~either~~ any of the following: 92717

(a) A physician ~~whom~~ who is allowed by the health insuring 92718  
corporation, ~~pursuant to division (C) of section 5167.10 of the~~ 92719  
~~Revised Code, has credentialed to provide care as a psychiatrist~~ 92720  
through its credentialing process, as described in division (C) of 92721  
section 5167.10 of the Revised Code; 92722

(b) A psychiatrist who is practicing at a location on behalf 92723  
of a community mental health services provider whose mental health 92724  
services are certified by the department of mental health and 92725  
addiction services under section 5119.36 of the Revised Code; 92726

(c) A certified nurse practitioner, as defined in section 92727  
4723.01 of the Revised Code, who is certified in psychiatric 92728  
mental health by a national certifying organization approved by 92729  
the board of nursing under section 4723.46 of the Revised Code; 92730

(d) A clinical nurse specialist, as defined in section 92731  
4723.01 of the Revised Code, who is certified in psychiatric 92732  
mental health by a national certifying organization approved by 92733  
the board of nursing under section 4723.46 of the Revised Code. 92734

(4) The drug is prescribed for a use that is indicated on the 92735  
drug's labeling, as approved by the federal food and drug 92736  
administration. 92737

(C) Subject to division (E) of this section, the department shall authorize a health insuring corporation to develop and implement a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription.

(D) The department shall require a health insuring corporation to comply with section 5164.7511 of the Revised Code with respect to medication synchronization.

(E) The department shall require a health insuring corporation to comply with section 5164.091 of the Revised Code as if the health insuring corporation were the department.

**Sec. 5167.173.** (A) As used in this section:

(1) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(2) "Certified community health worker" has the same meaning as in section 4723.01 of the Revised Code.

~~(2)~~(3) "Community health worker services" means the services described in section 4723.81 of the Revised Code.

~~(3)~~(4) "Public health nurse" means a registered nurse employed or contracted by a board of health.

(5) "Qualified community hub" means a central clearinghouse for a network of community care coordination agencies ~~and~~ that meets all of the following criteria:

(a) Demonstrates to the director of health that it uses an evidenced-based, pay-for-performance community care coordination model (endorsed by the federal agency for healthcare research and quality, the national institutes of health, and the centers for medicare and medicaid services or their successors) or uses

certified community health workers or public health nurses to 92768  
connect at-risk individuals to health, housing, transportation, 92769  
employment, education, and other social services; 92770

(b) ~~Demonstrates~~ Is a board of health or demonstrates to the 92771  
director of health that it has achieved, or is engaged in 92772  
achieving, certification from a national hub certification 92773  
program; 92774

(c) Has a plan, approved by the medicaid director, specifying 92775  
how the board of health or community hub ensures that children 92776  
served by it receive appropriate developmental screenings as 92777  
specified in the publication titled "Bright Futures: Guidelines 92778  
for Health Supervision of Infants, Children, and Adolescents," 92779  
available from the American academy of pediatrics, as well as 92780  
appropriate early and periodic screening, diagnostic, and 92781  
treatment services. 92782

(B) When contracting with a medicaid managed care 92783  
organization that is a health insuring corporation, the department 92784  
of medicaid shall require the organization to provide to a 92785  
medicaid recipient who meets the criteria in division (C) of this 92786  
section, or arrange for the medicaid recipient to receive, both of 92787  
the following services provided by a certified community health 92788  
worker or public health nurse, as applicable, who is employed by, 92789  
or works under a contract with, a qualified community hub: 92790

(1) Community health worker services or services provided by 92791  
a public health nurse; 92792

(2) Other services that are not community health worker 92793  
services or services provided by a public health nurse but are 92794  
performed for the purpose of ensuring that the medicaid recipient 92795  
is linked to employment services, housing, educational services, 92796  
social services, or medically necessary physical and behavioral 92797  
health services. 92798

(C) A medicaid recipient qualifies to receive the services 92799  
specified in division (B) of this section if the medicaid 92800  
recipient is pregnant or capable of becoming pregnant, resides in 92801  
a community served by a qualified community hub, has been 92802  
recommended to receive the services by a physician, public health 92803  
nurse, or another licensed health professional specified in rules 92804  
adopted under division (D) of this section, and is enrolled in the 92805  
medicaid managed care organization providing or arranging for the 92806  
services. 92807

(D) The medicaid director shall adopt rules under section 92808  
5167.02 of the Revised Code specifying the licensed health 92809  
professionals, in addition to physicians and public health nurses, 92810  
who may recommend that a medicaid recipient receive the services 92811  
specified in division (B) of this section. 92812

Sec. 5167.18. Each contract the department of medicaid enters 92813  
into with a managed care organization under section 5167.10 of the 92814  
Revised Code shall require the managed care organization to comply 92815  
with federal and state efforts to identify fraud, waste, and abuse 92816  
in the medicaid program. 92817

**Sec. 5167.30.** (A)(1) The department of medicaid shall 92818  
establish a managed care performance payment program. Under the 92819  
program, the department may provide payments to medicaid managed 92820  
care organizations that meet performance standards established by 92821  
the department. 92822

(2) In establishing performance standards, the department may 92823  
consult any of the following: 92824

(a) Any quality measurements developed under the pediatric 92825  
quality measures program established pursuant to the "Social 92826  
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 92827

(b) Any core set of adult health quality measures for 92828

medicaid eligible adults used for purposes of the "Social Security Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health quality used for purposes of the medicaid quality measurement program when the program is established under that section of the "Social Security Act";

(c) The most recent healthcare effectiveness data and information set and quality measurement tool established by the national committee for quality assurance.

(3) The standards that must be met to receive the payments may be specified in the contract the department enters into with a medicaid managed care organization.

(4) If a medicaid managed care organization meets the performance standards established by the department, the department shall make one or more performance payments to the organization. The amount of each performance payment, the number of payments, and the schedule for making the payments shall be established by the department. The payments shall be discontinued if the department determines that the organization no longer meets the performance standards. The department shall not make or discontinue payments based on any performance standard that has been in effect as part of the organization's contract for less than six months.

(B) For purposes of the program, the department shall establish an amount that is to be withheld each time a premium payment is made to a medicaid managed care organization. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all medicaid managed care organizations. The sum of all withholdings under this division shall not exceed ~~two~~ five per cent of the total of all premium payments made to all medicaid managed care organizations.

Each medicaid managed care organization shall agree to the

withholding as a condition of receiving or maintaining its 92860  
provider agreement with the department. 92861

When the amount is established and each time the amount is 92862  
modified thereafter, the department shall certify the amount to 92863  
the director of budget and management and begin withholding the 92864  
amount from each premium the department pays to a medicaid managed 92865  
care organization. 92866

Sec. 5167.34. A medicaid managed care organization, its 92867  
officers, employees, or other persons associated with the managed 92868  
care organization are not liable in a civil action for damages or 92869  
other relief for furnishing information to the department of 92870  
medicaid regarding potential fraud, waste, or abuse in the 92871  
medicaid program. 92872

**Sec. 5168.01.** As used in sections 5168.01 to 5168.14 of the 92873  
Revised Code: 92874

(A) "Bad debt," "charity care," "courtesy care," and 92875  
"contractual allowances" have the same meanings given these terms 92876  
in regulations adopted under Title XVIII of the "Social Security 92877  
Act," 42 U.S.C. 1395 et seq. 92878

(B) "Cost reporting period" means the twelve-month period 92879  
used by a hospital in reporting costs for purposes of Title XVIII 92880  
of the "Social Security Act," 42 U.S.C. 1395 et seq. 92881

(C) "Disproportionate share hospital" means a hospital that 92882  
meets the definition of a disproportionate share hospital in rules 92883  
adopted under section 5168.02 of the Revised Code. 92884

(D) "Federal poverty line" means the official poverty line 92885  
defined by the United States office of management and budget based 92886  
on the most recent data available from the United States bureau of 92887  
the census and revised by the United States secretary of health 92888  
and human services pursuant to the "Omnibus Budget Reconciliation 92889

Act of 1981," section 673(2), 42 U.S.C. 9902(2). 92890

(E) "Governmental hospital" means a county hospital with more 92891  
than five hundred registered beds or a state-owned and -operated 92892  
hospital with more than five hundred registered beds. 92893

(F)(1) "Hospital" means a nonfederal hospital to which either 92894  
of the following applies: 92895

(a) The hospital is registered under section 3701.07 of the 92896  
Revised Code as a general medical and surgical hospital or a 92897  
pediatric general hospital, and provides inpatient hospital 92898  
services, as defined in 42 C.F.R. 440.10; 92899

(b) The hospital is recognized under the medicare program as 92900  
a cancer hospital and is exempt from the medicare prospective 92901  
payment system. 92902

(2) "Hospital" does not include a hospital operated by a 92903  
health insuring corporation that has been issued a certificate of 92904  
authority under section 1751.05 of the Revised Code or a hospital 92905  
that does not charge patients for services. 92906

(G) "Indigent care pool" means the sum of the following: 92907

(1) The total of assessments to be paid in a program year by 92908  
all hospitals under section 5168.06 of the Revised Code, less the 92909  
assessments deposited into the health ~~care services administration~~ 92910  
care/medicaid support and recoveries fund created under section 92911  
~~5162.54~~ 5162.52 of the Revised Code; 92912

(2) The total amount of intergovernmental transfers required 92913  
to be made in the same program year by governmental hospitals 92914  
under section 5168.07 of the Revised Code, less the amount of 92915  
transfers deposited into the health ~~care services administration~~ 92916  
care/medicaid support and recoveries fund created under section 92917  
~~5162.54~~ 5162.52 of the Revised Code; 92918

(3) The total amount of federal matching funds that will be 92919

made available in the same program year as a result of funds 92920  
distributed by the department of medicaid to hospitals under 92921  
section 5168.09 of the Revised Code. 92922

(H) "Intergovernmental transfer" means any transfer of money 92923  
by a governmental hospital under section 5168.07 of the Revised 92924  
Code. 92925

(I) "Medicaid services" has the same meaning as in section 92926  
5164.01 of the Revised Code. 92927

(J) "Program year" means a period beginning the first day of 92928  
October, or a later date designated in rules adopted under section 92929  
5168.02 of the Revised Code, and ending the thirtieth day of 92930  
September, or an earlier date designated in rules adopted under 92931  
that section. 92932

(K) "Registered beds" means the total number of hospital beds 92933  
registered with the department of health, as reported in the most 92934  
recent "directory of registered hospitals" published by the 92935  
department of health. 92936

(L) "Third-party payer" means any person or government entity 92937  
that may be liable by law or contract to make payment to or on 92938  
behalf of an individual for health care services. "Third-party 92939  
payer" does not include a hospital. 92940

(M) "Total facility costs" means the total costs for all 92941  
services rendered to all patients, including the direct, indirect, 92942  
and overhead cost to the hospital of all services, supplies, 92943  
equipment, and capital related to the care of patients, regardless 92944  
of whether patients are enrolled in a health insuring corporation, 92945  
excluding costs associated with providing skilled nursing services 92946  
in distinct-part nursing facility units, as shown on the 92947  
hospital's cost report filed under section 5168.05 of the Revised 92948  
Code. Effective October 1, 1993, if rules adopted under section 92949  
5168.02 of the Revised Code so provide, "total facility costs" may 92950

exclude costs associated with providing care to recipients of any 92951  
of the governmental programs listed in division (B) of that 92952  
section. 92953

(N) "Uncompensated care" means bad debt and charity care. 92954

**Sec. 5168.02.** (A) The medicaid director shall adopt rules in 92955  
accordance with Chapter 119. of the Revised Code for the purpose 92956  
of administering sections 5168.01 to 5168.14 of the Revised Code, 92957  
including rules that do all of the following: 92958

(1) Define as a "disproportionate share hospital" any 92959  
hospital included under the "Social Security Act," section 92960  
1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director 92961  
determines appropriate; 92962

(2) Prescribe the form for submission of cost reports under 92963  
section 5168.05 of the Revised Code; 92964

(3) Establish, in accordance with division (A) of section 92965  
5168.06 of the Revised Code, the assessment rate or rates to be 92966  
applied to hospitals under that section; 92967

(4) Establish schedules for hospitals to pay installments on 92968  
their assessments under section 5168.06 of the Revised Code and 92969  
for governmental hospitals to pay installments on their 92970  
intergovernmental transfers under section 5168.07 of the Revised 92971  
Code; 92972

(5) Establish procedures to notify hospitals of adjustments 92973  
made under division (B)(2)(b) of section 5168.06 of the Revised 92974  
Code in the amount of installments on their assessment; 92975

(6) Establish procedures to notify hospitals of adjustments 92976  
made under division (D) of section 5168.08 of the Revised Code in 92977  
the total amount of their assessment and to adjust for the 92978  
remainder of the program year the amount of the installments on 92979  
the assessments; 92980

(7) Establish, in accordance with section 5168.09 of the Revised Code, the methodology for paying hospitals under that section. 92981  
92982  
92983

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties. 92984  
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(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following: 92987  
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(1) Medicaid recipients; 92990

~~(2) Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code;~~ 92991  
92992

~~(3) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code;~~ 92993  
92994

~~(4)(3) Medicare beneficiaries;~~ 92995

~~(5)(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.;~~ 92996  
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~~(6)(5) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title.~~ 92998  
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93000  
93001

**Sec. 5168.06.** (A) For the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds into the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code, there is hereby imposed an assessment on all hospitals. Each hospital's assessment shall be based on total facility costs. All hospitals shall be assessed according to the rate or rates established each program year in rules adopted under 93002  
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section 5168.02 of the Revised Code. The department shall assess 93011  
all hospitals uniformly and in a manner consistent with federal 93012  
statutes and regulations. During any program year, the department 93013  
shall not assess any hospital more than two per cent of the 93014  
hospital's total facility costs. 93015

The department shall establish an assessment rate or rates 93016  
each program year that will do both of the following: 93017

(1) Yield funds that, when combined with intergovernmental 93018  
transfers and federal matching funds, will produce a program of 93019  
sufficient size to pay a substantial portion of the indigent care 93020  
provided by hospitals; 93021

(2) Yield funds that, when combined with intergovernmental 93022  
transfers and federal matching funds, will produce amounts for 93023  
distribution to disproportionate share hospitals that do not 93024  
exceed, in the aggregate, the limits prescribed by the United 93025  
States health care financing administration under the "Social 93026  
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 93027

(B)(1) Except as provided in division (B)(3) of this section, 93028  
each hospital shall pay its assessment in periodic installments in 93029  
accordance with a schedule established in rules adopted under 93030  
section 5168.02 of the Revised Code. 93031

(2) The installments shall be equal in amount, unless either 93032  
of the following applies: 93033

(a) The department makes adjustments during a program year 93034  
under division (D) of section 5168.08 of the Revised Code in the 93035  
total amount of hospitals' assessments; 93036

(b) The medicaid director determines that adjustments in the 93037  
amounts of installments are necessary for the administration of 93038  
sections 5168.01 to 5168.14 of the Revised Code and that unequal 93039  
installments will not create cash flow difficulties for hospitals. 93040

(3) The director may adopt rules under section 5168.02 of the Revised Code establishing alternate schedules for hospitals to pay assessments under this section in order to reduce hospitals' cash flow difficulties.

**Sec. 5168.07.** (A) The department of medicaid may require governmental hospitals to make intergovernmental transfers each program year for the purpose of distributing funds to hospitals under the medicaid program pursuant to sections 5168.01 to 5168.14 of the Revised Code and depositing funds into the health ~~care services administration~~ care/medicaid support and recoveries fund created under section ~~5162.54~~ 5162.52 of the Revised Code. The department shall not require transfers in an amount that, when combined with hospital assessments paid under section 5168.06 of the Revised Code and federal matching funds, produce amounts for distribution to disproportionate share hospitals that, in the aggregate, exceed limits prescribed by the United States health care financing administration under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f).

(B) Before or during each program year, the department shall notify each governmental hospital of the amount of the intergovernmental transfer it is required to make during the program year. Each governmental hospital shall make intergovernmental transfers as required by the department under this section in periodic installments, executed by electronic fund transfer, in accordance with a schedule established in rules adopted under section 5168.02 of the Revised Code.

**Sec. 5168.09.** The medicaid director shall adopt rules under section 5168.02 of the Revised Code establishing a methodology to pay hospitals that is sufficient to expend all money in the indigent care pool. Under the rules:

(A) The department of medicaid may classify similar hospitals 93071  
into groups and allocate funds for distribution within each group. 93072

(B) The department shall establish a method of allocating 93073  
funds to hospitals, taking into consideration the relative amount 93074  
of indigent care provided by each hospital or group of hospitals. 93075  
The amount to be allocated shall be based on any combination of 93076  
the following indicators of indigent care that the director 93077  
considers appropriate: 93078

(1) Total costs, volume, or proportion of services to 93079  
recipients of the medical assistance program, including recipients 93080  
enrolled in health insuring corporations; 93081

(2) Total costs, volume, or proportion of services to 93082  
low-income patients in addition to medicaid recipients, which may 93083  
include recipients of Title V of the "Social Security Act," 42 93084  
U.S.C. 701 et seq., ~~and recipients of disability financial~~ 93085  
~~assistance provided under Chapter 5115. of the Revised Code;~~ 93086

(3) The amount of uncompensated care provided by the hospital 93087  
or group of hospitals; 93088

(4) Other factors that the director considers to be 93089  
appropriate indicators of indigent care. 93090

(C) The department shall distribute funds to each hospital or 93091  
group of hospitals in a manner that first may provide for an 93092  
additional distribution to individual hospitals that provide a 93093  
high proportion of indigent care in relation to the total care 93094  
provided by the hospital or in relation to other hospitals. The 93095  
department shall establish a formula to distribute the remainder 93096  
of the funds. The formula shall be consistent with the "Social 93097  
Security Act," section 1923, 42 U.S.C. 1396r-4, and shall be based 93098  
on any combination of the indicators of indigent care listed in 93099  
division (B) of this section that the director considers 93100  
appropriate. 93101

(D) The department shall distribute funds to each hospital in 93102  
installments not later than ten working days after the deadline 93103  
established in rules for each hospital to pay an installment on 93104  
its assessment under section 5168.06 of the Revised Code. In the 93105  
case of a governmental hospital that makes intergovernmental 93106  
transfers, the department shall pay an installment under this 93107  
section not later than ten working days after the earlier of that 93108  
deadline or the deadline established in rules for the governmental 93109  
hospital to pay an installment on its intergovernmental transfer. 93110  
If the amount in the hospital care assurance program fund created 93111  
under section 5168.11 of the Revised Code and the portion of the 93112  
health care - federal fund created under section 5162.50 of the 93113  
Revised Code that is credited to that fund pursuant to division 93114  
(B) of section 5168.11 of the Revised Code are insufficient to 93115  
make the total distributions for which hospitals are eligible to 93116  
receive in any period, the department shall reduce the amount of 93117  
each distribution by the percentage by which the amount and 93118  
portion are insufficient. The department shall distribute to 93119  
hospitals any amounts not distributed in the period in which they 93120  
are due as soon as moneys are available in the funds. 93121

**Sec. 5168.10.** Except for moneys deposited into the health 93122  
~~care services administration~~ care/medicaid support and recoveries 93123  
fund created under section ~~5162.54~~ 5162.52 of the Revised Code, 93124  
the department of medicaid shall not use money paid to the 93125  
department under sections 5168.06 and 5168.07 of the Revised Code 93126  
or money that the department pays to hospitals under section 93127  
5168.09 of the Revised Code to replace any funds appropriated by 93128  
the general assembly for the medicaid program. 93129

**Sec. 5168.11.** (A) Except as provided in section ~~5162.54~~ 93130  
5162.52 of the Revised Code, all payments of assessments by 93131  
hospitals under section 5168.06 of the Revised Code and all 93132

intergovernmental transfers under section 5168.07 of the Revised Code shall be deposited in the state treasury to the credit of the hospital care assurance program fund, hereby created. All investment earnings of the hospital care assurance program fund shall be credited to the fund. The department of medicaid shall maintain records that show the amount of money in the hospital care assurance program fund at any time that has been paid by each hospital and the amount of any investment earnings on that amount. All moneys credited to the hospital care assurance program fund shall be used solely to make payments to hospitals under division (D) of this section and section 5168.09 of the Revised Code.

(B) All federal matching funds received as a result of the department distributing funds from the hospital care assurance program fund to hospitals under section 5168.09 of the Revised Code shall be credited to the health care - federal fund created under section 5162.50 of the Revised Code.

(C) All distributions of funds to hospitals under section 5168.09 of the Revised Code are conditional on:

(1) Expiration of the time for appeals under section 5168.08 of the Revised Code without the filing of an appeal, or on court determinations, in the event of appeals, that the hospital is entitled to the funds;

(2) The sum of the following being sufficient to distribute the funds after the final determination of any appeals:

(a) The available money in the hospital care assurance program fund;

(b) The available portion of the money in the health care - federal fund that is credited to that fund pursuant to division (B) of this section.

(3) The hospital's compliance with section 5168.14 of the Revised Code.

(D) If an audit conducted by the department of the amounts of 93164  
payments made and funds received by hospitals under sections 93165  
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 93166  
amounts that, due to errors by the department, a hospital should 93167  
not have been required to pay but did pay, should have been 93168  
required to pay but did not pay, should not have received but did 93169  
receive, or should have received but did not receive, the 93170  
department shall: 93171

(1) Make payments to any hospital that the audit reveals paid 93172  
amounts it should not have been required to pay or did not receive 93173  
amounts it should have received; 93174

(2) Take action to recover from a hospital any amounts that 93175  
the audit reveals it should have been required to pay but did not 93176  
pay or that it should not have received but did receive. 93177

Payments made under division (D)(1) of this section shall be 93178  
made from the hospital care assurance program fund. Amounts 93179  
recovered under division (D)(2) of this section shall be deposited 93180  
to the credit of that fund. Any hospital may appeal the amount the 93181  
hospital is to be paid under division (D)(1) or the amount that is 93182  
to be recovered from the hospital under division (D)(2) of this 93183  
section to the court of common pleas of Franklin county. 93184

**Sec. 5168.14.** (A) Each hospital that receives funds 93185  
distributed under sections 5168.01 to 5168.14 of the Revised Code 93186  
shall provide, without charge to the individual, basic, medically 93187  
necessary hospital-level services to individuals who are residents 93188  
of this state, are not medicaid recipients, and whose income is at 93189  
or below the federal poverty line. ~~Recipients of disability~~ 93190  
~~financial assistance provided under Chapter 5115. of the Revised~~ 93191  
~~Code qualify for services under this section.~~ The medicaid 93192  
director shall adopt rules under section 5168.02 of the Revised 93193  
Code specifying the hospital services to be provided under this 93194

section. 93195

(B) Nothing in this section shall be construed to prevent a 93196  
hospital from requiring an individual to apply for the medicaid 93197  
program before the hospital processes an application under this 93198  
section. Hospitals may bill any third-party payer for services 93199  
rendered under this section. Hospitals may bill the medicaid 93200  
program, in accordance with state statutes governing the medicaid 93201  
program and rules adopted under those statutes, for medicaid 93202  
services rendered under this section if the individual becomes a 93203  
medicaid recipient. Hospitals may bill individuals for services 93204  
under this section if all of the following apply: 93205

(1) The hospital has an established post-billing procedure 93206  
for determining the individual's income and canceling the charges 93207  
if the individual is found to qualify for services under this 93208  
section. 93209

(2) The initial bill, and at least the first follow-up bill, 93210  
is accompanied by a written statement that does all of the 93211  
following: 93212

(a) Explains that individuals with income at or below the 93213  
federal poverty line are eligible for services without charge; 93214

(b) Specifies the federal poverty line for individuals and 93215  
families of various sizes at the time the bill is sent; 93216

(c) Describes the procedure required by division (C)(1) of 93217  
this section. 93218

(3) The hospital complies with any additional rules adopted 93219  
under section 5168.02 of the Revised Code. 93220

Notwithstanding division (B) of this section, a hospital 93221  
providing care to an individual under this section is subrogated 93222  
to the rights of any individual to receive compensation or 93223  
benefits from any person or governmental entity for the hospital 93224

goods and services rendered. 93225

(C) Each hospital shall collect and report to the department 93226  
of medicaid, in the form and manner prescribed by the department, 93227  
information on the number and identity of patients served pursuant 93228  
to this section. 93229

(D) This section applies beginning May 22, 1992, regardless 93230  
of whether rules specifying the services to be provided have been 93231  
adopted. Nothing in this section alters the scope or limits the 93232  
obligation of any governmental entity or program, including the 93233  
program awarding reparations to victims of crime under sections 93234  
2743.51 to 2743.72 of the Revised Code and the program for 93235  
medically handicapped children established under section 3701.023 93236  
of the Revised Code, to pay for hospital services in accordance 93237  
with state or local law. 93238

**Sec. 5168.26.** (A) The medicaid director shall adopt rules in 93239  
accordance with Chapter 119. of the Revised Code as necessary to 93240  
implement sections 5168.20 to 5168.28 of the Revised Code, 93241  
including rules that specify the percentage of hospitals' total 93242  
facility costs to be used in calculating hospitals' assessments 93243  
under section 5168.21 of the Revised Code. 93244

(B) The rules adopted under this section may do the 93245  
following: 93246

(1) Provide that a hospital's total facility costs for the 93247  
purpose of the assessment under section 5168.21 of the Revised 93248  
Code exclude any of the following: 93249

(a) A hospital's costs associated with providing care to 93250  
recipients of any of the following: 93251

(i) The medicaid program; 93252

(ii) The medicare program; 93253

(iii) ~~The disability financial assistance program established~~ 93254

|                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <del>under Chapter 5115. of the Revised Code;</del>                                                                                                                                                                                                                                                                                                                                                                               | 93255                                                       |
| <del>(iv)</del> The program for medically handicapped children established under section 3701.023 of the Revised Code;                                                                                                                                                                                                                                                                                                            | 93256<br>93257                                              |
| <del>(v)</del> (iv) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq.                                                                                                                                                                                                                                                      | 93258<br>93259<br>93260                                     |
| (b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program.                                                                                                                                                                                                                                                                                         | 93261<br>93262<br>93263                                     |
| (2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals.                                                                                                                                                                                                                                            | 93264<br>93265<br>93266                                     |
| (C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause the assessments to not be imposed uniformly. | 93267<br>93268<br>93269<br>93270<br>93271<br>93272<br>93273 |
| <b><u>Sec. 5168.75. As used in sections 5168.75 to 5168.86 of the Revised Code:</u></b>                                                                                                                                                                                                                                                                                                                                           | 93274<br>93275                                              |
| <u>(A) "Basic health care services" means all of the services listed in division (A)(1) of section 1751.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                               | 93276<br>93277                                              |
| <u>(B) "Care management system" means the system established under section 5167.03 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                       | 93278<br>93279                                              |
| <u>(C) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                             | 93280<br>93281                                              |
| <u>(D) "Franchise fee" means the fee imposed on health insuring corporation plans under section 5168.76 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                  | 93282<br>93283                                              |

(E) "Health insuring corporation" has the same meaning as in section 1751.01 of the Revised Code, except it does not mean a corporation that, pursuant to a policy, contract, certificate, or agreement, pays for, reimburses, or provides, delivers, arranges for, or otherwise makes available, only supplemental health care services or only specialty health care services. 93284  
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(F) "Health insuring corporation plan" means a policy, contract, certificate, or agreement of a health insuring corporation under which the corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available basic health care services. "Health insuring corporation plan" does not mean any of the following: 93290  
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(1) A policy, contract, certificate, or agreement under which a health insuring corporation pays for, reimburses, provides, delivers, arranges for, or otherwise makes available only supplemental health care services or only specialty health care services; 93296  
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93300

(2) An approved health benefits plan described in 5 U.S.C. 8903 or 8903a, if imposing the franchise fee on the plan would violate 5 U.S.C. 8909(f); 93301  
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(3) A medicare advantage plan authorized by Part C of Title XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 93304  
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(G) "Indirect guarantee percentage" means the percentage specified in section 1903(w)(4)(C)(ii) of the "Social Security Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a health care class is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following: 93306  
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(1) For the part of the fiscal year before the change takes 93314

effect, the percentage in effect before the change; 93315

(2) For the part of the fiscal year beginning with the date 93316  
the indirect guarantee percentage changes, the new percentage. 93317

(H) "Medicaid managed care organization" has the same meaning 93318  
as in section 5167.01 of the Revised Code. 93319

(I) "Medicaid provider" has the same meaning as in section 93320  
5164.01 of the Revised Code. 93321

(J) "Ohio medicaid member month" means a month in which a 93322  
medicaid recipient residing in this state is enrolled in a health 93323  
insuring corporation plan. 93324

(K) "Other Ohio member month" means a month in which a 93325  
resident of this state who is not a medicaid recipient is enrolled 93326  
in a health insuring corporation plan. 93327

(L) "Permissive sales tax" means a tax levied by a county or 93328  
transit authority under section 5739.021, 5739.023, or 5739.026 of 93329  
the Revised Code. 93330

(M) "Qualifying subdivision" means a county or transit 93331  
authority levying a permissive sales tax on July 1, 2017. 93332

(N) "Rate year" means the fiscal year for which a franchise 93333  
fee is imposed. 93334

**Sec. 5168.76.** (A) For the purposes specified in section 93335  
5168.85 of the Revised Code and subject to sections 5168.82, 93336  
5168.83, and 5168.84 of the Revised Code, a franchise fee is 93337  
hereby imposed each month beginning with July 2017 on each health 93338  
insuring corporation plan. The franchise fee shall have a 93339  
component based on Ohio medicaid member months and another 93340  
component based on other Ohio member months. 93341

(B) The department of medicaid shall determine the amount of 93342  
the monthly franchise fee to be imposed on a health insuring 93343

corporation plan under the component based on Ohio medicaid member 93344  
months. The determination shall be made as part of the process of 93345  
determining the annual capitated payment rates to be paid to 93346  
medicaid managed care organizations under the care management 93347  
system. Subject to section 5168.761 of the Revised Code, the 93348  
following rates shall be used as part of the determination: 93349

| <u>CUMULATIVE TOTAL NUMBER OF OHIO</u> | <u>APPLICABLE RATE</u> | 93350 |
|----------------------------------------|------------------------|-------|
| <u>MEDICAID MEMBER MONTHS</u>          |                        |       |
| <u>For the first 250,000</u>           | <u>\$56</u>            | 93351 |
| <u>For 250,001 to 500,000</u>          | <u>\$45</u>            | 93352 |
| <u>For 500,001 and above</u>           | <u>\$26</u>            | 93353 |

(C) Subject to section 5168.761 of the Revised Code, the 93354  
amount of the monthly franchise fee to be imposed on a health 93355  
insuring corporation plan under the component based on other Ohio 93356  
member months shall be determined by multiplying the number of 93357  
other Ohio member months that the health insuring corporation plan 93358  
had for the month by the applicable rate or rates. The applicable 93359  
rate or rates to be used in the calculation for a health insuring 93360  
corporation plan for a month shall depend on the cumulative total 93361  
number of other Ohio member months the health insuring corporation 93362  
plan had for all of a rate year's months that ended before the 93363  
beginning of the month in which the franchise fee is due. 93364

The following table shows the applicable rate or rates: 93365

| <u>CUMULATIVE TOTAL NUMBER OF OTHER OHIO</u> | <u>APPLICABLE RATE</u> | 93366 |
|----------------------------------------------|------------------------|-------|
| <u>MEMBER MONTHS</u>                         |                        |       |
| <u>For the first 150,000</u>                 | <u>\$2</u>             | 93367 |
| <u>For 150,001 and above</u>                 | <u>\$1</u>             | 93368 |

Sec. 5168.761. Not later than October 1, 2017, the medicaid 93370  
director shall ask the United States centers for medicare and 93371  
medicaid services whether the franchise fee may be increased in a 93372  
manner that provides for the franchise fee to raise up to an 93373

additional two hundred seven million dollars per fiscal year 93374  
without causing the franchise fee to be an impermissible health 93375  
care-related tax under section 1903(w) of the "Social Security 93376  
Act," 42 U.S.C. 1396b(w). The director shall collaborate with the 93377  
county commissioners association of Ohio and the director of 93378  
budget and management in preparing to ask the United States 93379  
centers the question and provide the United States centers all 93380  
information the United States centers needs to be able to answer 93381  
the question. 93382

If the United States centers informs the director that the 93383  
franchise fee may be so increased, the director shall request that 93384  
the United States centers provide formal approval for the increase 93385  
as soon as possible. On receipt of the formal approval, the 93386  
director shall increase the franchise fee as needed to raise as 93387  
much of the additional two hundred seven million dollars per 93388  
fiscal year as the United States centers specifies in the formal 93389  
approval. The increase shall go into effect on the later of July 93390  
1, 2018, or the earliest date the formal approval permits the 93391  
increase to take effect. The increase shall be applied 93392  
proportionately across health insuring corporation plans. The 93393  
franchise fee shall cease to be so increased effective July 1, 93394  
2024. 93395

**Sec. 5168.77.** The component of the monthly franchise fee 93396  
based on Ohio medicaid member months is due not later than the 93397  
fifth business day of the month immediately following the month 93398  
for which it is imposed. The component of the monthly franchise 93399  
fee based on other Ohio member months is due not later than the 93400  
last day of September of the calendar year in which the rate year 93401  
ends, and the total amount due under that component for all of the 93402  
months of the rate year shall be paid in one payment. 93403

If a health insuring corporation administers multiple health 93404

insuring corporation plans, the corporation shall pay the total 93405  
amount due for all of the plans under the component of the 93406  
franchise fee based on Ohio medicaid member months in one payment 93407  
and pay the total amount due for all of the plans under the 93408  
component of the franchise fee based on other Ohio member months 93409  
in one payment. 93410

Sec. 5168.78. The department of medicaid may request that a 93411  
health insuring corporation provide the department documentation 93412  
the department needs to verify the amount of the franchise fees 93413  
imposed on the health insuring corporation plans administered by 93414  
the corporation and to ensure the corporation's compliance with 93415  
sections 5168.75 to 5168.86 of the Revised Code. On receipt of the 93416  
request, the health insuring corporation shall provide the 93417  
department the requested documentation. The department also may 93418  
review relevant documentation possessed by other entities for the 93419  
purpose of making such verifications. 93420

Sec. 5168.79. If the department of medicaid determines that 93421  
the amount of a franchise fee that a health insuring corporation 93422  
paid is less than the amount it should have paid, the department 93423  
shall notify the health insuring corporation. Except as otherwise 93424  
provided by the results of a reconsideration conducted under 93425  
section 5168.80 of the Revised Code, the health insuring 93426  
corporation shall pay the amount due. 93427

Sec. 5168.80. A health insuring corporation may request a 93428  
reconsideration of a determination made by the department of 93429  
medicaid under section 5168.79 of the Revised Code. A 93430  
reconsideration may be requested solely on the grounds that the 93431  
department made a material error in making the determination. A 93432  
request for a reconsideration must be received by the department 93433  
not later than fifteen days after the date the department notifies 93434

the health insuring corporation of the department's determination 93435  
and must include written materials setting forth the basis for the 93436  
reconsideration. If a health insuring corporation requests a 93437  
reconsideration within the time required, the department shall 93438  
reconsider the determination and issue a final decision not later 93439  
than thirty days after the date the department receives the 93440  
request. 93441

Sec. 5168.81. If a health insuring corporation fails to pay 93442  
the full amount of a component of a franchise fee when due, the 93443  
department of medicaid may assess a ten per cent penalty on the 93444  
amount due for each month or fraction thereof that the component 93445  
of the franchise fee is overdue. 93446

Sec. 5168.82. The franchise fee shall not be imposed on any 93447  
health insuring corporation plan unless there is in effect a 93448  
waiver authorizing the franchise fee issued by the United States 93449  
secretary of health and human services pursuant to section 93450  
1903(w)(3)(E) of the "Social Security Act," 42 U.S.C. 93451  
1396b(w)(3)(E). 93452

Sec. 5168.83. If the total amount of franchise fees imposed 93453  
on all health insuring corporation plans under section 5168.76 of 93454  
the Revised Code during a fiscal year exceeds the indirect 93455  
guarantee percentage of the net patient revenue for all health 93456  
insuring corporations for that fiscal year and seventy-five per 93457  
cent or more of all health insuring corporations receive enhanced 93458  
medicaid payments or other state payments equal to seventy-five 93459  
per cent or more of the total franchise fees imposed on their 93460  
health insuring corporation plans, the department of medicaid 93461  
shall refund the excess amount of the franchise fees to the health 93462  
insuring corporations. 93463

Sec. 5168.84. If the United States centers for medicare and 93464  
medicaid services determines that the franchise fee is an 93465  
impermissible health care-related tax under section 1903(w) of the 93466  
"Social Security Act," 42 U.S.C. 1396b(w), the department of 93467  
medicaid shall do either of the following as appropriate: 93468

(A) Modify the imposition of the franchise fee, including (if 93469  
necessary) the amount of the franchise fee, in a manner needed for 93470  
the United States centers to reverse its determination; 93471

(B) Take all necessary actions to cease the imposition of the 93472  
franchise fee until the determination is reversed. 93473

Sec. 5168.85. (A) There is hereby created in the state 93474  
treasury the health insuring corporation franchise fee fund. All 93475  
payments and penalties paid by health insuring corporations under 93476  
sections 5168.77, 5168.79, and 5168.81 of the Revised Code shall 93477  
be deposited into the fund. Except as provided in division (C) of 93478  
this section, money in the fund shall be used to make medicaid 93479  
payments to medicaid providers and medicaid managed care 93480  
organizations. 93481

(B) Any interest or other investment proceeds earned on money 93482  
in the fund shall be credited to the fund and used to make 93483  
medicaid payments in accordance with division (A) of this section. 93484

(C) If the United States centers for medicare and medicaid 93485  
services provides formal approval to increase the franchise fee 93486  
under section 5168.761 of the Revised Code, the director of budget 93487  
and management shall provide for the additional funds so raised to 93488  
be transferred periodically from the health insuring corporation 93489  
franchise fee to the permissive tax distribution fund created 93490  
under section 4301.423 of the Revised Code for the purpose of 93491  
mitigating the effects of the reduced permissive sales tax 93492  
revenues of qualifying subdivisions caused by transactions 93493

described in division (B)(11)(a) of section 5739.01 of the Revised Code ceasing to be sales for the purpose of Chapters 5739. and 5741. of the Revised Code. The tax commissioner shall provide for the equitable distribution of the amounts so transferred to the county treasurer and fiscal officer of each qualifying subdivision.

Sec. 5168.86. The medicaid director may adopt rules in accordance with Chapter 119. as necessary to implement sections 5168.75 to 5168.86 of the Revised Code.

**Sec. 5168.99.** (A) The medicaid director shall impose a penalty for each day that a hospital fails to report the information required under section 5168.05 of the Revised Code on or before the dates specified in that section. The amount of the penalty shall be established by the director in rules adopted under section 5168.02 of the Revised Code.

(B) In addition to any other remedy available to the department of medicaid under law to collect unpaid assessments and transfers under sections 5168.01 to 5168.14 of the Revised Code, the director shall impose a penalty of ten per cent of the amount due on any hospital that fails to pay assessments or make intergovernmental transfers by the dates required by rules adopted under section 5168.02 of the Revised Code.

(C) In addition to any other remedy available to the department of medicaid under law to collect unpaid assessments imposed under section 5168.21 of the Revised Code, the director shall impose a penalty of ten per cent of the amount due on any hospital that fails to pay the assessment by the date it is due.

(D) The director shall waive the penalties provided for in this section for good cause shown by the hospital.

(E) All penalties imposed under this section shall be

deposited into the health ~~care administration~~ care/medicaid 93524  
support and recoveries fund created by section ~~5162.54~~ 5162.52 of 93525  
the Revised Code. 93526

Sec. 5501.91. (A) As used in this section, "port authority" 93527  
means a port authority created under Chapter 4582. of the Revised 93528  
Code. 93529

(B) There is hereby established the Ohio maritime assistance 93530  
program, which the department of transportation shall administer. 93531  
Under the program, a municipal corporation or port authority may 93532  
apply to the department for a grant to be used as prescribed in 93533  
division (D) of this section. In order to be eligible for a grant 93534  
under this section, a municipal corporation or port authority is 93535  
required to meet either of the following requirements: 93536

(1) At the time of application for a grant, the municipal 93537  
corporation or port authority has an active marine cargo terminal 93538  
located on the shore of Lake Erie or the Ohio river or on a Lake 93539  
Erie tributary. 93540

(2) The grant application is for the planning and 93541  
construction of a new marine cargo terminal located on the shore 93542  
of Lake Erie or the Ohio river or on a Lake Erie tributary. 93543

(C)(1) Every applicant for a grant shall submit with its 93544  
application a written business justification for the investment 93545  
that indicates the operational and market need for the project in 93546  
a form the director of transportation shall prescribe. 93547

(2) The department shall evaluate all grant applications 93548  
according to the following criteria: 93549

(a) The degree to which the proposed project will increase 93550  
the efficiency or capacity of maritime cargo terminal operations; 93551

(b) Whether the project will result in the handling of new 93552  
types of cargo or an increase in cargo volume; 93553

|                                                                                                                                                                                                                                                                                                        |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(c) Whether the project will meet an identified supply chain need or benefit Ohio firms that export goods to foreign markets, or import goods to Ohio for use in manufacturing or for value-added distribution;</u>                                                                                 | 93554 |
|                                                                                                                                                                                                                                                                                                        | 93555 |
|                                                                                                                                                                                                                                                                                                        | 93556 |
|                                                                                                                                                                                                                                                                                                        | 93557 |
| <u>(d) Any other criteria the director determines to be appropriate.</u>                                                                                                                                                                                                                               | 93558 |
|                                                                                                                                                                                                                                                                                                        | 93559 |
| <u>(3) If a grant application does not meet the criteria specified in divisions (C)(2)(b) and (c) of this section, an applicant is not eligible for a grant under this section.</u>                                                                                                                    | 93560 |
|                                                                                                                                                                                                                                                                                                        | 93561 |
|                                                                                                                                                                                                                                                                                                        | 93562 |
| <u>(D) A municipal corporation or port authority shall use a grant awarded under this section only for any of the following purposes:</u>                                                                                                                                                              | 93563 |
|                                                                                                                                                                                                                                                                                                        | 93564 |
|                                                                                                                                                                                                                                                                                                        | 93565 |
| <u>(1) Land acquisition and site development for marine cargo terminal and associated uses, including demolition and environmental remediation;</u>                                                                                                                                                    | 93566 |
|                                                                                                                                                                                                                                                                                                        | 93567 |
|                                                                                                                                                                                                                                                                                                        | 93568 |
| <u>(2) Construction of wharves, quay walls, bulkheads, jetties, revetments, breakwaters, shipping channels, dredge disposal facilities, projects for the beneficial use of dredge material, and other structures and improvements directly related to maritime commerce and harbor infrastructure;</u> | 93569 |
|                                                                                                                                                                                                                                                                                                        | 93570 |
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|                                                                                                                                                                                                                                                                                                        | 93572 |
|                                                                                                                                                                                                                                                                                                        | 93573 |
| <u>(3) Construction and repair of warehouses, transit sheds, railroad tracks, roadways, gates and gatehouses, fencing, bridges, offices, ship yards, and other improvements needed for marine cargo terminal and associated uses, including ship yards;</u>                                            | 93574 |
|                                                                                                                                                                                                                                                                                                        | 93575 |
|                                                                                                                                                                                                                                                                                                        | 93576 |
|                                                                                                                                                                                                                                                                                                        | 93577 |
| <u>(4) Acquisition of cargo handling equipment, including mobile shore cranes, stationary cranes, tow motors, fork lifts, yard tractors, craneways, conveyor and bulk material handling equipment, and all types of ship loading and unloading equipment;</u>                                          | 93578 |
|                                                                                                                                                                                                                                                                                                        | 93579 |
|                                                                                                                                                                                                                                                                                                        | 93580 |
|                                                                                                                                                                                                                                                                                                        | 93581 |
| <u>(5) Operating funds for marine cargo terminal operations and associated uses.</u>                                                                                                                                                                                                                   | 93582 |
|                                                                                                                                                                                                                                                                                                        | 93583 |

(E) A municipal corporation or port authority shall pay a matching amount not to exceed one dollar for each grant dollar received for the proposed project. 93584  
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(F) The director of transportation, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the program established under this section, including the grant application, evaluation, award processes, and how the grant money may be spent by a municipal corporation or port authority. 93587  
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**Sec. 5502.01.** (A) The department of public safety shall administer and enforce the laws relating to the registration, licensing, sale, and operation of motor vehicles and the laws pertaining to the licensing of drivers of motor vehicles. 93592  
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The department shall compile, analyze, and publish statistics relative to motor vehicle accidents and the causes of them, prepare and conduct educational programs for the purpose of promoting safety in the operation of motor vehicles on the highways, and conduct research and studies for the purpose of promoting safety on the highways of this state. 93596  
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(B) The department shall administer the laws and rules relative to trauma and emergency medical services specified in Chapter 4765. of the Revised Code and any laws and rules relative to medical transportation services specified in Chapter 4766. of the Revised Code. 93602  
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(C) The department shall administer and enforce the laws contained in Chapters 4301. and 4303. of the Revised Code and enforce the rules and orders of the liquor control commission pertaining to retail liquor permit holders. 93607  
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(D) The department shall administer the laws governing the state emergency management agency and shall enforce all additional duties and responsibilities as prescribed in the Revised Code 93611  
93612  
93613

related to emergency management services. 93614

(E) The department shall conduct investigations pursuant to 93615  
Chapter 5101. of the Revised Code in support of the duty of the 93616  
department of job and family services to administer the 93617  
supplemental nutrition assistance program throughout this state. 93618  
The department of public safety shall conduct investigations 93619  
necessary to protect the state's property rights and interests in 93620  
the supplemental nutrition assistance program. 93621

(F) The department of public safety shall enforce compliance 93622  
with orders and rules of the public utilities commission and 93623  
applicable laws in accordance with Chapters 4905., 4921., and 93624  
4923. of the Revised Code regarding commercial motor vehicle 93625  
transportation safety, economic, and hazardous materials 93626  
requirements. 93627

(G) Notwithstanding Chapter 4117. of the Revised Code, the 93628  
department of public safety may establish requirements for its 93629  
enforcement personnel, including its enforcement agents described 93630  
in section 5502.14 of the Revised Code, that include standards of 93631  
conduct, work rules and procedures, and criteria for eligibility 93632  
as law enforcement personnel. 93633

(H) The department shall administer, maintain, and operate 93634  
the Ohio criminal justice network. The Ohio criminal justice 93635  
network shall be a computer network that supports state and local 93636  
criminal justice activities. The network shall be an electronic 93637  
repository for various data, which may include arrest warrants, 93638  
notices of persons wanted by law enforcement agencies, criminal 93639  
records, prison inmate records, stolen vehicle records, vehicle 93640  
operator's licenses, and vehicle registrations and titles. 93641

(I) The department shall coordinate all homeland security 93642  
activities of all state agencies and shall be a liaison between 93643  
state agencies and local entities for those activities and related 93644

purposes. 93645

(J) Beginning July 1, 2004, the department shall administer 93646  
and enforce the laws relative to private investigators and 93647  
security service providers specified in Chapter 4749. of the 93648  
Revised Code. 93649

(K) The department shall administer criminal justice services 93650  
in accordance with sections 5502.61 to 5502.66 of the Revised 93651  
Code. 93652

(L) The department shall coordinate security measures and 93653  
operations, and may direct the department of administrative 93654  
services to implement any security measures and operations the 93655  
department of public safety requires, at the Vern Riffe Center and 93656  
the James A. Rhodes state office tower. 93657

Notwithstanding section 125.28 of the Revised Code, the 93658  
director of public safety may recover the costs of directing 93659  
security measures and operations under this division by either 93660  
issuing intrastate transfer voucher billings to the department of 93661  
administrative services, which the department shall process to pay 93662  
for the costs, or, upon the request of the director of 93663  
administrative services, the director of budget and management may 93664  
transfer cash in the requested amount from the building management 93665  
fund created under section 125.28 of the Revised Code. Payments 93666  
received or cash transfers made under this division for the costs 93667  
of directing security measures and operations shall be deposited 93668  
into the state treasury to the credit of the security, 93669  
investigations, and policing fund created under section 4501.11 of 93670  
the Revised Code. 93671

**Sec. 5502.13.** The department of public safety shall maintain 93672  
an investigative unit in order to conduct investigations and other 93673  
enforcement activity authorized by Chapters 4301., 4303., 5101., 93674  
5107., and 5108., ~~and 5115.~~ and sections 2903.12, 2903.13, 93675

2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 2921.31, 2921.32, 93676  
2921.33, 2923.12, 2923.121, 2925.11, 2925.13, 2927.02, and 4507.30 93677  
of the Revised Code. The director of public safety shall appoint 93678  
the employees of the unit who are necessary, designate the 93679  
activities to be performed by those employees, and prescribe their 93680  
titles and duties. 93681

Sec. 5502.1321. (A) There is hereby created the Ohio 93682  
investigative unit contingency fund, which shall be in the custody 93683  
of the treasurer of state but shall not be part of the state 93684  
treasury. All money seized during investigations or other 93685  
enforcement activities of the investigative unit of the department 93686  
of public safety prior to January 1, 2017 shall be deposited into 93687  
the fund. The director of public safety shall transfer money upon 93688  
resolution of all legal proceedings in accordance with Chapter 93689  
2981. of the Revised Code. 93690

(B) There is hereby created the Ohio investigative unit 93691  
custodial fund, which shall be in the custody of the treasurer of 93692  
state, but shall not be part of the state treasury. All money 93693  
seized during investigations or other enforcement activities of 93694  
the investigative unit of the department of public safety on and 93695  
after January 1, 2017, shall be deposited into the fund. The 93696  
director of public safety shall transfer money upon resolution of 93697  
all legal proceedings in accordance with Chapter 2981. of the 93698  
Revised Code. 93699

**Sec. 5502.68.** (A) There is hereby created in the state 93700  
treasury the drug law enforcement fund. Ninety-seven per cent of 93701  
three dollars and fifty cents out of each ten-dollar court cost 93702  
imposed pursuant to section 2949.094 of the Revised Code shall be 93703  
credited to the fund. Money in the fund shall be used only in 93704  
accordance with this section to award grants to counties, 93705  
municipal corporations, townships, township police districts, and 93706

joint police districts to defray the expenses that a drug task 93707  
force organized in the county, or in the county in which the 93708  
municipal corporation, township, or district is located, incurs in 93709  
performing its functions related to the enforcement of the state's 93710  
drug laws and other state laws related to illegal drug activity. 93711

The division of criminal justice services shall administer 93712  
all money deposited into the drug law enforcement fund and, by 93713  
rule adopted under Chapter 119. of the Revised Code, shall 93714  
establish procedures for a county, municipal corporation, 93715  
township, township police district, or joint police district to 93716  
apply for money from the fund to defray the expenses that a drug 93717  
task force organized in the county, or in the county in which the 93718  
municipal corporation, township, or district is located, incurs in 93719  
performing its functions related to the enforcement of the state's 93720  
drug laws and other state laws related to illegal drug activity, 93721  
procedures and criteria for determining eligibility of applicants 93722  
to be provided money from the fund, and procedures and criteria 93723  
for determining the amount of money to be provided out of the fund 93724  
to eligible applicants. 93725

(B) The procedures and criteria established under division 93726  
(A) of this section for applying for money from the fund shall 93727  
include, but shall not be limited to, a provision requiring a 93728  
county, municipal corporation, township, township police district, 93729  
or joint police district that applies for money from the fund to 93730  
specify in its application the amount of money desired from the 93731  
fund, provided that the cumulative amount requested in all 93732  
applications submitted for any single drug task force may not 93733  
exceed more than two hundred fifty thousand dollars in any 93734  
calendar year for that task force. 93735

(C) The procedures and criteria established under division 93736  
(A) of this section for determining eligibility of applicants to 93737

be provided money from the fund and for determining the amount of 93738  
money to be provided out of the fund to eligible applicants shall 93739  
include, but not be limited to, all of the following: 93740

(1) Provisions requiring that, in order to be eligible to be 93741  
provided money from the fund, a drug task force that applies for 93742  
money from the fund must provide evidence that the drug task force 93743  
will receive a local funding match of at least twenty-five per 93744  
cent of the task force's projected operating costs in the period 93745  
of time covered by the grant; 93746

(2) Provisions requiring that money from the fund be 93747  
allocated and provided to drug task forces that apply for money 93748  
from the fund in accordance with the following priorities: 93749

(a) Drug task forces that apply, that are in existence on the 93750  
date of the application, and that are determined to be eligible 93751  
applicants, and to which either of the following applies shall be 93752  
given first priority to be provided money from the fund: 93753

(i) Drug task forces that received funding through the 93754  
division of criminal justice services in calendar year 2007; 93755

(ii) Drug task forces in a county that has a population that 93756  
exceeds seven hundred fifty thousand. 93757

(b) If any moneys remain in the fund after all drug task 93758  
forces that apply, that are in existence on the date of the 93759  
application, that are determined to be eligible applicants, and 93760  
that satisfy the criteria set forth in division (C)(2)(a)(i) or 93761  
(ii) of this section are provided money from the fund as described 93762  
in division (C)(2)(a) of this section, the following categories of 93763  
drug task forces that apply and that are determined to be eligible 93764  
applicants shall be given priority to be provided money from the 93765  
fund in the order in which they apply for money from the fund: 93766

(i) Drug task forces that are not in existence on the date of 93767  
the application; 93768

(ii) Drug task forces that are in existence on the date of the application but that do not satisfy the criteria set forth in division (C)(2)(a)(i) or (ii) of this section.

(D) The procedures and criteria established under division (A) of this section for determining the amount of money to be provided out of the fund to eligible applicants shall include, but shall not be limited to, a provision specifying that the cumulative amount provided to any single drug task force may not exceed more than two hundred fifty thousand dollars in any calendar year.

(E) Any drug task force for which a grant is awarded by the division of criminal justice services under this section shall comply with all grant requirements established by the division, including a requirement that the drug task force report its activities through the El Paso intelligence center information technology systems.

(F) As used in this section, "drug task force" means a drug task force organized in any county by the sheriff of the county, the prosecuting attorney of the county, the chief of police of the organized police department of any municipal corporation or township in the county, and the chief of police of the police force of any township police district or joint police district in the county to perform functions related to the enforcement of state drug laws and other state laws related to illegal drug activity.

**Sec. 5503.02.** (A) The state highway patrol shall enforce the laws of the state relating to the titling, registration, and licensing of motor vehicles; enforce on all roads and highways, notwithstanding section 4513.39 of the Revised Code, the laws relating to the operation and use of vehicles on the highways; enforce and prevent the violation of the laws relating to the

size, weight, and speed of commercial motor vehicles and all laws 93800  
designed for the protection of the highway pavements and 93801  
structures on the highways; investigate and enforce rules and laws 93802  
of the public utilities commission governing the transportation of 93803  
persons and property by motor carriers and report violations of 93804  
such rules and laws to the commission; enforce against any motor 93805  
carrier as defined in section 4923.01 of the Revised Code those 93806  
rules and laws that, if violated, may result in a forfeiture as 93807  
provided in section 4923.99 of the Revised Code; investigate and 93808  
report violations of all laws relating to the collection of excise 93809  
taxes on motor vehicle fuels; and regulate the movement of traffic 93810  
on the roads and highways of the state, notwithstanding section 93811  
4513.39 of the Revised Code. 93812

The patrol, whenever possible, shall determine the identity 93813  
of the persons who are causing or who are responsible for the 93814  
breaking, damaging, or destruction of any improved surfaced 93815  
roadway, structure, sign, marker, guardrail, or other appurtenance 93816  
constructed or maintained by the department of transportation and 93817  
shall arrest the persons who are responsible for the breaking, 93818  
damaging, or destruction and bring them before the proper 93819  
officials for prosecution. 93820

State highway patrol troopers shall investigate and report 93821  
all motor vehicle accidents on all roads and highways outside of 93822  
municipal corporations. The superintendent of the patrol or any 93823  
state highway patrol trooper may arrest, without a warrant, any 93824  
person, who is the driver of or a passenger in any vehicle 93825  
operated or standing on a state highway, whom the superintendent 93826  
or trooper has reasonable cause to believe is guilty of a felony, 93827  
under the same circumstances and with the same power that any 93828  
peace officer may make such an arrest. 93829

The superintendent or any state highway patrol trooper may 93830  
enforce the criminal laws on all state properties and state 93831

institutions, owned or leased by the state, and, when so ordered 93832  
by the governor in the event of riot, civil disorder, or 93833  
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 93834  
Revised Code, arrest offenders against the criminal laws wherever 93835  
they may be found within the state if the violations occurred 93836  
upon, or resulted in injury to person or property on, state 93837  
properties or state institutions, or under the conditions 93838  
described in division (B) of this section. This authority of the 93839  
superintendent and any state highway patrol trooper to enforce the 93840  
criminal laws shall extend to the Lake Erie Correctional 93841  
Institution, to the same extent as if that prison were owned by 93842  
this state. 93843

(B) In the event of riot, civil disorder, or insurrection, or 93844  
the reasonable threat of riot, civil disorder, or insurrection, 93845  
and upon request, as provided in this section, of the sheriff of a 93846  
county or the mayor or other chief executive of a municipal 93847  
corporation, the governor may order the state highway patrol to 93848  
enforce the criminal laws within the area threatened by riot, 93849  
civil disorder, or insurrection, as designated by the governor, 93850  
upon finding that law enforcement agencies within the counties 93851  
involved will not be reasonably capable of controlling the riot, 93852  
civil disorder, or insurrection and that additional assistance is 93853  
necessary. In cities in which the sheriff is under contract to 93854  
provide exclusive police services pursuant to section 311.29 of 93855  
the Revised Code, in villages, and in the unincorporated areas of 93856  
the county, the sheriff has exclusive authority to request the use 93857  
of the patrol. In cities in which the sheriff does not exclusively 93858  
provide police services, the mayor, or other chief executive 93859  
performing the duties of mayor, has exclusive authority to request 93860  
the use of the patrol. 93861

The superintendent or any state highway patrol trooper may 93862  
enforce the criminal laws within the area designated by the 93863

governor during the emergency arising out of the riot, civil 93864  
disorder, or insurrection until released by the governor upon 93865  
consultation with the requesting authority. State highway patrol 93866  
troopers shall never be used as peace officers in connection with 93867  
any strike or labor dispute. 93868

When a request for the use of the patrol is made pursuant to 93869  
this division, the requesting authority shall notify the law 93870  
enforcement authorities in contiguous communities and the sheriff 93871  
of each county within which the threatened area, or any part of 93872  
the threatened area, lies of the request, but the failure to 93873  
notify the authorities or a sheriff shall not affect the validity 93874  
of the request. 93875

(C) Any person who is arrested by the superintendent or a 93876  
state highway patrol trooper shall be taken before any court or 93877  
magistrate having jurisdiction of the offense with which the 93878  
person is charged. Any person who is arrested or apprehended 93879  
within the limits of a municipal corporation shall be brought 93880  
before the municipal court or other tribunal of the municipal 93881  
corporation. 93882

(D)(1) State highway patrol troopers have the same right and 93883  
power of search and seizure as other peace officers. 93884

No state official shall command, order, or direct any state 93885  
highway patrol trooper to perform any duty or service that is not 93886  
authorized by law. The powers and duties conferred on the patrol 93887  
are supplementary to, and in no way a limitation on, the powers 93888  
and duties of sheriffs or other peace officers of the state. 93889

(2)(a) A state highway patrol trooper, pursuant to the policy 93890  
established by the superintendent of the state highway patrol 93891  
under division (D)(2)(b) of this section, may render emergency 93892  
assistance to any other peace officer who has arrest authority 93893  
under section 2935.03 of the Revised Code, if both of the 93894

following apply: 93895

(i) There is a threat of imminent physical danger to the 93896  
peace officer, a threat of physical harm to another person, or any 93897  
other serious emergency situation; 93898

(ii) Either the peace officer requests emergency assistance, 93899  
or it appears that the peace officer is unable to request 93900  
emergency assistance and the circumstances observed by the state 93901  
highway patrol trooper reasonably indicate that emergency 93902  
assistance is appropriate, or the peace officer requests emergency 93903  
assistance and in the request the peace officer specifies a 93904  
particular location and the state highway patrol trooper arrives 93905  
at that location prior to the time that the peace officer arrives 93906  
at that location and the circumstances observed by the state 93907  
highway patrol trooper reasonably indicate that emergency 93908  
assistance is appropriate. 93909

(b) The superintendent of the state highway patrol shall 93910  
establish, within sixty days of August 8, 1991, a policy that sets 93911  
forth the manner and procedures by which a state highway patrol 93912  
trooper may render emergency assistance to any other peace officer 93913  
under division (D)(2)(a) of this section. The policy shall include 93914  
a provision that a state highway patrol trooper never be used as a 93915  
peace officer in connection with any strike or labor dispute. 93916

(3)(a) A state highway patrol trooper who renders emergency 93917  
assistance to any other peace officer under the policy established 93918  
by the superintendent pursuant to division (D)(2)(b) of this 93919  
section shall be considered to be performing regular employment 93920  
for the purposes of compensation, pension, indemnity fund rights, 93921  
workers' compensation, and other rights or benefits to which the 93922  
trooper may be entitled as incident to regular employment. 93923

(b) A state highway patrol trooper who renders emergency 93924  
assistance to any other peace officer under the policy established 93925

by the superintendent pursuant to division (D)(2)(b) of this 93926  
section retains personal immunity from liability as specified in 93927  
section 9.86 of the Revised Code. 93928

(c) A state highway patrol trooper who renders emergency 93929  
assistance under the policy established by the superintendent 93930  
pursuant to division (D)(2)(b) of this section has the same 93931  
authority as the peace officer for or with whom the state highway 93932  
patrol trooper is providing emergency assistance. 93933

(E)(1) Subject to the availability of funds specifically 93934  
appropriated by the general assembly for security detail purposes, 93935  
the state highway patrol shall provide security as follows: 93936

(a) For the governor; 93937

(b) At the direction of the governor, for other officials of 93938  
the state government of this state; officials of the state 93939  
governments of other states who are visiting this state; officials 93940  
of the United States government who are visiting this state; 93941  
officials of the governments of foreign countries or their 93942  
political subdivisions who are visiting this state; or other 93943  
officials or dignitaries who are visiting this state, including, 93944  
but not limited to, members of trade missions; 93945

(c) For the capitol square, as defined in section 105.41 of 93946  
the Revised Code; 93947

(d) For the Vern Riffe center and the James A. Rhodes state 93948  
office tower, as directed by the department of public safety; 93949

(e) For other state property. 93950

(2) To carry out the security responsibilities of the patrol 93951  
listed in division (E)(1) of this section, the superintendent may 93952  
assign state highway patrol troopers to a separate unit that is 93953  
responsible for security details. The number of troopers assigned 93954  
to particular security details shall be determined by the 93955

superintendent. 93956

(3) The superintendent and any state highway patrol trooper, 93957  
when providing security pursuant to division (E)(1)(a) or (b) of 93958  
this section, have the same arrest powers as other peace officers 93959  
to apprehend offenders against the criminal laws who endanger or 93960  
threaten the security of any person being protected, no matter 93961  
where the offense occurs. 93962

The superintendent, any state highway patrol trooper, and any 93963  
special police officer designated under section 5503.09 of the 93964  
Revised Code, ~~when~~ if providing security pursuant to division 93965  
(E)(1)(c) of this section, shall enforce any rules governing 93966  
capitol square adopted by the capitol square review and advisory 93967  
board. 93968

(F) The governor may order the state highway patrol to 93969  
undertake major criminal investigations that involve state 93970  
property interests. If an investigation undertaken pursuant to 93971  
this division results in either the issuance of a no bill or the 93972  
filing of an indictment, the superintendent shall file a complete 93973  
and accurate report of the investigation with the president of the 93974  
senate, the speaker of the house of representatives, the minority 93975  
leader of the senate, and the minority leader of the house of 93976  
representatives within fifteen days after the issuance of the no 93977  
bill or the filing of an indictment. If the investigation does not 93978  
have as its result any prosecutorial action, the superintendent 93979  
shall, upon reporting this fact to the governor, file a complete 93980  
and accurate report of the investigation with the president of the 93981  
senate, the speaker of the house of representatives, the minority 93982  
leader of the senate, and the minority leader of the house of 93983  
representatives. 93984

(G) The superintendent may purchase or lease real property 93985  
and buildings needed by the patrol, negotiate the sale of real 93986  
property owned by the patrol, rent or lease real property owned or 93987

leased by the patrol, and make or cause to be made repairs to all 93988  
property owned or under the control of the patrol. Any instrument 93989  
by which real property is acquired pursuant to this division shall 93990  
identify the agency of the state that has the use and benefit of 93991  
the real property as specified in section 5301.012 of the Revised 93992  
Code. 93993

Sections 123.01 and 125.02 of the Revised Code do not limit 93994  
the powers granted to the superintendent by this division. 93995

**Sec. 5505.01.** As used in this chapter: 93996

(A) "Employee" means any qualified employee in the uniform 93997  
division of the state highway patrol, any qualified employee in 93998  
the radio division hired prior to November 2, 1989, and any state 93999  
highway patrol cadet attending training school pursuant to section 94000  
5503.05 of the Revised Code whose attendance at the school begins 94001  
on or after June 30, 1991. "Employee" includes the superintendent 94002  
of the state highway patrol. In all cases of doubt, the state 94003  
highway patrol retirement board shall determine whether any person 94004  
is an employee as defined in this division, and the decision of 94005  
the board is final. 94006

(B) "Prior service" means all service rendered as an employee 94007  
of the state highway patrol prior to September 5, 1941, to the 94008  
extent credited by the board, provided that in no case shall prior 94009  
service include service rendered prior to November 15, 1933. 94010

(C) "Total service" means all service rendered by an employee 94011  
to the extent credited by the board. Total service includes all of 94012  
the following: 94013

(1) Contributing service rendered by the employee since last 94014  
becoming a member of the state highway patrol retirement system; 94015

(2) All prior service credit; 94016

(3) Restored service credit as provided in this chapter; 94017

|                                                                                                                                                                                                                                                  |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (4) Military service credit purchased under division (D) of section 5505.16 or section 5505.25 of the Revised Code;                                                                                                                              | 94018<br>94019                   |
| (5) Credit granted under division (C) of section 5505.17 or section 5505.201, 5505.40, or 5505.402 of the Revised Code;                                                                                                                          | 94020<br>94021                   |
| (6) Credit for any period, not to exceed three years, during which the member was out of service and receiving benefits under Chapters 4121. and 4123. of the Revised Code.                                                                      | 94022<br>94023<br>94024          |
| (D) "Regular interest" means interest compounded at rates designated from time to time by the retirement board.                                                                                                                                  | 94025<br>94026                   |
| (E) "Plan" means the provisions of this chapter.                                                                                                                                                                                                 | 94027                            |
| (F) "Retirement system" or "system" means the state highway patrol retirement system created and established in the plan.                                                                                                                        | 94028<br>94029                   |
| (G) "Contributing service" means all service rendered by a member since September 4, 1941, for which deductions were made from the member's salary under the plan.                                                                               | 94030<br>94031<br>94032          |
| (H) "Retirement board" or "board" means the state highway patrol retirement board provided for in the plan.                                                                                                                                      | 94033<br>94034                   |
| (I) Except as provided in <del>section</del> <u>sections 5505.16, 5505.162, and 5505.18</u> of the Revised Code, "member" means any employee included in the membership of the retirement system, whether or not rendering contributing service. | 94035<br>94036<br>94037<br>94038 |
| (J) "Retirant" means any member who has retired under section 5505.16 or 5505.18 of the Revised Code.                                                                                                                                            | 94039<br>94040                   |
| (K) "Accumulated contributions" means the sum of the following credited to a member's individual account in the employees' savings fund:                                                                                                         | 94041<br>94042<br>94043          |
| (1) All amounts deducted from the salary of the member;                                                                                                                                                                                          | 94044                            |
| (2) All amounts paid by the member to purchase state highway patrol retirement system service credit pursuant to this chapter                                                                                                                    | 94045<br>94046                   |

or other state law. 94047

(L)(1) Except as provided in division (L)(2) of this section, 94048  
"final average salary" means the average of the highest salary 94049  
paid a member during any five consecutive or nonconsecutive years. 94050

If a member has less than five years of contributing service, 94051  
the member's final average salary shall be the average of the 94052  
annual rates of salary paid to the member during the member's 94053  
total years of contributing service. 94054

(2) If a member is credited with service under division 94055  
(C)(6) of this section or division (D) of section 5505.16 of the 94056  
Revised Code, the member's final average salary shall be the 94057  
average of the highest salary that was paid to the member or would 94058  
have been paid to the member, had the member been rendering 94059  
contributing service, during any five consecutive or 94060  
nonconsecutive years. If that member has less than five years of 94061  
total service, the member's final average salary shall be the 94062  
average of the annual rates of salary that were paid to the member 94063  
or would have been paid to the member during the member's years of 94064  
total service. 94065

(M) "Pension" means an annual amount payable by the 94066  
retirement system throughout the life of a person or as otherwise 94067  
provided in the plan. 94068

(N) "Pension reserve" means the present value of any pension, 94069  
or benefit in lieu of any pension, computed upon the basis of 94070  
mortality and other tables of experience and interest the board 94071  
shall from time to time adopt. 94072

(O) "Deferred pension" means a pension for which an eligible 94073  
member of the system has made application and which is payable as 94074  
provided in division (A) or (B) of section 5505.16 of the Revised 94075  
Code. 94076

(P) "Retirement" means retirement as provided in sections 94077

|                                                                                                                                                                                                                                                                                                                                                 |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 5505.16 and 5505.18 of the Revised Code.                                                                                                                                                                                                                                                                                                        | 94078                                              |
| (Q) "Fiduciary" means any of the following:                                                                                                                                                                                                                                                                                                     | 94079                                              |
| (1) A person who exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;                                                                                                                                                                 | 94080<br>94081<br>94082                            |
| (2) A person who renders investment advice for a fee, direct or indirect, with respect to money or property of the system;                                                                                                                                                                                                                      | 94083<br>94084                                     |
| (3) A person who has any discretionary authority or responsibility in the administration of the system.                                                                                                                                                                                                                                         | 94085<br>94086                                     |
| (R)(1) Except as otherwise provided in this division, "salary" means all compensation, wages, and other earnings paid to a member by reason of employment but without regard to whether any of the compensation, wages, or other earnings are treated as deferred income for federal income tax purposes. Salary includes all of the following: | 94087<br>94088<br>94089<br>94090<br>94091<br>94092 |
| (a) Payments for shift differential, hazard duty, professional achievement, and longevity;                                                                                                                                                                                                                                                      | 94093<br>94094                                     |
| (b) Payments for occupational injury leave, personal leave, sick leave, bereavement leave, administrative leave, and vacation leave used by the member;                                                                                                                                                                                         | 94095<br>94096<br>94097                            |
| (c) Payments made under a disability leave program sponsored by the state for which the state is required by section 5505.151 of the Revised Code to make periodic employer and employee contributions to the retirement system.                                                                                                                | 94098<br>94099<br>94100<br>94101                   |
| (2) "Salary" does not include any of the following:                                                                                                                                                                                                                                                                                             | 94102                                              |
| (a) Payments resulting from the conversion of accrued but unused sick leave, personal leave, compensatory time, and vacation leave;                                                                                                                                                                                                             | 94103<br>94104<br>94105                            |
| (b) Payments made by the state to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental,                                                                                                                                                                                                                     | 94106<br>94107                                     |

or surgical coverage, or other insurance for the member or the member's family, or amounts paid by the state to the member in lieu of providing that insurance; 94108  
94109  
94110

(c) Payments for overtime work; 94111

(d) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the state, use of property or equipment of the state, and reimbursement for job-related expenses authorized by the state including moving and travel expenses and expenses related to professional development; 94112  
94113  
94114  
94115  
94116

(e) Payments made to or on behalf of a member that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401 (a)(17), as amended; 94117  
94118  
94119  
94120  
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(f) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly. 94122  
94123  
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(3) The retirement board shall determine by rule whether any compensation, wages, or earnings not enumerated in this division are salary, and its decision shall be final. 94128  
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94130

(S) "Actuary" means an individual who satisfies all of the following requirements: 94131  
94132

(1) Is a member of the American academy of actuaries; 94133

(2) Is an associate or fellow of the society of actuaries; 94134

(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans. 94135  
94136

Sec. 5505.16. (A) As used in this section, "member" has the same meaning as in section 5505.01 of the Revised Code, except that it also includes a former member who has earned service credit and has not received a refund of accumulated contributions under section 5505.19 of the Revised Code.

A member of the state highway patrol retirement system who has twenty-five years of service credit according to the rules adopted by the state highway patrol retirement board may make application for retirement which, if the member is under age forty-eight, shall be deferred until age forty-eight.

(B) A member who has twenty years of service credit according to the rules adopted by the retirement board, may make application for retirement that, if the member is under age fifty-two, shall be deferred until age fifty-two, except that any such member who has attained twenty years of service may, on or after attaining age forty-eight but before attaining age fifty-two, elect to receive a reduced pension of the greater of nine hundred dollars or an amount computed as follows:

| Attained Age | Reduced Pension               |       |
|--------------|-------------------------------|-------|
| 48           | 75% of normal service pension | 94156 |
| 49           | 80% of normal service pension | 94157 |
| 50           | 86% of normal service pension | 94158 |
| 51           | 93% of normal service pension | 94159 |

In the case of a member who elects to receive a reduced pension after attaining age forty-eight, the reduced pension is payable from the later of the date of the member's most recent birthday or the date the member becomes eligible to receive the reduced pension.

A member who has elected to receive a reduced pension in accordance with the schedule provided in this division and has received a payment in connection therewith may not change the

election. 94168

(C) Any member who attains the age of sixty years and has 94169  
twenty years of service credit according to the rules adopted by 94170  
the board, shall file application for retirement with the board, 94171  
and if the member refuses or neglects to do so, the board may deem 94172  
the member's application to have been filed on the member's 94173  
sixtieth birthday. The member may, upon written application 94174  
approved by the superintendent of the state highway patrol, be 94175  
continued in service after attaining the age of sixty years, but 94176  
only until the member has accumulated twenty years of service 94177  
credit in accordance with rules adopted by the board. 94178

(D)(1) As used in this division: 94179

(a) "Service in the uniformed services" means the performance 94180  
of duty on a voluntary or involuntary basis in a uniformed service 94181  
under competent authority and includes active duty, active duty 94182  
for training, initial active duty for training, inactive duty 94183  
training, full-time national guard duty, and a period for which a 94184  
person is absent from a position of employment for the purpose of 94185  
an examination to determine the fitness of the person to perform 94186  
any such duty. 94187

(b) "Uniformed services" of the United States includes both: 94188

(i) Army, navy, air force, marine corps, coast guard, or any 94189  
reserve components of these services; auxiliary corps as 94190  
established by congress; army nurse corps; navy nurse corps; 94191  
service as red cross nurse with the army, navy, air force, or 94192  
hospital service of the United States, or serving full-time with 94193  
the American red cross in a combat zone; and such other service as 94194  
is designated by congress as included therein; 94195

(ii) Personnel of the Ohio national guard, the Ohio military 94196  
reserve, the Ohio naval militia, and the reserve components of the 94197  
armed forces enumerated in division (D)(1) of this section who are 94198

called to active duty pursuant to an executive order issued by the president of the United States or an act of congress.

(2) A member's total service credit may include periods not to exceed a total of seven years, while the member's employment with the state highway patrol is or was interrupted due to service in the uniformed services of the United States. Such military service shall be credited to the member towards total service as provided by this chapter and to the extent approved by the board, provided that:

(a) The member is or was honorably discharged from service in the uniformed services;

(b) The member is or was re-employed by the state highway patrol within ninety days immediately following termination of service in the uniformed services;

(c) The member, subject to board rules, pays into the retirement system to the member's credit in the employees' savings fund an amount equal to the total contributions the member would have paid had state highway patrol employment not been so interrupted. Such payment may be made at any time prior to receipt of a pension.

(3) If the member meets the requirements of division (D)(2) of this section, on receipt of contributions from the member, the state highway patrol shall be billed for the employer contribution that would have been paid pursuant to section 5505.15 of the Revised Code if the member had not rendered service in the uniformed services, subject to board rules.

(4) If under division (D)(2)(c) of this section a member pays all or any portion of the contributions later than the lesser of five years or a period that is three times the member's period of service in the uniformed services beginning from the member's date of re-employment, an amount equal to compound interest at a rate

established by the board from the member's date of re-employment 94230  
to the date of payment shall be added to the remaining amount to 94231  
be paid by the member to purchase service credit under this 94232  
section. 94233

(5) Credit purchased by a member under division (D)(2) of 94234  
this section shall be used to determine the member's eligibility 94235  
for retirement under this section and section 5505.17 of the 94236  
Revised Code. 94237

**Sec. 5505.162.** (A) As used in this division, "member" has the 94238  
same meaning as in section 5505.01 of the Revised Code, except 94239  
that it also includes a former member who has earned service 94240  
credit and has not received a refund of accumulated contributions 94241  
under section 5505.19 of the Revised Code. 94242

On application for retirement as provided in section 5505.16 94243  
of the Revised Code, a member of the state highway patrol 94244  
retirement system may elect, on a form provided by the state 94245  
highway patrol retirement board, to receive the pension that the 94246  
member is eligible to receive on retirement under that section in 94247  
one of the following forms: 94248

(1) A single lifetime pension; 94249

(2) The actuarial equivalent of the single lifetime pension 94250  
that the member may elect under division (A)(1) of this section in 94251  
a lesser annual amount payable for the member's life and 94252  
continuing after the member's death to a surviving designated 94253  
beneficiary under one of the following optional plans, provided 94254  
the annual amount payable to the designated beneficiary shall not 94255  
exceed the annual amount payable to such retiring member, the 94256  
amount is certified by the actuary employed by the system to be 94257  
the actuarial equivalent of the member's pension, and the amount 94258  
is approved by the board: 94259

(a) Option 1. The member's lesser pension shall be paid for 94260  
life to the member's sole beneficiary designated at the time of 94261  
retirement. 94262

(b) Option 2. One-half or some other portion of the member's 94263  
lesser pension shall be paid for life to the member's sole 94264  
beneficiary designated at the time of retirement. 94265

(c) Option 3. Upon death before the expiration of a certain 94266  
period from the member's retirement date as elected by the member 94267  
and approved by the board, the member's lesser pension shall be 94268  
continued for the remainder of such period to the beneficiaries, 94269  
and in such order, as designated by the member in writing and 94270  
filed with the board. No monthly payments shall be paid to joint 94271  
beneficiaries, but they may jointly receive the present value of 94272  
any remaining payments in a lump sum settlement. If all designated 94273  
beneficiaries die before the expiration of such period, the 94274  
present value of all the payments yet remaining in the period 94275  
shall be paid to the estate of the beneficiary last receiving such 94276  
payments. 94277

(d) Option 4. The member's lesser pension or portion of the 94278  
lesser pension shall be paid for life to two, three, or four 94279  
surviving beneficiaries designated at the time of the member's 94280  
retirement, in such portions as specified at retirement. If the 94281  
member elects this plan as required by a court order issued under 94282  
section 3105.171 or 3105.65 of the Revised Code or the laws of 94283  
another state regarding the division of marital property and 94284  
compliance with the court order requires the allocation of a 94285  
portion less than ten per cent to any person, the member shall 94286  
allocate a portion less than ten per cent to that person in 94287  
accordance with that order. In all other circumstances, no portion 94288  
allocated under this plan of payment shall be less than ten per 94289  
cent. The total of the portions allocated shall not exceed one 94290  
hundred per cent of the member's lesser pension. 94291

(3) If the member has attained age fifty-one with at least 94292  
twenty-five years' total service or fifty-two with at least twenty 94293  
years' total service, a pension consisting of both a partial 94294  
benefit lump sum in an amount the member designates that 94295  
constitutes a portion of the single lifetime pension the member 94296  
may elect under division (A)(1) of this section and the actuarial 94297  
equivalent of the remainder of the single lifetime pension payable 94298  
for the member's life, provided an actuary employed by the system 94299  
certifies the actuarial equivalent and the board approves the 94300  
partial benefit lump sum payment and the amount to be paid as the 94301  
actuarial equivalent. 94302

The amount designated by a member shall be not less than six 94303  
times the monthly amount that would be payable to the member as a 94304  
single lifetime pension under division (A)(1) of this section and 94305  
not more than sixty times that amount. 94306

A member who has attained the age of fifty-one with 94307  
twenty-five years of service who elects a partial benefit lump sum 94308  
may designate an amount that does not exceed an amount equal to 94309  
one month's pension for each month of service beyond twenty-five 94310  
years. A member who has attained the age of fifty-two with twenty 94311  
years of service who elects a partial benefit lump sum may 94312  
designate an amount that does not exceed an amount equal to one 94313  
month's pension for each month of service beyond twenty years. 94314

(4) If a plan of payment providing for payment in a specified 94315  
portion of the pension continuing after the member's death to a 94316  
former spouse is required by a court order issued under section 94317  
3105.171 or 3105.65 of the Revised Code or the laws of another 94318  
state regarding division of marital property prior to the 94319  
effective date of the member's retirement and the board has 94320  
received a copy of the order, the board shall accept the member's 94321  
election of a plan of payment under this section only if the 94322  
member elects a plan of payment that is in accordance with the 94323

order. 94324

(B)(1) The death of a spouse designated as beneficiary or the 94325  
death of any other designated beneficiary following retirement 94326  
shall cancel the portion of the optional plan of payment selected 94327  
under division (A)(2) of this section providing continuing 94328  
lifetime benefits to the deceased designated beneficiary. The 94329  
member shall receive the actuarial equivalent of the member's 94330  
single lifetime pension, as determined by the board based on the 94331  
number of remaining beneficiaries, with no change in the amount 94332  
payable to any remaining beneficiary. The change shall be 94333  
effective the month following receipt by the board of notice of 94334  
the death. 94335

(2) On divorce, annulment, or marriage dissolution, a member 94336  
receiving a pension under a plan that provides for continuation of 94337  
all or part of the pension after death for the lifetime of the 94338  
member's surviving spouse may, with the written consent of the 94339  
spouse or pursuant to an order of the court with jurisdiction over 94340  
the termination of the marriage, elect to cancel the portion of 94341  
the plan providing continuing lifetime benefits to that spouse. 94342  
The member shall receive the actuarial equivalent of the member's 94343  
single lifetime pension as determined by the board based on the 94344  
number of remaining beneficiaries, with no change in amount 94345  
payable to any remaining beneficiary. The election shall be made 94346  
on a form provided by the board and shall be effective the month 94347  
following its receipt by the board. 94348

(C)(1) Following marriage or remarriage, both of the 94349  
following apply: 94350

(a) A member may elect a new optional plan of payment under 94351  
division (A)(2) of this section based on the actuarial equivalent 94352  
of the member's single lifetime pension as determined by the 94353  
board. 94354

(b) A member who is receiving a pension pursuant to a plan of payment providing for payment to a former spouse pursuant to a court order described in division (A)(4) of this section may elect a new plan of payment under "option 4" based on the actuarial equivalent of the retirant's single lifetime pension as determined by the board if the new plan of payment elected does not reduce the payment to the former spouse.

(2) If the marriage or remarriage occurs on or after ~~the effective date of this amendment~~ June 6, 2005, the election must be made not later than one year after the date of the marriage or remarriage.

The plan elected under this section shall become effective on the date of receipt by the board of an application on a form approved by the board, but any change in the amount of the pension shall commence on the first day of the month following the effective date of the plan.

(D) A member who has elected an optional plan under division (A)(2) of this section may, with the written consent of the designated beneficiary, cancel the optional plan and receive the single lifetime pension that the member would have received had the member elected the single lifetime pension under division (A)(1) of this section, if the member makes a request to cancel the optional plan not later than one year after the date on which the member first receives a payment under the plan. Cancellation of the optional plan shall be effective the month after acceptance of the request by the board. No payment or adjustment shall be made in the single lifetime pension to compensate for the lesser pension the member received under the optional plan.

The request to cancel the optional plan shall be made on a form provided by the board and shall be valid only if the completed form includes a signed statement of the designated beneficiary's understanding of and consent to the cancellation.

The designated beneficiary's signature shall be verified by the board prior to its acceptance of the cancellation.

(E) Any option elected and payments made under division (A)(2) of this section shall be in addition to any pension payable to the member's surviving spouse, children, or parents under section 5505.17 of the Revised Code.

**Sec. 5505.17.** (A)(1) Upon retirement as provided in section 5505.16 of the Revised Code, a ~~member of the~~ state highway patrol retirement system retirant shall receive a life pension, without guaranty or refund, equal to the greater of one thousand fifty dollars or the sum of two and one-half per cent of the ~~member's~~ retirant's final average salary multiplied by the first twenty years of total service credit, plus two and one-quarter per cent of the ~~member's~~ retirant's final average salary multiplied by the number of years, and fraction of a year, of total service credit in excess of twenty years but not in excess of twenty-five years, plus two per cent of the ~~member's~~ retirant's final average salary multiplied by the number of years, and fraction of a year, in excess of twenty-five years; provided that in no case shall the pension exceed the lesser of seventy-nine and one-quarter per cent of the ~~member's~~ retirant's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as amended.

(2) A member with fifteen or more years of total service credit, who voluntarily resigns or who is discharged from the state highway patrol for any reason except retirement under this chapter, death, dishonesty, cowardice, intemperate habits, or conviction of a felony, shall receive a pension equal to one and one-half per cent of the member's final average salary multiplied by the number of years, and fraction of a year, of total service credit, except that the pension shall not exceed the limit

established by section 415 of the "Internal Revenue Code of 1986," 94418  
100 Stat. 2085, 26 U.S.C.A. 415, as amended. The pension shall 94419  
commence at the end of the calendar month in which the application 94420  
is filed with the retirement board on or after the attainment of 94421  
age fifty-five years by the applicant. A member or former member 94422  
who withdraws any part or all of the accumulated contributions 94423  
from the employees' savings fund shall thereupon forfeit all 94424  
rights to a pension provided for in this division. 94425

(3)(a) A surviving spouse of a deceased member shall receive 94426  
a monthly pension, determined as follows, during the spouse's 94427  
life: 94428

(i) If at the time of death the member was not eligible to be 94429  
granted a pension payable under division (A)(1) of this section or 94430  
to elect to receive a reduced pension payable under section 94431  
5505.16 of the Revised Code, nine hundred dollars; 94432

(ii) If at the time of death the member was eligible to be 94433  
granted a pension payable under division (A)(1) of this section or 94434  
to elect to receive a reduced pension payable under section 94435  
5505.16 of the Revised Code, the greater of nine hundred dollars 94436  
or fifty per cent of the computed monthly pension the member would 94437  
have received had the member been granted a pension under division 94438  
(A)(1) of this section or elected to receive a reduced pension 94439  
under section 5505.16 of the Revised Code. 94440

(b) The surviving spouse of a retirant shall receive a 94441  
monthly pension, determined as follows, during the spouse's life: 94442

(i) If the retirant had applied for a pension payable under 94443  
section 5505.16 of the Revised Code, but at the time of death had 94444  
not attained the age of eligibility for the pension, nine hundred 94445  
dollars; 94446

(ii) If the retirant had applied for a pension payable under 94447  
section 5505.16 of the Revised Code and had attained the age of 94448

eligibility for the pension, but at the time of death had not 94449  
elected to begin receiving the pension, the greater of nine 94450  
hundred dollars or fifty per cent of the computed monthly pension 94451  
the retirant was eligible to receive under section 5505.16 of the 94452  
Revised Code; 94453

(iii) If the retirant was receiving a pension under division 94454  
(A)(1) of this section or section 5505.16 or 5505.18 of the 94455  
Revised Code, or, regardless of whether or not the retirant had 94456  
actually received any payment, if the retirant was eligible to 94457  
receive a pension under division (A)(1) of this section or section 94458  
5505.16 or 5505.18 of the Revised Code and had elected to begin 94459  
receiving it, the greater of nine hundred dollars or fifty per 94460  
cent of the computed monthly pension awarded the retirant. 94461

(c) If a monthly pension to a surviving spouse was terminated 94462  
due to a remarriage, the surviving spouse is eligible to receive a 94463  
monthly pension under division (A)(3) of this section effective 94464  
the first day of the first month following June 5, 1996. The 94465  
pension shall be computed under division (A)(3) of this section as 94466  
of June 5, 1996. The pension payable to a person who is the 94467  
surviving spouse of more than one state highway patrol retirement 94468  
system member or retirant shall be computed on the basis of the 94469  
service of the member or retirant to whom the surviving spouse was 94470  
most recently married. 94471

(4) A pension of one hundred fifty dollars per month shall be 94472  
paid by the system to or for the benefit of each child of a 94473  
deceased member or retirant until the child attains the age of 94474  
eighteen years or marries, whichever event occurs first, or until 94475  
the child attains twenty-three years of age if the child is a 94476  
student in and attending an institution of learning or training 94477  
pursuant to a program designed to complete in each school year the 94478  
equivalent of at least two-thirds of the full-time curriculum 94479  
requirements of the institution, as determined by the retirement 94480

board. If any surviving child, regardless of age at the time of 94481  
the member's or retirant's death, because of physical or mental 94482  
disability, was totally dependent upon the deceased member or 94483  
retirant for support at the time of death, a pension of one 94484  
hundred fifty dollars per month shall be paid by the system to or 94485  
for the benefit of the child during the child's natural life or 94486  
until the child recovers from the disability. 94487

(5)(a) If a retirant died prior to June 6, 1988, and the 94488  
surviving spouse was not married to the retirant while the 94489  
retirant was in the active service of the patrol, the surviving 94490  
spouse shall receive a pension of the greater of four hundred 94491  
twenty-five dollars per month or fifty per cent of the computed 94492  
monthly pension the retirant was receiving. 94493

(b) If the pension payable to a person receiving a pension 94494  
under division (A)(5)(a) of this section on June 30, 2000, is less 94495  
than nine hundred dollars per month, the pension shall be 94496  
increased to nine hundred dollars per month. 94497

(6) If a deceased member or retirant leaves no spouse or 94498  
surviving children, but leaves two parents depending solely upon 94499  
the deceased member or retirant for support, each parent shall be 94500  
paid a monthly pension of one hundred fifty-four dollars. If in 94501  
such case there is only one parent dependent solely upon the 94502  
deceased member or retirant for support, such parent shall be paid 94503  
a monthly pension of one hundred fifty-four dollars. Such pension 94504  
shall be paid during the life of the surviving parents, or until 94505  
dependency ceases, or until remarriage, whichever event occurs 94506  
first. 94507

(7) Any amount remaining as accumulated contributions at the 94508  
time of death of a retirant who leaves no surviving spouse or 94509  
dependent children or parents shall be paid to the beneficiary or 94510  
beneficiaries the retirant has nominated by written designation 94511  
duly executed and filed with the board. A retirant may designate 94512

an individual or a trust as a beneficiary. If there is no 94513  
designated beneficiary surviving the retirant, the retirant's 94514  
accumulated contributions shall be paid according to the state law 94515  
of descent and distribution; provided that, if the retirant's 94516  
accumulated contributions are not claimed by an eligible person or 94517  
by the estate of the retirant within seven years, they shall be 94518  
transferred to the income fund of the system and after that shall 94519  
be paid from that fund to such person or estate upon application 94520  
to the board. 94521

(8) The increase provided for by division (A)(5) of this 94522  
section shall be included in the calculation of the additional 94523  
benefit paid under section 5505.174 of the Revised Code. 94524

(B) The board shall adopt, and may amend or rescind, the 94525  
necessary rules for the administration of this section and all 94526  
decisions of the board shall be final. Any payment of a pension or 94527  
benefit under this section is subject to the provisions of section 94528  
5505.26 of the Revised Code. 94529

(C) A member's total service credit may include periods 94530  
during which the member's employment with the state highway patrol 94531  
is interrupted by a leave of absence, when requested by the 94532  
governor, to accept employment with another agency of the state, 94533  
provided that: 94534

(1) The member is reemployed by the state highway patrol 94535  
within thirty days following termination of such other employment; 94536

(2) The member pays into the retirement system, to the credit 94537  
of the employees' savings fund, an amount equal to the total 94538  
contributions the member would have paid had the state highway 94539  
patrol employment not been so interrupted. Such repayment shall 94540  
begin within ninety days after the member's return to duty with 94541  
the state highway patrol and be completed within a period equal to 94542  
that of the leave of absence. 94543

(D) Service credits granted under division (C) of this 94544  
section shall not include any duplications of credits for which a 94545  
pension is payable by the public employees retirement system. 94546

**Sec. 5505.19.** Subject to section 5505.26 of the Revised Code, 94547  
a member of the state highway patrol retirement system who ceases 94548  
to be an employee of the state highway patrol for any cause except 94549  
death, disability, or retirement, upon application filed in 94550  
writing with the state highway patrol retirement board, shall be 94551  
paid the accumulated contributions, less interest, standing to the 94552  
credit of the member's individual account in the employees' 94553  
savings fund. ~~Except as otherwise provided in this chapter, five~~ 94554  
~~years after a member ceases to be an employee of the patrol any~~ 94555  
~~balance of accumulated contributions standing to the member's~~ 94556  
~~credit in the employees' savings fund shall be transferred to the~~ 94557  
~~income fund and after that shall be paid from that fund to the~~ 94558  
~~member upon application to the board.~~ 94559

A member described in this section who is married at the time 94560  
of application for payment and would be eligible for a pension 94561  
payable under division (A)(1) or (2) of section 5505.17 of the 94562  
Revised Code but for a forfeiture ordered under division (A) or 94563  
(B) of section 2929.192 of the Revised Code shall submit with the 94564  
application a written statement by the member's spouse attesting 94565  
that the spouse consents to the payment of the member's 94566  
accumulated contributions. Consent shall be valid only if it is 94567  
signed and witnessed by a notary public. The board may waive the 94568  
requirement of consent if the spouse is incapacitated or cannot be 94569  
located, or for any other reason specified by the board. Consent 94570  
or waiver is effective only with regard to the spouse who is the 94571  
subject of the consent or waiver. 94572

**Sec. 5505.20.** Should a member of the state highway patrol 94573  
retirement system cease to be an employee of the state highway 94574

patrol, for any reason, except ~~his~~ retirement or death, ~~he~~ the 94575  
member shall thereupon cease to be a member of the retirement 94576  
system ~~and he~~. A member who is paid the member's accumulated 94577  
contributions under section 5505.19 of the Revised Code shall 94578  
forfeit ~~his~~ the member's total service credit at that time. Should 94579  
~~he~~ the former member return to the employ of the state highway 94580  
patrol, ~~he~~ the former member shall again become a member. When 94581  
said re-employment occurs the total service credit last forfeited 94582  
by ~~him~~ the member shall be restored to ~~his~~ the member's credit, 94583  
provided ~~he~~ the member pays into the employees' savings fund the 94584  
amount, if any, ~~he~~ the member withdrew therefrom, together with 94585  
such compound interest as the board may require from the date of 94586  
withdrawal to the date of repayment. The member may choose to 94587  
purchase only part of such credit in any one payment, subject to 94588  
board rules. The return of accumulated contributions shall be made 94589  
according to such rules as the board shall from time to time 94590  
adopt. 94591

**Sec. 5505.21.** Should a member or former member of the state 94592  
highway patrol retirement system die and no pension becomes 94593  
payable from funds of the system on account of the member's or 94594  
former member's employment with the patrol, the member's or former 94595  
member's accumulated contributions, less interest, standing to the 94596  
member's or former member's credit in the employees' savings fund 94597  
at the time of death shall be paid to the beneficiary or 94598  
beneficiaries the member or former member has nominated by written 94599  
designation duly executed and filed with the state highway patrol 94600  
retirement board. A member or former member may designate an 94601  
individual or a trust as a beneficiary. If there is no designated 94602  
beneficiary surviving the member or former member, the member's or 94603  
former member's accumulated contributions shall be paid according 94604  
to the state law of descent and distribution; provided that, if 94605  
the member's or former member's accumulated contributions are not 94606

claimed by an eligible person or by the estate of the deceased 94607  
member or former member within seven years, they shall be 94608  
transferred to the income fund of the system and after that shall 94609  
be paid from that fund to such person or estate upon application 94610  
to the board. 94611

**Sec. 5515.07.** (A) The director of transportation, in 94612  
accordance with Chapter 119. of the Revised Code, shall adopt 94613  
rules consistent with the safety of the traveling public and 94614  
consistent with the national policy to govern the use and control 94615  
of rest areas within the limits of the right-of-way of interstate 94616  
highways and other state highways and in other areas within the 94617  
limits of the right-of-way of interstate highways. 94618

(B)(1) Except as provided in division ~~(C)~~(B)(2) of this 94619  
section or as otherwise authorized by applicable federal law or 94620  
federal regulations, no person shall engage in selling or offering 94621  
for sale or exhibiting for purposes of sale, goods, products, 94622  
merchandise, or services within the bounds of rest areas within 94623  
the limits of the right-of-way of interstate highways and other 94624  
state highways, or in other areas within the limits of the 94625  
right-of-way of interstate highways, unless the director issues a 94626  
permit in accordance with section 5515.01 of the Revised Code. 94627  
Notwithstanding any rules adopted by the director to the contrary 94628  
or any other policy changes proposed by the director, each 94629  
district deputy director of the department of transportation shall 94630  
continue to implement any program allowing organizations to 94631  
dispense free coffee or similar items after obtaining a permit 94632  
that operated within the district prior to January 1, 1997. Each 94633  
district deputy director shall operate such program within the 94634  
district in the same manner as the program was operated prior to 94635  
that date. 94636

~~(C)~~(2) In accordance with rules adopted under division (A) of 94637

this section, the director may cause vending machines to be placed 94638  
within each rest area that is able to accommodate the machines. 94639  
The vending machines shall dispense food, drink, and other 94640  
appropriate articles. 94641

~~(D) This~~ (3) The prohibition under division (B)(1) of this 94642  
section does not apply to the sale of goods, products, 94643  
merchandise, or services required for the emergency repair of 94644  
motor vehicles or emergency medical treatment, or to the 94645  
department of transportation as provided in section 5515.08 of the 94646  
Revised Code. 94647

(C) The director shall not close any rest area that is 94648  
located within the limits of the right-of-way of a scenic byway 94649  
designated under section 5516.05 of the Revised Code. 94650

Sec. 5516.20. A sign may be displayed adjacent to an 94651  
interstate highway system that uses light-emitting diode lighting 94652  
if the sign is located within the boundaries of a tourism 94653  
development district designated by a township under section 503.56 94654  
of the Revised Code or a municipal corporation under section 94655  
715.014 of the Revised Code except to the extent limited or 94656  
prohibited by this chapter, any rule adopted under this chapter, 94657  
or any zoning regulation adopted by a county, municipal 94658  
corporation, or other local zoning authority with jurisdiction. 94659

**Sec. 5575.02.** After the board of township trustees has 94660  
decided to proceed with a road improvement, it shall advertise for 94661  
bids once, not later than two weeks prior to the date fixed for 94662  
the letting of contracts, in a newspaper of general circulation 94663  
within the township. Such notice shall state that copies of the 94664  
surveys, plans, profiles, cross sections, ~~estimates~~, and 94665  
specifications for such improvement are on file with the board, 94666  
and the time within which bids will be received. The board may let 94667

the work as a whole or in convenient sections, as it determines. 94668  
The contract shall be awarded to the lowest and best bidder who 94669  
meets the requirements of section 153.54 of the Revised Code, and 94670  
shall be let upon the basis of lump sum bids, unless the board 94671  
orders that it be let upon the basis of unit price bids, in which 94672  
event it shall be let upon such basis. 94673

The board is not required to provide notice of the project 94674  
cost estimate when advertising for bids under this section. 94675

**Sec. 5575.03.** No contract for any road improvement shall be 94676  
awarded at a price more than ten per cent in excess of the 94677  
estimated cost. The bids received shall be opened at the time 94678  
stated in the notice. If no bids are made that equal one hundred 94679  
ten per cent of the estimate or less, the board of township 94680  
trustees shall either readvertise ~~at~~ based upon the original 94681  
estimate, or request an amended estimate from the county engineer, 94682  
who shall proceed to make such an estimate as provided in section 94683  
5575.01 of the Revised Code, ~~or obtain such an amended estimate~~ 94684  
and proceed to advertise ~~at~~ based upon the amended estimate. ~~No~~ 94685  
The board is not required to provide notice of the estimate or 94686  
amended estimate when readvertising under this section. 94687

No contract shall be awarded for any road improvement without 94688  
the certification as to funding required under section 5705.41 of 94689  
the Revised Code. The board may reject all bids. 94690

**Sec. 5577.081.** (A) Except when transferring unfinished 94691  
aggregate material between facilities that are under the control 94692  
of the same owner or operator that is subject to Chapter 1514. of 94693  
the Revised Code or when unloading or loading finished aggregate 94694  
product within a ten-mile radius of a surface mining operation 94695  
that is permitted and regulated under that chapter, all vehicles 94696  
entering or leaving such an operation that have a gross vehicle 94697

weight as defined in division (JJ) of section 4501.01 of the Revised Code that is in excess of sixty-six thousand pounds shall use the specific roads designated pursuant to sections 303.14 and 303.141 or 519.14 and 519.141 of the Revised Code as the primary means of ingress to and egress from the facilities or operation.

(B) The owner or operator of a surface mining operation that is permitted under Chapter 1514. of the Revised Code and that is subject to the use of specific roads as the primary means of ingress to and egress from the operation pursuant to sections 303.14 and 303.141 or 519.14 and 519.141 of the Revised Code shall post a sign in a conspicuous location to inform the drivers of trucks entering and leaving the operation of the roads to use as the primary means of ingress to and egress from the operation.

(C)(1) Whoever violates this section shall receive a written warning in such a manner that it becomes a part of the person's permanent record that is maintained by the bureau of motor vehicles and assists in monitoring violations of this section.

(2) A person who commits a second offense within one year after committing the first offense is guilty of a minor misdemeanor.

(3) A person who commits a third or subsequent offense within one year after committing the first offense is guilty of a misdemeanor of the fourth degree.

(D) Fine money that is collected under division (C) of this section shall be deposited in the state treasury to the credit of the ~~surface~~ mining regulation and safety fund created in section ~~1514.06~~ 1513.30 of the Revised Code.

**Sec. 5595.03.** (A) A resolution of a board of county commissioners undertaking a regional transportation improvement project must include a cooperative agreement containing all of the

following: 94728

(1) A description or analysis of the deficiencies of the existing transportation system in the counties participating in the project and of projected needs or deficiencies of the system in ensuing years under reasonable assumptions about development, population trends, and other factors affecting transportation infrastructure in the counties; 94729  
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(2) A comprehensive list of the transportation improvements to be completed as part of the project, including a general description of each improvement, schedules of the projected beginning and end of each improvement, and the estimated cost of each improvement; 94735  
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(3) Directives regarding the operations and reporting requirements of the governing board; 94740  
94741

(4) ~~The number of years~~ Subject to division (E) of this section, the period for which the agreement is to be in effect; 94742  
94743

(5) Any other terms the board of county commissioners considers necessary or conducive to communicate the intentions of the cooperative agreement and to ensure its effective implementation by the governing board. 94744  
94745  
94746  
94747

(B) A board of county commissioners that intends to undertake a regional transportation improvement project shall hold at least one public hearing on the proposed cooperative agreement before adopting a resolution approving the agreement. The board of county commissioners shall provide at least thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the county. During the thirty-day period before the public hearing, the proposed cooperative agreement shall be made available for public inspection at the offices of each county that will be a party to the agreement. 94748  
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(C) If the cooperative agreement is approved by each county 94758  
that will be a party to the agreement, one of the participating 94759  
counties shall send a copy of the agreement to the director of 94760  
transportation. The director shall evaluate the agreement and 94761  
determine if the transportation improvements specified in the 94762  
agreement are in the best interest of the transportation 94763  
facilities of this state, as defined in section 5501.01 of the 94764  
Revised Code. If the director approves the agreement, the director 94765  
shall send notice of approval to each county that is a party to 94766  
the agreement. Unless otherwise provided in the cooperative 94767  
agreement, the agreement is effective immediately upon approval by 94768  
the director. If the director does not approve the agreement, the 94769  
director shall send notice of denial to each county that is a 94770  
party to the agreement. The notice of denial shall include the 94771  
reason or reasons for the denial and recommendations for ways in 94772  
which the agreement may be changed to meet the approval of the 94773  
director. If the director does not make a determination within 94774  
ninety days after receiving a cooperative agreement under this 94775  
section, the director is deemed to have approved the agreement 94776  
and, unless otherwise provided in the agreement, the agreement is 94777  
effective immediately. No cooperative agreement is effective 94778  
without actual or constructive approval by the director under this 94779  
section. 94780

(D) The cooperative agreement governing a regional 94781  
transportation improvement project may be amended at any time by 94782  
majority vote of the governing board and of the boards of county 94783  
commissioners of each of the participating counties and with the 94784  
approval of the director of transportation obtained in the same 94785  
manner as approval of the original agreement. 94786

(E) The period for which a cooperative agreement adopted or 94787  
amended under this section is in effect shall not exceed fifteen 94788  
years following the effective date of the original agreement or, 94789

if the agreement authorizes the governing board to issue 94790  
securities, twenty years following the first issuance of 94791  
securities by the governing board. 94792

**Sec. 5595.06.** (A) The governing board of a regional 94793  
transportation improvement project, pursuant to the cooperative 94794  
agreement, may request and receive pledges of revenue from the 94795  
state, the counties that are parties to the agreement, and any 94796  
political subdivision or taxing unit located within any of those 94797  
counties. Except as provided in division (B) of this section, the 94798  
pledged revenues shall be used solely for the purpose of funding 94799  
the transportation improvements prescribed by the cooperative 94800  
agreement, the debt charges on any securities issued by the 94801  
governing board under section 5595.05 of the Revised Code, and the 94802  
expenses of the governing board. The state, the counties, and any 94803  
political subdivision or taxing unit located within such a county 94804  
may pledge revenue to the governing board from any of the 94805  
following sources: 94806

(1) The general revenue fund of the state; 94807

(2) License tax revenue derived from an annual motor vehicle 94808  
license tax imposed pursuant to section 4504.22 of the Revised 94809  
Code; 94810

(3) Payments in lieu of taxes derived under section 5709.42, 94811  
5709.45, 5709.48, 5709.74, or 5709.79 of the Revised Code if the 94812  
real property for which such payments are made will benefit from 94813  
the proposed transportation improvements; 94814

(4) Income tax revenue derived from a joint economic 94815  
development district or joint economic development zone 94816  
established pursuant to section 715.69, 715.691, 715.70, 715.71, 94817  
or 715.72 of the Revised Code if the district or zone will benefit 94818  
from the proposed transportation improvements; 94819

(5) Revenue derived from special assessments levied in a special improvement district created under Chapter 1710. of the Revised Code if the district will benefit from the proposed transportation improvements;

(6) Revenue from an income source of a new community district established pursuant to section 349.03 of the Revised Code if the district will benefit from the proposed transportation improvements;

(7) Income tax revenue derived from a tax levied by a municipal corporation in accordance with Chapter 718. of the Revised Code if the municipal corporation will benefit from the proposed transportation improvements and revenue from the tax may lawfully be applied to that purpose under the ordinance or resolution levying the tax;

(8) Sales and use tax revenue derived from a tax levied under section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 5741.023 of the Revised Code if the county or transit authority will benefit from the proposed transportation improvements and revenue from the tax may lawfully be applied to that purpose under the resolution levying the tax.

(B) The governing board shall use license tax revenue pledged to the project under division (A)(2) of this section for the purpose of funding transportation improvements described in the cooperative agreement and any other supplemental transportation improvements necessary to complete the project. If the board intends to use any of the license tax revenue for supplemental improvements not described in the agreement, the board, before submitting a request for license tax revenue to a board of county commissioners under section 4504.22 of the Revised Code, shall adopt a resolution allocating the revenue among the improvements described in the agreement and such supplemental improvements not described in the agreement. The amount used for supplemental

improvements may not exceed five dollars for each motor vehicle on 94852  
which the motor vehicle license tax is collected. If the motor 94853  
vehicle license tax is approved, the governing board shall 94854  
allocate the revenue only in accordance with the resolution. The 94855  
allocation may not be changed unless a proposition to change the 94856  
allocation is approved by the majority of electors voting on the 94857  
proposition in each county that is a party to the cooperative 94858  
agreement. Such a proposition may be proposed by resolution of the 94859  
governing board certified to the board of county commissioners of 94860  
each county, and, upon receiving such a certified resolution, each 94861  
board of county commissioners shall certify identical resolutions 94862  
to the respective county board of elections for placement on the 94863  
questions and issues ballot at the next succeeding election 94864  
occurring at least ninety days after the resolution is certified 94865  
to the board of elections. 94866

(C) Pledges of revenue under division (A) of this section may 94867  
take any form and may be made subject to any terms that are 94868  
mutually agreeable between the revenue contributor and the 94869  
governing board. Pledges may be effectuated through periodic or 94870  
one-time fixed payments, in variable installments based on 94871  
estimated increases in tax revenue attributable to the activities 94872  
of the regional transportation improvement project, or through any 94873  
other means negotiated by the revenue contributor and the 94874  
government board. 94875

As used in this division, "revenue contributor" means the 94876  
state, the counties that are parties to the cooperative agreement, 94877  
or any political subdivision or taxing unit located within any of 94878  
those participating counties, that pledges revenue to a regional 94879  
transportation improvement project under division (A) of this 94880  
section. 94881

**Sec. 5595.13.** ~~Upon completion of the transportation~~ 94882

~~improvements listed in the cooperative agreement, fulfillment of~~ 94883  
~~all contractual duties assumed by the governing board, and~~ 94884  
~~repayment of all bonds issued by the governing board, the A~~ 94885  
regional transportation improvement project and ~~the~~ its governing 94886  
board ~~shall dissolve~~ are dissolved by operation of law on the date 94887  
specified in the cooperative agreement. The governing board shall 94888  
fulfill all contractual duties assumed by the board and repay all 94889  
bonds issued by the board before that date. Upon dissolution of 94890  
the regional transportation improvement project, the boards of 94891  
county commissioners that created the regional transportation 94892  
improvement project shall assume title to all real and personal 94893  
property acquired by the board in the fulfillment of its duties 94894  
under this chapter. The property shall be divided and distributed 94895  
in accordance with the cooperative agreement. Unless otherwise 94896  
provided by contract, pledges of revenue to the governing board 94897  
from the state or a political subdivision or taxing unit shall 94898  
terminate by operation of law upon the dissolution of the regional 94899  
transportation improvement project. Unless otherwise provided in 94900  
the cooperative agreement, unencumbered funds held by the 94901  
governing board on the date the regional transportation 94902  
improvement district is dissolved shall be proportionally 94903  
distributed to the state and each political subdivision and taxing 94904  
unit that pledged revenue to the project based on the ratio that 94905  
the amount contributed by the state, political subdivision, or 94906  
taxing unit bears to the total amount contributed by the state and 94907  
all political subdivisions and taxing units over the full duration 94908  
of the project. 94909

**Sec. 5703.052.** (A) There is hereby created in the state 94910  
treasury the tax refund fund, from which refunds shall be paid for 94911  
taxes illegally or erroneously assessed or collected, or for any 94912  
other reason overpaid, that are levied by Chapter 4301., 4305., 94913

5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 94914  
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 94915  
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 94916  
5727.81, and 5727.811 of the Revised Code. Refunds for fees or 94917  
wireless 9-1-1 charges illegally or erroneously assessed or 94918  
collected, or for any other reason overpaid, that are levied by 94919  
sections 128.42 or 3734.90 to 3734.9014 of the Revised Code also 94920  
shall be paid from the fund. Refunds for amounts illegally or 94921  
erroneously assessed or collected by the tax commissioner, or for 94922  
any other reason overpaid, that are due under section 1509.50 of 94923  
the Revised Code shall be paid from the fund. Refunds for amounts 94924  
illegally or erroneously assessed or collected by the 94925  
commissioner, or for any other reason overpaid to the 94926  
commissioner, under sections 718.80 to 718.95 of the Revised Code 94927  
shall be paid from the fund. However, refunds for taxes levied 94928  
under section 5739.101 of the Revised Code shall not be paid from 94929  
the tax refund fund, but shall be paid as provided in section 94930  
5739.104 of the Revised Code. 94931

(B)(1) Upon certification by the tax commissioner to the 94932  
treasurer of state of a tax refund, a wireless 9-1-1 charge 94933  
refund, or another amount refunded, or by the superintendent of 94934  
insurance of a domestic or foreign insurance tax refund, the 94935  
treasurer of state shall place the amount certified to the credit 94936  
of the fund. The certified amount transferred shall be derived 94937  
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 94938  
other amount from which the refund arose. 94939

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 94940  
or other amount that is not levied by the state or that was 94941  
illegally or erroneously distributed to a taxing jurisdiction, the 94942  
tax commissioner shall recover the amount of that refund from the 94943  
next distribution of that tax, fee, wireless 9-1-1 charge, or 94944  
other amount that otherwise would be made to the taxing 94945

jurisdiction. If the amount to be recovered would exceed 94946  
twenty-five per cent of the next distribution of that tax, fee, 94947  
wireless 9-1-1 charge, or other amount, the commissioner may 94948  
spread the recovery over more than one future distribution, taking 94949  
into account the amount to be recovered and the amount of the 94950  
anticipated future distributions. In no event may the commissioner 94951  
spread the recovery over a period to exceed thirty-six months. 94952

**Sec. 5703.053.** As used in this section, "postal service" 94953  
means the United States postal service. 94954

An application to the tax commissioner for a tax refund under 94955  
section 4307.05, 4307.07, 718.91, 5726.30, 5727.28, 5727.91, 94956  
5728.061, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5736.08, 94957  
5739.07, 5741.10, 5743.05, 5743.53, 5745.11, 5749.08, or 5751.08 94958  
of the Revised Code or division (B) of section 5703.05 of the 94959  
Revised Code, or a fee refunded under section 3734.905 of the 94960  
Revised Code, that is received after the last day for filing under 94961  
such section shall be considered to have been filed in a timely 94962  
manner if: 94963

(A) The application is delivered by the postal service and 94964  
the earliest postal service postmark on the cover in which the 94965  
application is enclosed is not later than the last day for filing 94966  
the application; 94967

(B) The application is delivered by the postal service, the 94968  
only postmark on the cover in which the application is enclosed 94969  
was affixed by a private postal meter, the date of that postmark 94970  
is not later than the last day for filing the application, and the 94971  
application is received within seven days of such last day; or 94972

(C) The application is delivered by the postal service, no 94973  
postmark date was affixed to the cover in which the application is 94974  
enclosed or the date of the postmark so affixed is not legible, 94975  
and the application is received within seven days of the last day 94976

for making the application. 94977

**Sec. 5703.054.** The tax commissioner shall prescribe the form 94978  
that the signature and declaration, if any, shall take on any 94979  
document required to be filed with the commissioner and on any 94980  
document required under Chapter 718., 3734., 3769., 4303., or 94981  
4305. or Title LVII of the Revised Code to be filed with the 94982  
treasurer of state. The commissioner may authorize an electronic 94983  
or other alternative form of filing of any document required to be 94984  
filed with the commissioner or the treasurer of state under 94985  
Chapter 3734., 3769., 4303., or 4305. or Title LVII of the Revised 94986  
Code. 94987

**Sec. 5703.056.** (A) As used in any section of the Revised Code 94988  
that requires the tax commissioner to use certified mail or 94989  
personal service or that requires or permits a payment to be made 94990  
or a document to be submitted to the tax commissioner or the board 94991  
of tax appeals by mail or personal service, and as used in any 94992  
section of Chapter 718., 3734., 3769., 4303., or 4305. or Title 94993  
LVII of the Revised Code that requires or permits a payment to be 94994  
made or a document to be submitted to the treasurer of state by 94995  
mail: 94996

(1) "Certified mail," "express mail," "United States mail," 94997  
"United States postal service," and similar terms include any 94998  
delivery service authorized pursuant to division (B) of this 94999  
section. 95000

(2) "Postmark date," "date of postmark," and similar terms 95001  
include the date recorded and marked in the manner described in 95002  
division (B)(3) of this section. 95003

(B) The tax commissioner may authorize the use of a delivery 95004  
service for the delivery of any payment or document described in 95005  
division (A) of this section if the commissioner finds that the 95006

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| delivery service:                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 95007                                                                |
| (1) Is available to the general public;                                                                                                                                                                                                                                                                                                                                                                                                                                                | 95008                                                                |
| (2) Is at least as timely and reliable on a regular basis as<br>the United States postal service;                                                                                                                                                                                                                                                                                                                                                                                      | 95009<br>95010                                                       |
| (3) Records electronically to a database kept in the regular<br>course of its business, and marks on the cover in which the<br>payment or document is enclosed, the date on which the payment or<br>document was given to the delivery service for delivery;                                                                                                                                                                                                                           | 95011<br>95012<br>95013<br>95014                                     |
| (4) Records electronically to a database kept in the regular<br>course of its business the date on which the payment or document<br>was given by the delivery service to the person who signed the<br>receipt of delivery and the name of the person who signed the<br>receipt; and                                                                                                                                                                                                    | 95015<br>95016<br>95017<br>95018<br>95019                            |
| (5) Meets any other criteria that the tax commissioner may by<br>rule prescribe.                                                                                                                                                                                                                                                                                                                                                                                                       | 95020<br>95021                                                       |
| (C) In any section of the Revised Code referring to the date<br>any payment or document is received by the tax commissioner by<br>mail, personal service, or electronically or by a person receiving<br>a document or payment from the tax commissioner by mail, the<br>payment or document shall be considered to be received on one of<br>the following dates, as applicable, except as provided in section<br>5703.053 or 5703.37 of the Revised Code:                              | 95022<br>95023<br>95024<br>95025<br>95026<br>95027<br>95028          |
| (1) For a document or payment sent by certified mail, express<br>mail, United States mail, foreign mail, or a delivery service<br>authorized for use under division (B) of this section, the date of<br>the postmark placed by the postal or delivery service on the<br>sender's receipt or, if the sender was not issued a postmarked<br>sender's receipt, the date of the postmark placed by the postal or<br>delivery service on the package containing the payment or<br>document. | 95029<br>95030<br>95031<br>95032<br>95033<br>95034<br>95035<br>95036 |

(2) For personal service to the tax commissioner, the date 95037  
the payment or document is received in any of the tax 95038  
commissioner's offices during business hours. 95039

(3) For a document filed or sent electronically or a payment 95040  
made electronically, the date on the timestamp assigned by the 95041  
first electronic system receiving that payment or document. 95042

(D) As used in divisions (A) and (C) of this section 95043  
"electronically" includes by facsimile, if applicable. 95044

Sec. 5703.0510. (A) Notwithstanding any other provision of 95045  
the Revised Code that requires a taxpayer to provide a tax credit 95046  
certificate to the tax commissioner upon the commissioner's 95047  
request, any person claiming a credit against a tax or fee 95048  
administered by the commissioner shall provide a copy of any 95049  
accompanying certificate issued by the director of development 95050  
services or by another state agency, if applicable, demonstrating 95051  
the person's eligibility for the credit claimed. 95052

(B) If the commissioner prescribes a form for the purpose of 95053  
tracking the credits claimed by a person against any tax or fee 95054  
administered by the commissioner, the person shall provide the 95055  
completed form and a copy of any certificate described in division 95056  
(A) of this section on or before the due date of the return, 95057  
report, or schedule for the tax or fee against which the credit is 95058  
claimed. 95059

(C) If a person fails to provide a certificate or form as 95060  
required under this section, the commissioner shall deny the 95061  
credit claimed by the person until such certificate or form is 95062  
provided to the commissioner. Any amount denied under this section 95063  
may be assessed in the same manner as the underlying tax or fee. 95064

**Sec. 5703.19.** (A) To carry out the purposes of the laws that 95065  
the tax commissioner is required to administer, the commissioner 95066

or any person employed by the commissioner for that purpose, upon 95067  
demand, may inspect books, accounts, records, and memoranda of any 95068  
person or public utility subject to those laws, and may examine 95069  
under oath any officer, agent, or employee of that person or 95070  
public utility. Any person other than the commissioner who makes a 95071  
demand pursuant to this section shall produce the person's 95072  
authority to make the inspection. 95073

(B) If a person or public utility receives at least ten days' 95074  
written notice of a demand made under division (A) of this section 95075  
and refuses to comply with that demand, a penalty of five hundred 95076  
dollars shall be imposed upon the person or public utility for 95077  
each day the person or public utility refuses to comply with the 95078  
demand. Penalties imposed under this division may be assessed and 95079  
collected in the same manner as assessments made under Chapter 95080  
3769., 4305., 5727., 5728., 5733., 5735., 5736., 5739., 5743., 95081  
5745., 5747., 5749., 5751., or 5753., or sections 718.90, 3734.90 95082  
to 3734.9014, of the Revised Code. 95083

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 95084  
of this section, no agent of the department of taxation, except in 95085  
the agent's report to the department or when called on to testify 95086  
in any court or proceeding, shall divulge any information acquired 95087  
by the agent as to the transactions, property, or business of any 95088  
person while acting or claiming to act under orders of the 95089  
department. Whoever violates this provision shall thereafter be 95090  
disqualified from acting as an officer or employee or in any other 95091  
capacity under appointment or employment of the department. 95092  
95093

(B)(1) For purposes of an audit pursuant to section 117.15 of 95094  
the Revised Code, or an audit of the department pursuant to 95095  
Chapter 117. of the Revised Code, or an audit, pursuant to that 95096  
chapter, the objective of which is to express an opinion on a 95097

financial report or statement prepared or issued pursuant to 95098  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 95099  
officers and employees of the auditor of state charged with 95100  
conducting the audit shall have access to and the right to examine 95101  
any state tax returns and state tax return information in the 95102  
possession of the department to the extent that the access and 95103  
examination are necessary for purposes of the audit. Any 95104  
information acquired as the result of that access and examination 95105  
shall not be divulged for any purpose other than as required for 95106  
the audit or unless the officers and employees are required to 95107  
testify in a court or proceeding under compulsion of legal 95108  
process. Whoever violates this provision shall thereafter be 95109  
disqualified from acting as an officer or employee or in any other 95110  
capacity under appointment or employment of the auditor of state. 95111

(2) For purposes of an internal audit pursuant to section 95112  
126.45 of the Revised Code, the officers and employees of the 95113  
office of internal audit in the office of budget and management 95114  
charged with directing the internal audit shall have access to and 95115  
the right to examine any state tax returns and state tax return 95116  
information in the possession of the department to the extent that 95117  
the access and examination are necessary for purposes of the 95118  
internal audit. Any information acquired as the result of that 95119  
access and examination shall not be divulged for any purpose other 95120  
than as required for the internal audit or unless the officers and 95121  
employees are required to testify in a court or proceeding under 95122  
compulsion of legal process. Whoever violates this provision shall 95123  
thereafter be disqualified from acting as an officer or employee 95124  
or in any other capacity under appointment or employment of the 95125  
office of internal audit. 95126

(3) As provided by section 6103(d)(2) of the Internal Revenue 95127  
Code, any federal tax returns or federal tax information that the 95128  
department has acquired from the internal revenue service, through 95129

federal and state statutory authority, may be disclosed to the auditor of state or the office of internal audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an agent of the department of taxation may share information with the division of state fire marshal that the agent finds during the course of an investigation.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;

(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;

(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or

|                                                                   |       |
|-------------------------------------------------------------------|-------|
| rules adopted under section 5745.16 of the Revised Code;          | 95160 |
| (7) Providing information regarding the name, account number,     | 95161 |
| or business address of a holder of a vendor's license issued      | 95162 |
| pursuant to section 5739.17 of the Revised Code, a holder of a    | 95163 |
| direct payment permit issued pursuant to section 5739.031 of the  | 95164 |
| Revised Code, or a seller having a use tax account maintained     | 95165 |
| pursuant to section 5741.17 of the Revised Code, or information   | 95166 |
| regarding the active or inactive status of a vendor's license,    | 95167 |
| direct payment permit, or seller's use tax account;               | 95168 |
| (8) Releasing invoices or invoice information furnished under     | 95169 |
| section 4301.433 of the Revised Code pursuant to that section;    | 95170 |
| (9) Providing to a county auditor notices or documents            | 95171 |
| concerning or affecting the taxable value of property in the      | 95172 |
| county auditor's county. Unless authorized by law to disclose     | 95173 |
| documents so provided, the county auditor shall not disclose such | 95174 |
| documents;                                                        | 95175 |
| (10) Providing to a county auditor sales or use tax return or     | 95176 |
| audit information under section 333.06 of the Revised Code;       | 95177 |
| (11) Subject to section 4301.441 of the Revised Code,             | 95178 |
| disclosing to the appropriate state agency information in the     | 95179 |
| possession of the department of taxation that is necessary to     | 95180 |
| verify a permit holder's gallonage or noncompliance with taxes    | 95181 |
| levied under Chapter 4301. or 4305. of the Revised Code;          | 95182 |
| (12) Disclosing to the department of natural resources            | 95183 |
| information in the possession of the department of taxation that  | 95184 |
| is necessary for the department of taxation to verify the         | 95185 |
| taxpayer's compliance with section 5749.02 of the Revised Code or | 95186 |
| to allow the department of natural resources to enforce Chapter   | 95187 |
| 1509. of the Revised Code;                                        | 95188 |
| (13) Disclosing to the department of job and family services,     | 95189 |
| industrial commission, and bureau of workers' compensation        | 95190 |

information in the possession of the department of taxation solely 95191  
for the purpose of identifying employers that misclassify 95192  
employees as independent contractors or that fail to properly 95193  
report and pay employer tax liabilities. The department of 95194  
taxation shall disclose only such information that is necessary to 95195  
verify employer compliance with law administered by those 95196  
agencies. 95197

(14) Disclosing to the Ohio casino control commission 95198  
information in the possession of the department of taxation that 95199  
is necessary to verify a casino operator's compliance with section 95200  
5747.063 or 5753.02 of the Revised Code and sections related 95201  
thereto; 95202

(15) Disclosing to the state lottery commission information 95203  
in the possession of the department of taxation that is necessary 95204  
to verify a lottery sales agent's compliance with section 5747.064 95205  
of the Revised Code. 95206

(16) Disclosing to the development services agency 95207  
information in the possession of the department of taxation that 95208  
is necessary to ensure compliance with the laws of this state 95209  
governing taxation and to verify information reported to the 95210  
development services agency for the purpose of evaluating 95211  
potential tax credits, grants, or loans. Such information shall 95212  
not include information received from the internal revenue service 95213  
the disclosure of which is prohibited by section 6103 of the 95214  
Internal Revenue Code. No officer, employee, or agent of the 95215  
development services agency shall disclose any information 95216  
provided to the development services agency by the department of 95217  
taxation under division (C)(16) of this section except when 95218  
disclosure of the information is necessary for, and made solely 95219  
for the purpose of facilitating, the evaluation of potential tax 95220  
credits, grants, or loans. 95221

(17) Disclosing to the department of insurance information in 95222

the possession of the department of taxation that is necessary to 95223  
ensure a taxpayer's compliance with the requirements with any tax 95224  
credit administered by the development services agency and claimed 95225  
by the taxpayer against any tax administered by the superintendent 95226  
of insurance. No officer, employee, or agent of the department of 95227  
insurance shall disclose any information provided to the 95228  
department of insurance by the department of taxation under 95229  
division (C)(17) of this section. 95230

(18) Disclosing to the division of liquor control information 95231  
in the possession of the department of taxation that is necessary 95232  
for the division and department to comply with the requirements of 95233  
sections 4303.26 and 4303.271 of the Revised Code; 95234

(19) Disclosing to the department of public safety 95235  
information in the possession of the department of taxation that 95236  
is necessary to ensure compliance with the requirements of 95237  
elections made by motor vehicle dealers under division (B)(5) of 95238  
section 4505.06 of the Revised Code, or disclosing to the 95239  
registrars and clerks of courts information in the possession of 95240  
the department of taxation as required under that division. No 95241  
registrar or clerk shall publicly disclose any information 95242  
provided by the department of taxation under that division. 95243

**Sec. 5703.26.** No person shall knowingly make, present, aid, 95244  
or assist in the preparation or presentation of a false or 95245  
fraudulent report, return, schedule, statement, claim, or document 95246  
authorized or required by law to be filed with the department of 95247  
taxation, the treasurer of state, a county auditor, a county 95248  
treasurer, or a county clerk of courts, or knowingly procure, 95249  
counsel, or advise the preparation or presentation of such report, 95250  
return, schedule, statement, claim, or document, or knowingly 95251  
change, alter, or amend, or knowingly procure, counsel, or advise 95252  
such change, alteration, or amendment of the records upon which 95253

such report, return, schedule, statement, claim, or document is 95254  
based with intent to defraud the state or any of its subdivisions. 95255

If the report, return, schedule, statement, claim, or 95256  
document involves the application for or renewal of a license, 95257  
such acts or conduct may result in the denial or revocation of the 95258  
license. 95259

With respect to such acts or conduct, no conviction shall be 95260  
had under any other section of the Revised Code. 95261

**Sec. 5703.371.** For purposes of sections 718.80 to 718.95 and 95262  
Title LVII of the Revised Code, any foreign corporation, owning or 95263  
using a part or all of its capital or property in this state, 95264  
which is not authorized by the secretary of state to transact 95265  
business in this state, shall be conclusively presumed to have 95266  
designated the secretary of state as its agent for the service of 95267  
process in any action against such corporation to recover taxes 95268  
which the tax commissioner is by law required to administer. 95269  
Pursuant to such service, suit may be brought in Franklin county, 95270  
or in any county in which such corporation owns or uses its 95271  
capital or property. Such service shall be made upon the secretary 95272  
of state by leaving with ~~him~~ the secretary of state, or with an 95273  
assistant secretary of state, triplicate copies of such process, 95274  
together with an affidavit of the tax commissioner, showing the 95275  
last known address of such corporation. Upon receipt of such 95276  
process and affidavit the secretary of state shall forthwith give 95277  
notice by certified mail to the corporation at the address 95278  
specified in the affidavit and forward together therewith a copy 95279  
of such process. The secretary of state shall retain a copy of 95280  
such process in ~~his~~ the secretary of state's files, keep a record 95281  
of any such process served upon ~~him~~ the secretary of state, and 95282  
record therein the time of such service and ~~his~~ the secretary of 95283  
state's action thereafter with respect thereto. 95284

The provisions of this section do not affect any right to 95285  
serve process upon a foreign corporation in any other manner 95286  
permitted by law. 95287

**Sec. 5703.50.** As used in sections 5703.50 to 5703.53 of the 95288  
Revised Code: 95289

(A) "Tax" includes only those taxes imposed on tangible 95290  
personal property listed in accordance with Chapter 5711. of the 95291  
Revised Code ~~and~~, taxes imposed under Chapters 5733., 5736., 95292  
5739., 5741., 5747., and 5751. of the Revised Code, and the tax 95293  
administered under sections 718.80 to 718.95 of the Revised Code. 95294

(B) "Taxpayer" means a person subject to or potentially 95295  
subject to a tax including an employer required to deduct and 95296  
withhold any amount under section 5747.06 of the Revised Code. 95297

(C) "Audit" means the examination of a taxpayer or the 95298  
inspection of the books, records, memoranda, or accounts of a 95299  
taxpayer for the purpose of determining liability for a tax. 95300

(D) "Assessment" means a notice of underpayment or nonpayment 95301  
of a tax issued pursuant to section 718.90, 5711.26, 5711.32, 95302  
5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5747.13, or 5751.09 95303  
of the Revised Code. 95304

(E) "County auditor" means the auditor of the county in which 95305  
the tangible personal property subject to a tax is located. 95306

**Sec. 5703.57.** (A) As used in this section, "Ohio business 95307  
gateway" has the same meaning as in section 718.01 of the Revised 95308  
Code. 95309

(B) There is hereby created the Ohio business gateway 95310  
steering committee to direct the continuing development of the 95311  
Ohio business gateway and to oversee its operations. The committee 95312  
shall provide general oversight regarding operation of the Ohio 95313

business gateway and shall recommend to the department of 95314  
administrative services enhancements that will improve the Ohio 95315  
business gateway. The committee shall consider all banking, 95316  
technological, administrative, and other issues associated with 95317  
the Ohio business gateway and shall make recommendations regarding 95318  
the type of reporting forms or other tax documents to be filed 95319  
through the Ohio business gateway. 95320

(C) The committee shall consist of: 95321

(1) The following members, appointed by the governor with the 95322  
advice and consent of the senate: 95323

(a) Not more than four representatives of the business 95324  
community; 95325

(b) Not more than ~~three representatives~~ one representative of 95326  
municipal tax administrators, as defined in section 718.01 of the 95327  
Revised Code, selected from a list of candidates provided by the 95328  
Ohio municipal league; and 95329

(c) Not more than two tax practitioners. 95330

(2) The following ex officio members: 95331

(a) The director or other highest officer of each state 95332  
agency that has tax reporting forms or other tax documents filed 95333  
with it through the Ohio business gateway or the director's 95334  
designee; 95335

(b) The secretary of state or the secretary of state's 95336  
designee; 95337

(c) The treasurer of state or the treasurer of state's 95338  
designee; 95339

(d) The director of budget and management or the director's 95340  
designee; 95341

(e) The state chief information officer or the officer's 95342  
designee; 95343

(f) The tax commissioner or the tax commissioner's designee; 95344  
and 95345

(g) The director of development or the director's designee; 95346

(h) The governor or the governor's designee. 95347

An appointed member shall serve until the member resigns or 95348  
is removed by the governor. Vacancies shall be filled in the same 95349  
manner as original appointments. 95350

(D) A vacancy on the committee does not impair the right of 95351  
the other members to exercise all the functions of the committee. 95352  
The presence of a majority of the members of the committee 95353  
constitutes a quorum for the conduct of business of the committee. 95354  
The concurrence of at least a majority of the members of the 95355  
committee is necessary for any action to be taken by the 95356  
committee. On request, each member of the committee shall be 95357  
reimbursed for the actual and necessary expenses incurred in the 95358  
discharge of the member's duties. 95359

(E) The committee is a part of the department of taxation for 95360  
administrative purposes. 95361

(F) Each year, the governor shall select a member of the 95362  
committee to serve as chairperson. The chairperson shall appoint 95363  
an official or employee of the department of taxation to act as 95364  
the committee's secretary. The secretary shall keep minutes of the 95365  
committee's meetings and a journal of all meetings, proceedings, 95366  
findings, and determinations of the committee. 95367

(G) The committee may hire professional, technical, and 95368  
clerical staff needed to support its activities. 95369

(H) The committee shall meet as often as necessary to perform 95370  
its duties. 95371

**Sec. 5703.70.** (A) On the filing of an application for refund 95372  
under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 95373

5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 95374  
5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 95375  
5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 95376  
of the Revised Code, or an application for compensation under 95377  
section 5739.061 of the Revised Code, if the tax commissioner 95378  
determines that the amount of the refund or compensation to which 95379  
the applicant is entitled is less than the amount claimed in the 95380  
application, the commissioner shall give the applicant written 95381  
notice by ordinary mail of the amount. The notice shall be sent to 95382  
the address shown on the application unless the applicant notifies 95383  
the commissioner of a different address. The applicant shall have 95384  
sixty days from the date the commissioner mails the notice to 95385  
provide additional information to the commissioner or request a 95386  
hearing, or both. 95387

(B) If the applicant neither requests a hearing nor provides 95388  
additional information to the tax commissioner within the time 95389  
prescribed by division (A) of this section, the commissioner shall 95390  
take no further action, and the refund or compensation amount 95391  
denied becomes final. 95392

(C)(1) If the applicant requests a hearing within the time 95393  
prescribed by division (A) of this section, the tax commissioner 95394  
shall assign a time and place for the hearing and notify the 95395  
applicant of such time and place, but the commissioner may 95396  
continue the hearing from time to time as necessary. After the 95397  
hearing, the commissioner may make such adjustments to the refund 95398  
or compensation as the commissioner finds proper, and shall issue 95399  
a final determination thereon. 95400

(2) If the applicant does not request a hearing, but provides 95401  
additional information, within the time prescribed by division (A) 95402  
of this section, the commissioner shall review the information, 95403  
make such adjustments to the refund or compensation as the 95404

commissioner finds proper, and issue a final determination 95405  
thereon. 95406

(3) The commissioner shall serve a copy of the final 95407  
determination made under division (C)(1) or (2) of this section on 95408  
the applicant in the manner provided in section 5703.37 of the 95409  
Revised Code, and the decision is final, subject to appeal under 95410  
section 5717.02 of the Revised Code. 95411

(D) The tax commissioner shall certify to the director of 95412  
budget and management and treasurer of state for payment from the 95413  
tax refund fund created by section 5703.052 of the Revised Code, 95414  
the amount of the refund to be refunded under division (B) or (C) 95415  
of this section. The commissioner also shall certify to the 95416  
director and treasurer of state for payment from the general 95417  
revenue fund the amount of compensation to be paid under division 95418  
(B) or (C) of this section. 95419

**Sec. 5703.75.** This section applies to any tax, fee, or charge 95420  
payable to the state and administered by the tax commissioner, 95421  
except the tax administered under sections 718.80 to 718.95 of the 95422  
Revised Code. If the total amount of any such tax, fee, or charge 95423  
shown to be due on a return, amended return, or notice does not 95424  
exceed one dollar, the taxpayer or person liable for the tax, fee, 95425  
or charge shall not be required to remit the amount due. If the 95426  
total amount of a ~~taxpayer's~~ an overpayment of any such tax, fee, 95427  
or charge does not exceed one dollar, the tax commissioner shall 95428  
not be required to refund the overpayment. 95429

**Sec. 5705.03.** (A) The taxing authority of each subdivision 95430  
may levy taxes annually, subject to the limitations of sections 95431  
5705.01 to 5705.47 of the Revised Code, on the real and personal 95432  
property within the subdivision for the purpose of paying the 95433  
current operating expenses of the subdivision and acquiring or 95434

constructing permanent improvements. The taxing authority of each 95435  
subdivision and taxing unit shall, subject to the limitations of 95436  
such sections, levy such taxes annually as are necessary to pay 95437  
the interest and sinking fund on and retire at maturity the bonds, 95438  
notes, and certificates of indebtedness of such subdivision and 95439  
taxing unit, including levies in anticipation of which the 95440  
subdivision or taxing unit has incurred indebtedness. 95441

(B)(1) When a taxing authority determines that it is 95442  
necessary to levy a tax outside the ten-mill limitation for any 95443  
purpose authorized by the Revised Code, the taxing authority shall 95444  
certify to the county auditor a resolution or ordinance requesting 95445  
that the county auditor certify to the taxing authority the total 95446  
current tax valuation of the subdivision, and the number of mills 95447  
required to generate a specified amount of revenue, or the dollar 95448  
amount of revenue that would be generated by a specified number of 95449  
mills. The resolution or ordinance shall state ~~the~~ all of the 95450  
following: 95451

(a) The purpose of the tax, ~~whether;~~ 95452

(b) Whether the tax is an additional levy ~~or,~~ a renewal or a 95453  
replacement of an existing tax, ~~and the~~ or a renewal or 95454  
replacement of an existing tax with an increase or a decrease; 95455

(c) The section of the Revised Code authorizing submission of 95456  
the question of the tax; 95457

(d) The term of years of the tax or if the tax is for a 95458  
continuing period of time; 95459

(e) That the tax is to be levied upon the entire territory of 95460  
the subdivision or, if authorized by the Revised Code, a 95461  
description of the portion of the territory of the subdivision in 95462  
which the tax is to be levied; 95463

(f) The date of the election at which the question of the tax 95464  
shall appear on the ballot; 95465

(g) That the ballot measure shall be submitted to the entire territory of the subdivision or, if authorized by the Revised Code, a description of the portion of the territory of the subdivision to which the ballot measure shall be submitted; 95466  
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(h) The tax year in which the tax will first be levied and the calendar year in which the tax will first be collected; 95470  
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(i) Each such county in which the subdivision has territory. 95472  
~~if~~ 95473

If a subdivision is located in more than one county, the county auditor shall obtain from the county auditor of each other county in which the subdivision is located the current tax valuation for the portion of the subdivision in that county. The county auditor shall issue the certification to the taxing authority within ten days after receiving the taxing authority's resolution or ordinance requesting it. 95474  
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(2) When considering the tangible personal property component of the tax valuation of the subdivision, the county auditor shall take into account the assessment percentages prescribed in section 5711.22 of the Revised Code. The tax commissioner may issue rules, orders, or instructions directing how the assessment percentages must be utilized. 95481  
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(3) ~~If, upon~~ Upon receiving the certification from the county auditor, the taxing authority ~~proceeds~~ may adopt a resolution or ordinance stating the rate of the tax levy, expressed in mills for each one dollar in tax valuation as estimated by the county auditor, and that the taxing authority will proceed with the submission of the question of the tax to electors, the. The taxing authority shall certify its this resolution or ordinance, accompanied by a copy of the county auditor's certification, and the resolution or ordinance the taxing authority adopted under division (B)(1) of this section to the county auditor and to the 95487  
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proper county board of elections in the manner and within the time 95497  
prescribed by the section of the Revised Code governing submission 95498  
of the question, ~~and shall include with its certification the rate~~ 95499  
~~of the tax levy, expressed in mills for each one dollar in tax~~ 95500  
~~valuation as estimated by the county auditor.~~ The county board of 95501  
elections shall not submit the question of the tax to electors 95502  
unless a copy of the county auditor's certification accompanies 95503  
the ~~resolution~~ resolutions or ~~ordinance~~ ordinances the taxing 95504  
authority certifies to the board. Before requesting a taxing 95505  
authority to submit a tax levy, any agency or authority authorized 95506  
to make that request shall first request the certification from 95507  
the county auditor provided under this section. 95508

(4) This division is supplemental to, and not in derogation 95509  
of, any similar requirement governing the certification by the 95510  
county auditor of the tax valuation of a subdivision or necessary 95511  
tax rates for the purposes of the submission of the question of a 95512  
tax in excess of the ten-mill limitation, including sections 95513  
133.18 and 5705.195 of the Revised Code. 95514

(C) All taxes levied on property shall be extended on the tax 95515  
list and duplicate by the county auditor of the county in which 95516  
the property is located, and shall be collected by the county 95517  
treasurer of such county in the same manner and under the same 95518  
laws and rules as are prescribed for the assessment and collection 95519  
of county taxes. The proceeds of any tax levied by or for any 95520  
subdivision when received by its fiscal officer shall be deposited 95521  
in its treasury to the credit of the appropriate fund. 95522

**Sec. 5705.16.** A resolution of the taxing authority of any 95523  
political subdivision shall be passed by a majority of all the 95524  
members thereof, declaring the necessity for the transfer of funds 95525  
authorized by section 5705.15 of the Revised Code, and such taxing 95526  
authority shall ~~prepare~~ submit to the tax commissioner a petition 95527

~~addressed to the court of common pleas of the county in which the~~ 95528  
~~funds are held. The petition shall set forth that includes the~~ 95529  
~~name and amount of the fund, the fund to which it is desired to be~~ 95530  
~~transferred, a copy of such resolution with a full statement of~~ 95531  
~~the proceedings pertaining to its passage, and the reason or~~ 95532  
~~necessity for the transfer. ~~A duplicate copy of said petition~~~~ 95533  
~~shall be forwarded to the tax commissioner for the commissioner's~~ 95534  
~~examination and approval. The commissioner shall approve the~~ 95535  
~~transfer of such funds upon determining each of the following:~~ 95536

(A) The petition states sufficient facts; 95537

(B) That there are good reasons, or that a necessity exists, 95538  
for the transfer; 95539

(C) No injury will result from the transfer of such funds. 95540

If the petition is disapproved by the commissioner, it shall 95541  
be returned within ten days of its receipt to the officers who 95542  
submitted it, with a memorandum of the commissioner's objections, 95543  
and the taxing authority shall not transfer the funds as requested 95544  
by the petition. This disapproval shall not prejudice a later 95545  
application for approval. If the petition is approved by the 95546  
commissioner, it shall be ~~forwarded~~ returned within ten days of 95547  
its receipt to ~~the clerk of the court of common pleas of the~~ 95548  
~~county to whose court of common pleas the petition is addressed,~~ 95549  
~~marked with the approval of the commissioner. If the commissioner~~ 95550  
~~approves the petition, the commissioner shall notify immediately~~ 95551  
~~the officers who submitted the petition, who then may file the~~ 95552  
~~petition in the court to which it is addressed, and the taxing~~ 95553  
~~authority may transfer the funds as requested by the petition.~~ 95554

~~The petitioner shall give notice of the filing, object, and~~ 95555  
~~prayer of the petition, and of the time when it will be heard. The~~ 95556  
~~notice shall be given by one publication in a newspaper of general~~ 95557  
~~circulation in the territory to be affected by such transfer of~~ 95558

~~funds. If there is no such newspaper, the notice shall be posted 95559  
in ten conspicuous places within the territory for a period of 95560  
four weeks. 95561~~

~~The petition may be heard at the time stated in the notice, 95562  
or as soon thereafter as convenient for the court. Any person who 95563  
objects to the prayer of such petition shall file the person's 95564  
objections in such cause on or before the time fixed in the notice 95565  
for hearing, and that person shall be entitled to be heard. 95566~~

~~If, upon hearing, the court finds that the notice has been 95567  
given as required by this section, that the petition states 95568  
sufficient facts, that there are good reasons, or that a necessity 95569  
exists, for the transfer, and that no injury will result 95570  
therefrom, it shall grant the prayer of the petition and order the 95571  
petitioners to make such transfer. 95572~~

~~A copy of the findings, orders, and judgments of the court 95573  
shall be certified by the clerk and entered on the records of the 95574  
petitioning officers or board, and thereupon the petitioners may 95575  
make the transfer of funds as directed by the court. All costs of 95576  
such proceedings shall be paid by the petitioners, except that if 95577  
objections are filed the court may order such objectors to pay all 95578  
or a portion of the costs. 95579~~

Sec. 5709.101. Real property satisfying all of the following 95580  
conditions shall be exempt from taxation: 95581

(A) If any part of the property is held out for rent to 95582  
tenants, less than seventy-five per cent of the square footage of 95583  
that part is leased by one or more tenants. 95584

(B) On the tax lien date, it is owned by a municipal 95585  
corporation to which the property was conveyed by a community 95586  
improvement corporation as defined in section 1724.01 of the 95587  
Revised Code. 95588

(C) It was conveyed to that community improvement corporation 95589  
by the United States government or any of its agencies. 95590

(D) It is subject to an agreement under which that municipal 95591  
corporation is required to convey the property to that community 95592  
improvement corporation before the property may be developed. 95593

**Sec. 5709.12.** (A) As used in this section, "independent 95594  
living facilities" means any residential housing facilities and 95595  
related property that are not a nursing home, residential care 95596  
facility, or residential facility as defined in division (A) of 95597  
section 5701.13 of the Revised Code. 95598

(B) Lands, houses, and other buildings belonging to a county, 95599  
township, or municipal corporation and used exclusively for the 95600  
accommodation or support of the poor, or leased to the state or 95601  
any political subdivision for public purposes shall be exempt from 95602  
taxation. Real and tangible personal property belonging to 95603  
institutions that is used exclusively for charitable purposes 95604  
shall be exempt from taxation, including real property belonging 95605  
to an institution that is a nonprofit corporation that receives a 95606  
grant under the Thomas Alva Edison grant program authorized by 95607  
division (C) of section 122.33 of the Revised Code at any time 95608  
during the tax year and being held for leasing or resale to 95609  
others. If, at any time during a tax year for which such property 95610  
is exempted from taxation, the corporation ceases to qualify for 95611  
such a grant, the director of development shall notify the tax 95612  
commissioner, and the tax commissioner shall cause the property to 95613  
be restored to the tax list beginning with the following tax year. 95614  
All property owned and used by a nonprofit organization 95615  
exclusively for a home for the aged, as defined in section 5701.13 95616  
of the Revised Code, also shall be exempt from taxation. 95617

(C)(1) If a home for the aged described in division (B)(1) of 95618  
section 5701.13 of the Revised Code is operated in conjunction 95619

with or at the same site as independent living facilities, the 95620  
exemption granted in division (B) of this section shall include 95621  
kitchen, dining room, clinic, entry ways, maintenance and storage 95622  
areas, and land necessary for access commonly used by both 95623  
residents of the home for the aged and residents of the 95624  
independent living facilities. Other facilities commonly used by 95625  
both residents of the home for the aged and residents of 95626  
independent living units shall be exempt from taxation only if the 95627  
other facilities are used primarily by the residents of the home 95628  
for the aged. Vacant land currently unused by the home, and 95629  
independent living facilities and the lands connected with them 95630  
are not exempt from taxation. Except as provided in division 95631  
(A)(1) of section 5709.121 of the Revised Code, property of a home 95632  
leased for nonresidential purposes is not exempt from taxation. 95633

(2) Independent living facilities are exempt from taxation if 95634  
they are operated in conjunction with or at the same site as a 95635  
home for the aged described in division (B)(2) of section 5701.13 95636  
of the Revised Code; operated by a corporation, association, or 95637  
trust described in division (B)(1)(b) of that section; operated 95638  
exclusively for the benefit of members of the corporation, 95639  
association, or trust who are retired, aged, or infirm; and 95640  
provided to those members without charge in consideration of their 95641  
service, without compensation, to a charitable, religious, 95642  
fraternal, or educational institution. For the purposes of 95643  
division (C)(2) of this section, "compensation" does not include 95644  
furnishing room and board, clothing, health care, or other 95645  
necessities, or stipends or other de minimis payments to defray 95646  
the cost thereof. 95647

(D)(1) A private corporation established under federal law, 95648  
as defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, 95649  
as amended, the objects of which include encouraging the 95650  
advancement of science generally, or of a particular branch of 95651

science, the promotion of scientific research, the improvement of 95652  
the qualifications and usefulness of scientists, or the increase 95653  
and diffusion of scientific knowledge is conclusively presumed to 95654  
be a charitable or educational institution. A private corporation 95655  
established as a nonprofit corporation under the laws of a state 95656  
that is exempt from federal income taxation under section 95657  
501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 95658  
U.S.C.A. 1, as amended, and that has as its principal purpose one 95659  
or more of the foregoing objects also is conclusively presumed to 95660  
be a charitable or educational institution. 95661

The fact that an organization described in this division 95662  
operates in a manner that results in an excess of revenues over 95663  
expenses shall not be used to deny the exemption granted by this 95664  
section, provided such excess is used, or is held for use, for 95665  
exempt purposes or to establish a reserve against future 95666  
contingencies; and, provided further, that such excess may not be 95667  
distributed to individual persons or to entities that would not be 95668  
entitled to the tax exemptions provided by this chapter. Nor shall 95669  
the fact that any scientific information diffused by the 95670  
organization is of particular interest or benefit to any of its 95671  
individual members be used to deny the exemption granted by this 95672  
section, provided that such scientific information is available to 95673  
the public for purchase or otherwise. 95674

(2) Division (D)(2) of this section does not apply to real 95675  
property exempted from taxation under this section and division 95676  
(A)(3) of section 5709.121 of the Revised Code and belonging to a 95677  
nonprofit corporation described in division (D)(1) of this section 95678  
that has received a grant under the Thomas Alva Edison grant 95679  
program authorized by division (C) of section 122.33 of the 95680  
Revised Code during any of the tax years the property was exempted 95681  
from taxation. 95682

When a private corporation described in division (D)(1) of 95683

this section sells all or any portion of a tract, lot, or parcel 95684  
of real estate that has been exempt from taxation under this 95685  
section and section 5709.121 of the Revised Code, the portion sold 95686  
shall be restored to the tax list for the year following the year 95687  
of the sale and, except in connection with a sale and transfer of 95688  
such a tract, lot, or parcel to a county land reutilization 95689  
corporation organized under Chapter 1724. of the Revised Code, a 95690  
charge shall be levied against the sold property in an amount 95691  
equal to the tax savings on such property during the four tax 95692  
years preceding the year the property is placed on the tax list. 95693  
The tax savings equals the amount of the additional taxes that 95694  
would have been levied if such property had not been exempt from 95695  
taxation. 95696

The charge constitutes a lien of the state upon such property 95697  
as of the first day of January of the tax year in which the charge 95698  
is levied and continues until discharged as provided by law. The 95699  
charge may also be remitted for all or any portion of such 95700  
property that the tax commissioner determines is entitled to 95701  
exemption from real property taxation for the year such property 95702  
is restored to the tax list under any provision of the Revised 95703  
Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 95704  
5709.41, 5709.45, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 95705  
5709.84, upon an application for exemption covering the year such 95706  
property is restored to the tax list filed under section 5715.27 95707  
of the Revised Code. 95708

(E)(1) Real property held by an organization organized and 95709  
operated exclusively for charitable purposes as described under 95710  
section 501(c)(3) of the Internal Revenue Code and exempt from 95711  
federal taxation under section 501(a) of the Internal Revenue 95712  
Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose 95713  
of constructing or rehabilitating residences for eventual transfer 95714  
to qualified low-income families through sale, lease, or land 95715

installment contract, shall be exempt from taxation. 95716

The exemption shall commence on the day title to the property 95717  
is transferred to the organization and shall continue to the end 95718  
of the tax year in which the organization transfers title to the 95719  
property to a qualified low-income family. In no case shall the 95720  
exemption extend beyond the second succeeding tax year following 95721  
the year in which the title was transferred to the organization. 95722  
If the title is transferred to the organization and from the 95723  
organization to a qualified low-income family in the same tax 95724  
year, the exemption shall continue to the end of that tax year. 95725  
The proportionate amount of taxes that are a lien but not yet 95726  
determined, assessed, and levied for the tax year in which title 95727  
is transferred to the organization shall be remitted by the county 95728  
auditor for each day of the year that title is held by the 95729  
organization. 95730

Upon transferring the title to another person, the 95731  
organization shall file with the county auditor an affidavit 95732  
affirming that the title was transferred to a qualified low-income 95733  
family or that the title was not transferred to a qualified 95734  
low-income family, as the case may be; if the title was 95735  
transferred to a qualified low-income family, the affidavit shall 95736  
identify the transferee by name. If the organization transfers 95737  
title to the property to anyone other than a qualified low-income 95738  
family, the exemption, if it has not previously expired, shall 95739  
terminate, and the property shall be restored to the tax list for 95740  
the year following the year of the transfer and a charge shall be 95741  
levied against the property in an amount equal to the amount of 95742  
additional taxes that would have been levied if such property had 95743  
not been exempt from taxation. The charge constitutes a lien of 95744  
the state upon such property as of the first day of January of the 95745  
tax year in which the charge is levied and continues until 95746  
discharged as provided by law. 95747

The application for exemption shall be filed as otherwise 95748  
required under section 5715.27 of the Revised Code, except that 95749  
the organization holding the property shall file with its 95750  
application documentation substantiating its status as an 95751  
organization organized and operated exclusively for charitable 95752  
purposes under section 501(c)(3) of the Internal Revenue Code and 95753  
its qualification for exemption from federal taxation under 95754  
section 501(a) of the Internal Revenue Code, and affirming its 95755  
intention to construct or rehabilitate the property for the 95756  
eventual transfer to qualified low-income families. 95757

As used in this division, "qualified low-income family" means 95758  
a family whose income does not exceed two hundred per cent of the 95759  
official federal poverty guidelines as revised annually in 95760  
accordance with section 673(2) of the "Omnibus Budget 95761  
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 95762  
amended, for a family size equal to the size of the family whose 95763  
income is being determined. 95764

(2) Real property constituting a retail store, including the 95765  
land on which the retail store is located, that is owned and 95766  
operated by an organization described in division (E)(1) of this 95767  
section shall be exempt from taxation if the retail store sells 95768  
primarily donated items suitable for residential housing purposes 95769  
and if the proceeds of such sales are used solely for the purposes 95770  
of the organization. 95771

(F)(1) Real property that is acquired and held by a county 95772  
land reutilization corporation organized under Chapter 1724. of 95773  
the Revised Code and that is not exempt from taxation under 95774  
Chapter 5722. of the Revised Code shall be deemed real property 95775  
used for a public purpose and shall be exempt from taxation until 95776  
sold or transferred by the corporation. Notwithstanding section 95777  
5715.27 of the Revised Code, a county land reutilization 95778  
corporation is not required to apply to any county or state agency 95779

in order to qualify for the exemption. 95780

(2) Real property that is acquired and held by an electing 95781  
subdivision other than a county land reutilization corporation on 95782  
or after April 9, 2009, for the public purpose of implementing an 95783  
effective land reutilization program or for a related public 95784  
purpose, and that is not exempt from taxation under Chapter 5722. 95785  
of the Revised Code, shall be exempt from taxation until sold or 95786  
transferred by the electing subdivision. Notwithstanding section 95787  
5715.27 of the Revised Code, an electing subdivision is not 95788  
required to apply to any county or state agency in order to 95789  
qualify for an exemption with respect to property acquired or held 95790  
for such purposes on or after such date, regardless of how the 95791  
electing subdivision acquires the property. 95792

As used in this section, "electing subdivision" and "land 95793  
reutilization program" have the same meanings as in section 95794  
5722.01 of the Revised Code, and "county land reutilization 95795  
corporation" means a county land reutilization corporation 95796  
organized under Chapter 1724. of the Revised Code and any 95797  
subsidiary wholly owned by such a county land reutilization 95798  
corporation that is identified as "a wholly owned subsidiary of a 95799  
county land reutilization corporation" in the deed of conveyance 95800  
transferring title to the subsidiary. 95801

In lieu of the application for exemption otherwise required 95802  
to be filed as required under section 5715.27 of the Revised Code, 95803  
a county land reutilization corporation holding the property 95804  
shall, upon the request of any county or state agency, submit its 95805  
articles of incorporation substantiating its status as a county 95806  
land reutilization corporation. 95807

(G) Real property that is owned by an organization described 95808  
under section 501(c)(3) of the Internal Revenue Code and exempt 95809  
from federal income taxation under section 501(a) of the Internal 95810  
Revenue Code and that is used by that organization exclusively for 95811

receiving, processing, or distributing human blood, tissues, eyes, 95812  
or organs or for research and development thereof shall be exempt 95813  
from taxation. 95814

(H) Real property that is owned by an organization described 95815  
under section 501(c)(3) of the Internal Revenue Code and exempt 95816  
from federal income taxation under section 501(a) of the Internal 95817  
Revenue Code and that received a loan from the federal small 95818  
business administration as a participating intermediary in the 95819  
federal microloan program under 15 U.S.C. 636(m) shall be exempt 95820  
from taxation if the property is used by that organization 95821  
primarily for small business lending, economic development, job 95822  
training, entrepreneur education, or associated administrative 95823  
purposes as such a participating intermediary. 95824

**Sec. 5709.17.** The following property shall be exempted from 95825  
taxation: 95826

(A) Real estate held or occupied by an association or 95827  
corporation, organized or incorporated under the laws of this 95828  
state relative to soldiers' memorial associations, or monumental 95829  
building associations, ~~or cemetery associations or corporations,~~ 95830  
~~which and that,~~ in the opinion of the trustees, directors, or 95831  
managers thereof, is necessary and proper to carry out the object 95832  
intended for such association or corporation; 95833

(B) Real estate and tangible personal property held or 95834  
occupied by a veterans' organization that qualifies for exemption 95835  
from taxation under section 501(c)(19) or 501(c)(23) of the 95836  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 95837  
amended, and is incorporated under the laws of this state or the 95838  
United States, except real estate held by such an organization for 95839  
the production of rental income in excess of thirty-six thousand 95840  
dollars in a tax year, before accounting for any cost or expense 95841  
incurred in the production of such income. For the purposes of 95842

this division, rental income includes only income arising directly 95843  
from renting the real estate to others for consideration. 95844

(C) Tangible personal property held by a corporation 95845  
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 95846  
section 501(c)(3) of the Internal Revenue Code, and exempt from 95847  
taxation under section 501(a) of the Internal Revenue Code shall 95848  
be exempt from taxation if it is property obtained as described in 95849  
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 95850

(D) Real estate held or occupied by a fraternal organization 95851  
and used primarily for meetings of and the administration of the 95852  
fraternal organization or for providing, on a not-for-profit 95853  
basis, educational or health services, except real estate held by 95854  
such an organization for the production of rental income in excess 95855  
of thirty-six thousand dollars in a tax year before accounting for 95856  
any cost or expense incurred in the production of such income. As 95857  
used in this division, "rental income" has the same meaning as in 95858  
division (B) of this section, and "fraternal organization" means a 95859  
domestic fraternal society, order, or association operating under 95860  
the lodge, council, or grange system that qualifies for exemption 95861  
from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of 95862  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 95863  
as amended; that provides financial support for charitable 95864  
purposes, as defined in division (B)(12) of section 5739.02 of the 95865  
Revised Code; and that operates under a state governing body that 95866  
has been operating in this state for at least eighty-five years. 95867

**Sec. 5709.212.** (A) With every application for an exempt 95868  
facility certificate filed pursuant to section 5709.21 of the 95869  
Revised Code, the applicant shall pay a fee equal to one-half of 95870  
one per cent of the total exempt facility project cost, not to 95871  
exceed two thousand dollars. ~~One half of the fee received with 95872~~  
~~applications for exempt facility certificates shall be credited to 95873~~

~~the exempt facility administrative fund, which is hereby created~~ 95874  
~~in the state treasury, for appropriation to the department of~~ 95875  
~~taxation for use in administering sections 5709.20 to 5709.27 of~~ 95876  
~~the Revised Code.~~ If the director of environmental protection is 95877  
required to provide the opinion for an application, ~~one half of~~ 95878  
the fee shall be credited to the non-Title V clean air fund 95879  
created in section 3704.035 of the Revised Code for use in 95880  
administering section 5709.211 of the Revised Code, unless the 95881  
application is for an industrial water pollution control facility. 95882  
If the application is for an industrial water pollution control 95883  
facility, ~~one half of~~ the fee shall be credited to the surface 95884  
water protection fund created in section 6111.038 of the Revised 95885  
Code for use in administering section 5709.211 of the Revised 95886  
Code. If the director of development is required to provide the 95887  
opinion for an application, ~~one half of~~ the fee for each exempt 95888  
facility application shall be credited to the exempt facility 95889  
inspection fund, which is hereby created in the state treasury, 95890  
for appropriation to the ~~department of~~ development services agency 95891  
for use in administering section 5709.211 of the Revised Code. 95892

An applicant is not entitled to any tax exemption under 95893  
section 5709.25 of the Revised Code until the fee required by this 95894  
section is paid. The fee required by this section is not 95895  
refundable, and is due with the application for an exempt facility 95896  
certificate even if an exempt facility certificate ultimately is 95897  
not issued or is withdrawn. Any application submitted without 95898  
payment of the fee shall be deemed incomplete until the fee is 95899  
paid. 95900

(B) The application fee imposed under division (A) of this 95901  
section for a jointly owned facility shall be equal to one-half of 95902  
one per cent of the total exempt facility project cost, not to 95903  
exceed two thousand dollars for each facility that is the subject 95904  
of the application. 95905

Sec. 5709.45. (A) As used in sections 5709.45 to 5709.47 of the Revised Code: 95906  
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(1) "Downtown redevelopment district" or "district" means an area not more than ten acres enclosed by a continuous boundary in which at least one historic building is being, or will be, rehabilitated. 95908  
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(2) "Historic building" and "rehabilitation" have the same meanings as in section 149.311 of the Revised Code. 95912  
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(3) "Public infrastructure improvement" has the same meaning as in section 5709.40 of the Revised Code. 95914  
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(4) "Improvement" means the increase in the assessed value of real property that would first appear on the tax list after the effective date of an ordinance adopted under this section were it not for the exemption granted by the ordinance. 95916  
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(5) "Innovation district" means an area located entirely within a downtown redevelopment district, enclosed by a continuous boundary, and equipped with a high-speed broadband network capable of download speeds of at least one hundred gigabits per second. 95920  
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(6) "Qualified business" means a business primarily engaged, or primarily organized to engage, in a trade or business that involves research and development, technology transfer, bio-technology, information technology, or the application of new technology developed through research and development or acquired through technology transfer. 95924  
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(7) "Information technology" means the branch of technology devoted to the study and application of data and the processing thereof; the automatic acquisition, storage, manipulation or transformation, management, movement, control, display, switching, interchange, transmission or reception of data, and the development or use of hardware, software, firmware, and procedures 95930  
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associated with this processing. "Information technology" includes 95936  
matters concerned with the furtherance of computer science and 95937  
technology, design, development, installation, and implementation 95938  
of information systems and applications that in turn will be 95939  
licensed or sold to a specific target market. "Information 95940  
technology" does not include the creation of a distribution method 95941  
for existing products and services. 95942

(8) "Research and development" means designing, creating, or 95943  
formulating new or enhanced products, equipment, or processes, and 95944  
conducting scientific or technological inquiry and experimentation 95945  
in the physical sciences with the goal of increasing scientific 95946  
knowledge that may reveal the bases for new or enhanced products, 95947  
equipment, or processes. 95948

(9) "Technology transfer" means the transfer of technology 95949  
from one sector of the economy to another, including the transfer 95950  
of military technology to civilian applications, civilian 95951  
technology to military applications, or technology from public or 95952  
private research laboratories to military or civilian 95953  
applications. 95954

(B) For the purposes of promoting rehabilitation of historic 95955  
buildings, creating jobs, and encouraging economic development in 95956  
commercial and mixed-use commercial and residential areas, and for 95957  
the purpose of funding transportation improvements that will 95958  
benefit such areas, the legislative authority of a municipal 95959  
corporation may adopt an ordinance creating a downtown 95960  
redevelopment district and declaring improvements to parcels 95961  
within the district to be a public purpose and exempt from 95962  
taxation. Downtown redevelopment districts shall not be created in 95963  
areas used exclusively for residential purposes and shall not be 95964  
utilized for development or redevelopment of residential areas. 95965

The ordinance shall specify all of the following: 95966

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (1) The boundary of the district;                                                                                                                                                                                                                                                                                                                                                                                                                                  | 95967                                                                |
| (2) The county treasurer's permanent parcel number associated with each parcel included in the district;                                                                                                                                                                                                                                                                                                                                                           | 95968<br>95969                                                       |
| (3) The parcel or parcels within the district that include a historic building that is being or will be rehabilitated;                                                                                                                                                                                                                                                                                                                                             | 95970<br>95971                                                       |
| (4) The proposed life of the district;                                                                                                                                                                                                                                                                                                                                                                                                                             | 95972                                                                |
| (5) An economic development plan for the district that includes all of the following:                                                                                                                                                                                                                                                                                                                                                                              | 95973<br>95974                                                       |
| (a) A statement describing the principal purposes and goals to be served by creating the district;                                                                                                                                                                                                                                                                                                                                                                 | 95975<br>95976                                                       |
| (b) An explanation of how the municipal corporation will collaborate with businesses and property owners within the district to develop strategies for achieving such purposes and goals;                                                                                                                                                                                                                                                                          | 95977<br>95978<br>95979<br>95980                                     |
| (c) A plan for using the service payments provided for in section 5709.46 of the Revised Code to promote economic development and job creation within the district.                                                                                                                                                                                                                                                                                                | 95981<br>95982<br>95983                                              |
| Not more than seventy per cent of improvements to parcels within a downtown redevelopment district may be exempted from taxation under this section. A district may not include a parcel that is exempted from taxation under this section or section 5709.40 or 5709.41 of the Revised Code on the effective date of the ordinance. Except as provided in division (F) of this section, the life of a downtown redevelopment district shall not exceed ten years. | 95984<br>95985<br>95986<br>95987<br>95988<br>95989<br>95990<br>95991 |
| A municipal corporation may adopt more than one ordinance under division (B) of this section. A single such ordinance may create more than one downtown redevelopment district.                                                                                                                                                                                                                                                                                    | 95992<br>95993<br>95994                                              |
| (C) For the purposes of attracting and facilitating growth of qualified businesses and supporting the economic development                                                                                                                                                                                                                                                                                                                                         | 95995<br>95996                                                       |

efforts of business incubators and accelerators, the legislative 95997  
authority of a municipal corporation may designate an innovation 95998  
district within a proposed or existing downtown redevelopment 95999  
district. The life of the innovation district shall be identical 96000  
to the downtown redevelopment district in which the innovation 96001  
district is located. In addition to the requirements in division 96002  
(B) of this section, an ordinance creating a downtown 96003  
redemption district that includes an innovation district shall 96004  
specify all of the following: 96005

(1) The boundary of the innovation district; 96006

(2) The permanent parcel number associated with each parcel 96007  
included in the innovation district; 96008

(3) An economic development plan for the innovation district 96009  
that meets the criteria prescribed by division (B)(5) of this 96010  
section. 96011

(D) At least thirty days before adopting an ordinance under 96012  
division (B) of this section, the legislative authority of the 96013  
municipal corporation shall conduct a public hearing on the 96014  
proposed ordinance and the accompanying economic development plan. 96015  
At least thirty days before the public hearing, the legislative 96016  
authority shall give notice of the public hearing and the proposed 96017  
ordinance by first class mail to every real property owner whose 96018  
property is located within the boundaries of the proposed district 96019  
that is the subject of the proposed ordinance. 96020

(E) Revenue derived from downtown redemption district 96021  
service payments may be used by the municipal corporation for any 96022  
of the following purposes: 96023

(1) To finance or support loans, deferred loans, or grants to 96024  
owners of historic buildings within the downtown redemption 96025  
district. Such loans or grants shall be awarded upon the condition 96026  
that the loan or grant amount may be used by the owner only to 96027

rehabilitate the historic building. A municipal corporation that 96028  
awards a loan or grant under this division shall develop a plan 96029  
for tracking the loan or grant recipient's use of the loan or 96030  
grant and monitoring the progress of the recipient's 96031  
rehabilitation project. 96032

(2) To make contributions to a special improvement district 96033  
for use under section 1710.14 of the Revised Code, to a community 96034  
improvement corporation for use under section 1724.12 of the 96035  
Revised Code, or to a nonprofit corporation, as defined in section 96036  
1702.01 of the Revised Code, the primary purpose of which is 96037  
redeveloping historic buildings and historic districts for use by 96038  
the corporation to rehabilitate a historic building within the 96039  
downtown redevelopment district or to otherwise promote or enhance 96040  
the district. Amounts contributed under division (E)(2) of this 96041  
section shall not exceed the property tax revenue that would have 96042  
been generated by twenty per cent of the assessed value of the 96043  
exempted improvements within the downtown redevelopment district. 96044

(3) To finance or support loans to owners of one or more 96045  
buildings located within the district that do not qualify as 96046  
historic buildings. Such loans shall be awarded upon the condition 96047  
that the loan amount may be used by the owner only to make repairs 96048  
and improvements to the building or buildings. A municipal 96049  
corporation that awards a loan under this division shall develop a 96050  
plan for tracking the loan recipient's use of the loan and 96051  
monitoring the progress of the recipient's repairs or 96052  
improvements. 96053

(4) To finance public infrastructure improvements within the 96054  
downtown redevelopment district. If revenue generated by the 96055  
downtown redevelopment district will be used to finance public 96056  
infrastructure improvements, the economic development plan 96057  
described by division (B)(5) of this section shall identify 96058  
specific projects that are being or will be undertaken within the 96059

district and describe how such infrastructure improvements will 96060  
accommodate additional demands on the existing infrastructure 96061  
within the district. A municipal corporation shall not use service 96062  
payments derived from a downtown redevelopment district to repair 96063  
or replace police or fire equipment. 96064

(5) To finance or support loans, deferred loans, or grants to 96065  
qualified businesses or to incubators and accelerators that 96066  
provide services and capital to qualified businesses within an 96067  
innovation district. Such loans or grants shall be awarded upon 96068  
the condition that the loan or grant shall be used by the 96069  
recipient to start or develop one or more qualified businesses 96070  
within the innovation district. A municipal corporation that 96071  
awards a loan or grant under this division shall develop a plan 96072  
for tracking the loan or grant recipient's use of the loan or 96073  
grant and monitoring the establishment and growth of the qualified 96074  
business. 96075

(F) Notwithstanding division (B) of this section, 96076  
improvements to parcels located within a downtown redevelopment 96077  
district may be exempted from taxation under this section for up 96078  
to thirty years if either of the following apply: 96079

(1) The ordinance creating the redevelopment district 96080  
specifies that payments in lieu of taxes shall be paid to the 96081  
city, local, or exempted village, and joint vocational school 96082  
district or districts in which the redevelopment district is 96083  
located in the amount of the taxes that would have been payable to 96084  
the school district or districts if the improvements had not been 96085  
exempted from taxation. 96086

(2) The municipal corporation creating the district obtains 96087  
the approval under division (G) of this section of the board of 96088  
education of each city, local, and exempted village school 96089  
district within which the district will be located. 96090

(G)(1) The legislative authority of a municipal corporation 96091  
seeking the approval of a school district for the purpose of 96092  
division (G)(2) of this section shall send notice of the proposed 96093  
ordinance to the school district not later than forty-five 96094  
business days before it intends to adopt the ordinance. The notice 96095  
shall include a copy of the proposed ordinance and shall indicate 96096  
the date on which the legislative authority intends to adopt the 96097  
ordinance. The board of education of the school district, by 96098  
resolution adopted by a majority of the board, may do any of the 96099  
following: 96100

(a) Approve the exemption for the number of years specified 96101  
in the proposed ordinance; 96102

(b) Disapprove the exemption for the number of years in 96103  
excess of ten; 96104

(c) Approve the exemption on the condition that the 96105  
legislative authority and the board negotiate an agreement 96106  
providing for compensation to the school district equal in value 96107  
to a percentage of the amount of taxes exempted in the eleventh 96108  
and subsequent years of the exemption period or other mutually 96109  
agreeable compensation. If an agreement is negotiated under this 96110  
division, the legislative authority shall compensate all joint 96111  
vocational school districts within which the downtown 96112  
redevelopment district is located at the same rate and under the 96113  
same terms received by the city, local, or exempted village school 96114  
district. 96115

(2) The board of education shall certify a resolution adopted 96116  
under division (G)(1) of this section to the legislative authority 96117  
of the municipal corporation not later than fourteen days before 96118  
the date the legislative authority intends to adopt the ordinance 96119  
as indicated in the notice. If the board of education approves the 96120  
ordinance or negotiates a mutually acceptable compensation 96121  
agreement with the legislative authority, the legislative 96122

authority may enact the ordinance in its current form. If the 96123  
board disapproves of the ordinance and fails to negotiate a 96124  
mutually acceptable compensation agreement with the legislative 96125  
authority, the legislative authority may exempt improvements to 96126  
parcels within the downtown redevelopment district for not more 96127  
than ten years. If the board fails to certify a resolution to the 96128  
legislative authority within the time prescribed by this division, 96129  
the legislative authority may adopt the ordinance and may exempt 96130  
improvements to parcels within the downtown redevelopment district 96131  
for the period of time specified in the notice delivered to the 96132  
board of education. The legislative authority may adopt the 96133  
ordinance at any time after the board of education certifies its 96134  
resolution approving the exemption to the legislative authority 96135  
or, if the board approves the exemption on the condition that a 96136  
mutually acceptable compensation agreement be negotiated, at any 96137  
time after the compensation agreement is agreed to by the board 96138  
and the legislative authority. 96139

(3) If a board of education has adopted a resolution waiving 96140  
its right to approve exemptions from taxation under this section 96141  
and the resolution remains in effect, approval of exemptions by 96142  
the board is not required under division (G) of this section. If a 96143  
board of education has adopted a resolution allowing a legislative 96144  
authority to deliver the notice required under division (G)(1) of 96145  
this section fewer than forty-five business days before the 96146  
legislative authority's adoption of the ordinance, the legislative 96147  
authority shall deliver the notice to the board not later than the 96148  
number of days before such adoption as prescribed by the board in 96149  
its resolution. If a board of education adopts a resolution 96150  
waiving its right to approve agreements or shortening the 96151  
notification period, the board shall certify a copy of the 96152  
resolution to the legislative authority. If the board of education 96153  
rescinds such a resolution, it shall certify notice of the 96154  
rescission to the legislative authority. 96155

(4) If the legislative authority is not required by division 96156  
(G) of this section to notify the board of education of the 96157  
legislative authority's intent to create a downtown redevelopment 96158  
district, the legislative authority shall comply with the notice 96159  
requirements imposed under section 5709.83 of the Revised Code, 96160  
unless the board has adopted a resolution under that section 96161  
waiving its right to receive such a notice. 96162

(H) Service payments in lieu of taxes that are attributable 96163  
to any amount by which the effective tax rate of either a renewal 96164  
levy with an increase or a replacement levy exceeds the effective 96165  
tax rate of the levy renewed or replaced, or that are attributable 96166  
to an additional levy, for a levy authorized by the voters for any 96167  
of the following purposes on or after January 1, 2006, and which 96168  
are provided pursuant to an ordinance creating a downtown 96169  
redevelopment district under division (B) of this section shall be 96170  
distributed to the appropriate taxing authority as required under 96171  
division (C) of section 5709.46 of the Revised Code in an amount 96172  
equal to the amount of taxes from that additional levy or from the 96173  
increase in the effective tax rate of such renewal or replacement 96174  
levy that would have been payable to that taxing authority from 96175  
the following levies were it not for the exemption authorized 96176  
under division (B) of this section: 96177

(1) A tax levied under division (L) of section 5705.19 or 96178  
section 5705.191 of the Revised Code for community mental 96179  
retardation and developmental disabilities programs and services 96180  
pursuant to Chapter 5126. of the Revised Code; 96181

(2) A tax levied under division (Y) of section 5705.19 of the 96182  
Revised Code for providing or maintaining senior citizens services 96183  
or facilities; 96184

(3) A tax levied under section 5705.22 of the Revised Code 96185  
for county hospitals; 96186

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| (4) A tax levied by a joint-county district or by a county         | 96187 |
| under section 5705.19, 5705.191, or 5705.221 of the Revised Code   | 96188 |
| for alcohol, drug addiction, and mental health services or         | 96189 |
| facilities;                                                        | 96190 |
| (5) A tax levied under section 5705.23 of the Revised Code         | 96191 |
| for library purposes;                                              | 96192 |
| (6) A tax levied under section 5705.24 of the Revised Code         | 96193 |
| for the support of children services and the placement and care of | 96194 |
| children;                                                          | 96195 |
| (7) A tax levied under division (Z) of section 5705.19 of the      | 96196 |
| Revised Code for the provision and maintenance of zoological park  | 96197 |
| services and facilities under section 307.76 of the Revised Code;  | 96198 |
| (8) A tax levied under section 511.27 or division (H) of           | 96199 |
| section 5705.19 of the Revised Code for the support of township    | 96200 |
| park districts;                                                    | 96201 |
| (9) A tax levied under division (A), (F), or (H) of section        | 96202 |
| 5705.19 of the Revised Code for parks and recreational purposes of | 96203 |
| a joint recreation district organized pursuant to division (B) of  | 96204 |
| section 755.14 of the Revised Code;                                | 96205 |
| (10) A tax levied under section 1545.20 or 1545.21 of the          | 96206 |
| Revised Code for park district purposes;                           | 96207 |
| (11) A tax levied under section 5705.191 of the Revised Code       | 96208 |
| for the purpose of making appropriations for public assistance;    | 96209 |
| human or social services; public relief; public welfare; public    | 96210 |
| health and hospitalization; and support of general hospitals;      | 96211 |
| (12) A tax levied under section 3709.29 of the Revised Code        | 96212 |
| for a general health district program.                             | 96213 |
| (I) An exemption from taxation granted under this section          | 96214 |
| commences with the tax year specified in the ordinance so long as  | 96215 |
| the year specified in the ordinance commences after the effective  | 96216 |

date of the ordinance. If the ordinance specifies a year 96217  
commencing before the effective date of the ordinance or specifies 96218  
no year whatsoever, the exemption commences with the tax year in 96219  
which an exempted improvement first appears on the tax list and 96220  
that commences after the effective date of the ordinance. In lieu 96221  
of stating a specific year, the ordinance may provide that the 96222  
exemption commences in the tax year in which the value of an 96223  
improvement exceeds a specified amount or in which the 96224  
construction of one or more improvements is completed, provided 96225  
that such tax year commences after the effective date of the 96226  
ordinance. 96227

Except as otherwise provided in this division, the exemption 96228  
ends on the date specified in the ordinance as the date the 96229  
improvement ceases to be a public purpose or the downtown 96230  
redevelopment district expires, whichever occurs first. The 96231  
exemption of an improvement within a downtown redevelopment 96232  
district may end on a later date, as specified in the ordinance, 96233  
if the legislative authority and the board of education of the 96234  
city, local, or exempted village school district within which the 96235  
parcel or district is located have entered into a compensation 96236  
agreement under section 5709.82 of the Revised Code with respect 96237  
to the improvement, and the board of education has approved the 96238  
term of the exemption under division (G) of this section, but in 96239  
no case shall the improvement be exempted from taxation for more 96240  
than thirty years. Exemptions shall be claimed and allowed in the 96241  
same manner as in the case of other real property exemptions. If 96242  
an exemption status changes during a year, the procedure for the 96243  
apportionment of the taxes for that year is the same as in the 96244  
case of other changes in tax exemption status during the year. 96245

(J) Additional municipal financing of the projects and 96246  
services described in division (E) of this section may be provided 96247  
by any methods that the municipal corporation may otherwise use 96248

for financing such projects and services. If the municipal 96249  
corporation issues bonds or notes to finance such projects and 96250  
services and pledges money from the municipal downtown 96251  
redevelopment district fund to pay the interest on and principal 96252  
of the bonds or notes, the bonds or notes are not subject to 96253  
Chapter 133. of the Revised Code. 96254

(K) The municipal corporation, not later than fifteen days 96255  
after the adoption of an ordinance under this section, shall 96256  
submit to the director of development services a copy of the 96257  
ordinance. On or before the thirty-first day of March of each 96258  
year, the municipal corporation shall submit a status report to 96259  
the director of development services. The report shall indicate, 96260  
in the manner prescribed by the director, the progress of the 96261  
projects and services during each year that an exemption remains 96262  
in effect, including a summary of the receipts from service 96263  
payments in lieu of taxes; expenditures of money from the funds 96264  
created under section 5709.47 of the Revised Code; a description 96265  
of the projects and services financed with such expenditures; and 96266  
a quantitative summary of changes in employment and private 96267  
investment resulting from each project and service. 96268

(L) Nothing in this section shall be construed to prohibit a 96269  
legislative authority from declaring to be a public purpose 96270  
improvements with respect to more than one parcel. 96271

(M)(1) The owner of real property located in a downtown 96272  
redevelopment district may enter into an agreement with the 96273  
municipal corporation that created the district to impose a 96274  
redevelopment charge on the property to cover all or part of the 96275  
cost of services, facilities, and improvements provided within the 96276  
district under division (E) of this section. The agreement shall 96277  
include the following: 96278

(a) The amount of the redevelopment charge. The redevelopment 96279  
charge may be a fixed dollar amount or an amount determined on the 96280

basis of the assessed valuation of the property or all or part of 96281  
the profits, gross receipts, or other revenues of a business 96282  
operating on the property, including rentals received from leases 96283  
of the property. If the property is leased to one or more tenants, 96284  
the redevelopment charge may be itemized as part of the lease 96285  
rate. 96286

(b) The termination date of the redevelopment charge. The 96287  
redevelopment charge shall not be charged after the expiration or 96288  
termination of the downtown redevelopment district. 96289

(c) The terms by which the municipal corporation shall 96290  
collect the redevelopment charge. 96291

(d) The purposes for which the redevelopment charge may be 96292  
used by the municipal corporation. The redevelopment charge shall 96293  
be used only for those purposes described by division (E) of this 96294  
section. The agreement may specify any or all of such purposes. 96295

(2) Redevelopment charges collected by a municipal 96296  
corporation under division (M) of this section shall be deposited 96297  
to the municipal downtown redevelopment district fund created 96298  
under section 5709.47 of the Revised Code. 96299

(3) An agreement by a property owner under division (M) of 96300  
this section is hereby deemed to be a covenant running with the 96301  
land. The covenant is fully binding on behalf of and enforceable 96302  
by the municipal corporation against any person acquiring an 96303  
interest in the land and all of that person's successors and 96304  
assigns. 96305

(4) No purchase agreement for real estate or any interest in 96306  
real estate upon which a redevelopment charge is levied shall be 96307  
enforceable by the seller or binding upon the purchaser unless the 96308  
purchase agreement specifically refers to the redevelopment 96309  
charge. If a conveyance of such real estate or interest in such 96310  
real estate is made pursuant to a purchase agreement that does not 96311

make such reference, the redevelopment charge shall continue to be 96312  
a covenant running with the land fully binding on behalf of and 96313  
enforceable by the municipal corporation against the person 96314  
accepting the conveyance pursuant to the purchase agreement. 96315

(5) If a redevelopment charge is not paid when due, the 96316  
overdue amount shall be collected according to the terms of the 96317  
agreement. If the agreement does not specify a procedure for 96318  
collecting overdue redevelopment charges, the municipal 96319  
corporation may certify the charge to the county auditor. The 96320  
county auditor shall enter the unpaid charge on the tax list and 96321  
duplicate of real property opposite the parcel against which it is 96322  
charged and certify the charge to the county treasurer. The unpaid 96323  
redevelopment charge is a lien on property against which it is 96324  
charged from the date the charge is entered on the tax list, and 96325  
shall be collected in the manner provided for the collection of 96326  
real property taxes. Once the charge is collected, it shall be 96327  
paid immediately to the municipal corporation. 96328

Sec. 5709.48. (A) As used in this section, "regional 96329  
transportation improvement project" has the same meaning as in 96330  
section 5595.01 of the Revised Code. 96331

(B) For the purposes described in division (A) of section 96332  
5595.06 of the Revised Code, the boards of county commissioners of 96333  
one or more counties that are participants in a regional 96334  
transportation improvement project may, by resolution, create a 96335  
transportation financing district and declare improvements to 96336  
parcels within the district to be a public purpose and exempt from 96337  
taxation. 96338

(C) A transportation financing district may include territory 96339  
in more than one county as long as each such county is a party to 96340  
the resolution creating the district and a participant in the 96341  
regional transportation improvement project funded by the 96342

district. A district shall not include areas used exclusively for residential purposes. A district shall not include any parcel that is or has been exempted from taxation under this section or section 5709.40, 5709.41, 5709.45, 5709.73, or 5709.77 of the Revised Code. Counties may designate parcels within the boundaries of a district that are not included in the district. Counties may designate noncontiguous parcels located outside the boundaries of the district that are included in the district.

Counties may adopt more than one resolution under division (B) of this section. A single such resolution may create more than one transportation financing district.

(D) A resolution creating a transportation financing district shall specify all of the following:

(1) A description of the territory included in the district;

(2) The county treasurer's permanent parcel number associated with each parcel included in the district;

(3) The percentage of improvements to be exempted from taxation and the duration of the exemption, which shall not exceed the remaining number of years the cooperative agreement for the regional transportation improvement district, described under section 5595.03 of the Revised Code, is in effect;

(4) A plan for the district that describes the principal purposes and goals to be served by the district and explains how the use of service payments provided for by section 5709.49 of the Revised Code will economically benefit owners of property within the district.

(E)(1) Before adopting a resolution under division (B) of this section, the board or boards of county commissioners of the participating counties shall notify and obtain the approval of each subdivision and taxing unit that levies a property tax within the territory of the proposed transportation financing district. A

subdivision or taxing unit's approval or disapproval of the 96374  
proposed district shall be in the form of an ordinance or 96375  
resolution. The board or boards may negotiate an agreement with a 96376  
subdivision or taxing unit providing for compensation equal in 96377  
value to a percentage of the amount of taxes exempted or some 96378  
other mutually agreeable compensation. 96379

(2) A subdivision or taxing unit may adopt an ordinance or 96380  
resolution waiving its right to approve or receive notice of 96381  
transportation financing districts proposed under this section. If 96382  
a subdivision or taxing unit has adopted such an ordinance or 96383  
resolution, the terms of that ordinance or resolution supersede 96384  
the requirements of division (E)(1) of this section. One or more 96385  
boards of county commissioners may negotiate an agreement with a 96386  
subdivision or taxing unit providing for some mutually agreeable 96387  
compensation in exchange for the subdivision or taxing unit 96388  
adopting such an ordinance or resolution. If a subdivision or 96389  
taxing unit has adopted such an ordinance or resolution, it shall 96390  
certify a copy to the board of county commissioners of the county 96391  
or counties in which the subdivision or taxing unit is located. If 96392  
the subdivision or taxing unit rescinds such an ordinance or 96393  
resolution, it shall certify notice of the rescission to the same 96394  
board or boards. 96395

(F) After notifying and obtaining the approval of each 96396  
subdivision and taxing unit that levies a property tax within the 96397  
territory of the proposed transportation financing district as 96398  
required under division (E) of this section, the boards of county 96399  
commissioners of the participating counties shall notify and 96400  
obtain the approval of every real property owner whose property is 96401  
included in the proposed district. 96402

(G)(1) If the resolution creating the transportation 96403  
financing district is approved by the board of county 96404  
commissioners of each county in which the district is located, one 96405

of the counties shall send a copy of the resolution and 96406  
documentation sufficient to prove that the requirements of 96407  
divisions (E) and (F) of this section have been met to the 96408  
director of development services. The director shall evaluate the 96409  
resolution and documentation to determine if the counties have 96410  
fully complied with the requirements of this section. If the 96411  
director approves the resolution, the director shall send notice 96412  
of approval to each county that is a party to the resolution. If 96413  
the director does not approve the resolution, the director shall 96414  
send notice of denial to each county that is a party to the 96415  
resolution. The notice of denial shall include the reason or 96416  
reasons for the denial. If the director does not make a 96417  
determination within ninety days after receiving a resolution 96418  
under this section, the director is deemed to have approved the 96419  
resolution. No resolution creating a transportation financing 96420  
district is effective without actual or constructive approval by 96421  
the director under this section. 96422

(2) An exemption from taxation granted under this section 96423  
commences with the tax year specified in the resolution so long as 96424  
the year specified in the resolution commences after the effective 96425  
date of the resolution. If the resolution specifies a year 96426  
commencing before the effective date of the resolution or 96427  
specifies no year whatsoever, the exemption commences with the tax 96428  
year in which an exempted improvement first appears on the tax 96429  
list and that commences after the effective date of the 96430  
resolution. In lieu of stating a specific year, the resolution may 96431  
provide that the exemption commences in the tax year in which the 96432  
value of an improvement exceeds a specified amount or in which the 96433  
construction of one or more improvements is completed, provided 96434  
that such tax year commences after the effective date of the 96435  
resolution. 96436

(3) Except as otherwise provided in this division, the 96437

exemption ends on the date specified in the resolution as the date 96438  
the improvement ceases to be a public purpose or the regional 96439  
transportation improvement project funded by the service payments 96440  
dissolves under section 5595.13 of the Revised Code, whichever 96441  
occurs first. Exemptions shall be claimed and allowed in the same 96442  
manner as in the case of other real property exemptions. If an 96443  
exemption status changes during a year, the procedure for the 96444  
apportionment of the taxes for that year is the same as in the 96445  
case of other changes in tax exemption status during the year. 96446

(H) Service payments in lieu of taxes that are attributable 96447  
to any amount by which the effective tax rate of either a renewal 96448  
levy with an increase or a replacement levy exceeds the effective 96449  
tax rate of the levy renewed or replaced, or that are attributable 96450  
to an additional levy, for a levy authorized by the voters for any 96451  
of the following purposes on or after January 1, 2006, and which 96452  
are provided pursuant to a resolution creating a transportation 96453  
financing district under this section shall be distributed to the 96454  
appropriate taxing authority as required under division (C) of 96455  
section 5709.49 of the Revised Code in an amount equal to the 96456  
amount of taxes from that additional levy or from the increase in 96457  
the effective tax rate of such renewal or replacement levy that 96458  
would have been payable to that taxing authority from the 96459  
following levies were it not for the exemption authorized under 96460  
this section: 96461

(1) A tax levied under division (L) of section 5705.19 or 96462  
section 5705.191 of the Revised Code for community mental 96463  
retardation and developmental disabilities programs and services 96464  
pursuant to Chapter 5126. of the Revised Code; 96465

(2) A tax levied under division (Y) of section 5705.19 of the 96466  
Revised Code for providing or maintaining senior citizens services 96467  
or facilities; 96468

(3) A tax levied under section 5705.22 of the Revised Code 96469

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| <u>for county hospitals;</u>                                              | 96470 |
| <u>(4) A tax levied by a joint-county district or by a county</u>         | 96471 |
| <u>under section 5705.19, 5705.191, or 5705.221 of the Revised Code</u>   | 96472 |
| <u>for alcohol, drug addiction, and mental health services or</u>         | 96473 |
| <u>facilities;</u>                                                        | 96474 |
| <u>(5) A tax levied under section 5705.23 of the Revised Code</u>         | 96475 |
| <u>for library purposes;</u>                                              | 96476 |
| <u>(6) A tax levied under section 5705.24 of the Revised Code</u>         | 96477 |
| <u>for the support of children services and the placement and care of</u> | 96478 |
| <u>children;</u>                                                          | 96479 |
| <u>(7) A tax levied under division (Z) of section 5705.19 of the</u>      | 96480 |
| <u>Revised Code for the provision and maintenance of zoological park</u>  | 96481 |
| <u>services and facilities under section 307.76 of the Revised Code;</u>  | 96482 |
| <u>(8) A tax levied under section 511.27 or division (H) of</u>           | 96483 |
| <u>section 5705.19 of the Revised Code for the support of township</u>    | 96484 |
| <u>park districts;</u>                                                    | 96485 |
| <u>(9) A tax levied under division (A), (F), or (H) of section</u>        | 96486 |
| <u>5705.19 of the Revised Code for parks and recreational purposes of</u> | 96487 |
| <u>a joint recreation district organized pursuant to division (B) of</u>  | 96488 |
| <u>section 755.14 of the Revised Code;</u>                                | 96489 |
| <u>(10) A tax levied under section 1545.20 or 1545.21 of the</u>          | 96490 |
| <u>Revised Code for park district purposes;</u>                           | 96491 |
| <u>(11) A tax levied under section 5705.191 of the Revised Code</u>       | 96492 |
| <u>for the purpose of making appropriations for public assistance;</u>    | 96493 |
| <u>human or social services; public relief; public welfare; public</u>    | 96494 |
| <u>health and hospitalization; and support of general hospitals;</u>      | 96495 |
| <u>(12) A tax levied under section 3709.29 of the Revised Code</u>        | 96496 |
| <u>for a general health district program.</u>                             | 96497 |
| <u>(I) The resolution creating a transportation financing</u>             | 96498 |
| <u>district may be amended at any time by majority vote of the boards</u> | 96499 |

of county commissioners of each county in which the district is 96500  
located and with the approval of the director of development 96501  
services obtained in the same manner as approval of the original 96502  
resolution. 96503

**Sec. 5709.49.** (A) A county that has declared an improvement 96504  
to be a public purpose under section 5709.48 of the Revised Code 96505  
shall require the owner of any structure located on the parcel to 96506  
make annual service payments in lieu of taxes to the county 96507  
treasurer on or before the final dates for payment of real 96508  
property taxes. Each such payment shall be charged and collected 96509  
in the same manner and in the same amount as the real property 96510  
taxes that would have been charged and payable against the 96511  
improvement if it were not exempt from taxation. If any reduction 96512  
in the levies otherwise applicable to such exempt property is made 96513  
by the county budget commission under section 5705.31 of the 96514  
Revised Code, the amount of the service payment in lieu of taxes 96515  
shall be calculated as if such reduction in levies had not been 96516  
made. 96517

(B) Moneys collected as service payments in lieu of taxes 96518  
from a parcel shall be distributed at the same time and in the 96519  
same manner as real property tax payments. However, subject to 96520  
division (C) of this section or section 5709.913 of the Revised 96521  
Code, the entire amount so collected shall be distributed to the 96522  
county in which the parcel is located. If a resolution adopted 96523  
under section 5709.48 of the Revised Code specifies that service 96524  
payments shall be paid to another subdivision or taxing unit in 96525  
which the parcel is located, the county treasurer shall distribute 96526  
the portion of the service payments to that subdivision or taxing 96527  
unit in an amount equal to the property tax payments the 96528  
subdivision or taxing unit would have received from the portion of 96529  
the parcel's improvement exempted from taxation had the 96530  
improvement not been exempted, or some other amount as directed in 96531

the resolution. The treasurer shall maintain a record of the 96532  
service payments in lieu of taxes made from property in each 96533  
transportation financing district. 96534

(C) If annual service payments in lieu of taxes are required 96535  
under this section, the county treasurer shall distribute to the 96536  
appropriate taxing authorities the portion of the service payments 96537  
that represent payments required under division (H) of section 96538  
5709.48 of the Revised Code. 96539

(D) Nothing in this section or section 5709.48 of the Revised 96540  
Code affects the taxes levied against that portion of the value of 96541  
any parcel of property that is not exempt from taxation. 96542

**Sec. 5709.50.** (A) A county that grants a tax exemption under 96543  
section 5709.48 of the Revised Code shall establish a regional 96544  
transportation improvement project fund into which shall be 96545  
deposited service payments in lieu of taxes distributed to the 96546  
county under section 5709.49 of the Revised Code. Money in the 96547  
regional transportation improvement project fund shall be used to 96548  
compensate subdivisions and taxing units within which exempted 96549  
parcels are located pursuant to agreements entered into by the 96550  
county under division (E) of section 5709.48 of the Revised Code. 96551  
The remainder shall be dispensed to the governing board of the 96552  
regional transportation improvement project and used for the 96553  
purposes described in the resolution creating the transportation 96554  
financing district. 96555

(B) Any incidental surplus remaining in the regional 96556  
transportation improvement project fund or an account of that fund 96557  
upon dissolution of the fund or account shall be transferred to 96558  
the general fund of the county. 96559

**Sec. 5709.62.** (A) In any municipal corporation that is 96560  
defined by the United States office of management and budget as a 96561

principal city of a metropolitan statistical area, the legislative 96562  
authority of the municipal corporation may designate one or more 96563  
areas within its municipal corporation as proposed enterprise 96564  
zones. Upon designating an area, the legislative authority shall 96565  
petition the director of development services for certification of 96566  
the area as having the characteristics set forth in division 96567  
(A)(1) of section 5709.61 of the Revised Code as amended by 96568  
Substitute Senate Bill No. 19 of the 120th general assembly. 96569  
Except as otherwise provided in division (E) of this section, on 96570  
and after July 1, 1994, legislative authorities shall not enter 96571  
into agreements under this section unless the legislative 96572  
authority has petitioned the director and the director has 96573  
certified the zone under this section as amended by that act; 96574  
however, all agreements entered into under this section as it 96575  
existed prior to July 1, 1994, and the incentives granted under 96576  
those agreements shall remain in effect for the period agreed to 96577  
under those agreements. Within sixty days after receiving such a 96578  
petition, the director shall determine whether the area has the 96579  
characteristics set forth in division (A)(1) of section 5709.61 of 96580  
the Revised Code, and shall forward the findings to the 96581  
legislative authority of the municipal corporation. If the 96582  
director certifies the area as having those characteristics, and 96583  
thereby certifies it as a zone, the legislative authority may 96584  
enter into an agreement with an enterprise under division (C) of 96585  
this section. 96586

(B) Any enterprise that wishes to enter into an agreement 96587  
with a municipal corporation under division (C) of this section 96588  
shall submit a proposal to the legislative authority of the 96589  
municipal corporation on a form prescribed by the director of 96590  
development services, together with the application fee 96591  
established under section 5709.68 of the Revised Code. The form 96592  
shall require the following information: 96593

(1) An estimate of the number of new employees whom the enterprise intends to hire, or of the number of employees whom the enterprise intends to retain, within the zone at a facility that is a project site, and an estimate of the amount of payroll of the enterprise attributable to these employees;

(2) An estimate of the amount to be invested by the enterprise to establish, expand, renovate, or occupy a facility, including investment in new buildings, additions or improvements to existing buildings, machinery, equipment, furniture, fixtures, and inventory;

(3) A listing of the enterprise's current investment, if any, in a facility as of the date of the proposal's submission.

The enterprise shall review and update the listings required under this division to reflect material changes, and any agreement entered into under division (C) of this section shall set forth final estimates and listings as of the time the agreement is entered into. The legislative authority may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(C) Upon receipt and investigation of a proposal under division (B) of this section, if the legislative authority finds that the enterprise submitting the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and improve the economic climate of the municipal corporation, the legislative authority, ~~on or before October 15, 2017,~~ may do one of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a

facility and hire new employees, or preserve employment 96625  
opportunities for existing employees, in return for one or more of 96626  
the following incentives: 96627

(a) Exemption for a specified number of years, not to exceed 96628  
fifteen, of a specified portion, up to seventy-five per cent, of 96629  
the assessed value of tangible personal property first used in 96630  
business at the project site as a result of the agreement. If an 96631  
exemption for inventory is specifically granted in the agreement 96632  
pursuant to this division, the exemption applies to inventory 96633  
required to be listed pursuant to sections 5711.15 and 5711.16 of 96634  
the Revised Code, except that, in the instance of an expansion or 96635  
other situations in which an enterprise was in business at the 96636  
facility prior to the establishment of the zone, the inventory 96637  
that is exempt is that amount or value of inventory in excess of 96638  
the amount or value of inventory required to be listed in the 96639  
personal property tax return of the enterprise in the return for 96640  
the tax year in which the agreement is entered into. 96641

(b) Exemption for a specified number of years, not to exceed 96642  
fifteen, of a specified portion, up to seventy-five per cent, of 96643  
the increase in the assessed valuation of real property 96644  
constituting the project site subsequent to formal approval of the 96645  
agreement by the legislative authority; 96646

(c) Provision for a specified number of years, not to exceed 96647  
fifteen, of any optional services or assistance that the municipal 96648  
corporation is authorized to provide with regard to the project 96649  
site. 96650

(2) Enter into an agreement under which the enterprise agrees 96651  
to remediate an environmentally contaminated facility, to spend an 96652  
amount equal to at least two hundred fifty per cent of the true 96653  
value in money of the real property of the facility prior to 96654  
remediation as determined for the purposes of property taxation to 96655  
establish, expand, renovate, or occupy the remediated facility, 96656

and to hire new employees or preserve employment opportunities for 96657  
existing employees at the remediated facility, in return for one 96658  
or more of the following incentives: 96659

(a) Exemption for a specified number of years, not to exceed 96660  
fifteen, of a specified portion, not to exceed fifty per cent, of 96661  
the assessed valuation of the real property of the facility prior 96662  
to remediation; 96663

(b) Exemption for a specified number of years, not to exceed 96664  
fifteen, of a specified portion, not to exceed one hundred per 96665  
cent, of the increase in the assessed valuation of the real 96666  
property of the facility during or after remediation; 96667

(c) The incentive under division (C)(1)(a) of this section, 96668  
except that the percentage of the assessed value of such property 96669  
exempted from taxation shall not exceed one hundred per cent; 96670

(d) The incentive under division (C)(1)(c) of this section. 96671

(3) Enter into an agreement with an enterprise that plans to 96672  
purchase and operate a large manufacturing facility that has 96673  
ceased operation or announced its intention to cease operation, in 96674  
return for exemption for a specified number of years, not to 96675  
exceed fifteen, of a specified portion, up to one hundred per 96676  
cent, of the assessed value of tangible personal property used in 96677  
business at the project site as a result of the agreement, or of 96678  
the assessed valuation of real property constituting the project 96679  
site, or both. 96680

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 96681  
section, the portion of the assessed value of tangible personal 96682  
property or of the increase in the assessed valuation of real 96683  
property exempted from taxation under those divisions may exceed 96684  
seventy-five per cent in any year for which that portion is 96685  
exempted if the average percentage exempted for all years in which 96686  
the agreement is in effect does not exceed sixty per cent, or if 96687

the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of seventy-five per cent. 96688  
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(2) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (C)(1)(a), (b), and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may be for up to fifteen years if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a number of years in excess of ten. 96692  
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(3) For the purpose of obtaining the approval of a city, local, or exempted village school district under division (D)(1) or (2) of this section, the legislative authority shall deliver to the board of education a notice not later than forty-five days prior to approving the agreement, excluding Saturdays, Sundays, and legal holidays as defined in section 1.14 of the Revised Code. The notice shall state the percentage to be exempted, an estimate of the true value of the property to be exempted, and the number of years the property is to be exempted. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement, including the execution of an agreement to compensate the school district under division (B) of section 5709.82 of the Revised Code. The legislative authority may approve the agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the 96699  
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board approves the agreement conditionally, at any time after the 96720  
conditions are agreed to by the board and the legislative 96721  
authority. 96722

If a board of education has adopted a resolution waiving its 96723  
right to approve agreements and the resolution remains in effect, 96724  
approval of an agreement by the board is not required under this 96725  
division. If a board of education has adopted a resolution 96726  
allowing a legislative authority to deliver the notice required 96727  
under this division fewer than forty-five business days prior to 96728  
the legislative authority's approval of the agreement, the 96729  
legislative authority shall deliver the notice to the board not 96730  
later than the number of days prior to such approval as prescribed 96731  
by the board in its resolution. If a board of education adopts a 96732  
resolution waiving its right to approve agreements or shortening 96733  
the notification period, the board shall certify a copy of the 96734  
resolution to the legislative authority. If the board of education 96735  
rescinds such a resolution, it shall certify notice of the 96736  
rescission to the legislative authority. 96737

(4) The legislative authority shall comply with section 96738  
5709.83 of the Revised Code unless the board of education has 96739  
adopted a resolution under that section waiving its right to 96740  
receive such notice. 96741

(E) This division applies to zones certified by the director 96742  
of development services under this section prior to July 22, 1994. 96743

~~On or before October 15, 2017, the~~ The legislative authority 96744  
that designated a zone to which this division applies may enter 96745  
into an agreement with an enterprise if the legislative authority 96746  
finds that the enterprise satisfies one of the criteria described 96747  
in divisions (E)(1) to (5) of this section: 96748

(1) The enterprise currently has no operations in this state 96749  
and, subject to approval of the agreement, intends to establish 96750

operations in the zone; 96751

(2) The enterprise currently has operations in this state 96752  
and, subject to approval of the agreement, intends to establish 96753  
operations at a new location in the zone that would not result in 96754  
a reduction in the number of employee positions at any of the 96755  
enterprise's other locations in this state; 96756

(3) The enterprise, subject to approval of the agreement, 96757  
intends to relocate operations, currently located in another 96758  
state, to the zone; 96759

(4) The enterprise, subject to approval of the agreement, 96760  
intends to expand operations at an existing site in the zone that 96761  
the enterprise currently operates; 96762

(5) The enterprise, subject to approval of the agreement, 96763  
intends to relocate operations, currently located in this state, 96764  
to the zone, and the director of development services has issued a 96765  
waiver for the enterprise under division (B) of section 5709.633 96766  
of the Revised Code. 96767

The agreement shall require the enterprise to agree to 96768  
establish, expand, renovate, or occupy a facility in the zone and 96769  
hire new employees, or preserve employment opportunities for 96770  
existing employees, in return for one or more of the incentives 96771  
described in division (C) of this section. 96772

(F) All agreements entered into under this section shall be 96773  
in the form prescribed under section 5709.631 of the Revised Code. 96774  
After an agreement is entered into under this section, if the 96775  
legislative authority revokes its designation of a zone, or if the 96776  
director of development services revokes a zone's certification, 96777  
any entitlements granted under the agreement shall continue for 96778  
the number of years specified in the agreement. 96779

(G) Except as otherwise provided in this division, an 96780  
agreement entered into under this section shall require that the 96781

enterprise pay an annual fee equal to the greater of one per cent 96782  
of the dollar value of incentives offered under the agreement or 96783  
five hundred dollars; provided, however, that if the value of the 96784  
incentives exceeds two hundred fifty thousand dollars, the fee 96785  
shall not exceed two thousand five hundred dollars. The fee shall 96786  
be payable to the legislative authority once per year for each 96787  
year the agreement is effective on the days and in the form 96788  
specified in the agreement. Fees paid shall be deposited in a 96789  
special fund created for such purpose by the legislative authority 96790  
and shall be used by the legislative authority exclusively for the 96791  
purpose of complying with section 5709.68 of the Revised Code and 96792  
by the tax incentive review council created under section 5709.85 96793  
of the Revised Code exclusively for the purposes of performing the 96794  
duties prescribed under that section. The legislative authority 96795  
may waive or reduce the amount of the fee charged against an 96796  
enterprise, but such a waiver or reduction does not affect the 96797  
obligations of the legislative authority or the tax incentive 96798  
review council to comply with section 5709.68 or 5709.85 of the 96799  
Revised Code. 96800

(H) When an agreement is entered into pursuant to this 96801  
section, the legislative authority authorizing the agreement shall 96802  
forward a copy of the agreement to the director of development 96803  
services and to the tax commissioner within fifteen days after the 96804  
agreement is entered into. If any agreement includes terms not 96805  
provided for in section 5709.631 of the Revised Code affecting the 96806  
revenue of a city, local, or exempted village school district or 96807  
causing revenue to be forgone by the district, including any 96808  
compensation to be paid to the school district pursuant to section 96809  
5709.82 of the Revised Code, those terms also shall be forwarded 96810  
in writing to the director of development services along with the 96811  
copy of the agreement forwarded under this division. 96812

(I) After an agreement is entered into, the enterprise shall 96813

file with each personal property tax return required to be filed, 96814  
or annual report required to be filed under section 5727.08 of the 96815  
Revised Code, while the agreement is in effect, an informational 96816  
return, on a form prescribed by the tax commissioner for that 96817  
purpose, setting forth separately the property, and related costs 96818  
and values, exempted from taxation under the agreement. 96819

(J) Enterprises may agree to give preference to residents of 96820  
the zone within which the agreement applies relative to residents 96821  
of this state who do not reside in the zone when hiring new 96822  
employees under the agreement. 96823

(K) An agreement entered into under this section may include 96824  
a provision requiring the enterprise to create one or more 96825  
temporary internship positions for students enrolled in a course 96826  
of study at a school or other educational institution in the 96827  
vicinity, and to create a scholarship or provide another form of 96828  
educational financial assistance for students holding such a 96829  
position in exchange for the student's commitment to work for the 96830  
enterprise at the completion of the internship. 96831

(L) The tax commissioner's authority in determining the 96832  
accuracy of any exemption granted by an agreement entered into 96833  
under this section is limited to divisions (C)(1)(a) and (b), 96834  
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 96835  
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 96836  
and, as authorized by law, to enforcing any modification to, or 96837  
revocation of, that agreement by the legislative authority of a 96838  
municipal corporation or the director of development services. 96839

**Sec. 5709.63.** (A) With the consent of the legislative 96840  
authority of each affected municipal corporation or of a board of 96841  
township trustees, a board of county commissioners may, in the 96842  
manner set forth in section 5709.62 of the Revised Code, designate 96843  
one or more areas in one or more municipal corporations or in 96844

unincorporated areas of the county as proposed enterprise zones. A 96845  
board of county commissioners may designate no more than one area 96846  
within a township, or within adjacent townships, as a proposed 96847  
enterprise zone. The board shall petition the director of 96848  
development services for certification of the area as having the 96849  
characteristics set forth in division (A)(1) or (2) of section 96850  
5709.61 of the Revised Code as amended by Substitute Senate Bill 96851  
No. 19 of the 120th general assembly. Except as otherwise provided 96852  
in division (D) of this section, on and after July 1, 1994, boards 96853  
of county commissioners shall not enter into agreements under this 96854  
section unless the board has petitioned the director and the 96855  
director has certified the zone under this section as amended by 96856  
that act; however, all agreements entered into under this section 96857  
as it existed prior to July 1, 1994, and the incentives granted 96858  
under those agreements shall remain in effect for the period 96859  
agreed to under those agreements. The director shall make the 96860  
determination in the manner provided under section 5709.62 of the 96861  
Revised Code. 96862

Any enterprise wishing to enter into an agreement with the 96863  
board under division (B) or (D) of this section shall submit a 96864  
proposal to the board on the form and accompanied by the 96865  
application fee prescribed under division (B) of section 5709.62 96866  
of the Revised Code. The enterprise shall review and update the 96867  
estimates and listings required by the form in the manner required 96868  
under that division. The board may, on a separate form and at any 96869  
time, require any additional information necessary to determine 96870  
whether an enterprise is in compliance with an agreement and to 96871  
collect the information required to be reported under section 96872  
5709.68 of the Revised Code. 96873

(B) If the board of county commissioners finds that an 96874  
enterprise submitting a proposal is qualified by financial 96875  
responsibility and business experience to create and preserve 96876

employment opportunities in the zone and to improve the economic 96877  
climate of the municipal corporation or municipal corporations or 96878  
the unincorporated areas in which the zone is located and to which 96879  
the proposal applies, the board, ~~on or before October 15, 2017,~~ 96880  
~~and~~ with the consent of the legislative authority of each affected 96881  
municipal corporation or of the board of township trustees, may do 96882  
either of the following: 96883

(1) Enter into an agreement with the enterprise under which 96884  
the enterprise agrees to establish, expand, renovate, or occupy a 96885  
facility in the zone and hire new employees, or preserve 96886  
employment opportunities for existing employees, in return for the 96887  
following incentives: 96888

(a) When the facility is located in a municipal corporation, 96889  
the board may enter into an agreement for one or more of the 96890  
incentives provided in division (C) of section 5709.62 of the 96891  
Revised Code, subject to division (D) of that section; 96892

(b) When the facility is located in an unincorporated area, 96893  
the board may enter into an agreement for one or more of the 96894  
following incentives: 96895

(i) Exemption for a specified number of years, not to exceed 96896  
fifteen, of a specified portion, up to sixty per cent, of the 96897  
assessed value of tangible personal property first used in 96898  
business at a project site as a result of the agreement. If an 96899  
exemption for inventory is specifically granted in the agreement 96900  
pursuant to this division, the exemption applies to inventory 96901  
required to be listed pursuant to sections 5711.15 and 5711.16 of 96902  
the Revised Code, except, in the instance of an expansion or other 96903  
situations in which an enterprise was in business at the facility 96904  
prior to the establishment of the zone, the inventory that is 96905  
exempt is that amount or value of inventory in excess of the 96906  
amount or value of inventory required to be listed in the personal 96907  
property tax return of the enterprise in the return for the tax 96908

year in which the agreement is entered into. 96909

(ii) Exemption for a specified number of years, not to exceed 96910  
fifteen, of a specified portion, up to sixty per cent, of the 96911  
increase in the assessed valuation of real property constituting 96912  
the project site subsequent to formal approval of the agreement by 96913  
the board; 96914

(iii) Provision for a specified number of years, not to 96915  
exceed fifteen, of any optional services or assistance the board 96916  
is authorized to provide with regard to the project site; 96917

(iv) The incentive described in division (C)(2) of section 96918  
5709.62 of the Revised Code. 96919

(2) Enter into an agreement with an enterprise that plans to 96920  
purchase and operate a large manufacturing facility that has 96921  
ceased operation or has announced its intention to cease 96922  
operation, in return for exemption for a specified number of 96923  
years, not to exceed fifteen, of a specified portion, up to one 96924  
hundred per cent, of tangible personal property used in business 96925  
at the project site as a result of the agreement, or of real 96926  
property constituting the project site, or both. 96927

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 96928  
this section, the portion of the assessed value of tangible 96929  
personal property or of the increase in the assessed valuation of 96930  
real property exempted from taxation under those divisions may 96931  
exceed sixty per cent in any year for which that portion is 96932  
exempted if the average percentage exempted for all years in which 96933  
the agreement is in effect does not exceed fifty per cent, or if 96934  
the board of education of the city, local, or exempted village 96935  
school district within the territory of which the property is or 96936  
will be located approves a percentage in excess of sixty per cent. 96937

(b) Notwithstanding any provision of the Revised Code to the 96938  
contrary, the exemptions described in divisions (B)(1)(b)(i), 96939

(ii), (iii), and (iv) and (B)(2) of this section may be for up to 96940  
fifteen years if the board of education of the city, local, or 96941  
exempted village school district within the territory of which the 96942  
property is or will be located approves a number of years in 96943  
excess of ten. 96944

(c) For the purpose of obtaining the approval of a city, 96945  
local, or exempted village school district under division 96946  
(C)(1)(a) or (b) of this section, the board of county 96947  
commissioners shall deliver to the board of education a notice not 96948  
later than forty-five days prior to approving the agreement, 96949  
excluding Saturdays, Sundays, and legal holidays as defined in 96950  
section 1.14 of the Revised Code. The notice shall state the 96951  
percentage to be exempted, an estimate of the true value of the 96952  
property to be exempted, and the number of years the property is 96953  
to be exempted. The board of education, by resolution adopted by a 96954  
majority of the board, shall approve or disapprove the agreement 96955  
and certify a copy of the resolution to the board of county 96956  
commissioners not later than fourteen days prior to the date 96957  
stipulated by the board of county commissioners as the date upon 96958  
which approval of the agreement is to be formally considered by 96959  
the board of county commissioners. The board of education may 96960  
include in the resolution conditions under which the board would 96961  
approve the agreement, including the execution of an agreement to 96962  
compensate the school district under division (B) of section 96963  
5709.82 of the Revised Code. The board of county commissioners may 96964  
approve the agreement at any time after the board of education 96965  
certifies its resolution approving the agreement to the board of 96966  
county commissioners, or, if the board of education approves the 96967  
agreement conditionally, at any time after the conditions are 96968  
agreed to by the board of education and the board of county 96969  
commissioners. 96970

If a board of education has adopted a resolution waiving its 96971

right to approve agreements and the resolution remains in effect, 96972  
approval of an agreement by the board of education is not required 96973  
under division (C) of this section. If a board of education has 96974  
adopted a resolution allowing a board of county commissioners to 96975  
deliver the notice required under this division fewer than 96976  
forty-five business days prior to approval of the agreement by the 96977  
board of county commissioners, the board of county commissioners 96978  
shall deliver the notice to the board of education not later than 96979  
the number of days prior to such approval as prescribed by the 96980  
board of education in its resolution. If a board of education 96981  
adopts a resolution waiving its right to approve agreements or 96982  
shortening the notification period, the board of education shall 96983  
certify a copy of the resolution to the board of county 96984  
commissioners. If the board of education rescinds such a 96985  
resolution, it shall certify notice of the rescission to the board 96986  
of county commissioners. 96987

(2) The board of county commissioners shall comply with 96988  
section 5709.83 of the Revised Code unless the board of education 96989  
has adopted a resolution under that section waiving its right to 96990  
receive such notice. 96991

(D) This division applies to zones certified by the director 96992  
of development services under this section prior to July 22, 1994. 96993

~~On or before October 15, 2017, and with~~ With the consent of 96994  
the legislative authority of each affected municipal corporation 96995  
or board of township trustees of each affected township, the board 96996  
of county commissioners that designated a zone to which this 96997  
division applies may enter into an agreement with an enterprise if 96998  
the board finds that the enterprise satisfies one of the criteria 96999  
described in divisions (D)(1) to (5) of this section: 97000

(1) The enterprise currently has no operations in this state 97001  
and, subject to approval of the agreement, intends to establish 97002  
operations in the zone; 97003

(2) The enterprise currently has operations in this state 97004  
and, subject to approval of the agreement, intends to establish 97005  
operations at a new location in the zone that would not result in 97006  
a reduction in the number of employee positions at any of the 97007  
enterprise's other locations in this state; 97008

(3) The enterprise, subject to approval of the agreement, 97009  
intends to relocate operations, currently located in another 97010  
state, to the zone; 97011

(4) The enterprise, subject to approval of the agreement, 97012  
intends to expand operations at an existing site in the zone that 97013  
the enterprise currently operates; 97014

(5) The enterprise, subject to approval of the agreement, 97015  
intends to relocate operations, currently located in this state, 97016  
to the zone, and the director of development services has issued a 97017  
waiver for the enterprise under division (B) of section 5709.633 97018  
of the Revised Code. 97019

The agreement shall require the enterprise to agree to 97020  
establish, expand, renovate, or occupy a facility in the zone and 97021  
hire new employees, or preserve employment opportunities for 97022  
existing employees, in return for one or more of the incentives 97023  
described in division (B) of this section. 97024

(E) All agreements entered into under this section shall be 97025  
in the form prescribed under section 5709.631 of the Revised Code. 97026  
After an agreement under this section is entered into, if the 97027  
board of county commissioners revokes its designation of a zone, 97028  
or if the director of development services revokes a zone's 97029  
certification, any entitlements granted under the agreement shall 97030  
continue for the number of years specified in the agreement. 97031

(F) Except as otherwise provided in this division, an 97032  
agreement entered into under this section shall require that the 97033  
enterprise pay an annual fee equal to the greater of one per cent 97034

of the dollar value of incentives offered under the agreement or 97035  
five hundred dollars; provided, however, that if the value of the 97036  
incentives exceeds two hundred fifty thousand dollars, the fee 97037  
shall not exceed two thousand five hundred dollars. The fee shall 97038  
be payable to the board of county commissioners once per year for 97039  
each year the agreement is effective on the days and in the form 97040  
specified in the agreement. Fees paid shall be deposited in a 97041  
special fund created for such purpose by the board and shall be 97042  
used by the board exclusively for the purpose of complying with 97043  
section 5709.68 of the Revised Code and by the tax incentive 97044  
review council created under section 5709.85 of the Revised Code 97045  
exclusively for the purposes of performing the duties prescribed 97046  
under that section. The board may waive or reduce the amount of 97047  
the fee charged against an enterprise, but such waiver or 97048  
reduction does not affect the obligations of the board or the tax 97049  
incentive review council to comply with section 5709.68 or 5709.85 97050  
of the Revised Code, respectively. 97051

(G) With the approval of the legislative authority of a 97052  
municipal corporation or the board of township trustees of a 97053  
township in which a zone is designated under division (A) of this 97054  
section, the board of county commissioners may delegate to that 97055  
legislative authority or board any powers and duties of the board 97056  
of county commissioners to negotiate and administer agreements 97057  
with regard to that zone under this section. 97058

(H) When an agreement is entered into pursuant to this 97059  
section, the board of county commissioners authorizing the 97060  
agreement or the legislative authority or board of township 97061  
trustees that negotiates and administers the agreement shall 97062  
forward a copy of the agreement to the director of development 97063  
services and to the tax commissioner within fifteen days after the 97064  
agreement is entered into. If any agreement includes terms not 97065  
provided for in section 5709.631 of the Revised Code affecting the 97066

revenue of a city, local, or exempted village school district or 97067  
causing revenue to be foregone by the district, including any 97068  
compensation to be paid to the school district pursuant to section 97069  
5709.82 of the Revised Code, those terms also shall be forwarded 97070  
in writing to the director of development services along with the 97071  
copy of the agreement forwarded under this division. 97072

(I) After an agreement is entered into, the enterprise shall 97073  
file with each personal property tax return required to be filed, 97074  
or annual report that is required to be filed under section 97075  
5727.08 of the Revised Code, while the agreement is in effect, an 97076  
informational return, on a form prescribed by the tax commissioner 97077  
for that purpose, setting forth separately the property, and 97078  
related costs and values, exempted from taxation under the 97079  
agreement. 97080

(J) Enterprises may agree to give preference to residents of 97081  
the zone within which the agreement applies relative to residents 97082  
of this state who do not reside in the zone when hiring new 97083  
employees under the agreement. 97084

(K) An agreement entered into under this section may include 97085  
a provision requiring the enterprise to create one or more 97086  
temporary internship positions for students enrolled in a course 97087  
of study at a school or other educational institution in the 97088  
vicinity, and to create a scholarship or provide another form of 97089  
educational financial assistance for students holding such a 97090  
position in exchange for the student's commitment to work for the 97091  
enterprise at the completion of the internship. 97092

(L) The tax commissioner's authority in determining the 97093  
accuracy of any exemption granted by an agreement entered into 97094  
under this section is limited to divisions (B)(1)(b)(i) and (ii), 97095  
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 97096  
this section as it pertains to divisions (C)(2)(a), (b), and (c) 97097  
of section 5709.62 of the Revised Code, and divisions (B)(1) to 97098

(10) of section 5709.631 of the Revised Code and, as authorized by law, to enforcing any modification to, or revocation of, that agreement by the board of county commissioners or the director of development services or, if the board's powers and duties are delegated under division (G) of this section, by the legislative authority of a municipal corporation or board of township trustees.

**Sec. 5709.632.** (A)(1) The legislative authority of a municipal corporation defined by the United States office of management and budget as a principal city of a metropolitan statistical area may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in the municipal corporation as a proposed enterprise zone.

(2) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed urban jobs and enterprise zones, except that a board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed urban jobs and enterprise zone.

(3) The legislative authority or board of county commissioners may petition the director of development services for certification of the area as having the characteristics set forth in division (A)(3) of section 5709.61 of the Revised Code. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in that division and forward the findings to the legislative authority or board of county commissioners. If the director certifies the area as having those characteristics and thereby

certifies it as a zone, the legislative authority or board may 97130  
enter into agreements with enterprises under division (B) of this 97131  
section. Any enterprise wishing to enter into an agreement with a 97132  
legislative authority or board of county commissioners under this 97133  
section and satisfying one of the criteria described in divisions 97134  
(B)(1) to (5) of this section shall submit a proposal to the 97135  
legislative authority or board on the form prescribed under 97136  
division (B) of section 5709.62 of the Revised Code and shall 97137  
review and update the estimates and listings required by the form 97138  
in the manner required under that division. The legislative 97139  
authority or board may, on a separate form and at any time, 97140  
require any additional information necessary to determine whether 97141  
an enterprise is in compliance with an agreement and to collect 97142  
the information required to be reported under section 5709.68 of 97143  
the Revised Code. 97144

(B) Prior to entering into an agreement with an enterprise, 97145  
the legislative authority or board of county commissioners shall 97146  
determine whether the enterprise submitting the proposal is 97147  
qualified by financial responsibility and business experience to 97148  
create and preserve employment opportunities in the zone and to 97149  
improve the economic climate of the municipal corporation or 97150  
municipal corporations or the unincorporated areas in which the 97151  
zone is located and to which the proposal applies, and whether the 97152  
enterprise satisfies one of the following criteria: 97153

(1) The enterprise currently has no operations in this state 97154  
and, subject to approval of the agreement, intends to establish 97155  
operations in the zone; 97156

(2) The enterprise currently has operations in this state 97157  
and, subject to approval of the agreement, intends to establish 97158  
operations at a new location in the zone that would not result in 97159  
a reduction in the number of employee positions at any of the 97160  
enterprise's other locations in this state; 97161

(3) The enterprise, subject to approval of the agreement, 97162  
intends to relocate operations, currently located in another 97163  
state, to the zone; 97164

(4) The enterprise, subject to approval of the agreement, 97165  
intends to expand operations at an existing site in the zone that 97166  
the enterprise currently operates; 97167

(5) The enterprise, subject to approval of the agreement, 97168  
intends to relocate operations, currently located in this state, 97169  
to the zone, and the director of development services has issued a 97170  
waiver for the enterprise under division (B) of section 5709.633 97171  
of the Revised Code. 97172

(C) If the legislative authority or board determines that the 97173  
enterprise is so qualified and satisfies one of the criteria 97174  
described in divisions (B)(1) to (5) of this section, the 97175  
legislative authority or board may, after complying with section 97176  
5709.83 of the Revised Code ~~and on or before October 15, 2017,~~ 97177  
and, in the case of a board of commissioners, with the consent of 97178  
the legislative authority of each affected municipal corporation 97179  
or of the board of township trustees, enter into an agreement with 97180  
the enterprise under which the enterprise agrees to establish, 97181  
expand, renovate, or occupy a facility in the zone and hire new 97182  
employees, or preserve employment opportunities for existing 97183  
employees, in return for the following incentives: 97184

(1) When the facility is located in a municipal corporation, 97185  
a legislative authority or board of commissioners may enter into 97186  
an agreement for one or more of the incentives provided in 97187  
division (C) of section 5709.62 of the Revised Code, subject to 97188  
division (D) of that section; 97189

(2) When the facility is located in an unincorporated area, a 97190  
board of commissioners may enter into an agreement for one or more 97191  
of the incentives provided in divisions (B)(1)(b), (B)(2), and 97192

(B)(3) of section 5709.63 of the Revised Code, subject to division 97193  
(C) of that section. 97194

(D) All agreements entered into under this section shall be 97195  
in the form prescribed under section 5709.631 of the Revised Code. 97196  
After an agreement under this section is entered into, if the 97197  
legislative authority or board of county commissioners revokes its 97198  
designation of the zone, or if the director of development 97199  
services revokes the zone's certification, any entitlements 97200  
granted under the agreement shall continue for the number of years 97201  
specified in the agreement. 97202

(E) Except as otherwise provided in this division, an 97203  
agreement entered into under this section shall require that the 97204  
enterprise pay an annual fee equal to the greater of one per cent 97205  
of the dollar value of incentives offered under the agreement or 97206  
five hundred dollars; provided, however, that if the value of the 97207  
incentives exceeds two hundred fifty thousand dollars, the fee 97208  
shall not exceed two thousand five hundred dollars. The fee shall 97209  
be payable to the legislative authority or board of commissioners 97210  
once per year for each year the agreement is effective on the days 97211  
and in the form specified in the agreement. Fees paid shall be 97212  
deposited in a special fund created for such purpose by the 97213  
legislative authority or board and shall be used by the 97214  
legislative authority or board exclusively for the purpose of 97215  
complying with section 5709.68 of the Revised Code and by the tax 97216  
incentive review council created under section 5709.85 of the 97217  
Revised Code exclusively for the purposes of performing the duties 97218  
prescribed under that section. The legislative authority or board 97219  
may waive or reduce the amount of the fee charged against an 97220  
enterprise, but such waiver or reduction does not affect the 97221  
obligations of the legislative authority or board or the tax 97222  
incentive review council to comply with section 5709.68 or 5709.85 97223  
of the Revised Code, respectively. 97224

(F) With the approval of the legislative authority of a 97225  
municipal corporation or the board of township trustees of a 97226  
township in which a zone is designated under division (A)(2) of 97227  
this section, the board of county commissioners may delegate to 97228  
that legislative authority or board any powers and duties of the 97229  
board to negotiate and administer agreements with regard to that 97230  
zone under this section. 97231

(G) When an agreement is entered into pursuant to this 97232  
section, the legislative authority or board of commissioners 97233  
authorizing the agreement shall forward a copy of the agreement to 97234  
the director of development services and to the tax commissioner 97235  
within fifteen days after the agreement is entered into. If any 97236  
agreement includes terms not provided for in section 5709.631 of 97237  
the Revised Code affecting the revenue of a city, local, or 97238  
exempted village school district or causing revenue to be forgone 97239  
by the district, including any compensation to be paid to the 97240  
school district pursuant to section 5709.82 of the Revised Code, 97241  
those terms also shall be forwarded in writing to the director of 97242  
development services along with the copy of the agreement 97243  
forwarded under this division. 97244

(H) After an agreement is entered into, the enterprise shall 97245  
file with each personal property tax return required to be filed 97246  
while the agreement is in effect, an informational return, on a 97247  
form prescribed by the tax commissioner for that purpose, setting 97248  
forth separately the property, and related costs and values, 97249  
exempted from taxation under the agreement. 97250

(I) An agreement entered into under this section may include 97251  
a provision requiring the enterprise to create one or more 97252  
temporary internship positions for students enrolled in a course 97253  
of study at a school or other educational institution in the 97254  
vicinity, and to create a scholarship or provide another form of 97255  
educational financial assistance for students holding such a 97256

position in exchange for the student's commitment to work for the 97257  
enterprise at the completion of the internship. 97258

**Sec. 5709.64.** (A) If an enterprise has been granted an 97259  
incentive for the current calendar year under an agreement entered 97260  
pursuant to section 5709.62, 5709.63, or 5709.632 of the Revised 97261  
Code, it may apply, on or before the thirtieth day of April of 97262  
that year, to the director of development, on a form prescribed by 97263  
the director, for a tax incentive qualification certificate. The 97264  
enterprise qualifies for an initial certificate if, on or before 97265  
the last day of the calendar year immediately preceding that in 97266  
which application is made, it satisfies all of the following 97267  
requirements: 97268

(1) The enterprise has established, expanded, renovated, or 97269  
occupied a facility pursuant to the agreement under section 97270  
5709.62, 5709.63, or 5709.632 of the Revised Code. 97271

(2) The enterprise has hired new employees to fill nonretail 97272  
positions at the facility, at least twenty-five per cent of whom 97273  
at the time they were employed were at least one of the following: 97274

(a) Unemployed persons who had resided at least six months in 97275  
the county in which the enterprise's project site is located; 97276

(b) JPTA eligible employees who had resided at least six 97277  
months in the county in which the enterprise's project site is 97278  
located; 97279

(c) Participants of the Ohio works first program under 97280  
Chapter 5107. of the Revised Code or the prevention, retention, 97281  
and contingency program under Chapter 5108. of the Revised Code or 97282  
recipients of general assistance under former Chapter 5113. of the 97283  
Revised Code, financial assistance under former Chapter 5115. of 97284  
the Revised Code, or unemployment compensation benefits who had 97285  
resided at least six months in the county in which the 97286

enterprise's project site is located; 97287

(d) ~~Handicapped persons~~ Eligible individuals with 97288  
disabilities, as defined under division (A) of section 3304.11 of 97289  
the Revised Code, who had resided at least six months in the 97290  
county in which the enterprise's project site is located; 97291

(e) Residents for at least one year of a zone located in the 97292  
county in which the enterprise's project site is located. 97293

The director of development shall, by rule, establish 97294  
criteria for determining what constitutes a nonretail position at 97295  
a facility. 97296

(3) The average number of positions attributable to the 97297  
enterprise in the municipal corporation during the calendar year 97298  
immediately preceding the calendar year in which application is 97299  
made exceeds the maximum number of positions attributable to the 97300  
enterprise in the municipal corporation during the calendar year 97301  
immediately preceding the first year the enterprise satisfies the 97302  
requirements set forth in divisions (A)(1) and (2) of this 97303  
section. If the enterprise is engaged in a business which, because 97304  
of its seasonal nature, customarily enables the enterprise to 97305  
operate at full capacity only during regularly recurring periods 97306  
of the year, the average number of positions attributable to the 97307  
enterprise in the municipal corporation during each period of the 97308  
calendar year immediately preceding the calendar year in which 97309  
application is made must exceed only the maximum number of 97310  
positions attributable to the enterprise in each corresponding 97311  
period of the calendar year immediately preceding the first year 97312  
the enterprise satisfies the requirements of divisions (A)(1) and 97313  
(2) of this section. The director of development shall, by rule, 97314  
prescribe methods for determining whether an enterprise is engaged 97315  
in a seasonal business and for determining the length of the 97316  
corresponding periods to be compared. 97317

(4) The enterprise has not closed or reduced employment at 97318  
any place of business in the state for the primary purpose of 97319  
establishing, expanding, renovating, or occupying a facility. The 97320  
legislative authority of any municipal corporation or the board of 97321  
county commissioners of any county that concludes that an 97322  
enterprise has closed or reduced employment at a place of business 97323  
in that municipal corporation or county for the primary purpose of 97324  
establishing, expanding, renovating, or occupying a facility in a 97325  
zone may appeal to the director to determine whether the 97326  
enterprise has done so. Upon receiving such an appeal, the 97327  
director shall investigate the allegations and make such a 97328  
determination before issuing an initial or renewal tax incentive 97329  
qualification certificate under this section. 97330

Within sixty days after receiving an application under this 97331  
division, the director shall review, investigate, and verify the 97332  
application and determine whether the enterprise qualifies for a 97333  
certificate. The application shall include an affidavit executed 97334  
by the applicant verifying that the enterprise satisfies the 97335  
requirements of division (A)(2) of this section, and shall contain 97336  
such information and documents as the director requires, by rule, 97337  
to ascertain whether the enterprise qualifies for a certificate. 97338  
If the director finds the enterprise qualified, the director shall 97339  
issue a tax incentive qualification certificate, which shall bear 97340  
as its date of issuance the thirtieth day of June of the year of 97341  
application, and shall state that the applicant is entitled to 97342  
receive, for the taxable year that includes the certificate's date 97343  
of issuance, the tax incentives provided under section 5709.65 of 97344  
the Revised Code with regard to the facility to which the 97345  
certificate applies. If an enterprise is issued an initial 97346  
certificate, it may apply, on or before the thirtieth day of April 97347  
of each succeeding calendar year for which it has been granted an 97348  
incentive under an agreement entered pursuant to section 5709.62, 97349  
5709.63, or 5709.632 of the Revised Code, for a renewal 97350

certificate. Subsequent to its initial certification, the 97351  
enterprise qualifies for up to three successive renewal 97352  
certificates if, on or before the last day of the calendar year 97353  
immediately preceding that in which the application is made, it 97354  
satisfies all the requirements of divisions (A)(1) to (4) of this 97355  
section, and neither the zone's designation nor the zone's 97356  
certification has been revoked prior to the fifteenth day of June 97357  
of the year in which the application is made. The application 97358  
shall include an affidavit executed by the applicant verifying 97359  
that the enterprise satisfies the requirements of division (A)(2) 97360  
of this section. An enterprise with ten or more supervisory 97361  
personnel at the facility to which a certificate applies qualifies 97362  
for any subsequent renewal certificates only if it meets all of 97363  
the foregoing requirements and, in addition, at least ten per cent 97364  
of those supervisory personnel are employees who, when first hired 97365  
by the enterprise, satisfied at least one of the criteria 97366  
specified in divisions (A)(2)(a) to (e) of this section. If the 97367  
enterprise qualifies, a renewal certificate shall be issued 97368  
bearing as its date of issuance the thirtieth day of June of the 97369  
year of application. The director shall send copies of the initial 97370  
certificate, and each renewal certificate, by certified mail, to 97371  
the enterprise, the tax commissioner, the board of county 97372  
commissioners, and the chief executive of the municipal 97373  
corporation in which the facility to which the certificate applies 97374  
is located. 97375

(B) If the director determines that an enterprise is not 97376  
qualified for an initial or renewal tax incentive qualification 97377  
certificate, the director shall send notice of this determination, 97378  
specifying the reasons for it, by certified mail, to the 97379  
applicant, the tax commissioner, the board of county 97380  
commissioners, and the chief executive of the municipal 97381  
corporation in which the facility to which the certificate would 97382  
have applied is located. Within thirty days after receiving such a 97383

notice, an enterprise may request, in writing, a hearing before 97384  
the director for the purpose of reviewing the application and the 97385  
reasons for the determination. Within sixty days after receiving a 97386  
request for a hearing, the director shall afford one and, within 97387  
thirty days after the hearing, shall issue a redetermination of 97388  
the enterprise's qualification for a certificate. If the 97389  
enterprise is found to be qualified, the director shall proceed in 97390  
the manner provided under division (A) of this section. If the 97391  
enterprise is found to be unqualified, the director shall send 97392  
notice of this finding, by certified mail, to the applicant, the 97393  
tax commissioner, the board of county commissioners, and the chief 97394  
executive of the municipal corporation in which the facility to 97395  
which the certificate would have applied is located. The 97396  
director's redetermination that an enterprise is unqualified may 97397  
be appealed to the board of tax appeals in the manner provided 97398  
under section 5717.02 of the Revised Code. 97399

**Sec. 5709.68.** (A) On or before the thirty-first day of March 97400  
each year, a municipal corporation or county that has entered into 97401  
an agreement with an enterprise under section 5709.62, 5709.63, or 97402  
5709.632 of the Revised Code shall submit to the director of 97403  
development services and the board of education of each school 97404  
district of which a municipal corporation or township to which 97405  
such an agreement applies is a part a report on all of those 97406  
agreements in effect during the preceding calendar year. The 97407  
report shall include all of the following information: 97408

(1) The designation, assigned by the director of development 97409  
services, of each urban jobs and enterprise zone within the 97410  
municipal corporation or county, the date each zone was certified, 97411  
the name of each municipal corporation or township within each 97412  
zone, and the total population of each zone according to the most 97413  
recent data available; 97414

(2) The number of enterprises that are subject to those 97415  
agreements and the number of full-time employees subject to those 97416  
agreements within each zone, each according to the most recent 97417  
data available and identified and categorized by the appropriate 97418  
standard industrial code, and the rate of unemployment in the 97419  
municipal corporation or county in which the zone is located for 97420  
each year since each zone was certified; 97421

(3) The number of agreements approved and executed during the 97422  
calendar year for which the report is submitted, the total number 97423  
of agreements in effect on the thirty-first day of December of the 97424  
preceding calendar year, the number of agreements that expired 97425  
during the calendar year for which the report is submitted, and 97426  
the number of agreements scheduled to expire during the calendar 97427  
year in which the report is submitted. For each agreement that 97428  
expired during the calendar year for which the report is 97429  
submitted, the municipal corporation or county shall include the 97430  
amount of taxes exempted and the estimated dollar value of any 97431  
other incentives provided under the agreement. 97432

(4) The number of agreements receiving compliance reviews by 97433  
the tax incentive review council in the municipal corporation or 97434  
county during the calendar year for which the report is submitted, 97435  
including all of the following information: 97436

(a) The number of agreements the terms of which an enterprise 97437  
has complied with, indicating separately for each agreement the 97438  
value of the real and personal property exempted pursuant to the 97439  
agreement and a comparison of the stipulated and actual schedules 97440  
for hiring new employees, for retaining existing employees, for 97441  
the amount of payroll of the enterprise attributable to these 97442  
employees, and for investing in establishing, expanding, 97443  
renovating, or occupying a facility; 97444

(b) The number of agreements the terms of which an enterprise 97445  
has failed to comply with, indicating separately for each 97446

agreement the value of the real and personal property exempted 97447  
pursuant to the agreement and a comparison of the stipulated and 97448  
actual schedules for hiring new employees, for retaining existing 97449  
employees, for the amount of payroll of the enterprise 97450  
attributable to these employees, and for investing in 97451  
establishing, expanding, renovating, or occupying a facility; 97452

(c) The number of agreements about which the tax incentive 97453  
review council made recommendations to the legislative authority 97454  
of the municipal corporation or county, and the number of those 97455  
recommendations that have not been followed; 97456

(d) The number of agreements rescinded during the calendar 97457  
year for which the report is submitted. 97458

(5) The number of enterprises that are subject to agreements 97459  
that expanded within each zone, including the number of new 97460  
employees hired and existing employees retained by each 97461  
enterprise, and the number of new enterprises that are subject to 97462  
agreements and that established within each zone, including the 97463  
number of new employees hired by each enterprise; 97464

(6)(a) The number of enterprises that are subject to 97465  
agreements and that closed or reduced employment at any place of 97466  
business within the state for the primary purpose of establishing, 97467  
expanding, renovating, or occupying a facility, indicating 97468  
separately for each enterprise the political subdivision in which 97469  
the enterprise closed or reduced employment at a place of business 97470  
and the number of full-time employees transferred and retained by 97471  
each such place of business; 97472

(b) The number of enterprises that are subject to agreements 97473  
and that closed or reduced employment at any place of business 97474  
outside the state for the primary purpose of establishing, 97475  
expanding, renovating, or occupying a facility. 97476

(7) For each agreement in effect during any part of the 97477

preceding year, the number of employees employed by the enterprise 97478  
at the project site immediately prior to formal approval of the 97479  
agreement, the number of employees employed by the enterprise at 97480  
the project site on the thirty-first day of December of the 97481  
preceding year, the payroll of the enterprise for the preceding 97482  
year, the amount of taxes paid on tangible personal property 97483  
situated at the project site and the amount of those taxes that 97484  
were not paid because of the exemption granted under the 97485  
agreement, and the amount of taxes paid on real property 97486  
constituting the project site and the amount of those taxes that 97487  
were not paid because of the exemption granted under the 97488  
agreement. If an agreement was entered into under section 5709.632 97489  
of the Revised Code with an enterprise described in division 97490  
(B)(2) of that section, the report shall include the number of 97491  
employee positions at all of the enterprise's locations in this 97492  
state. If an agreement is conditioned on a waiver issued under 97493  
division (B) of section 5709.633 of the Revised Code on the basis 97494  
of the circumstance described in division (B)(3)(a) or (b) of that 97495  
section, the report shall include the number of employees at the 97496  
facilities referred to in division (B)(3)(a)(i) or (b)(i) of that 97497  
section, respectively. 97498

(B) Upon the failure of a municipal corporation or county to 97499  
comply with division (A) of this section: 97500

(1) Beginning on the first day of April of the calendar year 97501  
in which the municipal corporation or county fails to comply with 97502  
that division, the municipal corporation or county shall not enter 97503  
into any agreements with an enterprise under section 5709.62, 97504  
5709.63, or 5709.632 of the Revised Code until the municipal 97505  
corporation or county has complied with division (A) of this 97506  
section. 97507

(2) On the first day of each ensuing calendar month until the 97508  
municipal corporation or county complies with division (A) of this 97509

section, the director of development services shall either order 97510  
the proper county auditor to deduct from the next succeeding 97511  
payment of taxes to the municipal corporation or county under 97512  
section 321.31, 321.32, 321.33, or 321.34 of the Revised Code an 97513  
amount equal to one thousand dollars for each calendar month the 97514  
municipal corporation or county fails to comply with that 97515  
division, or order the county auditor to deduct that amount from 97516  
the next succeeding payment to the municipal corporation or county 97517  
from the undivided local government fund under section 5747.51 of 97518  
the Revised Code. At the time such a payment is made, the county 97519  
auditor shall comply with the director's order by issuing a 97520  
warrant, drawn on the fund from which the money would have been 97521  
paid, to the director of development services, who shall deposit 97522  
the warrant into the state enterprise zone program administration 97523  
fund created in division (C) of this section. 97524

(C) The director, by rule, shall establish the state's 97525  
application fee for applications submitted to a municipal 97526  
corporation or county to enter into an agreement under section 97527  
5709.62, 5709.63, or 5709.632 of the Revised Code. In establishing 97528  
the amount of the fee, the director shall consider the state's 97529  
cost of administering the enterprise zone program, including the 97530  
cost of reviewing the reports required under division (A) of this 97531  
section. The director may change the amount of the fee at the 97532  
times and in the increments the director considers necessary. Any 97533  
municipal corporation or county that receives an application shall 97534  
collect the application fee and remit the fee for deposit in the 97535  
state treasury to the credit of the ~~business assistance tax~~ 97536  
incentives operating fund created in section 122.174 of the 97537  
Revised Code. 97538

(D) On or before the thirtieth day of June each year, the 97539  
director of development services shall certify to the tax 97540  
commissioner the information described under division (A)(7) of 97541

this section, derived from the reports submitted to the director 97542  
under this section. 97543

On the basis of the information certified under this 97544  
division, the tax commissioner annually shall submit a report to 97545  
the governor, the speaker of the house of representatives, the 97546  
president of the senate, and the chairpersons of the ways and 97547  
means committees of the respective houses of the general assembly, 97548  
indicating for each enterprise zone the amount of state and local 97549  
taxes that were not required to be paid because of exemptions 97550  
granted under agreements entered into under section 5709.62, 97551  
5709.63, or 5709.632 of the Revised Code and the amount of 97552  
additional taxes paid from the payroll of new employees. 97553

**Sec. 5709.73.** (A) As used in this section and section 5709.74 97554  
of the Revised Code: 97555

(1) "Business day" means a day of the week excluding 97556  
Saturday, Sunday, and a legal holiday as defined in section 1.14 97557  
of the Revised Code. 97558

(2) "Further improvements" or "improvements" means the 97559  
increase in the assessed value of real property that would first 97560  
appear on the tax list and duplicate of real and public utility 97561  
property after the effective date of a resolution adopted under 97562  
this section were it not for the exemption granted by that 97563  
resolution. For purposes of division (B) of this section, 97564  
"improvements" do not include any property used or to be used for 97565  
residential purposes. For this purpose, "property that is used or 97566  
to be used for residential purposes" means property that, as 97567  
improved, is used or to be used for purposes that would cause the 97568  
tax commissioner to classify the property as residential property 97569  
in accordance with rules adopted by the commissioner under section 97570  
5713.041 of the Revised Code. 97571

(3) "Housing renovation" means a project carried out for 97572

residential purposes. 97573

(4) "Incentive district" has the same meaning as in section 97574  
5709.40 of the Revised Code, except that a blighted area is in the 97575  
unincorporated area of a township. 97576

(5) "Overlay" has the same meaning as in section 5709.40 of 97577  
the Revised Code, except that the overlay is delineated by the 97578  
board of township trustees. 97579

(6) "Project" and "public infrastructure improvement" have 97580  
the same meanings as in section 5709.40 of the Revised Code. 97581

(B) A board of township trustees may, by unanimous vote, 97582  
adopt a resolution that declares to be a public purpose any public 97583  
infrastructure improvements made that are necessary for the 97584  
development of certain parcels of land located in the 97585  
unincorporated area of the township. Except with the approval 97586  
under division (D) of this section of the board of education of 97587  
each city, local, or exempted village school district within which 97588  
the improvements are located, the resolution may exempt from real 97589  
property taxation not more than seventy-five per cent of further 97590  
improvements to a parcel of land that directly benefits from the 97591  
public infrastructure improvements, for a period of not more than 97592  
ten years. The resolution shall specify the percentage of the 97593  
further improvements to be exempted and the life of the exemption. 97594

(C)(1) A board of township trustees may adopt, by unanimous 97595  
vote, a resolution creating an incentive district and declaring 97596  
improvements to parcels within the district to be a public purpose 97597  
and, except as provided in division (C)(2) of this section, exempt 97598  
from taxation as provided in this section, but no board of 97599  
township trustees of a township that has a population that exceeds 97600  
twenty-five thousand, as shown by the most recent federal 97601  
decennial census, shall adopt a resolution that creates an 97602  
incentive district if the sum of the taxable value of real 97603

property in the proposed district for the preceding tax year and 97604  
the taxable value of all real property in the township that would 97605  
have been taxable in the preceding year were it not for the fact 97606  
that the property was in an existing incentive district and 97607  
therefore exempt from taxation exceeds twenty-five per cent of the 97608  
taxable value of real property in the township for the preceding 97609  
tax year. The district shall be located within the unincorporated 97610  
area of the township and shall not include any territory that is 97611  
included within a district created under division (B) of section 97612  
5709.78 of the Revised Code. The resolution shall delineate the 97613  
boundary of the proposed district and specifically identify each 97614  
parcel within the district. A proposed district may not include 97615  
any parcel that is or has been exempted from taxation under 97616  
division (B) of this section or that is or has been within another 97617  
district created under this division. A resolution may create more 97618  
than one such district, and more than one resolution may be 97619  
adopted under division (C)(1) of this section. 97620

(2)(a) Not later than thirty days prior to adopting a 97621  
resolution under division (C)(1) of this section, if the township 97622  
intends to apply for exemptions from taxation under section 97623  
5709.911 of the Revised Code on behalf of owners of real property 97624  
located within the proposed incentive district, the board shall 97625  
conduct a public hearing on the proposed resolution. Not later 97626  
than thirty days prior to the public hearing, the board shall give 97627  
notice of the public hearing and the proposed resolution by first 97628  
class mail to every real property owner whose property is located 97629  
within the boundaries of the proposed incentive district that is 97630  
the subject of the proposed resolution. The notice shall include a 97631  
map of the proposed incentive district on which the board of 97632  
township trustees shall have delineated an overlay. The notice 97633  
shall inform the property owner of the owner's right to exclude 97634  
the owner's property from the incentive district if both of the 97635  
following conditions are met: 97636

(i) The owner's entire parcel of property will not be located within the overlay. 97637  
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(ii) The owner has submitted a statement to the board of county commissioners of the county in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (A) or (B) of section 5709.78 of the Revised Code within the next five years. 97639  
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When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response. 97644  
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(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section who meets the conditions specified in divisions (C)(2)(a)(i) and (ii) of this section may exclude the property from the proposed incentive district by submitting a written response to the board not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall include a copy of the statement submitted under division (C)(2)(a)(ii) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the board under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the board and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the resolution, or by other means allowing the identity of the parcel to be ascertained. 97651  
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(c) Before adopting a resolution under division (C)(1) of 97669  
this section, the board shall amend the resolution to exclude any 97670  
parcel for which a written response has been submitted under 97671  
division (C)(2)(b) of this section. A township shall not apply for 97672  
exemptions from taxation under section 5709.911 of the Revised 97673  
Code for any such parcel, and service payments may not be required 97674  
from the owner of the parcel. Improvements to a parcel excluded 97675  
from an incentive district under this division may be exempted 97676  
from taxation under division (B) of this section pursuant to a 97677  
resolution adopted under that division or under any other section 97678  
of the Revised Code under which the parcel qualifies. 97679

(3)(a) A resolution adopted under division (C)(1) of this 97680  
section shall specify the life of the incentive district and the 97681  
percentage of the improvements to be exempted, shall designate the 97682  
public infrastructure improvements made, to be made, or in the 97683  
process of being made, that benefit or serve, or, once made, will 97684  
benefit or serve parcels in the district. The resolution also 97685  
shall identify one or more specific projects being, or to be, 97686  
undertaken in the district that place additional demand on the 97687  
public infrastructure improvements designated in the resolution. 97688  
The project identified may, but need not be, the project under 97689  
division (C)(3)(b) of this section that places real property in 97690  
use for commercial or industrial purposes. 97691

A resolution adopted under division (C)(1) of this section on 97692  
or after March 30, 2006, shall not designate police or fire 97693  
equipment as public infrastructure improvements, and no service 97694  
payment provided for in section 5709.74 of the Revised Code and 97695  
received by the township under the resolution shall be used for 97696  
police or fire equipment. 97697

(b) A resolution adopted under division (C)(1) of this 97698  
section may authorize the use of service payments provided for in 97699  
section 5709.74 of the Revised Code for the purpose of housing 97700

renovations within the incentive district, provided that the 97701  
resolution also designates public infrastructure improvements that 97702  
benefit or serve the district, and that a project within the 97703  
district places real property in use for commercial or industrial 97704  
purposes. Service payments may be used to finance or support 97705  
loans, deferred loans, and grants to persons for the purpose of 97706  
housing renovations within the district. The resolution shall 97707  
designate the parcels within the district that are eligible for 97708  
housing renovations. The resolution shall state separately the 97709  
amount or the percentages of the expected aggregate service 97710  
payments that are designated for each public infrastructure 97711  
improvement and for the purpose of housing renovations. 97712

(4) Except with the approval of the board of education of 97713  
each city, local, or exempted village school district within the 97714  
territory of which the incentive district is or will be located, 97715  
and subject to division (E) of this section, the life of an 97716  
incentive district shall not exceed ten years, and the percentage 97717  
of improvements to be exempted shall not exceed seventy-five per 97718  
cent. With approval of the board of education, the life of a 97719  
district may be not more than thirty years, and the percentage of 97720  
improvements to be exempted may be not more than one hundred per 97721  
cent. The approval of a board of education shall be obtained in 97722  
the manner provided in division (D) of this section. 97723

(D) Improvements with respect to a parcel may be exempted 97724  
from taxation under division (B) of this section, and improvements 97725  
to parcels within an incentive district may be exempted from 97726  
taxation under division (C) of this section, for up to ten years 97727  
or, with the approval of the board of education of the city, 97728  
local, or exempted village school district within which the parcel 97729  
or district is located, for up to thirty years. The percentage of 97730  
the improvements exempted from taxation may, with such approval, 97731  
exceed seventy-five per cent, but shall not exceed one hundred per 97732

cent. Not later than forty-five business days prior to adopting a 97733  
resolution under this section declaring improvements to be a 97734  
public purpose that is subject to approval by a board of education 97735  
under this division, the board of township trustees shall deliver 97736  
to the board of education a notice stating its intent to adopt a 97737  
resolution making that declaration. The notice regarding 97738  
improvements with respect to a parcel under division (B) of this 97739  
section shall identify the parcels for which improvements are to 97740  
be exempted from taxation, provide an estimate of the true value 97741  
in money of the improvements, specify the period for which the 97742  
improvements would be exempted from taxation and the percentage of 97743  
the improvements that would be exempted, and indicate the date on 97744  
which the board of township trustees intends to adopt the 97745  
resolution. The notice regarding improvements made under division 97746  
(C) of this section to parcels within an incentive district shall 97747  
delineate the boundaries of the district, specifically identify 97748  
each parcel within the district, identify each anticipated 97749  
improvement in the district, provide an estimate of the true value 97750  
in money of each such improvement, specify the life of the 97751  
district and the percentage of improvements that would be 97752  
exempted, and indicate the date on which the board of township 97753  
trustees intends to adopt the resolution. The board of education, 97754  
by resolution adopted by a majority of the board, may approve the 97755  
exemption for the period or for the exemption percentage specified 97756  
in the notice; may disapprove the exemption for the number of 97757  
years in excess of ten, may disapprove the exemption for the 97758  
percentage of the improvements to be exempted in excess of 97759  
seventy-five per cent, or both; or may approve the exemption on 97760  
the condition that the board of township trustees and the board of 97761  
education negotiate an agreement providing for compensation to the 97762  
school district equal in value to a percentage of the amount of 97763  
taxes exempted in the eleventh and subsequent years of the 97764  
exemption period or, in the case of exemption percentages in 97765

excess of seventy-five per cent, compensation equal in value to a 97766  
percentage of the taxes that would be payable on the portion of 97767  
the improvements in excess of seventy-five per cent were that 97768  
portion to be subject to taxation, or other mutually agreeable 97769  
compensation. 97770

The board of education shall certify its resolution to the 97771  
board of township trustees not later than fourteen days prior to 97772  
the date the board of township trustees intends to adopt the 97773  
resolution as indicated in the notice. If the board of education 97774  
and the board of township trustees negotiate a mutually acceptable 97775  
compensation agreement, the resolution may declare the 97776  
improvements a public purpose for the number of years specified in 97777  
the resolution or, in the case of exemption percentages in excess 97778  
of seventy-five per cent, for the exemption percentage specified 97779  
in the resolution. In either case, if the board of education and 97780  
the board of township trustees fail to negotiate a mutually 97781  
acceptable compensation agreement, the resolution may declare the 97782  
improvements a public purpose for not more than ten years, and 97783  
shall not exempt more than seventy-five per cent of the 97784  
improvements from taxation. If the board of education fails to 97785  
certify a resolution to the board of township trustees within the 97786  
time prescribed by this section, the board of township trustees 97787  
thereupon may adopt the resolution and may declare the 97788  
improvements a public purpose for up to thirty years or, in the 97789  
case of exemption percentages proposed in excess of seventy-five 97790  
per cent, for the exemption percentage specified in the 97791  
resolution. The board of township trustees may adopt the 97792  
resolution at any time after the board of education certifies its 97793  
resolution approving the exemption to the board of township 97794  
trustees, or, if the board of education approves the exemption on 97795  
the condition that a mutually acceptable compensation agreement be 97796  
negotiated, at any time after the compensation agreement is agreed 97797  
to by the board of education and the board of township trustees. 97798

If a mutually acceptable compensation agreement is negotiated 97799  
between the board of township trustees and the board of education, 97800  
including agreements for payments in lieu of taxes under section 97801  
5709.74 of the Revised Code, the board of township trustees shall 97802  
compensate the joint vocational school district within which the 97803  
parcel or district is located at the same rate and under the same 97804  
terms received by the city, local, or exempted village school 97805  
district. 97806

If a board of education has adopted a resolution waiving its 97807  
right to approve exemptions from taxation under this section and 97808  
the resolution remains in effect, approval of such exemptions by 97809  
the board of education is not required under division (D) of this 97810  
section. If a board of education has adopted a resolution allowing 97811  
a board of township trustees to deliver the notice required under 97812  
division (D) of this section fewer than forty-five business days 97813  
prior to adoption of the resolution by the board of township 97814  
trustees, the board of township trustees shall deliver the notice 97815  
to the board of education not later than the number of days prior 97816  
to the adoption as prescribed by the board of education in its 97817  
resolution. If a board of education adopts a resolution waiving 97818  
its right to approve exemptions or shortening the notification 97819  
period, the board of education shall certify a copy of the 97820  
resolution to the board of township trustees. If the board of 97821  
education rescinds the resolution, it shall certify notice of the 97822  
rescission to the board of township trustees. 97823

If the board of township trustees is not required by division 97824  
(D) of this section to notify the board of education of the board 97825  
of township trustees' intent to declare improvements to be a 97826  
public purpose, the board of township trustees shall comply with 97827  
the notice requirements imposed under section 5709.83 of the 97828  
Revised Code before taking formal action to adopt the resolution 97829  
making that declaration, unless the board of education has adopted 97830

a resolution under that section waiving its right to receive the 97831  
notice. 97832

(E)(1) If a proposed resolution under division (C)(1) of this 97833  
section exempts improvements with respect to a parcel within an 97834  
incentive district for more than ten years, or the percentage of 97835  
the improvement exempted from taxation exceeds seventy-five per 97836  
cent, not later than forty-five business days prior to adopting 97837  
the resolution the board of township trustees shall deliver to the 97838  
board of county commissioners of the county within which the 97839  
incentive district is or will be located a notice that states its 97840  
intent to adopt a resolution creating an incentive district. The 97841  
notice shall include a copy of the proposed resolution, identify 97842  
the parcels for which improvements are to be exempted from 97843  
taxation, provide an estimate of the true value in money of the 97844  
improvements, specify the period of time for which the 97845  
improvements would be exempted from taxation, specify the 97846  
percentage of the improvements that would be exempted from 97847  
taxation, and indicate the date on which the board of township 97848  
trustees intends to adopt the resolution. 97849

(2) The board of county commissioners, by resolution adopted 97850  
by a majority of the board, may object to the exemption for the 97851  
number of years in excess of ten, may object to the exemption for 97852  
the percentage of the improvement to be exempted in excess of 97853  
seventy-five per cent, or both. If the board of county 97854  
commissioners objects, the board may negotiate a mutually 97855  
acceptable compensation agreement with the board of township 97856  
trustees. In no case shall the compensation provided to the board 97857  
of county commissioners exceed the property taxes foregone due to 97858  
the exemption. If the board of county commissioners objects, and 97859  
the board of county commissioners and board of township trustees 97860  
fail to negotiate a mutually acceptable compensation agreement, 97861  
the resolution adopted under division (C)(1) of this section shall 97862

provide to the board of county commissioners compensation in the 97863  
eleventh and subsequent years of the exemption period equal in 97864  
value to not more than fifty per cent of the taxes that would be 97865  
payable to the county or, if the board of county commissioner's 97866  
objection includes an objection to an exemption percentage in 97867  
excess of seventy-five per cent, compensation equal in value to 97868  
not more than fifty per cent of the taxes that would be payable to 97869  
the county, on the portion of the improvement in excess of 97870  
seventy-five per cent, were that portion to be subject to 97871  
taxation. The board of county commissioners shall certify its 97872  
resolution to the board of township trustees not later than thirty 97873  
days after receipt of the notice. 97874

(3) If the board of county commissioners does not object or 97875  
fails to certify its resolution objecting to an exemption within 97876  
thirty days after receipt of the notice, the board of township 97877  
trustees may adopt its resolution, and no compensation shall be 97878  
provided to the board of county commissioners. If the board of 97879  
county commissioners timely certifies its resolution objecting to 97880  
the trustees' resolution, the board of township trustees may adopt 97881  
its resolution at any time after a mutually acceptable 97882  
compensation agreement is agreed to by the board of county 97883  
commissioners and the board of township trustees, or, if no 97884  
compensation agreement is negotiated, at any time after the board 97885  
of township trustees agrees in the proposed resolution to provide 97886  
compensation to the board of county commissioners of fifty per 97887  
cent of the taxes that would be payable to the county in the 97888  
eleventh and subsequent years of the exemption period or on the 97889  
portion of the improvement in excess of seventy-five per cent, 97890  
were that portion to be subject to taxation. 97891

(F) Service payments in lieu of taxes that are attributable 97892  
to any amount by which the effective tax rate of either a renewal 97893  
levy with an increase or a replacement levy exceeds the effective 97894

tax rate of the levy renewed or replaced, or that are attributable 97895  
to an additional levy, for a levy authorized by the voters for any 97896  
of the following purposes on or after January 1, 2006, and which 97897  
are provided pursuant to a resolution creating an incentive 97898  
district under division (C)(1) of this section that is adopted on 97899  
or after January 1, 2006, shall be distributed to the appropriate 97900  
taxing authority as required under division (C) of section 5709.74 97901  
of the Revised Code in an amount equal to the amount of taxes from 97902  
that additional levy or from the increase in the effective tax 97903  
rate of such renewal or replacement levy that would have been 97904  
payable to that taxing authority from the following levies were it 97905  
not for the exemption authorized under division (C) of this 97906  
section: 97907

(1) A tax levied under division (L) of section 5705.19 or 97908  
section 5705.191 or 5705.222 of the Revised Code for community 97909  
developmental disabilities programs and services pursuant to 97910  
Chapter 5126. of the Revised Code; 97911

(2) A tax levied under division (Y) of section 5705.19 of the 97912  
Revised Code for providing or maintaining senior citizens services 97913  
or facilities; 97914

(3) A tax levied under section 5705.22 of the Revised Code 97915  
for county hospitals; 97916

(4) A tax levied by a joint-county district or by a county 97917  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 97918  
for alcohol, drug addiction, and mental health services or 97919  
families; 97920

(5) A tax levied under section 5705.23 of the Revised Code 97921  
for library purposes; 97922

(6) A tax levied under section 5705.24 of the Revised Code 97923  
for the support of children services and the placement and care of 97924  
children; 97925

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code; 97926  
97927  
97928

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts; 97929  
97930  
97931

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 97932  
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(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 97936  
97937

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 97938  
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(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 97942  
97943

(G) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the resolution. In lieu of stating a specific year, the resolution may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the construction of one or more improvements is completed, provided 97944  
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that such tax year commences after the effective date of the 97957  
resolution. With respect to the exemption of improvements to 97958  
parcels under division (B) of this section, the resolution may 97959  
allow for the exemption to commence in different tax years on a 97960  
parcel-by-parcel basis, with a separate exemption term specified 97961  
for each parcel. 97962

Except as otherwise provided in this division, the exemption 97963  
ends on the date specified in the resolution as the date the 97964  
improvement ceases to be a public purpose or the incentive 97965  
district expires, or ends on the date on which the public 97966  
infrastructure improvements and housing renovations are paid in 97967  
full from the township public improvement tax increment equivalent 97968  
fund established under section 5709.75 of the Revised Code, 97969  
whichever occurs first. The exemption of an improvement with 97970  
respect to a parcel or within an incentive district may end on a 97971  
later date, as specified in the resolution, if the board of 97972  
township trustees and the board of education of the city, local, 97973  
or exempted village school district within which the parcel or 97974  
district is located have entered into a compensation agreement 97975  
under section 5709.82 of the Revised Code with respect to the 97976  
improvement and the board of education has approved the term of 97977  
the exemption under division (D) of this section, but in no case 97978  
shall the improvement be exempted from taxation for more than 97979  
thirty years. The board of township trustees may, by majority 97980  
vote, adopt a resolution permitting the township to enter into 97981  
such agreements as the board finds necessary or appropriate to 97982  
provide for the construction or undertaking of public 97983  
infrastructure improvements and housing renovations. Any exemption 97984  
shall be claimed and allowed in the same or a similar manner as in 97985  
the case of other real property exemptions. If an exemption status 97986  
changes during a tax year, the procedure for the apportionment of 97987  
the taxes for that year is the same as in the case of other 97988  
changes in tax exemption status during the year. 97989

(H) The board of township trustees may issue the notes of the township to finance all costs pertaining to the construction or undertaking of public infrastructure improvements and housing renovations made pursuant to this section. The notes shall be signed by the board and attested by the signature of the township fiscal officer, shall bear interest not to exceed the rate provided in section 9.95 of the Revised Code, and are not subject to Chapter 133. of the Revised Code. The resolution authorizing the issuance of the notes shall pledge the funds of the township public improvement tax increment equivalent fund established pursuant to section 5709.75 of the Revised Code to pay the interest on and principal of the notes. The notes, which may contain a clause permitting prepayment at the option of the board, shall be offered for sale on the open market or given to the vendor or contractor if no sale is made.

(I) The township, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the township shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that the exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.75 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with the expenditures; and a quantitative summary of changes in private investment resulting from each project.

(J) Nothing in this section shall be construed to prohibit a board of township trustees from declaring to be a public purpose improvements with respect to more than one parcel.

If a parcel is located in a new community district in which 98022  
the new community authority imposes a community development charge 98023  
on the basis of rentals received from leases of real property as 98024  
described in division (L)(2) of section 349.01 of the Revised 98025  
Code, the parcel may not be exempted from taxation under this 98026  
section. 98027

(K) A board of township trustees that adopted a resolution 98028  
under this section prior to July 21, 1994, may amend that 98029  
resolution to include any additional public infrastructure 98030  
improvement. A board of township trustees that seeks by the 98031  
amendment to utilize money from its township public improvement 98032  
tax increment equivalent fund for land acquisition in aid of 98033  
industry, commerce, distribution, or research, demolition on 98034  
private property, or stormwater and flood remediation projects may 98035  
do so provided that the board currently is a party to a 98036  
hold-harmless agreement with the board of education of the city, 98037  
local, or exempted village school district within the territory of 98038  
which are located the parcels that are subject to an exemption. 98039  
For the purposes of this division, a "hold-harmless agreement" 98040  
means an agreement under which the board of township trustees 98041  
agrees to compensate the school district for one hundred per cent 98042  
of the tax revenue that the school district would have received 98043  
from further improvements to parcels designated in the resolution 98044  
were it not for the exemption granted by the resolution. 98045

(L) Notwithstanding the limitation prescribed by division (D) 98046  
of this section on the number of years that improvements to a 98047  
parcel or parcels may be exempted from taxation, a board of 98048  
trustees of a township with a population of fifteen thousand or 98049  
more may amend a resolution originally adopted under this section 98050  
before December 31, 1994, to extend the exemption of improvements 98051  
to the parcel or parcels included in such resolution for an 98052  
additional period not to exceed fifteen years. The amendment shall 98053

not increase the percentage of improvements to the parcel or 98054  
parcels exempted from taxation. The Before adopting an amendment 98055  
authorized under this division, the board of township trustees 98056  
shall obtain the approval of each board of education of the city, 98057  
local, or exempted village school district within which the 98058  
exempted parcels are located in the manner required under division 98059  
(D) of this section, except that (1) the board of education may 98060  
approve the exemption on the condition that the board of township 98061  
trustees and the board of education negotiate an agreement 98062  
providing for compensation to the school district equal in value 98063  
to the amount of taxes the district forgoes in each year the 98064  
exemption is extended pursuant to this division or any other 98065  
mutually agreeable compensation and (2) if the board of education 98066  
fails to certify a resolution approving the amendment to the board 98067  
of township trustees within the time prescribed by division (D) of 98068  
this section, the board of township trustees shall not adopt the 98069  
amendment authorized under this division. 98070

No approval under this division shall be required from a 98071  
board of education that has adopted a resolution waiving its right 98072  
to approve exemptions from taxation pursuant to division (D) of 98073  
this section. If the board of education has adopted such a 98074  
resolution, the board of township trustees shall comply with the 98075  
notice requirements imposed under section 5709.83 of the Revised 98076  
Code before taking formal action to adopt an amendment authorized 98077  
under this division unless the board of education has adopted a 98078  
resolution under that section waiving its right to receive the 98079  
notice. ~~The~~ Not later than fourteen days before adopting an 98080  
amendment authorized under this division, the board of township 98081  
trustees shall deliver ~~an identical~~ a notice identical to a notice 98082  
required under section 5709.83 of the Revised Code to the board of 98083  
county commissioners of each county in which the exempted parcels 98084  
are located. 98085

Sec. 5709.92. (A) As used in this section: 98086

(1) "School district" means a city, local, or exempted 98087  
village school district. 98088

(2) "Joint vocational school district" means a joint 98089  
vocational school district created under section 3311.16 of the 98090  
Revised Code, and includes a cooperative education school district 98091  
created under section 3311.52 or 3311.521 of the Revised Code and 98092  
a county school financing district created under section 3311.50 98093  
of the Revised Code. 98094

(3) "Total resources" means, for purposes of calculating the 98095  
payments made to school districts under division (C)(1) of this 98096  
section, the sum of the amounts described in divisions (A)(3)(a) 98097  
to (g) of this section less any reduction required under division 98098  
(C)~~(3)~~(4)(a) of this section. 98099

(a) The state education aid for fiscal year 2015; 98100

(b) The sum of the payments received in fiscal year 2015 for 98101  
current expense levy losses under division (C)(3) of section 98102  
5727.85 and division (C)(12) of section 5751.21 of the Revised 98103  
Code, as they existed at that time, excluding the portion of such 98104  
payments attributable to levies for joint vocational school 98105  
district purposes; 98106

(c) The sum of fixed-sum levy loss payments received by the 98107  
school district in fiscal year 2015 under division (F)(1) of 98108  
section 5727.85 and division (E)(1) of section 5751.21 of the 98109  
Revised Code, as they existed at that time, for fixed-sum levies 98110  
charged and payable for a purpose other than paying debt charges; 98111

(d) The district's taxes charged and payable against all 98112  
property on the tax list of real and public utility property for 98113  
current expense purposes for tax year 2014, including taxes 98114  
charged and payable from emergency levies charged and payable 98115

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| under sections 5705.194 to 5705.197 of the Revised Code, excluding        | 98116 |
| taxes levied for joint vocational school district purposes or             | 98117 |
| levied under section 5705.23 of the Revised Code;                         | 98118 |
| (e) The amount certified for fiscal year 2015 under division              | 98119 |
| (A)(2) of section 3317.08 of the Revised Code;                            | 98120 |
| (f) Distributions received during calendar year 2014 from                 | 98121 |
| taxes levied under section 718.09 of the Revised Code;                    | 98122 |
| (g) Distributions received during fiscal year 2015 from the               | 98123 |
| gross casino revenue county student fund.                                 | 98124 |
| (4) <u>"Total resources" means, for the purpose of calculating</u>        | 98125 |
| <u>the payments to be made to school districts under division (C)(2)</u>  | 98126 |
| <u>of this section, the sum of the amounts described in divisions</u>     | 98127 |
| <u>(A)(4)(a) to (f) of this section less any reduction required under</u> | 98128 |
| <u>division (C)(4)(a) of this section.</u>                                | 98129 |
| <u>(a) The state education aid for fiscal year 2017;</u>                  | 98130 |
| <u>(b) The sum of the payments received by the district in</u>            | 98131 |
| <u>fiscal year 2017 under divisions (C)(1) and (D) of this section;</u>   | 98132 |
| <u>(c) The district's taxes charged and payable against all</u>           | 98133 |
| <u>property on the tax list of real and public utility property for</u>   | 98134 |
| <u>current expense purposes for tax year 2016, including taxes</u>        | 98135 |
| <u>charged and payable from emergency levies charged and payable</u>      | 98136 |
| <u>under sections 5705.194 to 5705.197 of the Revised Code, excluding</u> | 98137 |
| <u>taxes levied for joint vocational school district purposes or</u>      | 98138 |
| <u>levied under section 5705.23 of the Revised Code;</u>                  | 98139 |
| <u>(d) Revenue received during calendar year 2016 from an income</u>      | 98140 |
| <u>tax levied under Chapter 5748. of the Revised Code;</u>                | 98141 |
| <u>(e) Distributions received during calendar year 2016 from</u>          | 98142 |
| <u>taxes levied under section 718.09 or 718.10 of the Revised Code;</u>   | 98143 |
| <u>(f) Distributions received during fiscal year 2017 from the</u>        | 98144 |
| <u>gross casino revenue county student fund.</u>                          | 98145 |

(5) "Total resources" means, for the purpose of calculating the payments to be made to joint vocational school districts under division (C)(3) of this section, the sum of the amounts described in divisions (A)(5)(a) to (d) of this section less any reduction required under division (C)(4)(a) of this section. 98146  
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(a) The state education aid for fiscal year 2017; 98151

(b) The sum of the payments received by the district in fiscal year 2017 under division (C)(1) of this section; 98152  
98153

(c) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2016, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code; 98154  
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(d) Distributions received during fiscal year 2017 from the gross casino revenue county student fund. 98159  
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(6)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section ~~263.240~~ 263.230 of Am. Sub. H.B. ~~59 64~~ of the ~~130th~~ 131st general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 98161  
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(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section ~~263.250~~ 263.240 of Am. Sub. H.B. ~~59 64~~ of the ~~130th~~ 131st general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 98167  
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~~(5)~~(7) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code. 98173  
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| <del>(6)</del> (8) "Capacity quintile" means the capacity measure            | 98177 |
| quintiles determined under division (B) of this section.                     | 98178 |
| <del>(7)</del> (9) "Threshold per cent" means the following:                 | 98179 |
| (a) For a school district in the lowest capacity quintile,                   | 98180 |
| one per cent for fiscal year 2016 and two per cent for fiscal year           | 98181 |
| 2017.                                                                        | 98182 |
| (b) For a school district in the second lowest capacity                      | 98183 |
| quintile, one and one-fourth per cent for fiscal year 2016 and two           | 98184 |
| and one-half per cent for fiscal year 2017.                                  | 98185 |
| (c) For a school district in the third lowest capacity                       | 98186 |
| quintile, one and one-half per cent for fiscal year 2016 and three           | 98187 |
| per cent for fiscal year 2017.                                               | 98188 |
| (d) For a school district in the second highest capacity                     | 98189 |
| quintile, one and three-fourths per cent for fiscal year 2016 and            | 98190 |
| three and one-half per cent for fiscal year 2017.                            | 98191 |
| (e) For a school district in the highest capacity quintile,                  | 98192 |
| two per cent for fiscal year 2016 and four per cent for fiscal               | 98193 |
| year 2017.                                                                   | 98194 |
| (f) For a joint vocational school district, two per cent for                 | 98195 |
| fiscal year 2016 and four per cent for fiscal year 2017.                     | 98196 |
| <del>(8)</del> (10) "Current expense allocation" means the sum of the        | 98197 |
| payments received by a school district or joint vocational school            | 98198 |
| district in fiscal year 2015 for current expense levy losses under           | 98199 |
| division (C)(3) of section 5727.85 and division (C)(12) of section           | 98200 |
| 5751.21 of the Revised Code as they existed at that time, less any           | 98201 |
| reduction required under division (C) <del>(3)</del> (4)(b) of this section. | 98202 |
| <del>(9)</del> (11) "Non-current expense allocation" means the sum of the    | 98203 |
| payments received by a school district or joint vocational school            | 98204 |
| district in fiscal year 2015 for levy losses under division                  | 98205 |
| (C)(3)(c) of section 5727.85 and division (C)(12)(c) of section              | 98206 |

5751.21 of the Revised Code, as they existed at that time, and 98207  
levy losses in fiscal year 2015 under division (H) of section 98208  
5727.84 of the Revised Code as that section existed at that time 98209  
attributable to levies for and payments received for losses on 98210  
levies intended to generate money for maintenance of classroom 98211  
facilities. 98212

~~(10)~~(12) "Operating TPP fixed-sum levy losses" means the sum 98213  
of payments received by a school district in fiscal year 2015 for 98214  
levy losses under division (E) of section 5751.21 of the Revised 98215  
Code, excluding levy losses for debt purposes. 98216

~~(11)~~(13) "Operating S.B. 3 fixed-sum levy losses" means the 98217  
sum of payments received by the school district in fiscal year 98218  
2015 for levy losses under division (H) of section 5727.84 of the 98219  
Revised Code, excluding levy losses for debt purposes. 98220

~~(12)~~(14) "TPP fixed-sum debt levy losses" means the sum of 98221  
payments received by a school district in fiscal year 2015 for 98222  
levy losses under division (E) of section 5751.21 of the Revised 98223  
Code for debt purposes. 98224

~~(13)~~(15) "S.B. 3 fixed-sum debt levy losses" means the sum of 98225  
payments received by the school district in fiscal year 2015 for 98226  
levy losses under division (H) of section 5727.84 of the Revised 98227  
Code for debt purposes. 98228

~~(14)~~(16) "Qualifying levies" means qualifying levies 98229  
described in section 5751.20 of the Revised Code as that section 98230  
was in effect before July 1, 2015. 98231

~~(15)~~(17) "Total taxable value" has the same meaning as in 98232  
section 3317.02 of the Revised Code. 98233

(B) The department of education shall rank all school 98234  
districts in the order of districts' capacity measures determined 98235  
under former section 3317.018 of the Revised Code from lowest to 98236  
highest, and divide such ranking into quintiles, with the first 98237

quintile containing the twenty per cent of school districts having 98238  
the lowest capacity measure and the fifth quintile containing the 98239  
twenty per cent of school districts having the highest capacity 98240  
measure. This calculation and ranking shall be performed once, in 98241  
fiscal year 2016. 98242

(C)(1) In fiscal year 2016, payments shall be made to school 98243  
districts and joint vocational school districts equal to the sum 98244  
of the amounts described in divisions (C)(1)(a) or (b) and 98245  
(C)(1)(c) of this section. In fiscal year 2017, payments shall be 98246  
made to school districts and joint vocational school districts 98247  
equal to the amount described in division (C)(1)(a) or (b) of this 98248  
section. 98249

(a) If the ratio of the current expense allocation to total 98250  
resources is equal to or less than the district's threshold per 98251  
cent, zero; 98252

(b) If the ratio of the current expense allocation to total 98253  
resources is greater than the district's threshold per cent, the 98254  
difference between the current expense allocation and the product 98255  
of the threshold percentage and total resources; 98256

(c) For fiscal year 2016, the product of the non-current 98257  
expense allocation multiplied by fifty per cent. 98258

(2) In fiscal year 2018 and subsequent fiscal years, payments 98259  
shall be made to school districts ~~and other than~~ joint vocational 98260  
school districts equal to the following amounts: 98261

(a) For fiscal year 2018, the greater of the amounts 98262  
described in division (C)(2)(a)(i) or (ii) of this section. 98263

(i) The difference obtained by subtracting the amount 98264  
described in division (C)(2)~~(b)~~(a)(i)(II) of this section from the 98265  
amount described in division (C)(2)(a)(i)(I) of this section, 98266  
provided that such amount is greater than zero. 98267

~~(a)(I)~~ The sum of the payments received by the district under 98268  
division (C)(1)(b) ~~or (C)(2)~~ of this section for the ~~immediately~~ 98269  
~~preceding~~ fiscal year 2017; 98270

~~(b)(II)~~ One-sixteenth of one per cent of the average of the 98271  
total taxable value of the district for tax years 2014, 2015, and 98272  
2016. 98273

(ii) The difference obtained by subtracting the amount 98274  
described in division (C)(2)(a)(ii)(II) of this section from the 98275  
amount described in division (C)(2)(a)(ii)(I) of this section, 98276  
provided that such amount is greater than zero. 98277

(I) The sum of the payments received by the district in 98278  
fiscal year 2017 under division (C)(1)(b) of this section and 98279  
Section 263.325 of Am. Sub. H.B. 64 of the 131st general assembly, 98280  
as amended by Sub. S.B. 208 of the 131st general assembly; 98281

(II) Three and one-half per cent of the district's total 98282  
resources. 98283

(b) For fiscal year 2019, the difference obtained by 98284  
subtracting the amount described in division (C)(2)(b)(ii) of this 98285  
section from the amount described in division (C)(2)(b)(i) of this 98286  
section, provided that such amount is greater than zero. 98287

(i) The payments received by the district for fiscal year 98288  
2018 under division (C)(2)(a) of this section; 98289

(ii) One-sixteenth of one per cent of the average of the 98290  
total taxable value of the district for tax years 2015, 2016, and 98291  
2017. 98292

(c) For fiscal year 2020 and subsequent fiscal years, the 98293  
difference obtained by subtracting the amount described in 98294  
division (C)(2)(c)(ii) of this section from the amount described 98295  
in division (C)(2)(c)(i) of this section, provided that such 98296  
amount is greater than zero. 98297

(i) The payments received by the district under division (C)(2) of this section for the immediately preceding fiscal year; 98298  
98299

(ii) One-fourth of one-tenth of one per cent of the average of the total taxable value of the district for tax years 2016, 2017, and 2018. 98300  
98301  
98302

(3) In fiscal year 2018 and subsequent fiscal years, payments shall be made to joint vocational school districts equal to the difference obtained by subtracting the amount described in division (C)(3)(b) of this section from the amount described in division (C)(3)(a) of this section, provided that such amount is greater than zero. 98303  
98304  
98305  
98306  
98307  
98308

(a) The sum of the payments received by the district under division (C)(1)(b) or (3) of this section for the immediately preceding fiscal year; 98309  
98310  
98311

(b) Three and one-half per cent of the district's total resources. 98312  
98313

(4)(a) "Total resources" used to compute payments under division (C)(1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014. "Total resources" used to compute payments under divisions (C)(2) and (3) of this section shall be reduced to the extent that payments distributed in fiscal year 2017 were attributable to levies no longer charged and payable for tax year 2016. 98314  
98315  
98316  
98317  
98318  
98319  
98320  
98321

(b) "Current expense allocation" used to compute payments under division (C)(1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014. 98322  
98323  
98324  
98325  
98326

~~(4)~~(5) The department of education shall report to each school district and joint vocational school district the 98327  
98328

apportionment of the payments under division (C)(1) of this 98329  
section among the district's funds based on qualifying levies. 98330

(D)(1) Payments in the following amounts shall be made to 98331  
school districts and joint vocational school districts in tax 98332  
years 2016 through 2021: 98333

(a) In tax year 2016, the sum of the district's operating TPP 98334  
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 98335

(b) In tax year 2017, the sum of the district's operating TPP 98336  
fixed-sum levy losses and eighty per cent of operating S.B. 3 98337  
fixed-sum levy losses. 98338

(c) In tax year 2018, the sum of eighty per cent of the 98339  
district's operating TPP fixed-sum levy losses and sixty per cent 98340  
of its operating S.B. 3 fixed-sum levy losses. 98341

(d) In tax year 2019, the sum of sixty per cent of the 98342  
district's operating TPP fixed-sum levy losses and forty per cent 98343  
of its operating S.B. 3 fixed-sum levy losses. 98344

(e) In tax year 2020, the sum of forty per cent of the 98345  
district's operating TPP fixed-sum levy losses and twenty per cent 98346  
of its operating S.B. 3 fixed-sum levy losses. 98347

(f) In tax year 2021, twenty per cent of the district's 98348  
operating TPP fixed-sum levy losses. 98349

No payment shall be made under division (D)(1) of this 98350  
section after tax year 2021. 98351

(2) Amounts are payable under division (D) of this section 98352  
for fixed-sum levy losses only to the extent of such losses for 98353  
qualifying levies that remain in effect for the current tax year. 98354  
For this purpose, a qualifying levy levied under section 5705.194 98355  
or 5705.213 of the Revised Code remains in effect for the current 98356  
tax year only if a tax levied under either of those sections is 98357  
charged and payable for the current tax year for an annual sum at 98358

least equal to the annual sum levied by the board of education for 98359  
tax year 2004 under those sections less the amount of the payment 98360  
under this division. 98361

(E)(1) For fixed-sum levies for debt purposes, payments shall 98362  
be made to school districts and joint vocational school districts 98363  
equal to one hundred per cent of the district's fixed-sum levy 98364  
loss determined under division (E) of section 5751.20 and division 98365  
(H) of section 5727.84 of the Revised Code as in effect before 98366  
July 1, 2015, and paid in tax year 2014. No payment shall be made 98367  
for qualifying levies that are no longer charged and payable. 98368

(2) Beginning in 2016, by the thirty-first day of January of 98369  
each year, the tax commissioner shall review the calculation of 98370  
fixed-sum levy loss for debt purposes determined under division 98371  
(E) of section 5751.20 and division (H) of section 5727.84 of the 98372  
Revised Code as in effect before July 1, 2015. If the commissioner 98373  
determines that a fixed-sum levy that had been scheduled to be 98374  
reimbursed in the current year is no longer charged and payable, a 98375  
revised calculation for that year and all subsequent years shall 98376  
be made. 98377

(F)(1) For taxes levied within the ten-mill limitation for 98378  
debt purposes in tax year 1998 in the case of electric company tax 98379  
value losses, and in tax year 1999 in the case of natural gas 98380  
company tax value losses, payments shall be made to school 98381  
districts and joint vocational school districts equal to one 98382  
hundred per cent of the loss computed under division (D) of 98383  
section 5727.85 of the Revised Code as in effect before July 1, 98384  
2015, as if the tax were a fixed-rate levy, but those payments 98385  
shall extend through fiscal year 2016. 98386

(2) For taxes levied within the ten-mill limitation for debt 98387  
purposes in tax year 2005, payments shall be made to school 98388  
districts and joint vocational school districts equal to one 98389  
hundred per cent of the loss computed under division (D) of 98390

section 5751.21 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2018.

(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows:

(1) For a merger of two or more districts, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of the successor district shall be the sum of such items for each of the districts involved in the merger.

(2) If property is transferred from one district to a previously existing district, the amount of the total resources, current expense allocation, and non-current expense allocation that shall be transferred to the recipient district shall be an amount equal to the total resources, current expense allocation, and non-current expense allocation of the transferor district times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the formula ADM of the transferor district.

(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense

allocation, total allocation, or non-current expense allocation. 98423

(4) If the recipient district under division (G)(2) of this 98424  
section or the newly created district under division (G)(3) of 98425  
this section is assuming debt from one or more of the districts 98426  
from which the property was transferred and any of the districts 98427  
losing the property had fixed-sum levy losses, the department of 98428  
education, in consultation with the tax commissioner, shall make 98429  
an equitable division of the reimbursements for those losses. 98430

(H) The payments required by divisions (C), (D), (E), and (F) 98431  
of this section shall be distributed periodically to each school 98432  
and joint vocational school district by the department of 98433  
education unless otherwise provided for. Except as provided in 98434  
division (D) of this section, if a levy that is a qualifying levy 98435  
is not charged and payable in any year after 2014, payments to the 98436  
school district or joint vocational school district shall be 98437  
reduced to the extent that the payments distributed in fiscal year 98438  
2015 were attributable to the levy loss of that levy. 98439

**Sec. 5713.051.** (A) As used in this section: 98440

(1) "Oil" means all grades of crude oil. 98441

(2) "Gas" means all forms of natural gas. 98442

(3) "Well" means an oil or gas well or an oil and gas well. 98443

(4) "M.C.F." means one thousand cubic feet. 98444

(5) "Commonly metered wells" means two or more wells that 98445  
share the same meter. 98446

(6) "Total production" means the total amount of oil, 98447  
measured in barrels, and the total amount of gas, measured in 98448  
M.C.F., of all oil and gas actually produced and sold from a 98449  
single well that is developed and producing on the tax lien date. 98450  
For commonly metered wells, "total production" means the total 98451  
amount of oil, measured in barrels, and the total amount of gas, 98452

measured in M.C.F., of all oil and gas actually produced and sold 98453  
from the commonly metered wells divided by the number of the 98454  
commonly metered wells. 98455

(7) "Flush production" means total production from a single 98456  
well during the first twelve calendar months during not more than 98457  
two consecutive calendar years after a well first begins to 98458  
produce. For commonly metered wells, "flush production" means 98459  
total production during the first twelve calendar months during 98460  
not more than two consecutive calendar years after a well first 98461  
begins to produce from all wells with flush production divided by 98462  
the number of those wells. 98463

(8) "Production through secondary recovery methods" means 98464  
total production from a single well where mechanically induced 98465  
pressure, such as air, nitrogen, carbon dioxide, or water 98466  
pressure, is used to stimulate and maintain production in the oil 98467  
and gas reservoir, exclusive of any flush production. For commonly 98468  
metered wells, "production through secondary recovery methods" 98469  
means total production from all wells with production through 98470  
secondary recovery methods divided by the number of ~~the~~ those 98471  
wells. 98472

(9) "Stabilized production" means total production reduced, 98473  
if applicable, by the greater of forty-two and one-half per cent 98474  
of flush production or fifty per cent of production through 98475  
secondary recovery methods. 98476

(10) "Average daily production" means stabilized production 98477  
divided by three hundred sixty-five, provided the well was in 98478  
production at the beginning of the calendar year. If the well was 98479  
not in production at the beginning of the calendar year, "average 98480  
daily production" means stabilized production divided by the 98481  
number of days beginning with the day the well went into 98482  
production in the calendar year and ending with the thirty-first 98483  
day of December. 98484

(11) "Gross price" means the unweighted average price per barrel of oil or the average price per M.C.F. of gas produced from Ohio wells and first sold during the five-year period ending with the calendar year immediately preceding the tax lien date, as reported by the department of natural resources.

(12) "Average annual decline rate" means the amount of yearly decline in oil and gas production of a well after flush production has ended. For the purposes of this section, the average annual decline rate is thirteen per cent.

(13) "Gross revenue" means the gross revenue from a well during a ten-year discount period with production assumed to be one barrel of oil or one M.C.F. of gas during the first year of production and declining at the annual average annual decline rate during the remaining nine years of the ten-year discount period, as follows:

(a) First year: one barrel or one M.C.F. multiplied by gross price;

(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by gross price;

(c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by gross price;

(d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by gross price;

(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by gross price;

(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by gross price;

(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by gross price;

(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| gross price;                                                       | 98515 |
| (i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by         | 98516 |
| gross price;                                                       | 98517 |
| (j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by         | 98518 |
| gross price.                                                       | 98519 |
| (14) "Average royalty expense" means the annual cost of            | 98520 |
| royalties paid by all working interest owners in a well. For the   | 98521 |
| purposes of this section, the average royalty expense is fifteen   | 98522 |
| per cent of annual gross revenue.                                  | 98523 |
| (15) "Average operating expense" means the annual cost of          | 98524 |
| operating and maintaining a producing well after it first begins   | 98525 |
| production. For the purposes of this section, the average          | 98526 |
| operating expense is forty per cent of annual gross revenue.       | 98527 |
| (16) "Average capital recovery expense" means the annual           | 98528 |
| capitalized investment cost of a developed and producing well. For | 98529 |
| the purposes of this section, average capital recovery expense is  | 98530 |
| thirty per cent of annual gross revenue.                           | 98531 |
| (17) "Discount rate" means the rate used to determine the          | 98532 |
| present net worth of one dollar during each year of the ten-year   | 98533 |
| discount period assuming the net income stream projected for each  | 98534 |
| year of the ten-year discount period is received at the half-year  | 98535 |
| point. For the purposes of this section, the discount rate equals  | 98536 |
| thirteen per cent plus the rate per annum prescribed by division   | 98537 |
| (B) of section 5703.47 of the Revised Code and determined by the   | 98538 |
| tax commissioner in October of the calendar year immediately       | 98539 |
| preceding the tax lien date.                                       | 98540 |
| (B) The true value in money of oil reserves constituting real      | 98541 |
| property on tax lien dates January 1, 2007, and thereafter with    | 98542 |
| respect to a developed and producing well that has not been the    | 98543 |
| subject of a recent arm's length sale, exclusive of personal       | 98544 |
| property necessary to recover the oil, shall be determined under   | 98545 |

division (B)(1) or (2) of this section. 98546

(1) For ~~wells~~ oil reserves for which average daily production 98547  
of oil from a well is one barrel or more in the calendar year 98548  
preceding the tax lien date, the true value in money equals the 98549  
average daily production of oil from the well multiplied by the 98550  
net present value of one barrel of oil, where: 98551

(a) Net present value of one barrel of oil = 365 x the sum of 98552  
[net income for each year of the discount period x discount rate 98553  
factor for that year] for all years in the discount period; and 98554

(b) Net income for a year of the discount period = gross 98555  
revenue for that year minus the sum of the following for that 98556  
year: average royalty expense, average operating expense, and 98557  
average capital recovery expense. 98558

(2) For ~~wells~~ oil reserves for which average daily production 98559  
of oil from a well is less than one barrel in the calendar year 98560  
preceding the tax lien date, the true value in money equals the 98561  
average daily production of the well, if any, in the calendar year 98562  
preceding the tax lien date multiplied by sixty per cent of the 98563  
net present value of one barrel of oil as computed under division 98564  
(B)(1) of this section. 98565

(C) The true value in money of gas reserves constituting real 98566  
property on tax lien dates January 1, 2007, and thereafter with 98567  
respect to a developed and producing well that has not been the 98568  
subject of a recent arm's length sale, exclusive of personal 98569  
property necessary to recover the gas, shall be determined under 98570  
division (C)(1) or (2) of this section. 98571

(1) For ~~wells~~ gas reserves for which average daily production 98572  
of gas from a well is eight M.C.F. or more in the calendar year 98573  
preceding the tax lien date, the true value in money equals the 98574  
average daily production of gas from the well multiplied by the 98575  
net present value of one M.C.F. of gas, where: 98576

(a) Net present value of one M.C.F. of gas = 365 x the sum of 98577  
[net income for each year of the discount period x discount rate 98578  
factor for that year] for all years in the discount period; and 98579

(b) Net income for a year of the discount period = gross 98580  
revenue for that year minus the sum of the following for that 98581  
year: average royalty expense, average operating expense, and 98582  
average capital recovery expense. 98583

(2) For ~~wells~~ gas reserves for which average daily production 98584  
of gas from a well is less than eight M.C.F. in the calendar year 98585  
preceding the tax lien date, the true value in money equals the 98586  
average daily production of the well, if any, in the calendar year 98587  
preceding the tax lien date multiplied by fifty per cent of the 98588  
net present value of one M.C.F. as computed under division (C)(1) 98589  
of this section. 98590

(D) No method other than the method described in this section 98591  
shall be used to determine the true value in money of oil or gas 98592  
reserves for property tax purposes. 98593

**Sec. 5713.31.** At any time after the first Monday in January 98594  
and prior to the first Monday in March of any year, an owner of 98595  
agricultural land may file an application with the county auditor 98596  
of the county in which such land is located, requesting the 98597  
auditor to value the land for real property tax purposes at the 98598  
current value such land has for agricultural use, in accordance 98599  
with section 5715.01 of the Revised Code and the rules adopted by 98600  
the commissioner for the valuation of such land. An owner's first 98601  
application with respect to the owner's land shall be in the form 98602  
of an initial application. Each application filed in ensuing 98603  
consecutive years after the initial application by that owner 98604  
shall be in the form of a renewal application. The commissioner 98605  
shall prescribe the form of the initial and the renewal 98606  
application, but the renewal application shall require no more 98607

information than is necessary to establish the applicant's 98608  
continued eligibility to have the applicant's land valued for 98609  
agricultural use, for all lots, parcels, or tracts of land, or 98610  
portions thereof, within a county, that have been valued at the 98611  
current value of such land for agricultural use in the preceding 98612  
tax year. If, on the first day of January of the tax year, any 98613  
portion of the applicant's agricultural land is used for a 98614  
conservation practice or devoted to a land retirement or 98615  
conservation program under an agreement with an agency of the 98616  
federal government, the applicant shall so indicate on the initial 98617  
or renewal application. 98618

On or before the second Tuesday after the first Monday in 98619  
March, the auditor shall determine whether the current owner of 98620  
any lot, parcel, or tract of land or portion thereof contained in 98621  
the preceding tax year's agricultural land tax list failed to file 98622  
an initial or renewal application, as appropriate, for the current 98623  
tax year with respect to such lot, parcel, or tract or portion 98624  
thereof. The auditor shall forthwith notify, by certified mail, 98625  
each owner who failed to file an application that unless 98626  
application is filed with the auditor prior to the first Monday of 98627  
April of the current year, the land will be valued for real 98628  
property tax purposes in the current tax year at its true value in 98629  
money and that the recoupment required by sections 5713.34 and 98630  
5713.35 of the Revised Code will be placed on the current year's 98631  
tax list and duplicate for collection. 98632

Each initial application shall be accompanied by a fee of 98633  
twenty-five dollars. Application fees shall be paid into the 98634  
county treasury to the credit of the real estate assessment fund 98635  
created under section 325.31 of the Revised Code. 98636

Upon receipt of an application and payment of the required 98637  
fee the auditor shall determine whether the information contained 98638  
therein is correct and the application complete. 98639

If the auditor determines the information is incorrect or the application is incomplete, the auditor shall return the application to the applicant by certified mail with an enumeration of the items which are incorrect or incomplete. An applicant may file an amended application, without charge, within fifteen days of the receipt of the returned application.

If the auditor determines the application or amended application is complete and the information therein is correct, the auditor shall, prior to the first Monday in August, view or cause to be viewed the land described in the application and determine whether the land is land devoted exclusively to agricultural use.

If the auditor determines, which determination shall be made as of the first Monday of August, annually, that the land is land devoted exclusively to agricultural use, the auditor shall appraise it for real property tax purposes in accordance with section 5715.01 of the Revised Code and the rules adopted by the commissioner for the valuation of land devoted exclusively to agricultural use and such appraised value shall be the value used by the auditor in determining the taxable value of such land for the current tax year under section 5713.03 of the Revised Code and as shown on the general tax list compiled under section 319.28 of the Revised Code.

The auditor shall enter on the real property record required under section 5713.03 of the Revised Code for the tract, lot, or parcel of land so appraised, in addition to the other information required to be recorded thereon, its value as land devoted exclusively to agricultural use based on the values determined by the commissioner for each soil type present in the tract, lot, or parcel. Subject to division (A)(1) of section 5713.34 of the Revised Code, tracts, lots, or parcels of land or portions thereof used for a conservation practice or devoted to a land retirement

or conservation program under an agreement with an agency of the 98672  
federal government on the first day of January of the tax year 98673  
shall be valued at the lowest valued of all soil types listed in 98674  
the commissioner's annual publication of the per-acre agricultural 98675  
use values for each soil type in the state. 98676

**Sec. 5713.33.** (A) The county auditor shall make and maintain 98677  
an "agricultural land tax list," on forms prescribed by the tax 98678  
commissioner, listing each tract, lot or parcel of land which has 98679  
been valued for tax purposes as land devoted exclusively to 98680  
agricultural use under section 5713.31 of the Revised Code, 98681  
showing: 98682

~~(A)~~(1) The name of the owner; 98683

~~(B)~~(2) A description of the land; 98684

~~(C)~~(3) The current agricultural use value and taxable value 98685  
of the land as land devoted exclusively to agricultural use, as 98686  
provided by section 5713.31 of the Revised Code; 98687

~~(D)~~(4) The true value, and taxable value, of the land as 98688  
determined in accordance with Section 2, Article XII, of the Ohio 98689  
Constitution; 98690

~~(E)~~(5) The dollar amount of real property taxes levied 98691  
against such land under section 319.30 of the Revised Code for the 98692  
current tax year; 98693

~~(F)~~(6) The dollar amount of real property taxes which would 98694  
have been levied against such land for the current tax year under 98695  
section 319.30 of the Revised Code if it had been valued for tax 98696  
purposes in accordance with Section 2, Article XII, of the Ohio 98697  
Constitution; 98698

~~(G)~~(7) The dollar difference between the amounts shown in 98699  
divisions ~~(E)~~(A)(5) and ~~(F)~~(6) of this section. 98700

(B) Annually, upon determining the sums to be levied upon 98701

each tract and lot of real property under section 319.30 of the Revised Code, the county auditor shall enter upon the "agricultural land tax list" for each tract, lot or parcel of land valued under section 5713.31 of the Revised Code for the current tax year the appropriate figures for the current tax year, as required by this section.

(C) Annually, the tax commissioner shall make available electronically a report that aggregates, by taxing district, the information described in divisions (A)(3) and (4) of this section for all such land for the preceding tax year. The report shall be compiled in such a manner that the information can be indexed and sorted by county and by school district.

**Sec. 5713.34.** (A)(1) Upon the conversion of all or any portion of a tract, lot, or parcel of land devoted exclusively to agricultural use a portion of the tax savings upon such converted land shall be recouped as provided for by Section 36, Article II, Ohio Constitution by levying a charge on such land in an amount equal to the amount of the tax savings on the converted land during the three tax years immediately preceding the year in which the conversion occurs. If the auditor discovers that agricultural land valued at the lowest valued soil type, pursuant to section 5713.31 of the Revised Code, because of its use for a conservation practice or devotion to a land retirement or conservation program ceases to be used or devoted to such purposes sooner than thirty-six months after the initial certification, the auditor shall levy a charge on such agricultural land in an amount equal to the reduction in taxes resulting from the land's valuation at the lowest valued soil type, rather than valuation at its actual soil type, in all preceding years the land was so valued, not to exceed the most recent three years. The ~~charge~~ charges levied under this section shall constitute a lien of the state upon such converted land as of the first day of January of the tax year in

which the charge is levied and shall continue until discharged as 98734  
provided by law. 98735

(2) Upon the conversion of an adequately described portion of 98736  
a tract, lot, or parcel of land, the county auditor shall divide 98737  
any numbered permanent parcel into economic units and value each 98738  
unit individually for the purpose of levying the charge under 98739  
division (A)(1) of this section against only the converted 98740  
portion. 98741

(3) A charge shall not be levied under this section for the 98742  
conversion of a portion of a tract, lot, or parcel of land devoted 98743  
exclusively to agricultural use if the conversion is incident to 98744  
the construction or installation of an energy facility, as defined 98745  
in section 5727.01 of the Revised Code, and if the remaining 98746  
portion of the tract, lot, or parcel continues to be devoted 98747  
exclusively to agricultural use. 98748

(B) Except as otherwise provided in division (C) or (D) of 98749  
this section, a public entity that acquires by any means and 98750  
converts land devoted exclusively to agricultural use and a 98751  
private entity granted the power of eminent domain that acquires 98752  
by any means and converts land devoted exclusively to agricultural 98753  
use shall pay the charge levied by division (A) of this section 98754  
and shall not, directly or indirectly, transfer the charge to the 98755  
person from whom the land is acquired. A person injured by a 98756  
violation of this division may recover, in a civil action, any 98757  
damages resulting from the violation. 98758

(C) The charge levied by division (A)(1) of this section does 98759  
not apply to the conversion of land acquired by a public entity by 98760  
means other than eminent domain and thereafter used exclusively 98761  
for a public purpose that leaves the land principally undeveloped 98762  
when either of the following conditions applies: 98763

(1) In the case of land so acquired and converted by a park 98764

district created under Chapter 1545. of the Revised Code, the land 98765  
is located within the boundaries of the park district. 98766

(2) In the case of land so acquired and converted by a public 98767  
entity other than a park district created under Chapter 1545. of 98768  
the Revised Code, the land is located within the boundaries of any 98769  
city, local, exempted village, or joint vocational school district 98770  
that is wholly or partially located within the boundaries of the 98771  
public entity that so acquired and converted the land. 98772

If all or any portion of a tract, lot, or parcel of such land 98773  
is later developed or otherwise converted to a purpose other than 98774  
one of the purposes enumerated under division (E)(1) of this 98775  
section, the charge levied by division (A)(1) of this section 98776  
shall be levied against such developed or converted land as 98777  
otherwise required by that division. 98778

The county auditor of the county in which the land is located 98779  
shall determine annually whether all or any portion of a tract, 98780  
lot, or parcel of land formerly converted to a purpose enumerated 98781  
under division (E)(1) of this section has been developed in such a 98782  
way or converted to such a purpose as to require the charge levied 98783  
by division (A)(1) of this section to be levied against the land 98784  
so developed or converted. 98785

(D) Division (B) of this section does not apply to a public 98786  
entity that acquires by means other than eminent domain and 98787  
converts land devoted exclusively to agricultural use to use for 98788  
public, active or passive, outdoor education, recreation, or 98789  
similar open space uses when either of the following conditions 98790  
applies: 98791

(1) In the case of land so acquired and converted by a park 98792  
district created under Chapter 1545. of the Revised Code, the land 98793  
is located outside the boundaries of the park district. 98794

(2) In the case of land so acquired and converted by a public 98795

entity other than a park district created under Chapter 1545. of 98796  
the Revised Code, the land is located outside the boundaries of 98797  
any city, local, exempted village, or joint vocational school 98798  
district that is wholly or partially located within the boundaries 98799  
of the public entity that so acquired and converted the land. 98800

(E) As used in divisions (C) and (D) of this section: 98801

(1) "Principally undeveloped" means a parcel of real property 98802  
that is used for public, active or passive, outdoor education, 98803  
recreation, or similar open space uses and contains only the 98804  
structures, roadways, and other facilities that are necessary for 98805  
such uses. 98806

(2) "Public entity" means any political subdivision of this 98807  
state or any agency or instrumentality of a political subdivision. 98808

**Sec. 5715.01.** (A) The tax commissioner shall direct and 98809  
supervise the assessment for taxation of all real property. The 98810  
commissioner shall adopt, prescribe, and promulgate rules for the 98811  
determination of true value and taxable value of real property by 98812  
uniform rule for such values and for the determination of the 98813  
current agricultural use value of land devoted exclusively to 98814  
agricultural use. ~~The~~ 98815

~~(1) The~~ uniform rules shall prescribe methods of determining 98816  
the true value and taxable value of real property ~~and shall also~~ 98817  
~~prescribe the method for determining the current agricultural use~~ 98818  
~~value of land devoted exclusively to agricultural use, which~~ 98819  
~~method shall reflect standard and modern appraisal techniques that~~ 98820  
~~take into consideration: the productivity of the soil under normal~~ 98821  
~~management practices; the average price patterns of the crops and~~ 98822  
~~products produced to determine the income potential to be~~ 98823  
~~capitalized; the market value of the land for agricultural use;~~ 98824  
~~and other pertinent factors.~~ The rules shall provide that in 98825  
determining the true value of lands or improvements thereon for 98826

tax purposes, all facts and circumstances relating to the value of 98827  
the property, its availability for the purposes for which it is 98828  
constructed or being used, its obsolete character, if any, the 98829  
income capacity of the property, if any, and any other factor that 98830  
tends to prove its true value shall be used. In determining the 98831  
true value of minerals or rights to minerals for the purpose of 98832  
real property taxation, the tax commissioner shall not include in 98833  
the value of the minerals or rights to minerals the value of any 98834  
tangible personal property used in the recovery of those minerals. 98835

(2) The uniform rules shall prescribe the method for 98836  
determining the current agricultural use value of land devoted 98837  
exclusively to agricultural use, which method shall reflect 98838  
standard and modern appraisal techniques that take into 98839  
consideration the productivity of the soil under normal management 98840  
practices, typical cropping and land use patterns, the average 98841  
price patterns of the crops and products produced and the typical 98842  
production costs to determine the net income potential to be 98843  
capitalized, and other pertinent factors. 98844

In determining the agricultural land capitalization rate to 98845  
be applied to the net income potential from agricultural use, the 98846  
commissioner shall use standard and modern appraisal techniques. 98847  
In calculating the capitalization rate for any year, the 98848  
commissioner shall comply with both of the following requirements: 98849

(a) The commissioner shall use an equity yield rate equal to 98850  
the greater of (i) the average of the total rates of return on 98851  
farm equity for the twenty-five most recent years for which those 98852  
rates have been calculated and published by the United States 98853  
department of agriculture economic research service or another 98854  
published source or (ii) the loan interest rate the commissioner 98855  
uses for that year to calculate the capitalization rate; 98856

(b) The commissioner shall assume that the holding period for 98857  
agricultural land is twenty-five years for the purpose of 98858

computing buildup of equity or appreciation with respect to that 98859  
land. 98860

The commissioner shall add to the overall capitalization rate 98861  
a tax additur. The sum of the overall capitalization rate and the 98862  
tax additur shall represent as nearly as possible the rate of 98863  
return a prudent investor would expect from an average or typical 98864  
farm in this state considering only agricultural factors. 98865

The commissioner shall annually determine and announce the 98866  
overall capitalization rate, tax additur, agricultural land 98867  
capitalization rate, and the individual components used in 98868  
computing such amounts in a determination, finding, computation, 98869  
or order of the commissioner published simultaneously with the 98870  
commissioner's annual publication of the per-acre agricultural use 98871  
values for each soil type. 98872

(3) Notwithstanding any other provision of this chapter and 98873  
Chapter 5713. of the Revised Code, the current agricultural use 98874  
value of land devoted exclusively to agricultural use shall equal 98875  
the following amounts for the years specified: 98876

(a) In counties that undergo a reappraisal or triennial 98877  
update in 2017, the current agricultural use value of the land for 98878  
each of the 2017, 2018, and 2019 tax years shall equal the sum of 98879  
the following amounts: 98880

(i) The current agricultural use value of the land for that 98881  
tax year, as determined under this section and section 5713.31 of 98882  
the Revised Code, and rules adopted pursuant those sections, 98883  
without regard to the adjustment under division (A)(3)(a)(ii) of 98884  
this section; 98885

(ii) One-half of the amount, if any, by which the value of 98886  
the land for the 2016 tax year, as determined under this section, 98887  
section 5713.31 of the Revised Code, and the rules adopted 98888  
pursuant those sections and issued by the tax commissioner for 98889

counties undergoing a reappraisal or triennial update in the 2016 tax year, exceeds the value determined under division (A)(3)(a)(i) of this section. 98890  
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98892

(b) In counties that undergo a reappraisal or triennial update in 2018, the current agricultural use value of the land for each of the 2018, 2019, and 2020 tax years shall equal the sum of the following amounts: 98893  
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98895  
98896

(i) The current agricultural use value of the land for that tax year, as determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant those sections, without regard to the adjustment under division (A)(3)(b)(ii) of this section; 98897  
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98901

(ii) One-half of the amount, if any, by which the value of the land for the 2017 tax year, as determined under this section, section 5713.31 of the Revised Code, and the rules adopted pursuant those sections and issued by the tax commissioner for counties undergoing a reappraisal or triennial update in the 2017 tax year, exceeds the value determined under division (A)(3)(b)(i) of this section. 98902  
98903  
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98908

(c) In counties that undergo a reappraisal or triennial update in 2019, the current agricultural use value of the land for each of the 2019, 2020, and 2021 tax years shall equal the sum of the following amounts: 98909  
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98911  
98912

(i) The current agricultural use value of the land for that tax year, as determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant those sections, without regard to the adjustment under division (A)(3)(c)(ii) of this section; 98913  
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98917

(ii) One-half of the amount, if any, by which the value of the land for the 2018 tax year, as determined under this section, section 5713.31 of the Revised Code, and the rules adopted 98918  
98919  
98920

pursuant those sections and issued by the tax commissioner for 98921  
counties undergoing a reappraisal or triennial update in the 2018 98922  
tax year, exceeds the value determined under division (A)(3)(c)(i) 98923  
of this section. 98924

(B) The taxable value shall be that per cent of true value in 98925  
money, or current agricultural use value in the case of land 98926  
valued in accordance with section 5713.31 of the Revised Code, the 98927  
commissioner by rule establishes, but it shall not exceed 98928  
thirty-five per cent. The uniform rules shall also prescribe 98929  
methods of making the appraisals set forth in section 5713.03 of 98930  
the Revised Code. The taxable value of each tract, lot, or parcel 98931  
of real property and improvements thereon, determined in 98932  
accordance with the uniform rules and methods prescribed thereby, 98933  
shall be the taxable value of the tract, lot, or parcel for all 98934  
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 98935  
5717.01 to 5717.06 of the Revised Code. County auditors shall, 98936  
under the direction and supervision of the commissioner, be the 98937  
chief assessing officers of their respective counties, and shall 98938  
list and value the real property within their respective counties 98939  
for taxation in accordance with this section and sections 5713.03 98940  
and 5713.31 of the Revised Code and with such rules of the 98941  
commissioner. There shall also be a board in each county, known as 98942  
the county board of revision, which shall hear complaints and 98943  
revise assessments of real property for taxation. 98944

(C) The commissioner shall neither adopt nor enforce any rule 98945  
that requires true value for any tax year to be any value other 98946  
than the true value in money on the tax lien date of such tax year 98947  
or that requires taxable value to be obtained in any way other 98948  
than by reducing the true value, or in the case of land valued in 98949  
accordance with section 5713.31 of the Revised Code, its current 98950  
agricultural use value, by a specified, uniform percentage. 98951

**Sec. 5715.20.** (A) Whenever a county board of revision renders a decision on a complaint filed under section 5715.19 of the Revised Code or on an application for remission under section 5715.39 of the Revised Code, it shall certify its action by certified mail to the person in whose name the property is listed or sought to be listed and ~~to the complainant~~, if the complainant or applicant is not the person in whose name the property is listed or sought to be listed, to the complainant or applicant. A person's time to file an appeal under section 5717.01 of the Revised Code commences with the mailing of notice of the decision to that person as provided in this section. The tax commissioner's time to file an appeal under section 5717.01 of the Revised Code commences with the last mailing to a person required to be mailed notice of the decision as provided in this division.

(B) The tax commissioner may order the county auditor to send to the commissioner the decisions of the board of revision rendered on complaints filed under section 5715.19 of the Revised Code or on applications for remission filed under section 5715.39 of the Revised Code in the manner and for the time period that the commissioner prescribes. Nothing in this division extends the commissioner's time to file an appeal under section 5717.01 of the Revised Code.

**Sec. 5715.27.** (A)(1) Except as provided in division (A)(2) of this section and in section 3735.67 of the Revised Code, the owner, a vendee in possession under a purchase agreement or a land contract, the beneficiary of a trust, or a lessee for an initial term of not less than thirty years of any property may file an application with the tax commissioner, on forms prescribed by the commissioner, requesting that such property be exempted from taxation and that taxes, interest, and penalties be remitted as provided in division (C) of section 5713.08 of the Revised Code.

(2) If the property that is the subject of the application 98983  
for exemption is any of the following, the application shall be 98984  
filed with the county auditor of the county in which the property 98985  
is listed for taxation: 98986

(a) A public road or highway; 98987

(b) Property belonging to the federal government of the 98988  
United States; 98989

(c) Additions or other improvements to an existing building 98990  
or structure that belongs to the state or a political subdivision, 98991  
as defined in section 5713.081 of the Revised Code, and that is 98992  
exempted from taxation as property used exclusively for a public 98993  
purpose; 98994

~~(d) Property of the boards of trustees and of the housing 98995  
commissions of the state universities, the northeastern Ohio 98996  
universities college of medicine, and of the state to be exempted 98997  
under section 3345.17 of the Revised Code. 98998~~

(B) The board of education of any school district may request 98999  
the tax commissioner or county auditor to provide it with 99000  
notification of applications for exemption from taxation for 99001  
property located within that district. If so requested, the 99002  
commissioner or auditor shall send to the board on a monthly basis 99003  
reports that contain sufficient information to enable the board to 99004  
identify each property that is the subject of an exemption 99005  
application, including, but not limited to, the name of the 99006  
property owner or applicant, the address of the property, and the 99007  
auditor's parcel number. The commissioner or auditor shall mail 99008  
the reports by the fifteenth day of the month following the end of 99009  
the month in which the commissioner or auditor receives the 99010  
applications for exemption. 99011

(C) A board of education that has requested notification 99012  
under division (B) of this section may, with respect to any 99013

application for exemption of property located in the district and 99014  
included in the commissioner's or auditor's most recent report 99015  
provided under that division, file a statement with the 99016  
commissioner or auditor and with the applicant indicating its 99017  
intent to submit evidence and participate in any hearing on the 99018  
application. The statements shall be filed prior to the first day 99019  
of the third month following the end of the month in which that 99020  
application was docketed by the commissioner or auditor. A 99021  
statement filed in compliance with this division entitles the 99022  
district to submit evidence and to participate in any hearing on 99023  
the property and makes the district a party for purposes of 99024  
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 99025  
the commissioner's or auditor's decision to the board of tax 99026  
appeals. 99027

(D) The commissioner or auditor shall not hold a hearing on 99028  
or grant or deny an application for exemption of property in a 99029  
school district whose board of education has requested 99030  
notification under division (B) of this section until the end of 99031  
the period within which the board may submit a statement with 99032  
respect to that application under division (C) of this section. 99033  
The commissioner or auditor may act upon an application at any 99034  
time prior to that date upon receipt of a written waiver from each 99035  
such board of education, or, in the case of exemptions authorized 99036  
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 99037  
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 99038  
of the Revised Code, upon the request of the property owner. 99039  
Failure of a board of education to receive the report required in 99040  
division (B) of this section shall not void an action of the 99041  
commissioner or auditor with respect to any application. The 99042  
commissioner or auditor may extend the time for filing a statement 99043  
under division (C) of this section. 99044

(E) A complaint may also be filed with the commissioner or 99045

auditor by any person, board, or officer authorized by section 99046  
5715.19 of the Revised Code to file complaints with the county 99047  
board of revision against the continued exemption of any property 99048  
granted exemption by the commissioner or auditor under this 99049  
section. 99050

(F) An application for exemption and a complaint against 99051  
exemption shall be filed prior to the thirty-first day of December 99052  
of the tax year for which exemption is requested or for which the 99053  
liability of the property to taxation in that year is requested. 99054  
The commissioner or auditor shall consider such application or 99055  
complaint in accordance with procedures established by the 99056  
commissioner, determine whether the property is subject to 99057  
taxation or exempt therefrom, and, if the commissioner makes the 99058  
determination, certify the determination to the auditor. Upon 99059  
making the determination or receiving the commissioner's 99060  
determination, the auditor shall correct the tax list and 99061  
duplicate accordingly. If a tax certificate has been sold under 99062  
section 5721.32 or 5721.33 of the Revised Code with respect to 99063  
property for which an exemption has been requested, the tax 99064  
commissioner or auditor shall also certify the findings to the 99065  
county treasurer of the county in which the property is located. 99066

(G) Applications and complaints, and documents of any kind 99067  
related to applications and complaints, filed with the tax 99068  
commissioner or county auditor under this section are public 99069  
records within the meaning of section 149.43 of the Revised Code. 99070

(H) If the commissioner or auditor determines that the use of 99071  
property or other facts relevant to the taxability of property 99072  
that is the subject of an application for exemption or a complaint 99073  
under this section has changed while the application or complaint 99074  
was pending, the commissioner or auditor may make the 99075  
determination under division (F) of this section separately for 99076  
each tax year beginning with the year in which the application or 99077

complaint was filed or the year for which remission of taxes under 99078  
division (C) of section 5713.08 of the Revised Code was requested, 99079  
and including each subsequent tax year during which the 99080  
application or complaint is pending before the commissioner or 99081  
auditor. 99082

**Sec. 5715.39.** (A) The tax commissioner may remit real 99083  
property taxes, manufactured home taxes, penalties, and interest 99084  
found by the commissioner to have been illegally assessed. The 99085  
commissioner also may remit any penalty charged against any real 99086  
property or manufactured or mobile home that was the subject of an 99087  
application for exemption from taxation under section 5715.27 of 99088  
the Revised Code if the commissioner determines that the applicant 99089  
requested such exemption in good faith. The commissioner shall 99090  
include notice of the remission in the commissioner's 99091  
certification to the county auditor required under that section. 99092

(B) The county auditor, upon consultation with the county 99093  
treasurer, shall remit a penalty for late payment of any real 99094  
property taxes or manufactured home taxes when: 99095

(1) The taxpayer could not make timely payment of the tax 99096  
because of the negligence or error of the county auditor or county 99097  
treasurer in the performance of a statutory duty relating to the 99098  
levy or collection of such tax. 99099

(2) In cases other than those described in division (B)(1) of 99100  
this section, and except as provided in division (B)(5) of this 99101  
section, the taxpayer failed to receive a tax bill or a correct 99102  
tax bill, and the taxpayer made a good faith effort to obtain such 99103  
bill within thirty days after the last day for payment of the tax. 99104

(3) The tax was not timely paid because of the death or 99105  
serious injury of the taxpayer, or the taxpayer's confinement in a 99106  
hospital within sixty days preceding the last day for payment of 99107  
the tax if, in any case, the tax was subsequently paid within 99108

sixty days after the last day for payment of such tax. 99109

(4) The taxpayer demonstrates that the full payment was 99110  
properly deposited in the mail in sufficient time for the envelope 99111  
to be postmarked by the United States postal service on or before 99112  
the last day for payment of such tax. A private meter postmark on 99113  
an envelope is not a valid postmark for purposes of establishing 99114  
the date of payment of such tax. 99115

(5) With respect to the first payment due after a taxpayer 99116  
fully satisfies a mortgage against a parcel of real property, the 99117  
mortgagee failed to notify the treasurer of the satisfaction of 99118  
the mortgage, and the tax bill was not sent to the taxpayer. 99119

(C) If the auditor determines that remission is not required 99120  
under division (B) of this section, the auditor shall present the 99121  
application to the board of revision. The board of revision shall 99122  
review the auditor's determination and remit a penalty for late 99123  
payment of any real property taxes or manufactured homes taxes if, 99124  
~~in cases other than those described in division~~ the board 99125  
determines that any of divisions (B)(1) to (5) of this section, 99126  
applies or if it determines that the taxpayer's failure to make 99127  
timely payment of the tax is due to reasonable cause and not 99128  
willful neglect. 99129

(D) ~~The taxpayer, upon application within sixty days after~~ 99130  
~~the mailing of the county auditor's or board of revision's~~ 99131  
~~decision, may request the tax commissioner to review the denial of~~ 99132  
~~the remission of a penalty by the auditor or board. The~~ 99133  
~~application may be filed in person or by certified mail. If the~~ 99134  
~~application is filed by certified mail, the date of the United~~ 99135  
~~States postmark placed on the sender's receipt by the postal~~ 99136  
~~service shall be treated as the date of filing. The commissioner~~ 99137  
~~shall consider the application, determine whether the penalty~~ 99138  
~~should be remitted, and certify the determination to the taxpayer,~~ 99139  
~~to the county treasurer, and to the county auditor, who shall~~ 99140

~~correct the tax list and duplicate accordingly.~~ The commissioner 99141  
may issue orders and instructions for the uniform implementation 99142  
of this section by all county boards of revision, county auditors, 99143  
and county treasurers, and such orders and instructions shall be 99144  
followed by such officers and boards. 99145

(E) This section shall not provide to the taxpayer any remedy 99146  
with respect to any matter that the taxpayer may be authorized to 99147  
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 99148  
the Revised Code. 99149

~~(F) Applications for remission, and documents of any kind 99150  
related to those applications, filed with the tax commissioner 99151  
under this section are public records within the meaning of 99152  
section 149.43 of the Revised Code unless otherwise excepted under 99153  
that section. 99154~~

**Sec. 5717.04.** This section does not apply to any decision and 99155  
order of the board made pursuant to section 5703.021 of the 99156  
Revised Code. Any such decision and order shall be conclusive upon 99157  
all parties and may not be appealed. 99158

The proceeding to obtain a reversal, vacation, or 99159  
modification of a decision of the board of tax appeals shall be by 99160  
appeal to ~~the supreme court or~~ the court of appeals for the county 99161  
in which the property taxed is ~~situate~~ situated or in which the 99162  
taxpayer resides. If the taxpayer is a corporation, then the 99163  
proceeding to obtain such reversal, vacation, or modification 99164  
shall be by appeal to ~~the supreme court or to~~ the court of appeals 99165  
for the county in which the property taxed is ~~situate~~ situated, or 99166  
the county of residence of the agent for service of process, tax 99167  
notices, or demands, or the county in which the corporation has 99168  
its principal place of business. In all other instances, the 99169  
proceeding to obtain such reversal, vacation, or modification 99170  
shall be by appeal to the court of appeals for Franklin county. 99171

Appeals from decisions of the board determining appeals from 99172  
decisions of county boards of revision may be instituted by any of 99173  
the persons who were parties to the appeal before the board of tax 99174  
appeals, by the person in whose name the property involved in the 99175  
appeal is listed or sought to be listed, if such person was not a 99176  
party to the appeal before the board of tax appeals, or by the 99177  
county auditor of the county in which the property involved in the 99178  
appeal is located. 99179

Appeals from decisions of the board of tax appeals 99180  
determining appeals from final determinations by the tax 99181  
commissioner of any preliminary, amended, or final tax 99182  
assessments, reassessments, valuations, determinations, findings, 99183  
computations, or orders made by the commissioner may be instituted 99184  
by any of the persons who were parties to the appeal or 99185  
application before the board, by the person in whose name the 99186  
property is listed or sought to be listed, if the decision 99187  
appealed from determines the valuation or liability of property 99188  
for taxation and if any such person was not a party to the appeal 99189  
or application before the board, by the taxpayer or any other 99190  
person to whom the decision of the board appealed from was by law 99191  
required to be sent, by the director of budget and management if 99192  
the revenue affected by the decision of the board appealed from 99193  
would accrue primarily to the state treasury, by the county 99194  
auditor of the county to the undivided general tax funds of which 99195  
the revenues affected by the decision of the board appealed from 99196  
would primarily accrue, or by the tax commissioner. 99197

Appeals from decisions of the board upon all other appeals or 99198  
applications filed with and determined by the board may be 99199  
instituted by any of the persons who were parties to such appeal 99200  
or application before the board, by any persons to whom the 99201  
decision of the board appealed from was by law required to be 99202  
sent, or by any other person to whom the board sent the decision 99203

appealed from, as authorized by section 5717.03 of the Revised Code. 99204  
99205

Such appeals shall be taken within thirty days after the date of the entry of the decision of the board on the journal of its proceedings, as provided by such section, by the filing by appellant of a notice of appeal with the court of appeals to which the appeal is taken and the board. If the appeal is of a decision of the board on an action originally brought under section 5717.01 of the Revised Code, the appellant also shall submit, at the same time, a copy of the notice of appeal to the county board of revision and the county auditor. If a timely notice of appeal is filed by a party, any other party may file a notice of appeal within ten days of the date on which the first notice of appeal was filed or within the time otherwise prescribed in this section, whichever is later. A notice of appeal shall set forth the decision of the board appealed from and the errors therein complained of. Proof of the filing of such notice with the board of tax appeals shall be filed with the court of appeals to which the appeal is being taken. ~~The~~ 99206  
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The court of appeals in which notice of appeal is first filed shall have exclusive jurisdiction of the appeal, unless jurisdiction over the appeal is transferred to the supreme court pursuant to this paragraph. Within thirty days after a notice of appeal is filed with the appropriate court of appeals, a party to the appeal may file a petition with the supreme court to transfer jurisdiction over the appeal to the supreme court. The supreme court may approve the petition and order that the appeal be taken directly to the supreme court if the appeal involves a substantial constitutional question or a question of great general or public interest. Appeals for which jurisdiction is transferred to the supreme court under this paragraph shall proceed as though the decision of the board of tax appeals had been appealed directly to 99223  
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the supreme court. Appeals for which jurisdiction is not 99236  
transferred to the supreme court shall proceed in the court of 99237  
appeals. 99238

In all such appeals the commissioner or all persons to whom 99239  
the decision of the board appealed from is required by such 99240  
section to be sent, other than the appellant, shall be made 99241  
appellees. Unless waived, notice of the appeal shall be served 99242  
upon all appellees by certified mail. The prosecuting attorney 99243  
shall represent the county auditor in any such appeal in which the 99244  
auditor is a party. If the commissioner is not a party to the 99245  
appeal or application before the board, the supreme court or a 99246  
court of appeals, as applicable, shall not dismiss an appeal of 99247  
the board's decision because of the failure to make the 99248  
commissioner an appellee or to serve the notice of appeal to the 99249  
commissioner as otherwise required under this section. 99250

The board, upon written demand filed by an appellant, shall 99251  
within thirty days after the filing of such demand file with the 99252  
applicable court ~~to which the appeal is being taken~~ a certified 99253  
transcript of the record of the proceedings of the board 99254  
pertaining to the decision complained of and the evidence 99255  
considered by the board in making such decision. 99256

If upon hearing and consideration of such record and evidence 99257  
the applicable court decides that the decision of the board 99258  
appealed from is reasonable and lawful it shall affirm the same, 99259  
but if the court decides that such decision of the board is 99260  
unreasonable or unlawful, the court shall reverse and vacate the 99261  
decision or modify it and enter final judgment in accordance with 99262  
such modification. 99263

The clerk of the applicable court shall certify the judgment 99264  
of the court to the board, which shall certify such judgment to 99265  
such public officials or take such other action in connection 99266  
therewith as is required to give effect to the decision. ~~The~~ 99267

~~"taxpayer" includes any person required to return any property for  
taxation.~~ 99268  
99269

Any party to the appeal shall have the right to appeal from 99270  
the judgment of the court of appeals on questions of law, as in 99271  
other cases. 99272

As used in this section, "taxpayer" includes any person 99273  
required to return any property for taxation. 99274

**Sec. 5725.33.** (A) Except as otherwise provided in this 99275  
section, terms used in this section have the same meaning as 99276  
section 45D of the Internal Revenue Code, any related proposed, 99277  
temporary, or final regulations promulgated under the Internal 99278  
Revenue Code, any rules or guidance of the internal revenue 99279  
service or the United States department of the treasury, and any 99280  
related rules or guidance issued by the community development 99281  
financial institutions fund of the United States department of the 99282  
treasury, as such law, regulations, rules, and guidance exist on 99283  
October 16, 2009. 99284

As used in this section: 99285

(1) "Adjusted purchase price" means the amount paid for the 99286  
portion of a qualified equity investment approved or certified by 99287  
the director of development services for a qualified community 99288  
development entity in accordance with rules adopted under division 99289  
(E) of this section. 99290

(2) "Applicable percentage" means zero per cent for each of 99291  
the first two credit allowance dates, seven per cent for the third 99292  
credit allowance date, and eight per cent for the four following 99293  
credit allowance dates. 99294

(3) "Credit allowance date" means the date, on or after 99295  
January 1, 2010, a qualified equity investment is made and each of 99296  
the six anniversary dates thereafter. For qualified equity 99297

investments made after October 16, 2009, but before January 1, 99298  
2010, the initial credit allowance date is January 1, 2010, and 99299  
each of the six anniversary dates thereafter is on the first day 99300  
of January of each year. 99301

(4) "Qualified community development entity" includes only 99302  
entities: 99303

(a) That have entered into an allocation agreement with the 99304  
community development financial institutions fund of the United 99305  
States department of the treasury with respect to credits 99306  
authorized by section 45D of the Internal Revenue Code; 99307

(b) Whose service area includes any portion of this state; 99308  
and 99309

(c) That will designate an equity investment in such entities 99310  
as a qualified equity investment for purposes of both section 45D 99311  
of the Internal Revenue Code and this section. 99312

(5) "Qualified equity investment" is limited to an equity 99313  
investment in a qualified community development entity that: 99314

(a) Is acquired after October 16, 2009, at its original 99315  
issuance solely in exchange for cash; 99316

(b) Has at least eighty-five per cent of its cash purchase 99317  
price used by the qualified community development entity to make 99318  
qualified low-income community investments in qualified active 99319  
low-income community businesses in this state, provided that in 99320  
the seventh year after a qualified equity investment is made, only 99321  
seventy-five per cent of such cash purchase price must be used by 99322  
the qualified community development entity to make qualified 99323  
low-income community investments in those businesses; and 99324

(c) Is designated by the issuer as a qualified equity 99325  
investment. 99326

"Qualified equity investment" includes any equity investment 99327

that would, but for division (A)(5)(a) of this section, be a 99328  
qualified equity investment in the hands of the taxpayer if such 99329  
investment was a qualified equity investment in the hands of a 99330  
prior holder. 99331

(B) There is hereby allowed a nonrefundable credit against 99332  
the tax imposed by section 5725.18 of the Revised Code for an 99333  
insurance company holding a qualified equity investment on the 99334  
credit allowance date occurring in the calendar year for which the 99335  
tax is due. The credit shall equal the applicable percentage of 99336  
the adjusted purchase price, subject to divisions (B)(1) and (2) 99337  
of this section: 99338

(1) For the purpose of calculating the amount of qualified 99339  
low-income community investments held by a qualified community 99340  
development entity, an investment shall be considered held by a 99341  
qualified community development entity even if the investment has 99342  
been sold or repaid, provided that, at any time before the seventh 99343  
anniversary of the issuance of the qualified equity investment, 99344  
the qualified community development entity reinvests an amount 99345  
equal to the capital returned to or received or recovered by the 99346  
qualified community development entity from the original 99347  
investment, exclusive of any profits realized and costs incurred 99348  
in the sale or repayment, in another qualified low-income 99349  
community investment in this state within twelve months of the 99350  
receipt of such capital. If the qualified low-income community 99351  
investment is sold or repaid after the sixth anniversary of the 99352  
issuance of the qualified equity investment, the qualified 99353  
low-income community investment shall be considered held by the 99354  
qualified community development entity through the seventh 99355  
anniversary of the qualified equity investment's issuance. 99356

(2) The qualified low-income community investment made in 99357  
this state shall equal the sum of the qualified low-income 99358  
community investments in each qualified active low-income 99359

community business in this state, not to exceed two million five 99360  
hundred sixty-four thousand dollars, in which the qualified 99361  
community development entity invests, including such investments 99362  
in any such businesses in this state related to that qualified 99363  
active low-income community business through majority ownership or 99364  
control. 99365

The credit shall be claimed in the order prescribed by 99366  
section 5725.98 of the Revised Code. If the amount of the credit 99367  
exceeds the amount of tax otherwise due after deducting all other 99368  
credits in that order, the excess may be carried forward and 99369  
applied to the tax due for not more than four ensuing years. 99370

By claiming a tax credit under this section, an insurance 99371  
company waives its rights under section 5725.222 of the Revised 99372  
Code with respect to the time limitation for the assessment of 99373  
taxes as it relates to credits claimed that later become subject 99374  
to recapture under division (E) of this section. 99375

~~(C) The amount of qualified equity investments on the basis 99376  
of which credits may be claimed under this section and sections 99377  
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 99378  
the amount, estimated by the director of development, that would 99379  
cause the total amount of credits allowed each fiscal year to 99380  
exceed ten million dollars, computed without regard to the 99381  
potential for taxpayers to carry tax credits forward to later 99382  
years~~ The aggregate amount of credit allocations made by the 99383  
director of development services under this section and sections 99384  
5726.54, 5729.16, and 5733.58 of the Revised Code each fiscal year 99385  
shall not exceed ten million dollars. 99386

(D) If any amount of the federal tax credit allowed for a 99387  
qualified equity investment for which a credit was received under 99388  
this section is recaptured under section 45D of the Internal 99389  
Revenue Code, or if the director of development services 99390  
determines that an investment for which a tax credit is claimed 99391

under this section is not a qualified equity investment or that 99392  
the proceeds of an investment for which a tax credit is claimed 99393  
under this section are used to make qualified low-income community 99394  
investments other than in a qualified active low-income community 99395  
business in this state, all or a portion of the credit received on 99396  
account of that investment shall be paid by the insurance company 99397  
that received the credit to the superintendent of insurance. The 99398  
amount to be recovered shall be determined by the director of 99399  
development services pursuant to rules adopted under division (E) 99400  
of this section. The director shall certify any amount due under 99401  
this division to the superintendent of insurance, and the 99402  
superintendent shall notify the treasurer of state of the amount 99403  
due. Upon notification, the treasurer shall invoice the insurance 99404  
company for the amount due. The amount due is payable not later 99405  
than thirty days after the date the treasurer invoices the 99406  
insurance company. The amount due shall be considered to be tax 99407  
due under section 5725.18 of the Revised Code, and may be 99408  
collected by assessment without regard to the time limitations 99409  
imposed under section 5725.222 of the Revised Code for the 99410  
assessment of taxes by the superintendent. All amounts collected 99411  
under this division shall be credited as revenue from the tax 99412  
levied under section 5725.18 of the Revised Code. 99413

(E) The tax credits authorized under this section and 99414  
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 99415  
be administered by the development services agency. The director 99416  
of development services, in consultation with the tax commissioner 99417  
and the superintendent of insurance, pursuant to Chapter 119. of 99418  
the Revised Code, shall adopt rules for the administration of this 99419  
section and sections 5726.54, 5729.16, and 5733.58 of the Revised 99420  
Code. The rules shall provide for determining the recovery of 99421  
credits under division (D) of this section and under sections 99422  
5726.54, 5729.16, and 5733.58 of the Revised Code, including 99423  
prorating the amount of the credit to be recovered on any 99424

reasonable basis, the manner in which credits may be allocated 99425  
among claimants, and the amount of any application or other fees 99426  
to be charged in connection with a recovery. 99427

(F) ~~There is hereby created in the state treasury the new~~ 99428  
~~markets tax credit operating fund.~~ The director of development 99429  
services is authorized to charge reasonable application and other 99430  
fees in connection with the administration of tax credits 99431  
authorized by this section and sections 5726.54, 5729.16, and 99432  
5733.58 of the Revised Code. Any such fees collected shall be 99433  
credited to the tax incentives operating fund created in section 99434  
122.174 of the Revised Code. ~~The director of development services~~ 99435  
~~shall use money in the fund to pay expenses related to the~~ 99436  
~~administration of tax credits authorized under sections 5725.33,~~ 99437  
~~5726.54, 5729.16, and 5733.58 of the Revised Code.~~ 99438

(G) Tax credits earned or allocated to a pass-through entity, 99439  
as that term is defined in section 5733.04 of the Revised Code, 99440  
under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised 99441  
Code may be allocated to persons having a direct or indirect 99442  
ownership interest in the pass-through entity for such persons' 99443  
direct use in accordance with the provisions of any mutual 99444  
agreement between such persons. 99445

**Sec. 5725.98.** (A) To provide a uniform procedure for 99446  
calculating the amount of tax imposed by section 5725.18 of the 99447  
Revised Code that is due under this chapter, a taxpayer shall 99448  
claim any credits and offsets against tax liability to which it is 99449  
entitled in the following order: 99450

(1) The credit for an insurance company or insurance company 99451  
group under section 5729.031 of the Revised Code; 99452

(2) The credit for eligible employee training costs under 99453  
section 5725.31 of the Revised Code; 99454

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (3) The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code;                                                                                                                                                                                                                                                                                                                                          | 99455<br>99456                                              |
| (4) The nonrefundable job retention credit under division (B) of section 122.171 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                           | 99457<br>99458                                              |
| (5) <u>The nonrefundable credit for investments in rural business and high-growth industry funds under section 122.152 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                 | 99459<br>99460<br>99461                                     |
| (6) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;                                                                                                                                                                                                                                                                                                                      | 99462<br>99463<br>99464                                     |
| <del>(6)</del> (7) The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code.                                                                                                                                                                                                                                                                                                                                      | 99465<br>99466                                              |
| <del>(7)</del> (8) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before <u>September 29, 2015</u> , the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;                                                                                                                                                          | 99467<br>99468<br>99469<br>99470<br>99471                   |
| <del>(8)</del> (9) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                       | 99472<br>99473                                              |
| <del>(9)</del> (10) The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.                                                                                                                                                                                                                                                        | 99474<br>99475<br>99476<br>99477                            |
| (B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or | 99478<br>99479<br>99480<br>99481<br>99482<br>99483<br>99484 |

|                                                                                 |       |
|---------------------------------------------------------------------------------|-------|
| indirectly, a credit more than once for a taxable year.                         | 99485 |
| <b>Sec. 5726.98.</b> (A) To provide a uniform procedure for                     | 99486 |
| calculating the amount of tax due under section 5726.02 of the                  | 99487 |
| Revised Code, a taxpayer shall claim any credits to which the                   | 99488 |
| taxpayer is entitled under this chapter in the following order:                 | 99489 |
| (1) The nonrefundable job retention credit under division (B)                   | 99490 |
| of section 5726.50 of the Revised Code;                                         | 99491 |
| (2) The nonrefundable credit for purchases of qualified                         | 99492 |
| low-income community investments under section 5726.54 of the                   | 99493 |
| Revised Code;                                                                   | 99494 |
| (3) The nonrefundable credit for qualified research expenses                    | 99495 |
| under section 5726.56 of the Revised Code;                                      | 99496 |
| (4) The nonrefundable credit for qualifying dealer in                           | 99497 |
| intangibles taxes under section 5726.57 of the Revised Code;                    | 99498 |
| (5) The refundable credit for rehabilitating an historic                        | 99499 |
| building under section 5726.52 of the Revised Code;                             | 99500 |
| (6) <u>The nonrefundable credit for investments in rural</u>                    | 99501 |
| <u>business and high-growth industry funds under section 122.152 of</u>         | 99502 |
| <u>the Revised Code;</u>                                                        | 99503 |
| <u>(7)</u> The refundable job retention or job creation credit under            | 99504 |
| division (A) of section 5726.50 of the Revised Code;                            | 99505 |
| <del>(7)</del> <u>(8)</u> The refundable credit under section 5726.53 of the    | 99506 |
| Revised Code for losses on loans made under the Ohio venture                    | 99507 |
| capital program under sections 150.01 to 150.10 of the Revised                  | 99508 |
| Code;                                                                           | 99509 |
| <del>(8)</del> <u>(9)</u> The refundable motion picture production credit under | 99510 |
| section 5726.55 of the Revised Code.                                            | 99511 |
| (B) For any credit except the refundable credits enumerated                     | 99512 |
| in this section, the amount of the credit for a taxable year shall              | 99513 |

not exceed the tax due after allowing for any other credit that 99514  
precedes it in the order required under this section. Any excess 99515  
amount of a particular credit may be carried forward if authorized 99516  
under the section creating that credit. Nothing in this chapter 99517  
shall be construed to allow a taxpayer to claim, directly or 99518  
indirectly, a credit more than once for a taxable year. 99519

**Sec. 5727.26.** (A) The tax commissioner may make an 99520  
assessment, based on any information in the commissioner's 99521  
possession, against any natural gas company or combined company 99522  
that fails to file a return or pay any tax, interest, or 99523  
additional charge as required by sections 5727.24 to 5727.29 of 99524  
the Revised Code. The commissioner shall give the company assessed 99525  
written notice of the assessment as provided in section 5703.37 of 99526  
the Revised Code. With the notice, the commissioner shall provide 99527  
instructions on how to petition for reassessment and request a 99528  
hearing on the petition. A penalty of up to fifteen per cent may 99529  
be added to all amounts assessed under this section. The tax 99530  
commissioner may adopt rules providing for the imposition and 99531  
remission of the penalty. 99532

(B) Unless the company assessed, within sixty days after 99533  
service of the notice of assessment, files with the tax 99534  
commissioner, either personally or by certified mail, a written 99535  
petition signed by the company's authorized agent having knowledge 99536  
of the facts, the assessment becomes final, and the amount of the 99537  
assessment is due and payable from the company assessed to the 99538  
~~treasurer of state~~ commissioner. The petition shall indicate the 99539  
objections of the company assessed, but additional objections may 99540  
be raised in writing if received by the commissioner prior to the 99541  
date shown on the final determination. 99542

If a petition for reassessment has been properly filed, the 99543  
commissioner shall proceed under section 5703.60 of the Revised 99544

Code. 99545

(C) After an assessment becomes final, if any portion of the 99546  
assessment, including accrued interest, remains unpaid, a 99547  
certified copy of the tax commissioner's entry making the 99548  
assessment final may be filed in the office of the clerk of the 99549  
court of common pleas in the county in which the natural gas 99550  
company's or combined company's principal place of business is 99551  
located, or in the office of the clerk of court of common pleas of 99552  
Franklin county. 99553

Immediately on the filing of the entry, the clerk shall enter 99554  
judgment for the state against the company assessed in the amount 99555  
shown on the entry. The judgment may be filed by the clerk in a 99556  
loose-leaf book entitled, "special judgments for the public 99557  
utility excise tax on natural gas and combined companies," and 99558  
shall have the same effect as other judgments. Execution shall 99559  
issue upon the judgment at the request of the tax commissioner, 99560  
and all laws applicable to sales on execution shall apply to sales 99561  
made under the judgment. 99562

If the assessment is not paid in its entirety within sixty 99563  
days after the day the assessment was issued, the portion of the 99564  
assessment consisting of tax due shall bear interest at the rate 99565  
per annum prescribed by section 5703.47 of the Revised Code from 99566  
the day the tax commissioner issues the assessment until it is 99567  
paid or until it is certified to the attorney general for 99568  
collection under section 131.02 of the Revised Code, whichever 99569  
comes first. If the unpaid portion of the assessment is certified 99570  
to the attorney general for collection, the entire unpaid portion 99571  
of the assessment shall bear interest at the rate per annum 99572  
prescribed by section 5703.47 of the Revised Code from the date of 99573  
certification until the date it is paid in its entirety. Interest 99574  
shall be paid in the same manner as the tax and may be collected 99575  
by the issuance of an assessment under this section. 99576

(D) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the company liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the company assessed or the company's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the company assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(E) The tax commissioner shall immediately forward to the treasurer of state all amounts that the tax commissioner receives under this section, and such amounts shall be considered revenue arising from the tax imposed by section 5727.24 of the Revised Code.

(F) No assessment shall be made or issued against a natural gas company or combined company for the tax imposed by section 5727.24 of the Revised Code more than four years after the return date for the period in which the tax was reported, or more than four years after the return for the period was filed, whichever is later.

**Sec. 5727.28.** (A) The ~~treasurer of state~~ tax commissioner shall refund to a natural gas company or combined company subject

to the tax imposed by section 5727.24 of the Revised Code, the 99608  
amount of tax paid illegally or erroneously, or paid on an illegal 99609  
or erroneous assessment. Applications for a refund shall be filed 99610  
with the tax commissioner, on a form prescribed by the 99611  
commissioner, within four years of the illegal or erroneous 99612  
payment of the tax. 99613

On the filing of the application, the commissioner shall 99614  
determine the amount of refund to which the applicant is entitled. 99615  
If the amount is not less than that claimed, the commissioner 99616  
shall ~~certify the amount to~~ notify the director of budget and 99617  
management and ~~treasurer of state for payment~~ issue the refund 99618  
from the tax refund fund under section 5703.052 of the Revised 99619  
Code. If the amount is less than that claimed, the commissioner 99620  
shall proceed in accordance with section 5703.70 of the Revised 99621  
Code. 99622

If the application for refund is for taxes paid on an illegal 99623  
or erroneous assessment, the commissioner shall include in the 99624  
certified amount interest calculated at the rate per annum 99625  
prescribed by section 5703.47 of the Revised Code from the date of 99626  
overpayment to the date of the commissioner's certification. 99627

(B) If a natural gas company or combined company entitled to 99628  
a refund of taxes under this section, or section 5703.70 of the 99629  
Revised Code, is indebted to the state for any tax or fee 99630  
administered by the tax commissioner that is paid to the state, or 99631  
any charge, penalty, or interest arising from such a tax or fee, 99632  
the amount refundable may be applied in satisfaction of that debt. 99633  
If the amount refundable is less than the amount of the debt, it 99634  
may be applied in partial satisfaction of the debt. If the amount 99635  
refundable is greater than the amount of the debt, the amount 99636  
remaining after satisfaction of the debt shall be refunded. 99637

(C) In lieu of granting a refund under division (A) or (B) of 99638  
this section, the tax commissioner may allow a natural gas company 99639

or combined company to claim a credit of the amount of the tax 99640  
refund on the return for the period during which the tax became 99641  
refundable. The commissioner may require the company to submit 99642  
information to support a claim for a credit under this division, 99643  
and the commissioner may disallow the credit if the information is 99644  
not provided. 99645

**Sec. 5727.31.** (A) Each public utility subject to the excise 99646  
tax imposed by section 5727.30 of the Revised Code, annually, on 99647  
or before the first day of August, shall file with the tax 99648  
commissioner a statement in such form as the commissioner 99649  
prescribes and shall pay any amount due. 99650

(B)(1) Annually, on or before the fifteenth day of October of 99651  
the current year, each public utility whose estimated excise taxes 99652  
for the current year as based upon the statement required to be 99653  
filed in that year by division (A) of this section are one 99654  
thousand dollars or more shall file with the ~~treasurer of state~~ 99655  
commissioner a report, in such form as the ~~tax~~ commissioner 99656  
prescribes, showing the amount of excise tax estimated to be 99657  
charged or levied pursuant to law for the current year upon the 99658  
basis of such annual statement, and shall remit a portion of the 99659  
estimated excise taxes shown to be due by the report. The portion 99660  
of the estimated excise taxes due at the time the report is filed 99661  
shall be one-third of its total excise taxes estimated to be 99662  
charged or levied for the current year based upon the annual 99663  
statement filed under division (A) of this section. 99664

(2) Annually, on or before the first day of March and June, 99665  
each public utility whose excise taxes as based upon its last 99666  
preceding annual statement filed under division (A) of this 99667  
section prior to the first day of January were one thousand 99668  
dollars or more shall file with the ~~treasurer of state~~ 99669  
commissioner a report, in such form as the ~~tax~~ commissioner 99670

prescribes, showing the amount of excise tax charged or levied 99671  
pursuant to law upon the basis of such annual statement, and shall 99672  
remit a portion of the excise taxes shown to be due by each such 99673  
report. The portion of the excise taxes due at the time each such 99674  
report is filed shall be one-third of its total excise taxes so 99675  
charged or levied based upon such annual statement. 99676

(C) Any public utility subject to the excise taxes imposed by 99677  
section 5727.30 of the Revised Code whose tax as certified under 99678  
section 5727.38 of the Revised Code in a year equals or exceeds 99679  
the amount specified for that year in section 5727.311 of the 99680  
Revised Code shall make the payments required under this section 99681  
in the second ensuing and each succeeding year in the manner 99682  
prescribed by section 5727.311 of the Revised Code, except as 99683  
otherwise prescribed by that section. 99684

(D)(1) For purposes of this section, a report required to be 99685  
filed under division (B) of this section is considered filed when 99686  
it is received by the ~~treasurer of state~~ tax commissioner. 99687

(2) For purposes of this section and sections 5727.311 and 99688  
5727.42 of the Revised Code, remittance of an excise tax required 99689  
to be made under this section is considered to be made when the 99690  
remittance is received by the treasurer of state or tax 99691  
commissioner, or when credited to an account designated by the 99692  
treasurer of state for the receipt of tax remittances. 99693

**Sec. 5727.311.** (A) Any public utility subject to an excise 99694  
tax imposed by section 5727.30 of the Revised Code whose tax ~~as~~ 99695  
~~certified by the tax commissioner under section 5727.38 of the~~ 99696  
~~Revised Code~~ equals or exceeds fifty thousand dollars shall make 99697  
each payment required under division (B) of section 5727.31 of the 99698  
Revised Code for the second ensuing and each succeeding year by 99699  
electronic funds transfer as prescribed by division (C) of this 99700  
section. 99701

If the tax ~~certified by the tax commissioner~~ in each of two 99702  
consecutive years is less than fifty thousand dollars, the public 99703  
utility is relieved of the requirement to remit taxes by 99704  
electronic funds transfer for the year that next follows the 99705  
second of the consecutive years in which the tax certified is less 99706  
than fifty thousand dollars, and is relieved of that requirement 99707  
for each succeeding year unless the tax ~~certified~~ in a subsequent 99708  
year equals or exceeds fifty thousand dollars. 99709

(B) The tax commissioner shall notify each public utility 99710  
required by this section or section 5727.25 of the Revised Code to 99711  
remit taxes by electronic funds transfer of the public utility's 99712  
obligation to do so, and shall maintain an updated list of those 99713  
public utilities, ~~and shall timely certify the list and any~~ 99714  
~~additions thereto or deletions therefrom to the treasurer of~~ 99715  
~~state.~~ Failure by the tax commissioner to notify a public utility 99716  
subject to this section to remit taxes by electronic funds 99717  
transfer does not relieve the public utility of its obligation to 99718  
remit taxes by electronic funds transfer. 99719

(C) Public utilities required by this section or section 99720  
5727.25 of the Revised Code to remit periodic payments by 99721  
electronic funds transfer shall remit such payments to the 99722  
treasurer of state in the manner prescribed by rules adopted by 99723  
the treasurer of state under section 113.061 of the Revised Code. 99724  
The payment of public utility excise taxes by electronic funds 99725  
transfer does not affect a public utility's obligation to file the 99726  
annual statement and periodic reports in the manner and at the 99727  
times prescribed by section 5727.31 of the Revised Code. 99728

A public utility required by this section or section 5727.25 99729  
of the Revised Code to remit taxes by electronic funds transfer 99730  
may apply to the ~~treasurer of state~~ tax commissioner in the manner 99731  
prescribed by the ~~treasurer of state~~ commissioner to be excused 99732  
from that requirement. The ~~treasurer of state~~ commissioner may 99733

excuse the public utility from remittance by electronic funds 99734  
transfer for good cause shown for the period of time requested by 99735  
the public utility or for a portion of that period. The ~~treasurer~~ 99736  
~~of state~~ commissioner shall notify the ~~tax commissioner~~ and the 99737  
public utility of the ~~treasurer of state's~~ commissioner's decision 99738  
as soon as is practicable. 99739

(D) If a public utility required by this section or section 99740  
5727.25 of the Revised Code to remit taxes by electronic funds 99741  
transfer remits those taxes by some means other than by electronic 99742  
funds transfer as prescribed by this section and the rules adopted 99743  
by the treasurer of state, and the ~~treasurer of state~~ tax 99744  
commissioner determines that the failure to remit taxes as 99745  
required was not due to reasonable cause or was due to willful 99746  
neglect, the ~~treasurer of state~~ commissioner may impose an 99747  
additional charge on the public utility equal to five per cent of 99748  
the amount of the taxes required to be paid by electronic funds 99749  
transfer, but not to exceed five thousand dollars. Any additional 99750  
charge imposed under this section is in addition to any other 99751  
penalty or charge imposed under this chapter, and shall be 99752  
considered as revenue arising from excise taxes imposed by this 99753  
chapter. 99754

No additional charge shall be assessed under this division 99755  
against a public utility that has been notified of its obligation 99756  
to remit taxes under this section and that remits its first two 99757  
tax payments after such notification by some means other than 99758  
electronic funds transfer. The additional charge may be assessed 99759  
upon the remittance of any subsequent tax payment that the public 99760  
utility remits by some means other than electronic funds transfer. 99761

**Sec. 5727.38.** On or before the first Monday of November, 99762  
annually, the tax commissioner ~~shall~~ may assess an excise tax 99763  
against ~~each~~ a public utility subject to the excise tax under 99764

section 5727.30 of the Revised Code. The tax shall be computed by 99765  
multiplying the taxable gross receipts as determined by the 99766  
commissioner under section 5727.33 of the Revised Code by six and 99767  
three-fourths per cent in the case of pipe-line companies, and 99768  
four and three-fourths per cent in the case of all other 99769  
companies. The minimum tax for any such company for owning 99770  
property or doing business in this state shall be fifty dollars. 99771  
The assessment shall be ~~certified~~ mailed to the taxpayer and 99772  
~~treasurer of state.~~ 99773

**Sec. 5727.42.** (A) The treasurer of state shall ~~maintain a~~ 99774  
~~list of all taxes levied and payments made pursuant to the annual~~ 99775  
notify the tax commissioner of any payment of the excise tax 99776  
imposed by section 5727.30 of the Revised Code. The ~~treasurer of~~ 99777  
state commissioner shall collect and the taxpayer shall pay all 99778  
taxes and any penalties thereon. Payments of the tax may be made 99779  
by mail, in person, by electronic funds transfer if required to do 99780  
so by section 5727.311 of the Revised Code, or by any other means 99781  
authorized by the ~~treasurer of state~~ commissioner. The ~~treasurer~~ 99782  
~~of state~~ commissioner may adopt rules concerning the methods and 99783  
timeliness of payment. 99784

(B) Each tax ~~bill~~ assessment issued pursuant to this section 99785  
shall separately reflect the taxes and any penalty due, ~~due date,~~ 99786  
and any other information considered necessary. ~~The last day on~~ 99787  
~~which payment may be made without penalty shall be at least twenty~~ 99788  
~~but not more than thirty days from the date of mailing the tax~~ 99789  
~~bill.~~ The ~~treasurer of state~~ commissioner shall mail the ~~tax bill~~ 99790  
assessment to the taxpayer, and the mailing of it shall be 99791  
prima-facie evidence of receipt thereof by the taxpayer. 99792

(C) The ~~treasurer of state~~ commissioner shall refund taxes 99793  
levied and payments made for the tax imposed by section 5727.30 of 99794  
the Revised Code as provided in this section, but no refund shall 99795

be made to a taxpayer having a delinquent claim certified pursuant 99796  
to this section that remains unpaid. The ~~treasurer of state~~ 99797  
commissioner may consult the attorney general regarding such 99798  
claims. 99799

(D) ~~Within twenty days after receipt of~~ After receiving any 99800  
excise tax ~~assessment certified to the treasurer of state~~ annual 99801  
statement for the tax imposed by section 5727.30 of the Revised 99802  
Code, the ~~treasurer of state~~ commissioner shall: 99803

(1) Ascertain the difference between the total taxes ~~shown on~~ 99804  
~~such assessment~~ owed and the sum of all ~~estimated~~ payments, 99805  
~~exclusive of any penalties thereon, previously~~ made for that year. 99806

(2) If the difference is a deficiency, the ~~treasurer of state~~ 99807  
commissioner shall issue a ~~tax bill~~ an assessment. 99808

(3) If the difference is an excess, the ~~treasurer of state~~ 99809  
commissioner shall ~~certify the name of the taxpayer and the amount~~ 99810  
~~to be refunded to~~ notify the director of budget and management ~~for~~ 99811  
~~payment and issue a refund of that amount~~ to the taxpayer. If the 99812  
amount of the refund is less than that claimed by the taxpayer, 99813  
the taxpayer, within sixty days of the issuance of the refund, may 99814  
provide to the commissioner additional information to support the 99815  
claim or may request a hearing. Upon receiving such information or 99816  
request within that time, the commissioner shall follow the same 99817  
procedures set forth in divisions (C) and (D) of section 5703.70 99818  
of the Revised Code for the determination of refund applications. 99819

If the taxpayer has a deficiency for one tax year and an 99820  
excess for another tax year, or any combination thereof for more 99821  
than two years, the ~~treasurer of state~~ commissioner may determine 99822  
the net result and, depending on such result, proceed to ~~mail a~~ 99823  
~~tax bill~~ issue an assessment or certify a refund. 99824

(E) If a taxpayer fails to pay all the amount of taxes ~~on or~~ 99825  
~~before the due date shown on the tax bill~~ required to be paid, or 99826

fails to make an estimated payment on or before the due date 99827  
prescribed in division (B) of section 5727.31 of the Revised Code, 99828  
~~but makes payment within ten calendar days of such date, the~~ 99829  
~~treasurer of state shall add a penalty equal to five per cent of~~ 99830  
~~the amount that should have been timely paid. If payment is not~~ 99831  
~~made within ten days of such date, the treasurer of state shall~~ 99832  
~~add a penalty equal to fifteen per cent of the amount that should~~ 99833  
~~have been timely paid. The treasurer of state shall prepare a~~ 99834  
~~delinquent claim for each tax bill on which penalties were added~~ 99835  
~~and certify such claims to the attorney general and tax~~ 99836  
~~commissioner. The the commissioner shall impose a penalty in the~~ 99837  
~~amount of fifteen per cent of the unpaid amount, and the~~ 99838  
~~commissioner shall issue an assessment for the unpaid amount and~~ 99839  
~~penalty. Unless a timely petition for reassessment is filed under~~ 99840  
~~section 5727.47 of the Revised Code, the~~ attorney general shall 99841  
proceed to collect the delinquent taxes and penalties thereon in 99842  
the manner prescribed by law and notify the ~~treasurer of state and~~ 99843  
~~tax~~ commissioner of all collections. 99844

**Sec. 5727.47.** (A) Notice of each assessment certified or 99845  
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 99846  
shall be mailed to the public utility, and its mailing shall be 99847  
prima-facie evidence of its receipt by the public utility to which 99848  
it is addressed. With the notice, the tax commissioner shall 99849  
provide instructions on how to petition for reassessment and 99850  
request a hearing on the petition. If a public utility objects to 99851  
~~any such an~~ assessment ~~certified to it pursuant to such sections,~~ 99852  
it may file with the commissioner, either personally or by 99853  
certified mail, within sixty days after the mailing of the notice 99854  
of assessment a written petition for reassessment signed by the 99855  
utility's authorized agent having knowledge of the facts. The date 99856  
the commissioner receives the petition shall be considered the 99857  
date of filing. The petition shall indicate the utility's 99858

objections, but additional objections may be raised in writing if 99859  
received by the commissioner prior to the date shown on the final 99860  
determination. 99861

In the case of a petition seeking a reduction in taxable 99862  
value filed with respect to an assessment ~~issued~~ certified under 99863  
section 5727.23 of the Revised Code, the petitioner shall state in 99864  
the petition the total amount of reduction in taxable value sought 99865  
by the petitioner. If the petitioner objects to the percentage of 99866  
true value at which taxable property is assessed by the 99867  
commissioner, the petitioner shall state in the petition the total 99868  
amount of reduction in taxable value sought both with and without 99869  
regard to the objection pertaining to the percentage of true value 99870  
at which its taxable property is assessed. If a petitioner objects 99871  
to the commissioner's apportionment of the taxable value of the 99872  
petitioner's taxable property, the petitioner shall distinctly 99873  
state in the petition that the petitioner objects to the 99874  
commissioner's apportionment, and, within forty-five days after 99875  
filing the petition for reassessment, shall submit the 99876  
petitioner's proposed apportionment of the taxable value of its 99877  
taxable property among taxing districts. If a petitioner that 99878  
objects to the commissioner's apportionment fails to state its 99879  
objections to that apportionment in its petition for reassessment 99880  
or fails to submit its proposed apportionment within forty-five 99881  
days after filing the petition for reassessment, the commissioner 99882  
shall dismiss the petitioner's objection to the commissioner's 99883  
apportionment, and the taxable value of the petitioner's taxable 99884  
property, subject to any adjustment to taxable value pursuant to 99885  
the petition or appeal, shall be apportioned in the manner used by 99886  
the commissioner in the preliminary or amended preliminary 99887  
assessment ~~issued~~ certified under section 5727.23 of the Revised 99888  
Code. 99889

If an additional objection seeking a reduction in taxable 99890

value in excess of the reduction stated in the original petition 99891  
is properly and timely raised with respect to an assessment issued 99892  
under section 5727.23 of the Revised Code, the petitioner shall 99893  
state the total amount of the reduction in taxable value sought in 99894  
the additional objection both with and without regard to any 99895  
reduction in taxable value pertaining to the percentage of true 99896  
value at which taxable property is assessed. If a petitioner fails 99897  
to state the reduction in taxable value sought in the original 99898  
petition or in additional objections properly raised after the 99899  
petition is filed, the commissioner shall notify the petitioner of 99900  
the failure by certified mail. If the petitioner fails to notify 99901  
the commissioner in writing of the reduction in taxable value 99902  
sought in the petition or in an additional objection within thirty 99903  
days after receiving the commissioner's notice, the commissioner 99904  
shall dismiss the petition or the additional objection in which 99905  
that reduction is sought. 99906

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 99907  
public utility filing a petition for reassessment regarding an 99908  
assessment certified or issued under section 5727.23 or 5727.38 of 99909  
the Revised Code shall pay the tax with respect to the assessment 99910  
objected to as required by law. The acceptance of any tax payment 99911  
by the treasurer of state, tax commissioner, or any county 99912  
treasurer shall not prejudice any claim for taxes on final 99913  
determination by the commissioner or final decision by the board 99914  
of tax appeals or any court. 99915

(2) If a public utility properly and timely files a petition 99916  
for reassessment regarding an assessment ~~issued~~ certified under 99917  
section 5727.23 of the Revised Code, the petitioner shall pay the 99918  
tax as prescribed by divisions (B)(2)(a), (b), and (c) of this 99919  
section: 99920

(a) If the petitioner does not object to the commissioner's 99921  
apportionment of the taxable value of the petitioner's taxable 99922

property, the petitioner is not required to pay the part of the 99923  
tax otherwise due on the taxable value that the petitioner seeks 99924  
to have reduced, subject to division (B)(2)(c) of this section. 99925

(b) If the petitioner objects to the commissioner's 99926  
apportionment of the taxable value of the petitioner's taxable 99927  
property, the petitioner is not required to pay the tax otherwise 99928  
due on the part of the taxable value apportioned to any taxing 99929  
district that the petitioner objects to, subject to division 99930  
(B)(2)(c) of this section. If, pursuant to division (A) of this 99931  
section, the petitioner has, in a proper and timely manner, 99932  
apportioned taxable value to a taxing district to which the 99933  
commissioner did not apportion the petitioner's taxable value, the 99934  
petitioner shall pay the tax due on the taxable value that the 99935  
petitioner has apportioned to the taxing district, subject to 99936  
division (B)(2)(c) of this section. 99937

(c) If a petitioner objects to the percentage of true value 99938  
at which taxable property is assessed by the commissioner, the 99939  
petitioner shall pay the tax due on the basis of the percentage of 99940  
true value at which the public utility's taxable property is 99941  
assessed by the commissioner. In any case, the petitioner's 99942  
payment of tax shall not be less than the amount of tax due based 99943  
on the taxable value reflected on the last appeal notice issued by 99944  
the commissioner under division (C) of this section. Until the 99945  
county auditor receives notification under division (E) of this 99946  
section and proceeds under section 5727.471 of the Revised Code to 99947  
issue any refund that is found to be due, the county auditor shall 99948  
not issue a refund for any increase in the reduction in taxable 99949  
value that is sought by a petitioner later than forty-five days 99950  
after the petitioner files the original petition as required under 99951  
division (A) of this section. 99952

(3) Any part of the tax that, under division (B)(2)(a) or (b) 99953  
of this section, is not paid shall be collected upon receipt of 99954

the notification as provided in section 5727.471 of the Revised Code with interest thereon computed in the same manner as interest is computed under division (E) of section 5715.19 of the Revised Code, subject to any correction of the assessment by the commissioner under division (E) of this section or the final judgment of the board of tax appeals or a court to which the board's final judgment is appealed. The penalty imposed under section 323.121 of the Revised Code shall apply only to the unpaid portion of the tax if the petitioner's tax payment is less than the amount of tax due based on the taxable value reflected on the last appeal notice issued by the commissioner under division (C) of this section.

(C) Upon receipt of a properly filed petition for reassessment with respect to an assessment certified under section 5727.23 of the Revised Code, the tax commissioner shall notify the treasurer of state or the auditor of each county to which the assessment objected to has been certified. In the case of a petition with respect to an assessment ~~issued~~ certified under section 5727.23 of the Revised Code, the commissioner shall issue an appeal notice within thirty days after receiving the amount of the taxable value reduction and apportionment changes sought by the petitioner in the original petition or in any additional objections properly and timely raised by the petitioner. The appeal notice shall indicate the amount of the reduction in taxable value sought in the petition or in the additional objections and the extent to which the reduction in taxable value and any change in apportionment requested by the petitioner would affect the commissioner's apportionment of the taxable value among taxing districts in the county as shown in the assessment. If a petitioner is seeking a reduction in taxable value on the basis of a lower percentage of true value than the percentage at which the commissioner assessed the petitioner's taxable property, the appeal notice shall indicate the reduction in taxable value sought

by the petitioner without regard to the reduction sought on the 99988  
basis of the lower percentage and shall indicate that the 99989  
petitioner is required to pay tax on the reduced taxable value 99990  
determined without regard to the reduction sought on the basis of 99991  
a lower percentage of true value, as provided under division 99992  
(B)(2)(c) of this section. The appeal notice shall include a 99993  
statement that the reduced taxable value and the apportionment 99994  
indicated in the notice are not final and are subject to 99995  
adjustment by the commissioner or by the board of tax appeals or a 99996  
court on appeal. If the commissioner finds an error in the appeal 99997  
notice, the commissioner may amend the notice, but the notice is 99998  
only for informational and tax payment purposes; the notice is not 99999  
subject to appeal by any person. The commissioner also shall mail 100000  
a copy of the appeal notice to the petitioner. Upon the request of 100001  
a taxing authority, the county auditor may disclose to the taxing 100002  
authority the extent to which a reduction in taxable value sought 100003  
by a petitioner would affect the apportionment of taxable value to 100004  
the taxing district or districts under the taxing authority's 100005  
jurisdiction, but such a disclosure does not constitute a notice 100006  
required by law to be given for the purpose of section 5717.02 of 100007  
the Revised Code. 100008

(D) If the petitioner requests a hearing on the petition, the 100009  
tax commissioner shall assign a time and place for the hearing on 100010  
the petition and notify the petitioner of such time and place, but 100011  
the commissioner may continue the hearing from time to time as 100012  
necessary. 100013

(E) The tax commissioner may make corrections to the 100014  
assessment as the commissioner finds proper. The commissioner 100015  
shall serve a copy of the commissioner's final determination on 100016  
the petitioner in the manner provided in section 5703.37 of the 100017  
Revised Code. The commissioner's decision in the matter shall be 100018  
final, subject to appeal under section 5717.02 of the Revised 100019

Code. ~~The~~ With respect to a final determination issued for an 100020  
assessment certified under section 5727.23 of the Revised Code, 100021  
the commissioner also shall transmit a copy of the final 100022  
determination to the ~~treasurer of state or~~ applicable county 100023  
auditor. In the absence of any further appeal, or when a decision 100024  
of the board of tax appeals or of any court to which the decision 100025  
has been appealed becomes final, the commissioner shall notify the 100026  
public utility and, as appropriate, ~~the treasurer of state who~~ 100027  
shall proceed under section 5727.42 of the Revised Code, or notify 100028  
the applicable county auditor, who shall proceed under section 100029  
5727.471 of the Revised Code. 100030

The notification made under this division is not subject to 100031  
further appeal. 100032

(F) On appeal, no adjustment shall be made in the tax 100033  
commissioner's assessment ~~issued~~ certified under section 5727.23 100034  
of the Revised Code that reduces the taxable value of a 100035  
petitioner's taxable property by an amount that exceeds the 100036  
reduction sought by the petitioner in its petition for 100037  
reassessment or in any additional objections properly and timely 100038  
raised after the petition is filed with the commissioner. 100039

**Sec. 5727.48.** The tax commissioner, on application by a 100040  
public utility, may extend to the public utility a further 100041  
specified time, not to exceed ~~sixty~~ thirty days, within which to 100042  
file any report or statement required by this chapter to be filed 100043  
with the commissioner, except reports required by sections 5727.24 100044  
to 5727.29 of the Revised Code. A public utility must file such an 100045  
application, in writing, with the commissioner on or before the 100046  
date that the report or statement is otherwise required to be 100047  
filed. 100048

**Sec. 5727.53.** The taxes, fees, and penalties provided by this 100049

chapter that are remitted to the treasurer of state may be 100050  
recovered by an action brought in the name of the state in the 100051  
court of common pleas of Franklin county, or of any county in 100052  
which such public utility is doing business, or in which the line 100053  
of any railroad company is located, and such court of common pleas 100054  
shall have jurisdiction of the action regardless of the amount 100055  
involved. The attorney general, on request of the tax 100056  
commissioner, shall institute such action in the court of common 100057  
pleas of Franklin county or of any of such counties the 100058  
commissioner directs. ~~In any such action it shall be sufficient to~~ 100059  
~~allege that the tax, fee, or penalty sought to be recovered stands~~ 100060  
~~charged on the delinquent duplicate of the treasurer of state, and~~ 100061  
~~that the same has been unpaid for a period of thirty days after~~ 100062  
~~having been placed thereon.~~ Sums recovered in any such action 100063  
shall be paid into the state treasury in the same manner as the 100064  
tax. 100065

**Sec. 5727.60.** If a person fails to file a report within the 100066  
time prescribed by section 5727.08 or 5727.31 of the Revised Code, 100067  
including any extensions of time granted by the tax commissioner, 100068  
a penalty of fifty dollars per month, not to exceed five hundred 100069  
dollars, may be imposed for each month or fraction of a month 100070  
elapsing between the due date of the report, including any 100071  
extensions, and the date the report was filed. The penalty under 100072  
this section for failing to file a report required by section 100073  
5727.08 of the Revised Code shall be paid into the state general 100074  
revenue fund. ~~If the penalty is not paid within fifteen days after~~ 100075  
~~notice of the penalty is mailed to the person who failed to timely~~ 100076  
~~file the report, the tax commissioner shall certify the penalty as~~ 100077  
~~a claim to the attorney general for collection.~~ The penalty under 100078  
this section for failing to file the report required by section 100079  
5727.31 of the Revised Code shall be deposited into the state 100080  
treasury in the same manner as the tax, and the commissioner may 100081

collect the penalty by assessment pursuant to section 5727.38 of 100082  
the Revised Code. The tax commissioner may abate this penalty in 100083  
full or in part. 100084

**Sec. 5727.80.** As used in sections 5727.80 to 5727.95 of the 100085  
Revised Code: 100086

(A) "Electric distribution company" means either of the 100087  
following: 100088

(1) A person who distributes electricity through a meter of 100089  
an end user in this state or to an unmetered location in this 100090  
state; 100091

(2) The end user of electricity in this state, if the end 100092  
user obtains electricity that is not distributed or transmitted to 100093  
the end user by an electric distribution company that is required 100094  
to remit the tax imposed by section 5727.81 of the Revised Code. 100095

"Electric distribution company" does not include an end user 100096  
of electricity in this state who self-generates electricity that 100097  
is used directly by that end user on the same site that the 100098  
electricity is generated or a person that donates all of the 100099  
electricity the person generates to a political subdivision of the 100100  
state. Division (A)(2) of this section shall not apply to a 100101  
political subdivision in this state that is the end user of 100102  
electricity that is donated to the political subdivision. 100103

(B) "Kilowatt hour" means one thousand watt hours of 100104  
electricity. 100105

(C) For an electric distribution company, "meter of an end 100106  
user in this state" means the last meter used to measure the 100107  
kilowatt hours distributed by an electric distribution company to 100108  
a location in this state, or the last meter located outside of 100109  
this state that is used to measure the kilowatt hours consumed at 100110  
a location in this state. 100111

(D) "Person" has the same meaning as in section 5701.01 of the Revised Code, but also includes a political subdivision of the state. 100112  
100113  
100114

(E) "Municipal electric utility" means a municipal corporation that owns or operates a system for the distribution of electricity. 100115  
100116  
100117

(F) "Qualified end user" means an end user of electricity that satisfies either of the following criteria: 100118  
100119

(1) The end user uses more than three million kilowatt hours of electricity at one manufacturing location in this state for a calendar day for use in a qualifying manufacturing process. 100120  
100121  
100122

(2) The end user uses electricity at a manufacturing location in this state for use in a chlor-alkali manufacturing process but, if the end user uses electricity distributed by a municipal electric utility, the end user can only be a "qualified end user" upon obtaining the consent of the legislative authority of the municipal corporation that owns or operates the utility. 100123  
100124  
100125  
100126  
100127  
100128

(G) "Qualified regeneration" means a process to convert electricity to a form of stored energy by means such as using electricity to compress air for storage or to pump water to an elevated storage reservoir, if such stored energy is subsequently used to generate electricity for sale to others primarily during periods when there is peak demand for electricity. 100129  
100130  
100131  
100132  
100133  
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(H) "Qualified regeneration meter" means the last meter used to measure electricity used in a qualified regeneration process. 100135  
100136

(I) "Qualifying manufacturing process" means ~~the performance of an electrochemical reaction in which electrons from direct current electricity remain a part of the product being manufactured~~ an electrochemical manufacturing process or a chlor-alkali manufacturing process. 100137  
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(J) "Self-assessing purchaser" means a purchaser that meets 100142  
all the requirements of, and pays the excise tax in accordance 100143  
with, division (C) of section 5727.81 of the Revised Code. 100144

(K) "Natural gas distribution company" means a natural gas 100145  
company or a combined company, as defined in section 5727.01 of 100146  
the Revised Code, that is subject to the excise tax imposed by 100147  
section 5727.24 of the Revised Code and that distributes natural 100148  
gas through a meter of an end user in this state or to an 100149  
unmetered location in this state. 100150

(L) "MCF" means one thousand cubic feet. 100151

(M) For a natural gas distribution company, "meter of an end 100152  
user in this state" means the last meter used to measure the MCF 100153  
of natural gas distributed by a natural gas distribution company 100154  
to a location in this state, or the last meter located outside of 100155  
this state that is used to measure the natural gas consumed at a 100156  
location in this state. 100157

(N) "Flex customer" means an industrial or a commercial 100158  
facility that has consumed more than one billion cubic feet of 100159  
natural gas a year at a single location during any of the previous 100160  
five years, or an industrial or a commercial end user of natural 100161  
gas that purchases natural gas distribution services from a 100162  
natural gas distribution company at discounted rates or charges 100163  
established in any of the following: 100164

(1) A special arrangement subject to review and regulation by 100165  
the public utilities commission under section 4905.31 of the 100166  
Revised Code; 100167

(2) A special arrangement with a natural gas distribution 100168  
company pursuant to a municipal ordinance; 100169

(3) A variable rate schedule that permits rates to vary 100170  
between defined amounts, provided that the schedule is on file 100171  
with the public utilities commission. 100172

An end user that meets this definition on January 1, 2000, or  
thereafter is a "flex customer" for purposes of determining the  
rate of taxation under division (D) of section 5727.811 of the  
Revised Code.

(O) "Electrochemical manufacturing process" means the  
performance of an electrochemical reaction in which electrons from  
direct current electricity remain a part of the product being  
manufactured. "Electrochemical manufacturing process" does not  
include a chlor-alkali manufacturing process.

(P) "Chlor-alkali manufacturing process" means a process that  
uses electricity to produce chlorine and other chemicals through  
the electrolysis of a salt solution.

**Sec. 5727.81.** (A) For the purpose of raising revenue to fund  
the needs of this state and its local governments, an excise tax  
is hereby levied and imposed on an electric distribution company  
for all electricity distributed by such company at the following  
rates per kilowatt hour of electricity distributed in a thirty-day  
period by the company through a meter of an end user in this  
state:

| KILOWATT HOURS DISTRIBUTED   | RATE PER      |  |
|------------------------------|---------------|--|
| TO AN END USER               | KILOWATT HOUR |  |
| For the first 2,000          | \$.00465      |  |
| For the next 2,001 to 15,000 | \$.00419      |  |
| For 15,001 and above         | \$.00363      |  |

If no meter is used to measure the kilowatt hours of  
electricity distributed by the company, the rates shall apply to  
the estimated kilowatt hours of electricity distributed to an  
unmetered location in this state.

The electric distribution company shall base the monthly tax  
on the kilowatt hours of electricity distributed to an end user  
through the meter of the end user that is not measured for a

thirty-day period by dividing the days in the measurement period 100204  
into the total kilowatt hours measured during the measurement 100205  
period to obtain a daily average usage. The tax shall be 100206  
determined by obtaining the sum of divisions (A)(1), (2), and (3) 100207  
of this section and multiplying that amount by the number of days 100208  
in the measurement period: 100209

(1) Multiplying \$0.00465 per kilowatt hour for the first 100210  
sixty-seven kilowatt hours distributed using a daily average; 100211

(2) Multiplying \$0.00419 for the next sixty-eight to five 100212  
hundred kilowatt hours distributed using a daily average; 100213

(3) Multiplying \$0.00363 for the remaining kilowatt hours 100214  
distributed using a daily average. 100215

Except as provided in division (C) of this section, the 100216  
electric distribution company shall pay the tax to the tax 100217  
commissioner in accordance with section 5727.82 of the Revised 100218  
Code, unless required to remit each tax payment by electronic 100219  
funds transfer to the treasurer of state in accordance with 100220  
section 5727.83 of the Revised Code. 100221

Only the distribution of electricity through a meter of an 100222  
end user in this state shall be used by the electric distribution 100223  
company to compute the amount or estimated amount of tax due. In 100224  
the event a meter is not actually read for a measurement period, 100225  
the estimated kilowatt hours distributed by an electric 100226  
distribution company to bill for its distribution charges shall be 100227  
used. 100228

(B) Except as provided in division (C) of this section, each 100229  
electric distribution company shall pay the tax imposed by this 100230  
section in all of the following circumstances: 100231

(1) The electricity is distributed by the company through a 100232  
meter of an end user in this state; 100233

(2) The company is distributing electricity through a meter 100234  
located in another state, but the electricity is consumed in this 100235  
state in the manner prescribed by the tax commissioner; 100236

(3) The company is distributing electricity in this state 100237  
without the use of a meter, but the electricity is consumed in 100238  
this state as estimated and in the manner prescribed by the tax 100239  
commissioner. 100240

(C)(1) As used in division (C) of this section: 100241

(a) "Total price of electricity" means the aggregate value in 100242  
money of anything paid or transferred, or promised to be paid or 100243  
transferred, to obtain electricity or electric service, including 100244  
but not limited to the value paid or promised to be paid for the 100245  
transmission or distribution of electricity and for transition 100246  
costs as described in Chapter 4928. of the Revised Code. 100247

(b) "Package" means the provision or the acquisition, at a 100248  
combined price, of electricity with other services or products, or 100249  
any combination thereof, such as natural gas or other fuels; 100250  
energy management products, software, and services; machinery and 100251  
equipment acquisition; and financing agreements. 100252

(c) "Single location" means a facility located on contiguous 100253  
property separated only by a roadway, railway, or waterway. 100254

(2) Division (C) of this section applies to any commercial or 100255  
industrial purchaser's receipt of electricity through a meter of 100256  
an end user in this state or through more than one meter at a 100257  
single location in this state in a quantity that exceeds 100258  
forty-five million kilowatt hours of electricity over the course 100259  
of the preceding calendar year, or any commercial or industrial 100260  
purchaser that will consume more than forty-five million kilowatt 100261  
hours of electricity over the course of the succeeding twelve 100262  
months as estimated by the tax commissioner. The tax commissioner 100263  
shall make such an estimate upon the written request by an 100264

applicant for registration as a self-assessing purchaser under 100265  
this division. For the meter reading period including July 1, 100266  
2008, through the meter reading period including December 31, 100267  
2010, such a purchaser may elect to self-assess the excise tax 100268  
imposed by this section at the rate of \$.00075 per kilowatt hour 100269  
on the first five hundred four million kilowatt hours distributed 100270  
to that meter or location during the registration year, and a 100271  
percentage of the total price of all electricity distributed to 100272  
that meter or location equal to three and one-half per cent. For 100273  
the meter reading period including January 1, 2011, and 100274  
thereafter, such a purchaser may elect to self-assess the excise 100275  
tax imposed by this section at the rate of \$.00257 per kilowatt 100276  
hour for the first five hundred million kilowatt hours, and 100277  
\$.001832 per kilowatt hour for each kilowatt hour in excess of 100278  
five hundred million kilowatt hours, distributed to that meter or 100279  
location during the registration year. 100280

A qualified end user that receives electricity through a 100281  
meter of an end user in this state or through more than one meter 100282  
at a single location in this state and that consumes, over the 100283  
course of the previous calendar year, more than forty-five million 100284  
kilowatt hours in other than its qualifying manufacturing process, 100285  
may elect to self-assess the tax as allowed by this division with 100286  
respect to the electricity used in other than its qualifying 100287  
manufacturing process. 100288

Payment of the tax shall be made directly to the tax 100289  
commissioner in accordance with divisions (A)(4) and (5) of 100290  
section 5727.82 of the Revised Code, or the treasurer of state in 100291  
accordance with section 5727.83 of the Revised Code. If the 100292  
electric distribution company serving the self-assessing purchaser 100293  
is a municipal electric utility and the purchaser is within the 100294  
municipal corporation's corporate limits, payment shall be made to 100295  
such municipal corporation's general fund and reports shall be 100296

filed in accordance with divisions (A)(4) and (5) of section 100297  
5727.82 of the Revised Code, except that "municipal corporation" 100298  
shall be substituted for "treasurer of state" and "tax 100299  
commissioner." A self-assessing purchaser that pays the excise tax 100300  
as provided in this division shall not be required to pay the tax 100301  
to the electric distribution company from which its electricity is 100302  
distributed. If a self-assessing purchaser's receipt of 100303  
electricity is not subject to the tax as measured under this 100304  
division, the tax on the receipt of such electricity shall be 100305  
measured and paid as provided in division (A) of this section. 100306

(3) In the case of the acquisition of a package, unless the 100307  
elements of the package are separately stated isolating the total 100308  
price of electricity from the price of the remaining elements of 100309  
the package, the tax imposed under this section applies to the 100310  
entire price of the package. If the elements of the package are 100311  
separately stated, the tax imposed under this section applies to 100312  
the total price of the electricity. 100313

(4) Any electric supplier that sells electricity as part of a 100314  
package shall separately state to the purchaser the total price of 100315  
the electricity and, upon request by the tax commissioner, the 100316  
total price of each of the other elements of the package. 100317

(5) The tax commissioner may adopt rules relating to the 100318  
computation of the total price of electricity with respect to 100319  
self-assessing purchasers, which may include rules to establish 100320  
the total price of electricity purchased as part of a package. 100321

(6) An annual application for registration as a 100322  
self-assessing purchaser shall be made for each qualifying meter 100323  
or location on a form prescribed by the tax commissioner. The 100324  
registration year begins on the first day of May and ends on the 100325  
following thirtieth day of April. Persons may apply after the 100326  
first day of May for the remainder of the registration year. In 100327  
the case of an applicant applying on the basis of an estimated 100328

consumption of forty-five million kilowatt hours over the course 100329  
of the succeeding twelve months, the applicant shall provide such 100330  
information as the tax commissioner considers to be necessary to 100331  
estimate such consumption. At the time of making the application 100332  
and by the first day of May of each year, a self-assessing 100333  
purchaser shall pay a fee of five hundred dollars to the tax 100334  
commissioner, or to the treasurer of state as provided in section 100335  
5727.83 of the Revised Code, for each qualifying meter or 100336  
location. The tax commissioner shall immediately pay to the 100337  
treasurer of state all amounts that the tax commissioner receives 100338  
under this section. The treasurer of state shall deposit such 100339  
amounts into the kilowatt hour excise tax administration fund, 100340  
which is hereby created in the state treasury. Money in the fund 100341  
shall be used to defray the tax commissioner's cost in 100342  
administering the tax owed under section 5727.81 of the Revised 100343  
Code by self-assessing purchasers. After the application is 100344  
approved by the tax commissioner, the registration shall remain in 100345  
effect for the current registration year, or until canceled by the 100346  
registrant upon written notification to the commissioner of the 100347  
election to pay the tax in accordance with division (A) of this 100348  
section, or until canceled by the tax commissioner for not paying 100349  
the tax or fee under division (C) of this section or for not 100350  
meeting the qualifications in division (C)(2) of this section. The 100351  
tax commissioner shall give written notice to the electric 100352  
distribution company from which electricity is delivered to a 100353  
self-assessing purchaser of the purchaser's self-assessing status, 100354  
and the electric distribution company is relieved of the 100355  
obligation to pay the tax imposed by division (A) of this section 100356  
for electricity distributed to that self-assessing purchaser until 100357  
it is notified by the tax commissioner that the self-assessing 100358  
purchaser's registration is canceled. Within fifteen days of 100359  
notification of the canceled registration, the electric 100360  
distribution company shall be responsible for payment of the tax 100361

imposed by division (A) of this section on electricity distributed 100362  
to a purchaser that is no longer registered as a self-assessing 100363  
purchaser. A self-assessing purchaser with a canceled registration 100364  
must file a report and remit the tax imposed by division (A) of 100365  
this section on all electricity it receives for any measurement 100366  
period prior to the tax being reported and paid by the electric 100367  
distribution company. A self-assessing purchaser whose 100368  
registration is canceled by the tax commissioner is not eligible 100369  
to register as a self-assessing purchaser for two years after the 100370  
registration is canceled. 100371

(7) If the tax commissioner cancels the self-assessing 100372  
registration of a purchaser registered on the basis of its 100373  
estimated consumption because the purchaser does not consume at 100374  
least forty-five million kilowatt hours of electricity over the 100375  
course of the twelve-month period for which the estimate was made, 100376  
the tax commissioner shall assess and collect from the purchaser 100377  
the difference between (a) the amount of tax that would have been 100378  
payable under division (A) of this section on the electricity 100379  
distributed to the purchaser during that period and (b) the amount 100380  
of tax paid by the purchaser on such electricity pursuant to 100381  
division (C)(2) of this section. The assessment shall be paid 100382  
within sixty days after the tax commissioner issues it, regardless 100383  
of whether the purchaser files a petition for reassessment under 100384  
section 5727.89 of the Revised Code covering that period. If the 100385  
purchaser does not pay the assessment within the time prescribed, 100386  
the amount assessed is subject to the additional charge and the 100387  
interest prescribed by divisions (B) and (C) of section 5727.82 of 100388  
the Revised Code, and is subject to assessment under section 100389  
5727.89 of the Revised Code. If the purchaser is a qualified end 100390  
user, division (C)(7) of this section applies only to electricity 100391  
it consumes in other than its qualifying manufacturing process. 100392

(D) The tax imposed by this section does not apply to the 100393

distribution of any kilowatt hours of electricity to the federal 100394  
government, to an end user located at a federal facility that uses 100395  
electricity for the enrichment of uranium, to a qualified 100396  
regeneration meter, or to an end user for any day the end user is 100397  
a qualified end user. The exemption under this division for a 100398  
qualified end user only applies to the manufacturing location 100399  
where the qualified end user uses electricity in a chlor-alkali 100400  
manufacturing process or where the qualified end user uses more 100401  
than three million kilowatt hours per day in a ~~qualifying~~ an 100402  
electrochemical manufacturing process. 100403

(E) All revenue arising from the tax imposed by this section 100404  
shall be credited to the general revenue fund except as provided 100405  
by division (C) of this section and section 5727.82 of the Revised 100406  
Code. 100407

**Sec. 5729.98.** (A) To provide a uniform procedure for 100408  
calculating the amount of tax due under this chapter, a taxpayer 100409  
shall claim any credits and offsets against tax liability to which 100410  
it is entitled in the following order: 100411

(1) The credit for an insurance company or insurance company 100412  
group under section 5729.031 of the Revised Code; 100413

(2) The credit for eligible employee training costs under 100414  
section 5729.07 of the Revised Code; 100415

(3) The credit for purchases of qualified low-income 100416  
community investments under section 5729.16 of the Revised Code; 100417

(4) The nonrefundable job retention credit under division (B) 100418  
of section 122.171 of the Revised Code; 100419

(5) The nonrefundable credit for investments in rural 100420  
business and high-growth industry funds under section 122.152 of 100421  
the Revised Code; 100422

(6) The offset of assessments by the Ohio life and health 100423

insurance guaranty association against tax liability permitted by 100424  
section 3956.20 of the Revised Code; 100425

~~(6)~~(7) The refundable credit for rehabilitating a historic 100426  
building under section 5729.17 of the Revised Code. 100427

~~(7)~~(8) The refundable credit for Ohio job retention under 100428  
former division (B)(2) or (3) of section 122.171 of the Revised 100429  
Code as those divisions existed before September 29, 2015, the 100430  
effective date of the amendment of this section by H.B. 64 of the 100431  
131st general assembly; 100432

~~(8)~~(9) The refundable credit for Ohio job creation under 100433  
section 5729.032 of the Revised Code; 100434

~~(9)~~(10) The refundable credit under section 5729.08 of the 100435  
Revised Code for losses on loans made under the Ohio venture 100436  
capital program under sections 150.01 to 150.10 of the Revised 100437  
Code. 100438

(B) For any credit except the refundable credits enumerated 100439  
in this section, the amount of the credit for a taxable year shall 100440  
not exceed the tax due after allowing for any other credit that 100441  
precedes it in the order required under this section. Any excess 100442  
amount of a particular credit may be carried forward if authorized 100443  
under the section creating that credit. Nothing in this chapter 100444  
shall be construed to allow a taxpayer to claim, directly or 100445  
indirectly, a credit more than once for a taxable year. 100446

**Sec. 5731.46.** The county treasurer shall keep an account 100447  
showing the amount of all taxes and interest received by ~~him~~ the 100448  
treasurer under Chapter 5731. of the Revised Code. On the 100449  
twenty-fifth day of February ~~and the twentieth day of August~~ of 100450  
each year ~~he, the treasurer~~ shall settle with the county auditor 100451  
for all such taxes and interest so received ~~at the time of making~~ 100452  
~~such settlement, in the preceding calendar year and~~ not included 100453

in any ~~preceding~~ prior settlement, showing for what estate, by 100454  
whom, and when paid. At each such settlement the auditor shall 100455  
allow to the treasurer and ~~himself~~ to the auditor, on the money so 100456  
collected and accounted for by ~~him~~ the auditor, their respective 100457  
fees, ~~at the percentages allowed by law~~ under section 319.54 or 100458  
321.27 of the Revised Code. The correctness thereof, together with 100459  
a statement of the fees allowed at such settlement, and the fees 100460  
and expenses allowed to the officers ~~under such chapter~~ shall be 100461  
certified by the auditor. 100462

**Sec. 5731.49.** At each ~~semiannual~~ annual settlement provided 100463  
for by section 5731.46 of the Revised Code, the county auditor 100464  
shall certify to the county auditor of any other county in which 100465  
is located in whole or in part any municipal corporation or 100466  
township to which any of the taxes collected under this chapter 100467  
and not previously accounted for, is due, a statement of the 100468  
amount of such taxes due to each corporation or township in such 100469  
county entitled to share in the distribution thereof. The amount 100470  
due upon such settlement to each such municipal corporation or 100471  
township, and to each municipal corporation and township in the 100472  
county in which the taxes are collected, shall be paid upon the 100473  
warrant of the county auditor to the county treasurer or other 100474  
proper officer of such municipal corporation or township. The 100475  
amount of any refund chargeable against any such municipal 100476  
corporation or township at the time of making such settlement, 100477  
shall be adjusted in determining the amount due to such municipal 100478  
corporation or township at such settlement; provided that if the 100479  
municipal corporation or township against which such refund is 100480  
chargeable is not entitled to share in the fund to be distributed 100481  
at such settlement, the auditor shall draw a warrant for the 100482  
amount in favor of the treasurer payable from any undivided 100483  
general taxes in the possession of such treasurer, unless such 100484  
municipal corporation or township is located in another county, in 100485

which event the auditor shall issue a certificate for such amount 100486  
to the auditor of the proper county, who shall draw a like warrant 100487  
therefor payable from any undivided general taxes in the 100488  
possession of the treasurer of such county. In either case at the 100489  
next semiannual settlement of such undivided general taxes, the 100490  
amount of such warrant shall be deducted from the distribution of 100491  
taxes of such municipal corporation or township and charged 100492  
against the proceeds of levies for the general fund of such 100493  
municipal corporation or township, and a similar deduction shall 100494  
be made at each next semiannual settlement of such undivided 100495  
general taxes until such warrant has been satisfied in full. 100496

If it is discovered that an amount of taxes collected under 100497  
this chapter has been paid in error to a township or municipal 100498  
corporation to which the taxes are not due under this chapter, the 100499  
township or municipal corporation to which the amount was 100500  
erroneously paid, when repaying that amount to any subdivision to 100501  
which the taxes were due, shall not be required to pay interest on 100502  
that amount. 100503

**Sec. 5735.02.** (A) A motor fuel dealer shall not receive, use, 100504  
sell, or distribute any motor fuel or engage in business within 100505  
this state unless the motor fuel dealer holds an unrevoked license 100506  
issued by the tax commissioner to engage in such business. 100507

(B) To procure a motor fuel dealer's license, every motor 100508  
fuel dealer shall file with the commissioner an application 100509  
verified under oath by the applicant and in such form as the 100510  
commissioner prescribes, setting forth, in addition to such other 100511  
information required by the commissioner, the following: 100512

(1) The name under which the motor fuel dealer will transact 100513  
business within the state; 100514

(2) The location, including street number address, of its 100515  
principal office or place of business within this state; 100516

(3) The name and address of the owner, or the names and addresses of the partners if such motor fuel dealer is a partnership, or the names and addresses of the principal officers if such motor fuel dealer is a corporation or an association;

(4) If such motor fuel dealer is a corporation organized under the laws of another state, territory, or country, a certified copy of the certificate or license issued by the Ohio secretary of state showing that such corporation is authorized to transact business in this state;

(5) An agreement that the motor fuel dealer will assume the liability and will pay the tax on any shipment of motor fuel made into the state from any other state or foreign country and sold or caused to be sold by such motor fuel dealer for delivery to a person in this state who is not the holder of an unrevoked motor fuel dealer's license.

(C)(1) Except as provided in division (C)(2) of this section, an application for a license shall be accompanied by a bond, of the character stipulated and in the amount provided for in section 5735.03 of the Revised Code, which shall be filed with the commissioner.

(2) The ~~tax~~ commissioner may exempt a motor fuel dealer from the requirements set forth in division (C)(1) of this section and section 5735.03 of the Revised Code if the motor fuel dealer only sells or distributes motor fuel upon which the motor fuel taxes imposed under this chapter have been paid or are not required to be paid by the motor fuel dealer.

(D) If any application for a license to transact business as a motor fuel dealer in the state is filed by any person who has had any license previously canceled for cause by the tax commissioner; if the commissioner believes that such application is not filed in good faith or that such application is filed as a

subterfuge by some person for the real person in interest who has 100548  
previously had any license canceled for cause by the tax 100549  
commissioner; ~~or~~ if the person has violated any provision of this 100550  
chapter; or if the person has failed to file any returns, submit 100551  
any information, or pay any outstanding taxes, charges, or fees as 100552  
required for any tax, charge, or fee administered by the 100553  
commissioner, to the extent the commissioner is aware of such 100554  
failure at the time of the application, then the tax commissioner, 100555  
after a hearing, of which the applicant shall be given five days' 100556  
notice in writing and at which said applicant shall have the right 100557  
to appear in person or by counsel and present testimony, may 100558  
refuse to issue to such person a license to transact business as a 100559  
motor fuel dealer in the state. 100560

(E) When the application in proper form has been accepted for 100561  
filing, and the bond accepted and approved, the commissioner shall 100562  
issue to such motor fuel dealer a license to transact business as 100563  
a motor fuel dealer in the state, subject to cancellation of such 100564  
license as provided by law. 100565

(F) No person shall make a false or fraudulent statement on 100566  
the application required by this section. 100567

**Sec. 5736.06.** (A) No person subject to the tax imposed by 100568  
section 5736.02 of the Revised Code shall distribute, import, or 100569  
cause the importation of motor fuel for consumption in this state 100570  
without holding a supplier's license issued by the tax 100571  
commissioner to engage in such activities. 100572

(B)(1) ~~A person~~ Within thirty days after first becoming 100573  
subject to the tax imposed by section 5736.02 of the Revised Code 100574  
~~shall, on or before March 1, 2014, or within thirty days of first~~ 100575  
~~becoming subject to the tax imposed by this chapter, whichever is~~ 100576  
~~earlier~~, a person shall apply to the tax commissioner for a 100577  
supplier's license on the form prescribed by the commissioner. 100578

(2) Each person issued a supplier's license under division 100579  
(B)(1) of this section shall apply to renew the license on or 100580  
before the first day of March of each year. 100581

(3) Each license issued or renewed under division (B)(1) or 100582  
(2) of this section shall be valid from the first day of March 100583  
through the last day of February or, in the case of a new license 100584  
issued after the first day of March, the date of issuance through 100585  
the last day of February. 100586

(4) With each license application submitted under division 100587  
(B)(1) or (2) of this section, the applicant shall pay an 100588  
application fee equal to one of the following amounts: 100589

(a) If the applicant solely imports or causes the importation 100590  
of motor fuel for sale, exchange, or transfer by the person in 100591  
this state, three hundred dollars; 100592

(b) If the applicant engages in activities in addition to 100593  
those described in division (B)~~(3)~~(4)(a) of this section, one 100594  
thousand dollars. 100595

If an applicant timely submits an application under division 100596  
(B)(1) of this section on or after the first day of September of 100597  
any year, the fee that would apply to the applicant under division 100598  
(B)~~(3)~~(4)(a) or (b) of this section shall be reduced by one-half. 100599

~~(4)~~(5) The failure to apply to the commissioner for a 100600  
supplier's license does not relieve a person from the requirement 100601  
to file returns and pay the tax imposed by this chapter. 100602

(C) The tax commissioner may refuse to issue a license to any 100603  
applicant under this section in the following circumstances: 100604

(1) The applicant has previously had any license canceled for 100605  
cause by the commissioner. 100606

(2) The commissioner believes that the application is not 100607  
filed in good faith or is filed as a subterfuge in an attempt to 100608

|                                                                                                                                                                                                                                                                                                                                                                                          |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| procure a license for another person.                                                                                                                                                                                                                                                                                                                                                    | 100609                                                             |
| (3) The applicant has violated any provision of this chapter.                                                                                                                                                                                                                                                                                                                            | 100610                                                             |
| (D) If the tax commissioner refuses to issue a license to an applicant under this section, the applicant is entitled to a refund of the application fee in accordance with section 5736.08 of the Revised Code. All application fees collected under this section shall be deposited into the petroleum activity tax administration fund created in section 5736.13 of the Revised Code. | 100611<br>100612<br>100613<br>100614<br>100615<br>100616<br>100617 |
| (E) No person shall make a false or fraudulent statement on an application required by this section.                                                                                                                                                                                                                                                                                     | 100618<br>100619                                                   |
| <b>Sec. 5739.01.</b> As used in this chapter:                                                                                                                                                                                                                                                                                                                                            | 100620                                                             |
| (A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.                                                                                               | 100621<br>100622<br>100623<br>100624<br>100625                     |
| (B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever:                                                                                                                                                          | 100626<br>100627<br>100628<br>100629                               |
| (1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted;                                                                                                                                                                                 | 100630<br>100631<br>100632<br>100633                               |
| (2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;                                                                                                                                                                                                                                                                                           | 100634<br>100635                                                   |
| (3) All transactions by which:                                                                                                                                                                                                                                                                                                                                                           | 100636                                                             |
| (a) An item of tangible personal property is or is to be                                                                                                                                                                                                                                                                                                                                 | 100637                                                             |

repaired, except property, the purchase of which would not be 100638  
subject to the tax imposed by section 5739.02 of the Revised Code; 100639

(b) An item of tangible personal property is or is to be 100640  
installed, except property, the purchase of which would not be 100641  
subject to the tax imposed by section 5739.02 of the Revised Code 100642  
or property that is or is to be incorporated into and will become 100643  
a part of a production, transmission, transportation, or 100644  
distribution system for the delivery of a public utility service; 100645

(c) The service of washing, cleaning, waxing, polishing, or 100646  
painting a motor vehicle is or is to be furnished; 100647

(d) Until August 1, 2003, industrial laundry cleaning 100648  
services are or are to be provided and, on and after August 1, 100649  
2003, laundry and dry cleaning services are or are to be provided; 100650

(e) Automatic data processing, computer services, electronic 100651  
publishing services, or electronic information services are or are 100652  
to be provided for use in business when the true object of the 100653  
transaction is the receipt by the consumer of automatic data 100654  
processing, computer services, electronic publishing services, or 100655  
electronic information services ~~rather than the receipt of~~ 100656  
~~personal or professional services to which. When provided in~~ 100657  
~~conjunction with one or more other services, the receipt by a~~ 100658  
consumer of automatic data processing, computer services, 100659  
electronic publishing services, or electronic information services 100660  
~~are incidental or supplemental is not the true object of the~~ 100661  
~~transaction when the automatic data processing, computer service,~~ 100662  
electronic publishing service, or electronic information service 100663  
is provided primarily for the delivery, receipt, or use of the 100664  
other service or services. Notwithstanding any other provision of 100665  
this chapter, ~~such transactions~~ sales of automatic data 100666  
processing, computer services, electronic publishing services, or 100667  
electronic information services that occur between members of an 100668  
affiliated group are not sales. An "affiliated group" means two or 100669

more persons related in such a way that one person owns or 100670  
controls the business operation of another member of the group. In 100671  
the case of corporations with stock, one corporation owns or 100672  
controls another if it owns more than fifty per cent of the other 100673  
corporation's common stock with voting rights. 100674

(f) Telecommunications service, including prepaid calling 100675  
service, prepaid wireless calling service, or ancillary service, 100676  
is or is to be provided, but not including coin-operated telephone 100677  
service; 100678

(g) Landscaping and lawn care service is or is to be 100679  
provided; 100680

(h) Private investigation and security service is or is to be 100681  
provided; 100682

(i) Information services or tangible personal property is 100683  
provided or ordered by means of a nine hundred telephone call; 100684

(j) Building maintenance and janitorial service is or is to 100685  
be provided; 100686

(k) Employment service is or is to be provided; 100687

(l) Employment placement service is or is to be provided; 100688

(m) Exterminating service is or is to be provided; 100689

(n) Physical fitness facility service is or is to be 100690  
provided; 100691

(o) Recreation and sports club service is or is to be 100692  
provided; 100693

(p) On and after August 1, 2003, satellite broadcasting 100694  
service is or is to be provided; 100695

(q) On and after August 1, 2003, personal care service is or 100696  
is to be provided to an individual. As used in this division, 100697  
"personal care service" includes skin care, the application of 100698

cosmetics, manicuring, pedicuring, hair removal, tattooing, body 100699  
piercing, tanning, massage, and other similar services. "Personal 100700  
care service" does not include a service provided by or on the 100701  
order of a licensed physician or licensed chiropractor, or the 100702  
cutting, coloring, or styling of an individual's hair. 100703

(r) On and after August 1, 2003, the transportation of 100704  
persons by motor vehicle or aircraft is or is to be provided, when 100705  
the transportation is entirely within this state, except for 100706  
transportation provided by an ambulance service, by a transit bus, 100707  
as defined in section 5735.01 of the Revised Code, and 100708  
transportation provided by a citizen of the United States holding 100709  
a certificate of public convenience and necessity issued under 49 100710  
U.S.C. 41102; 100711

(s) On and after August 1, 2003, motor vehicle towing service 100712  
is or is to be provided. As used in this division, "motor vehicle 100713  
towing service" means the towing or conveyance of a wrecked, 100714  
disabled, or illegally parked motor vehicle. 100715

(t) On and after August 1, 2003, snow removal service is or 100716  
is to be provided. As used in this division, "snow removal 100717  
service" means the removal of snow by any mechanized means, but 100718  
does not include the providing of such service by a person that 100719  
has less than five thousand dollars in sales of such service 100720  
during the calendar year. 100721

~~(u) Electronic publishing service is or is to be provided to 100722  
a consumer for use in business, except that such transactions 100723  
occurring between members of an affiliated group, as defined in 100724  
division (B)(3)(e) of this section, are not sales. 100725~~

(4) All transactions by which printed, imprinted, 100726  
overprinted, lithographic, multilithic, blueprinted, photostatic, 100727  
or other productions or reproductions of written or graphic matter 100728  
are or are to be furnished or transferred; 100729

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract.

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As used in division (B)(5) of this section:

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(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

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(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

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(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;

(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such property that the consumer of the storage holds for sale in the regular course of business;

(10) All transactions in which "guaranteed auto protection" is provided whereby a person promises to pay to the consumer the difference between the amount the consumer receives from motor vehicle insurance and the amount the consumer owes to a person holding title to or a lien on the consumer's motor vehicle in the event the consumer's motor vehicle suffers a total loss under the terms of the motor vehicle insurance policy or is stolen and not recovered, if the protection and its price are included in the purchase or lease agreement;

(11)(a) Except as provided in division (B)(11)(b) of this section, on and after October 1, 2009, all transactions by which

health care services are paid for, reimbursed, provided, 100793  
delivered, arranged for, or otherwise made available by a medicaid 100794  
health insuring corporation pursuant to the corporation's contract 100795  
with the state. 100796

(b) If the centers for medicare and medicaid services of the 100797  
United States department of health and human services determines 100798  
that the taxation of transactions described in division (B)(11)(a) 100799  
of this section constitutes an impermissible health care-related 100800  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 100801  
1396b(w), and regulations adopted thereunder, the medicaid 100802  
director shall notify the tax commissioner of that determination. 100803  
Beginning with the first day of the month following that 100804  
notification, the transactions described in division (B)(11)(a) of 100805  
this section are not sales for the purposes of this chapter or 100806  
Chapter 5741. of the Revised Code. The tax commissioner shall 100807  
order that the collection of taxes under sections 5739.02, 100808  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 100809  
5741.023 of the Revised Code shall cease for transactions 100810  
occurring on or after that date. 100811

(12) All transactions by which a specified digital product is 100812  
provided for permanent use or less than permanent use, regardless 100813  
of whether continued payment is required. 100814

Except as provided in this section, "sale" and "selling" do 100815  
not include transfers of interest in leased property where the 100816  
original lessee and the terms of the original lease agreement 100817  
remain unchanged, or professional, insurance, or personal service 100818  
transactions that involve the transfer of tangible personal 100819  
property as an inconsequential element, for which no separate 100820  
charges are made. 100821

(C) "Vendor" means the person providing the service or by 100822  
whom the transfer effected or license given by a sale is or is to 100823  
be made or given and, for sales described in division (B)(3)(i) of 100824

this section, the telecommunications service vendor that provides 100825  
the nine hundred telephone service; if two or more persons are 100826  
engaged in business at the same place of business under a single 100827  
trade name in which all collections on account of sales by each 100828  
are made, such persons shall constitute a single vendor. 100829

Physicians, dentists, hospitals, and veterinarians who are 100830  
engaged in selling tangible personal property as received from 100831  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 100832  
articles, are vendors. Veterinarians who are engaged in 100833  
transferring to others for a consideration drugs, the dispensing 100834  
of which does not require an order of a licensed veterinarian or 100835  
physician under federal law, are vendors. 100836

(D)(1) "Consumer" means the person for whom the service is 100837  
provided, to whom the transfer effected or license given by a sale 100838  
is or is to be made or given, to whom the service described in 100839  
division (B)(3)(f) or (i) of this section is charged, or to whom 100840  
the admission is granted. 100841

(2) Physicians, dentists, hospitals, and blood banks operated 100842  
by nonprofit institutions and persons licensed to practice 100843  
veterinary medicine, surgery, and dentistry are consumers of all 100844  
tangible personal property and services purchased by them in 100845  
connection with the practice of medicine, dentistry, the rendition 100846  
of hospital or blood bank service, or the practice of veterinary 100847  
medicine, surgery, and dentistry. In addition to being consumers 100848  
of drugs administered by them or by their assistants according to 100849  
their direction, veterinarians also are consumers of drugs that 100850  
under federal law may be dispensed only by or upon the order of a 100851  
licensed veterinarian or physician, when transferred by them to 100852  
others for a consideration to provide treatment to animals as 100853  
directed by the veterinarian. 100854

(3) A person who performs a facility management, or similar 100855  
service contract for a contractee is a consumer of all tangible 100856

personal property and services purchased for use in connection 100857  
with the performance of such contract, regardless of whether title 100858  
to any such property vests in the contractee. The purchase of such 100859  
property and services is not subject to the exception for resale 100860  
under division (E)~~(1)~~ of this section. 100861

(4)(a) In the case of a person who purchases printed matter 100862  
for the purpose of distributing it or having it distributed to the 100863  
public or to a designated segment of the public, free of charge, 100864  
that person is the consumer of that printed matter, and the 100865  
purchase of that printed matter for that purpose is a sale. 100866

(b) In the case of a person who produces, rather than 100867  
purchases, printed matter for the purpose of distributing it or 100868  
having it distributed to the public or to a designated segment of 100869  
the public, free of charge, that person is the consumer of all 100870  
tangible personal property and services purchased for use or 100871  
consumption in the production of that printed matter. That person 100872  
is not entitled to claim exemption under division (B)(42)(f) of 100873  
section 5739.02 of the Revised Code for any material incorporated 100874  
into the printed matter or any equipment, supplies, or services 100875  
primarily used to produce the printed matter. 100876

(c) The distribution of printed matter to the public or to a 100877  
designated segment of the public, free of charge, is not a sale to 100878  
the members of the public to whom the printed matter is 100879  
distributed or to any persons who purchase space in the printed 100880  
matter for advertising or other purposes. 100881

(5) A person who makes sales of any of the services listed in 100882  
division (B)(3) of this section is the consumer of any tangible 100883  
personal property used in performing the service. The purchase of 100884  
that property is not subject to the resale exception under 100885  
division (E)~~(1)~~ of this section. 100886

(6) A person who engages in highway transportation for hire 100887

is the consumer of all packaging materials purchased by that 100888  
person and used in performing the service, except for packaging 100889  
materials sold by such person in a transaction separate from the 100890  
service. 100891

(7) In the case of a transaction for health care services 100892  
under division (B)(11) of this section, a medicaid health insuring 100893  
corporation is the consumer of such services. The purchase of such 100894  
services by a medicaid health insuring corporation is not subject 100895  
to the exception for resale under division (E)(1) of this section 100896  
or to the exemptions provided under divisions (B)(12), (18), (19), 100897  
and (22) of section 5739.02 of the Revised Code. 100898

(E) "Retail sale" and "sales at retail" include all sales, 100899  
except those in which the purpose of the consumer is to resell the 100900  
thing transferred or benefit of the service provided, by a person 100901  
engaging in business, in the form in which the same is, or is to 100902  
be, received by the person. 100903

(F) "Business" includes any activity engaged in by any person 100904  
with the object of gain, benefit, or advantage, either direct or 100905  
indirect. "Business" does not include the activity of a person in 100906  
managing and investing the person's own funds. 100907

(G) "Engaging in business" means commencing, conducting, or 100908  
continuing in business, and liquidating a business when the 100909  
liquidator thereof holds itself out to the public as conducting 100910  
such business. Making a casual sale is not engaging in business. 100911

(H)(1)(a) "Price," except as provided in divisions (H)(2), 100912  
(3), ~~and (4)~~, and (5) of this section, means the total amount of 100913  
consideration, including cash, credit, property, and services, for 100914  
which tangible personal property or services are sold, leased, or 100915  
rented, valued in money, whether received in money or otherwise, 100916  
without any deduction for any of the following: 100917

(i) The vendor's cost of the property sold; 100918

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| (ii) The cost of materials used, labor or service costs,           | 100919 |
| interest, losses, all costs of transportation to the vendor, all   | 100920 |
| taxes imposed on the vendor, including the tax imposed under       | 100921 |
| Chapter 5751. of the Revised Code, and any other expense of the    | 100922 |
| vendor;                                                            | 100923 |
| (iii) Charges by the vendor for any services necessary to          | 100924 |
| complete the sale;                                                 | 100925 |
| (iv) On and after August 1, 2003, delivery charges. As used        | 100926 |
| in this division, "delivery charges" means charges by the vendor   | 100927 |
| for preparation and delivery to a location designated by the       | 100928 |
| consumer of tangible personal property or a service, including     | 100929 |
| transportation, shipping, postage, handling, crating, and packing. | 100930 |
| (v) Installation charges;                                          | 100931 |
| (vi) Credit for any trade-in.                                      | 100932 |
| (b) "Price" includes consideration received by the vendor          | 100933 |
| from a third party, if the vendor actually receives the            | 100934 |
| consideration from a party other than the consumer, and the        | 100935 |
| consideration is directly related to a price reduction or discount | 100936 |
| on the sale; the vendor has an obligation to pass the price        | 100937 |
| reduction or discount through to the consumer; the amount of the   | 100938 |
| consideration attributable to the sale is fixed and determinable   | 100939 |
| by the vendor at the time of the sale of the item to the consumer; | 100940 |
| and one of the following criteria is met:                          | 100941 |
| (i) The consumer presents a coupon, certificate, or other          | 100942 |
| document to the vendor to claim a price reduction or discount      | 100943 |
| where the coupon, certificate, or document is authorized,          | 100944 |
| distributed, or granted by a third party with the understanding    | 100945 |
| that the third party will reimburse any vendor to whom the coupon, | 100946 |
| certificate, or document is presented;                             | 100947 |
| (ii) The consumer identifies the consumer's self to the            | 100948 |
| seller as a member of a group or organization entitled to a price  | 100949 |

reduction or discount. A preferred customer card that is available 100950  
to any patron does not constitute membership in such a group or 100951  
organization. 100952

(iii) The price reduction or discount is identified as a 100953  
third party price reduction or discount on the invoice received by 100954  
the consumer, or on a coupon, certificate, or other document 100955  
presented by the consumer. 100956

(c) "Price" does not include any of the following: 100957

(i) Discounts, including cash, term, or coupons that are not 100958  
reimbursed by a third party that are allowed by a vendor and taken 100959  
by a consumer on a sale; 100960

(ii) Interest, financing, and carrying charges from credit 100961  
extended on the sale of tangible personal property or services, if 100962  
the amount is separately stated on the invoice, bill of sale, or 100963  
similar document given to the purchaser; 100964

(iii) Any taxes legally imposed directly on the consumer that 100965  
are separately stated on the invoice, bill of sale, or similar 100966  
document given to the consumer. For the purpose of this division, 100967  
the tax imposed under Chapter 5751. of the Revised Code is not a 100968  
tax directly on the consumer, even if the tax or a portion thereof 100969  
is separately stated. 100970

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 100971  
section, any discount allowed by an automobile manufacturer to its 100972  
employee, or to the employee of a supplier, on the purchase of a 100973  
new motor vehicle from a new motor vehicle dealer in this state. 100974

(v) The dollar value of a gift card that is not sold by a 100975  
vendor or purchased by a consumer and that is redeemed by the 100976  
consumer in purchasing tangible personal property or services if 100977  
the vendor is not reimbursed and does not receive compensation 100978  
from a third party to cover all or part of the gift card value. 100979  
For the purposes of this division, a gift card is not sold by a 100980

vendor or purchased by a consumer if it is distributed pursuant to 100981  
an awards, loyalty, or promotional program. Past and present 100982  
purchases of tangible personal property or services by the 100983  
consumer shall not be treated as consideration exchanged for a 100984  
gift card. 100985

(2) In the case of a sale of any new motor vehicle by a new 100986  
motor vehicle dealer, as defined in section 4517.01 of the Revised 100987  
Code, in which another motor vehicle is accepted by the dealer as 100988  
part of the consideration received, "price" has the same meaning 100989  
as in division (H)(1) of this section, reduced by the credit 100990  
afforded the consumer by the dealer for the motor vehicle received 100991  
in trade. 100992

(3) In the case of a sale of any watercraft or outboard motor 100993  
by a watercraft dealer licensed in accordance with section 100994  
1547.543 of the Revised Code, in which another watercraft, 100995  
watercraft and trailer, or outboard motor is accepted by the 100996  
dealer as part of the consideration received, "price" has the same 100997  
meaning as in division (H)(1) of this section, reduced by the 100998  
credit afforded the consumer by the dealer for the watercraft, 100999  
watercraft and trailer, or outboard motor received in trade. As 101000  
used in this division, "watercraft" includes an outdrive unit 101001  
attached to the watercraft. 101002

(4) In the case of transactions for health care services 101003  
under division (B)(11) of this section, "price" means the amount 101004  
of managed care premiums received each month by a medicaid health 101005  
insuring corporation. 101006

(5) In the case of transactions for optical aids or 101007  
components thereof that are sold by a vendor licensed under 101008  
Chapter 4725. or 4731. of the Revised Code or otherwise authorized 101009  
to dispense optical aids or components under the laws of another 101010  
state, country, or province, "price" has the same meaning as in 101011  
division (H)(1) of this section, reduced by six hundred fifty 101012

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <u>dollars.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 101013                                                                                 |
| <u>As used in division (H)(5) of this section:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 101014                                                                                 |
| <u>(a) "Optical aid" means eyeglasses, contact lenses, or other instruments or devices that may aid or correct human vision and that have been prescribed by a physician or optometrist licensed by any state, country, or province.</u>                                                                                                                                                                                                                                                                                                                              | 101015<br>101016<br>101017<br>101018                                                   |
| <u>(b) "Eyeglasses" includes lenses and frames into which lenses have been installed if the lenses have been prescribed by a physician or optometrist licensed by any state, country, or province.</u>                                                                                                                                                                                                                                                                                                                                                                | 101019<br>101020<br>101021<br>101022                                                   |
| (I) "Receipts" means the total amount of the prices of the sales of vendors, provided that the dollar value of gift cards distributed pursuant to an awards, loyalty, or promotional program, and cash discounts allowed and taken on sales at the time they are consummated are not included, minus any amount deducted as a bad debt pursuant to section 5739.121 of the Revised Code. "Receipts" does not include the sale price of property returned or services rejected by consumers when the full sale price and tax are refunded either in cash or by credit. | 101023<br>101024<br>101025<br>101026<br>101027<br>101028<br>101029<br>101030<br>101031 |
| (J) "Place of business" means any location at which a person engages in business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 101032<br>101033                                                                       |
| (K) "Premises" includes any real property or portion thereof upon which any person engages in selling tangible personal property at retail or making retail sales and also includes any real property or portion thereof designated for, or devoted to, use in conjunction with the business engaged in by such person.                                                                                                                                                                                                                                               | 101034<br>101035<br>101036<br>101037<br>101038                                         |
| (L) "Casual sale" means a sale of an item of tangible personal property that was obtained by the person making the sale, through purchase or otherwise, for the person's own use and was previously subject to any state's taxing jurisdiction on its sale or use, and includes such items acquired for the seller's use that                                                                                                                                                                                                                                         | 101039<br>101040<br>101041<br>101042<br>101043                                         |

are sold by an auctioneer employed directly by the person for such 101044  
purpose, provided the location of such sales is not the 101045  
auctioneer's permanent place of business. As used in this 101046  
division, "permanent place of business" includes any location 101047  
where such auctioneer has conducted more than two auctions during 101048  
the year. 101049

(M) "Hotel" means every establishment kept, used, maintained, 101050  
advertised, or held out to the public to be a place where sleeping 101051  
accommodations are offered to guests, in which five or more rooms 101052  
are used for the accommodation of such guests, whether the rooms 101053  
are in one or several structures, except as otherwise provided in 101054  
division (G) of section 5739.09 of the Revised Code. 101055

(N) "Transient guests" means persons occupying a room or 101056  
rooms for sleeping accommodations for less than thirty consecutive 101057  
days. 101058

(O) "Making retail sales" means the effecting of transactions 101059  
wherein one party is obligated to pay the price and the other 101060  
party is obligated to provide a service or to transfer title to or 101061  
possession of the item sold. "Making retail sales" does not 101062  
include the preliminary acts of promoting or soliciting the retail 101063  
sales, other than the distribution of printed matter which 101064  
displays or describes and prices the item offered for sale, nor 101065  
does it include delivery of a predetermined quantity of tangible 101066  
personal property or transportation of property or personnel to or 101067  
from a place where a service is performed. 101068

(P) "Used directly in the rendition of a public utility 101069  
service" means that property that is to be incorporated into and 101070  
will become a part of the consumer's production, transmission, 101071  
transportation, or distribution system and that retains its 101072  
classification as tangible personal property after such 101073  
incorporation; fuel or power used in the production, transmission, 101074  
transportation, or distribution system; and tangible personal 101075

property used in the repair and maintenance of the production, 101076  
transmission, transportation, or distribution system, including 101077  
only such motor vehicles as are specially designed and equipped 101078  
for such use. Tangible personal property and services used 101079  
primarily in providing highway transportation for hire are not 101080  
used directly in the rendition of a public utility service. In 101081  
this definition, "public utility" includes a citizen of the United 101082  
States holding, and required to hold, a certificate of public 101083  
convenience and necessity issued under 49 U.S.C. 41102. 101084

(Q) "Refining" means removing or separating a desirable 101085  
product from raw or contaminated materials by distillation or 101086  
physical, mechanical, or chemical processes. 101087

(R) "Assembly" and "assembling" mean attaching or fitting 101088  
together parts to form a product, but do not include packaging a 101089  
product. 101090

(S) "Manufacturing operation" means a process in which 101091  
materials are changed, converted, or transformed into a different 101092  
state or form from which they previously existed and includes 101093  
refining materials, assembling parts, and preparing raw materials 101094  
and parts by mixing, measuring, blending, or otherwise committing 101095  
such materials or parts to the manufacturing process. 101096  
"Manufacturing operation" does not include packaging. 101097

(T) "Fiscal officer" means, with respect to a regional 101098  
transit authority, the secretary-treasurer thereof, and with 101099  
respect to a county that is a transit authority, the fiscal 101100  
officer of the county transit board if one is appointed pursuant 101101  
to section 306.03 of the Revised Code or the county auditor if the 101102  
board of county commissioners operates the county transit system. 101103

(U) "Transit authority" means a regional transit authority 101104  
created pursuant to section 306.31 of the Revised Code or a county 101105  
in which a county transit system is created pursuant to section 101106

306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access 101138  
to computer equipment by means of telecommunications equipment for 101139  
the purpose of either of the following: 101140

(i) Examining or acquiring data stored in or accessible to 101141  
the computer equipment; 101142

(ii) Placing data into the computer equipment to be retrieved 101143  
by designated recipients with access to the computer equipment. 101144

For transactions occurring on or after the effective date of 101145  
the amendment of this section by H.B. 157 of the 127th general 101146  
assembly, December 21, 2007, "electronic information services" 101147  
does not include electronic publishing ~~as defined in division~~ 101148  
~~(LLL) of this section.~~ 101149

(d) "Electronic publishing" and "electronic publishing 101150  
services" means providing access to one or more of the following 101151  
primarily for business customers, including the federal government 101152  
or a state government or a political subdivision thereof, to 101153  
conduct research: news; business, financial, legal, consumer, or 101154  
credit materials; editorials, columns, reader commentary, or 101155  
features; photos or images; archival or research material; legal 101156  
notices, identity verification, or public records; scientific, 101157  
educational, instructional, technical, professional, trade, or 101158  
other literary materials; or other similar information which has 101159  
been gathered and made available by the provider to the consumer 101160  
in an electronic format. Providing electronic publishing services 101161  
includes the functions necessary for the acquisition, formatting, 101162  
editing, storage, and dissemination of data or information that is 101163  
the subject of a sale. 101164

(e) "Automatic data processing, computer services, electronic 101165  
publishing services, or electronic information services" shall not 101166  
include personal or professional services. 101167

(2) As used in ~~divisions (B)(3)(e) and~~ division (Y)(1) of 101168

this section, "personal and professional services" means all 101169  
services other than automatic data processing, computer services, 101170  
electronic publishing services, or electronic information 101171  
services, including but not limited to: 101172

(a) Accounting and legal services such as advice on tax 101173  
matters, asset management, budgetary matters, quality control, 101174  
information security, and auditing and any other situation where 101175  
the service provider receives data or information and studies, 101176  
alters, analyzes, interprets, or adjusts such material; 101177

(b) Analyzing business policies and procedures; 101178

(c) Identifying management information needs; 101179

(d) Feasibility studies, including economic and technical 101180  
analysis of existing or potential computer hardware or software 101181  
needs and alternatives; 101182

(e) Designing policies, procedures, and custom software for 101183  
collecting business information, and determining how data should 101184  
be summarized, sequenced, formatted, processed, controlled, and 101185  
reported so that it will be meaningful to management; 101186

(f) Developing policies and procedures that document how 101187  
business events and transactions are to be authorized, executed, 101188  
and controlled; 101189

(g) Testing of business procedures; 101190

(h) Training personnel in business procedure applications; 101191

(i) Providing credit information to users of such information 101192  
by a consumer reporting agency, as defined in the "Fair Credit 101193  
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or 101194  
as hereafter amended, including but not limited to gathering, 101195  
organizing, analyzing, recording, and furnishing such information 101196  
by any oral, written, graphic, or electronic medium; 101197

(j) Providing debt collection services by any oral, written, 101198

graphic, or electronic means; 101199

(k) Providing digital advertising services. 101200

The services listed in divisions (Y)(2)(a) to (k) of this 101201  
section are not automatic data processing ~~or~~ computer services, 101202  
electronic publishing services, or electronic information 101203  
services. 101204

(Z) "Highway transportation for hire" means the 101205  
transportation of personal property belonging to others for 101206  
consideration by any of the following: 101207

(1) The holder of a permit or certificate issued by this 101208  
state or the United States authorizing the holder to engage in 101209  
transportation of personal property belonging to others for 101210  
consideration over or on highways, roadways, streets, or any 101211  
similar public thoroughfare; 101212

(2) A person who engages in the transportation of personal 101213  
property belonging to others for consideration over or on 101214  
highways, roadways, streets, or any similar public thoroughfare 101215  
but who could not have engaged in such transportation on December 101216  
11, 1985, unless the person was the holder of a permit or 101217  
certificate of the types described in division (Z)(1) of this 101218  
section; 101219

(3) A person who leases a motor vehicle to and operates it 101220  
for a person described by division (Z)(1) or (2) of this section. 101221

(AA)(1) "Telecommunications service" means the electronic 101222  
transmission, conveyance, or routing of voice, data, audio, video, 101223  
or any other information or signals to a point, or between or 101224  
among points. "Telecommunications service" includes such 101225  
transmission, conveyance, or routing in which computer processing 101226  
applications are used to act on the form, code, or protocol of the 101227  
content for purposes of transmission, conveyance, or routing 101228  
without regard to whether the service is referred to as voice-over 101229

internet protocol service or is classified by the federal 101230  
communications commission as enhanced or value-added. 101231  
"Telecommunications service" does not include any of the 101232  
following: 101233

(a) Data processing and information services that allow data 101234  
to be generated, acquired, stored, processed, or retrieved and 101235  
delivered by an electronic transmission to a consumer where the 101236  
consumer's primary purpose for the underlying transaction is the 101237  
processed data or information; 101238

(b) Installation or maintenance of wiring or equipment on a 101239  
customer's premises; 101240

(c) Tangible personal property; 101241

(d) Advertising, including directory advertising; 101242

(e) Billing and collection services provided to third 101243  
parties; 101244

(f) Internet access service; 101245

(g) Radio and television audio and video programming 101246  
services, regardless of the medium, including the furnishing of 101247  
transmission, conveyance, and routing of such services by the 101248  
programming service provider. Radio and television audio and video 101249  
programming services include, but are not limited to, cable 101250  
service, as defined in 47 U.S.C. 522(6), and audio and video 101251  
programming services delivered by commercial mobile radio service 101252  
providers, as defined in 47 C.F.R. 20.3; 101253

(h) Ancillary service; 101254

(i) Digital products delivered electronically, including 101255  
software, music, video, reading materials, or ring tones. 101256

(2) "Ancillary service" means a service that is associated 101257  
with or incidental to the provision of telecommunications service, 101258  
including conference bridging service, detailed telecommunications 101259

billing service, directory assistance, vertical service, and voice 101260  
mail service. As used in this division: 101261

(a) "Conference bridging service" means an ancillary service 101262  
that links two or more participants of an audio or video 101263  
conference call, including providing a telephone number. 101264  
"Conference bridging service" does not include telecommunications 101265  
services used to reach the conference bridge. 101266

(b) "Detailed telecommunications billing service" means an 101267  
ancillary service of separately stating information pertaining to 101268  
individual calls on a customer's billing statement. 101269

(c) "Directory assistance" means an ancillary service of 101270  
providing telephone number or address information. 101271

(d) "Vertical service" means an ancillary service that is 101272  
offered in connection with one or more telecommunications 101273  
services, which offers advanced calling features that allow 101274  
customers to identify callers and manage multiple calls and call 101275  
connections, including conference bridging service. 101276

(e) "Voice mail service" means an ancillary service that 101277  
enables the customer to store, send, or receive recorded messages. 101278  
"Voice mail service" does not include any vertical services that 101279  
the customer may be required to have in order to utilize the voice 101280  
mail service. 101281

(3) "900 service" means an inbound toll telecommunications 101282  
service purchased by a subscriber that allows the subscriber's 101283  
customers to call in to the subscriber's prerecorded announcement 101284  
or live service, and which is typically marketed under the name 101285  
"900 service" and any subsequent numbers designated by the federal 101286  
communications commission. "900 service" does not include the 101287  
charge for collection services provided by the seller of the 101288  
telecommunications service to the subscriber, or services or 101289  
products sold by the subscriber to the subscriber's customer. 101290

(4) "Prepaid calling service" means the right to access 101291  
exclusively telecommunications services, which must be paid for in 101292  
advance and which enables the origination of calls using an access 101293  
number or authorization code, whether manually or electronically 101294  
dialed, and that is sold in predetermined units or dollars of 101295  
which the number declines with use in a known amount. 101296

(5) "Prepaid wireless calling service" means a 101297  
telecommunications service that provides the right to utilize 101298  
mobile telecommunications service as well as other 101299  
non-telecommunications services, including the download of digital 101300  
products delivered electronically, and content and ancillary 101301  
services, that must be paid for in advance and that is sold in 101302  
predetermined units or dollars of which the number declines with 101303  
use in a known amount. 101304

(6) "Value-added non-voice data service" means a 101305  
telecommunications service in which computer processing 101306  
applications are used to act on the form, content, code, or 101307  
protocol of the information or data primarily for a purpose other 101308  
than transmission, conveyance, or routing. 101309

(7) "Coin-operated telephone service" means a 101310  
telecommunications service paid for by inserting money into a 101311  
telephone accepting direct deposits of money to operate. 101312

(8) "Customer" has the same meaning as in section 5739.034 of 101313  
the Revised Code. 101314

(BB) "Laundry and dry cleaning services" means removing soil 101315  
or dirt from towels, linens, articles of clothing, or other fabric 101316  
items that belong to others and supplying towels, linens, articles 101317  
of clothing, or other fabric items. "Laundry and dry cleaning 101318  
services" does not include the provision of self-service 101319  
facilities for use by consumers to remove soil or dirt from 101320  
towels, linens, articles of clothing, or other fabric items. 101321

(CC) "Magazines distributed as controlled circulation publications" means magazines containing at least twenty-four pages, at least twenty-five per cent editorial content, issued at regular intervals four or more times a year, and circulated without charge to the recipient, provided that such magazines are not owned or controlled by individuals or business concerns which conduct such publications as an auxiliary to, and essentially for the advancement of the main business or calling of, those who own or control them.

(DD) "Landscaping and lawn care service" means the services of planting, seeding, sodding, removing, cutting, trimming, pruning, mulching, aerating, applying chemicals, watering, fertilizing, and providing similar services to establish, promote, or control the growth of trees, shrubs, flowers, grass, ground cover, and other flora, or otherwise maintaining a lawn or landscape grown or maintained by the owner for ornamentation or other nonagricultural purpose. However, "landscaping and lawn care service" does not include the providing of such services by a person who has less than five thousand dollars in sales of such services during the calendar year.

(EE) "Private investigation and security service" means the performance of any activity for which the provider of such service is required to be licensed pursuant to Chapter 4749. of the Revised Code, or would be required to be so licensed in performing such services in this state, and also includes the services of conducting polygraph examinations and of monitoring or overseeing the activities on or in, or the condition of, the consumer's home, business, or other facility by means of electronic or similar monitoring devices. "Private investigation and security service" does not include special duty services provided by off-duty police officers, deputy sheriffs, and other peace officers regularly employed by the state or a political subdivision.

(FF) "Information services" means providing conversation, 101354  
giving consultation or advice, playing or making a voice or other 101355  
recording, making or keeping a record of the number of callers, 101356  
and any other service provided to a consumer by means of a nine 101357  
hundred telephone call, except when the nine hundred telephone 101358  
call is the means by which the consumer makes a contribution to a 101359  
recognized charity. 101360

(GG) "Research and development" means designing, creating, or 101361  
formulating new or enhanced products, equipment, or manufacturing 101362  
processes, and also means conducting scientific or technological 101363  
inquiry and experimentation in the physical sciences with the goal 101364  
of increasing scientific knowledge which may reveal the bases for 101365  
new or enhanced products, equipment, or manufacturing processes. 101366

(HH) "Qualified research and development equipment" means 101367  
capitalized tangible personal property, and leased personal 101368  
property that would be capitalized if purchased, used by a person 101369  
primarily to perform research and development. Tangible personal 101370  
property primarily used in testing, as defined in division (A)(4) 101371  
of section 5739.011 of the Revised Code, or used for recording or 101372  
storing test results, is not qualified research and development 101373  
equipment unless such property is primarily used by the consumer 101374  
in testing the product, equipment, or manufacturing process being 101375  
created, designed, or formulated by the consumer in the research 101376  
and development activity or in recording or storing such test 101377  
results. 101378

(II) "Building maintenance and janitorial service" means 101379  
cleaning the interior or exterior of a building and any tangible 101380  
personal property located therein or thereon, including any 101381  
services incidental to such cleaning for which no separate charge 101382  
is made. However, "building maintenance and janitorial service" 101383  
does not include the providing of such service by a person who has 101384  
less than five thousand dollars in sales of such service during 101385

the calendar year. As used in this division, "cleaning" does not include sanitation services necessary for an establishment described in 21 U.S.C. 608 to comply with rules and regulations adopted pursuant to that section.

(JJ) "Employment service" means providing or supplying personnel, on a temporary or long-term basis, to perform work or labor under the supervision or control of another, when the personnel so provided or supplied receive their wages, salary, or other compensation from the provider or supplier of the employment service or from a third party that provided or supplied the personnel to the provider or supplier. "Employment service" does not include:

(1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.

(2) Medical and health care services.

(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.

(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.

(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.

(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.

(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.

(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

(OO) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of

livestock, and includes feed storage or handling structures and 101448  
structures for livestock waste handling. 101449

(QQ) "Horticulture" means the growing, cultivation, and 101450  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 101451  
and nursery stock. As used in this division, "nursery stock" has 101452  
the same meaning as in section 927.51 of the Revised Code. 101453

(RR) "Horticulture structure" means a building or structure 101454  
used exclusively for the commercial growing, raising, or 101455  
overwintering of horticultural products, and includes the area 101456  
used for stocking, storing, and packing horticultural products 101457  
when done in conjunction with the production of those products. 101458

(SS) "Newspaper" means an unbound publication bearing a title 101459  
or name that is regularly published, at least as frequently as 101460  
biweekly, and distributed from a fixed place of business to the 101461  
public in a specific geographic area, and that contains a 101462  
substantial amount of news matter of international, national, or 101463  
local events of interest to the general public. 101464

(TT) "Professional racing team" means a person that employs 101465  
at least twenty full-time employees for the purpose of conducting 101466  
a motor vehicle racing business for profit. The person must 101467  
conduct the business with the purpose of racing one or more motor 101468  
racing vehicles in at least ten competitive professional racing 101469  
events each year that comprise all or part of a motor racing 101470  
series sanctioned by one or more motor racing sanctioning 101471  
organizations. A "motor racing vehicle" means a vehicle for which 101472  
the chassis, engine, and parts are designed exclusively for motor 101473  
racing, and does not include a stock or production model vehicle 101474  
that may be modified for use in racing. For the purposes of this 101475  
division: 101476

(1) A "competitive professional racing event" is a motor 101477  
vehicle racing event sanctioned by one or more motor racing 101478

sanctioning organizations, at which aggregate cash prizes in 101479  
excess of eight hundred thousand dollars are awarded to the 101480  
competitors. 101481

(2) "Full-time employee" means an individual who is employed 101482  
for consideration for thirty-five or more hours a week, or who 101483  
renders any other standard of service generally accepted by custom 101484  
or specified by contract as full-time employment. 101485

(UU)(1) "Lease" or "rental" means any transfer of the 101486  
possession or control of tangible personal property for a fixed or 101487  
indefinite term, for consideration. "Lease" or "rental" includes 101488  
future options to purchase or extend, and agreements described in 101489  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 101490  
the amount of consideration may be increased or decreased by 101491  
reference to the amount realized upon the sale or disposition of 101492  
the property. "Lease" or "rental" does not include: 101493

(a) A transfer of possession or control of tangible personal 101494  
property under a security agreement or a deferred payment plan 101495  
that requires the transfer of title upon completion of the 101496  
required payments; 101497

(b) A transfer of possession or control of tangible personal 101498  
property under an agreement that requires the transfer of title 101499  
upon completion of required payments and payment of an option 101500  
price that does not exceed the greater of one hundred dollars or 101501  
one per cent of the total required payments; 101502

(c) Providing tangible personal property along with an 101503  
operator for a fixed or indefinite period of time, if the operator 101504  
is necessary for the property to perform as designed. For purposes 101505  
of this division, the operator must do more than maintain, 101506  
inspect, or set up the tangible personal property. 101507

(2) "Lease" and "rental," as defined in division (UU) of this 101508  
section, shall not apply to leases or rentals that exist before 101509

June 26, 2003. 101510

(3) "Lease" and "rental" have the same meaning as in division 101511  
(UU)(1) of this section regardless of whether a transaction is 101512  
characterized as a lease or rental under generally accepted 101513  
accounting principles, the Internal Revenue Code, Title XIII of 101514  
the Revised Code, or other federal, state, or local laws. 101515

(VV) "Mobile telecommunications service" has the same meaning 101516  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 101517  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 101518  
on and after August 1, 2003, includes related fees and ancillary 101519  
services, including universal service fees, detailed billing 101520  
service, directory assistance, service initiation, voice mail 101521  
service, and vertical services, such as caller ID and three-way 101522  
calling. 101523

(WW) "Certified service provider" has the same meaning as in 101524  
section 5740.01 of the Revised Code. 101525

(XX) "Satellite broadcasting service" means the distribution 101526  
or broadcasting of programming or services by satellite directly 101527  
to the subscriber's receiving equipment without the use of ground 101528  
receiving or distribution equipment, except the subscriber's 101529  
receiving equipment or equipment used in the uplink process to the 101530  
satellite, and includes all service and rental charges, premium 101531  
channels or other special services, installation and repair 101532  
service charges, and any other charges having any connection with 101533  
the provision of the satellite broadcasting service. 101534

(YY) "Tangible personal property" means personal property 101535  
that can be seen, weighed, measured, felt, or touched, or that is 101536  
in any other manner perceptible to the senses. For purposes of 101537  
this chapter and Chapter 5741. of the Revised Code, "tangible 101538  
personal property" includes motor vehicles, electricity, water, 101539  
gas, steam, and prewritten computer software. 101540

(ZZ) ~~"Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address~~ "Municipal gas utility" means a municipal corporation that owns or operates a system for the distribution of natural gas.

(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(BBB) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(CCC) "Delivered electronically" means delivery of computer software from the seller to the purchaser by means other than tangible storage media.

(DDD) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be

deemed to be the author or creator only of such person's 101573  
modifications or enhancements. Prewritten computer software or a 101574  
prewritten portion thereof that is modified or enhanced to any 101575  
degree, where such modification or enhancement is designed and 101576  
developed to the specifications of a specific purchaser, remains 101577  
prewritten computer software; provided, however, that where there 101578  
is a reasonable, separately stated charge or an invoice or other 101579  
statement of the price given to the purchaser for the modification 101580  
or enhancement, the modification or enhancement shall not 101581  
constitute prewritten computer software. 101582

(EEE)(1) "Food" means substances, whether in liquid, 101583  
concentrated, solid, frozen, dried, or dehydrated form, that are 101584  
sold for ingestion or chewing by humans and are consumed for their 101585  
taste or nutritional value. "Food" does not include alcoholic 101586  
beverages, dietary supplements, soft drinks, or tobacco. 101587

(2) As used in division (EEE)(1) of this section: 101588

(a) "Alcoholic beverages" means beverages that are suitable 101589  
for human consumption and contain one-half of one per cent or more 101590  
of alcohol by volume. 101591

(b) "Dietary supplements" means any product, other than 101592  
tobacco, that is intended to supplement the diet and that is 101593  
intended for ingestion in tablet, capsule, powder, softgel, 101594  
gelcap, or liquid form, or, if not intended for ingestion in such 101595  
a form, is not represented as conventional food for use as a sole 101596  
item of a meal or of the diet; that is required to be labeled as a 101597  
dietary supplement, identifiable by the "supplement facts" box 101598  
found on the label, as required by 21 C.F.R. 101.36; and that 101599  
contains one or more of the following dietary ingredients: 101600

(i) A vitamin; 101601

(ii) A mineral; 101602

(iii) An herb or other botanical; 101603

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (iv) An amino acid;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 101604                                                                                 |
| (v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;                                                                                                                                                                                                                                                                                                                                                                                                                              | 101605<br>101606                                                                       |
| (vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.                                                                                                                                                                                                                                                                                                                                                                                  | 101607<br>101608<br>101609                                                             |
| (c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.                                                                                                                                                                                                                                   | 101610<br>101611<br>101612<br>101613<br>101614                                         |
| (d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.                                                                                                                                                                                                                                                                                                                                                                                                                             | 101615<br>101616                                                                       |
| (FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body. | 101617<br>101618<br>101619<br>101620<br>101621<br>101622<br>101623<br>101624<br>101625 |
| (GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.                                                                                                                                                                                                                                                                                                 | 101626<br>101627<br>101628<br>101629                                                   |
| (HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body.                                                                                                                                                                                                              | 101630<br>101631<br>101632<br>101633<br>101634                                         |

"Durable medical equipment" does not include mobility enhancing  
equipment. 101635  
101636

(III) "Mobility enhancing equipment" means equipment, 101637  
including repair and replacement parts for such equipment, that is 101638  
primarily and customarily used to provide or increase the ability 101639  
to move from one place to another and is appropriate for use 101640  
either in a home or a motor vehicle, that is not generally used by 101641  
persons with normal mobility, and that does not include any motor 101642  
vehicle or equipment on a motor vehicle normally provided by a 101643  
motor vehicle manufacturer. "Mobility enhancing equipment" does 101644  
not include durable medical equipment. 101645

(JJJ) "Prosthetic device" means a replacement, corrective, or 101646  
supportive device, including repair and replacement parts for the 101647  
device, worn on or in the human body to artificially replace a 101648  
missing portion of the body, prevent or correct physical deformity 101649  
or malfunction, or support a weak or deformed portion of the body. 101650  
As used in this division, "prosthetic device" does not include 101651  
corrective eyeglasses, contact lenses, or dental prosthesis. 101652

(KKK)(1) "Fractional aircraft ownership program" means a 101653  
program in which persons within an affiliated group sell and 101654  
manage fractional ownership program aircraft, provided that at 101655  
least one hundred airworthy aircraft are operated in the program 101656  
and the program meets all of the following criteria: 101657

(a) Management services are provided by at least one program 101658  
manager within an affiliated group on behalf of the fractional 101659  
owners. 101660

(b) Each program aircraft is owned or possessed by at least 101661  
one fractional owner. 101662

(c) Each fractional owner owns or possesses at least a 101663  
one-sixteenth interest in at least one fixed-wing program 101664  
aircraft. 101665

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 101666  
101667

(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 101668  
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(2) As used in division (KKK)(1) of this section: 101671

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 101672  
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(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section. 101674  
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(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 101678  
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional 101685  
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aircraft ownership program. 101697

(e) "Program manager" means the person that offers management 101698  
services to fractional owners pursuant to a management services 101699  
agreement under division (KKK)(1)(e) of this section. 101700

~~(LLL) "Electronic publishing" means providing access to one 101701  
or more of the following primarily for business customers,  
including the federal government or a state government or a 101702  
political subdivision thereof, to conduct research: news;  
business, financial, legal, consumer, or credit materials;  
editorials, columns, reader commentary, or features; photos or 101703  
images; archival or research material; legal notices, identity  
verification, or public records; scientific, educational,  
instructional, technical, professional, trade, or other literary 101704  
materials; or other similar information which has been gathered  
and made available by the provider to the consumer in an 101705  
electronic format. Providing electronic publishing includes the  
functions necessary for the acquisition, formatting, editing,  
storage, and dissemination of data or information that is the 101706  
subject of a sale. 101707  
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~~(MMM)~~ "Medicaid health insuring corporation" means a health 101716  
insuring corporation that holds a certificate of authority under 101717  
Chapter 1751. of the Revised Code and is under contract with the 101718  
department of ~~job and family services~~ medicaid pursuant to section 101719  
~~5111.17~~ 5167.10 of the Revised Code. 101720

~~(NNN)~~ (MMM) "Managed care premium" means any premium, 101721  
capitation, or other payment a medicaid health insuring 101722  
corporation receives for providing or arranging for the provision 101723  
of health care services to its members or enrollees residing in 101724  
this state. 101725

~~(OOO)~~ (NNN) "Captive deer" means deer and other cervidae that 101726  
have been legally acquired, or their offspring, that are privately 101727

owned for agricultural or farming purposes. 101728

~~(PPP)~~(OOO) "Gift card" means a document, card, certificate, 101729  
or other record, whether tangible or intangible, that may be 101730  
redeemed by a consumer for a dollar value when making a purchase 101731  
of tangible personal property or services. 101732

~~(OOO)~~(PPP) "Specified digital product" means an 101733  
electronically transferred digital audiovisual work, digital audio 101734  
work, or digital book. 101735

As used in division ~~(OOO)~~(PPP) of this section: 101736

(1) "Digital audiovisual work" means a series of related 101737  
images that, when shown in succession, impart an impression of 101738  
motion, together with accompanying sounds, if any. 101739

(2) "Digital audio work" means a work that results from the 101740  
fixation of a series of musical, spoken, or other sounds, 101741  
including digitized sound files that are downloaded onto a device 101742  
and that may be used to alert the customer with respect to a 101743  
communication. 101744

(3) "Digital book" means a work that is generally recognized 101745  
in the ordinary and usual sense as a book. 101746

(4) "Electronically transferred" means obtained by the 101747  
purchaser by means other than tangible storage media. 101748

~~(RRR)~~(OOO) "Digital advertising services" means providing 101749  
access, by means of telecommunications equipment, to computer 101750  
equipment that is used to enter, upload, download, review, 101751  
manipulate, store, add, or delete data for the purpose of 101752  
electronically displaying, delivering, placing, or transferring 101753  
promotional advertisements to potential customers about products 101754  
or services or about industry or business brands. 101755

~~(SSS)~~ "Municipal gas utility" means a municipal corporation 101756  
that owns or operates a system for the distribution of natural 101757

~~gas.~~ 101758

**Sec. 5739.02.** For the purpose of providing revenue with which 101759  
to meet the needs of the state, for the use of the general revenue 101760  
fund of the state, for the purpose of securing a thorough and 101761  
efficient system of common schools throughout the state, for the 101762  
purpose of affording revenues, in addition to those from general 101763  
property taxes, permitted under constitutional limitations, and 101764  
from other sources, for the support of local governmental 101765  
functions, and for the purpose of reimbursing the state for the 101766  
expense of administering this chapter, an excise tax is hereby 101767  
levied on each retail sale made in this state. 101768

(A)(1) The tax shall be collected as provided in section 101769  
5739.025 of the Revised Code. The rate of the tax shall be five 101770  
and three-fourths per cent. The tax applies and is collectible 101771  
when the sale is made, regardless of the time when the price is 101772  
paid or delivered. 101773

(2) In the case of the lease or rental, with a fixed term of 101774  
more than thirty days or an indefinite term with a minimum period 101775  
of more than thirty days, of any motor vehicles designed by the 101776  
manufacturer to carry a load of not more than one ton, watercraft, 101777  
outboard motor, or aircraft, or of any tangible personal property, 101778  
other than motor vehicles designed by the manufacturer to carry a 101779  
load of more than one ton, to be used by the lessee or renter 101780  
primarily for business purposes, the tax shall be collected by the 101781  
vendor at the time the lease or rental is consummated and shall be 101782  
calculated by the vendor on the basis of the total amount to be 101783  
paid by the lessee or renter under the lease agreement. If the 101784  
total amount of the consideration for the lease or rental includes 101785  
amounts that are not calculated at the time the lease or rental is 101786  
executed, the tax shall be calculated and collected by the vendor 101787  
at the time such amounts are billed to the lessee or renter. In 101788

the case of an open-end lease or rental, the tax shall be 101789  
calculated by the vendor on the basis of the total amount to be 101790  
paid during the initial fixed term of the lease or rental, and for 101791  
each subsequent renewal period as it comes due. As used in this 101792  
division, "motor vehicle" has the same meaning as in section 101793  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 101794  
unit attached to the watercraft. 101795

A lease with a renewal clause and a termination penalty or 101796  
similar provision that applies if the renewal clause is not 101797  
exercised is presumed to be a sham transaction. In such a case, 101798  
the tax shall be calculated and paid on the basis of the entire 101799  
length of the lease period, including any renewal periods, until 101800  
the termination penalty or similar provision no longer applies. 101801  
The taxpayer shall bear the burden, by a preponderance of the 101802  
evidence, that the transaction or series of transactions is not a 101803  
sham transaction. 101804

(3) Except as provided in division (A)(2) of this section, in 101805  
the case of a sale, the price of which consists in whole or in 101806  
part of the lease or rental of tangible personal property, the tax 101807  
shall be measured by the installments of that lease or rental. 101808

(4) In the case of a sale of a physical fitness facility 101809  
service or recreation and sports club service, the price of which 101810  
consists in whole or in part of a membership for the receipt of 101811  
the benefit of the service, the tax applicable to the sale shall 101812  
be measured by the installments thereof. 101813

(B) The tax does not apply to the following: 101814

(1) Sales to the state or any of its political subdivisions, 101815  
or to any other state or its political subdivisions if the laws of 101816  
that state exempt from taxation sales made to this state and its 101817  
political subdivisions; 101818

(2) Sales of food for human consumption off the premises 101819

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| where sold;                                                        | 101820 |
| (3) Sales of food sold to students only in a cafeteria,            | 101821 |
| dormitory, fraternity, or sorority maintained in a private,        | 101822 |
| public, or parochial school, college, or university;               | 101823 |
| (4) Sales of newspapers and sales or transfers of magazines        | 101824 |
| distributed as controlled circulation publications;                | 101825 |
| (5) The furnishing, preparing, or serving of meals without         | 101826 |
| charge by an employer to an employee provided the employer records | 101827 |
| the meals as part compensation for services performed or work      | 101828 |
| done;                                                              | 101829 |
| (6) Sales of motor fuel upon receipt, use, distribution, or        | 101830 |
| sale of which in this state a tax is imposed by the law of this    | 101831 |
| state, but this exemption shall not apply to the sale of motor     | 101832 |
| fuel on which a refund of the tax is allowable under division (A)  | 101833 |
| of section 5735.14 of the Revised Code; and the tax commissioner   | 101834 |
| may deduct the amount of tax levied by this section applicable to  | 101835 |
| the price of motor fuel when granting a refund of motor fuel tax   | 101836 |
| pursuant to division (A) of section 5735.14 of the Revised Code    | 101837 |
| and shall cause the amount deducted to be paid into the general    | 101838 |
| revenue fund of this state;                                        | 101839 |
| (7) Sales of natural gas by a natural gas company or               | 101840 |
| municipal gas utility, of water by a water-works company, or of    | 101841 |
| steam by a heating company, if in each case the thing sold is      | 101842 |
| delivered to consumers through pipes or conduits, and all sales of | 101843 |
| communications services by a telegraph company, all terms as       | 101844 |
| defined in section 5727.01 of the Revised Code, and sales of       | 101845 |
| electricity delivered through wires;                               | 101846 |
| (8) Casual sales by a person, or auctioneer employed directly      | 101847 |
| by the person to conduct such sales, except as to such sales of    | 101848 |
| motor vehicles, watercraft or outboard motors required to be       | 101849 |
| titled under section 1548.06 of the Revised Code, watercraft       | 101850 |

documented with the United States coast guard, snowmobiles, and 101851  
all-purpose vehicles as defined in section 4519.01 of the Revised 101852  
Code; 101853

(9)(a) Sales of services or tangible personal property, other 101854  
than motor vehicles, mobile homes, and manufactured homes, by 101855  
churches, organizations exempt from taxation under section 101856  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 101857  
organizations operated exclusively for charitable purposes as 101858  
defined in division (B)(12) of this section, provided that the 101859  
number of days on which such tangible personal property or 101860  
services, other than items never subject to the tax, are sold does 101861  
not exceed six in any calendar year, except as otherwise provided 101862  
in division (B)(9)(b) of this section. If the number of days on 101863  
which such sales are made exceeds six in any calendar year, the 101864  
church or organization shall be considered to be engaged in 101865  
business and all subsequent sales by it shall be subject to the 101866  
tax. In counting the number of days, all sales by groups within a 101867  
church or within an organization shall be considered to be sales 101868  
of that church or organization. 101869

(b) The limitation on the number of days on which tax-exempt 101870  
sales may be made by a church or organization under division 101871  
(B)(9)(a) of this section does not apply to sales made by student 101872  
clubs and other groups of students of a primary or secondary 101873  
school, or a parent-teacher association, booster group, or similar 101874  
organization that raises money to support or fund curricular or 101875  
extracurricular activities of a primary or secondary school. 101876

(c) Divisions (B)(9)(a) and (b) of this section do not apply 101877  
to sales by a noncommercial educational radio or television 101878  
broadcasting station. 101879

(10) Sales not within the taxing power of this state under 101880  
the Constitution or laws of the United States or the Constitution 101881  
of this state; 101882

(11) Except for transactions that are sales under division 101883  
(B)(3)(r) of section 5739.01 of the Revised Code, the 101884  
transportation of persons or property, unless the transportation 101885  
is by a private investigation and security service; 101886

(12) Sales of tangible personal property or services to 101887  
churches, to organizations exempt from taxation under section 101888  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 101889  
nonprofit organizations operated exclusively for charitable 101890  
purposes in this state, no part of the net income of which inures 101891  
to the benefit of any private shareholder or individual, and no 101892  
substantial part of the activities of which consists of carrying 101893  
on propaganda or otherwise attempting to influence legislation; 101894  
sales to offices administering one or more homes for the aged or 101895  
one or more hospital facilities exempt under section 140.08 of the 101896  
Revised Code; and sales to organizations described in division (D) 101897  
of section 5709.12 of the Revised Code. 101898

"Charitable purposes" means the relief of poverty; the 101899  
improvement of health through the alleviation of illness, disease, 101900  
or injury; the operation of an organization exclusively for the 101901  
provision of professional, laundry, printing, and purchasing 101902  
services to hospitals or charitable institutions; the operation of 101903  
a home for the aged, as defined in section 5701.13 of the Revised 101904  
Code; the operation of a radio or television broadcasting station 101905  
that is licensed by the federal communications commission as a 101906  
noncommercial educational radio or television station; the 101907  
operation of a nonprofit animal adoption service or a county 101908  
humane society; the promotion of education by an institution of 101909  
learning that maintains a faculty of qualified instructors, 101910  
teaches regular continuous courses of study, and confers a 101911  
recognized diploma upon completion of a specific curriculum; the 101912  
operation of a parent-teacher association, booster group, or 101913  
similar organization primarily engaged in the promotion and 101914

support of the curricular or extracurricular activities of a 101915  
primary or secondary school; the operation of a community or area 101916  
center in which presentations in music, dramatics, the arts, and 101917  
related fields are made in order to foster public interest and 101918  
education therein; the production of performances in music, 101919  
dramatics, and the arts; or the promotion of education by an 101920  
organization engaged in carrying on research in, or the 101921  
dissemination of, scientific and technological knowledge and 101922  
information primarily for the public. 101923

Nothing in this division shall be deemed to exempt sales to 101924  
any organization for use in the operation or carrying on of a 101925  
trade or business, or sales to a home for the aged for use in the 101926  
operation of independent living facilities as defined in division 101927  
(A) of section 5709.12 of the Revised Code. 101928

(13) Building and construction materials and services sold to 101929  
construction contractors for incorporation into a structure or 101930  
improvement to real property under a construction contract with 101931  
this state or a political subdivision of this state, or with the 101932  
United States government or any of its agencies; building and 101933  
construction materials and services sold to construction 101934  
contractors for incorporation into a structure or improvement to 101935  
real property that are accepted for ownership by this state or any 101936  
of its political subdivisions, or by the United States government 101937  
or any of its agencies at the time of completion of the structures 101938  
or improvements; building and construction materials sold to 101939  
construction contractors for incorporation into a horticulture 101940  
structure or livestock structure for a person engaged in the 101941  
business of horticulture or producing livestock; building 101942  
materials and services sold to a construction contractor for 101943  
incorporation into a house of public worship or religious 101944  
education, or a building used exclusively for charitable purposes 101945  
under a construction contract with an organization whose purpose 101946

is as described in division (B)(12) of this section; building 101947  
materials and services sold to a construction contractor for 101948  
incorporation into a building under a construction contract with 101949  
an organization exempt from taxation under section 501(c)(3) of 101950  
the Internal Revenue Code of 1986 when the building is to be used 101951  
exclusively for the organization's exempt purposes; building and 101952  
construction materials sold for incorporation into the original 101953  
construction of a sports facility under section 307.696 of the 101954  
Revised Code; building and construction materials and services 101955  
sold to a construction contractor for incorporation into real 101956  
property outside this state if such materials and services, when 101957  
sold to a construction contractor in the state in which the real 101958  
property is located for incorporation into real property in that 101959  
state, would be exempt from a tax on sales levied by that state; 101960  
building and construction materials for incorporation into a 101961  
transportation facility pursuant to a public-private agreement 101962  
entered into under sections 5501.70 to 5501.83 of the Revised 101963  
Code; and, until one calendar year after the construction of a 101964  
convention center that qualifies for property tax exemption under 101965  
section 5709.084 of the Revised Code is completed, building and 101966  
construction materials and services sold to a construction 101967  
contractor for incorporation into the real property comprising 101968  
that convention center; 101969

(14) Sales of ships or vessels or rail rolling stock used or 101970  
to be used principally in interstate or foreign commerce, and 101971  
repairs, alterations, fuel, and lubricants for such ships or 101972  
vessels or rail rolling stock; 101973

(15) Sales to persons primarily engaged in any of the 101974  
activities mentioned in division (B)(42)(a), (g), or (h) of this 101975  
section, to persons engaged in making retail sales, or to persons 101976  
who purchase for sale from a manufacturer tangible personal 101977  
property that was produced by the manufacturer in accordance with 101978

specific designs provided by the purchaser, of packages, including 101979  
material, labels, and parts for packages, and of machinery, 101980  
equipment, and material for use primarily in packaging tangible 101981  
personal property produced for sale, including any machinery, 101982  
equipment, and supplies used to make labels or packages, to 101983  
prepare packages or products for labeling, or to label packages or 101984  
products, by or on the order of the person doing the packaging, or 101985  
sold at retail. "Packages" includes bags, baskets, cartons, 101986  
crates, boxes, cans, bottles, bindings, wrappings, and other 101987  
similar devices and containers, but does not include motor 101988  
vehicles or bulk tanks, trailers, or similar devices attached to 101989  
motor vehicles. "Packaging" means placing in a package. Division 101990  
(B)(15) of this section does not apply to persons engaged in 101991  
highway transportation for hire. 101992

(16) Sales of food to persons using supplemental nutrition 101993  
assistance program benefits to purchase the food. As used in this 101994  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 101995  
federal regulations adopted pursuant to the Food and Nutrition Act 101996  
of 2008. 101997

(17) Sales to persons engaged in farming, agriculture, 101998  
horticulture, or floriculture, of tangible personal property for 101999  
use or consumption primarily in the production by farming, 102000  
agriculture, horticulture, or floriculture of other tangible 102001  
personal property for use or consumption primarily in the 102002  
production of tangible personal property for sale by farming, 102003  
agriculture, horticulture, or floriculture; or material and parts 102004  
for incorporation into any such tangible personal property for use 102005  
or consumption in production; and of tangible personal property 102006  
for such use or consumption in the conditioning or holding of 102007  
products produced by and for such use, consumption, or sale by 102008  
persons engaged in farming, agriculture, horticulture, or 102009  
floriculture, except where such property is incorporated into real 102010

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| property;                                                          | 102011 |
| (18) Sales of drugs for a human being that may be dispensed        | 102012 |
| only pursuant to a prescription; insulin as recognized in the      | 102013 |
| official United States pharmacopoeia; urine and blood testing      | 102014 |
| materials when used by diabetics or persons with hypoglycemia to   | 102015 |
| test for glucose or acetone; hypodermic syringes and needles when  | 102016 |
| used by diabetics for insulin injections; epoetin alfa when        | 102017 |
| purchased for use in the treatment of persons with medical         | 102018 |
| disease; hospital beds when purchased by hospitals, nursing homes, | 102019 |
| or other medical facilities; and medical oxygen and medical        | 102020 |
| oxygen-dispensing equipment when purchased by hospitals, nursing   | 102021 |
| homes, or other medical facilities;                                | 102022 |
| (19) Sales of prosthetic devices, durable medical equipment        | 102023 |
| for home use, or mobility enhancing equipment, when made pursuant  | 102024 |
| to a prescription and when such devices or equipment are for use   | 102025 |
| by a human being.                                                  | 102026 |
| (20) Sales of emergency and fire protection vehicles and           | 102027 |
| equipment to nonprofit organizations for use solely in providing   | 102028 |
| fire protection and emergency services, including trauma care and  | 102029 |
| emergency medical services, for political subdivisions of the      | 102030 |
| state;                                                             | 102031 |
| (21) Sales of tangible personal property manufactured in this      | 102032 |
| state, if sold by the manufacturer in this state to a retailer for | 102033 |
| use in the retail business of the retailer outside of this state   | 102034 |
| and if possession is taken from the manufacturer by the purchaser  | 102035 |
| within this state for the sole purpose of immediately removing the | 102036 |
| same from this state in a vehicle owned by the purchaser;          | 102037 |
| (22) Sales of services provided by the state or any of its         | 102038 |
| political subdivisions, agencies, instrumentalities, institutions, | 102039 |
| or authorities, or by governmental entities of the state or any of | 102040 |
| its political subdivisions, agencies, instrumentalities,           | 102041 |

|                                                                    |        |
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| institutions, or authorities;                                      | 102042 |
| (23) Sales of motor vehicles to nonresidents of this state         | 102043 |
| under the circumstances described in division (B) of section       | 102044 |
| 5739.029 of the Revised Code;                                      | 102045 |
| (24) Sales to persons engaged in the preparation of eggs for       | 102046 |
| sale of tangible personal property used or consumed directly in    | 102047 |
| such preparation, including such tangible personal property used   | 102048 |
| for cleaning, sanitizing, preserving, grading, sorting, and        | 102049 |
| classifying by size; packages, including material and parts for    | 102050 |
| packages, and machinery, equipment, and material for use in        | 102051 |
| packaging eggs for sale; and handling and transportation equipment | 102052 |
| and parts therefor, except motor vehicles licensed to operate on   | 102053 |
| public highways, used in intraplant or interplant transfers or     | 102054 |
| shipment of eggs in the process of preparation for sale, when the  | 102055 |
| plant or plants within or between which such transfers or          | 102056 |
| shipments occur are operated by the same person. "Packages"        | 102057 |
| includes containers, cases, baskets, flats, fillers, filler flats, | 102058 |
| cartons, closure materials, labels, and labeling materials, and    | 102059 |
| "packaging" means placing therein.                                 | 102060 |
| (25)(a) Sales of water to a consumer for residential use;          | 102061 |
| (b) Sales of water by a nonprofit corporation engaged              | 102062 |
| exclusively in the treatment, distribution, and sale of water to   | 102063 |
| consumers, if such water is delivered to consumers through pipes   | 102064 |
| or tubing.                                                         | 102065 |
| (26) Fees charged for inspection or reinspection of motor          | 102066 |
| vehicles under section 3704.14 of the Revised Code;                | 102067 |
| (27) Sales to persons licensed to conduct a food service           | 102068 |
| operation pursuant to section 3717.43 of the Revised Code, of      | 102069 |
| tangible personal property primarily used directly for the         | 102070 |
| following:                                                         | 102071 |
| (a) To prepare food for human consumption for sale;                | 102072 |

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;                                                                                                                                                  | 102073<br>102074<br>102075<br>102076                     |
| (c) To clean tangible personal property used to prepare or serve food for human consumption for sale.                                                                                                                                                                                                                                                             | 102077<br>102078                                         |
| (28) Sales of animals by nonprofit animal adoption services or county humane societies;                                                                                                                                                                                                                                                                           | 102079<br>102080                                         |
| (29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;                                                                                                                           | 102081<br>102082<br>102083<br>102084                     |
| (30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;                                                                                                                                                                                                                                   | 102085<br>102086<br>102087                               |
| (31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;                                                                                                                                                                                                                          | 102088<br>102089<br>102090                               |
| (32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property; | 102091<br>102092<br>102093<br>102094<br>102095<br>102096 |
| (33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;                                                                                                | 102097<br>102098<br>102099<br>102100<br>102101           |
| (34) Sales to a telecommunications service vendor, mobile                                                                                                                                                                                                                                                                                                         | 102102                                                   |

telecommunications service vendor, or satellite broadcasting 102103  
service vendor of tangible personal property and services used 102104  
directly and primarily in transmitting, receiving, switching, or 102105  
recording any interactive, one- or two-way electromagnetic 102106  
communications, including voice, image, data, and information, 102107  
through the use of any medium, including, but not limited to, 102108  
poles, wires, cables, switching equipment, computers, and record 102109  
storage devices and media, and component parts for the tangible 102110  
personal property. The exemption provided in this division shall 102111  
be in lieu of all other exemptions under division (B)(42)(a) or 102112  
(n) of this section to which the vendor may otherwise be entitled, 102113  
based upon the use of the thing purchased in providing the 102114  
telecommunications, mobile telecommunications, or satellite 102115  
broadcasting service. 102116

(35)(a) Sales where the purpose of the consumer is to use or 102117  
consume the things transferred in making retail sales and 102118  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 102119  
certificates, or other advertising material that prices and 102120  
describes tangible personal property offered for retail sale. 102121

(b) Sales to direct marketing vendors of preliminary 102122  
materials such as photographs, artwork, and typesetting that will 102123  
be used in printing advertising material; and of printed matter 102124  
that offers free merchandise or chances to win sweepstake prizes 102125  
and that is mailed to potential customers with advertising 102126  
material described in division (B)(35)(a) of this section; 102127

(c) Sales of equipment such as telephones, computers, 102128  
facsimile machines, and similar tangible personal property 102129  
primarily used to accept orders for direct marketing retail sales. 102130

(d) Sales of automatic food vending machines that preserve 102131  
food with a shelf life of forty-five days or less by refrigeration 102132  
and dispense it to the consumer. 102133

For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

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(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

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(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

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(38) Sales to a professional racing team of any of the following:

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(a) Motor racing vehicles;

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(b) Repair services for motor racing vehicles;

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(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.

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(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

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(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility

service, except that the sales tax levied by this section shall be 102197  
collected upon all meals, drinks, and food for human consumption 102198  
sold when transporting persons. Persons engaged in rendering 102199  
services in the exploration for, and production of, crude oil and 102200  
natural gas for others are deemed engaged directly in the 102201  
exploration for, and production of, crude oil and natural gas. 102202  
This paragraph does not exempt from "retail sale" or "sales at 102203  
retail" the sale of tangible personal property that is to be 102204  
incorporated into a structure or improvement to real property. 102205

(b) To hold the thing transferred as security for the 102206  
performance of an obligation of the vendor; 102207

(c) To resell, hold, use, or consume the thing transferred as 102208  
evidence of a contract of insurance; 102209

(d) To use or consume the thing directly in commercial 102210  
fishing; 102211

(e) To incorporate the thing transferred as a material or a 102212  
part into, or to use or consume the thing transferred directly in 102213  
the production of, magazines distributed as controlled circulation 102214  
publications; 102215

(f) To use or consume the thing transferred in the production 102216  
and preparation in suitable condition for market and sale of 102217  
printed, imprinted, overprinted, lithographic, multilithic, 102218  
blueprinted, photostatic, or other productions or reproductions of 102219  
written or graphic matter; 102220

(g) To use the thing transferred, as described in section 102221  
5739.011 of the Revised Code, primarily in a manufacturing 102222  
operation to produce tangible personal property for sale; 102223

(h) To use the benefit of a warranty, maintenance or service 102224  
contract, or similar agreement, as described in division (B)(7) of 102225  
section 5739.01 of the Revised Code, to repair or maintain 102226  
tangible personal property, if all of the property that is the 102227

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|--------------------------------------------------------------------|--------|
| subject of the warranty, contract, or agreement would not be       | 102228 |
| subject to the tax imposed by this section;                        | 102229 |
| (i) To use the thing transferred as qualified research and         | 102230 |
| development equipment;                                             | 102231 |
| (j) To use or consume the thing transferred primarily in           | 102232 |
| storing, transporting, mailing, or otherwise handling purchased    | 102233 |
| sales inventory in a warehouse, distribution center, or similar    | 102234 |
| facility when the inventory is primarily distributed outside this  | 102235 |
| state to retail stores of the person who owns or controls the      | 102236 |
| warehouse, distribution center, or similar facility, to retail     | 102237 |
| stores of an affiliated group of which that person is a member, or | 102238 |
| by means of direct marketing. This division does not apply to      | 102239 |
| motor vehicles registered for operation on the public highways. As | 102240 |
| used in this division, "affiliated group" has the same meaning as  | 102241 |
| in division (B)(3)(e) of section 5739.01 of the Revised Code and   | 102242 |
| "direct marketing" has the same meaning as in division (B)(35) of  | 102243 |
| this section.                                                      | 102244 |
| (k) To use or consume the thing transferred to fulfill a           | 102245 |
| contractual obligation incurred by a warrantor pursuant to a       | 102246 |
| warranty provided as a part of the price of the tangible personal  | 102247 |
| property sold or by a vendor of a warranty, maintenance or service | 102248 |
| contract, or similar agreement the provision of which is defined   | 102249 |
| as a sale under division (B)(7) of section 5739.01 of the Revised  | 102250 |
| Code;                                                              | 102251 |
| (l) To use or consume the thing transferred in the production      | 102252 |
| of a newspaper for distribution to the public;                     | 102253 |
| (m) To use tangible personal property to perform a service         | 102254 |
| listed in division (B)(3) of section 5739.01 of the Revised Code,  | 102255 |
| if the property is or is to be permanently transferred to the      | 102256 |
| consumer of the service as an integral part of the performance of  | 102257 |
| the service;                                                       | 102258 |

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced.

As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.

(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.

(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft

used primarily in a fractional aircraft ownership program, and 102290  
sales of services for the repair, modification, and maintenance of 102291  
such aircraft, and machinery, equipment, and supplies primarily 102292  
used to provide those services. 102293

(45) Sales of telecommunications service that is used 102294  
directly and primarily to perform the functions of a call center. 102295  
As used in this division, "call center" means any physical 102296  
location where telephone calls are placed or received in high 102297  
volume for the purpose of making sales, marketing, customer 102298  
service, technical support, or other specialized business 102299  
activity, and that employs at least fifty individuals that engage 102300  
in call center activities on a full-time basis, or sufficient 102301  
individuals to fill fifty full-time equivalent positions. 102302

(46) Sales by a telecommunications service vendor of 900 102303  
service to a subscriber. This division does not apply to 102304  
information services, as defined in division (FF) of section 102305  
5739.01 of the Revised Code. 102306

(47) Sales of value-added non-voice data service. This 102307  
division does not apply to any similar service that is not 102308  
otherwise a telecommunications service. 102309

(48)(a) Sales of machinery, equipment, and software to a 102310  
qualified direct selling entity for use in a warehouse or 102311  
distribution center primarily for storing, transporting, or 102312  
otherwise handling inventory that is held for sale to independent 102313  
salespersons who operate as direct sellers and that is held 102314  
primarily for distribution outside this state; 102315

(b) As used in division (B)(48)(a) of this section: 102316

(i) "Direct seller" means a person selling consumer products 102317  
to individuals for personal or household use and not from a fixed 102318  
retail location, including selling such product at in-home product 102319  
demonstrations, parties, and other one-on-one selling. 102320

(ii) "Qualified direct selling entity" means an entity 102321  
selling to direct sellers at the time the entity enters into a tax 102322  
credit agreement with the tax credit authority pursuant to section 102323  
122.17 of the Revised Code, provided that the agreement was 102324  
entered into on or after January 1, 2007. Neither contingencies 102325  
relevant to the granting of, nor later developments with respect 102326  
to, the tax credit shall impair the status of the qualified direct 102327  
selling entity under division (B)(48) of this section after 102328  
execution of the tax credit agreement by the tax credit authority. 102329

(c) Division (B)(48) of this section is limited to machinery, 102330  
equipment, and software first stored, used, or consumed in this 102331  
state within the period commencing June 24, 2008, and ending on 102332  
the date that is five years after that date. 102333

(49) Sales of materials, parts, equipment, or engines used in 102334  
the repair or maintenance of aircraft or avionics systems of such 102335  
aircraft, and sales of repair, remodeling, replacement, or 102336  
maintenance services in this state performed on aircraft or on an 102337  
aircraft's avionics, engine, or component materials or parts. As 102338  
used in division (B)(49) of this section, "aircraft" means 102339  
aircraft of more than six thousand pounds maximum certified 102340  
takeoff weight or used exclusively in general aviation. 102341

(50) Sales of full flight simulators that are used for pilot 102342  
or flight-crew training, sales of repair or replacement parts or 102343  
components, and sales of repair or maintenance services for such 102344  
full flight simulators. "Full flight simulator" means a replica of 102345  
a specific type, or make, model, and series of aircraft cockpit. 102346  
It includes the assemblage of equipment and computer programs 102347  
necessary to represent aircraft operations in ground and flight 102348  
conditions, a visual system providing an out-of-the-cockpit view, 102349  
and a system that provides cues at least equivalent to those of a 102350  
three-degree-of-freedom motion system, and has the full range of 102351  
capabilities of the systems installed in the device as described 102352

in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations. 102353  
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(51) Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02 of the Revised Code. 102355  
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(52)(a) Sales to a qualifying corporation. 102358

(b) As used in division (B)(52) of this section: 102359

(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply: 102360  
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(I) The facility is leased from the eligible county pursuant to a lease that requires substantially all of the revenue from the operation of the business or activity conducted by the nonprofit corporation at the facility in excess of operating costs, capital expenditures, and reserves to be paid to the eligible county at least once per calendar year. 102368  
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(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility. 102374  
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(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code. 102378  
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(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video 102380  
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service or programming, audio service or programming, or 102383  
electronically transferred digital audiovisual or audio work. As 102384  
used in division (B)(53) of this section, "cable service" and 102385  
"cable service provider" have the same meanings as in section 102386  
1332.01 of the Revised Code, and "video service," "video service 102387  
provider," and "video programming" have the same meanings as in 102388  
section 1332.21 of the Revised Code. 102389

(54) Sales of investment metal bullion and investment coins. 102390  
"Investment metal bullion" means any bullion described in section 102391  
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 102392  
that bullion is in the physical possession of a trustee. 102393  
"Investment coin" means any coin composed primarily of gold, 102394  
silver, platinum, or palladium. 102395

(55) Sales of a digital audio work electronically transferred 102396  
for delivery through use of a machine, such as a juke box, that 102397  
does all of the following: 102398

(a) Accepts direct payments to operate; 102399

(b) Automatically plays a selected digital audio work for a 102400  
single play upon receipt of a payment described in division 102401  
(B)(55)(a) of this section; 102402

(c) Operates exclusively for the purpose of playing digital 102403  
audio works in a commercial establishment. 102404

(C) For the purpose of the proper administration of this 102405  
chapter, and to prevent the evasion of the tax, it is presumed 102406  
that all sales made in this state are subject to the tax until the 102407  
contrary is established. 102408

(D) The levy of this tax on retail sales of recreation and 102409  
sports club service shall not prevent a municipal corporation from 102410  
levying any tax on recreation and sports club dues or on any 102411  
income generated by recreation and sports club dues. 102412

(E) The tax collected by the vendor from the consumer under 102413  
this chapter is not part of the price, but is a tax collection for 102414  
the benefit of the state, and of counties levying an additional 102415  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 102416  
Code and of transit authorities levying an additional sales tax 102417  
pursuant to section 5739.023 of the Revised Code. Except for the 102418  
discount authorized under section 5739.12 of the Revised Code and 102419  
the effects of any rounding pursuant to section 5703.055 of the 102420  
Revised Code, no person other than the state or such a county or 102421  
transit authority shall derive any benefit from the collection or 102422  
payment of the tax levied by this section or section 5739.021, 102423  
5739.023, or 5739.026 of the Revised Code. 102424

**Sec. 5739.021.** (A) For the purpose of providing additional 102425  
general revenues for the county ~~or~~, supporting criminal and 102426  
administrative justice services in the county, funding a regional 102427  
transportation improvement project under section 5595.06 of the 102428  
Revised Code, or both any combination of the foregoing, and to pay 102429  
the expenses of administering such levy, any county may levy a tax 102430  
at the rate of not more than one per cent at any multiple of 102431  
~~one-fourth~~ one-tenth of one per cent upon every retail sale made 102432  
in the county, except sales of watercraft and outboard motors 102433  
required to be titled pursuant to Chapter 1548. of the Revised 102434  
Code and sales of motor vehicles, and may increase the rate of an 102435  
existing tax to not more than one per cent at any multiple of 102436  
~~one-fourth~~ one-tenth of one per cent. 102437

The tax shall be levied and the rate increased pursuant to a 102438  
resolution of the board of county commissioners. The resolution 102439  
shall state the purpose for which the tax is to be levied and the 102440  
number of years for which the tax is to be levied, or that it is 102441  
for a continuing period of time. If the tax is to be levied for 102442  
the purpose of providing additional general revenues and for the 102443  
purpose of supporting criminal and administrative justice 102444

services, the resolution shall state the rate or amount of the tax 102445  
to be apportioned to each such purpose. The rate or amount may be 102446  
different for each year the tax is to be levied, but the rates or 102447  
amounts actually apportioned each year shall not be different from 102448  
that stated in the resolution for that year. If the resolution is 102449  
adopted as an emergency measure necessary for the immediate 102450  
preservation of the public peace, health, or safety, it must 102451  
receive an affirmative vote of all of the members of the board of 102452  
county commissioners and shall state the reasons for such 102453  
necessity. The board shall deliver a certified copy of the 102454  
resolution to the tax commissioner, not later than the sixty-fifth 102455  
day prior to the date on which the tax is to become effective, 102456  
which shall be the first day of the calendar quarter. 102457

Prior to the adoption of any resolution under this section, 102458  
the board of county commissioners shall conduct two public 102459  
hearings on the resolution, the second hearing to be not less than 102460  
three nor more than ten days after the first. Notice of the date, 102461  
time, and place of the hearings shall be given by publication in a 102462  
newspaper of general circulation in the county, or as provided in 102463  
section 7.16 of the Revised Code, once a week on the same day of 102464  
the week for two consecutive weeks, the second publication being 102465  
not less than ten nor more than thirty days prior to the first 102466  
hearing. 102467

Except as provided in division (B)(3) of this section, the 102468  
resolution shall be subject to a referendum as provided in 102469  
sections 305.31 to 305.41 of the Revised Code. 102470

If a petition for a referendum is filed, the county auditor 102471  
with whom the petition was filed shall, within five days, notify 102472  
the board of county commissioners and the tax commissioner of the 102473  
filing of the petition by certified mail. If the board of 102474  
elections with which the petition was filed declares the petition 102475  
invalid, the board of elections, within five days, shall notify 102476

the board of county commissioners and the tax commissioner of that 102477  
declaration by certified mail. If the petition is declared to be 102478  
invalid, the effective date of the tax or increased rate of tax 102479  
levied by this section shall be the first day of a calendar 102480  
quarter following the expiration of sixty-five days from the date 102481  
the commissioner receives notice from the board of elections that 102482  
the petition is invalid. 102483

(B)(1) A resolution that is not adopted as an emergency 102484  
measure may direct the board of elections to submit the question 102485  
of levying the tax or increasing the rate of tax to the electors 102486  
of the county at a special election held on the date specified by 102487  
the board of county commissioners in the resolution, provided that 102488  
the election occurs not less than ninety days after a certified 102489  
copy of such resolution is transmitted to the board of elections 102490  
and the election is not held in February or August of any year. 102491  
Upon transmission of the resolution to the board of elections, the 102492  
board of county commissioners shall notify the tax commissioner in 102493  
writing of the levy question to be submitted to the electors. No 102494  
resolution adopted under this division shall go into effect unless 102495  
approved by a majority of those voting upon it, and, except as 102496  
provided in division (B)(3) of this section, shall become 102497  
effective on the first day of a calendar quarter following the 102498  
expiration of sixty-five days from the date the tax commissioner 102499  
receives notice from the board of elections of the affirmative 102500  
vote. 102501

(2) A resolution that is adopted as an emergency measure 102502  
shall go into effect as provided in division (A) of this section, 102503  
but may direct the board of elections to submit the question of 102504  
repealing the tax or increase in the rate of the tax to the 102505  
electors of the county at the next general election in the county 102506  
occurring not less than ninety days after a certified copy of the 102507  
resolution is transmitted to the board of elections. Upon 102508

transmission of the resolution to the board of elections, the 102509  
board of county commissioners shall notify the tax commissioner in 102510  
writing of the levy question to be submitted to the electors. The 102511  
ballot question shall be the same as that prescribed in section 102512  
5739.022 of the Revised Code. The board of elections shall notify 102513  
the board of county commissioners and the tax commissioner of the 102514  
result of the election immediately after the result has been 102515  
declared. If a majority of the qualified electors voting on the 102516  
question of repealing the tax or increase in the rate of the tax 102517  
vote for repeal of the tax or repeal of the increase, the board of 102518  
county commissioners, on the first day of a calendar quarter 102519  
following the expiration of sixty-five days after the date the 102520  
board and tax commissioner receive notice of the result of the 102521  
election, shall, in the case of a repeal of the tax, cease to levy 102522  
the tax, or, in the case of a repeal of an increase in the rate of 102523  
the tax, cease to levy the increased rate and levy the tax at the 102524  
rate at which it was imposed immediately prior to the increase in 102525  
rate. 102526

(3) If a vendor makes a sale in this state by printed catalog 102527  
and the consumer computed the tax on the sale based on local rates 102528  
published in the catalog, any tax levied or repealed or rate 102529  
changed under this section shall not apply to such a sale until 102530  
the first day of a calendar quarter following the expiration of 102531  
one hundred twenty days from the date of notice by the tax 102532  
commissioner pursuant to division (H) of this section. 102533

(C) If a resolution is rejected at a referendum or if a 102534  
resolution adopted after January 1, 1982, as an emergency measure 102535  
is repealed by the electors pursuant to division (B)(2) of this 102536  
section or section 5739.022 of the Revised Code, then for one year 102537  
after the date of the election at which the resolution was 102538  
rejected or repealed the board of county commissioners may not 102539  
adopt any resolution authorized by this section as an emergency 102540

measure. 102541

(D) The board of county commissioners, at any time while a 102542  
tax levied under this section is in effect, may by resolution 102543  
reduce the rate at which the tax is levied to a lower rate 102544  
authorized by this section. Any reduction in the rate at which the 102545  
tax is levied shall be made effective on the first day of a 102546  
calendar quarter next following the sixty-fifth day after a 102547  
certified copy of the resolution is delivered to the tax 102548  
commissioner. 102549

(E) The tax on every retail sale subject to a tax levied 102550  
pursuant to this section shall be in addition to the tax levied by 102551  
section 5739.02 of the Revised Code and any tax levied pursuant to 102552  
section 5739.023 or 5739.026 of the Revised Code. 102553

A county that levies a tax pursuant to this section shall 102554  
levy a tax at the same rate pursuant to section 5741.021 of the 102555  
Revised Code. 102556

The additional tax levied by the county shall be collected 102557  
pursuant to section 5739.025 of the Revised Code. If the 102558  
additional tax or some portion thereof is levied for the purpose 102559  
of criminal and administrative justice services, the revenue from 102560  
the tax, or the amount or rate apportioned to that purpose, shall 102561  
be credited to a special fund created in the county treasury for 102562  
receipt of that revenue. 102563

Any tax levied pursuant to this section is subject to the 102564  
exemptions provided in section 5739.02 of the Revised Code and in 102565  
addition shall not be applicable to sales not within the taxing 102566  
power of a county under the Constitution of the United States or 102567  
the Ohio Constitution. 102568

(F) For purposes of this section, a copy of a resolution is 102569  
"certified" when it contains a written statement attesting that 102570  
the copy is a true and exact reproduction of the original 102571

resolution. 102572

(G) If a board of commissioners intends to adopt a resolution 102573  
to levy a tax in whole or in part for the purpose of criminal and 102574  
administrative justice services, the board shall prepare and make 102575  
available at the first public hearing at which the resolution is 102576  
considered a statement containing the following information: 102577

(1) For each of the two preceding fiscal years, the amount of 102578  
expenditures made by the county from the county general fund for 102579  
the purpose of criminal and administrative justice services; 102580

(2) For the fiscal year in which the resolution is adopted, 102581  
the board's estimate of the amount of expenditures to be made by 102582  
the county from the county general fund for the purpose of 102583  
criminal and administrative justice services; 102584

(3) For each of the two fiscal years after the fiscal year in 102585  
which the resolution is adopted, the board's preliminary plan for 102586  
expenditures to be made from the county general fund for the 102587  
purpose of criminal and administrative justice services, both 102588  
under the assumption that the tax will be imposed for that purpose 102589  
and under the assumption that the tax would not be imposed for 102590  
that purpose, and for expenditures to be made from the special 102591  
fund created under division (E) of this section under the 102592  
assumption that the tax will be imposed for that purpose. 102593

The board shall prepare the statement and the preliminary 102594  
plan using the best information available to the board at the time 102595  
the statement is prepared. Neither the statement nor the 102596  
preliminary plan shall be used as a basis to challenge the 102597  
validity of the tax in any court of competent jurisdiction, nor 102598  
shall the statement or preliminary plan limit the authority of the 102599  
board to appropriate, pursuant to section 5705.38 of the Revised 102600  
Code, an amount different from that specified in the preliminary 102601  
plan. 102602

(H) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) or (D) of this section, or from the board of elections of a notice of the results of an election required by division (A) or (B)(1) or (2) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

(I) As used in this section, "criminal and administrative justice services" means the exercise by the county sheriff of all powers and duties vested in that office by law; the exercise by the county prosecuting attorney of all powers and duties vested in that office by law; the exercise by any court in the county of all powers and duties vested in that court; the exercise by the clerk of the court of common pleas, any clerk of a municipal court having jurisdiction throughout the county, or the clerk of any county court of all powers and duties vested in the clerk by law except, in the case of the clerk of the court of common pleas, the titling of motor vehicles or watercraft pursuant to Chapter 1548. or 4505. of the Revised Code; the exercise by the county coroner of all powers and duties vested in that office by law; making payments to any other public agency or a private, nonprofit agency, the purposes of which in the county include the diversion, adjudication, detention, or rehabilitation of criminals or juvenile offenders; the operation and maintenance of any detention facility, as defined in section 2921.01 of the Revised Code; and the construction, acquisition, equipping, or repair of such a detention facility, including the payment of any debt charges incurred in the issuance of securities pursuant to Chapter 133. of the Revised Code for the purpose of constructing, acquiring, equipping, or repairing such a facility.

Sec. 5739.023. (A)(1) For the purpose of providing additional 102636  
general revenues for a transit authority or funding a regional 102637  
transportation improvement project under section 5595.06 of the 102638  
Revised Code, or both, and ~~paying to pay~~ the expenses of 102639  
administering such levy, any transit authority as defined in 102640  
division (U) of section 5739.01 of the Revised Code may levy a tax 102641  
upon every retail sale made in the territory of the transit 102642  
authority, except sales of watercraft and outboard motors required 102643  
to be titled pursuant to Chapter 1548. of the Revised Code and 102644  
sales of motor vehicles, at a rate of not more than one and 102645  
one-half per cent at any multiple of ~~one-fourth~~ one-tenth of one 102646  
per cent and may increase the existing rate of tax to not more 102647  
than one and one-half per cent at any multiple of ~~one-fourth~~ 102648  
one-tenth of one per cent. The tax shall be levied and the rate 102649  
increased pursuant to a resolution of the legislative authority of 102650  
the transit authority and a certified copy of the resolution shall 102651  
be delivered by the fiscal officer to the board of elections as 102652  
provided in section 3505.071 of the Revised Code and to the tax 102653  
commissioner. The resolution shall specify the number of years for 102654  
which the tax is to be in effect or that the tax is for a 102655  
continuing period of time, and the date of the election on the 102656  
question of the tax pursuant to section 306.70 of the Revised 102657  
Code. The board of elections shall certify the results of the 102658  
election to the transit authority and tax commissioner. 102659

(2) Except as provided in division (C) of this section, the 102660  
tax levied by the resolution shall become effective on the first 102661  
day of a calendar quarter next following the sixty-fifth day 102662  
following the date the tax commissioner receives from the board of 102663  
elections the certification of the results of the election on the 102664  
question of the tax. 102665

(B) The legislative authority may, at any time while the tax 102666  
is in effect, by resolution fix the rate of the tax at any rate 102667

authorized by this section and not in excess of that approved by 102668  
the voters pursuant to section 306.70 of the Revised Code. Except 102669  
as provided in division (C) of this section, any change in the 102670  
rate of the tax shall be made effective on the first day of a 102671  
calendar quarter next following the sixty-fifth day following the 102672  
date the tax commissioner receives the certification of the 102673  
resolution; provided, that in any case where bonds, or notes in 102674  
anticipation of bonds, of a regional transit authority have been 102675  
issued under section 306.40 of the Revised Code without a vote of 102676  
the electors while the tax proposed to be reduced was in effect, 102677  
the board of trustees of the regional transit authority shall 102678  
continue to levy and collect under authority of the original 102679  
election authorizing the tax a rate of tax that the board of 102680  
trustees reasonably estimates will produce an amount in that year 102681  
equal to the amount of principal of and interest on those bonds as 102682  
is payable in that year. 102683

(C) Upon receipt from the board of elections of the 102684  
certification of the results of the election required by division 102685  
(A) of this section, or from the legislative authority of the 102686  
certification of a resolution under division (B) of this section, 102687  
the tax commissioner shall provide notice of a tax rate change in 102688  
a manner that is reasonably accessible to all affected vendors. 102689  
The commissioner shall provide this notice at least sixty days 102690  
prior to the effective date of the rate change. The commissioner, 102691  
by rule, may establish the method by which notice will be 102692  
provided. 102693

(D) If a vendor makes a sale in this state by printed catalog 102694  
and the consumer computed the tax on the sale based on local rates 102695  
published in the catalog, any tax levied or rate changed under 102696  
this section shall not apply to such a sale until the first day of 102697  
a calendar quarter following the expiration of one hundred twenty 102698  
days from the date of notice by the tax commissioner pursuant to 102699

division (C) of this section. 102700

(E) The tax on every retail sale subject to a tax levied 102701  
pursuant to this section is in addition to the tax levied by 102702  
section 5739.02 of the Revised Code and any tax levied pursuant to 102703  
section 5739.021 or 5739.026 of the Revised Code. 102704

(F) The additional tax levied by the transit authority shall 102705  
be collected pursuant to section 5739.025 of the Revised Code. 102706

(G) Any tax levied pursuant to this section is subject to the 102707  
exemptions provided in section 5739.02 of the Revised Code and in 102708  
addition shall not be applicable to sales not within the taxing 102709  
power of a transit authority under the constitution of the United 102710  
States or the constitution of this state. 102711

(H) The rate of a tax levied under this section is subject to 102712  
reduction under section 5739.028 of the Revised Code, if a ballot 102713  
question is approved by voters pursuant to that section. 102714

~~Sec. 5739.025. As used in this section, "local tax" means a 102715  
tax imposed pursuant to section 5739.021, 5739.023, 5739.026, 102716  
5741.021, 5741.022, or 5741.023 of the Revised Code. 102717~~

~~(A) The taxes levied by sections 5739.02 and 5741.02 of the 102718  
Revised Code shall be collected as follows: 102719~~

~~(1) On and after July 1, 2003, and on or before June 30, 102720  
2005, in accordance with the following schedule: 102721~~

| <del>If the price</del> | <del>The amount of</del>     | <del>102722</del>     |                   |
|-------------------------|------------------------------|-----------------------|-------------------|
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del> | <del>102723</del> |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>     | <del>102724</del> |
| <del>.16</del>          | <del>.16</del>               | <del>1¢</del>         | <del>102725</del> |
| <del>.17</del>          | <del>.33</del>               | <del>2¢</del>         | <del>102726</del> |
| <del>.34</del>          | <del>.50</del>               | <del>3¢</del>         | <del>102727</del> |
| <del>.51</del>          | <del>.66</del>               | <del>4¢</del>         | <del>102728</del> |
| <del>.67</del>          | <del>.83</del>               | <del>5¢</del>         | <del>102729</del> |



~~ninety nine cents in accordance with the schedule above.~~ 102762

~~(B) On and after July 1, 2003, and on and before June 30, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~ 102763  
102764  
102765  
102766  
102767

~~(1) When the combined rate of state and local tax is six and one fourth per cent:~~ 102768  
102769

| <del>If the price</del> |                              | <del>The amount of</del> |                  |
|-------------------------|------------------------------|--------------------------|------------------|
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    |                  |
| <del>\$.01</del>        | <del>\$.15</del>             | <del>No tax</del>        | 102770<br>102771 |
| <del>.16</del>          | <del>.16</del>               | <del>1¢</del>            | 102772           |
| <del>.17</del>          | <del>.32</del>               | <del>2¢</del>            | 102773           |
| <del>.33</del>          | <del>.48</del>               | <del>3¢</del>            | 102774           |
| <del>.49</del>          | <del>.64</del>               | <del>4¢</del>            | 102775           |
| <del>.65</del>          | <del>.80</del>               | <del>5¢</del>            | 102776           |
| <del>.81</del>          | <del>.96</del>               | <del>6¢</del>            | 102777           |
| <del>.97</del>          | <del>1.12</del>              | <del>7¢</del>            | 102778           |
| <del>1.13</del>         | <del>1.28</del>              | <del>8¢</del>            | 102779           |
| <del>1.29</del>         | <del>1.44</del>              | <del>9¢</del>            | 102780           |
| <del>1.45</del>         | <del>1.60</del>              | <del>10¢</del>           | 102781           |
| <del>1.61</del>         | <del>1.76</del>              | <del>11¢</del>           | 102782           |
| <del>1.77</del>         | <del>1.92</del>              | <del>12¢</del>           | 102783           |
| <del>1.93</del>         | <del>2.08</del>              | <del>13¢</del>           | 102784           |
| <del>2.09</del>         | <del>2.24</del>              | <del>14¢</del>           | 102785           |
| <del>2.25</del>         | <del>2.40</del>              | <del>15¢</del>           | 102786           |
| <del>2.41</del>         | <del>2.56</del>              | <del>16¢</del>           | 102787           |
| <del>2.57</del>         | <del>2.72</del>              | <del>17¢</del>           | 102788           |
| <del>2.73</del>         | <del>2.88</del>              | <del>18¢</del>           | 102789           |
| <del>2.89</del>         | <del>3.04</del>              | <del>19¢</del>           | 102790           |
| <del>3.05</del>         | <del>3.20</del>              | <del>20¢</del>           | 102791           |
| <del>3.21</del>         | <del>3.36</del>              | <del>21¢</del>           | 102792<br>102793 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>3.37</del> | <del>3.52</del> | <del>22¢</del> | 102794 |
| <del>3.53</del> | <del>3.68</del> | <del>23¢</del> | 102795 |
| <del>3.69</del> | <del>3.84</del> | <del>24¢</del> | 102796 |
| <del>3.85</del> | <del>4.00</del> | <del>25¢</del> | 102797 |

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(2) When the combined rate of state and local tax is six and one half per cent:~~

|                         |                              |                          |        |
|-------------------------|------------------------------|--------------------------|--------|
| <del>If the price</del> |                              | <del>The amount of</del> | 102809 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 102810 |
| <del>\$.01</del>        | <del>\$.15</del>             | <del>No tax</del>        | 102811 |
| <del>.16</del>          | <del>.30</del>               | <del>2¢</del>            | 102812 |
| <del>.31</del>          | <del>.46</del>               | <del>3¢</del>            | 102813 |
| <del>.47</del>          | <del>.61</del>               | <del>4¢</del>            | 102814 |
| <del>.62</del>          | <del>.76</del>               | <del>5¢</del>            | 102815 |
| <del>.77</del>          | <del>.92</del>               | <del>6¢</del>            | 102816 |
| <del>.93</del>          | <del>1.07</del>              | <del>7¢</del>            | 102817 |
| <del>1.08</del>         | <del>1.23</del>              | <del>8¢</del>            | 102818 |
| <del>1.24</del>         | <del>1.38</del>              | <del>9¢</del>            | 102819 |
| <del>1.39</del>         | <del>1.53</del>              | <del>10¢</del>           | 102820 |
| <del>1.54</del>         | <del>1.69</del>              | <del>11¢</del>           | 102821 |
| <del>1.70</del>         | <del>1.84</del>              | <del>12¢</del>           | 102822 |
| <del>1.85</del>         | <del>2.00</del>              | <del>13¢</del>           | 102823 |

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a~~

~~multiple thereof by not more than fifteen cents, the amount of tax 102826  
is thirteen cents for each two dollars plus one cent. If the price 102827  
exceeds two dollars or a multiple thereof by more than fifteen 102828  
cents, the amount of tax is thirteen cents for each two dollars 102829  
plus the amount of tax for prices sixteen cents through one dollar 102830  
and ninety nine cents in accordance with the schedule above. 102831~~

~~(3) When the combined rate of state and local tax is six and 102832  
three fourths per cent: 102833~~

| <del>If the price</del> | <del>But not more than</del> | <del>The amount of</del> |        |
|-------------------------|------------------------------|--------------------------|--------|
| <del>is at least</del>  |                              | <del>the tax is</del>    |        |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>        | 102836 |
| <del>.16</del>          | <del>.29</del>               | <del>2¢</del>            | 102837 |
| <del>.30</del>          | <del>.44</del>               | <del>3¢</del>            | 102838 |
| <del>.45</del>          | <del>.59</del>               | <del>4¢</del>            | 102839 |
| <del>.60</del>          | <del>.74</del>               | <del>5¢</del>            | 102840 |
| <del>.75</del>          | <del>.88</del>               | <del>6¢</del>            | 102841 |
| <del>.89</del>          | <del>1.03</del>              | <del>7¢</del>            | 102842 |
| <del>1.04</del>         | <del>1.18</del>              | <del>8¢</del>            | 102843 |
| <del>1.19</del>         | <del>1.33</del>              | <del>9¢</del>            | 102844 |
| <del>1.34</del>         | <del>1.48</del>              | <del>10¢</del>           | 102845 |
| <del>1.49</del>         | <del>1.62</del>              | <del>11¢</del>           | 102846 |
| <del>1.63</del>         | <del>1.77</del>              | <del>12¢</del>           | 102847 |
| <del>1.78</del>         | <del>1.92</del>              | <del>13¢</del>           | 102848 |
| <del>1.93</del>         | <del>2.07</del>              | <del>14¢</del>           | 102849 |
| <del>2.08</del>         | <del>2.22</del>              | <del>15¢</del>           | 102850 |
| <del>2.23</del>         | <del>2.37</del>              | <del>16¢</del>           | 102851 |
| <del>2.38</del>         | <del>2.51</del>              | <del>17¢</del>           | 102852 |
| <del>2.52</del>         | <del>2.66</del>              | <del>18¢</del>           | 102853 |
| <del>2.67</del>         | <del>2.81</del>              | <del>19¢</del>           | 102854 |
| <del>2.82</del>         | <del>2.96</del>              | <del>20¢</del>           | 102855 |
| <del>2.97</del>         | <del>3.11</del>              | <del>21¢</del>           | 102856 |
| <del>3.12</del>         | <del>3.25</del>              | <del>22¢</del>           | 102857 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>3.26</del> | <del>3.40</del> | <del>23¢</del> | 102858 |
| <del>3.41</del> | <del>3.55</del> | <del>24¢</del> | 102859 |
| <del>3.56</del> | <del>3.70</del> | <del>25¢</del> | 102860 |
| <del>3.71</del> | <del>3.85</del> | <del>26¢</del> | 102861 |
| <del>3.86</del> | <del>4.00</del> | <del>27¢</del> | 102862 |

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(4) When the combined rate of state and local tax is seven per cent:~~

|                         |                              |                          |        |
|-------------------------|------------------------------|--------------------------|--------|
| <del>If the price</del> |                              | <del>The amount of</del> | 102877 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 102878 |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>        | 102879 |
| <del>.16</del>          | <del>.28</del>               | <del>2¢</del>            | 102880 |
| <del>.29</del>          | <del>.42</del>               | <del>3¢</del>            | 102881 |
| <del>.43</del>          | <del>.57</del>               | <del>4¢</del>            | 102882 |
| <del>.58</del>          | <del>.71</del>               | <del>5¢</del>            | 102883 |
| <del>.72</del>          | <del>.85</del>               | <del>6¢</del>            | 102884 |
| <del>.86</del>          | <del>1.00</del>              | <del>7¢</del>            | 102885 |

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one~~

~~dollar or a multiple thereof by more than fifteen cents, the~~ 102890  
~~amount of tax is seven cents for each one dollar plus the amount~~ 102891  
~~of tax for prices sixteen cents through ninety nine cents in~~ 102892  
~~accordance with the schedule above.~~ 102893

~~(5) When the combined rate of state and local tax is seven~~ 102894  
~~and one fourth per cent:~~ 102895

| <del>If the price</del> | <del>But not more than</del> | <del>The amount of</del> |        |
|-------------------------|------------------------------|--------------------------|--------|
| <del>is at least</del>  |                              | <del>the tax is</del>    |        |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>        | 102897 |
| <del>.16</del>          | <del>.27</del>               | <del>2¢</del>            | 102898 |
| <del>.28</del>          | <del>.41</del>               | <del>3¢</del>            | 102899 |
| <del>.42</del>          | <del>.55</del>               | <del>4¢</del>            | 102900 |
| <del>.56</del>          | <del>.68</del>               | <del>5¢</del>            | 102901 |
| <del>.69</del>          | <del>.82</del>               | <del>6¢</del>            | 102902 |
| <del>.83</del>          | <del>.96</del>               | <del>7¢</del>            | 102903 |
| <del>.97</del>          | <del>1.10</del>              | <del>8¢</del>            | 102904 |
| <del>1.11</del>         | <del>1.24</del>              | <del>9¢</del>            | 102905 |
| <del>1.25</del>         | <del>1.37</del>              | <del>10¢</del>           | 102906 |
| <del>1.38</del>         | <del>1.51</del>              | <del>11¢</del>           | 102907 |
| <del>1.52</del>         | <del>1.65</del>              | <del>12¢</del>           | 102908 |
| <del>1.66</del>         | <del>1.79</del>              | <del>13¢</del>           | 102909 |
| <del>1.80</del>         | <del>1.93</del>              | <del>14¢</del>           | 102910 |
| <del>1.94</del>         | <del>2.06</del>              | <del>15¢</del>           | 102911 |
| <del>2.07</del>         | <del>2.20</del>              | <del>16¢</del>           | 102912 |
| <del>2.21</del>         | <del>2.34</del>              | <del>17¢</del>           | 102913 |
| <del>2.35</del>         | <del>2.48</del>              | <del>18¢</del>           | 102914 |
| <del>2.49</del>         | <del>2.62</del>              | <del>19¢</del>           | 102915 |
| <del>2.63</del>         | <del>2.75</del>              | <del>20¢</del>           | 102916 |
| <del>2.76</del>         | <del>2.89</del>              | <del>21¢</del>           | 102917 |
| <del>2.90</del>         | <del>3.03</del>              | <del>22¢</del>           | 102918 |
| <del>3.04</del>         | <del>3.17</del>              | <del>23¢</del>           | 102919 |
| <del>3.18</del>         | <del>3.31</del>              | <del>24¢</del>           | 102920 |
|                         |                              |                          | 102921 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>3.32</del> | <del>3.44</del> | <del>25¢</del> | 102922 |
| <del>3.45</del> | <del>3.58</del> | <del>26¢</del> | 102923 |
| <del>3.59</del> | <del>3.72</del> | <del>27¢</del> | 102924 |
| <del>3.73</del> | <del>3.86</del> | <del>28¢</del> | 102925 |
| <del>3.87</del> | <del>4.00</del> | <del>29¢</del> | 102926 |

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of state and local tax is seven and one half per cent:~~

|                         |                              |                          |        |
|-------------------------|------------------------------|--------------------------|--------|
| <del>If the price</del> |                              | <del>The amount of</del> | 102941 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 102942 |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>        | 102943 |
| <del>.16</del>          | <del>.26</del>               | <del>2¢</del>            | 102944 |
| <del>.27</del>          | <del>.40</del>               | <del>3¢</del>            | 102945 |
| <del>.41</del>          | <del>.53</del>               | <del>4¢</del>            | 102946 |
| <del>.54</del>          | <del>.65</del>               | <del>5¢</del>            | 102947 |
| <del>.66</del>          | <del>.80</del>               | <del>6¢</del>            | 102948 |
| <del>.81</del>          | <del>.93</del>               | <del>7¢</del>            | 102949 |
| <del>.94</del>          | <del>1.06</del>              | <del>8¢</del>            | 102950 |
| <del>1.07</del>         | <del>1.20</del>              | <del>9¢</del>            | 102951 |
| <del>1.21</del>         | <del>1.33</del>              | <del>10¢</del>           | 102952 |
| <del>1.34</del>         | <del>1.46</del>              | <del>11¢</del>           | 102953 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>1.47</del> | <del>1.60</del> | <del>12¢</del> | 102954 |
| <del>1.61</del> | <del>1.73</del> | <del>13¢</del> | 102955 |
| <del>1.74</del> | <del>1.86</del> | <del>14¢</del> | 102956 |
| <del>1.87</del> | <del>2.00</del> | <del>15¢</del> | 102957 |

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of state and local tax is seven and three fourths per cent:~~

|                         |                              |                          |        |
|-------------------------|------------------------------|--------------------------|--------|
| <del>If the price</del> |                              | <del>The amount of</del> | 102968 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 102969 |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>        | 102970 |
| <del>.16</del>          | <del>.25</del>               | <del>2¢</del>            | 102971 |
| <del>.26</del>          | <del>.38</del>               | <del>3¢</del>            | 102972 |
| <del>.39</del>          | <del>.51</del>               | <del>4¢</del>            | 102973 |
| <del>.52</del>          | <del>.64</del>               | <del>5¢</del>            | 102974 |
| <del>.65</del>          | <del>.77</del>               | <del>6¢</del>            | 102975 |
| <del>.78</del>          | <del>.90</del>               | <del>7¢</del>            | 102976 |
| <del>.91</del>          | <del>1.03</del>              | <del>8¢</del>            | 102977 |
| <del>1.04</del>         | <del>1.16</del>              | <del>9¢</del>            | 102978 |
| <del>1.17</del>         | <del>1.29</del>              | <del>10¢</del>           | 102979 |
| <del>1.30</del>         | <del>1.41</del>              | <del>11¢</del>           | 102980 |
| <del>1.42</del>         | <del>1.54</del>              | <del>12¢</del>           | 102981 |
| <del>1.55</del>         | <del>1.67</del>              | <del>13¢</del>           | 102982 |
| <del>1.68</del>         | <del>1.80</del>              | <del>14¢</del>           | 102983 |
| <del>1.81</del>         | <del>1.93</del>              | <del>15¢</del>           | 102984 |
| <del>1.94</del>         | <del>2.06</del>              | <del>16¢</del>           | 102985 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>2.07</del> | <del>2.19</del> | <del>17¢</del> | 102986 |
| <del>2.20</del> | <del>2.32</del> | <del>18¢</del> | 102987 |
| <del>2.33</del> | <del>2.45</del> | <del>19¢</del> | 102988 |
| <del>2.46</del> | <del>2.58</del> | <del>20¢</del> | 102989 |
| <del>2.59</del> | <del>2.70</del> | <del>21¢</del> | 102990 |
| <del>2.71</del> | <del>2.83</del> | <del>22¢</del> | 102991 |
| <del>2.84</del> | <del>2.96</del> | <del>23¢</del> | 102992 |
| <del>2.97</del> | <del>3.09</del> | <del>24¢</del> | 102993 |
| <del>3.10</del> | <del>3.22</del> | <del>25¢</del> | 102994 |
| <del>3.23</del> | <del>3.35</del> | <del>26¢</del> | 102995 |
| <del>3.36</del> | <del>3.48</del> | <del>27¢</del> | 102996 |
| <del>3.49</del> | <del>3.61</del> | <del>28¢</del> | 102997 |
| <del>3.62</del> | <del>3.74</del> | <del>29¢</del> | 102998 |
| <del>3.75</del> | <del>3.87</del> | <del>30¢</del> | 102999 |
| <del>3.88</del> | <del>4.00</del> | <del>31¢</del> | 103000 |

~~If the price exceeds four dollars, the tax is thirty one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty five cents, the amount of tax is thirty one cents for each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(8) When the combined rate of state and local tax is eight per cent:~~

|                         |                              |                          |        |
|-------------------------|------------------------------|--------------------------|--------|
| <del>If the price</del> |                              | <del>The amount of</del> | 103015 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 103016 |
| <del>\$.01</del>        | <del>\$.15</del>             | <del>No tax</del>        | 103017 |

|                |                 |               |        |
|----------------|-----------------|---------------|--------|
| <del>.16</del> | <del>.25</del>  | <del>2¢</del> | 103018 |
| <del>.26</del> | <del>.37</del>  | <del>3¢</del> | 103019 |
| <del>.38</del> | <del>.50</del>  | <del>4¢</del> | 103020 |
| <del>.51</del> | <del>.62</del>  | <del>5¢</del> | 103021 |
| <del>.63</del> | <del>.75</del>  | <del>6¢</del> | 103022 |
| <del>.76</del> | <del>.87</del>  | <del>7¢</del> | 103023 |
| <del>.88</del> | <del>1.00</del> | <del>8¢</del> | 103024 |

~~If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for prices twenty six cents through ninety nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of state and local tax is eight and one fourth per cent:~~

|                         |                              |                          |        |
|-------------------------|------------------------------|--------------------------|--------|
| <del>If the price</del> |                              | <del>The amount of</del> | 103038 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 103039 |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>        | 103040 |
| <del>.16</del>          | <del>.24</del>               | <del>2¢</del>            | 103041 |
| <del>.25</del>          | <del>.36</del>               | <del>3¢</del>            | 103042 |
| <del>.37</del>          | <del>.48</del>               | <del>4¢</del>            | 103043 |
| <del>.49</del>          | <del>.60</del>               | <del>5¢</del>            | 103044 |
| <del>.61</del>          | <del>.72</del>               | <del>6¢</del>            | 103045 |
| <del>.73</del>          | <del>.84</del>               | <del>7¢</del>            | 103046 |
| <del>.85</del>          | <del>.96</del>               | <del>8¢</del>            | 103047 |
| <del>.97</del>          | <del>1.09</del>              | <del>9¢</del>            | 103048 |
| <del>1.10</del>         | <del>1.21</del>              | <del>10¢</del>           | 103049 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>1.22</del> | <del>1.33</del> | <del>11¢</del> | 103050 |
| <del>1.34</del> | <del>1.45</del> | <del>12¢</del> | 103051 |
| <del>1.46</del> | <del>1.57</del> | <del>13¢</del> | 103052 |
| <del>1.58</del> | <del>1.69</del> | <del>14¢</del> | 103053 |
| <del>1.70</del> | <del>1.81</del> | <del>15¢</del> | 103054 |
| <del>1.82</del> | <del>1.93</del> | <del>16¢</del> | 103055 |
| <del>1.94</del> | <del>2.06</del> | <del>17¢</del> | 103056 |
| <del>2.07</del> | <del>2.18</del> | <del>18¢</del> | 103057 |
| <del>2.19</del> | <del>2.30</del> | <del>19¢</del> | 103058 |
| <del>2.31</del> | <del>2.42</del> | <del>20¢</del> | 103059 |
| <del>2.43</del> | <del>2.54</del> | <del>21¢</del> | 103060 |
| <del>2.55</del> | <del>2.66</del> | <del>22¢</del> | 103061 |
| <del>2.67</del> | <del>2.78</del> | <del>23¢</del> | 103062 |
| <del>2.79</del> | <del>2.90</del> | <del>24¢</del> | 103063 |
| <del>2.91</del> | <del>3.03</del> | <del>25¢</del> | 103064 |
| <del>3.04</del> | <del>3.15</del> | <del>26¢</del> | 103065 |
| <del>3.16</del> | <del>3.27</del> | <del>27¢</del> | 103066 |
| <del>3.28</del> | <del>3.39</del> | <del>28¢</del> | 103067 |
| <del>3.40</del> | <del>3.51</del> | <del>29¢</del> | 103068 |
| <del>3.52</del> | <del>3.63</del> | <del>30¢</del> | 103069 |
| <del>3.64</del> | <del>3.75</del> | <del>31¢</del> | 103070 |
| <del>3.76</del> | <del>3.87</del> | <del>32¢</del> | 103071 |
| <del>3.88</del> | <del>4.00</del> | <del>33¢</del> | 103072 |

~~If the price exceeds four dollars, the tax is thirty three~~ 103073  
~~cents on each four dollars. If the price exceeds four dollars or a~~ 103074  
~~multiple thereof by not more than eleven cents, the amount of tax~~ 103075  
~~is thirty three cents for each four dollars plus one cent. If the~~ 103076  
~~price exceeds four dollars or a multiple thereof by more than~~ 103077  
~~eleven cents but by not more than twenty four cents, the amount of~~ 103078  
~~tax is thirty three cents for each four dollars plus two cents. If~~ 103079  
~~the price exceeds four dollars or a multiple thereof by more than~~ 103080  
~~twenty four cents, the amount of tax is thirty three cents for~~ 103081  
~~each four dollars plus the amount of tax for prices twenty six~~ 103082

~~cents through three dollars and ninety nine cents in accordance~~ 103083  
~~with the schedule above.~~ 103084

~~(10) When the combined rate of state and local tax is eight~~ 103085  
~~and one half per cent:~~ 103086

~~If the price~~ 103087  
~~is at least~~ 103088

~~But not more than~~ 103088

~~The amount of~~ 103087  
~~the tax is~~ 103088

~~\$ .01~~ 103089  
~~\$ .15~~ 103089

~~.16~~ 103090  
~~.23~~ 103090

~~.24~~ 103091  
~~.35~~ 103091

~~.36~~ 103092  
~~.47~~ 103092

~~.48~~ 103093  
~~.58~~ 103093

~~.59~~ 103094  
~~.70~~ 103094

~~.71~~ 103095  
~~.82~~ 103095

~~.83~~ 103096  
~~.94~~ 103096

~~.95~~ 103097  
~~1.05~~ 103097

~~1.06~~ 103098  
~~1.17~~ 103098

~~1.18~~ 103099  
~~1.29~~ 103099

~~1.30~~ 103100  
~~1.41~~ 103100

~~1.42~~ 103101  
~~1.52~~ 103101

~~1.53~~ 103102  
~~1.64~~ 103102

~~1.65~~ 103103  
~~1.76~~ 103103

~~1.77~~ 103104  
~~1.88~~ 103104

~~1.89~~ 103105  
~~2.00~~ 103105

~~If the price exceeds two dollars, the tax is seventeen cents~~ 103106

~~on each two dollars. If the price exceeds two dollars or a~~ 103107

~~multiple thereof by not more than eleven cents, the amount of tax~~ 103108

~~is seventeen cents for each two dollars plus one cent. If the~~ 103109

~~price exceeds two dollars or a multiple thereof by more than~~ 103110

~~eleven cents but by not more than twenty three cents, the amount~~ 103111

~~of tax is seventeen cents for each two dollars plus two cents. If~~ 103112

~~the price exceeds two dollars or a multiple thereof by more than~~ 103113

~~twenty three cents, the amount of tax is seventeen cents for each~~ 103114

~~two dollars plus the amount of tax for prices twenty four cents~~ 103115  
~~through one dollar and ninety nine cents in accordance with the~~ 103116  
~~schedule above.~~ 103117

~~(11) When the combined rate of state and local tax is eight~~ 103118  
~~and three fourths per cent:~~ 103119

| <del>If the price</del> | <del>But not more than</del> | <del>The amount of</del> |        |
|-------------------------|------------------------------|--------------------------|--------|
| <del>is at least</del>  |                              | <del>the tax is</del>    |        |
| <del>\$ .01</del>       | <del>\$ .15</del>            | <del>No tax</del>        | 103122 |
| <del>.16</del>          | <del>.22</del>               | <del>2¢</del>            | 103123 |
| <del>.23</del>          | <del>.34</del>               | <del>3¢</del>            | 103124 |
| <del>.35</del>          | <del>.45</del>               | <del>4¢</del>            | 103125 |
| <del>.46</del>          | <del>.57</del>               | <del>5¢</del>            | 103126 |
| <del>.58</del>          | <del>.68</del>               | <del>6¢</del>            | 103127 |
| <del>.69</del>          | <del>.80</del>               | <del>7¢</del>            | 103128 |
| <del>.81</del>          | <del>.91</del>               | <del>8¢</del>            | 103129 |
| <del>.92</del>          | <del>1.02</del>              | <del>9¢</del>            | 103130 |
| <del>1.03</del>         | <del>1.14</del>              | <del>10¢</del>           | 103131 |
| <del>1.15</del>         | <del>1.25</del>              | <del>11¢</del>           | 103132 |
| <del>1.26</del>         | <del>1.37</del>              | <del>12¢</del>           | 103133 |
| <del>1.38</del>         | <del>1.48</del>              | <del>13¢</del>           | 103134 |
| <del>1.49</del>         | <del>1.60</del>              | <del>14¢</del>           | 103135 |
| <del>1.61</del>         | <del>1.71</del>              | <del>15¢</del>           | 103136 |
| <del>1.72</del>         | <del>1.82</del>              | <del>16¢</del>           | 103137 |
| <del>1.83</del>         | <del>1.94</del>              | <del>17¢</del>           | 103138 |
| <del>1.95</del>         | <del>2.05</del>              | <del>18¢</del>           | 103139 |
| <del>2.06</del>         | <del>2.17</del>              | <del>19¢</del>           | 103140 |
| <del>2.18</del>         | <del>2.28</del>              | <del>20¢</del>           | 103141 |
| <del>2.29</del>         | <del>2.40</del>              | <del>21¢</del>           | 103142 |
| <del>2.41</del>         | <del>2.51</del>              | <del>22¢</del>           | 103143 |
| <del>2.52</del>         | <del>2.62</del>              | <del>23¢</del>           | 103144 |
| <del>2.63</del>         | <del>2.74</del>              | <del>24¢</del>           | 103145 |
| <del>2.75</del>         | <del>2.85</del>              | <del>25¢</del>           | 103146 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>2.86</del> | <del>2.97</del> | <del>26¢</del> | 103147 |
| <del>2.98</del> | <del>3.08</del> | <del>27¢</del> | 103148 |
| <del>3.09</del> | <del>3.20</del> | <del>28¢</del> | 103149 |
| <del>3.21</del> | <del>3.31</del> | <del>29¢</del> | 103150 |
| <del>3.32</del> | <del>3.42</del> | <del>30¢</del> | 103151 |
| <del>3.43</del> | <del>3.54</del> | <del>31¢</del> | 103152 |
| <del>3.55</del> | <del>3.65</del> | <del>32¢</del> | 103153 |
| <del>3.66</del> | <del>3.77</del> | <del>33¢</del> | 103154 |
| <del>3.78</del> | <del>3.88</del> | <del>34¢</del> | 103155 |
| <del>3.89</del> | <del>4.00</del> | <del>35¢</del> | 103156 |

~~If the price exceeds four dollars, the tax is thirty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty two cents, the amount of tax is thirty five cents for each four dollars plus the amount of tax for prices twenty three cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(12) When the combined rate of state and local tax is nine per cent:~~

|                         |                              |                          |        |
|-------------------------|------------------------------|--------------------------|--------|
| <del>If the price</del> |                              | <del>The amount of</del> | 103171 |
| <del>is at least</del>  | <del>But not more than</del> | <del>the tax is</del>    | 103172 |
| <del>\$.01</del>        | <del>\$.15</del>             | <del>No tax</del>        | 103173 |
| <del>.16</del>          | <del>.22</del>               | <del>2¢</del>            | 103174 |
| <del>.23</del>          | <del>.33</del>               | <del>3¢</del>            | 103175 |
| <del>.34</del>          | <del>.44</del>               | <del>4¢</del>            | 103176 |
| <del>.45</del>          | <del>.55</del>               | <del>5¢</del>            | 103177 |
| <del>.56</del>          | <del>.66</del>               | <del>6¢</del>            | 103178 |

|                 |                 |               |        |
|-----------------|-----------------|---------------|--------|
| <del>-.67</del> | <del>-.77</del> | <del>7¢</del> | 103179 |
| <del>-.78</del> | <del>-.88</del> | <del>8¢</del> | 103180 |
| <del>-.89</del> | <del>1.00</del> | <del>9¢</del> | 103181 |

~~If the price exceeds one dollar, the tax is nine cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than eleven cents, the amount of tax is nine cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than eleven cents but by not more than twenty two cents, the amount of tax is nine cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty two cents, the amount of tax is nine cents for each one dollar plus the amount of tax for prices twenty three cents through ninety nine cents in accordance with the schedule above.~~

~~(C) On and after July 1, 2005, and on and before December 31, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:~~

|                                                                         |                      |                          |        |
|-------------------------------------------------------------------------|----------------------|--------------------------|--------|
| <del>(1) When the total rate of local tax is one fourth per cent:</del> |                      |                          | 103198 |
| <del>If the price</del>                                                 | <del>But not</del>   | <del>The amount</del>    | 103199 |
| <del>is at least</del>                                                  | <del>more than</del> | <del>of the tax is</del> | 103200 |
| <del>\$.01</del>                                                        | <del>\$.15</del>     | <del>No tax</del>        | 103201 |
| <del>.16</del>                                                          | <del>.17</del>       | <del>1¢</del>            | 103202 |
| <del>.18</del>                                                          | <del>.34</del>       | <del>2¢</del>            | 103203 |
| <del>.35</del>                                                          | <del>.52</del>       | <del>3¢</del>            | 103204 |
| <del>.53</del>                                                          | <del>.69</del>       | <del>4¢</del>            | 103205 |
| <del>.70</del>                                                          | <del>.86</del>       | <del>5¢</del>            | 103206 |
| <del>.87</del>                                                          | <del>1.04</del>      | <del>6¢</del>            | 103207 |
| <del>1.05</del>                                                         | <del>1.21</del>      | <del>7¢</del>            | 103208 |
| <del>1.22</del>                                                         | <del>1.39</del>      | <del>8¢</del>            | 103209 |
| <del>1.40</del>                                                         | <del>1.56</del>      | <del>9¢</del>            | 103210 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>1.57</del> | <del>1.73</del> | <del>10¢</del> | 103211 |
| <del>1.74</del> | <del>1.91</del> | <del>11¢</del> | 103212 |
| <del>1.92</del> | <del>2.08</del> | <del>12¢</del> | 103213 |
| <del>2.09</del> | <del>2.26</del> | <del>13¢</del> | 103214 |
| <del>2.27</del> | <del>2.43</del> | <del>14¢</del> | 103215 |
| <del>2.44</del> | <del>2.60</del> | <del>15¢</del> | 103216 |
| <del>2.61</del> | <del>2.78</del> | <del>16¢</del> | 103217 |
| <del>2.79</del> | <del>2.95</del> | <del>17¢</del> | 103218 |
| <del>2.96</del> | <del>3.13</del> | <del>18¢</del> | 103219 |
| <del>3.14</del> | <del>3.30</del> | <del>19¢</del> | 103220 |
| <del>3.31</del> | <del>3.47</del> | <del>20¢</del> | 103221 |
| <del>3.48</del> | <del>3.65</del> | <del>21¢</del> | 103222 |
| <del>3.66</del> | <del>3.82</del> | <del>22¢</del> | 103223 |
| <del>3.83</del> | <del>4.00</del> | <del>23¢</del> | 103224 |

~~If the price exceeds four dollars, the tax is twenty three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

|                                                                          |                      |                          |        |
|--------------------------------------------------------------------------|----------------------|--------------------------|--------|
| <del>(2) When the combined rate of local tax is one half per cent:</del> |                      |                          | 103234 |
| <del>If the price</del>                                                  | <del>But not</del>   | <del>The amount</del>    | 103235 |
| <del>is at least</del>                                                   | <del>more than</del> | <del>of the tax is</del> | 103236 |
| <del>\$.01</del>                                                         | <del>\$.15</del>     | <del>No tax</del>        | 103237 |
| <del>.16</del>                                                           | <del>.17</del>       | <del>1¢</del>            | 103238 |
| <del>.18</del>                                                           | <del>.34</del>       | <del>2¢</del>            | 103239 |
| <del>.35</del>                                                           | <del>.50</del>       | <del>3¢</del>            | 103240 |
| <del>.51</del>                                                           | <del>.67</del>       | <del>4¢</del>            | 103241 |
| <del>.68</del>                                                           | <del>.83</del>       | <del>5¢</del>            | 103242 |



|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>2.89</del> | <del>3.04</del> | <del>19¢</del> | 103275 |
| <del>3.05</del> | <del>3.20</del> | <del>20¢</del> | 103276 |
| <del>3.21</del> | <del>3.36</del> | <del>21¢</del> | 103277 |
| <del>3.37</del> | <del>3.52</del> | <del>22¢</del> | 103278 |
| <del>3.53</del> | <del>3.68</del> | <del>23¢</del> | 103279 |
| <del>3.69</del> | <del>3.84</del> | <del>24¢</del> | 103280 |
| <del>3.85</del> | <del>4.00</del> | <del>25¢</del> | 103281 |

~~If the price exceeds four dollars, the tax is twenty five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety nine cents in accordance with the schedule above.~~

103282  
103283  
103284  
103285  
103286  
103287  
103288  
103289  
103290

~~(4) When the combined rate of local tax is one per cent:~~

103291

|                         |                      |                          |        |
|-------------------------|----------------------|--------------------------|--------|
| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    | 103292 |
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> | 103293 |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 103294 |
| <del>.16</del>          | <del>.30</del>       | <del>2¢</del>            | 103295 |
| <del>.31</del>          | <del>.46</del>       | <del>3¢</del>            | 103296 |
| <del>.47</del>          | <del>.61</del>       | <del>4¢</del>            | 103297 |
| <del>.62</del>          | <del>.76</del>       | <del>5¢</del>            | 103298 |
| <del>.77</del>          | <del>.92</del>       | <del>6¢</del>            | 103299 |
| <del>.93</del>          | <del>1.07</del>      | <del>7¢</del>            | 103300 |
| <del>1.08</del>         | <del>1.23</del>      | <del>8¢</del>            | 103301 |
| <del>1.24</del>         | <del>1.38</del>      | <del>9¢</del>            | 103302 |
| <del>1.39</del>         | <del>1.53</del>      | <del>10¢</del>           | 103303 |
| <del>1.54</del>         | <del>1.69</del>      | <del>11¢</del>           | 103304 |
| <del>1.70</del>         | <del>1.84</del>      | <del>12¢</del>           | 103305 |
| <del>1.85</del>         | <del>2.00</del>      | <del>13¢</del>           | 103306 |

~~If the price exceeds two dollars, the tax is thirteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is thirteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(5) When the combined rate of local tax is one and one fourth per cent:~~

| <del>If the price is at least</del> | <del>But not more than</del> | <del>The amount of the tax is</del> |        |
|-------------------------------------|------------------------------|-------------------------------------|--------|
| <del>\$.01</del>                    | <del>\$.15</del>             | <del>No tax</del>                   | 103317 |
| <del>.16</del>                      | <del>.29</del>               | <del>2¢</del>                       | 103318 |
| <del>.30</del>                      | <del>.44</del>               | <del>3¢</del>                       | 103319 |
| <del>.45</del>                      | <del>.59</del>               | <del>4¢</del>                       | 103320 |
| <del>.60</del>                      | <del>.74</del>               | <del>5¢</del>                       | 103321 |
| <del>.75</del>                      | <del>.88</del>               | <del>6¢</del>                       | 103322 |
| <del>.89</del>                      | <del>1.03</del>              | <del>7¢</del>                       | 103323 |
| <del>1.04</del>                     | <del>1.18</del>              | <del>8¢</del>                       | 103324 |
| <del>1.19</del>                     | <del>1.33</del>              | <del>9¢</del>                       | 103325 |
| <del>1.34</del>                     | <del>1.48</del>              | <del>10¢</del>                      | 103326 |
| <del>1.49</del>                     | <del>1.62</del>              | <del>11¢</del>                      | 103327 |
| <del>1.63</del>                     | <del>1.77</del>              | <del>12¢</del>                      | 103328 |
| <del>1.78</del>                     | <del>1.92</del>              | <del>13¢</del>                      | 103329 |
| <del>1.93</del>                     | <del>2.07</del>              | <del>14¢</del>                      | 103330 |
| <del>2.08</del>                     | <del>2.22</del>              | <del>15¢</del>                      | 103331 |
| <del>2.23</del>                     | <del>2.37</del>              | <del>16¢</del>                      | 103332 |
| <del>2.38</del>                     | <del>2.51</del>              | <del>17¢</del>                      | 103333 |
| <del>2.52</del>                     | <del>2.66</del>              | <del>18¢</del>                      | 103334 |
| <del>2.67</del>                     | <del>2.81</del>              | <del>19¢</del>                      | 103335 |
| <del>2.82</del>                     | <del>2.96</del>              | <del>20¢</del>                      | 103336 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>2.97</del> | <del>3.11</del> | <del>21¢</del> | 103339 |
| <del>3.12</del> | <del>3.25</del> | <del>22¢</del> | 103340 |
| <del>3.26</del> | <del>3.40</del> | <del>23¢</del> | 103341 |
| <del>3.41</del> | <del>3.55</del> | <del>24¢</del> | 103342 |
| <del>3.56</del> | <del>3.70</del> | <del>25¢</del> | 103343 |
| <del>3.71</del> | <del>3.85</del> | <del>26¢</del> | 103344 |
| <del>3.86</del> | <del>4.00</del> | <del>27¢</del> | 103345 |

~~If the price exceeds four dollars, the tax is twenty seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty nine cents, the amount of tax is twenty seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty nine cents the amount of tax is twenty seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(6) When the combined rate of local tax is one and one half per cent:~~

| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    |        |
|-------------------------|----------------------|--------------------------|--------|
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> |        |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 103360 |
| <del>.16</del>          | <del>.28</del>       | <del>2¢</del>            | 103361 |
| <del>.29</del>          | <del>.42</del>       | <del>3¢</del>            | 103362 |
| <del>.43</del>          | <del>.57</del>       | <del>4¢</del>            | 103363 |
| <del>.58</del>          | <del>.71</del>       | <del>5¢</del>            | 103364 |
| <del>.72</del>          | <del>.85</del>       | <del>6¢</del>            | 103365 |
| <del>.86</del>          | <del>1.00</del>      | <del>7¢</del>            | 103366 |

~~If the price exceeds one dollar, the tax is seven cents on each one dollar. If the price exceeds one dollar or a multiple~~

~~thereof by not more than fifteen cents, the amount of tax is seven cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than fifteen cents, the amount of tax is seven cents for each one dollar plus the amount of tax for prices sixteen cents through ninety nine cents in accordance with the schedule above.~~

~~(7) When the combined rate of local tax is one and three fourths per cent:~~

| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    |        |
|-------------------------|----------------------|--------------------------|--------|
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> |        |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 103381 |
| <del>.16</del>          | <del>.27</del>       | <del>2¢</del>            | 103382 |
| <del>.28</del>          | <del>.41</del>       | <del>3¢</del>            | 103383 |
| <del>.42</del>          | <del>.55</del>       | <del>4¢</del>            | 103384 |
| <del>.56</del>          | <del>.68</del>       | <del>5¢</del>            | 103385 |
| <del>.69</del>          | <del>.82</del>       | <del>6¢</del>            | 103386 |
| <del>.83</del>          | <del>.96</del>       | <del>7¢</del>            | 103387 |
| <del>.97</del>          | <del>1.10</del>      | <del>8¢</del>            | 103388 |
| <del>1.11</del>         | <del>1.24</del>      | <del>9¢</del>            | 103389 |
| <del>1.25</del>         | <del>1.37</del>      | <del>10¢</del>           | 103390 |
| <del>1.38</del>         | <del>1.51</del>      | <del>11¢</del>           | 103391 |
| <del>1.52</del>         | <del>1.65</del>      | <del>12¢</del>           | 103392 |
| <del>1.66</del>         | <del>1.79</del>      | <del>13¢</del>           | 103393 |
| <del>1.80</del>         | <del>1.93</del>      | <del>14¢</del>           | 103394 |
| <del>1.94</del>         | <del>2.06</del>      | <del>15¢</del>           | 103395 |
| <del>2.07</del>         | <del>2.20</del>      | <del>16¢</del>           | 103396 |
| <del>2.21</del>         | <del>2.34</del>      | <del>17¢</del>           | 103397 |
| <del>2.35</del>         | <del>2.48</del>      | <del>18¢</del>           | 103398 |
| <del>2.49</del>         | <del>2.62</del>      | <del>19¢</del>           | 103399 |
| <del>2.63</del>         | <del>2.75</del>      | <del>20¢</del>           | 103400 |
| <del>2.76</del>         | <del>2.89</del>      | <del>21¢</del>           | 103401 |
| <del>2.90</del>         | <del>3.03</del>      | <del>22¢</del>           | 103402 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>3.04</del> | <del>3.17</del> | <del>23¢</del> | 103403 |
| <del>3.18</del> | <del>3.31</del> | <del>24¢</del> | 103404 |
| <del>3.32</del> | <del>3.44</del> | <del>25¢</del> | 103405 |
| <del>3.45</del> | <del>3.58</del> | <del>26¢</del> | 103406 |
| <del>3.59</del> | <del>3.72</del> | <del>27¢</del> | 103407 |
| <del>3.73</del> | <del>3.86</del> | <del>28¢</del> | 103408 |
| <del>3.87</del> | <del>4.00</del> | <del>29¢</del> | 103409 |

~~If the price exceeds four dollars, the tax is twenty nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty seven cents, the amount of tax is twenty nine cents for each four dollars plus the amount of tax for prices twenty eight cents through three dollars and ninety nine cents in accordance with the schedule above.~~

|                                                                     |                      |                          |        |
|---------------------------------------------------------------------|----------------------|--------------------------|--------|
| <del>(8) When the combined rate of local tax is two per cent:</del> |                      |                          | 103422 |
| <del>If the price</del>                                             | <del>But not</del>   | <del>The amount</del>    | 103423 |
| <del>is at least</del>                                              | <del>more than</del> | <del>of the tax is</del> | 103424 |
| <del>\$ .01</del>                                                   | <del>\$ .15</del>    | <del>No tax</del>        | 103425 |
| <del>.16</del>                                                      | <del>.26</del>       | <del>2¢</del>            | 103426 |
| <del>.27</del>                                                      | <del>.40</del>       | <del>3¢</del>            | 103427 |
| <del>.41</del>                                                      | <del>.53</del>       | <del>4¢</del>            | 103428 |
| <del>.54</del>                                                      | <del>.65</del>       | <del>5¢</del>            | 103429 |
| <del>.66</del>                                                      | <del>.80</del>       | <del>6¢</del>            | 103430 |
| <del>.81</del>                                                      | <del>.93</del>       | <del>7¢</del>            | 103431 |
| <del>.94</del>                                                      | <del>1.06</del>      | <del>8¢</del>            | 103432 |
| <del>1.07</del>                                                     | <del>1.20</del>      | <del>9¢</del>            | 103433 |
| <del>1.21</del>                                                     | <del>1.33</del>      | <del>10¢</del>           | 103434 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>1.34</del> | <del>1.46</del> | <del>11¢</del> | 103435 |
| <del>1.47</del> | <del>1.60</del> | <del>12¢</del> | 103436 |
| <del>1.61</del> | <del>1.73</del> | <del>13¢</del> | 103437 |
| <del>1.74</del> | <del>1.86</del> | <del>14¢</del> | 103438 |
| <del>1.87</del> | <del>2.00</del> | <del>15¢</del> | 103439 |

~~If the price exceeds two dollars, the tax is fifteen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than fifteen cents, the amount of tax is fifteen cents for each two dollars plus the amount of tax for prices sixteen cents through one dollar and ninety nine cents in accordance with the schedule above.~~

~~(9) When the combined rate of local tax is two and one fourth per cent:~~

|                         |                      |                          |        |
|-------------------------|----------------------|--------------------------|--------|
| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    | 103450 |
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> | 103451 |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 103452 |
| <del>.16</del>          | <del>.25</del>       | <del>2¢</del>            | 103453 |
| <del>.26</del>          | <del>.38</del>       | <del>3¢</del>            | 103454 |
| <del>.39</del>          | <del>.51</del>       | <del>4¢</del>            | 103455 |
| <del>.52</del>          | <del>.64</del>       | <del>5¢</del>            | 103456 |
| <del>.65</del>          | <del>.77</del>       | <del>6¢</del>            | 103457 |
| <del>.78</del>          | <del>.90</del>       | <del>7¢</del>            | 103458 |
| <del>.91</del>          | <del>1.03</del>      | <del>8¢</del>            | 103459 |
| <del>1.04</del>         | <del>1.16</del>      | <del>9¢</del>            | 103460 |
| <del>1.17</del>         | <del>1.29</del>      | <del>10¢</del>           | 103461 |
| <del>1.30</del>         | <del>1.41</del>      | <del>11¢</del>           | 103462 |
| <del>1.42</del>         | <del>1.54</del>      | <del>12¢</del>           | 103463 |
| <del>1.55</del>         | <del>1.67</del>      | <del>13¢</del>           | 103464 |
| <del>1.68</del>         | <del>1.80</del>      | <del>14¢</del>           | 103465 |
| <del>1.81</del>         | <del>1.93</del>      | <del>15¢</del>           | 103466 |

|                                                                               |                      |                          |        |
|-------------------------------------------------------------------------------|----------------------|--------------------------|--------|
| 1.94                                                                          | 2.06                 | 16¢                      | 103467 |
| 2.07                                                                          | 2.19                 | 17¢                      | 103468 |
| 2.20                                                                          | 2.32                 | 18¢                      | 103469 |
| 2.33                                                                          | 2.45                 | 19¢                      | 103470 |
| 2.46                                                                          | 2.58                 | 20¢                      | 103471 |
| 2.59                                                                          | 2.70                 | 21¢                      | 103472 |
| 2.71                                                                          | 2.83                 | 22¢                      | 103473 |
| 2.84                                                                          | 2.96                 | 23¢                      | 103474 |
| 2.97                                                                          | 3.09                 | 24¢                      | 103475 |
| 3.10                                                                          | 3.22                 | 25¢                      | 103476 |
| 3.23                                                                          | 3.35                 | 26¢                      | 103477 |
| 3.36                                                                          | 3.48                 | 27¢                      | 103478 |
| 3.49                                                                          | 3.61                 | 28¢                      | 103479 |
| 3.62                                                                          | 3.74                 | 29¢                      | 103480 |
| 3.75                                                                          | 3.87                 | 30¢                      | 103481 |
| 3.88                                                                          | 4.00                 | 31¢                      | 103482 |
| <del>If the price exceeds four dollars, the tax is thirty one</del>           |                      |                          | 103483 |
| <del>cents on each four dollars. If the price exceeds four dollars or a</del> |                      |                          | 103484 |
| <del>multiple thereof by not more than twelve cents, the amount of tax</del>  |                      |                          | 103485 |
| <del>is thirty one cents for each four dollars plus one cent. If the</del>    |                      |                          | 103486 |
| <del>price exceeds four dollars or a multiple thereof by more than</del>      |                      |                          | 103487 |
| <del>twelve cents but not more than twenty five cents, the amount of</del>    |                      |                          | 103488 |
| <del>tax is thirty one cents for each four dollars plus two cents. If</del>   |                      |                          | 103489 |
| <del>the price exceeds four dollars or a multiple thereof by more than</del>  |                      |                          | 103490 |
| <del>twenty five cents, the amount of tax is thirty one cents for each</del>  |                      |                          | 103491 |
| <del>four dollars plus the amount of tax for prices twenty six cents</del>    |                      |                          | 103492 |
| <del>through three dollars and ninety nine cents in accordance with the</del> |                      |                          | 103493 |
| <del>schedule above.</del>                                                    |                      |                          | 103494 |
| <del>(10) When the combined rate of local tax is two and one half</del>       |                      |                          | 103495 |
| <del>per cent:</del>                                                          |                      |                          | 103496 |
| <del>If the price</del>                                                       | <del>But not</del>   | <del>The amount</del>    | 103497 |
| <del>is at least</del>                                                        | <del>more than</del> | <del>of the tax is</del> | 103498 |

|                  |                  |                   |        |
|------------------|------------------|-------------------|--------|
| <del>\$.01</del> | <del>\$.15</del> | <del>No tax</del> | 103499 |
| <del>.16</del>   | <del>.25</del>   | <del>2¢</del>     | 103500 |
| <del>.26</del>   | <del>.37</del>   | <del>3¢</del>     | 103501 |
| <del>.38</del>   | <del>.50</del>   | <del>4¢</del>     | 103502 |
| <del>.51</del>   | <del>.62</del>   | <del>5¢</del>     | 103503 |
| <del>.63</del>   | <del>.75</del>   | <del>6¢</del>     | 103504 |
| <del>.76</del>   | <del>.87</del>   | <del>7¢</del>     | 103505 |
| <del>.88</del>   | <del>1.00</del>  | <del>8¢</del>     | 103506 |

~~If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty five cents, the amount of tax is eight cents for each one dollar plus the amount of tax for prices twenty six cents through ninety nine cents in accordance with the schedule above.~~

~~(11) When the combined rate of local tax is two and three fourths per cent:~~

|                         |                      |                          |        |
|-------------------------|----------------------|--------------------------|--------|
| <del>If the price</del> | <del>But not</del>   | <del>The amount</del>    | 103520 |
| <del>is at least</del>  | <del>more than</del> | <del>of the tax is</del> | 103521 |
| <del>\$.01</del>        | <del>\$.15</del>     | <del>No tax</del>        | 103522 |
| <del>.16</del>          | <del>.24</del>       | <del>2¢</del>            | 103523 |
| <del>.25</del>          | <del>.36</del>       | <del>3¢</del>            | 103524 |
| <del>.37</del>          | <del>.48</del>       | <del>4¢</del>            | 103525 |
| <del>.49</del>          | <del>.60</del>       | <del>5¢</del>            | 103526 |
| <del>.61</del>          | <del>.72</del>       | <del>6¢</del>            | 103527 |
| <del>.73</del>          | <del>.84</del>       | <del>7¢</del>            | 103528 |
| <del>.85</del>          | <del>.96</del>       | <del>8¢</del>            | 103529 |
| <del>.97</del>          | <del>1.09</del>      | <del>9¢</del>            | 103530 |

|                 |                 |                |        |
|-----------------|-----------------|----------------|--------|
| <del>1.10</del> | <del>1.21</del> | <del>10¢</del> | 103531 |
| <del>1.22</del> | <del>1.33</del> | <del>11¢</del> | 103532 |
| <del>1.34</del> | <del>1.45</del> | <del>12¢</del> | 103533 |
| <del>1.46</del> | <del>1.57</del> | <del>13¢</del> | 103534 |
| <del>1.58</del> | <del>1.69</del> | <del>14¢</del> | 103535 |
| <del>1.70</del> | <del>1.81</del> | <del>15¢</del> | 103536 |
| <del>1.82</del> | <del>1.93</del> | <del>16¢</del> | 103537 |
| <del>1.94</del> | <del>2.06</del> | <del>17¢</del> | 103538 |
| <del>2.07</del> | <del>2.18</del> | <del>18¢</del> | 103539 |
| <del>2.19</del> | <del>2.30</del> | <del>19¢</del> | 103540 |
| <del>2.31</del> | <del>2.42</del> | <del>20¢</del> | 103541 |
| <del>2.43</del> | <del>2.54</del> | <del>21¢</del> | 103542 |
| <del>2.55</del> | <del>2.66</del> | <del>22¢</del> | 103543 |
| <del>2.67</del> | <del>2.78</del> | <del>23¢</del> | 103544 |
| <del>2.79</del> | <del>2.90</del> | <del>24¢</del> | 103545 |
| <del>2.91</del> | <del>3.03</del> | <del>25¢</del> | 103546 |
| <del>3.04</del> | <del>3.15</del> | <del>26¢</del> | 103547 |
| <del>3.16</del> | <del>3.27</del> | <del>27¢</del> | 103548 |
| <del>3.28</del> | <del>3.39</del> | <del>28¢</del> | 103549 |
| <del>3.40</del> | <del>3.51</del> | <del>29¢</del> | 103550 |
| <del>3.52</del> | <del>3.63</del> | <del>30¢</del> | 103551 |
| <del>3.64</del> | <del>3.75</del> | <del>31¢</del> | 103552 |
| <del>3.76</del> | <del>3.87</del> | <del>32¢</del> | 103553 |
| <del>3.88</del> | <del>4.00</del> | <del>33¢</del> | 103554 |

~~If the price exceeds four dollars, the tax is thirty three~~ 103555  
~~cents on each four dollars. If the price exceeds four dollars or a~~ 103556  
~~multiple thereof by not more than eleven cents, the amount of tax~~ 103557  
~~is thirty three cents for each four dollars plus one cent. If the~~ 103558  
~~price exceeds four dollars or a multiple thereof by more than~~ 103559  
~~eleven cents but not more than twenty four cents, the amount of~~ 103560  
~~tax is thirty three cents for each four dollars plus two cents. If~~ 103561  
~~the price exceeds four dollars or a multiple thereof by more than~~ 103562  
~~twenty four cents, the amount of tax is thirty three cents for~~ 103563

~~each four dollars plus the amount of tax for prices twenty six cents through three dollars and ninety nine cents in accordance with the schedule above.~~

~~(12) When the combined rate of local tax is three per cent:~~

| <del>If the price is at least</del> | <del>But not more than</del> | <del>The amount of the tax is</del> |        |
|-------------------------------------|------------------------------|-------------------------------------|--------|
| <del>\$.01</del>                    | <del>\$.15</del>             | <del>No tax</del>                   | 103570 |
| <del>.16</del>                      | <del>.23</del>               | <del>2¢</del>                       | 103571 |
| <del>.24</del>                      | <del>.35</del>               | <del>3¢</del>                       | 103572 |
| <del>.36</del>                      | <del>.47</del>               | <del>4¢</del>                       | 103573 |
| <del>.48</del>                      | <del>.58</del>               | <del>5¢</del>                       | 103574 |
| <del>.59</del>                      | <del>.70</del>               | <del>6¢</del>                       | 103575 |
| <del>.71</del>                      | <del>.82</del>               | <del>7¢</del>                       | 103576 |
| <del>.83</del>                      | <del>.94</del>               | <del>8¢</del>                       | 103577 |
| <del>.95</del>                      | <del>1.05</del>              | <del>9¢</del>                       | 103578 |
| <del>1.06</del>                     | <del>1.17</del>              | <del>10¢</del>                      | 103579 |
| <del>1.18</del>                     | <del>1.29</del>              | <del>11¢</del>                      | 103580 |
| <del>1.30</del>                     | <del>1.41</del>              | <del>12¢</del>                      | 103581 |
| <del>1.42</del>                     | <del>1.52</del>              | <del>13¢</del>                      | 103582 |
| <del>1.53</del>                     | <del>1.64</del>              | <del>14¢</del>                      | 103583 |
| <del>1.65</del>                     | <del>1.76</del>              | <del>15¢</del>                      | 103584 |
| <del>1.77</del>                     | <del>1.88</del>              | <del>16¢</del>                      | 103585 |
| <del>1.89</del>                     | <del>2.00</del>              | <del>17¢</del>                      | 103586 |

~~If the price exceeds two dollars, the tax is seventeen cents on each two dollars. If the price exceeds two dollars or a multiple thereof by not more than eleven cents, the amount of tax is seventeen cents for each two dollars plus one cent. If the price exceeds two dollars or a multiple thereof by more than eleven cents but not more than twenty three cents, the amount of tax is seventeen cents for each two dollars plus two cents. If the price exceeds two dollars or a multiple thereof by more than twenty three cents, the amount of tax is seventeen cents for each~~

~~two dollars plus the amount of tax for prices twenty four cents 103596  
through one dollar and ninety nine cents in accordance with the 103597  
schedule above. 103598~~

~~(D) In lieu of collecting the tax pursuant to the schedules 103599  
set forth in divisions (A), (B), and (C) of this section, a vendor 103600  
may compute the tax on each sale as follows: 103601~~

~~(1) On sales of fifteen cents or less, no tax shall apply. 103602~~

~~(2) On sales in excess of fifteen cents, multiply the price 103603  
by the aggregate rate of taxes in effect under sections 5739.02 103604  
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 103605  
5741.022, and 5741.023 of the Revised Code. The computation shall 103606  
be carried out to six decimal places. If the result is a 103607  
fractional amount of a cent, the calculated tax shall be increased 103608  
to the next highest cent and that amount shall be collected by the 103609  
vendor. 103610~~

~~(E) On and after January 1, 2006, a (A) A vendor shall 103611  
compute the tax on each sale by multiplying the price by the 103612  
aggregate rate of taxes in effect under sections 5739.02 and 103613  
5741.02, and sections 5739.021, 5739.023, 5739.026, 5741.021, 103614  
5741.022, and 5741.023 of the Revised Code. The computation shall 103615  
be carried out to three decimal places. If the result is a 103616  
fractional amount of a cent, the calculated tax shall be rounded 103617  
to a whole cent using a method that rounds up to the next cent 103618  
whenever the third decimal place is greater than four. A vendor 103619  
may elect to compute the tax due on a transaction on an item or an 103620  
invoice basis. 103621~~

~~(F)(B) In auditing a vendor, the tax commissioner shall 103622  
consider the method prescribed by this section that was used by 103623  
the vendor in determining and collecting the tax due under this 103624  
chapter on taxable transactions. If the vendor correctly collects 103625  
and remits the tax due under this chapter in accordance with the 103626~~

~~schedules in divisions (A), (B), and (C) of this section or in~~ 103627  
~~accordance with the computation prescribed in division (D) or (E)~~ 103628  
(A) of this section, the commissioner shall not assess any 103629  
additional tax on those transactions. 103630

~~(G)(C)~~(1) With respect to a sale of a fractional ownership 103631  
program aircraft used primarily in a fractional aircraft ownership 103632  
program, including all accessories attached to such aircraft, the 103633  
tax shall be calculated pursuant to ~~divisions~~ division (A) ~~to (E)~~ 103634  
of this section, provided that the tax commissioner shall modify 103635  
those calculations so that the maximum tax on each program 103636  
aircraft is eight hundred dollars. In the case of a sale of a 103637  
fractional interest that is less than one hundred per cent of the 103638  
program aircraft, the tax charged on the transaction shall be 103639  
eight hundred dollars multiplied by a fraction, the numerator of 103640  
which is the percentage of ownership or possession in the aircraft 103641  
being purchased in the transaction, and the denominator of which 103642  
is one hundred per cent. 103643

(2) Notwithstanding any other provision of law to the 103644  
contrary, the tax calculated under division ~~(G)(C)~~(1) of this 103645  
section and paid with respect to the sale of a fractional 103646  
ownership program aircraft used primarily in a fractional aircraft 103647  
ownership program shall be credited to the general revenue fund. 103648

**Sec. 5739.026.** (A) A board of county commissioners may levy a 103649  
tax ~~of one-fourth or one-half of one per cent~~ on every retail sale 103650  
in the county, except sales of watercraft and outboard motors 103651  
required to be titled pursuant to Chapter 1548. of the Revised 103652  
Code and sales of motor vehicles, at a rate of not more than 103653  
one-half of one per cent at any multiple of one-tenth of one per 103654  
cent and may increase an existing rate of ~~one-fourth of one per~~ 103655  
~~cent~~ tax to not more than one-half of one per cent at any multiple 103656  
of one-tenth of one per cent, to pay the expenses of administering 103657

the tax and, except as provided in division (A)(6) of this 103658  
section, for any one or more of the following purposes provided 103659  
that the aggregate levy for all such purposes does not exceed 103660  
one-half of one per cent: 103661

(1) To provide additional revenues for the payment of bonds 103662  
or notes issued in anticipation of bonds issued by a convention 103663  
facilities authority established by the board of county 103664  
commissioners under Chapter 351. of the Revised Code and to 103665  
provide additional operating revenues for the convention 103666  
facilities authority; 103667

(2) To provide additional revenues for a transit authority 103668  
operating in the county; 103669

(3) To provide additional revenue for the county's general 103670  
fund; 103671

(4) To provide additional revenue for permanent improvements 103672  
~~within the county~~ to be distributed by the community improvements 103673  
board in accordance with section 307.283 and to pay principal, 103674  
interest, and premium on bonds issued under section 307.284 of the 103675  
Revised Code; 103676

(5) To provide additional revenue for the acquisition, 103677  
construction, equipping, or repair of any specific permanent 103678  
improvement or any class or group of permanent improvements, which 103679  
improvement or class or group of improvements shall be enumerated 103680  
in the resolution required by division (D) of this section, and to 103681  
pay principal, interest, premium, and other costs associated with 103682  
the issuance of bonds or notes in anticipation of bonds issued 103683  
pursuant to Chapter 133. of the Revised Code for the acquisition, 103684  
construction, equipping, or repair of the specific permanent 103685  
improvement or class or group of permanent improvements; 103686

(6) To provide revenue for the implementation and operation 103687  
of a 9-1-1 system in the county. If the tax is levied or the rate 103688

increased exclusively for such purpose, the tax shall not be 103689  
levied or the rate increased for more than five years. At the end 103690  
of the last year the tax is levied or the rate increased, any 103691  
balance remaining in the special fund established for such purpose 103692  
shall remain in that fund and be used exclusively for such purpose 103693  
until the fund is completely expended, and, notwithstanding 103694  
section 5705.16 of the Revised Code, the board of county 103695  
commissioners shall not petition for the transfer of money from 103696  
such special fund, and the tax commissioner shall not approve such 103697  
a petition. 103698

If the tax is levied or the rate increased for such purpose 103699  
for more than five years, the board of county commissioners also 103700  
shall levy the tax or increase the rate of the tax for one or more 103701  
of the purposes described in divisions (A)(1) to (5) of this 103702  
section and shall prescribe the method for allocating the revenues 103703  
from the tax each year in the manner required by division (C) of 103704  
this section. 103705

(7) To provide additional revenue for the operation or 103706  
maintenance of a detention facility, as that term is defined under 103707  
division (F) of section 2921.01 of the Revised Code; 103708

(8) To provide revenue to finance the construction or 103709  
renovation of a sports facility, but only if the tax is levied for 103710  
that purpose in the manner prescribed by section 5739.028 of the 103711  
Revised Code. 103712

As used in division (A)(8) of this section: 103713

(a) "Sports facility" means a facility intended to house 103714  
major league professional athletic teams. 103715

(b) "Constructing" or "construction" includes providing 103716  
fixtures, furnishings, and equipment. 103717

(9) To provide additional revenue for the acquisition of 103718  
agricultural easements, as defined in section 5301.67 of the 103719

Revised Code; to pay principal, interest, and premium on bonds 103720  
issued under section 133.60 of the Revised Code; and for the 103721  
supervision and enforcement of agricultural easements held by the 103722  
county; 103723

(10) To provide revenue for the provision of ambulance, 103724  
paramedic, or other emergency medical services; 103725

(11) To provide revenue for the operation of a lake 103726  
facilities authority and the remediation of an impacted watershed 103727  
by a lake facilities authority, as provided in Chapter 353. of the 103728  
Revised Code; 103729

(12) To provide additional revenue for a regional 103730  
transportation improvement project under section 5595.06 of the 103731  
Revised Code. 103732

Pursuant to section 755.171 of the Revised Code, a board of 103733  
county commissioners may pledge and contribute revenue from a tax 103734  
levied for the purpose of division (A)(5) of this section to the 103735  
payment of debt charges on bonds issued under section 755.17 of 103736  
the Revised Code. 103737

The rate of tax shall be a multiple of ~~one-fourth~~ one-tenth 103738  
of one per cent, unless a portion of the rate of an existing tax 103739  
levied under section 5739.023 of the Revised Code has been 103740  
reduced, and the rate of tax levied under this section has been 103741  
increased, pursuant to section 5739.028 of the Revised Code, in 103742  
which case the aggregate of the rates of tax levied under this 103743  
section and section 5739.023 of the Revised Code shall be a 103744  
multiple of ~~one-fourth~~ one-tenth of one per cent. The tax shall be 103745  
levied and the rate increased pursuant to a resolution adopted by 103746  
a majority of the members of the board. The board shall deliver a 103747  
certified copy of the resolution to the tax commissioner, not 103748  
later than the sixty-fifth day prior to the date on which the tax 103749  
is to become effective, which shall be the first day of a calendar 103750

quarter. 103751

Prior to the adoption of any resolution to levy the tax or to 103752  
increase the rate of tax exclusively for the purpose set forth in 103753  
division (A)(3) of this section, the board of county commissioners 103754  
shall conduct two public hearings on the resolution, the second 103755  
hearing to be no fewer than three nor more than ten days after the 103756  
first. Notice of the date, time, and place of the hearings shall 103757  
be given by publication in a newspaper of general circulation in 103758  
the county, or as provided in section 7.16 of the Revised Code, 103759  
once a week on the same day of the week for two consecutive weeks. 103760  
The second publication shall be no fewer than ten nor more than 103761  
thirty days prior to the first hearing. Except as provided in 103762  
division (E) of this section, the resolution shall be subject to a 103763  
referendum as provided in sections 305.31 to 305.41 of the Revised 103764  
Code. If the resolution is adopted as an emergency measure 103765  
necessary for the immediate preservation of the public peace, 103766  
health, or safety, it must receive an affirmative vote of all of 103767  
the members of the board of county commissioners and shall state 103768  
the reasons for the necessity. 103769

If the tax is for more than one of the purposes set forth in 103770  
divisions (A)(1) to (7), (9), ~~and (10)~~, and (12) of this section, 103771  
or is exclusively for one of the purposes set forth in division 103772  
(A)(1), (2), (4), (5), (6), (7), (9), ~~or (10)~~, or (12) of this 103773  
section, the resolution shall not go into effect unless it is 103774  
approved by a majority of the electors voting on the question of 103775  
the tax. 103776

(B) The board of county commissioners shall adopt a 103777  
resolution under section 351.02 of the Revised Code creating the 103778  
convention facilities authority, or under section 307.283 of the 103779  
Revised Code creating the community improvements board, before 103780  
adopting a resolution levying a tax for the purpose of a 103781  
convention facilities authority under division (A)(1) of this 103782

section or for the purpose of a community improvements board under 103783  
division (A)(4) of this section. 103784

(C)(1) If the tax is to be used for more than one of the 103785  
purposes set forth in divisions (A)(1) to (7), (9), ~~and~~ (10), and 103786  
(12) of this section, the board of county commissioners shall 103787  
establish the method that will be used to determine the amount or 103788  
proportion of the tax revenue received by the county during each 103789  
year that will be distributed for each of those purposes, 103790  
including, if applicable, provisions governing the reallocation of 103791  
a convention facilities authority's allocation if the authority is 103792  
dissolved while the tax is in effect. The allocation method may 103793  
provide that different proportions or amounts of the tax shall be 103794  
distributed among the purposes in different years, but it shall 103795  
clearly describe the method that will be used for each year. 103796  
Except as otherwise provided in division (C)(2) of this section, 103797  
the allocation method established by the board is not subject to 103798  
amendment during the life of the tax. 103799

(2) Subsequent to holding a public hearing on the proposed 103800  
amendment, the board of county commissioners may amend the 103801  
allocation method established under division (C)(1) of this 103802  
section for any year, if the amendment is approved by the 103803  
governing board of each entity whose allocation for the year would 103804  
be reduced by the proposed amendment. In the case of a tax that is 103805  
levied for a continuing period of time, the board may not so amend 103806  
the allocation method for any year before the sixth year that the 103807  
tax is in effect. 103808

(a) If the additional revenues provided to the convention 103809  
facilities authority are pledged by the authority for the payment 103810  
of convention facilities authority revenue bonds for as long as 103811  
such bonds are outstanding, no reduction of the authority's 103812  
allocation of the tax shall be made for any year except to the 103813  
extent that the reduced authority allocation, when combined with 103814

the authority's other revenues pledged for that purpose, is 103815  
sufficient to meet the debt service requirements for that year on 103816  
such bonds. 103817

(b) If the additional revenues provided to the county are 103818  
pledged by the county for the payment of bonds or notes described 103819  
in division (A)(4) or (5) of this section, for as long as such 103820  
bonds or notes are outstanding, no reduction of the county's or 103821  
the community improvements board's allocation of the tax shall be 103822  
made for any year, except to the extent that the reduced county or 103823  
community improvements board allocation is sufficient to meet the 103824  
debt service requirements for that year on such bonds or notes. 103825

(c) If the additional revenues provided to the transit 103826  
authority are pledged by the authority for the payment of revenue 103827  
bonds issued under section 306.37 of the Revised Code, for as long 103828  
as such bonds are outstanding, no reduction of the authority's 103829  
allocation of tax shall be made for any year, except to the extent 103830  
that the authority's reduced allocation, when combined with the 103831  
authority's other revenues pledged for that purpose, is sufficient 103832  
to meet the debt service requirements for that year on such bonds. 103833

(d) If the additional revenues provided to the county are 103834  
pledged by the county for the payment of bonds or notes issued 103835  
under section 133.60 of the Revised Code, for so long as the bonds 103836  
or notes are outstanding, no reduction of the county's allocation 103837  
of the tax shall be made for any year, except to the extent that 103838  
the reduced county allocation is sufficient to meet the debt 103839  
service requirements for that year on the bonds or notes. 103840

(D)(1) The resolution levying the tax or increasing the rate 103841  
of tax shall state the rate of the tax or the rate of the 103842  
increase; the purpose or purposes for which it is to be levied; 103843  
the number of years for which it is to be levied or that it is for 103844  
a continuing period of time; the allocation method required by 103845  
division (C) of this section; and if required to be submitted to 103846

the electors of the county under division (A) of this section, the 103847  
date of the election at which the proposal shall be submitted to 103848  
the electors of the county, which shall be not less than ninety 103849  
days after the certification of a copy of the resolution to the 103850  
board of elections and, if the tax is to be levied exclusively for 103851  
the purpose set forth in division (A)(3) of this section, shall 103852  
not occur in August of any year. Upon certification of the 103853  
resolution to the board of elections, the board of county 103854  
commissioners shall notify the tax commissioner in writing of the 103855  
levy question to be submitted to the electors. If approved by a 103856  
majority of the electors, the tax shall become effective on the 103857  
first day of a calendar quarter next following the sixty-fifth day 103858  
following the date the board of county commissioners and tax 103859  
commissioner receive from the board of elections the certification 103860  
of the results of the election, except as provided in division (E) 103861  
of this section. 103862

(2)(a) A resolution specifying that the tax is to be used 103863  
exclusively for the purpose set forth in division (A)(3) of this 103864  
section that is not adopted as an emergency measure may direct the 103865  
board of elections to submit the question of levying the tax or 103866  
increasing the rate of the tax to the electors of the county at a 103867  
special election held on the date specified by the board of county 103868  
commissioners in the resolution, provided that the election occurs 103869  
not less than ninety days after the resolution is certified to the 103870  
board of elections and the election is not held in August of any 103871  
year. Upon certification of the resolution to the board of 103872  
elections, the board of county commissioners shall notify the tax 103873  
commissioner in writing of the levy question to be submitted to 103874  
the electors. No resolution adopted under division (D)(2)(a) of 103875  
this section shall go into effect unless approved by a majority of 103876  
those voting upon it and, except as provided in division (E) of 103877  
this section, not until the first day of a calendar quarter 103878  
following the expiration of sixty-five days from the date the tax 103879

commissioner receives notice from the board of elections of the 103880  
affirmative vote. 103881

(b) A resolution specifying that the tax is to be used 103882  
exclusively for the purpose set forth in division (A)(3) of this 103883  
section that is adopted as an emergency measure shall become 103884  
effective as provided in division (A) of this section, but may 103885  
direct the board of elections to submit the question of repealing 103886  
the tax or increase in the rate of the tax to the electors of the 103887  
county at the next general election in the county occurring not 103888  
less than ninety days after the resolution is certified to the 103889  
board of elections. Upon certification of the resolution to the 103890  
board of elections, the board of county commissioners shall notify 103891  
the tax commissioner in writing of the levy question to be 103892  
submitted to the electors. The ballot question shall be the same 103893  
as that prescribed in section 5739.022 of the Revised Code. The 103894  
board of elections shall notify the board of county commissioners 103895  
and the tax commissioner of the result of the election immediately 103896  
after the result has been declared. If a majority of the qualified 103897  
electors voting on the question of repealing the tax or increase 103898  
in the rate of the tax vote for repeal of the tax or repeal of the 103899  
increase, the board of county commissioners, on the first day of a 103900  
calendar quarter following the expiration of sixty-five days after 103901  
the date the board and tax commissioner received notice of the 103902  
result of the election, shall, in the case of a repeal of the tax, 103903  
cease to levy the tax, or, in the case of a repeal of an increase 103904  
in the rate of the tax, cease to levy the increased rate and levy 103905  
the tax at the rate at which it was imposed immediately prior to 103906  
the increase in rate. 103907

(c) A board of county commissioners, by resolution, may 103908  
reduce the rate of a tax levied exclusively for the purpose set 103909  
forth in division (A)(3) of this section to a lower rate 103910  
authorized by this section. Any such reduction shall be made 103911

effective on the first day of the calendar quarter next following 103912  
the sixty-fifth day after the tax commissioner receives a 103913  
certified copy of the resolution from the board. 103914

(E) If a vendor makes a sale in this state by printed catalog 103915  
and the consumer computed the tax on the sale based on local rates 103916  
published in the catalog, any tax levied or repealed or rate 103917  
changed under this section shall not apply to such a sale until 103918  
the first day of a calendar quarter following the expiration of 103919  
one hundred twenty days from the date of notice by the tax 103920  
commissioner pursuant to division (G) of this section. 103921

(F) The tax levied pursuant to this section shall be in 103922  
addition to the tax levied by section 5739.02 of the Revised Code 103923  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 103924  
Revised Code. 103925

A county that levies a tax pursuant to this section shall 103926  
levy a tax at the same rate pursuant to section 5741.023 of the 103927  
Revised Code. 103928

The additional tax levied by the county shall be collected 103929  
pursuant to section 5739.025 of the Revised Code. 103930

Any tax levied pursuant to this section is subject to the 103931  
exemptions provided in section 5739.02 of the Revised Code and in 103932  
addition shall not be applicable to sales not within the taxing 103933  
power of a county under the Constitution of the United States or 103934  
the Ohio Constitution. 103935

(G) Upon receipt from a board of county commissioners of a 103936  
certified copy of a resolution required by division (A) of this 103937  
section, or from the board of elections a notice of the results of 103938  
an election required by division (D)(1), (2)(a), (b), or (c) of 103939  
this section, the tax commissioner shall provide notice of a tax 103940  
rate change in a manner that is reasonably accessible to all 103941  
affected vendors. The commissioner shall provide this notice at 103942

least sixty days prior to the effective date of the rate change. 103943  
The commissioner, by rule, may establish the method by which 103944  
notice will be provided. 103945

**Sec. 5739.029.** (A) Notwithstanding sections 5739.02, 103946  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 103947  
5741.023 of the Revised Code, and except as otherwise provided in 103948  
division (B) of this section, the tax due under this chapter on 103949  
the sale of a motor vehicle required to be titled under Chapter 103950  
4505. of the Revised Code by a motor vehicle dealer to a consumer 103951  
that is a nonresident of this state shall be the lesser of the 103952  
amount of tax that would be due under this chapter and Chapter 103953  
5741. of the Revised Code if the total combined rate were six per 103954  
cent, or the amount of tax that would be due to the state in which 103955  
the consumer titles or registers the motor vehicle or to which the 103956  
consumer removes the vehicle for use. 103957

(B) No tax is due under this section, any other section of 103958  
this chapter, or Chapter 5741. of the Revised Code under any of 103959  
the following circumstances: 103960

(1)(a) The consumer intends to immediately remove the motor 103961  
vehicle from this state for use outside this state; 103962

(b) Upon removal of the motor vehicle from this state, the 103963  
consumer intends to title or register the vehicle in another state 103964  
if such titling or registration is required; 103965

(c) The consumer executes an affidavit as required under 103966  
division (C) of this section affirming the consumer's intentions 103967  
under divisions (B)(1)(a) and (b) of this section; and 103968

(d) The state in which the consumer titles or registers the 103969  
motor vehicle or to which the consumer removes the vehicle for use 103970  
provides an exemption under circumstances substantially similar to 103971  
those described in division (B)(1) of this section. 103972

(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state.

(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles.

(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer.

A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit.

(D) A motor vehicle dealer making a sale subject to the tax under division (A) of this section shall collect the tax due unless the sale is subject to the exception under division (B) of this section or unless the sale is not otherwise subject to taxes levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In the case of a sale under the circumstances described in division (B)(1) of this section, the dealer shall retain one copy of the affidavit and file the original and the other copy with the clerk of the court of common pleas. If tax is due under division (A) of this section, the dealer shall remit the tax collected ~~to the clerk at the time the dealer obtains the Ohio certificate of title in the name of the consumer~~ as required under section 4505.06 of the Revised Code. The clerk shall forward the original affidavit

to the tax commissioner in the manner prescribed by the 104005  
commissioner. 104006

Unless a sale is excepted from taxation under division (B) of 104007  
this section or the dealer makes an election under division (B)(5) 104008  
of section 4505.06 of the Revised Code, upon receipt of an 104009  
application for certificate of title a clerk of the court of 104010  
common pleas shall collect the sales tax due under division (A) of 104011  
this section. ~~The clerk shall~~ and remit the tax collected to the 104012  
tax commissioner in the manner prescribed by the commissioner. 104013

(E) If a motor vehicle is purchased by a corporation 104014  
described in division (B)(6) of section 5739.01 of the Revised 104015  
Code, the state of residence of the consumer for the purposes of 104016  
this section is the state of residence of the corporation's 104017  
principal shareholder. 104018

(F) Any provision of this chapter or of Chapter 5741. of the 104019  
Revised Code that is not inconsistent with this section applies to 104020  
sales described in division (A) of this section. 104021

(G) As used in this section: 104022

(1) For the purposes of this section only, the sale or 104023  
purchase of a motor vehicle does not include a lease or rental of 104024  
a motor vehicle subject to division (A)(2) or (3) of section 104025  
5739.02 or division (A)(2) or (3) of section 5741.02 of the 104026  
Revised Code; 104027

(2) "State," except in reference to "this state," means any 104028  
state, district, commonwealth, or territory of the United States 104029  
and any province of Canada. 104030

**Sec. 5739.033.** (A) The amount of tax due pursuant to sections 104031  
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is 104032  
the sum of the taxes imposed pursuant to those sections at the 104033  
sourcing location of the sale as determined under this section or, 104034

if applicable, under division (C) of section 5739.031 or section 104035  
5739.034 of the Revised Code. This section applies only to a 104036  
vendor's or seller's obligation to collect and remit sales taxes 104037  
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 104038  
Revised Code or use taxes under section 5741.02, 5741.021, 104039  
5741.022, or 5741.023 of the Revised Code. Division (A) of this 104040  
section does not apply in determining the jurisdiction for which 104041  
sellers are required to collect the use tax under section 5741.05 104042  
of the Revised Code. This section does not affect the obligation 104043  
of a consumer to remit use taxes on the storage, use, or other 104044  
consumption of tangible personal property or on the benefit 104045  
realized of any service provided, to the jurisdiction of that 104046  
storage, use, or consumption, or benefit realized. 104047

(B)(1) Beginning January 1, 2010, retail sales, excluding the 104048  
lease or rental, of tangible personal property or digital goods 104049  
shall be sourced to the location where the vendor receives an 104050  
order for the sale of such property or goods if: 104051

(a) The vendor receives the order in this state and the 104052  
consumer receives the property or goods in this state; 104053

(b) The location where the consumer receives the property or 104054  
goods is determined under division (C)(2), (3), or (4) of this 104055  
section; and 104056

(c) The record-keeping system used by the vendor to calculate 104057  
the tax imposed captures the location where the order is received 104058  
at the time the order is received. 104059

(2) A consumer has no additional liability to this state 104060  
under this chapter or Chapter 5741. of the Revised Code for tax, 104061  
penalty, or interest on a sale for which the consumer remits tax 104062  
to the vendor in the amount invoiced by the vendor if the invoice 104063  
amount is calculated at either the rate applicable to the location 104064  
where the consumer receives the property or digital good or at the 104065

rate applicable to the location where the order is received by the vendor. A consumer may rely on a written representation by the vendor as to the location where the order for the sale was received by the vendor. If the consumer does not have a written representation by the vendor as to the location where the order was received by the vendor, the consumer may use a location indicated by a business address for the vendor that is available from records that are maintained in the ordinary course of the consumer's business to determine the rate applicable to the location where the order was received.

(3) For the purposes of division (B) of this section, the location where an order is received by or on behalf of a vendor means the physical location of the vendor or a third party such as an established outlet, office location, or automated order receipt system operated by or on behalf of the vendor, where an order is initially received by or on behalf of the vendor, and not where the order may be subsequently accepted, completed, or fulfilled. An order is received when all necessary information to determine whether the order can be accepted has been received by or on behalf of the vendor. The location from which the property or digital good is shipped shall not be used to determine the location where the order is received by the vendor.

(4) For the purposes of division (B) of this section, if services subject to taxation under this chapter or Chapter 5741. of the Revised Code are sold with tangible personal property or digital goods pursuant to a single contract or in the same transaction, the services are billed on the same billing statement or invoice, and, because of the application of division (B) of this section, the transaction would be sourced to more than one jurisdiction, the situs of the transaction shall be the location where the order is received by or on behalf of the vendor.

(C) Except for sales, other than leases, of titled motor

vehicles, titled watercraft, or titled outboard motors as provided 104098  
in section 5741.05 of the Revised Code, or as otherwise provided 104099  
in this section and section 5739.034 of the Revised Code, all 104100  
sales shall be sourced as follows: 104101

(1) If the consumer or a donee designated by the consumer 104102  
receives tangible personal property or a service at a vendor's 104103  
place of business, the sale shall be sourced to that place of 104104  
business. 104105

(2) When the tangible personal property or service is not 104106  
received at a vendor's place of business, the sale shall be 104107  
sourced to the location known to the vendor where the consumer or 104108  
the donee designated by the consumer receives the tangible 104109  
personal property or service, including the location indicated by 104110  
instructions for delivery to the consumer or the consumer's donee. 104111

(3) If divisions (C)(1) and (2) of this section do not apply, 104112  
the sale shall be sourced to the location indicated by an address 104113  
for the consumer that is available from the vendor's business 104114  
records that are maintained in the ordinary course of the vendor's 104115  
business, when use of that address does not constitute bad faith. 104116

(4) If divisions (C)(1), (2), and (3) of this section do not 104117  
apply, the sale shall be sourced to the location indicated by an 104118  
address for the consumer obtained during the consummation of the 104119  
sale, including the address associated with the consumer's payment 104120  
instrument, if no other address is available, when use of that 104121  
address does not constitute bad faith. 104122

(5) If divisions (C)(1), (2), (3), and (4) of this section do 104123  
not apply, including in the circumstance where the vendor is 104124  
without sufficient information to apply any of those divisions, 104125  
the sale shall be sourced to the address from which tangible 104126  
personal property was shipped, or from which the service was 104127  
provided, disregarding any location that merely provided the 104128

electronic transfer of the property sold or service provided. 104129

(6) As used in division (C) of this section, "receive" means 104130  
taking possession of tangible personal property or making first 104131  
use of a service. "Receive" does not include possession by a 104132  
shipping company on behalf of a consumer. 104133

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 104134  
section, a business consumer that is not a holder of a direct 104135  
payment permit granted under section 5739.031 of the Revised Code, 104136  
that purchases a digital good, computer software, except computer 104137  
software received in person by a business consumer at a vendor's 104138  
place of business, or a service, and that knows at the time of 104139  
purchase that such digital good, software, or service will be 104140  
concurrently available for use in more than one taxing 104141  
jurisdiction shall deliver to the vendor in conjunction with its 104142  
purchase an exemption certificate claiming multiple points of use, 104143  
or shall meet the requirements of division (D)(2) of this section. 104144  
On receipt of the exemption certificate claiming multiple points 104145  
of use, the vendor is relieved of its obligation to collect, pay, 104146  
or remit the tax due, and the business consumer must pay the tax 104147  
directly to the state. 104148

(b) A business consumer that delivers the exemption 104149  
certificate claiming multiple points of use to a vendor may use 104150  
any reasonable, consistent, and uniform method of apportioning the 104151  
tax due on the digital good, computer software, or service that is 104152  
supported by the consumer's business records as they existed at 104153  
the time of the sale. The business consumer shall report and pay 104154  
the appropriate tax to each jurisdiction where concurrent use 104155  
occurs. The tax due shall be calculated as if the apportioned 104156  
amount of the digital good, computer software, or service had been 104157  
delivered to each jurisdiction to which the sale is apportioned 104158  
under this division. 104159

(c) The exemption certificate claiming multiple points of use 104160

shall remain in effect for all future sales by the vendor to the 104161  
business consumer until it is revoked in writing by the business 104162  
consumer, except as to the business consumer's specific 104163  
apportionment of a subsequent sale under division (D)(1)(b) of 104164  
this section and the facts existing at the time of the sale. 104165

(2) When the vendor knows that a digital good, computer 104166  
software, or service sold will be concurrently available for use 104167  
by the business consumer in more than one jurisdiction, but the 104168  
business consumer does not provide an exemption certificate 104169  
claiming multiple points of use as required by division (D)(1) of 104170  
this section, the vendor may work with the business consumer to 104171  
produce the correct apportionment. Governed by the principles of 104172  
division (D)(1)(b) of this section, the vendor and business 104173  
consumer may use any reasonable, but consistent and uniform, 104174  
method of apportionment that is supported by the vendor's and 104175  
business consumer's books and records as they exist at the time 104176  
the sale is reported for purposes of the taxes levied under this 104177  
chapter. If the business consumer certifies to the accuracy of the 104178  
apportionment and the vendor accepts the certification, the vendor 104179  
shall collect and remit the tax accordingly. In the absence of bad 104180  
faith, the vendor is relieved of any further obligation to collect 104181  
tax on any transaction where the vendor has collected tax pursuant 104182  
to the information certified by the business consumer. 104183

(3) When the vendor knows that the digital good, computer 104184  
software, or service will be concurrently available for use in 104185  
more than one jurisdiction, and the business consumer does not 104186  
have a direct pay permit and does not provide to the vendor an 104187  
exemption certificate claiming multiple points of use as required 104188  
in division (D)(1) of this section, or certification pursuant to 104189  
division (D)(2) of this section, the vendor shall collect and 104190  
remit the tax based on division (C) of this section. 104191

(4) Nothing in this section shall limit a person's obligation 104192

for sales or use tax to any state in which a digital good, 104193  
computer software, or service is concurrently available for use, 104194  
nor limit a person's ability under local, state, or federal law, 104195  
to claim a credit for sales or use taxes legally due and paid to 104196  
other jurisdictions. 104197

(E) A person who holds a direct payment permit issued under 104198  
section 5739.031 of the Revised Code is not required to deliver an 104199  
exemption certificate claiming multiple points of use to a vendor. 104200  
But such permit holder shall comply with division (D)(2) of this 104201  
section in apportioning the tax due on a digital good, computer 104202  
software, or a service for use in business that will be 104203  
concurrently available for use in more than one taxing 104204  
jurisdiction. 104205

(F)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 104206  
section, the consumer of advertising and promotional direct mail 104207  
or other direct mail that is not a holder of a direct payment 104208  
permit ~~shall~~ may provide to the vendor in conjunction with the 104209  
sale ~~either an a fully completed~~ exemption certificate claiming 104210  
direct mail prescribed by the tax commissioner, or, if the direct 104211  
mail is advertising and promotional direct mail, information to 104212  
show the jurisdictions to which ~~the~~ that direct mail is delivered 104213  
to recipients. 104214

~~(2) Upon~~ (b) In the absence of bad faith, upon receipt of 104215  
such an exemption certificate, the vendor is relieved of all 104216  
obligations to collect, pay, or remit the applicable tax and the 104217  
consumer is obligated to pay that tax on a direct pay basis. An 104218  
exemption certificate claiming direct mail shall remain in effect 104219  
for all future sales of direct mail by the vendor to the consumer 104220  
until it is revoked in writing. 104221

~~(3)(c)~~ Upon receipt of information from the consumer showing 104222  
the jurisdictions to which ~~the~~ advertising and promotional direct 104223  
mail is delivered to recipients, the vendor shall collect the tax 104224

according to the delivery information provided by the consumer. In 104225  
the absence of bad faith, the vendor is relieved of any further 104226  
obligation to collect tax on any transaction where the vendor has 104227  
collected tax pursuant to the delivery information provided by the 104228  
consumer. 104229

~~(4)~~(d) If the consumer of advertising and promotional direct 104230  
mail or other direct mail does not have a direct payment permit 104231  
and does not provide the vendor with either an exemption 104232  
certificate claiming direct mail or, if applicable, delivery 104233  
information as required by division (F)(1)(a) of this section, the 104234  
vendor shall collect the tax according to division (C)(5) of this 104235  
section in the case of advertising and promotional direct mail or 104236  
division (C)(3) of this section in the case of other direct mail. 104237  
Nothing in division (F)~~(4)~~(1)(d) of this section shall limit a 104238  
consumer's obligation to pay sales or use tax to any state to 104239  
which the direct mail is delivered. 104240

~~(5)~~(e) If a consumer of advertising and promotional direct 104241  
mail or other direct mail provides the vendor with documentation 104242  
of direct payment authority, the consumer shall not be required to 104243  
provide an exemption certificate claiming direct mail or, if 104244  
applicable, delivery information to the vendor. 104245

(2) As used in division (F) of this section: 104246

(a) "Direct mail" means printed material delivered or 104247  
distributed by United States mail or other delivery service to a 104248  
mass audience or to addressees on a mailing list provided by the 104249  
consumer or at the direction of the consumer when the cost of the 104250  
items are not billed directly to the recipients. "Direct mail" 104251  
includes tangible personal property supplied directly or 104252  
indirectly by the consumer to the direct mail vendor for inclusion 104253  
in the package containing the printed material. "Direct mail" does 104254  
not include multiple items of printed material delivered to a 104255  
single address. 104256

(b) "Advertising and promotional direct mail" means direct mail, the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in division (F)(2)(b) of this section, "product" means tangible personal property, whether transferred electronically or otherwise, or a service.

(c) "Other direct mail" means direct mail that is not advertising and promotional direct mail, regardless of whether advertising and promotional direct mail is included in the same mailing. "Other direct mail" includes all of the following:

(i) Transactional direct mail that contains personal information specific to the addressee, including invoices, bills, statements of account, and payroll advices;

(ii) Any legally required mailings, including privacy notices, tax reports, and stockholder reports;

(iii) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents, including newsletter and informational pieces.

"Other direct mail" does not include the development of billing information or the provision of any data processing service that is more than incidental.

(G) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the sale shall be sourced to the location where the lodging is located.

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce. 104287  
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(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce. 104295  
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(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section. 104299  
104300  
104301

(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section. 104302  
104303

(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section. 104304  
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104306

(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows: 104307  
104308

(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows: 104309  
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(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property 104313  
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location for the period in which the charges are incurred. 104318

(ii) For a lease or rental taxed pursuant to division (A)(3) 104319  
of section 5739.02 of the Revised Code, each lease or rental 104320  
installment shall be sourced to the primary property location for 104321  
the period covered by the installment. 104322

(b) In the case of a lease or rental of all other tangible 104323  
personal property, other than transportation equipment, such lease 104324  
or rental shall be sourced as follows: 104325

(i) An accelerated tax payment on a lease or rental that is 104326  
taxed pursuant to division (A)(2) of section 5739.02 of the 104327  
Revised Code shall be sourced pursuant to division (C) of this 104328  
section at the time the lease or rental is consummated. Any 104329  
subsequent taxable charges on the lease or rental shall be sourced 104330  
to the primary property location for the period in which the 104331  
charges are incurred. 104332

(ii) For a lease or rental that is taxed pursuant to division 104333  
(A)(3) of section 5739.02 of the Revised Code, the initial lease 104334  
or rental installment shall be sourced pursuant to division (C) of 104335  
this section. Each subsequent installment shall be sourced to the 104336  
primary property location for the period covered by the 104337  
installment. 104338

(3) As used in division (I) of this section, "primary 104339  
property location" means an address for tangible personal property 104340  
provided by the lessee or renter that is available to the lessor 104341  
or owner from its records maintained in the ordinary course of 104342  
business, when use of that address does not constitute bad faith. 104343

(J) If the vendor provides a service specified in division 104344  
(B)(11) of section 5739.01 of the Revised Code, the situs of the 104345  
sale is the location of the enrollee for whom a medicaid health 104346  
insurance corporation receives managed care premiums. Such sales 104347  
shall be sourced to the locations of the enrollees in the same 104348

proportion as the managed care premiums received by the medicaid 104349  
health insuring corporation on behalf of enrollees located in a 104350  
particular taxing jurisdiction in Ohio as compared to all managed 104351  
care premiums received by the medicaid health insuring 104352  
corporation. 104353

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 104354  
resolution adopted by a majority of the members of the board, levy 104355  
an excise tax not to exceed three per cent on transactions by 104356  
which lodging by a hotel is or is to be furnished to transient 104357  
guests. The board shall establish all regulations necessary to 104358  
provide for the administration and allocation of the tax. The 104359  
regulations may prescribe the time for payment of the tax, and may 104360  
provide for the imposition of a penalty or interest, or both, for 104361  
late payments, provided that the penalty does not exceed ten per 104362  
cent of the amount of tax due, and the rate at which interest 104363  
accrues does not exceed the rate per annum prescribed pursuant to 104364  
section 5703.47 of the Revised Code. Except as provided in 104365  
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), ~~and~~ (10), 104366  
(11), and (12) of this section, the regulations shall provide, 104367  
after deducting the real and actual costs of administering the 104368  
tax, for the return to each municipal corporation or township that 104369  
does not levy an excise tax on the transactions, a uniform 104370  
percentage of the tax collected in the municipal corporation or in 104371  
the unincorporated portion of the township from each transaction, 104372  
not to exceed thirty-three and one-third per cent. The remainder 104373  
of the revenue arising from the tax shall be deposited in a 104374  
separate fund and shall be spent solely to make contributions to 104375  
the convention and visitors' bureau operating within the county, 104376  
including a pledge and contribution of any portion of the 104377  
remainder pursuant to an agreement authorized by section 307.678 104378  
or 307.695 of the Revised Code, provided that if the board of 104379  
county commissioners of an eligible county as defined in section 104380

307.678 or 307.695 of the Revised Code adopts a resolution 104381  
amending a resolution levying a tax under this division to provide 104382  
that revenue from the tax shall be used by the board as described 104383  
in either division (D) of section 307.678 or division (H) of 104384  
section 307.695 of the Revised Code, the remainder of the revenue 104385  
shall be used as described in the resolution making that 104386  
amendment. Except as provided in division (A)(2), (3), (4), (5), 104387  
(6), (7), (8), (9), ~~or (10)~~, or (11) or (H) of this section, on 104388  
and after May 10, 1994, a board of county commissioners may not 104389  
levy an excise tax pursuant to this division in any municipal 104390  
corporation or township located wholly or partly within the county 104391  
that has in effect an ordinance or resolution levying an excise 104392  
tax pursuant to division (B) of this section. The board of a 104393  
county that has levied a tax under division (C) of this section 104394  
may, by resolution adopted within ninety days after July 15, 1985, 104395  
by a majority of the members of the board, amend the resolution 104396  
levying a tax under this division to provide for a portion of that 104397  
tax to be pledged and contributed in accordance with an agreement 104398  
entered into under section 307.695 of the Revised Code. A tax, any 104399  
revenue from which is pledged pursuant to such an agreement, shall 104400  
remain in effect at the rate at which it is imposed for the 104401  
duration of the period for which the revenue from the tax has been 104402  
so pledged. 104403

The board of county commissioners of an eligible county as 104404  
defined in section 307.695 of the Revised Code may, by resolution 104405  
adopted by a majority of the members of the board, amend a 104406  
resolution levying a tax under this division to provide that the 104407  
revenue from the tax shall be used by the board as described in 104408  
division (H) of section 307.695 of the Revised Code, in which case 104409  
the tax shall remain in effect at the rate at which it was imposed 104410  
for the duration of any agreement entered into by the board under 104411  
section 307.695 of the Revised Code, the duration during which any 104412  
securities issued by the board under that section are outstanding, 104413

or the duration of the period during which the board owns a 104414  
project as defined in section 307.695 of the Revised Code, 104415  
whichever duration is longest. 104416

The board of county commissioners of an eligible county as 104417  
defined in section 307.678 of the Revised Code may, by resolution, 104418  
amend a resolution levying a tax under this division to provide 104419  
that revenue from the tax, not to exceed five hundred thousand 104420  
dollars each year, may be used as described in division ~~(D)~~(E) of 104421  
section 307.678 of the Revised Code. 104422

Notwithstanding division (A)(1) of this section, the board of 104423  
county commissioners of a county described in division (A)(8)(a) 104424  
of this section may, by resolution, amend a resolution levying a 104425  
tax under this division to provide that all or a portion of the 104426  
revenue from the tax, including any revenue otherwise required to 104427  
be returned to townships or municipal corporations under this 104428  
division, may be used or pledged for the payment of debt service 104429  
on securities issued to pay the costs of constructing, operating, 104430  
and maintaining sports facilities described in division (A)(8)(b) 104431  
of this section. 104432

The board of county commissioners of a county described in 104433  
division (A)(9) of this section may, by resolution, amend a 104434  
resolution levying a tax under this division to provide that all 104435  
or a portion of the revenue from the tax may be used for the 104436  
purposes described in section 307.679 of the Revised Code. 104437

(2) A board of county commissioners that levies an excise tax 104438  
under division (A)(1) of this section on June 30, 1997, at a rate 104439  
of three per cent, and that has pledged revenue from the tax to an 104440  
agreement entered into under section 307.695 of the Revised Code 104441  
or, in the case of the board of county commissioners of an 104442  
eligible county as defined in section 307.695 of the Revised Code, 104443  
has amended a resolution levying a tax under division (C) of this 104444  
section to provide that proceeds from the tax shall be used by the 104445

board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate 104478  
shall be pledged and contributed to a convention facilities 104479  
authority established by the board of county commissioners under 104480  
Chapter 351. of the Revised Code on or before November 15, 1998, 104481  
and used to pay costs of constructing, maintaining, operating, and 104482  
promoting a facility in the county, including paying bonds, or 104483  
notes issued in anticipation of bonds, as provided by that 104484  
chapter; 104485

(c) That no portion of the revenue arising from the increase 104486  
in rate need be returned to municipal corporations or townships as 104487  
otherwise required under division (A)(1) of this section; 104488

(d) That the increase in rate shall not be subject to 104489  
diminution by initiative or referendum or by law while any bonds, 104490  
or notes in anticipation of bonds, issued by the authority under 104491  
Chapter 351. of the Revised Code to which the revenue is pledged, 104492  
remain outstanding in accordance with their terms, unless 104493  
provision is made by law or by the board of county commissioners 104494  
for an adequate substitute therefor that is satisfactory to the 104495  
trustee if a trust agreement secures the bonds. 104496

Division (A)(3) of this section does not apply to the board 104497  
of county commissioners of any county in which a convention center 104498  
or facility exists or is being constructed on November 15, 1998, 104499  
or of any county in which a convention facilities authority levies 104500  
a tax pursuant to section 351.021 of the Revised Code on that 104501  
date. 104502

As used in division (A)(3) of this section, "cost" and 104503  
"facility" have the same meanings as in section 351.01 of the 104504  
Revised Code, and "convention center" has the same meaning as in 104505  
section 307.695 of the Revised Code. 104506

(4)(a) A board of county commissioners that levies a tax 104507  
under division (A)(1) of this section on June 30, 2002, at a rate 104508

of three per cent may, by resolution adopted not later than 104509  
September 30, 2002, amend the resolution levying the tax to 104510  
provide for all of the following: 104511

(i) That the rate of the tax shall be increased by not more 104512  
than an additional three and one-half per cent on each 104513  
transaction; 104514

(ii) That all of the revenue from the increase in rate shall 104515  
be pledged and contributed to a convention facilities authority 104516  
established by the board of county commissioners under Chapter 104517  
351. of the Revised Code on or before May 15, 2002, and be used to 104518  
pay costs of constructing, expanding, maintaining, operating, or 104519  
promoting a convention center in the county, including paying 104520  
bonds, or notes issued in anticipation of bonds, as provided by 104521  
that chapter; 104522

(iii) That no portion of the revenue arising from the 104523  
increase in rate need be returned to municipal corporations or 104524  
townships as otherwise required under division (A)(1) of this 104525  
section; 104526

(iv) That the increase in rate shall not be subject to 104527  
diminution by initiative or referendum or by law while any bonds, 104528  
or notes in anticipation of bonds, issued by the authority under 104529  
Chapter 351. of the Revised Code to which the revenue is pledged, 104530  
remain outstanding in accordance with their terms, unless 104531  
provision is made by law or by the board of county commissioners 104532  
for an adequate substitute therefor that is satisfactory to the 104533  
trustee if a trust agreement secures the bonds. 104534

(b) Any board of county commissioners that, pursuant to 104535  
division (A)(4)(a) of this section, has amended a resolution 104536  
levying the tax authorized by division (A)(1) of this section may 104537  
further amend the resolution to provide that the revenue referred 104538  
to in division (A)(4)(a)(ii) of this section shall be pledged and 104539

contributed both to a convention facilities authority to pay the 104540  
costs of constructing, expanding, maintaining, or operating one or 104541  
more convention centers in the county, including paying bonds, or 104542  
notes issued in anticipation of bonds, as provided in Chapter 351. 104543  
of the Revised Code, and to a convention and visitors' bureau to 104544  
pay the costs of promoting one or more convention centers in the 104545  
county. 104546

As used in division (A)(4) of this section, "cost" has the 104547  
same meaning as in section 351.01 of the Revised Code, and 104548  
"convention center" has the same meaning as in section 307.695 of 104549  
the Revised Code. 104550

(5)(a) As used in division (A)(5) of this section: 104551

(i) "Port authority" means a port authority created under 104552  
Chapter 4582. of the Revised Code. 104553

(ii) "Port authority military-use facility" means port 104554  
authority facilities on which or adjacent to which is located an 104555  
installation of the armed forces of the United States, a reserve 104556  
component thereof, or the national guard and at least part of 104557  
which is made available for use, for consideration, by the armed 104558  
forces of the United States, a reserve component thereof, or the 104559  
national guard. 104560

(b) For the purpose of contributing revenue to pay operating 104561  
expenses of a port authority that operates a port authority 104562  
military-use facility, the board of county commissioners of a 104563  
county that created, participated in the creation of, or has 104564  
joined such a port authority may do one or both of the following: 104565

(i) Amend a resolution previously adopted under division 104566  
(A)(1) of this section to designate some or all of the revenue 104567  
from the tax levied under the resolution to be used for that 104568  
purpose, notwithstanding that division; 104569

(ii) Amend a resolution previously adopted under division 104570

(A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3, Ohio Constitution, and that levies an excise tax under division (A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of administering the tax, shall be used to pay the costs of improving, expanding, equipping, financing, or operating a convention center by a convention and visitors' bureau in the county. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years, and may be extended for an additional period of time not to exceed ten years thereafter by a resolution adopted by a majority of the members of the board. The increase in rate shall be subject to the

regulations adopted under division (A)(1) of this section, except 104603  
that the resolution may provide that no portion of the revenue 104604  
from the increase in the rate shall be returned to townships or 104605  
municipal corporations as would otherwise be required under that 104606  
division. 104607

(7) Division (A)(7) of this section applies only to a county 104608  
with a population greater than sixty-five thousand and less than 104609  
seventy thousand according to the most recent federal decennial 104610  
census and in which, on December 31, 2006, an excise tax is levied 104611  
under division (A)(1) of this section at a rate not less than and 104612  
not greater than three per cent, and in which the most recent 104613  
increase in the rate of that tax was enacted or took effect in 104614  
November 1984. 104615

The board of county commissioners of a county to which this 104616  
division applies, by resolution adopted by a majority of the 104617  
members of the board, may increase the rate of the tax by not more 104618  
than one per cent on transactions by which lodging by a hotel is 104619  
or is to be furnished to transient guests. The increase in rate 104620  
shall be for the purpose of paying expenses deemed necessary by 104621  
the convention and visitors' bureau operating in the county to 104622  
promote travel and tourism. The increase in rate shall remain in 104623  
effect for the period specified in the resolution, not to exceed 104624  
twenty years, provided that the increase in rate may not continue 104625  
beyond the time when the purpose for which the increase is levied 104626  
ceases to exist. If revenue from the increase in rate is pledged 104627  
to the payment of debt charges on securities, the increase in rate 104628  
is not subject to diminution by initiative or referendum or by law 104629  
for so long as the securities are outstanding, unless provision is 104630  
made by law or by the board of county commissioners for an 104631  
adequate substitute for that revenue that is satisfactory to the 104632  
trustee if a trust agreement secures payment of the debt charges. 104633  
The increase in rate shall be subject to the regulations adopted 104634

under division (A)(1) of this section, except that the resolution 104635  
may provide that no portion of the revenue from the increase in 104636  
the rate shall be returned to townships or municipal corporations 104637  
as would otherwise be required under division (A)(1) of this 104638  
section. A resolution adopted under division (A)(7) of this 104639  
section is subject to referendum under sections 305.31 to 305.99 104640  
of the Revised Code. 104641

(8)(a) Division (A)(8) of this section applies only to a 104642  
county satisfying all of the following: 104643

(i) The population of the county is greater than one hundred 104644  
seventy-five thousand and less than two hundred twenty-five 104645  
thousand according to the most recent federal decennial census. 104646

(ii) An amusement park with an average yearly attendance in 104647  
excess of two million guests is located in the county. 104648

(iii) On December 31, 2014, an excise tax was levied in the 104649  
county under division (A)(1) of this section at a rate of three 104650  
per cent. 104651

(b) The board of county commissioners of a county to which 104652  
this division applies, by resolution adopted by a majority of the 104653  
members of the board, may increase the rate of the tax by not more 104654  
than one per cent on transactions by which lodging by a hotel is 104655  
or is to be furnished to transient guests. The increase in rate 104656  
shall be ~~for the purpose of paying~~ used to pay the costs of 104657  
constructing and maintaining ~~county-owned~~ facilities owned by the 104658  
county or by a port authority created under Chapter 4582. of the 104659  
Revised Code, and designed to host sporting events and ~~paying~~ 104660  
expenses deemed necessary by the convention and visitors' bureau 104661  
operating in the county to promote travel and tourism with 104662  
reference to the sports facilities, and to pay or pledge to the 104663  
payment of debt service on securities issued to pay the costs of 104664  
constructing, operating, and maintaining the sports facilities. 104665

The increase in rate shall remain in effect for the period 104666  
specified in the resolution. If revenue from the increase in rate 104667  
is pledged to the payment of debt charges on securities, the 104668  
increase in rate is not subject to diminution by initiative or 104669  
referendum or by law for so long as the securities are 104670  
outstanding, unless provision is made by law or by the board of 104671  
county commissioners for an adequate substitute for that revenue 104672  
that is satisfactory to the trustee if a trust agreement secures 104673  
payment of the debt charges. The increase in rate shall be subject 104674  
to the regulations adopted under division (A)(1) of this section, 104675  
except that the resolution may provide that no portion of the 104676  
revenue from the increase in the rate shall be returned to 104677  
townships or municipal corporations as would otherwise be required 104678  
under division (A)(1) of this section. 104679

(9) The board of county commissioners of a county with a 104680  
population greater than seventy-five thousand and less than 104681  
seventy-eight thousand, by resolution adopted by a majority of the 104682  
members of the board not later than October 15, 2015, may increase 104683  
the rate of the tax by not more than one per cent on transactions 104684  
by which lodging by a hotel is or is to be furnished to transient 104685  
guests. The increase in rate shall be for the purposes described 104686  
in section 307.679 of the Revised Code or for the promotion of 104687  
travel and tourism in the county, including travel and tourism to 104688  
sports facilities. The increase in rate shall remain in effect for 104689  
the period specified in the resolution and as necessary to fulfill 104690  
the county's obligations under a cooperative agreement entered 104691  
into under section 307.679 of the Revised Code. If the resolution 104692  
is adopted by the board before ~~the effective date of the enactment~~ 104693  
~~of this division~~ September 29, 2015, but after that enactment 104694  
becomes law, the increase in rate shall become effective beginning 104695  
on ~~the effective date of the enactment of this division~~ September 104696  
29, 2015. If revenue from the increase in rate is pledged to the 104697  
payment of debt charges on securities, or to substitute for other 104698

revenues pledged to the payment of such debt, the increase in rate 104699  
is not subject to diminution by initiative or referendum or by law 104700  
for so long as the securities are outstanding, unless provision is 104701  
made by law or by the board of county commissioners for an 104702  
adequate substitute for that revenue that is satisfactory to the 104703  
trustee if a trust agreement secures payment of the debt charges. 104704  
The increase in rate shall be subject to the regulations adopted 104705  
under division (A)(1) of this section, except that no portion of 104706  
the revenue from the increase in the rate shall be returned to 104707  
townships or municipal corporations as would otherwise be required 104708  
under division (A)(1) of this section. 104709

(10) Division (A)(10) of this section applies only to 104710  
counties satisfying either of the following: 104711

(a) A county that, on July 1, 2015, does not levy an excise 104712  
tax under division (A)(1) of this section and that has a 104713  
population of at least thirty-nine thousand but not more than 104714  
forty thousand according to the 2010 federal decennial census; 104715

(b) A county that, on July 1, 2015, levies an excise tax 104716  
under division (A)(1) of this section at a rate of three per cent 104717  
and that has a population of at least seventy-one thousand but not 104718  
more than seventy-five thousand according to 2010 federal 104719  
decennial census. 104720

The board of county commissioners of a county to which 104721  
division (A)(10) of this section applies, by resolution adopted by 104722  
a majority of the members of the board, may levy an excise tax at 104723  
a rate not to exceed three per cent on transactions by which 104724  
lodging by a hotel is or is to be furnished to transient guests 104725  
for the purpose of acquiring, constructing, equipping, or 104726  
repairing permanent improvements, as defined in section 133.01 of 104727  
the Revised Code. If the board does not levy a tax under division 104728  
(A)(1) of this section, the board shall establish regulations 104729  
necessary to provide for the administration of the tax, which may 104730

prescribe the time for payment of the tax and the imposition of 104731  
penalty or interest subject to the limitations on penalty and 104732  
interest provided in division (A)(1) of this section. No portion 104733  
of the revenue shall be returned to townships or municipal 104734  
corporations in the county unless otherwise provided by resolution 104735  
of the board. The tax shall apply throughout the territory of the 104736  
county, including in any township or municipal corporation levying 104737  
an excise tax under division (B) of this section or division (A) 104738  
of section 5739.08 of the Revised Code. The levy of the tax is 104739  
subject to referendum as provided under section 305.31 of the 104740  
Revised Code. 104741

The tax shall remain in effect for the period specified in 104742  
the resolution. If revenue from the increase in rate is pledged to 104743  
the payment of debt charges on securities, the increase in rate is 104744  
not subject to diminution by initiative or referendum or by law 104745  
for so long as the securities are outstanding unless provision is 104746  
made by law or by the board for an adequate substitute for that 104747  
revenue that is satisfactory to the trustee if a trust agreement 104748  
secures payment of the debt charges. 104749

(11) The board of county commissioners of an eligible county, 104750  
as defined in section 307.678 of the Revised Code, that levies an 104751  
excise tax under division (A)(1) of this section on July 1, 2017, 104752  
at a rate of three per cent may, by resolution adopted by a 104753  
majority of the members of the board, amend the resolution levying 104754  
the tax to increase the rate of the tax by not more than an 104755  
additional three per cent on each transaction. No portion of the 104756  
revenue shall be returned to townships or municipal corporations 104757  
in the county unless otherwise provided by resolution of the 104758  
board. Otherwise, the revenue from the increase in the rate shall 104759  
be distributed and used in the same manner described under 104760  
division (A)(1) of this section. The increase in rate shall remain 104761  
in effect for the period specified in the resolution. If revenue 104762

from the increase in rate is pledged to the payment of debt 104763  
charges on securities, the increase in rate is not subject to 104764  
diminution by initiative or referendum or by law for so long as 104765  
the securities are outstanding unless provision is made by law or 104766  
by the board for an adequate substitute for that revenue that is 104767  
satisfactory to the trustee if a trust agreement secures payment 104768  
of the debt charges. 104769

(12)(a) As used in this division: 104770

(i) "Eligible county" means a county that has a population 104771  
greater than one hundred ninety thousand and less than two hundred 104772  
thousand according to the 2010 federal decennial census and that 104773  
levies an excise tax under division (A)(1) of this section at a 104774  
rate of three per cent. 104775

(ii) "Professional sports facility" means a sports facility 104776  
that is intended to house major or minor league professional 104777  
athletic teams, including a stadium, together with all parking 104778  
facilities, walkways, and other auxiliary facilities, real and 104779  
personal property, property rights, easements, and interests that 104780  
may be appropriate for, or used in connection with, the operation 104781  
of the facility. 104782

(b) Subject to division (A)(12)(c) of this section, the board 104783  
of county commissioners of an eligible county, by resolution 104784  
adopted by a majority of the members of the board, may increase 104785  
the rate of the tax by not more than one per cent on transactions 104786  
by which lodging by a hotel is or is to be furnished to transient 104787  
guests. Revenue from the increase in rate shall be used for the 104788  
purposes of paying the costs of constructing, improving, and 104789  
maintaining a professional sports facility in the county and 104790  
paying expenses considered necessary by the convention and 104791  
visitors' bureau operating in the county to promote travel and 104792  
tourism with respect to that professional sports facility. The tax 104793  
shall take effect only after the convention and visitors' bureau 104794

enters into a contract for the construction, improvement, or 104795  
maintenance of a professional sports facility that is or will be 104796  
located on property acquired, in whole or in part, with revenue 104797  
from the increased rate, and thereafter shall remain in effect for 104798  
the period specified in the resolution. If revenue from the 104799  
increase in rate is pledged to the payment of debt charges on 104800  
securities, the increase in rate is not subject to diminution by 104801  
initiative or referendum or by law for so long as the securities 104802  
are outstanding, unless a provision is made by law or by the board 104803  
of county commissioners for an adequate substitute for that 104804  
revenue that is satisfactory to the trustee if a trust agreement 104805  
secures payment of the debt charges. The increase in rate shall be 104806  
subject to the regulations adopted under division (A)(1) of this 104807  
section, except that the resolution may provide that no portion of 104808  
the revenue from the increase in the rate shall be returned to 104809  
townships or municipal corporations as would otherwise be required 104810  
under division (A)(1) of this section. 104811

(c) If, on January 1, 2019, the convention and visitors' 104812  
bureau has not entered into a contract for the construction, 104813  
improvement, or maintenance of a professional sports facility that 104814  
is or will be located on property acquired, in whole or in part, 104815  
with revenue from the increased rate, the authority to levy the 104816  
tax under division (A)(12)(b) of this section is hereby repealed 104817  
on that date. 104818

(B)(1) The legislative authority of a municipal corporation 104819  
or the board of trustees of a township that is not wholly or 104820  
partly located in a county that has in effect a resolution levying 104821  
an excise tax pursuant to division (A)(1) of this section may, by 104822  
ordinance or resolution, levy an excise tax not to exceed three 104823  
per cent on transactions by which lodging by a hotel is or is to 104824  
be furnished to transient guests. The legislative authority of the 104825  
municipal corporation or the board of trustees of the township 104826

shall deposit at least fifty per cent of the revenue from the tax 104827  
levied pursuant to this division into a separate fund, which shall 104828  
be spent solely to make contributions to convention and visitors' 104829  
bureaus operating within the county in which the municipal 104830  
corporation or township is wholly or partly located, and the 104831  
balance of that revenue shall be deposited in the general fund. 104832  
The municipal corporation or township shall establish all 104833  
regulations necessary to provide for the administration and 104834  
allocation of the tax. The regulations may prescribe the time for 104835  
payment of the tax, and may provide for the imposition of a 104836  
penalty or interest, or both, for late payments, provided that the 104837  
penalty does not exceed ten per cent of the amount of tax due, and 104838  
the rate at which interest accrues does not exceed the rate per 104839  
annum prescribed pursuant to section 5703.47 of the Revised Code. 104840  
The levy of a tax under this division is in addition to any tax 104841  
imposed on the same transaction by a municipal corporation or a 104842  
township as authorized by division (A) of section 5739.08 of the 104843  
Revised Code. 104844

(2)(a) The legislative authority of the most populous 104845  
municipal corporation located wholly or partly in a county in 104846  
which the board of county commissioners has levied a tax under 104847  
division (A)(4) of this section may amend, on or before September 104848  
30, 2002, that municipal corporation's ordinance or resolution 104849  
that levies an excise tax on transactions by which lodging by a 104850  
hotel is or is to be furnished to transient guests, to provide for 104851  
all of the following: 104852

(i) That the rate of the tax shall be increased by not more 104853  
than an additional one per cent on each transaction; 104854

(ii) That all of the revenue from the increase in rate shall 104855  
be pledged and contributed to a convention facilities authority 104856  
established by the board of county commissioners under Chapter 104857  
351. of the Revised Code on or before May 15, 2002, and be used to 104858

pay costs of constructing, expanding, maintaining, operating, or 104859  
promoting a convention center in the county, including paying 104860  
bonds, or notes issued in anticipation of bonds, as provided by 104861  
that chapter; 104862

(iii) That the increase in rate shall not be subject to 104863  
diminution by initiative or referendum or by law while any bonds, 104864  
or notes in anticipation of bonds, issued by the authority under 104865  
Chapter 351. of the Revised Code to which the revenue is pledged, 104866  
remain outstanding in accordance with their terms, unless 104867  
provision is made by law, by the board of county commissioners, or 104868  
by the legislative authority, for an adequate substitute therefor 104869  
that is satisfactory to the trustee if a trust agreement secures 104870  
the bonds. 104871

(b) The legislative authority of a municipal corporation 104872  
that, pursuant to division (B)(2)(a) of this section, has amended 104873  
its ordinance or resolution to increase the rate of the tax 104874  
authorized by division (B)(1) of this section may further amend 104875  
the ordinance or resolution to provide that the revenue referred 104876  
to in division (B)(2)(a)(ii) of this section shall be pledged and 104877  
contributed both to a convention facilities authority to pay the 104878  
costs of constructing, expanding, maintaining, or operating one or 104879  
more convention centers in the county, including paying bonds, or 104880  
notes issued in anticipation of bonds, as provided in Chapter 351. 104881  
of the Revised Code, and to a convention and visitors' bureau to 104882  
pay the costs of promoting one or more convention centers in the 104883  
county. 104884

As used in division (B)(2) of this section, "cost" has the 104885  
same meaning as in section 351.01 of the Revised Code, and 104886  
"convention center" has the same meaning as in section 307.695 of 104887  
the Revised Code. 104888

(3) The legislative authority of an eligible municipal 104889  
corporation may amend, on or before December 31, 2017, that 104890

municipal corporation's ordinance or resolution that levies an 104891  
excise tax on transactions by which lodging by a hotel is or is to 104892  
be furnished to transient guests, to provide for the following: 104893

(a) That the rate of the tax shall be increased by not more 104894  
than an additional three per cent on each transaction; 104895

(b) That all of the revenue from the increase in rate shall 104896  
be used by the municipal corporation for economic development and 104897  
tourism-related purposes. 104898

As used in division (B)(3) of this section, "eligible 104899  
municipal corporation" means a municipal corporation that, on the 104900  
effective date of the amendment of this section by H.B. 49 of the 104901  
132nd general assembly, levied a tax under division (B)(1) of this 104902  
section at a rate of three per cent and that is located in a 104903  
county that, on that date, levied a tax under division (A) of this 104904  
section at a rate of three per cent and that has, according to the 104905  
most recent federal decennial census, a population exceeding three 104906  
hundred thousand but not greater than three hundred fifty 104907  
thousand. 104908

(C) For the purposes described in section 307.695 of the 104909  
Revised Code and to cover the costs of administering the tax, a 104910  
board of county commissioners of a county where a tax imposed 104911  
under division (A)(1) of this section is in effect may, by 104912  
resolution adopted within ninety days after July 15, 1985, by a 104913  
majority of the members of the board, levy an additional excise 104914  
tax not to exceed three per cent on transactions by which lodging 104915  
by a hotel is or is to be furnished to transient guests. The tax 104916  
authorized by this division shall be in addition to any tax that 104917  
is levied pursuant to division (A) of this section, but it shall 104918  
not apply to transactions subject to a tax levied by a municipal 104919  
corporation or township pursuant to the authorization granted by 104920  
division (A) of section 5739.08 of the Revised Code. The board 104921  
shall establish all regulations necessary to provide for the 104922

administration and allocation of the tax. The regulations may 104923  
prescribe the time for payment of the tax, and may provide for the 104924  
imposition of a penalty or interest, or both, for late payments, 104925  
provided that the penalty does not exceed ten per cent of the 104926  
amount of tax due, and the rate at which interest accrues does not 104927  
exceed the rate per annum prescribed pursuant to section 5703.47 104928  
of the Revised Code. All revenues arising from the tax shall be 104929  
expended in accordance with section 307.695 of the Revised Code. 104930  
The board of county commissioners of an eligible county as defined 104931  
in section 307.695 of the Revised Code may, by resolution adopted 104932  
by a majority of the members of the board, amend the resolution 104933  
levying a tax under this division to provide that the revenue from 104934  
the tax shall be used by the board as described in division (H) of 104935  
section 307.695 of the Revised Code. A tax imposed under this 104936  
division shall remain in effect at the rate at which it is imposed 104937  
for the duration of the period during which any agreement entered 104938  
into by the board under section 307.695 of the Revised Code is in 104939  
effect, the duration of the period during which any securities 104940  
issued by the board under division (I) of section 307.695 of the 104941  
Revised Code are outstanding, or the duration of the period during 104942  
which the board owns a project as defined in section 307.695 of 104943  
the Revised Code, whichever duration is longest. 104944

(D) For the purpose of providing contributions under division 104945  
(B)(1) of section 307.671 of the Revised Code to enable the 104946  
acquisition, construction, and equipping of a port authority 104947  
educational and cultural facility in the county and, to the extent 104948  
provided for in the cooperative agreement authorized by that 104949  
section, for the purpose of paying debt service charges on bonds, 104950  
or notes in anticipation of bonds, described in division (B)(1)(b) 104951  
of that section, a board of county commissioners, by resolution 104952  
adopted within ninety days after December 22, 1992, by a majority 104953  
of the members of the board, may levy an additional excise tax not 104954  
to exceed one and one-half per cent on transactions by which 104955

lodging by a hotel is or is to be furnished to transient guests. 104956

The excise tax authorized by this division shall be in addition to 104957

any tax that is levied pursuant to divisions (A), (B), and (C) of 104958

this section, to any excise tax levied pursuant to section 5739.08 104959

of the Revised Code, and to any excise tax levied pursuant to 104960

section 351.021 of the Revised Code. The board of county 104961

commissioners shall establish all regulations necessary to provide 104962

for the administration and allocation of the tax that are not 104963

inconsistent with this section or section 307.671 of the Revised 104964

Code. The regulations may prescribe the time for payment of the 104965

tax, and may provide for the imposition of a penalty or interest, 104966

or both, for late payments, provided that the penalty does not 104967

exceed ten per cent of the amount of tax due, and the rate at 104968

which interest accrues does not exceed the rate per annum 104969

prescribed pursuant to section 5703.47 of the Revised Code. All 104970

revenues arising from the tax shall be expended in accordance with 104971

section 307.671 of the Revised Code and division (D) of this 104972

section. The levy of a tax imposed under this division may not 104973

commence prior to the first day of the month next following the 104974

execution of the cooperative agreement authorized by section 104975

307.671 of the Revised Code by all parties to that agreement. The 104976

tax shall remain in effect at the rate at which it is imposed for 104977

the period of time described in division (C) of section 307.671 of 104978

the Revised Code for which the revenue from the tax has been 104979

pledged by the county to the corporation pursuant to that section, 104980

but, to any extent provided for in the cooperative agreement, for 104981

no lesser period than the period of time required for payment of 104982

the debt service charges on bonds, or notes in anticipation of 104983

bonds, described in division (B)(1)(b) of that section. 104984

(E) For the purpose of paying the costs of acquiring, 104985

constructing, equipping, and improving a municipal educational and 104986

cultural facility, including debt service charges on bonds 104987

provided for in division (B) of section 307.672 of the Revised 104988

Code, and for any additional purposes determined by the county in 104989  
the resolution levying the tax or amendments to the resolution, 104990  
including subsequent amendments providing for paying costs of 104991  
acquiring, constructing, renovating, rehabilitating, equipping, 104992  
and improving a port authority educational and cultural performing 104993  
arts facility, as defined in section 307.674 of the Revised Code, 104994  
and including debt service charges on bonds provided for in 104995  
division (B) of section 307.674 of the Revised Code, the 104996  
legislative authority of a county, by resolution adopted within 104997  
ninety days after June 30, 1993, by a majority of the members of 104998  
the legislative authority, may levy an additional excise tax not 104999  
to exceed one and one-half per cent on transactions by which 105000  
lodging by a hotel is or is to be furnished to transient guests. 105001  
The excise tax authorized by this division shall be in addition to 105002  
any tax that is levied pursuant to divisions (A), (B), (C), and 105003  
(D) of this section, to any excise tax levied pursuant to section 105004  
5739.08 of the Revised Code, and to any excise tax levied pursuant 105005  
to section 351.021 of the Revised Code. The legislative authority 105006  
of the county shall establish all regulations necessary to provide 105007  
for the administration and allocation of the tax. The regulations 105008  
may prescribe the time for payment of the tax, and may provide for 105009  
the imposition of a penalty or interest, or both, for late 105010  
payments, provided that the penalty does not exceed ten per cent 105011  
of the amount of tax due, and the rate at which interest accrues 105012  
does not exceed the rate per annum prescribed pursuant to section 105013  
5703.47 of the Revised Code. All revenues arising from the tax 105014  
shall be expended in accordance with section 307.672 of the 105015  
Revised Code and this division. The levy of a tax imposed under 105016  
this division shall not commence prior to the first day of the 105017  
month next following the execution of the cooperative agreement 105018  
authorized by section 307.672 of the Revised Code by all parties 105019  
to that agreement. The tax shall remain in effect at the rate at 105020  
which it is imposed for the period of time determined by the 105021

legislative authority of the county. That period of time shall not 105022  
exceed fifteen years, except that the legislative authority of a 105023  
county with a population of less than two hundred fifty thousand 105024  
according to the most recent federal decennial census, by 105025  
resolution adopted by a majority of its members before the 105026  
original tax expires, may extend the duration of the tax for an 105027  
additional period of time. The additional period of time by which 105028  
a legislative authority extends a tax levied under this division 105029  
shall not exceed fifteen years. 105030

(F) The legislative authority of a county that has levied a 105031  
tax under division (E) of this section may, by resolution adopted 105032  
within one hundred eighty days after January 4, 2001, by a 105033  
majority of the members of the legislative authority, amend the 105034  
resolution levying a tax under that division to provide for the 105035  
use of the proceeds of that tax, to the extent that it is no 105036  
longer needed for its original purpose as determined by the 105037  
parties to a cooperative agreement amendment pursuant to division 105038  
(D) of section 307.672 of the Revised Code, to pay costs of 105039  
acquiring, constructing, renovating, rehabilitating, equipping, 105040  
and improving a port authority educational and cultural performing 105041  
arts facility, including debt service charges on bonds provided 105042  
for in division (B) of section 307.674 of the Revised Code, and to 105043  
pay all obligations under any guaranty agreements, reimbursement 105044  
agreements, or other credit enhancement agreements described in 105045  
division (C) of section 307.674 of the Revised Code. The 105046  
resolution may also provide for the extension of the tax at the 105047  
same rate for the longer of the period of time determined by the 105048  
legislative authority of the county, but not to exceed an 105049  
additional twenty-five years, or the period of time required to 105050  
pay all debt service charges on bonds provided for in division (B) 105051  
of section 307.672 of the Revised Code and on port authority 105052  
revenue bonds provided for in division (B) of section 307.674 of 105053  
the Revised Code. All revenues arising from the amendment and 105054

extension of the tax shall be expended in accordance with section 105055  
307.674 of the Revised Code, this division, and division (E) of 105056  
this section. 105057

(G) For purposes of a tax levied by a county, township, or 105058  
municipal corporation under this section or section 5739.08 of the 105059  
Revised Code, a board of county commissioners, board of township 105060  
trustees, or the legislative authority of a municipal corporation 105061  
may adopt a resolution or ordinance at any time specifying that 105062  
"hotel," as otherwise defined in section 5739.01 of the Revised 105063  
Code, includes the following: 105064

(1) Establishments in which fewer than five rooms are used 105065  
for the accommodation of guests. 105066

(2) Establishments at which rooms are used for the 105067  
accommodation of guests regardless of whether each room is 105068  
accessible through its own keyed entry or several rooms are 105069  
accessible through the same keyed entry; and, in determining the 105070  
number of rooms, all rooms are included regardless of the number 105071  
of structures in which the rooms are situated or the number of 105072  
parcels of land on which the structures are located if the 105073  
structures are under the same ownership and the structures are not 105074  
identified in advertisements of the accommodations as distinct 105075  
establishments. For the purposes of division (G)(2) of this 105076  
section, two or more structures are under the same ownership if 105077  
they are owned by the same person, or if they are owned by two or 105078  
more persons the majority of the ownership interests of which are 105079  
owned by the same person. 105080

The resolution or ordinance may apply to a tax imposed 105081  
pursuant to this section prior to the adoption of the resolution 105082  
or ordinance if the resolution or ordinance so states, but the tax 105083  
shall not apply to transactions by which lodging by such an 105084  
establishment is provided to transient guests prior to the 105085  
adoption of the resolution or ordinance. 105086

(H)(1) As used in this division: 105087

(a) "Convention facilities authority" has the same meaning as 105088  
in section 351.01 of the Revised Code. 105089

(b) "Convention center" has the same meaning as in section 105090  
307.695 of the Revised Code. 105091

(2) Notwithstanding any contrary provision of division (D) of 105092  
this section, the legislative authority of a county with a 105093  
population of one million or more according to the most recent 105094  
federal decennial census that has levied a tax under division (D) 105095  
of this section may, by resolution adopted by a majority of the 105096  
members of the legislative authority, provide for the extension of 105097  
such levy and may provide that the proceeds of that tax, to the 105098  
extent that they are no longer needed for their original purpose 105099  
as defined by a cooperative agreement entered into under section 105100  
307.671 of the Revised Code, shall be deposited into the county 105101  
general revenue fund. The resolution shall provide for the 105102  
extension of the tax at a rate not to exceed the rate specified in 105103  
division (D) of this section for a period of time determined by 105104  
the legislative authority of the county, but not to exceed an 105105  
additional forty years. 105106

(3) The legislative authority of a county with a population 105107  
of one million or more that has levied a tax under division (A)(1) 105108  
of this section may, by resolution adopted by a majority of the 105109  
members of the legislative authority, increase the rate of the tax 105110  
levied by such county under division (A)(1) of this section to a 105111  
rate not to exceed five per cent on transactions by which lodging 105112  
by a hotel is or is to be furnished to transient guests. 105113  
Notwithstanding any contrary provision of division (A)(1) of this 105114  
section, the resolution may provide that all collections resulting 105115  
from the rate levied in excess of three per cent, after deducting 105116  
the real and actual costs of administering the tax, shall be 105117  
deposited in the county general fund. 105118

(4) The legislative authority of a county with a population 105119  
of one million or more that has levied a tax under division (A)(1) 105120  
of this section may, by resolution adopted on or before August 30, 105121  
2004, by a majority of the members of the legislative authority, 105122  
provide that all or a portion of the proceeds of the tax levied 105123  
under division (A)(1) of this section, after deducting the real 105124  
and actual costs of administering the tax and the amounts required 105125  
to be returned to townships and municipal corporations with 105126  
respect to the first three per cent levied under division (A)(1) 105127  
of this section, shall be deposited in the county general fund, 105128  
provided that such proceeds shall be used to satisfy any pledges 105129  
made in connection with an agreement entered into under section 105130  
307.695 of the Revised Code. 105131

(5) No amount collected from a tax levied, extended, or 105132  
required to be deposited in the county general fund under division 105133  
(H) of this section shall be contributed to a convention 105134  
facilities authority, corporation, or other entity created after 105135  
July 1, 2003, for the principal purpose of constructing, 105136  
improving, expanding, equipping, financing, or operating a 105137  
convention center unless the mayor of the municipal corporation in 105138  
which the convention center is to be operated by that convention 105139  
facilities authority, corporation, or other entity has consented 105140  
to the creation of that convention facilities authority, 105141  
corporation, or entity. Notwithstanding any contrary provision of 105142  
section 351.04 of the Revised Code, if a tax is levied by a county 105143  
under division (H) of this section, the board of county 105144  
commissioners of that county may determine the manner of 105145  
selection, the qualifications, the number, and terms of office of 105146  
the members of the board of directors of any convention facilities 105147  
authority, corporation, or other entity described in division 105148  
(H)(5) of this section. 105149

(6)(a) No amount collected from a tax levied, extended, or 105150

required to be deposited in the county general fund under division 105151  
(H) of this section may be used for any purpose other than paying 105152  
the direct and indirect costs of constructing, improving, 105153  
expanding, equipping, financing, or operating a convention center 105154  
and for the real and actual costs of administering the tax, 105155  
unless, prior to the adoption of the resolution of the legislative 105156  
authority of the county authorizing the levy, extension, increase, 105157  
or deposit, the county and the mayor of the most populous 105158  
municipal corporation in that county have entered into an 105159  
agreement as to the use of such amounts, provided that such 105160  
agreement has been approved by a majority of the mayors of the 105161  
other municipal corporations in that county. The agreement shall 105162  
provide that the amounts to be used for purposes other than paying 105163  
the convention center or administrative costs described in 105164  
division (H)(6)(a) of this section be used only for the direct and 105165  
indirect costs of capital improvements, including the financing of 105166  
capital improvements. 105167

(b) If the county in which the tax is levied has an 105168  
association of mayors and city managers, the approval of that 105169  
association of an agreement described in division (H)(6)(a) of 105170  
this section shall be considered to be the approval of the 105171  
majority of the mayors of the other municipal corporations for 105172  
purposes of that division. 105173

(7) Each year, the auditor of state shall conduct an audit of 105174  
the uses of any amounts collected from taxes levied, extended, or 105175  
deposited under division (H) of this section and shall prepare a 105176  
report of the auditor of state's findings. The auditor of state 105177  
shall submit the report to the legislative authority of the county 105178  
that has levied, extended, or deposited the tax, the speaker of 105179  
the house of representatives, the president of the senate, and the 105180  
leaders of the minority parties of the house of representatives 105181  
and the senate. 105182

(I)(1) As used in this division: 105183

(a) "Convention facilities authority" has the same meaning as 105184  
in section 351.01 of the Revised Code. 105185

(b) "Convention center" has the same meaning as in section 105186  
307.695 of the Revised Code. 105187

(2) Notwithstanding any contrary provision of division (D) of 105188  
this section, the legislative authority of a county with a 105189  
population of one million two hundred thousand or more according 105190  
to the most recent federal decennial census or the most recent 105191  
annual population estimate published or released by the United 105192  
States census bureau at the time the resolution is adopted placing 105193  
the levy on the ballot, that has levied a tax under division (D) 105194  
of this section may, by resolution adopted by a majority of the 105195  
members of the legislative authority, provide for the extension of 105196  
such levy and may provide that the proceeds of that tax, to the 105197  
extent that the proceeds are no longer needed for their original 105198  
purpose as defined by a cooperative agreement entered into under 105199  
section 307.671 of the Revised Code and after deducting the real 105200  
and actual costs of administering the tax, shall be used for 105201  
paying the direct and indirect costs of constructing, improving, 105202  
expanding, equipping, financing, or operating a convention center. 105203  
The resolution shall provide for the extension of the tax at a 105204  
rate not to exceed the rate specified in division (D) of this 105205  
section for a period of time determined by the legislative 105206  
authority of the county, but not to exceed an additional forty 105207  
years. 105208

(3) The legislative authority of a county with a population 105209  
of one million two hundred thousand or more that has levied a tax 105210  
under division (A)(1) of this section may, by resolution adopted 105211  
by a majority of the members of the legislative authority, 105212  
increase the rate of the tax levied by such county under division 105213  
(A)(1) of this section to a rate not to exceed five per cent on 105214

transactions by which lodging by a hotel is or is to be furnished 105215  
to transient guests. Notwithstanding any contrary provision of 105216  
division (A)(1) of this section, the resolution shall provide that 105217  
all collections resulting from the rate levied in excess of three 105218  
per cent, after deducting the real and actual costs of 105219  
administering the tax, shall be used for paying the direct and 105220  
indirect costs of constructing, improving, expanding, equipping, 105221  
financing, or operating a convention center. 105222

(4) The legislative authority of a county with a population 105223  
of one million two hundred thousand or more that has levied a tax 105224  
under division (A)(1) of this section may, by resolution adopted 105225  
on or before July 1, 2008, by a majority of the members of the 105226  
legislative authority, provide that all or a portion of the 105227  
proceeds of the tax levied under division (A)(1) of this section, 105228  
after deducting the real and actual costs of administering the tax 105229  
and the amounts required to be returned to townships and municipal 105230  
corporations with respect to the first three per cent levied under 105231  
division (A)(1) of this section, shall be used to satisfy any 105232  
pledges made in connection with an agreement entered into under 105233  
section 307.695 of the Revised Code or shall otherwise be used for 105234  
paying the direct and indirect costs of constructing, improving, 105235  
expanding, equipping, financing, or operating a convention center. 105236

(5) Any amount collected from a tax levied or extended under 105237  
division (I) of this section may be contributed to a convention 105238  
facilities authority created before July 1, 2005, but no amount 105239  
collected from a tax levied or extended under division (I) of this 105240  
section may be contributed to a convention facilities authority, 105241  
corporation, or other entity created after July 1, 2005, unless 105242  
the mayor of the municipal corporation in which the convention 105243  
center is to be operated by that convention facilities authority, 105244  
corporation, or other entity has consented to the creation of that 105245  
convention facilities authority, corporation, or entity. 105246

(J)(1) Except as provided in division (J)(2) of this section, 105247  
money collected by a county and distributed under this section to 105248  
a convention and visitors' bureau in existence as of June 30, 105249  
2013, the effective date of H.B. 59 of the 130th general assembly, 105250  
except for any such money pledged, as of that effective date, to 105251  
the payment of debt service charges on bonds, notes, securities, 105252  
or lease agreements, shall be used solely for tourism sales, 105253  
marketing and promotion, and their associated costs, including, 105254  
but not limited to, operational and administrative costs of the 105255  
bureau, sales and marketing, and maintenance of the physical 105256  
bureau structure. 105257

(2) A convention and visitors' bureau that has entered into 105258  
an agreement under section 307.678 of the Revised Code may use 105259  
revenue it receives from a tax levied under division (A)(1) of 105260  
this section as described in division ~~(D)~~(E) of section 307.678 of 105261  
the Revised Code. 105262

(K) The board of county commissioners of a county with a 105263  
population between one hundred three thousand and one hundred 105264  
seven thousand according to the most recent federal decennial 105265  
census, by resolution adopted by a majority of the members of the 105266  
board within six months after September 15, 2014, the effective 105267  
date of H.B. 483 of the 130th general assembly, may levy a tax not 105268  
to exceed three per cent on transactions by which a hotel is or is 105269  
to be furnished to transient guests. The purpose of the tax shall 105270  
be to pay the costs of expanding, maintaining, or operating a 105271  
soldiers' memorial and the costs of administering the tax. All 105272  
revenue arising from the tax shall be credited to one or more 105273  
special funds in the county treasury and shall be spent solely for 105274  
the purposes of paying those costs. The board of county 105275  
commissioners shall adopt all rules necessary to provide for the 105276  
administration of the tax subject to the same limitations on 105277  
imposing penalty or interest under division (A)(1) of this 105278

section. 105279

As used in this division "soldiers' memorial" means a 105280  
memorial constructed and funded under Chapter 345. of the Revised 105281  
Code. 105282

(L) A board of county commissioners of an eligible county, by 105283  
resolution adopted by a majority of the members of the board, may 105284  
levy an excise tax at the rate of up to three per cent on 105285  
transactions by which lodging by a hotel is or is to be furnished 105286  
to transient guests for the purpose of paying the costs of 105287  
permanent improvements at sites at which one or more agricultural 105288  
societies conduct fairs or exhibits, paying the costs of 105289  
maintaining or operating such permanent improvements, and paying 105290  
the costs of administering the tax. A resolution adopted under 105291  
this division shall direct the board of elections to submit the 105292  
question of the proposed lodging tax to the electors of the county 105293  
at a special election held on the date specified by the board in 105294  
the resolution, provided that the election occurs not less than 105295  
ninety days after a certified copy of the resolution is 105296  
transmitted to the board of elections. A resolution submitted to 105297  
the electors under this division shall not go into effect unless 105298  
it is approved by a majority of those voting upon it. The 105299  
resolution takes effect on the date the board of county 105300  
commissioners receives notification from the board of elections of 105301  
an affirmative vote. 105302

The tax shall remain in effect for the period specified in 105303  
the resolution, not to exceed five years. All revenue arising from 105304  
the tax shall be credited to one or more special funds in the 105305  
county treasury and shall be spent solely for the purposes of 105306  
paying the costs of such permanent improvements and maintaining or 105307  
operating the improvements. Revenue allocated for the use of a 105308  
county agricultural society may be credited to the county 105309  
agricultural society fund created in section 1711.16 of the 105310

Revised Code upon appropriation by the board. If revenue is 105311  
credited to that fund, it shall be expended only as provided in 105312  
that section. 105313

The board of county commissioners shall adopt all rules 105314  
necessary to provide for the administration of the tax. The rules 105315  
may prescribe the time for payment of the tax, and may provide for 105316  
the imposition or penalty or interest, or both, for late payments, 105317  
provided that the penalty does not exceed ten per cent of the 105318  
amount of tax due, and the rate at which interest accrues does not 105319  
exceed the rate per annum prescribed in section 5703.47 of the 105320  
Revised Code. 105321

As used in this division, "eligible county" means a county in 105322  
which a county agricultural society or independent agricultural 105323  
society is organized under section 1711.01 or 1711.02 of the 105324  
Revised Code, provided the agricultural society owns a facility or 105325  
site in the county at which an annual harness horse race is 105326  
conducted where one-day attendance equals at least forty thousand 105327  
attendees. 105328

(M) As used in this division, "eligible county" means a 105329  
county in which a tax is levied under division (A) of this section 105330  
at a rate of three per cent and whose territory includes a part of 105331  
Lake Erie the shoreline of which represents at least fifty per 105332  
cent of the linear length of the county's border with other 105333  
counties of this state. 105334

The board of county commissioners of an eligible county that 105335  
has entered into an agreement with a port authority in the county 105336  
under section 4582.56 of the Revised Code may levy an additional 105337  
lodging tax on transactions by which lodging by a hotel is or is 105338  
to be furnished to transient guests for the purpose of financing 105339  
lakeshore improvement projects constructed or financed by the port 105340  
authority under that section. The resolution levying the tax shall 105341  
specify the purpose of the tax, the rate of the tax, which shall 105342

not exceed two per cent, and the number of years the tax will be 105343  
levied or that it will be levied for a continuing period of time. 105344  
The tax shall be administered pursuant to the regulations adopted 105345  
by the board under division (A) of this section, except that all 105346  
the proceeds of the tax levied under this division shall be 105347  
pledged to the payment of the costs, including debt charges, of 105348  
lakeshore improvements undertaken by a port authority pursuant to 105349  
the agreement under section 4582.56 of the Revised Code. No 105350  
revenue from the tax may be used to pay the current expenses of 105351  
the port authority. 105352

A resolution levying a tax under this division is subject to 105353  
referendum under sections 305.31 to 305.41 and 305.99 of the 105354  
Revised Code. 105355

(N)(1) Notwithstanding division (A) of this section, the 105356  
board of county commissioners, board of township trustees, or 105357  
legislative authority of any county, township, or municipal 105358  
corporation that levies a lodging tax on the effective date of the 105359  
amendment of this section and in which any part of a tourism 105360  
development district is located on or after that date shall amend 105361  
the ordinance or resolution levying the tax to require either of 105362  
the following: 105363

(a) In the case of a tax levied by a county, that all tourism 105364  
development district lodging tax proceeds from that tax be used 105365  
exclusively to foster and develop tourism in the tourism 105366  
development district; 105367

(b) In the case of a tax levied by a township or municipal 105368  
corporation, that all tourism development district lodging tax 105369  
proceeds from that tax be used exclusively to foster and develop 105370  
tourism in the tourism development district. 105371

(2) Notwithstanding division (A) of this section, any 105372  
ordinance or resolution levying a lodging tax adopted on or after 105373

the effective date of the amendment of this section by a county, 105374  
township, or municipal corporation in which any part of a tourism 105375  
development district is located on or after that date shall 105376  
require that all tourism development district lodging tax proceeds 105377  
from that tax be used exclusively to foster and develop tourism in 105378  
the tourism development district. 105379

(3) A county shall not use any of the proceeds described in 105380  
division (N)(1)(a) or (N)(2) of this section unless the convention 105381  
and visitors' bureau operating within the county approves the 105382  
manner in which such proceeds are used to foster and develop 105383  
tourism in the tourism development district. Upon obtaining such 105384  
approval, the county may pay such proceeds to the bureau to use 105385  
for the agreed-upon purpose. 105386

A municipal corporation or township shall not use any of the 105387  
proceeds described in division (N)(1)(b) or (N)(2) of this section 105388  
unless the convention and visitors' bureau operating within the 105389  
municipal corporation or township approves the manner in which 105390  
such proceeds are used to foster and develop tourism in the 105391  
tourism development district. Upon obtaining such approval, the 105392  
municipal corporation or township may pay such proceeds to the 105393  
bureau to use for the agreed-upon purpose. 105394

(4) As used in division (N) of this section: 105395

(a) "Tourism development district" means a district 105396  
designated by a municipal corporation under section 715.014 of the 105397  
Revised Code or by a township under section 503.56 of the Revised 105398  
Code. 105399

(b) "Lodging tax" means a tax levied pursuant to this section 105400  
or section 5739.08 of the Revised Code. 105401

(c) "Tourism development district lodging tax proceeds" means 105402  
all proceeds of a lodging tax derived from transactions by which 105403  
lodging by a hotel located in a tourism development district is or 105404

is to be provided to transient guests. 105405

**Sec. 5739.12.** (A)(1) Each person who has or is required to 105406  
have a vendor's license, on or before the twenty-third day of each 105407  
month, shall make and file a return for the preceding month in the 105408  
form prescribed by the tax commissioner, and shall pay the tax 105409  
shown on the return to be due. The return shall be filed 105410  
electronically using the Ohio business gateway, as defined in 105411  
section 718.01 of the Revised Code, the Ohio telefile system, or 105412  
any other electronic means prescribed by the commissioner. Payment 105413  
of the tax shown on the return to be due shall be made 105414  
electronically in a manner approved by the commissioner. The 105415  
commissioner may require a vendor that operates from multiple 105416  
locations or has multiple vendor's licenses to report all tax 105417  
liabilities on one consolidated return. The return shall show the 105418  
amount of tax due from the vendor to the state for the period 105419  
covered by the return and such other information as the 105420  
commissioner deems necessary for the proper administration of this 105421  
chapter. The commissioner may extend the time for making and 105422  
filing returns and paying the tax, and may require that the return 105423  
for the last month of any annual or semiannual period, as 105424  
determined by the commissioner, be a reconciliation return 105425  
detailing the vendor's sales activity for the preceding annual or 105426  
semiannual period. The reconciliation return shall be filed by the 105427  
last day of the month following the last month of the annual or 105428  
semiannual period. The commissioner may remit all or any part of 105429  
amounts or penalties that may become due under this chapter and 105430  
may adopt rules relating thereto. Such return shall be filed 105431  
electronically as directed by the tax commissioner, and payment of 105432  
the amount of tax shown to be due thereon, after deduction of any 105433  
discount provided for under this section, shall be made 105434  
electronically in a manner approved by the tax commissioner. 105435

(2) Any person required to file returns and make payments 105436

electronically under division (A)(1) of this section may apply to 105437  
the tax commissioner on a form prescribed by the commissioner to 105438  
be excused from that requirement. For good cause shown, the 105439  
commissioner may excuse the person from that requirement and may 105440  
permit the person to file the returns and make the payments 105441  
required by this section by nonelectronic means. 105442

(B)(1) If the return is filed and the amount of tax shown 105443  
thereon to be due is paid on or before the date such return is 105444  
required to be filed, the vendor shall be entitled to a discount 105445  
of three-fourths of one per cent of the amount shown to be due on 105446  
the return. 105447

(2) A vendor that has selected a certified service provider 105448  
as its agent shall not be entitled to the discount if the 105449  
certified service provider receives a monetary allowance pursuant 105450  
to section 5739.06 of the Revised Code for performing the vendor's 105451  
sales and use tax functions in this state. Amounts paid to the 105452  
clerk of courts pursuant to section 4505.06 of the Revised Code 105453  
shall be subject to the applicable discount. The discount shall be 105454  
in consideration for prompt payment to the clerk of courts and for 105455  
other services performed by the vendor in the collection of the 105456  
tax. 105457

(C)(1) Upon application to the tax commissioner, a vendor who 105458  
is required to file monthly returns may be relieved of the 105459  
requirement to report and pay the actual tax due, provided that 105460  
the vendor agrees to remit to the commissioner payment of not less 105461  
than an amount determined by the commissioner to be the average 105462  
monthly tax liability of the vendor, based upon a review of the 105463  
returns or other information pertaining to such vendor for a 105464  
period of not less than six months nor more than two years 105465  
immediately preceding the filing of the application. Vendors who 105466  
agree to the above conditions shall make and file an annual or 105467  
semiannual reconciliation return, as prescribed by the 105468

commissioner. The reconciliation return shall be filed 105469  
electronically as directed by the tax commissioner, and payment of 105470  
the amount of tax shown to be due thereon, after deduction of any 105471  
discount provided in this section, shall be made electronically in 105472  
a manner approved by the commissioner. Failure of a vendor to 105473  
comply with any of the above conditions may result in immediate 105474  
reinstatement of the requirement of reporting and paying the 105475  
actual tax liability on each monthly return, and the commissioner 105476  
may at the commissioner's discretion deny the vendor the right to 105477  
report and pay based upon the average monthly liability for a 105478  
period not to exceed two years. The amount ascertained by the 105479  
commissioner to be the average monthly tax liability of a vendor 105480  
may be adjusted, based upon a review of the returns or other 105481  
information pertaining to the vendor for a period of not less than 105482  
six months nor more than two years preceding such adjustment. 105483

(2) The commissioner may authorize vendors whose tax 105484  
liability is not such as to merit monthly returns, as ascertained 105485  
by the commissioner upon the basis of administrative costs to the 105486  
state, to make and file returns at less frequent intervals. When 105487  
returns are filed at less frequent intervals in accordance with 105488  
such authorization, the vendor shall be allowed the discount 105489  
provided in this section in consideration for prompt payment with 105490  
the return, provided the return is filed and payment is made of 105491  
the amount of tax shown to be due thereon, at the time specified 105492  
by the commissioner, but a vendor that has selected a certified 105493  
service provider as its agent shall not be entitled to the 105494  
discount. 105495

(3) A motor vehicle dealer that makes an election under 105496  
division (B)(5) of section 4505.06 of the Revised Code to remit 105497  
the tax due under Chapters 5739. and 5741. of the Revised Code 105498  
directly to the commissioner shall, in addition to the returns and 105499  
payments required by this section, submit to the commissioner a 105500

monthly report as required by this division. The report shall be 105501  
filed on or before the twenty-third day of each month following a 105502  
month in which the dealer's election was active under division 105503  
(B)(5)(b) of section 4505.06 of the Revised Code. The report shall 105504  
be submitted in the format required by the commissioner and shall 105505  
identify all of the following information, organized by vendor's 105506  
license, for each motor vehicle sold in the preceding calendar 105507  
month regardless of whether the vehicle was titled with a clerk in 105508  
that month: 105509

(a) The dealer's license number issued pursuant to Chapter 105510  
4517. of the Revised Code; 105511

(b) The vehicle identification number; 105512

(c) The purchase price; 105513

(d) The tax due under Chapters 5739. and 5741. of the Revised 105514  
Code; 105515

(e) The date of the sale; 105516

(f) The purchaser's county of residence; 105517

(g) The date the certificate of title was issued by a clerk, 105518  
if applicable; 105519

(h) The title number, if applicable; 105520

(i) If the sale of the vehicle is exempt from taxation, the 105521  
reason for such exemption; 105522

(j) Notification if the title was voided by the new motor 105523  
vehicle dealer of the clerk; 105524

(k) Any additional information the commissioner requires. 105525

(D) Any vendor who fails to file a return or to pay the full 105526  
amount of the tax shown on the return to be due in the manner 105527  
prescribed under this section and the rules of the commissioner 105528  
may, for each such return, be required to forfeit and pay into the 105529

state treasury an additional charge not exceeding fifty dollars or 105530  
ten per cent of the tax required to be paid for the reporting 105531  
period, whichever is greater, as revenue arising from the tax 105532  
imposed by this chapter, and such sum may be collected by 105533  
assessment in the manner provided in section 5739.13 of the 105534  
Revised Code. The commissioner may remit all or a portion of the 105535  
additional charge and may adopt rules relating to the imposition 105536  
and remission of the additional charge. 105537

(E) If the amount required to be collected by a vendor from 105538  
consumers is in excess of the applicable percentage of the 105539  
vendor's receipts from sales that are taxable under section 105540  
5739.02 of the Revised Code, or in the case of sales subject to a 105541  
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 105542  
the Revised Code, in excess of the percentage equal to the 105543  
aggregate rate of such taxes and the tax levied by section 5739.02 105544  
of the Revised Code, such excess shall be remitted along with the 105545  
remittance of the amount of tax due under section 5739.10 of the 105546  
Revised Code. 105547

(F) The commissioner, if the commissioner deems it necessary 105548  
in order to insure the payment of the tax imposed by this chapter, 105549  
may require returns and payments to be made for other than monthly 105550  
periods. 105551

(G) Any vendor required to file a return and pay the tax 105552  
under this section whose total payment for a year equals or 105553  
exceeds the amount shown in division (A) of section 5739.122 of 105554  
the Revised Code is subject to the accelerated tax payment 105555  
requirements in divisions (B) and (C) of that section. For a 105556  
vendor that operates from multiple locations or has multiple 105557  
vendor's licenses, in determining whether the vendor's total 105558  
payment equals or exceeds the amount shown in division (A) of that 105559  
section, the vendor's total payment amount shall be the amount of 105560  
the vendor's total tax liability for the previous calendar year 105561

for all of the vendor's locations or licenses. 105562

**Sec. 5739.122.** (A) If the total amount of tax required to be 105563  
paid by a vendor under section 5739.12 of the Revised Code for any 105564  
calendar year equals or exceeds seventy-five thousand dollars, the 105565  
vendor shall remit each monthly tax payment in the second ensuing 105566  
and each succeeding tax year on an accelerated basis as prescribed 105567  
by divisions (B) and (C) of this section. 105568

If a vendor's tax payment for each of two consecutive years 105569  
is less than seventy-five thousand dollars, the vendor is relieved 105570  
of the requirement to remit taxes in the manner prescribed by this 105571  
section for the year that next follows the second of the 105572  
consecutive years in which the tax payment is less than that 105573  
amount, and is relieved of that requirement for each succeeding 105574  
year, unless the tax payment in a subsequent year equals or 105575  
exceeds seventy-five thousand dollars. 105576

The tax commissioner shall notify each vendor required to 105577  
make accelerated tax payments of the vendor's obligation to do so 105578  
and shall maintain an updated list of those vendors. Failure by 105579  
the tax commissioner to notify a vendor subject to this section to 105580  
remit taxes on an accelerated basis does not relieve the vendor of 105581  
its obligation to remit taxes as provided under division (B) of 105582  
this section. 105583

(B) Vendors required by division (A) of this section to make 105584  
accelerated tax payments shall electronically remit such payments 105585  
to the tax commissioner in a manner approved by the commissioner, 105586  
as follows: 105587

(1) On or before the twenty-third day of each month, a vendor 105588  
shall remit an amount equal to seventy-five per cent of the 105589  
anticipated tax liability for that month. 105590

(2) On or before the twenty-third day of each month, a vendor 105591

shall report the taxes collected for the previous month and shall 105592  
remit that amount, less any amounts paid for that month as 105593  
required by division (B)(1) of this section. 105594

The payment of taxes on an accelerated basis under this 105595  
section does not affect a vendor's obligation to file returns and 105596  
pay the tax shown on the returns to be due as required under 105597  
section 5739.12 of the Revised Code. 105598

(C) A vendor required by this section to remit taxes on an 105599  
accelerated basis may apply to the tax commissioner, in the manner 105600  
prescribed by the commissioner, to be excused from that 105601  
requirement. The commissioner may excuse the vendor from 105602  
remittance on an accelerated basis for good cause shown for the 105603  
period of time requested by the vendor or for a portion of that 105604  
period. 105605

(D)(1)(a) If a vendor that is required to remit payments 105606  
under division (B) of this section fails to make a payment 105607  
required under division (B)(1) of this section, or makes a payment 105608  
under division (B)(1) of this section that is less than 105609  
seventy-five per cent of the actual liability for that month, the 105610  
commissioner may impose an additional charge not to exceed five 105611  
per cent of that unpaid amount. 105612

(b) Division (D)(1)(a) of this section does not apply if the 105613  
vendor's payment under division (B)(1) of this section is equal to 105614  
or greater than seventy-five per cent of the vendor's reported 105615  
liability for the same month in the immediately preceding calendar 105616  
year. 105617

(c) In each of the first twelve months following a new or 105618  
used motor vehicle dealer's election under division (B)(5) of 105619  
section 4505.06 of the Revised Code to report and remit tax 105620  
directly to the state, division (D)(1)(a) of this section does not 105621  
apply if the dealer's payment under division (B)(1) of this 105622

section is equal to or greater than seventy-five per cent of the 105623  
dealer's sales tax payments to the clerk of courts under division 105624  
(A)(5) of section 4505.06 of the Revised Code for the same month 105625  
in the immediately preceding calendar year. 105626

(2) Any additional charge imposed under division (D)(1) of 105627  
this section is in addition to any other penalty or charge imposed 105628  
under this chapter, and shall be considered as revenue arising 105629  
from taxes imposed under this chapter. An additional charge may be 105630  
collected by assessment in the manner prescribed by section 105631  
5739.13 of the Revised Code. The tax commissioner may waive all or 105632  
a portion of such a charge and may adopt rules governing such 105633  
waiver. 105634

**Sec. 5739.13.** (A) If any vendor collects the tax imposed by 105635  
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 105636  
the Revised Code, and fails to remit the tax to the state as 105637  
prescribed, or on the sale of a motor vehicle, watercraft, or 105638  
outboard motor required to be titled, fails to remit payment to a 105639  
clerk of a court of common pleas or the state as provided in 105640  
section 1548.06 or 4505.06 of the Revised Code, the vendor shall 105641  
be personally liable for any tax collected and not remitted. The 105642  
tax commissioner may make an assessment against such vendor based 105643  
upon any information in the commissioner's possession. 105644

If any vendor fails to collect the tax or any consumer fails 105645  
to pay the tax imposed by or pursuant to section 5739.02, 105646  
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 105647  
transaction subject to the tax, the vendor or consumer shall be 105648  
personally liable for the amount of the tax applicable to the 105649  
transaction. The commissioner may make an assessment against 105650  
either the vendor or consumer, as the facts may require, based 105651  
upon any information in the commissioner's possession. 105652

An assessment against a vendor when the tax imposed by or 105653

pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 105654  
the Revised Code has not been collected or paid, shall not 105655  
discharge the purchaser's or consumer's liability to reimburse the 105656  
vendor for the tax applicable to such transaction. 105657

An assessment issued against either, pursuant to this 105658  
section, shall not be considered an election of remedies, nor a 105659  
bar to an assessment against the other for the tax applicable to 105660  
the same transaction, provided that no assessment shall be issued 105661  
against any person for the tax due on a particular transaction if 105662  
the tax on that transaction actually has been paid by another. 105663

The commissioner may make an assessment against any vendor 105664  
who fails to file a return or remit the proper amount of tax 105665  
required by this chapter, or against any consumer who fails to pay 105666  
the proper amount of tax required by this chapter. When 105667  
information in the possession of the commissioner indicates that 105668  
the amount required to be collected or paid under this chapter is 105669  
greater than the amount remitted by the vendor or paid by the 105670  
consumer, the commissioner may audit a sample of the vendor's 105671  
sales or the consumer's purchases for a representative period, to 105672  
ascertain the per cent of exempt or taxable transactions or the 105673  
effective tax rate and may issue an assessment based on the audit. 105674  
The commissioner shall make a good faith effort to reach agreement 105675  
with the vendor or consumer in selecting a representative sample. 105676

The commissioner may make an assessment, based on any 105677  
information in the commissioner's possession, against any person 105678  
who fails to file a return or remit the proper amount of tax 105679  
required by section 5739.102 of the Revised Code. 105680

The commissioner may issue an assessment on any transaction 105681  
for which any tax imposed under this chapter or Chapter 5741. of 105682  
the Revised Code was due and unpaid on the date the vendor or 105683  
consumer was informed by an agent of the tax commissioner of an 105684  
investigation or audit. If the vendor or consumer remits any 105685

payment of the tax for the period covered by the assessment after 105686  
the vendor or consumer was informed of the investigation or audit, 105687  
the payment shall be credited against the amount of the 105688  
assessment. 105689

The commissioner shall give the party assessed written notice 105690  
of the assessment in the manner provided in section 5703.37 of the 105691  
Revised Code. With the notice, the commissioner shall provide 105692  
instructions on how to petition for reassessment and request a 105693  
hearing on the petition. 105694

(B) Unless the party assessed files with the commissioner 105695  
within sixty days after service of the notice of assessment, 105696  
either personally or by certified mail, a written petition for 105697  
reassessment, signed by the party assessed or that party's 105698  
authorized agent having knowledge of the facts, the assessment 105699  
becomes final and the amount of the assessment is due from the 105700  
party assessed and payable to the treasurer of state and remitted 105701  
to the tax commissioner. The petition shall indicate the 105702  
objections of the party assessed, but additional objections may be 105703  
raised in writing if received by the commissioner prior to the 105704  
date shown on the final determination. If the petition has been 105705  
properly filed, the commissioner shall proceed under section 105706  
5703.60 of the Revised Code. 105707

(C) After an assessment becomes final, if any portion of the 105708  
assessment remains unpaid, including accrued interest, a certified 105709  
copy of the commissioner's entry making the assessment final may 105710  
be filed in the office of the clerk of the court of common pleas 105711  
in the county in which the place of business of the party assessed 105712  
is located or the county in which the party assessed resides. If 105713  
the party assessed maintains no place of business in this state 105714  
and is not a resident of this state, the certified copy of the 105715  
entry may be filed in the office of the clerk of the court of 105716  
common pleas of Franklin county. 105717

Immediately upon the filing of the entry, the clerk shall 105718  
enter a judgment for the state against the party assessed in the 105719  
amount shown on the entry. The judgment may be filed by the clerk 105720  
in a loose-leaf book entitled "special judgments for state, 105721  
county, and transit authority retail sales tax" or, if 105722  
appropriate, "special judgments for resort area excise tax," and 105723  
shall have the same effect as other judgments. Execution shall 105724  
issue upon the judgment upon the request of the tax commissioner, 105725  
and all laws applicable to sales on execution shall apply to sales 105726  
made under the judgment except as otherwise provided in this 105727  
chapter. 105728

If the assessment is not paid in its entirety within sixty 105729  
days after the date the assessment was issued, the portion of the 105730  
assessment consisting of tax due shall bear interest at the rate 105731  
per annum prescribed by section 5703.47 of the Revised Code from 105732  
the day the tax commissioner issues the assessment until the 105733  
assessment is paid or until it is certified to the attorney 105734  
general for collection under section 131.02 of the Revised Code, 105735  
whichever comes first. If the unpaid portion of the assessment is 105736  
certified to the attorney general for collection, the entire 105737  
unpaid portion of the assessment shall bear interest at the rate 105738  
per annum prescribed by section 5703.47 of the Revised Code from 105739  
the date of certification until the date it is paid in its 105740  
entirety. Interest shall be paid in the same manner as the tax and 105741  
may be collected by issuing an assessment under this section. 105742

(D) All money collected by the tax commissioner under this 105743  
section shall be paid to the treasurer of state, and when paid 105744  
shall be considered as revenue arising from the taxes imposed by 105745  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 105746

**Sec. 5739.132.** (A) If a tax ~~payment originally, fee, or~~ 105747  
charge due under this chapter or Chapter 128. or 5741. of the 105748

Revised Code ~~on or after January 1, 1998,~~ is not paid on or before 105749  
the day the ~~tax~~ payment is required to be paid, interest shall 105750  
accrue on the unpaid tax, fee, or charge at the rate per annum 105751  
prescribed by section 5703.47 of the Revised Code from the day the 105752  
tax, fee, or charge was required to be paid until the tax, fee, or 105753  
charge is paid or until the day an assessment is issued under 105754  
section 5739.13 or 5739.15 of the Revised Code, whichever occurs 105755  
first. Interest shall be paid in the same manner as the tax, fee, 105756  
or charge, and may be collected by assessment. 105757

(B) ~~For tax payments due prior to January 1, 1998, interest~~ 105758  
~~shall be allowed and paid upon any refund granted in respect to~~ 105759  
~~the payment of an illegal or erroneous assessment issued by the~~ 105760  
~~department for the tax imposed under this chapter or Chapter 5741-~~ 105761  
~~of the Revised Code from the date of the overpayment. For tax~~ 105762  
~~payments due on or after January 1, 1998, interest~~ Interest shall 105763  
be allowed and paid on any refund granted pursuant to section 105764  
128.47, 5739.07, or 5741.10 of the Revised Code from the date of 105765  
the overpayment. The interest shall be computed at the rate per 105766  
annum prescribed by section 5703.47 of the Revised Code. 105767

**Sec. 5739.17.** (A) No person shall engage in making retail 105768  
sales subject to a tax imposed by or pursuant to section 5739.02, 105769  
5739.021, 5739.023, or 5739.026 of the Revised Code as a business 105770  
without having a license therefor, except as otherwise provided in 105771  
divisions (A)(1), (2), and (3) of this section. 105772

(1) In the dissolution of a partnership by death, the 105773  
surviving partner may operate under the license of the partnership 105774  
for a period of sixty days. 105775

(2) The heirs or legal representatives of deceased persons, 105776  
and receivers and trustees in bankruptcy, appointed by any 105777  
competent authority, may operate under the license of the person 105778  
so succeeded in possession. 105779

(3) Two or more persons who are not partners may operate a single place of business under one license. In such case neither the retirement of any such person from business at that place of business, nor the entrance of any person, under an existing arrangement, shall affect the license or require the issuance of a new license, unless the person retiring from the business is the individual named on the vendor's license.

Except as otherwise provided in this section, each applicant for a license shall make out and deliver to the county auditor of each county in which the applicant desires to engage in business, upon a blank to be furnished by such auditor for that purpose, a statement showing the name of the applicant, each place of business in the county where the applicant will make retail sales, the nature of the business, and any other information the tax commissioner reasonably prescribes in the form of a statement prescribed by the commissioner.

At the time of making the application, the applicant shall pay into the county treasury a license fee in the sum of twenty-five dollars for each fixed place of business in the county that will be the situs of retail sales. Upon receipt of the application and exhibition of the county treasurer's receipt, showing the payment of the license fee, the county auditor shall issue to the applicant a license for each fixed place of business designated in the application, authorizing the applicant to engage in business at that location.

(B) If a vendor's identity changes, the vendor shall apply for a new license. If a vendor wishes to move an existing fixed place of business to a new location within the same county, the vendor shall obtain a new vendor's license or submit a request to the commissioner to transfer the existing vendor's license to the new location. When the new location has been verified as being within the same county, the commissioner shall authorize the

transfer and notify the county auditor of the change of location. 105812  
If a vendor wishes to move an existing fixed place of business to 105813  
another county, the vendor's license shall not transfer and the 105814  
vendor shall obtain a new vendor's license from the county in 105815  
which the business is to be located. The form of the license shall 105816  
be prescribed by the commissioner. The fees collected shall be 105817  
credited to the general fund of the county. If a vendor fails to 105818  
notify the commissioner of a change of location of its fixed place 105819  
of business or that its business has closed, the commissioner may 105820  
cancel the vendor's license if ordinary mail sent to the location 105821  
shown on the license is returned because of an undeliverable 105822  
address. 105823

(C) The commissioner may establish or participate in a 105824  
registration system whereby any vendor may obtain a vendor's 105825  
license by submitting to the commissioner a vendor's license 105826  
application and a license fee of twenty-five dollars for each 105827  
fixed place of business at which the vendor intends to make retail 105828  
sales. Under this registration system, the commissioner shall 105829  
issue a vendor's license to the applicant on behalf of the county 105830  
auditor of the county in which the applicant desires to engage in 105831  
business, and shall forward a copy of the application and license 105832  
fee to that county. All such license fees received by the 105833  
commissioner for the issuance of vendor's licenses shall be 105834  
deposited into the vendor's license application fund, which is 105835  
hereby created in the state treasury. The commissioner shall 105836  
certify to the director of budget and management within ten 105837  
business days after the close of a month the license fees to be 105838  
transmitted to each county from the vendor's license application 105839  
fund for vendor's license applications received by the 105840  
commissioner during that month. License fees transmitted to a 105841  
county for which payment was not received by the commissioner may 105842  
be netted against a future distribution to that county, including 105843  
distributions made pursuant to section 5739.21 of the Revised 105844

Code. 105845

A vendor that makes retail sales subject to tax under Chapter 105846  
5739. of the Revised Code pursuant to a permit issued by the 105847  
division of liquor control shall obtain a vendor's license in the 105848  
identical name and for the identical address as shown on the 105849  
permit. 105850

Except as otherwise provided in this section, if a vendor has 105851  
no fixed place of business and sells from a vehicle, each vehicle 105852  
intended to be used within a county constitutes a place of 105853  
business for the purpose of this section. 105854

(D) As used in this section, "transient vendor" means any 105855  
person who makes sales of tangible personal property from vending 105856  
machines located on land owned by others, who leases titled motor 105857  
vehicles, titled watercraft, or titled outboard motors, who 105858  
effectuates leases that are taxed according to division (A)(2) of 105859  
section 5739.02 of the Revised Code, who sells titled motor 105860  
vehicles as a motor vehicle dealer and has an active election 105861  
under division (B)(5) of section 4505.06 of the Revised Code, or 105862  
who, in the usual course of the person's business, transports 105863  
inventory, stock of goods, or similar tangible personal property 105864  
to a temporary place of business or temporary exhibition, show, 105865  
fair, flea market, or similar event in a county in which the 105866  
person has no fixed place of business, for the purpose of making 105867  
retail sales of such property. A "temporary place of business" 105868  
means any public or quasi-public place including, but not limited 105869  
to, a hotel, rooming house, storeroom, building, part of a 105870  
building, tent, vacant lot, railroad car, or motor vehicle that is 105871  
temporarily occupied for the purpose of making retail sales of 105872  
goods to the public. A place of business is not temporary if the 105873  
same person conducted business at the place continuously for more 105874  
than six months or occupied the premises as the person's permanent 105875  
residence for more than six months, or if the person intends it to 105876

be a fixed place of business. 105877

~~Any transient vendor, in lieu of obtaining a vendor's license~~ 105878  
~~under division (A) of this section for counties in which the~~ 105879  
~~transient vendor has no fixed place of business,~~ may apply to the 105880  
tax commissioner, on a form prescribed by the commissioner, for a 105881  
transient vendor's license. The transient vendor's license 105882  
authorizes the transient vendor to make retail sales in any county 105883  
in which the transient vendor does not maintain a fixed place of 105884  
business. Any holder of a transient vendor's license shall not be 105885  
required to obtain a separate vendor's license from the county 105886  
auditor in that county. Upon the commissioner's determination that 105887  
an applicant is a transient vendor, the applicant shall pay a 105888  
license fee in the amount of twenty-five dollars, at which time 105889  
the tax commissioner shall issue the license. The tax commissioner 105890  
may require a vendor to be licensed as a transient vendor if, in 105891  
the opinion of the commissioner, such licensing is necessary for 105892  
the efficient administration of the tax. 105893

Any holder of a valid transient vendor's license may make 105894  
retail sales at a temporary place of business or temporary 105895  
exhibition, show, fair, flea market, or similar event, held 105896  
anywhere in the state without complying with any provision of 105897  
section 311.37 of the Revised Code. Any holder of a valid vendor's 105898  
license may make retail sales as a transient vendor at a temporary 105899  
place of business or temporary exhibition, show, fair, flea 105900  
market, or similar event held in any county in which the vendor 105901  
maintains a fixed place of business for which the vendor holds a 105902  
vendor's license without obtaining a transient vendor's license. 105903

(E) Any vendor who is issued a license pursuant to this 105904  
section shall display the license or a copy of it prominently, in 105905  
plain view, at every place of business of the vendor. 105906

(F) No owner, organizer, or promoter who operates a fair, 105907  
flea market, show, exhibition, convention, or similar event at 105908

which transient vendors are present shall fail to keep a 105909  
comprehensive record of all such vendors, listing the vendor's 105910  
name, permanent address, vendor's license number, and the type of 105911  
goods sold. Such records shall be kept for four years and shall be 105912  
open to inspection by the commissioner. 105913

(G) The commissioner may issue additional types of licenses 105914  
if required to efficiently administer the tax imposed by this 105915  
chapter. 105916

Sec. 5739.18. The tax commissioner shall provide and maintain 105917  
a system that will allow county auditors to issue vendor's 105918  
licenses. County auditors shall use that system to issue vendor's 105919  
licenses. 105920

The commissioner shall publish lists of the following 105921  
information on the department of taxation's web site: 105922

(A) The name, account number, and business address of each 105923  
holder of a vendor's license issued under section 5739.17 of the 105924  
Revised Code, and information regarding the active or inactive 105925  
status of the license; 105926

(B) The name, account number, and business address of each 105927  
holder of a direct payment permit issued under section 5739.031 of 105928  
the Revised Code and information regarding the active or inactive 105929  
status of the permit; 105930

(C) The name, account number, and business address of each 105931  
seller that has registered with the commissioner under section 105932  
5741.17 of the Revised Code and information regarding the active 105933  
or inactive status of the registration. 105934

**Sec. 5739.30.** (A) No person, including any officer, employee, 105935  
or trustee of a corporation or business trust, shall fail to file 105936  
any return or report required to be filed by this chapter, or file 105937  
or cause to be filed any incomplete, false or fraudulent return, 105938

report, or statement, or aid or abet another in the filing of any false or fraudulent return, report, or statement.

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(B) If any vendor required to file monthly returns under section 5739.12 of the Revised Code fails, on two consecutive months or on three or more months within a twelve-month period, to file such returns when due or to pay the tax thereon, or if any vendor authorized by the tax commissioner to file semiannual returns fails on two or more occasions within a twenty-four month period, to file such returns when due or to pay the tax due thereon, the commissioner may do any of the following:

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(1) Require the vendor to furnish security in an amount equal to the average tax liability of the vendor for a period of one year, as determined by the commissioner from a review of returns or other information pertaining to the vendor, which amount shall in no event be less than one thousand dollars. The security may be in the form of a corporate surety bond, satisfactory to the commissioner, conditioned upon payment of the tax due with the returns from the vendor. The security shall be filed within ten days following the vendor's receipt of the notice from the commissioner of its requirements.

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(2) Suspend the license issued to the vendor pursuant to section 5739.17 of the Revised Code. The suspension shall be effective ten days after service of written notice to the vendor of the commissioner's intention to do so. The notice shall be served upon the vendor personally, by certified mail, or by an alternative delivery service as authorized under section 5703.37 of the Revised Code. On the first day of the suspension, the commissioner shall cause to be posted, at every public entrance of the vendor's premises, a notice identifying the vendor and the location and informing the public that the vendor's license is under suspension and that no retail sales may be transacted at

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that location. No person, other than the commissioner or the 105971  
commissioner's agent or employee, shall remove, cover, or deface 105972  
the posted notice. No license which has been suspended under this 105973  
section shall be reinstated, and no posted notice shall be 105974  
removed, until the vendor has filed complete and correct returns 105975  
under this chapter and section 5747.07 of the Revised Code for all 105976  
periods in which no return had been filed and has paid the full 105977  
amount of the tax, penalties, ~~and~~ or other charges due ~~on these~~ 105978  
returns. 105979

A corporate surety bond filed under this section shall be 105980  
returned to the vendor if, for a period of twelve consecutive 105981  
months following the date the bond was filed, the vendor has filed 105982  
all returns and remitted payment with them within the time 105983  
prescribed in section 5739.12 of the Revised Code. 105984

(C) The tax commissioner may suspend a license issued to a 105985  
vendor pursuant to section 5739.17 of the Revised Code if the 105986  
vendor is required, as an employer, to file returns or make 105987  
payments under section 5747.07 of the Revised Code and the vendor 105988  
fails to do either of the following: 105989

(1) File such returns when due on two consecutive occasions 105990  
or on three or more occasions within a twelve-month period; 105991

(2) Pay the undeposited taxes when due on two consecutive 105992  
occasions or on three or more occasions within a twelve-month 105993  
period. 105994

Any such suspension shall comply with the provisions of 105995  
division (B)(2) of this section. 105996

(D) If a vendor whose license has been suspended under 105997  
division (B)(2) of this section fails to file returns or make 105998  
payments under section 5747.07 of the Revised Code during such 105999  
suspension, the license may not be reinstated, and the notice 106000  
required by that division shall not be removed, until the vendor 106001

files complete and correct returns and pays the amounts due, plus 106002  
any penalties and other related charges, under section 5747.07 of 106003  
the Revised Code for all periods for which the vendor failed to 106004  
file such returns and make such payments. 106005

**Sec. 5741.01.** As used in this chapter: 106006

(A) "Person" includes individuals, receivers, assignees, 106007  
trustees in bankruptcy, estates, firms, partnerships, 106008  
associations, joint-stock companies, joint ventures, clubs, 106009  
societies, corporations, business trusts, governments, and 106010  
combinations of individuals of any form. 106011

(B) "Storage" means and includes any keeping or retention in 106012  
this state for use or other consumption in this state. 106013

(C) "Use" means and includes the exercise of any right or 106014  
power incidental to the ownership of the thing used. A thing is 106015  
also "used" in this state if its consumer gives or otherwise 106016  
distributes it, without charge, to recipients in this state. 106017

(D) "Purchase" means acquired or received for a 106018  
consideration, whether such acquisition or receipt was effected by 106019  
a transfer of title, or of possession, or of both, or a license to 106020  
use or consume; whether such transfer was absolute or conditional, 106021  
and by whatever means the transfer was effected; and whether the 106022  
consideration was money, credit, barter, or exchange. Purchase 106023  
includes production, even though the article produced was used, 106024  
stored, or consumed by the producer. The transfer of copyrighted 106025  
motion picture films for exhibition purposes is not a purchase, 106026  
except such films as are used solely for advertising purposes. 106027

(E) "Seller" means the person from whom a purchase is made, 106028  
and includes every person engaged in this state or elsewhere in 106029  
the business of selling tangible personal property or providing a 106030  
service for storage, use, or other consumption or benefit in this 106031

state; and when, in the opinion of the tax commissioner, it is 106032  
necessary for the efficient administration of this chapter, to 106033  
regard any salesperson, representative, peddler, or canvasser as 106034  
the agent of a dealer, distributor, supervisor, or employer under 106035  
whom the person operates, or from whom the person obtains tangible 106036  
personal property, sold by the person for storage, use, or other 106037  
consumption in this state, irrespective of whether or not the 106038  
person is making such sales on the person's own behalf, or on 106039  
behalf of such dealer, distributor, supervisor, or employer, the 106040  
commissioner may regard the person as such agent, and may regard 106041  
such dealer, distributor, supervisor, or employer as the seller. 106042  
"Seller" does not include any person to the extent the person 106043  
provides a communications medium, such as, but not limited to, 106044  
newspapers, magazines, radio, television, or cable television, by 106045  
means of which sellers solicit purchases of their goods or 106046  
services. 106047

(F) "Consumer" means any person who has purchased tangible 106048  
personal property or has been provided a service for storage, use, 106049  
or other consumption or benefit in this state. "Consumer" does not 106050  
include a person who receives, without charge, tangible personal 106051  
property or a service. 106052

A person who performs a facility management or similar 106053  
service contract for a contractee is a consumer of all tangible 106054  
personal property and services purchased for use in connection 106055  
with the performance of such contract, regardless of whether title 106056  
to any such property vests in the contractee. The purchase of such 106057  
property and services is not subject to the exception for resale 106058  
under division (E) of section 5739.01 of the Revised Code. 106059

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 106060  
of this section, has the same meaning as in division (H)(1) of 106061  
section 5739.01 of the Revised Code. 106062

(2) In the case of watercraft, outboard motors, or new motor 106063

vehicles, "price" has the same meaning as in divisions (H)(2) and 106064  
(3) of section 5739.01 of the Revised Code. 106065

(3) In the case of a nonresident business consumer that 106066  
purchases and uses tangible personal property outside this state 106067  
and subsequently temporarily stores, uses, or otherwise consumes 106068  
such tangible personal property in the conduct of business in this 106069  
state, the consumer or the tax commissioner may determine the 106070  
price based on the value of the temporary storage, use, or other 106071  
consumption, in lieu of determining the price pursuant to division 106072  
(G)(1) of this section. A price determination made by the consumer 106073  
is subject to review and redetermination by the commissioner. 106074

(4) In the case of tangible personal property held in this 106075  
state as inventory for sale or lease, and that is temporarily 106076  
stored, used, or otherwise consumed in a taxable manner, the price 106077  
is the value of the temporary use. A price determination made by 106078  
the consumer is subject to review and redetermination by the 106079  
commissioner. 106080

(5) In the case of tangible personal property originally 106081  
purchased and used by the consumer outside this state, and that 106082  
becomes permanently stored, used, or otherwise consumed in this 106083  
state more than six months after its acquisition by the consumer, 106084  
the consumer or the commissioner may determine the price based on 106085  
the current value of such tangible personal property, in lieu of 106086  
determining the price pursuant to division (G)(1) of this section. 106087  
A price determination made by the consumer is subject to review 106088  
and redetermination by the commissioner. 106089

(6) If a consumer produces tangible personal property for 106090  
sale and removes that property from inventory for the consumer's 106091  
own use, the price is the produced cost of that tangible personal 106092  
property. 106093

(H) "Nexus with this state" means that the seller engages in 106094

continuous and widespread solicitation of purchases from residents 106095  
of this state or otherwise purposefully directs its business 106096  
activities at residents of this state. 106097

(I)(1) "Substantial nexus with this state" means that the 106098  
seller has sufficient contact with this state, in accordance with 106099  
Section 8 of Article I of the Constitution of the United States, 106100  
to allow the state to require the seller to collect and remit use 106101  
tax on sales of tangible personal property or services made to 106102  
consumers in this state. 106103

(2) "Substantial nexus with this state" is presumed to exist 106104  
when the seller does any of the following: 106105

(a) Uses an office, distribution facility, warehouse, storage 106106  
facility, or similar place of business within this state, whether 106107  
operated by the seller or any other person, other than a common 106108  
carrier acting in its capacity as a common carrier. 106109

(b) Regularly uses employees, agents, representatives, 106110  
solicitors, installers, repairers, salespersons, or other persons 106111  
in this state for the purpose of conducting the business of the 106112  
seller or either to engage in a business with the same or a 106113  
similar industry classification as the seller selling a similar 106114  
product or line of products as the seller, or to use trademarks, 106115  
service marks, or trade names in this state that are the same or 106116  
substantially similar to those used by the seller. 106117

(c) Uses any person, other than a common carrier acting in 106118  
its capacity as a common carrier, in this state for any of the 106119  
following purposes: 106120

(i) Receiving or processing orders of the seller's goods or 106121  
services; 106122

(ii) Using that person's employees or facilities in this 106123  
state to advertise, promote, or facilitate sales by the seller to 106124  
customers; 106125

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                              |
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| (iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers;                                                                                                                                                                                                                                                                                                                                                                              | 106126<br>106127                                                             |
| (iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business.                                                                                                                                                                                                            | 106128<br>106129<br>106130<br>106131<br>106132                               |
| (d) Makes regular deliveries of tangible personal property into this state by means other than common carrier.                                                                                                                                                                                                                                                                                                                                                                        | 106133<br>106134                                                             |
| (e) Has an affiliated person that has substantial nexus with this state.                                                                                                                                                                                                                                                                                                                                                                                                              | 106135<br>106136                                                             |
| (f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state.                                                                                                                                                                                                                                                                                                              | 106137<br>106138<br>106139                                                   |
| (g) Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in-person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months. | 106140<br>106141<br>106142<br>106143<br>106144<br>106145<br>106146<br>106147 |
| <u>(h) Uses in-state software to sell or lease taxable tangible personal property or services to consumers, provided the seller has gross receipts in excess of five hundred thousand dollars in the current or preceding calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state.</u>                                                                     | 106148<br>106149<br>106150<br>106151<br>106152<br>106153<br>106154           |
| <u>(i) Provides or enters into an agreement with another person to provide a content distribution network in this state to</u>                                                                                                                                                                                                                                                                                                                                                        | 106155<br>106156                                                             |

accelerate or enhance the delivery of the seller's web site to 106157  
consumers, provided the seller has gross receipts in excess of 106158  
five hundred thousand dollars in the current or preceding calendar 106159  
year from the sale of tangible personal property for storage, use, 106160  
or consumption in this state or from providing services the 106161  
benefit of which is realized in this state. 106162

(3) A seller presumed to have substantial nexus with this 106163  
state under divisions (I)(2)(a) to (f), (h), and (i) of this 106164  
section may rebut that presumption by demonstrating that 106165  
activities described in any of those divisions that are conducted 106166  
by a person in this state on the seller's behalf are not 106167  
significantly associated with the seller's ability to establish or 106168  
maintain a market in this state for the seller's sales. 106169

(4) A seller presumed to have substantial nexus with this 106170  
state under division (I)(2)(g) of this section may rebut that 106171  
presumption by submitting proof that each resident engaged by the 106172  
seller as described in that division did not engage in any 106173  
activity within this state during the preceding twelve months that 106174  
was significantly associated with the seller's ability to 106175  
establish or maintain the seller's market in this state during the 106176  
preceding twelve months. Such proof may consist of sworn written 106177  
statements from all the residents with whom the seller has an 106178  
agreement stating that the resident did not engage in any 106179  
solicitation in this state on behalf of the seller during the 106180  
preceding twelve months if such statements are provided and 106181  
obtained in good faith. 106182

(5) A seller that does not have substantial nexus with this 106183  
state, and any affiliated person of the seller, before selling or 106184  
leasing tangible personal property or services to a state agency, 106185  
shall register with the tax commissioner in the same manner as a 106186  
seller described in division (A)(1) of section 5741.17 of the 106187  
Revised Code. 106188

(6) As used in division (I) of this section: 106189

(a) "Affiliated person" means any person that is a member of 106190  
the same controlled group of corporations as the seller or any 106191  
other person that, notwithstanding the form of organization, bears 106192  
the same ownership relationship to the seller as a corporation 106193  
that is a member of the same controlled group of corporations. 106194

(b) "Controlled group of corporations" has the same meaning 106195  
as in section 1563(a) of the Internal Revenue Code. 106196

(c) "State agency" has the same meaning as in section 1.60 of 106197  
the Revised Code. 106198

(d) "In-state software" means computer software, as that term 106199  
is defined in section 5739.01 of the Revised Code, that is stored 106200  
on property in this state or is distributed within this state for 106201  
the purpose of facilitating a seller's sales. 106202

(e) "Content delivery network" means a system of distributed 106203  
servers that deliver web sites and other web content to a user 106204  
based on the geographic location of the user, the origin of the 106205  
web site or web content, and a content delivery server. 106206

(J) "Fiscal officer" means, with respect to a regional 106207  
transit authority, the secretary-treasurer thereof, and with 106208  
respect to a county which is a transit authority, the fiscal 106209  
officer of the county transit board appointed pursuant to section 106210  
306.03 of the Revised Code or, if the board of county 106211  
commissioners operates the county transit system, the county 106212  
auditor. 106213

(K) "Territory of the transit authority" means all of the 106214  
area included within the territorial boundaries of a transit 106215  
authority as they from time to time exist. Such territorial 106216  
boundaries must at all times include all the area of a single 106217  
county or all the area of the most populous county which is a part 106218  
of such transit authority. County population shall be measured by 106219

the most recent census taken by the United States census bureau. 106220

(L) "Transit authority" means a regional transit authority 106221  
created pursuant to section 306.31 of the Revised Code or a county 106222  
in which a county transit system is created pursuant to section 106223  
306.01 of the Revised Code. For the purposes of this chapter, a 106224  
transit authority must extend to at least the entire area of a 106225  
single county. A transit authority which includes territory in 106226  
more than one county must include all the area of the most 106227  
populous county which is a part of such transit authority. County 106228  
population shall be measured by the most recent census taken by 106229  
the United States census bureau. 106230

(M) "Providing a service" has the same meaning as in section 106231  
5739.01 of the Revised Code. 106232

(N) "Other consumption" includes receiving the benefits of a 106233  
service. 106234

(O) "Lease" or "rental" has the same meaning as in section 106235  
5739.01 of the Revised Code. 106236

(P) "Certified service provider" has the same meaning as in 106237  
section 5740.01 of the Revised Code. 106238

(Q) "Remote sale" means a sale for which the seller could not 106239  
be legally required to pay, collect, or remit a tax imposed under 106240  
this chapter or Chapter 5739. of the Revised Code, unless 106241  
otherwise provided by the laws of the United States. 106242

(R) "Remote seller" means a seller that lacks substantial 106243  
nexus with this state but is required to register with the tax 106244  
commissioner under section 5741.17 of the Revised Code pursuant to 106245  
federal law authorizing states to require such sellers to 106246  
register, collect, and remit use tax. A seller that is not 106247  
required to register with the commissioner under division (A) of 106248  
section 5741.17 of the Revised Code but registers voluntarily 106249  
under division (B) of that section is not a "remote seller." A 106250

seller that registers with the commissioner under section 5741.17 106251  
of the Revised Code after the effective date of any federal law 106252  
that authorizes states to require sellers that lack substantial 106253  
nexus with the state to register, collect, and remit use tax is 106254  
presumed to be a "remote seller." The seller or the commissioner 106255  
may rebut this presumption with evidence that the seller has 106256  
substantial nexus with this state. 106257

(S) "Remote small seller" means a remote seller that has 106258  
gross annual receipts from remote sales in the United States not 106259  
exceeding one million dollars for the preceding calendar year. For 106260  
the purposes of determining whether a person is a small remote 106261  
seller, the sales of all persons related within the meaning of 106262  
subsection (b) or (c) of section 267 or section 707(b)(1) of the 106263  
Internal Revenue Code shall be aggregated, and persons with one or 106264  
more ownership relationships shall be aggregated if those 106265  
relationships were designed with the principal purpose to qualify 106266  
as a remote small seller. 106267

**Sec. 5741.021.** (A) For the purpose of providing additional 106268  
general revenues for the county ~~or~~, supporting criminal and 106269  
administrative justice services in the county, funding a regional 106270  
transportation improvement project under section 5595.06 of the 106271  
Revised Code, or ~~both~~ any combination of the foregoing, and to pay 106272  
the expenses of administering such levy, any county which levies a 106273  
tax pursuant to section 5739.021 of the Revised Code shall levy a 106274  
tax at the same rate levied pursuant to section 5739.021 of the 106275  
Revised Code on the storage, use, or other consumption in the 106276  
county of the following: 106277

(1) Motor vehicles, and watercraft and outboard motors 106278  
required to be titled in the county pursuant to Chapter 1548. of 106279  
the Revised Code and acquired by a transaction subject to the tax 106280  
imposed by section 5739.02 of the Revised Code; 106281

(2) In addition to the tax imposed by section 5741.02 of the Revised Code, tangible personal property and services subject to the tax levied by this state as provided in section 5741.02 of the Revised Code, and tangible personal property and services purchased in another county within this state by a transaction subject to the tax imposed by section 5739.02 of the Revised Code.

The tax shall be levied pursuant to a resolution of the board of county commissioners which shall be adopted after publication of notice and hearing in the same manner as provided in section 5739.021 of the Revised Code. Such resolution shall be adopted and shall become effective on the same day as the resolution adopted by the board of county commissioners levying a sales tax pursuant to section 5739.021 of the Revised Code and shall remain in effect until such sales tax is repealed.

(B) The tax levied pursuant to this section on the storage, use, or other consumption of tangible personal property and on the benefit of a service realized shall be in addition to the tax levied by section 5741.02 of the Revised Code and, except as provided in division (D) of this section, any tax levied pursuant to sections 5741.022 and 5741.023 of the Revised Code.

(C) The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code. If the additional tax or some portion thereof is levied for the purpose of criminal and administrative justice services, the revenue from the tax, or the amount or rate apportioned to that purpose, shall be credited to a special fund created in the county treasury for receipt of that revenue.

(D) The tax levied pursuant to this section shall not be applicable to any benefit of a service realized or to any storage, use, or consumption of property not within the taxing power of a county under the constitution of the United States or the constitution of this state, or to property or services on which a

tax levied by a county or transit authority pursuant to this 106314  
section or section 5739.021, 5739.023, 5739.026, 5741.022, or 106315  
5741.023 of the Revised Code has been paid, if the sum of the 106316  
taxes paid pursuant to those sections is equal to or greater than 106317  
the sum of the taxes due under this section and sections 5741.022 106318  
and 5741.023 of the Revised Code. If the sum of the taxes paid is 106319  
less than the sum of the taxes due under this section and sections 106320  
5741.022 and 5741.023 of the Revised Code, the amount of tax paid 106321  
shall be credited against the amount of tax due. 106322

(E) As used in this section, "criminal and administrative 106323  
justice services" has the same meaning as in section 5739.021 of 106324  
the Revised Code. 106325

**Sec. 5741.022.** (A) For the purpose of providing additional 106326  
general revenues for the transit authority or funding a regional 106327  
transportation improvement project under section 5595.06 of the 106328  
Revised Code, or both, and ~~paying to pay~~ the expenses of 106329  
administering such levy, any transit authority as defined in 106330  
section 5741.01 of the Revised Code that levies a tax pursuant to 106331  
section 5739.023 of the Revised Code shall levy a tax at the same 106332  
rate levied pursuant to such section on the storage, use, or other 106333  
consumption in the territory of the transit authority of the 106334  
following: 106335

(1) Motor vehicles, and watercraft and outboard motors 106336  
required to be titled in the county pursuant to Chapter 1548. of 106337  
the Revised Code and acquired by a transaction subject to the tax 106338  
imposed by section 5739.02 of the Revised Code; 106339

(2) In addition to the tax imposed by section 5741.02 of the 106340  
Revised Code, tangible personal property and services subject to 106341  
the tax levied by this state as provided in section 5741.02 of the 106342  
Revised Code, and tangible personal property and services 106343  
purchased in another county within this state by a transaction 106344

subject to the tax imposed by section 5739.02 of the Revised Code. 106345

The tax shall be in effect at the same time and at the same 106346  
rate and shall be levied pursuant to the resolution of the 106347  
legislative authority of the transit authority levying a sales tax 106348  
pursuant to section 5739.023 of the Revised Code. 106349

(B) The tax levied pursuant to this section on the storage, 106350  
use, or other consumption of tangible personal property and on the 106351  
benefit of a service realized shall be in addition to the tax 106352  
levied by section 5741.02 of the Revised Code and, except as 106353  
provided in division (D) of this section, any tax levied pursuant 106354  
to sections 5741.021 and 5741.023 of the Revised Code. 106355

(C) The additional tax levied by the authority shall be 106356  
collected pursuant to section 5739.025 of the Revised Code. 106357

(D) The tax levied pursuant to this section shall not be 106358  
applicable to any benefit of a service realized or to any storage, 106359  
use, or consumption of property not within the taxing power of a 106360  
transit authority under the constitution of the United States or 106361  
the constitution of this state, or to property or services on 106362  
which a tax levied by a county or transit authority pursuant to 106363  
this section or section 5739.021, 5739.023, 5739.026, 5741.021, or 106364  
5741.023 of the Revised Code has been paid, if the sum of the 106365  
taxes paid pursuant to those sections is equal to or greater than 106366  
the sum of the taxes due under this section and sections 5741.021 106367  
and 5741.023 of the Revised Code. If the sum of the taxes paid is 106368  
less than the sum of the taxes due under this section and sections 106369  
5741.021 and 5741.023 of the Revised Code, the amount of tax paid 106370  
shall be credited against the amount of tax due. 106371

(E) The rate of a tax levied under this section is subject to 106372  
reduction under section 5739.028 of the Revised Code if a ballot 106373  
question is approved by voters pursuant to that section. 106374

Sec. 5741.12. (A) Each seller required by section 5741.17 of 106375  
the Revised Code to register with the tax commissioner, and any 106376  
seller authorized by the commissioner to collect the tax imposed 106377  
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 106378  
of the Revised Code is subject to the same requirements and 106379  
entitled to the same deductions and discount for prompt payments 106380  
as are vendors under section 5739.12 of the Revised Code, and the 106381  
same monetary allowances as are vendors under section 5739.06 of 106382  
the Revised Code. The powers and duties of the commissioner with 106383  
respect to returns and tax remittances under this section shall be 106384  
identical with those prescribed in section 5739.12 of the Revised 106385  
Code. 106386

(B) Every person storing, using, or consuming tangible 106387  
personal property or receiving the benefit of a service, the 106388  
storage, use, consumption, or receipt of which is subject to the 106389  
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 106390  
or 5741.023 of the Revised Code, when such tax was not paid to a 106391  
seller, shall, on or before the twenty-third day of each month, 106392  
file with the tax commissioner a return for the preceding month in 106393  
such form as is prescribed by the commissioner, showing such 106394  
information as the commissioner deems necessary, and shall pay the 106395  
tax shown on the return to be due. Remittance shall be made 106396  
payable to the treasurer of state. The commissioner may require 106397  
consumers to file returns and pay the tax at other than monthly 106398  
intervals, if the commissioner determines that such filing is 106399  
necessary for the efficient administration of the tax. If the 106400  
commissioner determines that a consumer's tax liability is not 106401  
such as to merit monthly filing, the commissioner may authorize 106402  
the consumer to file returns and pay tax at less frequent 106403  
intervals. 106404

Any consumer required to file a return and pay the tax under 106405  
this section whose payment for any year equals or exceeds the 106406

amount shown in division (A) of section 5741.121 of the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section.

(C) ~~Every~~ Except as provided in division (B)(5) of section 4505.06 of the Revised Code, every person storing, using, or consuming a motor vehicle, watercraft, or outboard motor, the ownership of which must be evidenced by certificate of title, shall file the return required by this section and pay the tax due at or prior to the time of filing an application for certificate of title.

**Sec. 5743.01.** As used in this chapter:

(A) "Person" includes individuals, firms, partnerships, associations, joint-stock companies, corporations, combinations of individuals of any form, and the state and any of its political subdivisions.

(B) "Wholesale dealer" includes only those persons:

(1) Who bring in or cause to be brought into this state unstamped cigarettes purchased directly from the manufacturer, producer, or importer of cigarettes for sale in this state but does not include persons who bring in or cause to be brought into this state cigarettes with respect to which no evidence of tax payment is required thereon as provided in section 5743.04 of the Revised Code; or

(2) Who are engaged in the business of selling cigarettes or tobacco products to others for the purpose of resale.

"Wholesale dealer" does not include any cigarette manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. 5713 if that person sells cigarettes in this state only to wholesale dealers holding valid and current licenses under section 5743.15 of the Revised Code or to an export

warehouse proprietor or another manufacturer. 106437

(C) "Retail dealer" includes: 106438

(1) In reference to dealers in cigarettes, every person other 106439  
than a wholesale dealer engaged in the business of selling 106440  
cigarettes in this state, regardless of whether the person is 106441  
located in this state or elsewhere, and regardless of quantity, 106442  
amount, or number of sales; 106443

(2) In reference to dealers in tobacco products, any person 106444  
in this state engaged in the business of selling tobacco products 106445  
to ultimate consumers in this state, regardless of quantity, 106446  
amount, or number of sales. 106447

(D) "Sale" includes exchange, barter, gift, offer for sale, 106448  
and distribution, and includes transactions in interstate or 106449  
foreign commerce. 106450

(E) "Cigarettes" includes any roll for smoking made wholly or 106451  
in part of tobacco, irrespective of size or shape, and whether or 106452  
not such tobacco is flavored, adulterated, or mixed with any other 106453  
ingredient, the wrapper or cover of which is made of paper, 106454  
reconstituted cigarette tobacco, homogenized cigarette tobacco, 106455  
cigarette tobacco sheet, or any similar materials other than cigar 106456  
tobacco. 106457

(F) "Package" means the individual package, box, or other 106458  
container in or from which retail sales of cigarettes are normally 106459  
made or intended to be made. 106460

(G) "Storage" includes any keeping or retention of cigarettes 106461  
or tobacco products for use or consumption in this state. 106462

(H) "Use" includes the exercise of any right or power 106463  
incidental to the ownership of cigarettes or tobacco products. 106464

(I) "Tobacco product" or "other tobacco product" means any 106465  
product made from tobacco, other than cigarettes, that is made for 106466

smoking or chewing, or both, and snuff. 106467

(J) "Wholesale price" means the invoice price, including all 106468  
federal excise taxes, at which the manufacturer of the tobacco 106469  
product sells the tobacco product to unaffiliated distributors, 106470  
excluding any discounts based on the method of payment of the 106471  
invoice or on time of payment of the invoice. If the taxpayer buys 106472  
from other than a manufacturer, "wholesale price" means the 106473  
invoice price, including all federal excise taxes and excluding 106474  
any discounts based on the method of payment of the invoice or on 106475  
time of payment of the invoice. 106476

(K) "Distributor" means: 106477

(1) Any manufacturer who sells, barter, exchanges, or 106478  
distributes tobacco products to a retail dealer in the state, 106479  
except when selling to a retail dealer that has filed with the 106480  
manufacturer a signed statement agreeing to pay and be liable for 106481  
the tax imposed by section 5743.51 of the Revised Code; 106482

(2) Any wholesale dealer located in the state who receives 106483  
tobacco products from a manufacturer, or who receives tobacco 106484  
products on which the tax imposed by this chapter has not been 106485  
paid; 106486

(3) Any wholesale dealer located outside the state who sells, 106487  
barter, exchanges, or distributes tobacco products to a wholesale 106488  
or retail dealer in the state; or 106489

(4) Any retail dealer who receives tobacco products on which 106490  
the tax has not or will not be paid by another distributor, 106491  
including a retail dealer that has filed a signed statement with a 106492  
manufacturer in which the retail dealer agrees to pay and be 106493  
liable for the tax that would otherwise be imposed on the 106494  
manufacturer by section 5743.51 of the Revised Code. 106495

(L) "Taxpayer" means any person liable for the tax imposed by 106496  
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 106497

(M) "Seller" means any person located outside this state 106498  
engaged in the business of selling tobacco products to consumers 106499  
for storage, use, or other consumption in this state. 106500

(N) "Manufacturer" means any person who manufactures and 106501  
sells cigarettes or tobacco products. 106502

(O) "Importer" means any person that is authorized, under a 106503  
valid permit issued under Section 5713 of the Internal Revenue 106504  
Code, to import finished cigarettes into the United States, either 106505  
directly or indirectly. 106506

(P) "Little cigar" means any roll for smoking, other than 106507  
cigarettes, made wholly or in part of tobacco that uses an 106508  
integrated cellulose acetate filter or other filter and is wrapped 106509  
in any substance containing tobacco, other than natural leaf 106510  
tobacco. 106511

(Q) "Premium cigar" means any roll for smoking, other than 106512  
cigarettes and little cigars, that is made wholly or in part of 106513  
tobacco and that has all of the following characteristics: 106514

(1) The binder and wrapper of the roll consist entirely of 106515  
leaf tobacco. 106516

(2) The roll contains no filter or tip, nor any mouthpiece 106517  
consisting of a material other than tobacco. 106518

(3) The weight of one thousand such rolls is at least six 106519  
pounds. 106520

(R) "Maximum tax amount" means fifty cents plus the tax 106521  
adjustment factor computed under this division. 106522

In April of each year beginning in 2018, the tax commissioner 106523  
shall compute a tax adjustment factor by multiplying fifty cents 106524  
by the cumulative percentage increase in the consumer price index 106525  
(all items, all urban consumers) prepared by the bureau of labor 106526  
statistics of the United States department of labor from January 106527

1, 2017, to the last day of December of the preceding year and 106528  
rounding the resulting product to the nearest one cent; provided, 106529  
that the tax adjustment factor for any year shall not be less than 106530  
that for the immediately preceding year. The maximum tax amount 106531  
resulting from the computation of the tax adjustment factor 106532  
applies on and after the ensuing first day of July through the 106533  
thirtieth day of June thereafter. 106534

**Sec. 5743.03.** (A) Except as provided in section 5743.04 of 106535  
the Revised Code, the taxes imposed under sections 5743.02, 106536  
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 106537  
by the purchase of tax stamps. A tax stamp shall be affixed to 106538  
each package of an aggregate denomination not less than the amount 106539  
of the tax upon the contents thereof. The tax stamp, so affixed, 106540  
shall be prima-facie evidence of payment of the tax. 106541

Except as is provided in the rules prescribed by the tax 106542  
commissioner under authority of sections 5743.01 to 5743.20 of the 106543  
Revised Code, and unless tax stamps have been previously affixed, 106544  
they shall be so affixed by each wholesale dealer, and canceled by 106545  
writing or stamping across the face thereof the number assigned to 106546  
such wholesale dealer by the tax commissioner for that purpose, 106547  
prior to the delivery of any cigarettes to any person in this 106548  
state, or in the case of a tax levied pursuant to section 106549  
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 106550  
delivery of cigarettes to any person in the county in which the 106551  
tax is levied. 106552

(B) Except as provided in the rules prescribed by the 106553  
commissioner under authority of sections 5743.01 to 5743.20 of the 106554  
Revised Code, each retail dealer, within twenty-four hours after 106555  
the receipt of any cigarettes at the retail dealer's place of 106556  
business, shall inspect the cigarettes to ensure that tax stamps 106557  
are affixed. The inspection shall be completed before the 106558

cigarettes are delivered to any person in this state, or, in the case of a tax levied pursuant to section 5743.021, 5743.024, or 5743.026 of the Revised Code, before the cigarettes are delivered to any person in the county in which the tax is levied.

(C) Whenever any cigarettes are found in the place of business of any retail dealer without proper tax stamps affixed thereto and canceled, it is presumed that such cigarettes are kept therein in violation of sections 5743.01 to 5743.20 of the Revised Code.

(D) Each wholesale dealer who purchases cigarettes without proper tax stamps affixed thereto shall, on or before the ~~thirty first~~ last day of the each month ~~following the close of each semiannual period, which period shall end on the thirtieth day of June and the thirty first day of December of each year,~~ make and file a return ~~of~~ for the preceding ~~semiannual period~~ calendar month, on such form as is prescribed by the tax commissioner, showing the dealer's entire purchases and sales of cigarettes and stamps for such ~~semiannual period~~ month and accurate inventories as of the beginning and end of each ~~semiannual period~~ month of cigarettes, stamped or unstamped; cigarette tax stamps affixed or unaffixed; and such other information as the commissioner finds necessary to the proper administration of sections 5743.01 to 5743.20 of the Revised Code. The commissioner may extend the time for making and filing returns and may remit all or any part of amounts of penalties that may become due under sections 5743.01 to 5743.20 of the Revised Code. The wholesale dealer shall deliver the return together with a remittance of the tax deficiency reported thereon to the commissioner.

(E) Any wholesale dealer who fails to file a return under this section and the rules of the commissioner, other than a report required pursuant to division (F) of this section, may be

required, for each day the dealer so fails, to forfeit and pay 106591  
into the state treasury the sum of one dollar as revenue arising 106592  
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 106593  
Code and such sum may be collected by assessment in the manner 106594  
provided in section 5743.081 of the Revised Code. If the 106595  
commissioner finds it necessary in order to insure the payment of 106596  
the tax imposed by sections 5743.01 to 5743.20 of the Revised 106597  
Code, the commissioner may require returns and payments to be made 106598  
other than ~~semiannually~~ monthly. The returns shall be signed by 106599  
the wholesale dealer or an authorized agent thereof. 106600

(F) Each person required to file a tax return under section 106601  
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 106602  
the commissioner the quantity of all cigarettes and roll-your-own 106603  
cigarette tobacco sold in Ohio for each brand not covered by the 106604  
tobacco master settlement agreement for which the person is liable 106605  
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 106606  
the Revised Code. 106607

As used in this division, "tobacco master settlement 106608  
agreement" has the same meaning as in section 183.01 of the 106609  
Revised Code. 106610

(G) The report required by division (F) of this section shall 106611  
be made on a form prescribed by the commissioner and shall be 106612  
filed not later than the last day of each month for the previous 106613  
month, except that if the commissioner determines that the 106614  
quantity reported by a person does not warrant monthly reporting, 106615  
the commissioner may authorize reporting at less frequent 106616  
intervals. The commissioner may assess a penalty of not more than 106617  
two hundred fifty dollars for each month or portion thereof that a 106618  
person fails to timely file a required report, and such sum may be 106619  
collected by assessment in the manner provided in section 5743.081 106620  
of the Revised Code. All money collected under this division shall 106621  
be considered as revenue arising from the taxes imposed by 106622

sections 5743.01 to 5743.20 of the Revised Code. 106623

(H) The commissioner may sell tax stamps only to a licensed 106624  
wholesale dealer, except as otherwise authorized by the 106625  
commissioner. The commissioner may charge the costs associated 106626  
with the shipment of tax stamps to the licensed wholesale dealer. 106627  
Amounts collected from such charges shall be credited to the 106628  
cigarette tax enforcement fund created under section 5743.15 of 106629  
the Revised Code. 106630

**Sec. 5743.081.** (A) If any wholesale dealer or retail dealer 106631  
fails to pay the tax levied under section 5743.02, 5743.021, 106632  
5743.024, or 5743.026 of the Revised Code as required by sections 106633  
5743.01 to 5743.20 of the Revised Code, and by the rules of the 106634  
tax commissioner, or fails to collect the tax from the purchaser 106635  
or consumer, the commissioner may make an assessment against the 106636  
wholesale or retail dealer based upon any information in the 106637  
commissioner's possession. 106638

The commissioner may make an assessment against any wholesale 106639  
or retail dealer who fails to file a return required by section 106640  
5743.03 or 5743.025 of the Revised Code. 106641

No assessment shall be made against any wholesale or retail 106642  
dealer for any taxes imposed under section 5743.02, 5743.021, 106643  
5743.024, or 5743.026 of the Revised Code more than three years 106644  
after the last day of the calendar month that immediately follows 106645  
the ~~semiannual~~ monthly period prescribed in section 5743.03 of the 106646  
Revised Code in which the sale was made, or more than three years 106647  
after the ~~semiannual~~ return for ~~such period~~ the month in which the 106648  
sale was made is filed, whichever is later. This section does not 106649  
bar an assessment against any wholesale or retail dealer who fails 106650  
to file a return as required by section 5743.025 or 5743.03 of the 106651  
Revised Code, or who files a fraudulent return. 106652

A penalty of up to thirty per cent may be added to the amount 106653

of every assessment made under this section. The commissioner may 106654  
adopt rules providing for the imposition and remission of 106655  
penalties added to assessments made under this section. 106656

The commissioner shall give the party assessed written notice 106657  
of the assessment in the manner provided in section 5703.37 of the 106658  
Revised Code. The notice shall specify separately any portion of 106659  
the assessment that represents a county tax. With the notice, the 106660  
commissioner shall provide instructions on how to petition for 106661  
reassessment and request a hearing on the petition. 106662

(B) Unless the party assessed files with the tax commissioner 106663  
within sixty days after service of the notice of assessment, 106664  
either personally or by certified mail, a written petition for 106665  
reassessment signed by the party assessed or that party's 106666  
authorized agent having knowledge of the facts, the assessment 106667  
becomes final and the amount of the assessment is due and payable 106668  
from the party assessed to the treasurer of state. The petition 106669  
shall indicate the objections of the party assessed, but 106670  
additional objections may be raised in writing if received by the 106671  
commissioner prior to the date shown on the final determination. 106672  
If the petition has been properly filed, the commissioner shall 106673  
proceed under section 5703.60 of the Revised Code. 106674

(C) After an assessment becomes final, if any portion of the 106675  
assessment remains unpaid, including accrued interest, a certified 106676  
copy of the tax commissioner's entry making the assessment final 106677  
may be filed in the office of the clerk of the court of common 106678  
pleas in the county in which the wholesale or retail dealer's 106679  
place of business is located or the county in which the party 106680  
assessed resides. If the party assessed maintains no place of 106681  
business in this state and is not a resident of this state, the 106682  
certified copy of the entry may be filed in the office of the 106683  
clerk of the court of common pleas of Franklin county. 106684

Immediately upon the filing of the commissioner's entry, the 106685

clerk shall enter a judgment for the state against the party 106686  
assessed in the amount shown on the entry. The judgment may be 106687  
filed by the clerk in a loose-leaf book entitled "special 106688  
judgments for state cigarette sales tax," and shall have the same 106689  
effect as other judgments. Execution shall issue upon the judgment 106690  
upon the request of the tax commissioner, and all laws applicable 106691  
to sales on execution shall apply to sales made under the 106692  
judgment, except as otherwise provided in sections 5743.01 to 106693  
5743.20 of the Revised Code. 106694

If the assessment is not paid in its entirety within sixty 106695  
days after the assessment was issued, the portion of the 106696  
assessment consisting of tax due shall bear interest at the rate 106697  
per annum prescribed by section 5703.47 of the Revised Code from 106698  
the day the commissioner issues the assessment until it is paid or 106699  
until it is certified to the attorney general for collection under 106700  
section 131.02 of the Revised Code, whichever comes first. If the 106701  
unpaid portion of the assessment is certified to the attorney 106702  
general for collection, the entire unpaid portion of the 106703  
assessment shall bear interest at the rate per annum prescribed by 106704  
section 5703.47 of the Revised Code from the date of certification 106705  
until the date it is paid in its entirety. Interest shall be paid 106706  
in the same manner as the tax and may be collected by the issuance 106707  
of an assessment under this section. 106708

(D) All money collected by the tax commissioner under this 106709  
section shall be paid to the treasurer of state, and when paid 106710  
shall be considered as revenue arising from the taxes imposed by 106711  
sections 5743.01 to 5743.20 of the Revised Code. 106712

**Sec. 5743.15.** (A) Except as otherwise provided in this 106713  
division, no person shall engage in this state in the wholesale or 106714  
retail business of trafficking in cigarettes or in the business of 106715  
a manufacturer or importer of cigarettes without having a license 106716

to conduct each such activity issued by a county auditor under 106717  
division (B) of this section or the tax commissioner under 106718  
divisions (C) and (F) of this section. On dissolution of a 106719  
partnership by death, the surviving partner may operate under the 106720  
license of the partnership until expiration of the license, and 106721  
the heirs or legal representatives of deceased persons, and 106722  
receivers and trustees in bankruptcy appointed by any competent 106723  
authority, may operate under the license of the person succeeded 106724  
in possession by such heir, representative, receiver, or trustee 106725  
in bankruptcy if the partner or successor notifies the issuer of 106726  
the license of the dissolution or succession within thirty days 106727  
after the dissolution or succession. 106728

(B)(1) Each applicant for a license to engage in the retail 106729  
business of trafficking in cigarettes under this section, 106730  
annually, on or before the fourth Monday of May, shall make and 106731  
deliver to the county auditor of the county in which the applicant 106732  
desires to engage in the retail business of trafficking in 106733  
cigarettes, upon a blank form furnished by such auditor for that 106734  
purpose, a statement showing the name of the applicant, each 106735  
physical place in the county where the applicant's business is 106736  
conducted, the nature of the business, and any other information 106737  
the tax commissioner requires in the form of statement prescribed 106738  
by the commissioner. If the applicant is a firm, partnership, or 106739  
association other than a corporation, the application shall state 106740  
the name and address of each of its members. If the applicant is a 106741  
corporation, the application shall state the name and address of 106742  
each of its officers. At the time of making the application 106743  
required by this section, every person desiring to engage in the 106744  
retail business of trafficking in cigarettes shall pay an 106745  
application fee in the sum of one hundred twenty-five dollars for 106746  
each physical place where the person proposes to carry on such 106747  
business. Each place of business shall be deemed such space, under 106748  
lease or license to, or under the control of, or under the 106749

supervision of the applicant, as is contained in one or more 106750  
contiguous, adjacent, or adjoining buildings constituting an 106751  
industrial plant or a place of business operated by, or under the 106752  
control of, one person, or under one roof and connected by doors, 106753  
halls, stairways, or elevators, which space may contain any number 106754  
of points at which cigarettes are offered for sale, provided that 106755  
each additional point at which cigarettes are offered for sale 106756  
shall be listed in the application. 106757

(2) Upon receipt of the application and exhibition of the 106758  
county treasurer's receipt showing the payment of the application 106759  
fee, the county auditor shall issue to the applicant a license for 106760  
each place of business designated in the application, authorizing 106761  
the applicant to engage in such business at such place for one 106762  
year commencing on the fourth Monday of May. The form of the 106763  
license shall be prescribed by the commissioner. A duplicate 106764  
license may be obtained from the county auditor upon payment of a 106765  
five-dollar fee if the original license is lost, destroyed, or 106766  
defaced. When an application is filed after the fourth Monday of 106767  
May, the application fee required to be paid shall be proportioned 106768  
in amount to the remainder of the license year, except that it 106769  
shall not be less than twenty-five dollars in any one year. 106770

(3) The holder of a retail dealer's cigarette license may 106771  
transfer the license to a place of business within the same county 106772  
other than that designated on the license on condition that the 106773  
licensee's ownership interest and business structure remain 106774  
unchanged, and that the licensee applies to the county auditor 106775  
therefor, upon forms approved by the commissioner and the payment 106776  
of a fee of five dollars into the county treasury. 106777

(C)(1) Each applicant for a license to engage in the 106778  
wholesale business of trafficking in cigarettes under this 106779  
section, annually, on or before the fourth Monday in May, shall 106780  
make and deliver to the tax commissioner, upon a blank form 106781

furnished by the commissioner for that purpose, a statement 106782  
showing the name of the applicant, physical street address where 106783  
the applicant's business is conducted, the nature of the business, 106784  
and any other information required by the commissioner. If the 106785  
applicant is a firm, partnership, or association other than a 106786  
corporation, the applicant shall state the name and address of 106787  
each of its members. If the applicant is a corporation, the 106788  
applicant shall state the name and address of each of its 106789  
officers. At the time of making the application required by this 106790  
section, every person desiring to engage in the wholesale business 106791  
of trafficking in cigarettes shall pay an application fee of one 106792  
thousand dollars for each physical place where the person proposes 106793  
to carry on such business. Each place of business shall be deemed 106794  
such space, under lease or license to, or under the control of, or 106795  
under the supervision of the applicant, as is contained in one or 106796  
more contiguous, adjacent, or adjoining buildings constituting an 106797  
industrial plant or a place of business operated by, or under the 106798  
control of, one person, or under one roof and connected by doors, 106799  
halls, stairways, or elevators. A duplicate license may be 106800  
obtained from the commissioner upon payment of a 106801  
twenty-five-dollar fee if the original license is lost, destroyed, 106802  
or defaced. 106803

(2) Upon receipt of the application and payment of any 106804  
application fee required by this section, the commissioner shall 106805  
verify that the applicant is not in violation of any provision of 106806  
Chapter 1346. or Title LVII of the Revised Code. The commissioner 106807  
shall also verify that the applicant has filed any returns, 106808  
submitted any information, and paid any outstanding taxes, 106809  
charges, or fees as required for any tax, charge, or fee 106810  
administered by the commissioner, to the extent that the 106811  
commissioner is aware of the returns, information, ~~taxes~~, or fees 106812  
payments at the time of the application. Upon approval, the 106813  
commissioner shall issue to the applicant a license for each 106814

physical place of business designated in the application 106815  
authorizing the applicant to engage in business at that location 106816  
for one year commencing on the fourth Monday in May. For licenses 106817  
issued after the fourth Monday in May, the application fee shall 106818  
be reduced proportionately by the remainder of the twelve-month 106819  
period for which the license is issued, except that the 106820  
application fee required to be paid under this section shall be 106821  
not less than two hundred dollars in any one year. 106822

(3) The holder of a wholesale dealer cigarette license may 106823  
transfer the license to a place of business other than that 106824  
designated on the license on condition that the licensee's 106825  
ownership or business structure remains unchanged, and that the 106826  
licensee applies to the commissioner for such a transfer upon a 106827  
form promulgated by the commissioner and pays a fee of twenty-five 106828  
dollars, which shall be deposited into the cigarette tax 106829  
enforcement fund created in division (E) of this section. 106830

(D)(1) The wholesale cigarette license application fees 106831  
collected under this section shall be paid into the cigarette tax 106832  
enforcement fund. 106833

(2) The retail cigarette license application fees collected 106834  
under this section shall be distributed as follows: 106835

(a) Thirty per cent shall be paid upon the warrant of the 106836  
county auditor into the treasury of the municipal corporation or 106837  
township in which the places of business for which the tax revenue 106838  
was received are located; 106839

(b) Ten per cent shall be credited to the general fund of the 106840  
county; 106841

(c) Sixty per cent shall be paid into the cigarette tax 106842  
enforcement fund. 106843

(3) The remainder of the revenues and fines collected under 106844  
this section and the penal laws relating to cigarettes shall be 106845

distributed as follows: 106846

(a) Three-fourths shall be paid upon the warrant of the 106847  
county auditor into the treasury of the municipal corporation or 106848  
township in which the place of business, on account of which the 106849  
revenues and fines were received, is located; 106850

(b) One-fourth shall be credited to the general fund of the 106851  
county. 106852

(E) There is hereby created within the state treasury the 106853  
cigarette tax enforcement fund for the purpose of providing funds 106854  
to assist in paying the costs of enforcing sections 1333.11 to 106855  
1333.21 and Chapter 5743. of the Revised Code. 106856

The portion of cigarette license application fees received by 106857  
a county auditor during the annual application period that ends on 106858  
the fourth Monday in May and that is required to be deposited in 106859  
the cigarette tax enforcement fund shall be sent to the treasurer 106860  
of state by the thirtieth day of June each year accompanied by the 106861  
form prescribed by the tax commissioner. The portion of cigarette 106862  
license application fees received by each county auditor after the 106863  
fourth Monday in May and that is required to be deposited in the 106864  
cigarette tax enforcement fund shall be sent to the treasurer of 106865  
state by the last day of the month following the month in which 106866  
such fees were collected. 106867

(F)(1) Every person who desires to engage in the business of 106868  
a manufacturer or importer of cigarettes shall, annually, on or 106869  
before the fourth Monday of May, make and deliver to the tax 106870  
commissioner, upon a blank form furnished by the commissioner for 106871  
that purpose, a statement showing the name of the applicant, the 106872  
nature of the applicant's business, and any other information 106873  
required by the commissioner. If the applicant is a firm, 106874  
partnership, or association other than a corporation, the 106875  
applicant shall state the name and address of each of its members. 106876

If the applicant is a corporation, the applicant shall state the name and address of each of its officers.

(2) Upon receipt of the application required under this section, the commissioner shall verify that the applicant is not in violation of any provision of Chapter 1346. ~~or Title LVII~~ of the Revised Code. The commissioner shall also verify that the applicant has filed any returns, submitted any information, and paid any outstanding taxes, charges, or fees as required for any tax, charge, or fee administered by the commissioner, to the extent that the commissioner is aware of the returns, information, taxes, charges, or fees at the time of the application. Upon approval, the commissioner shall issue to the applicant a license authorizing the applicant to engage in the business of manufacturer or importer, whichever the case may be, for one year commencing on the fourth Monday of May.

(3) The issuing of a license under division (F)(1) of this section to a manufacturer does not excuse a manufacturer from the certification process required under section 1346.05 of the Revised Code. A manufacturer who is issued a license under division (F)(1) of this section and who is not listed on the directory required under section 1346.05 of the Revised Code shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a manufacturer shall provide documentation to the commissioner evidencing that the cigarettes are legal for sale in another state.

(G) The tax commissioner may adopt rules necessary to administer this section.

**Sec. 5743.51.** (A) To provide revenue for the general revenue fund of the state, an excise tax on tobacco products is hereby levied at one of the following rates:

(1) For tobacco products other than little cigars or premium cigars, seventeen per cent of the wholesale price of the tobacco product received by a distributor or sold by a manufacturer to a retail dealer located in this state.

(2) For invoices dated October 1, 2013, or later, thirty-seven per cent of the wholesale price of little cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state.

(3) For premium cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state, the lesser of seventeen per cent of the wholesale price of such premium cigars or the maximum tax amount per each such premium cigar.

Each distributor who brings tobacco products, or causes tobacco products to be brought, into this state for distribution within this state, or any out-of-state distributor who sells tobacco products to wholesale or retail dealers located in this state for resale by those wholesale or retail dealers is liable for the tax imposed by this section. Only one sale of the same article shall be used in computing the amount of the tax due.

(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of the receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.53 of the Revised Code. The balance of the taxes collected under this section shall be paid into the general revenue fund.

(C) The commissioner may adopt rules as are necessary to assist in the enforcement and administration of sections 5743.51 to 5743.66 of the Revised Code, including rules providing for the remission of penalties imposed.

(D) A manufacturer is not liable for payment of the tax

imposed by this section for sales of tobacco products to a retail 106939  
dealer that has filed a signed statement with the manufacturer in 106940  
which the retail dealer agrees to pay and be liable for the tax, 106941  
as long as the manufacturer has provided a copy of the statement 106942  
to the tax commissioner. 106943

**Sec. 5743.61.** (A) Except as otherwise provided in this 106944  
division, no distributor shall engage in the business of 106945  
distributing tobacco products within this state without having a 106946  
license issued by the department of taxation to engage in that 106947  
business. On the dissolution of a partnership by death, the 106948  
surviving partner may operate under the license of the partnership 106949  
until the expiration of the license, and the heirs or legal 106950  
representatives of deceased persons, and receivers and trustees in 106951  
bankruptcy appointed by any competent authority, may operate under 106952  
the license of the person succeeded in possession by the heir, 106953  
representative, receiver, or trustee in bankruptcy if the partner 106954  
or successor notifies the department of taxation of the 106955  
dissolution or succession within thirty days after the dissolution 106956  
or succession. 106957

(B)(1) Each applicant for a license to engage in the business 106958  
of distributing tobacco products, annually, on or before the first 106959  
day of February, shall make and deliver to the tax commissioner, 106960  
upon a form furnished by the commissioner for that purpose, a 106961  
statement showing the name of the applicant, each physical place 106962  
from which the applicant distributes to distributors, retail 106963  
dealers, or wholesale dealers, and any other information the 106964  
commissioner considers necessary for the administration of 106965  
sections 5743.51 to 5743.66 of the Revised Code. 106966

(2) At the time of making the license application, the 106967  
applicant shall pay an application fee of one thousand dollars for 106968  
each place listed on the application where the applicant proposes 106969

to carry on that business. The fee charged for the application 106970  
shall accompany the application and shall be made payable to the 106971  
treasurer of state for deposit into the cigarette tax enforcement 106972  
fund. 106973

(3) Upon receipt of the application and payment of any 106974  
licensing fee required by this section, the commissioner shall 106975  
verify that the applicant has filed all returns, submitted all 106976  
information, and paid all outstanding taxes, charges, or fees as 106977  
required for any taxes, charges, or fees administered by the 106978  
commissioner, to the extent the commissioner is aware of the 106979  
returns, information, taxes, charges, or fees at the time of the 106980  
application. Upon approval, the commissioner shall issue to the 106981  
applicant a license for each place of distribution designated in 106982  
the application authorizing the applicant to engage in business at 106983  
that location for one year commencing on the first day of 106984  
February. For licenses issued after the first day of February, the 106985  
license application fee shall be reduced proportionately by the 106986  
remainder of the twelve-month period for which the license is 106987  
issued, except that the application fee required to be paid under 106988  
this section shall be not less than two hundred dollars. If the 106989  
original license is lost, destroyed, or defaced, a duplicate 106990  
license may be obtained from the commissioner upon payment of a 106991  
license replacement fee of twenty-five dollars. 106992

(C) The holder of a tobacco products license may transfer the 106993  
license to a place of business on condition that the licensee's 106994  
ownership and business structure remains unchanged and the 106995  
licensee applies to the commissioner for the transfer on a form 106996  
issued by the commissioner, and pays a transfer fee of twenty-five 106997  
dollars. 106998

(D) If a distributor fails to file forms as required under 106999  
Chapter 1346. or section 5743.52 of the Revised Code or pay the 107000  
tax due for two consecutive periods or three periods during any 107001

twelve-month period, the commissioner may suspend the license 107002  
issued to the distributor under this section. The suspension is 107003  
effective ten days after the commissioner notifies the distributor 107004  
of the suspension in writing personally or by certified mail. The 107005  
commissioner shall lift the suspension when the distributor files 107006  
the delinquent forms and pays the tax due, including any 107007  
penalties, interest, and additional charges. The commissioner may 107008  
refuse to issue the annual renewal of the license required by this 107009  
section and may refuse to issue a new license for ~~the same~~ a 107010  
location of the distributor until all delinquent forms are filed 107011  
and outstanding taxes are paid. This division does not apply to 107012  
any unpaid or underpaid tax liability that is the subject of a 107013  
petition or appeal filed pursuant to section 5743.56, 5717.02, or 107014  
5717.04 of the Revised Code. 107015

(E)(1) The tax commissioner may impose a penalty of up to one 107016  
thousand dollars on any person found to be engaging in the 107017  
business of distributing tobacco products without a license as 107018  
required by this section. 107019

(2) Any person engaging in the business of distributing 107020  
tobacco products without a license as required by this section 107021  
shall comply with divisions (B)(1) and (2) of this section within 107022  
ten days after being notified of the requirement to do so. Failure 107023  
to comply with division (E)(2) of this section subjects a person 107024  
to penalties imposed under section 5743.99 of the Revised Code. 107025

**Sec. 5743.62.** (A) To provide revenue for the general revenue 107026  
fund of the state, an excise tax is hereby levied on the seller of 107027  
tobacco products in this state at one of the following rates: 107028

(1) For tobacco products other than little cigars or premium 107029  
cigars, seventeen per cent of the wholesale price of the tobacco 107030  
product whenever the tobacco product is delivered to a consumer in 107031  
this state for the storage, use, or other consumption of such 107032

tobacco products. 107033

(2) For little cigars, thirty-seven per cent of the wholesale 107034  
price of the little cigars whenever the little cigars are 107035  
delivered to a consumer in this state for the storage, use, or 107036  
other consumption of the little cigars. 107037

(3) For premium cigars, whenever the premium cigars are 107038  
delivered to a consumer in this state for the storage, use, or 107039  
other consumption of the premium cigars, the lesser of seventeen 107040  
per cent of the wholesale price of such premium cigars or the 107041  
maximum tax amount per each such premium cigar. 107042

The tax imposed by this section applies only to sellers 107043  
having nexus in this state, as defined in section 5741.01 of the 107044  
Revised Code. 107045

(B) A seller of tobacco products who has nexus in this state 107046  
as defined in section 5741.01 of the Revised Code shall register 107047  
with the tax commissioner and supply any information concerning 107048  
the seller's contacts with this state as may be required by the 107049  
tax commissioner. A seller who does not have nexus in this state 107050  
may voluntarily register with the tax commissioner. A seller who 107051  
voluntarily registers with the tax commissioner is entitled to the 107052  
same benefits and is subject to the same duties and requirements 107053  
as a seller required to be registered with the tax commissioner 107054  
under this division. 107055

(C) Each seller of tobacco products subject to the tax levied 107056  
by this section, on or before the last day of each month, shall 107057  
file with the tax commissioner a return for the preceding month 107058  
showing any information the tax commissioner finds necessary for 107059  
the proper administration of sections 5743.51 to 5743.66 of the 107060  
Revised Code, together with remittance of the tax due, payable to 107061  
the treasurer of state. The return and payment of the tax required 107062  
by this section shall be filed in such a manner that it is 107063

received by the tax commissioner on or before the last day of the 107064  
month following the reporting period. If the return is filed and 107065  
the amount of the tax shown on the return to be due is paid on or 107066  
before the date the return is required to be filed, the seller is 107067  
entitled to a discount equal to two and five-tenths per cent of 107068  
the amount shown on the return to be due. 107069

(D) The tax commissioner shall immediately forward to the 107070  
treasurer of state all money received from the tax levied by this 107071  
section, and the treasurer shall credit the amount to the general 107072  
revenue fund. 107073

(E) Each seller of tobacco products subject to the tax levied 107074  
by this section shall mark on the invoices of tobacco products 107075  
sold that the tax levied by that section has been paid and shall 107076  
indicate the seller's account number as assigned by the tax 107077  
commissioner. 107078

**Sec. 5743.63.** (A) To provide revenue for the general revenue 107079  
fund of the state, an excise tax is hereby levied on the storage, 107080  
use, or other consumption of tobacco products at one of the 107081  
following rates: 107082

(1) For tobacco products other than little cigars or premium 107083  
cigars, seventeen per cent of the wholesale price of the tobacco 107084  
product. 107085

(2) For little cigars, thirty-seven per cent of the wholesale 107086  
price of the little cigars. 107087

(3) For premium cigars, the lesser of seventeen per cent of 107088  
the wholesale price of the premium cigars or the maximum tax 107089  
amount per each premium cigar. 107090

The tax levied under division (A) of this section is imposed 107091  
only if the tax has not been paid by the seller as provided in 107092  
section 5743.62 of the Revised Code, or by the distributor as 107093

provided in section 5743.51 of the Revised Code. 107094

(B) Each person subject to the tax levied by this section, on 107095  
or before the last day of each month, shall file with the tax 107096  
commissioner a return for the preceding month showing any 107097  
information the tax commissioner finds necessary for the proper 107098  
administration of sections 5743.51 to 5743.66 of the Revised Code, 107099  
together with remittance of the tax due, payable to the treasurer 107100  
of state. The return and payment of the tax required by this 107101  
section shall be filed in such a manner that it is received by the 107102  
tax commissioner on or before the last day of the month following 107103  
the reporting period. 107104

(C) The tax commissioner shall immediately forward to the 107105  
treasurer of state all money received from the tax levied by this 107106  
section, and the treasurer shall credit the amount to the general 107107  
revenue fund. 107108

**Sec. 5747.02.** (A) For the purpose of providing revenue for 107109  
the support of schools and local government functions, to provide 107110  
relief to property taxpayers, to provide revenue for the general 107111  
revenue fund, and to meet the expenses of administering the tax 107112  
levied by this chapter, there is hereby levied on every 107113  
individual, trust, and estate residing in or earning or receiving 107114  
income in this state, on every individual, trust, and estate 107115  
earning or receiving lottery winnings, prizes, or awards pursuant 107116  
to Chapter 3770. of the Revised Code, on every individual, trust, 107117  
and estate earning or receiving winnings on casino gaming, and on 107118  
every individual, trust, and estate otherwise having nexus with or 107119  
in this state under the Constitution of the United States, an 107120  
annual tax measured as prescribed in divisions (A)(1) to (4) of 107121  
this section. 107122

(1) In the case of trusts, the tax imposed by this section 107123  
shall be measured by modified Ohio taxable income under division 107124

(D) of this section and levied ~~at the same rates in the same~~ 107125  
~~amount as the tax is imposed on estates as~~ prescribed in division 107126  
(A)~~(3)~~(2) of this section ~~for individuals.~~ 107127

(2) In the case of estates, the tax imposed by this section 107128  
shall be measured by Ohio taxable income and levied at the rate of 107129  
seven thousand four hundred twenty-five ten-thousandths per cent 107130  
for the first ten thousand five hundred dollars of such income 107131  
and, for income in excess of that amount, at the same rates 107132  
prescribed in division (A)(3) of this section for individuals. 107133

(3) In the case of individuals, for taxable years beginning 107134  
in ~~2015~~ 2017 or thereafter, the tax imposed by this section on 107135  
income other than taxable business income shall be measured by 107136  
Ohio adjusted gross income, less taxable business income and less 107137  
an exemption for the taxpayer, the taxpayer's spouse, and each 107138  
dependent as provided in section 5747.025 of the Revised Code. ~~The~~ 107139  
~~tax imposed on the balance thus obtained~~ If the balance thus 107140  
obtained is equal to or less than ten thousand five hundred 107141  
dollars, no tax shall be imposed on that balance. If the balance 107142  
thus obtained is greater than ten thousand five hundred dollars, 107143  
the tax is hereby levied as follows: 107144

OHIO ADJUSTED GROSS INCOME LESS 107145  
TAXABLE BUSINESS INCOME AND  
EXEMPTIONS (INDIVIDUALS)  
OR 107146  
MODIFIED OHIO 107147  
TAXABLE INCOME (TRUSTS) 107148  
OR 107149  
OHIO TAXABLE INCOME (ESTATES) TAX 107150  
~~\$5,000 or less~~ ~~-.495%~~ 107151  
~~More than \$5,000 but not more~~ ~~\$24.75 plus .990% of the amount~~ 107152  
~~than \$10,000~~ ~~in excess of \$5,000~~  
More than ~~\$10,000~~ \$10,500 but not ~~\$74.25~~ \$77.96 plus 1.980% of the 107153

|                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                            |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| more than <del>\$15,000</del> <u>\$15,800</u>                                                                                                                                                                                                                                                                                                              | amount in excess of <del>\$10,000</del><br><u>\$10,500</u>                                                                 |                                                          |
| More than <del>\$15,000</del> <u>\$15,800</u> but not<br>more than <del>\$20,000</del> <u>\$21,100</u>                                                                                                                                                                                                                                                     | <del>\$173.25</del> <u>\$182.90</u> plus 2.476% of<br>the amount in excess of <del>\$15,000</del><br><u>\$15,800</u>       | 107154                                                   |
| More than <del>\$20,000</del> <u>\$21,100</u> but not<br>more than <del>\$40,000</del> <u>\$42,100</u>                                                                                                                                                                                                                                                     | <del>\$297.05</del> <u>\$314.13</u> plus 2.969% of<br>the amount in excess of <del>\$20,000</del><br><u>\$21,100</u>       | 107155                                                   |
| More than <del>\$40,000</del> <u>\$42,100</u> but not<br>more than <del>\$80,000</del> <u>\$84,200</u>                                                                                                                                                                                                                                                     | <del>\$890.85</del> <u>\$937.62</u> plus 3.465% of<br>the amount in excess of <del>\$40,000</del><br><u>\$42,100</u>       | 107156                                                   |
| More than <del>\$80,000</del> <u>\$84,200</u> but not<br>more than <del>\$100,000</del> <u>\$105,300</u>                                                                                                                                                                                                                                                   | <del>\$2,276.85</del> <u>\$2,396.39</u> plus 3.960%<br>of the amount in excess of<br><del>\$80,000</del> <u>\$84,200</u>   | 107157                                                   |
| More than <del>\$100,000</del> <u>\$105,300</u> but<br>not more than <del>\$200,000</del> <u>\$210,600</u>                                                                                                                                                                                                                                                 | <del>\$3,068.85</del> <u>\$3,231.95</u> plus 4.597%<br>of the amount in excess of<br><del>\$100,000</del> <u>\$105,300</u> | 107158                                                   |
| More than <del>\$200,000</del> <u>\$210,600</u>                                                                                                                                                                                                                                                                                                            | <del>\$7,665.85</del> <u>\$8,072.59</u> plus 4.997%<br>of the amount in excess of<br><del>\$200,000</del> <u>\$210,600</u> | 107159                                                   |
| <del>(4)(a) In the case of individuals, for taxable years<br/>beginning in 2015, the tax imposed by this section on taxable<br/>business income shall be measured by taxable business income less<br/>any amount allowed under division (A)(4)(c) of this section. The<br/>tax imposed on the balance thus obtained is hereby levied as<br/>follows:</del> |                                                                                                                            | 107160<br>107161<br>107162<br>107163<br>107164<br>107165 |
| <del>TAXABLE BUSINESS INCOME</del>                                                                                                                                                                                                                                                                                                                         |                                                                                                                            | 107166                                                   |
| <del>LESS ALLOWED EXEMPTION AMOUNT</del>                                                                                                                                                                                                                                                                                                                   | <del>TAX</del>                                                                                                             | 107167                                                   |
| <del>\$5,000 or less</del>                                                                                                                                                                                                                                                                                                                                 | <del>.495%</del>                                                                                                           | 107168                                                   |
| <del>More than \$5,000 but not more<br/>than \$10,000</del>                                                                                                                                                                                                                                                                                                | <del>\$24.75 plus .990% of the amount<br/>in excess of \$5,000</del>                                                       | 107169                                                   |
| <del>More than \$10,000 but not more<br/>than \$15,000</del>                                                                                                                                                                                                                                                                                               | <del>\$74.25 plus 1.980% of the amount<br/>in excess of \$10,000</del>                                                     | 107170                                                   |

~~More than \$15,000 but not more than \$20,000~~      ~~\$173.25 plus 2.476% of the amount in excess of \$15,000~~      107171

~~More than \$20,000 but not more than \$40,000~~      ~~\$297.05 plus 2.969% of the amount in excess of \$20,000~~      107172

~~More than \$40,000~~      ~~\$890.85 plus 3% of the amount in excess of \$40,000~~      107173

~~(b)~~ In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)~~(e)~~(b) of this section from the individual's taxable business income.      107174  
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~~(e)~~(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) ~~or (b)~~ of this section.      107179  
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(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in ~~division~~ divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount      107184  
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specified in that division and as adjusted according to this 107200  
paragraph. The rates of taxation shall not be adjusted. 107201

The adjusted amounts apply to taxable years beginning in the 107202  
calendar year in which the adjustments are made and to taxable 107203  
years beginning in each ensuing calendar year until a calendar 107204  
year in which a new adjustment is made pursuant to this division. 107205  
The tax commissioner shall not make a new adjustment in any year 107206  
in which the amount resulting from the adjustment would be less 107207  
than the amount resulting from the adjustment in the preceding 107208  
year. ~~The commissioner shall not make a new adjustment for taxable~~ 107209  
~~years beginning in 2013, 2014, or 2015.~~ 107210

(B) If the director of budget and management makes a 107211  
certification to the tax commissioner under division (B) of 107212  
section 131.44 of the Revised Code, the amount of tax as 107213  
determined under divisions (A)(1) to (3) of this section shall be 107214  
reduced by the percentage prescribed in that certification for 107215  
taxable years beginning in the calendar year in which that 107216  
certification is made. 107217

(C) The levy of this tax on income does not prevent a 107218  
municipal corporation, a joint economic development zone created 107219  
under section 715.691, or a joint economic development district 107220  
created under section 715.70, 715.71, or 715.72 of the Revised 107221  
Code from levying a tax on income. 107222

(D) This division applies only to taxable years of a trust 107223  
beginning in 2002 or thereafter. 107224

(1) The tax imposed by this section on a trust shall be 107225  
computed by multiplying the Ohio modified taxable income of the 107226  
trust by the rates prescribed by division (A) of this section. 107227

(2) A resident trust may claim a credit against the tax 107228  
computed under division (D) of this section equal to the lesser of 107229  
~~(1)~~(a) the tax paid to another state or the District of Columbia 107230

on the resident trust's modified nonbusiness income, other than 107231  
the portion of the resident trust's nonbusiness income that is 107232  
qualifying investment income as defined in section 5747.012 of the 107233  
Revised Code, or ~~(2)~~(b) the effective tax rate, based on modified 107234  
Ohio taxable income, multiplied by the resident trust's modified 107235  
nonbusiness income other than the portion of the resident trust's 107236  
nonbusiness income that is qualifying investment income. The 107237  
credit applies before any other applicable credits. 107238

(3) The credits enumerated in divisions (A)(1) to ~~(10)~~(9) and 107239  
(A)~~(19)~~(18) to ~~(21)~~(20) of section 5747.98 of the Revised Code do 107240  
not apply to a trust subject to division (D) of this section. Any 107241  
credits enumerated in other divisions of section 5747.98 of the 107242  
Revised Code apply to a trust subject to division (D) of this 107243  
section. To the extent that the trust distributes income for the 107244  
taxable year for which a credit is available to the trust, the 107245  
credit shall be shared by the trust and its beneficiaries. The tax 107246  
commissioner and the trust shall be guided by applicable 107247  
regulations of the United States treasury regarding the sharing of 107248  
credits. 107249

(E) For the purposes of this section, "trust" means any trust 107250  
described in Subchapter J of Chapter 1 of the Internal Revenue 107251  
Code, excluding trusts that are not irrevocable as defined in 107252  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 107253  
have no modified Ohio taxable income for the taxable year, 107254  
charitable remainder trusts, qualified funeral trusts and preneed 107255  
funeral contract trusts established pursuant to sections 4717.31 107256  
to 4717.38 of the Revised Code that are not qualified funeral 107257  
trusts, endowment and perpetual care trusts, qualified settlement 107258  
trusts and funds, designated settlement trusts and funds, and 107259  
trusts exempted from taxation under section 501(a) of the Internal 107260  
Revenue Code. 107261

(F) Nothing in division (A)(3) of this section shall prohibit 107262

an individual with an Ohio adjusted gross income, less taxable 107263  
business income and exemptions, of ten thousand five hundred 107264  
dollars or less from filing a return under this chapter to receive 107265  
a refund of taxes withheld or to claim any refundable credit 107266  
allowed under this chapter. 107267

**Sec. 5747.031.** For annual returns filed for taxable years 107268  
beginning on or after January 1, 2017, the department of taxation 107269  
shall determine and provide to the office of budget and management 107270  
a report of the tax liability, before the application of any 107271  
credits, under section 5747.02 of the Revised Code that arises 107272  
from taxable business income, the tax liability, before the 107273  
application of any credits, that arises from income, other than 107274  
taxable business income, as measured and taxed under divisions 107275  
(A)(1), (2), or (3) of that section, and the total amount of 107276  
credits claimed against the tax levied under that section. 107277

In providing actual and estimates of revenue pursuant to 107278  
Chapter 126. of the Revised Code, the office of budget and 107279  
management shall separately list the tax liability, before the 107280  
application of any credits, under section 5747.02 of the Revised 107281  
Code that arises from taxable business income, the tax liability, 107282  
before the application of any credits, that arises from income, 107283  
other than taxable business income, as measured and taxed under 107284  
divisions (A)(1), (2), or (3) of that section, and the total 107285  
amount of credits claimed against the tax levied under that 107286  
section. 107287

**Sec. 5747.06.** (A) Except as provided in division (E)(3) of 107288  
this section, every employer, including the state and its 107289  
political subdivisions, maintaining an office or transacting 107290  
business within this state and making payment of any compensation 107291  
to an employee who is a taxpayer shall deduct and withhold from 107292  
such compensation for each payroll period a tax computed in such 107293

manner as to result, as far as practicable, in withholding from 107294  
the employee's compensation during each calendar year an amount 107295  
substantially equivalent to the tax reasonably estimated to be due 107296  
from the employee under this chapter and Chapter 5748. of the 107297  
Revised Code with respect to the amount of such compensation 107298  
included in the employee's adjusted gross income during the 107299  
calendar year. The employer shall deduct and withhold the tax on 107300  
the date that the employer directly, indirectly, or constructively 107301  
pays the compensation to, or credits the compensation to the 107302  
benefit of, the employee. ~~The~~ 107303

The method of determining the amount to be withheld shall be 107304  
prescribed by rule of the tax commissioner. Notwithstanding 107305  
section 5747.02 of the Revised Code, the rule prescribed by the 107306  
commissioner shall require that taxes are withheld on the first 107307  
ten thousand dollars of a taxpayer's compensation at rates 107308  
sufficient to ensure payment of the appropriate amount of tax 107309  
reasonably estimated to be due. 107310

In addition to any other exclusions from withholding 107311  
permitted under this section, no tax shall be withheld by an 107312  
employer from the compensation of an employee when such 107313  
compensation is paid for: 107314

(1) Agricultural labor as defined in division G of section 107315  
3121 of Title 26 of the United States Code; 107316

(2) Domestic service in a private home, local college club, 107317  
or local chapter of a college fraternity or sorority; 107318

(3) Service performed in any calendar quarter by an employee 107319  
unless the cash remuneration paid for such service is three 107320  
hundred dollars or more and such service is performed by an 107321  
individual who is regularly employed by such employer to perform 107322  
such service; 107323

(4) Services performed for a foreign government or an 107324

international organization; 107325

(5) Services performed by an individual under the age of 107326  
eighteen in the delivery or distribution of newspapers or shopping 107327  
news, not including delivery or distribution to any point for 107328  
subsequent delivery or distribution, or when performed by such 107329  
individual under the age of eighteen under an arrangement where 107330  
newspapers or magazines are to be sold by the individual at a 107331  
fixed price, the individual's compensation being based on the 107332  
retention of the excess of such price over the amount at which the 107333  
newspapers or magazines are charged to the individual; 107334

(6) Services not in the course of the employer's trade or 107335  
business to the extent paid in any medium other than cash. 107336

(B) Every employer required to deduct and withhold tax from 107337  
the compensation of an employee under this chapter shall furnish 107338  
to each employee, with respect to the compensation paid by such 107339  
employer to such employee during the calendar year, on or before 107340  
the thirty-first day of January of the succeeding year, or, if the 107341  
employee's employment is terminated before the close of such 107342  
calendar year, within thirty days from the date on which the last 107343  
payment of compensation was made, a written statement as 107344  
prescribed by the tax commissioner showing the amount of 107345  
compensation paid by the employer to the employee, the amount 107346  
deducted and withheld as state income tax, any amount deducted and 107347  
withheld as school district income tax for each applicable school 107348  
district, and any other information as the commissioner 107349  
prescribes. 107350

(C) The failure of an employer to withhold tax as required by 107351  
this section does not relieve an employee from the liability for 107352  
the tax. The failure of an employer to remit the tax as required 107353  
by law does not relieve an employee from liability for the tax if 107354  
the tax commissioner ascertains that the employee colluded with 107355  
the employer with respect to the failure to remit the tax. 107356

(D) If an employer fails to deduct and withhold any tax as required, and thereafter the tax is paid, the tax so required to be deducted and withheld shall not be collected from the employer, but the employer is not relieved from liability for penalties and interest otherwise applicable in respect to the failure to deduct and withhold the tax.

(E) To ensure that taxes imposed pursuant to Chapter 5748. of the Revised Code are deducted and withheld as provided in this section:

(1) An employer shall request that each employee furnish the name of the employee's school district of residence;

(2) Each employee shall furnish the employer with sufficient and correct information to enable the employer to withhold the taxes imposed under Chapter 5748. of the Revised Code. The employee shall provide additional or corrected information whenever information previously provided to the employer becomes insufficient or incorrect.

(3) If the employer complies with the requirements of division (E)(1) of this section and if the employee fails to comply with the requirements of division (E)(2) of this section, the employer is not required to withhold and pay the taxes imposed under Chapter 5748. of the Revised Code and is not subject to any penalties and interest otherwise applicable for failing to deduct and withhold such taxes.

**Sec. 5747.08.** An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under division (E) of section 5747.05 and divisions (F) and (G) of section 5747.055 of the

Revised Code for the year are equal to or exceed the tax imposed 107388  
by section 5747.02 of the Revised Code, in which case no return 107389  
shall be required unless the taxpayer is liable for a tax imposed 107390  
pursuant to Chapter 5748. of the Revised Code. 107391

(A) If an individual is deceased, any return or notice 107392  
required of that individual under this chapter shall be made and 107393  
filed by that decedent's executor, administrator, or other person 107394  
charged with the property of that decedent. 107395

(B) If an individual is unable to make a return or notice 107396  
required by this chapter, the return or notice required of that 107397  
individual shall be made and filed by the individual's duly 107398  
authorized agent, guardian, conservator, fiduciary, or other 107399  
person charged with the care of the person or property of that 107400  
individual. 107401

(C) Returns or notices required of an estate or a trust shall 107402  
be made and filed by the fiduciary of the estate or trust. 107403

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 107404  
of this section, any pass-through entity may file a single return 107405  
on behalf of one or more of the entity's investors other than an 107406  
investor that is a person subject to the tax imposed under section 107407  
5733.06 of the Revised Code. The single return shall set forth the 107408  
name, address, and social security number or other identifying 107409  
number of each of those pass-through entity investors and shall 107410  
indicate the distributive share of each of those pass-through 107411  
entity investor's income taxable in this state in accordance with 107412  
sections 5747.20 to 5747.231 of the Revised Code. Such 107413  
pass-through entity investors for whom the pass-through entity 107414  
elects to file a single return are not entitled to the exemption 107415  
or credit provided for by sections 5747.02 and 5747.022 of the 107416  
Revised Code; shall calculate the tax before business credits at 107417  
the highest rate of tax set forth in section 5747.02 of the 107418  
Revised Code for the taxable year for which the return is filed; 107419

and are entitled to only their distributive share of the business 107420  
credits as defined in division (D)(2) of this section. A single 107421  
check drawn by the pass-through entity shall accompany the return 107422  
in full payment of the tax due, as shown on the single return, for 107423  
such investors, other than investors who are persons subject to 107424  
the tax imposed under section 5733.06 of the Revised Code. 107425

(b)(i) A pass-through entity shall not include in such a 107426  
single return any investor that is a trust to the extent that any 107427  
direct or indirect current, future, or contingent beneficiary of 107428  
the trust is a person subject to the tax imposed under section 107429  
5733.06 of the Revised Code. 107430

(ii) A pass-through entity shall not include in such a single 107431  
return any investor that is itself a pass-through entity to the 107432  
extent that any direct or indirect investor in the second 107433  
pass-through entity is a person subject to the tax imposed under 107434  
section 5733.06 of the Revised Code. 107435

(c) Nothing in division (D) of this section precludes the tax 107436  
commissioner from requiring such investors to file the return and 107437  
make the payment of taxes and related interest, penalty, and 107438  
interest penalty required by this section or section 5747.02, 107439  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 107440  
of this section precludes such an investor from filing the annual 107441  
return under this section, utilizing the refundable credit equal 107442  
to the investor's proportionate share of the tax paid by the 107443  
pass-through entity on behalf of the investor under division (I) 107444  
of this section, and making the payment of taxes imposed under 107445  
section 5747.02 of the Revised Code. Nothing in division (D) of 107446  
this section shall be construed to provide to such an investor or 107447  
pass-through entity any additional deduction or credit, other than 107448  
the credit provided by division (I) of this section, solely on 107449  
account of the entity's filing a return in accordance with this 107450  
section. Such a pass-through entity also shall make the filing and 107451

payment of estimated taxes on behalf of the pass-through entity 107452  
investors other than an investor that is a person subject to the 107453  
tax imposed under section 5733.06 of the Revised Code. 107454

(2) For the purposes of this section, "business credits" 107455  
means the credits listed in section 5747.98 of the Revised Code 107456  
excluding the following credits: 107457

(a) The retirement income credit under division (B) of 107458  
section 5747.055 of the Revised Code; 107459

(b) The senior citizen credit under division (F) of section 107460  
5747.055 of the Revised Code; 107461

(c) The lump sum distribution credit under division (G) of 107462  
section 5747.055 of the Revised Code; 107463

(d) The dependent care credit under section 5747.054 of the 107464  
Revised Code; 107465

(e) The lump sum retirement income credit under division (C) 107466  
of section 5747.055 of the Revised Code; 107467

(f) The lump sum retirement income credit under division (D) 107468  
of section 5747.055 of the Revised Code; 107469

(g) The lump sum retirement income credit under division (E) 107470  
of section 5747.055 of the Revised Code; 107471

(h) The credit for displaced workers who pay for job training 107472  
under section 5747.27 of the Revised Code; 107473

(i) The twenty-dollar personal exemption credit under section 107474  
5747.022 of the Revised Code; 107475

(j) The joint filing credit under division (E) of section 107476  
5747.05 of the Revised Code; 107477

(k) The nonresident credit under division (A) of section 107478  
5747.05 of the Revised Code; 107479

(l) The credit for a resident's out-of-state income under 107480

division (B) of section 5747.05 of the Revised Code; 107481

~~(m) The low income credit under section 5747.056 of the Revised Code;~~ 107482  
107483

~~(n) The earned income tax credit under section 5747.71 of the Revised Code.~~ 107484  
107485

(3) The election provided for under division (D) of this 107486  
section applies only to the taxable year for which the election is 107487  
made by the pass-through entity. Unless the tax commissioner 107488  
provides otherwise, this election, once made, is binding and 107489  
irrevocable for the taxable year for which the election is made. 107490  
Nothing in this division shall be construed to provide for any 107491  
deduction or credit that would not be allowable if a nonresident 107492  
pass-through entity investor were to file an annual return. 107493

(4) If a pass-through entity makes the election provided for 107494  
under division (D) of this section, the pass-through entity shall 107495  
be liable for any additional taxes, interest, interest penalty, or 107496  
penalties imposed by this chapter if the tax commissioner finds 107497  
that the single return does not reflect the correct tax due by the 107498  
pass-through entity investors covered by that return. Nothing in 107499  
this division shall be construed to limit or alter the liability, 107500  
if any, imposed on pass-through entity investors for unpaid or 107501  
underpaid taxes, interest, interest penalty, or penalties as a 107502  
result of the pass-through entity's making the election provided 107503  
for under division (D) of this section. For the purposes of 107504  
division (D) of this section, "correct tax due" means the tax that 107505  
would have been paid by the pass-through entity had the single 107506  
return been filed in a manner reflecting the commissioner's 107507  
findings. Nothing in division (D) of this section shall be 107508  
construed to make or hold a pass-through entity liable for tax 107509  
attributable to a pass-through entity investor's income from a 107510  
source other than the pass-through entity electing to file the 107511  
single return. 107512

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the

extension results in an extension of time for the payment of any 107545  
state or school district income tax liability with respect to 107546  
which the return is filed, the taxpayer shall pay at the time the 107547  
tax liability is paid an amount of interest computed at the rate 107548  
per annum prescribed by section 5703.47 of the Revised Code on 107549  
that liability from the time that payment is due without extension 107550  
to the time of actual payment. Except as provided in section 107551  
5747.132 of the Revised Code, in addition to all other interest 107552  
charges and penalties, all taxes imposed under this chapter or 107553  
Chapter 5748. of the Revised Code and remaining unpaid after they 107554  
become due, except combined amounts due of one dollar or less, 107555  
bear interest at the rate per annum prescribed by section 5703.47 107556  
of the Revised Code until paid or until the day an assessment is 107557  
issued under section 5747.13 of the Revised Code, whichever occurs 107558  
first. 107559

If the commissioner considers it necessary in order to ensure 107560  
the payment of the tax imposed by section 5747.02 of the Revised 107561  
Code or any tax imposed under Chapter 5748. of the Revised Code, 107562  
the commissioner may require returns and payments to be made 107563  
otherwise than as provided in this section. 107564

To the extent that any provision in this division conflicts 107565  
with any provision in section 5747.026 of the Revised Code, the 107566  
provision in that section prevails. 107567

(H) The amounts withheld by an employer pursuant to section 107568  
5747.06 of the Revised Code, a casino operator pursuant to section 107569  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 107570  
section 5747.064 of the Revised Code shall be allowed to the 107571  
recipient of the compensation casino winnings, or lottery prize 107572  
award as credits against payment of the appropriate taxes imposed 107573  
on the recipient by section 5747.02 and under Chapter 5748. of the 107574  
Revised Code. 107575

(I) If a pass-through entity elects to file a single return 107576

under division (D) of this section and if any investor is required 107577  
to file the annual return and make the payment of taxes required 107578  
by this chapter on account of the investor's other income that is 107579  
not included in a single return filed by a pass-through entity or 107580  
any other investor elects to file the annual return, the investor 107581  
is entitled to a refundable credit equal to the investor's 107582  
proportionate share of the tax paid by the pass-through entity on 107583  
behalf of the investor. The investor shall claim the credit for 107584  
the investor's taxable year in which or with which ends the 107585  
taxable year of the pass-through entity. Nothing in this chapter 107586  
shall be construed to allow any credit provided in this chapter to 107587  
be claimed more than once. For the purpose of computing any 107588  
interest, penalty, or interest penalty, the investor shall be 107589  
deemed to have paid the refundable credit provided by this 107590  
division on the day that the pass-through entity paid the 107591  
estimated tax or the tax giving rise to the credit. 107592

(J) The tax commissioner shall ensure that each return 107593  
required to be filed under this section includes a box that the 107594  
taxpayer may check to authorize a paid tax preparer who prepared 107595  
the return to communicate with the department of taxation about 107596  
matters pertaining to the return. The return or instructions 107597  
accompanying the return shall indicate that by checking the box 107598  
the taxpayer authorizes the department of taxation to contact the 107599  
preparer concerning questions that arise during the processing of 107600  
the return and authorizes the preparer only to provide the 107601  
department with information that is missing from the return, to 107602  
contact the department for information about the processing of the 107603  
return or the status of the taxpayer's refund or payments, and to 107604  
respond to notices about mathematical errors, offsets, or return 107605  
preparation that the taxpayer has received from the department and 107606  
has shown to the preparer. 107607

(K) The tax commissioner shall permit individual taxpayers to 107608

instruct the department of taxation to cause any refund of 107609  
overpaid taxes to be deposited directly into a checking account, 107610  
savings account, or an individual retirement account or individual 107611  
retirement annuity, or preexisting college savings plan or program 107612  
account offered by the Ohio tuition trust authority under Chapter 107613  
3334. of the Revised Code, as designated by the taxpayer, when the 107614  
taxpayer files the annual return required by this section 107615  
electronically. 107616

(L) The tax commissioner may adopt rules to administer this 107617  
section. 107618

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under 107619  
section 5747.11 of the Revised Code who wishes to contribute any 107620  
part of the taxpayer's refund to the natural areas and preserves 107621  
fund created in section 1517.11 of the Revised Code, the nongame 107622  
and endangered wildlife fund created in section 1531.26 of the 107623  
Revised Code, the military injury relief fund created in section 107624  
5902.05 of the Revised Code, the Ohio history fund created in 107625  
section 149.308 of the Revised Code, the breast and cervical 107626  
cancer project income tax contribution fund created in section 107627  
3701.601 of the Revised Code, the wishes for sick children income 107628  
tax contribution fund created in section 3701.602 of the Revised 107629  
Code, or all of those funds may designate on the taxpayer's income 107630  
tax return the amount that the taxpayer wishes to contribute to 107631  
the fund or funds. A designated contribution is irrevocable upon 107632  
the filing of the return and shall be made in the full amount 107633  
designated if the refund found due the taxpayer upon the initial 107634  
processing of the taxpayer's return, after any deductions 107635  
including those required by section 5747.12 of the Revised Code, 107636  
is greater than or equal to the designated contribution. If the 107637  
refund due as initially determined is less than the designated 107638  
contribution, the contribution shall be made in the full amount of 107639  
the refund. The tax commissioner shall subtract the amount of the 107640

contribution from the amount of the refund initially found due the taxpayer and shall certify the difference to the director of budget and management and treasurer of state for payment to the taxpayer in accordance with section 5747.11 of the Revised Code. For the purpose of any subsequent determination of the taxpayer's net tax payment, the contribution shall be considered a part of the refund paid to the taxpayer.

(B) The tax commissioner shall provide a space on the income tax return form in which a taxpayer may indicate that the taxpayer wishes to make a donation in accordance with this section. The tax commissioner shall also print in the instructions accompanying the income tax return form a description of the purposes for which the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio history fund, the breast and cervical cancer project income tax contribution fund, and the wishes for sick children income tax contribution fund were created and the use of moneys from the income tax refund contribution system established in this section. No person shall designate on the person's income tax return any part of a refund claimed under section 5747.11 of the Revised Code as a contribution to any fund other than the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio history fund, the breast and cervical cancer project income tax contribution fund, or the wishes for sick children income tax contribution fund.

(C) The money collected under the income tax refund contribution system established in this section shall be deposited by the tax commissioner into the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio history fund, the breast and cervical cancer project income tax contribution fund, and the wishes for sick children income tax contribution fund in the amounts designated on

the tax returns. 107673

~~(D) No later than the thirtieth day of September each year, 107674  
the tax commissioner shall determine the total amount contributed 107675  
to each fund under this section during the preceding eight months, 107676  
any adjustments to prior months, and the cost to the department of 107677  
taxation of administering the income tax refund contribution 107678  
system during that eight month period. The commissioner shall make 107679  
an additional determination no later than the thirty first day of 107680  
January of each year of the total amount contributed to each fund 107681  
under this section during the preceding four calendar months, any 107682  
adjustments to prior years made during that four month period, and 107683  
the cost to the department of taxation of administering the income 107684  
tax contribution system during that period. The cost of 107685  
administering the income tax contribution system shall be 107686  
certified by the tax commissioner to the director of budget and 107687  
management, who shall transfer an amount equal to one sixth of 107688  
such administrative costs from each of the six funds to the income 107689  
tax contribution fund, which is hereby created, provided that the 107690  
moneys that the department receives to pay the cost of 107691  
administering the income tax refund contribution system in any 107692  
year shall not exceed two and one half per cent of the total 107693  
amount contributed under that system during that year. 107694~~

~~(E) If the total amount contributed to a fund under this 107695  
section in each of five consecutive calendar years, as annually 107696  
determined by the tax commissioner, is less than fifty thousand 107697  
dollars in each of five consecutive calendar years, no person may 107698  
designate a contribution to that fund for any taxable year ending 107699  
after the last day of that five-year period. In such a case, the 107700  
~~tax~~ commissioner shall remove the space dedicated to the fund on 107701  
the income tax return and the description of the fund in the 107702  
instructions accompanying the income tax return. 107703~~

~~(F)~~(E) The general assembly may authorize taxpayer refund 107704

contributions to no more than six funds under the income tax refund contribution system established in this section. If the general assembly authorizes income tax refund contributions to a fund other than the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio history fund, the breast and cervical cancer project income tax contribution fund, or the wishes for sick children income tax contribution fund, such contributions may be authorized only for a period of two calendar years.

With the exception of the Ohio history fund, the general assembly may authorize income tax refund contributions to a fund only if all the money in the fund will be expended or distributed by a state agency as defined in section 1.60 of the Revised Code.

~~(G)~~(F)(1) The director of natural resources, in January of every odd-numbered year, shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the natural areas and preserves fund and the nongame and endangered wildlife fund. The report shall include the amount of money contributed to each fund in each of the previous five years, the amount of money contributed directly to each fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

(2) The director of veterans services, the director of the Ohio history connection, and the director of health, in January of every odd-numbered year, each shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the military injury relief fund, the Ohio history fund, the breast and cervical cancer project income tax contribution fund, and the wishes for sick children income tax contribution fund respectively. The report shall include the amount of money contributed to the fund in each of the previous

five years, the amount of money contributed directly to the fund 107737  
in addition to or independently of the income tax refund 107738  
contribution system in each of the previous five years, and the 107739  
purposes for which the money was expended. 107740

**Sec. 5747.122.** (A) The tax commissioner, in accordance with 107741  
section 5101.184 of the Revised Code, shall cooperate with the 107742  
director of job and family services to collect overpayments of 107743  
assistance under Chapter 5107. ~~or~~, former Chapter 5115., former 107744  
Chapter 5113., or section 5101.54 of the Revised Code from refunds 107745  
of state income taxes for taxable year 1992 and thereafter that 107746  
are payable to the recipients of such overpayments. 107747

(B) At the request of the department of job and family 107748  
services in connection with the collection of an overpayment of 107749  
assistance from a refund of state income taxes pursuant to this 107750  
section and section 5101.184 of the Revised Code, the tax 107751  
commissioner shall release to the department the home address and 107752  
social security number of any recipient of assistance whose 107753  
overpayment may be collected from a refund of state income taxes 107754  
under those sections. 107755

(C) In the case of a joint income tax return for two people 107756  
who were not married to each other at the time one of them 107757  
received an overpayment of assistance, only the portion of a 107758  
refund that is due to the recipient of the overpayment shall be 107759  
available for collection of the overpayment under this section and 107760  
section 5101.184 of the Revised Code. The tax commissioner shall 107761  
determine such portion. A recipient's spouse who objects to the 107762  
portion as determined by the commissioner may file a complaint 107763  
with the commissioner within twenty-one days after receiving 107764  
notice of the collection, and the commissioner shall afford the 107765  
spouse an opportunity to be heard on the complaint. The 107766  
commissioner shall waive or extend the twenty-one-day period if 107767

the recipient's spouse establishes that such action is necessary 107768  
to avoid unjust, unfair, or unreasonable results. After the 107769  
hearing, the commissioner shall make a final determination of the 107770  
portion of the refund available for collection of the overpayment. 107771

(D) The welfare overpayment intercept fund is hereby created 107772  
in the state treasury. The tax commissioner shall deposit amounts 107773  
collected from income tax refunds under this section to the credit 107774  
of the welfare overpayment intercept fund. The director of job and 107775  
family services shall distribute money in the fund in accordance 107776  
with appropriate federal or state laws and procedures regarding 107777  
collection of welfare overpayments. 107778

**Sec. 5747.50.** (A) As used in this section: 107779

(1) "County's proportionate share of the calendar year 2007 107780  
LGF and LGRAF distributions" means the percentage computed for the 107781  
county under division (B)(1)(a) of section 5747.501 of the Revised 107782  
Code. 107783

(2) "County's proportionate share of the total amount of the 107784  
local government fund additional revenue formula" means each 107785  
county's proportionate share of the state's population as 107786  
determined for and certified to the county for distributions to be 107787  
made during the current calendar year under division (B)(2)(a) of 107788  
section 5747.501 of the Revised Code. If prior to the first day of 107789  
January of the current calendar year the federal government has 107790  
issued a revision to the population figures reflected in the 107791  
estimate produced pursuant to division (B)(2)(a) of section 107792  
5747.501 of the Revised Code, such revised population figures 107793  
shall be used for making the distributions during the current 107794  
calendar year. 107795

(3) "2007 LGF and LGRAF county distribution base available in 107796  
that month" means the lesser of the amounts described in division 107797  
(A)(3)(a) and (b) of this section, provided that the amount shall 107798

not be less than zero: 107799

(a) The total amount available for distribution to counties 107800  
from the local government fund during the current month. 107801

(b) The total amount distributed to counties from the local 107802  
government fund and the local government revenue assistance fund 107803  
to counties in calendar year 2007 less the total amount 107804  
distributed to counties under division (B)(1) of this section 107805  
during previous months of the current calendar year. 107806

(4) "Local government fund additional revenue distribution 107807  
base available during that month" means the total amount available 107808  
for distribution to counties during the month from the local 107809  
government fund, less any amounts to be distributed in that month 107810  
from the local government fund under division (B)(1) of this 107811  
section, provided that the local government fund additional 107812  
revenue distribution base available during that month shall not be 107813  
less than zero. 107814

(5) "Total amount available for distribution to counties" 107815  
means the total amount available for distribution from the local 107816  
government fund during the current month less the total amount 107817  
available for distribution to municipal corporations during the 107818  
current month under division (C) of this section. 107819

(B) On or before the tenth day of each month, the tax 107820  
commissioner shall provide for payment to each county an amount 107821  
equal to the sum of: 107822

(1) The county's proportionate share of the calendar year 107823  
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 107824  
LGRAF county distribution base available in that month, provided 107825  
that if the 2007 LGF and LGRAF county distribution base available 107826  
in that month is zero, no payment shall be made under division 107827  
(B)(1) of this section for the month or the remainder of the 107828  
calendar year; and 107829

(2) The county's proportionate share of the total amount of 107830  
the local government fund additional revenue formula multiplied by 107831  
the local government fund additional revenue distribution base 107832  
available during that month. 107833

Money received into the treasury of a county under this 107834  
division shall be credited to the undivided local government fund 107835  
in the treasury of the county on or before the fifteenth day of 107836  
each month. On or before the twentieth day of each month, the 107837  
county auditor shall issue warrants against all of the undivided 107838  
local government fund in the county treasury in the respective 107839  
amounts allowed as provided in section 5747.51 of the Revised 107840  
Code, and the treasurer shall distribute and pay such sums to the 107841  
subdivision therein. 107842

(C)(1) As used in division (C) of this section: 107843

(a) "Total amount available for distribution to 107844  
municipalities during the current month" means the difference 107845  
obtained by subtracting one million dollars from the product 107846  
obtained by multiplying the total amount available for 107847  
distribution from the local government fund during the current 107848  
month by the aggregate municipal share. 107849

(b) "Aggregate municipal share" means the quotient obtained 107850  
by dividing the total amount distributed directly from the local 107851  
government fund to municipal corporations during calendar year 107852  
2007 by the total distributions from the local government fund and 107853  
local government revenue assistance fund during calendar year 107854  
2007. 107855

(2) On or before the tenth day of each month, the tax 107856  
commissioner shall provide for payment from the local government 107857  
fund to each municipal corporation an amount equal to the product 107858  
derived by multiplying the municipal corporation's percentage of 107859  
the total amount distributed to all such municipal corporations 107860

under this division during calendar year 2007 by the total amount 107861  
available for distribution to municipal corporations during the 107862  
current month. 107863

(3) Payments received by a municipal corporation under this 107864  
division shall be paid into its general fund and may be used for 107865  
any lawful purpose. 107866

(4) The amount distributed to municipal corporations under 107867  
this division during any calendar year shall not exceed the amount 107868  
distributed directly from the local government fund to municipal 107869  
corporations during calendar year 2007. If that maximum amount is 107870  
reached during any month, distributions to municipal corporations 107871  
in that month shall be as provided in divisions (C)(1) and (2) of 107872  
this section, but no further distributions shall be made to 107873  
municipal corporations under division (C) of this section during 107874  
the remainder of the calendar year. 107875

(5) Upon being informed of a municipal corporation's 107876  
dissolution, the tax commissioner shall cease providing for 107877  
payments to that municipal corporation under division (C) of this 107878  
section. The proportionate shares of the total amount available 107879  
for distribution to each of the remaining municipal corporations 107880  
under this division shall be increased on a pro rata basis. 107881

The tax commissioner shall reduce payments under division (C) 107882  
of this section to municipal corporations for which reduced 107883  
payments are required under section 5747.502 or 5747.504 of the 107884  
Revised Code. 107885

(D) Each municipal corporation which has in effect a tax 107886  
imposed under Chapter 718. of the Revised Code shall, no later 107887  
than the thirty-first day of August of each year, certify to the 107888  
tax commissioner, on a form prescribed by the commissioner, the 107889  
amount of income tax revenue collected and refunded by such 107890  
municipal corporation pursuant to such chapter during the 107891

preceding calendar year, arranged, when possible, by the type of 107892  
income from which the revenue was collected or the refund was 107893  
issued. The municipal corporation shall also report the amount of 107894  
income tax revenue collected and refunded on behalf of a joint 107895  
economic development district or a joint economic development zone 107896  
that levies an income tax administered by the municipal 107897  
corporation and the amount of such revenue distributed to 107898  
contracting parties during the preceding calendar year. The tax 107899  
commissioner may withhold payment of local government fund moneys 107900  
pursuant to division (C) of this section from any municipal 107901  
corporation for failure to comply with this reporting requirement. 107902

**Sec. 5747.502.** (A) As used in this section: 107903

(1) "Delinquent subdivision" means a municipal corporation, 107904  
township, or county that has not filed a report or signed 107905  
statement under section 4511.0915 of the Revised Code, as required 107906  
under that section. 107907

(2) "Noncompliant subdivision" means a municipal corporation, 107908  
township, or county that files a report under division (A)(1) of 107909  
section 4511.0915 of the Revised Code for the most recent calendar 107910  
quarter. 107911

(B)(1)(a) Upon receiving notification of a delinquent 107912  
subdivision under division (C)(2) of section 4511.0915 of the 107913  
Revised Code, the tax commissioner shall do both of the following: 107914

(i) If the delinquent subdivision is a municipal corporation, 107915  
cease providing for payments to the municipal corporation under 107916  
division (C) of section 5747.50 of the Revised Code, beginning 107917  
with the next required payment; 107918

(ii) Immediately notify the county auditor and county 107919  
treasurer required to provide for payments to the delinquent 107920  
subdivision from a county undivided local government fund that 107921

such payments are to cease until the tax commissioner notifies the auditor and treasurer under division (B)(3)(a)(ii) of this section.

(b) A county treasurer receiving the notice under division (B)(1)(a)(ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment.

(2)(a) Upon receiving notification that a county, township, or municipal corporation is no longer a delinquent subdivision under division (C)(3) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following:

(i) If the formerly delinquent subdivision is a municipal corporation, begin providing for payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment.

(ii) Immediately notify the county auditor and county treasurer who ceased payments to the formerly delinquent subdivision under division (B)(1)(b) of this section that the treasurer shall begin providing for payment from a county undivided local government fund to the formerly delinquent subdivision under section 5747.503, 5747.51, or 5747.53 of the Revised Code.

(b) A county treasurer receiving notice under division (B)(2)(a)(ii) of this section shall provide for payments to the formerly delinquent subdivision from a county undivided local government fund, beginning with the next required payment.

(C)(1) Upon receiving notification of a noncompliant subdivision under division (C)(1) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following:

(a) If the ~~delinquent~~ noncompliant subdivision is a municipal corporation, reduce the amount of each of the next three local

government fund payments the noncompliant subdivision would 107953  
otherwise receive under division (C) of section 5747.50 of the 107954  
Revised Code in an amount equal to one-third of the gross amount 107955  
of fines reported by the noncompliant subdivision on the report 107956  
filed for the calendar quarter. 107957

(b) If the reduction described in division (C)(1)(a) of this 107958  
section exceeds the amount of money the noncompliant subdivision 107959  
would otherwise receive under division (C) of section 5747.50 of 107960  
the Revised Code, immediately notify the county auditor and county 107961  
treasurer required to provide for payments to the noncompliant 107962  
subdivision from a county undivided local government fund that 107963  
each of the next three such payments are to be reduced to that 107964  
subdivision in an amount equal to one-third of that excess. 107965

(2) A county treasurer receiving notice under division 107966  
(C)(1)(b) of this section shall reduce the payments to the 107967  
noncompliant subdivision from a county undivided local government 107968  
fund as required by the notice. 107969

(D)(1) The tax commissioner shall provide for payment of an 107970  
amount equal to amounts withheld from municipal corporations under 107971  
divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the 107972  
undivided local government fund of the county from which the 107973  
municipal corporation receives payments under section 5747.503, 107974  
5747.51, or 5747.53 of the Revised Code. The county treasurer 107975  
shall distribute that money among subdivisions that are not 107976  
delinquent or noncompliant subdivisions and that are entitled to 107977  
receive distributions under those sections by increasing each such 107978  
subdivision's distribution on a pro rata basis. 107979

(2) A county treasurer shall distribute any amount withheld 107980  
from a delinquent or noncompliant subdivision under division 107981  
(B)(1)(b) or (C)(2) of this section among other subdivisions that 107982  
are not delinquent or noncompliant subdivisions by increasing each 107983  
such subdivision's distribution from the county's undivided local 107984

government fund on a pro rata basis. 107985

(E) A county, township, or municipal corporation receiving an 107986  
increased distribution under division ~~(B) or (C)~~ (D) of this 107987  
section shall use such money for the current operating expenses of 107988  
the subdivision. 107989

Sec. 5747.503. (A) On or before the tenth day of each month, 107990  
the tax commissioner shall provide for payment to each county 107991  
undivided local government fund of a supplement for townships. The 107992  
commissioner shall determine the amounts paid to each fund as 107993  
follows: 107994

(1) An amount equal to forty-one and sixty-seven 107995  
one-hundredths per cent of one million dollars shall be divided 107996  
among every county fund so that each township in the state 107997  
receives an equal amount. 107998

(2) An amount equal to forty-one and sixty-seven 107999  
one-hundredths per cent of one million dollars shall be divided 108000  
among every county fund so that each township receives a 108001  
proportionate share based on the proportion that the total 108002  
township road miles in the township is of the total township road 108003  
miles in all townships in the state. 108004

(B)(1) As used in this division, "qualifying village" means a 108005  
village with a population of less than one thousand according to 108006  
the most recent federal decennial census. 108007

(2) On or before the tenth day of each month, the tax 108008  
commissioner shall provide for payment to each county undivided 108009  
local government fund of a supplement for qualifying villages. The 108010  
commissioner shall determine the amounts paid to each fund as 108011  
follows: 108012

(a) An amount equal to eight and thirty-three one-hundredths 108013  
per cent of one million dollars shall be divided among every 108014

county fund so that each qualifying village in the state receives 108015  
an equal amount. 108016

(b) An amount equal to eight and thirty-three one-hundredths 108017  
per cent of one million dollars shall be divided among every 108018  
county fund so that each qualifying village receives a 108019  
proportionate share based on the proportion that the total village 108020  
road miles in the qualifying village is of the total village road 108021  
miles in all qualifying villages in the state. 108022

(C) The tax commissioner shall separately identify to the 108023  
county treasurer the amounts to be allocated to each township 108024  
under divisions (A)(1) and (2) of this section and to each 108025  
qualifying village under divisions (B)(2)(a) and (b) of this 108026  
section. The treasurer shall transfer those amounts to townships 108027  
and qualifying villages from the undivided local government fund. 108028

(D) The tax commissioner shall update the road mile 108029  
information used to determine payments under divisions (A) and (B) 108030  
of this section at least once every five years, and may update 108031  
such information more often at the commissioner's discretion. 108032

**Sec. 5747.504. (A) As used in this section:** 108033

(1) "Noncompliant municipal corporation" means a qualifying 108034  
municipal corporation that does either of the following: 108035

(a) Both fails to publish the plan as required under division 108036  
(B) of this section by the deadline required under that division 108037  
and charges rates for water and sewerage services to any 108038  
nonresident different than those charged to its residents; 108039

(b) On or after January 1, 2022, charges rates for water and 108040  
sewerage services to any nonresident different than those charged 108041  
to its residents. 108042

(2) "Predatory municipal corporation" means a qualifying 108043  
municipal corporation that does any of the following: 108044

(a) Requires, as a condition of providing water or sewerage services to territory outside of the municipal corporation, that such territory be annexed to the municipal corporation; 108045  
108046  
108047

(b) Requires, as a condition of providing water or sewerage services to territory outside of the municipal corporation, that a township or municipal corporation in which that territory is located provides direct payments in excess of those reasonably related to the cost of providing water or sewerage services in that territory to the municipal corporation that operates the water or sewerage system; 108048  
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(c) Requires a township or another municipal corporation to comply with any requirement not reasonably related to the cost of providing water or sewerage services in the territory of the township or other municipal corporation as a condition of providing water or sewerage services in such territory; 108055  
108056  
108057  
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108059

(d) Withdraws water or sewerage service or threatens to withdraw such service from any territory of a township or another municipal corporation for failure of that township or municipal corporation to comply with any condition or make any direct payment not reasonably related to the cost of providing water or sewerage services in that territory. 108060  
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(3) "Affected subdivision" means a township or municipal corporation that is either: 108066  
108067

(a) Subject to any of the conditions described in divisions (A)(2)(a) to (d) of this section imposed by a predatory municipal corporation; 108068  
108069  
108070

(b) Has a resident whose water or sewerage rates are different than those charged to residents of the noncompliant municipal corporation that provides such services to that resident. 108071  
108072  
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(4) "Annexation" means any form of annexation proceeding or 108075

merger pursuant to Chapter 709. of the Revised Code. 108076

(5) "Qualifying municipal corporation" means a municipal corporation having a population of more than seven hundred thousand as determined by the most recent federal decennial census that operates a municipal water or sewerage system serving nonresidents and residents of the municipal corporation. 108077  
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(B) A qualifying municipal corporation shall do both of the following within two years after the effective date of the enactment of this section: 108082  
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108084

(1) Develop a plan to equalize, beginning January 1, 2022, the rate for water and sewerage services the municipal corporation charges to nonresidents with the rate charged to its residents; 108085  
108086  
108087

(2) Publish the plan in a newspaper of general circulation within the county in which the municipal corporation is located once a week for three consecutive weeks. 108088  
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(C)(1) A noncompliant municipal corporation shall notify the tax commissioner that the municipal corporation is a noncompliant municipal corporation within ten days after the date on which the municipal corporation becomes a noncompliant municipal corporation. 108091  
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(2) The tax commissioner, upon receipt of a notice described in division (C)(1) of this section or upon discovery, on the basis of information in the commissioner's possession, that a municipal corporation is a noncompliant municipal corporation, shall do both of the following: 108096  
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108099  
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(a) Reduce by twenty per cent each payment the noncompliant municipal corporation would otherwise receive under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment, and reduce payments to the appropriate county undivided local government fund under division (B) of section 5747.50 of the Revised Code equal to twenty per cent of the amount 108101  
108102  
108103  
108104  
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108106

of such payments the municipal corporation would otherwise receive 108107  
under section 5747.503, 5747.51, or 5747.53 of the Revised Code, 108108  
beginning with the next required payment; 108109

(b) Immediately notify the county auditor and county 108110  
treasurer that such payments are to be reduced by twenty per cent 108111  
until the tax commissioner notifies the auditor and treasurer 108112  
under division (C)(3)(b) of this section that the reduction shall 108113  
terminate. 108114

The county treasurer shall reduce the amount of such payments 108115  
to the noncompliant municipal corporation from the undivided local 108116  
government fund beginning with the payment specified by the tax 108117  
commissioner. 108118

(3) A municipal corporation subject to the reductions 108119  
required under division (C)(2) of this section may notify the tax 108120  
commissioner that the municipal corporation is no longer a 108121  
noncompliant municipal corporation. Upon receiving that notice, 108122  
the commissioner shall do both of the following if the 108123  
commissioner determines that the municipal corporation is no 108124  
longer a noncompliant municipal corporation: 108125

(a) Terminate the reduction, under division (C)(2)(a) of this 108126  
section, in the amount of payments to the county's undivided local 108127  
government fund and in the amount of payments to the municipal 108128  
corporation under division (C) of section 5747.50 of the Revised 108129  
Code beginning with the next required payments; 108130

(b) Immediately notify the county auditor and county 108131  
treasurer that the treasurer shall terminate the reduction in the 108132  
amount of payments from the undivided local government fund to the 108133  
municipal corporation under section 5747.503, 5747.51, or 5747.53 108134  
of the Revised Code. 108135

The county treasurer shall provide for payments to the 108136  
formerly noncompliant municipal corporation from the undivided 108137

local government fund, beginning with the payment specified by the 108138  
tax commissioner. 108139

(D)(1) A predatory municipal corporation shall notify the tax 108140  
commissioner that the municipal corporation is a predatory 108141  
municipal corporation within ten days after the effective date of 108142  
the enactment of this section or, if the municipal corporation 108143  
becomes a predatory municipal corporation after that date, within 108144  
ten days after the date on which the municipal corporation becomes 108145  
a predatory municipal corporation. 108146

(2) The tax commissioner, upon receipt of a notice described 108147  
in division (D)(1) of this section or upon discovery, on the basis 108148  
of information in the commissioner's possession, that a municipal 108149  
corporation is a predatory municipal corporation, shall do all of 108150  
the following: 108151

(a) Cease providing for payments to the municipal corporation 108152  
under division (C) of section 5747.50 of the Revised Code, 108153  
beginning with the next required payment, and reduce payments to 108154  
the appropriate county undivided local government fund under 108155  
division (B) of section 5747.50 of the Revised Code equal to the 108156  
amount of such payments the municipal corporation would otherwise 108157  
receive under section 5747.503, 5747.51, or 5747.53 of the Revised 108158  
Code, beginning with the next required payment; 108159

(b) Immediately notify the county auditor and county 108160  
treasurer that such payments are to cease until the tax 108161  
commissioner notifies the auditor and treasurer under division 108162  
(D)(3)(b) of this section that the payments are to resume. 108163

The county treasurer shall cease providing for payments to 108164  
the predatory municipal corporation from the undivided local 108165  
government fund beginning with the payment specified by the tax 108166  
commissioner. 108167

(c) The tax commissioner shall notify the director of 108168

environmental protection of the identities of the predatory 108169  
subdivision and any affected subdivisions and instruct the 108170  
director to proceed under division (G) of this section. 108171

(3) A municipal corporation subject to the reductions 108172  
required under division (D)(2) of this section may notify the tax 108173  
commissioner that the municipal corporation is no longer a 108174  
predatory municipal corporation. Upon receiving that notice, the 108175  
commissioner shall do both of the following if the commissioner 108176  
determines that the municipal corporation is no longer a predatory 108177  
municipal corporation: 108178

(a) Resume payments to the municipal corporation as required 108179  
under division (C) of section 5747.50 of the Revised Code, and 108180  
resume payments to the county's undivided local government fund to 108181  
the extent such payments were reduced under division (D)(2)(a) of 108182  
this section, beginning with the next required payment; 108183

(b) Immediately notify the county auditor and county 108184  
treasurer that the treasurer shall resume payments from the 108185  
undivided local government fund to the municipal corporation under 108186  
section 5747.503, 5747.51, or 5747.53 of the Revised Code. 108187

The county treasurer shall resume payments to the municipal 108188  
corporation from the undivided local government fund beginning 108189  
with the payment specified by the tax commissioner. 108190

(E) The tax commissioner shall provide for payment of an 108191  
amount equal to amounts withheld from a noncompliant or predatory 108192  
municipal corporation under divisions (C)(2)(a) and (D)(2)(a) of 108193  
this section, respectively, to each affected subdivision affected 108194  
by, or with a resident affected by, that municipal corporation 108195  
under division (A)(3)(a) or (b) of this section. The payment to 108196  
each such subdivision shall be in the proportion that the 108197  
population of that subdivision bears to the total population of 108198  
all such affected subdivisions, as determined by the most recent 108199

federal decennial census. 108200

(F) An affected subdivision shall use money received under 108201  
division (E) of this section for the current operating expenses of 108202  
the subdivision. 108203

(G) The director of environmental protection shall send a 108204  
letter to each affected subdivision identified in a notice 108205  
received by the director under division (D)(2)(c) of this section 108206  
explaining the procedures for political subdivisions to form a 108207  
regional water and sewer district under Chapter 6119. of the 108208  
Revised Code. 108209

**Sec. 5747.51.** (A) On or before the twenty-fifth day of July 108210  
of each year, the tax commissioner shall make and certify to the 108211  
county auditor of each county an estimate of the amount of the 108212  
local government fund to be allocated to the undivided local 108213  
government fund of each county for the ensuing calendar year, 108214  
adjusting the total as required to account for subdivisions 108215  
receiving local government funds under section 5747.502 of the 108216  
Revised Code. 108217

(B) At each annual regular session of the county budget 108218  
commission convened pursuant to section 5705.27 of the Revised 108219  
Code, each auditor shall present to the commission the certificate 108220  
of the commissioner, the annual tax budget and estimates, and the 108221  
records showing the action of the commission in its last preceding 108222  
regular session. The commission, after extending to the 108223  
representatives of each subdivision an opportunity to be heard, 108224  
under oath administered by any member of the commission, and 108225  
considering all the facts and information presented to it by the 108226  
auditor, shall determine the amount of the undivided local 108227  
government fund needed by and to be apportioned to each 108228  
subdivision for current operating expenses, as shown in the tax 108229  
budget of the subdivision. This determination shall be made 108230

pursuant to divisions (C) to (I) of this section, unless the 108231  
commission has provided for a formula pursuant to section 5747.53 108232  
of the Revised Code. The ~~commissioner~~ commission shall ~~reduce or~~ 108233  
~~increase~~ adjust the amount of funds from the undivided local 108234  
government fund to a subdivision as required ~~to receive reduced or~~ 108235  
~~increased funds under~~ by section 5747.502 or 5747.504 of the 108236  
Revised Code. 108237

Nothing in this section prevents the budget commission, for 108238  
the purpose of apportioning the undivided local government fund, 108239  
from inquiring into the claimed needs of any subdivision as stated 108240  
in its tax budget, or from adjusting claimed needs to reflect 108241  
actual needs. For the purposes of this section, "current operating 108242  
expenses" means the lawful expenditures of a subdivision, except 108243  
those for permanent improvements and except payments for interest, 108244  
sinking fund, and retirement of bonds, notes, and certificates of 108245  
indebtedness of the subdivision. 108246

(C) The commission shall determine the combined total of the 108247  
estimated expenditures, including transfers, from the general fund 108248  
and any special funds other than special funds established for 108249  
road and bridge; street construction, maintenance, and repair; 108250  
state highway improvement; and gas, water, sewer, and electric 108251  
public utilities operated by a subdivision, as shown in the 108252  
subdivision's tax budget for the ensuing calendar year. 108253

(D) From the combined total of expenditures calculated 108254  
pursuant to division (C) of this section, the commission shall 108255  
deduct the following expenditures, if included in these funds in 108256  
the tax budget: 108257

(1) Expenditures for permanent improvements as defined in 108258  
division (E) of section 5705.01 of the Revised Code; 108259

(2) In the case of counties and townships, transfers to the 108260  
road and bridge fund, and in the case of municipalities, transfers 108261

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| to the street construction, maintenance, and repair fund and the   | 108262 |
| state highway improvement fund;                                    | 108263 |
| (3) Expenditures for the payment of debt charges;                  | 108264 |
| (4) Expenditures for the payment of judgments.                     | 108265 |
| (E) In addition to the deductions made pursuant to division        | 108266 |
| (D) of this section, revenues accruing to the general fund and any | 108267 |
| special fund considered under division (C) of this section from    | 108268 |
| the following sources shall be deducted from the combined total of | 108269 |
| expenditures calculated pursuant to division (C) of this section:  | 108270 |
| (1) Taxes levied within the ten-mill limitation, as defined        | 108271 |
| in section 5705.02 of the Revised Code;                            | 108272 |
| (2) The budget commission allocation of estimated county           | 108273 |
| public library fund revenues to be distributed pursuant to section | 108274 |
| 5747.48 of the Revised Code;                                       | 108275 |
| (3) Estimated unencumbered balances as shown on the tax            | 108276 |
| budget as of the thirty-first day of December of the current year  | 108277 |
| in the general fund, but not any estimated balance in any special  | 108278 |
| fund considered in division (C) of this section;                   | 108279 |
| (4) Revenue, including transfers, shown in the general fund        | 108280 |
| and any special funds other than special funds established for     | 108281 |
| road and bridge; street construction, maintenance, and repair;     | 108282 |
| state highway improvement; and gas, water, sewer, and electric     | 108283 |
| public utilities, from all other sources except those that a       | 108284 |
| subdivision receives from an additional tax or service charge      | 108285 |
| voted by its electorate or receives from special assessment or     | 108286 |
| revenue bond collection. For the purposes of this division, where  | 108287 |
| the charter of a municipal corporation prohibits the levy of an    | 108288 |
| income tax, an income tax levied by the legislative authority of   | 108289 |
| such municipal corporation pursuant to an amendment of the charter | 108290 |
| of that municipal corporation to authorize such a levy represents  | 108291 |
| an additional tax voted by the electorate of that municipal        | 108292 |

corporation. For the purposes of this division, any measure 108293  
adopted by a board of county commissioners pursuant to section 108294  
322.02, 4504.02, or 5739.021 of the Revised Code, including those 108295  
measures upheld by the electorate in a referendum conducted 108296  
pursuant to section 322.021, 4504.021, or 5739.022 of the Revised 108297  
Code, shall not be considered an additional tax voted by the 108298  
electorate. 108299

Subject to division (G) of section 5705.29 of the Revised 108300  
Code, money in a reserve balance account established by a county, 108301  
township, or municipal corporation under section 5705.13 of the 108302  
Revised Code shall not be considered an unencumbered balance or 108303  
revenue under division (E)(3) or (4) of this section. Money in a 108304  
reserve balance account established by a township under section 108305  
5705.132 of the Revised Code shall not be considered an 108306  
unencumbered balance or revenue under division (E)(3) or (4) of 108307  
this section. 108308

If a county, township, or municipal corporation has created 108309  
and maintains a nonexpendable trust fund under section 5705.131 of 108310  
the Revised Code, the principal of the fund, and any additions to 108311  
the principal arising from sources other than the reinvestment of 108312  
investment earnings arising from such a fund, shall not be 108313  
considered an unencumbered balance or revenue under division 108314  
(E)(3) or (4) of this section. Only investment earnings arising 108315  
from investment of the principal or investment of such additions 108316  
to principal may be considered an unencumbered balance or revenue 108317  
under those divisions. 108318

(F) The total expenditures calculated pursuant to division 108319  
(C) of this section, less the deductions authorized in divisions 108320  
(D) and (E) of this section, shall be known as the "relative need" 108321  
of the subdivision, for the purposes of this section. 108322

(G) The budget commission shall total the relative need of 108323  
all participating subdivisions in the county, and shall compute a 108324

relative need factor by dividing the total estimate of the 108325  
undivided local government fund by the total relative need of all 108326  
participating subdivisions. 108327

(H) The relative need of each subdivision shall be multiplied 108328  
by the relative need factor to determine the proportionate share 108329  
of the subdivision in the undivided local government fund of the 108330  
county; provided, that the maximum proportionate share of a county 108331  
shall not exceed the following maximum percentages of the total 108332  
estimate of the undivided local government fund governed by the 108333  
relationship of the percentage of the population of the county 108334  
that resides within municipal corporations within the county to 108335  
the total population of the county as reported in the reports on 108336  
population in Ohio by the ~~department of~~ development services 108337  
agency as of the twentieth day of July of the year in which the 108338  
tax budget is filed with the budget commission: 108339

| Percentage of municipal 108340<br>population within the county: | Percentage share of the county<br>shall not exceed: |
|-----------------------------------------------------------------|-----------------------------------------------------|
|-----------------------------------------------------------------|-----------------------------------------------------|

|                                                                        |                        |
|------------------------------------------------------------------------|------------------------|
| Less than forty-one per cent 108341                                    | Sixty per cent 108342  |
| Forty-one per cent or more but<br>less than eighty-one per cent 108343 | Fifty per cent 108344  |
| Eighty-one per cent or more 108344                                     | Thirty per cent 108345 |

Where the proportionate share of the county exceeds the 108345  
limitations established in this division, the budget commission 108346  
shall adjust the proportionate shares determined pursuant to this 108347  
division so that the proportionate share of the county does not 108348  
exceed these limitations, and it shall increase the proportionate 108349  
shares of all other subdivisions on a pro rata basis. In counties 108350  
having a population of less than one hundred thousand, not less 108351  
than ten per cent shall be distributed to the townships therein. 108352

(I) The proportionate share of each subdivision in the 108353  
undivided local government fund determined pursuant to division 108354

(H) of this section for any calendar year shall not be less than 108355  
the product of the average of the percentages of the undivided 108356  
local government fund of the county as apportioned to that 108357  
subdivision for the calendar years 1968, 1969, and 1970, 108358  
multiplied by the total amount of the undivided local government 108359  
fund of the county apportioned pursuant to former section 5735.23 108360  
of the Revised Code for the calendar year 1970. For the purposes 108361  
of this division, the total apportioned amount for the calendar 108362  
year 1970 shall be the amount actually allocated to the county in 108363  
1970 from the state collected intangible tax as levied by section 108364  
5707.03 of the Revised Code and distributed pursuant to section 108365  
5725.24 of the Revised Code, plus the amount received by the 108366  
county in the calendar year 1970 pursuant to division (B)(1) of 108367  
former section 5739.21 of the Revised Code, and distributed 108368  
pursuant to former section 5739.22 of the Revised Code. If the 108369  
total amount of the undivided local government fund for any 108370  
calendar year is less than the amount of the undivided local 108371  
government fund apportioned pursuant to former section 5739.23 of 108372  
the Revised Code for the calendar year 1970, the minimum amount 108373  
guaranteed to each subdivision for that calendar year pursuant to 108374  
this division shall be reduced on a basis proportionate to the 108375  
amount by which the amount of the undivided local government fund 108376  
for that calendar year is less than the amount of the undivided 108377  
local government fund apportioned for the calendar year 1970. 108378

(J) On the basis of such apportionment, the county auditor 108379  
shall compute the percentage share of each such subdivision in the 108380  
undivided local government fund and shall at the same time certify 108381  
to the tax commissioner the percentage share of the county as a 108382  
subdivision. No payment shall be made from the undivided local 108383  
government fund, except in accordance with such percentage shares. 108384

Within ten days after the budget commission has made its 108385  
apportionment, whether conducted pursuant to section 5747.51 or 108386

5747.53 of the Revised Code, the auditor shall publish a list of 108387  
the subdivisions and the amount each is to receive from the 108388  
undivided local government fund and the percentage share of each 108389  
subdivision, in a newspaper or newspapers of countywide 108390  
circulation, and send a copy of such allocation to the tax 108391  
commissioner. 108392

The county auditor shall also send a copy of such allocation 108393  
by ordinary or electronic mail to the fiscal officer of each 108394  
subdivision entitled to participate in the allocation of the 108395  
undivided local government fund of the county. This copy shall 108396  
constitute the official notice of the commission action referred 108397  
to in section 5705.37 of the Revised Code. 108398

All money received into the treasury of a subdivision from 108399  
the undivided local government fund in a county treasury shall be 108400  
paid into the general fund and used for the current operating 108401  
expenses of the subdivision. 108402

If a municipal corporation maintains a municipal university, 108403  
such municipal university, when the board of trustees so requests 108404  
the legislative authority of the municipal corporation, shall 108405  
participate in the money apportioned to such municipal corporation 108406  
from the total local government fund, however created and 108407  
constituted, in such amount as requested by the board of trustees, 108408  
provided such sum does not exceed nine per cent of the total 108409  
amount paid to the municipal corporation. 108410

If any public official fails to maintain the records required 108411  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 108412  
issued by the tax commissioner, the auditor of state, or the 108413  
treasurer of state pursuant to such sections, or fails to comply 108414  
with any law relating to the enforcement of such sections, the 108415  
local government fund money allocated to the county may be 108416  
withheld until such time as the public official has complied with 108417  
such sections or such law or the rules issued pursuant thereto. 108418

Sec. 5747.53. (A) As used in this section: 108419

(1) "City, located wholly or partially in the county, with 108420  
the greatest population" means the city, located wholly or 108421  
partially in the county, with the greatest population residing in 108422  
the county; however, if the county budget commission on or before 108423  
January 1, 1998, adopted an alternative method of apportionment 108424  
that was approved by the legislative authority of the city, 108425  
located partially in the county, with the greatest population but 108426  
not the greatest population residing in the county, "city, located 108427  
wholly or partially in the county, with the greatest population" 108428  
means the city, located wholly or partially in the county, with 108429  
the greatest population whether residing in the county or not, if 108430  
this alternative meaning is adopted by action of the board of 108431  
county commissioners and a majority of the boards of township 108432  
trustees and legislative authorities of municipal corporations 108433  
located wholly or partially in the county. 108434

(2) "Participating political subdivision" means a municipal 108435  
corporation or township that satisfies all of the following: 108436

(a) It is located wholly or partially in the county. 108437

(b) It is not the city, located wholly or partially in the 108438  
county, with the greatest population. 108439

(c) Undivided local government fund moneys are apportioned to 108440  
it under the county's alternative method or formula of 108441  
apportionment in the current calendar year. 108442

(B) In lieu of the method of apportionment of the undivided 108443  
local government fund of the county provided by section 5747.51 of 108444  
the Revised Code, the county budget commission may provide for the 108445  
apportionment of the fund under an alternative method or on a 108446  
formula basis as authorized by this section. The ~~commissioner~~ 108447  
commission shall ~~reduce or increase~~ adjust the amount of funds 108448

from the undivided local government fund to a subdivision as 108449  
required ~~to receive reduced or increased funds under~~ by section 108450  
5747.502 ~~or 5747.504~~ of the Revised Code. 108451

Except as otherwise provided in division (C) of this section, 108452  
the alternative method of apportionment shall have first been 108453  
approved by all of the following governmental units: the board of 108454  
county commissioners; the legislative authority of the city, 108455  
located wholly or partially in the county, with the greatest 108456  
population; and a majority of the boards of township trustees and 108457  
legislative authorities of municipal corporations, located wholly 108458  
or partially in the county, excluding the legislative authority of 108459  
the city, located wholly or partially in the county, with the 108460  
greatest population. In granting or denying approval for an 108461  
alternative method of apportionment, the board of county 108462  
commissioners, boards of township trustees, and legislative 108463  
authorities of municipal corporations shall act by motion. A 108464  
motion to approve shall be passed upon a majority vote of the 108465  
members of a board of county commissioners, board of township 108466  
trustees, or legislative authority of a municipal corporation, 108467  
shall take effect immediately, and need not be published. 108468

Any alternative method of apportionment adopted and approved 108469  
under this division may be revised, amended, or repealed in the 108470  
same manner as it may be adopted and approved. If an alternative 108471  
method of apportionment adopted and approved under this division 108472  
is repealed, the undivided local government fund of the county 108473  
shall be apportioned among the subdivisions eligible to 108474  
participate in the fund, commencing in the ensuing calendar year, 108475  
under the apportionment provided in section 5747.52 of the Revised 108476  
Code, unless the repeal occurs by operation of division (C) of 108477  
this section or a new method for apportionment of the fund is 108478  
provided in the action of repeal. 108479

(C) This division applies only in counties in which the city, 108480

located wholly or partially in the county, with the greatest 108481  
population has a population of twenty thousand or less and a 108482  
population that is less than fifteen per cent of the total 108483  
population of the county. In such a county, the legislative 108484  
authorities or boards of township trustees of two or more 108485  
participating political subdivisions, which together have a 108486  
population residing in the county that is a majority of the total 108487  
population of the county, each may adopt a resolution to exclude 108488  
the approval otherwise required of the legislative authority of 108489  
the city, located wholly or partially in the county, with the 108490  
greatest population. All of the resolutions to exclude that 108491  
approval shall be adopted not later than the first Monday of 108492  
August of the year preceding the calendar year in which 108493  
distributions are to be made under an alternative method of 108494  
apportionment. 108495

A motion granting or denying approval of an alternative 108496  
method of apportionment under this division shall be adopted by a 108497  
majority vote of the members of the board of county commissioners 108498  
and by a majority vote of a majority of the boards of township 108499  
trustees and legislative authorities of the municipal corporations 108500  
located wholly or partially in the county, other than the city, 108501  
located wholly or partially in the county, with the greatest 108502  
population, shall take effect immediately, and need not be 108503  
published. The alternative method of apportionment under this 108504  
division shall be adopted and approved annually, not later than 108505  
the first Monday of August of the year preceding the calendar year 108506  
in which distributions are to be made under it. A motion granting 108507  
approval of an alternative method of apportionment under this 108508  
division repeals any existing alternative method of apportionment, 108509  
effective with distributions to be made from the fund in the 108510  
ensuing calendar year. An alternative method of apportionment 108511  
under this division shall not be revised or amended after the 108512  
first Monday of August of the year preceding the calendar year in 108513

which distributions are to be made under it. 108514

(D) In determining an alternative method of apportionment 108515  
authorized by this section, the county budget commission may 108516  
include in the method any factor considered to be appropriate and 108517  
reliable, in the sole discretion of the county budget commission. 108518

(E) The limitations set forth in section 5747.51 of the 108519  
Revised Code, stating the maximum amount that the county may 108520  
receive from the undivided local government fund and the minimum 108521  
amount the townships in counties having a population of less than 108522  
one hundred thousand may receive from the fund, are applicable to 108523  
any alternative method of apportionment authorized under this 108524  
section. 108525

(F) On the basis of any alternative method of apportionment 108526  
adopted and approved as authorized by this section, as certified 108527  
by the auditor to the county treasurer, the county treasurer shall 108528  
make distribution of the money in the undivided local government 108529  
fund to each subdivision eligible to participate in the fund, and 108530  
the auditor, when the amount of those shares is in the custody of 108531  
the treasurer in the amounts so computed to be due the respective 108532  
subdivisions, shall at the same time certify to the tax 108533  
commissioner the percentage share of the county as a subdivision. 108534  
All money received into the treasury of a subdivision from the 108535  
undivided local government fund in a county treasury shall be paid 108536  
into the general fund and used for the current operating expenses 108537  
of the subdivision. If a municipal corporation maintains a 108538  
municipal university, the university, when the board of trustees 108539  
so requests the legislative authority of the municipal 108540  
corporation, shall participate in the money apportioned to the 108541  
municipal corporation from the total local government fund, 108542  
however created and constituted, in the amount requested by the 108543  
board of trustees, provided that amount does not exceed nine per 108544  
cent of the total amount paid to the municipal corporation. 108545

(G) The actions of the county budget commission taken 108546  
pursuant to this section are final and may not be appealed to the 108547  
board of tax appeals, except on the issues of abuse of discretion 108548  
and failure to comply with the formula. 108549

**Sec. 5747.70.** (A) In computing Ohio adjusted gross income, a 108550  
deduction from federal adjusted gross income is allowed to a 108551  
contributor for the amount contributed during the taxable year to 108552  
a variable college savings program account and to a purchaser of 108553  
tuition units under the Ohio college savings program created by 108554  
Chapter 3334. of the Revised Code to the extent that the amounts 108555  
of such contributions and purchases were not deducted in 108556  
determining the contributor's or purchaser's federal adjusted 108557  
gross income for the taxable year. The combined amount of 108558  
contributions and purchases deducted in any taxable year by a 108559  
taxpayer or the taxpayer and the taxpayer's spouse, regardless of 108560  
whether the taxpayer and the taxpayer's spouse file separate 108561  
returns or a joint return, is limited to ~~two~~ four thousand dollars 108562  
for each beneficiary for whom contributions or purchases are made. 108563  
If the combined annual contributions and purchases for a 108564  
beneficiary exceed ~~two~~ four thousand dollars, the excess may be 108565  
carried forward and deducted in future taxable years until the 108566  
contributions and purchases have been fully deducted. 108567

(B) In computing Ohio adjusted gross income, a deduction from 108568  
federal adjusted gross income is allowed for: 108569

(1) Income related to tuition units and contributions that as 108570  
of the end of the taxable year have not been refunded pursuant to 108571  
the termination of a tuition payment contract or variable college 108572  
savings program account under section 3334.10 of the Revised Code, 108573  
to the extent that such income is included in federal adjusted 108574  
gross income. 108575

(2) The excess of the total purchase price of tuition units 108576

refunded during the taxable year pursuant to the termination of a 108577  
tuition payment contract under section 3334.10 of the Revised Code 108578  
over the amount of the refund, to the extent the amount of the 108579  
excess was not deducted in determining federal adjusted gross 108580  
income. Division (B)(2) of this section applies only to units for 108581  
which no deduction was allowable under division (A) of this 108582  
section. 108583

(C) In computing Ohio adjusted gross income, there shall be 108584  
added to federal adjusted gross income the amount of loss related 108585  
to tuition units and contributions that as of the end of the 108586  
taxable year have not been refunded pursuant to the termination of 108587  
a tuition payment contract or variable college savings program 108588  
account under section 3334.10 of the Revised Code, to the extent 108589  
that such loss was deducted in determining federal adjusted gross 108590  
income. 108591

(D) For taxable years in which distributions or refunds are 108592  
made under a tuition payment or variable college savings program 108593  
contract for any reason other than payment of tuition or other 108594  
higher education expenses, or the beneficiary's death, disability, 108595  
or receipt of a scholarship as described in section 3334.10 of the 108596  
Revised Code: 108597

(1) If the distribution or refund is paid to the purchaser or 108598  
contributor or beneficiary, any portion of the distribution or 108599  
refund not included in the recipient's federal adjusted gross 108600  
income shall be added to the recipient's federal adjusted gross 108601  
income in determining the recipient's Ohio adjusted gross income, 108602  
except that the amount added shall not exceed amounts previously 108603  
deducted under division (A) of this section less any amounts added 108604  
under division (D)(1) of this section in a prior taxable year. 108605

(2) If amounts paid by a purchaser or contributor on or after 108606  
January 1, 2000, are distributed or refunded to someone other than 108607  
the purchaser or contributor or beneficiary, the amount of the 108608

payment not included in the recipient's federal adjusted gross 108609  
income, less any amounts added under division (D) of this section 108610  
in a prior taxable year, shall be added to the recipient's federal 108611  
adjusted gross income in determining the recipient's Ohio adjusted 108612  
gross income. 108613

**Sec. 5747.98.** (A) To provide a uniform procedure for 108614  
calculating a taxpayer's aggregate tax liability under section 108615  
5747.02 of the Revised Code, a taxpayer shall claim any credits to 108616  
which the taxpayer is entitled in the following order: 108617

(1) Either the retirement income credit under division (B) of 108618  
section 5747.055 of the Revised Code or the lump sum retirement 108619  
income credits under divisions (C), (D), and (E) of that section; 108620

(2) Either the senior citizen credit under division (F) of 108621  
section 5747.055 of the Revised Code or the lump sum distribution 108622  
credit under division (G) of that section; 108623

(3) The dependent care credit under section 5747.054 of the 108624  
Revised Code; 108625

~~(4) The low income credit under section 5747.056 of the 108626  
Revised Code;~~ 108627

~~(5)~~ The credit for displaced workers who pay for job training 108628  
under section 5747.27 of the Revised Code; 108629

~~(6)~~(5) The campaign contribution credit under section 5747.29 108630  
of the Revised Code; 108631

~~(7)~~(6) The twenty-dollar personal exemption credit under 108632  
section 5747.022 of the Revised Code; 108633

~~(8)~~(7) The joint filing credit under division (G) of section 108634  
5747.05 of the Revised Code; 108635

~~(9)~~(8) The earned income credit under section 5747.71 of the 108636  
Revised Code; 108637

|                                                                                                                                                     |                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <del>(10)</del> <u>(9)</u> The credit for adoption of a minor child under section 5747.37 of the Revised Code;                                      | 108638<br>108639 |
| <del>(11)</del> <u>(10)</u> The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;                      | 108640<br>108641 |
| <del>(12)</del> <u>(11)</u> The enterprise zone credit under section 5709.66 of the Revised Code;                                                   | 108642<br>108643 |
| <del>(13)</del> <u>(12)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;                                          | 108644<br>108645 |
| <del>(14)</del> <u>(13)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;             | 108646<br>108647 |
| <del>(15)</del> <u>(14)</u> The small business investment credit under section 5747.81 of the Revised Code;                                         | 108648<br>108649 |
| <del>(16)</del> <u>(15)</u> The enterprise zone credits under section 5709.65 of the Revised Code;                                                  | 108650<br>108651 |
| <del>(17)</del> <u>(16)</u> The research and development credit under section 5747.331 of the Revised Code;                                         | 108652<br>108653 |
| <del>(18)</del> <u>(17)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                            | 108654<br>108655 |
| <del>(19)</del> <u>(18)</u> The nonresident credit under division (A) of section 5747.05 of the Revised Code;                                       | 108656<br>108657 |
| <del>(20)</del> <u>(19)</u> The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;              | 108658<br>108659 |
| <del>(21)</del> <u>(20)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code;                              | 108660<br>108661 |
| <del>(22)</del> <u>(21)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code; | 108662<br>108663 |
| <del>(23)</del> <u>(22)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;         | 108664<br>108665 |
| <del>(24)</del> <u>(23)</u> The refundable credits for taxes paid by a                                                                              | 108666           |

qualifying pass-through entity granted under division (I) of 108667  
section 5747.08 of the Revised Code; 108668

~~(25)~~(24) The refundable credit under section 5747.80 of the 108669  
Revised Code for losses on loans made to the Ohio venture capital 108670  
program under sections 150.01 to 150.10 of the Revised Code; 108671

~~(26)~~(25) The refundable credit for rehabilitating a historic 108672  
building under section 5747.76 of the Revised Code; 108673

~~(27)~~(26) The refundable credit for financial institution 108674  
taxes paid by a pass-through entity granted under section 5747.65 108675  
of the Revised Code. 108676

(B) For any credit, except the refundable credits enumerated 108677  
in this section and the credit granted under division (H) of 108678  
section 5747.08 of the Revised Code, the amount of the credit for 108679  
a taxable year shall not exceed the taxpayer's aggregate amount of 108680  
tax due under section 5747.02 of the Revised Code, after allowing 108681  
for any other credit that precedes it in the order required under 108682  
this section. Any excess amount of a particular credit may be 108683  
carried forward if authorized under the section creating that 108684  
credit. Nothing in this chapter shall be construed to allow a 108685  
taxpayer to claim, directly or indirectly, a credit more than once 108686  
for a taxable year. 108687

**Sec. 5748.10.** (A) As used in this section: 108688

(1) "School district consolidation" means a consolidation of 108689  
some or all of the territories of two or more school districts by 108690  
transfer, merger, joinder, or creation pursuant to any of such 108691  
procedures under Chapter 3311. of the Revised Code. 108692

(2) "Surviving school district" means a school district into 108693  
which territory of another school district will be consolidated 108694  
pursuant to a school district consolidation. 108695

(3) "Identification number" means the number designated by 108696

the tax commissioner for the purpose of enabling a taxpayer to 108697  
identify the taxpayer's school district of residence pursuant to 108698  
rules adopted by the commissioner in accordance with section 108699  
5747.04 of the Revised Code. 108700

(B) On or before ninety days before the effective date of a 108701  
school district consolidation, the board of education of a 108702  
surviving school district that levies a school district income tax 108703  
pursuant to a resolution that will be in effect on and after that 108704  
effective date shall notify the tax commissioner in writing of all 108705  
of the following: 108706

(1) The name and identification number of each of the school 108707  
districts involved in the consolidation, designating which is the 108708  
surviving school district; 108709

(2) The effective date of the consolidation; 108710

(3) The rate of school district income tax levied by the 108711  
surviving school district and, if applicable, any of the other 108712  
school districts, pursuant to a resolution levying such a tax that 108713  
will be in effect on and after the effective date of the 108714  
consolidation. 108715

(C) School district income tax shall be levied on the school 108716  
district income of residents of a school district resulting from a 108717  
school district consolidation pursuant to a resolution, if any, 108718  
levying such a tax on such income of the surviving school 108719  
district's residents adopted by the board of education of that 108720  
district and in effect on and after that effective date. Nothing 108721  
in this division prohibits the board of education of a school 108722  
district from amending or adopting a resolution to levy a school 108723  
district income tax in accordance with this chapter after a school 108724  
district consolidation. 108725

**Sec. 5749.01.** As used in this chapter: 108726

(A) "Ton" shall mean two thousand pounds as measured at the point and time of severance, after the removal of any impurities, under such rules and regulations as the tax commissioner may prescribe.

(B) "Taxpayer" means any person required to pay the tax levied by Chapter 5749. of the Revised Code.

(C) "Natural resource" means all forms of coal, salt, limestone, dolomite, sand, gravel, natural gas, and oil.

(D) "Owner" ~~has~~ and "exempt domestic well" have the same ~~meaning~~ meanings as in section 1509.01 of the Revised Code.

(E) "Person" means any individual, firm, partnership, association, joint stock company, corporation, or estate, or combination thereof.

(F) "Return" means any report or statement required to be filed pursuant to Chapter 5749. of the Revised Code used to determine the tax due.

(G) "Severance" means the extraction or other removal of a natural resource from the soil or water of this state.

(H) "Severed" means the point at which the natural resource has been separated from the soil or water in this state.

(I) "Severer" means any person who actually removes the natural resources from the soil or water in this state.

**Sec. 5749.02.** (A) For the purpose of providing revenue to administer the state's coal mining and reclamation regulatory program, to meet the environmental and resource management needs of this state, and to reclaim land affected by mining, an excise tax is hereby levied on the privilege of engaging in the severance of natural resources from the soil or water of this state. The tax shall be imposed upon the severer at the rates prescribed by ~~divisions (A)(1) to (9) of this section:~~

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) Ten cents per ton of coal;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 108757                                                                                                                                                                                                                   |
| (2) Four cents per ton of salt;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 108758                                                                                                                                                                                                                   |
| (3) Two cents per ton of limestone or dolomite;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 108759                                                                                                                                                                                                                   |
| (4) Two cents per ton of sand and gravel;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 108760                                                                                                                                                                                                                   |
| (5) Ten cents per barrel of oil;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 108761                                                                                                                                                                                                                   |
| (6) Two and one-half cents per thousand cubic feet of natural<br>gas;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 108762<br>108763                                                                                                                                                                                                         |
| (7) One cent per ton of clay, sandstone or conglomerate,<br>shale, gypsum, or quartzite;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 108764<br>108765                                                                                                                                                                                                         |
| (8) Except as otherwise provided in this division or in rules<br>adopted by the reclamation forfeiture fund advisory board under<br>section 1513.182 of the Revised Code, an additional fourteen cents<br>per ton of coal produced from an area under a coal mining and<br>reclamation permit issued under Chapter 1513. of the Revised Code<br>for which the performance security is provided under division<br>(C)(2) of section 1513.08 of the Revised Code. Beginning July 1,<br>2007, if at the end of a fiscal biennium the balance of the<br>reclamation forfeiture fund created in section 1513.18 of the<br>Revised Code is equal to or greater than ten million dollars, the<br>rate levied shall be twelve cents per ton. Beginning July 1, 2007,<br>if at the end of a fiscal biennium the balance of the fund is at<br>least five million dollars, but less than ten million dollars, the<br>rate levied shall be fourteen cents per ton. Beginning July 1,<br>2007, if at the end of a fiscal biennium the balance of the fund<br>is less than five million dollars, the rate levied shall be<br>sixteen cents per ton. Beginning July 1, 2009, not later than<br>thirty days after the close of a fiscal biennium, the chief of the<br>division of mineral resources management shall certify to the tax<br>commissioner the amount of the balance of the reclamation<br>forfeiture fund as of the close of the fiscal biennium. Any<br>necessary adjustment of the rate levied shall take effect on the | 108766<br>108767<br>108768<br>108769<br>108770<br>108771<br>108772<br>108773<br>108774<br>108775<br>108776<br>108777<br>108778<br>108779<br>108780<br>108781<br>108782<br>108783<br>108784<br>108785<br>108786<br>108787 |

first day of the following January and shall remain in effect 108788  
during the calendar biennium that begins on that date. 108789

(9) An additional one and two-tenths cents per ton of coal 108790  
mined by surface mining methods. 108791

(B) After the director of budget and management transfers 108792  
money from the severance tax receipts fund as required in division 108793  
(H) of section 5749.06 of the Revised Code, money remaining in the 108794  
severance tax receipts fund, except for money in the fund from the 108795  
amounts due under section 1509.50 of the Revised Code, shall be 108796  
credited as follows: 108797

(1) ~~Of All of~~ the moneys in the fund from the tax levied in 108798  
division (A)(1) of this section, ~~four and seventy six hundredths~~ 108799  
~~per cent shall be credited to the geological mapping fund created~~ 108800  
~~in section 1505.09 of the Revised Code, eighty and~~ 108801  
~~ninety five hundredths per cent shall be credited to the coal~~ 108802  
~~mining administration and reclamation reserve fund created in~~ 108803  
~~section 1513.181 of the Revised Code, and fourteen and~~ 108804  
~~twenty nine hundredths per cent shall be credited to the~~ 108805  
~~unreclaimed lands~~ mining regulation and safety fund created in 108806  
section 1513.30 of the Revised Code. 108807

(2) The money in the fund from the tax levied in division 108808  
(A)(2) of this section shall be credited to the ~~geological mapping~~ 108809  
mining regulation and safety fund. 108810

(3) Of the moneys in the fund from the tax levied in 108811  
divisions (A)(3) and (4) of this section, seven and five-tenths 108812  
per cent shall be credited to the geological mapping fund, 108813  
~~forty two and five tenths per cent shall be credited to the~~ 108814  
~~unreclaimed lands fund,~~ and the remainder shall be credited to the 108815  
~~surface~~ mining regulation and safety fund created in section 108816  
~~1514.06~~ 1513.30 of the Revised Code. 108817

(4) Of the moneys in the fund from the tax levied in 108818

divisions (A)(5) and (6) of this section, ninety per cent shall be 108819  
credited to the oil and gas well fund ~~created in section 1509.02~~ 108820  
~~of the Revised Code~~ and ten per cent shall be credited to the 108821  
geological mapping fund. ~~All~~ 108822

(5) ~~All~~ of the moneys in the fund from the tax levied in 108823  
division (A)(7) of this section shall be credited to the ~~surface~~ 108824  
mining regulation and safety fund. 108825

~~(5)(6)~~ All of the moneys in the fund from the tax levied in 108826  
division (A)(8) of this section shall be credited to the 108827  
reclamation forfeiture fund. 108828

~~(6)(7)~~ All of the moneys in the fund from the tax levied in 108829  
division (A)(9) of this section shall be credited to the 108830  
~~unreclaimed lands~~ mining regulation and safety fund. 108831

(C) When, at the close of any fiscal year, the chief finds 108832  
that the balance of the reclamation forfeiture fund, ~~plus~~ 108833  
~~estimated transfers to it from the coal mining administration and~~ 108834  
~~reclamation reserve fund under section 1513.181 of the Revised~~ 108835  
~~Code~~, plus the estimated revenues from the tax levied by division 108836  
(A)(8) of this section for the remainder of the calendar year that 108837  
includes the close of the fiscal year, are sufficient to complete 108838  
the reclamation of all lands for which the performance security 108839  
has been provided under division (C)(2) of section 1513.08 of the 108840  
Revised Code, the purposes for which the tax under division (A)(8) 108841  
of this section is levied shall be deemed accomplished at the end 108842  
of that calendar year. The chief, within thirty days after the 108843  
close of the fiscal year, shall certify those findings to the tax 108844  
commissioner, and the tax levied under division (A)(8) of this 108845  
section shall cease to be imposed for the subsequent calendar year 108846  
after the last day of that calendar year on coal produced under a 108847  
coal mining and reclamation permit issued under Chapter 1513. of 108848  
the Revised Code if the permittee has made tax payments under 108849  
division (A)(8) of this section during each of the preceding five 108850

full calendar years. Not later than thirty days after the close of 108851  
a fiscal year, the chief shall certify to the tax commissioner the 108852  
identity of any permittees who accordingly no longer are required 108853  
to pay the tax levied under division (A)(8) of this section for 108854  
the subsequent calendar year. 108855

**Sec. 5749.03.** ~~The following Natural resources severed from an~~ 108856  
~~exempt domestic well~~ shall be exempt from the tax imposed by 108857  
section 5749.02 of the Revised Code and ~~the amount due under~~ 108858  
~~section 1509.50 of the Revised Code.~~ 108859

~~The severance of natural resources from land or water in this~~ 108860  
~~state owned legally or beneficially by the severer, which natural~~ 108861  
~~resources will be used on the land from which they are taken by~~ 108862  
~~the severer as part of the improvement of or use in the severer's~~ 108863  
~~homestead and which have a yearly cumulative market value of not~~ 108864  
~~greater than one thousand dollars. When severed natural resources~~ 108865  
~~so used exceed a cumulative market value of one thousand dollars~~ 108866  
~~during any year, the further severance of natural resources shall~~ 108867  
~~be subject to the tax imposed by section 5749.02 of the Revised~~ 108868  
~~Code.~~ 108869

**Sec. 5749.04.** No severer shall sever or sell a natural 108870  
resource in this state without first having obtained a ~~license or~~ 108871  
~~permit therefor~~ from or having registered with the department of 108872  
natural resources. 108873

~~Unless the severer has obtained a license or permit from~~ 108874  
~~another department of this state, the license or permit shall be~~ 108875  
~~issued by the tax commissioner upon receipt of a completed~~ 108876  
~~application on a form which he shall prescribe. The license or~~ 108877  
~~permit shall become effective on the date the application is~~ 108878  
~~accepted by the commissioner, who shall notify the applicant in~~ 108879  
~~writing of the acceptance, and shall remain in effect until such~~ 108880

~~time as the commissioner revokes the license or permit. The~~ 108881  
~~commissioner may request that the department of natural resources~~ 108882  
~~revoke the license or permit or registration of a severer or owner~~ 108883  
~~if he the commissioner finds that the applicant severer or owner~~ 108884  
~~has failed to fully and truthfully complete the application or has~~ 108885  
~~failed to pay the tax required by comply with section 1509.50 or~~ 108886  
Chapter 5749. of the Revised Code. 108887

~~The fee charged for the license or permit shall be fifty~~ 108888  
~~dollars. The remittance for such fee shall accompany the~~ 108889  
~~application and shall be made payable to the treasurer of state~~ 108890  
~~for deposit in the general revenue fund Upon receipt of such a~~ 108891  
~~request, that officer may revoke the permit or registration.~~ 108892

~~Except as provided in section 5749.03 of the Revised Code,~~ 108893  
~~before severing a natural resource each severer shall file an~~ 108894  
~~application with the commissioner on a form prescribed by the~~ 108895  
~~commissioner to establish a severance tax account. The application~~ 108896  
~~may require the severer to disclose any information the~~ 108897  
~~commissioner considers necessary to establish that account.~~ 108898

**Sec. 5749.06.** (A)(1) Each severer liable for the tax imposed 108899  
by section 5749.02 of the Revised Code and each severer or owner 108900  
liable for the amounts due under section 1509.50 of the Revised 108901  
Code, except for any amount due under division (B)(2) of that 108902  
section, shall make and file returns with the tax commissioner in 108903  
the prescribed form and ~~as of~~ at the prescribed times, computing 108904  
and reflecting therein the tax as required by this chapter and 108905  
amounts due under section 1509.50 of the Revised Code. 108906

(2) The returns shall be filed for every ~~quarterly period,~~ 108907  
~~which periods shall end on the thirty first day of March, the~~ 108908  
~~thirtieth day of June, the thirtieth day of September, and the~~ 108909  
~~thirty first day of December of each year~~ calendar quarter, as 108910  
required by this section, unless a different return period is 108911

prescribed for a taxpayer by the commissioner. 108912

(B)(1) A separate return shall be filed for each calendar 108913  
~~quarterly period~~ quarter, or other period, or any part thereof, 108914  
during which the severer holds a ~~license permit or has registered~~ 108915  
as provided by section 5749.04 of the Revised Code, or is required 108916  
to hold the ~~license permit or registration~~, or during which an 108917  
owner is required to file a return. The return shall be filed 108918  
~~within forty five days after the last~~ on or before the fifteenth 108919  
~~day of each such calendar month, or other period, or any part~~ 108920  
~~thereof, for which the return is required~~ the second month 108921  
following the end of each return period. The tax due is payable 108922  
along with the return. All such returns shall contain such 108923  
information as the commissioner may require to fairly administer 108924  
the tax. 108925

(2) All returns shall be signed by the severer or owner, as 108926  
applicable, shall contain the full and complete information 108927  
requested, and shall be made under penalty of perjury. 108928

(C) If the commissioner believes that quarterly payments of 108929  
tax would result in a delay that might jeopardize the collection 108930  
of such tax payments, the commissioner may order that such 108931  
payments be made weekly, or more frequently if necessary, such 108932  
payments to be made not later than seven days following the close 108933  
of the period for which the jeopardy payment is required. Such an 108934  
order shall be delivered to the taxpayer personally or by 108935  
certified mail and shall remain in effect until the commissioner 108936  
notifies the taxpayer to the contrary. 108937

(D) Upon good cause the commissioner may extend for thirty 108938  
days the period for filing any notice or return required to be 108939  
filed under this section, and may remit all or a part of penalties 108940  
that may become due under this chapter. 108941

(E) Any tax and any amount due under section 1509.50 of the 108942

Revised Code not paid by the day the tax or amount is due shall 108943  
bear interest computed at the rate per annum prescribed by section 108944  
5703.47 of the Revised Code on that amount due from the day that 108945  
the amount was originally required to be paid to the day of actual 108946  
payment or to the day an assessment was issued under section 108947  
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 108948

(F) A severer or owner, as applicable, that fails to file a 108949  
complete return or pay the full amount due under this chapter 108950  
within the time prescribed, including any extensions of time 108951  
granted by the commissioner, shall be subject to a penalty not to 108952  
exceed the greater of fifty dollars or ten per cent of the amount 108953  
due for the period. 108954

(G)(1) A severer or owner, as applicable, shall remit 108955  
payments electronically and, if required by the commissioner, file 108956  
each return electronically. The commissioner may require that the 108957  
severer or owner use the Ohio business gateway, as defined in 108958  
section 718.01 of the Revised Code, or another electronic means to 108959  
file returns and remit payments electronically. 108960

(2) A severer or owner that is required to remit payments 108961  
electronically under this section may apply to the commissioner, 108962  
in the manner prescribed by the commissioner, to be excused from 108963  
that requirement. The commissioner may excuse a severer or owner 108964  
from the requirements of division (G) of this section for good 108965  
cause. 108966

(3) If a severer or owner that is required to remit payments 108967  
or file returns electronically under this section fails to do so, 108968  
the commissioner may impose a penalty on the severer or owner not 108969  
to exceed the following: 108970

(a) For the first or second payment or return the severer or 108971  
owner fails to remit or file electronically, the greater of five 108972  
per cent of the amount of the payment that was required to be 108973

remitted or twenty-five dollars; 108974

(b) For every payment or return after the second that the 108975  
severer or owner fails to remit or file electronically, the 108976  
greater of ten per cent of the amount of the payment that was 108977  
required to be remitted or fifty dollars. 108978

(H)(1) All amounts that the commissioner receives under this 108979  
section shall be deemed to be revenue from taxes imposed under 108980  
this chapter or from the amount due under section 1509.50 of the 108981  
Revised Code, as applicable, and shall be deposited in the 108982  
severance tax receipts fund, which is hereby created in the state 108983  
treasury. 108984

(2) The director of budget and management shall transfer from 108985  
the severance tax receipts fund, as necessary, to the tax refund 108986  
fund amounts equal to the refunds certified by the commissioner 108987  
under section 5749.08 of the Revised Code. Any amount transferred 108988  
under division (H)(2) of this section shall be derived from 108989  
receipts of the same tax or other amount from which the refund 108990  
arose. 108991

(3) After the director of budget and management makes any 108992  
transfer required by division (H)(2) of this section, but not 108993  
later than the ~~fifteenth~~ twenty-fifth day of ~~the~~ each month 108994  
~~following the end of each calendar quarter~~, the commissioner shall 108995  
certify to the director the total amount remaining in the 108996  
severance tax receipts fund organized according to the amount 108997  
attributable to each natural resource and according to the amount 108998  
attributable to a tax imposed by this chapter and the amounts due 108999  
under section 1509.50 of the Revised Code, and shall provide for 109000  
payment to the funds specified in division (B) of section 5749.02 109001  
of the Revised Code. 109002

(I) Penalties imposed under this section are in addition to 109003  
any other penalty imposed under this chapter and shall be 109004

considered as revenue arising from the tax levied under this 109005  
chapter or the amount due under section 1509.50 of the Revised 109006  
Code, as applicable. The commissioner may collect any penalty or 109007  
interest imposed under this section in the same manner as provided 109008  
for the making of an assessment in section 5749.07 of the Revised 109009  
Code. The commissioner may abate all or a portion of such interest 109010  
or penalties and may adopt rules governing such abatements. 109011

**Sec. 5749.17.** ~~Except for purposes of enforcing Chapter 1509.~~ 109012  
~~of the Revised Code, any~~ Any information provided to the 109013  
department of natural resources by the department of taxation in 109014  
accordance with division (C)(12) of section 5703.21 of the Revised 109015  
Code shall not be disclosed publicly by the department of natural 109016  
resources. However the department of natural resources may provide 109017  
such information to the attorney general for purposes of 109018  
enforcement of Chapter 1509. of the Revised Code. 109019

**Sec. 5751.02.** (A) For the purpose of funding the needs of 109020  
this state and its local governments, there is hereby levied a 109021  
commercial activity tax on each person with taxable gross receipts 109022  
for the privilege of doing business in this state. For the 109023  
purposes of this chapter, "doing business" means engaging in any 109024  
activity, whether legal or illegal, that is conducted for, or 109025  
results in, gain, profit, or income, at any time during a calendar 109026  
year. Persons on which the commercial activity tax is levied 109027  
include, but are not limited to, persons with substantial nexus 109028  
with this state. The tax imposed under this section is not a 109029  
transactional tax and is not subject to Public Law No. 86-272, 73 109030  
Stat. 555. The tax imposed under this section is in addition to 109031  
any other taxes or fees imposed under the Revised Code. The tax 109032  
levied under this section is imposed on the person receiving the 109033  
gross receipts and is not a tax imposed directly on a purchaser. 109034  
The tax imposed by this section is an annual privilege tax for the 109035

calendar year that, in the case of calendar year taxpayers, is the 109036  
annual tax period and, in the case of calendar quarter taxpayers, 109037  
contains all quarterly tax periods in the calendar year. A 109038  
taxpayer is subject to the annual privilege tax for doing business 109039  
during any portion of such calendar year. 109040

(B) The tax imposed by this section is a tax on the taxpayer 109041  
and shall not be billed or invoiced to another person. Even if the 109042  
tax or any portion thereof is billed or invoiced and separately 109043  
stated, such amounts remain part of the price for purposes of the 109044  
sales and use taxes levied under Chapters 5739. and 5741. of the 109045  
Revised Code. Nothing in division (B) of this section prohibits: 109046

(1) A person from including in the price charged for a good 109047  
or service an amount sufficient to recover the tax imposed by this 109048  
section; or 109049

(2) A lessor from including an amount sufficient to recover 109050  
the tax imposed by this section in a lease payment charged, or 109051  
from including such an amount on a billing or invoice pursuant to 109052  
the terms of a written lease agreement providing for the recovery 109053  
of the lessor's tax costs. The recovery of such costs shall be 109054  
based on an estimate of the total tax cost of the lessor during 109055  
the tax period, as the tax liability of the lessor cannot be 109056  
calculated until the end of that period. 109057

(C)(1) The commercial activities tax receipts fund is hereby 109058  
created in the state treasury and shall consist of money arising 109059  
from the tax imposed under this chapter. ~~Eighty-five~~ Seventy-five 109060  
one-hundredths of one per cent of the money credited to that fund 109061  
shall be credited to the revenue enhancement fund and shall be 109062  
used to defray the costs incurred by the department of taxation in 109063  
administering the tax imposed by this chapter and in implementing 109064  
tax reform measures. The remainder of the money in the commercial 109065  
activities tax receipts fund shall first be credited to the 109066

commercial activity tax motor fuel receipts fund, pursuant to 109067  
 division (C)(2) of this section, and the remainder shall be 109068  
 credited in the following percentages each fiscal year to the 109069  
 general revenue fund, to the school district tangible property tax 109070  
 replacement fund, which is hereby created in the state treasury 109071  
 for the purpose of making the payments described in section 109072  
 5709.92 of the Revised Code, and to the local government tangible 109073  
 property tax replacement fund, which is hereby created in the 109074  
 state treasury for the purpose of making the payments described in 109075  
 section 5709.93 of the Revised Code, in the following percentages: 109076

| Fiscal year                   | General Revenue<br>Fund | School District<br>Tangible<br>Property Tax<br>Replacement Fund | Local Government<br>Tangible<br>Property Tax<br>Replacement Fund |        |
|-------------------------------|-------------------------|-----------------------------------------------------------------|------------------------------------------------------------------|--------|
| 2014 and 2015                 | 50.0%                   | 35.0%                                                           | 15.0%                                                            | 109077 |
| 2016 and <u>2017</u>          | 75.0%                   | 20.0%                                                           | 5.0%                                                             | 109078 |
| <u>2018 and</u><br>thereafter | <u>85.0%</u>            | <u>13.0%</u>                                                    | <u>2.0%</u>                                                      | 109079 |

(2) Not later than the twentieth day of February, May, 109081  
 August, and November of each year, the commissioner shall provide 109082  
 for payment from the commercial activities tax receipts fund to 109083  
 the commercial activity tax motor fuel receipts fund an amount 109084  
 that bears the same ratio to the balance in the commercial 109085  
 activities tax receipts fund that (a) the taxable gross receipts 109086  
 attributed to motor fuel used for propelling vehicles on public 109087  
 highways as indicated by returns filed by the tenth day of that 109088  
 month for a liability that is due and payable on or after July 1, 109089  
 2013, for a tax period ending before July 1, 2014, bears to (b) 109090  
 all taxable gross receipts as indicated by those returns for such 109091  
 liabilities. 109092

(D)(1) If the total amount in the school district tangible 109093  
 property tax replacement fund is insufficient to make all payments 109094

under section 5709.92 of the Revised Code at the times the 109095  
payments are to be made, the director of budget and management 109096  
shall transfer from the general revenue fund to the school 109097  
district tangible property tax replacement fund the difference 109098  
between the total amount to be paid and the amount in the school 109099  
district tangible property tax replacement fund. 109100

(2) If the total amount in the local government tangible 109101  
property tax replacement fund is insufficient to make all payments 109102  
under section 5709.93 of the Revised Code at the times the 109103  
payments are to be made, the director of budget and management 109104  
shall transfer from the general revenue fund to the local 109105  
government tangible property tax replacement fund the difference 109106  
between the total amount to be paid and the amount in the local 109107  
government tangible property tax replacement fund. 109108

(E)(1) On or after the first day of June of each year, the 109109  
director of budget and management may transfer any balance in the 109110  
school district tangible property tax replacement fund to the 109111  
general revenue fund. 109112

(2) On or after the first day of June of each year, the 109113  
director of budget and management may transfer any balance in the 109114  
local government tangible property tax replacement fund to the 109115  
general revenue fund. 109116

(F)(1) There is hereby created in the state treasury the 109117  
commercial activity tax motor fuel receipts fund. 109118

(2) On or before the fifteenth day of June of each fiscal 109119  
year beginning with fiscal year 2015, the director of the Ohio 109120  
public works commission shall certify to the director of budget 109121  
and management the amount of debt service paid from the general 109122  
revenue fund in the current fiscal year on bonds issued to finance 109123  
or assist in the financing of the cost of local subdivision public 109124  
infrastructure capital improvement projects, as provided for in 109125

Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 109126  
that are attributable to costs for construction, reconstruction, 109127  
maintenance, or repair of public highways and bridges and other 109128  
statutory highway purposes. That certification shall allocate the 109129  
total amount of debt service paid from the general revenue fund 109130  
and attributable to those costs in the current fiscal year 109131  
according to the applicable section of the Ohio Constitution under 109132  
which the bonds were originally issued. 109133

(3) On or before the thirtieth day of June of each fiscal 109134  
year beginning with fiscal year 2015, the director of budget and 109135  
management shall determine an amount up to but not exceeding the 109136  
amount certified under division (F)(2) of this section and shall 109137  
reserve that amount from the cash balance in the petroleum 109138  
activity tax public highways fund or the commercial activity tax 109139  
motor fuel receipts fund for transfer to the general revenue fund 109140  
at times and in amounts to be determined by the director. The 109141  
director shall transfer the cash balance in the petroleum activity 109142  
tax public highways fund or the commercial activity tax motor fuel 109143  
receipts fund in excess of the amount so reserved to the highway 109144  
operating fund on or before the thirtieth day of June of the 109145  
current fiscal year. 109146

Sec. 5902.09. The department of veterans services shall 109147  
create, publish, and maintain a web site for labor exchange and 109148  
job placement activity specifically for veterans. 109149

Sec. 5902.20. The veteran peer counseling network is 109150  
established. The purpose of the network is to offer veterans in 109151  
this state the opportunity to work with other veterans in order to 109152  
assist with overcoming the issues unique to veterans in this 109153  
state. The director of veterans services shall adopt rules, in 109154  
accordance with Chapter 119. of the Revised Code, to administer 109155  
the network. 109156

**Sec. 5903.11.** (A) Any federally funded employment and 109157  
training program administered by any state agency including, but 109158  
not limited to, the ~~"Workforce Investment Act of 1998," 112 Stat.~~ 109159  
~~936, codified in scattered sections of 29 U.S.C., as amended~~ 109160  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 109161  
seq., shall include a veteran priority system to provide maximum 109162  
employment and training opportunities to veterans and eligible 109163  
persons within each targeted group as established by federal law 109164  
and state and federal policy in the service area. Disabled 109165  
veterans, veterans of the Vietnam era, other veterans, and 109166  
eligible persons shall receive preference over nonveterans within 109167  
each targeted group in the provision of employment and training 109168  
services available through these programs as required by this 109169  
section. 109170

(B) Each state agency shall refer qualified applicants to job 109171  
openings and training opportunities in programs described in 109172  
division (A) of this section in the following order of priority: 109173

- (1) Special disabled veterans; 109174
- (2) Veterans of the Vietnam era; 109175
- (3) Disabled veterans; 109176
- (4) All other veterans; 109177
- (5) Other eligible persons; 109178
- (6) Nonveterans. 109179

(C) Each state agency providing employment and training 109180  
services to veterans and eligible persons under programs described 109181  
in division (A) of this section shall submit an annual written 109182  
report to the speaker of the house of representatives and the 109183  
president of the senate on the services that it provides to 109184  
veterans and eligible persons. Each such agency shall report 109185  
separately on all entitlement programs, employment or training 109186

programs, and any other programs that it provides to each class of persons described in divisions (B)(1) to (6) of this section. Each such agency shall also report on action taken to ensure compliance with statutory requirements. Compliance and reporting procedures shall be in accordance with the reporting procedures then in effect for all employment and training programs described in division (A) of this section, with the addition of veterans as a separate reporting module.

(D) All state agencies that administer federally funded employment and training programs described in division (A) of this section for veterans and eligible persons shall do all of the following:

(1) Ensure that veterans are treated with courtesy and respect at all state governmental facilities;

(2) Give priority in referral to jobs to qualified veterans and other eligible persons;

(3) Give priority in referral to and enrollment in training programs to qualified veterans and other eligible persons;

(4) Give preferential treatment to special disabled veterans in the provision of all needed state services;

(5) Provide information and effective referral assistance to veterans and other eligible persons regarding needed benefits and services that may be obtained through other agencies.

(E) As used in this section:

(1) "Special disabled veteran" means a veteran who is entitled to, or who but for the receipt of military pay would be entitled to, compensation under any law administered by the department of veterans affairs for a disability rated at thirty per cent or more or a person who was discharged or released from active duty because of a service-connected disability.

(2) "Veteran of the Vietnam era" means an eligible veteran 109217  
who served on active duty for a period of more than one hundred 109218  
eighty days, any part of which occurred from August 5, 1964, 109219  
through May 7, 1975, and was discharged or released therefrom with 109220  
other than a dishonorable discharge or a person who was discharged 109221  
or released from active duty for a service-connected disability if 109222  
any part of the active duty was performed from August 5, 1964, 109223  
through May 7, 1975. 109224

(3) "Disabled veteran" means a veteran who is entitled to, or 109225  
who but for the receipt of military retirement pay would be 109226  
entitled to compensation, under any law administered by the 109227  
department of veterans affairs and who is not a special disabled 109228  
veteran. 109229

(4) "Eligible veteran" means a person who served on active 109230  
duty for more than one hundred eighty days and was discharged or 109231  
released from active duty with other than a dishonorable discharge 109232  
or a person who was discharged or released from active duty 109233  
because of a service-connected disability. 109234

(5) "Other eligible person" means one of the following: 109235

(a) The spouse of any person who died of a service-connected 109236  
disability; 109237

(b) The spouse of any member of the armed forces serving on 109238  
active duty who at the time of the spouse's application for 109239  
assistance under any program described in division (A) of this 109240  
section is listed pursuant to the "Act of September 6, 1966," 80 109241  
Stat. 629, 37 U.S.C.A. 556, and the regulations issued pursuant 109242  
thereto, as having been in one or more of the following categories 109243  
for a total of ninety or more days: 109244

(i) Missing in action; 109245

(ii) Captured in line of duty by a hostile force; 109246

|                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (iii) Forcibly detained or interned in line of duty by a foreign government or power.                                                                                                                                                                                                                                                                                                                               | 109247<br>109248                                                   |
| (c) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while such a disability was in existence.                                                                                                                                                                                                             | 109249<br>109250<br>109251<br>109252                               |
| (6) "Veteran" means a veteran as defined in section 5903.01 of the Revised Code who was a member of the armed forces of the United States for a period of one hundred eighty days or more; a person who was discharged or released from active duty because of a service-connected disability; or a person who served as a member of the United States merchant marine and to whom either of the following applies: | 109253<br>109254<br>109255<br>109256<br>109257<br>109258<br>109259 |
| (a) The person has an honorable report of separation from active duty military service, form DD214 or DD215; or                                                                                                                                                                                                                                                                                                     | 109260<br>109261                                                   |
| (b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.                                                                                                                                                                                                                      | 109262<br>109263<br>109264<br>109265                               |
| (7) "Employment program" means a program which provides referral of individuals to employer job openings in the federal, state, or private sector.                                                                                                                                                                                                                                                                  | 109266<br>109267<br>109268                                         |
| (8) "Training program" means any program that upgrades the employability of qualified applicants.                                                                                                                                                                                                                                                                                                                   | 109269<br>109270                                                   |
| (9) "Entitlement program" means any program that enlists specific criteria in determining eligibility, including but not limited to the existence in special segments of the general population of specific financial needs.                                                                                                                                                                                        | 109271<br>109272<br>109273<br>109274                               |
| (10) "Targeted group" means a group of persons designated by federal law or regulations or by state law to receive special                                                                                                                                                                                                                                                                                          | 109275<br>109276                                                   |

assistance under an employment and training program described in 109277  
division (A) of this section. 109278

Sec. 5907.17. (A) As used in this section, "physician" means 109279  
an individual authorized under Chapter 4731. of the Revised Code 109280  
to practice medicine and surgery or osteopathic medicine and 109281  
surgery. 109282

(B) The department of veterans services may establish a 109283  
physician recruitment program under which the department agrees to 109284  
repay all or part of the principal and interest of a governmental 109285  
or other educational loan incurred by a physician who agrees to 109286  
provide services to institutions under the department's 109287  
administration. 109288

(C) A physician is eligible to participate in the recruitment 109289  
program if the physician attended a medical or osteopathic medical 109290  
school that was, at the time of attendance, either located in the 109291  
United States and accredited by the liaison committee on medical 109292  
education or the American osteopathic association or located 109293  
outside the United States and acknowledged by the world health 109294  
organization and verified by a member state of that organization 109295  
as operating within that state's jurisdiction. 109296

(D) The department and each physician it recruits shall enter 109297  
into a contract that includes all of the following terms: 109298

(1) The physician agrees to provide a specified scope of 109299  
medical or osteopathic medical services for a specified number of 109300  
hours per week and for a specified number of years to patients of 109301  
one or more specified institutions administered by the department. 109302

(2) The department agrees to repay all or a specified portion 109303  
of the principal and interest of a governmental or other 109304  
educational loan taken by the physician for the following expenses 109305  
if the physician meets the service obligation agreed to and the 109306

expenses were incurred while the physician was enrolled in, for up to a maximum of four years, a school that qualifies the physician to participate in the program: 109307  
109308  
109309

(a) Tuition; 109310

(b) Other educational expenses for specific purposes, including fees, books, and laboratory expenses, in amounts determined to be reasonable in accordance with rules adopted under division (E) of this section; 109311  
109312  
109313  
109314

(c) Room and board, in an amount determined to be reasonable in accordance with rules adopted under division (E) of this section. 109315  
109316  
109317

(3) The physician agrees to pay the department a specified amount, which shall be not less than the amount already paid by the department pursuant to its agreement, as damages if the physician fails to complete the service obligation agreed to or fails to comply with other specified terms of the contract. The contract may vary the amount of damages based on the portion of the physician's service obligation that remains uncompleted as determined by the department. 109318  
109319  
109320  
109321  
109322  
109323  
109324  
109325

(4) Other terms agreed upon by the parties. 109326

(E) The department shall adopt rules under Chapter 119. of the Revised Code that establish all of the following: 109327  
109328

(1) Criteria for designating institutions for which physicians will be recruited; 109329  
109330

(2) Criteria for selecting physicians for participation in the program; 109331  
109332

(3) Criteria for determining the portion of a physician's loan that the department will agree to repay; 109333  
109334

(4) Criteria for determining reasonable amounts of the expenses described in divisions (D)(2)(b) and (c) of this section; 109335  
109336

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>(5) Procedures for monitoring compliance by physicians with</u>        | 109337 |
| <u>the terms of their contracts; and</u>                                  | 109338 |
| <u>(6) Any other criteria or procedures necessary to implement</u>        | 109339 |
| <u>the program.</u>                                                       | 109340 |
| <b>Sec. 5907.18.</b> <u>(A) As used in this section, "bingo," "bingo</u>  | 109341 |
| <u>game operator," and "participant" have the same meanings as in</u>     | 109342 |
| <u>section 2915.01 of the Revised Code.</u>                               | 109343 |
| <u>(B) Notwithstanding sections 2915.07 to 2915.13 of the</u>             | 109344 |
| <u>Revised Code, an Ohio veterans' home may conduct bingo games as</u>    | 109345 |
| <u>described in division (O)(1) of section 2915.01 of the Revised</u>     | 109346 |
| <u>Code, but only if the Ohio veterans' home complies with all of the</u> | 109347 |
| <u>following requirements:</u>                                            | 109348 |
| <u>(1) All bingo games are conducted only on the premises of the</u>      | 109349 |
| <u>Ohio veterans' home.</u>                                               | 109350 |
| <u>(2) All participants are residents of the Ohio veterans' home</u>      | 109351 |
| <u>and are eighteen years of age or older.</u>                            | 109352 |
| <u>(3) All bingo game operators receive no compensation for</u>           | 109353 |
| <u>serving as an operator.</u>                                            | 109354 |
| <u>(4) Participants do not pay any money or any other thing of</u>        | 109355 |
| <u>value, including an admission fee, or any fee for bingo cards or</u>   | 109356 |
| <u>sheets, objects to cover the spaces, or other devices used in</u>      | 109357 |
| <u>playing bingo, for the privilege of participating in the bingo</u>     | 109358 |
| <u>game, or to defray any costs of the game, or pay tips or make</u>      | 109359 |
| <u>donations during or immediately before or after the bingo game.</u>    | 109360 |
| <u>(5) Prizes awarded during a game may be monetary or</u>                | 109361 |
| <u>nonmonetary prizes in the form of merchandise, goods, or</u>           | 109362 |
| <u>entitlements to goods or services, provided that individual prizes</u> | 109363 |
| <u>do not exceed one hundred dollars in value, and the total value of</u> | 109364 |
| <u>all prizes awarded during a game do not exceed five hundred</u>        | 109365 |
| <u>dollars.</u>                                                           | 109366 |

|                                                                         |        |
|-------------------------------------------------------------------------|--------|
| <u>(6) The bingo game is not conducted during or within ten</u>         | 109367 |
| <u>hours of any of the following activities conducted at the Ohio</u>   | 109368 |
| <u>veterans' home:</u>                                                  | 109369 |
| <u>(a) A bingo session during which a charitable bingo game is</u>      | 109370 |
| <u>conducted pursuant to sections 2915.07 to 2915.11 of the Revised</u> | 109371 |
| <u>Code;</u>                                                            | 109372 |
| <u>(b) A scheme of chance or game of chance; or</u>                     | 109373 |
| <u>(c) Bingo as described in division (O)(2) of section 2915.01</u>     | 109374 |
| <u>of the Revised Code.</u>                                             | 109375 |
| <u>(7) The bingo games are conducted on different days of the</u>       | 109376 |
| <u>week and not more than twice in a calendar week.</u>                 | 109377 |
| <br>                                                                    |        |
| <b>Sec. 5919.34.</b> (A) As used in this section:                       | 109378 |
| (1) "Academic term" means any one of the following:                     | 109379 |
| (a) Fall term, which consists of fall semester or fall                  | 109380 |
| quarter, as appropriate;                                                | 109381 |
| (b) Winter term, which consists of winter semester, winter              | 109382 |
| quarter, or spring semester, as appropriate;                            | 109383 |
| (c) Spring term, which consists of spring quarter;                      | 109384 |
| (d) Summer term, which consists of summer semester or summer            | 109385 |
| quarter, as appropriate.                                                | 109386 |
| (2) "Eligible applicant" means any individual to whom all of            | 109387 |
| the following apply:                                                    | 109388 |
| (a) The individual does not possess a baccalaureate degree.             | 109389 |
| (b) The individual has enlisted, re-enlisted, or extended               | 109390 |
| current enlistment in the Ohio national guard or is an individual       | 109391 |
| to which division (F) of this section applies.                          | 109392 |
| (c) The individual is actively enrolled as a full-time or               | 109393 |
| part-time student for at least three credit hours of course work        | 109394 |

in a semester or quarter in a two-year or four-year 109395  
degree-granting program at a state institution of higher education 109396  
or a private institution of higher education, or in a 109397  
diploma-granting program at a state or private institution of 109398  
higher education that is a school of nursing. 109399

(d) The individual has not accumulated ninety-six eligibility 109400  
units under division (E) of this section. 109401

(3) "State institution of higher education" means any state 109402  
university or college as defined in division (A)(1) of section 109403  
3345.12 of the Revised Code, community college established under 109404  
Chapter 3354. of the Revised Code, state community college 109405  
established under Chapter 3358. of the Revised Code, university 109406  
branch established under Chapter 3355. of the Revised Code, or 109407  
technical college established under Chapter 3357. of the Revised 109408  
Code. 109409

(4) "Private institution of higher education" means an Ohio 109410  
institution of higher education that is nonprofit and has received 109411  
a certificate of authorization pursuant to Chapter 1713. of the 109412  
Revised Code, that is a private institution exempt from regulation 109413  
under Chapter 3332. of the Revised Code as prescribed in section 109414  
3333.046 of the Revised Code, or that holds a certificate of 109415  
registration and program authorization issued by the state board 109416  
of career colleges and schools pursuant to section 3332.05 of the 109417  
Revised Code. 109418

(5) "Tuition" means the charges imposed to attend an 109419  
institution of higher education and includes general and 109420  
instructional fees. "Tuition" does not include laboratory fees, 109421  
room and board, or other similar fees and charges. 109422

(B) There is hereby created a scholarship program to be known 109423  
as the Ohio national guard scholarship program. 109424

(C)(1) The adjutant general shall approve scholarships for 109425

all eligible applicants. The adjutant general shall process all 109426  
applications for scholarships for each academic term in the order 109427  
in which they are received. The scholarships shall be made without 109428  
regard to financial need. At no time shall one person be placed in 109429  
priority over another because of sex, race, or religion. 109430

(2) The adjutant general shall develop and provide a written 109431  
explanation that informs all eligible scholarship recipients that 109432  
the recipient may become ineligible and liable for repayment for 109433  
an amount of scholarship payments received in accordance with 109434  
division (G) of this section. The written explanation shall be 109435  
reviewed by the scholarship recipient before acceptance of the 109436  
scholarship and before acceptance of an enlistment, warrant, 109437  
commission, or appointment for a term not less than the 109438  
recipient's remaining term in the national guard or in the active 109439  
duty component of the United States armed forces. 109440

(D)(1) Except as provided in divisions (I) and (J) of this 109441  
section, for each academic term that an eligible applicant is 109442  
approved for a scholarship under this section and either remains a 109443  
current member in good standing of the Ohio national guard or is 109444  
eligible for a scholarship under division (F)(1) of this section, 109445  
the institution of higher education in which the applicant is 109446  
enrolled shall, if the applicant's enlistment obligation extends 109447  
beyond the end of that academic term or if division (F)(1) of this 109448  
section applies, be paid on the applicant's behalf the applicable 109449  
one of the following amounts: 109450

(a) If the institution is a state institution of higher 109451  
education, an amount equal to one hundred per cent of the 109452  
institution's tuition charges; 109453

(b) If the institution is a nonprofit private institution or 109454  
a private institution exempt from regulation under Chapter 3332. 109455  
of the Revised Code as prescribed in section 3333.046 of the 109456  
Revised Code, an amount equal to one hundred per cent of the 109457

average tuition charges of all state universities; 109458

(c) If the institution is an institution that holds a 109459  
certificate of registration from the state board of career 109460  
colleges and schools, the lesser of the following: 109461

(i) An amount equal to one hundred per cent of the 109462  
institution's tuition; 109463

(ii) An amount equal to one hundred per cent of the average 109464  
tuition charges of all state universities, as that term is defined 109465  
in section 3345.011 of the Revised Code. 109466

(2) The adjutant general and the chancellor of higher 109467  
education may jointly adopt rules to require the use of other 109468  
federal educational financial assistance programs, including such 109469  
programs offered by the United States department of defense, for 109470  
which an applicant is eligible based on the applicant's military 109471  
service. If such rules are adopted, the rules shall require that 109472  
financial assistance received by a scholarship recipient under 109473  
those programs be applied to all eligible expenses prior to the 109474  
use of scholarship funds awarded under this section. Scholarship 109475  
funds awarded under this section shall then be applied to the 109476  
recipient's remaining eligible expenses. 109477

(3) An eligible applicant's scholarship shall not be reduced 109478  
by the amount of that applicant's benefits under "the Montgomery 109479  
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 109480

(E) A scholarship recipient under this section shall be 109481  
entitled to receive scholarships under this section for the number 109482  
of quarters or semesters it takes the recipient to accumulate 109483  
ninety-six eligibility units as determined under divisions (E)(1) 109484  
to (3) of this section. 109485

(1) To determine the maximum number of semesters or quarters 109486  
for which a recipient is entitled to a scholarship under this 109487  
section, the adjutant general shall convert a recipient's credit 109488

|                                                                    |        |             |               |         |        |
|--------------------------------------------------------------------|--------|-------------|---------------|---------|--------|
| hours of enrollment for each academic term into eligibility units  |        |             |               | 109489  |        |
| in accordance with the following table:                            |        |             |               | 109490  |        |
|                                                                    |        | The         |               | 109491  |        |
| Number of                                                          |        | following   | The following | 109492  |        |
| credit hours                                                       |        | number of   | number of     | 109493  |        |
| of enrollment                                                      |        | eligibility | eligibility   | 109494  |        |
| in an academic                                                     |        | units if a  | units if a    | 109495  |        |
| term                                                               | equals | semester    | or            | quarter | 109496 |
|                                                                    |        |             |               |         | 109497 |
| 12 or more hours                                                   |        | 12 units    | 8 units       |         | 109498 |
| 9 but less than 12                                                 |        | 9 units     | 6 units       |         | 109499 |
| 6 but less than 9                                                  |        | 6 units     | 4 units       |         | 109500 |
| 3 but less than 6                                                  |        | 3 units     | 2 units       |         | 109501 |
|                                                                    |        |             |               |         | 109502 |
| (2) A scholarship recipient under this section may continue        |        |             |               |         | 109503 |
| to apply for scholarships under this section until the recipient   |        |             |               |         | 109504 |
| has accumulated ninety-six eligibility units.                      |        |             |               |         |        |
|                                                                    |        |             |               |         | 109505 |
| (3) If a scholarship recipient withdraws from courses prior        |        |             |               |         | 109506 |
| to the end of an academic term so that the recipient's enrollment  |        |             |               |         | 109507 |
| for that academic term is less than three credit hours, no         |        |             |               |         | 109508 |
| scholarship shall be paid on behalf of that person for that        |        |             |               |         | 109509 |
| academic term. Except as provided in division (F)(3) of this       |        |             |               |         | 109510 |
| section, if a scholarship has already been paid on behalf of the   |        |             |               |         | 109511 |
| person for that academic term, the adjutant general shall add to   |        |             |               |         | 109512 |
| that person's accumulated eligibility units the number of          |        |             |               |         | 109513 |
| eligibility units for which the scholarship was paid.              |        |             |               |         |        |
|                                                                    |        |             |               |         | 109514 |
| (F) This division applies to any eligible applicant called         |        |             |               |         | 109515 |
| into active duty on or after September 11, 2001. As used in this   |        |             |               |         | 109516 |
| division, "active duty" means active duty pursuant to an executive |        |             |               |         | 109517 |
| order of the president of the United States, an act of the         |        |             |               |         | 109518 |
| congress of the United States, or section 5919.29 or 5923.21 of    |        |             |               |         | 109519 |
| the Revised Code.                                                  |        |             |               |         |        |
|                                                                    |        |             |               |         | 109520 |
| (1) For a period of up to five years from when an                  |        |             |               |         |        |

individual's enlistment obligation in the Ohio national guard 109521  
ends, an individual to whom this division applies is eligible for 109522  
scholarships under this section for those academic terms that were 109523  
missed or could have been missed as a result of the individual's 109524  
call into active duty. Scholarships shall not be paid for the 109525  
academic term in which an eligible applicant's enlistment 109526  
obligation ends unless an applicant is eligible under this 109527  
division for a scholarship for such academic term due to previous 109528  
active duty. 109529

(2) When an individual to whom this division applies 109530  
withdraws or otherwise fails to complete courses, for which 109531  
scholarships have been awarded under this section, because the 109532  
individual was called into active duty, the institution of higher 109533  
education shall grant the individual a leave of absence from the 109534  
individual's education program and shall not impose any academic 109535  
penalty for such withdrawal or failure to complete courses. 109536  
Division (F)(2) of this section applies regardless of whether or 109537  
not the scholarship amount was paid to the institution of higher 109538  
education. 109539

(3) If an individual to whom this division applies withdraws 109540  
or otherwise fails to complete courses because the individual was 109541  
called into active duty, and if scholarships for those courses 109542  
have already been paid, either: 109543

(a) The adjutant general shall not add to that person's 109544  
accumulated eligibility units calculated under division (E) of 109545  
this section the number of eligibility units for the academic 109546  
courses or term for which the scholarship was paid and the 109547  
institution of higher education shall repay the scholarship amount 109548  
to the state. 109549

(b) The adjutant general shall add to that individual's 109550  
accumulated eligibility units calculated under division (E) of 109551  
this section the number of eligibility units for the academic 109552

courses or term for which the scholarship was paid if the 109553  
institution of higher education agrees to permit the individual to 109554  
complete the remainder of the academic courses in which the 109555  
individual was enrolled at the time the individual was called into 109556  
active duty. 109557

(4) No individual who is discharged from the Ohio national 109558  
guard under other than honorable conditions shall be eligible for 109559  
scholarships under this division. 109560

(G) A scholarship recipient under this section who fails to 109561  
complete the term of enlistment, re-enlistment, or extension of 109562  
current enlistment the recipient was serving at the time a 109563  
scholarship was paid on behalf of the recipient under this section 109564  
is liable to the state for repayment of a percentage of all Ohio 109565  
national guard scholarships paid on behalf of the recipient under 109566  
this section, plus interest at the rate of ten per cent per annum 109567  
calculated from the dates the scholarships were paid. This 109568  
percentage shall equal the percentage of the current term of 109569  
enlistment, re-enlistment, or extension of enlistment a recipient 109570  
has not completed as of the date the recipient is discharged from 109571  
the Ohio national guard. 109572

The attorney general may commence a civil action on behalf of 109573  
the chancellor ~~of the Ohio board of regents~~ to recover the amount 109574  
of the scholarships and the interest provided for in this division 109575  
and the expenses incurred in prosecuting the action, including 109576  
court costs and reasonable attorney's fees. A scholarship 109577  
recipient is not liable under this division if the recipient's 109578  
failure to complete the term of enlistment being served at the 109579  
time a scholarship was paid on behalf of the recipient under this 109580  
section is due to the recipient's death or discharge from the 109581  
national guard due to disability or the recipient's enlistment, 109582  
warrant, commission, or appointment for a term not less than the 109583  
recipient's remaining term in the national guard or in the active 109584

duty component of the United States armed forces. 109585

(H) On or before the first day of each academic term, the 109586  
adjutant general shall provide an eligibility roster to the 109587  
chancellor and to each institution of higher education at which 109588  
one or more scholarship recipients have applied for enrollment. 109589  
The institution shall use the roster to certify the actual 109590  
full-time or part-time enrollment of each scholarship recipient 109591  
listed as enrolled at the institution and return the roster to the 109592  
adjutant general and the chancellor. Except as provided in 109593  
division (J) of this section, the chancellor shall provide for 109594  
payment of the appropriate number and amount of scholarships to 109595  
each institution of higher education pursuant to division (D) of 109596  
this section. If an institution of higher education fails to 109597  
certify the actual enrollment of a scholarship recipient listed as 109598  
enrolled at the institution within thirty days of the end of an 109599  
academic term, the institution shall not be eligible to receive 109600  
payment from the Ohio national guard scholarship program or from 109601  
the individual enrollee. The adjutant general shall report on a 109602  
semiannual basis to the director of budget and management, the 109603  
speaker of the house of representatives, the president of the 109604  
senate, and the chancellor the number of Ohio national guard 109605  
scholarship recipients, the size of the scholarship-eligible 109606  
population, and a projection of the cost of the program for the 109607  
remainder of the biennium. 109608

(I) The chancellor and the adjutant general may adopt rules 109609  
pursuant to Chapter 119. of the Revised Code governing the 109610  
administration and fiscal management of the Ohio national guard 109611  
scholarship program and the procedure by which the chancellor and 109612  
the department of the adjutant general may modify the amount of 109613  
scholarships a member receives based on the amount of other state 109614  
financial aid a member receives. 109615

(J) The adjutant general, the chancellor, and the director, 109616

or their designees, shall jointly estimate the costs of the Ohio national guard scholarship program for each upcoming fiscal biennium, and shall report that estimate prior to the beginning of the fiscal biennium to the chairpersons of the finance committees in the general assembly. During each fiscal year of the biennium, the adjutant general, the chancellor, and the director, or their designees, shall meet regularly to monitor the actual costs of the Ohio national guard scholarship program and update cost projections for the remainder of the biennium as necessary. If the amounts appropriated for the Ohio national guard scholarship program and any funds in the Ohio national guard scholarship reserve fund and the Ohio national guard scholarship donation fund are not adequate to provide scholarships in the amounts specified in division (D)(1) of this section for all eligible applicants, the chancellor shall do all of the following:

(1) Notify each private institution of higher education, where a scholarship recipient is enrolled, that, by accepting the Ohio national guard scholarship program as payment for all or part of the institution's tuition, the institution agrees that if the chancellor reduces the amount of each scholarship, the institution shall provide each scholarship recipient a grant or tuition waiver in an amount equal to the amount the recipient's scholarship was reduced by the chancellor.

(2) Reduce the amount of each scholarship under division (D)(1)(a) of this section proportionally based on the amount of remaining available funds. Each state institution of higher education shall provide each scholarship recipient under division (D)(1)(a) of this section a grant or tuition waiver in an amount equal to the amount the recipient's scholarship was reduced by the chancellor.

(K) Notwithstanding division (A) of section 127.14 of the Revised Code, the controlling board shall not transfer all or part

of any appropriation for the Ohio national guard scholarship program. 109649  
109650

(L) The chancellor and the adjutant general may apply for, 109651  
and may receive and accept grants, and may receive and accept 109652  
gifts, bequests, and contributions, from public and private 109653  
sources, including agencies and instrumentalities of the United 109654  
States and this state, and shall deposit the grants, gifts, 109655  
bequests, or contributions into the national guard scholarship 109656  
donation fund. 109657

**Sec. 5923.05.** (A)(1) Permanent public employees who are 109658  
members of the Ohio organized militia or members of other reserve 109659  
components of the armed forces of the United States, including the 109660  
Ohio national guard, are entitled to a leave of absence from their 109661  
respective positions without loss of pay for the time they are 109662  
performing service in the uniformed services, for periods of up to 109663  
one month, for each ~~calendar~~ federal fiscal year in which they are 109664  
performing service in the uniformed services. 109665

(2) As used in this section: 109666

(a) "~~Calendar~~ Federal fiscal year" means the year beginning 109667  
on the first day of ~~January~~ October and ending on the ~~last~~ 109668  
thirtieth day of ~~December~~ September. 109669

(b) "Month" means twenty-two eight-hour work days or one 109670  
hundred seventy-six hours, or for a public safety employee, 109671  
seventeen twenty-four-hour days or four hundred eight hours, 109672  
within one ~~calendar~~ federal fiscal year. 109673

(c) "Permanent public employee" means any person holding a 109674  
position in public employment that requires working a regular 109675  
schedule of twenty-six consecutive biweekly pay periods, or any 109676  
other regular schedule of comparable consecutive pay periods, 109677  
which is not limited to a specific season or duration. "Permanent 109678

public employee" does not include student help; intermittent, 109679  
seasonal, or external interim employees; or individuals covered by 109680  
personal services contracts. 109681

(d) "State agency" means any department, bureau, board, 109682  
commission, office, or other organized body established by the 109683  
constitution or laws of this state for the exercise of any 109684  
function of state government, the general assembly, all 109685  
legislative agencies, the supreme court, the court of claims, and 109686  
the state-supported institutions of higher education. 109687

(e) "Service in the uniformed services" means the performance 109688  
of duty, on a voluntary or involuntary basis, in a uniformed 109689  
service, under competent authority, and includes active duty, 109690  
active duty for training, initial active duty for training, 109691  
inactive duty for training, full-time national guard duty, and 109692  
performance of duty or training by a member of the Ohio organized 109693  
militia pursuant to Chapter 5923. of the Revised Code. "Service in 109694  
the uniformed services" includes also the period of time for which 109695  
a person is absent from a position of public or private employment 109696  
for the purpose of an examination to determine the fitness of the 109697  
person to perform any duty described in this division. 109698

(f) "Uniformed services" means the armed forces, the Ohio 109699  
organized militia when engaged in active duty for training, 109700  
inactive duty training, or full-time national guard duty, the 109701  
commissioned corps of the public health service, and any other 109702  
category of persons designated by the president of the United 109703  
States in time of war or emergency. 109704

(g) "Public safety employee" means a permanent public 109705  
employee who is employed as a fire fighter or emergency medical 109706  
technician. 109707

(B) Except as otherwise provided in division (D) of this 109708  
section, any permanent public employee who is employed by a 109709

political subdivision, who is entitled to the leave provided under 109710  
division (A) of this section, and who is called or ordered to the 109711  
uniformed services for longer than a month, for each ~~calendar~~ 109712  
federal fiscal year in which the employee performed service in the 109713  
uniformed services, because of an executive order issued by the 109714  
president of the United States, because of an act of congress, or 109715  
because of an order to perform duty issued by the governor 109716  
pursuant to section 5919.29 of the Revised Code is entitled, 109717  
during the period designated in the order or act, to a leave of 109718  
absence and to be paid, during each monthly pay period of that 109719  
leave of absence, the lesser of the following: 109720

(1) The difference between the permanent public employee's 109721  
gross monthly wage or salary as a permanent public employee and 109722  
the sum of the permanent public employee's gross uniformed pay and 109723  
allowances received that month; 109724

(2) Five hundred dollars. 109725

(C) Except as otherwise provided in division (D) of this 109726  
section, any permanent public employee who is employed by a state 109727  
agency, who is entitled to the leave provided under division (A) 109728  
of this section, and who is called or ordered to the uniformed 109729  
services for longer than a month, for each ~~calendar~~ federal fiscal 109730  
year in which the employee performed service in the uniformed 109731  
services, because of an executive order issued by the president of 109732  
the United States, because of an act of congress, or because of an 109733  
order to perform duty issued by the governor pursuant to section 109734  
5919.29 or 5923.21 of the Revised Code is entitled, during the 109735  
period designated in the order or act, to a leave of absence and 109736  
to be paid, during each monthly pay period of that leave of 109737  
absence, the difference between the permanent public employee's 109738  
gross monthly wage or salary as a permanent public employee and 109739  
the sum of the permanent public employee's gross uniformed pay and 109740  
allowances received that month. 109741

(D) No permanent public employee shall receive payments under 109742  
division (B) or (C) of this section if the sum of the permanent 109743  
public employee's gross uniformed pay and allowances received in a 109744  
pay period exceeds the employee's gross wage or salary as a 109745  
permanent public employee for that period or if the permanent 109746  
public employee is receiving pay under division (A) of this 109747  
section. 109748

(E) Any political subdivision of the state, as defined in 109749  
section 2744.01 of the Revised Code, may elect to pay any of its 109750  
permanent public employees who are entitled to the leave provided 109751  
under division (A) of this section and who are called or ordered 109752  
to the uniformed services for longer than one month, for each 109753  
~~calendar~~ federal fiscal year in which the employee performed 109754  
service in the uniformed services, because of an executive order 109755  
issued by the president or an act of congress, such payments, in 109756  
addition to those payments required by division (B) of this 109757  
section, as may be authorized by the legislative authority of the 109758  
political subdivision. 109759

(F) Each permanent public employee who is entitled to leave 109760  
provided under division (A) of this section shall submit to the 109761  
permanent public employee's appointing authority the published 109762  
order authorizing the call or order to the uniformed services or a 109763  
written statement from the appropriate military commander 109764  
authorizing that service, prior to being credited with that leave. 109765

(G) Any permanent public employee of a political subdivision 109766  
whose employment is governed by a collective bargaining agreement 109767  
with provision for the performance of service in the uniformed 109768  
services shall abide by the terms of that collective bargaining 109769  
agreement with respect to the performance of that service, except 109770  
that no collective bargaining agreement may afford fewer rights 109771  
and benefits than are conferred under this section. 109772

Sec. 6111.03. The director of environmental protection may do 109773  
any of the following: 109774

(A) Develop plans and programs for the prevention, control, 109775  
and abatement of new or existing pollution of the waters of the 109776  
state; 109777

(B) Advise, consult, and cooperate with other agencies of the 109778  
state, the federal government, other states, and interstate 109779  
agencies and with affected groups, political subdivisions, and 109780  
industries in furtherance of the purposes of this chapter. Before 109781  
adopting, amending, or rescinding a standard or rule pursuant to 109782  
division (G) of this section or section 6111.041 or 6111.042 of 109783  
the Revised Code, the director shall do all of the following: 109784

(1) Mail notice to each statewide organization that the 109785  
director determines represents persons who would be affected by 109786  
the proposed standard or rule, amendment thereto, or rescission 109787  
thereof at least thirty-five days before any public hearing 109788  
thereon; 109789

(2) Mail a copy of each proposed standard or rule, amendment 109790  
thereto, or rescission thereof to any person who requests a copy, 109791  
within five days after receipt of the request therefor; 109792

(3) Consult with appropriate state and local government 109793  
agencies or their representatives, including statewide 109794  
organizations of local government officials, industrial 109795  
representatives, and other interested persons. 109796

Although the director is expected to discharge these duties 109797  
diligently, failure to mail any such notice or copy or to so 109798  
consult with any person shall not invalidate any proceeding or 109799  
action of the director. 109800

(C) Administer grants from the federal government and from 109801  
other sources, public or private, for carrying out any of its 109802

functions, all such moneys to be deposited in the state treasury 109803  
and kept by the treasurer of state in a separate fund subject to 109804  
the lawful orders of the director; 109805

(D) Administer state grants for the construction of sewage 109806  
and waste collection and treatment works; 109807

(E) Encourage, participate in, or conduct studies, 109808  
investigations, research, and demonstrations relating to water 109809  
pollution, and the causes, prevention, control, and abatement 109810  
thereof, that are advisable and necessary for the discharge of the 109811  
director's duties under this chapter; 109812

(F) Collect and disseminate information relating to water 109813  
pollution and prevention, control, and abatement thereof; 109814

(G) Adopt, amend, and rescind rules in accordance with 109815  
Chapter 119. of the Revised Code governing the procedure for 109816  
hearings, the filing of reports, the issuance of permits, the 109817  
issuance of industrial water pollution control certificates, and 109818  
all other matters relating to procedure; 109819

(H) Issue, modify, or revoke orders to prevent, control, or 109820  
abate water pollution by such means as the following: 109821

(1) Prohibiting or abating discharges of sewage, industrial 109822  
waste, or other wastes into the waters of the state; 109823

(2) Requiring the construction of new disposal systems or any 109824  
parts thereof, or the modification, extension, or alteration of 109825  
existing disposal systems or any parts thereof; 109826

(3) Prohibiting additional connections to or extensions of a 109827  
sewerage system when the connections or extensions would result in 109828  
an increase in the polluting properties of the effluent from the 109829  
system when discharged into any waters of the state; 109830

(4) Requiring compliance with any standard or rule adopted 109831  
under sections 6111.01 to 6111.05 of the Revised Code or term or 109832

condition of a permit. 109833

In the making of those orders, wherever compliance with a 109834  
rule adopted under section 6111.042 of the Revised Code is not 109835  
involved, consistent with the Federal Water Pollution Control Act, 109836  
the director shall give consideration to, and base the 109837  
determination on, evidence relating to the technical feasibility 109838  
and economic reasonableness of complying with those orders and to 109839  
evidence relating to conditions calculated to result from 109840  
compliance with those orders, and their relation to benefits to 109841  
the people of the state to be derived from such compliance in 109842  
accomplishing the purposes of this chapter. 109843

(I) Review plans, specifications, or other data relative to 109844  
disposal systems or any part thereof in connection with the 109845  
issuance of orders, permits, and industrial water pollution 109846  
control certificates under this chapter; 109847

(J)(1) Issue, revoke, modify, or deny sludge management 109848  
permits and permits for the discharge of sewage, industrial waste, 109849  
or other wastes into the waters of the state, and for the 109850  
installation or modification of disposal systems or any parts 109851  
thereof in compliance with all requirements of the Federal Water 109852  
Pollution Control Act and mandatory regulations adopted 109853  
thereunder, including regulations adopted under section 405 of the 109854  
Federal Water Pollution Control Act, and set terms and conditions 109855  
of permits, including schedules of compliance, where necessary. In 109856  
issuing permits for sludge management, the director shall not 109857  
allow the placement of sewage sludge on frozen ground in conflict 109858  
with rules adopted under this chapter. Any person who discharges, 109859  
transports, or handles storm water from an animal feeding 109860  
facility, as defined in section 903.01 of the Revised Code, or 109861  
pollutants from a concentrated animal feeding operation, as both 109862  
terms are defined in that section, is not required to obtain a 109863  
permit under division (J)(1) of this section for the installation 109864

or modification of a disposal system involving pollutants or storm water or any parts of such a system on and after the date on which the director of agriculture has finalized the program required under division (A)(1) of section 903.02 of the Revised Code. In addition, any person who discharges, transports, or handles storm water from an animal feeding facility, as defined in section 903.01 of the Revised Code, or pollutants from a concentrated animal feeding operation, as both terms are defined in that section, is not required to obtain a permit under division (J)(1) of this section for the discharge of storm water from an animal feeding facility or pollutants from a concentrated animal feeding operation on and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code.

Any permit terms and conditions set by the director shall be designed to achieve and maintain full compliance with the national effluent limitations, national standards of performance for new sources, and national toxic and pretreatment effluent standards set under that act, and any other mandatory requirements of that act that are imposed by regulation of the administrator of the United States environmental protection agency. If an applicant for a sludge management permit also applies for a related permit for the discharge of sewage, industrial waste, or other wastes into the waters of the state, the director may combine the two permits and issue one permit to the applicant.

A sludge management permit is not required for an entity that treats or transports sewage sludge or for a sanitary landfill when all of the following apply:

(a) The entity or sanitary landfill does not generate the sewage sludge.

(b) Prior to receipt at the sanitary landfill, the entity has

ensured that the sewage sludge meets the requirements established 109897  
in rules adopted by the director under section 3734.02 of the 109898  
Revised Code concerning disposal of municipal solid waste in a 109899  
sanitary landfill. 109900

(c) Disposal of the sewage sludge occurs at a sanitary 109901  
landfill that complies with rules adopted by the director under 109902  
section 3734.02 of the Revised Code. 109903

As used in division (J)(1) of this section, "sanitary 109904  
landfill" means a sanitary landfill facility, as defined in rules 109905  
adopted under section 3734.02 of the Revised Code, that is 109906  
licensed as a solid waste facility under section 3734.05 of the 109907  
Revised Code. 109908

(2) An application for a permit or renewal thereof shall be 109909  
denied if any of the following applies: 109910

(a) The secretary of the army determines in writing that 109911  
anchorage or navigation would be substantially impaired thereby; 109912

(b) The director determines that the proposed discharge or 109913  
source would conflict with an areawide waste treatment management 109914  
plan adopted in accordance with section 208 of the Federal Water 109915  
Pollution Control Act; 109916

(c) The administrator of the United States environmental 109917  
protection agency objects in writing to the issuance or renewal of 109918  
the permit in accordance with section 402 (d) of the Federal Water 109919  
Pollution Control Act; 109920

(d) The application is for the discharge of any radiological, 109921  
chemical, or biological warfare agent or high-level radioactive 109922  
waste into the waters of the United States. 109923

(3) To achieve and maintain applicable standards of quality 109924  
for the waters of the state adopted pursuant to section 6111.041 109925  
of the Revised Code, the director shall impose, where necessary 109926

and appropriate, as conditions of each permit, water quality 109927  
related effluent limitations in accordance with sections 301, 302, 109928  
306, 307, and 405 of the Federal Water Pollution Control Act and, 109929  
to the extent consistent with that act, shall give consideration 109930  
to, and base the determination on, evidence relating to the 109931  
technical feasibility and economic reasonableness of removing the 109932  
polluting properties from those wastes and to evidence relating to 109933  
conditions calculated to result from that action and their 109934  
relation to benefits to the people of the state and to 109935  
accomplishment of the purposes of this chapter. 109936

(4) Where a discharge having a thermal component from a 109937  
source that is constructed or modified on or after October 18, 109938  
1972, meets national or state effluent limitations or more 109939  
stringent permit conditions designed to achieve and maintain 109940  
compliance with applicable standards of quality for the waters of 109941  
the state, which limitations or conditions will ensure protection 109942  
and propagation of a balanced, indigenous population of shellfish, 109943  
fish, and wildlife in or on the body of water into which the 109944  
discharge is made, taking into account the interaction of the 109945  
thermal component with sewage, industrial waste, or other wastes, 109946  
the director shall not impose any more stringent limitation on the 109947  
thermal component of the discharge, as a condition of a permit or 109948  
renewal thereof for the discharge, during a ten-year period 109949  
beginning on the date of completion of the construction or 109950  
modification of the source, or during the period of depreciation 109951  
or amortization of the source for the purpose of section 167 or 109952  
169 of the Internal Revenue Code of 1954, whichever period ends 109953  
first. 109954

(5) The director shall specify in permits for the discharge 109955  
of sewage, industrial waste, and other wastes, the net volume, net 109956  
weight, duration, frequency, and, where necessary, concentration 109957  
of the sewage, industrial waste, and other wastes that may be 109958

discharged into the waters of the state. The director shall 109959  
specify in those permits and in sludge management permits that the 109960  
permit is conditioned upon payment of applicable fees as required 109961  
by section 3745.11 of the Revised Code and upon the right of the 109962  
director's authorized representatives to enter upon the premises 109963  
of the person to whom the permit has been issued for the purpose 109964  
of determining compliance with this chapter, rules adopted 109965  
thereunder, or the terms and conditions of a permit, order, or 109966  
other determination. The director shall issue or deny an 109967  
application for a sludge management permit or a permit for a new 109968  
discharge, for the installation or modification of a disposal 109969  
system, or for the renewal of a permit, within one hundred eighty 109970  
days of the date on which a complete application with all plans, 109971  
specifications, construction schedules, and other pertinent 109972  
information required by the director is received. 109973

(6) The director may condition permits upon the installation 109974  
of discharge or water quality monitoring equipment or devices and 109975  
the filing of periodic reports on the amounts and contents of 109976  
discharges and the quality of receiving waters that the director 109977  
prescribes. The director shall condition each permit for a 109978  
government-owned disposal system or any other "treatment works" as 109979  
defined in the Federal Water Pollution Control Act upon the 109980  
reporting of new introductions of industrial waste or other wastes 109981  
and substantial changes in volume or character thereof being 109982  
introduced into those systems or works from "industrial users" as 109983  
defined in section 502 of that act, as necessary to comply with 109984  
section 402(b)(8) of that act; upon the identification of the 109985  
character and volume of pollutants subject to pretreatment 109986  
standards being introduced into the system or works; and upon the 109987  
existence of a program to ensure compliance with pretreatment 109988  
standards by "industrial users" of the system or works. In 109989  
requiring monitoring devices and reports, the director, to the 109990  
extent consistent with the Federal Water Pollution Control Act, 109991

shall give consideration to technical feasibility and economic 109992  
reasonableness and shall allow reasonable time for compliance. 109993

(7) A permit may be issued for a period not to exceed five 109994  
years and may be renewed upon application for renewal. In renewing 109995  
a permit, the director shall consider the compliance history of 109996  
the permit holder and may deny the renewal if the director 109997  
determines that the permit holder has not complied with the terms 109998  
and conditions of the existing permit. A permit may be modified, 109999  
suspended, or revoked for cause, including, but not limited to, 110000  
violation of any condition of the permit, obtaining a permit by 110001  
misrepresentation or failure to disclose fully all relevant facts 110002  
of the permitted discharge or of the sludge use, storage, 110003  
treatment, or disposal practice, or changes in any condition that 110004  
requires either a temporary or permanent reduction or elimination 110005  
of the permitted activity. No application shall be denied or 110006  
permit revoked or modified without a written order stating the 110007  
findings upon which the denial, revocation, or modification is 110008  
based. A copy of the order shall be sent to the applicant or 110009  
permit holder by certified mail. 110010

(K) Institute or cause to be instituted in any court of 110011  
competent jurisdiction proceedings to compel compliance with this 110012  
chapter or with the orders of the director issued under this 110013  
chapter, or to ensure compliance with sections 204(b), 307, 308, 110014  
and 405 of the Federal Water Pollution Control Act; 110015

~~(L) Issue, deny, revoke, or modify industrial water pollution 110016  
control certificates; 110017~~

~~(M) Certify to the government of the United States or any 110018  
agency thereof that an industrial water pollution control facility 110019  
is in conformity with the state program or requirements for the 110020  
control of water pollution whenever the certification may be 110021  
required for a taxpayer under the Internal Revenue Code of the 110022  
United States, as amended; 110023~~

~~(N)~~(M) Issue, modify, and revoke orders requiring any 110024  
"industrial user" of any publicly owned "treatment works" as 110025  
defined in sections 212(2) and 502(18) of the Federal Water 110026  
Pollution Control Act to comply with pretreatment standards; 110027  
establish and maintain records; make reports; install, use, and 110028  
maintain monitoring equipment or methods, including, where 110029  
appropriate, biological monitoring methods; sample discharges in 110030  
accordance with methods, at locations, at intervals, and in a 110031  
manner that the director determines; and provide other information 110032  
that is necessary to ascertain whether or not there is compliance 110033  
with toxic and pretreatment effluent standards. In issuing, 110034  
modifying, and revoking those orders, the director, to the extent 110035  
consistent with the Federal Water Pollution Control Act, shall 110036  
give consideration to technical feasibility and economic 110037  
reasonableness and shall allow reasonable time for compliance. 110038

~~(O)~~(N) Exercise all incidental powers necessary to carry out 110039  
the purposes of this chapter; 110040

~~(P)~~(O) Certify or deny certification to any applicant for a 110041  
federal license or permit to conduct any activity that may result 110042  
in any discharge into the waters of the state that the discharge 110043  
will comply with the Federal Water Pollution Control Act; 110044

~~(Q)~~(P) Administer and enforce the publicly owned treatment 110045  
works pretreatment program in accordance with the Federal Water 110046  
Pollution Control Act. In the administration of that program, the 110047  
director may do any of the following: 110048

(1) Apply and enforce pretreatment standards; 110049

(2) Approve and deny requests for approval of publicly owned 110050  
treatment works pretreatment programs, oversee those programs, and 110051  
implement, in whole or in part, those programs under any of the 110052  
following conditions: 110053

(a) The director has denied a request for approval of the 110054

publicly owned treatment works pretreatment program; 110055

(b) The director has revoked the publicly owned treatment works pretreatment program; 110056  
110057

(c) There is no pretreatment program currently being implemented by the publicly owned treatment works; 110058  
110059

(d) The publicly owned treatment works has requested the director to implement, in whole or in part, the pretreatment program. 110060  
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110062

(3) Require that a publicly owned treatment works pretreatment program be incorporated in a permit issued to a publicly owned treatment works as required by the Federal Water Pollution Control Act, require compliance by publicly owned treatment works with those programs, and require compliance by industrial users with pretreatment standards; 110063  
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(4) Approve and deny requests for authority to modify categorical pretreatment standards to reflect removal of pollutants achieved by publicly owned treatment works; 110069  
110070  
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(5) Deny and recommend approval of requests for fundamentally different factors variances submitted by industrial users; 110072  
110073

(6) Make determinations on categorization of industrial users; 110074  
110075

(7) Adopt, amend, or rescind rules and issue, modify, or revoke orders necessary for the administration and enforcement of the publicly owned treatment works pretreatment program. 110076  
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Any approval of a publicly owned treatment works pretreatment program may contain any terms and conditions, including schedules of compliance, that are necessary to achieve compliance with this chapter. 110079  
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~~(R)~~(Q) Except as otherwise provided in this division, adopt rules in accordance with Chapter 119. of the Revised Code 110083  
110084

establishing procedures, methods, and equipment and other 110085  
requirements for equipment to prevent and contain discharges of 110086  
oil and hazardous substances into the waters of the state. The 110087  
rules shall be consistent with and equivalent in scope, content, 110088  
and coverage to section 311(j)(1)(c) of the Federal Water 110089  
Pollution Control Act and regulations adopted under it. The 110090  
director shall not adopt rules under this division relating to 110091  
discharges of oil from oil production facilities and oil drilling 110092  
and workover facilities as those terms are defined in that act and 110093  
regulations adopted under it. 110094

~~(S)~~(R)(1) Administer and enforce a program for the regulation 110095  
of sludge management in this state. In administering the program, 110096  
the director, in addition to exercising the authority provided in 110097  
any other applicable sections of this chapter, may do any of the 110098  
following: 110099

(a) Develop plans and programs for the disposal and 110100  
utilization of sludge and sludge materials; 110101

(b) Encourage, participate in, or conduct studies, 110102  
investigations, research, and demonstrations relating to the 110103  
disposal and use of sludge and sludge materials and the impact of 110104  
sludge and sludge materials on land located in the state and on 110105  
the air and waters of the state; 110106

(c) Collect and disseminate information relating to the 110107  
disposal and use of sludge and sludge materials and the impact of 110108  
sludge and sludge materials on land located in the state and on 110109  
the air and waters of the state; 110110

(d) Issue, modify, or revoke orders to prevent, control, or 110111  
abate the use and disposal of sludge and sludge materials or the 110112  
effects of the use of sludge and sludge materials on land located 110113  
in the state and on the air and waters of the state; 110114

(e) Adopt and enforce, modify, or rescind rules necessary for 110115

the implementation of division ~~(S)~~(R) of this section. The rules 110116  
reasonably shall protect public health and the environment, 110117  
encourage the beneficial reuse of sludge and sludge materials, and 110118  
minimize the creation of nuisance odors. 110119

The director may specify in sludge management permits the net 110120  
volume, net weight, quality, and pollutant concentration of the 110121  
sludge or sludge materials that may be used, stored, treated, or 110122  
disposed of, and the manner and frequency of the use, storage, 110123  
treatment, or disposal, to protect public health and the 110124  
environment from adverse effects relating to those activities. The 110125  
director shall impose other terms and conditions to protect public 110126  
health and the environment, minimize the creation of nuisance 110127  
odors, and achieve compliance with this chapter and rules adopted 110128  
under it and, in doing so, shall consider whether the terms and 110129  
conditions are consistent with the goal of encouraging the 110130  
beneficial reuse of sludge and sludge materials. 110131

The director may condition permits on the implementation of 110132  
treatment, storage, disposal, distribution, or application 110133  
management methods and the filing of periodic reports on the 110134  
amounts, composition, and quality of sludge and sludge materials 110135  
that are disposed of, used, treated, or stored. 110136

An approval of a treatment works sludge disposal program may 110137  
contain any terms and conditions, including schedules of 110138  
compliance, necessary to achieve compliance with this chapter and 110139  
rules adopted under it. 110140

(2) As a part of the program established under division 110141  
~~(S)~~(R)(1) of this section, the director has exclusive authority to 110142  
regulate sewage sludge management in this state. For purposes of 110143  
division ~~(S)~~(R)(2) of this section, that program shall be 110144  
consistent with section 405 of the Federal Water Pollution Control 110145  
Act and regulations adopted under it and with this section, except 110146  
that the director may adopt rules under division ~~(S)~~(R) of this 110147

section that establish requirements that are more stringent than 110148  
section 405 of the Federal Water Pollution Control Act and 110149  
regulations adopted under it with regard to monitoring sewage 110150  
sludge and sewage sludge materials and establishing acceptable 110151  
sewage sludge management practices and pollutant levels in sewage 110152  
sludge and sewage sludge materials. 110153

This chapter authorizes the state to participate in any 110154  
national sludge management program and the national pollutant 110155  
discharge elimination system, to administer and enforce the 110156  
publicly owned treatment works pretreatment program, and to issue 110157  
permits for the discharge of dredged or fill materials, in 110158  
accordance with the Federal Water Pollution Control Act. This 110159  
chapter shall be administered, consistent with the laws of this 110160  
state and federal law, in the same manner that the Federal Water 110161  
Pollution Control Act is required to be administered. 110162

~~(F)~~(S) Develop technical guidance and offer technical 110163  
assistance, upon request, for the purpose of minimizing wind or 110164  
water erosion of soil, and assist in compliance with permits for 110165  
storm water management issued under this chapter and rules adopted 110166  
under it. 110167

~~(U)~~(T) Study, examine, and calculate nutrient loading from 110168  
point and nonpoint sources in order to determine comparative 110169  
contributions by those sources and to utilize the information 110170  
derived from those calculations to determine the most 110171  
environmentally beneficial and cost-effective mechanisms to reduce 110172  
nutrient loading to watersheds in the Lake Erie basin and the Ohio 110173  
river basin. In order to evaluate nutrient loading contributions, 110174  
the director or the director's designee shall conduct a study of 110175  
the nutrient mass balance for both point and nonpoint sources in 110176  
watersheds in the Lake Erie basin and the Ohio river basin using 110177  
available data, including both of the following: 110178

(1) Data on water quality and stream flow; 110179

(2) Data on point source discharges into those watersheds. 110180

The director or the director's designee shall report and 110181  
update the results of the study to coincide with the release of 110182  
the Ohio integrated water quality monitoring and assessment report 110183  
prepared by the director. 110184

(U) Establish the total maximum daily load (TMDL) for waters 110185  
of the state where a TMDL is required under the Federal Water 110186  
Pollution Control Act. 110187

This section does not apply to residual farm products and 110188  
manure disposal systems and related management and conservation 110189  
practices subject to rules adopted pursuant to division (E)(1) of 110190  
section 939.02 of the Revised Code. For purposes of this 110191  
exclusion, "residual farm products" and "manure" have the same 110192  
meanings as in section 939.01 of the Revised Code. However, until 110193  
the date on which the United States environmental protection 110194  
agency approves the NPDES program submitted by the director of 110195  
agriculture under section 903.08 of the Revised Code, this 110196  
exclusion does not apply to animal waste treatment works having a 110197  
controlled direct discharge to the waters of the state or any 110198  
concentrated animal feeding operation, as defined in 40 C.F.R. 110199  
122.23(b)(2). On and after the date on which the United States 110200  
environmental protection agency approves the NPDES program 110201  
submitted by the director of agriculture under section 903.08 of 110202  
the Revised Code, this section does not apply to storm water from 110203  
an animal feeding facility, as defined in section 903.01 of the 110204  
Revised Code, or to pollutants discharged from a concentrated 110205  
animal feeding operation, as both terms are defined in that 110206  
section. Neither of these exclusions applies to the discharge of 110207  
animal waste into a publicly owned treatment works. 110208

Not later than December 1, 2016, a publicly owned treatment 110209  
works with a design flow of one million gallons per day or more, 110210  
or designated as a major discharger by the director, shall be 110211

required to begin monthly monitoring of total and dissolved 110212  
reactive phosphorus pursuant to a new NPDES permit, an NPDES 110213  
permit renewal, or a director-initiated modification. The director 110214  
shall include in each applicable new NPDES permit, NPDES permit 110215  
renewal, or director-initiated modification a requirement that 110216  
such monitoring be conducted. A director-initiated modification 110217  
for that purpose shall be considered and processed as a minor 110218  
modification pursuant to Ohio Administrative Code 3745-33-04. In 110219  
addition, not later than December 1, 2017, a publicly owned 110220  
treatment works with a design flow of one million gallons per day 110221  
or more that, on July 3, 2015, is not subject to a phosphorus 110222  
limit shall complete and submit to the director a study that 110223  
evaluates the technical and financial capability of the existing 110224  
treatment facility to reduce the final effluent discharge of 110225  
phosphorus to one milligram per liter using possible source 110226  
reduction measures, operational procedures, and unit process 110227  
configurations. 110228

**Sec. 6111.036.** (A) There is hereby created the water 110229  
pollution control loan fund to provide financial, technical, and 110230  
administrative assistance as follows: 110231

(1) For the construction of publicly owned wastewater 110232  
treatment works, as "construction" and "treatment works" are 110233  
defined in section 212 of the Federal Water Pollution Control Act, 110234  
by municipal corporations, other political subdivisions, state 110235  
agencies, and interstate agencies having territory in this state; 110236

(2) For the implementation of a nonpoint source pollution 110237  
management program under section 319 of that act; 110238

(3) For the development and implementation of estuary 110239  
conservation and management programs under section 320 of that 110240  
act; 110241

(4) For the construction, repair, or replacement of 110242

|                                                                                                                                                                                                                                                                             |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage;                                                                                                                                                                              | 110243<br>110244                               |
| (5) For measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water;                                                                                                                                                                            | 110245<br>110246                               |
| (6) For measures to reduce the demand for publicly owned wastewater treatment works capacity through water conservation, efficiency, or reuse by any municipal corporation, other political subdivision, state agency, or interstate agency having territory in this state; | 110247<br>110248<br>110249<br>110250<br>110251 |
| (7) For the development and implementation of watershed projects meeting the criteria established in section 122 of that act;                                                                                                                                               | 110252<br>110253<br>110254                     |
| (8) For measures to reduce the energy consumption needs of publicly owned wastewater treatment works by any municipal corporation, other political subdivision, state agency, or interstate agency having territory in this state;                                          | 110255<br>110256<br>110257<br>110258           |
| (9) For reusing or recycling wastewater, stormwater, or subsurface drainage water;                                                                                                                                                                                          | 110259<br>110260                               |
| (10) For measures to increase the security of publicly owned wastewater treatment works;                                                                                                                                                                                    | 110261<br>110262                               |
| (11) To any qualified nonprofit entity, as determined by the director of environmental protection, to provide assistance to owners and operators of small and medium publicly owned wastewater treatment works for either of the following:                                 | 110263<br>110264<br>110265<br>110266           |
| (a) To plan, develop, and obtain financing for eligible projects under this division, including planning, design, and associated preconstruction activities;                                                                                                                | 110267<br>110268<br>110269                     |
| (b) To assist such treatment works in achieving compliance with the Federal Water Pollution Control Act.                                                                                                                                                                    | 110270<br>110271                               |
| To the extent they are otherwise allowable as determined by                                                                                                                                                                                                                 | 110272                                         |

the director, the purposes identified under division (A) of this 110273  
section are intended to include activities benefiting the waters 110274  
of the state that are authorized under Chapter 3746. of the 110275  
Revised Code. 110276

The fund shall be administered by the director consistent 110277  
with the Federal Water Pollution Control Act; regulations adopted 110278  
under it, including, without limitation, regulations establishing 110279  
public participation requirements applicable to the providing of 110280  
financial assistance; this section; and rules adopted under 110281  
division (O) of this section. 110282

Moneys in the water pollution control loan fund shall be 110283  
separate and apart from and not a part of the state treasury or of 110284  
the other funds of the Ohio water development authority. Subject 110285  
to the terms of the agreements provided for in divisions (B), (C), 110286  
(D), and (F) of this section, moneys in the fund shall be held in 110287  
trust by the Ohio water development authority for the purposes of 110288  
this section, shall be kept in the same manner that funds of the 110289  
authority are kept under section 6121.11 of the Revised Code, and 110290  
may be invested in the same manner that funds of the authority are 110291  
invested under section 6121.12 of the Revised Code. No withdrawals 110292  
or disbursements shall be made from the water pollution control 110293  
loan fund without the written authorization of the director or the 110294  
director's designated representative. The manner of authorization 110295  
for any withdrawals or disbursements from the fund to be made by 110296  
the authority shall be established in the agreements authorized 110297  
under division (C) of this section. 110298

(B) The director may enter into agreements to receive and 110299  
assign moneys credited or to be credited to the water pollution 110300  
control loan fund. The director may reserve capitalization grant 110301  
moneys allotted to the state under sections 601 and 604(c)(2) of 110302  
the Federal Water Pollution Control Act for the other purposes 110303  
authorized for the use of capitalization grant moneys under 110304

sections 603(d)(7) and 604(b) of that act. 110305

(C) The director shall ensure that fiscal controls are 110306  
established for prudent administration of the water pollution 110307  
control loan fund. For that purpose, the director and the Ohio 110308  
water development authority shall enter into any necessary and 110309  
appropriate agreements under which the authority may perform or 110310  
provide any of the following: 110311

(1) Fiscal controls and accounting procedures governing fund 110312  
balances, receipts, and disbursements; 110313

(2) Administration of loan accounts; 110314

(3) Maintaining, managing, and investing moneys in the fund. 110315

Any agreement entered into under this division shall provide 110316  
for the payment of reasonable fees to the Ohio water development 110317  
authority for any services it performs under the agreement and may 110318  
provide for reasonable fees for the assistance of financial or 110319  
accounting advisors. Payments of any such fees to the authority 110320  
may be made from the water pollution control loan fund to the 110321  
extent authorized by division (H)(7) of this section or from the 110322  
water pollution control loan administrative fund created in 110323  
division (E) of this section. The authority may enter into loan 110324  
agreements with the director and recipients of financial 110325  
assistance from the fund as provided in this section. 110326

(D) The water pollution control loan fund shall consist of 110327  
the moneys credited to it from all capitalization grants received 110328  
under sections 601 and 604(c)(2) of the Federal Water Pollution 110329  
Control Act, all moneys received as capitalization grants under 110330  
section 205(m) of that act, all matching moneys credited to the 110331  
fund arising from nonfederal sources, all payments of principal 110332  
and interest for loans made from the fund, and all investment 110333  
earnings on moneys held in the fund. On or before the date on 110334  
which a quarterly capitalization grant payment will be received 110335

under that act, matching moneys equal to at least twenty per cent 110336  
of the quarterly capitalization grant payment shall be credited to 110337  
the fund. The Ohio water development authority may make moneys 110338  
available to the director for the purpose of providing the 110339  
matching moneys required by this division, subject to such terms 110340  
as the director and the authority consider appropriate, and may 110341  
pledge moneys that are held by the authority to secure the payment 110342  
of bonds or notes issued by the authority to provide those 110343  
matching moneys. The authority may make moneys available to the 110344  
director for that purpose from any funds now or hereafter 110345  
available to the authority from any source, including, without 110346  
limitation, the proceeds of bonds or notes heretofore or hereafter 110347  
issued by the authority under Chapter 6121. of the Revised Code. 110348  
Matching moneys made available to the director by the authority 110349  
from the proceeds of any such bonds or notes shall be made 110350  
available subject to the terms of the trust agreements relating to 110351  
the bonds or notes. Any such matching moneys shall be made 110352  
available to the director pursuant to a written agreement between 110353  
the director and the authority that contains such terms as the 110354  
director and the authority consider appropriate, including, 110355  
without limitation, a provision providing for repayment to the 110356  
authority of those matching moneys from moneys deposited in the 110357  
water pollution control loan fund, including, without limitation, 110358  
the proceeds of bonds or notes issued by the authority for the 110359  
benefit of the fund and payments of principal and interest on 110360  
loans made from the fund, or from any other sources now or 110361  
hereafter available to the director for the repayment of those 110362  
matching moneys. 110363

(E) All moneys credited to the water pollution control loan 110364  
fund, all interest earned on moneys in the fund, and all payments 110365  
of principal and interest for loans made from the fund shall be 110366  
dedicated in perpetuity and used and reused solely for the 110367  
purposes set forth in division (A) of this section, except as 110368

otherwise provided in division (D) or (F) of this section. The 110369  
director may establish and collect fees to be paid by recipients 110370  
of financial assistance under this section, and all moneys arising 110371  
from the fees shall be credited to the water pollution control 110372  
loan administrative fund, which is hereby created in the state 110373  
treasury, and shall be used to defray the costs of administering 110374  
this section or other water quality related programs administered 110375  
by the environmental protection agency. 110376

(F) The director and the Ohio water development authority 110377  
shall enter into trust agreements to enable the authority to issue 110378  
and refund bonds or notes for the sole benefit of the water 110379  
pollution control loan fund, including, without limitation, the 110380  
raising of the matching moneys required by division (D) of this 110381  
section. These agreements may authorize the pledge of moneys 110382  
accruing to the fund from payments of principal and interest on 110383  
loans made from the fund adequate to secure bonds or notes, the 110384  
proceeds of which bonds or notes shall be for the sole benefit of 110385  
the water pollution control loan fund. The agreements may contain 110386  
such terms as the director and the authority consider reasonable 110387  
and proper for the security of the bondholders or noteholders. 110388

(G) The director shall enter into binding commitments to 110389  
provide financial assistance from the water pollution control loan 110390  
fund in an amount equal to one hundred twenty per cent of the 110391  
amount of each capitalization grant payment received, within one 110392  
year after receiving each such grant payment. The director shall 110393  
provide the financial assistance in compliance with this section 110394  
and rules adopted under division (O) of this section. The director 110395  
shall ensure that all moneys credited to the fund are disbursed in 110396  
an expeditious and timely manner. During the second year of 110397  
operation of the water pollution control loan program, the 110398  
director also shall ensure that not less than twenty-five per cent 110399  
of the financial assistance provided under this section during 110400

that year is provided for the purpose of division (H)(2) of this 110401  
section for the purchase or refinancing of debt obligations 110402  
incurred after March 7, 1985, but not later than July 1, 1988, 110403  
except that if the amount of money reserved during the second year 110404  
of operation of the program for the purchase or refinancing of 110405  
those debt obligations exceeds the amount required for the 110406  
projects that are eligible to receive financial assistance for 110407  
that purpose, the director shall distribute the excess moneys in 110408  
accordance with the current priority system and list prepared 110409  
under division (I) of this section to provide financial assistance 110410  
for projects that otherwise would not receive assistance in that 110411  
year. 110412

(H) Moneys credited to the water pollution control loan fund 110413  
shall be used only for the following purposes: 110414

(1) To make loans, subject to all of the following 110415  
conditions: 110416

(a) The loans are made at or below market rates of interest, 110417  
including, without limitation, interest free loans. 110418

(b) Periodic payments of principal and interest, on the dates 110419  
and in the amounts approved by the director, shall commence not 110420  
later than one year after completion of the project, and all loans 110421  
shall be fully amortized not later than thirty years after project 110422  
completion. 110423

(c) Each recipient of a loan shall establish a dedicated 110424  
source of revenue for repayment of the loan. 110425

(d) All payments of principal and interest on the loans shall 110426  
be credited to the fund, except as otherwise provided in division 110427  
(D) or (F) of this section. 110428

(2) To purchase or refinance at or below market rates of 110429  
interest debt obligations incurred after March 7, 1985, by 110430  
municipal corporations, other political subdivisions, and 110431

interstate agencies having territory in the state. If, and to the extent allowed under the Federal Water Pollution Control Act, debt obligations are purchased or refinanced under this section to provide financial assistance for any of the purposes allowed under division (A) of this section, the repayment period may extend up to forty-five years. However, the repayment period shall not exceed the expected useful life of any facilities that are financed by the obligations.

(3) To guarantee or purchase insurance for debt obligations of municipal corporations, other political subdivisions, and interstate agencies having territory within the state when the guarantee or insurance would improve the borrower's access to credit markets or would reduce the interest rate paid on those obligations;

(4) As a source of revenue or security for the payment of principal and interest on general obligation or revenue bonds or notes issued by this state if the proceeds of the sale of the bonds or notes will be deposited in the fund;

(5) To provide loan guarantees for revolving loan funds established by municipal corporations and other political subdivisions that are similar to the water pollution control loan fund;

(6) To earn interest on moneys credited to the fund;

(7) For the payment of the reasonable costs of administering the fund and conducting activities under this section, except that those amounts shall not exceed four per cent of the total amount of the capitalization grants received, four hundred thousand dollars per year, or one-fifth of one per cent per year of the current valuation of the fund, whichever amount is greater, plus the amount of any fees collected by the state for that purpose regardless of the source;

(8) To provide assistance in any manner or for any purpose 110463  
that is consistent with Title VI of the Federal Water Pollution 110464  
Control Act or with any other federal law related to the use of 110465  
federal funds administered under Title VI of the Federal Water 110466  
Pollution Control Act, including, without limitation, the awarding 110467  
of principal forgiveness assistance under that act. 110468

(I) The director periodically shall prepare in accordance 110469  
with rules adopted under division (O) of this section a state 110470  
priority system and list ranking assistance proposals principally 110471  
on the basis of their relative water quality and public health 110472  
benefits and the financial need of the applicants for assistance. 110473  
Assistance for proposed activities from the water pollution 110474  
control loan fund shall be limited to those activities appearing 110475  
on that priority list and shall be awarded based upon their 110476  
priority sequence on the list and the applicants' readiness to 110477  
proceed with their proposed activities. The director annually 110478  
shall prepare and circulate for public review and comment a plan 110479  
that defines the goals and intended uses of the fund, as required 110480  
by section 606(c) of the "Federal Water Pollution Control Act." 110481

(J) Financial assistance from the water pollution control 110482  
loan fund first shall be used to ensure maintenance of progress, 110483  
as determined by the governor, toward compliance with enforceable 110484  
deadlines, goals, and requirements under the "Federal Water 110485  
Pollution Control Act" that are pertinent to the purposes of the 110486  
fund set forth in divisions (A)(1) to (3) of this section, 110487  
including, without limitation, the municipal compliance deadline 110488  
under that act. 110489

(K) The director may provide financial assistance from the 110490  
water pollution control loan fund for a publicly owned treatment 110491  
works project only after determining that: 110492

(1) The applicant for financial assistance has the legal, 110493  
institutional, managerial, and financial capability to construct, 110494

operate, and maintain its publicly owned treatment works. 110495

(2) The applicant will implement a financial management plan 110496  
that includes, without limitation, provisions for satisfactory 110497  
repayment of the financial assistance, a user charge system to pay 110498  
the operation, maintenance, and replacement expenses of the 110499  
project, and, if appropriate in the director's judgment, an 110500  
adequate capital improvements fund. 110501

(3) The proposed disposal system of which the project is a 110502  
part is economically and nonmonetarily cost-effective, based upon 110503  
an evaluation of feasible alternatives that meet the waste water 110504  
treatment needs of the planning area in which the proposed project 110505  
is located. 110506

(4) Based upon the environmental review conducted by the 110507  
director under division (L) of this section, there are no 110508  
significant adverse environmental effects resulting from the 110509  
proposed disposal system and the system has been selected from 110510  
among environmentally sound alternatives. 110511

(5) Public participation has occurred during the process of 110512  
planning the project in compliance with applicable requirements 110513  
under the Federal Water Pollution Control Act. 110514

(6) The applicant has submitted a facilities plan for the 110515  
project that meets the applicable program requirements and that 110516  
has been approved by the director. 110517

(7) The application meets the requirements of this section 110518  
and rules adopted under division (O) of this section and is 110519  
consistent with the intent of Title VI of the Federal Water 110520  
Pollution Control Act and regulations adopted under it. 110521

(8) The application meets such other requirements as the 110522  
director considers necessary or appropriate to protect the 110523  
environment or ensure the financial integrity of the fund while 110524  
implementing this section. 110525

(L) The director shall perform and document for public review 110526  
an independent, comprehensive environmental review of the 110527  
assistance proposal for each activity receiving financial 110528  
assistance under this section. The review shall serve as the basis 110529  
for the determinations to be made under division (K)(4) or (Q)(4) 110530  
of this section, as applicable, and may include, without 110531  
limitation, an environmental assessment, any necessary 110532  
supplemental studies, and an enforceable mitigation plan. The 110533  
director may establish environmental impact mitigation terms or 110534  
conditions for the implementation of an assistance proposal, 110535  
including, without limitation, the installation or modification of 110536  
a disposal system, in the director's approval of the plans for the 110537  
installation or modification as authorized by section 6111.44 of 110538  
the Revised Code or through other legally enforceable means. The 110539  
review shall be conducted in accordance with applicable rules 110540  
adopted under division (O) of this section. 110541

(M) The director, consistent with this section and applicable 110542  
rules adopted under division (O) of this section, may enter into 110543  
any agreement with an applicant that is necessary or appropriate 110544  
to provide assistance from the water pollution control loan fund. 110545  
Based upon the director's review of an assistance proposal, 110546  
including, without limitation, approval for the project under 110547  
section 6111.44 of the Revised Code, the environmental review 110548  
conducted under division (L) of this section, and the other 110549  
requirements of this section and rules adopted under it, the 110550  
director may establish in the agreement terms and conditions of 110551  
the assistance to be offered to an applicant. In addition to any 110552  
other available remedies, the director may terminate, suspend, or 110553  
require immediate repayment of financial assistance provided under 110554  
this section to, or take any other enforcement action available 110555  
under this chapter against, a recipient of financial assistance 110556  
under this section who defaults on any payment required in the 110557  
agreement for financial assistance or otherwise violates a term or 110558

condition of the agreement or of the plan approval for the project 110559  
under section 6111.44 of the Revised Code. 110560

(N) Based upon the director's judgment as to the financial 110561  
need of the applicant and as to what constitutes the most 110562  
effective allocation of funds to achieve statewide water pollution 110563  
control objectives, the director may establish the terms, 110564  
conditions, and amount of financial assistance to be offered to an 110565  
applicant from the water pollution control loan fund. The 110566  
director, to the extent consistent with the water quality 110567  
improvement priorities reflected in the current priority system 110568  
and list prepared under division (I) of this section and with the 110569  
long-term financial integrity of the fund, shall ensure each year 110570  
that financial assistance in an amount equal to the cost of the 110571  
assistance proposals of applicants having a high level of economic 110572  
need that are on the current priority list and for which funding 110573  
is available in that year is made available from the fund to those 110574  
applicants at an interest rate that is lower than that offered to 110575  
other applicants for financial assistance from the fund for 110576  
assistance proposals that are on the current priority list and for 110577  
which funding is available in that year. 110578

The director shall determine the economic need of applicants 110579  
for financial assistance in accordance with uniform criteria 110580  
established in rules adopted under division (O) of this section. 110581

(O) The director may adopt rules in accordance with Chapter 110582  
119. of the Revised Code for the implementation and administration 110583  
of this section and section 6111.037 of the Revised Code. Any such 110584  
rules governing the planning, design, and construction of water 110585  
pollution control projects, establishing an environmental review 110586  
process, establishing requirements for the preparation of 110587  
environmental impact reports and mitigation plans, governing the 110588  
establishment of priority systems for providing financial 110589  
assistance under this section and section 6111.037 of the Revised 110590

Code, and governing the terms and conditions of assistance, shall 110591  
be consistent with the intent of Titles II and VI and sections 319 110592  
and 320 of the Federal Water Pollution Control Act. The rules 110593  
governing the establishment of priority systems for financial 110594  
assistance and governing terms and conditions of assistance shall 110595  
provide for the most effective allocation of moneys from the water 110596  
pollution control loan fund to achieve water quality and public 110597  
health objectives throughout the state as determined by the 110598  
director. 110599

(P)(1) For the purpose of this section, appealable actions of 110600  
the director pursuant to section 3745.04 of the Revised Code are 110601  
limited to the following: 110602

(a) Approval of draft priority systems, draft priority lists, 110603  
and draft written program administration policies; 110604

(b) Approval or disapproval of project facility plans under 110605  
division (K)(6) of this section; 110606

(c) Approval or disapproval of plans and specifications for a 110607  
project under section 6111.44 of the Revised Code and issuance of 110608  
a permit to install in connection with a project pursuant to rules 110609  
adopted under section 6111.03 of the Revised Code; 110610

(d) Approval or disapproval of an application for assistance. 110611

(2) Notwithstanding section 119.06 of the Revised Code, the 110612  
director may take final action described in division (P)(1)(a), 110613  
(b), (c), or (d) of this section without holding an adjudication 110614  
hearing in connection with the action and without first issuing a 110615  
proposed action under section 3745.07 of the Revised Code. 110616

(3) Each action described in divisions (P)(1)(a), (b), (c), 110617  
and (d) of this section is a separate and discrete action of the 110618  
director. Appeals of any such action are limited to the issues 110619  
concerning the specific action appealed, and the appeal shall not 110620  
include issues determined under the scope of any prior action. 110621

(Q) The director may provide financial assistance for the 110622  
implementation of a nonpoint source management program activity 110623  
only after determining all of the following: 110624

(1) The activity is consistent with the state's nonpoint 110625  
source management program. 110626

(2) The applicant has the legal, institutional, managerial, 110627  
and financial capability to implement, operate, and maintain the 110628  
activity. 110629

(3) The cost of the activity is reasonable considering 110630  
monetary and nonmonetary factors. 110631

(4) Based on the environmental review conducted by the 110632  
director under division (L) of this section, the activity will not 110633  
result in significant adverse environmental impacts. 110634

(5) The application meets the requirements of this section 110635  
and rules adopted under division (O) of this section and is 110636  
consistent with the intent of Title VI of the Federal Water 110637  
Pollution Control Act and regulations adopted under it. 110638

(6) The applicant will implement a financial management plan, 110639  
including, without limitation, provisions for satisfactory 110640  
repayment of the financial assistance. 110641

(7) The application meets such other requirements as the 110642  
director considers necessary or appropriate to protect the 110643  
environment and ensure the financial integrity of the fund while 110644  
implementing this section. 110645

(R) As used in this section, "Federal Water Pollution Control 110646  
Act" means the "Federal Water Pollution Control Act Amendments of 110647  
1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean 110648  
Water Act of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, the "Act of 110649  
October 21, 1980," 94 Stat. 2360, 33 U.S.C.A. 1254, the "Municipal 110650  
Wastewater Treatment Construction Grant Amendments of 1981," 95 110651

Stat. 1623, 33 U.S.C.A. 1281, the "Water Quality Act of 1987," 101 110652  
Stat. 7, 33 U.S.C.A. 1251, and applicable portions of the 110653  
"American Recovery and Reinvestment Act of 2009," Pub. L. 111-5, 110654  
123 Stat. 115, and the "Water Resources Reform and Development Act 110655  
of 2014," 128 Stat. 1227, 33 U.S.C. 2223. 110656

**Sec. 6111.04.** (A) Both of the following apply except as 110657  
otherwise provided in division (A) or (F) of this section: 110658

(1) No person shall cause pollution or place or cause to be 110659  
placed any sewage, sludge, sludge materials, industrial waste, or 110660  
other wastes in a location where they cause pollution of any 110661  
waters of the state. 110662

(2) Such an action prohibited under division (A)(1) of this 110663  
section is hereby declared to be a public nuisance. 110664

Divisions (A)(1) and (2) of this section do not apply if the 110665  
person causing pollution or placing or causing to be placed wastes 110666  
in a location in which they cause pollution of any waters of the 110667  
state holds a valid, unexpired permit, or renewal of a permit, 110668  
governing the causing or placement as provided in sections 6111.01 110669  
to 6111.08 of the Revised Code or if the person's application for 110670  
renewal of such a permit is pending. 110671

(B) If the director of environmental protection administers a 110672  
sludge management program pursuant to division ~~(S)~~(R) of section 110673  
6111.03 of the Revised Code, both of the following apply except as 110674  
otherwise provided in division (B) or (F) of this section: 110675

(1) No person, in the course of sludge management, shall 110676  
place on land located in the state or release into the air of the 110677  
state any sludge or sludge materials. 110678

(2) An action prohibited under division (B)(1) of this 110679  
section is hereby declared to be a public nuisance. 110680

Divisions (B)(1) and (2) of this section do not apply if the 110681

person placing or releasing the sludge or sludge materials holds a 110682  
valid, unexpired permit, or renewal of a permit, governing the 110683  
placement or release as provided in sections 6111.01 to 6111.08 of 110684  
the Revised Code or if the person's application for renewal of 110685  
such a permit is pending. 110686

(C) No person to whom a permit has been issued shall place or 110687  
discharge, or cause to be placed or discharged, in any waters of 110688  
the state any sewage, sludge, sludge materials, industrial waste, 110689  
or other wastes in excess of the permissive discharges specified 110690  
under an existing permit without first receiving a permit from the 110691  
director to do so. 110692

(D) No person to whom a sludge management permit has been 110693  
issued shall place on the land or release into the air of the 110694  
state any sludge or sludge materials in excess of the permissive 110695  
amounts specified under the existing sludge management permit 110696  
without first receiving a modification of the existing sludge 110697  
management permit or a new sludge management permit to do so from 110698  
the director. 110699

(E) The director may require the submission of plans, 110700  
specifications, and other information that the director considers 110701  
relevant in connection with the issuance of permits. 110702

(F) This section does not apply to any of the following: 110703

(1) Waters used in washing sand, gravel, other aggregates, or 110704  
mineral products when the washing and the ultimate disposal of the 110705  
water used in the washing, including any sewage, industrial waste, 110706  
or other wastes contained in the waters, are entirely confined to 110707  
the land under the control of the person engaged in the recovery 110708  
and processing of the sand, gravel, other aggregates, or mineral 110709  
products and do not result in the pollution of waters of the 110710  
state; 110711

(2) Water, gas, or other material injected into a well to 110712

facilitate, or that is incidental to, the production of oil, gas, 110713  
artificial brine, or water derived in association with oil or gas 110714  
production and disposed of in a well, in compliance with a permit 110715  
issued under Chapter 1509. of the Revised Code, or sewage, 110716  
industrial waste, or other wastes injected into a well in 110717  
compliance with an injection well operating permit. Division 110718  
(F)(2) of this section does not authorize, without a permit, any 110719  
discharge that is prohibited by, or for which a permit is required 110720  
by, regulation of the United States environmental protection 110721  
agency. 110722

(3) Application of any materials to land for agricultural 110723  
purposes or runoff of the materials from that application or 110724  
pollution by residual farm products, manure, or soil sediment, 110725  
including attached substances, resulting from farming, 110726  
silvicultural, or earthmoving activities regulated by Chapter 307. 110727  
or 939. of the Revised Code. Division (F)(3) of this section does 110728  
not authorize, without a permit, any discharge that is prohibited 110729  
by, or for which a permit is required by, the Federal Water 110730  
Pollution Control Act or regulations adopted under it. As used in 110731  
division (F)(3) of this section, "residual farm products" and 110732  
"manure" have the same meanings as in section 939.01 of the 110733  
Revised Code. 110734

(4) The excrement of domestic and farm animals defecated on 110735  
land or runoff therefrom into any waters of the state. Division 110736  
(F)(4) of this section does not authorize, without a permit, any 110737  
discharge that is prohibited by, or for which a permit is required 110738  
by, the Federal Water Pollution Control Act or regulations adopted 110739  
under it. 110740

(5) On and after the date on which the United States 110741  
environmental protection agency approves the NPDES program 110742  
submitted by the director of agriculture under section 903.08 of 110743  
the Revised Code, any discharge that is within the scope of the 110744

approved NPDES program submitted by the director of agriculture; 110745

(6) The discharge of sewage, industrial waste, or other 110746  
wastes into a sewerage system tributary to a treatment works. 110747  
Division (F)(6) of this section does not authorize any discharge 110748  
into a publicly owned treatment works in violation of a 110749  
pretreatment program applicable to the publicly owned treatment 110750  
works. 110751

(7) A household sewage treatment system or a small flow 110752  
on-site sewage treatment system, as applicable, as defined in 110753  
section 3718.01 of the Revised Code that is installed in 110754  
compliance with Chapter 3718. of the Revised Code and rules 110755  
adopted under it. Division (F)(7) of this section does not 110756  
authorize, without a permit, any discharge that is prohibited by, 110757  
or for which a permit is required by, regulation of the United 110758  
States environmental protection agency. 110759

(8) Exceptional quality sludge generated outside of this 110760  
state and contained in bags or other containers not greater than 110761  
one hundred pounds in capacity. As used in division (F)(8) of this 110762  
section, "exceptional quality sludge" has the same meaning as in 110763  
division (Y) of section 3745.11 of the Revised Code. 110764

(G) The holder of a permit issued under section 402 (a) of 110765  
the Federal Water Pollution Control Act need not obtain a permit 110766  
for a discharge authorized by the permit until its expiration 110767  
date. Except as otherwise provided in this division, the director 110768  
of environmental protection shall administer and enforce those 110769  
permits within this state and may modify their terms and 110770  
conditions in accordance with division (J) of section 6111.03 of 110771  
the Revised Code. On and after the date on which the United States 110772  
environmental protection agency approves the NPDES program 110773  
submitted by the director of agriculture under section 903.08 of 110774  
the Revised Code, the director of agriculture shall administer and 110775  
enforce those permits within this state that are issued for any 110776

discharge that is within the scope of the approved NPDES program 110777  
submitted by the director of agriculture. 110778

**Sec. 6111.046.** (A) Each person who is issued an injection 110779  
well operating permit or a renewal of an injection well operating 110780  
permit for a class I injection well shall pay an annual permit fee 110781  
of twelve thousand five hundred dollars, except that a person who 110782  
is issued such a permit or renewal of such a permit for a class I 110783  
injection well that disposes of any hazardous waste identified or 110784  
listed in rules adopted under section 3734.12 of the Revised Code 110785  
and that is located on the premises where the hazardous waste 110786  
injected into the well is generated shall pay an annual permit fee 110787  
of thirty thousand dollars. The appropriate permit fee shall be 110788  
paid to the director of environmental protection within thirty 110789  
days after the issuance of the injection well operating permit or 110790  
renewal of such a permit. Annually thereafter during the term of 110791  
the permit or renewal, the appropriate annual permit fee shall be 110792  
paid to the director on or before the anniversary of the date of 110793  
issuance of the injection well operating permit or renewal of such 110794  
a permit. The director, by rules adopted in accordance with 110795  
Chapter 119. of the Revised Code, shall prescribe the procedures 110796  
for collecting the annual permit fees established in this section 110797  
and may prescribe other requirements necessary to carry out this 110798  
section. 110799

No person shall fail to comply with this division. 110800

(B) All moneys received by the director under division (A) of 110801  
this section shall be credited to the underground injection 110802  
control fund, which is hereby created in the state treasury. 110803  
Beginning July 1, 1992, and annually thereafter, the director 110804  
shall request the office of budget and management to, and the 110805  
office shall, transfer fifteen per cent of the moneys in the fund 110806  
to the ~~injection well review~~ geological mapping fund created in 110807

section ~~1501.022~~ 1505.09 of the Revised Code for the purpose of 110808  
paying the expenses of the department of natural resources 110809  
incurred in executing its duties under sections 6111.043 to 110810  
6111.047 of the Revised Code. The director shall use the remainder 110811  
of the moneys credited to the underground injection control fund 110812  
solely to administer and enforce the requirements of sections 110813  
6111.043 to 6111.047 of the Revised Code and rules adopted under 110814  
them pertaining to class I injection wells. 110815

**Sec. 6111.14.** The director of environmental protection may 110816  
enter into an agreement with a political subdivision or 110817  
investor-owned public utility that owns or operates a disposal 110818  
system and that intends to extend the sewerage lines of its 110819  
disposal system or to increase the number of service connections 110820  
to its sewerage system, which agreement authorizes a qualified 110821  
official or employee of the political subdivision or 110822  
investor-owned public utility, as determined by the director, to 110823  
review plans for the extension of the sewerage system or increase 110824  
in the number of service connections for compliance with this 110825  
chapter and the rules adopted under it and to certify to the 110826  
director whether the plans comply with this chapter and the rules 110827  
adopted under it. If, pursuant to such an agreement, the official 110828  
or employee of the political subdivision or investor-owned public 110829  
utility designated in the agreement certifies to the director that 110830  
the plans comply with this chapter and the rules adopted under it 110831  
and if the plans and certification are accompanied by an 110832  
administrative service fee calculated in accordance with division 110833  
(L)~~(4)~~(2) of section 3745.11 of the Revised Code, the director, by 110834  
final action, shall approve the plans without further review. The 110835  
director or the director's authorized representative may inspect 110836  
the construction or installation of an extension of a sewerage 110837  
system or additional service connections for which plans have been 110838  
approved under this section. 110839

The approval of plans by the director pursuant to this 110840  
section constitutes the approval of the plans for the purposes of 110841  
any rules adopted under division (E) of section 6111.03 of the 110842  
Revised Code that require the approval of plans for extensions of 110843  
sewerage systems or increases in the number of service connections 110844  
to sewerage systems. 110845

As used in this section, "investor-owned public utility" 110846  
means a person, other than an individual, that is a sewage 110847  
disposal system company, as defined in section 4905.03 of the 110848  
Revised Code, and that is not owned or operated by a municipal 110849  
corporation or operated not-for-profit. 110850

**Sec. 6111.30.** (A) Applications for a section 401 water 110851  
quality certification required under division ~~(P)~~(O) of section 110852  
6111.03 of the Revised Code shall be submitted on forms provided 110853  
by the director of environmental protection and shall include all 110854  
information required on those forms as well as all of the 110855  
following: 110856

(1) A copy of a letter from the United States army corps of 110857  
engineers documenting its jurisdiction over the wetlands, streams, 110858  
or other waters of the state that are the subject of the section 110859  
401 water quality certification application; 110860

(2) If the project involves impacts to a wetland, a wetland 110861  
characterization analysis consistent with the Ohio rapid 110862  
assessment method; 110863

(3) If the project involves a stream for which a specific 110864  
aquatic life use designation has not been made, data sufficient to 110865  
determine the existing aquatic life use; 110866

(4) A specific and detailed mitigation proposal, including 110867  
the location and proposed real estate instrument or other 110868  
available mechanism for protecting the property long term; 110869

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| (5) Applicable fees;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 110870                                                                                                                                   |
| (6) Site photographs;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 110871                                                                                                                                   |
| (7) Adequate documentation confirming that the applicant has requested comments from the department of natural resources and the United States fish and wildlife service regarding threatened and endangered species, including the presence or absence of critical habitat;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 110872<br>110873<br>110874<br>110875<br>110876                                                                                           |
| (8) Descriptions, schematics, and appropriate economic information concerning the applicant's preferred alternative, nondegradation alternatives, and minimum degradation alternatives for the design and operation of the project;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 110877<br>110878<br>110879<br>110880                                                                                                     |
| (9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 110881<br>110882<br>110883                                                                                                               |
| (10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 110884<br>110885<br>110886                                                                                                               |
| (B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the director shall review the application to determine if it is complete and shall notify the applicant in writing as to whether the application is complete. If the director fails to notify the applicant within fifteen business days regarding the completeness of the application, the application is considered complete. If the director determines that the application is not complete, the director shall include with the written notification an itemized list of the information or materials that are necessary to complete the application. If the applicant fails to provide the information or materials within sixty days after the director's receipt of the application, the director may return the incomplete application to the applicant and take no further action on the | 110887<br>110888<br>110889<br>110890<br>110891<br>110892<br>110893<br>110894<br>110895<br>110896<br>110897<br>110898<br>110899<br>110900 |

application. If the application is returned to the applicant 110901  
because it is incomplete, the director shall return the review fee 110902  
levied under division (A)(1), (2), or (3) of section 3745.114 of 110903  
the Revised Code to the applicant, but shall retain the 110904  
application fee levied under that section. 110905

(C) Not later than twenty-one days after a determination that 110906  
an application is complete under division (B) of this section, the 110907  
applicant shall publish public notice of the director's receipt of 110908  
the complete application in a newspaper of general circulation in 110909  
the county in which the project that is the subject of the 110910  
application is located. The public notice shall be in a form 110911  
acceptable to the director. The applicant shall promptly provide 110912  
the director with proof of publication. The applicant may choose, 110913  
subject to review by and approval of the director, to include in 110914  
the public notice an advertisement for an antidegradation public 110915  
hearing on the application pursuant to section 6111.12 of the 110916  
Revised Code. There shall be a public comment period of thirty 110917  
days following the publication of the public notice. 110918

(D) If the director determines that there is significant 110919  
public interest in a public hearing as evidenced by the public 110920  
comments received concerning the application and by other requests 110921  
for a public hearing on the application, the director or the 110922  
director's representative shall conduct a public hearing 110923  
concerning the application. Notice of the public hearing shall be 110924  
published by the applicant, subject to review and approval by the 110925  
director, at least thirty days prior to the date of the hearing in 110926  
a newspaper of general circulation in the county in which the 110927  
project that is the subject of the application is to take place. 110928  
If a public hearing is requested concerning an application, the 110929  
director shall accept comments concerning the application until 110930  
five business days after the public hearing. A public hearing 110931  
conducted under this division shall take place not later than one 110932

hundred days after the application is determined to be complete. 110933

(E) The director shall forward all public comments concerning 110934  
an application submitted under this section that are received 110935  
through the public involvement process required by rules adopted 110936  
under this chapter to the applicant not later than five business 110937  
days after receipt of the comments by the director. 110938

(F) The applicant shall respond in writing to written 110939  
comments or to deficiencies identified by the director during the 110940  
course of reviewing the application not later than fifteen days 110941  
after receiving or being notified of them. 110942

(G) The director shall issue or deny a section 401 water 110943  
quality certification not later than one hundred eighty days after 110944  
the complete application for the certification is received. The 110945  
director shall provide an applicant for a section 401 water 110946  
quality certification with an opportunity to review the 110947  
certification prior to its issuance. 110948

(H) The director shall maintain an accessible database that 110949  
includes environmentally beneficial water restoration and 110950  
protection projects that may serve as potential mitigation 110951  
projects for projects in the state for which a section 401 water 110952  
quality certification is required. A project's inclusion in the 110953  
database does not constitute an approval of the project. 110954

(I) Mitigation required by a section 401 water quality 110955  
certification may be accomplished by any of the following: 110956

(1) Purchasing credits at a mitigation bank approved in 110957  
accordance with 33 C.F.R. 332.8; 110958

(2) Participating in an in-lieu fee mitigation program 110959  
approved in accordance with 33 C.F.R. 332.8; 110960

(3) Constructing individual mitigation projects. 110961

Notwithstanding the mitigation hierarchy specified in section 110962

3745-1-54 of the Administrative Code, mitigation projects shall be approved in accordance with the hierarchy specified in 33 C.F.R. 332.3 unless the director determines that the size or quality of the impacted resource necessitates reasonably identifiable, available, and practicable mitigation conducted by the applicant. The director shall adopt rules in accordance with Chapter 119. of the Revised Code consistent with the mitigation hierarchy specified in 33 C.F.R. 332.3.

(J) The director may establish a program and adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of certifying water quality professionals to assess streams to determine existing aquatic life use and to categorize wetlands in support of applications for section 401 water quality certification under divisions (A)(2) and (3) of this section and isolated wetland permits under sections 6111.022 to 6111.024 of the Revised Code. The director shall use information submitted by certified water quality professionals in the review of those applications.

Rules adopted under this division shall do all of the following:

(1) Provide for the certification of water quality professionals to conduct activities in support of applications for section 401 water quality certification and isolated wetland permits, including work necessary to determine existing aquatic life use of streams and categorize wetlands. Rules adopted under division (J)(1) of this section shall do at least all of the following:

(a) Authorize the director to require an applicant for water quality professional certification to submit information considered necessary by the director to assess a water quality professional's experience in conducting stream assessments and wetlands categorizations;

|                                                                                                                                                                                                                                                                                                                                                     |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (b) Authorize the director to establish experience requirements and to use tests to determine the competency of applicants for water quality professional certification;                                                                                                                                                                            | 110995<br>110996<br>110997                               |
| (c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements;                                                                                                                                 | 110998<br>110999<br>111000<br>111001                     |
| (d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials;                                                                                            | 111002<br>111003<br>111004<br>111005<br>111006           |
| (e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal.                                                                                                                                                                                          | 111007<br>111008<br>111009                               |
| (2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications; | 111010<br>111011<br>111012<br>111013<br>111014<br>111015 |
| (3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section;                                     | 111016<br>111017<br>111018<br>111019<br>111020<br>111021 |
| (4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;                                                                                                                                   | 111022<br>111023<br>111024<br>111025                     |

(5) Require a certified water quality professional to submit any documentation developed in support of an application for a section 401 water quality certification or an isolated wetland permit upon the request of the director;

(6) Authorize random audits by the director of documentation developed or submitted by certified water quality professionals to ensure compliance with requirements established in rules adopted under division (J)(7) of this section;

(7) Establish technical standards to be used by certified water quality professionals in conducting stream assessments and wetlands categorizations.

(K) As used in this section and section 6111.31 of the Revised Code, "section 401 water quality certification" means certification pursuant to section 401 of the Federal Water Pollution Control Act and this chapter and rules adopted under it that any discharge, as set forth in section 401, will comply with sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

**Sec. 6111.561.** (A) As used in sections 6111.561 to 6111.654 of the Revised Code:

(1) "NPDES" means national pollutant discharge elimination system.

(2) "TMDL" means total maximum daily load.

(B) The director of environmental protection shall develop and establish a TMDL for waters of the state where required under section 1313(d) of the Federal Water Pollution Control Act. The director shall establish a TMDL only for pollutants that the administrator of the United States environmental protection agency has identified under section 1314(a)(2) of that act as suitable for such calculation. The director may modify a TMDL subsequent to

the establishment of the TMDL in accordance with division (G) of section 6111.563 of the Revised Code. The development, establishment, or modification of a TMDL is not subject to the rule adoption, amendment, and rescission procedures under Chapters 106., 111., 119., and 121. of the Revised Code. The director shall develop any plans or actions necessary for implementing a TMDL in accordance with this chapter.

The director shall establish each TMDL at a level necessary to achieve the applicable water quality standards for which the water of the state is impaired that accounts for seasonal variations, a margin of safety, and lack of knowledge concerning the relationship between effluent limitations and water quality.

The establishment of a final TMDL by the director is not a final action of the director and does not have the force and effect of law, but may be challenged in accordance with section 6111.564 of the Revised Code.

(C) A TMDL submitted to and approved by the United States environmental protection agency prior to March 24, 2015, is valid and remains in full force and effect as approved. The director may modify such a TMDL, but a modification of the TMDL shall be developed in accordance with sections 6111.562 and 6111.563 of the Revised Code. The TMDL, as established, and any modification of the TMDL, is not subject to the rule adoption, amendment, and rescission procedures of Chapters 106., 111., 119., and 121. of the Revised Code.

**Sec. 6111.562.** (A)(1) The director of environmental protection shall provide notice of and opportunity for input from potentially affected dischargers, county soil and water conservation districts, and other stakeholders during the development of a TMDL after March 24, 2015, at each of the following stages of development of a TMDL and plans and actions

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <u>necessary for TMDL implementation:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                          | 111087                                                                       |
| <u>(a) The project assessment study plan, including portions of the plan that seek to determine the causes and sources of impairments or threats;</u>                                                                                                                                                                                                                                                                                                                              | 111088<br>111089<br>111090                                                   |
| <u>(b) The biological and water quality study report or its equivalent;</u>                                                                                                                                                                                                                                                                                                                                                                                                        | 111091<br>111092                                                             |
| <u>(c) The loading analysis plan, including, but not limited to, the proposed modeling approach and the water quality restoration targets, goals, or criteria;</u>                                                                                                                                                                                                                                                                                                                 | 111093<br>111094<br>111095                                                   |
| <u>(d) The preliminary modeling results including any management choices, load allocations, wasteload allocations, allowances for margin of safety and future growth, and permit limits necessary to achieve a water quality target, goal, or criterion and the preliminary TMDL implementation plan establishing specific actions, schedules, and monitoring proposed to effectuate a TMDL.</u>                                                                                   | 111096<br>111097<br>111098<br>111099<br>111100<br>111101                     |
| <u>The director shall allow not less than thirty days for input at each stage described in divisions (A)(1)(a) to (d) of this section.</u>                                                                                                                                                                                                                                                                                                                                         | 111102<br>111103<br>111104                                                   |
| <u>(2) The director shall make available to stakeholders documentation, including, but not limited to, data and modeling that was relied on during each stage of development of a TMDL and plans and actions necessary for TMDL implementation, as described in divisions (A)(1)(a) to (d) of this section. The director also shall make the documentation available on the environmental protection agency's web site, to the extent the director determines it is practical.</u> | 111105<br>111106<br>111107<br>111108<br>111109<br>111110<br>111111<br>111112 |
| <u>(3) The director shall provide at least two opportunities for stakeholder input on a TMDL and the plans and actions necessary for TMDL implementation if the stages described in divisions (A)(1)(a) to (d) of this section have been completed but the TMDL</u>                                                                                                                                                                                                                | 111113<br>111114<br>111115<br>111116                                         |

has not been submitted to the United States environmental 111117  
protection agency for approval prior to the effective date of this 111118  
section. 111119

As used in this section, "input" means opportunity for 111120  
comment and, if warranted by the level of interest or nature of 111121  
the comments, input includes meetings with stakeholders. 111122

(B) In developing wasteload and load allocations in 111123  
connection with a TMDL, and in evaluating plans and actions 111124  
necessary for TMDL implementation, the director of environmental 111125  
protection shall consider and evaluate, at a minimum, all of the 111126  
following factors: 111127

(1) The relative contribution of pollutant loading between 111128  
point sources and nonpoint sources; 111129

(2) The flow dynamics, including but not limited to, periodic 111130  
or seasonal flow variations, runoff, groundwater, and hydrologic 111131  
or channel modifications; 111132

(3) The degree to which point source reductions would 111133  
influence attainment of applicable water quality standards for 111134  
which the water of the state is impaired; 111135

(4) The degree to which nonpoint source reductions would 111136  
influence attainment of the applicable water quality standards for 111137  
which the water of the state is impaired; 111138

(5) Reasonable assurances that reductions can be implemented; 111139

(6) The site of the impairment relative to the location of 111140  
the source; 111141

(7) The degree to which habitat affects impairment and 111142  
restoration potential. 111143

(C) Unless inconsistent with the Federal Water Pollution 111144  
Control Act or this chapter, and in addition to the factors 111145  
described in division (A) of this section, when developing 111146

wasteload and load allocations, pollution control measures to 111147  
achieve pollutant load reductions, and implementation plans and 111148  
schedules, the director shall consider and evaluate, at a minimum, 111149  
all of the following: 111150

(1) The feasibility of available demonstrated treatment 111151  
technology to achieve the degree of pollutant treatment removal 111152  
necessary to attain the point source reduction recommended in the 111153  
TMDL wasteload allocation; 111154

(2) Sources of funding available for point and nonpoint 111155  
sources; 111156

(3) Alternative approaches and actions for point and nonpoint 111157  
sources to achieve TMDL-recommended pollutant reductions, 111158  
agreements between and among point and nonpoint sources to jointly 111159  
achieve pollutant load reductions, and adaptive management; 111160

(4) The implementation of the recommended wasteload 111161  
reductions over multiple NPDES permit renewals to achieve 111162  
compliance with water quality standards, as appropriate, to 111163  
mitigate potential economic impacts of the TMDL's recommended load 111164  
reductions on such sources; 111165

(5) The estimated economic impact, on a categorical basis, on 111166  
governmental subdivisions, point sources, agricultural operations, 111167  
and nonpoint sources; 111168

(6) Information submitted by indirect dischargers or other 111169  
stakeholders relating but not limited to cost, economic impact, 111170  
environmental benefit, and technical feasibility. 111171

**Sec. 6111.563.** (A) Before establishing a final TMDL and plans 111172  
and actions necessary for TMDL implementation, the director of 111173  
environmental protection shall prepare an official draft TMDL. The 111174  
official draft TMDL shall include, at a minimum, both of the 111175  
following: 111176

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>(1) An estimate of the total amount of each pollutant that</u>         | 111177 |
| <u>causes water quality impairment from all sources;</u>                  | 111178 |
| <u>(2) An estimate of the total amount of pollutants that may be</u>      | 111179 |
| <u>added to the water of the state while still allowing the water of</u>  | 111180 |
| <u>the state to achieve and maintain applicable water quality</u>         | 111181 |
| <u>standards.</u>                                                         | 111182 |
| <u>(B) The director shall provide all of the following:</u>               | 111183 |
| <u>(1) Public notice of the official draft TMDL. At a minimum,</u>        | 111184 |
| <u>the director shall send the public notice to all individual NPDES</u>  | 111185 |
| <u>permit holders that discharge into the water of the state to which</u> | 111186 |
| <u>the official draft TMDL relates, all significant industrial users</u>  | 111187 |
| <u>listed in the permit holders' annual report, and any other</u>         | 111188 |
| <u>stakeholder that has provided input in accordance with section</u>     | 111189 |
| <u>6111.562 of the Revised Code.</u>                                      | 111190 |
| <u>(2) A time period for comment of not less than sixty days on</u>       | 111191 |
| <u>the official draft TMDL;</u>                                           | 111192 |
| <u>(3) An opportunity for a public hearing regarding the</u>              | 111193 |
| <u>official draft TMDL if there is significant public interest, as</u>    | 111194 |
| <u>determined by the director.</u>                                        | 111195 |
| <u>(C) The director shall specify both of the following in the</u>        | 111196 |
| <u>public notice required under division (B)(1) of this section:</u>      | 111197 |
| <u>(1) The water of the state to which the official draft TMDL</u>        | 111198 |
| <u>relates;</u>                                                           | 111199 |
| <u>(2) The time, date, and location of the public hearing, if</u>         | 111200 |
| <u>applicable.</u>                                                        | 111201 |
| <u>(D) After the time period for comment expires on an official</u>       | 111202 |
| <u>draft TMDL, the director shall prepare and make available a</u>        | 111203 |
| <u>written responsiveness summary of the comments.</u>                    | 111204 |
| <u>(E)(1) After conclusion of the public comment period,</u>              | 111205 |
| <u>completion of the responsiveness summary under division (D) of</u>     | 111206 |

this section, completion of any public hearing, and if the 111207  
director determines it is appropriate to complete the TMDL, the 111208  
director shall establish a final TMDL. 111209

(2) The director shall modify a TMDL that is successfully 111210  
challenged under section 6111.564 of the Revised Code and to which 111211  
no further appeals are available to conform to the final decision 111212  
of the highest tribunal of competent jurisdiction. The director 111213  
then shall submit the modified TMDL to the United States 111214  
environmental protection agency for approval. 111215

(F) When establishing schedules of compliance in NPDES 111216  
permits necessary to meet TMDL-based limits or conditions, the 111217  
director shall consider the likelihood of a legal challenge based 111218  
on comments received during the development of the TMDL or during 111219  
the public comment period on a draft NPDES permit. The director 111220  
also shall consider the likely time before an appeal is concluded. 111221

(G) The director may modify an official draft, final, or 111222  
United States environmental protection agency approved TMDL. A 111223  
modification, other than a modification consistent with comments 111224  
received, is subject to the same notice, comment, and public 111225  
hearing requirements of divisions (B), (C), and (D) of this 111226  
section that apply to an official draft TMDL and is subject to 111227  
rules adopted under division (H) of this section. A revised 111228  
effluent limit, pretreatment limit, or other term or condition 111229  
based on such a modification may be challenged in accordance with 111230  
section 6111.564 of the Revised Code. 111231

(H) Not later than December 31, 2018, the director shall 111232  
adopt rules in accordance with Chapter 119. of the Revised Code 111233  
that establish both of the following: 111234

(1) Procedures for providing notice to stakeholders; 111235

(2) Criteria for determining significant public interest in 111236  
TMDL development. 111237

Sec. 6111.564. (A) A final TMDL established by the director 111238  
of environmental protection or a United States environmental 111239  
protection agency approved TMDL may be challenged during the 111240  
appeal of an NPDES permit containing TMDL-based effluent limits, 111241  
pretreatment limits derived therefrom, or other terms and 111242  
conditions based on that TMDL before the environmental review 111243  
appeals commission in accordance with Chapter 3745. of the Revised 111244  
Code. 111245

(B) In the case of a TMDL-based permit appeal by a publicly 111246  
owned treatment works, the environmental review appeals commission 111247  
shall join as parties to the appeal, subject to a right of 111248  
voluntary dismissal, all significant industrial users listed in 111249  
those NPDES permit holders' annual pretreatment program reports 111250  
who are known to discharge a significant amount of a pollutant 111251  
limited by the TMDL into the publicly owned treatment works. 111252

(C)(1) In the case of an NPDES permit issued in draft or 111253  
final form to a publicly owned treatment works that contains 111254  
TMDL-based effluent limits, pretreatment limits derived therefrom, 111255  
or other terms and conditions based on that TMDL, the director 111256  
shall notify the NPDES permit holder and all significant 111257  
industrial users listed in that NPDES permit holder's annual 111258  
pretreatment program report that are known to discharge a 111259  
significant amount of a pollutant recommended to be limited by the 111260  
TMDL and for whom a new or modified pretreatment limit may be 111261  
required. 111262

(2) The director shall include in the notice, at a minimum, 111263  
both of the following: 111264

(a) A statement that the TMDL-based effluent limits or other 111265  
terms and conditions based on the TMDL may result in more 111266  
stringent direct or indirect discharge limits; 111267

(b) A statement that notifies the significant industrial 111268

users that an appeal of the NPDES permit may be filed by a 111269  
significant industrial user with the environmental review appeals 111270  
commission in accordance with Chapter 3745. of the Revised Code. 111271

(D)(1) A direct or indirect discharger pursuing an appeal or 111272  
an indirect discharger joined to an appeal shall not be dismissed 111273  
from the proceeding on grounds that the matter is not ripe for 111274  
review. 111275

(2) A challenge of TMDL based effluent limits, pretreatment 111276  
limits derived therefrom, or other terms and conditions based on 111277  
that TMDL during the appeal of an NPDES permit shall not be 111278  
dismissed on grounds that the matter is not ripe for review. 111279

**Sec. 6117.38.** ~~(A) At any time after~~ (1) After the formation 111280  
of any county sewer district, the board of county commissioners,  
~~when it considers it appropriate, on application by a person or~~ 111281  
~~public agency for the provision of sewerage or drainage to~~ 111282  
~~properties of the person or public agency located outside of the~~ 111283  
~~district,~~ may contract with the a person, political subdivision, 111284  
unincorporated area, or public agency located outside of the 111285  
district for depositing any of the following: 111286  
111287

(a) Depositing sewage or drainage from ~~those properties~~ 111288  
outside of the district in facilities acquired or constructed or 111289  
to be acquired or constructed by the county to serve the district 111290  
~~and for the;~~ 111291

(b) The treatment, disposal, and disposition of the sewage or 111292  
drainage, on terms that the board considers equitable; 111293

(c) The provision of water supply services. ~~The~~ 111294

(2) A person, political subdivision, unincorporated area, or 111295  
public agency located outside of a county sewer district may apply 111296  
to the board of county commissioners for the provision of the 111297  
services specified in division (A)(1)(a), (b), or (c) of this 111298

section. 111299

(3) The amount to be paid by the person, political 111300  
subdivision, unincorporated area, or public agency to reimburse 111301  
the county for costs of acquiring or constructing those facilities 111302  
shall not be less than the original or comparable assessment for 111303  
similar property within the district or, in the absence of an 111304  
original or comparable assessment, an amount that is found by the 111305  
board to be reasonable and fairly reflective of that portion of 111306  
the cost of those facilities attributable to the properties to be 111307  
served. The board shall appropriate any moneys received for that 111308  
service to and for the use and benefit of the district. The board 111309  
may collect the amount to be paid by the person, political 111310  
subdivision, unincorporated area, or public agency in full, in 111311  
cash or in installments as a part of a connection charge to be 111312  
collected in accordance with division (B) or (D) of section 111313  
6117.02 of the Revised Code, or if the properties to be served are 111314  
located within the county, the same amount may be assessed against 111315  
those properties, and, in that event, the manner of making the 111316  
assessment, together with the notice of it, shall be as provided 111317  
in this chapter. 111318

(B) Whenever sanitary or drainage facilities or prevention or 111319  
replacement facilities have been acquired or constructed by, and 111320  
at the expense of, a person, political subdivision, unincorporated 111321  
area, or public agency and the board considers it appropriate to 111322  
acquire the facilities or any part of them for the purpose of 111323  
providing sewerage or drainage service to territory within a sewer 111324  
district, the county sanitary engineer, at the direction of the 111325  
board, shall examine the facilities. If the county sanitary 111326  
engineer finds the facilities properly designed and constructed, 111327  
the county sanitary engineer shall certify that fact to the board. 111328  
The board may determine to purchase the facilities or any part of 111329  
them at a cost that, after consultation with the county sanitary 111330

engineer, it finds to be reasonable. 111331

Subject to and in accordance with this division and division 111332  
(B) or divisions (C), (D), and (E) of section 6117.06 of the 111333  
Revised Code, the board may purchase the facilities or any part of 111334  
them by negotiation. For the purpose of paying the cost of their 111335  
acquisition, the board may issue or incur public obligations and 111336  
assess the entire cost, or a lesser designated part of the cost, 111337  
of their acquisition against the benefited properties in the 111338  
manner provided in this chapter for the construction of original 111339  
or comparable facilities. 111340

(C) As used in this section, "located outside of the 111341  
district" includes an area located in a different county than the 111342  
county in which the county sewer district is located. 111343

**Sec. 6301.01.** As used in this chapter: 111344

(A) "Local area" means ~~any of the following:~~ 111345

~~(1) A municipal corporation that is authorized to administer 111346~~  
~~and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 111347~~  
~~29 U.S.C.A. 2801, as amended, under this chapter and is not 111348~~  
~~joining in partnership with any other political subdivisions in 111349~~  
~~order to do so; 111350~~

~~(2) A single county; 111351~~

~~(3) A consortium of any of the following political 111352~~  
~~subdivisions: 111353~~

~~(a) A group of two or more counties in the state; 111354~~

~~(b) One or more counties and one municipal corporation in the 111355~~  
~~state; 111356~~

~~(c) One or more counties with or without one municipal 111357~~  
~~corporation in the state and one or more counties with or without 111358~~  
~~one municipal corporation in another state, on the condition that 111359~~

~~those in another state share a labor market area with those in the state.~~ 111360  
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~~"Local area" does not mean a region for purposes of determinations concerning administrative incentives.~~ 111362  
111363

~~(B) "Municipal corporation" means a municipal corporation that is eligible for automatic or temporary designation as a local workforce investment area pursuant to section 116(a)(2) or (3) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2831(a)(2) or (3), but that does not request that the governor grant such automatic or temporary designation, and that instead elects to administer and enforce workforce development activities pursuant to this chapter.~~ 111364  
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~~(C) "County" means a county that is eligible to be designated as a local workforce investment area pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, but that does not request such designation, and instead elects to administer and enforce workforce development activities pursuant to this chapter.~~ 111372  
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~~(D) "Workforce development agency" means the entity given responsibility for workforce development activities that is designated by the board of county commissioners in accordance with section 330.04 of the Revised Code, the chief elected official of a municipal corporation in accordance with section 763.05 of the Revised Code, or the chief elected officials of a local area defined in division (A)(3) of this section a local workforce development area designated under section 106 of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3121, pursuant to this chapter.~~ 111378  
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~~(E)(B) "Workforce development activity" means a program, grant, or other function, the primary goal of which is to do one or more of the following:~~ 111388  
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|                                                                                      |        |
|--------------------------------------------------------------------------------------|--------|
| <del>(1) Help individuals maximize their employment opportunities;</del>             | 111391 |
| <del>(2) Help employers gain access to skilled workers;</del>                        | 111392 |
| <del>(3) Help employers retain skilled workers;</del>                                | 111393 |
| <del>(4) Help develop or enhance the skills of incumbent workers;</del>              | 111394 |
| <del>(5) Improve the quality of the state's workforce;</del>                         | 111395 |
| <del>(6) Enhance the productivity and competitiveness of the</del>                   | 111396 |
| <del>state's economy <u>an activity carried out through a workforce</u></del>        | 111397 |
| <del><u>development system.</u></del>                                                | 111398 |
| <del>(F)(C) "Chief elected <u>official or officials,</u>" when used in</del>         | 111399 |
| <del>reference to a local area, means the <u>board of county commissioners</u></del> | 111400 |
| <del>of the county or of each county in the local area or, if the</del>              | 111401 |
| <del>county has adopted a charter under Section 3 of Article X, Ohio</del>           | 111402 |
| <del>Constitution, the chief governing body of that county, and the</del>            | 111403 |
| <del>chief elected official of the municipal corporation, if the local</del>         | 111404 |
| <del>area includes a municipal corporation, except that when the local</del>         | 111405 |
| <del>area is the type defined in division (A)(1) of this section,</del>              | 111406 |
| <del>"chief elected officials" means the chief elected official of the</del>         | 111407 |
| <del>municipal corporation <u>chief elected executive officer of a unit of</u></del> | 111408 |
| <del><u>general local government in the local area or, in the case of a</u></del>    | 111409 |
| <del><u>local area that includes more than one unit of general local</u></del>       | 111410 |
| <del><u>government, the individual or individuals designated under an</u></del>      | 111411 |
| <del><u>agreement described in section 107 of the Workforce Innovation and</u></del> | 111412 |
| <del><u>Opportunity Act, 29 U.S.C. 3122.</u></del>                                   | 111413 |
| <del>(G)(D) "State board" means the governor's executive workforce</del>             | 111414 |
| <del>board <u>established by required under section 101 of the Workforce</u></del>   | 111415 |
| <del><u>Innovation and Opportunity Act, 29 U.S.C. 3111, and established</u></del>    | 111416 |
| <del><u>pursuant to section 6301.04 of the Revised Code.</u></del>                   | 111417 |
| <del>(H)(E) "Local board" means a local workforce <u>investment</u></del>            | 111418 |
| <del><u>development board established in each local area of the state and</u></del>  | 111419 |
| <del><u>certified by the governor to set policy for the portion of the</u></del>     | 111420 |

~~statewide workforce investment system within the local area and~~ 111421  
~~implement the "Workforce Investment Act of 1998," 112 Stat. 936,~~ 111422  
~~29 U.S.C. 2801~~ under section 107 of the Workforce Innovation and 111423  
Opportunity Act, 29 U.S.C. 3122. 111424

~~(F)~~(F) "OhioMeansJobs web site" means the statewide 111425  
electronic system for labor exchange and job placement activity 111426  
operated by the state. 111427

(G) "OhioMeansJobs center" means a physical one-stop center 111428  
described in section 121(e)(2) of the Workforce Innovation and 111429  
Opportunity Act, 29 U.S.C. 3151(e)(2). 111430

(H) "OhioMeansJobs center operator" means an entity or a 111431  
consortium of entities designated or certified through a 111432  
competitive process to operate a one-stop center under section 111433  
121(d) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 111434  
3151(d). 111435

(I) "Planning region" means an area consisting of two or more 111436  
local areas that are collectively aligned to engage in the 111437  
regional planning process outlined in section 106(c)(1) of the 111438  
Workforce Innovation and Opportunity Act, 29 U.S.C. 3121(c)(1). 111439

(J) "Workforce Innovation and Opportunity Act" means the 111440  
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 111441  
seq., or other citation as specifically provided. 111442

**Sec. 6301.02.** The director of job and family services shall 111443  
administer the Workforce Innovation and Opportunity Act, the 111444  
former "Workforce Investment Act of 1998," 112 Stat. 936, 29 111445  
U.S.C.A. 2801 Pub. L. No. 105-220, as amended, and the 111446  
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 111447  
amended, and the funds received pursuant to those acts. In 111448  
administering those acts and funds received pursuant to those 111449  
acts, the director shall assist the state board in establishing 111450

and administering a workforce development system that is designed 111451  
to provide leadership, support, and oversight to locally designed 111452  
workforce development systems. The director shall conduct 111453  
investigations and hold hearings as necessary for the 111454  
administration of this chapter. 111455

To the extent permitted by state and federal law, the 111456  
director may adopt rules pursuant to Chapter 119. of the Revised 111457  
Code to establish any program or pilot program for the purposes of 111458  
providing workforce development activities or ~~family services to~~ 111459  
~~individuals who do not meet eligibility criteria for those~~ 111460  
~~activities or~~ services under applicable federal law. Prior to the 111461  
initiation of any program of that nature, the director of budget 111462  
and management shall certify to the governor that sufficient funds 111463  
are available to administer a program of that nature. The director 111464  
of job and family services shall advise the state board ~~shall have~~ 111465  
~~final approval~~ of any such program. 111466

Unless otherwise prohibited by state or federal law, every 111467  
state agency, board, or commission shall provide to the state 111468  
board and the director all information and assistance requested by 111469  
the state board and the director in furtherance of workforce 111470  
development activities. 111471

**Sec. 6301.03.** (A) In administering the Workforce Innovation 111472  
and Opportunity Act, the former "Workforce Investment Act of 111473  
1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as 111474  
amended, and the "Wagner-Peyser Act," 48 Stat. 113 (1933), 29 111475  
U.S.C.A. 49, as amended, the funds received pursuant to those 111476  
acts, and the workforce development system, the director of job 111477  
and family services may, ~~at the direction of~~ in consultation with 111478  
the state board, make allocations and payment of funds for the 111479  
local administration of the workforce development activities 111480  
established under this chapter. 111481

(B) The director shall allocate to local areas all funds 111482  
required to be allocated to local areas pursuant to the Workforce 111483  
Innovation and Opportunity Act, and the former "Workforce 111484  
Investment Act of 1998," 112 Stat. 936, ~~29 U.S.C.A. 2801~~ Pub. L. 111485  
No. 105-220, as amended. The director shall make allocations only 111486  
with funds available. Local areas, as defined by either section 111487  
101 of the former "Workforce Investment Act of 1998," 112 Stat. 111488  
936, ~~29 U.S.C.A. 2801~~ Pub. L. No. 105-220, as amended, or section 111489  
6301.01 of the Revised Code, and subrecipients of a local area 111490  
shall establish a workforce development fund and the entity 111491  
receiving funds shall deposit all funds received under this 111492  
section into the workforce development fund. All expenditures for 111493  
activities funded under this section shall be made from the 111494  
workforce development fund, including reimbursements to a county 111495  
public assistance fund for expenditures made for activities funded 111496  
under this section. 111497

(C) The use of funds, reporting requirements, and other 111498  
administrative and operational requirements governing the use of 111499  
funds received by the director pursuant to this section shall be 111500  
governed by internal management rules adopted by ~~and approved by~~ 111501  
the ~~state board~~ director pursuant to section 111.15 of the Revised 111502  
Code. 111503

(1) A local area described in division (B) of this section 111504  
shall use the OhioMeansJobs web site as the labor exchange and job 111505  
placement system for the area. 111506

(2) No additional federal or state workforce funds shall be 111507  
used to build or maintain any labor exchange and job placement 111508  
system that is duplicative to the OhioMeansJobs web site. 111509

(3) The OhioMeansJobs web site shall include a link to the 111510  
labor exchange and job placement activity web site for veterans 111511  
established by the department of veterans services under section 111512  
5902.09 of the Revised Code. The OhioMeansJobs web site shall not 111513

include a veterans' labor exchange and job placement function 111514  
independent of the web site established and maintained under that 111515  
section. 111516

(D) To the extent permitted by state or federal law, the 111517  
director, and local areas, counties, and municipal corporations 111518  
authorized to administer workforce development activities may 111519  
assess a fee for specialized services requested by an employer. 111520  
The director shall adopt rules pursuant to Chapter 119. of the 111521  
Revised Code governing the nature and amount of those types of 111522  
fees. 111523

**Sec. 6301.04.** (A) The governor shall establish a state board 111524  
and. The state board shall consist of the following members: 111525

(1) The governor; 111526

(2) Two members of the house of representatives, appointed by 111527  
the speaker of the house of representatives; 111528

(3) Two members of the senate, appointed by the president of 111529  
the senate; 111530

(4) Members required under section 101(b)(1)(C) of the 111531  
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C); 111532

(5) Any additional members appointed by the governor. 111533

(B) The governor shall appoint members to the board, who 111534  
serve at the governor's pleasure, to perform duties under the 111535  
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 111536  
2801, as amended Workforce Innovation and Opportunity Act, as 111537  
authorized by the governor. ~~The~~ 111538

(C) The board is not subject to sections 101.82 to 101.87 of 111539  
the Revised Code. All 111540

(D) All state agencies engaged in workforce development 111541  
activities shall assist the board in the performance of its 111542

duties. 111543

~~(E) The board shall have the power and authority to do all of the following:~~ 111544  
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~~(A) Provide oversight and policy direction to ensure that the state workforce development activities are aligned and serving the needs of the state's employers, incumbent workers, and job seekers;~~ 111546  
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~~(B) Adopt rules necessary to administer state workforce development activities;~~ 111550  
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~~(C) Adopt rules necessary for the auditing and monitoring of subrecipients of the workforce development system grant funds;~~ 111552  
111553

~~(D) Designate local workforce investment areas in accordance with 29 U.S.C. 2831;~~ 111554  
111555

~~(E) Develop a unified budget for all state and federal workforce funds;~~ 111556  
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~~(F) Establish a statewide employment and data collection system;~~ 111558  
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~~(G) Develop statewide performance measures for workforce development and investment;~~ 111560  
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~~(H)(1) Develop a, implement, and modify the state workforce development plan;~~ 111562  
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~~(I) Prepare the annual report to the United States secretary of labor, pursuant to section 136(d) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2871, as amended;~~ 111564  
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~~(J) Carry out any additional functions, duties, or responsibilities assigned to the board by the governor (2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system;~~ 111567  
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(3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures; 111573  
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(4) Continue to identify and disseminate information on promising practices in the area of workforce development; 111577  
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(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor. 111579  
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**Sec. 6301.05.** The chief elected official of a local area shall enter into a written grant agreement with the director of job and family services in accordance with section 5101.20 of the Revised Code. 111582  
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A grant agreement entered into pursuant to this section shall include the responsibility of ~~municipal corporations and the board of county commissioners~~ the chief elected official or officials to be accountable to the department of job and family services for the use of funds provided through the ~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801,~~ as amended Workforce Innovation and Opportunity Act, including regulations issued by the United States department of labor pursuant to that act. 111586  
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**Sec. 6301.06.** (A) The chief elected official or officials of a local area shall create a local board, ~~which shall consist of the following individuals:~~ 111594  
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~~(1) The chief elected official from the municipal corporation with the largest population in the local area, except that if the municipal corporation is a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, the chief elected official of that municipal corporation may determine whether to be a member of the board. Notwithstanding division (B) of section~~ 111597  
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~~6301.01 of the Revised Code, as used in division (A)(1) of this section, "municipal corporation" means any municipal corporation.~~ 111603  
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~~(2) The following individuals appointed to the board by the chief elected officials of the local area, who shall make those appointments according to all of the following specifications:~~ 111605  
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~~(a) At least five members of the board shall be representatives of private sector businesses in the general labor market area that includes that local area, and shall be appointed from among individuals nominated by local business organizations and business trade associations. Among these members, at least one shall represent small businesses, at least one shall represent medium sized businesses, and at least one shall represent large businesses. When determining what constitutes small, medium sized, and large businesses for purposes of this division, the chief elected officials of the local area shall define those sizes as those sizes are generally understood within the labor market area that includes that local area. A majority of the members of the board shall be representatives of private sector businesses.~~ 111608  
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~~(b) At least two members of the board shall represent organized labor and shall be appointed from nominations submitted by local federations of labor representing workers employed in the local area.~~ 111621  
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~~(c) At least two members of the board shall be representatives of local educational entities. For purposes of this division, "local educational entities" includes local educational agencies, school district boards of education, entities providing educational and literacy activities, and post-secondary educational institutions.~~ 111625  
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~~(d) At least one member of the board shall be a representative of consumers of workforce development activities.~~ 111631  
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~~(e) Any other individuals the chief elected officials of the~~ 111633

~~local area determine are necessary to carry out the functions~~ 111634  
~~described in section 107(d) of the Workforce Innovation and~~ 111635  
~~Opportunity Act, 29 U.S.C. 3122(d). The chief elected official or~~ 111636  
~~officials shall appoint members of the local board in accordance~~ 111637  
~~with the requirements of section 107(b)(2) of the Workforce~~ 111638  
~~Innovation and Opportunity Act, 29 U.S.C. 3122(b)(2).~~ 111639

(B) Members of the local board serve at the pleasure of the 111640  
chief elected official or officials of the local area. Members 111641  
shall not be compensated but may be reimbursed for actual, 111642  
reasonable, and necessary expenses incurred in the performance of 111643  
their duties as board members. Those expenses shall be paid from 111644  
funds allocated pursuant to section 6301.03 of the Revised Code. 111645

The chief elected official or officials of a local area may 111646  
provide office space, staff, or other administrative support as 111647  
needed to the board. For purposes of section 102.02 of the Revised 111648  
Code, members of the board are not public officials or employees. 111649

(C) The chief elected official or officials of a local area 111650  
~~other than a local area as defined in division (A)(1) of section~~ 111651  
~~6301.01 of the Revised Code, shall coordinate the workforce~~ 111652  
~~development activities of the county family services planning~~ 111653  
~~committees and the local boards in the local area in any manner~~ 111654  
~~that is efficient and effective to meet the needs of the local~~ 111655  
~~area. The chief elected officials of the local area may, but are~~ 111656  
~~not required to, consolidate all boards and committees as they~~ 111657  
~~determine appropriate into a single board for purposes of~~ 111658  
~~workforce development activities. A majority of the members of~~ 111659  
~~that consolidated board shall represent private sector businesses.~~ 111660  
~~The membership of that consolidated board shall include a~~ 111661  
~~representative from each group granted representation as described~~ 111662  
~~in division (A) of this section and also a member who represents~~ 111663  
~~consumers of family services and a member who represents the~~ 111664  
~~county department of job and family services. The membership of~~ 111665

~~that consolidated board may include a representative of one or  
more groups and entities that may be represented on a county  
family services planning committee, as specified in section 329.06  
of the Revised Code shall adopt a process for appointing members  
to the local board for the local area.~~

(D)(1) The requirement in division (C) of section 121.22 of  
the Revised Code that a member of a public body be present in  
person at a meeting open to the public to be part of a quorum or  
to vote does not apply to the local board if the board holds the  
meeting by interactive video conference or by teleconference in  
the following manner:

(a) The board establishes a primary meeting location that is  
open and accessible to the public.

(b) Meeting-related materials that are available before the  
meeting are sent via electronic mail, facsimile, hand delivery, or  
United States postal service to each board member.

(c) In the case of an interactive video conference, the board  
causes a clear video and audio connection to be established that  
enables all meeting participants at the primary meeting location  
to see and hear each board member.

(d) In the case of a teleconference, the board causes a clear  
audio connection to be established that enables all meeting  
participants at the primary meeting location to hear each board  
member.

(e) All board members have the capability to receive  
meeting-related materials that are distributed during a board  
meeting.

(f) A roll call voice vote is recorded for each vote taken.

(g) The minutes of the board meeting identify which board  
members remotely attended the meeting by interactive video

conference or teleconference. 111696

If the board proceeds under this division, use of an 111697  
interactive video conference is preferred, but nothing in this 111698  
section prohibits the board from conducting its meetings by 111699  
teleconference or by a combination of interactive video conference 111700  
and teleconference at the same meeting. 111701

(2) The board shall adopt rules necessary to implement 111702  
division (D)(1) of this section. At a minimum, the board shall do 111703  
all of the following in the rules: 111704

(a) Authorize board members to remotely attend a board 111705  
meeting by interactive video conference or teleconference, or by a 111706  
combination thereof, in lieu of attending the meeting in person; 111707

(b) Establish a minimum number of board members that must be 111708  
physically present in person at the primary meeting location if 111709  
the board conducts a meeting by interactive video conference or 111710  
teleconference; 111711

(c) Require that not more than one board member remotely 111712  
attending a board meeting by teleconference is permitted to be 111713  
physically present at the same remote location; 111714

(d) Establish geographic restrictions for participation in 111715  
meetings by interactive video conference and by teleconference; 111716

(e) Establish a policy for distributing and circulating 111717  
meeting-related materials to board members, the public, and the 111718  
media in advance of or during a meeting at which board members are 111719  
permitted to attend by interactive video conference or 111720  
teleconference; 111721

(f) Establish a method for verifying the identity of a board 111722  
member who remotely attends a meeting by teleconference. 111723

(E) The chief elected official or officials of a local area 111724  
may contract with the local board. The parties shall specify in 111725

the contract the workforce development activities that the local board is to administer and shall establish in the contract standards, including performance standards, for the local board's operation. The contract may include any other provisions that the chief elected official or officials consider necessary. 111726  
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(F) The chief elected official or officials may contract with any government or private entity to enhance the administration of local workforce development activities for which the local board is responsible. The entity with which the chief elected official or officials contract is not required to be located in the local area in which the chief elected official or officials serve as chief elected executive officer. 111731  
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(G)(1) As used in this division, "public library" means a library that is open to the public and that is one of the following: 111738  
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(a) A library that is maintained and regulated under section 715.13 of the Revised Code; 111741  
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(b) A library that is created, maintained, and regulated under Chapter 3375. of the Revised Code; 111743  
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(c) A library that is created and maintained by a public or private school, college, university, or other educational institution; 111745  
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(d) A library that is created and maintained by a historical or charitable organization, institution, association, or society. 111748  
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(2) Not later than September 1, 2018, and every two years thereafter, an OhioMeansJobs center operator shall enter into a memorandum of understanding with one or more public libraries to facilitate collaboration and coordination of workforce programs and education and job training resources. 111750  
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**Sec. 6301.061.** A board of county commissioners may appoint an 111755

advisory committee on workforce development. A committee appointed 111756  
under this section may do both of the following: 111757

(A) Work to further cooperation between the county and other 111758  
workforce development and economic development related entities 111759  
including the state, local area ~~one-stop~~ workforce development 111760  
systems, and private businesses; 111761

(B) Advise the board and other interested parties on ways to 111762  
maintain and improve the workforce development system of the local 111763  
area in which the county is a part. 111764

**Sec. 6301.07.** (A) For purposes of this section, "performance 111765  
character" means the career-essential relational attributes that 111766  
build trust with others, including respect, honesty, integrity, 111767  
task-excellence, responsibility, and resilience. 111768

(B) Every local board, ~~under the direction and approval of~~ 111769  
~~the state board and with the agreement of~~ in partnership with the 111770  
chief elected official or officials of the local area, ~~and after~~ 111771  
~~holding public hearings that allow public comment and testimony,~~ 111772  
shall ~~prepare a workforce development~~ develop and submit to the 111773  
governor a comprehensive four-year local plan. The local plan 111774  
shall ~~accomplish~~ support the strategy described in the state plan 111775  
and shall contain descriptions of the activities of the local 111776  
board as outlined in section 108 of the Workforce Innovation and 111777  
Opportunity Act, 29 U.S.C. 3123, including all of the following: 111778

(1) ~~Identify the workforce investment needs of businesses in~~ 111779  
~~the local area, identify projected employment opportunities, and~~ 111780  
~~identify the job skills and performance character necessary to~~ 111781  
~~obtain and succeed in those opportunities;~~ Identification of 111782  
strategic planning elements, including all of the following: 111783

(a) The strategic vision of the local board; 111784

(b) Goals for preparing an educated and skilled workforce; 111785

(c) The knowledge and skills, including performance character, needed to meet the employment needs of employers in the planning region, including in-demand industry sectors and occupations. 111786  
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~~(2) Identify~~ A description of the workforce development system in the local area and how the local board, working with education programs and the entities that carry out core programs, will coordinate activities to expand access to employment, training, education, and supportive services to eligible individuals with barriers to employment to improve service delivery and to avoid duplication; 111790  
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(3) A determination of the local area's workforce development needs for youth, dislocated workers, adults, displaced homemakers, incumbent workers, and any other group of workers identified by the local board adult and dislocated worker employment training activities, including the type and availability of activities needed; 111797  
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~~(3) Determine the distribution of workforce development resources and funding to be distributed for each workforce development activity to meet the identified needs, utilizing the funds allocated pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended;~~ 111803  
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~~(4) Give priority to~~ An assessment of the type and availability of youth workforce development activities carried out in the local area, including activities for youth with disabilities and youth receiving independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code when determining distribution of workforce development resources and workforce development activity funding; 111808  
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~~(5) Review the minimum curriculum required by the state board for certifying training providers and identify any additional~~ 111815  
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~~curriculum requirements to include in contracts between the~~ 111817  
~~training providers and the chief elected officials of the local~~ 111818  
~~area;~~ 111819

~~(6) Establish performance standards for service providers~~ 111820  
~~that reflect local workforce development needs;~~ 111821

~~(7) Describe A description of any other information the chief~~ 111822  
~~elected official or officials of the local area require;~~ 111823

(6) A description of any other information the governor 111824  
requires. 111825

(C)(1) The local boards of the local areas within a planning 111826  
region and the chief elected officials of those local areas shall 111827  
prepare, submit to, and obtain approval from the state for a 111828  
single regional plan that includes a description of the activities 111829  
described in section 106(c)(1) of the Workforce Innovation and 111830  
Opportunity Act, 29 U.S.C. 3121(c)(1), and that incorporates local 111831  
plans described in division (B) of this section for each local 111832  
area in that region. 111833

(2) The state shall identify regions within the state, and 111834  
designate each region it identifies as one of the following types: 111835

(a) A region consisting of one local area; 111836

(b) A planning region; 111837

(c) An interstate planning region that is contained within 111838  
two or more states and consists of labor market areas, economic 111839  
development areas, or other appropriate contiguous subareas of 111840  
those states. 111841

(D) Before the date on which a local board submits a regional 111842  
or local plan for approval, the local board shall make copies of 111843  
the proposed plan available to the public through electronic and 111844  
other means and allow members of the public to submit comments on 111845  
the proposed plan to the local board. For purposes of this 111846

division, public hearings and presentation to local news media are 111847  
examples of other means by which a local board may make a proposed 111848  
plan available. 111849

(E) A local board may provide policy guidance and 111850  
recommendations to the chief elected official or officials of a 111851  
local area for any workforce development activities. 111852

~~(D) Nothing in this section prohibits the chief elected 111853  
officials of a local area from assigning, through a partnership 111854  
agreement, any duties in addition to the duties under this section 111855  
to a local board, except that a local board cannot contract with 111856  
itself for the direct provision of services in its local area. A 111857  
local board may consult with the chief elected officials of its 111858  
local area and make recommendations regarding the workforce 111859  
development activities provided in its local area at any time.~~ 111860

**Sec. 6301.08.** Every local area shall ~~participate in a~~ 111861  
~~one-stop~~ establish and administer a local workforce development 111862  
system for workforce development activities. ~~Each board of county~~ 111863  
~~commissioners and the~~ The chief elected official or officials of a 111864  
~~municipal corporation~~ local area shall ensure that at least one 111865  
~~delivery method~~ comprehensive OhioMeansJobs center is available in 111866  
the local area, ~~either through a physical location, or.~~ An 111867  
OhioMeansJobs center may be supported by electronic means approved 111868  
by the ~~state board,~~ director of job and family services for the 111869  
provision of workforce development activities. 111870

~~Within six months after the effective date of this amendment,~~ 111871  
~~every local area described in division (B) of section 6301.03 of~~ 111872  
~~the Revised Code~~ Every OhioMeansJobs center shall name its 111873  
~~one-stop system as~~ be named "OhioMeansJobs (name of county)" 111874  
County." 111875

~~A one-stop system may~~ Every OhioMeansJobs center shall be 111876  
~~operated by a private entity or a public agency, including a~~ 111877

~~workforce development agency, any existing facility or~~ 111878  
~~organization that is established to administer workforce~~ 111879  
~~development activities in the local area, and a county family~~ 111880  
~~services agency an OhioMeansJobs center operator.~~ 111881

~~A one stop~~ The local workforce development system shall 111882  
include representatives of all the partners required under the 111883  
~~"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A.~~ 111884  
~~2801, as amended. In addition, a one stop system shall include at~~ 111885  
~~least one representative from a county department of job and~~ 111886  
~~family services~~ Workforce Innovation and Opportunity Act. 111887

**Sec. 6301.09.** The provision under division (g) of section ~~111~~ 111888  
~~of the "Workforce Investment Act of 1998," 112 Stat. 936, 29~~ 111889  
~~U.S.C.A. 2801, as amended~~ 101 of the Workforce Innovation and 111890  
Opportunity Act, 29 U.S.C. 3111, applies to the state board 111891  
created under ~~section 6301.04 of the Revised Code~~ this chapter. 111892  
The provision under division (e) of section ~~117 of the "Workforce~~ 111893  
~~Investment Act of 1998"~~ 107 of the Workforce Innovation and 111894  
Opportunity Act, 29 U.S.C. 3122 applies to the local boards 111895  
established pursuant to ~~section 6301.06 of the Revised Code~~ this 111896  
chapter. 111897

**Sec. 6301.11. (A)** As used in this section, "public or private 111898  
institution" ~~has the same meaning as in section 3333.93 of the~~ 111899  
~~Revised Code~~ means any of the following: 111900

(1) A state institution of higher education, as defined in 111901  
section 3345.011 of the Revised Code; 111902

(2) A private, nonprofit institution in this state holding a 111903  
certificate of authorization pursuant to Chapter 1713. of the 111904  
Revised Code; 111905

(3) An Ohio technical center that provides adult technical 111906  
education services as recognized by the chancellor of higher 111907

education. 111908

(B) The state board, in connection with the department of job 111909  
and family services and public or private institutions, shall 111910  
develop a methodology for identifying jobs that are in demand by 111911  
employers operating in this state. The methodology for identifying 111912  
in-demand jobs shall include an analysis of ~~jobs~~ both of the 111913  
following: 111914

(1) Jobs that are in demand in each region of the state. ~~The,~~ 111915  
as determined by the director of job and family services ~~shall~~ 111916  
~~determine the regions;~~ 111917

(2) Jobs that pay a wage rate that is equal to or greater 111918  
than one hundred twenty-five per cent of the wage rate established 111919  
under section 6 of the "Fair Labor Standards Act of 1938," 52 111920  
Stat. 1060, 29 U.S.C. 206, as amended, or its successor law. 111921

(C) The department and the public or private institutions, in 111922  
consultation with the state board, shall use the methodology to 111923  
create a list of such in-demand jobs in the state and a list of 111924  
such in-demand jobs in each region of the state. The department 111925  
shall publish the lists on the web site of the department. The 111926  
department and public or private institutions shall periodically 111927  
update the lists to reflect evolving workforce demands in this 111928  
state and its regions. 111929

(D) ~~Local boards, workforce development agencies,~~ and other 111930  
providers of workforce training shall use the lists of in-demand 111931  
jobs to cultivate and prioritize workforce development activities 111932  
that correspond to the employment needs of employers operating in 111933  
this state and in each of its regions and to assist individuals in 111934  
maximizing their employment opportunities. 111935

Sec. 6301.111. The governor's office of workforce 111936  
transformation, in conjunction with the department of job and 111937

family services, shall conduct an electronic survey of employers 111938  
in this state to identify jobs that are in demand by those 111939  
employers. The office, in conjunction with the department, shall 111940  
use the survey results to update the list of in-demand jobs 111941  
required under section 6301.11 of the Revised Code, 111942  
notwithstanding the requirement in that section that the 111943  
department and public or private institutions, as defined in that 111944  
section, periodically update that list. The office shall complete 111945  
the initial survey and make the update required under this section 111946  
not later than December 31, 2018. The office shall complete a 111947  
subsequent survey and update not later than the last day of 111948  
December every two years thereafter. 111949

**Sec. 6301.112.** (A) The governor's office of workforce 111950  
transformation, in collaboration with the departments of higher 111951  
education and job and family services, shall create and publish on 111952  
the OhioMeansJobs web site a workforce supply tool that uses 111953  
real-time demand and supply data. The office shall provide all of 111954  
the following through the tool: 111955

(1) Businesses with historical information on graduates from 111956  
high demand fields; 111957

(2) Businesses with projections on future graduates; 111958

(3) The number of skilled workers available for work in 111959  
occupations included in the list of in-demand jobs created under 111960  
section 6301.11 of the Revised Code. 111961

(B) Not later than January 1, 2018, the governor's office of 111962  
workforce transformation, in collaboration with the departments of 111963  
higher education and job and family services, shall include in the 111964  
workforce supply tool created under division (A) of this section 111965  
all in-demand jobs included in the list of in-demand jobs created 111966  
under section 6301.11 of the Revised Code. 111967

(C) Not later than December 31, 2018, the governor's office 111968  
of workforce transformation, in collaboration with the departments 111969  
of higher education and education shall establish design teams. 111970  
The design teams shall do both of the following: 111971

(1) Identify emerging skill needs based on predictive 111972  
analytics and analysis of the data from the workforce supply tool 111973  
created under division (A) of this section; 111974

(2) Periodically recommend innovations for responding to 111975  
emerging in-demand jobs and skills. 111976

**Sec. 6301.12.** (A) The office of workforce development within 111977  
the department of job and family services shall comprehensively 111978  
review the direct and indirect economic impact of businesses 111979  
engaged in the production of horizontal wells in this state and, 111980  
based on its findings, prepare an annual Ohio workforce report. 111981  
The office shall prepare the report by the thirtieth day of July 111982  
of each year. The report shall include at least all of the 111983  
following with respect to the industry: 111984

(1) The total number of jobs created or retained during the 111985  
previous year; 111986

(2) The total number of Ohio-based contractors that employ 111987  
skilled construction trades; 111988

(3) The number of employees who are residents of this state; 111989

(4) The total economic impact; 111990

(5) A review of the state's regional workforce development 111991  
plans required by the ~~"Workforce Investment Act of 1998," 112~~ 111992  
~~Stat. 936, 29 U.S.C.A. 2801, as amended,~~ Workforce Innovation and 111993  
Opportunity Act that outline workforce development efforts 111994  
including goals and benchmarks toward maximizing job training, 111995  
education, and job creation opportunities in the state. 111996

(B) Upon the completion of the office's annual Ohio workforce 111997

report, the office shall provide an electronic copy of the report 111998  
to the president and minority leader of the senate and the speaker 111999  
and minority leader of the house of representatives and post it on 112000  
the office's internet web site. 112001

**Sec. 6301.18.** (A) ~~Beginning January 1, 2016, each~~ Each 112002  
participant in an adult training or education program funded under 112003  
the ~~"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101,~~ 112004  
shall create an account with the OhioMeansJobs web site at the 112005  
time of enrollment in the program. 112006

(B) Division (A) of this section does not apply to any 112007  
individual who is legally prohibited from using a computer, has a 112008  
physical or visual impairment that makes the individual unable to 112009  
use a computer, or has a limited ability to read, write, speak, or 112010  
understand a language in which the OhioMeansJobs web site is 112011  
available. 112012

**Sec. 6301.20.** Not later than September 30, 2017, the 112013  
governor's office of workforce transformation, in consultation 112014  
with the departments of job and family services, higher education, 112015  
and aging and the opportunities for Ohioans with disabilities 112016  
agency, shall develop and maintain a uniform electronic 112017  
application for adult training programs funded under the 112018  
"Workforce Innovation and Opportunity Act," 128 Stat. 1425, 29 112019  
U.S.C. 3101 et seq., as amended. The application shall be 112020  
available for use not later than July 1, 2018. 112021

**Sec. 6301.21.** (A) Not later than December 31, 2017, the 112022  
governor's office of workforce transformation, the department of 112023  
education, and the chancellor of higher education, in consultation 112024  
with business and economic development stakeholder groups, shall 112025  
develop a regional workforce collaboration model. The model shall 112026  
provide guidance on how the JobsOhio regional network, local 112027

chambers of commerce, economic development organizations, 112028  
business, business associations, secondary and post-secondary 112029  
education organizations, and Ohio college tech prep regional 112030  
centers, that are jointly managed by the department of education 112031  
and the chancellor, shall collaborate to form a partnership that 112032  
provides career services to students. 112033

Career services to students may include, but are not limited 112034  
to, job shadowing, internships, co-ops, apprenticeships, career 112035  
exploration activities, and problem-based curriculum developed in 112036  
alignment with in-demand jobs. 112037

(B) The governor's office of workforce transformation shall 112038  
oversee the creation of regional workforce collaboration 112039  
partnerships based on the model created under division (A) of this 112040  
section. The partnerships shall be located in each of the six 112041  
different regions of the state, as determined by JobsOhio. 112042

(C) As used in this section, "JobsOhio" has the same meaning 112043  
as in section 187.01 of the Revised Code. 112044

**Section 101.02.** That existing sections 101.34, 102.02, 112045  
102.022, 102.03, 103.41, 103.42, 103.45, 103.47, 105.41, 106.042, 112046  
107.031, 107.35, 109.572, 109.5721, 109.71, 109.803, 109.91, 112047  
111.42, 111.43, 111.44, 111.45, 113.061, 117.46, 120.08, 120.33, 112048  
120.36, 121.40, 121.48, 122.01, 122.071, 122.08, 122.081, 122.17, 112049  
122.171, 122.174, 122.175, 122.33, 122.641, 122.85, 122.86, 112050  
122.98, 123.01, 123.20, 123.21, 124.384, 124.93, 125.035, 125.04, 112051  
125.061, 125.18, 125.22, 125.28, 126.11, 126.22, 126.35, 131.23, 112052  
131.33, 131.35, 131.44, 131.51, 133.022, 133.06, 133.061, 135.143, 112053  
135.182, 135.35, 135.45, 135.63, 135.71, 143.01, 147.541, 151.03, 112054  
152.08, 153.02, 154.11, 166.08, 166.11, 167.03, 173.01, 173.14, 112055  
173.15, 173.17, 173.19, 173.20, 173.21, 173.22, 173.24, 173.27, 112056  
173.28, 173.38, 173.381, 173.42, 173.424, 173.48, 173.51, 173.55, 112057

173.99, 183.51, 191.04, 191.06, 305.05, 307.283, 307.678, 307.93, 112058  
307.984, 319.11, 319.26, 319.54, 321.26, 321.27, 321.37, 321.46, 112059  
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733.78, 733.81, 763.01, 763.07, 901.04, 901.43, 909.10, 911.11, 112064  
924.01, 924.09, 927.55, 939.02, 940.15, 941.12, 941.55, 943.23, 112065  
947.06, 1121.10, 1121.24, 1123.01, 1123.03, 1155.07, 1155.10, 112066  
1163.09, 1163.13, 1181.06, 1349.21, 1503.05, 1503.141, 1504.02, 112067  
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1533.10, 1533.11, 1533.12, 1533.32, 1547.73, 1561.14, 1561.16, 112072  
1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1561.26, 112073  
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6301.04, 6301.05, 6301.06, 6301.061, 6301.07, 6301.08, 6301.09, 112202  
6301.11, 6301.12, and 6301.18 of the Revised Code are hereby 112203  
repealed. 112204

**Section 105.01.** That sections 123.27, 152.01, 152.02, 152.04, 112205  
152.05, 152.06, 152.07, 152.09, 152.091, 152.10, 152.11, 152.12, 112206  
152.13, 152.14, 152.15, 152.16, 152.17, 152.18, 152.19, 152.21, 112207  
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5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, 112221  
5115.23, 5162.54, 5166.13, 5739.18, 5747.056, 6111.033, and 112222  
6111.40 of the Revised Code are hereby repealed. 112223  
112224

**Section 105.20.** The version of section 118.023 of the Revised 112225  
Code that is scheduled to take effect September 29, 2017, is 112226  
hereby repealed. It is not the intent of this repeal to affect the 112227  
continued operation of the version of section 118.023 of the 112228  
Revised Code that is currently in effect. 112229

**Section 120.10.** That sections 4713.10 and 4713.56 of the 112230  
Revised Code be amended to read as follows: 112231

**Sec. 4713.10.** (A) The state ~~board of~~ cosmetology and barber 112232  
board shall charge and collect the following fees: 112233

(1) For a temporary pre-examination work permit under section 112234  
4713.22 of the Revised Code, seven dollars and fifty cents; 112235

(2) For initial application to take an examination under 112236  
section 4713.24 of the Revised Code, thirty-one dollars and fifty 112237  
cents; 112238

(3) For application to take an examination under section 112239  
4713.24 of the Revised Code by an applicant who has previously 112240  
applied to take, but failed to appear for, the examination, forty 112241  
dollars; 112242

(4) For application to re-take an examination under section 112243  
4713.24 of the Revised Code by an applicant who has previously 112244

|                                                                   |        |
|-------------------------------------------------------------------|--------|
| appeared for, but failed to pass, the examination, thirty-one     | 112245 |
| dollars and fifty cents;                                          | 112246 |
| (5) For the issuance of a license under section 4713.28,          | 112247 |
| 4713.30, or 4713.31 of the Revised Code, forty-five dollars;      | 112248 |
| (6) For the issuance of a license under section 4713.34 of        | 112249 |
| the Revised Code, seventy dollars;                                | 112250 |
| (7) For renewal of a license issued under section 4713.28,        | 112251 |
| 4713.30, 4713.31, or 4713.34 of the Revised Code, forty-five      | 112252 |
| dollars;                                                          | 112253 |
| (8) For the issuance or renewal of a cosmetology school           | 112254 |
| license, two hundred fifty dollars;                               | 112255 |
| (9) For the issuance of a new salon license or the change of      | 112256 |
| name or ownership of a salon license under section 4713.41 of the | 112257 |
| Revised Code, seventy-five dollars;                               | 112258 |
| (10) For the renewal of a salon license under section 4713.41     | 112259 |
| of the Revised Code, sixty dollars;                               | 112260 |
| (11) For the restoration of an expired license that may be        | 112261 |
| restored pursuant to section 4713.63 of the Revised Code, an      | 112262 |
| amount equal to the sum of the current license renewal fee and a  | 112263 |
| lapsed renewal fee of forty-five dollars per license renewal      | 112264 |
| period that has elapsed since the license was last issued or      | 112265 |
| renewed;                                                          | 112266 |
| (12) For the issuance of a duplicate of any license, twenty       | 112267 |
| dollars;                                                          | 112268 |
| (13) For the preparation and mailing of a licensee's records      | 112269 |
| to another state for a reciprocity license, fifty dollars;        | 112270 |
| (14) For the processing of any fees related to a check from a     | 112271 |
| licensee returned to the board for insufficient funds, an         | 112272 |
| additional thirty dollars.                                        | 112273 |
| (B) The board may establish an installment plan for the           | 112274 |

payment of fines and fees and may reduce fees as considered 112275  
appropriate by the board. 112276

(C) At the request of a person who is temporarily unable to 112277  
pay a fee imposed under division (A) of this section, or on its 112278  
own motion, the board may extend the date payment is due by up to 112279  
ninety days. If the fee remains unpaid after the date payment is 112280  
due, the amount of the fee shall be certified to the attorney 112281  
general for collection in the form and manner prescribed by the 112282  
attorney general. The attorney general may assess the collection 112283  
cost to the amount certified in such a manner and amount as 112284  
prescribed by the attorney general. 112285

**Sec. 4713.56.** Every holder of a practicing license, 112286  
instructor license, independent contractor license, or boutique 112287  
service registration issued by the state ~~board of~~ cosmetology and 112288  
barber board shall maintain the board-issued, wallet-sized license 112289  
or electronically generated license certification or registration 112290  
and a current government-issued photo identification that can be 112291  
produced upon inspection or request. 112292

Every holder of a license to operate a salon issued by the 112293  
board shall display the license in a public and conspicuous place 112294  
in the salon. 112295

Every holder of a license to operate a school of cosmetology 112296  
issued by the board shall display the license in a public and 112297  
conspicuous place in the school. 112298

Every individual who provides cosmetic therapy, massage 112299  
therapy, or other professional service in a salon under section 112300  
4713.42 of the Revised Code shall maintain the individual's 112301  
professional license or certificate and a state of Ohio issued 112302  
photo identification that can be produced upon inspection or 112303  
request. 112304

**Section 120.11.** That existing sections 4713.10 and 4713.56 of the Revised Code are hereby repealed.

**Section 120.12.** Sections 120.10 and 120.11 take effect on January 21, 2018.

**Section 120.20.** That sections 329.04 and 2329.66 of the Revised Code be amended to read as follows:

**Sec. 329.04.** (A) The county department of job and family services shall have, exercise, and perform the following powers and duties:

(1) Perform any duties assigned by the state department of job and family services or department of medicaid regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:

(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code;

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code;

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

(d) Duties assigned under section 5162.031 of the Revised Code. 112332  
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~~(2) Administer disability financial assistance, as required by the state department of job and family services under section 5115.03 of the Revised Code;~~ 112334  
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~~(3)~~ Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law; 112337  
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~~(4)~~(3) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities; 112340  
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~~(5)~~(4) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services and department of medicaid at the close of each fiscal year; 112343  
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~~(6)~~(5) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace; 112347  
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~~(7)~~(6) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department; 112353  
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~~(8)~~(7) For the purpose of complying with a grant agreement 112361

the board of county commissioners enters into under sections 112362  
307.98 and 5101.21 of the Revised Code, exercise the powers and 112363  
perform the duties the grant agreement assigns to the county 112364  
department; 112365

~~(9)~~(8) If the county department is designated as the 112366  
workforce development agency, provide the workforce development 112367  
activities specified in the contract required by section 330.05 of 112368  
the Revised Code. 112369

(B) The powers and duties of a county department of job and 112370  
family services are, and shall be exercised and performed, under 112371  
the control and direction of the board of county commissioners. 112372  
The board may assign to the county department any power or duty of 112373  
the board regarding family services duties and workforce 112374  
development activities. If the new power or duty necessitates the 112375  
state department of job and family services or department of 112376  
medicaid changing its federal cost allocation plan, the county 112377  
department may not implement the power or duty unless the United 112378  
States department of health and human services approves the 112379  
changes. 112380

**Sec. 2329.66.** (A) Every person who is domiciled in this state 112381  
may hold property exempt from execution, garnishment, attachment, 112382  
or sale to satisfy a judgment or order, as follows: 112383

(1)(a) In the case of a judgment or order regarding money 112384  
owed for health care services rendered or health care supplies 112385  
provided to the person or a dependent of the person, one parcel or 112386  
item of real or personal property that the person or a dependent 112387  
of the person uses as a residence. Division (A)(1)(a) of this 112388  
section does not preclude, affect, or invalidate the creation 112389  
under this chapter of a judgment lien upon the exempted property 112390  
but only delays the enforcement of the lien until the property is 112391

sold or otherwise transferred by the owner or in accordance with 112392  
other applicable laws to a person or entity other than the 112393  
surviving spouse or surviving minor children of the judgment 112394  
debtor. Every person who is domiciled in this state may hold 112395  
exempt from a judgment lien created pursuant to division (A)(1)(a) 112396  
of this section the person's interest, not to exceed one hundred 112397  
twenty-five thousand dollars, in the exempted property. 112398

(b) In the case of all other judgments and orders, the 112399  
person's interest, not to exceed one hundred twenty-five thousand 112400  
dollars, in one parcel or item of real or personal property that 112401  
the person or a dependent of the person uses as a residence. 112402

(c) For purposes of divisions (A)(1)(a) and (b) of this 112403  
section, "parcel" means a tract of real property as identified on 112404  
the records of the auditor of the county in which the real 112405  
property is located. 112406

(2) The person's interest, not to exceed three thousand two 112407  
hundred twenty-five dollars, in one motor vehicle; 112408

(3) The person's interest, not to exceed four hundred 112409  
dollars, in cash on hand, money due and payable, money to become 112410  
due within ninety days, tax refunds, and money on deposit with a 112411  
bank, savings and loan association, credit union, public utility, 112412  
landlord, or other person, other than personal earnings. 112413

(4)(a) The person's interest, not to exceed five hundred 112414  
twenty-five dollars in any particular item or ten thousand seven 112415  
hundred seventy-five dollars in aggregate value, in household 112416  
furnishings, household goods, wearing apparel, appliances, books, 112417  
animals, crops, musical instruments, firearms, and hunting and 112418  
fishing equipment that are held primarily for the personal, 112419  
family, or household use of the person; 112420

(b) The person's aggregate interest in one or more items of 112421  
jewelry, not to exceed one thousand three hundred fifty dollars, 112422

held primarily for the personal, family, or household use of the person or any of the person's dependents.

(5) The person's interest, not to exceed an aggregate of two thousand twenty-five dollars, in all implements, professional books, or tools of the person's profession, trade, or business, including agriculture;

(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;

(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;

(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;

(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;

(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.

(7) The person's professionally prescribed or medically necessary health aids;

(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;

(9) The person's interest in the following:

(a) Moneys paid or payable for living maintenance or rights,

as exempted by section 3304.19 of the Revised Code; 112453

(b) Workers' compensation, as exempted by section 4123.67 of 112454  
the Revised Code; 112455

(c) Unemployment compensation benefits, as exempted by 112456  
section 4141.32 of the Revised Code; 112457

(d) Cash assistance payments under the Ohio works first 112458  
program, as exempted by section 5107.75 of the Revised Code; 112459

(e) Benefits and services under the prevention, retention, 112460  
and contingency program, as exempted by section 5108.08 of the 112461  
Revised Code; 112462

(f) ~~Disability financial assistance payments, as exempted by~~ 112463  
~~section 5115.06 of the Revised Code;~~ 112464

~~(g)~~ Payments under section 24 or 32 of the "Internal Revenue 112465  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 112466

(10)(a) Except in cases in which the person was convicted of 112467  
or pleaded guilty to a violation of section 2921.41 of the Revised 112468  
Code and in which an order for the withholding of restitution from 112469  
payments was issued under division (C)(2)(b) of that section, in 112470  
cases in which an order for withholding was issued under section 112471  
2907.15 of the Revised Code, in cases in which an order for 112472  
forfeiture was issued under division (A) or (B) of section 112473  
2929.192 of the Revised Code, and in cases in which an order was 112474  
issued under section 2929.193 or 2929.194 of the Revised Code, and 112475  
only to the extent provided in the order, and except as provided 112476  
in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, 112477  
and 3123.06 of the Revised Code, the person's rights to or 112478  
interests in a pension, benefit, annuity, retirement allowance, or 112479  
accumulated contributions, the person's rights to or interests in 112480  
a participant account in any deferred compensation program offered 112481  
by the Ohio public employees deferred compensation board, a 112482  
government unit, or a municipal corporation, or the person's other 112483

accrued or accruing rights or interests, as exempted by section 112484  
143.11, 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 112485  
5505.22 of the Revised Code, and the person's rights to or 112486  
interests in benefits from the Ohio public safety officers death 112487  
benefit fund; 112488

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 112489  
3121.03, and 3123.06 of the Revised Code, the person's rights to 112490  
receive or interests in receiving a payment or other benefits 112491  
under any pension, annuity, or similar plan or contract, not 112492  
including a payment or benefit from a stock bonus or 112493  
profit-sharing plan or a payment included in division (A)(6)(b) or 112494  
(10)(a) of this section, on account of illness, disability, death, 112495  
age, or length of service, to the extent reasonably necessary for 112496  
the support of the person and any of the person's dependents, 112497  
except if all the following apply: 112498

(i) The plan or contract was established by or under the 112499  
auspices of an insider that employed the person at the time the 112500  
person's rights or interests under the plan or contract arose. 112501

(ii) The payment is on account of age or length of service. 112502

(iii) The plan or contract is not qualified under the 112503  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 112504  
amended. 112505

(c) Except for any portion of the assets that were deposited 112506  
for the purpose of evading the payment of any debt and except as 112507  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 112508  
3123.06 of the Revised Code, the person's rights or interests in 112509  
the assets held in, or to directly or indirectly receive any 112510  
payment or benefit under, any individual retirement account, 112511  
individual retirement annuity, "Roth IRA," account opened pursuant 112512  
to a program administered by a state under section 529 or 529A of 112513  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 112514

as amended, or education individual retirement account that 112515  
provides payments or benefits by reason of illness, disability, 112516  
death, retirement, or age or provides payments or benefits for 112517  
purposes of education or qualified disability expenses, to the 112518  
extent that the assets, payments, or benefits described in 112519  
division (A)(10)(c) of this section are attributable to or derived 112520  
from any of the following or from any earnings, dividends, 112521  
interest, appreciation, or gains on any of the following: 112522

(i) Contributions of the person that were less than or equal 112523  
to the applicable limits on deductible contributions to an 112524  
individual retirement account or individual retirement annuity in 112525  
the year that the contributions were made, whether or not the 112526  
person was eligible to deduct the contributions on the person's 112527  
federal tax return for the year in which the contributions were 112528  
made; 112529

(ii) Contributions of the person that were less than or equal 112530  
to the applicable limits on contributions to a Roth IRA or 112531  
education individual retirement account in the year that the 112532  
contributions were made; 112533

(iii) Contributions of the person that are within the 112534  
applicable limits on rollover contributions under subsections 219, 112535  
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 112536  
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 112537  
100 Stat. 2085, 26 U.S.C.A. 1, as amended; 112538

(iv) Contributions by any person into any plan, fund, or 112539  
account that is formed, created, or administered pursuant to, or 112540  
is otherwise subject to, section 529 or 529A of the "Internal 112541  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 112542

(d) Except for any portion of the assets that were deposited 112543  
for the purpose of evading the payment of any debt and except as 112544  
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 112545

3123.06 of the Revised Code, the person's rights or interests in 112546  
the assets held in, or to receive any payment under, any Keogh or 112547  
"H.R. 10" plan that provides benefits by reason of illness, 112548  
disability, death, retirement, or age, to the extent reasonably 112549  
necessary for the support of the person and any of the person's 112550  
dependents. 112551

(e) The person's rights to or interests in any assets held 112552  
in, or to directly or indirectly receive any payment or benefit 112553  
under, any individual retirement account, individual retirement 112554  
annuity, "Roth IRA," account opened pursuant to a program 112555  
administered by a state under section 529 or 529A of the "Internal 112556  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, or 112557  
education individual retirement account that a decedent, upon or 112558  
by reason of the decedent's death, directly or indirectly left to 112559  
or for the benefit of the person, either outright or in trust or 112560  
otherwise, including, but not limited to, any of those rights or 112561  
interests in assets or to receive payments or benefits that were 112562  
transferred, conveyed, or otherwise transmitted by the decedent by 112563  
means of a will, trust, exercise of a power of appointment, 112564  
beneficiary designation, transfer or payment on death designation, 112565  
or any other method or procedure. 112566

(f) The exemptions under divisions (A)(10)(a) to (e) of this 112567  
section also shall apply or otherwise be available to an alternate 112568  
payee under a qualified domestic relations order (QDRO) or other 112569  
similar court order. 112570

(g) A person's interest in any plan, program, instrument, or 112571  
device described in divisions (A)(10)(a) to (e) of this section 112572  
shall be considered an exempt interest even if the plan, program, 112573  
instrument, or device in question, due to an error made in good 112574  
faith, failed to satisfy any criteria applicable to that plan, 112575  
program, instrument, or device under the "Internal Revenue Code of 112576  
1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 112577

(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;

(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:

(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.

(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:

(a) If paid weekly, thirty times the current federal minimum

hourly wage; if paid biweekly, sixty times the current federal 112609  
minimum hourly wage; if paid semimonthly, sixty-five times the 112610  
current federal minimum hourly wage; or if paid monthly, one 112611  
hundred thirty times the current federal minimum hourly wage that 112612  
is in effect at the time the earnings are payable, as prescribed 112613  
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 112614  
U.S.C. 206(a)(1), as amended; 112615

(b) Seventy-five per cent of the disposable earnings owed to 112616  
the person. 112617

(14) The person's right in specific partnership property, as 112618  
exempted by the person's rights in a partnership pursuant to 112619  
section 1776.50 of the Revised Code, except as otherwise set forth 112620  
in section 1776.50 of the Revised Code; 112621

(15) A seal and official register of a notary public, as 112622  
exempted by section 147.04 of the Revised Code; 112623

(16) The person's interest in a tuition unit or a payment 112624  
under section 3334.09 of the Revised Code pursuant to a tuition 112625  
payment contract, as exempted by section 3334.15 of the Revised 112626  
Code; 112627

(17) Any other property that is specifically exempted from 112628  
execution, attachment, garnishment, or sale by federal statutes 112629  
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 112630  
U.S.C.A. 101, as amended; 112631

(18) The person's aggregate interest in any property, not to 112632  
exceed one thousand seventy-five dollars, except that division 112633  
(A)(18) of this section applies only in bankruptcy proceedings. 112634

(B) On April 1, 2010, and on the first day of April in each 112635  
third calendar year after 2010, the Ohio judicial conference shall 112636  
adjust each dollar amount set forth in this section to reflect any 112637  
increase in the consumer price index for all urban consumers, as 112638  
published by the United States department of labor, or, if that 112639

index is no longer published, a generally available comparable 112640  
index, for the three-year period ending on the thirty-first day of 112641  
December of the preceding year. Any adjustments required by this 112642  
division shall be rounded to the nearest twenty-five dollars. 112643

The Ohio judicial conference shall prepare a memorandum 112644  
specifying the adjusted dollar amounts. The judicial conference 112645  
shall transmit the memorandum to the director of the legislative 112646  
service commission, and the director shall publish the memorandum 112647  
in the register of Ohio. (Publication of the memorandum in the 112648  
register of Ohio shall continue until the next memorandum 112649  
specifying an adjustment is so published.) The judicial conference 112650  
also may publish the memorandum in any other manner it concludes 112651  
will be reasonably likely to inform persons who are affected by 112652  
its adjustment of the dollar amounts. 112653

(C) As used in this section: 112654

(1) "Disposable earnings" means net earnings after the 112655  
garnishee has made deductions required by law, excluding the 112656  
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 112657  
3121.03, or 3123.06 of the Revised Code. 112658

(2) "Insider" means: 112659

(a) If the person who claims an exemption is an individual, a 112660  
relative of the individual, a relative of a general partner of the 112661  
individual, a partnership in which the individual is a general 112662  
partner, a general partner of the individual, or a corporation of 112663  
which the individual is a director, officer, or in control; 112664

(b) If the person who claims an exemption is a corporation, a 112665  
director or officer of the corporation; a person in control of the 112666  
corporation; a partnership in which the corporation is a general 112667  
partner; a general partner of the corporation; or a relative of a 112668  
general partner, director, officer, or person in control of the 112669  
corporation; 112670

(c) If the person who claims an exemption is a partnership, a general partner in the partnership; a general partner of the partnership; a person in control of the partnership; a partnership in which the partnership is a general partner; or a relative in, a general partner of, or a person in control of the partnership;

(d) An entity or person to which or whom any of the following applies:

(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.

(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (C)(2)(d)(i) of this section applies.

(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.

(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.

(e) An insider, as otherwise defined in this section, of a person or entity to which division (C)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;

(f) A managing agent of the person who claims an exemption.

(3) "Participant account" has the same meaning as in section 112702  
148.01 of the Revised Code. 112703

(4) "Government unit" has the same meaning as in section 112704  
148.06 of the Revised Code. 112705

(D) For purposes of this section, "interest" shall be 112706  
determined as follows: 112707

(1) In bankruptcy proceedings, as of the date a petition is 112708  
filed with the bankruptcy court commencing a case under Title 11 112709  
of the United States Code; 112710

(2) In all cases other than bankruptcy proceedings, as of the 112711  
date of an appraisal, if necessary under section 2329.68 of the 112712  
Revised Code, or the issuance of a writ of execution. 112713

An interest, as determined under division (D)(1) or (2) of 112714  
this section, shall not include the amount of any lien otherwise 112715  
valid pursuant to section 2329.661 of the Revised Code. 112716

**Section 120.21.** That existing sections 329.04 and 2329.66 of 112717  
the Revised Code are hereby repealed. 112718

**Section 120.22.** Sections 120.20 and 120.21 take effect on 112719  
December 31, 2017. 112720

**Section 120.30.** That the version of section 5735.07 of the 112721  
Revised Code that is scheduled to take effect January 1, 2018, be 112722  
amended to read as follows: 112723

**Sec. 5735.07.** The tax commissioner shall publish on the 112724  
department's web site a list of all motor fuel dealers, aviation 112725  
fuel dealers, and retail dealers that have valid licenses or 112726  
registrations issued under this chapter. The list shall contain 112727  
the name, address, and federal identification number or other 112728  
motor fuel tax account number of each such person and, for motor 112729

fuel dealers, the number of gallons of motor fuel upon which those 112730  
dealers were required to pay the tax as reported on the report or 112731  
as determined by investigation of the commissioner. 112732

**Section 120.31.** That the existing version of section 5735.07 112733  
of the Revised Code that is scheduled to take effect January 1, 112734  
2018, is hereby repealed. 112735

**Section 120.32.** Sections 120.30 and 120.31 take effect on 112736  
January 1, 2018. 112737

**Section 125.10.** That section 5166.35 of the Revised Code is 112738  
hereby repealed on January 1, 2019. 112739

**Section 130.11.** That sections 109.572, 2305.113, 3313.608, 112740  
3701.83, 4725.01, 4725.02, 4725.04, 4725.05, 4725.06, 4725.07, 112741  
4725.08, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 4725.12, 112742  
4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 4725.18, 112743  
4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 4725.26, 112744  
4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 4725.40, 112745  
4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 4725.50, 4725.501, 112746  
4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 4725.57, 112747  
4725.61, 4729.85, 4731.051, 4731.07, 4731.071, 4731.224, 4731.24, 112748  
4731.25, 4743.05, 4745.02, 4745.04, 4747.04, 4747.05, 4747.06, 112749  
4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 4747.14, 112750  
4747.16, 4747.17, 4752.01, 4752.03, 4752.04, 4752.05, 4752.06, 112751  
4752.08, 4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 4752.15, 112752  
4752.17, 4752.18, 4752.19, 4752.20, 4753.05, 4753.06, 4753.07, 112753  
4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.091, 4753.10, 112754  
4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 4759.02, 4759.05, 112755  
4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 4759.10, 4759.11, 112756  
4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 4761.051, 4761.06, 112757  
4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 4761.13, 112758

4761.14, 4761.18, 4776.01, 4779.02, 4779.08, 4779.09, 4779.091, 112759  
4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.17, 4779.18, 112760  
4779.20, 4779.21, 4779.22, 4779.23, 4779.24, 4779.25, 4779.26, 112761  
4779.27, 4779.28, 4779.29, 4779.30, 4779.31, 4779.32, 4779.33, 112762  
4779.34, 5120.55, and 5123.46 be amended and sections 4725.031, 112763  
4725.032, 4725.63, 4725.64, 4725.65, 4725.66, 4725.67, 4729.021, 112764  
4744.02, 4744.07, 4744.10, 4744.12, 4744.14, 4744.16, 4744.18, 112765  
4744.20, 4744.24, 4744.28, 4744.30, 4744.36, 4744.40, 4744.48, 112766  
4744.50, 4744.54, 4745.021, 4747.051, 4752.22, 4752.24, 4753.061, 112767  
4759.011, 4759.051, 4761.011, 4761.032, and 4779.35 of the Revised 112768  
Code be enacted to read as follows: 112769

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 112770  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 112771  
a completed form prescribed pursuant to division (C)(1) of this 112772  
section, and a set of fingerprint impressions obtained in the 112773  
manner described in division (C)(2) of this section, the 112774  
superintendent of the bureau of criminal identification and 112775  
investigation shall conduct a criminal records check in the manner 112776  
described in division (B) of this section to determine whether any 112777  
information exists that indicates that the person who is the 112778  
subject of the request previously has been convicted of or pleaded 112779  
guilty to any of the following: 112780

(a) A violation of section 2903.01, 2903.02, 2903.03, 112781  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 112782  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 112783  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 112784  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 112785  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 112786  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 112787  
2925.06, or 3716.11 of the Revised Code, felonious sexual 112788  
penetration in violation of former section 2907.12 of the Revised 112789

Code, a violation of section 2905.04 of the Revised Code as it 112790  
existed prior to July 1, 1996, a violation of section 2919.23 of 112791  
the Revised Code that would have been a violation of section 112792  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 112793  
had the violation been committed prior to that date, or a 112794  
violation of section 2925.11 of the Revised Code that is not a 112795  
minor drug possession offense; 112796

(b) A violation of an existing or former law of this state, 112797  
any other state, or the United States that is substantially 112798  
equivalent to any of the offenses listed in division (A)(1)(a) of 112799  
this section; 112800

(c) If the request is made pursuant to section 3319.39 of the 112801  
Revised Code for an applicant who is a teacher, any offense 112802  
specified in section 3319.31 of the Revised Code. 112803

(2) On receipt of a request pursuant to section 3712.09 or 112804  
3721.121 of the Revised Code, a completed form prescribed pursuant 112805  
to division (C)(1) of this section, and a set of fingerprint 112806  
impressions obtained in the manner described in division (C)(2) of 112807  
this section, the superintendent of the bureau of criminal 112808  
identification and investigation shall conduct a criminal records 112809  
check with respect to any person who has applied for employment in 112810  
a position for which a criminal records check is required by those 112811  
sections. The superintendent shall conduct the criminal records 112812  
check in the manner described in division (B) of this section to 112813  
determine whether any information exists that indicates that the 112814  
person who is the subject of the request previously has been 112815  
convicted of or pleaded guilty to any of the following: 112816

(a) A violation of section 2903.01, 2903.02, 2903.03, 112817  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 112818  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 112819  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 112820  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 112821

2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 112822  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 112823  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 112824  
2925.22, 2925.23, or 3716.11 of the Revised Code; 112825

(b) An existing or former law of this state, any other state, 112826  
or the United States that is substantially equivalent to any of 112827  
the offenses listed in division (A)(2)(a) of this section. 112828

(3) On receipt of a request pursuant to section 173.27, 112829  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 112830  
or 5123.169 of the Revised Code, a completed form prescribed 112831  
pursuant to division (C)(1) of this section, and a set of 112832  
fingerprint impressions obtained in the manner described in 112833  
division (C)(2) of this section, the superintendent of the bureau 112834  
of criminal identification and investigation shall conduct a 112835  
criminal records check of the person for whom the request is made. 112836  
The superintendent shall conduct the criminal records check in the 112837  
manner described in division (B) of this section to determine 112838  
whether any information exists that indicates that the person who 112839  
is the subject of the request previously has been convicted of, 112840  
has pleaded guilty to, or (except in the case of a request 112841  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 112842  
Code) has been found eligible for intervention in lieu of 112843  
conviction for any of the following, regardless of the date of the 112844  
conviction, the date of entry of the guilty plea, or (except in 112845  
the case of a request pursuant to section 5164.34, 5164.341, or 112846  
5164.342 of the Revised Code) the date the person was found 112847  
eligible for intervention in lieu of conviction: 112848

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 112849  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 112850  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 112851  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 112852  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 112853

2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 112854  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 112855  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 112856  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 112857  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 112858  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 112859  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 112860  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 112861  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 112862  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 112863  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 112864  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 112865  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 112866  
2927.12, or 3716.11 of the Revised Code; 112867

(b) Felonious sexual penetration in violation of former 112868  
section 2907.12 of the Revised Code; 112869

(c) A violation of section 2905.04 of the Revised Code as it 112870  
existed prior to July 1, 1996; 112871

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 112872  
the Revised Code when the underlying offense that is the object of 112873  
the conspiracy, attempt, or complicity is one of the offenses 112874  
listed in divisions (A)(3)(a) to (c) of this section; 112875

(e) A violation of an existing or former municipal ordinance 112876  
or law of this state, any other state, or the United States that 112877  
is substantially equivalent to any of the offenses listed in 112878  
divisions (A)(3)(a) to (d) of this section. 112879

(4) On receipt of a request pursuant to section 2151.86 of 112880  
the Revised Code, a completed form prescribed pursuant to division 112881  
(C)(1) of this section, and a set of fingerprint impressions 112882  
obtained in the manner described in division (C)(2) of this 112883  
section, the superintendent of the bureau of criminal 112884

identification and investigation shall conduct a criminal records 112885  
check in the manner described in division (B) of this section to 112886  
determine whether any information exists that indicates that the 112887  
person who is the subject of the request previously has been 112888  
convicted of or pleaded guilty to any of the following: 112889

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 112890  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 112891  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 112892  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 112893  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 112894  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 112895  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 112896  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 112897  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 112898  
of the Revised Code, a violation of section 2905.04 of the Revised 112899  
Code as it existed prior to July 1, 1996, a violation of section 112900  
2919.23 of the Revised Code that would have been a violation of 112901  
section 2905.04 of the Revised Code as it existed prior to July 1, 112902  
1996, had the violation been committed prior to that date, a 112903  
violation of section 2925.11 of the Revised Code that is not a 112904  
minor drug possession offense, two or more OVI or OVUAC violations 112905  
committed within the three years immediately preceding the 112906  
submission of the application or petition that is the basis of the 112907  
request, or felonious sexual penetration in violation of former 112908  
section 2907.12 of the Revised Code; 112909

(b) A violation of an existing or former law of this state, 112910  
any other state, or the United States that is substantially 112911  
equivalent to any of the offenses listed in division (A)(4)(a) of 112912  
this section. 112913

(5) Upon receipt of a request pursuant to section 5104.013 of 112914  
the Revised Code, a completed form prescribed pursuant to division 112915  
(C)(1) of this section, and a set of fingerprint impressions 112916

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

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

(b) A violation of an existing or former law of this state, 112950  
any other state, or the United States that is substantially 112951  
equivalent to any of the offenses or violations described in 112952  
division (A)(5)(a) of this section. 112953

(6) Upon receipt of a request pursuant to section 5153.111 of 112954  
the Revised Code, a completed form prescribed pursuant to division 112955  
(C)(1) of this section, and a set of fingerprint impressions 112956  
obtained in the manner described in division (C)(2) of this 112957  
section, the superintendent of the bureau of criminal 112958  
identification and investigation shall conduct a criminal records 112959  
check in the manner described in division (B) of this section to 112960  
determine whether any information exists that indicates that the 112961  
person who is the subject of the request previously has been 112962  
convicted of or pleaded guilty to any of the following: 112963

(a) A violation of section 2903.01, 2903.02, 2903.03, 112964  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 112965  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 112966  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 112967  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 112968  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 112969  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 112970  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 112971  
felonious sexual penetration in violation of former section 112972  
2907.12 of the Revised Code, a violation of section 2905.04 of the 112973  
Revised Code as it existed prior to July 1, 1996, a violation of 112974  
section 2919.23 of the Revised Code that would have been a 112975  
violation of section 2905.04 of the Revised Code as it existed 112976  
prior to July 1, 1996, had the violation been committed prior to 112977  
that date, or a violation of section 2925.11 of the Revised Code 112978  
that is not a minor drug possession offense; 112979

(b) A violation of an existing or former law of this state, 112980  
any other state, or the United States that is substantially 112981

equivalent to any of the offenses listed in division (A)(6)(a) of 112982  
this section. 112983

(7) On receipt of a request for a criminal records check from 112984  
an individual pursuant to section 4749.03 or 4749.06 of the 112985  
Revised Code, accompanied by a completed copy of the form 112986  
prescribed in division (C)(1) of this section and a set of 112987  
fingerprint impressions obtained in a manner described in division 112988  
(C)(2) of this section, the superintendent of the bureau of 112989  
criminal identification and investigation shall conduct a criminal 112990  
records check in the manner described in division (B) of this 112991  
section to determine whether any information exists indicating 112992  
that the person who is the subject of the request has been 112993  
convicted of or pleaded guilty to a felony in this state or in any 112994  
other state. If the individual indicates that a firearm will be 112995  
carried in the course of business, the superintendent shall 112996  
require information from the federal bureau of investigation as 112997  
described in division (B)(2) of this section. Subject to division 112998  
(F) of this section, the superintendent shall report the findings 112999  
of the criminal records check and any information the federal 113000  
bureau of investigation provides to the director of public safety. 113001

(8) On receipt of a request pursuant to section 1321.37, 113002  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 113003  
Code, a completed form prescribed pursuant to division (C)(1) of 113004  
this section, and a set of fingerprint impressions obtained in the 113005  
manner described in division (C)(2) of this section, the 113006  
superintendent of the bureau of criminal identification and 113007  
investigation shall conduct a criminal records check with respect 113008  
to any person who has applied for a license, permit, or 113009  
certification from the department of commerce or a division in the 113010  
department. The superintendent shall conduct the criminal records 113011  
check in the manner described in division (B) of this section to 113012  
determine whether any information exists that indicates that the 113013

person who is the subject of the request previously has been 113014  
convicted of or pleaded guilty to any of the following: a 113015  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 113016  
2925.03 of the Revised Code; any other criminal offense involving 113017  
theft, receiving stolen property, embezzlement, forgery, fraud, 113018  
passing bad checks, money laundering, or drug trafficking, or any 113019  
criminal offense involving money or securities, as set forth in 113020  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 113021  
the Revised Code; or any existing or former law of this state, any 113022  
other state, or the United States that is substantially equivalent 113023  
to those offenses. 113024

(9) On receipt of a request for a criminal records check from 113025  
the treasurer of state under section 113.041 of the Revised Code 113026  
or from an individual under section 4701.08, 4715.101, 4717.061, 113027  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 113028  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 113029  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 113030  
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 113031  
4761.051, 4762.031, 4762.06, 4776.021, 4779.091, or 4783.04 of the 113032  
Revised Code, accompanied by a completed form prescribed under 113033  
division (C)(1) of this section and a set of fingerprint 113034  
impressions obtained in the manner described in division (C)(2) of 113035  
this section, the superintendent of the bureau of criminal 113036  
identification and investigation shall conduct a criminal records 113037  
check in the manner described in division (B) of this section to 113038  
determine whether any information exists that indicates that the 113039  
person who is the subject of the request has been convicted of or 113040  
pleaded guilty to any criminal offense in this state or any other 113041  
state. Subject to division (F) of this section, the superintendent 113042  
shall send the results of a check requested under section 113.041 113043  
of the Revised Code to the treasurer of state and shall send the 113044  
results of a check requested under any of the other listed 113045  
sections to the licensing board specified by the individual in the 113046

request. 113047

(10) On receipt of a request pursuant to section 1121.23, 113048  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 113049  
Code, a completed form prescribed pursuant to division (C)(1) of 113050  
this section, and a set of fingerprint impressions obtained in the 113051  
manner described in division (C)(2) of this section, the 113052  
superintendent of the bureau of criminal identification and 113053  
investigation shall conduct a criminal records check in the manner 113054  
described in division (B) of this section to determine whether any 113055  
information exists that indicates that the person who is the 113056  
subject of the request previously has been convicted of or pleaded 113057  
guilty to any criminal offense under any existing or former law of 113058  
this state, any other state, or the United States. 113059

(11) On receipt of a request for a criminal records check 113060  
from an appointing or licensing authority under section 3772.07 of 113061  
the Revised Code, a completed form prescribed under division 113062  
(C)(1) of this section, and a set of fingerprint impressions 113063  
obtained in the manner prescribed in division (C)(2) of this 113064  
section, the superintendent of the bureau of criminal 113065  
identification and investigation shall conduct a criminal records 113066  
check in the manner described in division (B) of this section to 113067  
determine whether any information exists that indicates that the 113068  
person who is the subject of the request previously has been 113069  
convicted of or pleaded guilty or no contest to any offense under 113070  
any existing or former law of this state, any other state, or the 113071  
United States that is a disqualifying offense as defined in 113072  
section 3772.07 of the Revised Code or substantially equivalent to 113073  
such an offense. 113074

(12) On receipt of a request pursuant to section 2151.33 or 113075  
2151.412 of the Revised Code, a completed form prescribed pursuant 113076  
to division (C)(1) of this section, and a set of fingerprint 113077  
impressions obtained in the manner described in division (C)(2) of 113078

this section, the superintendent of the bureau of criminal 113079  
identification and investigation shall conduct a criminal records 113080  
check with respect to any person for whom a criminal records check 113081  
is required under that section. The superintendent shall conduct 113082  
the criminal records check in the manner described in division (B) 113083  
of this section to determine whether any information exists that 113084  
indicates that the person who is the subject of the request 113085  
previously has been convicted of or pleaded guilty to any of the 113086  
following: 113087

(a) A violation of section 2903.01, 2903.02, 2903.03, 113088  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 113089  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 113090  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 113091  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 113092  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 113093  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 113094  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 113095  
2925.22, 2925.23, or 3716.11 of the Revised Code; 113096

(b) An existing or former law of this state, any other state, 113097  
or the United States that is substantially equivalent to any of 113098  
the offenses listed in division (A)(12)(a) of this section. 113099

(13) On receipt of a request pursuant to section 3796.12 of 113100  
the Revised Code, a completed form prescribed pursuant to division 113101  
(C)(1) of this section, and a set of fingerprint impressions 113102  
obtained in a manner described in division (C)(2) of this section, 113103  
the superintendent of the bureau of criminal identification and 113104  
investigation shall conduct a criminal records check in the manner 113105  
described in division (B) of this section to determine whether any 113106  
information exists that indicates that the person who is the 113107  
subject of the request previously has been convicted of or pleaded 113108  
guilty to the following: 113109

(a) A disqualifying offense as specified in rules adopted 113110

under division (B)(2)(b) of section 3796.03 of the Revised Code if 113111  
the person who is the subject of the request is an administrator 113112  
or other person responsible for the daily operation of, or an 113113  
owner or prospective owner, officer or prospective officer, or 113114  
board member or prospective board member of, an entity seeking a 113115  
license from the department of commerce under Chapter 3796. of the 113116  
Revised Code; 113117

(b) A disqualifying offense as specified in rules adopted 113118  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 113119  
the person who is the subject of the request is an administrator 113120  
or other person responsible for the daily operation of, or an 113121  
owner or prospective owner, officer or prospective officer, or 113122  
board member or prospective board member of, an entity seeking a 113123  
license from the state board of pharmacy under Chapter 3796. of 113124  
the Revised Code. 113125

(14) On receipt of a request required by section 3796.13 of 113126  
the Revised Code, a completed form prescribed pursuant to division 113127  
(C)(1) of this section, and a set of fingerprint impressions 113128  
obtained in a manner described in division (C)(2) of this section, 113129  
the superintendent of the bureau of criminal identification and 113130  
investigation shall conduct a criminal records check in the manner 113131  
described in division (B) of this section to determine whether any 113132  
information exists that indicates that the person who is the 113133  
subject of the request previously has been convicted of or pleaded 113134  
guilty to the following: 113135

(a) A disqualifying offense as specified in rules adopted 113136  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 113137  
the person who is the subject of the request is seeking employment 113138  
with an entity licensed by the department of commerce under 113139  
Chapter 3796. of the Revised Code; 113140

(b) A disqualifying offense as specified in rules adopted 113141  
under division (B)(14)(a) of section 3796.04 of the Revised Code 113142

if the person who is the subject of the request is seeking 113143  
employment with an entity licensed by the state board of pharmacy 113144  
under Chapter 3796. of the Revised Code. 113145

(B) Subject to division (F) of this section, the 113146  
superintendent shall conduct any criminal records check to be 113147  
conducted under this section as follows: 113148

(1) The superintendent shall review or cause to be reviewed 113149  
any relevant information gathered and compiled by the bureau under 113150  
division (A) of section 109.57 of the Revised Code that relates to 113151  
the person who is the subject of the criminal records check, 113152  
including, if the criminal records check was requested under 113153  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 113154  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 113155  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 113156  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 113157  
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 113158  
5123.169, or 5153.111 of the Revised Code, any relevant 113159  
information contained in records that have been sealed under 113160  
section 2953.32 of the Revised Code; 113161

(2) If the request received by the superintendent asks for 113162  
information from the federal bureau of investigation, the 113163  
superintendent shall request from the federal bureau of 113164  
investigation any information it has with respect to the person 113165  
who is the subject of the criminal records check, including 113166  
fingerprint-based checks of national crime information databases 113167  
as described in 42 U.S.C. 671 if the request is made pursuant to 113168  
section 2151.86 or 5104.013 of the Revised Code or if any other 113169  
Revised Code section requires fingerprint-based checks of that 113170  
nature, and shall review or cause to be reviewed any information 113171  
the superintendent receives from that bureau. If a request under 113172  
section 3319.39 of the Revised Code asks only for information from 113173  
the federal bureau of investigation, the superintendent shall not 113174

conduct the review prescribed by division (B)(1) of this section. 113175

(3) The superintendent or the superintendent's designee may 113176  
request criminal history records from other states or the federal 113177  
government pursuant to the national crime prevention and privacy 113178  
compact set forth in section 109.571 of the Revised Code. 113179

(4) The superintendent shall include in the results of the 113180  
criminal records check a list or description of the offenses 113181  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 113182  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 113183  
whichever division requires the superintendent to conduct the 113184  
criminal records check. The superintendent shall exclude from the 113185  
results any information the dissemination of which is prohibited 113186  
by federal law. 113187

(5) The superintendent shall send the results of the criminal 113188  
records check to the person to whom it is to be sent not later 113189  
than the following number of days after the date the 113190  
superintendent receives the request for the criminal records 113191  
check, the completed form prescribed under division (C)(1) of this 113192  
section, and the set of fingerprint impressions obtained in the 113193  
manner described in division (C)(2) of this section: 113194

(a) If the superintendent is required by division (A) of this 113195  
section (other than division (A)(3) of this section) to conduct 113196  
the criminal records check, thirty; 113197

(b) If the superintendent is required by division (A)(3) of 113198  
this section to conduct the criminal records check, sixty. 113199

(C)(1) The superintendent shall prescribe a form to obtain 113200  
the information necessary to conduct a criminal records check from 113201  
any person for whom a criminal records check is to be conducted 113202  
under this section. The form that the superintendent prescribes 113203  
pursuant to this division may be in a tangible format, in an 113204  
electronic format, or in both tangible and electronic formats. 113205

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

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

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

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives

another request for a criminal records check to be conducted under 113238  
this section for that person, the superintendent shall provide the 113239  
results from the previous criminal records check of the person at 113240  
a lower fee than the fee prescribed for the initial criminal 113241  
records check. 113242

(E) When the superintendent receives a request for 113243  
information from a registered private provider, the superintendent 113244  
shall proceed as if the request was received from a school 113245  
district board of education under section 3319.39 of the Revised 113246  
Code. The superintendent shall apply division (A)(1)(c) of this 113247  
section to any such request for an applicant who is a teacher. 113248

(F)(1) Subject to division (F)(2) of this section, all 113249  
information regarding the results of a criminal records check 113250  
conducted under this section that the superintendent reports or 113251  
sends under division (A)(7) or (9) of this section to the director 113252  
of public safety, the treasurer of state, or the person, board, or 113253  
entity that made the request for the criminal records check shall 113254  
relate to the conviction of the subject person, or the subject 113255  
person's plea of guilty to, a criminal offense. 113256

(2) Division (F)(1) of this section does not limit, restrict, 113257  
or preclude the superintendent's release of information that 113258  
relates to the arrest of a person who is eighteen years of age or 113259  
older, to an adjudication of a child as a delinquent child, or to 113260  
a criminal conviction of a person under eighteen years of age in 113261  
circumstances in which a release of that nature is authorized 113262  
under division (E)(2), (3), or (4) of section 109.57 of the 113263  
Revised Code pursuant to a rule adopted under division (E)(1) of 113264  
that section. 113265

(G) As used in this section: 113266

(1) "Criminal records check" means any criminal records check 113267  
conducted by the superintendent of the bureau of criminal 113268

identification and investigation in accordance with division (B) 113269  
of this section. 113270

(2) "Minor drug possession offense" has the same meaning as 113271  
in section 2925.01 of the Revised Code. 113272

(3) "OVI or OVUAC violation" means a violation of section 113273  
4511.19 of the Revised Code or a violation of an existing or 113274  
former law of this state, any other state, or the United States 113275  
that is substantially equivalent to section 4511.19 of the Revised 113276  
Code. 113277

(4) "Registered private provider" means a nonpublic school or 113278  
entity registered with the superintendent of public instruction 113279  
under section 3310.41 of the Revised Code to participate in the 113280  
autism scholarship program or section 3310.58 of the Revised Code 113281  
to participate in the Jon Peterson special needs scholarship 113282  
program. 113283

**Sec. 2305.113.** (A) Except as otherwise provided in this 113284  
section, an action upon a medical, dental, optometric, or 113285  
chiropractic claim shall be commenced within one year after the 113286  
cause of action accrued. 113287

(B)(1) If prior to the expiration of the one-year period 113288  
specified in division (A) of this section, a claimant who 113289  
allegedly possesses a medical, dental, optometric, or chiropractic 113290  
claim gives to the person who is the subject of that claim written 113291  
notice that the claimant is considering bringing an action upon 113292  
that claim, that action may be commenced against the person 113293  
notified at any time within one hundred eighty days after the 113294  
notice is so given. 113295

(2) An insurance company shall not consider the existence or 113296  
nonexistence of a written notice described in division (B)(1) of 113297  
this section in setting the liability insurance premium rates that 113298

the company may charge the company's insured person who is notified by that written notice.

(C) Except as to persons within the age of minority or of unsound mind as provided by section 2305.16 of the Revised Code, and except as provided in division (D) of this section, both of the following apply:

(1) No action upon a medical, dental, optometric, or chiropractic claim shall be commenced more than four years after the occurrence of the act or omission constituting the alleged basis of the medical, dental, optometric, or chiropractic claim.

(2) If an action upon a medical, dental, optometric, or chiropractic claim is not commenced within four years after the occurrence of the act or omission constituting the alleged basis of the medical, dental, optometric, or chiropractic claim, then, any action upon that claim is barred.

(D)(1) If a person making a medical claim, dental claim, optometric claim, or chiropractic claim, in the exercise of reasonable care and diligence, could not have discovered the injury resulting from the act or omission constituting the alleged basis of the claim within three years after the occurrence of the act or omission, but, in the exercise of reasonable care and diligence, discovers the injury resulting from that act or omission before the expiration of the four-year period specified in division (C)(1) of this section, the person may commence an action upon the claim not later than one year after the person discovers the injury resulting from that act or omission.

(2) If the alleged basis of a medical claim, dental claim, optometric claim, or chiropractic claim is the occurrence of an act or omission that involves a foreign object that is left in the body of the person making the claim, the person may commence an action upon the claim not later than one year after the person

discovered the foreign object or not later than one year after the 113330  
person, with reasonable care and diligence, should have discovered 113331  
the foreign object. 113332

(3) A person who commences an action upon a medical claim, 113333  
dental claim, optometric claim, or chiropractic claim under the 113334  
circumstances described in division (D)(1) or (2) of this section 113335  
has the affirmative burden of proving, by clear and convincing 113336  
evidence, that the person, with reasonable care and diligence, 113337  
could not have discovered the injury resulting from the act or 113338  
omission constituting the alleged basis of the claim within the 113339  
three-year period described in division (D)(1) of this section or 113340  
within the one-year period described in division (D)(2) of this 113341  
section, whichever is applicable. 113342

(E) As used in this section: 113343

(1) "Hospital" includes any person, corporation, association, 113344  
board, or authority that is responsible for the operation of any 113345  
hospital licensed or registered in the state, including, but not 113346  
limited to, those that are owned or operated by the state, 113347  
political subdivisions, any person, any corporation, or any 113348  
combination of the state, political subdivisions, persons, and 113349  
corporations. "Hospital" also includes any person, corporation, 113350  
association, board, entity, or authority that is responsible for 113351  
the operation of any clinic that employs a full-time staff of 113352  
physicians practicing in more than one recognized medical 113353  
specialty and rendering advice, diagnosis, care, and treatment to 113354  
individuals. "Hospital" does not include any hospital operated by 113355  
the government of the United States or any of its branches. 113356

(2) "Physician" means a person who is licensed to practice 113357  
medicine and surgery or osteopathic medicine and surgery by the 113358  
state medical board or a person who otherwise is authorized to 113359  
practice medicine and surgery or osteopathic medicine and surgery 113360  
in this state. 113361

(3) "Medical claim" means any claim that is asserted in any civil action against a physician, podiatrist, hospital, home, or residential facility, against any employee or agent of a physician, podiatrist, hospital, home, or residential facility, or against a licensed practical nurse, registered nurse, advanced practice registered nurse, physical therapist, physician assistant, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, and that arises out of the medical diagnosis, care, or treatment of any person. "Medical claim" includes the following:

(a) Derivative claims for relief that arise from the plan of care, medical diagnosis, or treatment of a person;

(b) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and to which either of the following applies:

(i) The claim results from acts or omissions in providing medical care.

(ii) The claim results from the hiring, training, supervision, retention, or termination of caregivers providing medical diagnosis, care, or treatment.

(c) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and that are brought under section 3721.17 of the Revised Code;

(d) Claims that arise out of skilled nursing care or personal care services provided in a home pursuant to the plan of care, medical diagnosis, or treatment.

(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.

(5) "Dentist" means any person who is licensed to practice

dentistry by the state dental board. 113392

(6) "Dental claim" means any claim that is asserted in any 113393  
civil action against a dentist, or against any employee or agent 113394  
of a dentist, and that arises out of a dental operation or the 113395  
dental diagnosis, care, or treatment of any person. "Dental claim" 113396  
includes derivative claims for relief that arise from a dental 113397  
operation or the dental diagnosis, care, or treatment of a person. 113398

(7) "Derivative claims for relief" include, but are not 113399  
limited to, claims of a parent, guardian, custodian, or spouse of 113400  
an individual who was the subject of any medical diagnosis, care, 113401  
or treatment, dental diagnosis, care, or treatment, dental 113402  
operation, optometric diagnosis, care, or treatment, or 113403  
chiropractic diagnosis, care, or treatment, that arise from that 113404  
diagnosis, care, treatment, or operation, and that seek the 113405  
recovery of damages for any of the following: 113406

(a) Loss of society, consortium, companionship, care, 113407  
assistance, attention, protection, advice, guidance, counsel, 113408  
instruction, training, or education, or any other intangible loss 113409  
that was sustained by the parent, guardian, custodian, or spouse; 113410

(b) Expenditures of the parent, guardian, custodian, or 113411  
spouse for medical, dental, optometric, or chiropractic care or 113412  
treatment, for rehabilitation services, or for other care, 113413  
treatment, services, products, or accommodations provided to the 113414  
individual who was the subject of the medical diagnosis, care, or 113415  
treatment, the dental diagnosis, care, or treatment, the dental 113416  
operation, the optometric diagnosis, care, or treatment, or the 113417  
chiropractic diagnosis, care, or treatment. 113418

(8) "Registered nurse" means any person who is licensed to 113419  
practice nursing as a registered nurse by the board of nursing. 113420

(9) "Chiropractic claim" means any claim that is asserted in 113421  
any civil action against a chiropractor, or against any employee 113422

or agent of a chiropractor, and that arises out of the 113423  
chiropractic diagnosis, care, or treatment of any person. 113424  
"Chiropractic claim" includes derivative claims for relief that 113425  
arise from the chiropractic diagnosis, care, or treatment of a 113426  
person. 113427

(10) "Chiropractor" means any person who is licensed to 113428  
practice chiropractic by the state chiropractic board. 113429

(11) "Optometric claim" means any claim that is asserted in 113430  
any civil action against an optometrist, or against any employee 113431  
or agent of an optometrist, and that arises out of the optometric 113432  
diagnosis, care, or treatment of any person. "Optometric claim" 113433  
includes derivative claims for relief that arise from the 113434  
optometric diagnosis, care, or treatment of a person. 113435

(12) "Optometrist" means any person licensed to practice 113436  
optometry by the state ~~board of optometry~~ vision professionals  
board. 113437  
113438

(13) "Physical therapist" means any person who is licensed to 113439  
practice physical therapy under Chapter 4755. of the Revised Code. 113440

(14) "Home" has the same meaning as in section 3721.10 of the 113441  
Revised Code. 113442

(15) "Residential facility" means a facility licensed under 113443  
section 5123.19 of the Revised Code. 113444

(16) "Advanced practice registered nurse" has the same 113445  
meaning as in section 4723.01 of the Revised Code. 113446

(17) "Licensed practical nurse" means any person who is 113447  
licensed to practice nursing as a licensed practical nurse by the 113448  
board of nursing pursuant to Chapter 4723. of the Revised Code. 113449

(18) "Physician assistant" means any person who is licensed 113450  
as a physician assistant under Chapter 4730. of the Revised Code. 113451

(19) "Emergency medical technician-basic," "emergency medical 113452

technician-intermediate," and "emergency medical 113453  
technician-paramedic" means any person who is certified under 113454  
Chapter 4765. of the Revised Code as an emergency medical 113455  
technician-basic, emergency medical technician-intermediate, or 113456  
emergency medical technician-paramedic, whichever is applicable. 113457

(20) "Skilled nursing care" and "personal care services" have 113458  
the same meanings as in section 3721.01 of the Revised Code. 113459

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 113460  
grade in the school year that starts July 1, 2009, and until June 113461  
30, 2013, unless the student is excused under division (C) of 113462  
section 3301.0711 of the Revised Code from taking the assessment 113463  
described in this section, for any student who does not attain at 113464  
least the equivalent level of achievement designated under 113465  
division (A)(3) of section 3301.0710 of the Revised Code on the 113466  
assessment prescribed under that section to measure skill in 113467  
English language arts expected at the end of third grade, each 113468  
school district, in accordance with the policy adopted under 113469  
section 3313.609 of the Revised Code, shall do one of the 113470  
following: 113471

(a) Promote the student to fourth grade if the student's 113472  
principal and reading teacher agree that other evaluations of the 113473  
student's skill in reading demonstrate that the student is 113474  
academically prepared to be promoted to fourth grade; 113475

(b) Promote the student to fourth grade but provide the 113476  
student with intensive intervention services in fourth grade; 113477

(c) Retain the student in third grade. 113478

(2) Beginning with students who enter third grade in the 113479  
2013-2014 school year, unless the student is excused under 113480  
division (C) of section 3301.0711 of the Revised Code from taking 113481  
the assessment described in this section, no school district shall 113482

promote to fourth grade any student who does not attain at least 113483  
the equivalent level of achievement designated under division 113484  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 113485  
prescribed under that section to measure skill in English language 113486  
arts expected at the end of third grade, unless one of the 113487  
following applies: 113488

(a) The student is a limited English proficient student who 113489  
has been enrolled in United States schools for less than three 113490  
full school years and has had less than three years of instruction 113491  
in an English as a second language program. 113492

(b) The student is a child with a disability entitled to 113493  
special education and related services under Chapter 3323. of the 113494  
Revised Code and the student's individualized education program 113495  
exempts the student from retention under this division. 113496

(c) The student demonstrates an acceptable level of 113497  
performance on an alternative standardized reading assessment as 113498  
determined by the department of education. 113499

(d) All of the following apply: 113500

(i) The student is a child with a disability entitled to 113501  
special education and related services under Chapter 3323. of the 113502  
Revised Code. 113503

(ii) The student has taken the third grade English language 113504  
arts achievement assessment prescribed under section 3301.0710 of 113505  
the Revised Code. 113506

(iii) The student's individualized education program or plan 113507  
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 113508  
355, 29 U.S.C. 794, as amended, shows that the student has 113509  
received intensive remediation in reading for two school years but 113510  
still demonstrates a deficiency in reading. 113511

(iv) The student previously was retained in any of grades 113512

kindergarten to three. 113513

(e)(i) The student received intensive remediation for reading 113514  
for two school years but still demonstrates a deficiency in 113515  
reading and was previously retained in any of grades kindergarten 113516  
to three. 113517

(ii) A student who is promoted under division (A)(2)(e)(i) of 113518  
this section shall continue to receive intensive reading 113519  
instruction in grade four. The instruction shall include an 113520  
altered instructional day that includes specialized diagnostic 113521  
information and specific research-based reading strategies for the 113522  
student that have been successful in improving reading among 113523  
low-performing readers. 113524

(B)(1) Beginning in the 2012-2013 school year, to assist 113525  
students in meeting the third grade guarantee established by this 113526  
section, each school district board of education shall adopt 113527  
policies and procedures with which it annually shall assess the 113528  
reading skills of each student, except those students with 113529  
significant cognitive disabilities or other disabilities as 113530  
authorized by the department on a case-by-case basis, enrolled in 113531  
kindergarten to third grade and shall identify students who are 113532  
reading below their grade level. The reading skills assessment 113533  
shall be completed by the thirtieth day of September for students 113534  
in grades one to three, and by the first day of November for 113535  
students in kindergarten. Each district shall use the diagnostic 113536  
assessment to measure reading ability for the appropriate grade 113537  
level adopted under section 3301.079 of the Revised Code, or a 113538  
comparable tool approved by the department of education, to 113539  
identify such students. The policies and procedures shall require 113540  
the students' classroom teachers to be involved in the assessment 113541  
and the identification of students reading below grade level. The 113542  
assessment may be administered electronically using live, two-way 113543  
video and audio connections whereby the teacher administering the 113544

assessment may be in a separate location from the student. 113545

(2) For each student identified by the diagnostic assessment 113546  
prescribed under this section as having reading skills below grade 113547  
level, the district shall do both of the following: 113548

(a) Provide to the student's parent or guardian, in writing, 113549  
all of the following: 113550

(i) Notification that the student has been identified as 113551  
having a substantial deficiency in reading; 113552

(ii) A description of the current services that are provided 113553  
to the student; 113554

(iii) A description of the proposed supplemental 113555  
instructional services and supports that will be provided to the 113556  
student that are designed to remediate the identified areas of 113557  
reading deficiency; 113558

(iv) Notification that if the student attains a score in the 113559  
range designated under division (A)(3) of section 3301.0710 of the 113560  
Revised Code on the assessment prescribed under that section to 113561  
measure skill in English language arts expected at the end of 113562  
third grade, the student shall be retained unless the student is 113563  
exempt under division (A) of this section. The notification shall 113564  
specify that the assessment under section 3301.0710 of the Revised 113565  
Code is not the sole determinant of promotion and that additional 113566  
evaluations and assessments are available to the student to assist 113567  
parents and the district in knowing when a student is reading at 113568  
or above grade level and ready for promotion. 113569

(b) Provide intensive reading instruction services and 113570  
regular diagnostic assessments to the student immediately 113571  
following identification of a reading deficiency until the 113572  
development of the reading improvement and monitoring plan 113573  
required by division (C) of this section. These intervention 113574  
services shall include research-based reading strategies that have 113575

been shown to be successful in improving reading among 113576  
low-performing readers and instruction targeted at the student's 113577  
identified reading deficiencies. 113578

(3) For each student retained under division (A) of this 113579  
section, the district shall do all of the following: 113580

(a) Provide intense remediation services until the student is 113581  
able to read at grade level. The remediation services shall 113582  
include intensive interventions in reading that address the areas 113583  
of deficiencies identified under this section including, but not 113584  
limited to, not less than ninety minutes of reading instruction 113585  
per day, and may include any of the following: 113586

(i) Small group instruction; 113587

(ii) Reduced teacher-student ratios; 113588

(iii) More frequent progress monitoring; 113589

(iv) Tutoring or mentoring; 113590

(v) Transition classes containing third and fourth grade 113591  
students; 113592

(vi) Extended school day, week, or year; 113593

(vii) Summer reading camps. 113594

(b) Establish a policy for the mid-year promotion of a 113595  
student retained under division (A) of this section who 113596  
demonstrates that the student is reading at or above grade level; 113597

(c) Provide each student with a teacher who satisfies one or 113598  
more of the criteria set forth in division (H) of this section. 113599

The district shall offer the option for students to receive 113600  
applicable services from one or more providers other than the 113601  
district. Providers shall be screened and approved by the district 113602  
or the department of education. If the student participates in the 113603  
remediation services and demonstrates reading proficiency in 113604

accordance with standards adopted by the department prior to the 113605  
start of fourth grade, the district shall promote the student to 113606  
that grade. 113607

(4) For each student retained under division (A) of this 113608  
section who has demonstrated proficiency in a specific academic 113609  
ability field, each district shall provide instruction 113610  
commensurate with student achievement levels in that specific 113611  
academic ability field. 113612

As used in this division, "specific academic ability field" 113613  
has the same meaning as in section 3324.01 of the Revised Code. 113614

(C) For each student required to be provided intervention 113615  
services under this section, the district shall develop a reading 113616  
improvement and monitoring plan within sixty days after receiving 113617  
the student's results on the diagnostic assessment or comparable 113618  
tool administered under division (B)(1) of this section. The 113619  
district shall involve the student's parent or guardian and 113620  
classroom teacher in developing the plan. The plan shall include 113621  
all of the following: 113622

(1) Identification of the student's specific reading 113623  
deficiencies; 113624

(2) A description of the additional instructional services 113625  
and support that will be provided to the student to remediate the 113626  
identified reading deficiencies; 113627

(3) Opportunities for the student's parent or guardian to be 113628  
involved in the instructional services and support described in 113629  
division (C)(2) of this section; 113630

(4) A process for monitoring the extent to which the student 113631  
receives the instructional services and support described in 113632  
division (C)(2) of this section; 113633

(5) A reading curriculum during regular school hours that 113634

does all of the following: 113635

(a) Assists students to read at grade level; 113636

(b) Provides scientifically based and reliable assessment; 113637

(c) Provides initial and ongoing analysis of each student's 113638  
reading progress. 113639

(6) A statement that if the student does not attain at least 113640  
the equivalent level of achievement designated under division 113641  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 113642  
prescribed under that section to measure skill in English language 113643  
arts expected by the end of third grade, the student may be 113644  
retained in third grade. 113645

Each student with a reading improvement and monitoring plan 113646  
under this division who enters third grade after July 1, 2013, 113647  
shall be assigned to a teacher who satisfies one or more of the 113648  
criteria set forth in division (H) of this section. 113649

The district shall report any information requested by the 113650  
department about the reading improvement monitoring plans 113651  
developed under this division in the manner required by the 113652  
department. 113653

(D) Each school district shall report annually to the 113654  
department on its implementation and compliance with this section 113655  
using guidelines prescribed by the superintendent of public 113656  
instruction. The superintendent of public instruction annually 113657  
shall report to the governor and general assembly the number and 113658  
percentage of students in grades kindergarten through four reading 113659  
below grade level based on the diagnostic assessments administered 113660  
under division (B) of this section and the achievement assessments 113661  
administered under divisions (A)(1)(a) and (b) of section 113662  
3301.0710 of the Revised Code in English language arts, aggregated 113663  
by school district and building; the types of intervention 113664  
services provided to students; and, if available, an evaluation of 113665

the efficacy of the intervention services provided. 113666

(E) Any summer remediation services funded in whole or in 113667  
part by the state and offered by school districts to students 113668  
under this section shall meet the following conditions: 113669

(1) The remediation methods are based on reliable educational 113670  
research. 113671

(2) The school districts conduct assessment before and after 113672  
students participate in the program to facilitate monitoring 113673  
results of the remediation services. 113674

(3) The parents of participating students are involved in 113675  
programming decisions. 113676

(F) Any intervention or remediation services required by this 113677  
section shall include intensive, explicit, and systematic 113678  
instruction. 113679

(G) This section does not create a new cause of action or a 113680  
substantive legal right for any person. 113681

(H)(1) Except as provided under divisions (H)(2), (3), and 113682  
(4) of this section, each student described in division (B)(3) or 113683  
(C) of this section who enters third grade for the first time on 113684  
or after July 1, 2013, shall be assigned a teacher who has at 113685  
least one year of teaching experience and who satisfies one or 113686  
more of the following criteria: 113687

(a) The teacher holds a reading endorsement on the teacher's 113688  
license and has attained a passing score on the corresponding 113689  
assessment for that endorsement, as applicable. 113690

(b) The teacher has completed a master's degree program with 113691  
a major in reading. 113692

(c) The teacher was rated "most effective" for reading 113693  
instruction consecutively for the most recent two years based on 113694  
assessments of student growth measures developed by a vendor and 113695

that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code.

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of

the Revised Code. 113727

(4) Notwithstanding division (H)(1) of this section, a 113728  
student described in division (B)(3) or (C) of this section who 113729  
enters third grade for the first time on or after July 1, 2013, 113730  
may receive reading intervention or remediation services under 113731  
this section from an individual employed as a speech-language 113732  
pathologist who holds a license issued by the state speech and 113733  
hearing professionals board of ~~speech language pathology and~~ 113734  
~~audiology~~ under Chapter 4753. of the Revised Code and a 113735  
professional pupil services license as a school speech-language 113736  
pathologist issued by the state board of education. 113737

(5) A teacher, other than a student's teacher of record, may 113738  
provide any services required under this section, so long as that 113739  
other teacher meets the requirements of division (H) of this 113740  
section and the teacher of record and the school principal agree 113741  
to the assignment. Any such assignment shall be documented in the 113742  
student's reading improvement and monitoring plan. 113743

As used in this division, "teacher of record" means the 113744  
classroom teacher to whom a student is assigned. 113745

(I) Notwithstanding division (H) of this section, a teacher 113746  
may teach reading to any student who is an English language 113747  
learner, and has been in the United States for three years or 113748  
less, or to a student who has an individualized education program 113749  
developed under Chapter 3323. of the Revised Code if that teacher 113750  
holds an alternative credential approved by the department or has 113751  
successfully completed training that is based on principles of 113752  
scientifically research-based reading instruction that has been 113753  
approved by the department. Beginning on July 1, 2014, the 113754  
alternative credentials and training described in this division 113755  
shall be aligned with the reading competencies adopted by the 113756  
state board of education under section 3301.077 of the Revised 113757  
Code. 113758

(J) If, on or after June 4, 2013, a school district or 113759  
community school cannot furnish the number of teachers needed who 113760  
satisfy one or more of the criteria set forth in division (H) of 113761  
this section for the 2013-2014 school year, the school district or 113762  
community school shall develop and submit a staffing plan by June 113763  
30, 2013. The staffing plan shall include criteria that will be 113764  
used to assign a student described in division (B)(3) or (C) of 113765  
this section to a teacher, credentials or training held by 113766  
teachers currently teaching at the school, and how the school 113767  
district or community school will meet the requirements of this 113768  
section. The school district or community school shall post the 113769  
staffing plan on its web site for the applicable school year. 113770

Not later than March 1, 2014, and on the first day of March 113771  
in each year thereafter, a school district or community school 113772  
that has submitted a plan under this division shall submit to the 113773  
department a detailed report of the progress the district or 113774  
school has made in meeting the requirements under this section. 113775

A school district or community school may request an 113776  
extension of a staffing plan beyond the 2013-2014 school year. 113777  
Extension requests must be submitted to the department not later 113778  
than the thirtieth day of April prior to the start of the 113779  
applicable school year. The department may grant extensions valid 113780  
through the 2015-2016 school year. 113781

Until June 30, 2015, the department annually shall review all 113782  
staffing plans and report to the state board not later than the 113783  
thirtieth day of June of each year the progress of school 113784  
districts and community schools in meeting the requirements of 113785  
this section. 113786

(K) The department of education shall designate one or more 113787  
staff members to provide guidance and assistance to school 113788  
districts and community schools in implementing the third grade 113789  
guarantee established by this section, including any standards or 113790

requirements adopted to implement the guarantee and to provide 113791  
information and support for reading instruction and achievement. 113792

**Sec. 3701.83.** There is hereby created in the state treasury 113793  
the general operations fund. Moneys in the fund shall be used for 113794  
the purposes specified in sections 3701.04, 3701.344, 3702.20, 113795  
3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 113796  
3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 113797  
3749.07, ~~4747.04~~, and 4769.09 of the Revised Code. 113798

**Sec. 4725.01.** As used in this chapter: 113799

(A)(1) The "practice of optometry" means the application of 113800  
optical principles, through technical methods and devices, in the 113801  
examination of human eyes for the purpose of ascertaining 113802  
departures from the normal, measuring their functional powers, 113803  
adapting optical accessories for the aid thereof, and detecting 113804  
ocular abnormalities that may be evidence of disease, pathology, 113805  
or injury. 113806

(2) In the case of a licensed optometrist who holds a topical 113807  
ocular pharmaceutical agents certificate, the "practice of 113808  
optometry" has the same meaning as in division (A)(1) of this 113809  
section, except that it also includes administering topical ocular 113810  
pharmaceutical agents. 113811

(3) In the case of a licensed optometrist who holds a 113812  
therapeutic pharmaceutical agents certificate, the "practice of 113813  
optometry" has the same meaning as in division (A)(1) of this 113814  
section, except that it also includes all of the following: 113815

(a) Employing, applying, administering, and prescribing 113816  
instruments, devices, and procedures, other than invasive 113817  
procedures, for purpose of examination, investigation, diagnosis, 113818  
treatment, or prevention of any disease, injury, or other abnormal 113819  
condition of the visual system; 113820

|                                                                                                                                                                                                                                                                                                                                                                                               |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (b) Employing, applying, administering, and prescribing<br>topical ocular pharmaceutical agents;                                                                                                                                                                                                                                                                                              | 113821<br>113822                                         |
| (c) Employing, applying, administering, and prescribing<br>therapeutic pharmaceutical agents;                                                                                                                                                                                                                                                                                                 | 113823<br>113824                                         |
| (d) Assisting an individual in determining the individual's<br>blood glucose level by using a commercially available<br>glucose-monitoring device. Nothing in this section precludes a<br>licensed optometrist who holds a therapeutic pharmaceutical agents<br>certificate from using any particular type of commercially<br>available glucose-monitoring device.                            | 113825<br>113826<br>113827<br>113828<br>113829<br>113830 |
| (B) "Topical ocular pharmaceutical agent" means a drug or<br>dangerous drug that is a topical drug and used in the practice of<br>optometry as follows:                                                                                                                                                                                                                                       | 113831<br>113832<br>113833                               |
| (1) In the case of a licensed optometrist who holds a topical<br>ocular pharmaceutical agents certificate, for evaluative purposes<br>in the practice of optometry as set forth in division (A)(1) of<br>this section;                                                                                                                                                                        | 113834<br>113835<br>113836<br>113837                     |
| (2) In the case of a licensed optometrist who holds a<br>therapeutic pharmaceutical agents certificate, for purposes of<br>examination, investigation, diagnosis, treatment, or prevention of<br>any disease, injury, or other abnormal condition of the visual<br>system.                                                                                                                    | 113838<br>113839<br>113840<br>113841<br>113842           |
| (C) "Therapeutic pharmaceutical agent" means a drug or<br>dangerous drug that is used for examination, investigation,<br>diagnosis, treatment, or prevention of any disease, injury, or<br>other abnormal condition of the visual system in the practice of<br>optometry by a licensed optometrist who holds a therapeutic<br>pharmaceutical agents certificate, and is any of the following: | 113843<br>113844<br>113845<br>113846<br>113847<br>113848 |
| (1) An oral drug or dangerous drug in one of the following<br>classifications:                                                                                                                                                                                                                                                                                                                | 113849<br>113850                                         |

|                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (a) Anti-infectives, including antibiotics, antivirals, antimicrobials, and antifungals;                                                                                                                                                                                                                                                                                                             | 113851<br>113852                                                   |
| (b) Anti-allergy agents;                                                                                                                                                                                                                                                                                                                                                                             | 113853                                                             |
| (c) Antiglaucoma agents;                                                                                                                                                                                                                                                                                                                                                                             | 113854                                                             |
| (d) Analgesics, including only analgesic drugs that are available without a prescription, analgesic drugs or dangerous drugs that require a prescription but are not controlled substances, and, to the extent authorized by the state <del>board of optometry</del> <u>vision professionals board</u> in rules adopted under section 4725.091 of the Revised Code, analgesic controlled substances; | 113855<br>113856<br>113857<br>113858<br>113859<br>113860<br>113861 |
| (e) Anti-inflammatories, excluding all drugs or dangerous drugs classified as oral steroids other than methylpredisolone, except that methylpredisolone may be used under a therapeutic pharmaceutical agents certificate only if it is prescribed under all of the following conditions:                                                                                                            | 113862<br>113863<br>113864<br>113865<br>113866                     |
| (i) For use in allergy cases;                                                                                                                                                                                                                                                                                                                                                                        | 113867                                                             |
| (ii) For use by an individual who is eighteen years of age or older;                                                                                                                                                                                                                                                                                                                                 | 113868<br>113869                                                   |
| (iii) On the basis of an individual's particular episode of illness;                                                                                                                                                                                                                                                                                                                                 | 113870<br>113871                                                   |
| (iv) In an amount that does not exceed the amount packaged for a single course of therapy.                                                                                                                                                                                                                                                                                                           | 113872<br>113873                                                   |
| (2) Epinephrine administered by injection to individuals in emergency situations to counteract anaphylaxis or anaphylactic shock. Notwithstanding any provision of this section to the contrary, administration of epinephrine in this manner does not constitute performance of an invasive procedure.                                                                                              | 113874<br>113875<br>113876<br>113877<br>113878                     |
| (3) An oral drug or dangerous drug that is not included under division (C)(1) of this section, if the drug or dangerous drug is                                                                                                                                                                                                                                                                      | 113879<br>113880                                                   |

approved, exempt from approval, certified, or exempt from 113881  
certification by the federal food and drug administration for 113882  
ophthalmic purposes and the drug or dangerous drug is specified in 113883  
rules adopted by the ~~state board of optometry~~ under section 113884  
4725.09 of the Revised Code. 113885

(D) "Controlled substance" has the same meaning as in section 113886  
3719.01 of the Revised Code. 113887

(E) "Drug" and "dangerous drug" have the same meanings as in 113888  
section 4729.01 of the Revised Code. 113889

(F) "Invasive procedure" means any procedure that involves 113890  
cutting or otherwise infiltrating human tissue by mechanical means 113891  
including surgery, laser surgery, ionizing radiation, therapeutic 113892  
ultrasound, administering medication by injection, or the removal 113893  
of intraocular foreign bodies. 113894

(G) "Visual system" means the human eye and its accessory or 113895  
subordinate anatomical parts. 113896

(H) "Certificate of licensure" means a certificate issued by 113897  
the ~~state board of optometry~~ under section 4725.13 of the Revised 113898  
Code authorizing the holder to practice optometry as provided in 113899  
division (A)(1) of this section. 113900

(I) "Topical ocular pharmaceutical agents certificate" means 113901  
a certificate issued by the ~~state board of optometry~~ under section 113902  
4725.13 of the Revised Code authorizing the holder to practice 113903  
optometry as provided in division (A)(2) of this section. 113904

(J) "Therapeutic pharmaceutical agents certificate" means a 113905  
certificate issued by the ~~state board of optometry~~ under division 113906  
(A)(3) or (4) of section 4725.13 of the Revised Code authorizing 113907  
the holder to practice optometry as provided in division (A)(3) of 113908  
this section. 113909

**Sec. 4725.02.** (A) Except as provided in section 4725.26 of 113910

the Revised Code, no person shall engage in the practice of 113911  
optometry, including the determination of the kind of procedure, 113912  
treatment, or optical accessories needed by a person or the 113913  
examination of the eyes of any person for the purpose of fitting 113914  
the same with optical accessories, unless the person holds a 113915  
current, valid certificate of licensure from the state ~~board of~~ 113916  
~~optometry~~ vision professionals board. No person shall claim to be 113917  
the lawful holder of a certificate of licensure when in fact the 113918  
person is not such lawful holder, or impersonate any licensed 113919  
optometrist. 113920

(B) No optometrist shall administer topical ocular 113921  
pharmaceutical agents unless the optometrist holds a valid topical 113922  
ocular pharmaceutical agents certificate or therapeutic 113923  
pharmaceutical agents certificate and fulfills the other 113924  
requirements of this chapter. 113925

(C) No optometrist shall practice optometry as described in 113926  
division (A)(3) of section 4725.01 of the Revised Code unless the 113927  
optometrist holds a valid therapeutic pharmaceutical agents 113928  
certificate. 113929

(D) No optometrist shall personally furnish a therapeutic 113930  
pharmaceutical agent to any person, except that a licensed 113931  
optometrist who holds a therapeutic pharmaceutical agents 113932  
certificate may personally furnish a therapeutic pharmaceutical 113933  
agent to a patient if no charge is imposed for the agent or for 113934  
furnishing it and the amount furnished does not exceed a 113935  
seventy-two hour supply, except that if the minimum available 113936  
quantity of the agent is greater than a seventy-two hour supply, 113937  
the optometrist may furnish the minimum available quantity. 113938

Sec. 4725.031. (A) There is hereby created the state vision 113939  
professionals board consisting of the following members, appointed 113940  
by the governor with the advice and consent of the senate: 113941

(1) Four individuals licensed as optometrists under this chapter; 113942  
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(2) Two individuals licensed as licensed dispensing opticians under this chapter; 113944  
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(3) One individual representing the general public. 113946

(B) Not later than ninety days after the effective date of this section, the governor shall make initial appointments to the board. Of the initial appointments, three members shall serve terms ending March 22, 2019, two members shall serve terms ending March 22, 2020, and two members shall serve terms ending March 22, 2021. 113947  
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Thereafter, terms of office are three years, with each term commencing on the twenty-third day of March and ending on the twenty-second day of March. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed, except that a member shall continue in office after the expiration date of the member's term until the member's successor takes office. No member shall serve more than three consecutive terms. 113953  
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Vacancies shall be filled in the same manner as original appointments. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. 113961  
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(C) When the term of a member of the board expires or a vacancy occurs on the board, a professional association representing the interests of the occupation of the board position to be filled may recommend to the governor individuals to fill the position. The governor shall consider the recommendation in making appointments to the board. 113966  
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(D) No individual may be appointed to the board who has been 113972

convicted of or pleaded guilty to a felony under the laws of this 113973  
state, another state, or the United States. 113974

The governor may remove a member of the board for 113975  
malfeasance, misfeasance, or nonfeasance after a hearing in 113976  
accordance with Chapter 119. of the Revised Code. The governor 113977  
shall remove, after a hearing in accordance with Chapter 119. of 113978  
the Revised Code, any member who has been convicted of or pleaded 113979  
guilty to a felony under the laws of this state, another state, or 113980  
the United States. 113981

**Sec. 4725.032.** Whenever the term "state board of optometry" 113982  
or "Ohio optical dispensers board" is used in any statute, rule, 113983  
contract, or other document, the use shall be construed to mean 113984  
the "state vision professionals board." 113985

Whenever "executive director of the state board of optometry" 113986  
or "executive secretary-treasurer of the Ohio optical dispensers 113987  
board" is used in a statute, rule, contract, or other document, 113988  
the use shall be construed to mean the executive director of the 113989  
state vision professionals board. 113990

**Sec. 4725.04.** The state vision professionals board of 113991  
optometry shall organize by the election of a president and a 113992  
secretary from its members, who shall hold their respective 113993  
offices for one year. 113994

The board shall hold meetings to perform its regular duties 113995  
at least four times each year. At least one of the board's regular 113996  
meetings shall be held in ~~Columbus~~ Franklin county. The board may 113997  
hold additional meetings as it considers necessary. The time and 113998  
place of any regular or other meeting shall be fixed and published 113999  
by the board at least thirty days prior to the date that it is to 114000  
be held, except when the meeting to be held is an emergency or 114001  
special meeting, in which case the board shall give twenty-four 114002

hours' notice or as much notice as possible under the 114003  
circumstances. 114004

A majority of the board constitutes a quorum, ~~but a lesser~~ 114005  
~~number may adjourn from time to time.~~ 114006

**Sec. 4725.05.** The state vision professionals board ~~of~~ 114007  
~~optometry~~ shall ~~employ~~ hire an executive director. Before entering 114008  
upon the discharge of official duties of office, the executive 114009  
director shall give a bond, to be approved by the board, in the 114010  
sum of two thousand dollars conditioned for the faithful discharge 114011  
of the duties of the office. The premium for such bond shall be 114012  
paid as are other expenditures of the board. The bond, with the 114013  
approval of the board and oath of office indorsed thereon, shall 114014  
be deposited with the secretary of state and kept in the secretary 114015  
of state's office. 114016

The executive director of the board, in consultation with the 114017  
director of administrative services, may employ such assistants, 114018  
inspectors, investigators, and ~~clerical help~~ other employees as 114019  
are necessary to administer ~~and enforce sections 4725.01 to~~ 114020  
~~4725.34 of the Revised Code~~ this chapter, the expenses thereof to 114021  
be charged and paid as other expenditures of the board. 114022

**Sec. 4725.06.** Each member of the state vision professionals 114023  
board ~~of optometry~~ shall receive an amount fixed pursuant to 114024  
division (J) of section 124.15 of the Revised Code for each day 114025  
~~actually employed in the discharge of the member is performing the~~ 114026  
member's official duties ~~of the member,~~ and be reimbursed for the 114027  
actual and necessary expenses of the member incurred in performing 114028  
such duties. 114029

The board, in consultation with the director of 114030  
administrative services, shall set the compensation of its 114031  
executive director and of any employees of the board. The 114032

executive director of the board shall receive reimbursement for 114033  
necessary expenses incurred in the discharge of the executive 114034  
director's official duties. 114035

All vouchers of the board shall be approved by the board 114036  
president or executive director, or both, as authorized by the 114037  
board. 114038

**Sec. 4725.07.** The state vision professionals board ~~of~~ 114039  
~~optometry~~ shall adopt a seal and certificate of suitable design 114040  
and shall keep a record of its proceedings, a register of ~~persons~~ 114041  
~~who have received certificates of licensure, a register of~~ 114042  
~~licensed optometrists who have received topical ocular~~ 114043  
~~pharmaceutical agents certificates, a register of licensed~~ 114044  
~~optometrists who have received therapeutic pharmaceutical agents~~ 114045  
~~certificates~~ every individual holding a certificate, license, 114046  
registration, or endorsement issued under this chapter, and a 114047  
register of ~~persons who have been subject to the board's~~ 114048  
~~revocation of any of those certificates~~ every individual whose 114049  
certificate, license, registration, or endorsement has been 114050  
revoked under this chapter. 114051

The board shall have an office in ~~Columbus~~ Franklin county, 114052  
where all its permanent records shall be kept. ~~The~~ On request of 114053  
the board ~~may make requisition upon the proper state officials~~ 114054  
~~for,~~ the director of administrative services shall supply the 114055  
board with office ~~rooms~~ space and supplies, including stationery 114056  
and furniture. All printing and binding necessary for the work of 114057  
the board shall be done upon an order issued by the board through 114058  
its president and executive director to the department of 114059  
administrative services. 114060

Except as provided in ~~division (C) of section 4725.22 and~~ 114061  
~~division (C) of section 4725.23 of the Revised Code~~ this chapter, 114062  
the records of the board, including its registers, shall be open 114063

to public inspection at all reasonable times. A copy of an entry 114064  
in such records, certified by the executive director under the 114065  
seal of the board, shall be prima-facie evidence of the facts 114066  
therein stated. 114067

The board annually, on or before the first day of February, 114068  
shall make a report to the governor of all its official acts 114069  
during the preceding year, its receipts and disbursements, and a 114070  
complete report of the conditions of optometry and optical 114071  
dispensing in this state. The board shall submit its first report 114072  
to the governor not later than February 1, 2019. The board shall 114073  
submit its reports to the governor electronically. 114074

**Sec. 4725.08.** In the absence of fraud or bad faith, the state 114075  
vision professionals board ~~of optometry~~, a current or former board 114076  
member, an agent of the board, a person formally requested by the 114077  
board to be the board's representative, or an employee of the 114078  
board shall not be held liable in damages to any person as the 114079  
result of any act, omission, proceeding, conduct, or decision 114080  
related to official duties undertaken or performed pursuant to 114081  
~~sections 4725.01 to 4725.34 of the Revised Code~~ this chapter. If 114082  
any such person asks to be defended by the state against any claim 114083  
or action arising out of any act, omission, proceeding, conduct, 114084  
or decision related to the person's official duties, and if the 114085  
request is made in writing at a reasonable time before trial and 114086  
the person requesting defense cooperates in good faith in the 114087  
defense of the claim or action, the state shall provide and pay 114088  
for the person's defense and shall pay any resulting judgment, 114089  
compromise, or settlement. At no time shall the state pay any part 114090  
of a claim or judgment that is for punitive or exemplary damages. 114091

**Sec. 4725.09.** (A) The state ~~board of optometry~~ vision 114092  
professionals board shall adopt rules as it considers necessary to 114093  
govern the practice of optometry and to administer and enforce 114094

sections 4725.01 to 4725.34 of the Revised Code. All rules adopted 114095  
under those sections shall be adopted in accordance with Chapter 114096  
119. of the Revised Code. 114097

(B) The board, in consultation with the state board of 114098  
pharmacy, shall adopt rules specifying any oral drugs or dangerous 114099  
drugs that are therapeutic pharmaceutical agents under division 114100  
(C)(3) of section 4725.01 of the Revised Code. 114101

(C) The board shall adopt rules that establish standards to 114102  
be met and procedures to be followed with respect to the 114103  
delegation by an optometrist of the performance of an optometric 114104  
task to a person who is not licensed or otherwise specifically 114105  
authorized by the Revised Code to perform the task. The rules 114106  
shall permit an optometrist who holds a topical ocular 114107  
pharmaceutical agents certificate or therapeutic pharmaceutical 114108  
agents certificate to delegate the administration of drugs 114109  
included in the optometrist's scope of practice. 114110

The rules adopted under this division shall provide for all 114111  
of the following: 114112

(1) On-site supervision when the delegation occurs in an 114113  
institution or other facility that is used primarily for the 114114  
purpose of providing health care, unless the board established a 114115  
specific exception to the on-site supervision requirement with 114116  
respect to routine administration of a topical drug; 114117

(2) Evaluation of whether delegation is appropriate according 114118  
to the acuity of the patient involved; 114119

(3) Training and competency requirements that must be met by 114120  
the person administering the drugs; 114121

(4) Other standards and procedures the board considers 114122  
relevant. 114123

(D) The ~~state board of optometry~~ shall adopt rules 114124

establishing criminal records checks requirements for applicants 114125  
under section 4776.03 of the Revised Code. 114126

**Sec. 4725.091.** (A) The state ~~board of optometry~~ vision 114127  
professionals board shall adopt rules governing the authority of 114128  
licensed optometrists practicing under therapeutic pharmaceutical 114129  
agents certificates to employ, apply, administer, and prescribe 114130  
analgesic controlled substances. The rules shall be adopted in 114131  
accordance with Chapter 119. of the Revised Code and in 114132  
consultation with the state board of pharmacy. 114133

(B) All of the following apply to the state vision 114134  
professionals board ~~of optometry~~ in the adoption of rules under 114135  
this section: 114136

(1) The board shall not permit an optometrist to employ, 114137  
apply, administer, or prescribe an analgesic controlled substance 114138  
other than a drug product that is used for the treatment of pain 114139  
and meets one of the following conditions: 114140

(a) The product is a preparation that contains an amount of 114141  
codeine per dosage unit, as specified by the board, and also 114142  
contains other active, nonnarcotic ingredients, such as 114143  
acetaminophen or aspirin, in a therapeutic amount. 114144

(b) The product is a preparation that contains an amount of 114145  
hydrocodone per dosage unit, as specified by the board, and also 114146  
contains other active, nonnarcotic ingredients, such as 114147  
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 114148

(c) The product contains or consists of a drug or dangerous 114149  
drug that was an analgesic included in the practice of optometry 114150  
under a therapeutic pharmaceutical agents certificate immediately 114151  
prior to ~~the effective date of this amendment~~ March 23, 2015, was 114152  
not a controlled substance at that time, and subsequently becomes 114153  
a schedule II, III, IV, or V controlled substance. 114154

(2) The board shall limit the analgesic controlled substances 114155  
that optometrists may employ, apply, administer, or prescribe to 114156  
the drugs that the board determines are appropriate for use in the 114157  
practice of optometry under a therapeutic pharmaceutical agents 114158  
certificate. 114159

(3) With regard to the prescribing of analgesic controlled 114160  
substances, the board shall establish prescribing standards to be 114161  
followed by optometrists who hold therapeutic pharmaceutical 114162  
agents certificates. The board shall take into account the 114163  
prescribing standards that exist within the health care 114164  
marketplace. 114165

(4) The board shall establish standards and procedures for 114166  
employing, applying, administering, and prescribing analgesic 114167  
controlled substances under a therapeutic pharmaceutical agents 114168  
certificate by taking into consideration and examining issues that 114169  
include the appropriate length of drug therapy, appropriate 114170  
standards for drug treatment, necessary monitoring systems, and 114171  
any other factors the board considers relevant. 114172

**Sec. 4725.092.** (A) As used in this section, "drug database" 114173  
means the database established and maintained by the state board 114174  
of pharmacy pursuant to section 4729.75 of the Revised Code. 114175

(B) The state ~~board of optometry~~ vision professionals board 114176  
shall adopt rules that establish standards and procedures to be 114177  
followed by an optometrist who holds a therapeutic pharmaceutical 114178  
agents certificate regarding the review of patient information 114179  
available through the drug database under division (A)(5) of 114180  
section 4729.80 of the Revised Code. The rules shall be adopted in 114181  
accordance with Chapter 119. of the Revised Code. 114182

(C) This section and the rules adopted under it do not apply 114183  
if the state board of pharmacy no longer maintains the drug 114184  
database. 114185

**Sec. 4725.10.** (A) The state ~~board of optometry~~ vision 114186  
professionals board shall evaluate schools of optometry and grant 114187  
its approval to schools that adequately prepare their graduates 114188  
for the practice of optometry in this state. Approval shall be 114189  
granted only by an affirmative vote of a majority of the members 114190  
of the board. 114191

(B) To be approved by the board, a school of optometry shall 114192  
meet at least the following conditions: 114193

(1) Be accredited by a professional optometric accrediting 114194  
agency recognized by the board; 114195

(2) Require as a prerequisite to admission to the school's 114196  
courses in optometry at least two academic years of study with 114197  
credits of at least sixty semester hours or ninety quarter hours 114198  
in a college of arts and sciences accredited by a post-secondary 114199  
education accrediting organization recognized by the board; 114200

(3) Require a course of study of at least four academic years 114201  
with credits of at least one hundred thirty-four semester hours or 114202  
two hundred quarter hours. 114203

(C) The board may establish standards for the approval of 114204  
schools of optometry that are higher than the standards specified 114205  
in division (B) of this section. 114206

**Sec. 4725.11.** (A) The state ~~board of optometry~~ vision 114207  
professionals board shall accept as the examination that must be 114208  
passed to receive a license to practice optometry in this state 114209  
the examination prepared, administered, and graded by the national 114210  
board of examiners in optometry or an examination prepared, 114211  
administered, and graded by another professional testing 114212  
organization recognized by the board as being qualified to examine 114213  
applicants for licenses to practice optometry in this state. The 114214  
board shall periodically review its acceptance of a licensing 114215

examination under this section to determine if the examination and 114216  
the organization offering it continue to meet standards the board 114217  
considers appropriate. 114218

(B) The licensing examination accepted by the board under 114219  
this section may be divided into parts and offered as follows: 114220

(1) Part one: Tests in basic science, human biology, ocular 114221  
and visual biology, theoretical ophthalmic, physiological optics, 114222  
and physiological psychology; 114223

(2) Part two: Tests in clinical science, systemic conditions, 114224  
the treatment and management of ocular disease, refractive 114225  
oculomotor, sensory integrative conditions, perceptual conditions, 114226  
public health, the legal issues regarding the clinical practice of 114227  
optometry, and pharmacology; 114228

(3) Part three: Tests in patient care and management, 114229  
clinical skills, and the visual recognition and interpretation of 114230  
clinical signs. 114231

(C) The licensing examination accepted by the board may be 114232  
offered in a manner other than the manner specified in division 114233  
(B) of this section, but if offered in another manner, the 114234  
examination must test the person sitting for the examination in 114235  
the areas specified in division (B) of this section and may test 114236  
the person in other areas. 114237

The board may require as a condition of its acceptance of an 114238  
examination that the examination cover subject matters in addition 114239  
to those specified in division (B) of this section, if the schools 114240  
of optometry it approves under section 4725.10 of the Revised Code 114241  
include the additional subject matters in their prescribed 114242  
curriculum. 114243

(D) The board shall accept direct delivery of the results of 114244  
the licensing examination from the testing organization 114245  
administering the examination. The results shall be kept as a 114246

permanent part of the board's records maintained pursuant to 114247  
section 4725.07 of the Revised Code. 114248

(E) On request of any person seeking to practice optometry in 114249  
this state, the board shall provide information on the licensing 114250  
examination accepted by the board, including requirements that 114251  
must be met to be eligible to sit for the examination and the 114252  
dates the examination is offered. 114253

**Sec. 4725.12.** (A) Each person who desires to commence the 114254  
practice of optometry in the state shall file with the executive 114255  
director of the state ~~board of optometry a written~~ vision 114256  
professionals board an application for a certificate of licensure 114257  
and a therapeutic pharmaceutical agents certificate. The 114258  
application shall be accompanied by the fees specified under 114259  
section 4725.34 of the Revised Code and shall contain all 114260  
information the board considers necessary to determine whether an 114261  
applicant is qualified to receive the certificates. The 114262  
application shall be made upon the form prescribed by the board 114263  
and shall be verified by the oath of the applicant. 114264

(B) To receive a certificate of licensure and a therapeutic 114265  
pharmaceutical agents certificate, an applicant must meet all of 114266  
the following conditions: 114267

(1) Be at least eighteen years of age; 114268

(2) Be of good moral character; 114269

(3) Complete satisfactorily a course of study of at least six 114270  
college years; 114271

(4) Graduate from a school of optometry approved by the board 114272  
under section 4725.10 of the Revised Code; 114273

(5) Pass the licensing examination accepted by the board 114274  
under section 4725.11 of the Revised Code. 114275

**Sec. 4725.121.** (A) As used in this section, "license" and 114276  
"applicant for an initial license" have the same meanings as in 114277  
section 4776.01 of the Revised Code, except that "license" as used 114278  
in both of those terms refers to the types of authorizations 114279  
otherwise issued or conferred under this chapter. 114280

(B) In addition to any other eligibility requirement set 114281  
forth in this chapter, each applicant for an initial license shall 114282  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 114283  
state ~~board of optometry~~ vision professionals board shall not 114284  
grant a license to an applicant for an initial license unless the 114285  
applicant complies with sections 4776.01 to 4776.04 of the Revised 114286  
Code and the board, in its discretion, decides that the results of 114287  
the criminal records check do not make the applicant ineligible 114288  
for a license issued pursuant to section 4725.13 or 4725.18 of the 114289  
Revised Code. 114290

**Sec. 4725.13.** (A) The state ~~board of optometry~~ vision 114291  
professionals board, by an affirmative vote of a majority of its 114292  
members, shall issue certificates under its seal as follows: 114293

(1) Every applicant who, prior to May 19, 1992, passed the 114294  
licensing examination then in effect, and who otherwise complies 114295  
with sections 4725.01 to 4725.34 of the Revised Code shall receive 114296  
from the board a certificate of licensure authorizing the holder 114297  
to engage in the practice of optometry as provided in division 114298  
(A)(1) of section 4725.01 of the Revised Code. 114299

(2) Every applicant who, prior to May 19, 1992, passed the 114300  
general and ocular pharmacology examination then in effect, and 114301  
who otherwise complies with sections 4725.01 to 4725.34 of the 114302  
Revised Code, shall receive from the board a separate topical 114303  
ocular pharmaceutical agents certificate authorizing the holder to 114304  
administer topical ocular pharmaceutical agents as provided in 114305

division (A)(2) of section 4725.01 of the Revised Code and in 114306  
accordance with sections 4725.01 to 4725.34 of the Revised Code. 114307

(3) Every applicant who holds a valid certificate of 114308  
licensure issued prior to May 19, 1992, and meets the requirements 114309  
of section 4725.14 of the Revised Code shall receive from the 114310  
board a separate therapeutic pharmaceutical agents certificate 114311  
authorizing the holder to engage in the practice of optometry as 114312  
provided in division (A)(3) of section 4725.01 of the Revised 114313  
Code. 114314

(4) Every applicant who, on or after May 19, 1992, passes all 114315  
parts of the licensing examination accepted by the board under 114316  
section 4725.11 of the Revised Code and otherwise complies with 114317  
the requirements of sections 4725.01 to 4725.34 of the Revised 114318  
Code shall receive from the board a certificate of licensure 114319  
authorizing the holder to engage in the practice of optometry as 114320  
provided in division (A)(1) of section 4725.01 of the Revised Code 114321  
and a separate therapeutic pharmaceutical agents certificate 114322  
authorizing the holder to engage in the practice of optometry as 114323  
provided in division (A)(3) of that section. 114324

(B) Each person to whom a certificate is issued pursuant to 114325  
this section by the board shall keep the certificate displayed in 114326  
a conspicuous place in the location at which that person practices 114327  
optometry and shall whenever required exhibit the certificate to 114328  
any member or agent of the board. If an optometrist practices 114329  
outside of or away from the location at which the optometrist's 114330  
certificate of licensure is displayed, the optometrist shall 114331  
deliver to each person examined or fitted with optical accessories 114332  
by the optometrist, a receipt signed by the optometrist in which 114333  
the optometrist shall set forth the amounts charged, the 114334  
optometrist's post-office address, and the number assigned to the 114335  
optometrist's certificate of licensure. The information may be 114336  
provided as part of a prescription given to the person. 114337

(C) A person who, on May 19, 1992, holds a valid certificate 114338  
of licensure or topical ocular pharmaceutical agents certificate 114339  
issued by the board may continue to engage in the practice of 114340  
optometry as provided by the certificate of licensure or topical 114341  
ocular pharmaceutical agents certificate if the person continues 114342  
to comply with sections 4725.01 to 4725.34 of the Revised Code as 114343  
required by the certificate of licensure or topical ocular 114344  
pharmaceutical agents certificate. 114345

**Sec. 4725.15.** If the state ~~board of optometry~~ vision 114346  
professionals board receives notice under division (D) of section 114347  
4725.11 of the Revised Code that an applicant has failed four 114348  
times the licensing examination or part of the examination that 114349  
must be passed pursuant to section 4725.12 or 4725.14 of the 114350  
Revised Code, the board shall not give further consideration to 114351  
the application until the applicant completes thirty hours of 114352  
remedial training approved by the board in the specific subject 114353  
area or areas covered by the examination or part of the 114354  
examination that was failed. 114355

**Sec. 4725.16.** (A)(1) Each certificate of licensure for the 114356  
practice of optometry, topical ocular pharmaceutical agents 114357  
certificate, and therapeutic pharmaceutical agents certificate 114358  
issued by the state ~~board of optometry~~ vision professionals board 114359  
shall expire annually on the last day of December, and may be 114360  
renewed in accordance with this section and the standard renewal 114361  
procedure established under Chapter 4745. of the Revised Code. 114362

(2) An optometrist seeking to continue to practice optometry 114363  
shall file with the board an application for license renewal. The 114364  
application shall be in such form and require such pertinent 114365  
professional biographical data as the board may require. 114366

(3)(a) Except as provided in division (A)(3)(b) of this 114367

section, in the case of an optometrist seeking renewal who holds a 114368  
therapeutic pharmaceutical agents certificate and who prescribes 114369  
or personally furnishes analgesic controlled substances authorized 114370  
pursuant to section 4725.091 of the Revised Code that are opioid 114371  
analgesics, as defined in section 3719.01 of the Revised Code, the 114372  
optometrist shall certify to the board whether the optometrist has 114373  
been granted access to the drug database established and 114374  
maintained by the state board of pharmacy pursuant to section 114375  
4729.75 of the Revised Code. 114376

(b) The requirement in division (A)(3)(a) of this section 114377  
does not apply if any of the following is the case: 114378

(i) The state board of pharmacy notifies the state ~~board of~~ 114379  
~~optometry~~ vision professionals board pursuant to section 4729.861 114380  
of the Revised Code that the certificate holder has been 114381  
restricted from obtaining further information from the drug 114382  
database. 114383

(ii) The state board of pharmacy no longer maintains the drug 114384  
database. 114385

(iii) The certificate holder does not practice optometry in 114386  
this state. 114387

(c) If an optometrist certifies to the state ~~board of~~ 114388  
~~optometry~~ vision professionals board that the optometrist has been 114389  
granted access to the drug database and the board finds through an 114390  
audit or other means that the optometrist has not been granted 114391  
access, the board may take action under section 4725.19 of the 114392  
Revised Code. 114393

(B) All licensed optometrists shall annually complete 114394  
continuing education in subjects relating to the practice of 114395  
optometry, to the end that the utilization and application of new 114396  
techniques, scientific and clinical advances, and the achievements 114397  
of research will assure comprehensive care to the public. The 114398

board shall prescribe by rule the continuing optometric education 114399  
that licensed optometrists must complete. The length of study 114400  
shall be twenty-five clock hours each year, including ten clock 114401  
hours of instruction in pharmacology to be completed by all 114402  
licensed optometrists. 114403

Unless the continuing education required under this division 114404  
is waived or deferred under division (D) of this section, the 114405  
continuing education must be completed during the twelve-month 114406  
period beginning on the first day of October and ending on the 114407  
last day of September. If the board receives notice from a 114408  
continuing education program indicating that an optometrist 114409  
completed the program after the last day of September, and the 114410  
optometrist wants to use the continuing education completed after 114411  
that day to renew the license that expires on the last day of 114412  
December of that year, the optometrist shall pay the penalty 114413  
specified under section 4725.34 of the Revised Code for late 114414  
completion of continuing education. 114415

At least once annually, the board shall post on its web site 114416  
and shall mail, or send by electronic mail, to each licensed 114417  
optometrist a list of courses approved in accordance with 114418  
standards prescribed by board rule. Upon the request of a licensed 114419  
optometrist, the executive director of the board shall supply a 114420  
list of additional courses that the board has approved subsequent 114421  
to the most recent web site posting, electronic mail transmission, 114422  
or mailing of the list of approved courses. 114423

(C)(1) Annually, not later than the first day of November, 114424  
the board shall mail or send by electronic mail a notice regarding 114425  
license renewal to each licensed optometrist who may be eligible 114426  
for renewal. The notice shall be sent to the optometrist's most 114427  
recent electronic mail or mailing address shown in the board's 114428  
records. If the board knows that the optometrist has completed the 114429  
required continuing optometric education for the year, the board 114430

may include with the notice an application for license renewal. 114431

(2) Filing a license renewal application with the board shall 114432  
serve as notice by the optometrist that the continuing optometric 114433  
education requirement has been successfully completed. If the 114434  
board finds that an optometrist has not completed the required 114435  
continuing optometric education, the board shall disapprove the 114436  
optometrist's application. The board's disapproval of renewal is 114437  
effective without a hearing, unless a hearing is requested 114438  
pursuant to Chapter 119. of the Revised Code. 114439

(3) The board shall refuse to accept an application for 114440  
renewal from any applicant whose license is not in good standing 114441  
or who is under disciplinary review pursuant to section 4725.19 of 114442  
the Revised Code. 114443

(4) Notice of an applicant's failure to qualify for renewal 114444  
shall be served upon the applicant by mail. The notice shall be 114445  
sent not later than the fifteenth day of November to the 114446  
applicant's last address shown in the board's records. 114447

(D) In cases of certified illness or undue hardship, the 114448  
board may waive or defer for up to twelve months the requirement 114449  
of continuing optometric education, except that in such cases the 114450  
board may not waive or defer the continuing education in 114451  
pharmacology required to be completed by optometrists who hold 114452  
topical ocular pharmaceutical agents certificates or therapeutic 114453  
pharmaceutical agents certificates. The board shall waive the 114454  
requirement of continuing optometric education for any optometrist 114455  
who is serving on active duty in the armed forces of the United 114456  
States or a reserve component of the armed forces of the United 114457  
States, including the Ohio national guard or the national guard of 114458  
any other state or who has received an initial certificate of 114459  
licensure during the nine-month period which ended on the last day 114460  
of September. 114461

(E) An optometrist whose renewal application has been approved may renew each certificate held by paying to the treasurer of state the fees for renewal specified under section 4725.34 of the Revised Code. On payment of all applicable fees, the board shall issue a renewal of the optometrist's certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate, as appropriate.

(F) Not later than the fifteenth day of December, the board shall mail or send by electronic mail a second notice regarding license renewal to each licensed optometrist who may be eligible for renewal but did not respond to the notice sent under division (C)(1) of this section. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If an optometrist fails to file a renewal application after the second notice is sent, the board shall send a third notice regarding license renewal prior to any action under division (I) of this section to classify the optometrist's certificates as delinquent.

(G) The failure of an optometrist to apply for license renewal or the failure to pay the applicable annual renewal fees on or before the date of expiration, shall automatically work a forfeiture of the optometrist's authority to practice optometry in this state.

(H) The board shall accept renewal applications and renewal fees that are submitted from the first day of January to the last day of April of the year next succeeding the date of expiration. An individual who submits such a late renewal application or fee shall pay the late renewal fee specified in section 4725.34 of the Revised Code.

(I)(1) If the certificates issued by the board to an individual have expired and the individual has not filed a complete application during the late renewal period, the

individual's certificates shall be classified in the board's 114494  
records as delinquent. 114495

(2) Any optometrist subject to delinquent classification may 114496  
submit ~~a written~~ an application to the board for reinstatement. 114497  
For reinstatement to occur, the applicant must meet all of the 114498  
following conditions: 114499

(a) Submit to the board evidence of compliance with board 114500  
rules requiring continuing optometric education in a sufficient 114501  
number of hours to make up for any delinquent compliance; 114502

(b) Pay the renewal fees for the year in which application 114503  
for reinstatement is made and the reinstatement fee specified 114504  
under division (A)(8) of section 4725.34 of the Revised Code; 114505

(c) Pass all or part of the licensing examination accepted by 114506  
the board under section 4725.11 of the Revised Code as the board 114507  
considers appropriate to determine whether the application for 114508  
reinstatement should be approved; 114509

(d) If the applicant has been practicing optometry in another 114510  
state or country, submit evidence that the applicant's license to 114511  
practice optometry in the other state or country is in good 114512  
standing. 114513

(3) The board shall approve an application for reinstatement 114514  
if the conditions specified in division (I)(2) of this section are 114515  
met. An optometrist who receives reinstatement is subject to the 114516  
continuing education requirements specified under division (B) of 114517  
this section for the year in which reinstatement occurs. 114518

**Sec. 4725.17.** (A) An optometrist who intends not to continue 114519  
practicing optometry in this state due to retirement or a decision 114520  
to practice in another state or country may apply to the state 114521  
~~board of optometry~~ vision professionals board to have the 114522  
certificates issued to the optometrist placed on inactive status. 114523

Application for inactive status shall consist of a written notice 114524  
to the board of the optometrist's intention to no longer practice 114525  
in this state. The board may not accept an application submitted 114526  
after the applicant's certificate of licensure and any other 114527  
certificates have expired. The board may approve an application 114528  
for placement on inactive status only if the applicant's 114529  
certificates are in good standing and the applicant is not under 114530  
disciplinary review pursuant to section 4725.19 of the Revised 114531  
Code. 114532

(B) An individual whose certificates have been placed on 114533  
inactive status may submit ~~a written~~ an application to the board 114534  
for reinstatement. For reinstatement to occur, the applicant must 114535  
meet all of the following conditions: 114536

(1) Pay the renewal fees for the year in which application 114537  
for reinstatement is made and the reinstatement fee specified 114538  
under division (A)(9) of section 4725.34 of the Revised Code; 114539

(2) Pass all or part of the licensing examination accepted by 114540  
the board under section 4725.11 of the Revised Code as the board 114541  
considers appropriate, if the board considers examination 114542  
necessary to determine whether the application for reinstatement 114543  
should be approved; 114544

(3) If the applicant has been practicing optometry in another 114545  
state or country, submit evidence of being in the active practice 114546  
of optometry in the other state or country and evidence that the 114547  
applicant's license to practice in the other state or country is 114548  
in good standing. 114549

(C) The board shall approve an application for reinstatement 114550  
if the conditions specified in division (B) of this section are 114551  
met. An optometrist who receives reinstatement is subject to the 114552  
continuing education requirements specified under section 4725.16 114553  
of the Revised Code for the year in which reinstatement occurs. 114554

Sec. 4725.171. (A) An optometrist who discontinued practicing 114555  
optometry in this state due to retirement or a decision to 114556  
practice in another state or country before the state ~~board of~~ 114557  
~~optometry~~ vision professionals board accepted applications for 114558  
placement of certificates to practice on inactive status pursuant 114559  
to section 4725.17 of the Revised Code may apply to the board to 114560  
have the optometrist's certificates reinstated. The board may 114561  
accept an application for reinstatement only if, at the time the 114562  
optometrist's certificates expired, the certificates were in good 114563  
standing and the optometrist was not under disciplinary review by 114564  
the board. 114565

(B) For reinstatement to occur, the applicant must meet all 114566  
of the following conditions: 114567

(1) Pay the renewal fees for the year in which application 114568  
for reinstatement is made and the reinstatement fee specified 114569  
under division (A)(10) of section 4725.34 of the Revised Code; 114570

(2) Pass all or part of the licensing examination accepted by 114571  
the board under section 4725.11 of the Revised Code as the board 114572  
considers appropriate, if the board considers examination 114573  
necessary to determine whether the application for reinstatement 114574  
should be approved; 114575

(3) If the applicant has been practicing optometry in another 114576  
state or country, submit evidence of being in the active practice 114577  
of optometry in the other state or country and evidence that the 114578  
applicant's license to practice in the other state or country is 114579  
in good standing. 114580

(C) The board shall approve an application for reinstatement 114581  
if the conditions specified in division (B) of this section are 114582  
met. An optometrist who receives reinstatement is subject to the 114583  
continuing education requirements specified under section 4725.16 114584  
of the Revised Code for the year in which reinstatement occurs. 114585

Sec. 4725.18. (A) The state ~~board of optometry~~ vision 114586  
professionals board may issue a certificate of licensure and 114587  
therapeutic pharmaceutical agents certificate by endorsement to an 114588  
individual licensed as an optometrist by another state or a 114589  
Canadian province if the board determines that the other state or 114590  
province has standards for the practice of optometry that are at 114591  
least as stringent as the standards established under sections 114592  
4725.01 to 4725.34 of the Revised Code and the individual meets 114593  
the conditions specified in division (B) of this section. The 114594  
certificates may be issued only by an affirmative vote of a 114595  
majority of the board's members. 114596

(B) An individual seeking a certificate of licensure and 114597  
therapeutic pharmaceutical agents certificate pursuant to this 114598  
section shall submit an application to the board. To receive the 114599  
certificates, an applicant must meet all of the following 114600  
conditions: 114601

(1) Meet the same qualifications that an individual must meet 114602  
under divisions (B)(1) to (4) of section 4725.12 of the Revised 114603  
Code to receive a certificate of licensure and therapeutic 114604  
pharmaceutical agents certificate under that section; 114605

(2) Be licensed to practice optometry by a state or province 114606  
that requires passage of a written, entry-level examination at the 114607  
time of initial licensure; 114608

(3) Be licensed in good standing by the optometry licensing 114609  
agency of the other state or province, evidenced by submission of 114610  
a letter from the licensing agency of the other state or province 114611  
attesting to the applicant's good standing; 114612

(4) Provide the board with certified reports from the 114613  
optometry licensing agencies of all states and provinces in which 114614  
the applicant is licensed or has been licensed to practice 114615  
optometry describing all past and pending actions taken by those 114616

agencies with respect to the applicant's authority to practice 114617  
optometry in those jurisdictions, including such actions as 114618  
investigations, entering into consent agreements, suspensions, 114619  
revocations, and refusals to issue or renew a license; 114620

(5) Have been actively engaged in the practice of optometry, 114621  
including the use of therapeutic pharmaceutical agents, for at 114622  
least three years immediately preceding making application under 114623  
this section; 114624

(6) Pay the nonrefundable application fees established under 114625  
section 4725.34 of the Revised Code for a certificate of licensure 114626  
and therapeutic pharmaceutical agents certificate; 114627

(7) Submit all transcripts, reports, or other information the 114628  
board requires; 114629

(8) Participate in a two-hour instruction session provided by 114630  
the board on the optometry statutes and rules of this state or 114631  
pass an Ohio optometry jurisprudence test administered by the 114632  
board; 114633

(9) Pass all or part of the licensing examination accepted by 114634  
the board under section 4725.11 of the Revised Code, if the board 114635  
determines that testing is necessary to determine whether the 114636  
applicant's qualifications are sufficient for issuance of a 114637  
certificate of licensure and therapeutic pharmaceutical agents 114638  
certificate under this section; 114639

(10) Not have been previously denied issuance of a 114640  
certificate by the board. 114641

**Sec. 4725.19.** (A) In accordance with Chapter 119. of the 114642  
Revised Code and by an affirmative vote of a majority of its 114643  
members, the state ~~board of optometry~~ vision professionals board, 114644  
for any of the reasons specified in division (B) of this section, 114645  
shall refuse to grant a certificate of licensure to practice 114646

optometry to an applicant and may, with respect to a licensed optometrist, do one or more of the following:

(1) Suspend the operation of any certificate of licensure, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates granted by it to the optometrist;

(2) Permanently revoke any or all of the certificates;

(3) Limit or otherwise place restrictions on any or all of the certificates;

(4) Reprimand the optometrist;

(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.

(6) Require the optometrist to take corrective action courses.

The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.

(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:

(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;

(2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed;

(3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry;

- (4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed; 114677  
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- (5) Being at any time guilty of a misdemeanor committed in the course of practice, regardless of the jurisdiction in which the act was committed; 114679  
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- (6) Violating the conditions of any limitation or other restriction placed by the board on any certificate issued by the board; 114682  
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- (7) Engaging in the practice of optometry as provided in division (A)(1), (2), or (3) of section 4725.01 of the Revised Code when the certificate authorizing that practice is under suspension, in which case the board shall permanently revoke the certificate; 114685  
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- (8) Being denied a license to practice optometry in another state or country or being subject to any other sanction by the optometric licensing authority of another state or country, other than sanctions imposed for the nonpayment of fees; 114690  
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- (9) Departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry as followed by similar practitioners under the same or similar circumstances, regardless of whether actual injury to a patient is established; 114694  
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- (10) Failing to maintain comprehensive patient records; 114699
- (11) Advertising a price of optical accessories, eye examinations, or other products or services by any means that would deceive or mislead the public; 114700  
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- (12) Being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such an extent as to hinder or diminish the performance of the duties included in the person's practice of 114703  
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|                                                                      |        |
|----------------------------------------------------------------------|--------|
| optometry;                                                           | 114707 |
| (13) Engaging in the practice of optometry as provided in            | 114708 |
| division (A)(2) or (3) of section 4725.01 of the Revised Code        | 114709 |
| without authority to do so or, if authorized, in a manner            | 114710 |
| inconsistent with the authority granted;                             | 114711 |
| (14) Failing to make a report to the board as required by            | 114712 |
| division (A) of section 4725.21 or section 4725.31 of the Revised    | 114713 |
| Code;                                                                | 114714 |
| (15) Soliciting patients from door to door or establishing           | 114715 |
| temporary offices, in which case the board shall suspend all         | 114716 |
| certificates held by the optometrist;                                | 114717 |
| (16) Except as provided in division (D) of this section:             | 114718 |
| (a) Waiving the payment of all or any part of a deductible or        | 114719 |
| copayment that a patient, pursuant to a health insurance or health   | 114720 |
| care policy, contract, or plan that covers optometric services,      | 114721 |
| would otherwise be required to pay if the waiver is used as an       | 114722 |
| enticement to a patient or group of patients to receive health       | 114723 |
| care services from that optometrist.                                 | 114724 |
| (b) Advertising that the optometrist will waive the payment          | 114725 |
| of all or any part of a deductible or copayment that a patient,      | 114726 |
| pursuant to a health insurance or health care policy, contract, or   | 114727 |
| plan that covers optometric services, would otherwise be required    | 114728 |
| to pay.                                                              | 114729 |
| (17) Failing to comply with the requirements in section              | 114730 |
| 3719.061 of the Revised Code before issuing for a minor a            | 114731 |
| prescription for an analgesic controlled substance authorized        | 114732 |
| pursuant to section 4725.091 of the Revised Code that is an opioid   | 114733 |
| analgesic, as defined in section 3719.01 of the Revised Code;        | 114734 |
| <u>(18) Violating the rules adopted under section 4725.66 of the</u> | 114735 |
| <u>Revised Code.</u>                                                 | 114736 |

(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code.

(D) Sanctions shall not be imposed under division (B)(17) of this section against any optometrist who waives deductibles and copayments:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to 4725.34 of the Revised Code and the rules of the board.

**Sec. 4725.20.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state ~~board of optometry~~ vision professionals board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued by the board under this chapter.

**Sec. 4725.21.** (A) If an optometrist licensed by the state ~~board of optometry~~ vision professionals board has reason to believe that another optometrist licensed currently or previously by the board has engaged in any course of treatment or other services to a patient that constitutes unprofessional conduct under section 4725.19 of the Revised Code, or has an addiction subject to board action under section 4725.19 of the Revised Code,

the optometrist shall make a report to the board. 114767

(B) Any person may report to the board in a signed writing 114768  
any information that the person may have that appears to show a 114769  
violation of any provision of sections 4725.01 to 4725.34 of the 114770  
Revised Code or the rules adopted under those sections. 114771

(C) Each complaint or allegation of a violation received by 114772  
the board shall be assigned a case number and shall be recorded by 114773  
the board. 114774

(D) In the absence of fraud or bad faith, no person who 114775  
reports to the board under this section or testifies in any 114776  
adjudication conducted under Chapter 119. of the Revised Code 114777  
shall be liable to any person for damages in a civil action as a 114778  
result of the report or testimony. 114779

**Sec. 4725.22.** (A) Each insurer providing professional 114780  
liability insurance to an optometrist licensed under this chapter, 114781  
or any other entity that seeks to indemnify the professional 114782  
liability of an optometrist licensed under this chapter, shall 114783  
notify the state ~~board of optometry~~ vision professionals board 114784  
within thirty days after the final disposition of a claim for 114785  
damages. The notice shall contain the following information: 114786

(1) The name and address of the person submitting the 114787  
notification; 114788

(2) The name and address of the insured who is the subject of 114789  
the claim; 114790

(3) The name of the person filing the written claim; 114791

(4) The date of final disposition; 114792

(5) If applicable, the identity of the court in which the 114793  
final disposition of the claim took place. 114794

(B) Each optometrist licensed under this chapter shall notify 114795

the board within thirty days of receipt of the final disposition 114796  
of a claim for damages or any action involving malpractice. The 114797  
optometrist shall notify the board by registered mail and shall 114798  
provide all reports and other information required by the board. 114799

(C) Information received under this section is not a public 114800  
record for purposes of section 149.43 of the Revised Code and 114801  
shall not be released except as otherwise required by law or a 114802  
court of competent jurisdiction. 114803

**Sec. 4725.23.** (A) The state ~~board of optometry~~ vision 114804  
professionals board shall investigate evidence that appears to 114805  
show that a person has violated any provision of sections 4725.01 114806  
to 4725.34 of the Revised Code or any rule adopted under those 114807  
sections. Investigations of alleged violations shall be supervised 114808  
by the member of the board appointed by the board to act as the 114809  
supervising member of investigations. The supervising member shall 114810  
not participate in the final vote that occurs in an adjudication 114811  
of the case. 114812

(B) In investigating a possible violation, the board may 114813  
administer oaths, order the taking of depositions, issue 114814  
subpoenas, and compel the attendance of witnesses and production 114815  
of books, accounts, papers, records, documents, and testimony. A 114816  
subpoena for patient record information shall not be issued 114817  
without consultation with the attorney general's office and 114818  
approval of the secretary of the board and the board's supervising 114819  
member of investigations. Before issuance of a subpoena for 114820  
patient record information, the secretary and supervising member 114821  
shall determine whether there is probable cause to believe that 114822  
the complaint filed alleges a violation of sections 4725.01 to 114823  
4725.34 of the Revised Code or any rule adopted under those 114824  
sections and that the records sought are relevant to the alleged 114825  
violation and material to the investigation. The subpoena may 114826

apply only to records that cover a reasonable period of time 114827  
surrounding the alleged violation. 114828

On failure to comply with any subpoena issued by the board 114829  
and after reasonable notice to the person being subpoenaed, the 114830  
board may move for an order compelling the production of persons 114831  
or records pursuant to the Rules of Civil Procedure. 114832

A subpoena issued by the board may be served by a sheriff, 114833  
the sheriff's deputy, or a board employee designated by the board. 114834  
Service of a subpoena issued by the board may be made by 114835  
delivering a copy of the subpoena to the person named therein, 114836  
reading it to the person, or leaving it at the person's usual 114837  
place of residence. When the person being served is an optometrist 114838  
licensed under this chapter, service of the subpoena may be made 114839  
by certified mail, restricted delivery, return receipt requested, 114840  
and the subpoena shall be deemed served on the date delivery is 114841  
made or the date the optometrist refuses to accept delivery. 114842

Each witness who appears before the board in obedience to a 114843  
subpoena shall receive the fees and mileage provided for under 114844  
section 119.094 of the Revised Code. 114845

(C) Information received by the board pursuant to an 114846  
investigation is confidential and not subject to discovery in any 114847  
civil action. 114848

The board shall conduct all investigations and proceedings in 114849  
a manner that protects the confidentiality of patients and persons 114850  
who file complaints with the board. The board shall not make 114851  
public the names or any other identifying information about 114852  
patients or complainants unless proper consent is given. 114853

The board may share any information it receives pursuant to 114854  
an investigation, including patient records and patient record 114855  
information, with other licensing boards and governmental agencies 114856  
that are investigating alleged professional misconduct and with 114857

law enforcement agencies and other governmental agencies that are 114858  
investigating or prosecuting alleged criminal offenses. A board or 114859  
agency that receives the information shall comply with the same 114860  
requirements regarding confidentiality as those with which the 114861  
state ~~board of optometry~~ vision professionals board must comply, 114862  
notwithstanding any conflicting provision of the Revised Code or 114863  
procedure of the board or agency that applies when the board or 114864  
agency is dealing with other information in its possession. The 114865  
information may be admitted into evidence in a criminal trial in 114866  
accordance with the Rules of Evidence, but the court shall require 114867  
that appropriate measures are taken to ensure that confidentiality 114868  
is maintained with respect to any part of the information that 114869  
contains names or other identifying information about persons 114870  
whose confidentiality was protected by the state ~~board of~~ 114871  
~~optometry~~ vision professionals board when the information was in 114872  
the board's possession. Measures to ensure confidentiality that 114873  
may be taken by the court include sealing its records or deleting 114874  
specific information from its records. 114875

**Sec. 4725.24.** If the secretary of the state ~~board of~~ 114876  
~~optometry~~ vision professionals board and the board's supervising 114877  
member of investigations determine that there is clear and 114878  
convincing evidence that an optometrist has violated division (B) 114879  
of section 4725.19 of the Revised Code and that the optometrist's 114880  
continued practice presents a danger of immediate and serious harm 114881  
to the public, they may recommend that the board suspend without a 114882  
prior hearing the optometrist's certificate of licensure and any 114883  
other certificates held by the optometrist. Written allegations 114884  
shall be prepared for consideration by the full board. 114885

The board, upon review of those allegations and by an 114886  
affirmative vote of three members other than the secretary and 114887  
supervising member may order the suspension without a prior 114888  
hearing. A telephone conference call may be utilized for reviewing 114889

the allegations and taking the vote on the summary suspension. 114890

The board shall issue a written order of suspension by 114891  
certified mail or in person in accordance with section 119.07 of 114892  
the Revised Code. The order shall not be subject to suspension by 114893  
the court during pendency of any appeal filed under section 119.12 114894  
of the Revised Code. If the individual subject to the summary 114895  
suspension requests an adjudicatory hearing by the board, the date 114896  
set for the hearing shall be within fifteen days, but not earlier 114897  
than seven days, after the individual requests the hearing, unless 114898  
otherwise agreed to by both the board and the individual. 114899

Any summary suspension imposed under this division shall 114900  
remain in effect, unless reversed on appeal, until a final 114901  
adjudicative order issued by the board pursuant to section 4725.19 114902  
of the Revised Code and Chapter 119. of the Revised Code becomes 114903  
effective. The board shall issue its final adjudicative order 114904  
within sixty days after completion of its hearing. A failure to 114905  
issue the order within sixty days shall result in dissolution of 114906  
the summary suspension order but shall not invalidate any 114907  
subsequent, final adjudicative order. 114908

**Sec. 4725.26.** Division (A) of section 4725.02 of the Revised 114909  
Code does not apply to the following: 114910

(A) Physicians authorized to practice medicine and surgery or 114911  
osteopathic medicine and surgery under Chapter 4731. of the 114912  
Revised Code; 114913

(B) Persons who sell optical accessories but do not assume to 114914  
adapt them to the eye, and neither practice nor profess to 114915  
practice optometry; 114916

(C) An instructor in a school of optometry that is located in 114917  
this state and approved by the state ~~board of optometry~~ vision 114918  
professionals board under section 4725.10 of the Revised Code who 114919

holds a valid current license to practice optometry from a 114920  
licensing body in another jurisdiction and limits the practice of 114921  
optometry to the instruction of students enrolled in the school. 114922

(D) A student enrolled in a school of optometry, located in 114923  
this or another state and approved by the board under section 114924  
4725.10 of the Revised Code, while the student is participating in 114925  
this state in an optometry training program provided or sponsored 114926  
by the school, if the student acts under the direct, personal 114927  
supervision and control of an optometrist licensed by the board or 114928  
authorized to practice pursuant to division (C) of this section. 114929

(E) An individual who is licensed or otherwise specifically 114930  
authorized by the Revised Code to engage in an activity that is 114931  
included in the practice of optometry. 114932

(F) An individual who is not licensed or otherwise 114933  
specifically authorized by the Revised Code to engage in an 114934  
activity that is included in the practice of optometry, but is 114935  
acting pursuant to the rules for delegation of optometric tasks 114936  
adopted under section 4725.09 of the Revised Code. 114937

**Sec. 4725.27.** The testimony and reports of an optometrist 114938  
licensed by the state ~~board of optometry~~ vision professionals 114939  
board under this chapter shall be received by any state, county, 114940  
municipal, school district, or other public board, body, agency, 114941  
institution, or official and by any private educational or other 114942  
institution receiving public funds as competent evidence with 114943  
respect to any matter within the scope of the practice of 114944  
optometry. No such board, body, agency, official, or institution 114945  
shall interfere with any individual's right to a free choice of 114946  
receiving services from either an optometrist or a physician. No 114947  
such board, body, agency, official, or institution shall 114948  
discriminate against an optometrist performing procedures that are 114949  
included in the practice of optometry as provided in division 114950

(A)(2) or (3) of section 4725.01 of the Revised Code if the optometrist is licensed under this chapter to perform those procedures. 114951  
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**Sec. 4725.28.** (A) As used in this section, "supplier" means any person who prepares or sells optical accessories or other vision correcting items, devices, or procedures. 114954  
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(B) A licensed optometrist, on completion of a vision examination and diagnosis, shall give each patient for whom the optometrist prescribes any vision correcting item, device, or procedure, one copy of the prescription, without additional charge to the patient. The prescription shall include the following: 114957  
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(1) The date of its issuance; 114962

(2) Sufficient information to enable the patient to obtain from the supplier of the patient's choice, the optical accessory or other vision correcting item, device, or procedure that has been prescribed; 114963  
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(3) In the case of contact lenses, all information specified as part of a contact lens prescription, as defined in the "Fairness to Contact Lens Consumers Act," 117 Stat. 2024 (2003), 15 U.S.C. 7610. 114967  
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(C) Any supplier who fills a prescription for contact lenses furnished by an optometrist shall furnish the patient with written recommendations to return to the prescribing optometrist for evaluation of the contact lens fitting. 114971  
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(D) Any supplier, including an optometrist who is a supplier, may advertise to inform the general public of the price that the supplier charges for any vision correcting item, device, or procedure. Any such advertisement shall specify the following: 114975  
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(1) Whether the advertised item includes an eye examination; 114979

(2) In the case of lenses, whether the price applies to 114980

single-vision or multifocal lenses; 114981

(3) In the case of contact lenses, whether the price applies 114982  
to rigid or soft lenses and whether there is an additional charge 114983  
related to the fitting and determination of the type of contact 114984  
lenses to be worn that is not included in the price of the eye 114985  
examination. 114986

(E) The state ~~board of optometry~~ vision professionals board 114987  
shall not adopt any rule that restricts the right to advertise as 114988  
permitted by division (D) of this section. 114989

(F) Any municipal corporation code, ordinance, or regulation 114990  
or any township resolution that conflicts with a supplier's right 114991  
to advertise as permitted by division (D) of this section is 114992  
superseded by division (D) of this section and is invalid. A 114993  
municipal corporation code, ordinance, or regulation or a township 114994  
resolution conflicts with division (D) of this section if it 114995  
restricts a supplier's right to advertise as permitted by division 114996  
(D) of this section. 114997

**Sec. 4725.29.** (A) As used in this section: 114998

(1) "Regional advertisement" means an advertisement published 114999  
in more than one metropolitan statistical area in this state or 115000  
broadcast by radio or television stations in more than one 115001  
metropolitan statistical area in this state. 115002

(2) "National advertisement" means an advertisement published 115003  
in one or more periodicals or broadcast by one or more radio or 115004  
television stations in this state and also published in one or 115005  
more periodicals or broadcast by one or more radio or television 115006  
stations in another state. 115007

(B) The state ~~board of optometry~~ vision professionals board 115008  
shall not require any person who sells optical accessories at more 115009  
than one location to list in any regional or national 115010

advertisement the name of the licensed optometrist practicing at a 115011  
particular location, provided that in addition to the requirement 115012  
in division (B) of section 4725.13 of the Revised Code, the name 115013  
of the optometrist is prominently displayed at the location. 115014

**Sec. 4725.31.** An optometrist licensed by the state ~~board of~~ 115015  
~~optometry~~ vision professionals board shall promptly report to the 115016  
board any instance of a clinically significant drug-induced side 115017  
effect in a patient due to the optometrist's administering, 115018  
employing, applying, or prescribing a topical ocular or 115019  
therapeutic pharmaceutical agent to or for the patient. The board, 115020  
by rule adopted in accordance with Chapter 119. of the Revised 115021  
Code, shall establish reporting procedures and specify the types 115022  
of side effects to be reported. The information provided to the 115023  
board shall not include the name of or any identifying information 115024  
about the patient. 115025

**Sec. 4725.33.** (A) An individual whom the state ~~board of~~ 115026  
~~optometry~~ vision professionals board licenses to engage in the 115027  
practice of optometry may render the professional services of an 115028  
optometrist within this state through a corporation formed under 115029  
division (B) of section 1701.03 of the Revised Code, a limited 115030  
liability company formed under Chapter 1705. of the Revised Code, 115031  
a partnership, or a professional association formed under Chapter 115032  
1785. of the Revised Code. This division does not preclude an 115033  
optometrist from rendering professional services as an optometrist 115034  
through another form of business entity, including, but not 115035  
limited to, a nonprofit corporation or foundation, or in another 115036  
manner that is authorized by or in accordance with this chapter, 115037  
another chapter of the Revised Code, or rules of the state ~~board~~ 115038  
~~of optometry~~ vision professionals board adopted pursuant to this 115039  
chapter. 115040

(B) A corporation, limited liability company, partnership, or 115041

professional association described in division (A) of this section 115042  
may be formed for the purpose of providing a combination of the 115043  
professional services of the following individuals who are 115044  
licensed, certificated, or otherwise legally authorized to 115045  
practice their respective professions: 115046

(1) Optometrists who are authorized to practice optometry 115047  
under Chapter 4725. of the Revised Code; 115048

(2) Chiropractors who are authorized to practice chiropractic 115049  
or acupuncture under Chapter 4734. of the Revised Code; 115050

(3) Psychologists who are authorized to practice psychology 115051  
under Chapter 4732. of the Revised Code; 115052

(4) Registered or licensed practical nurses who are 115053  
authorized to practice nursing as registered nurses or as licensed 115054  
practical nurses under Chapter 4723. of the Revised Code; 115055

(5) Pharmacists who are authorized to practice pharmacy under 115056  
Chapter 4729. of the Revised Code; 115057

(6) Physical therapists who are authorized to practice 115058  
physical therapy under sections 4755.40 to 4755.56 of the Revised 115059  
Code; 115060

(7) Occupational therapists who are authorized to practice 115061  
occupational therapy under sections 4755.04 to 4755.13 of the 115062  
Revised Code; 115063

(8) Mechanotherapists who are authorized to practice 115064  
mechanotherapy under section 4731.151 of the Revised Code; 115065

(9) Doctors of medicine and surgery, osteopathic medicine and 115066  
surgery, or podiatric medicine and surgery who are authorized for 115067  
their respective practices under Chapter 4731. of the Revised 115068  
Code; 115069

(10) Licensed professional clinical counselors, licensed 115070  
professional counselors, independent social workers, social 115071

workers, independent marriage and family therapists, or marriage  
and family therapists who are authorized for their respective  
practices under Chapter 4757. of the Revised Code.

This division shall apply notwithstanding a provision of a  
code of ethics applicable to an optometrist that prohibits an  
optometrist from engaging in the practice of optometry in  
combination with a person who is licensed, certificated, or  
otherwise legally authorized to practice chiropractic, acupuncture  
through the state chiropractic board, psychology, nursing,  
pharmacy, physical therapy, occupational therapy, mechanotherapy,  
medicine and surgery, osteopathic medicine and surgery, podiatric  
medicine and surgery, professional counseling, social work, or  
marriage and family therapy, but who is not also licensed,  
certificated, or otherwise legally authorized to engage in the  
practice of optometry.

**Sec. 4725.34.** (A) The state ~~board of optometry vision~~  
professionals board shall charge the following nonrefundable fees:

(1) One hundred thirty dollars for application for a  
certificate of licensure to practice optometry;

(2) Forty-five dollars for application for a therapeutic  
pharmaceutical agents certificate, except when the certificate is  
to be issued pursuant to division (A)(3) of section 4725.13 of the  
Revised Code, in which case the fee shall be thirty-five dollars;

(3) One hundred thirty dollars for renewal of a certificate  
of licensure to practice optometry;

(4) Forty-five dollars for renewal of a topical ocular  
pharmaceutical agents certificate;

(5) Forty-five dollars for renewal of a therapeutic  
pharmaceutical agents certificate;

(6) One hundred twenty-five dollars for late completion or

|                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| submission, or both, of continuing optometric education;                                                                                                                                                                                                                                                                                                                                                            | 115102                                                             |
| (7) One hundred twenty-five dollars for late renewal of one or more certificates that have expired;                                                                                                                                                                                                                                                                                                                 | 115103<br>115104                                                   |
| (8) Seventy-five dollars for reinstatement of one or more certificates classified as delinquent under section 4725.16 of the Revised Code, multiplied by the number of years the one or more certificates have been classified as delinquent;                                                                                                                                                                       | 115105<br>115106<br>115107<br>115108                               |
| (9) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code;                                                                                                                                                                                                                                                                         | 115109<br>115110<br>115111                                         |
| (10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;                                                                                                                                                                                                                                                                                         | 115112<br>115113                                                   |
| (11) Additional fees to cover administrative costs incurred by the board, including fees for replacing licenses issued by the board and providing rosters of currently licensed optometrists. Such fees shall be established at a regular meeting of the board and shall comply with any applicable guidelines or policies set by the department of administrative services or the office of budget and management. | 115114<br>115115<br>115116<br>115117<br>115118<br>115119<br>115120 |
| (B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in division (A) of this section if the fees do not exceed the amounts specified by more than fifty per cent.                                                                                                                                                                                 | 115121<br>115122<br>115123<br>115124                               |
| (C) All receipts of the board, from any source, shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund <u>created in section 4743.05 of the Revised Code.</u>                                                                                                                                                                                                     | 115125<br>115126<br>115127<br>115128                               |
| <b>Sec. 4725.40.</b> As used in sections 4725.40 to 4725.59 of the Revised Code:                                                                                                                                                                                                                                                                                                                                    | 115129<br>115130                                                   |
| (A) "Optical aid" means both of the following:                                                                                                                                                                                                                                                                                                                                                                      | 115131                                                             |

(1) Spectacles or other instruments or devices that are not 115132  
contact lenses, if the spectacles or other instruments or devices 115133  
may aid or correct human vision and have been prescribed by a 115134  
physician or optometrist licensed by any state; 115135

(2) Contact lenses, regardless of whether they address visual 115136  
function, if they are designed to fit over the cornea of the eye 115137  
or are otherwise designed for use in or on the eye or orbit. 115138

All contact lenses shall be dispensed only in accordance with 115139  
a valid written prescription designated for contact lenses, 115140  
including the following: 115141

(a) Zero-powered plano contact lenses; 115142

(b) Cosmetic contact lenses; 115143

(c) Performance-enhancing contact lenses; 115144

(d) Any other contact devices determined by the ~~Ohio optical~~ 115145  
~~dispensers~~ state vision professionals board to be contact lenses. 115146

(B) "Optical dispensing" means interpreting but not altering 115147  
a prescription of a licensed physician or optometrist and 115148  
designing, adapting, fitting, or replacing the prescribed optical 115149  
aids, pursuant to such prescription, to or for the intended 115150  
wearer; duplicating lenses, other than contact lenses, accurately 115151  
as to power without a prescription; and duplicating 115152  
nonprescription eyewear and parts of eyewear. "Optical dispensing" 115153  
does not include selecting frames, placing an order for the 115154  
delivery of an optical aid, transacting a sale, transferring an 115155  
optical aid to the wearer after an optician has completed fitting 115156  
it, or providing instruction in the general care and use of an 115157  
optical aid, including placement, removal, hygiene, or cleaning. 115158

(C) "Licensed dispensing optician" means a person holding a 115159  
current, valid license issued under sections ~~4725.47~~ 4725.48 to 115160  
4725.51 of the Revised Code that authorizes the person to engage 115161

in optical dispensing. Nothing in this chapter shall be construed 115162  
to permit a licensed dispensing optician to alter the 115163  
specifications of a prescription. 115164

(D) "Licensed spectacle dispensing optician" means a licensed 115165  
dispensing optician authorized to engage in both of the following: 115166

(1) The dispensing of optical aids other than contact lenses; 115167

(2) The dispensing of prepackaged soft contact lenses in 115168  
accordance with section 4725.411 of the Revised Code. 115169

(E) "Licensed contact lens dispensing optician" means a 115170  
licensed dispensing optician authorized to engage only in the 115171  
dispensing of contact lenses. 115172

(F) "Licensed spectacle-contact lens dispensing optician" 115173  
means a licensed dispensing optician authorized to engage in the 115174  
dispensing of any optical aid. 115175

(G) "Apprentice" means any person dispensing optical aids 115176  
under the direct supervision of a licensed dispensing optician. 115177

(H) "Prescription" means the written or verbal directions or 115178  
instructions as specified by a physician or optometrist licensed 115179  
by any state for preparing an optical aid for a patient. 115180

(I) "Supervision" means the provision of direction and 115181  
control through personal inspection and evaluation of work. 115182

(J) "Licensed ocularist" means a person holding a current, 115183  
valid license issued under sections 4725.48 to 4725.51 of the 115184  
Revised Code to engage in the practice of designing, fabricating, 115185  
and fitting artificial eyes or prostheses associated with the 115186  
appearance or function of the human eye. 115187

**Sec. 4725.41.** ~~Beginning one year after March 22, 1979, no~~ No 115188  
person shall engage in optical dispensing or hold ~~himself~~ self out 115189  
as being engaged in optical dispensing, ~~except as authorized under~~ 115190

~~section 4725.47 of the Revised Code, unless he~~ the person has 115191  
fulfilled the requirements of sections 4725.48 to 4725.51 of the 115192  
Revised Code and has been certified as a licensed dispensing 115193  
optician by the ~~Ohio optical dispensers~~ state vision professionals 115194  
board. 115195

No person shall engage in the designing, fabricating, and 115196  
fitting of an artificial eye or of prostheses associated with the 115197  
appearance or function of the human eye unless ~~he~~ the person is 115198  
licensed as an ocularist under ~~to~~ sections 4725.48 to 4725.51 of 115199  
the Revised Code. 115200

**Sec. 4725.411.** (A) Each licensed spectacle dispensing 115201  
optician shall complete two hours of study in prepackaged soft 115202  
contact lens dispensing approved by the ~~Ohio optical dispensers~~ 115203  
state vision professionals board under section 4725.51 of the 115204  
Revised Code. The two hours of study shall be completed as 115205  
follows: 115206

(1) Each licensed spectacle dispensing optician who holds the 115207  
license on ~~the effective date of this amendment~~ September 29, 115208  
2015, shall complete the two hours of study not later than 115209  
December 31, 2015. 115210

(2) Each licensed spectacle dispensing optician who receives 115211  
the license after ~~the effective date of this amendment~~ September 115212  
29, 2015, shall complete the two hours of study not later than the 115213  
thirty-first day of December of the year the license is issued. 115214

(B) Beginning January 1, 2016, a licensed spectacle 115215  
dispensing optician may dispense prepackaged soft contact lenses 115216  
if both of the following are the case: 115217

(1) The licensed spectacle dispensing optician has completed 115218  
two hours of study in prepackaged soft contact lens dispensing in 115219  
accordance with division (A) of this section. 115220

(2) The only action necessary is to match the description of 115221  
the contact lenses that is on the packaging to a written 115222  
prescription. 115223

**Sec. 4725.44.** (A) ~~The Ohio optical dispensers~~ state vision 115224  
professionals board shall be responsible for the administration of 115225  
sections 4725.40 to 4725.59 of the Revised Code and, in 115226  
particular, shall process applications for licensure as licensed 115227  
dispensing opticians and ocularists; schedule, administer, and 115228  
supervise the qualifying examinations for licensure or contract 115229  
with a testing service to schedule, administer, and supervise the 115230  
qualifying examination for licensure; issue licenses to qualified 115231  
individuals; and revoke and suspend licenses; ~~and maintain~~ 115232  
~~adequate records with respect to its operations and~~ 115233  
~~responsibilities.~~ 115234

(B) The board shall adopt, amend, or rescind rules, pursuant 115235  
to Chapter 119. of the Revised Code, for the licensure of 115236  
dispensing opticians and ocularists, and such other rules as are 115237  
required by or necessary to carry out the responsibilities imposed 115238  
by sections 4725.40 to 4725.59 of the Revised Code, including 115239  
rules establishing criminal records check requirements under 115240  
section 4776.03 of the Revised Code and rules establishing 115241  
disqualifying offenses for licensure as a dispensing optician or 115242  
certification as an apprentice dispensing optician pursuant to 115243  
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 115244  
Code. 115245

(C) The board shall have no authority to adopt rules 115246  
governing the employment of dispensing opticians, the location or 115247  
number of optical stores, advertising of optical products or 115248  
services, or the manner in which optical products can be 115249  
displayed. 115250

**Sec. 4725.48.** (A) Any person who desires to engage in optical 115251  
dispensing, ~~except as provided in section 4725.47 of the Revised~~ 115252  
~~Code,~~ shall file a properly completed ~~written~~ application for an 115253  
examination with the ~~Ohio optical dispensers~~ state vision 115254  
professionals board or with the testing service the board has 115255  
contracted with pursuant to section 4725.49 of the Revised Code. 115256  
The application for examination shall be made on a form provided 115257  
by the board or testing service and shall be accompanied by an 115258  
examination fee the board shall establish by rule. Applicants must 115259  
return the application to the board or testing service at least 115260  
sixty days prior to the date the examination is scheduled to be 115261  
administered. 115262

(B) ~~Except as provided in section 4725.47 of the Revised~~ 115263  
~~Code, any~~ Any person who desires to engage in optical dispensing 115264  
shall file a properly completed ~~written~~ application for a license 115265  
with the board with a licensure application fee of fifty dollars. 115266

No person shall be eligible to apply for a license under this 115267  
division, unless the person is at least eighteen years of age, is 115268  
free of contagious or infectious disease, has received a passing 115269  
score, as determined by the board, on the examination administered 115270  
under division (A) of this section, is a graduate of an accredited 115271  
high school of any state, or has received an equivalent education 115272  
and has successfully completed either of the following: 115273

(1) Two years of supervised experience under a licensed 115274  
dispensing optician, optometrist, or physician engaged in the 115275  
practice of ophthalmology, up to one year of which may be 115276  
continuous experience of not less than thirty hours a week in an 115277  
optical laboratory; 115278

(2) A two-year college level program in optical dispensing 115279  
that has been approved by the board and that includes, but is not 115280  
limited to, courses of study in mathematics, science, English, 115281

anatomy and physiology of the eye, applied optics, ophthalmic 115282  
optics, measurement and inspection of lenses, lens grinding and 115283  
edging, ophthalmic lens design, keratometry, and the fitting and 115284  
adjusting of spectacle lenses and frames and contact lenses, 115285  
including methods of fitting contact lenses and post-fitting care. 115286

(C) Any person who desires to obtain a license to practice as 115287  
an ocularist shall file a properly completed ~~written~~ application 115288  
with the board accompanied by the appropriate fee and proof that 115289  
the applicant has met the requirements for licensure. The board 115290  
shall establish, by rule, the application fee and the minimum 115291  
requirements for licensure, including education, examination, or 115292  
experience standards recognized by the board as national standards 115293  
for ocularists. The board shall issue a license to practice as an 115294  
ocularist to an applicant who satisfies the requirements of this 115295  
division and rules adopted pursuant to this division. 115296

(D)(1) Subject to divisions (D)(2), (3), and (4) of this 115297  
section, the board shall not adopt, maintain, renew, or enforce 115298  
any rule that precludes an individual from receiving or renewing a 115299  
license as a dispensing optician issued under sections 4725.40 to 115300  
4725.59 of the Revised Code due to any past criminal activity or 115301  
interpretation of moral character, unless the individual has 115302  
committed a crime of moral turpitude or a disqualifying offense as 115303  
those terms are defined in section 4776.10 of the Revised Code. If 115304  
the board denies an individual a license or license renewal, the 115305  
reasons for such denial shall be put in writing. 115306

(2) Except as otherwise provided in this division, if an 115307  
individual applying for a license has been convicted of or pleaded 115308  
guilty to a misdemeanor that is not a crime of moral turpitude or 115309  
a disqualifying offense less than one year prior to making the 115310  
application, the board may use its discretion in granting or 115311  
denying the individual a license. Except as otherwise provided in 115312  
this division, if an individual applying for a license has been 115313

convicted of or pleaded guilty to a felony that is not a crime of 115314  
moral turpitude or a disqualifying offense less than three years 115315  
prior to making the application, the board may use its discretion 115316  
in granting or denying the individual a license. The provisions in 115317  
this paragraph do not apply with respect to any offense unless the 115318  
board, prior to ~~the effective date of this amendment~~ September 28, 115319  
2012, was required or authorized to deny the application based on 115320  
that offense. 115321

In all other circumstances, the board shall follow the 115322  
procedures it adopts by rule that conform to division (D)(1) of 115323  
this section. 115324

(3) In considering a renewal of an individual's license, the 115325  
board shall not consider any conviction or plea of guilty prior to 115326  
the initial licensing. However, the board may consider a 115327  
conviction or plea of guilty if it occurred after the individual 115328  
was initially licensed, or after the most recent license renewal. 115329

(4) The board may grant an individual a conditional license 115330  
that lasts for one year. After the one-year period has expired, 115331  
the license is no longer considered conditional, and the 115332  
individual shall be considered fully licensed. 115333

(E) The board, subject to the approval of the controlling 115334  
board, may establish examination fees in excess of the amount 115335  
established by rule pursuant to this section, provided that such 115336  
fees do not exceed those amounts established in rule by more than 115337  
fifty per cent. 115338

**Sec. 4725.49.** (A) ~~The Ohio optical dispensers~~ state vision 115339  
professionals board may provide for the examination of applicants 115340  
by designing, preparing, and administering the qualifying 115341  
examinations or by contracting with a testing service that is 115342  
nationally recognized as being capable of determining competence 115343  
to dispense optical aids as a licensed spectacle dispensing 115344

optician, a licensed contact lens dispensing optician, or a 115345  
licensed spectacle-contact lens dispensing optician. Any 115346  
examination used shall be designed to measure specific performance 115347  
requirements, be professionally constructed and validated, and be 115348  
independently and objectively administered and scored in order to 115349  
determine the applicant's competence to dispense optical aids. 115350

(B) The board shall ensure that it, or the testing service it 115351  
contracts with, does all of the following: 115352

(1) Provides public notice as to the date, time, and place 115353  
for each examination at least ninety days prior to the 115354  
examination; 115355

(2) Offers each qualifying examination at least twice each 115356  
year in Columbus, except as provided in division (C) of this 115357  
section; 115358

(3) Provides to each applicant all forms necessary to apply 115359  
for examination; 115360

(4) Provides all materials and equipment necessary for the 115361  
applicant to take the examination. 115362

(C) If the number of applicants for any qualifying 115363  
examination is less than ten, the examination may be postponed. 115364  
The board or testing service shall provide the applicant with 115365  
written notification of the postponement and of the next date the 115366  
examination is scheduled to be administered. 115367

(D) No limitation shall be placed upon the number of times 115368  
that an applicant may repeat any qualifying examination, except 115369  
that, if an applicant fails an examination for a third time, the 115370  
board may require that the applicant, prior to retaking the 115371  
examination, undergo additional study in the areas of the 115372  
examination in which the applicant experienced difficulty. 115373

**Sec. 4725.50.** (A) Except for a person who qualifies for 115374

licensure as an ocularist, each person who qualifies for licensure 115375  
under sections 4725.40 to 4725.59 of the Revised Code shall 115376  
receive from the ~~Ohio optical dispensers~~ state vision 115377  
professionals board, under its seal, a certificate of licensure 115378  
entitling the person to practice as a licensed spectacle 115379  
dispensing optician, licensed contact lens dispensing optician, or 115380  
a licensed spectacle-contact lens dispensing optician. The 115381  
appropriate certificate of licensure shall be issued by the board 115382  
no later than sixty days after it has notified the applicant of 115383  
the applicant's approval for licensure. 115384

(B) Each licensed dispensing optician shall display the 115385  
licensed dispensing optician's certificate of licensure in a 115386  
conspicuous place in the licensed dispensing optician's office or 115387  
place of business. If a licensed dispensing optician maintains 115388  
more than one office or place of business, the licensed dispensing 115389  
optician shall display a duplicate copy of such certificate at 115390  
each location. The board shall issue duplicate copies of the 115391  
appropriate certificate of licensure for this purpose upon the 115392  
filing of an application form therefor and the payment of a 115393  
five-dollar fee for each duplicate copy. 115394

**Sec. 4725.501.** (A) As used in this section, "license" and 115395  
"applicant for an initial license" have the same meanings as in 115396  
section 4776.01 of the Revised Code, except that "license" as used 115397  
in both of those terms refers to the types of authorizations 115398  
otherwise issued or conferred under this chapter. 115399

(B) In addition to any other eligibility requirement set 115400  
forth in this chapter, each applicant for an initial license shall 115401  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 115402  
~~Ohio optical dispensers~~ state vision professionals board shall not 115403  
grant a license to an applicant for an initial license unless the 115404  
applicant complies with sections 4776.01 to 4776.04 of the Revised 115405

Code and the board, in its discretion, decides that the results of 115406  
the criminal records check do not make the applicant ineligible 115407  
for a license issued pursuant to section 4725.50 or 4725.57 of the 115408  
Revised Code. 115409

**Sec. 4725.51.** (A)(1) Each license issued under sections 115410  
4725.40 to 4725.59 of the Revised Code shall expire on the first 115411  
day of January in the year after it was issued. Each person 115412  
holding a valid, current license may apply to the ~~Ohio optical~~ 115413  
~~dispensers~~ state vision professionals board for the extension of 115414  
the license under the standard renewal procedures of Chapter 4745. 115415  
of the Revised Code. Each application for renewal shall be 115416  
accompanied by a renewal fee the board shall establish by rule. In 115417  
addition, except as provided in division (A)(2) of this section, 115418  
the application shall contain evidence that the applicant has 115419  
completed continuing education within the immediately preceding 115420  
one-year period as follows: 115421

(a) Licensed spectacle dispensing opticians shall have 115422  
pursued both of the following, approved by the board: 115423

(i) Four hours of study in spectacle dispensing; 115424

(ii) Two hours of study in contact lens dispensing. 115425

(b) Licensed contact lens dispensing opticians shall have 115426  
pursued eight hours of study in contact lens dispensing, approved 115427  
by the board. 115428

(c) Licensed spectacle-contact lens dispensing opticians 115429  
shall have pursued both of the following, approved by the board: 115430

(i) Four hours of study in spectacle dispensing; 115431

(ii) Eight hours of study in contact lens dispensing. 115432

(d) Licensed ocularists shall have pursued courses of study 115433  
as prescribed by rule of the board. 115434

(2) An application for the initial renewal of a license 115435  
issued under sections 4725.40 to 4725.55 of the Revised Code is 115436  
not required to contain evidence that the applicant has completed 115437  
the continuing education requirements of division (A)(1) of this 115438  
section. 115439

(B) No person who fails to renew the person's license under 115440  
division (A) of this section shall be required to take a 115441  
qualifying examination under section 4725.48 of the Revised Code 115442  
as a condition of renewal, provided that the application for 115443  
renewal and proof of the requisite continuing education hours are 115444  
submitted within ninety days from the date the license expired and 115445  
the applicant pays the annual renewal fee and a penalty of 115446  
seventy-five dollars. The board may provide, by rule, for an 115447  
extension of the grace period for licensed dispensing opticians 115448  
who are serving in the armed forces of the United States or a 115449  
reserve component of the armed forces of the United States, 115450  
including the Ohio national guard or the national guard of any 115451  
other state and for waiver of the continuing education 115452  
requirements or the penalty in cases of hardship or illness. 115453

(C) The board shall approve continuing education programs and 115454  
shall adopt rules as necessary for approving the programs. The 115455  
rules shall permit programs to be conducted either in person or 115456  
through electronic or other self-study means. Approved programs 115457  
shall be scheduled, sponsored, and conducted in accordance with 115458  
the board's rules. 115459

(D) Any license given a grandfathered issuance or renewal 115460  
between March 22, 1979, and March 22, 1980, shall be renewed in 115461  
accordance with this section. 115462

**Sec. 4725.52.** Any licensed dispensing optician may supervise 115463  
a maximum of three apprentices who shall be permitted to engage in 115464  
optical dispensing only under the supervision of the licensed 115465

dispensing optician. 115466

To serve as an apprentice, a person shall register with the 115467  
~~Ohio optical dispensers~~ state vision professionals board either on 115468  
a form provided by the board or in the form of a statement giving 115469  
the name and address of the supervising licensed dispensing 115470  
optician, the location at which the apprentice will be employed, 115471  
and any other information required by the board. For the duration 115472  
of the apprenticeship, the apprentice shall register annually on 115473  
the form provided by the board or in the form of a statement. 115474

Each apprentice shall pay an initial registration fee of 115475  
twenty dollars. For each registration renewal thereafter, each 115476  
apprentice shall pay a registration renewal fee of twenty dollars. 115477

The board shall not deny registration as an apprentice under 115478  
this section to any individual based on the individual's past 115479  
criminal history or an interpretation of moral character unless 115480  
the individual has committed a disqualifying offense or crime of 115481  
moral turpitude as those terms are defined in section 4776.10 of 115482  
the Revised Code. Except as otherwise provided in this division, 115483  
if an individual applying for a registration has been convicted of 115484  
or pleaded guilty to a misdemeanor that is not a crime of moral 115485  
turpitude or a disqualifying offense less than one year prior to 115486  
making the application, the board may use its discretion in 115487  
granting or denying the individual a registration. Except as 115488  
otherwise provided in this division, if an individual applying for 115489  
a registration has been convicted of or pleaded guilty to a felony 115490  
that is not a crime of moral turpitude or a disqualifying offense 115491  
less than three years prior to making the application, the board 115492  
may use its discretion in granting or denying the individual a 115493  
registration. The provisions in this paragraph do not apply with 115494  
respect to any offense unless the board, prior to ~~the effective~~ 115495  
~~date of this amendment~~ September 28, 2012, was required or 115496  
authorized to deny the registration based on that offense. 115497

In all other circumstances, the board shall follow the 115498  
procedures it adopts by rule that conform to this section. In 115499  
considering a renewal of an individual's registration, the board 115500  
shall not consider any conviction or plea of guilty prior to the 115501  
initial registration. However, the board may consider a conviction 115502  
or plea of guilty if it occurred after the individual was 115503  
initially registered, or after the most recent registration 115504  
renewal. If the board denies an individual for a registration or 115505  
registration renewal, the reasons for such denial shall be put in 115506  
writing. Additionally, the board may grant an individual a 115507  
conditional registration that lasts for one year. After the 115508  
one-year period has expired, the registration is no longer 115509  
considered conditional, and the individual shall be considered 115510  
fully registered. 115511

A person who is gaining experience under the supervision of a 115512  
licensed optometrist or ophthalmologist that would qualify the 115513  
person under division (B)(1) of section 4725.48 of the Revised 115514  
Code to take the examination for optical dispensing is not 115515  
required to register with the board. 115516

**Sec. 4725.53.** (A) ~~The Ohio optical dispensers~~ state vision 115517  
professionals board, by a majority vote of its members, may refuse 115518  
to grant a license and, in accordance with Chapter 119. of the 115519  
Revised Code, may suspend or revoke the license of a licensed 115520  
dispensing optician or impose a fine or order restitution pursuant 115521  
to division (B) of this section on any of the following grounds: 115522

(1) Conviction of a crime involving moral turpitude or a 115523  
disqualifying offense as those terms are defined in section 115524  
4776.10 of the Revised Code; 115525

(2) Obtaining or attempting to obtain a license by fraud or 115526  
deception; 115527

(3) Obtaining any fee or making any sale of an optical aid by 115528

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| means of fraud or misrepresentation;                               | 115529 |
| (4) Habitual indulgence in the use of controlled substances        | 115530 |
| or other habit-forming drugs, or in the use of alcoholic liquors   | 115531 |
| to an extent that affects professional competency;                 | 115532 |
| (5) Finding by a court of competent jurisdiction that the          | 115533 |
| applicant or licensee is incompetent by reason of mental illness   | 115534 |
| and no subsequent finding by the court of competency;              | 115535 |
| (6) Finding by a court of law that the licensee is guilty of       | 115536 |
| incompetence or negligence in the dispensing of optical aids;      | 115537 |
| (7) Knowingly permitting or employing a person whose license       | 115538 |
| has been suspended or revoked or an unlicensed person to engage in | 115539 |
| optical dispensing;                                                | 115540 |
| (8) Permitting another person to use the licensee's license;       | 115541 |
| (9) Engaging in optical dispensing not pursuant to the             | 115542 |
| prescription of a licensed physician or licensed optometrist, but  | 115543 |
| nothing in this section shall prohibit the duplication or          | 115544 |
| replacement of previously prepared optical aids, except contact    | 115545 |
| lenses shall not be duplicated or replaced without a written       | 115546 |
| prescription;                                                      | 115547 |
| (10) Violation of sections 4725.40 to 4725.59 of the Revised       | 115548 |
| Code;                                                              | 115549 |
| (11) Waiving the payment of all or any part of a deductible        | 115550 |
| or copayment that a patient, pursuant to a health insurance or     | 115551 |
| health care policy, contract, or plan that covers optical          | 115552 |
| dispensing services, would otherwise be required to pay if the     | 115553 |
| waiver is used as an enticement to a patient or group of patients  | 115554 |
| to receive health care services from that provider-;               | 115555 |
| (12) Advertising that the licensee will waive the payment of       | 115556 |
| all or any part of a deductible or copayment that a patient,       | 115557 |
| pursuant to a health insurance or health care policy, contract, or | 115558 |

plan that covers optical dispensing services, would otherwise be 115559  
required to pay; 115560

(13) Violating the code of ethical conduct adopted under 115561  
section 4725.66 of the Revised Code. 115562

(B) The board may impose a fine of not more than five hundred 115563  
dollars for a first occurrence of an action that is grounds for 115564  
discipline under this section and of not less than five hundred 115565  
nor more than one thousand dollars for a subsequent occurrence, or 115566  
may order the licensee to make restitution to a person who has 115567  
suffered a financial loss as a result of the licensee's failure to 115568  
comply with sections 4725.40 to 4725.59 of the Revised Code. 115569

(C) Notwithstanding divisions (A)(11) and (12) of this 115570  
section, sanctions shall not be imposed against any licensee who 115571  
waives deductibles and copayments: 115572

(1) In compliance with the health benefit plan that expressly 115573  
allows such a practice. Waiver of the deductibles or copays shall 115574  
be made only with the full knowledge and consent of the plan 115575  
purchaser, payer, and third-party administrator. Such consent 115576  
shall be made available to the board upon request. 115577

(2) For professional services rendered to any other person 115578  
licensed pursuant to this chapter to the extent allowed by this 115579  
chapter and the rules of the board. 115580

**Sec. 4725.531.** On receipt of a notice pursuant to section 115581  
3123.43 of the Revised Code, the ~~Ohio optical dispensers state~~ 115582  
vision professionals board shall comply with sections 3123.41 to 115583  
3123.50 of the Revised Code and any applicable rules adopted under 115584  
section 3123.63 of the Revised Code with respect to a license 115585  
issued by the board pursuant to this chapter. 115586

**Sec. 4725.54.** (A) Any person having knowledge of a violation 115587  
of sections 4725.40 to 4725.59 of the Revised Code by a licensed 115588

dispensing optician or an apprentice, or of any other ground 115589  
specified in section 4725.53 of the Revised Code for denying, 115590  
suspending, or revoking a license, may submit a written complaint, 115591  
specifying the precise violations or grounds, to the ~~Ohio optical~~ 115592  
~~dispensers~~ state vision professionals board. If the board 115593  
determines, in accordance with the procedures of Chapter 119. of 115594  
the Revised Code, that the charges are sustained by the evidence 115595  
presented, it may suspend or revoke the license of the person 115596  
against whom the charges were preferred. 115597

(B) If the board discovers or is informed that any person is 115598  
or has been engaged in optical dispensing without having received 115599  
a license under sections 4725.40 to 4725.59 of the Revised Code, 115600  
it shall inform the prosecuting attorney for the county in which 115601  
the alleged unlicensed activity took place. The prosecuting 115602  
attorney shall take all legal action necessary to terminate such 115603  
illegal practice of optical dispensing and to prosecute the 115604  
offender under section 4725.41 of the Revised Code. 115605

(C) In addition to other remedies provided in this chapter, 115606  
the board may request the attorney general or the prosecuting 115607  
attorney of a county in which a violation of sections 4725.40 to 115608  
4725.59 of the Revised Code occurs to apply to the court of common 115609  
pleas of the county for an injunction to restrain the activity 115610  
that constitutes a violation. 115611

**Sec. 4725.55.** No person shall do any of the following: 115612

(A) Sell or barter, or offer to sell or barter, a certificate 115613  
of licensure as a dispensing optician issued under sections 115614  
4725.40 to 4725.59 of the Revised Code; 115615

(B) Use, or attempt to use, a license which is illegally 115616  
purchased or acquired under division (A) of this section, obtained 115617  
by fraud or deception, counterfeited, materially altered or 115618  
otherwise modified without prior approval of the ~~Ohio optical~~ 115619

~~dispensers~~ state vision professionals board, or suspended or 115620  
revoked under section 4725.53 or 4725.54 of the Revised Code; 115621

(C) Materially alter or otherwise modify a license in any 115622  
manner, unless authorized by the ~~Ohio optical dispensers~~ state 115623  
vision professionals board; 115624

(D) Willfully and knowingly make any false statement in an 115625  
application required under sections 4725.40 to 4725.59 of the 115626  
Revised Code. 115627

**Sec. 4725.57.** An applicant for licensure as a licensed 115628  
dispensing optician who is licensed or registered in another state 115629  
shall be accorded the full privileges of practice within this 115630  
state, upon the payment of a fifty-dollar fee and the submission 115631  
of a certified copy of the license or certificate issued by such 115632  
other state, without the necessity of examination, if the state 115633  
vision professionals board determines that the applicant meets the 115634  
remaining requirements of division (B) of section 4725.48 of the 115635  
Revised Code. The board may require that the applicant have 115636  
received a passing score, as determined by the board, on an 115637  
examination that is substantially the same as the examination 115638  
described in division (A) of section 4725.48 of the Revised Code. 115639

**Sec. 4725.61.** The state ~~board of optometry and the Ohio~~ 115640  
~~optical dispensers~~ vision professionals board shall comply with 115641  
section 4776.20 of the Revised Code. 115642

**Sec. 4725.63.** The state vision professionals board may 115643  
appoint committees or other groups to assist in fulfilling its 115644  
duties. A committee or group may consist of board members, other 115645  
individuals with appropriate backgrounds, or both board members 115646  
and other individuals with appropriate backgrounds. Any appointed 115647  
committee or group shall act under the board's direction and shall 115648  
perform its functions within the limits established by the board. 115649

If the board appoints a committee or group to address issues concerning optical dispensing or the practice of licensed dispensing opticians and licensed ocularists under sections 4725.40 to 4725.59 of the Revised Code, the board shall include as a member of that committee or group a physician licensed by the state medical board who engages in the practice of ophthalmology and is recommended by a professional association representing the interests of the profession of ophthalmology.

Except as otherwise provided in the Revised Code, a committee or group organized under this section is advisory in nature and may not act independently of the board or act on the board's behalf.

Members of a committee or group may be reimbursed by the board for any expenses incurred in the performance of their duties, in accordance with section 126.31 of the Revised Code and with approval from the director of administrative services.

**Sec. 4725.64.** The state vision professionals board may enter into contracts with any person or government entity to implement this chapter, the rules adopted under this chapter, any other applicable statutes or rules, and any applicable federal statutes or regulations.

**Sec. 4725.65.** The state vision professionals board may become a member of a national licensing organization for optometrists and dispensing opticians. The board may participate in any of the organization's activities, including reporting actions the board takes against an applicant or license holder to any data bank established by the organization.

**Sec. 4725.66.** The state vision professionals board shall establish a code of ethical practice for individuals licensed, certified, or registered by the board in accordance with rules

adopted under Chapter 119. of the Revised Code. In establishing 115680  
the codes of ethical practice, the board shall define 115681  
unprofessional conduct in the rules, which shall include engaging 115682  
in a dual relationship with a client or former client, committing 115683  
an act of sexual abuse, misconduct, or exploitation of a client or 115684  
former client, and, except as permitted by law, violating client 115685  
confidentiality. 115686

The codes of ethical practice may be based on any codes of 115687  
ethical practice developed by national organizations representing 115688  
the interests of optometrists and dispensing opticians. The board 115689  
may establish standards in its codes of ethical practice that are 115690  
more stringent than those established by national organizations. 115691

The board may take disciplinary action against an applicant 115692  
or license holder for violating any code of ethical practice 115693  
established under this section. 115694

**Sec. 4725.67.** The state vision professionals board and any 115695  
committees established by the board shall not discriminate against 115696  
an applicant or holder of a certificate, license, registration, or 115697  
endorsement issued under this chapter because of the person's 115698  
race, color, religion, sex, national origin, disability as defined 115699  
in section 4112.01 of the Revised Code, or age. A person who files 115700  
with the board or committee a statement alleging discrimination 115701  
based on any of those reasons may request a hearing with the board 115702  
or committee, as appropriate. 115703

**Sec. 4729.021.** The state board of pharmacy shall license and 115704  
register home medical equipment services providers under Chapter 115705  
4752. of the Revised Code and shall administer and enforce that 115706  
chapter. 115707

**Sec. 4729.85.** If the state board of pharmacy establishes and 115708

maintains a drug database pursuant to section 4729.75 of the Revised Code, the board shall prepare reports regarding the database and present or submit them in accordance with both of the following:

(A) The board shall present a biennial report to the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues. Each report shall include all of the following:

(1) The cost to the state of establishing and maintaining the database;

(2) Information from the board, terminal distributors of dangerous drugs, prescribers, and retail dispensaries licensed under Chapter 3796. of the Revised Code regarding the board's effectiveness in providing information from the database;

(3) The board's timeliness in transmitting information from the database.

(B) The board shall submit a semiannual report to the governor, the president of the senate, the speaker of the house of representatives, the attorney general, the chairpersons of the standing committees of the house of representatives and the senate that are primarily responsible for considering health and human services issues, the department of public safety, the state dental board, the board of nursing, the state ~~board of optometry~~ vision professionals board, the state medical board, and the state veterinary medical licensing board. The state board of pharmacy shall make the report available to the public on its internet web site. Each report submitted shall include all of the following for the period covered by the report:

(1) An aggregate of the information submitted to the board under section 4729.77 of the Revised Code regarding prescriptions for controlled substances containing opioids, including all of the

|                                                                                                                                                                                                                                                                                                                                                          |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| following:                                                                                                                                                                                                                                                                                                                                               | 115740                                         |
| (a) The number of prescribers who issued the prescriptions;                                                                                                                                                                                                                                                                                              | 115741                                         |
| (b) The number of patients to whom the controlled substances<br>were dispensed;                                                                                                                                                                                                                                                                          | 115742<br>115743                               |
| (c) The average quantity of the controlled substances<br>dispensed per prescription;                                                                                                                                                                                                                                                                     | 115744<br>115745                               |
| (d) The average daily morphine equivalent dose of the<br>controlled substances dispensed per prescription.                                                                                                                                                                                                                                               | 115746<br>115747                               |
| (2) An aggregate of the information submitted to the board<br>under section 4729.79 of the Revised Code regarding controlled<br>substances containing opioids that have been personally furnished<br>to a patient by a prescriber, other than a prescriber who is a<br>veterinarian, including all of the following:                                     | 115748<br>115749<br>115750<br>115751<br>115752 |
| (a) The number of prescribers who personally furnished the<br>controlled substances;                                                                                                                                                                                                                                                                     | 115753<br>115754                               |
| (b) The number of patients to whom the controlled substances<br>were personally furnished;                                                                                                                                                                                                                                                               | 115755<br>115756                               |
| (c) The average quantity of the controlled substances that<br>were furnished at one time;                                                                                                                                                                                                                                                                | 115757<br>115758                               |
| (d) The average daily morphine equivalent dose of the<br>controlled substances that were furnished at one time.                                                                                                                                                                                                                                          | 115759<br>115760                               |
| (3) An aggregate of the information submitted to the board<br>under section 4729.771 of the Revised Code regarding medical<br>marijuana.                                                                                                                                                                                                                 | 115761<br>115762<br>115763                     |
| <b>Sec. 4731.051.</b> The state medical board shall adopt rules in<br>accordance with Chapter 119. of the Revised Code establishing<br>universal blood and body fluid precautions that shall be used by<br>each person who performs exposure prone invasive procedures and is<br>authorized to practice by this chapter or Chapter 4730., <u>4759.</u> , | 115764<br>115765<br>115766<br>115767<br>115768 |

4760., 4761., 4762., or 4774. of the Revised Code. The rules shall  
define and establish requirements for universal blood and body  
fluid precautions that include the following:

(A) Appropriate use of hand washing;

(B) Disinfection and sterilization of equipment;

(C) Handling and disposal of needles and other sharp  
instruments;

(D) Wearing and disposal of gloves and other protective  
garments and devices.

**Sec. 4731.07.** (A) The state medical board shall keep a record  
of its proceedings. The minutes of a meeting of the board shall,  
on approval by the board, constitute an official record of its  
proceedings.

(B) The board shall keep a register of applicants for  
certificates to practice issued under this chapter and Chapters  
4760., 4762., and 4774. of the Revised Code and licenses issued  
under Chapters 4730., 4759., 4761., and 4778. of the Revised Code.  
The register shall show the name of the applicant and whether the  
applicant was granted or refused a certificate or license. With  
respect to applicants to practice medicine and surgery or  
osteopathic medicine and surgery, the register shall show the name  
of the institution that granted the applicant the degree of doctor  
of medicine or osteopathic medicine. With respect to applicants to  
practice respiratory care, the register shall show the addresses  
of the person's last known place of business and residence, the  
effective date and identification number of the license, the name  
and location of the institution that granted the person's degree  
or certificate of completion of respiratory care educational  
requirements, and the date the degree or certificate was issued.  
The books and records of the board shall be prima-facie evidence

of matters therein contained. 115799

**Sec. 4731.071.** The state medical board shall develop and 115800  
publish on its internet web site a directory containing the names 115801  
of, and contact information for, all persons who hold current, 115802  
valid certificates or licenses issued by the board under this 115803  
chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 115804  
4778. of the Revised Code. Except as provided in section 4731.10 115805  
of the Revised Code, the directory shall be the sole source for 115806  
verifying that a person holds a current, valid certificate or 115807  
license issued by the board. 115808

**Sec. 4731.224.** (A) Within sixty days after the imposition of 115809  
any formal disciplinary action taken by any health care facility, 115810  
including a hospital, health care facility operated by a health 115811  
insuring corporation, ambulatory surgical center, or similar 115812  
facility, against any individual holding a valid certificate to 115813  
practice issued pursuant to this chapter, the chief administrator 115814  
or executive officer of the facility shall report to the state 115815  
medical board the name of the individual, the action taken by the 115816  
facility, and a summary of the underlying facts leading to the 115817  
action taken. Upon request, the board shall be provided certified 115818  
copies of the patient records that were the basis for the 115819  
facility's action. Prior to release to the board, the summary 115820  
shall be approved by the peer review committee that reviewed the 115821  
case or by the governing board of the facility. As used in this 115822  
division, "formal disciplinary action" means any action resulting 115823  
in the revocation, restriction, reduction, or termination of 115824  
clinical privileges for violations of professional ethics, or for 115825  
reasons of medical incompetence, medical malpractice, or drug or 115826  
alcohol abuse. "Formal disciplinary action" includes a summary 115827  
action, an action that takes effect notwithstanding any appeal 115828  
rights that may exist, and an action that results in an individual 115829

surrendering clinical privileges while under investigation and 115830  
during proceedings regarding the action being taken or in return 115831  
for not being investigated or having proceedings held. "Formal 115832  
disciplinary action" does not include any action taken for the 115833  
sole reason of failure to maintain records on a timely basis or 115834  
failure to attend staff or section meetings. 115835

The filing or nonfiling of a report with the board, 115836  
investigation by the board, or any disciplinary action taken by 115837  
the board, shall not preclude any action by a health care facility 115838  
to suspend, restrict, or revoke the individual's clinical 115839  
privileges. 115840

In the absence of fraud or bad faith, no individual or entity 115841  
that provides patient records to the board shall be liable in 115842  
damages to any person as a result of providing the records. 115843

(B) If any individual authorized to practice under this 115844  
chapter or any professional association or society of such 115845  
individuals believes that a violation of any provision of this 115846  
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 115847  
4778. of the Revised Code, or any rule of the board has occurred, 115848  
the individual, association, or society shall report to the board 115849  
the information upon which the belief is based. This division does 115850  
not require any treatment provider approved by the board under 115851  
section 4731.25 of the Revised Code or any employee, agent, or 115852  
representative of such a provider to make reports with respect to 115853  
an impaired practitioner participating in treatment or aftercare 115854  
for substance abuse as long as the practitioner maintains 115855  
participation in accordance with the requirements of section 115856  
4731.25 of the Revised Code, and as long as the treatment provider 115857  
or employee, agent, or representative of the provider has no 115858  
reason to believe that the practitioner has violated any provision 115859  
of this chapter or any rule adopted under it, other than the 115860

provisions of division (B)(26) of section 4731.22 of the Revised Code. This division does not require reporting by any member of an impaired practitioner committee established by a health care facility or by any representative or agent of a committee or program sponsored by a professional association or society of individuals authorized to practice under this chapter to provide peer assistance to practitioners with substance abuse problems with respect to a practitioner who has been referred for examination to a treatment program approved by the board under section 4731.25 of the Revised Code if the practitioner cooperates with the referral for examination and with any determination that the practitioner should enter treatment and as long as the committee member, representative, or agent has no reason to believe that the practitioner has ceased to participate in the treatment program in accordance with section 4731.25 of the Revised Code or has violated any provision of this chapter or any rule adopted under it, other than the provisions of division (B)(26) of section 4731.22 of the Revised Code.

(C) Any professional association or society composed primarily of doctors of medicine and surgery, doctors of osteopathic medicine and surgery, doctors of podiatric medicine and surgery, or practitioners of limited branches of medicine that suspends or revokes an individual's membership for violations of professional ethics, or for reasons of professional incompetence or professional malpractice, within sixty days after a final decision shall report to the board, on forms prescribed and provided by the board, the name of the individual, the action taken by the professional organization, and a summary of the underlying facts leading to the action taken.

The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a professional organization

from taking disciplinary action against an individual. 115893

(D) Any insurer providing professional liability insurance to 115894  
an individual authorized to practice under this chapter, or any 115895  
other entity that seeks to indemnify the professional liability of 115896  
such an individual, shall notify the board within thirty days 115897  
after the final disposition of any written claim for damages where 115898  
such disposition results in a payment exceeding twenty-five 115899  
thousand dollars. The notice shall contain the following 115900  
information: 115901

(1) The name and address of the person submitting the 115902  
notification; 115903

(2) The name and address of the insured who is the subject of 115904  
the claim; 115905

(3) The name of the person filing the written claim; 115906

(4) The date of final disposition; 115907

(5) If applicable, the identity of the court in which the 115908  
final disposition of the claim took place. 115909

(E) The board may investigate possible violations of this 115910  
chapter or the rules adopted under it that are brought to its 115911  
attention as a result of the reporting requirements of this 115912  
section, except that the board shall conduct an investigation if a 115913  
possible violation involves repeated malpractice. As used in this 115914  
division, "repeated malpractice" means three or more claims for 115915  
medical malpractice within the previous five-year period, each 115916  
resulting in a judgment or settlement in excess of twenty-five 115917  
thousand dollars in favor of the claimant, and each involving 115918  
negligent conduct by the practicing individual. 115919

(F) All summaries, reports, and records received and 115920  
maintained by the board pursuant to this section shall be held in 115921  
confidence and shall not be subject to discovery or introduction 115922

in evidence in any federal or state civil action involving a 115923  
health care professional or facility arising out of matters that 115924  
are the subject of the reporting required by this section. The 115925  
board may use the information obtained only as the basis for an 115926  
investigation, as evidence in a disciplinary hearing against an 115927  
individual whose practice is regulated under this chapter, or in 115928  
any subsequent trial or appeal of a board action or order. 115929

The board may disclose the summaries and reports it receives 115930  
under this section only to health care facility committees within 115931  
or outside this state that are involved in credentialing or 115932  
recredentialing the individual or in reviewing the individual's 115933  
clinical privileges. The board shall indicate whether or not the 115934  
information has been verified. Information transmitted by the 115935  
board shall be subject to the same confidentiality provisions as 115936  
when maintained by the board. 115937

(G) Except for reports filed by an individual pursuant to 115938  
division (B) of this section, the board shall send a copy of any 115939  
reports or summaries it receives pursuant to this section to the 115940  
individual who is the subject of the reports or summaries. The 115941  
individual shall have the right to file a statement with the board 115942  
concerning the correctness or relevance of the information. The 115943  
statement shall at all times accompany that part of the record in 115944  
contention. 115945

(H) An individual or entity that, pursuant to this section, 115946  
reports to the board or refers an impaired practitioner to a 115947  
treatment provider approved by the board under section 4731.25 of 115948  
the Revised Code shall not be subject to suit for civil damages as 115949  
a result of the report, referral, or provision of the information. 115950

(I) In the absence of fraud or bad faith, no professional 115951  
association or society of individuals authorized to practice under 115952  
this chapter that sponsors a committee or program to provide peer 115953  
assistance to practitioners with substance abuse problems, no 115954

representative or agent of such a committee or program, and no 115955  
member of the state medical board shall be held liable in damages 115956  
to any person by reason of actions taken to refer a practitioner 115957  
to a treatment provider approved under section 4731.25 of the 115958  
Revised Code for examination or treatment. 115959

**Sec. 4731.24.** Except as provided in sections 4731.281 and 115960  
4731.40 of the Revised Code, all receipts of the state medical 115961  
board, from any source, shall be deposited in the state treasury. 115962  
The funds shall be deposited to the credit of the state medical 115963  
board operating fund, which is hereby created. Except as provided 115964  
in sections 4730.252, 4731.225, 4731.24, 4760.133, 4762.133, 115965  
4774.133, and 4778.141 of the Revised Code, all funds deposited 115966  
into the state treasury under this section shall be used solely 115967  
for the administration and enforcement of this chapter and 115968  
Chapters 4730., 4759., 4760., 4761., 4762., 4774., and 4778. of 115969  
the Revised Code by the board. 115970

**Sec. 4731.25.** The state medical board, in accordance with 115971  
Chapter 119. of the Revised Code, shall adopt and may amend and 115972  
rescind rules establishing standards for approval of physicians 115973  
and facilities as treatment providers for impaired practitioners 115974  
who are regulated under this chapter or Chapter 4730., 4759., 115975  
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 115976  
rules shall include standards for both inpatient and outpatient 115977  
treatment. The rules shall provide that in order to be approved, a 115978  
treatment provider must have the capability of making an initial 115979  
examination to determine what type of treatment an impaired 115980  
practitioner requires. Subject to the rules, the board shall 115981  
review and approve treatment providers on a regular basis. The 115982  
board, at its discretion, may withdraw or deny approval subject to 115983  
the rules. 115984

An approved impaired practitioner treatment provider shall: 115985

(A) Report to the board the name of any practitioner 115986  
suffering or showing evidence of suffering impairment as described 115987  
in division (B)(5) of section 4730.25 of the Revised Code, 115988  
division (B)(26) of section 4731.22 of the Revised Code, division 115989  
(A)(4) of section 4759.07 of the Revised Code, division (B)(6) of 115990  
section 4760.13 of the Revised Code, division (B)(6) of section 115991  
4762.13 of the Revised Code, division (B)(6) of section 4774.13 of 115992  
the Revised Code, or division (B)(6) of section 4778.14 of the 115993  
Revised Code who fails to comply within one week with a referral 115994  
for examination; 115995

(B) Report to the board the name of any impaired practitioner 115996  
who fails to enter treatment within forty-eight hours following 115997  
the provider's determination that the practitioner needs 115998  
treatment; 115999

(C) Require every practitioner who enters treatment to agree 116000  
to a treatment contract establishing the terms of treatment and 116001  
aftercare, including any required supervision or restrictions of 116002  
practice during treatment or aftercare; 116003

(D) Require a practitioner to suspend practice upon entry 116004  
into any required inpatient treatment; 116005

(E) Report to the board any failure by an impaired 116006  
practitioner to comply with the terms of the treatment contract 116007  
during inpatient or outpatient treatment or aftercare; 116008

(F) Report to the board the resumption of practice of any 116009  
impaired practitioner before the treatment provider has made a 116010  
clear determination that the practitioner is capable of practicing 116011  
according to acceptable and prevailing standards of care; 116012

(G) Require a practitioner who resumes practice after 116013  
completion of treatment to comply with an aftercare contract that 116014  
meets the requirements of rules adopted by the board for approval 116015  
of treatment providers; 116016

(H) Report the identity of any practitioner practicing under 116017  
the terms of an aftercare contract to hospital administrators, 116018  
medical chiefs of staff, and chairpersons of impaired practitioner 116019  
committees of all health care institutions at which the 116020  
practitioner holds clinical privileges or otherwise practices. If 116021  
the practitioner does not hold clinical privileges at any health 116022  
care institution, the treatment provider shall report the 116023  
practitioner's identity to the impaired practitioner committee of 116024  
the county medical society, osteopathic academy, or podiatric 116025  
medical association in every county in which the practitioner 116026  
practices. If there are no impaired practitioner committees in the 116027  
county, the treatment provider shall report the practitioner's 116028  
identity to the president or other designated member of the county 116029  
medical society, osteopathic academy, or podiatric medical 116030  
association. 116031

(I) Report to the board the identity of any practitioner who 116032  
suffers a relapse at any time during or following aftercare. 116033

Any individual authorized to practice under this chapter who 116034  
enters into treatment by an approved treatment provider shall be 116035  
deemed to have waived any confidentiality requirements that would 116036  
otherwise prevent the treatment provider from making reports 116037  
required under this section. 116038

In the absence of fraud or bad faith, no person or 116039  
organization that conducts an approved impaired practitioner 116040  
treatment program, no member of such an organization, and no 116041  
employee, representative, or agent of the treatment provider shall 116042  
be held liable in damages to any person by reason of actions taken 116043  
or recommendations made by the treatment provider or its 116044  
employees, representatives, or agents. 116045

**Sec. 4743.05.** Except as otherwise provided in sections 116046  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 116047

Revised Code, all money collected under Chapters 3773., 4701., 116048  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 116049  
4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 4757., 116050  
4758., ~~4759., 4761.,~~ 4771., 4775., 4779., and 4781. of the Revised 116051  
Code shall be paid into the state treasury to the credit of the 116052  
occupational licensing and regulatory fund, which is hereby 116053  
created for use in administering such chapters. 116054

At the end of each quarter, the director of budget and 116055  
management shall transfer from the occupational licensing and 116056  
regulatory fund to the nurse education assistance fund created in 116057  
section 3333.28 of the Revised Code the amount certified to the 116058  
director under division (B) of section 4723.08 of the Revised 116059  
Code. 116060

At the end of each quarter, the director shall transfer from 116061  
the occupational licensing and regulatory fund to the certified 116062  
public accountant education assistance fund created in section 116063  
4701.26 of the Revised Code the amount certified to the director 116064  
under division (H)(2) of section 4701.10 of the Revised Code. 116065

Sec. 4744.02. (A) There is hereby created the state speech 116066  
and hearing professionals board consisting of the following 116067  
members, appointed by the governor with the advice and consent of 116068  
the senate: 116069

(1) Two individuals licensed as speech-language pathologists 116070  
under Chapter 4753. of the Revised Code; 116071

(2) Three individuals licensed as audiologists under Chapter 116072  
4753. of the Revised Code; 116073

(3) Two individuals licensed as hearing aid fitters under 116074  
Chapter 4747. of the Revised Code; 116075

(4) Two individuals representing the general public. 116076

(B) Not later than ninety days after the effective date of 116077

this section, the governor shall make initial appointments to the 116078  
board. Of the initial appointments, four members shall serve terms 116079  
ending March 22, 2019, three members shall serve terms ending 116080  
March 22, 2020, and two members shall serve terms ending March 22, 116081  
2021. 116082

Thereafter, terms of office are three years, with each term 116083  
commencing on the twenty-third day of March and ending on the 116084  
twenty-second day of March. Each member shall hold office from the 116085  
date of appointment until the end of the term for which the member 116086  
was appointed, except that a member shall continue in office after 116087  
the expiration date of the member's term until the member's 116088  
successor takes office. No member shall serve more than three 116089  
consecutive terms. 116090

Vacancies shall be filled in the same manner as original 116091  
appointments. Any member appointed to fill a vacancy occurring 116092  
before the expiration of the term for which the member's 116093  
predecessor was appointed shall hold office for the remainder of 116094  
that term. 116095

(C) No individual may be appointed to the board who has been 116096  
convicted of or pleaded guilty to a felony under the laws of this 116097  
state, another state, or the United States. 116098

The governor may remove a member of the board for 116099  
malfeasance, misfeasance, or nonfeasance after a hearing in 116100  
accordance with Chapter 119. of the Revised Code. The governor 116101  
shall remove, after a hearing in accordance with Chapter 119. of 116102  
the Revised Code, any member who has been convicted of or pleaded 116103  
guilty to a felony under the laws of this state, another state, or 116104  
the United States. 116105

**Sec. 4744.07.** When the term of a member of the state speech 116106  
and hearing professionals board expires or a vacancy occurs on the 116107  
board, a professional association representing the interests of 116108

the occupation of the board position to be filled may recommend to 116109  
the governor individuals to fill the position. The governor shall 116110  
consider the recommendation in making appointments to the board. 116111

Sec. 4744.10. Whenever the term "hearing aid dealers and 116112  
fitters licensing board" or "board of speech-language pathology 116113  
and audiology" is used in any statute, rule, contract, or other 116114  
document, the use shall be construed to mean the "state speech and 116115  
hearing professionals board." 116116

Whenever "secretary of the hearing aid dealers and fitters 116117  
licensing board" or "executive director of the board of 116118  
speech-language pathology and audiology" is used in a statute, 116119  
rule, contract, or other document, the use shall be construed to 116120  
mean the executive director of the state speech and hearing 116121  
professionals board. 116122

Sec. 4744.12. (A) The state speech and hearing professionals 116123  
board shall annually elect from among its members a president and 116124  
secretary. The board shall hold at least four regular meetings 116125  
each year and may hold additional meetings as it considers 116126  
necessary. At least one of the board's regular meetings shall be 116127  
held in Franklin county. The board shall publish the time and 116128  
place of any meetings at least thirty days before the date on 116129  
which the meeting is to be held, except that in the case of an 116130  
emergency or special meeting, the board shall give 116131  
twenty-four-hours' notice or as much notice as possible. 116132

A majority of board members constitutes a quorum. 116133

(B) The board shall do all of the following: 116134

(1) Adopt a seal and certificate of suitable design; 116135

(2) Maintain a record of its proceedings; 116136

(3) Maintain a register of every individual holding a 116137

certificate, license, or permit issued under Chapters 4747. and 116138  
4753. of the Revised Code and every individual whose certificate, 116139  
license, or permit has been revoked under those chapters. 116140

(C) Except as otherwise provided in the Revised Code, the 116141  
books and records of the board, including its registers, shall be 116142  
open to public inspection at all reasonable times. A copy of an 116143  
entry in those books and records, certified by the executive 116144  
director under the board's seal, is prima facie evidence of the 116145  
facts therein stated. 116146

**Sec. 4744.14.** The state speech and hearing professionals 116147  
board shall hire an executive director. Before discharging the 116148  
executive director's duties, each executive director shall give a 116149  
bond, to be approved by the board, in the amount of two thousand 116150  
dollars to ensure the faithful performance of the executive 116151  
director's duties. The board shall pay the premium of the bond in 116152  
the same manner as it pays other expenditures of the board. The 116153  
bond shall be deposited with the secretary of state and kept in 116154  
the secretary of state's office. 116155

The executive director of the board, in consultation with the 116156  
director of administrative services, may employ inspectors, 116157  
investigators, assistants, and other employees as necessary to 116158  
administer and enforce Chapters 4747. and 4753. of the Revised 116159  
Code. 116160

**Sec. 4744.16.** Each member of the state speech and hearing 116161  
professionals board shall receive an amount fixed under division 116162  
(J) of section 124.15 of the Revised Code for each day the member 116163  
is performing their official duties and be reimbursed for actual 116164  
and necessary expenses incurred in performing such duties. 116165

The board, in consultation with the director of 116166  
administrative services, shall set the compensation of its 116167

executive director and of any employees of the board. The 116168  
executive director of the board shall be reimbursed for necessary 116169  
expenses in accordance with section 126.31 of the Revised Code. 116170

All vouchers of the board shall be approved by the board's 116171  
president or executive director, or both, as authorized by the 116172  
board. 116173

**Sec. 4744.18.** The state speech and hearing professionals 116174  
board shall have an office in Franklin county, where all of the 116175  
board's permanent records shall be kept. On request of the board, 116176  
the director of administrative services shall supply the board 116177  
with office space and supplies. The board's president and 116178  
executive director shall submit an order to the director of 116179  
administrative services for all printing and binding necessary for 116180  
the board's work. 116181

**Sec. 4744.20.** All expenses of the state speech and hearing 116182  
professionals board shall be paid from, and all receipts of the 116183  
board shall be deposited in, the state treasury to the credit of 116184  
the occupational licensing and regulatory fund created in section 116185  
4743.05 of the Revised Code. 116186

**Sec. 4744.24.** The state speech and hearing professionals 116187  
board shall annually, on or before the first day of February, 116188  
submit a report to the governor of all its official acts during 116189  
the preceding year, its receipts and disbursements, and a complete 116190  
report of the conditions of the professions regulated by the 116191  
board. The board shall submit its first report to the governor not 116192  
later than February 1, 2019. The board shall submit the reports to 116193  
the governor electronically. 116194

**Sec. 4744.28.** The state speech and hearing professionals 116195  
board may adopt rules as necessary for the transaction of its 116196

business. 116197

Sec. 4744.30. In the absence of fraud or bad faith, the state 116198  
speech and hearing professionals board, current or former board 116199  
members, agents of the board, persons formally requested by the 116200  
board to be the board's representative, or employees of the board 116201  
shall not be held liable in damages to any person as the result of 116202  
any act, omission, proceeding, conduct, or decision related to 116203  
official duties undertaken or performed pursuant to Chapters 4747. 116204  
and 4753. of the Revised Code. 116205

If such a person asks to be defended by the state against any 116206  
claim or action arising out of any act, omission, proceeding, 116207  
conduct, or decision related to the person's official duties, and 116208  
if the request is made in writing at a reasonable time before 116209  
trial and the person requesting defense cooperates in good faith 116210  
in the defense of the claim or action, the state shall provide and 116211  
pay for the person's defense and shall pay any resulting judgment, 116212  
compromise, or settlement. At no time shall the state pay any part 116213  
of a claim or judgment that is for punitive or exemplary damages. 116214

Sec. 4744.36. The state speech and hearing professionals 116215  
board may appoint committees or other groups to assist in 116216  
fulfilling its duties. A committee or group may consist of board 116217  
members, other individuals with appropriate backgrounds, or both 116218  
board members and other individuals with appropriate backgrounds. 116219  
Any appointed committee or group shall act under the board's 116220  
direction and shall perform its functions within the limits 116221  
established by the board. 116222

Except as otherwise provided in the Revised Code, a committee 116223  
or group organized under this section is advisory in nature and 116224  
may not act independently of the board or act on the board's 116225  
behalf. 116226

Members of a committee or group may be reimbursed by the board for any expenses incurred in the performance of their duties, in accordance with section 126.31 of the Revised Code and with approval from the director of administrative services. 116227  
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Sec. 4744.40. The state speech and hearing professionals board may enter into contracts with any person or government entity to implement this chapter and Chapters 4747. and 4753. of the Revised Code, the rules adopted under those chapters, any other applicable statutes or rules, and any applicable federal statutes or regulations. 116231  
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Sec. 4744.48. The state speech and hearing professionals board may become a member of a national licensing organization for the professions regulated by the board. The board may participate in any of the organization's activities, including reporting actions the board takes against an applicant or license holder to any data bank established by the organization. 116237  
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Sec. 4744.50. The state speech and hearing professionals board shall establish a code of ethical practice for individuals licensed, certified, or registered by the board in accordance with rules adopted under Chapter 119. of the Revised Code. In establishing the codes of ethical practice, the board shall define unprofessional conduct in the rules, which shall include engaging in a dual relationship with a client or former client, committing an act of sexual abuse, misconduct, or exploitation of a client or former client, and, except as permitted by law, violating client confidentiality. 116243  
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The codes of ethical practice may be based on any codes of ethical practice developed by national organizations representing the interests of those professions regulated by the board. The board may establish standards in its codes of ethical practice 116253  
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that are more stringent than those established by national organizations. 116257  
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The board may take disciplinary action against an applicant or license holder for violating any code of ethical practice established under this section. 116259  
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**Sec. 4744.54.** The state speech and hearing professionals board or any committees established by the board shall not discriminate against an applicant or license holder because of the person's race, color, religion, sex, national origin, disability as defined in section 4112.01 of the Revised Code, or age. A person who files with the board or committee a statement alleging discrimination based on any of those reasons may request a hearing with the board or committee, as appropriate. 116262  
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**Sec. 4745.02.** On or before the thirtieth day prior to the expiration of any license, each licensing agency shall ~~cause to be mailed~~ provide a notice and application for renewal to every licensee for whom a license was issued or renewed during the current license year or other specified period and who has been approved for renewal by the specific licensing agency. 116270  
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The licensee shall complete the applicable renewal application and ~~return it to~~ pay the applicable renewal fee. Renewal fees paid pursuant to this section shall be deposited with the treasurer of state with a renewal fee in the amount specified on the renewal application. 116276  
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Upon receipt of the correct fee by the treasurer and acceptance of the renewal application by the licensing agency, the applicant shall be entered as currently renewed on the records of the particular licensing agency, and notice of the entry shall be ~~mailed~~ provided to each licensee as soon as practicable, but not later than thirty days after receipt by the treasurer of the 116281  
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application and renewal fee. A certification by the respective 116287  
licensing agency, with its seal affixed, of those records shall be 116288  
prima-facie evidence of renewal in all courts in the trial of any 116289  
case. 116290

Sec. 4745.021. Notwithstanding any provision of the Revised 116291  
Code pertaining to the timing of a license renewal to the 116292  
contrary, if a failure in any electronic license renewal system 116293  
occurs, a licensing agency may extend the date by which licenses 116294  
must be renewed. The licensing agency may extend a renewal period 116295  
for a reasonable time period after the resolution of the system 116296  
failure. However, a licensing agency must obtain approval from the 116297  
director of administrative services for an extension in excess of 116298  
fourteen days beyond the resolution of the system failure. 116299

**Sec. 4745.04.** (A) As used in this section: 116300

(1) "Indigent and uninsured person" and "volunteer" have the 116301  
same meanings as in section 2305.234 of the Revised Code. 116302

(2) "Licensing agency that licenses health care 116303  
professionals" means all of the following: 116304

(a) The state dental board established under Chapter 4715. of 116305  
the Revised Code; 116306

(b) The board of nursing established under Chapter 4723. of 116307  
the Revised Code; 116308

(c) The state vision professionals board ~~of optometry~~ 116309  
established under Chapter 4725. of the Revised Code; 116310

(d) ~~The Ohio optical dispensers board established under~~ 116311  
~~Chapter 4725. of the Revised Code;~~ 116312

~~(e)~~ The state board of pharmacy established under Chapter 116313  
4729. of the Revised Code; 116314

~~(f)~~(e) The state medical board established under Chapter 116315

|                                                                                                                                                                            |                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 4731. of the Revised Code;                                                                                                                                                 | 116316                     |
| <del>(g)</del> (f) The state board of psychology established under<br>Chapter 4732. of the Revised Code;                                                                   | 116317<br>116318           |
| <del>(h)</del> (g) The state chiropractic board established under Chapter<br>4734. of the Revised Code;                                                                    | 116319<br>116320           |
| <del>(i) The hearing aid dealers and fitters licensing board<br/>established under Chapter 4747. of the Revised Code;</del>                                                | 116321<br>116322           |
| <del>(j) The board of speech language pathology and audiology<br/>established under Chapter 4753. of the Revised Code;</del>                                               | 116323<br>116324           |
| <del>(k)</del> (h) The Ohio occupational therapy, physical therapy, and<br>athletic trainers board established under Chapter 4755. of the<br>Revised Code;                 | 116325<br>116326<br>116327 |
| <del>(l)</del> (i) The counselor, social worker, and marriage and family<br>therapist board established under Chapter 4757. of the Revised <del>ede</del><br><u>Code</u> ; | 116328<br>116329<br>116330 |
| <del>(m)</del> (j) The chemical dependency professionals board<br>established under Chapter 4758. of the Revised Code;                                                     | 116331<br>116332           |
| <del>(n) The Ohio board of dietetics established under Chapter<br/>4759. of the Revised Code;</del>                                                                        | 116333<br>116334           |
| <del>(o) The Ohio respiratory care board established under Chapter<br/>4761. of the Revised Code;</del>                                                                    | 116335<br>116336           |
| <del>(p)</del> (k) The state board of emergency medical services<br>established under Chapter 4765. of the Revised Code;                                                   | 116337<br>116338           |
| <del>(q) The state board of orthotics, prosthetics, and pedorthics<br/>established under Chapter 4779. of the Revised Code;</del>                                          | 116339<br>116340           |
| <del>(r)</del> (l) <u>The state speech and hearing professionals board<br/>established under Chapter 4744. of the Revised Code;</u>                                        | 116341<br>116342           |
| (m) Any other licensing agency that considers its licensees<br>to be health care professionals.                                                                            | 116343<br>116344           |

(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply:

(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.

(2) The licensee provides the health care services to an indigent and uninsured person.

(3) The licensee provides the health care services as a volunteer.

(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section.

(5) The health care services provided are within the scope of authority of the licensee renewing the license.

(C) A licensing agency that licenses health care professionals shall permit a licensee to satisfy up to one-third of the licensee's continuing education requirement by providing health care services as a volunteer. A licensing agency that licenses health care professionals shall permit a licensee to earn continuing education credits at the rate of one credit hour for each sixty minutes spent providing health care services as a volunteer.

(D) A licensing agency that licenses health care professionals shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(E) Continuing education credit received under this section

for providing health care services is not compensation or any 116375  
other form of remuneration for purposes of section 2305.234 of the 116376  
Revised Code and does not make the provider of those services 116377  
ineligible for the immunity from liability granted under that 116378  
section. 116379

**Sec. 4747.04.** ~~The state speech and hearing aid dealers and 116380  
fitters licensing board shall meet annually to elect a chairperson 116381  
and a vice chairperson, who shall act as chairperson in the 116382  
absence of the chairperson. A majority of the board constitutes a 116383  
quorum. The board shall meet when called by the chairperson. The 116384  
professionals board shall: 116385~~

~~(A) Adopt rules for the transaction of its business; 116386~~

~~(B) Design and prepare qualifying examinations for licensing 116387  
of hearing aid dealers, fitters, and trainees; 116388~~

~~(C)(B) Determine whether persons holding similar valid 116389  
licenses from other states or jurisdictions shall be required to 116390  
take and successfully pass the appropriate qualifying examination 116391  
as a condition for licensing in this state; 116392~~

~~(D)(C) Determine whether charges made against any licensee 116393  
warrant a hearing before the board; 116394~~

~~(E)(D) Hold hearings to determine the truth and circumstances 116395  
of all charges filed in writing with the board against any 116396  
licensee and determine whether any license held by any person 116397  
shall be revoked, suspended, or reissued; 116398~~

~~(F)(E) Determine and specify the length of time each license 116399  
that is suspended or revoked shall remain suspended or revoked; 116400~~

~~(G)(F) Advise and assist the department of health in all 116401  
matters relating to this chapter; 116402~~

~~(H)(G) Deposit all payments collected under this chapter into 116403  
the ~~general operations~~ state treasury to the credit of the 116404~~

~~occupational licensing and regulatory fund created under in~~ 116405  
~~section 3701.83 4743.05 of the Revised Code to be used in~~ 116406  
~~administering and enforcing this chapter;~~ 116407

~~(I)~~(H) Establish a list of disqualifying offenses for 116408  
licensure as a hearing aid dealer or fitter, or for a hearing aid 116409  
dealer or fitter trainee permit, pursuant to sections 4747.05, 116410  
4747.10, 4747.12, and 4776.10 of the Revised Code. 116411

Nothing in this section shall be interpreted as granting to 116412  
the ~~hearing aid dealers and fitters licensing~~ board the right to 116413  
restrict advertising which is not false or misleading, or to 116414  
prohibit or in any way restrict a hearing aid dealer or fitter 116415  
from renting or leasing space from any person, firm or corporation 116416  
in a mercantile establishment for the purpose of using such space 116417  
for the lawful sale of hearing aids or to prohibit a mercantile 116418  
establishment from selling hearing aids if the sale would be 116419  
otherwise lawful under this chapter. 116420

**Sec. 4747.05.** (A) The state speech and hearing aid dealers 116421  
~~and fitters licensing~~ professionals board shall issue to each 116422  
applicant, within sixty days of receipt of a properly completed 116423  
application and payment of two hundred sixty-two dollars, a 116424  
hearing aid dealer's or fitter's license if the applicant, ~~if an~~ 116425  
~~individual:~~ 116426

(1) ~~Is~~ In the case of an individual, the individual is at 116427  
least eighteen years of age+ 116428

~~(2) Has, has~~ not committed a disqualifying offense or a crime 116429  
of moral turpitude, as those terms are defined in section 4776.10 116430  
of the Revised Code+ 116431

~~(3) Is, is~~ free of contagious or infectious disease+ 116432

~~(4) Has, and has~~ successfully passed a qualifying examination 116433  
specified and administered by the board. 116434

~~(B) If the applicant is~~ (2) In the case of a firm, 116435  
partnership, association, or corporation, the application, in 116436  
addition to such information as the board requires, ~~shall be~~ is 116437  
accompanied by an application for a license for each person, 116438  
whether owner or employee, of the firm, partnership, association, 116439  
or corporation, who engages in dealing in or fitting of hearing 116440  
aids, or ~~shall contain~~ contains a statement that such applications 116441  
are submitted separately. No firm, partnership, association, or 116442  
corporation licensed pursuant to this chapter shall permit any 116443  
unlicensed person to sell or fit hearing aids. 116444

~~(C)~~(B)(1) Subject to divisions ~~(C)~~(B)(2), (3), and (4) of 116445  
this section, the board shall not adopt, maintain, renew, or 116446  
enforce any rule that precludes an individual from receiving or 116447  
renewing a license issued under this chapter due to any past 116448  
criminal activity or interpretation of moral character, unless the 116449  
individual has committed a crime of moral turpitude or a 116450  
disqualifying offense as those terms are defined in section 116451  
4776.10 of the Revised Code. If the board denies an individual a 116452  
license or license renewal, the reasons for such denial shall be 116453  
put in writing. 116454

(2) Except as otherwise provided in this division, if an 116455  
individual applying for a license has been convicted of or pleaded 116456  
guilty to a misdemeanor that is not a crime of moral turpitude or 116457  
a disqualifying offense less than one year prior to making the 116458  
application, the board may use the board's discretion in granting 116459  
or denying the individual a license. Except as otherwise provided 116460  
in this division, if an individual applying for a license has been 116461  
convicted of or pleaded guilty to a felony that is not a crime of 116462  
moral turpitude or a disqualifying offense less than three years 116463  
prior to making the application, the board may use the board's 116464  
discretion in granting or denying the individual a license. The 116465  
provisions in this paragraph do not apply with respect to any 116466

offense unless the board, prior to ~~the effective date of this~~ 116467  
~~amendment~~ September 28, 2012, was required or authorized to deny 116468  
the application based on that offense. 116469

In all other circumstances, the board shall follow the 116470  
procedures it adopts by rule that conform to division ~~(C)~~(B)(1) of 116471  
this section. 116472

(3) In considering a renewal of an individual's license, the 116473  
board shall not consider any conviction or plea of guilty prior to 116474  
the initial licensing. However, the board may consider a 116475  
conviction or plea of guilty if it occurred after the individual 116476  
was initially licensed, or after the most recent license renewal. 116477

(4) The board may grant an individual a conditional license 116478  
that lasts for one year. After the one-year period has expired, 116479  
the license is no longer considered conditional, and the 116480  
individual shall be considered fully licensed. 116481

~~(D)~~(C) Each license issued expires on the thirtieth day of 116482  
January of the year following that in which it was issued. 116483

**Sec. 4747.051.** (A) As used in this section, "license" and 116484  
"applicant for an initial license" have the same meanings as in 116485  
section 4776.01 of the Revised Code, except that "license" as used 116486  
in both of those terms refers to the types of authorizations 116487  
otherwise issued or conferred under this chapter. 116488

(B) In addition to any other eligibility requirement set 116489  
forth in this chapter, each applicant for an initial license shall 116490  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 116491  
state speech and hearing professionals board shall not grant a 116492  
license to an applicant for an initial license unless the 116493  
applicant complies with sections 4776.01 to 4776.04 of the Revised 116494  
Code and the board, in its discretion, decides that the results of 116495  
the criminal records check do not make the applicant ineligible 116496

for a license issued pursuant to section 4747.05 or 4747.10 of the 116497  
Revised Code. 116498

**Sec. 4747.06.** (A) Each person engaged in the practice of 116499  
dealing in or fitting of hearing aids who holds a valid hearing 116500  
aid dealer's or fitter's license shall apply annually to the state 116501  
speech and hearing aid dealers and fitters licensing professionals 116502  
board for renewal of such license under the standard renewal 116503  
procedure specified in Chapter 4745. of the Revised Code. The 116504  
board shall issue to each applicant, on proof of completion of the 116505  
continuing education required by division (B) of this section and 116506  
payment of one hundred fifty-seven dollars on or before the first 116507  
day of February, one hundred eighty-three dollars on or before the 116508  
first day of March, or two hundred ten dollars thereafter, a 116509  
renewed hearing aid dealer's or fitter's license. No person who 116510  
applies for renewal of a hearing aid dealer's or fitter's license 116511  
that has expired shall be required to take any examination as a 116512  
condition of renewal provided application for renewal is made 116513  
within two years of the date such license expired. 116514

(B) Each person engaged in the practice of dealing in or 116515  
fitting of hearing aids who holds a valid hearing aid dealer's or 116516  
fitter's license shall complete each year not less than ten hours 116517  
of continuing professional education approved by the board. On a 116518  
form provided by the board, the person shall certify to the board, 116519  
at the time of license renewal pursuant to division (A) of this 116520  
section, that in the preceding year the person has completed 116521  
continuing education in compliance with this division and shall 116522  
submit any additional information required by rule of the board 116523  
regarding the continuing education. The board shall adopt rules in 116524  
accordance with Chapter 119. of the Revised Code establishing the 116525  
standards continuing education programs must meet to obtain board 116526  
approval and continuing education reporting requirements. 116527

Continuing education may be applied to meet the requirement 116528  
of this division if it is provided or certified by any of the 116529  
following: 116530

(1) The national institute of hearing instruments studies 116531  
committee of the international hearing society; 116532

(2) The American speech-language hearing association; 116533

(3) The American academy of audiology. 116534

The board may excuse persons licensed under this chapter, as 116535  
a group or as individuals, from all or any part of the 116536  
requirements of this division because of an unusual circumstance, 116537  
emergency, or special hardship. 116538

**Sec. 4747.07.** Each person who holds a hearing aid dealer's or 116539  
fitter's license and engages in the practice of dealing in and 116540  
fitting of hearing aids shall display such license in a 116541  
conspicuous place in the person's office or place of business at 116542  
all times. Each person who maintains more than one office or place 116543  
of business shall post a duplicate copy of the license at each 116544  
location. The state speech and hearing aid dealers and fitters  
~~licensing~~ professionals board shall issue duplicate copies of a 116545  
license upon receipt of a properly completed application and 116546  
payment of sixteen dollars for each copy requested. 116547  
116548

**Sec. 4747.08.** After July 1, 1970, no person shall be issued a 116549  
hearing aid dealer's or fitter's license unless such person has 116550  
successfully taken and passed a qualifying examination. The 116551  
qualifying examination shall be a thorough testing of knowledge 116552  
required for the proper selecting, fitting, and sale of hearing 116553  
aids, but shall not be such that a medical or surgical education 116554  
is required for successful completion. It shall consist of written 116555  
and practical portions which shall include, but not be limited to, 116556  
the following areas: 116557

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (A) Basic physics of sound;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 116558                                                                       |
| (B) The anatomy and physiology of the human ear;                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 116559                                                                       |
| (C) The function and purpose of hearing aids;                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 116560                                                                       |
| (D) Pure tone audiometry, including air conduction and bone conduction testing;                                                                                                                                                                                                                                                                                                                                                                                                                               | 116561<br>116562                                                             |
| (E) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;                                                                                                                                                                                                                                                                                                                                                                           | 116563<br>116564<br>116565                                                   |
| (F) Masking techniques;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 116566                                                                       |
| (G) Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaption of hearing aids;                                                                                                                                                                                                                                                                                                                                                                                  | 116567<br>116568<br>116569                                                   |
| (H) Earmold impression techniques.                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 116570                                                                       |
| The <u>state speech and hearing aid dealers and fitters licensing professionals</u> board shall design, prepare, and revise such qualifying examinations as are determined necessary by the board pursuant to this chapter. It shall administer all such qualifying examinations and shall designate the time, place, and date the examinations are held. The board shall also furnish all materials and equipment necessary for the conducting of all qualifying examinations.                               | 116571<br>116572<br>116573<br>116574<br>116575<br>116576<br>116577<br>116578 |
| <b>Sec. 4747.10.</b> Each person currently engaged in training to become a licensed hearing aid dealer or fitter shall apply to the <u>state speech and hearing aid dealers and fitters licensing professionals</u> board for a hearing aid dealer's and fitter's trainee permit. The board shall issue to each applicant within thirty days of receipt of a properly completed application and payment of one hundred fifty dollars, a trainee permit if such applicant meets all of the following criteria: | 116579<br>116580<br>116581<br>116582<br>116583<br>116584<br>116585<br>116586 |

(A) Is at least eighteen years of age; 116587

(B) Is the holder of a diploma from an accredited high school 116588  
or a certificate of high school equivalence issued by the 116589  
department of education; 116590

(C) Has not committed a disqualifying offense or a crime of 116591  
moral turpitude, as those terms are defined in section 4776.10 of 116592  
the Revised Code; 116593

(D) Is free of contagious or infectious disease. 116594

Subject to the next paragraph, the board shall not deny a 116595  
trainee permit issued under this section to any individual based 116596  
on the individual's past criminal history or an interpretation of 116597  
moral character unless the individual has committed a 116598  
disqualifying offense or crime of moral turpitude as those terms 116599  
are defined in section 4776.10 of the Revised Code. Except as 116600  
otherwise provided in this paragraph, if an individual applying 116601  
for a trainee permit has been convicted of or pleaded guilty to a 116602  
misdemeanor that is not a crime of moral turpitude or a 116603  
disqualifying offense less than one year prior to making the 116604  
application, the board may use the board's discretion in granting 116605  
or denying the individual a trainee permit. Except as otherwise 116606  
provided in this paragraph, if an individual applying for a 116607  
trainee permit has been convicted of or pleaded guilty to a felony 116608  
that is not a crime of moral turpitude or a disqualifying offense 116609  
less than three years prior to making the application, the board 116610  
may use the board's discretion in granting or denying the 116611  
individual a trainee permit. The provisions in this paragraph do 116612  
not apply with respect to any offense unless the board, prior to 116613  
September 28, 2012, was required or authorized to deny the 116614  
application based on that offense. 116615

In all other circumstances not described in the preceding 116616  
paragraph, the board shall follow the procedures it adopts by rule 116617

that conform to this section. 116618

In considering a renewal of an individual's trainee permit, 116619  
the board shall not consider any conviction or plea of guilty 116620  
prior to the issuance of the initial trainee permit. However, the 116621  
board may consider a conviction or plea of guilty if it occurred 116622  
after the individual was initially granted the trainee permit, or 116623  
after the most recent trainee permit renewal. If the board denies 116624  
an individual for a trainee permit or renewal, the reasons for 116625  
such denial shall be put in writing. Additionally, the board may 116626  
grant an individual a conditional trainee permit that lasts for 116627  
one year. After the one-year period has expired, the permit is no 116628  
longer considered conditional, and the individual shall be 116629  
considered to be granted a full trainee permit. 116630

Each trainee permit issued by the board expires one year from 116631  
the date it was first issued, and may be renewed once if the 116632  
trainee has not successfully completed the qualifying requirements 116633  
for licensing as a hearing aid dealer or fitter before the 116634  
expiration date of such permit. The board shall issue a renewed 116635  
permit to each applicant upon receipt of a properly completed 116636  
application and payment of one hundred five dollars. No person 116637  
holding a trainee permit shall engage in the practice of dealing 116638  
in or fitting of hearing aids except while under supervision by a 116639  
licensed hearing aid dealer or fitter. 116640

**Sec. 4747.11.** Each person who holds a hearing aid dealer's or 116641  
fitter's license or trainee permit shall notify the state speech 116642  
and hearing aid dealers and fitters licensing professionals board 116643  
in writing of the place or places where ~~he~~ the person engages or 116644  
intends to engage in the practice of dealing in and fitting of 116645  
hearing aids, and shall immediately notify the board in writing of 116646  
any change in such address or addresses. The board shall keep a 116647  
record of the past and current place of business of each person 116648

who holds a license or permit. 116649

Any notice that is required to be given by the board to a 116650  
person holding a license or permit pursuant to the provisions of 116651  
this chapter shall be mailed to such person by certified mail to 116652  
the address of ~~his~~ the person's current or most recent place of 116653  
business as revealed in the records of the board. 116654

**Sec. 4747.12.** The state speech and hearing aid dealers and 116655  
fitters licensing professionals board may revoke or suspend a 116656  
license or permit if the person who holds such license or permit: 116657

(A) Is convicted of a disqualifying offense or a crime of 116658  
moral turpitude as those terms are defined in section 4776.10 of 116659  
the Revised Code. The record of conviction, or a copy thereof 116660  
certified by the clerk of the court or by the judge in whose court 116661  
the conviction occurs, is conclusive evidence of such conviction; 116662

(B) Procured a license or permit by fraud or deceit practiced 116663  
upon the board; 116664

(C) Obtained any fee or made any sale of a hearing aid by 116665  
fraud or misrepresentation; 116666

(D) Knowingly employed any person without a license or a 116667  
person whose license was suspended or revoked to engage in the 116668  
fitting or sale of hearing aids; 116669

(E) Used or caused or promoted the use of any advertising 116670  
matter, promotional literature, testimonial, guarantee, warranty, 116671  
label, brand, insignia, or any other representation, however 116672  
disseminated or published, which is misleading, deceptive, or 116673  
untruthful; 116674

(F) Advertised a particular model or type of hearing aid for 116675  
sale when purchasers or prospective purchasers responding to the 116676  
advertisement cannot purchase the specified model or type of 116677  
hearing aid; 116678

(G) Represented or advertised that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when such is not true, or using the words "doctor," "clinic," or similar words, abbreviations, or symbols which connote the medical profession when such use is not accurate;

(H) Is found by the board to be a person of habitual intemperance or gross immorality;

(I) Advertised a manufacturer's product or used a manufacturer's name or trademark in a manner which suggested the existence of a relationship with the manufacturer which did not or does not exist;

(J) Fitted or sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for proper fitting of hearing aids;

(K) Engaged in the fitting and sale of hearing aids under a false name or an alias;

(L) Engaged in the practice of dealing in or fitting of hearing aids while suffering from a contagious or infectious disease;

(M) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids;

(N) Permitted another person to use the licensee's license;

(O) Violate the code of ethical practice adopted under section 4744.50 of the Revised Code.

**Sec. 4747.13.** (A) Any person who wishes to make a complaint against any person, firm, partnership, association, or corporation licensed pursuant to this chapter shall submit such complaint in writing to the state speech and hearing aid dealers and fitters

~~licensing professionals~~ board within one year from the date of the 116709  
action or event upon which the complaint is based. The ~~hearing aid~~ 116710  
~~dealers and fitters~~ board shall determine whether the charges in 116711  
the complaint are of a sufficiently serious nature to warrant a 116712  
hearing before the board to determine whether the license or 116713  
permit held by the person complained against shall be revoked or 116714  
suspended. If the board determines that a hearing is warranted, 116715  
then it shall fix the time and place of such hearing and deliver 116716  
or cause to have delivered, either in person or by registered 116717  
mail, at least twenty days before the date of such hearing, an 116718  
order instructing the licensee complained against of the date, 116719  
time, and place where the licensee shall appear before the board. 116720  
Such order shall include a copy of the complaint against the 116721  
licensee. 116722

The board, and the licensee after receipt of the order and a 116723  
copy of the complaint made against the licensee, may take 116724  
depositions in advance of the hearing, provided that each party 116725  
taking depositions shall give at least five days notice to the 116726  
other party of the time, date, and place where such depositions 116727  
shall be taken. Each party shall have the right to attend with 116728  
counsel the taking of such depositions and may cross-examine the 116729  
deponent or deponents. Each licensee appearing before the board 116730  
may be represented by counsel. No person shall have the person's 116731  
license or permit revoked or suspended without an opportunity to 116732  
present the person's case at a hearing before the board, and the 116733  
board shall grant a continuance or adjournment of a hearing date 116734  
for good cause. Each person whose license or permit is suspended 116735  
or revoked by the board may appeal such action to the court of 116736  
common pleas. 116737

(B) The board shall petition the court of common pleas of the 116738  
county in which a person, firm, partnership, or corporation 116739  
engages in the sale, practice of dealing in or fitting of hearing 116740

aids, advertises or assumes such practice, or engages in training 116741  
to become a licensed hearing aid dealer or fitter without first 116742  
being licensed, for an order enjoining any such acts or practices. 116743  
The court may grant such injunctive relief upon a showing that the 116744  
respondent named in the petition is engaging in such acts or 116745  
practices without being licensed under this chapter. 116746

**Sec. 4747.14.** No person, firm, partnership, association, or 116747  
corporation shall: 116748

(A) Sell or barter or offer to sell or barter a hearing aid 116749  
dealers or fitters license or trainee permit issued by the state 116750  
speech and hearing aid dealers and fitters licensing professionals 116751  
board pursuant to sections 4747.05, 4747.06, and 4747.10 of the 116752  
Revised Code; 116753

(B) Purchase or procure or attempt to purchase or procure a 116754  
hearing aid dealers or fitters license or trainee permit with 116755  
intent to use such license or permit as evidence of the holder's 116756  
qualification to engage in the practice of dealing in or fitting 116757  
of hearing aids; 116758

(C) Use or attempt to use as a valid license or permit a 116759  
license or permit which has been purchased, fraudulently obtained, 116760  
counterfeited, materially altered, or suspended or revoked; 116761

(D) Alter a license or permit in any way, shape, or form, 116762  
except as may be specified by the board; 116763

(E) Willfully and knowingly make a false statement in an 116764  
application for issuance or renewal of a license or permit. 116765

**Sec. 4747.16.** On receipt of a notice pursuant to section 116766  
3123.43 of the Revised Code, the state speech and hearing aid 116767  
dealers and fitters licensing professionals board shall comply 116768  
with sections 3123.41 to 3123.50 of the Revised Code and any 116769  
applicable rules adopted under section 3123.63 of the Revised Code 116770

with respect to a license issued pursuant to this chapter. 116771

**Sec. 4747.17.** The ~~state speech and hearing aid dealers and~~ 116772  
~~fitters licensing~~ professionals board shall comply with section 116773  
4776.20 of the Revised Code. 116774

**Sec. 4752.01.** As used in this chapter: 116775

(A) "Authorized health care professional" means a person 116776  
authorized under Chapter 4731. of the Revised Code to practice 116777  
medicine and surgery or osteopathic medicine and surgery or 116778  
otherwise authorized under Ohio law to prescribe the use of home 116779  
medical equipment by a patient. 116780

(B) "Home medical equipment" means equipment that can stand 116781  
repeated use, is primarily and customarily used to serve a medical 116782  
purpose, is not useful to a person in the absence of illness or 116783  
injury, is appropriate for use in the home, and is one or more of 116784  
the following: 116785

(1) Life-sustaining equipment prescribed by an authorized 116786  
health care professional that mechanically sustains, restores, or 116787  
supplants a vital bodily function, such as breathing; 116788

(2) Technologically sophisticated medical equipment 116789  
prescribed by an authorized health care professional that requires 116790  
individualized adjustment or regular maintenance by a home medical 116791  
equipment services provider to maintain a patient's health care 116792  
condition or the effectiveness of the equipment; 116793

(3) An item specified by the ~~Ohio respiratory care board~~ 116794  
state board of pharmacy in rules adopted under division (B) of 116795  
section 4752.17 of the Revised Code. 116796

(C) "Home medical equipment services" means the sale, 116797  
delivery, installation, maintenance, replacement, or demonstration 116798  
of home medical equipment. 116799

(D) "Home medical equipment services provider" means a person 116800  
engaged in offering home medical equipment services to the public. 116801

(E) "Hospital" has the same meaning as in section 3727.01 of 116802  
the Revised Code. 116803

(F) "Sell or rent" means to transfer ownership or the right 116804  
to use property, whether in person or through an agent, employee, 116805  
or other person, in return for compensation. 116806

**Sec. 4752.03.** (A) A person seeking to comply with division 116807  
(A) of section 4752.02 of the Revised Code shall do either of the 116808  
following: 116809

(1) Apply for a license issued under this chapter; 116810

(2) Apply for a certificate of registration issued under this 116811  
chapter on the basis of being accredited by the joint commission 116812  
on accreditation of healthcare organizations or another national 116813  
accrediting body recognized by the ~~Ohio respiratory care board~~ 116814  
state board of pharmacy, as specified in rules adopted under 116815  
section 4752.17 of the Revised Code. 116816

(B) A person intending to provide home medical equipment 116817  
services from more than one facility shall apply for a separate 116818  
license or certificate of registration for each facility. 116819

**Sec. 4752.04.** A person seeking a license to provide home 116820  
medical equipment services shall apply to the ~~Ohio respiratory~~ 116821  
~~care board~~ state board of pharmacy on a form the board shall 116822  
prescribe and provide. The application must be accompanied by the 116823  
license application fee established in rules adopted under section 116824  
4752.17 of the Revised Code, except that the board may waive all 116825  
or part of the fee if the board determines that an applicant's 116826  
license will be issued in the last six months of the biennial 116827  
licensing period established under section 4752.05 of the Revised 116828  
Code. 116829

In the application, the applicant shall specify the name and 116830  
location of the facility from which services will be provided. 116831

**Sec. 4752.05.** (A) The ~~Ohio respiratory care board~~ state board 116832  
of pharmacy shall issue a license to provide home medical 116833  
equipment services to each applicant under section 4752.04 of the 116834  
Revised Code that meets either of the following requirements: 116835

(1) Meets the standards established by the board in rules 116836  
adopted under section 4752.17 of the Revised Code; 116837

(2) Is a pharmacy licensed under Chapter 4729. of the Revised 116838  
Code that receives total payments of ten thousand dollars or more 116839  
per year from selling or renting home medical equipment. 116840

(B) During the period ending one year after September 16, 116841  
2004, an applicant that does not meet either of the requirements 116842  
of division (A) of this section shall be granted a provisional 116843  
license if for at least twelve months prior to September 16, 2004, 116844  
the applicant was engaged in the business of providing home 116845  
medical equipment services. The provisional license expires one 116846  
year following the date on which it is issued and is not subject 116847  
to renewal under section 4752.06 of the Revised Code. 116848

(C) The board may conduct a personal interview of an 116849  
applicant, or an applicant's representative, to determine the 116850  
applicant's qualifications for licensure. 116851

(D) A license issued under division (A) of this section 116852  
expires at the end of the licensing period for which it is issued 116853  
and may be renewed in accordance with section 4752.06 of the 116854  
Revised Code. For purposes of issuing and renewing licenses, the 116855  
board shall use a biennial licensing period that begins on the 116856  
first day of July of each even-numbered year and ends on the 116857  
thirtieth day of June of the next succeeding even-numbered year. 116858

(E) Any license issued under this section is valid only for 116859

the facility named in the application. 116860

**Sec. 4752.06.** Except for a provisional license issued under 116861  
section 4752.05 of the Revised Code, a license issued under this 116862  
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 116863  
board of pharmacy if the license holder is in compliance with the 116864  
applicable requirements of this chapter. 116865

An application for license renewal shall be accompanied by 116866  
the renewal fee established in rules adopted under section 4752.17 116867  
of the Revised Code and, except as provided in division (B) of 116868  
section 4752.07 of the Revised Code, by documentation satisfactory 116869  
to the board that the continuing education requirements of section 116870  
4752.07 of the Revised Code have been met. Renewals shall be made 116871  
in accordance with the standard renewal procedure established 116872  
under Chapter 4745. of the Revised Code and the renewal procedures 116873  
established in rules adopted under section 4752.17 of the Revised 116874  
Code. 116875

**Sec. 4752.08.** (A) The ~~Ohio respiratory care board~~ state board 116876  
of pharmacy may inspect the operations and facility, subpoena the 116877  
records, and compel testimony of employees of any home medical 116878  
equipment services provider licensed under this chapter. 116879  
Inspections shall be conducted as provided in rules adopted by the 116880  
board under section 4752.17 of the Revised Code. 116881

(B) The board shall employ investigators who shall, under the 116882  
direction of the executive director of the board, investigate 116883  
complaints and conduct inspections. Pursuant to an investigation 116884  
or inspection, investigators may review and audit records during 116885  
normal business hours at the place of business of the person being 116886  
investigated. The board and its employees shall not disclose 116887  
confidential information obtained during an investigation, except 116888  
pursuant to a court order. 116889

(C) The board shall send the provider a report of the results of an inspection. If the board determines that the provider is not in compliance with any requirement of this chapter applicable to providers licensed under this chapter, the board may direct the provider to attain compliance. Failure of the provider to comply with the directive is grounds for action by the board under division (A)(1) of section 4752.09 of the Revised Code.

(D) A provider that disputes the results of an inspection may file an appeal with the board not later than ninety days after receiving the inspection report. The board shall review the inspection report and, at the request of the provider, conduct a new inspection.

**Sec. 4752.09.** (A) ~~The Ohio respiratory care board~~ state board of pharmacy may, in accordance with Chapter 119. of the Revised Code, suspend or revoke a license issued under this chapter or discipline a license holder by imposing a fine of not more than five thousand dollars or taking other disciplinary action on any of the following grounds:

(1) Violation of any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;

(2) A plea of guilty to or a judicial finding of guilt of a felony or a misdemeanor that involves dishonesty or is directly related to the provision of home medical equipment services;

(3) Making a material misstatement in furnishing information to the board;

(4) Professional incompetence;

(5) Being guilty of negligence or gross misconduct in providing home medical equipment services;

(6) Aiding, assisting, or willfully permitting another person

to violate any provision of this chapter or an order or rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter;

(7) Failing, within sixty days, to provide information in response to a written request by the board;

(8) Engaging in conduct likely to deceive, defraud, or harm the public;

(9) Denial, revocation, suspension, or restriction of a license to provide home medical equipment services, for any reason other than failure to renew, in another state or jurisdiction;

(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered;

(11) Knowingly making or filing false records, reports, or billings in the course of providing home medical equipment services, including false records, reports, or billings prepared for or submitted to state and federal agencies or departments;

(12) Failing to comply with federal rules issued pursuant to the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers.

(B) The ~~respiratory care board~~ state board of pharmacy immediately may suspend a license without a hearing if it determines that there is evidence that the license holder is subject to actions under this section and that there is clear and convincing evidence that continued operation by the license holder presents an immediate and serious harm to the public. The president and executive director of the board shall make a preliminary determination and describe, by telephone conference or any other method of communication, the evidence on which they made

their determination to the other members of the board. The board 116951  
may by resolution designate another board member to act in place 116952  
of the president of the board or another employee to act in the 116953  
place of the executive director, in the event that the board 116954  
president or executive director is unavailable or unable to act. 116955  
On review of the evidence, the board may by a vote of not less 116956  
than seven of its members, suspend a license without a prior 116957  
hearing. The board may vote on the suspension by way of a 116958  
telephone conference call. 116959

Immediately following the decision to suspend a license under 116960  
this division, the board shall issue a written order of suspension 116961  
and cause it to be delivered in accordance with section 119.07 of 116962  
the Revised Code. The order shall not be subject to suspension by 116963  
the court during the pendency of any appeal filed under section 116964  
119.12 of the Revised Code. If the license holder requests an 116965  
adjudication hearing, the date set for the hearing shall be within 116966  
fifteen days but not earlier than seven days after the license 116967  
holder requests the hearing, unless another date is agreed to by 116968  
the license holder and the board. The suspension shall remain in 116969  
effect, unless reversed by the board, until a final adjudication 116970  
order issued by the board pursuant to this section and Chapter 116971  
119. of the Revised Code becomes effective. The board shall issue 116972  
its final adjudication order not later than ninety days after 116973  
completion of the hearing. The board's failure to issue the order 116974  
by that day shall cause the summary suspension to end, but shall 116975  
not affect the validity of any subsequent final adjudication 116976  
order. 116977

**Sec. 4752.11.** (A) A person seeking a certificate of 116978  
registration to provide home medical equipment services shall 116979  
apply to the ~~Ohio respiratory care board~~ state board of pharmacy 116980  
on a form the board shall prescribe and provide. The application 116981  
must be accompanied by the registration fee established in rules 116982

adopted under section 4752.17 of the Revised Code, except that the board may waive all or part of the fee if the board determines that an applicant's certificate of registration will be issued in the last six months of the biennial registration period established under section 4752.12 of the Revised Code.

(B) The applicant shall specify in the application all of the following:

(1) The name of the facility from which services will be provided;

(2) The facility's address;

(3) The facility's telephone number;

(4) A person who may be contacted with regard to the facility;

(5) The name of the national accrediting body that issued the accreditation on which the application is based;

(6) The applicant's accreditation number and the expiration date of the accreditation;

(7) A telephone number that may be used twenty-four hours a day, seven days a week, to obtain information related to the facility's provision of home medical equipment services.

**Sec. 4752.12.** (A) The ~~Ohio respiratory care board~~ state board of pharmacy shall issue a certificate of registration to provide home medical equipment services to each applicant who submits a complete application under section 4752.11 of the Revised Code. For purposes of this division, an application is complete only if the board finds that the applicant holds accreditation from the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the board, as specified in rules adopted under section 4752.17 of the Revised

Code. 117012

(B) A certificate of registration issued under this section 117013  
expires at the end of the registration period for which it is 117014  
issued and may be renewed in accordance with section 4752.13 of 117015  
the Revised Code. For purposes of renewing certificates of 117016  
registration, the board shall use a biennial registration period 117017  
that begins on the first day of July of each even-numbered year 117018  
and ends on the thirtieth day of June of the next succeeding 117019  
even-numbered year. 117020

(C) A certificate of registration issued under this section 117021  
is valid only for the facility named in the application. 117022

**Sec. 4752.13.** A certificate of registration issued under this 117023  
chapter shall be renewed by the ~~Ohio respiratory care board~~ state 117024  
board of pharmacy if the certificate holder is accredited by the 117025  
joint commission on accreditation of healthcare organizations or 117026  
another national accrediting body recognized by the board, as 117027  
specified in rules adopted under section 4752.17 of the Revised 117028  
Code. 117029

An application for renewal of a certificate of registration 117030  
shall be accompanied by the renewal fee established in rules 117031  
adopted under section 4752.17 of the Revised Code. Renewals shall 117032  
be made in accordance with the standard renewal procedure 117033  
established under Chapter 4745. of the Revised Code and the 117034  
renewal procedures established in rules adopted under section 117035  
4752.17 of the Revised Code. 117036

**Sec. 4752.14.** The ~~Ohio respiratory care board~~ state board of 117037  
pharmacy shall enter into a cooperative agreement with each of the 117038  
national accrediting bodies it recognizes in rules adopted under 117039  
section 4752.17 of the Revised Code for purposes of issuing 117040  
certificates of registration under this chapter. The board shall 117041

ensure that each cooperative agreement establishes or specifies 117042  
standards or procedures regarding a complaint process, patient 117043  
safety and care, and any other matter the board considers 117044  
appropriate for home medical equipment services providers that 117045  
receive certificates of registration under this chapter. 117046

**Sec. 4752.15.** (A) The ~~Ohio respiratory care board~~ state board 117047  
of pharmacy shall, in accordance with Chapter 119. of the Revised 117048  
Code, suspend or revoke a certificate of registration issued under 117049  
this chapter if it learns from any source that the accreditation 117050  
on which the certificate of registration was issued has been 117051  
revoked or suspended or is otherwise no longer valid. 117052

(B) If the status of the accreditation on which a certificate 117053  
of registration is issued under this chapter changes for any 117054  
reason, the holder of the certificate shall notify the board. On 117055  
receipt of the notice, the board shall take action under division 117056  
(A) of this section, if appropriate. 117057

**Sec. 4752.17.** (A) The ~~Ohio respiratory care board~~ state board 117058  
of pharmacy shall adopt rules to implement and administer this 117059  
chapter. The rules shall do all of the following: 117060

(1) Specify items considered to be home medical equipment for 117061  
purposes of divisions (B)(1) and (2) of section 4752.01 of the 117062  
Revised Code; 117063

(2) Establish procedures for issuance and renewal of licenses 117064  
and certificates of registration under this chapter, including the 117065  
duties that may be fulfilled by the board's executive director and 117066  
other board employees; 117067

(3) Specify the national accrediting bodies the board 117068  
recognizes for purposes of issuing certificates of registration 117069  
under this chapter; 117070

- (4) Establish standards an applicant must meet to be eligible to be granted a license under section 4752.05 of the Revised Code; 117071  
117072
- (5) Establish standards for personnel policies, equipment storage, equipment maintenance, and record keeping to be followed by home medical equipment services providers licensed under this chapter; 117073  
117074  
117075  
117076
- (6) Establish standards for continuing education programs in home medical equipment services for individuals who provide home medical equipment services while employed by or under the control of a home medical equipment services provider licensed under this chapter; 117077  
117078  
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117080  
117081
- (7) Establish standards and procedures for inspection of home medical equipment providers licensed under this chapter and the facilities from which their home medical equipment services are provided and for appeal of inspection results; 117082  
117083  
117084  
117085
- (8) Establish fees for issuing and renewing licenses under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the licensing program; 117086  
117087  
117088
- (9) Establish fees for conducting inspections of home medical equipment services providers licensed under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the inspection program; 117089  
117090  
117091  
117092
- (10) Establish fees for issuing and renewing certificates of registration under this chapter, in an amount sufficient to meet the expenses the board incurs in administering the registration program; 117093  
117094  
117095  
117096
- (11) Establish any other standards, requirements, or procedures the board considers necessary for the implementation or administration of this chapter. 117097  
117098  
117099
- (B) The board may adopt rules specifying items that are 117100

considered home medical equipment for purposes of division (B)(3) 117101  
of section 4752.01 of the Revised Code. 117102

(C) Rules shall be adopted under this chapter in accordance 117103  
with Chapter 119. of the Revised Code. Prior to adopting any rule, 117104  
the board shall consult with representatives of any association of 117105  
home medical equipment services providers that do business in this 117106  
state. 117107

**Sec. 4752.18.** All moneys the ~~Ohio respiratory care board~~ 117108  
state board of pharmacy receives under this chapter, from any 117109  
source, shall be deposited into the state treasury to the credit 117110  
of the occupational licensing and regulatory fund created under 117111  
section 4743.05 of the Revised Code. 117112

**Sec. 4752.19.** (A) At the request of the ~~Ohio respiratory care~~ 117113  
~~board~~ state board of pharmacy, the attorney general may bring a 117114  
civil action for appropriate relief, including a temporary 117115  
restraining order, preliminary or permanent injunction, and civil 117116  
penalties, in the court of common pleas of the county in which a 117117  
violation has occurred, is occurring, or is threatening to occur 117118  
against any person who has violated, is violating, or threatens to 117119  
violate section 4752.02 of the Revised Code. In accordance with 117120  
the Rules of Civil Procedure, the court of common pleas in which 117121  
an action for injunction is filed has jurisdiction to grant, and 117122  
shall grant, a temporary restraining order and preliminary and 117123  
permanent injunctive relief upon a showing that the person against 117124  
whom the action is brought has violated, is violating, or 117125  
threatens to violate section 4752.02 of the Revised Code. In an 117126  
action for a civil penalty, the court may impose upon a person 117127  
found to have violated section 4752.02 of the Revised Code a civil 117128  
penalty of not less than five hundred and not more than two 117129  
thousand five hundred dollars for each day of violation. Moneys 117130  
resulting from civil penalties imposed under this section shall be 117131

deposited into the state treasury to the credit of the 117132  
occupational licensing and regulatory fund created under section 117133  
4743.05 of the Revised Code. 117134

(B) The remedies provided in this section are in addition to 117135  
remedies otherwise available under any federal or state law or 117136  
ordinance of a municipal corporation. 117137

**Sec. 4752.20.** ~~The Ohio respiratory care board~~ state pharmacy 117138  
board shall comply with section 4776.20 of the Revised Code. 117139

**Sec. 4752.22.** Whenever the term "Ohio respiratory care board" 117140  
is used in any statute, rule, contract, or other document, the use 117141  
shall be construed to mean the "state board of pharmacy," with 117142  
respect to implementing Chapter 4752. of the Revised Code. 117143

Whenever the executive director of the Ohio respiratory care 117144  
board is used in any statute, rule, contract, or other document, 117145  
the use shall be construed to mean the executive director of the 117146  
state board of pharmacy, with respect to implementing Chapter 117147  
4752. of the Revised Code. 117148

**Sec. 4752.24.** The state board of pharmacy shall appoint a 117149  
home medical equipment services advisory council for the purpose 117150  
of advising the board on issues relating to providing home medical 117151  
equipment services. The advisory council shall consist of not more 117152  
than seven individuals knowledgeable in the provision of home 117153  
medical equipment services. 117154

Not later than ninety days after the effective date of this 117155  
section, the board shall make initial appointments to the council. 117156  
Members shall serve three-year staggered terms of office in 117157  
accordance with rules adopted by the board. 117158

With approval from the director of administrative services, 117159  
members may receive an amount fixed under division (J) of section 117160

124.15 of the Revised Code for each day the member is performing 117161  
the member's official duties and be reimbursed for actual and 117162  
necessary expenses incurred in performing those duties. 117163

**Sec. 4753.05.** (A) The state speech and hearing professionals 117164  
board of speech language pathology and audiology may make 117165  
reasonable rules necessary for the administration of this chapter. 117166  
The board shall adopt rules to ensure ethical standards of 117167  
practice by speech language pathologists and audiologists licensed 117168  
or permitted pursuant to this chapter. All rules adopted under 117169  
this chapter shall be adopted in accordance with Chapter 119. of 117170  
the Revised Code. 117171

(B) The board shall determine the nature and scope of 117172  
examinations to be administered to applicants for licensure 117173  
pursuant to this chapter in the practices of speech-language 117174  
pathology and audiology, and shall evaluate the qualifications of 117175  
all applicants. Written examinations may be supplemented by such 117176  
practical and oral examinations as the board shall determine by 117177  
rule. The board shall determine by rule the minimum examination 117178  
score for licensure. Licensure shall be granted independently in 117179  
speech-language pathology and audiology. The board shall maintain 117180  
a current public record of all persons licensed, to be made 117181  
available upon request. 117182

(C) The board shall publish and make available, upon request, 117183  
the licensure and permit standards prescribed by this chapter and 117184  
rules adopted pursuant thereto. 117185

(D) The board shall submit to the governor each year a report 117186  
of all its official actions during the preceding year together 117187  
with any recommendations and findings with regard to the 117188  
improvement of the professions of audiology and speech language 117189  
pathology. 117190

(E) The board shall investigate all alleged irregularities in 117191

the practices of speech-language pathology and audiology by 117192  
persons licensed or permitted pursuant to this chapter and any 117193  
violations of this chapter or rules adopted by the board. The 117194  
board shall not investigate the practice of any person 117195  
specifically exempted from licensure under this chapter by section 117196  
4753.12 of the Revised Code, as long as the person is practicing 117197  
within the scope of the person's license or is carrying out 117198  
responsibilities as described in division (G) or (H) of section 117199  
4753.12 of the Revised Code and does not claim to be a 117200  
speech-language pathologist or audiologist. 117201

In conducting investigations under this division, the board 117202  
may administer oaths, order the taking of depositions, issue 117203  
subpoenas, and compel the attendance of witnesses and the 117204  
production of books, accounts, papers, records, documents, and 117205  
testimony. In any case of disobedience or neglect of any subpoena 117206  
served on any person or the refusal of any witness to testify to 117207  
any matter regarding which the witness may lawfully be 117208  
interrogated, the court of common pleas of any county where such 117209  
disobedience, neglect, or refusal occurs or any judge thereof, on 117210  
application by the board, shall compel obedience by attachment 117211  
proceedings for contempt, as in the case of disobedience of the 117212  
requirements of a subpoena issued from such court, or a refusal to 117213  
testify therein. 117214

~~(F)(E)~~ The board shall conduct such hearings and keep such 117215  
~~records and minutes~~ as are necessary to carry out this chapter. 117216

~~(G)~~ The board shall adopt a seal by which it shall 117217  
authenticate its proceedings. Copies of the proceedings, records, 117218  
and acts signed by the chairperson or executive director and 117219  
authenticated by such seal shall be prima facie evidence thereof 117220  
in all courts of this state. 117221

**Sec. 4753.06.** No person is eligible for licensure as a 117222

speech-language pathologist or audiologist unless: 117223

(A) The person has obtained a broad general education to 117224  
serve as a background for the person's specialized academic 117225  
training and preparatory professional experience. Such background 117226  
may include study from among the areas of human psychology, 117227  
sociology, psychological and physical development, the physical 117228  
sciences, especially those that pertain to acoustic and biological 117229  
phenomena, and human anatomy and physiology, including 117230  
neuroanatomy and neurophysiology. 117231

(B) If the person seeks licensure as a speech-language 117232  
pathologist, the person submits to the state speech and hearing 117233  
professionals board of speech-language pathology and audiology an 117234  
official transcript demonstrating that the person has at least a 117235  
master's degree in speech-language pathology or the equivalent as 117236  
determined by the board. The person's academic credit must include 117237  
course work accumulated in the completion of a well-integrated 117238  
course of study approved by the board and delineated by rule 117239  
dealing with the normal aspects of human communication, 117240  
development and disorders thereof, and clinical techniques for the 117241  
evaluation and the improvement or eradication of such disorders. 117242  
The course work must have been completed at colleges or 117243  
universities accredited by regional or national accrediting 117244  
organizations recognized by the board. 117245

(C) Except as provided in division (F)(1)(b) of this section, 117246  
if the person seeks licensure as an audiologist, the person 117247  
submits to the board an official transcript demonstrating that the 117248  
person has at least a doctor of audiology degree or the equivalent 117249  
as determined by the board. The person's academic credit must 117250  
include course work accumulated in the completion of a 117251  
well-integrated course of study approved by the board and 117252  
delineated by rules dealing with the normal aspects of human 117253  
hearing, balance, and related development and clinical evaluation, 117254

audiologic diagnosis, and treatment of disorders of human hearing, 117255  
balance, and related development. The course work must have been 117256  
completed in an audiology program that is accredited by an 117257  
organization recognized by the United States department of 117258  
education and operated by a college or university accredited by a 117259  
regional or national accrediting organization recognized by the 117260  
board. 117261

(D) The person submits to the board evidence of the 117262  
completion of appropriate, supervised clinical experience in the 117263  
professional area, speech-language pathology or audiology, for 117264  
which licensure is requested, dealing with a variety of 117265  
communication disorders. The appropriateness of the experience 117266  
shall be determined under rules of the board. This experience 117267  
shall have been obtained in an accredited college or university, 117268  
in a cooperating program of an accredited college or university, 117269  
or in another program approved by the board. 117270

(E) The person submits to the board evidence that the person 117271  
has passed the examination for licensure to practice 117272  
speech-language pathology or audiology pursuant to division (B) of 117273  
section 4753.05 of the Revised Code. 117274

(F)(1) In the case of either of the following, the person 117275  
presents to the board written evidence that the person has 117276  
obtained professional experience: 117277

(a) The person seeks licensure as a speech-language 117278  
pathologist; 117279

(b) The person seeks licensure as an audiologist and does not 117280  
meet the requirements of division (C) of this section regarding a 117281  
doctor of audiology degree, but before January 1, 2006, the person 117282  
met the requirements of division (B) of this section regarding a 117283  
master's degree in audiology as that division existed on December 117284  
31, 2005. 117285

(2) The professional experience shall be appropriately supervised as determined by board rule. The amount of professional experience shall be determined by board rule and shall be bona fide clinical work that has been accomplished in the major professional area, speech-language pathology or audiology, in which licensure is being sought. If the person seeks licensure as a speech-language pathologist, this experience shall not begin until the requirements of divisions (B), (D), and (E) of this section have been completed unless approved by the board. If the person seeks licensure as an audiologist, this experience shall not begin until the requirements of division (B) of this section, as that division existed on December 31, 2005, and divisions (D) and (E) of this section have been completed unless approved by the board. Before beginning the supervised professional experience pursuant to this section, the applicant for licensure to practice speech-language pathology or audiology shall obtain a conditional license pursuant to section 4753.071 of the Revised Code.

Sec. 4753.061. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state speech and hearing professionals board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4753.06 or 4753.07 of the Revised Code.

**Sec. 4753.07.** The state speech and hearing professionals 117318  
~~board of speech language pathology and audiology~~ shall issue under 117319  
its seal a license or conditional license to every applicant who 117320  
has passed the appropriate examinations designated by the board 117321  
and who otherwise complies with the licensure requirements of this 117322  
chapter. The license or conditional license entitles the holder to 117323  
practice speech-language pathology or audiology. Each licensee 117324  
shall display the license or conditional license or an official 117325  
duplicate in a conspicuous place where the licensee practices 117326  
speech-language pathology or audiology or both. 117327

**Sec. 4753.071.** A person who is required to meet the 117328  
supervised professional experience requirement of division (F) of 117329  
section 4753.06 of the Revised Code shall submit to the state 117330  
speech and hearing professionals ~~board of speech language~~ 117331  
~~pathology and audiology~~ an application for a conditional license. 117332  
The application shall include a plan for the content of the 117333  
supervised professional experience on a form the board shall 117334  
prescribe. The board shall issue the conditional license to the 117335  
applicant if the applicant meets the requirements of section 117336  
4753.06 of the Revised Code, other than the requirement to have 117337  
obtained the supervised professional experience, and pays to the 117338  
board the appropriate fee for a conditional license. An applicant 117339  
may not begin employment until the conditional license has been 117340  
issued. 117341

A conditional license authorizes an individual to practice 117342  
speech-language pathology or audiology while completing the 117343  
supervised professional experience as required by division (F) of 117344  
section 4753.06 of the Revised Code. A person holding a 117345  
conditional license may practice speech-language pathology or 117346  
audiology while working under the supervision of a person fully 117347  
licensed in accordance with this chapter. A conditional license is 117348

valid for eighteen months unless suspended or revoked pursuant to 117349  
section 3123.47 or 4753.10 of the Revised Code. 117350

A person holding a conditional license may perform services 117351  
for which payment will be sought under the medicare program or the 117352  
medicaid program but all requests for payment for such services 117353  
shall be made by the person who supervises the person performing 117354  
the services. 117355

**Sec. 4753.072.** The state speech and hearing professionals 117356  
~~board of speech language pathology and audiology~~ shall establish 117357  
by rule pursuant to Chapter 119. of the Revised Code the 117358  
qualifications for persons seeking licensure as a speech-language 117359  
pathology aide or an audiology aide. The qualifications shall be 117360  
less than the standards for licensure as a speech-language 117361  
pathologist or audiologist. An aide shall not act independently 117362  
and shall work under the direction and supervision of a 117363  
speech-language pathologist or audiologist licensed by the board. 117364  
An aide shall not dispense hearing aids. An applicant shall not 117365  
begin employment until the license has been approved. 117366

**Sec. 4753.073.** (A)~~(1)~~ The state speech and hearing 117367  
professionals ~~board of speech language pathology and audiology~~ 117368  
shall issue under its seal a speech-language pathology student 117369  
permit to any applicant who submits a plan that has been approved 117370  
by the applicant's university graduate program in speech-language 117371  
pathology and that conforms to requirements determined by the 117372  
board by rule and who meets all of the following requirements: 117373

~~(a)~~(1) Is enrolled in a graduate program at an educational 117374  
institution located in this state that is accredited by the 117375  
council on academic accreditation in audiology and speech-language 117376  
pathology of the American speech-language-hearing association; 117377

~~(b)~~(2) Has completed at least one year of postgraduate 117378

training in speech-language pathology, or equivalent coursework as 117379  
determined by the board, and any student clinical experience the 117380  
board may require by rule. 117381

~~(2)~~(B) The speech-language pathology student permit 117382  
authorizes the holder to practice speech-language pathology within 117383  
limits determined by the board by rule, which shall include the 117384  
following: 117385

~~(a)~~(1) The permit holder's caseload shall be limited in a 117386  
manner to be determined by the board by rule. 117387

~~(b)~~(2) The permit holder's authorized scope of practice shall 117388  
be limited in a manner to be determined by the board by rule. The 117389  
rule shall consider the coursework and clinical experience that 117390  
has been completed by the permit holder and the recommendation of 117391  
the applicant's university graduate program in speech-language 117392  
pathology. 117393

~~(c)~~(3) The permit holder shall practice only when under the 117394  
supervision of a speech-language pathologist who is licensed by 117395  
the board and acting under the approval and direction of the 117396  
applicant's university graduate program in speech-language 117397  
pathology. The board shall determine by rule the manner of 117398  
supervision. 117399

~~(3)~~(C) A permit issued under this section shall expire two 117400  
years after the date of issuance. Student permits may be renewed 117401  
in a manner to be determined by the board by rule. 117402

~~(4)~~(D) Each permit holder shall display the permit or an 117403  
official duplicate in a conspicuous place where the permit holder 117404  
practices speech-language pathology. 117405

**Sec. 4753.08.** The state speech and hearing professionals 117406  
~~board of speech language pathology and audiology~~ shall waive the 117407  
examination, educational, and professional experience requirements 117408

for any applicant who meets any of the following requirements: 117409

(A) On September 26, 1975, ~~has had~~ had at least a bachelor's 117410  
degree with a major in speech-language pathology or audiology from 117411  
an accredited college or university, or ~~who has been~~ was employed 117412  
as a speech-language pathologist or audiologist for at least nine 117413  
months at any time within the three years prior to September 26, 117414  
1975, if an application providing bona fide proof of such degree 117415  
or employment ~~is~~ was filed with the former board of 117416  
speech-language pathology and audiology within one year after 117417  
~~September 26, 1975~~ that date, and ~~is~~ was accompanied by the 117418  
application fee as prescribed in division (A) of section 4753.11 117419  
of the Revised Code; 117420

(B) Presents proof to the state speech and hearing 117421  
professionals board of current certification or licensure in good 117422  
standing in the area in which licensure is sought in a state that 117423  
has standards at least equal to the standards for licensure that 117424  
are in effect in this state at the time the applicant applies for 117425  
the license; 117426

(C) Presents proof to the state speech and hearing 117427  
professionals board of both of the following: 117428

(1) Having current certification or licensure in good 117429  
standing in audiology in a state that has standards at least equal 117430  
to the standards for licensure as an audiologist that were in 117431  
effect in this state on December 31, 2005; 117432

(2) Having first obtained that certification or licensure not 117433  
later than December 31, 2007. 117434

(D) Presents proof to the state speech and hearing 117435  
professionals board of a current certificate of clinical 117436  
competence in speech-language pathology or audiology that is in 117437  
good standing and received from the American 117438  
speech-language-hearing association in the area in which licensure 117439

is sought. 117440

**Sec. 4753.09.** Except as provided in this section and in 117441  
section 4753.10 of the Revised Code, a license issued by the state 117442  
speech and hearing professionals board of ~~speech language~~ 117443  
~~pathology and audiology~~ shall be renewed biennially in accordance 117444  
with the standard renewal procedure contained in Chapter 4745. of 117445  
the Revised Code. If the application for renewal is made one year 117446  
or longer after the renewal application is due, the person shall 117447  
apply for licensure as provided in section 4753.06 or division 117448  
(B), (C), or (D) of section 4753.08 of the Revised Code. The board 117449  
shall not renew a conditional license; however, the board may 117450  
grant an applicant a second conditional license. 117451

The board shall establish by rule adopted pursuant to Chapter 117452  
119. of the Revised Code the qualifications for license renewal. 117453  
Applicants shall demonstrate continued competence, which may 117454  
include continuing education, examination, self-evaluation, peer 117455  
review, performance appraisal, or practical simulation. The board 117456  
may establish other requirements as a condition for license 117457  
renewal as considered appropriate by the board. 117458

The board may renew a license which expires while the license 117459  
is suspended, but the renewal shall not affect the suspension. The 117460  
board shall not renew a license which has been revoked. If a 117461  
revoked license is reinstated under section 4753.10 of the Revised 117462  
Code after it has expired, the licensee, as a condition of 117463  
reinstatement, shall pay a reinstatement fee in the amount equal 117464  
to the renewal fee in effect on the last preceding regular renewal 117465  
date on which it is reinstated, plus any delinquent fees accrued 117466  
from the time of the revocation, if such a fee is prescribed by 117467  
the board by rule. 117468

**Sec. 4753.091.** (A) A person licensed under this chapter may 117469

apply to the state speech and hearing professionals board of 117470  
~~speech language pathology and audiology~~ to have the person's 117471  
license classified as inactive. If a fee is charged under division 117472  
(B) of this section, the person shall include the fee with the 117473  
application. 117474

If the person's license is in good standing, the person is 117475  
not the subject of any complaint, the person is not the subject of 117476  
an investigation or disciplinary action by the board, and the 117477  
person meets any other requirements established by the board in 117478  
rules adopted under this section, the board shall classify the 117479  
license as inactive. The inactive classification shall become 117480  
effective on the date immediately following the date that the 117481  
person's license is scheduled to expire. 117482

(B) The board may charge a fee for classifying a license as 117483  
inactive. 117484

(C) During the period that a license is classified as 117485  
inactive, the person may not engage in the practice of 117486  
speech-language pathology or the practice of audiology, as 117487  
applicable, in this state or make any representation to the public 117488  
indicating that the person is actively licensed under this 117489  
chapter. 117490

(D) A person whose license has been classified as inactive 117491  
may apply to the board to have the license reactivated. The board 117492  
shall reactivate the license if the person meets the requirements 117493  
established by the board in rules adopted under this section. 117494

(E) The board's jurisdiction to take disciplinary action 117495  
under this chapter is not removed or limited when a person's 117496  
license is classified as inactive under this section. 117497

(F) The board shall adopt rules as necessary for classifying 117498  
a license as inactive and reactivating an inactive license. The 117499  
rules shall be adopted in accordance with Chapter 119. of the 117500

Revised Code. 117501

**Sec. 4753.10.** In accordance with Chapter 119. of the Revised 117502  
Code, the state speech and hearing professionals board ~~of~~ 117503  
~~speech language pathology and audiology~~ may reprimand or place on 117504  
probation a speech-language pathologist or audiologist or suspend, 117505  
revoke, or refuse to issue or renew the license of a 117506  
speech-language pathologist or audiologist. Disciplinary actions 117507  
may be taken by the board for conduct that may result from but not 117508  
necessarily be limited to: 117509

(A) Fraud, deception, or misrepresentation in obtaining or 117510  
attempting to obtain a license; 117511

(B) Fraud, deception, or misrepresentation in using a 117512  
license; 117513

(C) Altering a license; 117514

(D) Aiding or abetting unlicensed practice; 117515

(E) Committing fraud, deception, or misrepresentation in the 117516  
practice of speech-language pathology or audiology including: 117517

(1) Making or filing a false report or record in the practice 117518  
of speech-language pathology or audiology; 117519

(2) Submitting a false statement to collect a fee; 117520

(3) Obtaining a fee through fraud, deception, or 117521  
misrepresentation, or accepting commissions or rebates or other 117522  
forms of remuneration for referring persons to others. 117523

(F) Using or promoting or causing the use of any misleading, 117524  
deceiving, improbable, or untruthful advertising matter, 117525  
promotional literature, testimonial, guarantee, warranty, label, 117526  
brand, insignia, or any other representation; 117527

(G) Falsely representing the use or availability of services 117528  
or advice of a physician; 117529

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (H) Misrepresenting the applicant, licensee, or holder by          | 117530 |
| using the word "doctor" or any similar word, abbreviation, or      | 117531 |
| symbol if the use is not accurate or if the degree was not         | 117532 |
| obtained from an accredited institution;                           | 117533 |
| (I) Committing any act of dishonorable, immoral, or                | 117534 |
| unprofessional conduct while engaging in the practice of           | 117535 |
| speech-language pathology or audiology;                            | 117536 |
| (J) Engaging in illegal, incompetent, or habitually negligent      | 117537 |
| practice;                                                          | 117538 |
| (K) Providing professional services while:                         | 117539 |
| (1) Mentally incompetent;                                          | 117540 |
| (2) Under the influence of alcohol;                                | 117541 |
| (3) Using any narcotic or controlled substance or other drug       | 117542 |
| that is in excess of therapeutic amounts or without valid medical  | 117543 |
| indication.                                                        | 117544 |
| (L) Providing services or promoting the sale of devices,           | 117545 |
| appliances, or products to a person who cannot reasonably be       | 117546 |
| expected to benefit from such services, devices, appliances, or    | 117547 |
| products in accordance with results obtained utilizing appropriate | 117548 |
| assessment procedures and instruments;                             | 117549 |
| (M) Violating this chapter or any lawful order given or rule       | 117550 |
| adopted by the board;                                              | 117551 |
| (N) Being convicted of or pleading guilty or nolo contendere       | 117552 |
| to a felony or to a crime involving moral turpitude, whether or    | 117553 |
| not any appeal or other proceeding is pending to have the          | 117554 |
| conviction or plea set aside;                                      | 117555 |
| (O) Being disciplined by a licensing or disciplinary               | 117556 |
| authority of this or any other state or country or convicted or    | 117557 |
| disciplined by a court of this or any other state or country for   | 117558 |
| an act that would be grounds for disciplinary action under this    | 117559 |

section. 117560

After revocation of a license under this section, application 117561  
may be made to the board for reinstatement. The board, in 117562  
accordance with an order of revocation as issued under Chapter 117563  
119. of the Revised Code, may require an examination for ~~such~~ 117564  
reinstatement. 117565

If any person has engaged in any practice which constitutes 117566  
an offense under the provisions of this chapter or rules 117567  
promulgated thereunder by the board, the board may apply to the 117568  
court of common pleas of the county for an injunction or other 117569  
appropriate order restraining such conduct, and the court may 117570  
issue such order. 117571

Any person who wishes to make a complaint against any person 117572  
licensed pursuant to this chapter shall submit the complaint in 117573  
writing to the board within one year from the date of the action 117574  
or event upon which the complaint is based. The board shall 117575  
determine whether the allegations in the complaint are of a 117576  
sufficiently serious nature to warrant formal disciplinary charges 117577  
against the licensee pursuant to this section. If the board 117578  
determines that formal disciplinary charges are warranted, it 117579  
shall proceed in accordance with the procedures established in 117580  
Chapter 119. of the Revised Code. 117581

**Sec. 4753.101.** The state speech and hearing professionals 117582  
~~board of speech language pathology and audiology~~, in accordance 117583  
with Chapter 119. of the Revised Code, may establish rules to 117584  
govern any disciplinary action to be taken against a student 117585  
issued a permit under section 4753.073 of the Revised Code. The 117586  
rules established by the board are not subject to the adjudication 117587  
procedure requirements of sections 119.06 to 119.13 of the Revised 117588  
Code. 117589

**Sec. 4753.11.** (A) For all types of licenses and permits, the 117590  
state speech and hearing professionals board ~~of speech-language~~ 117591  
~~pathology and audiology~~ shall charge a nonrefundable licensure or 117592  
permit fee, to be determined by board rule, which shall be paid at 117593  
the time the application is filed with the board. 117594

(B) On or before the thirty-first day of January of every 117595  
other year, the board shall charge a biennial licensure renewal 117596  
fee which shall be determined by board rule and used to defray 117597  
costs of the board. 117598

(C) The board may, by rule, provide for the waiver of all or 117599  
part of such fees when the license is issued less than one hundred 117600  
days before the date on which it will expire. 117601

(D) After the last day of the month designated by the board 117602  
for renewal, the board shall charge a late fee to be determined by 117603  
board rule in addition to the biennial licensure renewal fee. 117604

(E) No municipal corporation shall levy an occupational or 117605  
similar excise tax on any person licensed under this chapter. 117606

(F) All fees collected under this section and section 4753.09 117607  
of the Revised Code shall be paid into the state treasury to the 117608  
credit of the occupational licensing and regulatory fund created 117609  
in section 4743.05 of the Revised Code. 117610

**Sec. 4753.12.** Nothing in this chapter shall be construed to: 117611

(A) Prohibit a person other than an individual from engaging 117612  
in the business of speech-language pathology or audiology without 117613  
licensure if it employs a licensed individual in the direct 117614  
practice of speech-language pathology and audiology. Such entity 117615  
shall file a statement with the state speech and hearing 117616  
professionals board, on a form approved by the board for this 117617  
purpose, swearing that it submits itself to the rules of the board 117618  
and the provisions of this chapter which the board determines 117619

applicable. 117620

(B) Prevent or restrict the practice of a person employed as 117621  
a speech-language pathologist or audiologist by any agency of the 117622  
federal government. 117623

(C) Restrict the activities and services of a student or 117624  
intern in speech-language pathology or audiology from pursuing a 117625  
course of study leading to a degree in these areas at a college or 117626  
university accredited by a recognized regional or national 117627  
accrediting body or in one of its cooperating clinical training 117628  
facilities, if these activities and services are supervised by a 117629  
person licensed in the area of study or certified by the American 117630  
speech-language-hearing association in the area of study and if 117631  
the student is designated by a title such as "speech-language 117632  
pathology intern," "audiology intern," "trainee," or other such 117633  
title clearly indicating the training status. 117634

(D) Prevent a person from performing speech-language 117635  
pathology or audiology services when performing these services in 117636  
pursuit of the required supervised professional experience as 117637  
prescribed in section 4753.06 of the Revised Code and that person 117638  
has been issued a conditional license pursuant to section 4753.071 117639  
of the Revised Code. 117640

(E) Restrict a speech-language pathologist or audiologist who 117641  
holds the certification of the American speech-language-hearing 117642  
association, or who is licensed as a speech-language pathologist 117643  
or audiologist in another state and who has made application to 117644  
the board for a license in this state from practicing 117645  
speech-language pathology or audiology without a valid license 117646  
pending the disposition of the application. 117647

(F) Restrict a person not a resident of this state from 117648  
offering speech-language pathology or audiology services in this 117649  
state if such services are performed for not more than one period 117650

of thirty consecutive calendar days in any year, if the person is 117651  
licensed in the state of the person's residence or certified by 117652  
the American speech-language-hearing association and files a 117653  
statement as prescribed by the board in advance of providing these 117654  
services. Such person shall be subject to the rules of the board 117655  
and the provisions of this chapter. 117656

(G) Restrict a person licensed under Chapter 4747. of the 117657  
Revised Code from engaging in the duties as defined in that 117658  
chapter related to measuring, testing, and counseling for the 117659  
purpose of identifying or modifying hearing conditions in 117660  
connection with the fitting, dispensing, or servicing of a hearing 117661  
aid, or affect the authority of hearing aid dealers to deal in 117662  
hearing aids or advertise the practice of dealing in hearing aids 117663  
in accordance with Chapter 4747. of the Revised Code. 117664

(H) Restrict a physician from engaging in the practice of 117665  
medicine and surgery or osteopathic medicine and surgery or 117666  
prevent any individual from carrying out any properly delegated 117667  
responsibilities within the normal practice of medicine and 117668  
surgery or osteopathic medicine and surgery. 117669

(I) Restrict a person registered or licensed under Chapter 117670  
4723. of the Revised Code from performing those acts and utilizing 117671  
those procedures that are within the scope of the practice of 117672  
professional or practical nursing as defined in Chapter 4723. of 117673  
the Revised Code and the ethics of the nursing profession, 117674  
provided such a person does not claim to the public to be a 117675  
speech-language pathologist or audiologist. 117676

(J) Restrict an individual licensed as an audiologist under 117677  
this chapter from fitting, selling, or dispensing hearing aids. 117678

(K) Authorize the practice of medicine and surgery or entitle 117679  
a person licensed pursuant to this chapter to engage in the 117680  
practice of medicine or surgery or any of its branches. 117681

(L) Restrict a person licensed pursuant to Chapter 4755. of 117682  
the Revised Code from performing those acts and utilizing those 117683  
procedures that are within the scope of the practice of 117684  
occupational therapy or occupational therapy assistant as defined 117685  
in Chapter 4755. of the Revised Code, provided the person does not 117686  
claim to the public to be a speech-language pathologist or 117687  
audiologist. 117688

**Sec. 4753.15.** On receipt of a notice pursuant to section 117689  
3123.43 of the Revised Code, the state speech and hearing 117690  
professionals board of speech language pathology and audiology 117691  
shall comply with sections 3123.41 to 3123.50 of the Revised Code 117692  
and any applicable rules adopted under section 3123.63 of the 117693  
Revised Code with respect to a license issued pursuant to this 117694  
chapter. 117695

**Sec. 4753.16.** The state speech and hearing professionals 117696  
board of ~~speech language pathology and audiology~~ shall comply with 117697  
section 4776.20 of the Revised Code. 117698

**Sec. 4759.011.** Whenever the term "Ohio board of dietetics" is 117699  
used in any statute, rule, contract, or other document, the use 117700  
shall be construed to mean the "state medical board," with respect 117701  
to implementing Chapter 4759. of the Revised Code. 117702

Whenever the executive secretary of the Ohio board of 117703  
dietetics is used in any statute, rule, contract, or other 117704  
document, the use shall be construed to mean the executive 117705  
director of the state medical board, with respect to implementing 117706  
Chapter 4759. of the Revised Code. 117707

**Sec. 4759.02.** (A) Except as otherwise provided in this 117708  
section or in section 4759.10 of the Revised Code, no person shall 117709  
practice, offer to practice, or hold ~~himself~~ self forth to 117710

practice dietetics unless ~~he~~ the person has been licensed under 117711  
section 4759.06 of the Revised Code. 117712

(B) Except for a licensed dietitian holding an inactive 117713  
license who does not practice or offer to practice dietetics, or a 117714  
person licensed under section 4759.06 of the Revised Code, or as 117715  
otherwise provided in this section or in section 4759.10 of the 117716  
Revised Code: 117717

(1) No person shall use the title "dietitian"; and 117718

(2) No person except for a person licensed under Chapters 117719  
4701. to 4755. of the Revised Code, when acting within the scope 117720  
of their practice, shall use any other title, designation, words, 117721  
letters, abbreviation, or insignia or combination of any title, 117722  
designation, words, letters, abbreviation, or insignia tending to 117723  
indicate that the person is practicing dietetics. 117724

(C) Notwithstanding division (B) of this section, a person 117725  
who is a dietitian registered by the commission on dietetic 117726  
registration and who does not violate division (A) of this section 117727  
may use the designation "registered dietitian" and the 117728  
abbreviation "R.D." 117729

(D) Division (A) of this section does not apply to: 117730

(1) A student enrolled in an academic program that is in 117731  
compliance with division (A)(5) of section 4759.06 of the Revised 117732  
Code who is engaging in the practice of dietetics under the 117733  
supervision of a dietitian licensed under section 4759.06 of the 117734  
Revised Code or a dietitian registered by the commission on 117735  
dietetic registration, as part of the academic program; 117736

(2) A person participating in the pre-professional experience 117737  
required by division (A)(6) of section 4759.06 of the Revised 117738  
Code; 117739

(3) A person holding a limited permit under division (F) of 117740

section 4759.06 of the Revised Code. 117741

(E) Divisions (A) and (B) of this section do not apply to a 117742  
person who performs no more than fifteen days of dietetic practice 117743  
in the state and who meets at least one of the following 117744  
requirements: 117745

(1) The ~~Ohio state medical~~ board of ~~dietetics~~ determines that 117746  
~~he~~ the person is licensed in another state with licensure 117747  
requirements equivalent to or more stringent than those set forth 117748  
in this chapter; 117749

(2) ~~He~~ The person is a dietitian registered by the commission 117750  
on dietetic registration and resides in another state that either 117751  
has no dietitian licensure requirements or has licensure 117752  
requirements less stringent than those set forth in this chapter. 117753

**Sec. 4759.05.** The ~~Ohio state medical~~ board of ~~dietetics~~ 117754  
shall: 117755

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. 117756  
of the Revised Code to carry out the provisions of this chapter, 117757  
including rules governing the following: 117758

(1) Selection and approval of a dietitian licensure 117759  
examination offered by the commission on dietetic registration or 117760  
any other examination; 117761

(2) The examination of applicants for licensure as a 117762  
dietitian, to be held at least twice annually, as required under 117763  
division (A) of section 4759.06 of the Revised Code; 117764

(3) Requirements for pre-professional dietetic experience of 117765  
applicants for licensure as a dietitian that are at least 117766  
equivalent to the requirements adopted by the commission on 117767  
dietetic registration; 117768

(4) Requirements for a person holding a limited permit under 117769  
division (F) of section 4759.06 of the Revised Code, including the 117770

duration of validity of a limited permit; 117771

(5) Requirements for a licensed dietitian who places a 117772  
license in inactive status under division (G) of section 4759.06 117773  
of the Revised Code, including a procedure for changing inactive 117774  
status to active status; 117775

(6) Continuing education requirements for renewal of a 117776  
license, except that the board may adopt rules to waive the 117777  
requirements for a person who is unable to meet the requirements 117778  
due to illness or other reasons. Rules adopted under this division 117779  
shall be consistent with the continuing education requirements 117780  
adopted by the commission on dietetic registration. 117781

(7) Any additional education requirements the board considers 117782  
necessary, for applicants who have not practiced dietetics within 117783  
five years of the initial date of application for licensure; 117784

(8) Standards of professional responsibility and practice for 117785  
persons licensed under this chapter that are consistent with those 117786  
standards of professional responsibility and practice adopted by 117787  
the academy of nutrition and dietetics; 117788

(9) Formulation of ~~a written~~ an application form for 117789  
licensure or license renewal that includes the statement that any 117790  
applicant who knowingly makes a false statement on the application 117791  
is guilty of a misdemeanor of the first degree under section 117792  
2921.13 of the Revised Code; 117793

(10) Procedures for license renewal; 117794

(11) Establishing a time period after the notification of a 117795  
violation of section 4759.02 of the Revised Code, by which the 117796  
person notified must request a hearing by the board under section 117797  
4759.09 of the Revised Code; 117798

(12) Requirements for criminal records checks of applicants 117799  
under section 4776.03 of the Revised Code. 117800

(B) Investigate alleged violations of sections 4759.02 to 117801  
4759.10 of the Revised Code. In making its investigations, the 117802  
board may issue subpoenas, examine witnesses, and administer 117803  
oaths. 117804

(C) ~~Adopt a seal;~~ 117805

~~(D)~~ Conduct meetings and keep records as are necessary to 117806  
carry out the provisions of this chapter; 117807

~~(E)~~(D) Publish, and make available to the public, upon 117808  
request and for a fee not to exceed the actual cost of printing 117809  
and mailing, the board's rules and requirements for licensure 117810  
adopted under division (A) of this section ~~and a record of all~~ 117811  
~~persons licensed under section 4759.06 of the Revised Code.~~ 117812

**Sec. 4759.051.** (A) The state medical board shall appoint a 117813  
dietetics advisory council for the purpose of advising the board 117814  
on issues relating to the practice of dietetics and the 117815  
investigation of complaints regarding the practice of dietetics. 117816  
The advisory council shall consist of not more than seven 117817  
individuals knowledgeable in the area of dietetics. A majority of 117818  
the council members shall be individuals actively engaged in the 117819  
practice of dietetics who meet the requirements for licensure 117820  
under section 4759.06 of the Revised Code. The board shall include 117821  
on the council one educator with a doctoral degree who holds a 117822  
regular faculty appointment in a program that prepares students to 117823  
meet the requirements of division (A)(5) of section 4759.06 of the 117824  
Revised Code and one member who is not affiliated with any health 117825  
care profession, who shall be appointed to represent the interest 117826  
of consumers. 117827

The Ohio academy of nutrition and dietetics, or its successor 117828  
organization, may nominate the names of up to three qualified 117829  
individuals for consideration by the board in making appointments 117830  
for each vacancy on the council. 117831

(B) Not later than ninety days after the effective date of this section, the board shall make initial appointments to the council. Members shall serve three-year staggered terms of office in accordance with rules adopted by the board. Thereafter, terms of office shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. A council member shall continue in office subsequent to the expiration date of the member's term until a successor is appointed and takes office, or until a period of sixty days has elapsed, whichever occurs first. Each council member shall hold office from the date of appointment until the end of the term for which the member was appointed.

(C) With approval from the director of administrative services, members may receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing the member's official duties and be reimbursed for actual and necessary expenses incurred in performing those duties.

(D) The council shall meet at least four times per year and at such other times as may be necessary to carry out its responsibilities.

(E) The council shall submit to the board recommendations concerning all of the following:

(1) Requirements for issuing a license to practice as a dietician or as a limited permit holder, including the educational and experience requirements that must be met to receive the license or limited permit;

(2) Existing and proposed rules pertaining to the practice of dietetics and the administration and enforcement of this chapter;

(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs for licensure renewal;

|                                                                                                                                                                                                                                                                                                                                                                       |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <u>(4) Procedures for the issuance and renewal of licenses and limited permits;</u>                                                                                                                                                                                                                                                                                   | 117863<br>117864                                         |
| <u>(5) Fees for the issuance and renewal of a license to practice dietetics as a licensee or as a limited permit holder;</u>                                                                                                                                                                                                                                          | 117865<br>117866                                         |
| <u>(6) Standards of practice and ethical conduct in the practice of dietetics;</u>                                                                                                                                                                                                                                                                                    | 117867<br>117868                                         |
| <u>(7) Complaints concerning alleged violation of sections 4759.02 to 4759.10 of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses or limited permits;</u>                                                                                                                                           | 117869<br>117870<br>117871<br>117872                     |
| <u>(8) The safe and effective practice of dietetics.</u>                                                                                                                                                                                                                                                                                                              | 117873                                                   |
| <b>Sec. 4759.06.</b> (A) <del>The Ohio state medical board of dietetics</del> shall issue or renew a license to practice dietetics to an applicant who:                                                                                                                                                                                                               | 117874<br>117875<br>117876                               |
| (1) Has satisfactorily completed an application for licensure in accordance with division (A) of section 4759.05 of the Revised Code;                                                                                                                                                                                                                                 | 117877<br>117878<br>117879                               |
| (2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;                                                                                                                                                                                                                                                                              | 117880<br>117881                                         |
| (3) Is a resident of the state or performs or plans to perform dietetic services within the state;                                                                                                                                                                                                                                                                    | 117882<br>117883                                         |
| (4) Is of good moral character;                                                                                                                                                                                                                                                                                                                                       | 117884                                                   |
| (5) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics; | 117885<br>117886<br>117887<br>117888<br>117889<br>117890 |
| (6) Has successfully completed a pre-professional dietetic                                                                                                                                                                                                                                                                                                            | 117891                                                   |

experience approved by the academy of nutrition and dietetics, or 117892  
experience approved by the board under division (A)(3) of section 117893  
4759.05 of the Revised Code; 117894

(7) Has passed the examination approved by the board under 117895  
division (A)(1) of section 4759.05 of the Revised Code; 117896

(8) Is an applicant for renewal of a license, and has 117897  
fulfilled the continuing education requirements adopted under 117898  
division (A)(6) of section 4759.05 of the Revised Code. 117899

(B) The board shall waive the requirements of divisions 117900  
(A)(5), (6), and (7) of this section and any rules adopted under 117901  
division (A)(7) of section 4759.05 of the Revised Code if the 117902  
applicant presents satisfactory evidence to the board of current 117903  
registration as a registered dietitian with the commission on 117904  
dietetic registration. 117905

(C) The board shall waive the requirements of division (A)(7) 117906  
of this section if the application for renewal is made within two 117907  
years after the date of license expiration. 117908

(D) The board may waive the requirements of division (A)(5), 117909  
(6), or (7) of this section or any rules adopted under division 117910  
(A)(7) of section 4759.05 of the Revised Code, if the applicant 117911  
presents satisfactory evidence of education, experience, or 117912  
passing an examination in another state or a foreign country, that 117913  
the board considers the equivalent of the requirements stated in 117914  
those divisions or rules. 117915

(E) The board shall issue an initial license to practice 117916  
dietetics to an applicant who meets the requirements of division 117917  
(A) of this section. An initial license shall be valid from the 117918  
date of issuance through the thirtieth day of June following 117919  
issuance of the license. Each subsequent license shall be valid 117920  
from the first day of July through the thirtieth day of June. The 117921  
board shall renew the license of an applicant who is licensed to 117922

practice dietetics and who meets the continuing education 117923  
requirements of division (A)(6) of section 4759.05 of the Revised 117924  
Code. The renewal shall be pursuant to the standard renewal 117925  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 117926

(F) The board may grant a limited permit to a person who has 117927  
completed the education and pre-professional requirements of 117928  
divisions (A)(5) and (6) of this section and who presents evidence 117929  
to the board of having applied to take the examination approved by 117930  
the board under division (A)(1) of section 4759.05 of the Revised 117931  
Code. A person holding a limited permit who has failed the 117932  
examination shall practice only under the direct supervision of a 117933  
licensed dietitian. 117934

(G) A licensed dietitian may place the license in inactive 117935  
status. 117936

**Sec. 4759.061.** (A) As used in this section, "license" and 117937  
"applicant for an initial license" have the same meanings as in 117938  
section 4776.01 of the Revised Code, except that "license" as used 117939  
in both of those terms refers to the types of authorizations 117940  
otherwise issued or conferred under this chapter. 117941

(B) In addition to any other eligibility requirement set 117942  
forth in this chapter, each applicant for an initial license shall 117943  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 117944  
~~Ohio state medical board of dietetics~~ shall not grant a license to 117945  
an applicant for an initial license unless the applicant complies 117946  
with sections 4776.01 to 4776.04 of the Revised Code and the 117947  
board, in its discretion, decides that the results of the criminal 117948  
records check do not make the applicant ineligible for a license 117949  
issued pursuant to section 4759.06 of the Revised Code. 117950

**Sec. 4759.07.** (A) The ~~Ohio state medical board of dietetics~~ 117951  
may, in accordance with Chapter 119. of the Revised Code, refuse 117952

to issue, review, or renew, or may suspend, revoke, or impose 117953  
probationary conditions upon any license or permit to practice 117954  
dietetics, if the applicant has: 117955

(1) Violated sections 4759.02 to 4759.10 of the Revised Code 117956  
or rules adopted under those sections; 117957

(2) Knowingly made a false statement in ~~his~~ an application 117958  
for licensure or license renewal; 117959

(3) Been convicted of any crime constituting a felony in this 117960  
or any other state; 117961

(4) Been impaired in ~~his~~ ability to perform as a licensed 117962  
dietitian due to the use of a controlled substance or alcoholic 117963  
beverage; 117964

(5) Been convicted of a misdemeanor committed in the course 117965  
of ~~his~~ work as a dietitian in this or any other state; 117966

(6) A record of incompetent or negligent conduct in ~~his~~ the 117967  
practice of dietetics. 117968

(B) For purposes of this division, any individual who holds a 117969  
license or permit issued under this chapter, or applies for a 117970  
license or permit to practice dietetics, is deemed to have given 117971  
consent to submit to a mental or physical examination when 117972  
directed to do so in writing by the board and to have waived all 117973  
objections to the admissibility of testimony or examination 117974  
reports that constitute a privileged communication. 117975

For purposes of division (A)(4) of this section, if the board 117976  
has reason to believe that any individual who holds a license or 117977  
permit issued under this chapter or any applicant for a license or 117978  
permit suffers such impairment, the board may compel the 117979  
individual to submit to a mental or physical examination, or both. 117980  
The expense of the examination is the responsibility of the 117981  
individual compelled to be examined. Any mental or physical 117982

examination required under this division shall be undertaken by a 117983  
treatment provider or physician qualified to conduct such 117984  
examination and chosen by the board. 117985

Failure to submit to a mental or physical examination ordered 117986  
by the board constitutes an admission of the allegations against 117987  
the individual unless the failure is due to circumstances beyond 117988  
the individual's control, and a default and final order may be 117989  
entered without the taking of testimony or presentation of 117990  
evidence. If the board determines that the individual's ability to 117991  
practice is impaired, the board shall suspend the individual's 117992  
license or permit or deny the individual's application and shall 117993  
require the individual, as a condition for initial, continued, 117994  
reinstated, or renewed licensure, to submit to treatment. 117995

Before being eligible to apply for reinstatement of a license 117996  
or permit suspended under this division, the dietitian shall 117997  
demonstrate to the board the ability to resume practice in 117998  
compliance with acceptable and prevailing standards of care. The 117999  
demonstration shall include the following: 118000

(1) Certification from a treatment provider approved under 118001  
section 4731.25 of the Revised Code that the individual has 118002  
successfully completed any required inpatient treatment; 118003

(2) Evidence of continuing full compliance with an aftercare 118004  
contract or consent agreement; 118005

(3) Two written reports indicating that the individual's 118006  
ability to practice has been assessed and that the individual has 118007  
been found capable of practicing according to acceptable and 118008  
prevailing standards of care. The reports shall be made by 118009  
individuals or providers approved by the board for making such 118010  
assessments and shall describe the basis for their determination. 118011

The board may reinstate a license or permit suspended under 118012  
this division after such demonstration and after the individual 118013

has entered into a written consent agreement. 118014

When the impaired dietitian resumes practice, the board shall 118015  
require continued monitoring of the dietitian. The monitoring 118016  
shall include compliance with the written consent agreement 118017  
entered into before reinstatement or with conditions imposed by 118018  
board order after a hearing, and, upon termination of the consent 118019  
agreement, submission to the board for at least two years of 118020  
annual written progress reports made under penalty of 118021  
falsification stating whether the dietitian has maintained 118022  
sobriety. 118023

(C) One year or more after the date of suspension or 118024  
revocation of a license or permit under division (A)(1), (2), (3), 118025  
(5), or (6) of this section, an application for reinstatement of 118026  
the license or permit may be made to the board. The board shall 118027  
grant or deny reinstatement with a hearing, at the request of the 118028  
applicant, in accordance with Chapter 119. of the Revised Code and 118029  
may impose conditions upon the reinstatement, including the 118030  
requirement of passing an examination approved by the board. 118031

**Sec. 4759.08.** (A) ~~The Ohio~~ state medical board of dietetics 118032  
shall charge and collect fees as described in this section for 118033  
issuing the following: 118034

(1) An application for an initial dietitian license, or an 118035  
application for reactivation of an inactive license, one hundred 118036  
twenty-five dollars, and for reinstatement of a lapsed, revoked, 118037  
or suspended license, one hundred eighty dollars; 118038

(2) License renewal, ninety-five dollars; 118039

(3) A limited permit, and renewal of the permit, sixty-five 118040  
dollars; 118041

(4) A duplicate license or permit, twenty dollars; 118042

(5) For processing a late application for renewal of any 118043

license or permit, an additional fee equal to fifty per cent of 118044  
the fee for the renewal. 118045

(B) The board shall not require a licensed dietitian holding 118046  
an inactive license to pay the renewal fee. 118047

(C) Subject to the approval of the controlling board, the 118048  
~~Ohio state medical board of dietetics~~ may establish fees in excess 118049  
of the amounts provided in division (A) of this section, provided 118050  
that the fees do not exceed the amounts by greater than fifty per 118051  
cent. 118052

(D) The board may adopt rules pursuant to Chapter 119. of the 118053  
Revised Code to waive all or part of the fee for an initial 118054  
license if the license is issued within one hundred days of the 118055  
date of expiration of the license. 118056

(E) All receipts of the board shall be deposited in the state 118057  
treasury to the credit of the ~~occupational licensing and~~ 118058  
~~regulatory fund. All vouchers of the board shall be approved by~~ 118059  
~~the chairperson or secretary of the board, or both, as authorized~~ 118060  
~~by the board~~ state medical board operating fund in accordance with 118061  
section 4731.24 of the Revised Code. 118062

**Sec. 4759.09.** The ~~Ohio state medical board of dietetics~~ shall 118063  
notify in writing any person determined by the board to be in 118064  
violation of section 4759.02 of the Revised Code. The notification 118065  
shall state that the person may request a hearing by the board 118066  
within the amount of time specified by the board pursuant to 118067  
division (A) of section 4759.05 of the Revised Code. If the person 118068  
fails to request the hearing, or if the board determines from the 118069  
hearing that the person is in violation of section 4759.02 of the 118070  
Revised Code, the board may apply to the court of common pleas of 118071  
the county in which the violation is occurring for an injunction 118072  
or other appropriate restraining order to prohibit the continued 118073  
violation of section 4759.02 of the Revised Code. 118074

118075

**Sec. 4759.10.** Sections 4759.01 to 4759.09 of the Revised Code 118076  
do not apply to any of the following: 118077

(A) A person licensed under Chapters 4701. to 4755. of the 118078  
Revised Code who is acting within the scope of the person's 118079  
profession, provided that the person complies with division (B) of 118080  
section 4759.02 of the Revised Code; 118081

(B) A person who is a graduate of an associate degree program 118082  
approved by the academy of nutrition and dietetics or the ~~Ohio~~ 118083  
state medical board ~~of dietetics~~ who is working as a dietetic 118084  
technician under the supervision of a dietitian licensed under 118085  
section 4759.06 of the Revised Code or registered by the 118086  
commission on dietetic registration, except that the person is 118087  
subject to division (B) of section 4759.02 of the Revised Code if 118088  
the person uses a title other than "dietetic technician"; 118089

(C) A person who practices dietetics related to employment in 118090  
the armed forces, veteran's administration, or the public health 118091  
service of the United States; 118092

(D) Persons employed by a nonprofit agency approved by the 118093  
board or by a federal, state, municipal or county government, or 118094  
by any other political subdivision, elementary or secondary 118095  
school, or an institution of higher education approved by the 118096  
board or by a regional agency recognized by the council on 118097  
postsecondary accreditation, who performs only nutritional 118098  
education activities and such other nutritional activities as the 118099  
state medical board ~~of dietetics~~, by rule, permits, provided the 118100  
person does not violate division (B) of section 4759.02 of the 118101  
Revised Code; 118102

(E) A person who has completed a program meeting the academic 118103  
standards set for dietitians by the academy of nutrition and 118104

dietetics, received a baccalaureate or higher degree from a 118105  
school, college, or university approved by a regional 118106  
accreditation agency recognized by the council on postsecondary 118107  
accreditation, works under the supervision of a licensed dietitian 118108  
or registered dietitian, and does not violate division (B) of 118109  
section 4759.02 of the Revised Code; 118110

(F) A person when acting, under the direction and supervision 118111  
of a person licensed under Chapters 4701. to 4755. of the Revised 118112  
Code, in the execution of a plan of treatment authorized by the 118113  
licensed person, provided the person complies with division (B) of 118114  
section 4759.02 of the Revised Code; 118115

(G) The free dissemination of literature in the state; 118116

(H) Provided that the persons involved in the sale, 118117  
promotion, or explanation of the sale of food, food materials, or 118118  
dietary supplements do not violate division (B) of section 4759.02 118119  
of the Revised Code, the sale of food, food materials, or dietary 118120  
supplements and the marketing and distribution of food, food 118121  
materials, or dietary supplements and the promotion or explanation 118122  
of the use of food, food materials, or dietary supplements 118123  
provided that the promotion or explanation does not violate 118124  
Chapter 1345. of the Revised Code; 118125

(I) A person who offers dietary supplements for sale and who 118126  
makes the following statements about the product if the statements 118127  
are consistent with the dietary supplement's label or labeling: 118128

(1) Claim a benefit related to a classical nutrient 118129  
deficiency disease and disclose the prevalence of the disease in 118130  
the United States; 118131

(2) Describe the role of a nutrient or dietary ingredient 118132  
intended to affect the structure or function of the human body; 118133

(3) Characterize the documented mechanism by which a nutrient 118134  
or dietary ingredient acts to maintain the structure or function 118135

of the human body; 118136

(4) Describe general well-being from the consumption of a 118137  
nutrient or dietary ingredient. 118138

(J) Provided that the persons involved in presenting a 118139  
general program of instruction for weight control do not violate 118140  
division (B) of section 4759.02 of the Revised Code, a general 118141  
program of instruction for weight control approved in writing by a 118142  
licensed dietitian, a physician licensed under Chapter 4731. of 118143  
the Revised Code to practice medicine or surgery or osteopathic 118144  
medicine or surgery, a person licensed in another state that the 118145  
board considers to have substantially equivalent licensure 118146  
requirements as this state, or a registered dietitian; 118147

(K) The continued practice of dietetics at a hospital by a 118148  
person employed at that same hospital to practice dietetics for 118149  
the twenty years immediately prior to July 1, 1987, so long as the 118150  
person works under the supervision of a dietitian licensed under 118151  
section 4759.06 of the Revised Code and does not violate division 118152  
(B) of section 4759.02 of the Revised Code. This division does not 118153  
apply to any person who has held a license issued under this 118154  
chapter to practice dietetics. As used in this division, 118155  
"hospital" has the same meaning as in section 3727.01 of the 118156  
Revised Code. 118157

**Sec. 4759.11.** On receipt of a notice pursuant to section 118158  
3123.43 of the Revised Code, the state medical board ~~of dietetics~~ 118159  
shall comply with sections 3123.41 to 3123.50 of the Revised Code 118160  
and any applicable rules adopted under section 3123.63 of the 118161  
Revised Code with respect to a license issued pursuant to this 118162  
chapter. 118163

**Sec. 4759.12.** The ~~Ohio~~ state medical board ~~of dietetics~~ shall 118164  
comply with section 4776.20 of the Revised Code. 118165

Sec. 4761.011. Whenever the term "Ohio respiratory care board" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state medical board," with respect to implementing Chapter 4761. of the Revised Code.

Whenever the executive director of the Ohio respiratory care board is used in any statute, rule, contract, or other document, the use shall be construed to mean the executive director of the state medical board, with respect to implementing Chapter 4761. of the Revised Code.

Sec. 4761.03. The ~~Ohio respiratory care board~~ state medical board shall regulate the practice of respiratory care in this state and the persons to whom the board issues licenses and limited permits under this chapter ~~and shall license and register home medical equipment services providers under Chapter 4752. of the Revised Code.~~ Rules adopted under this chapter that deal with the provision of respiratory care in a hospital, other than rules regulating the issuance of licenses or limited permits, shall be consistent with the conditions for participation under medicare, Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended, and with the respiratory care accreditation standards of the joint commission on accreditation of healthcare organizations or the American osteopathic association.

The board shall:

(A) Adopt, and may rescind or amend, rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing:

(1) The form and manner for filing applications for licensure and renewal, limited permits, and limited permit extensions under sections 4761.05 and 4761.06 of the Revised Code;

|                                                                                                                                                                                                                                                                                                            |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (2) The form, scoring, and scheduling of examinations and reexaminations for licensure and license renewal;                                                                                                                                                                                                | 118196<br>118197                               |
| (3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs required for license renewal;                                                                                                                                                   | 118198<br>118199<br>118200                     |
| (4) Continuing education courses and the number of hour requirements necessary for license renewal, in accordance with section 4761.06 of the Revised Code;                                                                                                                                                | 118201<br>118202<br>118203                     |
| (5) Procedures for the issuance and renewal of licenses and limited permits, including the duties that may be fulfilled by the board's executive director and other board employees;                                                                                                                       | 118204<br>118205<br>118206                     |
| (6) Procedures for the denial, suspension, permanent revocation, refusal to renew, and reinstatement of licenses and limited permits, the conduct of hearings, and the imposition of fines for engaging in conduct that is grounds for such action and hearings under section 4761.09 of the Revised Code; | 118207<br>118208<br>118209<br>118210<br>118211 |
| (7) Standards of ethical conduct for the practice of respiratory care;                                                                                                                                                                                                                                     | 118212<br>118213                               |
| (8) Conditions under which the license renewal fee and continuing education requirements may be waived at the request of a licensee who is not in active practice;                                                                                                                                         | 118214<br>118215<br>118216                     |
| (9) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B)(3) of section 4761.10 of the Revised Code;                                                                                                                    | 118217<br>118218<br>118219                     |
| (10) Procedures for registering out-of-state respiratory care providers authorized to practice in this state under division (A)(4) of section 4761.11 of the Revised Code;                                                                                                                                 | 118220<br>118221<br>118222                     |
| (11) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;                                                                                                                                                                                                     | 118223<br>118224                               |
| (12) Procedures for accepting and storing copies of                                                                                                                                                                                                                                                        | 118225                                         |

hyperbaric technologist certifications filed with the board 118226  
pursuant to division (A)(11) of section 4761.11 of the Revised 118227  
Code. 118228

(B) Determine the sufficiency of an applicant's 118229  
qualifications for admission to the licensing examination or a 118230  
reexamination, and for the issuance or renewal of a license or 118231  
limited permit; 118232

(C) Determine the respiratory care educational programs that 118233  
are acceptable for fulfilling the requirements of division (A) of 118234  
section 4761.04 of the Revised Code; 118235

(D) Schedule, administer, and score the licensing examination 118236  
or any reexamination for license renewal or reinstatement. The 118237  
board shall administer the licensing examinations at least twice a 118238  
year and notify applicants of the time and place of the 118239  
examinations. 118240

(E) Investigate complaints concerning alleged violations of 118241  
section 4761.10 of the Revised Code or grounds for the suspension, 118242  
permanent revocation, or refusal to issue licenses or limited 118243  
permits under section 3123.47 or 4761.09 of the Revised Code. The 118244  
board shall employ investigators who shall, under the direction of 118245  
the executive director of the board, investigate complaints and 118246  
make inspections and other inquiries as, in the judgment of the 118247  
board, are appropriate to enforce sections 3123.41 to 3123.50, 118248  
4761.09, and 4761.10 of the Revised Code. Pursuant to an 118249  
investigation and inspection, the investigators may review and 118250  
audit records during normal business hours at the place of 118251  
business of a licensee or person who is the subject of a complaint 118252  
filed with the board or at any place where the records are kept. 118253

Except when required by court order, the board and its 118254  
employees shall not disclose confidential information obtained 118255  
during an investigation or identifying information about any 118256

person who files a complaint with the board. 118257

The board may hear testimony in matters relating to the 118258  
duties imposed upon it and issue subpoenas pursuant to an 118259  
investigation. The president and secretary of the board may 118260  
administer oaths. 118261

(F) Conduct hearings, keep records of its proceedings, and do 118262  
other things as are necessary and proper to carry out and enforce 118263  
the provisions of this chapter; 118264

(G) Maintain, publish, and make available upon request, for a 118265  
fee not to exceed the actual cost of printing and mailing: 118266

(1) The requirements for the issuance of licenses and limited 118267  
permits under this chapter and rules adopted by the board; 118268

~~(2) A current register of every person licensed to practice 118269  
respiratory care in this state, to include the addresses of the 118270  
person's last known place of business and residence, the effective 118271  
date and identification number of the license, the name and 118272  
location of the institution that granted the person's degree or 118273  
certificate of completion of respiratory care educational 118274  
requirements, and the date the degree or certificate was issued;~~ 118275

~~(3) A list of the names and locations of the institutions 118276  
that each year granted degrees or certificates of completion in 118277  
respiratory care; 118278~~

~~(4)~~(3) After the administration of each examination, a list 118279  
of persons who passed the examination. 118280

(H) Submit to the governor and to the general assembly each 118281  
year a report of all of its official actions during the preceding 118282  
year, together with any findings and recommendations with regard 118283  
to the improvement of the profession of respiratory care; 118284

~~(I) Administer and enforce Chapter 4752. of the Revised Code. 118285~~

**Sec. 4761.031.** The ~~Ohio respiratory care board~~ state medical board 118286  
board may share any information it receives pursuant to an 118287  
investigation conducted under division (E) of section 4761.03 of 118288  
the Revised Code, including patient records and patient record 118289  
information, with other licensing boards and governmental agencies 118290  
that are investigating alleged professional misconduct and with 118291  
law enforcement agencies and other governmental agencies that are 118292  
investigating or prosecuting alleged criminal offenses. A board or 118293  
agency that receives the information shall comply with the same 118294  
requirements regarding confidentiality as those with which the 118295  
~~Ohio respiratory care board~~ state medical board must comply, 118296  
notwithstanding any conflicting provision of the Revised Code or 118297  
procedure of the board or agency that applies when the board or 118298  
agency is dealing with other information in its possession. The 118299  
information may be admitted into evidence in a criminal trial in 118300  
accordance with the Rules of Evidence, but the court shall require 118301  
that appropriate measures are taken to ensure that confidentiality 118302  
is maintained with respect to any part of the information that 118303  
contains names or other identifying information about persons 118304  
whose confidentiality was protected by the ~~Ohio respiratory care~~ 118305  
~~board~~ state medical board when the information was in the board's 118306  
possession. Measures to ensure confidentiality that may be taken 118307  
by the court include sealing its records or deleting specific 118308  
information from its records. 118309

**Sec. 4761.032.** The state medical board shall appoint a 118310  
respiratory care advisory council for the purpose of advising the 118311  
board on issues relating to the practice of respiratory care. The 118312  
advisory council shall consist of not more than seven individuals 118313  
knowledgeable in the area of respiratory care. 118314

Not later than ninety days after the effective date of this 118315  
section, the board shall make initial appointments to the council. 118316

Members shall serve three-year staggered terms of office in 118317  
accordance with rules adopted by the board. 118318

With approval from the director of administrative services, 118319  
members may receive an amount fixed under division (J) of section 118320  
124.15 of the Revised Code for each day the member is performing 118321  
the member's official duties and be reimbursed for actual and 118322  
necessary expenses incurred in performing those duties. 118323

**Sec. 4761.04.** (A) Except as provided in division (B) of this 118324  
section, no person is eligible for licensure as a respiratory care 118325  
professional unless the person has shown, to the satisfaction of 118326  
the ~~Ohio respiratory care board~~ state medical board, all of the 118327  
following: 118328

(1) That the person is of good moral character; 118329

(2) That the person has successfully completed the 118330  
requirements of an educational program approved by the board that 118331  
includes instruction in the biological and physical sciences, 118332  
pharmacology, respiratory care theory, procedures, and clinical 118333  
practice, and cardiopulmonary rehabilitation techniques; 118334

(3) That the person has passed an examination administered by 118335  
the board that tests the applicant's knowledge of the basic and 118336  
clinical sciences relating to respiratory care theory and 118337  
practice, professional skills and judgment in the utilization of 118338  
respiratory care techniques, and such other subjects as the board 118339  
considers useful in determining fitness to practice. 118340

(B) The board may waive the requirements of division (A) of 118341  
this section with respect to any applicant who presents proof of 118342  
current licensure in another state whose standards for licensure 118343  
are at least equal to those in effect in this state on the date of 118344  
application. The board may waive the requirements of divisions 118345  
(A)(2) and (3) of this section with respect to any applicant who 118346

presents proof of having successfully completed any examination 118347  
recognized by the board as meeting the requirements of division 118348  
(A)(3) of this section. 118349

**Sec. 4761.05.** (A) The ~~Ohio respiratory care board~~ state 118350  
medical board shall issue a license to any applicant who complies 118351  
with the requirements of section 4761.04 of the Revised Code, 118352  
files the prescribed application form, and pays the fee or fees 118353  
required under section 4761.07 of the Revised Code. The license 118354  
entitles the holder to practice respiratory care. The licensee 118355  
shall display the license in a conspicuous place at the licensee's 118356  
principal place of business. 118357

(B)(1) The board shall issue a limited permit to any 118358  
applicant who meets the requirements of division (A)(1) of section 118359  
4761.04 of the Revised Code, files the prescribed application 118360  
form, pays the fee required under section 4761.07 of the Revised 118361  
Code, and meets either of the following requirements: 118362

(a) Is enrolled in and is in good standing in a respiratory 118363  
care educational program approved by the board that meets the 118364  
requirements of division (A)(2) of section 4761.04 of the Revised 118365  
Code leading to a degree or certificate of completion or is a 118366  
graduate of the program; 118367

(b) Is employed as a provider of respiratory care in this 118368  
state and was employed as a provider of respiratory care in this 118369  
state prior to March 14, 1989. 118370

(2) The limited permit authorizes the holder to provide 118371  
respiratory care under the supervision of a respiratory care 118372  
professional. A person issued a limited permit under division 118373  
(B)(1)(a) of this section may practice respiratory care under the 118374  
limited permit for not more than the earliest of the following: 118375

(a) Three years after the date the limited permit is issued; 118376

(b) One year following the date of receipt of a certificate 118377  
of completion from a board-approved respiratory care education 118378  
program; 118379

(c) Until the holder discontinues participation in the 118380  
educational program. 118381

The board may extend the term of a limited permit in cases of 118382  
unusual hardship. The holder seeking an extension shall petition 118383  
the board in the form and manner prescribed by the board in rules 118384  
adopted under section 4761.03 of the Revised Code. This division 118385  
does not require a student enrolled in an educational program 118386  
leading to a degree or certificate of completion in respiratory 118387  
care approved by the board to obtain a limited permit to perform 118388  
any duties that are part of the required course of study. 118389

(3) A person issued a limited permit under division (B)(1)(b) 118390  
of this section may practice under a limited permit for not more 118391  
than three years, except that this restriction does not apply to a 118392  
permit holder who, on March 14, 1989, has been employed as a 118393  
provider of respiratory care for an average of not less than 118394  
twenty-five hours per week for a period of not less than five 118395  
years by a hospital. 118396

(C) All holders of licenses and limited permits issued under 118397  
this section shall display, in a conspicuous place on their 118398  
persons, information that identifies the type of authorization 118399  
under which they practice. 118400

**Sec. 4761.051.** (A) As used in this section, "license" and 118401  
"applicant for an initial license" have the same meanings as in 118402  
section 4776.01 of the Revised Code, except that "license" as used 118403  
in both of those terms refers to the types of authorizations 118404  
otherwise issued or conferred under this chapter. 118405

(B) In addition to any other eligibility requirement set 118406

forth in this chapter, each applicant for an initial license shall 118407  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 118408  
~~Ohio respiratory care board~~ state medical board shall not grant a 118409  
license to an applicant for an initial license unless the 118410  
applicant complies with sections 4776.01 to 4776.04 of the Revised 118411  
Code and the board, in its discretion, decides that the results of 118412  
the criminal records check do not make the applicant ineligible 118413  
for a license issued pursuant to section 4761.05 of the Revised 118414  
Code. 118415

**Sec. 4761.06.** (A) Each license to practice respiratory care 118416  
shall be renewed biennially. Each limited permit to practice 118417  
respiratory care shall be renewed annually. Each person holding a 118418  
license or limited permit to practice respiratory care shall apply 118419  
to the ~~Ohio respiratory care board~~ state medical board on the form 118420  
and according to the schedule prescribed by the board for renewal 118421  
of the license or limited permit. Licenses and limited permits 118422  
shall be renewed in accordance with the standard renewal procedure 118423  
of Chapter 4745. of the Revised Code. The board shall renew a 118424  
license upon the payment of the license renewal fee prescribed 118425  
under section 4761.07 of the Revised Code and proof of 118426  
satisfactory completion of the continuing education or 118427  
reexamination requirements of division (B) of this section. The 118428  
board shall renew a limited permit upon payment of the limited 118429  
permit renewal fee prescribed under section 4761.07 of the Revised 118430  
Code and submission of one of the following: 118431

(1) If the limited permit was issued on the basis of division 118432  
(B)(1)(a) of section 4761.05 of the Revised Code, proof acceptable 118433  
to the board of enrollment and good standing in an educational 118434  
program that meets the requirements of division (A)(2) of section 118435  
4761.04 of the Revised Code or of graduation from such a program; 118436

(2) If the limited permit was issued on the basis of division 118437

(B)(1)(b) of section 4761.05 of the Revised Code, proof acceptable 118438  
to the board of employment as a provider of respiratory care. 118439

(B) On and after March 14, 1991, and every year thereafter, 118440  
on or before the annual renewal date, the holder of a limited 118441  
permit issued under division (B)(1)(b) of section 4761.05 of the 118442  
Revised Code shall submit proof to the board that the holder has 118443  
satisfactorily completed the number of hours of continuing 118444  
education required by the board, which shall not be less than 118445  
three nor more than ten hours of continuing education acceptable 118446  
to the board. 118447

On or before the biennial renewal date, a license holder 118448  
shall submit proof to the board that the license holder has 118449  
satisfactorily completed the number of hours of continuing 118450  
education required by the board, which shall be not less than six 118451  
nor more than twenty hours of continuing education acceptable to 118452  
the board, or has passed a reexamination in accordance with the 118453  
board's renewal requirements. The board may waive all or part of 118454  
the continuing education requirement for a license holder who has 118455  
held the license for less than two years. 118456

**Sec. 4761.07.** (A) ~~The Ohio respiratory care board state~~ 118457  
medical board shall charge any license applicant or holder who is 118458  
to take an examination required under division (A)(3) of section 118459  
4761.04 or a reexamination required under division (B) of section 118460  
4761.06 of the Revised Code for license renewal or under section 118461  
4761.09 of the Revised Code for license reinstatement, a 118462  
nonrefundable examination fee, not to exceed the amount necessary 118463  
to cover the expense of administering the examination. The license 118464  
applicant or holder shall pay the fee at the time of application 118465  
for licensure or renewal. 118466

(B) The board shall establish the following additional 118467  
nonrefundable fees and penalty: 118468

|                                                                                                                                                                                                                                                                                                                                                                                 |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (1) An initial license fee, not to exceed seventy-five dollars;                                                                                                                                                                                                                                                                                                                 | 118469<br>118470                                         |
| (2) A biennial license renewal fee, not to exceed one hundred dollars;                                                                                                                                                                                                                                                                                                          | 118471<br>118472                                         |
| (3) A limited permit fee, not to exceed twenty dollars;                                                                                                                                                                                                                                                                                                                         | 118473                                                   |
| (4) A limited permit renewal fee, not to exceed ten dollars;                                                                                                                                                                                                                                                                                                                    | 118474                                                   |
| (5) A late renewal penalty, not to exceed fifty per cent of the renewal fee;                                                                                                                                                                                                                                                                                                    | 118475<br>118476                                         |
| (6) A fee for accepting and storing hyperbaric technologist certifications filed with the board under division (A)(11) of section 4761.11 of the Revised Code, not to exceed twenty dollars.                                                                                                                                                                                    | 118477<br>118478<br>118479                               |
| (C) Notwithstanding division (B)(4) of this section, after the third renewal of a limited permit that meets the exception in division (B)(3) of section 4761.05 of the Revised Code, the limited permit renewal fee shall be one-half the amount of the biennial license renewal fee established under division (B)(2) of this section and section 4761.08 of the Revised Code. | 118480<br>118481<br>118482<br>118483<br>118484<br>118485 |
| (D) The board shall adjust the fees biennially and within the limits established by division (B) of this section to provide sufficient revenues to meet its expenses.                                                                                                                                                                                                           | 118486<br>118487<br>118488                               |
| (E) The board may, by rule, provide for the waiver of all or part of a license fee when the license is issued less than eighteen months before its expiration date.                                                                                                                                                                                                             | 118489<br>118490<br>118491                               |
| (F) All fees received by the board shall be deposited into the state treasury to the credit of the <del>occupational licensing and regulatory fund</del> <u>state medical board operating fund pursuant to section 4731.24 of the Revised Code.</u>                                                                                                                             | 118492<br>118493<br>118494<br>118495                     |
| <b>Sec. 4761.08.</b> The <del>Ohio respiratory care board</del> <u>state medical board</u> , subject to the approval of the controlling board, may                                                                                                                                                                                                                              | 118496<br>118497                                         |

establish fees, except fees established at amounts adequate to 118498  
cover designated expenses, in excess of the amounts provided in 118499  
this chapter. The fees shall not exceed the amounts specified by 118500  
more than fifty per cent. 118501

**Sec. 4761.09.** (A) The ~~Ohio respiratory care board~~ state 118502  
medical board may refuse to issue or renew a license or a limited 118503  
permit, may issue a reprimand, may suspend or permanently revoke a 118504  
license or limited permit, or may place a license or limited 118505  
permit holder on probation, on any of the following grounds: 118506

(1) A plea of guilty to, a judicial finding of guilt of, or a 118507  
judicial finding of eligibility for intervention in lieu of 118508  
conviction for an offense involving moral turpitude or of a 118509  
felony, in which case a certified copy of the court record shall 118510  
be conclusive evidence of the matter; 118511

(2) Violating any provision of this chapter or an order or 118512  
rule of the board; 118513

(3) Assisting another person in that person's violation of 118514  
any provision of this chapter or an order or rule of the board; 118515

(4) Obtaining a license or limited permit by means of fraud, 118516  
false or misleading representation, or concealment of material 118517  
facts or making any other material misrepresentation to the board; 118518

(5) Being guilty of negligence or gross misconduct in the 118519  
practice of respiratory care; 118520

(6) Violating the standards of ethical conduct adopted by the 118521  
board, in the practice of respiratory care; 118522

(7) Engaging in dishonorable, unethical, or unprofessional 118523  
conduct of a character likely to deceive, defraud, or harm the 118524  
public; 118525

(8) Using any dangerous drug, as defined in section 4729.01 118526  
of the Revised Code, or alcohol to the extent that the use impairs 118527

the ability to practice respiratory care at an acceptable level of competency; 118528  
118529

(9) Practicing respiratory care while mentally incompetent; 118530

(10) Accepting commissions, rebates, or other forms of remuneration for patient referrals; 118531  
118532

(11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code; 118533  
118534  
118535

(12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures; 118536  
118537  
118538

(13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care; 118539  
118540  
118541

(14) Assisting suicide as defined in section 3795.01 of the Revised Code. 118542  
118543

Before the board may take any action under this section, other than issuance of a summary suspension order under division (C) of this section, the executive director of the board shall prepare and file written charges with the board. Disciplinary actions taken by the board under this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no effect. 118544  
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(B) If the board orders a license or limited permit holder placed on probation, the order shall be accompanied by a written statement of the conditions under which the person may be restored to practice.

The person may reapply to the board for original issuance of a license after one year following the date the license was denied.

A Except as otherwise provided in division (D) of this section, a person may apply to the board for the reinstatement of a license or limited permit after one year following the date of suspension or refusal to renew. The board may accept or refuse the application for reinstatement and may require that the applicant pass a reexamination as a condition of eligibility for reinstatement.

(C) If the president and secretary of the board determine that there is clear and convincing evidence that a license or limited permit holder has committed an act that is grounds for board action under division (A) of this section and that continued practice by the license or permit holder presents a danger of immediate and serious harm to the public, the president and secretary may recommend that the board suspend the license or limited permit without a prior hearing. The president and secretary shall submit in writing to the board the allegations causing them to recommend the suspension.

On review of the allegations, the board, by a vote of not less than seven of its members, may suspend a license or limited permit without a prior hearing. The board may review the allegations and vote on the suspension by a telephone conference call.

If the board votes to suspend a license or limited permit under this division, the board shall issue a written order of

summary suspension to the license or limited permit holder in 118589  
accordance with section 119.07 of the Revised Code. If the license 118590  
or limited permit holder requests a hearing by the board, the 118591  
board shall conduct the hearing in accordance with Chapter 119. of 118592  
the Revised Code. Notwithstanding section 119.12 of the Revised 118593  
Code, a court of common pleas shall not grant a suspension of the 118594  
board's order of summary suspension pending determination of an 118595  
appeal filed under that section. 118596

Any order of summary suspension issued under this division 118597  
shall remain in effect until a final adjudication order issued by 118598  
the board pursuant to division (A) of this section becomes 118599  
effective. The board shall issue its final adjudication order 118600  
regarding an order of summary suspension issued under this 118601  
division not later than sixty days after completion of its 118602  
hearing. Failure to issue the order within sixty days shall result 118603  
in immediate dissolution of the suspension order, but shall not 118604  
invalidate any subsequent, final adjudication order. 118605

(D) For purposes of this division, any individual who holds a 118606  
license or permit issued under this chapter, or applies for a 118607  
license or permit to practice respiratory care, is deemed to have 118608  
given consent to submit to a mental or physical examination when 118609  
directed to do so in writing by the board and to have waived all 118610  
objections to the admissibility of testimony or examination 118611  
reports that constitute a privileged communication. 118612

For purposes of division (A)(8) of this section, if the board 118613  
has reason to believe that any individual who holds a license or 118614  
permit issued under this chapter or any applicant for a license or 118615  
permit suffers such impairment, the board may compel the 118616  
individual to submit to a mental or physical examination, or both. 118617  
The expense of the examination is the responsibility of the 118618  
individual compelled to be examined. Any mental or physical 118619  
examination required under this division shall be undertaken by a 118620

treatment provider or physician qualified to conduct such 118621  
examination and chosen by the board. 118622

Failure to submit to a mental or physical examination ordered 118623  
by the board constitutes an admission of the allegations against 118624  
the individual unless the failure is due to circumstances beyond 118625  
the individual's control, and a default and final order may be 118626  
entered without the taking of testimony or presentation of 118627  
evidence. If the board determines that the individual's ability to 118628  
practice is impaired, the board shall suspend the individual's 118629  
license or permit or deny the individual's application and shall 118630  
require the individual, as a condition for initial, continued, 118631  
reinstated, or renewed licensure, to submit to treatment. 118632

Before being eligible to apply for reinstatement of a license 118633  
or permit suspended under this division, the respiratory care 118634  
professional shall demonstrate to the board the ability to resume 118635  
practice in compliance with acceptable and prevailing standards of 118636  
care. The demonstration shall include the following: 118637

(1) Certification from a treatment provider approved under 118638  
section 4731.25 of the Revised Code that the individual has 118639  
successfully completed any required inpatient treatment; 118640

(2) Evidence of continuing full compliance with an aftercare 118641  
contract or consent agreement; 118642

(3) Two written reports indicating that the individual's 118643  
ability to practice has been assessed and that the individual has 118644  
been found capable of practicing according to acceptable and 118645  
prevailing standards of care. The reports shall be made by 118646  
individuals or providers approved by the board for making such 118647  
assessments and shall describe the basis for their determination. 118648

The board may reinstate a license or permit suspended under 118649  
this division after such demonstration and after the individual 118650  
has entered into a written consent agreement. 118651

When the impaired respiratory care professional resumes practice, the board shall require continued monitoring of the respiratory care professional. The monitoring shall include compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the respiratory care professional has maintained sobriety.

**Sec. 4761.10.** (A) No person shall offer or render respiratory care services, or represent that the person is a respiratory care professional, respiratory therapist, respiratory technologist, respiratory care technician, respiratory practitioner, inhalation therapist, inhalation technologist, or inhalation therapy technician, or to have any similar title or to provide these services under a similar description, unless the person holds a license or limited permit issued under this chapter. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing respiratory care unless an individual holding a license or limited permit issued under this chapter is employed by or under contract with the partnership, association, or corporation and will be performing the respiratory care services to which reference is made.

(B) Notwithstanding the provisions of division (A) of this section, all of the following apply:

(1) In the case of a hospital or nursing facility, some limited aspects of respiratory care services such as measuring blood pressure and taking blood samples may be performed by persons demonstrating current competence in such procedures, as long as the person acts under the direction of a physician or the

delegation of a registered nurse and the person does not represent 118683  
that the person is engaged in the practice of respiratory care. 118684  
The above limited aspects of respiratory care do not include any 118685  
of the following: the administration of aerosol medication, the 118686  
maintenance of patients on mechanical ventilators, aspiration, and 118687  
the application and maintenance of artificial airways. 118688

(2) In the case of a facility, institution, or other setting 118689  
that exists for a purpose substantially other than the provision 118690  
of health care, if nursing tasks are delegated by a registered 118691  
nurse as provided in Chapter 4723. of the Revised Code and the 118692  
rules adopted under it, respiratory care tasks may be performed 118693  
under that delegation by persons demonstrating current competence 118694  
in performing the tasks, as long as the person does not represent 118695  
that the person is engaged in the practice of respiratory care. 118696

(3) A polysomnographic technologist credentialed by an 118697  
organization the ~~Ohio respiratory care board~~ state medical board 118698  
recognizes, a trainee under the direct supervision of a 118699  
polysomnographic technologist credentialed by an organization the 118700  
board recognizes, or a person the board recognizes as being 118701  
eligible to be credentialed as a polysomnographic technologist may 118702  
perform the respiratory care tasks specified in rules adopted 118703  
under section 4761.03 of the Revised Code, as long as both of the 118704  
following apply: 118705

(a) The tasks are performed in the diagnosis and therapeutic 118706  
intervention of sleep-related breathing disorders and under the 118707  
general supervision of a physician. 118708

(b) The person performing the tasks does not represent that 118709  
the person is engaged in the practice of respiratory care. 118710

(c) If the ~~Ohio respiratory care board~~ state medical board 118711  
finds that any person, including any partnership, association, or 118712  
corporation, has engaged or is engaging in any activity or conduct 118713

that is prohibited under division (A) of this section or rules of the board, or that is grounds for the denial, suspension, or permanent revocation of a person's license under section 4761.09 of the Revised Code, it may apply to the court of common pleas in the county in which the violation occurred for an order restraining the unlawful activity or conduct, including the continued practice of respiratory care. Upon a showing that the law or rule has been violated, or the person has engaged in conduct constituting such grounds, the court may issue an injunction or other appropriate restraining order.

**Sec. 4761.11.** (A) Nothing in this chapter shall be construed to prevent or restrict the practice, services, or activities of any person who:

(1) Is a health care professional licensed by this state providing respiratory care services included in the scope of practice established by the license held, as long as the person does not represent that the person is engaged in the practice of respiratory care;

(2) Is employed as a respiratory care professional by an agency of the United States government and provides respiratory care solely under the direction or control of the employing agency;

(3) Is a student enrolled in ~~an Ohio respiratory care board-approved~~ a respiratory care education program approved by the state medical board leading to a certificate of completion in respiratory care and is performing duties that are part of a supervised course of study;

(4) Is a nonresident of this state practicing or offering to practice respiratory care, if the respiratory care services are offered for not more than thirty days in a year, services are provided under the supervision of a respiratory care professional

licensed under this chapter, and the nonresident registers with 118745  
the board in accordance with rules adopted by the board under 118746  
section 4761.03 of the Revised Code and meets either of the 118747  
following requirements: 118748

(a) Qualifies for licensure under this chapter, except for 118749  
passage of the examination required under division (A)(3) of 118750  
section 4761.04 of the Revised Code; 118751

(b) Holds a valid license issued by a state that has 118752  
licensure requirements considered by the board to be comparable to 118753  
those of this state and has not been issued a license in another 118754  
state that has been revoked or is currently under suspension or on 118755  
probation. 118756

(5) Provides respiratory care only to relatives or in medical 118757  
emergencies; 118758

(6) Provides gratuitous care to friends or personal family 118759  
members; 118760

(7) Provides only self care; 118761

(8) Is employed in the office of a physician and renders 118762  
medical assistance under the physician's direct supervision 118763  
without representing that the person is engaged in the practice of 118764  
respiratory care; 118765

(9) Is employed in a clinical chemistry or arterial blood gas 118766  
laboratory and is supervised by a physician without representing 118767  
that the person is engaged in the practice of respiratory care; 118768

(10) Is engaged in the practice of respiratory care as an 118769  
employee of a person or governmental entity located in another 118770  
state and provides respiratory care services for less than 118771  
seventy-two hours to patients being transported into, out of, or 118772  
through this state; 118773

(11) Is employed as a certified hyperbaric technologist, has 118774

filed with the board a copy of the person's current certification 118775  
as a hyperbaric technologist in accordance with the rules adopted 118776  
by the board under section 4761.03 of the Revised Code, has paid 118777  
the fee established pursuant to section 4761.07 of the Revised 118778  
Code, and administers hyperbaric oxygen therapy under the direct 118779  
supervision of a physician, a podiatrist acting in compliance with 118780  
section 4731.511 of the Revised Code, a physician assistant, or an 118781  
advanced practice registered nurse and without representing that 118782  
the person is engaged in the practice of respiratory care. 118783

(B) Nothing in this chapter shall be construed to prevent any 118784  
person from advertising, describing, or offering to provide 118785  
respiratory care or billing for respiratory care when the 118786  
respiratory care services are provided by a health care 118787  
professional licensed by this state practicing within the scope of 118788  
practice established by the license held. Nothing in this chapter 118789  
shall be construed to prevent a hospital or nursing facility from 118790  
advertising, describing, or offering to provide respiratory care, 118791  
or billing for respiratory care rendered by a person licensed 118792  
under this chapter or persons who may provide limited aspects of 118793  
respiratory care or respiratory care tasks pursuant to division 118794  
(B) of section 4761.10 of the Revised Code. 118795

(C) Notwithstanding division (A) of section 4761.10 of the 118796  
Revised Code, in a life-threatening situation, in the absence of 118797  
licensed personnel, unlicensed persons shall not be prohibited 118798  
from taking life-saving measures. 118799

(D) Nothing in this chapter shall be construed as authorizing 118800  
a respiratory care professional to practice medicine and surgery 118801  
or osteopathic medicine and surgery. This division does not 118802  
prohibit a respiratory care professional from administering 118803  
topical or intradermal medications for the purpose of producing 118804  
localized decreased sensation as part of a procedure or task that 118805  
is within the scope of practice of a respiratory care 118806

professional. 118807

**Sec. 4761.12.** On receipt of a notice pursuant to section 118808  
3123.43 of the Revised Code, the ~~respiratory care board~~ state 118809  
medical board shall comply with sections 3123.41 to 3123.50 of the 118810  
Revised Code and any applicable rules adopted under section 118811  
3123.63 of the Revised Code with respect to a license or permit 118812  
issued pursuant to this chapter. 118813

**Sec. 4761.13.** (A) As used in this section, "prosecutor" has 118814  
the same meaning as in section 2935.01 of the Revised Code. 118815

(B) The prosecutor in any case against any respiratory care 118816  
professional or an individual holding a limited permit issued 118817  
under this chapter shall promptly notify the ~~Ohio respiratory care~~ 118818  
~~board~~ state medical board of any of the following: 118819

(1) A plea of guilty to, or a finding of guilt by a jury or 118820  
court of, a felony, or a case in which the trial court issues an 118821  
order of dismissal upon technical or procedural grounds of a 118822  
felony charge; 118823

(2) A plea of guilty to, or a finding of guilt by a jury or 118824  
court of, a misdemeanor committed in the course of practice, or a 118825  
case in which the trial court issues an order of dismissal upon 118826  
technical or procedural grounds of a charge of a misdemeanor, if 118827  
the alleged act was committed in the course of practice; 118828

(3) A plea of guilty to, or a finding of guilt by a jury or 118829  
court of, a misdemeanor involving moral turpitude, or a case in 118830  
which the trial court issues an order of dismissal upon technical 118831  
or procedural grounds of a charge of a misdemeanor involving moral 118832  
turpitude. 118833

(C) The report shall include the name and address of the 118834  
respiratory care professional or person holding a limited permit, 118835  
the nature of the offense for which the action was taken, and the 118836

certified court documents recording the action. The board may 118837  
prescribe and provide forms for prosecutors to make reports under 118838  
this section. The form may be the same as the form required to be 118839  
provided under section 2929.42 of the Revised Code. 118840

**Sec. 4761.14.** An employer that disciplines or terminates the 118841  
employment of a respiratory care professional or individual 118842  
holding a limited permit issued under this chapter because of 118843  
conduct that would be grounds for disciplinary action under 118844  
section 4761.09 of the Revised Code shall report the action to the 118845  
~~Ohio respiratory care board~~ state medical board. The report shall 118846  
state the name of the respiratory care professional or individual 118847  
holding the limited permit and the reason the employer took the 118848  
action. If an employer fails to report to the board, the board may 118849  
seek an order from a court of competent jurisdiction compelling 118850  
submission of the report. 118851

**Sec. 4761.18.** The ~~Ohio respiratory care board~~ state medical 118852  
board shall comply with section 4776.20 of the Revised Code. 118853

**Sec. 4776.01.** As used in this chapter: 118854

(A) "License" means an authorization evidenced by a license, 118855  
certificate, registration, permit, card, or other authority that 118856  
is issued or conferred by a licensing agency to a licensee or to 118857  
an applicant for an initial license by which the licensee or 118858  
initial license applicant has or claims the privilege to engage in 118859  
a profession, occupation, or occupational activity, or, except in 118860  
the case of the state dental board, to have control of and operate 118861  
certain specific equipment, machinery, or premises, over which the 118862  
licensing agency has jurisdiction. 118863

(B) Except as provided in section 4776.20 of the Revised 118864  
Code, "licensee" means the person to whom the license is issued by 118865  
a licensing agency. 118866

(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state.

(E) "Applicant for a restored license" includes persons seeking restoration of a ~~certificate~~ license under section 4730.14, 4731.281, 4760.06, or 4762.06 of the Revised Code.

(F) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

**Sec. 4779.02.** (A) Except as provided in division (B) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter.

(B) Division (A) of this section does not apply to any of the following:

(1) An individual who holds a current, valid license, certificate, or registration issued under Chapter 4723., 4729.,

4730., 4731., 4734., or 4755. of the Revised Code and is 118897  
practicing within the individual's scope of practice under 118898  
statutes and rules regulating the individual's profession; 118899

(2) An individual who practices orthotics, prosthetics, or 118900  
pedorthics as an employee of the federal government and is engaged 118901  
in the performance of duties prescribed by statutes and 118902  
regulations of the United States; 118903

(3) An individual who provides orthotic, prosthetic, or 118904  
pedorthic services under the supervision of a licensed orthotist, 118905  
prosthetist, or pedorthist in accordance with section 4779.04 of 118906  
the Revised Code; 118907

(4) An individual who provides orthotic, prosthetic, or 118908  
pedorthic services as part of an educational, certification, or 118909  
residency program approved by the ~~state~~ Ohio occupational therapy, 118910  
physical therapy, and athletic trainers board ~~of orthotics,~~ 118911  
~~prosthetics, and pedorthics~~ under sections 4779.25 to 4779.27 of 118912  
the Revised Code; 118913

(5) An individual who provides orthotic, prosthetic, or 118914  
pedorthic services under the direct supervision of an individual 118915  
authorized under Chapter 4731. of the Revised Code to practice 118916  
medicine and surgery or osteopathic medicine and surgery. 118917

**Sec. 4779.08.** (A) The ~~state~~ Ohio occupational therapy, 118918  
physical therapy, and athletic trainers board ~~of orthotics,~~ 118919  
~~prosthetics, and pedorthics~~ shall adopt rules in accordance with 118920  
Chapter 119. of the Revised Code to carry out the purposes of this 118921  
chapter, including rules prescribing all of the following: 118922

(1) The form and manner of filing of applications to be 118923  
admitted to examinations and for licensure and license renewal; 118924

(2) Standards and procedures for formulating, evaluating, 118925  
approving, and administering licensing examinations or recognizing 118926

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| other entities that conduct examinations;                                                                                                                                                                                                                                                                                                                         | 118927 |
| (3) The form, scoring, and scheduling of licensing examinations;                                                                                                                                                                                                                                                                                                  | 118928 |
| (4) Fees for examinations and applications for licensure and license renewal;                                                                                                                                                                                                                                                                                     | 118930 |
| (5) Fees for approval of continuing education courses;                                                                                                                                                                                                                                                                                                            | 118932 |
| (6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;                                                                                                                                                                                                                                            | 118933 |
| (7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;                                                                                                                                                                                                                                                      | 118934 |
| (8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;                                                                                                                                                                                                                                                       | 118935 |
| (9) Fines for violations of this chapter;                                                                                                                                                                                                                                                                                                                         | 118936 |
| (10) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;                                                                                                                                                                                                | 118937 |
| (11) Standards for continuing education programs required for license renewal;                                                                                                                                                                                                                                                                                    | 118938 |
| (12) Provisions for making available the information described in section 4779.22 of the Revised Code;                                                                                                                                                                                                                                                            | 118939 |
| (13) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.                                                                                                                                                                                                                                                            | 118940 |
| (B) The board may adopt any other rules necessary for the administration of this chapter.                                                                                                                                                                                                                                                                         | 118941 |
| (C) <del>The</del> <u>All</u> fees <del>prescribed</del> <u>received</u> by <u>the board under</u> this section shall be <del>paid to the treasurer of</del> <u>deposited in the state,</u> <del>who shall deposit the fees in treasury to the credit of the</del> occupational licensing and regulatory fund established in section 4743.05 of the Revised Code. | 118942 |
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**Sec. 4779.09.** An applicant for a license to practice 118956  
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 118957  
shall apply to the ~~state~~ Ohio occupational therapy, physical 118958  
therapy, and athletic trainers board of orthotics, prosthetics, 118959  
~~and pedorthics~~ in accordance with rules adopted under section 118960  
4779.08 of the Revised Code and pay the application fee specified 118961  
in the rules. The board shall issue a license to an applicant who 118962  
is eighteen years of age or older, of good moral character, and 118963  
meets either the requirements of divisions (A) and (B) of this 118964  
section or the requirements of section ~~4779.16~~ or 4779.17 of the 118965  
Revised Code. 118966

(A) The applicant must pass an examination conducted pursuant 118967  
to section 4779.15 of the Revised Code; 118968

(B) The applicant must meet the requirements of one of the 118969  
following: 118970

(1) In the case of an applicant for a license to practice 118971  
orthotics, the requirements of section 4779.10 of the Revised 118972  
Code; 118973

(2) In the case of an applicant for a license to practice 118974  
prosthetics, the requirements of section 4779.11 of the Revised 118975  
Code; 118976

(3) In the case of an applicant for a license to practice 118977  
orthotics and prosthetics, the requirements of section 4779.12 of 118978  
the Revised Code; 118979

(4) In the case of an applicant for a license to practice 118980  
pedorthics, the requirements of section 4779.13 of the Revised 118981  
Code. 118982

**Sec. 4779.091.** (A) As used in this section, "license" and 118983  
"applicant for an initial license" have the same meanings as in 118984  
section 4776.01 of the Revised Code, except that "license" as used 118985

in both of those terms refers to the types of authorizations 118986  
otherwise issued or conferred under this chapter. 118987

(B) In addition to any other eligibility requirement set 118988  
forth in this chapter, each applicant for an initial license shall 118989  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 118990  
~~state Ohio occupational therapy, physical therapy, and athletic~~ 118991  
~~trainers board of orthotics, prosthetics, and pedorthics~~ shall not 118992  
grant a license to an applicant for an initial license unless the 118993  
applicant complies with sections 4776.01 to 4776.04 of the Revised 118994  
Code and the board, in its discretion, decides that the results of 118995  
the criminal records check do not make the applicant ineligible 118996  
for a license issued pursuant to section 4779.09, ~~4779.16,~~ 118997  
~~4779.17,~~ or 4779.18 of the Revised Code. 118998

**Sec. 4779.10.** To be eligible for a license to practice 118999  
orthotics, an applicant must meet the following requirements ~~of~~ 119000  
~~division (A) of this section, or, if the application is made on or~~ 119001  
~~before January 1, 2008, the requirements of either division (A) or~~ 119002  
~~(B) of this section:~~ 119003

(A) ~~The requirements of this division are met if the~~ 119004  
~~applicant is in compliance with divisions (A)(1), (2), and (3) of~~ 119005  
~~this section.~~ 119006

~~(1)~~ On the date of application, the applicant has practiced 119007  
orthotics for not less than eight months under the supervision of 119008  
an individual licensed under this chapter to practice orthotics~~;~~ 119009

~~(2)~~(B) The applicant has completed an orthotics residency 119010  
program approved by the Ohio occupational therapy, physical 119011  
therapy, and athletic trainers board under section 4779.27 of the 119012  
Revised Code~~;~~ 119013

~~(3)~~(C) One of the following is the case: 119014

~~(a)~~(1) The applicant holds a bachelor's degree in orthotics 119015

and prosthetics from an accredited college or university whose 119016  
orthotics and prosthetics program is recognized by the ~~state~~ board 119017  
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of 119018  
the Revised Code or an equivalent educational credential from a 119019  
foreign educational institution recognized by the board~~;~~. 119020

~~(b)(2)~~ The applicant holds a bachelor's degree in a subject 119021  
other than orthotics and prosthetics or an equivalent educational 119022  
credential from a foreign educational institution recognized by 119023  
the board and has completed a certificate program in orthotics 119024  
recognized by the board under section 4779.26 of the Revised Code. 119025

~~(B) This division applies to applications made on or before~~ 119026  
~~January 1, 2008. The requirements of this division are met if the~~ 119027  
~~applicant is in compliance with division (B)(1) or (B)(2)(a) or~~ 119028  
~~(b) of this section:~~ 119029

~~(1) If application is made on or before January 1, 2006, the~~ 119030  
~~applicant meets all of the following requirements:~~ 119031

~~(a) Holds an associate's degree or higher from an accredited~~ 119032  
~~college or university or an equivalent credential from a foreign~~ 119033  
~~educational institution recognized by the board;~~ 119034

~~(b) Has completed a certificate program in orthotics~~ 119035  
~~recognized by the board under section 4779.26 of the Revised Code;~~ 119036

~~(c) Has three years of documented, full-time experience~~ 119037  
~~practicing or teaching orthotics.~~ 119038

~~(2) If the application is made on or before January 1, 2008,~~ 119039  
~~the applicant meets the requirements of division (B)(2)(a) or (b)~~ 119040  
~~of this section:~~ 119041

~~(a)(i) The applicant holds a bachelor's degree or higher from~~ 119042  
~~a nationally accredited college or university or an equivalent~~ 119043  
~~credential from a foreign educational institution recognized by~~ 119044  
~~the board;~~ 119045

~~(ii) The applicant holds a valid certificate in orthotics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;~~ 119046  
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~~(iii) The applicant has completed three years of documented, full-time experience practicing or teaching orthotics.~~ 119050  
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~~(b)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 119052  
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~~(ii) The applicant has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code;~~ 119056  
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~~(iii) The applicant has completed a residency program in orthotics recognized by the board under section 4779.27 of the Revised Code or has three years of documented, full-time experience practicing or teaching orthotics.~~ 119059  
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**Sec. 4779.11.** To be eligible for a license to practice prosthetics, an applicant must meet the following requirements of division (A) of this section, or, if the application is made on or before January 1, 2008, the requirements of either division (A) or (B) of this section: 119063  
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~~(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.~~ 119068  
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~~(1) On the date of application, the applicant has practiced prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice prosthetics;~~ 119071  
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~~(2)(B) The applicant has completed a prosthetics residency~~ 119075

program approved by the Ohio occupational therapy, physical 119076  
therapy, and athletic trainers board under section 4779.27 of the 119077  
Revised Code; 119078

~~(3)(C)~~ One of the following is the case: 119079

~~(a)(1)~~ The applicant holds a bachelor's degree in orthotics 119080  
and prosthetics from an accredited college or university whose 119081  
orthotics and prosthetics program is recognized by the ~~state~~ board 119082  
~~of orthotics, prosthetics, and pedorthics~~ under section 4779.25 of 119083  
the Revised Code or an equivalent educational credential from a 119084  
foreign educational institution recognized by the board; 119085

~~(b)(2)~~ The applicant holds a bachelor's degree in a subject 119086  
other than orthotics and prosthetics or an equivalent educational 119087  
credential from a foreign educational institution recognized by 119088  
the board and has completed a certificate program in prosthetics 119089  
recognized by the board under section 4779.26 of the Revised Code. 119090

~~(B)~~ This division applies to applications made on or before 119091  
January 1, 2008. The requirements of this division are met if the 119092  
applicant is in compliance with division (B)(1) or (B)(2)(a) or 119093  
(b) of this section: 119094

~~(1)~~ If application is made on or before January 1, 2006, the 119095  
applicant meets all of the following requirements: 119096

~~(a)~~ Holds an associate's degree or higher from an accredited 119097  
college or university or an equivalent credential from a foreign 119098  
educational institution recognized by the board; 119099

~~(b)~~ Has completed a certificate program in prosthetics 119100  
recognized by the board under section 4779.26 of the Revised Code; 119101

~~(c)~~ Has three years of documented, full-time experience 119102  
practicing or teaching prosthetics. 119103

~~(2)~~ If the application is made on or before January 1, 2008, 119104  
the applicant meets the requirements of division (B)(2)(a) or (b) 119105

~~of this section:~~ 119106

~~(a)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 119107  
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~~(ii) The applicant holds a valid certificate in prosthetics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;~~ 119111  
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~~(iii) The applicant has completed three years of documented, full-time experience practicing or teaching prosthetics.~~ 119115  
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~~(b)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 119117  
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~~(ii) The applicant has completed a certificate program in prosthetics recognized by the board under section 4779.26 of the Revised Code;~~ 119121  
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119123

~~(iii) The applicant has completed a residency program in prosthetics recognized by the board under section 4779.27 of the Revised Code or has three years of documented, full-time experience practicing or teaching prosthetics.~~ 119124  
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**Sec. 4779.12.** To be eligible for a license to practice 119128  
orthotics and prosthetics, an applicant must meet the following 119129  
requirements ~~of division (A) of this section, or, if the~~ 119130  
~~application is made on or before January 1, 2008, the requirements~~ 119131  
~~of either division (A) or (B) of this section:~~ 119132

~~(A) The requirements of this division are met if the applicant is in compliance with divisions (A)(1), (2), and (3) of this section.~~ 119133  
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~~(1)~~ On the date of application, the applicant has practiced orthotics and prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics and prosthetics~~;~~. 119136  
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~~(2)~~~~(B)~~ The applicant has completed an orthotics and prosthetics residency program approved by the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4779.27 of the Revised Code~~;~~. 119140  
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~~(3)~~~~(C)~~ One of the following is the case: 119144

~~(a)~~~~(1)~~ The applicant holds a bachelor's degree in orthotics and prosthetics from an accredited college or university whose orthotics and prosthetics program is recognized by the ~~state~~ board of ~~orthotics, prosthetics, and pedorthics~~ under section 4779.25 of the Revised Code or an equivalent educational credential from a foreign educational institution recognized by the board~~;~~. 119145  
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~~(b)~~~~(2)~~ The applicant holds a bachelor's degree in a subject other than orthotics and prosthetics or an equivalent educational credential from a foreign educational institution recognized by the board and has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code. 119151  
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~~(B)~~ ~~This division applies to applications made on or before January 1, 2008. The requirements of this division are met if the applicant is in compliance with division (B)(1) or (B)(2)(a) or (b) of this section:~~ 119157  
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~~(1)~~ ~~If application is made on or before January 1, 2006, the applicant meets all of the following requirements:~~ 119161  
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~~(a)~~ ~~Holds an associate's degree or higher from an accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 119163  
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~~(b) Has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code;~~ 119166  
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~~(c) Has six years of documented, full time experience practicing or teaching orthotics or prosthetics.~~ 119169  
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~~(2) If the application is made on or before January 1, 2008, the applicant meets the requirements of division (B)(2)(a) or (b) of this section;~~ 119171  
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119173

~~(a)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 119174  
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~~(ii) The applicant holds a valid certificate in orthotics and prosthetics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;~~ 119178  
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~~(iii) The applicant has completed six years of documented, full time experience practicing or teaching orthotics or prosthetics.~~ 119183  
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119185

~~(b)(i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 119186  
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~~(ii) The applicant has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code;~~ 119190  
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~~(iii) The applicant has completed a residency program in orthotics and prosthetics recognized by the board under section 4779.27 of the Revised Code or has six years of documented,~~ 119193  
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~~full-time experience practicing or teaching orthotics or  
prosthetics.~~ 119196  
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**Sec. 4779.13.** To be eligible for a license to practice 119198  
pedorthics, an applicant must meet all of the following 119199  
requirements: 119200

(A) On the date of application, has practiced pedorthics for 119201  
not less than eight months under the supervision of an individual 119202  
licensed under this chapter to practice pedorthics; 119203

(B) Holds a high school diploma or certificate of high school 119204  
equivalence issued by the department of education, or a 119205  
primary-secondary education or higher education agency of another 119206  
state; 119207

(C) Has completed the education, training, and experience 119208  
required to take the certification examination developed by the 119209  
Ohio occupational therapy, physical therapy, and athletic trainers 119210  
board for certification in pedorthics or an equivalent successor 119211  
organization recognized by the board. 119212

**Sec. 4779.15.** Except as provided in ~~sections 4779.16 and~~ 119213  
section 4779.17 of the Revised Code, the state Ohio occupational 119214  
therapy, physical therapy, and athletic trainers board ~~of~~ 119215  
~~orthotics, prosthetics, and pedorthics~~ shall examine or cause to 119216  
be examined each individual who seeks to practice orthotics, 119217  
prosthetics, orthotics and prosthetics, or pedorthics in this 119218  
state. 119219

To be eligible to take an examination conducted by the board 119220  
or an entity recognized by the board for the purpose of this 119221  
section, an individual must file an application and pay an 119222  
examination fee as specified in rules adopted by the board under 119223  
section 4779.08 of the Revised Code and meet all the requirements 119224  
of section 4779.09 of the Revised Code other than the requirement 119225

of having passed the examination. 119226

Examinations shall be conducted at least once a year in 119227  
accordance with rules adopted by the board under section 4779.08 119228  
of the Revised Code. Each applicant shall be examined in such 119229  
subjects as the board requires. 119230

The board may use as its examination all or part of a 119231  
standard orthotics, prosthetics, orthotics and prosthetics, or 119232  
pedorthics licensing examination established for the purpose of 119233  
determining the competence of individuals to practice orthotics, 119234  
prosthetics, or pedorthics in the United States. In lieu of 119235  
conducting examinations, the board may accept the results of 119236  
examinations conducted by entities recognized by the board. 119237

**Sec. 4779.17.** The ~~state~~ Ohio occupational therapy, physical 119238  
therapy, and athletic trainers board ~~of orthotics, prosthetics,~~ 119239  
~~and pedorthics~~ shall issue a license under section 4779.09 of the 119240  
Revised Code to practice orthotics, prosthetics, orthotics and 119241  
prosthetics, or pedorthics without examination to an applicant who 119242  
meets all of the following requirements: 119243

(A) Applies to the board in accordance with section 4779.09 119244  
of the Revised Code; 119245

(B) Holds a license to practice orthotics, prosthetics, 119246  
orthotics and prosthetics, or pedorthics issued by the appropriate 119247  
authority of another state; 119248

(C) One of the following applies: 119249

(1) In the case of an applicant for a license to practice 119250  
orthotics, the applicant meets the requirements in divisions 119251  
~~(A)-(2)-(B)~~ and ~~(3)-(C)~~ of section 4779.10 of the Revised Code. 119252

(2) In the case of an applicant for a license to practice 119253  
prosthetics, the applicant meets the requirements in divisions 119254  
~~(A)-(2)-(B)~~ and ~~(3)-(C)~~ of section 4779.11 of the Revised Code. 119255

(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions ~~(A)-(2)~~(B) and ~~(3)~~(C) of section 4779.12 of the Revised Code.

(4) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(D) ~~The~~ All fees ~~prescribed~~ received by the board under this section shall be ~~paid to the treasurer of~~ deposited in the state, ~~who shall deposit the fees in treasury to the credit of the~~ occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.

**Sec. 4779.18.** (A) The ~~state~~ Ohio occupational therapy, physical therapy, and athletic trainers board of orthotics, prosthetics, and pedorthics shall issue a temporary license to an individual who meets all of the following requirements:

(1) Applies to the board in accordance with rules adopted under section 4779.08 of the Revised Code and pays the application fee specified in the rules;

(2) Is eighteen years of age or older;

(3) Is of good moral character;

(4) One of the following applies:

(a) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions ~~(A)-(2)~~(B) and ~~(3)~~(C) of section 4779.10 of the Revised Code.

(b) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions ~~(A)-(2)~~(B) and ~~(3)~~(C) of section 4779.11 of the Revised Code.

(c) In the case of an applicant for a license to practice

orthotics and prosthetics, the applicant meets the requirements in 119285  
divisions ~~(A)~~~~(2)~~(B) and ~~(3)~~(C) of section 4779.12 of the Revised 119286  
Code. 119287

(d) In the case of an applicant for a license to practice 119288  
pedorthics, the applicant meets the requirements in divisions (B) 119289  
and (C) of section 4779.13 of the Revised Code. 119290

(B) A temporary license issued under this section is valid 119291  
for one year and may be renewed once in accordance with rules 119292  
adopted by the board under section 4779.08 of the Revised Code. 119293

An individual who holds a temporary license may practice 119294  
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 119295  
only under the supervision of an individual who holds a license 119296  
issued under section 4779.09 of the Revised Code in the same area 119297  
of practice. 119298

(C) ~~The All fees prescribed received by the board under this~~ 119299  
~~section shall be paid to the treasurer of deposited in the state,~~ 119300  
~~who shall deposit the fees in treasury to the credit of the~~ 119301  
occupational licensing and regulatory fund established in section 119302  
4743.05 of the Revised Code. 119303

**Sec. 4779.20.** (A) An individual seeking to renew a license 119304  
issued under section 4779.09 of the Revised Code shall, on or 119305  
before the day the license expires pursuant to section 4779.19 of 119306  
the Revised Code, apply for renewal. The ~~state~~ Ohio occupational 119307  
therapy, physical therapy, and athletic trainers board ~~of~~ 119308  
~~orthotics, prosthetics, and pedorthics~~ shall send renewal notices 119309  
at least one month prior to the expiration date. 119310

Applications shall be submitted to the board on forms the 119311  
board prescribes and furnishes. Each application shall be 119312  
accompanied by a renewal fee specified in rules adopted by the 119313  
board under section 4779.08 of the Revised Code, except that the 119314

board may waive part of the renewal fee for the first renewal of 119315  
an initial license that expires one hundred days or less after it 119316  
is issued. 119317

(B) Beginning with the fourth renewal and every third renewal 119318  
thereafter, a license holder must certify to the board one of the 119319  
following: 119320

(1) In the case of an individual licensed as an orthotist or 119321  
prosthetist, the individual has completed within the preceding 119322  
three years forty-five continuing education units granted by the 119323  
board under section 4779.24 of the Revised Code; 119324

(2) In the case of an individual licensed as a prosthetist 119325  
and orthotist, the individual has completed within the preceding 119326  
three years seventy-five continuing education units granted by the 119327  
board under section 4779.24 of the Revised Code; 119328

(3) In the case of an individual licensed as a pedorthist, 119329  
the individual has completed within the previous three years the 119330  
continuing education courses required by the board for 119331  
certification in pedorthics or an equivalent organization 119332  
recognized by the board. 119333

**Sec. 4779.21.** The ~~state~~ Ohio occupational therapy, physical 119334  
therapy, and athletic trainers board of orthotics, prosthetics, 119335  
and pedorthics shall maintain ~~board~~ records regarding the practice 119336  
of orthotics, prosthetics, and pedorthics under this chapter, 119337  
including records of the board's proceedings, a registry of all 119338  
applicants for licensure that indicates whether the applicant was 119339  
granted a license, and any other records necessary to carry out 119340  
the provisions of this chapter. 119341

**Sec. 4779.22.** (A) The ~~state~~ Ohio occupational therapy, 119342  
physical therapy, and athletic trainers board of orthotics, 119343  
prosthetics, and pedorthics shall publish and make available to 119344

the public written information regarding both of the following: 119345

(1) The board's regulatory functions over the practice of 119346  
orthotics, prosthetics, and pedorthics and the provisions of this 119347  
chapter; 119348

(2) The procedures by which complaints are filed with the 119349  
board, which shall include a description of the complaint 119350  
procedures and the name, mailing address, and telephone number of 119351  
the board. 119352

(B) The board shall make the information described in 119353  
division (A) of this section available to all of the following: 119354

(1) Consumers of orthotic, prosthetic, and pedorthic goods 119355  
and services; 119356

(2) Individuals licensed by the board under this chapter; 119357

(3) Nationally recognized orthotic, prosthetic, and pedorthic 119358  
certifying and accrediting organizations; 119359

(4) Nationally recognized orthotic, prosthetic, and pedorthic 119360  
educational organizations; 119361

(5) Any other entity that may reasonably require the 119362  
information. 119363

(C) The board may make available any of the information 119364  
described in division (A) of this section by adopting a rule under 119365  
section 4779.08 of the Revised Code requiring the information to 119366  
be displayed in any of the following ways: 119367

(1) On each registration form or application prepared by the 119368  
board; 119369

(2) On a sign prominently displayed in the place of business 119370  
of each individual licensed under this chapter; 119371

(3) In each bill or written contract for services provided by 119372  
an individual licensed under this chapter. 119373

Sec. 4779.23. (A) To be eligible for approval by the state 119374  
Ohio occupational therapy, physical therapy, and athletic trainers 119375  
board of orthotics, prosthetics, and pedorthics, a continuing 119376  
education course must satisfy all of the following requirements: 119377

(1) Include significant intellectual or practical content and 119378  
be designed to improve the professional competence of 119379  
participants; 119380

(2) Deal with matters directly related to the practice of 119381  
orthotics, prosthetics, or pedorthics, including professional 119382  
responsibility, ethical obligations, or similar subjects that the 119383  
board considers necessary to maintain and improve the quality of 119384  
orthotic and prosthetic services in this state; 119385

(3) Involve in-person instruction, except that a course may 119386  
use self-study materials if the materials are prepared and 119387  
presented by a group with appropriate practical experience; 119388

(4) Be presented in a setting that is physically suited to 119389  
the course; 119390

(5) Include thorough, high-quality written material; 119391

(6) Meet any other requirements the board considers 119392  
appropriate. 119393

(B) The board shall, in accordance with the standards in 119394  
division (A) of this section, review and approve continuing 119395  
education courses. If the board does not approve a course, it 119396  
shall provide a written explanation of the reason for the denial 119397  
to the person that requested approval. The board may approve 119398  
continuing education courses approved by boards of other states 119399  
that regulate orthotics, prosthetics, and pedorthics if the other 119400  
board's standards for approving continuing education courses are 119401  
equivalent to the standards established pursuant to division (A) 119402  
of this section. 119403

**Sec. 4779.24.** The ~~state~~ Ohio occupational therapy, physical 119404  
therapy, and athletic trainers board of ~~orthotics, prosthetics,~~ 119405  
~~and pedorthics~~ shall grant continuing education units to 119406  
individuals licensed under this chapter on the following basis: 119407

(A) For completing a continuing education course approved by 119408  
the board under section 4779.23 of the Revised Code, one unit for 119409  
each hour of instruction received; 119410

(B) For teaching as a faculty member a course in orthotics, 119411  
prosthetics, or pedorthics that is part of the curriculum of an 119412  
institution of higher education, one-half unit for each semester 119413  
hour of the course, or an equivalent unit for each quarter or 119414  
trimester hour of the course; 119415

(C) For teaching other than as a faculty member a course that 119416  
is part of an institution of higher education's orthotics, 119417  
prosthetics, or pedorthics curriculum, one unit for each hour 119418  
teaching the course; 119419

(D) For teaching a continuing education course that is 119420  
approved by the board under section 4779.23 of the Revised Code 119421  
that is not part of an institution of higher education's 119422  
orthotics, prosthetics, or pedorthics curriculum, three units for 119423  
each hour teaching the course for the first time and one-half unit 119424  
for each hour teaching the course each time thereafter. 119425

**Sec. 4779.25.** The ~~state~~ Ohio occupational therapy, physical 119426  
therapy, and athletic trainers board of ~~orthotics, prosthetics,~~ 119427  
~~and pedorthics~~ shall recognize an institution of higher 119428  
education's bachelor's degree program in orthotics and prosthetics 119429  
if the program satisfies all of the following requirements: 119430

(A) Provides not less than two semesters or three quarters of 119431  
instruction in orthotics and two semesters or three quarters of 119432  
instruction in prosthetics; 119433

|                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (B) Requires as a condition of entry a high school diploma or certificate of high school equivalence;                                                                                                                                                                                                                                                                                                       | 119434<br>119435                                                   |
| (C) Includes a written description of the program that includes learning goals, course objectives, and competencies for graduation;                                                                                                                                                                                                                                                                         | 119436<br>119437<br>119438                                         |
| (D) Requires frequent, documented evaluation of students to assess their acquisition of knowledge, problem identification and solving skills, and psychomotor, behavioral, and clinical competencies;                                                                                                                                                                                                       | 119439<br>119440<br>119441<br>119442                               |
| (E) Requires as a condition of entry successful completion of courses in biology, chemistry, physics, psychology, computer science, algebra or higher math, human anatomy with a laboratory section, and physiology with a laboratory section;                                                                                                                                                              | 119443<br>119444<br>119445<br>119446                               |
| (F) Requires formal instruction in biomechanics, gait analysis and pathometrics, kinesiology, pathology, materials science, research methods, and diagnostic imaging techniques;                                                                                                                                                                                                                            | 119447<br>119448<br>119449                                         |
| (G) Requires students as a condition of graduation to demonstrate orthotics skills, including measurement, impression-taking, model rectification, and fitting and alignment of orthoses for the lower limbs, upper limbs, and spines;                                                                                                                                                                      | 119450<br>119451<br>119452<br>119453                               |
| (H) Requires students as a condition of graduation to complete training in orthotic systems, including foot orthosis, ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis, hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis, cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO, standing frames, and seating; | 119454<br>119455<br>119456<br>119457<br>119458<br>119459<br>119460 |
| (I) Requires students as a condition of graduation to demonstrate prosthetic skills that include measurement, impression-taking, model rectification, diagnostic fitting, definitive fitting, postoperative management, external power, and                                                                                                                                                                 | 119461<br>119462<br>119463<br>119464                               |

static and dynamic alignment of sockets related to various 119465  
amputation levels, including partial foot, Syme's below knee, 119466  
above knee, below elbow, above elbow, and the various joint 119467  
disarticulations; 119468

(J) Requires as a condition of graduation students to 119469  
complete not less than five hundred hours of supervised clinical 119470  
experience that focus on patient-related activities, including 119471  
recommendation, measurement, impression-taking, model 119472  
rectification, fabrication, fitting, and evaluating patients in 119473  
the use and function of orthotics and prosthetics; 119474

(K) Provides for the evaluation of the program's compliance 119475  
with the requirements of this section through regular, on-site 119476  
visits conducted by a team of qualified individuals from a 119477  
nationally recognized orthotic, prosthetic, or orthotic and 119478  
prosthetic certifying body; 119479

(L) Meets any other standards adopted by the board under 119480  
section 4779.08 of the Revised Code. 119481

**Sec. 4779.26.** The ~~state~~ Ohio occupational therapy, physical 119482  
therapy, and athletic trainers board of ~~orthotics, prosthetics,~~ 119483  
~~and pedorthics~~ shall recognize a certificate program in orthotics, 119484  
prosthetics, or orthotics and prosthetics if the program satisfies 119485  
all of the following requirements: 119486

(A) Meets the requirements in divisions (B), (C), (D), (E), 119487  
(F), (K), and (L) of section 4779.25 of the Revised Code; 119488

(B) In the case of a certificate program in orthotics, the 119489  
program does all of the following: 119490

(1) Provides not less than two semesters or three quarters of 119491  
instruction in orthotics; 119492

(2) Requires students to complete not less than two hundred 119493  
fifty hours of supervised clinical experience that focuses on 119494

patient-related activities, recommendation, measurement, 119495  
impression-taking, model rectification, fabrication, fitting, and 119496  
evaluating patients in the use and function of orthotics; 119497

(3) Meets the requirements in divisions (G) and (H) of 119498  
section 4779.25 of the Revised Code. 119499

(C) In the case of a certificate program in prosthetics, the 119500  
program does all of the following: 119501

(1) Provides not less than two semesters or three quarters of 119502  
instruction in prosthetics; 119503

(2) Requires students to complete not less than two hundred 119504  
fifty hours of supervised clinical experience that focuses on 119505  
patient-related activities, recommendation, measurement, 119506  
impression-taking, model rectification, fabrication, fitting, and 119507  
evaluating patients in the use and function of prosthetics; 119508

(3) Meets the requirements in divisions (F) and (I) of 119509  
section 4779.25 of the Revised Code. 119510

(D) In the case of a certificate program in orthotics and 119511  
prosthetics, the program does both of the following: 119512

(1) Provides not less than two semesters or three quarters of 119513  
instruction in orthotics and two semesters or three quarters of 119514  
instruction in prosthetics; 119515

(2) Meets the requirements in divisions (H) and (I) of 119516  
section 4779.25 of the Revised Code. 119517

**Sec. 4779.27.** The ~~state~~ Ohio occupational therapy, physical 119518  
therapy, and athletic trainers board of orthotics, prosthetics, 119519  
~~and pedorthics~~ shall approve a residency program in orthotics, 119520  
prosthetics, or orthotics and prosthetics if the program does all 119521  
of the following: 119522

(A) Requires a bachelor's degree as a condition of entry; 119523

|                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (B) Does one of the following:                                                                                                                                                                                                                                                                                                                                                                                                                        | 119524                                                             |
| (1) In the case of a residency program in orthotics, provides two semesters or three quarters of instruction in orthotics;                                                                                                                                                                                                                                                                                                                            | 119525<br>119526                                                   |
| (2) In the case of a residency program in prosthetics, provides two semesters or three quarters of instruction in prosthetics;                                                                                                                                                                                                                                                                                                                        | 119527<br>119528<br>119529                                         |
| (3) In the case of a residency program in orthotics and prosthetics, provides two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics.                                                                                                                                                                                                                                          | 119530<br>119531<br>119532<br>119533                               |
| (C) Meets the requirements in divisions (K) and (L) of section 4779.25 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                           | 119534<br>119535                                                   |
| (D) Provides residents with a sufficient variety and volume of clinical experiences to give them adequate educational experience in the acute, rehabilitative, and chronic aspects of orthotics and prosthetics, including recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics and prosthetics;                                                   | 119536<br>119537<br>119538<br>119539<br>119540<br>119541<br>119542 |
| (E) Provides residents with sufficient training in clinical assessment, patient management, technical implementation, practice management, and professional responsibility.                                                                                                                                                                                                                                                                           | 119543<br>119544<br>119545                                         |
| <b>Sec. 4779.28.</b> (A) The <u>Ohio occupational therapy, physical therapy, and athletic trainers</u> board may, pursuant to an adjudication under Chapter 119. of the Revised Code <del>and by a vote of not fewer than four of its members</del> , limit, revoke, or suspend a license issued under this chapter, refuse to issue a license to an applicant, or reprimand or place on probation a license holder for any of the following reasons: | 119546<br>119547<br>119548<br>119549<br>119550<br>119551<br>119552 |
| (1) Conviction of, or a plea of guilty to, a misdemeanor or                                                                                                                                                                                                                                                                                                                                                                                           | 119553                                                             |

|                                                                                                                                                                                                                                                                                                                                                                        |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| felony involving moral turpitude;                                                                                                                                                                                                                                                                                                                                      | 119554                                                   |
| (2) Any violation of this chapter;                                                                                                                                                                                                                                                                                                                                     | 119555                                                   |
| (3) Committing fraud, misrepresentation, or deception in applying for or securing a license issued under this chapter;                                                                                                                                                                                                                                                 | 119556<br>119557                                         |
| (4) Habitual use of drugs or intoxicants to the extent that it renders the person unfit to practice;                                                                                                                                                                                                                                                                   | 119558<br>119559                                         |
| (5) Violation of any rule adopted by the board under section 4779.08 of the Revised Code;                                                                                                                                                                                                                                                                              | 119560<br>119561                                         |
| (6) A departure from, or failure to conform to, minimal standards of care of similar orthotists, prosthetists, orthotists-prosthetists, or pedorthists under the same or similar circumstances, regardless of whether actual injury to a patient is established;                                                                                                       | 119562<br>119563<br>119564<br>119565<br>119566           |
| (7) Obtaining or attempting to obtain money or anything of value by fraudulent misrepresentation in the course of practice;                                                                                                                                                                                                                                            | 119567<br>119568                                         |
| (8) Publishing a false, fraudulent, deceptive, or misleading statement;                                                                                                                                                                                                                                                                                                | 119569<br>119570                                         |
| (9) Waiving the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, would otherwise be required to pay, if the waiver is used as an enticement to a patient or group of patients to receive health care services from a person who holds a license issued under this chapter; | 119571<br>119572<br>119573<br>119574<br>119575<br>119576 |
| (10) Advertising that a person who holds a license issued under this chapter will waive the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, that covers the person's services, would otherwise be required to pay.                                                        | 119577<br>119578<br>119579<br>119580<br>119581           |
| (B) For the purpose of investigating whether a person is engaging or has engaged in conduct described in division (A) of                                                                                                                                                                                                                                               | 119582<br>119583                                         |

this section, the board may administer oaths, order the taking of 119584  
depositions, issue subpoenas, examine witnesses, and compel the 119585  
attendance of witnesses and production of books, accounts, papers, 119586  
records, documents, and testimony. 119587

**Sec. 4779.29.** If the Ohio occupational therapy, physical 119588  
therapy, and athletic trainers board determines that there is 119589  
clear and convincing evidence that an individual licensed under 119590  
this chapter is engaging or has engaged in conduct described in 119591  
division (A) of section 4779.28 of the Revised Code and that the 119592  
license holder's continued practice presents a danger of immediate 119593  
and serious harm to the public, the board may suspend the 119594  
individual's license without an adjudicatory hearing. A telephone 119595  
conference call may be used for reviewing the matter and taking 119596  
the vote. 119597

If the board votes to suspend an individual's license, the 119598  
board shall issue a written order of suspension by certified mail 119599  
or in person in accordance with section 119.07 of the Revised 119600  
Code. The order is not subject to suspension by a court during 119601  
~~pendancy~~ pendency of any appeal filed under section 119.12 of the 119602  
Revised Code. If the license holder requests an adjudicatory 119603  
hearing by the board, the date set for the hearing shall be not 119604  
later than fifteen days, but not earlier than seven days, after 119605  
the request, unless otherwise agreed to by the board and the 119606  
license holder. 119607

Any suspension imposed under this section shall remain in 119608  
effect, unless reversed on appeal, until a final adjudicative 119609  
order issued by the board pursuant to section 119.12 of the 119610  
Revised Code becomes effective. The board shall issue its final 119611  
adjudicative order within sixty days after completion of its 119612  
hearing. A failure to issue an order within sixty days shall 119613  
result in the dissolution of the summary suspension order, but 119614

shall not invalidate any subsequent, final adjudicative order. 119615

**Sec. 4779.30.** If the ~~state~~ Ohio occupational therapy, 119616  
physical therapy, and athletic trainers board of orthotics, 119617  
~~prosthetics, and pedorthics~~ has reason to believe that a person 119618  
who holds a license issued under this chapter is mentally ill or 119619  
mentally incompetent, it may file in the probate court of the 119620  
county in which the person has a legal residence an affidavit in 119621  
the form prescribed in section 5122.11 of the Revised Code and 119622  
signed by the secretary of the board, whereupon the same 119623  
proceeding shall be had as provided in Chapter 5122. of the 119624  
Revised Code. The attorney general may represent the board in any 119625  
proceeding commenced under this section. 119626

If an individual who has been granted a license under this 119627  
chapter is adjudicated by a probate court to be mentally ill or 119628  
mentally incompetent, the individual's license shall be 119629  
automatically suspended until the individual has filed with the 119630  
board a certified copy of an adjudication by a probate court of 119631  
the individual's subsequent restoration to competency or has 119632  
submitted to the board proof, satisfactory to the board, of having 119633  
been restored to competency in the manner and form provided in 119634  
section 5122.38 of the Revised Code. The judge of the court shall 119635  
immediately notify the board of an adjudication of incompetence 119636  
and note any suspension of a license in the margin of the court's 119637  
record of the certificate. In the absence of fraud or bad faith, 119638  
neither the board nor any agent, representative, or employee of 119639  
the board shall be held liable in damages by any person by reason 119640  
of the filing of the affidavit referred to in this section. 119641

**Sec. 4779.31.** Before reinstating a license issued under this 119642  
chapter that has been suspended for more than two years, the Ohio 119643  
occupational therapy, physical therapy, and athletic trainers 119644  
board may require an individual to pass the appropriate licensing 119645

examination. 119646

**Sec. 4779.32.** If any person makes an allegation against an 119647  
individual who holds a license issued under this chapter, the 119648  
allegation shall be reduced to writing and verified by a person 119649  
who is familiar with the facts underlying the allegation. The 119650  
person making the allegation shall file ~~three copies of~~ the 119651  
allegation with the ~~state~~ Ohio occupational therapy, physical 119652  
therapy, and athletic trainers board of orthotics, prosthetics, 119653  
and pedorthics. If a person alleges that a license holder is 119654  
engaging or has engaged in conduct described in division (A) of 119655  
section 4779.28 of the Revised Code, the board may proceed with an 119656  
adjudication hearing under Chapter 119. of the Revised Code. The 119657  
board shall retain the information filed under this section in 119658  
accordance with rules adopted by the board under section 4779.08 119659  
of the Revised Code. 119660

**Sec. 4779.33.** The ~~secretary of the state~~ Ohio occupational 119661  
therapy, physical therapy, and athletic trainers board of 119662  
~~orthotics, prosthetics, and pedorthics~~ shall enforce the laws 119663  
relating to the practice of orthotics, prosthetics, and 119664  
pedorthics. If the secretary of the board has knowledge of a 119665  
violation, the secretary shall investigate the violation and 119666  
notify the prosecuting attorney of the proper county. 119667

**Sec. 4779.34.** The ~~state~~ Ohio occupational therapy, physical 119668  
therapy, and athletic trainers board of orthotics, prosthetics, 119669  
~~and pedorthics~~ shall comply with section 4776.20 of the Revised 119670  
Code. 119671

**Sec. 4779.35.** (A) The Ohio occupational therapy, physical 119672  
therapy, and athletic trainers board shall appoint an orthotics, 119673  
prosthetics, and pedorthics advisory council for the purpose of 119674

advising the board on issues relating to the practice of 119675  
orthotics, prosthetics, and pedorthics and the investigation of 119676  
complaints regarding the practice of orthotics, prosthetics, and 119677  
pedorthics. 119678

The advisory council shall consist of not more than five 119679  
individuals knowledgeable in the area of orthotics, prosthetics, 119680  
and pedorthics. A majority of the council members shall be 119681  
individuals actively engaged in the practice of orthotics, 119682  
prosthetics, and pedorthics who meet the requirements for 119683  
licensure under Chapter 4779. of the Revised Code. 119684

The Ohio orthotics and prosthetics association, or its 119685  
successor organization, may nominate the names of up to three 119686  
qualified individuals for consideration by the board in making 119687  
appointments for each vacancy on the council. 119688

(B) Not later than ninety days after the effective date of 119689  
this section, the board shall make initial appointments to the 119690  
council. Members shall serve three-year staggered terms of office 119691  
in accordance with rules adopted by the board. Thereafter, terms 119692  
of office shall be for three years, with each term ending on the 119693  
same day of the same month as did the term that it succeeds. A 119694  
council member shall continue in office subsequent to the 119695  
expiration date of the member's term until a successor is 119696  
appointed and takes office, or until a period of sixty days has 119697  
elapsed, whichever occurs first. Each council member shall hold 119698  
office from the date of appointment until the end of the term for 119699  
which the member was appointed. 119700

(C) With approval from the director of administrative 119701  
services, members may receive an amount fixed under division (J) 119702  
of section 124.15 of the Revised Code for each day the member is 119703  
performing the member's official duties and be reimbursed for 119704  
actual and necessary expenses incurred in performing those duties. 119705

(D) The council shall meet at least four times per year and at such other times as may be necessary to carry out its responsibilities. 119706  
119707  
119708

(E) The council shall submit to the board recommendations concerning all of the following: 119709  
119710

(1) Requirements for issuing a license to practice orthotics, prosthetics, and pedorthics, including the educational and experience requirements that must be met to receive a license; 119711  
119712  
119713

(2) Existing and proposed rules pertaining to the practice of orthotics, prosthetics, and pedorthics and the administration and enforcement of this chapter; 119714  
119715  
119716

(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs for licensure renewal; 119717  
119718  
119719

(4) Procedures for the issuance and renewal of licenses; 119720

(5) Fees for the issuance and renewal of a license to practice orthotics, prosthetics, and pedorthics; 119721  
119722

(6) Standards of practice and ethical conduct in the practice of orthotics, prosthetics, and pedorthics; 119723  
119724

(7) Complaints concerning alleged violation of Chapter 4779. of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses; 119725  
119726  
119727

(8) The safe and effective practice of orthotics, prosthetics, and pedorthics. 119728  
119729

**Sec. 5120.55.** (A) As used in this section, "licensed health professional" means any or all of the following: 119730  
119731

(1) A dentist who holds a current, valid license issued under Chapter 4715. of the Revised Code to practice dentistry; 119732  
119733

(2) A licensed practical nurse who holds a current, valid 119734

license issued under Chapter 4723. of the Revised Code that 119735  
authorizes the practice of nursing as a licensed practical nurse; 119736

(3) An optometrist who holds a current, valid certificate of 119737  
licensure issued under Chapter 4725. of the Revised Code that 119738  
authorizes the holder to engage in the practice of optometry; 119739

(4) A physician who is authorized under Chapter 4731. of the 119740  
Revised Code to practice medicine and surgery, osteopathic 119741  
medicine and surgery, or podiatric medicine and surgery; 119742

(5) A psychologist who holds a current, valid license issued 119743  
under Chapter 4732. of the Revised Code that authorizes the 119744  
practice of psychology as a licensed psychologist; 119745

(6) A registered nurse who holds a current, valid license 119746  
issued under Chapter 4723. of the Revised Code that authorizes the 119747  
practice of nursing as a registered nurse, including such a nurse 119748  
who is also licensed to practice as an advanced practice 119749  
registered nurse as defined in section 4723.01 of the Revised 119750  
Code. 119751

(B)(1) The department of rehabilitation and correction may 119752  
establish a recruitment program under which the department, by 119753  
means of a contract entered into under division (C) of this 119754  
section, agrees to repay all or part of the principal and interest 119755  
of a government or other educational loan incurred by a licensed 119756  
health professional who agrees to provide services to inmates of 119757  
correctional institutions under the department's administration. 119758

(2)(a) For a physician to be eligible to participate in the 119759  
program, the physician must have attended a school that was, 119760  
during the time of attendance, a medical school or osteopathic 119761  
medical school in this country accredited by the liaison committee 119762  
on medical education or the American osteopathic association, a 119763  
college of podiatry in this country recognized as being in good 119764  
standing under section 4731.53 of the Revised Code, or a medical 119765

school, osteopathic medical school, or college of podiatry located 119766  
outside this country that was acknowledged by the world health 119767  
organization and verified by a member state of that organization 119768  
as operating within that state's jurisdiction. 119769

(b) For a nurse to be eligible to participate in the program, 119770  
the nurse must have attended a school that was, during the time of 119771  
attendance, a nursing school in this country accredited by the 119772  
commission on collegiate nursing education or the national league 119773  
for nursing accrediting commission or a nursing school located 119774  
outside this country that was acknowledged by the world health 119775  
organization and verified by a member state of that organization 119776  
as operating within that state's jurisdiction. 119777

(c) For a dentist to be eligible to participate in the 119778  
program, the dentist must have attended a school that was, during 119779  
the time of attendance, a dental college that enabled the dentist 119780  
to meet the requirements specified in section 4715.10 of the 119781  
Revised Code to be granted a license to practice dentistry. 119782

(d) For an optometrist to be eligible to participate in the 119783  
program, the optometrist must have attended a school of optometry 119784  
that was, during the time of attendance, approved by the state 119785  
~~board of optometry~~ vision professionals board. 119786

(e) For a psychologist to be eligible to participate in the 119787  
program, the psychologist must have attended an educational 119788  
institution that, during the time of attendance, maintained a 119789  
specific degree program recognized by the state board of 119790  
psychology as acceptable for fulfilling the requirement of 119791  
division (B)(3) of section 4732.10 of the Revised Code. 119792

(C) The department shall enter into a contract with each 119793  
licensed health professional it recruits under this section. Each 119794  
contract shall include at least the following terms: 119795

(1) The licensed health professional agrees to provide a 119796

specified scope of medical, osteopathic medical, podiatric, 119797  
optometric, psychological, nursing, or dental services to inmates 119798  
of one or more specified state correctional institutions for a 119799  
specified number of hours per week for a specified number of 119800  
years. 119801

(2) The department agrees to repay all or a specified portion 119802  
of the principal and interest of a government or other educational 119803  
loan taken by the licensed health professional for the following 119804  
expenses to attend, for up to a maximum of four years, a school 119805  
that qualifies the licensed health professional to participate in 119806  
the program: 119807

(a) Tuition; 119808

(b) Other educational expenses for specific purposes, 119809  
including fees, books, and laboratory expenses, in amounts 119810  
determined to be reasonable in accordance with rules adopted under 119811  
division (D) of this section; 119812

(c) Room and board, in an amount determined to be reasonable 119813  
in accordance with rules adopted under division (D) of this 119814  
section. 119815

(3) The licensed health professional agrees to pay the 119816  
department a specified amount, which shall be no less than the 119817  
amount already paid by the department pursuant to its agreement, 119818  
as damages if the licensed health professional fails to complete 119819  
the service obligation agreed to or fails to comply with other 119820  
specified terms of the contract. The contract may vary the amount 119821  
of damages based on the portion of the service obligation that 119822  
remains uncompleted. 119823

(4) Other terms agreed upon by the parties. 119824

The licensed health professional's lending institution or the 119825  
~~Ohio board~~ department of regents, higher education may be a party 119826  
to the contract. The contract may include an assignment to the 119827

department of rehabilitation and correction of the licensed health 119828  
professional's duty to repay the principal and interest of the 119829  
loan. 119830

(D) If the department of rehabilitation and correction elects 119831  
to implement the recruitment program, it shall adopt rules in 119832  
accordance with Chapter 119. of the Revised Code that establish 119833  
all of the following: 119834

(1) Criteria for designating institutions for which licensed 119835  
health professionals will be recruited; 119836

(2) Criteria for selecting licensed health professionals for 119837  
participation in the program; 119838

(3) Criteria for determining the portion of a loan which the 119839  
department will agree to repay; 119840

(4) Criteria for determining reasonable amounts of the 119841  
expenses described in divisions (C)(2)(b) and (c) of this section; 119842

(5) Procedures for monitoring compliance by a licensed health 119843  
professional with the terms of the contract the licensed health 119844  
professional enters into under this section; 119845

(6) Any other criteria or procedures necessary to implement 119846  
the program. 119847

**Sec. 5123.46.** All rules adopted under sections 5123.41 to 119848  
5123.45 and section 5123.452 of the Revised Code shall be adopted 119849  
in consultation with the board of nursing, the Ohio nurses 119850  
association, the ~~Ohio respiratory care~~ state medical board, and 119851  
the Ohio society for respiratory care. The rules shall be adopted 119852  
in accordance with Chapter 119. of the Revised Code. 119853

**Section 130.12.** That existing sections 109.572, 2305.113, 119854  
3313.608, 3701.83, 4725.01, 4725.02, 4725.04, 4725.05, 4725.06, 119855  
4725.07, 4725.08, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 119856

4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 119857  
4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 119858  
4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 119859  
4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 4725.50, 119860  
4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 119861  
4725.57, 4725.61, 4729.85, 4731.051, 4731.07, 4731.071, 4731.224, 119862  
4731.24, 4731.25, 4743.05, 4745.02, 4745.04, 4747.04, 4747.05, 119863  
4747.06, 4747.07, 4747.08, 4747.10, 4747.11, 4747.12, 4747.13, 119864  
4747.14, 4747.16, 4747.17, 4752.01, 4752.03, 4752.04, 4752.05, 119865  
4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 4752.13, 4752.14, 119866  
4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 4753.05, 4753.06, 119867  
4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.091, 119868  
4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 4759.02, 119869  
4759.05, 4759.06, 4759.061, 4759.07, 4759.08, 4759.09, 4759.10, 119870  
4759.11, 4759.12, 4761.03, 4761.031, 4761.04, 4761.05, 4761.051, 119871  
4761.06, 4761.07, 4761.08, 4761.09, 4761.10, 4761.11, 4761.12, 119872  
4761.13, 4761.14, 4761.18, 4776.01, 4779.02, 4779.08, 4779.09, 119873  
4779.091, 4779.10, 4779.11, 4779.12, 4779.13, 4779.15, 4779.17, 119874  
4779.18, 4779.20, 4779.21, 4779.22, 4779.23, 4779.24, 4779.25, 119875  
4779.26, 4779.27, 4779.28, 4779.29, 4779.30, 4779.31, 4779.32, 119876  
4779.33, 4779.34, 5120.55, and 5123.46 of the Revised Code are 119877  
hereby repealed. 119878

**Section 130.13.** That sections 4725.03, 4725.42, 4725.43, 119879  
4725.45, 4725.46, 4725.47, 4747.03, 4753.03, 4753.04, 4759.03, 119880  
4759.04, 4761.02, 4761.15, 4761.16, 4779.05, 4779.06, 4779.07, and 119881  
4779.16 of the Revised Code are hereby repealed. 119882

**Section 130.14.** Sections 109.572, 2305.113, 3313.608, 119883  
3701.83, 4725.01, 4725.02, 4725.09, 4725.091, 4725.092, 4725.10, 119884  
4725.11, 4725.12, 4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 119885  
4725.171, 4725.18, 4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 119886

4725.24, 4725.26, 4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 119887  
4725.34, 4725.40, 4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 119888  
4725.50, 4725.501, 4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 119889  
4725.55, 4725.57, 4725.61, 4729.021, 4729.85, 4731.051, 4731.07, 119890  
4731.071, 4731.224, 4731.24, 4731.25, 4743.05, 4745.02, 4745.021, 119891  
4745.04, 4747.04, 4747.05, 4747.051, 4747.06, 4747.07, 4747.08, 119892  
4747.10, 4747.11, 4747.12, 4747.13, 4747.14, 4747.16, 4747.17, 119893  
4752.01, 4752.03, 4752.04, 4752.05, 4752.06, 4752.08, 4752.09, 119894  
4752.11, 4752.12, 4752.13, 4752.14, 4752.15, 4752.17, 4752.18, 119895  
4752.19, 4752.20, 4752.22, 4752.24, 4753.05, 4753.06, 4753.061, 119896  
4753.07, 4753.071, 4753.072, 4753.073, 4753.08, 4753.09, 4753.091, 119897  
4753.10, 4753.101, 4753.11, 4753.12, 4753.15, 4753.16, 4759.011, 119898  
4759.02, 4759.05, 4759.051, 4759.06, 4759.061, 4759.07, 4759.08, 119899  
4759.09, 4759.10, 4759.11, 4759.12, 4761.011, 4761.03, 4761.031, 119900  
4761.032, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.08, 119901  
4761.09, 4761.10, 4761.11, 4761.12, 4761.13, 4761.14, 4761.18, 119902  
4776.01, 4779.02, 4779.08, 4779.09, 4779.091, 4779.10, 4779.11, 119903  
4779.12, 4779.13, 4779.15, 4779.17, 4779.18, 4779.20, 4779.21, 119904  
4779.22, 4779.23, 4779.24, 4779.25, 4779.26, 4779.27, 4779.28, 119905  
4779.29, 4779.30, 4779.31, 4779.32, 4779.33, 4779.34, 4779.35, 119906  
5120.55, and 5123.46 of the Revised Code as amended or enacted by 119907  
Section 130.11 of this act and the repeal of sections 4725.03, 119908  
4725.42, 4725.43, 4725.45, 4725.46, 4725.47, 4747.03, 4753.03, 119909  
4753.04, 4759.03, 4759.04, 4761.02, 4761.15, 4761.16, 4779.05, 119910  
4779.06, 4779.07, and 4779.16 of the Revised Code by Section 119911  
130.13 of this act take effect on January 21, 2018. 119912

**Section 130.21.** That sections 102.02, 109.572, 111.15, 119913  
119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 135.321, 119914  
135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 755.141, 119915  
902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02, 1101.03, 119916  
1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 1103.07, 119917

1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 1103.16, 119918  
1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 1105.03, 119919  
1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 1107.07, 119920  
1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 1109.03, 119921  
1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 1109.22, 119922  
1109.23, 1109.24, 1109.25, 1109.26, 1109.31, 1109.32, 1109.33, 119923  
1109.34, 1109.35, 1109.36, 1109.39, 1109.40, 1109.43, 1109.44, 119924  
1109.45, 1109.47, 1109.48, 1109.49, 1109.53, 1109.54, 1109.55, 119925  
1109.59, 1109.61, 1109.63, 1109.64, 1109.65, 1109.69, 1111.01, 119926  
1111.02, 1111.03, 1111.04, 1111.06, 1111.07, 1111.08, 1111.09, 119927  
1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 1115.01, 119928  
1115.05, 1115.06, 1115.07, 1115.11, 1115.111, 1115.14, 1115.15, 119929  
1115.20, 1115.23, 1115.27, 1117.01, 1117.02, 1117.04, 1117.05, 119930  
1119.11, 1119.17, 1119.23, 1119.26, 1121.01, 1121.02, 1121.05, 119931  
1121.06, 1121.10, 1121.12, 1121.13, 1121.15, 1121.16, 1121.17, 119932  
1121.18, 1121.21, 1121.23, 1121.24, 1121.26, 1121.30, 1121.33, 119933  
1121.34, 1121.38, 1121.41, 1121.43, 1121.45, 1121.47, 1121.48, 119934  
1121.50, 1121.56, 1123.01, 1123.03, 1125.01, 1125.03, 1125.04, 119935  
1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 1125.12, 1125.13, 119936  
1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 1125.21, 1125.22, 119937  
1125.23, 1125.24, 1125.25, 1125.26, 1125.27, 1125.28, 1125.29, 119938  
1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 1181.04, 1181.05, 119939  
1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 1181.25, 1349.16, 119940  
1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 1901.31, 2335.25, 119941  
3351.07, 3767.41, 4303.293, and 5814.01 be amended; sections 119942  
1103.01 (1113.01), 1103.06 (1113.04), 1103.08 (1113.12), 1103.09 119943  
(1113.13), 1103.11 (1113.11), 1103.13 (1113.14), 1103.14 119944  
(1113.15), 1103.15 (1113.16), 1103.16 (1113.17), 1103.21 119945  
(1117.07), and 1113.01 (1113.02) be amended for the purpose of 119946  
adopting new section numbers as shown in parentheses; and new 119947  
section 1121.52 and sections 1101.05, 1103.99, 1109.021, 1109.04, 119948  
1109.151, 1109.441, 1109.62, 1114.01, 1114.02, 1114.03, 1114.04, 119949  
1114.05, 1114.06, 1114.07, 1114.08, 1114.09, 1114.10, 1114.11, 119950

1114.12, 1114.16, 1115.02, 1115.03, 1115.24, 1116.01, 1116.02, 119951  
1116.05, 1116.06, 1116.07, 1116.08, 1116.09, 1116.10, 1116.11, 119952  
1116.12, 1116.13, 1116.16, 1116.18, 1116.19, 1116.20, 1116.21, 119953  
1121.19, and 1121.29 of the Revised Code be enacted to read as 119954  
follows: 119955

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 119956  
(H) of this section, all of the following shall file with the 119957  
appropriate ethics commission the disclosure statement described 119958  
in this division on a form prescribed by the appropriate 119959  
commission: every person who is elected to or is a candidate for a 119960  
state, county, or city office and every person who is appointed to 119961  
fill a vacancy for an unexpired term in such an elective office; 119962  
all members of the state board of education; the director, 119963  
assistant directors, deputy directors, division chiefs, or persons 119964  
of equivalent rank of any administrative department of the state; 119965  
the president or other chief administrative officer of every state 119966  
institution of higher education as defined in section 3345.011 of 119967  
the Revised Code; the executive director and the members of the 119968  
capitol square review and advisory board appointed or employed 119969  
pursuant to section 105.41 of the Revised Code; all members of the 119970  
Ohio casino control commission, the executive director of the 119971  
commission, all professional employees of the commission, and all 119972  
technical employees of the commission who perform an internal 119973  
audit function; the individuals set forth in division (B)(2) of 119974  
section 187.03 of the Revised Code; the chief executive officer 119975  
and the members of the board of each state retirement system; each 119976  
employee of a state retirement board who is a state retirement 119977  
system investment officer licensed pursuant to section 1707.163 of 119978  
the Revised Code; the members of the Ohio retirement study council 119979  
appointed pursuant to division (C) of section 171.01 of the 119980  
Revised Code; employees of the Ohio retirement study council, 119981  
other than employees who perform purely administrative or clerical 119982

functions; the administrator of workers' compensation and each 119983  
member of the bureau of workers' compensation board of directors; 119984  
the bureau of workers' compensation director of investments; the 119985  
chief investment officer of the bureau of workers' compensation; 119986  
all members of the board of commissioners on grievances and 119987  
discipline of the supreme court and the ethics commission created 119988  
under section 102.05 of the Revised Code; every business manager, 119989  
treasurer, or superintendent of a city, local, exempted village, 119990  
joint vocational, or cooperative education school district or an 119991  
educational service center; every person who is elected to or is a 119992  
candidate for the office of member of a board of education of a 119993  
city, local, exempted village, joint vocational, or cooperative 119994  
education school district or of a governing board of an 119995  
educational service center that has a total student count of 119996  
twelve thousand or more as most recently determined by the 119997  
department of education pursuant to section 3317.03 of the Revised 119998  
Code; every person who is appointed to the board of education of a 119999  
municipal school district pursuant to division (B) or (F) of 120000  
section 3311.71 of the Revised Code; all members of the board of 120001  
directors of a sanitary district that is established under Chapter 120002  
6115. of the Revised Code and organized wholly for the purpose of 120003  
providing a water supply for domestic, municipal, and public use, 120004  
and that includes two municipal corporations in two counties; 120005  
every public official or employee who is paid a salary or wage in 120006  
accordance with schedule C of section 124.15 or schedule E-2 of 120007  
section 124.152 of the Revised Code; members of the board of 120008  
trustees and the executive director of the southern Ohio 120009  
agricultural and community development foundation; all members 120010  
appointed to the Ohio livestock care standards board under section 120011  
904.02 of the Revised Code; all entrepreneurs in residence 120012  
assigned by the LeanOhio office in the department of 120013  
administrative services under section 125.65 of the Revised Code 120014  
and every other public official or employee who is designated by 120015

the appropriate ethics commission pursuant to division (B) of this section. 120016  
120017

(2) The disclosure statement shall include all of the following: 120018  
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(a) The name of the person filing the statement and each member of the person's immediate family and all names under which the person or members of the person's immediate family do business; 120020  
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120022  
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(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(b)(i) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of 120024  
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services or goods or performance, arrangement, or facilitation of 120048  
services or provision of goods on behalf of the business or 120049  
profession of clients, including corporate clients, who are 120050  
legislative agents. A person who files the statement under this 120051  
section shall disclose the identity of and the amount of income 120052  
received from a person who the public official or employee knows 120053  
or has reason to know is doing or seeking to do business of any 120054  
kind with the public official's or employee's agency. 120055

(ii) If the person filing the statement is a member of the 120056  
general assembly, the statement shall identify every source of 120057  
income and the amount of that income that was received from a 120058  
legislative agent during the preceding calendar year, in the 120059  
person's own name or by any other person for the person's use or 120060  
benefit, by the person filing the statement, and a brief 120061  
description of the nature of the services for which the income was 120062  
received. Division (A)(2)(b)(ii) of this section requires the 120063  
disclosure of clients of attorneys or persons licensed under 120064  
section 4732.12 of the Revised Code, or patients of persons 120065  
certified under section 4731.14 of the Revised Code, if those 120066  
clients or patients are legislative agents. Division (A)(2)(b)(ii) 120067  
of this section requires a person filing the statement who derives 120068  
income from a business or profession to disclose those individual 120069  
items of income that constitute the gross income of that business 120070  
or profession that are received from legislative agents. 120071

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 120072  
of this section, division (A)(2)(b)(i) of this section applies to 120073  
attorneys, physicians, and other persons who engage in the 120074  
practice of a profession and who, pursuant to a section of the 120075  
Revised Code, the common law of this state, a code of ethics 120076  
applicable to the profession, or otherwise, generally are required 120077  
not to reveal, disclose, or use confidences of clients, patients, 120078  
or other recipients of professional services except under 120079

specified circumstances or generally are required to maintain 120080  
those types of confidences as privileged communications except 120081  
under specified circumstances. Division (A)(2)(b)(i) of this 120082  
section does not require an attorney, physician, or other 120083  
professional subject to a confidentiality requirement as described 120084  
in division (A)(2)(b)(iii) of this section to disclose the name, 120085  
other identity, or address of a client, patient, or other 120086  
recipient of professional services if the disclosure would 120087  
threaten the client, patient, or other recipient of professional 120088  
services, would reveal details of the subject matter for which 120089  
legal, medical, or professional advice or other services were 120090  
sought, or would reveal an otherwise privileged communication 120091  
involving the client, patient, or other recipient of professional 120092  
services. Division (A)(2)(b)(i) of this section does not require 120093  
an attorney, physician, or other professional subject to a 120094  
confidentiality requirement as described in division 120095  
(A)(2)(b)(iii) of this section to disclose in the brief 120096  
description of the nature of services required by division 120097  
(A)(2)(b)(i) of this section any information pertaining to 120098  
specific professional services rendered for a client, patient, or 120099  
other recipient of professional services that would reveal details 120100  
of the subject matter for which legal, medical, or professional 120101  
advice was sought or would reveal an otherwise privileged 120102  
communication involving the client, patient, or other recipient of 120103  
professional services. 120104

(c) The name of every corporation on file with the secretary 120105  
of state that is incorporated in this state or holds a certificate 120106  
of compliance authorizing it to do business in this state, trust, 120107  
business trust, partnership, or association that transacts 120108  
business in this state in which the person filing the statement or 120109  
any other person for the person's use and benefit had during the 120110  
preceding calendar year an investment of over one thousand dollars 120111  
at fair market value as of the thirty-first day of December of the 120112

preceding calendar year, or the date of disposition, whichever is 120113  
earlier, or in which the person holds any office or has a 120114  
fiduciary relationship, and a description of the nature of the 120115  
investment, office, or relationship. Division (A)(2)(c) of this 120116  
section does not require disclosure of the name of any bank, 120117  
savings and loan association, credit union, or building and loan 120118  
association with which the person filing the statement has a 120119  
deposit or a withdrawable share account. 120120

(d) All fee simple and leasehold interests to which the 120121  
person filing the statement holds legal title to or a beneficial 120122  
interest in real property located within the state, excluding the 120123  
person's residence and property used primarily for personal 120124  
recreation; 120125

(e) The names of all persons residing or transacting business 120126  
in the state to whom the person filing the statement owes, in the 120127  
person's own name or in the name of any other person, more than 120128  
one thousand dollars. Division (A)(2)(e) of this section shall not 120129  
be construed to require the disclosure of debts owed by the person 120130  
resulting from the ordinary conduct of a business or profession or 120131  
debts on the person's residence or real property used primarily 120132  
for personal recreation, except that the superintendent of 120133  
financial institutions ~~shall disclose the names of all~~ 120134  
~~state chartered savings and loan associations and of all service~~ 120135  
~~corporations subject to regulation under division (E)(2) of~~ 120136  
~~section 1151.34 of the Revised Code to whom the superintendent in~~ 120137  
~~the superintendent's own name or in the name of any other person~~ 120138  
~~owes any money, and that the superintendent and any deputy~~ 120139  
superintendent of banks shall disclose the names of all 120140  
state-chartered banks and all bank subsidiary corporations subject 120141  
to regulation under section 1109.44 of the Revised Code to whom 120142  
the superintendent or deputy superintendent owes any money. 120143

(f) The names of all persons residing or transacting business 120144

in the state, other than a depository excluded under division 120145  
(A)(2)(c) of this section, who owe more than one thousand dollars 120146  
to the person filing the statement, either in the person's own 120147  
name or to any person for the person's use or benefit. Division 120148  
(A)(2)(f) of this section shall not be construed to require the 120149  
disclosure of clients of attorneys or persons licensed under 120150  
section 4732.12 of the Revised Code, or patients of persons 120151  
certified under section 4731.14 of the Revised Code, nor the 120152  
disclosure of debts owed to the person resulting from the ordinary 120153  
conduct of a business or profession. 120154

(g) Except as otherwise provided in section 102.022 of the 120155  
Revised Code, the source of each gift of over seventy-five 120156  
dollars, or of each gift of over twenty-five dollars received by a 120157  
member of the general assembly from a legislative agent, received 120158  
by the person in the person's own name or by any other person for 120159  
the person's use or benefit during the preceding calendar year, 120160  
except gifts received by will or by virtue of section 2105.06 of 120161  
the Revised Code, or received from spouses, parents, grandparents, 120162  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 120163  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 120164  
fathers-in-law, mothers-in-law, or any person to whom the person 120165  
filing the statement stands in loco parentis, or received by way 120166  
of distribution from any inter vivos or testamentary trust 120167  
established by a spouse or by an ancestor; 120168

(h) Except as otherwise provided in section 102.022 of the 120169  
Revised Code, identification of the source and amount of every 120170  
payment of expenses incurred for travel to destinations inside or 120171  
outside this state that is received by the person in the person's 120172  
own name or by any other person for the person's use or benefit 120173  
and that is incurred in connection with the person's official 120174  
duties, except for expenses for travel to meetings or conventions 120175  
of a national or state organization to which any state agency, 120176

including, but not limited to, any legislative agency or state 120177  
institution of higher education as defined in section 3345.011 of 120178  
the Revised Code, pays membership dues, or any political 120179  
subdivision or any office or agency of a political subdivision 120180  
pays membership dues; 120181

(i) Except as otherwise provided in section 102.022 of the 120182  
Revised Code, identification of the source of payment of expenses 120183  
for meals and other food and beverages, other than for meals and 120184  
other food and beverages provided at a meeting at which the person 120185  
participated in a panel, seminar, or speaking engagement or at a 120186  
meeting or convention of a national or state organization to which 120187  
any state agency, including, but not limited to, any legislative 120188  
agency or state institution of higher education as defined in 120189  
section 3345.011 of the Revised Code, pays membership dues, or any 120190  
political subdivision or any office or agency of a political 120191  
subdivision pays membership dues, that are incurred in connection 120192  
with the person's official duties and that exceed one hundred 120193  
dollars aggregated per calendar year; 120194

(j) If the disclosure statement is filed by a public official 120195  
or employee described in division (B)(2) of section 101.73 of the 120196  
Revised Code or division (B)(2) of section 121.63 of the Revised 120197  
Code who receives a statement from a legislative agent, executive 120198  
agency lobbyist, or employer that contains the information 120199  
described in division (F)(2) of section 101.73 of the Revised Code 120200  
or division (G)(2) of section 121.63 of the Revised Code, all of 120201  
the nondisputed information contained in the statement delivered 120202  
to that public official or employee by the legislative agent, 120203  
executive agency lobbyist, or employer under division (F)(2) of 120204  
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 120205

(3) A person may file a statement required by this section in 120206  
person, by mail, or by electronic means. 120207

(4) A person who is required to file a statement under this 120208

section shall file that statement according to the following 120209  
deadlines, as applicable: 120210

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 120211  
and (d) of this section, the person shall file the statement not 120212  
later than the fifteenth day of May of each year. 120213

(b) A person who is a candidate for elective office shall 120214  
file the statement no later than the thirtieth day before the 120215  
primary, special, or general election at which the candidacy is to 120216  
be voted on, whichever election occurs soonest, except that a 120217  
person who is a write-in candidate shall file the statement no 120218  
later than the twentieth day before the earliest election at which 120219  
the person's candidacy is to be voted on. 120220

(c) A person who is appointed to fill a vacancy for an 120221  
unexpired term in an elective office shall file the statement 120222  
within fifteen days after the person qualifies for office. 120223

(d) A person who is appointed or employed after the fifteenth 120224  
day of May, other than a person described in division (A)(4)(c) of 120225  
this section, shall file an annual statement within ninety days 120226  
after appointment or employment. 120227

(5) No person shall be required to file with the appropriate 120228  
ethics commission more than one statement or pay more than one 120229  
filing fee for any one calendar year. 120230

(6) The appropriate ethics commission, for good cause, may 120231  
extend for a reasonable time the deadline for filing a statement 120232  
under this section. 120233

(7) A statement filed under this section is subject to public 120234  
inspection at locations designated by the appropriate ethics 120235  
commission except as otherwise provided in this section. 120236

(B) The Ohio ethics commission, the joint legislative ethics 120237  
committee, and the board of commissioners on grievances and 120238

discipline of the supreme court, using the rule-making procedures 120239  
of Chapter 119. of the Revised Code, may require any class of 120240  
public officials or employees under its jurisdiction and not 120241  
specifically excluded by this section whose positions involve a 120242  
substantial and material exercise of administrative discretion in 120243  
the formulation of public policy, expenditure of public funds, 120244  
enforcement of laws and rules of the state or a county or city, or 120245  
the execution of other public trusts, to file an annual statement 120246  
under division (A) of this section. The appropriate ethics 120247  
commission shall send the public officials or employees written 120248  
notice of the requirement not less than thirty days before the 120249  
applicable filing deadline unless the public official or employee 120250  
is appointed after that date, in which case the notice shall be 120251  
sent within thirty days after appointment, and the filing shall be 120252  
made not later than ninety days after appointment. 120253

Disclosure statements filed under this division with the Ohio 120254  
ethics commission by members of boards, commissions, or bureaus of 120255  
the state for which no compensation is received other than 120256  
reasonable and necessary expenses shall be kept confidential. 120257  
Disclosure statements filed with the Ohio ethics commission under 120258  
division (A) of this section by business managers, treasurers, and 120259  
superintendents of city, local, exempted village, joint 120260  
vocational, or cooperative education school districts or 120261  
educational service centers shall be kept confidential, except 120262  
that any person conducting an audit of any such school district or 120263  
educational service center pursuant to section 115.56 or Chapter 120264  
117. of the Revised Code may examine the disclosure statement of 120265  
any business manager, treasurer, or superintendent of that school 120266  
district or educational service center. Disclosure statements 120267  
filed with the Ohio ethics commission under division (A) of this 120268  
section by the individuals set forth in division (B)(2) of section 120269  
187.03 of the Revised Code shall be kept confidential. The Ohio 120270  
ethics commission shall examine each disclosure statement required 120271

to be kept confidential to determine whether a potential conflict 120272  
of interest exists for the person who filed the disclosure 120273  
statement. A potential conflict of interest exists if the private 120274  
interests of the person, as indicated by the person's disclosure 120275  
statement, might interfere with the public interests the person is 120276  
required to serve in the exercise of the person's authority and 120277  
duties in the person's office or position of employment. If the 120278  
commission determines that a potential conflict of interest 120279  
exists, it shall notify the person who filed the disclosure 120280  
statement and shall make the portions of the disclosure statement 120281  
that indicate a potential conflict of interest subject to public 120282  
inspection in the same manner as is provided for other disclosure 120283  
statements. Any portion of the disclosure statement that the 120284  
commission determines does not indicate a potential conflict of 120285  
interest shall be kept confidential by the commission and shall 120286  
not be made subject to public inspection, except as is necessary 120287  
for the enforcement of Chapters 102. and 2921. of the Revised Code 120288  
and except as otherwise provided in this division. 120289

(C) No person shall knowingly fail to file, on or before the 120290  
applicable filing deadline established under this section, a 120291  
statement that is required by this section. 120292

(D) No person shall knowingly file a false statement that is 120293  
required to be filed under this section. 120294

(E)(1) Except as provided in divisions (E)(2) and (3) of this 120295  
section, the statement required by division (A) or (B) of this 120296  
section shall be accompanied by a filing fee of sixty dollars. 120297

(2) The statement required by division (A) of this section 120298  
shall be accompanied by the following filing fee to be paid by the 120299  
person who is elected or appointed to, or is a candidate for, any 120300  
of the following offices: 120301

For state office, except member of the 120302

|                                                                                                                                                                                                                                                                                                                                                                                                            |      |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|----------------------------------------------------------|
| state board of education                                                                                                                                                                                                                                                                                                                                                                                   | \$95 | 120303                                                   |
| For office of member of general assembly                                                                                                                                                                                                                                                                                                                                                                   | \$40 | 120304                                                   |
| For county office                                                                                                                                                                                                                                                                                                                                                                                          | \$60 | 120305                                                   |
| For city office                                                                                                                                                                                                                                                                                                                                                                                            | \$35 | 120306                                                   |
| For office of member of the state board<br>of education                                                                                                                                                                                                                                                                                                                                                    | \$35 | 120307<br>120308                                         |
| For office of member of a city, local,<br>exempted village, or cooperative<br>education board of                                                                                                                                                                                                                                                                                                           |      | 120309<br>120310<br>120311                               |
| education or educational service<br>center governing board                                                                                                                                                                                                                                                                                                                                                 | \$30 | 120312<br>120313                                         |
| For position of business manager,<br>treasurer, or superintendent of a<br>city, local, exempted village, joint<br>vocational, or cooperative education<br>school district or                                                                                                                                                                                                                               |      | 120314<br>120315<br>120316<br>120317<br>120318           |
| educational service center                                                                                                                                                                                                                                                                                                                                                                                 | \$30 | 120319                                                   |
| (3) No judge of a court of record or candidate for judge of a<br>court of record, and no referee or magistrate serving a court of<br>record, shall be required to pay the fee required under division<br>(E)(1) or (2) or (F) of this section.                                                                                                                                                             |      | 120320<br>120321<br>120322<br>120323                     |
| (4) For any public official who is appointed to a nonelective<br>office of the state and for any employee who holds a nonelective<br>position in a public agency of the state, the state agency that is<br>the primary employer of the state official or employee shall pay<br>the fee required under division (E)(1) or (F) of this section.                                                              |      | 120324<br>120325<br>120326<br>120327<br>120328           |
| (F) If a statement required to be filed under this section is<br>not filed by the date on which it is required to be filed, the<br>appropriate ethics commission shall assess the person required to<br>file the statement a late filing fee of ten dollars for each day<br>the statement is not filed, except that the total amount of the<br>late filing fee shall not exceed two hundred fifty dollars. |      | 120329<br>120330<br>120331<br>120332<br>120333<br>120334 |

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

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

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

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

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this

section, and a set of fingerprint impressions obtained in the 120366  
manner described in division (C)(2) of this section, the 120367  
superintendent of the bureau of criminal identification and 120368  
investigation shall conduct a criminal records check in the manner 120369  
described in division (B) of this section to determine whether any 120370  
information exists that indicates that the person who is the 120371  
subject of the request previously has been convicted of or pleaded 120372  
guilty to any of the following: 120373

(a) A violation of section 2903.01, 2903.02, 2903.03, 120374  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 120375  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 120376  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 120377  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 120378  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 120379  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 120380  
2925.06, or 3716.11 of the Revised Code, felonious sexual 120381  
penetration in violation of former section 2907.12 of the Revised 120382  
Code, a violation of section 2905.04 of the Revised Code as it 120383  
existed prior to July 1, 1996, a violation of section 2919.23 of 120384  
the Revised Code that would have been a violation of section 120385  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 120386  
had the violation been committed prior to that date, or a 120387  
violation of section 2925.11 of the Revised Code that is not a 120388  
minor drug possession offense; 120389

(b) A violation of an existing or former law of this state, 120390  
any other state, or the United States that is substantially 120391  
equivalent to any of the offenses listed in division (A)(1)(a) of 120392  
this section; 120393

(c) If the request is made pursuant to section 3319.39 of the 120394  
Revised Code for an applicant who is a teacher, any offense 120395  
specified in section 3319.31 of the Revised Code. 120396

(2) On receipt of a request pursuant to section 3712.09 or 120397

3721.121 of the Revised Code, a completed form prescribed pursuant 120398  
to division (C)(1) of this section, and a set of fingerprint 120399  
impressions obtained in the manner described in division (C)(2) of 120400  
this section, the superintendent of the bureau of criminal 120401  
identification and investigation shall conduct a criminal records 120402  
check with respect to any person who has applied for employment in 120403  
a position for which a criminal records check is required by those 120404  
sections. The superintendent shall conduct the criminal records 120405  
check in the manner described in division (B) of this section to 120406  
determine whether any information exists that indicates that the 120407  
person who is the subject of the request previously has been 120408  
convicted of or pleaded guilty to any of the following: 120409

(a) A violation of section 2903.01, 2903.02, 2903.03, 120410  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 120411  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 120412  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 120413  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 120414  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 120415  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 120416  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 120417  
2925.22, 2925.23, or 3716.11 of the Revised Code; 120418

(b) An existing or former law of this state, any other state, 120419  
or the United States that is substantially equivalent to any of 120420  
the offenses listed in division (A)(2)(a) of this section. 120421

(3) On receipt of a request pursuant to section 173.27, 120422  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 120423  
or 5123.169 of the Revised Code, a completed form prescribed 120424  
pursuant to division (C)(1) of this section, and a set of 120425  
fingerprint impressions obtained in the manner described in 120426  
division (C)(2) of this section, the superintendent of the bureau 120427  
of criminal identification and investigation shall conduct a 120428  
criminal records check of the person for whom the request is made. 120429

The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

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

(b) Felonious sexual penetration in violation of former

section 2907.12 of the Revised Code; 120462

(c) A violation of section 2905.04 of the Revised Code as it 120463  
existed prior to July 1, 1996; 120464

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 120465  
the Revised Code when the underlying offense that is the object of 120466  
the conspiracy, attempt, or complicity is one of the offenses 120467  
listed in divisions (A)(3)(a) to (c) of this section; 120468

(e) A violation of an existing or former municipal ordinance 120469  
or law of this state, any other state, or the United States that 120470  
is substantially equivalent to any of the offenses listed in 120471  
divisions (A)(3)(a) to (d) of this section. 120472

(4) On receipt of a request pursuant to section 2151.86 of 120473  
the Revised Code, a completed form prescribed pursuant to division 120474  
(C)(1) of this section, and a set of fingerprint impressions 120475  
obtained in the manner described in division (C)(2) of this 120476  
section, the superintendent of the bureau of criminal 120477  
identification and investigation shall conduct a criminal records 120478  
check in the manner described in division (B) of this section to 120479  
determine whether any information exists that indicates that the 120480  
person who is the subject of the request previously has been 120481  
convicted of or pleaded guilty to any of the following: 120482

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 120483  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 120484  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 120485  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 120486  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 120487  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 120488  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 120489  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 120490  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 120491  
of the Revised Code, a violation of section 2905.04 of the Revised 120492

Code as it existed prior to July 1, 1996, a violation of section 120493  
2919.23 of the Revised Code that would have been a violation of 120494  
section 2905.04 of the Revised Code as it existed prior to July 1, 120495  
1996, had the violation been committed prior to that date, a 120496  
violation of section 2925.11 of the Revised Code that is not a 120497  
minor drug possession offense, two or more OVI or OVUAC violations 120498  
committed within the three years immediately preceding the 120499  
submission of the application or petition that is the basis of the 120500  
request, or felonious sexual penetration in violation of former 120501  
section 2907.12 of the Revised Code; 120502

(b) A violation of an existing or former law of this state, 120503  
any other state, or the United States that is substantially 120504  
equivalent to any of the offenses listed in division (A)(4)(a) of 120505  
this section. 120506

(5) Upon receipt of a request pursuant to section 5104.013 of 120507  
the Revised Code, a completed form prescribed pursuant to division 120508  
(C)(1) of this section, and a set of fingerprint impressions 120509  
obtained in the manner described in division (C)(2) of this 120510  
section, the superintendent of the bureau of criminal 120511  
identification and investigation shall conduct a criminal records 120512  
check in the manner described in division (B) of this section to 120513  
determine whether any information exists that indicates that the 120514  
person who is the subject of the request has been convicted of or 120515  
pleaded guilty to any of the following: 120516

(a) A violation of section 2151.421, 2903.01, 2903.02, 120517  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 120518  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 120519  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 120520  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 120521  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 120522  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 120523  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 120524

2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 120525  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 120526  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 120527  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 120528  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 120529  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 120530  
Revised Code, felonious sexual penetration in violation of former 120531  
section 2907.12 of the Revised Code, a violation of section 120532  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 120533  
violation of section 2919.23 of the Revised Code that would have 120534  
been a violation of section 2905.04 of the Revised Code as it 120535  
existed prior to July 1, 1996, had the violation been committed 120536  
prior to that date, a violation of section 2925.11 of the Revised 120537  
Code that is not a minor drug possession offense, a violation of 120538  
section 2923.02 or 2923.03 of the Revised Code that relates to a 120539  
crime specified in this division, or a second violation of section 120540  
4511.19 of the Revised Code within five years of the date of 120541  
application for licensure or certification. 120542

(b) A violation of an existing or former law of this state, 120543  
any other state, or the United States that is substantially 120544  
equivalent to any of the offenses or violations described in 120545  
division (A)(5)(a) of this section. 120546

(6) Upon receipt of a request pursuant to section 5153.111 of 120547  
the Revised Code, a completed form prescribed pursuant to division 120548  
(C)(1) of this section, and a set of fingerprint impressions 120549  
obtained in the manner described in division (C)(2) of this 120550  
section, the superintendent of the bureau of criminal 120551  
identification and investigation shall conduct a criminal records 120552  
check in the manner described in division (B) of this section to 120553  
determine whether any information exists that indicates that the 120554  
person who is the subject of the request previously has been 120555  
convicted of or pleaded guilty to any of the following: 120556

(a) A violation of section 2903.01, 2903.02, 2903.03, 120557  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 120558  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 120559  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 120560  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 120561  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 120562  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 120563  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 120564  
felonious sexual penetration in violation of former section 120565  
2907.12 of the Revised Code, a violation of section 2905.04 of the 120566  
Revised Code as it existed prior to July 1, 1996, a violation of 120567  
section 2919.23 of the Revised Code that would have been a 120568  
violation of section 2905.04 of the Revised Code as it existed 120569  
prior to July 1, 1996, had the violation been committed prior to 120570  
that date, or a violation of section 2925.11 of the Revised Code 120571  
that is not a minor drug possession offense; 120572

(b) A violation of an existing or former law of this state, 120573  
any other state, or the United States that is substantially 120574  
equivalent to any of the offenses listed in division (A)(6)(a) of 120575  
this section. 120576

(7) On receipt of a request for a criminal records check from 120577  
an individual pursuant to section 4749.03 or 4749.06 of the 120578  
Revised Code, accompanied by a completed copy of the form 120579  
prescribed in division (C)(1) of this section and a set of 120580  
fingerprint impressions obtained in a manner described in division 120581  
(C)(2) of this section, the superintendent of the bureau of 120582  
criminal identification and investigation shall conduct a criminal 120583  
records check in the manner described in division (B) of this 120584  
section to determine whether any information exists indicating 120585  
that the person who is the subject of the request has been 120586  
convicted of or pleaded guilty to a felony in this state or in any 120587  
other state. If the individual indicates that a firearm will be 120588

carried in the course of business, the superintendent shall 120589  
require information from the federal bureau of investigation as 120590  
described in division (B)(2) of this section. Subject to division 120591  
(F) of this section, the superintendent shall report the findings 120592  
of the criminal records check and any information the federal 120593  
bureau of investigation provides to the director of public safety. 120594

(8) On receipt of a request pursuant to section 1321.37, 120595  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 120596  
Code, a completed form prescribed pursuant to division (C)(1) of 120597  
this section, and a set of fingerprint impressions obtained in the 120598  
manner described in division (C)(2) of this section, the 120599  
superintendent of the bureau of criminal identification and 120600  
investigation shall conduct a criminal records check with respect 120601  
to any person who has applied for a license, permit, or 120602  
certification from the department of commerce or a division in the 120603  
department. The superintendent shall conduct the criminal records 120604  
check in the manner described in division (B) of this section to 120605  
determine whether any information exists that indicates that the 120606  
person who is the subject of the request previously has been 120607  
convicted of or pleaded guilty to any of the following: a 120608  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 120609  
2925.03 of the Revised Code; any other criminal offense involving 120610  
theft, receiving stolen property, embezzlement, forgery, fraud, 120611  
passing bad checks, money laundering, or drug trafficking, or any 120612  
criminal offense involving money or securities, as set forth in 120613  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 120614  
the Revised Code; or any existing or former law of this state, any 120615  
other state, or the United States that is substantially equivalent 120616  
to those offenses. 120617

(9) On receipt of a request for a criminal records check from 120618  
the treasurer of state under section 113.041 of the Revised Code 120619  
or from an individual under section 4701.08, 4715.101, 4717.061, 120620

4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 120621  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 120622  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 120623  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 120624  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 120625  
accompanied by a completed form prescribed under division (C)(1) 120626  
of this section and a set of fingerprint impressions obtained in 120627  
the manner described in division (C)(2) of this section, the 120628  
superintendent of the bureau of criminal identification and 120629  
investigation shall conduct a criminal records check in the manner 120630  
described in division (B) of this section to determine whether any 120631  
information exists that indicates that the person who is the 120632  
subject of the request has been convicted of or pleaded guilty to 120633  
any criminal offense in this state or any other state. Subject to 120634  
division (F) of this section, the superintendent shall send the 120635  
results of a check requested under section 113.041 of the Revised 120636  
Code to the treasurer of state and shall send the results of a 120637  
check requested under any of the other listed sections to the 120638  
licensing board specified by the individual in the request. 120639

(10) On receipt of a request pursuant to section 1121.23, 120640  
~~1155.03, 1163.05,~~ 1315.141, 1733.47, or 1761.26 of the Revised 120641  
Code, a completed form prescribed pursuant to division (C)(1) of 120642  
this section, and a set of fingerprint impressions obtained in the 120643  
manner described in division (C)(2) of this section, the 120644  
superintendent of the bureau of criminal identification and 120645  
investigation shall conduct a criminal records check in the manner 120646  
described in division (B) of this section to determine whether any 120647  
information exists that indicates that the person who is the 120648  
subject of the request previously has been convicted of or pleaded 120649  
guilty to any criminal offense under any existing or former law of 120650  
this state, any other state, or the United States. 120651

(11) On receipt of a request for a criminal records check 120652

from an appointing or licensing authority under section 3772.07 of 120653  
the Revised Code, a completed form prescribed under division 120654  
(C)(1) of this section, and a set of fingerprint impressions 120655  
obtained in the manner prescribed in division (C)(2) of this 120656  
section, the superintendent of the bureau of criminal 120657  
identification and investigation shall conduct a criminal records 120658  
check in the manner described in division (B) of this section to 120659  
determine whether any information exists that indicates that the 120660  
person who is the subject of the request previously has been 120661  
convicted of or pleaded guilty or no contest to any offense under 120662  
any existing or former law of this state, any other state, or the 120663  
United States that is a disqualifying offense as defined in 120664  
section 3772.07 of the Revised Code or substantially equivalent to 120665  
such an offense. 120666

(12) On receipt of a request pursuant to section 2151.33 or 120667  
2151.412 of the Revised Code, a completed form prescribed pursuant 120668  
to division (C)(1) of this section, and a set of fingerprint 120669  
impressions obtained in the manner described in division (C)(2) of 120670  
this section, the superintendent of the bureau of criminal 120671  
identification and investigation shall conduct a criminal records 120672  
check with respect to any person for whom a criminal records check 120673  
is required under that section. The superintendent shall conduct 120674  
the criminal records check in the manner described in division (B) 120675  
of this section to determine whether any information exists that 120676  
indicates that the person who is the subject of the request 120677  
previously has been convicted of or pleaded guilty to any of the 120678  
following: 120679

(a) A violation of section 2903.01, 2903.02, 2903.03, 120680  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 120681  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 120682  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 120683  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 120684

2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 120685  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 120686  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 120687  
2925.22, 2925.23, or 3716.11 of the Revised Code; 120688

(b) An existing or former law of this state, any other state, 120689  
or the United States that is substantially equivalent to any of 120690  
the offenses listed in division (A)(12)(a) of this section. 120691

(13) On receipt of a request pursuant to section 3796.12 of 120692  
the Revised Code, a completed form prescribed pursuant to division 120693  
(C)(1) of this section, and a set of fingerprint impressions 120694  
obtained in a manner described in division (C)(2) of this section, 120695  
the superintendent of the bureau of criminal identification and 120696  
investigation shall conduct a criminal records check in the manner 120697  
described in division (B) of this section to determine whether any 120698  
information exists that indicates that the person who is the 120699  
subject of the request previously has been convicted of or pleaded 120700  
guilty to the following: 120701

(a) A disqualifying offense as specified in rules adopted 120702  
under division (B)(2)(b) of section 3796.03 of the Revised Code if 120703  
the person who is the subject of the request is an administrator 120704  
or other person responsible for the daily operation of, or an 120705  
owner or prospective owner, officer or prospective officer, or 120706  
board member or prospective board member of, an entity seeking a 120707  
license from the department of commerce under Chapter 3796. of the 120708  
Revised Code; 120709

(b) A disqualifying offense as specified in rules adopted 120710  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 120711  
the person who is the subject of the request is an administrator 120712  
or other person responsible for the daily operation of, or an 120713  
owner or prospective owner, officer or prospective officer, or 120714  
board member or prospective board member of, an entity seeking a 120715  
license from the state board of pharmacy under Chapter 3796. of 120716

the Revised Code. 120717

(14) On receipt of a request required by section 3796.13 of 120718  
the Revised Code, a completed form prescribed pursuant to division 120719  
(C)(1) of this section, and a set of fingerprint impressions 120720  
obtained in a manner described in division (C)(2) of this section, 120721  
the superintendent of the bureau of criminal identification and 120722  
investigation shall conduct a criminal records check in the manner 120723  
described in division (B) of this section to determine whether any 120724  
information exists that indicates that the person who is the 120725  
subject of the request previously has been convicted of or pleaded 120726  
guilty to the following: 120727

(a) A disqualifying offense as specified in rules adopted 120728  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 120729  
the person who is the subject of the request is seeking employment 120730  
with an entity licensed by the department of commerce under 120731  
Chapter 3796. of the Revised Code; 120732

(b) A disqualifying offense as specified in rules adopted 120733  
under division (B)(14)(a) of section 3796.04 of the Revised Code 120734  
if the person who is the subject of the request is seeking 120735  
employment with an entity licensed by the state board of pharmacy 120736  
under Chapter 3796. of the Revised Code. 120737

(B) Subject to division (F) of this section, the 120738  
superintendent shall conduct any criminal records check to be 120739  
conducted under this section as follows: 120740

(1) The superintendent shall review or cause to be reviewed 120741  
any relevant information gathered and compiled by the bureau under 120742  
division (A) of section 109.57 of the Revised Code that relates to 120743  
the person who is the subject of the criminal records check, 120744  
including, if the criminal records check was requested under 120745  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 120746  
~~1155.03, 1163.05~~, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 120747

1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 120748  
3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 120749  
4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 120750  
5123.169, or 5153.111 of the Revised Code, any relevant 120751  
information contained in records that have been sealed under 120752  
section 2953.32 of the Revised Code; 120753

(2) If the request received by the superintendent asks for 120754  
information from the federal bureau of investigation, the 120755  
superintendent shall request from the federal bureau of 120756  
investigation any information it has with respect to the person 120757  
who is the subject of the criminal records check, including 120758  
fingerprint-based checks of national crime information databases 120759  
as described in 42 U.S.C. 671 if the request is made pursuant to 120760  
section 2151.86 or 5104.013 of the Revised Code or if any other 120761  
Revised Code section requires fingerprint-based checks of that 120762  
nature, and shall review or cause to be reviewed any information 120763  
the superintendent receives from that bureau. If a request under 120764  
section 3319.39 of the Revised Code asks only for information from 120765  
the federal bureau of investigation, the superintendent shall not 120766  
conduct the review prescribed by division (B)(1) of this section. 120767

(3) The superintendent or the superintendent's designee may 120768  
request criminal history records from other states or the federal 120769  
government pursuant to the national crime prevention and privacy 120770  
compact set forth in section 109.571 of the Revised Code. 120771

(4) The superintendent shall include in the results of the 120772  
criminal records check a list or description of the offenses 120773  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 120774  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 120775  
whichever division requires the superintendent to conduct the 120776  
criminal records check. The superintendent shall exclude from the 120777  
results any information the dissemination of which is prohibited 120778  
by federal law. 120779

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

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

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

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

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

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

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

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

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

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check

conducted under this section that the superintendent reports or 120843  
sends under division (A)(7) or (9) of this section to the director 120844  
of public safety, the treasurer of state, or the person, board, or 120845  
entity that made the request for the criminal records check shall 120846  
relate to the conviction of the subject person, or the subject 120847  
person's plea of guilty to, a criminal offense. 120848

(2) Division (F)(1) of this section does not limit, restrict, 120849  
or preclude the superintendent's release of information that 120850  
relates to the arrest of a person who is eighteen years of age or 120851  
older, to an adjudication of a child as a delinquent child, or to 120852  
a criminal conviction of a person under eighteen years of age in 120853  
circumstances in which a release of that nature is authorized 120854  
under division (E)(2), (3), or (4) of section 109.57 of the 120855  
Revised Code pursuant to a rule adopted under division (E)(1) of 120856  
that section. 120857

(G) As used in this section: 120858

(1) "Criminal records check" means any criminal records check 120859  
conducted by the superintendent of the bureau of criminal 120860  
identification and investigation in accordance with division (B) 120861  
of this section. 120862

(2) "Minor drug possession offense" has the same meaning as 120863  
in section 2925.01 of the Revised Code. 120864

(3) "OVI or OVUAC violation" means a violation of section 120865  
4511.19 of the Revised Code or a violation of an existing or 120866  
former law of this state, any other state, or the United States 120867  
that is substantially equivalent to section 4511.19 of the Revised 120868  
Code. 120869

(4) "Registered private provider" means a nonpublic school or 120870  
entity registered with the superintendent of public instruction 120871  
under section 3310.41 of the Revised Code to participate in the 120872  
autism scholarship program or section 3310.58 of the Revised Code 120873

to participate in the Jon Peterson special needs scholarship program. 120874  
120875

**Sec. 111.15.** (A) As used in this section: 120876

(1) "Rule" includes any rule, regulation, bylaw, or standard 120877  
having a general and uniform operation adopted by an agency under 120878  
the authority of the laws governing the agency; any appendix to a 120879  
rule; and any internal management rule. "Rule" does not include 120880  
any guideline adopted pursuant to section 3301.0714 of the Revised 120881  
Code, any order respecting the duties of employees, any finding, 120882  
any determination of a question of law or fact in a matter 120883  
presented to an agency, or any rule promulgated pursuant to 120884  
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 120885  
Revised Code. "Rule" includes any amendment or rescission of a 120886  
rule. 120887

(2) "Agency" means any governmental entity of the state and 120888  
includes, but is not limited to, any board, department, division, 120889  
commission, bureau, society, council, institution, state college 120890  
or university, community college district, technical college 120891  
district, or state community college. "Agency" does not include 120892  
the general assembly, the controlling board, the adjutant 120893  
general's department, or any court. 120894

(3) "Internal management rule" means any rule, regulation, 120895  
bylaw, or standard governing the day-to-day staff procedures and 120896  
operations within an agency. 120897

(B)(1) Any rule, other than a rule of an emergency nature, 120898  
adopted by any agency pursuant to this section shall be effective 120899  
on the tenth day after the day on which the rule in final form and 120900  
in compliance with division (B)(3) of this section is filed as 120901  
follows: 120902

(a) The rule shall be filed in electronic form with both the 120903

secretary of state and the director of the legislative service 120904  
commission; 120905

(b) The rule shall be filed in electronic form with the joint 120906  
committee on agency rule review. Division (B)(1)(b) of this 120907  
section does not apply to any rule to which division (D) of this 120908  
section does not apply. 120909

An agency that adopts or amends a rule that is subject to 120910  
division (D) of this section shall assign a review date to the 120911  
rule that is not later than five years after its effective date. 120912  
If a review date assigned to a rule exceeds the five-year maximum, 120913  
the review date for the rule is five years after its effective 120914  
date. A rule with a review date is subject to review under section 120915  
106.03 of the Revised Code. This paragraph does not apply to a 120916  
rule of a state college or university, community college district, 120917  
technical college district, or state community college. 120918

If an agency in adopting a rule designates an effective date 120919  
that is later than the effective date provided for by division 120920  
(B)(1) of this section, the rule if filed as required by such 120921  
division shall become effective on the later date designated by 120922  
the agency. 120923

Any rule that is required to be filed under division (B)(1) 120924  
of this section is also subject to division (D) of this section if 120925  
not exempted by that division. 120926

If a rule incorporates a text or other material by reference, 120927  
the agency shall comply with sections 121.71 to 121.76 of the 120928  
Revised Code. 120929

(2) A rule of an emergency nature necessary for the immediate 120930  
preservation of the public peace, health, or safety shall state 120931  
the reasons for the necessity. The emergency rule, in final form 120932  
and in compliance with division (B)(3) of this section, shall be 120933  
filed in electronic form with the secretary of state, the director 120934

of the legislative service commission, and the joint committee on 120935  
agency rule review. The emergency rule is effective immediately 120936  
upon completion of the latest filing, except that if the agency in 120937  
adopting the emergency rule designates an effective date, or date 120938  
and time of day, that is later than the effective date and time 120939  
provided for by division (B)(2) of this section, the emergency 120940  
rule if filed as required by such division shall become effective 120941  
at the later date, or later date and time of day, designated by 120942  
the agency. 120943

An emergency rule becomes invalid at the end of the one 120944  
hundred twentieth day it is in effect. Prior to that date, the 120945  
agency may file the emergency rule as a nonemergency rule in 120946  
compliance with division (B)(1) of this section. The agency may 120947  
not refile the emergency rule in compliance with division (B)(2) 120948  
of this section so that, upon the emergency rule becoming invalid 120949  
under such division, the emergency rule will continue in effect 120950  
without interruption for another one hundred twenty-day period. 120951

(3) An agency shall file a rule under division (B)(1) or (2) 120952  
of this section in compliance with the following standards and 120953  
procedures: 120954

(a) The rule shall be numbered in accordance with the 120955  
numbering system devised by the director for the Ohio 120956  
administrative code. 120957

(b) The rule shall be prepared and submitted in compliance 120958  
with the rules of the legislative service commission. 120959

(c) The rule shall clearly state the date on which it is to 120960  
be effective and the date on which it will expire, if known. 120961

(d) Each rule that amends or rescinds another rule shall 120962  
clearly refer to the rule that is amended or rescinded. Each 120963  
amendment shall fully restate the rule as amended. 120964

If the director of the legislative service commission or the 120965

director's designee gives an agency notice pursuant to section 120966  
103.05 of the Revised Code that a rule filed by the agency is not 120967  
in compliance with the rules of the legislative service 120968  
commission, the agency shall within thirty days after receipt of 120969  
the notice conform the rule to the rules of the commission as 120970  
directed in the notice. 120971

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 120972  
of this section shall be recorded by the secretary of state and 120973  
the director under the title of the agency adopting the rule and 120974  
shall be numbered according to the numbering system devised by the 120975  
director. The secretary of state and the director shall preserve 120976  
the rules in an accessible manner. Each such rule shall be a 120977  
public record open to public inspection and may be transmitted to 120978  
any law publishing company that wishes to reproduce it. 120979

(D) At least sixty-five days before a board, commission, 120980  
department, division, or bureau of the government of the state 120981  
files a rule under division (B)(1) of this section, it shall file 120982  
the full text of the proposed rule in electronic form with the 120983  
joint committee on agency rule review, and the proposed rule is 120984  
subject to legislative review and invalidation under section 120985  
106.021 of the Revised Code. If a state board, commission, 120986  
department, division, or bureau makes a revision in a proposed 120987  
rule after it is filed with the joint committee, the state board, 120988  
commission, department, division, or bureau shall promptly file 120989  
the full text of the proposed rule in its revised form in 120990  
electronic form with the joint committee. A state board, 120991  
commission, department, division, or bureau shall also file the 120992  
rule summary and fiscal analysis prepared under section 127.18 of 120993  
the Revised Code in electronic form along with a proposed rule, 120994  
and along with a proposed rule in revised form, that is filed 120995  
under this division. If a proposed rule has an adverse impact on 120996  
businesses, the state board, commission, department, division, or 120997

bureau also shall file the business impact analysis, any 120998  
recommendations received from the common sense initiative office, 120999  
and the associated memorandum of response, if any, in electronic 121000  
form along with the proposed rule, or the proposed rule in revised 121001  
form, that is filed under this division. 121002

A proposed rule that is subject to legislative review under 121003  
this division may not be adopted and filed in final form under 121004  
division (B)(1) of this section unless the proposed rule has been 121005  
filed with the joint committee on agency rule review under this 121006  
division and the time for the joint committee to review the 121007  
proposed rule has expired without recommendation of a concurrent 121008  
resolution to invalidate the proposed rule. 121009

As used in this division, "commission" includes the public 121010  
utilities commission when adopting rules under a federal or state 121011  
statute. 121012

This division does not apply to any of the following: 121013

(1) A proposed rule of an emergency nature; 121014

(2) A rule proposed under section 1121.05, 1121.06, ~~1155.18,~~ 121015  
~~1163.22,~~ 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 121016  
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 121017  
Code; 121018

(3) A rule proposed by an agency other than a board, 121019  
commission, department, division, or bureau of the government of 121020  
the state; 121021

(4) A proposed internal management rule of a board, 121022  
commission, department, division, or bureau of the government of 121023  
the state; 121024

(5) Any proposed rule that must be adopted verbatim by an 121025  
agency pursuant to federal law or rule, to become effective within 121026  
sixty days of adoption, in order to continue the operation of a 121027

federally reimbursed program in this state, so long as the 121028  
proposed rule contains both of the following: 121029

(a) A statement that it is proposed for the purpose of 121030  
complying with a federal law or rule; 121031

(b) A citation to the federal law or rule that requires 121032  
verbatim compliance. 121033

(6) An initial rule proposed by the director of health to 121034  
impose safety standards and quality-of-care standards with respect 121035  
to a health service specified in section 3702.11 of the Revised 121036  
Code, or an initial rule proposed by the director to impose 121037  
quality standards on a facility listed in division (A)(4) of 121038  
section 3702.30 of the Revised Code, if section 3702.12 of the 121039  
Revised Code requires that the rule be adopted under this section; 121040

(7) A rule of the state lottery commission pertaining to 121041  
instant game rules. 121042

If a rule is exempt from legislative review under division 121043  
(D)(5) of this section, and if the federal law or rule pursuant to 121044  
which the rule was adopted expires, is repealed or rescinded, or 121045  
otherwise terminates, the rule is thereafter subject to 121046  
legislative review under division (D) of this section. 121047

Whenever a state board, commission, department, division, or 121048  
bureau files a proposed rule or a proposed rule in revised form 121049  
under division (D) of this section, it shall also file the full 121050  
text of the same proposed rule or proposed rule in revised form in 121051  
electronic form with the secretary of state and the director of 121052  
the legislative service commission. A state board, commission, 121053  
department, division, or bureau shall file the rule summary and 121054  
fiscal analysis prepared under section 127.18 of the Revised Code 121055  
in electronic form along with a proposed rule or proposed rule in 121056  
revised form that is filed with the secretary of state or the 121057  
director of the legislative service commission. 121058

Sec. 119.01. As used in sections 119.01 to 119.13 of the Revised Code:

(A)(1) "Agency" means, except as limited by this division, any official, board, or commission having authority to promulgate rules or make adjudications in the civil service commission, the division of liquor control, the department of taxation, the industrial commission, the bureau of workers' compensation, the functions of any administrative or executive officer, department, division, bureau, board, or commission of the government of the state specifically made subject to sections 119.01 to 119.13 of the Revised Code, and the licensing functions of any administrative or executive officer, department, division, bureau, board, or commission of the government of the state having the authority or responsibility of issuing, suspending, revoking, or canceling licenses.

Sections 119.01 to 119.13 of the Revised Code do not apply to the public utilities commission. Sections 119.01 to 119.13 of the Revised Code do not apply to the utility radiological safety board; to the controlling board; to actions of the superintendent of financial institutions and the superintendent of insurance in the taking possession of, and rehabilitation or liquidation of, the business and property of banks, savings and loan associations, savings banks, credit unions, insurance companies, associations, reciprocal fraternal benefit societies, and bond investment companies; to any action taken by the division of securities under section 1707.201 of the Revised Code; or to any action that may be taken by the superintendent of financial institutions under section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, ~~1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18,~~ 1349.33, 1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code.

Sections 119.01 to 119.13 of the Revised Code do not apply to

actions of the industrial commission or the bureau of workers' 121090  
compensation under sections 4123.01 to 4123.94 of the Revised Code 121091  
with respect to all matters of adjudication, or to the actions of 121092  
the industrial commission, bureau of workers' compensation board 121093  
of directors, and bureau of workers' compensation under division 121094  
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 121095  
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 121096  
(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 121097  
(E) of section 4131.14 of the Revised Code with respect to all 121098  
matters concerning the establishment of premium, contribution, and 121099  
assessment rates. 121100

(2) "Agency" also means any official or work unit having 121101  
authority to promulgate rules or make adjudications in the 121102  
department of job and family services, but only with respect to 121103  
both of the following: 121104

(a) The adoption, amendment, or rescission of rules that 121105  
section 5101.09 of the Revised Code requires be adopted in 121106  
accordance with this chapter; 121107

(b) The issuance, suspension, revocation, or cancellation of 121108  
licenses. 121109

(B) "License" means any license, permit, certificate, 121110  
commission, or charter issued by any agency. "License" does not 121111  
include any arrangement whereby a person or government entity 121112  
furnishes medicaid services under a provider agreement with the 121113  
department of medicaid. 121114

(C) "Rule" means any rule, regulation, or standard, having a 121115  
general and uniform operation, adopted, promulgated, and enforced 121116  
by any agency under the authority of the laws governing such 121117  
agency, and includes any appendix to a rule. "Rule" does not 121118  
include any internal management rule of an agency unless the 121119  
internal management rule affects private rights and does not 121120

include any guideline adopted pursuant to section 3301.0714 of the Revised Code.

(D) "Adjudication" means the determination by the highest or ultimate authority of an agency of the rights, duties, privileges, benefits, or legal relationships of a specified person, but does not include the issuance of a license in response to an application with respect to which no question is raised, nor other acts of a ministerial nature.

(E) "Hearing" means a public hearing by any agency in compliance with procedural safeguards afforded by sections 119.01 to 119.13 of the Revised Code.

(F) "Person" means a person, firm, corporation, association, or partnership.

(G) "Party" means the person whose interests are the subject of an adjudication by an agency.

(H) "Appeal" means the procedure by which a person, aggrieved by a finding, decision, order, or adjudication of any agency, invokes the jurisdiction of a court.

(I) "Internal management rule" means any rule, regulation, or standard governing the day-to-day staff procedures and operations within an agency.

**Sec. 121.07.** (A) Except as otherwise provided in this division, the officers mentioned in sections 121.04 and 121.05 of the Revised Code and the offices and divisions they administer shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as the directors prescribe. In performing or exercising any of the examination or regulatory functions, powers, or duties vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 to 1315.18 of the Revised Code in the superintendent of financial

institutions, the superintendent of financial institutions and the 121151  
division of financial institutions are independent of and are not 121152  
subject to the control of the department or the director of 121153  
commerce. In the absence of the superintendent of financial 121154  
institutions, the director of commerce ~~may~~ shall, for a limited 121155  
period of time, perform or exercise any of those functions, 121156  
powers, or duties or authorize the deputy superintendent for banks 121157  
to perform or exercise any of the functions, power, or duties 121158  
vested by Title XI and sections 1315.01 to 1315.18 of the Revised 121159  
Code in the superintendent and the deputy superintendent for 121160  
credit unions to perform or exercise any of the functions, powers, 121161  
or duties vested by Chapters 1733. and 1761. of the Revised Code 121162  
in the superintendent. 121163

(B) With the approval of the governor, the director of each 121164  
department shall establish divisions within the department, and 121165  
distribute the work of the department among such divisions. Each 121166  
officer created by section 121.04 of the Revised Code shall be the 121167  
head of such a division. 121168

With the approval of the governor, the director of each 121169  
department may consolidate any two or more of the offices created 121170  
in the department by section 121.04 of the Revised Code, or reduce 121171  
the number of or create new divisions therein. 121172

The director of each department may prescribe rules for the 121173  
government of the department, the conduct of its employees, the 121174  
performance of its business, and the custody, use, and 121175  
preservation of the records, papers, books, documents, and 121176  
property pertaining thereto. 121177

**Sec. 131.11.** No money held or controlled by any probate 121178  
court, juvenile court, clerk of the court of common pleas, clerk 121179  
of a county court, sheriff, county recorder, director of a county 121180  
department of job and family services, clerk or bailiff of a 121181

municipal court, prosecuting attorney, resident or division deputy 121182  
director of highways, or treasurer of a university receiving state 121183  
aid, in excess of that covered by federal deposit insurance as 121184  
hereinafter described ~~or in excess of that covered by federal~~ 121185  
~~savings and loan insurance~~, shall be deposited in any bank, or 121186  
trust company, ~~or building and loan association as defined in~~ 121187  
~~section 1151.01 of the Revised Code~~ until there is a hypothecation 121188  
of securities as provided for in section 135.18 of the Revised 121189  
Code, or until there is executed by the bank, or trust company, ~~or~~ 121190  
~~building and loan association~~ selected, a good and sufficient 121191  
undertaking, payable to the depositor, in such sum as the 121192  
depositor directs, but not less than the excess of the sum that is 121193  
deposited in the depository, at any one time over and above the 121194  
portion or amount of the sum as is at any time insured by the 121195  
federal deposit insurance corporation created pursuant to "The 121196  
Banking Act of 1933," or by ~~the federal savings and loan insurance~~ 121197  
~~corporation created pursuant to the "Home Owners' Loan Act of~~ 121198  
~~1933," 40 Stat. 128, 12 U.S.C.A. 1461, or by any other agency or~~ 121199  
instrumentality of the federal government, pursuant to such acts 121200  
or any acts of congress amendatory thereof. 121201

Any funds or securities in the possession or custody of any 121202  
county official in an official capacity or any funds or securities 121203  
the possession or custody of which is charged to any county 121204  
official, including funds or securities in transit to or from any 121205  
bank or trust company, may be insured by the board of county 121206  
commissioners in such amount as is found necessary in the public 121207  
interest. All costs of such insurance shall be paid by the county 121208  
as provided in section 307.55 of the Revised Code. 121209

With respect to any insured or secured deposit mentioned in 121210  
this section which is active as defined by section 135.01 of the 121211  
Revised Code, any depositor named in this section may pay a 121212  
service charge which is the same as that customarily made by the 121213

institution or institutions receiving money on deposit subject to 121214  
check in the city or village where the bank or trust company 121215  
accepting such active deposit is located. 121216

**Sec. 135.03.** Any national bank, any bank doing business under 121217  
authority granted by the superintendent of financial institutions, 121218  
or any bank doing business under authority granted by the 121219  
regulatory authority of another state of the United States, 121220  
located in this state, is eligible to become a public depository, 121221  
subject to sections 135.01 to 135.21 of the Revised Code. No bank 121222  
shall receive or have on deposit at any one time public moneys, 121223  
including public moneys as defined in section 135.31 of the 121224  
Revised Code, in an aggregate amount in excess of thirty per cent 121225  
of its total assets, as shown in its latest report to the 121226  
comptroller of the currency, the superintendent of financial 121227  
institutions, the federal deposit insurance corporation, or the 121228  
board of governors of the federal reserve system. 121229

Any federal savings association, ~~any savings and loan~~ 121230  
~~association or savings bank doing business under authority granted~~ 121231  
~~by the superintendent of financial institutions,~~ or any savings 121232  
and loan association or savings bank doing business under 121233  
authority granted by the regulatory authority of another state of 121234  
the United States, located in this state, and authorized to accept 121235  
deposits is eligible to become a public depository, subject to 121236  
sections 135.01 to 135.21 of the Revised Code. No savings 121237  
association, savings and loan association, or savings bank shall 121238  
receive or have on deposit at any one time public moneys, 121239  
including public moneys as defined in section 135.31 of the 121240  
Revised Code, in an aggregate amount in excess of thirty per cent 121241  
of its total assets, as shown in its latest report to the former 121242  
office of thrift supervision, the comptroller of the currency, the 121243  
superintendent of financial institutions, the federal deposit 121244  
insurance corporation, or the board of governors of the federal 121245

reserve system. 121246

**Sec. 135.032.** No ~~bank or savings and loan association~~ 121247  
institution mentioned in section 135.03 of the Revised Code is 121248  
eligible to become a public depository or to receive any new 121249  
public deposits pursuant to sections 135.01 to 135.21 of the 121250  
Revised Code, if+ 121251

~~(A) In the case of a bank,~~ the ~~bank~~ institution or any of its 121252  
directors, officers, employees, or controlling shareholders or 121253  
persons is currently a party to an active final or temporary 121254  
cease-and-desist order issued ~~under section 1121.32 of the Revised~~ 121255  
~~Code;~~ 121256

~~(B) In the case of an association, the association or any of~~ 121257  
~~its directors, officers, employees, or controlling persons is~~ 121258  
~~currently a party to an active final or summary cease and desist~~ 121259  
~~order issued under section 1155.02 of the Revised Code~~ to ensure 121260  
the safety and soundness of the institution. 121261

**Sec. 135.182.** (A) As used in this section: 121262

(1) "Public depository" means that term as defined in section 121263  
135.01 of the Revised Code, but also means an institution that 121264  
receives or holds any public deposits as defined in section 135.31 121265  
of the Revised Code. 121266

(2) "Public depositor" means that term as defined in section 121267  
135.01 of the Revised Code, but also includes a county and any 121268  
municipal corporation that has adopted a charter under Article 121269  
XVIII, Ohio Constitution. 121270

(3) "Public deposits," "public moneys," and "treasurer" mean 121271  
those terms as defined in section 135.01 of the Revised Code, but 121272  
also have the same meanings as are set forth in section 135.31 of 121273  
the Revised Code. 121274

(B)(1) Not later than July 1, 2017, the treasurer of state 121275  
shall create the Ohio pooled collateral program. Under this 121276  
program, each institution designated as a public depository that 121277  
selects the pledging method prescribed in division (A)(2) of 121278  
section 135.18 or division (A)(2) of section 135.37 of the Revised 121279  
Code shall pledge to the treasurer of state a single pool of 121280  
eligible securities for the benefit of all public depositors at 121281  
the public depository to secure the repayment of all uninsured 121282  
public deposits at the public depository, provided that at all 121283  
times the total market value of the securities so pledged is at 121284  
least equal to either of the following: 121285

(a) One hundred two per cent of the total amount of all 121286  
uninsured public deposits; 121287

(b) An amount determined by rules adopted by the treasurer of 121288  
state that set forth the criteria for determining the aggregate 121289  
market value of the pool of eligible securities pledged by a 121290  
public depository pursuant to division (B) of this section. Such 121291  
criteria shall include, but are not limited to, prudent capital 121292  
and liquidity management by the public depository and the safety 121293  
and soundness of the public depository as determined by a 121294  
third-party rating organization. 121295

(2) The treasurer of state shall monitor the eligibility, 121296  
market value, and face value of the pooled securities pledged by 121297  
the public depository. Each public depository shall carry in its 121298  
accounting records at all times a general ledger or other 121299  
appropriate account of the total amount of all public deposits to 121300  
be secured by the pool, as determined at the opening of business 121301  
each day, and the total market value of securities pledged to 121302  
secure such deposits, and report such information to the treasurer 121303  
of state in a manner and frequency as determined by the treasurer 121304  
of state pursuant to rules adopted by the treasurer of state. A 121305  
public depositor shall be responsible for periodically confirming 121306

the accuracy of its account balances with the treasurer of state; 121307  
otherwise, the treasurer of state shall be the sole public 121308  
depositor responsible for monitoring and ensuring the sufficiency 121309  
of securities pledged under this section. 121310

(C) The public depository shall designate a qualified trustee 121311  
approved by the treasurer of state and place with such trustee for 121312  
safekeeping the eligible securities pledged pursuant to division 121313  
(B) of this section. The trustee shall hold the eligible 121314  
securities in an account indicating the treasurer of state's 121315  
security interest in the eligible securities. The treasurer of 121316  
state shall give written notice of the trustee to all public 121317  
depositors for which such securities are pledged. The trustee 121318  
shall report to the treasurer of state information relating to the 121319  
securities pledged to secure such public deposits in a manner and 121320  
frequency as determined by the treasurer of state. 121321

(D) In order for a public depository to receive public moneys 121322  
under this section, the public depository and the treasurer of 121323  
state shall first execute an agreement that sets forth the entire 121324  
arrangement among the parties and that meets the requirements 121325  
described in 12 U.S.C. 1823(e). In addition, the agreement shall 121326  
authorize the treasurer of state to obtain control of the 121327  
collateral pursuant to division (D) of section 1308.24 of the 121328  
Revised Code. 121329

(E) The securities or other obligations described in division 121330  
(D) of section 135.18 of the Revised Code shall be eligible as 121331  
collateral for the purposes of division (B) of this section, 121332  
provided no such securities or obligations pledged as collateral 121333  
are at any time in default as to either principal or interest. 121334

(F) Any federal reserve bank or branch thereof located in 121335  
this state or federal home loan bank, without compliance with 121336  
Chapter 1111. of the Revised Code and without becoming subject to 121337  
any other law of this state relative to the exercise by 121338

corporations of trust powers generally, is qualified to act as 121339  
trustee for the safekeeping of securities, under this section. Any 121340  
institution mentioned in section 135.03 or 135.32 of the Revised 121341  
Code that holds a certificate of qualification issued by the 121342  
superintendent of financial institutions or any institution 121343  
complying with sections 1111.04, 1111.05, and 1111.06 of the 121344  
Revised Code is qualified to act as trustee for the safekeeping of 121345  
securities under this section, other than those belonging to 121346  
itself or to an affiliate as defined in section 1101.01 of the 121347  
Revised Code. 121348

(G) The public depository may substitute, exchange, or 121349  
release eligible securities deposited with the qualified trustee 121350  
pursuant to this section, provided that such substitution, 121351  
exchange, or release is effectuated pursuant to written 121352  
authorization from the treasurer of state, and such action does 121353  
not reduce the total market value of the securities to an amount 121354  
that is less than the amount established pursuant to division (B) 121355  
of this section. 121356

(H) Notwithstanding the fact that a public depository is 121357  
required to pledge eligible securities in certain amounts to 121358  
secure public deposits, a qualified trustee has no duty or 121359  
obligation to determine the eligibility, market value, or face 121360  
value of any securities deposited with the trustee by a public 121361  
depository. This applies in all situations including, but not 121362  
limited to, a substitution or exchange of securities, but 121363  
excluding those situations effectuated by division (I) of this 121364  
section in which the trustee is required to determine face and 121365  
market value. 121366

(I) The qualified trustee shall enter into a custodial 121367  
agreement with the treasurer of state and public depository in 121368  
which the trustee agrees to comply with entitlement orders 121369  
originated by the treasurer of state without further consent by 121370

the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the treasurer of state shall have the treasurer's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails to pay over any part of the public deposits made therein as provided by law and secured pursuant to division (B) of this section, the treasurer of state shall give written notice of this failure to the qualified trustee holding the pool of securities pledged against the public deposits, and at the same time shall send a copy of this notice to the public depository. Upon receipt of this notice, the trustee shall transfer to the treasurer of state for sale, the pooled securities that are necessary to produce an amount equal to the public deposits made by the public depositor and not paid over, less the portion of the deposits covered by any federal deposit insurance, plus any accrued interest due on the deposits. The treasurer of state shall sell any of the bonds or other securities so transferred. When a sale of bonds or other securities has been so made and upon payment to the public depositor of the purchase money, the treasurer of state shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers. Any surplus after deducting the amount due to the public depositor and expenses of sale shall be paid to the public depository.

(J) Any charges or compensation of a qualified trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the public depositor or to any officer of the public depositor. The charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in the securities of the public depositor. The treasurer and the treasurer's bonders or surety shall be relieved from any

liability to the public depositor or to the public depository for 121404  
the loss or destruction of any securities deposited with a 121405  
qualified trustee pursuant to this section. 121406

(K)(1) The following information is confidential and not a 121407  
public record under section 149.43 of the Revised Code: 121408

(a) All reports or other information obtained or created 121409  
about a public depository for purposes of division (B)(1)(b) of 121410  
this section; 121411

(b) The identity of a public depositor's public depository; 121412

(c) The identity of a public depository's public depositors. 121413

(2) Nothing in this section prevents the treasurer of state 121414  
from releasing or exchanging such confidential information as 121415  
required by law or for the operation of the pooled collateral 121416  
program. 121417

**Sec. 135.32.** (A) Any national bank, any bank doing business 121418  
under authority granted by the superintendent of financial 121419  
institutions, or any bank doing business under authority granted 121420  
by the regulatory authority of another state of the United States, 121421  
located in this state, is eligible to become a public depository, 121422  
subject to sections 135.31 to 135.40 of the Revised Code. No bank 121423  
shall receive or have on deposit at any one time public moneys, 121424  
including public moneys as defined in section 135.01 of the 121425  
Revised Code, in an aggregate amount in excess of thirty per cent 121426  
of its total assets, as shown in its latest report to the 121427  
comptroller of the currency, the superintendent of financial 121428  
institutions, the federal deposit insurance corporation, or the 121429  
board of governors of the federal reserve system. 121430

(B) Any federal savings association, ~~any savings and loan 121431  
association or savings bank doing business under authority granted 121432  
by the superintendent of financial institutions, or any savings 121433~~

and loan association or savings bank doing business under 121434  
authority granted by the regulatory authority of another state of 121435  
the United States, located in this state, and authorized to accept 121436  
deposits is eligible to become a public depository, subject to 121437  
sections 135.31 to 135.40 of the Revised Code. No savings 121438  
association, savings and loan association, or savings bank shall 121439  
receive or have on deposit at any one time public moneys, 121440  
including public moneys as defined in section 135.01 of the 121441  
Revised Code, in an aggregate amount in excess of thirty per cent 121442  
of its total assets, as shown in its latest report to the former 121443  
office of thrift supervision, the comptroller of the currency, the 121444  
superintendent of financial institutions, the federal deposit 121445  
insurance corporation, or the board of governors of the federal 121446  
reserve system. 121447

**Sec. 135.321.** No ~~bank or savings and loan association~~ 121448  
institution mentioned in section 135.32 of the Revised Code is 121449  
eligible to become a public depository or to receive any new 121450  
public deposits pursuant to sections 135.31 to 135.40 of the 121451  
Revised Code, if+ 121452

~~(A) In the case of a bank, the bank institution or any of its~~ 121453  
~~directors, officers, employees, or controlling shareholders or~~ 121454  
~~persons is currently a party to an active final or temporary~~ 121455  
~~cease-and-desist order issued under section 1121.32 of the Revised~~ 121456  
~~Code+ 121457~~

~~(B) In the case of an association, the association or any of~~ 121458  
~~its directors, officers, employees, or controlling persons is~~ 121459  
~~currently a party to an active final or summary cease and desist~~ 121460  
~~order issued under section 1155.02 of the Revised Code to ensure~~ 121461  
~~the safety and soundness of the institution.~~ 121462

**Sec. 135.51.** In case of any default on the part of a bank ~~or~~ 121463

~~domestic building and loan association~~ in its capacity as 121464  
depository of the money of any county, municipal corporation, 121465  
township, or school district, the board of county commissioners, 121466  
the legislative authority of such municipal corporation, the board 121467  
of township trustees, and the board of education of such school 121468  
district, in lieu of immediately selling the securities received 121469  
and held as security for the deposit of such money under authority 121470  
of any section of the Revised Code, may retain the same, collect 121471  
the interest and any installments of principal thereafter falling 121472  
due on such securities, and refund, exchange, sell, or otherwise 121473  
dispose of any of them, at such times and in such manner as such 121474  
board of county commissioners, legislative authority, board of 121475  
township trustees, or board of education determines to be 121476  
advisable with a view to conserving the value of such securities 121477  
for the benefit of such county, municipal corporation, township, 121478  
or school district, and for the benefit of the depositors, 121479  
creditors, and stockholders or other owners of such bank ~~or~~ 121480  
~~building and loan association.~~ 121481

**Sec. 135.52.** In anticipation of the collection of the 121482  
principal and interest of securities, or other disposition of 121483  
them, as authorized by section 135.51 of the Revised Code, and of 121484  
the payment of dividends in the liquidation of the depository bank 121485  
~~or domestic savings and loan association,~~ and for the purpose of 121486  
providing public money immediately available for the needs of the 121487  
county, municipal corporation, township, or school district, the 121488  
taxing authority may issue bonds of the county, municipal 121489  
corporation, township, or school district, in an amount not 121490  
exceeding the moneys on deposit in the depository bank ~~or savings~~ 121491  
~~and loan association,~~ the payment of which is secured by such 121492  
securities, after crediting to such moneys the amount realized 121493  
from the sale or other disposition of any other securities pledged 121494  
or deposited for such moneys, or in an amount not exceeding the 121495

value or amount ultimately to be realized from such securities to 121496  
be determined by valuation made under oath by two persons who are 121497  
conversant with the value of the assets represented by such 121498  
securities, whichever amount is the lesser, plus an amount equal 121499  
to the interest accruing on such securities during one year from 121500  
and after the date of default of such bank ~~or savings and loan~~ 121501  
~~association~~ in its capacity as a depository. The maturity of such 121502  
bonds shall not exceed ten years and they shall bear interest at a 121503  
rate not exceeding the rate determined as provided in section 9.95 121504  
of the Revised Code. Such bonds shall be the general obligations 121505  
of the county, municipal corporation, township, or school district 121506  
issuing them. The legislation under which such bonds are issued 121507  
shall comply with Section 11 of Article XII, Ohio Constitution. 121508  
The amount of such bonds issued or outstanding shall not be 121509  
considered in ascertaining any of the limitations on the net 121510  
indebtedness of such county, municipal corporation, township, or 121511  
school district prescribed by law. In all other respects, the 121512  
issuance, maturities, and sale of such bonds shall be subject to 121513  
Chapter 133. of the Revised Code. 121514

A sufficient amount of the moneys received from principal on 121515  
the sale of such bonds to cover the interest accruing on such 121516  
securities for one year, to the extent determined by the authority 121517  
issuing such bonds in the resolution or ordinance of issuance 121518  
under this section, shall be paid into the bond retirement fund 121519  
from which the bonds are to be redeemed, together with premiums 121520  
and accrued interest. The balance of such principal shall be 121521  
credited to the funds to which the moneys represented by such 121522  
depository balance belong, and in the respective amounts of such 121523  
funds. 121524

**Sec. 135.53.** All principal and interest collected by the 121525  
proper officer or agent of the county, municipal corporation, 121526  
township, or school district, on account of the securities 121527

mentioned in section 135.51 of the Revised Code, the proceeds of 121528  
any sale or other disposition of any of such securities, and any 121529  
dividends received from the liquidation of the defaulting bank ~~or~~ 121530  
~~domestic building and loan association~~, shall be paid into the 121531  
bond retirement fund from which the bonds provided for in section 121532  
135.52 of the Revised Code are to be redeemed, until the aggregate 121533  
of such payments equals the requirements of such fund, whereupon 121534  
such securities, and any remaining depository balance, not 121535  
anticipated by such bonds, to the extent then retained by such 121536  
county, municipal corporation, township, or school district, shall 121537  
be assigned and delivered to the defaulting bank ~~or building and~~ 121538  
~~loan association~~, to its liquidating officer, or to its successor 121539  
or assignee, together with a release or other instrument showing 121540  
full satisfaction of the claim of such county, municipal 121541  
corporation, township, or school district against such bank~~,~~ 121542  
~~building and loan association~~, or officer. 121543

**Sec. 323.134.** As used in this section, "financial 121544  
institution" means a bank as defined in section 1101.01 of the 121545  
Revised Code, ~~a building and loan association as defined in~~ 121546  
~~section 1151.01 of the Revised Code~~, or any other person regularly 121547  
engaging in the business of making or brokering residential 121548  
mortgage loans on security located in this state. 121549

The county treasurer may request any financial institution to 121550  
enter into an agreement with the treasurer for information 121551  
exchanges limited exclusively to the purpose of real property tax 121552  
billing and payment, including, but not limited to, the sharing of 121553  
information that is part of a data processing system. With the 121554  
approval of the county automatic data processing board or if the 121555  
county has no board, with the approval of the county auditor, the 121556  
county treasurer may enter such an agreement with any consenting 121557  
financial institution. Where such an agreement enables the 121558  
treasurer to collect the proper amounts of such taxes due without 121559

preparing and sending the tax bills required by section 323.13 of 121560  
the Revised Code, the treasurer need not prepare and send such 121561  
bills for any entries of real property upon which taxes are 121562  
properly computed and paid by the use of such information 121563  
exchange. 121564

**Sec. 339.06.** (A) The board of county hospital trustees, upon 121565  
completion of construction or leasing and equipping of a county 121566  
hospital, shall assume and continue the operation of the hospital. 121567

(B) The board of county hospital trustees shall have the 121568  
entire management and control of the county hospital. The board 121569  
may in writing delegate its management and control of the county 121570  
hospital to the administrator of the county hospital employed 121571  
under section 339.07 of the Revised Code. The board shall 121572  
establish such rules for the hospital's government, management, 121573  
control, and the admission of persons as are expedient. 121574

(C) The board of county hospital trustees has control of the 121575  
property of the county hospital, including management and disposal 121576  
of surplus property other than real estate or an interest in real 121577  
estate. 121578

(D) With respect to the use of funds by the board of county 121579  
hospital trustees and its accounting for the use of funds, all of 121580  
the following apply: 121581

(1) The board of county hospital trustees has control of all 121582  
funds used in the county hospital's operation, including moneys 121583  
received from the operation of the hospital, moneys appropriated 121584  
for its operation by the board of county commissioners, and moneys 121585  
resulting from special levies submitted by the board of county 121586  
commissioners as provided for in section 5705.22 of the Revised 121587  
Code. 121588

(2) Of the funds used in the county hospital's operation, all 121589

or part of any amount determined not to be necessary to meet 121590  
current demands on the hospital may be invested by the board of 121591  
county hospital trustees or its designee in any classifications of 121592  
securities and obligations eligible for deposit or investment of 121593  
county moneys pursuant to section 135.35 of the Revised Code, 121594  
subject to the approval of the board's written investment policy 121595  
by the county investment advisory committee established pursuant 121596  
to section 135.341 of the Revised Code. If a county hospital is 121597  
based in a county that has adopted a charter under Section 3 of 121598  
Article X, Ohio Constitution, such funds may be invested by the 121599  
board of county hospital trustees as provided in this division or 121600  
in an ordinance adopted by the legislative authority of the 121601  
county, in either case subject to approval by the county 121602  
investment advisory committee, or as provided in section 339.061 121603  
of the Revised Code. 121604

(3) Annually, not later than sixty days before the end of the 121605  
fiscal year used by the county hospital, the board of county 121606  
hospital trustees shall submit its proposed budget for the ensuing 121607  
fiscal year to the board of county commissioners for that board's 121608  
review. The board of county commissioners shall review and approve 121609  
the proposed budget by the first day of the fiscal year to which 121610  
the budget applies. If the board of county commissioners has not 121611  
approved the budget by the first day of the fiscal year to which 121612  
the budget applies, the budget is deemed to have been approved by 121613  
the board on the first day of that fiscal year. 121614

(4) The board of county hospital trustees shall not expend 121615  
funds received from taxes collected pursuant to any tax levied 121616  
under section 5705.22 of the Revised Code or the amount 121617  
appropriated to the county hospital by the board of county 121618  
commissioners in the annual appropriation measure for the county 121619  
until its budget for the applicable fiscal year is approved in 121620  
accordance with division (C)(3) of this section. At any time the 121621

amount received from those sources differs from the amount shown 121622  
in the approved budget, the board of county commissioners may 121623  
require the board of county hospital trustees to revise the county 121624  
hospital budget accordingly. 121625

(5) Funds under the control of the board of county hospital 121626  
trustees may be disbursed by the board, consistent with the 121627  
approved budget, for the uses and purposes of the county hospital; 121628  
for the replacement of necessary equipment; for the acquisition, 121629  
leasing, or construction of permanent improvements to county 121630  
hospital property; or for making a donation authorized by division 121631  
(E) of this section. Each disbursement of funds shall be made on a 121632  
voucher signed by signatories designated and approved by the board 121633  
of county hospital trustees. 121634

(6) The head of a board of county hospital trustees is not 121635  
required to file an estimate of contemplated revenue and 121636  
expenditures for the ensuing fiscal year under section 5705.28 of 121637  
the Revised Code unless the board of county commissioners levies a 121638  
tax for the county hospital, or such a tax is proposed, or the 121639  
board of county hospital trustees desires that the board of county 121640  
commissioners make an appropriation to the county hospital for the 121641  
ensuing fiscal year. 121642

(7) All moneys appropriated by the board of county 121643  
commissioners or from special levies by the board of county 121644  
commissioners for the operation of the hospital, when collected 121645  
shall be paid to the board of county hospital trustees on a 121646  
warrant of the county auditor and approved by the board of county 121647  
commissioners. 121648

(8) The board of county hospital trustees shall provide for 121649  
the conduct of an annual financial audit of the county hospital. 121650  
Not later than thirty days after it receives the final report of 121651  
an annual financial audit, the board shall file a copy of the 121652  
report with the board of county commissioners. 121653

(E) For the public purpose of improving the health, safety, and general welfare of the community, the board of county hospital trustees may donate to a nonprofit entity any of the following:

(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;

(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;

(3) Services rendered by the hospital.

(F)(1) For purposes of division (F)(2) of this section:

~~(a) "Bank", "bank" has the same meaning as in section 1101.01 of the Revised Code.~~

~~(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.~~

~~(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.~~

(2) The board of county hospital trustees may enter into a contract for a secured line of credit with a bank, ~~savings and loan association, or savings bank~~ if the contract meets all of the following requirements:

(a) The term of the contract does not exceed one year, except that the contract may provide for the automatic renewal of the contract for up to four additional one-year periods if, on the date of automatic renewal, the aggregate outstanding draws remaining unpaid under the secured line of credit do not exceed fifty per cent of the maximum amount that can be drawn under the secured line of credit.

(b) The contract provides that the bank, ~~savings and loan association, or savings bank~~ shall not commence a civil action against the board of county commissioners, any member of the

board, or the county to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board of county hospital trustees.

(c) The contract provides that no assets other than those of the county hospital can be used to secure the line of credit.

(d) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit.

(3) Any obligation incurred by a board of county hospital trustees under division (F)(2) of this section is an obligation of that board only and not a general obligation of the board of county commissioners or the county within the meaning of division (Q) of section 133.01 of the Revised Code.

(4) Notwithstanding anything to the contrary in the Revised Code, the board of county hospital trustees may secure the line of credit authorized under division (F)(2) of this section by the grant of a security interest in any part or all of its tangible personal property and intangible personal property, including its deposit accounts, accounts receivable, or both.

(5) No board of county hospital trustees shall at any time have more than one secured line of credit under division (F)(2) of this section.

(G) The board of county hospital trustees shall establish a schedule of charges for all services and treatment rendered by the county hospital. It may provide for the free treatment in the hospital of soldiers, sailors, and marines of the county, under such conditions and rules as it prescribes.

(H) The board of county hospital trustees may designate the amounts and forms of insurance protection to be provided, and the board of county commissioners shall assist in obtaining such

protection. The expense of providing the protection shall be paid 121715  
from hospital operating funds. 121716

(I) The board of county hospital trustees may authorize a 121717  
county hospital and each of its units, hospital board members, 121718  
designated hospital employees, and medical staff members to be a 121719  
member of and maintain membership in any local, state, or national 121720  
group or association organized and operated for the promotion of 121721  
the public health and welfare or advancement of the efficiency of 121722  
hospital administration and in connection therewith to use tax 121723  
funds for the payment of dues and fees and related expenses but 121724  
nothing in this section prohibits the board from using receipts 121725  
from hospital operation, other than tax funds, for the payment of 121726  
such dues and fees. 121727

(J) The following apply to the board of county hospital 121728  
trustees in relation to its employees and the employees of the 121729  
county hospital: 121730

(1) The board shall adopt the wage and salary schedule for 121731  
employees. 121732

(2) The board may employ the hospital's administrator 121733  
pursuant to section 339.07 of the Revised Code, and the 121734  
administrator may employ individuals for the hospital in 121735  
accordance with that section. 121736

(3) The board may employ assistants as necessary to perform 121737  
its clerical work, superintend properly the construction of the 121738  
county hospital, and pay the hospital's expenses. Such employees 121739  
may be paid from funds provided for the county hospital. 121740

(4) The board may hire, by contract or as salaried employees, 121741  
such management consultants, accountants, attorneys, engineers, 121742  
architects, construction managers, and other professional advisors 121743  
as it determines are necessary and desirable to assist in the 121744  
management of the programs and operation of the county hospital. 121745

Such professional advisors may be paid from county hospital operating funds. 121746  
121747

(5) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees any fringe benefits the board determines to be customary and usual in the nonprofit hospital field in its community, including, but not limited to: 121748  
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121751

(a) Additional vacation leave with full pay for full-time employees, including full-time hourly rate employees, after service of one year; 121752  
121753  
121754

(b) Vacation leave and holiday pay for part-time employees on a pro rata basis; 121755  
121756

(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave; 121757  
121758  
121759

(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code; 121760  
121761

(e) Moving expenses for new employees; 121762

(f) Discounts on hospital supplies and services. 121763

(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code. 121764  
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121766  
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(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code. 121768  
121769

(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community. 121770  
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(9) The board may provide employee recognition awards and hold employee recognition dinners. 121774  
121775

(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section. 121776  
121777

(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees. 121778  
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The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners. 121785  
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(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts. 121788  
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**Sec. 513.17.** (A) The board of hospital governors shall, with the consent and approval of the joint township district hospital board and as provided by sections 513.07 to 513.18 of the Revised Code, prepare plans and specifications, and may employ technical assistance if necessary, and proceed to erect, furnish, and equip necessary buildings for a joint township general hospital. Except where the hospital of the district is leased pursuant to section 513.171 of the Revised Code, such board of governors shall appoint and fix the compensation of a suitable person to be superintendent of the hospital for such period of time as it determines, and shall employ and fix the compensation for such nurses and other employees as are necessary for the proper conduct of the hospital. Subject to the direction of the board of governors and to the rules prescribed by it, any such superintendent shall have complete charge and control of the operation of such hospital. The 121792  
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superintendent shall prepare and submit to the board of governors, 121807  
quarterly, a statement showing the average daily per capita cost 121808  
for the current expense of maintaining and operating such 121809  
hospital, including the cost of ordinary repairs. 121810

(B)(1) For purposes of ~~this~~ division+ 121811

~~(a) "Bank"~~ (B)(2) of this section, "bank" has the same 121812  
meaning as in section 1101.01 of the Revised Code. 121813

~~(b) "Savings and loan association" has the same meaning as in~~ 121814  
~~section 1151.01 of the Revised Code.~~ 121815

~~(c) "Savings bank" has the same meaning as in section 1161.01~~ 121816  
~~of the Revised Code.~~ 121817

(2) The board of hospital governors may enter into a contract 121818  
for a secured line of credit with a bank, ~~savings and loan~~ 121819  
~~association, or savings bank~~ if the contract meets all of the 121820  
following requirements: 121821

(a) The term of the contract does not exceed one hundred 121822  
eighty days. 121823

(b) The contract provides that any amount extended must be 121824  
repaid in full before any additional credit can be extended. 121825

(c) The contract provides that the bank, ~~savings and loan~~ 121826  
~~association, or savings bank~~ shall not commence a civil action 121827  
against the joint township district hospital board, any member of 121828  
the board, board of township trustees, township, or board of 121829  
county commissioners to recover the principal, interest, or any 121830  
charges or other amounts that remain outstanding on the secured 121831  
line of credit at the time of any default by the board of hospital 121832  
governors. 121833

(d) The contract provides that no assets other than those of 121834  
the hospital can be used to secure the line of credit. 121835

(e) The terms and conditions of the contract comply with all 121836

state and federal statutes and rules governing the extension of a 121837  
secured line of credit. 121838

(3) Any obligation incurred by a board of hospital governors 121839  
under this division is an obligation of that board only and not a 121840  
general obligation of the joint township district hospital board, 121841  
board of county commissioners, county, board of township trustees, 121842  
or township within the meaning of division (Q) of section 133.01 121843  
of the Revised Code. 121844

(4) No board of hospital governors shall at any time have 121845  
more than one secured line of credit under this section. 121846

(C) The board of hospital governors may grant to its 121847  
employees such of the following as it determines to be customary 121848  
and usual in the nonprofit hospital field in its community: 121849

(1) Paid vacation and holiday leave, for holidays listed in 121850  
section 511.10 of the Revised Code, and other benefits for 121851  
full-time employees; 121852

(2) Vacation leave and holiday pay for part-time employees on 121853  
a pro rata basis; 121854

(3) Leave with full pay due to death in the employee's 121855  
immediate family, which shall not be deducted from the employee's 121856  
accumulated sick leave; 121857

(4) Premium pay for working on holidays listed in section 121858  
511.10 of the Revised Code; 121859

(5) Moving expenses for new employees; 121860

(6) Discounts on purchases from the hospital pharmacy; 121861

(7) Discounts on hospital supplies and services. 121862

The board of hospital governors may provide employee 121863  
recognition awards and hold employee recognition dinners. 121864

The board of hospital governors may provide scholarships for 121865

education in the health care professions, tuition reimbursement, 121866  
and other staff development programs to enhance the skills of 121867  
health care professionals for the purpose of recruiting or 121868  
retaining qualified employees. 121869

The board of hospital governors may pay reasonable expenses 121870  
for recruiting physicians into the district or for retaining them 121871  
if all or part of the district has been designated as an area with 121872  
a shortage of personal health services under the "Health 121873  
Maintenance Organization Act of 1973," 87 Stat. 914, 42 U.S.C. 121874  
300e, as amended. 121875

(D) The members of the board of governors shall serve without 121876  
compensation, but their necessary expenses, when engaged in the 121877  
business of the hospital board, shall be paid by the joint 121878  
township district hospital board. 121879

(E) The board of hospital governors with the approval of the 121880  
county commissioners may employ counsel and institute legal action 121881  
in its own name for the collection of delinquent accounts. The 121882  
board may also employ any other lawful means for the collection of 121883  
delinquent accounts. Counsel employed under this section shall be 121884  
paid from the hospital's funds. 121885

**Sec. 749.081.** (A) For purposes of this section: 121886

~~(1) "Bank", "bank" has the same meaning as in section 1101.01 121887  
of the Revised Code. 121888~~

~~(2) "Savings and loan association" has the same meaning as in 121889  
section 1151.01 of the Revised Code. 121890~~

~~(3) "Savings bank" has the same meaning as in section 1161.01 121891  
of the Revised Code. 121892~~

(B) The board of hospital commissioners may enter into a 121893  
contract for a secured line of credit with a bank, ~~savings and 121894  
loan association, or savings bank~~ if the contract meets all of the 121895

|                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| following requirements:                                                                                                                                                                                                                                                                                                                                                                                                                           | 121896                                                             |
| (1) The term of the contract does not exceed one hundred eighty days;                                                                                                                                                                                                                                                                                                                                                                             | 121897<br>121898                                                   |
| (2) The board's secured line of credit does not exceed five hundred thousand dollars;                                                                                                                                                                                                                                                                                                                                                             | 121899<br>121900                                                   |
| (3) The contract provides that any amount extended must be repaid in full before any additional credit can be extended;                                                                                                                                                                                                                                                                                                                           | 121901<br>121902                                                   |
| (4) The contract provides that the bank, <del>savings and loan association, or savings bank</del> shall not commence a civil action against the legislative authority of a municipal corporation or any member thereof, or the municipal corporation to recover the principal, interest, or any charges or other amounts that remain outstanding on the secured line of credit at the time of any default by the board of hospital commissioners; | 121903<br>121904<br>121905<br>121906<br>121907<br>121908<br>121909 |
| (5) The contract provides that no assets other than those of the hospital can be used to secure the line of credit;                                                                                                                                                                                                                                                                                                                               | 121910<br>121911                                                   |
| (6) The terms and conditions of the contract comply with all state and federal statutes and rules governing the extension of a secured line of credit.                                                                                                                                                                                                                                                                                            | 121912<br>121913<br>121914                                         |
| (C) Any obligation incurred by a board of hospital commissioners under division (B) of this section is an obligation of that board only and not a general obligation of the legislative authority of a municipal corporation or the municipal corporation within the meaning of division (Q) of section 133.01 of the Revised Code.                                                                                                               | 121915<br>121916<br>121917<br>121918<br>121919<br>121920           |
| (D) No board of hospital commissioners shall at any time have more than one secured line of credit under division (B) of this section.                                                                                                                                                                                                                                                                                                            | 121921<br>121922<br>121923                                         |
| <b>Sec. 755.141.</b> If a park or recreational facility owned, operated, or maintained by a joint recreation district created                                                                                                                                                                                                                                                                                                                     | 121924<br>121925                                                   |

under division (C) of section 755.14 of the Revised Code is the 121926  
site where an exhibition sanctioned by the United States 121927  
Christopher Columbus quincentenary jubilee commission is being or 121928  
has been held and the exhibition is or was sponsored by the 121929  
organization that is also sponsoring or has sponsored an 121930  
exhibition sanctioned by the international association of 121931  
horticulture producers, the following provisions shall apply, in 121932  
addition to the provisions of sections 755.12 to 755.18 of the 121933  
Revised Code: 121934

(A) The governor, speaker of the house of representatives, 121935  
and president of the senate shall each appoint one member to the 121936  
board of trustees of the district. These members may be members of 121937  
the general assembly, but any members of the general assembly 121938  
appointed to the board of trustees shall be nonvoting members and 121939  
shall serve only while they remain members of the general 121940  
assembly. Members appointed under this division shall serve terms 121941  
of three years and serve without pay, and all vacancies in their 121942  
positions on the board, whether for an unexpired term or at the 121943  
end of a term, shall be filled in the same manner as the original 121944  
appointments. 121945

(B) The board of trustees of a joint recreation district may 121946  
designate the amounts and forms of property and casualty insurance 121947  
protection to be provided. The expense of providing the protection 121948  
shall be paid from operating funds of the joint recreation 121949  
district. 121950

(C) The board of trustees of a joint recreation district may 121951  
acquire, construct, maintain, and operate horticultural 121952  
facilities, public banquet facilities, greenhouses, and such other 121953  
facilities as are authorized in section 755.16 of the Revised 121954  
Code. 121955

(D)(1) By resolution of its board of trustees, the joint 121956  
recreation district may issue revenue bonds beyond the limit of 121957

bonded indebtedness provided by law, for the acquisition, 121958  
construction, furnishing, or equipping of any real or personal 121959  
property, or any combination thereof which it is authorized to 121960  
acquire, construct, furnish, or equip, including all costs in 121961  
connection with or incidental thereto. 121962

(2) The revenue bonds of the joint recreation district shall 121963  
be secured only by a pledge of and a lien on the revenues of the 121964  
joint recreation district that are designated in the resolution, 121965  
including, but not limited to, any property to be acquired, 121966  
constructed, furnished, or equipped with the proceeds of the bond 121967  
issue, after provision only for the reasonable cost of operating, 121968  
maintaining, and repairing the property of the joint recreation 121969  
district so designated. The bonds may further be secured by the 121970  
covenant of the joint recreation district to maintain rates or 121971  
charges that will produce revenues sufficient to meet the costs of 121972  
operating, maintaining, and repairing such property and to meet 121973  
the interest and principal requirements of the bonds and to 121974  
establish and maintain reserves for the foregoing purposes. The 121975  
board of trustees of the joint recreation district, by resolution, 121976  
may provide for the issuance of additional revenue bonds from time 121977  
to time, to be secured equally and ratably, without preference, 121978  
priority, or distinction, with outstanding revenue bonds, but 121979  
subject to the terms and limitations of any trust agreement 121980  
described in this section, and of any resolution authorizing bonds 121981  
then outstanding. The board of trustees, by resolution, may 121982  
designate additional property of the district, the revenues of 121983  
which shall be pledged and be subject to a lien for the payment of 121984  
the debt charges on revenue bonds theretofore authorized by 121985  
resolution of the board of trustees, to the same extent as the 121986  
revenues above described. 121987

(3) In the discretion of the board of trustees, the revenue 121988  
bonds of the district may be secured by a trust agreement between 121989

the joint recreation district and a corporate trustee, that may be 121990  
any trust company or bank having powers of a trust company, within 121991  
or without the state. 121992

(4) The trust agreement may provide for the pledge or 121993  
assignment of the revenues to be received, but shall not pledge 121994  
the general credit and taxing power of the joint recreation 121995  
district. The trust agreement or the resolution providing for the 121996  
issuance of revenue bonds may set forth the rights and remedies of 121997  
the bondholders and trustees, and may contain other provisions for 121998  
protecting and enforcing their rights and remedies that are 121999  
determined in the discretion of the board of trustees to be 122000  
reasonable and proper. The agreement or resolution may provide for 122001  
the custody, investment, and disbursement of all moneys derived 122002  
from the sale of such bonds, or from the revenues of the joint 122003  
recreation district, other than those moneys received from taxes 122004  
levied pursuant to section 755.171 of the Revised Code, and may 122005  
provide for the deposit of such funds without regard to Chapter 122006  
135. of the Revised Code. 122007

(5) All bonds issued under authority of this section, 122008  
regardless of form or terms and regardless of any other law to the 122009  
contrary, shall have all qualities and incidents of negotiable 122010  
instruments, subject to provisions for registration, and may be 122011  
issued in coupon, fully registered, or other form, or any 122012  
combination thereof, as the board of trustees determines. 122013  
Provision may be made for the registration of any coupon bonds as 122014  
to principal alone or as to both principal and interest, and for 122015  
the conversion into coupon bonds of any fully registered bonds or 122016  
bonds registered as to both principal and interest. 122017

(6) The revenue bonds shall bear interest at such rate or 122018  
rates, shall bear such date or dates, and shall mature within 122019  
thirty years following the date of issuance and in such amount, at 122020  
such time or times, and in such number of installments, as may be 122021

provided in or pursuant to the resolution authorizing their 122022  
issuance. Any original issue of revenue bonds shall mature not 122023  
later than thirty years from their date of issue. Such resolution 122024  
also shall provide for the execution of the bonds, which may be by 122025  
facsimile signatures unless prohibited by the resolution, and the 122026  
manner of sale of the bonds. The resolution shall provide for, or 122027  
provide for the determination of, any other terms and conditions 122028  
relative to the issuance, sale, and retirement of the bonds that 122029  
the board of trustees in its discretion determines to be 122030  
reasonable and proper. 122031

(7) Whenever a joint recreation district considers it 122032  
expedient, it may issue renewal notes and refund any bonds, 122033  
whether the bonds to be refunded have or have not matured. The 122034  
final maturity of any notes, including any renewal notes, shall 122035  
not be later than five years from the date of issue of the 122036  
original issue of notes. The final maturity of any refunding bonds 122037  
shall not be later than the later of thirty years from the date of 122038  
issue of the original issue of bonds or the date by which it is 122039  
expected, at the time of issuance of the refunding bonds, that the 122040  
useful life of all of the property, other than interests in land, 122041  
refinanced with proceeds of the bonds will have expired. The 122042  
refunding bonds shall be sold and the proceeds applied to the 122043  
purchase, redemption, or payment of the bonds to be refunded and 122044  
the costs of issuance of the refunding bonds. The bonds and notes 122045  
issued under this section, their transfer, and the income 122046  
therefrom, shall at all times be free from taxation within the 122047  
state. 122048

(E) A joint recreation district described in this section may 122049  
do all of the following: 122050

(1) Operate or appoint agents to operate, or otherwise 122051  
provide for the operation of, its properties and its facilities, 122052  
activities, and programs and to enter into agreements and 122053

arrangements related thereto, and to receive and apply the net 122054  
proceeds thereof solely to the management, operation, development, 122055  
maintenance, and repair of its properties, its buildings, 122056  
facilities, improvements, and grounds; 122057

(2) Impose and collect a charge for admission for selective 122058  
events, exhibits, and facilities; 122059

(3) Offer memberships of various denominations for selective 122060  
activities or facilities; 122061

(4) Form advisory and other support committees to the board 122062  
of trustees to provide counsel and assistance to the board in the 122063  
management, operation, and development of its properties, 122064  
buildings, facilities, improvements, and grounds; 122065

(5) Grant licenses, or enter into leases or contracts, for 122066  
the use of any part of its properties, facilities, buildings, and 122067  
grounds for such length of time and upon such terms and conditions 122068  
as the board of trustees deems appropriate and necessary, and 122069  
grant easements in, through, or over its property; 122070

(6) Receive and accept from any federal, state, county, 122071  
municipal, or local government or agency, any grant or 122072  
contribution of money, property, labor, or other things of value, 122073  
to be held, used, and applied for the purpose for which such 122074  
grants and contributions are made; and 122075

(7) Accept and expend gifts, grants, devises, and bequests of 122076  
money and property on behalf of the board of trustees and hold, 122077  
use, and apply such gifts, grants, devises, and bequests according 122078  
to the terms thereof. 122079

(F)(1) For purposes of division (F)(2) of this section+ 122080

~~(a) "Bank", "bank" has the same meaning as in section 1101.01 122081~~  
of the Revised Code. 122082

~~(b) "Savings and loan association" has the same meaning as in 122083~~

~~section 1151.01 of the Revised Code.~~ 122084

~~(c) "Savings bank" has the same meaning as in section 1161.01 of the Revised Code.~~ 122085  
122086

(2) The board of trustees may enter into a contract for a 122087  
secured line of credit with a bank, ~~savings and loan association,~~ 122088  
~~or savings bank~~ if the contract meets all of the following 122089  
requirements: 122090

(a) The term of the contract does not exceed one year, except 122091  
that the contract may provide for the automatic renewal of the 122092  
contract for up to four additional one-year periods. 122093

(b) The contract provides that the bank, ~~savings and loan~~ 122094  
~~association, or savings bank~~ shall not commence a civil action 122095  
against the board, any member of the board, or the county or the 122096  
municipal corporation to recover the principal, interest, or any 122097  
charges or other amounts that remain outstanding on the secured 122098  
line of credit at the time of any default by the board. 122099

(c) The contract provides that no assets other than those of 122100  
the joint recreation district can be used to secure the line of 122101  
credit. 122102

(d) The terms and conditions of the contract comply with all 122103  
state and federal statutes and rules governing the extension of a 122104  
secured line of credit. 122105

(3) Any obligation incurred by a board of trustees of a joint 122106  
recreation district pursuant to division (B) of this section is an 122107  
obligation of that board only and not a general obligation of the 122108  
board of county commissioners, the county, or the municipal 122109  
corporation within the meaning of division (Q) of section 133.01 122110  
of the Revised Code. 122111

(G)(1) For purposes of division (G)(2) of this section, 122112  
"lease-purchase agreement" has the same meaning as a lease with an 122113

option to purchase. 122114

(2) For any purpose for which a board of trustees of a joint 122115  
recreation district described in this section is authorized to 122116  
acquire real or personal property, that board may enter into a 122117  
lease-purchase agreement in accordance with this section to 122118  
acquire the property. 122119

The lease-purchase agreement shall provide for a series of 122120  
terms in which no term extends beyond the end of the fiscal year 122121  
of the joint recreation district in which that term commences. In 122122  
total, the terms provided for in the agreement shall be for not 122123  
more than the useful life of the real or personal property that is 122124  
the subject of the agreement. A property's useful life shall be 122125  
determined either by the maximum number of installment payments 122126  
permitted under the statute that authorizes the board to acquire 122127  
the property or, if there is no such provision, by the maximum 122128  
number of years to maturity provided for the issuance of bonds in 122129  
division (B) of section 133.20 of the Revised Code if bonds were 122130  
to be issued by a subdivision under that section to finance such 122131  
facilities. If the useful life cannot be determined under either 122132  
of those statutes, it shall be estimated as provided in division 122133  
(C) of section 133.20 of the Revised Code. 122134

The lease-purchase agreement shall provide that, at the end 122135  
of the final term in the agreement, if all obligations of the 122136  
joint recreation district have been satisfied, the title to the 122137  
leased property shall vest in the joint recreation district if 122138  
that title has not vested in the joint recreation district before 122139  
or during the lease terms; except that the lease-purchase 122140  
agreement may require the joint recreation district to pay an 122141  
additional lump sum payment as a condition of obtaining that 122142  
title. 122143

(3) A board of trustees of a joint recreation district that 122144  
enters into a lease-purchase agreement under this section may do 122145

|                                                                                                                                                                                                                                                                                                                                                                     |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| any of the following with the property that is the subject of the agreement:                                                                                                                                                                                                                                                                                        | 122146<br>122147                                         |
| (a) If the property is personal property, assign the board's rights to that property;                                                                                                                                                                                                                                                                               | 122148<br>122149                                         |
| (b) Grant the lessor a security interest in the property;                                                                                                                                                                                                                                                                                                           | 122150                                                   |
| (c) If the property is real property, grant leases, easements, or licenses for underlying land or facilities under the board's control for terms not exceeding five years beyond the final term of the lease-purchase agreement.                                                                                                                                    | 122151<br>122152<br>122153<br>122154                     |
| (4) The authority granted in division (G) of this section is in addition to and not in derogation of, any other financing authority provided by law.                                                                                                                                                                                                                | 122155<br>122156<br>122157                               |
| (H) The board of trustees of a joint recreation district described in this section may exercise such other powers as shall have been granted to it in the agreement between the municipal corporation and the board of county commissioners establishing the joint recreation district entered into pursuant to division (C) of section 755.14 of the Revised Code. | 122158<br>122159<br>122160<br>122161<br>122162<br>122163 |
| <b>Sec. 902.01.</b> As used in this chapter:                                                                                                                                                                                                                                                                                                                        | 122164                                                   |
| (A) "Bonds" means bonds, notes, or other forms of evidences of obligation issued in temporary or definitive form, including refunding bonds and notes and bonds and notes issued in anticipation of the issuance of bonds and renewal notes.                                                                                                                        | 122165<br>122166<br>122167<br>122168                     |
| (B) "Bond proceedings" means the resolution or ordinance or the trust agreement or indenture of mortgage, or combination thereof, authorizing or providing for the terms and conditions applicable to bonds issued under authority of this chapter.                                                                                                                 | 122169<br>122170<br>122171<br>122172                     |
| (C) "Borrower" means the recipient of a loan or the lessee or purchaser of a project under this chapter and is limited to a sole proprietor, or to a partnership, joint venture, firm, association,                                                                                                                                                                 | 122173<br>122174<br>122175                               |

or corporation, a majority of whose stockholders, partners, 122176  
members, or associates are persons or the spouses of persons 122177  
related to each other within the fourth degree of kinship, 122178  
according to law, provided that the sole proprietor or at least 122179  
one of such related persons resides or will reside on or is or 122180  
will actively operate the project or the farm or agricultural 122181  
enterprise composed, in whole or in part, of the project, and 122182  
provided further that the sole proprietor or all of the 122183  
stockholders, members, partners, or associates are natural 122184  
persons. The agricultural financing commission may establish 122185  
procedures for the determination of the eligibility of borrowers 122186  
under this chapter which determinations are conclusive in relation 122187  
to the validity and enforceability of bonds issued under bond 122188  
proceedings authorized in connection therewith, and in relation to 122189  
security interests given and leases, subleases, sale agreements, 122190  
loan agreements, and other agreements made in connection 122191  
therewith, all in accordance with their terms. 122192

(D) "Composite financing arrangement" means the sale of a 122193  
single issue of bonds to finance two or more projects, including, 122194  
but not limited to, a single issue of bonds for a group of loans 122195  
submitted by or through a single lending institution or with 122196  
credit enhancement from a single lending institution, or the sale 122197  
by or on behalf of one or more issuers of two or more issues or 122198  
lots of bonds under or pursuant to a single sale agreement, single 122199  
marketing arrangement, or single official statement, offering 122200  
circular, or other marketing document. 122201

(E) "Issuer" means the state, or any county or municipal 122202  
corporation of the state. 122203

(F) "Issuing authority" means in the case of a municipal 122204  
corporation, the legislative authority thereof; and in the case of 122205  
a county, the board of county commissioners or whatever officers, 122206  
board, commission, council, or other body might succeed to or 122207

assume the legislative powers of the board of county commissioners. 122208  
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(G) "Lending institution" means ~~any domestic building and loan association as defined in section 1151.01 of the Revised Code, any service corporation the entire stock of which is owned by one or more such building and loan associations,~~ a bank ~~which~~ that has its principal place of business located in this state, a bank subsidiary corporation that is wholly owned by a bank having its principal place of business located in this state, any state or federal governmental agency or instrumentality including without limitation the federal land bank, production credit association, or bank for cooperatives, or any of their local associations, or any other financial institution or entity authorized to make mortgage loans and qualified to do business in this state. 122210  
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(H) "Loan" includes a loan made to or through, or a deposit with, a lending institution or a loan made directly to the owner or operator of a project to finance one or more projects. Notwithstanding any other provision of this chapter, loans from proceeds of bonds issued under a composite financing arrangement shall be made only to or through, or by a deposit with, a lending institution, including the purchase of loans from lending institutions, or be made in any other manner in which a lending institution has been or is involved in the origination or credit enhancement of the loan. 122223  
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(I) "Mortgage loan" means a loan secured by a mortgage, deed of trust, or other security interest. 122233  
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(J) "Pledged facilities" means the project or projects mortgaged or facilities the rentals, revenues, and other income, charges, and moneys from which are pledged, or both, for the payment of the principal of and interest on the bonds issued under authority of section 902.04 of the Revised Code, and includes a 122235  
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project for which a loan has been made under authority of this 122240  
chapter, in which case, references in this chapter to revenues of 122241  
such pledged facilities or from the disposition thereof include 122242  
payments made or to be made to or for the account of the issuer 122243  
pursuant to such loan. 122244

(K) "Project" means real or personal property, or both, 122245  
including undivided and other interests therein, acquired by gift 122246  
or purchase, constructed, reconstructed, enlarged, improved, 122247  
furnished, or equipped, or any combination thereof, by an issuer, 122248  
or by others from the proceeds of bonds, located within the 122249  
boundaries of the issuer, and used or to be used by a borrower for 122250  
agricultural purposes as provided in division (D) of this section. 122251  
A project is hereby determined to qualify as facilities for 122252  
industry, commerce, distribution, or research described in Section 122253  
13 of Article VIII, Ohio Constitution. 122254

(L) "Purchase" means, with respect to loans, the purchase of 122255  
loans from, or other acquisition by an issuer of loans of, lending 122256  
institutions. 122257

(M) "Revenues" means the rentals, revenues, payments, 122258  
repayments, income, charges, and moneys derived or to be derived 122259  
from the use, lease, sublease, rental, sale, including installment 122260  
sale or conditional sale, or other disposition of pledged 122261  
facilities, or derived or to be derived pursuant to a loan made 122262  
for a project, bond proceeds to the extent provided in the bond 122263  
proceedings for the payment of principal of, or premium, if any, 122264  
or interest on the bonds, proceeds from any insurance, 122265  
condemnation, or guaranty pertaining to pledged facilities or the 122266  
financing thereof, any income and profit from the investment of 122267  
the proceeds of bonds or of any revenues, any fees and charges 122268  
received by or on behalf of an issuer for the services of or 122269  
commitments by the issuer, and moneys received in repayment of and 122270  
for interest on any loan made or purchased by an issuer, moneys 122271

received by an issuer upon the sale of any bonds of the issuer 122272  
under section 902.04 of the Revised Code, any moneys received from 122273  
investment of funds of an issuer or from the sale of collateral 122274  
securing loans made or purchased by the issuer, including 122275  
collateral acquired by foreclosure or other action to enforce a 122276  
security interest, and any moneys received in payment of a claim 122277  
under insurance, guarantees, letters of credit, or otherwise with 122278  
respect to any loans made or purchased by an issuer or any 122279  
collateral held by the issuer of any bonds issued under this 122280  
chapter. 122281

(N) "Security interest" means a mortgage, lien, or other 122282  
encumbrance on, or pledge or assignment of, or other security 122283  
interest with respect to all or any part of pledged facilities, 122284  
revenues, reserve funds, or other funds established under the bond 122285  
proceedings, or on, of, or with respect to, a lease, sublease, 122286  
sale, conditional sale, or installment sale agreement, loan 122287  
agreement, or any other agreement pertaining to the lease, 122288  
sublease, sale, or other disposition of a project or pertaining to 122289  
a loan made for a project, or any guaranty or insurance agreement 122290  
made with respect thereto, or any interest of the issuer therein, 122291  
or any other interest granted, assigned, purchased, or released to 122292  
secure payments of the principal of, premium, if any, or interest 122293  
on any bonds or to secure any other payments to be made by an 122294  
issuer under the bond proceedings. Any security interest under 122295  
this chapter may be prior or subordinate to or on a parity with 122296  
any other mortgage, lien, encumbrance, pledge, assignment, or 122297  
other security interest. 122298

**Sec. 924.10.** (A) There is hereby established in the state 122299  
treasury a fund for each marketing program that is established by 122300  
the director of agriculture pursuant to this chapter. Except as 122301  
authorized in division (B) of this section, all moneys collected 122302  
by the department of agriculture from each marketing program 122303

pursuant to section 924.09 of the Revised Code shall be paid into 122304  
the fund for the marketing program and shall be disbursed only 122305  
pursuant to a voucher approved by the director for use in 122306  
defraying the costs of administration of the marketing program and 122307  
for carrying out sections 924.02, 924.03, and 924.13 of the 122308  
Revised Code. 122309

(B) In lieu of deposits in the fund established pursuant to 122310  
division (A) of this section, the operating committee of any 122311  
marketing program established pursuant to this chapter may deposit 122312  
all moneys collected pursuant to section 924.09 of the Revised 122313  
Code with a bank ~~or a savings and loan association~~ as defined in 122314  
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 122315  
moneys collected pursuant to section 924.09 of the Revised Code 122316  
and deposited pursuant to this division also shall be used only in 122317  
defraying the costs of administration of the marketing program and 122318  
for carrying out sections 924.02, 924.03, and 924.13 of the 122319  
Revised Code. 122320

(C) Each operating committee shall establish a fiscal year 122321  
for its marketing program and shall publish within sixty days of 122322  
the end of each fiscal year an activity and financial report and 122323  
make such report available to each producer who pays an assessment 122324  
or otherwise contributes to the marketing program which the 122325  
committee administers, and to other interested persons. 122326

(D) In addition to the reports required by division (C) of 122327  
this section, any marketing program that deposits moneys in 122328  
accordance with division (B) of this section shall submit to the 122329  
director both of the following: 122330

(1) Annually, a financial statement prepared by a certified 122331  
public accountant holding a live permit from the accountancy board 122332  
issued pursuant to Chapter 4701. of the Revised Code. The 122333  
marketing program shall file the financial statement with the 122334  
director not more than sixty days after the end of each fiscal 122335

year. 122336

(2) Monthly, an unaudited financial statement. 122337

**Sec. 924.26.** (A) The grain marketing program operating 122338  
committee shall levy on producers and, as provided in division (B) 122339  
of this section, handlers the following assessments, as 122340  
applicable: 122341

(1) One-half of one per cent of the per-bushel price of wheat 122342  
at the first point of sale; 122343

(2) One-half of one per cent of the per-bushel price of 122344  
barley at the first point of sale; 122345

(3) One-half of one per cent of the per-bushel price of rye 122346  
at the first point of sale; 122347

(4) One-half of one per cent of the per-bushel price of oats 122348  
at the first point of sale. 122349

(B) The director may require a handler to withhold 122350  
assessments from any amounts that the handler owes to producers 122351  
and to remit them to the operating committee. A handler who pays 122352  
for a producer an assessment that is levied under this section may 122353  
deduct the amount of the assessment from any money that the 122354  
handler owes to the producer. 122355

(C) The operating committee shall deposit all money collected 122356  
under this section with a bank ~~or savings and loan association~~ as 122357  
defined in ~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised 122358  
Code. All money so collected and deposited shall be used only for 122359  
defraying the costs of administration of the marketing program and 122360  
for carrying out sections 924.20 to 924.30 of the Revised Code. 122361  
The operating committee shall not use any assessments that it 122362  
levies for any political or legislative purpose or for 122363  
preferential treatment of one person to the detriment of any other 122364  
person affected by the grain marketing program. 122365

(D) The operating committee shall refund to a producer the assessments that it collects from the producer not later than thirty days after receipt of a valid application by the producer for a refund, provided that the producer complies with the procedures for a refund established by the committee under section 924.24 of the Revised Code.

An application for a refund shall be made on a form provided by the director. The operating committee shall ensure that refund forms are available where assessments for the grain marketing program are collected.

**Sec. 924.45.** (A)(1) After a marketing agreement takes effect, a board of directors that will administer the marketing agreement shall be established in accordance with the terms of the marketing agreement. Except for the director of agriculture or the director's designee who shall serve as an ex officio member of the board of directors, members of the board shall be selected only from individuals who are producers that signed the marketing agreement.

(2) The provisional board of directors created pursuant to division (B)(1) of section 924.42 of the Revised Code shall verify that the board of directors is established in accordance with the terms of the marketing agreement. If the provisional board of directors determines that the board of directors was not established in accordance with the terms of the marketing agreement, the provisional board shall notify the director who shall take appropriate actions to ensure that the board of directors is established in accordance with the terms of the marketing agreement. If the provisional board of directors determines that the board of directors was established in accordance with the terms of the marketing agreement, the provisional board shall cease to exist.

(B) A board of directors that is established to administer a marketing agreement shall do all of the following:

(1) Establish priorities of the board that are consistent with the estimated financial resources that will be generated under the terms of the marketing agreement and with the scope of the marketing agreement;

(2) Prepare a budget that is consistent with the estimated financial resources that will be generated under the terms of the marketing agreement and with the scope of the marketing agreement;

(3) Deposit all money collected pursuant to the marketing agreement with a bank as defined in section 1101.01 of the Revised Code ~~or with a savings and loan association as defined in section 1151.01 of the Revised Code~~. The board shall use the money only to pay the costs of the board in administering the marketing agreement and of the activities authorized under the marketing agreement and under sections 924.40 to 924.45 of the Revised Code.

(4) Establish a fiscal year for purposes of marketing activities performed under the terms of the marketing agreement;

(5) Publish an activity and financial report not later than sixty days after the end of a fiscal year. The board shall make the report available to each producer that signed the marketing agreement and to other interested parties.

(6) Provide annually to the director of agriculture and to each producer that signed the marketing agreement a financial statement that is prepared by a person who holds a current certificate as a certified public accountant issued under Chapter 4701. of the Revised Code. The board shall provide the financial statement to the director not later than sixty days after the end of a fiscal year.

(7) Reimburse the department of agriculture for actual administrative costs incurred by the department in the

administration of sections 924.40 to 924.45 of the Revised Code. 122428  
However, the amount reimbursed in a fiscal year shall not exceed 122429  
ten per cent of the total amount of money collected in that fiscal 122430  
year by the board of directors under the authority of the 122431  
marketing agreement. 122432

(8) Perform all other acts and exercise all other powers that 122433  
are reasonably necessary, proper, or advisable to effectuate the 122434  
purposes of sections 924.40 to 924.45 of the Revised Code. 122435

(C) A board of directors that is established to administer a 122436  
marketing agreement may do all of the following: 122437

(1) Propose to the director rules that are necessary for the 122438  
board to perform its duties under the requirements of the 122439  
marketing agreement and under sections 924.40 to 924.45 of the 122440  
Revised Code; 122441

(2) Hire personnel and contract for services that are 122442  
necessary for the implementation and administration of the 122443  
marketing agreement; 122444

(3) Receive and investigate, or cause to be investigated, a 122445  
complaint concerning an alleged violation of a term of the 122446  
marketing agreement. If the board determines that such a violation 122447  
has occurred, the board shall refer the matter to the director for 122448  
enforcement. 122449

(4) Amend the marketing agreement in accordance with the 122450  
terms of the marketing agreement and with sections 924.40 to 122451  
924.45 of the Revised Code; 122452

(5) Terminate the marketing agreement with the approval of a 122453  
majority of the participating producers that are signatories to 122454  
the marketing agreement. If the marketing agreement is terminated, 122455  
the board shall distribute any remaining unobligated money 122456  
collected under the authority of the marketing agreement to each 122457  
participating producer in the same proportion that the producer 122458

paid assessments under the marketing agreement. 122459

**Sec. 1101.01.** As used in Chapters 1101. to 1127. of the 122460  
Revised Code, unless the context requires otherwise: 122461

(A) "Affiliate" has the same meaning as in division (A)(1) of 122462  
section 1109.53 of the Revised Code and includes a subsidiary of a 122463  
bank. 122464

(B) "Bank" or "banking corporation" means ~~a corporation~~ an 122465  
entity that solicits, receives, or accepts money or its equivalent 122466  
for deposit as a business, whether the deposit is made by check or 122467  
is evidenced by a certificate of deposit, passbook, note, receipt, 122468  
ledger card, or otherwise. "Bank" ~~also~~ or "banking corporation" 122469  
includes a state bank or ~~a corporation~~ any entity doing business 122470  
as a bank ~~or~~, savings bank, or savings association under authority 122471  
granted by the office of the comptroller of the currency or the 122472  
former office of thrift supervision, the appropriate bank 122473  
regulatory authority of another state of the United States, or the 122474  
appropriate bank regulatory authority of another country, but does 122475  
not include a ~~savings association, savings bank, or~~ credit union. 122476

(C) "Bank holding company" has the same meaning as in the 122477  
"Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, 122478  
as amended. 122479

(D) "Banking office" means an office or other place 122480  
established by a bank at which ~~a~~ the bank receives money or its 122481  
equivalent from the public for deposit and conducts a general 122482  
banking business. "Banking office" does not include any of the 122483  
following: 122484

(1) Any location at which a bank receives, but does not 122485  
accept, cash or other items for subsequent deposit, such as by 122486  
mail or armored car service or at a lock box or night depository; 122487

(2) Any structure located within five hundred yards of a an 122488

approved banking office of a bank and operated as an extension of 122489  
the services of the banking office; 122490

(3) Any automated teller machine, remote service unit, or 122491  
other money transmission device owned, leased, or operated by a 122492  
bank; 122493

(4) Any facility located within the geographical limits of a 122494  
military installation at which a bank only accepts deposits and 122495  
cashes checks; 122496

(5) Any location at which a bank takes and processes 122497  
applications for loans and may disburse loan proceeds, but does 122498  
not accept deposits; 122499

(6) Any location at which a bank is engaged solely in 122500  
providing administrative support services for its own operations 122501  
or for other depository institutions. 122502

~~(D)~~(E) "Branch" means a banking office that is not also the 122503  
bank's principal place of business consistent with its articles of 122504  
incorporation or articles of association. 122505

~~(E)~~ "Capital" (F)(1) With respect to a stock state bank, 122506  
"capital" means the sum of a the bank's: 122507

~~(1)~~(a) Paid-in capital and surplus relating to common stock; 122508

~~(2)~~(b) To the extent permitted by the superintendent of 122509  
financial institutions, paid-in capital and surplus relating to 122510  
preferred stock; 122511

~~(3)~~(c) Undivided profits; and 122512

~~(4)~~(d) To the extent permitted by the superintendent the 122513  
proceeds of the sale of debt securities and other assets and 122514  
reserves. 122515

~~(F)~~(2) With respect to a mutual state bank, "capital" means 122516  
either of the following: 122517

|                                                                                                                                                                                                                                                             |                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <u>(a) Retained earnings;</u>                                                                                                                                                                                                                               | 122518                               |
| <u>(b) At the discretion of the superintendent, any other form of capital, subject to any applicable federal and state laws.</u>                                                                                                                            | 122519<br>122520                     |
| <u>(G) "Code of regulations" includes a constitution adopted by a state bank for similar purposes.</u>                                                                                                                                                      | 122521<br>122522                     |
| <u>(H) "Control" has the same meaning as in division (H) of section 1109.53 of the Revised Code.</u>                                                                                                                                                        | 122523<br>122524                     |
| <del><u>(G) "Controlling shareholder" means a person who, directly or indirectly, controls a bank.</u></del>                                                                                                                                                | 122525<br>122526                     |
| <del><u>(H)</u></del> <u>(I) "Debt securities" means obligations issued by a bank the holders of which, in the event of the insolvency or liquidation of the bank, are subordinated in right of payment to the bank's depositors and general creditors.</u> | 122527<br>122528<br>122529<br>122530 |
| <del><u>(I)</u></del> <u>(J) "Deposit" has the same meaning as in 12 C.F.R. 204.2, as amended.</u>                                                                                                                                                          | 122531<br>122532                     |
| <u>(K) "Entity" has the same meaning as in section 1701.01 of the Revised Code.</u>                                                                                                                                                                         | 122533<br>122534                     |
| <u>(L) "Federal savings association" means a federal savings and loan association or a federal savings bank doing business under authority granted by the office of the comptroller of the currency or the former office of thrift supervision.</u>         | 122535<br>122536<br>122537<br>122538 |
| <del><u>(J)</u></del> <u>(M) "Mutual holding company" means either of the following:</u>                                                                                                                                                                    | 122539<br>122540                     |
| <u>(1) A mutual state bank or an affiliate of a mutual state bank reorganized in accordance with Chapter 1116. of the Revised Code to hold all or part of the shares of the capital stock of a subsidiary state bank;</u>                                   | 122541<br>122542<br>122543<br>122544 |
| <u>(2) A mutual holding company organized in accordance with 12 U.S.C. 1467a(o) that has converted to a mutual holding company under Chapter 1116. of the Revised Code.</u>                                                                                 | 122545<br>122546<br>122547           |

(N) "Mutual state bank" means a state bank without stock that 122548  
has governing documents consisting of articles of incorporation 122549  
and code of regulations adopted by its members and bylaws adopted 122550  
by its board of directors. 122551

(O) "National bank" means a bank doing business under 122552  
authority granted by the office of the comptroller of the 122553  
currency. 122554

~~(K)~~(P) "Net income" means all income realized or earned less 122555  
all expenses realized or accrued. 122556

~~(L)~~(O) "Paid-in capital" means the aggregate par value of all 122557  
of a stock state bank's outstanding shares of all classes. 122558

~~(M)~~(R) "Person" means an individual, sole proprietorship, 122559  
partnership, joint venture, association, trust, estate, business 122560  
trust, limited liability company, corporation, or any similar 122561  
entity or organization. 122562

(S) "Remote service unit" means an automated facility, 122563  
operated by a customer of a bank, that conducts banking functions, 122564  
such as receiving deposits, paying withdrawals, or lending money. 122565

(T) "Reorganization" means a consolidation, merger, or 122566  
transfer of assets and liabilities pursuant to Chapter 1115. or 122567  
1116. of the Revised Code. 122568

~~(N)~~(U) "Savings and loan holding company" has the same 122569  
meaning as in 12 U.S.C. 1467a. 122570

(V) "Savings association" means a savings and loan 122571  
association doing business under authority granted by the 122572  
~~superintendent of financial institutions pursuant to Chapter 1151.~~ 122573  
~~of the Revised Code, a savings and loan association doing business~~ 122574  
~~under authority granted by the~~ regulatory authority of another 122575  
state, ~~or a federal savings association.~~ "Savings association" 122576  
also includes a state bank that elects to operate as a savings and 122577

loan association under section 1109.021 of the Revised Code. 122578

~~(O)~~(W) "Savings bank" means a savings bank doing business 122579  
under authority granted by the ~~superintendent of financial~~ 122580  
~~institutions pursuant to Chapter 1161. of the Revised Code or a~~ 122581  
~~savings bank doing business under authority granted by the~~ 122582  
regulatory authority of another state. 122583

~~(P)~~(X) "Shares" means any equity interest, including a 122584  
limited partnership interest and any other equity interest in 122585  
which liability is limited to the amount of the investment. 122586  
"Shares" does not include a general partnership interest or any 122587  
other interest involving general liability. 122588

(Y) "State bank" means a bank doing business under authority 122589  
granted by the superintendent of financial institutions. "State 122590  
bank" includes a state bank that elects to operate as a savings 122591  
and loan association under section 1109.021 of the Revised Code. 122592

~~(Q)~~(Z) "Stock state bank" means a state bank that has an 122593  
ownership structure represented by shares of stock. 122594

(AA) "Subsidiary" has the same meaning as in section 1109.53 122595  
of the Revised Code. 122596

~~(R)~~(BB) "Surplus" means the total of amounts paid for shares 122597  
in excess of their respective par values, amounts contributed 122598  
other than for shares, and amounts transferred from undivided 122599  
profits, less amounts transferred to stated capital. 122600

~~(S)~~(CC) "Trust company" means ~~a corporation~~ an entity 122601  
qualified and licensed under section 1111.06 of the Revised Code 122602  
to solicit or engage in trust business in this state, or a person 122603  
that is required by Chapter 1111. of the Revised Code to be a 122604  
~~corporation~~ an entity qualified and licensed under section 1111.06 122605  
of the Revised Code to solicit or engage in trust business in this 122606  
state. 122607

~~(F)~~(DD) "Undivided profits" means the cumulative 122608  
undistributed amount of a bank's net income not otherwise 122609  
allocated. 122610

**Sec. 1101.02.** It is hereby declared to be the purpose of the 122611  
general assembly in enacting Chapters 1101. to 1127. of the 122612  
Revised Code to do all of the following: 122613

(A) Delegate to the division of financial institutions 122614  
rule-making power and administrative discretion, subject to 122615  
Chapters 1101. to 1127. of the Revised Code, to assure the 122616  
supervision and regulation of banks chartered under the laws of 122617  
this state may be flexible and readily responsive to changes in 122618  
economic conditions, banking practices, and the financial services 122619  
industry; 122620

(B) Provide for the protection of the interests of 122621  
depositors, creditors, shareholders, members, and the general 122622  
public in banks doing business in this state; 122623

(C) Permit banks to effectively serve the convenience and 122624  
needs of their depositors, borrowers, and others, and permit the 122625  
continued improvement of the products and services banks provide; 122626

(D) Provide the opportunity for the boards and management of 122627  
banks to exercise their business judgment, subject to the 122628  
provisions of Chapters 1101. to 1127. and 1701. of the Revised 122629  
Code; 122630

(E) Provide state banks with competitive parity with other 122631  
types of financial institutions doing business in this state; 122632

(F) Sustain the viability of the state bank charter option 122633  
and the dual banking system in this state and the United States; 122634

~~(F)~~(G) Clarify and modernize the laws governing banking. 122635

**Sec. 1101.03.** (A) Except as otherwise provided in this 122636

section, every bank existing on or incorporated after ~~January 1, 1997~~, the effective date of this amendment is subject to Chapters 1101. to 1127. of the Revised Code.

(B) Except as otherwise provided in this section, Chapters 1101. to 1127. of the Revised Code do not affect the legality of banks organized, loans or investments made or committed to be made, or transactions completed or committed before ~~January 1, 1997~~ the effective date of this amendment.

(C) Except as otherwise provided in this section, Chapters 1101. to 1127. of the Revised Code do not affect the status of any bank organized, or any banking office established or authorized, before ~~January 1, 1997~~ the effective date of this amendment.

(D) Chapters 1101. to 1127. of the Revised Code do not apply to persons in their fiduciary capacities, as follows:

(1) Any person who, on ~~January 1, 1997~~ the effective date of this amendment, is serving as a fiduciary under a trust instrument, will, or other document executed before ~~January 1, 1997~~ the effective date of this amendment;

(2) Any person who is named or nominated as a potential, prospective, or successor fiduciary in a trust instrument, will, or other document executed before ~~January 1, 1997~~ the effective date of this amendment.

(E) Both of the following apply to every savings bank and savings and loan association that is organized under the laws of this state and is in existence as of the effective date of this amendment:

(1) The powers, privileges, duties, and restrictions conferred and imposed in the charter or act of incorporation of such an institution are hereby abridged, enlarged, or otherwise modified so that each charter or act of incorporation conforms to the provisions of this title.

(2) Notwithstanding any contrary provision in its charter or act of incorporation, every such institution possesses the powers, rights, and privileges and is subject to the duties, restrictions, and liabilities conferred and imposed by this title. 122668  
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(F) Any state bank that wishes to become or remain an affiliate of a savings and loan holding company may do so by complying with section 1109.021 of the Revised Code. 122672  
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**Sec. 1101.05.** Except as otherwise expressly provided, the provisions of Chapters 1101. to 1127. of the Revised Code and any rules adopted under those chapters: 122675  
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(A) Are enforceable only by the superintendent of financial institutions, the superintendent's designee, the federal deposit insurance corporation, the federal reserve, or, with respect to Chapter 1127. of the Revised Code, a prosecuting attorney; and 122678  
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(B) Do not create or provide a private right of action or defense for or on behalf of any party other than the superintendent or the superintendent's designee. 122682  
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**Sec. 1101.15.** (A)(1) Except as provided in division (A)(2) of this section, no person other than a bank doing business under authority granted by the superintendent of financial institutions, the bank chartering authority of another state, the office of the comptroller of the currency, or the bank chartering authority of a foreign country shall do either of the following: 122685  
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(a) Use "bank," "banker," ~~or~~ "banking," "savings association," "savings and loan," "building and loan," or "savings bank," or a word or combination of words of similar meaning in any other language, in a designation or name, or as any part of a designation or name, under which business is or may be conducted in this state; 122691  
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(b) Represent itself as a bank. 122697

~~(2)(a) A corporation doing business under Chapter 1151. of the Revised Code may use the word "bank," "banker," or "banking," or a word or words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted in this state, as provided in section 1151.07 of the Revised Code.~~

~~(b) A corporation doing business under Chapter 1161. of the Revised Code may use the word "bank," "banker," or "banking," or a word or words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted in this state, as provided in section 1161.09 of the Revised Code.~~

~~(c) A corporation doing business under authority granted by the office of thrift supervision may use the word "bank," "banker," or "banking," or a word or words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted in this state.~~

~~(d) A person, whether operating for profit or not, may use the word words "bank," "banker," ~~or~~ "banking," "savings association," "savings and loan," "building and loan," or "savings bank," or a word or combination of words of similar meaning in any other language, in or as part of a designation or name under which business is or may be conducted if the superintendent determines the name, on its face, is not likely to mislead the public and authorizes the use of the name.~~

(B)(1) Except as provided in division (B)(2) of this section, no person, other than a corporation licensed in accordance with authority granted in Chapter 1111. of the Revised Code as a trust company, a national bank with trust powers, or a federal savings association with trust powers, shall do either of the following:

(a) Use the word "trust," or a word or words of similar

meaning in any other language, in a designation or name, or as any part of a designation or name, under which business is or may be conducted in this state;

(b) Otherwise represent itself as a fiduciary or trust company.

(2)(a) A person that is not required to be licensed under Chapter 1111. of the Revised Code may serve as a fiduciary and, when acting in that fiduciary capacity, otherwise represent such person as a fiduciary.

(b) A person licensed by another state to serve as a fiduciary and exempt from licensure under Chapter 1111. of the Revised Code may serve as a fiduciary to the extent permitted by the exemption.

~~(c) A savings and loan association may serve as a trustee to the extent authorized by section 1151.191 of the Revised Code.~~

~~(d) A savings bank may serve as a trustee to the extent authorized by section 1161.24 of the Revised Code.~~

~~(e)~~ A charitable trust, business trust, real estate investment trust, personal trust, or other bona fide trust may use the word "trust" or a word or words of similar meaning in any other language, in a designation or name, or as part of a designation or name, under which business is or may be conducted.

~~(f)~~(d) A person, whether operating for profit or not, may use "trust" or a word or words of similar meaning in any other language, in a designation or name, or as part of a designation or name, under which business is or may be conducted, if the superintendent determines the name, on its face, is not likely to mislead the public and authorizes the use of the name.

(C) No bank or trust company shall use "state" as part of a designation or name under which it transacts business in this

state, unless the bank or trust company is doing business under 122759  
authority granted by the superintendent or the bank chartering 122760  
authority of another state. 122761

**Sec. 1101.16.** (A) No person shall solicit, receive, or accept 122762  
~~deposits~~ money or its equivalent for deposit as a business in this 122763  
state, except a state bank, ~~a domestic association as defined in~~ 122764  
~~section 1151.01 of the Revised Code, a savings bank as defined in~~ 122765  
~~section 1161.01 of the Revised Code~~ an entity doing business as a 122766  
bank, savings bank, or savings association under authority granted 122767  
by the bank regulatory authority of the United States, another 122768  
state of the United States, or another country, or a credit union 122769  
as defined in section 1733.01 of the Revised Code that is 122770  
authorized to accept deposits in this state, ~~and except as~~ 122771  
~~provided in sections 1115.05, 1117.01, 1151.052, 1151.053,~~ 122772  
~~1151.60, 1161.07, 1161.071, and 1161.76 of the Revised Code.~~ 122773

(B) ~~No bank or bank holding company incorporated under the~~ 122774  
~~laws of another state or having its principal place of business in~~ 122775  
~~another state shall solicit, receive, or accept deposits in this~~ 122776  
~~state unless it has established or acquired a banking office~~ 122777  
~~pursuant to section 1117.01 of the Revised Code or a transaction~~ 122778  
~~under section 1115.05 of the Revised Code, or transact any banking~~ 122779  
~~business of any kind in this state other than lending money, trust~~ 122780  
~~business in accordance with Chapter 1111. of the Revised Code, or~~ 122781  
~~through or as an agent pursuant to section 1117.05 of the Revised~~ 122782  
~~Code.~~ 122783

~~(C)~~ No bank having its principal place of business in a 122784  
foreign country shall solicit, receive, or accept deposits or 122785  
transact any banking business of any kind in this state, except in 122786  
accordance with Chapter 1115. or 1119. of the Revised Code. 122787

~~(D)~~ Nothing in this section prohibits a person from making a 122788  
deposit in that person's own account with a depository institution 122789

~~outside this state by means of an automated teller machine or  
other money transmission device in this state. However, no  
depository institution outside this state shall establish a  
deposit account with or for a person in this state by means of an  
automated teller machine or other money transmission device in  
this state.~~

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**Sec. 1103.02.** When the articles of incorporation and the  
superintendent of financial institutions' certificate of approval  
are filed with the secretary of state, the persons who have  
subscribed them or their successors and assigns shall become a  
body corporate by the name designated in the articles of  
incorporation, with succession. The legal existence of the state  
bank begins upon the filing of the articles of incorporation and,  
unless the articles of incorporation otherwise provide, its period  
of existence is perpetual.

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**Sec. 1103.03.** Except where the law of this state, the  
articles of incorporation, or the code of regulations require  
action to be authorized or taken by shareholders, all of the  
authority of a state bank shall be exercised by or under the  
direction of the board of directors in accordance with Chapter  
1105. of the Revised Code.

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**Sec. 1103.07.** (A) The name of a state bank:  
(1) Shall include ~~"bank,"~~ either of the following:  
(a) "Bank," "banking," "company," or "co.";  
(b) "Savings," "loan," "savings and loan," "building and  
loan," or "thrift."  
(2) May include the word "state," "federal," "association,"  
or, if approved by the superintendent of financial institutions,  
another term;

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(3) Shall not, as determined by the superintendent of 122819  
~~financial institutions~~, be likely to mislead the public as to the 122820  
bank's character or purpose; 122821

(4) Shall, as determined by the superintendent, be 122822  
distinguishable from all names already recorded by existing 122823  
financial institutions in this state or for which reservations 122824  
under this section are in effect, unless the existing financial 122825  
institution that earliest recorded a name from which the proposed 122826  
name is not distinguishable, or the person that reserved a name 122827  
from which the proposed name is not distinguishable, has filed its 122828  
written consent with the superintendent and with the secretary of 122829  
state pursuant to division (C) of section 1701.05 of the Revised 122830  
Code. 122831

(B) To reserve a name for a state bank to be organized under 122832  
Chapter 1113. or 1114. of the Revised Code or for an existing 122833  
state bank, a person shall submit to the superintendent a written 122834  
application for the exclusive right to use a specified name. If 122835  
the superintendent finds that the specified name satisfies the 122836  
requirements for a state bank name and is available for use in 122837  
accordance with this section, the superintendent shall endorse 122838  
approval on the application and forward the reservation to the 122839  
secretary of state for filing. 122840

(C)(1) Reservation of a name pursuant to division (B) of this 122841  
section gives the applicant the exclusive right to use the name as 122842  
follows: 122843

(a) If the reservation application is submitted to the 122844  
superintendent prior to submitting an application to incorporate a 122845  
new state bank or amended articles of incorporation or an 122846  
amendment to the articles of incorporation, for one hundred eighty 122847  
days after the date on which the secretary of state filed the 122848  
reservation endorsed by the superintendent, and for one year after 122849  
the date on which the secretary of state filed the reservation 122850

endorsed by the superintendent if the superintendent extends the reservation;  
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(b) If an application to incorporate a new state bank or amended articles of incorporation or an amendment to the articles of incorporation for an existing state bank is submitted to the superintendent concurrently with the reservation application or during the time a previously filed reservation remains in effect, from the date on which the secretary of state filed the reservation endorsed by the superintendent until the superintendent approves or disapproves the incorporation of the new state bank or the amended articles of incorporation or amendment to the articles of incorporation for an existing state bank.  
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(2) The superintendent shall, on behalf of a state bank or other person that has reserved a name pursuant to this section, endorse and forward to the secretary of state any additional name reservations required to maintain the reservation of the name under section 1701.05 of the Revised Code for as long as the name reservation is in effect pursuant to division (C)(1) of this section.  
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(D) For purposes of this section, a name is recorded if it is either of the following:  
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(1) The name of a ~~financial institution~~ bank, savings bank, or savings association in its articles of incorporation or articles of association on the records of the secretary of state, superintendent of financial institutions, office of the comptroller of the currency, ~~office of thrift supervision~~, or any of their successors;  
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(2) Registered as, or as part of, a trade name or service mark with the secretary of state.  
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(E)(1) Absent the express written permission of the state  
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bank, no person shall use the name of a state bank in an 122882  
advertisement, solicitation, promotional, or other material in a 122883  
way that may mislead another person, or cause another person to be 122884  
misled, into believing that the person issuing the advertisement, 122885  
solicitation, promotional, or other material is associated or 122886  
affiliated with the state bank. 122887

(2) A state bank injured by a violation of division (E)(1) of 122888  
this section may bring an action in law or equity for recovery of 122889  
damages, a temporary restraining order, an injunction, or any 122890  
other available remedy. 122891

**Sec. 1103.18.** (A) Instead of a treasurer, as required by 122892  
section 1701.64 of the Revised Code, a state bank may have a 122893  
cashier, controller, comptroller, or other officer whose authority 122894  
and duties the superintendent of financial institutions determines 122895  
are essentially equivalent to those of a treasurer. 122896

(B) For any state bank that has a cashier, controller, 122897  
comptroller, or other officer instead of a treasurer, as 122898  
authorized by division (A) of this section, the cashier, 122899  
controller, comptroller, or other officer may execute, 122900  
acknowledge, or verify any instrument or take any other action 122901  
that by law a treasurer of the state bank would be authorized to 122902  
execute, acknowledge, verify, or take. 122903

**Sec. 1103.19.** When the signatures of two ~~officers~~ authorized 122904  
representatives of a state bank are required, as for a certificate 122905  
for an amendment of the state bank's articles of incorporation or 122906  
amended articles of incorporation pursuant to section ~~1103.08~~ ~~or~~ 122907  
~~1103.09~~ 1113.12, 1113.13, or 1114.11 of the Revised Code or for 122908  
certification of a conversion pursuant to section 1115.01 of the 122909  
Revised Code, a consolidation or merger pursuant to section 122910  
1115.11 of the Revised Code, or a transfer of assets and 122911

liabilities pursuant to section 1115.14 of the Revised Code, one 122912  
of the ~~officers~~ authorized representatives signing shall be the 122913  
chairperson of the board of directors, the president, or a 122914  
vice-president, as determined by the board of directors. The other 122915  
~~officer~~ authorized representative signing shall be the secretary 122916  
or an assistant secretary, as determined by the board of 122917  
directors. 122918

**Sec. 1103.20.** (A) When any provision in Chapters 1101. to 122919  
1127. or Chapter 1701. of the Revised Code requires a document 122920  
regarding an existing, previously existing, or proposed state bank 122921  
to be filed with the secretary of state, all of the following 122922  
apply: 122923

(1) The person responsible for producing the document shall 122924  
deliver the document, properly completed, to the superintendent of 122925  
financial institutions, along with payment for any fee required 122926  
for filing the document with the secretary of state. 122927

(2) The superintendent shall file the document, and any 122928  
required approval by the superintendent, with the secretary of 122929  
state. 122930

(3) The secretary of state shall send a certified copy of the 122931  
document to both the superintendent and the state bank or other 122932  
person on whose behalf the superintendent filed the document. 122933

(B) If the person responsible for producing the document to 122934  
be filed fails to comply with division (A)(1) of this section, the 122935  
action or transaction to which the document relates is not 122936  
authorized or effective. 122937

**Sec. 1103.99.** Whoever violates division (E)(1) of section 122938  
1103.07 of the Revised Code shall be subject to a civil penalty of 122939  
up to ten thousand dollars for each day the violation is 122940  
committed, repeated, or continued. 122941

**Sec. 1105.01.** (A) Except where the Revised Code, the articles 122942  
of incorporation, or the code of regulations require action to be 122943  
authorized or taken by shareholders or members, all of the 122944  
authority of a state bank shall be exercised by or under the 122945  
direction of the bank's board of directors. The board of directors 122946  
shall consist of not less than five directors. 122947

(B) Unless the articles of incorporation or the code of 122948  
regulations provide for a different term, which may not exceed 122949  
three years from the date of the director's election and until the 122950  
director's successor is elected and qualified, each director shall 122951  
hold office until the next annual meeting of the shareholders or 122952  
members and until the director's successor is elected and 122953  
qualified, or until the director's earlier resignation, removal 122954  
from office, or death. 122955

(C) The articles of incorporation or the code of regulations 122956  
may provide for the classification of directors into either two or 122957  
three classes consisting of not less than ~~three~~ two directors 122958  
each. The terms of office of the several classes need not be 122959  
uniform, except that no term shall exceed the maximum time 122960  
specified in division (B) of this section. 122961

**Sec. 1105.02.** (A)(1) Of the directors on the board of 122962  
directors of a state bank: 122963

(a) A majority of the directors shall be outside directors. 122964  
However, in the case of a stock state bank, if eighty per cent or 122965  
more of any class of the bank's voting shares are owned by a 122966  
company, a majority of the directors may be officers or directors 122967  
of one or more affiliates of the bank. 122968

(b) ~~A majority of the directors shall be residents of this~~ 122969  
~~state or live within one hundred miles of this state~~ For purposes 122970  
of this section, anyone who is not an employee of the state bank 122971

or the bank holding company shall be considered an outside 122972  
director. 122973

(2)(a) If during a term of office a director causes the total 122974  
membership of the board to be ~~in violation of~~ out of compliance 122975  
with division (A)(1)(a) ~~or (b)~~ of this section, the director 122976  
forfeits the directorship, and the director's office is then 122977  
vacant. 122978

~~(b) If the membership of a board of directors of a bank on~~ 122979  
~~July 14, 1987, is composed in violation of division (A)(1)(a) or~~ 122980  
~~(b) of this section, the directors who are holding office on that~~ 122981  
~~date may continue to hold office, and may be reelected or~~ 122982  
~~reappointed if there is no interruption in their respective~~ 122983  
~~service.~~ 122984

~~(c)~~ No new director, or former director who is elected or 122985  
appointed to the board after an interruption in service, shall be 122986  
elected or appointed ~~in violation of~~ if it causes the total 122987  
membership of the board to be out of compliance with division 122988  
(A)(1)(a) ~~or (b)~~ of this section. 122989

(B)(1) No person who has been convicted of, or has pleaded 122990  
guilty to, a felony or any crime involving an act of fraud, 122991  
dishonesty ~~or~~, breach of trust, theft, or money laundering shall 122992  
~~take office~~ serve as a director of a bank or a subsidiary or 122993  
affiliate of a bank. The superintendent of financial institutions 122994  
may waive this restriction if the crime the person was convicted 122995  
of or pleaded guilty to was a misdemeanor or minor misdemeanor or 122996  
the equivalent thereof. 122997

(2) If during a term of office any director is convicted of, 122998  
or pleads guilty to, a ~~felony~~ crime described under division 122999  
(B)(1) of this section, the director forfeits the directorship, 123000  
and the director's office is then vacant. 123001

**Sec. 1105.03.** (A) To qualify as a director, each person 123002  
elected or appointed to the board of directors shall, within sixty 123003  
days after election or appointment, take and subscribe an oath to 123004  
diligently and honestly perform the duties of a director and to 123005  
not knowingly violate or permit to be violated any federal banking 123006  
law or any provision of Chapters 1101. to 1127. of the Revised 123007  
Code. 123008

(B) Promptly upon execution, and within sixty days of the 123009  
person's election or appointment, the oath shall be filed with the 123010  
secretary of the state bank. 123011

**Sec. 1105.04.** Each officer and employee of a state bank, 123012  
prior to the discharge of the officer's or employee's duties, 123013  
shall be covered by an individual, schedule, or blanket fidelity 123014  
bond in favor of the bank, with terms and issuing insurer approved 123015  
by the board of directors. The amount of the bond shall be set by 123016  
the board of directors, and shall be reasonable given the size of 123017  
the bank and nature of its business. The board of directors are 123018  
not required to provide a bond covering their duties as directors. 123019

**Sec. 1105.08.** (A)(1) A state bank's board of directors shall 123020  
meet monthly unless the bank's code of regulations provides for a 123021  
different frequency of meetings, which shall not be less than 123022  
quarterly. 123023

(2) Division (A)(1) of this section does not prohibit either 123024  
of the following: 123025

(a) A state bank's board of directors meeting more frequently 123026  
than required by division (A)(1) of this section or the bank's 123027  
code of regulations; 123028

(b) The superintendent of financial institutions requiring a 123029  
state bank's board of directors to meet more frequently than 123030

required by division (A)(1) of this section or the bank's code of 123031  
regulations if the superintendent determines more frequent 123032  
meetings are appropriate because of circumstances regarding the 123033  
bank. 123034

(B) Unless prohibited by the articles of incorporation, the 123035  
code of regulations, or, in the case of a committee of the board 123036  
of directors, an order of the board of directors, meetings of the 123037  
board of directors or a committee of the board of directors may be 123038  
held ~~through~~ in any manner permitted by the laws of this state, 123039  
including by communications equipment, if all persons 123040  
participating can communicate with each of the others. 123041  
Participation in a meeting in accordance with this division 123042  
constitutes presence at the meeting. 123043

(C) Minutes shall be kept of all meetings of a state bank's 123044  
board of directors and of any committees of the board of 123045  
directors, and shall be recorded in a readable and reproducible 123046  
form and kept at the bank. The minutes shall show the action of 123047  
the board of directors or any committee of the board of directors 123048  
on loans, discounts, and investments made or authorized. The 123049  
minutes of all committees of the board of directors shall be 123050  
submitted to the board of directors for review at each meeting of 123051  
the board of directors. 123052

**Sec. 1105.10.** (A) Once elected or appointed, a director may 123053  
be removed ~~by~~ as follows: 123054

(1) By the board of directors or the superintendent of 123055  
financial institutions if ~~either~~ any of the following applies: 123056

~~(1)~~(a) The director has filed for relief or is a debtor in a 123057  
case filed under Title XI of the United States Code; 123058

~~(2)~~(b) A court has determined the director is incompetent; 123059

(c) The director has been removed in accordance with federal 123060

law. 123061

(2) By the board of directors for any of the grounds set forth in the state bank's code of regulations or bylaws; 123062  
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(3) By a majority of the disinterested directors if they determine the director has a conflict of interest. 123064  
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(B)(1)(a) Except as provided in division (B)(1)(b) of this section, unless the articles of incorporation or the code of regulations of the state bank expressly provide that removal of members of the board of directors shall require a greater vote, the shareholders or members may remove all the directors, all the directors of a particular class, or any individual director from office, without assigning any cause, by the vote of the holders of a majority of the voting power entitling them to elect directors in place of those to be removed. 123066  
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(b) If the shareholders or members have the right to vote cumulatively in the election of directors of the bank, unless all the directors or all the directors of a particular class are removed, the vote of shareholders or members does not remove an individual director if the votes cast against the director's removal, if cumulatively voted at an election of all the directors or all the directors of a particular class, as the case may be, would be sufficient to elect at least one director. 123075  
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(2) If one or more directors is removed pursuant to division (B)(1) of this section, the shareholders or members may elect a new director at the same meeting for the unexpired term of each director removed. Failure of the shareholders or members to elect a director to fill the unexpired term of any director removed is deemed to create a vacancy in the board. 123083  
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(C) Unless the articles of incorporation or the code of regulations otherwise provide, the remaining directors, though less than a majority of the whole authorized number of directors, 123089  
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may, by the vote of a majority of their number, fill any vacancy 123092  
in the board for the unexpired term. 123093

(1) A vacancy exists if the shareholders or members increase 123094  
the authorized number of directors but fail at the meeting at 123095  
which the increase is authorized, or an adjournment of the 123096  
meeting, to elect the additional directors provided for, or if the 123097  
shareholders or members fail at any time to elect the whole 123098  
authorized number of directors. 123099

(2) The office of a member of the board of directors becomes 123100  
vacant if the director dies ~~or~~, resigns, or is removed. A 123101  
resignation takes effect immediately unless the director specifies 123102  
another time. 123103

(D) If a vacancy created on the board of directors causes the 123104  
number of directors to be less than that fixed by the articles of 123105  
incorporation or code of regulations, the vacancy shall not be 123106  
required to be filled until such time as an appropriate candidate 123107  
is identified and duly appointed or elected. 123108

(E) Notwithstanding divisions (B) and (C) of this section, 123109  
the requirement for a quorum set forth in section 1701.62 of the 123110  
Revised Code applies to a state bank's board of directors. 123111

**Sec. 1105.11.** Any (A) A director, officer, employee, or other 123112  
institution-affiliated party of a bank who knowingly violates or 123113  
knowingly permits any of the officers, agents, or employees of the 123114  
bank to violate any provision of Chapters 1101. to 1127. of the 123115  
Revised Code shall not be liable personally and individually 123116  
liable for all direct or indirect damages the bank, its 123117  
shareholders or members, or any other person sustains in 123118  
consequence of the a violation of or failure to comply with any 123119  
provision of Chapters 1101. to 1127. of the Revised Code or the 123120  
rules adopted under those chapters, including any civil money 123121  
penalties, unless it can be shown that the director, officer, 123122

employee, or other institution-affiliated party knowingly violated 123123  
or failed to comply with that provision of law or, with respect to 123124  
a director's liability, that the director knowingly permitted any 123125  
of the officers, employees, or other institution-affiliated 123126  
parties to violate or fail to comply with any such provision. 123127

(B) Nothing in this section shall be construed to deprive a 123128  
director of the defenses set forth in section 1701.59 of the 123129  
Revised Code. 123130

**Sec. 1107.03.** No state bank shall operate without adequate 123131  
capital as determined by the superintendent of financial 123132  
institutions. In evaluating the adequacy of a state bank's 123133  
capital, the superintendent may consider any of the following: 123134

(A) The nature and volume of the bank's business; 123135

(B) The amount, nature, quality, and liquidity of the bank's 123136  
assets; 123137

(C) The amount and nature of the bank's liabilities, 123138  
including those that are not presently due or are contingent; 123139

(D) The amount and nature of the bank's fixed costs; 123140

(E) The history of and prospects for the bank to earn and 123141  
retain income; 123142

(F) The quality of the bank's operations, including risk 123143  
management; 123144

(G) The quality of the bank's management; 123145

(H) The nature and quality of the bank's ownership; 123146

(I) Any other factor the superintendent finds to be relevant 123147  
under the circumstances. 123148

**Sec. 1107.05.** (A) A state bank may issue debt securities at 123149  
the times, in the amounts, and subject to the terms approved in 123150

writing by the superintendent of financial institutions. 123151

(B) ~~The~~ In the case of a stock state bank, the terms of debt 123152  
securities may include either of the following: 123153

(1) Options to subscribe to or purchase the bank's shares at 123154  
not less than par value; 123155

(2) The right to convert the debt securities to the bank's 123156  
shares, if the par value of the shares resulting from the 123157  
conversion does not exceed the value on the bank's books of the 123158  
debt securities being converted. 123159

(C) The terms of any option granted in connection with the 123160  
issuance of debt securities or any right to convert debt 123161  
securities to shares shall not permit or require the holders of 123162  
the debt securities to be held individually responsible for the 123163  
state bank's debts, contracts, or engagements, ~~or for assessments~~ 123164  
~~for restoration of the bank's paid in capital,~~ on the basis of 123165  
their status as holders of the debt securities. 123166

**Sec. 1107.07.** (A) All stock state bank shares shall have par 123167  
value, whether they are common shares or preferred shares. 123168

~~(B)(1) Except as otherwise provided in division (B)(2) of~~ 123169  
~~this section:~~ 123170

~~(a) Bank shares still held as treasury shares one year after~~ 123171  
~~being acquired are deemed retired and to be authorized and~~ 123172  
~~unissued shares.~~ 123173

~~(b) Authorized and unissued bank shares that are not issued~~ 123174  
~~or reissued and fully paid in one year after being authorized or~~ 123175  
~~otherwise becoming authorized and unissued shares are deemed~~ 123176  
~~anceled.~~ 123177

~~(2) Division (B)(1) of this section does not apply to bank~~ 123178  
~~shares authorized or acquired and held as treasury shares for~~ 123179  
~~purposes of meeting conversion rights or options, employee stock~~ 123180

~~purchase or ownership plans, mergers, consolidations, other 123181  
reorganizations, or acquisitions, purchases of real estate the 123182  
board of directors considers necessary or convenient for 123183  
transaction of the bank's business, or any other specific purpose, 123184  
in accordance with division (D) of section 1103.08 or division 123185  
(A)(1) of section 1103.09 of the Revised Code. 123186~~

~~(C) Preferred shares retired by a bank shall be canceled and 123187  
not reissued, whether or not provision for cancellation is made in 123188  
the bank's articles of incorporation. 123189~~

~~(D) Both common shares and preferred shares of a bank shall 123190  
be assessable, on a pro rata basis, for restoration of the bank's 123191  
paid-in capital. 123192~~

**Sec. 1107.09.** (A) A stock state bank may, with the approval 123193  
of the bank's board of directors, the holders of a majority of the 123194  
bank's voting shares, and the superintendent of financial 123195  
institutions, adopt and carry out plans for the offering or sale 123196  
of, the grant of, or the grant of options on, the bank's shares to 123197  
any or all employees, officers, or directors of the bank or any of 123198  
the bank's subsidiaries or affiliates, or to other parties, or to 123199  
a trustee on their behalf. For purposes of this section, "other 123200  
parties" means any person that has provided, or will provide, a 123201  
service or a benefit to the bank, as determined by the board of 123202  
directors. 123203

(B) A plan may be adopted under this section for any unissued 123204  
shares, treasury shares, or shares to be purchased or granted. A 123205  
plan may provide for the payment or issuance of the shares at one 123206  
time or in installments or for the establishment of special funds 123207  
in which employees or other parties approved under division (A) of 123208  
this section may participate. 123209

(C) Shares otherwise subject to pre-emptive rights may be 123210  
offered or sold under a plan only when released from pre-emptive 123211

rights. Shares authorized for the purpose of carrying out a plan 123212  
adopted under this section shall, ~~in accordance with division (D)~~ 123213  
~~of section 1103.08 of the Revised Code,~~ be deemed released from 123214  
pre-emptive rights. 123215

**Sec. 1107.11.** (A) Unless otherwise provided in the articles 123216  
of incorporation, the holders of any class of a stock state bank's 123217  
shares, other than shares that are limited as to dividend rate and 123218  
liquidation price, shall, upon the offering or sale for cash of 123219  
shares of the same class, have the right, during a reasonable time 123220  
and on reasonable terms fixed by the directors, to purchase the 123221  
shares in proportion to their respective holdings of shares of 123222  
that class, at not less than par value, unless the shares offered 123223  
or sold are any of the following: 123224

(1) Treasury shares; 123225

(2) Released from pre-emptive rights by the affirmative vote 123226  
or written consent of the holders of either of the following: 123227

(a) Two-thirds of the shares entitled to the pre-emptive 123228  
rights; 123229

(b) A majority of the shares entitled to the pre-emptive 123230  
rights, if for offering and sale or granting options to any or all 123231  
employees of the bank or any of the bank's subsidiaries or to a 123232  
trustee on their behalf, under a plan adopted under section 123233  
1107.09 of the Revised Code; 123234

(3) Offered to shareholders in satisfaction of their 123235  
pre-emptive rights and not purchased by the shareholders, and 123236  
thereupon issued or agreed to be issued for a consideration not 123237  
less than that at which the shares were offered to the 123238  
shareholders, less reasonable expenses, compensation, or discount 123239  
paid or allowed for the sale, underwriting, or purchase of the 123240  
shares. 123241

(B) An action arising from the offering or sale of shares under division (A) of this section shall be brought within two years after the date on which written notice or other communication of the transaction is mailed or otherwise given to the person entitled to bring the action. In no event shall any such action be brought later than four years after the cause of action accrued.

(C) Pre-emptive rights with respect to shares issued by a stock state bank chartered on or after the effective date of this amendment shall be governed by section 1701.15 of the Revised Code.

**Sec. 1107.13.** ~~(A) A~~ With the prior written approval of the superintendent of financial institutions, a stock state bank may purchase its own shares only in the following circumstances:

~~(1) To avoid the issuance of, or to eliminate, fractional shares;~~

~~(2) From a shareholder who, by reason of dissent, is entitled to be paid the fair cash value of the shares;~~

~~(3) With the approval of the superintendent of financial institutions, pursuant to authority in the bank's articles of incorporation to purchase its shares accordance with section 1701.35 of the Revised Code.~~

(B) A stock state bank that acquires shares of its stock shall retire or dispose of the shares at the time and in the manner required by the superintendent.

**Sec. 1107.15.** A stock state bank's board of directors may declare dividends and distributions on the bank's outstanding shares, subject to all of the following conditions:

(A) Except as otherwise provided in division (B) of this

section, payment of a dividend or distribution may only be funded 123271  
from undivided profits or, subject to the approval of the 123272  
superintendent of financial institutions, from a special reserve 123273  
created from proceeds from the sale of bank stock. 123274

(B) A dividend or distribution may be funded, in whole or in 123275  
part, from surplus with the approval of both of the following: 123276

(1) The holders of at least two-thirds of the outstanding 123277  
shares of each class of the bank's stock; 123278

(2) The superintendent ~~of financial institutions.~~ 123279

(C) A dividend or distribution may be paid in treasury shares 123280  
or in authorized but unissued shares, if the board makes the 123281  
required transfers to surplus and paid-in capital. 123282

(D) The approval of the superintendent is required for the 123283  
declaration of dividends and distributions if the total of all 123284  
dividends and distributions declared on the bank's shares in any 123285  
year, and not paid in shares, exceeds the total of its net income 123286  
for that year combined with its retained net income of the 123287  
preceding two years. 123288

(E) Prior to the declaration of any dividend or distribution 123289  
the bank has made all required allocations to reserves for losses 123290  
or contingencies. 123291

**Sec. 1109.01.** (A) A state bank may use, exercise, and enjoy 123292  
all of the powers, rights, and privileges of a corporation as set 123293  
forth in section 1701.13 of the Revised Code, unless otherwise 123294  
provided in its articles of incorporation and except as otherwise 123295  
expressly limited by Chapters 1101. to 1127. of the Revised Code. 123296  
The powers authorized under this division include the power to 123297  
receive any property of any description, or any interest in 123298  
property, by gift, devise, or bequest, and to make donations for 123299  
the public welfare or for charitable, scientific, or educational 123300

purposes. 123301

(B) A state bank may perform all acts necessary to carry into 123302  
effect the powers authorized by Title XI of the Revised Code and 123303  
the purposes for which the bank was created. 123304

**Sec. 1109.02.** (A) In addition to exercising the powers and 123305  
performing the acts authorized under Chapters 1101. to 1127. of 123306  
the Revised Code, a state bank has and may exercise all powers and 123307  
perform all acts attendant to the business of banking as set forth 123308  
in those chapters. 123309

(B) A state bank has and may exercise all powers, perform all 123310  
acts, and provide all services that are otherwise a part of or 123311  
incidental to the business of banking. 123312

(C) In addition to what is otherwise authorized under 123313  
Chapters 1101. to 1127. of the Revised Code, a state bank has and 123314  
may exercise all powers, perform all acts, and provide all 123315  
services that are permitted for national banks and federal savings 123316  
associations, other than those dealing with interest rates, 123317  
regardless of the date the corresponding parity rule adopted by 123318  
the superintendent of financial institutions under section 1121.05 123319  
of the Revised Code takes effect. If a state bank intends to take 123320  
any such action before the adoption of the corresponding parity 123321  
rule, the bank shall provide the superintendent with prior written 123322  
notice of the action and the basis for the action. The 123323  
superintendent, within ninety days after receipt of that notice, 123324  
may prohibit the bank from taking such action if the 123325  
superintendent determines it would be unsafe or unsound for the 123326  
bank. 123327

**Sec. 1109.021.** (A) As used in this section, "portfolio 123328  
assets" and "qualified thrift investments" have the same meanings 123329  
as in 12 U.S.C. 1467a, as amended. 123330

(B) A state bank may elect to operate as a savings and loan association by filing a written notice of that election with the superintendent of financial institutions. 123331  
123332  
123333

(C) Upon filing an election notice, a state bank shall be considered a savings and loan association if both of the following conditions are met: 123334  
123335  
123336

(1) Its qualified thrift investments equal or exceed sixty-five per cent of its portfolio assets. 123337  
123338

(2) Its qualified thrift investments continue to equal or exceed sixty-five per cent of its assets on a monthly average basis in nine out of every twelve months. 123339  
123340  
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(D) A state bank may revoke its election notice at any time by submitting a written notice thereof to the superintendent. 123342  
123343

**Sec. 1109.03.** (A) No bank shall transact business in this state unless its deposit accounts are insured by the federal deposit insurance corporation, except a bank that by the terms of its articles of incorporation or articles of association is not permitted to solicit or accept deposits other than trust funds. Each bank whose deposit accounts are insured by the federal deposit insurance corporation shall maintain that insurance as a condition of doing business in this state. 123344  
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(B) Each bank doing business in this state shall comply with the reserve requirements of the "Federal Reserve Act of 1913," as amended. 123352  
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(C) Any bank doing business in this state may become a member of the federal reserve system as permitted under federal law and do all things necessary to maintain that membership in accordance with the "Federal Reserve Act of 1913," as amended. 123355  
123356  
123357  
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(D) Any bank doing business in this state may become a member of a federal home loan bank and do all things necessary to 123359  
123360

maintain that membership in accordance with the "Federal Home Loan 123361  
Bank Act of 1932," 47 Stat. 725, 12 U.S.C.A. 1421, as amended. A 123362  
bank may purchase and hold stock in a federal home loan bank in 123363  
excess of the amount required for membership, if that purchase and 123364  
holding of stock is consistent with the financial condition of the 123365  
bank and prudent banking practice. 123366

Sec. 1109.04. (A) A bank may, in good faith, rely: 123367

(1) On any and all information, agreements, documents, and 123368  
signatures provided by its customers as being true, accurate, 123369  
complete, and authentic and representing what they purport to 123370  
represent; and 123371

(2) That the persons signing have full capacity and complete 123372  
authority to execute and deliver any and all such documents and 123373  
agreements and to act in such capacity as may be represented to 123374  
the bank. 123375

As used in this division, "good faith" has the same meaning 123376  
as in section 1301.201 of the Revised Code. 123377

(B) A bank may, with the customer's consent, provide 123378  
electronically any statement, notice, or report required to be 123379  
provided customers under this chapter. A customer's consent may be 123380  
obtained electronically or in writing. 123381

(C) A bank customer may, with the bank's consent, provide 123382  
electronically any notice required to be provided to the bank 123383  
under this chapter. A bank's consent may be obtained 123384  
electronically or in writing. 123385

**Sec. 1109.05. (A) A bank may receive money on deposit and may 123386  
establish the terms and conditions of each deposit contract. A 123387  
bank may receive demand deposits subject to withdrawal or to 123388  
payment upon the depositor's check, order, or other authorization. 123389**

(B) At the time of opening a deposit account, a bank shall 123390  
provide the depositor a statement containing the existing terms 123391  
and conditions of the deposit contract. The statement may be set 123392  
forth on the depositor's signature card, which card may be 123393  
electronic or in writing. Before effecting any change in the terms 123394  
and conditions of a deposit contract, a bank shall ~~send written~~ 123395  
provide notice, in written or electronic form, of the change to 123396  
each depositor with whom the bank has a deposit contract of the 123397  
kind to be changed. Depositors and any other owners of interests 123398  
in deposit accounts shall be bound by all changes banks make in 123399  
their deposit contracts. 123400

(C) For each deposit account a bank shall, at minimum, do 123401  
either of the following: 123402

(1) Periodically ~~send~~ make available to each deposit customer 123403  
a ~~written~~ report, in written or electronic form, of the customer's 123404  
deposit account activity since the last report was provided, 123405  
unless the account is a certificate of deposit with no activity 123406  
except for compounding interest; 123407

(2) Issue a passbook on which deposits, interest, payments, 123408  
and withdrawals can be recorded. 123409

(D) A bank may secure deposits in the manner and to the 123410  
extent provided or authorized by law or any lawful order of a 123411  
court having custody of money and ordering money to be deposited. 123412

(E)(1) A bank may serve as a depository for public funds of 123413  
this state, other states of the United States, political 123414  
subdivisions of this state and other states of the United States, 123415  
the United States, agencies of the United States, foreign nations, 123416  
political subdivisions of foreign nations, multinational 123417  
organizations, and subdivisions of multinational organizations. 123418

(2)(a) A bank may provide security for the public funds 123419  
described in division (E)(1) of this section if that is a 123420

condition imposed by law for their deposit. 123421

(b) Depositors of public funds that are collateralized by securities pledged by a bank in accordance with Chapter 135. of the Revised Code and any applicable federal law shall have and maintain a first and best lien and security interest in and to such securities, any substitute securities, and the proceeds of those securities, in favor of such depositors. 123422  
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**Sec. 1109.08.** (A) A bank may provide safes, vaults, safe deposit boxes, night depositories, and other secure receptacles for the uses, purposes, and benefits of its customers, on the terms and conditions the bank prescribes. 123428  
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(B) A bank may, on the terms and conditions the bank prescribes, receive tangible property and evidence of tangible or intangible property for safekeeping using any of the following: 123432  
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(1) The bank's safes, vaults, and other secure receptacles; 123435

(2) The safes, vaults, and other secure receptacles of another bank or of a safekeeping agent or custodian that is qualified under rules adopted by the superintendent of financial institutions; 123436  
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(3) The bank's own safekeeping system or the safekeeping system of another bank or of a safekeeping agent or custodian that is qualified under rules adopted by the superintendent; 123440  
123441  
123442

(4) A recognized title or registration system, on the terms and conditions the bank prescribes. 123443  
123444

(C) Unless agreed to in writing by the bank, nothing in this section creates a bailment between a customer and the bank. 123445  
123446

**Sec. 1109.10.** If any claim not clearly consistent with the terms of any applicable authority on file with a bank is made to any deposit, safe deposit box, property held in safekeeping, 123447  
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security, obligation, or other property in the bank's possession 123450  
or control, in whole or in part, by any person, including any 123451  
depositor, individual, or group of individuals, whether or not 123452  
authorized to draw on or exercise any right or control with 123453  
respect to the property, the bank is not required to recognize the 123454  
claim without one of the following: 123455

(A) A court order, issued by a court of competent 123456  
jurisdiction and served on the bank, enjoining or restraining the 123457  
bank from taking any action with respect to the property or 123458  
instructing the bank to pay some or all of the balance of the 123459  
account, provide access to the safe deposit box, or deliver the 123460  
property as provided in the order; 123461

(B) A bond in the form and amount and with sureties 123462  
satisfactory to the bank, indemnifying the bank against any 123463  
liabilities, loss, and expenses it might incur because of its 123464  
recognition of the claim or because of its refusal, due to the 123465  
claim, to honor or recognize any right with respect to the 123466  
property. 123467

**Sec. 1109.15.** (A)(1) Subject to the restrictions and 123468  
limitations of the Revised Code, a state bank may do any of the 123469  
following: 123470

(a) Loan money, with or without security, and payable on 123471  
demand, at maturity, in installments, or by any combination of 123472  
these; 123473

(b) Issue, advise, and confirm letters of credit authorizing 123474  
the beneficiaries of the letters to draw upon the bank or its 123475  
correspondents; 123476

(c) Purchase open accounts, whether or not the accounts 123477  
represent an evidence of debt. 123478

(2) Subject to the margin requirements the superintendent of 123479

financial institutions may prescribe by rule, a state bank may 123480  
make loans secured by stocks, bonds, or other securities. 123481

(B) Subject to sections 1109.22, 1109.32, and 1109.47 of the 123482  
Revised Code and any rules the superintendent prescribes, a state 123483  
bank may purchase obligations of any kind with or without 123484  
recourse. 123485

(C) A state bank may acquire personal property for lease to 123486  
others, if the transaction, as a whole, has the character of an 123487  
extension of credit. 123488

(D)(1) Subject to division (D)(2) of this section, any other 123489  
restrictions and limitations of the Revised Code, and any 123490  
conditions, restrictions, or requirements established by the 123491  
superintendent, a state bank may enter into a debt suspension 123492  
agreement or debt cancellation contract with a borrower or 123493  
borrowers in connection with any loan or extension of credit. 123494

(2) A state bank shall not offer or finance, directly or 123495  
indirectly, a debt suspension agreement or debt cancellation 123496  
contract requiring a lump sum, single payment for the agreement or 123497  
contract payable at the outset of the agreement or contract, if 123498  
the debt subject to the agreement or contract is secured by one to 123499  
four family, residential real property. 123500

(3) For purposes of division (D) of this section, "debt 123501  
cancellation contract" and "debt suspension agreement" have the 123502  
same meanings as in 12 C.F.R part 37, as amended. 123503

~~(E) Unless otherwise expressly agreed in writing, the 123504  
relationship between a bank and its obligor, with respect to any 123505  
extension of credit, is that of a creditor and debtor, and creates 123506  
no fiduciary or other relationship between the parties. 123507~~

Sec. 1109.151. Unless otherwise expressly agreed to in 123508  
writing by the bank, the relationship between a bank and its 123509

obligor, or a bank and its customer, creates no fiduciary or other 123510  
relationship between the parties or any special duty on the part 123511  
of the bank to the customer or any other party. 123512

**Sec. 1109.16.** (A) The superintendent of financial 123513  
institutions shall adopt rules prescribing standards for 123514  
extensions of credit that are either of the following: 123515

(1) Secured by liens on interests in real estate; 123516

(2) Made for the purpose of financing the construction of 123517  
either a building or improvements to real estate. 123518

(B) In prescribing the standards required by division (A) of 123519  
this section, the superintendent shall consider all of the 123520  
following: 123521

(1) The risk the extensions of credit pose to the federal 123522  
deposit insurance funds; 123523

(2) The need for state banks to operate in a safe and sound 123524  
manner; 123525

(3) The availability of credit; 123526

(4) Any other factors the superintendent considers 123527  
appropriate. 123528

(C) In prescribing the standards required by division (A) of 123529  
this section, the superintendent may differentiate among types of 123530  
loans on the basis of any of the following: 123531

(1) Statutory requirements; 123532

(2) Risk to the federal deposit insurance funds; 123533

(3) The safety and soundness of state banks. 123534

(D) The superintendent shall not adversely evaluate an 123535  
investment or a loan made by a state bank, or consider a loan to 123536  
be nonperforming, solely because the loan is secured by or the 123537

investment is in commercial, residential, or industrial property, 123538  
unless the investment or loan may affect the bank's safety and 123539  
soundness. 123540

**Sec. 1109.17.** (A)(1) A state bank may accept drafts or bills 123541  
of exchange drawn on it and may purchase acceptances of drafts or 123542  
bills of exchange issued by other banks and participations in 123543  
acceptances of drafts or bills of exchange issued by other banks, 123544  
subject to the following limitations: 123545

(a) For acceptances of drafts or bills of exchange described 123546  
in division (B)(1) of this section, the limitations in division 123547  
(B)(2) of this section apply. 123548

(b) For acceptances of drafts or bills of exchange satisfying 123549  
the requirements of division (C)(1) of this section, the 123550  
limitations in division (C)(2) apply. 123551

(c) For all other acceptances of drafts or bills of exchange, 123552  
the limitations on loans and extensions of credit to a person in 123553  
section 1109.22 of the Revised Code apply to both of the 123554  
following: 123555

(i) A state bank's total outstanding obligations for any one 123556  
person on acceptances of drafts or bills of exchange that the bank 123557  
has issued and on acceptances of drafts or bills of exchange and 123558  
participations in acceptances of drafts or bills of exchange 123559  
issued by other banks and that the bank has purchased; 123560

(ii) A state bank's total outstanding obligations on 123561  
acceptances of drafts or bills of exchange issued by any one other 123562  
bank. 123563

(2) For purposes of applying the limitations imposed by 123564  
division (A)(1) of this section, a state bank's obligation on an 123565  
acceptance of a draft or bill of exchange does not include the 123566  
portion of an acceptance of a draft or bill of exchange issued by 123567

the bank that is covered by a participation agreement sold to 123568  
another. 123569

(B)(1) Subject to the limitations in division (B)(2) of this 123570  
section, a state bank may accept drafts or bills of exchange drawn 123571  
upon it having not more than six months' sight to run, exclusive 123572  
of days of grace, that are any of the following: 123573

(a) From transactions involving the importation or 123574  
exportation of goods; 123575

(b) From transactions involving the domestic shipment of 123576  
goods; 123577

(c) Secured at the time of acceptance by a warehouse receipt 123578  
or other documentation conveying or securing title covering 123579  
readily marketable staples. 123580

(2)(a) Except as provided in division (B)(2)(b) of this 123581  
section, no state bank shall accept drafts or bills of exchange, 123582  
or be obligated for a participation share for drafts or bills of 123583  
exchange under division (B)(1) of this section, in an amount equal 123584  
at any time in the aggregate to more than one hundred fifty per 123585  
cent of the bank's capital. 123586

(b) The superintendent of financial institutions, under 123587  
conditions the superintendent may prescribe, may authorize a state 123588  
bank to accept or be obligated for a participation share in drafts 123589  
or bills of exchange under division (B)(1) of this section, in an 123590  
amount not exceeding at any time in the aggregate two hundred per 123591  
cent of the bank's capital. 123592

(3) Notwithstanding division (B)(2) of this section, a state 123593  
bank's aggregate acceptances of drafts or bills of exchange, 123594  
including obligations for a participation share in drafts or bills 123595  
of exchange, under division (B)(1) of this section, that arise 123596  
from domestic transactions shall not exceed fifty per cent of the 123597  
aggregate of all acceptances of drafts or bills of exchange, 123598

including obligations for a participation share in drafts or bills 123599  
of exchange, the bank is permitted under division (B) of this 123600  
section. 123601

(4) No state bank shall accept drafts or bills of exchange or 123602  
be obligated for a participation share in drafts or bills of 123603  
exchange under division (B)(1) of this section, whether from a 123604  
foreign or domestic transaction, for any one person, partnership, 123605  
corporation, association, or other entity in an amount equal at 123606  
any time in the aggregate to more than ten per cent of the bank's 123607  
capital, unless the bank is secured either by attached documents 123608  
or by some other actual security arising from the same transaction 123609  
as the acceptance. 123610

(C)(1) Subject to the limitations set forth in division 123611  
(C)(2) of this section, a state bank may accept drafts or bills of 123612  
exchange drawn upon it having not more than three months' sight to 123613  
run, exclusive of days of grace, and drawn under conditions the 123614  
superintendent may prescribe, by banks or bankers in foreign 123615  
countries or dependencies or insular possessions of the United 123616  
States, for the purpose of furnishing dollar exchange as required 123617  
by the usages of trade in the respective countries, dependencies, 123618  
or insular possessions. 123619

(2)(a) No state bank shall accept drafts or bills of exchange 123620  
under division (C)(1) of this section for any one bank in an 123621  
aggregate amount exceeding ten per cent of the accepting bank's 123622  
capital, unless the draft or bill of exchange is accompanied by 123623  
documents conveying or securing title or other adequate security. 123624

(b) No state bank shall accept drafts or bills of exchange 123625  
under division (C)(1) of this section in an aggregate amount 123626  
exceeding fifty per cent of the accepting bank's capital. 123627

**Sec. 1109.22.** (A) As used in this section: 123628

(1) "Derivative transaction" includes any transaction that is a contract, agreement, swap, warrant, note, or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices, or other assets.

(2) "Loans and extensions of credit" shall include all of the following:

(a) All direct or indirect advances of funds made on the basis of any obligation of a person to repay the funds or repayable from specific property pledged by or on behalf of the person;

(b) To the extent specified by the superintendent of financial institutions, any liability of a bank to advance funds to or on behalf of a person pursuant to a contractual commitment;

(c) Any credit exposure to a person arising from a derivative transaction between the person and a bank.

(3) "Person" includes an individual; sole proprietorship; partnership; joint venture; association; trust; estate; business trust; corporation; government; agency, instrumentality, or political subdivision of a government; limited liability company; or any similar entity or organization.

(B) Except as provided in divisions (C), (D), (E), and (F) of this section:

(1) The total loans and extensions of credit by a state bank to a person outstanding at any one time and not fully secured, as determined in a manner consistent with division (B)(2) of this section, by collateral having a market value at least equal to the amount of the loans and extensions of credit to that person that are outstanding shall not exceed fifteen per cent of the unimpaired capital of the bank.

(2) The total loans and extensions of credit by a state bank 123660  
to a person outstanding at one time and fully secured by readily 123661  
marketable collateral having a market value, as determined by 123662  
reliable and continuously available price quotations, at least 123663  
equal to the amount of the loans and extensions of credit to that 123664  
person that are outstanding shall not exceed ten per cent of the 123665  
unimpaired capital of the bank. 123666

(3) The limitation set forth in division (B)(2) of this 123667  
section is separate from and in addition to the limitation set 123668  
forth in division (B)(1) of this section. 123669

(4) Notwithstanding the limitations set forth in divisions 123670  
(B)(1) and (2) of this section, any state bank may grant one or 123671  
more loans in an aggregate amount of up to five hundred thousand 123672  
dollars to one person, subject to any applicable restrictions 123673  
under federal law. 123674

(C) No limitation based on capital applies to loans and 123675  
extensions of credit by a bank to a person that are any of the 123676  
following types: 123677

(1) Loans or extensions of credit arising from the discount 123678  
of commercial or business paper evidencing an obligation to the 123679  
person negotiating it with recourse; 123680

(2) The purchase of bankers' acceptances of the kinds 123681  
described in division (B) or (C) of section 1109.17 of the Revised 123682  
Code and issued by other banks; 123683

(3) Loans or extensions of credit secured by bonds, notes, 123684  
certificates of indebtedness, treasury bills of the United States, 123685  
or other obligations fully guaranteed as to principal and interest 123686  
by the United States; 123687

(4) Loans or extensions of credit to or secured by 123688  
unconditional takeout commitments or guarantees of any department, 123689  
agency, bureau, board, commission, or establishment of the United 123690

States or any corporation wholly owned, directly or indirectly, by the United States; 123691  
123692

(5) Loans or extensions of credit secured by a segregated deposit account in the lending bank; 123693  
123694

(6) Loans or extensions of credit to any financial institution or to any receiver, conservator, superintendent of financial institutions, or other agent in charge of the business and property of a financial institution, when the loans or extensions of credit are approved by the superintendent of financial institutions of this state; 123695  
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(7) Loans or extensions of credit to the student loan marketing association. 123701  
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(D) A state bank may make loans and extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples subject to the general limitations of division (B) of this section, and may make additional loans and extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples, if all of the following apply: 123703  
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(1) The market value of the staples securing each additional loan or extension of credit at all times equals or exceeds one hundred fifteen per cent of the outstanding amount of the loan or extension of credit. 123711  
123712  
123713  
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(2) The staples are fully covered by insurance whenever it is customary to insure staples of that kind. 123715  
123716

(3) The total amount of the bank's additional loans and extensions of credit outstanding to one person at any time does not exceed thirty-five per cent of the bank's capital. 123717  
123718  
123719

(E) Subject to divisions (E)(1) and (2) of this section, a 123720

state bank may make loans and extensions of credit arising from 123721  
the discount of negotiable or nonnegotiable installment consumer 123722  
paper. 123723

(1) If the paper carries a full recourse endorsement or 123724  
unconditional guarantee by the person transferring the paper, the 123725  
total amount of the installment consumer paper transferred by one 123726  
person a state bank may hold at one time shall not exceed 123727  
twenty-five per cent of the bank's capital, and the collateral 123728  
requirements of division (B)(2) of this section do not apply. 123729

(2) The limitations set forth in division (B) of this section 123730  
apply only to the loans and extensions of credit of each maker of 123731  
negotiable or nonnegotiable installment consumer paper, and not to 123732  
obligations arising from any full or partial recourse endorsement 123733  
or guarantee by the transferor discounting the consumer paper to 123734  
the state bank, if both of the following apply: 123735

(a) The state bank's files are, or the knowledge of its 123736  
officers of the financial condition of each maker of the consumer 123737  
paper is, reasonably adequate. 123738

(b) An officer of the state bank designated for that purpose 123739  
by the bank's board of directors certifies in writing that the 123740  
bank is relying primarily upon the responsibility of each maker 123741  
for payment of the loans or extensions of credit and not upon any 123742  
full or partial recourse endorsement or guarantee by the 123743  
transferor. 123744

(F) Without regard to the collateral requirements of division 123745  
(B) of this section, a state bank may have loans and extensions of 123746  
credit to one person outstanding at one time not exceeding 123747  
twenty-five per cent of the bank's capital of the following types: 123748

(1) Loans and extensions of credit secured by shipping 123749  
documents or instruments transferring or securing title covering 123750  
livestock or giving a lien on livestock, when the market value of 123751

the livestock securing the obligation is not at any time less than 123752  
one hundred fifteen per cent of the face amount of the note 123753  
covered; 123754

(2) Loans and extensions of credit that arise from the 123755  
discount by dealers in dairy cattle of paper given in payment for 123756  
dairy cattle, if the paper carries a full recourse endorsement or 123757  
unconditional guarantee of the seller, and the loans and 123758  
extensions of credit are secured by the cattle being sold. 123759

(G)(1) The superintendent may adopt rules to administer and 123760  
carry out the purposes of this section, including, but not limited 123761  
to, the following: 123762

(a) Rules defining or further defining terms used in this 123763  
section, including expanding or limiting the definition of 123764  
"person" defined in division (A) of this section; 123765

(b) Rules establishing limits or requirements other than 123766  
those specified in this section for particular classes or 123767  
categories of loans or extensions of credit; 123768

(c) Rules relating to credit exposure arising from derivative 123769  
transactions. 123770

(2) The superintendent may determine when a loan putatively 123771  
made to a person is, for purposes of this section, to be 123772  
attributed to another person. 123773

**Sec. 1109.23.** (A) No state bank may extend credit to any of 123774  
its executive officers, directors, or principal shareholders, or 123775  
to any of their related interests, except as authorized by this 123776  
section and, with respect to executive officers, as authorized by 123777  
section 1109.24 of the Revised Code. 123778

(B)(1) A state bank may extend credit to any of its executive 123779  
officers, directors, or principal shareholders, or to any of their 123780  
related interests, only if all of the following apply to the 123781

extension of credit: 123782

(a) The extension of credit is made on substantially the same 123783  
terms, including interest rates and collateral, as those terms 123784  
prevailing at the time for comparable transactions by the bank 123785  
with persons who are not executive officers, directors, principal 123786  
shareholders, or employees of the bank. 123787

(b) The extension of credit does not involve more than the 123788  
normal risk of repayment or present other unfavorable features. 123789

(c) The bank follows credit underwriting procedures that are 123790  
not less stringent than those applicable to comparable 123791  
transactions by the bank with persons who are not executive 123792  
officers, directors, principal shareholders, or employees of the 123793  
bank. 123794

(2) Nothing in division (B)(1) of this section shall be 123795  
construed to prohibit any extension of credit made pursuant to a 123796  
benefit or compensation program that meets both of the following 123797  
conditions: 123798

(a) The program is ~~widely~~ available to all employees of the 123799  
bank; 123800

(b) The program does not give preference to any officer, 123801  
director, or principal shareholder of the bank, or to any related 123802  
interest of an officer, director, or principal shareholder, over 123803  
other employees of the bank. 123804

(C) A state bank may extend credit to any of its executive 123805  
officers, directors, or principal shareholders, or to any of their 123806  
related interests, in an amount that, when aggregated with the 123807  
amount of all outstanding extensions of credit by the bank to the 123808  
executive officer, director, or principal shareholder and that 123809  
person's related interests, would exceed an amount prescribed by 123810  
the superintendent of financial institutions, only if both of the 123811  
following conditions are met: 123812

(1) The extension of credit has been approved in advance by a majority vote of the bank's entire board of directors.

(2) The executive officer, director, or principal shareholder, who or whose related interest would be obligated on the extension of credit, has abstained from participating, directly or indirectly, in the deliberations or voting on the extension of credit.

(D) A state bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, only if the extension of credit is in an amount that, when aggregated with the amount of all outstanding extensions of credit by the bank to the executive officer, director, or principal shareholder and that person's related interests, would not exceed the limit on loans to a single borrower established by section 1109.22 of the Revised Code.

(E)(1) A state bank may extend credit to any of its executive officers, directors, or principal shareholders, or to any of their related interests, if the extension of credit is in an amount that, when aggregated with the amount of all outstanding extensions of credit by the bank to all of its executive officers, directors, principal shareholders, and their related interests, would not exceed the bank's unimpaired capital.

(2) The superintendent may prescribe a limit that is more stringent than the limit contained in division (E)(1) of this section.

(3) The superintendent may make exceptions to division (E)(1) of this section for state banks with less than one hundred million dollars in deposits, if the superintendent determines that the exceptions are important to avoid constricting the availability of credit in small communities or to attract directors to those banks. In no case may the aggregate amount of all outstanding

extensions of credit by a state bank to all of its executive 123844  
officers, directors, principal shareholders, and their related 123845  
interests, be more than two times the bank's unimpaired capital. 123846

(F)(1) If any executive officer or director of a state bank 123847  
has an account at the bank, the bank may not pay from that account 123848  
an amount exceeding the funds on deposit in the account. 123849

(2) Division (F)(1) does not prohibit the bank from paying 123850  
funds in accordance with either of the following: 123851

(a) A written, preauthorized, interest-bearing extension of 123852  
credit specifying a method of repayment; 123853

(b) A written preauthorized transfer of funds from another 123854  
account of the executive officer or director at that bank. 123855

(G) No executive officer, director, or principal shareholder 123856  
shall knowingly receive, or knowingly permit any of that person's 123857  
related interests to receive, from a state bank, directly or 123858  
indirectly, any extension of credit not authorized under this 123859  
section. 123860

(H)(1) Subject to division (H)(2) of this section, for 123861  
purposes of this section, any executive officer, director, or 123862  
principal shareholder of any company of which the state bank is a 123863  
subsidiary, or of any other subsidiary of that company, is deemed 123864  
to be an executive officer, director, or principal shareholder, 123865  
respectively, of the bank. 123866

(2) The superintendent may make exceptions to the application 123867  
of division (H)(1) of this section for any person who is an 123868  
executive officer or director of a subsidiary of a company that 123869  
controls a state bank, if both of the following apply: 123870

(a) The person does not have authority to participate, and 123871  
does not participate, in major policymaking functions of the bank. 123872

(b) The assets of the subsidiary do not exceed ten per cent 123873

of the consolidated assets of the company that controls the bank, 123874  
and the subsidiary is not controlled by any other company. 123875

(I) For purposes of this section: 123876

(1) ~~Bank~~ "State bank" includes any subsidiary of a state 123877  
bank. 123878

(2)(a) "Company" means any corporation, limited liability 123879  
company, partnership, business or other trust, association, joint 123880  
venture, pool syndicate, sole proprietorship, unincorporated 123881  
organization, or other business entity. 123882

(b) "Company" does not include either of the following: 123883

(i) A bank, savings bank, or savings association, the 123884  
deposits of which are insured by the federal deposit insurance 123885  
corporation; 123886

(ii) A corporation the majority of the shares of which are 123887  
owned by the United States or by any state of the United States. 123888

(3) "Control" of a company or state bank by a person means 123889  
the person, directly or indirectly, or acting through or in 123890  
concert with one or more persons, meets any of the following: 123891

(a) The person owns, controls, or has the power to vote 123892  
twenty-five per cent or more of any class of the company's or, in 123893  
the case of a stock state bank, the bank's voting securities. 123894

(b) The person controls in any manner the election of a 123895  
majority of the company's or state bank's directors. 123896

(c) The person has the power to exercise a controlling 123897  
influence over the company's or state bank's management or 123898  
policies. 123899

(4) "Executive officer" means a person who participates or 123900  
has the authority to participate, other than as a director, in 123901  
major policymaking functions of a company or state bank. 123902

(5) To "extend credit" or to make an "extension of credit" means to make or renew any loan, to grant a line of credit, or to enter into any similar transaction as a result of which an executive officer, director, or principal shareholder, or any of that person's related interests, becomes obligated, directly, indirectly, or by any means whatsoever, to pay money or its equivalent to the state bank.

(6) "Principal shareholder" means a person who, directly or indirectly, or acting through or in concert with one or more persons, owns, controls, or has the power to vote more than ten per cent of any class of voting securities of a stock state bank or company, other than a company of which the bank is a subsidiary.

(7) "Related interest" of a person means either of the following:

(a) Any company controlled by that person;

(b) Any political committee or campaign committee that is controlled by that person or the funds or services of which will benefit that person.

(8) "Subsidiary" means any company of which a state bank or company meets any of the following:

(a) The bank or company owns twenty-five per cent or more of the voting shares of the company.

(b) The bank or company controls in any manner the election of a majority of the directors of the company.

(c) The bank or company has the power, directly or indirectly, to exercise a controlling influence with respect to the management or policies of the company.

**Sec. 1109.24.** (A) Except as authorized by this section or section 1109.23 of the Revised Code, no state bank may extend

credit in any manner to any of its own executive officers. No 123933  
executive officer of a state bank may become indebted to that bank 123934  
except by means of an extension of credit the bank is authorized 123935  
by this section to make. Any extension of credit made pursuant to 123936  
this section shall be promptly reported to the bank's board of 123937  
directors and may be made only if all of the following apply: 123938

(1) The state bank would be authorized to make the extension 123939  
of credit to other borrowers. 123940

(2) The extension of credit is on terms that are not more 123941  
favorable than those afforded to other non-executive borrowers. 123942

(3) The executive officer has submitted a detailed, current 123943  
financial statement. 123944

(4) The extension of credit is made on the condition that it 123945  
shall become due and payable on demand of the state bank at any 123946  
time when the executive officer is indebted to any other bank or 123947  
banks on account of extensions of credit of any one of the three 123948  
categories referred to in divisions (B), (C), and (D) of this 123949  
section in an aggregate amount greater than the amount of credit 123950  
of the same category the state bank being served as an executive 123951  
officer could extend to the executive officer. 123952

(B) With the specific prior approval of its board of 123953  
directors, a state bank may make a loan to any of its executive 123954  
officers if, at the time the loan is made, both of the following 123955  
apply: 123956

(1) The loan is secured by a first lien on a dwelling that is 123957  
expected, after the loan is made, to be owned by the executive 123958  
officer and used as the executive officer's residence. 123959

(2) No other loan by the bank to the executive officer under 123960  
the authority of this division is outstanding. 123961

(C) A state bank may make extensions of credit to any 123962

executive officer of the bank to finance the education of the executive officer's children.

(D) A state bank may make extensions of credit not otherwise specifically authorized by this section to any of the bank's executive officers in an amount prescribed by the superintendent of financial institutions.

(E) Except to the extent permitted by division (D) of this section, a state bank may not extend credit to a partnership in which one or more of the bank's executive officers are partners having, individually or together, a majority interest. For purposes of division (D) of this section, the full amount of the credit extended shall be considered to have been extended to each executive officer of the bank who is a member of the partnership.

~~(F) Whenever an executive officer of a bank becomes indebted to any bank or banks, other than the bank served as an executive officer, on account of extensions of credit of any one of the categories referred to in divisions (B), (C), and (D) of this section in an aggregate amount greater than the aggregate amount of credit of the same category that could lawfully be extended to the executive officer by the bank served as an executive officer, the executive officer shall make a written report to the board of directors of the bank stating all of the following:~~

~~(1) The date and amount of each extension of credit by any other bank or banks to the executive officer;~~

~~(2) The security for each extension of credit;~~

~~(3) The purposes for which the proceeds of the extensions of credit have been or are to be used.~~

~~(G)~~ This section does not prohibit any executive officer of a state bank from endorsing or guaranteeing any loan or other asset previously acquired by the bank in good faith, for the protection of the bank, or incurring any indebtedness to the bank for the

purpose of either protecting the bank against loss or giving 123994  
financial assistance to the bank. 123995

~~(H)~~(G) Each state bank shall include with, but not as part 123996  
of, each report of condition made to the superintendent pursuant 123997  
to section 1121.21 of the Revised Code, a report of all loans made 123998  
under the authority of this section by the bank since the bank's 123999  
previous report of condition. 124000

~~(I)~~(H) Each day any extension of credit in violation of this 124001  
section exists is a continuation of the violation for purposes of 124002  
section 1121.35 of the Revised Code. 124003

**Sec. 1109.25.** (A) No stock state bank shall lend money on the 124004  
security of shares of its own stock or accept shares of its own 124005  
stock in satisfaction of a debt, unless necessary to prevent loss 124006  
on a debt previously contracted in good faith. 124007

(B) A stock state bank that accepts shares of its own stock 124008  
as allowed by division (A) of this section shall retire or dispose 124009  
of the shares at the time and in the manner required by the 124010  
superintendent of financial institutions. 124011

(C) For purposes of this section, the superintendent may 124012  
determine that stock of a person that controls a stock state bank, 124013  
if the stock is not readily marketable, is the functional 124014  
equivalent of stock of the bank and, therefore, subject to 124015  
divisions (A) and (B) of this section. 124016

**Sec. 1109.26.** (A)(1) A state bank may own or hold for not 124017  
more than five years any real estate it acquires by foreclosure, 124018  
conveyance in lieu of foreclosure, or other legal proceedings 124019  
relating to loan security interests or otherwise in satisfaction 124020  
of a debt previously contracted. The superintendent of financial 124021  
institutions may, upon application by a state bank, grant the bank 124022  
the power to hold the real estate for a longer time. 124023

(2) The superintendent may, at any time, require a state bank 124024  
to obtain an independent qualified appraisal of real estate the 124025  
bank owns or holds in accordance with division (A)(1) of this 124026  
section. 124027

(3) Real estate sold on contract, but with title remaining in 124028  
the name of the state bank, shall not be considered real estate 124029  
held by the bank for the purpose of divisions (A)(1) and (2) of 124030  
this section. 124031

(B)(1) A state bank may own or hold for not more than five 124032  
years ~~stock~~ shares of companies either acquired in securing 124033  
satisfaction of a debt previously contracted in good faith or 124034  
taken on a refinancing plan involving an investment that was legal 124035  
at the time it was made. The superintendent may, upon application 124036  
by a state bank, grant the bank the power to hold the ~~stock~~ shares 124037  
for a longer time. 124038

(2) The superintendent may, at any time, require a state bank 124039  
to obtain an independent qualified appraisal of the ~~stock~~ shares 124040  
the bank owns or holds in accordance with ~~this~~ division (B) of 124041  
this section. 124042

(C) The limitations set forth in this section shall not apply 124043  
to real estate or shares owned or held by a state bank affiliate, 124044  
except for a company that is a subsidiary of the state bank. 124045

**Sec. 1109.31.** (A) A state bank may purchase, acquire by 124046  
lease, or otherwise invest in the real estate and interests in 124047  
real estate the board of directors considers necessary or 124048  
convenient for transaction of the bank's business, including by 124049  
ownership of ~~stock of a wholly owned subsidiary corporation~~ an 124050  
entity having as its exclusive authority the ownership and 124051  
management of the bank's real estate interests. 124052

(B) A state bank may invest an amount equal to the greater of 124053

the bank's capital or ten per cent of its total assets in any 124054  
other real estate. This limitation does not apply, however, to 124055  
real estate acquired by foreclosure, conveyance in lieu of 124056  
foreclosure, or other legal proceedings relating to loan security 124057  
interests or otherwise in satisfaction of a debt previously 124058  
contracted. 124059

**Sec. 1109.32.** (A) A state bank may invest in any of the 124060  
following: 124061

(1) Bonds, bills, notes, or other debt securities of the 124062  
United States or for which the full faith and credit of the ~~united~~ 124063  
~~states~~ United States is pledged for payment of principal and 124064  
interest; 124065

(2) Bonds, notes, or other debt securities issued by this 124066  
state, or any state of the United States, that are the direct 124067  
obligation of the issuer and for which the full faith and credit 124068  
of the issuer is pledged to provide payment of the principal and 124069  
interest; 124070

(3) Bonds, notes, or other debt securities of any county, 124071  
municipal corporation, township, school district, improvement 124072  
district, sewer district, or other subdivision of this state or 124073  
any other state of the United States, that are the direct 124074  
obligation of the county or the subdivision issuing them and for 124075  
which the full faith and credit of the issuing county or 124076  
subdivision is pledged to provide payment of principal and 124077  
interest; 124078

(4) Bonds or other debt obligations issued or guaranteed by 124079  
agencies or instrumentalities of the United States, regardless of 124080  
the guarantee of payment of principal and interest by the United 124081  
States; 124082

(5) Subject to conditions and restrictions the superintendent 124083

of financial institutions may prescribe, bonds, debentures, and 124084  
other debt securities issued by any country or multinational 124085  
organization that are the direct obligation of the issuing country 124086  
or multinational organization and for which the full faith and 124087  
credit of the issuing country or multinational organization is 124088  
pledged to provide payment of principal and interest; 124089

(6) Bankers' acceptances of the kinds described in divisions 124090  
(B) and (C) of section 1109.17 of the Revised Code; 124091

(7) Subject to conditions and restrictions the superintendent 124092  
may prescribe, bonds, debentures, and other debt securities and 124093  
obligations of any state or political subdivision of a state, a 124094  
public corporation, or governmental agency that are payable solely 124095  
out of anticipated revenues, commonly referred to as revenue 124096  
bonds; 124097

(8) As defined and restricted by the superintendent, 124098  
marketable obligations evidencing the indebtedness of any 124099  
corporation in the form of bonds, notes, debentures, or equipment 124100  
trust certificates, commonly referred to as investment securities. 124101

(B) In addition to any other provision of this chapter 124102  
authorizing state banks to invest in bonds, debentures, or other 124103  
debt securities, ~~the superintendent a state bank~~ may approve 124104  
~~banks' investment~~ invest in bonds, debentures, and other debt 124105  
securities and obligations in which national banks, savings banks, 124106  
and savings associations insured by the federal deposit insurance 124107  
corporation are permitted to invest. 124108

**Sec. 1109.33.** A state bank may apply to the superintendent of 124109  
financial institutions for permission to invest, subject to the 124110  
conditions and requirements prescribed by the superintendent, an 124111  
amount, in the aggregate, not exceeding ten per cent of ~~the a~~ 124112  
stock state bank's paid-in capital and surplus or a mutual state 124113  
bank's retained earnings in the stock of banks or corporations 124114

chartered or incorporated under the laws of the United States, 124115  
including section 25a of the "Federal Reserve Act of 1913," 12 124116  
U.S.C. 611, as amended, and principally engaged in international 124117  
or foreign banking, or in banking in a dependency or insular 124118  
possession of the United States, either directly or through the 124119  
agency, ownership, or control of local institutions in foreign 124120  
countries, dependencies, or insular possessions. 124121

**Sec. 1109.34.** (A) A state bank may invest in the securities 124122  
of a domestic insurance company organized under Chapter 3907. or 124123  
3925. of the Revised Code, regulated by the superintendent of 124124  
insurance under Title XXXIX of the Revised Code and engaged 124125  
exclusively in the business of reinsuring risks, to the extent 124126  
permitted by and subject to limitations and restrictions imposed 124127  
by the superintendent of financial institutions by rules adopted 124128  
in accordance with Chapter 119. of the Revised Code. 124129

(B)(1) The total amount any state bank may invest in the 124130  
common and preferred stock, obligations, and other securities of 124131  
domestic insurance companies pursuant to division (A) of this 124132  
section shall not exceed ten per cent of the bank's assets. 124133

(2) A state bank may file an application with the 124134  
superintendent of financial institutions for permission to invest, 124135  
subject to the conditions and requirements prescribed by the 124136  
superintendent of financial institutions, an amount in excess of 124137  
ten per cent of the bank's capital in the common and preferred 124138  
stock, bonds, debentures, and other obligations of one domestic 124139  
insurance company pursuant to division (A) of this section. 124140

(C) A state bank making investments pursuant to division (A) 124141  
of this section shall report the investments annually on the first 124142  
day of March to the superintendent of financial institutions and 124143  
the superintendent of insurance. The report shall include, for 124144  
each reinsurer in which the bank has made an investment, 124145

information as to the amount of reinsurance written in this state 124146  
by each line of insurance designated by the superintendent of 124147  
insurance. 124148

**Sec. 1109.35.** (A)(1) As used in ~~this~~ division (A) of this 124149  
section: 124150

(a) "Venture capital firm" means any corporation, 124151  
partnership, proprietorship, limited liability company, or other 124152  
entity, the principal business of which is or will be the making 124153  
of investments in small businesses. 124154

(b) "Small business" means any corporation, partnership, 124155  
proprietorship, limited liability company, or other entity that 124156  
either does not have more than four hundred employees, or would 124157  
qualify as a small business for the purpose of receiving financial 124158  
assistance from small business investment companies licensed under 124159  
the "Small Business Investment Act of 1958," 72 Stat. 689, 15 124160  
U.S.C. 661, as amended, and rules of the small business 124161  
administration. 124162

~~(c) "Shares" means any equity interest, including a limited 124163  
partnership interest and other equity interest in which liability 124164  
is limited to the amount of the investment, but does not include a 124165  
general partnership interest or other interests involving general 124166  
liability. 124167~~

(2) A stock state bank may invest, in the aggregate, five per 124168  
cent of its paid-in capital and surplus, and a mutual state bank 124169  
may invest, in the aggregate, five per cent of its retained 124170  
earnings, in shares issued by the following: 124171

(a) Venture capital firms organized under the laws of the 124172  
United States or of this state and having an office within this 124173  
state, if, as a condition of a bank making an investment in a 124174  
venture capital firm, the firm agrees to use its best efforts to 124175

make investments, in an aggregate amount at least equal to the 124176  
investment to be made by the bank in that venture capital firm, in 124177  
small businesses having their principal office within this state 124178  
and having either more than one-half of their assets within this 124179  
state or more than one-half of their employees employed within 124180  
this state; 124181

(b) Small businesses having more than half of their assets or 124182  
employees within this state. 124183

(B)(1) A state bank may invest in the following: 124184

(a) The stocks, bonds, debentures, notes, or other evidences 124185  
of indebtedness of any of the following: 124186

(i) A community improvement corporation, organized under 124187  
Chapters 1702. and 1724. of the Revised Code for the sole purpose 124188  
of advancing, encouraging, and promoting the industrial, economic, 124189  
commercial, and civic development of a community or area; 124190

(ii) A development corporation, organized under Chapter 1726. 124191  
of the Revised Code to promote agricultural, industrial, and 124192  
business developments within the state; 124193

(iii) A community urban redevelopment corporation, organized 124194  
under Chapter 1701. or 1702. of the Revised Code and qualified to 124195  
operate under Chapter 1728. of the Revised Code to initiate and 124196  
conduct projects for the clearance, replanning, development, and 124197  
redevelopment of blighted areas within municipal corporations. 124198

(b) Other investments similar to the investments described in 124199  
division (B)(1)(a) of this section and acceptable to the 124200  
superintendent of financial institutions. 124201

(2) A state bank's investment in any one corporation or other 124202  
entity pursuant to division (B)(1) of this section shall not 124203  
exceed five per cent of the bank's capital, unless the 124204  
superintendent determines additional investment does not pose 124205

significant risk to the bank. A state bank's investments pursuant 124206  
to division (B)(1) of this section shall not in the aggregate 124207  
exceed ten per cent of the bank's capital. 124208

**Sec. 1109.36.** To the extent permitted by and subject to any 124209  
limitations and restrictions the superintendent of financial 124210  
institutions may impose, a state bank may underwrite and deal in 124211  
investments in the form of bonds, notes, debentures, or other debt 124212  
securities that are any of the following: 124213

(A) The direct obligation of or guaranteed by the United 124214  
States; 124215

(B) The direct obligation of or guaranteed by any state of 124216  
the United States or any political subdivision of any state of the 124217  
United States; 124218

(C) Acceptable to the superintendent. 124219

**Sec. 1109.39.** In addition to the specific investments 124220  
authorized in this chapter, a state bank may also invest, in the 124221  
aggregate, no more than ten per cent of its assets in the common 124222  
or preferred stock, obligations, or other securities of any 124223  
corporations, as authorized by the bank's board of directors. 124224

**Sec. 1109.40.** (A) In addition to the other loan and 124225  
investment authority provided for banks in Chapter 1109. of the 124226  
Revised Code, but subject to all other provisions of the Revised 124227  
Code, a state bank may invest up to fifteen per cent of its total 124228  
assets in loans or investments authorized by the bank's board of 124229  
directors. 124230

(B) If a loan or other investment is authorized under more 124231  
than one section of Chapter 1109. of the Revised Code, a state 124232  
bank may designate under which section the loan or investment has 124233  
been or will be made. The loan or investment may be apportioned 124234

among appropriate categories, and may be moved in whole or in part 124235  
from one category to another. 124236

**Sec. 1109.43.** (A) For purposes of this section: 124237

(1) "Bankers' bank" means a bank organized to engage 124238  
exclusively in providing services to other depository institutions 124239  
and depository institution holding companies and their officers, 124240  
directors, and employees. 124241

(2) "Bankers' bank holding company" means a corporation that 124242  
owns or controls, directly or indirectly, a majority of the shares 124243  
of the capital stock of a bankers' bank, or controls in any manner 124244  
the election of a majority of the directors of a bankers' bank. 124245

(3) "Depository institution" means a bank, savings ~~and loan~~ 124246  
association, savings bank, or credit union. 124247

(B) A state bank may invest, in the aggregate, up to ten per 124248  
cent of its capital in shares of a bankers' ~~bank~~ banks or a 124249  
bankers' bank holding ~~company, or both~~ companies. 124250

(C)(1) The voting shares of a bankers' bank shall be owned by 124251  
twenty or more depository institutions or depository institution 124252  
holding companies, and no depository institution or depository 124253  
institution holding company shall own, directly or indirectly, 124254  
more than fifteen per cent of the voting shares of a bankers' 124255  
bank. 124256

(2) The voting shares of a bankers' bank shall be owned, 124257  
directly or indirectly, exclusively by depository institutions, 124258  
depository institution holding companies, and persons who hold the 124259  
shares under, or initially acquired them through, a plan for the 124260  
benefit of the bankers' bank's officers and employees. 124261

~~(D) No bank or affiliate of a bank shall, directly, 124262  
indirectly, or acting through one or more other persons, own or 124263  
control or have the power to vote shares of any of the following: 124264~~

|                                                                                                             |        |
|-------------------------------------------------------------------------------------------------------------|--------|
| <del>(1) More than one bankers' bank;</del>                                                                 | 124265 |
| <del>(2) More than one bankers' bank holding company;</del>                                                 | 124266 |
| <del>(3) Both a bankers' bank and a bankers' bank holding company,</del>                                    | 124267 |
| <del>unless the bankers' bank is an affiliate of that bankers' bank</del>                                   | 124268 |
| <del>holding company.</del>                                                                                 | 124269 |
| <br>                                                                                                        |        |
| <b>Sec. 1109.44.</b> (A) A <u>state</u> bank may invest, in the aggregate,                                  | 124270 |
| twenty-five per cent of its assets in the stock, obligations, and                                           | 124271 |
| other securities of bank subsidiary corporations and bank service                                           | 124272 |
| corporations.                                                                                               | 124273 |
| <br>                                                                                                        |        |
| (B) A <u>state</u> bank shall obtain the approval of the                                                    | 124274 |
| superintendent of financial institutions prior to investing in,                                             | 124275 |
| acquiring, or establishing a bank subsidiary corporation or bank                                            | 124276 |
| service corporation, or performing any new activities in a bank                                             | 124277 |
| subsidiary corporation or bank service corporation.                                                         | 124278 |
| <br>                                                                                                        |        |
| (C)(1) A bank subsidiary corporation <u>that is a wholly owned</u>                                          | 124279 |
| <u>subsidiary of the state bank</u> may engage in any activities, except                                    | 124280 |
| taking deposits, that are a part or an extension of the business                                            | 124281 |
| of banking.                                                                                                 | 124282 |
| <br>                                                                                                        |        |
| (2) A bank service corporation shall be owned solely by one                                                 | 124283 |
| or more <del>depository institutions</del> <u>banks</u> , and may, at any location,                         | 124284 |
| do any of the following:                                                                                    | 124285 |
| <br>                                                                                                        |        |
| (a) Provide clerical, bookkeeping, accounting, statistical,                                                 | 124286 |
| or similar services;                                                                                        | 124287 |
| <br>                                                                                                        |        |
| (b) Engage in any activities, except taking deposits, that                                                  | 124288 |
| all of its owner <del>depository institutions</del> <u>banks</u> are authorized to                          | 124289 |
| engage in;                                                                                                  | 124290 |
| <br>                                                                                                        |        |
| (c) Engage in any activity, except taking deposits, the board                                               | 124291 |
| of governors of the federal reserve system has determined to be                                             | 124292 |
| permissible for a <del>bank</del> <u>financial</u> holding company under section                            | 124293 |
| 4 <del>(e)</del> <del>(8)</del> <del>(k)</del> <del>(1)</del> of the "Bank Holding Company Act of 1956," as | 124294 |

amended, 70 Stat. 133, 12 U.S.C.A. 1843(e)(8)(k)(1). 124295

(D) Bank subsidiary corporations and bank service 124296  
corporations are subject to examination and regulation by the 124297  
superintendent. 124298

(E) ~~Only if the company in which the investment is to be made~~ 124299  
~~qualifies as either a~~ A bank subsidiary corporation or a bank 124300  
service corporation ~~under this section~~ may a bank invest in 124301  
securities pursuant to section 1109.39 of the Revised Code or make 124302  
investments pursuant to section 1109.40 of the Revised Code that 124303  
result in any of the following: 124304

~~(1) The bank, directly or indirectly, or acting through one~~ 124305  
~~or more other persons, owns, controls, or has the power to vote~~ 124306  
~~twenty five per cent or more of any class of voting securities of~~ 124307  
~~the company in which the investment is being made.~~ 124308

~~(2) The bank controls in any manner the election of a~~ 124309  
~~majority of the directors or trustees of the company in which the~~ 124310  
~~investment is being made.~~ 124311

~~(3) As determined by the superintendent after notice and~~ 124312  
~~opportunity for a hearing, the bank directly or indirectly~~ 124313  
~~exercises a controlling influence over the management or policies~~ 124314  
~~of the company in which the investment is being made~~ a lower-tier 124315  
bank subsidiary corporation or bank service corporation, subject 124316  
to the requirements of this section. 124317

Sec. 1109.441. Only for investments made under section 124318  
1109.44 of the Revised Code may a state bank invest in securities 124319  
pursuant to section 1109.39 of the Revised Code or make 124320  
investments pursuant to section 1109.40 of the Revised Code that 124321  
result in any of the following: 124322

(A) The state bank, directly or indirectly, or acting through 124323  
one or more other persons, owning, controlling, or having the 124324

power to vote twenty-five per cent or more of any class of voting securities of the company in which the investment is being made; 124325  
124326

(B) The state bank controlling in any manner the election of a majority of the directors or trustees of the company in which the investment is being made; 124327  
124328  
124329

(C) As determined by the superintendent of financial institutions after notice and opportunity for a hearing, the state bank directly or indirectly exercising a controlling influence over the management or policies of the company in which the investment is being made. 124330  
124331  
124332  
124333  
124334

**Sec. 1109.45.** A state bank may invest in the shares of a clearing corporation as defined by section 1308.01 of the Revised Code. 124335  
124336  
124337

**Sec. 1109.47.** (A) Except as provided in division (B) of this section, a state bank shall not invest more than fifteen per cent of its capital in the ~~stock~~ shares, obligations, or other securities of any one issuer. 124338  
124339  
124340  
124341

(B) Division (A) of this section does not apply to any of the following: 124342  
124343

(1) Bonds or other obligations enumerated in divisions (A)(1) to (6) of section 1109.32 of the Revised Code; 124344  
124345

(2) Investment in a bank subsidiary corporation engaged solely in the business of holding title to real estate described in division (A) of section 1109.31 of the Revised Code; 124346  
124347  
124348

(3) Obligations or securities, other than stock, of the federal national mortgage association, the student loan marketing association, the government national mortgage association, or the federal home loan mortgage corporation, or their successors; 124349  
124350  
124351  
124352

(4) Common and preferred stock, obligations, and other 124353

securities of one domestic reinsurance company with the written 124354  
permission of the superintendent of financial institutions as 124355  
required by division (B) of section 1109.34 of the Revised Code; 124356  
(5) Shares, obligations, securities, or other interests of 124357  
any other issuer with the written approval of the superintendent. 124358

(C) For purposes of this section, no purchase by a state bank 124359  
of stock in a federal reserve bank or federal home loan bank is an 124360  
investment. 124361

(D) If a state or political subdivision of a state issues 124362  
securities, acting solely as a conduit for the transmission of the 124363  
proceeds of the sale of the securities to one or more private 124364  
entities for economic development purposes and to be repaid solely 124365  
by the private entity or entities that received the proceeds of 124366  
the sale of the securities, then both of the following apply for 124367  
purposes of determining the amount a state bank may invest in 124368  
accordance with division (A) of this section: 124369

(1) The securities are obligations of the private entity or 124370  
entities in proportion to their receipt of the proceeds. 124371

(2) The securities are not obligations of the issuing state 124372  
or political subdivision. 124373

**Sec. 1109.48.** In exercising its investment authority, a state 124374  
bank shall give equal consideration to investments that involve 124375  
firms owned and controlled by minorities and firms owned and 124376  
controlled by women, either alone or in joint venture with other 124377  
firms, where the investments offer quality, return, and safety 124378  
comparable to other investments currently available to the bank. 124379  
124380

**Sec. 1109.49.** A state bank investing in the securities of a 124381  
bank or corporation pursuant to this chapter shall furnish 124382  
information concerning the financial condition of the bank or 124383

corporation to the superintendent of financial institutions upon 124384  
the superintendent's demand. 124385

**Sec. 1109.53.** For purposes of this section and sections 124386  
1109.54, 1109.55, and 1109.56 of the Revised Code: 124387

(A)(1) "Affiliate" means any of the following: 124388

(a) A company that controls the state bank and any other 124389  
company controlled by the company that controls the state bank; 124390

(b) A bank subsidiary of the state bank; 124391

(c) A company that is controlled directly or indirectly, by a 124392  
trust or otherwise, by or for the benefit of shareholders who 124393  
beneficially or otherwise control, directly or indirectly, by 124394  
trust or otherwise, the state bank or any company that controls 124395  
the state bank; 124396

(d) A company in which a majority of the directors or 124397  
trustees constitute a majority of the directors or trustees of the 124398  
state bank or any company that controls the state bank; 124399

(e) A company, including a real estate investment trust, that 124400  
is sponsored and advised on a contractual basis by the state bank 124401  
or a subsidiary of the state bank; 124402

(f) An investment company to which the state bank or one of 124403  
its affiliates is an investment advisor as defined in section 124404  
2(a)(20) of the "Investment Company Act of 1940," 54 Stat. 789, 15 124405  
U.S.C. 80a-2(a)(20), as amended; 124406

(g) A company the superintendent of financial institutions 124407  
determines by rule or order to have a relationship with the state 124408  
bank or one of its subsidiaries or affiliates such that covered 124409  
transactions by the state bank or its subsidiary with that company 124410  
may be affected by the relationship to the detriment of the state 124411  
bank or its subsidiary. 124412

|                                                                                                                                                                                                                                                                                                                             |        |
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| (2) "Affiliate" does not include any of the following:                                                                                                                                                                                                                                                                      | 124413 |
| (a) A company, other than a bank, that is a subsidiary of a <u>state</u> bank, unless a determination is made under division                                                                                                                                                                                                | 124414 |
| (A)(1)(g) of this section not to exclude the subsidiary company                                                                                                                                                                                                                                                             | 124415 |
| from the definition of affiliate;                                                                                                                                                                                                                                                                                           | 124416 |
| (b) A company engaged solely in holding the premises of the <u>state</u> bank;                                                                                                                                                                                                                                              | 124417 |
| (c) A company engaged solely in conducting a safe-deposit business;                                                                                                                                                                                                                                                         | 124418 |
| (d) A company engaged solely in holding obligations of the United States or its agencies or instrumentalities or obligations fully guaranteed as to principal and interest by the United States or its agencies or instrumentalities;                                                                                       | 124419 |
| (e) A company where control results from the exercise of rights arising out of a bona fide debt previously contracted, but only for a period of two years from the date the rights are exercised, subject to extensions granted by the superintendent of not more than one year at a time nor three years in the aggregate. | 124420 |
| (B) "Aggregate covered transactions" means the amount of the covered transactions about to be engaged in added to the current amount of all outstanding covered transactions.                                                                                                                                               | 124421 |
| (C) "Company" means a corporation, <u>limited liability company</u> , partnership, business, trust, association, or similar organization and, unless specifically excluded by this section or section 1109.54, 1109.55, or 1109.56 of the Revised Code, a bank.                                                             | 124422 |
| (D)(1) "Covered transaction" means, with respect to an affiliate of a <u>state</u> bank, any of the following:                                                                                                                                                                                                              | 124423 |
| (a) A loan or extension of credit to the affiliate;                                                                                                                                                                                                                                                                         | 124424 |
| (b) A purchase of or an investment in securities issued by the affiliate;                                                                                                                                                                                                                                                   | 124425 |
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| (c) A purchase of assets, including assets subject to an agreement to repurchase, from the affiliate, except the purchase of real or personal property as specifically exempted by the superintendent by rule or order; | 124443<br>124444<br>124445<br>124446 |
| (d) The acceptance of securities issued by the affiliate as collateral security for a loan or extension of credit to any person or company;                                                                             | 124447<br>124448<br>124449           |
| (e) The issuance of a guarantee, acceptance, or letter of credit, including an endorsement or standby letter of credit to any person or company.                                                                        | 124450<br>124451<br>124452           |
| (2) "Covered transaction" does not include any of the following:                                                                                                                                                        | 124453<br>124454                     |
| (a) A transaction with another bank if either of the following apply:                                                                                                                                                   | 124455<br>124456                     |
| (i) One of the banks controls eighty per cent or more of the voting shares of the other bank.                                                                                                                           | 124457<br>124458                     |
| (ii) The same company controls eighty per cent or more of the voting shares of both banks.                                                                                                                              | 124459<br>124460                     |
| (b) Making deposits in an affiliated bank or affiliated foreign bank in the ordinary course of correspondent business, subject to any restrictions the superintendent may prescribe by rule or order;                   | 124461<br>124462<br>124463<br>124464 |
| (c) Giving immediate credit to an affiliate for uncollected items received in the ordinary course of business;                                                                                                          | 124465<br>124466                     |
| (d) Making a loan or extension of credit to, or issuing a guarantee, acceptance, or letter of credit on behalf of, an affiliate that is fully secured by one of the following:                                          | 124467<br>124468<br>124469           |
| (i) Obligations of the United States or its agencies or instrumentalities;                                                                                                                                              | 124470<br>124471                     |
| (ii) Obligations fully guaranteed as to principal and                                                                                                                                                                   | 124472                               |

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|------------------------------------------------------------------------|--------|
| interest by the United States or its agencies or                       | 124473 |
| instrumentalities;                                                     | 124474 |
| (iii) A segregated, earmarked deposit account with the <u>state</u>    | 124475 |
| bank.                                                                  | 124476 |
| (e) Purchasing securities issued by a company engaged solely           | 124477 |
| in one or more of the following activities:                            | 124478 |
| (i) Holding or operating properties used or to be used wholly          | 124479 |
| or substantially by any bank subsidiary of a company that controls     | 124480 |
| the <u>state</u> bank in the operations of the bank subsidiary;        | 124481 |
| (ii) Conducting a safe-deposit business;                               | 124482 |
| (iii) Furnishing services to or performing services for a              | 124483 |
| company that controls the <u>state</u> bank or its subsidiaries;       | 124484 |
| (iv) Liquidating assets acquired from a company that controls          | 124485 |
| the <u>state</u> bank or its banking subsidiaries.                     | 124486 |
| (f) Purchasing assets having a readily identifiable and                | 124487 |
| publicly available market quotation and purchased at that market       | 124488 |
| quotation or purchasing loans on a nonrecourse basis from              | 124489 |
| affiliated banks;                                                      | 124490 |
| (g) Purchasing from an affiliate a loan or extension of                | 124491 |
| credit that was originated by the <u>state</u> bank and sold to the    | 124492 |
| affiliate subject to a repurchase agreement or with recourse.          | 124493 |
| (E) "Low quality asset" means an asset that is one or more of          | 124494 |
| the following:                                                         | 124495 |
| (1) An asset classified as "substandard," "doubtful," or               | 124496 |
| "loss," or treated as "other loans especially mentioned" in the        | 124497 |
| most recent report of examination or inspection of an affiliate        | 124498 |
| prepared by any of the federal deposit insurance corporation, the      | 124499 |
| federal reserve, the office of the comptroller of the currency,        | 124500 |
| <del>the office of thrift supervision,</del> the division of financial | 124501 |
| institutions, or the financial institution regulators of other         | 124502 |

|                                                                                                                                                                                                                                                   |                                      |
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| states of the United States;                                                                                                                                                                                                                      | 124503                               |
| (2) An asset in a nonaccrual status;                                                                                                                                                                                                              | 124504                               |
| (3) An asset on which principal or interest payments are more than thirty days past due;                                                                                                                                                          | 124505<br>124506                     |
| (4) An asset whose terms have been renegotiated or compromised due to the deteriorating financial condition of the obligor.                                                                                                                       | 124507<br>124508<br>124509           |
| (F) "Securities" means, except as provided in section 1109.55 of the Revised Code, stocks, bonds, debentures, notes, or other similar obligations.                                                                                                | 124510<br>124511<br>124512           |
| (G) "Subsidiary" means, with respect to a specified company, a company that is controlled by the specified company.                                                                                                                               | 124513<br>124514                     |
| (H)(1) Subject to division (H)(2) of this section, a company or shareholder is deemed to have control over another company, if any of the following apply:                                                                                        | 124515<br>124516<br>124517           |
| (a) The company or shareholder, directly or indirectly, or acting through one or more other persons, owns, controls, or has the power to vote twenty-five per cent or more of any class of voting securities of the other company.                | 124518<br>124519<br>124520<br>124521 |
| (b) The company or shareholder controls in any manner the election of a majority of the directors or trustees of the other company.                                                                                                               | 124522<br>124523<br>124524           |
| (c) The superintendent determines, after notice and opportunity for a hearing, the company or shareholder, directly or indirectly, exercises a controlling influence over the management or policies of the other company.                        | 124525<br>124526<br>124527<br>124528 |
| (2) No company shall be found to own or control another company by virtue of the ownership or control of securities in a fiduciary capacity, except either as provided in divisions (A)(1)(c) and (d) of this section or if the company owning or | 124529<br>124530<br>124531<br>124532 |

controlling the securities is a business trust. 124533

(I) Any transaction by a state bank with any person shall be 124534  
considered a transaction with an affiliate to the extent the 124535  
proceeds of the transaction are used for the benefit of, or 124536  
transferred to, an affiliate. 124537

**Sec. 1109.54.** (A) A state bank and its subsidiaries may 124538  
engage in a covered transaction with an affiliate only if both of 124539  
the following apply: 124540

(1) The aggregate amount of covered transactions by the bank 124541  
and its subsidiaries with the particular affiliate will not exceed 124542  
ten per cent of the bank's capital. 124543

(2) The aggregate amount of all covered transactions by the 124544  
bank and its subsidiaries with all of the bank's affiliates will 124545  
not exceed twenty per cent of the bank's capital. 124546

(B) A state bank and its subsidiaries may not purchase a low 124547  
quality asset from an affiliate unless the bank or its subsidiary, 124548  
pursuant to an independent credit evaluation, committed itself to 124549  
purchase the asset prior to the time the asset was acquired by the 124550  
affiliate. 124551

(C) Any covered transactions and any transactions between a 124552  
state bank and an affiliate shall be on terms and conditions that 124553  
are consistent with safe and sound banking practices. 124554

(D) Except as provided in division (E)(4) of this section, 124555  
any loan or extension of credit to, or guarantee, acceptance, or 124556  
letter of credit issued on behalf of, an affiliate by a state bank 124557  
or its subsidiary shall be secured at the time of the transaction 124558  
by collateral having a market value equal to any of the following: 124559

(1) One hundred per cent of the amount of the loan or 124560  
extension of credit, guarantee, acceptance, or letter of credit, 124561  
if the collateral is composed of any of the following: 124562

|                                                                                                                                                                                                                                                                                                                                                                           |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (a) Obligations of the United States or its agencies or instrumentalities;                                                                                                                                                                                                                                                                                                | 124563<br>124564                                         |
| (b) Obligations fully guaranteed as to principal and interest by the United States or its agencies or instrumentalities;                                                                                                                                                                                                                                                  | 124565<br>124566                                         |
| (c) Notes, drafts, bills of exchange, or bankers' acceptances described in division (B) or <del>(C)</del> (C) of section 1109.17 of the Revised Code;                                                                                                                                                                                                                     | 124567<br>124568<br>124569                               |
| (d) A segregated, earmarked deposit account with the bank.                                                                                                                                                                                                                                                                                                                | 124570                                                   |
| (2) One hundred ten per cent of the amount of the loan or extension of credit, guarantee, acceptance, or letter of credit, if the collateral is composed of obligations of any state or political subdivision of any state;                                                                                                                                               | 124571<br>124572<br>124573<br>124574                     |
| (3) One hundred twenty per cent of the amount of the loan or extension of credit, guarantee, acceptance, or letter of credit, if the collateral is composed of other debt instruments, including receivables;                                                                                                                                                             | 124575<br>124576<br>124577<br>124578                     |
| (4) One hundred thirty per cent of the amount of the loan or extension of credit, guarantee, acceptance, or letter of credit, if the collateral is composed of stock, leases, or other real or personal property.                                                                                                                                                         | 124579<br>124580<br>124581<br>124582                     |
| (E) For purposes of division (D) of this section:                                                                                                                                                                                                                                                                                                                         | 124583                                                   |
| (1) Any collateral that is subsequently retired or amortized shall be replaced by additional eligible collateral as needed to keep the percentage of the collateral value relative to the amount of the outstanding loan or extension of credit, guarantee, acceptance, or letter of credit equal to the minimum percentage required at the inception of the transaction. | 124584<br>124585<br>124586<br>124587<br>124588<br>124589 |
| (2) A low quality asset is not acceptable as collateral for a loan or extension of credit to, or guarantee, acceptance, or letter of credit issued on behalf of, an affiliate.                                                                                                                                                                                            | 124590<br>124591<br>124592                               |

(3) The securities issued by an affiliate of the state bank 124593  
are not acceptable as collateral for a loan or extension of credit 124594  
to, or guarantee, acceptance, or letter of credit issued on behalf 124595  
of, that affiliate or any other affiliate of the bank. 124596

(4) The collateral requirements set forth in divisions (D) 124597  
and (E)(1) of this section do not apply to any acceptance that is 124598  
fully secured by either attached documents or other property that 124599  
is involved in the transaction and that has an ascertainable 124600  
market value. 124601

**Sec. 1109.55.** (A) A state bank and its subsidiaries may 124602  
engage in any of the transactions described in division (B) of 124603  
this section only if one of the following applies: 124604

(1) The transaction is on terms and under circumstances, 124605  
including credit standards, that are substantially the same, or at 124606  
least as favorable to the bank or its subsidiary, as those 124607  
prevailing at the time for comparable transactions with or 124608  
involving other nonaffiliated companies. 124609

(2) In the absence of comparable transactions, the 124610  
transaction is on terms and under circumstances, including credit 124611  
standards, that in good faith would be offered to, or would apply 124612  
to, nonaffiliated companies. 124613

(B) Division (A) of this section applies to all of the 124614  
following: 124615

(1) A covered transaction with an affiliate; 124616

(2) The sale of securities or other assets to an affiliate, 124617  
including assets subject to an agreement to repurchase; 124618

(3) The payment of money or the furnishing of services to an 124619  
affiliate under contract, lease, or otherwise; 124620

(4) Any transaction in which an affiliate acts as an agent or 124621  
broker or receives a fee for its services to the bank or to any 124622

other person. 124623

(C) No state bank or its subsidiary shall do either of the 124624  
following: 124625

(1) Purchase as fiduciary any securities or other assets from 124626  
an affiliate unless the purchase is permitted by one of the 124627  
following: 124628

(a) The instrument creating the fiduciary relationship; 124629

(b) A court order; 124630

(c) The law of the jurisdiction governing the fiduciary 124631  
relationship. 124632

(2) Whether acting as principal or fiduciary, knowingly 124633  
purchase or otherwise acquire, during the existence of any 124634  
underwriting or selling syndicate, any security if a principal 124635  
underwriter of the security is an affiliate. 124636

Division (C)(2) of this section does not apply if the 124637  
purchase or acquisition of the securities has been approved, 124638  
before the securities are initially offered for sale to the 124639  
public, by a majority of the directors of the bank who are not 124640  
officers or employees of the bank or any of its affiliates. 124641

(D) No state bank or affiliate or subsidiary of a state bank 124642  
shall publish any advertisement or enter into any agreement 124643  
stating or suggesting the bank shall in any way be responsible for 124644  
the obligations of its affiliates. 124645

(E) For purposes of division (C) of this section: 124646

(1) "Principal underwriter" means any underwriter, in 124647  
connection with a primary distribution of securities, that is any 124648  
of the following: 124649

(a) In privity of contract with the issuer or an affiliated 124650  
person of the issuer; 124651

(b) Acting alone or in concert with one or more other persons, initiates or directs the formation of an underwriting syndicate;

(c) Allowed a rate of gross commission, spread, or other profit greater than the rate allowed another underwriter participating in the distribution.

(2) "Security" has the same meaning as in section 3(a)(10) of the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c(a)(10), as amended.

**Sec. 1109.59.** A state bank may borrow money in any sum consistent with safety and soundness. Borrowing by means of the issuance of debt securities is subject to the approval of the superintendent of financial institutions in accordance with section 1107.05 of the Revised Code.

**Sec. 1109.61.** No state bank shall contract to pay, or pay to any person, any fees for management or consulting services, including fees for legal, accounting, brokerage, or other similar professional services, that do not have a direct relationship to the value of the services rendered or to be rendered, based on reasonable costs consistent with current market values for services of the kind contracted for.

**Sec. 1109.62.** A state bank may engage in the business of selling insurance through a subsidiary insurance agency subject to licensing under the law of this state and the law of every other state in which services are provided by the bank or its subsidiary.

**Sec. 1109.63.** A state bank may buy, sell, and exchange coin and bullion.

**Sec. 1109.64.** Subject to the limitations and restrictions of Chapters 1101. to 1127. of the Revised Code, a state bank shall have the power to do both of the following:

(A) Operate travel agencies;

(B) Engage in the sale of tickets for passage on common carriers, such as airlines, railroads, ships, and buses, to points within and outside the United States.

**Sec. 1109.65.** In order to protect its interest in a property, a state bank may purchase a tax certificate under section 5721.32 or 5721.33 of the Revised Code.

**Sec. 1109.69.** (A) ~~Every~~ Unless a longer record retention period is required by applicable federal law or regulation, each bank shall retain or preserve the following bank records and supporting documents for only the following periods of time:

(1) For one year:

(a) Broker's confirmations, invoices, and statements relating to security transactions of the bank or for or with its customers, after date of transaction;

(b) Corporate resolutions, partnership authorizations, and similar authorizations relating to closed accounts, loans that have been paid, or other completed transactions, after date of closing, payment, or completion;

(c) Ledger records of safe deposit accounts, after date of last entry on the ledger;

(d) Night depository records, after their date;

(e) Records relating to closed Christmas club or similar limited duration special purpose accounts, after date of closing;

(f) Records relating to customer collection accounts, after

|                                                                                                                                                                                                                                                                                                                                                                             |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| date of transaction;                                                                                                                                                                                                                                                                                                                                                        | 124708                                                   |
| (g) Stop payment orders, after their date;                                                                                                                                                                                                                                                                                                                                  | 124709                                                   |
| (h) All records relating to closed consumer credit loans and discounts, after date of closing;                                                                                                                                                                                                                                                                              | 124710<br>124711                                         |
| (i) Deposit tickets relating to demand deposit accounts, after their date;                                                                                                                                                                                                                                                                                                  | 124712<br>124713                                         |
| (2) For six years:                                                                                                                                                                                                                                                                                                                                                          | 124714                                                   |
| (a) Deposit and withdrawal tickets relating to open or closed savings accounts, after their date;                                                                                                                                                                                                                                                                           | 124715<br>124716                                         |
| (b) Individual ledger sheets or other records serving the same purpose that show a zero balance and that relate to demand, time, or savings deposit accounts, and safekeeping accounts, after date of last entry, or, where the ledger sheets or other records show an open balance, after date of transfer of the amount of the balance to another ledger sheet or record; | 124717<br>124718<br>124719<br>124720<br>124721<br>124722 |
| (c) Official checks, drafts, money orders, and other instruments for the payment of money issued by the bank and that have been canceled, after date of issue;                                                                                                                                                                                                              | 124723<br>124724<br>124725                               |
| (d) Records relating to closed escrow accounts, after date of closing;                                                                                                                                                                                                                                                                                                      | 124726<br>124727                                         |
| (e) Records, other than corporate resolutions, partnership authorizations, and similar authorizations relating to closed loans and discounts other than consumer credit loans and discounts, after date of closing;                                                                                                                                                         | 124728<br>124729<br>124730<br>124731                     |
| (f) Safe deposit access tickets and correspondence or documents relating to access, after their date;                                                                                                                                                                                                                                                                       | 124732<br>124733                                         |
| (g) Lease or contract records relating to closed safe deposit accounts, after date of closing;                                                                                                                                                                                                                                                                              | 124734<br>124735                                         |
| (h) Signature cards relating to closed demand, savings, or                                                                                                                                                                                                                                                                                                                  | 124736                                                   |

time accounts, closed safe deposit accounts, and closed 124737  
safekeeping accounts, after date of closing; 124738

(i) Undelivered statements for demand deposit, negotiable 124739  
order of withdrawal, savings, agency, brokerage, or other accounts 124740  
for which customer statements are prepared, and canceled checks or 124741  
other items, after date of statement, provided the bank has 124742  
attempted to send the statements and checks or other items to its 124743  
customer, has held them pursuant to the instructions of or an 124744  
agreement with its customer, or has made them available to its 124745  
customer. 124746

(B) The superintendent of financial institutions may 124747  
designate a retention period of either one year or six years for 124748  
any record maintained by a bank but not listed in division (A) of 124749  
this section. Records that are not listed in division (A) of this 124750  
section and for which the superintendent has not designated a 124751  
retention period shall be retained or preserved for six years from 124752  
the date of completion of the transaction to which the record 124753  
relates or, if the last entry has been transferred to a new record 124754  
showing the continuation of a transaction not yet completed, from 124755  
the date of the last entry. 124756

(C) The requirements of divisions (A) and (B) of this section 124757  
may be complied with by the preservation of records in the manner 124758  
prescribed in section 1109.68 of the Revised Code. 124759

(D) In construing the terms set forth in division (A) of this 124760  
section, reference may be made to general banking usage. 124761

(E) A bank may dispose of any records that have been retained 124762  
or preserved for the period set forth in divisions (A) and (B) of 124763  
this section. 124764

(F) Any action by or against a bank based on, or the 124765  
determination of which would depend on, the contents of records 124766  
for which a period of retention or preservation is set forth in 124767

divisions (A) and (B) of this section shall be brought within the 124768  
time for which the record must be retained or preserved. 124769

(G) Where a record may be classified under either division 124770  
(A)(1) or (2) of this section, the record shall be retained or 124771  
preserved for the period set forth in division (A)(2) of this 124772  
section. 124773

(H) The provisions of this section do not apply to those 124774  
records maintained by a bank in its capacity as a trust company. 124775

**Sec. 1111.01.** As used in this chapter: 124776

(A) "Charitable trust" means a charitable remainder annuity 124777  
trust as defined in section 664(d) of the Internal Revenue Code, a 124778  
charitable remainder unitrust as defined in section 664(d) of the 124779  
Internal Revenue Code, a charitable lead or other split interest 124780  
trust subject to the governing instrument requirements of section 124781  
508(e) of the Internal Revenue Code, a pooled income fund as 124782  
defined in section 642(c) of the Internal Revenue Code, a trust 124783  
that is a private foundation as defined in section 509 of the 124784  
Internal Revenue Code, or a trust of which each beneficiary is a 124785  
charity. 124786

For purposes of this division and division (B) of this 124787  
section, "Internal Revenue Code" means the "Internal Revenue Code 124788  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 124789

(B) "Charity" means a state university as defined in section 124790  
3345.011 of the Revised Code, a community college as defined in 124791  
section 3354.01 of the Revised Code, a technical college as 124792  
defined in section 3357.01 of the Revised Code, a state community 124793  
college as defined in section 3358.01 of the Revised Code, a 124794  
private college or university that possesses a certificate of 124795  
authorization issued ~~by the Ohio board of regents~~ pursuant to 124796  
Chapter 1713. of the Revised Code, a trust or organization exempt 124797

from taxation under section 501(c)(3) or section 501(c)(13) of the Internal Revenue Code, or a corporation, trust, or organization described in section 170(c)(2) of the Internal Revenue Code. The term "charities" means more than one trust or organization that is a charity.

(C) "Collective investment fund" means a fund established by a trust company or an affiliate of a trust company for the collective investment of assets held in a fiduciary capacity, either alone or with one or more cofiduciaries, by the establishing trust company and its affiliates.

(D) "Fiduciary investment company" means a corporation that is both of the following:

(1) An investment company;

(2) Incorporated, owned, and operated in accordance with rules adopted by the superintendent of financial institutions for the investment of funds held by trust companies in a fiduciary capacity and for true fiduciary purposes, either alone or with one or more cofiduciaries.

(E) "Home" has the same meaning as in section 3721.10 of the Revised Code.

(F) "Instrument" includes any will, declaration of trust, agreement of trust, agency, or custodianship, or court order creating a fiduciary relationship.

(G) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(H) "Investment company" means any investment company as defined in section 3 and registered under section 8 of the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-3 and 80a-8, as amended.

(I) "Trust business" means accepting and executing trusts of

property, serving as a trustee, executor, administrator, guardian, 124828  
receiver, or conservator, and providing fiduciary services as a 124829  
business. "Trust business" does not include any of the following: 124830

(1) Any natural person acting as a trustee, executor, 124831  
administrator, guardian, receiver, or conservator pursuant to 124832  
appointment by a court of competent jurisdiction; 124833

(2) Any natural person serving as a trustee who does not hold 124834  
self out to the public as willing to act as a trustee for hire. 124835  
For purposes of division (I) of this section, the solicitation or 124836  
advertisement of legal or accounting services by a person licensed 124837  
in this state as an attorney or a person holding an Ohio permit to 124838  
practice public accounting issued under division (A) of section 124839  
4701.10 of the Revised Code shall not be considered to be the act 124840  
of holding self out to the public as willing to act as a trustee 124841  
for hire. 124842

(3) A charity, an officer or employee of a charity, or a 124843  
person affiliated with a charity, serving as trustee of a 124844  
charitable trust of which the charity, or another charity with a 124845  
similar purpose, is a beneficiary; 124846

(4) Any natural person, home, or residential facility serving 124847  
as trustee or taking other actions relative to a qualified income 124848  
trust described in section 1917(d)(4)(B) of the "Social Security 124849  
Act," 42 U.S.C. 1396p(d)(4)(B), as amended; 124850

(5) Other fiduciary activities the superintendent determines 124851  
are not undertaken as a business. 124852

**Sec. 1111.02.** (A) Except as provided in ~~divisions~~ division 124853  
(B) ~~and (C)~~ of this section, no person shall solicit or engage in 124854  
trust business in this state except a corporation that is one of 124855  
the following: 124856

(1) A corporation licensed under section 1111.06 of the 124857

Revised Code that is one of the following: 124858

(a) A state bank ~~doing business under authority granted by~~ 124859  
~~the superintendent of financial institutions;~~ 124860

(b) A ~~savings and loan association doing business under~~ 124861  
~~authority granted by the superintendent of financial institutions;~~ 124862

(c) A ~~savings bank doing business under authority granted by~~ 124863  
~~the superintendent of financial institutions;~~ 124864

(d) A bank authorized to accept and execute trusts and doing 124865  
business under authority granted by the bank chartering authority 124866  
of another state or country; 124867

(e)(c) A corporation organized under the laws of another 124868  
state or country and authorized to accept and execute trusts in 124869  
that state or country. 124870

(2) A national bank or federal savings association authorized 124871  
to accept and execute trusts and doing business under authority 124872  
granted by the office of the comptroller of the currency; 124873

(3) A ~~savings association authorized to accept and execute~~ 124874  
~~trusts and doing business under authority granted by the office of~~ 124875  
~~thrift supervision.~~ 124876

(B) This chapter shall not apply to ~~any of the following:~~ 124877

(1) A ~~savings and loan association serving as a trustee to~~ 124878  
~~the extent authorized by section 1151.191 of the Revised Code;~~ 124879

(2) A ~~savings bank serving as a trustee to the extent~~ 124880  
~~authorized by section 1161.24 of the Revised Code;~~ 124881

(3) A a corporation that is incorporated under the laws of 124882  
another state or the United States, has its principal place of 124883  
business in another state, is currently qualified to do and is 124884  
engaging in trust business in the state where the corporation has 124885  
its principal place of business, and is doing any of the 124886  
following: 124887

~~(a)(1)~~ Serving as ancillary executor or administrator of property in this state that is in the estate of a decedent, after appointment as executor or administrator of the estate by the courts of the decedent's state of residence; 124888  
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124891

~~(b)(2)~~ As trustee, acquiring, holding, or transferring a security interest in lands or other property in this state, by mortgage, deed of trust, or other instrument, to secure any evidence of indebtedness; 124892  
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124894  
124895

~~(c)(3)~~ Certifying to any evidence of indebtedness. 124896

~~(C) The following persons shall not be subject to this chapter until July 1, 1997:~~ 124897  
124898

~~(1) Any person, other than a person described in division (A) or (B) of this section, that is serving as a fiduciary under a trust instrument, will, or other document executed before July 1, 1997:~~ 124899  
124900  
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124902

~~(2) Any person, other than a person described in division (A) or (B) of this section, that is named as a fiduciary in, or is nominated as a fiduciary under, a trust instrument, will, or other document executed before July 1, 1997.~~ 124903  
124904  
124905  
124906

**Sec. 1111.03.** (A) Notwithstanding any other provision of the Revised Code, any national bank or federal savings association that has been granted fiduciary powers by the office of the comptroller of the currency ~~or any federal savings association~~ that has been granted fiduciary powers by the ~~office of thrift supervision~~ may act in this state as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, or in any other fiduciary capacity in which trust companies qualified and licensed under section 1111.06 of the Revised Code are authorized to act in this state. For such purpose, a national bank or federal savings association shall have 124907  
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the same powers and rights, including but not limited to, the same 124918  
right to make and accept transfers of fiduciary appointments, as 124919  
are granted by the laws of this state to trust companies qualified 124920  
and licensed under section 1111.06 of the Revised Code, and may 124921  
solicit trust business, accept trust deposits, and maintain 124922  
nonbranch trust offices in this state. A national bank or federal 124923  
savings association shall not, by virtue of conducting such trust 124924  
activity in this state, be subject to examination or inspection by 124925  
the superintendent of financial institutions, nor shall it be 124926  
required to obtain any approval, authorization, licenses, or 124927  
certification from, or pay any fee or assessment to, the 124928  
superintendent in order to conduct trust activities in this state. 124929

(B) Notwithstanding the provisions of division (A) of this 124930  
section, section 1111.04, division (B) of section 1111.07, and 124931  
section 1111.08 of the Revised Code shall apply to national banks 124932  
and federal savings associations. 124933

**Sec. 1111.04.** (A) Prior to soliciting or engaging in trust 124934  
business in this state, a trust company shall pledge to the 124935  
treasurer of state interest bearing securities authorized in 124936  
division (B) of this section, having a par value, not including 124937  
unaccrued interest, of one hundred thousand dollars, and approved 124938  
by the superintendent of financial institutions. The trust company 124939  
may pledge the securities either by delivery to the treasurer of 124940  
state or by placing the securities with a qualified trustee for 124941  
safekeeping to the account of the treasurer of state, the 124942  
corporate fiduciary, and any other person having an interest in 124943  
the securities under Chapter 1109. of the Revised Code, as their 124944  
respective interests may appear and be asserted by written notice 124945  
to or demand upon the qualified trustee or by order of judgment of 124946  
a court. 124947

(B) Securities pledged by a trust company to satisfy the 124948

requirements of division (A) of this section shall be one or more 124949  
of the following: 124950

(1) Bonds, notes, or other obligations of or guaranteed by 124951  
the United States or for which the full faith and credit of the 124952  
United States is pledged for the payment of principal and 124953  
interest; 124954

(2) Bonds, notes, debentures, or other obligations or 124955  
securities issued by any agency or instrumentality of the United 124956  
States; 124957

(3) General obligations of this or any other state of the 124958  
United States or any subdivision of this or any other state of the 124959  
United States. 124960

(C) The treasurer of state shall accept delivery of 124961  
securities pursuant to this section when accompanied by the 124962  
superintendent's approval of the securities or the written receipt 124963  
of a qualified trustee describing the securities and showing the 124964  
superintendent's approval of the securities, and shall issue a 124965  
written acknowledgment of the delivery of the securities or the 124966  
qualified trustee's receipt and the superintendent's approval to 124967  
the trust company. 124968

(D) The superintendent shall approve securities to be pledged 124969  
by a trust company pursuant to this section if the securities are 124970  
all of the following: 124971

(1) Interest bearing and of the value required by division 124972  
(A) of this section; 124973

(2) Of one or more of the kinds authorized by division (B) of 124974  
this section and not a derivative of or merely an interest in any 124975  
of those securities; 124976

(3) Not in default. 124977

(E) The treasurer of state shall, with the approval of the 124978

superintendent, permit a trust company to pledge securities in 124979  
substitution for securities pledged pursuant to this section and 124980  
the withdrawal of the securities substituted for so long as the 124981  
securities remaining pledged satisfy the requirements of division 124982  
(A) of this section. The treasurer of state shall permit a trust 124983  
company to collect interest paid on securities pledged pursuant to 124984  
this section so long as the trust company is solvent. The 124985  
treasurer of state shall, with the approval of the superintendent, 124986  
permit a trust company to withdraw securities pledged pursuant to 124987  
this section when the trust company has ceased to solicit or 124988  
engage in trust business in this state. 124989

(F) For purposes of this section, a qualified trustee is a 124990  
federal reserve bank, a federal home loan bank, a trust company as 124991  
defined in section 1101.01 of the Revised Code, or a national bank 124992  
or federal savings association that has pledged securities 124993  
pursuant to this section, is authorized to accept and execute 124994  
trusts, and is doing business under authority granted by the 124995  
office of the comptroller of the currency, ~~or a savings~~ 124996  
~~association that has pledged securities pursuant to this section,~~ 124997  
~~is authorized to accept and execute trusts, and is doing business~~ 124998  
~~under authority granted by the office of thrift supervision except~~ 124999  
~~that.~~ However, a national bank or federal savings association 125000  
doing business under authority granted by the office of the 125001  
comptroller of the currency, ~~a savings association doing business~~ 125002  
~~under authority granted by the office of thrift supervision,~~ or a 125003  
trust company may not act as a qualified trustee for securities it 125004  
or any of its affiliates is pledging pursuant to this section. 125005

(G) The superintendent, with the approval of the treasurer of 125006  
state and the attorney general, shall prescribe the form of all 125007  
receipts and acknowledgments provided for by this section, and 125008  
upon request shall furnish a copy of each form, with the 125009  
superintendent's certification attached, to each qualified trustee 125010

eligible to hold securities for safekeeping under this section. 125011

**Sec. 1111.06.** (A) Any person, other than a national bank with 125012  
trust powers or a federal savings association with trust powers, 125013  
proposing to solicit or engage in trust business in this state 125014  
shall apply to the superintendent of financial institutions to be 125015  
licensed as a trust company. The superintendent shall approve or 125016  
disapprove the application within sixty days after accepting it. 125017  
125018

(B) In determining whether to approve or disapprove an 125019  
application for a trust company license, the superintendent shall 125020  
consider all of the following: 125021

(1) Whether the applicant is a corporation described in 125022  
division (A)(1) of section 1111.02 of the Revised Code; 125023

(2) Whether the applicant's articles of incorporation or 125024  
association authorize the applicant to serve as a trustee; 125025

(3) If the applicant is not a state bank, ~~savings and loan~~ 125026  
~~association, or savings bank doing business under authority~~ 125027  
~~granted by the superintendent,~~ whether the applicant is currently 125028  
qualified to do and is engaging in trust business in the state or 125029  
country under the laws of which the applicant is organized; 125030

(4) Whether the applicant satisfies the requirements of 125031  
section 1111.05 of the Revised Code; 125032

(5) Whether it is reasonable to believe the applicant will 125033  
comply with applicable laws and observe sound fiduciary standards 125034  
in conducting trust business in this state; 125035

(6) If the applicant is not a state bank, ~~savings and loan~~ 125036  
~~association, or savings bank doing business under authority~~ 125037  
~~granted by the superintendent,~~ whether the applicant is subject to 125038  
comprehensive supervision and regulation of its fiduciary 125039  
activities by appropriate authorities of the state or country 125040

under the laws of which the applicant is organized. 125041

(C) In approving an application for a trust company license, 125042  
the superintendent may impose any condition the superintendent 125043  
determines to be appropriate. 125044

(D) When an applicant has satisfied all prior conditions 125045  
imposed by the superintendent in approving the applicant's 125046  
application for a trust company license and has pledged securities 125047  
as required by section 1111.04 of the Revised Code, the 125048  
superintendent shall issue the applicant a trust company license. 125049  
A license issued pursuant to this section shall remain in force 125050  
and effect until surrendered by the licensee pursuant to section 125051  
1111.31 of the Revised Code or suspended or revoked by the 125052  
superintendent pursuant to section 1111.32 of the Revised Code. 125053

**Sec. 1111.07.** (A) A trust company's license to solicit or 125054  
engage in trust business in this state is not transferable or 125055  
assignable. 125056

(B) Subject to section 2109.28 of the Revised Code, if any 125057  
trust company enters into a merger or consolidation in which the 125058  
trust company is not the surviving corporation, or transfers all 125059  
or substantially all of its assets and liabilities to another 125060  
corporation, the resulting, surviving, or transferee corporation 125061  
shall succeed the trust company as fiduciary as a matter of law 125062  
and without necessity to do anything further, if the resulting, 125063  
surviving, or transferee corporation is a trust company, or a 125064  
national bank or federal savings association authorized to accept 125065  
and execute trusts and doing business under authority granted by 125066  
the office of the comptroller of the currency, ~~or a federal~~ 125067  
~~savings association authorized to accept and execute trusts and~~ 125068  
~~doing business under authority granted by the office of thrift~~ 125069  
~~supervision.~~ If the trust company is not the surviving corporation 125070  
of a merger, enters a consolidation, or after transferring 125071

substantially all of its assets and liabilities ceases to solicit 125072  
or engage in trust business in this state, the trust company shall 125073  
surrender its trust company license in accordance with section 125074  
1111.31 of the Revised Code. 125075

**Sec. 1111.08.** (A) A trust company, or a national bank or 125076  
federal savings association authorized to accept and execute 125077  
trusts and doing business under authority granted by the office of 125078  
the comptroller of the currency, ~~or a federal savings association~~ 125079  
~~authorized to accept and execute trusts and doing business under~~ 125080  
~~authority granted by the office of thrift supervision~~ may transfer 125081  
all or part of its trust business in this state to another trust 125082  
company, or to a national bank or federal savings association 125083  
authorized to accept and execute trusts and doing business under 125084  
authority granted by the office of the comptroller of the 125085  
currency, ~~or to a federal savings association authorized to accept~~ 125086  
~~and execute trusts and doing business under authority granted by~~ 125087  
~~the office of thrift supervision,~~ if all of the following have 125088  
occurred: 125089

(1) Not less than sixty days before consummation of the 125090  
transfer, either the transferor or transferee, or both, for each 125091  
fiduciary account or relationship to be transferred, has given 125092  
written notice, by regular mail to the most recent address shown 125093  
on the records of the transferor, to all of the following that 125094  
apply: 125095

(a) Each court having jurisdiction over the fiduciary account 125096  
or relationship; 125097

(b) Each cofiduciary of the fiduciary account or 125098  
relationship; 125099

(c) Each surviving settlor of the trust; 125100

(d) Each person that, alone or in conjunction with others, 125101

has the power to remove the trust company as fiduciary or appoint 125102  
a successor fiduciary; 125103

(e) Except in the case of a trust described in section 401(a) 125104  
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 125105  
U.S.C.A. 401(a), as amended, each adult beneficiary currently 125106  
receiving or entitled as a matter of right to receive a 125107  
distribution of principal or income from the trust, estate, or 125108  
fund; 125109

(f) In the case of a trust described in section 401(a) of the 125110  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 125111  
401(a), as amended, the employer or employee organization, or 125112  
both, responsible for the maintenance of the trust. 125113

(2) The transferor has filed a certified copy of the 125114  
agreement for the sale with the superintendent of financial 125115  
institutions. 125116

(B)(1) The transfer of a fiduciary account or relationship 125117  
pursuant to division (A) of this section results in the transferee 125118  
being substituted for the transferor as fiduciary as a matter of 125119  
law and without necessity to do anything further. 125120

(2) The transfer of a fiduciary account or relationship 125121  
pursuant to division (A) of this section does neither of the 125122  
following: 125123

(a) Impair the right of any person that, alone or in 125124  
conjunction with others, has the power to remove a fiduciary or 125125  
appoint a successor fiduciary; 125126

(b) Absolve or discharge a transferor from any liability 125127  
arising out of its breach of any fiduciary duty or obligation to 125128  
the account prior to the transfer. 125129

**Sec. 1111.09.** (A)(1) A trust service office is any location 125130  
established by a trust company as a place for either of the 125131

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 125132                                                                       |
| (a) Persons seeking the services of the trust company, or information about those services, to contact representatives of the trust company regarding the trust company's business.                                                                                                                                                                                                                                                                                        | 125133<br>125134<br>125135                                                   |
| (b) The trust company's representatives to contact the trust company's customers, or potential customers, and their representatives.                                                                                                                                                                                                                                                                                                                                       | 125136<br>125137<br>125138                                                   |
| (2) None of the following is a trust service office:                                                                                                                                                                                                                                                                                                                                                                                                                       | 125139                                                                       |
| (a) Any location where a trust company conducts its operations but does not provide facilities for contact with its customers or contact by the public with the trust company;                                                                                                                                                                                                                                                                                             | 125140<br>125141<br>125142                                                   |
| (b) Any location that is the home or place of work or business or used for the convenience of the trust company's customer, potential customer, or a representative of a customer or potential customer where the trust company's representative's contact with its customer, potential customer, or a representative of a customer or potential customer is merely incidental to the purposes for which the location is maintained and to the activities conducted there; | 125143<br>125144<br>125145<br>125146<br>125147<br>125148<br>125149<br>125150 |
| (c) Any location where another person, including a financial institution, conducts its business and persons inquiring about trust services are merely referred to a trust company, even if referrals to a particular trust company are by exclusive arrangement and compensated.                                                                                                                                                                                           | 125151<br>125152<br>125153<br>125154<br>125155                               |
| (B) A trust company may, consistent with the trust company's safe and sound operation and the law, establish and maintain trust service offices at any location, including the following:                                                                                                                                                                                                                                                                                  | 125156<br>125157<br>125158                                                   |
| (1) If clearly identified and distinguished, at a location where another person, including a financial institution, also conducts business;                                                                                                                                                                                                                                                                                                                                | 125159<br>125160<br>125161                                                   |

(2) If the trust company is a bank, savings and loan association, or savings bank, at any of its approved banking offices or main office or branches.

(C)(1) A trust company shall give notice in writing to the superintendent of financial institutions prior to establishing, relocating, or closing a trust service office in this state.

(2) A trust company that is a state bank ~~doing business under authority granted by the superintendent~~ also shall give notice in writing to the superintendent prior to establishing, relocating, or closing a trust service office outside this state.

**Sec. ~~1103.01~~ 1113.01.** A stock state banking corporation shall be created, organized, and governed, ~~and its business shall be~~ conducted, and its directors shall be chosen, in all respects in the same manner as is provided by Chapters 1701. and 1704. of the Revised Code, for corporations generally, to the extent that is not inconsistent with this chapter, ~~Chapter~~ Chapters 1101. to 1111., and Chapters ~~1105-~~ 1114. to 1127. of the Revised Code.

**Sec. ~~1113.01~~ 1113.02.** (A) Five or more natural persons, at least one of whom is a resident of this state, may, with the approval of the superintendent of financial institutions, incorporate a stock state bank.

(B) The persons proposing to incorporate a stock state bank shall apply for approval of the proposed bank by submitting the application prescribed by the superintendent, which application shall include all of the following:

(1) The proposed articles of incorporation and code of regulations;

(2) An application for reservation of a name in accordance with section 1103.07 of the Revised Code, if reservation is desired by the incorporators and has not been previously filed;

|                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (3) The location and a description of the proposed initial banking office;                                                                                                                                                                                                                                                                                                                                                       | 125192<br>125193                                                   |
| (4) Information to demonstrate the proposed bank will satisfy the requirements of division (C) of section 1113.03 and any other provision of the Revised Code identified by the superintendent;                                                                                                                                                                                                                                  | 125194<br>125195<br>125196                                         |
| <u>(5) Any other information the superintendent requires.</u>                                                                                                                                                                                                                                                                                                                                                                    | 125197                                                             |
| (C) Notwithstanding division (A) of this section, a corporation may act as the sole incorporator of a <u>stock state</u> bank if either of the following applies:                                                                                                                                                                                                                                                                | 125198<br>125199<br>125200                                         |
| (1) The corporation is registered with the board of governors of the federal reserve system as a bank holding company;                                                                                                                                                                                                                                                                                                           | 125201<br>125202                                                   |
| (2) The superintendent determines the corporation is intending to form either of the following:                                                                                                                                                                                                                                                                                                                                  | 125203<br>125204                                                   |
| (a) A <u>stock state</u> bank that functions solely in a trust or fiduciary capacity and that meets all of the requirements set forth in section 2(c)(2)(D) of the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841(c)(2)(D), as amended;                                                                                                                                                                        | 125205<br>125206<br>125207<br>125208                               |
| (b) A <u>stock state</u> bank that engages only in credit card operations, does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others, does not accept any savings or time deposit of less than one hundred thousand dollars, maintains only one office that accepts deposits, and does not engage in the business of making commercial loans. | 125209<br>125210<br>125211<br>125212<br>125213<br>125214<br>125215 |
| <b>Sec. 1113.03.</b> (A) Within ten days after receipt from the superintendent of financial institutions of notice of acceptance of an application for approval to incorporate a <u>stock state</u> bank, the incorporators shall publish notice of the proposed incorporation in a newspaper of general circulation in the county where the bank's initial banking office is to be located. The                                 | 125216<br>125217<br>125218<br>125219<br>125220<br>125221           |

incorporators shall publish the notice once a week for two weeks 125222  
and furnish a certified copy of it to the superintendent. The 125223  
notice shall specify the name of the proposed bank, its location, 125224  
the amount of the proposed capital, the names of the 125225  
incorporators, the address of the superintendent, and the date by 125226  
which comments on the application must be filed with the 125227  
superintendent, which date shall be thirty days after the date of 125228  
the first publication of the notice. 125229

(B) If any comments on the application are filed with the 125230  
superintendent within the thirty-day period prescribed in division 125231  
(A) of this section, the superintendent shall determine whether 125232  
the comments are relevant to the requirements for incorporation of 125233  
a stock state bank and, if so, investigate the comments in the 125234  
manner the superintendent considers appropriate. 125235

(C) The superintendent shall examine all of the facts 125236  
connected with the application to determine if all of the 125237  
following requirements are met: 125238

(1) The proposed articles of incorporation and code of 125239  
regulations, application for reservation of name, applicable fees, 125240  
and other items required meet the requirements of the Revised 125241  
Code. 125242

(2) The convenience and needs of the public will be served by 125243  
the proposed bank. 125244

(3) The population and economic characteristics of the area 125245  
primarily to be served afford reasonable promise of adequate 125246  
support for the proposed bank. 125247

(4) The competence, experience, and integrity of the proposed 125248  
directors and officers are such as to command the confidence of 125249  
the community and warrant the belief that the business of the 125250  
proposed bank will be honestly and efficiently conducted. 125251

(5) The capital of the proposed bank is adequate in relation 125252

to the amount and character of the anticipated business of the 125253  
bank and the safety of prospective depositors. 125254

(D) Within one hundred eighty days following the date of 125255  
acceptance of the application, the superintendent shall approve or 125256  
disapprove the incorporation of the proposed bank upon the basis 125257  
of the examination. In giving approval, the superintendent may 125258  
impose conditions to be met prior to the issuance of a certificate 125259  
of authority to commence business under section 1113.09 of the 125260  
Revised Code. 125261

(E) If the superintendent approves the application, the 125262  
superintendent shall make a certificate to that effect and forward 125263  
the certificate and the articles of incorporation of the proposed 125264  
bank to the secretary of state for filing. 125265

**Sec. ~~1103.06~~ 1113.04.** (A) A stock state bank's articles of 125266  
incorporation shall contain all of the following: 125267

(1) The name of the bank; 125268

(2) The place in this state where the bank's principal place 125269  
of business is to be located; 125270

(3) The purpose or purposes for which the bank is formed; 125271

(4) The maximum number and the par value of shares the bank 125272  
is authorized to have outstanding and their express terms, if any. 125273  
The articles of incorporation shall not authorize shares without 125274  
par value. If the shares are to be classified, the designation of 125275  
each class, the number and par value of the shares of each class, 125276  
and the express terms, if any, of the shares of each class shall 125277  
be included. 125278

(B) The articles of incorporation may also set forth any 125279  
lawful provision for the purpose of defining, limiting, or 125280  
regulating the exercise of the authority of the stock state bank, 125281  
the incorporators, the directors, the officers, the shareholders, 125282

or the holders of any class of shares, and any provision that may 125283  
be set forth in the bank's code of regulations. 125284

**Sec. 1113.05.** (A) Before any subscription to shares has been 125285  
received, the incorporators may, by unanimous written action and 125286  
subject to ~~division (E)~~ the requirements of this section, adopt 125287  
amendments to the stock state bank's articles of incorporation or 125288  
amended articles of incorporation to change any provision of, or 125289  
add any provision that may properly be included in, the articles 125290  
of incorporation. 125291

(B) Amended articles of incorporation shall set forth all 125292  
provisions required in, and only provisions that may properly be 125293  
in, original articles of incorporation or amendments to articles 125294  
of incorporation at the time the amended articles of incorporation 125295  
are adopted, and shall state that they supersede the existing 125296  
articles of incorporation. 125297

(C)(1) If the incorporators propose the adoption of any 125298  
amendment to a stock state bank's articles of incorporation or 125299  
amended articles of incorporation, the bank shall send to the 125300  
superintendent of financial institutions a copy of the proposed 125301  
amendment or amended articles of incorporation for review and 125302  
approval prior to adoption by the incorporators. 125303

(2) Upon receiving a proposed amendment or amended articles 125304  
of incorporation, the superintendent shall conduct whatever 125305  
examination the superintendent considers necessary to determine if 125306  
both of the following conditions are satisfied: 125307

(a) The proposed amendment or amended articles of 125308  
incorporation comply with the requirements of the Revised Code. 125309

(b) The proposed amendment or amended articles of 125310  
incorporation will not adversely affect the interests of the 125311  
bank's depositors and creditors and the convenience and needs of 125312

the public. 125313

(3) Within forty-five days after receiving the proposed 125314  
amendment or amended articles of incorporation, the superintendent 125315  
shall notify the bank of the superintendent's approval or 125316  
disapproval unless the superintendent determines additional 125317  
information is required. In that event, the superintendent shall 125318  
request the information in writing within twenty days after the 125319  
date the proposed amendment or amended articles of incorporation 125320  
were received. The bank shall have thirty days to submit the 125321  
information to the superintendent. The superintendent shall notify 125322  
the bank of the superintendent's approval or disapproval of the 125323  
proposed amendment or amended articles of incorporation within 125324  
forty-five days after the date the additional information is 125325  
received. If the proposed amendment or amended articles of 125326  
incorporation are disapproved by the superintendent, the 125327  
superintendent shall notify the bank of the reasons for the 125328  
disapproval. 125329

(4) If the superintendent fails to approve or disapprove the 125330  
proposed amendment or amended articles of incorporation within the 125331  
time period required under division (C)(3) of this section, the 125332  
proposed amendment or amended articles of incorporation shall be 125333  
considered approved. 125334

(5) If the proposed amendment or amended articles of 125335  
incorporation are approved, in no event shall that approval be 125336  
construed or represented as an affirmative endorsement of the 125337  
amendment or amended articles of incorporation by the 125338  
superintendent. 125339

(D)(1) Upon their adoption of any approved amendment to a 125340  
stock state bank's articles of incorporation, the incorporators 125341  
shall send to the superintendent ~~of financial institutions~~ a 125342  
certificate, signed by all the incorporators, containing a copy of 125343  
the resolution adopting the amendment and a statement of the 125344

manner of and basis for its adoption. 125345

(2) Upon their adoption of approved amended articles of 125346  
incorporation, the incorporators shall send to the superintendent 125347  
a copy of the amended articles of incorporation, accompanied by a 125348  
certificate, signed by all the incorporators, containing a copy of 125349  
the resolution adopting the amended articles of incorporation and 125350  
a statement of the manner of and basis for its adoption. 125351

~~(D)~~(E) Upon receiving a certificate required by division 125352  
~~(C)~~(D) of this section, the superintendent shall conduct whatever 125353  
examination the superintendent considers necessary to determine if 125354  
~~both of the following conditions are satisfied:~~ 125355

~~(1) The the manner of and basis for the adoption of the~~ 125356  
~~amendment or amended articles of incorporation and the manner of~~ 125357  
~~and basis for adoption~~ comply with the requirements of the Revised 125358  
Code. 125359

~~(2) The amendment or amended articles of incorporation will~~ 125360  
~~not adversely affect the interests of the bank's depositors and~~ 125361  
~~creditors and the convenience and needs of the public.~~ 125362

~~(E)~~(F)(1) Within ~~sixty~~ thirty days after receiving a 125363  
certificate required by division ~~(C)~~(D) of this section, the 125364  
superintendent shall approve or disapprove the amendment or 125365  
amended articles of incorporation. If the superintendent approves 125366  
the amendment or amended articles of incorporation, the 125367  
superintendent shall forward a certificate of that approval, a 125368  
copy of the certificate required by division ~~(C)~~(D) of this 125369  
section, and, ~~in the case of amended articles of incorporation,~~ 125370  
a copy of the amendment or amended articles of incorporation, to the 125371  
secretary of state, who shall file the documents. Upon filing by 125372  
the secretary of state, the amendment or amended articles of 125373  
incorporation shall be effective. 125374

(2) If the superintendent fails to approve or disapprove the 125375

amendment or amended articles of incorporation within ~~sixty~~ thirty 125376  
days after receiving a certificate required by division ~~(C)~~(D) of 125377  
this section, the bank shall forward a copy of the certificate 125378  
and, ~~in the case of amended articles of incorporation,~~ a copy of 125379  
the amendment or amended articles of incorporation, to the 125380  
secretary of state, who shall file the documents. Upon filing by 125381  
the secretary of state, the amendment or amended articles of 125382  
incorporation shall be effective. 125383

**Sec. 1113.06.** (A) After the secretary of state has filed the 125384  
articles of incorporation and certificate of approval of the 125385  
superintendent of financial institutions, the incorporators, or a 125386  
majority of them, shall order books to be opened for subscription 125387  
to the stock state bank's shares. An installment of not less than 125388  
ten per cent of the subscription price of each share shall be 125389  
payable at the time of making the subscription, and the balance 125390  
shall be payable as soon thereafter as the board of directors 125391  
requires. 125392

(B) When the stock state bank's shares have been fully 125393  
subscribed, the incorporators, or a majority of them, shall 125394  
certify this fact in writing to the superintendent. The 125395  
superintendent shall file the certification with the secretary of 125396  
state. 125397

(C) Upon their compliance with division (B) of this section, 125398  
at least a majority of the incorporators shall give not less than 125399  
ten days' notice in writing by mail to the shareholders who have 125400  
not waived the notice to meet at a specified time and place for 125401  
the purpose of adopting a code of regulations, electing directors, 125402  
and transacting any other business authorized by section 1113.08 125403  
of the Revised Code. The shareholders shall meet for those 125404  
purposes at the time and place specified. 125405

(D) The incorporators shall not receive any subscriptions for 125406

shares after the election of directors. 125407

**Sec. 1113.08.** (A) A stock state bank organized under Chapter 125408  
1113. of the Revised Code shall not accept deposits, incur 125409  
indebtedness, or transact any business except business that is 125410  
incidental to its organization or to the obtaining of 125411  
subscriptions to or payment for its shares until the bank receives 125412  
a certificate of authority to commence business issued by the 125413  
superintendent of financial institutions. 125414

(B) The bank shall file a report with the superintendent when 125415  
it has done everything required before it can be authorized to 125416  
commence business and when the subscriptions for the bank's shares 125417  
have been fully paid in, in the amounts fixed by the 125418  
superintendent. 125419

(C) Upon receipt of the report referred to in division (B) of 125420  
this section, the superintendent shall examine the affairs of the 125421  
bank and determine whether the bank has complied with all 125422  
requirements necessary to entitle it to engage in business. 125423

**Sec. 1113.09.** (A) The superintendent of financial 125424  
institutions shall issue a certificate of authority to commence 125425  
business if: 125426

(1) The superintendent is satisfied, based upon the 125427  
examination conducted pursuant to section 1113.08 of the Revised 125428  
Code and any other facts within the knowledge of the 125429  
superintendent, that the stock state bank is otherwise entitled to 125430  
commence business. 125431

(2) With respect to a stock state bank that, upon commencing 125432  
business, would be authorized to accept deposits other than trust 125433  
funds, the superintendent has received from the federal deposit 125434  
insurance corporation (FDIC) confirmation that the FDIC has 125435  
approved the bank's application to become an insured bank as 125436

defined in section 3(h) of the "Federal Deposit Insurance Act," 92 125437  
Stat. 614 (1978), 12 U.S.C.A. 1813(h). A stock state bank is not 125438  
required to become an insured bank as defined in section 3(h) of 125439  
the "Federal Deposit Insurance Act" if, by the terms of its 125440  
articles of incorporation, it is not permitted to solicit or 125441  
accept deposits other than trust funds. 125442

(B) The bank shall cause the certificate of authority to 125443  
commence business to be published once a week for two successive 125444  
weeks in a newspaper of general circulation in the county where 125445  
the bank's initial banking office is located. 125446

(C) For purposes of this section, "trust funds" means funds 125447  
held in a fiduciary capacity and includes, but is not limited to, 125448  
funds held as trustee, executor, administrator, guardian, or 125449  
agent. 125450

**Sec. ~~1103.11~~ 1113.11.** (A) Each stock state bank shall have a 125451  
code of regulations for its governance as a corporation, the 125452  
conduct of its affairs, and the management of its property. The 125453  
code of regulations shall be consistent with the law of this state 125454  
and the bank's articles of incorporation. 125455

~~(B) A bank's original code of regulations shall be adopted at 125456  
a meeting of shareholders held for that purpose by the affirmative 125457  
vote of the holders of shares entitling them to exercise a 125458  
majority of the voting power of the bank on the proposal. 125459~~

~~(C) The shareholders may amend a bank's code of regulations 125460  
or adopt a new code of regulations in any of the following ways: 125461~~

~~(1) At a meeting of shareholders by the affirmative vote of 125462  
the holders of shares entitling them to exercise a majority of the 125463  
voting power of the bank on the proposal; 125464~~

~~(2) Without a meeting by the written consent of the holders 125465  
of shares entitling them to exercise two thirds of the voting 125466~~

~~power of the bank on the proposal;~~ 125467

~~(3) If the bank's articles of incorporation or code of regulations so provide or permit, by the affirmative vote or written consent of the holders of shares entitling them to exercise a greater or lesser proportion, but not less than a majority, of the voting power of the bank on the proposal.~~ 125468  
125469  
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125471  
125472

~~(D) Notice of a shareholders' meeting to adopt any amendment to the code of regulations, or a new code of regulations, shall be given in the manner provided in section 1103.13 of the Revised Code. Notice by the incorporators of the first meeting of shareholders in accordance with section 1113.06 of the Revised Code shall be sufficient for the adoption of the original code of regulations of a new bank.~~ 125473  
125474  
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~~(E) Without limiting the generality of this authority, the code of regulations may include provisions with respect to any of the following:~~ 125480  
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125482

~~(1) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of shareholders;~~ 125483  
125484  
125485

~~(2) The taking of a record of shareholders or the temporary closing of books against transfers of shares;~~ 125486  
125487

~~(3) The number, classification, manner of fixing or changing the number, qualifications, term of office, and compensation or manner of fixing compensation of directors;~~ 125488  
125489  
125490

~~(4) The terms on which new certificates for shares may be issued in the place of lost, stolen, or destroyed certificates;~~ 125491  
125492

~~(5) The time and place for holding, the manner of and authority for calling, giving notice of, and conducting, and the requirements of a quorum for, meetings of the directors;~~ 125493  
125494  
125495

~~(6) The appointment and authority of an executive and other~~ 125496

|                                                                                       |        |
|---------------------------------------------------------------------------------------|--------|
| <del>committees of the directors;</del>                                               | 125497 |
| <del>(7) The titles, qualifications, duties, term of office,</del>                    | 125498 |
| <del>compensation or manner of fixing compensation, and removal of</del>              | 125499 |
| <del>officers;</del>                                                                  | 125500 |
| <del>(8) Defining, limiting, or regulating the exercise of the</del>                  | 125501 |
| <del>authority of the bank, the directors, the officers, or all the</del>             | 125502 |
| <del>shareholders;</del>                                                              | 125503 |
| <del>(9) The manner in and conditions upon which a certificated</del>                 | 125504 |
| <del>security, and the conditions upon which an uncertificated</del>                  | 125505 |
| <del>security, and the shares represented by a certificated or</del>                  | 125506 |
| <del>uncertificated security, may be transferred, restrictions on the</del>           | 125507 |
| <del>right to transfer the shares, and reservations of liens on the</del>             | 125508 |
| <del>shares.</del>                                                                    | 125509 |
| <del>(F) Unless either a bank's articles of incorporation or code</del>               | 125510 |
| <del>of regulations provides otherwise, if the code of regulations is</del>           | 125511 |
| <del>to be amended or a new code of regulations is proposed for</del>                 | 125512 |
| <del>adoption without a meeting of the shareholders, at least ten days</del>          | 125513 |
| <del>prior to the last day a shareholder may consent to or deny consent</del>         | 125514 |
| <del>to the proposed amendments or new code of regulations, the</del>                 | 125515 |
| <del>secretary of the bank shall mail a copy of the proposed amendments</del>         | 125516 |
| <del>or new code of regulations to each shareholder who would be</del>                | 125517 |
| <del>entitled, as of the date of the mailing, to vote on the amendment</del>          | 125518 |
| <del>or adoption.</del>                                                               | 125519 |
| <del>(G) If the code of regulations is amended or a new code of</del>                 | 125520 |
| <del>regulations is adopted without a meeting of the shareholders, the</del>          | 125521 |
| <del>secretary of the bank shall mail a copy of the amendment or the</del>            | 125522 |
| <del>new code of regulations, or notice of the adoption of the</del>                  | 125523 |
| <del>amendment or new code of regulations, to each shareholder who</del>              | 125524 |
| <del>would have been entitled to vote on the amendment or adoption.</del>             | 125525 |
| <b>Sec. <del>1103.08</del> <u>1113.12</u>.</b> (A) After subscriptions to shares have | 125526 |

been received by the incorporators, the shareholders of a stock 125527  
state bank may, subject to ~~division (H)~~ the requirements of this 125528  
section, adopt amendments to the bank's articles of incorporation 125529  
or adopt amended articles of incorporation to change any provision 125530  
of, or add any provision that may properly be included in, the 125531  
articles of incorporation. 125532

(1) The shareholders may adopt an amendment to the bank's 125533  
articles of incorporation or amended articles of incorporation at 125534  
a meeting held for that purpose, as follows: 125535

(a) By the affirmative vote of the holders of shares 125536  
entitling them to exercise two-thirds of the voting power of the 125537  
bank on the proposal or, if the articles of incorporation provide 125538  
or permit, by the affirmative vote of a greater or lesser 125539  
proportion, but not less than a majority, of the voting power; 125540

(b) When the holders of shares of a particular class are 125541  
entitled to vote as a class, by the affirmative vote of the 125542  
holders of at least two-thirds or, if the articles of 125543  
incorporation provide or permit, a greater or lesser portion, but 125544  
not less than a majority, of the shares of the class. 125545

(2) The shareholders may adopt amended articles of 125546  
incorporation to consolidate the original articles of 125547  
incorporation and all previously adopted amendments to the 125548  
articles of incorporation at a meeting held for that purpose by 125549  
the affirmative vote of holders of shares entitling them to 125550  
exercise a majority of the voting power of the bank on the 125551  
proposal. 125552

(3) The shareholders may adopt an amendment to the bank's 125553  
articles of incorporation or amended articles of incorporation 125554  
without a meeting by the written consent of all of the holders of 125555  
shares who would be entitled to vote at a meeting held for that 125556  
purpose. 125557

(B) Any amendment or amended articles of incorporation of a stock state bank that would eliminate cumulative voting rights, as permitted by section 1701.69 of the Revised Code, shall not be adopted if the votes of a sufficient number of shares are cast against the amendment or amended articles of incorporation that, if cumulatively voted at an election of all directors or all directors of a particular class, would be sufficient, at the time the shareholders vote on the proposal, to elect at least one director.

(C) The shareholders of a stock state bank may adopt an amendment to the bank's articles of incorporation to authorize the purchase of the bank's shares, if the amendment states that the superintendent of financial institutions must approve the purchase in writing prior to each purchase of shares.

(D) The shareholders of a stock state bank may adopt an amendment to the bank's articles of incorporation to permit the bank to have authorized and unissued shares or treasury shares ~~for any of the following purposes:~~

~~(1) Meeting conversion rights or options;~~

~~(2) Employee stock purchase or ownership plans;~~

~~(3) Mergers, consolidations, or other reorganizations, or acquisitions;~~

~~(4) The purchase of real estate the board of directors considers necessary or convenient for transaction of the bank's business;~~

~~(5) Any other specific purpose.~~

~~Shares shall be considered authorized for these purposes only if the shareholder resolutions authorizing the shares specifically state the purposes for which the shares are authorized. Shares authorized specifically for any of these purposes shall not be~~

~~issued for any other purpose. Shares authorized for these purposes~~ 125588  
~~shall be deemed released from pre-emptive rights.~~ 125589

(E) Amended articles of incorporation shall set forth all 125590  
provisions required in, and only provisions that may properly be 125591  
in, original articles of incorporation or amendments to articles 125592  
of incorporation at the time the amended articles of incorporation 125593  
are adopted, and shall state that they supersede the existing 125594  
articles of incorporation. 125595

(F)(1) If the shareholders propose the adoption of any 125596  
amendment to a stock state bank's articles of incorporation or 125597  
amended articles of incorporation, the bank shall send to the 125598  
superintendent a copy of the proposed amendment or amended 125599  
articles of incorporation for review and approval prior to 125600  
adoption by the shareholders. 125601

(2) Upon receiving a proposed amendment or amended articles 125602  
of incorporation, the superintendent shall conduct whatever 125603  
examination the superintendent considers necessary to determine if 125604  
both of the following conditions are satisfied: 125605

(a) The proposed amendment or amended articles of 125606  
incorporation comply with the requirements of the Revised Code. 125607

(b) The proposed amendment or amended articles of 125608  
incorporation will not adversely affect the interests of the 125609  
bank's depositors and creditors and the convenience and needs of 125610  
the public. 125611

(3) Within forty-five days after receiving the proposed 125612  
amendment or amended articles of incorporation, the superintendent 125613  
shall notify the bank of the superintendent's approval or 125614  
disapproval unless the superintendent determines additional 125615  
information is required. In that event, the superintendent shall 125616  
request the information in writing within twenty days after the 125617  
date the proposed amendment or amended articles of incorporation 125618

were received. The bank shall have thirty days to submit the 125619  
information to the superintendent. The superintendent shall notify 125620  
the bank of the superintendent's approval or disapproval of the 125621  
proposed amendment or amended articles of incorporation within 125622  
forty-five days after the date the additional information is 125623  
received. If the proposed amendment or amended articles of 125624  
incorporation are disapproved by the superintendent, the 125625  
superintendent shall notify the bank of the reasons for the 125626  
disapproval. 125627

(4) If the superintendent fails to approve or disapprove the 125628  
proposed amendment or amended articles of incorporation within the 125629  
time period required under division (F)(3) of this section, the 125630  
proposed amendment or amended articles of incorporation shall be 125631  
considered approved. 125632

(5) If the proposed amendment or amended articles of 125633  
incorporation are approved, in no event shall that approval be 125634  
construed or represented as an affirmative endorsement of the 125635  
amendment or amended articles of incorporation by the 125636  
superintendent. 125637

(G)(1) Upon adoption by the shareholders of any approved 125638  
amendment to a stock state bank's articles of incorporation, the 125639  
bank shall send to the superintendent a certificate containing a 125640  
copy of the shareholders' resolution adopting the amendment and a 125641  
statement of the manner of its adoption. If the directors proposed 125642  
the amendment, the certificate shall include a copy of the 125643  
resolution adopted by the directors to propose the amendment to 125644  
the shareholders. The certificate shall be signed by ~~bank officers~~ 125645  
the bank's authorized representatives in accordance with section 125646  
1103.19 of the Revised Code. 125647

(2) Upon adoption by the shareholders of approved amended 125648  
articles of incorporation, the bank shall send to the 125649  
superintendent a copy of the amended articles of incorporation, 125650

accompanied by a certificate containing a copy of the 125651  
shareholders' resolution adopting the amended articles of 125652  
incorporation and a statement of the manner of its adoption. If 125653  
the directors proposed the amended articles of incorporation, the 125654  
certificate shall include a copy of the resolution adopted by the 125655  
directors to propose the amended articles of incorporation to the 125656  
shareholders. The certificate shall be signed by ~~bank officers~~ the 125657  
bank's authorized representatives in accordance with section 125658  
1103.19 of the Revised Code. 125659

~~(G)~~(H) Upon receiving a certificate required by division 125660  
~~(F)~~(G) of this section, the superintendent shall conduct whatever 125661  
examination the superintendent considers necessary to determine if 125662  
~~both of the following conditions are satisfied:~~ 125663

~~(1) The the manner of adoption of the amendment or amended 125664  
articles of incorporation ~~and the manner of adoption comply~~ 125665  
complies with the requirements of the Revised Code:~~ 125666

~~(2) The amendment or amended articles of incorporation will 125667  
not adversely affect the interests of the bank's depositors and 125668  
creditors and the convenience and needs of the public. 125669~~

~~(H)~~(I)(1) Within ~~sixty~~ thirty days after receiving a 125670  
certificate required by division ~~(F)~~(G) of this section, the 125671  
superintendent shall approve or disapprove the amendment or 125672  
amended articles of incorporation. If the superintendent approves 125673  
the amendment or amended articles of incorporation, the 125674  
superintendent shall forward a certificate of that approval, a 125675  
copy of the certificate required by division ~~(F)~~(G) of this 125676  
section, and, ~~in the case of amended articles of incorporation,~~ a 125677  
copy of the amendment or amended articles of incorporation, to the 125678  
secretary of state, who shall file the documents. Upon filing by 125679  
the secretary of state, the amendment or amended articles of 125680  
incorporation shall be effective. 125681

(2) If the superintendent fails to approve or disapprove the amendment or amended articles of incorporation within ~~sixty~~ thirty days after receiving a certificate required by division ~~(F)~~ (G) of this section, the bank shall forward a copy of the certificate and, ~~in the case of amended articles of incorporation,~~ a copy of the amendment or amended articles of incorporation, to the secretary of state, who shall file the documents. Upon filing by the secretary of state, the amendment or amended articles of incorporation shall be effective.

**Sec. ~~1103.09~~ 1113.13.** (A) After subscriptions to shares have been received by the incorporators, the board of directors of a stock state bank may, subject to ~~division (F)~~ the requirements of this section, adopt amendments to the bank's articles of incorporation to do any of the following:

(1) Authorize the shares necessary to meet conversion or option rights when all of the following apply:

(a) The bank has issued shares of one class convertible into shares of another class or obligations convertible into shares of the bank, or has granted options to purchase shares.

(b) The conversion or option rights are set forth in the articles of incorporation or have been approved by the same vote of shareholders as, at the time of the approval, would have been required to amend the articles of incorporation to authorize the shares required for that purpose.

(c) The bank does not have sufficient authorized and unissued shares available to satisfy the conversion or option rights.

(2) Reduce the authorized number of shares of a class by the number of shares of that class that have been redeemed, or have been surrendered to or acquired by the bank upon conversion, exchange, purchase, or otherwise, or to eliminate from the

articles of incorporation all references to the shares of a class, 125712  
and to make any other change required, when all of the authorized 125713  
shares of that class have been redeemed, or surrendered to or 125714  
acquired by the bank; 125715

(3) Reduce the authorized number of shares of a class by the 125716  
number of shares of that class that were canceled, ~~pursuant to~~ 125717  
~~section 1107.07 of the Revised Code,~~ for not being issued or 125718  
reissued and for not being fully paid in within one year after the 125719  
date they were authorized or otherwise became authorized and 125720  
unissued shares. 125721

(B) The board of directors of a stock state bank may adopt 125722  
amended articles of incorporation to consolidate the original 125723  
articles of incorporation and all previously adopted amendments to 125724  
the articles of incorporation that are in force at the time. 125725

(C) Amended articles of incorporation shall set forth all 125726  
provisions required in, and only provisions that may properly be 125727  
in, original articles of incorporation or amendments to articles 125728  
of incorporation at the time the amended articles of incorporation 125729  
are adopted, and shall state that they supersede the existing 125730  
articles of incorporation. 125731

(D)(1) If the board of directors propose the adoption of any 125732  
amendment to a stock state bank's articles of incorporation or 125733  
amended articles of incorporation, the bank shall send to the 125734  
superintendent of financial institutions a copy of the proposed 125735  
amendment or amended articles of incorporation for review and 125736  
approval prior to adoption by the board. 125737

(2) Upon receiving a proposed amendment or amended articles 125738  
of incorporation, the superintendent shall conduct whatever 125739  
examination the superintendent considers necessary to determine if 125740  
both of the following conditions are satisfied: 125741

(a) The proposed amendment or amended articles of 125742

incorporation comply with the requirements of the Revised Code. 125743

(b) The proposed amendment or amended articles of 125744  
incorporation will not adversely affect the interests of the 125745  
bank's depositors and creditors. 125746

(3) Within forty-five days after receiving the proposed 125747  
amendment or amended articles of incorporation, the superintendent 125748  
shall notify the bank of the superintendent's approval or 125749  
disapproval unless the superintendent determines additional 125750  
information is required. In that event, the superintendent shall 125751  
request the information in writing within twenty days after the 125752  
date the proposed amendment or amended articles of incorporation 125753  
were received. The bank shall have thirty days to submit the 125754  
information to the superintendent. The superintendent shall notify 125755  
the bank of the superintendent's approval or disapproval of the 125756  
proposed amendment or amended articles of incorporation within 125757  
forty-five days after the date the additional information is 125758  
received. If the proposed amendment or amended articles of 125759  
incorporation are disapproved by the superintendent, the 125760  
superintendent shall notify the bank of the reasons for the 125761  
disapproval. 125762

(4) If the superintendent fails to approve or disapprove the 125763  
proposed amendment or amended articles of incorporation within the 125764  
time period required by division (D)(3) of this section, the 125765  
proposed amendment or amended articles of incorporation shall be 125766  
considered approved. 125767

(5) If the proposed amendment or amended articles of 125768  
incorporation are approved, in no event shall that approval be 125769  
construed or represented as an affirmative endorsement of the 125770  
amendment or amended articles of incorporation by the 125771  
superintendent. 125772

(E)(1) Upon adoption by the board of directors of any 125773

approved amendment to a stock state bank's articles of 125774  
incorporation, the bank shall send to the superintendent ~~of~~ 125775  
~~financial institutions~~ a certificate containing a copy of the 125776  
directors' resolution adopting the amendment and a statement of 125777  
the manner of and basis for its adoption. The certificate shall be 125778  
signed by ~~bank officers~~ the bank's authorized representatives in 125779  
accordance with section 1103.19 of the Revised Code. 125780

(2) Upon adoption by the board of directors of approved 125781  
amended articles of incorporation, the bank shall send to the 125782  
superintendent a copy of the amended articles of incorporation, 125783  
accompanied by a certificate containing a copy of the directors' 125784  
resolution adopting the amended articles of incorporation and a 125785  
statement of the manner of and basis for its adoption. The 125786  
certificate shall be signed by ~~bank officers~~ the bank's authorized 125787  
representatives in accordance with section 1103.19 of the Revised 125788  
Code. 125789

~~(E)~~(F) Upon receiving a certificate required by division 125790  
~~(D)~~(E) of this section, the superintendent shall conduct whatever 125791  
examination the superintendent considers necessary to determine if 125792  
~~both of the following conditions are satisfied:~~ 125793

~~(1) The~~ the manner of and basis for adoption of the amendment 125794  
or amended articles of incorporation ~~and the manner of and basis~~ 125795  
~~for adoption~~ comply with the requirements of the Revised Code. 125796

~~(2) The amendment or amended articles of incorporation will~~ 125797  
~~not adversely affect the interests of the bank's depositors and~~ 125798  
~~creditors and the convenience and needs of the public.~~ 125799

~~(F)~~(G)(1) Within ~~sixty~~ thirty days after receiving a 125800  
certificate required by division ~~(D)~~(E) of this section, the 125801  
superintendent shall approve or disapprove the amendment or 125802  
amended articles of incorporation. If the superintendent approves 125803  
the amendment or amended articles of incorporation, the 125804

superintendent shall forward a certificate of that approval, a 125805  
copy of the certificate required by division ~~(D)~~(E) of this 125806  
section, and, ~~in the case of amended articles of incorporation,~~ a 125807  
copy of the amendment or amended articles of incorporation, to the 125808  
secretary of state, who shall file the documents. Upon filing by 125809  
the secretary of state, the amendment or amended articles of 125810  
incorporation shall be effective. 125811

(2) If the superintendent fails to approve or disapprove the 125812  
amendment or amended articles of incorporation within ~~sixty~~ thirty 125813  
days after receiving a certificate required by division ~~(D)~~(E) of 125814  
this section, the bank shall forward a copy of the certificate 125815  
and, ~~in the case of amended articles of incorporation,~~ a copy of 125816  
the amendment or amended articles of incorporation, to the 125817  
secretary of state, who shall file the documents. Upon filing by 125818  
the secretary of state, the amendment or amended articles of 125819  
incorporation shall be effective. 125820

**Sec. ~~1103.13~~ 1113.14.** (A) A stock state bank's shareholders 125821  
shall hold an annual meeting in accordance with this section and 125822  
the bank's articles of incorporation and code of regulations. The 125823  
purposes of the annual meeting shall include the election of 125824  
directors and the presentation of the financial statements. 125825

(B) The financial statements presented at the annual meeting 125826  
shall satisfy the requirements of one of the following: 125827

(1) The basic financial information required to be made 125828  
available to shareholders of a stock state bank prior to the 125829  
annual meeting pursuant to section ~~1103.14~~ 1113.15 of the Revised 125830  
Code; 125831

(2) The financial statements required to be presented at the 125832  
annual meeting of a corporation pursuant to section 1701.38 of the 125833  
Revised Code; 125834

(3) The financial statements required under federal law for a bank subject to the registration requirements of section 12 of the "Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 781, as amended.

~~(C) Written notice stating the time, place, and purpose or purposes of any meeting~~ Meetings of the shareholders shall be given either by personal delivery or by first class mail not less than seven nor more than sixty days before the date of the meeting, unless the articles of incorporation or the code of regulations specify a longer period, to each shareholder of record entitled to notice of the meeting. The notice shall be given by or at the direction of the president, a vice president, the secretary, any two directors, or any other officer designated by the bank's code of regulations. If notice is given by mail, the notice shall be addressed to the shareholder at the address as it appears on the records of the bank, and shall be deemed to have been given when deposited in the mail. In computing the period of time for the giving of notice required under this division, the date on which the notice is given shall be excluded, and the day of the meeting shall be included may be called for any of the reasons and in the manner set forth in section 1701.40 of the Revised Code. Notice of adjournment of a meeting need not be given if the time and place to which it is adjourned are fixed and announced at the meeting any meeting shall be provided in accordance with section 1701.41 of the Revised Code.

(D) The requirements of this section shall not apply with respect to annual or special meetings of shareholders of a stock state bank that is wholly owned, except for directors' qualifying shares, if any, by a bank holding company or savings and loan holding company.

**Sec. 1103.14 1113.15.** (A) Prior to each annual meeting of its

shareholders, each stock state bank shall make basic financial 125866  
information available to its shareholders in accordance with this 125867  
section unless the bank is either of the following: 125868

(1) Subject to the registration requirements of section 12 of 125869  
the "Securities Exchange Act of 1934," 48 Stat. 892, 15 U.S.C.A. 125870  
781, as amended. 125871

(2) Wholly owned, except for directors' qualifying shares, by 125872  
a bank holding company. 125873

(B) The basic financial information required to be made 125874  
available under this section shall include, at a minimum, 125875  
information substantially similar to both of the following: 125876

(1) Those portions of the consolidated reports of income made 125877  
to the superintendent of financial institutions for each of the 125878  
two preceding full years covering all of the following: 125879

(a) Sources and disposition of income; 125880

(b) Changes in equity capital; 125881

(c) Allowance for possible loan losses. 125882

(2) The balance sheet portion of the consolidated reports of 125883  
condition made to the superintendent at the end of each of the two 125884  
preceding years. 125885

(C) The bank may present the basic financial information in 125886  
any format it determines suitable, including copies of the 125887  
relevant portions of the consolidated reports of condition and 125888  
income or an annual report. 125889

(D) The bank shall make the basic financial information 125890  
available by doing either of the following: 125891

(1) Sending the information to each shareholder prior to, or 125892  
concurrently with, the notice of the annual meeting of 125893  
shareholders; 125894

(2) Including in, or sending with, the notice of the annual meeting of shareholders a statement indicating that basic financial information concerning the bank for the two years preceding the meeting may be obtained from the bank without charge, accompanied by the address, telephone number, and name or title of the bank employee or officer whom shareholders should contact for the information, and promptly mailing, delivering, or otherwise sending the information to any shareholder who requests it.

**Sec. ~~1103.15~~ 1113.16.** ~~Each~~ Except as otherwise expressly provided in the terms for any class of shares issued by a stock state bank, every holder of a the bank's voting shares, in elections of directors and in deciding other questions at meetings of shareholders, is entitled to one vote for each share held and shall not accumulate the votes unless otherwise provided in the articles of incorporation. Any shareholder eligible to vote may vote by proxy authorized in writing. An appointment of a proxy shall expire in accordance with division (C) of section 1701.48 of the Revised Code. Unless the articles of incorporation, the code of regulations, or the contract of subscription otherwise provides, a subscriber for authorized shares is a shareholder for the purposes of this section, but no shares upon which an installment of the purchase price is overdue and unpaid shall be voted.

**Sec. ~~1103.16~~ 1113.17.** (A) Each stock state bank shall keep correct and complete books and records of account, together with records of the proceedings, including minutes of any meetings, of its incorporators, shareholders, directors, and committees of the directors, and records of its shareholders showing their names and addresses and the number and class of shares issued or transferred of record to or by them from time to time.

(B) Upon request of any shareholder eligible to attend and 125926  
vote at any meeting of the bank's shareholders, the board of 125927  
directors shall produce at the meeting an alphabetically arranged 125928  
list, or classified lists, of the shareholders of record as of the 125929  
applicable record date, showing their respective addresses and the 125930  
number and class of shares held by each, and certified by the 125931  
officer or agent responsible for registering issues and transfers 125932  
of shares. The list or lists, certified by the officer or agent, 125933  
shall be prima facie evidence of the facts shown in the list or 125934  
lists. 125935

(C) Any shareholder of the bank, upon written demand stating 125936  
the specific purpose of the demand, has the right to examine in 125937  
person or by agent or attorney at any reasonable time and for any 125938  
reasonable and proper purpose, the books and records of the bank, 125939  
except books and records of deposit, agency or fiduciary accounts, 125940  
loan records, and other records relating to customer services or 125941  
transactions. 125942

(D) The authority granted under Title XI of the Revised Code 125943  
to inspect the books and records of a stock state bank shall apply 125944  
solely to the superintendent of financial institutions and to the 125945  
shareholders of record of the bank. 125946

Sec. 1114.01. A mutual state bank and the rights and 125947  
liabilities of its members shall be governed by its articles of 125948  
incorporation, code of regulations, and bylaws and by this 125949  
chapter. 125950

Sec. 1114.02. (A) Five or more natural persons, at least one 125951  
of whom is a resident of this state, may, with the approval of the 125952  
superintendent of financial institutions, incorporate a mutual 125953  
state bank. 125954

(B) The persons proposing to incorporate a mutual state bank 125955

shall apply for approval to incorporate the bank by submitting the application prescribed by the superintendent, which application shall include all of the following: 125956  
125957  
125958

(1) The proposed articles of incorporation and code of regulations; 125959  
125960

(2) An application for reservation of a name in accordance with section 1103.07 of the Revised Code, if reservation is desired by the incorporators and has not been previously filed; 125961  
125962  
125963

(3) The location and a description of the proposed initial banking office; 125964  
125965

(4) Information to demonstrate the proposed bank will satisfy the requirements of division (C) of section 1114.03 and any other provision of the Revised Code identified by the superintendent; 125966  
125967  
125968

(5) Any other information the superintendent requires. 125969

**Sec. 1114.03.** (A) Within ten days after receipt from the superintendent of financial institutions of notice of acceptance of an application for approval to incorporate a mutual state bank, the incorporators shall publish notice of the proposed incorporation in a newspaper of general circulation in the county where the bank's initial banking office is to be located. The incorporators shall publish the notice once a week for two weeks and furnish a certified copy of it to the superintendent. The notice shall specify the name of the proposed bank, its location, the amount of the proposed capital, the names of the incorporators, the address of the superintendent, and the date by which comments on the application must be filed with the superintendent, which date shall be thirty days after the date of the first publication of the notice. 125970  
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(B) If any comments on the application are filed with the superintendent within the thirty-day period prescribed in division 125984  
125985

(A) of this section, the superintendent shall determine whether 125986  
the comments are relevant to the requirements for incorporation of 125987  
a mutual state bank and, if so, investigate the comments in the 125988  
manner the superintendent considers appropriate. 125989

(C) The superintendent shall examine all of the facts 125990  
connected with the application to determine if all of the 125991  
following requirements are met: 125992

(1) The proposed articles of incorporation and code of 125993  
regulations, application for reservation of name, applicable fees, 125994  
and other items required meet the requirements of the Revised 125995  
Code. 125996

(2) The population and economic characteristics of the area 125997  
primarily to be served afford reasonable promise of adequate 125998  
support for the proposed bank. 125999

(3) The competence, experience, and integrity of the proposed 126000  
directors and officers are such as to command the confidence of 126001  
the community and warrant the belief that the business of the 126002  
proposed bank will be honestly and efficiently conducted. 126003

(4) The capital of the proposed bank is adequate in relation 126004  
to the amount and character of the anticipated business of the 126005  
bank and the safety of prospective depositors. 126006

(D) Within one hundred eighty days following the date of 126007  
acceptance of the application, the superintendent shall approve or 126008  
disapprove the incorporation of the proposed bank upon the basis 126009  
of the examination. In giving approval, the superintendent may 126010  
impose conditions to be met prior to the issuance of a certificate 126011  
of authority to commence business under section 1114.07 of the 126012  
Revised Code. 126013

(E) If the superintendent approves the application, the 126014  
superintendent shall make a certificate to that effect and forward 126015  
the certificate and the articles of incorporation of the proposed 126016

bank to the secretary of state for filing. 126017

Sec. 1114.04. (A) A mutual state bank's articles of 126018  
incorporation shall contain all of the following: 126019

(1) The name of the bank; 126020

(2) The place in this state where the bank's principal place 126021  
of business is to be located; 126022

(3) The purpose or purposes for which the bank is formed. 126023

(B) The articles of incorporation may also set forth any 126024  
lawful provision for the purpose of defining, limiting, or 126025  
regulating the exercise of the authority of the bank, the 126026  
incorporators, the directors, the officers, the members, and any 126027  
provision that may be set forth in the bank's code of regulations. 126028

Sec. 1114.05. (A) As used in the section, "authorized 126029  
capital" means the initial funding required to organize a mutual 126030  
state bank. 126031

(B) The authorized capital of a mutual state bank shall be of 126032  
such amount as the superintendent of financial institutions may 126033  
determine based upon the amount and character of the anticipated 126034  
business of the bank and the safety of prospective depositors. In 126035  
addition, the superintendent may, in the superintendent's 126036  
discretion, fix the amount of the expense fund for operating 126037  
losses to be created by nonrefundable contributions. 126038

(C) The organization of the mutual state bank may be 126039  
completed when a sum equal to five per cent of the authorized 126040  
capital, as determined by the superintendent, is paid in and the 126041  
names and addresses of its officers, its code of regulations, and 126042  
its bylaws have been filed with and approved by the 126043  
superintendent. 126044

(D) Five years after the mutual state bank commences 126045

business, any remaining balance in the expense fund shall be 126046  
transferred to retained earnings, if the bank is on a profitable 126047  
operating basis as determined by the superintendent. 126048

Sec. 1114.06. (A) A mutual state bank organized under this 126049  
chapter shall not accept deposits, incur indebtedness, or transact 126050  
any business other than business that is incidental to its 126051  
organization until the bank receives a certificate of authority to 126052  
commence business issued by the superintendent of financial 126053  
institutions under section 1114.07 of the Revised Code. 126054

(B) The bank shall file a report with the superintendent when 126055  
it has done everything required by the superintendent before it 126056  
can be authorized to commence business. 126057

(C) Upon receipt of the report referred to in division (B) of 126058  
this section, the superintendent shall examine the affairs of the 126059  
bank and determine whether the bank has complied with all of the 126060  
requirements necessary to entitle it to engage in business. 126061

Sec. 1114.07. (A) The superintendent of financial 126062  
institutions shall issue a certificate of authority to commence 126063  
business if both of the following conditions are met: 126064

(1) The superintendent is satisfied, based upon the 126065  
examination conducted pursuant to section 1114.06 of the Revised 126066  
Code and any other facts within the knowledge of the 126067  
superintendent, that the mutual state bank is otherwise entitled 126068  
to commence business. 126069

(2) The superintendent has received from the federal deposit 126070  
insurance corporation written confirmation that it has approved 126071  
the bank's application to become an insured bank as defined in 126072  
section 3(h) of the "Federal Deposit Insurance Act," 92 Stat. 614 126073  
(1978), 12 U.S.C. 1813(h), as amended. 126074

(B) The mutual state bank shall cause the certificate of 126075

authority to commence business to be published once a week for two 126076  
consecutive weeks in a newspaper of general circulation in the 126077  
county where the bank's initial banking office is located. 126078

Sec. 1114.08. (A) A depositor of a mutual state bank shall be 126079  
a voting member and shall have such ownership interest in the bank 126080  
as may be provided in the terms and conditions set forth in the 126081  
articles of incorporation, code of regulations, and bylaws of the 126082  
bank. 126083

(B) The code of regulations of a mutual state bank may 126084  
provide that all borrowers from the bank are members and, if so, 126085  
shall provide for their rights and privileges. 126086

(C)(1) Unless otherwise provided in the articles of 126087  
incorporation or code of regulations, a proxy granted by a 126088  
depositor to the officers and directors of a mutual state bank 126089  
shall expire on the date specified in the proxy. If no date is so 126090  
specified, the authority granted by the proxy shall be perpetual. 126091

(2) On and after the effective date of this section, the 126092  
writing or verifiable communication appointing a proxy shall be 126093  
separate and distinct from any deposit agreement, loan agreement, 126094  
or any other agreement, statement, document, or disclosure 126095  
provided by a mutual state bank to a depositor. 126096

Sec. 1114.09. (A) Before any member deposits have been 126097  
received, the incorporators may, by unanimous written action and 126098  
subject to the requirements of this section, adopt amendments to 126099  
the mutual state bank's articles of incorporation or amended 126100  
articles of incorporation to change any provision of, or add any 126101  
provision that may properly be included in, the articles of 126102  
incorporation. 126103

(B) Amended articles of incorporation shall set forth all 126104  
provisions required in, and only provisions that may properly be 126105

in, original articles of incorporation or amendments to articles 126106  
of incorporation at the time the amended articles of incorporation 126107  
are adopted, and shall state that they supersede the existing 126108  
articles of incorporation. 126109

(C)(1) If the incorporators propose the adoption of any 126110  
amendment to a mutual state bank's articles of incorporation or 126111  
amended articles of incorporation, the bank shall send to the 126112  
superintendent of financial institutions a copy of the proposed 126113  
amendment or amended articles of incorporation for review and 126114  
approval prior to adoption by the incorporators. 126115

(2) Upon receiving a proposed amendment or amended articles 126116  
of incorporation, the superintendent shall conduct whatever 126117  
examination the superintendent considers necessary to determine if 126118  
both of the following conditions are satisfied: 126119

(a) The proposed amendment or amended articles of 126120  
incorporation comply with the requirements of the Revised Code. 126121

(b) The proposed amendment or amended articles of 126122  
incorporation will not adversely affect the interests of the 126123  
bank's depositors and creditors. 126124

(3) Within forty-five days after receiving the proposed 126125  
amendment or amended articles of incorporation, the superintendent 126126  
shall notify the bank of the superintendent's approval or 126127  
disapproval of the proposed amendment or amended articles of 126128  
incorporation unless the superintendent determines additional 126129  
information is required. In that event, the superintendent shall 126130  
request the information in writing within twenty days after the 126131  
date the proposed amendment or amended articles of incorporation 126132  
were received. The bank shall have thirty days to submit the 126133  
information to the superintendent. The superintendent shall notify 126134  
the bank of the superintendent's approval or disapproval of the 126135  
proposed amendment or amended articles of incorporation within 126136

forty-five days after the date the additional information is received. If the proposed amendment or amended articles of incorporation are disapproved by the superintendent, the superintendent shall notify the bank of the reasons for the disapproval. 126137  
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(4) If the superintendent fails to approve or disapprove the proposed amendment or amended articles of incorporation within the time period required under division (C)(3) of this section, the proposed amendment or amended articles of incorporation shall be considered approved. 126142  
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(5) If the proposed amendment or amended articles of incorporation are approved, in no event shall that approval be construed or represented as an affirmative endorsement of the amendment or amended articles of incorporation by the superintendent. 126147  
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(D)(1) Upon their adoption of any approved amendment to a mutual state bank's articles of incorporation, the incorporators shall send to the superintendent a certificate, signed by all the incorporators, containing a copy of the resolution adopting the amendment and a statement of the manner of and basis for its adoption. 126152  
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(2) Upon their adoption of approved amended articles of incorporation, the incorporators shall send to the superintendent a copy of the amended articles of incorporation, accompanied by a certificate, signed by all the incorporators, containing a copy of the resolution adopting the amended articles of incorporation and a statement of the manner of and basis for its adoption. 126158  
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(E) Upon receiving a certificate required by division (D) of this section, the superintendent shall conduct whatever examination the superintendent considers necessary to determine if the manner of and basis for the adoption of the amendment or 126164  
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amended articles of incorporation comply with the requirements of 126168  
the Revised Code. 126169

(F)(1) Within thirty days after receiving a certificate 126170  
required by division (D) of this section, the superintendent shall 126171  
approve or disapprove the amendment or amended articles of 126172  
incorporation. If the superintendent approves the amendment or 126173  
amended articles of incorporation, the superintendent shall 126174  
forward a certificate of that approval, a copy of the certificate 126175  
required by division (D) of this section, and a copy of the 126176  
amendment or amended articles of incorporation to the secretary of 126177  
state, who shall file the documents. Upon filing by the secretary 126178  
of state, the amendment or amended articles of incorporation shall 126179  
be effective. 126180

(2) If the superintendent fails to approve or disapprove the 126181  
amendment or amended articles of incorporation within thirty days 126182  
after receiving a certificate required by division (D) of this 126183  
section, the bank shall forward a copy of the certificate and a 126184  
copy of the amendment or amended articles of incorporation to the 126185  
secretary of state, who shall file the documents. Upon filing by 126186  
the secretary of state, the amendment or amended articles of 126187  
incorporation shall be effective. 126188

Sec. 1114.10. Each mutual state bank shall have a code of 126189  
regulations for its governance as a corporation, the conduct of 126190  
its affairs, and the management of its property. The code of 126191  
regulations shall be consistent with the law of this state and the 126192  
bank's articles of incorporation. 126193

Sec. 1114.11. (A)(1) The code of regulations of a mutual 126194  
state bank may provide for the amendment of its articles of 126195  
incorporation or code of regulations, or the adoption of amended 126196  
articles of incorporation or code of regulations, at any meeting 126197

of the members for which notice has been properly given in 126198  
accordance with section 1114.12 of the Revised Code. The amendment 126199  
or amended articles of incorporation or code of regulations shall 126200  
be adopted by a two-thirds vote of the votes cast in person or by 126201  
proxy at the meeting or, if the articles of incorporation or code 126202  
of regulations provide or permit, by the affirmative vote of a 126203  
greater or lesser proportion, but not less than a majority, of the 126204  
voting members represented at such meeting. The number of votes 126205  
that each member may cast shall be determined by the code of 126206  
regulations. 126207

(2) Unless precluded by its articles of incorporation or code 126208  
of regulations, a mutual state bank may adopt an amendment to its 126209  
articles of incorporation or code of regulations, or amended 126210  
articles of incorporation or code of regulations, at any meeting 126211  
authorized in writing by a majority of its members of record if 126212  
all of the following conditions are met: 126213

(a) Notice of the meeting is given in accordance with section 126214  
1114.12 of the Revised Code. 126215

(b) The notice of the proposed action to be taken at the 126216  
meeting is in a form approved by the superintendent of financial 126217  
institutions. 126218

(c) The proposed action is approved by a two-thirds vote of 126219  
the votes cast authorizing the meeting. 126220

(d) A majority of the members of record are present in person 126221  
or by proxy at the meeting. 126222

(B) The board of directors of a mutual state bank may adopt 126223  
amended articles of incorporation or code of regulations to 126224  
consolidate the original articles of incorporation or code of 126225  
regulations and all previously adopted amendments to the articles 126226  
of incorporation or code of regulations that are in force at the 126227

time. 126228

(C)(1) Amended articles of incorporation shall set forth all 126229  
provisions required in, and only provisions that may properly be 126230  
in, original articles of incorporation or amendments to articles 126231  
of incorporation at the time the amended articles of incorporation 126232  
are adopted, and shall state that they supersede the existing 126233  
articles of incorporation. 126234

(2) An amended code of regulations shall set forth all 126235  
provisions required in, and only provisions that may properly be 126236  
in, an original code of regulations or amendments to a code of 126237  
regulations at the time the amended code of regulations is 126238  
adopted, and shall state that it supersedes the existing code of 126239  
regulations. 126240

(D)(1) If the members or board of directors propose the 126241  
adoption of any amendment to the mutual state bank's articles of 126242  
incorporation or code of regulations, or amended articles of 126243  
incorporation or amended code of regulations, the bank shall send 126244  
to the superintendent a copy of the proposed amendment, or the 126245  
proposed amended articles of incorporation or code of regulations, 126246  
for review and approval prior to adoption by the members or 126247  
directors. 126248

(2) Upon receiving a proposed amendment or proposed amended 126249  
articles of incorporation or code of regulations, the 126250  
superintendent shall conduct whatever examination the 126251  
superintendent considers necessary to determine if both of the 126252  
following conditions are satisfied: 126253

(a) The proposed amendment or amended articles of 126254  
incorporation or code of regulations comply with the requirements 126255  
of the Revised Code. 126256

(b) The proposed amendment or amended articles of 126257  
incorporation or code of regulations will not adversely affect the 126258

interests of the bank's depositors and creditors. 126259

(3) Within forty-five days after receiving the proposed 126260  
amendment, or the proposed amended articles of incorporation or 126261  
code of regulations, the superintendent shall notify the bank of 126262  
the approval or disapproval unless the superintendent determines 126263  
that additional information is required. In that event, the 126264  
superintendent shall request the information in writing within 126265  
twenty days after the date the proposed amendment, or the proposed 126266  
amended articles of incorporation or code of regulations, was 126267  
received. The bank shall have thirty days to submit the 126268  
information to the superintendent. The superintendent shall notify 126269  
the bank of the superintendent's approval or disapproval of the 126270  
proposed amendment, or the proposed amended articles of 126271  
incorporation or code of regulations, within forty-five days after 126272  
the date the additional information is received. If the proposed 126273  
amendment or proposed amended articles of incorporation or code of 126274  
regulations are disapproved by the superintendent, the 126275  
superintendent shall notify the bank of the reasons for the 126276  
disapproval. 126277

(4) If the superintendent fails to approve or disapprove the 126278  
proposed amendment or proposed amended articles of incorporation 126279  
or code of regulations within the time period required under 126280  
division (D)(3) of this section, the proposed amendment or 126281  
proposed amended articles of incorporation or code of regulations 126282  
shall be considered approved. 126283

(5) If the proposed amendment or amended articles of 126284  
incorporation are approved, in no event shall that approval be 126285  
construed or represented as an affirmative endorsement of the 126286  
amendment or amended articles of incorporation by the 126287  
superintendent. 126288

(E)(1) Upon adoption by the members of any approved amendment 126289  
to a mutual state bank's articles of incorporation or code of 126290

regulations, or approved amended articles of incorporation or code 126291  
of regulations, the bank shall send to the superintendent a 126292  
certificate containing a copy of the members' resolution adopting 126293  
the amendment or amended articles of incorporation or code of 126294  
regulations and a statement of the manner of and basis for its 126295  
adoption. If the board of directors proposed the amendment or the 126296  
amended articles of incorporation or code of regulations, the 126297  
certificate shall include a copy of the resolution adopted by the 126298  
directors to propose the amendment or amended articles of 126299  
incorporation or code of regulations to the members. The 126300  
certificate shall be signed by the bank's authorized 126301  
representatives in accordance with section 1103.19 of the Revised 126302  
Code. 126303

(2) Upon adoption by the board of directors of any approved 126304  
amendment to a mutual state bank's articles of incorporation or 126305  
code of regulations, or approved amended articles of incorporation 126306  
or code of regulations, the bank shall provide to the 126307  
superintendent a copy of the amendment or amended articles of 126308  
incorporation or code of regulations, accompanied by a certificate 126309  
containing a copy of the directors' resolution adopting the 126310  
amendment or amended articles of incorporation or code of 126311  
regulations and a statement of the manner of and basis for its 126312  
adoption. The certificate shall be signed by the bank's authorized 126313  
representatives in accordance with section 1103.19 of the Revised 126314  
Code. 126315

(F) Upon receiving a certificate required by division (E) of 126316  
this section, the superintendent shall conduct whatever 126317  
examination the superintendent considers necessary to determine if 126318  
the manner of and basis for adoption of the amendment or amended 126319  
articles of incorporation or code of regulations comply with the 126320  
requirements of the Revised Code. 126321

(G)(1) Within thirty days after receiving a certificate 126322

required by division (E) of this section, the superintendent shall 126323  
approve or disapprove the amendment or amended articles of 126324  
incorporation or code of regulations. If the superintendent 126325  
approves the amendment or amended articles of incorporation or 126326  
code of regulations, the superintendent shall forward a 126327  
certificate of that approval, a copy of the certificate required 126328  
by division (E) of this section, and a copy of the amendment or 126329  
amended articles of incorporation or code of regulations to the 126330  
secretary of state, who shall file the documents. Upon filing by 126331  
the secretary of state, the amendment or amended articles of 126332  
incorporation or code of regulations shall be effective. 126333

(2) If the superintendent fails to approve or disapprove the 126334  
amendment or amended articles of incorporation or code of 126335  
regulations within thirty days after receiving a certificate 126336  
required by division (E) of this section, the bank shall forward a 126337  
copy of the certificate and a copy of the amendment or amended 126338  
articles of incorporation or code of regulations to the secretary 126339  
of state, who shall file the documents. Upon filing by the 126340  
secretary of state, the amendment or amended articles of 126341  
incorporation or code of regulations shall be effective. 126342

**Sec. 1114.12.** (A) Whenever members of a mutual state bank are 126343  
required or authorized to elect directors or to take any other 126344  
action at a meeting, either annual or special, notice of the 126345  
meeting shall be given in either of the following ways: 126346

(1) By publication, once each week on the same day of the 126347  
week for three consecutive weeks immediately preceding the date of 126348  
the meeting in a newspaper published in and of general circulation 126349  
in the county in which the principal office of the bank is 126350  
located, of a notice containing the name of the bank and the 126351  
purpose, place, date, and hour of the meeting; 126352

(2) By notice served upon or mailed to members as provided in 126353

section 1701.41 of the Revised Code. 126354

(B) The notice required under division (A) of this section shall include a statement that, if a member granted a proxy to the officers and directors of the bank, the proxy is revocable at any time before the meeting or by attending the meeting and voting in person. 126355  
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Sec. 1114.16. In the event of a liquidation or dissolution of a mutual state bank, the priority of claims shall be established by section 1125.24 of the Revised Code. 126360  
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Sec. 1115.01. (A)(1) A stock state bank may do any of the following: 126363  
126364

(a) Convert into a national bank or a federal savings association if the conversion is approved by both the office of the comptroller of the currency and the affirmative vote or written consent of the holders of two-thirds, or such other proportion not less than a majority as the stock state bank's articles of incorporation require, of the outstanding shares of each class of the bank's stock; 126365  
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~~(b) Convert into a federal savings association if the conversion is approved by both the office of thrift supervision and the affirmative vote or written consent of the holders of two-thirds, or such other proportion not less than a majority as the bank's articles of incorporation require, of the outstanding shares of each class of the bank's stock;~~ 126372  
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~~(c) Convert into a bank, savings bank, or savings and loan association pursuant to ~~section 1151.64 of the Revised Code~~ or the laws of another state if the conversion is approved by both the regulatory authority of the other state and the affirmative vote or written consent of the holders of two-thirds, or such other proportion not less than a majority as the stock state bank's 126378  
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articles of incorporation require, of the outstanding shares of 126384  
each class of the bank's stock; 126385

~~(d) Convert into a savings bank pursuant to section 1161.631 126386  
of the Revised Code or the laws of another state if the conversion 126387  
is approved by the affirmative vote or written consent of the 126388  
holders of two thirds, or such other proportion not less than a 126389  
majority as the bank's articles of incorporation require, of the 126390  
outstanding shares of each class of the bank's stock; 126391~~

~~(e) Convert into a bank doing business under authority 126392  
granted by the bank regulatory authority of another state, 126393  
pursuant to the laws of that state, if the conversion is approved 126394  
by the affirmative vote or written consent of the holders of 126395  
two thirds, or such other proportion not less than a majority as 126396  
the bank's articles of incorporation require, of the outstanding 126397  
shares of each class of the bank's stock. 126398~~

(2) A mutual state bank may do any of the following: 126399

(a) Convert into a national bank or a federal savings 126400  
association if the conversion is approved by the office of the 126401  
comptroller of the currency, the affirmative vote of two-thirds of 126402  
the mutual state bank's board of directors, and the affirmative 126403  
vote of two-thirds of the total outstanding votes eligible to be 126404  
cast at the meeting at which the plan of conversion is presented 126405  
to the members for adoption; 126406

(b) Convert into a bank, savings bank, or savings association 126407  
pursuant to the laws of another state if the conversion is 126408  
approved by the regulatory authority of the other state, the 126409  
affirmative vote of two-thirds of the mutual state bank's board of 126410  
directors, and the affirmative vote of two-thirds of the total 126411  
outstanding votes eligible to be cast at the meeting at which the 126412  
plan of conversion is presented to the members for adoption. 126413

(B) A state bank that converts into a national bank, a 126414

federal savings association, or a bank, savings bank, or savings 126415  
association doing business under authority granted by the bank 126416  
regulatory authority of another state, ~~or a federal savings~~ 126417  
~~association~~ shall, immediately upon the conversion being 126418  
effective, file with the superintendent of financial institutions 126419  
all information the superintendent determines is necessary to 126420  
reflect in the state's records that the bank ~~or federal savings~~ 126421  
~~association~~ is no longer a corporation organized and doing 126422  
business under the laws of this state. 126423

~~(B)(1) A national bank, bank doing business under authority~~ 126424  
~~granted by the bank regulatory authority of another state, savings~~ 126425  
~~association, or savings bank may, with the approval of the~~ 126426  
~~superintendent, convert into a state bank.~~ 126427

~~(2) A national bank, bank doing business under authority~~ 126428  
~~granted by the bank regulatory authority of another state, savings~~ 126429  
~~association, or savings bank proposing to convert into a state~~ 126430  
~~bank shall submit to the superintendent an application for the~~ 126431  
~~superintendent's approval of the conversion that includes all of~~ 126432  
~~the following:~~ 126433

~~(a) A plan of conversion;~~ 126434

~~(b) The proposed articles of incorporation and code of~~ 126435  
~~regulations of the proposed state bank;~~ 126436

~~(c) An officers' certification that the directors and~~ 126437  
~~shareholders of the national bank, bank doing business under~~ 126438  
~~authority granted by the bank regulatory authority of another~~ 126439  
~~state, savings association, or savings bank have approved the plan~~ 126440  
~~of conversion and the proposed articles of incorporation and code~~ 126441  
~~of regulations in accordance with the applicable state or federal~~ 126442  
~~law and with the bank's, savings association's, or savings bank's~~ 126443  
~~articles of association or incorporation and code of regulations~~ 126444  
~~or bylaws;~~ 126445

~~(d) Any other information the superintendent requires. 126446~~

~~(3) Within ten business days after receiving an application 126447  
required under division (B)(2) of this section, the superintendent 126448  
shall determine whether to accept the application. Within ninety 126449  
days after accepting an application required under division (B)(2) 126450  
of this section, the superintendent shall approve or disapprove 126451  
the application. In determining whether to approve the bank's, 126452  
savings association's, or savings bank's conversion into a state 126453  
bank, the superintendent shall consider all of the following: 126454~~

~~(a) The adequacy of the capital and paid in capital of the 126455  
proposed state bank; 126456~~

~~(b) Whether the competence, experience, and integrity of each 126457  
director, executive officer, and controlling shareholder of the 126458  
proposed state bank meet the criteria for acquiring control of a 126459  
state bank as provided in section 1115.06 of the Revised Code; 126460~~

~~(c) Whether the proposed state bank affords reasonable 126461  
promise of successful operation; 126462~~

~~(d) Whether the proposed state bank meets the requirements of 126463  
Chapters 1101. to 1127. of the Revised Code. 126464~~

~~(4) The superintendent may condition an approval of the 126465  
conversion of a national bank, bank doing business under authority 126466  
granted by the bank regulatory authority of another state, savings 126467  
association, or savings bank into a state bank in any manner the 126468  
superintendent considers appropriate. 126469~~

~~(5)(a) If the superintendent approves a conversion of a 126470  
national bank, bank doing business under authority granted by the 126471  
bank regulatory authority of another state, savings association, 126472  
or savings bank into a state bank, the superintendent shall 126473  
forward a certificate of the approval of the conversion and the 126474  
state bank's articles of incorporation to the secretary of state, 126475  
and shall issue to the new state bank a certificate of authority 126476~~

~~to commence business as a state bank.~~ 126477

~~(b)(i) In the case of a state bank resulting from the 126478  
conversion of a savings association organized under Chapter 1151. 126479  
of the Revised Code or a savings bank organized under Chapter 126480  
1161. of the Revised Code, the secretary of state shall file the 126481  
certificate of the superintendent's approval of the conversion and 126482  
the state bank's articles of incorporation in a manner reflecting 126483  
the corporation is no longer doing business under Chapter 1151. or 126484  
1161. of the Revised Code. 126485~~

~~(ii) In the case of a state bank resulting from the 126486  
conversion of a national bank, a bank, savings association, or 126487  
savings bank doing business under authority granted by the 126488  
regulatory authority of another state, or a federal savings 126489  
association, the secretary of state shall file the certificate of 126490  
the superintendent's approval of the conversion and the state 126491  
bank's articles of incorporation in a manner reflecting the state 126492  
bank is newly authorized to do business under the laws of this 126493  
state. 126494~~

~~(6) The conversion shall be effective on the date indicated 126495  
in the superintendent's approval. Without further act or deed, the 126496  
state bank resulting from the conversion shall have all property, 126497  
rights, interests, and powers of its predecessor bank, savings 126498  
association, or savings bank within the limits of the charter of 126499  
the resulting state bank, and all duties, trusts, obligations, and 126500  
liabilities of the predecessor bank, savings association, or 126501  
savings bank shall continue in the state bank resulting from the 126502  
conversion. 126503~~

Sec. 1115.02. A national bank, a bank doing business under 126504  
authority granted by the bank regulatory authority of another 126505  
state, a savings association, a savings bank, or a state or 126506  
federally chartered credit union may, with the approval of the 126507

superintendent of financial institutions, convert into a stock 126508  
state bank or mutual state bank by submitting an application in 126509  
accordance with rules adopted by the superintendent for this 126510  
purpose. 126511

**Sec. 1115.03.** (A)(1) A mutual state bank may convert into a 126512  
stock state bank if the conversion is approved by the 126513  
superintendent of financial institutions, the affirmative vote of 126514  
two-thirds of the mutual state bank's board of directors, and the 126515  
affirmative vote of two-thirds of the total outstanding votes 126516  
eligible to be cast at the meeting at which the plan of conversion 126517  
is presented to the members for adoption. 126518

(2) A stock state bank may convert into a mutual state bank 126519  
if the conversion is approved by both the superintendent and the 126520  
affirmative vote or written consent of the holders of two-thirds, 126521  
or such other proportion not less than a majority as the stock 126522  
state bank's article of incorporation require, of the outstanding 126523  
shares of each class of the bank's stock. 126524

(B) A conversion under this section shall be effective on the 126525  
date indicated in the materials filed with the secretary of state 126526  
by the converting bank. Without further act or deed, the bank 126527  
resulting from the conversion shall have all the property, rights, 126528  
interests, and powers of its predecessor bank within the limits of 126529  
the charter of the resulting bank, and all duties, trusts, 126530  
obligations, and liabilities of the predecessor bank shall 126531  
continue in the bank resulting from the conversion. 126532

**Sec. 1115.05.** (A) As used in this section: 126533

(1) "Acquire" or "acquisition" means any of the following 126534  
transactions or actions: 126535

(a) A merger or consolidation with, or purchase of assets 126536

from, a bank holding company that has acquired an Ohio bank; 126537

(b) The acquisition of the direct or indirect ownership or 126538  
control of voting shares of an Ohio bank if, after the 126539  
acquisition, the acquiring bank holding company will directly or 126540  
indirectly own or control the Ohio bank, unless the superintendent 126541  
of financial institutions determines, in the superintendent's 126542  
discretion, due to the nature of the acquisition, it should not be 126543  
subject to the limitations of this section; 126544

(c) The merger or consolidation of an Ohio bank with, or the 126545  
transfer of assets from an Ohio bank to, another bank, whether 126546  
previously existing or chartered for the purpose of the 126547  
transaction; 126548

(d) Any other action that results in the direct or indirect 126549  
control of an Ohio bank. 126550

(2) "Ohio bank" means a state bank or a national bank whose 126551  
principal place of business is in this state. 126552

(B) Subject to ~~divisions~~ division (C) and ~~(D)~~ of this 126553  
section, a bank or bank holding company whose principal place of 126554  
business is in this state or any other state may charter or 126555  
otherwise acquire an Ohio bank, and a bank may acquire banking 126556  
offices in this state by merger or consolidation with or transfer 126557  
of assets and liabilities from a bank, savings bank, or savings 126558  
association that has offices in this state, if, upon consummation 126559  
of the acquisition, both of the following will apply: 126560

(1) The acquiring bank with, or the acquiring bank holding 126561  
company through, its affiliate banks, savings banks, and savings 126562  
associations, does not control more than ten per cent of the total 126563  
deposits of banks, savings banks, and savings associations in the 126564  
United States, and either of the following applies: 126565

(a) The acquiring bank with, or the acquiring bank holding 126566  
company through, its affiliate banks, savings banks, and savings 126567

associations, does not control more than thirty per cent of the 126568  
total deposits of banks, savings banks, and savings associations 126569  
in this state. 126570

(b) The acquiring bank with, or the acquiring bank holding 126571  
company through, its affiliate banks, savings banks, and savings 126572  
associations, controls more than thirty per cent of the total 126573  
deposits of banks, savings banks, and savings associations in this 126574  
state, and the superintendent approved the acquisition after 126575  
determining the anticompetitive effects of the acquisition were 126576  
clearly outweighed in the public interest by the probable effect 126577  
of the transaction. 126578

(2) Except in the case of a foreign bank subject to Chapter 126579  
1119. of the Revised Code or a bank that by the terms of its 126580  
articles of incorporation or association is not permitted to 126581  
solicit or accept deposits other than trust funds, the Ohio bank 126582  
or any bank that has banking offices in this state will be an 126583  
insured bank as defined in section 3(h) of the "Federal Deposit 126584  
Insurance Act," 92 Stat. 614 (1978), 12 U.S.C.A. 1813(h). 126585

(C)(1) Any bank holding company proposing to charter a state 126586  
bank under this section shall comply with Chapter 1113. or 1114. 126587  
of the Revised Code and any rules adopted to implement that 126588  
chapter. 126589

(2) If, after the proposed acquisition, the acquiring bank or 126590  
bank holding company will control an existing state bank the 126591  
acquiring bank or bank holding company did not control before the 126592  
acquisition, and the acquisition does not include the merger or 126593  
consolidation of the existing state bank with another bank, the 126594  
acquiring bank or bank holding company shall comply with section 126595  
1115.06 of the Revised Code and any rules adopted to implement 126596  
that section. 126597

(3) If the proposed acquisition will be accomplished by means 126598

of a merger or consolidation with a state bank and the resulting 126599  
bank of the merger or consolidation will be a state bank, the 126600  
state bank shall comply with section 1115.11 of the Revised Code 126601  
and any rules adopted to implement that section. 126602

(4) If the proposed acquisition will be accomplished by means 126603  
of a transfer of assets and liabilities to a state bank, the state 126604  
bank shall comply with section 1115.14 of the Revised Code and any 126605  
rules adopted to implement that section. 126606

(5) If the proposed acquisition will be accomplished by 126607  
forming a bank to which the bank to be acquired will transfer 126608  
assets and liabilities, or with which the bank to be acquired will 126609  
be merged or consolidated and the resulting bank will be a state 126610  
bank, the acquiring bank holding company shall comply with section 126611  
1115.23 of the Revised Code and any rules adopted to implement 126612  
that section. 126613

~~(D)(1) If the acquiring bank is a bank doing business under 126614  
authority granted by the bank regulatory authority of another 126615  
state and the acquisition will be accomplished by agreeing to 126616  
assume all or substantially all of the deposit liabilities of an 126617  
existing branch located in this state of a savings association 126618  
doing business under authority granted by the superintendent 126619  
pursuant to Chapter 1151. of the Revised Code, the acquisition 126620  
shall be subject to the superintendent's approval, which shall 126621  
include a determination that the laws of the state in which the 126622  
acquiring bank has its principal place of business permit a bank 126623  
with its principal place of business in ohio to acquire all or 126624  
substantially all of the deposit liabilities of an existing branch 126625  
of a savings association located in that state on terms that are, 126626  
on the whole, substantially no more restrictive than those 126627  
established under section 1151.052 of the Revised Code. 126628~~

~~(2) If the acquiring bank is a bank doing business under 126629  
authority granted by the bank regulatory authority of another 126630~~

~~state and the acquisition will be accomplished by agreeing to~~ 126631  
~~assume all or substantially all of the deposit liabilities of an~~ 126632  
~~existing branch located in this state of a savings bank doing~~ 126633  
~~business under authority granted by the superintendent pursuant to~~ 126634  
~~Chapter 1161. of the Revised Code, the acquisition shall be~~ 126635  
~~subject to the superintendent's approval, which shall include a~~ 126636  
~~determination that the laws of the state in which the acquiring~~ 126637  
~~bank has its principal place of business permit a bank with its~~ 126638  
~~principal place of business in Ohio to acquire all or~~ 126639  
~~substantially all of the deposit liabilities of an existing branch~~ 126640  
~~of a savings bank located in that state on terms that are, on the~~ 126641  
~~whole, substantially no more restrictive than those established~~ 126642  
~~under section 1161.07 of the Revised Code.~~ 126643

**Sec. 1115.06.** (A) As used in this section: 126644

(1) "Control" of a state bank means either of the following: 126645

(a) Power, directly or indirectly, to direct the management 126646  
or policies of a state bank; 126647

(b) Ownership or control of or power to vote twenty-five per 126648  
cent or more of any class of voting securities of a state bank. 126649

(2) "State bank" includes any bank holding company that 126650  
controls a state bank, and any other company that controls a state 126651  
bank and is not a bank holding company. 126652

(B)(1) No person, acting directly or indirectly or through or 126653  
in concert with one or more other persons, shall acquire control 126654  
of a state bank through a purchase, assignment, transfer, pledge, 126655  
or other disposition of voting securities of a state bank unless 126656  
the superintendent of financial institutions has been given sixty 126657  
days' prior written notice of the proposed acquisition and within 126658  
that sixty days the superintendent has not done either of the 126659  
following: 126660

|                                                                                                                                                                                                                                                                     |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (a) Disapproved the acquisition;                                                                                                                                                                                                                                    | 126661                                         |
| (b) Extended the time during which the superintendent may disapprove the acquisition, as provided in division (B)(2) of this section.                                                                                                                               | 126662<br>126663<br>126664                     |
| (2) The superintendent may extend the time during which the superintendent may disapprove a proposed acquisition of control, as follows:                                                                                                                            | 126665<br>126666<br>126667                     |
| (a) For an additional thirty days in the discretion of the superintendent;                                                                                                                                                                                          | 126668<br>126669                               |
| (b) For two additional extensions of not more than forty-five days each, if any of the following applies:                                                                                                                                                           | 126670<br>126671                               |
| (i) The superintendent determines any acquiring party has not furnished all of the information required under division (C) of this section.                                                                                                                         | 126672<br>126673<br>126674                     |
| (ii) In the superintendent's judgment, any material information submitted is substantially inaccurate.                                                                                                                                                              | 126675<br>126676                               |
| (iii) The superintendent has been unable to complete the investigation of an acquiring person under division (E)(1) of this section because of any delay caused by, or the inadequate cooperation of, that acquiring person.                                        | 126677<br>126678<br>126679<br>126680           |
| (iv) The superintendent determines additional time is needed to investigate and determine whether any acquiring person has a record of failing to comply with the requirements of subchapter II of chapter 53 of subtitle IV of Title 31 of the United States Code. | 126681<br>126682<br>126683<br>126684<br>126685 |
| (3) An acquisition may be made prior to the expiration of the disapproval period if the superintendent issues written notice of the superintendent's intent not to disapprove the acquisition of control.                                                           | 126686<br>126687<br>126688<br>126689           |
| (C) <del>Except as the superintendent otherwise provides by rule,</del>                                                                                                                                                                                             | 126690                                         |

a A notice required under division (B) of this section shall 126691  
contain the following such information: 126692

~~(1) The identity, personal history, and business background 126693  
and experience of each person by whom or on whose behalf the 126694  
acquisition is to be made, including each person's material 126695  
business activities and affiliations during the past five years; a 126696  
description of any material pending legal or administrative 126697  
proceedings in which each person is a party; and any criminal 126698  
indictment or conviction of each person by a state or federal 126699  
court. 126700~~

~~(2) A statement of the assets and liabilities of each person 126701  
by whom or on whose behalf the acquisition is to be made, as of 126702  
the end of the fiscal year for each of the five years immediately 126703  
preceding the date of the notice, together with related statements 126704  
of income and source and application of funds for each of the 126705  
fiscal years then concluded, all prepared in accordance with 126706  
generally accepted accounting principles consistently applied; and 126707  
an interim statement of the assets and liabilities for each 126708  
person, together with related statements of income and source and 126709  
application of funds, as of a date not more than ninety days prior 126710  
to the date of the filing of the notice. 126711~~

~~(3) The terms and conditions of the proposed acquisition and 126712  
the manner in which the acquisition is to be made. 126713~~

~~(4) The identity, source, and amount of the funds or other 126714  
consideration used or to be used in making the acquisition and, if 126715  
any part of these funds or other consideration has been or is to 126716  
be borrowed or otherwise obtained for the purpose of making the 126717  
acquisition, a description of the transaction, the names of the 126718  
parties, and any arrangements, agreements, or understandings with 126719  
the parties. 126720~~

~~(5) Any plans or proposals any acquiring person may have to 126721~~

~~liquidate the state bank, to sell its assets or merge it with any company, or to make any other major change in its business or corporate structure or management.~~

~~(6) The identification of any person employed, retained, or to be compensated by an acquiring person, or by any person on an acquiring person's behalf, to make solicitations or recommendations to shareholders for the purpose of assisting in the acquisition, and a brief description of the terms of the employment, retainer, or arrangement for compensation.~~

~~(7) Copies of all invitations or tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.~~

~~(8) Any additional relevant information in the form as the superintendent may require by rule or by specific request in connection with any particular notice.~~

(D) Unless the superintendent determines an emergency exists or disclosure of a proposed acquisition of control would seriously threaten the safety or soundness of the state bank, each person who gives a notice required under division (B) of this section shall, within a reasonable time after receiving the superintendent's acceptance of the notice, do both of the following:

(1) Publish the name of the state bank proposed to be acquired and the name of each person identified in the notice as a person by whom or for whom the acquisition is to be made;

(2) Solicit public comment on the proposed acquisition, particularly from persons in the geographic area where the state bank proposed to be acquired is located, before final consideration of the notice by the superintendent.

(E) Upon accepting a notice required under division (B) of this section, the superintendent shall do both of the following:

(1) Conduct an investigation of the competence, experience, integrity, and financial ability of each person named in the notice as a person by whom or for whom the acquisition is to be made;

(2) Make an independent determination of the accuracy and completeness of all information required to be in the notice.

(F) The superintendent may disapprove any proposed acquisition of control if the superintendent finds any of the following:

(1) The proposed acquisition of control would result in a monopoly or further any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of this state or any markets served by the state bank.

(2) The effect of the proposed acquisition of control in any part of this state and any markets served by the state bank may be to substantially lessen competition, tend to create a monopoly, or in any other manner restrain trade, and the anticompetitive effects of the proposed acquisition of control are not clearly outweighed in the public interest by the probable effect of the acquisition in meeting the convenience and needs of the community to be served.

(3) The financial condition of any acquiring person might jeopardize the financial stability of the state bank or prejudice the interests of the depositors of the state bank.

(4) The competence, experience, or integrity of any acquiring person or of any of the proposed management personnel indicates that it would not be in the interest of the depositors of the state bank, or in the interest of the public, to permit the acquiring person to control the state bank.

(5) The acquiring person neglects, fails, or refuses to furnish to the superintendent all of the information required by

the superintendent. 126784

(6) The superintendent determines the proposed transaction 126785  
would have an adverse effect on the ~~bank~~ deposit insurance fund ~~or~~ 126786  
~~the savings association insurance fund~~ administered by the federal 126787  
deposit insurance corporation. 126788

(G) Within three days after deciding to disapprove any 126789  
proposed acquisition of control of a state bank, the 126790  
superintendent shall notify the acquiring person in writing of the 126791  
disapproval. The notice of disapproval shall provide a statement 126792  
of the basis for the disapproval. 126793

(H) Within ten days after receipt of a notice of the 126794  
disapproval, the acquiring person may, in accordance with Chapter 126795  
119\_ of the Revised Code, request a hearing conducted in 126796  
accordance with that chapter on the proposed acquisition. 126797

(I) Whenever a change in control of a state bank occurs, the 126798  
state bank shall promptly report to the superintendent any changes 126799  
in or replacement of its chief executive officer or of any 126800  
director that occurs in the next twelve-month period, and include 126801  
in the report a statement of the past and current business and 126802  
professional affiliations of the new chief executive officer or 126803  
director. 126804

(J)(1) The superintendent may exercise any authority vested 126805  
in the superintendent under Chapter 1121. of the Revised Code in 126806  
the course of conducting any investigation under division (E) of 126807  
this section or any other investigation the superintendent, in the 126808  
superintendent's discretion, considers necessary to determine 126809  
whether any person has filed inaccurate, incomplete, or misleading 126810  
information under this section or otherwise is violating, has 126811  
violated, or is about to violate any provision of this section or 126812  
any rule implementing this section. 126813

(2) Whenever it appears to the superintendent any person is 126814

violating, has violated, or is about to violate any provision of 126815  
this section or any rule implementing this section, the 126816  
superintendent may, in the superintendent's discretion, apply to 126817  
the court of common pleas of any county in which the state bank is 126818  
doing business for either of the following: 126819

(a) A temporary or permanent injunction or restraining order 126820  
enjoining the person from violating this section or any rule 126821  
implementing this section; 126822

(b) Other equitable relief, including divestiture, that may 126823  
be necessary to prevent violation of this section or of any rule 126824  
implementing this section. 126825

(3)(a) The courts of this state have the same jurisdiction 126826  
and power in connection with the exercise of any authority by the 126827  
superintendent under this section as they have under Chapter 1121. 126828  
of the Revised Code. 126829

(b) The courts of this state have jurisdiction and power to 126830  
issue any injunction or restraining order or grant any equitable 126831  
relief described in division (J)(2) of this section. When a court 126832  
finds it appropriate, the court may grant the injunction, order, 126833  
or other equitable relief without requiring the posting of any 126834  
bond. 126835

(K) The resignation, termination of employment or 126836  
participation, divestiture of control, or separation of or by a 126837  
regulated person, including a separation caused by the closing of 126838  
a state bank, shall not affect the jurisdiction and authority of 126839  
the superintendent to issue any notice and otherwise proceed under 126840  
this section against the regulated person, if the notice is issued 126841  
no later than six years after the date of the regulated person's 126842  
resignation, termination of employment or participation, or 126843  
separation from or divestiture of control of a state bank. 126844

For purposes of this division, "regulated person" has the 126845

same meaning as in section 1121.01 of the Revised Code. 126846

**Sec. 1115.07.** (A) As used in this section: 126847

(1) "Credit outstanding" means any loan, extension of credit, 126848  
issuance of a guarantee, acceptance, or letter of credit, 126849  
including an endorsement or standby letter of credit, or other 126850  
transaction that extends financing to a person or group of 126851  
persons. 126852

(2) "Financial institution" means a state bank, national 126853  
bank, savings bank, savings association, or a bank doing business 126854  
under authority granted by the bank regulatory authority of 126855  
another state of the United States or another country. 126856

(3) "Group of persons" includes any number of persons the 126857  
financial institution reasonably believes are either of the 126858  
following: 126859

(a) Persons who are acting together, in concert, or with one 126860  
another to acquire or control shares of the same stock state bank, 126861  
including an acquisition of shares of the same stock state bank at 126862  
approximately the same time under substantially the same terms. 126863

(b) Persons who have made, or have proposed to make, a joint 126864  
filing under section 13 of Title I of the "Securities Exchange Act 126865  
of 1934," 48 Stat. 881, 15 U.S.C.A. 78m, as amended, regarding 126866  
ownership of the shares of the same stock state bank. 126867

(B)(1) Except as provided in division (D) of this section, 126868  
any financial institution or any affiliate of a financial 126869  
institution that has credit outstanding to any person or group of 126870  
persons that is secured, directly or indirectly, by shares of a 126871  
stock state bank shall file a consolidated report with the 126872  
superintendent of financial institutions if the credits 126873  
outstanding are, in the aggregate, secured, directly or 126874  
indirectly, by twenty-five per cent or more of the outstanding 126875

shares of any class of the same stock state bank. 126876

(2) For purposes of division (B)(1) of this section, any 126877  
shares of the stock state bank held by the financial institution 126878  
or any of its affiliates as principal shall be included in the 126879  
calculation of the number of shares in which the financial 126880  
institution or its affiliates has a security interest. 126881

(C) The report required under division (B)(1) of this section 126882  
shall be a consolidated report on behalf of the financial 126883  
institution and all its affiliates, and shall be filed in writing 126884  
within thirty days after the date on which the financial 126885  
institution or any of its affiliates first believes the security 126886  
for any outstanding credit consists of twenty-five per cent or 126887  
more of the outstanding shares of any class of a stock state bank. 126888

The report shall indicate the number and percentage of shares 126889  
securing each credit outstanding, the identity of the borrower, 126890  
and the number of shares held as principal by the financial 126891  
institution or any of its affiliates. It also shall contain all of 126892  
the information required in a notice under section 1115.06 of the 126893  
Revised Code, and any other relevant information the 126894  
superintendent may require by rule or by specific request in 126895  
connection with a particular report. 126896

(D) A financial institution and its affiliates shall not be 126897  
required to report a transaction under this section if either of 126898  
the following applies: 126899

(1) The person or group of persons to whom the credit is 126900  
outstanding has disclosed to the superintendent the amount 126901  
borrowed from the financial institution or its affiliate and the 126902  
security interest of the financial institution or its affiliate in 126903  
connection with a notice given under section 1115.06 of the 126904  
Revised Code or with any other application filed with the 126905  
superintendent, such as an application for an interim bank 126906

charter. 126907

(2) The transaction involves either of the following: 126908

(a) A person or group of persons that has been the owner of 126909  
record of the shares for at least one year; 126910

(b) Shares issued by a newly chartered stock state bank 126911  
before the ~~state~~ bank's opening. 126912

**Sec. 1115.11.** (A) A state bank may consolidate or merge with 126913  
another state bank, a bank, savings bank, or savings association 126914  
doing business under authority granted by the bank regulatory 126915  
authority of another state, ~~or~~ a national bank, ~~savings bank,~~ or a 126916  
federal savings association, regardless of where it maintains its 126917  
principal place of business, with the approval of all of the 126918  
following: 126919

(1) The directors of both constituent corporations; 126920

(2)(a) The shareholders of each constituent state bank that 126921  
is a stock state bank, by the affirmative vote or written consent 126922  
of the holders of two-thirds, or such other proportion not less 126923  
than a majority as the ~~state~~ bank's articles of incorporation or 126924  
code of regulations provide, of the outstanding shares of each 126925  
class of the ~~state~~ bank's stock; 126926

(b) The members of each constituent state bank that is a 126927  
mutual state bank, by the affirmative vote of two-thirds, or such 126928  
other proportion not less than a majority as the bank's articles 126929  
of incorporation or code of regulations provide, of the voting 126930  
members. 126931

(3) The shareholders or members of the other constituent 126932  
bank, savings bank, or savings association as required by the 126933  
applicable state or federal law, articles of incorporation, or 126934  
code of regulations; 126935

(4) One of the following, as applicable: 126936

(a) If the resulting corporation will be a state bank, a savings bank doing business under authority granted pursuant to Chapter 1161. of the Revised Code, or a savings and loan association doing business under authority granted pursuant to Chapter 1151. of the Revised Code, the superintendent of financial institutions;

(b) If the resulting corporation will be a national bank or federal savings association, the office of the comptroller of the currency;

~~(c) If the resulting corporation will be a federal savings association, the director of the office of thrift supervision;~~

~~(d) If the resulting corporation will be a bank, savings bank, or savings association doing business under authority granted by the regulatory authority of another state, the state regulatory authority under which the bank, savings bank, or savings association is doing business.~~

(B) For a merger or consolidation in which the resulting or surviving corporation will be a state bank, the constituent corporations, in the case of a consolidation, and the constituent corporation that will be the surviving corporation, in the case of a merger, shall file with the superintendent an application for the superintendent's approval that includes ~~all of the following:~~

~~(1) An officers' certification that the transaction has been approved by the directors and shareholders of each constituent corporation in accordance with the applicable state or federal law, articles of incorporation or association, code of regulations, or bylaws;~~

~~(2) A a copy of the consolidation or merger agreement;~~

~~(3) Any and any other information the superintendent requires.~~

(C) The consolidation or merger agreement required under 126967  
division (B)~~(2)~~ of this section shall include all of the 126968  
following: 126969

(1) The names of the constituent corporations; 126970

(2) The agreement that the named constituent corporations 126971  
will consolidate into a new state bank or the other named 126972  
constituent corporations will merge with or into one specified 126973  
constituent corporation; 126974

(3) Subject to the limitations set forth in section 1103.07 126975  
of the Revised Code, the name of the state bank resulting from the 126976  
consolidation or surviving the merger; 126977

(4) The place in this state where the resulting or surviving 126978  
bank's principal place of business is to be located; 126979

(5) In the case of a consolidation, the contents of the 126980  
resulting bank's articles of incorporation, consistent with 126981  
section ~~1103.06~~ 1113.04 of the Revised Code; 126982

(6) In the case of a merger, any amendment to the surviving 126983  
bank's articles of incorporation; 126984

(7) The names and addresses of the directors of the resulting 126985  
or surviving bank; 126986

(8) The terms of the consolidation or merger, how the 126987  
consolidation or merger will be effected, and how ~~any~~ 126988  
consideration provided for, if any, will be distributed to the 126989  
shareholders or members of the constituent corporations. 126990

(D) Within ten business days after receiving an application 126991  
required under division (B) of this section, the superintendent 126992  
shall determine whether to accept the application. If the 126993  
transaction is with a bank, savings bank, or savings association 126994  
doing business under authority granted by a regulatory authority 126995  
other than the superintendent, the superintendent shall notify the 126996

regulatory authority under which the bank, savings bank, or 126997  
savings association is doing business of the application and 126998  
solicit that regulatory authority's comments. Within ninety days 126999  
after accepting an application required under division (B) of this 127000  
section, the superintendent shall approve or disapprove the 127001  
application. In making that determination, the superintendent 127002  
shall consider all of the following: 127003

(1) Whether the transaction would result in a monopoly or 127004  
would further any combination or conspiracy to monopolize or to 127005  
attempt to monopolize the business of banking in any part of this 127006  
state and any markets served by the resulting or surviving bank; 127007

(2) Whether the effect of the proposed transaction in any 127008  
part of this state and any markets served by the resulting or 127009  
surviving bank may be to substantially lessen competition, tend to 127010  
create a monopoly, or in any other manner restrain trade, unless 127011  
the superintendent finds the anticompetitive effects of the 127012  
transaction would clearly be outweighed in the public interest by 127013  
the probable effect of the transaction in meeting the convenience 127014  
and needs of the community to be served; 127015

(3) The financial and managerial resources and future 127016  
prospects of the banks involved; 127017

(4) The convenience and needs of the communities to be 127018  
served; 127019

(5) Whether, upon completion of the transaction, the 127020  
resulting or surviving state bank will meet the requirements of 127021  
Chapters 1101. to 1127. of the Revised Code; 127022

(6) The comments of any regulatory authority notified in 127023  
accordance with division (D) of this section. 127024

(E) The superintendent may condition approval of an 127025  
application under division (D) of this section in any manner the 127026  
superintendent considers appropriate. 127027

(F) Before consummating a consolidation or merger authorized under division (A) of this section, a state bank shall deliver to the superintendent a certificate of consolidation or merger that satisfies the requirements of section 1701.81 of the Revised Code. The superintendent shall file the certificate of consolidation or merger with the secretary of state and, if the resulting or surviving bank of the consolidation or merger is a state bank, shall file a certified copy of the superintendent's approval of the consolidation or merger with the certificate.

(G) In the case of a consolidation or merger in which the resulting or surviving corporation is a state bank, the directors and other officers named in the agreement of consolidation or merger shall serve until the date fixed in the agreement or provided in the resulting or surviving bank's code of regulations or by statute for the next annual meeting.

(H)(1) When a consolidation or merger becomes effective, ~~the~~ both of the following apply:

(1) The existence of each of the constituent corporations ceases as a separate entity, but continues in the resulting or surviving corporation, within the limits of the charter of the resulting or surviving corporation and subject to section 1115.20 of the Revised Code, without further act or deed ~~and within.~~

(b) Within the limits of the charter of the resulting or surviving corporation, the resulting or surviving corporation has all assets and property, the rights, privileges, immunities, powers, franchises, and authority, and all obligations and ~~trusts~~ fiduciary relationships of each party to the merger or consolidation and the duties and liabilities connected with them. ~~The~~

(2) The resulting or surviving corporation shall perform every ~~trust or relation~~ fiduciary relationship it has in the same

manner as if it had itself originally assumed the ~~trust or~~ 127059  
~~relation~~ fiduciary relationship and the obligations and 127060  
liabilities connected with it. 127061

(I) Shareholders of the nonsurviving stock state bank shall 127062  
have a right to dissent and shall be entitled to relief as 127063  
dissenting shareholders under section 1701.85 of the Revised Code 127064  
for those transactions requiring prior shareholder approval under 127065  
division (A)(2) of this section. 127066

**Sec. 1115.111.** (A) Except as provided in division (C) of this 127067  
section, no bank shall pay to any person, other than reasonable 127068  
compensation for services provided in ~~his~~ the person's capacity as 127069  
an employee, any management or consulting fee, including fees for 127070  
legal, accounting, brokerage, or other similar professional 127071  
services, not having a direct relationship to the value of actual 127072  
services rendered, based on reasonable costs consistent with 127073  
current market values for such services. 127074

(B) The records of the bank shall contain adequate 127075  
information to permit a determination as to what services are 127076  
being provided and on what basis they are being priced. At a 127077  
minimum the records shall disclose a thorough review by the board 127078  
of directors demonstrating all of the following: 127079

(1) That such fees are paid for specific services provided, 127080  
as detailed in a fee analysis presented to the board; 127081

(2) The basis for the cost for each function or service; 127082

(3) A conclusion by the board of directors that the fees are 127083  
reasonable. 127084

(C) This section does not prevent a bank from paying any of 127085  
the following: 127086

(1) Dividends to shareholders that have been properly 127087  
declared by the bank; 127088

(2) Reasonable compensation to officers and employees of the bank for services rendered to the bank in their capacities as officers or employees of the bank;

(3) Fees to directors for their attendance at meetings of the board of directors, the executive committee, or other committees established by the board.

**Sec. 1115.14.** (A) A state bank may transfer assets and liabilities to, and acquire assets and liabilities from, another state bank, a bank doing business under authority granted by the bank regulatory authority of another state, or a national bank, savings bank, or savings association, regardless of where it maintains its principal place of business, with the approval of all of the following:

(1) The directors of both constituent corporations;

(2)(a) If the assets to be transferred equal more than fifty per cent of the assets of a transferring or acquiring state bank at the time of the transfer and the institution is a stock state bank, the shareholders of the state bank by the affirmative vote or written consent of the holders of two-thirds, or such other proportion not less than a majority as the state bank's articles of incorporation or code of regulations provide, of the outstanding shares of each class of the state bank's stock;

(b) If the assets to be transferred equal more than fifty per cent of the assets of a transferring or acquiring state bank at the time of the transfer and the institution is a mutual state bank, the members of the state bank by the affirmative vote of two-thirds, or such other proportion not less than a majority as the bank's articles of incorporation or code of regulations provide, of the voting members.

(3) The shareholders or members of the other constituent

bank, savings bank, or savings association as required by the 127119  
applicable state or federal law, the articles of incorporation, or 127120  
the code of regulations; 127121

(4) If the assets to be transferred equal more than fifty per 127122  
cent of the assets of the acquiring state bank, the superintendent 127123  
of financial institutions. 127124

(B) In the case of a transfer of assets and liabilities for 127125  
which the superintendent's approval is required under division 127126  
(A)(4) of this section, the acquiring state bank shall file with 127127  
the superintendent an application that includes all of the 127128  
following: 127129

(1) An officers' certification that the transaction has been 127130  
approved by the directors and shareholders or members of each 127131  
constituent corporation in accordance with the applicable state or 127132  
federal law, articles of incorporation or association, code of 127133  
regulations, or bylaws; 127134

(2) A copy of the transfer agreement; 127135

(3) Any other information the superintendent requires. 127136

(C) The transfer agreement required under division (B)(2) of 127137  
this section shall include all of the following: 127138

(1) The names of the constituent corporations; 127139

(2) The agreement of the named constituent corporations that 127140  
specified assets and liabilities of one will be transferred to the 127141  
other in exchange for specified consideration; 127142

(3) Any changes to be made in the directors ~~of~~ or officers of 127143  
the acquiring state bank; 127144

(4) Any amendments to the acquiring state bank's articles of 127145  
incorporation; 127146

(5) The terms of the transfer, how the transfer will be 127147  
effected, and how any consideration provided for will be 127148

distributed to the transferring corporation or its shareholders or 127149  
members. 127150

(D) Within ten business days after receiving an application 127151  
required under division (B) of this section, the superintendent 127152  
shall determine whether to accept the application. If the 127153  
transaction is with a bank, savings bank, or savings association 127154  
doing business under authority granted by a regulatory authority 127155  
other than the superintendent, the superintendent shall notify the 127156  
regulatory authority that granted the authority under which the 127157  
bank, savings bank, or savings association is doing business of 127158  
the application and solicit that regulatory authority's comments. 127159  
Within ninety days after accepting an application required under 127160  
division (B) of this section, the superintendent shall approve or 127161  
disapprove the application. In making that determination, the 127162  
superintendent shall consider all of the following: 127163

(1) Whether the transaction would result in a monopoly or 127164  
would further any combination or conspiracy to monopolize or to 127165  
attempt to monopolize the business of banking in any part of this 127166  
state and any markets served by the acquiring bank; 127167

(2) Whether the effect of the proposed transaction in any 127168  
part of this state and any markets served by the acquiring bank 127169  
may be to substantially lessen competition, tend to create a 127170  
monopoly, or in any other manner restrain trade, unless the 127171  
superintendent finds that the anticompetitive effects of the 127172  
transaction would clearly be outweighed in the public interest by 127173  
the probable effect of the transaction in meeting the convenience 127174  
and needs of the community to be served; 127175

(3) The financial and managerial resources and future 127176  
prospects of the banks involved; 127177

(4) The convenience and needs of the communities to be 127178  
served; 127179

(5) Whether, upon completion of the transaction, the acquiring state bank will meet the requirements of Chapters 1101. to 1127. of the Revised Code; 127180  
127181  
127182

(6) The comments of any regulatory authority notified in accordance with division (D) of this section. 127183  
127184

(E) The superintendent may condition approval of an application under division (D) of this section in any manner the superintendent considers appropriate. 127185  
127186  
127187

(F) In the case of a transfer of assets and liabilities involving a state bank that is not the acquiring corporation and that will not continue operations after the transaction, the state bank shall, immediately upon the transfer of assets and liabilities being effective, provide the superintendent with the necessary dissolution certificates and affidavits for the superintendent to file the dissolution with the secretary of state. 127188  
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(G) When a bank, savings bank, or savings association transfers its assets and liabilities to a state bank, the acquiring state bank shall be possessed of the rights, privileges, and powers of the transferor with respect to the transferred assets within the limits of the charter of the acquiring state bank. 127196  
127197  
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127201

(H) Shareholders of a stock state bank whose assets have been transferred shall have a right to dissent and shall be entitled to relief as dissenting shareholders under section 1701.85 of the Revised Code for those transactions requiring prior shareholder approval under division (A)(2) of this section. 127202  
127203  
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127206

**Sec. 1115.15.** Whenever an emergency, as defined by the superintendent of financial institutions, exists with regard to a state bank, national bank, savings bank, or savings association 127207  
127208  
127209

that warrants, in the opinion of the superintendent and of a 127210  
majority of the members of the respective boards of directors of 127211  
the constituent corporations concerned, an immediate transfer of 127212  
assets and liabilities, the board of directors of a state bank 127213  
may, by majority vote, transfer the assets and liabilities of the 127214  
state bank or acquire the assets and liabilities of another state 127215  
bank or a national bank, savings bank, or savings association 127216  
without the vote or approval of the shareholders of each 127217  
constituent corporation involved in the proposed transfer. No 127218  
transfer pursuant to this section involving a state bank shall be 127219  
made without the written consent of the superintendent. Certified 127220  
copies of all proceedings of its board of directors shall be filed 127221  
with the superintendent by each constituent corporation involved 127222  
in the transfer. A copy of the agreement between the constituent 127223  
corporations shall accompany the copies of the proceedings of the 127224  
boards of directors. 127225

**Sec. 1115.20.** (A) In any transfer, ~~consolidation, or merger~~ 127226  
under this chapter, the rights of creditors shall be preserved 127227  
unimpaired, and, unless otherwise provided, the constituent 127228  
corporations shall be deemed to continue their separate existence 127229  
if the continuation is necessary to preserve any creditor's 127230  
rights. 127231

(B) In any consolidation or merger under section 1115.11 of 127232  
the Revised Code, the rights and obligations of the surviving or 127233  
new bank shall be governed by section 1701.82 of the Revised Code. 127234

**Sec. 1115.23.** (A) Any person, singly or jointly with others, 127235  
may, with the approval of the superintendent of financial 127236  
institutions, incorporate an interim bank for the purpose of 127237  
facilitating the creation of a bank holding company, the 127238  
acquisition of or transaction with an existing bank, savings 127239  
association, or savings bank, or any other transaction the 127240

superintendent may approve. Prior to commencing business, an 127241  
interim bank shall be a party to a reorganization with an existing 127242  
bank, savings association, or savings bank pursuant to this 127243  
chapter. 127244

(B) The person or persons proposing to incorporate an interim 127245  
bank under this section shall make application for approval of the 127246  
proposed interim bank in the manner and form prescribed by the 127247  
superintendent, which shall include delivering to the division of 127248  
financial institutions the items required in divisions (B)(1) and 127249  
(2) of section ~~1113.01~~ 1113.02 of the Revised Code. 127250

(C) Approval of the interim bank pursuant to this section 127251  
does not authorize the interim bank to commence business. Approval 127252  
of the interim bank shall be specifically conditioned on approval 127253  
of the subsequent reorganization. The approval of the interim bank 127254  
becomes void, and the interim bank shall be dissolved, if the 127255  
reorganization is not approved and consummated within one year 127256  
after the approval of the interim bank, unless the superintendent 127257  
grants one or more extensions in writing. If no extension is 127258  
granted or upon the expiration of the last extension granted, the 127259  
interim bank shall provide the superintendent with the necessary 127260  
dissolution certificates and affidavits for the superintendent to 127261  
file the dissolution with the secretary of state. 127262

(D) The superintendent shall not disapprove an interim bank 127263  
charter solely because the interim bank's paid-in capital and 127264  
surplus do not aggregate more than five hundred dollars. 127265

**Sec. 1115.24.** (A) As used in this section: 127266

(1) "Applicant" means the person or persons seeking a shelf 127267  
charter under this section. 127268

(2) "Control" has the same meaning as in section 1115.06 of 127269  
the Revised Code and any rules adopted under that section. 127270

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| <u>(3) "Shelf charter" means the preliminary conditional</u>             | 127271 |
| <u>approval of a charter.</u>                                            | 127272 |
| <u>(B) The superintendent of financial institutions may, at the</u>      | 127273 |
| <u>superintendent's sole discretion, grant a shelf charter to an</u>     | 127274 |
| <u>applicant intending or desiring to enter into a transaction</u>       | 127275 |
| <u>resulting in any of the following:</u>                                | 127276 |
| <u>(1) Formation of an interim bank under this chapter to be</u>         | 127277 |
| <u>used for the transactions contemplated by this section;</u>           | 127278 |
| <u>(2) Acquisition of control of a designated or undesignated</u>        | 127279 |
| <u>state bank;</u>                                                       | 127280 |
| <u>(3) Acquisition of control of a designated or undesignated</u>        | 127281 |
| <u>bank chartered by the banking authority of any other state or the</u> | 127282 |
| <u>United States that the person or persons intend to convert to a</u>   | 127283 |
| <u>state bank;</u>                                                       | 127284 |
| <u>(4) Acquisition of assets from and assumption of liabilities,</u>     | 127285 |
| <u>pursuant to this chapter, of a bank or from the federal deposit</u>   | 127286 |
| <u>insurance corporation as receiver of a designated or undesignated</u> | 127287 |
| <u>bank headquartered in this state or any other state that the</u>      | 127288 |
| <u>person or persons intend to convert to a state bank;</u>              | 127289 |
| <u>(5) Formation of a de novo bank pursuant to Title XI of the</u>       | 127290 |
| <u>Revised Code.</u>                                                     | 127291 |
| <u>(C) The superintendent shall prescribe the form for an</u>            | 127292 |
| <u>application for a shelf charter. After reviewing an application,</u>  | 127293 |
| <u>the superintendent may require the applicant to submit any</u>        | 127294 |
| <u>additional information or documentation the superintendent</u>        | 127295 |
| <u>considers necessary and appropriate. Factors to be considered by</u>  | 127296 |
| <u>the superintendent shall include all of the following:</u>            | 127297 |
| <u>(1) The availability of adequate capital for the transaction;</u>     | 127298 |
| <u>(2) The existence of acceptable business plans;</u>                   | 127299 |
| <u>(3) Whether acceptable management, directors, and control</u>         | 127300 |

persons are identified; 127301

(4) Whether all necessary approvals from state and federal agencies have been secured. 127302  
127303

(D)(1) A shelf charter granted under this section, and any final approval for a transaction described in division (B) of this section, shall be subject to such conditions and ongoing requirements as the superintendent considers appropriate. 127304  
127305  
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(2) An applicant granted a shelf charter under this section shall not exercise control over the bank or consummate the transaction authorized by the charter until the superintendent gives final approval of the transaction. 127308  
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(E) A shelf charter shall expire twenty-four months after the date it is granted, subject to the following: 127312  
127313

(1) The superintendent may extend the expiration date at any time sua sponte or upon approval by the superintendent of a written request for an extension submitted by the person or persons to whom the shelf charter was granted. 127314  
127315  
127316  
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(2) The person or persons to whom the shelf charter was granted may withdraw it at any time. 127318  
127319

(3) The superintendent may modify, suspend, or revoke any shelf charter granted under this section. 127320  
127321

(F) Pursuant to the authority granted under section 1121.03 of the Revised Code, the superintendent may adopt rules and issue interpretive guidelines the superintendent considers necessary and appropriate for the implementation of this section. 127322  
127323  
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127325

**Sec. 1115.27.** (A) A state bank may merge with any of its affiliates with the approval of all of the following: 127326  
127327

(1) The directors of all constituent corporations to the merger; 127328  
127329

(2)(a) The shareholders of each constituent stock state bank 127330  
by the affirmative vote or written consent of the holders of 127331  
two-thirds, or any other proportion not less than a majority as 127332  
the bank's articles of incorporation or code of regulations 127333  
provide, of the outstanding shares of each class of the bank's 127334  
stock; 127335

(b) The members of each constituent mutual state bank, by the 127336  
affirmative vote of two-thirds, or such other proportion not less 127337  
than a majority as the bank's articles of incorporation or code of 127338  
regulations provide, of the voting members. 127339

(3) The shareholders or members of each other constituent to 127340  
the merger as required by the applicable state or federal law, the 127341  
articles of incorporation, or the code of regulations; 127342

(4) The superintendent of financial institutions. 127343

(B) The bank that will be the surviving bank in the merger 127344  
shall file with the superintendent an application for the 127345  
superintendent's approval that includes ~~all of the following:~~ 127346

~~(1) An officers' certification that the transaction has been~~ 127347  
~~approved by the directors and shareholders of each constituent~~ 127348  
~~corporation in accordance with the applicable state or federal~~ 127349  
~~law, articles of incorporation or association, code of~~ 127350  
~~regulations, or bylaws;~~ 127351

~~(2) A a copy of the merger agreement;~~ 127352

~~(3) Any and any other information the superintendent~~ 127353  
requires. 127354

(C) The merger agreement required under division (B)~~(2)~~ of 127355  
this section shall include all of the following: 127356

(1) The names of the constituent corporations; 127357

(2) The agreement of the other named constituent corporations 127358  
to merge with or into one specified bank; 127359

(3) Subject to the limitations set forth in section 1103.07 of the Revised Code, the name of the bank surviving from the merger. 127360  
127361  
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(4) The place in this state where the surviving bank's principal place of business is to be located; 127363  
127364

(5) Any amendment to the surviving bank's articles of incorporation; 127365  
127366

(6) The names and addresses of the directors of the surviving bank; 127367  
127368

(7) The terms of the merger, how it will be effected, and how ~~any~~ consideration, if any, provided for will be distributed to the shareholders or members of the constituent corporations. 127369  
127370  
127371

(D) Within ten business days after receiving an application required under division (B) of this section, the superintendent shall determine whether to accept the application. Within ninety days after accepting an application required under division (B) of this section, the superintendent shall approve or disapprove the application. In making that determination, the superintendent shall consider all of the following: 127372  
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(1) The financial and managerial resources and future prospects of the surviving bank; 127379  
127380

(2) The convenience and needs of the communities to be served; 127381  
127382

(3) Whether, upon completion of the merger, the surviving bank will meet the requirements of Chapters 1101. to 1127. of the Revised Code; 127383  
127384  
127385

(4) Whether any of the constituents to the merger are subject to limitations that are inconsistent with the merger. 127386  
127387

(E) The superintendent may condition approval of an application under division (D) of this section in any manner the 127388  
127389

superintendent considers appropriate. 127390

(F) Before consummating a merger authorized under division 127391  
(A) of this section, the bank that is to be the surviving bank of 127392  
the merger shall deliver to the superintendent a certificate of 127393  
merger that satisfies the requirements of section 1701.81 of the 127394  
Revised Code. The superintendent shall file the certificate of 127395  
merger and a certified copy of the superintendent's approval of 127396  
the merger with the secretary of state. 127397

(G) The directors and other officers named in the agreement 127398  
of merger shall serve until the date fixed in the agreement or 127399  
provided in the surviving bank's code of regulations or by statute 127400  
for the next annual meeting. 127401

(H) When a merger authorized by division (A) of this section 127402  
becomes effective, the existence of each of the constituent 127403  
corporations ceases as a separate entity, but continues in the 127404  
surviving bank, within the limits of the charter of the surviving 127405  
bank and subject to section 1115.20 of the Revised Code. Without 127406  
further act or deed and within the limits of the charter of the 127407  
surviving bank, the surviving bank has all assets and property, 127408  
the rights, privileges, immunities, powers, franchises, and 127409  
authority, and all obligations and ~~trusts~~ fiduciary relationships 127410  
of each party to the merger and the duties and liabilities 127411  
connected with them. The surviving bank shall perform every ~~trust~~ 127412  
~~or relation~~ fiduciary relationship it has in the same manner as if 127413  
it had itself originally assumed the ~~trust or relation~~ fiduciary 127414  
relationship and the obligations and liabilities connected with 127415  
it. 127416

Sec. 1116.01. As used in this chapter, unless the context 127417  
requires otherwise: 127418

(A) "Acquiree mutual bank" means any state bank, savings 127419  
association, or savings bank that meets both of the following 127420

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| <u>conditions:</u>                                                       | 127421 |
| <u>(1) It is acquired by a mutual holding company as part of,</u>        | 127422 |
| <u>and concurrently with, a mutual holding company reorganization.</u>   | 127423 |
| <u>(2) It is in the mutual form immediately prior to the</u>             | 127424 |
| <u>acquisition.</u>                                                      | 127425 |
| <u>(B) "Reorganization plan" means the plan to reorganize into a</u>     | 127426 |
| <u>mutual holding company structure described in section 1116.07 of</u>  | 127427 |
| <u>the Revised Code.</u>                                                 | 127428 |
| <u>(C) "Reorganizing mutual state bank" means a mutual state</u>         | 127429 |
| <u>bank that proposes to reorganize into a mutual holding company</u>    | 127430 |
| <u>structure in accordance with this chapter.</u>                        | 127431 |
| <u>(D) "Resulting mutual holding company" means a bank holding</u>       | 127432 |
| <u>company organized in mutual form under this chapter and, unless</u>   | 127433 |
| <u>otherwise indicated, a subsidiary holding company controlled by a</u> | 127434 |
| <u>mutual holding company organized under this chapter.</u>              | 127435 |
| <u>(E) "Resulting stock state bank" means a stock state bank</u>         | 127436 |
| <u>that is organized as a subsidiary of a reorganizing mutual state</u>  | 127437 |
| <u>bank to receive a substantial part of the assets and liabilities,</u> | 127438 |
| <u>including all deposit accounts, of the reorganizing mutual state</u>  | 127439 |
| <u>bank upon consummation of the reorganization.</u>                     | 127440 |
| <u>(F) "Stock bank" means a bank that has an ownership structure</u>     | 127441 |
| <u>in the form of shares of stock and is doing business under</u>        | 127442 |
| <u>authority granted by the superintendent of financial institutions</u> | 127443 |
| <u>or the bank regulatory authority of another state or the United</u>   | 127444 |
| <u>States.</u>                                                           | 127445 |
| <u>(G) "Subsidiary holding company" means a stock company that</u>       | 127446 |
| <u>is controlled by a mutual holding company and that owns the stock</u> | 127447 |
| <u>of a stock state bank whose depositors have membership rights in</u>  | 127448 |
| <u>the parent mutual holding company.</u>                                | 127449 |
| <u>Sec. 1116.02. (A) A mutual holding company and any subsidiary</u>     | 127450 |

of a mutual holding company shall be created, organized, and 127451  
governed, and its business shall be conducted, in all respects in 127452  
the same manner as is provided under Chapter 1701. of the Revised 127453  
Code, for corporations generally, to the extent that it is not 127454  
inconsistent with this chapter, Chapters 1101. to 1115., and 127455  
Chapters 1117. to 1127. of the Revised Code or the rules adopted 127456  
under those chapters. 127457

(B) A mutual holding company and any subsidiary of a mutual 127458  
holding company organized under this chapter is subject to all 127459  
powers, remedies, and sanctions provided to the superintendent of 127460  
financial institutions and the division of financial institutions 127461  
by Chapters 1101. to 1127. of the Revised Code. 127462

(C) Notwithstanding division (A) of this section, a nonbank 127463  
subsidiary of a mutual holding company may be organized under the 127464  
general corporate laws of another state of the United States. 127465

**Sec. 1116.05.** (A) A mutual state bank may, with the approval 127466  
of the superintendent of financial institutions, reorganize to 127467  
become a mutual holding company, in one of the following manners: 127468

(1) By organizing one or more subsidiary stock state banks, 127469  
one or more of which may be an interim stock state bank, the 127470  
ownership of which shall be evidenced by shares of stock to be 127471  
owned by the reorganizing mutual state bank and by transferring a 127472  
substantial portion of its assets, all of its insured deposits, 127473  
and part or all of its other liabilities to one or more subsidiary 127474  
stock state banks; 127475

(2) By organizing a first tier subsidiary stock state bank, 127476  
causing that subsidiary to organize a second tier subsidiary stock 127477  
state bank, and transferring, by merger of the reorganizing mutual 127478  
state bank with the second tier subsidiary, a substantial portion 127479  
of its assets, all of its insured deposits, and part or all of its 127480

other liabilities to the resulting stock state bank at which time 127481  
the first tier subsidiary stock state bank becomes a mutual 127482  
holding company; 127483

(3) In any other manner approved by the superintendent. 127484

(B) As a part of its mutual holding company reorganization, a 127485  
mutual state bank may organize as a subsidiary holding company of 127486  
the mutual holding company, which subsidiary holding company shall 127487  
own all of the outstanding voting stock of the resulting stock 127488  
state bank. 127489

(C) Before reorganizing into a mutual holding company, a 127490  
reorganizing mutual state bank shall do all of the following: 127491

(1) Obtain approval of a reorganization plan by a two-thirds 127492  
vote of the board of directors of the reorganizing mutual state 127493  
bank and any acquiree mutual bank; 127494

(2) Obtain approval of the reorganization plan by a 127495  
two-thirds vote, or such other proportion not less than a majority 127496  
as the reorganizing mutual state bank's or any acquiree mutual 127497  
bank's articles of incorporation or code of regulations provide, 127498  
of the members' votes cast in person or by proxy at the annual 127499  
meeting or at a special meeting of members called by the board of 127500  
directors for the purpose of approving the reorganization plan; 127501

(3) File a reorganization application in the form prescribed 127502  
by the superintendent that includes all of the following: 127503

(a) An officers' certification that the reorganization plan 127504  
has been approved by the directors and members in accordance with 127505  
applicable state law, articles of incorporation, code of 127506  
regulations, or bylaws; 127507

(b) A copy of the reorganization plan; 127508

(c) Any other information the superintendent requires. 127509

Sec. 1116.06. (A) Within ten business days after receipt of 127510  
an application for a mutual holding company reorganization under 127511  
division (C)(3) of section 1116.05 of the Revised Code, the 127512  
superintendent of financial institutions shall do one of the 127513  
following: 127514

(1) Accept the application for processing; 127515

(2) Request additional information to complete the 127516  
application; 127517

(3) Return the application if it is substantially incomplete. 127518

(B) Within one hundred eighty days after an application is 127519  
accepted for processing, the superintendent shall approve or 127520  
disapprove the application and, if approved, impose any conditions 127521  
the superintendent determines appropriate. 127522

(C) In approving or disapproving an application, the 127523  
superintendent, after conducting an appropriate examination or 127524  
investigation, shall consider whether: 127525

(1) The reorganizing mutual state bank and any acquiree 127526  
mutual bank will operate in a safe, sound, and prudent manner. 127527

(2) The applicant has demonstrated that the reorganization 127528  
plan is fair to the members of the reorganizing mutual state bank 127529  
and any acquiree mutual bank. 127530

(3) The interests of the reorganizing mutual state bank's 127531  
depositors and creditors and the general public will not be 127532  
jeopardized by the proposed reorganization into a mutual holding 127533  
company; 127534

(4) The proposed reorganization will result in a reorganizing 127535  
mutual state bank or any acquiree state bank that has adequate 127536  
capital, satisfactory management, and good earnings prospects; 127537

(5) A stock issuance proposed in connection with the mutual 127538

holding company reorganization plan meets the standards 127539  
established by the superintendent and any applicable state and 127540  
federal securities laws; and 127541

(6) The reorganizing mutual state bank or any acquiree mutual 127542  
bank has furnished all information required in the reorganization 127543  
plan and any other information requested by the superintendent 127544  
regarding the proposed reorganization. 127545

**Sec. 1116.07.** Each reorganization plan submitted with a 127546  
mutual holding company reorganization application shall contain a 127547  
description of all significant terms of the proposed 127548  
reorganization and include all of the following: 127549

(A) Any proposed stock issuance plan; 127550

(B) An opinion of counsel, or a ruling from the United States 127551  
internal revenue service and the Ohio department of taxation, as 127552  
to the federal and state tax treatment of the proposed 127553  
reorganization; 127554

(C) A copy of the articles of incorporation and code of 127555  
regulations of the proposed mutual holding company, the resulting 127556  
stock state bank, and any affiliate organizations in the holding 127557  
company structure; 127558

(D) A description of the method of reorganization under this 127559  
chapter; 127560

(E) A statement that, upon consummation of the 127561  
reorganization, certain assets and liabilities, including all 127562  
deposit accounts of the reorganizing mutual state bank, shall be 127563  
transferred to the resulting stock state bank, which bank shall 127564  
immediately become a stock state bank subsidiary of the mutual 127565  
holding company or subsidiary holding company; 127566

(F) A summary of the expenses to be incurred in connection 127567  
with the reorganization; 127568

(G) Any other information required by the superintendent of 127569  
financial institutions. 127570

Sec. 1116.08. After approving a mutual holding company 127571  
reorganization application, the superintendent of financial 127572  
institutions shall, to effect the reorganization, forward the 127573  
articles of incorporation to the secretary of state for filing. 127574

Sec. 1116.09. (A) A mutual holding company shall do all of 127575  
the following: 127576

(1) Confer upon existing and future depositors of the 127577  
resulting stock state bank the same membership rights in the 127578  
mutual holding company as were conferred upon depositors by the 127579  
articles of incorporation or code of regulations of the 127580  
reorganizing mutual state bank in effect immediately prior to the 127581  
reorganization; 127582

(2) Confer upon existing and future depositors of any 127583  
acquiree mutual bank or any bank that is in the mutual form when 127584  
acquired by the mutual holding company, the same membership rights 127585  
in the mutual holding company as were conferred upon depositors by 127586  
the articles of incorporation or code of regulations of the 127587  
acquired mutual bank in effect immediately prior to the 127588  
acquisition, provided that if the acquired mutual bank is merged 127589  
into another subsidiary state bank from which the mutual holding 127590  
company draws members, the depositors of the acquired mutual bank 127591  
shall receive the same membership rights as the depositors of the 127592  
subsidiary state bank into which the acquired mutual bank is 127593  
merged; 127594

(3) Confer upon the borrowers of the resulting stock state 127595  
bank who are borrowers at the time of reorganization the same 127596  
membership rights in the mutual holding company as were conferred 127597  
upon them by the articles of incorporation or code of regulations 127598

of the reorganizing mutual state bank in effect immediately prior 127599  
to the reorganization, but not any membership rights in connection 127600  
with any borrowings made after the reorganization; 127601

(4) Confer upon the borrowers of any acquiree mutual bank or 127602  
any bank that is in the mutual form when acquired by the mutual 127603  
holding company who are borrowers at the time of the acquisition, 127604  
the same membership rights in the mutual holding company as were 127605  
conferred on them by the articles of incorporation or code of 127606  
regulations of the acquired mutual bank in effect immediately 127607  
prior to the acquisition, but not any membership rights in 127608  
connection with any borrowings made after the acquisition; 127609  
provided, however, that if the acquired mutual bank is merged into 127610  
another bank from which the mutual holding company draws members, 127611  
the borrowers of the acquired mutual bank shall instead receive 127612  
the same grandfathered membership rights as the borrowers of the 127613  
subsidiary state bank into which the acquired mutual bank is 127614  
merged. 127615

(B) A mutual holding company that acquires a bank in the 127616  
stock form, other than a resulting stock state bank or an acquiree 127617  
mutual bank, shall not confer any membership rights upon the 127618  
depositors and borrowers of the stock bank, unless such stock bank 127619  
is merged into a subsidiary stock state bank from which the mutual 127620  
holding company draws its members, in which case the depositors of 127621  
the stock bank shall receive the same membership rights as other 127622  
depositors of the subsidiary stock state bank into which the stock 127623  
bank is merged. 127624

**Sec. 1116.10.** (A) A mutual holding company and any subsidiary 127625  
holding company shall be governed by a board of directors and in 127626  
accordance with the articles of incorporation and code of 127627  
regulations adopted in connection with the reorganization, or as 127628  
amended in accordance with law or rule after the reorganization. 127629

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(B) The board of the mutual holding company and any subsidiary holding company shall have at least five members who, initially, shall consist of the board of directors of the reorganizing mutual state bank. Such members, after the formation of the mutual holding company and any subsidiary holding company, shall continue to serve as directors for the balance of the terms to which they were elected.

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Sec. 1116.11. All assets, rights, obligations, and liabilities of a reorganizing mutual state bank that are not expressly retained by the mutual holding company shall be transferred to the resulting stock state bank.

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Sec. 1116.12. Each person who holds a deposit account in a reorganizing mutual state bank or any acquiree mutual state bank immediately before the reorganization shall receive, upon consummation of the reorganization, without payment, an identical deposit account in the resulting stock state bank or acquiree mutual state bank.

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Sec. 1116.13. The following apply to a reorganization plan adopted by the board of directors of the reorganizing mutual state bank or any acquiree mutual bank:

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(A) It may be amended by those boards as a result of any regulator's comments before any solicitation of proxies from the members to vote on the reorganization plan or, with the written consent of the superintendent of financial institutions, at any later time.

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(B) It may be terminated by either board at any time before the meeting at which the members vote on the reorganization plan or, with the written consent of the superintendent, at any later

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Sec. 1116.16. (A) A mutual holding company organized under 127660  
the laws of another state or the United States may, with the 127661  
approval of the superintendent of financial institutions, convert 127662  
to a mutual holding company organized under this chapter by 127663  
submitting an application in accordance with rules adopted by the 127664  
superintendent under section 111.15 of the Revised Code. 127665

(B) State banks existing as of the effective date of this 127666  
section that are affiliates of a mutual holding company organized 127667  
under the laws of another state or the United States and that 127668  
submit an application pursuant to division (A) of this section 127669  
within one year after the effective date of this section shall be 127670  
eligible for an expedited review process. 127671

Sec. 1116.18. Subject to all necessary regulatory notices or 127672  
approvals, a mutual holding company organized under this chapter 127673  
may do all of the following: 127674

(A) Acquire a bank organized in mutual or stock form by 127675  
merger of such bank with the subsidiary stock state bank, interim 127676  
subsidiary stock bank, or subsidiary stock holding company of the 127677  
mutual holding company; 127678

(B) Merge with or acquire another holding company provided 127679  
that such holding company has, as one of its subsidiaries, a 127680  
subsidiary banking corporation; 127681

(C) Exercise any power of, or engage in any activity 127682  
permitted for, a mutual state bank; 127683

(D) Engage directly or indirectly only in such activities as 127684  
are permissible activities for bank holding companies under 127685  
applicable state and federal law or regulations; 127686

(E) Invest in the stock of a bank; 127687

(F) Exercise any rights, waive any rights, or take or waive 127688  
any other action with respect to any securities of any subsidiary 127689  
stock state bank or subsidiary stock holding company that are held 127690  
by the mutual holding company. 127691

**Sec. 1116.19.** (A) The board of directors of a mutual holding 127692  
company may from time to time, by a majority vote of the 127693  
directors, do both of the following: 127694

(1) Divide equitably any surplus that is in excess of the 127695  
amount required for the operations of the mutual holding company 127696  
or to maintain the safety and soundness of the mutual holding 127697  
company; 127698

(2) Distribute that surplus to the respective depositors of 127699  
its subsidiary stock state banks in accordance with their 127700  
membership rights. 127701

(B) If the superintendent of financial institutions 127702  
determines that the surplus held by a mutual holding company is 127703  
excessive, the superintendent may order the board of directors of 127704  
the mutual holding company to make the distribution described in 127705  
division (A) of this section. 127706

**Sec. 1116.20.** (A) A mutual holding company may establish a 127707  
subsidiary holding company as a direct subsidiary to hold one 127708  
hundred per cent of the stock of its subsidiary stock state bank, 127709  
provided the subsidiary holding company is not formed and operated 127710  
as a means of evading or frustrating the purposes of this chapter. 127711  
Subject to the approval of the superintendent of financial 127712  
institutions, the subsidiary holding company may be established 127713  
either at the time of the initial mutual holding company 127714  
reorganization or at a subsequent date. 127715

(B) In addition to its powers under Chapters 1107. and 1109. 127716  
of the Revised Code, any subsidiary stock state bank or subsidiary 127717

holding company may, with the prior approval of the superintendent 127718  
and subject to such rules as the superintendent may prescribe, 127719  
issue one or more classes of securities, including one or more 127720  
classes of common stock or preferred stock, and take any action in 127721  
connection with such issuance or otherwise with respect to any 127722  
such securities; provided, however, that in no event shall the 127723  
mutual holding company hold less than twenty-five per cent of the 127724  
combined voting power of all classes of securities of the 127725  
subsidiary stock holding company or stock state bank that have 127726  
voting power in the election of directors of such stock state 127727  
bank. 127728

(C) Nothing in this section shall prohibit a subsidiary stock 127729  
state bank or subsidiary stock holding company from issuing, in 127730  
connection with an employee stock option or other employee benefit 127731  
plan or with the mutual holding company reorganization or 127732  
subsequent thereto, different classes of common stock to the 127733  
mutual holding company and subsidiary stock state bank or 127734  
subsidiary stock holding company. An issuance of securities may be 127735  
made at the time of the mutual holding company reorganization or 127736  
thereafter, and may be made in connection with the merger or 127737  
acquisition of another bank whether organized in mutual or stock 127738  
form. 127739

**Sec. 1116.21.** A mutual holding company organized under this 127740  
chapter may, with the approval of the superintendent of financial 127741  
institutions, convert to a stock holding company by submitting an 127742  
application in accordance with rules adopted by the superintendent 127743  
under section 1121.03 of the Revised Code. 127744

**Sec. 1117.01.** (A) Subject to section 1115.05 and Chapter 127745  
1119. of the Revised Code, a bank, regardless of the location of 127746  
its principal place of business, may establish or acquire and 127747  
maintain a banking office in this state. 127748

(B)(1) With the prior written approval of the superintendent 127749  
of financial institutions obtained in accordance with section 127750  
1117.02 of the Revised Code, a state bank ~~doing business under~~ 127751  
~~authority granted by the superintendent~~ may establish or acquire a 127752  
banking office at any of the following locations: 127753

(a) Any location in this state; 127754

(b) Any location in another state of the United States; 127755

(c) Any location outside the United States. 127756

(2) The superintendent may condition approval of a banking 127757  
office at any location authorized by division (B)(1)(b) or (c) of 127758  
this section on an agreement satisfactory to the superintendent 127759  
providing for the times, method, and reimbursement of expenses for 127760  
examining the banking office. 127761

**Sec. 1117.02.** (A) A bank with its principal place of business 127762  
in this state proposing to establish a banking office shall submit 127763  
an application to the superintendent of financial institutions. 127764  
The superintendent shall determine whether to accept an 127765  
application for processing within ten business days after 127766  
receiving the application. The superintendent shall approve or 127767  
disapprove the application within sixty days after accepting it 127768  
unless approval is withheld under division (E) of this section. 127769

(B) If the superintendent accepts the application, the bank 127770  
shall, within ten days after receipt of the superintendent's 127771  
notice of acceptance, publish notice of its proposed banking 127772  
office in a newspaper of general circulation in the county where 127773  
the proposed banking office is to be located and in the county 127774  
where the bank currently maintains its principal place of 127775  
business. The notice shall state that comments on the proposed 127776  
banking office must be delivered to the division of financial 127777  
institutions within fourteen days after the date the notice is 127778

published, and shall provide the division's address. 127779

(C) If the superintendent determines any comment delivered to 127780  
the division regarding a proposed banking office is relevant to 127781  
the criteria set forth in this section for approval of a banking 127782  
office, the superintendent shall investigate the comment in any 127783  
manner the superintendent considers appropriate. 127784

(D) In determining whether to approve a proposed banking 127785  
office, the superintendent shall consider all of the following: 127786

(1) The adequacy of the bank's management; 127787

(2) The adequacy of the bank's capital ~~and paid-in capital~~; 127788

(3) The effect establishment of the banking office will have 127789  
on the interests of the bank's depositors and shareholders or 127790  
members; 127791

(4) The bank's lending record in helping to meet the credit 127792  
needs of its entire community, including low- and moderate-income 127793  
neighborhoods, consistent with both the safe and sound operation 127794  
of the bank and the "Community Reinvestment Act of 1977," 91 Stat. 127795  
1147, 12 U.S.C. 2901, as amended; 127796

(5) Any other reasonable criteria the superintendent may 127797  
establish. 127798

(E)(1) If the superintendent determines, upon consideration 127799  
of the criteria set forth in division (D) of this section, that 127800  
the banking office should otherwise be approved, but the bank's 127801  
lending record is not satisfactory in helping to meet the credit 127802  
needs of its entire community as prescribed in division (D)(4) of 127803  
this section, the superintendent shall withhold action on the 127804  
application for the banking office and shall notify the bank of 127805  
that decision. The bank shall, within sixty days after receipt of 127806  
the notice from the superintendent, submit to the superintendent a 127807  
written affirmative action lending program, which shall be a 127808

public record. The superintendent shall, within thirty days after receipt of the affirmative action lending program, determine whether the program is acceptable. If the program is not acceptable, or the bank fails to submit an affirmative action lending program within the sixty days, the superintendent shall disapprove the banking office. If the affirmative action lending program is acceptable, the superintendent shall approve the banking office.

(2)(a) In order to determine whether a bank is complying with its affirmative action lending program, the superintendent may do either of the following:

(i) The superintendent may require the bank to submit periodic reports that summarize actions it has taken to implement or maintain its affirmative action lending program. The reports shall be in a form prescribed by the superintendent, but shall not contain any information that identifies an applicant for a loan. The reports are public records and shall be made available to any person upon request.

(ii) Upon written complaint by any person, or upon the superintendent's own initiative, the superintendent may hold a public hearing. The superintendent may hold no more than one hearing every two years on each affirmative action lending program.

(b) If the superintendent determines, as a result of findings made under division (E)(2)(a) of this section, that a bank is not in compliance with its affirmative action lending program, the superintendent shall order the bank to comply within a period of time determined by the superintendent. Failure to comply with that order shall be a violation of a condition imposed by the superintendent for purposes of sections 1121.32, 1121.33, 1121.35, and 1121.41 of the Revised Code.

(3) As used in division (E) of this section, "affirmative action lending program" means a program to remedy any deficiency of a bank in helping to meet the credit needs of its entire community. 127840  
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**Sec. 1117.04.** A bank proposing to relocate a banking office shall do the following: 127844  
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(A) If the banking office is to be relocated within a one-mile radius of the banking office's current ~~service area~~ location, the bank shall notify the superintendent of financial institutions and comply with the ~~service area~~ relocation procedures established by the superintendent. 127846  
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(B) If the banking office is to be relocated outside a one-mile radius of the banking office's current ~~service area~~ location, the bank shall obtain the superintendent's approval for the relocation in accordance with the procedures set forth in section 1117.02 of the Revised Code for establishing a banking office and comply with the banking office closing procedures established by the superintendent. 127851  
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**Sec. 1117.05.** (A) With the written approval of the superintendent of financial institutions, a bank may contract with one or more other banks, savings banks, and savings associations to provide services to the contracting bank's customers at any or all of the offices of the other banks, savings banks, and savings associations as if the offices of the other banks, savings banks, and savings associations were offices of the contracting bank. 127858  
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(B) The superintendent shall determine whether to accept a bank's application for approval of a contract authorized by division (A) of this section within ten business days after receiving a bank's application for the superintendent's approval of the contract. The superintendent shall approve or disapprove 127865  
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the contract within thirty days after accepting the bank's application. 127870  
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(C) In determining whether to approve or disapprove a contract authorized by division (A) of this section, the superintendent shall consider all of the following: 127872  
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(1) The adequacy of the management of both the contracting bank and the other banks, savings banks, and savings associations; 127875  
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(2) The adequacy of the capital ~~and paid-in capital~~ of both the contracting bank and the other banks, savings banks, and savings associations; 127877  
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(3) The adequacy of the operations and controls of both the contracting bank and the other banks, savings banks, and savings associations; 127880  
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(4) Whether the contract is being used to avoid application of the criteria for establishing a banking office under section 1117.02 of the Revised Code or any kind of business combination under Chapter 1115. of the Revised Code. 127883  
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(D) This section does not authorize a contracting bank to establish new deposit accounts, extend credit, or create new banking relationships through offices of the other banks, savings banks, and savings associations. 127887  
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**Sec. ~~1103.21~~ 1117.07.** (A) In the event of a power failure, fire, act of God, riot, strike, robbery or attempted robbery, epidemic, interruption of communication facilities, or any other reason the superintendent of financial institutions approves, or in the event of the declaration of the existence of an emergency by the governor or another person lawfully exercising the power and duties of the office of governor, an officer of a bank, designated by the board of directors of the officer's bank, in the reasonable and proper exercise of the designated officer's 127891  
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discretion may determine not to open one or more of the bank's 127900  
banking offices on any business or banking day, or, if having 127901  
opened, to close one or more of the bank's banking offices during 127902  
the continuation of the occurrence or emergency. In no case shall 127903  
any banking office remain closed for more than ~~forty-eight~~ two 127904  
consecutive ~~hours~~ days, excluding weekends and legal holidays, 127905  
without obtaining the approval of the superintendent ~~or, in the~~ 127906  
~~ease of a national bank, the comptroller of the currency.~~ A 127907  
designated officer closing a banking office pursuant to the 127908  
authority granted under this section shall give as prompt notice 127909  
of the action as conditions permit, and by any means available, to 127910  
the superintendent ~~or the comptroller.~~ 127911

(B) The designated officers of a bank may close any one or 127912  
more or all of the bank's banking offices on any day designated, 127913  
by proclamation of the president of the United States or the 127914  
governor of this state, as a day of mourning, rejoicing, or other 127915  
special observance. In such a case, the bank shall not be required 127916  
to comply with any other provision of the Revised Code regarding 127917  
the closing or reopening of banks or financial institutions. 127918

(C) Any act required or authorized to be performed at a 127919  
banking office that has not been opened or that has been closed 127920  
for any time pursuant to this section, may be performed on the 127921  
next succeeding business day the banking office is reopened for 127922  
business. Any other provision or rule of law notwithstanding, no 127923  
liability or loss of rights of any kind on the part of any person, 127924  
firm, or corporation, or of the bank, shall accrue or result 127925  
because of any nonopening or closing authorized by this section. 127926

(D) The right of a bank not to open or to close under this 127927  
section and the protections afforded with respect to that right 127928  
shall be in addition to and not in lieu of any rights or 127929  
protections granted under section 1304.07 of the Revised Code. 127930

Sec. 1119.11. (A) When a foreign bank engages in an activity 127931  
or undertakes an action through an agency or branch licensed under 127932  
this chapter, the foreign bank is subject to the same limitations 127933  
on and requirements of engaging in the activity or taking the 127934  
action that apply to a state bank ~~doing business under authority~~ 127935  
~~granted by the superintendent of financial institutions.~~ 127936

(B)(1) A foreign bank licensed to operate an agency shall not 127937  
accept deposits from citizens or residents of the United States or 127938  
exercise fiduciary powers. An account that carries a credit 127939  
balance in connection with the distribution of loan proceeds is 127940  
not a deposit for purposes of this section. 127941

(2) A foreign bank licensed to operate an agency may, in 127942  
addition to conducting all of the permissible activities of a 127943  
representative office set forth in division (B) of section 1119.06 127944  
of the Revised Code, conduct limited banking activities at or 127945  
through a licensed agency, including all of the following: 127946

(a) Lending money; 127947

(b) Maintaining credit balances that are incidental to or 127948  
arise out of the distribution of loan proceeds; 127949

(c) Receiving funds as agent to be forwarded for deposit to 127950  
an existing account at another office authorized to accept 127951  
deposits. 127952

(C) A foreign bank licensed to operate a branch may, in 127953  
addition to conducting all of the permissible activities of a 127954  
representative office set forth in division (B) of section 1119.06 127955  
of the Revised Code and all of the permissible activities of an 127956  
agency set forth in division (B)(2) of this section, conduct the 127957  
following activities at or through a licensed branch: 127958

(1) Accepting deposits, the acceptance of which does not 127959  
constitute engaging in domestic retail deposit activities; 127960

(2) If qualified under Chapter 1111. of the Revised Code, 127961  
exercising fiduciary powers; 127962

(3) Other activities authorized for state banks ~~doing~~ 127963  
~~business under authority granted by the superintendent.~~ 127964

(D) Each foreign bank licensed to operate an agency or branch 127965  
shall, in the manner the superintendent of financial institutions 127966  
prescribes, give notice to the agency's or branch's customers that 127967  
deposits with that agency or branch are not insured by the federal 127968  
deposit insurance corporation or otherwise. 127969

**Sec. 1119.17.** (A) Each foreign bank licensed under this 127970  
chapter shall file with the superintendent of financial 127971  
institutions any reports the superintendent may prescribe in the 127972  
form and manner and containing the information the superintendent 127973  
prescribes. 127974

(B) When the superintendent requires banks and trust 127975  
companies to report their income and condition in accordance with 127976  
~~division (A) of~~ section 1121.21 of the Revised Code, the 127977  
superintendent shall require each foreign bank licensed under this 127978  
chapter to report the income and condition of its representative 127979  
offices, agencies, and branches in this state. 127980

**Sec. 1119.23.** (A) If the superintendent of financial 127981  
institutions determines, in accordance with division (A) of 127982  
section 1119.22 of the Revised Code, any of the conditions set 127983  
forth in that division exists, the superintendent, in addition to 127984  
having the authority to revoke the foreign bank's license to 127985  
operate a representative office, agency, or branch in accordance 127986  
with section 1119.22 of the Revised Code, also may take possession 127987  
of the foreign bank's business and property in this state and 127988  
appoint a receiver for the liquidation of the foreign bank's 127989  
business and property in this state. 127990

(B) The superintendent's taking possession of and appointing a receiver for a foreign bank's business and property in this state pursuant to division (A) of this section, and the liquidation of the foreign bank's business and property in this state, shall, except as provided in divisions (B)(1) and (2) of this section, be conducted in accordance with the procedures and is subject to the rights, powers, duties, requirements, and limitations provided in Chapter 1125. of the Revised Code for taking possession of the business and property and liquidation of a state bank.

(1) After payment of the expenses of the liquidation and claims against the foreign bank arising from its doing business in this state in accordance with section 1125.24 of the Revised Code, any remaining funds from the liquidation of the foreign bank's business and property in this state shall be distributed in the following manner:

(a) If the foreign bank's business and property is being liquidated in another state of the United States, the receiver shall distribute any remaining funds from the liquidation of the foreign bank's business and property in this state to the receiver in the other state for the payment of expenses of liquidation and claims against the foreign bank's business and property in the other state.

(b) If the foreign bank's business and property is being liquidated in more than one other state of the United States, the receiver shall equitably distribute any remaining funds from the liquidation of the foreign bank's business and property in this state among the receivers in the other states for the payment of the expenses of liquidation and claims against the foreign bank's business and property in the other states.

(c) If there is no liquidation of the business and property of the foreign bank occurring in any other state of the United

States, the receiver shall pay any remaining funds from the 128023  
liquidation of the business and property of the foreign bank in 128024  
this state to the domiciliary receiver of the foreign bank or, if 128025  
there is no domiciliary receiver, to the foreign bank. 128026

(2)(a) When the receiver has completed the liquidation of the 128027  
foreign bank's business and property in this state, the receiver 128028  
shall, with notice to the superintendent, file a petition with the 128029  
court for an order declaring that the foreign bank's business in 128030  
this state is properly wound up in the manner provided in section 128031  
1125.29 of the Revised Code. Upon the filing of a petition as 128032  
provided in this division, the court shall proceed as provided in 128033  
section 1125.29 of the Revised Code. 128034

(b) An order issued by the court pursuant to a petition filed 128035  
in accordance with division (B)(2)(a) of this section shall do all 128036  
things required by section 1125.29 of the Revised Code, but shall 128037  
only declare that the foreign bank's business in this state has 128038  
been properly wound up and shall not declare that the foreign bank 128039  
is dissolved. The court may make whatever additional orders and 128040  
grant whatever additional relief the court determines proper upon 128041  
the evidence submitted. 128042

(c) Once the court issues the order declaring that the 128043  
foreign bank's business in this state is properly wound up, the 128044  
foreign bank shall cease doing business in this state except for 128045  
any further winding up. 128046

(d) Once the court issues the order declaring the foreign 128047  
bank's business in this state is properly wound up, the receiver 128048  
shall promptly file a copy of the order, certified by the clerk of 128049  
the court, with both the secretary of state and the 128050  
superintendent. 128051

**Sec. 1119.26.** (A) A foreign bank may voluntarily liquidate 128052  
and surrender its license to operate a representative office, 128053

agency, or branch licensed under this chapter only with the 128054  
consent of the superintendent of financial institutions. 128055

(B) Prior to beginning any liquidation process, the foreign 128056  
bank must file an application to voluntarily liquidate and 128057  
surrender its license with the superintendent. The application 128058  
shall include a plan of liquidation that includes all of the 128059  
provisions required of a plan for voluntary liquidation of a state 128060  
bank under division (C) of section 1125.03 of the Revised Code, 128061  
except that the plan of liquidation shall be limited in scope to 128062  
the particular representative office, agency, or branch to be 128063  
liquidated. 128064

(C) After conducting an examination, the superintendent may 128065  
approve or deny a foreign bank's application to voluntarily 128066  
liquidate and surrender its license based on the superintendent's 128067  
evaluation of whether or not the interests of the representative 128068  
office's, agency's, or branch's creditors or, where applicable, 128069  
depositors, will suffer by the surrender. The superintendent's 128070  
approval is subject to any condition the superintendent may 128071  
determine appropriate under the circumstances. 128072

(D) If the superintendent approves the application to 128073  
voluntarily liquidate and surrender a license, the foreign bank 128074  
shall comply with the requirements of divisions (A)(1) and (2) of 128075  
section 1125.04 of the Revised Code. 128076

(E) During the implementation of the plan of liquidation 128077  
pursuant to this section, the superintendent retains the authority 128078  
to supervise the representative office, agency, or branch and may 128079  
conduct any examination relating to either the representative 128080  
office, agency, or branch or the plan of liquidation the 128081  
superintendent considers necessary or appropriate. 128082

(F) If the superintendent has reason to conclude the 128083  
implementation of the plan of liquidation is not being safely or 128084

expeditiously conducted, the superintendent may do either of the 128085  
following: 128086

(1) Begin revocation proceedings under section 1119.22 of the 128087  
Revised Code; 128088

(2) Take possession of the business and property of the 128089  
representative office, agency, or branch in the same manner, with 128090  
the same effect, and subject to the same rights accorded the 128091  
foreign bank under section 1119.23 of the Revised Code. 128092

(G) The superintendent shall cancel the foreign bank's 128093  
license to operate a representative office, agency, or branch 128094  
under this chapter if the superintendent has approved the 128095  
voluntary liquidation and surrender of the license and both of the 128096  
following conditions have been met: 128097

(1) The plan of liquidation has been completed. 128098

(2) The notifications required by division (D) of this 128099  
section were properly given. 128100

**Sec. 1121.01.** As used in this chapter: 128101

(A) "Financial institution regulatory authority" includes a 128102  
regulator of a business activity in which a bank or trust company 128103  
is engaged, or has applied to engage in, to the extent that the 128104  
regulator has jurisdiction over a bank or trust company engaged in 128105  
that business activity. A bank or trust company is engaged in a 128106  
business activity, and a regulator of that business activity has 128107  
jurisdiction over the bank or trust company, whether the bank or 128108  
trust company conducts the activity directly or a subsidiary or 128109  
affiliate of the bank or trust company conducts the activity. 128110

(B) "Regulated person" means any of the following: 128111

(1) A director, officer, or employee of or agent for a bank 128112  
or trust company or a ~~controlling shareholder of~~ person who 128113  
controls a state bank, foreign bank, or trust company+. For 128114

purposes of division (B)(1) of this section, "control" has the same meaning as in section 1115.06 of the Revised Code. 128115  
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(2) A person who is required to obtain, but has not yet obtained, the consent of the superintendent of financial institutions to acquire control of a state bank pursuant to section 1115.06 of the Revised Code; 128117  
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128119  
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(3) A person participating in the conduct of the affairs of a state bank or trust company. 128121  
128122

(C) "Participating in the conduct of the affairs of a bank or trust company" means either making decisions or, directly or indirectly, taking actions that are management or policymaking in nature and generally within the scope of authority of the bank's or trust company's board of directors or executive officers. 128123  
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Whether a person is or was participating in the conduct of the affairs of a bank or trust company is an issue of fact, and not to be determined solely on the basis of the person's title, contract, or indicia of employment or independent contractor status. 128128  
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**Sec. 1121.02.** (A) The superintendent of financial institutions shall see that the laws and rules relating to ~~banks~~ institutions and businesses governed by Chapters 1101. to 1127. of the Revised Code are executed and enforced. 128132  
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(B) The deputy superintendent for banks shall be the principal supervisor of state banks and trust companies. In that position the deputy superintendent for banks shall, notwithstanding sections 1121.10 and 1121.11 of the Revised Code, be responsible for conducting examinations and preparing examination reports under those sections. In addition, the deputy superintendent for banks shall, notwithstanding division (A) of section 1121.03 and sections 1121.05 and 1121.06 of the Revised Code, have the authority to adopt rules and standards in accordance with those sections. In performing or exercising any of 128136  
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the examination, rule-making, or other regulatory functions, 128146  
powers, or duties vested by this division in the deputy 128147  
superintendent for banks, the deputy superintendent for banks 128148  
shall be subject to the control of the superintendent of financial 128149  
institutions. 128150

**Sec. 1121.05.** (A) Notwithstanding any provisions of the 128151  
Revised Code, except as provided in division (E) of this section, 128152  
the superintendent of financial institutions shall, by rule, grant 128153  
state banks and trust companies doing business under authority 128154  
granted by the superintendent any right, power, privilege, or 128155  
benefit possessed, by virtue of statute, rule, regulation, 128156  
interpretation, or judicial decision, by any of the following: 128157

(1) Banks and trust companies doing business under authority 128158  
granted by the office of the comptroller of the currency or the 128159  
bank regulatory authority of any other state of the United States; 128160

(2) Savings associations doing business under authority 128161  
granted by the ~~superintendent of financial institutions~~, office of 128162  
~~thrift supervision~~, the comptroller of the currency or the savings 128163  
and loan association regulatory authority of any other state of 128164  
the United States; 128165

(3) Savings banks doing business under authority granted by 128166  
the ~~superintendent of financial institutions or the~~ savings bank 128167  
regulatory authority of any other state of the United States; 128168

(4) Credit unions doing business under authority granted by 128169  
the superintendent of financial institutions, the national credit 128170  
union administration, or the credit union regulatory authority of 128171  
any other state of the United States; 128172

(5) Any other banks, savings associations, or credit unions 128173  
with a principal place of business in the United States doing 128174  
business under authority granted under laws of the United States; 128175

(6) Any other persons ~~having an office or other place of~~ 128176  
~~business in this state and~~ engaging in the business of banking, 128177  
offering financial products and services, soliciting or accepting 128178  
deposits, lending money, or buying or selling bullion, bills of 128179  
exchange, notes, bonds, stocks, or other evidences of indebtedness 128180  
~~with a view to profit~~ whether through an office or other place of 128181  
business in this state or via the internet, advertising, or other 128182  
form of solicitation; 128183

(7) Small business investment companies licensed under the 128184  
"Small Business Investment Company Act of 1958," 72 Stat. 689, 15 128185  
U.S.C. 661, as amended; 128186

(8) Persons chartered under the "Farm Credit Act of 1933," 48 128187  
Stat. 257, 12 U.S.C. 1131(d), as amended. 128188

(B) The superintendent shall adopt rules authorized by 128189  
division (A) of this section in accordance with section 111.15 of 128190  
the Revised Code. 128191

(C) A rule adopted by the superintendent pursuant to the 128192  
authority of this section becomes effective on the later of the 128193  
following dates: 128194

(1) The date the superintendent issues the rule; 128195

(2) The date the statute, rule, regulation, interpretation, 128196  
or judicial decision the superintendent's rule is based on becomes 128197  
effective. 128198

(D)(1) The superintendent may, upon thirty days' written 128199  
notice, revoke any rule adopted under the authority of this 128200  
section. A rule adopted under the authority of this section, and 128201  
not revoked by the superintendent, enacted into law, or adopted in 128202  
accordance with Chapter 119. of the Revised Code, lapses and has 128203  
no further force and effect thirty months after its effective 128204  
date; however, the superintendent may adopt the rule under section 128205  
111.15 of the Revised Code pursuant to this section for an 128206

additional thirty-month period. 128207

(2) The superintendent may require a state bank or trust 128208  
company that has acted in reliance on a rule adopted and later 128209  
revoked or lapsed under the authority of this section to bring its 128210  
affected activities in compliance with the law. Unless the 128211  
activities will or may result in harm to the bank or trust company 128212  
as determined by the superintendent, the bank or trust company 128213  
shall be granted a reasonable period of time of not less than one 128214  
year nor more than two years from the date the rule is revoked or 128215  
lapsed, to bring its affected activities in compliance with the 128216  
law. The superintendent may, upon the written request of a state 128217  
bank or trust company, grant the bank or trust company a longer 128218  
period of time in which to bring its affected activities in 128219  
compliance with the law. 128220

(E) The superintendent shall not adopt any rule dealing with 128221  
interest rates charged under the authority of this section. 128222

**Sec. 1121.06.** (A) Notwithstanding any provision of the 128223  
Revised Code, if any regulation, rule, interpretation, procedure, 128224  
or guideline of the office of the comptroller of the currency, 128225  
federal deposit insurance corporation, federal reserve board, 128226  
consumer financial protection bureau, national credit union 128227  
administration, or any other bank regulatory authority of the 128228  
United States, or the bank regulatory authority of any other state 128229  
of the United States, puts a bank or trust company doing business 128230  
under authority granted by the superintendent of financial 128231  
institutions at a disadvantage to ~~a national bank~~ any other type 128232  
of financial institution, the superintendent may adopt a rule that 128233  
reduces or eliminates the disadvantage to a bank or trust company 128234  
doing business under authority granted by the superintendent. 128235

(B) The superintendent shall adopt rules authorized by 128236  
division (A) of this section in accordance with section 111.15 of 128237

~~the Revised Code. Chapter 119. of the Revised Code does not apply~~ 128238  
~~to rules adopted under the authority of this section.~~ 128239

(C) A rule adopted by the superintendent pursuant to the 128240  
authority of this section is effective on the later of the 128241  
following dates: 128242

(1) The date the superintendent issues the rule; 128243

(2) The date the regulation, rule, interpretation, procedure, 128244  
or guideline the superintendent's rule is based on becomes 128245  
effective. 128246

(D)(1) The superintendent may, upon thirty days' written 128247  
notice, revoke any rule adopted under the authority of this 128248  
section. A rule adopted under the authority of this section and 128249  
not revoked by the superintendent, enacted into law, or adopted in 128250  
accordance with Chapter 119. of the Revised Code, lapses and has 128251  
no further force and effect thirty months after its effective 128252  
date; however, the superintendent may adopt the rule under section 128253  
111.15 of the Revised Code pursuant to this section for an 128254  
additional thirty-month period. 128255

(2) The superintendent may require a bank or trust company 128256  
that has acted in reliance on a rule adopted and later revoked or 128257  
lapsed under the authority of this section to bring its affected 128258  
activities in compliance with the law. Unless the activities will 128259  
or may result in harm to the bank or trust company as determined 128260  
by the superintendent, the bank or trust company shall be granted 128261  
a reasonable period of time of not less than one year nor more 128262  
than two years from the date the rule is revoked or lapsed, to 128263  
bring its affected activities in compliance with the law. The 128264  
superintendent may, upon the written request of a bank or trust 128265  
company, grant the bank or trust company a longer period of time 128266  
in which to bring its affected activities in compliance with the 128267  
law. 128268

Sec. 1121.10. (A) As often as the superintendent of financial institutions considers necessary, but at least once each twenty-four-month cycle, the superintendent, or any deputy or examiner appointed by the superintendent for that purpose, shall thoroughly examine the records and affairs of each state bank. The examination shall include a review of ~~both~~ all of the following:

(1) Compliance with law;

(2) Safety and soundness;

(3) Other matters the superintendent determines.

(B) The superintendent may examine the records and affairs of any of the following as the superintendent considers necessary:

(1) Any party to a proposed reorganization for which the superintendent's approval is required by section 1115.11 or 1115.14 of the Revised Code;

(2) Any bank, savings and loan association, or savings bank proposing to convert to a bank doing business under authority granted by the superintendent for which the superintendent's approval is required by section ~~1115.01~~ 1115.02 of the Revised Code;

(3) Any person proposing to acquire control of a state bank for which the superintendent's approval is required by section 1115.06 of the Revised Code, or who acquired control of a state bank without the approval of the superintendent when that approval was required by section 1115.06 of the Revised Code, ~~was with~~ respect to the state bank of which control is to be, or was, acquired;

(4) Any bank proposing to establish or acquire a branch for which the superintendent's approval is required by section 1117.02 of the Revised Code;

(5) Any foreign bank that maintains, or proposes to

establish, one or more offices in this state; 128299

(6) Any trust company. 128300

(C) The board of directors or holders of a majority of the 128301  
shares of a state bank or trust company may request the 128302  
superintendent conduct a special examination of the records and 128303  
affairs of the bank or trust company. The superintendent has sole 128304  
discretion over the scope and timing of a special examination, and 128305  
may impose restrictions and limitations on the use of the results 128306  
of a special examination in addition to the restrictions and 128307  
limitations otherwise imposed by law. The fee for a special 128308  
examination shall be paid by the bank or trust company examined in 128309  
accordance with section 1121.29 of the Revised Code. 128310

(D) The superintendent may conduct all aspects of an 128311  
examination concurrently or may divide the examination into 128312  
constituent parts and conduct them at various times. 128313

(E) The superintendent shall preserve the report of each 128314  
examination, including related correspondence received and copies 128315  
of related correspondence sent, for ~~twenty~~ ten years after the 128316  
examination date. 128317

**Sec. 1121.12.** An examination of the records and affairs of a 128318  
state bank under section 1121.10 of the Revised Code may include 128319  
the examination of a ~~controlling shareholder of~~ person who, 128320  
directly or indirectly, controls the bank that is a bank holding 128321  
company registered with the federal reserve or a savings and loan 128322  
holding company, but only to the extent explicitly permitted under 128323  
this section. To examine the records and affairs of a ~~controlling~~ 128324  
~~shareholder~~ person who, directly or indirectly, controls a bank 128325  
that is a bank holding company registered with the federal reserve 128326  
or a savings and loan holding company, the superintendent of 128327  
financial institutions may do one of the following: 128328

(A) Rely on an examination of the bank holding company or savings and loan holding company conducted by a financial institution regulatory authority of another state, the United States, or another country, as provided in division (A)(3) of section 1121.11 of the Revised Code;

(B) Participate with the financial institution regulatory authorities of other states, the United States, and other countries in a joint or coordinated examination of the bank holding company or savings and loan holding company, provided that both of the following apply:

(1) The examination of the bank holding company or savings and loan holding company is validly authorized by and conducted pursuant to the laws of this state and such other state, the United States, or other country.

(2) Participation of the examiners of the division of financial institutions will increase the efficiency in regulating financial institutions, and not increase the cost of examination to the bank holding company or savings and loan holding company.

(C) Examine the bank holding company or savings and loan holding company pursuant to an agreement with financial institution regulatory authorities of other states, the United States, or other countries, provided that both of the following apply:

(1) The examination of the bank holding company or savings and loan holding company is validly authorized by and conducted pursuant to the laws of this state and such other state, the United States, or other country.

(2) The other financial institution regulatory authority agrees to rely on the superintendent's examination in lieu of conducting its own examination.

(D) Examine the bank holding company or savings and loan

holding company if both of the following apply: 128360

(1) The superintendent has reasonable cause to believe that 128361  
there is a significant risk of imminent material harm to the bank, 128362  
or to any subsidiary or nonbank affiliate as its affairs relate to 128363  
the bank, and the examination of the bank holding company or 128364  
savings and loan holding company is necessary to fully determine 128365  
the risk to the bank, or to determine how best to address the risk 128366  
to the bank. 128367

(2) Either of the following occurs: 128368

(a) The superintendent, in writing, requests the federal 128369  
reserve to examine the bank holding company, and within fifteen 128370  
days the federal reserve does not commence an examination of the 128371  
bank holding company and notifies the superintendent that the 128372  
federal reserve does not object to the examination. 128373

(b) The banking commission concurs with the superintendent's 128374  
determination of both of the following: 128375

(i) There is reasonable cause to believe that there ~~a~~ is a 128376  
significant risk of imminent material harm to the bank. 128377

(ii) The examination of the bank holding company or savings 128378  
and loan holding company is necessary to fully determine the risk 128379  
to the bank, or to determine how best to address the risk to the 128380  
bank. 128381

(E) For purposes of this section, a bank holding company 128382  
includes not only the bank holding company, but also includes any 128383  
nonbank affiliates of the bank holding company that are subject to 128384  
examination by the federal reserve. 128385

**Sec. 1121.13.** An examination of the records and affairs of a 128386  
state bank under section 1121.10 of the Revised Code may include 128387  
the examination of a ~~controlling shareholder of~~ person who, 128388  
directly or indirectly, controls the state bank that and is a 128389

corporation that is not a bank holding company registered with the 128390  
federal reserve or a savings and loan holding company, as its 128391  
affairs relate to the bank. 128392

**Sec. 1121.15.** (A) The superintendent of financial 128393  
institutions may prescribe the manner and form of keeping the 128394  
books and accounts of state banks, so the books and accounts may 128395  
be as nearly uniform as circumstances permit. 128396

(B) Any person that, by contract or otherwise, performs 128397  
services for a state bank or trust company or a representative 128398  
office, agency, or branch licensed under Chapter 1119. of the 128399  
Revised Code, whether on or off the premises of the bank, trust 128400  
company, representative office, agency, or branch, is subject to 128401  
examination by the superintendent as to the books and records of 128402  
the bank, trust company, representative office, agency, or branch 128403  
in the person's possession, to the same extent as if the services 128404  
were being performed by the bank, trust company, representative 128405  
office, agency, or branch itself. For the purposes of this 128406  
division, "services" includes clerical, bookkeeping, accounting, 128407  
statistical, and other services. A state bank, trust company, 128408  
representative office, agency, or branch shall notify the 128409  
superintendent in writing whenever another person is performing 128410  
services of this kind for the bank, trust company, representative 128411  
office, agency, or branch, or the bank, trust company, 128412  
representative office, agency, or branch changes the person 128413  
performing the services. 128414

**Sec. 1121.16.** (A) No state bank, trust company, or regulated 128415  
person shall do any of the following: 128416

(1) Refuse to allow any examination authorized by section 128417  
1121.10 of the Revised Code; 128418

(2) Refuse to give information required by the division of 128419

financial institutions in the course of or in relation to an 128420  
examination authorized by section 1121.10 of the Revised Code; 128421

(3) Provide false or misleading information in the course of 128422  
or in relation to an examination authorized by section 1121.10 of 128423  
the Revised Code, knowing it to be false or misleading. 128424

(B) If a state bank, trust company, or regulated person 128425  
violates division (A) of this section, the superintendent may do 128426  
any of the following: 128427

(1) Issue a cease and desist order pursuant to section 128428  
1121.32 of the Revised Code, issue a removal or prohibition order 128429  
pursuant to section 1121.33 of the Revised Code, ~~or issue~~ a 128430  
suspension or temporary prohibition order pursuant to section 128431  
1121.34 of the Revised Code, or assess a civil penalty pursuant to 128432  
section 1121.35 of the Revised Code; 128433

(2) Appoint a conservator for the state bank pursuant to 128434  
section 1125.09 of the Revised Code; 128435

(3) Initiate civil or criminal proceedings the superintendent 128436  
considers appropriate. 128437

**Sec. 1121.17.** (A) Accounts and other documents required by 128438  
the superintendent of financial institutions may be signed and 128439  
sworn to or affirmed on behalf of a state bank or trust company by 128440  
any officer or director authorized to do so by the ~~bank to do so~~ 128441  
bank's or trust company's board of directors. 128442

(B) When the superintendent requires, any officer, official, 128443  
employee, or director of a state bank or trust company receiving 128444  
any communication from the division of financial institutions 128445  
relative to examination or investigation by the superintendent 128446  
shall submit the communication to the bank's or trust company's 128447  
executive committee or board of directors. 128448

Sec. 1121.18. (A) ~~Information leading to, arising from, or~~ 128449  
~~The superintendent of financial institutions and the~~ 128450  
~~superintendent's agents and employees shall keep privileged and~~ 128451  
~~confidential all information obtained in the course by the~~ 128452  
~~superintendent or the superintendent's agents or employees as a~~ 128453  
~~result of or arising out of the examination or supervision of a~~ 128454  
bank or any examination conducted pursuant to the authority of 128455  
section 1121.10 or 1121.11 of the Revised Code ~~is privileged and~~ 128456  
~~confidential, from required reports, or because of their official~~ 128457  
~~position~~. No person, including any person to whom the information 128458  
is disclosed under the authority of this section, shall disclose 128459  
~~the information leading to, arising from, or obtained in the~~ 128460  
~~course of an examination, except as specifically provided in this~~ 128461  
section. 128462

(B) The superintendent of financial institutions and the 128463  
superintendent's agents and employees may disclose the information 128464  
~~leading to, arising from, or obtained in the course of an~~ 128465  
~~examination conducted pursuant to section 1121.10 or 1121.11 of~~ 128466  
~~the Revised Code described in division (A) of this section only as~~ 128467  
follows: 128468

(1) To the governor, director of commerce, or deputy director 128469  
of commerce to enable them to act in the interests of the public; 128470

(2) To the banking commission to enable the commission to 128471  
effectively advise the superintendent and take action on any 128472  
matter the superintendent presents to the commission; 128473

(3) To financial institution regulatory authorities of this 128474  
and other states, the United States, and other countries to assist 128475  
them in their regulatory duties; 128476

(4) To the directors, executive officers, agents, and parent 128477  
company of the bank or other person examined to assist them in 128478  
conducting the business of the bank or other person examined in a 128479

safe and sound manner and in compliance with law; 128480

(5) To auditors, attorneys, or similar professionals retained 128481  
by the bank or trust company to assist in conducting the business 128482  
of the bank or trust company, or other person examined, in a safe 128483  
and sound manner and in compliance with the law; 128484

(6) To law enforcement authorities ~~conducting~~ in connection 128485  
with criminal investigations or referrals made by the 128486  
superintendent; 128487

(7) To other state and federal agencies or, in the case of a 128488  
state bank, to the federal home loan bank to which the bank 128489  
belongs, as the superintendent determines necessary and 128490  
appropriate, but only under such conditions and limitations as the 128491  
superintendent, in the superintendent's sole discretion, may 128492  
require. 128493

(C)(1) ~~Information leading to, arising from, or obtained in~~ 128494  
~~the course of an examination of a bank or other person pursuant to~~ 128495  
~~section 1121.10 or 1121.11 of the Revised Code~~ The information 128496  
described in division (A) of this section shall not be 128497  
discoverable from any source, and shall not be introduced into 128498  
evidence, except in the following circumstances: 128499

(a) In connection with criminal proceedings; 128500

(b) When, in the opinion of the superintendent, it is 128501  
appropriate with regard to enforcement actions taken and decisions 128502  
made by the superintendent under the authority of Chapters 1101. 128503  
to 1127. of the Revised Code regarding a bank, trust company, or 128504  
other person; 128505

(c) When litigation, penalties, or an enforcement action has 128506  
been initiated by the superintendent in furtherance of the powers, 128507  
duties, and obligations imposed upon the superintendent by 128508  
Chapters 1101. to 1127. of the Revised Code; 128509

(d) When authorized by agreements between the superintendent 128510  
and financial institution regulatory authorities of this and other 128511  
states, the United States, and other countries authorized by 128512  
section 1121.11 of the Revised Code; 128513

(e) When and in the manner authorized in section 1181.25 of 128514  
the Revised Code. 128515

(2) The discovery of information ~~leading to, arising from, or~~ 128516  
~~obtained in the course of an examination~~ pursuant to division 128517  
(C)(1)(b), (c), or (d) of this section shall be limited to 128518  
information that directly relates to the bank, trust company, 128519  
regulated person, or other person who is the subject of the 128520  
enforcement action, decision, penalties, or litigation. 128521

(D) A report of an examination conducted pursuant to section 128522  
1121.10 or 1121.11 of the Revised Code is the property of the 128523  
division of financial institutions. Under no circumstances may the 128524  
bank or other person examined, its directors, officers, employees, 128525  
agents, regulated persons, or contractors, or any person having 128526  
knowledge or possession of a report of examination, or any of its 128527  
contents, disclose or make public in any manner the report of 128528  
examination or its contents. The authority provided in division 128529  
(B)(4) of this section for use of examination information to 128530  
assist in conducting the business of the bank or other person 128531  
examined in a safe and sound manner and in compliance with law 128532  
shall not be construed to authorize disclosure of a report of 128533  
examination or any of its contents in conducting business with the 128534  
examined bank's or person's customers, creditors, ~~or~~ shareholders, 128535  
or members, or with other persons. 128536

(E) The superintendent may, in accordance with Chapter 119. 128537  
of the Revised Code, adopt rules to permit a bank, trust company, 128538  
or other person to disclose the information described in division 128539  
(A) of this section in limited circumstances other than those 128540  
specified in this section. 128541

(F) Whoever violates this section shall be removed from 128542  
office, shall be liable, with the violator's bond in damages to 128543  
the person injured by the disclosure of information, and is guilty 128544  
of a felony of the fourth degree. 128545

Sec. 1121.19. (A) As used in this section, a "self-assessment 128546  
report" of a bank includes, but is not limited to, all of the 128547  
following: 128548

(1) An evaluation of the bank's loan underwriting standards, 128549  
asset quality, financial reporting to federal or state regulatory 128550  
agencies, and compliance with its policies and with federal or 128551  
state statutory or regulatory requirements; 128552

(2) Any communication related to the report, including 128553  
electronic mails or telephone logs. 128554

(B) A self-assessment report, any portion or contents of the 128555  
report, and any documents, data, compilations, analyses, or other 128556  
information and material generated, created, produced, developed, 128557  
or prepared as part of the self-assessment process, are privileged 128558  
and not admissible or subject to discovery in any civil or 128559  
administrative litigation, action, proceeding, or investigation. 128560

(C) The self-assessment privilege granted by this section to 128561  
a bank and its affiliates applies regardless of whether a bank 128562  
regulator or any other governmental authority in possession of a 128563  
self-assessment report or any portion or contents of it 128564  
subsequently discloses it or any portion or contents of it to a 128565  
third party as required or permitted by any state or federal law. 128566

(D) Notwithstanding any applicable state or federal public 128567  
records law, a bank regulator or any other governmental authority 128568  
in possession of a self-assessment report or any portion or 128569  
contents of it shall not disclose the report or any portion or 128570  
contents of it to any person in response to a public records 128571

request. 128572

**Sec. 1121.21.** ~~(A)(1)~~ Each bank and trust company shall report 128573  
its condition and income to the division of financial institutions 128574  
at the times, in the form, and including the information the 128575  
superintendent of financial institutions prescribes. 128576  
128577

~~(2) A bank or trust company shall maintain a summary of its 128578  
most recent report of condition and income, in the form prescribed 128579  
by the superintendent, in each of its banking or trust service 128580  
offices, post notice of the availability of the summary in each 128581  
office, and make the summary available to the public without 128582  
charge. 128583~~

~~(B) Any bank or trust company that fails to comply with 128584  
division (A)(1) or (2) of this section is subject to a forfeiture 128585  
of one hundred dollars for each day the failure continues unless 128586  
the bank or trust company corrects the failure within seven days 128587  
after receiving the superintendent's notice of the failure. 128588~~

**Sec. 1121.23.** Whenever the approval of the superintendent of 128589  
financial institutions is required under Chapters 1101. to 1127. 128590  
of the Revised Code, or under an order or supervisory action 128591  
issued or taken under those chapters, for a person to serve as an 128592  
organizer, incorporator, director, executive officer, or 128593  
~~controlling shareholder of~~ person who, directly or indirectly 128594  
controls a bank, or to otherwise have a substantial interest in or 128595  
participate in the management of a bank, the superintendent shall 128596  
request the superintendent of the bureau of criminal 128597  
identification and investigation, or a vendor approved by the 128598  
bureau, to conduct a criminal records check based on the person's 128599  
fingerprints in accordance with section 109.572 of the Revised 128600  
Code. The superintendent of financial institutions shall request 128601

that criminal record information from the federal bureau of 128602  
investigation be obtained as part of the criminal records check. 128603  
Any fee required under division (C)(3) of section 109.572 of the 128604  
Revised Code shall be paid by the person who is the subject of the 128605  
request. 128606

Nothing in this section prohibits the superintendent of 128607  
financial institutions from conditionally approving a person to 128608  
serve as an organizer, incorporator, director, executive officer, 128609  
or person who, directly or indirectly, controls a bank, or to 128610  
otherwise have a substantial interest in or participate in the 128611  
management of a bank, subject to receiving satisfactory results of 128612  
the criminal records check. If the superintendent does not receive 128613  
the results within ninety days after the criminal records check 128614  
was requested, the superintendent may extend the conditional 128615  
approval for not more than ninety days. 128616

**Sec. 1121.24.** (A) If, under Chapters 1101. to 1127. of the 128617  
Revised Code, a proposed action or transaction is subject to the 128618  
approval of the superintendent of financial institutions or an 128619  
opportunity for the superintendent to disapprove, and if the 128620  
person proposing the action or transaction is required to submit 128621  
an application or notice to the superintendent, then the 128622  
application or notice is not complete and the superintendent shall 128623  
not accept it for processing until the person pays the fee 128624  
established pursuant to division (C) of section 1121.29 of the 128625  
Revised Code. 128626

(B)(1) If, under Chapters 1101. to 1127. of the Revised Code, 128627  
a proposed action or transaction is subject to the approval of the 128628  
superintendent or an opportunity for the superintendent to 128629  
disapprove and the superintendent must make that determination 128630  
within a certain time, and if the person proposing the action or 128631  
transaction is required to submit an application or notice to the 128632

superintendent, then the time in which the superintendent must 128633  
make the determination does not begin to run until the 128634  
superintendent has determined the application or notice is 128635  
complete and has accepted it for processing. 128636

(2) Division ~~(A)~~(B)(1) of this section does not prohibit 128637  
either of the following: 128638

(a) The superintendent from denying, or issuing a disapproval 128639  
of, an application or notice, prior to the superintendent's 128640  
acceptance of the application or notice for processing, on the 128641  
basis that the person who submitted the application or notice 128642  
failed to include all of the items and address all of the issues 128643  
required for the application or notice, if both of the following 128644  
apply: 128645

(i) The superintendent advised the person that the 128646  
application or notice was incomplete. 128647

(ii) After being advised by the superintendent that the 128648  
application or notice was incomplete, the person did not, within a 128649  
reasonable period of time, complete the application or notice. 128650

(b) The superintendent from denying, or issuing a disapproval 128651  
of, an application or notice on the basis that the person who 128652  
submitted the application or notice failed to provide the 128653  
information necessary for the superintendent to adequately 128654  
consider the application or notice after the superintendent's 128655  
acceptance of the application or notice for processing, if both of 128656  
the following apply: 128657

(i) After having begun processing the application or notice, 128658  
the superintendent determined and advised the person that 128659  
additional information was necessary to adequately consider the 128660  
application or notice. 128661

(ii) After being advised by the superintendent that 128662  
additional information was necessary to adequately consider the 128663

application or notice, the person did not, within a reasonable 128664  
period of time, provide that information. 128665

~~(B)~~(C) A determination by the superintendent that an 128666  
application or notice is complete and is accepted for processing 128667  
means only that the application or notice, on its face, appears to 128668  
include all of the items and to address all of the matters that 128669  
are required. A determination by the superintendent that an 128670  
application or notice is complete and is accepted for processing 128671  
is not an assessment of the substance of the application or 128672  
notice, or of the sufficiency of the information provided. 128673

**Sec. 1121.26.** When considering the impact of a proposed 128674  
action or transaction on the convenience and needs of the 128675  
community to be served, both of the following shall apply: 128676

(A) The superintendent of ~~banks~~ financial institutions shall 128677  
assess whether the facts and circumstances relating to the 128678  
proposed action or transaction reasonably indicate that the 128679  
purpose for the proposed action or transaction is to engage in the 128680  
banking business and provide banking services in the community to 128681  
be served, rather than to raise funds for other purposes or 128682  
otherwise serve a nonbanking purpose. 128683

(B) The superintendent shall not require the person proposing 128684  
the action or transaction to prove any of the following: 128685

(1) There is substantial unmet need for banking services in 128686  
the community. 128687

(2) The person will bring banking services or other 128688  
particular advantages to the community that are not presently 128689  
available there. 128690

(3) The action or transaction will not adversely affect an 128691  
existing financial institution in the community. 128692

Sec. 1121.29. (A)(1) Each bank, savings and loan association, and savings bank subject to inspection and examination by the superintendent of financial institutions and transacting business on the thirty-first day of December, or their successors in interest, shall pay to the treasurer of state assessments as provided in this section. The superintendent shall make each assessment based on the total assets as shown on the books of the bank, savings and loan association, or savings bank as of the thirty-first day of December of the previous year. The superintendent shall collect the assessment on an annual or periodic basis, as provided by the superintendent. All assessments shall be paid within fourteen days after receiving an invoice for payment of the assessment. 128693  
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(2) After determining the budget of the division of financial institutions for examination and regulation of banks, savings and loan associations, and savings banks, but prior to establishing the schedule of assessments under this division necessary to fund that budget, the superintendent shall consider any necessary cash reserves and any amounts collected but not yet expended or encumbered by the superintendent in the previous fiscal year's budget and remaining in the banks fund pursuant to division (C) of section 1121.30 of the Revised Code. 128706  
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(3) The superintendent shall establish the actual schedule of assessments on an annual basis, present the schedule to the banking commission for confirmation, and forward copies of the current year's schedule to banks, savings and loan associations, and savings banks doing business under authority granted by the superintendent, or their successors in interest. 128715  
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If during the period between the banking commission's confirmation of the schedule of assessments and the completion of the fiscal year in which those assessments will be collected, the 128721  
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banking commission determines additional money is required to 128724  
adequately fund the operations of the division of financial 128725  
institutions for that fiscal year, the banking commission may, by 128726  
the affirmative vote of two-thirds of its members, increase the 128727  
schedule of assessments for that fiscal year. The superintendent 128728  
shall promptly notify each bank, savings and loan association, and 128729  
savings bank of the increased assessment, and each bank, savings 128730  
and loan association, and savings bank shall pay the increased 128731  
assessment as made and invoiced by the superintendent. 128732

(4) A bank, savings and loan association, or savings bank 128733  
authorized by the superintendent to commence business in the 128734  
period between assessments shall pay the actual reasonable costs 128735  
of the division's examinations and visitations. The bank, savings 128736  
and loan association, or savings bank shall pay the costs within 128737  
fourteen days after receiving an invoice for payment. 128738

(B)(1) Whenever in the judgment of the superintendent the 128739  
condition or conduct of a bank renders it necessary to make 128740  
additional examinations and follow-up visitations within the 128741  
examination cycle beyond the minimum required by division (A) of 128742  
section 1121.10 of the Revised Code, the superintendent shall 128743  
charge the bank for the additional examinations and follow-up 128744  
visitations as provided in division (C) of this section. The bank 128745  
shall pay the fee charged within fourteen days after receiving an 128746  
invoice for payment. 128747

(2) The superintendent shall charge a bank for any 128748  
examination of the bank's operations as a trust company and data 128749  
processing facility in accordance with division (C) of this 128750  
section whether that examination is the only examination of the 128751  
bank in the examination cycle or in addition to other examinations 128752  
of the bank's operations. 128753

(C) The superintendent shall periodically establish a 128754  
schedule of fees to be paid for examinations, applications, 128755

certifications, and notices considered necessary by the 128756  
superintendent. 128757

(D)(1) The superintendent may waive any fees provided for in 128758  
division (C) of this section to protect the interests of 128759  
depositors and for other fair and reasonable purposes as 128760  
determined by the superintendent. 128761

(2) The fees established by the superintendent pursuant to 128762  
division (C) of this section for processing applications and 128763  
notices and conducting and processing examinations shall be 128764  
reasonable considering the direct and indirect costs to the 128765  
division, as determined by the superintendent, of processing the 128766  
applications and for conducting and processing the examinations. 128767

(E) The superintendent may determine and charge reasonable 128768  
fees for furnishing and certifying copies of documents filed with 128769  
the division and for any expenses incurred by the division in the 128770  
publication or serving of required notices. 128771

(F) Assessments and examination and application fees charged 128772  
and collected pursuant to this section are not refundable. Any fee 128773  
charged pursuant to this section shall be paid within fourteen 128774  
days after receiving an invoice for payment of the fee. 128775

(G) The superintendent shall pay all assessments and fees 128776  
charged pursuant to this section and all forfeitures required to 128777  
be paid to the superintendent into the state treasury to the 128778  
credit of the banks fund. 128779

**Sec. 1121.30.** (A) All assessments, fees, charges, and 128780  
forfeitures provided for in Chapters 1101. to 1127. and sections 128781  
1315.01 to 1315.18 of the Revised Code, except civil penalties 128782  
assessed pursuant to section 1121.35 or 1315.152 of the Revised 128783  
Code, shall be paid to the superintendent of financial 128784  
institutions, and the superintendent shall deposit them into the 128785

state treasury to the credit of the banks fund, which is hereby 128786  
created. 128787

(B) The superintendent may expend or obligate the banks fund 128788  
to defray the costs of the division of financial institutions in 128789  
administering Chapters 1101. to 1127. and sections 1315.01 to 128790  
1315.18 of the Revised Code. The superintendent shall pay from the 128791  
fund all actual and necessary expenses incurred by the 128792  
superintendent, including for any services rendered by the 128793  
department of commerce for the division's administration of 128794  
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 128795  
Revised Code. The fund shall be assessed a proportionate share of 128796  
the administrative costs of the department and the division of 128797  
financial institutions. The proportionate share of the 128798  
administration costs of the division of financial institutions 128799  
shall be determined in accordance with procedures prescribed by 128800  
the superintendent and approved by the director of budget and 128801  
management. The amount assessed for the fund's proportional share 128802  
of the department's administrative costs and the division's 128803  
administrative costs shall be paid from the banks fund to the 128804  
division of administration fund and the division of financial 128805  
institutions fund respectively. 128806

(C) Any money deposited into the state treasury to the credit 128807  
of the banks fund, but not expended or encumbered by the 128808  
superintendent to defray the costs of administering Chapters 1101. 128809  
to 1127. and sections 1315.01 to 1315.18 of the Revised Code, 128810  
shall remain in the banks fund for expenditures by the 128811  
superintendent in subsequent years and shall not be used for any 128812  
purpose other than as set forth in this section. 128813

**Sec. 1121.33.** (A) The superintendent of financial 128814  
institutions may issue and serve a notice of charges and intent to 128815  
remove a regulated person from office or prohibit a regulated 128816

person from further participation in the conduct of the affairs of 128817  
a bank or trust company, or both, if, in the opinion of the 128818  
superintendent, all of the following apply: 128819

(1) The regulated person has, directly or indirectly, done 128820  
any of the following: 128821

(a) Violated any of the following: 128822

(i) A law or rule; 128823

(ii) A final cease and desist order; 128824

(iii) A condition imposed in writing by the superintendent in 128825  
connection with granting an application or notice that is subject 128826  
to the superintendent's approval or an opportunity for the 128827  
superintendent to disapprove or other request by a bank, trust 128828  
company, or regulated person; 128829

(iv) A written agreement between a bank or trust company and 128830  
the superintendent, or between the regulated person and the 128831  
superintendent. 128832

(b) Engaged or participated in an unsafe or unsound practice 128833  
in connection with a bank, trust company, or other business 128834  
institution; 128835

(c) Committed or engaged in an act, omission, or practice 128836  
constituting a breach of the regulated person's fiduciary duty as 128837  
a regulated person. 128838

(2) The violation, practice, or breach results in any of the 128839  
following: 128840

(a) A bank, trust company, or other business institution has 128841  
suffered or will probably suffer substantial financial loss or 128842  
other damage; 128843

(b) The interests of a bank's depositors or shareholders or 128844  
trust company's beneficiaries or shareholders have been or could 128845  
be prejudiced; 128846

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (c) The regulated person has received or will receive financial gain or other benefit.                                                                                                                                                                                                                                                                                                                                                                                    | 128847<br>128848                                                             |
| (3) The violation, practice, or breach does either of the following:                                                                                                                                                                                                                                                                                                                                                                                                      | 128849<br>128850                                                             |
| (a) Involves personal dishonesty on the part of the regulated person;                                                                                                                                                                                                                                                                                                                                                                                                     | 128851<br>128852                                                             |
| (b) Demonstrates willful or continuing disregard by the regulated person for the safety and soundness of a bank, trust company, or business institution.                                                                                                                                                                                                                                                                                                                  | 128853<br>128854<br>128855                                                   |
| (B) The notice of charges and intent to remove a regulated person from office or prohibit a regulated person from further participation in the conduct of the affairs of a bank or trust company shall include all of the following:                                                                                                                                                                                                                                      | 128856<br>128857<br>128858<br>128859                                         |
| (1) A statement of the violation or violations, unsafe or unsound practice or practices, or breach or breaches alleged;                                                                                                                                                                                                                                                                                                                                                   | 128860<br>128861                                                             |
| (2) A statement of the facts constituting the grounds for the proposed removal or prohibition order;                                                                                                                                                                                                                                                                                                                                                                      | 128862<br>128863                                                             |
| (3) Notice that the regulated person is entitled to a hearing, in accordance with section 1121.38 of the Revised Code, to determine whether an order removing the regulated person from office, prohibiting the regulated person from further participation in the conduct of the affairs of a bank or trust company, or both, should be issued against the regulated person if the regulated person requests the hearing within thirty days after service of the notice; | 128864<br>128865<br>128866<br>128867<br>128868<br>128869<br>128870<br>128871 |
| (4) Notice that, if the regulated person makes a timely request for a hearing, the regulated person may appear at the hearing in person, by attorney, or by presenting positions, arguments, and contentions in writing, and at the hearing may present evidence and examine witnesses for and against the                                                                                                                                                                | 128872<br>128873<br>128874<br>128875<br>128876                               |

regulated person. 128877

(5) Notice that failure of the regulated person to timely 128878  
request a hearing to determine whether an order removing the 128879  
regulated person from office, prohibiting the regulated person 128880  
from further participation in the conduct of the affairs of a bank 128881  
or trust company, or both, should be issued or to appear at the 128882  
hearing, in person, by attorney, or by writing, is consent by the 128883  
regulated person to the issuance of the order. 128884

(C) The superintendent may issue an order removing the 128885  
regulated person from office or prohibiting the regulated person 128886  
from further participation in the conduct of the affairs of a bank 128887  
or trust company, or both, if either of the following applies: 128888

(1) The regulated person consents to the issuance of the 128889  
order; 128890

(2) Upon the record of the hearing the superintendent finds 128891  
the grounds for the order have been established. 128892

(D) A regulated person who has been removed from office or 128893  
prohibited from further participation in the conduct of the 128894  
affairs of a bank or trust company pursuant to this section or by 128895  
order of the bank regulatory authority of another state or the 128896  
United States shall not, while the removal or prohibition order is 128897  
in effect, continue or commence to hold any office of or 128898  
participate in any manner in the conduct of the affairs of any 128899  
bank or trust company in this state, except as specifically 128900  
permitted by the superintendent or by the bank regulatory 128901  
authority of another state or the United States pursuant to 128902  
modification of the order. Participation in the conduct of the 128903  
affairs of a bank or trust company includes doing any of the 128904  
following: 128905

(1) Soliciting, procuring, transferring, attempting to 128906  
transfer, voting, or attempting to vote any proxy, consent, or 128907

authorization with respect to any voting rights in any bank or trust company; 128908  
128909

(2) Violating any voting agreement previously approved by the superintendent; 128910  
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(3) Voting for a director of any bank or trust company. 128912

(E) An order issued by the superintendent pursuant to this section is effective at the time specified in the order, which, in the case of an order issued pursuant to division (C)(2) of this section, shall be not less than thirty days after service of the order on the regulated person. 128913  
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(F) An order issued by the superintendent pursuant to this section shall remain enforceable and effective as provided in the order except to the extent it is stayed, modified, terminated, or set aside by action of the superintendent or a reviewing court. 128918  
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(G) The superintendent shall serve a certified copy of a removal or prohibition order issued pursuant to this section on any bank or trust company in relation to which the object of the removal or prohibition order is a regulated person. 128922  
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**Sec. 1121.34.** (A)(1) The superintendent of financial institutions may issue an order suspending a regulated person from office or temporarily prohibiting a regulated person from further participation in the conduct of the affairs of a bank or trust company, or both, if both of the following apply: 128926  
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(a) The superintendent serves, or has served, the regulated person with a notice of charges and intent to remove the regulated person or prohibit the regulated person from further participation in the conduct of the affairs of a bank or trust company pursuant to section 1121.33 of the Revised Code. 128931  
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(b) The superintendent determines the suspension or temporary prohibition is necessary for the protection of a bank or trust 128936  
128937

company or the interests of a bank's depositors or a trust 128938  
company's beneficiaries. 128939

(2) An order issued pursuant to division (A)(1) of this 128940  
section is effective immediately upon service on the regulated 128941  
person, and remains effective and enforceable as provided in the 128942  
order except to the extent it is stayed, modified, terminated, or 128943  
set aside by action of the superintendent or a reviewing court. 128944  
If, upon the record of a hearing, the superintendent determines 128945  
not to issue an order removing a regulated person from office or 128946  
prohibiting a regulated person's further participation in the 128947  
conduct of the affairs of a bank or trust company pursuant to 128948  
section 1121.33 of the Revised Code, the order issued pursuant to 128949  
division (A)(1) of this section is terminated. 128950

(3) Within ten days after being served a suspension or 128951  
temporary prohibition order pursuant to division (A)(1) of this 128952  
section, a regulated person may apply to the court of common pleas 128953  
of the county in which the residence of the regulated person is 128954  
located, or the court of common pleas of Franklin county, for an 128955  
injunction setting aside, limiting, or suspending the enforcement, 128956  
operation, or effectiveness of the suspension or temporary 128957  
prohibition order pending completion of the hearing on the notice 128958  
of charges served on the regulated person pursuant to section 128959  
1121.33 of the Revised Code, and the court has jurisdiction to 128960  
issue the injunction. 128961

(B)(1) Whenever a regulated person is charged in any 128962  
information, indictment, or complaint, authorized by a prosecuting 128963  
attorney or a United States attorney, with the commission of or 128964  
participation in a felony or a crime involving an act of fraud, 128965  
dishonesty or, breach of trust, theft, or money laundering 128966  
involving a depository institution, the superintendent may suspend 128967  
the regulated person from office or temporarily prohibit the 128968  
regulated person's further participation in the conduct of the 128969

affairs of a bank or trust company, or both. A suspension or 128970  
temporary prohibition order issued pursuant to division (B)(1) of 128971  
this section is effective immediately upon service on the 128972  
regulated person, and remains effective and enforceable until the 128973  
information, indictment, or complaint is finally disposed of or 128974  
the superintendent terminates the order. 128975

(2) If a judgment of conviction or an agreement to enter a 128976  
pretrial diversion or other similar program is entered against a 128977  
regulated person with respect to the information, indictment, or 128978  
complaint and, in the case of a judgment of conviction, is not 128979  
subject to further appellate review, the superintendent may remove 128980  
the regulated person from office, prohibit the regulated person 128981  
from further participation in the conduct of the affairs of a bank 128982  
or trust company, or both. A removal or prohibition order issued 128983  
pursuant to division (B)(2) of this section is effective 128984  
immediately upon service on the regulated person, and remains 128985  
effective and enforceable as provided in the removal or 128986  
prohibition order except to the extent it is stayed, modified, 128987  
terminated, or set aside by action of the superintendent. 128988

(3) A finding of not guilty or other disposition of the 128989  
information, indictment, or complaint does not preclude the 128990  
superintendent from subsequently instituting proceedings pursuant 128991  
to section 1121.33 of the Revised Code to remove the regulated 128992  
person from office or to prohibit the regulated person from 128993  
further participation in the conduct of the affairs of a bank or 128994  
trust company, or both. 128995

(C) The superintendent shall serve a certified copy of a 128996  
suspension or temporary prohibition order issued pursuant to 128997  
division (A) or (B)(1) of this section or a removal or prohibition 128998  
order issued pursuant to division (B)(2) of this section on any 128999  
bank or trust company in relation to which the object of the 129000  
suspension, removal, or prohibition order is a regulated person. 129001

(D) A regulated person who has been suspended, removed from office, or temporarily or otherwise prohibited from further participation in the conduct of the affairs of a bank or trust company pursuant to this section or by order of the bank regulatory authority of another state or the United States shall not, while the suspension, removal, or prohibition order is in effect, continue or commence to hold any office of or participate in any manner in the conduct of the affairs of a bank or trust company in this state, except as specifically permitted by the superintendent or by the bank regulatory authority of another state or the United States pursuant to modification of the suspension, removal, or prohibition order. Participation in the conduct of the affairs of a bank or trust company includes doing any of the following:

(1) Soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent, or authorization with respect to any voting rights in any bank or trust company;

(2) Violating any voting agreement previously approved by the superintendent;

(3) Voting for a director of any bank or trust company.

(E) If at any time, because of the suspension of one or more directors pursuant to this section, there are on the board of directors of a bank less than a quorum of directors not suspended, all powers and functions vested in or exercisable by the board shall be vested in and be exercisable by the director or directors on the board not suspended, until the time there is a quorum of the board of directors. If all the directors of a bank are suspended pursuant to this section, the superintendent shall appoint persons to serve temporarily as directors in their place, pending termination of the suspensions or until those who have been suspended cease to be directors of the bank and their

successors take office. 129034

**Sec. 1121.38.** (A)(1) An administrative hearing provided for 129035  
in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised 129036  
Code shall be held in the county in which the principal place of 129037  
business of the bank or trust company or residence of the 129038  
regulated person is located, unless the bank, trust company, or 129039  
regulated person requesting the hearing consents to another place. 129040  
Within ninety days after the hearing, the superintendent of 129041  
financial institutions shall render a decision, which shall 129042  
include findings of fact upon which the decision is predicated, 129043  
and shall issue and serve on the bank, trust company, or regulated 129044  
person the decision and an order consistent with the decision. 129045  
Judicial review of the order is exclusively as provided in 129046  
division (B) of this section. Unless a notice of appeal is filed 129047  
in a court of common pleas within thirty days after service of the 129048  
superintendent's order as provided in division (B) of this 129049  
section, and until the record of the administrative hearing has 129050  
been filed, the superintendent may, at anytime, upon the notice 129051  
and in the manner the superintendent considers proper, modify, 129052  
terminate, or set aside the superintendent's order. After filing 129053  
the record, the superintendent may modify, terminate, or set aside 129054  
the superintendent's order with permission of the court. 129055

(a) A hearing provided for in section 1121.32, 1121.35, or 129056  
1121.41 of the Revised Code shall be confidential, unless the 129057  
superintendent determines that holding an open hearing would be in 129058  
the public interest. Within twenty days after service of the 129059  
notice of a hearing, a respondent may file a written request for a 129060  
public hearing with the superintendent. A respondent's failure to 129061  
file such a request constitutes a waiver of any objections to a 129062  
confidential hearing. 129063

(b) A hearing provided for in section 1121.33 of the Revised 129064

Code shall be an open hearing. Within twenty days after service of the notice of a hearing, a respondent may file a written request for a confidential hearing with the superintendent. If such a request is received by the superintendent, the hearing shall be confidential unless the superintendent determines that holding an open hearing would be in the public interest.

(2) In the course of, or in connection with, an administrative hearing governed by this section, the superintendent, or a person designated by the superintendent to conduct the hearing, may administer oaths and affirmations, take or cause depositions to be taken, and issue, revoke, quash, or modify subpoenas and subpoenas duces tecum. At any administrative hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised Code, the record of which may be the basis of an appeal to court, a stenographic record of the testimony and other evidence submitted shall be taken at the expense of the division of financial institutions. The record shall include all of the testimony and other evidence, and any rulings on the admissibility thereof, presented at the hearing. The superintendent may adopt rules regarding these hearings. The attendance of witnesses and the production of documents provided for in this section may be required from any place within or outside the state. A party to a hearing governed by this section may apply to the court of common pleas of Franklin county, or the court of common pleas of the county in which the hearing is being conducted or the witness resides or carries on business, for enforcement of a subpoena or subpoena duces tecum issued pursuant to this section, and the courts have jurisdiction and power to order and require compliance with the subpoena. Witnesses subpoenaed under this section shall be paid the fees and mileage provided for under section 119.094 of the Revised Code.

(B)(1) A bank, trust company, or regulated person against

whom the superintendent issues an order upon the record of a 129097  
hearing under the authority of section 1121.32, 1121.33, 1121.35, 129098  
or 1121.41 of the Revised Code may obtain a review of the order by 129099  
filing a notice of appeal in the court of common pleas in the 129100  
county in which the principal place of business of the bank, trust 129101  
company, or regulated person, or residence of the regulated 129102  
person, is located, or in the court of common pleas of Franklin 129103  
county, within thirty days after the date of service of the 129104  
superintendent's order. The clerk of the court shall promptly 129105  
transmit a copy of the notice of appeal to the superintendent, 129106  
~~and~~. Within thirty days after receiving the notice of appeal, the 129107  
superintendent shall file a certified copy of the record of the 129108  
administrative hearing with the clerk of the court. In the event 129109  
of a private hearing, the record of the administrative hearing 129110  
shall be filed under seal with the clerk of the court. Upon the 129111  
filing of the notice of appeal, the court has jurisdiction, which 129112  
upon the filing of the record of the administrative hearing is 129113  
exclusive, to affirm, modify, terminate, or set aside, in whole or 129114  
in part, the superintendent's order. 129115

(2) The commencement of proceedings for judicial review 129116  
pursuant to division (B) of this section does not, unless 129117  
specifically ordered by the court, operate as a stay of any order 129118  
issued by the superintendent. If it appears to the court an 129119  
unusual hardship to the appellant bank, trust company, or 129120  
regulated person will result from the execution of the 129121  
superintendent's order pending determination of the appeal, and 129122  
the interests of depositors and the public will not be threatened 129123  
by a stay of the order, the court may grant a stay and fix its 129124  
terms. 129125

(C) The superintendent may, in the sole discretion of the 129126  
superintendent, apply to the court of common pleas of the county 129127  
in which the principal place of business of the bank, trust 129128

company, or regulated person, or residence of the regulated 129129  
person, is located, or the court of common pleas of Franklin 129130  
county, for the enforcement of an effective and outstanding 129131  
superintendent's order issued under section 1121.32, 1121.33, 129132  
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 129133  
has jurisdiction and power to order and require compliance with 129134  
the superintendent's order. In an action by the superintendent 129135  
pursuant to this division to enforce an order assessing a civil 129136  
penalty issued under section 1121.35 of the Revised Code, the 129137  
validity and appropriateness of the civil penalty is not subject 129138  
to review. 129139

(D) No court has jurisdiction to affect, by injunction or 129140  
otherwise, the issuance or enforcement of an order issued under 129141  
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 129142  
Revised Code or to review, modify, suspend, terminate, or set 129143  
aside an order issued under section 1121.32, 1121.33, 1121.34, 129144  
1121.35, or 1121.41 of the Revised Code, except as provided in 129145  
this section, in division (G) of section 1121.32 of the Revised 129146  
Code for an order issued pursuant to division (C)(3) or (4) of 129147  
section 1121.32 of the Revised Code, or in division (A)(3) of 129148  
section 1121.34 of the Revised Code for an order issued pursuant 129149  
to division (A)(1) of section 1121.34 of the Revised Code. 129150

(E) Nothing in this section or in any other section of the 129151  
Revised Code or rules implementing this or any other section of 129152  
the Revised Code shall prohibit or limit the superintendent from 129153  
doing any of the following: 129154

(1) Issuing orders pursuant to section 1121.32, 1121.33, 129155  
1121.34, 1121.35, or 1121.41 of the Revised Code; 129156

(2) Individually or contemporaneously taking any other action 129157  
provided by law or rule with respect to a bank, trust company, or 129158  
regulated person; 129159

(3) Taking any action provided by law or rule with respect to 129160  
a bank, trust company, or regulated person, whether alone or in 129161  
conjunction with another regulatory agency or authority. 129162

**Sec. 1121.41.** (A) The superintendent of financial 129163  
institutions may issue and serve a notice of charges and intent to 129164  
issue an order placing a bank or trust company under supervision 129165  
and appointing a supervisor for the bank or trust company, if, in 129166  
the opinion of the superintendent, any of the following applies: 129167

(1) In the case of a bank, any of the conditions listed in 129168  
section 1125.09 of the Revised Code for appointing a conservator 129169  
or in section 1125.18 of the Revised Code for taking possession of 129170  
a bank and appointing a receiver, exists. 129171

(2) In the case of a trust company, any of the conditions 129172  
listed in section 1111.32 of the Revised Code for revoking a 129173  
license to do trust business, exists. 129174

(3) The bank or trust company is in such condition that the 129175  
further transaction of business would be hazardous, financially or 129176  
otherwise, to its shareholders, depositors, its creditors, or the 129177  
public. 129178

(B) The notice of charges and intent to issue an order 129179  
placing a bank or trust company under supervision and appointing a 129180  
supervisor shall include all of the following: 129181

(1) A statement of the alleged basis for the superintendent's 129182  
placing the bank or trust company under supervision and appointing 129183  
a supervisor and the period for supervision; 129184

(2) A statement of the facts supporting the superintendent's 129185  
placing the bank or trust company under supervision and appointing 129186  
a supervisor; 129187

(3) A statement of the requirements to abate the 129188  
superintendent's placing the bank or trust company under 129189

supervision and appointing a supervisor; 129190

(4) A statement, in accordance with division (D) of this 129191  
section, of actions the bank or trust company would be prohibited 129192  
from undertaking during the period of supervision without the 129193  
prior approval of the superintendent or the supervisor appointed 129194  
by the superintendent; 129195

(5) Notice of both of the following: 129196

(a) The bank or trust company is entitled to a hearing, 129197  
conducted in accordance with section 1121.38 of the Revised Code, 129198  
to determine whether the superintendent should issue an order 129199  
placing the bank or trust company under supervision and appointing 129200  
a supervisor, if the bank or trust company requests the hearing 129201  
within thirty days after service of the superintendent's notice of 129202  
charges and intent to issue an order placing the bank or trust 129203  
company under supervision and appointing a supervisor; 129204

(b) Failure to request the hearing in the time allowed, or 129205  
failure to appear at a hearing timely requested, is consent to the 129206  
issuance of the order placing the bank or trust company under 129207  
supervision and appointing a supervisor. 129208

(6) Notice that if the bank or trust company makes a timely 129209  
request for a hearing, all of the following apply: 129210

(a) The bank or trust company may appear at the hearing in 129211  
person, by attorney, or by presenting positions, arguments, and 129212  
contentions in writing. 129213

(b) At the hearing the bank or trust company may present 129214  
evidence and examine witnesses for and against the bank or trust 129215  
company. 129216

(c) The hearing will be set for a date within ten days after 129217  
the superintendent's receipt of the request for the hearing or a 129218  
later date mutually agreed to by the bank or trust company and the 129219

|                                                                                                                                                                                                                                                                                                               |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| superintendent.                                                                                                                                                                                                                                                                                               | 129220                                         |
| (C) The superintendent may issue an order placing the bank or trust company under supervision and appointing a supervisor, if either of the following applies:                                                                                                                                                | 129221<br>129222<br>129223                     |
| (1) The bank or trust company consents to the issuance of the order;                                                                                                                                                                                                                                          | 129224<br>129225                               |
| (2) Upon the record of the hearing the superintendent finds any of the following:                                                                                                                                                                                                                             | 129226<br>129227                               |
| (a) In the case of a bank, any of the conditions listed in section 1125.09 of the Revised Code for appointing a conservator or in section 1125.18 of the Revised Code for taking possession of a bank and appointing a receiver, exists.                                                                      | 129228<br>129229<br>129230<br>129231           |
| (b) In the case of a trust company, any of the conditions listed in section 1111.32 of the Revised Code for revoking a license to do trust business, exists.                                                                                                                                                  | 129232<br>129233<br>129234                     |
| (c) The bank or trust company is in such condition that further transaction of business would be hazardous to its shareholders, its depositors, its creditors, or the public.                                                                                                                                 | 129235<br>129236<br>129237                     |
| (D) An order placing a bank or trust company under supervision and appointing a supervisor may prohibit the bank or trust company from doing any of the following during the period of supervision without the prior approval of either the superintendent or the supervisor appointed by the superintendent: | 129238<br>129239<br>129240<br>129241<br>129242 |
| (1) Disposing of, conveying, or encumbering any of its assets;                                                                                                                                                                                                                                                | 129243<br>129244                               |
| (2) Withdrawing any of its bank accounts;                                                                                                                                                                                                                                                                     | 129245                                         |
| (3) Lending any of its funds;                                                                                                                                                                                                                                                                                 | 129246                                         |
| (4) Investing any of its funds;                                                                                                                                                                                                                                                                               | 129247                                         |
| (5) Transferring any of its property;                                                                                                                                                                                                                                                                         | 129248                                         |

|                                                                                                                                                                                                                                                                                                                           |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (6) Incurring any debt, obligation, or liability;                                                                                                                                                                                                                                                                         | 129249                                                   |
| <u>(7) Taking any other action specified in the order.</u>                                                                                                                                                                                                                                                                | 129250                                                   |
| (E) An order placing a bank or trust company under supervision and appointing a supervisor is effective at the time specified in the order which, in the case of an order issued pursuant to division (C)(2) of this section, shall not be less than thirty days after service of the order on the bank or trust company. | 129251<br>129252<br>129253<br>129254<br>129255<br>129256 |
| (F) An order placing a bank or trust company under supervision and appointing a supervisor remains effective and enforceable as provided in the order, except to the extent the order is stayed, modified, terminated, or set aside by action of the superintendent or a reviewing court.                                 | 129257<br>129258<br>129259<br>129260<br>129261           |
| (G) The cost incident to the supervisor's service shall be fixed and determined by the superintendent, and shall be a charge against the assets and funds of the bank or trust company to be allowed and paid as the superintendent determines.                                                                           | 129262<br>129263<br>129264<br>129265                     |
| <b>Sec. 1121.43.</b> (A) Except as provided in division (B) of this section, the superintendent of financial institutions shall <del>publish and</del> make available to the public on a monthly basis all of the following:                                                                                              | 129266<br>129267<br>129268<br>129269                     |
| (1) Any written agreement or other writing for which a violation may be enforced by the superintendent;                                                                                                                                                                                                                   | 129270<br>129271                                         |
| (2) Any final order issued pursuant to section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the Revised Code;                                                                                                                                                                                                        | 129272<br>129273                                         |
| (3) Any modification or termination of an agreement, other writing, or order made <u>available to the</u> public pursuant to this section.                                                                                                                                                                                | 129274<br>129275<br>129276                               |
| (B)(1) If, in the superintendent's discretion, the superintendent determines that <del>publishing</del> <u>making</u> a written                                                                                                                                                                                           | 129277<br>129278                                         |

agreement or other writing ~~and making it~~ available to the public 129279  
pursuant to division (A)(1) of this section would be contrary to 129280  
the public interest, the superintendent shall not ~~publish the~~ 129281  
~~written agreement or other writing or~~ make it available to the 129282  
public. 129283

(2) If the superintendent determines that ~~publishing~~ making a 129284  
final order ~~and making it~~ available to the public pursuant to 129285  
division (A)(2) of this section would seriously threaten the 129286  
safety and soundness of a state bank or trust company, the 129287  
superintendent may delay ~~the publication~~ making it available for a 129288  
reasonable time. 129289

**Sec. 1121.45.** (A) The superintendent of financial 129290  
institutions may call and convene a meeting with the regulated 129291  
persons the superintendent determines to be appropriate at a 129292  
location within this state and at a date and time established by 129293  
the superintendent upon notice served in accordance with section 129294  
1121.37 of the Revised Code. The regulated persons notified of the 129295  
meeting shall attend the meeting unless excused by the 129296  
superintendent for reasonable cause at the superintendent's sole 129297  
discretion. Failure of a regulated person to attend a meeting 129298  
called and convened in accordance with this division, unless 129299  
excused by the superintendent, is grounds for suspending or 129300  
removing the regulated person from office or imposing civil 129301  
penalties against the regulated person. 129302

(B) If a quorum of the board of directors of a bank or an 129303  
affiliate of a bank attends a meeting called and convened by the 129304  
superintendent pursuant to division (A) of this section, they may 129305  
convene a meeting of the board of directors to address matters 129306  
related to the superintendent's meeting, notwithstanding any 129307  
contrary provision of the bank's articles of incorporation, code 129308  
of regulations, or bylaws related to notice of a board of 129309

directors meeting. 129310

(C) The records of any meeting called and convened in 129311  
accordance with division (A) of this section and the discussions, 129312  
information, and documentation presented at the meeting are, in 129313  
the possession of any person, confidential and privileged 129314  
information and shall not be disclosed except as provided in 129315  
section 1121.18 of the Revised Code. 129316

**Sec. 1121.47.** (A) The superintendent of financial 129317  
institutions may do both of the following: 129318

(1) Summon and compel, by order or subpoena, witnesses to 129319  
appear before the superintendent, deputy superintendent, examiner, 129320  
~~or attorney examiner~~, or such other person designated by the 129321  
superintendent and testify under oath regarding the affairs of a 129322  
bank or trust company or, in relation to matters concerning a 129323  
state bank, foreign bank, or trust company, a regulated person; 129324

(2) Compel, by order or subpoena, the production of any 129325  
record, book, paper, document, item, or other thing pertaining to 129326  
a bank or trust company or, in relation to matters concerning a 129327  
state bank, foreign bank, or trust company, a regulated person. 129328

(B) The superintendent shall serve an order or subpoena 129329  
issued pursuant to division (A) of this section in any manner 129330  
provided by section 1121.37 of the Revised Code. 129331

(C) If a person fails to comply with an order or subpoena of 129332  
the superintendent or refuses to testify to any matter regarding 129333  
which the person is lawfully interrogated before the division of 129334  
financial institutions, on application of the superintendent, the 129335  
court of common pleas of the county in which the person resides or 129336  
in which the principal place of business of the person is located, 129337  
or a judge of the court, shall compel compliance by attachment 129338  
proceedings as for contempt in the case of noncompliance with a 129339

subpoena issued from the court or refusal to testify in the court. 129340  
Failure of a regulated person to comply fully with an order or 129341  
subpoena issued under the authority of this section shall be 129342  
grounds for removing the regulated person from office, prohibiting 129343  
the regulated person from participating directly or indirectly in 129344  
the affairs of a bank or trust company, or imposing civil 129345  
penalties against the regulated person. 129346

**Sec. 1121.48.** (A) All suits and court proceedings brought by 129347  
the superintendent of financial institutions shall be brought in 129348  
the name of the state upon the superintendent's relation, and 129349  
shall be conducted by the attorney general or a designee of the 129350  
attorney general. 129351

(B) A suit or court proceeding brought by the superintendent 129352  
may be prosecuted in the court of common pleas of Franklin county, 129353  
or of any other county in which the defendant or any of the 129354  
defendants resides or may be found. 129355

(C) In all suits or court proceedings brought by the 129356  
superintendent, the writ may be sent by regular mail to the 129357  
sheriff of any county, and the sheriff may return the writ by 129358  
regular mail. The sheriff shall be allowed the same mileage and 129359  
fees for the service as would be allowed if the writ had been 129360  
issued from and made returnable to the court of common pleas of 129361  
the sheriff's county. 129362

**Sec. 1121.50.** (A) As used in this section, "independent 129363  
auditor" means an external, unaffiliated auditor who has a 129364  
certified public accounting designation that qualifies the person 129365  
to provide an auditor's report. 129366

(B) The superintendent of financial institutions may, when 129367  
circumstances warrant, require a bank or trust company to have an 129368  
independent auditor conduct agreed upon procedures prescribed by 129369

the superintendent. The independent auditor shall be retained, and 129370  
the expense of the agreed upon procedures shall be paid, by the 129371  
bank or trust company. The agreed upon procedures shall be 129372  
conducted in accordance with standards established by the American 129373  
institute of certified public accountants. 129374

~~(B)~~(C) The board of directors of the bank or trust company 129375  
shall, within sixty days after receipt of the report prepared by 129376  
the independent auditor for the agreed upon procedures conducted 129377  
pursuant to this section, prepare a response to the report and 129378  
file the report and the board's response with the superintendent. 129379  
A report and response filed with the superintendent pursuant to 129380  
this section may be disclosed only as provided in section 1121.18 129381  
of the Revised Code. 129382

Sec. 1121.52. (A) If a state bank is undercapitalized, the 129383  
superintendent of financial institutions shall notify the bank of 129384  
the fact of the undercapitalization. The superintendent may 129385  
require the bank to submit a written capital restoration plan to 129386  
the superintendent within forty-five days after the bank receives 129387  
that notice, unless the superintendent authorizes in writing a 129388  
longer period of time. 129389

(B) A capital restoration plan required under this section 129390  
shall specify all of the following: 129391

(1) The steps the state bank will take to become adequately 129392  
capitalized; 129393

(2) The levels of capital to be attained during the time 129394  
frame in which the plan will be in effect; 129395

(3) The types and levels of activities in which the bank will 129396  
engage; 129397

(4) Any other information the superintendent may require. 129398

(C) The superintendent shall approve a capital restoration 129399

plan submitted under this section if the superintendent determines 129400  
that the plan meets both of the following conditions: 129401

(1) It is based on realistic assumptions and is likely to 129402  
succeed in restoring the bank's capital. 129403

(2) It would not appreciably increase the risk, including 129404  
credit risk and interest rate risk, to which the bank is exposed. 129405

(D) If the superintendent fails to approve a state bank's 129406  
capital restoration plan, the superintendent shall notify the bank 129407  
and require it to submit a revised plan within a time period 129408  
specified by the superintendent. Upon serving that notice, the 129409  
superintendent may immediately appoint a conservator for the bank 129410  
or take any other action authorized under section 1121.32, 129411  
1121.33, 1121.34, 1121.35, 1121.41, or 1121.46 of the Revised Code 129412  
or any other law or rule. 129413

(E) Both of the following apply to any state bank that has 129414  
submitted and is operating under a capital restoration plan 129415  
approved under this section: 129416

(1) The bank shall not be be required to submit an additional 129417  
capital restoration plan based on a revised calculation of its 129418  
capital measures unless specifically required to do so by the 129419  
superintendent. A state bank that is notified that it must submit 129420  
a new or revised plan shall file a written plan with the 129421  
superintendent within thirty days after the bank receives the 129422  
notice, unless the superintendent authorizes in writing a 129423  
different period of time. 129424

(2) The bank may, after prior written notice to and approval 129425  
by the superintendent, amend its capital restoration plan to 129426  
reflect a change in circumstance. Until such time as a proposed 129427  
amendment is approved by the superintendent, the bank shall 129428  
implement the plan in its current form. 129429

(F)(1) If an undercapitalized bank fails to submit a capital 129430

restoration plan required under this section within the designated 129431  
period of time, upon expiration of that period, the superintendent 129432  
may immediately appoint a conservator for the bank or take any 129433  
other action authorized under section 1121.32, 1121.33, 1121.34, 129434  
1121.35, 1121.41, or 1121.46 of the Revised Code or any other law 129435  
or rule. 129436

(2) If an undercapitalized bank fails, in any material 129437  
respect, to implement a capital restoration plan required under 129438  
this section, the superintendent may immediately appoint a 129439  
conservator for the bank or take any other action authorized under 129440  
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 129441  
Revised Code or any other law or rule. 129442

(G) Nothing in this section prohibits the superintendent from 129443  
requiring a state bank to submit a capital restoration plan at any 129444  
other time the superintendent considers necessary. 129445

**Sec. 1121.56.** Neither the superintendent of financial 129446  
institutions ~~nor~~, any employee, agent, or contractor of the 129447  
division of financial institutions, or any supervisor appointed by 129448  
the superintendent under this chapter is liable in any civil, 129449  
criminal, or administrative proceeding for any mistake of judgment 129450  
or discretion in any action taken, or any omission made, in good 129451  
faith within the scope of the person's official capacity as 129452  
assigned by the superintendent. 129453

**Sec. 1123.01.** (A) There is hereby created in the division of 129454  
financial institutions a banking commission which shall consist of 129455  
~~seven~~ nine members. The deputy superintendent for banks shall be a 129456  
member of the commission and its chairperson. The governor, with 129457  
the advice and consent of the senate, shall appoint the remaining 129458  
~~six~~ eight members. 129459

(B) After the second Monday in January of each year, the 129460

governor shall appoint two members. Terms of office shall be for 129461  
~~three~~ four years commencing on the first day of February and 129462  
ending on the thirty-first day of January. Each member shall hold 129463  
office from the date appointed until the end of the term for which 129464  
appointed. In the case of a vacancy in the office of any member, 129465  
the governor shall appoint a successor who shall hold office for 129466  
the remainder of the term for which the successor's predecessor 129467  
was appointed. Any member shall continue in office subsequent to 129468  
the expiration date of the member's term until the member's 129469  
successor is appointed, or until sixty days have elapsed, 129470  
whichever occurs first. 129471

(C) No person appointed as a member of the commission may 129472  
serve more than two consecutive full terms. However, a member may 129473  
serve two consecutive full terms following the remainder of a term 129474  
for which the member was appointed to fill a vacancy. 129475

(D)(1) At least ~~three~~ six of the ~~six~~ eight members appointed 129476  
to the commission shall be, at the time of appointment, executive 129477  
officers of state banks ~~transacting business under authority~~ 129478  
~~granted by the superintendent of financial institutions~~, and ~~four~~ 129479  
all of the ~~six~~ members appointed to the commission shall have 129480  
banking experience as a director or officer of a bank, savings 129481  
bank, or savings association insured by the federal deposit 129482  
insurance corporation, a bank holding company, or a savings and 129483  
loan holding company. The membership of the commission shall be 129484  
representative of the banking industry as a whole, including 129485  
representatives of banks of various asset sizes and ownership 129486  
structures, as determined by the governor after consultation with 129487  
the superintendent of financial institutions ~~from time to time~~. 129488

(2) No person who has been convicted of, or has pleaded 129489  
guilty to, a felony involving an act of fraud, dishonesty or, 129490  
breach of trust, theft, or money laundering shall take or hold 129491  
office as a member of the banking commission. 129492

(E) The members of the commission shall receive no salary, 129493  
but their expenses incurred in the performance of their duties 129494  
shall be paid from funds appropriated for that purpose. 129495

(F) The governor may remove any of the ~~six~~ eight members 129496  
appointed to the commission whenever in the governor's judgment 129497  
the public interest requires removal. Upon removing a member of 129498  
the commission, the governor shall file with the superintendent a 129499  
statement of the cause for the removal. 129500

**Sec. 1123.03.** The banking commission shall do all of the 129501  
following: 129502

(A) Make recommendations to the deputy superintendent for 129503  
banks and the superintendent of financial institutions on the 129504  
business of banking; 129505

(B) Consider and make recommendations on any matter the 129506  
superintendent or deputy superintendent submits to the commission 129507  
for that purpose; 129508

(C) Pass upon and determine any matter the superintendent or 129509  
deputy superintendent submits to the commission for determination; 129510

(D) Consider and determine whether to confirm the annual 129511  
schedule of assessments proposed by the superintendent in 129512  
accordance with section 1121.29 of the Revised Code; 129513

(E) Determine whether to increase the schedule of assessments 129514  
as provided in division (A)(3) of section 1121.29 of the Revised 129515  
Code; 129516

(F) Determine, as provided in division (D) of section 1121.12 129517  
of the Revised Code, both of the following: 129518

(1) Whether there is reasonable cause to believe that there 129519  
is a significant risk of imminent material harm to the bank; 129520

(2) Whether the examination of the bank holding company is 129521

necessary to fully determine the risk to the bank, or to determine 129522  
how best to address the risk to the bank. 129523

**Sec. 1125.01.** (A) As used in this chapter, "court" means the 129524  
court of common pleas of the county in which the principal place 129525  
of business of a state bank, as set forth in its articles of 129526  
incorporation, is located or of any other county determined by the 129527  
superintendent of financial institutions to be appropriate under 129528  
the circumstances. 129529

(B) The court shall have exclusive original jurisdiction of 129530  
any action or proceeding relating to or arising out of the taking 129531  
of possession of the property and business of a state bank under 129532  
this chapter, whether before or after the bank is wound up and 129533  
dissolved, as well as any action or other proceeding brought under 129534  
this chapter. 129535

(C) Whenever the approval of the court is required for any 129536  
act under this chapter, that approval may be given with or without 129537  
a hearing held upon whatever notice, if any, the court may direct, 129538  
unless otherwise provided in this chapter. At a hearing, the 129539  
court, by order, may approve the actions petitioned. 129540

**Sec. 1125.03.** (A) A state bank may proceed with a voluntary 129541  
liquidation and be closed only with both the consent of the 129542  
superintendent of financial institutions and the prior approval of 129543  
the shareholders or members of the bank by a vote as provided for 129544  
in its articles of incorporation, if not less than a majority. 129545

(B) Prior to instituting a voluntary liquidation, a state 129546  
bank shall submit to the superintendent an application for 129547  
approval of its plan of voluntary liquidation and evidence 129548  
satisfactory to the superintendent that the plan has been properly 129549  
adopted by the bank and approved by its shareholders or members. 129550

(C) A state bank's plan of voluntary liquidation shall 129551

include provisions for all of the following: 129552

(1) The settlement of all debts and liabilities, including 129553  
the claims of account holders, owed by the bank; 129554

(2) The distribution of the bank's assets that remain after 129555  
the settlement of debts and liabilities to all persons entitled to 129556  
them; 129557

(3) The disposition or maintenance of any remaining or 129558  
unclaimed funds, real or personal property, either tangible or 129559  
intangible, or other assets, whether in trust or otherwise, 129560  
including the contents of safe deposit boxes or vaults; 129561

(4) The retention of the bank's records in accordance with 129562  
section 1109.69 of the Revised Code; 129563

(5) The date upon which the bank shall cease doing any 129564  
banking business and surrender its banking license to the 129565  
superintendent. 129566

(D) Upon receipt of a plan of voluntary liquidation, the 129567  
superintendent shall make an examination of the bank and shall 129568  
consent to or deny an application for approval of a plan based 129569  
upon the superintendent's evaluation of whether or not the 129570  
interests of the bank's depositors and creditors will suffer by 129571  
the liquidation. 129572

(E) The superintendent's consent to an application for 129573  
approval of a plan of voluntary liquidation may be subject to any 129574  
condition the superintendent determines appropriate under the 129575  
circumstances. 129576

**Sec. 1125.04.** (A) If the superintendent of financial 129577  
institutions consents to a voluntary liquidation, the 129578  
superintendent shall cause a certified copy of the consent to be 129579  
filed in the office of the secretary of state, and the state bank 129580  
to be liquidated shall do both of the following: 129581

(1) Publish a notice of the voluntary liquidation once a week 129582  
for four consecutive weeks in a newspaper of general circulation 129583  
in the county in which the bank's principal place of business is 129584  
located; 129585

(2) Give written notice of the voluntary liquidation, either 129586  
personally or by mail, to all known creditors of and all known 129587  
claimants against the bank. 129588

(B) Compliance with the notice and publication requirements 129589  
of division (A) of this section satisfies any duplicate or similar 129590  
notice and publication requirements of Chapter 1701. of the 129591  
Revised Code. 129592

**Sec. 1125.05.** (A) A voluntary liquidation of a state bank 129593  
shall be conducted only with the continued supervision of the 129594  
superintendent of financial institutions. The superintendent may 129595  
conduct any additional examinations of the bank the superintendent 129596  
considers necessary or appropriate. 129597

(B) If the superintendent has reason to conclude the 129598  
liquidation of a state bank is not being safely or expeditiously 129599  
conducted, the superintendent may take possession of the business 129600  
and property of the bank in the same manner, with the same effect, 129601  
and subject to the same rights accorded the bank as if the 129602  
superintendent had taken possession under the receivership 129603  
provisions of this chapter. The superintendent may proceed to 129604  
liquidate the affairs of the bank in the same manner as otherwise 129605  
provided in this chapter. 129606

**Sec. 1125.06.** Upon completion of a voluntary liquidation, the 129607  
liquidated state bank shall submit to the superintendent of 129608  
financial institutions all documents required under Chapter 1701. 129609  
of the Revised Code for a dissolution. The superintendent shall 129610  
consent to the dissolution, and shall cause a certified copy of 129611

the consent to be filed, along with the bank's dissolution 129612  
documents, in the office of the secretary of state. 129613

**Sec. 1125.09.** The superintendent of financial institutions 129614  
may appoint a conservator to take possession of the property and 129615  
business of a state bank and to retain possession until the bank 129616  
resumes business or a receiver is appointed, as provided for in 129617  
this chapter, if the superintendent finds any one or more of the 129618  
following conditions: 129619

(A) The bank is in an unsafe or unsound condition to continue 129620  
the business of banking. 129621

(B) The bank is insolvent, in that it has ceased to pay its 129622  
debts in the ordinary course of business, it is incapable of 129623  
paying its debts as they mature, or it has liabilities in excess 129624  
of its assets. 129625

(C) The bank has committed a violation of law that has caused 129626  
or that threatens substantial injury to any of the public, the 129627  
banking industry, or the bank's depositors or other creditors. 129628

(D) The bank has refused to submit its records of account, 129629  
papers, or affairs to the inspection or examination of any federal 129630  
agency or the superintendent. 129631

(E) The bank has failed to pay its deposits or obligations in 129632  
accordance with the terms under which the deposits were taken or 129633  
the obligations were incurred. 129634

(F) A majority of the board of directors of the bank or a 129635  
majority of its shareholders or members has requested the 129636  
superintendent to appoint a conservator to take possession of the 129637  
bank. 129638

(G) Either all positions on the board of directors of the 129639  
bank are vacant or all of the directors then in office are 129640  
incapacitated or otherwise unable to perform their 129641

responsibilities. 129642

(H) The bank has violated any court order, statute, rule, or 129643  
regulation, or its articles of incorporation, and the 129644  
superintendent determines the continued control of its own affairs 129645  
threatens injury to any of the public, the banking industry, or 129646  
the bank's depositors or other creditors. 129647

(I) The bank's status as an insured institution has been 129648  
terminated by the federal deposit insurance corporation. 129649

**Sec. 1125.10.** (A) If it appears to the superintendent of 129650  
financial institutions that any one or more of the conditions set 129651  
forth in section 1125.09 of the Revised Code exists as to any 129652  
state bank, the superintendent may appoint a conservator, which 129653  
appointment may include the superintendent, and thereafter may 129654  
dismiss or replace the conservator as the superintendent 129655  
determines necessary or advisable. The superintendent may fix the 129656  
compensation to be paid the conservator and the amount of the bond 129657  
or other security, if any, to be required. 129658

(B) The superintendent may, from time to time, appoint one or 129659  
more special deputy superintendents as agent or agents to assist 129660  
in the duties of conservatorship. 129661

(C) The superintendent, any special deputy superintendents, 129662  
or a conservator may employ and procure whatever assistance or 129663  
advice is necessary in the conservatorship of the bank, and, for 129664  
that purpose, may retain officers or employees of the bank as 129665  
needed. 129666

(D) The superintendent may terminate the conservatorship at 129667  
any time, and may appoint a receiver for liquidation of the bank 129668  
on any of the grounds provided in this chapter for appointment of 129669  
a receiver. 129670

(E) All expenses of a conservatorship shall be paid out of 129671

the assets of the bank, and shall be a lien on the bank's assets, 129672  
which lien shall be prior to any other lien. 129673

**Sec. 1125.11.** (A) Upon the appointment of a conservator, the 129674  
superintendent of financial institutions shall file a certified 129675  
copy of the certificate of appointment in the office of the 129676  
secretary of state, and thereafter no person shall obtain a lien 129677  
or charge upon any assets of the state bank for any payment, 129678  
advance, clearance, or liability thereafter made or incurred, nor 129679  
shall the directors, officers, or agents of the bank thereafter 129680  
have authority to act on behalf of the bank or to convey, 129681  
transfer, assign, pledge, mortgage, or encumber any of the bank's 129682  
assets. 129683

(B) The filing of the certificate of appointment in 129684  
accordance with this section shall not be a condition to either 129685  
the superintendent's taking possession of the property and 129686  
business of a state bank or appointing a conservator for a state 129687  
bank. 129688

**Sec. 1125.12.** (A) A conservator, under the supervision of the 129689  
superintendent of financial institutions and subject to any 129690  
limitations imposed by the superintendent, shall have all of the 129691  
following powers: 129692

(1) To take possession of all books, records of account, and 129693  
assets of the state bank; 129694

(2) To have and exercise, in the name and on behalf of the 129695  
bank, all the rights, powers, and authority of the officers and 129696  
directors of the bank and all voting rights of its shareholders or 129697  
members; 129698

(3) To collect all debts, claims, and judgments belonging to 129699  
the bank and to take any other action, including the lending of 129700  
money, necessary to the operation of the bank during the 129701

|                                                                        |        |
|------------------------------------------------------------------------|--------|
| conservatorship;                                                       | 129702 |
| (4) To execute in the name of the bank any instrument                  | 129703 |
| necessary or proper to effectuate the conservator's powers or          | 129704 |
| perform its duties as conservator;                                     | 129705 |
| (5) To initiate, pursue, compromise, and defend litigation             | 129706 |
| involving any right, claim, interest, or liability of the bank;        | 129707 |
| (6) To exercise all fiduciary functions of the bank as of the          | 129708 |
| date of appointment as conservator;                                    | 129709 |
| (7) To borrow money as necessary in the operation of the               | 129710 |
| bank, and to secure those borrowings by the pledge or mortgage of      | 129711 |
| the assets of the bank;                                                | 129712 |
| (8) To abandon or convey title to any holder of a deed of              | 129713 |
| trust, mortgage, or similar lien against property in which the         | 129714 |
| bank has an interest, whenever the conservator determines that         | 129715 |
| continuing to claim that interest is burdensome and of no              | 129716 |
| advantage to the bank or its account holders, creditors, <del>or</del> | 129717 |
| shareholders, <u>or members</u> ;                                      | 129718 |
| (9) If done <u>in good faith</u> within the ordinary course of         | 129719 |
| business or financial affairs of the bank and according to             | 129720 |
| ordinary business terms, to sell any and all assets, to compromise     | 129721 |
| any debt, claim, obligation, or judgment due to the bank, to           | 129722 |
| discontinue any pending action or other proceeding, and to             | 129723 |
| implement a restructuring of the bank in accordance with this          | 129724 |
| chapter.                                                               | 129725 |
| (B) Title to any assets of the bank does not vest in the               | 129726 |
| conservator.                                                           | 129727 |
| <b>Sec. 1125.13.</b> During the period of the conservatorship, all     | 129728 |
| of the following apply:                                                | 129729 |
| (A) The conservator may permit the <u>state</u> bank to continue to    | 129730 |
| conduct its usual business, including the acceptance of deposits.      | 129731 |

(B) The obligations of the state bank shall continue to bear interest at the rate contracted.

(C) The conservator shall make whatever reports to the superintendent of financial institutions the superintendent may from time to time require.

**Sec. 1125.14.** (A) The conservator shall evaluate the business and assets of the state bank and, after conducting whatever investigations the circumstances may require, shall recommend to the superintendent of financial institutions that either the conservatorship of the bank be terminated or the superintendent appoint a receiver and the bank be liquidated as otherwise provided in this chapter. The conservator shall consult with the board of directors of the bank before making the recommendation.

(B) The conservator of the bank may submit a plan to the superintendent for approval to restructure the bank in a manner designed to return the bank to the control of its shareholders or members. As part of the plan, the conservator may take any steps the superintendent approves regarding the management, operations, or assets of the bank, including the sale of some or all of the bank's assets. The conservator shall consult with the board of directors of the bank regarding any proposed sale of all or substantially all of the bank's assets.

(C) The superintendent may require the conservator to submit the plan to the shareholders or members of the bank as provided in division (D) of this section or to submit a new or revised plan for consideration by the superintendent.

(D) If the conservator's plan is submitted to the shareholders or members pursuant to division (C) of this section, the superintendent shall designate the contents of notice of the vote that is to be forwarded from the conservator to the

shareholders or members and shall designate the date upon which 129763  
notice is to be forwarded. The date of the shareholder or member 129764  
vote shall be determined by the superintendent, but shall not 129765  
occur earlier than seven days or later than forty-five days after 129766  
the date of the notice. 129767

If the majority of the shareholders or members do not approve 129768  
the plan, the superintendent may request submission of a new plan 129769  
or proceed to appoint a receiver without regard to the grounds for 129770  
appointment of a receiver as otherwise provided in this chapter. 129771  
If the majority of the shareholders or members approve the plan, 129772  
the superintendent may terminate the conservatorship, and the 129773  
shareholders or members shall elect directors to manage the bank. 129774

(E) The superintendent, at any time, including after the date 129775  
notice of a vote is provided to shareholders or members of the 129776  
bank under division (D) of this section, may revoke a previously 129777  
approved plan of the conservator and either provide for, or 129778  
request submission of, a new plan or proceed with receivership 129779  
under this chapter. 129780

**Sec. 1125.17.** This chapter provides the full and exclusive 129781  
powers and procedures for the liquidation of state banks under the 129782  
laws of this state, and no receiver or other liquidating agent 129783  
shall be appointed for that purpose except as expressly provided 129784  
in this chapter. 129785

**Sec. 1125.18.** The superintendent of financial institutions 129786  
may take possession of the property and business of a state bank 129787  
if the superintendent finds any one or more of the following 129788  
conditions: 129789

(A) The bank is in an unsafe or unsound condition to continue 129790  
the business of banking. 129791

(B) The bank is insolvent, in that it has ceased to pay its 129792

debts in the ordinary course of business, it is incapable of 129793  
paying its debts as they mature, or it has liabilities in excess 129794  
of its assets. 129795

(C) The bank has refused to submit its records or affairs to 129796  
the inspection or examination of any federal bank regulatory 129797  
agency or the superintendent. 129798

(D) The bank has failed to pay its deposits or obligations in 129799  
accordance with the terms under which the deposits were taken or 129800  
the obligations were incurred. 129801

(E) A majority of the board of directors of the bank has 129802  
requested the superintendent to appoint a receiver to take 129803  
possession of the bank for the benefit of account holders, 129804  
creditors, ~~or~~ shareholders, or members. 129805

(F) The bank has violated any order of a court or of the 129806  
superintendent, any statute, rule, or regulation, or its articles 129807  
of incorporation, and the superintendent determines the continued 129808  
control of its own affairs threatens injury to any of the public, 129809  
the banking industry, or the bank's depositors or other creditors. 129810

(G) The bank's status as an insured institution has been 129811  
terminated by the federal deposit insurance corporation. 129812

(H) The (1) In the case of a stock state bank, the bank has 129813  
an impairment of paid-in capital. 129814

(2) In the case of a mutual state bank, the bank has an 129815  
impairment of retained earnings. 129816

**Sec. 1125.19.** (A) Upon issuing a written finding that any one 129817  
or more of the conditions set forth in section 1125.18 of the 129818  
Revised Code for taking possession of a state bank exists and 129819  
taking possession of the state bank, the superintendent of 129820  
financial institutions shall file a certified copy of the finding 129821  
and the notice of possession with the court. 129822

(B) Upon the appointment of a receiver, the superintendent shall file a certified copy of the certificate of appointment in the office of the secretary of state and with the court.

(C) After the superintendent files the finding of the superintendent or the certificate of appointment of the receiver, whichever occurs first, no person shall obtain a lien or charge upon any assets of the bank for any payment, advance, clearance, or liability thereafter incurred, nor shall the directors, officers, or agents of the bank have authority to act on behalf of the bank or to convey, transfer, assign, pledge, mortgage, or encumber any assets of the bank.

(D) Upon taking possession of the bank, the superintendent shall post or cause to be posted an appropriate notice of closing at the main entrance of each of the bank's banking offices.

(E) Neither filing nor posting of notice in accordance with this section shall be a condition to either the superintendent's taking possession of the property and business of a state bank or appointing a receiver for a state bank.

**Sec. 1125.20.** (A) If it appears to the superintendent of financial institutions that any one or more of the conditions set forth in section 1125.18 of the Revised Code exists as to any state bank, the superintendent shall tender appointment as receiver to the federal deposit insurance corporation if any deposits in the state bank are insured by the federal deposit insurance corporation, and may tender appointment as receiver to the federal deposit insurance corporation in any other case. Upon acceptance of the appointment as receiver, the federal deposit insurance corporation shall not be required to post a bond. In addition to the powers of a receiver set forth in this chapter, the federal deposit insurance corporation, as receiver, may exercise any other liquidation or receivership powers authorized

by state or federal law for a receiver of a bank. 129854

(B) If the federal deposit insurance corporation declines to 129855  
accept the tendered appointment or if the superintendent is not 129856  
required to tender appointment as receiver to the federal deposit 129857  
insurance corporation, the superintendent may appoint, and 129858  
thereafter dismiss or replace, any other receiver, including the 129859  
superintendent, the superintendent determines to be necessary or 129860  
advisable. The superintendent may fix the compensation to be paid 129861  
the receiver and the amount of the bond or other security, if any, 129862  
to be required. 129863

(C) The superintendent may, from time to time, appoint one or 129864  
more special deputy superintendents as agent or agents to assist 129865  
in the duties of receivership or of liquidation and distribution. 129866  
No agent so appointed shall be subject to section 1181.05 of the 129867  
Revised Code. 129868

(D) The superintendent, any special deputy superintendents, 129869  
or a receiver may employ and procure whatever assistance or advice 129870  
is necessary in the receivership or liquidation and distribution 129871  
of the assets of the bank, and, for that purpose, may retain 129872  
officers or employees of the bank as needed. 129873

(E) All expenses of a receivership and liquidation shall be 129874  
paid out of the assets of the bank, and shall be a lien on the 129875  
bank's assets, which lien shall be prior to any other lien. 129876

**Sec. 1125.21.** Upon the superintendent of financial 129877  
institutions' appointment of a receiver, title to all of the state 129878  
bank's assets shall vest in the receiver without the execution of 129879  
any instrument of conveyance, assignment, transfer, or 129880  
endorsement. 129881

**Sec. 1125.22.** (A) A receiver shall have all of the following 129882  
powers: 129883

- (1) To take possession of all books, records of account, and assets of the state bank; 129884  
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- (2) To collect all debts, claims, and judgments belonging to the bank and to take any other action, including the lending of money, necessary to preserve and liquidate the assets of the bank; 129886  
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- (3) To execute in the name of the bank any instrument necessary or proper to effectuate the receiver's powers or perform its duties as receiver; 129889  
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- (4) To initiate, pursue, compromise, and defend litigation involving any right, claim, interest, or liability of the bank; 129892  
129893
- (5) To exercise all fiduciary functions of the bank as of the date of appointment as receiver; 129894  
129895
- (6) To borrow money as necessary in the liquidation of the bank, and to secure those borrowings by the pledge or mortgage of assets of the bank; 129896  
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- (7) To abandon or convey title to any holder of a deed of trust, mortgage, or similar lien against property in which the bank has an interest, whenever the receiver determines that continuing to claim that interest is burdensome and of no advantage to the bank or its account holders, creditors, ~~or~~ shareholders, or members; 129899  
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- (8) To sell any and all assets, to compromise any debt, claim, obligation, or judgment due to the bank, to discontinue any pending action or other proceeding, and to sell or otherwise transfer all or a substantial portion of the assets or liabilities of the bank; 129905  
129906  
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129908  
129909
- (9) To establish ancillary receiverships in any jurisdiction the receiver determines necessary; 129910  
129911
- (10) To distribute assets in accordance with this chapter; 129912
- (11) To take any other action incident to the powers set 129913

forth in division (A) of this section. 129914

(B) Unless specifically indicated to the contrary, the powers 129915  
conferred upon a receiver under this section may be exercised 129916  
without court approval. However, nothing in this section shall be 129917  
construed to prevent a receiver from obtaining court approval when 129918  
the receiver determines approval is appropriate under the 129919  
circumstances. 129920

**Sec. 1125.23.** (A) The receiver shall promptly cause notice of 129921  
the claims procedure to be published once a month for two 129922  
consecutive months in a local newspaper of general circulation and 129923  
to be mailed to each person whose name appears as a creditor upon 129924  
the books of the state bank, at the last address of record. 129925

(B)(1) All parties having claims of any kind against the 129926  
bank, including prior judgments and claims of security, 129927  
preference, priority, and offset, shall present their claims 129928  
substantiated by legal proof to the receiver within one hundred 129929  
eighty days after the date of the first publication of notice of 129930  
the claims procedure or after actual receipt of notice of the 129931  
claims procedure, whichever occurs first. 129932

(2) Within one hundred eighty days after receipt of a claim, 129933  
the receiver shall notify the claimant in writing whether the 129934  
claim has been allowed or disallowed. The receiver may reject any 129935  
claim in whole or in part, or may reject any claim of security, 129936  
preference, priority, or offset against the bank. Any claimant 129937  
whose claim has been rejected by the receiver shall petition the 129938  
court for a hearing on the claim within sixty days after the date 129939  
the notice was mailed or be forever barred from asserting the 129940  
rejected claim. 129941

(C) Any claims filed after the claim period and subsequently 129942  
accepted by the receiver or allowed by the court, shall be 129943  
entitled to share in the distribution of assets only to the extent 129944

of the undistributed assets in the hands of the receiver on the 129945  
date the claims are accepted or allowed. 129946

**Sec. 1125.24.** (A) All claims against the state bank's estate 129947  
and expenses, proved to the receiver's satisfaction or approved by 129948  
the court, shall be paid in the following order: 129949

(1) Expenses of liquidation and receivership, including money 129950  
borrowed under authority of division (A)(6) of section 1125.22 or 129951  
division (A)(7) of section 1125.12 of the Revised Code and 129952  
interest on it, and claims for fees and assessments due the 129953  
superintendent of financial institutions; 129954

(2) Claims given priorities under other provisions of state 129955  
or federal law; 129956

(3) Wages and, salaries, or commissions, including vacation, 129957  
severance, and sick leave pay, of officers and employees earned 129958  
during the one-month period preceding the date of the bank's 129959  
closing in an amount, before applicable taxes and other 129960  
withholdings, that does not exceed one thousand dollars for any 129961  
one person; 129962

(4) Deposit obligations; 129963

(5) Other general liabilities; 129964

(6) Obligations subordinated to deposits and other general 129965  
liabilities. 129966

(B) Interest shall be given the same priority as the claim on 129967  
which it is based, but no interest shall be paid on any claim 129968  
until the principal of all claims within the same class has been 129969  
paid or provided for in full. 129970

(C) Any funds remaining after satisfying the requirements of 129971  
divisions (A) and (B) of this section shall be paid to the 129972  
shareholders or members. 129973

(D) Payment on claims shall be made pro rata among claims of 129974  
the kind specified in each class set forth in division (A) of this 129975  
section. 129976

(E) Subject to the approval of the court, the receiver may 129977  
designate a separate class of claims consisting only of every 129978  
unsecured claim that is less than, or reduced to, an amount the 129979  
court approves for payment as reasonable and necessary for 129980  
administrative convenience. 129981

(F) Subject to the approval of the court, the receiver may 129982  
make periodic and interim liquidating dividends or payments. 129983

**Sec. 1125.25.** (A) Within one hundred days after the date of 129984  
the closing of a state bank, a receiver may reject any executory 129985  
contract to which the bank is a party without any further 129986  
liability on the part of the bank or the receiver. The receiver's 129987  
election to reject an executory contract creates no claim for 129988  
compensation other than compensation accrued to the date of 129989  
termination or for actual damages. 129990

(B) A receiver may ratify and assign any executory contract 129991  
to which the bank is a party notwithstanding the existence of a 129992  
provision in the contract permitting the termination of the 129993  
executory contract, or prohibiting, conditioning, or requiring 129994  
consent to any assignment of the executory contract, upon the 129995  
insolvency of the bank or the appointment of a receiver. 129996

**Sec. 1125.26.** Whenever the federal deposit insurance 129997  
corporation pays or makes available for payment the insured 129998  
deposit liabilities of a state bank, the federal deposit insurance 129999  
corporation, whether or not it acts as receiver, shall be 130000  
subrogated to the extent of the payments to all rights of 130001  
depositors against the bank. 130002

**Sec. 1125.27.** (A) The receiver may appoint a successor to all 130003  
rights, obligations, assets, deposits, agreements, and trusts held 130004  
by the closed state bank as trustee, administrator, executor, 130005  
guardian, agent, or in any other fiduciary or representative 130006  
capacity. The successor's duties and obligations commence upon 130007  
appointment to the same extent they are binding upon the former 130008  
bank and as though the successor had originally assumed the duties 130009  
and obligations. Specifically, the successor shall succeed to and 130010  
be entitled to administer all trusteeships, administrations, 130011  
executorships, guardianships, agencies, and all other fiduciary or 130012  
representative proceedings to which the closed bank is named or 130013  
appointed in wills, whenever probated, or to which it is appointed 130014  
by any other instrument, court order, or operation of law. 130015

(B) Within sixty days after appointment, the successor shall 130016  
give written notice, insofar as practicable, to all interested 130017  
parties named in the books and records of the bank or in trust 130018  
documents held by it, that the successor has been appointed in 130019  
accordance with state law. 130020

(C) Nothing in this section shall be construed to impair any 130021  
right of the grantor or beneficiaries of trust assets to secure 130022  
the appointment of a substituted trustee or manager. 130023

**Sec. 1125.28.** (A) The filing with the court of the finding of 130024  
the superintendent of financial institutions or the certificate of 130025  
appointment of the receiver, whichever occurs first, operates as 130026  
an automatic stay from the date of the filing, subject to the 130027  
court granting a motion for relief from the stay, applicable to 130028  
all ~~entities~~ persons, of both of the following: 130029

(1) The commencement or continuation, including the issuance 130030  
or employment of process, of a judicial, administrative, or other 130031  
action or proceeding against the state bank that was or could have 130032

been commenced before the filing; 130033

(2) The enforcement against the bank of a judgment or other 130034  
claim obtained before the filing, including claims of security, 130035  
preference, priority, and offset. 130036

(B) Upon the filing with the court of the finding of the 130037  
superintendent or the certificate of appointment of the receiver, 130038  
whichever occurs first, any other pending judicial, 130039  
administrative, or other action or proceeding against the bank 130040  
shall, upon motion of the receiver, be consolidated into one 130041  
action or transferred as a separate matter before the presiding 130042  
judge of the court having jurisdiction of the receivership, 130043  
subject, however, to the automatic stay provided in division (A) 130044  
of this section. Subject to the receiver's option to have an 130045  
action later consolidated or transferred, any action commenced 130046  
after the superintendent's filing shall be filed as a separate 130047  
matter before the presiding judge in the court having jurisdiction 130048  
over the receivership. 130049

(C) The superintendent, prior to the appointment of a 130050  
receiver, or the receiver, after its appointment, shall be the 130051  
only party named in an action involving a state bank subject to 130052  
this chapter. 130053

(D) Any action seeking to enjoin the superintendent's order 130054  
appointing a receiver of a state bank shall be brought prior to 130055  
the date the receiver sells all or substantially all of the assets 130056  
of the bank, prior to the date the receiver transfers all or 130057  
substantially all of the insured deposits to an assuming 130058  
institution, or within ten days after the issuance of the order, 130059  
whichever is earliest. 130060

**Sec. 1125.29.** (A) When a receiver has completed the 130061  
liquidation of a state bank, the receiver shall, with notice to 130062  
the superintendent of financial institutions, petition the court 130063

for an order declaring the bank properly wound up and dissolved. 130064

(B) After whatever notice and hearing, if any, the court may 130065  
direct, the court may make an order declaring the bank properly 130066  
wound up and dissolved. The order shall do both of the following, 130067  
to the extent applicable: 130068

(1) Declare all of the following: 130069

(a) The bank has been properly wound up. 130070

(b) All known assets of the bank have been distributed 130071  
according to the distribution priorities set forth in this 130072  
chapter. 130073

(c) The bank is dissolved. 130074

(2) If there are known debts or liabilities, describe the 130075  
provision made for their payment, setting forth whatever 130076  
information may be necessary to enable the creditor or other 130077  
person to whom payment is to be made to appear and claim payment 130078  
of the debt or liability. 130079

(C) The order shall confirm a plan by the receiver for the 130080  
disposition or maintenance of any remaining real or personal 130081  
property or other assets, whether held in trust or otherwise and 130082  
including the contents of safe deposit boxes or vaults, held by 130083  
the bank for its account holders, creditors, lessees, ~~or~~ 130084  
shareholders, or members. The plan shall include written notice to 130085  
all known owners or beneficiaries of the assets, to be sent by 130086  
first class mail to each individual's address as shown on the 130087  
records of the bank. 130088

(D) The court may make whatever additional orders and grant 130089  
whatever further relief it determines proper upon the evidence 130090  
submitted. 130091

(E) Once the order is made declaring the bank dissolved, the 130092  
corporate existence of the bank shall cease, except for purposes 130093

of any necessary additional winding up. 130094

(F) Once the order is made declaring the bank dissolved, the 130095  
receiver shall promptly file a copy of the order, certified by the 130096  
clerk of the court, with both the secretary of state and the 130097  
superintendent. 130098

**Sec. 1125.30.** Subject to the approval of the court, the 130099  
receiver may destroy the records of the state bank in accordance 130100  
with section 1109.69 of the Revised Code after the receiver 130101  
determines there is no further need for them. However, the 130102  
receiver shall not destroy the records earlier than six months 130103  
after the date the bank is declared dissolved by the court. 130104

**Sec. 1125.33.** (A) No damages may be awarded in a proceeding 130105  
brought pursuant to this chapter challenging any action by the 130106  
superintendent of financial institutions, special deputy 130107  
superintendent, receiver, or conservator, or any employee of any 130108  
of them, or any person retained for services under this chapter. 130109  
Any action for damages shall be brought in the court as a separate 130110  
action. 130111

(B) The superintendent, special deputy superintendent, 130112  
receiver, conservator, or any employee of any of them, or any 130113  
person retained for services under this chapter, is not subject to 130114  
any civil liability or penalty, or to any criminal prosecution, 130115  
for any error in judgment or discretion made in good faith in any 130116  
action taken or omitted in an official capacity under this 130117  
chapter. 130118

(C) The superintendent, special deputy superintendent, 130119  
receiver, conservator, or any employee of any of them, or any 130120  
person retained for services under this chapter, is not liable in 130121  
damages for any action or failure to act unless it is proved by 130122  
clear and convincing evidence in court that the action or failure 130123

to act involved an act or omission undertaken with deliberate 130124  
intent to cause injury to any of the state bank, its shareholders, 130125  
its members, its depositors, or its creditors, or undertaken with 130126  
reckless disregard for the best interests of any of the bank, its 130127  
shareholders, its members, its depositors, its creditors, or the 130128  
public. 130129

**Sec. 1181.01.** The superintendent of financial institutions 130130  
shall be the chief executive officer of the division of financial 130131  
institutions. 130132

(A) The superintendent shall have at least five years of 130133  
experience in the financial services industry or in the 130134  
examination or regulation of financial institutions. 130135

(B) The superintendent shall appoint a deputy superintendent 130136  
for banks, ~~a deputy superintendent for savings and loan~~ 130137  
~~associations and savings banks, and a deputy superintendent for~~ 130138  
~~credit unions. Each deputy superintendent who shall have possess~~ 130139  
at least one of the following qualifications prior to the deputy 130140  
superintendent's appointment: 130141

(1) Not less than five years of experience in that particular 130142  
industry or at least five years of experience in the examination 130143  
or regulation of banks, savings and loan associations, savings 130144  
banks, or credit unions as a senior level officer in a bank, 130145  
savings and loan association, or savings bank, a bank holding 130146  
company, or a savings and loan holding company or as a senior 130147  
level manager or senior professional with a primary business of, 130148  
or professional focus on, auditing or providing professional 130149  
advice to such institutions; 130150

(2) Not less than five years of experience as a senior level 130151  
supervisor in the examination or regulation of banks, savings and 130152  
loan associations, or savings banks; 130153

(3) Not less than a total of five years of experience in any combination of the positions described in divisions (B)(1) and (2) of this section. 130154  
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(C) The superintendent shall appoint a deputy superintendent for credit unions, who shall possess at least one of the following qualifications prior to the deputy superintendent's appointment: 130157  
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130159

(1) Not less than five years of experience as a senior level officer in a credit union or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to credit unions; 130160  
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130162  
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(2) Not less than five years of experience as a senior level supervisor in the examination or regulation of credit unions; 130164  
130165

(3) Not less than a total of five years of experience in any combination of the positions described in divisions (C)(1) and (2) of this section. 130166  
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(D) The superintendent shall also appoint a deputy superintendent for consumer finance, who shall have possess at least one of the following qualifications prior to the deputy superintendent's appointment: 130169  
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130171  
130172

(1) Not less than five years of experience in as an owner, officer, or senior level manager of one or more of the consumer finance companies regulated by the division or in the examination or regulation of banks, savings and loan associations, savings banks, credit unions, or consumer finance companies, as a senior level manager of a mortgage banking affiliate of a bank, savings and loan association, savings bank, bank holding company, or savings and loan holding company, or as a senior level manager or senior professional with a primary business of, or professional focus on, auditing or providing professional advice to consumer finance companies; 130173  
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(2) Not less than five years of experience as a senior level 130184

|                                                                            |        |
|----------------------------------------------------------------------------|--------|
| <u>supervisor in the examination or regulation of consumer finance</u>     | 130185 |
| <u>companies;</u>                                                          | 130186 |
| <u>(3) Not less than a total of five years of experience in any</u>        | 130187 |
| <u>combination of the positions described in divisions (D)(1) and (2)</u>  | 130188 |
| <u>of this section.</u>                                                    | 130189 |
| <u>(E) The deputy superintendents appointed by the</u>                     | 130190 |
| <u>superintendent of financial institutions pursuant to this section</u>   | 130191 |
| <u>shall serve in the unclassified civil service.</u>                      | 130192 |
| <b>Sec. 1181.02.</b> The superintendent of financial institutions          | 130193 |
| may appoint and employ such assistants, clerks, examiners, and             | 130194 |
| other employees, <u>and such professionals and agents,</u> as the prompt   | 130195 |
| execution of the duties of the superintendent's office requires,           | 130196 |
| and may employ attorney examiners if the superintendent considers          | 130197 |
| such assistants necessary.                                                 | 130198 |
| <b>Sec. 1181.03.</b> (A) Before entering upon the discharge of the         | 130199 |
| duties of the office of the superintendent of financial                    | 130200 |
| institutions, the superintendent shall give bond to the state in           | 130201 |
| the sum of one million dollars with sureties approved by the               | 130202 |
| governor and conditioned on the faithful discharge of the official         | 130203 |
| duties of the office. The bond, with the approval of the governor          | 130204 |
| and with the superintendent's oath of office endorsed on it, shall         | 130205 |
| be filed with the office of the secretary of state.                        | 130206 |
| (B) Before entering upon the discharge of the duties of their              | 130207 |
| respective offices, the deputy superintendent for banks, <del>the</del>    | 130208 |
| <del>deputy superintendent for savings and loan associations and</del>     | 130209 |
| <del>savings banks,</del> the deputy superintendent for credit unions, and | 130210 |
| the deputy superintendent for consumer finance shall each give             | 130211 |
| bond to the state in the sum of five hundred thousand dollars with         | 130212 |
| sureties approved by the superintendent and conditioned on the             | 130213 |
| faithful performance of their respective duties. The bonds shall           | 130214 |

be filed with the office of the secretary of state. 130215

(C) The superintendent shall require of each other employee 130216  
and each agent of the division of financial institutions a bond, 130217  
conditioned on the faithful performance of each employee's and 130218  
agent's respective duties, in an amount not less than five 130219  
thousand dollars that the superintendent determines to be 130220  
acceptable. The bonds may, in the discretion of the 130221  
superintendent, be individual, schedule, or blanket bonds. The 130222  
bonds shall be filed with the office of the secretary of state. 130223

(D) The division shall pay the cost or premium of the bonds 130224  
required by this section from funds appropriated to the division 130225  
for that purpose. 130226

**Sec. 1181.04.** Neither the superintendent of financial 130227  
institutions nor any employee, agent, or contractor of the 130228  
division of financial institutions shall be liable in any civil, 130229  
criminal, or administrative proceeding for any mistake of judgment 130230  
or discretion in any action taken, or any omission made by the 130231  
superintendent ~~or~~, employee, agent, or contractor if done in good 130232  
faith within the scope of the person's official capacity as 130233  
assigned by the superintendent. 130234

**Sec. 1181.05.** (A) As used in this section, "consumer finance 130235  
company" means any person required to be licensed or registered 130236  
under Chapter 1321., 1322., 4712., 4727., or 4728. or sections 130237  
1315.21 to 1315.30 of the Revised Code. 130238

(B) Neither the superintendent of financial institutions nor 130239  
any other employee of the division of financial institutions shall 130240  
do any of the following: ~~be interested~~ have a business or 130241  
investment interest, directly or indirectly, in any state bank, 130242  
~~savings and loan association, savings bank~~ trust company, credit 130243  
union, or consumer finance company, that is under the supervision 130244

of the superintendent of financial institutions or in any 130245  
affiliate of any such financial institution or company; directly 130246  
or indirectly borrow money from any such financial institution or 130247  
company; serve as a director or officer of or be employed by any 130248  
such financial institution or company; or own an equity interest 130249  
in any such financial institution or company or in any of its 130250  
affiliates. For purposes of this section, an equity interest does 130251  
not include the ownership of an account in a mutual savings and 130252  
loan association or in a savings bank that does not have permanent 130253  
stock or the ownership of a share account in a credit union. 130254

(C) Subject to division (G) of this section, an employee of 130255  
the division of financial institutions may retain any extension of 130256  
credit that otherwise would be prohibited by division (B) of this 130257  
section if both of the following apply: 130258

(1) The employee obtained the extension of credit prior to 130259  
October 29, 1995, or the commencement of the employee's employment 130260  
with the division, or as a result of a change in the employee's 130261  
marital status, the consummation of a merger, acquisition, 130262  
transfer of assets, or other change in corporate ownership beyond 130263  
the employee's control, or the sale of the extension of credit in 130264  
the secondary market or other business transaction beyond the 130265  
employee's control. 130266

(2) The employee liquidates the extension of credit under its 130267  
original terms and without renegotiation. 130268

If the employee chooses to retain the extension of credit, 130269  
the employee shall immediately provide written notice of the 130270  
retention to the employee's supervisor. Thereafter, the employee 130271  
shall be disqualified from participating in any decision, 130272  
examination, audit, or other action that may affect that 130273  
particular creditor. 130274

(D) Subject to division (G) of this section, an employee of 130275

the division of financial institutions may retain any ownership of 130276  
or beneficial interest in the securities of a financial 130277  
institution or consumer finance company that is under the 130278  
supervision of the division of financial institutions, or of a 130279  
holding company or subsidiary of such a financial institution or 130280  
company, which ownership or beneficial interest otherwise would be 130281  
prohibited by division (B) of this section, if the ownership or 130282  
beneficial interest is acquired by the employee through 130283  
inheritance or gift, prior to October 29, 1995, or the 130284  
commencement of the employee's employment with the division, or as 130285  
a result of a change in the employee's marital status or the 130286  
consummation of a merger, acquisition, transfer of assets, or 130287  
other change in ~~corporate~~ ownership beyond the employee's control. 130288

If the employee chooses to retain the ownership or beneficial 130289  
interest, the employee shall immediately provide written notice of 130290  
the retention to the employee's supervisor. Thereafter, the 130291  
employee shall be disqualified from participating in any decision, 130292  
examination, audit, or other action that may affect the issuer of 130293  
the securities. However, if the ownership of or beneficial 130294  
interest in the securities and the subsequent disqualification 130295  
required by this division impair the employee's ability to perform 130296  
the employee's duties, the employee may be ordered to divest self 130297  
of the ownership of or beneficial interest in the securities or to 130298  
resign. 130299

(E) Notwithstanding division (B) of this section, an employee 130300  
of the division of financial institutions may have an indirect 130301  
interest in the securities of a financial institution or consumer 130302  
finance company that is under the supervision of the division of 130303  
financial institutions, which interest arises through ownership of 130304  
or beneficial interest in the securities of a publicly held mutual 130305  
fund or investment trust, if the employee owns or has a beneficial 130306  
interest in less than five per cent of the securities of the 130307

mutual fund or investment trust, and the mutual fund or investment 130308  
trust is not advised or sponsored by a financial institution or 130309  
consumer finance company that is under the supervision of the 130310  
division of financial institutions. If the mutual fund or 130311  
investment trust is subsequently advised or sponsored by a 130312  
financial institution or consumer finance company that is under 130313  
the supervision of the division of financial institutions, the 130314  
employee shall immediately provide written notice of the ownership 130315  
of or beneficial interest in the securities to the employee's 130316  
supervisor. Thereafter, the employee shall be disqualified from 130317  
participating in any decision, examination, audit, or other action 130318  
that may affect the financial institution or consumer finance 130319  
company. However, if the ownership of or beneficial interest in 130320  
the securities and the subsequent disqualification required by 130321  
this division impair the employee's ability to perform the 130322  
employee's duties, the employee may be ordered to divest self of 130323  
the ownership of or beneficial interest in the securities or to 130324  
resign. 130325

(F)(1) For purposes of this section, the interests of an 130326  
employee's spouse or dependent child arising through the ownership 130327  
or control of securities shall be considered the interests of the 130328  
employee, unless the employee can demonstrate to the satisfaction 130329  
of the superintendent that the interests are solely the financial 130330  
interest and responsibility of the spouse or dependent child, the 130331  
interests are not in any way derived from the income, assets, or 130332  
activity of the employee, and any financial or economic benefit 130333  
from the interests is for the personal use of the spouse or 130334  
dependent child. 130335

(2) If an employee's spouse or dependent child obtains 130336  
interests arising through the ownership or control of securities 130337  
and, pursuant to division (F)(1) of this section, the interests 130338  
are not considered the interests of the employee, the employee 130339

shall immediately provide written notice of the interests to the 130340  
employee's supervisor. Thereafter, the employee shall be 130341  
disqualified from participating in any decision, examination, 130342  
audit, or other action that may affect the issuer of the 130343  
securities. 130344

(G) For purposes of divisions (C) and (D) of this section, 130345  
both of the following apply: 130346

(1) With respect to any employee of the former division of 130347  
consumer finance who, on the first day of the first pay period 130348  
commencing after ~~the effective date of this section~~ September 26, 130349  
1996, becomes an employee of the division of financial 130350  
institutions, the employee's employment with the division of 130351  
financial institutions is deemed to commence on the first day of 130352  
the first pay period commencing after ~~the effective date of this~~ 130353  
~~section~~ September 26, 1996. 130354

(2) With respect to any employee who, on October 29, 1995, 130355  
became an employee of the division of financial institutions, the 130356  
employee may, notwithstanding divisions (C) and (D) of this 130357  
section, retain any extension of credit by a consumer finance 130358  
company that was obtained at any time prior to the first day of 130359  
the first pay period commencing after ~~the effective date of this~~ 130360  
~~section~~ September 26, 1996, or retain any ownership of or 130361  
beneficial interest in the securities of a consumer finance 130362  
company, or of a holding company or subsidiary of such a company, 130363  
that was acquired at any time prior to the first day of the first 130364  
pay period commencing after ~~the effective date of this section~~ 130365  
September 26, 1996. If the employee chooses to retain the 130366  
extension of credit or the ownership or beneficial interest, the 130367  
employee shall comply with divisions (C) and (D) of this section. 130368

**Sec. 1181.06.** There is hereby created in the state treasury 130369  
the financial institutions fund. The fund shall receive 130370

assessments on the banks fund established under section 1121.30 of 130371  
the Revised Code, ~~the savings institutions fund established under~~ 130372  
~~section 1181.18 of the Revised Code,~~ the credit unions fund 130373  
established under section 1733.321 of the Revised Code, and the 130374  
consumer finance fund established under section 1321.21 of the 130375  
Revised Code in accordance with procedures prescribed by the 130376  
superintendent of financial institutions and approved by the 130377  
director of budget and management. Such assessments shall be in 130378  
addition to any assessments on these funds required under division 130379  
(G) of section 121.08 of the Revised Code. All operating expenses 130380  
of the division of financial institutions shall be paid from the 130381  
financial institutions fund. Money in the fund shall be used only 130382  
for that purpose. 130383

**Sec. 1181.07.** The state shall furnish the superintendent of 130384  
financial institutions suitable facilities for conducting the 130385  
business of the superintendent's office at the seat of government 130386  
and in any other ~~city of~~ location within the state where it is 130387  
necessary to keep a resident examiner. 130388

**Sec. 1181.10.** The seal of the superintendent of financial 130389  
institutions shall be ~~one and three fourths inches in diameter and~~ 130390  
~~shall be~~ surrounded by the words: "The superintendent of financial 130391  
institutions of the state of Ohio." 130392

The seal shall have engraved on it the coat of arms of the 130393  
state, as described in section 5.04 of the Revised Code, and shall 130394  
contain the words and devices mentioned in this section and no 130395  
other. 130396

**Sec. 1181.11.** Copies of all certificates, records, and papers 130397  
in the office of the superintendent of financial institutions, 130398  
including the records of the banking commission, the former 130399  
savings and loan associations and savings banks board, and the 130400

credit union council, duly certified by the superintendent or, in 130401  
the absence of the superintendent, a deputy superintendent having 130402  
jurisdiction over the records, and authenticated by the 130403  
superintendent's seal of office, shall be evidence, in all courts 130404  
of this state, of every matter which could be proved by the 130405  
production of the original. 130406

**Sec. 1181.21.** (A) As used in this section, "consumer finance 130407  
company" has the same meaning as in section 1181.05 of the Revised 130408  
Code. 130409

(B) The superintendent of financial institutions shall see 130410  
that the laws relating to consumer finance companies are executed 130411  
and enforced. 130412

(C) The deputy superintendent for consumer finance shall be 130413  
the principal supervisor of consumer finance companies. In that 130414  
position the deputy superintendent for consumer finance shall, 130415  
notwithstanding section 1321.421, division (A) of section 1321.76, 130416  
and sections 1321.07, 1321.55, 1322.06, 4727.05, and 4728.05 of 130417  
the Revised Code, be responsible for conducting examinations and 130418  
preparing examination reports under those sections and under 130419  
Chapter 4712. of the Revised Code. In addition, the deputy 130420  
superintendent for consumer finance shall, notwithstanding 130421  
sections 1315.27, 1321.10, 1321.43, 1321.54, 1321.77, 1322.12, 130422  
4712.14, 4727.13, and 4728.10 of the Revised Code, have the 130423  
authority to adopt rules and standards in accordance with those 130424  
sections. In performing or exercising any of the examination, 130425  
rule-making, or other regulatory functions, powers, or duties 130426  
vested by this division in the deputy superintendent for consumer 130427  
finance, the deputy superintendent for consumer finance shall be 130428  
subject to the control of the superintendent of financial 130429  
institutions and the director of commerce. 130430

Sec. 1181.25. The (A) Notwithstanding sections 1121.18, 130431  
1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061, 130432  
1733.32, 1733.327, and 4727.18 of the Revised Code, the 130433  
superintendent of financial institutions may, in the 130434  
superintendent's discretion, introduce into evidence or disclose, 130435  
or authorize to be introduced into evidence or disclosed, 130436  
information that, ~~under sections 1121.18, 1155.16, 1163.20,~~ 130437  
~~1315.122, 1321.09, 1321.48, 1321.55, 1321.76, 1322.06, 1322.061,~~ 130438  
~~1733.32, 1733.327, and 4727.18 of the Revised Code,~~ is privileged, 130439  
confidential, or otherwise not ~~public information or~~ a public 130440  
record, ~~provided that the superintendent acts only as provided in~~ 130441  
~~those sections or~~ in the following circumstances: 130442

~~(A) When in the opinion of~~ (1) In connection with any civil, 130443  
criminal, or administrative investigation or examination conducted 130444  
by the superintendent, ~~it is appropriate with regard to any~~ 130445  
~~enforcement actions taken and decisions made by the superintendent~~ 130446  
under Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. 130447  
of the Revised Code or Title XI of the Revised Code or by any 130448  
other financial institution regulatory authority, any state or 130449  
federal attorney general or prosecuting attorney, or any local, 130450  
state, or federal law enforcement agency; 130451

~~(B) When~~ (2) In connection with any civil or criminal 130452  
litigation has been or administrative enforcement action initiated 130453  
or to be initiated by the superintendent in furtherance of the 130454  
powers, duties, and obligations imposed upon the superintendent by 130455  
Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of 130456  
the Revised Code or Title XI of the Revised Code; 130457

~~(C) When in the opinion of the superintendent, it is~~ 130458  
~~appropriate with regard to enforcement actions taken or decisions~~ 130459  
~~made by other financial institution regulatory authorities to whom~~ 130460  
~~the superintendent has provided the information pursuant to~~ 130461

authority in (3) To administer licensing and registration under Chapters 1315., 1321., 1322., 1733., 4712., 4727., and 4728. of the Revised Code or Title XI of the Revised Code through the nationwide mortgage licensing system and registry as defined in section 1322.01 of the Revised Code.

(B) If the superintendent has reason to believe that any privileged, confidential, or other nonpublic information provided pursuant to this section may be disclosed by the intended recipient, the superintendent shall seek a protective order or enter into an agreement to protect that information.

(C) All reports and other information made available under this chapter remain the property of the superintendent. Except as otherwise provided in this section, no person, agency, or other authority to whom the information is made available, or any officer, director, or employee thereof, shall disclose such information except in published statistical material that does not disclose, either directly or when used in conjunction with publicly available information, the affairs of any individual or entity.

(D) The superintendent shall not be considered to have waived any privilege applicable to any information by transferring that information to, or permitting that information to be used by, any federal or state agency or any other person as permitted under this chapter or Chapter 1121. of the Revised Code.

**Sec. 1349.16.** (A) As used in this section, "financial institution" includes every bank as defined in section 1101.01 of the Revised Code, ~~savings and loan association as defined in section 1151.01 of the Revised Code, savings bank as defined in section 1161.01 of the Revised Code,~~ and credit union organized or qualified as such under sections 1733.01 to 1733.45 of the Revised Code or the "Federal Credit Union Act," 84 Stat. 994 (1970), 12

U.S.C.A. 1752, as amended. 130493

(B) Before opening or authorizing signatory power over a 130494  
checking account intended for personal, family, or household 130495  
purposes, a financial institution: 130496

(1) Shall require the applicant to provide ~~his~~ the 130497  
applicant's current address and a valid driver's or commercial 130498  
driver's license or identification card issued by the registrar of 130499  
motor vehicles or a deputy registrar under section 4507.50 of the 130500  
Revised Code. If the applicant does not have a valid driver's or 130501  
commercial driver's license or identification card, the applicant 130502  
may provide an identification document that includes ~~his~~ the 130503  
applicant's full name, birthdate, and signature. 130504

(2) May require the applicant to provide relevant information 130505  
in addition to the information specified in division (B)(1) of 130506  
this section. 130507

(C) Every person that issues or prints checks, bills of 130508  
exchange, or other drafts for use with a checking account intended 130509  
for personal, family, or household purposes opened on or after 130510  
October 16, 1990 shall print the date on which the checking 130511  
account was opened on the face of each check, bill of exchange, or 130512  
other draft. 130513

(D) This section does not apply to temporary checks furnished 130514  
at the time a checking account is opened. 130515

(E) This section does not create any civil cause of action 130516  
against a financial institution, its directors, trustees, 130517  
officers, employees, agents, representatives, or other persons 130518  
acting on its behalf, or against any person that issues or prints 130519  
checks, bills of exchange, or other drafts, for failure to comply 130520  
with this section. 130521

**Sec. 1509.07.** (A)(1) Except as provided in division (A)(2) of 130522

this section, an owner of any well, except an exempt Mississippian well or an exempt domestic well, shall obtain liability insurance coverage from a company authorized to do business in this state in an amount of not less than one million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all the owner's wells in this state. However, if any well is located within an urbanized area, the owner shall obtain liability insurance coverage in an amount of not less than three million dollars for bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all of the owner's wells in this state.

(2) An owner of a horizontal well shall obtain liability insurance coverage from an insurer authorized to write such insurance in this state or from an insurer approved to write such insurance in this state under section 3905.33 of the Revised Code in an amount of not less than five million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the production operations of all the owner's wells in this state. The insurance policy shall include a reasonable level of coverage available for an environmental endorsement.

(3) An owner shall maintain the coverage required under division (A)(1) or (2) of this section until all the owner's wells are plugged and abandoned or are transferred to an owner who has obtained insurance as required under this section and who is not under a notice of material and substantial violation or under a suspension order. The owner shall provide proof of liability insurance coverage to the chief of the division of oil and gas resources management upon request. Upon failure of the owner to provide that proof when requested, the chief may order the

suspension of any outstanding permits and operations of the owner 130555  
until the owner provides proof of the required insurance coverage. 130556

(B)(1) Except as otherwise provided in this section, an owner 130557  
of any well, before being issued a permit under section 1509.06 of 130558  
the Revised Code or before operating or producing from a well, 130559  
shall execute and file with the division of oil and gas resources 130560  
management a surety bond conditioned on compliance with the 130561  
restoration requirements of section 1509.072, the plugging 130562  
requirements of section 1509.12, the permit provisions of section 130563  
1509.13 of the Revised Code, and all rules and orders of the chief 130564  
relating thereto, in an amount set by rule of the chief. 130565

(2) The owner may deposit with the chief, instead of a surety 130566  
bond, cash in an amount equal to the surety bond as prescribed 130567  
pursuant to this section or negotiable certificates of deposit or 130568  
irrevocable letters of credit, issued by any bank organized or 130569  
transacting business in this state ~~or by any savings and loan~~ 130570  
~~association as defined in section 1151.01 of the Revised Code,~~ 130571  
having a cash value equal to or greater than the amount of the 130572  
surety bond as prescribed pursuant to this section. Cash or 130573  
certificates of deposit shall be deposited upon the same terms as 130574  
those upon which surety bonds may be deposited. If certificates of 130575  
deposit are deposited with the chief instead of a surety bond, the 130576  
chief shall require the bank ~~or savings and loan association~~ that 130577  
issued any such certificate to pledge securities of a cash value 130578  
equal to the amount of the certificate that is in excess of the 130579  
amount insured by any of the agencies and instrumentalities 130580  
created under the "Federal Deposit Insurance Act," 64 Stat. 873 130581  
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 130582  
it, including at least the federal deposit insurance corporation, 130583  
~~bank insurance fund, and savings association insurance fund.~~ The 130584  
securities shall be security for the repayment of the certificate 130585  
of deposit. 130586

Immediately upon a deposit of cash, certificates of deposit, 130587  
or letters of credit with the chief, the chief shall deliver them 130588  
to the treasurer of state who shall hold them in trust for the 130589  
purposes for which they have been deposited. 130590

(3) Instead of a surety bond, the chief may accept proof of 130591  
financial responsibility consisting of a sworn financial statement 130592  
showing a net financial worth within this state equal to twice the 130593  
amount of the bond for which it substitutes and, as may be 130594  
required by the chief, a list of producing properties of the owner 130595  
within this state or other evidence showing ability and intent to 130596  
comply with the law and rules concerning restoration and plugging 130597  
that may be required by rule of the chief. The owner of an exempt 130598  
Mississippian well is not required to file scheduled updates of 130599  
the financial documents, but shall file updates of those documents 130600  
if requested to do so by the chief. The owner of a nonexempt 130601  
Mississippian well shall file updates of the financial documents 130602  
in accordance with a schedule established by rule of the chief. 130603  
The chief, upon determining that an owner for whom the chief has 130604  
accepted proof of financial responsibility instead of bond cannot 130605  
demonstrate financial responsibility, shall order that the owner 130606  
execute and file a bond or deposit cash, certificates of deposit, 130607  
or irrevocable letters of credit as required by this section for 130608  
the wells specified in the order within ten days of receipt of the 130609  
order. If the order is not complied with, all wells of the owner 130610  
that are specified in the order and for which no bond is filed or 130611  
cash, certificates of deposit, or letters of credit are deposited 130612  
shall be plugged. No owner shall fail or refuse to plug such a 130613  
well. Each day on which such a well remains unplugged thereafter 130614  
constitutes a separate offense. 130615

(4) The surety bond provided for in this section shall be 130616  
executed by a surety company authorized to do business in this 130617  
state. 130618

The chief shall not approve any bond until it is personally signed and acknowledged by both principal and surety, or as to either by the principal's or surety's attorney in fact, with a certified copy of the power of attorney attached thereto. The chief shall not approve a bond unless there is attached a certificate of the superintendent of insurance that the company is authorized to transact a fidelity and surety business in this state.

All bonds shall be given in a form to be prescribed by the chief and shall run to the state as obligee.

(5) An owner of an exempt Mississippian well or an exempt domestic well, in lieu of filing a surety bond, cash in an amount equal to the surety bond, certificates of deposit, irrevocable letters of credit, or a sworn financial statement, may file a one-time fee of fifty dollars, which shall be deposited in the oil and gas well plugging fund created in section 1509.071 of the Revised Code.

(C) An owner, operator, producer, or other person shall not operate a well or produce from a well at any time if the owner, operator, producer, or other person has not satisfied the requirements established in this section.

**Sec. 1509.225.** (A) Before being issued a registration certificate under section 1509.222 of the Revised Code, an applicant shall execute and file with the division of oil and gas resources management a surety bond for fifteen thousand dollars to provide compensation for damage and injury resulting from transporters' violations of sections 1509.22, 1509.222, and 1509.223 of the Revised Code, all rules and orders of the chief of the division of oil and gas resources management relating thereto, and all terms and conditions of the registration certificate imposed thereunder. The applicant may deposit with the chief, in

lieu of a surety bond, cash in an amount equal to the surety bond 130650  
as prescribed in this section, or negotiable certificates of 130651  
deposit issued by any bank organized or transacting business in 130652  
this state, ~~or certificates of deposit issued by any building and~~ 130653  
~~loan association as defined in section 1151.01 of the Revised~~ 130654  
~~Code,~~ having a cash value equal to or greater than the amount of 130655  
the surety bond as prescribed in this section. Cash or 130656  
certificates of deposit shall be deposited upon the same terms as 130657  
those upon which surety bonds may be deposited. If certificates of 130658  
deposit are deposited with the chief in lieu of a surety bond, the 130659  
chief shall require the bank ~~or building and loan association~~ that 130660  
issued any such certificate to pledge securities of a cash value 130661  
equal to the amount of the certificate that is in excess of the 130662  
amount insured by any of the agencies and instrumentalities 130663  
created under the "Federal Deposit Insurance Act," 64 Stat. 873 130664  
(1950), 12 U.S.C. 1811, as amended, and regulations adopted under 130665  
it, including at least the federal deposit insurance corporation, 130666  
~~bank insurance fund, and savings association insurance fund.~~ 130667

Such securities shall be security for the repayment of the 130668  
certificate of deposit. Immediately upon a deposit of cash or 130669  
certificates with the chief, the chief shall deliver it to the 130670  
treasurer of state who shall hold it in trust for the purposes for 130671  
which it has been deposited. 130672

(B) The surety bond provided for in this section shall be 130673  
executed by a surety company authorized to do business in this 130674  
state. The chief shall not approve any bond until it is personally 130675  
signed and acknowledged by both principal and surety, or as to 130676  
either by an attorney in fact, with a certified copy of the power 130677  
of attorney attached thereto. The chief shall not approve the bond 130678  
unless there is attached a certificate of the superintendent of 130679  
insurance that the company is authorized to transact a fidelity 130680  
and surety business in this state. All bonds shall be given in a 130681

form to be prescribed by the chief. 130682

(C) If a registered transporter is found liable for a 130683  
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 130684  
Code or a rule, order, or term or condition of a certificate 130685  
involving, in any case, damage or injury to persons or property, 130686  
or both, the court may order the forfeiture of any portion of the 130687  
bond, cash, or other securities required by this section in full 130688  
or partial payment of damages to the person to whom the damages 130689  
are due. The treasurer of state and the chief shall deliver the 130690  
bond or any cash or other securities deposited in lieu of bond, as 130691  
specified in the court's order, to the person to whom the damages 130692  
are due; however, execution against the bond, cash, or other 130693  
securities, if necessary, is the responsibility of the person to 130694  
whom the damages are due. The chief shall not release the bond, 130695  
cash, or securities required by this section except by court order 130696  
or until the registration is terminated. 130697

**Sec. 1510.09.** (A) There is hereby established a fund for any 130698  
marketing program that is established by the technical advisory 130699  
council under this chapter. The fund shall be in the custody of 130700  
the treasurer of state, but shall not be part of the state 130701  
treasury. Except as authorized in division (B) of this section, 130702  
all money collected pursuant to section 1510.08 of the Revised 130703  
Code for the marketing program shall be paid into the fund for the 130704  
marketing program and shall be disbursed only pursuant to a 130705  
voucher signed by the chairperson of the council for use in 130706  
defraying the costs of administration of the marketing program and 130707  
for carrying out sections 1510.02, 1510.03, and 1510.11 of the 130708  
Revised Code. 130709

(B) In lieu of deposits in the fund established under 130710  
division (A) of this section, the operating committee of a 130711  
marketing program established under this chapter may deposit all 130712

money collected pursuant to section 1510.08 of the Revised Code 130713  
with a bank ~~or a savings and loan association~~ as defined in 130714  
~~sections~~ section 1101.01 ~~and 1151.01~~ of the Revised Code. All 130715  
money collected pursuant to section 1510.08 of the Revised Code 130716  
for the marketing program and deposited pursuant to this division 130717  
also shall be used only in defraying the costs of administration 130718  
of the marketing program and for carrying out sections 1510.02, 130719  
1510.03, and 1510.11 of the Revised Code. 130720

(C) The operating committee shall establish a fiscal year for 130721  
its marketing program, shall publish an activity and financial 130722  
report within sixty days of the end of each fiscal year, and shall 130723  
make the report available to each producer who pays an assessment 130724  
or otherwise contributes to the marketing program that the 130725  
committee administers and to other interested persons. 130726

(D) In addition to the report required by division (C) of 130727  
this section, an operating committee that deposits money in 130728  
accordance with division (B) of this section shall annually submit 130729  
to the council a financial statement prepared by a certified 130730  
public accountant holding valid certification from the Ohio board 130731  
of accountancy issued pursuant to Chapter 4701. of the Revised 130732  
Code. The operating committee shall file the financial statement 130733  
with the council not more than one hundred fifty days after the 130734  
end of each fiscal year. 130735

**Sec. 1514.04.** (A) Upon receipt of notification from the chief 130736  
of the division of mineral resources management of the chief's 130737  
intent to issue an order granting a surface or in-stream mining 130738  
permit to the applicant, the applicant shall file a surety bond, 130739  
cash, an irrevocable letter of credit, or certificates of deposit 130740  
in the amount, unless otherwise provided by rule, of ten thousand 130741  
dollars. If the amount of land to be affected is more than twenty 130742  
acres, the applicant also shall file a surety bond, cash, an 130743

irrevocable letter of credit, or certificates of deposit in the amount of five hundred dollars per acre of land to be affected that exceeds twenty acres. Upon receipt of notification from the chief of the chief's intent to issue an order granting an amendment to a surface or in-stream mining permit, the applicant shall file a surety bond, cash, an irrevocable letter of credit, or certificates of deposit in the amount required in this division.

In the case of a surface mining permit, the bond shall be filed based on the number of acres estimated to be affected during the first year of operation under the permit. In the case of an amendment to a surface mining permit, the bond shall be filed based on the number of acres estimated to be affected during the balance of the period until the next anniversary date of the permit.

In the case of an in-stream mining permit, the bond shall be filed based on the number of acres of land within the limits of the in-stream mining permit for the entire permit period. In the case of an amendment to an in-stream mining permit, the bond shall be filed based on the number of any additional acres of land to be affected within the limits of the in-stream mining permit.

(B) A surety bond filed pursuant to this section and sections 1514.02 and 1514.03 of the Revised Code shall be upon the form that the chief prescribes and provides and shall be signed by the operator as principal and by a surety company authorized to transact business in the state as surety. The bond shall be payable to the state and shall be conditioned upon the faithful performance by the operator of all things to be done and performed by the operator as provided in this chapter and the rules and orders of the chief adopted or issued pursuant thereto.

The operator may deposit with the chief, in lieu of a surety

bond, cash in an amount equal to the surety bond as prescribed in 130775  
this section, or an irrevocable letter of credit or negotiable 130776  
certificates of deposit issued by any bank organized or 130777  
transacting business in this state, ~~or an irrevocable letter of~~ 130778  
~~credit or certificates of deposit issued by any savings and loan~~ 130779  
~~association as defined in section 1151.01 of the Revised Code,~~ 130780  
having a cash value equal to or greater than the amount of the 130781  
surety bond as prescribed in this section. Cash or certificates of 130782  
deposit shall be deposited upon the same terms as the terms upon 130783  
which surety bonds may be deposited. If one or more certificates 130784  
of deposit are deposited with the chief in lieu of a surety bond, 130785  
the chief shall require the bank ~~or savings and loan association~~ 130786  
that issued any such certificate to pledge securities of a cash 130787  
value equal to the amount of the certificate, or certificates, 130788  
that is in excess of the amount insured by the federal deposit 130789  
insurance corporation. The securities shall be security for the 130790  
repayment of the certificate of deposit. 130791

(C) Immediately upon a deposit of cash, a letter of credit, 130792  
or certificates with the chief, the chief shall deliver it to the 130793  
treasurer of state who shall hold it in trust for the purposes for 130794  
which it has been deposited. The treasurer of state shall be 130795  
responsible for the safekeeping of such deposits. An operator 130796  
making a deposit of cash, a letter of credit, or certificates of 130797  
deposit may withdraw and receive from the treasurer of state, on 130798  
the written order of the chief, all or any part of the cash, 130799  
letter of credit, or certificates in the possession of the 130800  
treasurer of state, upon depositing with the treasurer of state 130801  
cash, or an irrevocable letter of credit, or negotiable 130802  
certificates of deposit issued by any bank organized or 130803  
transacting business in this state, ~~or an irrevocable letter of~~ 130804  
~~credit or certificates of deposit issued by any savings and loan~~ 130805  
~~association,~~ equal in value to the value of the cash, letter of 130806  
credit, or certificates withdrawn. An operator may demand and 130807

receive from the treasurer of state all interest or other income 130808  
from any certificates as it becomes due. If certificates deposited 130809  
with and in the possession of the treasurer of state mature or are 130810  
called for payment by the issuer thereof, the treasurer of state, 130811  
at the request of the operator who deposited them, shall convert 130812  
the proceeds of the redemption or payment of the certificates into 130813  
such other negotiable certificates of deposit issued by any bank 130814  
organized or transacting business in this state, ~~such other~~ 130815  
~~certificates of deposit issued by any savings and loan~~ 130816  
~~association,~~ or cash, as may be designated by the operator. 130817

(D) A governmental agency, as defined in division (A) of 130818  
section 1514.022 of the Revised Code, or a board or commission 130819  
that derives its authority from a governmental agency shall not 130820  
require a surface or in-stream mining operator to file a surety 130821  
bond or any other form of financial assurance for the reclamation 130822  
of land to be affected by a surface or in-stream mining operation 130823  
authorized under this chapter. 130824

**Sec. 1707.03.** (A) As used in this section, "exempt" means 130825  
that, except in the case of securities the right to buy, sell, or 130826  
deal in which has been suspended or revoked under an existing 130827  
order of the division of securities under section 1707.13 of the 130828  
Revised Code or under a cease and desist order under division (G) 130829  
of section 1707.23 of the Revised Code, transactions in securities 130830  
may be carried on and completed without compliance with sections 130831  
1707.08 to 1707.11 of the Revised Code. 130832

(B) A sale of securities made by or on behalf of a bona fide 130833  
owner, neither the issuer nor a dealer, is exempt if the sale is 130834  
made in good faith and not for the purpose of avoiding this 130835  
chapter and is not made in the course of repeated and successive 130836  
transactions of a similar character. Any sale of securities over a 130837  
stock exchange that is lawfully conducted in this state and 130838

regularly open for public patronage and that has been established 130839  
and operated for a period of at least five years prior to the sale 130840  
at a commission not exceeding the commission regularly charged in 130841  
such transactions also is exempt. 130842

(C) The sale of securities by executors, administrators, 130843  
receivers, trustees, or anyone acting in a fiduciary capacity is 130844  
exempt, where such relationship was created by law, by a will, or 130845  
by judicial authority, and where such sales are subject to 130846  
approval by, or are made in pursuance to authority granted by, any 130847  
court of competent jurisdiction or are otherwise authorized and 130848  
lawfully made by such fiduciary. 130849

(D) A sale to the issuer, to a dealer, or to an institutional 130850  
investor is exempt. 130851

(E) A sale in good faith, and not for the purpose of avoiding 130852  
this chapter, by a pledgee of a security pledged for a bona fide 130853  
debt is exempt. 130854

(F) The sale at public auction by a corporation of shares of 130855  
its stock because of delinquency in payment for the shares is 130856  
exempt. 130857

(G)(1) The giving of any conversion right with, or on account 130858  
of the purchase of, any security that is exempt, is the subject 130859  
matter of an exempt transaction, has been registered by 130860  
description, by coordination, or by qualification, or is the 130861  
subject matter of a transaction that has been registered by 130862  
description is exempt. 130863

(2) The giving of any subscription right, warrant, or option 130864  
to purchase a security or right to receive a security upon 130865  
exchange, which security is exempt at the time the right, warrant, 130866  
or option to purchase or right to receive is given, is the subject 130867  
matter of an exempt transaction, is registered by description, by 130868  
coordination, or by qualification, or is the subject matter of a 130869

transaction that has been registered by description is exempt. 130870

(3) The giving of any subscription right or any warrant or 130871  
option to purchase a security, which right, warrant, or option 130872  
expressly provides that it shall not be exercisable except for a 130873  
security that at the time of the exercise is exempt, is the 130874  
subject matter of an exempt transaction, is registered by 130875  
description, by coordination, or by qualification, or at such time 130876  
is the subject matter of a transaction that has been registered by 130877  
description is exempt. 130878

(H) The sale of notes, bonds, or other evidences of 130879  
indebtedness that are secured by a mortgage lien upon real estate, 130880  
leasehold estate other than oil, gas, or mining leasehold, or 130881  
tangible personal property, or which evidence of indebtedness is 130882  
due under or based upon a conditional-sale contract, if all such 130883  
notes, bonds, or other evidences of indebtedness are sold to a 130884  
single purchaser at a single sale, is exempt. 130885

(I) The delivery of securities by the issuer on the exercise 130886  
of conversion rights, the sale of securities by the issuer on 130887  
exercise of subscription rights or of warrants or options to 130888  
purchase securities, the delivery of voting-trust certificates for 130889  
securities deposited under a voting-trust agreement, the delivery 130890  
of deposited securities on surrender of voting-trust certificates, 130891  
and the delivery of final certificates on surrender of interim 130892  
certificates are exempt; but the sale of securities on exercise of 130893  
subscription rights, warrants, or options is not an exempt 130894  
transaction unless those rights, warrants, or options when granted 130895  
were the subject matter of an exempt transaction under division 130896  
(G) of this section or were registered by description, by 130897  
coordination, or by qualification. 130898

(J) The sale of securities by a bank, savings and loan 130899  
association, savings bank, or credit union organized under the 130900  
laws of the United States or of this state is exempt if at a 130901

profit to that seller of not more than two per cent of the total 130902  
sale price of the securities. 130903

(K)(1) The distribution by a corporation of its securities to 130904  
its security holders as a share dividend or other distribution out 130905  
of earnings or surplus is exempt. 130906

(2) The exchange or distribution by the issuer of any of its 130907  
securities or of the securities of any of the issuer's wholly 130908  
owned subsidiaries exclusively with or to its existing security 130909  
holders, if no commission or other remuneration is given directly 130910  
or indirectly for soliciting the exchange, is exempt. 130911

(3) The sale of preorganization subscriptions for shares of 130912  
stock of a corporation prior to the incorporation of the 130913  
corporation is exempt, when the sale is evidenced by a written 130914  
agreement, no remuneration is given, or promised, directly or 130915  
indirectly, for or in connection with the sale of those 130916  
securities, and no consideration is received, directly or 130917  
indirectly, by any person from the purchasers of those securities 130918  
until registration by qualification, by coordination, or by 130919  
description of those securities is made under this chapter. 130920

(L) The issuance of securities in exchange for one or more 130921  
bona fide outstanding securities, claims, or property interests, 130922  
not including securities sold for a consideration payable in whole 130923  
or in part in cash, under a plan of reorganization, 130924  
recapitalization, or refinancing approved by a court pursuant to 130925  
the Bankruptcy Act of the United States or to any other federal 130926  
act giving any federal court jurisdiction over such plan of 130927  
reorganization, or under a plan of reorganization approved by a 130928  
court of competent jurisdiction of any state of the United States 130929  
is exempt. As used in this division, "reorganization," 130930  
"recapitalization," and "refinancing" have the same meanings as in 130931  
section 1707.04 of the Revised Code. 130932

(M) A sale by a licensed dealer, acting either as principal 130933  
or as agent, of securities issued and outstanding before the sale 130934  
is exempt, unless the sale is of one or more of the following: 130935

(1) Securities constituting the whole or a part of an unsold 130936  
allotment to or subscription by a dealer as an underwriter or 130937  
other participant in the distribution of those securities by the 130938  
issuer, whether that distribution is direct or through an 130939  
underwriter, provided that, if the issuer is such by reason of 130940  
owning one-fourth or more of those securities, the dealer has 130941  
knowledge of this fact or reasonable cause to believe this fact; 130942

(2) Any class of shares issued by a corporation when the 130943  
number of beneficial owners of that class is less than 130944  
twenty-five, with the record owner of securities being deemed the 130945  
beneficial owner for this purpose, in the absence of actual 130946  
knowledge to the contrary; 130947

(3) Securities that within one year were purchased outside 130948  
this state or within one year were transported into this state, if 130949  
the dealer has knowledge or reasonable cause to believe, before 130950  
the sale of those securities, that within one year they were 130951  
purchased outside this state or within one year were transported 130952  
into this state; but such a sale of those securities is exempt if 130953  
any of the following occurs: 130954

(a) A recognized securities manual contains the names of the 130955  
issuer's officers and directors, a balance sheet of the issuer as 130956  
of a date within eighteen months, and a profit and loss statement 130957  
for either the fiscal year preceding that date or the most recent 130958  
year of operations; 130959

(b) Those securities, or securities of the same class, within 130960  
one year were registered or qualified under section 1707.09 or 130961  
1707.091 of the Revised Code, and that registration or 130962  
qualification is in full force and effect; 130963

(c) The sale is made by a licensed dealer on behalf of the bona fide owner of those securities in accordance with division (B) of this section;

(d) Those securities were transported into Ohio in a transaction of the type described in division (L), (K), or (I) of this section, or in a transaction registered under division (A) of section 1707.06 of the Revised Code.

(N) For the purpose of this division and division (M) of this section, "underwriter" means any person who has purchased from an issuer with a view to, or sells for an issuer in connection with, the distribution of any security, or who participates directly or indirectly in any such undertaking or in the underwriting thereof, but "underwriter" does not include a person whose interest is limited to a discount, commission, or profit from the underwriter or from a dealer that is not in excess of the customary distributors' or sellers' discount, commission, or profit; and "issuer" includes any person or any group of persons acting in concert in the sale of such securities, owning beneficially one-fourth or more of the outstanding securities of the class involved in the transactions in question, with the record owner of securities being deemed the beneficial owner for this purpose, in the absence of actual knowledge to the contrary.

(O)(1) The sale of any equity security is exempt if all the following conditions are satisfied:

(a) The sale is by the issuer of the security.

(b) The total number of purchasers in this state of all securities issued or sold by the issuer in reliance upon this exemption during the period of one year ending with the date of the sale does not exceed ten. A sale of securities registered under this chapter or sold pursuant to an exemption under this chapter other than this exemption shall not be integrated with a

sale pursuant to this exemption in computing the number of 130995  
purchasers under this exemption. 130996

(c) No advertisement, article, notice, or other communication 130997  
published in any newspaper, magazine, or similar medium or 130998  
broadcast over television or radio is used in connection with the 130999  
sale, but the use of an offering circular or other communication 131000  
delivered by the issuer to selected individuals does not destroy 131001  
this exemption. 131002

(d) The issuer reasonably believes after reasonable 131003  
investigation that the purchaser is purchasing for investment. 131004

(e) The aggregate commission, discount, and other 131005  
remuneration, excluding legal, accounting, and printing fees, paid 131006  
or given directly or indirectly does not exceed ten per cent of 131007  
the initial offering price. 131008

(f) Any such commission, discount, or other remuneration for 131009  
sales in this state is paid or given only to dealers or 131010  
salespersons registered pursuant to this chapter. 131011

(2) For the purposes of division (0)(1) of this section, each 131012  
of the following is deemed to be a single purchaser of a security: 131013  
husband and wife, a child and its parent or guardian when the 131014  
parent or guardian holds the security for the benefit of the 131015  
child, a corporation, a limited liability company, a partnership, 131016  
an association or other unincorporated entity, a joint-stock 131017  
company, or a trust, but only if the corporation, limited 131018  
liability company, partnership, association, entity, joint-stock 131019  
company, or trust was not formed for the purpose of purchasing the 131020  
security. 131021

(3) As used in division (0)(1) of this section, "equity 131022  
security" means any stock or similar security of a corporation or 131023  
any membership interest in a limited liability company; or any 131024  
security convertible, with or without consideration, into such a 131025

security, or carrying any warrant or right to subscribe to or 131026  
purchase such a security; or any such warrant or right; or any 131027  
other security that the division considers necessary or 131028  
appropriate, by such rules as it may prescribe in the public 131029  
interest or for the protection of investors, to treat as an equity 131030  
security. 131031

(P) The sale of securities representing interests in or under 131032  
profit-sharing or participation agreements relating to oil or gas 131033  
wells located in this state, or representing interests in or under 131034  
oil or gas leases of real estate situated in this state, is exempt 131035  
if the securities are issued by an individual, partnership, 131036  
limited partnership, partnership association, syndicate, pool, 131037  
trust or trust fund, or other unincorporated association and if 131038  
each of the following conditions is complied with: 131039

(1) The beneficial owners of the securities do not, and will 131040  
not after the sale, exceed five natural persons; 131041

(2) The securities constitute or represent interests in not 131042  
more than one oil or gas well; 131043

(3) A certificate or other instrument in writing is furnished 131044  
to each purchaser of the securities at or before the consummation 131045  
of the sale, disclosing the maximum commission, compensation for 131046  
services, cost of lease, and expenses with respect to the sale of 131047  
such interests and with respect to the promotion, development, and 131048  
management of the oil or gas well, and the total of that 131049  
commission, compensation, costs, and expenses does not exceed 131050  
twenty-five per cent of the aggregate interests in the oil or gas 131051  
well, exclusive of any landowner's rental or royalty; 131052

(4) The sale is made in good faith and not for the purpose of 131053  
avoiding this chapter. 131054

(Q) The sale of any security is exempt if all of the 131055  
following conditions are satisfied: 131056

(1) The provisions of section 5 of the Securities Act of 1933 131057  
do not apply to the sale by reason of an exemption under section 4 131058  
(2) of that act. 131059

(2) The aggregate commission, discount, and other 131060  
remuneration, excluding legal, accounting, and printing fees, paid 131061  
or given directly or indirectly does not exceed ten per cent of 131062  
the initial offering price. 131063

(3) Any such commission, discount, or other remuneration for 131064  
sales in this state is paid or given only to dealers or 131065  
salespersons registered under this chapter. 131066

(4) The issuer or dealer files with the division of 131067  
securities, not later than sixty days after the sale, a report 131068  
setting forth the name and address of the issuer, the total amount 131069  
of the securities sold under this division, the number of persons 131070  
to whom the securities were sold, the price at which the 131071  
securities were sold, and the commissions or discounts paid or 131072  
given. 131073

(5) The issuer pays a filing fee of one hundred dollars for 131074  
the first filing and fifty dollars for every subsequent filing 131075  
during each calendar year. 131076

(R) A sale of a money order, travelers' check, or other 131077  
instrument for the transmission of money by a person qualified to 131078  
engage in such business under ~~section 1109.60~~ or Chapter 1315. of 131079  
the Revised Code is exempt. 131080

(S) A sale by a licensed dealer of securities that are in the 131081  
process of registration under the Securities Act of 1933, unless 131082  
exempt under that act, and that are in the process of 131083  
registration, if registration is required under this chapter, is 131084  
exempt, provided that no sale of that nature shall be consummated 131085  
prior to the registration by description or qualification of the 131086  
securities. 131087

(T) The execution by a licensed dealer of orders for the purchase of any security is exempt, provided that the dealer acts only as agent for the purchaser, has made no solicitation of the order to purchase the security, has no interest in the distribution of the security, and delivers to the purchaser written confirmation of the transaction that clearly itemizes the dealer's commission. "Solicitation," as used in this division, means solicitation of the order for the specific security purchased and does not include general solicitations or advertisements of any kind.

(U) The sale insofar as the security holders of a person are concerned, where, pursuant to statutory provisions of the jurisdiction under which that person is organized or pursuant to provisions contained in its articles of incorporation, certificate of incorporation, partnership agreement, declaration of trust, trust indenture, or similar controlling instrument, there is submitted to the security holders, for their vote or consent, (1) a plan or agreement for a reclassification of securities of that person that involves the substitution of a security of that person for another security of that person, (2) a plan or agreement of merger or consolidation or a similar plan or agreement of acquisition in which the securities of that person held by the security holders will become or be exchanged for securities of any other person, or (3) a plan or agreement for a combination as defined in division (Q) of section 1701.01 of the Revised Code or a similar plan or agreement for the transfer of assets of that person to another person in consideration of the issuance of securities of any person, is exempt if, with respect to any of the foregoing transactions, either of the following conditions is satisfied:

(a) The securities to be issued to the security holders are effectively registered under sections 6 to 8 of the Securities Act

of 1933 and offered and sold in compliance with section 5 of that 131120  
act; 131121

(b) At least twenty days prior to the date on which a meeting 131122  
of the security holders is held or the earliest date on which 131123  
corporate action may be taken when no meeting is held, there is 131124  
submitted to the security holders, by that person, or by the 131125  
person whose securities are to be issued in the transaction, 131126  
information substantially equivalent to the information that would 131127  
be required to be included in a proxy statement or information 131128  
statement prepared by or on behalf of the management of an issuer 131129  
subject to section 14(a) or 14(c) of the Securities Exchange Act 131130  
of 1934. 131131

(V) The sale of any security is exempt if the division by 131132  
rule finds that registration is not necessary or appropriate in 131133  
the public interest or for the protection of investors. 131134

(W) Any offer or sale of securities made in reliance on the 131135  
exemptions provided by Rule 505 of Regulation D made pursuant to 131136  
the Securities Act of 1933 and the conditions and definitions 131137  
provided by Rules 501 to 503 thereunder is exempt if the offer or 131138  
sale satisfies all of the following conditions: 131139

(1) No commission or other remuneration is given, directly or 131140  
indirectly, to any person for soliciting or selling to any person 131141  
in this state in reliance on the exemption under this division, 131142  
except to dealers licensed in this state. 131143

(2)(a) Unless the cause for disqualification is waived under 131144  
division (W)(2)(b) of this section, no exemption under this 131145  
section is available for the securities of an issuer unless the 131146  
issuer did not know and in the exercise of reasonable care could 131147  
not have known that any of the following applies to any of the 131148  
persons described in Rule 262(a) to (c) of Regulation A under the 131149  
Securities Act of 1933: 131150

(i) The person has filed an application for registration or 131151  
qualification that is the subject of an effective order entered 131152  
against the issuer, its officers, directors, general partners, 131153  
controlling persons or affiliates thereof, pursuant to the law of 131154  
any state within five years before the filing of a notice required 131155  
under division (W)(3) of this section denying effectiveness to, or 131156  
suspending or revoking the effectiveness of, the registration 131157  
statement. 131158

(ii) The person has been convicted of any offense in 131159  
connection with the offer, sale, or purchase of any security or 131160  
franchise, or any felony involving fraud or deceit, including, but 131161  
not limited to, forgery, embezzlement, fraud, theft, or conspiracy 131162  
to defraud. 131163

(iii) The person is subject to an effective administrative 131164  
order or judgment that was entered by a state securities 131165  
administrator within five years before the filing of a notice 131166  
required under division (W)(3) of this section and that prohibits, 131167  
denies, or revokes the use of any exemption from securities 131168  
registration, prohibits the transaction of business by the person 131169  
as a dealer, or is based on fraud, deceit, an untrue statement of 131170  
a material fact, or an omission to state a material fact. 131171

(iv) The person is subject to any order, judgment, or decree 131172  
of any court entered within five years before the filing of a 131173  
notice required under division (W)(3) of this section, 131174  
temporarily, preliminarily, or permanently restraining or 131175  
enjoining the person from engaging in or continuing any conduct or 131176  
practice in connection with the offer, sale, or purchase of any 131177  
security, or the making of any false filing with any state. 131178

(b)(i) Any disqualification under this division involving a 131179  
dealer may be waived if the dealer is or continues to be licensed 131180  
in this state as a dealer after notifying the commissioner of the 131181  
act or event causing disqualification. 131182

(ii) The commissioner may waive any disqualification under this paragraph upon a showing of good cause that it is not necessary under the circumstances that use of the exemption be denied.

(3) Not later than five business days before the earlier of the date on which the first use of an offering document or the first sale is made in this state in reliance on the exemption under this division, there is filed with the commissioner a notice comprised of offering material in compliance with the requirements of Rule 502 of Regulation D under the Securities Act of 1933 and a fee of one hundred dollars. Material amendments to the offering document shall be filed with the commissioner not later than the date of their first use in this state.

(4) The aggregate commission, discount, and other remuneration paid or given, directly or indirectly, does not exceed twelve per cent of the initial offering price, excluding legal, accounting, and printing fees.

(X) Any offer or sale of securities made in reliance on the exemption provided in Rule 506 of Regulation D under the Securities Act of 1933, and in accordance with Rules 501 to 503 of Regulation D under the Securities Act of 1933, is exempt provided that all of the following apply:

(1) The issuer makes a notice filing with the division on form D of the securities and exchange commission within fifteen days of the first sale in this state;

(2) Any commission, discount, or other remuneration for sales of securities in this state is paid or given only to dealers or salespersons licensed under this chapter;

(3) The issuer pays a filing fee of one hundred dollars to the division; however, no filing fee shall be required to file amendments to the form D of the securities and exchange

commission. 131214

(Y) The offer or sale of securities by an issuer is exempt 131215  
provided that all of the following apply: 131216

(1) The sale of securities is made only to persons who are, 131217  
or who the issuer reasonably believes are, accredited investors as 131218  
defined in Rule 501 of Regulation D under the Securities Act of 131219  
1933. 131220

(2) The issuer reasonably believes that all purchasers are 131221  
purchasing for investment and not with a view to or for sale in 131222  
connection with a distribution of the security. Any resale of a 131223  
security sold in reliance on this exemption within twelve months 131224  
of sale shall be presumed to be with a view to distribution and 131225  
not for investment, except a resale to which any of the following 131226  
applies: 131227

(a) The resale is pursuant to a registration statement 131228  
effective under section 1707.09 or 1707.091 of the Revised Code. 131229

(b) The resale is to an accredited investor, as defined in 131230  
Rule 501 of Regulation D under the Securities Act of 1933. 131231

(c) The resale is to an institutional investor pursuant to 131232  
the exemptions under division (B) or (D) of this section. 131233

(3) The exemption under this division is not available to an 131234  
issuer that is in the development stage and that either has no 131235  
specific business plan or purpose or has indicated that its 131236  
business plan is to engage in a merger or acquisition with an 131237  
unidentified company or companies, or other entities or persons. 131238

(4) The exemption under this division is not available to an 131239  
issuer, if the issuer, any of the issuer's predecessors, any 131240  
affiliated issuer, any of the issuer's directors, officers, 131241  
general partners, or beneficial owners of ten per cent or more of 131242  
any class of its equity securities, any of the issuer's promoters 131243

presently connected with the issuer in any capacity, any 131244  
underwriter of the securities to be offered, or any partner, 131245  
director, or officer of such underwriter: 131246

(a) Within the past five years, has filed a registration 131247  
statement that is the subject of a currently effective 131248  
registration stop order entered by any state securities 131249  
administrator or the securities and exchange commission; 131250

(b) Within the past five years, has been convicted of any 131251  
criminal offense in connection with the offer, purchase, or sale 131252  
of any security, or involving fraud or deceit; 131253

(c) Is currently subject to any state or federal 131254  
administrative enforcement order or judgment, entered within the 131255  
past five years, finding fraud or deceit in connection with the 131256  
purchase or sale of any security; 131257

(d) Is currently subject to any order, judgment, or decree of 131258  
any court of competent jurisdiction, entered within the past five 131259  
years, that temporarily, preliminarily, or permanently restrains 131260  
or enjoins the party from engaging in or continuing to engage in 131261  
any conduct or practice involving fraud or deceit in connection 131262  
with the purchase or sale of any security. 131263

(5) Division (Y)(4) of this section is inapplicable if any of 131264  
the following applies: 131265

(a) The party subject to the disqualification is licensed or 131266  
registered to conduct securities business in the state in which 131267  
the order, judgment, or decree creating the disqualification was 131268  
entered against the party described in division (Y)(4) of this 131269  
section. 131270

(b) Before the first offer is made under this exemption, the 131271  
state securities administrator, or the court or regulatory 131272  
authority that entered the order, judgment, or decree, waives the 131273  
disqualification. 131274

(c) The issuer did not know and, in the exercise of reasonable care based on reasonable investigation, could not have known that a disqualification from the exemption existed under division (Y)(4) of this section.

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(6) A general announcement of the proposed offering may be made by any means; however, the general announcement shall include only the following information, unless additional information is specifically permitted by the division by rule:

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(a) The name, address, and telephone number of the issuer of the securities;

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(b) The name, a brief description, and price of any security to be issued;

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(c) A brief description of the business of the issuer;

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(d) The type, number, and aggregate amount of securities being offered;

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(e) The name, address, and telephone number of the person to contact for additional information; and

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(f) A statement indicating all of the following:

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(i) Sales will only be made to accredited investors as defined in Rule 501 of Regulation D under the Securities Act of 1933;

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(ii) No money or other consideration is being solicited or will be accepted by way of this general announcement;

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(iii) The securities have not been registered with or approved by any state securities administrator or the securities and exchange commission and are being offered and sold pursuant to an exemption from registration.

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(7) The issuer, in connection with an offer, may provide information in addition to the general announcement described in division (Y)(6) of this section, provided that either of the

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following applies: 131305

(a) The information is delivered through an electronic 131306  
database that is restricted to persons that are accredited 131307  
investors as defined in Rule 501 of Regulation D under the 131308  
Securities Act of 1933. 131309

(b) The information is delivered after the issuer reasonably 131310  
believes that the prospective purchaser is an accredited investor 131311  
as defined in Rule 501 of Regulation D under the Securities Act of 131312  
1933. 131313

(8) No telephone solicitation shall be done, unless prior to 131314  
placing the telephone call, the issuer reasonably believes that 131315  
the prospective purchaser to be solicited is an accredited 131316  
investor as defined in Rule 501 of Regulation D under the 131317  
Securities Act of 1933. 131318

(9) Dissemination of the general announcement described in 131319  
division (Y)(6) of this section to persons that are not accredited 131320  
investors, as defined in Rule 501 of Regulation D under the 131321  
Securities Act of 1933, does not disqualify the issuer from 131322  
claiming an exemption under this division. 131323

(10) The issuer shall file with the division notice of the 131324  
offering of securities within fifteen days after notice of the 131325  
offering is made or a general announcement is made in this state. 131326  
The filing shall be on forms adopted by the division and shall 131327  
include a copy of the general announcement, if one is made 131328  
regarding the proposed offering, and copies of any offering 131329  
materials, circulars, or prospectuses. A filing fee of one hundred 131330  
dollars also shall be included. 131331

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 131332  
court shall be selected, be compensated, give bond, and have 131333  
powers and duties as follows: 131334

(A) There shall be a clerk of the court who is appointed or  
elected as follows:

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton  
county, Miami county, Montgomery county, Portage county, and Wayne  
county municipal courts and through December 31, 2008, the  
Cuyahoga Falls municipal court, if the population of the territory  
equals or exceeds one hundred thousand at the regular municipal  
election immediately preceding the expiration of the term of the  
present clerk, the clerk shall be nominated and elected by the  
qualified electors of the territory in the manner that is provided  
for the nomination and election of judges in section 1901.07 of  
the Revised Code.

The clerk so elected shall hold office for a term of six  
years, which term shall commence on the first day of January  
following the clerk's election and continue until the clerk's  
successor is elected and qualified.

(b) In the Hamilton county municipal court, the clerk of  
courts of Hamilton county shall be the clerk of the municipal  
court and may appoint an assistant clerk who shall receive the  
compensation, payable out of the treasury of Hamilton county in  
semimonthly installments, that the board of county commissioners  
prescribes. The clerk of courts of Hamilton county, acting as the  
clerk of the Hamilton county municipal court and assuming the  
duties of that office, shall receive compensation at one-fourth  
the rate that is prescribed for the clerks of courts of common  
pleas as determined in accordance with the population of the  
county and the rates set forth in sections 325.08 and 325.18 of  
the Revised Code. This compensation shall be paid from the county  
treasury in semimonthly installments and is in addition to the  
annual compensation that is received for the performance of the  
duties of the clerk of courts of Hamilton county, as provided in  
sections 325.08 and 325.18 of the Revised Code.

(c) In the Portage county and Wayne county municipal courts, 131367  
the clerks of courts of Portage county and Wayne county shall be 131368  
the clerks, respectively, of the Portage county and Wayne county 131369  
municipal courts and may appoint a chief deputy clerk for each 131370  
branch that is established pursuant to section 1901.311 of the 131371  
Revised Code and assistant clerks as the judges of the municipal 131372  
court determine are necessary, all of whom shall receive the 131373  
compensation that the legislative authority prescribes. The clerks 131374  
of courts of Portage county and Wayne county, acting as the clerks 131375  
of the Portage county and Wayne county municipal courts and 131376  
assuming the duties of these offices, shall receive compensation 131377  
payable from the county treasury in semimonthly installments at 131378  
one-fourth the rate that is prescribed for the clerks of courts of 131379  
common pleas as determined in accordance with the population of 131380  
the county and the rates set forth in sections 325.08 and 325.18 131381  
of the Revised Code. 131382

(d) In the Montgomery county and Miami county municipal 131383  
courts, the clerks of courts of Montgomery county and Miami county 131384  
shall be the clerks, respectively, of the Montgomery county and 131385  
Miami county municipal courts. The clerks of courts of Montgomery 131386  
county and Miami county, acting as the clerks of the Montgomery 131387  
county and Miami county municipal courts and assuming the duties 131388  
of these offices, shall receive compensation at one-fourth the 131389  
rate that is prescribed for the clerks of courts of common pleas 131390  
as determined in accordance with the population of the county and 131391  
the rates set forth in sections 325.08 and 325.18 of the Revised 131392  
Code. This compensation shall be paid from the county treasury in 131393  
semimonthly installments and is in addition to the annual 131394  
compensation that is received for the performance of the duties of 131395  
the clerks of courts of Montgomery county and Miami county, as 131396  
provided in sections 325.08 and 325.18 of the Revised Code. 131397

(e) Except as otherwise provided in division (A)(1)(e) of 131398

this section, in the Akron municipal court, candidates for 131399  
election to the office of clerk of the court shall be nominated by 131400  
primary election. The primary election shall be held on the day 131401  
specified in the charter of the city of Akron for the nomination 131402  
of municipal officers. Notwithstanding any contrary provision of 131403  
section 3513.05 or 3513.257 of the Revised Code, the declarations 131404  
of candidacy and petitions of partisan candidates and the 131405  
nominating petitions of independent candidates for the office of 131406  
clerk of the Akron municipal court shall be signed by at least 131407  
fifty qualified electors of the territory of the court. 131408

The candidates shall file a declaration of candidacy and 131409  
petition, or a nominating petition, whichever is applicable, not 131410  
later than four p.m. of the ninetieth day before the day of the 131411  
primary election, in the form prescribed by section 3513.07 or 131412  
3513.261 of the Revised Code. The declaration of candidacy and 131413  
petition, or the nominating petition, shall conform to the 131414  
applicable requirements of section 3513.05 or 3513.257 of the 131415  
Revised Code. 131416

If no valid declaration of candidacy and petition is filed by 131417  
any person for nomination as a candidate of a particular political 131418  
party for election to the office of clerk of the Akron municipal 131419  
court, a primary election shall not be held for the purpose of 131420  
nominating a candidate of that party for election to that office. 131421  
If only one person files a valid declaration of candidacy and 131422  
petition for nomination as a candidate of a particular political 131423  
party for election to that office, a primary election shall not be 131424  
held for the purpose of nominating a candidate of that party for 131425  
election to that office, and the candidate shall be issued a 131426  
certificate of nomination in the manner set forth in section 131427  
3513.02 of the Revised Code. 131428

Declarations of candidacy and petitions, nominating 131429  
petitions, and certificates of nomination for the office of clerk 131430

of the Akron municipal court shall contain a designation of the 131431  
term for which the candidate seeks election. At the following 131432  
regular municipal election, all candidates for the office shall be 131433  
submitted to the qualified electors of the territory of the court 131434  
in the manner that is provided in section 1901.07 of the Revised 131435  
Code for the election of the judges of the court. The clerk so 131436  
elected shall hold office for a term of six years, which term 131437  
shall commence on the first day of January following the clerk's 131438  
election and continue until the clerk's successor is elected and 131439  
qualified. 131440

(f) Except as otherwise provided in division (A)(1)(f) of 131441  
this section, in the Barberton municipal court, candidates for 131442  
election to the office of clerk of the court shall be nominated by 131443  
primary election. The primary election shall be held on the day 131444  
specified in the charter of the city of Barberton for the 131445  
nomination of municipal officers. Notwithstanding any contrary 131446  
provision of section 3513.05 or 3513.257 of the Revised Code, the 131447  
declarations of candidacy and petitions of partisan candidates and 131448  
the nominating petitions of independent candidates for the office 131449  
of clerk of the Barberton municipal court shall be signed by at 131450  
least fifty qualified electors of the territory of the court. 131451

The candidates shall file a declaration of candidacy and 131452  
petition, or a nominating petition, whichever is applicable, not 131453  
later than four p.m. of the ninetieth day before the day of the 131454  
primary election, in the form prescribed by section 3513.07 or 131455  
3513.261 of the Revised Code. The declaration of candidacy and 131456  
petition, or the nominating petition, shall conform to the 131457  
applicable requirements of section 3513.05 or 3513.257 of the 131458  
Revised Code. 131459

If no valid declaration of candidacy and petition is filed by 131460  
any person for nomination as a candidate of a particular political 131461  
party for election to the office of clerk of the Barberton 131462

municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(g)(i) Through December 31, 2008, except as otherwise provided in division (A)(1)(g)(i) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty

qualified electors of the territory of the court. 131495

The candidates shall file a declaration of candidacy and 131496  
petition, or a nominating petition, whichever is applicable, not 131497  
later than four p.m. of the ninetieth day before the day of the 131498  
primary election, in the form prescribed by section 3513.07 or 131499  
3513.261 of the Revised Code. The declaration of candidacy and 131500  
petition, or the nominating petition, shall conform to the 131501  
applicable requirements of section 3513.05 or 3513.257 of the 131502  
Revised Code. 131503

If no valid declaration of candidacy and petition is filed by 131504  
any person for nomination as a candidate of a particular political 131505  
party for election to the office of clerk of the Cuyahoga Falls 131506  
municipal court, a primary election shall not be held for the 131507  
purpose of nominating a candidate of that party for election to 131508  
that office. If only one person files a valid declaration of 131509  
candidacy and petition for nomination as a candidate of a 131510  
particular political party for election to that office, a primary 131511  
election shall not be held for the purpose of nominating a 131512  
candidate of that party for election to that office, and the 131513  
candidate shall be issued a certificate of nomination in the 131514  
manner set forth in section 3513.02 of the Revised Code. 131515

Declarations of candidacy and petitions, nominating 131516  
petitions, and certificates of nomination for the office of clerk 131517  
of the Cuyahoga Falls municipal court shall contain a designation 131518  
of the term for which the candidate seeks election. At the 131519  
following regular municipal election, all candidates for the 131520  
office shall be submitted to the qualified electors of the 131521  
territory of the court in the manner that is provided in section 131522  
1901.07 of the Revised Code for the election of the judges of the 131523  
court. The clerk so elected shall hold office for a term of six 131524  
years, which term shall commence on the first day of January 131525  
following the clerk's election and continue until the clerk's 131526

successor is elected and qualified. 131527

(ii) Division (A)(1)(g)(i) of this section shall have no 131528  
effect after December 31, 2008. 131529

(h) Except as otherwise provided in division (A)(1)(h) of 131530  
this section, in the Toledo municipal court, candidates for 131531  
election to the office of clerk of the court shall be nominated by 131532  
primary election. The primary election shall be held on the day 131533  
specified in the charter of the city of Toledo for the nomination 131534  
of municipal officers. Notwithstanding any contrary provision of 131535  
section 3513.05 or 3513.257 of the Revised Code, the declarations 131536  
of candidacy and petitions of partisan candidates and the 131537  
nominating petitions of independent candidates for the office of 131538  
clerk of the Toledo municipal court shall be signed by at least 131539  
fifty qualified electors of the territory of the court. 131540

The candidates shall file a declaration of candidacy and 131541  
petition, or a nominating petition, whichever is applicable, not 131542  
later than four p.m. of the ninetieth day before the day of the 131543  
primary election, in the form prescribed by section 3513.07 or 131544  
3513.261 of the Revised Code. The declaration of candidacy and 131545  
petition, or the nominating petition, shall conform to the 131546  
applicable requirements of section 3513.05 or 3513.257 of the 131547  
Revised Code. 131548

If no valid declaration of candidacy and petition is filed by 131549  
any person for nomination as a candidate of a particular political 131550  
party for election to the office of clerk of the Toledo municipal 131551  
court, a primary election shall not be held for the purpose of 131552  
nominating a candidate of that party for election to that office. 131553  
If only one person files a valid declaration of candidacy and 131554  
petition for nomination as a candidate of a particular political 131555  
party for election to that office, a primary election shall not be 131556  
held for the purpose of nominating a candidate of that party for 131557  
election to that office, and the candidate shall be issued a 131558

certificate of nomination in the manner set forth in section 131559  
3513.02 of the Revised Code. 131560

Declarations of candidacy and petitions, nominating 131561  
petitions, and certificates of nomination for the office of clerk 131562  
of the Toledo municipal court shall contain a designation of the 131563  
term for which the candidate seeks election. At the following 131564  
regular municipal election, all candidates for the office shall be 131565  
submitted to the qualified electors of the territory of the court 131566  
in the manner that is provided in section 1901.07 of the Revised 131567  
Code for the election of the judges of the court. The clerk so 131568  
elected shall hold office for a term of six years, which term 131569  
shall commence on the first day of January following the clerk's 131570  
election and continue until the clerk's successor is elected and 131571  
qualified. 131572

(2)(a) Except for the Alliance, Auglaize county, Brown 131573  
county, Columbiana county, Holmes county, Putnam county, Sandusky 131574  
county, Lorain, Massillon, and Youngstown municipal courts, in a 131575  
municipal court for which the population of the territory is less 131576  
than one hundred thousand, the clerk shall be appointed by the 131577  
court, and the clerk shall hold office until the clerk's successor 131578  
is appointed and qualified. 131579

(b) In the Alliance, Lorain, Massillon, and Youngstown 131580  
municipal courts, the clerk shall be elected for a term of office 131581  
as described in division (A)(1)(a) of this section. 131582

(c) In the Auglaize county, Brown county, Holmes county, 131583  
Putnam county, and Sandusky county municipal courts, the clerks of 131584  
courts of Auglaize county, Brown county, Holmes county, Putnam 131585  
county, and Sandusky county shall be the clerks, respectively, of 131586  
the Auglaize county, Brown county, Holmes county, Putnam county, 131587  
and Sandusky county municipal courts and may appoint a chief 131588  
deputy clerk for each branch office that is established pursuant 131589  
to section 1901.311 of the Revised Code, and assistant clerks as 131590

the judge of the court determines are necessary, all of whom shall 131591  
receive the compensation that the legislative authority 131592  
prescribes. The clerks of courts of Auglaize county, Brown county, 131593  
Holmes county, Putnam county, and Sandusky county, acting as the 131594  
clerks of the Auglaize county, Brown county, Holmes county, Putnam 131595  
county, and Sandusky county municipal courts and assuming the 131596  
duties of these offices, shall receive compensation payable from 131597  
the county treasury in semimonthly installments at one-fourth the 131598  
rate that is prescribed for the clerks of courts of common pleas 131599  
as determined in accordance with the population of the county and 131600  
the rates set forth in sections 325.08 and 325.18 of the Revised 131601  
Code. 131602

(d) In the Columbiana county municipal court, the clerk of 131603  
courts of Columbiana county shall be the clerk of the municipal 131604  
court, may appoint a chief deputy clerk for each branch office 131605  
that is established pursuant to section 1901.311 of the Revised 131606  
Code, and may appoint any assistant clerks that the judges of the 131607  
court determine are necessary. All of the chief deputy clerks and 131608  
assistant clerks shall receive the compensation that the 131609  
legislative authority prescribes. The clerk of courts of 131610  
Columbiana county, acting as the clerk of the Columbiana county 131611  
municipal court and assuming the duties of that office, shall 131612  
receive in either biweekly installments or semimonthly 131613  
installments, as determined by the payroll administrator, 131614  
compensation payable from the county treasury at one-fourth the 131615  
rate that is prescribed for the clerks of courts of common pleas 131616  
as determined in accordance with the population of the county and 131617  
the rates set forth in sections 325.08 and 325.18 of the Revised 131618  
Code. 131619

(3) During the temporary absence of the clerk due to illness, 131620  
vacation, or other proper cause, the court may appoint a temporary 131621  
clerk, who shall be paid the same compensation, have the same 131622

authority, and perform the same duties as the clerk. 131623

(B) Except in the Hamilton county, Montgomery county, Miami 131624  
county, Portage county, and Wayne county municipal courts, if a 131625  
vacancy occurs in the office of the clerk of the Alliance, Lorain, 131626  
Massillon, or Youngstown municipal court or occurs in the office 131627  
of the clerk of a municipal court for which the population of the 131628  
territory equals or exceeds one hundred thousand because the clerk 131629  
ceases to hold the office before the end of the clerk's term or 131630  
because a clerk-elect fails to take office, the vacancy shall be 131631  
filled, until a successor is elected and qualified, by a person 131632  
chosen by the residents of the territory of the court who are 131633  
members of the county central committee of the political party by 131634  
which the last occupant of that office or the clerk-elect was 131635  
nominated. Not less than five nor more than fifteen days after a 131636  
vacancy occurs, those members of that county central committee 131637  
shall meet to make an appointment to fill the vacancy. At least 131638  
four days before the date of the meeting, the chairperson or a 131639  
secretary of the county central committee shall notify each such 131640  
member of that county central committee by first class mail of the 131641  
date, time, and place of the meeting and its purpose. A majority 131642  
of all such members of that county central committee constitutes a 131643  
quorum, and a majority of the quorum is required to make the 131644  
appointment. If the office so vacated was occupied or was to be 131645  
occupied by a person not nominated at a primary election, or if 131646  
the appointment was not made by the committee members in 131647  
accordance with this division, the court shall make an appointment 131648  
to fill the vacancy. A successor shall be elected to fill the 131649  
office for the unexpired term at the first municipal election that 131650  
is held more than one hundred thirty-five days after the vacancy 131651  
occurred. 131652

(C)(1) In a municipal court, other than the Auglaize county, 131653  
the Brown county, the Columbiana county, the Holmes county, the 131654

Putnam county, the Sandusky county, and the Lorain municipal courts, for which the population of the territory is less than one hundred thousand, the clerk of the municipal court shall receive the annual compensation that the presiding judge of the court prescribes, if the revenue of the court for the preceding calendar year, as certified by the auditor or chief fiscal officer of the municipal corporation in which the court is located or, in the case of a county-operated municipal court, the county auditor, is equal to or greater than the expenditures, including any debt charges, for the operation of the court payable under this chapter from the city treasury or, in the case of a county-operated municipal court, the county treasury for that calendar year, as also certified by the auditor or chief fiscal officer. If the revenue of a municipal court, other than the Auglaize county, the Brown county, the Columbiana county, the Putnam county, the Sandusky county, and the Lorain municipal courts, for which the population of the territory is less than one hundred thousand for the preceding calendar year as so certified is not equal to or greater than those expenditures for the operation of the court for that calendar year as so certified, the clerk of a municipal court shall receive the annual compensation that the legislative authority prescribes. As used in this division, "revenue" means the total of all costs and fees that are collected and paid to the city treasury or, in a county-operated municipal court, the county treasury by the clerk of the municipal court under division (F) of this section and all interest received and paid to the city treasury or, in a county-operated municipal court, the county treasury in relation to the costs and fees under division (G) of this section.

(2) In a municipal court, other than the Hamilton county, Montgomery county, Miami county, Portage county, and Wayne county municipal courts, for which the population of the territory is one hundred thousand or more, and in the Lorain municipal court, the

clerk of the municipal court shall receive annual compensation in 131688  
a sum equal to eighty-five per cent of the salary of a judge of 131689  
the court. 131690

(3) The compensation of a clerk described in division (C)(1) 131691  
or (2) of this section and of the clerk of the Columbiana county 131692  
municipal court is payable in either semimonthly installments or 131693  
biweekly installments, as determined by the payroll administrator, 131694  
from the same sources and in the same manner as provided in 131695  
section 1901.11 of the Revised Code, except that the compensation 131696  
of the clerk of the Carroll county municipal court is payable in 131697  
biweekly installments. 131698

(D) Before entering upon the duties of the clerk's office, 131699  
the clerk of a municipal court shall give bond of not less than 131700  
six thousand dollars to be determined by the judges of the court, 131701  
conditioned upon the faithful performance of the clerk's duties. 131702

(E) The clerk of a municipal court may do all of the 131703  
following: administer oaths, take affidavits, and issue executions 131704  
upon any judgment rendered in the court, including a judgment for 131705  
unpaid costs; issue, sign, and attach the seal of the court to all 131706  
writs, process, subpoenas, and papers issuing out of the court; 131707  
and approve all bonds, sureties, recognizances, and undertakings 131708  
fixed by any judge of the court or by law. The clerk may refuse to 131709  
accept for filing any pleading or paper submitted for filing by a 131710  
person who has been found to be a vexatious litigator under 131711  
section 2323.52 of the Revised Code and who has failed to obtain 131712  
leave to proceed under that section. The clerk shall do all of the 131713  
following: file and safely keep all journals, records, books, and 131714  
papers belonging or appertaining to the court; record the 131715  
proceedings of the court; perform all other duties that the judges 131716  
of the court may prescribe; and keep a book showing all receipts 131717  
and disbursements, which book shall be open for public inspection 131718  
at all times. 131719

The clerk shall prepare and maintain a general index, a docket, and other records that the court, by rule, requires, all of which shall be the public records of the court. In the docket, the clerk shall enter, at the time of the commencement of an action, the names of the parties in full, the names of the counsel, and the nature of the proceedings. Under proper dates, the clerk shall note the filing of the complaint, issuing of summons or other process, returns, and any subsequent pleadings. The clerk also shall enter all reports, verdicts, orders, judgments, and proceedings of the court, clearly specifying the relief granted or orders made in each action. The court may order an extended record of any of the above to be made and entered, under the proper action heading, upon the docket at the request of any party to the case, the expense of which record may be taxed as costs in the case or may be required to be prepaid by the party demanding the record, upon order of the court.

(F) The clerk of a municipal court shall receive, collect, and issue receipts for all costs, fees, fines, bail, and other moneys payable to the office or to any officer of the court. The clerk shall on or before the twentieth day of the month following the month in which they are collected disburse to the proper persons or officers, and take receipts for, all costs, fees, fines, bail, and other moneys that the clerk collects. Subject to sections 307.515 and 4511.193 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court and except for the Hamilton county, Lawrence county, and Ottawa county municipal courts, the clerk shall pay all fines received for violation of municipal ordinances into the treasury of the municipal corporation the ordinance of which was violated and shall pay all fines received for violation of township resolutions adopted pursuant to section 503.52 or 503.53 or Chapter 504. of the Revised Code into the treasury of the township the resolution

of which was violated. Subject to sections 1901.024 and 4511.193 131753  
of the Revised Code, in the Hamilton county, Lawrence county, and 131754  
Ottawa county municipal courts, the clerk shall pay fifty per cent 131755  
of the fines received for violation of municipal ordinances and 131756  
fifty per cent of the fines received for violation of township 131757  
resolutions adopted pursuant to section 503.52 or 503.53 or 131758  
Chapter 504. of the Revised Code into the treasury of the county. 131759  
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 131760  
Code and to any other section of the Revised Code that requires a 131761  
specific manner of disbursement of any moneys received by a 131762  
municipal court, the clerk shall pay all fines collected for the 131763  
violation of state laws into the county treasury. Except in a 131764  
county-operated municipal court, the clerk shall pay all costs and 131765  
fees the disbursement of which is not otherwise provided for in 131766  
the Revised Code into the city treasury. The clerk of a 131767  
county-operated municipal court shall pay the costs and fees the 131768  
disbursement of which is not otherwise provided for in the Revised 131769  
Code into the county treasury. Moneys deposited as security for 131770  
costs shall be retained pending the litigation. The clerk shall 131771  
keep a separate account of all receipts and disbursements in civil 131772  
and criminal cases, which shall be a permanent public record of 131773  
the office. On the expiration of the term of the clerk, the clerk 131774  
shall deliver the records to the clerk's successor. The clerk 131775  
shall have other powers and duties as are prescribed by rule or 131776  
order of the court. 131777

(G) All moneys paid into a municipal court shall be noted on 131778  
the record of the case in which they are paid and shall be 131779  
deposited in a state or national bank, ~~or a domestic savings and~~ 131780  
~~loan association,~~ as defined in section ~~1151.01~~ 1101.01 of the 131781  
Revised Code, that is selected by the clerk. Any interest received 131782  
upon the deposits shall be paid into the city treasury, except 131783  
that, in a county-operated municipal court, the interest shall be 131784  
paid into the treasury of the county in which the court is 131785

located. 131786

On the first Monday in January of each year, the clerk shall 131787  
make a list of the titles of all cases in the court that were 131788  
finally determined more than one year past in which there remains 131789  
unclaimed in the possession of the clerk any funds, or any part of 131790  
a deposit for security of costs not consumed by the costs in the 131791  
case. The clerk shall give notice of the moneys to the parties who 131792  
are entitled to the moneys or to their attorneys of record. All 131793  
the moneys remaining unclaimed on the first day of April of each 131794  
year shall be paid by the clerk to the city treasurer, except 131795  
that, in a county-operated municipal court, the moneys shall be 131796  
paid to the treasurer of the county in which the court is located. 131797  
The treasurer shall pay any part of the moneys at any time to the 131798  
person who has the right to the moneys upon proper certification 131799  
of the clerk. 131800

(H) Deputy clerks of a municipal court other than the Carroll 131801  
county municipal court may be appointed by the clerk and shall 131802  
receive the compensation, payable in either biweekly installments 131803  
or semimonthly installments, as determined by the payroll 131804  
administrator, out of the city treasury, that the clerk may 131805  
prescribe, except that the compensation of any deputy clerk of a 131806  
county-operated municipal court shall be paid out of the treasury 131807  
of the county in which the court is located. The judge of the 131808  
Carroll county municipal court may appoint deputy clerks for the 131809  
court, and the deputy clerks shall receive the compensation, 131810  
payable in biweekly installments out of the county treasury, that 131811  
the judge may prescribe. Each deputy clerk shall take an oath of 131812  
office before entering upon the duties of the deputy clerk's 131813  
office and, when so qualified, may perform the duties appertaining 131814  
to the office of the clerk. The clerk may require any of the 131815  
deputy clerks to give bond of not less than three thousand 131816  
dollars, conditioned for the faithful performance of the deputy 131817

clerk's duties. 131818

(I) For the purposes of this section, whenever the population 131819  
of the territory of a municipal court falls below one hundred 131820  
thousand but not below ninety thousand, and the population of the 131821  
territory prior to the most recent regular federal census exceeded 131822  
one hundred thousand, the legislative authority of the municipal 131823  
corporation may declare, by resolution, that the territory shall 131824  
be considered to have a population of at least one hundred 131825  
thousand. 131826

(J) The clerk or a deputy clerk shall be in attendance at all 131827  
sessions of the municipal court, although not necessarily in the 131828  
courtroom, and may administer oaths to witnesses and jurors and 131829  
receive verdicts. 131830

**Sec. 2335.25.** Each clerk of a court of record, the sheriff, 131831  
and the prosecuting attorney shall enter in a journal or cashbook, 131832  
provided at the expense of the county, an accurate account of all 131833  
moneys collected or received in ~~his~~ the clerk's, sheriff's, or 131834  
prosecuting attorney's official capacity, on the days of the 131835  
receipt, and in the order of time so received, with a minute of 131836  
the date and suit, or other matter, on account of which the money 131837  
was received. The cashbook shall be a public record of the office, 131838  
and shall, on the expiration of the term of each such officer, be 131839  
delivered to ~~his~~ the officer's successor ~~in office~~. The clerk 131840  
shall be the receiver of all moneys payable into ~~his~~ the clerk's 131841  
office, whether collected by public officers of court or tendered 131842  
by other persons, and, on request, shall pay the moneys to the 131843  
persons entitled to receive them. 131844

The clerk of the court of common pleas or of the county court 131845  
may deposit moneys payable into ~~his~~ the clerk's office in a bank 131846  
~~or a building and loan association~~, as defined in section ~~1151.01~~ 131847  
1101.01 of the Revised Code, subject to section 131.11 of the 131848

Revised Code. Any interest received upon the deposits shall be 131849  
paid into the treasury of the county for which the clerk performs 131850  
~~his~~ official duties. 131851

**Sec. 3351.07.** (A) For the purposes of this chapter, "approved 131852  
lender" means any bank as defined in section 1101.01 of the 131853  
Revised Code, ~~any domestic savings and loan association as defined~~ 131854  
~~in section 1151.01 of the Revised Code,~~ any credit union as 131855  
defined in section 1733.01 of the Revised Code, any federal credit 131856  
union established pursuant to federal law, any insurance company 131857  
organized or authorized to do business in this state, any pension 131858  
fund eligible under the "Higher Education Amendments of 1968," 82 131859  
Stat. 1026, 20 U.S.C.A. 1085, as amended, the secondary market 131860  
operation designated under division (B) of this section, or any 131861  
secondary market operation established pursuant to the "Education 131862  
Amendments of 1972," 86 Stat. 261, 20 U.S.C.A. 1071, as amended, 131863  
or under the laws of any state. 131864

(B) The governor may designate one nonprofit corporation 131865  
secondary market operation to be the single nonprofit private 131866  
agency designated by the state under the "Higher Education Act of 131867  
1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(D), as amended. A 131868  
designation in effect on ~~the effective date of this amendment~~ 131869  
October 16, 2009, expires December 31, 2009. Each designation 131870  
after ~~the effective date of this amendment~~ October 16, 2009, shall 131871  
be made by competitive selection and shall be valid for one year. 131872  
The controlling board shall not waive the competitive selection 131873  
requirement. 131874

(C) The nonprofit corporation designated by the governor 131875  
under division (B) of this section as the private agency secondary 131876  
market operation shall be considered to be an agency of the state, 131877  
in accordance with section 435(d)(1)(F) of the "Higher Education 131878  
Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d)(1)(F), as 131879

amended, exclusively for the purpose of functioning as a secondary 131880  
student loan market. The corporation shall be considered a state 131881  
agency only for the purposes of this division and no other 131882  
division or section of the Revised Code regarding state agencies 131883  
shall apply to the corporation. No liability or obligation 131884  
incurred by the corporation shall be considered to be a liability 131885  
or debt of the state, nor shall the state be construed to act as 131886  
guarantor of any debt of the corporation. 131887

(D) The nonprofit corporation designated under division (B) 131888  
of this section shall designate a separate nonprofit corporation 131889  
to operate exclusively for charitable and educational purposes, 131890  
complementing and supplementing the designating corporation's 131891  
secondary market operation for student loans authorized under the 131892  
"Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085, 131893  
as amended, and promoting the general health and welfare of the 131894  
state, the public interest, and a public purpose through improving 131895  
student assistance programs by expanding access to higher 131896  
education financing programs for students and families in need of 131897  
student financial aid. In furtherance of such purposes, the 131898  
separate nonprofit corporation may do all of the following: 131899

(1) Assist educational institutions in establishing financial 131900  
aid programs to help students obtain an economical education; 131901

(2) Encourage financial institutions to increase educational 131902  
opportunities by making funds available to both students and 131903  
educational institutions; 131904

(3) Make available financial aid that supplements the 131905  
financial assistance provided by eligible and approved lenders 131906  
under state and federal programs; 131907

(4) Develop and administer programs that do all of the 131908  
following: 131909

(a) Provide financial aid and incidental student financial 131910

aid information to students and their parents or other persons 131911  
responsible for paying educational costs of those students at 131912  
educational institutions; 131913

(b) Provide financial aid and information relating to it to 131914  
and through educational institutions, enabling those institutions 131915  
to assist students financially in obtaining an education and fully 131916  
expanding their intellectual capacity and skills; 131917

(c) Better enable financial institutions to participate in 131918  
student loan programs and other forms of financial aid, assisting 131919  
students and educational institutions to increase education 131920  
excellence and accessibility. 131921

(E) The nonprofit corporation designated under authority of 131922  
division (D) of this section shall do both of the following: 131923

(1) Establish the criteria, standards, terms, and conditions 131924  
for participation by students, parents, educational institutions, 131925  
and financial institutions in that corporation's programs; 131926

(2) Provide the governor a report of its programs and a copy 131927  
of its audited financial statements not later than one hundred 131928  
eighty days after the end of each fiscal year of the corporation. 131929

No liability, obligation, or debt incurred by the corporation 131930  
designated under authority of division (D) of this section or by 131931  
any person under that corporation's programs shall be, or be 131932  
considered to be, a liability, obligation, or debt of, or a pledge 131933  
of the faith and credit of, the state, any political subdivision 131934  
of the state, or any state-supported or state-assisted institution 131935  
of higher education, nor shall the state or any political 131936  
subdivision of the state or any state-supported or state-assisted 131937  
institution of higher education be or be construed to act as an 131938  
obligor under or guarantor of any liability, obligation, or debt 131939  
of that corporation or of any person under that corporation's 131940  
programs or incur or be construed to have incurred any other 131941

liability, obligation, or debt as a result of any acts of the corporation. 131942  
131943

(F) The nonprofit corporation designated under authority of division (D) of this section shall not be deemed to qualify by reason of the designation as a guarantor or an eligible lender under sections 435(d) and (j) of the "Higher Education Act of 1965," 101 Stat. 347, 20 U.S.C.A. 1085(d) and (j), as amended. 131944  
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**Sec. 3767.41.** (A) As used in this section: 131949

(1) "Building" means, except as otherwise provided in this division, any building or structure that is used or intended to be used for residential purposes. "Building" includes, but is not limited to, a building or structure in which any floor is used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and in which the other floors are used, or designed and intended to be used, for residential purposes. "Building" does not include any building or structure that is occupied by its owner and that contains three or fewer residential units. 131950  
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(2)(a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. 131961  
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(b) "Public nuisance" as it applies to subsidized housing means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard: 131969  
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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| (i) Each building on the site is structurally sound, secure, habitable, and in good repair, as defined in 24 C.F.R. 5.703(b);                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 131973<br>131974                                                                                 |
| (ii) Each building's domestic water, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system is free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(c);                                                                                                                                                                                                                                                                                                                                                                           | 131975<br>131976<br>131977<br>131978<br>131979                                                   |
| (iii) Each dwelling unit within the building is structurally sound, habitable, and in good repair, and all areas and aspects of the dwelling unit are free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(d)(1);                                                                                                                                                                                                                                                                                                                                                    | 131980<br>131981<br>131982<br>131983<br>131984                                                   |
| (iv) Where applicable, the dwelling unit has hot and cold running water, including an adequate source of potable water, as defined in 24 C.F.R. 5.703(d)(2);                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 131985<br>131986<br>131987                                                                       |
| (v) If the dwelling unit includes its own sanitary facility, it is in proper operating condition, usable in privacy, and adequate for personal hygiene, and the disposal of human waste, as defined in 24 C.F.R. 5.703(d)(3);                                                                                                                                                                                                                                                                                                                                                                                                         | 131988<br>131989<br>131990<br>131991                                                             |
| (vi) The common areas are structurally sound, secure, and functionally adequate for the purposes intended. The basement, garage, carport, restrooms, closets, utility, mechanical, community rooms, daycare, halls, corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas are free of health and safety hazards, operable, and in good repair. All common area ceilings, doors, floors, HVAC, lighting, smoke detectors, stairs, walls, and windows, to the extent applicable, are free of health and safety hazards, operable, and in good repair, as defined in 24 C.F.R. 5.703(e); | 131992<br>131993<br>131994<br>131995<br>131996<br>131997<br>131998<br>131999<br>132000<br>132001 |
| (vii) All areas and components of the housing are free of health and safety hazards. These areas include, but are not                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 132002<br>132003                                                                                 |

limited to, air quality, electrical hazards, elevators, 132004  
emergency/fire exits, flammable materials, garbage and debris, 132005  
handrail hazards, infestation, and lead-based paint, as defined in 132006  
24 C.F.R. 5.703(f). 132007

(3) "Abate" or "abatement" in connection with any building 132008  
means the removal or correction of any conditions that constitute 132009  
a public nuisance and the making of any other improvements that 132010  
are needed to effect a rehabilitation of the building that is 132011  
consistent with maintaining safe and habitable conditions over its 132012  
remaining useful life. "Abatement" does not include the closing or 132013  
boarding up of any building that is found to be a public nuisance. 132014

(4) "Interested party" means any owner, mortgagee, 132015  
lienholder, tenant, or person that possesses an interest of record 132016  
in any property that becomes subject to the jurisdiction of a 132017  
court pursuant to this section, and any applicant for the 132018  
appointment of a receiver pursuant to this section. 132019

(5) "Neighbor" means any owner of property, including, but 132020  
not limited to, any person who is purchasing property by land 132021  
installment contract or under a duly executed purchase contract, 132022  
that is located within five hundred feet of any property that 132023  
becomes subject to the jurisdiction of a court pursuant to this 132024  
section, and any occupant of a building that is so located. 132025

(6) "Tenant" has the same meaning as in section 5321.01 of 132026  
the Revised Code. 132027

(7) "Subsidized housing" means a property consisting of more 132028  
than four dwelling units that, in whole or in part, receives 132029  
project-based assistance pursuant to a contract under any of the 132030  
following federal housing programs: 132031

(a) The new construction or substantial rehabilitation 132032  
program under section 8(b)(2) of the "United States Housing Act of 132033  
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 132034

that program was in effect immediately before the first day of 132035  
October, 1983; 132036

(b) The moderate rehabilitation program under section 8(e)(2) 132037  
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 132038  
Stat. 888, 42 U.S.C. 1437f(e)(2); 132039

(c) The loan management assistance program under section 8 of 132040  
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 132041  
Stat. 888, 42 U.S.C. 1437f; 132042

(d) The rent supplement program under section 101 of the 132043  
"Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 132044  
79 Stat. 667, 12 U.S.C. 1701s; 132045

(e) Section 8 of the "United States Housing Act of 1937," 132046  
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following 132047  
conversion from assistance under section 101 of the "Housing and 132048  
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 132049  
12 U.S.C. 1701s; 132050

(f) The program of supportive housing for the elderly under 132051  
section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 132052  
Stat. 654, 12 U.S.C. 1701q; 132053

(g) The program of supportive housing for persons with 132054  
disabilities under section 811 of the "National Affordable Housing 132055  
Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 132056

(h) The rental assistance program under section 521 of the 132057  
"United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 132058  
551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 132059  
1490a. 132060

(8) "Project-based assistance" means the assistance is 132061  
attached to the property and provides rental assistance only on 132062  
behalf of tenants who reside in that property. 132063

(9) "Landlord" has the same meaning as in section 5321.01 of 132064

the Revised Code. 132065

(B)(1)(a) In any civil action to enforce any local building, 132066  
housing, air pollution, sanitation, health, fire, zoning, or 132067  
safety code, ordinance, resolution, or regulation applicable to 132068  
buildings, that is commenced in a court of common pleas, municipal 132069  
court, housing or environmental division of a municipal court, or 132070  
county court, or in any civil action for abatement commenced in a 132071  
court of common pleas, municipal court, housing or environmental 132072  
division of a municipal court, or county court, by a municipal 132073  
corporation or township in which the building involved is located, 132074  
by any neighbor, tenant, or by a nonprofit corporation that is 132075  
duly organized and has as one of its goals the improvement of 132076  
housing conditions in the county or municipal corporation in which 132077  
the building involved is located, if a building is alleged to be a 132078  
public nuisance, the municipal corporation, township, neighbor, 132079  
tenant, or nonprofit corporation may apply in its complaint for an 132080  
injunction or other order as described in division (C)(1) of this 132081  
section, or for the relief described in division (C)(2) of this 132082  
section, including, if necessary, the appointment of a receiver as 132083  
described in divisions (C)(2) and (3) of this section, or for both 132084  
such an injunction or other order and such relief. The municipal 132085  
corporation, township, neighbor, tenant, or nonprofit corporation 132086  
commencing the action is not liable for the costs, expenses, and 132087  
fees of any receiver appointed pursuant to divisions (C)(2) and 132088  
(3) of this section. 132089

(b) Prior to commencing a civil action for abatement when the 132090  
property alleged to be a public nuisance is subsidized housing, 132091  
the municipal corporation, township, neighbor, tenant, or 132092  
nonprofit corporation commencing the action shall provide the 132093  
landlord of that property with written notice that specifies one 132094  
or more defective conditions that constitute a public nuisance as 132095  
that term applies to subsidized housing and states that if the 132096

landlord fails to remedy the condition within sixty days of the 132097  
service of the notice, a claim pursuant to this section may be 132098  
brought on the basis that the property constitutes a public 132099  
nuisance in subsidized housing. Any party authorized to bring an 132100  
action against the landlord shall make reasonable attempts to 132101  
serve the notice in the manner prescribed in the Rules of Civil 132102  
Procedure to the landlord or the landlord's agent for the property 132103  
at the property's management office, or at the place where the 132104  
tenants normally pay or send rent. If the landlord is not the 132105  
owner of record, the party bringing the action shall make a 132106  
reasonable attempt to serve the owner. If the owner does not 132107  
receive service the person bringing the action shall certify the 132108  
attempts to serve the owner. 132109

(2)(a) In a civil action described in division (B)(1) of this 132110  
section, a copy of the complaint and a notice of the date and time 132111  
of a hearing on the complaint shall be served upon the owner of 132112  
the building and all other interested parties in accordance with 132113  
the Rules of Civil Procedure. If certified mail service, personal 132114  
service, or residence service of the complaint and notice is 132115  
refused or certified mail service of the complaint and notice is 132116  
not claimed, and if the municipal corporation, township, neighbor, 132117  
tenant, or nonprofit corporation commencing the action makes a 132118  
written request for ordinary mail service of the complaint and 132119  
notice, or uses publication service, in accordance with the Rules 132120  
of Civil Procedure, then a copy of the complaint and notice shall 132121  
be posted in a conspicuous place on the building. 132122

(b) The judge in a civil action described in division (B)(1) 132123  
of this section shall conduct a hearing at least twenty-eight days 132124  
after the owner of the building and the other interested parties 132125  
have been served with a copy of the complaint and the notice of 132126  
the date and time of the hearing in accordance with division 132127  
(B)(2)(a) of this section. 132128

(c) In considering whether subsidized housing is a public nuisance, the judge shall construe the standards set forth in division (A)(2)(b) of this section in a manner consistent with department of housing and urban development and judicial interpretations of those standards. The judge shall deem that the property is not a public nuisance if during the twelve months prior to the service of the notice that division (B)(1)(b) of this section requires, the department of housing and urban development's real estate assessment center issued a score of seventy-five or higher out of a possible one hundred points pursuant to its regulations governing the physical condition of multifamily properties pursuant to 24 C.F.R. part 200, subpart P, and since the most recent inspection, there has been no significant change in the property's conditions that would create a serious threat to the health, safety, or welfare of the property's tenants.

(C)(1) If the judge in a civil action described in division (B)(1) of this section finds at the hearing required by division (B)(2) of this section that the building involved is a public nuisance, if the judge additionally determines that the owner of the building previously has not been afforded a reasonable opportunity to abate the public nuisance or has been afforded such an opportunity and has not refused or failed to abate the public nuisance, and if the complaint of the municipal corporation, township, neighbor, tenant, or nonprofit corporation commencing the action requested the issuance of an injunction as described in this division, then the judge may issue an injunction requiring the owner of the building to abate the public nuisance or issue any other order that the judge considers necessary or appropriate to cause the abatement of the public nuisance. If an injunction is issued pursuant to this division, the owner of the building involved shall be given no more than thirty days from the date of the entry of the judge's order to comply with the injunction,

unless the judge, for good cause shown, extends the time for 132162  
compliance. 132163

(2) If the judge in a civil action described in division 132164  
(B)(1) of this section finds at the hearing required by division 132165  
(B)(2) of this section that the building involved is a public 132166  
nuisance, if the judge additionally determines that the owner of 132167  
the building previously has been afforded a reasonable opportunity 132168  
to abate the public nuisance and has refused or failed to do so, 132169  
and if the complaint of the municipal corporation, township, 132170  
neighbor, tenant, or nonprofit corporation commencing the action 132171  
requested relief as described in this division, then the judge 132172  
shall offer any mortgagee, lienholder, or other interested party 132173  
associated with the property on which the building is located, in 132174  
the order of the priority of interest in title, the opportunity to 132175  
undertake the work and to furnish the materials necessary to abate 132176  
the public nuisance. Prior to selecting any interested party, the 132177  
judge shall require the interested party to demonstrate the 132178  
ability to promptly undertake the work and furnish the materials 132179  
required, to provide the judge with a viable financial and 132180  
construction plan for the rehabilitation of the building as 132181  
described in division (D) of this section, and to post security 132182  
for the performance of the work and the furnishing of the 132183  
materials. 132184

If the judge determines, at the hearing, that no interested 132185  
party is willing or able to undertake the work and to furnish the 132186  
materials necessary to abate the public nuisance, or if the judge 132187  
determines, at any time after the hearing, that any party who is 132188  
undertaking corrective work pursuant to this division cannot or 132189  
will not proceed, or has not proceeded with due diligence, the 132190  
judge may appoint a receiver pursuant to division (C)(3) of this 132191  
section to take possession and control of the building. 132192

(3)(a) The judge in a civil action described in division 132193

(B)(1) of this section shall not appoint any person as a receiver 132194  
unless the person first has provided the judge with a viable 132195  
financial and construction plan for the rehabilitation of the 132196  
building involved as described in division (D) of this section and 132197  
has demonstrated the capacity and expertise to perform the 132198  
required work and to furnish the required materials in a 132199  
satisfactory manner. An appointed receiver may be a financial 132200  
institution that possesses an interest of record in the building 132201  
or the property on which it is located, a nonprofit corporation as 132202  
described in divisions (B)(1) and (C)(3)(b) of this section, 132203  
including, but not limited to, a nonprofit corporation that 132204  
commenced the action described in division (B)(1) of this section, 132205  
or any other qualified property manager. 132206

(b) To be eligible for appointment as a receiver, no part of 132207  
the net earnings of a nonprofit corporation shall inure to the 132208  
benefit of any private shareholder or individual. Membership on 132209  
the board of trustees of a nonprofit corporation appointed as a 132210  
receiver does not constitute the holding of a public office or 132211  
employment within the meaning of sections 731.02 and 731.12 or any 132212  
other section of the Revised Code and does not constitute a direct 132213  
or indirect interest in a contract or expenditure of money by any 132214  
municipal corporation. A member of a board of trustees of a 132215  
nonprofit corporation appointed as a receiver shall not be 132216  
disqualified from holding any public office or employment, and 132217  
shall not forfeit any public office or employment, by reason of 132218  
membership on the board of trustees, notwithstanding any law to 132219  
the contrary. 132220

(D) Prior to ordering any work to be undertaken, or the 132221  
furnishing of any materials, to abate a public nuisance under this 132222  
section, the judge in a civil action described in division (B)(1) 132223  
of this section shall review the submitted financial and 132224  
construction plan for the rehabilitation of the building involved 132225

and, if it specifies all of the following, shall approve that 132226  
plan: 132227

(1) The estimated cost of the labor, materials, and any other 132228  
development costs that are required to abate the public nuisance; 132229

(2) The estimated income and expenses of the building and the 132230  
property on which it is located after the furnishing of the 132231  
materials and the completion of the repairs and improvements; 132232

(3) The terms, conditions, and availability of any financing 132233  
that is necessary to perform the work and to furnish the 132234  
materials; 132235

(4) If repair and rehabilitation of the building are found 132236  
not to be feasible, the cost of demolition of the building or of 132237  
the portions of the building that constitute the public nuisance. 132238

(E) Upon the written request of any of the interested parties 132239  
to have a building, or portions of a building, that constitute a 132240  
public nuisance demolished because repair and rehabilitation of 132241  
the building are found not to be feasible, the judge may order the 132242  
demolition. However, the demolition shall not be ordered unless 132243  
the requesting interested parties have paid the costs of 132244  
demolition and, if any, of the receivership, and, if any, all 132245  
notes, certificates, mortgages, and fees of the receivership. 132246

(F) Before proceeding with the duties of receiver, any 132247  
receiver appointed by the judge in a civil action described in 132248  
division (B)(1) of this section may be required by the judge to 132249  
post a bond in an amount fixed by the judge, but not exceeding the 132250  
value of the building involved as determined by the judge. 132251

The judge may empower the receiver to do any or all of the 132252  
following: 132253

(1) Take possession and control of the building and the 132254  
property on which it is located, operate and manage the building 132255

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| and the property, establish and collect rents and income, lease    | 132256 |
| and rent the building and the property, and evict tenants;         | 132257 |
| (2) Pay all expenses of operating and conserving the building      | 132258 |
| and the property, including, but not limited to, the cost of       | 132259 |
| electricity, gas, water, sewerage, heating fuel, repairs and       | 132260 |
| supplies, custodian services, taxes and assessments, and insurance | 132261 |
| premiums, and hire and pay reasonable compensation to a managing   | 132262 |
| agent;                                                             | 132263 |
| (3) Pay pre-receivership mortgages or installments of them         | 132264 |
| and other liens;                                                   | 132265 |
| (4) Perform or enter into contracts for the performance of         | 132266 |
| all work and the furnishing of materials necessary to abate, and   | 132267 |
| obtain financing for the abatement of, the public nuisance;        | 132268 |
| (5) Pursuant to court order, remove and dispose of any             | 132269 |
| personal property abandoned, stored, or otherwise located in or on | 132270 |
| the building and the property that creates a dangerous or unsafe   | 132271 |
| condition or that constitutes a violation of any local building,   | 132272 |
| housing, air pollution, sanitation, health, fire, zoning, or       | 132273 |
| safety code, ordinance, or regulation;                             | 132274 |
| (6) Obtain mortgage insurance for any receiver's mortgage          | 132275 |
| from any agency of the federal government;                         | 132276 |
| (7) Enter into any agreement and do those things necessary to      | 132277 |
| maintain and preserve the building and the property and comply     | 132278 |
| with all local building, housing, air pollution, sanitation,       | 132279 |
| health, fire, zoning, or safety codes, ordinances, resolutions,    | 132280 |
| and regulations;                                                   | 132281 |
| (8) Give the custody of the building and the property, and         | 132282 |
| the opportunity to abate the nuisance and operate the property, to | 132283 |
| its owner or any mortgagee or lienholder of record;                | 132284 |
| (9) Issue notes and secure them by a mortgage bearing              | 132285 |

interest, and upon terms and conditions, that the judge approves. 132286  
When sold or transferred by the receiver in return for valuable 132287  
consideration in money, material, labor, or services, the notes or 132288  
certificates shall be freely transferable. Any mortgages granted 132289  
by the receiver shall be superior to any claims of the receiver. 132290  
Priority among the receiver's mortgages shall be determined by the 132291  
order in which they are recorded. 132292

(G) A receiver appointed pursuant to this section is not 132293  
personally liable except for misfeasance, malfeasance, or 132294  
nonfeasance in the performance of the functions of the office of 132295  
receiver. 132296

(H)(1) The judge in a civil action described in division 132297  
(B)(1) of this section may assess as court costs, the expenses 132298  
described in division (F)(2) of this section, and may approve 132299  
receiver's fees to the extent that they are not covered by the 132300  
income from the property. Subject to that limitation, a receiver 132301  
appointed pursuant to divisions (C)(2) and (3) of this section is 132302  
entitled to receive fees in the same manner and to the same extent 132303  
as receivers appointed in actions to foreclose mortgages. 132304

(2)(a) Pursuant to the police powers vested in the state, all 132305  
expenditures of a mortgagee, lienholder, or other interested party 132306  
that has been selected pursuant to division (C)(2) of this section 132307  
to undertake the work and to furnish the materials necessary to 132308  
abate a public nuisance, and any expenditures in connection with 132309  
the foreclosure of the lien created by this division, is a first 132310  
lien upon the building involved and the property on which it is 132311  
located and is superior to all prior and subsequent liens or other 132312  
encumbrances associated with the building or the property, 132313  
including, but not limited to, those for taxes and assessments, 132314  
upon the occurrence of both of the following: 132315

(i) The prior approval of the expenditures by, and the entry 132316  
of a judgment to that effect by, the judge in the civil action 132317

described in division (B)(1) of this section; 132318

(ii) The recordation of a certified copy of the judgment 132319  
entry and a sufficient description of the property on which the 132320  
building is located with the county recorder in the county in 132321  
which the property is located within sixty days after the date of 132322  
the entry of the judgment. 132323

(b) Pursuant to the police powers vested in the state, all 132324  
expenses and other amounts paid in accordance with division (F) of 132325  
this section by a receiver appointed pursuant to divisions (C)(2) 132326  
and (3) of this section, the amounts of any notes issued by the 132327  
receiver in accordance with division (F) of this section, all 132328  
mortgages granted by the receiver in accordance with that 132329  
division, the fees of the receiver approved pursuant to division 132330  
(H)(1) of this section, and any amounts expended in connection 132331  
with the foreclosure of a mortgage granted by the receiver in 132332  
accordance with division (F) of this section or with the 132333  
foreclosure of the lien created by this division, are a first lien 132334  
upon the building involved and the property on which it is located 132335  
and are superior to all prior and subsequent liens or other 132336  
encumbrances associated with the building or the property, 132337  
including, but not limited to, those for taxes and assessments, 132338  
upon the occurrence of both of the following: 132339

(i) The approval of the expenses, amounts, or fees by, and 132340  
the entry of a judgment to that effect by, the judge in the civil 132341  
action described in division (B)(1) of this section; or the 132342  
approval of the mortgages in accordance with division (F)(9) of 132343  
this section by, and the entry of a judgment to that effect by, 132344  
that judge; 132345

(ii) The recordation of a certified copy of the judgment 132346  
entry and a sufficient description of the property on which the 132347  
building is located, or, in the case of a mortgage, the 132348  
recordation of the mortgage, a certified copy of the judgment 132349

entry, and such a description, with the county recorder of the 132350  
county in which the property is located within sixty days after 132351  
the date of the entry of the judgment. 132352

(c) Priority among the liens described in divisions (H)(2)(a) 132353  
and (b) of this section shall be determined as described in 132354  
division (I) of this section. Additionally, the creation pursuant 132355  
to this section of a mortgage lien that is prior to or superior to 132356  
any mortgage of record at the time the mortgage lien is so 132357  
created, does not disqualify the mortgage of record as a legal 132358  
investment under Chapter 1107. or ~~1151.~~ or any other chapter of 132359  
the Revised Code. 132360

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 132361  
and (3) of this section files with the judge in the civil action 132362  
described in division (B)(1) of this section a report indicating 132363  
that the public nuisance has been abated, if the judge confirms 132364  
that the receiver has abated the public nuisance, and if the 132365  
receiver or any interested party requests the judge to enter an 132366  
order directing the receiver to sell the building and the property 132367  
on which it is located, the judge may enter that order after 132368  
holding a hearing as described in division (I)(2) of this section 132369  
and otherwise complying with that division. 132370

(2)(a) The receiver or interested party requesting an order 132371  
as described in division (I)(1) of this section shall cause a 132372  
notice of the date and time of a hearing on the request to be 132373  
served on the owner of the building involved and all other 132374  
interested parties in accordance with division (B)(2)(a) of this 132375  
section. The judge in the civil action described in division 132376  
(B)(1) of this section shall conduct the scheduled hearing. At the 132377  
hearing, if the owner or any interested party objects to the sale 132378  
of the building and the property, the burden of proof shall be 132379  
upon the objecting person to establish, by a preponderance of the 132380  
evidence, that the benefits of not selling the building and the 132381

property outweigh the benefits of selling them. If the judge 132382  
determines that there is no objecting person, or if the judge 132383  
determines that there is one or more objecting persons but no 132384  
objecting person has sustained the burden of proof specified in 132385  
this division, the judge may enter an order directing the receiver 132386  
to offer the building and the property for sale upon terms and 132387  
conditions that the judge shall specify. 132388

(b) In any sale of subsidized housing that is ordered 132389  
pursuant to this section, the judge shall specify that the 132390  
subsidized housing not be conveyed unless that conveyance complies 132391  
with applicable federal law and applicable program contracts for 132392  
that housing. Any such conveyance shall be subject to the 132393  
condition that the purchaser enter into a contract with the 132394  
department of housing and urban development or the rural housing 132395  
service of the federal department of agriculture under which the 132396  
property continues to be subsidized housing and the owner 132397  
continues to operate that property as subsidized housing unless 132398  
the secretary of housing and urban development or the 132399  
administrator of the rural housing service terminates that 132400  
property's contract prior to or upon the conveyance of the 132401  
property. 132402

(3) If a sale of a building and the property on which it is 132403  
located is ordered pursuant to divisions (I)(1) and (2) of this 132404  
section and if the sale occurs in accordance with the terms and 132405  
conditions specified by the judge in the judge's order of sale, 132406  
then the receiver shall distribute the proceeds of the sale and 132407  
the balance of any funds that the receiver may possess, after the 132408  
payment of the costs of the sale, in the following order of 132409  
priority and in the described manner: 132410

(a) First, in satisfaction of any notes issued by the 132411  
receiver pursuant to division (F) of this section, in their order 132412  
of priority; 132413

(b) Second, any unreimbursed expenses and other amounts paid 132414  
in accordance with division (F) of this section by the receiver, 132415  
and the fees of the receiver approved pursuant to division (H)(1) 132416  
of this section; 132417

(c) Third, all expenditures of a mortgagee, lienholder, or 132418  
other interested party that has been selected pursuant to division 132419  
(C)(2) of this section to undertake the work and to furnish the 132420  
materials necessary to abate a public nuisance, provided that the 132421  
expenditures were approved as described in division (H)(2)(a) of 132422  
this section and provided that, if any such interested party 132423  
subsequently became the receiver, its expenditures shall be paid 132424  
prior to the expenditures of any of the other interested parties 132425  
so selected; 132426

(d) Fourth, the amount due for delinquent taxes, assessments, 132427  
charges, penalties, and interest owed to this state or a political 132428  
subdivision of this state, provided that, if the amount available 132429  
for distribution pursuant to division (I)(3)(d) of this section is 132430  
insufficient to pay the entire amount of those taxes, assessments, 132431  
charges, penalties, and interest, the proceeds and remaining funds 132432  
shall be paid to each claimant in proportion to the amount of 132433  
those taxes, assessments, charges, penalties, and interest that 132434  
each is due. 132435

(e) The amount of any pre-receivership mortgages, liens, or 132436  
other encumbrances, in their order of priority. 132437

(4) Following a distribution in accordance with division 132438  
(I)(3) of this section, the receiver shall request the judge in 132439  
the civil action described in division (B)(1) of this section to 132440  
enter an order terminating the receivership. If the judge 132441  
determines that the sale of the building and the property on which 132442  
it is located occurred in accordance with the terms and conditions 132443  
specified by the judge in the judge's order of sale under division 132444  
(I)(2) of this section and that the receiver distributed the 132445

proceeds of the sale and the balance of any funds that the receiver possessed, after the payment of the costs of the sale, in accordance with division (I)(3) of this section, and if the judge approves any final accounting required of the receiver, the judge may terminate the receivership.

(J)(1) A receiver appointed pursuant to divisions (C)(2) and (3) of this section may be discharged at any time in the discretion of the judge in the civil action described in division (B)(1) of this section. The receiver shall be discharged by the judge as provided in division (I)(4) of this section, or when all of the following have occurred:

(a) The public nuisance has been abated;

(b) All costs, expenses, and approved fees of the receivership have been paid;

(c) Either all receiver's notes issued and mortgages granted pursuant to this section have been paid, or all the holders of the notes and mortgages request that the receiver be discharged.

(2) If a judge in a civil action described in division (B)(1) of this section determines that, and enters of record a declaration that, a public nuisance has been abated by a receiver, and if, within three days after the entry of the declaration, all costs, expenses, and approved fees of the receivership have not been paid in full, then, in addition to the circumstances specified in division (I) of this section for the entry of such an order, the judge may enter an order directing the receiver to sell the building involved and the property on which it is located. Any such order shall be entered, and the sale shall occur, only in compliance with division (I) of this section.

(K) The title in any building, and in the property on which it is located, that is sold at a sale ordered under division (I) or (J)(2) of this section shall be incontestable in the purchaser

and shall be free and clear of all liens for delinquent taxes, 132477  
assessments, charges, penalties, and interest owed to this state 132478  
or any political subdivision of this state, that could not be 132479  
satisfied from the proceeds of the sale and the remaining funds in 132480  
the receiver's possession pursuant to the distribution under 132481  
division (I)(3) of this section. All other liens and encumbrances 132482  
with respect to the building and the property shall survive the 132483  
sale, including, but not limited to, a federal tax lien notice 132484  
properly filed in accordance with section 317.09 of the Revised 132485  
Code prior to the time of the sale, and the easements and 132486  
covenants of record running with the property that were created 132487  
prior to the time of the sale. 132488

(L)(1) Nothing in this section shall be construed as a 132489  
limitation upon the powers granted to a court of common pleas, a 132490  
municipal court or a housing or environmental division of a 132491  
municipal court under Chapter 1901. of the Revised Code, or a 132492  
county court under Chapter 1907. of the Revised Code. 132493

(2) The monetary and other limitations specified in Chapters 132494  
1901. and 1907. of the Revised Code upon the jurisdiction of 132495  
municipal and county courts, and of housing or environmental 132496  
divisions of municipal courts, in civil actions do not operate as 132497  
limitations upon any of the following: 132498

(a) Expenditures of a mortgagee, lienholder, or other 132499  
interested party that has been selected pursuant to division 132500  
(C)(2) of this section to undertake the work and to furnish the 132501  
materials necessary to abate a public nuisance; 132502

(b) Any notes issued by a receiver pursuant to division (F) 132503  
of this section; 132504

(c) Any mortgage granted by a receiver in accordance with 132505  
division (F) of this section; 132506

(d) Expenditures in connection with the foreclosure of a 132507

mortgage granted by a receiver in accordance with division (F) of 132508  
this section; 132509

(e) The enforcement of an order of a judge entered pursuant 132510  
to this section; 132511

(f) The actions that may be taken pursuant to this section by 132512  
a receiver or a mortgagee, lienholder, or other interested party 132513  
that has been selected pursuant to division (C)(2) of this section 132514  
to undertake the work and to furnish the materials necessary to 132515  
abate a public nuisance. 132516

(3) A judge in a civil action described in division (B)(1) of 132517  
this section, or the judge's successor in office, has continuing 132518  
jurisdiction to review the condition of any building that was 132519  
determined to be a public nuisance pursuant to this section. 132520

(4) Nothing in this section shall be construed to limit or 132521  
prohibit a municipal corporation or township that has filed with 132522  
the superintendent of insurance a certified copy of an adopted 132523  
resolution, ordinance, or regulation authorizing the procedures 132524  
described in divisions (C) and (D) of section 3929.86 of the 132525  
Revised Code from receiving insurance proceeds under section 132526  
3929.86 of the Revised Code. 132527

**Sec. 4303.293.** (A) Any person making application concerning a 132528  
permit to conduct a business for which a permit is required under 132529  
this chapter shall list on the application the name and address of 132530  
each person having a legal or beneficial interest in the ownership 132531  
of the business, including contracts for purchase on an 132532  
installment basis. If any person is a corporation or limited 132533  
liability company, the applicant shall list the names of each 132534  
officer of the corporation; the names of each officer of the 132535  
limited liability company, if the limited liability company has 132536  
officers, and the names of the managing members of the company or 132537  
the managers of the company, if the management of the company is 132538

not reserved to its members; the names of each person owning or 132539  
controlling five per cent or more of the capital stock of the 132540  
corporation; and the names of each person owning or controlling 132541  
five per cent or more of either the voting interests or membership 132542  
interests in the limited liability company. If any person is a 132543  
partnership or association, the applicant shall list the names of 132544  
each partner or member of the association. Any person having a 132545  
legal or beneficial interest in the ownership of the business, 132546  
other than a bank as defined in section 1101.01 of the Revised 132547  
Code ~~or a building and loan association as defined in section~~ 132548  
~~1151.01 of the Revised Code~~, shall notify the division of liquor 132549  
control of the interest, including contracts for purchase on an 132550  
installment basis, occurring after the application for, or the 132551  
issuance of, the permit. The notification shall be given within 132552  
fifteen days of the change. Whenever the person to whom a permit 132553  
has been issued is a corporation or limited liability company and 132554  
any transfer of that corporation's stock or that limited liability 132555  
company's membership interests is proposed such that, following 132556  
the transfer, the owner of the majority or plurality of shares of 132557  
stock in the corporation would change or the owner of the majority 132558  
or plurality of the limited liability company's membership 132559  
interests would change, the proposed transfer of stock or 132560  
membership interests shall be considered a proposed transfer of 132561  
ownership of the permit, and application shall be made to the 132562  
division of liquor control for a transfer of ownership. The 132563  
application shall be subject to the notice and hearing 132564  
requirements of section 4303.26 of the Revised Code and to the 132565  
restrictions imposed by section 4303.29 and division (A)(1) of 132566  
section 4303.292 of the Revised Code. 132567

(B) Whoever violates this section is guilty of a misdemeanor 132568  
of the first degree. 132569

**Sec. 5814.01.** As used in sections 5814.01 to 5814.10 of the 132570

Revised Code, unless the context otherwise requires: 132571

(A) "Benefit plan" means any plan of an employer for the 132572  
benefit of any employee, any plan for the benefit of any partner, 132573  
or any plan for the benefit of a proprietor, and includes, but is 132574  
not limited to, any pension, retirement, death benefit, deferred 132575  
compensation, employment agency, stock bonus, option, or 132576  
profit-sharing contract, plan, system, account, or trust. 132577

(B) "Broker" means a person that is lawfully engaged in the 132578  
business of effecting transactions in securities for the account 132579  
of others. A "broker" includes a financial institution that 132580  
effects such transactions and a person who is lawfully engaged in 132581  
buying and selling securities for the person's own account, 132582  
through a broker or otherwise, as a part of a regular business. 132583

(C) "Court" means the probate court. 132584

(D) "The custodial property" includes: 132585

(1) All securities, money, life or endowment insurance 132586  
policies, annuity contracts, benefit plans, real estate, tangible 132587  
and intangible personal property, proceeds of a life or endowment 132588  
insurance policy, an annuity contract, or a benefit plan, and 132589  
other types of property under the supervision of the same 132590  
custodian for the same minor as a consequence of a transfer or 132591  
transfers made to the minor, a gift or gifts made to the minor, or 132592  
a purchase made by the custodian for the minor, in a manner 132593  
prescribed in sections 5814.01 to 5814.10 of the Revised Code; 132594

(2) The income from the custodial property; 132595

(3) The proceeds, immediate and remote, from the sale, 132596  
exchange, conversion, investment, reinvestment, or other 132597  
disposition of the securities, money, life or endowment insurance 132598  
policies, annuity contracts, benefit plans, real estate, tangible 132599  
and intangible personal property, proceeds of a life or endowment 132600

insurance policy, an annuity contract, or a benefit plan, other types of property, and income. 132601  
132602

(E) "Custodian" or "successor custodian" means a person so designated in a manner prescribed in sections 5814.01 to 5814.10 of the Revised Code. 132603  
132604  
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(F) "Financial institution" means any bank, as defined in section 1101.01 of the Revised Code, ~~any building and loan association, as defined in section 1151.01,~~ any credit union as defined in section 1733.01 of the Revised Code, and any federal credit union, as defined in the "Federal Credit Union Act," 73 Stat. 628 (1959), 12 U.S.C.A. 1752, as amended. 132606  
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(G) "Guardian of the minor" includes the general guardian, guardian, tutor, or curator of the property, estate, or person of a minor. 132612  
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(H) "Issuer" means a person who places or authorizes the placing of the person's name on a security, other than as a transfer agent, to evidence that it represents a share, participation, or other interest in the person's property or in an enterprise, or to evidence the person's duty or undertaking to perform an obligation that is evidenced by the security, or who becomes responsible for or in place of any such person. 132615  
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(I) "Legal representative" of a person means the executor, administrator, general guardian, guardian, committee, conservator, tutor, or curator of the person's property or estate. 132622  
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(J) "Member of the minor's family" means a parent, stepparent, spouse, grandparent, brother, sister, uncle, or aunt of the minor, whether of the whole or half blood, or by adoption. 132625  
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(K)(1) Except as provided in division (K)(2) of this section, "minor" means an individual who has not attained the age of twenty-one years. 132628  
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(2) When used with reference to the beneficiary for whose benefit custodial property is held or is to be held, "minor" means an individual who has not attained the age at which the custodian is required under section 5814.09 of the Revised Code to transfer the custodial property to the beneficiary.

(L) "Security" includes any note, stock, treasury stock, common trust fund, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under an oil, gas, or mining title or lease, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. A "security" does not include a security of which the donor or transferor is the issuer. A security is in "registered form" when it specifies a person who is entitled to it or to the rights that it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(M) "Transfer" means a disposition, other than a gift, by a person who is eighteen years of age or older that creates custodial property under sections 5814.01 to 5814.10 of the Revised Code.

(N) "Transfer agent" means a person who acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities, in the issue of new securities, or in the cancellation of surrendered securities.

(O) "Transferor" means a person who is eighteen years of age or older, who makes a transfer.

(P) "Trust company" means a financial institution that is 132662  
authorized to exercise trust powers. 132663

(Q) "Administrator" includes an "administrator with the will 132664  
annexed. 132665

**Section 130.22.** That existing sections 102.02, 109.572, 132666  
111.15, 119.01, 121.07, 131.11, 135.03, 135.032, 135.182, 135.32, 132667  
135.321, 135.51, 135.52, 135.53, 323.134, 339.06, 513.17, 749.081, 132668  
755.141, 902.01, 924.10, 924.26, 924.45, 1101.01, 1101.02, 132669  
1101.03, 1101.15, 1101.16, 1103.01, 1103.02, 1103.03, 1103.06, 132670  
1103.07, 1103.08, 1103.09, 1103.11, 1103.13, 1103.14, 1103.15, 132671  
1103.16, 1103.18, 1103.19, 1103.20, 1103.21, 1105.01, 1105.02, 132672  
1105.03, 1105.04, 1105.08, 1105.10, 1105.11, 1107.03, 1107.05, 132673  
1107.07, 1107.09, 1107.11, 1107.13, 1107.15, 1109.01, 1109.02, 132674  
1109.03, 1109.05, 1109.08, 1109.10, 1109.15, 1109.16, 1109.17, 132675  
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1111.09, 1113.01, 1113.03, 1113.05, 1113.06, 1113.08, 1113.09, 132681  
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1121.48, 1121.50, 1121.56, 1123.01, 1123.03, 1125.01, 1125.03, 132688  
1125.04, 1125.05, 1125.06, 1125.09, 1125.10, 1125.11, 1125.12, 132689  
1125.13, 1125.14, 1125.17, 1125.18, 1125.19, 1125.20, 1125.21, 132690  
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1125.29, 1125.30, 1125.33, 1181.01, 1181.02, 1181.03, 1181.04, 132692  
1181.05, 1181.06, 1181.07, 1181.10, 1181.11, 1181.21, 1181.25, 132693

1349.16, 1509.07, 1509.225, 1510.09, 1514.04, 1707.03, 1901.31, 132694  
2335.25, 3351.07, 3767.41, 4303.293, and 5814.01 of the Revised 132695  
Code are hereby repealed. 132696

**Section 130.23.** That sections 1105.06, 1107.01, 1109.60, 132697  
1115.18, 1115.19, 1115.25, 1121.52, 1133.01, 1133.02, 1133.03, 132698  
1133.04, 1133.05, 1133.06, 1133.07, 1133.08, 1133.09, 1133.10, 132699  
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1151.28, 1151.29, 1151.291, 1151.292, 1151.293, 1151.294, 132706  
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1157.06, 1157.09, 1157.10, 1157.11, 1157.12, 1157.13, 1157.14, 132722  
1157.17, 1157.18, 1157.19, 1157.20, 1157.21, 1157.22, 1157.23, 132723  
1157.24, 1157.25, 1157.26, 1157.27, 1157.28, 1157.29, 1157.30, 132724  
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1161.60, 1161.601, 1161.61, 1161.62, 1161.63, 1161.631, 1161.64, 132734  
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1163.05, 1163.07, 1163.09, 1163.10, 1163.11, 1163.12, 1163.121, 132738  
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1163.24, 1163.25, 1163.26, 1163.27, 1165.01, 1165.03, 1165.04, 132740  
1165.05, 1165.06, 1165.09, 1165.10, 1165.11, 1165.12, 1165.13, 132741  
1165.14, 1165.17, 1165.18, 1165.19, 1165.20, 1165.21, 1165.22, 132742  
1165.23, 1165.24, 1165.25, 1165.26, 1165.27, 1165.28, 1165.29, 132743  
1165.30, 1165.33, 1181.16, 1181.17, and 3333.93 of the Revised 132744  
Code are hereby repealed. 132745

**Section 130.24.** Notwithstanding section 1123.01 of the 132746  
Revised Code, as amended by this act, both of the following apply: 132747

(A) The appointed members who are serving on the Banking 132748  
Commission as of the effective date of this section shall serve 132749  
until the end of the term for which the member was appointed. The 132750  
terms of office set forth in division (B) of that section and the 132751  
qualifications for membership set forth in division (D) of that 132752  
section shall first apply to the members appointed on or after the 132753  
effective date of this section. 132754

(B) The Banking Commission shall, on the effective date of 132755  
this section, additionally consist of the six members appointed to 132756

the Savings and Loan Associations and Savings Banks Board under 132757  
section 1181.16 of the Revised Code. Each such member shall serve 132758  
until the end of the term for which the member was appointed. 132759

**Section 130.26.** Sections 130.21, 130.22, 130.23, 130.24, and 132760  
130.26 of this act, except for sections 135.182, 1121.24, 1121.29, 132761  
1121.30, and 1123.03 of the Revised Code, take effect January 1, 132762  
2018. Sections 135.182, 1121.24, 1121.29, 1121.30, and 1123.03 of 132763  
the Revised Code, as amended or enacted by Sections 130.21 and 132764  
130.22 of this act, take effect at the earliest time permitted by 132765  
law. 132766

**Section 130.27.** Section 1121.02 of the Revised Code is 132767  
presented in this act as a composite of the section as amended by 132768  
both Am. Sub. H.B. 538 and Am. Sub. S.B. 293 of the 121st General 132769  
Assembly. The General Assembly, applying the principle stated in 132770  
division (B) of section 1.52 of the Revised Code that amendments 132771  
are to be harmonized if reasonably capable of simultaneous 132772  
operation, finds that the composite is the resulting version of 132773  
the section in effect prior to the effective date of the section 132774  
as presented in this act. 132775

**Section 130.31.** That sections 173.501, 173.521, 173.542, 132776  
1347.08, 2317.54, 4715.36, 5101.60, 5101.99, 5123.61, and 5126.31 132777  
be amended; sections 5101.61 (5101.63), 5101.611 (5101.64), 132778  
5101.612 (5101.631), 5101.62 (5101.65), 5101.622 (5101.652), 132779  
5101.63 (5101.651), 5101.64 (5101.66), 5101.65 (5101.68), 5101.66 132780  
(5101.681), 5101.67 (5101.682), 5101.68 (5101.69), 5101.69 132781  
(5101.70), 5101.691 (5101.701), 5101.692 (5101.702), 5101.70 132782  
(5101.71), 5101.71 (5101.61), and 5101.72 (5101.611) be amended 132783  
for the purpose of adopting new section numbers as indicated in 132784  
parentheses; and new section 5101.62 and sections 5101.632, 132785  
5101.73, 5101.74, and 5101.741 of the Revised Code be enacted to 132786

read as follows: 132787

**Sec. 173.501.** (A) As used in this section: 132788

"Nursing facility" has the same meaning as in section 5165.01 132789  
of the Revised Code. 132790

"PACE provider" has the same meaning as in the "Social 132791  
Security Act," section 1934(a)(3), 42 U.S.C. 1396u-4(a)(3). 132792

(B) The department of aging shall establish a home first 132793  
component of the PACE program under which eligible individuals may 132794  
be enrolled in the PACE program in accordance with this section. 132795  
An individual is eligible for the PACE program's home first 132796  
component if both of the following apply: 132797

(1) The individual has been determined to be eligible for the 132798  
PACE program. 132799

(2) At least one of the following applies: 132800

(a) The individual has been admitted to a nursing facility. 132801

(b) A physician has determined and documented in writing that 132802  
the individual has a medical condition that, unless the individual 132803  
is enrolled in home and community-based services such as the PACE 132804  
program, will require the individual to be admitted to a nursing 132805  
facility within thirty days of the physician's determination. 132806

(c) The individual has been hospitalized and a physician has 132807  
determined and documented in writing that, unless the individual 132808  
is enrolled in home and community-based services such as the PACE 132809  
program, the individual is to be transported directly from the 132810  
hospital to a nursing facility and admitted. 132811

(d) Both of the following apply: 132812

(i) The individual is the subject of a report made under 132813  
section ~~5101.61~~ 5101.63 of the Revised Code regarding abuse, 132814  
neglect, or exploitation or such a report referred to a county 132815

department of job and family services under section 5126.31 of the Revised Code or has made a request to a county department for protective services as defined in section 5101.60 of the Revised Code.

(ii) A county department of job and family services and an area agency on aging have jointly documented in writing that, unless the individual is enrolled in home and community-based services such as the PACE program, the individual should be admitted to a nursing facility.

(C) Each month, the department of aging shall identify individuals who are eligible for the home first component of the PACE program. When the department identifies such an individual, the department shall notify the PACE provider serving the area in which the individual resides. The PACE provider shall determine whether the PACE program is appropriate for the individual and whether the individual would rather participate in the PACE program than continue or begin to reside in a nursing facility. If the PACE provider determines that the PACE program is appropriate for the individual and the individual would rather participate in the PACE program than continue or begin to reside in a nursing facility, the PACE provider shall so notify the department of aging. On receipt of the notice from the PACE provider, the department of aging shall approve the individual's enrollment in the PACE program in accordance with priorities established in rules adopted under section 173.50 of the Revised Code.

**Sec. 173.521.** (A) Unless the medicaid-funded component of the PASSPORT program is terminated pursuant to division (C) of section 173.52 of the Revised Code, the department shall establish a home first component of the PASSPORT program under which eligible individuals may be enrolled in the medicaid-funded component of the PASSPORT program in accordance with this section. An

individual is eligible for the PASSPORT program's home first 132847  
component if both of the following apply: 132848

(1) The individual has been determined to be eligible for the 132849  
medicaid-funded component of the PASSPORT program. 132850

(2) At least one of the following applies: 132851

(a) The individual has been admitted to a nursing facility. 132852

(b) A physician has determined and documented in writing that 132853  
the individual has a medical condition that, unless the individual 132854  
is enrolled in home and community-based services such as the 132855  
PASSPORT program, will require the individual to be admitted to a 132856  
nursing facility within thirty days of the physician's 132857  
determination. 132858

(c) The individual has been hospitalized and a physician has 132859  
determined and documented in writing that, unless the individual 132860  
is enrolled in home and community-based services such as the 132861  
PASSPORT program, the individual is to be transported directly 132862  
from the hospital to a nursing facility and admitted. 132863

(d) Both of the following apply: 132864

(i) The individual is the subject of a report made under 132865  
section ~~5101.61~~ 5101.63 of the Revised Code regarding abuse, 132866  
neglect, or exploitation or such a report referred to a county 132867  
department of job and family services under section 5126.31 of the 132868  
Revised Code or has made a request to a county department for 132869  
protective services as defined in section 5101.60 of the Revised 132870  
Code. 132871

(ii) A county department of job and family services and an 132872  
area agency on aging have jointly documented in writing that, 132873  
unless the individual is enrolled in home and community-based 132874  
services such as the PASSPORT program, the individual should be 132875  
admitted to a nursing facility. 132876

(B) Each month, each area agency on aging shall identify individuals residing in the area that the agency serves who are eligible for the home first component of the PASSPORT program. When an area agency on aging identifies such an individual, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides. The administrator shall determine whether the PASSPORT program is appropriate for the individual and whether the individual would rather participate in the PASSPORT program than continue or begin to reside in a nursing facility. If the administrator determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue or begin to reside in a nursing facility, the administrator shall so notify the department of aging. On receipt of the notice from the administrator, the department shall approve the individual's enrollment in the medicaid-funded component of the PASSPORT program regardless of the unified waiting list established under section 173.55 of the Revised Code, unless the enrollment would cause the component to exceed any limit on the number of individuals who may be enrolled in the component as set by the United States secretary of health and human services in the PASSPORT waiver.

**Sec. 173.542.** (A) Unless the medicaid-funded component of the assisted living program is terminated pursuant to division (C) of section 173.54 of the Revised Code, the department of aging shall establish a home first component of the assisted living program under which eligible individuals may be enrolled in the medicaid-funded component of the assisted living program in accordance with this section. An individual is eligible for the assisted living program's home first component if both of the following apply:

(1) The individual has been determined to be eligible for the

medicaid-funded component of the assisted living program. 132909

(2) At least one of the following applies: 132910

(a) The individual has been admitted to a nursing facility. 132911

(b) A physician has determined and documented in writing that 132912  
the individual has a medical condition that, unless the individual 132913  
is enrolled in home and community-based services such as the 132914  
assisted living program, will require the individual to be 132915  
admitted to a nursing facility within thirty days of the 132916  
physician's determination. 132917

(c) The individual has been hospitalized and a physician has 132918  
determined and documented in writing that, unless the individual 132919  
is enrolled in home and community-based services such as the 132920  
assisted living program, the individual is to be transported 132921  
directly from the hospital to a nursing facility and admitted. 132922

(d) Both of the following apply: 132923

(i) The individual is the subject of a report made under 132924  
section ~~5101.61~~ 5101.63 of the Revised Code regarding abuse, 132925  
neglect, or exploitation or such a report referred to a county 132926  
department of job and family services under section 5126.31 of the 132927  
Revised Code or has made a request to a county department for 132928  
protective services as defined in section 5101.60 of the Revised 132929  
Code. 132930

(ii) A county department of job and family services and an 132931  
area agency on aging have jointly documented in writing that, 132932  
unless the individual is enrolled in home and community-based 132933  
services such as the assisted living program, the individual 132934  
should be admitted to a nursing facility. 132935

(B) Each month, each area agency on aging shall identify 132936  
individuals residing in the area that the area agency on aging 132937  
serves who are eligible for the home first component of the 132938

assisted living program. When an area agency on aging identifies 132939  
such an individual and determines that there is a vacancy in a 132940  
residential care facility participating in the medicaid-funded 132941  
component of the assisted living program that is acceptable to the 132942  
individual, the agency shall notify the long-term care 132943  
consultation program administrator serving the area in which the 132944  
individual resides. The administrator shall determine whether the 132945  
assisted living program is appropriate for the individual and 132946  
whether the individual would rather participate in the assisted 132947  
living program than continue or begin to reside in a nursing 132948  
facility. If the administrator determines that the assisted living 132949  
program is appropriate for the individual and the individual would 132950  
rather participate in the assisted living program than continue or 132951  
begin to reside in a nursing facility, the administrator shall so 132952  
notify the department of aging. On receipt of the notice from the 132953  
administrator, the department shall approve the individual's 132954  
enrollment in the medicaid-funded component of the assisted living 132955  
program regardless of the unified waiting list established under 132956  
section 173.55 of the Revised Code, unless the enrollment would 132957  
cause the component to exceed any limit on the number of 132958  
individuals who may participate in the component as set by the 132959  
United States secretary of health and human services in the 132960  
assisted living waiver. 132961

**Sec. 1347.08.** (A) Every state or local agency that maintains 132962  
a personal information system, upon the request and the proper 132963  
identification of any person who is the subject of personal 132964  
information in the system, shall: 132965

(1) Inform the person of the existence of any personal 132966  
information in the system of which the person is the subject; 132967

(2) Except as provided in divisions (C) and (E)(2) of this 132968  
section, permit the person, the person's legal guardian, or an 132969

attorney who presents a signed written authorization made by the 132970  
person, to inspect all personal information in the system of which 132971  
the person is the subject; 132972

(3) Inform the person about the types of uses made of the 132973  
personal information, including the identity of any users usually 132974  
granted access to the system. 132975

(B) Any person who wishes to exercise a right provided by 132976  
this section may be accompanied by another individual of the 132977  
person's choice. 132978

(C)(1) A state or local agency, upon request, shall disclose 132979  
medical, psychiatric, or psychological information to a person who 132980  
is the subject of the information or to the person's legal 132981  
guardian, unless a physician, psychiatrist, or psychologist 132982  
determines for the agency that the disclosure of the information 132983  
is likely to have an adverse effect on the person, in which case 132984  
the information shall be released to a physician, psychiatrist, or 132985  
psychologist who is designated by the person or by the person's 132986  
legal guardian. 132987

(2) Upon the signed written request of either a licensed 132988  
attorney at law or a licensed physician designated by the inmate, 132989  
together with the signed written request of an inmate of a 132990  
correctional institution under the administration of the 132991  
department of rehabilitation and correction, the department shall 132992  
disclose medical information to the designated attorney or 132993  
physician as provided in division (C) of section 5120.21 of the 132994  
Revised Code. 132995

(D) If an individual who is authorized to inspect personal 132996  
information that is maintained in a personal information system 132997  
requests the state or local agency that maintains the system to 132998  
provide a copy of any personal information that the individual is 132999  
authorized to inspect, the agency shall provide a copy of the 133000

personal information to the individual. Each state and local 133001  
agency may establish reasonable fees for the service of copying, 133002  
upon request, personal information that is maintained by the 133003  
agency. 133004

(E)(1) This section regulates access to personal information 133005  
that is maintained in a personal information system by persons who 133006  
are the subject of the information, but does not limit the 133007  
authority of any person, including a person who is the subject of 133008  
personal information maintained in a personal information system, 133009  
to inspect or have copied, pursuant to section 149.43 of the 133010  
Revised Code, a public record as defined in that section. 133011

(2) This section does not provide a person who is the subject 133012  
of personal information maintained in a personal information 133013  
system, the person's legal guardian, or an attorney authorized by 133014  
the person, with a right to inspect or have copied, or require an 133015  
agency that maintains a personal information system to permit the 133016  
inspection of or to copy, a confidential law enforcement 133017  
investigatory record or trial preparation record, as defined in 133018  
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 133019

(F) This section does not apply to any of the following: 133020

(1) The contents of an adoption file maintained by the 133021  
department of health under sections 3705.12 to 3705.124 of the 133022  
Revised Code; 133023

(2) Information contained in the putative father registry 133024  
established by section 3107.062 of the Revised Code, regardless of 133025  
whether the information is held by the department of job and 133026  
family services or, pursuant to section 3111.69 of the Revised 133027  
Code, the office of child support in the department or a child 133028  
support enforcement agency; 133029

(3) Papers, records, and books that pertain to an adoption 133030  
and that are subject to inspection in accordance with section 133031

|                                                                                                                                                                                                                                                                                                                                     |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 3107.17 of the Revised Code;                                                                                                                                                                                                                                                                                                        | 133032                                                   |
| (4) Records specified in division (A) of section 3107.52 of the Revised Code;                                                                                                                                                                                                                                                       | 133033<br>133034                                         |
| (5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;                                                                                                                                                                    | 133035<br>133036<br>133037                               |
| (6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;                                                                                                                                                                                                                  | 133038<br>133039                                         |
| (7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;                                                                                                                                                                     | 133040<br>133041<br>133042                               |
| (8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual;                                                                                                                                                                     | 133043<br>133044<br>133045                               |
| (9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer; | 133046<br>133047<br>133048<br>133049<br>133050<br>133051 |
| (10) Information contained in a database established and maintained pursuant to section 5101.13 of the Revised Code;                                                                                                                                                                                                                | 133052<br>133053                                         |
| (11) Information contained in a database established and maintained pursuant to section <del>5101.612</del> <u>5101.631</u> of the Revised Code.                                                                                                                                                                                    | 133054<br>133055<br>133056                               |
| <b>Sec. 2317.54.</b> No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or                   | 133057<br>133058<br>133059<br>133060<br>133061           |

course of procedures, unless the physician is an employee of the 133062  
hospital, home health agency, ambulatory surgical facility, or 133063  
provider of a hospice care program or pediatric respite care 133064  
program. 133065

Written consent to a surgical or medical procedure or course 133066  
of procedures shall, to the extent that it fulfills all the 133067  
requirements in divisions (A), (B), and (C) of this section, be 133068  
presumed to be valid and effective, in the absence of proof by a 133069  
preponderance of the evidence that the person who sought such 133070  
consent was not acting in good faith, or that the execution of the 133071  
consent was induced by fraudulent misrepresentation of material 133072  
facts, or that the person executing the consent was not able to 133073  
communicate effectively in spoken and written English or any other 133074  
language in which the consent is written. Except as herein 133075  
provided, no evidence shall be admissible to impeach, modify, or 133076  
limit the authorization for performance of the procedure or 133077  
procedures set forth in such written consent. 133078

(A) The consent sets forth in general terms the nature and 133079  
purpose of the procedure or procedures, and what the procedures 133080  
are expected to accomplish, together with the reasonably known 133081  
risks, and, except in emergency situations, sets forth the names 133082  
of the physicians who shall perform the intended surgical 133083  
procedures. 133084

(B) The person making the consent acknowledges that such 133085  
disclosure of information has been made and that all questions 133086  
asked about the procedure or procedures have been answered in a 133087  
satisfactory manner. 133088

(C) The consent is signed by the patient for whom the 133089  
procedure is to be performed, or, if the patient for any reason 133090  
including, but not limited to, competence, minority, or the fact 133091  
that, at the latest time that the consent is needed, the patient 133092  
is under the influence of alcohol, hallucinogens, or drugs, lacks 133093

legal capacity to consent, by a person who has legal authority to 133094  
consent on behalf of such patient in such circumstances, including 133095  
either of the following: 133096

(1) The parent, whether the parent is an adult or a minor, of 133097  
the parent's minor child; 133098

(2) An adult whom the parent of the minor child has given 133099  
written authorization to consent to a surgical or medical 133100  
procedure or course of procedures for the parent's minor child. 133101

Any use of a consent form that fulfills the requirements 133102  
stated in divisions (A), (B), and (C) of this section has no 133103  
effect on the common law rights and liabilities, including the 133104  
right of a physician to obtain the oral or implied consent of a 133105  
patient to a medical procedure, that may exist as between 133106  
physicians and patients on July 28, 1975. 133107

As used in this section the term "hospital" has the same 133108  
meaning as in section 2305.113 of the Revised Code; "home health 133109  
agency" has the same meaning as in section ~~5101.61~~ 3701.881 of the 133110  
Revised Code; "ambulatory surgical facility" has the meaning as in 133111  
division (A) of section 3702.30 of the Revised Code; and "hospice 133112  
care program" and "pediatric respite care program" have the same 133113  
meanings as in section 3712.01 of the Revised Code. The provisions 133114  
of this division apply to hospitals, doctors of medicine, doctors 133115  
of osteopathic medicine, and doctors of podiatric medicine. 133116

**Sec. 4715.36.** As used in this section and sections 4715.361 133117  
to 4715.374 of the Revised Code: 133118

(A) "Accredited dental hygiene school" means a dental hygiene 133119  
school accredited by the American dental association commission on 133120  
dental accreditation or a dental hygiene school whose educational 133121  
standards are recognized by the American dental association 133122  
commission on dental accreditation and approved by the state 133123

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                              |
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| dental board.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 133124                                                                       |
| (B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.                                                                                                                                                                                                                                                                                                                                           | 133125<br>133126<br>133127                                                   |
| (C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.                                                                                                                                                                                                                                                                                                                                                                                    | 133128<br>133129                                                             |
| (D) "Dentist" means an individual licensed under this chapter to practice dentistry.                                                                                                                                                                                                                                                                                                                                                                                                                 | 133130<br>133131                                                             |
| (E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.                                                                                                                                                                                                                                                                                                                                                                                            | 133132<br>133133                                                             |
| (F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(4) of section 4715.22 of the Revised Code. | 133134<br>133135<br>133136<br>133137<br>133138<br>133139<br>133140<br>133141 |
| (G) "Facility" means any of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 133142                                                                       |
| (1) A health care facility, as defined in section 4715.22 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                       | 133143<br>133144                                                             |
| (2) A state correctional institution, as defined in section 2967.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                             | 133145<br>133146                                                             |
| (3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center;                                                                                                                                                                                                                                                                                               | 133147<br>133148<br>133149<br>133150                                         |
| (4) A residential facility licensed under section 5123.19 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                       | 133151<br>133152                                                             |
| (5) A public school, as defined in section 3701.93 of the                                                                                                                                                                                                                                                                                                                                                                                                                                            | 133153                                                                       |

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| Revised Code, located in an area designated as a dental health     | 133154 |
| resource shortage area pursuant to section 3702.87 of the Revised  | 133155 |
| Code;                                                              | 133156 |
| (6) A nonpublic school, as defined in section 3701.93 of the       | 133157 |
| Revised Code, located in an area designated as a dental health     | 133158 |
| resource shortage area pursuant to section 3702.87 of the Revised  | 133159 |
| Code;                                                              | 133160 |
| (7) A federally qualified health center or federally               | 133161 |
| qualified health center look-alike, as defined in section 3701.047 | 133162 |
| of the Revised Code;                                               | 133163 |
| (8) A shelter for victims of domestic violence, as defined in      | 133164 |
| section 3113.33 of the Revised Code;                               | 133165 |
| (9) A facility operated by the department of youth services        | 133166 |
| under Chapter 5139. of the Revised Code;                           | 133167 |
| (10) A foster home, as defined in section 5103.02 of the           | 133168 |
| Revised Code;                                                      | 133169 |
| (11) A nonprofit clinic, as defined in section 3715.87 of the      | 133170 |
| Revised Code;                                                      | 133171 |
| (12) The residence of one or more individuals receiving            | 133172 |
| services provided by a home health agency, as defined in section   | 133173 |
| <del>5101.61</del> <u>3701.881</u> of the Revised Code;            | 133174 |
| (13) A dispensary;                                                 | 133175 |
| (14) A health care facility, such as a clinic or hospital, of      | 133176 |
| the United States department of veterans affairs;                  | 133177 |
| (15) The residence of one or more individuals enrolled in a        | 133178 |
| home and community-based services medicaid waiver component, as    | 133179 |
| defined in section 5166.01 of the Revised Code;                    | 133180 |
| (16) A facility operated by the board of health of a city or       | 133181 |
| general health district or the authority having the duties of a    | 133182 |
| board of health under section 3709.05 of the Revised Code;         | 133183 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| (17) A women, infants, and children clinic;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 133184                                                                                                                         |
| (18) A mobile dental unit located at any location listed in divisions (G)(1) to (17) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 133185<br>133186                                                                                                               |
| (19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 133187<br>133188<br>133189<br>133190<br>133191<br>133192<br>133193                                                             |
| <b>Sec. 5101.60.</b> As used in sections 5101.60 to <del>5101.71</del> <u>5101.73</u> of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 133194<br>133195                                                                                                               |
| (A) <u>"Abandonment" means desertion of an adult by a caretaker without having made provision for transfer of the adult's care.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 133196<br>133197                                                                                                               |
| (B) "Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 133198<br>133199<br>133200                                                                                                     |
| <del>(B)(C)</del> (C) "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement. <del>An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. An "independent living arrangement" includes a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, but does not include other institutions or facilities licensed by the state or facilities in which a person resides as a result of voluntary,</del> | 133201<br>133202<br>133203<br>133204<br>133205<br>133206<br>133207<br>133208<br>133209<br>133210<br>133211<br>133212<br>133213 |

~~civil, or criminal commitment.~~ 133214

~~(C)~~(D) "Area agency on aging" means a public or private 133215  
nonprofit entity designated under section 173.011 of the Revised 133216  
Code to administer programs on behalf of the department of aging. 133217

(E) "Caretaker" means the person assuming the primary 133218  
responsibility for the care of an adult ~~on~~ by any of the following 133219  
means: 133220

(1) On a voluntary basis, ~~by~~ i 133221

(2) By contract, ~~through~~ i 133222

(3) Through receipt of payment for care, ~~as~~ i 133223

(4) As a result of a family relationship, ~~or~~ by i 133224

(5) By order of a court of competent jurisdiction. 133225

~~(D)~~(F) "Community mental health agency" means any agency, 133226  
program, or facility with which a board of alcohol, drug 133227  
addiction, and mental health services contracts to provide the 133228  
mental health services listed in section 340.99 of the Revised 133229  
Code. 133230

(G) "Court" means the probate court in the county where an 133231  
adult resides. 133232

~~(E)~~(H) "Emergency" means that the adult is living in 133233  
conditions which present a substantial risk of immediate and 133234  
irreparable physical harm or death to self or any other person. 133235

~~(F)~~(I) "Emergency services" means protective services 133236  
furnished to an adult in an emergency. 133237

~~(G)~~(J) "Exploitation" means the unlawful or improper act of a 133238  
~~caretaker~~ person using, in one or more transactions, an adult or 133239  
an adult's resources for monetary or personal benefit, profit, or 133240  
gain when the ~~caretaker~~ person obtained or exerted control over 133241  
the adult or the adult's resources in any of the following ways: 133242

(1) Without the adult's consent or the consent of the person 133243  
authorized to give consent on the adult's behalf; 133244

(2) Beyond the scope of the express or implied consent of the 133245  
adult or the person authorized to give consent on the adult's 133246  
behalf; 133247

(3) By deception; 133248

(4) By threat; 133249

(5) By intimidation. 133250

~~(H)~~(K) "In need of protective services" means an adult known 133251  
or suspected to be suffering from abuse, neglect, or exploitation 133252  
to an extent that either life is endangered or physical harm, 133253  
mental anguish, or mental illness results or is likely to result. 133254

~~(I)~~(L) "Incapacitated person" means a person who is impaired 133255  
for any reason to the extent that the person lacks sufficient 133256  
understanding or capacity to make and carry out reasonable 133257  
decisions concerning the person's self or resources, with or 133258  
without the assistance of a caretaker. Refusal to consent to the 133259  
provision of services shall not be the sole determinative that the 133260  
person is incapacitated. ~~"Reasonable decisions" are decisions made~~ 133261  
~~in daily living which facilitate the provision of food, shelter,~~ 133262  
~~clothing, and health care necessary for life support.~~ 133263

~~(J)~~(M) "Independent living arrangement" means a domicile of a 133264  
person's own choosing, including, but not limited to, a private 133265  
home, apartment, trailer, or rooming house. "Independent living 133266  
arrangement" includes a residential facility licensed under 133267  
section 5119.22 of the Revised Code that provides accommodations, 133268  
supervision, and personal care services for three to sixteen 133269  
unrelated adults, but does not include any other institution or 133270  
facility licensed by the state or a facility in which a person 133271  
resides as a result of voluntary, civil, or criminal commitment. 133272

(N) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

~~(K)~~(O) "Neglect" means any of the failure following:

(1) Failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness ~~or the failure;~~

(2) Failure of a caretaker to provide such goods or services;

(3) Abandonment.

~~(L)~~(P) "Outpatient health facility" means a facility where medical care and preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services are provided to outpatients by or under the direction of a physician or dentist.

(Q) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.

~~(M)~~(R) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult.

~~(N)~~(S) "Protective services" means services provided by the county department of job and family services or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of as well as conditions resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter.

~~(O)(T)~~ "Reasonable decisions" means decisions made in daily living that facilitate the provision of food, shelter, clothing, and health care necessary for life support. 133303  
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(U) "Senior service provider" means a person who provides care or specialized services to an adult, except that it does not include the state long-term care ombudsman or a regional long-term care ombudsman. 133306  
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(V) "Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday as defined in section 1.14 of the Revised Code. 133310  
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**Sec. ~~5101.71~~ 5101.61.** (A) The county departments of job and family services shall implement sections 5101.60 to 5101.71 of the Revised Code. ~~The department of job and family services shall provide a program of ongoing, comprehensive, formal training regarding the implementation of sections 5101.60 to 5101.71 of the Revised Code and require all adult protective services caseworkers and their supervisors to undergo the training. Training shall not be limited to the procedures for implementing section 5101.62 of the Revised Code. The department of job and family services shall adopt any rules it deems necessary regarding the training.~~ 133313  
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(B) The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code to carry out the purposes of sections 5101.60 to 5101.71 of the Revised Code. The rules adopted pursuant to this division may include a requirement that the county departments provide on forms prescribed by the rules a plan of proposed expenditures, and a report of actual expenditures, of funds necessary to implement sections 5101.60 to 5101.71 of the Revised Code and other requirements for intake procedures, investigations, case management, and the provision of protective services. 133323  
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**Sec. ~~5101.72~~ 5101.611.** The department of job and family services may reimburse county departments of job and family services, local law enforcement agencies, and county prosecutors for all or part of the costs they incur in implementing sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code. The director of job and family services shall adopt internal management rules in accordance with section 111.15 of the Revised Code that provide for reimbursement of county departments of job and family services, local law enforcement agencies, and county prosecutors under this section.

The director shall adopt internal management rules in accordance with section 111.15 of the Revised Code that do both of the following:

(A) Implement sections 5101.60 to 5101.71 of the Revised Code;

(B) Require the county departments, local law enforcement agencies, and county prosecutors to collect and submit to the department, or ensure that a designated agency collects and submits to the department, data concerning the implementation of sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code.

**Sec. 5101.62.** The department of job and family services shall do all of the following:

(A) Provide a program of ongoing, comprehensive, formal training on the implementation of sections 5101.60 to 5101.73 of the Revised Code and require all protective services caseworkers and their supervisors to undergo the training;

(B) Develop and make available educational materials for individuals who are required under section 5101.63 of the Revised Code to make reports of abuse, neglect, and exploitation;

(C) Facilitate ongoing cooperation among state agencies on

issues pertaining to the abuse, neglect, or exploitation of 133363  
adults. 133364

~~Sec. 5101.61~~ 5101.63. (A) ~~As used in this section:~~ 133365

~~(1) "Senior service provider" means any person who provides~~ 133366  
~~care or services to a person who is an adult as defined in~~ 133367  
~~division (B) of section 5101.60 of the Revised Code.~~ 133368

~~(2) "Ambulatory health facility" means a nonprofit, public or~~ 133369  
~~proprietary freestanding organization or a unit of such an agency~~ 133370  
~~or organization that:~~ 133371

~~(a) Provides preventive, diagnostic, therapeutic,~~ 133372  
~~rehabilitative, or palliative items or services furnished to an~~ 133373  
~~outpatient or ambulatory patient, by or under the direction of a~~ 133374  
~~physician or dentist in a facility which is not a part of a~~ 133375  
~~hospital, but which is organized and operated to provide medical~~ 133376  
~~care to outpatients;~~ 133377

~~(b) Has health and medical care policies which are developed~~ 133378  
~~with the advice of, and with the provision of review of such~~ 133379  
~~policies, an advisory committee of professional personnel,~~ 133380  
~~including one or more physicians, one or more dentists, if dental~~ 133381  
~~care is provided, and one or more registered nurses;~~ 133382

~~(c) Has a medical director, a dental director, if dental care~~ 133383  
~~is provided, and a nursing director responsible for the execution~~ 133384  
~~of such policies, and has physicians, dentists, nursing, and~~ 133385  
~~ancillary staff appropriate to the scope of services provided;~~ 133386

~~(d) Requires that the health care and medical care of every~~ 133387  
~~patient be under the supervision of a physician, provides for~~ 133388  
~~medical care in a case of emergency, has in effect a written~~ 133389  
~~agreement with one or more hospitals and other centers or clinics,~~ 133390  
~~and has an established patient referral system to other resources,~~ 133391  
~~and a utilization review plan and program;~~ 133392

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|-------------------------------------------------------------------------------|--------|
| <del>(e) Maintains clinical records on all patients;</del>                    | 133393 |
| <del>(f) Provides nursing services and other therapeutic services</del>       | 133394 |
| <del>in accordance with programs and policies, with such services</del>       | 133395 |
| <del>supervised by a registered professional nurse, and has a</del>           | 133396 |
| <del>registered professional nurse on duty at all times of clinical</del>     | 133397 |
| <del>operations;</del>                                                        | 133398 |
| <del>(g) Provides approved methods and procedures for the</del>               | 133399 |
| <del>dispensing and administration of drugs and biologicals;</del>            | 133400 |
| <del>(h) Has established an accounting and record keeping system</del>        | 133401 |
| <del>to determine reasonable and allowable costs;</del>                       | 133402 |
| <del>(i) "Ambulatory health facilities" also includes an</del>                | 133403 |
| <del>alcoholism treatment facility approved by the joint commission on</del>  | 133404 |
| <del>accreditation of healthcare organizations as an alcoholism</del>         | 133405 |
| <del>treatment facility or certified by the department of mental health</del> | 133406 |
| <del>and addiction services, and such facility shall comply with other</del>  | 133407 |
| <del>provisions of this division not inconsistent with such</del>             | 133408 |
| <del>accreditation or certification.</del>                                    | 133409 |
| <del>(3) "Community mental health facility" means a facility which</del>      | 133410 |
| <del>provides community mental health services and is included in the</del>   | 133411 |
| <del>comprehensive mental health plan for the alcohol, drug addiction,</del>  | 133412 |
| <del>and mental health service district in which it is located.</del>         | 133413 |
| <del>(4) "Community mental health service" means services, other</del>        | 133414 |
| <del>than inpatient services, provided by a community mental health</del>     | 133415 |
| <del>facility.</del>                                                          | 133416 |
| <del>(5) "Home health agency" means an institution or a distinct</del>        | 133417 |
| <del>part of an institution operated in this state which:</del>               | 133418 |
| <del>(a) Is primarily engaged in providing home health services;</del>        | 133419 |
| <del>(b) Has home health policies which are established by a group</del>      | 133420 |
| <del>of professional personnel, including one or more duly licensed</del>     | 133421 |
| <del>doctors of medicine or osteopathy and one or more registered</del>       | 133422 |

~~professional nurses, to govern the home health services it~~ 133423  
~~provides and which includes a requirement that every patient must~~ 133424  
~~be under the care of a duly licensed doctor of medicine or~~ 133425  
~~osteopathy;~~ 133426

~~(c) Is under the supervision of a duly licensed doctor of~~ 133427  
~~medicine or doctor of osteopathy or a registered professional~~ 133428  
~~nurse who is responsible for the execution of such home health~~ 133429  
~~policies;~~ 133430

~~(d) Maintains comprehensive records on all patients;~~ 133431

~~(e) Is operated by the state, a political subdivision, or an~~ 133432  
~~agency of either, or is operated not for profit in this state and~~ 133433  
~~is licensed or registered, if required, pursuant to law by the~~ 133434  
~~appropriate department of the state, county, or municipality in~~ 133435  
~~which it furnishes services; or is operated for profit in this~~ 133436  
~~state, meets all the requirements specified in divisions (A)(5)(a)~~ 133437  
~~to (d) of this section, and is certified under Title XVIII of the~~ 133438  
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as~~ 133439  
~~amended.~~ 133440

~~(6) "Home health service" means the following items and~~ 133441  
~~services, provided, except as provided in division (A)(6)(g) of~~ 133442  
~~this section, on a visiting basis in a place of residence used as~~ 133443  
~~the patient's home:~~ 133444

~~(a) Nursing care provided by or under the supervision of a~~ 133445  
~~registered professional nurse;~~ 133446

~~(b) Physical, occupational, or speech therapy ordered by the~~ 133447  
~~patient's attending physician;~~ 133448

~~(c) Medical social services performed by or under the~~ 133449  
~~supervision of a qualified medical or psychiatric social worker~~ 133450  
~~and under the direction of the patient's attending physician;~~ 133451

~~(d) Personal health care of the patient performed by aides in~~ 133452

~~accordance with the orders of a doctor of medicine or osteopathy 133453  
and under the supervision of a registered professional nurse; 133454~~

~~(e) Medical supplies and the use of medical appliances; 133455~~

~~(f) Medical services of interns and residents in training 133456  
under an approved teaching program of a nonprofit hospital and 133457  
under the direction and supervision of the patient's attending 133458  
physician; 133459~~

~~(g) Any of the foregoing items and services which: 133460~~

~~(i) Are provided on an outpatient basis under arrangements 133461  
made by the home health agency at a hospital or skilled nursing 133462  
facility; 133463~~

~~(ii) Involve the use of equipment of such a nature that the 133464  
items and services cannot readily be made available to the patient 133465  
in the patient's place of residence, or which are furnished at the 133466  
hospital or skilled nursing facility while the patient is there to 133467  
receive any item or service involving the use of such equipment. 133468~~

~~Any attorney, physician, osteopath, podiatrist, chiropractor, 133469  
dentist, psychologist, any employee of a hospital as defined in 133470  
section 3701.01 of the Revised Code, any nurse licensed under 133471  
Chapter 4723. of the Revised Code, any employee of an ambulatory 133472  
health facility, any employee of a home health agency, any 133473  
employee of a residential facility licensed under section 5119.34 133474  
of the Revised Code that provides accommodations, supervision, and 133475  
personal care services for three to sixteen unrelated adults, any 133476  
employee of a nursing home, residential care facility, or home for 133477  
the aging, as defined in section 3721.01 of the Revised Code, any 133478  
senior service provider, any peace officer, coroner, member of the 133479  
elergy, any employee of a community mental health facility, and 133480  
any person engaged in professional counseling, social work, or 133481  
marriage and family therapy (1) Any individual listed in division 133482  
(A)(2) of this section having reasonable cause to believe that an 133483~~

adult is being abused, neglected, or exploited, or is in a 133484  
condition which is the result of abuse, neglect, or exploitation 133485  
shall immediately report such belief to the county department of 133486  
job and family services. ~~This section does not apply to employees 133487~~  
~~of any hospital or public hospital as defined in section 5122.01 133488~~  
~~of the Revised Code. 133489~~

(2) All of the following are subject to division (A)(1) of 133490  
this section: 133491

(a) An attorney admitted to the practice of law in this 133492  
state; 133493

(b) An individual authorized under Chapter 4731. of the 133494  
Revised Code to practice medicine and surgery, osteopathic 133495  
medicine and surgery, or podiatric medicine and surgery; 133496

(c) An individual licensed under Chapter 4734. of the Revised 133497  
Code as a chiropractor; 133498

(d) An individual licensed under Chapter 4715. of the Revised 133499  
Code as a dentist; 133500

(e) An individual licensed under Chapter 4723. of the Revised 133501  
Code as a registered nurse or licensed practical nurse; 133502

(f) An individual licensed under Chapter 4732. of the Revised 133503  
Code as a psychologist; 133504

(g) An individual licensed under Chapter 4757. of the Revised 133505  
Code as a social worker, independent social worker, professional 133506  
counselor, professional clinical counselor, marriage and family 133507  
therapist, or independent marriage and family therapist; 133508

(h) An individual licensed under Chapter 4729. of the Revised 133509  
Code as a pharmacist; 133510

(i) An individual holding a certificate to practice as a 133511  
dialysis technician issued under Chapter 4723. of the Revised 133512  
Code; 133513

|                                                                                                                                                                                                                       |        |
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| <u>(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;</u>                                                                                                                   | 133514 |
|                                                                                                                                                                                                                       | 133515 |
| <u>(k) An employee of an outpatient health facility;</u>                                                                                                                                                              | 133516 |
| <u>(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;</u>                                                                                                                              | 133517 |
|                                                                                                                                                                                                                       | 133518 |
| <u>(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;</u>                                                                                                           | 133519 |
|                                                                                                                                                                                                                       | 133520 |
| <u>(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;</u>                                                                                             | 133521 |
|                                                                                                                                                                                                                       | 133522 |
| <u>(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;</u>      | 133523 |
|                                                                                                                                                                                                                       | 133524 |
|                                                                                                                                                                                                                       | 133525 |
|                                                                                                                                                                                                                       | 133526 |
| <u>(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;</u> | 133527 |
|                                                                                                                                                                                                                       | 133528 |
|                                                                                                                                                                                                                       | 133529 |
|                                                                                                                                                                                                                       | 133530 |
| <u>(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;</u>                                                                                                        | 133531 |
|                                                                                                                                                                                                                       | 133532 |
| <u>(r) An agent of a county humane society organized under section 1717.05 of the Revised Code;</u>                                                                                                                   | 133533 |
|                                                                                                                                                                                                                       | 133534 |
| <u>(s) An individual who is a firefighter for a lawfully constituted fire department;</u>                                                                                                                             | 133535 |
|                                                                                                                                                                                                                       | 133536 |
| <u>(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;</u>                                                                 | 133537 |
|                                                                                                                                                                                                                       | 133538 |
|                                                                                                                                                                                                                       | 133539 |
| <u>(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;</u>                         | 133540 |
|                                                                                                                                                                                                                       | 133541 |
|                                                                                                                                                                                                                       | 133542 |

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| <u>(v) An official employed by a local building department to</u>                       | 133543 |
| <u>conduct inspections of houses and other residential buildings;</u>                   | 133544 |
| <u>(w) A peace officer;</u>                                                             | 133545 |
| <u>(x) A coroner;</u>                                                                   | 133546 |
| <u>(y) A member of the clergy;</u>                                                      | 133547 |
| <u>(z) An individual who holds a certificate issued under</u>                           | 133548 |
| <u>Chapter 4701. of the Revised Code as a certified public accountant</u>               | 133549 |
| <u>or is registered under that chapter as a public accountant;</u>                      | 133550 |
| <u>(aa) An individual licensed under Chapter 4735. of the</u>                           | 133551 |
| <u>Revised Code as a real estate broker or real estate salesperson;</u>                 | 133552 |
| <u>(bb) An individual appointed and commissioned under section</u>                      | 133553 |
| <u>147.01 of the Revised Code as a notary public;</u>                                   | 133554 |
| <u>(cc) An employee of a bank, savings bank, savings and loan</u>                       | 133555 |
| <u>association, or credit union organized under the laws of this</u>                    | 133556 |
| <u>state, another state, or the United States;</u>                                      | 133557 |
| <u>(dd) An investment adviser, as defined in section 1707.01 of</u>                     | 133558 |
| <u>the Revised Code;</u>                                                                | 133559 |
| <u>(ee) A financial planner accredited by a national</u>                                | 133560 |
| <u>accreditation agency;</u>                                                            | 133561 |
| <u>(ff) Any other individual who is a senior service provider.</u>                      | 133562 |
| (B) Any person having reasonable cause to believe that an                               | 133563 |
| adult has suffered abuse, neglect, or exploitation may report, or                       | 133564 |
| cause <del>reports</del> <u>a report</u> to be made of such belief to the <u>county</u> | 133565 |
| department <u>of job and family services.</u>                                           | 133566 |
| (C) The reports made under this section shall be made orally                            | 133567 |
| or in writing except that oral reports shall be followed by a                           | 133568 |
| written report if a written report is requested by the department.                      | 133569 |
| Written reports shall include:                                                          | 133570 |
| (1) The name, address, and approximate age of the adult who                             | 133571 |

is the subject of the report; 133572

(2) The name and address of the individual responsible for 133573  
the adult's care, if any individual is, and if the individual is 133574  
known; 133575

(3) The nature and extent of the alleged abuse, neglect, or 133576  
exploitation of the adult; 133577

(4) The basis of the reporter's belief that the adult has 133578  
been abused, neglected, or exploited. 133579

(D) Any person with reasonable cause to believe that an adult 133580  
is suffering abuse, neglect, or exploitation who makes a report 133581  
pursuant to this section or who testifies in any administrative or 133582  
judicial proceeding arising from such a report, or any employee of 133583  
the state or any of its subdivisions who is discharging 133584  
responsibilities under section ~~5101.62~~ 5101.65 of the Revised Code 133585  
shall be immune from civil or criminal liability on account of 133586  
such investigation, report, or testimony, except liability for 133587  
perjury, unless the person has acted in bad faith or with 133588  
malicious purpose. 133589

(E) No employer or any other person with the authority to do 133590  
so shall ~~discharge~~ do any of the following as a result of an 133591  
employee's having filed a report under this section: 133592

(1) Discharge, demote, transfer, or prepare a negative work 133593  
performance evaluation, ~~or reduce;~~ 133594

(2) Reduce benefits, pay, or work privileges, ~~or take;~~ 133595

(3) Take any other action detrimental to an employee or in 133596  
any way retaliate against ~~an~~ the employee ~~as a result of the~~ 133597  
~~employee's having filed a report under this section.~~ 133598

(F) The written or oral report provided for in this section 133599  
and the investigatory report provided for in section ~~5101.62~~ 133600  
5101.65 of the Revised Code are confidential and are not public 133601

records, as defined in section 149.43 of the Revised Code. In 133602  
accordance with rules adopted by the department of job and family 133603  
services, information contained in the report shall upon request 133604  
be made available to the adult who is the subject of the report 133605  
and to legal counsel for the adult. If it determines that there is 133606  
a risk of harm to a person who makes a report under this section 133607  
or to the adult who is the subject of the report, the county 133608  
department of job and family services may redact the name and 133609  
identifying information related to the person who made the report. 133610

(G) The county department of job and family services shall be 133611  
available to receive the written or oral report provided for in 133612  
this section twenty-four hours a day and seven days a week. 133613

**Sec. ~~5101.612~~ 5101.631.** (A) The department of job and family 133614  
services shall establish and maintain a uniform statewide 133615  
automated adult protective services information system. The 133616  
information system shall contain records regarding all of the 133617  
following: 133618

(1) All reports of abuse, neglect, or exploitation of adults 133619  
made to county departments of job and family services under 133620  
section ~~5101.61~~ 5101.63 of the Revised Code; 133621

(2) Investigations conducted under section ~~5101.62~~ 5101.65 of 133622  
the Revised Code; 133623

(3) Protective services provided to adults pursuant to 133624  
sections 5101.60 to ~~5101.71~~ 5101.73 of the Revised Code; 133625

(4) Any other information related to adults in need of 133626  
protective services that state or federal law, regulation, or rule 133627  
requires the department or a county department to maintain. 133628

(B) The department shall plan implementation of the 133629  
information system on a county-by-county basis. The department 133630  
shall promptly notify all county departments of the initiation and 133631

completion of statewide implementation of the information system. 133632

(C)(1) The department shall, upon request, release information in the information system to county departments conducting investigations pursuant to section 5101.65 of the Revised Code and to local law enforcement agencies conducting criminal investigations. The department may release information in the information system to law enforcement agencies through the Ohio law enforcement gateway established under section 109.57 of the Revised Code. Information contained in the information system may be accessed or used only in a manner, to the extent, and for the purposes authorized by this section and rules adopted by the department. 133633  
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(2) Except as provided in division (C)~~(3)~~(1) of this section and in rules adopted by the department pursuant to that division: 133644  
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~~(1) The information contained in or obtained from the information system is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code.~~ 133646  
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~~(2) No, no~~ person shall knowingly do either of the following: 133650

(a) Access or use information contained in the information system; 133651  
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(b) Disclose information obtained from the information system. 133653  
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~~(3) Information contained in the information system may be accessed or used only in a manner, to the extent, and for the purposes, authorized by rules adopted by the department.~~ 133655  
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**Sec. 5101.632.** Each entity that employs or is responsible for licensing or regulating the individuals required under section 5101.63 of the Revised Code to make reports of abuse, neglect, or exploitation of adults shall ensure that the individuals have 133658  
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access to the educational materials developed under division (B) 133662  
of section 5101.62 of the Revised Code. 133663

**Sec. ~~5101.611~~ 5101.64.** (A) If a county department of job and 133664  
family services knows or has reasonable cause to believe that the 133665  
subject of a report made under section ~~5101.61~~ 5101.63 of the 133666  
Revised Code or of an investigation conducted under ~~sections~~ 133667  
~~5101.62 to 5101.64~~ section 5101.65 of the Revised Code is an 133668  
individual with a developmental disability as defined in section 133669  
5126.01 of the Revised Code, the county department shall refer the 133670  
case to the county board of developmental disabilities of that 133671  
county for review pursuant to section 5126.31 of the Revised Code. 133672

If a county board of developmental disabilities refers a case 133673  
to the county department of job and family services in accordance 133674  
with section 5126.31, the county department of job and family 133675  
services shall proceed with the case in accordance with sections 133676  
5101.60 to 5101.71 of the Revised Code. 133677

(B) If a county department of job and family services knows 133678  
or has reasonable cause to believe that the subject of a report 133679  
made under section ~~5101.61~~ 5101.63 of the Revised Code or of an 133680  
investigation conducted under ~~sections 5101.62 to 5101.64~~ section 133681  
5101.65 of the Revised Code is a resident of a long-term care 133682  
facility, as defined in section 173.14 of the Revised Code, the 133683  
department shall refer the case to the office of the state 133684  
long-term care ombudsman program for review pursuant to section 133685  
173.19 of the Revised Code. 133686

If the state ombudsman or regional long-term care ombudsman 133687  
program refers a case to the county department of job and family 133688  
services in accordance with rules adopted pursuant to section 133689  
173.20 of the Revised Code, the county department shall proceed 133690  
with the case in accordance with sections 5101.60 to 5101.71 of 133691  
the Revised Code. 133692

(C) If a county department of job and family services knows 133693  
or has reasonable cause to believe that the subject of a report 133694  
made under section ~~5101.61~~ 5101.63 of the Revised Code or of an 133695  
investigation conducted under ~~sections 5101.62 to 5101.64~~ section 133696  
5101.65 of the Revised Code is a resident of a nursing home, as 133697  
defined in section 3721.01 of the Revised Code, and has allegedly 133698  
been abused, neglected, or exploited by an employee of the nursing 133699  
home, the department shall refer the case to the department of 133700  
health for investigation pursuant to section 3721.031 of the 133701  
Revised Code. 133702

(D) If a county department of job and family services knows 133703  
or has reasonable cause to believe that the subject of a report 133704  
made under section ~~5101.61~~ 5101.63 of the Revised Code or of an 133705  
investigation conducted under ~~sections 5101.62 to 5101.64~~ section 133706  
5101.65 of the Revised Code is a child, as defined in section 133707  
5153.01 of the Revised Code, the department shall refer the case 133708  
to the public children services agency of that county. 133709

(E) If a county department of job and family services knows 133710  
or has reasonable cause to believe that the subject of a report 133711  
made under section 5101.63 of the Revised Code or of an 133712  
investigation conducted under section 5101.65 of the Revised Code 133713  
is being or has been criminally exploited, the department shall 133714  
notify a local law enforcement agency with jurisdiction over the 133715  
area where the subject resides. 133716

(F) A referral by the county department of job and family 133717  
services of a case to another public regulatory agency or 133718  
investigatory entity pursuant to this section shall be made in 133719  
accordance with rules adopted by the department of job and family 133720  
services. 133721

**Sec. ~~5101.62~~ 5101.65.** The county department of job and family 133722  
services or its designee shall be responsible for the 133723

investigation of all reports provided for in section 173.20 or 133724  
~~5101.61~~ 5101.63 and all cases referred to it under section 5126.31 133725  
of the Revised Code and for evaluating the need for and, to the 133726  
extent of available funds, providing or arranging for the 133727  
provision of protective services. 133728

Investigation of the report provided for in section ~~5101.61~~ 133729  
5101.63 or a case referred to the department under section 5126.31 133730  
of the Revised Code shall be initiated within twenty-four hours 133731  
after the department receives the report or case if any emergency 133732  
exists; otherwise investigation shall be initiated within three 133733  
working days. 133734

Investigation of the need for protective services shall 133735  
include a face-to-face visit with the adult who is the subject of 133736  
the report, preferably in the adult's residence, and consultation 133737  
with the person who made the report, if feasible, and agencies or 133738  
persons who have information about the adult's alleged abuse, 133739  
neglect, or exploitation. 133740

The department shall give written notice of the intent of the 133741  
investigation and an explanation of the notice in language 133742  
reasonably understandable to the adult who is the subject of the 133743  
investigation, at the time of the initial interview with that 133744  
person. 133745

Upon completion of the investigation, the department shall 133746  
determine from its findings whether or not the adult who is the 133747  
subject of the report is in need of protective services. No adult 133748  
shall be determined to be abused, neglected, or in need of 133749  
protective services for the sole reason that, in lieu of medical 133750  
treatment, the adult relies on or is being furnished spiritual 133751  
treatment through prayer alone in accordance with the tenets and 133752  
practices of a church or religious denomination of which the adult 133753  
is a member or adherent. The department shall write a report which 133754  
confirms or denies the need for protective services and states why 133755

it reached this conclusion. 133756

**Sec. ~~5101.63~~ 5101.651.** If, during the course of an 133757  
investigation conducted under section ~~5101.62~~ 5101.65 of the 133758  
Revised Code, any person, including the adult who is the subject 133759  
of the investigation, denies or obstructs access to the residence 133760  
of the adult, the county department of job and family services may 133761  
file a petition in court for a temporary restraining order to 133762  
prevent the interference or obstruction. The court shall issue a 133763  
temporary restraining order to prevent the interference or 133764  
obstruction if it finds there is reasonable cause to believe that 133765  
the adult is being or has been abused, neglected, or exploited and 133766  
access to the person's residence has been denied or obstructed. 133767  
Such a finding is prima-facie evidence that immediate and 133768  
irreparable injury, loss, or damage will result, so that notice is 133769  
not required. After obtaining an order restraining the obstruction 133770  
of or interference with the access of the protective services 133771  
representative, the representative may be accompanied to the 133772  
residence by a peace officer. 133773

**Sec. ~~5101.622~~ 5101.652.** The county department of job and 133774  
family services may enter into an agreement or contract with 133775  
another person or government entity to perform the following 133776  
duties: 133777

(A) In accordance with division (G) of section ~~5101.61~~ 133778  
5101.63 of the Revised Code, receive reports made under that 133779  
section; 133780

(B) Perform the county department's duties under section 133781  
~~5101.62~~ 5101.65 of the Revised Code; 133782

(C) Petition the court pursuant to section ~~5101.65~~ 5101.68 or 133783  
~~5101.69~~ 5101.70 of the Revised Code for an order authorizing the 133784  
provision of protective services. 133785

**Sec. ~~5101.64~~ 5101.66.** Any person who requests or consents to receive protective services shall receive such services only after an investigation and determination of a need for protective services, ~~which.~~ The investigation shall be performed in the same manner as the investigation of a report pursuant to ~~sections 5101.62 and 5101.63~~ section 5101.65 of the Revised Code. If the person withdraws consent, the protective services shall be terminated.

**Sec. ~~5101.65~~ 5101.68.** If the county department of job and family services determines that an adult is in need of protective services and is an incapacitated person, the department may petition the court for an order authorizing the provision of protective services. If the adult is in need of protective services as a result of exploitation, the county prosecutor may file the petition. The petition shall state the specific facts alleging the abuse, neglect, or exploitation and shall include a proposed protective service plan. Any plan for protective services shall be specified in the petition.

**Sec. ~~5101.66~~ 5101.681.** Notice of a petition for the provision of court-ordered protective services as provided for in section ~~5101.65~~ 5101.68 of the Revised Code shall be personally served upon the adult who is the subject of the petition at least five working days prior to the date set for the hearing as provided in section ~~5101.67~~ 5101.682 of the Revised Code. Notice shall be given either orally ~~and~~ or in writing in language reasonably understandable to the adult. The notice shall include the names of all petitioners, the basis of the belief that protective services are needed, the rights of the adult in the court proceedings, and the consequences of a court order for protective services. The adult shall be informed of ~~his~~ the right to counsel and ~~his~~ the

right to appointed counsel if ~~he~~ the adult is indigent and if 133816  
appointed counsel is requested. Written notice by certified mail 133817  
shall also be given to the adult's guardian, legal counsel, 133818  
caretaker, and spouse, if any, or if ~~he~~ the adult has none of 133819  
these, to ~~his~~ the adult's adult children or next of kin, if any, 133820  
or to any other person as the court may require. The adult who is 133821  
the subject of the petition may not waive notice as provided in 133822  
this section. 133823

**Sec. ~~5101.67~~ 5101.682.** (A) The court shall hold a hearing on 133824  
the petition as provided in section ~~5101.65~~ 5101.68 of the Revised 133825  
Code within fourteen days after its filing. The adult who is the 133826  
subject of the petition shall have the right to be present at the 133827  
hearing, present evidence, and examine and cross-examine 133828  
witnesses. The adult shall be represented by counsel unless the 133829  
right to counsel is knowingly waived. If the adult is indigent, 133830  
the court shall appoint counsel to represent the adult. If the 133831  
court determines that the adult lacks the capacity to waive the 133832  
right to counsel, the court shall appoint counsel to represent the 133833  
adult's interests. 133834

(B) If the court finds, on the basis of clear and convincing 133835  
evidence, that the adult has been abused, neglected, or exploited, 133836  
is in need of protective services, and is incapacitated, and no 133837  
person authorized by law or by court order is available to give 133838  
consent, it shall issue an order requiring the provision of 133839  
protective services only if they are available locally. 133840

(C) If the court orders placement under this section it shall 133841  
give consideration to the choice of residence of the adult. The 133842  
court may order placement in settings which have been approved by 133843  
the department of job and family services as meeting at least 133844  
minimum community standards for safety, security, and the 133845  
requirements of daily living. The court shall not order an 133846

institutional placement unless it has made a specific finding 133847  
entered in the record that no less restrictive alternative can be 133848  
found to meet the needs of the individual. No individual may be 133849  
committed to a hospital or public hospital as defined in section 133850  
5122.01 of the Revised Code pursuant to this section. 133851

(D) The placement of an adult pursuant to court order as 133852  
provided in this section shall not be changed unless the court 133853  
authorized the transfer of placement after finding compelling 133854  
reasons to justify the transfer. Unless the court finds that an 133855  
emergency exists, the court shall notify the adult of a transfer 133856  
at least thirty days prior to the actual transfer. 133857

(E) A court order provided for in this section shall remain 133858  
in effect for no longer than six months. Thereafter, the county 133859  
department of job and family services shall review the adult's 133860  
need for continued services and, if the department determines that 133861  
there is a continued need, it shall apply for a renewal of the 133862  
order for additional periods of no longer than one year each. The 133863  
adult who is the subject of the court-ordered services may 133864  
petition for modification of the order at any time. 133865

**Sec. ~~5101.68~~ 5101.69.** (A) If an adult has consented to the 133866  
provision of protective services but any other person refuses to 133867  
allow such provision, the county department of ~~human~~ job and 133868  
family services or the county prosecutor may petition the court 133869  
for a temporary restraining order to restrain the person from 133870  
interfering with the provision of protective services for the 133871  
adult. 133872

(B) The petition shall state specific facts sufficient to 133873  
demonstrate the need for protective services, the consent of the 133874  
adult, and the refusal of some other person to allow the provision 133875  
of these services. 133876

(C) Notice of the petition shall be given in language 133877

reasonably understandable to the person alleged to be interfering 133878  
with the provision of services; 133879

(D) The court shall hold a hearing on the petition within 133880  
fourteen days after its filing. If the court finds that the 133881  
protective services are necessary, that the adult has consented to 133882  
the ~~provisions~~ provision of such services, and that the person who 133883  
is the subject of the petition has prevented such provision, the 133884  
court shall issue a temporary restraining order to restrain the 133885  
person from interfering with the provision of protective services 133886  
to the adult. 133887

**Sec. ~~5101.69~~ 5101.70.** (A) Upon petition by the county 133888  
department of job and family services ~~or its,~~ the department's 133889  
designee, or the county prosecutor, the court may issue an order 133890  
authorizing the provision of protective services on an emergency 133891  
basis to an adult. The petition for any emergency order shall 133892  
include all of the following: 133893

(1) The name, age, and address of the adult in need of 133894  
protective services; 133895

(2) The nature of the emergency; 133896

(3) The proposed protective services; 133897

(4) The petitioner's reasonable belief, together with facts 133898  
supportive thereof, as to the existence of the circumstances 133899  
described in divisions (D)(1) to (3) of this section; 133900

(5) Facts showing the petitioner's attempts to obtain the 133901  
adult's consent to the protective services. 133902

(B) Notice of the filing and contents of the petition 133903  
provided for in division (A) of this section, the rights of the 133904  
person in the hearing provided for in division (C) of this 133905  
section, and the possible consequences of a court order, shall be 133906  
given to the adult. Notice shall also be given to the spouse of 133907

the adult or, if the adult has none, to the adult's adult children 133908  
or next of kin, and the adult's guardian, if any, if the 133909  
guardian's whereabouts are known. The notice shall be given in 133910  
language reasonably understandable to its recipients at least 133911  
twenty-four hours prior to the hearing provided for in this 133912  
section. The court may waive the twenty-four hours' notice 133913  
requirement upon a showing that both of the following are the 133914  
case: 133915

(1) Immediate and irreparable physical harm or immediate and 133916  
irreparable financial harm to the adult or others will result from 133917  
the twenty-four hour delay; 133918

(2) Reasonable attempts have been made to notify the adult, 133919  
the adult's spouse, or, if the adult has none, the adult's adult 133920  
children or next of kin, if any, and the adult's guardian, if any, 133921  
if the guardian's whereabouts are known. 133922

Notice of the court's determination shall be given to all 133923  
persons receiving notice of the filing of the petition provided 133924  
for in this division. 133925

(C) Upon receipt of a petition for an order for emergency 133926  
services, the court shall hold a hearing no sooner than 133927  
twenty-four and no later than seventy-two hours after the notice 133928  
provided for in division (B) of this section has been given, 133929  
unless the court has waived the notice. The adult who is the 133930  
subject of the petition shall have the right to be present at the 133931  
hearing, present evidence, and examine and cross-examine 133932  
witnesses. 133933

(D) The court shall issue an order authorizing the provision 133934  
of protective services on an emergency basis if it finds, on the 133935  
basis of clear and convincing evidence, all of the following: 133936

(1) The adult is an incapacitated person; 133937

(2) An emergency exists; 133938

(3) No person authorized by law or court order to give consent for the adult is available or willing to consent to emergency services.

(E) In issuing an emergency order, the court shall adhere to the following limitations:

(1) The court shall order only such protective services as are necessary and available locally to remove the conditions creating the emergency, and the court shall specifically designate those protective services the adult shall receive;

(2) The court shall not order any change of residence under this section unless the court specifically finds that a change of residence is necessary;

(3) The court may order emergency services only for fourteen days. The county department ~~or its~~, the department's designee, or the county prosecutor may petition the court for a renewal of the order for a fourteen-day period upon a showing that continuation of the order is necessary to remove the emergency.

(4) In its order the court shall authorize the director of the county department, the director's designee, or a representative of the department's designee to give consent for the person for the approved emergency services until the expiration of the order;

(5) The court shall not order a person to a hospital or public hospital as defined in section 5122.01 of the Revised Code.

(F) If the county department or its designee determines that the adult continues to need protective services after the order provided for in division (D) of this section has expired, the county department ~~or its~~, the department's designee, or the county prosecutor may petition the court for an order to continue protective services, pursuant to section ~~5101.65~~ 5101.68 of the Revised Code. After the filing of the petition, the county

department or its designee may continue to provide protective 133970  
services pending a hearing by the court. 133971

**Sec. ~~5101.691~~ 5101.701.** (A) A court, through a probate judge 133972  
or a magistrate under the direction of a probate judge, may issue 133973  
by telephone an ex parte emergency order authorizing the provision 133974  
of protective services, including the relief available under 133975  
division (B) of section ~~5101.692~~ 5101.702 of the Revised Code, to 133976  
an adult on an emergency basis if all of the following are the 133977  
case: 133978

(1) The court receives notice from the county department of 133979  
job and family services, an authorized employee of the county 133980  
department, the department's designee, or an authorized employee 133981  
of the department's designee, that the county department, 133982  
designee, or employee believes an emergency order is needed as 133983  
described in this section. 133984

(2) There is reasonable cause to believe that the adult is 133985  
incapacitated. 133986

(3) There is reasonable cause to believe that there is a 133987  
substantial risk to the adult of immediate and irreparable 133988  
physical harm, immediate and irreparable financial harm, or death. 133989

(B)(1) The judge or magistrate shall journalize any order 133990  
issued under this section. 133991

(2) An order issued under this section shall be in effect for 133992  
not longer than twenty-four hours, except that if the day 133993  
following the day on which the order is issued is not a working 133994  
day, the order shall remain in effect until the next working day. 133995

(C)(1) Except as provided in division (C)(2) of this section, 133996  
not later than twenty-four hours after an order is issued under 133997  
this section, a petition shall be filed with the court in 133998  
accordance with division (A) of section ~~5101.69~~ 5101.70 of the 133999

Revised Code. 134000

(2) If the day following the day on which the order was 134001  
issued is not a working day, the petition shall be filed with the 134002  
court on the next working day. 134003

(3) Except as provided in section ~~5101.692~~ 5101.702 of the 134004  
Revised Code, proceedings on the petition shall be conducted in 134005  
accordance with section ~~5101.69~~ 5101.70 of the Revised Code. 134006

**Sec. ~~5101.692~~ 5101.702.** (A) If an order is issued pursuant to 134007  
section ~~5101.691~~ 5101.701 of the Revised Code, the court shall 134008  
hold a hearing not later than twenty-four hours after the issuance 134009  
to determine whether there is probable cause for the order, except 134010  
that if the day following the day on which the order is issued is 134011  
not a working day, the court shall hold the hearing on the next 134012  
working day. 134013

(B) At the hearing, the court: 134014

(1) Shall determine whether protective services are the least 134015  
restrictive alternative available for meeting the adult's needs; 134016

(2) May issue temporary orders to protect the adult from 134017  
immediate and irreparable physical harm or immediate and 134018  
irreparable financial harm, including, but not limited to, 134019  
temporary protection orders, evaluations, and orders requiring a 134020  
party to vacate the adult's place of residence or legal 134021  
settlement; 134022

(3) May order emergency services; 134023

(4) May freeze the financial assets of the adult. 134024

(C) A temporary order issued pursuant to division (B)(2) of 134025  
this section is effective for thirty days. The court may renew the 134026  
order for an additional thirty-day period. 134027

Information contained in the order may be entered into the 134028

law enforcement automated data system. 134029

**Sec. ~~5101.70~~ 5101.71.** (A) If it appears that an adult in need 134030  
of protective services has the financial means sufficient to pay 134031  
for such services, the county department of job and family 134032  
services shall make an evaluation regarding such means. If the 134033  
evaluation establishes that the adult has such financial means, 134034  
the department shall initiate procedures for reimbursement 134035  
pursuant to rules ~~promulgated by the department~~ adopted under 134036  
section 5101.61 of the Revised Code. If the evaluation establishes 134037  
that the adult does not have such financial means, the services 134038  
shall be provided in accordance with the policies and procedures 134039  
established by the department of job and family services for the 134040  
provision of welfare assistance. An adult shall not be required to 134041  
pay for court-ordered protective services unless the court 134042  
determines ~~upon a showing by the department~~ that the adult is 134043  
financially able to pay and the court orders the adult to pay. 134044

(B) Whenever the county department of job and family services 134045  
or the county prosecutor has petitioned the court to authorize the 134046  
provision of protective services and the adult who is the subject 134047  
of the petition is indigent, the court shall appoint legal 134048  
counsel. 134049

**Sec. 5101.73.** If, during the course of an investigation by a 134050  
local law enforcement agency of criminal exploitation, any person, 134051  
including the adult who is the alleged victim, denies or obstructs 134052  
access to the residence of the adult, the county prosecutor may 134053  
file a petition in court for a temporary restraining order to 134054  
prevent the interference or obstruction. The court shall issue a 134055  
temporary restraining order to prevent the interference or 134056  
obstruction if it finds there is reasonable cause to believe that 134057  
the adult is being or has been abused, neglected, or exploited and 134058  
access to the person's residence has been denied or obstructed. 134059

Such a finding is prima facie evidence that immediate and irreparable injury, loss, or damage will result, so that notice is not required. After obtaining an order restraining the obstruction of or interference with the access of the local law enforcement agency representative, the representative may be accompanied to the residence by a peace officer. 134060  
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Sec. 5101.74. (A) There is hereby created the elder abuse commission. The commission shall consist of the following members: 134066  
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(1) The following members, appointed by the attorney general: 134068

(a) One representative of the AARP; 134069

(b) One representative of the buckeye state sheriffs' association; 134070  
134071

(c) One representative of the county commissioners' association of Ohio; 134072  
134073

(d) One representative of the Ohio association of area agencies on aging; 134074  
134075

(e) One representative of the board of nursing; 134076

(f) One representative of the Ohio coalition for adult protective services; 134077  
134078

(g) One person who represents the interests of elder abuse victims; 134079  
134080

(h) One person who represents the interests of elderly persons; 134081  
134082

(i) One representative of the Ohio domestic violence network; 134083

(j) One representative of the Ohio prosecuting attorneys association; 134084  
134085

(k) One representative of the Ohio victim witness association; 134086  
134087

|                                                                                                        |        |
|--------------------------------------------------------------------------------------------------------|--------|
| <u>(l) One representative of the Ohio association of chiefs of police;</u>                             | 134088 |
|                                                                                                        | 134089 |
| <u>(m) One representative of the Ohio association of probate judges;</u>                               | 134090 |
|                                                                                                        | 134091 |
| <u>(n) One representative of the Ohio job and family services directors' association;</u>              | 134092 |
|                                                                                                        | 134093 |
| <u>(o) One representative of the Ohio bankers league;</u>                                              | 134094 |
| <u>(p) One representative of the Ohio credit union league;</u>                                         | 134095 |
| <u>(q) Two representatives of national organizations that focus on elder abuse or sexual violence.</u> | 134096 |
|                                                                                                        | 134097 |
| <u>(2) The following ex officio members:</u>                                                           | 134098 |
| <u>(a) The attorney general or the attorney general's designee;</u>                                    | 134099 |
| <u>(b) The chief justice of the supreme court of Ohio or the chief justice's designee;</u>             | 134100 |
|                                                                                                        | 134101 |
| <u>(c) The governor or the governor's designee;</u>                                                    | 134102 |
| <u>(d) The director of aging or the director's designee;</u>                                           | 134103 |
| <u>(e) The director of job and family services or the director's designee;</u>                         | 134104 |
|                                                                                                        | 134105 |
| <u>(f) The director of health or the director's designee;</u>                                          | 134106 |
| <u>(g) The director of mental health and addiction services or the director's designee;</u>            | 134107 |
|                                                                                                        | 134108 |
| <u>(h) The director of developmental disabilities or the director's designee;</u>                      | 134109 |
|                                                                                                        | 134110 |
| <u>(i) The superintendent of insurance or the superintendent's designee;</u>                           | 134111 |
|                                                                                                        | 134112 |
| <u>(j) The director of public safety or the director's designee;</u>                                   | 134113 |
| <u>(k) The state long-term care ombudsman or the ombudsman's designee;</u>                             | 134114 |
|                                                                                                        | 134115 |

|                                                                                    |        |
|------------------------------------------------------------------------------------|--------|
| <u>(l) One member of the house of representatives, appointed by</u>                | 134116 |
| <u>the speaker of the house of representatives;</u>                                | 134117 |
| <u>(m) One member of the senate, appointed by the president of</u>                 | 134118 |
| <u>the senate.</u>                                                                 | 134119 |
| <u>(B) Members who are appointed shall serve at the pleasure of</u>                | 134120 |
| <u>the appointing authority. Vacancies shall be filled in the same</u>             | 134121 |
| <u>manner as original appointments.</u>                                            | 134122 |
| <u>(C) All members of the commission shall serve as voting</u>                     | 134123 |
| <u>members. The attorney general shall select from among the</u>                   | 134124 |
| <u>appointed members a chairperson. The commission shall meet at the</u>           | 134125 |
| <u>call of the chairperson, but not less than four times per year.</u>             | 134126 |
| <u>Special meetings may be called by the chairperson and shall be</u>              | 134127 |
| <u>called by the chairperson at the request of the attorney general.</u>           | 134128 |
| <u>The commission may establish its own quorum requirements and</u>                | 134129 |
| <u>procedures regarding the conduct of meetings and other affairs.</u>             | 134130 |
| <u>(D) Members shall serve without compensation, but may be</u>                    | 134131 |
| <u>reimbursed for mileage and other actual and necessary expenses</u>              | 134132 |
| <u>incurred in the performance of their official duties.</u>                       | 134133 |
| <u>(E) Sections 101.82 to 101.87 of the Revised Code do not</u>                    | 134134 |
| <u>apply to the elder abuse commission.</u>                                        | 134135 |
| <b><u>Sec. 5101.741.</u></b> <u>(A) The elder abuse commission shall formulate</u> | 134136 |
| <u>and recommend strategies on all of the following:</u>                           | 134137 |
| <u>(1) Increasing awareness of and improving education on elder</u>                | 134138 |
| <u>abuse;</u>                                                                      | 134139 |
| <u>(2) Increasing research on elder abuse;</u>                                     | 134140 |
| <u>(3) Improving policy, funding, and programming related to</u>                   | 134141 |
| <u>elder abuse;</u>                                                                | 134142 |
| <u>(4) Improving the judicial response to elder abuse victims;</u>                 | 134143 |
| <u>(5) Identifying ways to coordinate statewide efforts to</u>                     | 134144 |

address elder abuse. 134145

(B) The commission shall review current funding of adult protective services and shall report on the cost to the state and county departments of job and family services of implementing its recommendations. 134146  
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(C) The commission shall prepare and issue a biennial report on a plan of action that may be used by local communities to aid in the development of efforts to combat elder abuse. The report shall include the commission's findings and recommendations made under divisions (A) and (B) of this section. 134150  
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(D) The attorney general may adopt rules as necessary for the commission to carry out its duties. The rules shall be adopted in accordance with section 111.15 of the Revised Code. 134155  
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**Sec. 5101.99.** (A) Whoever violates division (A) ~~or (B)~~ of section ~~5101.61~~ 5101.63 of the Revised Code shall be fined not more than five hundred dollars. 134158  
134159  
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(B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree. 134161  
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(C) Whoever violates section 5101.133 or division (C)(2) of section ~~5101.612~~ 5101.631 of the Revised Code is guilty of a misdemeanor of the fourth degree. 134163  
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**Sec. 5123.61.** (A) As used in this section: 134166

(1) "Law enforcement agency" means the state highway patrol, the police department of a municipal corporation, or a county sheriff. 134167  
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(2) "Abuse" has the same meaning as in section 5123.50 of the Revised Code, except that it includes a misappropriation, as defined in that section. 134170  
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(3) "Neglect" has the same meaning as in section 5123.50 of 134173

the Revised Code. 134174

(B) The department of developmental disabilities shall 134175  
establish a registry office for the purpose of maintaining reports 134176  
of abuse, neglect, and other major unusual incidents made to the 134177  
department under this section and reports received from county 134178  
boards of developmental disabilities under section 5126.31 of the 134179  
Revised Code. The department shall establish committees to review 134180  
reports of abuse, neglect, and other major unusual incidents. 134181

(C)(1) Any person listed in division (C)(2) of this section, 134182  
having reason to believe that an individual with a developmental 134183  
disability has suffered or faces a substantial risk of suffering 134184  
any wound, injury, disability, or condition of such a nature as to 134185  
reasonably indicate abuse or neglect of that individual, shall 134186  
immediately report or cause reports to be made of such information 134187  
to the entity specified in this division. Except as provided in 134188  
section 5120.173 of the Revised Code or as otherwise provided in 134189  
this division, the person making the report shall make it to a law 134190  
enforcement agency or to the county board of developmental 134191  
disabilities. If the report concerns a resident of a facility 134192  
operated by the department of developmental disabilities the 134193  
report shall be made either to a law enforcement agency or to the 134194  
department. If the report concerns any act or omission of an 134195  
employee of a county board of developmental disabilities, the 134196  
report immediately shall be made to the department and to the 134197  
county board. 134198

(2) All of the following persons are required to make a 134199  
report under division (C)(1) of this section: 134200

(a) Any physician, including a hospital intern or resident, 134201  
any dentist, podiatrist, chiropractor, practitioner of a limited 134202  
branch of medicine as specified in section 4731.15 of the Revised 134203  
Code, hospital administrator or employee of a hospital, nurse 134204  
licensed under Chapter 4723. of the Revised Code, employee of an 134205

|                                                                                  |        |
|----------------------------------------------------------------------------------|--------|
| <del>ambulatory</del> <u>outpatient</u> health facility as defined in section    | 134206 |
| <del>5101.61</del> <u>5101.60</u> of the Revised Code, employee of a home health | 134207 |
| agency, employee of a residential facility licensed under section                | 134208 |
| 5119.34 of the Revised Code that provides accommodations,                        | 134209 |
| supervision, and personal care services for three to sixteen                     | 134210 |
| unrelated adults, or employee of a community mental health                       | 134211 |
| facility;                                                                        | 134212 |
| (b) Any school teacher or school authority, licensed                             | 134213 |
| professional clinical counselor, licensed professional counselor,                | 134214 |
| independent social worker, social worker, independent marriage and               | 134215 |
| family therapist, marriage and family therapist, psychologist,                   | 134216 |
| attorney, peace officer, coroner, or residents' rights advocate as               | 134217 |
| defined in section 3721.10 of the Revised Code;                                  | 134218 |
| (c) A superintendent, board member, or employee of a county                      | 134219 |
| board of developmental disabilities; an administrator, board                     | 134220 |
| member, or employee of a residential facility licensed under                     | 134221 |
| section 5123.19 of the Revised Code; an administrator, board                     | 134222 |
| member, or employee of any other public or private provider of                   | 134223 |
| services to an individual with a developmental disability, or any                | 134224 |
| developmental disabilities employee, as defined in section 5123.50               | 134225 |
| of the Revised Code;                                                             | 134226 |
| (d) A member of a citizen's advisory council established at                      | 134227 |
| an institution or branch institution of the department of                        | 134228 |
| developmental disabilities under section 5123.092 of the Revised                 | 134229 |
| Code;                                                                            | 134230 |
| (e) A member of the clergy who is employed in a position that                    | 134231 |
| includes providing specialized services to an individual with a                  | 134232 |
| developmental disability, while acting in an official or                         | 134233 |
| professional capacity in that position, or a person who is                       | 134234 |
| employed in a position that includes providing specialized                       | 134235 |
| services to an individual with a developmental disability and who,               | 134236 |
| while acting in an official or professional capacity, renders                    | 134237 |

spiritual treatment through prayer in accordance with the tenets 134238  
of an organized religion. 134239

(3)(a) The reporting requirements of this division do not 134240  
apply to employees of the Ohio protection and advocacy system. 134241

(b) An attorney or physician is not required to make a report 134242  
pursuant to division (C)(1) of this section concerning any 134243  
communication the attorney or physician receives from a client or 134244  
patient in an attorney-client or physician-patient relationship, 134245  
if, in accordance with division (A) or (B) of section 2317.02 of 134246  
the Revised Code, the attorney or physician could not testify with 134247  
respect to that communication in a civil or criminal proceeding, 134248  
except that the client or patient is deemed to have waived any 134249  
testimonial privilege under division (A) or (B) of section 2317.02 134250  
of the Revised Code with respect to that communication and the 134251  
attorney or physician shall make a report pursuant to division 134252  
(C)(1) of this section, if both of the following apply: 134253

(i) The client or patient, at the time of the communication, 134254  
is an individual with a developmental disability. 134255

(ii) The attorney or physician knows or suspects, as a result 134256  
of the communication or any observations made during that 134257  
communication, that the client or patient has suffered or faces a 134258  
substantial risk of suffering any wound, injury, disability, or 134259  
condition of a nature that reasonably indicates abuse or neglect 134260  
of the client or patient. 134261

(4) Any person who fails to make a report required under 134262  
division (C) of this section and who is a developmental 134263  
disabilities employee, as defined in section 5123.50 of the 134264  
Revised Code, shall be eligible to be included in the registry 134265  
regarding misappropriation, abuse, neglect, or other specified 134266  
misconduct by developmental disabilities employees established 134267  
under section 5123.52 of the Revised Code. 134268

(D) The reports required under division (C) of this section shall be made forthwith by telephone or in person and shall be followed by a written report. The reports shall contain the following:

(1) The names and addresses of the individual with a developmental disability and the individual's custodian, if known;

(2) The age of the individual with a developmental disability;

(3) Any other information that would assist in the investigation of the report.

(E) When a physician performing services as a member of the staff of a hospital or similar institution has reason to believe that an individual with a developmental disability has suffered injury, abuse, or physical neglect, the physician shall notify the person in charge of the institution or that person's designated delegate, who shall make the necessary reports.

(F) Any person having reasonable cause to believe that an individual with a developmental disability has suffered or faces a substantial risk of suffering abuse or neglect may report or cause a report to be made of that belief to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or the county board of developmental disabilities. If the individual is a resident of a facility operated by the department of developmental disabilities, the report shall be made to a law enforcement agency or to the department. If the report concerns any act or omission of an employee of a county board of developmental disabilities, the report immediately shall be made to the department and to the county board.

(G)(1) Upon the receipt of a report concerning the possible

abuse or neglect of an individual with a developmental disability, 134300  
the law enforcement agency shall inform the county board of 134301  
developmental disabilities or, if the individual is a resident of 134302  
a facility operated by the department of developmental 134303  
disabilities, the department. 134304

(2) On receipt of a report under this section that includes 134305  
an allegation of action or inaction that may constitute a crime 134306  
under federal law or the law of this state, the department of 134307  
developmental disabilities shall notify the law enforcement 134308  
agency. 134309

(3) When a county board of developmental disabilities 134310  
receives a report under this section that includes an allegation 134311  
of action or inaction that may constitute a crime under federal 134312  
law or the law of this state, the superintendent of the board or 134313  
an individual the superintendent designates under division (H) of 134314  
this section shall notify the law enforcement agency. The 134315  
superintendent or individual shall notify the department of 134316  
developmental disabilities when it receives any report under this 134317  
section. 134318

(4) When a county board of developmental disabilities 134319  
receives a report under this section and believes that the degree 134320  
of risk to the person is such that the report is an emergency, the 134321  
superintendent of the board or an employee of the board the 134322  
superintendent designates shall attempt a face-to-face contact 134323  
with the individual with a developmental disability who allegedly 134324  
is the victim within one hour of the board's receipt of the 134325  
report. 134326

(H) The superintendent of the board may designate an 134327  
individual to be responsible for notifying the law enforcement 134328  
agency and the department when the county board receives a report 134329  
under this section. 134330

(I) An adult with a developmental disability about whom a report is made may be removed from the adult's place of residence only by law enforcement officers who consider that the adult's immediate removal is essential to protect the adult from further injury or abuse or in accordance with the order of a court made pursuant to section 5126.33 of the Revised Code.

(J) A law enforcement agency shall investigate each report of abuse or neglect it receives under this section. In addition, the department, in cooperation with law enforcement officials, shall investigate each report regarding a resident of a facility operated by the department to determine the circumstances surrounding the injury, the cause of the injury, and the person responsible. The investigation shall be in accordance with the memorandum of understanding prepared under section 5126.058 of the Revised Code. The department shall determine, with the registry office which shall be maintained by the department, whether prior reports have been made concerning an adult with a developmental disability or other principals in the case. If the department finds that the report involves action or inaction that may constitute a crime under federal law or the law of this state, it shall submit a report of its investigation, in writing, to the law enforcement agency. If the individual with a developmental disability is an adult, with the consent of the adult, the department shall provide such protective services as are necessary to protect the adult. The law enforcement agency shall make a written report of its findings to the department.

If the individual with a developmental disability is an adult and is not a resident of a facility operated by the department, the county board of developmental disabilities shall review the report of abuse or neglect in accordance with sections 5126.30 to 5126.33 of the Revised Code and the law enforcement agency shall make the written report of its findings to the county board.

(K) Any person or any hospital, institution, school, health department, or agency participating in the making of reports pursuant to this section, any person participating as a witness in an administrative or judicial proceeding resulting from the reports, or any person or governmental entity that discharges responsibilities under sections 5126.31 to 5126.33 of the Revised Code shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of such actions except liability for perjury, unless the person or governmental entity has acted in bad faith or with malicious purpose.

(L) No employer or any person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, reduce pay or benefits, terminate work privileges, or take any other action detrimental to an employee or retaliate against an employee as a result of the employee's having made a report under this section. This division does not preclude an employer or person with authority from taking action with regard to an employee who has made a report under this section if there is another reasonable basis for the action.

(M) Reports made under this section are not public records as defined in section 149.43 of the Revised Code. Information contained in the reports on request shall be made available to the individual who is the subject of the report, to the individual's legal counsel, and to agencies authorized to receive information in the report by the department or by a county board of developmental disabilities.

(N) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding the injuries or physical neglect of an individual with a developmental disability or the cause thereof in any judicial proceeding resulting from a report submitted pursuant to this section.

**Sec. 5126.31.** (A) A county board of developmental 134395  
disabilities shall review reports of abuse and neglect made under 134396  
section 5123.61 of the Revised Code and reports referred to it 134397  
under section ~~5101.611~~ 5101.64 of the Revised Code to determine 134398  
whether the individual who is the subject of the report is an 134399  
adult with a developmental disability in need of services to deal 134400  
with the abuse or neglect. The county board shall give notice of 134401  
each report to the registry office of the department of 134402  
developmental disabilities established pursuant to section 5123.61 134403  
of the Revised Code on the first working day after receipt of the 134404  
report. If the report alleges that there is a substantial risk to 134405  
the adult of immediate physical harm or death, the county board 134406  
shall initiate review within twenty-four hours of its receipt of 134407  
the report. If the county board determines that the individual is 134408  
sixty years of age or older but does not have a developmental 134409  
disability, it shall refer the case to the county department of 134410  
job and family services. If the county board determines that the 134411  
individual is an adult with a developmental disability, it shall 134412  
continue its review of the case. 134413

(B) For each review over which the county board retains 134414  
responsibility under division (A) of this section, it shall do all 134415  
of the following: 134416

(1) Give both written and oral notice of the purpose of the 134417  
review to the adult and, if any, to the adult's legal counsel or 134418  
caretaker, in simple and clear language; 134419

(2) Visit the adult, in the adult's residence if possible, 134420  
and explain the notice given under division (B)(1) of this 134421  
section; 134422

(3) Request from the registry office any prior reports 134423  
concerning the adult or other principals in the case; 134424

(4) Consult, if feasible, with the person who made the report 134425

under section ~~5101.61~~ 5101.63 or 5123.61 of the Revised Code and 134426  
with any agencies or persons who have information about the 134427  
alleged abuse or neglect; 134428

(5) Cooperate fully with the law enforcement agency 134429  
responsible for investigating the report and for filing any 134430  
resulting criminal charges and, on request, turn over evidence to 134431  
the agency; 134432

(6) Determine whether the adult needs services, and prepare a 134433  
written report stating reasons for the determination. No adult 134434  
shall be determined to be abused, neglected, or in need of 134435  
services for the sole reason that, in lieu of medical treatment, 134436  
the adult relies on or is being furnished spiritual treatment 134437  
through prayer alone in accordance with the tenets and practices 134438  
of a church or religious denomination of which the adult is a 134439  
member or adherent. 134440

(C) The county board shall arrange for the provision of 134441  
services for the prevention, correction or discontinuance of abuse 134442  
or neglect or of a condition resulting from abuse or neglect for 134443  
any adult who has been determined to need the services and 134444  
consents to receive them. These services may include, but are not 134445  
limited to, service and support administration, fiscal management, 134446  
medical, mental health, home health care, homemaker, legal, and 134447  
residential services and the provision of temporary accommodations 134448  
and necessities such as food and clothing. The services do not 134449  
include acting as a guardian, trustee, or protector as defined in 134450  
section 5123.55 of the Revised Code. If the provision of 134451  
residential services would require expenditures by the department 134452  
of developmental disabilities, the county board shall obtain the 134453  
approval of the department prior to arranging the residential 134454  
services. 134455

To arrange services, the county board shall: 134456

(1) Develop an individualized service plan identifying the types of services required for the adult, the goals for the services, and the persons or agencies that will provide them;

(2) In accordance with rules established by the director of developmental disabilities, obtain the consent of the adult or the adult's guardian to the provision of any of these services and obtain the signature of the adult or guardian on the individualized service plan. An adult who has been found incompetent under Chapter 2111. of the Revised Code may consent to services. If the county board is unable to obtain consent, it may seek, if the adult is incapacitated, a court order pursuant to section 5126.33 of the Revised Code authorizing the board to arrange these services.

(D) The county board shall ensure that the adult receives the services arranged by the board from the provider and shall have the services terminated if the adult withdraws consent.

(E) On completion of a review, the county board shall submit a written report to the registry office established under section 5123.61 of the Revised Code. If the report includes a finding that an individual with a developmental disability is a victim of action or inaction that may constitute a crime under federal law or the law of this state, the board shall submit the report to the law enforcement agency responsible for investigating the report. Reports prepared under this section are not public records as defined in section 149.43 of the Revised Code.

**Section 130.32.** That existing sections 173.501, 173.521, 173.542, 1347.08, 2317.54, 4715.36, 5101.60, 5101.61, 5101.611, 5101.612, 5101.62, 5101.622, 5101.63, 5101.64, 5101.65, 5101.66, 5101.67, 5101.68, 5101.69, 5101.691, 5101.692, 5101.70, 5101.71, 5101.72, 5101.99, 5123.61, and 5126.31 and section 5101.621 of the Revised Code are hereby repealed.

**Section 130.33.** Sections 130.31 and 130.32 of this act take effect one year after the effective date of this section.

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**Section 137.10.** That sections 1923.02, 3781.06, 4505.181, 4781.04, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 4781.11, 4781.12, 4781.121, 4781.14, 4781.17, 4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.25, 4781.26, 4781.27, 4781.28, 4781.29, 4781.31, 4781.32, 4781.33, 4781.34, 4781.35, 4781.37, 4781.38, 4781.39, and 4781.45 be amended and new sections 4781.02 and 4781.54 and section 4781.011 of the Revised Code be enacted to read as follows:

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**Sec. 1923.02.** (A) Proceedings under this chapter may be had as follows:

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(1) Against tenants or manufactured home park residents holding over their terms;

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(2) Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the payment of rent as provided in division (B) of this section;

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(3) In sales of real estate, on executions, orders, or other judicial process, when the judgment debtor was in possession at the time of the rendition of the judgment or decree, by virtue of which the sale was made;

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(4) In sales by executors, administrators, or guardians, and on partition, when any of the parties to the complaint were in possession at the commencement of the action, after the sales, so made on execution or otherwise, have been examined by the proper court and adjudged legal;

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(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of possession to them;

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(6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or tenements, such a detention may be determined to exist when both of the following apply:

(a) A tenant fails to vacate residential premises within three days after both of the following occur:

(i) The tenant's landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation of Chapter 2925. or 3719. of the Revised Code, or of a municipal ordinance that is substantially similar to any section in either of those chapters, which involves a controlled substance and which occurred in, is occurring in, or otherwise was or is connected with the premises, whether or not the tenant or other person has been charged with, has pleaded guilty to or been convicted of, or has been determined to be a delinquent child for an act that, if committed by an adult, would be a violation as described in this division. For purposes of this division, a landlord has "actual knowledge of or has reasonable cause to believe" that a tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described in this division if a search warrant was issued pursuant to Criminal Rule 41 or Chapter 2933. of the Revised Code; the affidavit presented to obtain the warrant named or described the tenant or person as the individual to be searched and particularly described the tenant's premises as the place to be searched, named or described one or more controlled substances to be searched for and seized, stated substantially the offense under Chapter 2925. or 3719. of the Revised Code or the substantially similar

municipal ordinance that occurred in, is occurring in, or 134549  
otherwise was or is connected with the tenant's premises, and 134550  
states the factual basis for the affiant's belief that the 134551  
controlled substances are located on the tenant's premises; the 134552  
warrant was properly executed by a law enforcement officer and any 134553  
controlled substance described in the affidavit was found by that 134554  
officer during the search and seizure; and, subsequent to the 134555  
search and seizure, the landlord was informed by that or another 134556  
law enforcement officer of the fact that the tenant or person has 134557  
or presently is engaged in a violation as described in this 134558  
division and it occurred in, is occurring in, or otherwise was or 134559  
is connected with the tenant's premises. 134560

(ii) The landlord gives the tenant the notice required by 134561  
division (C) of section 5321.17 of the Revised Code. 134562

(b) The court determines, by a preponderance of the evidence, 134563  
that the tenant, any person in the tenant's household, or any 134564  
person on the premises with the consent of the tenant previously 134565  
has or presently is engaged in a violation as described in 134566  
division (A)(6)(a)(i) of this section. 134567

(7) In cases arising out of Chapter 5313. of the Revised 134568  
Code. In those cases, the court has the authority to declare a 134569  
forfeiture of the vendee's rights under a land installment 134570  
contract and to grant any other claims arising out of the 134571  
contract. 134572

(8) Against tenants who have breached an obligation that is 134573  
imposed by section 5321.05 of the Revised Code, other than the 134574  
obligation specified in division (A)(9) of that section, and that 134575  
materially affects health and safety. Prior to the commencement of 134576  
an action under this division, notice shall be given to the tenant 134577  
and compliance secured with section 5321.11 of the Revised Code. 134578

(9) Against tenants who have breached an obligation imposed 134579

upon them by a written rental agreement; 134580

(10) Against manufactured home park residents who have 134581  
defaulted in the payment of rent or breached the terms of a rental 134582  
agreement with a park operator. Nothing in this division precludes 134583  
the commencement of an action under division (A)(12) of this 134584  
section when the additional circumstances described in that 134585  
division apply. 134586

(11) Against manufactured home park residents who have 134587  
committed two material violations of the rules of the manufactured 134588  
home park, of the ~~manufactured homes commission~~ division of 134589  
industrial compliance of the department of commerce, or of 134590  
applicable state and local health and safety codes and who have 134591  
been notified of the violations in compliance with section 4781.45 134592  
of the Revised Code; 134593

(12) Against a manufactured home park resident, or the estate 134594  
of a manufactured home park resident, who as a result of death or 134595  
otherwise has been absent from the manufactured home park for a 134596  
period of thirty consecutive days prior to the commencement of an 134597  
action under this division and whose manufactured home or mobile 134598  
home, or recreational vehicle that is parked in the manufactured 134599  
home park, has been left unoccupied for that thirty-day period, 134600  
without notice to the park operator and without payment of rent 134601  
due under the rental agreement with the park operator; 134602

(13) Against occupants of self-service storage facilities, as 134603  
defined in division (A) of section 5322.01 of the Revised Code, 134604  
who have breached the terms of a rental agreement or violated 134605  
section 5322.04 of the Revised Code; 134606

(14) Against any resident or occupant who, pursuant to a 134607  
rental agreement, resides in or occupies residential premises 134608  
located within one thousand feet of any school premises or 134609  
preschool or child day-care center premises and to whom both of 134610

the following apply: 134611

(a) The resident's or occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code. 134612  
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(b) The state registry of sex offenders and child-victim offenders indicates that the resident or occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense. 134615  
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(15) Against any tenant who permits any person to occupy residential premises located within one thousand feet of any school premises or preschool or child day-care center premises if both of the following apply to the person: 134621  
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(a) The person's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code. 134625  
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(b) The state registry of sex offenders and child-victim offenders indicates that the person was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense. 134628  
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(B) If a tenant or manufactured home park resident holding under an oral tenancy is in default in the payment of rent, the tenant or resident forfeits the right of occupancy, and the landlord may, at the landlord's option, terminate the tenancy by notifying the tenant or resident, as provided in section 1923.04 of the Revised Code, to leave the premises, for the restitution of which an action may then be brought under this chapter. 134633  
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(C)(1) If a tenant or any other person with the tenant's permission resides in or occupies residential premises that are 134640  
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located within one thousand feet of any school premises and is a 134642  
resident or occupant of the type described in division (A)(14) of 134643  
this section or a person of the type described in division (A)(15) 134644  
of this section, the landlord for those residential premises, upon 134645  
discovery that the tenant or other person is a resident, occupant, 134646  
or person of that nature, may terminate the rental agreement or 134647  
tenancy for those residential premises by notifying the tenant and 134648  
all other occupants, as provided in section 1923.04 of the Revised 134649  
Code, to leave the premises. 134650

(2) If a landlord is authorized to terminate a rental 134651  
agreement or tenancy pursuant to division (C)(1) of this section 134652  
but does not so terminate the rental agreement or tenancy, the 134653  
landlord is not liable in a tort or other civil action in damages 134654  
for any injury, death, or loss to person or property that 134655  
allegedly result from that decision. 134656

(D) This chapter does not apply to a student tenant as 134657  
defined by division (H) of section 5321.01 of the Revised Code 134658  
when the college or university proceeds to terminate a rental 134659  
agreement pursuant to section 5321.031 of the Revised Code. 134660

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 134661  
of resort, assembly, education, entertainment, lodging, dwelling, 134662  
trade, manufacture, repair, storage, traffic, or occupancy by the 134663  
public, any residential building, and all other buildings or parts 134664  
and appurtenances of those buildings erected within this state, 134665  
shall be so constructed, erected, equipped, and maintained that 134666  
they shall be safe and sanitary for their intended use and 134667  
occupancy. 134668

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 134669  
Revised Code shall be construed to limit the power of the 134670  
~~manufactured homes commission~~ division of industrial compliance of 134671  
the department of commerce to adopt rules of uniform application 134672

governing manufactured home parks pursuant to section 4781.26 of 134673  
the Revised Code. 134674

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 134675  
Code do not apply to either of the following: 134676

(1) Buildings or structures that are incident to the use for 134677  
agricultural purposes of the land on which the buildings or 134678  
structures are located, provided those buildings or structures are 134679  
not used in the business of retail trade. For purposes of this 134680  
division, a building or structure is not considered used in the 134681  
business of retail trade if fifty per cent or more of the gross 134682  
income received from sales of products in the building or 134683  
structure by the owner or operator is from sales of products 134684  
produced or raised in a normal crop year on farms owned or 134685  
operated by the seller. 134686

(2) Existing single-family, two-family, and three-family 134687  
detached dwelling houses for which applications have been 134688  
submitted to the director of job and family services pursuant to 134689  
section 5104.03 of the Revised Code for the purposes of operating 134690  
type A family day-care homes as defined in section 5104.01 of the 134691  
Revised Code. 134692

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 134693  
Revised Code: 134694

(1) "Agricultural purposes" include agriculture, farming, 134695  
dairying, pasturage, apiculture, algaculture meaning the farming 134696  
of algae, horticulture, floriculture, viticulture, ornamental 134697  
horticulture, olericulture, pomiculture, and animal and poultry 134698  
husbandry. 134699

(2) "Building" means any structure consisting of foundations, 134700  
walls, columns, girders, beams, floors, and roof, or a combination 134701  
of any number of these parts, with or without other parts or 134702  
appurtenances. 134703

(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the ~~manufactured homes commission~~ division of industrial compliance of the department of commerce pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least

twenty-two feet at one point, and a total living area, excluding 134735  
garages, porches, or attachments, of at least nine hundred square 134736  
feet; 134737

(c) The structure has a minimum 3:12 residential roof pitch, 134738  
conventional residential siding, and a six-inch minimum eave 134739  
overhang, including appropriate guttering; 134740

(d) The structure was manufactured after January 1, 1995; 134741

(e) The structure is not located in a manufactured home park 134742  
as defined by section 4781.01 of the Revised Code. 134743

(7) "Safe," with respect to a building, means it is free from 134744  
danger or hazard to the life, safety, health, or welfare of 134745  
persons occupying or frequenting it, or of the public and from 134746  
danger of settlement, movement, disintegration, or collapse, 134747  
whether such danger arises from the methods or materials of its 134748  
construction or from equipment installed therein, for the purpose 134749  
of lighting, heating, the transmission or utilization of electric 134750  
current, or from its location or otherwise. 134751

(8) "Sanitary," with respect to a building, means it is free 134752  
from danger or hazard to the health of persons occupying or 134753  
frequenting it or to that of the public, if such danger arises 134754  
from the method or materials of its construction or from any 134755  
equipment installed therein, for the purpose of lighting, heating, 134756  
ventilating, or plumbing. 134757

(9) "Residential building" means a one-family, two-family, or 134758  
three-family dwelling house, and any accessory structure 134759  
incidental to that dwelling house. "Residential building" includes 134760  
a one-family, two-family, or three-family dwelling house that is 134761  
used as a model to promote the sale of a similar dwelling house. 134762  
"Residential building" does not include an industrialized unit as 134763  
defined by division (C)(3) of this section, a manufactured home as 134764  
defined by division (C)(4) of this section, or a mobile home as 134765

defined by division (O) of section 4501.01 of the Revised Code. 134766

(10) "Nonresidential building" means any building that is not 134767  
a residential building or a manufactured or mobile home. 134768

(11) "Accessory structure" means a structure that is attached 134769  
to a residential building and serves the principal use of the 134770  
residential building. "Accessory structure" includes, but is not 134771  
limited to, a garage, porch, or screened-in patio. 134772

**Sec. 4505.181.** (A) Notwithstanding section 4505.18 of the 134773  
Revised Code, a motor vehicle dealer or person acting on behalf of 134774  
a motor vehicle dealer may display, offer for sale, or sell a used 134775  
motor vehicle and a manufactured housing dealer or person acting 134776  
on behalf of a manufactured housing dealer may display, offer for 134777  
sale, or sell a used manufactured home or used mobile home without 134778  
having first obtained a certificate of title for the vehicle in 134779  
the name of the dealer by complying with this section. 134780

(1) The dealer or person acting on behalf of the dealer shall 134781  
possess a bill of sale for each used motor vehicle, used 134782  
manufactured home, and used mobile home proposed to be displayed, 134783  
offered for sale, or sold under this section or a properly 134784  
executed power of attorney or other related documents from the 134785  
prior owner of the motor vehicle, manufactured home, or mobile 134786  
home giving the dealer or person acting on behalf of the dealer 134787  
authority to have a certificate of title to the motor vehicle, 134788  
manufactured home, or mobile home issued in the name of the 134789  
dealer, and shall retain copies of all such documents in the 134790  
dealer's or person's files until such time as a certificate of 134791  
title in the dealer's name is issued for each such motor vehicle, 134792  
manufactured home, or mobile home by the clerk of the court of 134793  
common pleas. Such documents shall be available for inspection by 134794  
the bureau of motor vehicles and the ~~manufactured homes commission~~ 134795  
division of real estate of the department of commerce during 134796

normal business hours. 134797

(2) If the attorney general has paid a retail purchaser of 134798  
the dealer or a secured party under division (D), (E), or (G) of 134799  
this section within three years prior to such date, the dealer 134800  
shall post with the attorney general's office in favor of this 134801  
state a bond of a surety company authorized to do business in this 134802  
state, in an amount of not less than twenty-five thousand dollars, 134803  
to be used solely for the purpose of compensating retail 134804  
purchasers of motor vehicles, manufactured homes, or mobile homes 134805  
who suffer damages due to failure of the dealer or person acting 134806  
on behalf of the dealer to comply with this section. Failure to 134807  
post a bond constitutes a deceptive act or practice in connection 134808  
with a consumer transaction and is a violation of section 1345.02 134809  
of the Revised Code. The dealer's surety shall notify the 134810  
registrar and attorney general when a bond of a motor vehicle 134811  
dealer is canceled and shall notify the ~~manufactured homes~~ 134812  
~~commission~~ division of real estate of the department of commerce 134813  
and the attorney general when a bond of a manufactured housing 134814  
dealer is canceled. Such notification of cancellation shall 134815  
include the effective date of and reason for cancellation. 134816

(B) If a retail purchaser purchases a used motor vehicle, 134817  
used manufactured home, or used mobile home for which the dealer, 134818  
pursuant to and in accordance with division (A) of this section, 134819  
does not have a certificate of title issued in the name of the 134820  
dealer at the time of the sale, the retail purchaser has an 134821  
unconditional right to demand the dealer rescind the transaction 134822  
if one of the following applies: 134823

(1) The dealer fails, on or before the fortieth day following 134824  
the date of the sale, to obtain a title in the name of the retail 134825  
purchaser. 134826

(2) The title for the vehicle indicates that it is a rebuilt 134827  
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 134828

was not disclosed to the retail purchaser in writing prior to the 134829  
execution of the purchase agreement. 134830

(3) The title for the vehicle indicates that the dealer has 134831  
made an inaccurate odometer disclosure to the retail purchaser. 134832

(4) The title for the vehicle indicates that it is a 134833  
"buyback" vehicle as defined in section 1345.71 of the Revised 134834  
Code, and the fact that it is a "buyback" vehicle was not 134835  
disclosed to the retail purchaser in the written purchase 134836  
agreement. 134837

(5) The motor vehicle is a used manufactured home or used 134838  
mobile home, as defined by section 4781.01 of the Revised Code, 134839  
that has been repossessed under Chapter 1309. or 1317. of the 134840  
Revised Code, but a certificate of title for the repossessed home 134841  
has not yet been transferred by the repossessing party to the 134842  
dealer on the date the retail purchaser purchases the used 134843  
manufactured home or used mobile home from the dealer, and the 134844  
dealer fails to obtain a certificate of title on or before the 134845  
fortieth day after the dealer obtains the certificate of title for 134846  
the home from the repossessing party or the date on which an 134847  
occupancy permit for the home is delivered to the purchaser by the 134848  
appropriate legal authority, whichever occurs later. 134849

(C)(1) If the circumstance described in division (B)(1) of 134850  
this section applies, a retail purchaser or the retail purchaser's 134851  
representative shall provide the dealer notice of the request for 134852  
recision. Such notification shall occur not later than sixty days 134853  
from the date the motor vehicle is titled in the name of the 134854  
retail purchaser. The dealer shall have the opportunity to comply 134855  
with the dealer's obligation to refund the full purchase price of 134856  
the motor vehicle. Reimbursement shall be only in such a manner as 134857  
to reimburse the retail purchaser any money the retail purchaser 134858  
actually paid and, in the case of a lender of the retail 134859  
purchaser, the amount paid by the lender to purchase the contract 134860

or finance the sale of the vehicle. If a vehicle was taken in 134861  
trade as a down payment, the dealer shall return the vehicle to 134862  
the consumer, unless the dealer remitted payment to a third party 134863  
to satisfy any security interest. If the dealer remitted payment, 134864  
the dealer shall reimburse the purchaser the value of the vehicle, 134865  
as evidenced by the bill of sale. 134866

(2) If any of the circumstances described in ~~divisions~~ 134867  
division (B)(2), (3), or (4) of this section apply, a retail 134868  
purchaser or the retail purchaser's representative shall provide 134869  
notice to the dealer of a request for rescission. Such notification 134870  
shall occur not later than one hundred eighty days from the date 134871  
the vehicle is titled in the name of the retail purchaser. Upon 134872  
timely notification, the dealer shall have the opportunity to 134873  
comply with the dealer's obligation to refund the full purchase 134874  
price of the motor vehicle. Reimbursement shall be only in such a 134875  
manner as to reimburse the retail purchaser any money the retail 134876  
purchaser actually paid and, in the case of a lender of the retail 134877  
purchaser, the amount paid by the lender to purchase the contract 134878  
or finance the sale of the vehicle. If a vehicle was taken in 134879  
trade as a down payment, the dealer shall return the vehicle to 134880  
the consumer, unless the dealer remitted payment to a third party 134881  
to satisfy any security interest. If the dealer remitted payment, 134882  
the dealer shall reimburse the purchaser the value of the vehicle, 134883  
as evidenced by the bill of sale. 134884

(3) If any of the circumstances described in division (B)(5) 134885  
of this section apply, a retail purchaser or the retail 134886  
purchaser's representative shall notify the dealer and afford the 134887  
dealer the opportunity to comply with the dealer's obligation to 134888  
rescind the manufactured home or mobile home transaction. 134889

(4) If the retail purchaser does not deliver notice to the 134890  
dealer within the applicable time period specified in division 134891  
(C)(1), (2), or (3) of this section, the retail purchaser shall 134892

not be entitled to any recovery or have any cause of action under 134893  
this section. 134894

(5) Nothing in division (C) of this section shall be 134895  
construed as prohibiting the dealer and the retail purchaser or 134896  
their representatives from negotiating a compromise resolution 134897  
that is satisfactory to both parties. 134898

(D) If a retail purchaser notifies a dealer of one or more of 134899  
the circumstances listed in division (B) of this section within 134900  
the applicable time period specified in division (C)(1), (2), or 134901  
(3) of this section and the dealer fails to comply with the 134902  
requirements for rescission as prescribed in division (C) of this 134903  
section or reach a satisfactory compromise with the retail 134904  
purchaser within seven business days of presentation of the retail 134905  
purchaser's rescission claim, the retail purchaser may apply to the 134906  
attorney general for payment from the fund of the full purchase 134907  
price to the retail purchaser. 134908

(E)(1) Upon application by a retail purchaser for payment 134909  
from the fund, if the attorney general is satisfied that one or 134910  
more of the circumstances contained in divisions (B)(1) to (5) of 134911  
this section exist, and notification has been given within the 134912  
applicable time period specified in division (C)(1), (2), or (3) 134913  
of this section, the attorney general shall cause at maximum the 134914  
full purchase price of the vehicle, manufactured home, or mobile 134915  
home plus the cost of any additional temporary license placards to 134916  
be paid to the retail purchaser from the fund. The attorney 134917  
general may require delivery of the vehicle, manufactured home, or 134918  
mobile home to the attorney general prior to reimbursement from 134919  
the fund. Reimbursement shall be only in such a manner as to do 134920  
either of the following: 134921

(a) Reimburse the retail purchaser any money the retail 134922  
purchaser actually paid and, in the case of a lender of the retail 134923  
purchaser, the amount paid by the lender to purchase the contract 134924

or finance the sale of the vehicle; 134925

(b) If the retail purchaser wishes to retain the vehicle, the attorney general, in the attorney general's sole discretion, may pay a lienholder of record or other holder of a secured interest in such manner that title can be transferred to the retail purchaser free of encumbrances, other than a security interest granted by the retail purchaser at the time of vehicle purchase. 134926  
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(2) The attorney general, in the attorney general's sole discretion, also may cause the cost of additional temporary license placards to be paid from the fund. 134932  
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(F) The attorney general may sell or otherwise dispose of any used motor vehicle, manufactured home, or mobile home that is delivered to the attorney general under this section, and may collect the proceeds of any bond posted under division (A) of this section by a dealer who has failed to comply with division (D) of this section. The proceeds from all such sales and collections shall be deposited into the title defect recision fund for use as specified in section 1345.52 of the Revised Code. 134935  
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(G) If a dealer fails to submit payment of a secured interest on a trade-in vehicle as agreed to by the dealer and retail purchaser and none of the circumstances in divisions (B)(1) to (5) applies, the retail purchaser may apply to the attorney general for payment to the secured creditor from the fund. The attorney general shall demand immediate payment from the dealer and if payment has not been made or is not immediately forthcoming, the attorney general may cause an amount equal to that which the dealer agreed to pay to the secured creditor to be paid from the fund, along with any additional interest and late fees resulting from the dealer's failure to pay the secured creditor in a timely manner. 134943  
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(H) Failure by a dealer to comply with both divisions (B) and 134955

(C) of this section constitutes a deceptive act or practice in 134956  
connection with a consumer transaction, and is a violation of 134957  
section 1345.02 of the Revised Code. 134958

(I) The remedy provided in this section to retail purchasers 134959  
is in addition to any remedies otherwise available to the retail 134960  
purchaser for the same conduct of the dealer or person acting on 134961  
behalf of the dealer under federal law or the laws of this state 134962  
or a political subdivision of this state. 134963

(J) If, at any time during any calendar year, the balance in 134964  
the title defect ~~recission~~ rescission fund is less than three hundred thousand 134965  
dollars, the attorney general may assess all motor vehicle dealers 134966  
licensed under Chapter 4517. of the Revised Code and all 134967  
manufactured housing dealers licensed under Chapter 4781. of the 134968  
Revised Code one hundred fifty dollars for deposit into the title 134969  
defect ~~recission~~ rescission fund until the balance in the fund 134970  
reaches three hundred thousand dollars. A notice of assessment 134971  
shall be sent to each dealer at its licensed location. 134972

If a motor vehicle dealer or manufactured housing dealer 134973  
fails to comply with this division, the attorney general may bring 134974  
a civil action in a court of competent jurisdiction to collect the 134975  
amount the dealer failed to pay to the attorney general for 134976  
deposit into the fund. 134977

(K) Nothing in this section shall be construed as providing 134978  
for payment of attorney fees to the retail purchaser. 134979

(L) As used in this section: 134980

(1) "Full purchase price" means the contract price, including 134981  
charges for dealer installed options and accessories, all finance, 134982  
credit insurance, and service contract charges incurred by the 134983  
retail purchaser, all sales tax, license and registration fees, 134984  
and the amount of any negative equity that was not already paid by 134985  
the dealer to a third party to satisfy a lien, as reflected in the 134986

contract. 134987

(2) "Retail purchaser" means a person, other than a motor 134988  
vehicle dealer or a manufactured housing dealer, who in good faith 134989  
purchases a used motor vehicle for purposes other than resale. 134990

Sec. 4781.011. Whenever the term "manufactured homes 134991  
commission" is used, referred to, or designated in any statute, 134992  
rule, contract, grant, or other document, the use, reference, or 134993  
designation shall be deemed to refer to "the department of 134994  
commerce." Whenever the term "executive director of the 134995  
manufactured homes commission" is used, referred to, or designated 134996  
in any statute, rule, contract, grant, or other document, the use, 134997  
reference, or designation shall be deemed to mean the director of 134998  
commerce. 134999

Sec. 4781.02. (A) There is hereby created the manufactured 135000  
homes advisory council, within the department of commerce, that 135001  
shall consist of seven members. 135002

(B) The director of commerce shall appoint five members as 135003  
follows: 135004

(1) One member who possesses either of the following: 135005

(a) A class I water supply operator certification issued in 135006  
accordance with Chapter 6109. of the Revised Code and rule 135007  
3745-7-06 of the Administrative Code; 135008

(b) A class I wastewater works operator certification issued 135009  
in accordance with Chapter 6111. of the Revised Code and rule 135010  
3745-7-06 of the Administrative Code. 135011

(2) One member who has expertise and background in public 135012  
health; 135013

(3) One member who has been appointed as a local fire chief 135014  
pursuant to section 505.38, 737.08, or 737.22 of the Revised Code; 135015

(4) One member who is a manufactured home park operator; 135016

(5) One member who is either a manufactured housing dealer or 135017  
a salesperson. 135018

(C) One member shall be appointed by the speaker of the house 135019  
of representatives. One member shall be appointed by the president 135020  
of the senate. Members appointed pursuant to this division shall 135021  
be public members, and shall have no pecuniary or fiduciary 135022  
interest in the manufactured housing industry in this state. They 135023  
shall not be members of the Ohio manufactured homes association or 135024  
any successor entity. 135025

(D) The director shall consider any recommendations made by 135026  
the Ohio manufactured homes association, or any successor entity, 135027  
for any appointments. 135028

(E) Unless otherwise provided by law, nothing in this section 135029  
shall prohibit a public official or employee, as defined in 135030  
section 102.01 of the Revised Code, from being appointed to the 135031  
council. 135032

(F)(1) Initial terms shall end on December 31, 2021. 135033  
Thereafter, each member's term of office shall be four years and 135034  
shall end on the thirty-first day of December of the fourth year. 135035  
A member shall hold office from the date of appointment until the 135036  
end of the term. No member may serve more than two consecutive 135037  
four-year terms. 135038

(2) Any member appointed to fill a vacancy that occurs prior 135039  
to the expiration of a term continues in office for the remainder 135040  
of that term. Any member shall continue to hold office subsequent 135041  
to the expiration date of that member's term until the member's 135042  
successor takes office or until sixty days have elapsed, whichever 135043  
occurs first. 135044

(G)(1) The director may remove any member from office for 135045  
incompetence, neglect of duty, misfeasance, nonfeasance, 135046

|                                                                                                                                                        |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>malfeasance, or unprofessional conduct in office.</u>                                                                                               | 135047 |
| <u>(2) Vacancies shall be filled in the manner of the original appointment.</u>                                                                        | 135048 |
| <u>(H) The council shall advise the director of commerce concerning the director's duties in the regulation of manufactured housing in this state.</u> | 135049 |
| <u>(H) The council shall advise the director of commerce concerning the director's duties in the regulation of manufactured housing in this state.</u> | 135050 |
| <u>concerning the director's duties in the regulation of manufactured housing in this state.</u>                                                       | 135051 |
| <u>housing in this state.</u>                                                                                                                          | 135052 |
| <b>Sec. 4781.04.</b> (A) The <del>manufactured homes commission</del>                                                                                  | 135053 |
| <u>department of commerce, division of industrial compliance</u> shall                                                                                 | 135054 |
| adopt rules pursuant to Chapter 119. of the Revised Code to do all                                                                                     | 135055 |
| of the following:                                                                                                                                      | 135056 |
| (1) Establish uniform standards that govern the installation                                                                                           | 135057 |
| of manufactured housing. Not later than one hundred eighty days                                                                                        | 135058 |
| after the secretary of the United States department of housing and                                                                                     | 135059 |
| urban development adopts model standards for the installation of                                                                                       | 135060 |
| manufactured housing or amends those standards, the <del>commission</del>                                                                              | 135061 |
| <u>division of industrial compliance</u> shall amend its standards as                                                                                  | 135062 |
| necessary to be consistent with, and not less stringent than, the                                                                                      | 135063 |
| model standards for the design and installation of manufactured                                                                                        | 135064 |
| housing the secretary adopts or any manufacturers' standards that                                                                                      | 135065 |
| the secretary determines are equal to or not less stringent than                                                                                       | 135066 |
| the model standards.                                                                                                                                   | 135067 |
| (2) Govern the inspection of the installation of manufactured                                                                                          | 135068 |
| housing. The rules shall specify that the <del>commission</del> <u>division of</u>                                                                     | 135069 |
| <u>industrial compliance</u> , any building department or personnel of any                                                                             | 135070 |
| department, or any private third party, certified pursuant to                                                                                          | 135071 |
| section 4781.07 of the Revised Code shall conduct all inspections                                                                                      | 135072 |
| of the installation of manufactured housing located in                                                                                                 | 135073 |
| manufactured home parks to determine compliance with the uniform                                                                                       | 135074 |
| installation standards the <del>commission</del> <u>division of industrial</u>                                                                         | 135075 |
| <u>compliance</u> establishes pursuant to this section.                                                                                                | 135076 |

(3) Govern the design, construction, installation, approval, 135077  
and inspection of foundations and the base support systems for 135078  
manufactured housing. The rules shall specify that the ~~commission~~ 135079  
division of industrial compliance, any building department or 135080  
personnel of any department, or any private third party, certified 135081  
pursuant to section 4781.07 of the Revised Code shall conduct all 135082  
inspections of the installation, foundations, and base support 135083  
systems of manufactured housing located in manufactured home parks 135084  
to determine compliance with the uniform installation standards 135085  
and foundation and base support system design the ~~commission~~ 135086  
division of industrial compliance establishes pursuant to this 135087  
section. 135088

(4) Govern the training, experience, and education 135089  
requirements for manufactured housing installers, ~~manufactured~~ 135090  
~~housing dealers, manufactured housing brokers, and manufactured~~ 135091  
~~housing salespersons;~~ 135092

(5) Establish a code of ethics for manufactured housing 135093  
installers; 135094

(6) Govern the issuance, revocation, and suspension of 135095  
licenses to manufactured housing installers; 135096

(7) Establish fees for the issuance and renewal of licenses, 135097  
for conducting inspections to determine an applicant's compliance 135098  
with this chapter and the rules adopted pursuant to it, and for 135099  
the ~~commission's~~ division's expenses incurred in implementing this 135100  
chapter; 135101

(8) Establish conditions under which a licensee may enter 135102  
into contracts to fulfill the licensee's responsibilities; 135103

(9) Govern the investigation of complaints concerning any 135104  
~~violation of this chapter or the rules adopted pursuant to it or~~ 135105  
complaints involving the conduct of any licensed manufactured 135106  
housing installer or person installing manufactured housing 135107

without a license, ~~licensed manufactured housing dealer, licensed~~ 1351108  
~~manufactured housing broker, or manufactured housing salesperson;~~ 1351109

(10) Establish a dispute resolution program for the timely 1351110  
resolution of warranty issues involving new manufactured homes, 1351111  
disputes regarding responsibility for the correction or repair of 1351112  
defects in manufactured housing, and the installation of 1351113  
manufactured housing. The rules shall provide for the timely 1351114  
resolution of disputes between manufacturers, manufactured housing 1351115  
dealers, and installers regarding the correction or repair of 1351116  
defects in manufactured housing that are reported by the purchaser 1351117  
of the home during the one-year period beginning on the date of 1351118  
installation of the home. The rules also shall provide that 1351119  
decisions made regarding the dispute under the program are not 1351120  
binding upon the purchaser of the home or the other parties 1351121  
involved in the dispute unless the purchaser so agrees in a 1351122  
written acknowledgement that the purchaser signs and delivers to 1351123  
the program within ten business days after the decision is issued. 1351124

(11) Establish the requirements and procedures for the 1351125  
certification of building departments and building department 1351126  
personnel pursuant to section 4781.07 of the Revised Code; 1351127

(12) Establish fees to be charged to building departments and 1351128  
building department personnel applying for certification and 1351129  
renewal of certification pursuant to section 4781.07 of the 1351130  
Revised Code; 1351131

(13) Develop a policy regarding the maintenance of records 1351132  
for any inspection authorized or conducted pursuant to this 1351133  
chapter. Any record maintained under division (A)(13) of this 1351134  
section shall be a public record under section 149.43 of the 1351135  
Revised Code. 1351136

~~(14) Carry out any other provision of this chapter.~~ 1351137

(B) The ~~manufactured homes commission~~ division of industrial 1351138

|                                                                                      |        |
|--------------------------------------------------------------------------------------|--------|
| <u>compliance</u> shall do all of the following:                                     | 135139 |
| (1) Prepare and administer a licensure examination to                                | 135140 |
| determine an applicant's knowledge of manufactured housing                           | 135141 |
| installation and other aspects of installation the <del>commission</del>             | 135142 |
| <u>division</u> determines appropriate;                                              | 135143 |
| (2) Select, provide, or procure appropriate examination                              | 135144 |
| questions and answers for the licensure examination and establish                    | 135145 |
| the criteria for successful completion of the examination;                           | 135146 |
| (3) Prepare and distribute any application form <del>this chapter</del>              | 135147 |
| <del>requires</del> <u>sections 4781.01 to 4781.11 of the Revised Code require</u> ; | 135148 |
| (4) Receive applications for licenses and renewal of licenses                        | 135149 |
| and issue licenses to qualified applicants;                                          | 135150 |
| (5) Establish procedures for processing, approving, and                              | 135151 |
| disapproving applications for licensure;                                             | 135152 |
| (6) Retain records of applications for licensure, including                          | 135153 |
| all application materials submitted and a written record of the                      | 135154 |
| action taken on each application;                                                    | 135155 |
| (7) Review the design and plans for manufactured housing                             | 135156 |
| installations, foundations, and support systems;                                     | 135157 |
| (8) Inspect a sample of homes at a percentage the <del>commission</del>              | 135158 |
| <u>division</u> determines to evaluate the construction and installation             | 135159 |
| of manufactured housing installations, foundations, and support                      | 135160 |
| systems to determine compliance with the standards the <del>commission</del>         | 135161 |
| <u>division</u> adopts;                                                              | 135162 |
| (9) Investigate complaints concerning violations of this                             | 135163 |
| chapter or the rules adopted pursuant to it, or the conduct of any                   | 135164 |
| manufactured housing installer, <del>manufactured housing dealer,</del>              | 135165 |
| <del>manufactured housing broker, or manufactured housing salesperson;</del>         | 135166 |
| (10) Determine appropriate disciplinary actions for                                  | 135167 |
| violations of this chapter;                                                          | 135168 |

(11) Conduct audits and inquiries of manufactured housing installers, ~~manufactured housing dealers, and manufactured housing brokers~~ as appropriate for the enforcement of this chapter. The ~~commission~~ division, or any person the ~~commission~~ division employs for the purpose, may review and audit the business records of any manufactured housing installer, ~~dealer, or broker~~ during normal business hours.

(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity;

~~(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it.~~

(C) Nothing in this section, or in any rule adopted by the ~~manufactured homes commission~~ division, shall be construed to limit the authority of a board of health to enforce section 3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code or limit the authority of the department of administrative services to lease space for the use of a state agency and to group together state offices in any city in the state as provided in section 123.01 of the Revised Code.

**Sec. 4781.06.** (A) The ~~manufactured homes commission~~ division of industrial compliance may delegate to the ~~executive director~~ the Ohio construction industry licensing board any of its duties set forth in ~~division (B) of section~~ sections 4781.04 to 4781.15 of the Revised Code.

(B) The ~~commission~~ division may enter into a contract with the Ohio manufactured homes association or another entity to administer the dispute resolution program created pursuant to section 4781.04 of the Revised Code. The contract shall specify the terms for the administration of the program.

(C)(1) The ~~commission~~ division may enter into a contract with 135199  
any private third party, municipal corporation, township, county, 135200  
state agency, or the Ohio manufactured homes association, or any 135201  
successor entity, to perform any of the ~~commission's~~ division's 135202  
functions set forth in ~~division (B) of section~~ sections 4781.04 to 135203  
4781.15 of the Revised Code that the ~~commission~~ division has not 135204  
delegated to the ~~executive director~~ Ohio construction industry 135205  
licensing board. Each contract shall specify the compensation to 135206  
be paid to the private third party, municipal corporation, 135207  
township, county, state agency, or the Ohio manufactured homes 135208  
association, or successor entity, for the performance of the 135209  
~~commission's~~ division's functions. 135210

(2) Except as provided in this division, the ~~commission~~ 135211  
division shall not enter into any contract with any person or 135212  
building department to accept and approve plans and specifications 135213  
or to inspect manufactured housing foundations and the 135214  
installation of manufactured housing unless that person or 135215  
building department is certified pursuant to section 4781.07 of 135216  
the Revised Code. The ~~commission~~ division shall require inspectors 135217  
the Ohio department of health employs to obtain certification 135218  
pursuant to section 4781.07 of the Revised Code. 135219

**Sec. 4781.07.** (A) Pursuant to rules the ~~manufactured homes~~ 135220  
~~commission~~ division of industrial compliance adopts, the 135221  
~~commission~~ division may certify municipal, township, and county 135222  
building departments and the personnel of those departments, or 135223  
any private third party, to exercise the ~~commission's~~ division's 135224  
enforcement authority, accept and approve plans and specifications 135225  
for foundations, support systems and installations, and inspect 135226  
manufactured housing foundations, support systems, and 135227  
manufactured housing installations. Any certification is effective 135228  
for three years. 135229

(B) Following an investigation and finding of facts that support its action, the ~~commission~~ division of industrial compliance may revoke or suspend certification. The ~~commission~~ division may initiate an investigation on ~~its~~ the division's own motion or the petition of a person affected by the enforcement or approval of plans.

**Sec. 4781.08.** (A) The ~~manufactured homes commission~~ division of industrial compliance shall issue a manufactured housing ~~installer's~~ installer license to any applicant who is at least eighteen years of age and meets all of the following requirements:

(1) Submits an application to the ~~commission~~ division on a form the ~~commission~~ division prescribes and pays the fee the ~~commission~~ division requires;

(2) Completes all training requirements the ~~commission~~ division prescribes;

(3) Meets the experience requirements the ~~commission~~ division prescribes by rule;

(4) Has at least one year of experience installing manufactured housing under the supervision of a licensed manufactured home installer if applying for licensure after January 1, 2006;

(5) Has completed an installation training course the ~~commission~~ division approves, which may be offered by the Ohio manufactured homes association or other entity;

(6) Receives a passing score on the licensure examination the ~~commission~~ division administers;

(7) Provides information the ~~commission~~ division requires to demonstrate compliance with this chapter and the rules the ~~commission~~ division adopts;

(8) Provides the ~~commission~~ division with three references

from persons who are retailers, manufacturers, or manufactured home park operators familiar with the person's installation work experience and competency, with at least two of the three references provided after January 1, 2006, being from persons who are licensed manufactured housing installers;

(9) Has liability insurance or a surety bond that is issued by an insurance or surety company authorized to transact business in Ohio, in the amount the ~~commission~~ division specifies, and containing the terms and conditions the ~~commission~~ division requires;

(10) Is in compliance with section 4123.35 of the Revised Code.

(B) The ~~commission~~ division of industrial compliance shall not grant a license to any person who the ~~commission~~ division finds has engaged in actions during the previous two years that constitute a ground for denial, suspension, or revocation of a license or who has had a license revoked or disciplinary action imposed by the licensing or certification board of another state or jurisdiction during the previous two years in connection with the installation of manufactured housing.

(C) Any person who is licensed, certified, or otherwise approved under the laws of another state to perform functions substantially similar to those of a manufactured housing installer may apply to the ~~commission~~ division for licensure on a form the ~~commission~~ division prescribes. The ~~commission~~ division shall issue a license if the standards for licensure, certification, or approval in the state in which the applicant is licensed, certified, or approved are substantially similar to or exceed the requirements set forth in this chapter and the rules adopted pursuant to it. The ~~commission~~ division may require the applicant to pass the ~~commission's~~ division's licensure examination.

(D) Any license issued pursuant to this section shall bear the licensee's name and post-office address, the issue date, a serial number the ~~commission~~ division designates, and the signature of the ~~commission chairperson or a person the commission~~ division designates pursuant to rules.

(E) A manufactured housing ~~installers~~ installer license expires two years after it is issued. The ~~commission~~ division of industrial compliance shall renew a license if the applicant does all of the following:

- (1) Meets the requirements of division (A) of this section;
- (2) Demonstrates compliance with the requirements of this chapter and the rules adopted pursuant to it;
- (3) Meets the ~~commission's~~ division's continuing education requirements.

(F) No manufactured housing ~~installer's~~ installer license may be transferred to another person.

**Sec. 4781.09.** (A) The ~~manufactured homes commission~~ division of industrial compliance may deny, suspend, revoke, or refuse to renew the license of any manufactured home installer for any of the following reasons:

- (1) Failure to satisfy the requirements of section 4781.08 or 4781.10 of the Revised Code;
- (2) Violation of this chapter or any rule adopted pursuant to it;
- (3) Making a material misstatement in an application for a license;
- (4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;

|                                                                                       |        |
|---------------------------------------------------------------------------------------|--------|
| (5) Failure to appear for a hearing before the <del>commission</del>                  | 135320 |
| <u>division</u> or to comply with any final adjudication order of the                 | 135321 |
| <del>commission</del> <u>division</u> issued pursuant to this chapter;                | 135322 |
| (6) Conviction of a felony or a crime involving moral                                 | 135323 |
| turpitude;                                                                            | 135324 |
| (7) Having had a license revoked, suspended, or denied by the                         | 135325 |
| <del>commission</del> <u>division</u> during the preceding two years;                 | 135326 |
| (8) Having had a license revoked, suspended, or denied by                             | 135327 |
| another state or jurisdiction during the preceding two years;                         | 135328 |
| (9) Engaging in conduct in another state or jurisdiction that                         | 135329 |
| would violate this chapter if committed in this state.                                | 135330 |
| (10) Failing to provide written notification of an                                    | 135331 |
| installation pursuant to division (D) of section 4781.11 of the                       | 135332 |
| Revised Code to a county treasurer or county auditor.                                 | 135333 |
| (B)(1) Any person whose license or license application is                             | 135334 |
| revoked, suspended, denied, or not renewed or upon whom a civil                       | 135335 |
| penalty is imposed may request an adjudication hearing on the                         | 135336 |
| matter within thirty days after receipt of the notice of the                          | 135337 |
| action. The hearing shall be held in accordance with Chapter 119.                     | 135338 |
| of the Revised Code.                                                                  | 135339 |
| (2) Any licensee or applicant may appeal an order made                                | 135340 |
| pursuant to an adjudication hearing in the manner provided in                         | 135341 |
| section 119.12 of the Revised Code.                                                   | 135342 |
| (C) A person whose license is suspended, revoked, or not                              | 135343 |
| renewed may apply for a new license two years after the date on                       | 135344 |
| which the license was suspended, revoked, or not renewed.                             | 135345 |
| <b>Sec. 4781.10.</b> (A) The <del>manufactured homes commission</del> <u>division</u> | 135346 |
| <u>of industrial compliance</u> may establish programs and requirements               | 135347 |
| for continuing education for manufactured housing installers. The                     | 135348 |
| <del>commission</del> <u>division</u> shall not require licensees to complete more    | 135349 |

than eight credit hours of continuing education during each 135350  
license period. If the ~~commission~~ division establishes a program 135351  
of continuing education, it shall require that only courses that 135352  
the ~~commission~~ division preapproves be accepted for licensure 135353  
credit, and unless an extension is granted pursuant to division 135354  
(D) of this section, that all credit hours be successfully 135355  
completed prior to the expiration of the installer's license. 135356

(B) To provide the resources to administer continuing 135357  
education programs, the ~~commission~~ division may establish 135358  
nonrefundable fees, including any of the following: 135359

(1) An application fee not to exceed one hundred fifty 135360  
dollars charged to the sponsor of each proposed course; 135361

(2) A renewal fee not to exceed seventy-five dollars, charged 135362  
to the sponsor of each course, for the annual renewal of course 135363  
approval; 135364

(3) A course fee charged to the sponsor of each course 135365  
offered, not to exceed five dollars per credit hour, for each 135366  
person completing an approved course; 135367

(4) A student fee charged to licensees, not to exceed fifty 135368  
dollars, for each course or activity a student submits to the 135369  
~~commission~~ division for approval. 135370

(C) The ~~commission~~ division may adopt reasonable rules not 135371  
inconsistent with this chapter to carry out any continuing 135372  
education program, including rules that govern the following: 135373

(1) The content and subject matter of continuing education 135374  
courses; 135375

(2) The criteria, standards, and procedures for the approval 135376  
of courses, course sponsors, and course instructors; 135377

(3) The methods of instruction; 135378

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| (4) The computation of course credit;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 135379                                                                                                     |
| (5) The ability to carry forward course credit from one year to another;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 135380<br>135381                                                                                           |
| (6) Conditions under which the <del>commission</del> <u>division</u> may grant a waiver or variance from continuing education requirements on the basis of hardship or other reasons;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 135382<br>135383<br>135384                                                                                 |
| (7) Procedures for compliance with the continuing education requirements and sanctions for noncompliance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 135385<br>135386                                                                                           |
| (D) The <del>commission</del> <u>division</u> shall not renew the license of any person who fails to satisfy any continuing education requirement that the <del>commission</del> <u>division</u> establishes. The <del>commission</del> <u>division</u> may, for good cause, grant an extension of time to comply with the continuing education requirements. Any installer who is granted an extension and completes the continuing education requirements within the time the <del>commission</del> <u>division</u> establishes is deemed in compliance with the education requirements. The license of any person who is granted an extension shall remain in effect during the period of the extension. | 135387<br>135388<br>135389<br>135390<br>135391<br>135392<br>135393<br>135394<br>135395<br>135396<br>135397 |
| <b>Sec. 4781.11.</b> (A)(1) Except as provided in division (B) of this section, no person shall install manufactured housing unless that person is licensed as a manufactured housing installer pursuant to this chapter or unless a licensed manufactured housing installer is present during the installation and supervises the person who is not licensed.                                                                                                                                                                                                                                                                                                                                              | 135398<br>135399<br>135400<br>135401<br>135402<br>135403                                                   |
| (2) A licensed manufactured housing installer who supervises the work of an unlicensed person is responsible for all installation work that the unlicensed person performs under the licensed person's supervision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 135404<br>135405<br>135406<br>135407                                                                       |
| (3) A person who is not a licensed manufactured housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 135408                                                                                                     |

installer may perform foundation or base support system 135409  
construction if supervised by a licensed installer. The licensed 135410  
installer need not be present during the construction of the 135411  
foundation or base support system but is responsible for the 135412  
construction of the foundation or base support system. 135413

(B)(1) Nothing in this chapter requires a person to obtain a 135414  
manufactured housing installer license to install manufactured 135415  
housing for the person's own occupancy if the manufactured housing 135416  
is located on property that the person owns and is not located in 135417  
a manufactured home park. 135418

(2) A person who installs manufactured housing in the manner 135419  
described in division (B)(1) of this section is not entitled to 135420  
claim any right or remedy or to bring a cause of action under this 135421  
chapter. 135422

(C) No person shall install any manufactured housing 135423  
foundation or manufactured housing support system unless that 135424  
foundation or support system complies with the standards the 135425  
~~manufactured homes commission~~ division of industrial compliance 135426  
establishes and receives all approvals and inspections that the 135427  
~~commission~~ division requires. 135428

(D) Within fourteen days after the installation, a 135429  
manufactured housing installer who performs or supervises a 135430  
manufactured housing installation shall provide to both the 135431  
treasurer and the auditor of the county in which the installation 135432  
is being performed a written notice containing all of the 135433  
following information: 135434

(1) The address or location of the installation; 135435

(2) The date of the installation; 135436

(3) The make and model of the installed manufactured housing 135437  
unit; 135438

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (4) The name of the owner of the installed manufactured housing unit.                                                                                                                                                                                                                                                                                                                                                                                               | 135439<br>135440                                                   |
| (E) It is a violation of this chapter to do any of the following:                                                                                                                                                                                                                                                                                                                                                                                                   | 135441<br>135442                                                   |
| (1) Represent another person's license as a manufactured housing installer as one's own;                                                                                                                                                                                                                                                                                                                                                                            | 135443<br>135444                                                   |
| (2) Intentionally give false or materially misleading information of any kind to the <del>commission or to a commission member</del> <u>division of industrial compliance</u> in connection with licensing matters;                                                                                                                                                                                                                                                 | 135445<br>135446<br>135447<br>135448                               |
| (3) Impersonate another manufactured housing installer;                                                                                                                                                                                                                                                                                                                                                                                                             | 135449                                                             |
| (4) Use an expired, suspended, or revoked license.                                                                                                                                                                                                                                                                                                                                                                                                                  | 135450                                                             |
| <b>Sec. 4781.12.</b> (A) The <del>manufactured homes commission</del> <u>division of industrial compliance</u> may apply to an appropriate court to enjoin any violation of this chapter or the rules adopted pursuant to it. The court shall grant any appropriate relief, including an injunction, restraining order, or any combination thereof, upon a showing that a person has violated or is about to violate this chapter or a rule adopted pursuant to it. | 135451<br>135452<br>135453<br>135454<br>135455<br>135456<br>135457 |
| (B) The prosecuting attorney of a county, a city director of law, or the attorney general may, upon the complaint of the <del>commission</del> <u>division</u> , prosecute to termination or bring an action for injunction against any person violating this chapter or the rules adopted pursuant to it.                                                                                                                                                          | 135458<br>135459<br>135460<br>135461<br>135462                     |
| (C) Any other party adversely affected by an order of the <del>commission</del> <u>division</u> may appeal the order to the court of common pleas of the county in which the party adversely affected is a resident or has a place of business, except that if that party is not a resident of this state and has no place of business in this state, the party shall appeal to the court of common pleas in                                                        | 135463<br>135464<br>135465<br>135466<br>135467<br>135468           |

Franklin county. 135469

**Sec. 4781.121.** (A) The ~~manufactured homes commission~~ division of industrial compliance, pursuant to section 4781.04 of the Revised Code, may investigate any person who allegedly has committed a violation. If, after an investigation the ~~commission~~ division determines that reasonable evidence exists that a person has committed a violation, within seven days after that determination, the ~~commission~~ division shall send a written notice to that person in the same manner as prescribed in section 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing. 135470  
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(B) The ~~commission~~ division of industrial compliance shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the ~~commission~~ division, after the hearing, determines that a violation has occurred, the ~~commission, upon an affirmative vote of five of its members,~~ division may impose a fine not exceeding one thousand dollars per violation per day. The ~~commission's~~ division's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code. 135481  
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(C) If the person who allegedly committed a violation fails to appear for a hearing, the ~~commission~~ division of industrial compliance may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the ~~commission~~ division for a hearing. 135490  
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(D) If the ~~commission~~ division assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the ~~commission~~ division pursuant to section 131.02 of the Revised Code, the ~~commission~~ division shall forward to the attorney general the name 135495  
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of the person and the amount of the civil penalty for the purpose 135500  
of collecting that civil penalty. In addition to the civil penalty 135501  
assessed pursuant to this section, the person also shall pay any 135502  
fee assessed by the attorney general for collection of the civil 135503  
penalty. 135504

(E) The authority provided to the ~~commission~~ division of 135505  
industrial compliance pursuant to this section, and any fine 135506  
imposed under this section, shall be in addition to, and not in 135507  
lieu of, all penalties and other remedies provided in this 135508  
chapter. Any fines collected pursuant to this section shall be 135509  
used solely to administer and enforce this chapter and rules 135510  
adopted under it. Any fees collected pursuant to this section 135511  
shall be transmitted to the treasurer of state and shall be 135512  
credited to the ~~manufactured homes commission regulatory~~ 135513  
industrial compliance operating fund created in section ~~4781.54~~ 135514  
121.084 of the Revised Code and the rules adopted thereunder. The 135515  
fees shall be used only for the purpose of administering and 135516  
enforcing sections 4781.26 to 4781.35 of the Revised Code and the 135517  
rules adopted thereunder. 135518

(F) As used in this section, "violation" means a violation of 135519  
section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant 135520  
to section 4781.04, of the Revised Code. 135521

**Sec. 4781.14.** (A) The ~~manufactured homes commission,~~ division 135522  
of industrial compliance has exclusive authority to regulate 135523  
manufactured home installers, the installation of manufactured 135524  
housing, and manufactured housing foundations and support systems 135525  
in this state. ~~By enacting this chapter, it~~ It is the intent of 135526  
the general assembly to preempt municipal corporations and other 135527  
political subdivisions from regulating and licensing manufactured 135528  
housing installers and regulating and inspecting the installation 135529  
of manufactured housing and manufactured housing foundations and 135530

support systems. 135531

(B) The ~~manufactured homes commission~~ division has exclusive 135532  
power to adopt rules of uniform application throughout the state 135533  
governing installation of manufactured housing, the inspection of 135534  
manufactured housing foundations and support systems, the 135535  
inspection of the installation of manufactured housing, the 135536  
training and licensing of manufactured housing installers, and the 135537  
investigation of complaints concerning manufactured housing 135538  
installers. 135539

(C) The rules the ~~commission~~ division adopts pursuant to this 135540  
chapter are the exclusive rules governing the installation of 135541  
manufactured housing, the design, construction, and approval of 135542  
foundations for manufactured housing, the licensure of 135543  
manufactured home installers, and the fees charged for licensure 135544  
of manufactured home installers. No political subdivision of the 135545  
state or any department or agency of the state may establish any 135546  
other standards governing the installation of manufactured 135547  
housing, manufactured housing foundations and support systems, the 135548  
licensure of manufactured housing installers, or fees charged for 135549  
the licensure of manufactured housing installers. 135550

(D) Nothing in this section limits the authority of the 135551  
attorney general to enforce Chapter 1345. of the Revised Code or 135552  
to take any action permitted by the Revised Code against 135553  
manufactured housing installers, retailers, or manufacturers. 135554

**Sec. 4781.17.** (A) Each person applying for a manufactured 135555  
housing dealer's license or manufactured housing broker's license 135556  
shall complete and deliver to the ~~manufactured homes commission~~ 135557  
department of commerce, division of real estate, before the first 135558  
day of April, a separate application for license for each county 135559  
in which the business of selling or brokering manufactured or 135560

mobile homes is to be conducted. The application shall be in the 135561  
form prescribed by the ~~commission~~ division of real estate and 135562  
accompanied by the fee established by the ~~commission~~ division of 135563  
real estate. The applicant shall sign and swear to the application 135564  
that shall include all of the following: 135565

(1) Name of applicant and location of principal place of 135566  
business; 135567

(2) Name or style under which business is to be conducted 135568  
and, if a corporation, the state of incorporation; 135569

(3) Name and address of each owner or partner and, if a 135570  
corporation, the names of the officers and directors; 135571

(4) The county in which the business is to be conducted and 135572  
the address of each place of business therein; 135573

(5) A statement of the previous history, record, and 135574  
association of the applicant and of each owner, partner, officer, 135575  
and director, that is sufficient to establish to the satisfaction 135576  
of the ~~commission~~ division of real estate the reputation in 135577  
business of the applicant; 135578

(6) A statement showing whether the applicant has previously 135579  
applied for a manufactured housing dealer's license, manufactured 135580  
housing broker's license, manufactured housing salesperson's 135581  
license, or, prior to July 1, 2010, a motor vehicle dealer's 135582  
license, manufactured home broker's license, or motor vehicle 135583  
salesperson's license, and the result of the application, and 135584  
whether the applicant has ever been the holder of any such license 135585  
that was revoked or suspended; 135586

(7) If the applicant is a corporation or partnership, a 135587  
statement showing whether any partner, employee, officer, or 135588  
director has been refused a manufactured housing dealer's license, 135589  
manufactured housing broker's license, manufactured housing 135590

salesperson's license, or, prior to July 1, 2010, a motor vehicle 135591  
dealer's license, manufactured home broker's license, or motor 135592  
vehicle salesperson's license, or has been the holder of any such 135593  
license that was revoked or suspended; 135594

(8) Any other information required by the ~~commission~~ division 135595  
of real estate. 135596

(B) Each person applying for a manufactured housing 135597  
salesperson's license shall complete and deliver to the 135598  
~~manufactured homes commission~~ division of real estate before the 135599  
first day of July an application for license. The application 135600  
shall be in the form prescribed by the ~~commission~~ division of real 135601  
estate and shall be accompanied by the fee established by the 135602  
~~commission~~ division. The applicant shall sign and swear to the 135603  
application that shall include all of the following: 135604

(1) Name and post-office address of the applicant; 135605

(2) Name and post-office address of the manufactured housing 135606  
dealer or manufactured housing broker for whom the applicant 135607  
intends to act as salesperson; 135608

(3) A statement of the applicant's previous history, record, 135609  
and association, that is sufficient to establish to the 135610  
satisfaction of the ~~commission~~ division of real estate the 135611  
applicant's reputation in business; 135612

(4) A statement as to whether the applicant intends to engage 135613  
in any occupation or business other than that of a manufactured 135614  
housing salesperson; 135615

(5) A statement as to whether the applicant has ever had any 135616  
previous application for a manufactured housing salesperson 135617  
license refused or, prior to July 1, 2010, any application for a 135618  
motor vehicle salesperson license refused, and whether the 135619  
applicant has previously had a manufactured housing salesperson or 135620  
motor vehicle salesperson license revoked or suspended; 135621

(6) A statement as to whether the applicant was an employee 135622  
of or salesperson for a manufactured housing dealer or 135623  
manufactured housing broker whose license was suspended or 135624  
revoked; 135625

(7) A statement of the manufactured housing dealer or 135626  
manufactured housing broker named therein, designating the 135627  
applicant as the dealer's or broker's salesperson; 135628

(8) Any other information required by the ~~commission~~ division 135629  
of real estate. 135630

(C) Any application for a manufactured housing dealer or 135631  
manufactured housing broker delivered to the ~~commission~~ division 135632  
of real estate under this section also shall be accompanied by a 135633  
photograph, as prescribed by the ~~commission~~ division, of each 135634  
place of business operated, or to be operated, by the applicant. 135635

(D) The ~~manufactured homes commission~~ division of real estate 135636  
shall deposit all license fees into the state treasury to the 135637  
credit of the ~~occupational licensing and~~ manufactured homes 135638  
regulatory fund. 135639

**Sec. 4781.18.** (A) The ~~manufactured homes commission~~ division 135640  
of real estate shall deny the application of any person for a 135641  
license as a manufactured housing dealer or manufactured housing 135642  
broker and refuse to issue the license if the ~~commission~~ division 135643  
finds that any of the following is true of the applicant: 135644

(1) The applicant has made any false statement of a material 135645  
fact in the application. 135646

(2) The applicant has not complied with this chapter or the 135647  
rules adopted by the ~~commission~~ division of real estate under this 135648  
chapter. 135649

(3) The applicant is of bad business repute or has habitually 135650  
defaulted on financial obligations. 135651

(4) The applicant has been guilty of a fraudulent act in connection with selling or otherwise dealing in manufactured housing or in connection with brokering manufactured housing.

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(5) The applicant has entered into or is about to enter into a contract or agreement with a manufacturer or distributor of manufactured homes that is contrary to the requirements of this chapter.

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(6) The applicant is insolvent.

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(7) The applicant is of insufficient responsibility to ensure the prompt payment of any final judgments that might reasonably be entered against the applicant because of the transaction of business as a manufactured housing dealer or manufactured housing broker during the period of the license applied for, or has failed to satisfy any such judgment.

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(8) The applicant has no established place of business that, where applicable, is used or will be used for the purpose of selling, displaying, offering for sale or dealing in manufactured housing at the location for which application is made.

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(9) Within less than twelve months prior to making application, the applicant has been denied a manufactured housing dealer's license or manufactured housing broker's license, or has any such license revoked.

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(B) The ~~commission~~ division of real estate shall deny the application of any person for a license as a salesperson and refuse to issue the license if the ~~commission~~ division finds that any of the following is true of the applicant:

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(1) The applicant has made any false statement of a material fact in the application.

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(2) The applicant has not complied with this chapter or the rules adopted by the ~~commission~~ division of real estate under this

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chapter. 135682

(3) The applicant is of bad business repute or has habitually 135683  
defaulted on financial obligations. 135684

(4) The applicant has been guilty of a fraudulent act in 135685  
connection with selling or otherwise dealing in manufactured 135686  
housing. 135687

(5) The applicant has not been designated to act as 135688  
salesperson for a manufactured housing dealer or manufactured 135689  
housing broker licensed to do business in this state under this 135690  
chapter, or intends to act as salesperson for more than one 135691  
licensed manufactured housing dealer or manufactured housing 135692  
broker at the same time, unless the licensed dealership is owned 135693  
or operated by the same corporation, regardless of the county in 135694  
which the dealership's facility is located. 135695

(6) The applicant holds a current manufactured housing 135696  
dealer's or manufactured housing broker's license issued under 135697  
this chapter, and intends to act as salesperson for another 135698  
licensed manufactured housing dealer or manufactured housing 135699  
broker. 135700

(7) Within less than twelve months prior to making 135701  
application, the applicant has been denied a salesperson's license 135702  
or had a salesperson's license revoked. 135703

(8) The applicant was salesperson for, or in the employ of, a 135704  
manufactured housing dealer or manufactured housing broker at the 135705  
time the dealer's or broker's license was revoked. 135706

(C) If an applicant for a manufactured housing dealer or 135707  
manufactured housing broker's license is a corporation or 135708  
partnership, the ~~commission~~ division of real estate may refuse to 135709  
issue a license if any officer, director, or partner of the 135710  
applicant has been guilty of any act or omission that would be 135711  
cause for refusing or revoking a license issued to such officer, 135712

director, or partner as an individual. The ~~commission's~~ division's 135713  
finding may be based upon facts contained in the application or 135714  
upon any other information the ~~commission~~ division of real estate 135715  
may have. 135716

(D) Notwithstanding division (A)(4) of this section, the 135717  
~~commission~~ division of real estate shall not deny the application 135718  
of any person and refuse to issue a license if the ~~commission~~ 135719  
division finds that the applicant is engaged or will engage in the 135720  
business of selling at retail any new manufactured homes and 135721  
demonstrates that the applicant has posted a bond, surety, or 135722  
certificate of deposit with the ~~commission~~ division of real estate 135723  
in an amount not less than one hundred thousand dollars for the 135724  
protection and benefit of the applicant's customers. 135725

(E) A decision made by the ~~commission~~ division of real estate 135726  
under this section may be based upon any statement contained in 135727  
the application or upon any facts within the ~~commission's~~ 135728  
division's knowledge. 135729

(F) Immediately upon denying an application for any of the 135730  
reasons in this section, the ~~commission~~ division of real estate 135731  
shall enter a final order together with the ~~commission's~~ 135732  
division's findings. If the application is denied by the ~~executive~~ 135733  
~~director of the commission under authority of section 4781.05 of~~ 135734  
~~the Revised Code~~ division of real estate, the ~~executive director~~ 135735  
division of real estate shall enter a final order ~~together with~~ 135736  
~~the director's findings and certify the same to the commission.~~ 135737  
~~The commission and~~ shall issue to the applicant a written notice 135738  
of refusal to grant a license that shall disclose the reason for 135739  
refusal. 135740

**Sec. 4781.19.** (A) At the time the ~~manufactured homes~~ 135741  
~~commission~~ division of real estate grants the application of any 135742  
person for a license as a manufactured housing dealer, 135743

manufactured housing broker, or manufactured housing salesperson, 135744  
the ~~commission~~ division shall issue to the person a license that 135745  
includes the name and ~~post-office~~ business and mailing address of 135746  
the person licensed. If a manufactured housing dealer or 135747  
manufactured housing broker has more than one place of business in 135748  
a county, the dealer or broker shall make application, in such 135749  
form as the ~~commission~~ division prescribes, for a certified copy 135750  
of the license issued to the dealer or broker for each place of 135751  
business in the county. 135752

(B) The ~~commission~~ division of real estate may require each 135753  
applicant for a manufactured housing dealer's license, 135754  
manufactured housing broker's license, and manufactured housing 135755  
salesperson's license issued under this chapter to pay an 135756  
additional fee, which shall be used by the ~~commission~~ division to 135757  
pay the costs of obtaining a record of any arrests and convictions 135758  
of the applicant from the bureau of identification and 135759  
investigation. The amount of the fee shall be equal to that paid 135760  
by the ~~commission~~ division to obtain such record. 135761

(C) In the event of the loss, mutilation, or destruction of a 135762  
manufactured housing dealer's license, manufactured housing 135763  
broker's license, or manufactured housing salesperson's license, 135764  
any licensee may make application to the ~~commission~~ division of 135765  
real estate, in the form prescribed by the ~~commission~~ division, 135766  
for a duplicate copy thereof and pay a fee established by the 135767  
~~commission~~ division of real estate. 135768

(D) All manufactured housing dealers' licenses, all 135769  
manufactured housing brokers' licenses, and all manufactured 135770  
housing salespersons' licenses issued or renewed shall expire 135771  
biennially on a day within the two-year cycle that is prescribed 135772  
by the ~~manufactured homes commission~~ division of real estate, 135773  
unless sooner suspended or revoked. Before the first day after the 135774

day prescribed by the ~~commission~~ division in the year that the 135775  
license expires, each licensed manufactured housing dealer, 135776  
manufactured housing broker, and manufactured housing salesperson, 135777  
in the year in which the license will expire, shall file an 135778  
application, in such form as the ~~commission~~ division of real 135779  
estate prescribes, for the renewal of such license. The fee 135780  
required by this section for the original license shall accompany 135781  
the application. 135782

(E) Each manufactured housing dealer and manufactured housing 135783  
broker shall keep the license or a certified copy thereof and a 135784  
current list of the dealer's or the broker's licensed 135785  
salespersons, showing the names, addresses, and serial numbers of 135786  
their licenses, posted in a conspicuous place in each place of 135787  
business. Each salesperson shall carry the salesperson's license 135788  
or a certified copy thereof and shall exhibit such license or copy 135789  
upon demand to any inspector of the ~~commission~~ division of real 135790  
estate, state highway patrol trooper, police officer, or person 135791  
with whom the salesperson seeks to transact business as a 135792  
manufactured housing salesperson. 135793

**Sec. 4781.20.** The applications for licenses submitted under 135794  
section 4781.17 of the Revised Code are not part of the public 135795  
records but are confidential information for the use of the 135796  
~~manufactured homes commission~~ division of real estate. No person 135797  
shall divulge any information contained in such applications and 135798  
acquired by the person in the person's capacity as an official or 135799  
employee of the ~~manufactured homes commission~~ division of real 135800  
estate, except in a report to the ~~commission~~ division, or when 135801  
called upon to testify in any court or proceeding. 135802

**Sec. 4781.21.** (A) The ~~manufactured homes commission~~ division 135803  
of real estate may make rules governing ~~its~~ actions relative to 135804  
the suspension and revocation of manufactured housing dealers', 135805

manufactured housing brokers', and manufactured housing 135806  
salespersons' licenses, and may, upon its own motion, and shall, 135807  
upon the verified complaint in writing of any person, investigate 135808  
the conduct of any licensee under this chapter. The ~~commission~~ 135809  
division shall suspend, revoke, or refuse to renew any 135810  
manufactured housing dealer's, manufactured housing broker's, or 135811  
manufactured housing salesperson's license, if any ground existed 135812  
upon which the license might have been refused, or if a ground 135813  
exists that would be cause for refusal to issue a license. 135814

The ~~commission~~ division of real estate may suspend or revoke 135815  
any license if the licensee has in any manner violated the rules 135816  
adopted by the ~~commission~~ division under this chapter, or has been 135817  
convicted of committing a felony or violating any law that in any 135818  
way relates to the selling, taxing, licensing, or regulation of 135819  
sales of manufactured or mobile homes. 135820

(B) Any salesperson's license shall be suspended upon the 135821  
termination, suspension, or revocation of the license of the 135822  
manufactured housing dealer or manufactured housing broker for 135823  
whom the salesperson is acting, or upon the salesperson leaving 135824  
the service of the manufactured housing dealer or manufactured 135825  
housing broker. Upon the termination, suspension, or revocation of 135826  
the license of the manufactured housing dealer or manufactured 135827  
housing broker for whom the salesperson is acting, or upon the 135828  
salesperson leaving the service of a licensed manufactured housing 135829  
or manufactured housing broker, the licensed salesperson may make 135830  
application to the ~~commission~~ division of real estate, in such 135831  
form as the ~~commission~~ division prescribes, to have the 135832  
salesperson's license reinstated, transferred, and registered as a 135833  
salesperson for another dealer or broker. If the information 135834  
contained in the application is satisfactory to the ~~commission~~ 135835  
division of real estate, the ~~commission~~ division shall reinstate, 135836  
transfer, or register the salesperson's license as a salesperson 135837

for other dealer or broker. The ~~commission~~ division shall 135838  
establish the fee for the reinstatement and transfer of license. 135839  
No license issued to a dealer, broker, or salesperson under this 135840  
chapter may be transferred to any other person. 135841

(C) Any person whose manufactured housing dealer's license, 135842  
manufactured housing broker's license, or manufactured housing 135843  
salesperson's license is revoked, suspended, denied, or not 135844  
renewed may request an adjudication hearing on the matter within 135845  
thirty days after receipt of the notice of the action. If no 135846  
appeal is taken within thirty days after receipt of the order, the 135847  
order is final and conclusive. All appeals must be by petition in 135848  
writing and verified under oath by the applicant whose application 135849  
for license has been revoked, suspended, denied, or not renewed 135850  
and must set forth the reason for the appeal and the reason why, 135851  
in the petitioner's opinion, the order is not correct. ~~In such~~ 135852  
~~appeals the board may make investigation to determine the~~ 135853  
~~correctness and legality of the appealed order.~~ The hearing shall 135854  
be held in accordance with Chapter 119. of the Revised Code. 135855

**Sec. 4781.22.** No manufactured housing dealer licensed under 135856  
this chapter shall do any of the following: 135857

(A) Directly or indirectly, solicit the sale of a 135858  
manufactured home or mobile home through an interested person 135859  
other than a salesperson licensed in the employ of a licensed 135860  
dealer; 135861

(B) Pay any commission or compensation in any form to any 135862  
person in connection with the sale of a manufactured home or 135863  
mobile home unless the person is licensed as a salesperson in the 135864  
employ of the dealer; 135865

(C) Fail to immediately notify the ~~manufactured homes~~ 135866  
~~commission~~ division of real estate upon termination of the 135867  
employment of any person licensed as a salesperson to sell, 135868

display, offer for sale, or deal in manufactured homes or mobile 135869  
homes for the dealer. 135870

**Sec. 4781.23.** (A) Each licensed manufactured housing dealer 135871  
and manufactured housing broker shall notify the ~~manufactured~~ 135872  
~~homes commission~~ division of real estate of any change in status 135873  
as a manufactured housing dealer or manufactured housing broker 135874  
during the period for which the dealer or broker is licensed, if 135875  
the change of status concerns either of the following: 135876

(1) Personnel of owners, partners, officers, or directors; 135877

(2) Location of an office or principal place of business. 135878

(B) The notification required by division (A) of this section 135879  
shall be made by filing with the ~~commission~~ division of real 135880  
estate, within fifteen days after the change of status, a 135881  
supplemental statement in a form prescribed by the ~~commission~~ 135882  
division of real estate showing in what respect the status has 135883  
been changed. 135884

The ~~commission~~ division of real estate may adopt a rule 135885  
exempting from the notification requirement of division (A)(1) of 135886  
this section any dealer if stock in the dealer or its parent 135887  
company is publicly traded and if there are public records filed 135888  
with and in the possession of state or federal agencies that 135889  
provide the information required by division (A)(1) of this 135890  
section. 135891

**Sec. 4781.25.** The ~~manufactured homes commission~~ division of 135892  
real estate shall adopt rules for the regulation of manufactured 135893  
housing brokers in accordance with Chapter 119. of the Revised 135894  
Code. The rules shall require that a manufactured housing broker 135895  
maintain a bond of a surety company authorized to transact 135896  
business in this state in an amount determined by the ~~commission~~ 135897  
division of real estate. The rules also shall require each person 135898

licensed as a manufactured housing broker to maintain at all times 135899  
a special or trust bank account that is noninterest-bearing, is 135900  
separate and distinct from any personal or other account of the 135901  
broker, and into which shall be deposited and maintained all 135902  
escrow funds, security deposits, and other moneys received by the 135903  
broker in a fiduciary capacity. In a form determined by the 135904  
~~commission~~ division, a manufactured housing broker shall submit 135905  
written proof to the ~~commission~~ division of the continued 135906  
maintenance of the special or trust account. A depository where 135907  
special or trust accounts are maintained in accordance with this 135908  
section shall be located in this state. 135909

**Sec. 4781.26.** (A) The ~~manufactured homes commission~~ division 135910  
of industrial compliance, subject to Chapter 119. of the Revised 135911  
Code, shall adopt, and has the exclusive power to adopt, rules of 135912  
uniform application throughout the state governing the review of 135913  
plans, issuance of flood plain management permits, and issuance of 135914  
licenses for manufactured home parks; the location, layout, 135915  
density, construction, drainage, sanitation, safety, and operation 135916  
of those parks; and notices of flood events concerning, and flood 135917  
protection at, those parks. The rules pertaining to flood plain 135918  
management shall be consistent with and not less stringent than 135919  
the flood plain management criteria of the national flood 135920  
insurance program adopted under the "National Flood Insurance Act 135921  
of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended. The rules 135922  
shall not apply to the construction, erection, or manufacture of 135923  
any building to which section 3781.06 of the Revised Code is 135924  
applicable. 135925

(B) The rules pertaining to manufactured home parks 135926  
constructed after June 30, 1971, shall specify that each home must 135927  
be placed on its lot to provide not less than fifteen feet between 135928  
the side of one home and the side of another home, ten feet 135929

between the end of one home and the side of another home, and five 135930  
feet between the ends of two homes placed end to end. 135931

(C) The ~~manufactured homes commission~~ division of industrial 135932  
compliance shall determine compliance with the installation, 135933  
blocking, tiedown, foundation, and base support system standards 135934  
for manufactured housing located in manufactured home parks 135935  
adopted by the ~~commission~~ division pursuant to section 4781.04 of 135936  
the Revised Code. All inspections of the installation, blocking, 135937  
tiedown, foundation, and base support systems of manufactured 135938  
housing in a manufactured home park that the ~~commission~~ division 135939  
of industrial compliance conducts shall be conducted by a person 135940  
the ~~manufactured homes commission~~ division of industrial 135941  
compliance certifies pursuant to section 4781.07 of the Revised 135942  
Code. 135943

(D) The ~~manufactured homes commission~~ division of industrial 135944  
compliance may enter into contracts for the purpose of fulfilling 135945  
the ~~commission's~~ division of industrial compliance's annual 135946  
inspection responsibilities for manufactured home parks under this 135947  
chapter. Boards of health of city or general health districts 135948  
shall have the right of first refusal for those contracts. 135949

**Sec. 4781.27.** (A)(1) On or after the first day of December, 135950  
but before the first day of January of the next year, every person 135951  
who intends to operate a manufactured home park shall procure a 135952  
license to operate the park for the next year from the 135953  
~~manufactured homes commission~~ division of industrial compliance. 135954  
If the applicable license fee prescribed under section 4781.28 of 135955  
the Revised Code is not received by the ~~commission~~ division by the 135956  
close of business on the last day of December, the applicant for 135957  
the license shall pay a penalty equal to twenty-five per cent of 135958  
the applicable license fee. The penalty shall accompany the 135959  
license fee. If the last day of December is not a business day, 135960

the penalty attaches upon the close of business on the next 135961  
business day. 135962

(2) No manufactured home park shall be maintained or operated 135963  
in this state without a license. 135964

(3) No person who has received a license, upon the sale or 135965  
disposition of the manufactured home park, may have the license 135966  
transferred to the new operator. A person shall obtain a separate 135967  
license to operate each manufactured home park. 135968

(B) Before a license is initially issued and annually 135969  
thereafter, or more often if necessary, the ~~commission~~ division of 135970  
industrial compliance shall cause each manufactured home park to 135971  
be inspected for compliance with sections 4781.26 to 4781.35 of 135972  
the Revised Code and the rules adopted under those sections. A 135973  
record shall be made of each inspection on a form prescribed by 135974  
the ~~commission~~ division. 135975

(C) Each person applying for an initial license to operate a 135976  
manufactured home park shall provide acceptable proof to the 135977  
~~commission~~ division of industrial compliance that adequate fire 135978  
protection will be provided and that applicable fire codes will be 135979  
adhered to in the construction and operation of the park. 135980

**Sec. 4781.28.** The ~~manufactured homes commission~~ division of 135981  
industrial compliance may charge a fee for an annual license to 135982  
operate a manufactured home park. The fee for a license shall be 135983  
determined in accordance with section 4781.27 of the Revised Code 135984  
and shall include the cost of licensing and all inspections. 135985

Any fees collected shall be transmitted to the treasurer of 135986  
state and shall be credited to the ~~manufactured homes commission~~ 135987  
~~regulatory~~ industrial compliance operating fund created in section 135988  
4781.54 121.084 of the Revised Code and used only for the purpose 135989  
of administering and enforcing sections 4781.26 to 4781.35 of the 135990

Revised Code and the rules adopted thereunder. 135991

**Sec. 4781.29.** The ~~manufactured homes commission~~ division of industrial compliance may refuse to grant, may suspend, or may  
revoke any license granted to any person for failure to comply  
with sections 4781.26 to 4781.35 of the Revised Code or with any  
rule adopted under section 4781.26 of the Revised Code. 135992  
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**Sec. 4781.31.** (A) No person shall cause development to occur 135997  
within any portion of a manufactured home park until the plans for 135998  
the development have been submitted to and reviewed and approved 135999  
by the ~~manufactured homes commission~~ division of industrial 136000  
compliance. This division does not require that plans be submitted 136001  
to the ~~commission~~ division of industrial compliance for approval 136002  
for the replacement of manufactured or mobile homes on previously 136003  
approved lots in a manufactured home park when no development is 136004  
to occur in connection with the replacement. Within thirty days 136005  
after receipt of the plans, all supporting documents and materials 136006  
required to complete the review, and the applicable plan review 136007  
fee established under division (D) of this section, the ~~commission~~ 136008  
division of industrial compliance shall approve or disapprove the 136009  
plans. 136010

(B) Any person aggrieved by the ~~commission's~~ division's 136011  
disapproval of a set of plans under division (A) of this section 136012  
may request a hearing on the matter within thirty days after 136013  
receipt of the ~~commission's~~ division's notice of the disapproval. 136014  
The hearing shall be held in accordance with Chapter 119. of the 136015  
Revised Code. Thereafter, the disapproval may be appealed in the 136016  
manner provided in section 119.12 of the Revised Code. 136017

(C) The ~~commission~~ division of industrial compliance shall 136018  
establish a system by which development occurring within a 136019  
manufactured home park is inspected or verified in accordance with 136020

rules adopted under section 4781.26 of the Revised Code to ensure 136021  
that the development complies with the plans approved under 136022  
division (A) of this section. 136023

(D) The ~~commission~~ division of industrial compliance shall 136024  
establish fees for reviewing plans under division (A) of this 136025  
section and conducting inspections under division (C) of this 136026  
section. 136027

(E) The ~~commission~~ division of industrial compliance shall 136028  
charge the appropriate fees established under division (D) of this 136029  
section for reviewing plans under division (A) of this section and 136030  
conducting inspections under division (C) of this section. All 136031  
such plan review and inspection fees received by the ~~commission~~ 136032  
division shall be transmitted to the treasurer of state and shall 136033  
be credited to the ~~occupational licensing and regulatory~~ 136034  
industrial compliance operating fund created in section ~~4743.05~~ 136035  
121.084 of the Revised Code. Moneys so credited to the fund shall 136036  
be used only for the purpose of administering and enforcing 136037  
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 136038  
under those sections. 136039

(F) Plan approvals issued under this section do not 136040  
constitute an exemption from the land use and building 136041  
requirements of the political subdivision in which the 136042  
manufactured home park is or is to be located. 136043

**Sec. 4781.32.** (A) No person shall cause development to occur 136044  
or cause the replacement of a mobile or manufactured home within 136045  
any portion of a manufactured home park that is located within a 136046  
one-hundred-year flood plain unless the person first obtains a 136047  
permit from the ~~manufactured homes commission~~ division of 136048  
industrial compliance. If the development for which a permit is 136049  
required under this division is to occur on a lot where a mobile 136050  
or manufactured home is or is to be located, the owner of the home 136051

and the operator of the manufactured home park shall jointly 136052  
obtain the permit. Each of the persons to whom a permit is jointly 136053  
issued is responsible for compliance with the provisions of the 136054  
approved permit that are applicable to that person. 136055

The ~~commission~~ division of industrial compliance shall 136056  
disapprove an application for a permit required under this 136057  
division unless the ~~commission~~ division finds that the proposed 136058  
development or replacement of a mobile or manufactured home 136059  
complies with the rules adopted under section 4781.26 of the 136060  
Revised Code. No permit is required under this division for the 136061  
construction, erection, or manufacture of any building to which 136062  
section 3781.06 of the Revised Code applies. 136063

The ~~commission~~ division of industrial compliance may suspend 136064  
or revoke a permit issued under this division for failure to 136065  
comply with the rules adopted under section 4781.26 of the Revised 136066  
Code pertaining to flood plain management or for failure to comply 136067  
with the approved permit. 136068

Any person aggrieved by the disapproval, suspension, or 136069  
revocation of a permit under this division by the ~~commission~~ 136070  
division of industrial compliance may request a hearing on the 136071  
matter within thirty days after receipt of the notice of the 136072  
disapproval, suspension, or revocation. The hearing shall be held 136073  
in accordance with Chapter 119. of the Revised Code. Thereafter, 136074  
an appeal of the disapproval, suspension, or revocation may be 136075  
taken in the manner provided in section 119.12 of the Revised 136076  
Code. 136077

(B) The ~~commission~~ division of industrial compliance shall 136078  
establish fees for the issuance of permits under division (A) of 136079  
this section and for necessary inspections conducted to determine 136080  
compliance with those permits. 136081

(C) The ~~commission~~ division of industrial compliance shall 136082

charge the appropriate fee established under division (B) of this 136083  
section for the issuance of a permit under division (A) of this 136084  
section or for conducting any necessary inspection to determine 136085  
compliance with the permit. If the ~~commission~~ division issues such 136086  
a permit or conducts such an inspection, the fee for the permit or 136087  
inspection shall be transmitted to the treasurer of state and 136088  
shall be credited to the ~~occupational licensing and regulatory~~ 136089  
industrial compliance operating fund created in section ~~4743.05~~ 136090  
121.084 of the Revised Code. Moneys so credited to the fund shall 136091  
be used only for the purpose of administering and enforcing 136092  
sections 4781.26 to 4781.35 of the Revised Code and rules adopted 136093  
under those sections. 136094

**Sec. 4781.33.** When a flood event affects a manufactured home 136095  
park, the operator of the manufactured home park, in accordance 136096  
with rules adopted under section 4781.26 of the Revised Code, 136097  
shall notify the ~~manufactured homes commission~~ division of 136098  
industrial compliance and the board of health having jurisdiction 136099  
where the flood event occurred within forty-eight hours after the 136100  
end of the flood event. The ~~commission~~ division, after receiving 136101  
notification, shall immediately notify the board of health. 136102

After being notified of such a flood event, the board of 136103  
health shall cause an inspection to be made of the manufactured 136104  
home park named in the notice. The board of health shall issue a 136105  
report of the inspection to the ~~commission~~ division of industrial 136106  
compliance within ten days after the inspection is completed. 136107

**Sec. 4781.34.** (A) If a mobile or manufactured home that is 136108  
located in a flood plain is substantially damaged, the owner of 136109  
the home shall make all alterations, repairs, or changes to the 136110  
home, and the operator of the manufactured home park shall make 136111  
all alterations, repairs, or changes to the lot on which the home 136112  
is located, that are necessary to ensure compliance with the flood 136113

plain management rules adopted under section 4781.26 of the Revised Code. Such alterations, repairs, or changes may include, without limitation, removal of the home or other structures.

No person shall fail to comply with this division.

(B) No person shall cause to be performed any alteration, repair, or change required by division (A) of this section unless the person first obtains a permit from the ~~manufactured homes~~ commission division of industrial compliance.

The ~~commission~~ division of industrial compliance shall disapprove an application for a permit required under this division unless the ~~commission~~ division finds that the proposed alteration, repair, or change complies with the rules adopted under section 4781.26 of the Revised Code. No permit is required under this division for the construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code applies.

The ~~commission~~ division of industrial compliance may suspend or revoke a permit issued under this division for failure to comply with the rules adopted under section 4781.26 of the Revised Code pertaining to flood plain management or for failure to comply with the approved permit for making alterations, repairs, or changes to the lot on which the manufactured home is located.

Any person aggrieved by the disapproval, suspension, or revocation of a permit under this division by the ~~commission~~ division of industrial compliance may request a hearing on the matter within thirty days after receipt of the notice of the disapproval, suspension, or revocation. The hearing shall be held in accordance with Chapter 119. of the Revised Code. Thereafter, an appeal of the disapproval, suspension, or revocation may be taken in the manner provided in section 119.12 of the Revised Code and for necessary inspections conducted to determine compliance

with those permits. 136145

(C) The ~~commission~~ division of industrial compliance shall 136146  
establish fees for the issuance of permits under division (B) of 136147  
this section and for necessary inspections conducted to determine 136148  
compliance with those permits for making alterations, repairs, or 136149  
changes to the lot on which the manufactured home is located. 136150

(D) The ~~commission~~ division of industrial compliance shall 136151  
charge the appropriate fee established under division (C) of this 136152  
section for the issuance of a permit under division (B) of this 136153  
section or for conducting any necessary inspection to determine 136154  
compliance with the permit. If the ~~commission~~ division of 136155  
industrial compliance issues such a permit or conducts such an 136156  
inspection, the fee for the permit or inspection shall be 136157  
transmitted to the treasurer of state and shall be credited to the 136158  
~~occupational licensing and regulatory~~ industrial compliance 136159  
operating fund created in section ~~4743.05~~ 121.084 of the Revised 136160  
Code. Moneys so credited to the fund shall be used only for the 136161  
purpose of administering and enforcing sections 4781.26 to 4781.35 136162  
of the Revised Code and rules adopted under those sections. 136163

**Sec. 4781.35.** (A) No person shall violate sections 4781.26 to 136164  
4781.35 of the Revised Code or the rules adopted thereunder. 136165

(B) The prosecuting attorney of the county, the city director 136166  
of law, or the attorney general, upon complaint of the 136167  
~~manufactured homes commission~~ division of industrial compliance, 136168  
shall prosecute to termination or bring an action for injunction 136169  
against any person violating sections 4781.26 to 4781.35 of the 136170  
Revised Code or the rules adopted thereunder. 136171

**Sec. 4781.37.** (A) Notwithstanding section 4781.36 of the 136172  
Revised Code, a park operator may bring an action under Chapter 136173  
1923. of the Revised Code for possession of the premises if any of 136174

the following applies: 136175

(1) The resident is in default in the payment of rent. 136176

(2) The violation of the applicable building, housing, health, or safety code that the resident complained of was primarily caused by any act or lack of reasonable care by the resident, by any other person in the resident's household, or by anyone on the premises with the consent of the resident. 136177  
136178  
136179  
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(3) The resident is holding over the resident's term. 136182

(4) The resident is in violation of rules of the ~~manufactured homes commission~~ division of industrial compliance adopted pursuant to section 4781.26 of the Revised Code or rules of the manufactured home park adopted pursuant to the rules of the ~~commission~~ division. 136183  
136184  
136185  
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(5) The resident has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of the action, and the resident's manufactured home, mobile home, or recreational vehicle parked in the manufactured home park has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement. 136188  
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(B) The maintenance of an action by the park operator under this section does not prevent the resident from recovering damages for any violation by the park operator of the rental agreement or of section 4781.38 of the Revised Code. 136195  
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**Sec. 4781.38.** (A) A park operator who is a party to a rental agreement shall: 136199  
136200

(1) Comply with the requirements of all applicable building, housing, health, and safety codes which materially affect health and safety, and comply with rules of the ~~manufactured homes commission~~ division of industrial compliance; 136201  
136202  
136203  
136204

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (2) Make all repairs and do whatever is reasonably necessary       | 136205 |
| to put and keep the premises in a fit and habitable condition;     | 136206 |
| (3) Keep all common areas of the premises in a safe and            | 136207 |
| sanitary condition;                                                | 136208 |
| (4) Maintain in good and safe working order and condition all      | 136209 |
| electrical and plumbing fixtures and appliances, and septic        | 136210 |
| systems, sanitary and storm sewers, refuse receptacles, and well   | 136211 |
| and water systems that are supplied or required to be supplied by  | 136212 |
| the park operator;                                                 | 136213 |
| (5) Not abuse the right of access conferred by division (B)        | 136214 |
| of section 4781.39 of the Revised Code;                            | 136215 |
| (6) Except in the case of emergency or if it is impracticable      | 136216 |
| to do so, give the resident reasonable notice of the park          | 136217 |
| operator's intent to enter onto the residential premises and enter | 136218 |
| only at reasonable times. Twenty-four hours' notice shall be       | 136219 |
| presumed to be a reasonable notice in the absence of evidence to   | 136220 |
| the contrary.                                                      | 136221 |
| (B) If the park operator violates any provision of this            | 136222 |
| section, makes a lawful entry onto the residential premises in an  | 136223 |
| unreasonable manner, or makes repeated demands for entry otherwise | 136224 |
| lawful which demands have the effect of harassing the resident,    | 136225 |
| the resident may recover actual damages resulting from the         | 136226 |
| violation, entry, or demands and injunctive relief to prevent the  | 136227 |
| recurrence of the conduct, and if the resident obtains a judgment, | 136228 |
| reasonable attorneys' fees, or terminate the rental agreement.     | 136229 |
| <b>Sec. 4781.39.</b> (A) A resident who is a party to a rental     | 136230 |
| agreement shall:                                                   | 136231 |
| (1) Keep that part of the premises that the resident occupies      | 136232 |
| and uses safe and sanitary;                                        | 136233 |
| (2) Dispose of all rubbish, garbage, and other waste in a          | 136234 |

clean, safe, and sanitary manner; 136235

(3) Comply with the requirements imposed on residents by all 136236  
applicable state and local housing, health, and safety codes, 136237  
rules of the ~~manufactured homes commission~~ division of industrial 136238  
compliance, and rules of the manufactured home park; 136239

(4) Personally refrain, and forbid any other person who is on 136240  
the premises with the resident's permission, from intentionally or 136241  
negligently destroying, defacing, damaging, or removing any 136242  
fixture, appliance, or other part of the residential premises; 136243

(5) Conduct self and require other persons on the premises 136244  
with the resident's consent to conduct themselves in a manner that 136245  
will not disturb the resident's neighbors' peaceful enjoyment of 136246  
the manufactured home park. 136247

(B) The resident shall not unreasonably withhold consent for 136248  
the park operator to enter the home to inspect utility 136249  
connections, or enter onto the premises in order to inspect the 136250  
premises, make ordinary, necessary, or agreed repairs, 136251  
decorations, alterations, or improvements, deliver parcels which 136252  
are too large for the resident's mail facilities, or supply 136253  
necessary or agreed services. 136254

(C) If the resident violates any provision of this section, 136255  
the park operator may recover any actual damages which result from 136256  
the violation and reasonable attorneys' fees. This remedy is in 136257  
addition to any right of the park operator to terminate the rental 136258  
agreement, to maintain an action for the possession of the 136259  
premises, or injunctive relief to compel access under division (B) 136260  
of this section. 136261

**Sec. 4781.45.** If a resident commits a material violation of 136262  
the rules of the manufactured home park, of the ~~manufactured homes~~ 136263  
~~commission~~ department of commerce division of industrial 136264

compliance, or of applicable state and local health and safety codes, the park operator may deliver a written notification of the violation to the resident. The notification shall contain all of the following:

(A) A description of the violation;

(B) A statement that the rental agreement will terminate upon a date specified in the written notice not less than thirty days after receipt of the notice unless the resident remedies the violation;

(C) A statement that the violation was material and that if a second material violation of any park or ~~commission~~ division rule, or any health and safety code, occurs within six months after the date of this notice, the rental agreement will terminate immediately;

(D) A statement that a defense available to termination of the rental agreement for two material violations of park or ~~commission~~ division rules, or of health and safety codes, is that the park rule is unreasonable, or that the park or ~~commission~~ division rule, or health or safety code, is not being enforced against other manufactured home park residents, or that the two violations were not willful and not committed in bad faith.

If the resident remedies the condition described in the notice, whether by repair, the payment of damages, or otherwise, the rental agreement shall not terminate. The park operator may terminate the rental agreement immediately if the resident commits a second material violation of the park or ~~commission~~ division rules, or of applicable state and local health and safety codes, subject to the defense that the park rule is unreasonable, that the park or ~~commission~~ division rule, or health or safety code, is not being enforced against other manufactured home park residents, or that the two violations were not willful and not committed in

bad faith. 136296

Sec. 4781.54. (A) The division of real estate shall deposit 136297  
all the fees collected in the administration and enforcement 136298  
sections 4781.16 to 4781.25 of the Revised Code into the 136299  
manufactured homes regulatory fund, which is hereby created. All 136300  
money deposited into the fund shall be used to pay the operating 136301  
expenses of the division or as otherwise described in those 136302  
sections. 136303

(B) The division of industrial compliance shall deposit all 136304  
fees collected in the administration and enforcement sections of 136305  
4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised 136306  
Code into the industrial compliance operating fund created in 136307  
section 121.084 of the Revised Code. All money deposited into the 136308  
fund shall be used to pay the operating expenses of the division 136309  
or as otherwise described in those sections. 136310

**Section 137.11.** That existing sections 1923.02, 3781.06, 136311  
4505.181, 4781.04, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 136312  
4781.11, 4781.12, 4781.121, 4781.14, 4781.17, 4781.18, 4781.19, 136313  
4781.20, 4781.21, 4781.22, 4781.23, 4781.25, 4781.26, 4781.27, 136314  
4781.28, 4781.29, 4781.31, 4781.32, 4781.33, 4781.34, 4781.35, 136315  
4781.37, 4781.38, 4781.39, and 4781.45 and sections 4781.02, 136316  
4781.03, 4781.05, 4781.13, 4781.54, and 4781.55 of the Revised 136317  
Code are hereby repealed. 136318

**Section 137.12.** Sections 137.10 and 137.11 of this act take 136319  
effect January 21, 2018. 136320

**Section 137.14.** (A) On January 21, 2018, the Manufactured 136321  
Homes Commission is abolished. The Department of Commerce is 136322  
successor to, assumes the obligations, and assumes the authority 136323  
of the Manufactured Homes Commission. Any business commenced but 136324

not completed by the Manufactured Homes Commission on that date 136325  
shall be completed by the Department of Commerce. Any validation, 136326  
right, cure, privilege, remedy, obligation, or liability is not 136327  
lost or impaired solely by this abolishment and shall be 136328  
administered by the Department of Commerce. Any action or 136329  
proceeding pending on the effective date of this section is not 136330  
affected by the abolishment of the Commission and shall be 136331  
prosecuted or defended in the name of the Department. In all such 136332  
actions and proceedings, the Department may be substituted as a 136333  
party upon application to the court or other tribunal. 136334

(B) The Department of Commerce shall designate the positions 136335  
and employees of the Manufactured Homes Commission, if any, to be 136336  
transferred to the Department, along with any equipment assigned 136337  
to those positions and employees. Any employee transferred to the 136338  
Department retains the employee's respective classification, 136339  
however the Department may reassign and reclassify the employee's 136340  
position and compensation as the Department determines to be in 136341  
the best interest of administration. 136342

(C) Notwithstanding section 145.297 of the Revised Code, the 136343  
Department of Commerce may, at the Department's discretion and 136344  
with approval from the Office of Budget and Management, establish 136345  
a retirement incentive plan for eligible employees of the 136346  
Manufactured Homes Commission who are members of the Public 136347  
Employees Retirement System. Any retirement incentive plan 136348  
established pursuant to this section shall remain in effect until 136349  
January 20, 2018. 136350

(D) On January 21, 2018, all equipment, assets, supplies, 136351  
records, and other property of the Manufactured Homes Commission 136352  
are transferred to the Department of Commerce. 136353

(E) All rules, orders, and determinations made or undertaken 136354  
by the Manufactured Homes Commission shall continue in effect as 136355

the rules, orders, and determinations of the Department of 136356  
Commerce until modified, rescinded, or replaced. If necessary to 136357  
ensure the integrity of the Administrative Code, the Director of 136358  
the Legislative Service Commission shall renumber the rules 136359  
relating to the Manufactured Homes Commission to reflect its 136360  
abolishment pursuant to this section and the transfer of duties to 136361  
the Department of Commerce pursuant to this act. Within one 136362  
hundred eighty days after the effective date of this section, the 136363  
Department of Commerce shall submit proposed rules to the Joint 136364  
Committee on Agency Rule Review addressing fees and fines 136365  
previously assessed by the Manufactured Homes Commission pursuant 136366  
to Chapter 4781. of the Revised Code and, where reasonably 136367  
possible, shall reduce the amount and frequency of collection and 136368  
assessment. 136369

**Section 137.15. MANUFACTURED HOMES COMMISSION TRANSFER TO** 136370  
**DEPARTMENT OF COMMERCE** 136371

On January 21, 2018, or as soon as possible thereafter, in 136372  
accordance with Section 137.14 of this act, the Director of Budget 136373  
and Management shall transfer the cash balance in the Manufactured 136374  
Homes Commission Regulatory Fund (Fund 5MC0) used by the 136375  
Manufactured Homes Commission to the Industrial Compliance 136376  
Operating Fund (Fund 5560) used by the Department of Commerce. 136377  
Upon completion of the transfer, Fund 5MC0 is hereby abolished. 136378  
The Director of Budget and Management shall cancel any existing 136379  
encumbrances against appropriation item 996610, Manufactured Homes 136380  
Regulation, and reestablish them against appropriation item 136381  
800615, Industrial Compliance. The reestablished amounts are 136382  
hereby appropriated. Any business commenced but not completed 136383  
under appropriation item 996610, Manufactured Homes Regulation, 136384  
shall be completed under appropriation item 800615, Industrial 136385  
Compliance. 136386

On or before March 21, 2018, the Director of the Department 136387  
of Commerce shall certify to the Director of Budget and Management 136388  
an amount of cash in the Occupational Licensing Regulatory Fund 136389  
(Fund 4K90) representing the amount of remaining receipts 136390  
deposited into the fund by reducing the revenue deposited to the 136391  
fund by the Manufactured Homes Commission from the expenditures 136392  
charged to the fund by the Manufactured Homes Commission. The 136393  
Director of Budget and Management may transfer up to the amount 136394  
certified to the Manufactured Homes Regulatory Fund (Fund 5SU0). 136395  
The Director of Budget and Management shall cancel any existing 136396  
encumbrances against appropriation item 996609, Manufactured Homes 136397  
Operating Expenses, and reestablish them against appropriation 136398  
item 800649, Manufactured Homes Regulation. The reestablished 136399  
amounts are hereby appropriated. Any business commenced but not 136400  
completed under appropriation item 996609, Manufactured Homes 136401  
Operating Expenses, shall be completed under appropriation item 136402  
800649, Manufactured Homes Regulation. Upon written request of the 136403  
Director of Commerce, the Director of Budget and Management may 136404  
transfer up to \$200,000 in cash from the Industrial Compliance 136405  
Operating Fund (Fund 5560) to the Manufactured Homes Regulatory 136406  
Fund (Fund 5SU0) in fiscal year 2018 to support the additional 136407  
regulatory and licensing functions required under Chapter 4781. of 136408  
the Revised Code. 136409

Notwithstanding any provision of law to the contrary, on and 136410  
after January 21, 2018, the Director of Budget and Management may 136411  
make budget changes necessary by Section 137.14 of this act, if 136412  
any, including administrative reorganization or program transfers. 136413  
If it is determined by the Director of Commerce that additional 136414  
appropriation is necessary in appropriation item 800615, 136415  
Industrial Compliance, or appropriation item 800649, Manufactured 136416  
Homes Regulation, to carry out the regulatory and licensing 136417  
functions required by the amendments to Chapter 4781. of the 136418  
Revised Code as enacted herein, the Director of Commerce shall 136419

certify the amount of additional appropriation needed to the 136420  
Director of Budget and Management. Upon the approval of the 136421  
Director of Budget and Management, amounts up to those certified 136422  
by the Director of Commerce are hereby appropriated. 136423

**Section 201.10.** Except as otherwise provided in this act, all 136424  
appropriation items in this act are appropriated out of any moneys 136425  
in the state treasury to the credit of the designated fund that 136426  
are not otherwise appropriated. For all appropriations made in 136427  
this act, the amounts in the first column are for fiscal year 2018 136428  
and the amounts in the second column are for fiscal year 2019. 136429  
136430

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 136431

Dedicated Purpose Fund Group 136432

|                                  |                    |    |           |    |           |        |
|----------------------------------|--------------------|----|-----------|----|-----------|--------|
| 4J80 889601                      | CPA Education      | \$ | 325,000   | \$ | 325,000   | 136433 |
|                                  | Assistance         |    |           |    |           |        |
| 4K90 889609                      | Operating Expenses | \$ | 1,141,957 | \$ | 1,236,965 | 136434 |
| TOTAL DPF Dedicated Purpose Fund |                    |    |           |    |           | 136435 |
| Group                            |                    | \$ | 1,466,957 | \$ | 1,561,965 | 136436 |
| TOTAL ALL BUDGET FUND GROUPS     |                    | \$ | 1,466,957 | \$ | 1,561,965 | 136437 |

**Section 205.10.** ADJ ADJUTANT GENERAL 136439

General Revenue Fund 136440

|                                |                       |    |           |    |           |        |
|--------------------------------|-----------------------|----|-----------|----|-----------|--------|
| GRF 745401                     | Ohio Military Reserve | \$ | 11,939    | \$ | 11,939    | 136441 |
| GRF 745404                     | Air National Guard    | \$ | 1,784,474 | \$ | 1,784,474 | 136442 |
| GRF 745407                     | National Guard        | \$ | 388,000   | \$ | 388,000   | 136443 |
|                                | Benefits              |    |           |    |           |        |
| GRF 745409                     | Central               | \$ | 2,726,234 | \$ | 2,726,234 | 136444 |
|                                | Administration        |    |           |    |           |        |
| GRF 745499                     | Army National Guard   | \$ | 3,631,421 | \$ | 3,631,421 | 136445 |
| TOTAL GRF General Revenue Fund |                       | \$ | 8,542,068 | \$ | 8,542,068 | 136446 |

|                                        |        |                                               |                  |                                    |
|----------------------------------------|--------|-----------------------------------------------|------------------|------------------------------------|
| Dedicated Purpose Fund Group           |        |                                               |                  | 136447                             |
| 5340                                   | 745612 | Property Operations Management                | \$ 900,000 \$    | 900,000 136448                     |
| 5360                                   | 745605 | Marksmanship Activities                       | \$ 128,600 \$    | 128,600 136449                     |
| 5360                                   | 745620 | Camp Perry and Buckeye Inn Operations         | \$ 871,400 \$    | 871,400 136450                     |
| 5370                                   | 745604 | Ohio National Guard Facilities Maintenance    | \$ 190,000 \$    | 190,000 136451                     |
| 5LY0                                   | 745626 | Military Medal of Distinction                 | \$ 5,000 \$      | 5,000 136452                       |
| 5U80                                   | 745613 | Community Match Armories                      | \$ 350,000 \$    | 350,000 136453                     |
| TOTAL DPF Dedicated Purpose Fund Group |        |                                               |                  | \$ 2,445,000 \$ 2,445,000 136454   |
| Federal Fund Group                     |        |                                               |                  | 136455                             |
| 3420                                   | 745616 | Army National Guard Service Agreement         | \$ 26,202,215 \$ | 26,202,215 136456                  |
| 3E80                                   | 745628 | Air National Guard Operations and Maintenance | \$ 16,107,196 \$ | 16,107,196 136457                  |
| 3R80                                   | 745603 | Counter Drug Operations                       | \$ 15,000 \$     | 15,000 136458                      |
| TOTAL FED Federal Fund Group           |        |                                               |                  | \$ 42,324,411 \$ 42,324,411 136459 |
| TOTAL ALL BUDGET FUND GROUPS           |        |                                               |                  | \$ 53,311,479 \$ 53,311,479 136460 |

**Section 205.20. NATIONAL GUARD BENEFITS** 136462

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the

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136464  
136465

associated programs. 136466

If necessary, in order to pay benefits in a timely manner 136467  
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 136468  
Adjutant General may request the Director of Budget and Management 136469  
transfer appropriation from any appropriation item used by the 136470  
Adjutant General to appropriation item 745407, National Guard 136471  
Benefits. Such amounts are hereby appropriated. The Adjutant 136472  
General may subsequently seek Controlling Board approval to 136473  
restore the appropriation in the appropriation item from which 136474  
such a transfer was made. 136475

For active duty members of the Ohio National Guard who died 136476  
after October 7, 2001, while performing active duty, the death 136477  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 136478  
paid to the beneficiary or beneficiaries designated on the 136479  
member's Servicemembers' Group Life Insurance Policy. 136480

STATE ACTIVE DUTY COSTS 136481

Of the foregoing appropriation item 745409, Central 136482  
Administration, \$50,000 in each fiscal year shall be used for the 136483  
purpose of paying expenses related to state active duty of members 136484  
of the Ohio organized militia, in accordance with a proclamation 136485  
of the Governor. Expenses include, but are not limited to, the 136486  
cost of equipment, supplies, and services, as determined by the 136487  
Adjutant General's Department. On June 1 of each fiscal year, if 136488  
it is determined by the Adjutant General that any portion of this 136489  
\$50,000 in that fiscal year will not be used for state active duty 136490  
expenses, those amounts may be encumbered by the Adjutant General 136491  
for maintenance expenses. If before the end of that fiscal year, 136492  
state active duty expenses occur, these encumbrances should be 136493  
canceled by the Adjutant General to pay for expenses related to 136494  
state active duty. 136495

CASH TRANSFER FROM THE OHIO FEDERAL MILITARY JOBS COMMISSION 136496

FUND TO THE GENERAL REVENUE FUND 136497

On July 1, 2017, or as soon as possible thereafter, the 136498  
Director of Budget and Management shall transfer \$350,000 cash 136499  
from the Ohio Federal Military Jobs Commission Fund (Fund 5SD0) 136500  
used by the Adjutant General's Department to the General Revenue 136501  
Fund. 136502

CYBER RANGE 136503

The Adjutant General's Department, in conjunction and 136504  
collaboration with the Department of Administrative Services, the 136505  
Department of Public Safety, the Department of Higher Education, 136506  
and the Department of Education shall establish and maintain a 136507  
cyber range. The Adjutant General's Department may work with 136508  
federal agencies to assist in accomplishing this objective. The 136509  
cyber range shall: (1) provide cyber training and education to 136510  
K-12 students, higher education students, Ohio National Guardsmen, 136511  
federal employees, and state and local government employees, and 136512  
(2) provide for emergency preparedness exercises and training. The 136513  
state agencies identified in this paragraph may procure any 136514  
necessary goods and services including, but not limited to, 136515  
contracted services, hardware, networking services, maintenance 136516  
costs, and the training and management costs of a cyber range. 136517  
These state agencies shall determine the amount of funds each 136518  
agency will contribute from available funds and appropriations 136519  
enacted herein in order to establish and maintain a cyber range. 136520

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 136521

General Revenue Fund 136522

GRF 100413 Enterprise Data Center \$ 7,564,900 \$ 7,564,300 136523

Solutions Lease Rental

Payments

GRF 100414 MARCS Lease Rental \$ 6,764,700 \$ 6,766,800 136524

|           |        |                                      |    |             |    |             |        |
|-----------|--------|--------------------------------------|----|-------------|----|-------------|--------|
|           |        | Payments                             |    |             |    |             |        |
| GRF       | 100415 | OAKS Lease Rental                    | \$ | 15,251,600  | \$ | 15,344,800  | 136525 |
|           |        | Payments                             |    |             |    |             |        |
| GRF       | 100416 | STARS Lease Rental                   | \$ | 8,518,000   | \$ | 8,520,100   | 136526 |
|           |        | Payments                             |    |             |    |             |        |
| GRF       | 100447 | Administrative                       | \$ | 98,017,500  | \$ | 91,862,900  | 136527 |
|           |        | Buildings Lease Rental               |    |             |    |             |        |
|           |        | Bond Payments                        |    |             |    |             |        |
| GRF       | 100452 | Lean Ohio                            | \$ | 500,000     | \$ | 500,000     | 136528 |
| GRF       | 100456 | State IT Services                    | \$ | 1,743,771   | \$ | 1,743,771   | 136529 |
| GRF       | 100457 | Equal Opportunity                    | \$ | 2,178,704   | \$ | 2,178,704   | 136530 |
|           |        | Services                             |    |             |    |             |        |
| GRF       | 100459 | Ohio Business Gateway                | \$ | 3,927,621   | \$ | 3,927,621   | 136531 |
| GRF       | 100469 | Aronoff Center                       | \$ | 270,000     | \$ | 270,000     | 136532 |
|           |        | Building Maintenance                 |    |             |    |             |        |
| GRF       | 100501 | MARCS Fee Offset                     | \$ | 1,000,000   | \$ | 1,000,000   | 136533 |
| GRF       | 130321 | State Agency Support                 | \$ | 18,000,000  | \$ | 18,000,000  | 136534 |
|           |        | Services                             |    |             |    |             |        |
| TOTAL GRF |        | General Revenue Fund                 | \$ | 163,736,796 | \$ | 157,678,996 | 136535 |
|           |        | Dedicated Purpose Fund Group         |    |             |    |             | 136536 |
| 5L70      | 100610 | Professional                         | \$ | 1,650,000   | \$ | 1,650,000   | 136537 |
|           |        | Development                          |    |             |    |             |        |
| 5MV0      | 100662 | Theater Equipment                    | \$ | 50,000      | \$ | 50,000      | 136538 |
|           |        | Maintenance                          |    |             |    |             |        |
| 5NM0      | 100663 | 911 Program                          | \$ | 505,421     | \$ | 505,421     | 136539 |
| 5V60      | 100619 | Employee Educational                 | \$ | 900,000     | \$ | 900,000     | 136540 |
|           |        | Development                          |    |             |    |             |        |
| TOTAL DPF |        | Dedicated Purpose Fund               | \$ | 3,105,421   | \$ | 3,105,421   | 136541 |
|           |        | Group                                |    |             |    |             |        |
|           |        | Internal Service Activity Fund Group |    |             |    |             | 136542 |
| 1120      | 100616 | DAS Administration                   | \$ | 7,900,000   | \$ | 7,900,000   | 136543 |
| 1150      | 100632 | Central Service Agency               | \$ | 1,227,255   | \$ | 975,025     | 136544 |

|                                     |        |                        |    |             |    |             |        |
|-------------------------------------|--------|------------------------|----|-------------|----|-------------|--------|
| 1170                                | 100644 | General Services       | \$ | 12,000,000  | \$ | 12,000,000  | 136545 |
|                                     |        | Division - Operating   |    |             |    |             |        |
| 1220                                | 100637 | Fleet Management       | \$ | 9,750,000   | \$ | 11,000,000  | 136546 |
| 1250                                | 100622 | Human Resources        | \$ | 16,500,000  | \$ | 16,500,000  | 136547 |
|                                     |        | Division - Operating   |    |             |    |             |        |
| 1250                                | 100657 | Benefits Communication | \$ | 615,521     | \$ | 615,521     | 136548 |
| 1280                                | 100620 | Office of Collective   | \$ | 4,100,000   | \$ | 4,200,000   | 136549 |
|                                     |        | Bargaining             |    |             |    |             |        |
| 1300                                | 100606 | Risk Management        | \$ | 12,763,978  | \$ | 12,763,978  | 136550 |
|                                     |        | Reserve                |    |             |    |             |        |
| 1320                                | 100631 | DAS Building           | \$ | 51,384,799  | \$ | 51,384,799  | 136551 |
|                                     |        | Management             |    |             |    |             |        |
| 1330                                | 100607 | IT Services Delivery   | \$ | 127,132,306 | \$ | 126,732,306 | 136552 |
| 1880                                | 100649 | Equal Opportunity      | \$ | 1,219,082   | \$ | 1,264,515   | 136553 |
|                                     |        | Division - Operating   |    |             |    |             |        |
| 2100                                | 100612 | State Printing         | \$ | 26,000,000  | \$ | 26,000,000  | 136554 |
| 2290                                | 100630 | IT Governance          | \$ | 33,457,000  | \$ | 31,977,000  | 136555 |
| 2290                                | 100640 | Consolidated IT        | \$ | 15,078,000  | \$ | 15,348,000  | 136556 |
|                                     |        | Purchases              |    |             |    |             |        |
| 4270                                | 100602 | Investment Recovery    | \$ | 1,662,341   | \$ | 1,662,341   | 136557 |
| 4N60                                | 100617 | Major IT Purchases     | \$ | 120,000,000 | \$ | 120,000,000 | 136558 |
| 5C20                                | 100605 | MARCS Administration   | \$ | 20,015,704  | \$ | 21,319,640  | 136559 |
| 5EB0                                | 100635 | OAKS Support           | \$ | 27,500,000  | \$ | 31,000,000  | 136560 |
|                                     |        | Organization           |    |             |    |             |        |
| 5EB0                                | 100656 | OAKS Updates and       | \$ | 6,357,000   | \$ | 6,357,000   | 136561 |
|                                     |        | Developments           |    |             |    |             |        |
| 5JQ0                                | 100658 | Professionals          | \$ | 990,000     | \$ | 4,234,482   | 136562 |
|                                     |        | Licensing System       |    |             |    |             |        |
| 5KZ0                                | 100659 | Building Improvement   | \$ | 4,391,700   | \$ | 2,558,281   | 136563 |
| 5LJ0                                | 100661 | IT Development         | \$ | 9,000,000   | \$ | 9,000,000   | 136564 |
| 5PC0                                | 100665 | Enterprise             | \$ | 83,436,960  | \$ | 85,391,790  | 136565 |
|                                     |        | Applications           |    |             |    |             |        |
| TOTAL ISA Internal Service Activity |        |                        |    |             |    |             | 136566 |

|                                    |    |             |    |             |        |
|------------------------------------|----|-------------|----|-------------|--------|
| Fund Group                         | \$ | 592,481,646 | \$ | 600,184,678 | 136567 |
| Federal Fund Group                 |    |             |    |             | 136568 |
| 3AJ0 100623 Information Technology | \$ | 2,487,909   | \$ | 740,493     | 136569 |
| Grants                             |    |             |    |             |        |
| TOTAL FED Federal Fund Group       | \$ | 2,487,909   | \$ | 740,493     | 136570 |
| TOTAL ALL BUDGET FUND GROUPS       | \$ | 761,811,772 | \$ | 761,709,588 | 136571 |

**Section 207.20. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL** 136573  
**PAYMENTS** 136574

The foregoing appropriation item 100413, Enterprise Data 136575  
Center Solutions Lease Rental Payments, shall be used for payments 136576  
during the period from July 1, 2017, through June 30, 2019, 136577  
pursuant to leases and agreements entered into under Chapter 125. 136578  
of the Revised Code, as supplemented by Section 701.10 of S.B. 310 136579  
of the 131st General Assembly, with respect to financing the costs 136580  
associated with the acquisition, development, installation, and 136581  
implementation of the Enterprise Data Center Solutions information 136582  
technology initiative. If it is determined that additional 136583  
appropriations are necessary for this purpose, the amounts are 136584  
hereby appropriated. 136585

**MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS** 136586

The foregoing appropriation item 100414, MARCS Lease Rental 136587  
Payments, shall be used for payments during the period from July 136588  
1, 2017, through June 30, 2019, pursuant to leases and agreements 136589  
entered into under Chapter 125. of the Revised Code, as 136590  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 136591  
General Assembly, with respect to financing the costs associated 136592  
with the acquisition, development, installation, and 136593  
implementation of the Multi-Agency Radio Communications System 136594  
(MARCS) upgrade. If it is determined that additional 136595  
appropriations are necessary for this purpose, the amounts are 136596  
hereby appropriated. 136597

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 136598

The foregoing appropriation item 100415, OAKS Lease Rental 136599  
Payments, shall be used for payments during the period from July 136600  
1, 2017, through June 30, 2019, pursuant to leases and agreements 136601  
entered into under Chapter 125. of the Revised Code, as 136602  
supplemented by Section 701.20 of S.B. 310 of the 131st General 136603  
Assembly and other prior acts of the General Assembly, with 136604  
respect to financing the costs associated with the acquisition, 136605  
development, installation, and implementation of the Ohio 136606  
Administrative Knowledge System. If it is determined that 136607  
additional appropriations are necessary for this purpose, the 136608  
amounts are hereby appropriated. 136609

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 136610  
PAYMENTS 136611

The foregoing appropriation item 100416, STARS Lease Rental 136612  
Payments, shall be used for payments during the period from July 136613  
1, 2017, through June 30, 2019, pursuant to leases and agreements 136614  
entered into under Chapter 125. of the Revised Code, as 136615  
supplemented by Section 701.30 of S.B. 310 of the 131st General 136616  
Assembly and other prior acts of the General Assembly, with 136617  
respect to financing the costs associated with the acquisition, 136618  
development, installation, and implementation of the State 136619  
Taxation Accounting and Revenue System (STARS). If it is 136620  
determined that additional appropriations are necessary for this 136621  
purpose, the amounts are hereby appropriated. 136622

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 136623

The foregoing appropriation item 100447, Administrative 136624  
Buildings Lease Rental Bond Payments, shall be used to meet all 136625  
payments during the period from July 1, 2017, through June 30, 136626  
2019, by the Department of Administrative Services pursuant to 136627  
leases and agreements under Chapters 152. and 154. of the Revised 136628

Code. These appropriations are the source of funds pledged for 136629  
bond service charges on related obligations issued under Chapters 136630  
152. and 154. of the Revised Code. 136631

MARCS FEE OFFSET 136632

The foregoing appropriation item 100506, MARCS Fee Offset, 136633  
shall be used to reduce or eliminate MARCS subscriber fees paid by 136634  
villages, townships, municipal corporations, counties, and 136635  
regional public safety and first response agencies classified as 136636  
Tier 1 subscribers by the MARCS Steering Committee. 136637

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 136638

The Director of Administrative Services, in consultation with 136639  
the Multi-Agency Radio Communication System (MARCS) Steering 136640  
Committee and the Director of Budget and Management, shall 136641  
determine the share of debt service payments attributable to 136642  
spending for MARCS components that are not specific to any one 136643  
agency and that shall be charged to the Public Safety - Highway 136644  
Purposes Fund (Fund 5TM0). Such share of debt service payments 136645  
shall be calculated for MARCS capital disbursements made beginning 136646  
July 1, 1997. Within thirty days of any payment made from 136647  
appropriation item 100447, Administrative Buildings Lease Rental 136648  
Bond Payments, the Director of Administrative Services shall 136649  
certify to the Director of Budget and Management the amount of 136650  
this share. The Director of Budget and Management shall transfer 136651  
such amounts to the General Revenue Fund from the Public Safety - 136652  
Highway Purposes Fund (Fund 5TM0) established in section 4501.06 136653  
of the Revised Code. 136654

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 136655  
FUND 136656

Following the conveyance of the Michael V. DiSalle Government 136657  
Center pursuant to Section 753.20 of Am. Sub. H.B. 64 of the 131st 136658  
General Assembly, the Director of Budget and Management may adjust 136659

FY 2018 and FY 2019 General Revenue Fund appropriations of the 136660  
Department of Administrative Services and other state agencies to 136661  
reflect accurately the rental amounts agencies will pay the lessor 136662  
of the Michael V. DiSalle Government Center for space that is 136663  
supported by the General Revenue Fund and that heretofore was paid 136664  
by the Department of Administrative Services. Total General 136665  
Revenue Fund appropriations may decrease but may not increase as a 136666  
result of the appropriation adjustments made under this section. 136667

The foregoing appropriation item 130321, State Agency Support 136668  
Services, also may be used to provide funding for the cost of 136669  
property appraisals or building studies that the Department of 136670  
Administrative Services may be required to obtain for property 136671  
that is being sold by the state or property under consideration to 136672  
be renovated or purchased by the state. 136673

Notwithstanding section 125.28 of the Revised Code, the 136674  
foregoing appropriation item 130321, State Agency Support 136675  
Services, also may be used to pay the operating expenses of state 136676  
facilities maintained by the Department of Administrative Services 136677  
that are not billed to building tenants, or other costs associated 136678  
with the Voinovich Center in Youngstown, Ohio. These expenses may 136679  
include, but are not limited to, the costs for vacant space and 136680  
space undergoing renovation, and the rent expenses of tenants that 136681  
are relocated because of building renovations. These payments may 136682  
be processed by the Department of Administrative Services through 136683  
intrastate transfer vouchers and placed into the Building 136684  
Management Fund (Fund 1320). 136685

At least once per year, the portion of appropriation item 136686  
130321, State Agency Support Services, that is not used for the 136687  
regular expenses of the appropriation item may be processed by the 136688  
Department of Administrative Services through intrastate transfer 136689  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 136690

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 136691

Upon the request of the Director of Administrative Services, 136692  
the Director of Budget and Management may transfer unobligated 136693  
cash in the MARCS Administration Fund (Fund 5C20) to the General 136694  
Revenue Fund to reimburse the General Revenue Fund for lease 136695  
rental payments made on behalf of the MARCS upgrade. 136696

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 136697

The foregoing appropriation item 100610, Professional 136698  
Development, shall be used to make payments from the Professional 136699  
Development Fund (Fund 5L70) under section 124.182 of the Revised 136700  
Code. If it is determined by the Director of Budget and Management 136701  
that additional amounts are necessary, the amounts are hereby 136702  
appropriated. 136703

**911 PROGRAM** 136704

The foregoing appropriation item 100663, 911 Program, shall 136705  
be used by the Department of Administrative Services to pay the 136706  
administrative and marketing and educational costs of the 136707  
Statewide Emergency Services Internet Protocol Network program. 136708

**EMPLOYEE EDUCATIONAL DEVELOPMENT** 136709

The foregoing appropriation item 100619, Employee Educational 136710  
Development, shall be used to make payments from the Employee 136711  
Educational Development Fund (Fund 5V60) under section 124.86 of 136712  
the Revised Code. The fund shall be used to pay the costs of 136713  
administering educational programs under existing collective 136714  
bargaining agreements with District 1199, the Health Care and 136715  
Social Service Union, Service Employees International Union; State 136716  
Council of Professional Educators; Ohio Education Association and 136717  
National Education Association; the Fraternal Order of Police Ohio 136718  
Labor Council, Unit 2; and the Ohio State Troopers Association, 136719  
Units 1 and 15. 136720

If it is determined by the Director of Budget and Management 136721

that additional amounts are necessary, the amounts are hereby 136722  
appropriated. 136723

**Section 207.40. CENTRAL SERVICE AGENCY FUND** 136724

The foregoing appropriation item 100632, Central Service 136725  
Agency, shall be used to purchase the equipment, products, and 136726  
services that are needed to maintain existing automated 136727  
applications for the professional licensing boards and the Casino 136728  
Control Commission to support board licensing functions in fiscal 136729  
year 2018 until these functions are replaced by the Ohio 136730  
Professionals Licensing System. The Department of Administrative 136731  
Services shall establish charges for recovering the costs of 136732  
carrying out these functions. The charges shall be billed to the 136733  
professional licensing boards and the Casino Control Commission, 136734  
and deposited via intrastate transfer vouchers to the credit of 136735  
the Central Service Agency Fund (Fund 1150). 136736

Upon implementation of the replacement Ohio Professionals 136737  
Licensing System and the decommissioning of the existing automated 136738  
applications, the Director of Budget and Management may transfer 136739  
any cash balances that remain in the Central Service Agency Fund 136740  
(Fund 1150) and that are attributable to the operation of the 136741  
existing automated applications to the Professions Licensing 136742  
System Fund (Fund 5JQ0). 136743

**GENERAL SERVICE CHARGES** 136744

The Department of Administrative Services, with the approval 136745  
of the Director of Budget and Management, shall establish charges 136746  
for recovering the costs of administering the programs funded by 136747  
the General Services Fund (Fund 1170) and the State Printing Fund 136748  
(Fund 2100). 136749

**COLLECTIVE BARGAINING ARBITRATION EXPENSES** 136750

The Department of Administrative Services may seek 136751

reimbursement from state agencies for the actual costs and 136752  
expenses the Department incurs in the collective bargaining 136753  
arbitration process. The reimbursements shall be processed through 136754  
intrastate transfer vouchers and credited to the Collective 136755  
Bargaining Fund (Fund 1280). 136756

EQUAL OPPORTUNITY PROGRAM 136757

The Department of Administrative Services, with the approval 136758  
of the Director of Budget and Management, shall establish charges 136759  
for recovering the costs of administering the activities supported 136760  
by the State EEO Fund (Fund 1880). These charges shall be 136761  
deposited to the credit of Fund 1880 upon payment made by state 136762  
agencies, state-supported or state-assisted institutions of higher 136763  
education, and tax-supported agencies, municipal corporations, and 136764  
other political subdivisions of the state, for services rendered. 136765

CONSOLIDATED IT PURCHASES 136766

The foregoing appropriation item 100640, Consolidated IT 136767  
Purchases, shall be used by the Department of Administrative 136768  
Services acting as the purchasing agent for one or more government 136769  
entities under the authority of division (G) of section 125.18 of 136770  
the Revised Code to make information technology purchases at a 136771  
lower aggregate cost than each individual government entity could 136772  
have obtained independently for that information technology 136773  
purchase. 136774

INVESTMENT RECOVERY FUND 136775

Notwithstanding division (B) of section 125.14 of the Revised 136776  
Code, cash balances in the Investment Recovery Fund (Fund 4270) 136777  
may be used to support the operating expenses of the Federal 136778  
Surplus Operating Program created in sections 125.84 to 125.90 of 136779  
the Revised Code. 136780

MAJOR IT PURCHASES CHARGES 136781

The Department of Administrative Services may bill agencies 136782  
for actual expenditures made for major IT purchases if those 136783  
expenditures are not recovered as part of the information 136784  
technology services rates the Department charges and deposits into 136785  
the Information Technology Fund (Fund 1330) created in section 136786  
125.15 of the Revised Code. These charges shall be deposited to 136787  
the credit of the Major IT Purchases Fund (Fund 4N60). 136788

PROFESSIONS LICENSING SYSTEM 136789

The foregoing appropriation item, 100658, Ohio Professionals 136790  
Licensing System, shall be used to purchase the equipment, 136791  
products, and services necessary to develop and maintain a 136792  
replacement automated licensing system for the professional 136793  
licensing boards. 136794

Upon request by the Director of Administrative Services, the 136795  
Director of Budget and Management may transfer up to \$14,000,000 136796  
in cash during the FY 2018-FY 2019 biennium from the Occupational 136797  
Licensing and Regulatory Fund (Fund 4K90), the State Medical Board 136798  
Operating Fund (Fund 5C60), and the Casino Control Commission - 136799  
Operating Fund (Fund 5HS0), to the Professions Licensing System 136800  
Fund (Fund 5JQ0). The amount transferred from each fund shall be 136801  
in proportion to the number of current licenses issued by the 136802  
licensing boards and commissions that use each fund, and for the 136803  
Casino Control Commission, the number of current and anticipated 136804  
licenses. The transferred amounts shall be used by the Director of 136805  
Administrative Services for the initial acquisition and 136806  
development of the Professions Licensing System. The transferred 136807  
amounts are hereby appropriated to appropriation item 100658, 136808  
Professionals Licensing System. The unobligated, unexpended amount 136809  
of the cash transferred in FY 2018 is hereby reappropriated for 136810  
the same purpose in FY 2019. 136811

Effective with the implementation of the replacement 136812  
licensing system, the Department of Administrative Services shall 136813

establish charges for recovering the costs of ongoing maintenance 136814  
of the system that are not otherwise recovered under section 136815  
125.18 of the Revised Code. The charges shall be billed to state 136816  
agencies, boards, and commissions using the state's enterprise 136817  
electronic licensing system and deposited via intrastate transfer 136818  
vouchers to the credit of the Professions Licensing System Fund 136819  
(Fund 5JQ0), which is hereby created in the state treasury. 136820

Notwithstanding any provision of the Revised Code to the 136821  
contrary, the Department of Administrative Services may assess a 136822  
transaction fee on each license or registration issued as part of 136823  
an electronic licensing system operated by the Department in an 136824  
amount determined by the Department not to exceed three dollars 136825  
and fifty cents. The transaction fee shall apply to all 136826  
transactions, regardless of form, that immediately precede the 136827  
issuance, renewal, reinstatement, or reactivation of, or other 136828  
activity that results in, a license or registration to operate as 136829  
a regulated professional or entity. Each license or registration 136830  
is a separate transaction to which a fee under this section 136831  
applies. Notwithstanding any provision of the Revised Code to the 136832  
contrary, if a transaction fee is assessed pursuant to this 136833  
section, no agency, board, or commission shall issue a license or 136834  
registration without first collecting the fee. The Director of 136835  
Administrative Services may collect the fee or require a state 136836  
agency, board, or commission for which the system is being 136837  
operated to collect the fee. Amounts received under this division 136838  
shall be deposited in or transferred to the Professions Licensing 136839  
System Fund (Fund 5JQ0) and used to operate the electronic 136840  
licensing system. 136841

**BUILDING IMPROVEMENT FUND** 136842

The foregoing appropriation item 100659, Building 136843  
Improvement, shall be used to make payments from the Building 136844  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 136845

required in facilities maintained by the Department of 136846  
Administrative Services. The Department of Administrative Services 136847  
shall conduct or contract for regular assessments of these 136848  
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 136849  
the cost of the repairs and improvements that are recommended to 136850  
occur within the next five years, with the following exception 136851  
described below. 136852

Upon request of the Director of Administrative Services, the 136853  
Director of Budget and Management may permit a cash transfer from 136854  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 136855  
of operating and maintaining facilities managed by the Department 136856  
of Administrative Services that are not charged to tenants during 136857  
the same fiscal year. 136858

Should the cash balance in Fund 1320 be determined to be 136859  
sufficient, the Director of Administrative Services may request 136860  
that the Director of Budget and Management transfer cash from Fund 136861  
1320 to 5KZ0 in an amount equal to the initial cash transfer made 136862  
under this section plus applicable interest. 136863

INFORMATION TECHNOLOGY DEVELOPMENT 136864

The foregoing appropriation item 100661, IT Development, 136865  
shall be used by the Department of Administrative Services to pay 136866  
the costs of modernizing the state's information technology 136867  
management and investment practices away from a limited, 136868  
agency-specific focus in favor of a statewide methodology 136869  
supporting development of enterprise solutions. 136870

Notwithstanding any provision of law to the contrary, the 136871  
Department of Administrative Services, with the approval of the 136872  
Director of Budget and Management, may charge state agencies an 136873  
information technology development assessment based on state 136874  
agencies' information technology expenditures or other 136875  
methodology. The revenue from this assessment shall be deposited 136876

into the Information Technology Development Fund (Fund 5LJ0), 136877  
which is hereby created. 136878

ENTERPRISE APPLICATIONS 136879

The foregoing appropriation item 100665, Enterprise 136880  
Applications, shall be used for the operation and management of 136881  
information technology applications that support state agencies' 136882  
objectives. Charges billed to benefiting agencies shall be 136883  
deposited to the credit of the Enterprise Application Fund (Fund 136884  
5PC0), which is hereby created in the state treasury. 136885

**Section 207.50.** ENTERPRISE IT STRATEGY IMPLEMENTATION 136886

The Director of Administrative Services shall determine and 136887  
implement strategies that benefit the enterprise by improving 136888  
efficiency, reducing costs or enhancing capacity of information 136889  
technology (IT) services. Such improvements and efficiencies may 136890  
result in the consolidation and transfer of such services. As 136891  
determined to be necessary for successful implementation of this 136892  
section and notwithstanding any provision of law to the contrary, 136893  
the Director of Administrative Services may request the Director 136894  
of Budget and Management to consolidate or transfer IT-specific 136895  
budget authority between agencies or within an agency as necessary 136896  
to implement enterprise IT cost containment strategies and related 136897  
efficiencies. Once the Director of Budget and Management is 136898  
satisfied that the proposed initiative is cost advantageous to the 136899  
enterprise, the Director of Budget and Management may transfer 136900  
appropriations, funds and cash as needed to implement the proposed 136901  
initiative. The establishment of any new fund or additional 136902  
appropriation as a result of this section shall be subject to 136903  
Controlling Board approval. 136904

The Director of Budget and Management and the Director of 136905  
Administrative Services may transfer any employees, assets, and 136906  
liabilities, including, but not limited to, records, contracts, 136907

and agreements in order to facilitate the improvements determined 136908  
in accordance with this section. 136909

**Section 207.71. PAY FOR SUCCESS CONTRACTING PROGRAM** 136910

(A) As used in this section, "social service intermediary" 136911  
has the same meaning as in section 125.66 of the Revised Code. 136912

(B) Not later than six months after the effective date of 136913  
this section, the Director of Administrative Services shall, in 136914  
consultation with the Department of Health and as part of the Pay 136915  
for Success Contracting Program established under section 125.66 136916  
of the Revised Code, contract with one or more social service 136917  
intermediaries to administer one or two pilot projects intended to 136918  
do both of the following: 136919

(1) Reduce the incidence of infant mortality, low-birthweight 136920  
births, premature births, and stillbirths in the urban and rural 136921  
communities of this state that are specified by the Director of 136922  
Health under section 3701.142 of the Revised Code; 136923

(2) Promote equity in birth outcomes among infants of 136924  
different races in this state. 136925

(C) The Director of Administrative Services may request that 136926  
the Director of Health pay the costs of the Pay for Success 136927  
Contracting Program under appropriations to the Department of 136928  
Health. Upon approval of the Director of Health, these costs shall 136929  
be paid from General Revenue Fund appropriation item 440474, 136930  
Infant Vitality. 136931

**Section 209.10. AGE DEPARTMENT OF AGING** 136932

General Revenue Fund 136933

GRF 490321 Operating Expenses \$ 1,494,465 \$ 1,494,465 136934

GRF 490410 Long-Term Care \$ 477,448 \$ 477,448 136935

Ombudsman



|           |           |                      |    |            |                      |
|-----------|-----------|----------------------|----|------------|----------------------|
|           | - Federal |                      |    |            |                      |
| 3M40      | 490612    | Federal Independence | \$ | 58,655,080 | \$ 58,655,080 136955 |
|           |           | Services             |    |            |                      |
| TOTAL FED |           | Federal Fund Group   | \$ | 70,855,080 | \$ 70,855,080 136956 |
| TOTAL ALL |           | BUDGET FUND GROUPS   | \$ | 91,418,321 | \$ 91,418,321 136957 |

**Section 209.20. LONG-TERM CARE** 136959

Pursuant to an interagency agreement, the Department of 136960  
 Medicaid may designate the Department of Aging to perform 136961  
 assessments under section 5165.04 of the Revised Code. The 136962  
 Department of Aging shall provide long-term care consultations 136963  
 under section 173.42 of the Revised Code to assist individuals in 136964  
 planning for their long-term health care needs. 136965

The Department of Aging shall administer the Medicaid 136966  
 waiver-funded PASSPORT Home Care Program, the Assisted Living 136967  
 Program, and PACE as delegated by the Department of Medicaid in an 136968  
 interagency agreement. 136969

**PERFORMANCE-BASED REIMBURSEMENT** 136970

The Department of Aging may design and utilize a payment 136971  
 method for PASSPORT administrative agency operations that includes 136972  
 a pay-for-performance incentive component that is earned by a 136973  
 PASSPORT administrative agency when defined consumer and policy 136974  
 outcomes are achieved. 136975

**Section 209.30. MYCARE OHIO** 136976

The authority of the Office of the State Long Term Care 136977  
 Ombudsman as described in sections 173.14 to 173.28 of the Revised 136978  
 Code extends to MyCare Ohio during the period of the federal 136979  
 financial alignment demonstration program. 136980

**SENIOR COMMUNITY SERVICES** 136981

The foregoing appropriation item 490411, Senior Community 136982

Services, may be used for programs, services, and activities 136983  
designated by the Department of Aging, including, but not limited 136984  
to, home-delivered and congregate meals, transportation services, 136985  
personal care services, respite services, adult day services, home 136986  
repair, care coordination, prevention and disease self-management, 136987  
and decision support systems. The Department may also use these 136988  
funds to provide grants to community organizations to support and 136989  
expand evidence-based/informed programming. Service priority shall 136990  
be given to low income, frail, and/or cognitively impaired persons 136991  
60 years of age and over. 136992

NATIONAL SENIOR SERVICE CORPS 136993

The foregoing appropriation item 490506, National Senior 136994  
Service Corps, may be used by the Department of Aging to fund 136995  
grants to organizations that receive federal funds from the 136996  
Corporation for National and Community Service to support the 136997  
following Senior Corps programs: the Foster Grandparents Program, 136998  
the Senior Companion Program, and the Retired Senior Volunteer 136999  
Program. A recipient of these grant funds shall use the funds to 137000  
support priorities established by the Department and the Ohio 137001  
State Office of the Corporation for National and Community 137002  
Service. Neither the Department nor any area agencies on aging 137003  
that are involved in the distribution of these funds to 137004  
lower-tiered grant recipients may use any portion of these funds 137005  
to cover administrative costs. 137006

**Section 209.40.** BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND 137007  
SUPPORTS 137008

The foregoing appropriation item 490627, Board of Executives 137009  
of Long-Term Services and Supports, may be used by the Board of 137010  
Executives of Long-Term Services and Supports to administer and 137011  
enforce Chapter 4751. of the Revised Code and rules adopted under 137012  
it. 137013

|                                                                                                                                                                                                                                   |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>Section 209.61. ASSISTED LIVING PROGRAM WORKGROUP</b>                                                                                                                                                                          | 137014                               |
| (A) There is hereby established a workgroup to conduct a review of the Medicaid-funded and state-funded components of the Assisted Living Program. The workgroup shall consist of all of the following:                           | 137015<br>137016<br>137017<br>137018 |
| (1) Two members of the House of Representatives appointed by the Speaker from among the chairpersons of the following standing committees of the House:                                                                           | 137019<br>137020<br>137021           |
| (a) The Aging and Long-Term Care Committee;                                                                                                                                                                                       | 137022                               |
| (b) The Health Committee;                                                                                                                                                                                                         | 137023                               |
| (c) The Finance Subcommittee on Health and Human Services.                                                                                                                                                                        | 137024                               |
| (2) One member of the House of Representatives appointed by the Minority Leader of the House from among the members of the minority party serving on any of the standing committees specified in division (A)(1) of this section; | 137025<br>137026<br>137027<br>137028 |
| (3) Two members of the Senate appointed by the Senate President from among the chairpersons of the following standing committees of the Senate:                                                                                   | 137029<br>137030<br>137031           |
| (a) The Health, Human Services, and Medicaid Committee;                                                                                                                                                                           | 137032                               |
| (b) The full Finance Committee;                                                                                                                                                                                                   | 137033                               |
| (c) The Finance - Health and Medicaid Subcommittee.                                                                                                                                                                               | 137034                               |
| (4) One member of the Senate appointed by the Minority Leader of the Senate from among the members of the minority party serving on any of the standing committees specified in division (A)(3) of this section;                  | 137035<br>137036<br>137037<br>137038 |
| (5) The Executive Director of the Office of Health Transformation;                                                                                                                                                                | 137039<br>137040                     |
| (6) The Medicaid Director;                                                                                                                                                                                                        | 137041                               |

|                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (7) The Director of Aging;                                                                                                                                                                                                                                                                                                                                                                                | 137042                                                             |
| (8) The Director of Health;                                                                                                                                                                                                                                                                                                                                                                               | 137043                                                             |
| (9) One representative of each of the following organizations, appointed by the chief executive of the organization:                                                                                                                                                                                                                                                                                      | 137044<br>137045<br>137046                                         |
| (a) Leadingage Ohio;                                                                                                                                                                                                                                                                                                                                                                                      | 137047                                                             |
| (b) The Ohio Assisted Living Association;                                                                                                                                                                                                                                                                                                                                                                 | 137048                                                             |
| (c) The Ohio Association of Area Agencies on Aging;                                                                                                                                                                                                                                                                                                                                                       | 137049                                                             |
| (d) The Ohio Health Care Association.                                                                                                                                                                                                                                                                                                                                                                     | 137050                                                             |
| (B) Appointments to the workgroup shall be made not later than sixty days after the effective date of this section. A member of the workgroup may designate another individual to serve on the workgroup in the member's place for one or more sessions. Members shall serve without compensation or reimbursement, except to the extent that serving on the workgroup is part of their usual job duties. | 137051<br>137052<br>137053<br>137054<br>137055<br>137056<br>137057 |
| (C) The Medicaid Director and Director of Aging shall serve as co-chairpersons of the workgroup. The Departments of Medicaid and Aging shall provide the workgroup any administrative assistance the workgroup needs.                                                                                                                                                                                     | 137058<br>137059<br>137060<br>137061                               |
| (D) In conducting a review of the Assisted Living Program, the workgroup shall do both of the following:                                                                                                                                                                                                                                                                                                  | 137062<br>137063                                                   |
| (1) Identify potential barriers to enrollment in the Program and providers' participation in the Program, including barriers related to all of the following:                                                                                                                                                                                                                                             | 137064<br>137065<br>137066                                         |
| (a) Payment rates for assisted living services provided under the Program;                                                                                                                                                                                                                                                                                                                                | 137067<br>137068                                                   |
| (b) The tier levels to which enrollees are assigned under the Program and the use of the tier levels in setting the Program's                                                                                                                                                                                                                                                                             | 137069<br>137070                                                   |

payment rates; 137071

(c) The statutory and administrative requirements that 137072  
providers must meet to participate in the Program; 137073

(d) Other issues the workgroup determines are barriers. 137074

(2) Determine the feasibility and desirability of making 137075  
community-based services that are similar to assisted living 137076  
services available under other programs that the Department of 137077  
Aging currently administers or under a new program. 137078

(E) Each state agency and advocacy organization represented 137079  
on the workgroup shall make available to the workgroup any 137080  
relevant federal or state data concerning, or assessments of, 137081  
providers of assisted living services that the agency or 137082  
organization possesses and is needed for the workgroup to complete 137083  
its review. The workgroup shall use the data and assessments only 137084  
for the purpose of its review. 137085

(F)(1) The workgroup shall complete a report of its review 137086  
not later than July 1, 2018. The report shall include the 137087  
workgroup's recommendations regarding assisted living services. 137088  
The workgroup may not recommend that different types of facilities 137089  
be allowed to be providers under the Assisted Living Program in 137090  
addition to residential care facilities licensed under Chapter 137091  
3721. of the Revised Code. If the workgroup recommends that a new 137092  
program be created, the workgroup shall include all of the 137093  
following in the report: 137094

(a) A name for the new program and its services that 137095  
distinguishes them from the Assisted Living Program and assisted 137096  
living services; 137097

(b) Potential sources of funding for the new program that do 137098  
not reduce any current or future federal or state funds available 137099  
for the Assisted Living Program; 137100

(c) A determination of whether a new Medicaid waiver would be needed for the new program. 137101  
 137102

(2) The workgroup shall submit the report to the Governor, General Assembly, and Joint Medicaid Oversight Committee. The copy to the General Assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report also shall be made available to the public. 137103  
 137104  
 137105  
 137106  
 137107

(G) On submission of the report, the workgroup shall cease to exist. 137108  
 137109

**Section 211.10. AGR DEPARTMENT OF AGRICULTURE** 137110

General Revenue Fund 137111

GRF 700401 Animal Health Programs \$ 3,580,022 \$ 3,676,588 137112

GRF 700403 Dairy Division \$ 1,168,769 \$ 1,168,769 137113

GRF 700404 Ohio Proud \$ 19,400 \$ 48,500 137114

GRF 700406 Consumer Protection \$ 1,175,617 \$ 1,306,567 137115

Lab

GRF 700407 Food Safety \$ 1,325,582 \$ 1,325,582 137116

GRF 700409 Farmland Preservation \$ 73,887 \$ 73,887 137117

GRF 700410 Plant Industry \$ 145,500 \$ 145,500 137118

GRF 700412 Weights and Measures \$ 208,644 \$ 596,644 137119

GRF 700415 Poultry Inspection \$ 605,471 \$ 605,471 137120

GRF 700418 Livestock Regulation \$ 746,212 \$ 1,134,212 137121

Program

GRF 700424 Livestock Testing and \$ 92,493 \$ 92,493 137122

Inspections

GRF 700426 Dangerous and \$ 750,000 \$ 750,000 137123

Restricted Animals

GRF 700427 High Volume Breeder \$ 894,835 \$ 1,234,335 137124

Kennel Control

GRF 700428 Soil and Water \$ 3,510,430 \$ 3,510,430 137125

Division

|             |                              |    |            |    |            |        |
|-------------|------------------------------|----|------------|----|------------|--------|
| GRF 700499  | Meat Inspection              | \$ | 4,567,547  | \$ | 4,567,547  | 137126 |
|             | Program - State Share        |    |            |    |            |        |
| GRF 700501  | County Agricultural          | \$ | 379,673    | \$ | 379,673    | 137127 |
|             | Societies                    |    |            |    |            |        |
| GRF 700509  | Soil and Water               | \$ | 2,553,941  | \$ | 3,329,941  | 137128 |
|             | District Support             |    |            |    |            |        |
| TOTAL GRF   | General Revenue Fund         | \$ | 21,798,023 | \$ | 23,946,139 | 137129 |
|             | Dedicated Purpose Fund Group |    |            |    |            | 137130 |
| 4900 700651 | License Plates -             | \$ | 17,500     | \$ | 17,500     | 137131 |
|             | Sustainable                  |    |            |    |            |        |
|             | Agriculture                  |    |            |    |            |        |
| 4940 700612 | Agricultural                 | \$ | 253,000    | \$ | 253,000    | 137132 |
|             | Commodity Marketing          |    |            |    |            |        |
|             | Program                      |    |            |    |            |        |
| 4960 700626 | Ohio Grape Industries        | \$ | 1,100,000  | \$ | 1,100,000  | 137133 |
| 4970 700627 | Grain Warehouse              | \$ | 450,000    | \$ | 450,000    | 137134 |
|             | Program                      |    |            |    |            |        |
| 4C90 700605 | Commercial Feed and          | \$ | 1,975,571  | \$ | 1,975,571  | 137135 |
|             | Seed                         |    |            |    |            |        |
| 4D20 700609 | Auction Education            | \$ | 50,000     | \$ | 50,000     | 137136 |
| 4E40 700606 | Utility Radiological         | \$ | 140,176    | \$ | 140,176    | 137137 |
|             | Safety                       |    |            |    |            |        |
| 4P70 700610 | Food Safety                  | \$ | 993,743    | \$ | 993,743    | 137138 |
|             | Inspection                   |    |            |    |            |        |
| 4R00 700636 | Ohio Proud Marketing         | \$ | 60,500     | \$ | 30,500     | 137139 |
| 4R20 700637 | Dairy Industry               | \$ | 1,852,950  | \$ | 1,852,950  | 137140 |
|             | Inspection                   |    |            |    |            |        |
| 4T60 700611 | Poultry and Meat             | \$ | 160,000    | \$ | 160,000    | 137141 |
|             | Inspection                   |    |            |    |            |        |
| 5780 700620 | Ride Inspection              | \$ | 1,351,974  | \$ | 1,351,974  | 137142 |
| 5B80 700629 | Auctioneers                  | \$ | 361,450    | \$ | 361,450    | 137143 |
| 5BV0 700660 | Heidelberg Water             | \$ | 250,000    | \$ | 250,000    | 137144 |
|             | Quality Lab                  |    |            |    |            |        |

|                                      |        |                                                          |    |            |    |            |        |
|--------------------------------------|--------|----------------------------------------------------------|----|------------|----|------------|--------|
| 5BV0                                 | 700661 | Soil and Water<br>Districts                              | \$ | 8,600,000  | \$ | 8,000,000  | 137145 |
| 5FC0                                 | 700648 | Plant Pest Program                                       | \$ | 1,400,000  | \$ | 1,400,000  | 137146 |
| 5H20                                 | 700608 | Metrology Lab and<br>Scale Certification                 | \$ | 1,175,000  | \$ | 925,000    | 137147 |
| 5L80                                 | 700604 | Livestock Management<br>Program                          | \$ | 500,000    | \$ | 332,000    | 137148 |
| 5MA0                                 | 700657 | Dangerous and<br>Restricted Animals                      | \$ | 19,000     | \$ | 19,000     | 137149 |
| 5MR0                                 | 700658 | High Volume Breeders<br>and Kennels                      | \$ | 626,415    | \$ | 320,000    | 137150 |
| 5MS0                                 | 700659 | Captive Deer                                             | \$ | 40,000     | \$ | 40,000     | 137151 |
| 5QW0                                 | 700653 | Watershed Assistance                                     | \$ | 515,000    | \$ | 515,000    | 137152 |
| 6520                                 | 700634 | Animal, Consumer, and<br>ATL Labs                        | \$ | 5,305,734  | \$ | 5,066,896  | 137153 |
| 6690                                 | 700635 | Pesticide,<br>Fertilizer, and Lime<br>Inspection Program | \$ | 5,200,000  | \$ | 5,200,000  | 137154 |
| TOTAL DPF Dedicated Purpose          |        |                                                          |    |            |    |            | 137155 |
| Fund Group                           |        |                                                          | \$ | 32,398,013 | \$ | 30,804,760 | 137156 |
| Internal Service Activity Fund Group |        |                                                          |    |            |    |            | 137157 |
| 5DA0                                 | 700644 | Laboratory<br>Administration<br>Support                  | \$ | 1,204,626  | \$ | 1,204,626  | 137158 |
| 5GH0                                 | 700655 | Administrative<br>Support                                | \$ | 5,374,048  | \$ | 5,374,048  | 137159 |
| TOTAL ISA Internal Service Activity  |        |                                                          |    |            |    |            | 137160 |
| Fund Group                           |        |                                                          | \$ | 6,578,674  |    | 6,578,674  | 137161 |
| Capital Projects Fund Group          |        |                                                          |    |            |    |            | 137162 |
| 7057                                 | 700632 | Clean Ohio<br>Agricultural Easement<br>Operating         | \$ | 610,000    | \$ | 610,000    | 137163 |

|                                   |    |            |    |            |        |
|-----------------------------------|----|------------|----|------------|--------|
| TOTAL CPF Capital Projects Fund   | \$ | 610,000    | \$ | 610,000    | 137164 |
| Group                             |    |            |    |            |        |
| Federal Fund Group                |    |            |    |            | 137165 |
| 3260 700618 Meat Inspection       | \$ | 5,194,424  | \$ | 5,194,424  | 137166 |
| Program - Federal                 |    |            |    |            |        |
| Share                             |    |            |    |            |        |
| 3360 700617 Ohio Farm Loan -      | \$ | 360,000    | \$ | 360,000    | 137167 |
| Revolving                         |    |            |    |            |        |
| 3820 700601 Federal Cooperative   | \$ | 7,000,000  | \$ | 7,000,000  | 137168 |
| Contracts                         |    |            |    |            |        |
| 3AB0 700641 Agricultural Easement | \$ | 350,000    | \$ | 350,000    | 137169 |
| 3J40 700607 Federal               | \$ | 1,209,234  | \$ | 1,209,234  | 137170 |
| Administrative                    |    |            |    |            |        |
| Programs                          |    |            |    |            |        |
| 3R20 700614 Federal Plant         | \$ | 6,095,972  | \$ | 6,095,972  | 137171 |
| Industry                          |    |            |    |            |        |
| TOTAL FED Federal Fund Group      | \$ | 20,209,630 | \$ | 20,209,630 | 137172 |
| TOTAL ALL BUDGET FUND GROUPS      | \$ | 81,594,340 | \$ | 82,149,203 | 137173 |

**Section 211.20. DANGEROUS AND RESTRICTED WILD ANIMALS** 137175

The foregoing appropriation item 700426, Dangerous and 137176  
 Restricted Animals, shall be used to administer the Dangerous and 137177  
 Restricted Wild Animal Permitting Program. 137178

**COUNTY AGRICULTURAL SOCIETIES** 137179

The foregoing appropriation item 700501, County Agricultural 137180  
 Societies, shall be used to reimburse county and independent 137181  
 agricultural societies for expenses related to Junior Fair 137182  
 activities. 137183

**SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE** 137184  
**BASIN** 137185

Of the foregoing appropriation item 700509, Soil and Water 137186

District Support, \$350,000 in each fiscal year shall be used by 137187  
the Department of Agriculture for a program to support soil and 137188  
water conservation districts in the Western Lake Erie Basin in 137189  
complying with provisions of Sub. S.B. 1 of the 131st General 137190  
Assembly. The Department shall approve a soil and water district's 137191  
application for funding under the program if the application 137192  
demonstrates that funding will be used for, but not limited to, 137193  
providing technical assistance, developing applicable nutrient or 137194  
manure management plans, hiring and training of soil and water 137195  
conservation district staff on best conservation practices, or 137196  
other activities the Director determines appropriate to assist 137197  
farmers in the Western Lake Erie Basin in complying with the 137198  
provisions of Sub. S.B. 1 of the 131st General Assembly. 137199

SOIL AND WATER DISTRICTS 137200

In addition to state payments to soil and water conservation 137201  
districts authorized by section 940.08 of the Revised Code, the 137202  
Department of Agriculture may use appropriation item 700661, Soil 137203  
and Water Districts, to pay any soil and water conservation 137204  
district an annual amount not to exceed \$40,000 upon receipt of a 137205  
request and justification from the district and approval by the 137206  
Ohio Soil and Water Conservation Commission. The county auditor 137207  
shall credit the payments to the special fund established under 137208  
section 940.08 of the Revised Code for use by the local soil and 137209  
water conservation district. The amounts received by each district 137210  
shall be expended for the purposes of the district. 137211

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 137212

The foregoing appropriation item 700632, Clean Ohio 137213  
Agricultural Easement Operating, shall be used by the Department 137214  
of Agriculture in administering Ohio Agricultural Easement Fund 137215  
(Fund 7057) projects pursuant to sections 901.21, 901.22, and 137216  
5301.67 to 5301.70 of the Revised Code. 137217

|                                                                     |                        |                    |                           |                              |
|---------------------------------------------------------------------|------------------------|--------------------|---------------------------|------------------------------|
| <b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>        |                        |                    |                           | 137218                       |
| Dedicated Purpose Fund Group                                        |                        |                    |                           | 137219                       |
| 4Z90                                                                | 898602                 | Small Business     | \$ 400,000 \$ 400,000     | 137220                       |
| Ombudsman                                                           |                        |                    |                           |                              |
| 5700                                                                | 898601                 | Operating Expenses | \$ 200,000 \$ 200,000     | 137221                       |
| 5A00                                                                | 898603                 | Small Business     | \$ 450,000 \$ 450,000     | 137222                       |
| Assistance                                                          |                        |                    |                           |                              |
| TOTAL DPF                                                           | Dedicated Purpose Fund |                    | \$ 1,050,000 \$ 1,050,000 | 137223                       |
| Group                                                               |                        |                    |                           |                              |
| TOTAL ALL BUDGET FUND GROUPS                                        |                        |                    | \$ 1,050,000 \$ 1,050,000 | 137224                       |
| <br><b>Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT</b> |                        |                    |                           | 137226                       |
| AUTHORITY TRUST ACCOUNT                                             |                        |                    |                           | 137227                       |
| Notwithstanding any other provision of law to the contrary,         |                        |                    |                           | 137228                       |
| the Air Quality Development Authority may reimburse the Air         |                        |                    |                           | 137229                       |
| Quality Development Authority trust account established under       |                        |                    |                           | 137230                       |
| section 3706.10 of the Revised Code from all operating funds of     |                        |                    |                           | 137231                       |
| the agency for expenses pertaining to the administration and        |                        |                    |                           | 137232                       |
| shared costs incurred by the Air Quality Development Authority in   |                        |                    |                           | 137233                       |
| the execution of responsibilities as prescribed in Chapter 3706.    |                        |                    |                           | 137234                       |
| of the Revised Code. The reimbursement shall be made by voucher     |                        |                    |                           | 137235                       |
| and completed in accordance with the administrative indirect costs  |                        |                    |                           | 137236                       |
| allocation plan approved by the Office of Budget and Management.    |                        |                    |                           | 137237                       |
| <br><b>Section 215.10. ARC ARCHITECTS BOARDS</b>                    |                        |                    |                           | 137238                       |
| Dedicated Purpose Fund Group                                        |                        |                    |                           | 137239                       |
| 4K90                                                                | 891609                 | Operating          | \$ 576,916 \$ 604,765     | 137240                       |
| TOTAL DPF                                                           | Dedicated Purpose Fund |                    |                           | 137241                       |
| Group                                                               |                        |                    |                           | \$ 576,916 \$ 604,765 137242 |
| TOTAL ALL BUDGET FUND GROUPS                                        |                        |                    | \$ 576,916 \$ 604,765     | 137243                       |
| <br><b>Section 217.10. ART OHIO ARTS COUNCIL</b>                    |                        |                    |                           | 137245                       |

|                              |                                                                   |    |            |    |            |        |
|------------------------------|-------------------------------------------------------------------|----|------------|----|------------|--------|
| General Revenue Fund         |                                                                   |    |            |    | 137246     |        |
| GRF 370321                   | Operating Expenses                                                | \$ | 1,923,129  | \$ | 1,923,129  | 137247 |
| GRF 370502                   | State Program                                                     | \$ | 12,730,750 | \$ | 12,730,750 | 137248 |
|                              | Subsidies                                                         |    |            |    |            |        |
| TOTAL GRF                    | General Revenue Fund                                              | \$ | 14,653,879 | \$ | 14,653,879 | 137249 |
| Dedicated Purpose Fund Group |                                                                   |    |            |    |            | 137250 |
| 4600 370602                  | Arts Council Program                                              | \$ | 325,000    | \$ | 325,000    | 137251 |
|                              | Support                                                           |    |            |    |            |        |
| 4B70 370603                  | Percent for Art                                                   | \$ | 225,000    | \$ | 225,000    | 137252 |
|                              | Acquisitions                                                      |    |            |    |            |        |
| TOTAL DPF                    | Dedicated Purpose Fund                                            | \$ | 550,000    | \$ | 550,000    | 137253 |
| Group                        |                                                                   |    |            |    |            |        |
| Federal Fund Group           |                                                                   |    |            |    |            | 137254 |
| 3140 370601                  | Federal Support                                                   | \$ | 1,250,000  | \$ | 1,250,000  | 137255 |
| TOTAL FED                    | Federal Fund Group                                                | \$ | 1,250,000  | \$ | 1,250,000  | 137256 |
| TOTAL ALL BUDGET FUND GROUPS |                                                                   | \$ | 16,453,879 | \$ | 16,453,879 | 137257 |
|                              | FEDERAL SUPPORT                                                   |    |            |    |            | 137258 |
|                              | Notwithstanding any provision of law to the contrary, the         |    |            |    |            | 137259 |
|                              | foregoing appropriation item 370601, Federal Support, shall be    |    |            |    |            | 137260 |
|                              | used by the Ohio Arts Council for subsidies only, and not for its |    |            |    |            | 137261 |
|                              | administrative costs, unless the Council is required to use a     |    |            |    |            | 137262 |
|                              | portion of the funds for administrative costs under conditions of |    |            |    |            | 137263 |
|                              | the federal grant.                                                |    |            |    |            | 137264 |
|                              | <b>Section 219.10. ATH ATHLETIC COMMISSION</b>                    |    |            |    |            | 137265 |
| Dedicated Purpose Fund Group |                                                                   |    |            |    |            | 137266 |
| 4K90 175609                  | Operating Expenses                                                | \$ | 326,525    | \$ | 326,525    | 137267 |
| TOTAL DPF                    | Dedicated Purpose Fund                                            | \$ | 326,525    | \$ | 326,525    | 137268 |
| Group                        |                                                                   |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS |                                                                   | \$ | 326,525    | \$ | 326,525    | 137269 |
|                              | <b>Section 221.10. AGO ATTORNEY GENERAL</b>                       |    |            |    |            | 137271 |

|                              |                      |                       |                  |                   |
|------------------------------|----------------------|-----------------------|------------------|-------------------|
| General Revenue Fund         |                      |                       |                  | 137272            |
| GRF                          | 055321               | Operating Expenses    | \$ 40,958,461 \$ | 40,958,461 137273 |
| GRF                          | 055405               | Law-Related Education | \$ 68,950 \$     | 68,950 137274     |
| GRF                          | 055406               | BCIRS Lease Rental    | \$ 2,513,600 \$  | 2,512,900 137275  |
| Payments                     |                      |                       |                  |                   |
| GRF                          | 055411               | County Sheriffs' Pay  | \$ 889,455 \$    | 934,765 137276    |
| Supplement                   |                      |                       |                  |                   |
| GRF                          | 055415               | County Prosecutors'   | \$ 1,061,830 \$  | 1,115,020 137277  |
| Pay Supplement               |                      |                       |                  |                   |
| GRF                          | 055431               | Drug Abuse Response   | \$ 1,500,000 \$  | 1,500,000 137278  |
| Team Grants                  |                      |                       |                  |                   |
| GRF                          | 055501               | Rape Crisis Centers   | \$ 1,550,000 \$  | 1,550,000 137279  |
| TOTAL GRF                    | General Revenue Fund |                       | \$ 48,542,296 \$ | 48,640,096 137280 |
| Dedicated Purpose Fund Group |                      |                       |                  | 137281            |
| 1060                         | 055612               | Attorney General      | \$ 65,318,182 \$ | 61,818,182 137282 |
| Operating                    |                      |                       |                  |                   |
| 4020                         | 055616               | Victims of Crime      | \$ 20,624,291 \$ | 20,624,291 137283 |
| 4170                         | 055621               | Domestic Violence     | \$ 25,000 \$     | 25,000 137284     |
| Shelter                      |                      |                       |                  |                   |
| 4180                         | 055615               | Charitable            | \$ 8,286,000 \$  | 8,286,000 137285  |
| Foundations                  |                      |                       |                  |                   |
| 4190                         | 055623               | Claims Section        | \$ 57,439,892 \$ | 57,439,892 137286 |
| 4200                         | 055603               | Attorney General      | \$ 2,432,925 \$  | 2,432,925 137287  |
| Antitrust                    |                      |                       |                  |                   |
| 4210                         | 055617               | Police Officers'      | \$ 2,944,355 \$  | 1,500,000 137288  |
| Training Academy Fee         |                      |                       |                  |                   |
| 4L60                         | 055606               | DARE Programs         | \$ 3,814,289 \$  | 3,814,289 137289  |
| 4Y70                         | 055608               | Title Defect Recision | \$ 613,751 \$    | 613,751 137290    |
| 4Z20                         | 055609               | BCI Asset Forfeiture  | \$ 2,500,000 \$  | 2,500,000 137291  |
| and Cost                     |                      |                       |                  |                   |
| Reimbursement                |                      |                       |                  |                   |
| 5900                         | 055633               | Peace Officer Private | \$ 95,325 \$     | 95,325 137292     |

|                                      |        |                           |    |             |    |             |        |
|--------------------------------------|--------|---------------------------|----|-------------|----|-------------|--------|
|                                      |        | Security Training         |    |             |    |             |        |
| 5A90                                 | 055618 | Telemarketing Fraud       | \$ | 10,000      | \$ | 10,000      | 137293 |
|                                      |        | Enforcement               |    |             |    |             |        |
| 5L50                                 | 055619 | Law Enforcement           | \$ | 9,377,803   | \$ | 0           | 137294 |
|                                      |        | Assistance Program        |    |             |    |             |        |
| 5LR0                                 | 055655 | Peace Officer             | \$ | 4,629,409   | \$ | 4,629,409   | 137295 |
|                                      |        | Training - Casino         |    |             |    |             |        |
| 5MP0                                 | 055657 | Peace Officer             | \$ | 325,000     | \$ | 325,000     | 137296 |
|                                      |        | Training Commission       |    |             |    |             |        |
| 5TL0                                 | 055659 | Organized Crime Law       | \$ | 100,000     | \$ | 100,000     | 137297 |
|                                      |        | Enforcement Trust         |    |             |    |             |        |
| 6310                                 | 055637 | Consumer Protection       | \$ | 9,276,000   | \$ | 9,276,000   | 137298 |
|                                      |        | Enforcement               |    |             |    |             |        |
| 6590                                 | 055641 | Solid and Hazardous       | \$ | 328,728     | \$ | 328,728     | 137299 |
|                                      |        | Waste Background          |    |             |    |             |        |
|                                      |        | Investigations            |    |             |    |             |        |
| U087                                 | 055402 | Tobacco Settlement        | \$ | 2,650,000   | \$ | 2,650,000   | 137300 |
|                                      |        | Oversight,                |    |             |    |             |        |
|                                      |        | Administration, and       |    |             |    |             |        |
|                                      |        | Enforcement               |    |             |    |             |        |
| TOTAL DPF                            |        | Dedicated Purpose Fund    |    |             |    |             | 137301 |
| Group                                |        |                           | \$ | 190,790,950 | \$ | 176,468,792 | 137302 |
| Internal Service Activity Fund Group |        |                           |    |             |    |             | 137303 |
| 1950                                 | 055660 | Workers' Compensation     | \$ | 8,778,072   | \$ | 8,778,072   | 137304 |
|                                      |        | Section                   |    |             |    |             |        |
| TOTAL ISA                            |        | Internal Service Activity | \$ | 8,778,072   | \$ | 8,778,072   | 137305 |
| Fund Group                           |        |                           |    |             |    |             |        |
| Holding Account Fund Group           |        |                           |    |             |    |             | 137306 |
| R004                                 | 055631 | General Holding           | \$ | 1,000,000   | \$ | 1,000,000   | 137307 |
|                                      |        | Account                   |    |             |    |             |        |
| R005                                 | 055632 | Antitrust Settlements     | \$ | 1,000,000   | \$ | 1,000,000   | 137308 |
| R018                                 | 055630 | Consumer Frauds           | \$ | 1,000,000   | \$ | 1,000,000   | 137309 |

|                              |        |                                                |    |             |    |             |        |
|------------------------------|--------|------------------------------------------------|----|-------------|----|-------------|--------|
| R042                         | 055601 | Organized Crime<br>Commission<br>Distributions | \$ | 750,000     | \$ | 750,000     | 137310 |
| R054                         | 055650 | Collection Payment<br>Redistribution           | \$ | 4,500,000   | \$ | 4,500,000   | 137311 |
| TOTAL HLD Holding Account    |        |                                                |    |             |    |             | 137312 |
| Fund Group                   |        |                                                | \$ | 8,250,000   | \$ | 8,250,000   | 137313 |
| Federal Fund Group           |        |                                                |    |             |    |             | 137314 |
| 3060                         | 055620 | Medicaid Fraud<br>Control                      | \$ | 8,961,419   | \$ | 8,961,419   | 137315 |
| 3830                         | 055634 | Crime Victims<br>Assistance                    | \$ | 70,000,000  | \$ | 70,000,000  | 137316 |
| 3E50                         | 055638 | Attorney General<br>Pass-Through Funds         | \$ | 2,320,999   | \$ | 2,320,999   | 137317 |
| 3FV0                         | 055656 | Crime Victim<br>Compensation                   | \$ | 3,155,000   | \$ | 3,155,000   | 137318 |
| 3R60                         | 055613 | Attorney General<br>Federal Funds              | \$ | 2,799,999   | \$ | 2,799,999   | 137319 |
| TOTAL FED Federal Fund Group |        |                                                | \$ | 87,237,417  | \$ | 87,237,417  | 137320 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                | \$ | 343,598,735 | \$ | 329,374,377 | 137321 |

**Section 221.20.** OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 137323  
 SCIENCE 137324

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 137325  
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 137331

DOMESTIC VIOLENCE PROGRAM 137332

Of the foregoing appropriation item 055321, Operating 137333

Expenses, \$100,000 in each fiscal year may be used by the Attorney 137334  
General for the purpose of providing funding to domestic violence 137335  
programs as defined in section 109.46 of the Revised Code. 137336

ORGANIZED CRIME INVESTIGATIONS COMMISSION PILOT PROJECT 137337

Of the foregoing appropriation item 055321, Operating 137338  
Expenses, \$50,000 in each fiscal year shall be used for a pilot 137339  
project developing new investigatory tools for the Organized Crime 137340  
Investigations Commission on behalf of task forces investigating 137341  
drug trafficking and related criminal activity. 137342

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE 137343  
RENTAL PAYMENTS 137344

The foregoing appropriation item 055406, BCIRS Lease Rental 137345  
Payments, shall be used for payments during the period from July 137346  
1, 2017, through June 30, 2019, pursuant to leases and agreements 137347  
entered into pursuant to Section 701.40 of Am. Sub. S.B. 310 of 137348  
the 131st General Assembly, with respect to financing the costs 137349  
associated with the acquisition, development, installation, and 137350  
implementation of the BCIRS. If it is determined that additional 137351  
appropriations are necessary for this purpose, the amounts are 137352  
hereby appropriated. 137353

COUNTY SHERIFFS' PAY SUPPLEMENT 137354

The foregoing appropriation item 055411, County Sheriffs' Pay 137355  
Supplement, shall be used for the purpose of supplementing the 137356  
annual compensation of county sheriffs as required by section 137357  
325.06 of the Revised Code. 137358

At the request of the Attorney General, the Director of 137359  
Budget and Management may transfer appropriation from 137360  
appropriation item 055321, Operating Expenses, to appropriation 137361  
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 137362  
transferred shall be used to supplement the annual compensation of 137363  
county sheriffs as required by section 325.06 of the Revised Code. 137364

|                                                                                                                                                                                                                                                                                                                                                                                               |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| COUNTY PROSECUTORS' PAY SUPPLEMENT                                                                                                                                                                                                                                                                                                                                                            | 137365                                                             |
| The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.                                                                                                                                                         | 137366<br>137367<br>137368<br>137369                               |
| At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code. | 137370<br>137371<br>137372<br>137373<br>137374<br>137375<br>137376 |
| BATTERED WOMEN'S SHELTER                                                                                                                                                                                                                                                                                                                                                                      | 137377                                                             |
| Of the foregoing appropriation item 055501, Rape Crisis Centers, \$50,000 in each fiscal year shall be distributed directly to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility.                                                                                                             | 137378<br>137379<br>137380<br>137381<br>137382                     |
| CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY PURPOSES/CONTINGENCIES FUND TO THE ATTORNEY GENERAL REIMBURSEMENT FUND                                                                                                                                                                                                                                                                     | 137383<br>137384<br>137385                                         |
| On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$3,500,000 cash from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Attorney General Reimbursement Fund (Fund 1060).                                                                                                                                | 137386<br>137387<br>137388<br>137389<br>137390                     |
| ATTORNEY GENERAL OPERATING                                                                                                                                                                                                                                                                                                                                                                    | 137391                                                             |
| Of the foregoing appropriation item 055612, Attorney General Operating, \$2,000,000 in fiscal year 2018 shall be used by the Attorney General to fund criminal laboratory case work primarily                                                                                                                                                                                                 | 137392<br>137393<br>137394                                         |

related to opioid or other criminal cases submitted to the Bureau of Criminal Investigation. 137395  
137396

Of the foregoing appropriation item 055612, Attorney General Operating, \$1,500,000 in fiscal year 2018 shall be used to support each public forensic laboratory in Ohio that is accredited in chemistry by The American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or ANSI-ASQ National Accreditation Board (ANAB) to perform chemistry laboratory work. The Attorney General shall distribute the funds directly to such laboratories based on the recommendation of the Forensic Science Institute of Ohio, provided that no accredited laboratory shall receive less than \$100,000. 137397  
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137400  
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DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 137407

The Attorney General shall establish the Drug Abuse Response Team Grant Program for the purpose of replicating or expanding successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department, and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. Any grants awarded by this grant program may include requirements for private or nonprofit matching support. 137408  
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The foregoing appropriation item 055431, Drug Abuse Response Team Grants, shall be used by the Attorney General to fund grants to law enforcement or other government agencies; the primary purpose of the grants shall be to replicate or expand successful law enforcement programs that address the opioid epidemic similar to the Drug Abuse Response Team established by the Lucas County Sheriff's Department and the Quick Response Teams established in Colerain Township's Department of Public Safety in Hamilton County and Summit County. 137417  
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Each recipient of a grant under this program shall, within 137426  
six months of the end date of the grant, submit a written report 137427  
describing the outcomes that resulted from the grant to the 137428  
Governor, the President of the Senate, the Speaker of the House of 137429  
Representatives, the Minority Leader of the Senate, and the 137430  
Minority Leader of the House of Representatives. 137431

WORKERS' COMPENSATION SECTION 137432

The Workers' Compensation Fund (Fund 1950) is entitled to 137433  
receive quarterly payments from the Bureau of Workers' 137434  
Compensation and the Ohio Industrial Commission to fund legal 137435  
services provided to the Bureau of Workers' Compensation and the 137436  
Ohio Industrial Commission during the fiscal year. 137437

In addition, the Bureau of Workers' Compensation shall 137438  
transfer payments for the support of the Workers' Compensation 137439  
Fraud Unit. 137440

All amounts shall be mutually agreed upon by the Attorney 137441  
General, the Bureau of Workers' Compensation, and the Ohio 137442  
Industrial Commission. 137443

GENERAL HOLDING ACCOUNT 137444

The foregoing appropriation item 055631, General Holding 137445  
Account, shall be used to distribute moneys under the terms of 137446  
relevant court orders or other settlements received in a variety 137447  
of cases involving the Office of the Attorney General. If it is 137448  
determined that additional amounts are necessary for this purpose, 137449  
the amounts are hereby appropriated. 137450

ANTITRUST SETTLEMENTS 137451

The foregoing appropriation item 055632, Antitrust 137452  
Settlements, shall be used to distribute moneys under the terms of 137453  
relevant court orders or other out of court settlements in 137454  
antitrust cases or antitrust matters involving the Office of the 137455

Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

**Section 223.10.** AUD AUDITOR OF STATE

General Revenue Fund

|                              |                              |                                                                   |    |            |    |            |        |
|------------------------------|------------------------------|-------------------------------------------------------------------|----|------------|----|------------|--------|
| GRF                          | 070321                       | Operating Expenses                                                | \$ | 28,242,431 | \$ | 28,242,431 | 137486 |
| GRF                          | 070403                       | Fiscal                                                            | \$ | 789,029    | \$ | 789,029    | 137487 |
|                              |                              | Watch/Emergency                                                   |    |            |    |            |        |
|                              |                              | Technical Assistance                                              |    |            |    |            |        |
| GRF                          | 070409                       | School District                                                   | \$ | 960,000    | \$ | 960,000    | 137488 |
|                              |                              | Performance Audits                                                |    |            |    |            |        |
| TOTAL GRF                    | General Revenue Fund         |                                                                   | \$ | 29,991,460 | \$ | 29,991,460 | 137489 |
|                              | Dedicated Purpose Fund Group |                                                                   |    |            |    |            | 137490 |
| 1090                         | 070601                       | Public Audit Expense                                              | \$ | 10,803,057 | \$ | 10,803,057 | 137491 |
|                              |                              | - Intrastate                                                      |    |            |    |            |        |
| 4220                         | 070602                       | Public Audit Expense                                              | \$ | 37,306,649 | \$ | 38,806,649 | 137492 |
|                              |                              | - Local Government                                                |    |            |    |            |        |
| 5840                         | 070603                       | Training Program                                                  | \$ | 483,564    | \$ | 483,564    | 137493 |
| 5JZ0                         | 070606                       | LEAP Revolving Loans                                              | \$ | 410,952    | \$ | 410,952    | 137494 |
| 6750                         | 070605                       | Uniform Accounting                                                | \$ | 3,398,351  | \$ | 3,398,351  | 137495 |
|                              |                              | Network                                                           |    |            |    |            |        |
| TOTAL DPF                    | Dedicated Purpose Fund       |                                                                   |    |            |    |            | 137496 |
| Group                        |                              |                                                                   | \$ | 52,402,573 | \$ | 53,902,573 | 137497 |
| TOTAL ALL BUDGET FUND GROUPS |                              |                                                                   | \$ | 82,394,033 | \$ | 83,894,033 | 137498 |
|                              |                              | SCHOOL DISTRICT PERFORMANCE AUDITS                                |    |            |    |            | 137499 |
|                              |                              | The foregoing appropriation item 070409, School District          |    |            |    |            | 137500 |
|                              |                              | Performance Audits, shall be used by the Auditor of State, in     |    |            |    |            | 137501 |
|                              |                              | consultation with the Department of Education and the Office of   |    |            |    |            | 137502 |
|                              |                              | Budget and Management, for expenses incurred in the Auditor of    |    |            |    |            | 137503 |
|                              |                              | State's role relating to fiscal caution, fiscal watch, and fiscal |    |            |    |            | 137504 |
|                              |                              | emergency activities pursuant to section 3316.042 of the Revised  |    |            |    |            | 137505 |
|                              |                              | Code.                                                             |    |            |    |            | 137506 |
|                              |                              | <b>Section 225.10. BRB BOARD OF BARBER EXAMINERS</b>              |    |            |    |            | 137507 |
|                              |                              | Dedicated Purpose Fund Group                                      |    |            |    |            | 137508 |
| 4K90                         | 877609                       | Operating Expenses                                                | \$ | 433,805    | \$ | 0          | 137509 |
| TOTAL DPF                    | Dedicated Purpose Fund       |                                                                   | \$ | 433,805    | \$ | 0          | 137510 |

Group

TOTAL ALL BUDGET FUND GROUPS \$ 433,805 \$ 0 137511

**Section 229.10.** OBM OFFICE OF BUDGET AND MANAGEMENT 137513

General Revenue Fund 137514

GRF 042321 Budget Development \$ 3,073,172 \$ 3,112,524 137515  
and Implementation

GRF 042416 Office of Health \$ 401,989 \$ 415,577 137516  
Transformation

GRF 042425 Shared Services \$ 1,338,600 \$ 1,285,250 137517  
Development

GRF 042435 Gubernatorial \$ 0 \$ 221,625 137518  
Transition

TOTAL GRF General Revenue Fund \$ 4,813,761 \$ 5,034,976 137519

Internal Service Activity Fund Group 137520

1050 042603 Financial Management \$ 15,624,379 \$ 16,044,968 137521

1050 042620 Shared Services \$ 7,326,179 \$ 7,493,986 137522  
Operating

TOTAL ISA Internal Service Activity 137523

Fund Group \$ 22,950,558 \$ 23,538,954 137524

Fiduciary Fund Group 137525

5EH0 042604 Forgery Recovery \$ 30,000 \$ 30,000 137526

TOTAL FID Fiduciary Fund Group \$ 30,000 \$ 30,000 137527

Federal Fund Group 137528

3CM0 042606 Office of Health \$ 414,422 \$ 428,430 137529  
Transformation -

Federal

TOTAL FED Federal Fund Group \$ 414,422 \$ 428,430 137530

TOTAL ALL BUDGET FUND GROUPS \$ 28,208,741 \$ 29,032,360 137531

**Section 229.20.** AUDIT COSTS 137533

All centralized audit costs associated with either Single 137534

Audit Schedules or financial statements prepared in conformance 137535  
with generally accepted accounting principles for the state shall 137536  
be paid from the foregoing appropriation item 042603, Financial 137537  
Management. 137538

Costs associated with the audit of the Auditor of State shall 137539  
be paid from the foregoing appropriation item 042321, Budget 137540  
Development and Implementation. 137541

SHARED SERVICES 137542

The foregoing appropriation items 042425, Shared Services 137543  
Development, and 042620, Shared Services Operating, shall be used 137544  
by the Director of Budget and Management to support the Shared 137545  
Services program pursuant to division (D) of section 126.21 of the 137546  
Revised Code. 137547

The Director of Budget and Management shall include the 137548  
recovery of costs to operate the Shared Services program in the 137549  
accounting and budgeting services payroll rate and through direct 137550  
charges using intrastate transfer vouchers billed to agencies for 137551  
services rendered using a methodology determined by the Director 137552  
of Budget and Management. Such cost recovery revenues shall be 137553  
deposited to the credit of the Accounting and Budgeting Fund (Fund 137554  
1050). 137555

INTERNAL AUDIT 137556

The Director of Budget and Management shall include the 137557  
recovery of costs to operate the Internal Audit Program pursuant 137558  
to section 126.45 of the Revised Code in the accounting and 137559  
budgeting services payroll rate and through direct charges using 137560  
intrastate transfer vouchers billed to agencies reviewed by the 137561  
program using a methodology determined by the Director of Budget 137562  
and Management. Such cost recovery revenues shall be deposited to 137563  
the credit of Fund 1050. 137564

FORGERY RECOVERY 137565

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated.

|                                                                     |                                          |              |              |        |
|---------------------------------------------------------------------|------------------------------------------|--------------|--------------|--------|
| <b>Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD</b> |                                          |              |              | 137575 |
| General Revenue Fund                                                |                                          |              |              | 137576 |
| GRF 874100                                                          | Personal Services                        | \$ 2,497,866 | \$ 2,497,866 | 137577 |
| GRF 874320                                                          | Maintenance and Equipment                | \$ 1,368,765 | \$ 1,368,765 | 137578 |
| TOTAL GRF                                                           | General Revenue Fund                     | \$ 3,866,631 | \$ 3,866,631 | 137579 |
| Dedicated Purpose Fund Group                                        |                                          |              |              | 137580 |
| 2080 874601                                                         | Underground Parking Garage Operations    | \$ 4,110,625 | \$ 4,245,906 | 137581 |
| 4G50 874603                                                         | Capitol Square Education Center and Arts | \$ 6,000     | \$ 6,000     | 137582 |
| TOTAL DPF                                                           | Dedicated Purpose Fund Group             | \$ 4,116,625 | \$ 4,251,906 | 137583 |
| Internal Service Activity Fund Group                                |                                          |              |              | 137585 |
| 4S70 874602                                                         | Statehouse Gift Shop/Events              | \$ 800,000   | \$ 800,000   | 137586 |
| TOTAL ISA                                                           | Internal Service Activity Fund Group     | \$ 800,000   | \$ 800,000   | 137588 |
| TOTAL ALL BUDGET FUND GROUPS                                        |                                          | \$ 8,783,256 | \$ 8,918,537 | 137589 |
| MAINTENANCE AND EQUIPMENT                                           |                                          |              |              | 137590 |

On July 1, 2017, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Maintenance and Equipment, at the end of fiscal year 2017 to be reappropriated to fiscal year 2018. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2018.

On July 1, 2018, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874320, Maintenance and Equipment, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby appropriated to the same appropriation item for fiscal year 2019.

UNDERGROUND PARKING GARAGE FUND

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

HOUSE AND SENATE PARKING REIMBURSEMENT

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the Underground Parking Garage Fund (Fund 2080). The amounts transferred under this section shall be used to reimburse the Capitol Square Review and Advisory Board for legislative parking costs.

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND

|                                        |    |         |            |        |
|----------------------------------------|----|---------|------------|--------|
| SCHOOLS                                |    |         |            | 137621 |
| Dedicated Purpose Fund Group           |    |         |            | 137622 |
| 4K90 233601 Operating Expenses         | \$ | 540,260 | \$ 540,260 | 137623 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 540,260 | \$ 540,260 | 137624 |
| TOTAL ALL BUDGET FUND GROUPS           | \$ | 540,260 | \$ 540,260 | 137625 |

**Section 233.20.** The State Board of Career Colleges and Schools shall refund all student disclosure course fees charged to schools by the Board under paragraph (B) of rule 3332-1-22.1 of the Administrative Code and collected since January 2017 for the purpose of refunding that money to students who were charged that fee by the college or school. Private career schools, as defined in section 3332.01 of the Revised Code, shall refund the respective amount received under this section to each student who paid the fee.

**Section 235.10.** CAC CASINO CONTROL COMMISSION

|                                           |    |            |               |        |
|-------------------------------------------|----|------------|---------------|--------|
| Dedicated Purpose Fund Group              |    |            |               | 137637 |
| 5HS0 955321 Operating Expenses            | \$ | 13,327,155 | \$ 13,659,745 | 137638 |
| 5NU0 955601 Casino Commission Enforcement | \$ | 250,000    | \$ 250,000    | 137639 |
| TOTAL DPF Dedicated Purpose Fund Group    | \$ | 13,577,155 | \$ 13,909,745 | 137640 |
| TOTAL ALL BUDGET FUND GROUPS              | \$ | 13,577,155 | \$ 13,909,745 | 137641 |

**Section 237.10.** CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD

|                                        |    |         |            |        |
|----------------------------------------|----|---------|------------|--------|
| Dedicated Purpose Fund Group           |    |         |            | 137644 |
| 4K90 930609 Operating Expenses         | \$ | 547,999 | \$ 561,739 | 137645 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 547,999 | \$ 561,739 | 137646 |

|                                                         |    |            |    |            |        |
|---------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                            | \$ | 547,999    | \$ | 561,739    | 137647 |
| <br>                                                    |    |            |    |            |        |
| <b>Section 239.10.</b> CHR STATE CHIROPRACTIC BOARD     |    |            |    |            | 137649 |
| Dedicated Purpose Fund Group                            |    |            |    |            | 137650 |
| 4K90 878609 Operating Expenses                          | \$ | 646,000    | \$ | 646,700    | 137651 |
| TOTAL DPF Dedicated Purpose Fund Group                  | \$ | 646,000    | \$ | 646,700    | 137652 |
| TOTAL ALL BUDGET FUND GROUPS                            | \$ | 646,000    | \$ | 646,700    | 137653 |
| <br>                                                    |    |            |    |            |        |
| <b>Section 241.10.</b> CIV OHIO CIVIL RIGHTS COMMISSION |    |            |    |            | 137655 |
| General Revenue Fund                                    |    |            |    |            | 137656 |
| GRF 876321 Operating Expenses                           | \$ | 5,039,359  | \$ | 5,599,288  | 137657 |
| TOTAL GRF General Revenue Fund                          | \$ | 5,039,359  | \$ | 5,599,288  | 137658 |
| Internal Service Activity Fund Group                    |    |            |    |            | 137659 |
| 2170 876604 Operations Support                          | \$ | 4,000      | \$ | 4,000      | 137660 |
| TOTAL ISA Internal Service Activity Fund Group          | \$ | 4,000      | \$ | 4,000      | 137662 |
| Federal Fund Group                                      |    |            |    |            | 137663 |
| 3340 876601 Federal Programs                            | \$ | 3,581,649  | \$ | 3,319,965  | 137664 |
| TOTAL FED Federal Special Revenue Fund Group            | \$ | 3,581,649  | \$ | 3,319,965  | 137666 |
| TOTAL ALL BUDGET FUND GROUPS                            | \$ | 8,625,008  | \$ | 8,923,253  | 137667 |
| <br>                                                    |    |            |    |            |        |
| <b>Section 243.10.</b> COM DEPARTMENT OF COMMERCE       |    |            |    |            | 137669 |
| Dedicated Purpose Fund Group                            |    |            |    |            | 137670 |
| 4B20 800631 Real Estate Appraisal                       | \$ | 35,000     | \$ | 35,000     | 137671 |
| Recovery                                                |    |            |    |            |        |
| 4H90 800608 Cemeteries                                  | \$ | 343,249    | \$ | 295,244    | 137672 |
| 4X20 800619 Financial Institutions                      | \$ | 1,717,044  | \$ | 1,717,044  | 137673 |
| 5430 800602 Unclaimed                                   | \$ | 7,984,977  | \$ | 7,984,977  | 137674 |
| Funds-Operating                                         |    |            |    |            |        |
| 5430 800625 Unclaimed Funds-Claims                      | \$ | 70,000,000 | \$ | 70,000,000 | 137675 |

|      |        |                         |    |            |    |            |        |
|------|--------|-------------------------|----|------------|----|------------|--------|
| 5440 | 800612 | Banks                   | \$ | 9,677,471  | \$ | 9,677,471  | 137676 |
| 5460 | 800610 | Fire Marshal            | \$ | 17,297,687 | \$ | 17,297,687 | 137677 |
| 5460 | 800639 | Fire Department Grants  | \$ | 5,200,000  | \$ | 5,200,000  | 137678 |
| 5470 | 800603 | Real Estate             | \$ | 69,655     | \$ | 69,655     | 137679 |
|      |        | Education/Research      |    |            |    |            |        |
| 5480 | 800611 | Real Estate Recovery    | \$ | 50,000     | \$ | 50,000     | 137680 |
| 5490 | 800614 | Real Estate             | \$ | 3,750,000  | \$ | 3,584,329  | 137681 |
| 5500 | 800617 | Securities              | \$ | 5,216,985  | \$ | 5,284,994  | 137682 |
| 5520 | 800604 | Credit Union            | \$ | 3,600,000  | \$ | 3,675,000  | 137683 |
| 5530 | 800607 | Consumer Finance        | \$ | 4,548,563  | \$ | 4,628,963  | 137684 |
| 5560 | 800615 | Industrial Compliance   | \$ | 30,582,452 | \$ | 30,478,277 | 137685 |
| 5F10 | 800635 | Small Government Fire   | \$ | 300,000    | \$ | 300,000    | 137686 |
|      |        | Departments             |    |            |    |            |        |
| 5FW0 | 800616 | Financial Literacy      | \$ | 190,000    | \$ | 190,000    | 137687 |
|      |        | Education               |    |            |    |            |        |
| 5GK0 | 800609 | Securities Investor     | \$ | 682,150    | \$ | 682,150    | 137688 |
|      |        | Education/Enforcement   |    |            |    |            |        |
| 5HV0 | 800641 | Cigarette Enforcement   | \$ | 27,324     | \$ | 27,324     | 137689 |
| 5LC0 | 800644 | Liquor JobsOhio         | \$ | 276,817    | \$ | 276,817    | 137690 |
|      |        | Extraordinary Allowance |    |            |    |            |        |
| 5LN0 | 800645 | Liquor Operating        | \$ | 8,810,087  | \$ | 8,352,353  | 137691 |
|      |        | Services                |    |            |    |            |        |
| 5LP0 | 800646 | Liquor Regulatory       | \$ | 9,562,022  | \$ | 9,067,080  | 137692 |
|      |        | Operating Expenses      |    |            |    |            |        |
| 5SJ0 | 800648 | Volunteer Peace         | \$ | 50,000     | \$ | 50,000     | 137693 |
|      |        | Officers' Dependent     |    |            |    |            |        |
|      |        | Fund                    |    |            |    |            |        |
| 5SU0 | 800649 | Manufactured Homes      | \$ | 54,800     | \$ | 159,706    | 137694 |
|      |        | Regulation              |    |            |    |            |        |
| 5SY0 | 800650 | Medical Marijuana       | \$ | 1,121,279  | \$ | 1,135,692  | 137695 |
|      |        | Control Program         |    |            |    |            |        |
| 5X60 | 800623 | Video Service           | \$ | 412,693    | \$ | 412,693    | 137696 |
| 6530 | 800629 | UST Registration/Permit | \$ | 2,301,714  | \$ | 2,301,714  | 137697 |

|      |        |                                      |    |             |    |                    |
|------|--------|--------------------------------------|----|-------------|----|--------------------|
|      |        | Fee                                  |    |             |    |                    |
| 6A40 | 800630 | Real Estate                          | \$ | 778,175     | \$ | 722,672 137698     |
|      |        | Appraiser-Operating                  |    |             |    |                    |
|      |        | TOTAL DPF Dedicated Purpose          |    |             |    | 137699             |
|      |        | Fund Group                           | \$ | 184,640,144 | \$ | 183,656,842 137700 |
|      |        | Internal Service Activity Fund Group |    |             |    | 137701             |
| 1630 | 800620 | Division of                          | \$ | 8,043,364   | \$ | 8,043,364 137702   |
|      |        | Administration                       |    |             |    |                    |
| 1630 | 800637 | Information Technology               | \$ | 9,780,626   | \$ | 9,540,704 137703   |
|      |        | TOTAL ISA Internal Service Activity  |    |             |    | 137704             |
|      |        | Fund Group                           | \$ | 17,823,990  | \$ | 17,584,068 137705  |
|      |        | Federal Fund Group                   |    |             |    | 137706             |
| 3480 | 800622 | Underground Storage                  | \$ | 1,186,180   | \$ | 1,186,180 137707   |
|      |        | Tanks                                |    |             |    |                    |
| 3480 | 800624 | Leaking Underground                  | \$ | 1,950,000   | \$ | 1,950,000 137708   |
|      |        | Storage Tanks                        |    |             |    |                    |
|      |        | TOTAL FED Federal Fund Group         | \$ | 3,136,180   | \$ | 3,136,180 137709   |
|      |        | TOTAL ALL BUDGET FUND GROUPS         | \$ | 205,600,314 | \$ | 204,377,090 137710 |

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 137712

The foregoing appropriation item 800625, Unclaimed 137713  
Funds-Claims, shall be used to pay claims under section 169.08 of 137714  
the Revised Code. If it is determined by the Director of Commerce 137715  
that additional appropriation amounts are necessary to make such 137716  
payments, the Director of Commerce may request that the Director 137717  
of Budget and Management increase such amounts. Such amounts are 137718  
hereby appropriated. 137719

**DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING** 137720

The foregoing appropriation item 800631, Real Estate 137721  
Appraiser Recovery, shall be used to pay settlements, judgments, 137722  
and court orders under section 4763.16 of the Revised Code. If it 137723  
is determined by the Director of Commerce that additional 137724

appropriation amounts are necessary to make such payments, the 137725  
Director of Commerce may request that the Director of Budget and 137726  
Management increase such amounts. Such amounts are hereby 137727  
appropriated. 137728

The foregoing appropriation item 800611, Real Estate 137729  
Recovery, shall be used to pay settlements, judgments, and court 137730  
orders under section 4735.12 of the Revised Code. If it is 137731  
determined by the Director of Commerce that additional 137732  
appropriation amounts are necessary to make such payments, the 137733  
Director of Commerce may request that the Director of Budget and 137734  
Management increase such amounts. Such amounts are hereby 137735  
appropriated. 137736

FIRE MARSHAL 137737

Of the foregoing appropriation item 800610, Fire Marshal, 137738  
\$150,000 in fiscal year 2018 shall be used to provide a loan for 137739  
fire training center equipment to a fire training center that 137740  
received an appropriation in S.B. 310 of the 131st General 137741  
Assembly. 137742

FIRE DEPARTMENT GRANTS 137743

(A) The foregoing appropriation item 800639, Fire Department 137744  
Grants, shall be used to make annual grants to the following 137745  
eligible recipients: volunteer fire departments, fire departments 137746  
that serve one or more small municipalities or small townships, 137747  
joint fire districts comprised of fire departments that primarily 137748  
serve small municipalities or small townships, local units of 137749  
government responsible for such fire departments, and local units 137750  
of government responsible for the provision of fire protection 137751  
services for small municipalities or small townships. For the 137752  
purposes of these grants, a private fire company, as that phrase 137753  
is defined in section 9.60 of the Revised Code, that is providing 137754  
fire protection services under a contract to a political 137755

subdivision of the state, is an additional eligible recipient for 137756  
a training grant. 137757

Eligible recipients that consist of small municipalities or 137758  
small townships that all intend to contract with the same fire 137759  
department or private fire company for fire protection services 137760  
may jointly apply and be considered for a grant. If a joint 137761  
applicant is awarded a grant, the State Fire Marshal shall, if 137762  
feasible, proportionately award the grant and any equipment 137763  
purchased with grant funds to each of the joint applicants based 137764  
upon each applicant's contribution to and demonstrated need for 137765  
fire protection services. For the purpose of this grant program, 137766  
an eligible recipient or any firefighting entity that is 137767  
contracted to serve an eligible recipient may only file, be listed 137768  
as joint applicant, or be designated as a service provider on one 137769  
grant application per fiscal year. 137770

If the grant awarded to joint applicants is an equipment 137771  
grant and the equipment to be purchased cannot be readily 137772  
distributed or possessed by multiple recipients, each of the joint 137773  
applicants shall be awarded by the State Fire Marshal an ownership 137774  
interest in the equipment so purchased in proportion to each 137775  
applicant's contribution to and demonstrated need for fire 137776  
protection services. The joint applicants shall then mutually 137777  
agree on how the equipment is to be maintained, operated, stored, 137778  
or disposed of. If, for any reason, the joint applicants cannot 137779  
agree as to how jointly owned equipment is to be maintained, 137780  
operated, stored, or disposed of or any of the joint applicants no 137781  
longer maintain a contract with the same fire protection service 137782  
provider as the other applicants, then the joint applicants shall, 137783  
with the assistance of the State Fire Marshal, mutually agree as 137784  
to how the jointly owned equipment is to be maintained, operated, 137785  
stored, disposed of, or owned. If the joint applicants cannot 137786  
agree how the grant equipment is to be maintained, operated, 137787

stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,000,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$3,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to access MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year 137820  
per eligible recipient. Each eligible recipient may only apply, as 137821  
a separate entity or as a part of a joint application, for one 137822  
MARCS Grant per fiscal year. The State Fire Marshal may give a 137823  
preference in the awarding of MARCS Grants to grants that will 137824  
enhance the overall interoperability and effectiveness of 137825  
emergency communication networks in the geographic region that 137826  
includes and that is adjacent to the applicant. Eligible 137827  
recipients that are or were awarded fire department grants that 137828  
are not MARCS Grants may also apply for and receive MARCS Grants 137829  
in accordance with criteria for the awarding of grant funds 137830  
established by the State Fire Marshal. 137831

(3) Grant awards for firefighting or rescue equipment or gear 137832  
or for fire department costs of providing fire protection services 137833  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 137834  
fiscal year if an eligible entity serves a jurisdiction in which 137835  
the Governor declared a natural disaster during the preceding or 137836  
current fiscal year in which the grant was awarded. In addition to 137837  
any grant funds awarded for rescue equipment or gear, or for fire 137838  
department costs associated with the provision of fire protection 137839  
services, an eligible entity may receive a grant for up to \$15,000 137840  
per fiscal year for full or partial reimbursement of the 137841  
documented costs of firefighter training. For each fiscal year, 137842  
the State Fire Marshal shall determine the total amounts to be 137843  
allocated for each eligible purpose. 137844

(C) The grants shall be administered by the State Fire 137845  
Marshal in accordance with rules the State Fire Marshal adopts as 137846  
part of the state fire code adopted pursuant to section 3737.82 of 137847  
the Revised Code that are necessary for the administration and 137848  
operation of the grant program. The rules may further define the 137849  
entities eligible to receive grants and establish criteria for the 137850  
awarding and expenditure of grant funds, including methods the 137851

State Fire Marshal may use to verify the proper use of grant funds 137852  
or to obtain reimbursement for or the return of equipment for 137853  
improperly used grant funds. To the extent consistent with this 137854  
section and until the rules are updated, the existing rules in the 137855  
state fire code adopted pursuant to section 3737.82 of the Revised 137856  
Code for fire department grants under this section apply to MARCS 137857  
Grants. Any amounts in appropriation item 800639, Fire Department 137858  
Grants, in excess of the amount allocated for these grants may be 137859  
used for the administration of the grant program. 137860

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 137861

Upon the written request of the Director of Commerce, the 137862  
Director of Budget and Management may transfer up to \$500,000 in 137863  
cash from the Real Estate Recovery Fund (Fund 5480) and up to 137864  
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 137865  
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 137866  
5490) during the biennium ending June 30, 2019. 137867

SMALL GOVERNMENT FIRE DEPARTMENT SERVICES REVOLVING LOAN FUND 137868

Upon the written request of the Director of Commerce, the 137869  
Director of Budget and Management may transfer up to \$300,000 in 137870  
cash from the State Fire Marshal Fund (Fund 5460) to the Small 137871  
Government Fire Department Services Revolving Loan Fund (Fund 137872  
5F10) during the biennium ending June 30, 2019. 137873

**Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL** 137874

Dedicated Purpose Fund Group 137875

5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093 137876

TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093 137877

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,541,093 \$ 5,541,093 137878

**Section 247.10. CEB CONTROLLING BOARD** 137880

|                                      |                        |    |           |        |           |        |
|--------------------------------------|------------------------|----|-----------|--------|-----------|--------|
| Internal Service Activity Fund Group |                        |    |           | 137881 |           |        |
| 5KM0 911614                          | Controlling Board      | \$ | 7,500,000 | \$     | 7,500,000 | 137882 |
|                                      | Emergency              |    |           |        |           |        |
|                                      | Purposes/Contingencies |    |           |        |           |        |
| TOTAL ISA Internal Service Activity  |                        | \$ | 7,500,000 | \$     | 7,500,000 | 137883 |
| Fund Group                           |                        |    |           |        |           |        |
| TOTAL ALL BUDGET FUND GROUPS         |                        | \$ | 7,500,000 | \$     | 7,500,000 | 137884 |

**Section 247.20. FEDERAL SHARE** 137886

In transferring appropriations to or from appropriation items 137887  
that have federal shares identified in this act, the Controlling 137888  
Board shall add or subtract corresponding amounts of federal 137889  
matching funds at the percentages indicated by the state and 137890  
federal division of the appropriations in this act. Such changes 137891  
are hereby appropriated. 137892

**DISASTER SERVICES** 137893

The Disaster Services Fund (Fund 5E20) shall be used by the 137894  
Controlling Board, pursuant to requests submitted by state 137895  
agencies, to transfer cash used for the payment of state agency 137896  
disaster relief program expenses for disasters that have a written 137897  
Governor's authorization, if the Director of Budget and Management 137898  
determines that sufficient funds exist. 137899

Pursuant to requests submitted by the Department of Public 137900  
Safety, the Controlling Board may approve cash transfers from Fund 137901  
5E20 to any fund used by the Department of Public Safety to 137902  
provide for assistance to political subdivisions made necessary by 137903  
natural disasters or emergencies. These cash transfers may be 137904  
requested and approved prior to the occurrence of any specific 137905  
natural disasters or emergencies in order to facilitate the 137906  
provision of timely assistance. The Emergency Management Agency of 137907  
the Department of Public Safety shall use the cash to fund the 137908  
State Disaster Relief Program for disasters that qualify for the 137909

program by written authorization of the Governor, and the State 137910  
 Individual Assistance Program for disasters that been declared by 137911  
 the federal Small Business Administration and that qualify for the 137912  
 program by written authorization from the Governor. The Ohio 137913  
 Emergency Management Agency shall publish and make available 137914  
 application packets outlining procedures for the State Disaster 137915  
 Relief Program and the State Individual Assistance Program. 137916

**Section 249.10. COS COSMETOLOGY AND BARBER BOARD** 137917

Dedicated Purpose Fund Group 137918  
 4K90 879609 Operating Expenses \$ 4,462,105 \$ 5,348,760 137919  
 TOTAL DPF Dedicated Purpose Fund \$ 4,462,105 \$ 5,348,760 137920  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 4,462,105 \$ 5,348,760 137921

**Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE** 137923

AND FAMILY THERAPIST BOARD 137924  
 Dedicated Purpose Fund Group 137925  
 4K90 899609 Operating Expenses \$ 1,518,224 \$ 1,625,312 137926  
 TOTAL DPF Dedicated Purpose Fund \$ 1,518,224 \$ 1,625,312 137927  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,518,224 \$ 1,625,312 137928

**Section 253.10. CLA COURT OF CLAIMS** 137930

General Revenue Fund 137931  
 GRF 015321 Operating Expenses \$ 2,536,419 \$ 2,536,419 137932  
 GRF 015403 Public Records \$ 518,700 \$ 539,280 137933  
 Adjudication  
 TOTAL GRF General Revenue Fund \$ 3,055,119 \$ 3,075,699 137934  
 Dedicated Purpose Fund Group 137935  
 5K20 015603 CLA Victims of Crime \$ 462,515 \$ 480,463 137936  
 TOTAL DPF Dedicated Purpose Fund \$ 462,515 \$ 480,463 137937

Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,517,634 \$ 3,556,162 137938

PUBLIC RECORDS ADJUDICATION 137939

The foregoing appropriation item 015403, Public Records 137940

Adjudication, shall be used by the Court of Claims to perform its 137941

duties and responsibilities as directed by S.B. 321 of the 131st 137942

General Assembly. 137943

**Section 255.10.** DEN STATE DENTAL BOARD 137944

Dedicated Purpose Fund Group 137945

4K90 880609 Operating Expenses \$ 1,754,868 \$ 1,830,082 137946

TOTAL DPF Dedicated Purpose Fund \$ 1,754,868 \$ 1,830,082 137947

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,754,868 \$ 1,830,082 137948

**Section 257.10.** BDP BOARD OF DEPOSIT 137950

Dedicated Purpose Fund Group 137951

4M20 974601 Board of Deposit \$ 1,876,000 \$ 1,876,000 137952

TOTAL DPF Dedicated Purpose Fund \$ 1,876,000 \$ 1,876,000 137953

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,876,000 \$ 1,876,000 137954

BOARD OF DEPOSIT EXPENSE FUND 137955

Upon receiving certification of expenses from the Treasurer 137956

of State, the Director of Budget and Management shall transfer 137957

cash from the Investment Earnings Redistribution Fund (Fund 6080) 137958

to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 137959

shall be used pursuant to section 135.02 of the Revised Code to 137960

pay for any and all necessary expenses of the Board of Deposit or 137961

for banking charges and fees required for the operation of the 137962

State of Ohio Regular Account. 137963

**Section 259.10.** DEV DEVELOPMENT SERVICES AGENCY 137964

|     |        |                                                                                          |    |            |    |            |        |
|-----|--------|------------------------------------------------------------------------------------------|----|------------|----|------------|--------|
|     |        | General Revenue Fund                                                                     |    |            |    |            | 137965 |
| GRF | 195402 | Coal Research and<br>Development Program                                                 | \$ | 227,368    | \$ | 227,368    | 137966 |
| GRF | 195405 | Minority Business<br>Development                                                         | \$ | 1,696,358  | \$ | 1,696,358  | 137967 |
| GRF | 195415 | Business Development<br>Services                                                         | \$ | 3,208,941  | \$ | 3,208,941  | 137968 |
| GRF | 195426 | Redevelopment<br>Assistance                                                              | \$ | 824,500    | \$ | 1,067,000  | 137969 |
| GRF | 195453 | Technology Programs<br>and Grants                                                        | \$ | 13,599,956 | \$ | 13,349,956 | 137970 |
| GRF | 195454 | Small Business and<br>Export Assistance                                                  | \$ | 3,057,174  | \$ | 3,057,174  | 137971 |
| GRF | 195455 | Appalachian Workforce<br>Assistance                                                      | \$ | 3,422,000  | \$ | 3,422,000  | 137972 |
| GRF | 195497 | CDBG Operating Match                                                                     | \$ | 1,021,604  | \$ | 1,021,604  | 137973 |
| GRF | 195501 | iBELIEVE                                                                                 | \$ | 100,000    | \$ | 100,000    | 137974 |
| GRF | 195503 | Local Development<br>Projects                                                            | \$ | 150,000    | \$ | 150,000    | 137975 |
| GRF | 195537 | Ohio-Israel<br>Agricultural<br>Initiative                                                | \$ | 250,000    | \$ | 250,000    | 137976 |
| GRF | 195901 | Coal Research and<br>Development General<br>Obligation Bond Debt<br>Service              | \$ | 6,319,500  | \$ | 7,820,600  | 137977 |
| GRF | 195905 | Third Frontier<br>Research and<br>Development General<br>Obligation Bond Debt<br>Service | \$ | 85,574,000 | \$ | 89,782,300 | 137978 |
| GRF | 195912 | Job Ready Site<br>Development General                                                    | \$ | 11,092,900 | \$ | 12,380,400 | 137979 |

|             |                              |                      |                |                |  |        |
|-------------|------------------------------|----------------------|----------------|----------------|--|--------|
|             |                              | Obligation Bond Debt |                |                |  |        |
|             |                              | Service              |                |                |  |        |
| TOTAL GRF   | General Revenue Fund         |                      | \$ 130,544,301 | \$ 137,533,701 |  | 137980 |
|             | Dedicated Purpose Fund Group |                      |                |                |  | 137981 |
| 4500 195624 | Minority Business            |                      | \$ 74,905      | \$ 74,905      |  | 137982 |
|             | Bonding Program              |                      |                |                |  |        |
|             | Administration               |                      |                |                |  |        |
| 4510 195649 | Business Assistance          |                      | \$ 4,000,000   | \$ 4,000,000   |  | 137983 |
|             | Programs                     |                      |                |                |  |        |
| 4F20 195639 | State Special Projects       |                      | \$ 102,104     | \$ 102,104     |  | 137984 |
| 4F20 195699 | Utility Community            |                      | \$ 500,000     | \$ 500,000     |  | 137985 |
|             | Assistance                   |                      |                |                |  |        |
| 4W10 195646 | Minority Business            |                      | \$ 4,000,000   | \$ 4,000,000   |  | 137986 |
|             | Enterprise Loan              |                      |                |                |  |        |
| 5CG0 195679 | Alternative Fuel             |                      | \$ 2,000,000   | \$ 2,000,000   |  | 137987 |
|             | Transportation               |                      |                |                |  |        |
| 5HR0 195403 | Appalachian Workforce        |                      | \$ 4,140,018   | \$ 4,140,018   |  | 137988 |
|             | Assistance                   |                      |                |                |  |        |
| 5HR0 195622 | Defense Development          |                      | \$ 400,000     | \$ 400,000     |  | 137989 |
|             | Assistance                   |                      |                |                |  |        |
| 5HR0 195662 | Incumbent Workforce          |                      | \$ 1,250,000   | \$ 1,250,000   |  | 137990 |
|             | Training Vouchers            |                      |                |                |  |        |
| 5JR0 195635 | Tax Incentives               |                      | \$ 800,000     | \$ 800,000     |  | 137991 |
|             | Operating                    |                      |                |                |  |        |
| 5KP0 195645 | Historic                     |                      | \$ 1,000,000   | \$ 1,000,000   |  | 137992 |
|             | Rehabilitation               |                      |                |                |  |        |
|             | Operating                    |                      |                |                |  |        |
| 5M40 195659 | Low Income Energy            |                      | \$ 370,000,000 | \$ 370,000,000 |  | 137993 |
|             | Assistance (USF)             |                      |                |                |  |        |
| 5M50 195660 | Advanced Energy Loan         |                      | \$ 10,000,000  | \$ 10,000,000  |  | 137994 |
|             | Programs                     |                      |                |                |  |        |
| 5MH0 195644 | SiteOhio                     |                      | \$ 25,000      | \$ 25,000      |  | 137995 |
|             | Administration               |                      |                |                |  |        |

|                                                   |        |                                                      |    |             |    |             |        |
|---------------------------------------------------|--------|------------------------------------------------------|----|-------------|----|-------------|--------|
| 5MJ0                                              | 195683 | TourismOhio<br>Administration                        | \$ | 10,000,000  | \$ | 10,000,000  | 137996 |
| 5W50                                              | 195690 | Travel and Tourism<br>Cooperative Projects           | \$ | 150,000     | \$ | 150,000     | 137997 |
| 5W60                                              | 195691 | International Trade<br>Cooperative Projects          | \$ | 18,000      | \$ | 18,000      | 137998 |
| 6170                                              | 195654 | Volume Cap<br>Administration                         | \$ | 32,562      | \$ | 32,562      | 137999 |
| 6460                                              | 195638 | Low- and Moderate-<br>Income Housing<br>Programs     | \$ | 53,000,000  | \$ | 53,000,000  | 138000 |
| M087                                              | 195435 | Biomedical Research<br>and Technology<br>Transfer    | \$ | 500,000     | \$ | 500,000     | 138001 |
| TOTAL DPF Dedicated Purpose Fund<br>Group         |        |                                                      | \$ | 461,992,589 | \$ | 461,992,589 | 138002 |
| Internal Service Activity Fund Group              |        |                                                      |    |             |    |             | 138003 |
| 1350                                              | 195684 | Development Services<br>Operations                   | \$ | 10,800,000  | \$ | 10,800,000  | 138004 |
| 6850                                              | 195636 | Development Services<br>Reimbursable<br>Expenditures | \$ | 700,000     | \$ | 700,000     | 138005 |
| TOTAL ISA Internal Service Activity<br>Fund Group |        |                                                      | \$ | 11,500,000  | \$ | 11,500,000  | 138006 |
| Facilities Establishment Fund Group               |        |                                                      |    |             |    |             | 138007 |
| 5S90                                              | 195628 | Capital Access Loan<br>Program                       | \$ | 2,500,000   | \$ | 2,500,000   | 138008 |
| 7009                                              | 195664 | Innovation Ohio                                      | \$ | 5,000,000   | \$ | 5,000,000   | 138009 |
| 7010                                              | 195665 | Research and<br>Development                          | \$ | 5,000,000   | \$ | 5,000,000   | 138010 |
| 7037                                              | 195615 | Facilities<br>Establishment                          | \$ | 25,000,000  | \$ | 25,000,000  | 138011 |

|                                          |    |             |    |             |        |
|------------------------------------------|----|-------------|----|-------------|--------|
| TOTAL FCE Facilities Establishment       | \$ | 37,500,000  | \$ | 37,500,000  | 138012 |
| Fund Group                               |    |             |    |             |        |
| Bond Research and Development Fund Group |    |             |    |             | 138013 |
| 7011 195686 Third Frontier Tax           | \$ | 750,000     | \$ | 750,000     | 138014 |
| Exempt - Operating                       |    |             |    |             |        |
| 7011 195687 Third Frontier               | \$ | 20,000,000  | \$ | 20,000,000  | 138015 |
| Research and                             |    |             |    |             |        |
| Development Projects                     |    |             |    |             |        |
| 7014 195620 Third Frontier               | \$ | 1,710,000   | \$ | 1,710,000   | 138016 |
| Taxable - Operating                      |    |             |    |             |        |
| 7014 195692 Research and                 | \$ | 90,850,250  | \$ | 90,850,250  | 138017 |
| Development Taxable                      |    |             |    |             |        |
| Bond Projects                            |    |             |    |             |        |
| TOTAL BRD Bond Research and              | \$ | 113,310,250 | \$ | 113,310,250 | 138018 |
| Development Fund Group                   |    |             |    |             |        |
| Capital Projects Fund Group              |    |             |    |             | 138019 |
| 7003 195663 Clean Ohio                   | \$ | 600,000     | \$ | 0           | 138020 |
| Revitalization                           |    |             |    |             |        |
| Operating                                |    |             |    |             |        |
| TOTAL CPF Capital Projects Fund          | \$ | 600,000     | \$ | 0           | 138021 |
| Group                                    |    |             |    |             |        |
| Federal Fund Group                       |    |             |    |             | 138022 |
| 3080 195603 Housing Assistance           | \$ | 12,000,000  | \$ | 12,000,000  | 138023 |
| Programs                                 |    |             |    |             |        |
| 3080 195609 Small Business               | \$ | 5,271,381   | \$ | 5,271,381   | 138024 |
| Administration Grants                    |    |             |    |             |        |
| 3080 195618 Energy Grants                | \$ | 4,000,000   | \$ | 4,000,000   | 138025 |
| 3080 195670 Home Weatherization          | \$ | 20,000,000  | \$ | 20,000,000  | 138026 |
| Program                                  |    |             |    |             |        |
| 3080 195671 Brownfield                   | \$ | 3,000,000   | \$ | 3,000,000   | 138027 |
| Redevelopment                            |    |             |    |             |        |
| 3080 195672 Manufacturing                | \$ | 5,500,000   | \$ | 5,500,000   | 138028 |

|                              |        |                                                                  |    |               |    |               |        |
|------------------------------|--------|------------------------------------------------------------------|----|---------------|----|---------------|--------|
|                              |        | Extension Partnership                                            |    |               |    |               |        |
| 3080                         | 195675 | Procurement Technical Assistance                                 | \$ | 750,000       | \$ | 750,000       | 138029 |
| 3080                         | 195696 | State Trade and Export Promotion                                 | \$ | 800,000       | \$ | 800,000       | 138030 |
| 3350                         | 195610 | Energy Programs                                                  | \$ | 200,000       | \$ | 200,000       | 138031 |
| 3AE0                         | 195643 | Workforce Development Initiatives                                | \$ | 800,000       | \$ | 800,000       | 138032 |
| 3FJ0                         | 195626 | Small Business Capital Access and Collateral Enhancement Program | \$ | 5,644,445     | \$ | 5,644,445     | 138033 |
| 3FJ0                         | 195661 | Technology Targeted Investment Program                           | \$ | 2,260,953     | \$ | 2,260,953     | 138034 |
| 3K80                         | 195613 | Community Development Block Grant                                | \$ | 60,000,000    | \$ | 60,000,000    | 138035 |
| 3K90                         | 195611 | Home Energy Assistance Block Grant                               | \$ | 175,000,000   | \$ | 175,000,000   | 138036 |
| 3K90                         | 195614 | HEAP Weatherization                                              | \$ | 25,000,000    | \$ | 25,000,000    | 138037 |
| 3L00                         | 195612 | Community Services Block Grant                                   | \$ | 28,000,000    | \$ | 28,000,000    | 138038 |
| 3V10                         | 195601 | HOME Program                                                     | \$ | 25,000,000    | \$ | 25,000,000    | 138039 |
| TOTAL FED                    |        | Federal Fund Group                                               | \$ | 373,226,779   | \$ | 373,226,779   | 138040 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                                  | \$ | 1,128,673,919 | \$ | 1,135,063,319 | 138041 |

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 138043

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office. 138044  
138045  
138046  
138047

MINORITY BUSINESS DEVELOPMENT 138048

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance.

BUSINESS DEVELOPMENT SERVICES

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices.

REDEVELOPMENT ASSISTANCE

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other revitalization programs that may be implemented by the Development Services Agency, and may be used to match federal grant funding.

TECHNOLOGY PROGRAMS AND GRANTS

Of the foregoing appropriation item 195453, Technology Programs and Grants, up to \$547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; up to \$10,000,000 in each fiscal year shall be used pursuant to sections 122.28 to 122.36 of the Revised Code, of which not more than ten per cent shall be used for operating expenses incurred in administering the program; \$250,000 in each fiscal year shall be allocated to the Ohio Military Facilities Commission exclusively to be used to finance or assist in the financing of infrastructure capital improvements at Wright-Patterson Air Force Base in preparation for future federal Defense Base Realignment and Closure Commission (BRAC) actions;

and \$75,000 in each fiscal year shall be allocated to the Camp 138080  
Ravenna Joint Military Training Center to help with securing 138081  
federal funding in promoting the defense of the United States. 138082

SMALL BUSINESS AND EXPORT ASSISTANCE 138083

The foregoing appropriation item 195454, Small Business and 138084  
Export Assistance, may be used to provide a range of business 138085  
assistance, including grants to local organizations to support 138086  
economic development activities that promote small business 138087  
development, entrepreneurship, and exports of Ohio's goods and 138088  
services, in conjunction with local organizations funded through 138089  
appropriation item 195405, Minority Business Development. The 138090  
foregoing appropriation item shall also be used as matching funds 138091  
for grants from the United States Small Business Administration 138092  
and other federal agencies, pursuant to Public Law No. 96-302 as 138093  
amended by Public Law No. 98-395, and regulations and policy 138094  
guidelines for the programs pursuant thereto. 138095

APPALACHIAN WORKFORCE ASSISTANCE 138096

The foregoing GRF appropriation item 195455, Appalachian 138097  
Workforce Assistance, shall be used in conjunction with Ohio 138098  
Incumbent Workforce Job Training Fund (Fund 5HR0) appropriation 138099  
item 195403, Appalachian Workforce Assistance. 138100

CDBG OPERATING MATCH 138101

The foregoing appropriation item 195497, CDBG Operating 138102  
Match, shall be used as matching funds for grants from the United 138103  
States Department of Housing and Urban Development pursuant to the 138104  
Housing and Community Development Act of 1974 and regulations and 138105  
policy guidelines for the programs pursuant thereto. 138106

iBELIEVE 138107

The foregoing appropriation item 195501, iBELIEVE, shall be 138108  
allocated to the iBELIEVE Foundation to provide opportunities for 138109

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| Appalachian youth to develop twenty-first century skills,           | 138110 |
| including leadership, communication, and problem-solving for        | 138111 |
| college access and retention.                                       | 138112 |
| LOCAL DEVELOPMENT PROJECTS                                          | 138113 |
| The foregoing appropriation item 195503, Local Development          | 138114 |
| Projects, shall be allocated to Cleveland Neighborhood Progress to  | 138115 |
| support the Community Financial Centers Pilot Program.              | 138116 |
| OHIO-ISRAEL AGRICULTURAL INITIATIVE                                 | 138117 |
| The foregoing appropriation item 195537, Ohio-Israel                | 138118 |
| Agricultural Initiative, shall be used for the Ohio-Israel          | 138119 |
| Agricultural Initiative.                                            | 138120 |
| Of the foregoing appropriation item 195537, Ohio-Israel             | 138121 |
| Agricultural Initiative, \$50,000 in each fiscal year shall be used | 138122 |
| to support the Cleantech component of the Ohio-Israel Agricultural  | 138123 |
| Initiative.                                                         | 138124 |
| COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT          | 138125 |
| SERVICE                                                             | 138126 |
| The foregoing appropriation line item 195901, Coal Research         | 138127 |
| and Development General Obligation Bond Debt Service, shall be      | 138128 |
| used to pay all debt service and related financing costs during     | 138129 |
| the period July 1, 2017, through June 30, 2019, on obligations      | 138130 |
| issued under sections 151.01 and 151.07 of the Revised Code.        | 138131 |
| THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION          | 138132 |
| BOND DEBT SERVICE                                                   | 138133 |
| The foregoing appropriation item 195905, Third Frontier             | 138134 |
| Research and Development General Obligation Bond Debt Service,      | 138135 |
| shall be used to pay all debt service and related financing costs   | 138136 |
| during the period from July 1, 2017, through June 30, 2019, on      | 138137 |
| obligations issued under sections 151.01 and 151.10 of the Revised  | 138138 |
| Code.                                                               | 138139 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT            | 138140 |
| SERVICE                                                            | 138141 |
| The foregoing appropriation item 195912, Job Ready Site            | 138142 |
| Development General Obligation Bond Debt Service, shall be used to | 138143 |
| pay all debt service and related financing costs during the period | 138144 |
| from July 1, 2017, through June 30, 2019, on obligations issued    | 138145 |
| under sections 151.01 and 151.11 of the Revised Code.              | 138146 |
| <b>Section 259.30. MINORITY BUSINESS BONDING FUND</b>              | 138147 |
| Notwithstanding Chapters 122., 169., and 175. of the Revised       | 138148 |
| Code, the Director of Development Services may, upon the           | 138149 |
| recommendation of the Minority Development Financing Advisory      | 138150 |
| Board, pledge up to \$10,000,000 in the fiscal year 2018-fiscal    | 138151 |
| year 2019 biennium of unclaimed funds administered by the Director | 138152 |
| of Commerce and allocated to the Minority Business Bonding Program | 138153 |
| under section 169.05 of the Revised Code.                          | 138154 |
| If needed for the payment of losses arising from the Minority      | 138155 |
| Business Bonding Program, the Director of Budget and Management    | 138156 |
| may, at the request of the Director of Development Services,       | 138157 |
| request that the Director of Commerce transfer unclaimed funds     | 138158 |
| that have been reported by holders of unclaimed funds under        | 138159 |
| section 169.05 of the Revised Code to the Minority Bonding Fund    | 138160 |
| (Fund 4490). The transfer of unclaimed funds shall only occur      | 138161 |
| after proceeds of the initial transfer of \$2,700,000 by the       | 138162 |
| Controlling Board to the Minority Business Bonding Program have    | 138163 |
| been used for that purpose. If expenditures are required for       | 138164 |
| payment of losses arising from the Minority Business Bonding       | 138165 |
| Program, such expenditures shall be made from appropriation item   | 138166 |
| 195658, Minority Business Bonding Contingency in the Minority      | 138167 |
| Business Bonding Fund, and such amounts are hereby appropriated.   | 138168 |
| BUSINESS ASSISTANCE PROGRAMS                                       | 138169 |

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives within the Office of Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal grants and to support low-income energy assistance programs.

MINORITY BUSINESS ENTERPRISE LOAN

All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

APPALACHIAN WORKFORCE ASSISTANCE

On July 1, 2018, or as soon as possible thereafter, the Director of Budget and Management shall transfer cash from the Economic Development Programs Fund (Fund 5JC0) to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) in an amount necessary to provide Fund 5HR0 with sufficient funding to support the full fiscal year 2019 appropriation to the foregoing appropriation item 195403, Appalachian Workforce Assistance.

The foregoing appropriation item 195403, Appalachian Workforce Assistance, may be used for the administrative costs of planning and liaison activities for the Governor's Office of Appalachia, to provide financial assistance to projects in Ohio's Appalachian counties, to support four local development districts, and to pay dues for the Appalachian Regional Commission. These funds may be used to match federal funds from the Appalachian Regional Commission. Programs funded through the foregoing

appropriation item shall be identified and recommended by the 138201  
local development districts and approved by the Governor's Office 138202  
of Appalachia. The Development Services Agency shall conduct 138203  
compliance and regulatory review of the programs recommended by 138204  
the local development districts. Moneys allocated under the 138205  
foregoing appropriation item may be used to fund projects 138206  
including, but not limited to, those designated by the local 138207  
development districts as community investment and rapid response 138208  
projects. 138209

Of the foregoing appropriation item 195403, Appalachian 138210  
Workforce Assistance, in each fiscal year, \$170,000 shall be 138211  
allocated to the Ohio Valley Regional Development Commission, 138212  
\$170,000 shall be allocated to the Ohio Mid-Eastern Government 138213  
Association, \$170,000 shall be allocated to the Buckeye 138214  
Hills-Hocking Valley Regional Development District, and \$70,000 138215  
shall be allocated to the Eastgate Regional Council of 138216  
Governments. Local development districts receiving funding under 138217  
this section shall use the funds for the implementation and 138218  
administration of programs and duties under section 107.21 of the 138219  
Revised Code. 138220

DEFENSE DEVELOPMENT ASSISTANCE 138221

On July 1, 2017, or as soon as possible thereafter, the 138222  
Director of Budget and Management shall transfer \$700,000 cash 138223  
from the OhioMeansJobs Workforce Development Revolving Loan Fund 138224  
(Fund 5NH0) to the Ohio Incumbent Workforce Job Training Fund 138225  
(Fund 5HR0). 138226

Of the foregoing appropriation item 195622, Defense 138227  
Development Assistance, \$300,000 in each fiscal year shall be 138228  
allocated to Development Projects, Inc., for economic development 138229  
programs and the creation of new jobs to leverage and support 138230  
mission gains at Department of Defense and related facilities in 138231  
Ohio by working with future base realignment and closure 138232

activities and ongoing Department of Defense efficiency and partnership initiatives, assisting efforts to secure Department of Defense support contracts for Ohio companies, assessing and supporting regional job training and workforce development needs generated by the Department of Defense and the Ohio aerospace industry, promoting technology transfer to Ohio businesses, and for expanding job training and economic development programs in human performance and cyber security related initiatives.

Of the foregoing appropriation item 195622, Defense Development Assistance, \$100,000 in each fiscal year shall be allocated to the Aerospace Professional Development Center in Dayton for statewide workforce development services in the aerospace industry.

INCUMBENT WORKFORCE TRAINING VOUCHERS

The foregoing appropriation item 195662, Incumbent Workforce Training Vouchers, shall be used to support the Incumbent Workforce Training Voucher Program.

The Incumbent Workforce Training Voucher Program shall conform to guidelines for the operation of the program, including, but not limited to, the following:

(A) A requirement that a training voucher under the program shall not exceed \$6,000 per worker per year;

(B) A provision for an employer of an eligible employee to apply for a voucher on behalf of the eligible employee;

(C) A provision for an eligible employee to apply directly for a training voucher with the pre-approval of the employee's employer; and

(D) A requirement that an employee participating in the program, or the employee's employer, shall pay for not less than thirty-three per cent of the training costs under the program.

On July 1, 2018, or as soon as possible thereafter, the 138263  
Director of Development Services may request that the Director of 138264  
Budget and Management reappropriate any expended, unencumbered 138265  
balance of the prior fiscal year's appropriation to the foregoing 138266  
appropriation item 195662, Incumbent Workforce Training Vouchers, 138267  
for fiscal year 2019. The Director of Budget and Management may 138268  
request additional information necessary for evaluating the 138269  
request, and the Director of Development Services shall provide 138270  
the requested information to the Director of Budget and 138271  
Management. Based on the information provided by the Director of 138272  
Development Services, the Director of Budget and Management shall 138273  
determine the amount to be reappropriated, and that amount is 138274  
hereby reappropriated for fiscal year 2019. 138275

TAX INCENTIVES OPERATING 138276

On July 1, 2017, or as soon as possible thereafter, the 138277  
Director of Budget and Management shall transfer \$700,000 cash 138278  
from Fund 5MK0 to Fund 5JR0. 138279

ADVANCED ENERGY LOAN PROGRAMS 138280

The foregoing appropriation item 195660, Advanced Energy Loan 138281  
Programs, shall be used to provide financial assistance to 138282  
customers for eligible advanced energy projects for residential, 138283  
commercial, and industrial business, local government, educational 138284  
institution, nonprofit, and agriculture customers. The 138285  
appropriation item may be used to match federal grant funding and 138286  
to pay for the program's administrative costs as provided in 138287  
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 138288  
by the Director of Development Services. 138289

On July 1, 2017, or as soon as possible thereafter, the 138290  
Director of Budget and Management shall transfer cash in an amount 138291  
equal to the unexpended, unencumbered balance of the Advanced 138292  
Energy Research and Development Taxable Fund (Fund 7004), from 138293

|                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Fund 7004 to the Advanced Energy Fund (Fund 5M50).                                                                                                                                                                                                                                                                                                                                                                | 138294                                                             |
| TRAVEL AND TOURISM COOPERATIVE PROJECTS                                                                                                                                                                                                                                                                                                                                                                           | 138295                                                             |
| The foregoing appropriation item 195690, Travel and Tourism Cooperative Projects, shall be used for the marketing and promotion of travel and tourism in Ohio. The Travel and Tourism Cooperative Projects Fund (Fund 5W50) shall consist solely of leveraged private sector paid advertising dollars received in tourism marketing assistance and co-op programs.                                                | 138296<br>138297<br>138298<br>138299<br>138300<br>138301           |
| VOLUME CAP ADMINISTRATION                                                                                                                                                                                                                                                                                                                                                                                         | 138302                                                             |
| The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State.                                                 | 138303<br>138304<br>138305<br>138306<br>138307<br>138308           |
| <b>Section 259.40. DEVELOPMENT SERVICES OPERATIONS</b>                                                                                                                                                                                                                                                                                                                                                            | 138309                                                             |
| The Director of Development Services may assess offices of the agency for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher.                                                                       | 138310<br>138311<br>138312<br>138313<br>138314<br>138315           |
| DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES                                                                                                                                                                                                                                                                                                                                                                    | 138316                                                             |
| The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the agency. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440). | 138317<br>138318<br>138319<br>138320<br>138321<br>138322<br>138323 |

|                                                                                                                                                                                                                                                                                                                                                                                                   |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <b>Section 259.50. CAPITAL ACCESS LOAN PROGRAM</b>                                                                                                                                                                                                                                                                                                                                                | 138324                                                   |
| The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing. | 138325<br>138326<br>138327<br>138328<br>138329<br>138330 |
| The Director of Budget and Management may transfer an amount not to exceed \$1,000,000 cash in each fiscal year from the Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital Access Loan Fund (Fund 5S90).                                                                                                                                                                          | 138331<br>138332<br>138333<br>138334                     |
| <b>INNOVATION OHIO</b>                                                                                                                                                                                                                                                                                                                                                                            | 138335                                                   |
| The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code.                                                                                                                                                           | 138336<br>138337<br>138338<br>138339                     |
| <b>RESEARCH AND DEVELOPMENT</b>                                                                                                                                                                                                                                                                                                                                                                   | 138340                                                   |
| The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.                                                                                                                                                            | 138341<br>138342<br>138343<br>138344                     |
| <b>FACILITIES ESTABLISHMENT</b>                                                                                                                                                                                                                                                                                                                                                                   | 138345                                                   |
| The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.                                                                                                                                                                                                        | 138346<br>138347<br>138348<br>138349                     |
| <b>TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND</b>                                                                                                                                                                                                                                                                                                                                           | 138350                                                   |
| Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,500,000 in cash in each fiscal year may be                                                                                                                                                                                                                                                                          | 138351<br>138352                                         |

transferred from the Facilities Establishment Fund (Fund 7037) to 138353  
the Business Assistance Fund (Fund 4510). The transfer is subject 138354  
to Controlling Board approval under division (B) of section 166.03 138355  
of the Revised Code. 138356

Notwithstanding Chapter 166. of the Revised Code, the 138357  
Director of Budget and Management may transfer an amount not to 138358  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 138359  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 138360  
Loan Fund (Fund 4W10). 138361

Notwithstanding Chapter 166. of the Revised Code, the 138362  
Director of Budget and Management may transfer an amount not to 138363  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 138364  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 138365  
(Fund 5S90). 138366

**Section 259.60. THIRD FRONTIER OPERATING COSTS** 138367

The foregoing appropriation items 195686, Third Frontier Tax 138368  
Exempt - Operating, and 195620, Third Frontier Taxable - 138369  
Operating, shall be used for operating expenses incurred by the 138370  
Development Services Agency in administering projects pursuant to 138371  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 138372  
paid from appropriation item 195686 shall be limited to the 138373  
administration of projects funded from the Third Frontier Research 138374  
& Development Fund (Fund 7011) and operating expenses paid from 138375  
appropriation item 195620 shall be limited to the administration 138376  
of projects funded from the Third Frontier Research & Development 138377  
Taxable Bond Project Fund (Fund 7014). 138378

**THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT** 138379  
**PROJECTS** 138380

The foregoing appropriation items 195687, Third Frontier 138381  
Research & Development Projects, and 195692, Research & 138382

Development Taxable Bond Projects, shall be used by the 138383  
Development Services Agency to fund selected projects which may 138384  
include the Ohio Tech Internship Program. Eligible costs are those 138385  
costs of research and development projects to which the proceeds 138386  
of the Third Frontier Research & Development Fund (Fund 7011) and 138387  
the Research & Development Taxable Bond Project Fund (Fund 7014) 138388  
are to be applied. 138389

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 138390

The Director of Budget and Management may approve written 138391  
requests from the Director of Development Services for the 138392  
transfer of appropriations between appropriation items 195687, 138393  
Third Frontier Research & Development Projects, and 195692, 138394  
Research & Development Taxable Bond Projects, based upon awards 138395  
recommended by the Third Frontier Commission. 138396

In fiscal year 2019, the Director of Development Services may 138397  
request that the Director of Budget and Management reappropriate 138398  
any unexpended, unencumbered balances of the prior fiscal year's 138399  
appropriation to the foregoing appropriation items 195687, Third 138400  
Frontier Research & Development Projects, and 195692, Research & 138401  
Development Taxable Bond Projects, for fiscal year 2019. The 138402  
Director of Budget and Management may request additional 138403  
information necessary for evaluating these requests, and the 138404  
Director of Development Services shall provide the requested 138405  
information to the Director of Budget and Management. Based on the 138406  
information provided by the Director of Development Services, the 138407  
Director of Budget and Management shall determine the amounts to 138408  
be reappropriated, and those amounts are hereby reappropriated for 138409  
fiscal year 2019. 138410

**Section 259.70.** CLEAN OHIO REVITALIZATION OPERATING 138411

The foregoing appropriation item 195663, Clean Ohio 138412  
Revitalization Operating, shall be used by the Development 138413

Services Agency in administering Clean Ohio Revitalization Fund 138414  
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 138415  
Revised Code. 138416

**Section 259.80. HEAP WEATHERIZATION** 138417

Not later than April 1, 2018, the Director of Development 138418  
Services shall submit a completed waiver request in accordance 138419  
with section 96.83 of Title 45 of the Code of Federal Regulations 138420  
to the United States Department of Health and Human Services and 138421  
any other applicable federal agencies for the state to expend 138422  
twenty per cent of federal Low-Income Home Energy Assistance 138423  
Program funds from the Home Energy Assistance Block Grant for 138424  
weatherization services as allowed by section 96.83(a) of Title 45 138425  
of the Code of Federal Regulations to the United States Department 138426  
of Health and Human Services. 138427

Upon approval of the necessary waiver from the federal 138428  
government and not sooner than July 1, 2018, twenty per cent of 138429  
the federal funds deposited to the credit of the Home Energy 138430  
Assistance Block Grant Fund (Fund 3K90) shall be expended from 138431  
appropriation item 195614, HEAP Weatherization, to provide home 138432  
weatherization services in the state as determined by the Director 138433  
of Development Services. This procedure shall be repeated by the 138434  
Director of Development Services in FY 2019 by following the same 138435  
deadlines but in the year 2019. 138436

**Section 259.90.** The Development Services Agency, the 138437  
Department of Mental Health and Addiction Services, and the Ohio 138438  
State University shall collaborate to develop a web site and an 138439  
application for mobile devices that provide resources and 138440  
information regarding opioid addiction treatment services. 138441

**Section 259.100. LAKES IN ECONOMIC DISTRESS REVOLVING LOAN** 138442  
PROGRAM 138443

On July 1, 2017, or as soon as possible thereafter, the 138444  
Director of Development Services shall certify to the Director of 138445  
Budget and Management the amount of the unexpended, unencumbered 138446  
balance of the foregoing appropriation item 195546, Lakes in 138447  
Economic Distress Revolving Loan Program, to be reappropriated in 138448  
fiscal year 2018. The amount certified is hereby reappropriated to 138449  
the foregoing appropriation item in fiscal year 2018 for the same 138450  
purpose or to support stormwater drainage infrastructure 138451  
improvements at the Buckeye Lake Dam or a stormwater drainage 138452  
study at the Buckeye Lake Dam. 138453

On July 1, 2017, or as soon as possible thereafter, the 138454  
Director of Development Services shall certify to the Director of 138455  
Budget and Management the amount equaling the unexpended, 138456  
unencumbered balance of the portion of the foregoing appropriation 138457  
item 195407, Travel and Tourism, that was earmarked for grants to 138458  
assist businesses and other entities adversely affected due to 138459  
economic circumstances that result in the declaration of a lake as 138460  
an area under economic distress by the Director of Natural 138461  
Resources pursuant to section 122.641 of the Revised Code. The 138462  
amount certified is hereby reappropriated to the foregoing 138463  
appropriation item in fiscal year 2018 for the same purpose. 138464

**Section 261.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 138465

General Revenue Fund 138466

|     |        |                      |    |            |    |            |        |
|-----|--------|----------------------|----|------------|----|------------|--------|
| GRF | 320411 | Special Olympics     | \$ | 100,000    | \$ | 100,000    | 138467 |
| GRF | 320412 | Protective Services  | \$ | 2,381,923  | \$ | 2,381,923  | 138468 |
| GRF | 320415 | Developmental        | \$ | 20,323,000 | \$ | 19,426,900 | 138469 |
|     |        | Disabilities         |    |            |    |            |        |
|     |        | Facilities Lease     |    |            |    |            |        |
|     |        | Rental Bond Payments |    |            |    |            |        |
| GRF | 322420 | Screening & Early    | \$ | 330,999    | \$ | 330,999    | 138470 |
|     |        | Identification       |    |            |    |            |        |

|                              |                      |                                               |    |             |    |             |        |
|------------------------------|----------------------|-----------------------------------------------|----|-------------|----|-------------|--------|
| GRF                          | 322421               | Part C Early<br>Intervention                  | \$ | 10,887,711  | \$ | 10,887,711  | 138471 |
| GRF                          | 322422               | Multi System Youth                            | \$ | 1,000,000   | \$ | 1,000,000   | 138472 |
| GRF                          | 322451               | Family Support<br>Services                    | \$ | 5,843,767   | \$ | 5,843,767   | 138473 |
| GRF                          | 322501               | County Boards<br>Subsidies                    | \$ | 43,266,294  | \$ | 43,266,294  | 138474 |
| GRF                          | 322507               | County Board Case<br>Management               | \$ | 2,450,000   | \$ | 1,462,500   | 138475 |
| GRF                          | 322508               | Employment First<br>Initiative                | \$ | 2,724,111   | \$ | 2,724,111   | 138476 |
| GRF                          | 322509               | Community Supports &<br>Rental Assistance     | \$ | 727,500     | \$ | 727,500     | 138477 |
| GRF                          | 653321               | Medicaid Program<br>Support - State           | \$ | 7,000,000   | \$ | 7,000,000   | 138478 |
| GRF                          | 653407               | Medicaid Services                             | \$ | 576,275,649 | \$ | 583,775,649 | 138479 |
| TOTAL GRF                    | General Revenue Fund |                                               | \$ | 673,310,954 | \$ | 678,927,354 | 138480 |
| Dedicated Purpose Fund Group |                      |                                               |    |             |    |             | 138481 |
| 5GE0                         | 320606               | Central Office<br>Operating Expenses          | \$ | 13,339,487  | \$ | 13,339,487  | 138482 |
| 5QM0                         | 320607               | System Transformation<br>Supports             | \$ | 1,000,000   | \$ | 0           | 138483 |
| 2210                         | 322620               | Supplement Service<br>Trust                   | \$ | 500,000     | \$ | 500,000     | 138484 |
| 5DK0                         | 322629               | Capital Replacement<br>Facilities             | \$ | 750,000     | \$ | 750,000     | 138485 |
| 5H00                         | 322619               | Medicaid Repayment                            | \$ | 900,000     | \$ | 900,000     | 138486 |
| 4890                         | 653632               | Developmental Centers<br>Direct Care Services | \$ | 10,718,092  | \$ | 10,718,092  | 138487 |
| 5EV0                         | 653627               | Medicaid Program<br>Support                   | \$ | 1,500,000   | \$ | 1,500,000   | 138488 |
| 5GE0                         | 653606               | ICF/IID and Waiver<br>Match                   | \$ | 38,406,616  | \$ | 39,614,603  | 138489 |

|                                      |        |                                  |    |               |    |               |        |
|--------------------------------------|--------|----------------------------------|----|---------------|----|---------------|--------|
| 5S20                                 | 653622 | Medicaid                         | \$ | 20,032,154    | \$ | 20,032,154    | 138490 |
|                                      |        | Administration &<br>Oversight    |    |               |    |               |        |
| 5Z10                                 | 653624 | County Board Waiver              | \$ | 340,210,215   | \$ | 374,726,690   | 138491 |
|                                      |        | Match                            |    |               |    |               |        |
| TOTAL DPF                            |        | Dedicated Purpose Fund           | \$ | 427,356,564   | \$ | 462,081,026   | 138492 |
| Group                                |        |                                  |    |               |    |               |        |
| Internal Service Activity Fund Group |        |                                  |    |               |    |               | 138493 |
| 1520                                 | 653609 | DC and Residential               | \$ | 17,000,000    | \$ | 9,000,000     | 138494 |
|                                      |        | Facilities Operating<br>Services |    |               |    |               |        |
| TOTAL ISA                            |        | Internal Service Activity        | \$ | 17,000,000    | \$ | 9,000,000     | 138495 |
| Fund Group                           |        |                                  |    |               |    |               |        |
| Federal Fund Group                   |        |                                  |    |               |    |               | 138496 |
| 3250                                 | 322612 | Community Social                 | \$ | 27,677,572    | \$ | 27,677,572    | 138497 |
|                                      |        | Service Programs                 |    |               |    |               |        |
| 3A40                                 | 653654 | Medicaid Services                | \$ | 1,683,779,023 | \$ | 1,718,457,466 | 138498 |
| 3A40                                 | 653655 | Medicaid Support                 | \$ | 61,000,000    | \$ | 62,000,000    | 138499 |
| 3A50                                 | 320613 | Developmental                    | \$ | 3,324,187     | \$ | 3,324,187     | 138500 |
|                                      |        | Disabilities Council             |    |               |    |               |        |
| TOTAL FED                            |        | Federal Fund Group               | \$ | 1,775,780,782 | \$ | 1,811,459,225 | 138501 |
| TOTAL ALL BUDGET FUND GROUPS         |        |                                  | \$ | 2,893,448,300 | \$ | 2,961,467,605 | 138502 |

**Section 261.12. SPECIAL OLYMPICS** 138504

The foregoing appropriation item 320411, Special Olympics, 138505  
shall be distributed to The Ohio State University to support its 138506  
hosting of the annual Special Olympics Ohio Summer Games. 138507

**Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES** 138508

**LEASE-RENTAL BOND PAYMENTS** 138509

The foregoing appropriation item 320415, Developmental 138510  
Disabilities Facilities Lease Rental Bond Payments, shall be used 138511

to meet all payments during the period from July 1, 2017, through 138512  
June 30, 2019, by the Department of Developmental Disabilities 138513  
under leases and agreements made under section 154.20 of the 138514  
Revised Code. These appropriations are the source of funds pledged 138515  
for bond service charges on related obligations issued under 138516  
Chapter 154. of the Revised Code. 138517

**Section 261.30. SCREENING AND EARLY IDENTIFICATION** 138518

Of the foregoing appropriation item 322420, Screening and 138519  
Early Identification, \$30,000 in each fiscal year shall be 138520  
distributed to the Preble County Board of Developmental 138521  
Disabilities for the Play and Language for Autistic Youngsters 138522  
Project. 138523

At the discretion of the Director of Developmental 138524  
Disabilities, the remainder of the foregoing appropriation item 138525  
322420, Screening and Early Identification, shall be used for 138526  
professional and program development related to early 138527  
identification/screening and intervention for children with autism 138528  
and other complex developmental disabilities and their families. 138529

**Section 261.40. FAMILY SUPPORT SERVICES SUBSIDY** 138530

The foregoing appropriation item 322451, Family Support 138531  
Services, may be used as follows in fiscal year 2018 and fiscal 138532  
year 2019: 138533

(A) The appropriation item may be used to provide a subsidy 138534  
to county boards of developmental disabilities for family support 138535  
services provided under section 5126.11 of the Revised Code. The 138536  
subsidy shall be paid in quarterly installments and allocated to 138537  
county boards according to a formula the Director of Developmental 138538  
Disabilities shall develop in consultation with representatives of 138539  
county boards. A county board shall use not more than seven per 138540  
cent of its subsidy for administrative costs. 138541

(B) The appropriation item may be used to distribute funds to county boards for the purpose of addressing economic hardships and to promote efficiency of operations. In consultation with representatives of county boards, the Director shall determine the amount of funds to distribute for these purposes and the criteria for distributing the funds.

**Section 261.50. STATE SUBSIDY TO COUNTY DD BOARDS**

(A) Except as provided in the section of this act titled "NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing appropriation item 322501, County Boards Subsidies, shall be used for the following purposes:

(1) To provide a subsidy to county boards of developmental disabilities in quarterly installments and allocated according to a formula developed by the Director of Developmental Disabilities in consultation with representatives of county boards. Except as provided in section 5126.0511 of the Revised Code or in division (B) of this section, county boards shall use the subsidy for early childhood services and adult services provided under section 5126.05 of the Revised Code, service and support administration provided under section 5126.15 of the Revised Code, or supported living as defined in section 5126.01 of the Revised Code.

(2) To provide funding, as determined necessary by the Director, for residential services, including room and board, and support service programs that enable individuals with developmental disabilities to live in the community.

(3) To distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations. The Director shall determine, in consultation with representatives of county boards, the amount of funds to distribute for these purposes and the criteria for distributing the funds.

(B) In collaboration with the county's family and children first council, a county board of developmental disabilities may transfer portions of funds received under this section, to a flexible funding pool in accordance with the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

**Section 261.60. EMPLOYMENT FIRST INITIATIVE**

The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility

determination, order of selection, plan approval, plan amendment, 138604  
and release of vendor payments. 138605

The remainder of appropriation item 322508, Employment First 138606  
Initiative, shall be used to develop a long-term, sustainable 138607  
system that places individuals with developmental disabilities in 138608  
community employment, as defined in section 5123.022 of the 138609  
Revised Code. 138610

**Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE** 138611

The foregoing appropriation item 322509, Community Supports 138612  
and Rental Assistance, may be used by the Director of 138613  
Developmental Disabilities to provide funding to county boards of 138614  
developmental disabilities for rental assistance to individuals 138615  
with developmental disabilities receiving home and community-based 138616  
services as defined in section 5123.01 of the Revised Code 138617  
pursuant to section 5124.60 of the Revised Code or section 5124.69 138618  
of the Revised Code and individuals with developmental 138619  
disabilities who enroll in a Medicaid waiver component providing 138620  
home and community-based services after receiving preadmission 138621  
counseling pursuant to section 5124.68 of the Revised Code. The 138622  
Director shall establish the methodology for determining the 138623  
amount and distribution of such funding. 138624

**Section 261.80. MEDICAID SERVICES** 138625

(A) As used in this section: 138626

(1) "Home and community-based services" has the same meaning 138627  
as in section 5123.01 of the Revised Code. 138628

(2) "ICF/IID services" has the same meaning as in section 138629  
5124.01 of the Revised Code. 138630

(B) Except as provided in section 5123.0416 of the Revised 138631  
Code, the purposes for which the foregoing appropriation item 138632

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 653407, Medicaid Services, shall be used include the following:                                                                                                                                                                                                                                                                                                                                                                                                             | 138633                                                                       |
| (1) Home and community-based services;                                                                                                                                                                                                                                                                                                                                                                                                                                      | 138634                                                                       |
| (2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;                                                                                                                                                                                                                                                             | 138635<br>138636<br>138637<br>138638                                         |
| (3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;                                                                                                                                                                                                                                                    | 138639<br>138640<br>138641<br>138642                                         |
| (4) ICF/IID services;                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 138643                                                                       |
| (5) Up to \$3,000,000 in each fiscal year shall be used to increase employment opportunities for Medicaid-eligible individuals with developmental disabilities through the Employment First Initiative;                                                                                                                                                                                                                                                                     | 138644<br>138645<br>138646<br>138647                                         |
| (6) Up to \$14,000,000 in each fiscal year may be used to distribute funds to county boards of developmental disabilities to address economic hardships and promote efficiency of operations, notwithstanding section 5126.18 of the Revised Code. The Director of Developmental Disabilities shall determine, in consultation with representatives of county boards, the amount of funds to distribute for these purposes and the criteria for distributing the funds; and | 138648<br>138649<br>138650<br>138651<br>138652<br>138653<br>138654<br>138655 |
| (7) Other programs as identified by the Director of Developmental Disabilities.                                                                                                                                                                                                                                                                                                                                                                                             | 138656<br>138657                                                             |
| <b>Section 261.90. CENTRAL OFFICE OPERATING EXPENSES</b>                                                                                                                                                                                                                                                                                                                                                                                                                    | 138658                                                                       |
| Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.                                                                                                                                                                                                                    | 138659<br>138660<br>138661<br>138662                                         |

**Section 261.100.** NONFEDERAL MATCH FOR ACTIVE TREATMENT 138663  
SERVICES 138664

Any county funds received by the Department of Developmental 138665  
Disabilities from county boards of developmental disabilities for 138666  
active treatment shall be deposited in the Developmental 138667  
Disabilities Operating Fund (Fund 4890). 138668

**Section 261.110.** SYSTEM TRANSFORMATION SUPPORTS 138669

The foregoing appropriation item 320607, System 138670  
Transformation Supports, may be used by the Director of 138671  
Developmental Disabilities as follows: 138672

(A) To purchase one or more residential facility beds for the 138673  
purpose of reducing the number of beds that are certified for 138674  
participation in Medicaid as ICF/IID beds in Ohio. The Director 138675  
shall establish priorities for the purchase of beds which may 138676  
include beds located in a building in which a nursing facility is 138677  
also located and beds which are in a residential facility of 138678  
sixteen beds or greater. The purchase price of a bed shall be the 138679  
price the Director determines is reasonable based on the 138680  
established priorities. Division (B) of section 127.16 of the 138681  
Revised Code shall not apply to a purchase made under this 138682  
section. 138683

(B) To fund other system transformation initiatives 138684  
identified by the Director. 138685

**Section 261.120.** COMMUNITY SOCIAL SERVICE PROGRAMS 138686

The foregoing appropriation item 322612, Community Social 138687  
Service Programs, may be used by the Director of Developmental 138688  
Disabilities to purchase one or more residential facility beds for 138689  
the purpose of reducing the number of beds that are certified for 138690  
participation in Medicaid as ICF/IID beds in Ohio. The Director 138691

shall establish priorities for the purchase of beds which may 138692  
include beds located in a building in which a nursing facility is 138693  
also located and beds which are in a residential facility of 138694  
sixteen beds or greater. The purchase price of a bed shall be the 138695  
price the Director determines is reasonable based on the 138696  
established priorities. Division (B) of section 127.16 of the 138697  
Revised Code shall not apply to a purchase made under this 138698  
section. 138699

A portion of the foregoing appropriation item 322612, 138700  
Community Social Service Programs, may be used to provide a 138701  
subsidy, disbursed in quarterly installments, to county family and 138702  
children first council administrative agencies to support central 138703  
coordination and child find activities in accordance with 34 138704  
C.F.R. 303.302. In consultation with the Early Intervention 138705  
Services Advisory Council established under section 5123.0422 of 138706  
the Revised Code, the Director of Developmental Disabilities shall 138707  
establish a formula for allocating the funds and restrictions on 138708  
the use of the funds. 138709

**Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES** 138710

As used in this section, "home and community-based services" 138711  
has the same meaning as in section 5123.01 of the Revised Code. 138712

The Director of Developmental Disabilities shall establish a 138713  
methodology to be used in fiscal year 2018 and fiscal year 2019 to 138714  
estimate the quarterly amount each county board of developmental 138715  
disabilities is to pay of the nonfederal share of home and 138716  
community-based services that section 5126.0510 of the Revised 138717  
Code requires county boards to pay. Each quarter, the Director 138718  
shall submit to a county board written notice of the amount the 138719  
county board is to pay for that quarter. The notice shall specify 138720  
when the payment is due. 138721

**Section 261.140.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT 138722

If a county board of developmental disabilities does not 138723  
fully pay any amount owed to the Department of Developmental 138724  
Disabilities by the due date established by the Department, the 138725  
Director of Developmental Disabilities may withhold the amount the 138726  
county board did not pay from any amounts due to the county board. 138727  
The Director may use any appropriation item or fund used by the 138728  
Department to transfer cash to any other fund used by the 138729  
Department in an amount equal to the amount owed the Department 138730  
that the county board did not pay. Transfers under this section 138731  
shall be made using an intrastate transfer voucher. 138732

**Section 261.150.** DEVELOPMENTAL CENTER BILLING FOR SERVICES 138733

Developmental centers of the Department of Developmental 138734  
Disabilities may provide services to persons with developmental 138735  
disabilities living in the community or to providers of services 138736  
to these persons. The Department may develop a method for recovery 138737  
of all costs associated with the provision of these services. 138738

**Section 261.160.** ODODD INNOVATIVE PILOT PROJECTS 138739

(A) In fiscal year 2018 and fiscal year 2019, the Director of 138740  
Developmental Disabilities may authorize the continuation or 138741  
implementation of one or more innovative pilot projects that, in 138742  
the judgment of the Director, are likely to assist in promoting 138743  
the objectives of Chapter 5123. or 5126. of the Revised Code. 138744  
Subject to division (B) of this section and notwithstanding any 138745  
provision of Chapters 5123. and 5126. of the Revised Code and any 138746  
rule adopted under either chapter, a pilot project authorized by 138747  
the Director may be continued or implemented in a manner 138748  
inconsistent with one or more provisions of either chapter or one 138749  
or more rules adopted under either chapter. Before authorizing a 138750  
pilot program, the Director shall consult with entities interested 138751

in the issue of developmental disabilities, including the Ohio 138752  
Provider Resource Association, Ohio Association of County Boards 138753  
of Developmental Disabilities, Ohio Health Care Association/Ohio 138754  
Centers for Intellectual Disabilities, the Values and Faith 138755  
Alliance, and ARC of Ohio. 138756

(B) The Director may not authorize a pilot project to be 138757  
implemented in a manner that would cause the state to be out of 138758  
compliance with any requirements for a program funded in whole or 138759  
in part with federal funds. 138760

**Section 261.165.** FISCAL YEAR 2018 MEDICAID RATES FOR ICFs/IID 138761  
IN PEER GROUPS 1 AND 2 138762

(A) As used in this section: 138763

(1) "Change of operator," "entering operator," "exiting 138764  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 138765  
group 1," "peer group 2," "peer group 3," "provider," and 138766  
"provider agreement" have the same meanings as in section 5124.01 138767  
of the Revised Code. 138768

(2) "Franchise permit fee" means the fee imposed by sections 138769  
5168.60 to 5168.71 of the Revised Code. 138770

(B)(1) This section applies to each ICF/IID that is in peer 138771  
group 1 or peer group 2 and to which any of the following applies: 138772

(a) The provider of the ICF/IID has a valid Medicaid provider 138773  
agreement for the ICF/IID on June 30, 2017, and a valid Medicaid 138774  
provider agreement for the ICF/IID during fiscal year 2018. 138775

(b) The ICF/IID undergoes a change of operator that takes 138776  
effect during fiscal year 2018, the exiting operator has a valid 138777  
Medicaid provider agreement for the ICF/IID on the day immediately 138778  
preceding the effective date of the change of operator, and the 138779  
entering operator has a valid Medicaid provider agreement for the 138780  
ICF/IID during fiscal year 2018. 138781

(c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2018. 138782  
138783

(2) This section does not apply to an ICF/IID in peer group 138784  
3. 138785

(3) The Department of Developmental Disabilities shall follow 138786  
this section in determining the rate to be paid for ICF/IID 138787  
services provided during fiscal year 2018 by ICFs/IID subject to 138788  
this section notwithstanding anything to the contrary in Chapter 138789  
5124. of the Revised Code. 138790

(C)(1) Except as otherwise provided in this section, the 138791  
provider of an ICF/IID to which this section applies shall be 138792  
paid, for ICF/IID services the ICF/IID provides during fiscal year 138793  
2018, the total per Medicaid day rate determined for the ICF/IID 138794  
under division (C)(2) or (3) of this section. 138795

(2) Except in the case of a new ICF/IID, the fiscal year 2018 138796  
total per Medicaid day rate for an ICF/IID to which this section 138797  
applies shall be the ICF/IID's total per Medicaid day rate 138798  
determined for the ICF/IID in accordance with Chapter 5124. of the 138799  
Revised Code for the fiscal year with the following modifications: 138800

(a) The ICF/IID's efficiency incentive for capital costs, as 138801  
determined under division (F) of section 5124.17 of the Revised 138802  
Code, shall be reduced by 50%. 138803

(b) In place of the maximum cost per case-mix unit 138804  
established for the ICF/IID's peer group under division (C) of 138805  
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 138806  
per case-mix unit shall be the amount the Department determined 138807  
for the ICF/IID's peer group for fiscal year 2016 in accordance 138808  
with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 138809  
131st General Assembly. 138810

(c) In place of the inflation adjustment otherwise calculated 138811  
under division (D) of section 5124.19 of the Revised Code for the 138812

purpose of division (A)(1)(b) of that section, an inflation 138813  
adjustment of 1.014 shall be used. 138814

(d) In place of the efficiency incentive otherwise calculated 138815  
under division (B)(2) of section 5124.21 of the Revised Code, the 138816  
ICF/IID's efficiency incentive for indirect care costs shall be 138817  
the following: 138818

(i) In the case of an ICF/IID in peer group 1, not more than 138819  
\$3.69; 138820

(ii) In the case of an ICF/IID in peer group 2, not more than 138821  
\$3.19. 138822

(e) In place of the maximum rate for indirect care costs 138823  
established for the ICF/IID's peer group under division (C) of 138824  
section 5124.21 of the Revised Code, the maximum rate for indirect 138825  
care costs for the ICF/IID's peer group shall be an amount the 138826  
Department shall determine in accordance with division (E) of this 138827  
section. 138828

(f) In place of the inflation adjustment otherwise calculated 138829  
under division (D)(1) of section 5124.21 of the Revised Code for 138830  
the purpose of division (B)(1) of that section only, an inflation 138831  
adjustment of 1.014 shall be used. 138832

(g) In place of the inflation adjustment otherwise made under 138833  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 138834  
actual, allowable, per Medicaid day other protected costs, 138835  
excluding the franchise permit fee, from calendar year 2016 shall 138836  
be multiplied by 1.014. 138837

(h) After all of the modifications specified in divisions 138838  
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 138839  
total per Medicaid day rate shall be increased by a direct support 138840  
personnel payment equal to 3.04% of the ICF/IID's desk-reviewed, 138841  
actual, allowable per Medicaid day direct care costs from calendar 138842  
year 2016. 138843

(3) The fiscal year 2018 initial total per Medicaid day rate 138844  
for a new ICF/IID to which this section applies shall be the 138845  
ICF/IID's initial total per Medicaid day rate determined for the 138846  
ICF/IID in accordance with section 5124.151 of the Revised Code 138847  
for the fiscal years with the following modifications: 138848

(a) In place of the amount determined under division (B)(1) 138849  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 138850  
per Medicaid day rate for capital costs shall be the median rate 138851  
for all ICFs/IID determined under section 5124.17 of the Revised 138852  
Code with the modification made under division (C)(2)(a) of this 138853  
section. 138854

(b) In place of the amount determined under division 138855  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 138856  
cost or resident assessment data for the new ICF/IID, the new 138857  
ICF/IID's initial per Medicaid day rate for direct care costs 138858  
shall be determined as follows: 138859

(i) Determine the median of the costs per case-mix units of 138860  
each peer group; 138861

(ii) Multiply the median determined under division 138862  
(C)(3)(b)(i) of this section by the median annual average case-mix 138863  
score for the new ICF/IID's peer group for calendar year 2016; 138864

(iii) Multiply the product determined under division 138865  
(C)(3)(b)(ii) of this section by 1.014. 138866

(c) In place of the amount determined under division (B)(3) 138867  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 138868  
per Medicaid day rate for indirect care costs shall be the amount 138869  
of the maximum rate for indirect costs determined for the 138870  
ICF/IID's peer group under division (E) of this section. 138871

(d) In place of the amount determined under division (B)(4) 138872  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 138873  
per Medicaid day rate for other protected costs shall be 115% of 138874

the median rate for ICFs/IID determined under section 5124.23 of 138875  
the Revised Code with the modification made under division 138876  
(C)(2)(g) of this section. 138877

(e) After all of the modifications specified in divisions 138878  
(C)(3)(a) to (d) of this section have been made, the new ICF/IID's 138879  
initial total per Medicaid day rate shall be increased by the 138880  
median direct support personnel payment made under division 138881  
(C)(2)(h) of this section. 138882

(D) A new ICF/IID's initial total modified per Medicaid day 138883  
rate for fiscal year 2018 as determined under division (C)(3) of 138884  
this section shall be adjusted at the applicable time specified in 138885  
division (D) of section 5124.151 of the Revised Code. If the 138886  
adjustment affects the ICF/IID's rate for ICF/IID services 138887  
provided during fiscal year 2018, the modifications specified in 138888  
division (C)(2) of this section apply to the adjustment. 138889

(E) In determining the amount of the maximum rate for 138890  
indirect costs for the purposes of divisions (C)(2)(e) and 138891  
(C)(3)(c) of this section, the Department shall strive to the 138892  
greatest extent possible to do both of the following: 138893

(1) Avoid rate reductions under division (F)(1) of this 138894  
section; 138895

(2) Have the amount so determined result in payment of all 138896  
desk-reviewed, actual, allowable indirect care costs for the same 138897  
percentage of Medicaid days for ICFs/IID in peer group 1 as for 138898  
ICFs/IID in peer group 2 as of July 1, 2017, based on Medicaid 138899  
days for May 2017. 138900

(F)(1) If the mean total per Medicaid day rate for all 138901  
ICFs/IID to which this section applies, as determined under 138902  
division (C) of this section as of July 1, 2017, and weighted by 138903  
Medicaid days for May of fiscal year 2017 is other than the amount 138904  
determined under division (F)(2) of this section, the Department 138905

shall adjust, for fiscal year 2018, the total per Medicaid day 138906  
rate for each ICF/IID to which this section applies by a 138907  
percentage that is equal to the percentage by which the mean total 138908  
per Medicaid day rate is greater or less than the amount 138909  
determined under division (F)(2) of this section. 138910

(2) The amount to be used for the purpose of division (F)(1) 138911  
of this section shall be not less than \$290.10. The Department, in 138912  
its sole discretion, may use a larger amount for the purpose of 138913  
that division. In determining whether to use a larger amount, the 138914  
Department may consider any of the following: 138915

(a) The reduction in the total Medicaid-certified capacity of 138916  
all ICFs/IID that occurs in fiscal year 2017, and the reduction 138917  
that is projected to occur in fiscal year 2018, as a result of 138918  
either of the following: 138919

(i) A downsizing pursuant to a plan approved by the 138920  
Department under section 5123.042 of the Revised Code; 138921

(ii) A conversion of beds to providing home and 138922  
community-based services under the Individual Options waiver 138923  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 138924

(b) The increase in Medicaid payments made for ICF/IID 138925  
services provided during fiscal year 2017, and the increase that 138926  
is projected to occur in fiscal year 2018, as a result of the 138927  
modifications to the payment rates made under section 5124.101 of 138928  
the Revised Code; 138929

(c) The total reduction in the number of ICF/IID beds that 138930  
occurs pursuant to section 5124.67 of the Revised Code; 138931

(d) Other factors the Department determines to be relevant. 138932

(G) If the United States Centers for Medicare and Medicaid 138933  
Services requires that the franchise permit fee be reduced or 138934  
eliminated, the Department shall reduce the amount it pays ICF/IID 138935

providers under this section as necessary to reflect the loss to 138936  
the state of the revenue and federal financial participation 138937  
generated from the franchise permit fee. 138938

**Section 261.167.** GENERAL ASSEMBLY'S INTENT REGARDING NEW 138939  
ICF/IID MEDICAID PAYMENT FORMULA 138940

(A) As used in this section: 138941

(1) "Current formula rate" means an ICF/IID's Medicaid 138942  
payment rate as determined in accordance with the formula 138943  
established in Chapter 5124. of the Revised Code, as in effect on 138944  
the effective date of this section, but as modified by an 138945  
uncodified statute for the specific fiscal year for which the 138946  
ICF/IID's Medicaid payment rate is determined. 138947

(2) "ICF/IID" and "ICF/IID services" have the same meanings 138948  
as in section 5124.01 of the Revised Code. 138949

(B) It is the General Assembly's intent to enact legislation 138950  
establishing a new formula to be used to determine Medicaid 138951  
payment rates for ICF/IID services beginning not sooner than July 138952  
1, 2018, and not later than January 1, 2019. 138953

(C)(1) The Department of Developmental Disabilities shall 138954  
work in collaboration with all of the following to finalize 138955  
recommendations for the new formula to be submitted to the General 138956  
Assembly: 138957

(a) The Ohio Association of County Boards; 138958

(b) The Ohio Health Care Association; 138959

(c) The Ohio Provider Resource Association; 138960

(d) The Values and Faith Alliance; 138961

(e) The Academy of Senior Health Services. 138962

(2) The Department shall not submit recommendations for the 138963  
new formula to the General Assembly unless all of the 138964

organizations specified in division (C)(1) of this section support 138965  
the recommendations. 138966

(D)(1) All of the following shall be included in the 138967  
recommendations for the new formula that is submitted to the 138968  
General Assembly: 138969

(a) Using the Ohio Developmental Disabilities Profile as the 138970  
assessment instrument for determining case-mix scores used to 138971  
calculate rates for the direct care costs of ICFs/IID; 138972

(b) Determining rates for capital using an ICF/IID's current 138973  
asset value and a rate of return; 138974

(c) Including all of the following in the calculation of an 138975  
ICF/IID's current asset value: 138976

(i) The ICF/IID's age; 138977

(ii) The date and cost of capital improvements made to the 138978  
ICF/IID; 138979

(iii) The ICF/IID's current Medicaid-certified capacity; 138980

(iv) An RS Means Construction Cost Index; 138981

(v) A rate of depreciation; 138982

(vi) Estimated equipment value; 138983

(vii) Estimated land value. 138984

(d) Establishing a quality incentive rate component to take 138985  
effect July 1, 2019, and having the initial rate determined using 138986  
data from calendar year 2018; 138987

(e) Establishing new peer groups that are differentiated by 138988  
Medicaid-certified capacity; 138989

(f) Considering the changing acuity level of ICF/IID 138990  
residents, including residents with intensive behavioral and 138991  
intensive medical needs; 138992

(g) Establishing a method to transition ICFs/IID to the new formula that provides for the Department to do all of the following for the first thirty-six months that the new formula is in effect:

(i) Comparing each ICF/IID's Medicaid payment rate determined under the new formula with its current formula rate;

(ii) Paying the ICF/IID its current formula rate rate instead of the rate determined under the new formula if that rate is less than its current formula rate;

(iii) Subject to division (D)(1)(g)(iv) of this section, paying the ICF/IID the rate determined for it under the new formula if that rate is greater than its current formula rate;

(iv) Specifying, to the extent the Department determines necessary and subject to division (D)(2) of this section, a maximum percentage by which an ICF/IID's rate determined under the new formula may exceed its current formula rate and paying the ICF/IID a rate adjusted in accordance with the maximum percentage if the percentage difference between the ICF/IID's rate determined under the new formula and its current formula rate is greater than the maximum percentage.

(2) If, for the purpose of division (D)(1)(g)(iv) of this section, the Department specifies a maximum percentage by which an ICF/IID's rate determined under the new formula may exceed its current formula rate, the Department shall strive to the greatest extent possible to ensure that the mean total per Medicaid day fiscal year 2019 rate for all ICFs/IID subject to the section of this act titled "FISCAL YEAR 2019 ICF/IID MEDICAID RATES DETERMINED UNDER NEW FORMULA" equals the amount determined under division (D)(2) of that section.

**Section 261.168.** FISCAL YEAR 2019 ICF/IID MEDICAID RATES

|                                                                                                                                                                                                                                                                                                                                                                  |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| DETERMINED UNDER CURRENT FORMULA                                                                                                                                                                                                                                                                                                                                 | 139023                                                   |
| (A) As used in this section:                                                                                                                                                                                                                                                                                                                                     | 139024                                                   |
| (1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.                                                                                        | 139025<br>139026<br>139027<br>139028<br>139029           |
| (2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.                                                                                                                                                                                                                                                             | 139030<br>139031                                         |
| (B)(1) This section applies to each ICF/IID that is in peer group 1 or peer group 2 and to which any of the following apply:                                                                                                                                                                                                                                     | 139032<br>139033                                         |
| (a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.                                                                                                                                                                       | 139034<br>139035<br>139036                               |
| (b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019. | 139037<br>139038<br>139039<br>139040<br>139041<br>139042 |
| (c) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2019.                                                                                                                                                                                                                                           | 139043<br>139044                                         |
| (2) This section does not apply to an ICF/IID in peer group 3.                                                                                                                                                                                                                                                                                                   | 139045<br>139046                                         |
| (3) Notwithstanding anything to the contrary in Chapter 5124. of the Revised Code, the Department of Developmental Disabilities shall follow this section in determining the rates to be paid under this section for ICF/IID services provided during fiscal year 2019 by ICFs/IID subject to this section.                                                      | 139047<br>139048<br>139049<br>139050<br>139051           |

(C)(1) Except as otherwise provided in this section and the section of this act titled "FISCAL YEAR 2019 ICF/IID MEDICAID RATES DETERMINED UNDER NEW FORMULA," the provider of an ICF/IID to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2019, the total per Medicaid day rate determined for the ICF/IID under division (C)(2) or (3) of this section.

(2) Except in the case of a new ICF/IID, the fiscal year 2019 total per Medicaid day rate for an ICF/IID to which this section applies shall be the ICF/IID's total per Medicaid day rate determined for the ICF/IID in accordance with Chapter 5124. of the Revised Code for the fiscal year with the following modifications:

(a) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.17 of the Revised Code, shall be reduced by 50%.

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the amount the Department determined for the ICF/IID's peer group for fiscal year 2016 in accordance with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 131st General Assembly.

(c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(d) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(i) In the case of an ICF/IID in peer group 1, not more than

\$3.69; 139083

(ii) In the case of an ICF/IID in peer group 2, not more than 139084  
\$3.19. 139085

(e) In place of the maximum rate for indirect care costs 139086  
established for the ICF/IID's peer group under division (C) of 139087  
section 5124.21 of the Revised Code, the maximum rate for indirect 139088  
care costs for the ICF/IID's peer group shall be an amount the 139089  
Department shall determine in accordance with division (E) of this 139090  
section. 139091

(f) In place of the inflation adjustment otherwise calculated 139092  
under division (D)(1) of section 5124.21 of the Revised Code for 139093  
the purpose of division (B)(1) of that section only, an inflation 139094  
adjustment of 1.014 shall be used. 139095

(g) In place of the inflation adjustment otherwise made under 139096  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 139097  
actual, allowable, per Medicaid day other protected costs, 139098  
excluding the franchise permit fee, from calendar year 2017 shall 139099  
be multiplied by 1.014. 139100

(h) After all of the modifications specified in divisions 139101  
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 139102  
total per Medicaid day rate shall be increased by a direct support 139103  
personnel payment equal to 3.04% of the ICF/IID's desk-reviewed, 139104  
actual, allowable, per Medicaid day direct care costs from 139105  
calendar year 2017. 139106

(3) The fiscal year 2019 initial total per Medicaid day rate 139107  
for a new ICF/IID to which this section applies shall be the 139108  
ICF/IID's initial total per Medicaid day rate determined for the 139109  
ICF/IID in accordance with section 5124.151 of the Revised Code 139110  
for the fiscal year with the following modifications: 139111

(a) In place of the amount determined under division (B)(1) 139112  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 139113

per Medicaid day rate for capital costs shall be the median rate 139114  
for all ICFs/IID determined under section 5124.17 of the Revised 139115  
Code with the modification made under division (C)(2)(a) of this 139116  
section. 139117

(b) In place of the amount determined under division 139118  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 139119  
cost or resident assessment data for the new ICF/IID, the new 139120  
ICF/IID's initial per Medicaid day rate for direct care costs 139121  
shall be determined as follows: 139122

(i) Determine the median of the costs per case-mix units of 139123  
each peer group; 139124

(ii) Multiply the median determined under division 139125  
(C)(3)(b)(i) of this section by the median annual average case-mix 139126  
score for the new ICF/IID's peer group for calendar year 2017; 139127

(iii) Multiply the product determined under division 139128  
(C)(3)(b)(ii) of this section by 1.014. 139129

(c) In place of the amount determined under division (B)(3) 139130  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 139131  
per Medicaid day rate for indirect care costs shall be the amount 139132  
of the maximum rate for indirect costs determined for the 139133  
ICF/IID's peer group under division (E) of this section. 139134

(d) In place of the amount determined under division (B)(4) 139135  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 139136  
per Medicaid day rate for other protected costs shall be 115% of 139137  
the median rate for ICFs/IID determined under section 5124.23 of 139138  
the Revised Code with the modification made under division 139139  
(C)(2)(g) of this section. 139140

(e) After all of the modifications specified in divisions 139141  
(C)(3)(a) to (d) of this section have been made, the new ICF/IID's 139142  
initial total per Medicaid day rate shall be increased by the 139143  
median direct support personnel payment made under division 139144

(C)(2)(h) of this section. 139145

(D) A new ICF/IID's initial total modified per Medicaid day 139146  
rate for fiscal year 2019 as determined under division (C)(3) of 139147  
this section shall be adjusted at the applicable time specified in 139148  
division (D) of section 5124.151 of the Revised Code. If the 139149  
adjustment affects the ICF/IID's rate for ICF/IID services 139150  
provided during fiscal year 2019, the modifications specified in 139151  
division (C)(2) of this section apply to the adjustment. 139152

(E) In determining the amount of the maximum rate for 139153  
indirect costs for the purposes of divisions (C)(2)(e) and 139154  
(C)(3)(c) of this section, the Department shall strive to the 139155  
greatest extent possible to do both of the following: 139156

(1) Avoid rate reductions under division (F)(1) of this 139157  
section; 139158

(2) Have the amount so determined result in payment of all 139159  
desk-reviewed, actual, allowable indirect care costs for the same 139160  
percentage of Medicaid days for ICFs/IID in peer group 1 as for 139161  
ICFs/IID in peer group 2 as of July 1, 2018, based on May 2018 139162  
Medicaid days. 139163

(F)(1) If the mean total per Medicaid day rate for all 139164  
ICFs/IID to which this section applies, as determined under 139165  
division (C) of this section as of July 1, 2018, and weighted by 139166  
May 2018 Medicaid days is other than the amount determined under 139167  
division (F)(2) of this section, the Department shall adjust, for 139168  
fiscal year 2019, the total per Medicaid day rate for each ICF/IID 139169  
to which this section applies by a percentage that is equal to the 139170  
percentage by which the mean total per Medicaid day rate is 139171  
greater or less than the amount determined under division (F)(2) 139172  
of this section. 139173

(2) The amount to be used for the purpose of division (F)(1) 139174  
of this section shall be not less than \$290.10. The Department, in 139175

its sole discretion, may use a larger amount for the purpose of 139176  
that division. In determining whether to use a larger amount, the 139177  
Department may consider any of the following: 139178

(a) The reduction in the total Medicaid-certified capacity of 139179  
all ICFs/IID that occurs in fiscal year 2018, and the reduction 139180  
that is projected to occur in fiscal year 2019, as a result of 139181  
either of the following: 139182

(i) A downsizing pursuant to a plan approved by the 139183  
Department under section 5123.042 of the Revised Code; 139184

(ii) A conversion of beds to providing home and 139185  
community-based services under the Individual Options waiver 139186  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 139187

(b) The increase in Medicaid payments made for ICF/IID 139188  
services provided during fiscal year 2018, and the increase that 139189  
is projected to occur in fiscal year 2019, as a result of the 139190  
modifications to the payment rates made under section 5124.101 of 139191  
the Revised Code; 139192

(c) The total reduction in the number of ICF/IID beds that 139193  
occurs pursuant to section 5124.67 of the Revised Code; 139194

(d) Other factors the Department determines to be relevant. 139195

(G) If the United States Centers for Medicare and Medicaid 139196  
Services requires that the franchise permit fee be reduced or 139197  
eliminated, the Department shall reduce the amount it pays ICF/IID 139198  
providers under this section as necessary to reflect the loss to 139199  
the state of the revenue and federal financial participation 139200  
generated from the franchise permit fee. 139201

**Section 261.169.** FISCAL YEAR 2019 ICF/IID MEDICAID RATES 139202  
DETERMINED UNDER NEW FORMULA 139203

(A) As used in this section: 139204

(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code. 139205  
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139208

(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code. 139209  
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(B) This section applies to each ICF/IID to which any of the following apply: 139211  
139212

(1) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019. 139213  
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139215

(2) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019. 139216  
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(3) The ICF/IID is a new ICF/IID for which the provider obtains an initial provider agreement during fiscal year 2019. 139222  
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(C) Beginning on the date that a new formula for determining Medicaid payment rates for ICF/IID services established pursuant to the section of this act titled "GENERAL ASSEMBLY'S INTENT REGARDING NEW ICF/IID MEDICAID PAYMENT FORMULA" begins to be used, ICFs/IID to which this section applies shall cease to be paid the rates determined under the section of this act titled "FISCAL YEAR 2019 ICF/IID MEDICAID RATES DETERMINED UNDER CURRENT FORMULA." Subject to the cap established under division (D) of this section and the transition established pursuant to division (D)(1)(g) of the section of this act titled "GENERAL ASSEMBLY'S INTENT REGARDING NEW ICF/IID MEDICAID PAYMENT FORMULA," the ICFs/IID instead shall be paid the rates determined in accordance with the 139224  
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new formula for ICF/IID services provided during the period 139236  
beginning on the date that the new formula begins to be used and 139237  
ending July 1, 2019. 139238

(D)(1) If the mean total per Medicaid day rate for all 139239  
ICFs/IID to which this section applies that is paid pursuant to 139240  
division (C) of this section and weighted by May 2018 Medicaid 139241  
days is other than the amount determined under division (D)(2) of 139242  
this section, the Department of Developmental Disabilities shall 139243  
adjust, for the part of fiscal year 2019 during which that rate is 139244  
paid, the total per Medicaid day rate for each ICF/IID to which 139245  
this section applies by a percentage that is equal to the 139246  
percentage by which the mean total per Medicaid day rate is 139247  
greater or less than the amount determined under division (D)(2) 139248  
of this section. 139249

(2) The amount to be used for the purpose of division (D)(1) 139250  
of this section shall not exceed \$295.90. 139251

(E) If the United States Centers for Medicare and Medicaid 139252  
Services requires that the franchise permit fee be reduced or 139253  
eliminated, the Department shall reduce the amount it pays ICF/IID 139254  
providers under this section as necessary to reflect the loss to 139255  
the state of the revenue and federal financial participation 139256  
generated from the franchise permit fee. 139257

**Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES** 139258

(A) As used in this section, "ICF/IID," "ICF/IID services," 139259  
and "Medicaid-certified capacity" have the same meanings as in 139260  
section 5124.01 of the Revised Code. 139261

(B) The Director of Developmental Disabilities shall pay the 139262  
nonfederal share of a claim for ICF/IID services using funds 139263  
specified in division (C) of this section if all of the following 139264  
apply: 139265

|                                                                                                                                                                                                                                                                                                                      |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (1) Medicaid covers the ICF/IID services.                                                                                                                                                                                                                                                                            | 139266                                         |
| (2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:                                                                                                                                                                                                                   | 139267<br>139268                               |
| (a) The Medicaid recipient is eligible for the ICF/IID services;                                                                                                                                                                                                                                                     | 139269<br>139270                               |
| (b) The Medicaid recipient does not occupy a bed in the ICF/IID that used to be included in the Medicaid-certified capacity of another ICF/IID certified by the Director of Health before June 1, 2003.                                                                                                              | 139271<br>139272<br>139273<br>139274           |
| (3) The ICF/IID services are provided by an ICF/IID whose Medicaid certification by the Director of Health was initiated or supported by a county board of developmental disabilities.                                                                                                                               | 139275<br>139276<br>139277                     |
| (4) The provider of the ICF/IID services has a valid Medicaid provider agreement for the services for the time that the services are provided.                                                                                                                                                                       | 139278<br>139279<br>139280                     |
| (C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim:                                                                                                                                 | 139281<br>139282<br>139283                     |
| (1) Funds available from appropriation item 322501, County Boards Subsidies, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made;                                                   | 139284<br>139285<br>139286<br>139287<br>139288 |
| (2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 322501, County Boards Subsidies. | 139289<br>139290<br>139291<br>139292<br>139293 |
| <b>Section 261.210. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO QUALIFYING IO ENROLLEES</b>                                                                                                                                                                                                       | 139294<br>139295                               |

|                                                                                                                                                                                                                                                                                                                  |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (A) As used in this section:                                                                                                                                                                                                                                                                                     | 139296                                         |
| (1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.                                                                                         | 139297<br>139298<br>139299<br>139300           |
| (2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.                                                                                                                                                                                                       | 139301<br>139302                               |
| (3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.                                                                                                                                                                             | 139303<br>139304<br>139305                     |
| (4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.                                                                                                                                                                                                                          | 139306<br>139307                               |
| (5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.                                                                                                                                                                                                                            | 139308<br>139309                               |
| (6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:                                                                                                                                                                                                                     | 139310<br>139311                               |
| (a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.                                                                                                                                                                        | 139312<br>139313<br>139314                     |
| (b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.               | 139315<br>139316<br>139317<br>139318<br>139319 |
| (c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section. | 139320<br>139321<br>139322<br>139323<br>139324 |
| (B) The total Medicaid payment rate for each fifteen minutes                                                                                                                                                                                                                                                     | 139325                                         |

of routine homemaker/personal care services that a Medicaid 139326  
provider provides to a qualifying IO enrollee during the period 139327  
specified in division (C) of this section shall be fifty-two cents 139328  
higher than the Medicaid payment rate in effect on the day the 139329  
services are provided for each fifteen minutes of routine 139330  
homemaker/personal care services that a Medicaid provider provides 139331  
to an IO enrollee who is not a qualifying IO enrollee. 139332

(C) Division (B) of this section applies to the first twelve 139333  
months, consecutive or otherwise, that a Medicaid provider, during 139334  
the period beginning July 1, 2017, and ending June 30, 2019, 139335  
provides routine homemaker/personal care services to a qualifying 139336  
IO enrollee. 139337

(D) Of the foregoing appropriation items 653407, Medicaid 139338  
Services, and 653654, Medicaid Services, portions shall be used to 139339  
pay the Medicaid payment rate determined in accordance with this 139340  
section for routine homemaker/personal care services provided to 139341  
qualifying IO enrollees. 139342

**Section 261.220.** UPDATING AUTHORIZING STATUTE CITATIONS 139343

As used in this section, "authorizing statute" means a 139344  
Revised Code section or provision of a Revised Code section that 139345  
is cited in the Ohio Administrative Code as the statute that 139346  
authorizes the adoption of a rule. 139347

The Director of Developmental Disabilities is not required to 139348  
amend any rule for the sole purpose of updating the citation in 139349  
the Ohio Administrative Code to the rule's authorizing statute to 139350  
reflect that this act renumbers the authorizing statute or 139351  
relocates it to another Revised Code section. Such citations shall 139352  
be updated as the Director amends the rules for other purposes. 139353

**Section 261.230.** DEVELOPMENTAL DISABILITIES STAKEHOLDER 139354  
WORKGROUP 139355

(A) Not later than thirty days after the effective date of this section, the Department of Developmental Disabilities shall convene a stakeholder workgroup to do both of the following:

(1) Evaluate services provided to individuals with developmental disabilities living in the community;

(2) Develop recommendations related to the provision of such services.

The workgroup shall include the following as members: representatives of the Department, county boards of developmental disabilities, service providers, and individuals with developmental disabilities and their family members. Members of the workgroup shall serve without compensation or reimbursement, except to the extent that serving on the workgroup is part of their usual job duties. A representative of the Department shall serve as the chairperson of the workgroup. The Department shall provide the workgroup any administrative assistance the workgroup needs.

(B) Not later than one year after the workgroup first convenes, it shall develop and submit to the Department and General Assembly a report with recommendations addressing the following topics:

(1) Determining whether immediate action is necessary to ensure the health and safety of an individual with a developmental disability or a group of such individuals, including through the use of standardized protocols;

(2) Supporting quality services beyond those necessary for minimum compliance;

(3) Monitoring the health and safety of individuals with developmental disabilities, including through on-site monitoring and monitoring conducted by the Department or arranged for by the Department;

(4) Clarifying the roles and responsibilities of the Department, county boards, and service providers, including when adverse actions are taken. 139387  
 139388  
 139389

The workgroup may include any other recommendations in the report it determines necessary. The workgroup shall submit its report to the General Assembly in accordance with section 101.68 of the Revised Code. 139390  
 139391  
 139392  
 139393

(C) The workgroup shall cease to exist on the submission of its report. 139394  
 139395

(D) To the extent authorized by current law, the Director of Developmental Disabilities may adopt rules to implement the recommendations included in the report. If a recommendation requires a statutory change or current law does not provide the Director the authority to adopt a particular rule, the report shall include a recommendation that the General Assembly enact legislation making the statutory change or giving the Director the authority to adopt the rule. 139396  
 139397  
 139398  
 139399  
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 139403

**Section 263.10. OBD OHIO BOARD OF DIETETICS** 139404

|                                        |    |         |    |   |        |
|----------------------------------------|----|---------|----|---|--------|
| Dedicated Purpose Fund Group           |    |         |    |   | 139405 |
| 4K90 860609 Operating Expenses         | \$ | 234,381 | \$ | 0 | 139406 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 234,381 | \$ | 0 | 139407 |
| TOTAL ALL BUDGET FUND GROUPS           | \$ | 234,381 | \$ | 0 | 139408 |

**Section 265.10. EDU DEPARTMENT OF EDUCATION** 139410

|                                      |    |            |    |            |        |
|--------------------------------------|----|------------|----|------------|--------|
| General Revenue Fund                 |    |            |    |            | 139411 |
| GRF 200321 Operating Expenses        | \$ | 14,693,536 | \$ | 14,736,578 | 139412 |
| GRF 200408 Early Childhood Education | \$ | 68,116,789 | \$ | 68,116,789 | 139413 |
| GRF 200420 Information Technology    | \$ | 3,770,170  | \$ | 3,770,170  | 139414 |

|            |                                                   |                            |                  |        |  |  |
|------------|---------------------------------------------------|----------------------------|------------------|--------|--|--|
|            |                                                   | Development and<br>Support |                  |        |  |  |
| GRF 200422 | School Management                                 | \$ 2,077,615               | \$ 2,113,413     | 139415 |  |  |
|            | Assistance                                        |                            |                  |        |  |  |
| GRF 200424 | Policy Analysis                                   | \$ 428,962                 | \$ 428,962       | 139416 |  |  |
| GRF 200426 | Ohio Educational<br>Computer Network              | \$ 15,457,000              | \$ 15,457,000    | 139417 |  |  |
| GRF 200427 | Academic Standards                                | \$ 3,819,487               | \$ 3,819,487     | 139418 |  |  |
| GRF 200437 | Student Assessment                                | \$ 55,959,287              | \$ 56,025,042    | 139419 |  |  |
| GRF 200439 | Accountability/Report<br>Cards                    | \$ 413,167                 | \$ 913,167       | 139420 |  |  |
| GRF 200442 | Child Care Licensing                              | \$ 1,852,200               | \$ 1,887,863     | 139421 |  |  |
| GRF 200446 | Education Management<br>Information System        | \$ 7,574,367               | \$ 7,620,414     | 139422 |  |  |
| GRF 200448 | Educator Preparation                              | \$ 1,710,384               | \$ 1,710,384     | 139423 |  |  |
| GRF 200455 | Community Schools and<br>Choice Programs          | \$ 4,435,845               | \$ 4,585,028     | 139424 |  |  |
| GRF 200465 | Education Technology<br>Resources                 | \$ 5,179,107               | \$ 5,179,107     | 139425 |  |  |
| GRF 200502 | Pupil Transportation                              | \$ 546,738,753             | \$ 527,129,809   | 139426 |  |  |
| GRF 200505 | School Lunch Match                                | \$ 8,963,500               | \$ 8,963,500     | 139427 |  |  |
| GRF 200511 | Auxiliary Services                                | \$ 150,594,178             | \$ 150,594,178   | 139428 |  |  |
| GRF 200532 | Nonpublic<br>Administrative Cost<br>Reimbursement | \$ 68,034,790              | \$ 68,034,790    | 139429 |  |  |
| GRF 200540 | Special Education<br>Enhancements                 | \$ 152,350,000             | \$ 152,350,000   | 139430 |  |  |
| GRF 200545 | Career-Technical<br>Education Enhancements        | \$ 10,665,866              | \$ 9,600,892     | 139431 |  |  |
| GRF 200550 | Foundation Funding                                | \$ 6,799,882,816           | \$ 6,937,228,845 | 139432 |  |  |
| GRF 200566 | Literacy Improvement                              | \$ 750,000                 | \$ 1,250,000     | 139433 |  |  |
| GRF 200572 | Adult Education<br>Programs                       | \$ 7,533,216               | \$ 8,702,475     | 139434 |  |  |

**Am. Sub. H. B. No. 49**  
**As Reported by the Committee of Conference**

|                              |                                          |    |               |    |               |        |
|------------------------------|------------------------------------------|----|---------------|----|---------------|--------|
| GRF 200573                   | EdChoice Expansion                       | \$ | 38,400,000    | \$ | 47,700,000    | 139435 |
| GRF 200574                   | Half-Mill Maintenance<br>Equalization    | \$ | 18,715,000    | \$ | 18,912,000    | 139436 |
| GRF 200576                   | Adaptive Sports<br>Program               | \$ | 50,000        | \$ | 50,000        | 139437 |
| GRF 200578                   | Violence Prevention<br>and School Safety | \$ | 250,000       | \$ | 250,000       | 139438 |
| GRF 657401                   | Medicaid in Schools                      | \$ | 295,500       | \$ | 295,500       | 139439 |
| TOTAL GRF                    | General Revenue Fund                     | \$ | 7,988,711,535 | \$ | 8,117,425,393 | 139440 |
| Dedicated Purpose Fund Group |                                          |    |               |    |               | 139441 |
| 4520 200638                  | Charges and<br>Reimbursements            | \$ | 1,000,000     | \$ | 1,000,000     | 139442 |
| 4540 200610                  | High School<br>Equivalency               | \$ | 1,187,065     | \$ | 0             | 139443 |
| 4550 200608                  | Commodity Foods                          | \$ | 16,000,000    | \$ | 16,000,000    | 139444 |
| 4L20 200681                  | Teacher Certification<br>and Licensure   | \$ | 16,002,297    | \$ | 16,002,297    | 139445 |
| 5980 200659                  | Auxiliary Services<br>Reimbursement      | \$ | 2,930,000     | \$ | 2,930,000     | 139446 |
| 5H30 200687                  | School District<br>Solvency Assistance   | \$ | 8,000,000     | \$ | 8,000,000     | 139447 |
| 5KX0 200691                  | Ohio School<br>Sponsorship Program       | \$ | 828,600       | \$ | 828,600       | 139448 |
| 5MM0 200677                  | Child Nutrition<br>Refunds               | \$ | 550,000       | \$ | 550,000       | 139449 |
| 5U20 200685                  | National Education<br>Statistics         | \$ | 150,000       | \$ | 150,000       | 139450 |
| 5UC0 200662                  | Accountability/Report<br>Cards           | \$ | 5,000,000     | \$ | 5,000,000     | 139451 |
| 6200 200615                  | Educational<br>Improvement Grants        | \$ | 800,000       | \$ | 600,000       | 139452 |
| TOTAL DPF                    | Dedicated Purpose Fund<br>Group          | \$ | 52,447,962    | \$ | 51,060,897    | 139453 |

|                                                |        |                       |                     |                                          |
|------------------------------------------------|--------|-----------------------|---------------------|------------------------------------------|
| Internal Service Activity Fund Group           |        |                       |                     | 139454                                   |
| 1380                                           | 200606 | Information           | \$ 7,047,645 \$     | 7,047,645 139455                         |
|                                                |        | Technology            |                     |                                          |
|                                                |        | Development and       |                     |                                          |
|                                                |        | Support               |                     |                                          |
| 4R70                                           | 200695 | Indirect Operational  | \$ 7,856,766 \$     | 7,856,766 139456                         |
|                                                |        | Support               |                     |                                          |
| 4V70                                           | 200633 | Interagency Program   | \$ 500,000 \$       | 500,000 139457                           |
|                                                |        | Support               |                     |                                          |
| TOTAL ISA Internal Service Activity Fund Group |        |                       |                     | \$ 15,404,411 \$ 15,404,411 139458       |
| State Lottery Fund Group                       |        |                       |                     | 139459                                   |
| 7017                                           | 200612 | Foundation Funding    | \$ 1,086,030,000 \$ | 1,087,030,000 139460                     |
| 7017                                           | 200629 | Community Connectors  | \$ 4,000,000 \$     | 4,000,000 139461                         |
| 7017                                           | 200684 | Community School      | \$ 16,600,000 \$    | 16,600,000 139462                        |
|                                                |        | Facilities            |                     |                                          |
| TOTAL SLF State Lottery Fund Group             |        |                       |                     | \$ 1,106,630,000 \$ 1,107,630,000 139463 |
| Federal Fund Group                             |        |                       |                     | 139464                                   |
| 3670                                           | 200607 | School Food Services  | \$ 10,080,635 \$    | 10,280,635 139465                        |
| 3700                                           | 200624 | Education of          | \$ 2,000,000 \$     | 2,000,000 139466                         |
|                                                |        | Exceptional Children  |                     |                                          |
| 3AF0                                           | 657601 | Schools Medicaid      | \$ 750,000 \$       | 750,000 139467                           |
|                                                |        | Administrative Claims |                     |                                          |
| 3AN0                                           | 200671 | School Improvement    | \$ 25,000,000 \$    | 25,000,000 139468                        |
|                                                |        | Grants                |                     |                                          |
| 3C50                                           | 200661 | Early Childhood       | \$ 12,555,000 \$    | 12,555,000 139469                        |
|                                                |        | Education             |                     |                                          |
| 3D20                                           | 200667 | Math Science          | \$ 7,000,000 \$     | 7,000,000 139470                         |
|                                                |        | Partnerships          |                     |                                          |
| 3EH0                                           | 200620 | Migrant Education     | \$ 2,500,000 \$     | 2,500,000 139471                         |
| 3EJ0                                           | 200622 | Homeless Children     | \$ 2,600,000 \$     | 2,600,000 139472                         |
|                                                |        | Education             |                     |                                          |

|                              |        |                                             |    |                |    |                |        |
|------------------------------|--------|---------------------------------------------|----|----------------|----|----------------|--------|
| 3GE0                         | 200674 | Summer Food Service Program                 | \$ | 14,856,635     | \$ | 14,856,635     | 139473 |
| 3GG0                         | 200676 | Fresh Fruit and Vegetable Program           | \$ | 4,677,340      | \$ | 4,677,340      | 139474 |
| 3HF0                         | 200649 | Federal Education Grants                    | \$ | 6,364,327      | \$ | 6,364,327      | 139475 |
| 3L60                         | 200617 | Federal School Lunch                        | \$ | 394,612,000    | \$ | 406,450,000    | 139476 |
| 3L70                         | 200618 | Federal School Breakfast                    | \$ | 142,688,750    | \$ | 154,103,850    | 139477 |
| 3L80                         | 200619 | Child/Adult Food Programs                   | \$ | 106,913,755    | \$ | 106,913,755    | 139478 |
| 3L90                         | 200621 | Career-Technical Education Basic Grant      | \$ | 44,663,900     | \$ | 44,663,900     | 139479 |
| 3M00                         | 200623 | ESEA Title 1A                               | \$ | 600,000,000    | \$ | 600,000,000    | 139480 |
| 3M20                         | 200680 | Individuals with Disabilities Education Act | \$ | 445,000,000    | \$ | 445,000,000    | 139481 |
| 3T40                         | 200613 | Public Charter Schools                      | \$ | 14,200,000     | \$ | 14,200,000     | 139482 |
| 3Y20                         | 200688 | 21st Century Community Learning Centers     | \$ | 47,500,000     | \$ | 47,500,000     | 139483 |
| 3Y60                         | 200635 | Improving Teacher Quality                   | \$ | 85,000,000     | \$ | 85,000,000     | 139484 |
| 3Y70                         | 200689 | English Language Acquisition                | \$ | 10,101,411     | \$ | 10,101,411     | 139485 |
| 3Y80                         | 200639 | Rural and Low Income Technical Assistance   | \$ | 3,300,000      | \$ | 3,300,000      | 139486 |
| 3Z20                         | 200690 | State Assessments                           | \$ | 11,500,000     | \$ | 11,500,000     | 139487 |
| 3Z30                         | 200645 | Consolidated Federal Grant Administration   | \$ | 10,168,964     | \$ | 10,168,964     | 139488 |
| TOTAL FED                    |        | Federal Fund Group                          | \$ | 2,004,032,717  | \$ | 2,027,485,817  | 139489 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                             | \$ | 11,167,226,625 | \$ | 11,319,006,518 | 139490 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| <b>Section 265.20. OPERATING EXPENSES</b>                          | 139492 |
| A portion of the foregoing appropriation item 200321,              | 139493 |
| Operating Expenses, shall be used by the Department of Education   | 139494 |
| to provide matching funds related to career-technical education    | 139495 |
| under 20 U.S.C. 2321.                                              | 139496 |
| <b>EARLY CHILDHOOD EDUCATION</b>                                   | 139497 |
| The Department of Education shall distribute the foregoing         | 139498 |
| appropriation item 200408, Early Childhood Education, to pay the   | 139499 |
| costs of early childhood education programs. The Department shall  | 139500 |
| distribute such funds directly to qualifying providers.            | 139501 |
| (A) As used in this section:                                       | 139502 |
| (1) "Provider" means a city, local, exempted village, or           | 139503 |
| joint vocational school district; an educational service center; a | 139504 |
| community school sponsored by an exemplary sponsor; a chartered    | 139505 |
| nonpublic school; an early childhood education child care provider | 139506 |
| licensed under Chapter 5104. of the Revised Code that participates | 139507 |
| in and meets at least the third highest tier of the Step Up to     | 139508 |
| Quality program established pursuant to section 5104.29 of the     | 139509 |
| Revised Code; or a combination of entities described in this       | 139510 |
| paragraph.                                                         | 139511 |
| (2) In the case of a city, local, or exempted village school       | 139512 |
| district or early childhood education child care provider licensed | 139513 |
| under Chapter 5104. of the Revised Code, "new eligible provider"   | 139514 |
| means a provider that did not receive state funding for Early      | 139515 |
| Childhood Education in the previous fiscal year or demonstrates a  | 139516 |
| need for early childhood programs as defined in division (D) of    | 139517 |
| this section.                                                      | 139518 |
| (3) In the case of a community school, "new eligible               | 139519 |
| provider" means any of the following:                              | 139520 |
| (a) A community school established under Chapter 3314. of the      | 139521 |

Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the previous year or demonstrates a need for early childhood programs

as defined in division (D) of this section. 139553

(4)(a) "Eligible child" means a child who is at least four 139554  
years of age, is not of the age to be eligible for kindergarten, 139555  
and whose family earns not more than two hundred per cent of the 139556  
federal poverty guidelines as defined in division (A)(3) of 139557  
section 5101.46 of the Revised Code. Children with an 139558  
Individualized Education Program and where the Early Childhood 139559  
Education program is the least restrictive environment may be 139560  
enrolled on their fourth birthday. 139561

(b) If, on the first day of October of each fiscal year, a 139562  
provider has remaining award funds after enrolling eligible 139563  
children under division (A)(4)(a) of this section, the provider 139564  
may seek approval from the Department to consider a child who is 139565  
at least three years of age, is not of age to be eligible for 139566  
kindergarten, and whose family earns not more than two hundred per 139567  
cent of the federal poverty guidelines as an eligible child. Upon 139568  
approval from the Department, the provider may use the remaining 139569  
award funds to serve such three-year-old children as eligible 139570  
children. 139571

(5) "Early learning program standards" means early learning 139572  
program standards for school readiness developed by the Department 139573  
to assess the operation of early learning and development 139574  
programs. 139575

(6) "Early learning and development programs" has the same 139576  
meaning as section 5104.29 of the Revised Code. 139577

(B) In each fiscal year, up to two per cent of the total 139578  
appropriation may be used by the Department for program support 139579  
and technical assistance. The Department shall distribute the 139580  
remainder of the appropriation in each fiscal year to serve 139581  
eligible children. 139582

(C) The Department shall provide an annual report to the 139583

Governor, the Speaker of the House of Representatives, and the 139584  
President of the Senate and post the report to the Department's 139585  
web site, regarding early childhood education programs operated 139586  
under this section and the early learning program standards. 139587

(D) After setting aside the amounts to make payments due from 139588  
the previous fiscal year, in fiscal year 2018, the Department 139589  
shall distribute funds first to recipients of funds for early 139590  
childhood education programs under Section 263.20 of Am. Sub. H.B. 139591  
64 of the 131st General Assembly in the previous fiscal year and 139592  
the balance to new eligible providers of early childhood education 139593  
programs or to existing providers to serve more eligible children 139594  
pursuant to division (E) of this section or for purposes of 139595  
program expansion, improvement, or special projects to promote 139596  
quality and innovation. 139597

After setting aside the amounts to make payments due from the 139598  
previous fiscal year, in fiscal year 2019, the Department shall 139599  
distribute funds first to providers of early childhood education 139600  
programs under this section in the previous fiscal year and the 139601  
balance to new eligible providers or to existing providers to 139602  
serve more eligible children as outlined under division (E) of 139603  
this section or for purposes of program expansion, improvement, or 139604  
special projects to promote quality and innovation. 139605

(E)(1) The Department shall distribute any new or remaining 139606  
funding to existing providers of early childhood education 139607  
programs or any new eligible providers in an effort to invest in 139608  
high quality early childhood programs where there is a need as 139609  
determined by the Department. The Department shall distribute the 139610  
new or remaining funds to existing providers of early childhood 139611  
education programs or any new eligible providers to serve 139612  
additional eligible children based on community economic 139613  
disadvantage, limited access to high quality preschool or 139614  
childcare services, and demonstration of high quality preschool 139615

services as determined by the Department using new metrics 139616  
developed pursuant to Ohio's Race to the Top—Early Learning 139617  
Challenge Grant, awarded to the Department in December 2011. 139618

(2) Awards under divisions (D) and (E) of this section shall 139619  
be distributed on a per-pupil basis, and in accordance with 139620  
division (I) of this section. The Department may adjust the 139621  
per-pupil amount so that the per-pupil amount multiplied by the 139622  
number of eligible children enrolled and receiving services on the 139623  
first day of December or the business day closest to that date 139624  
equals the amount allocated under this section. 139625

(F) Costs for developing and administering an early childhood 139626  
education program may not exceed fifteen per cent of the total 139627  
approved costs of the program. 139628

All providers shall maintain such fiscal control and 139629  
accounting procedures as may be necessary to ensure the 139630  
disbursement of, and accounting for, these funds. The control of 139631  
funds provided in this program, and title to property obtained, 139632  
shall be under the authority of the approved provider for purposes 139633  
provided in the program unless, as described in division (K) of 139634  
this section, the program waives its right for funding or a 139635  
program's funding is eliminated or reduced due to its inability to 139636  
meet financial or early learning program standards. The approved 139637  
provider shall administer and use such property and funds for the 139638  
purposes specified. 139639

(G) The Department may examine a provider's financial and 139640  
program records. If the financial practices of the program are not 139641  
in accordance with standard accounting principles or do not meet 139642  
financial standards outlined under division (F) of this section, 139643  
or if the program fails to substantially meet the early learning 139644  
program standards, meet a quality rating level in the Step Up to 139645  
Quality program established pursuant to section 5104.29 of the 139646  
Revised Code as prescribed by the Department, or exhibits below 139647

average performance as measured against the standards, the early 139648  
childhood education program shall propose and implement a 139649  
corrective action plan that has been approved by the Department. 139650  
The approved corrective action plan shall be signed by the chief 139651  
executive officer and the executive of the official governing body 139652  
of the provider. The corrective action plan shall include a 139653  
schedule for monitoring by the Department. Such monitoring may 139654  
include monthly reports, inspections, a timeline for correction of 139655  
deficiencies, and technical assistance to be provided by the 139656  
Department or obtained by the early childhood education program. 139657  
The Department may withhold funding pending corrective action. If 139658  
an early childhood education program fails to satisfactorily 139659  
complete a corrective action plan, the Department may deny 139660  
expansion funding to the program or withdraw all or part of the 139661  
funding to the program and establish a new eligible provider 139662  
through a selection process established by the Department. 139663

(H)(1) If the early childhood education program is licensed 139664  
by the Department of Education and is not highly rated, as 139665  
determined by the Director of Job and Family Services, under the 139666  
Step Up to Quality program established pursuant to section 5104.29 139667  
of the Revised Code, the program shall do all of the following: 139668

(a) Meet teacher qualification requirements prescribed by 139669  
section 3301.311 of the Revised Code; 139670

(b) Align curriculum to the early learning content standards 139671  
developed by the Department; 139672

(c) Meet any child or program assessment requirements 139673  
prescribed by the Department; 139674

(d) Require teachers, except teachers enrolled and working to 139675  
obtain a degree pursuant to section 3301.311 of the Revised Code, 139676  
to attend a minimum of twenty hours every two years of 139677  
professional development as prescribed by the Department; 139678

(e) Document and report child progress as prescribed by the Department; 139679  
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(f) Meet and report compliance with the early learning program standards as prescribed by the Department; 139681  
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(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code. 139683  
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(2) If the program is highly rated, as determined by the Director of Job and Family Services, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program. 139685  
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(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule. 139690  
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(J) Each provider shall develop a sliding fee scale based on 139711  
family incomes and shall charge families who earn more than two 139712  
hundred per cent of the federal poverty guidelines, as defined in 139713  
division (A)(3) of section 5101.46 of the Revised Code, for the 139714  
early childhood education program. 139715

The Department shall conduct an annual survey of each 139716  
provider to determine whether the provider charges families 139717  
tuition or fees, the amount families are charged relative to 139718  
family income levels, and the number of families and students 139719  
charged tuition and fees for the early childhood program. 139720

(K) If an early childhood education program voluntarily 139721  
waives its right for funding, or has its funding eliminated for 139722  
not meeting financial standards or the early learning program 139723  
standards, the provider shall transfer control of title to 139724  
property, equipment, and remaining supplies obtained through the 139725  
program to providers designated by the Department and return any 139726  
unexpended funds to the Department along with any reports 139727  
prescribed by the Department. The funding made available from a 139728  
program that waives its right for funding or has its funding 139729  
eliminated or reduced may be used by the Department for new grant 139730  
awards or expansion grants. The Department may award new grants or 139731  
expansion grants to eligible providers who apply. The eligible 139732  
providers who apply must do so in accordance with the selection 139733  
process established by the Department. 139734

(L) Eligible expenditures for the Early Childhood Education 139735  
Program shall be claimed each fiscal year to help meet the state's 139736  
TANF maintenance of effort requirement. The Superintendent of 139737  
Public Instruction and the Director of Job and Family Services 139738  
shall enter into an interagency agreement to carry out the 139739  
requirements under this division, which shall include developing 139740  
reporting guidelines for these expenditures. 139741

(M)(1) The Department of Education and the Department of Job 139742

and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.

(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.

EARLY CHILDHOOD EDUCATION PARENT CHOICE DEMONSTRATION PILOT PROGRAM

Of the foregoing appropriation item 200408, Early Childhood Education, a portion in each fiscal year may be used by the Department of Education to establish a pilot program that employs one or more parent choice models to deliver early childhood education to eligible children.

If the Department establishes any such pilot program, the Department shall designate one or more geographical areas within the state in which to operate the pilot program. The Department may consider designating areas with multiple providers of high-quality early childhood education programs that have a capacity to serve additional eligible children for the purpose of

identifying potential obstacles to implementing a parent choice 139773  
model. Each parent participating in the pilot program may choose 139774  
an early childhood education program from among all providers 139775  
within the designated area. 139776

The Department shall establish procedures for implementation 139777  
of the pilot program, including a process for parents to apply for 139778  
the program. Except as otherwise provided in the Department's 139779  
procedures, the Department and providers shall operate in 139780  
accordance with this section in implementing the pilot program. 139781  
However, the Department may expand the definition of "eligible 139782  
child" to include in the pilot program a child who is at least 139783  
three years of age as of the district entry date for kindergarten 139784  
and has one or more additional risk factors including, but not 139785  
limited to, "exited Help Me Grow Home Visiting," "exited Early 139786  
Intervention and not eligible for preschool special education," or 139787  
currently placed in foster care, so long as the child meets all 139788  
other eligibility requirements of this section. 139789

The Department of Education shall collaborate with the 139790  
departments of Job and Family Services, Developmental 139791  
Disabilities, Health, and Mental Health and Addiction Services, as 139792  
needed, in establishing any pilot program. The Department of 139793  
Education also may select a non-state entity, which may include an 139794  
educational service center, a county department of job and family 139795  
services, a childcare resource and referral agency, or a county 139796  
family and children first council established under section 121.37 139797  
of the Revised Code, to partner with the Department on the pilot 139798  
program. 139799

As part of the pilot program, the Department may set aside a 139800  
portion of the funds for an evaluation of the pilot program. 139801

EARLY CHILDHOOD EDUCATION PILOT PROGRAM IN APPALACHIA 139802

Of the foregoing appropriation item 200408, Early Childhood 139803

Education, a portion in each fiscal year shall be used by the 139804  
Department of Education to implement a pilot program in not more 139805  
than two counties in the Appalachian region of the state. The 139806  
Department shall distribute funding to existing providers of early 139807  
childhood education programs or any new eligible providers to 139808  
serve a total of one hundred twenty-five eligible children in each 139809  
fiscal year. The Department shall collect and review data from the 139810  
participating programs on at least the following: 139811

(A) The number of eligible children served with the funding 139812  
distributed under the pilot program and the amount of funding, if 139813  
any, that was not used; 139814

(B) The developmental progress of eligible children who were 139815  
served with the funding distributed under the pilot program; 139816

(C) The pilot program's identified challenges and successes 139817  
in enrolling and serving preschool children. 139818

The Department may also use a portion of funds for 139819  
administration and evaluation of the effectiveness of the pilot 139820  
program. The Department shall consider the data collected from the 139821  
pilot program in determining the process for distributing funding 139822  
to providers under this section in subsequent fiscal years. 139823

**Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 139824**  
SUPPORT 139825

The foregoing appropriation item 200420, Information 139826  
Technology Development and Support, shall be used to support the 139827  
development and implementation of information technology solutions 139828  
designed to improve the performance and services of the Department 139829  
of Education. Funds may be used for personnel, maintenance, and 139830  
equipment costs related to the development and implementation of 139831  
these technical system projects. Implementation of these systems 139832  
shall allow the Department to provide greater levels of assistance 139833

to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

**Section 265.50. SCHOOL MANAGEMENT ASSISTANCE**

The foregoing appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

**Section 265.60. POLICY ANALYSIS**

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. A portion of these funds shall be used to maintain a longitudinal database to support the assessment of the impact of policies and programs on Ohio's education and workforce development systems. The research efforts supported by this appropriation item shall be used to supply information and analysis of data to and in consultation with the General Assembly and other state policymakers, including the Office of Budget and Management and the Legislative Service Commission.

Of the foregoing appropriation item, 200424, Policy Analysis, 139864  
a portion may be used by the Department to support the development 139865  
and implementation of an evidence-based clearinghouse to support 139866  
school improvement strategies as part of the Every Student 139867  
Succeeds Act. 139868

The Department may use funding from this appropriation item 139869  
to purchase or contract for the development of software systems or 139870  
contract for policy studies that will assist in the provision and 139871  
analysis of policy-related information. Funding from this 139872  
appropriation item also may be used to monitor and enhance quality 139873  
assurance for research-based policy analysis and program 139874  
evaluation to enhance the effective use of education information 139875  
to inform education policymakers. 139876

**Section 265.70.** OHIO EDUCATIONAL COMPUTER NETWORK 139877

The foregoing appropriation item 200426, Ohio Educational 139878  
Computer Network, shall be used by the Department of Education to 139879  
maintain a system of information technology throughout Ohio and to 139880  
provide technical assistance for such a system in support of the 139881  
P-16 State Education Technology Plan developed under section 139882  
3353.09 of the Revised Code. 139883

Of the foregoing appropriation item 200426, Ohio Educational 139884  
Computer Network, up to \$9,686,658 in each fiscal year shall be 139885  
used by the Department to support connection of all public school 139886  
buildings and participating chartered nonpublic schools to the 139887  
state's education network, to each other, and to the Internet. In 139888  
each fiscal year, the Department shall use these funds to assist 139889  
information technology centers or school districts with the 139890  
operational costs associated with this connectivity. The 139891  
Department shall develop a formula and guidelines for the 139892  
distribution of these funds to information technology centers or 139893  
individual school districts. As used in this section, "public 139894

school building" means a school building of any city, local, 139895  
exempted village, or joint vocational school district, any 139896  
community school established under Chapter 3314. of the Revised 139897  
Code, any college preparatory boarding school established under 139898  
Chapter 3328. of the Revised Code, any STEM school established 139899  
under Chapter 3326. of the Revised Code, any educational service 139900  
center building used for instructional purposes, the Ohio School 139901  
for the Deaf and the Ohio School for the Blind, high schools 139902  
chartered by the Ohio Department of Youth Services, or high 139903  
schools operated by Ohio Department of Rehabilitation and 139904  
Corrections' Ohio Central School System. 139905

Of the foregoing appropriation item 200426, Ohio Educational 139906  
Computer Network, up to \$4,843,329 in each fiscal year shall be 139907  
used, through a formula and guidelines devised by the Department, 139908  
to support the activities of designated information technology 139909  
centers, as defined by State Board of Education rules, to provide 139910  
school districts and chartered nonpublic schools with 139911  
computer-based student and teacher instructional and 139912  
administrative information services, including approved 139913  
computerized financial accounting, to ensure the effective 139914  
operation of local automated administrative and instructional 139915  
systems, and to monitor and support the quality of data submitted 139916  
to the Department. 139917

The remainder of appropriation item 200426, Ohio Educational 139918  
Computer Network, shall be used to support the work of the 139919  
development, maintenance, and operation of a network of uniform 139920  
and compatible computer-based information and instructional 139921  
systems as well as the teacher student linkage/roster verification 139922  
process and the eTranscript/student records exchange initiative. 139923  
This technical assistance shall include, but not be restricted to, 139924  
development and maintenance of adequate computer software systems 139925  
to support network activities. In order to improve the efficiency 139926

of network activities, the Department and information technology 139927  
centers may jointly purchase equipment, materials, and services 139928  
from funds provided under this appropriation for use by the 139929  
network and, when considered practical by the Department, may 139930  
utilize the services of appropriate state purchasing agencies. 139931

**Section 265.80. ACADEMIC STANDARDS** 139932

The foregoing appropriation item 200427, Academic Standards, 139933  
shall be used by the Department of Education to develop and 139934  
communicate to school districts academic content standards and 139935  
curriculum models and to develop professional development programs 139936  
and other tools on the new content standards and model curriculum. 139937  
The Department shall utilize educational service centers, 139938  
consistent with requirements of section 3312.01 of the Revised 139939  
Code, in the development and delivery of professional development 139940  
programs supported under this section. 139941

**Section 265.90. STUDENT ASSESSMENT** 139942

Of the foregoing appropriation item 200437, Student 139943  
Assessment, up to \$2,760,000 in each fiscal year may be used to 139944  
support the assessments required under section 3301.0715 of the 139945  
Revised Code. 139946

The remainder of appropriation item 200437, Student 139947  
Assessment, shall be used to develop, field test, print, 139948  
distribute, score, report results, and support other associated 139949  
costs for the tests required under sections 3301.0710, 3301.0711, 139950  
and 3301.0712 of the Revised Code and for similar purposes as 139951  
required by section 3301.27 of the Revised Code. The funds may 139952  
also be used to update and develop diagnostic assessments 139953  
administered under sections 3301.079, 3301.0715, and 3313.608 of 139954  
the Revised Code. 139955

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 139956

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| ASSESSMENT                                                         | 139957 |
| In fiscal year 2018 and fiscal year 2019, if the                   | 139958 |
| Superintendent of Public Instruction determines that additional    | 139959 |
| funds are needed to fully fund the requirements of sections        | 139960 |
| 3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code   | 139961 |
| and this act for assessments of student performance, the           | 139962 |
| Superintendent may recommend the reallocation of unexpended and    | 139963 |
| unencumbered General Revenue Fund appropriations within the        | 139964 |
| Department of Education to appropriation item 200437, Student      | 139965 |
| Assessment, to the Director of Budget and Management. If the       | 139966 |
| Director determines that such a reallocation is required, the      | 139967 |
| Director may transfer unexpended and unencumbered appropriations   | 139968 |
| within the Department of Education as necessary to appropriation   | 139969 |
| item 200437, Student Assessment.                                   | 139970 |
| <br>                                                               |        |
| <b>Section 265.100. ACCOUNTABILITY/REPORT CARDS</b>                | 139971 |
| The foregoing appropriation item 200439,                           | 139972 |
| Accountability/Report Cards, shall be used in conjunction with     | 139973 |
| appropriation item 200662, Accountability/Report Cards.            | 139974 |
| <br>                                                               |        |
| CHILD CARE LICENSING                                               | 139975 |
| The foregoing appropriation item 200442, Child Care                | 139976 |
| Licensing, shall be used by the Department of Education to license | 139977 |
| and to inspect preschool and school-age child care programs under  | 139978 |
| sections 3301.52 to 3301.59 of the Revised Code.                   | 139979 |
| <br>                                                               |        |
| <b>Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM</b>    | 139980 |
| The foregoing appropriation item 200446, Education Management      | 139981 |
| Information System, shall be used by the Department of Education   | 139982 |
| to improve the Education Management Information System (EMIS).     | 139983 |
| <br>                                                               |        |
| Of the foregoing appropriation item 200446, Education              | 139984 |
| Management Information System, up to \$400,000 in each fiscal year | 139985 |

shall be used to support grants to information technology centers 139986  
to provide professional development opportunities to district and 139987  
school personnel related to the EMIS, with a focus placed on data 139988  
submission and data quality. 139989

Of the foregoing appropriation item 200446, Education 139990  
Management Information System, up to \$725,000 in each fiscal year 139991  
shall be distributed to designated information technology centers 139992  
for costs relating to processing, storing, and transferring data 139993  
for the effective operation of the EMIS. These costs may include, 139994  
but are not limited to, personnel, hardware, software development, 139995  
communications connectivity, professional development, and support 139996  
services, and to provide services to participate in the State 139997  
Education Technology Plan developed under section 3353.09 of the 139998  
Revised Code. 139999

The remainder of appropriation item 200446, Education 140000  
Management Information System, shall be used to develop and 140001  
support the data definitions and standards adopted by the 140002  
Education Management Information System Advisory Board, including 140003  
the ongoing development and maintenance of the data dictionary and 140004  
data warehouse. In addition, such funds shall be used to support 140005  
the development and implementation of data standards; the design, 140006  
development, and implementation of a new data exchange system; and 140007  
responsibilities related to the school report cards prescribed by 140008  
section 3302.03 of the Revised Code and value-added progress 140009  
dimension calculations. 140010

Any provider of software meeting the standards approved by 140011  
the Education Management Information System Advisory Board shall 140012  
be designated as an approved vendor and may enter into contracts 140013  
with local school districts, community schools, STEMS schools, 140014  
information technology centers, or other educational entities for 140015  
the purpose of collecting and managing data required under Ohio's 140016  
education management information system (EMIS) laws. On an annual 140017

basis, the Department shall convene an advisory group of school districts, community schools, and other education-related entities to review EMIS data definitions and data format standards. The advisory group shall recommend changes and enhancements based upon surveys of its members, education agencies in other states, and current industry practices, to reflect best practices, align with federal initiatives, and meet the needs of school districts.

School districts, STEM schools, and community schools not implementing a uniform set of data definitions and data format standards for EMIS purposes shall have all EMIS funding withheld until they are in compliance.

**Section 265.120. EDUCATOR PREPARATION**

Of the foregoing appropriation item 200448, Educator Preparation, up to \$339,783 in each fiscal year may be used by the Department of Education to monitor and support Ohio's State System of Support, as defined by the Every Student Succeeds Act.

Of the foregoing appropriation item 200448, Educator Preparation, up to \$67,957 in each fiscal year may be used by the Department to support the Educator Standards Board under section 3319.61 of the Revised Code and reforms under sections 3302.042, 3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 3319.58 of the Revised Code.

Of the foregoing appropriation item 200448, Educator Preparation, \$450,000 in each fiscal year shall be distributed to Teach For America to increase recruitment of potential corps members at select Ohio universities, train and develop first-year and second-year teachers in the Teach for America program in Ohio, and expand alumni support and networking within the state.

Of the foregoing appropriation item 200448, Educator Preparation, \$75,000 in fiscal year 2018 and \$100,000 in fiscal

year 2019 shall be used to support training for selected school staff through the FASTER Saves Lives Program for the purpose of stopping active shooters and treating casualties.

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Of the foregoing appropriation item 200448, Educator Preparation, \$25,000 in fiscal year 2018 shall be used to purchase trauma training and equipment for school staff that have completed FASTER Saves Lives training in active shooter response or tactical combat casualty care. An amount equal to the unexpended, unencumbered balance of this earmark at the end of fiscal year 2018 is hereby reappropriated for the same purpose for fiscal year 2019.

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Of the foregoing appropriation item 200448, Educator Preparation, \$100,000 in each fiscal year shall be distributed to The Childhood League Center to provide intensive early intervention and educational services in Franklin County, to support the Play and Language for Autistic Youngsters (PLAY) Project in underserved counties, and to provide services and training for providers and families.

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The remainder of the foregoing appropriation item 200448, Educator Preparation, may be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports.

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**Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 140071

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for operation of the school choice programs.

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Of the foregoing appropriation item 200455, Community Schools and Choice Programs, a portion in each fiscal year may be used by the Department for developing and conducting training sessions for

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community schools and sponsors and prospective sponsors of 140078  
community schools as prescribed in division (A)(1) of section 140079  
3314.015 of the Revised Code, and other schools participating in 140080  
school choice programs. 140081

**Section 265.140.** EDUCATION TECHNOLOGY RESOURCES 140082

Of the foregoing appropriation item 200465, Education 140083  
Technology Resources, up to \$2,500,000 in each fiscal year shall 140084  
be used for the Union Catalog and InfOhio Network and to support 140085  
the provision of electronic resources with priority given to 140086  
resources that support the teaching of state academic content 140087  
standards in all public schools. Consideration shall be given by 140088  
the Department of Education to coordinating the allocation of 140089  
these moneys with the efforts of Libraries Connect Ohio, whose 140090  
members include OhioLINK, the Ohio Public Information Network, and 140091  
the State Library of Ohio. 140092

Of the foregoing appropriation item 200465, Education 140093  
Technology Resources, up to \$1,778,879 in each fiscal year shall 140094  
be used by the Department to provide grants to educational 140095  
television stations working with partner education technology 140096  
centers to provide Ohio public schools with instructional 140097  
resources and services, with priority given to resources and 140098  
services aligned with state academic content standards. Such 140099  
resources and services shall be based upon the advice and approval 140100  
of the Department, based on a formula developed in consultation 140101  
with Ohio's educational television stations and educational 140102  
technology centers. 140103

The remainder of the foregoing appropriation item 200465, 140104  
Education Technology Resources, may be used to support training, 140105  
technical support, guidance, and assistance with compliance 140106  
reporting to school districts and public libraries applying for 140107  
federal E-Rate funds; for oversight and guidance of school 140108

district technology plans; and for support to district technology 140109  
personnel. Funds may also be used to support the 140110  
eTranscript/student records exchange initiative between the 140111  
Department of Education and the Department of Higher Education, 140112  
the internet safety training for teachers and administrators 140113  
required under the "Protecting Children in the 21st Century Act," 140114  
Pub. L. No. 110-385, 122 Stat. 4096 (2008), and a program of study 140115  
for students in grades kindergarten through eight aligned to state 140116  
and national standards that, at a minimum, includes a focus on 140117  
online safety skills such as safety with personally identifiable 140118  
information, social media platforms, cyber-bullying prevention, 140119  
digital identity theft, hacking, and plagiarism. Such a program of 140120  
study shall provide the electronic data necessary for E-rate 140121  
compliance reporting at the student, classroom, and district 140122  
levels. 140123

**Section 265.150. PUPIL TRANSPORTATION** 140124

Of the foregoing appropriation item 200502, Pupil 140125  
Transportation, up to \$838,930 in each fiscal year may be used by 140126  
the Department of Education for training prospective and 140127  
experienced school bus drivers in accordance with training 140128  
programs prescribed by the Department. 140129

Of the foregoing appropriation item 200502, Pupil 140130  
Transportation, up to \$60,469,220 in each fiscal year may be used 140131  
by the Department for special education transportation 140132  
reimbursements to school districts and county DD boards for 140133  
transportation operating costs as provided in divisions (C) and 140134  
(F) of section 3317.024 of the Revised Code. 140135

The remainder of the foregoing appropriation item 200502, 140136  
Pupil Transportation, shall be used to distribute the amounts 140137  
calculated for transportation aid under divisions (E), (F), and 140138  
(G) of section 3317.0212 of the Revised Code and division (D)(2) 140139

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| of section 3314.091 of the Revised Code.                           | 140140 |
| PAYMENTS IN LIEU OF TRANSPORTATION                                 | 140141 |
| For purposes of division (D) of section 3327.02 of the             | 140142 |
| Revised Code, if a parent, guardian, or other person in charge of  | 140143 |
| a pupil accepts an offer from a school district of payment in lieu | 140144 |
| of providing transportation for the pupil, the school district     | 140145 |
| shall pay that parent, guardian, or other person an amount that    | 140146 |
| shall be not less than \$250 and not more than the amount          | 140147 |
| determined by the Department as the average cost of pupil          | 140148 |
| transportation for the previous school year. Payment may be        | 140149 |
| prorated if the time period involved is only a part of the school  | 140150 |
| year.                                                              | 140151 |
| <b>Section 265.160. SCHOOL LUNCH MATCH</b>                         | 140152 |
| The foregoing appropriation item 200505, School Lunch Match,       | 140153 |
| shall be used to provide matching funds to obtain federal funds    | 140154 |
| for the school lunch program.                                      | 140155 |
| Any remaining appropriation after providing matching funds         | 140156 |
| for the school lunch program may be used to partially reimburse    | 140157 |
| school buildings within school districts that are required to have | 140158 |
| a school breakfast program under section 3313.813 of the Revised   | 140159 |
| Code, at a rate decided by the Department.                         | 140160 |
| <b>Section 265.170. AUXILIARY SERVICES</b>                         | 140161 |
| Of the foregoing appropriation item 200511, Auxiliary              | 140162 |
| Services, up to \$2,600,000 in each fiscal year may be used for    | 140163 |
| payment of the College Credit Plus Program for nonpublic secondary | 140164 |
| school participants. The Department of Education shall distribute  | 140165 |
| these funds according to rule 3333-1-65.8 of the Administrative    | 140166 |
| Code, adopted by the Department of Higher Education pursuant to    | 140167 |
| division (A) of section 3365.071 of the Revised Code.              | 140168 |

The remainder of the foregoing appropriation item 200511, 140169  
Auxiliary Services, shall be used by the Department for the 140170  
purpose of implementing sections 3317.06 and 3317.062 of the 140171  
Revised Code. 140172

**Section 265.180.** NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 140173

The foregoing appropriation item 200532, Nonpublic 140174  
Administrative Cost Reimbursement, shall be used by the Department 140175  
of Education for the purpose of implementing section 3317.063 of 140176  
the Revised Code. Notwithstanding section 3317.063 of the Revised 140177  
Code, payments made by the Department for this purpose shall not 140178  
exceed four hundred five dollars per student for each school year. 140179

**Section 265.190.** SPECIAL EDUCATION ENHANCEMENTS 140180

Of the foregoing appropriation item 200540, Special Education 140181  
Enhancements, up to \$33,000,000 in each fiscal year shall be used 140182  
to fund special education and related services at county boards of 140183  
developmental disabilities for eligible students under section 140184  
3317.20 of the Revised Code and at institutions for eligible 140185  
students under section 3317.201 of the Revised Code. If necessary, 140186  
the Department of Education shall proportionately reduce the 140187  
amount calculated for each county board of developmental 140188  
disabilities and institution so as not to exceed the amount 140189  
appropriated in each fiscal year. 140190

Of the foregoing appropriation item 200540, Special Education 140191  
Enhancements, up to \$1,350,000 in each fiscal year shall be used 140192  
for parent mentoring programs. 140193

Of the foregoing appropriation item 200540, Special Education 140194  
Enhancements, up to \$3,000,000 in each fiscal year may be used for 140195  
school psychology interns. 140196

Of the foregoing appropriation item 200540, Special Education 140197  
Enhancements, the Department shall transfer \$3,000,000 in each 140198

fiscal year to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated vocational rehabilitation counselors who shall work directly with school districts to provide transition services for students with disabilities. Services shall include vocational rehabilitation services such as person-centered career planning, summer work experiences, job placement, and retention services for mutually eligible students with disabilities.

The Superintendent of Public Instruction and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement that shall specify the responsibilities of each agency under the program. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for all nondelegable functions, including eligibility and order of selection determination, individualized plan for employment (IPE) approval, IPE amendments, case closure, and release of vendor payments.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$2,000,000 in each fiscal year shall be used by the Department of Education to build capacity to deliver a regional system of training, support, coordination, and direct service for secondary transition services for students with disabilities beginning at fourteen years of age. These special education enhancements shall support all students with disabilities, regardless of partner agency eligibility requirements, to provide stand-alone direct secondary transition services by school districts. Secondary transition services shall

include, but not be limited to, job exploration counseling, 140231  
work-based learning experiences, counseling on opportunities for 140232  
enrollment in comprehensive transition or post-secondary 140233  
educational programs at institutions of higher education, 140234  
workplace readiness training to develop occupational skills, 140235  
social skills and independent living skills, and instruction in 140236  
self-advocacy. Regional training shall support the expansion of 140237  
transition to work endorsement opportunities for middle school and 140238  
secondary level special education intervention specialists in 140239  
order to develop the necessary skills and competencies to meet the 140240  
secondary transition needs of students with disabilities beginning 140241  
at fourteen years of age. 140242

The remainder of appropriation item 200540, Special Education 140243  
Enhancements, shall be distributed by the Department of Education 140244  
to school districts and institutions, as defined in section 140245  
3323.091 of the Revised Code, for preschool special education 140246  
funding under section 3317.0213 of the Revised Code. 140247

The Department may reimburse school districts and 140248  
institutions for services provided by instructional assistants, 140249  
related services, as defined in rule 3301-51-11 of the 140250  
Administrative Code, physical therapy services provided by a 140251  
licensed physical therapist or physical therapist assistant under 140252  
the supervision of a licensed physical therapist, as required 140253  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 140254  
Administrative Code, and occupational therapy services provided by 140255  
a licensed occupational therapist or occupational therapy 140256  
assistant under the supervision of a licensed occupational 140257  
therapist, as required under Chapter 4755. of the Revised Code and 140258  
Chapter 4755-7 of the Administrative Code. Nothing in this section 140259  
authorizes occupational therapy assistants or physical therapist 140260  
assistants to generate or manage their own caseloads. 140261

The Department shall require school districts, educational 140262

service centers, county DD boards, and institutions serving 140263  
preschool children with disabilities to adhere to Ohio's early 140264  
learning program standards, participate in the Step Up to Quality 140265  
program established pursuant to section 5104.29 of the Revised 140266  
Code, and document child progress using research-based indicators 140267  
prescribed by the Department and report results annually. The 140268  
reporting dates and method shall be determined by the Department. 140269  
Effective July 1, 2018, all programs shall be rated through the 140270  
Step Up to Quality program. 140271

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 140272

Of the foregoing appropriation item 200545, Career-Technical 140273  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 140274  
be used to fund secondary career-technical education at 140275  
institutions, the Ohio School for the Deaf, and the Ohio State 140276  
School for the Blind using a grant-based methodology, 140277  
notwithstanding section 3317.05 of the Revised Code. 140278

Of the foregoing appropriation item 200545, Career-Technical 140279  
Education Enhancements, up to \$2,872,948 in fiscal year 2018 and 140280  
\$1,936,474 in fiscal year 2019 shall be used by the Department of 140281  
Education to fund competitive grants to tech prep consortia that 140282  
expand the number of students enrolled in tech prep programs. 140283  
These grant funds shall be used to directly support expanded tech 140284  
prep programs provided to students enrolled in school districts, 140285  
including joint vocational school districts, and affiliated higher 140286  
education institutions. This support may include the purchase of 140287  
equipment. 140288

Of the foregoing appropriation item 200545, Career-Technical 140289  
Education Enhancements, up to \$3,000,850 in each fiscal year shall 140290  
be used by the Department to support existing High Schools That 140291  
Work (HSTW) sites, develop and support new sites, fund technical 140292  
assistance, and support regional centers and middle school 140293

programs. The purpose of HSTW is to combine challenging academic 140294  
courses and modern career-technical studies to raise the academic 140295  
achievement of students. HSTW provides intensive technical 140296  
assistance, focused staff development, targeted assessment 140297  
services, and ongoing communications and networking opportunities. 140298

Of the foregoing appropriation item 200545, Career-Technical 140299  
Education Enhancements, up to \$600,000 in each fiscal year shall 140300  
be used by the Department to enable students in agricultural 140301  
programs to enroll in a fifth quarter of instruction based on the 140302  
agricultural education model of delivering work-based learning 140303  
through supervised agricultural experience. The Department shall 140304  
determine eligibility criteria and the reporting process for the 140305  
Agriculture 5th Quarter Project and shall fund as many programs as 140306  
possible given the set-aside. The eligibility criteria developed 140307  
by the Department shall allow these funds to support supervised 140308  
agricultural experience that occurs anytime outside of the regular 140309  
school day. 140310

Of the foregoing appropriation item 200545, Career-Technical 140311  
Education Enhancements, up to \$550,000 in each fiscal year may be 140312  
used to support career planning and reporting through the Ohio 140313  
Means Jobs web site. 140314

Of the foregoing appropriation item 200545, Career-Technical 140315  
Education Enhancements, up to \$750,000 in each fiscal year shall 140316  
be used to support payments to city, local, and exempted village 140317  
school districts, community schools, STEM schools, and joint 140318  
vocational school districts whose students earn an 140319  
industry-recognized credential or receive a journeyman 140320  
certification recognized by the United States Department of Labor. 140321  
The educating entity shall be required to inform students enrolled 140322  
in career-technical education courses that lead to an 140323  
industry-recognized credential about the opportunity to earn these 140324  
credentials. The Department of Education shall work with the 140325

Department of Higher Education and the Governor's Office of 140326  
Workforce Transformation to develop a schedule for reimbursement 140327  
based on the Department of Education's list of industry-recognized 140328  
credentials, the time it takes to earn the credential, and the 140329  
cost to obtain the credential. The educating entity shall pay for 140330  
the cost of the credential for an economically disadvantaged 140331  
student and may claim and receive reimbursement. The educating 140332  
entity may claim reimbursement based on the Department of 140333  
Education's reimbursement schedule up to six months after the 140334  
student has graduated from high school. If the amount appropriated 140335  
is not sufficient, the Department shall prorate the amounts so 140336  
that the aggregate amount appropriated is not exceeded. 140337

Of the foregoing appropriation item 200545, Career-Technical 140338  
Education Enhancements, \$128,500 in fiscal year 2018 shall be used 140339  
to support the Ottawa County Business Advisory Council's Career 140340  
Development Roadmap Program. 140341

Of the foregoing appropriation item 200545, Career-Technical 140342  
Education Enhancements, \$100,000 in each fiscal year shall be used 140343  
to prepare students for careers in culinary arts and restaurant 140344  
management under the Ohio ProStart school restaurant program. 140345

Of the foregoing appropriation item 200545, Career-Technical 140346  
Education Enhancements, \$100,000 in each fiscal year shall be used 140347  
to support Jobs for Ohio's Graduates. 140348

**Section 265.210. FOUNDATION FUNDING** 140349

Of the foregoing appropriation item 200550, Foundation 140350  
Funding, up to \$40,000,000 in each fiscal year shall be used to 140351  
provide additional state aid to school districts, joint vocational 140352  
school districts, community schools, and STEM schools for special 140353  
education students under division (C)(3) of section 3314.08, 140354  
section 3317.0214, division (B) of section 3317.16, and section 140355  
3326.34 of the Revised Code, except that the Controlling Board may 140356

increase these amounts if presented with such a request from the 140357  
Department of Education at the final meeting of the fiscal year. 140358

Of the foregoing appropriation item 200550, Foundation 140359  
Funding, up to \$3,800,000 in each fiscal year shall be used to 140360  
fund gifted education at educational service centers. The 140361  
Department shall distribute the funding through the unit-based 140362  
funding methodology in place under division (L) of section 140363  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 140364  
and (C) of section 3317.053 of the Revised Code as they existed 140365  
prior to fiscal year 2010. 140366

Of the foregoing appropriation item 200550, Foundation 140367  
Funding, up to \$40,000,000 in each fiscal year shall be reserved 140368  
to fund the state reimbursement of educational service centers 140369  
under the section of this act entitled "EDUCATIONAL SERVICE 140370  
CENTERS FUNDING." 140371

Of the foregoing appropriation item 200550, Foundation 140372  
Funding, up to \$3,500,000 in each fiscal year shall be distributed 140373  
to educational service centers for School Improvement Initiatives 140374  
and for the provision of technical assistance to schools and 140375  
districts. The Department may distribute these funds through a 140376  
competitive grant process. 140377

Of the foregoing appropriation item 200550, Foundation 140378  
Funding, up to \$10,000,000 in fiscal year 2018 and up to 140379  
\$7,000,000 in fiscal year 2019 shall be reserved for payments 140380  
under section 3317.028 of the Revised Code. If this amount is not 140381  
sufficient, the Department shall prorate the payment amounts so 140382  
that the aggregate amount allocated in this paragraph is not 140383  
exceeded. 140384

Of the foregoing appropriation item 200550, Foundation 140385  
Funding, up to \$28,600,000 in fiscal year 2018 and up to 140386  
\$26,400,000 in fiscal year 2019 shall be used to support school 140387

choice programs. 140388

Of the portion of the funds distributed to the Cleveland 140389  
Municipal School District under this section, up to \$15,400,000 in 140390  
fiscal year 2018 and \$17,600,000 in fiscal year 2019 shall be used 140391  
to operate the school choice program in the Cleveland Municipal 140392  
School District under sections 3313.974 to 3313.979 of the Revised 140393  
Code. Notwithstanding divisions (B) and (C) of section 3313.978 140394  
and division (C) of section 3313.979 of the Revised Code, up to 140395  
\$1,000,000 in each fiscal year of this amount shall be used by the 140396  
Cleveland Municipal School District to provide tutorial assistance 140397  
as provided in division (H) of section 3313.974 of the Revised 140398  
Code. The Cleveland Municipal School District shall report the use 140399  
of these funds in the district's three-year continuous improvement 140400  
plan as described in section 3302.04 of the Revised Code in a 140401  
manner approved by the Department. 140402

Of the foregoing appropriation item 200550, Foundation 140403  
Funding, up to \$1,500,000 in each fiscal year may be used for 140404  
payment of the College Credit Plus Program for students instructed 140405  
at home pursuant to section 3321.04 of the Revised Code. 140406

Of the foregoing appropriation item 200550, Foundation 140407  
Funding, an amount shall be available in each fiscal year to be 140408  
paid to joint vocational school districts in accordance with 140409  
division (A) of section 3317.16 of the Revised Code, and the 140410  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 140411  
VOCATIONAL SCHOOL DISTRICTS." 140412

Of the foregoing appropriation item 200550, Foundation 140413  
Funding, up to \$700,000 in each fiscal year shall be used by the 140414  
Department for a program to pay for educational services for youth 140415  
who have been assigned by a juvenile court or other authorized 140416  
agency to any of the facilities described in division (A) of the 140417  
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 140418

Of the foregoing appropriation item 200550, Foundation 140419  
Funding, a portion may be used to pay college-preparatory boarding 140420  
schools the per pupil boarding amount pursuant to section 3328.34 140421  
of the Revised Code. 140422

Of the foregoing appropriation item 200550, Foundation 140423  
Funding, up to \$1,500,000 in each fiscal year shall be used for 140424  
the Bright New Leaders for Ohio Schools Program created and 140425  
implemented by the nonprofit corporation incorporated pursuant to 140426  
section 3319.271 of the Revised Code, to provide an alternative 140427  
path for individuals to receive training and development in the 140428  
administration of primary and secondary education and leadership, 140429  
enable those individuals to earn degrees and obtain licenses in 140430  
public school administration, and promote the placement of those 140431  
individuals in public schools that have a poverty percentage 140432  
greater than fifty per cent. 140433

Of the foregoing appropriation item 200550, Foundation 140434  
Funding, a portion in each fiscal year shall be used to pay 140435  
community schools and STEM schools the amounts calculated for the 140436  
graduation and third-grade reading bonuses under sections 3314.085 140437  
and 3326.41 of the Revised Code. 140438

Of the foregoing appropriation item 200550, Foundation 140439  
Funding, up to \$600,000 in each fiscal year may be used by the 140440  
Department for duties and activities related to the establishment 140441  
of academic distress commissions under section 3302.10 of the 140442  
Revised Code. A portion of the funds may be used as matching funds 140443  
for any monetary contributions made by a school district for which 140444  
an academic distress commission is established or by the 140445  
district's local community to support innovative education 140446  
programs or a high-quality school accelerator as provided for in 140447  
section 3302.10 of the Revised Code. 140448

The remainder of appropriation item 200550, Foundation 140449  
Funding, shall be used to distribute the amounts calculated for 140450

formula aid under section 3317.022 of the Revised Code, the 140451  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 140452  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS," and the section of 140453  
this act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED 140454  
VILLAGE SCHOOL DISTRICTS." 140455

Appropriation items 200502, Pupil Transportation, 200540, 140456  
Special Education Enhancements, and 200550, Foundation Funding, 140457  
other than specific set-asides, are collectively used in each 140458  
fiscal year to pay state formula aid obligations for school 140459  
districts, community schools, STEM schools, college preparatory 140460  
boarding schools, and joint vocational school districts under this 140461  
act. The first priority of these appropriation items, with the 140462  
exception of specific set-asides, is to fund state formula aid 140463  
obligations. It may be necessary to reallocate funds among these 140464  
appropriation items or use excess funds from other general revenue 140465  
fund appropriation items in the Department of Education's budget 140466  
in each fiscal year in order to meet state formula aid 140467  
obligations. If it is determined that it is necessary to transfer 140468  
funds among these appropriation items or to transfer funds from 140469  
other General Revenue Fund appropriations in the Department's 140470  
budget to meet state formula aid obligations, the Superintendent 140471  
of Public Instruction shall seek approval from the Director of 140472  
Budget and Management to transfer funds as needed. 140473

The Superintendent of Public Instruction shall make payments, 140474  
transfers, and deductions, as authorized by Title XXXIII of the 140475  
Revised Code in amounts substantially equal to those made in the 140476  
prior year, or otherwise, at the discretion of the Superintendent, 140477  
until at least the effective date of the amendments and enactments 140478  
made to Title XXXIII by this act. Any funds paid to districts or 140479  
schools under this section shall be credited toward the annual 140480  
funds calculated for the district or school after the changes made 140481  
to Title XXXIII in this act are effective. Upon the effective date 140482

of changes made to Title XXXIII in this act, funds shall be 140483  
calculated as an annual amount. 140484

**Section 265.220.** TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 140485  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 140486

(A) The Department of Education shall distribute funds within 140487  
appropriation item 200550, Foundation Funding, for temporary 140488  
transitional aid in each fiscal year to each qualifying city, 140489  
local, and exempted village school district. 140490

(1) For fiscal years 2018 and 2019, the Department shall pay 140491  
temporary transitional aid to each city, local, and exempted 140492  
village school district according to the following formula: 140493

(The district's transitional aid guarantee base x the district's 140494  
transitional aid guarantee base percentage) - the district's 140495  
foundation funding for the guarantee 140496

If the computation made under this division results in a 140497  
negative number, the district's funding under this division shall 140498  
be zero. 140499

(2) As used in this section, "foundation funding for the 140500  
guarantee" for each city, local, and exempted village school 140501  
district, for fiscal year 2018, equals the sum of the following 140502  
amounts for that fiscal year: 140503

(a) The opportunity grant under division (A)(1) of section 140504  
3317.022 of the Revised Code; 140505

(b) Targeted assistance funds under division (A)(2) of 140506  
section 3317.022 of the Revised Code; 140507

(c) Additional state aid for special education and related 140508  
services under division (A)(3) of section 3317.022 of the Revised 140509  
Code; 140510

(d) Kindergarten through third grade literacy funds under 140511  
division (A)(4) of section 3317.022 of the Revised Code; 140512

|                                                                                                                                                                                                                     |                                      |
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| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;                                                                                                                 | 140513<br>140514                     |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;                                                                                                                | 140515<br>140516                     |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;                                                                                                             | 140517<br>140518                     |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;                                                                                                                              | 140519<br>140520                     |
| (i) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;                                                                                                                            | 140521<br>140522                     |
| (j) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;                                                                                                                   | 140523<br>140524                     |
| (k) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;                                                          | 140525<br>140526<br>140527           |
| (l) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.                                                                                                                    | 140528<br>140529                     |
| (3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year: | 140530<br>140531<br>140532<br>140533 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;                                                                                                                            | 140534<br>140535                     |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;                                                                                                                        | 140536<br>140537                     |
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;                                                                                  | 140538<br>140539<br>140540           |
| (d) Kindergarten through third grade literacy funds under                                                                                                                                                           | 140541                               |

|                                                                                                                                                                                                                                                                                                                                                                                     |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| division (A)(4) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                                                            | 140542                                                   |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                 | 140543<br>140544                                         |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                | 140545<br>140546                                         |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                             | 140547<br>140548                                         |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                              | 140549<br>140550                                         |
| (i) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                            | 140551<br>140552                                         |
| (j) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                   | 140553<br>140554                                         |
| (k) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;                                                                                                                                                                                                                          | 140555<br>140556<br>140557                               |
| (l) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.                                                                                                                                                                                                                                                                                    | 140558<br>140559                                         |
| (4) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly: | 140560<br>140561<br>140562<br>140563<br>140564<br>140565 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                            | 140566<br>140567                                         |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                                                                                        | 140568<br>140569                                         |
| (c) Additional state aid for special education and related                                                                                                                                                                                                                                                                                                                          | 140570                                                   |

|                                                                                                                                                                                                                                                                                             |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| services under division (A)(3) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                     | 140571<br>140572                               |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;                                                                                                                                                                          | 140573<br>140574                               |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;                                                                                                                                                                                         | 140575<br>140576                               |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;                                                                                                                                                                                        | 140577<br>140578                               |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;                                                                                                                                                                                     | 140579<br>140580                               |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;                                                                                                                                                                                                      | 140581<br>140582                               |
| (i) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;                                                                                                                                                                                                    | 140583<br>140584                               |
| (j) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;                                                                                                                                                                                           | 140585<br>140586                               |
| (k) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;                                                                                                                                  | 140587<br>140588<br>140589                     |
| (l) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;                                                                                                                                                                                            | 140590<br>140591                               |
| (m) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.                                                                                                                                                                     | 140592<br>140593                               |
| (5) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2019, equals the transitional aid guarantee base for fiscal year 2018 computed for the district pursuant to division (A)(4) of this section. | 140594<br>140595<br>140596<br>140597<br>140598 |
| (6) The "transitional aid guarantee base percentage" for each                                                                                                                                                                                                                               | 140599                                         |

city, local, and exempted village school district, for fiscal 140600  
years 2018 and 2019, shall be computed as follows: 140601

(a) Calculate each district's total ADM percentage change in 140602  
accordance with the following formula: 140603

(The district's total ADM for fiscal year 2016 / the district's 140604  
total ADM for fiscal year 2014) - 1 140605

(b) Determine the district's transitional aid guarantee base 140606  
percentage as follows: 140607

(i) If the district's total ADM percentage change calculated 140608  
in division (A)(6)(a) of this section equals a decrease of ten per 140609  
cent or more, then the district's transitional aid guarantee base 140610  
percentage shall be equal to ninety-five per cent. 140611

(ii) If the district's total ADM percentage change calculated 140612  
in division (A)(6)(a) of this section equals a decrease of less 140613  
than ten per cent but more than five per cent, then the district's 140614  
transitional aid guarantee base percentage shall be equal to the 140615  
district's total ADM percentage change calculated in division 140616  
(A)(6)(a) of this section plus one hundred five per cent. 140617

(iii) If the district's total ADM percentage change 140618  
calculated in division (A)(6)(a) of this section equals a decrease 140619  
of five per cent or less, no change, or an increase of any amount, 140620  
then the district's transitional aid guarantee base percentage 140621  
shall be equal to one hundred per cent. 140622

(7) The Department of Education shall adjust, as necessary, 140623  
the transitional aid guarantee base of any local school district 140624  
that participates in the establishment of a joint vocational 140625  
school district that begins receiving payments under section 140626  
3317.16 of the Revised Code for fiscal year 2018 or fiscal year 140627  
2019 but does not receive payments for the prior fiscal year. The 140628  
Department shall adjust any such local school district's guarantee 140629  
base according to the amounts received by the district in the 140630

prior fiscal year for career-technical education students who 140631  
attend the newly established joint vocational school district. 140632

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 140633  
in fiscal years 2018 and 2019, no city, local, or exempted village 140634  
school district shall be allocated foundation funding subject to 140635  
the limitation for the current fiscal year that is greater than 140636  
the district's limitation base multiplier times the district's 140637  
limitation base for the current fiscal year, except as provided in 140638  
division (B)(9) of this section. 140639

(2) As used in this section, "foundation funding subject to 140640  
the limitation" for each city, local, and exempted village school 140641  
district, for fiscal year 2018, equals the sum of the following 140642  
amounts for that fiscal year: 140643

(a) The opportunity grant under division (A)(1) of section 140644  
3317.022 of the Revised Code; 140645

(b) Targeted assistance funds under division (A)(2) of 140646  
section 3317.022 of the Revised Code; 140647

(c) Additional state aid for special education and related 140648  
services under division (A)(3) of section 3317.022 of the Revised 140649  
Code; 140650

(d) Kindergarten through third grade literacy funds under 140651  
division (A)(4) of section 3317.022 of the Revised Code; 140652

(e) Economically disadvantaged funds under division (A)(5) of 140653  
section 3317.022 of the Revised Code; 140654

(f) Limited English proficiency funds under division (A)(6) 140655  
of section 3317.022 of the Revised Code; 140656

(g) Gifted identification and unit funds under division 140657  
(A)(7) of section 3317.022 of the Revised Code; 140658

(h) Capacity aid funds under division (A)(10) of section 140659  
3317.022 of the Revised Code; 140660

|                                                                                                                                                                                                                             |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;                                                                  | 140661<br>140662<br>140663           |
| (j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;                                                                                                                            | 140664<br>140665                     |
| (k) Temporary transitional aid under division (A) of this section.                                                                                                                                                          | 140666<br>140667                     |
| (3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year: | 140668<br>140669<br>140670<br>140671 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;                                                                                                                                    | 140672<br>140673                     |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;                                                                                                                                | 140674<br>140675                     |
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;                                                                                          | 140676<br>140677<br>140678           |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;                                                                                                          | 140679<br>140680                     |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;                                                                                                                         | 140681<br>140682                     |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;                                                                                                                        | 140683<br>140684                     |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;                                                                                                                     | 140685<br>140686                     |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;                                                                                                                                      | 140687<br>140688                     |
| (i) Transportation funds under divisions (E) and (F) of                                                                                                                                                                     | 140689                               |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| section 3317.0212 of the Revised Code and division (D)(2) of       | 140690 |
| section 3314.091 of the Revised Code;                              | 140691 |
| (j) Transportation supplement funds under division (G) of          | 140692 |
| section 3317.0212 of the Revised Code;                             | 140693 |
| (k) Temporary transitional aid under division (A) of this          | 140694 |
| section.                                                           | 140695 |
| (4) As used in this section, the "limitation base" for each        | 140696 |
| city, local, and exempted village school district, for fiscal year | 140697 |
| 2018, equals the sum of the following amounts computed for the     | 140698 |
| district for fiscal year 2017 after any reductions made for fiscal | 140699 |
| year 2017 under division (B) of Section 263.230 of Am. Sub. H.B.   | 140700 |
| 64 of the 131st General Assembly:                                  | 140701 |
| (a) The opportunity grant under division (A)(1) of section         | 140702 |
| 3317.022 of the Revised Code;                                      | 140703 |
| (b) Targeted assistance funds under division (A)(2) of             | 140704 |
| section 3317.022 of the Revised Code;                              | 140705 |
| (c) Additional state aid for special education and related         | 140706 |
| services under division (A)(3) of section 3317.022 of the Revised  | 140707 |
| Code;                                                              | 140708 |
| (d) Kindergarten through third grade literacy funds under          | 140709 |
| division (A)(4) of section 3317.022 of the Revised Code;           | 140710 |
| (e) Economically disadvantaged funds under division (A)(5) of      | 140711 |
| section 3317.022 of the Revised Code;                              | 140712 |
| (f) Limited English proficiency funds under division (A)(6)        | 140713 |
| of section 3317.022 of the Revised Code;                           | 140714 |
| (g) Gifted identification and unit funds under division            | 140715 |
| (A)(7) of section 3317.022 of the Revised Code;                    | 140716 |
| (h) Capacity aid funds under division (A)(10) of section           | 140717 |
| 3317.022 of the Revised Code;                                      | 140718 |

|                                                                                                                                                                                                                                                                                                                |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code;                                                                                                                                                     | 140719<br>140720<br>140721                     |
| (j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code;                                                                                                                                                                                                               | 140722<br>140723                               |
| (k) Temporary transitional aid under division (A) of Section 263.230 of Am. Sub. H.B. 64 of the 131st General Assembly.                                                                                                                                                                                        | 140724<br>140725                               |
| (5) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section: | 140726<br>140727<br>140728<br>140729<br>140730 |
| (a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                       | 140731<br>140732                               |
| (b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                   | 140733<br>140734                               |
| (c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;                                                                                                                                                                             | 140735<br>140736<br>140737                     |
| (d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;                                                                                                                                                                                             | 140738<br>140739                               |
| (e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;                                                                                                                                                                                                            | 140740<br>140741                               |
| (f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;                                                                                                                                                                                                           | 140742<br>140743                               |
| (g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;                                                                                                                                                                                                        | 140744<br>140745                               |
| (h) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;                                                                                                                                                                                                                         | 140746<br>140747                               |

(i) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code and division (D)(2) of section 3314.091 of the Revised Code; 140748  
140749  
140750

(j) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code; 140751  
140752

(k) Temporary transitional aid under division (A) of this section; 140753  
140754

(l) The cap offset amount computed under the section of this act entitled "CAP OFFSET AMOUNT FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 140755  
140756  
140757

(6)(a) The "limitation base multiplier" for each city, local, and exempted village school district, for fiscal year 2018, shall be computed as follows: 140758  
140759  
140760

(i) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of five and one-half per cent or more, then the district's limitation base multiplier shall be equal to 1.055. 140761  
140762  
140763  
140764

(ii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of less than five and one-half per cent but more than three per cent, then the district's limitation base multiplier shall be equal to the district's total ADM percentage change calculated in division (A)(6)(a) of this section plus one. 140765  
140766  
140767  
140768  
140769  
140770

(iii) If the district's total ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of three per cent or less, no change, or a decrease of any amount, then the district's limitation base multiplier shall be equal to 1.03. 140771  
140772  
140773  
140774  
140775

(b) The "limitation base multiplier" for each city, local, and exempted village school district, for fiscal year 2019, shall 140776  
140777

be computed as follows: 140778

(i) If the district's total ADM percentage change calculated 140779  
in division (A)(6)(a) of this section equals an increase of six 140780  
per cent or more, then the district's limitation base multiplier 140781  
shall be equal to 1.06. 140782

(ii) If the district's total ADM percentage change calculated 140783  
in division (A)(6)(a) of this section equals an increase of less 140784  
than six per cent but more than three per cent, then the 140785  
district's limitation base multiplier shall be equal to the 140786  
district's total ADM percentage change calculated in division 140787  
(A)(6)(a) of this section plus one. 140788

(iii) If the district's total ADM percentage change 140789  
calculated in division (A)(6)(a) of this section equals an 140790  
increase of three per cent or less, no change, or a decrease of 140791  
any amount, then the district's limitation base multiplier shall 140792  
be equal to 1.03. 140793

(7) The Department of Education shall adjust, as necessary, 140794  
the limitation base of any local school district that participates 140795  
in the establishment of a joint vocational school district that 140796  
begins receiving payments under section 3317.16 of the Revised 140797  
Code for fiscal year 2018 or fiscal year 2019 but does not receive 140798  
such payments for the prior fiscal year. The Department shall 140799  
adjust any such local school district's limitation base according 140800  
to the amounts received by the district in the prior fiscal year 140801  
for career-technical education students who attend the newly 140802  
established joint vocational school district. 140803

(8) For fiscal year 2018 and fiscal year 2019, the Department 140804  
shall reduce a district's payments under divisions (A)(1), (2), 140805  
(4), (5), (6), (7), and (10) of section 3317.022 of the Revised 140806  
Code proportionately as necessary in order to comply with this 140807  
division. If those amounts are insufficient, the Department shall 140808

proportionately reduce a district's payments under division (A)(3) 140809  
of section 3317.022 of the Revised Code and divisions (E), (F), 140810  
and (G) of section 3317.0212 of the Revised Code. 140811

(9)(a) For purposes of division (B)(9) of this section, 140812  
"eligible school district" shall have the same meaning as in 140813  
division (F)(1) of section 3317.017 of the Revised Code. 140814

(b) Notwithstanding any provision of law to the contrary, an 140815  
eligible school district shall not be allocated foundation funding 140816  
subject to the limitation in the current fiscal year that is 140817  
greater than the greater of the amounts described in divisions 140818  
(B)(9)(b)(i) and (ii) of this section: 140819

(i) The amount calculated for the district for the current 140820  
fiscal year under division (B)(1) of this section; 140821

(ii) The lesser of the amounts described in divisions 140822  
(B)(9)(b)(ii)(I) and (II) of this section: 140823

(I) The district's foundation funding subject to the 140824  
limitation for the current fiscal year; 140825

(II) The district's limitation base for the current fiscal 140826  
year plus the district's taxes charged and payable against all 140827  
property on the tax list of real and public utility property for 140828  
the tax year three years preceding the tax year in which the 140829  
current fiscal year ends minus the district's taxes charged and 140830  
payable against all property on the tax list of real and public 140831  
utility property for the tax year two years preceding the tax year 140832  
in which the current fiscal year ends. 140833

(C) The Department of Education shall distribute funds within 140834  
appropriation item 200550, Foundation Funding, for temporary 140835  
transitional career-technical education aid in each fiscal year to 140836  
each qualifying city, local, and exempted village school district. 140837

(1) For purposes of division (C) of this section, "total 140838

career-technical education funding" for each city, local, and 140839  
exempted village school district, for a specified fiscal year, 140840  
equals the sum of the following amounts for that fiscal year: 140841

(a) Career-technical education funds under division (A)(8) of 140842  
section 3317.022 of the Revised Code; 140843

(b) Career-technical education associated services funds 140844  
under division (A)(9) of section 3317.022 of the Revised Code. 140845

(2) For fiscal year 2018, the Department shall pay temporary 140846  
transitional career-technical education aid to each city, local, 140847  
and exempted village school district according to the following 140848  
formula: 140849  
The district's total career-technical education funding for fiscal 140850  
year 2017 - the district's total career-technical education 140851  
funding for fiscal year 2018 140852

If the computation made under this division results in a 140853  
negative number, the district's funding under division (C)(2) of 140854  
this section shall be zero. 140855

(3) For fiscal year 2019, the Department shall pay temporary 140856  
transitional career-technical education aid to each city, local, 140857  
and exempted village school district according to the following 140858  
formula: 140859  
The district's total career-technical education funding for fiscal 140860  
year 2017 - the district's total career-technical education 140861  
funding for fiscal year 2019 140862

If the computation made under this division results in a 140863  
negative number, the district's funding under division (C)(3) of 140864  
this section shall be zero. 140865

**Section 265.230. TEMPORARY TRANSITIONAL AID FOR JOINT 140866  
VOCATIONAL SCHOOL DISTRICTS 140867**

(A) The Department of Education shall distribute funds within 140868

appropriation item 200550, Foundation Funding, for temporary 140869  
transitional aid in each fiscal year to each qualifying joint 140870  
vocational school district. 140871

(1) For fiscal years 2018 and 2019, the Department shall pay 140872  
temporary transitional aid to each joint vocational school 140873  
district according to the following formula: 140874

(The district's transitional aid guarantee base x the district's 140875  
transitional aid guarantee base percentage) - the district's 140876  
foundation funding for the guarantee 140877

If the computation made under this division results in a 140878  
negative number, the district's funding under this division shall 140879  
be zero. 140880

(2) As used in this section, "foundation funding for the 140881  
guarantee" for each joint vocational school district, for fiscal 140882  
year 2018, equals the sum of the following amounts for that fiscal 140883  
year: 140884

(a) The opportunity grant under division (A)(1) of section 140885  
3317.16 of the Revised Code; 140886

(b) Additional state aid for special education and related 140887  
services under division (A)(2) of section 3317.16 of the Revised 140888  
Code; 140889

(c) Economically disadvantaged funds under division (A)(3) of 140890  
section 3317.16 of the Revised Code; 140891

(d) Limited English proficiency funds under division (A)(4) 140892  
of section 3317.16 of the Revised Code; 140893

(e) The graduation bonus under division (A)(7) of section 140894  
3317.16 of the Revised Code. 140895

(3) As used in this section, "foundation funding for the 140896  
guarantee" for each joint vocational school district, for fiscal 140897  
year 2019, equals the sum of the following amounts for that fiscal 140898

|                                                                                                                                                                                                                                                                                                                                                                    |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| year:                                                                                                                                                                                                                                                                                                                                                              | 140899                                                   |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                            | 140900<br>140901                                         |
| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                  | 140902<br>140903<br>140904                               |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                 | 140905<br>140906                                         |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                | 140907<br>140908                                         |
| (e) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code.                                                                                                                                                                                                                                                                             | 140909<br>140910                                         |
| (4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly: | 140911<br>140912<br>140913<br>140914<br>140915<br>140916 |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                            | 140917<br>140918                                         |
| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                  | 140919<br>140920<br>140921                               |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                 | 140922<br>140923                                         |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                | 140924<br>140925                                         |
| (e) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                                             | 140926<br>140927                                         |

(f) Temporary transitional aid under division (A) of Section 140928  
263.240 of Am. Sub. H.B. 64 of the 131st General Assembly. 140929

(5) As used in this section, the "transitional aid guarantee 140930  
base" for each joint vocational school district, for fiscal year 140931  
2019, equals the transitional aid guarantee base for fiscal year 140932  
2018 computed for the district pursuant to division (A)(4) of this 140933  
section. 140934

(6) The "transitional aid guarantee base percentage" for a 140935  
joint vocational school district, for fiscal year 2018 and fiscal 140936  
year 2019, shall be computed as follows: 140937

(a) Calculate each district's formula ADM percentage change 140938  
in accordance with the following formula: 140939

(The district's formula ADM for fiscal year 2016 / the district's 140940  
formula ADM for fiscal year 2014) - 1 140941

(b) Determine the district's transitional aid guarantee base 140942  
percentage as follows: 140943

(i) If the district's formula ADM percentage change 140944  
calculated in division (A)(6)(a) of this section equals a decrease 140945  
of ten per cent or more, then the district's transitional aid 140946  
guarantee base percentage shall be equal to ninety-five per cent. 140947

(ii) If the district's formula ADM percentage change 140948  
calculated in division (A)(6)(a) of this section equals a decrease 140949  
of less than ten per cent but more than five per cent, then the 140950  
district's transitional aid guarantee base percentage shall be 140951  
equal to the district's formula ADM percentage change calculated 140952  
in division (A)(6)(a) of this section plus one hundred five per 140953  
cent. 140954

(iii) If the district's formula ADM percentage change 140955  
calculated in division (A)(6)(a) of this section equals a decrease 140956  
of five per cent or less, no change, or an increase of any amount, 140957  
then the district's transitional aid guarantee base percentage 140958

shall be equal to one hundred per cent. 140959

(7) The Department of Education shall establish, as 140960  
necessary, the transitional aid guarantee base of any joint 140961  
vocational school district that begins receiving payments under 140962  
section 3317.16 of the Revised Code for fiscal year 2018 or fiscal 140963  
year 2019 but does not receive such payments for the prior fiscal 140964  
year. The Department shall establish any such joint vocational 140965  
school district's guarantee base as an amount equal to the 140966  
absolute value of the sum of the associated adjustments of any 140967  
local school district's guarantee bases under division (A)(7) of 140968  
the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 140969  
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 140970

(B)(1) Notwithstanding division (A) of section 3317.16 of the 140971  
Revised Code in fiscal years 2018 and 2019, no joint vocational 140972  
school district shall be allocated foundation funding subject to 140973  
the limitation for the current fiscal year that is greater than 140974  
the district's limitation base multiplier times the district's 140975  
limitation base for the current fiscal year. 140976

(2) As used in this section, "foundation funding subject to 140977  
the limitation" for each joint vocational school district, for 140978  
fiscal year 2018, equals the sum of the following amounts for that 140979  
fiscal year: 140980

(a) The opportunity grant under division (A)(1) of section 140981  
3317.16 of the Revised Code; 140982

(b) Additional state aid for special education and related 140983  
services under division (A)(2) of section 3317.16 of the Revised 140984  
Code; 140985

(c) Economically disadvantaged funds under division (A)(3) of 140986  
section 3317.16 of the Revised Code; 140987

(d) Limited English proficiency funds under division (A)(4) 140988  
of section 3317.16 of the Revised Code; 140989

|                                                                                                                                                                                                                                                                                                                                                    |                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (e) Temporary transitional aid under division (A) of this section.                                                                                                                                                                                                                                                                                 | 140990<br>140991                                         |
| (3) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts for that fiscal year:                                                                                                                                         | 140992<br>140993<br>140994<br>140995                     |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                            | 140996<br>140997                                         |
| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                  | 140998<br>140999<br>141000                               |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                 | 141001<br>141002                                         |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                | 141003<br>141004                                         |
| (e) Temporary transitional aid under division (A) of this section.                                                                                                                                                                                                                                                                                 | 141005<br>141006                                         |
| (4) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2018, equals the sum of the following amounts computed for the district for fiscal year 2017 after any reductions made for fiscal year 2017 under division (B) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly: | 141007<br>141008<br>141009<br>141010<br>141011<br>141012 |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                            | 141013<br>141014                                         |
| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                  | 141015<br>141016<br>141017                               |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;                                                                                                                                                                                                                                                 | 141018<br>141019                                         |

|                                                                                                                                                                                                                                                                                               |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;                                                                                                                                                                                           | 141020<br>141021                               |
| (e) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 64 of the 131st General Assembly.                                                                                                                                                                       | 141022<br>141023                               |
| (5) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2019, equals the sum of the following amounts computed for the district for fiscal year 2018 after any reductions made for fiscal year 2018 under division (B) of this section: | 141024<br>141025<br>141026<br>141027<br>141028 |
| (a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;                                                                                                                                                                                                       | 141029<br>141030                               |
| (b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;                                                                                                                                                             | 141031<br>141032<br>141033                     |
| (c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;                                                                                                                                                                                            | 141034<br>141035                               |
| (d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;                                                                                                                                                                                           | 141036<br>141037                               |
| (e) Temporary transitional aid under division (A) of this section.                                                                                                                                                                                                                            | 141038<br>141039                               |
| (6)(a) The "limitation base multiplier" for each joint vocational school district, for fiscal year 2018, shall be computed as follows:                                                                                                                                                        | 141040<br>141041<br>141042                     |
| (i) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of five and one-half per cent or more, then the district's limitation base multiplier shall be equal to 1.055.                                                        | 141043<br>141044<br>141045<br>141046           |
| (ii) If the district's formula ADM percentage change calculated in division (A)(6)(a) of this section equals an increase of less than five and one-half per cent but more than                                                                                                                | 141047<br>141048<br>141049                     |

three per cent, then the district's limitation base multiplier 141050  
shall be equal to the district's formula ADM percentage change 141051  
calculated in division (A)(6)(a) of this section plus one. 141052

(iii) If the district's formula ADM percentage change 141053  
calculated in division (A)(6)(a) of this section equals an 141054  
increase of three per cent or less, no change, or a decrease of 141055  
any amount, then the district's limitation base multiplier shall 141056  
be equal to 1.03. 141057

(b) The "limitation base multiplier" for each joint 141058  
vocational school district, for fiscal year 2019, shall be 141059  
computed as follows: 141060

(i) If the district's formula ADM percentage change 141061  
calculated in division (A)(6)(a) of this section equals an 141062  
increase of six per cent or more, then the district's limitation 141063  
base multiplier shall be equal to 1.06. 141064

(ii) If the district's formula ADM percentage change 141065  
calculated in division (A)(6)(a) of this section equals an 141066  
increase of less than six per cent but more than three per cent, 141067  
then the district's limitation base multiplier shall be equal to 141068  
the district's formula ADM percentage change calculated in 141069  
division (A)(6)(a) of this section plus one. 141070

(iii) If the district's formula ADM percentage change 141071  
calculated in division (A)(6)(a) of this section equals an 141072  
increase of three per cent or less, no change, or a decrease of 141073  
any amount, then the district's limitation base multiplier shall 141074  
be equal to 1.03. 141075

(7) The Department of Education shall establish, as 141076  
necessary, the limitation base of any joint vocational school 141077  
district that begins receiving payments under section 3317.16 of 141078  
the Revised Code for fiscal year 2018 or fiscal year 2019 but does 141079  
not receive such payments for the prior fiscal year. The 141080

Department shall establish any such joint vocational school 141081  
district's limitation base as an amount equal to the absolute 141082  
value of the sum of the associated adjustments of any local school 141083  
district's limitation base under division (B)(7) of the section of 141084  
this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 141085  
EXEMPTED VILLAGE SCHOOL DISTRICTS." 141086

(8) For fiscal year 2018 and fiscal year 2019, the Department 141087  
shall reduce a district's payments under divisions (A)(1), (3), 141088  
and (4) of section 3317.16 of the Revised Code proportionately as 141089  
necessary in order to comply with this division. If those amounts 141090  
are insufficient, the Department shall proportionately reduce a 141091  
district's payments under division (A)(2) of section 3317.16 of 141092  
the Revised Code. 141093

**Section 265.233.** CAP OFFSET AMOUNT FOR CITY, LOCAL, AND 141094  
EXEMPTED VILLAGE SCHOOL DISTRICTS 141095

(A) For purposes of this section: 141096

(1) A district's "combined state aid for fiscal year 2017" 141097  
means the sum of: 141098

(a) The sum of the district's payments for fiscal year 2017 141099  
under sections 3317.022 and 3317.0212 of the Revised Code after 141100  
any amounts are added or subtracted under Section 263.230 of Am. 141101  
Sub. H.B. 64 of the 131st General Assembly; 141102

(b) The district's payments under division (C)(1) of section 141103  
5709.92 of the Revised Code for fiscal year 2017. 141104

(2) A district's "combined state aid for fiscal year 2018" 141105  
means the sum of: 141106

(a) The sum of the district's payments for fiscal year 2018 141107  
under sections 3317.022 and 3317.0212 of the Revised Code after 141108  
any amounts are added or subtracted under the section of this act 141109  
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 141110

|                                                                                                                                                                                                                                                                                                                                                                                  |                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| VILLAGE SCHOOL DISTRICTS";                                                                                                                                                                                                                                                                                                                                                       | 141111                                                   |
| (b) The district's payments under division (C)(2) of section 5709.92 of the Revised Code for fiscal year 2018.                                                                                                                                                                                                                                                                   | 141112<br>141113                                         |
| (3) An "eligible school district" is a city, local, or exempted village school district that meets both of the following criteria:                                                                                                                                                                                                                                               | 141114<br>141115<br>141116                               |
| (a) The sum of the amounts calculated for the school district under section 3317.022 and 3317.0212 of the Revised Code is limited by division (B)(1) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" for fiscal year 2018;                                                                               | 141117<br>141118<br>141119<br>141120<br>141121           |
| (b) The district's combined state aid for fiscal year 2017 minus the district's combined state aid for fiscal year 2018 is greater than zero.                                                                                                                                                                                                                                    | 141122<br>141123<br>141124                               |
| (B) For fiscal year 2018, the Department of Education shall compute and pay a cap offset amount to each eligible school district equal to the lesser of the amounts calculated in divisions (B)(1) and (2) of this section:                                                                                                                                                      | 141125<br>141126<br>141127<br>141128                     |
| (1) The district's combined state aid for fiscal year 2017 minus the district's combined state aid for fiscal year 2018;                                                                                                                                                                                                                                                         | 141129<br>141130                                         |
| (2) The absolute value of the difference between the sum of the amounts calculated under sections 3317.022 and 3317.0212 of the Revised Code for the district before and after application of the limitation under division (B)(1) of the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" for fiscal year 2018. | 141131<br>141132<br>141133<br>141134<br>141135<br>141136 |
| <b>Section 265.240. LITERACY IMPROVEMENT</b>                                                                                                                                                                                                                                                                                                                                     | 141137                                                   |
| The foregoing appropriation item 200566, Literacy Improvement, shall be used by the Department of Education to support early literacy activities to align state, local, and                                                                                                                                                                                                      | 141138<br>141139<br>141140                               |

federal efforts in order to bolster all students' reading success. 141141  
Funds shall be distributed to educational service centers to 141142  
establish and support regional literacy professional development 141143  
teams. A portion of the funds may be used by the Department for 141144  
program administration, monitoring, technical assistance, support, 141145  
research, and evaluation. 141146

**Section 265.250. ADULT EDUCATION PROGRAMS** 141147

The foregoing appropriation item 200572, Adult Education 141148  
Programs, shall be used in each fiscal year to make payments to 141149  
institutions participating in the Adult Diploma Pilot Program 141150  
under section 3313.902 of the Revised Code; to make payments under 141151  
sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 141152  
Code; and to pay career-technical planning districts for the 141153  
amounts reimbursed to students, as prescribed in this section. 141154

Each career-technical planning district shall reimburse 141155  
individuals taking a nationally recognized high school equivalency 141156  
examination approved by the Department of Education for the first 141157  
time for application fees, examination fees, or both, in excess of 141158  
\$40, up to a maximum reimbursement per individual of \$80. Each 141159  
career-technical planning district shall designate a site or sites 141160  
where individuals may register and take an approved examination. 141161  
For each individual who registers for an approved examination, the 141162  
career-technical planning district shall make available and offer 141163  
career counseling services, including information on adult 141164  
education programs that are available. A portion of the 141165  
appropriation item may be reimbursed to the Department of Youth 141166  
Services and the Department of Rehabilitation and Correction for 141167  
individuals in these facilities who have taken an approved 141168  
examination for the first time. The amounts reimbursed shall not 141169  
exceed the per-individual amounts reimbursed to other individuals 141170  
under this section for an approved examination. 141171

Notwithstanding any provision of law to the contrary, the 141172  
unexpended balance of appropriations for payments under section 141173  
3313.902 of the Revised Code at the end of each fiscal year may be 141174  
encumbered by the Department of Education and remain available for 141175  
payment for a period not to exceed two years from the end of each 141176  
fiscal year in which the funds were originally appropriated, in 141177  
accordance with guidelines established by the Superintendent of 141178  
Public Instruction. 141179

Of the foregoing appropriation item 200572, Adult Education 141180  
Programs, a portion may be used for program administration, 141181  
technical assistance, support, research, and evaluation of adult 141182  
education programs, including high school equivalency examinations 141183  
approved by the Department of Education. 141184

**Section 265.260. EDCHOICE EXPANSION** 141185

The foregoing appropriation item 200573, EdChoice Expansion, 141186  
shall be used to provide for the scholarships awarded under the 141187  
expansion of the educational choice program established under 141188  
section 3310.032 of the Revised Code. The number of scholarships 141189  
awarded under the expansion of the educational choice program 141190  
shall not exceed the number that can be funded with the 141191  
appropriations made by the General Assembly for this purpose. 141192

Notwithstanding section 3310.16 of the Revised Code, as it 141193  
existed prior to the amendment of that section by this act, if the 141194  
scholarships awarded under section 3310.032 of the Revised Code in 141195  
the first application period for the 2017-2018 school year use the 141196  
entirety of the amount appropriated by the General Assembly for 141197  
such scholarships for that school year, the Department of 141198  
Education need not conduct a second application period for 141199  
scholarships under that section. If, after the first application 141200  
period, there are funds remaining to award scholarships under 141201  
section 3310.032 of the Revised Code, the Department shall conduct 141202

a second application period in accordance with section 3310.16 of the Revised Code. 141203  
141204

HALF-MILL MAINTENANCE EQUALIZATION 141205

The foregoing appropriation item 200574, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code. 141206  
141207  
141208

ADAPTIVE SPORTS PROGRAM 141209

The foregoing appropriation item 200576, Adaptive Sports Program, shall be used by the Department of Education, in collaboration with the Adaptive Sports Program of Ohio, to fund adaptive sports programs in school districts across the state. 141210  
141211  
141212  
141213

VIOLENCE PREVENTION AND SCHOOL SAFETY 141214

The foregoing appropriation item 200578, Violence Prevention and School Safety, shall be used to provide competitive grants to chartered nonpublic schools and educational or childcare centers in accordance with the section of this act entitled "SECURITY GRANTS PROGRAM." 141215  
141216  
141217  
141218  
141219

**Section 265.263. SECURITY GRANTS PROGRAM** 141220

(A) There is hereby created the Security Grants Program to make competitive grants to chartered nonpublic schools and educational or childcare centers to assist the school or center in preventing, preparing for, or responding to acts of terrorism, including by acquiring the services of a resource officer. 141221  
141222  
141223  
141224  
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(B) The Department of Education shall administer and award the grants. The Department shall establish procedures and forms by which applicants may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for distributing grants to recipients. The procedures shall require each applicant to do all of the following: 141226  
141227  
141228  
141229  
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141231

(1) Identify and substantiate prior threats or attacks based on ideology, beliefs, or mission by a terrorist organization, network, or cell against the school or center or a substantially similar school or center;

(2) Indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism;

(3) Discuss potential consequences to the school or center if the site is damaged, destroyed, or disrupted by a terrorist;

(4) Describe if and how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts;

(5) Submit either a vulnerability assessment conducted by experienced security, law enforcement, or military personnel and a description of how the grant award will be used to address the vulnerabilities identified in the assessment or credible intelligence and threat analysis from one or more qualified homeland security, counterintelligence, or anti-terrorism experts.

The Department shall consider all of the above factors in evaluating grant applications.

(C)(1) A grant awarded under this section for purposes other than acquiring the services of one or more resource officers shall not exceed \$100,000.

(2) A grant awarded under this section for purposes of acquiring the services of one or more resource officers shall not exceed \$100,000 per officer per building.

(D) Except as otherwise provided in this division, each grant recipient shall provide a matching contribution at a ratio of one to one. The matching contribution may come from any lawful non-state source, including local government entities, law enforcement organizations, or the private sector. Notwithstanding

any provision of law to the contrary, a state or local law 141262  
enforcement agency may provide asset forfeiture or similar funds 141263  
for use as a recipient's local matching contribution. If an 141264  
applicant for a grant is unable to provide a sufficient matching 141265  
contribution, the applicant may, in its grant application, submit 141266  
a written request for a waiver of the local matching contribution 141267  
requirement. As part of an applicant's request for a waiver, the 141268  
applicant shall explain why the waiver is necessary. The 141269  
Department may grant a waiver only for good cause in accordance 141270  
with the procedures it establishes. 141271

(E) Any grant submission described in division (I) of section 141272  
3313.536 of the Revised Code or section 149.433 of the Revised 141273  
Code is not a public record under section 149.43 of the Revised 141274  
Code and is not subject to mandatory release or disclosure under 141275  
that section. 141276

(F) The Department of Education may use up to two and 141277  
one-half per cent of the total amount appropriated for the program 141278  
for program administrative costs, a portion of which may be used 141279  
to pay costs incurred for security-related or specialized 141280  
assistance in reviewing vulnerability assessments and prioritizing 141281  
grant applications. 141282

(G) An amount equal to the unexpended, unencumbered balance 141283  
of the foregoing appropriation item 200578, Violence Prevention 141284  
and School Safety, at the end of fiscal year 2018 is hereby 141285  
reappropriated for the same purpose in fiscal year 2019. 141286

(H) As used in this section: 141287

(1) "Resource officer" means any law enforcement officer of 141288  
an accredited local law enforcement agency providing special duty 141289  
services in a school setting to create or maintain a safe, secure, 141290  
and orderly learning environment. A resource officer may include a 141291  
special duty police officer, off-duty police officer, deputy 141292

sheriff, or other peace officer of the applicable local law enforcement agency in which the school or center is located or qualifying personnel of an accredited local law enforcement agency for any jurisdiction in this state.

(2) "Terrorism" means any act taken by a group or individual used to intimidate or coerce the school or center, its employees, and its current or potential students and their parents; to influence the policy of the school or center or any government authority by intimidation or coercion; and to affect the conduct of the school or center or any government authority.

**Section 265.280. MEDICAID IN SCHOOLS PROGRAM**

The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program.

**Section 265.290. HIGH SCHOOL EQUIVALENCY**

The foregoing appropriation item 200610, High School Equivalency, shall be used in conjunction with appropriation item 200572, Adult Education Programs.

**Section 265.300. TEACHER CERTIFICATION AND LICENSURE**

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities. Notwithstanding section 3319.51 of the Revised Code, a portion of the foregoing appropriation may also be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports.

**Section 265.310.** AUXILIARY SERVICES REIMBURSEMENT 141321

Notwithstanding section 3317.064 of the Revised Code, if the 141322  
unexpended, unencumbered cash balance is sufficient, the Treasurer 141323  
of State shall remit \$1,500,000 in fiscal year 2018 within thirty 141324  
days after the effective date of this section, and \$1,500,000 in 141325  
fiscal year 2019 by August 1, 2018, from the Auxiliary Services 141326  
Personnel Unemployment Compensation Fund to the Auxiliary Services 141327  
Reimbursement Fund (Fund 5980) used by the Department of 141328  
Education. 141329

**Section 265.320.** SCHOOL DISTRICT SOLVENCY ASSISTANCE 141330

(A) Of the foregoing appropriation item 200687, School 141331  
District Solvency Assistance, \$4,000,000 in each fiscal year shall 141332  
be allocated to the School District Shared Resource Account and 141333  
\$4,000,000 in each fiscal year shall be allocated to the 141334  
Catastrophic Expenditures Account. These funds shall be used to 141335  
provide assistance and grants to school districts to enable them 141336  
to remain solvent under section 3316.20 of the Revised Code. 141337  
Assistance and grants shall be subject to approval by the 141338  
Controlling Board. Except as provided under division (C) of this 141339  
section, any required reimbursements from school districts for 141340  
solvency assistance shall be made to the appropriate account in 141341  
the School District Solvency Assistance Fund (Fund 5H30). 141342

(B) Notwithstanding any provision of law to the contrary, 141343  
upon the request of the Superintendent of Public Instruction, the 141344  
Director of Budget and Management may make transfers to the School 141345  
District Solvency Assistance Fund (Fund 5H30) from any fund used 141346  
by the Department of Education or the General Revenue Fund to 141347  
maintain sufficient cash balances in Fund 5H30 in fiscal years 141348  
2018 and 2019. Any cash transferred is hereby appropriated. The 141349  
transferred cash may be used by the Department to provide 141350

assistance and grants to school districts to enable them to remain 141351  
solvent and to pay unforeseeable expenses of a temporary or 141352  
emergency nature that the school district is unable to pay from 141353  
existing resources. The Director shall notify the members of the 141354  
Controlling Board of any such transfers. 141355

(C) If the cash balance of the School District Solvency 141356  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 141357  
assistance in fiscal years 2018 and 2019, at the request of the 141358  
Superintendent of Public Instruction, and with the approval of the 141359  
Controlling Board, the Director of Budget and Management may 141360  
transfer cash from the Lottery Profits Education Reserve Fund 141361  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 141362  
school districts to enable them to remain solvent and to pay 141363  
unforeseeable expenses of a temporary nature that they are unable 141364  
to pay from existing resources under section 3316.20 of the 141365  
Revised Code. Such transfers are hereby appropriated to 141366  
appropriation item 200670, School District Solvency Assistance - 141367  
Lottery. Any required reimbursements from school districts for 141368  
solvency assistance granted from appropriation item 200670, School 141369  
District Solvency Assistance - Lottery, shall be made to Fund 141370  
7018. 141371

**Section 265.323. ACCOUNTABILITY/REPORT CARDS** 141372

Of the foregoing appropriation item 200662, 141373  
Accountability/Report Cards, \$500,000 in each fiscal year shall be 141374  
used as matching funds to support efforts by the Accelerate Great 141375  
Schools public-private partnership to increase the number of 141376  
high-performing schools in Cincinnati, to attract and develop 141377  
excellent school leaders and teachers, and to engage families and 141378  
communities in fostering educational improvement. 141379

Of the foregoing appropriation item 200662, 141380  
Accountability/Report Cards, a portion in each fiscal year may be 141381

used to train district and regional specialists and district 141382  
educators in the use of the value-added progress dimension and in 141383  
the use of data as it relates to improving student achievement. 141384  
This training may include teacher and administrator professional 141385  
development in the use of data to improve instruction and student 141386  
learning, and teacher and administrator training in understanding 141387  
teacher value-added reports and how they can be used as a 141388  
component in measuring teacher and administrator effectiveness. A 141389  
portion of this funding shall be provided to educational service 141390  
centers to support training and professional development under 141391  
this section consistent with section 3312.01 of the Revised Code. 141392

The remainder of appropriation item 200662, 141393  
Accountability/Report Cards, shall be used by the Department of 141394  
Education to incorporate a statewide value-added progress 141395  
dimension into performance ratings for school districts and for 141396  
the development of an accountability system that includes the 141397  
preparation and distribution of school report cards, funding and 141398  
expenditure accountability reports under sections 3302.03 and 141399  
3302.031 of the Revised Code, the development and maintenance of 141400  
teacher value-added reports, the teacher student linkage/roster 141401  
verification process, and the performance management section of 141402  
the Department's web site required by section 3302.26 of the 141403  
Revised Code. 141404

**Section 265.324.** TRANSFER FROM STATE BOARD OF EDUCATION 141405  
LICENSURE FUND TO THE ACCOUNTABILITY/REPORT CARDS FUND 141406

Notwithstanding any provision of law to the contrary, on July 141407  
1 of each fiscal year, or as soon as possible thereafter, the 141408  
Director of Budget and Management shall transfer \$5,000,000 cash 141409  
from the State Board of Education Licensure Fund (Fund 4L20) to 141410  
the Accountability/Report Cards Fund (Fund 5UC0), which is hereby 141411  
created in the state treasury. 141412

**Section 265.325.** TRANSFER FROM THE OHIOMEANSJOBS WORKFORCE 141413  
DEVELOPMENT REVOLVING LOAN FUND (FUND 5NH0) TO THE EDUCATIONAL 141414  
GRANTS FUND (FUND 6200) 141415

Notwithstanding any provision of law to the contrary, on July 141416  
1, 2017, or as soon as possible thereafter, the Director of Budget 141417  
and Management shall transfer \$400,000 cash from the OhioMeansJobs 141418  
Workforce Development Revolving Loan Fund (Fund 5NH0) to the 141419  
Educational Grants Fund (Fund 6200). 141420

EDUCATIONAL IMPROVEMENT GRANTS 141421

Of the foregoing appropriation item 200615, Educational 141422  
Improvement Grants, \$100,000 in each fiscal year shall be 141423  
distributed to the Lake County Educational Service Center to 141424  
support the Lake and Geauga Counties Manufacturing K-12 141425  
Partnership. 141426

Of the foregoing appropriation item 200615, Educational 141427  
Improvement Grants, \$125,000 in fiscal year 2018 shall be 141428  
distributed to the Trumbull County Educational Service Center to 141429  
support the creation of a STEAM program. 141430

Of the foregoing appropriation item 200615, Educational 141431  
Improvement Grants, \$75,000 in fiscal year 2018 shall be used to 141432  
support the creation of an additional welding laboratory at the 141433  
Trumbull Career and Technical Center. 141434

**Section 265.330.** LOTTERY PROFITS EDUCATION FUND 141435

The foregoing appropriation item 200612, Foundation Funding, 141436  
shall be used in conjunction with appropriation item 200550, 141437  
Foundation Funding, to provide state foundation payments to school 141438  
districts. 141439

The Department of Education, with the approval of the 141440  
Director of Budget and Management, shall determine the monthly 141441

distribution schedules of appropriation item 200550, Foundation 141442  
Funding, and appropriation item 200612, Foundation Funding. If 141443  
adjustments to the monthly distribution schedule are necessary, 141444  
the Department shall make such adjustments with the approval of 141445  
the Director. 141446

COMMUNITY CONNECTORS PROGRAM 141447

The foregoing appropriation item 200629, Community 141448  
Connectors, shall be used by the Superintendent of Public 141449  
Instruction to create the Community Connectors Grant Program. The 141450  
Superintendent shall develop guidelines for the grants. The 141451  
guidelines shall prioritize grant applicants that deliver 141452  
volunteer-based K-12 programs that foster financial literacy, 141453  
career readiness, and entrepreneurship skills through experiential 141454  
learning opportunities in classroom settings. The program shall 141455  
award competitive matching grants to provide funding for local 141456  
networks of volunteers and organizations to sponsor career 141457  
advising and mentoring for students in eligible school districts. 141458  
Each grant award shall match up to three times the funds allocated 141459  
to the project by the local network. However, the Superintendent 141460  
may prescribe a maximum grant award, which shall not be less than 141461  
\$150,000. The Superintendent shall not prohibit grant recipients 141462  
in prior fiscal years from reapplying for grants awarded under 141463  
this section. Eligible school districts are those with a high 141464  
percentage of students in poverty, a high number of students not 141465  
graduating on time, and other criteria as determined by the 141466  
Superintendent. Eligible school districts shall partner with 141467  
members of the business community, civic organizations, or the 141468  
faith-based community to provide sustainable career advising and 141469  
mentoring services. Upon the request of the Superintendent of 141470  
Public Instruction and the approval of the Director of Budget and 141471  
Management, an amount equal to the unexpended, unencumbered 141472  
portion of the foregoing appropriation item 200629, Community 141473

Connectors, at the end of fiscal year 2018 is hereby 141474  
reappropriated to the Department for the same purpose for fiscal 141475  
year 2019. 141476

Notwithstanding any provision of law to the contrary, grants 141477  
awarded under this section may be used by grant recipients for 141478  
grant-related expenses for a period not to exceed three years from 141479  
the date of the award, according to guidelines established by the 141480  
Superintendent. 141481

COMMUNITY SCHOOL FACILITIES 141482

The foregoing appropriation item 200684, Community School 141483  
Facilities, shall be used to pay each community school established 141484  
under Chapter 3314. of the Revised Code and each STEM school 141485  
established under Chapter 3326. of the Revised Code an amount 141486  
equal to \$25 in each fiscal year for each full-time equivalent 141487  
pupil in an internet- or computer-based community school and \$200 141488  
in each fiscal year for each full-time equivalent pupil in all 141489  
other community or STEM schools for assistance with the cost 141490  
associated with facilities. If the amount appropriated is not 141491  
sufficient, the Department shall prorate the amounts so that the 141492  
aggregate amount appropriated is not exceeded. 141493

**Section 265.350.** LOTTERY PROFITS EDUCATION RESERVE FUND 141494

(A) There is hereby created the Lottery Profits Education 141495  
Reserve Fund (Fund 7018) in the State Treasury. Investment 141496  
earnings of the Lottery Profits Education Reserve Fund shall be 141497  
credited to the fund. 141498

(B) Notwithstanding any other provision of law to the 141499  
contrary, the Director of Budget and Management may transfer cash 141500  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 141501  
in fiscal year 2018 and fiscal year 2019. 141502

(C) On July 15, 2017, or as soon as possible thereafter, the 141503

Director of the Ohio Lottery Commission shall certify to the 141504  
Director of Budget and Management the amount by which lottery 141505  
profit transfers received by Fund 7017 exceeded \$1,030,000,000 in 141506  
fiscal year 2017. 141507

(D) On July 15, 2018, or as soon as possible thereafter, the 141508  
Director of the Ohio Lottery Commission shall certify to the 141509  
Director of Budget and Management the amount by which lottery 141510  
profit transfers received by Fund 7017 exceeded \$1,082,630,000 in 141511  
fiscal year 2018. 141512

(E) Notwithstanding any provision of law to the contrary, in 141513  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 141514  
Management may transfer cash in excess of the amounts necessary to 141515  
support appropriations in Fund 7017 from that fund to Fund 7018. 141516

**Section 265.360.** EDUCATIONAL SERVICE CENTERS FUNDING 141517

As used in this section, "high-performing educational service 141518  
center" means an educational service center designated as such 141519  
pursuant to rule 3301-105-01 of the Administrative Code. 141520

As used in this section, "student count" means the count 141521  
calculated under division (G)(1) of section 3313.843 of the 141522  
Revised Code. 141523

In each fiscal year, the Department of Education shall pay 141524  
the governing board of each high-performing educational service 141525  
center state funds equal to twenty-six dollars times its student 141526  
count, and to the governing board of each other center, state 141527  
funds equal to twenty-four dollars times its student count. 141528

If the amount earmarked for the state reimbursement of 141529  
educational service centers in appropriation item 200550, 141530  
Foundation Funding, is not sufficient, the Department shall 141531  
prorate the payment amounts so that the appropriation is not 141532  
exceeded. 141533

Notwithstanding any provision of law to the contrary, a 141534  
school district that has not entered into an agreement for 141535  
services with an educational service center as of June 30, 2017, 141536  
shall be prohibited from entering into such an agreement during 141537  
the period from July 1, 2017, through June 30, 2019. 141538

**Section 265.370.** On July 1, 2017, or as soon as possible 141539  
thereafter, the Superintendent of Public Instruction shall certify 141540  
to the Director of Budget and Management the unexpended, 141541  
unencumbered cash balances of the Neglected and Delinquent 141542  
Education Fund (Fund 3090), the Advanced Placement Fund (Fund 141543  
3EK0), the Miscellaneous Nutrition Grants Fund (Fund 3GF0), the 141544  
School Climate Transformation Fund (Fund 3GP0), the Project Aware 141545  
Fund (Fund 3GQ0), the JAVITS Gifted and Talented Students Fund 141546  
(Fund 3GZ0), and the Head Start Collaboration Project Fund (Fund 141547  
3H90). Upon receipt of certification from the Superintendent, the 141548  
Director may transfer the cash balances of those funds to the 141549  
Department of Education Federal Education Grants Fund (Fund 3HF0). 141550

**Section 265.380.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 141551  
ASSESSMENT OF EDUCATION PROGRESS 141552

The General Assembly intends for the Superintendent of Public 141553  
Instruction to provide for school district participation in the 141554  
administration of the National Assessment of Education Progress in 141555  
accordance with section 3301.27 of the Revised Code. Each school 141556  
and school district selected for participation by the 141557  
Superintendent shall participate. 141558

**Section 265.390.** COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 141559  
STUDENTS 141560

(A) As used in this section: 141561

(1) "IEP" has the same meaning as in section 3323.01 of the 141562

Revised Code. 141563

(2) "SBH student" means a student receiving special education 141564  
and related services for severe behavior disabilities pursuant to 141565  
an IEP. 141566

(B) This section applies only to a community school 141567  
established under Chapter 3314. of the Revised Code that in each 141568  
of fiscal years 2018 and 2019 enrolls a number of SBH students 141569  
equal to at least fifty per cent of the total number of students 141570  
enrolled in the school in the applicable fiscal year. 141571

(C) In addition to any state foundation payments made, in 141572  
each of fiscal years 2018 and 2019, the Department of Education 141573  
shall pay to a community school to which this section applies a 141574  
subsidy equal to the difference between the aggregate amount 141575  
calculated and paid in that fiscal year to the community school 141576  
for special education and related services additional weighted 141577  
costs for the SBH students enrolled in the school and the 141578  
aggregate amount that would have been calculated for the school 141579  
for special education and related services additional weighted 141580  
costs for those same students in fiscal year 2001. If the 141581  
difference is a negative number, the amount of the subsidy shall 141582  
be zero. 141583

(D) The amount of any subsidy paid to a community school 141584  
under this section shall not be deducted from the school district 141585  
in which any of the students enrolled in the community school are 141586  
entitled to attend school under section 3313.64 or 3313.65 of the 141587  
Revised Code. The amount of any subsidy paid to a community school 141588  
under this section shall be paid from funds appropriated to the 141589  
Department in appropriation item 200550, Foundation Funding. 141590

**Section 265.400. EARMARK ACCOUNTABILITY** 141591

At the request of the Superintendent of Public Instruction, 141592

any entity that receives a budget earmark under the Department of 141593  
Education shall submit annually to the chairpersons of the 141594  
committees of the House of Representatives and the Senate 141595  
primarily concerned with education and education funding and to 141596  
the Department a report that includes a description of the 141597  
services supported by the funds, a description of the results 141598  
achieved by those services, an analysis of the effectiveness of 141599  
the program, and an opinion as to the program's applicability to 141600  
other school districts. For an earmarked entity that received 141601  
state funds from an earmark in the prior fiscal year, no funds 141602  
shall be provided by the Department to an earmarked entity for a 141603  
fiscal year until its report for the prior fiscal year has been 141604  
submitted. 141605

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME** 141606

A community school established under Chapter 3314. of the 141607  
Revised Code that was open for operation as a community school as 141608  
of May 1, 2005, may operate from or in any home, as defined in 141609  
section 3313.64 of the Revised Code, located in the state, 141610  
regardless of when the community school's operations from or in a 141611  
particular home began. 141612

**Section 265.420. USE OF VOLUNTEERS** 141613

The Department of Education may utilize the services of 141614  
volunteers to accomplish any of the purposes of the Department. 141615  
The Superintendent of Public Instruction shall approve for what 141616  
purposes volunteers may be used and for these purposes may 141617  
recruit, train, and oversee the services of volunteers. The 141618  
Superintendent may reimburse volunteers for necessary and 141619  
appropriate expenses in accordance with state guidelines and may 141620  
designate volunteers as state employees for the purpose of motor 141621  
vehicle accident liability insurance under section 9.83 of the 141622

Revised Code, for immunity under section 9.86 of the Revised Code, 141623  
and for indemnification from liability incurred in the performance 141624  
of their duties under section 9.87 of the Revised Code. 141625

**Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN** 141626  
**REIMBURSEMENTS** 141627

(A) Except as expressly required under a court judgment not 141628  
subject to further appeals, or a settlement agreement with a 141629  
school district executed on or before June 1, 2009, in the case of 141630  
a school district for which the formula ADM for fiscal year 2005, 141631  
as reported for that fiscal year under division (A) of section 141632  
3317.03 of the Revised Code, was reduced based on enrollment 141633  
reports for community schools, made under section 3314.08 of the 141634  
Revised Code, regarding students entitled to attend school in the 141635  
district, which reduction of formula ADM resulted in a reduction 141636  
of foundation funding or transitional aid funding for fiscal year 141637  
2005, 2006, or 2007, no school district, except a district named 141638  
in the court's judgment or the settlement agreement, shall have a 141639  
legal claim for reimbursement of the amount of such reduction in 141640  
foundation funding or transitional aid funding, and the state 141641  
shall not have liability for reimbursement of the amount of such 141642  
reduction in foundation funding or transitional aid funding. 141643

(B) As used in this section: 141644

(1) "Community school" means a community school established 141645  
under Chapter 3314. of the Revised Code. 141646

(2) "Entitled to attend school" means entitled to attend 141647  
school in a school district under section 3313.64 or 3313.65 of 141648  
the Revised Code. 141649

(3) "Foundation funding" means payments calculated for the 141650  
respective fiscal year under Chapter 3317. of the Revised Code. 141651

(4) "Transitional aid funding" means payments calculated for 141652

the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 141653  
of the 125th General Assembly, as subsequently amended; Section 141654  
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 141655  
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 141656  
of the 127th General Assembly. 141657

**Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 141658

In collaboration with the County Family and Children First 141659  
Council, a city, local, or exempted village school district, 141660  
community school, STEM school, joint vocational school district, 141661  
educational service center, or county board of developmental 141662  
disabilities that receives allocations from the Department of 141663  
Education from appropriation item 200550, Foundation Funding, or 141664  
appropriation item 200540, Special Education Enhancements, may 141665  
transfer portions of those allocations to a flexible funding pool 141666  
authorized by the Section of this act entitled "FAMILY AND 141667  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 141668  
maintenance of effort or for federal or state funding matching 141669  
requirements shall not be transferred unless the allocation may 141670  
still be used to meet such requirements. 141671

**Section 265.450. PRIVATE TREATMENT FACILITY PROJECT** 141672

(A) As used in this section: 141673

(1) The following are "participating residential treatment 141674  
centers": 141675

(a) Private residential treatment facilities that have 141676  
entered into a contract with the Department of Youth Services to 141677  
provide services to children placed at the facility by the 141678  
Department and which, in fiscal year 2018 or fiscal year 2019 or 141679  
both, the Department pays through appropriation item 470401, 141680  
RECLAIM Ohio; 141681

(b) Abraxas, in Shelby; 141682

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (c) Paint Creek, in Bainbridge;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 141683                                                                                                                                                       |
| (d) F.I.R.S.T., in Mansfield.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 141684                                                                                                                                                       |
| (2) "Education program" means an elementary or secondary education program or a special education program and related services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 141685<br>141686<br>141687                                                                                                                                   |
| (3) "Served child" means any child receiving an education program pursuant to division (B) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 141688<br>141689                                                                                                                                             |
| (4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 141690<br>141691<br>141692<br>141693<br>141694                                                                                                               |
| (5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 141695<br>141696<br>141697                                                                                                                                   |
| (B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment | 141698<br>141699<br>141700<br>141701<br>141702<br>141703<br>141704<br>141705<br>141706<br>141707<br>141708<br>141709<br>141710<br>141711<br>141712<br>141713 |

center. 141714

(C) Any school district responsible for tuition for a 141715  
residential child shall, notwithstanding any conflicting provision 141716  
of the Revised Code regarding tuition payment, pay tuition for the 141717  
child for fiscal year 2018 and fiscal year 2019 to the education 141718  
program provider and in the amount specified in this division. If 141719  
there is no school district responsible for tuition for a 141720  
residential child and if the participating residential treatment 141721  
center to which the child is assigned is located in the city, 141722  
exempted village, or local school district that, if the child were 141723  
not a resident of that treatment center, would be the school 141724  
district where the child is entitled to attend school under 141725  
sections 3313.64 and 3313.65 of the Revised Code, that school 141726  
district, notwithstanding any conflicting provision of the Revised 141727  
Code, shall pay tuition for the child for fiscal year 2018 and 141728  
fiscal year 2019 under this division unless that school district 141729  
is providing the educational program to the child under division 141730  
(B) of this section. 141731

A tuition payment under this division shall be made to the 141732  
school district, educational service center, or residential 141733  
treatment facility providing the educational program to the child. 141734

The amount of tuition paid shall be: 141735

(1) The amount of tuition determined for the district under 141736  
division (A) of section 3317.08 of the Revised Code; 141737

(2) In addition, for any student receiving special education 141738  
pursuant to an individualized education program as defined in 141739  
section 3323.01 of the Revised Code, a payment for excess costs. 141740  
This payment shall equal the actual cost to the school district, 141741  
educational service center, or residential treatment facility of 141742  
providing special education and related services to the student 141743  
pursuant to the student's individualized education program, minus 141744

the tuition paid for the child under division (C)(1) of this section. 141745  
141746

A school district paying tuition under this division shall not include the child for whom tuition is paid in the district's average daily membership certified under division (A) of section 3317.03 of the Revised Code. 141747  
141748  
141749  
141750

(D) In each of fiscal years 2018 and 2019, the Department of Education shall reimburse, from appropriations made for the purpose, a school district, educational service center, or residential treatment facility, whichever is providing the service, that has demonstrated that it is in compliance with the funding criteria for each served child for whom a school district must pay tuition under division (C) of this section. The amount of the reimbursement shall be the amount appropriated for this purpose divided by the full-time equivalent number of children for whom reimbursement is to be made. 141751  
141752  
141753  
141754  
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141758  
141759  
141760

(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall be used to supplement, not supplant, funds from other public sources for which the school district, service center, or residential treatment facility is entitled or eligible. 141761  
141762  
141763  
141764  
141765

(F) The Department of Education shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability. 141766  
141767  
141768  
141769  
141770  
141771  
141772

**Section 265.460.** (A) The Superintendent of Public Instruction may form partnerships with Ohio's business community, including the Ohio Business Roundtable, to create and implement initiatives 141773  
141774  
141775

that connect students with the business community in an effort to 141776  
increase student engagement and job readiness through internships, 141777  
work study, and site-based learning experiences. 141778

(B) If the Superintendent forms a partnership pursuant to 141779  
division (A) of this section, the initiatives created and 141780  
implemented through that partnership shall do all of the 141781  
following: 141782

(1) Support the career connection learning strategies 141783  
described in division (B)(2) of section 3301.079 of the Revised 141784  
Code; 141785

(2) Provide an opportunity for students to earn high school 141786  
credit toward graduation or to meet curriculum requirements in 141787  
accordance with divisions (J)(1) and (2) of section 3313.603 of 141788  
the Revised Code; 141789

(3) Inform the development of student success plans pursuant 141790  
to division (C) of section 3313.6020 of the Revised Code. 141791

**Section 265.470.** The Department of Education shall provide 141792  
assistance to the State Board of Education for the purposes of 141793  
updating the statewide plan on subject area competency, including 141794  
credit by examination, pursuant to division (J)(2) of section 141795  
3313.603 of the Revised Code, to reduce barriers to student 141796  
participation in credit flexibility options. 141797

Upon completion, the Department shall inform students, 141798  
parents, and schools of the updated plan. 141799

**Section 265.480.** The Department of Education shall conduct a 141800  
study to determine the appropriate amounts of funding for each 141801  
category and sub-category of students identified as gifted under 141802  
Chapter 3324. of the Revised Code, as well as the most appropriate 141803  
method for funding gifted education courses and programs. The 141804

study shall include, but not be limited to, costs for effective 141805  
and appropriate identification, staffing, professional 141806  
development, technology, materials, and supplies at the district 141807  
level. The Department shall emphasize adequate funding and 141808  
delivery of services for smaller, rural school districts, 141809  
including statewide support needed for this population. 141810

Not later than May 1, 2018, the Department shall issue a 141811  
report of its findings and recommendations to the Governor, the 141812  
President of the Senate, the Speaker of the House of 141813  
Representatives, the Director and members of the Joint Education 141814  
Oversight Committee, and the members of the primary and secondary 141815  
education committees of the Senate and the House of 141816  
Representatives. 141817

**Section 265.490.** Upon receipt of federal funds under Title 141818  
IV, Part A, Student Support and Academic Enrichment Grants, and 141819  
after payments are made pursuant to education programs included in 141820  
this block grant program, the Department shall direct any unused 141821  
funds to cover all or part of the cost of Advanced Placement tests 141822  
and International Baccalaureate registration and exam fees for 141823  
low-income students. 141824

**Section 265.500.** (A) "Eligible sponsor" means a sponsor to 141825  
which both of the following apply with respect to the sponsor 141826  
evaluation conducted under section 3314.016 of the Revised Code 141827  
for the 2015-2016 school year: 141828

(1) The sponsor had its sponsorship authority revoked for 141829  
receiving an overall rating of "poor" under division (B)(7)(c) of 141830  
section 3314.016 of the Revised Code. 141831

(2) The sponsor received a score of "3" or higher or a grade 141832  
of "B" or higher on the academic performance component of the 141833  
sponsor rating under division (B)(1)(a) of section 3314.016 of the 141834

Revised Code. 141835

(B) Notwithstanding section 3314.016 of the Revised Code, an 141836  
eligible sponsor may, for the 2017-2018 school year renew its 141837  
sponsorship of any school it sponsored prior to the revocation of 141838  
its sponsorship authority as a result of the sponsor evaluation 141839  
conducted under section 3314.016 of the Revised Code for the 141840  
2015-2016 school year. 141841

(C) If an eligible sponsor renews sponsorship of a school 141842  
under division (B) of this section and receives a score of "3" or 141843  
a "B" or higher, or an equivalent score as determined by the 141844  
Department of Education, on the academic performance component of 141845  
the sponsor rating under division (B)(1)(a) of section 3314.016 of 141846  
the Revised Code for the 2017-2018 school year, that sponsor may 141847  
continue to sponsor that school for the 2018-2019 school year so 141848  
long as the sponsor receives an overall rating of "ineffective" or 141849  
higher. 141850

**Section 265.511.** Effective July 1, 2017, all of the following 141851  
shall apply with respect to the Straight A Program created under 141852  
Section 263.350 of Am. Sub. H.B. 64 of the 131st General Assembly: 141853  
141854

(A) Grantees that received funding under the Program during 141855  
fiscal year 2016 or 2017 and have grant funds remaining in fiscal 141856  
year 2018 shall spend those remaining funds in accordance with the 141857  
grant agreement. However, any provision of the grant agreement 141858  
specifying the receipt of additional funds by the grantee in 141859  
future fiscal years shall be void and the Department shall not pay 141860  
any additional funds to the grantee. The Department's monitoring 141861  
and oversight shall be limited to ensuring that grantees spend any 141862  
remaining grant funds in accordance with the grant agreement. 141863

(B) The governing board and advisory committee of the Program 141864  
shall cease to exist, and the board and committee shall transfer 141865

any records in their possession to the Department. 141866

(C) Not later than December 31, 2017, the Department shall 141867  
 issue a report to the Governor, the Speaker of the House of 141868  
 Representatives, the President of the Senate, and the chairpersons 141869  
 of the House and Senate committees that primarily deal with 141870  
 education regarding the types of grants awarded, the grant 141871  
 recipients, and the effectiveness of the grant program in fiscal 141872  
 year 2017. This report also shall include recommendations on 141873  
 projects previously funded by the Straight A Fund that warrant 141874  
 consideration for future replication. 141875

**Section 267.10. ELC OHIO ELECTIONS COMMISSION** 141876

General Revenue Fund 141877

|                               |    |         |    |         |        |
|-------------------------------|----|---------|----|---------|--------|
| GRF 051321 Operating Expenses | \$ | 418,613 | \$ | 435,221 | 141878 |
|-------------------------------|----|---------|----|---------|--------|

|                                |    |         |    |         |        |
|--------------------------------|----|---------|----|---------|--------|
| TOTAL GRF General Revenue Fund | \$ | 418,613 | \$ | 435,221 | 141879 |
|--------------------------------|----|---------|----|---------|--------|

Dedicated Purpose Fund Group 141880

|                               |    |         |    |         |        |
|-------------------------------|----|---------|----|---------|--------|
| 4P20 051601 Operating Support | \$ | 199,460 | \$ | 199,460 | 141881 |
|-------------------------------|----|---------|----|---------|--------|

|                                  |    |         |    |         |        |
|----------------------------------|----|---------|----|---------|--------|
| TOTAL DPF Dedicated Purpose Fund | \$ | 199,460 | \$ | 199,460 | 141882 |
|----------------------------------|----|---------|----|---------|--------|

Group

|                              |    |         |    |         |        |
|------------------------------|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 618,073 | \$ | 634,681 | 141883 |
|------------------------------|----|---------|----|---------|--------|

**Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL** 141885

DIRECTORS 141886

Dedicated Purpose Fund Group 141887

|                                |    |         |    |         |        |
|--------------------------------|----|---------|----|---------|--------|
| 4K90 881609 Operating Expenses | \$ | 791,253 | \$ | 843,973 | 141888 |
|--------------------------------|----|---------|----|---------|--------|

|                                  |    |         |    |         |        |
|----------------------------------|----|---------|----|---------|--------|
| TOTAL DPF Dedicated Purpose Fund | \$ | 791,253 | \$ | 843,973 | 141889 |
|----------------------------------|----|---------|----|---------|--------|

Group

|                              |    |         |    |         |        |
|------------------------------|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 791,253 | \$ | 843,973 | 141890 |
|------------------------------|----|---------|----|---------|--------|

**Section 271.10. PAY EMPLOYEE BENEFITS FUNDS** 141892

Fiduciary Fund Group 141893

|                                |        |                                       |    |               |    |               |        |
|--------------------------------|--------|---------------------------------------|----|---------------|----|---------------|--------|
| 1240                           | 995673 | Payroll Deductions                    | \$ | 760,000,000   | \$ | 780,000,000   | 141894 |
| 8060                           | 995666 | Accrued Leave Fund                    | \$ | 70,000,000    | \$ | 71,930,634    | 141895 |
| 8070                           | 995667 | Disability Fund                       | \$ | 22,136,000    | \$ | 22,689,000    | 141896 |
| 8080                           | 995668 | State Employee Health<br>Benefit Fund | \$ | 842,858,402   | \$ | 926,309,037   | 141897 |
| 8090                           | 995669 | Dependent Care<br>Spending Account    | \$ | 3,406,139     | \$ | 3,484,478     | 141898 |
| 8100                           | 995670 | Life Insurance<br>Investment Fund     | \$ | 1,632,004     | \$ | 1,700,545     | 141899 |
| 8110                           | 995671 | Parental Leave<br>Benefit Fund        | \$ | 3,952,606     | \$ | 4,084,972     | 141900 |
| 8130                           | 995672 | Health Care Spending<br>Account       | \$ | 11,043,565    | \$ | 11,341,741    | 141901 |
| TOTAL FID Fiduciary Fund Group |        |                                       | \$ | 1,715,028,716 | \$ | 1,821,540,407 | 141902 |
| TOTAL ALL BUDGET FUND GROUPS   |        |                                       | \$ | 1,715,028,716 | \$ | 1,821,540,407 | 141903 |

**Section 271.20. PAYROLL DEDUCTION FUND** 141905

The foregoing appropriation item 995673, Payroll Deductions, 141906  
shall be used to make payments from the Payroll Deduction Fund 141907  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 141908  
is determined by the Director of Budget and Management that 141909  
additional amounts are necessary, the amounts are hereby 141910  
appropriated. 141911

**ACCRUED LEAVE LIABILITY FUND** 141912

The foregoing appropriation item 995666, Accrued Leave Fund, 141913  
shall be used to make payments from the Accrued Leave Liability 141914  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 141915  
If it is determined by the Director of Budget and Management that 141916  
additional amounts are necessary, the amounts are hereby 141917  
appropriated. 141918

**STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND** 141919

The foregoing appropriation item 995667, Disability Fund, 141920

shall be used to make payments from the State Employee Disability 141921  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 141922  
Revised Code. If it is determined by the Director of Budget and 141923  
Management that additional amounts are necessary, the amounts are 141924  
hereby appropriated. 141925

STATE EMPLOYEE HEALTH BENEFIT FUND 141926

The foregoing appropriation item 995668, State Employee 141927  
Health Benefit Fund, shall be used to make payments from the State 141928  
Employee Health Benefit Fund (Fund 8080) pursuant to section 141929  
124.87 of the Revised Code. If it is determined by the Director of 141930  
Budget and Management that additional amounts are necessary, the 141931  
amounts are hereby appropriated. 141932

DEPENDENT CARE SPENDING FUND 141933

The foregoing appropriation item 995669, Dependent Care 141934  
Spending Account, shall be used to make payments from the 141935  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 141936  
dependent care expenses pursuant to section 124.822 of the Revised 141937  
Code. If it is determined by the Director of Budget and Management 141938  
that additional amounts are necessary, the amounts are hereby 141939  
appropriated. 141940

LIFE INSURANCE INVESTMENT FUND 141941

The foregoing appropriation item 995670, Life Insurance 141942  
Investment Fund, shall be used to make payments from the Life 141943  
Insurance Investment Fund (Fund 8100) for the costs and expenses 141944  
of the state's life insurance benefit program pursuant to section 141945  
125.212 of the Revised Code. If it is determined by the Director 141946  
of Budget and Management that additional amounts are necessary, 141947  
the amounts are hereby appropriated. 141948

PARENTAL LEAVE BENEFIT FUND 141949

The foregoing appropriation item 995671, Parental Leave 141950

Benefit Fund, shall be used to make payments from the Parental 141951  
 Leave Benefit Fund (Fund 8110) to employees eligible for parental 141952  
 leave benefits pursuant to section 124.137 of the Revised Code. If 141953  
 it is determined by the Director of Budget and Management that 141954  
 additional amounts are necessary, the amounts are hereby 141955  
 appropriated. 141956

**HEALTH CARE SPENDING ACCOUNT FUND 141957**

The foregoing appropriation item 995672, Health Care Spending 141958  
 Account, shall be used to make payments from the Health Care 141959  
 Spending Account Fund (Fund 8130) for payments pursuant to state 141960  
 employees' participation in a flexible spending account for 141961  
 non-reimbursed health care expenses and section 124.821 of the 141962  
 Revised Code. If it is determined by the Director of Budget and 141963  
 Management that additional amounts are necessary, the amounts are 141964  
 hereby appropriated. 141965

**Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 141966**

General Revenue Fund 141967

|            |                      |    |           |    |           |        |
|------------|----------------------|----|-----------|----|-----------|--------|
| GRF 125321 | Operating Expenses   | \$ | 3,804,336 | \$ | 3,828,961 | 141968 |
| TOTAL GRF  | General Revenue Fund | \$ | 3,804,336 | \$ | 3,828,961 | 141969 |

Dedicated Purpose Fund Group 141970

|             |              |    |         |    |         |        |
|-------------|--------------|----|---------|----|---------|--------|
| 5720 125603 | Training and | \$ | 141,000 | \$ | 131,000 | 141971 |
|             | Publications |    |         |    |         |        |

|           |                        |    |         |    |         |        |
|-----------|------------------------|----|---------|----|---------|--------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 141,000 | \$ | 131,000 | 141972 |
|-----------|------------------------|----|---------|----|---------|--------|

Group

|                              |  |    |           |    |           |        |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 3,945,336 | \$ | 3,959,961 | 141973 |
|------------------------------|--|----|-----------|----|-----------|--------|

**Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 141975**

Dedicated Purpose Fund Group 141976

|             |                        |    |           |    |           |        |
|-------------|------------------------|----|-----------|----|-----------|--------|
| 4K90 892609 | Operating Expenses     | \$ | 1,123,966 | \$ | 1,227,821 | 141977 |
| TOTAL DPF   | Dedicated Purpose Fund | \$ | 1,123,966 | \$ | 1,227,821 | 141978 |

Group

|                                                            |                       |    |            |    |            |        |
|------------------------------------------------------------|-----------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                               |                       | \$ | 1,123,966  | \$ | 1,227,821  | 141979 |
| <b>Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b> |                       |    |            |    |            | 141981 |
| General Revenue Fund                                       |                       |    |            |    |            | 141982 |
| GRF 715502                                                 | Auto Emissions        | \$ | 8,927,160  | \$ | 8,919,594  | 141983 |
| E-Check Program                                            |                       |    |            |    |            |        |
| TOTAL GRF General Revenue Fund                             |                       | \$ | 8,927,160  | \$ | 8,919,594  | 141984 |
| Dedicated Purpose Fund Group                               |                       |    |            |    |            | 141985 |
| 4D50 715618                                                | Recycled State        | \$ | 50,000     | \$ | 50,000     | 141986 |
| Materials                                                  |                       |    |            |    |            |        |
| 4J00 715638                                                | Underground Injection | \$ | 408,004    | \$ | 408,004    | 141987 |
| Control                                                    |                       |    |            |    |            |        |
| 4K20 715648                                                | Clean Air - Non Title | \$ | 4,205,800  | \$ | 4,896,690  | 141988 |
| V                                                          |                       |    |            |    |            |        |
| 4K30 715649                                                | Solid Waste           | \$ | 13,130,050 | \$ | 13,130,050 | 141989 |
| 4K40 715650                                                | Surface Water         | \$ | 9,990,000  | \$ | 10,705,000 | 141990 |
| Protection                                                 |                       |    |            |    |            |        |
| 4K50 715651                                                | Drinking Water        | \$ | 7,512,528  | \$ | 7,797,557  | 141991 |
| Protection                                                 |                       |    |            |    |            |        |
| 4P50 715654                                                | Cozart Landfill       | \$ | 10,000     | \$ | 10,000     | 141992 |
| 4R50 715656                                                | Scrap Tire Management | \$ | 2,277,786  | \$ | 2,277,786  | 141993 |
| 4R90 715658                                                | Voluntary Action      | \$ | 963,847    | \$ | 948,139    | 141994 |
| Program                                                    |                       |    |            |    |            |        |
| 4T30 715659                                                | Clean Air - Title V   | \$ | 9,860,800  | \$ | 9,944,120  | 141995 |
| Permit Program                                             |                       |    |            |    |            |        |
| 5000 715608                                                | Immediate Removal     | \$ | 825,710    | \$ | 825,509    | 141996 |
| Special Account                                            |                       |    |            |    |            |        |
| 5030 715621                                                | Hazardous Waste       | \$ | 4,853,470  | \$ | 4,980,458  | 141997 |
| Facility Management                                        |                       |    |            |    |            |        |
| 5050 715623                                                | Hazardous Waste       | \$ | 11,406,593 | \$ | 11,787,426 | 141998 |
| Cleanup                                                    |                       |    |            |    |            |        |

|      |        |                                        |    |            |    |            |        |
|------|--------|----------------------------------------|----|------------|----|------------|--------|
| 5050 | 715698 | Response and<br>Investigations         | \$ | 3,750,000  | \$ | 3,750,000  | 141999 |
| 5320 | 715646 | Recycling and Litter<br>Control        | \$ | 4,698,000  | \$ | 4,698,000  | 142000 |
| 5410 | 715670 | Site Specific Cleanup                  | \$ | 2,283,719  | \$ | 2,285,357  | 142001 |
| 5420 | 715671 | Risk Management<br>Reporting           | \$ | 214,826    | \$ | 214,826    | 142002 |
| 5860 | 715637 | Scrap Tire Market<br>Development       | \$ | 1,000,000  | \$ | 1,000,000  | 142003 |
| 5BC0 | 715622 | Local Air Pollution<br>Control         | \$ | 1,999,172  | \$ | 1,999,172  | 142004 |
| 5BC0 | 715624 | Surface Water                          | \$ | 5,731,967  | \$ | 5,731,967  | 142005 |
| 5BC0 | 715672 | Air Pollution Control                  | \$ | 6,000,000  | \$ | 6,000,000  | 142006 |
| 5BC0 | 715673 | Drinking and Ground<br>Water           | \$ | 3,324,235  | \$ | 3,324,235  | 142007 |
| 5BC0 | 715676 | Assistance and<br>Prevention           | \$ | 1,812,000  | \$ | 1,862,000  | 142008 |
| 5BC0 | 715677 | Laboratory                             | \$ | 2,500,000  | \$ | 2,500,000  | 142009 |
| 5BC0 | 715678 | Corrective Actions                     | \$ | 1,316,878  | \$ | 1,316,878  | 142010 |
| 5BC0 | 715687 | Areawide Planning<br>Agencies          | \$ | 450,000    | \$ | 450,000    | 142011 |
| 5BC0 | 715692 | Administration                         | \$ | 13,302,000 | \$ | 13,302,000 | 142012 |
| 5BC0 | 715694 | Environmental<br>Resource Coordination | \$ | 100,000    | \$ | 100,000    | 142013 |
| 5BT0 | 715679 | C&DD Groundwater<br>Monitoring         | \$ | 320,000    | \$ | 320,000    | 142014 |
| 5BY0 | 715681 | Auto Emissions Test                    | \$ | 2,344,450  | \$ | 2,367,016  | 142015 |
| 5H40 | 715664 | Groundwater Support                    | \$ | 302,489    | \$ | 302,489    | 142016 |
| 5PZ0 | 715696 | Drinking Water Loan<br>Fee             | \$ | 800,000    | \$ | 800,000    | 142017 |
| 5Y30 | 715685 | Surface Water<br>Improvement           | \$ | 500,000    | \$ | 500,000    | 142018 |
| 6440 | 715631 | Emergency Response                     | \$ | 332,403    | \$ | 352,430    | 142019 |

|           |                           |                                      |    |             |    |             |        |
|-----------|---------------------------|--------------------------------------|----|-------------|----|-------------|--------|
|           |                           | Radiological Safety                  |    |             |    |             |        |
| 6760      | 715642                    | Water Pollution                      | \$ | 2,137,237   | \$ | 2,061,832   | 142020 |
|           |                           | Control Loan                         |    |             |    |             |        |
|           |                           | Administration                       |    |             |    |             |        |
| 6760      | 715699                    | Water Quality                        | \$ | 2,725,000   | \$ | 2,725,000   | 142021 |
|           |                           | Administration                       |    |             |    |             |        |
| 6780      | 715635                    | Air Toxic Release                    | \$ | 133,636     | \$ | 76,437      | 142022 |
| 6790      | 715636                    | Emergency Planning                   | \$ | 2,747,391   | \$ | 2,747,391   | 142023 |
| 6960      | 715643                    | Air Pollution Control                | \$ | 950,400     | \$ | 1,001,800   | 142024 |
|           |                           | Administration                       |    |             |    |             |        |
| 6990      | 715644                    | Water Pollution                      | \$ | 750,000     | \$ | 457,100     | 142025 |
|           |                           | Control                              |    |             |    |             |        |
|           |                           | Administration                       |    |             |    |             |        |
| 6A10      | 715645                    | Environmental                        | \$ | 1,100,000   | \$ | 1,100,000   | 142026 |
|           |                           | Education                            |    |             |    |             |        |
| TOTAL DPF | Dedicated Purpose Fund    |                                      | \$ | 129,120,391 | \$ | 131,106,669 | 142027 |
|           | Group                     |                                      |    |             |    |             |        |
|           |                           | Internal Service Activity Fund Group |    |             |    |             | 142028 |
| 1990      | 715602                    | Laboratory Services                  | \$ | 705,239     | \$ | 705,239     | 142029 |
| 2190      | 715604                    | Central Support                      | \$ | 6,814,000   | \$ | 6,858,000   | 142030 |
|           |                           | Indirect                             |    |             |    |             |        |
| 4A10      | 715640                    | Operating Expenses                   | \$ | 1,350,000   | \$ | 1,350,000   | 142031 |
| TOTAL ISA | Internal Service Activity |                                      | \$ | 8,869,239   | \$ | 8,913,239   | 142032 |
|           | Fund Group                |                                      |    |             |    |             |        |
|           |                           | Capital Projects Fund Group          |    |             |    |             | 142033 |
| 5S10      | 715607                    | Clean Ohio                           | \$ | 363,700     | \$ | 0           | 142034 |
|           |                           | Revitalization                       |    |             |    |             |        |
|           |                           | Operating                            |    |             |    |             |        |
| TOTAL CPF | Capital Projects Fund     |                                      | \$ | 363,700     | \$ | 0           | 142035 |
|           | Group                     |                                      |    |             |    |             |        |
|           |                           | Federal Fund Group                   |    |             |    |             | 142036 |
| 3530      | 715612                    | Public Water Supply                  | \$ | 2,113,020   | \$ | 2,113,020   | 142037 |

|                              |        |                       |    |             |    |             |        |
|------------------------------|--------|-----------------------|----|-------------|----|-------------|--------|
| 3570                         | 715619 | Air Pollution Control | \$ | 6,140,203   | \$ | 6,140,203   | 142038 |
|                              |        | - Federal             |    |             |    |             |        |
| 3620                         | 715605 | Underground Injection | \$ | 102,859     | \$ | 102,859     | 142039 |
|                              |        | Control - Federal     |    |             |    |             |        |
| 3BU0                         | 715684 | Water Quality         | \$ | 14,183,989  | \$ | 14,183,989  | 142040 |
|                              |        | Protection            |    |             |    |             |        |
| 3CS0                         | 715688 | Federal NRD           | \$ | 200,000     | \$ | 200,000     | 142041 |
|                              |        | Settlements           |    |             |    |             |        |
| 3F20                         | 715630 | Revolving Loan Fund - | \$ | 2,900,000   | \$ | 2,900,000   | 142042 |
|                              |        | Operating             |    |             |    |             |        |
| 3F30                         | 715632 | Federally Supported   | \$ | 5,250,000   | \$ | 5,250,000   | 142043 |
|                              |        | Cleanup and Response  |    |             |    |             |        |
| 3T30                         | 715669 | Drinking Water State  | \$ | 2,809,470   | \$ | 2,809,470   | 142044 |
|                              |        | Revolving Fund        |    |             |    |             |        |
| 3V70                         | 715606 | Agencywide Grants     | \$ | 450,000     | \$ | 450,000     | 142045 |
| TOTAL FED                    |        | Federal Fund Group    | \$ | 34,149,541  | \$ | 34,149,541  | 142046 |
| TOTAL ALL BUDGET FUND GROUPS |        |                       | \$ | 181,430,031 | \$ | 183,089,043 | 142047 |

**Section 277.20. ALTERNATIVE FUEL VEHICLE CONVERSION PROGRAM** 142049

During the period from July 1, 2017, to June 30, 2019, the 142050  
 Director of Budget and Management, in consultation with the 142051  
 Director of Development Services and the Director of Environmental 142052  
 Protection, shall transfer up to \$5,000,000 cash from the 142053  
 Alternative Fuel Transportation Fund (Fund 5CG0) used by the 142054  
 Development Services Agency to the Non-Title V Clean Air Fund 142055  
 (Fund 4K20) used by the Ohio Environmental Protection Agency. The 142056  
 transferred amount is hereby appropriated to appropriation item 142057  
 715648, Clean Air - Non Title V, and shall be used for the 142058  
 Alternative Vehicle Conversion Program established under section 142059  
 122.076 of the Revised Code. 142060

**AREAWIDE PLANNING AGENCIES** 142061

The Director of Environmental Protection Agency may award 142062

grants from appropriation item 715687, Areawide Planning Agencies, 142063  
to areawide planning agencies engaged in areawide water quality 142064  
management and planning activities in accordance with Section 208 142065  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 142066

CASH TRANSFER TO THE TITLE V CLEAN AIR FUND FROM THE SMALL 142067  
BUSINESS ASSISTANCE FUND 142068

On July 1, 2017, or as soon as possible thereafter, the 142069  
Director of Budget and Management may transfer \$1,500,000 cash 142070  
from the Small Business Assistance Fund (Fund 5A00) used by the 142071  
Air Quality Development Authority to the Title V Clean Air Fund 142072  
(Fund 4T30) used by the Environmental Protection Agency. 142073

CASH TRANSFER TO THE ENVIRONMENTAL PROTECTION REMEDIATION 142074  
FUND FROM THE LITTER PREVENTION AND RECYCLING FUND 142075

On July 1, 2017, or as soon as possible thereafter, the 142076  
Director of Budget and Management, in consultation with the 142077  
Director of Environmental Protection, may transfer up to 142078  
\$3,650,000 cash from the Litter Prevention and Recycling Fund 142079  
(Fund 5320) to the Environmental Protection Remediation Fund (Fund 142080  
5410), to be used for the remediation of the ARCO construction and 142081  
demolition debris site in Cleveland, Ohio. The amount transferred 142082  
is hereby appropriated to appropriation item 715670, Site Specific 142083  
Cleanup. 142084

CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND FROM THE SCRAP 142085  
TIRE MANAGEMENT FUND 142086

The Director of Budget and Management, in consultation with 142087  
the Director of Environmental Protection, shall establish a 142088  
schedule of cash transfers totaling up to \$4,712,000 from the 142089  
Scrap Tire Management Fund (Fund 4R50) to the Auto Emissions Test 142090  
Fund (Fund 5BY0) during the period from July 1, 2017, to June 30, 142091  
2019. 142092

TRANSFER OF ASBESTOS ABATEMENT LICENSURE AND CERTIFICATION 142093

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| PROGRAM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 142094                                                                       |
| On January 1, 2018, the Asbestos Abatement Licensure and Certification Program is transferred from the Department of Health to the Environmental Protection Agency. For the purposes of the transfer, all of the following apply:                                                                                                                                                                                                                                                                                 | 142095<br>142096<br>142097<br>142098                                         |
| (A) All rules, orders, and determinations of the Department related to the Program shall continue in effect as the rules, orders, and determinations of the Agency until rules for the Program are adopted and become effective for the Agency. If necessary to ensure the integrity of the numbering system of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules to reflect their transfer to the Agency.                                                     | 142099<br>142100<br>142101<br>142102<br>142103<br>142104<br>142105<br>142106 |
| Any licenses, certificates, permits, registrations, approvals, or endorsements issued before January 1, 2018, by the Department of Health related to the Program shall continue in effect as if issued by the Agency.                                                                                                                                                                                                                                                                                             | 142107<br>142108<br>142109<br>142110                                         |
| (B) Any business commenced but not completed by the Director of Health relating to the Program on the effective date of the amendment of the statutes governing the Program by this act shall be completed by the Director of Environmental Protection. Any validation, cure, right, privilege, remedy, obligation, or liability is not lost or impaired solely by reason of the transfer required by this act and shall be administered by the Director of Environmental Protection in accordance with this act. | 142111<br>142112<br>142113<br>142114<br>142115<br>142116<br>142117<br>142118 |
| (C) All of the orders and determinations of the Director of Health relating to the Program continue in effect as orders and determinations of the Director of Environmental Protection until modified or rescinded by the Director of Environmental Protection.                                                                                                                                                                                                                                                   | 142119<br>142120<br>142121<br>142122                                         |
| (D) Subject to the layoff provisions of sections 124.321 to 124.328 of the Revised Code or the applicable collective                                                                                                                                                                                                                                                                                                                                                                                              | 142123<br>142124                                                             |

bargaining agreement, all of the employees of the Department of 142125  
Health working full-time for the Program are transferred to the 142126  
Agency and retain their same positions. The Director of 142127  
Environmental Protection may assign, reassign, classify, 142128  
reclassify, transfer, reduce, promote, or demote any employees 142129  
transferred from the Department who are not subject to Chapter 142130  
4117. of the Revised Code. 142131

Any employment records and actions, including personnel 142132  
actions, disciplinary actions, performance improvement plans, and 142133  
performance evaluations transfer with the employee. Absent 142134  
authorization from the employee, the Department is not to transfer 142135  
to the Agency any medical documentation regarding the employee in 142136  
its possession. These employees will be subject to the policies, 142137  
procedures, and work rules of the Agency. 142138

(E) All equipment and assets relating to the Program are 142139  
transferred from the Department to the Agency. 142140

(F) Whenever the Department or Director of Health, in 142141  
relation to the Program, is referred to in any law, contract, or 142142  
other document, the reference shall be deemed to refer to the 142143  
Agency or its Director, whichever is appropriate in context. 142144

(G) Any action or proceeding pending on the effective date of 142145  
the amendment of the statutes governing the Program by this act is 142146  
not affected by the transfer of the functions of that Program by 142147  
this act and shall be prosecuted or defended in the name of the 142148  
Director of Environmental Protection or the Agency, whichever is 142149  
appropriate in context. In all such actions and proceedings, the 142150  
Director of Environmental Protection or the Agency, whichever is 142151  
appropriate in context, upon application to the court, shall be 142152  
substituted as a party. 142153

(H) The Directors of Health and Environmental Protection may 142154  
enter into a memorandum of understanding in order to facilitate 142155

the transfer of the Program. 142156

(I) On January 1, 2018, or as soon as possible thereafter, 142157  
the Director of Budget and Management may transfer up to \$400,000 142158  
cash from the General Operations Fund (Fund 4700) used by the 142159  
Department to the Non-Title V Clean Air Fund (Fund 4K20) created 142160  
in section 3704.035 of the Revised Code and used by the Agency. 142161  
Upon completion of the transfer, the Director of Budget and 142162  
Management shall cancel any existing encumbrances against Fund 142163  
4700 appropriation item 440647, Fee Supported Programs, related to 142164  
the Program, and reestablish them against Fund 4K20, appropriation 142165  
item 715648, Clean Air - Non-Title V. The reestablished 142166  
encumbrance amounts are hereby appropriated. 142167

CLEAN OHIO REVITALIZATION OPERATING 142168

On July 1, 2018, or as soon as possible thereafter, the 142169  
Director of Environmental Protection may request that the Director 142170  
of Budget and Management reappropriate any unexpended, 142171  
unencumbered balance of the prior fiscal year's appropriation to 142172  
the foregoing appropriation item 715607, Clean Ohio Revitalization 142173  
Operating, for fiscal year 2019. The Director of Budget and 142174  
Management may request additional information necessary for 142175  
evaluating the request, and the Director of Environmental 142176  
Protection shall provide the requested information to the Director 142177  
of Budget and Management. Based on the information provided by the 142178  
Director of Environmental Protection, the Director of Budget and 142179  
Management shall determine the amount to be reappropriated, and 142180  
those amounts are hereby reappropriated for fiscal year 2019. 142181

**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 142182

General Revenue Fund 142183

GRF 172321 Operating Expenses \$ 608,205 \$ 608,205 142184

TOTAL GRF General Revenue Fund \$ 608,205 \$ 608,205 142185

|                                                                    |                      |    |           |    |           |        |
|--------------------------------------------------------------------|----------------------|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                       |                      | \$ | 608,205   | \$ | 608,205   | 142186 |
| <br>                                                               |                      |    |           |    |           |        |
| <b>Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION</b>  |                      |    |           |    |           | 142188 |
| General Revenue Fund                                               |                      |    |           |    |           | 142189 |
| GRF 935401                                                         | Statehouse News      | \$ | 314,797   | \$ | 314,797   | 142190 |
| Bureau                                                             |                      |    |           |    |           |        |
| GRF 935402                                                         | Ohio Government      | \$ | 1,408,526 | \$ | 1,408,526 | 142191 |
| Telecommunications                                                 |                      |    |           |    |           |        |
| Services                                                           |                      |    |           |    |           |        |
| GRF 935410                                                         | Content Development, | \$ | 3,838,381 | \$ | 3,838,381 | 142192 |
| Acquisition, and                                                   |                      |    |           |    |           |        |
| Distribution                                                       |                      |    |           |    |           |        |
| GRF 935430                                                         | Broadcast Education  | \$ | 3,679,216 | \$ | 3,679,216 | 142193 |
| Operating                                                          |                      |    |           |    |           |        |
| TOTAL GRF General Revenue Fund                                     |                      | \$ | 9,240,920 | \$ | 9,240,920 | 142194 |
| Dedicated Purpose Fund Group                                       |                      |    |           |    |           | 142195 |
| 5FK0 935608                                                        | Media Services       | \$ | 95,000    | \$ | 95,000    | 142196 |
| TOTAL DPF Dedicated Purpose Fund                                   |                      | \$ | 95,000    | \$ | 95,000    | 142197 |
| Group                                                              |                      |    |           |    |           |        |
| Internal Service Activity Fund Group                               |                      |    |           |    |           | 142198 |
| 4F30 935603                                                        | Affiliate Services   | \$ | 4,000     | \$ | 4,000     | 142199 |
| 4T20 935605                                                        | Government           | \$ | 7,000     | \$ | 7,000     | 142200 |
| Television/Telecommunications                                      |                      |    |           |    |           |        |
| Operating                                                          |                      |    |           |    |           |        |
| TOTAL ISA Internal Service Activity                                |                      |    |           |    |           | 142201 |
| Fund Group                                                         |                      |    |           |    |           |        |
|                                                                    |                      | \$ | 11,000    | \$ | 11,000    | 142202 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                      | \$ | 9,346,920 | \$ | 9,346,920 | 142203 |
| <br>                                                               |                      |    |           |    |           |        |
| <b>Section 281.20. STATEHOUSE NEWS BUREAU</b>                      |                      |    |           |    |           | 142205 |
| The foregoing appropriation item 935401, Statehouse News           |                      |    |           |    |           | 142206 |
| Bureau, shall be used solely to support the operations of the Ohio |                      |    |           |    |           | 142207 |
| Statehouse News Bureau.                                            |                      |    |           |    |           | 142208 |

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 142209

The foregoing appropriation item 935402, Ohio Government 142210  
Telecommunications Services, shall be used solely to support the 142211  
operations of Ohio Government Telecommunications Services which 142212  
include providing multimedia support to the state government and 142213  
its affiliated organizations and broadcasting the activities of 142214  
the legislative, judicial, and executive branches of state 142215  
government, among its other functions. 142216

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 142217

The foregoing appropriation item 935410, Content Development, 142218  
Acquisition, and Distribution, shall be used for the development, 142219  
acquisition, and distribution of information resources by public 142220  
media and radio reading services and for educational use in the 142221  
classroom and online. 142222

Of the foregoing appropriation item 935410, Content 142223  
Development, Acquisition, and Distribution, up to \$977,856 in each 142224  
fiscal year shall be allocated equally among the Ohio educational 142225  
television stations. Funds shall be used for the production of 142226  
interactive instructional programming series with priority given 142227  
to resources aligned with state academic content standards. The 142228  
programming shall be targeted to the needs of the one-third lowest 142229  
capacity school districts as determined by the district's state 142230  
share index calculated by the Department of Education. 142231

Of the foregoing appropriation item 935410, Content 142232  
Development, Acquisition, and Distribution, up to \$2,574,472 in 142233  
each fiscal year shall be distributed by the Broadcast Educational 142234  
Media Commission to Ohio's qualified public educational television 142235  
stations and educational radio stations to support their 142236  
operations. The funds shall be distributed pursuant to an 142237  
allocation formula used by the Ohio Educational Telecommunications 142238  
Network Commission unless a substitute formula is developed by the 142239

Broadcast Educational Media Commission in consultation with Ohio's 142240  
 qualified public educational television stations and educational 142241  
 radio stations. 142242

Of the foregoing appropriation item 935410, Content 142243  
 Development, Acquisition, and Distribution, up to \$286,053 in each 142244  
 fiscal year shall be distributed by the Broadcast Educational 142245  
 Media Commission to Ohio's qualified radio reading services to 142246  
 support their operations. The funds shall be distributed pursuant 142247  
 to an allocation formula used by the Ohio Educational 142248  
 Telecommunications Network Commission unless a substitute formula 142249  
 is developed by the Broadcast Educational Media Commission in 142250  
 consultation with Ohio's qualified radio reading services. 142251

**Section 283.10. ETH OHIO ETHICS COMMISSION** 142252

General Revenue Fund 142253

|            |                      |    |           |    |           |        |
|------------|----------------------|----|-----------|----|-----------|--------|
| GRF 146321 | Operating Expenses   | \$ | 1,457,245 | \$ | 1,724,311 | 142254 |
| TOTAL GRF  | General Revenue Fund | \$ | 1,457,245 | \$ | 1,724,311 | 142255 |

Dedicated Purpose Fund Group 142256

|             |                        |    |         |    |         |        |
|-------------|------------------------|----|---------|----|---------|--------|
| 4M60 146601 | Operating Support      | \$ | 862,026 | \$ | 650,000 | 142257 |
| TOTAL DPF   | Dedicated Purpose Fund | \$ | 862,026 | \$ | 650,000 | 142258 |

Group

|                              |  |    |           |    |           |        |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 2,319,271 | \$ | 2,374,311 | 142259 |
|------------------------------|--|----|-----------|----|-----------|--------|

**Section 285.10. EXP OHIO EXPOSITIONS COMMISSION** 142261

General Revenue Fund 142262

|            |                      |    |         |    |         |        |
|------------|----------------------|----|---------|----|---------|--------|
| GRF 723403 | Junior Fair Subsidy  | \$ | 363,750 | \$ | 363,750 | 142263 |
| TOTAL GRF  | General Revenue Fund | \$ | 363,750 | \$ | 363,750 | 142264 |

Dedicated Purpose Fund Group 142265

|             |                 |    |         |    |         |        |
|-------------|-----------------|----|---------|----|---------|--------|
| 4N20 723602 | Ohio State Fair | \$ | 375,000 | \$ | 375,000 | 142266 |
|             | Harness Racing  |    |         |    |         |        |

|             |                    |    |            |    |            |        |
|-------------|--------------------|----|------------|----|------------|--------|
| 5060 723601 | Operating Expenses | \$ | 14,413,166 | \$ | 14,913,166 | 142267 |
|-------------|--------------------|----|------------|----|------------|--------|

|                                           |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |            |    |            |                                                                                        |
|-------------------------------------------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|----|------------|----------------------------------------------------------------------------------------|
| 5060                                      | 723604 | Grounds Maintenance<br>and Repairs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$ | 300,000    | \$ | 300,000    | 142268                                                                                 |
| TOTAL DPF Dedicated Purpose Fund<br>Group |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$ | 15,088,166 | \$ | 15,588,166 | 142269                                                                                 |
| TOTAL ALL BUDGET FUND GROUPS              |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$ | 15,451,916 | \$ | 15,951,916 | 142270                                                                                 |
|                                           |        | STATE FAIR RESERVE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |    |            |    |            | 142271                                                                                 |
|                                           |        | The General Manager of the Expositions Commission, in<br>consultation with the Director of Budget and Management, may<br>submit a request to the Controlling Board to use available amounts<br>in the State Fair Reserve Fund (Fund 6400) if revenues from either<br>the 2017 or the 2018 Ohio State Fair are unexpectedly low.                                                                                                                                                                                                                                             |    |            |    |            | 142272<br>142273<br>142274<br>142275<br>142276                                         |
|                                           |        | On July 1 of each fiscal year, or as soon as possible<br>thereafter, the Director of Budget and Management, in consultation<br>with the General Manager of the Expositions Commission, may<br>determine that the Ohio Expositions Fund (Fund 5060) has a cash<br>balance in excess of the anticipated operating costs of the<br>Exposition Commission in that fiscal year. Notwithstanding section<br>991.04 of the Revised Code, the Director of Budget and Management<br>may transfer an amount up to the excess cash from Fund 5060 to<br>Fund 6400 in each fiscal year. |    |            |    |            | 142277<br>142278<br>142279<br>142280<br>142281<br>142282<br>142283<br>142284<br>142285 |
|                                           |        | GROUPS MAINTENANCE AND REPAIRS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |    |            |    |            | 142286                                                                                 |
|                                           |        | The foregoing appropriation item 723604, Grounds Maintenance<br>and Repairs, shall be used for maintenance and repairs on the<br>grounds of the Ohio Expo Center.                                                                                                                                                                                                                                                                                                                                                                                                           |    |            |    |            | 142287<br>142288<br>142289                                                             |
|                                           |        | <b>Section 287.10.</b> FCC OHIO FACILITIES CONSTRUCTION COMMISSION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |    |            |    |            | 142290                                                                                 |
|                                           |        | General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |    |            |    |            | 142291                                                                                 |
| GRF                                       | 230321 | Operating Expenses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$ | 6,305,000  | \$ | 6,305,000  | 142292                                                                                 |
| GRF                                       | 230401 | Cultural Facilities<br>Lease Rental Bond<br>Payments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$ | 30,762,300 | \$ | 32,301,200 | 142293                                                                                 |

|                              |        |                                      |    |             |    |             |        |
|------------------------------|--------|--------------------------------------|----|-------------|----|-------------|--------|
| GRF                          | 230458 | State Construction                   | \$ | 1,697,500   | \$ | 1,455,000   | 142294 |
|                              |        | Management Services                  |    |             |    |             |        |
| GRF                          | 230908 | Common Schools                       | \$ | 376,083,200 | \$ | 404,435,700 | 142295 |
|                              |        | General Obligation                   |    |             |    |             |        |
|                              |        | Bond Debt Service                    |    |             |    |             |        |
| TOTAL GRF                    |        | General Revenue Fund                 | \$ | 414,848,000 | \$ | 444,496,900 | 142296 |
|                              |        | Internal Service Activity Fund Group |    |             |    |             | 142297 |
| 1310                         | 230639 | State Construction                   | \$ | 8,500,000   | \$ | 8,750,000   | 142298 |
|                              |        | Management Operations                |    |             |    |             |        |
| TOTAL ISA                    |        | Internal Service Activity            | \$ | 8,500,000   | \$ | 8,750,000   | 142299 |
|                              |        | Fund Group                           |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS |        |                                      | \$ | 423,348,000 | \$ | 453,246,900 | 142300 |

**Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND** 142302

PAYMENTS 142303

The foregoing appropriation item 230401, Cultural Facilities 142304  
 Lease Rental Bond Payments shall be used to meet all payments 142305  
 during the period from July 1, 2017, through June 30, 2019, by the 142306  
 Ohio Facilities Construction Commission under the primary leases 142307  
 and agreements for cultural and sports facilities made under 142308  
 Chapters 152. and 154. of the Revised Code. These appropriations 142309  
 are the source of funds pledged for bond service charges on 142310  
 related obligations issued under Chapters 152. and 154. of the 142311  
 Revised Code. 142312

**COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE** 142313

The foregoing appropriation item 230908, Common Schools 142314  
 General Obligation Bond Debt Service, shall be used to pay all 142315  
 debt service and related financing costs during the period from 142316  
 July 1, 2017, through June 30, 2019, on obligations issued under 142317  
 sections 151.01 and 151.03 of the Revised Code. 142318

**Section 287.30. COMMUNITY PROJECT ADMINISTRATION** 142319

The foregoing appropriation item 230458, State Construction Management Services, shall be used by the Ohio Facilities Construction Commission in administering Cultural and Sports Facilities Building Fund (Fund 7030) projects pursuant to section 123.201 of the Revised Code.

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within thirteen months of receiving Controlling Board approval under section 3318.05 or 3318.41 of the Revised Code. The Executive Director of the Ohio Facilities Construction Commission shall certify the amounts of the canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

**Section 287.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS

On July 1, 2017, or as soon as possible thereafter, the Executive Director of the Ohio Facilities Construction Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a municipal corporation for deposit into the Capital Donations Fund (Fund 5A10) and that are related to an anticipated project. These amounts are hereby appropriated to appropriation item C37146, Capital Donations. Prior to certifying these amounts to the Director, the Executive Director shall make a written agreement with the participating entity on the necessary cash flows required

for the anticipated construction or equipment acquisition project. 142351

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 142352  
MAINTENANCE LEVY 142353

The Ohio Facilities Construction Commission shall amend the 142354  
project agreement between the Commission and a school district 142355  
that is participating in the Accelerated Urban School Building 142356  
Assistance Program on the effective date of this section, if the 142357  
Commission determines that it is necessary to do so in order to 142358  
comply with division (B)(3)(c) of section 3318.38 of the Revised 142359  
Code. 142360

**Section 287.60.** Notwithstanding any other provision of law to 142361  
the contrary, the Ohio Facilities Construction Commission may 142362  
determine the amount of funding available for disbursement in a 142363  
given fiscal year for any project approved under sections 3318.01 142364  
to 3318.20 of the Revised Code in order to keep aggregate state 142365  
capital spending within approved limits and may take actions 142366  
including, but not limited to, determining the schedule for design 142367  
or bidding of approved projects, to ensure appropriate and 142368  
supportable cash flow. 142369

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 142370  
DISTRICT 142371

Notwithstanding division (B) of section 3318.40 of the 142372  
Revised Code, the Ohio Facilities Construction Commission may 142373  
provide assistance to at least one joint vocational school 142374  
district each fiscal year for the acquisition of classroom 142375  
facilities in accordance with sections 3318.40 to 3318.45 of the 142376  
Revised Code. 142377

**Section 289.10.** GOV OFFICE OF THE GOVERNOR 142378

|                                      |    |           |              |        |
|--------------------------------------|----|-----------|--------------|--------|
| General Revenue Fund                 |    |           |              | 142379 |
| GRF 040321 Operating Expenses        | \$ | 2,775,943 | \$ 2,775,943 | 142380 |
| TOTAL GRF General Revenue Fund       | \$ | 2,775,943 | \$ 2,775,943 | 142381 |
| Internal Service Activity Fund Group |    |           |              | 142382 |
| 5AK0 040607 Government Relations     | \$ | 313,870   | \$ 313,870   | 142383 |
| TOTAL ISA Internal Service Activity  |    |           |              | 142384 |
| Fund Group                           | \$ | 313,870   | \$ 313,870   | 142385 |
| TOTAL ALL BUDGET FUND GROUPS         | \$ | 3,089,813 | \$ 3,089,813 | 142386 |

GOVERNMENT RELATIONS 142387

A portion of the foregoing appropriation item 040607, 142388  
Government Relations, may be used to support Ohio's membership in 142389  
national or regional associations. 142390

The Office of the Governor may charge any state agency of the 142391  
executive branch using an intrastate transfer voucher such amounts 142392  
necessary to defray the costs incurred for the conduct of 142393  
governmental relations associated with issues that can be 142394  
attributed to the agency. Amounts collected shall be deposited in 142395  
the Government Relations Fund (Fund 5AK0). 142396

**Section 291.10. DOH DEPARTMENT OF HEALTH** 142397

|                                   |    |           |              |        |
|-----------------------------------|----|-----------|--------------|--------|
| General Revenue Fund              |    |           |              | 142398 |
| GRF 440413 Local Health           | \$ | 1,500,000 | \$ 1,500,000 | 142399 |
| Departments                       |    |           |              |        |
| GRF 440416 Mothers and Children   | \$ | 4,295,175 | \$ 4,295,175 | 142400 |
| Safety Net Services               |    |           |              |        |
| GRF 440431 Free Clinic Safety Net | \$ | 362,326   | \$ 362,326   | 142401 |
| Services                          |    |           |              |        |
| GRF 440438 Breast and Cervical    | \$ | 658,574   | \$ 658,574   | 142402 |
| Cancer Screening                  |    |           |              |        |
| GRF 440444 AIDS Prevention and    | \$ | 2,489,621 | \$ 3,489,621 | 142403 |
| Treatment                         |    |           |              |        |

|                                     |                                                 |    |            |    |            |        |
|-------------------------------------|-------------------------------------------------|----|------------|----|------------|--------|
| GRF 440451                          | Public Health<br>Laboratory                     | \$ | 3,644,079  | \$ | 3,644,079  | 142404 |
| GRF 440452                          | Child and Family<br>Health Services Match       | \$ | 580,954    | \$ | 580,954    | 142405 |
| GRF 440453                          | Health Care Quality<br>Assurance                | \$ | 5,032,723  | \$ | 5,032,723  | 142406 |
| GRF 440454                          | Environmental<br>Health/Radiation<br>Protection | \$ | 1,173,147  | \$ | 1,173,147  | 142407 |
| GRF 440459                          | Help Me Grow                                    | \$ | 19,980,226 | \$ | 19,980,226 | 142408 |
| GRF 440465                          | FQHC Primary Care<br>Workforce Initiative       | \$ | 2,345,478  | \$ | 2,345,478  | 142409 |
| GRF 440472                          | Alcohol Testing                                 | \$ | 750,000    | \$ | 750,000    | 142410 |
| GRF 440474                          | Infant Vitality                                 | \$ | 6,903,187  | \$ | 6,903,187  | 142411 |
| GRF 440477                          | Emergency Preparation<br>and Response           | \$ | 1,500,000  | \$ | 1,500,000  | 142412 |
| GRF 440481                          | Lupus Awareness                                 | \$ | 100,000    | \$ | 100,000    | 142413 |
| GRF 440482                          | Chronic Disease/Health<br>Promotion             | \$ | 3,475,984  | \$ | 3,475,984  | 142414 |
| GRF 440483                          | Infectious Disease<br>Prevention and Control    | \$ | 4,500,000  | \$ | 4,500,000  | 142415 |
| GRF 440505                          | Medically Handicapped<br>Children               | \$ | 10,512,451 | \$ | 10,512,451 | 142416 |
| GRF 440507                          | Targeted Health Care<br>Services-Over 21        | \$ | 1,090,414  | \$ | 1,090,414  | 142417 |
| GRF 440527                          | Lead Abatement                                  | \$ | 150,000    | \$ | 150,000    | 142418 |
| GRF 654453                          | Medicaid - Health Care<br>Quality Assurance     | \$ | 3,500,000  | \$ | 3,500,000  | 142419 |
| TOTAL GRF General Revenue Fund      |                                                 | \$ | 74,544,339 | \$ | 75,544,339 | 142420 |
| Highway Safety Fund Group           |                                                 |    |            |    |            | 142421 |
| 4T40 440603                         | Child Highway Safety                            | \$ | 300,000    | \$ | 300,000    | 142422 |
| TOTAL HSF Highway Safety Fund Group |                                                 | \$ | 300,000    | \$ | 300,000    | 142423 |
| Dedicated Purpose Fund Group        |                                                 |    |            |    |            | 142424 |

|      |        |                                                  |    |            |    |            |        |
|------|--------|--------------------------------------------------|----|------------|----|------------|--------|
| 4700 | 440647 | Fee Supported Programs                           | \$ | 26,630,900 | \$ | 26,678,120 | 142425 |
| 4710 | 440619 | Certificate of Need                              | \$ | 878,433    | \$ | 878,433    | 142426 |
| 4730 | 440622 | Lab Operating Expenses                           | \$ | 6,900,000  | \$ | 6,900,000  | 142427 |
| 4770 | 440627 | Medically Handicapped Children Audit             | \$ | 2,500,000  | \$ | 2,500,000  | 142428 |
| 4D60 | 440608 | Genetics Services                                | \$ | 3,311,039  | \$ | 3,311,039  | 142429 |
| 4F90 | 440610 | Sickle Cell Disease Control                      | \$ | 1,032,824  | \$ | 1,032,824  | 142430 |
| 4G00 | 440636 | Heirloom Birth Certificate                       | \$ | 15,000     | \$ | 15,000     | 142431 |
| 4G00 | 440637 | Birth Certificate Surcharge                      | \$ | 15,000     | \$ | 15,000     | 142432 |
| 4L30 | 440609 | HIV Care and Miscellaneous Expenses              | \$ | 17,500,000 | \$ | 17,500,000 | 142433 |
| 4P40 | 440628 | Ohio Physician Loan Repayment                    | \$ | 700,000    | \$ | 700,000    | 142434 |
| 4V60 | 440641 | Save Our Sight                                   | \$ | 2,750,000  | \$ | 2,750,000  | 142435 |
| 5B50 | 440616 | Quality, Monitoring, and Inspection              | \$ | 736,194    | \$ | 736,194    | 142436 |
| 5BX0 | 440656 | Tobacco Use Prevention Cessation and Enforcement | \$ | 12,500,000 | \$ | 12,500,000 | 142437 |
| 5CN0 | 440645 | Choose Life                                      | \$ | 150,000    | \$ | 60,000     | 142438 |
| 5D60 | 440620 | Second Chance Trust                              | \$ | 1,000,000  | \$ | 1,000,000  | 142439 |
| 5ED0 | 440651 | Smoke Free Indoor Air                            | \$ | 500,000    | \$ | 500,000    | 142440 |
| 5G40 | 440639 | Adoption Services                                | \$ | 20,000     | \$ | 20,000     | 142441 |
| 5PE0 | 440659 | Breast and Cervical Cancer Services              | \$ | 200,000    | \$ | 200,000    | 142442 |
| 5QH0 | 440661 | Dental Hygienist Resource Shortage               | \$ | 5,000      | \$ | 5,000      | 142443 |

|                                      |        |                           |    |             |    |             |        |
|--------------------------------------|--------|---------------------------|----|-------------|----|-------------|--------|
|                                      |        | Area                      |    |             |    |             |        |
| 5QJ0                                 | 440662 | Dental Hygienist Loan     | \$ | 135,000     | \$ | 135,000     | 142444 |
|                                      |        | Repayments                |    |             |    |             |        |
| 5SH0                                 | 440520 | Children's Wish Grant     | \$ | 150,000     | \$ | 150,000     | 142445 |
|                                      |        | Program                   |    |             |    |             |        |
| 5TZ0                                 | 440621 | Toxicology Screenings     | \$ | 1,000,000   | \$ | 1,000,000   | 142446 |
| 5Z70                                 | 440624 | Ohio Dentist Loan         | \$ | 200,000     | \$ | 200,000     | 142447 |
|                                      |        | Repayment                 |    |             |    |             |        |
| 6100                                 | 440626 | Radiation Emergency       | \$ | 1,210,000   | \$ | 1,300,000   | 142448 |
|                                      |        | Response                  |    |             |    |             |        |
| 6660                                 | 440607 | Medically Handicapped     | \$ | 21,739,617  | \$ | 21,739,617  | 142449 |
|                                      |        | Children - County         |    |             |    |             |        |
|                                      |        | Assessments               |    |             |    |             |        |
| 6980                                 | 440634 | Nurse Aide Training       | \$ | 150,000     | \$ | 150,000     | 142450 |
| TOTAL DPF                            |        | Dedicated Purpose Fund    | \$ | 101,929,007 | \$ | 101,976,227 | 142451 |
| Group                                |        |                           |    |             |    |             |        |
| Internal Service Activity Fund Group |        |                           |    |             |    |             | 142452 |
| 1420                                 | 440646 | Agency Health             | \$ | 3,750,000   | \$ | 3,750,000   | 142453 |
|                                      |        | Services                  |    |             |    |             |        |
| 2110                                 | 440613 | Central Support           | \$ | 25,000,000  | \$ | 25,000,000  | 142454 |
|                                      |        | Indirect Costs            |    |             |    |             |        |
| TOTAL ISA                            |        | Internal Service Activity | \$ | 28,750,000  | \$ | 28,750,000  | 142455 |
| Fund Group                           |        |                           |    |             |    |             |        |
| Holding Account Fund Group           |        |                           |    |             |    |             | 142456 |
| R014                                 | 440631 | Vital Statistics          | \$ | 44,986      | \$ | 44,986      | 142457 |
| R048                                 | 440625 | Refunds, Grants           | \$ | 20,000      | \$ | 20,000      | 142458 |
|                                      |        | Reconciliation, and       |    |             |    |             |        |
|                                      |        | Audit Settlements         |    |             |    |             |        |
| TOTAL HLD                            |        | Holding Account Fund      | \$ | 64,986      | \$ | 64,986      | 142459 |
| Group                                |        |                           |    |             |    |             |        |
| Federal Fund Group                   |        |                           |    |             |    |             | 142460 |
| 3200                                 | 440601 | Maternal Child Health     | \$ | 23,500,000  | \$ | 23,500,000  | 142461 |

|                              |                    |                                            |    |             |    |                    |
|------------------------------|--------------------|--------------------------------------------|----|-------------|----|--------------------|
|                              |                    | Block Grant                                |    |             |    |                    |
| 3870                         | 440602             | Preventive Health                          | \$ | 8,000,000   | \$ | 8,000,000 142462   |
|                              |                    | Block Grant                                |    |             |    |                    |
| 3890                         | 440604             | Women, Infants, and<br>Children            | \$ | 230,000,000 | \$ | 230,000,000 142463 |
| 3910                         | 440606             | Medicare Survey and<br>Certification       | \$ | 16,000,000  | \$ | 16,000,000 142464  |
| 3920                         | 440618             | Federal Public Health<br>Programs          | \$ | 92,144,287  | \$ | 92,144,287 142465  |
| 3GD0                         | 654601             | Medicaid Program<br>Support                | \$ | 23,630,029  | \$ | 24,340,949 142466  |
| 3GN0                         | 440660             | Public Health<br>Emergency<br>Preparedness | \$ | 25,000,000  | \$ | 25,000,000 142467  |
| TOTAL FED                    | Federal Fund Group |                                            | \$ | 418,274,316 | \$ | 418,985,236 142468 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                                            | \$ | 623,862,648 | \$ | 625,620,788 142469 |

**Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 142471

Of the foregoing appropriation item 440416, Mothers and 142472  
 Children Safety Net Services, \$200,000 in each fiscal year shall 142473  
 be used to assist families with hearing impaired children under 142474  
 twenty-one years of age in purchasing hearing aids and hearing 142475  
 assistive technology. The Director of Health shall adopt rules 142476  
 governing the distribution of these funds, including rules that do 142477  
 both of the following: (1) establish eligibility criteria to 142478  
 include families with incomes at or below four hundred per cent of 142479  
 the federal poverty guidelines as defined in section 5101.46 of 142480  
 the Revised Code, and (2) develop a sliding scale of disbursements 142481  
 under this section based on family income. The Director may adopt 142482  
 other rules as necessary to implement this section. Rules adopted 142483  
 under this section shall be adopted in accordance with Chapter 142484  
 119. of the Revised Code. 142485

**AIDS PREVENTION AND TREATMENT** 142486

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to administer educational and other prevention initiatives.

FQHC PRIMARY CARE WORKFORCE INITIATIVE 142490

The foregoing appropriation item 440465, FQHC Primary Care Workforce Initiative, shall be provided to the Ohio Association of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers.

INFANT VITALITY 142498

The foregoing appropriation item 440474, Infant Vitality, shall be used to fund a multi-pronged population health approach to address infant mortality. This approach may include the following: increasing awareness; supporting data collection; analysis and interpretation to inform decision-making and ensure accountability; targeting resources where the need is greatest; and implementing quality improvement science and programming that is evidence-based or based on emerging practices. Measurable interventions may include activities related to safe sleep, community engagement, Centering Pregnancy, newborn screening, safe birth spacing, gestational diabetes, smoking cessation, breastfeeding, care coordination, and progesterone.

EMERGENCY PREPARATION AND RESPONSE 142511

The foregoing appropriation item 440477, Emergency Preparation and Response, shall be used to support public health emergency preparedness and response efforts at the state level or at a regional sub-level within the state, and may also be used to support data infrastructure projects related to public health emergency preparedness/response.

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| CHRONIC DISEASE/HEALTH PROMOTION                                    | 142518 |
| Of the unexpended, unencumbered balance of appropriation item       | 142519 |
| 440468, Chronic Disease and Injury Prevention, \$380,000 at the end | 142520 |
| of fiscal year 2017 is hereby reappropriated to the foregoing       | 142521 |
| appropriation item 440482, Chronic Disease/Health Promotion, for    | 142522 |
| fiscal year 2018. These funds shall be used to purchase naloxone.   | 142523 |
| Of the unexpended, unencumbered balance of appropriation item       | 142524 |
| 440477, Emergency Preparation and Response, \$20,000 at the end of  | 142525 |
| fiscal year 2017 is hereby reappropriated to the foregoing          | 142526 |
| appropriation item 440482, Chronic Disease/Health Promotion, for    | 142527 |
| fiscal year 2018. These funds shall be used to purchase naloxone.   | 142528 |
| LUPUS AWARENESS                                                     | 142529 |
| The foregoing appropriation item 440481, Lupus Awareness,           | 142530 |
| shall be used for the Lupus Education and Awareness Program.        | 142531 |
| TARGETED HEALTH CARE SERVICES-OVER 21                               | 142532 |
| The foregoing appropriation item 440507, Targeted Health Care       | 142533 |
| Services-Over 21, shall be used to administer the Cystic Fibrosis   | 142534 |
| Program and to implement the Hemophilia Insurance Premium Payment   | 142535 |
| Program. The Department of Health shall expend \$100,000 in each    | 142536 |
| fiscal year to implement the Hemophilia Insurance Premium Payment   | 142537 |
| Program.                                                            | 142538 |
| The foregoing appropriation item 440507, Targeted Health Care       | 142539 |
| Services-Over 21, shall also be used to provide essential           | 142540 |
| medications and to pay the copayments for drugs approved by the     | 142541 |
| Department of Health and covered by Medicare Part D that are        | 142542 |
| dispensed to Bureau for Children with Medical Handicaps (BCMH)      | 142543 |
| participants for the Cystic Fibrosis Program.                       | 142544 |
| The Department shall expend all of these funds.                     | 142545 |
| LEAD ABATEMENT                                                      | 142546 |
| The foregoing appropriation item 440527, Lead Abatement,            | 142547 |

shall be used by the Department of Health to distribute funds to 142548  
the city of Toledo for lead-based paint abatement, containment, 142549  
and housing rehabilitation projects in the historic south 142550  
neighborhoods of Toledo. In order to receive funding, the city of 142551  
Toledo shall provide documentation showing the amount of nonprofit 142552  
or private sector dollars the city has collected for each project. 142553  
These nonprofit or private sector dollars must be collected during 142554  
the same state fiscal year that funds are to be awarded. The 142555  
amount distributed by the Department of Health for each project 142556  
shall be equal to the amount documented. The total amount 142557  
distributed by the Department of Health shall not exceed \$150,000 142558  
in each fiscal year. The city may use these funds to provide 142559  
grants to owner-occupied or rental properties. Grants shall be 142560  
awarded by the city in consultation with the Historic South 142561  
Initiative. 142562

Not later than July 1 each year, the city of Toledo shall 142563  
issue a report to the Department of Health providing information 142564  
regarding the effectiveness of the funds distributed and any other 142565  
information requested by the Department. 142566

FEE SUPPORTED PROGRAMS 142567

Of the foregoing appropriation item 440647, Fee Supported 142568  
Programs, \$2,160,000 in each fiscal year shall be used to 142569  
distribute subsidies to local health departments on a per capita 142570  
basis. 142571

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE CENTRAL 142572  
SUPPORT INDIRECT COSTS FUND 142573

On July 1, 2018, or as soon as possible thereafter, the 142574  
Director of Budget and Management may transfer up to \$400,000 cash 142575  
from the General Operations Fund (Fund 4700) to the Central 142576  
Support Indirect Costs Fund (Fund 2110). Any transferred cash is 142577  
hereby appropriated. 142578

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| MEDICALLY HANDICAPPED CHILDREN AUDIT                                | 142579 |
| The Medically Handicapped Children Audit Fund (Fund 4770)           | 142580 |
| shall receive revenue from audits of hospitals and recoveries from  | 142581 |
| third-party payers. Moneys may be expended for payment of audit     | 142582 |
| settlements and for costs directly related to obtaining recoveries  | 142583 |
| from third-party payers and for encouraging Medically Handicapped   | 142584 |
| Children's Program recipients to apply for third-party benefits.    | 142585 |
| Moneys also may be expended for payments for diagnostic and         | 142586 |
| treatment services on behalf of medically handicapped children, as  | 142587 |
| defined in division (A) of section 3701.022 of the Revised Code,    | 142588 |
| and Ohio residents who are twenty-one or more years of age and who  | 142589 |
| are suffering from cystic fibrosis or hemophilia. Moneys may also   | 142590 |
| be expended for administrative expenses incurred in operating the   | 142591 |
| Medically Handicapped Children's Program.                           | 142592 |
| GENETICS SERVICES                                                   | 142593 |
| The foregoing appropriation item 440608, Genetics Services,         | 142594 |
| shall be used by the Department of Health to administer programs    | 142595 |
| authorized by sections 3701.501 and 3701.502 of the Revised Code.   | 142596 |
| None of these funds shall be used to counsel or refer for           | 142597 |
| abortion, except in the case of a medical emergency.                | 142598 |
| TOBACCO USE PREVENTION CESSATION AND ENFORCEMENT                    | 142599 |
| Of the foregoing appropriation item 440656, Tobacco Use             | 142600 |
| Prevention Cessation and Enforcement, \$750,000 in each fiscal year | 142601 |
| shall be used to award grants in accordance with the section of     | 142602 |
| this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM."                | 142603 |
| Of the foregoing appropriation item 440656, Tobacco Use             | 142604 |
| Prevention Cessation and Enforcement, \$250,000 in each fiscal year | 142605 |
| shall be distributed to boards of health for the Baby and Me        | 142606 |
| Tobacco Free Program. The Director of Health shall determine how    | 142607 |
| the funds are to be distributed, but shall prioritize awards to     | 142608 |
| boards that serve women who reside in communities that have the     | 142609 |

highest infant mortality rates in this state, as identified under 142610  
section 3701.142 of the Revised Code. 142611

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 142612

The foregoing appropriation item 440607, Medically 142613  
Handicapped Children - County Assessments, shall be used to make 142614  
payments under division (E) of section 3701.023 of the Revised 142615  
Code. 142616

TOXICOLOGY SCREENINGS 142617

The foregoing appropriation item 440621, Toxicology 142618  
Screenings, shall be used in accordance with division (G)(1) of 142619  
section 757.20 of this act. 142620

**Section 291.30.** MOMS QUIT FOR TWO GRANT PROGRAM 142621

(A) The Department of Health shall create the Moms Quit for 142622  
Two Grant Program. Recognizing the significant health risks posed 142623  
to women and their children by tobacco use during and after 142624  
pregnancy, the Department shall award grants to private, nonprofit 142625  
entities or government entities that demonstrate the ability to 142626  
deliver evidence-based tobacco cessation interventions to women 142627  
who reside in communities that have the highest incidence of 142628  
infant mortality, as determined by the Director of Health, and who 142629  
are pregnant or live with children. Funds awarded under this 142630  
section shall not be used to provide tobacco cessation 142631  
interventions to women who are eligible for Medicaid. The 142632  
Department may adopt any rules it considers necessary to 142633  
administer the Program. 142634

(B) The Department shall create a grant application and 142635  
develop a process for receiving and evaluating completed grant 142636  
applications on a competitive basis. The Department shall give 142637  
first preference to the entities described in division (A) of this 142638  
section that are able to target the interventions to pregnant 142639

women and second preference to such entities that are able to 142640  
target the interventions to women living with children. The 142641  
Department's decision regarding a submitted grant application is 142642  
final. 142643

(C) The Department shall establish performance objectives to 142644  
be met by grant recipients. The Department shall monitor the 142645  
performance of each grant recipient in meeting the objectives. 142646

(D) Not later than December 31, 2017, the Department shall 142647  
evaluate the program and prepare a report describing its findings 142648  
and make a recommendation on whether the Program should be 142649  
continued. The Department shall provide a copy of the report to 142650  
the Governor and General Assembly. The copy to the General 142651  
Assembly shall be provided in accordance with section 101.68 of 142652  
the Revised Code. The Department also shall make the report 142653  
available to the public on the Department's internet web site. 142654

**Section 291.40. WIC VENDOR CONTRACTS** 142655

(A) As used in this section, "WIC" means the Special 142656  
Supplemental Nutrition Program for Women, Infants, and Children 142657  
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 142658  
42 U.S.C. 1786, as amended. 142659

(B) During fiscal year 2018 and fiscal year 2019, the 142660  
Department of Health shall process and review a WIC vendor 142661  
contract application pursuant to Chapter 3701-42 of the 142662  
Administrative Code not later than forty-five days after receipt 142663  
of the application if the applicant is a WIC-contracted vendor at 142664  
the time of application and meets all of the following 142665  
requirements: 142666

(1) Submits a complete WIC vendor application with all 142667  
required documents and information; 142668

(2) Passes the required unannounced preauthorization visit 142669

within forty-five days of submitting a complete application; 142670

(3) Completes the required in-person training within 142671  
forty-five days of submitting the complete application. 142672

(C) If an applicant fails to meet any of the requirements 142673  
described in division (B) of this section, the Department shall 142674  
deny the application for the contract. After an application has 142675  
been denied, the applicant may reapply for a contract to act as a 142676  
WIC vendor during the contracting cycle that is applicable to the 142677  
applicant's WIC region. 142678

**Section 291.70.** CASH TRANSFER TO EMERGENCY PREPARATION AND 142679  
RESPONSE FUND 142680

If the Director of Health determines that there are 142681  
insufficient funds in appropriation item 440477, Emergency 142682  
Preparation and Response, for public health emergency preparedness 142683  
and response activities, the Director may certify to the Director 142684  
of Budget and Management an amount necessary to address these 142685  
activities. Upon certification, the Director of Budget and 142686  
Management shall transfer up to \$500,000 cash in each fiscal year 142687  
from the Controlling Board Emergency Purposes/Contingencies Fund 142688  
(Fund 5KM0) to the Emergency Preparation and Response Fund (Fund 142689  
5UA0), which is hereby created in the state treasury. The amount 142690  
transferred is hereby appropriated. 142691

**Section 293.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 142692

Dedicated Purpose Fund Group 142693

4610 372601 Operating Expenses \$ 12,500 \$ 12,500 142694

TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500 142695

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 142696

**Section 295.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 142698

|                                                        |                                  |    |            |    |                   |
|--------------------------------------------------------|----------------------------------|----|------------|----|-------------------|
| General Revenue Fund                                   |                                  |    |            |    | 142699            |
| GRF 148321                                             | Operating Expenses               | \$ | 445,395    | \$ | 460,385 142700    |
| TOTAL GRF                                              | General Revenue Fund             | \$ | 445,395    | \$ | 460,385 142701    |
| Dedicated Purpose Fund Group                           |                                  |    |            |    | 142702            |
| 6010 148602                                            | Special Initiatives              | \$ | 24,558     | \$ | 24,558 142703     |
| TOTAL DPF                                              | Dedicated Purpose                |    |            |    | 142704            |
| Fund Group                                             |                                  | \$ | 24,558     | \$ | 24,558 142705     |
| TOTAL ALL BUDGET FUND GROUPS                           |                                  | \$ | 469,953    | \$ | 484,943 142706    |
| <br><b>Section 297.10. OHS OHIO HISTORY CONNECTION</b> |                                  |    |            |    | 142708            |
| General Revenue Fund                                   |                                  |    |            |    | 142709            |
| GRF 360501                                             | Education and<br>Collections     | \$ | 4,155,712  | \$ | 4,155,712 142710  |
| GRF 360502                                             | Site and Museum<br>Operations    | \$ | 5,762,853  | \$ | 5,762,853 142711  |
| GRF 360504                                             | Ohio Preservation<br>Office      | \$ | 281,300    | \$ | 281,300 142712    |
| GRF 360505                                             | National<br>Afro-American Museum | \$ | 485,000    | \$ | 485,000 142713    |
| GRF 360506                                             | Hayes Presidential<br>Center     | \$ | 485,000    | \$ | 485,000 142714    |
| GRF 360508                                             | State Historical<br>Grants       | \$ | 475,000    | \$ | 475,000 142715    |
| GRF 360509                                             | Outreach and<br>Partnership      | \$ | 155,583    | \$ | 155,583 142716    |
| TOTAL GRF                                              | General Revenue Fund             | \$ | 11,800,448 | \$ | 11,800,448 142717 |
| Dedicated Purpose Fund Group                           |                                  |    |            |    | 142718            |
| 5KL0 360602                                            | Ohio History Tax<br>Check-off    | \$ | 150,000    | \$ | 150,000 142719    |
| 5PD0 360603                                            | Ohio History License<br>Plate    | \$ | 10,000     | \$ | 10,000 142720     |
| TOTAL DPF                                              | Dedicated Purpose Fund           | \$ | 160,000    | \$ | 160,000 142721    |



|                                                                    |    |            |               |        |
|--------------------------------------------------------------------|----|------------|---------------|--------|
| OUTREACH AND PARTNERSHIP                                           |    |            |               | 142752 |
| Of the foregoing appropriation item 360509, Outreach and           |    |            |               | 142753 |
| Partnership, \$70,000 in each fiscal year shall be distributed to  |    |            |               | 142754 |
| the Ohio World War I Centennial Working Group.                     |    |            |               | 142755 |
| <b>Section 299.10.</b> REP OHIO HOUSE OF REPRESENTATIVES           |    |            |               | 142756 |
| General Revenue Fund                                               |    |            |               | 142757 |
| GRF 025321 Operating Expenses                                      | \$ | 23,756,565 | \$ 23,756,565 | 142758 |
| TOTAL GRF General Revenue Fund                                     | \$ | 23,756,565 | \$ 23,756,565 | 142759 |
| Internal Service Activity Fund Group                               |    |            |               | 142760 |
| 1030 025601 House of                                               | \$ | 1,433,664  | \$ 1,433,664  | 142761 |
| Representatives                                                    |    |            |               |        |
| Reimbursement                                                      |    |            |               |        |
| 4A40 025602 Miscellaneous Sales                                    | \$ | 37,849     | \$ 37,849     | 142762 |
| TOTAL Internal Service Activity                                    |    |            |               | 142763 |
| Fund Group                                                         | \$ | 1,471,513  | \$ 1,471,513  | 142764 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 25,228,078 | \$ 25,228,078 | 142765 |
| OPERATING EXPENSES                                                 |    |            |               | 142766 |
| On July 1, 2017, or as soon as possible thereafter, the Chief      |    |            |               | 142767 |
| Administrative Officer of the House of Representatives may certify |    |            |               | 142768 |
| to the Director of Budget and Management an amount up to the       |    |            |               | 142769 |
| unexpended, unencumbered balance of the foregoing appropriation    |    |            |               | 142770 |
| item 025321, Operating Expenses, at the end of fiscal year 2017 to |    |            |               | 142771 |
| be reappropriated to fiscal year 2018. The amount certified is     |    |            |               | 142772 |
| hereby reappropriated to the same appropriation item for fiscal    |    |            |               | 142773 |
| year 2018.                                                         |    |            |               | 142774 |
| On July 1, 2018, or as soon as possible thereafter, the Chief      |    |            |               | 142775 |
| Administrative Officer of the House of Representatives may certify |    |            |               | 142776 |
| to the Director of Budget and Management an amount up to the       |    |            |               | 142777 |
| unexpended, unencumbered balance of the foregoing appropriation    |    |            |               | 142778 |
| item 025321, Operating Expenses, at the end of fiscal year 2018 to |    |            |               | 142779 |

be reappropriated to fiscal year 2019. The amount certified is 142780  
 hereby reappropriated to the same appropriation item for fiscal 142781  
 year 2019. 142782

HOUSE REIMBURSEMENT 142783

If it is determined by the Chief Administrative Officer of 142784  
 the House of Representatives that additional appropriations are 142785  
 necessary for the foregoing appropriation item 025601, House 142786  
 Reimbursement, the amounts are hereby appropriated. 142787

**Section 301.10.** HFA OHIO HOUSING FINANCE AGENCY 142788

Dedicated Purpose Fund Group 142789

5AZ0 997601 Housing Finance Agency \$ 12,176,000 \$ 12,176,000 142790

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,176,000 \$ 12,176,000 142791

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,176,000 \$ 12,176,000 142792

**Section 303.10.** IGO OFFICE OF THE INSPECTOR GENERAL 142794

General Revenue Fund 142795

GRF 965321 Operating Expenses \$ 1,401,581 \$ 1,401,581 142796

TOTAL GRF General Revenue Fund \$ 1,401,581 \$ 1,401,581 142797

Internal Service Activity Fund Group 142798

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 142799

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 142800

General for BWC/OIC

TOTAL ISA Internal Service Activity 142801

Fund Group \$ 825,000 \$ 825,000 142802

TOTAL ALL BUDGET FUND GROUPS \$ 2,226,581 \$ 2,226,581 142803

**Section 305.10.** INS DEPARTMENT OF INSURANCE 142805

|                                                                    |                      |    |            |    |            |        |
|--------------------------------------------------------------------|----------------------|----|------------|----|------------|--------|
| Dedicated Purpose Fund Group                                       |                      |    |            |    | 142806     |        |
| 5540 820601                                                        | Operating Expenses - | \$ | 180,000    | \$ | 180,000    | 142807 |
|                                                                    | OSHIIP               |    |            |    |            |        |
| 5540 820606                                                        | Operating Expenses   | \$ | 26,937,840 | \$ | 26,937,840 | 142808 |
| 5550 820605                                                        | Examination          | \$ | 8,127,549  | \$ | 8,127,549  | 142809 |
| 5PT0 820613                                                        | Captive Insurance    | \$ | 650,000    | \$ | 650,000    | 142810 |
|                                                                    | Regulation &         |    |            |    |            |        |
|                                                                    | Supervision          |    |            |    |            |        |
| TOTAL DPF Dedicated Purpose                                        |                      |    |            |    |            | 142811 |
| Fund Group                                                         |                      | \$ | 35,895,389 | \$ | 35,895,389 | 142812 |
| Federal Fund Group                                                 |                      |    |            |    |            | 142813 |
| 3U50 820602                                                        | OSHIIP Operating     | \$ | 2,793,150  | \$ | 2,793,150  | 142814 |
|                                                                    | Grant                |    |            |    |            |        |
| TOTAL FED Federal Fund Group                                       |                      | \$ | 2,793,150  | \$ | 2,793,150  | 142815 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                      | \$ | 38,688,539 | \$ | 38,688,539 | 142816 |
| MARKET CONDUCT EXAMINATION                                         |                      |    |            |    |            | 142817 |
| When conducting a market conduct examination of any insurer        |                      |    |            |    |            | 142818 |
| doing business in this state, the Superintendent of Insurance may  |                      |    |            |    |            | 142819 |
| assess the costs of the examination against the insurer. The       |                      |    |            |    |            | 142820 |
| Superintendent may enter into consent agreements to impose         |                      |    |            |    |            | 142821 |
| administrative assessments or fines for conduct discovered that    |                      |    |            |    |            | 142822 |
| may be violations of statutes or rules administered by the         |                      |    |            |    |            | 142823 |
| Superintendent. All costs, assessments, or fines collected shall   |                      |    |            |    |            | 142824 |
| be deposited to the credit of the Department of Insurance          |                      |    |            |    |            | 142825 |
| Operating Fund (Fund 5540).                                        |                      |    |            |    |            | 142826 |
| EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES               |                      |    |            |    |            | 142827 |
| The Director of Budget and Management, at the request of the       |                      |    |            |    |            | 142828 |
| Superintendent of Insurance, may transfer cash from the Department |                      |    |            |    |            | 142829 |
| of Insurance Operating Fund (Fund 5540), established by section    |                      |    |            |    |            | 142830 |
| 3901.021 of the Revised Code, to the Superintendent's Examination  |                      |    |            |    |            | 142831 |
| Fund (Fund 5550), established by section 3901.071 of the Revised   |                      |    |            |    |            | 142832 |

|                                                                    |    |             |    |             |        |
|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| Code, only for expenses incurred in examining domestic fraternal   |    |             |    | 142833      |        |
| benefit societies as required by section 3921.28 of the Revised    |    |             |    | 142834      |        |
| Code.                                                              |    |             |    | 142835      |        |
| TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION         |    |             |    | 142836      |        |
| AND SUPERVISION                                                    |    |             |    | 142837      |        |
| When funds from captive insurance company application fees,        |    |             |    | 142838      |        |
| reimbursements from captive insurance companies for examinations,  |    |             |    | 142839      |        |
| and other sources have accrued to the Captive Insurance Regulation |    |             |    | 142840      |        |
| and Supervision Fund (Fund 5PT0) in such amounts as are deemed     |    |             |    | 142841      |        |
| sufficient to sustain operations, the Director of Budget and       |    |             |    | 142842      |        |
| Management, in consultation with the Superintendent of Insurance,  |    |             |    | 142843      |        |
| shall establish a schedule for repaying the amounts previously     |    |             |    | 142844      |        |
| transferred during fiscal years 2016 and 2017 from Fund 5PT0 to    |    |             |    | 142845      |        |
| Fund 5540.                                                         |    |             |    | 142846      |        |
| <b>Section 305.20. APPLICATION FOR INNOVATIVE WAIVER</b>           |    |             |    | 142847      |        |
| The Superintendent of Insurance shall apply to the United          |    |             |    | 142848      |        |
| States Secretary of Health and Human Services and the United       |    |             |    | 142849      |        |
| States Secretary of the Treasury for an innovative waiver          |    |             |    | 142850      |        |
| regarding health insurance coverage in this state as prescribed in |    |             |    | 142851      |        |
| section 3901.052 of the Revised Code not later than January 31,    |    |             |    | 142852      |        |
| 2018.                                                              |    |             |    | 142853      |        |
| <b>Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b>   |    |             |    | 142854      |        |
| General Revenue Fund                                               |    |             |    | 142855      |        |
| GRF 600321 Program Support                                         | \$ | 28,543,219  | \$ | 28,543,219  | 142856 |
| GRF 600410 TANF State Maintenance                                  | \$ | 148,650,326 | \$ | 148,650,326 | 142857 |
| of Effort                                                          |    |             |    |             |        |
| GRF 600413 Child Care                                              | \$ | 83,461,739  | \$ | 83,461,739  | 142858 |
| State/Maintenance of                                               |    |             |    |             |        |
| Effort                                                             |    |             |    |             |        |
| GRF 600416 Information Technology                                  | \$ | 58,615,048  | \$ | 58,615,048  | 142859 |

|            |                         |    |             |    |                    |
|------------|-------------------------|----|-------------|----|--------------------|
|            | Projects                |    |             |    |                    |
| GRF 600420 | Child Support Programs  | \$ | 6,576,797   | \$ | 6,576,797 142860   |
| GRF 600421 | Family Assistance       | \$ | 3,103,334   | \$ | 3,103,334 142861   |
|            | Programs                |    |             |    |                    |
| GRF 600423 | Families and Children   | \$ | 16,219,491  | \$ | 16,219,491 142862  |
|            | Programs                |    |             |    |                    |
| GRF 600445 | Unemployment Insurance  | \$ | 20,955,498  | \$ | 20,955,498 142863  |
|            | Administration          |    |             |    |                    |
| GRF 600502 | Child Support - Local   | \$ | 23,456,891  | \$ | 23,456,891 142864  |
| GRF 600504 | Healthier Buckeye Grant | \$ | 50,000      | \$ | 50,000 142865      |
|            | Program                 |    |             |    |                    |
| GRF 600511 | Disability Financial    | \$ | 3,927,452   | \$ | 0 142866           |
|            | Assistance              |    |             |    |                    |
| GRF 600521 | Family Assistance -     | \$ | 44,748,768  | \$ | 44,748,768 142867  |
|            | Local                   |    |             |    |                    |
| GRF 600523 | Family and Children     | \$ | 77,268,993  | \$ | 77,268,993 142868  |
|            | Services                |    |             |    |                    |
| GRF 600528 | Adoption Services       | \$ | 28,922,517  | \$ | 28,922,517 142869  |
| GRF 600533 | Child, Family, and      | \$ | 13,500,000  | \$ | 13,500,000 142870  |
|            | Community Protection    |    |             |    |                    |
|            | Services                |    |             |    |                    |
| GRF 600534 | Adult Protective        | \$ | 2,740,000   | \$ | 2,740,000 142871   |
|            | Services                |    |             |    |                    |
| GRF 600535 | Early Care and          | \$ | 141,285,241 | \$ | 141,285,241 142872 |
|            | Education               |    |             |    |                    |
| GRF 600541 | Kinship Permanency      | \$ | 1,000,000   | \$ | 1,000,000 142873   |
|            | Incentive Program       |    |             |    |                    |
| GRF 600546 | Healthy Food Financing  | \$ | 100,000     | \$ | 100,000 142874     |
|            | Initiative              |    |             |    |                    |
| GRF 655425 | Medicaid Program        | \$ | 7,000,000   | \$ | 7,000,000 142875   |
|            | Support                 |    |             |    |                    |
| GRF 655522 | Medicaid Program        | \$ | 37,119,931  | \$ | 37,119,931 142876  |
|            | Support - Local         |    |             |    |                    |

|             |                              |    |             |    |             |        |
|-------------|------------------------------|----|-------------|----|-------------|--------|
| GRF 655523  | Medicaid Program             | \$ | 41,000,000  | \$ | 0           | 142877 |
|             | Support - Local              |    |             |    |             |        |
|             | Transportation               |    |             |    |             |        |
| TOTAL GRF   | General Revenue Fund         | \$ | 788,245,245 | \$ | 743,317,793 | 142878 |
|             | Dedicated Purpose Fund Group |    |             |    |             | 142879 |
| 1980 600647 | Children's Trust Fund        | \$ | 5,000,000   | \$ | 5,000,000   | 142880 |
| 4A80 600658 | Public Assistance            | \$ | 26,000,000  | \$ | 26,000,000  | 142881 |
|             | Activities                   |    |             |    |             |        |
| 4A90 600607 | Unemployment                 | \$ | 14,000,000  | \$ | 14,000,000  | 142882 |
|             | Compensation                 |    |             |    |             |        |
|             | Administration Fund          |    |             |    |             |        |
| 4E70 600604 | Family and Children          | \$ | 650,000     | \$ | 650,000     | 142883 |
|             | Services Collections         |    |             |    |             |        |
| 4F10 600609 | Family and Children          | \$ | 708,000     | \$ | 708,000     | 142884 |
|             | Activities                   |    |             |    |             |        |
| 5DM0 600633 | Audit Settlements and        | \$ | 5,000,000   | \$ | 5,000,000   | 142885 |
|             | Contingency                  |    |             |    |             |        |
| 5ES0 600630 | Food Bank Assistance         | \$ | 500,000     | \$ | 500,000     | 142886 |
| 5HC0 600695 | Unemployment                 | \$ | 1,000,000   | \$ | 1,000,000   | 142887 |
|             | Compensation Interest        |    |             |    |             |        |
| 5KT0 600696 | Early Childhood              | \$ | 20,000,000  | \$ | 20,000,000  | 142888 |
|             | Education                    |    |             |    |             |        |
| 5NG0 600660 | Victims of Human             | \$ | 100,000     | \$ | 100,000     | 142889 |
|             | Trafficking                  |    |             |    |             |        |
| 5RX0 600699 | Workforce Development        | \$ | 2,000,000   | \$ | 2,000,000   | 142890 |
|             | Projects                     |    |             |    |             |        |
| 5RY0 600698 | Human Services               | \$ | 2,500,000   | \$ | 2,750,000   | 142891 |
|             | Project                      |    |             |    |             |        |
| 5TZ0 600674 | Children's Crisis            | \$ | 150,000     | \$ | 150,000     | 142892 |
|             | Care                         |    |             |    |             |        |
| 5U60 600663 | Family and Children          | \$ | 3,000,000   | \$ | 3,000,000   | 142893 |
|             | Support                      |    |             |    |             |        |
| TOTAL DPF   | Dedicated Purpose Fund       | \$ | 80,608,000  | \$ | 80,858,000  | 142894 |

Group

|                                      |        |                       |                               |                                      |
|--------------------------------------|--------|-----------------------|-------------------------------|--------------------------------------|
| Internal Service Activity Fund Group |        |                       |                               | 142895                               |
| 5HL0                                 | 600602 | State and County      | \$ 2,000,000 \$ 2,000,000     | 142896                               |
| Shared Services                      |        |                       |                               |                                      |
| TOTAL ISA Internal Service Activity  |        |                       |                               | \$ 2,000,000 \$ 2,000,000 142897     |
| Fund Group                           |        |                       |                               |                                      |
| Fiduciary Fund Group                 |        |                       |                               | 142898                               |
| 1920                                 | 600646 | Child Support         | \$ 110,000,000 \$ 110,000,000 | 142899                               |
| Intercept - Federal                  |        |                       |                               |                                      |
| 5830                                 | 600642 | Child Support         | \$ 14,000,000 \$ 14,000,000   | 142900                               |
| Intercept - State                    |        |                       |                               |                                      |
| 5B60                                 | 600601 | Food Assistance       | \$ 1,000,000 \$ 1,000,000     | 142901                               |
| Intercept                            |        |                       |                               |                                      |
| TOTAL FID Fiduciary Fund Group       |        |                       |                               | \$ 125,000,000 \$ 125,000,000 142902 |
| Holding Account Fund Group           |        |                       |                               | 142903                               |
| R012                                 | 600643 | Refunds and Audit     | \$ 500,000 \$ 500,000         | 142904                               |
| Settlements                          |        |                       |                               |                                      |
| TOTAL HLD Holding Account Fund       |        |                       |                               | \$ 500,000 \$ 500,000 142905         |
| Group                                |        |                       |                               |                                      |
| Federal Fund Group                   |        |                       |                               | 142906                               |
| 3270                                 | 600606 | Child Welfare         | \$ 27,500,000 \$ 27,500,000   | 142907                               |
| 3310                                 | 600615 | Veterans Programs     | \$ 7,000,000 \$ 7,000,000     | 142908                               |
| 3310                                 | 600624 | Employment Services   | \$ 26,000,000 \$ 26,000,000   | 142909                               |
| Programs                             |        |                       |                               |                                      |
| 3310                                 | 600686 | Workforce Programs    | \$ 5,800,000 \$ 5,800,000     | 142910                               |
| 3840                                 | 600610 | Food Assistance       | \$ 145,000,000 \$ 145,000,000 | 142911                               |
| Programs                             |        |                       |                               |                                      |
| 3850                                 | 600614 | Refugee Services      | \$ 12,000,000 \$ 12,000,000   | 142912                               |
| 3950                                 | 600616 | Federal Discretionary | \$ 1,500,000 \$ 1,500,000     | 142913                               |
| Grants                               |        |                       |                               |                                      |
| 3960                                 | 600620 | Social Services Block | \$ 42,000,000 \$ 42,000,000   | 142914                               |
| Grant                                |        |                       |                               |                                      |

|                              |                    |                                                             |                  |                  |        |
|------------------------------|--------------------|-------------------------------------------------------------|------------------|------------------|--------|
| 3970                         | 600626             | Child Support -<br>Federal                                  | \$ 175,000,000   | \$ 175,000,000   | 142915 |
| 3980                         | 600627             | Adoption Program -<br>Federal                               | \$ 175,000,000   | \$ 175,000,000   | 142916 |
| 3A20                         | 600641             | Emergency Food<br>Distribution                              | \$ 4,000,000     | \$ 4,000,000     | 142917 |
| 3AW0                         | 600675             | Fatherhood Commission                                       | \$ 3,000,000     | \$ 3,000,000     | 142918 |
| 3D30                         | 600648             | Children's Trust Fund<br>Federal                            | \$ 2,000,000     | \$ 2,000,000     | 142919 |
| 3F01                         | 655624             | Medicaid Program<br>Support - Federal                       | \$ 180,000,000   | \$ 172,491,905   | 142920 |
| 3H70                         | 600617             | Child Care Federal                                          | \$ 231,000,000   | \$ 232,000,000   | 142921 |
| 3N00                         | 600628             | Foster Care Program -<br>Federal                            | \$ 240,000,000   | \$ 240,000,000   | 142922 |
| 3S50                         | 600622             | Child Support Projects                                      | \$ 534,050       | \$ 534,050       | 142923 |
| 3V00                         | 600688             | Workforce Innovation<br>and Opportunity Act<br>Programs     | \$ 108,000,000   | \$ 108,000,000   | 142924 |
| 3V40                         | 600632             | Trade Programs                                              | \$ 15,000,000    | \$ 15,000,000    | 142925 |
| 3V40                         | 600678             | Federal Unemployment<br>Programs                            | \$ 85,814,212    | \$ 80,814,212    | 142926 |
| 3V40                         | 600679             | Unemployment<br>Compensation Review<br>Commission - Federal | \$ 5,000,000     | \$ 5,000,000     | 142927 |
| 3V60                         | 600689             | TANF Block Grant                                            | \$ 836,437,504   | \$ 848,935,211   | 142928 |
| TOTAL FED                    | Federal Fund Group |                                                             | \$ 2,327,585,766 | \$ 2,328,575,378 | 142929 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                                                             | \$ 3,323,939,011 | \$ 3,280,251,171 | 142930 |

**Section 307.20.** COUNTY ADMINISTRATIVE FUNDS 142932

(A) The foregoing appropriation item 600521, Family 142933  
 Assistance - Local, may be provided to county departments of job 142934  
 and family services to administer food assistance and disability 142935  
 assistance programs. 142936

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

(C) In fiscal year 2018, the foregoing appropriation item 655523, Medicaid Program Support - Local Transportation, may be provided to county departments of job and family services to administer the Medicaid transportation program.

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local.

(E) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 307.25. KINSHIP CAREGIVER CHILD CARE PROGRAM**

Of the foregoing appropriation item 600689, TANF Block Grant, \$15,000,000 in each fiscal year shall be used to support a kinship caregiver child care program to provide child care to kinship caregivers, as defined in section 5101.85 of the Revised Code.

The Department of Job and Family Services may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this section. Any rules shall at least include eligibility criteria, benefit amounts, and attendance tracking requirements.

**Section 307.26. OHIO PARENTING AND PREGNANCY PROGRAM**

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$500,000 in each fiscal year shall be used to support the Ohio Parenting and Pregnancy Program.

**Section 307.27. YWCA OF GREATER CLEVELAND EARLY LEARNING CENTER**

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$150,000 in each fiscal year shall be provided to the YWCA of Greater Cleveland to support the Early Learning Center to provide trauma informed preschool for homeless and low-income children.

**Section 307.30. NAME OF FOOD STAMP PROGRAM**

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

**Section 307.35. HEALTHY FOOD FINANCING INITIATIVE**

The foregoing appropriation item 600546, Healthy Food Financing Initiative, shall be used by the Director of Job and Family Services to support healthy food access in underserved

communities in urban and rural Low and Moderate Income Areas, as 142995  
defined by either the United States Department of Agriculture 142996  
(USDA), as identified in the USDA's Food Access Research Atlas, or 142997  
through a methodology that has been adopted for use by another 142998  
governmental or philanthropic healthy food initiative. 142999

The Director of Job and Family Services, in cooperation with 143000  
the Director of Health and with the approval of the Director of 143001  
the Governor's Office of Health Transformation, shall contract 143002  
with the Finance Fund Capital Corporation to administer a Healthy 143003  
Food Financing Initiative. The Finance Fund Capital Corporation 143004  
shall demonstrate a capacity to administer grant and loan programs 143005  
in accordance with state and federal rules and accounting 143006  
principles, and shall partner with one or more entities with 143007  
demonstrable experience in healthy food access-related policy 143008  
matters. 143009

The Director of Job and Family Services shall, not later than 143010  
December 31, 2018, provide to the Governor, Speaker of the House 143011  
of Representatives, President of the Senate, and Minority Leaders 143012  
of the House of Representatives and Senate a written progress 143013  
report on the Healthy Food Financing Initiative, including, but 143014  
not limited to, state funds granted or loaned, the number of new 143015  
or retained jobs associated with related projects, the health 143016  
impact of the initiative and the number and location of healthy 143017  
food access projects established or in development. 143018

**Section 307.40. OHIO ASSOCIATION OF FOOD BANKS** 143019

Of the foregoing appropriation items 600410, TANF State 143020  
Maintenance of Effort, 600658, Public Assistance Activities, and 143021  
600689, TANF Block Grant, a total of \$17,050,000 in each fiscal 143022  
year shall be used to provide funds to the Ohio Association of 143023  
Food Banks to purchase and distribute food products. 143024

Notwithstanding section 5101.46 of the Revised Code and any 143025

other provision in this bill, including funds designated for the 143026  
Ohio Association of Food Banks in this section, in fiscal year 143027  
2018 and fiscal year 2019, the Director of Job and Family Services 143028  
shall provide assistance from eligible funds to the Ohio 143029  
Association of Food Banks in an amount not less than \$19,550,000 143030  
in each fiscal year. 143031

Eligible nonfederal expenditures made by member food banks of 143032  
the Association shall be counted by the Department of Job and 143033  
Family Services toward the TANF maintenance of effort requirements 143034  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 143035  
shall enter into an agreement with the Ohio Association of Food 143036  
Banks, in accordance with sections 5101.80 and 5101.801 of the 143037  
Revised Code, to carry out the requirements under this section. 143038

**Section 307.45. UNAFFILIATED FOOD BANKS** 143039

Of the foregoing appropriation item 600689, TANF Block Grant, 143040  
\$500,000 in each fiscal year shall be provided to food banks or 143041  
food pantries unaffiliated with the Ohio Association of Food 143042  
Banks. 143043

**Section 307.47. CHILDREN'S HUNGER ALLIANCE** 143044

Of the foregoing appropriation item 600689, TANF Block Grant, 143045  
\$250,000 in each fiscal year shall be provided, in accordance with 143046  
sections 5101.80 and 5101.801 of the Revised Code, to the 143047  
Children's Hunger Alliance to assist with meal sponsorship, 143048  
consultations and nutrition education, school district nutrition 143049  
programs, afterschool nutrition programs, and summer nutrition 143050  
programs. No portion of the provided funds may be used for 143051  
marketing purposes. 143052

**Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE** 143053

The foregoing appropriation item 600658, Public Assistance 143054

Activities, shall be used by the Department of Job and Family 143055  
Services to meet the TANF maintenance of effort requirements of 42 143056  
U.S.C. 609(a)(7). When the state is assured that it will meet the 143057  
maintenance of effort requirement, the Department of Job and 143058  
Family Services may use funds from appropriation item 600658, 143059  
Public Assistance Activities, to support public assistance 143060  
activities. 143061

**Section 307.60. FOOD STAMPS TRANSFER** 143062

On July 1, 2017, or as soon as possible thereafter, the 143063  
Director of Budget and Management may transfer up to \$1,000,000 143064  
cash from the Supplemental Nutrition Assistance Program Fund (Fund 143065  
3840), to the Food Assistance Fund (Fund 5ES0). 143066

**Section 307.70. GOVERNOR'S OFFICE OF FAITH-BASED AND** 143067  
**COMMUNITY INITIATIVES** 143068

Of the foregoing appropriation item 600689, TANF Block Grant, 143069  
up to \$6,540,000 in each fiscal year shall be used, in accordance 143070  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 143071  
support to programs or organizations that provide services that 143072  
align with the mission and goals of the Governor's Office of 143073  
Faith-Based and Community Initiatives, as outlined in section 143074  
107.12 of the Revised Code, and that further at least one of the 143075  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 143076

**Section 307.80. INDEPENDENT LIVING INITIATIVE** 143077

Of the foregoing appropriation item 600689, TANF Block Grant, 143078  
up to \$2,000,000 in each fiscal year shall be used, in accordance 143079  
with sections 5101.80 and 5101.801 of the Revised Code, to support 143080  
the Independent Living Initiative, including life skills training 143081  
and work supports for older children in foster care and those who 143082  
have recently aged out of foster care. 143083

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| <b>Section 307.90.</b> OHIO COMMISSION ON FATHERHOOD                | 143084 |
| Of the foregoing appropriation item 600689, TANF Block Grant,       | 143085 |
| \$1,000,000 in each fiscal year shall be provided to the Ohio       | 143086 |
| Commission on Fatherhood.                                           | 143087 |
| <br>                                                                |        |
| <b>Section 307.93.</b> OHIO ALLIANCE OF BOYS AND GIRLS CLUBS        | 143088 |
| Of the foregoing appropriation item 600689, TANF Block Grant,       | 143089 |
| \$1,000,000 in each fiscal year shall be provided, in accordance    | 143090 |
| with sections 5101.80 and 5101.801 of the Revised Code, to the      | 143091 |
| Ohio Alliance of Boys and Girls Clubs to provide after-school and   | 143092 |
| summer programs that protect at-risk children and enable youth to   | 143093 |
| become responsible adults. Not less than \$50,000 in each fiscal    | 143094 |
| year shall be provided to the Boys and Girls Club of Massillon.     | 143095 |
| <br>                                                                |        |
| <b>Section 307.95.</b> BIG BROTHERS BIG SISTERS                     | 143096 |
| Of the foregoing appropriation item 600689, TANF Block Grant,       | 143097 |
| \$500,000 in each fiscal year shall be provided, in accordance with | 143098 |
| sections 5101.80 and 5101.801 of the Revised Code, to Big Brothers  | 143099 |
| Big Sisters of Central Ohio to provide mentoring services to        | 143100 |
| children throughout the state who have experienced trauma in their  | 143101 |
| lives, including parental incarceration.                            | 143102 |
| <br>                                                                |        |
| <b>Section 307.96.</b> FAMILY AND YOUTH IN CRISIS                   | 143103 |
| Of the foregoing appropriation item 600689, TANF Block Grant,       | 143104 |
| \$5,000,000 in each fiscal year shall be utilized to provide        | 143105 |
| services to youth with complex care needs whose parent or legal     | 143106 |
| guardian is at risk of relinquishing custody of the youth in order  | 143107 |
| to access needed services. Funds shall be administered pursuant to  | 143108 |
| division (A)(3) of section 121.37 of the Revised Code. The          | 143109 |
| Director of the Ohio Family and Children First Cabinet shall seek   | 143110 |
| stakeholder input and issue written guidance regarding              | 143111 |

requirements to access these funds no later than 60 days following 143112  
the effective date of this section. 143113

**Section 307.97. COURT APPOINTED SPECIAL ADVOCATES 143114**

Of the foregoing appropriation item 600689, TANF Block Grant, 143115  
\$100,000 in each fiscal year shall be used, in consultation with 143116  
the Supreme Court of Ohio, to provide funding for the 143117  
establishment of up to three local court-appointed special 143118  
advocate programs in areas of the state that are not served by an 143119  
existing program. 143120

Of the foregoing appropriation item 600689, TANF Block Grant, 143121  
\$100,000 in each fiscal year shall be used, in consultation with 143122  
the Supreme Court of Ohio, to provide funding for the recruitment 143123  
and training of additional local court-appointed special advocates 143124  
in areas of the state with high rates of heroin use and overdoses. 143125

Of the foregoing appropriation item 600689, TANF Block Grant, 143126  
\$100,000 in each fiscal year shall be used, in consultation with 143127  
the Supreme Court of Ohio, to provide funding that enhances the 143128  
role of local court-appointed special advocate programs in the 143129  
recruitment, training, and support of local court-appointed 143130  
special advocates. 143131

**Section 307.100. FAMILIES AND CHILDREN PROGRAMS 143132**

Of the foregoing appropriation item 600423, Families and 143133  
Children Programs, \$2,000,000 in each fiscal year shall be used by 143134  
the Office of Families and Children to fund Predictive Analytics 143135  
to use current and historical data to predict future outcomes and 143136  
behaviors in high-risk foster care children. 143137

Of the foregoing appropriation item 600423, Families and 143138  
Children Programs, \$750,000 in each fiscal year shall be used to 143139  
support the Star House Youth Drop-In Center to provide services 143140  
for homeless youth. 143141

**Section 307.110.** FAMILY AND CHILDREN SERVICES 143142

Of the foregoing appropriation item 600523, Family and 143143  
Children Services, up to \$3,200,000 shall be used to match 143144  
eligible federal Title IV-B ESSA funds and federal Title IV-E 143145  
Chafee funds allocated to public children services agencies. 143146

Of the foregoing appropriation item, 600523, Family and 143147  
Children Services, not less than \$60,040,010 in each fiscal year 143148  
shall be provided to public children services agencies. Of that 143149  
amount, \$8,800,000 in each fiscal year shall be used to provide an 143150  
initial allocation of \$100,000 to each county and the remainder 143151  
shall be provided using the formula in section 5101.14 of the 143152  
Revised Code. 143153

**Section 307.120.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 143154

In collaboration with the county family and children first 143155  
council, a county department of job and family services or public 143156  
children services agency that receives an allocation from the 143157  
Department of Job and Family Services from the foregoing 143158  
appropriation item 600523, Family and Children Services, or 143159  
600533, Child, Family, and Community Protection Services, may 143160  
transfer a portion of either or both allocations to a flexible 143161  
funding pool as authorized by the section of this act titled 143162  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 143163

**Section 307.130.** CHILD, FAMILY, AND COMMUNITY PROTECTION 143164  
SERVICES 143165

(A) The foregoing appropriation item 600533, Child, Family, 143166  
and Community Protection Services, shall be distributed to county 143167  
departments of job and family services. County departments shall 143168  
use the funds distributed to them under this section as follows, 143169  
in accordance with the written plan of cooperation entered into 143170

|                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| under section 307.983 of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                         | 143171                                                             |
| (1) To assist individuals in achieving or maintaining self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;                                                                                                                                                                                  | 143172<br>143173<br>143174<br>143175                               |
| (2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the differential response approach program;                                                                                                                                                                                                                        | 143176<br>143177<br>143178                                         |
| (3) To provide outreach and referral services regarding home and community-based services to individuals at risk of placement in a group home or institution, regardless of the individuals' family income and without need for a written application;                                                                                                                                                             | 143179<br>143180<br>143181<br>143182                               |
| (4) To provide outreach, referral, application assistance, and other services to assist individuals receive assistance, benefits, or services under Medicaid; Title IV-A programs, as defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs.                                                                                         | 143183<br>143184<br>143185<br>143186<br>143187<br>143188           |
| (B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation. | 143189<br>143190<br>143191<br>143192<br>143193<br>143194<br>143195 |
| <b>Section 307.140. FAMILY AND CHILDREN ACTIVITIES</b>                                                                                                                                                                                                                                                                                                                                                             | 143196                                                             |
| The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.                                                                                                                                                                                                                     | 143197<br>143198<br>143199                                         |

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| <b>Section 307.150.</b> ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND | 143200 |
| Notwithstanding section 5101.073 of the Revised Code, the            | 143201 |
| ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also    | 143202 |
| consist of earned federal revenue the final disposition of which     | 143203 |
| is unknown.                                                          | 143204 |
| <br>                                                                 |        |
| <b>Section 307.160.</b> ADOPTION ASSISTANCE LOAN                     | 143205 |
| The Department of Job and Family Services may use the State          | 143206 |
| Adoption Assistance Loan Fund (Fund 5DP0) for the administration     | 143207 |
| of adoption assistance loans pursuant to section 3107.018 of the     | 143208 |
| Revised Code. The amounts of any adoption assistance loans are       | 143209 |
| hereby appropriated.                                                 | 143210 |
| <br>                                                                 |        |
| <b>Section 307.170.</b> EARLY CHILDHOOD EDUCATION                    | 143211 |
| Of the foregoing appropriation item 600696, Early Childhood          | 143212 |
| Education, up to \$20,000,000 in each fiscal year shall be used to   | 143213 |
| achieve the goals described in division (C) of section 5104.29 of    | 143214 |
| the Revised Code. The funds shall be used to support early           | 143215 |
| learning and development programs operating in smaller               | 143216 |
| communities, early learning and development programs that are        | 143217 |
| rated in the Step Up to Quality program at the third highest tier    | 143218 |
| or higher, or both.                                                  | 143219 |
| <br>                                                                 |        |
| The Director of Job and Family Services shall ensure, for            | 143220 |
| licensed child care programs that are rated in the quality rating    | 143221 |
| and improvement system, that reimbursement rates for each rating     | 143222 |
| tier are not lower than the reimbursement rates for each             | 143223 |
| corresponding rating tier that were in effect on December 31,        | 143224 |
| 2016.                                                                | 143225 |
| <br>                                                                 |        |
| <b>Section 307.180.</b> CASH TRANSFER FROM THE UNEMPLOYMENT          | 143226 |
| INSURANCE SUPPORT - OTHER SOURCES FUND TO THE UNEMPLOYMENT           | 143227 |

COMPENSATION ADMINISTRATION FUND 143228

On July 1, 2017, or as soon as possible thereafter, the 143229  
Director of Job and Family Services shall certify to the Director 143230  
of Budget and Management the cash balance of the Unemployment 143231  
Insurance Support - Other Sources Fund (Fund 5KU0). Upon 143232  
certification, the Director of Budget and Management may transfer 143233  
the amount certified to the Unemployment Compensation 143234  
Administration Fund (Fund 4A90). 143235

**Section 307.190. VICTIMS OF HUMAN TRAFFICKING** 143236

The foregoing appropriation item 600660, Victims of Human 143237  
Trafficking, shall be used to provide treatment, care, 143238  
rehabilitation, education, housing, and assistance for victims of 143239  
trafficking in persons as specified in section 5101.87 of the 143240  
Revised Code. If receipts credited to the Victims of Human 143241  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 143242  
the fund, the Director of Job and Family Services may request the 143243  
Director of Budget and Management to authorize expenditures from 143244  
the fund in excess of the amounts appropriated. Upon the approval 143245  
of the Director of Budget and Management, the additional amounts 143246  
are hereby appropriated. 143247

**Section 307.193. CHILDREN'S CRISIS CARE** 143248

The foregoing appropriation item 600674, Children's Crisis 143249  
Care, shall be used in accordance with division (G)(4) of Section 143250  
757.20 of this act. 143251

**Section 307.200. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS** 143252

The Fiduciary Fund Group and Holding Account Fund Group shall 143253  
be used to hold revenues until the appropriate fund is determined 143254  
or until the revenues are directed to the appropriate governmental 143255

agency other than the Department of Job and Family Services. Any 143256  
Department of Job and Family Services refunds or reconciliations 143257  
received or held by the Department of Medicaid shall be 143258  
transferred or credited to the Refunds and Audit Settlement Fund 143259  
(Fund R012). If receipts credited to the Support Intercept - 143260  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 143261  
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 143262  
Audit Settlements Fund (Fund R012), or the Forgery Collections 143263  
Fund (Fund R013) exceed the amounts appropriated from the fund, 143264  
the Director of Job and Family Services may request the Director 143265  
of Budget and Management to authorize expenditures from the fund 143266  
in excess of the amounts appropriated. Upon the approval of the 143267  
Director of Budget and Management, the additional amounts are 143268  
hereby appropriated. 143269

**Section 307.210. COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT** 143270  
**PROGRAM** 143271

During the period that begins July 1, 2017, and ends on the 143272  
effective date of the enactment by this act of section 5116.01 of 143273  
the Revised Code, the Comprehensive Case Management and Employment 143274  
Program created under Section 305.190 of Am. Sub. H.B. 64 of the 143275  
131st General Assembly shall continue in operation as enacted by 143276  
that act with the following modification: the minimum age for 143277  
participation in the program is reduced to fourteen. Beginning 143278  
with the effective date of section 5116.01 of the Revised Code, as 143279  
enacted by this act, the Comprehensive Case Management and 143280  
Employment Program shall begin operation in accordance with 143281  
Chapter 5116. of the Revised Code. 143282

**Section 307.230. HEALTHIER BUCKEYE GRANT PILOT PROGRAM** 143283

The Director of Job and Family Services shall permit 143284  
individuals and organizations receiving grant awards under the 143285

Healthier Buckeye Grant Pilot Program established under Section 143286  
305.30 of Am. Sub. H.B. 64 of the 131st General Assembly to expend 143287  
those grant awards through December 31, 2017. 143288

**Section 307.240.** TRANSFER FROM THE UNEMPLOYMENT COMPENSATION 143289  
INTEREST CONTINGENCY FUND (FUND 5HC0) TO THE GENERAL REVENUE FUND 143290

On July 1, 2018, or as soon as possible thereafter, the 143291  
Director of Budget and Management shall transfer not less than 143292  
\$10,000,000 cash from the Unemployment Compensation Interest 143293  
Contingency Fund (Fund 5HC0) to the General Revenue Fund. If the 143294  
unexpended, unencumbered cash balance in Fund 5HC0 is less than 143295  
\$10,000,000, the Director shall transfer the balance to the 143296  
General Revenue Fund. 143297

**Section 307.250.** TRANSFER FROM THE HEALTHIER BUCKEYE FUND 143298  
(FUND 5RC0) TO THE GENERAL REVENUE FUND 143299

On July 1, 2017, or as soon as possible thereafter, the 143300  
Director of Budget and Management shall transfer the unexpended, 143301  
unencumbered cash balance in the Healthier Buckeye Fund (Fund 143302  
5RC0) to the General Revenue Fund. 143303

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 143304

General Revenue Fund 143305

|            |                    |    |         |    |         |        |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 029321 | Operating Expenses | \$ | 496,885 | \$ | 496,885 | 143306 |
|------------|--------------------|----|---------|----|---------|--------|

|           |                      |    |         |    |         |        |
|-----------|----------------------|----|---------|----|---------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 496,885 | \$ | 496,885 | 143307 |
|-----------|----------------------|----|---------|----|---------|--------|

|                              |  |    |         |    |         |        |
|------------------------------|--|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 496,885 | \$ | 496,885 | 143308 |
|------------------------------|--|----|---------|----|---------|--------|

OPERATING GUIDANCE 143309

The Legislative Service Commission shall act as fiscal agent 143310  
for the Joint Committee on Agency Rule Review. Members of the 143311  
Committee shall be paid in accordance with section 101.35 of the 143312  
Revised Code. 143313

OPERATING EXPENSES 143314

On July 1, 2017, or as soon as possible thereafter, the 143315  
Executive Director of the Joint Committee on Agency Rule Review 143316  
may certify to the Director of Budget and Management an amount up 143317  
to the unexpended, unencumbered balance of the foregoing 143318  
appropriation item 029321, Operating Expenses, at the end of 143319  
fiscal year 2017 to be reappropriated to fiscal year 2018. The 143320  
amount certified is hereby reappropriated to the same 143321  
appropriation item for fiscal year 2018. 143322

On July 1, 2018, or as soon as possible thereafter, the 143323  
Executive Director of the Joint Committee on Agency Rule Review 143324  
may certify to the Director of Budget and Management an amount up 143325  
to the unexpended, unencumbered balance of the foregoing 143326  
appropriation item 029321, Operating Expenses, at the end of 143327  
fiscal year 2018 to be reappropriated to fiscal year 2019. The 143328  
amount certified is hereby reappropriated to the same 143329  
appropriation item for fiscal year 2019. 143330

**Section 311.10.** JEO JOINT EDUCATION OVERSIGHT COMMITTEE 143331

General Revenue Fund 143332

GRF 047321 Operating Expenses \$ 350,000 \$ 350,000 143333

TOTAL GRF General Revenue Fund \$ 350,000 \$ 350,000 143334

TOTAL ALL BUDGET FUND GROUPS \$ 350,000 \$ 350,000 143335

OPERATING EXPENSES 143336

The foregoing appropriation item 047321, Operating Expenses, 143337  
shall be used to support expenses related to the Joint Education 143338  
Oversight Committee under section 103.45 to 103.50 of the Revised 143339  
Code. 143340

On July 1, 2018, or as soon as possible thereafter, the Joint 143341  
Education Oversight Committee may certify to the Director of 143342  
Budget and Management an amount up to the unexpended, unencumbered 143343

balance of the foregoing appropriation item 047321, Operating Expenses, at the end of fiscal year 2018 to be reappropriated to fiscal year 2019. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2019.

**Section 311.20.** (A) The Joint Education Oversight Committee, established under section 103.45 of the Revised Code, shall develop legislative recommendations for creating a joint transportation district pilot program, under which:

(1) At least two school districts may create a joint transportation district for the purpose of sharing school transportation services;

(2) The member districts of the joint transportation district shall adopt staggered starting and ending times for the school day.

(B) Not later than six months after the effective date of this section, the Joint Education Oversight Committee shall submit its recommendations to the General Assembly in accordance with section 101.68 of the Revised Code.

|                                                               |        |
|---------------------------------------------------------------|--------|
| <b>Section 313.10.</b> JMO JOINT MEDICAID OVERSIGHT COMMITTEE | 143362 |
| General Revenue Fund                                          | 143363 |
| GRF 048321 Operating Expenses \$ 340,814 \$ 502,982           | 143364 |
| TOTAL GRF General Revenue Fund \$ 340,814 \$ 502,982          | 143365 |
| TOTAL ALL BUDGET FUND GROUPS \$ 340,814 \$ 502,982            | 143366 |

OPERATING EXPENSES 143367

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code.

On July 1, 2017, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may

certify to the Director of Budget and Management an amount up to 143373  
the unexpended, unencumbered balance of the foregoing 143374  
appropriation item 048321, Operating Expenses, at the end of 143375  
fiscal year 2017 to be reappropriated to fiscal year 2018. The 143376  
amount certified is hereby reappropriated to the same 143377  
appropriation item for fiscal year 2018. 143378

On July 1, 2018, or as soon as possible thereafter, the 143379  
Executive Director of the Joint Medicaid Oversight Committee may 143380  
certify to the Director of Budget and Management an amount up to 143381  
the unexpended, unencumbered balance of the foregoing 143382  
appropriation item 048321, Operating Expenses, at the end of 143383  
fiscal year 2018 to be reappropriated to fiscal year 2019. The 143384  
amount certified is hereby reappropriated to the same 143385  
appropriation item for fiscal year 2019. 143386

The Legislative Service Commission shall act as fiscal agent 143387  
for the Joint Medicaid Oversight Committee. 143388

**Section 313.20. HEALTH COVERAGE STUDIES** 143389

(A) The Joint Medicaid Oversight Committee shall conduct a 143390  
study to determine the feasibility of simultaneously implementing 143391  
both of the following in this state: 143392

(1) A plan that is similar to the Healthy Indiana Plan 143393  
established under the laws of the state of Indiana; 143394

(2) A high-risk pool that provides health coverage to 143395  
uninsured residents of this state. 143396

(B) The Committee shall prepare a report of its findings from 143397  
the study. Not later than one year after the effective date of 143398  
this section, the Committee shall submit a copy of its report to 143399  
the Governor and, in accordance with section 101.68 of the Revised 143400  
Code, the General Assembly. 143401

|                                                                     |    |           |              |        |
|---------------------------------------------------------------------|----|-----------|--------------|--------|
| Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO                     |    |           |              | 143402 |
| General Revenue Fund                                                |    |           |              | 143403 |
| GRF 018321 Operating Expenses                                       | \$ | 718,463   | \$ 715,163   | 143404 |
| TOTAL GRF General Revenue Fund                                      | \$ | 718,463   | \$ 715,163   | 143405 |
| Dedicated Purpose Fund Group                                        |    |           |              | 143406 |
| 4030 018601 Ohio Jury                                               | \$ | 408,282   | \$ 431,346   | 143407 |
| Instructions                                                        |    |           |              |        |
| TOTAL DPF Dedicated Purpose Fund                                    | \$ | 408,282   | \$ 431,346   | 143408 |
| Group                                                               |    |           |              |        |
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ | 1,126,745 | \$ 1,146,509 | 143409 |
| STATE COUNCIL OF UNIFORM STATE LAWS                                 |    |           |              | 143410 |
| Notwithstanding section 105.26 of the Revised Code, of the          |    |           |              | 143411 |
| foregoing appropriation item 018321, Operating Expenses, up to      |    |           |              | 143412 |
| \$88,500 in fiscal year 2018 and up to \$91,832 in fiscal year 2019 |    |           |              | 143413 |
| shall be used to pay the expenses of the State Council of Uniform   |    |           |              | 143414 |
| State Laws, including membership dues to the National Conference    |    |           |              | 143415 |
| of Commissioners on Uniform State Laws.                             |    |           |              | 143416 |
| OHIO JURY INSTRUCTIONS FUND                                         |    |           |              | 143417 |
| The Ohio Jury Instructions Fund (Fund 4030) shall consist of        |    |           |              | 143418 |
| grants, royalties, dues, conference fees, bequests, devises, and    |    |           |              | 143419 |
| other gifts received for the purpose of supporting costs incurred   |    |           |              | 143420 |
| by the Judicial Conference of Ohio in its activities as a part of   |    |           |              | 143421 |
| the judicial system of the state as determined by the Judicial      |    |           |              | 143422 |
| Conference Executive Committee. Fund 4030 shall be used by the      |    |           |              | 143423 |
| Judicial Conference of Ohio to pay expenses incurred in its         |    |           |              | 143424 |
| activities as a part of the judicial system of the state as         |    |           |              | 143425 |
| determined by the Judicial Conference Executive Committee. Any      |    |           |              | 143426 |
| receipts credited to Fund 4030 in excess of the amount originally   |    |           |              | 143427 |
| appropriated from the fund are hereby appropriated for the          |    |           |              | 143428 |
| purposes authorized. No money in Fund 4030 shall be transferred to  |    |           |              | 143429 |

any other fund by the Director of Budget and Management or the Controlling Board. 143430  
143431

**Section 317.10.** JSC THE JUDICIARY/SUPREME COURT 143432

General Revenue Fund 143433

GRF 005321 Operating Expenses - \$ 161,228,513 \$ 169,614,282 143434  
Judiciary/Supreme  
Court

GRF 005406 Law-Related Education \$ 166,172 \$ 166,172 143435

GRF 005409 Ohio Courts \$ 3,350,000 \$ 3,350,000 143436  
Technology Initiative

TOTAL GRF General Revenue Fund \$ 164,744,685 \$ 173,130,454 143437

Dedicated Purpose Fund Group 143438

4C80 005605 Attorney Services \$ 8,166,646 \$ 8,122,279 143439

5HT0 005617 Court Interpreter \$ 8,670 \$ 9,537 143440  
Certification

5SP0 005626 Civil Justice Grant \$ 350,000 \$ 350,000 143441  
Program

5T80 005609 Grants and Awards \$ 6,000 \$ 6,000 143442

6720 005601 Judiciary/Supreme \$ 100,000 \$ 100,000 143443  
Court Education

6A80 005606 Supreme Court \$ 1,457,461 \$ 1,477,098 143444  
Admissions

TOTAL DPF Dedicated Purpose Fund \$ 10,088,777 \$ 10,064,914 143445  
Group

Fiduciary Fund Group 143446

5JY0 005620 County Law Library \$ 357,500 \$ 357,500 143447  
Resources Boards

TOTAL FID Fiduciary Fund Group \$ 357,500 \$ 357,500 143448

Federal Fund Group 143449

3J00 005603 Federal Grants \$ 1,705,708 \$ 1,528,315 143450

|                              |    |             |    |             |        |
|------------------------------|----|-------------|----|-------------|--------|
| TOTAL FED Federal Fund Group | \$ | 1,705,708   | \$ | 1,528,315   | 143451 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 176,896,670 | \$ | 185,081,183 | 143452 |

**Section 317.20. LAW-RELATED EDUCATION** 143454

The foregoing appropriation item 005406, Law-Related 143455  
Education, shall be distributed directly to the Ohio Center for 143456  
Law-Related Education for the purposes of providing continuing 143457  
citizenship education activities to primary and secondary 143458  
students, expanding delinquency prevention programs, increasing 143459  
activities for at-risk youth, and accessing additional public and 143460  
private money for new programs. 143461

**OHIO COURTS TECHNOLOGY INITIATIVE** 143462

The foregoing appropriation item 005409, Ohio Courts 143463  
Technology Initiative, shall be used to fund an initiative by the 143464  
Supreme Court to facilitate the exchange of information and 143465  
warehousing of data by and between Ohio courts and other justice 143466  
system partners through the creation of an Ohio Courts Network, 143467  
the delivery of technology services to courts throughout the 143468  
state, including the provision of hardware, software, and the 143469  
development and implementation of educational and training 143470  
programs for judges and court personnel, and operation of the 143471  
Commission on Technology and the Courts by the Supreme Court for 143472  
the promulgation of statewide rules, policies, and uniform 143473  
standards, and to aid in the orderly adoption and comprehensive 143474  
use of technology in Ohio courts. 143475

**ATTORNEY SERVICES** 143476

The Attorney Services Fund (Fund 4C80) shall consist of money 143477  
received by the Supreme Court (The Judiciary) pursuant to the 143478  
Rules for the Government of the Bar of Ohio. In addition to 143479  
funding other activities considered appropriate by the Supreme 143480  
Court, the foregoing appropriation item 005605, Attorney Services, 143481  
may be used to compensate employees and to fund appropriate 143482

activities of the following offices established by the Supreme Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

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No money in Fund 4C80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 4C80 shall be credited to the fund.

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COURT INTERPRETER CERTIFICATION

143493

The Court Interpreter Certification Fund (Fund 5HT0) shall consist of money received by the Supreme Court (The Judiciary) pursuant to Rules 80 through 87 of the Rules of Superintendence for the Courts of Ohio. The foregoing appropriation item 005617, Court Interpreter Certification, shall be used to provide training, to provide the written examination, and to pay language experts to rate, or grade, the oral examinations of those applying to become certified court interpreters. If it is determined by the Administrative Director that additional appropriations are necessary, the amounts are hereby appropriated.

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No money in Fund 5HT0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5HT0 shall be credited to the fund.

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CIVIL JUSTICE PROGRAM

143508

The Civil Justice Program Fund (Fund 5SP0) shall consist of (1) \$50 voluntary donations made as part of the biennium attorney registration process and (2) \$150 increase in the *pro hac vice* fees for out-of-state attorneys pursuant to Government of the Bar Rule amendments. The foregoing appropriation item 005626, Civil

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Justice Program, shall be used by the Supreme Court of Ohio for 143514  
grants to not-for-profit organizations and agencies dedicated to 143515  
providing civil legal aid to underserved populations, to fund 143516  
innovative programs directed at this purpose, and to increase 143517  
access to judicial service to that population. 143518

No money in Fund 5SP0 shall be transferred to any other fund 143519  
by the Director of Budget and Management or the Controlling Board. 143520  
Interest earned on money in Fund 5SP0 shall be credited to the 143521  
fund. 143522

GRANTS AND AWARDS 143523

The Grants and Awards Fund (Fund 5T80) shall consist of 143524  
grants and other money awarded to the Supreme Court (The 143525  
Judiciary) by the State Justice Institute, the Division of 143526  
Criminal Justice Services, or other entities. The foregoing 143527  
appropriation item 005609, Grants and Awards, shall be used in a 143528  
manner consistent with the purpose of the grant or award. If it is 143529  
determined by the Administrative Director of the Supreme Court 143530  
that additional appropriations are necessary, the amounts are 143531  
hereby appropriated. 143532

No money in Fund 5T80 shall be transferred to any other fund 143533  
by the Director of Budget and Management or the Controlling Board. 143534  
Interest earned on money in Fund 5T80 shall be credited or 143535  
transferred to the General Revenue Fund. 143536

JUDICIARY/SUPREME COURT EDUCATION 143537

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 143538  
consist of fees paid for attending judicial and public education 143539  
on the law, reimbursement of costs for judicial and public 143540  
education on the law, and other gifts and grants received for the 143541  
purpose of judicial and public education on the law. The foregoing 143542  
appropriation item 005601, Judiciary/Supreme Court Education, 143543  
shall be used to pay expenses for judicial education courses for 143544

judges, court personnel, and those who serve the courts, and for 143545  
public education on the law. If it is determined by the 143546  
Administrative Director of the Supreme Court that additional 143547  
appropriations are necessary, the amounts are hereby appropriated. 143548

No money in Fund 6720 shall be transferred to any other fund 143549  
by the Director of Budget and Management or the Controlling Board. 143550  
Interest earned on money in Fund 6720 shall be credited to the 143551  
fund. 143552

SUPREME COURT ADMISSIONS 143553

The foregoing appropriation item 005606, Supreme Court 143554  
Admissions, shall be used to compensate Supreme Court employees 143555  
who are primarily responsible for administering the attorney 143556  
admissions program under the Rules for the Government of the Bar 143557  
of Ohio, and to fund any other activities considered appropriate 143558  
by the court. Moneys shall be deposited into the Supreme Court 143559  
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 143560  
Government of the Bar of Ohio. If it is determined by the 143561  
Administrative Director of the Supreme Court that additional 143562  
appropriations are necessary, the amounts are hereby appropriated. 143563

No money in Fund 6A80 shall be transferred to any other fund 143564  
by the Director of Budget and Management or the Controlling Board. 143565  
Interest earned on money in Fund 6A80 shall be credited to the 143566  
fund. 143567

COUNTY LAW LIBRARY RESOURCES BOARDS 143568

The Statewide Consortium of County Law Library Resources 143569  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 143570  
to section 307.515 of the Revised Code into a county's law library 143571  
resources fund and forwarded by that county's treasurer for 143572  
deposit in the state treasury pursuant to division (E)(1) of 143573  
section 3375.481 of the Revised Code. The foregoing appropriation 143574  
item 005620, County Law Library Resources Boards, shall be used 143575

for the operation of the Statewide Consortium of County Law 143576  
Library Resources Boards. If it is determined by the 143577  
Administrative Director of the Supreme Court that additional 143578  
appropriations are necessary, the amounts are hereby appropriated. 143579

No money in Fund 5JY0 shall be transferred to any other fund 143580  
by the Director of Budget and Management or the Controlling Board. 143581  
Interest earned on money in Fund 5JY0 shall be credited to the 143582  
fund. 143583

FEDERAL GRANTS 143584

The Federal Grants Fund (Fund 3J00) shall consist of grants 143585  
and other moneys awarded to the Supreme Court (The Judiciary) by 143586  
the United States Government or other entities that receive the 143587  
moneys directly from the United States Government and distribute 143588  
those moneys to the Supreme Court (The Judiciary). The foregoing 143589  
appropriation item 005603, Federal Grants, shall be used in a 143590  
manner consistent with the purpose of the grant or award. If it is 143591  
determined by the Administrative Director of the Supreme Court 143592  
that additional appropriations are necessary, the amounts are 143593  
hereby appropriated. 143594

No money in Fund 3J00 shall be transferred to any other fund 143595  
by the Director of Budget and Management or the Controlling Board. 143596  
However, interest earned on money in Fund 3J00 shall be credited 143597  
or transferred to the General Revenue Fund. 143598

**Section 319.10.** LEC LAKE ERIE COMMISSION 143599

Dedicated Purpose Fund Group 143600  
4C00 780601 Lake Erie Protection \$ 568,000 \$ 571,000 143601  
TOTAL DPF Dedicated Purpose 143602  
Fund Group \$ 568,000 \$ 571,000 143603  
TOTAL ALL BUDGET FUND GROUPS \$ 568,000 \$ 571,000 143604

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 143605

On July 1 of each fiscal year, or as soon as possible 143606  
thereafter, the Director of Budget and Management may transfer 143607  
cash from the funds specified below, up to the amounts specified 143608  
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may 143609  
accept contributions and transfers made to the fund. 143610

| Fund | Fund Name                         | User                               | FY 2018  | FY 2019  |                  |
|------|-----------------------------------|------------------------------------|----------|----------|------------------|
| 5BC0 | Environmental<br>Protection       | Environmental<br>Protection Agency | \$25,000 | \$25,000 | 143611<br>143612 |
| 6690 | Pesticide,<br>Fertilizer and Lime | Department of<br>Agriculture       | \$25,000 | \$25,000 | 143613           |
| 4700 | General Operations                | Department of<br>Health            | \$25,000 | \$25,000 | 143614           |
| 1570 | Central Support<br>Indirect       | Department of<br>Natural Resources | \$25,000 | \$25,000 | 143615           |

On July 1, 2017, or as soon as possible thereafter, the 143616  
Director of Budget and Management may transfer \$25,000 cash from a 143617  
fund used by the Development Services Agency, as specified by the 143618  
Director of Development Services, to Fund 4C00. 143619

On July 1, 2018, or as soon as possible thereafter, the 143620  
Director of Budget and Management may transfer \$25,000 cash from a 143621  
fund used by the Development Services Agency, as specified by the 143622  
Director of Development Services, to Fund 4C00. 143623

TRANSFER CASH FROM AND ABOLISH THE LAKE ERIE RESOURCES FUND 143624

On July 1, 2017, or as soon as possible thereafter, the 143625  
Director of Environmental Protection shall certify to the Director 143626  
of Budget and Management the cash balance in the Lake Erie 143627  
Resources Fund (Fund 5D80). The Director of Budget and Management 143628  
may transfer the certified cash amount from Fund 5D80 to the Lake 143629  
Erie Protection Fund (Fund 4C00). Upon completion of the transfer, 143630  
the Director of Budget and Management shall cancel any existing 143631  
encumbrances against appropriation item 780602, Lake Erie 143632  
Resources, and reestablish them against appropriation item 780601, 143633

Lake Erie Protection. The reestablished encumbrance amounts are 143634  
hereby appropriated and Fund 5D80 is abolished. 143635

**Section 321.10.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE 143636

General Revenue Fund 143637

GRF 028321 Legislative Ethics \$ 550,000 \$ 550,000 143638  
Committee

TOTAL GRF General Revenue Fund \$ 550,000 \$ 550,000 143639

Dedicated Purpose Fund Group 143640

4G70 028601 Joint Legislative \$ 150,000 \$ 150,000 143641  
Ethics Committee

5HN0 028602 Investigations and \$ 10,000 \$ 10,000 143642  
Financial Disclosure

TOTAL DPF Dedicated Purpose Fund \$ 160,000 \$ 160,000 143643

Group

TOTAL ALL BUDGET FUND GROUPS \$ 710,000 \$ 710,000 143644

LEGISLATIVE ETHICS COMMITTEE 143645

On July 1, 2017, or as soon as possible thereafter, the 143646  
Legislative Inspector General of the Joint Legislative Ethics 143647  
Committee may certify to the Director of Budget and Management an 143648  
amount up to the unexpended, unencumbered balance of the foregoing 143649  
appropriation item 028321, Legislative Ethics Committee, at the 143650  
end of fiscal year 2017 to be reappropriated to fiscal year 2018. 143651  
The amount certified is hereby reappropriated to the same 143652  
appropriation item for fiscal year 2018. 143653

On July 1, 2018, or as soon as possible thereafter, the 143654  
Legislative Inspector General of the Joint Legislative Ethics 143655  
Committee may certify to the Director of Budget and Management an 143656  
amount up to the unexpended, unencumbered balance of the foregoing 143657  
appropriation item 028321, Legislative Ethics Committee, at the 143658  
end of fiscal year 2018 to be reappropriated to fiscal year 2019. 143659

The amount certified is hereby reappropriated to the same 143660  
appropriation item for fiscal year 2019. 143661

**Section 323.10.** LSC LEGISLATIVE SERVICE COMMISSION 143662

General Revenue Fund 143663

GRF 035321 Operating Expenses \$ 16,830,000 \$ 16,830,000 143664

GRF 035402 Legislative Fellows \$ 1,022,120 \$ 1,022,120 143665

GRF 035405 Correctional \$ 447,020 \$ 447,020 143666

Institution Inspection

Committee

GRF 035407 Legislative Task Force \$ 400,000 \$ 0 143667

on Redistricting

GRF 035409 National Associations \$ 450,000 \$ 450,000 143668

GRF 035410 Legislative \$ 8,569,500 \$ 8,569,500 143669

Information Systems

TOTAL GRF General Revenue Fund \$ 27,718,640 \$ 27,318,640 143670

Dedicated Purpose Fund Group 143671

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 143672

TOTAL DPF Dedicated Purpose Fund \$ 10,000 \$ 10,000 143673

Group

TOTAL ALL BUDGET FUND GROUPS \$ 27,728,640 \$ 27,328,640 143674

**Section 323.20.** OPERATING EXPENSES 143676

On July 1, 2017, or as soon as possible thereafter, the 143677

Director of the Legislative Service Commission may certify to the 143678

Director of Budget and Management an amount up to the unexpended, 143679

unencumbered balance of the foregoing appropriation item 035321, 143680

Operating Expenses, at the end of fiscal year 2017 to be 143681

reappropriated to fiscal year 2018. The amount certified is hereby 143682

reappropriated to the same appropriation item for fiscal year 143683

2018. 143684

On July 1, 2018, or as soon as possible thereafter, the 143685

Director of the Legislative Service Commission may certify to the 143686  
Director of Budget and Management an amount up to the unexpended, 143687  
unencumbered balance of the foregoing appropriation item 035321, 143688  
Operating Expenses, at the end of fiscal year 2018 to be 143689  
reappropriated to fiscal year 2019. The amount certified is hereby 143690  
reappropriated to the same appropriation item for fiscal year 143691  
2019. 143692

LEGISLATIVE TASK FORCE ON REDISTRICTING 143693

An amount equal to the unexpended, unencumbered balance of 143694  
the foregoing appropriation item 035407, Legislative Task Force on 143695  
Redistricting, at the end of fiscal year 2017 is hereby 143696  
reappropriated to the Legislative Service Commission for the same 143697  
purpose for fiscal year 2018. 143698

An amount equal to the unexpended, unencumbered balance of 143699  
the foregoing appropriation item 035407, Legislative Task Force on 143700  
Redistricting, at the end of fiscal year 2018 is hereby 143701  
reappropriated to the Legislative Service Commission for the same 143702  
purpose for fiscal year 2019. 143703

LEGISLATIVE INFORMATION SYSTEMS 143704

On July 1, 2017, or as soon as possible thereafter, the 143705  
Director of the Legislative Service Commission may certify to the 143706  
Director of Budget and Management an amount up to the unexpended, 143707  
unencumbered balance of the foregoing appropriation item 035410, 143708  
Legislative Information Systems, at the end of fiscal year 2017 to 143709  
be reappropriated to fiscal year 2018. The amount certified is 143710  
hereby reappropriated to the same appropriation item for fiscal 143711  
year 2018. 143712

On July 1, 2018, or as soon as possible thereafter, the 143713  
Director of the Legislative Service Commission may certify to the 143714  
Director of Budget and Management an amount up to the unexpended, 143715  
unencumbered balance of the foregoing appropriation item 035410, 143716

Legislative Information Systems, at the end of fiscal year 2018 to 143717  
 be reappropriated to fiscal year 2019. The amount certified is 143718  
 hereby reappropriated to the same appropriation item for fiscal 143719  
 year 2019. 143720

LITIGATION 143721

The appropriation item 035501, Litigation, shall be used for 143722  
 any lawsuit in which the General Assembly is a party because a 143723  
 legal or constitutional challenge is made against the Ohio 143724  
 Constitution or an act of the General Assembly. The chairperson 143725  
 and vice-chairperson of the Legislative Service Commission shall 143726  
 both approve the use of the appropriated moneys. 143727

An amount equal to the unexpended, unencumbered balance of 143728  
 the appropriation item 035501, Litigation, at the end of fiscal 143729  
 year 2017 is hereby reappropriated to the Legislative Service 143730  
 Commission for the same purpose for fiscal year 2018. 143731

An amount equal to the unexpended, unencumbered balance of 143732  
 the appropriation item 035501, Litigation, at the end of fiscal 143733  
 year 2018 is hereby reappropriated to the Legislative Service 143734  
 Commission for the same purpose for fiscal year 2019. 143735

**Section 325.10. LIB STATE LIBRARY BOARD** 143736

General Revenue Fund 143737

|     |        |                    |    |           |    |           |        |
|-----|--------|--------------------|----|-----------|----|-----------|--------|
| GRF | 350321 | Operating Expenses | \$ | 4,500,000 | \$ | 4,500,000 | 143738 |
|-----|--------|--------------------|----|-----------|----|-----------|--------|

|     |        |                 |    |         |    |         |        |
|-----|--------|-----------------|----|---------|----|---------|--------|
| GRF | 350401 | Ohioana Library | \$ | 295,114 | \$ | 300,114 | 143739 |
|-----|--------|-----------------|----|---------|----|---------|--------|

Association

|     |        |                  |    |         |    |         |        |
|-----|--------|------------------|----|---------|----|---------|--------|
| GRF | 350502 | Regional Library | \$ | 500,000 | \$ | 500,000 | 143740 |
|-----|--------|------------------|----|---------|----|---------|--------|

Systems

|           |                      |    |           |    |           |        |
|-----------|----------------------|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 5,295,114 | \$ | 5,300,114 | 143741 |
|-----------|----------------------|----|-----------|----|-----------|--------|

Dedicated Purpose Fund Group 143742

|      |        |              |    |           |    |           |        |
|------|--------|--------------|----|-----------|----|-----------|--------|
| 4590 | 350603 | Services for | \$ | 4,190,834 | \$ | 4,190,834 | 143743 |
|------|--------|--------------|----|-----------|----|-----------|--------|

Libraries

|                                     |        |                       |    |            |    |            |        |
|-------------------------------------|--------|-----------------------|----|------------|----|------------|--------|
| 4S40                                | 350604 | Ohio Public Library   | \$ | 5,689,788  | \$ | 5,689,788  | 143744 |
|                                     |        | Information Network   |    |            |    |            |        |
| 5GB0                                | 350605 | Library for the Blind | \$ | 1,274,194  | \$ | 1,274,194  | 143745 |
| TOTAL DPF Dedicated Purpose         |        |                       |    |            |    |            | 143746 |
| Fund Group                          |        |                       | \$ | 11,154,816 | \$ | 11,154,816 | 143747 |
| Internal Service Activity Fund      |        |                       |    |            |    |            | 143748 |
| 1390                                | 350602 | Services for State    | \$ | 8,000      | \$ | 8,000      | 143749 |
|                                     |        | Agencies              |    |            |    |            |        |
| TOTAL ISA Internal Service Activity |        |                       |    |            |    |            | 143750 |
| Fund Group                          |        |                       | \$ | 8,000      | \$ | 8,000      | 143751 |
| Federal Fund Group                  |        |                       |    |            |    |            | 143752 |
| 3130                                | 350601 | LSTA Federal          | \$ | 5,350,000  | \$ | 5,350,000  | 143753 |
| TOTAL FED Federal Fund Group        |        |                       | \$ | 5,350,000  | \$ | 5,350,000  | 143754 |
| TOTAL ALL BUDGET FUND GROUPS        |        |                       | \$ | 21,807,930 | \$ | 21,812,930 | 143755 |

**Section 325.20. OHIOANA LIBRARY ASSOCIATION** 143757

Of the foregoing appropriation item 350401, Ohioana Library Association, \$175,000 in fiscal year 2018 and \$180,000 in fiscal year 2019 shall be used to support the operating expenses of the Ohioana Library Association. 143758  
143759  
143760  
143761

The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 143762  
143763  
143764  
143765

**REGIONAL LIBRARY SYSTEMS** 143766

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 143767  
143768  
143769  
143770

**OHIO PUBLIC LIBRARY INFORMATION NETWORK** 143771

(A) The foregoing appropriation item 350604, Ohio Public 143772

Library Information Network, shall be used for an information 143773  
telecommunications network linking public libraries in the state 143774  
and such others as may participate in the Ohio Public Library 143775  
Information Network (OPLIN). 143776

The Ohio Public Library Information Network Board of Trustees 143777  
created under section 3375.65 of the Revised Code may make 143778  
decisions regarding use of the foregoing appropriation item 143779  
350604, Ohio Public Library Information Network. 143780

(B) The OPLIN Board shall research and assist or advise local 143781  
libraries with regard to emerging technologies and methods that 143782  
may be effective means to control access to obscene and illegal 143783  
materials. The OPLIN Director shall provide written reports upon 143784  
request within ten days to the Governor, the Speaker and Minority 143785  
Leader of the House of Representatives, and the President and 143786  
Minority Leader of the Senate on any steps being taken by OPLIN 143787  
and public libraries in the state to limit and control such 143788  
improper usage as well as information on technological, legal, and 143789  
law enforcement trends nationally and internationally affecting 143790  
this area of public access and service. 143791

(C) The Ohio Public Library Information Network, INFOhio, and 143792  
OhioLINK shall, to the extent feasible, coordinate and cooperate 143793  
in their purchase or other acquisition of the use of electronic 143794  
databases for their respective users and shall contribute funds in 143795  
an equitable manner to such effort. 143796

LIBRARY FOR THE BLIND 143797

The foregoing appropriation item 350605, Library for the 143798  
Blind, shall be used for the statewide Talking Book Program to 143799  
assist the blind and disabled. 143800

TRANSFER TO OPLIN TECHNOLOGY FUND 143801

Notwithstanding sections 5747.03 and 5747.47 of the Revised 143802  
Code and any other provision of law to the contrary, in accordance 143803

with a schedule established by the Director of Budget and 143804  
Management, the Director of Budget and Management shall transfer 143805  
\$3,689,788 cash in each fiscal year from the Public Library Fund 143806  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 143807

TRANSFER TO LIBRARY FOR THE BLIND FUND 143808

Notwithstanding sections 5747.03 and 5747.47 of the Revised 143809  
Code and any other provision of law to the contrary, in accordance 143810  
with a schedule established by the Director of Budget and 143811  
Management, the Director of Budget and Management shall transfer 143812  
\$1,274,194 cash in each fiscal year from the Public Library Fund 143813  
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 143814

**Section 327.10. LCO LIQUOR CONTROL COMMISSION** 143815

Dedicated Purpose Fund Group 143816

5LP0 970601 Commission Operating \$ 844,553 \$ 851,269 143817  
Expenses

TOTAL DPF Dedicated Purpose Fund \$ 844,553 \$ 851,269 143818  
Group

TOTAL ALL BUDGET FUND GROUPS \$ 844,553 \$ 851,269 143819

**Section 329.10. LOT STATE LOTTERY COMMISSION** 143821

State Lottery Fund Group 143822

7044 950321 Operating Expenses \$ 50,000,000 \$ 50,000,000 143823

7044 950402 Advertising Contracts \$ 25,800,000 \$ 25,800,000 143824

7044 950403 Gaming Contracts \$ 68,258,704 \$ 68,917,884 143825

7044 950601 Direct Prize Payments \$ 142,307,278 \$ 142,949,268 143826

7044 950605 Problem Gambling \$ 3,300,000 \$ 3,300,000 143827

8710 950602 Annuity Prizes \$ 81,000,000 \$ 81,000,000 143828

TOTAL SLF State Lottery Fund 143829

Group \$ 370,665,982 \$ 371,967,152 143830

TOTAL ALL BUDGET FUND GROUPS \$ 370,665,982 \$ 371,967,152 143831

OPERATING EXPENSES 143832

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,082,630,000 in fiscal year 2018 and \$1,093,630,000 in fiscal year 2019. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.

|                                                          |                        |                      |                                     |          |
|----------------------------------------------------------|------------------------|----------------------|-------------------------------------|----------|
| <b>Section 331.10. MHC MANUFACTURED HOMES COMMISSION</b> |                        |                      |                                     | 143864   |
| Dedicated Purpose Fund Group                             |                        |                      |                                     | 143865   |
| 4K90                                                     | 996609                 | Operating Expenses   | \$ 227,165 \$                       | 0 143866 |
| 5MC0                                                     | 996610                 | Manufactured Homes   | \$ 460,212 \$                       | 0 143867 |
| Regulation                                               |                        |                      |                                     |          |
| TOTAL DPF                                                | Dedicated Purpose Fund |                      | \$ 687,377 \$                       | 0 143868 |
| Group                                                    |                        |                      |                                     |          |
| TOTAL ALL BUDGET FUND GROUPS                             |                        |                      | \$ 687,377 \$                       | 0 143869 |
| <br><b>Section 333.10. MCD DEPARTMENT OF MEDICAID</b>    |                        |                      |                                     | 143871   |
| General Revenue Fund                                     |                        |                      |                                     | 143872   |
| GRF                                                      | 651425                 | Medicaid Program     | \$ 176,312,968 \$ 178,754,197       | 143873   |
| Support - State                                          |                        |                      |                                     |          |
| GRF                                                      | 651525                 | Medicaid Health Care |                                     | 143874   |
| Services                                                 |                        |                      |                                     |          |
|                                                          |                        | State                | \$ 3,757,798,912 \$ 4,061,056,034   | 143875   |
|                                                          |                        | Federal              | \$ 9,735,053,357 \$ 10,311,479,657  | 143876   |
|                                                          |                        | Medicaid Health Care | \$ 13,492,852,269 \$ 14,372,535,691 | 143877   |
| Services Total                                           |                        |                      |                                     |          |
| GRF                                                      | 651526                 | Medicare Part D      | \$ 478,243,607 \$ 478,331,274       | 143878   |
| TOTAL GRF                                                | General Revenue Fund   |                      |                                     | 143879   |
|                                                          |                        | State                | \$ 4,412,355,487 \$ 4,718,141,505   | 143880   |
|                                                          |                        | Federal              | \$ 9,735,053,357 \$ 10,311,479,657  | 143881   |
|                                                          |                        | GRF Total            | \$ 14,147,408,844 \$ 15,029,621,162 | 143882   |
| Dedicated Purpose Fund Group                             |                        |                      |                                     | 143883   |
| 4E30                                                     | 651605                 | Resident Protection  | \$ 4,878,000 \$ 4,878,000           | 143884   |
| Fund                                                     |                        |                      |                                     |          |
| 5AJ0                                                     | 651631                 | Money Follows the    | \$ 12,760,900 \$ 12,373,500         | 143885   |
| Person                                                   |                        |                      |                                     |          |
| 5AN0                                                     | 651686                 | Care Innovation and  | \$ 60,000,000 \$ 60,000,000         | 143886   |
| Community Improvement                                    |                        |                      |                                     |          |

|                            |        |                        |    |               |    |                      |
|----------------------------|--------|------------------------|----|---------------|----|----------------------|
|                            |        | Program                |    |               |    |                      |
| 5DL0                       | 651639 | Medicaid Services -    | \$ | 774,381,570   | \$ | 722,709,203 143887   |
|                            |        | Recoveries             |    |               |    |                      |
| 5DL0                       | 651685 | Medicaid Recoveries -  | \$ | 36,146,571    | \$ | 41,328,516 143888    |
|                            |        | Program Support        |    |               |    |                      |
| 5FX0                       | 651638 | Medicaid Services -    | \$ | 12,000,000    | \$ | 12,000,000 143889    |
|                            |        | Payment Withholding    |    |               |    |                      |
| 5GF0                       | 651656 | Medicaid Services -    | \$ | 619,104,791   | \$ | 647,635,236 143890   |
|                            |        | Hospital Upper         |    |               |    |                      |
|                            |        | Payment Limit          |    |               |    |                      |
| 5KC0                       | 651682 | Health Care Grants -   | \$ | 5,000,000     | \$ | 5,000,000 143891     |
|                            |        | State                  |    |               |    |                      |
| 5R20                       | 651608 | Medicaid Services -    | \$ | 405,666,000   | \$ | 405,666,000 143892   |
|                            |        | Long Term              |    |               |    |                      |
| 5SC0                       | 651683 | Medicaid Services -    | \$ | 30,000,000    | \$ | 30,000,000 143893    |
|                            |        | Physician UPL          |    |               |    |                      |
| 5TN0                       | 651684 | Medicaid Services -    | \$ | 593,195,389   | \$ | 660,893,005 143894   |
|                            |        | HIC Fee                |    |               |    |                      |
| 5TZ0                       | 651600 | Brigid's Path Program  | \$ | 500,000       | \$ | 500,000 143895       |
| 6510                       | 651649 | Medicaid Services -    | \$ | 238,057,429   | \$ | 199,250,372 143896   |
|                            |        | Hospital Care          |    |               |    |                      |
|                            |        | Assurance Program      |    |               |    |                      |
| TOTAL DPF                  |        | Dedicated Purpose Fund | \$ | 2,791,690,650 | \$ | 2,802,233,832 143897 |
| Group                      |        |                        |    |               |    |                      |
| Holding Account Fund Group |        |                        |    |               |    | 143898               |
| R055                       | 651644 | Refunds and            | \$ | 1,000,000     | \$ | 1,000,000 143899     |
|                            |        | Reconciliation         |    |               |    |                      |
| TOTAL HLD                  |        | Holding Account Fund   | \$ | 1,000,000     | \$ | 1,000,000 143900     |
| Group                      |        |                        |    |               |    |                      |
| Federal Fund Group         |        |                        |    |               |    | 143901               |
| 3ER0                       | 651603 | Medicaid Health and    | \$ | 61,896,000    | \$ | 61,896,000 143902    |
|                            |        | Transformation         |    |               |    |                      |

|                              |            |                      |                  |                  |        |
|------------------------------|------------|----------------------|------------------|------------------|--------|
|                              | Technology |                      |                  |                  |        |
| 3F00                         | 651623     | Medicaid Services -  | \$ 6,353,919,469 | \$ 6,478,785,019 | 143903 |
|                              |            | Federal              |                  |                  |        |
| 3F00                         | 651624     | Medicaid Program     | \$ 607,899,720   | \$ 682,203,750   | 143904 |
|                              |            | Support - Federal    |                  |                  |        |
| 3FA0                         | 651680     | Health Care Grants - | \$ 38,658,704    | \$ 38,664,967    | 143905 |
|                              |            | Federal              |                  |                  |        |
| 3G50                         | 651655     | Medicaid Interagency | \$ 125,651,597   | \$ 125,701,597   | 143906 |
|                              |            | Pass Through         |                  |                  |        |
| TOTAL FED                    |            | Federal Fund Group   | \$ 7,188,025,490 | \$ 7,387,251,333 | 143907 |
| TOTAL ALL BUDGET FUND GROUPS |            |                      | \$24,128,124,984 | \$25,220,106,327 | 143908 |

**Section 333.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES 143910

(A) Until July 1, 2019, the Medicaid Director has the 143911  
 authority to establish, change, and abolish positions for the 143912  
 Department of Medicaid, and to assign, reassign, classify, 143913  
 reclassify, transfer, reduce, promote, or demote all employees of 143914  
 the Department of Medicaid who are not subject to Chapter 4117. of 143915  
 the Revised Code. 143916

(B) The authority granted under division (A) of this section 143917  
 includes assigning or reassigning an exempt employee, as defined 143918  
 in section 124.152 of the Revised Code, to a bargaining unit 143919  
 classification if the Medicaid Director determines that the 143920  
 bargaining unit classification is the proper classification for 143921  
 that employee. The actions of the Medicaid Director shall be 143922  
 consistent with the requirements of 5 C.F.R. 900.603 for those 143923  
 employees subject to such requirements. If an employee in the E-1 143924  
 pay range is to be assigned, reassigned, classified, reclassified, 143925  
 transferred, reduced, or demoted to a position in a lower 143926  
 classification under this section, the Medicaid Director, or in 143927  
 the case of a transfer outside the Department of Medicaid, the 143928  
 Director of Administrative Services, shall assign the employee to 143929  
 the appropriate classification and place the employee in Step X. 143930

The employee shall not receive any increase in compensation until 143931  
the maximum rate of pay for that classification exceeds the 143932  
employee's compensation. 143933

(C) Actions taken by the Medicaid Director and Director of 143934  
Administrative Services pursuant to this section are not subject 143935  
to appeal to the State Personnel Board of Review. 143936

(D) A portion of the foregoing appropriation items 651425, 143937  
Medicaid Program Support - State, 651603, Medicaid Health and 143938  
Transformation Technology, 651624, Medicaid Program Support - 143939  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 143940  
Interagency Pass-Through, 651605, Resident Protection Fund, 143941  
651631, Money Follows the Person, 651682, Health Care Grants - 143942  
State, and 651654, Medicaid Program Support, may be used to pay 143943  
for costs associated with the administration of the Medicaid 143944  
program, including the assignment, reassignment, classification, 143945  
reclassification, transfer, reduction, promotion, or demotion of 143946  
employees authorized by this section. 143947

**Section 333.30.** For fiscal years 2018 and 2019, the Director 143948  
of Budget and Management may transfer appropriation between 143949  
appropriation item 651425, Medicaid Program Support - State, and 143950  
appropriation item 655425, Medicaid Program Support. Any 143951  
appropriation so transferred shall be used to resolve funding 143952  
issues resulting from the transfer of medical assistance programs 143953  
from the Department of Job and Family Services to the Department 143954  
of Medicaid. 143955

**Section 333.33.** CASH TRANSFERS TO THE HEALTH AND HUMAN 143956  
SERVICES FUND 143957

On July 1, 2017, or as soon as possible thereafter, the 143958  
Director of Budget and Management shall transfer \$41,840,600 cash 143959  
from the General Revenue Fund to the Health and Human Services 143960

Fund. 143961

Upon Controlling Board authorization of expenditures under 143962  
division (B) of the section of this act titled "HEALTH AND HUMAN 143963  
SERVICES FUND CONTINUED" during fiscal year 2018, the Director of 143964  
Budget and Management may transfer up to \$26,309,868 cash from the 143965  
Support and Recoveries Fund (Fund 5DL0), and up to \$196,226,296 143966  
cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 143967  
Health and Human Services Fund. 143968

On July 1, 2018, or as soon as possible thereafter, the 143969  
Director of Budget and Management shall transfer \$49,320,340 cash 143970  
from the General Revenue Fund to the Health and Human Services 143971  
Fund. 143972

Upon Controlling Board authorization of expenditures under 143973  
division (B) of the section of this act titled "HEALTH AND HUMAN 143974  
SERVICES FUND CONTINUED" during fiscal year 2019, the Director of 143975  
Budget and Management may transfer up to \$34,667,668 cash from the 143976  
Support and Recoveries Fund (Fund 5DL0), and up to \$226,841,369 143977  
cash from the HIC Class Franchise Fee Fund (Fund 5TN0) to the 143978  
Health and Human Services Fund. 143979

**Section 333.34.** HEALTH AND HUMAN SERVICES FUND CONTINUED 143980

(A) The Health and Human Services Fund created under Section 143981  
751.40 of Am. Sub. H.B. 64 of the 131st General Assembly shall 143982  
continue to exist during the 2018-2019 fiscal biennium. 143983

(B) The Medicaid Director may request the Controlling Board 143984  
to authorize expenditure from the Health and Human Services Fund 143985  
in an amount necessary to pay for the costs of the Medicaid 143986  
program during the 2018-2019 fiscal biennium. The Controlling 143987  
Board may authorize the expenditure if the United States Congress 143988  
has not amended on or after the effective date of this section 143989  
section 1905(y) of the "Social Security Act," 42 U.S.C. 1396d(y), 143990

in a manner that reduces the federal medical assistance percentage 143991  
for newly eligible individuals described in section 143992  
1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 143993  
1396a(a)(10)(A)(i)(VIII). 143994

**Section 333.40. MEDICAID HEALTH CARE SERVICES** 143995

The foregoing appropriation item 651525, Medicaid Health Care 143996  
Services, shall not be limited by section 131.33 of the Revised 143997  
Code. 143998

**Section 333.50. MANAGED CARE PERFORMANCE PAYMENT PROGRAM** 143999

At the beginning of each quarter, or as soon as possible 144000  
thereafter, the Medicaid Director shall certify to the Director of 144001  
Budget and Management the amount withheld in accordance with 144002  
section 5167.30 of the Revised Code and this section for purposes 144003  
of the Managed Care Performance Payment Program. 144004

Notwithstanding section 5167.30 of the Revised Code and for 144005  
only fiscal year 2019, the sum of all withholdings from Medicaid 144006  
managed care organizations' premium payments under division (B) of 144007  
that section shall be one per cent of the premium payments. 144008

**Section 333.60. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED** 144009  
**CARE** 144010

(A) As used in this section: 144011

(1) "ICDS participant" has the same meaning as in section 144012  
5164.01 of the Revised Code. 144013

(2) "Integrated Care Delivery System" and "ICDS" have the 144014  
same meaning as section 5164.01 of the Revised Code. 144015

(3) "Medicaid managed care organization" has the same meaning 144016  
as in section 5167.01 of the Revised Code. 144017

(B) For fiscal year 2018 and fiscal year 2019, the Department 144018

of Medicaid shall provide performance payments as provided under 144019  
this section to Medicaid managed care organizations providing care 144020  
under the Integrated Care Delivery System. 144021

(C) If ICDS participants receive care through Medicaid 144022  
managed care organizations under ICDS, the Department shall, in 144023  
consultation with the United States Centers for Medicare and 144024  
Medicaid Services, do both of the following: 144025

(1) Develop quality measures designed specifically to 144026  
determine the effectiveness of the health care and other services 144027  
provided to ICDS participants by Medicaid managed care 144028  
organizations; 144029

(2) Determine an amount to be withheld from the Medicaid 144030  
premium payments paid to Medicaid managed care organizations for 144031  
ICDS participants. 144032

(D)(1) For the purposes of division (C)(2) of this section, 144033  
the Department shall establish an amount that is to be withheld 144034  
each time a premium payment is made to a Medicaid managed care 144035  
organization for an ICDS participant. The amount shall be 144036  
established as a percentage of each premium payment. The 144037  
percentage shall be the same for all Medicaid managed care 144038  
organizations providing care to ICDS participants. 144039

(2) Each Medicaid managed care organization shall agree to 144040  
the withholding as a condition of receiving or maintaining its 144041  
Medicaid provider agreement with the Department. 144042

(3) When the amount is established and each time the amount 144043  
is modified thereafter, the Department shall certify the amount to 144044  
the Director of Budget and Management and begin withholding the 144045  
amount from each premium the Department pays to a Medicaid managed 144046  
care organization for an ICDS participant. 144047

(E) A Medicaid managed care organization subject to this 144048  
section is not subject to section 5167.30 of the Revised Code for 144049

premium payments attributed to ICDS participants during fiscal 144050  
year 2018 and fiscal year 2019. 144051

**Section 333.63. BRIGID'S PATH PILOT** 144052

The foregoing appropriation item 651600, Brigid's Path Pilot, 144053  
shall be used in accordance with division (G)(5) of Section 757.20 144054  
of this act. 144055

**Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM** 144056

The Director of Budget and Management may authorize 144057  
additional expenditures from appropriation item 651623, Medicaid 144058  
Services - Federal, appropriation item 651525, Medicaid Health 144059  
Care Services, and appropriation item 651656, Medicaid Services - 144060  
Hospital/UPL, in order to implement the programs authorized by 144061  
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 144062  
authorized are hereby appropriated. 144063

**Section 333.80. MEDICARE PART D** 144064

The foregoing appropriation item 651526, Medicare Part D, may 144065  
be used by the Department of Medicaid for the implementation and 144066  
operation of the Medicare Part D requirements contained in the 144067  
"Medicare Prescription Drug, Improvement, and Modernization Act of 144068  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 144069  
Department of Medicaid, the Director of Budget and Management may 144070  
transfer the state share of appropriations between appropriation 144071  
item 651525, Medicaid Health Care Services, and appropriation item 144072  
651526, Medicare Part D. If the state share of appropriation item 144073  
651525, Medicaid Health Care Services, is adjusted, the Director 144074  
of Budget and Management shall adjust the federal share 144075  
accordingly. The Department of Medicaid shall provide notification 144076  
to the Controlling Board of any transfers at the next scheduled 144077  
Controlling Board meeting. 144078

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| <b>Section 333.90.</b> HEALTH CARE SERVICES SUPPORT AND RECOVERIES  | 144079 |
| FUND                                                                | 144080 |
| Of the amount received by the Department of Medicaid during         | 144081 |
| fiscal year 2018 and fiscal year 2019 from the first installment    | 144082 |
| of assessments paid under section 5168.06 of the Revised Code and   | 144083 |
| intergovernmental transfers made under section 5168.07 of the       | 144084 |
| Revised Code, the Medicaid Director shall deposit \$350,000 in each | 144085 |
| fiscal year into the state treasury to the credit of the Health     | 144086 |
| Care Services Support and Recoveries Fund (Fund 5DL0).              | 144087 |
| <br>                                                                |        |
| <b>Section 333.100.</b> HOSPITAL CARE ASSURANCE MATCH               | 144088 |
| If receipts credited to the Health Care Federal Fund (Fund          | 144089 |
| 3F00) exceed the amounts appropriated from the fund for making the  | 144090 |
| hospital care assurance program distribution, the Medicaid          | 144091 |
| Director may request the Director of Budget and Management to       | 144092 |
| authorize expenditures from the fund in excess of the amounts       | 144093 |
| appropriated. Upon the approval of the Director of Budget and       | 144094 |
| Management, the additional amounts are hereby appropriated.         | 144095 |
| <br>                                                                |        |
| The foregoing appropriation item 651649, Medicaid Services -        | 144096 |
| Health Care Assurance Program, shall be used by the Department of   | 144097 |
| Medicaid for distributing the state share of all hospital care      | 144098 |
| assurance program funds to hospitals under section 5168.09 of the   | 144099 |
| Revised Code. If receipts credited to the Hospital Care Assurance   | 144100 |
| Program Fund (Fund 6510) exceed the amounts appropriated from the   | 144101 |
| fund for making the hospital care assurance program distribution,   | 144102 |
| the Medicaid Director may request the Director of Budget and        | 144103 |
| Management to authorize expenditures from the fund in excess of     | 144104 |
| the amounts appropriated. Upon the approval of the Director of      | 144105 |
| Budget and Management, the additional amounts are hereby            | 144106 |
| appropriated.                                                       | 144107 |
| <br>                                                                |        |
| <b>Section 333.110.</b> REFUNDS AND RECONCILIATION FUND             | 144108 |

If receipts credited to the Refunds and Reconciliation Fund 144109  
exceed the amounts appropriated from the fund, the Medicaid 144110  
Director may request the Director of Budget and Management to 144111  
authorize expenditures from the fund in excess of the amounts 144112  
appropriated. Upon approval of the Director of Budget and 144113  
Management, the additional amounts are hereby appropriated. 144114

**Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH** 144115

The Medicaid Director may request the Director of Budget and 144116  
Management to increase appropriation item 651655, Medicaid 144117  
Interagency Pass-Through. Upon the approval of the Director of 144118  
Budget and Management, the additional amounts are hereby 144119  
appropriated. 144120

**Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION** 144121

In order to ensure access to a non-emergency medical 144122  
transportation brokerage program established pursuant to section 144123  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 144124  
upon the request of the Medicaid Director, the Director of Budget 144125  
and Management may transfer the state share appropriations between 144126  
General Revenue Fund appropriation item 651525, Medicaid Health 144127  
Care Services, within the Department of Medicaid and 655523, 144128  
Medicaid Program Support - Local Transportation, within the 144129  
Department of Job and Family Services. If such a transfer occurs, 144130  
the Director of Budget and Management shall adjust, using the 144131  
federal reimbursement rate, the federal share appropriations of 144132  
General Revenue Fund appropriation line 651525, Medicaid Health 144133  
Care Services, within the Department of Medicaid, and the Medicaid 144134  
Program Support Fund (3F01) appropriation line 655624, Medicaid 144135  
Program Support - Federal, within the Department of Job and Family 144136  
Services. The Director of Medicaid shall transmit to the Medicaid 144137  
Program Support Fund (3F01) the federal funds which the Department 144138

of Medicaid, as the state's sole point of contact with the federal 144139  
government for Medicaid reimbursements, has drawn for this 144140  
transaction. 144141

**Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 144142**  
SYSTEM IMPLEMENTATION 144143

Upon the request of the Medicaid Director, the Director of 144144  
Budget and Management may transfer up to \$5,000,000 of state share 144145  
appropriations in each fiscal year between General Revenue Fund 144146  
appropriation item 651525, Medicaid Health Care Services, within 144147  
the Department of Medicaid, and 655522, Medicaid Program Support - 144148  
Local, within the Department of Job and Family Services. If such a 144149  
transfer occurs, the Director of Budget and Management shall 144150  
adjust, using the federal reimbursement rate, the federal share 144151  
appropriations of General Revenue Fund appropriation item 651525, 144152  
Medicaid Health Care Services, within the Department of Medicaid, 144153  
and the Medicaid Program Support Fund (Fund 3F01) appropriation 144154  
item 655624, Medicaid Program Support - Federal, within the 144155  
Department of Job and Family Services. The Director of Medicaid 144156  
shall transmit to the Medicaid Program Support Fund (3F01) the 144157  
federal funds which the Department of Medicaid, as the state's 144158  
sole point of contact with the federal government for Medicaid 144159  
reimbursements, has drawn for this transaction. 144160

Any increase in funding shall be provided to county 144161  
departments of job and family services and shall only be used for 144162  
costs related to transitioning to a new public assistance 144163  
eligibility determination system. These funds shall not be used 144164  
for existing and ongoing operating expenses. The Medicaid Director 144165  
shall establish criteria for distributing these funds and for 144166  
county departments of job and family services to submit allowable 144167  
expenses. 144168

County departments of job and family services shall comply 144169

with new roles, processes, and responsibilities related to the new 144170  
eligibility determination system. County departments of job and 144171  
family services shall report to the Ohio Department of Job and 144172  
Family Services and the Ohio Department of Medicaid, on a schedule 144173  
determined by the Medicaid Director, how the funds were used. 144174

**Section 333.150.** MEDICAID PROGRAM SUPPORT - LOCAL 144175  
TRANSPORTATION 144176

If the Department of Job and Family Services continues to 144177  
administer the Medicaid transportation program in fiscal year 144178  
2019, upon request of the Director of Job and Family Services, the 144179  
Director of Budget and Management may transfer up to \$45,100,000 144180  
in appropriation from appropriation item 651525, Medicaid Health 144181  
Care Services, to appropriation item 655523, Medicaid Program 144182  
Support-Local Transportation. Any appropriation so transferred 144183  
shall be used by the Department of Job and Family Services to 144184  
continue to administer the Medicaid transportation program. 144185

**Section 333.160.** STATE PLAN HOME AND COMMUNITY-BASED SERVICES 144186

For the period beginning July 1, 2017, and ending on the 144187  
effective date of the enactment by this act of section 5164.10 of 144188  
the Revised Code, the Medicaid program may continue to cover state 144189  
plan home and community-based services in the same manner that it 144190  
covered the services during fiscal year 2016 and fiscal year 2017 144191  
under Section 327.190 of Am. Sub. H.B. 64 of the 131st General 144192  
Assembly. Beginning with the effective date of the enactment by 144193  
this act of section 5164.10 of the Revised Code, the Medicaid 144194  
program may cover state plan home and community-based services in 144195  
accordance with that section. 144196

**Section 333.165.** FISCAL YEAR 2018 AND FISCAL YEAR 2019 CAP ON 144197  
NURSING FACILITY PAYMENTS 144198

|                                                                                                                                                                                                                                                                                                                                                                                                 |        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                    | 144199 |
| (1) "Consulting organizations" means all of the following organizations:                                                                                                                                                                                                                                                                                                                        | 144200 |
| (a) LeadingAge Ohio;                                                                                                                                                                                                                                                                                                                                                                            | 144201 |
| (b) The Academy of Senior Health Sciences;                                                                                                                                                                                                                                                                                                                                                      | 144202 |
| (c) The Ohio Health Care Association.                                                                                                                                                                                                                                                                                                                                                           | 144203 |
| (2) "Integrated care delivery system" has the same meaning as in section 5164.01 of the Revised Code.                                                                                                                                                                                                                                                                                           | 144204 |
| (3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.                                                                                                                                                                                                                                                                                        | 144205 |
| (4) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.                                                                                                                                                                                                                                                                        | 144206 |
| (B) The total amount of payments made by the Department of Medicaid under the fee-for-service component of the Medicaid program in accordance with Chapter 5165. of the Revised Code, and by Medicaid managed care organizations under the Integrated Care Delivery System, for nursing facility services provided during fiscal year 2018 and fiscal year 2019 shall not exceed the following: | 144207 |
| (1) For fiscal year 2018, \$2,659,167,368;                                                                                                                                                                                                                                                                                                                                                      | 144208 |
| (2) For fiscal year 2019, \$2,664,485,703.                                                                                                                                                                                                                                                                                                                                                      | 144209 |
| (C)(1) The Department, in conjunction with the consulting organizations, shall do all of the following:                                                                                                                                                                                                                                                                                         | 144210 |
| (a) Monitor the payments made under the fee-for-service component of the Medicaid program and the Integrated Care Delivery System for nursing facility services provided during fiscal year 2018 and fiscal year 2019;                                                                                                                                                                          | 144211 |
| (b) Beginning with the calendar quarter ending December 31, 2017, and each calendar quarter thereafter during fiscal year 2018                                                                                                                                                                                                                                                                  | 144212 |
|                                                                                                                                                                                                                                                                                                                                                                                                 | 144213 |
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|                                                                                                                                                                                                                                                                                                                                                                                                 | 144227 |

and fiscal year 2019, project whether the total amount of payments 144228  
to be made for the fiscal year will exceed the applicable amount 144229  
specified in division (B) of this section; 144230

(c) If the total amount of payments to be made for fiscal 144231  
year 2018 or fiscal year 2019 is projected under division 144232  
(C)(1)(b) of this section to exceed the applicable amount 144233  
specified in division (B) of this section, determine the 144234  
percentage by which each nursing facility's rate under the 144235  
fee-for-service component of the Medicaid program and the 144236  
Integrated Care Delivery System needs to be reduced for the 144237  
immediately following calendar quarter to ensure that the total 144238  
amount of the payments to be made for the fiscal year will equal 144239  
the applicable amount specified in division (B) of this section. 144240

(2) For the purpose of division (C)(1)(a) of this section, 144241  
the Department shall provide to the consulting organizations data 144242  
about the payments on a monthly basis. 144243

(D) If a rate reduction is needed to ensure that the total 144244  
amount of payments made under the fee-for-service component of the 144245  
Medicaid program and the Integrated Care Delivery System for 144246  
nursing facility services provided during fiscal year 2018 or 144247  
fiscal year 2019 equals the applicable amount specified in 144248  
division (B) of this section, each nursing facility's rate shall 144249  
be reduced by the percentage determined under division (C)(1)(c) 144250  
of this section. The reduction shall take effect on the first day 144251  
of the immediately following calendar quarter. The Department 144252  
shall notify the consulting organizations of the percentage 144253  
reduction at least thirty days before it is to take effect. 144254

**Section 333.180. MEDICAID PAYMENT RATES FOR NONINSTITUTIONAL** 144255  
**PROVIDERS** 144256

Notwithstanding section 5164.70 of the Revised Code as in 144257  
effect on June 30, 2017, the Department of Medicaid may establish 144258

Medicaid payment rates for services provided by a Medicaid 144259  
provider, other than a hospital, nursing facility, or intermediate 144260  
care facility for individuals with intellectual disabilities, that 144261  
may exceed the authorized payment limits for the same service 144262  
under the Medicare Program. Such rates may take effect for dates 144263  
of service on or after July 1, 2017. A portion of the foregoing 144264  
appropriation items 651525, Medicaid/Health Care Services, 651603, 144265  
Medicaid Health Information Technology, 651623, Medicaid Services 144266  
- Federal, 651624, Medicaid Program Support - Federal, 651680, 144267  
Health Care Grants - Federal, and 651682, Health Care Grants - 144268  
State, may be used to pay for Medicaid services and costs 144269  
associated with the administration of the Medicaid Program, 144270  
including the establishment and payment of rates in accordance 144271  
with this section. 144272

**Section 333.184. VISION CARE SERVICES** 144273

Both of the following apply to vision care services provided 144274  
to Medicaid recipients during the period beginning January 1, 144275  
2018, and ending July 1, 2019: 144276

(A) The Department of Medicaid shall establish a maximum 144277  
Medicaid payment rate for the services unless there are no claims 144278  
data available to the Department needed to establish the rate. 144279

(B) No payment methodology for the services shall rely only 144280  
on a vision care service provider's charged amount. 144281

**Section 333.200. TRANSFER OF OHIO ACCESS SUCCESS PROJECT** 144282  
**ENROLLEES** 144283

(A) As used in this section: 144284

(1) "Helping Ohioans Move, Expanding Choice program" means 144285  
the component of the Medicaid program authorized by section 144286  
5164.90 of the Revised Code. 144287

|                                                                                                                                                                                                                                                                                                                         |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (2) "Home and community-based Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.                                                                                                                                                                                                | 144288<br>144289                                         |
| (3) "Ohio Access Success Project" means the program established under section 5166.35 of the Revised Code.                                                                                                                                                                                                              | 144290<br>144291                                         |
| (B) Before January 1, 2019, the Department of Medicaid shall transfer all Medicaid recipients who are enrolled in the Ohio Access Success Project to the following:                                                                                                                                                     | 144292<br>144293<br>144294                               |
| (1) Except as provided in division (B)(2) of this section, the Helping Ohioans Move, Expanding Choice program;                                                                                                                                                                                                          | 144295<br>144296                                         |
| (2) If the Helping Ohioans Move, Expanding Choice program is integrated into a home and community-based services Medicaid waiver component, the same or another home and community-based services Medicaid waiver component.                                                                                            | 144297<br>144298<br>144299<br>144300                     |
| <b>Section 333.223. MEDICAID MANAGED CARE ACADEMIC PERFORMANCE INCENTIVES</b>                                                                                                                                                                                                                                           | 144301<br>144302                                         |
| The Department of Medicaid shall not implement during the 2018-2019 fiscal biennium a program under which Medicaid managed care organizations receive incentives for helping Medicaid recipients who are enrolled in the organizations and attend low-performing primary schools to improve their academic performance. | 144303<br>144304<br>144305<br>144306<br>144307<br>144308 |
| <b>Section 333.230. NURSING FACILITY BED CONVERSION PILOT PROGRAM</b>                                                                                                                                                                                                                                                   | 144309<br>144310                                         |
| (A) As used in this section:                                                                                                                                                                                                                                                                                            | 144311                                                   |
| (1) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.                                                                                                                                                                                                                                  | 144312<br>144313                                         |
| (2) "Nursing facility services" has the same meaning as in section 5165.01 of the Revised Code.                                                                                                                                                                                                                         | 144314<br>144315                                         |

(B) The Department of Medicaid shall operate a pilot program 144316  
during fiscal years 2018 and 2019 under which the owners of 144317  
nursing facilities located in Cuyahoga County may voluntarily 144318  
cease to use one or more of the nursing facilities' beds for 144319  
nursing facility services and instead begin to use those beds for 144320  
substance use disorder treatment services. To so convert the use 144321  
of a bed, all of the following requirements must be met: 144322

(1) The bed so converted cannot be occupied by an individual 144323  
receiving nursing facility services or be needed for an individual 144324  
seeking such services; 144325

(2) The Department of Health must do the following: 144326

(a) If other beds in the nursing facility will continue to be 144327  
used for nursing facility services after the bed is converted, 144328  
reduce the nursing facility's Medicaid certified capacity and the 144329  
corresponding nursing home licensed capacity by the bed being 144330  
converted; 144331

(b) If no beds in the nursing facility will continue to be 144332  
used for nursing facility services after the bed is converted, 144333  
terminate the nursing facility's Medicaid certification and 144334  
nursing home license. 144335

(3) The substance use disorder treatment services for which 144336  
the bed is to be used must satisfy the applicable standards for 144337  
certification under section 5119.36 of the Revised Code and, if 144338  
the owner of the bed seeks state or federal funds or funds 144339  
administered by a board of alcohol, drug addiction, and mental 144340  
health services to pay for the services, be certified under that 144341  
section. 144342

(C) The Department of Health and Department of Mental Health 144343  
and Addiction Services shall assist the Department of Medicaid 144344  
with the operation of the pilot program. 144345

(D) Not later than October 1, 2019, the Department of 144346

Medicaid shall complete a report about the pilot program. The 144347  
report shall include the Department's recommendations about making 144348  
the pilot program a permanent and statewide program. The 144349  
Department shall submit the report to the Governor, General 144350  
Assembly, and Joint Medicaid Oversight Committee. The copy to the 144351  
General Assembly shall be submitted in accordance with section 144352  
101.68 of the Revised Code. The Department also shall make the 144353  
report available to the public. 144354

**Section 333.240. PAYMENT RATES FOR HOSPITAL SERVICES** 144355

The Medicaid payment rate for a hospital service provided 144356  
during the period beginning July 1, 2017, and ending June 30, 144357  
2019, shall equal the rate that was in effect for the same type of 144358  
hospital service on January 1, 2017, except for any change in that 144359  
rate that occurs as a result of any rebasing or recalibration of 144360  
hospital payment rates by the Department of Medicaid on July 1, 144361  
2017. 144362

**Section 333.260. BEHAVIORAL HEALTH REDESIGN** 144363

(A) As used in this section: 144364

(1) "Community addiction services provider" has the same 144365  
meaning as in section 5119.01 of the Revised Code. 144366

(2) "Community behavioral health services" means both of the 144367  
following: 144368

(a) Alcohol and drug addiction services provided by a 144369  
community addiction services provider; 144370

(b) Mental health services provided by a community mental 144371  
health services provider. 144372

(3) "Community behavioral health services provider" means 144373  
both of the following: 144374

(a) A community addiction services provider; 144375

|                                                                                                                                                                                                                                                                                                                     |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (b) A community mental health services provider.                                                                                                                                                                                                                                                                    | 144376                                         |
| (4) "Community mental health services provider" has the same meaning as in section 5119.01 of the Revised Code.                                                                                                                                                                                                     | 144377<br>144378                               |
| (B) None of the following changes to the Medicaid program's coverage of community behavioral health services may be implemented before the later of January 1, 2018, or the date the requirement established by section 5164.761 of the Revised Code is satisfied:                                                  | 144379<br>144380<br>144381<br>144382<br>144383 |
| (1) Aligning billing codes for the services to national standards;                                                                                                                                                                                                                                                  | 144384<br>144385                               |
| (2) Redefining mental health pharmacologic management and substance use disorder medical/somatic services as medical services;                                                                                                                                                                                      | 144386<br>144387<br>144388                     |
| (3) Separating and repricing the services and providing for lower acuity service coordination and support services;                                                                                                                                                                                                 | 144389<br>144390                               |
| (4) Requiring practitioners who are employed by a community behavioral health services provider and render the services to obtain a Medicaid provider agreement and be reported on Medicaid claims for the services;                                                                                                | 144391<br>144392<br>144393<br>144394           |
| (5) Requiring community behavioral health services providers to submit claims for the services to a third party responsible for some or all of the costs of the services before the providers submit Medicaid claims for the services.                                                                              | 144395<br>144396<br>144397<br>144398           |
| (C)(1) Not later than October 1, 2017, the Medicaid Director and Director of Mental Health and Addiction Services shall do both of the following as part of the implementation of the changes to the Medicaid program's coverage of community behavioral health services specified in division (B) of this section: | 144399<br>144400<br>144401<br>144402<br>144403 |
| (a) Adopt rules;                                                                                                                                                                                                                                                                                                    | 144404                                         |
| (b) Complete and make available to the public provider                                                                                                                                                                                                                                                              | 144405                                         |

manuals, claims instructions, information technology resources, 144406  
and other educational and training documents. 144407

(2) None of the actions taken under division (C)(1) of this 144408  
section shall provide for implementing the changes to the Medicaid 144409  
program's coverage of community behavioral health services 144410  
specified in division (B) of this section before the later of 144411  
January 1, 2018, or the date the requirement established by 144412  
section 5164.761 of the Revised Code is satisfied. 144413

**Section 333.270.** STUDY COMMITTEE REGARDING MEDICAID MANAGED 144414  
CARE 144415

(A) There is hereby established the Patient-Centered Medicaid 144416  
Managed Care Long-Term Services and Supports Study Committee. The 144417  
study committee shall examine the merits of including in the care 144418  
management system established under section 5167.03 of the Revised 144419  
Code home and community-based services available under Medicaid 144420  
waiver components and nursing facility services. All of the 144421  
following shall serve as members of the study committee: 144422

(1) The chairperson of the Finance Subcommittee on Health and 144423  
Human Services of the House of Representatives; 144424

(2) The chairperson of the Aging and Long-Term Care Committee 144425  
of the House of Representatives; 144426

(3) The chairperson of the Health and Medicaid Subcommittee 144427  
of the Senate Finance Committee; 144428

(4) The chairperson of the Health, Human Services, and 144429  
Medicaid Committee of the Senate; 144430

(5) The Executive Director of the Office of Health 144431  
Transformation or the Executive Director's designee; 144432

(6) The Medicaid Director or the Director's designee; 144433

(7) The Director of Aging or the Director's designee; 144434

|                                                                                                                                                                                                                                                                                                                               |                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (8) The Director of Health or the Director's designee;                                                                                                                                                                                                                                                                        | 144435                                         |
| (9) The State Long-Term Care Ombudsman or the Ombudsman's designee;                                                                                                                                                                                                                                                           | 144436<br>144437                               |
| (10) One representative of each of the following organizations, as appointed by the chief executive of the organization:                                                                                                                                                                                                      | 144438<br>144439<br>144440                     |
| (a) Leadingage Ohio;                                                                                                                                                                                                                                                                                                          | 144441                                         |
| (b) The Academy of Senior Health Sciences;                                                                                                                                                                                                                                                                                    | 144442                                         |
| (c) The Ohio Aging Advocacy Coalition;                                                                                                                                                                                                                                                                                        | 144443                                         |
| (d) The Ohio Assisted Living Association;                                                                                                                                                                                                                                                                                     | 144444                                         |
| (e) The Ohio Association of Health Plans;                                                                                                                                                                                                                                                                                     | 144445                                         |
| (f) The Ohio Association of Area Agencies on Aging;                                                                                                                                                                                                                                                                           | 144446                                         |
| (g) The Ohio Council for Home Care and Hospice;                                                                                                                                                                                                                                                                               | 144447                                         |
| (h) The Ohio Health Care Association;                                                                                                                                                                                                                                                                                         | 144448                                         |
| (i) The Ohio Olmstead Task Force;                                                                                                                                                                                                                                                                                             | 144449                                         |
| (j) The Universal Health Care Action Network Ohio;                                                                                                                                                                                                                                                                            | 144450                                         |
| (k) AARP Ohio;                                                                                                                                                                                                                                                                                                                | 144451                                         |
| (l) The Center for Community Solutions.                                                                                                                                                                                                                                                                                       | 144452                                         |
| (B) Appointments to the study committee shall be made not later than thirty days after the effective date of this section. Members of the study committee shall serve without compensation or reimbursement, except to the extent that serving on the study committee is part of their usual job duties.                      | 144453<br>144454<br>144455<br>144456<br>144457 |
| (C) The Speaker of the House of Representatives shall appoint one of the members described in divisions (A)(1) and (2) of this section as the study committee's co-chairperson and the President of the Senate shall appoint one of the members described in divisions (A)(3) and(4) of this section as the committee's other | 144458<br>144459<br>144460<br>144461<br>144462 |

co-chairperson. The Department of Medicaid shall provide the study committee any administrative assistance the study committee needs.

(D) In conducting the examination required by division (A) of this section, the study committee shall do all of the following:

(1) Consider available information about the home and community-based services Medicaid waiver component created as part of the Integrated Care Delivery System pursuant to section 5166.16 of the Revised Code and the Medicaid program's coverage of nursing facility services, including all of the following:

(a) Information contained in reports required by section 5162.134 of the Revised Code;

(b) Information contained in any evaluations of the Integrated Care Delivery System completed by entities under contract with the United States Department of Health and Human Services;

(c) Other available information the study committee determines to be appropriate.

(2) Estimate the costs that the state, Medicaid managed care organizations, providers, and Medicaid recipients would incur;

(3) Address any redundancies in rules governing home and community-based services available under Medicaid waiver components and nursing facility services and the terms and conditions of contracts with Medicaid managed care organizations;

(4) Estimate the projected benefits that Medicaid recipients would realize, including benefits that would result from changes to any of the following:

(a) Health care services available to, or utilized by, the recipients;

(b) The recipients' health outcomes;

(c) Other quality indicators.

(5) Consider policies and procedures that are intended to promote efficient implementation and administration of including the services in the care management system;

(6) Recommend systems that can be used in either Medicaid managed care long-term care services and supports or fee-for-services Medicaid to reward providers of long-term care services and supports that meet specified quality measures.

(E) The study committee shall complete a report not later than December 31, 2018. The report shall include the study committee's recommendations regarding costs, benefits, and policies. The report shall be submitted to the Governor, General Assembly, and Joint Medicaid Oversight Committee. The copy to the General Assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report also shall be made available to the public.

(F) On submission of its report, the study committee shall cease to exist.

**Section 333.271. EXPANSION ELIGIBILITY GROUP FREEZE WAIVER**

The Medicaid Director shall apply to the United States Centers for Medicare and Medicaid Services for a federal Medicaid waiver needed to implement section 5163.15 of the Revised Code.

**Section 333.273. HEALTHY OHIO PROGRAM WAIVER SUBMISSION**

Not later than January 31, 2018, the Medicaid Director shall resubmit to the United States Department of Health and Human Services a request for a federal Medicaid waiver needed to implement the Healthy Ohio Program under sections 5166.40 to 5166.409 of the Revised Code.

**Section 333.280. GENERAL ASSEMBLY'S INTENT REGARDING MEDICAID**

It is the intent of the General Assembly to use the Healthy Ohio Program, as defined in section 5166.40 of the Revised Code, as a model for making medical assistance available to the state's qualifying residents if the United States Congress transforms the Medicaid program into a federal block grant.

**Section 333.283.** GENERAL ASSEMBLY TO VOTE ON INCLUDING LONG-TERM CARE SERVICES IN MEDICAID MANAGED CARE

(A) As used in this section:

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

(2) "Integrated Care Delivery System" has the same meaning as in section 5164.01 of the Revised Code.

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

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

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

(B) The General Assembly shall consider and vote on legislation that would authorize the inclusion of long-term care services in the care management system beyond the inclusion of those services that have been implemented under the Integrated Care Delivery System.

**Section 333.284.** AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE

(A) As used in this section:

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

(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code. 144549  
144550

(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 144551  
144552

(4) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 144553  
144554

(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the 2018-2019 fiscal biennium, the Department shall do both of the following for the remainder of the fiscal biennium: 144555  
144556  
144557  
144558  
144559

(1) Require area agencies on aging to be the coordinators of home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive and permit Medicaid managed care organizations to delegate to the agencies full-care coordination functions for those services and other health-care services those individuals and that eligibility group receive; 144560  
144561  
144562  
144563  
144564  
144565  
144566

(2) In selecting managed care organizations with which to contract under section 5167.10 of the Revised Code, give preference to those organizations that will enter into subcapitation arrangements with area agencies on aging under which the agencies are to perform, in addition to other functions, network management and payment functions for home and community-based services available under Medicaid waiver components that those individuals and that eligibility group receive. 144567  
144568  
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**Section 333.300.** NONINSTITUTIONAL LABORATORY, RADIOLOGY, AND PATHOLOGY SERVICES 144576  
144577

The Medicaid payment rates for noninstitutional laboratory, 144578

radiology, and pathology services provided to a Medicaid recipient 144579  
during the period beginning January 1, 2018, and ending July 1, 144580  
2019, shall be five per cent lower than the rates for the services 144581  
in effect on December 31, 2017. 144582

**Section 333.320.** CARE INNOVATION AND COMMUNITY IMPROVEMENT 144583  
PROGRAM 144584

(A) As used in this section: 144585

(1) "Nonprofit hospital agency" means a nonprofit hospital 144586  
agency, as defined in section 140.01 of the Revised Code, that is 144587  
affiliated with a state university as defined in section 3345.011 144588  
of the Revised Code. 144589

(2) "Participating agency" means a nonprofit hospital agency 144590  
or public hospital agency participating in the Care Innovation and 144591  
Community Improvement Program. 144592

(3) "Public hospital agency" has the same meaning as in 144593  
section 140.01 of the Revised Code. 144594

(B) The Medicaid Director shall establish the Care Innovation 144595  
and Community Improvement Program for the 2018-2019 fiscal 144596  
biennium. Any nonprofit hospital agency or public hospital agency 144597  
may volunteer to participate in the program if the agency operates 144598  
a hospital that has a Medicaid provider agreement. 144599

(C) Participating agencies are responsible for the state 144600  
share of the program's costs and shall make or request the 144601  
appropriate government entity to make intergovernmental transfers 144602  
to pay for such costs. The Medicaid Director shall establish a 144603  
schedule for making the intergovernmental transfers. 144604

(D)(1) Each participating agency shall do at least one of the 144605  
following tasks in accordance with strategies, and for the purpose 144606  
of meeting goals, the Medicaid Director shall establish for the 144607  
Care Innovation and Community Improvement Program: 144608

|                                                                                                                                                                                                                                                                                                                                                                                        |                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (a) Sustain and expand community-based patient centered medical home models;                                                                                                                                                                                                                                                                                                           | 144609<br>144610                                         |
| (b) Expand access to community-based dental services;                                                                                                                                                                                                                                                                                                                                  | 144611                                                   |
| (c) Improve the quality of community care by creating and sharing best practice models for emergency department diversions, care coordination at discharge and during transitions of care, and other matters related to community care;                                                                                                                                                | 144612<br>144613<br>144614<br>144615                     |
| (d) Align community health improvement strategies and goals with the State Health Improvement Plan and local health improvement plans;                                                                                                                                                                                                                                                 | 144616<br>144617<br>144618                               |
| (e) Subject to division (D)(2) of this section, expand access to ambulatory drug detoxification and withdrawal management services;                                                                                                                                                                                                                                                    | 144619<br>144620<br>144621                               |
| (f) Train medical professionals on evidence-based protocols for opioid prescribing and drug addiction risk assessments;                                                                                                                                                                                                                                                                | 144622<br>144623                                         |
| (g) Subject to division (D)(2) of this section and in collaboration with all other participating agencies that are also doing this task, create and implement a plan to assist rural areas of the state do both of the following:                                                                                                                                                      | 144624<br>144625<br>144626<br>144627                     |
| (i) Expand access to cost-effective detoxification, withdrawal management, and prevention services for opioid addiction;                                                                                                                                                                                                                                                               | 144628<br>144629<br>144630                               |
| (ii) Disseminate evidence-based protocols for opioid prescribing and drug addiction risk assessment.                                                                                                                                                                                                                                                                                   | 144631<br>144632                                         |
| (2) In expanding access to ambulatory drug detoxification and withdrawal management services under division (D)(1)(e) of this section and creating and implementing the plan specified in division (D)(1)(g) of this section, each participating agency shall give priority to the areas of the community served by the agency with the greatest concentration of opioid overdoses and | 144633<br>144634<br>144635<br>144636<br>144637<br>144638 |

deaths. 144639

(3) Each participating agency shall submit annual reports to 144640  
the Joint Medicaid Oversight Committee summarizing the agency's 144641  
work under division (D)(1) of this section and progress in meeting 144642  
the goals of the Care Innovation and Community Improvement 144643  
Program. 144644

(4) The goals the Medicaid Director establishes for the Care 144645  
Innovation and Community Improvement Program shall be designed to 144646  
benefit Medicaid recipients. 144647

(E) Each participating agency shall receive supplemental 144648  
payments under the Medicaid program for physician and other 144649  
professional services that are covered by the Medicaid program and 144650  
provided to Medicaid recipients. The amount of the supplemental 144651  
payments shall equal the difference between the Medicaid payment 144652  
rates for the services and the average commercial payment rates 144653  
for the services. The Director may terminate, or adjust the amount 144654  
of, the supplemental payments if the amount of the funds available 144655  
for the Care Innovation and Community Improvement Program is 144656  
inadequate. 144657

(F) Not later than January 1, 2018, the Medicaid Director 144658  
shall establish a process to evaluate the work done by 144659  
participating agencies under division (D)(1) of this section and 144660  
the agencies' progress in meeting the goals of the Care Innovation 144661  
and Community Improvement Program. The Director may terminate an 144662  
agency's participation in the program if the Director determines 144663  
that the agency is not doing at least one of the tasks specified 144664  
in division (D)(1) of this section or making progress in meeting 144665  
the program's goals. 144666

(G) There is hereby created in the state treasury the Care 144667  
Innovation and Community Improvement Program Fund. All 144668  
intergovernmental transfers made under division (C) of this 144669

section shall be deposited into the fund. Money in the fund and 144670  
the corresponding federal financial participation in the Health 144671  
Care - Federal Fund created under section 5162.50 of the Revised 144672  
Code shall be used to make supplemental payments under division 144673  
(E) of this section. 144674

If the amount of the foregoing appropriation item 651686, 144675  
Care Innovation and Community Improvement Program, and the 144676  
corresponding federal financial participation in appropriation 144677  
item 651623, Medicaid Services - Federal, are inadequate to make 144678  
the supplemental payments required by division (E) of this 144679  
section, the Medicaid Director may request that the Director of 144680  
Budget and Management authorize additional expenditures from the 144681  
Care Innovation and Community Improvement Program Fund and the 144682  
Health Care - Federal Fund as needed to make the supplemental 144683  
payments. If the Director of Budget and Management authorizes the 144684  
additional expenditures, the additional amounts are hereby 144685  
appropriated. 144686

**Section 335.10. MED STATE MEDICAL BOARD** 144687

Dedicated Purpose Fund Group 144688  
5C60 883609 Operating Expenses \$ 10,163,504 \$ 11,064,757 144689  
TOTAL DPF Dedicated Purpose Fund \$ 10,163,504 \$ 11,064,757 144690  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 10,163,504 \$ 11,064,757 144691

**Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION** 144693  
**SERVICES** 144694

General Revenue Fund 144695  
GRF 336321 Central \$ 14,597,616 \$ 14,597,616 144696  
Administration  
GRF 336402 Resident Trainees \$ 450,000 \$ 450,000 144697  
GRF 336405 Family and Children \$ 1,386,000 \$ 1,386,000 144698

|           |        |                                                           |    |             |    |                    |
|-----------|--------|-----------------------------------------------------------|----|-------------|----|--------------------|
|           |        | First                                                     |    |             |    |                    |
| GRF       | 336406 | Prevention and Wellness                                   | \$ | 2,618,659   | \$ | 2,618,659 144699   |
| GRF       | 336412 | Hospital Services                                         | \$ | 218,206,280 | \$ | 222,849,644 144700 |
| GRF       | 336415 | Mental Health Facilities Lease                            | \$ | 20,323,000  | \$ | 19,426,900 144701  |
|           |        | Rental Bond Payments                                      |    |             |    |                    |
| GRF       | 336421 | Continuum of Care Services                                | \$ | 75,714,846  | \$ | 75,714,846 144702  |
| GRF       | 336422 | Criminal Justice Services                                 | \$ | 13,916,418  | \$ | 14,916,418 144703  |
| GRF       | 336423 | Addiction Services Partnership with Corrections           | \$ | 25,500,000  | \$ | 25,500,000 144704  |
| GRF       | 336424 | Recovery Housing                                          | \$ | 1,000,000   | \$ | 2,500,000 144705   |
| GRF       | 336425 | Specialized Docket Support                                | \$ | 5,000,000   | \$ | 5,000,000 144706   |
| GRF       | 336504 | Community Innovations                                     | \$ | 8,100,000   | \$ | 11,500,000 144707  |
| GRF       | 336506 | Court Costs                                               | \$ | 1,000,000   | \$ | 1,000,000 144708   |
| GRF       | 336510 | Residential State Supplement                              | \$ | 16,002,875  | \$ | 16,002,875 144709  |
| GRF       | 336511 | Early Childhood Mental Health Counselors and Consultation | \$ | 2,500,000   | \$ | 2,500,000 144710   |
| GRF       | 652321 | Medicaid Support                                          | \$ | 1,250,367   | \$ | 1,250,367 144711   |
| TOTAL GRF |        | General Revenue Fund                                      | \$ | 407,566,061 | \$ | 417,213,325 144712 |
|           |        | Dedicated Purpose Fund Group                              |    |             |    | 144713             |
| 5TZ0      | 336600 | Substance Abuse Stabilization Centers                     | \$ | 6,000,000   | \$ | 6,000,000 144714   |
| 5TZ0      | 336643 | ADAMHS Boards                                             | \$ | 5,000,000   | \$ | 5,000,000 144715   |
| 2320      | 336621 | Family and Children                                       | \$ | 410,113     | \$ | 410,113 144716     |
|           |        | First                                                     |    |             |    |                    |

|                                                   |        |                                          |    |            |    |            |        |
|---------------------------------------------------|--------|------------------------------------------|----|------------|----|------------|--------|
| 4750                                              | 336623 | Statewide Treatment<br>and Prevention    | \$ | 20,450,000 | \$ | 15,550,000 | 144717 |
| 4850                                              | 336632 | Mental Health<br>Operating               | \$ | 2,611,733  | \$ | 2,611,733  | 144718 |
| 5AU0                                              | 336615 | Behavioral Health<br>Care                | \$ | 7,850,000  | \$ | 7,850,000  | 144719 |
| 5JL0                                              | 336629 | Problem Gambling and<br>Casino Addiction | \$ | 6,267,609  | \$ | 6,267,609  | 144720 |
| 5T90                                              | 336641 | Problem Gambling<br>Services             | \$ | 1,495,000  | \$ | 1,495,000  | 144721 |
| 6320                                              | 336616 | Community Capital<br>Replacement         | \$ | 350,000    | \$ | 350,000    | 144722 |
| 6890                                              | 336640 | Education and<br>Conferences             | \$ | 150,000    | \$ | 150,000    | 144723 |
| TOTAL DPF Dedicated Purpose Fund<br>Group         |        |                                          | \$ | 50,584,455 | \$ | 45,684,455 | 144724 |
| Internal Service Activity Fund Group              |        |                                          |    |            |    |            | 144725 |
| 1490                                              | 336609 | Hospital Operating<br>Expenses           | \$ | 22,749,000 | \$ | 22,790,000 | 144726 |
| 1490                                              | 336610 | Operating Expenses                       | \$ | 5,500,000  | \$ | 5,500,000  | 144727 |
| 1500                                              | 336620 | Special Education                        | \$ | 150,000    | \$ | 150,000    | 144728 |
| 1510                                              | 336601 | Ohio Pharmacy<br>Services                | \$ | 70,302,017 | \$ | 70,302,017 | 144729 |
| 4P90                                              | 336604 | Community Mental<br>Health Projects      | \$ | 1,250,000  | \$ | 250,000    | 144730 |
| TOTAL ISA Internal Service Activity<br>Fund Group |        |                                          | \$ | 99,951,017 | \$ | 98,992,017 | 144731 |
| Federal Fund Group                                |        |                                          |    |            |    |            | 144732 |
| 3HB0                                              | 336503 | Cures Opioid STR                         | \$ | 11,000,000 | \$ | 0          | 144733 |
| 3240                                              | 336605 | Medicaid/Medicare                        | \$ | 17,500,000 | \$ | 17,500,000 | 144734 |
| 3A60                                              | 336608 | Federal Miscellaneous                    | \$ | 1,010,000  | \$ | 1,010,000  | 144735 |
| 3A70                                              | 336612 | Social Services Block                    | \$ | 8,450,000  | \$ | 8,450,000  | 144736 |

|                  |                    |                       |    |             |    |                    |
|------------------|--------------------|-----------------------|----|-------------|----|--------------------|
|                  |                    | Grant                 |    |             |    |                    |
| 3A80             | 336613             | Federal Grants        | \$ | 5,500,000   | \$ | 5,500,000 144737   |
| 3A90             | 336614             | Mental Health Block   | \$ | 17,058,470  | \$ | 17,058,470 144738  |
|                  |                    | Grant                 |    |             |    |                    |
| 3G40             | 336618             | Substance Abuse Block | \$ | 65,865,756  | \$ | 65,865,756 144739  |
|                  |                    | Grant                 |    |             |    |                    |
| 3H80             | 336606             | Demonstration Grants  | \$ | 15,000,000  | \$ | 15,000,000 144740  |
| 3N80             | 336639             | Administrative        | \$ | 1,000,000   | \$ | 1,000,000 144741   |
|                  |                    | Reimbursement         |    |             |    |                    |
| 3B10             | 652635             | Community Medicaid    | \$ | 5,000,000   | \$ | 5,000,000 144742   |
|                  |                    | Legacy Costs          |    |             |    |                    |
| 3B10             | 652636             | Community Medicaid    | \$ | 6,000,000   | \$ | 6,000,000 144743   |
|                  |                    | Legacy Support        |    |             |    |                    |
| TOTAL FED        | Federal Fund Group |                       | \$ | 153,384,226 | \$ | 142,384,226 144744 |
| TOTAL ALL BUDGET | FUND GROUPS        |                       | \$ | 711,485,759 | \$ | 704,274,023 144745 |

**Section 337.30. PREVENTION AND WELLNESS** 144747

The foregoing appropriation item 336406, Prevention and 144748  
 Wellness, shall be used as follows: 144749

(A) Up to \$500,000 in each fiscal year shall be used to 144750  
 support evidence-based prevention in school settings. 144751

(B) Up to \$1,500,000 in each fiscal year shall be distributed 144752  
 to boards of alcohol, drug addiction, and mental health services 144753  
 to purchase the provision of evidence-based prevention services 144754  
 from providers certified by the Department of Mental Health and 144755  
 Addiction Services. 144756

(C) Up to \$500,000 in each fiscal year shall be used to 144757  
 support suicide prevention efforts. 144758

**Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND** 144759  
**PAYMENTS** 144760

The foregoing appropriation item 336415, Mental Health 144761

Facilities Lease Rental Bond Payments, shall be used to meet all 144762  
payments during the period from July 1, 2017, through June 30, 144763  
2019, by the Department of Mental Health and Addiction Services 144764  
under leases and agreements made under section 154.20 of the 144765  
Revised Code. These appropriations are the source of funds pledged 144766  
for bond service charges on obligations issued pursuant to Chapter 144767  
154. of the Revised Code. 144768

**Section 337.50. CONTINUUM OF CARE SERVICES** 144769

The foregoing appropriation item 336421, Continuum of Care 144770  
Services, shall be used as follows: 144771

(A) A portion of this appropriation shall be allocated to 144772  
boards of alcohol, drug addiction, and mental health services in 144773  
accordance with a distribution methodology determined by the 144774  
Director of Mental Health and Addiction Services for the boards to 144775  
purchase mental health and addiction services permitted under 144776  
Chapter 340. of the Revised Code. Boards may use a portion of the 144777  
funds allocated: 144778

(1) To provide subsidized support for psychotropic medication 144779  
needs of indigent citizens in the community to reduce unnecessary 144780  
hospitalization due to lack of medication; and 144781

(2) To provide subsidized support for medication-assisted 144782  
treatment costs. 144783

(B) A portion of this appropriation may be distributed to 144784  
boards of alcohol, drug addiction, and mental health services, 144785  
community addiction and/or mental health services providers, 144786  
courts, or other governmental entities to provide specific grants 144787  
in support of initiatives concerning mental health and addiction 144788  
services. 144789

(C) Of the foregoing appropriation item 336421, Continuum of 144790  
Care Services, \$125,000 in each fiscal year shall be allocated to 144791

the Chardon School District to be used for program-related 144792  
activities. 144793

(D) Of the foregoing appropriation item 336421, Continuum of 144794  
Care Services, \$100,000 in each fiscal year shall be allocated to 144795  
the Wingspan Care Group. 144796

(E) Of the foregoing appropriation item 336421, Continuum of 144797  
Care Services, \$2,000,000 in each fiscal year shall be allocated 144798  
by the Department of Mental Health and Addiction Services to 144799  
boards of alcohol, drug addiction, and mental health services. 144800  
These funds shall be used in conjunction with appropriation item 144801  
336643, ADAMHS Boards, and allocated as follows: 144802

(1) Each board shall receive \$75,000 in each fiscal year for 144803  
each of the counties that are part of the board's service 144804  
district. 144805

(2) Each board shall receive a percentage of any remaining 144806  
amount, allocated in this division from appropriation item 336421 144807  
and appropriation item 336643, to be determined as follows: 144808

(a) Determine the sum of the following: 144809

(i) The state's total population as of January 1, 2017; 144810

(ii) The average number of opioid overdose deaths that 144811  
occurred in the state during the immediately preceding three 144812  
fiscal years. 144813

(b) Determine the sum of the following: 144814

(i) The population of the board's service district as of 144815  
January 1, 2017; 144816

(ii) The average number of opioid overdose deaths that 144817  
occurred in the board's service district during the immediately 144818  
preceding three fiscal years. 144819

(c) Determine the percentage that the sum determined under 144820  
division (E)(2)(b) of this section is of the sum determined under 144821

division (E)(2)(a) of this section. 144822

(F)(1) Of the foregoing appropriation item 336421, Continuum 144823  
of Care Services, \$1,500,000 in each fiscal year shall be 144824  
allocated by the Department of Mental Health and Addiction 144825  
Services to boards of alcohol, drug addiction, and mental health 144826  
services. The boards shall use their allocations to establish and 144827  
administer, in collaboration with the other boards that serve the 144828  
same state psychiatric hospital region, six mental health crisis 144829  
stabilization centers. There shall be one center located in each 144830  
state psychiatric hospital region. 144831

Boards of alcohol, drug addiction, and mental health services 144832  
shall ensure that each mental health crisis stabilization center 144833  
established and administered under division (F) of this section 144834  
complies with all of the following: 144835

(a) It admits individuals before and after the individuals 144836  
receive treatment and care at hospital emergency departments or 144837  
freestanding emergency departments. 144838

(b) It admits individuals before and after the individuals 144839  
are confined in state or local correctional facilities. 144840

(c) It has a Medicaid provider agreement. 144841

(d) It is located in a building constructed for another 144842  
purpose before the effective date of this section. 144843

(e) It admits individuals who have been identified as needing 144844  
the stabilization services provided by the center. 144845

(f) It connects individuals when they are discharged from the 144846  
center with community-based continuum of care services and 144847  
supports as described in section 340.032 of the Revised Code. 144848

(2) The Department of Mental Health and Addiction Services 144849  
shall conduct an analysis of each mental health crisis 144850  
stabilization center. Not later than June 30, 2019, the Department 144851

shall submit the findings of the analysis to the Governor and the  
General Assembly, in accordance with section 101.68 of the Revised  
Code.

(G) Of the foregoing appropriation item 336421, Continuum of  
Care Services, \$75,000 in each fiscal year shall be allocated to  
the Trauma Assistance Program located at Mt. Carmel West Hospital.  
The funds shall be used to provide treatment to victims of human  
trafficking or domestic violence or veterans suffering from  
post-traumatic events.

(H) As used in this section:

(1) "State or local correctional facility" means any of the  
following:

(a) A "state correctional institution," as defined in section  
2967.01 of the Revised Code;

(b) A "local correctional facility," as defined in section  
2903.13 of the Revised Code;

(c) A correctional facility that is privately operated and  
managed pursuant to section 9.06 of the Revised Code.

(2) "State psychiatric hospital regions" means the six  
districts into which the Department of Mental Health and Addiction  
Services has divided the state pursuant to division (B)(2) of  
section 5119.14 of the Revised Code.

**Section 337.60. CRIMINAL JUSTICE SERVICES**

Except as otherwise provided in this act, the foregoing  
appropriation item 336422, Criminal Justice Services, shall be  
used to provide forensic psychiatric evaluations to courts of  
common pleas and to conduct evaluations of patients of forensic  
status in facilities operated or designated by the Department of  
Mental Health and Addiction Services prior to conditional release  
to the community. A portion of this appropriation may be allocated

through boards of alcohol, drug addiction, and mental health 144882  
services to community addiction and/or mental health services 144883  
providers in accordance with a distribution methodology as 144884  
determined by the Director of Mental Health and Addiction 144885  
Services. 144886

The foregoing appropriation item 336422, Criminal Justice 144887  
Services, may also be used to: 144888

(A) Provide forensic monitoring and tracking of individuals 144889  
on conditional release; 144890

(B) Provide forensic training; 144891

(C) Support projects that assist courts and law enforcement 144892  
to identify and develop appropriate alternative services to 144893  
incarceration for nonviolent mentally ill offenders; 144894

(D) Provide specialized re-entry services to offenders 144895  
leaving prisons and jails; 144896

(E) Provide specific grants in support of addiction services 144897  
alternatives to incarceration; 144898

(F) Support therapeutic communities; and 144899

(G) Support specialty dockets and expand or create new 144900  
certified court programs. 144901

**Section 337.70. MEDICATION-ASSISTED TREATMENT IN SPECIALIZED 144902**  
DOCKET PROGRAMS FOR DRUGS 144903

(A) As used in this section: 144904

(1) "Community addiction services provider" has the same 144905  
meaning as in section 5119.01 of the Revised Code. 144906

(2) "Medication-assisted treatment drug court program" and 144907  
"MAT drug court program" mean a session of any of the following 144908  
that holds initial or final certification from the Supreme Court 144909  
of Ohio as a specialized docket program for drugs and that uses 144910

medication-assisted treatment as part of its specialized docket 144911  
program: a common pleas court, municipal court, or county court, 144912  
or a division of any of those courts. 144913

(3) "Prescriber" has the same meaning as in section 4729.01 144914  
of the Revised Code. 144915

(4) "Recovery supports" has the same meaning as in section 144916  
5119.01 of the Revised Code. 144917

(B)(1) The Department of Mental Health and Addiction Services 144918  
shall conduct a program to provide addiction treatment, which may 144919  
include medication-assisted treatment and recovery supports, to 144920  
persons who are eligible to participate in a medication-assisted 144921  
treatment drug court program and are selected under this section 144922  
to be participants in a MAT drug court program because of their 144923  
dependence on opioids, alcohol, or both. 144924

(2) The Department shall conduct its program in collaboration 144925  
with those courts of Allen, Butler, Clermont, Clinton, Columbiana, 144926  
Coshocton, Crawford, Cuyahoga, Franklin, Gallia, Hamilton, Hardin, 144927  
Highland, Hocking, Jackson, Lake, Lorain, Lucas, Mahoning, Marion, 144928  
Medina, Mercer, Montgomery, Muskingum, Ottawa, Richland, Ross, 144929  
Stark, Summit, Trumbull, Tuscarawas, Union, and Warren counties 144930  
that are conducting MAT drug court programs. If in any of these 144931  
counties there is no court conducting a MAT drug court program, 144932  
the Department shall conduct its program in collaboration with a 144933  
court that is conducting a MAT drug court program in another 144934  
county. 144935

(3) In addition to conducting its program in accordance with 144936  
division (B)(2) of this section, the Department may conduct its 144937  
program in collaboration with any other court that is conducting a 144938  
MAT drug court program. 144939

(C) In conducting its program, the Department shall 144940  
collaborate with the Supreme Court, the Department of 144941

Rehabilitation and Correction, and any agency of the state that 144942  
the Department of Mental Health and Addiction Services determines 144943  
may be of assistance in accomplishing the objectives of the 144944  
Department's program. The Department may collaborate with the 144945  
boards of alcohol, drug addiction, and mental health services and 144946  
with local law enforcement agencies that serve the counties in 144947  
which a court participating in the Department's program is 144948  
located. 144949

(D)(1) A MAT drug court program participating in the 144950  
Department's program shall select the persons who are to be its 144951  
participants for purposes of the Department's program. To be 144952  
selected, a person must be a criminal offender or involved in a 144953  
family drug or dependency court. A person shall not be selected to 144954  
be a participant unless the person meets the legal and clinical 144955  
eligibility criteria for the MAT drug court program and is an 144956  
active participant in the MAT drug court program. 144957

(2) The total number of persons participating in the 144958  
Department's program at any time shall not exceed one thousand 144959  
five hundred, subject to available funding, except that the 144960  
Department may authorize the maximum number to be exceeded in 144961  
circumstances that the Department considers to be appropriate. 144962

(3) After a MAT drug court program enrolls a person as a 144963  
participant for purposes of the Department's program, the 144964  
participant shall comply with all requirements of the MAT drug 144965  
court program. 144966

(E) The addiction treatment and recovery supports provided 144967  
under the Department's program in collaboration with a MAT drug 144968  
court program shall be provided by a community addiction services 144969  
provider. The provider shall do all of the following: 144970

(1) Provide treatment based on an integrated service delivery 144971  
model that consists of the coordination of care between a 144972

prescriber and the community addiction services provider; 144973

(2) Conduct professional, comprehensive substance abuse and 144974  
mental health diagnostic assessments of a person under 144975  
consideration for selection as a program participant to determine 144976  
whether the person would benefit from substance abuse treatment 144977  
and monitoring; 144978

(3) Determine, based on the assessment described in division 144979  
(E)(2) of this section, the treatment needs of the program 144980  
participants served by the community addiction services provider; 144981

(4) Develop, for program participants served by the community 144982  
addiction services provider, individualized goals and objectives; 144983

(5) Provide access to the long-acting antagonist therapies, 144984  
partial agonist therapies, or full agonist therapies, that are 144985  
included in the program's medication-assisted treatment; 144986

(6) Provide other types of therapies, including psychosocial 144987  
therapies, for both substance abuse and any disorders that are 144988  
considered by the community addiction services provider to be 144989  
co-occurring disorders; 144990

(7) Monitor program compliance through the use of regular 144991  
drug testing, including urinalysis, of the program participants 144992  
served by the community addiction services provider; 144993

(8) Provide access to time-limited recovery supports that 144994  
help eliminate barriers to treatment and are specific to the 144995  
participant's needs, including assistance with housing, 144996  
transportation, child care, job training, obtaining a driver's 144997  
license or state identification card, and any other matter 144998  
considered relevant by the provider. 144999

(F) In the case of medication-assisted treatment provided 145000  
under the Department's program, all of the following conditions 145001  
apply: 145002

(1) A drug may be used only if the drug has been approved by the United States Food and Drug Administration for use in treating dependence on opioids, alcohol, or both, or for preventing relapse into the use of opioids, alcohol, or both.

(2) One or more drugs may be used, but each drug that is used must constitute long-acting antagonist therapy, partial agonist therapy, or full agonist therapy.

(3) If a drug constituting partial or full agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants.

(G) It is anticipated and expected that MAT drug court programs will expand their ability to serve more drug court participants as a result of increased access to commercial or publicly funded health insurance. In order to ensure that funds appropriated to support the Department's program are used in the most efficient manner with a goal of enrolling the maximum number of participants, the Medicaid Director, in collaboration with major Ohio health care plans, shall develop plans consistent with this division. There shall be no prior authorizations or step therapy for medication-assisted treatment for program participants. The plans developed under this division shall ensure all of the following:

(1) The development of an efficient and timely process for review of eligibility for health benefits for all persons selected to participate in the program;

(2) A rapid conversion to reimbursement for all health care services by the participant's health care plan following approval for coverage of health care benefits;

(3) The development of a consistent benefit package that provides ready access to and reimbursement for essential health

care services including, but not limited to, primary health care 145034  
services, alcohol and opioid detoxification services, appropriate 145035  
psychosocial services, and medication for long-acting injectable 145036  
antagonist therapies, partial agonist therapies, and full agonist 145037  
therapies; 145038

(4) The development of guidelines that require the provision 145039  
of all treatment services, including medication, with minimal 145040  
administrative barriers and within a time frame that meets the 145041  
requirements of individual patient care plans. 145042

(H) Upon completion of the report required by division (J) of 145043  
Section 331.90 of Am. Sub. H.B. 64 of the 131st General Assembly, 145044  
the research institution that prepared the report shall submit the 145045  
report to the Governor, Chief Justice of the Supreme Court, 145046  
President of the Senate, Speaker of the House of Representatives, 145047  
Director of Mental Health and Addiction Services, Director of 145048  
Rehabilitation and Correction, and any state agency that the 145049  
Department of Mental Health and Addiction Services collaborates 145050  
with in conducting the program. 145051

(I) Not later than ninety days after the effective date of 145052  
this section, the Department of Mental Health and Addiction 145053  
Services shall select a research institution to evaluate the 145054  
Department's program, as conducted in fiscal year 2018 and fiscal 145055  
year 2019. To be selected, a research institution must have 145056  
experience in evaluating multiple court systems across 145057  
jurisdictions, in both rural and urban regions, experience in 145058  
evaluating the use of agonist and antagonist therapies in MAT drug 145059  
court programs, a record of producing material for scientific 145060  
publications, expertise in health economics, and experience with 145061  
patient issues involving ethics and consent. In addition, the 145062  
institution must have an internal review board. 145063

The research institution selected shall prepare a report of 145064  
its findings from the evaluation of the Department's program. The 145065

institution shall complete its report not later than December 31, 145066  
2019. On completion, the institution shall submit the report to 145067  
the Governor, Chief Justice of the Supreme Court, President of the 145068  
Senate, Speaker of the House of Representatives, Department of 145069  
Mental Health and Addiction Services, Department of Rehabilitation 145070  
and Correction, and any other state agency that the Department of 145071  
Mental Health and Addiction Services collaborates with in 145072  
conducting its program. 145073

(J) Of the foregoing appropriation item 336422, Criminal 145074  
Justice Services, up to \$8,000,000 in each fiscal year shall be 145075  
used to support medication-assisted treatment for drug court 145076  
specialized docket programs and to support the administrative 145077  
expenses of courts participating in a program. 145078

**Section 337.71. PILOT PROGRAM FOR SUPPORT OF MENTAL HEALTH** 145079  
**COURTS** 145080

(A) As used in this section: 145081

(1) "Certified mental health court program" means a session 145082  
of any of the following that holds initial or final certification 145083  
from the Supreme Court of Ohio as a specialized docket program for 145084  
mental health: a common pleas court, municipal court, or county 145085  
court or a division of any of those courts. 145086

(2) "Community mental health services provider," "mental 145087  
health services," and "recovery supports" have the same meanings 145088  
as in section 5119.01 of the Revised Code. 145089

(3) "Prescriber" has the same meaning as in section 4729.01 145090  
of the Revised Code. 145091

(B) During fiscal year 2018 and fiscal year 2019, the 145092  
Department of Mental Health and Addiction Services shall conduct a 145093  
pilot program to provide mental health services and recovery 145094  
supports to persons who are offenders within the criminal justice 145095

system, eligible to participate in a certified mental health court 145096  
program, and selected to be participants in the pilot program 145097  
because of their mental health conditions. The purpose of the 145098  
program is to reduce recidivism into criminal behavior by 145099  
assisting the selected participants in addressing their mental 145100  
health service needs, including by providing access to drugs that 145101  
are used to treat mental health conditions. 145102

(C) The Department shall conduct the pilot program in the 145103  
courts of Franklin and Warren counties that are conducting 145104  
certified mental health court programs. If in either of these 145105  
counties there is no court conducting a certified mental health 145106  
court program, the Department shall conduct the pilot program in a 145107  
court that is conducting a certified mental health court program 145108  
in another county. 145109

The Department may conduct the pilot program in any court 145110  
that is conducting a certified mental health court program in any 145111  
other county. 145112

(D) In conducting the pilot program, the Department shall 145113  
collaborate with the Supreme Court of Ohio, the Department of 145114  
Rehabilitation and Correction, and any other state agency that it 145115  
determines may be of assistance in accomplishing the objectives of 145116  
the pilot program. In addition, the Department may collaborate 145117  
with the boards of alcohol, drug addiction, and mental health 145118  
services and local law enforcement agencies that serve the 145119  
counties in which the courts participating in the pilot program 145120  
are located. 145121

(E) Not later than sixty days after the effective date of 145122  
this section, the Department shall develop a plan for evaluating 145123  
the pilot program. The evaluation plan shall include performance 145124  
measures that reflect the purpose of the pilot program. 145125

(F) Services and supports may be provided under the pilot 145126

program only by a community mental health services provider. In 145127  
providing the services and supports, a community mental health 145128  
services provider shall do all of the following: 145129

(1) Use an integrated service delivery model that consists of 145130  
the coordination of care between a prescriber and the community 145131  
mental health services provider; 145132

(2) Conduct assessments of persons under consideration for 145133  
selection as pilot program participants to determine whether they 145134  
would benefit from participation; 145135

(3) Based on the assessments, determine the mental health 145136  
service needs of the participants served by the provider; 145137

(4) Develop individualized goals and objectives for the 145138  
participants served by the provider; 145139

(5) As part of the mental health services included in the 145140  
pilot program, provide access to drugs that are used to treat 145141  
mental health conditions, including federally approved drugs that 145142  
are known as atypical antipsychotics and are administered or 145143  
dispensed in a long-acting injectable form; 145144

(6) As part of the recovery supports included in the pilot 145145  
program, provide supports that help eliminate barriers to 145146  
treatment and are specific to the participant's needs, including 145147  
assistance with housing, transportation, child care, job training, 145148  
obtaining a driver's license or state identification card, and any 145149  
other matter considered relevant by the provider; 145150

(7) Address any disorders that are considered by the provider 145151  
to be co-occurring disorders; 145152

(8) Monitor compliance of the pilot program participants 145153  
being served by the provider. 145154

(G) The Department shall prepare a report of the findings 145155  
obtained from the pilot program. The report shall include data 145156

derived from the performance measures used in the pilot program. 145157

Not later than six months after the conclusion of the pilot 145158  
program, the Department shall complete its report. On completion, 145159  
the Department shall submit the report to the Governor, Chief 145160  
Justice of the Supreme Court, President of the Senate, Speaker of 145161  
the House of Representatives, Department of Rehabilitation and 145162  
Correction, and any other state agency the Department of Mental 145163  
Health and Addiction Services collaborates with in conducting the 145164  
pilot program. 145165

(H) Of the foregoing appropriation item 336422, Criminal 145166  
Justice Services, up to \$500,000 in each fiscal year shall be used 145167  
for the pilot program established under this section for the 145168  
support of certified mental health court programs. 145169

**Section 337.80. ADDICTION SERVICES PARTNERSHIP WITH** 145170  
**CORRECTIONS** 145171

Any business commenced but not completed by July 1, 2015, by 145172  
the Department of Rehabilitation and Correction regarding recovery 145173  
services shall be completed by the Department of Mental Health and 145174  
Addiction Services. No validation, cure, right, privilege, remedy, 145175  
obligation, or liability is lost or impaired by reason of the 145176  
transfer required by this section and shall be administered by the 145177  
Department of Mental Health and Addiction Services. Any rules, 145178  
orders, and determinations pertaining to the Bureau of Recovery 145179  
Services continue in effect as rules, orders, and determinations 145180  
of the Department of Mental Health and Addiction Services until 145181  
modified or rescinded by the Department of Mental Health and 145182  
Addiction Services. If necessary to ensure the integrity of the 145183  
numbering of the Administrative Code, the Director of the 145184  
Legislative Service Commission shall renumber the numbers to 145185  
reflect their transfer to the Department of Mental Health and 145186  
Addiction Services. 145187

Subject to the lay-off provisions of sections 124.321 to 145188  
124.382 of the Revised Code, all employees of the Bureau of 145189  
Recovery Services are hereby transferred to the Department of 145190  
Mental Health and Addiction Services and retain their positions 145191  
and all of their benefits. 145192

Wherever the Bureau of Recovery Services is referred to in 145193  
any law, contract, or other document, the reference shall be 145194  
deemed to refer to the Department of Mental Health and Addiction 145195  
Services or its director, as appropriate. 145196

Any business commenced but not completed under appropriation 145197  
item 505321, Institution Medical Services, pertaining to the 145198  
Bureau of Recovery Services, shall be completed under 145199  
appropriation item 336423, Addiction Services Partnership with 145200  
Corrections, in the same manner, and with the same effect, as if 145201  
completed with regard to appropriation item 505321, Institution 145202  
Medical Services. 145203

**Section 337.90. RECOVERY HOUSING** 145204

The foregoing appropriation item 336424, Recovery Housing, 145205  
shall be used to expand and support access to recovery housing as 145206  
defined in section 340.01 of the Revised Code and in accordance 145207  
with section 340.034 of the Revised Code. For expenditures that 145208  
are capital in nature, the Department of Mental Health and 145209  
Addiction Services shall develop procedures to administer these 145210  
funds in a manner that is consistent with current community 145211  
capital assistance guidelines. 145212

**Section 337.100. SPECIALIZED DOCKET SUPPORT** 145213

(A) The foregoing appropriation item 336425, Specialized 145214  
Docket Support, shall be used to defray a portion of the annual 145215  
payroll costs associated with the specialized docket of a common 145216  
pleas court, municipal court, county court, juvenile court, or 145217

family court that meets all of the eligibility requirements in 145218  
division (B) of this section, including a family dependency 145219  
treatment docket. The foregoing appropriation item 336425, 145220  
Specialized Docket Support, may also be used to defray costs 145221  
associated with treatment services and recovery supports for 145222  
participants. 145223

(B) To be eligible, the specialized docket must have received 145224  
Supreme Court of Ohio final certification and include participants 145225  
with behavioral health needs in its target population. 145226

(C) Of the foregoing appropriation item 336425, Specialized 145227  
Docket Support, the Department of Mental Health and Addiction 145228  
Services shall use up to one per cent of the funds appropriated in 145229  
each fiscal year to pay the cost it incurs in administering the 145230  
duties established in this section. 145231

(D) The Department, in consultation with the Supreme Court of 145232  
Ohio, may adopt funding distribution methodology, guidelines, and 145233  
procedures as necessary to carry out the purposes of this section. 145234

**Section 337.103. COMMUNITY INNOVATIONS REAPPROPRIATION** 145235

Of the unexpended, unencumbered balance of the foregoing 145236  
appropriation item 336504, Community Innovations, at the end of 145237  
fiscal year 2017, \$2,000,000 is hereby reappropriated to the same 145238  
appropriation item for fiscal year 2018. These funds shall be used 145239  
for the purposes of workforce recruitment and retention, including 145240  
support of community behavioral health centers in the provision of 145241  
clinical oversight and supervision of practitioners working toward 145242  
their independent licensure, tuition reimbursement and loan 145243  
repayment, and other activities that support recruitment and 145244  
retention. 145245

**Section 337.110. COMMUNITY INNOVATIONS** 145246

The foregoing appropriation item 336504, Community 145247

Innovations, may be used by the Department of Mental Health and 145248  
Addiction Services to make targeted investments in programs, 145249  
projects, or systems operated by or under the authority of other 145250  
state agencies, governmental entities, or private not-for-profit 145251  
agencies that impact, or are impacted by, the operations and 145252  
functions of the Department, with the goal of achieving a net 145253  
reduction in expenditure of state general revenue funds and/or 145254  
improved outcomes for Ohio citizens without a net increase in 145255  
state general revenue fund spending. 145256

The Director shall identify and evaluate programs, projects, 145257  
or systems proposed or operated, in whole or in part, outside of 145258  
the authority of the Department, where targeted investment of 145259  
these funds in the program, project, or system is expected to 145260  
decrease demand for the Department or other resources funded with 145261  
state general revenue funds, and/or to measurably improve outcomes 145262  
for Ohio citizens with mental illness or with alcohol, drug, or 145263  
gambling addictions. The Director shall have discretion to 145264  
transfer money from the appropriation item to other state 145265  
agencies, governmental entities, or private not-for-profit 145266  
agencies in amounts, and subject to conditions, that the Director 145267  
determines most likely to achieve state savings and/or improved 145268  
outcomes. Distribution of moneys from this appropriation item 145269  
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 145270  
the Revised Code. 145271

The Department shall enter into an agreement with each 145272  
recipient of community innovation funds, identifying: allowable 145273  
expenditure of the funds; other commitment of funds or other 145274  
resources to the program, project, or system; expected state 145275  
savings and/or improved outcomes and proposed mechanisms for 145276  
measurement of such savings or outcomes; and required reporting 145277  
regarding expenditure of funds and savings or outcomes achieved. 145278

Of the foregoing appropriation item 336504, Community 145279

Innovations, up to \$3,000,000 in fiscal year 2018 and \$4,000,000 145280  
in fiscal year 2019 shall be used to provide funding for community 145281  
projects across the state that focus on support for families, 145282  
assisting families in avoiding crisis, and crisis intervention. 145283

Of the foregoing appropriation item 336504, Community 145284  
Innovations, up to \$500,000 in fiscal year 2018 and \$750,000 in 145285  
fiscal year 2019 shall be used to enhance access to naloxone 145286  
across the state for county health departments to then disperse 145287  
through a grant program to local law enforcement, emergency 145288  
personnel, and first responders. If local law enforcement, 145289  
emergency personnel, and first responders are not making use of 145290  
the naloxone grant funds, the county health department may use 145291  
grant funding to provide naloxone through a Project DAWN program 145292  
within the county. 145293

Of the foregoing appropriation item 336504, Community 145294  
Innovations, up to \$850,000 in fiscal year 2018 and \$2,000,000 in 145295  
fiscal year 2019 shall be used to support projects that assist 145296  
local communities in implementing a full continuum of care, 145297  
including workforce development, as described in division (A)(1) 145298  
of section 340.03 of the Revised Code. 145299

Of the foregoing appropriation item 336504, Community 145300  
Innovations, \$2,500,000 in each fiscal year shall be allocated to 145301  
the Psychotropic Drug Reimbursement Program established in section 145302  
5119.19 of the Revised Code. On July 1, 2018, or as soon as 145303  
possible thereafter, the Director of Mental Health and Addiction 145304  
Services shall certify to the Director of Budget and Management 145305  
the amount of the unexpended, unencumbered allocation for the 145306  
program in fiscal year 2018. The amount certified is hereby 145307  
reappropriated to appropriation item 336504, Community 145308  
Innovations, in fiscal year 2019 for the same purpose. 145309

**Section 337.120.** RESIDENTIAL STATE SUPPLEMENT 145310

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make payments to residential state supplement recipients.

(B) The Department of Mental Health and Addiction Services shall adopt rules establishing eligibility criteria and payment amounts under section 5119.41 of the Revised Code.

**Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND CONSULTATION**

The foregoing appropriation item 336511, Early Childhood Mental Health Counselors and Consultation, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Mental Health and Addiction Services to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.

**Section 337.140. MEDICAID SUPPORT**

The foregoing appropriation item 652321, Medicaid Support, shall be used to fund specified Medicaid Services as delegated by the state's single agency responsible for the Medicaid Program.

**Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION**

A portion of appropriation item 336629, Problem Gambling and Casino Addiction, shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a

distribution methodology determined by the Director of Mental Health and Addiction Services. 145340  
145341

**Section 337.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL** 145342  
145343

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools shall be subject to the following restrictions: 145344  
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(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council; 145349  
145350  
145351

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council; 145352  
145353  
145354  
145355

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children; 145356  
145357  
145358  
145359

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and 145360  
145361  
145362  
145363

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation. 145364  
145365  
145366  
145367

**Section 337.163. DATA COLLECTION AND SHARING BY AGENCIES THAT** 145368

|                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| SERVE MULTI-SYSTEM YOUTH                                                                                                                                                                                                                                                                                                                                                                                                                            | 145369                                                             |
| (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                        | 145370                                                             |
| (1) "Behavioral Health Redesign" means proposals developed in a collaborative effort by the Office of Health Transformation, Department of Medicaid, and Department of Mental Health and Addiction Services to make revisions to the Medicaid program's coverage of community behavioral health services beginning July 1, 2017, including revisions that update Medicaid billing codes and payment rates for community behavioral health services. | 145371<br>145372<br>145373<br>145374<br>145375<br>145376<br>145377 |
| (2) "Community behavioral health services" means both of the following:                                                                                                                                                                                                                                                                                                                                                                             | 145378<br>145379                                                   |
| (a) Alcohol and drug addiction services provided by a community addiction services provider, as defined in section 5119.01 of the Revised Code;                                                                                                                                                                                                                                                                                                     | 145380<br>145381<br>145382                                         |
| (b) Mental health services provided by a community mental health services provider, as defined in section 5119.01 of the Revised Code.                                                                                                                                                                                                                                                                                                              | 145383<br>145384<br>145385                                         |
| (3) "Multi-system youth" means a youth that is in need of services from two or more of the following:                                                                                                                                                                                                                                                                                                                                               | 145386<br>145387                                                   |
| (a) The child welfare system;                                                                                                                                                                                                                                                                                                                                                                                                                       | 145388                                                             |
| (b) The mental health and addiction services system;                                                                                                                                                                                                                                                                                                                                                                                                | 145389                                                             |
| (c) The developmental disabilities system;                                                                                                                                                                                                                                                                                                                                                                                                          | 145390                                                             |
| (d) The juvenile court system.                                                                                                                                                                                                                                                                                                                                                                                                                      | 145391                                                             |
| (B) The Director of Mental Health and Addiction Services, in the Director's position as the chairperson of the Ohio Family and Children First Cabinet Council, shall establish a strategy for data collection and sharing by agencies that serve multi-system youth. When establishing the strategy, the Director shall consider that the purpose of the data collection and sharing is to                                                          | 145392<br>145393<br>145394<br>145395<br>145396<br>145397           |

determine resource utilization, service utilization trends and 145398  
gaps, and monitor outcomes. The Director shall ensure that the 145399  
strategy, when implemented, is able to identify and monitor the 145400  
availability of evidence-based services that target multi-system 145401  
youth before and after implementation of the Behavioral Health 145402  
Redesign, as well as before and after delivery of community 145403  
behavioral health services is made a component of Medicaid managed 145404  
care. 145405

(C) The Director shall submit a report to the Governor and 145406  
General Assembly on both of the following: 145407

(1) The parameters of the strategy required by division (B) 145408  
of this section; 145409

(2) The cost to implement the strategy not later than 145410  
December 31, 2017. 145411

The submission to the General Assembly shall be made in 145412  
accordance with section 101.68 of the Revised Code. 145413

**Section 337.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT** 145414

The designation of administering agency for federal aid shall 145415  
be held jointly by the Department of Mental Health and Addiction 145416  
Services and the Department of Medicaid for determining 145417  
maintenance of effort pursuant to 42 U.S.C. 300x-30. The 145418  
Department of Mental Health and Addiction Services remains the 145419  
designated agency for all other purposes established by 42 U.S.C. 145420  
300x et seq. and section 5119.32 of the Revised Code. 145421

**Section 337.180. ACCESS SUCCESS II PROGRAM** 145422

To the extent cash is available, the Director of Budget and 145423  
Management may transfer cash from the Money Follows the Person 145424  
Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 145425  
Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 145426

by the Department of Mental Health and Addiction Services. The 145427  
transferred cash is hereby appropriated. 145428

The Department of Mental Health and Addiction Services shall 145429  
use the transferred funds to administer the Access Success II 145430  
Program to help non-Medicaid patients in any hospital established, 145431  
controlled, or supervised by the Department under Chapter 5119. of 145432  
the Revised Code to transition from inpatient status to a 145433  
community setting. 145434

**Section 337.190.** CASH TRANSFER FROM THE INDIGENT DRIVERS 145435  
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 145436  
FUND 145437

On a schedule determined by the Director of Budget and 145438  
Management, the Director of Mental Health and Addiction Services 145439  
shall certify to the Director of Budget and Management the amount 145440  
of excess license reinstatement fees that are available pursuant 145441  
to division (F)(2)(c) of section 4511.191 of the Revised Code to 145442  
be transferred from the Indigent Drivers Alcohol Treatment Fund 145443  
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 145444  
4750). Upon certification, the Director of Budget and Management 145445  
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 145446  
to the Statewide Treatment and Prevention Fund. 145447

**Section 337.200.** CURES OPIOID STR 145448

The foregoing appropriation item 336503, Cures Opioid STR, 145449  
shall be used pursuant to the goals and requirements of the State 145450  
Targeted Response to the Opioid Crisis Grant provision in the 145451  
federal "21st Century Cures Act," Public Law 114-255. 145452

**Section 337.220.** SUBSTANCE ABUSE STABILIZATION CENTERS 145453

The foregoing appropriation item 336600, Substance Abuse 145454  
Stabilization Centers, shall be used in accordance with division 145455

|                                                               |    |           |    |           |        |
|---------------------------------------------------------------|----|-----------|----|-----------|--------|
| (G)(3) of Section 757.20 of this act.                         |    |           |    |           | 145456 |
| <b>Section 337.231. ADAMHS BOARDS</b>                         |    |           |    |           | 145457 |
| The foregoing appropriation item 336643, ADAMHS Boards, shall |    |           |    |           | 145458 |
| be used in accordance with division (E) of Section 337.50 and |    |           |    |           | 145459 |
| division (G)(6) of Section 757.20 of this act.                |    |           |    |           | 145460 |
| <b>Section 339.10. MIH COMMISSION ON MINORITY HEALTH</b>      |    |           |    |           | 145461 |
| General Revenue Fund                                          |    |           |    |           | 145462 |
| GRF 149321 Operating Expenses                                 | \$ | 654,939   | \$ | 654,939   | 145463 |
| GRF 149501 Demonstration Grants                               | \$ | 852,606   | \$ | 852,606   | 145464 |
| GRF 149502 Lupus Program                                      | \$ | 93,120    | \$ | 93,120    | 145465 |
| GRF 149503 Infant Mortality                                   | \$ | 985,000   | \$ | 985,000   | 145466 |
| Health Grants                                                 |    |           |    |           |        |
| TOTAL GRF General Revenue Fund                                | \$ | 2,585,665 | \$ | 2,585,665 | 145467 |
| Dedicated Purpose Fund Group                                  |    |           |    |           | 145468 |
| 4C20 149601 Minority Health                                   | \$ | 50,000    | \$ | 50,000    | 145469 |
| Conference                                                    |    |           |    |           |        |
| TOTAL DPF Dedicated Purpose Fund                              | \$ | 50,000    | \$ | 50,000    | 145470 |
| Group                                                         |    |           |    |           |        |
| TOTAL ALL BUDGET FUND GROUPS                                  | \$ | 2,635,665 | \$ | 2,635,665 | 145471 |
| <b>Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD</b>         |    |           |    |           | 145473 |
| Dedicated Purpose Fund Group                                  |    |           |    |           | 145474 |
| 4K90 865601 Operating Expenses                                | \$ | 587,371   | \$ | 604,593   | 145475 |
| TOTAL DPF Dedicated Purpose Fund                              | \$ | 587,371   | \$ | 604,593   | 145476 |
| Group                                                         |    |           |    |           |        |
| TOTAL ALL BUDGET FUND GROUPS                                  | \$ | 587,371   | \$ | 604,593   | 145477 |
| <b>Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES</b>    |    |           |    |           | 145479 |
| General Revenue Fund                                          |    |           |    |           | 145480 |

|                              |                      |                                                                    |    |             |    |             |        |
|------------------------------|----------------------|--------------------------------------------------------------------|----|-------------|----|-------------|--------|
| GRF                          | 725401               | Division of<br>Wildlife-Operating<br>Subsidy                       | \$ | 1,773,000   | \$ | 1,773,000   | 145481 |
| GRF                          | 725413               | Parks and Recreational<br>Facilities Lease<br>Rental Bond Payments | \$ | 38,210,500  | \$ | 44,046,500  | 145482 |
| GRF                          | 725456               | Canal Lands                                                        | \$ | 130,950     | \$ | 130,950     | 145483 |
| GRF                          | 725505               | Healthy Lake Erie<br>Program                                       | \$ | 800,000     | \$ | 1,000,000   | 145484 |
| GRF                          | 725507               | Coal and Mine Safety<br>Programs                                   | \$ | 2,773,178   | \$ | 2,773,178   | 145485 |
| GRF                          | 725903               | Natural Resources<br>General Obligation<br>Bond Debt Service       | \$ | 25,450,300  | \$ | 19,317,800  | 145486 |
| GRF                          | 727321               | Division of Forestry                                               | \$ | 2,672,919   | \$ | 4,612,919   | 145487 |
| GRF                          | 729321               | Office of Information<br>Technology                                | \$ | 179,750     | \$ | 179,750     | 145488 |
| GRF                          | 730321               | Parks and Recreation                                               | \$ | 30,579,551  | \$ | 30,596,130  | 145489 |
| GRF                          | 736321               | Division of<br>Engineering                                         | \$ | 2,034,175   | \$ | 2,017,848   | 145490 |
| GRF                          | 737321               | Division of Water<br>Resources                                     | \$ | 946,530     | \$ | 1,183,161   | 145491 |
| GRF                          | 738321               | Office of Real Estate<br>and Land Management                       | \$ | 720,175     | \$ | 720,175     | 145492 |
| GRF                          | 741321               | Division of Natural<br>Areas and Preserves                         | \$ | 986,149     | \$ | 1,232,686   | 145493 |
| TOTAL GRF                    | General Revenue Fund |                                                                    | \$ | 107,257,177 | \$ | 109,584,097 | 145494 |
| Dedicated Purpose Fund Group |                      |                                                                    |    |             |    |             | 145495 |
| 2270                         | 725406               | Parks Projects<br>Personnel                                        | \$ | 850,000     | \$ | 900,000     | 145496 |
| 4300                         | 725671               | Canal Lands                                                        | \$ | 924,919     | \$ | 927,128     | 145497 |
| 4S90                         | 725622               | NatureWorks Personnel                                              | \$ | 800,000     | \$ | 800,000     | 145498 |
| 4U60                         | 725668               | Scenic Rivers                                                      | \$ | 100,000     | \$ | 100,000     | 145499 |

|      |        |                        |    |            |    |            |        |
|------|--------|------------------------|----|------------|----|------------|--------|
|      |        | Protection             |    |            |    |            |        |
| 5090 | 725602 | State Forest           | \$ | 9,695,418  | \$ | 8,009,525  | 145500 |
| 5110 | 725646 | Ohio Geological        | \$ | 3,922,925  | \$ | 3,818,039  | 145501 |
|      |        | Mapping                |    |            |    |            |        |
| 5120 | 725605 | State Parks Operations | \$ | 31,000,000 | \$ | 31,000,000 | 145502 |
| 5140 | 725606 | Lake Erie Shoreline    | \$ | 2,125,649  | \$ | 1,681,699  | 145503 |
| 5160 | 725620 | Water Management       | \$ | 2,864,291  | \$ | 2,878,291  | 145504 |
| 5180 | 725643 | Oil and Gas Regulation | \$ | 19,444,876 | \$ | 19,444,876 | 145505 |
|      |        | and Safety             |    |            |    |            |        |
| 5180 | 725677 | Oil and Gas Well       | \$ | 6,000,000  | \$ | 6,000,000  | 145506 |
|      |        | Plugging               |    |            |    |            |        |
| 5210 | 725627 | Off-Road Vehicle       | \$ | 350,000    | \$ | 350,000    | 145507 |
|      |        | Trails                 |    |            |    |            |        |
| 5220 | 725656 | Natural Areas and      | \$ | 650,000    | \$ | 546,973    | 145508 |
|      |        | Preserves              |    |            |    |            |        |
| 5290 | 725639 | Mining Regulation and  | \$ | 4,764,897  | \$ | 4,499,705  | 145509 |
|      |        | Safety                 |    |            |    |            |        |
| 5310 | 725648 | Reclamation Forfeiture | \$ | 5,315,262  | \$ | 217,471    | 145510 |
| 5EL0 | 725612 | Wildlife Law           | \$ | 12,000     | \$ | 12,000     | 145511 |
|      |        | Enforcement            |    |            |    |            |        |
| 5EM0 | 725613 | Natural Resources Law  | \$ | 34,000     | \$ | 34,000     | 145512 |
|      |        | Enforcement            |    |            |    |            |        |
| 5HK0 | 725625 | Ohio Nature Preserves  | \$ | 55,162     | \$ | 1,000      | 145513 |
| 5MF0 | 725635 | Ohio Geology License   | \$ | 5,000      | \$ | 5,000      | 145514 |
|      |        | Plate                  |    |            |    |            |        |
| 5MW0 | 725604 | Natural Resources      | \$ | 2,000,000  | \$ | 2,000,000  | 145515 |
|      |        | Special Purposes       |    |            |    |            |        |
| 5P20 | 725634 | Wildlife Boater Angler | \$ | 4,000,000  | \$ | 4,000,000  | 145516 |
|      |        | Administration         |    |            |    |            |        |
| 5TD0 | 725514 | Park Maintenance       | \$ | 1,356,000  | \$ | 1,356,000  | 145517 |
| 6150 | 725661 | Dam Safety             | \$ | 1,155,691  | \$ | 1,155,691  | 145518 |
| 6970 | 725670 | Submerged Lands        | \$ | 717,155    | \$ | 717,155    | 145519 |
| 7015 | 740401 | Division of Wildlife   | \$ | 60,000,000 | \$ | 60,000,000 | 145520 |

|       |                               |                                      |    |             |    |             |        |
|-------|-------------------------------|--------------------------------------|----|-------------|----|-------------|--------|
|       |                               | Conservation                         |    |             |    |             |        |
| 7086  | 725414                        | Waterways Improvement                | \$ | 6,193,671   | \$ | 6,193,671   | 145521 |
| 7086  | 739401                        | Watercraft Operations                | \$ | 21,228,023  | \$ | 21,228,023  | 145522 |
| 8150  | 725636                        | Cooperative Management               | \$ | 650,000     | \$ | 650,000     | 145523 |
|       |                               | Projects                             |    |             |    |             |        |
| 8160  | 725649                        | Wetlands Habitat                     | \$ | 966,885     | \$ | 966,885     | 145524 |
| 8170  | 725655                        | Wildlife Conservation                | \$ | 2,000,000   | \$ | 2,000,000   | 145525 |
|       |                               | Checkoff                             |    |             |    |             |        |
| 8180  | 725629                        | Cooperative Fisheries                | \$ | 1,500,000   | \$ | 1,500,000   | 145526 |
|       |                               | Research                             |    |             |    |             |        |
| 8190  | 725685                        | Ohio River Management                | \$ | 140,000     | \$ | 140,000     | 145527 |
| 81B0  | 725688                        | Wildlife Habitats                    | \$ | 1,200,000   | \$ | 1,200,000   | 145528 |
| TOTAL | DPF Dedicated Purpose Fund    |                                      | \$ | 192,021,824 | \$ | 184,333,132 | 145529 |
|       |                               | Group                                |    |             |    |             |        |
|       |                               | Internal Service Activity Fund Group |    |             |    |             | 145530 |
| 1550  | 725601                        | Departmental Projects                | \$ | 1,523,950   | \$ | 1,629,913   | 145531 |
| 1550  | 725676                        | Hocking Hills State                  | \$ | 500,000     | \$ | 500,000     | 145532 |
|       |                               | Park Lodge                           |    |             |    |             |        |
| 1570  | 725651                        | Central Support                      | \$ | 5,632,162   | \$ | 5,632,162   | 145533 |
|       |                               | Indirect                             |    |             |    |             |        |
| 2040  | 725687                        | Information Services                 | \$ | 5,791,238   | \$ | 5,791,238   | 145534 |
| 2050  | 725696                        | Human Resource Direct                | \$ | 2,698,048   | \$ | 2,735,732   | 145535 |
|       |                               | Services                             |    |             |    |             |        |
| 2230  | 725665                        | Law Enforcement                      | \$ | 2,664,717   | \$ | 2,827,473   | 145536 |
|       |                               | Administration                       |    |             |    |             |        |
| 5100  | 725631                        | Maintenance -                        | \$ | 249,611     | \$ | 249,611     | 145537 |
|       |                               | State-owned                          |    |             |    |             |        |
|       |                               | Residences                           |    |             |    |             |        |
| 6350  | 725664                        | Fountain Square                      | \$ | 3,647,224   | \$ | 3,768,109   | 145538 |
|       |                               | Facilities Management                |    |             |    |             |        |
| TOTAL | ISA Internal Service Activity |                                      |    |             |    |             | 145539 |
| Fund  | Group                         |                                      | \$ | 22,706,950  | \$ | 23,134,238  | 145540 |
|       |                               | Capital Projects Fund Group          |    |             |    |             | 145541 |

|       |        |                            |    |            |    |            |        |
|-------|--------|----------------------------|----|------------|----|------------|--------|
| 7061  | 725405 | Clean Ohio Trail           | \$ | 301,796    | \$ | 301,796    | 145542 |
|       |        | Operating                  |    |            |    |            |        |
| TOTAL | CPF    | Capital Projects Fund      | \$ | 301,796    | \$ | 301,796    | 145543 |
|       |        | Group                      |    |            |    |            |        |
|       |        | Fiduciary Fund Group       |    |            |    |            | 145544 |
| 4M80  | 725675 | FOP Contract               | \$ | 20,219     | \$ | 20,219     | 145545 |
| TOTAL | FID    | Fiduciary Fund Group       | \$ | 20,219     | \$ | 20,219     | 145546 |
|       |        | Holding Account Fund Group |    |            |    |            | 145547 |
| R017  | 725659 | Performance Cash Bond      | \$ | 528,993    | \$ | 528,993    | 145548 |
|       |        | Refunds                    |    |            |    |            |        |
| R043  | 725624 | Forestry                   | \$ | 2,100,000  | \$ | 2,100,000  | 145549 |
| TOTAL | HLD    | Holding Account            |    |            |    |            | 145550 |
|       |        | Fund Group                 | \$ | 2,628,993  | \$ | 2,628,993  | 145551 |
|       |        | Federal Fund Group         |    |            |    |            | 145552 |
| 3320  | 725669 | Federal Mine Safety        | \$ | 265,000    | \$ | 265,000    | 145553 |
|       |        | Grant                      |    |            |    |            |        |
| 3B30  | 725640 | Federal Forest             | \$ | 350,000    | \$ | 350,000    | 145554 |
|       |        | Pass-Thru                  |    |            |    |            |        |
| 3B40  | 725641 | Federal Flood              | \$ | 350,000    | \$ | 350,000    | 145555 |
|       |        | Pass-Thru                  |    |            |    |            |        |
| 3B50  | 725645 | Federal Abandoned          | \$ | 12,541,621 | \$ | 15,465,471 | 145556 |
|       |        | Mine Lands                 |    |            |    |            |        |
| 3B60  | 725653 | Federal Land and           | \$ | 950,634    | \$ | 950,634    | 145557 |
|       |        | Water Conservation         |    |            |    |            |        |
|       |        | Grants                     |    |            |    |            |        |
| 3B70  | 725654 | Reclamation -              | \$ | 1,986,569  | \$ | 1,697,242  | 145558 |
|       |        | Regulatory                 |    |            |    |            |        |
| 3P10  | 725632 | Geological Survey -        | \$ | 160,000    | \$ | 160,000    | 145559 |
|       |        | Federal                    |    |            |    |            |        |
| 3P20  | 725642 | Oil and Gas - Federal      | \$ | 147,000    | \$ | 147,000    | 145560 |
| 3P30  | 725650 | Coastal Management -       | \$ | 1,905,150  | \$ | 1,905,150  | 145561 |
|       |        | Federal                    |    |            |    |            |        |

|                  |                    |                                           |    |             |    |             |        |
|------------------|--------------------|-------------------------------------------|----|-------------|----|-------------|--------|
| 3P40             | 725660             | Federal - Soil and<br>Water Resources     | \$ | 601,000     | \$ | 608,000     | 145562 |
| 3R50             | 725673             | Acid Mine Drainage<br>Abatement/Treatment | \$ | 1,200,000   | \$ | 1,200,000   | 145563 |
| 3Z50             | 725657             | Federal Recreation<br>and Trails          | \$ | 1,600,000   | \$ | 1,600,000   | 145564 |
| TOTAL FED        | Federal Fund Group |                                           | \$ | 22,056,974  | \$ | 24,698,497  | 145565 |
| TOTAL ALL BUDGET | FUND GROUPS        |                                           | \$ | 346,993,933 | \$ | 344,700,972 | 145566 |

**Section 343.20. PARK MAINTENANCE** 145568

The foregoing appropriation item 725514, Park Maintenance, 145569  
shall be used by the Department of Natural Resources to pay the 145570  
costs of projects supported by the State Park Maintenance Fund 145571  
(Fund 5TD0) under section 1501.08 of the Revised Code. 145572

On July 1, 2017, or as soon as possible thereafter, the 145573  
Director of Natural Resources shall certify the amount of five 145574  
percent of the average of the previous five years of deposits in 145575  
the State Park Fund (Fund 5120) to the Director of Budget and 145576  
Management. The Director of Budget and Management may transfer up 145577  
to \$1,500,000 from Fund 5120 to the State Park Maintenance Fund 145578  
(Fund 5TD0). 145579

**Section 343.30. CENTRAL SUPPORT INDIRECT FUND** 145580

The Department of Natural Resources, with approval of the 145581  
Director of Budget and Management, shall use a methodology for 145582  
determining each division's payments into the Central Support 145583  
Indirect Fund (Fund 1570). The methodology used shall contain the 145584  
characteristics of administrative ease and uniform application in 145585  
compliance with federal grant requirements. It may include direct 145586  
cost charges for specific services provided. Payments to Fund 1570 145587  
shall be made using an intrastate transfer voucher. 145588

The foregoing appropriation item 725401, Division of 145589

Wildlife-Operating Subsidy, shall be used to pay the direct and 145590  
indirect costs of the Division of Wildlife. 145591

**Section 343.40. PARKS AND RECREATIONAL FACILITIES LEASE 145592**  
RENTAL BOND PAYMENTS 145593

The foregoing appropriation item 725413, Parks and 145594  
Recreational Facilities Lease Rental Bond Payments, shall be used 145595  
to meet all payments during the period from July 1, 2017, through 145596  
June 30, 2019, by the Department of Natural Resources pursuant to 145597  
leases and agreements made under section 154.22 of the Revised 145598  
Code. These appropriations are the source of funds pledged for 145599  
bond service charges on related obligations issued under Chapter 145600  
154. of the Revised Code. 145601

HEALTHY LAKE ERIE PROGRAM 145602

The foregoing appropriation item 725505, Healthy Lake Erie 145603  
Program, shall be used by the Director of Natural Resources, in 145604  
support of (1) conservation measures in the Western Lake Erie 145605  
Basin as determined by the Director; (2) funding assistance for 145606  
soil testing, winter cover crops, edge of field testing, tributary 145607  
monitoring, animal waste abatement; and (3) any additional efforts 145608  
to reduce nutrient runoff as the Director may decide. The Director 145609  
shall give priority to recommendations that encourage farmers to 145610  
adopt agricultural production guidelines commonly known as 4R 145611  
nutrient stewardship practices. 145612

COAL AND MINE SAFETY PROGRAM 145613

The foregoing appropriation item 725507, Coal and Mine Safety 145614  
Program, shall be used for the administration of the Mine Safety 145615  
Program and the Coal Regulation Program. 145616

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 145617

The foregoing appropriation item 725903, Natural Resources 145618  
General Obligation Bond Debt Service, shall be used to pay all 145619

debt service and related financing costs during the period July 1, 145620  
2017, through June 30, 2019, on obligations issued under sections 145621  
151.01 and 151.05 of the Revised Code. 145622

**Section 343.50. OIL AND GAS WELL PLUGGING** 145623

The foregoing appropriation item 725677, Oil and Gas Well 145624  
Plugging, shall be used exclusively for the purposes of plugging 145625  
wells and to properly restore the land surface of idle and orphan 145626  
oil and gas wells pursuant to section 1509.071 of the Revised 145627  
Code. This appropriation item shall not be used for salaries, 145628  
maintenance, equipment, or other administrative purposes, except 145629  
for those costs directly attributed to the plugging of an idle or 145630  
orphan well. This appropriation item shall not be used to transfer 145631  
cash to any other fund or appropriation item. 145632

**WELL LOG FILING FEES** 145633

The Chief of the Division of Water Resources shall deposit 145634  
fees forwarded to the Division pursuant to section 1521.05 of the 145635  
Revised Code into the Water Management Fund (Fund 5160) for the 145636  
purposes described in that section. 145637

**PARKS CAPITAL EXPENSES FUND** 145638

The Director of Natural Resources shall submit to the 145639  
Director of Budget and Management the estimated design, 145640  
engineering, and planning costs of capital-related work to be done 145641  
by Department of Natural Resources staff for parks projects within 145642  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 145643  
Director of Budget and Management approves the estimated costs, 145644  
the Director may release appropriations from Fund 7035 145645  
appropriation item C725E6, Project Planning, for those purposes. 145646  
Upon release of the appropriations, the Department of Natural 145647  
Resources shall pay for these expenses from the Parks Capital 145648  
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 145649

reimbursed by Fund 7035 using an intrastate transfer voucher. 145650

NATUREWORKS CAPITAL EXPENSES FUND 145651

The Department of Natural Resources shall submit to the 145652  
Director of Budget and Management the estimated design, planning, 145653  
and engineering costs of capital-related work to be done by 145654  
Department of Natural Resources staff for each capital improvement 145655  
project within the Ohio Parks and Natural Resources Fund (Fund 145656  
7031). If the Director of Budget and Management approves the 145657  
estimated costs, the Director may release appropriations from Fund 145658  
7031 appropriation item C725E5, Project Planning, for those 145659  
purposes. Upon release of the appropriations, the Department of 145660  
Natural Resources shall pay for these expenses from the Capital 145661  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 145662  
reimbursed by Fund 7031 using an intrastate transfer voucher. 145663

**Section 343.60.** HUMAN RESOURCES DIRECT SERVICE 145664

The foregoing appropriation item 725696, Human Resources 145665  
Direct Service, shall be used to cover the cost of support, 145666  
coordination, and oversight of the Department of Natural 145667  
Resources' human resources functions. The Human Resources 145668  
Chargeback Fund (Fund 2050) shall consist of cash transferred to 145669  
it via intrastate transfer voucher from other funds as determined 145670  
by the Director of Natural Resources and the Director of Budget 145671  
and Management. 145672

LAW ENFORCEMENT ADMINISTRATION 145673

The foregoing appropriation item 725665, Law Enforcement 145674  
Administration, shall be used to cover the cost of support, 145675  
coordination, and oversight of the Department of Natural 145676  
Resources' law enforcement functions. The Law Enforcement 145677  
Administration Fund (Fund 2230) shall consist of cash transferred 145678  
to it via intrastate transfer voucher from other funds as 145679

determined by the Director of Natural Resources and the Director 145680  
of Budget and Management. 145681

**FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER 145682**

The foregoing appropriation item 725664, Fountain Square 145683  
Facilities Management, shall be used for payment of repairs, 145684  
renovation, utilities, property management, and building 145685  
maintenance expenses for the Fountain Square complex and the 145686  
Department of Natural Resources grounds at the Ohio Expo Center. 145687  
Cash transferred by intrastate transfer vouchers from various 145688  
department funds and rental income received by the Department of 145689  
Natural Resources shall be deposited into the Fountain Square 145690  
Facilities Management Fund (Fund 6350). 145691

**Section 343.70. CLEAN OHIO TRAIL OPERATING EXPENSES 145692**

The foregoing appropriation item 725405, Clean Ohio Trail 145693  
Operating, shall be used by the Department of Natural Resources in 145694  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 145695  
to section 1519.05 of the Revised Code. 145696

**Section 345.10. NUR STATE BOARD OF NURSING 145697**

|                              |        |                       |                           |                                    |
|------------------------------|--------|-----------------------|---------------------------|------------------------------------|
| Dedicated Purpose Fund Group |        |                       |                           | 145698                             |
| 4K90                         | 884609 | Operating Expenses    | \$ 8,909,895 \$ 9,317,358 | 145699                             |
| 5AC0                         | 884602 | Nurse Education Grant | \$ 1,518,500 \$ 1,518,500 | 145700                             |
| Program                      |        |                       |                           |                                    |
| 5P80                         | 884601 | Nursing Special       | \$ 2,000 \$ 2,000         | 145701                             |
| Issues                       |        |                       |                           |                                    |
| TOTAL DPF Dedicated Purpose  |        |                       |                           | 145702                             |
| Fund Group                   |        |                       |                           | \$ 10,430,395 \$ 10,837,858 145703 |
| TOTAL ALL BUDGET FUND GROUPS |        |                       |                           | \$ 10,430,395 \$ 10,837,858 145704 |

**Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 145706**  
**AND ATHLETIC TRAINERS BOARD 145707**

|                                                           |    |            |    |            |        |
|-----------------------------------------------------------|----|------------|----|------------|--------|
| Dedicated Purpose Fund Group                              |    |            |    |            | 145708 |
| 4K90 890609 Operating Expenses                            | \$ | 996,053    | \$ | 1,059,477  | 145709 |
| TOTAL DPF Dedicated Purpose Fund Group                    | \$ | 996,053    | \$ | 1,059,477  | 145710 |
| TOTAL ALL BUDGET FUND GROUPS                              | \$ | 996,053    | \$ | 1,059,477  | 145711 |
| <br>                                                      |    |            |    |            |        |
| <b>Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH</b> |    |            |    |            | 145713 |
| DISABILITIES AGENCY                                       |    |            |    |            | 145714 |
| <br>                                                      |    |            |    |            |        |
| General Revenue Fund                                      |    |            |    |            | 145715 |
| GRF 415402 Independent Living Council                     | \$ | 252,000    | \$ | 252,000    | 145716 |
| GRF 415406 Assistive Technology                           | \$ | 25,819     | \$ | 25,819     | 145717 |
| GRF 415431 Brain Injury                                   | \$ | 126,567    | \$ | 126,567    | 145718 |
| GRF 415506 Services for Individuals with Disabilities     | \$ | 15,580,444 | \$ | 15,580,444 | 145719 |
| GRF 415507 Lima Easter Seals                              | \$ | 43,800     | \$ | 43,800     | 145720 |
| GRF 415508 Services for the Deaf                          | \$ | 27,580     | \$ | 27,580     | 145721 |
| TOTAL GRF General Revenue Fund                            | \$ | 16,056,210 | \$ | 16,056,210 | 145722 |
| <br>                                                      |    |            |    |            |        |
| Dedicated Purpose Fund Group                              |    |            |    |            | 145723 |
| 4670 415609 Business Enterprise Operating Expenses        | \$ | 1,555,368  | \$ | 1,555,368  | 145724 |
| 4680 415618 Third Party Services Funding                  | \$ | 12,300,000 | \$ | 12,300,000 | 145725 |
| 4L10 415619 Services for Rehabilitation                   | \$ | 3,575,191  | \$ | 3,575,191  | 145726 |
| TOTAL DPF Dedicated Purpose Fund Group                    | \$ | 17,430,559 | \$ | 17,430,559 | 145727 |
| <br>                                                      |    |            |    |            |        |
| Internal Service Activity Fund Group                      |    |            |    |            | 145729 |
| 4W50 415606 Program Management                            | \$ | 12,486,502 | \$ | 12,785,665 | 145730 |
| TOTAL ISA Internal Service Activity Fund Group            | \$ | 12,486,502 | \$ | 12,785,665 | 145731 |

|                    |                                                                     |                |                |  |        |
|--------------------|---------------------------------------------------------------------|----------------|----------------|--|--------|
| Federal Fund Group |                                                                     |                |                |  | 145733 |
| 3170 415620        | Disability                                                          | \$ 82,228,048  | \$ 82,932,645  |  | 145734 |
|                    | Determination                                                       |                |                |  |        |
| 3790 415616        | Federal - Vocational                                                | \$ 115,837,977 | \$ 117,416,322 |  | 145735 |
|                    | Rehabilitation                                                      |                |                |  |        |
| 3GH0 415602        | Personal Care                                                       | \$ 3,139,040   | \$ 3,139,040   |  | 145736 |
|                    | Assistance                                                          |                |                |  |        |
| 3GH0 415604        | Community Centers for                                               | \$ 1,022,000   | \$ 1,022,000   |  | 145737 |
|                    | the Deaf                                                            |                |                |  |        |
| 3GH0 415613        | Independent Living                                                  | \$ 627,128     | \$ 627,128     |  | 145738 |
| 3L10 415608        | Social Security                                                     | \$ 7,000,000   | \$ 8,000,000   |  | 145739 |
|                    | Special Program                                                     |                |                |  |        |
|                    | Assistance                                                          |                |                |  |        |
| 3L40 415615        | Federal - Supported                                                 | \$ 1,000,000   | \$ 1,000,000   |  | 145740 |
|                    | Employment                                                          |                |                |  |        |
| 3L40 415617        | Vocational                                                          | \$ 1,778,721   | \$ 1,778,721   |  | 145741 |
|                    | Rehabilitation                                                      |                |                |  |        |
|                    | Programs                                                            |                |                |  |        |
| TOTAL FED          | Federal Fund Group                                                  | \$ 212,632,914 | \$ 215,915,856 |  | 145742 |
| TOTAL ALL BUDGET   | FUND GROUPS                                                         | \$ 258,606,185 | \$ 262,188,290 |  | 145743 |
|                    | INDEPENDENT LIVING                                                  |                |                |  | 145744 |
|                    | The foregoing appropriation item 415402, Independent Living         |                |                |  | 145745 |
|                    | Council, shall be used to support the state independent living      |                |                |  | 145746 |
|                    | programs and centers under Title VII of the Independent Living      |                |                |  | 145747 |
|                    | Services and Centers for Independent Living of the Rehabilitation   |                |                |  | 145748 |
|                    | Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.             |                |                |  | 145749 |
|                    | Of the foregoing appropriation item 415402, Independent             |                |                |  | 145750 |
|                    | Living Council, \$67,662 in each fiscal year shall be used as state |                |                |  | 145751 |
|                    | matching funds for vocational rehabilitation innovation and         |                |                |  | 145752 |
|                    | expansion activities.                                               |                |                |  | 145753 |
|                    | ASSISTIVE TECHNOLOGY                                                |                |                |  | 145754 |

The total amount of the foregoing appropriation item 415406, 145755  
 Assistive Technology, shall be provided to Assistive Technology of 145756  
 Ohio to provide grants and assistive technology services for 145757  
 people with disabilities in the State of Ohio. 145758

BRAIN INJURY 145759

The foregoing appropriation item 415431, Brain Injury, shall 145760  
 be provided to The Ohio State University College of Medicine to 145761  
 support the Brain Injury Program established under section 3335.60 145762  
 of the Revised Code. 145763

LIMA EASTER SEALS 145764

The foregoing appropriation item 415507, Lima Easter Seals, 145765  
 shall be provided to the Easter Seals in Lima, Ohio, to create a 145766  
 loan program for durable medical equipment. 145767

SERVICES FOR THE DEAF 145768

The foregoing appropriation item 415508, Services for the 145769  
 Deaf, shall be used to provide grants to community centers for the 145770  
 deaf. 145771

**Section 355.10.** ODB OHIO OPTICAL DISPENSERS BOARD 145772

Dedicated Purpose Fund Group 145773

4K90 894609 Program Support \$ 235,768 \$ 0 145774

TOTAL DPF Dedicated Purpose Fund \$ 235,768 \$ 0 145775

Group

TOTAL ALL BUDGET FUND GROUPS \$ 235,768 \$ 0 145776

**Section 357.10.** OPT STATE BOARD OF OPTOMETRY 145778

Dedicated Purpose Fund Group 145779

4K90 885609 Program Support \$ 227,394 \$ 0 145780

TOTAL DPF Dedicated Purpose Fund \$ 227,394 \$ 0 145781

Group



amount disbursed in the current fiscal year to make the payments 145807  
required by section 742.63 of the Revised Code and shall return to 145808  
the Treasurer of State moneys received from this appropriation 145809  
item but not disbursed. 145810

**Section 363.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 145811  
RELEASE COMPENSATION BOARD 145812  
Dedicated Purpose Fund Group 145813  
6910 810632 Petroleum Underground \$ 1,433,220 \$ 1,461,073 145814  
Storage Tank Release  
Compensation Board -  
Operating  
TOTAL DPF Dedicated Purpose Fund \$ 1,433,220 \$ 1,461,073 145815  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 1,433,220 \$ 1,461,073 145816

**Section 367.10.** PRX STATE BOARD OF PHARMACY 145818  
Dedicated Purpose Fund Group 145819  
4A50 887605 Drug Law Enforcement \$ 150,000 \$ 150,000 145820  
4K90 658605 OARRS Integration - \$ 175,000 \$ 210,000 145821  
State  
4K90 887609 Operating Expenses \$ 8,285,214 \$ 8,507,387 145822  
5SG0 887612 Drug Database \$ 200,000 \$ 200,000 145823  
5SY0 887613 Medical Marijuana \$ 1,455,700 \$ 1,335,200 145824  
Control Program  
TOTAL DPF Dedicated Purpose Fund \$ 10,265,914 \$ 10,402,587 145825  
Group  
Federal Fund Group 145826  
3EB0 887608 2008 \$ 50,000 \$ 0 145827  
Developing/Enhancing  
PMP  
3HD0 887614 Pharmacy Federal \$ 350,001 \$ 350,000 145828

|                                                            |        |                       |    |            |            |            |                   |
|------------------------------------------------------------|--------|-----------------------|----|------------|------------|------------|-------------------|
| Grants                                                     |        |                       |    |            |            |            |                   |
| 3HH0                                                       | 658601 | OARRS Integration -   | \$ | 1,700,000  | \$         | 2,100,000  | 145829            |
| Federal                                                    |        |                       |    |            |            |            |                   |
| TOTAL FED Federal Fund Group                               |        |                       |    | \$         | 2,100,001  | \$         | 2,450,000 145830  |
| TOTAL ALL BUDGET FUND GROUPS                               |        |                       |    | \$         | 12,365,915 | \$         | 12,852,587 145831 |
| <b>Section 369.10. PSY STATE BOARD OF PSYCHOLOGY</b>       |        |                       |    |            |            |            | 145833            |
| Dedicated Purpose Fund Group                               |        |                       |    |            |            |            | 145834            |
| 4K90                                                       | 882609 | Operating Expenses    | \$ | 624,880    | \$         | 659,900    | 145835            |
| TOTAL DPF Dedicated Purpose                                |        |                       |    |            |            |            | 145836            |
| Fund Group                                                 |        |                       |    | \$         | 624,880    | \$         | 659,900 145837    |
| TOTAL ALL BUDGET FUND GROUPS                               |        |                       |    | \$         | 624,880    | \$         | 659,900 145838    |
| <b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b> |        |                       |    |            |            |            | 145840            |
| General Revenue Fund                                       |        |                       |    |            |            |            | 145841            |
| GRF                                                        | 019401 | State Legal Defense   | \$ | 3,785,087  | \$         | 4,006,983  | 145842            |
| Services                                                   |        |                       |    |            |            |            |                   |
| GRF                                                        | 019403 | Multi-County: State   | \$ | 2,058,370  | \$         | 2,079,410  | 145843            |
| Share                                                      |        |                       |    |            |            |            |                   |
| GRF                                                        | 019404 | Trumbull County -     | \$ | 553,340    | \$         | 548,413    | 145844            |
| State Share                                                |        |                       |    |            |            |            |                   |
| GRF                                                        | 019405 | Training Account      | \$ | 50,000     | \$         | 50,000     | 145845            |
| GRF                                                        | 019501 | County Reimbursement  | \$ | 30,066,220 | \$         | 31,188,211 | 145846            |
| TOTAL GRF General Revenue Fund                             |        |                       |    | \$         | 36,513,017 | \$         | 37,873,017 145847 |
| Dedicated Purpose Fund Group                               |        |                       |    |            |            |            | 145848            |
| 1010                                                       | 019607 | Juvenile Legal        | \$ | 207,351    | \$         | 204,756    | 145849            |
| Assistance                                                 |        |                       |    |            |            |            |                   |
| 4060                                                       | 019603 | Training and          | \$ | 25,000     | \$         | 25,000     | 145850            |
| Publications                                               |        |                       |    |            |            |            |                   |
| 4070                                                       | 019604 | County Representation | \$ | 407,613    | \$         | 413,815    | 145851            |
| 4080                                                       | 019605 | Client Payments       | \$ | 789,868    | \$         | 807,884    | 145852            |
| 4C70                                                       | 019601 | Multi-County: County  | \$ | 2,558,173  | \$         | 2,662,641  | 145853            |

|                              |                    |                                                                   |            |            |             |                   |
|------------------------------|--------------------|-------------------------------------------------------------------|------------|------------|-------------|-------------------|
|                              |                    | Share                                                             |            |            |             |                   |
| 4N90                         | 019613             | Gifts and Grants                                                  | \$         | 10,530     | \$          | 10,530 145854     |
| 4X70                         | 019610             | Trumbull County -                                                 | \$         | 685,699    | \$          | 698,234 145855    |
|                              |                    | County Share                                                      |            |            |             |                   |
| 5740                         | 019606             | Civil Legal Aid                                                   | \$         | 17,760,000 | \$          | 17,760,000 145856 |
| 5CX0                         | 019617             | Civil Case Filing Fee                                             | \$         | 556,331    | \$          | 533,722 145857    |
| 5DY0                         | 019618             | Indigent Defense                                                  | \$         | 32,868,000 | \$          | 32,868,000 145858 |
|                              |                    | Support - County                                                  |            |            |             |                   |
|                              |                    | Share                                                             |            |            |             |                   |
| 5DY0                         | 019619             | Indigent Defense                                                  | \$         | 7,167,143  | \$          | 7,212,874 145859  |
|                              |                    | Support - State                                                   |            |            |             |                   |
|                              |                    | Office                                                            |            |            |             |                   |
| TOTAL DPF                    | Dedicated Purpose  |                                                                   |            |            |             | 145860            |
| Fund Group                   |                    | \$                                                                | 63,035,708 | \$         | 63,197,456  | 145861            |
| Federal Fund Group           |                    |                                                                   |            |            |             | 145862            |
| 3GJ0                         | 019622             | Byrne Memorial Grant                                              | \$         | 7,766      | \$          | 0 145863          |
| 3S80                         | 019608             | Federal                                                           | \$         | 37,845     | \$          | 38,315 145864     |
|                              |                    | Representation                                                    |            |            |             |                   |
| TOTAL FED                    | Federal Fund Group | \$                                                                | 45,611     | \$         | 38,315      | 145865            |
| TOTAL ALL BUDGET FUND GROUPS |                    | \$                                                                | 99,594,336 | \$         | 101,108,788 | 145866            |
|                              |                    | INDIGENT DEFENSE OFFICE                                           |            |            |             | 145867            |
|                              |                    | The foregoing appropriation items 019404, Trumbull County -       |            |            |             | 145868            |
|                              |                    | State Share, and 019610, Trumbull County - County Share, shall be |            |            |             | 145869            |
|                              |                    | used to support an indigent defense office for Trumbull County.   |            |            |             | 145870            |
|                              |                    | MULTI-COUNTY OFFICE                                               |            |            |             | 145871            |
|                              |                    | The foregoing appropriation items 019403, Multi-County: State     |            |            |             | 145872            |
|                              |                    | Share, and 019601, Multi-County: County Share, shall be used to   |            |            |             | 145873            |
|                              |                    | support the Office of the Ohio Public Defender's Multi-County     |            |            |             | 145874            |
|                              |                    | Branch Office Program.                                            |            |            |             | 145875            |
|                              |                    | TRAINING ACCOUNT                                                  |            |            |             | 145876            |
|                              |                    | The foregoing appropriation item 019405, Training Account,        |            |            |             | 145877            |

shall be used by the Ohio Public Defender to provide legal 145878  
training programs at no cost for private appointed counsel who 145879  
represents at least one indigent defendant at no cost, state and 145880  
county public defenders, and attorneys who contract with the Ohio 145881  
Public Defender to provide indigent defense services. 145882

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 145883  
FUND 145884

On July 1 of each fiscal year, or as soon as possible 145885  
thereafter, the Director of Budget and Management shall transfer 145886  
\$10,000 cash from the General Revenue Fund to the Legal Aid Fund 145887  
(Fund 5740). The transferred cash shall be distributed by the Ohio 145888  
Legal Assistance Foundation to Ohio's civil legal aid societies 145889  
for the sole purpose of providing legal services for economically 145890  
disadvantaged individuals. 145891

INDIGENT DEFENSE SUPPORT FUND 145892

The foregoing appropriation item 019619, Indigent Defense 145893  
Support - State Office, shall be used by the Ohio Public Defender 145894  
for the purposes of appointing assistant state public defenders, 145895  
providing other personnel, equipment, and facilities necessary for 145896  
the operation of the state public defender office, and providing 145897  
training, developing and implementing electronic forms, or 145898  
establishing and maintaining an information technology system used 145899  
for the uniform operation of Chapter 120. of the Revised Code. 145900  
Notwithstanding section 120.08 of the Revised Code, from July 1, 145901  
2017, until the effective date of the amendments to that section 145902  
by this act, the Ohio Public Defender may use up to seventeen per 145903  
cent of the money in the Indigent Defense Support Fund (Fund 5DY0) 145904  
for those purposes. 145905

FEDERAL REPRESENTATION 145906

The foregoing appropriation item 019608, Federal 145907  
Representation, shall be used to support representation provided 145908

|                                                        |        |                                                         |                             |        |
|--------------------------------------------------------|--------|---------------------------------------------------------|-----------------------------|--------|
| by the Ohio Public Defender in federal court cases.    |        |                                                         |                             | 145909 |
| <b>Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY</b> |        |                                                         |                             | 145910 |
| General Revenue Fund                                   |        |                                                         |                             | 145911 |
| GRF                                                    | 763403 | EMA Operating                                           | \$ 4,300,443 \$ 4,716,556   | 145912 |
| GRF                                                    | 767420 | Investigative Unit<br>Operating                         | \$ 11,614,478 \$ 11,973,378 | 145913 |
| GRF                                                    | 768425 | Justice Program<br>Services                             | \$ 702,848 \$ 1,001,194     | 145914 |
| GRF                                                    | 769406 | Homeland Security -<br>Operating                        | \$ 2,586,618 \$ 2,699,745   | 145915 |
| TOTAL GRF General Revenue Fund                         |        |                                                         | \$ 19,204,387 \$ 20,390,873 | 145916 |
| Dedicated Purpose Fund Group                           |        |                                                         |                             | 145917 |
| 4P60                                                   | 768601 | Justice Program<br>Services                             | \$ 330,000 \$ 210,000       | 145918 |
| 4V30                                                   | 763662 | EMA Service and<br>Reimbursements                       | \$ 751,000 \$ 751,000       | 145919 |
| 5BK0                                                   | 768687 | Criminal Justice<br>Services - Operating                | \$ 550,000 \$ 400,000       | 145920 |
| 5BK0                                                   | 768689 | Family Violence<br>Shelter Programs                     | \$ 1,550,000 \$ 1,550,000   | 145921 |
| 5ET0                                                   | 768625 | Drug Law Enforcement                                    | \$ 8,000,000 \$ 8,000,000   | 145922 |
| 5LM0                                                   | 768698 | Criminal Justice<br>Services Law<br>Enforcement Support | \$ 850,946 \$ 850,946       | 145923 |
| 5ML0                                                   | 769635 | Infrastructure<br>Protection                            | \$ 100,000 \$ 100,000       | 145924 |
| 5RH0                                                   | 767697 | OIU Special Projects                                    | \$ 900,000 \$ 900,000       | 145925 |
| 5RS0                                                   | 768621 | Community Police<br>Relations                           | \$ 1,000,000 \$ 1,000,000   | 145926 |
| 5Y10                                                   | 767696 | Ohio Investigative<br>Unit Continuing                   | \$ 20,000 \$ 20,000         | 145927 |

|                                           |        |                                                    |    |            |    |            |        |
|-------------------------------------------|--------|----------------------------------------------------|----|------------|----|------------|--------|
|                                           |        | Professional Training                              |    |            |    |            |        |
| 6220                                      | 767615 | Investigative,<br>Contraband, and<br>Forfeiture    | \$ | 1,000,000  | \$ | 1,000,000  | 145928 |
| 6570                                      | 763652 | Utility Radiological<br>Safety                     | \$ | 1,258,624  | \$ | 1,258,624  | 145929 |
| 6810                                      | 763653 | SARA Title III Hazmat<br>Planning                  | \$ | 273,629    | \$ | 273,629    | 145930 |
| 8500                                      | 767628 | Investigative Unit<br>Salvage                      | \$ | 175,000    | \$ | 175,000    | 145931 |
| TOTAL DPF Dedicated Purpose Fund<br>Group |        |                                                    | \$ | 16,759,199 | \$ | 16,489,199 | 145932 |
| Federal Fund Group                        |        |                                                    |    |            |    |            | 145933 |
| 3290                                      | 763645 | Federal Mitigation<br>Program                      | \$ | 7,960,000  | \$ | 7,200,000  | 145934 |
| 3370                                      | 763609 | Federal Disaster<br>Relief                         | \$ | 20,019,000 | \$ | 18,017,000 | 145935 |
| 3390                                      | 763647 | Emergency Management<br>Assistance and<br>Training | \$ | 49,600,000 | \$ | 44,700,000 | 145936 |
| 3FK0                                      | 768615 | Justice Assistance<br>Grants - FFY11               | \$ | 100,000    | \$ | 100,000    | 145937 |
| 3FP0                                      | 767620 | Ohio Investigative<br>Unit Justice<br>Contraband   | \$ | 55,000     | \$ | 55,000     | 145938 |
| 3FY0                                      | 768616 | Justice Assistance<br>Grants - FFY12               | \$ | 100,000    | \$ | 100,000    | 145939 |
| 3FZ0                                      | 768617 | Justice Assistance<br>Grants - FFY13               | \$ | 400,000    | \$ | 400,000    | 145940 |
| 3GA0                                      | 768618 | Justice Assistance<br>Grants - FFY14               | \$ | 900,000    | \$ | 900,000    | 145941 |
| 3GL0                                      | 768619 | Justice Assistance<br>Grants - FFY15               | \$ | 12,500,000 | \$ | 12,500,000 | 145942 |

|                              |                    |                       |    |             |    |             |        |
|------------------------------|--------------------|-----------------------|----|-------------|----|-------------|--------|
| 3GT0                         | 767691             | Investigative Unit    | \$ | 300,000     | \$ | 300,000     | 145943 |
|                              |                    | Federal Equity Share  |    |             |    |             |        |
| 3GU0                         | 769610             | Investigations Grants | \$ | 1,400,000   | \$ | 1,400,000   | 145944 |
|                              |                    | - Food Stamps, Liquor |    |             |    |             |        |
|                              |                    | and Tobacco Laws      |    |             |    |             |        |
| 3GU0                         | 769631             | Homeland Security     | \$ | 1,400,000   | \$ | 1,400,000   | 145945 |
|                              |                    | Disaster Grants       |    |             |    |             |        |
| 3L50                         | 768604             | Justice Program       | \$ | 10,500,000  | \$ | 10,500,000  | 145946 |
| 3N50                         | 763644             | U.S. Department of    | \$ | 31,672      | \$ | 31,672      | 145947 |
|                              |                    | Energy Agreement      |    |             |    |             |        |
| TOTAL FED                    | Federal Fund Group |                       | \$ | 105,265,672 | \$ | 97,603,672  | 145948 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                       | \$ | 141,229,258 | \$ | 134,483,744 | 145949 |

**Section 373.20. STATE DISASTER RELIEF** 145951

The State Disaster Relief Fund (Fund 5330) may accept 145952  
transfers of cash or appropriations from Controlling Board 145953  
appropriation items for the Ohio Emergency Management Agency 145954  
disaster response costs and disaster program management costs, and 145955  
may also be used for the following purposes: 145956

(A) To accept transfers of cash or appropriations from 145957  
Controlling Board appropriation items for Ohio Emergency 145958  
Management Agency public assistance and mitigation program match 145959  
costs to reimburse eligible local governments and private 145960  
nonprofit organizations for costs related to disasters; 145961

(B) To accept transfers of cash to reimburse the costs 145962  
associated with Emergency Management Assistance Compact (EMAC) 145963  
deployments; 145964

(C) To accept disaster related reimbursement from federal, 145965  
state, and local governments. The Director of Budget and 145966  
Management may transfer cash from reimbursements received by this 145967  
fund to other funds of the state from which transfers were 145968  
originally approved by the Controlling Board. 145969

(D) To accept transfers of cash or appropriations from 145970  
Controlling Board appropriation items to fund the State Disaster 145971  
Relief Program, for disasters that qualify for the program by 145972  
written authorization of the Governor, and the State Individual 145973  
Assistance Program for disasters that have been declared by the 145974  
federal Small Business Administration and that qualify for the 145975  
program by written authorization from the Governor. The Ohio 145976  
Emergency Management Agency shall publish and make available 145977  
application packets outlining procedures for the State Disaster 145978  
Relief Program and the State Individual Assistance Program. 145979

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 145980  
AGENCY SERVICE AND REIMBURSEMENT FUND 145981

On July 1 of each fiscal year, or as soon as possible 145982  
thereafter, the Director of Budget and Management shall transfer 145983  
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 145984  
Emergency Management Agency Service and Reimbursement Fund (Fund 145985  
4V30) to be distributed to the Ohio Task Force One - Urban Search 145986  
and Rescue Unit, other similar urban search and rescue units 145987  
around the state, and for maintenance of the statewide fire 145988  
emergency response plan by an entity recognized by the Ohio 145989  
Emergency Management Agency. 145990

DRUG LAW ENFORCEMENT FUND 145991

Notwithstanding division (D) of section 5502.68 of the 145992  
Revised Code, in each of fiscal years 2018 and 2019, the 145993  
cumulative amount of funding provided to any single drug task 145994  
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 145995  
exceed \$500,000 in any calendar year. 145996

COMMUNITY POLICE RELATIONS 145997

The foregoing appropriation item 768621, Community Police 145998  
Relations, shall be used to implement key recommendations of the 145999  
Ohio Task Force on Community-Police Relations, including a 146000

database on use of force and officer involved shootings, a public 146001  
awareness campaign, and state-provided assistance with 146002  
policy-making and manuals. 146003

SARA TITLE III HAZMAT PLANNING 146004

The SARA Title III Hazmat Planning Fund (Fund 6810) is 146005  
entitled to receive grant funds from the Emergency Response 146006  
Commission to implement the Emergency Management Agency's 146007  
responsibilities under Chapter 3750. of the Revised Code. 146008

**Section 375.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 146009

Dedicated Purpose Fund Group 146010

4A30 870614 Grade Crossing \$ 750,000 \$ 1,000,000 146011

Protection

Devices-State

4L80 870617 Pipeline Safety-State \$ 331,992 \$ 331,992 146012

5610 870606 Power Siting Board \$ 581,000 \$ 581,000 146013

5F60 870622 Utility and Railroad \$ 31,826,624 \$ 31,826,624 146014

Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 146015

5LT0 870640 Intrastate \$ 195,000 \$ 195,000 146016

Registration

5LT0 870641 Unified Carrier \$ 450,000 \$ 450,000 146017

Registration

5LT0 870642 Hazardous Materials \$ 775,000 \$ 775,000 146018

Registration

5LT0 870643 Non-hazardous \$ 292,000 \$ 292,000 146019

Materials Civil

Forfeiture

5LT0 870644 Hazardous Materials \$ 898,800 \$ 898,800 146020

Civil Forfeiture

5LT0 870645 Motor Carrier \$ 4,750,000 \$ 4,750,000 146021

Enforcement

|                                                    |        |                        |    |             |    |             |        |
|----------------------------------------------------|--------|------------------------|----|-------------|----|-------------|--------|
| 5Q50                                               | 870626 | Telecommunications     | \$ | 3,500,000   | \$ | 3,500,000   | 146022 |
|                                                    |        | Relay Service          |    |             |    |             |        |
| 5QR0                                               | 870646 | Underground Facilities | \$ | 50,000      | \$ | 50,000      | 146023 |
|                                                    |        | Protection             |    |             |    |             |        |
| 5QS0                                               | 870647 | Underground Facilities | \$ | 316,000     | \$ | 316,000     | 146024 |
|                                                    |        | Administration         |    |             |    |             |        |
| TOTAL DPF                                          |        | Dedicated Purpose Fund | \$ | 44,801,416  | \$ | 45,051,416  | 146025 |
| Group                                              |        |                        |    |             |    |             |        |
| Federal Fund Group                                 |        |                        |    |             |    |             | 146026 |
| 3330                                               | 870601 | Gas Pipeline Safety    | \$ | 597,959     | \$ | 597,959     | 146027 |
| 3500                                               | 870608 | Motor Carrier Safety   | \$ | 6,250,000   | \$ | 6,250,000   | 146028 |
| 3V30                                               | 870604 | Commercial Vehicle     | \$ | 100,000     | \$ | 100,000     | 146029 |
|                                                    |        | Information            |    |             |    |             |        |
|                                                    |        | Systems/Networks       |    |             |    |             |        |
| TOTAL FED                                          |        | Federal Fund Group     | \$ | 6,947,959   | \$ | 6,947,959   | 146030 |
| TOTAL ALL BUDGET FUND GROUPS                       |        |                        | \$ | 51,749,375  | \$ | 51,999,375  | 146031 |
| <b>Section 377.10. PWC PUBLIC WORKS COMMISSION</b> |        |                        |    |             |    |             | 146033 |
| General Revenue Fund                               |        |                        |    |             |    |             | 146034 |
| GRF                                                | 150904 | Conservation General   | \$ | 37,708,400  | \$ | 40,503,200  | 146035 |
|                                                    |        | Obligation Bond Debt   |    |             |    |             |        |
|                                                    |        | Service                |    |             |    |             |        |
| GRF                                                | 150907 | Infrastructure         | \$ | 228,005,100 | \$ | 221,142,200 | 146036 |
|                                                    |        | Improvement General    |    |             |    |             |        |
|                                                    |        | Obligation Bond Debt   |    |             |    |             |        |
|                                                    |        | Service                |    |             |    |             |        |
| TOTAL GRF                                          |        | General Revenue Fund   | \$ | 265,713,500 | \$ | 261,645,400 | 146037 |
| Capital Projects Fund Group                        |        |                        |    |             |    |             | 146038 |
| 7038                                               | 150321 | State Capital          | \$ | 880,952     | \$ | 880,952     | 146039 |
|                                                    |        | Improvements Program   |    |             |    |             |        |
|                                                    |        | - Operating Expenses   |    |             |    |             |        |
| 7056                                               | 150403 | Clean Ohio             | \$ | 296,051     | \$ | 296,051     | 146040 |

|                                                                    |    |             |    |             |
|--------------------------------------------------------------------|----|-------------|----|-------------|
| Conservation                                                       |    |             |    |             |
| Operating                                                          |    |             |    |             |
| TOTAL CPF Capital Projects Fund                                    | \$ | 1,177,003   | \$ | 1,177,003   |
| Group                                                              |    |             |    | 146041      |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 266,890,503 | \$ | 262,822,403 |
|                                                                    |    |             |    | 146042      |
| <b>Section 377.20.</b>                                             |    |             |    |             |
| CONSERVATION GENERAL OBLIGATION BOND DEBT                          |    |             |    | 146044      |
| SERVICE                                                            |    |             |    | 146045      |
| The foregoing appropriation item 150904, Conservation General      |    |             |    | 146046      |
| Obligation Bond Debt Service, shall be used to pay all debt        |    |             |    | 146047      |
| service and related financing costs during the period from July 1, |    |             |    | 146048      |
| 2017, through June 30, 2019, at the times they are required to be  |    |             |    | 146049      |
| made for obligations issued under sections 151.01 and 151.09 of    |    |             |    | 146050      |
| the Revised Code.                                                  |    |             |    | 146051      |
| INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT            |    |             |    | 146052      |
| SERVICE                                                            |    |             |    | 146053      |
| The foregoing appropriation item 150907, Infrastructure            |    |             |    | 146054      |
| Improvement General Obligation Bond Debt Service, shall be used to |    |             |    | 146055      |
| pay all debt service and related financing costs during the period |    |             |    | 146056      |
| from July 1, 2017, through June 30, 2019, at the times they are    |    |             |    | 146057      |
| required to be made for obligations issued under sections 151.01   |    |             |    | 146058      |
| and 151.08 of the Revised Code.                                    |    |             |    | 146059      |
| CLEAN OHIO CONSERVATION OPERATING                                  |    |             |    | 146060      |
| The foregoing appropriation item 150403, Clean Ohio                |    |             |    | 146061      |
| Conservation Operating, shall be used by the Ohio Public Works     |    |             |    | 146062      |
| Commission in administering Clean Ohio Conservation Fund (Fund     |    |             |    | 146063      |
| 7056) projects pursuant to sections 164.20 to 164.27 of the        |    |             |    | 146064      |
| Revised Code.                                                      |    |             |    | 146065      |
| STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES            |    |             |    | 146066      |
| The foregoing appropriation item 150321, State Capital             |    |             |    | 146067      |
| Improvements Program - Operating Expenses, shall be used by the    |    |             |    | 146068      |

Ohio Public Works Commission to administer the State Capital 146069  
Improvement Program under sections 164.01 to 164.16 of the Revised 146070  
Code. 146071

DISTRICT ADMINISTRATION COSTS 146072

The Director of the Public Works Commission is authorized to 146073  
create a District Administration Costs Program from proceeds of 146074  
the Capital Improvements Fund and Local Transportation Improvement 146075  
Program Fund. The program shall be used to provide for the direct 146076  
costs of district administration of the nineteen public works 146077  
districts. Districts choosing to participate in the program shall 146078  
only expend State Capital Improvements Fund moneys for State 146079  
Capital Improvements Fund costs and Local Transportation 146080  
Improvement Program Fund moneys for Local Transportation 146081  
Improvement Program Fund costs. The District Administration Costs 146082  
Program account shall not exceed \$1,235,000 per fiscal year. Each 146083  
public works district may be eligible for up to \$65,000 per fiscal 146084  
year from its district allocation as provided in sections 164.08 146085  
and 164.14 of the Revised Code. 146086

The Director, by rule, shall define allowable and 146087  
nonallowable costs for the purpose of the District Administration 146088  
Costs Program. Nonallowable costs include indirect costs, elected 146089  
official salaries and benefits, and project-specific costs. No 146090  
district public works committee may participate in the District 146091  
Administration Costs Program without the approval of those costs 146092  
by the district public works committee under section 164.04 of the 146093  
Revised Code. 146094

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 146095

The Director of the Public Works Commission is authorized to 146096  
create a District Administration Costs Program for districts 146097  
represented by natural resource assistance councils. This program 146098  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 146099

The program shall be used by natural resource assistance councils 146100  
in order to provide for administration costs of the nineteen 146101  
natural resource assistance councils for the direct costs of 146102  
council administration. Councils choosing to participate in this 146103  
program may be eligible for up to \$15,000 per fiscal year from its 146104  
district allocation as provided in section 164.27 of the Revised 146105  
Code. The director shall define allowable and nonallowable costs 146106  
for the purpose of the District Administration Costs Program. 146107  
Nonallowable costs include indirect costs, elected official 146108  
salaries and benefits, and project-specific costs. 146109

**Section 379.10. RAC STATE RACING COMMISSION** 146110

Dedicated Purpose Fund Group 146111

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 146112  
Development

5630 875602 Standardbred \$ 1,550,000 \$ 1,550,000 146113  
Development

5650 875604 Racing Commission \$ 3,743,995 \$ 3,770,948 146114  
Operating

5JK0 875610 Horse Racing \$ 8,512,095 \$ 8,512,095 146115  
Development-Casino

5NL0 875611 Revenue \$ 8,000,000 \$ 8,000,000 146116  
Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 23,206,090 \$ 23,233,043 146117  
Group

Fiduciary Fund Group 146118

5C40 875607 Simulcast Horse \$ 9,000,000 \$ 9,000,000 146119  
Racing Purse

TOTAL FID Fiduciary Fund Group \$ 9,000,000 \$ 9,000,000 146120

Holding Account Fund Group 146121

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 146122

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 146123

Group

TOTAL ALL BUDGET FUND GROUPS \$ 32,306,090 \$ 32,333,043 146124

**Section 381.10.** BOR DEPARTMENT OF HIGHER EDUCATION 146126

General Revenue Fund 146127

GRF 235321 Operating Expenses \$ 5,591,743 \$ 5,590,720 146128

GRF 235402 Sea Grants \$ 299,250 \$ 299,250 146129

GRF 235406 Articulation and \$ 1,812,773 \$ 1,812,773 146130  
Transfer

GRF 235408 Midwest Higher \$ 111,550 \$ 111,550 146131  
Education Compact

GRF 235414 Grants and Scholarship \$ 818,433 \$ 818,433 146132  
Administration

GRF 235417 Technology Maintenance \$ 4,313,698 \$ 4,313,698 146133  
and Operations

GRF 235428 Appalachian New \$ 1,228,000 \$ 1,228,000 146134  
Economy Workforce  
Partnership

GRF 235438 Choose Ohio First \$ 16,174,447 \$ 16,174,447 146135  
Scholarship

GRF 235443 Adult Basic and \$ 7,083,344 \$ 7,083,344 146136  
Literacy Education -  
State

GRF 235444 Ohio Technical Centers \$ 16,476,150 \$ 16,640,913 146137

GRF 235474 Area Health Education \$ 873,000 \$ 873,000 146138  
Centers Program  
Support

GRF 235492 Campus Safety and \$ 750,000 \$ 750,000 146139  
Training

GRF 235501 State Share of \$ 1,979,416,550 \$ 1,979,416,550 146140  
Instruction

GRF 235502 Student Support \$ 632,974 \$ 632,974 146141  
Services

|            |                                                          |    |            |    |            |        |
|------------|----------------------------------------------------------|----|------------|----|------------|--------|
| GRF 235504 | War Orphans<br>Scholarships                              | \$ | 8,077,000  | \$ | 8,372,500  | 146142 |
| GRF 235507 | OhioLINK                                                 | \$ | 6,024,682  | \$ | 6,024,682  | 146143 |
| GRF 235508 | Air Force Institute of<br>Technology                     | \$ | 1,566,723  | \$ | 1,566,723  | 146144 |
| GRF 235510 | Ohio Supercomputer<br>Center                             | \$ | 4,388,513  | \$ | 4,388,513  | 146145 |
| GRF 235511 | Cooperative Extension<br>Service                         | \$ | 23,968,942 | \$ | 23,962,050 | 146146 |
| GRF 235514 | Central State<br>Supplement                              | \$ | 11,685,516 | \$ | 11,685,516 | 146147 |
| GRF 235515 | Case Western Reserve<br>University School of<br>Medicine | \$ | 2,038,940  | \$ | 2,038,940  | 146148 |
| GRF 235519 | Family Practice                                          | \$ | 3,007,876  | \$ | 3,007,876  | 146149 |
| GRF 235520 | Shawnee State<br>Supplement                              | \$ | 2,537,456  | \$ | 2,537,456  | 146150 |
| GRF 235525 | Geriatric Medicine                                       | \$ | 496,043    | \$ | 496,043    | 146151 |
| GRF 235526 | Primary Care<br>Residencies                              | \$ | 1,425,000  | \$ | 1,425,000  | 146152 |
| GRF 235533 | Higher Education<br>Program Support                      | \$ | 5,025,000  | \$ | 0          | 146153 |
| GRF 235535 | Ohio Agricultural<br>Research and<br>Development Center  | \$ | 36,361,470 | \$ | 36,361,470 | 146154 |
| GRF 235536 | The Ohio State<br>University Clinical<br>Teaching        | \$ | 9,185,494  | \$ | 9,185,494  | 146155 |
| GRF 235537 | University of<br>Cincinnati Clinical<br>Teaching         | \$ | 7,554,944  | \$ | 7,554,944  | 146156 |
| GRF 235538 | University of Toledo<br>Clinical Teaching                | \$ | 5,888,670  | \$ | 5,888,670  | 146157 |

|            |                                                           |    |             |    |             |        |
|------------|-----------------------------------------------------------|----|-------------|----|-------------|--------|
| GRF 235539 | Wright State<br>University Clinical<br>Teaching           | \$ | 2,860,830   | \$ | 2,860,830   | 146158 |
| GRF 235540 | Ohio University<br>Clinical Teaching                      | \$ | 2,765,651   | \$ | 2,765,651   | 146159 |
| GRF 235541 | Northeast Ohio Medical<br>University Clinical<br>Teaching | \$ | 2,844,469   | \$ | 2,844,469   | 146160 |
| GRF 235546 | Central State<br>Agricultural Research<br>and Development | \$ | 1,437,017   | \$ | 1,437,017   | 146161 |
| GRF 235548 | Central State<br>Cooperative Extension<br>Services        | \$ | 1,346,976   | \$ | 1,346,976   | 146162 |
| GRF 235552 | Capital Component                                         | \$ | 6,350,817   | \$ | 1,584,491   | 146163 |
| GRF 235555 | Library Depositories                                      | \$ | 1,397,132   | \$ | 1,397,132   | 146164 |
| GRF 235556 | Ohio Academic<br>Resources Network                        | \$ | 3,077,343   | \$ | 3,077,343   | 146165 |
| GRF 235558 | Long-term Care<br>Research                                | \$ | 309,035     | \$ | 309,035     | 146166 |
| GRF 235559 | Central State<br>University -<br>Agriculture Education    | \$ | 250,000     | \$ | 250,000     | 146167 |
| GRF 235563 | Ohio College<br>Opportunity Grant                         | \$ | 99,425,000  | \$ | 100,875,000 | 146168 |
| GRF 235572 | The Ohio State<br>University Clinic<br>Support            | \$ | 728,206     | \$ | 728,206     | 146169 |
| GRF 235591 | Co-Op Internship<br>Program                               | \$ | 750,000     | \$ | 750,000     | 146170 |
| GRF 235599 | National Guard<br>Scholarship Program                     | \$ | 18,900,003  | \$ | 18,900,003  | 146171 |
| GRF 235909 | Higher Education                                          | \$ | 253,157,900 | \$ | 296,782,500 | 146172 |

|           |        |                                          |    |               |    |               |        |
|-----------|--------|------------------------------------------|----|---------------|----|---------------|--------|
|           |        | General Obligation                       |    |               |    |               |        |
|           |        | Bond Debt Service                        |    |               |    |               |        |
| TOTAL GRF |        | General Revenue Fund                     | \$ | 2,560,414,560 | \$ | 2,596,150,182 | 146173 |
|           |        | Dedicated Purpose Fund Group             |    |               |    |               | 146174 |
| 2200      | 235614 | Program Approval and                     | \$ | 664,562       | \$ | 664,562       | 146175 |
|           |        | Reauthorization                          |    |               |    |               |        |
| 4560      | 235603 | Sales and Services                       | \$ | 199,250       | \$ | 199,250       | 146176 |
| 4E80      | 235602 | Higher Educational                       | \$ | 50,000        | \$ | 50,000        | 146177 |
|           |        | Facility Commission                      |    |               |    |               |        |
|           |        | Administration                           |    |               |    |               |        |
| 5D40      | 235675 | Conference/Special                       | \$ | 791,503       | \$ | 791,503       | 146178 |
|           |        | Purposes                                 |    |               |    |               |        |
| 5FR0      | 235650 | State and Non-Federal                    | \$ | 500,000       | \$ | 500,000       | 146179 |
|           |        | Grants and Award                         |    |               |    |               |        |
| 5JC0      | 235654 | Federal Research                         | \$ | 3,450,000     | \$ | 3,450,000     | 146180 |
|           |        | Network                                  |    |               |    |               |        |
| 5NH0      | 235517 | Short-Term                               | \$ | 0             | \$ | 5,000,000     | 146181 |
|           |        | Certificates                             |    |               |    |               |        |
| 5NH0      | 235684 | OhioMeansJobs                            | \$ | 250,000       | \$ | 250,000       | 146182 |
|           |        | Workforce Development                    |    |               |    |               |        |
|           |        | Revolving Loan                           |    |               |    |               |        |
|           |        | Program                                  |    |               |    |               |        |
| 5P30      | 235663 | Variable Savings Plan                    | \$ | 7,250,000     | \$ | 7,250,000     | 146183 |
| 6450      | 235664 | Guaranteed Savings                       | \$ | 1,061,886     | \$ | 1,061,886     | 146184 |
|           |        | Plan                                     |    |               |    |               |        |
| 6820      | 235606 | Nursing Loan Program                     | \$ | 891,320       | \$ | 891,320       | 146185 |
| TOTAL DPF |        | Dedicated Purpose Fund                   | \$ | 15,108,521    | \$ | 20,108,521    | 146186 |
|           |        | Group                                    |    |               |    |               |        |
|           |        | Bond Research and Development Fund Group |    |               |    |               | 146187 |
| 7011      | 235634 | Research Incentive                       | \$ | 8,000,000     | \$ | 8,000,000     | 146188 |
|           |        | Third Frontier                           |    |               |    |               |        |
| TOTAL BRD |        | Bond Research and                        | \$ | 8,000,000     | \$ | 8,000,000     | 146189 |

Development Fund Group

|                    |                                                |                  |                  |  |        |
|--------------------|------------------------------------------------|------------------|------------------|--|--------|
| Federal Fund Group |                                                |                  |                  |  | 146190 |
| 3120 235611        | Gear-up Grant                                  | \$ 2,000,000     | \$ 2,000,000     |  | 146191 |
| 3120 235612        | Carl D. Perkins Grant/Plan Administration      | \$ 1,350,000     | \$ 1,350,000     |  | 146192 |
| 3120 235617        | Improving Teacher Quality Grant                | \$ 2,800,000     | \$ 2,800,000     |  | 146193 |
| 3120 235641        | Adult Basic and Literacy Education - Federal   | \$ 16,400,000    | \$ 16,600,000    |  | 146194 |
| 3BG0 235651        | Gear Up Grant Scholarships                     | \$ 1,250,000     | \$ 1,250,000     |  | 146195 |
| 3H20 235608        | Human Services Project                         | \$ 375,000       | \$ 375,000       |  | 146196 |
| 3N60 235658        | John R. Justice Student Loan Repayment Program | \$ 60,000        | \$ 60,000        |  | 146197 |
| TOTAL FED          | Federal Fund Group                             | \$ 24,235,000    | \$ 24,435,000    |  | 146198 |
| TOTAL ALL BUDGET   | FUND GROUPS                                    | \$ 2,607,758,081 | \$ 2,648,693,703 |  | 146199 |

**Section 381.20. SEA GRANTS** 146201

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources. 146202  
146203  
146204  
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146207

**Section 381.30. ARTICULATION AND TRANSFER** 146208

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to 146209  
146210

maintain and expand the work of the Articulation and Transfer 146211  
Council to develop a system of transfer policies to ensure that 146212  
students at state institutions of higher education can transfer 146213  
and have coursework apply to their majors and degrees at any other 146214  
state institution of higher education without unnecessary 146215  
duplication or institutional barriers under sections 3333.16, 146216  
3333.161, and 3333.162 of the Revised Code. 146217

**Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 146218**

The foregoing appropriation item 235408, Midwest Higher 146219  
Education Compact, shall be distributed by the Chancellor of 146220  
Higher Education under section 3333.40 of the Revised Code. 146221

**Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION 146222**

The foregoing appropriation item 235414, Grants and 146223  
Scholarship Administration, shall be used by the Chancellor of 146224  
Higher Education to manage and administer student financial aid 146225  
programs created by the General Assembly and grants for which the 146226  
Department of Higher Education is responsible. The appropriation 146227  
item also shall be used to support all state financial aid audits 146228  
and student financial aid programs created by Congress, and to 146229  
provide fiscal and administrative services for the Ohio National 146230  
Guard Scholarship Program. 146231

**Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS 146232**

The foregoing appropriation item 235417, Technology 146233  
Maintenance and Operations, shall be used by the Chancellor of 146234  
Higher Education to support the development and implementation of 146235  
information technology solutions designed to improve the 146236  
performance and capacity of the Department of Higher Education. 146237  
The information technology solutions may be provided by the Ohio 146238  
Technology Consortium (OH-TECH). 146239

Of the foregoing appropriation item 235417, Technology 146240  
Maintenance and Operations, a portion in each fiscal year may be 146241  
used by the Chancellor to support the continued implementation of 146242  
eStudent Services, a consortium organized under division (T) of 146243  
section 3333.04 of the Revised Code to expand access to dual 146244  
enrollment opportunities for high school students, as well as 146245  
adult and higher education opportunities through technology. The 146246  
funds shall be used by eStudent Services to develop and promote 146247  
learning and assessment through the use of technology, to test and 146248  
provide advice on emerging learning-directed technologies, to 146249  
facilitate cost-effectiveness through shared educational 146250  
technology investments, and for any other priorities of the 146251  
Chancellor of Higher Education. 146252

Of the foregoing appropriation item 235417, Technology 146253  
Maintenance and Operations, a portion in each fiscal year shall be 146254  
used by the Chancellor to implement a high priority data 146255  
warehouse, advanced analytics, and visualization integration 146256  
services associated with the Higher Education Information (HEI) 146257  
system. The services may be facilitated by OH-TECH. 146258

TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT LINE ITEM 146259  
TRANSFER 146260

On July 1, 2017, or as soon as possible thereafter, the 146261  
Director of Budget and Management, upon request by the Chancellor 146262  
of Higher Education, shall cancel any existing encumbrances 146263  
against appropriation item 235483, Technology Integration and 146264  
Professional Development, and re-establish them against 146265  
appropriation item 235417, Technology Maintenance and Operations. 146266  
The re-established encumbrance amounts are hereby appropriated. 146267

**Section 381.63.** APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 146268

The foregoing appropriation item 235428, Appalachian New 146269  
Economy Workforce Partnership, shall be distributed to Ohio 146270

University to continue a multi-campus and multi-agency coordinated 146271  
effort to link Appalachia to the new economy. Ohio University 146272  
shall use these funds to provide leadership in the development and 146273  
implementation of initiatives in the areas of entrepreneurship, 146274  
management, education, and technology. 146275

**Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP** 146276

The foregoing appropriation item 235438, Choose Ohio First 146277  
Scholarship, shall be used to operate the program prescribed in 146278  
sections 3333.60 to 3333.69 of the Revised Code. 146279

During each fiscal year, the Chancellor of Higher Education, 146280  
as soon as possible after cancellation, may certify to the 146281  
Director of Budget and Management the amount of canceled 146282  
prior-year encumbrances in appropriation item 235438, Choose Ohio 146283  
First Scholarship. Upon receipt of the certification, the Director 146284  
of Budget and Management may transfer cash, up to the certified 146285  
amount, from the General Revenue Fund to the Choose Ohio First 146286  
Scholarship Reserve Fund (Fund 5PV0). 146287

**Section 381.90. ADULT BASIC AND LITERACY EDUCATION** 146288

The foregoing appropriation item 235443, Adult Basic and 146289  
Literacy Education - State, shall be used to support the adult 146290  
basic and literacy education instructional grant program and state 146291  
leadership program. The supported programs shall satisfy the state 146292  
match and maintenance of effort requirements for the 146293  
state-administered grant program. 146294

**Section 381.100. OHIO TECHNICAL CENTERS FUNDING** 146295

The foregoing appropriation item 235444, Ohio Technical 146296  
Centers, shall be used by the Chancellor of Higher Education to 146297  
support post-secondary adult career-technical education. The 146298  
Chancellor shall provide coordination for Ohio Technical Centers 146299

through program approval processes, data collection of program and student outcomes, and subsidy disbursements from the foregoing appropriation item 235444, Ohio Technical Centers.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor shall exclude all students who are not residents of Ohio.

(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some portion of 450 hours shall be counted as a partial full-time equivalent for funding purposes, while students that complete more than 450 hours shall be counted as proportionally greater than one full-time equivalent.

(c) In calculating each Ohio Technical Center's full-time equivalent students, the Chancellor shall use a three-year average.

(d) After June 30, 2019, Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers.

(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if

the program is evaluated on a pass/fail basis. 146331

(3) In each fiscal year, twenty per cent of the allocation 146332  
for Ohio Technical Centers shall be distributed based on the 146333  
proportion of each Center's full-time equivalent students to the 146334  
total full-time equivalent students who complete 50 per cent of a 146335  
program of study as a measure of student retention. 146336

(4) In each fiscal year, fifty per cent of the allocation for 146337  
Ohio Technical Centers shall be distributed based on the 146338  
proportion of each Center's full-time equivalent students to the 146339  
total full-time equivalent students who have found employment, 146340  
entered military service, or enrolled in additional post-secondary 146341  
education and training in accordance with the placement 146342  
definitions of the Carl D. Perkins Career and Technical Education 146343  
Act of 2006 (Perkins). The calculation for eligible full-time 146344  
equivalent students shall be based on the per cent of Perkins 146345  
placements for students who have completed at least 50 per cent of 146346  
a program of study. 146347

(5) In each fiscal year, five per cent of the allocation for 146348  
Ohio Technical Centers shall be distributed based on the 146349  
proportion of each Center's full-time equivalent students to the 146350  
total full-time equivalent students who have earned a credential 146351  
from an industry-recognized third party. 146352

(B) Of the foregoing appropriation item 235444, Ohio 146353  
Technical Centers, up to 2.38 per cent in each fiscal year may be 146354  
distributed by the Chancellor to the Ohio Central School System, 146355  
up to \$48,000 in each fiscal year may be utilized for assistance 146356  
for Ohio Technical Centers, and up to \$1,300,000 in each fiscal 146357  
year may be distributed by the Chancellor to Ohio Technical 146358  
Centers that provide business consultation with matching local 146359  
dollars, with preference to industries on the in-demand jobs list 146360  
created under section 6301.11 of the Revised Code or in regionally 146361  
emerging fields. Centers meeting this requirement shall receive an 146362

amount not to exceed \$25,000 per center. 146363

(C) The remainder of the foregoing appropriation item 235444, 146364  
Ohio Technical Centers, in each fiscal year shall be distributed 146365  
in accordance with division (A) of this section. 146366

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 146367  
CENTERS 146368

(1) In fiscal year 2018, no Ohio Technical Center shall 146369  
receive performance funding calculated under division (A) of this 146370  
section, excluding funding for third party credentials calculated 146371  
under division (A)(5) of this section, that is less than 95 per 146372  
cent of the average allocation the Center received, excluding 146373  
funding for third party credentials, in the three prior fiscal 146374  
years. 146375

In fiscal year 2019, no Ohio Technical Center shall receive 146376  
performance funding calculated under division (A) of this section, 146377  
excluding funding for third party credentials calculated under 146378  
division (A)(5) of this section, that is less than 94 per cent of 146379  
the average allocation the Center received, excluding funding for 146380  
third party credentials, in the three prior fiscal years. 146381

(2) In order to ensure that no Center receives less than the 146382  
amounts identified for each fiscal year in accordance with 146383  
division (D)(1) of this section, funds shall be made available to 146384  
support the phase-in allocation by proportionally reducing formula 146385  
earnings from each Center not receiving phase-in funding. 146386

**Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM** 146387  
SUPPORT 146388

The foregoing appropriation item 235474, Area Health 146389  
Education Centers Program Support, shall be used by the Chancellor 146390  
of Higher Education to support the medical school regional area 146391  
health education centers' educational programs for the continued 146392

support of medical and other health professions education and for 146393  
support of the Area Health Education Center Program. 146394

**Section 381.120. CAMPUS SAFETY AND TRAINING** 146395

The foregoing appropriation item 235492, Campus Safety and 146396  
Training, shall be used by the Chancellor of Higher Education for 146397  
the purpose of developing model best practices for preventing and 146398  
responding to sexual violence on campus. The Chancellor, in 146399  
consultation with state institutions of higher education as 146400  
defined in section 3345.011 of the Revised Code and private 146401  
nonprofit institutions of higher education holding certificates of 146402  
authorization under Chapter 1713. of the Revised Code, shall 146403  
continue to develop model best practices in line with emerging 146404  
trends, research, and evidence-based training for preventing and 146405  
responding to sexual violence and protecting students and staff 146406  
who are victims of sexual violence on campus. The Chancellor shall 146407  
convene state institutions of higher education and private 146408  
nonprofit institutions of higher education in the training and 146409  
implementation of best practices regarding campus sexual violence. 146410

**Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS** 146411

The Chancellor of Higher Education shall establish procedures 146412  
to allocate the foregoing appropriation item 235501, State Share 146413  
of Instruction, based on the formulas detailed in this section 146414  
that utilize the enrollment, course completion, degree attainment, 146415  
and student achievement factors reported annually by each state 146416  
institution of higher education participating in the Higher 146417  
Education Information (HEI) system. 146418

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 146419  
COMPLETIONS 146420

(1) As soon as possible during each fiscal year of the 146421  
biennium ending June 30, 2019, in accordance with instructions of 146422

the Department of Higher Education, each state institution of 146423  
higher education shall report its actual data, consistent with the 146424  
definitions in the Higher Education Information (HEI) system's 146425  
enrollment files, to the Chancellor of Higher Education. 146426

(2) In defining the number of full-time equivalent students 146427  
for state subsidy instructional cost purposes, the Chancellor 146428  
shall exclude all undergraduate students who are not residents of 146429  
Ohio or who do not meet the definition of residency for state 146430  
subsidy and tuition surcharge purposes, except those charged 146431  
in-state fees in accordance with reciprocity agreements made under 146432  
section 3333.17 of the Revised Code or employer contracts entered 146433  
into under section 3333.32 of the Revised Code. 146434

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 146435

For purposes of calculating state share of instruction 146436  
allocations, the total instructional costs per full-time 146437  
equivalent student shall be: 146438

| Model                                      | Fiscal Year 2018 | Fiscal Year 2019 |        |
|--------------------------------------------|------------------|------------------|--------|
| ARTS AND HUMANITIES 1                      | \$8,678          | \$8,837          | 146440 |
| ARTS AND HUMANITIES 2                      | \$12,238         | \$12,463         | 146441 |
| ARTS AND HUMANITIES 3                      | \$15,530         | \$15,814         | 146442 |
| ARTS AND HUMANITIES 4                      | \$24,455         | \$24,903         | 146443 |
| ARTS AND HUMANITIES 5                      | \$39,092         | \$39,809         | 146444 |
| ARTS AND HUMANITIES 6                      | \$40,081         | \$40,815         | 146445 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 1 | \$8,258          | \$8,409          | 146446 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 2 | \$9,278          | \$9,448          | 146447 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 3 | \$11,903         | \$12,121         | 146448 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 4 | \$13,855         | \$14,109         | 146449 |
| BUSINESS, EDUCATION &                      | \$22,149         | \$22,555         | 146450 |

|                                                         |          |          |        |
|---------------------------------------------------------|----------|----------|--------|
| SOCIAL SCIENCES 5                                       |          |          |        |
| BUSINESS, EDUCATION &                                   | \$23,377 | \$23,805 | 146451 |
| SOCIAL SCIENCES 6                                       |          |          |        |
| BUSINESS, EDUCATION &                                   | \$34,909 | \$35,549 | 146452 |
| SOCIAL SCIENCES 7                                       |          |          |        |
| SCIENCE, TECHNOLOGY,                                    | \$8,059  | \$8,206  | 146453 |
| ENGINEERING, MATHEMATICS,                               |          |          |        |
| MEDICINE 1                                              |          |          |        |
| SCIENCE, TECHNOLOGY,                                    | \$10,889 | \$11,088 | 146454 |
| ENGINEERING, MATHEMATICS,                               |          |          |        |
| MEDICINE 2                                              |          |          |        |
| SCIENCE, TECHNOLOGY,                                    | \$12,615 | \$12,846 | 146455 |
| ENGINEERING, MATHEMATICS,                               |          |          |        |
| MEDICINE 3                                              |          |          |        |
| SCIENCE, TECHNOLOGY,                                    | \$14,845 | \$15,117 | 146456 |
| ENGINEERING, MATHEMATICS,                               |          |          |        |
| MEDICINE 4                                              |          |          |        |
| SCIENCE, TECHNOLOGY,                                    | \$19,560 | \$19,918 | 146457 |
| ENGINEERING, MATHEMATICS,                               |          |          |        |
| MEDICINE 5                                              |          |          |        |
| SCIENCE, TECHNOLOGY,                                    | \$20,673 | \$21,052 | 146458 |
| ENGINEERING, MATHEMATICS,                               |          |          |        |
| MEDICINE 6                                              |          |          |        |
| SCIENCE, TECHNOLOGY,                                    | \$23,500 | \$23,930 | 146459 |
| ENGINEERING, MATHEMATICS,                               |          |          |        |
| MEDICINE 7                                              |          |          |        |
| SCIENCE, TECHNOLOGY,                                    | \$38,870 | \$39,582 | 146460 |
| ENGINEERING, MATHEMATICS,                               |          |          |        |
| MEDICINE 8                                              |          |          |        |
| SCIENCE, TECHNOLOGY,                                    | \$54,329 | \$55,324 | 146461 |
| ENGINEERING, MATHEMATICS,                               |          |          |        |
| MEDICINE 9                                              |          |          |        |
| Doctoral I and Doctoral II models shall be allocated in |          |          | 146462 |

accordance with division (D)(2) of this section. 146463

Medical I and Medical II models shall be allocated in 146464  
accordance with divisions (D)(3) and (D)(4) of this section. 146465

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 146466  
AND GRADUATE WEIGHTS 146467

For the purpose of implementing the recommendations of the 146468  
2006 State Share of Instruction Consultation and the Higher 146469  
Education Funding Study Council that priority be given to 146470  
maintaining state support for science, technology, engineering, 146471  
mathematics, medicine, and graduate programs, the costs in 146472  
division (B) of this section shall be weighted by the amounts 146473  
provided below: 146474

| Model                                      | Fiscal Year 2018 | Fiscal Year 2019 |        |
|--------------------------------------------|------------------|------------------|--------|
| ARTS AND HUMANITIES 1                      | 1.0000           | 1.0000           | 146475 |
| ARTS AND HUMANITIES 2                      | 1.0000           | 1.0000           | 146476 |
| ARTS AND HUMANITIES 3                      | 1.0000           | 1.0000           | 146477 |
| ARTS AND HUMANITIES 4                      | 1.0000           | 1.0000           | 146478 |
| ARTS AND HUMANITIES 5                      | 1.0425           | 1.0425           | 146479 |
| ARTS AND HUMANITIES 6                      | 1.0425           | 1.0425           | 146480 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 1 | 1.0000           | 1.0000           | 146481 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 2 | 1.0000           | 1.0000           | 146482 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 3 | 1.0000           | 1.0000           | 146483 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 4 | 1.0000           | 1.0000           | 146484 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 5 | 1.0425           | 1.0425           | 146485 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 6 | 1.0425           | 1.0425           | 146486 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 6 | 1.0425           | 1.0425           | 146487 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 6 | 1.0425           | 1.0425           | 146488 |

|                                                                    |        |        |        |
|--------------------------------------------------------------------|--------|--------|--------|
| SOCIAL SCIENCES 7                                                  |        |        |        |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 1    | 1.0000 | 1.0000 | 146489 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 2    | 1.0017 | 1.0017 | 146490 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 3    | 1.6150 | 1.6150 | 146491 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 4    | 1.6920 | 1.6920 | 146492 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 5    | 1.4222 | 1.4222 | 146493 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 6    | 1.8798 | 1.8798 | 146494 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 7    | 1.4380 | 1.4380 | 146495 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 8    | 1.5675 | 1.5675 | 146496 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 9    | 1.1361 | 1.1361 | 146497 |
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA              |        |        | 146498 |
| ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES                      |        |        | 146499 |
| (1) Of the foregoing appropriation item 235501, State Share        |        |        | 146500 |
| of Instruction, 50 per cent of the appropriation for universities, |        |        | 146501 |
| as established in division (A)(2) of the section of this act       |        |        | 146502 |

entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2018 AND 146503  
2019," in each fiscal year shall be reserved for support of 146504  
associate, baccalaureate, master's, and professional level degree 146505  
attainment. 146506

The degree attainment funding shall be allocated to 146507  
universities in proportion to each campus's share of the total 146508  
statewide degrees granted, weighted by the cost of the degree 146509  
programs. The degree cost calculations shall include the model 146510  
cost weights for the science, technology, engineering, 146511  
mathematics, and medicine models as established in division (C) of 146512  
this section. 146513

For degrees including credits earned at multiple 146514  
institutions, degree attainment funding shall be allocated to 146515  
universities in proportion to each campus's share of the 146516  
student-specific cost of earned credits for the degree. Each 146517  
institution shall receive its prorated share of degree funding for 146518  
credits earned at that institution. Cost of credits not earned at 146519  
a university main or regional campus shall be credited to the 146520  
degree-granting institution for the first degree earned by a 146521  
student at each degree level. The cost credited to the 146522  
degree-granting institution shall not be eligible for at-risk 146523  
weights and shall be limited to 12.5 per cent of the 146524  
student-specific degree costs. However, the 12.5 per cent 146525  
limitation shall not apply if the student transferred 12 or fewer 146526  
credits into the degree granting institution. 146527

In calculating the subsidy entitlements for degree attainment 146528  
for universities, the Chancellor shall use the following count of 146529  
degrees and degree costs: 146530

(a) The subsidy eligible undergraduate degrees shall be 146531  
defined as follows: 146532

(i) The subsidy eligible degrees conferred to students 146533

identified as residents of the state of Ohio in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, shall be weighted by a factor of 1.

(ii) The subsidy eligible degrees conferred to students identified as out-of-state residents during all terms of their studies, as reported through the Higher Education Information (HEI) system student enrollment file, who remain in the state of Ohio at least one year after graduation, as calculated based on the three-year average in-state residency rate using the Unemployment Wage data for out-of-state graduates at each institution, shall be weighted by a factor of 50 per cent.

(iii) Subsidy eligible associate degrees are defined as those earned by students attending any state-supported university main or regional campus.

(b) In calculating each campus's count of degrees, the Chancellor shall use the three-year average associate, baccalaureate, master's, and professional degrees awarded for the three-year period ending in the prior year.

(i) If a student is awarded an associate degree and, subsequently, is awarded a baccalaureate degree, the amount funded for the baccalaureate degree shall be limited to either the difference in cost between the cost of the baccalaureate degree and the cost of the associate degree paid previously, or if the associate degree has a higher cost than the baccalaureate degree, the cost of the credits earned by the student after the associate degree was awarded.

(ii) If a student earns an associate degree then, subsequently, earns a baccalaureate degree, the associate degree granting institution shall only receive the prorated share of the baccalaureate degree funding for the credits earned at that

institution after the associate degree is awarded. 146565

(iii) If a student earns more than one degree at the same 146566  
institution at the same degree level in the same fiscal year, the 146567  
funding for the highest cost degree shall be prorated among 146568  
institutions based on where the credits were earned and additional 146569  
degrees shall be funded at 25 per cent of the cost of the degrees. 146570

(c) Associate degrees and baccalaureate degrees earned by a 146571  
student defined as at-risk based on academic underpreparation, 146572  
age, minority status, financial status, or first generation 146573  
post-secondary status based on neither parent completing any 146574  
education beyond high school, shall be defined as degrees earned 146575  
by an at-risk student and shall be weighted by the following: 146576

A student-specific degree completion weight, where the weight 146577  
is calculated based on the at-risk factors of the individual 146578  
student, determined by calculating the difference between the 146579  
percentage of students with each risk factor who earned a degree 146580  
and the percentage of non-at-risk students who earned a degree. 146581

(2) Of the foregoing appropriation item 235501, State Share 146582  
of Instruction, up to 11.78 per cent of the appropriation for 146583  
universities, as established in division (A)(2) of the section of 146584  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 146585  
2018 and 2019," in each fiscal year shall be reserved for support 146586  
of doctoral programs to implement the funding recommendations made 146587  
by representatives of the universities. The amount so reserved 146588  
shall be referred to as the doctoral set-aside. 146589

In fiscal year 2018, NEOMED shall receive \$250,000 and in 146590  
fiscal year 2019 NEOMED shall receive \$275,000 of the doctoral 146591  
set-aside funding allocation with the remaining doctoral set-aside 146592  
allocated to universities as follows: 146593

(a) 32.50 per cent of the remaining doctoral set-aside in 146594  
fiscal year 2018 and 25 per cent of the remaining doctoral 146595

set-aside in fiscal year 2019 shall be allocated to universities 146596  
in proportion to their share of the statewide total of each state 146597  
institution's three-year average Doctoral I equivalent FTEs as 146598  
calculated on an institutional basis using historical FTEs for the 146599  
period fiscal year 1994 through fiscal year 1998 with annualized 146600  
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 146601  
fiscal year 1998 as adjusted to reflect the effects of doctoral 146602  
review and subsequent changes in Doctoral I equivalent 146603  
enrollments. For the purposes of this calculation, Doctoral I 146604  
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 146605  
times the sum of Doctoral II FTEs. 146606

(b) 45 per cent of the doctoral set-aside in fiscal year 2018 146607  
and 50 per cent of the doctoral set-aside in fiscal year 2019 146608  
shall be allocated to universities in proportion to each campus's 146609  
share of the total statewide doctoral degrees, weighted by the 146610  
cost of the doctoral discipline. In calculating each campus's 146611  
doctoral degrees the Chancellor shall use the three-year average 146612  
doctoral degrees awarded for the three-year period ending in the 146613  
prior year. 146614

(c) 22.5 per cent of the doctoral set-aside in fiscal year 146615  
2018 and 25 per cent of the doctoral set-aside in fiscal year 2019 146616  
shall be allocated to universities in proportion to their share of 146617  
research grant activity. Funding for this component shall be 146618  
allocated to eligible universities in proportion to their share of 146619  
research grant activity published by the National Science 146620  
Foundation. Grant awards from the Department of Health and Human 146621  
Services shall be weighted at 50 per cent. 146622

(3) Of the foregoing appropriation item 235501, State Share 146623  
of Instruction, 6.41 per cent of the appropriation for 146624  
universities, as established in division (A)(2) of the section of 146625  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 146626  
2018 AND 2019," in each fiscal year shall be reserved for support 146627

of Medical II FTEs. The amount so reserved shall be referred to as 146628  
the medical II set-aside. 146629

The medical II set-aside shall be allocated to universities 146630  
in proportion to their share of the statewide total of each state 146631  
institution's three-year average Medical II FTEs as calculated in 146632  
division (A) of this section. 146633

In calculating the core subsidy entitlements for Medical II 146634  
models only, students repeating terms may be no more than five per 146635  
cent of current year enrollment. 146636

(4) Of the foregoing appropriation item 235501, State Share 146637  
of Instruction, 1.48 per cent of the appropriation for 146638  
universities, as established in division (A)(2) of the section of 146639  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 146640  
2018 AND 2019," in each fiscal year shall be reserved for support 146641  
of Medical I FTEs. The amount so reserved shall be referred to as 146642  
the medical I set-aside. 146643

The medical I set-aside shall be allocated to universities in 146644  
proportion to their share of the statewide total of each state 146645  
institution's three-year average Medical I FTEs as calculated in 146646  
division (A) of this section. 146647

(5) In calculating the course completion funding for 146648  
universities, the Chancellor shall use the following count of FTE 146649  
students: 146650

(a) The subsidy eligible enrollments by model shall equal 146651  
only those FTE students who successfully complete the course as 146652  
defined and reported through the Higher Education Information 146653  
(HEI) system course enrollment file; 146654

(b) Those undergraduate FTE students with successful course 146655  
completions, identified in division (D)(5)(a) of this section, 146656  
that are defined as at-risk based on academic under-preparation or 146657  
financial status shall have their eligible completions weighted by 146658

the following: 146659

(i) Institution-specific course completion indexes, where the 146660  
indexes are calculated based upon the number of at-risk students 146661  
enrolled during the 2014-2016 academic years; and 146662

(ii) A statewide average at-risk course completion weight 146663  
determined for each subsidy model. The statewide average at-risk 146664  
course completion weight shall be determined by calculating the 146665  
difference between the percentage of traditional students who 146666  
complete a course and the percentage of at-risk students who 146667  
complete the same course. 146668

(c) The course completion earnings shall be determined by 146669  
multiplying the amounts listed above in divisions (B) and (C) of 146670  
this section by the subsidy-eligible FTEs for the three-year 146671  
period ending in the prior year for all models except Medical I, 146672  
Medical II, Doctoral I, and Doctoral II. 146673

(d) For universities, the Chancellor shall compute the course 146674  
completion earnings by dividing the appropriation for 146675  
universities, established in division (A)(2) of the section of 146676  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 146677  
2018 AND 2019," less the degree attainment funding as calculated 146678  
in division (D)(1) of this section, less the doctoral set-aside, 146679  
less the medical I set-aside, and less the medical II set-aside, 146680  
by the sum of all campuses' instructional costs as calculated in 146681  
division (D)(5) of this section. 146682

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 146683  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 146684

(1) Of the foregoing appropriation item 235501, State Share 146685  
of Instruction, 50 per cent of the appropriation for 146686  
state-supported community colleges, state community colleges, and 146687  
technical colleges as established in division (A)(1) of the 146688  
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 146689

YEARS 2018 AND 2019," in each fiscal year shall be reserved for 146690  
course completion FTEs as aggregated by the subsidy models defined 146691  
in division (B) of this section. 146692

The course completion funding shall be allocated to campuses 146693  
in proportion to each campus's share of the total sector's course 146694  
completions, weighted by the instructional cost of the subsidy 146695  
models. 146696

To calculate the subsidy entitlements for course completions 146697  
at community colleges, state community colleges, and technical 146698  
colleges, the Chancellor shall use the following calculations: 146699

(a) In calculating each campus's count of FTE course 146700  
completions, the Chancellor shall use a three-year average for 146701  
course completions for the three year period ending in the prior 146702  
year. 146703

(b) The subsidy eligible enrollments by model shall equal 146704  
only those FTE students who successfully complete the course as 146705  
defined and reported through the Higher Education Information 146706  
(HEI) system course enrollment file. 146707

(c) Those students with successful course completions, that 146708  
are defined as access students based on financial status, minority 146709  
status, age, or academic under-preparation shall have their 146710  
eligible course completions weighted by a statewide access weight. 146711  
The weight given to any student that meets any access factor shall 146712  
be 15 per cent for all course completions. 146713

(d) The model costs as used in the calculation shall be 146714  
augmented by the model weights for science, technology, 146715  
engineering, mathematics, and medicine models as established in 146716  
division (C) of this section. 146717

(2) Of the foregoing appropriation item 235501, State Share 146718  
of Instruction, 25 per cent of the appropriation for 146719  
state-supported community colleges, state community colleges, and 146720

technical colleges as established in division (A)(1) of the 146721  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 146722  
FISCAL YEARS 2018 AND 2019," in each fiscal year shall be reserved 146723  
for colleges in proportion to their share of college student 146724  
success factors. 146725

Student success factors shall be awarded at the institutional 146726  
level for each student that successfully: 146727

(a) Completes a developmental math course and, within the 146728  
next year, enrolls in a college-level math course. 146729

(b) Completes a developmental English course and, within the 146730  
next year, enrolls in a college-level English course. 146731

(c) Completes 12 semester credit hours of college-level 146732  
coursework. 146733

(d) Completes 24 semester credit hours of college-level 146734  
coursework. 146735

(e) Completes 36 semester credit hours of college-level 146736  
coursework. 146737

(3) Of the foregoing appropriation item 235501, State Share 146738  
of Instruction, 25 per cent of the appropriation for 146739  
state-supported community colleges, state community colleges, and 146740  
technical colleges shall be reserved for completion milestones. 146741

Completion milestones shall include associate degrees, 146742  
technical certificates over 30 credit hours as designated by the 146743  
Department of Higher Education, and students transferring to any 146744  
four-year institution with at least 12 credit hours of 146745  
college-level coursework earned at that community college, state 146746  
community college, or technical college. 146747

The completion milestone funding shall be allocated to 146748  
colleges in proportion to each institution's share of the sector's 146749  
total completion milestones, weighted by the instructional cost of 146750

the associate degree, certificate, or transfer models. Costs for 146751  
technical certificates over 30 hours shall be weighted at one-half 146752  
of the associate degree model costs and transfers with at least 12 146753  
credit hours of college-level coursework shall be weighted at 146754  
one-fourth of the average cost for all associate degree model 146755  
costs. 146756

(4) To calculate the subsidy entitlements for completions at 146757  
community colleges, state community colleges, and technical 146758  
colleges, the Chancellor shall use the following calculations: 146759

(a) In calculating each campus's count of completions, the 146760  
Chancellor shall use a three-year average for completion metrics. 146761

(b) The subsidy eligible completions by model shall equal 146762  
only those students who successfully complete an associate degree 146763  
or technical certificate over 30 credit hours, or transfer to any 146764  
four-year institution with at least 12 credit hours of 146765  
college-level coursework as defined and reported in the Higher 146766  
Education Information (HEI) system. Student completions reported 146767  
in HEI shall have an accompanying course enrollment record in 146768  
order to be subsidy eligible. 146769

(c) Those students with successful completions for associate 146770  
degrees, technical certificates over 30 credit hours, or transfer 146771  
to any four-year institution with at least 12 credit hours of 146772  
college-level coursework, identified in division (E)(3) of this 146773  
section, that are defined as access students based on financial 146774  
status, minority status, age, or academic under-preparation shall 146775  
have their eligible completions weighted by a statewide access 146776  
weight. The weight shall be 25 per cent for students with one 146777  
access factor, 66 per cent for students with two access factors, 146778  
150 per cent for students with three access factors, and 200 per 146779  
cent for students with four access factors. 146780

(d) For those students who complete more than one completion 146781

milestone, funding for each additional associate degree or 146782  
technical certificate over 30 credit hours designated as such by 146783  
the Department of Higher Education shall be funded at 50 per cent 146784  
of the model costs as defined in division (3) of this section. 146785

(F) CAPITAL COMPONENT DEDUCTION 146786

After all other adjustments have been made, state share of 146787  
instruction earnings shall be reduced for each campus by the 146788  
amount, if any, by which debt service charged in Am. H.B. 748 of 146789  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 146790  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 146791  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 146792  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 146793  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 146794  
562 of the 127th General Assembly for that campus exceeds that 146795  
campus's capital component earnings. The sum of the amounts 146796  
deducted shall be transferred to appropriation item 235552, 146797  
Capital Component, in each fiscal year. 146798

(G) EXCEPTIONAL CIRCUMSTANCES 146799

Adjustments may be made to the state share of instruction 146800  
payments and other subsidies distributed by the Chancellor of 146801  
Higher Education to state colleges and universities for 146802  
exceptional circumstances. No adjustments for exceptional 146803  
circumstances may be made without the recommendation of the 146804  
Chancellor and the approval of the Controlling Board. 146805

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 146806  
INSTRUCTION 146807

The standard provisions of the state share of instruction 146808  
calculation as described in the preceding sections of temporary 146809  
law shall apply to any reductions made to appropriation item 146810  
235501, State Share of Instruction, before the Chancellor has 146811  
formally approved the final allocation of the state share of 146812

instruction funds for any fiscal year. 146813

Any reductions made to appropriation item 235501, State Share 146814  
of Instruction, after the Chancellor has formally approved the 146815  
final allocation of the state share of instruction funds for any 146816  
fiscal year, shall be uniformly applied to each campus in 146817  
proportion to its share of the final allocation. 146818

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 146819

The state share of instruction payments to the institutions 146820  
shall be in substantially equal monthly amounts during the fiscal 146821  
year, unless otherwise determined by the Director of Budget and 146822  
Management pursuant to section 126.09 of the Revised Code. 146823  
Payments during the first six months of the fiscal year shall be 146824  
based upon the state share of instruction appropriation estimates 146825  
made for the various institutions of higher education and payments 146826  
during the last six months of the fiscal year shall be based on 146827  
the final data from the Chancellor. 146828

(J) STUDY ON THE USE OF SCIENCE, TECHNOLOGY, ENGINEERING, 146829  
MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 146830

The presidents of public institutions of higher education as 146831  
defined in section 3345.011 of the Revised Code, or their 146832  
designees, in consultation with the Chancellor of Higher 146833  
Education, shall study the effectiveness of the science, 146834  
technology, engineering, mathematics, medicine, and graduate 146835  
weights as originally recommended by the 2006 State Share of 146836  
Instruction Consultation and the Higher Education Funding Study 146837  
Council and as implemented in division (C) of this section. The 146838  
study shall identify the extent to which STEMM and graduate 146839  
weights re-allocate resources among institutions within the State 146840  
Share of Instruction line item, the extent to which the resource 146841  
re-allocation affects institutional production of STEMM and 146842  
graduate completions, and the extent to which the weights are 146843

appropriate given current workforce data associated with emerging 146844  
and in-demand fields. The study shall be completed by October 15, 146845  
2017. Notwithstanding any provision of law to the contrary, the 146846  
presidents of public institutions of higher education as defined 146847  
in section 3345.011 of the Revised Code, or their designees, in 146848  
consultation with the Chancellor, shall use the results of the 146849  
study to recommend changes in the science, technology, 146850  
engineering, mathematics, medicine, and graduate weights as 146851  
originally recommended by the 2006 State Share of Instruction 146852  
Consultation and the Higher Education Funding Study Council and as 146853  
implemented in division (C) of this section. Not later than 146854  
December 1, 2017, the members shall report any changes to the 146855  
Governor, the General Assembly, and the Office of Budget and 146856  
Management. 146857

**Section 381.150. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS** 146858  
**2018 AND 2019** 146859

(A) The foregoing appropriation item 235501, State Share of 146860  
Instruction, shall be distributed according to the section of this 146861  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 146862

(1) Of the foregoing appropriation item 235501, State Share 146863  
of Instruction, \$456,256,006 in each fiscal year shall be 146864  
distributed to state-supported community colleges, state community 146865  
colleges, and technical colleges. 146866

(2) Of the foregoing appropriation item 235501, State Share 146867  
of Instruction, \$1,523,160,544 in each fiscal year shall be 146868  
distributed to state-supported university main and regional 146869  
campuses. 146870

**Section 381.160. RESTRICTION ON FEE INCREASES** 146871

(A) In fiscal years 2018 and 2019, the boards of trustees of 146872  
state institutions of higher education shall restrain increases in 146873

in-state undergraduate instructional and general fees. 146874

(1) For the 2017-2018 and 2018-2019 academic years, each 146875  
state university or college, as defined in section 3345.12 and 146876  
university branches established under Chapter 3355. of the Revised 146877  
Code shall not increase its in-state undergraduate instructional, 146878  
general, and all other fees over what the institution charged for 146879  
the 2016-2017 academic year. 146880

(2) For the 2017-2018 and 2018-2019 academic years, each 146881  
community college established under Chapter 3354., state community 146882  
college established under Chapter 3358., or technical college 146883  
established under Chapter 3357. of the Revised Code may increase 146884  
its in-state undergraduate instructional and general fees by not 146885  
more than \$10 per credit hour over what the institution charged 146886  
for the previous academic year to support quality academic 146887  
programming. 146888

(3) The limitations under divisions (A)(1) and (2) of this 146889  
section do not apply to room and board, student health insurance, 146890  
fees for auxiliary goods or services provided to students at the 146891  
cost incurred to the institution, noninstructional program fees, 146892  
fees assessed to students as a pass-through for licensure and 146893  
certification examinations, fees in elective courses associated 146894  
with travel experiences, elective service charges, fines, 146895  
voluntary sales transactions, career services, and fees, which may 146896  
appear directly on a student's tuition bill as assessed by the 146897  
institution's bursar, to offset the cost of providing textbooks to 146898  
students. 146899

(B) The limitations under this section shall not apply to 146900  
increases required to comply with institutional covenants related 146901  
to their obligations or to meet unfunded legal mandates or legally 146902  
binding obligations incurred or commitments made prior to the 146903  
effective date of this section with respect to which the 146904  
institution had identified such fee increases as the source of 146905

funds. Any increase required by such covenants and any such 146906  
mandates, obligations, or commitments shall be reported by the 146907  
Chancellor of Higher Education to the Controlling Board. These 146908  
limitations may also be modified by the Chancellor, with the 146909  
approval of the Controlling Board, to respond to exceptional 146910  
circumstances as identified by the Chancellor. 146911

(C) These limitations shall not apply to institutions 146912  
participating in an undergraduate tuition guarantee program 146913  
pursuant to section 3345.48 of the Revised Code. 146914

**Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES** 146915

(A) Funds appropriated for instructional subsidies at 146916  
colleges and universities may be used to provide such branch or 146917  
other off-campus undergraduate courses of study and such master's 146918  
degree courses of study as may be approved by the Chancellor of 146919  
Higher Education. 146920

(B) In providing instructional and other services to 146921  
students, boards of trustees of state institutions of higher 146922  
education shall supplement state subsidies with income from 146923  
charges to students. Except as otherwise provided in this act, 146924  
each board shall establish the fees to be charged to all students, 146925  
including an instructional fee for educational and associated 146926  
operational support of the institution and a general fee for 146927  
noninstructional services, including locally financed student 146928  
services facilities used for the benefit of enrolled students. The 146929  
instructional fee and the general fee shall encompass all charges 146930  
for services assessed uniformly to all enrolled students. Each 146931  
board may also establish special purpose fees, service charges, 146932  
and fines as required; such special purpose fees and service 146933  
charges shall be for services or benefits furnished individual 146934  
students or specific categories of students and shall not be 146935  
applied uniformly to all enrolled students. A tuition surcharge 146936

shall be paid by all students who are not residents of Ohio. 146937

The board of trustees of a state institution of higher 146938  
education shall not authorize a waiver or nonpayment of 146939  
instructional fees or general fees for any particular student or 146940  
any class of students other than waivers specifically authorized 146941  
by law or approved by the Chancellor. This prohibition is not 146942  
intended to limit the authority of boards of trustees to provide 146943  
for payments to students for services rendered the institution, 146944  
nor to prohibit the budgeting of income for staff benefits or for 146945  
student assistance in the form of payment of such instructional 146946  
and general fees. 146947

Each state institution of higher education in its statement 146948  
of charges to students shall separately identify the instructional 146949  
fee, the general fee, the tuition charge, and the tuition 146950  
surcharge. Fee charges to students for instruction shall not be 146951  
considered to be a price of service but shall be considered to be 146952  
an integral part of the state government financing program in 146953  
support of higher educational opportunity for students. 146954

(C) The boards of trustees of state institutions of higher 146955  
education shall ensure that faculty members devote a proper and 146956  
judicious part of their work week to the actual instruction of 146957  
students. Total class credit hours of production per academic term 146958  
per full-time faculty member is expected to meet the standards set 146959  
forth in the budget data submitted by the Chancellor of Higher 146960  
Education. 146961

(D) The authority of government vested by law in the boards 146962  
of trustees of state institutions of higher education shall in 146963  
fact be exercised by those boards. Boards of trustees may consult 146964  
extensively with appropriate student and faculty groups. 146965  
Administrative decisions about the utilization of available 146966  
resources, about organizational structure, about disciplinary 146967  
procedure, about the operation and staffing of all auxiliary 146968

facilities, and about administrative personnel shall be the 146969  
exclusive prerogative of boards of trustees. Any delegation of 146970  
authority by a board of trustees in other areas of responsibility 146971  
shall be accompanied by appropriate standards of guidance 146972  
concerning expected objectives in the exercise of such delegated 146973  
authority and shall be accompanied by periodic review of the 146974  
exercise of this delegated authority to the end that the public 146975  
interest, in contrast to any institutional or special interest, 146976  
shall be served. 146977

**Section 381.180. STUDENT SUPPORT SERVICES** 146978

The foregoing appropriation item 235502, Student Support 146979  
Services, shall be distributed by the Chancellor of Higher 146980  
Education to Ohio's state colleges and universities that incur 146981  
disproportionate costs in the provision of support services to 146982  
disabled students. 146983

**Section 381.190. WAR ORPHANS SCHOLARSHIPS** 146984

The foregoing appropriation item 235504, War Orphans 146985  
Scholarships, shall be used to reimburse state institutions of 146986  
higher education for waivers of instructional fees and general 146987  
fees provided by them, to provide grants to institutions that have 146988  
received a certificate of authorization from the Chancellor of 146989  
Higher Education under Chapter 1713. of the Revised Code, in 146990  
accordance with the provisions of section 5910.04 of the Revised 146991  
Code, and to fund additional scholarship benefits provided by 146992  
section 5910.032 of the Revised Code. 146993

During each fiscal year, the Chancellor, as soon as possible 146994  
after cancellation, may certify to the Director of Budget and 146995  
Management the amount of canceled prior-year encumbrances in 146996  
appropriation item 235504, War Orphans Scholarships. Upon receipt 146997  
of the certification, the Director of Budget and Management may 146998

transfer cash, up to the certified amount, from the General 146999  
Revenue Fund to the War Orphans Scholarship Reserve Fund (Fund 147000  
5PW0). 147001

**Section 381.200. OHIOLINK** 147002

The foregoing appropriation item 235507, OhioLINK, shall be 147003  
used by the Chancellor of Higher Education to support OhioLINK, a 147004  
consortium organized under division (T) of section 3333.04 of the 147005  
Revised Code to serve as the state's electronic library 147006  
information and retrieval system, which provides access statewide 147007  
to an extensive set of electronic databases and resources, the 147008  
library holdings of Ohio's public and participating private 147009  
nonprofit colleges and universities, and the State Library of 147010  
Ohio. 147011

**Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY** 147012

The foregoing appropriation item 235508, Air Force Institute 147013  
of Technology, shall be used to: (A) strengthen the research and 147014  
educational linkages between the Wright Patterson Air Force Base 147015  
and institutions of higher education in Ohio; and (B) support the 147016  
Dayton Area Graduate Studies Institute, an engineering graduate 147017  
consortium of Wright State University, the University of Dayton, 147018  
and the Air Force Institute of Technology, with the participation 147019  
of the University of Cincinnati and The Ohio State University. 147020

**Section 381.220. OHIO SUPERCOMPUTER CENTER** 147021

The foregoing appropriation item 235510, Ohio Supercomputer 147022  
Center, shall be used by the Chancellor of Higher Education to 147023  
support the operation of the Ohio Supercomputer Center, a 147024  
consortium organized under division (T) of section 3333.04 of the 147025  
Revised Code, located at The Ohio State University. The Ohio 147026  
Supercomputer Center is a statewide resource available to Ohio 147027

research universities both public and private. It is also intended 147028  
that the center be made accessible to private industry as 147029  
appropriate. 147030

Funds shall be used, in part, to support AweSim, the Ohio 147031  
Supercomputer Center's industrial outreach program. The Ohio 147032  
Supercomputer Center's services shall support Ohio's colleges, 147033  
universities, and businesses to make Ohio a leader in using 147034  
computational science, modeling, and simulation to promote higher 147035  
education, research, and economic competitiveness. 147036

**Section 381.230. COOPERATIVE EXTENSION SERVICE** 147037

Of the foregoing appropriation item 235511, Cooperative 147038  
Extension Service, \$48,831 in each fiscal year shall be used to 147039  
support the Food Policy Coordinator pilot project established in 147040  
Section 733.61 of this act. 147041

The foregoing appropriation item 235511, Cooperative 147042  
Extension Service, shall be disbursed through the Chancellor of 147043  
Higher Education to The Ohio State University in monthly payments, 147044  
unless otherwise determined by the Director of Budget and 147045  
Management under section 126.09 of the Revised Code. 147046

**Section 381.240. CENTRAL STATE SUPPLEMENT** 147047

The foregoing appropriation item 235514, Central State 147048  
Supplement, shall be disbursed by the Chancellor of Higher 147049  
Education to Central State University in accordance with the plan 147050  
developed by the Chancellor and submitted to the Governor and the 147051  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 147052  
General Assembly. Funds shall be used in a manner consistent with 147053  
the goals of increasing enrollment, improving course completion, 147054  
and increasing the number of degrees conferred. 147055

The Chancellor shall monitor the implementation of the plan 147056  
and the use of funds. Central State University shall provide any 147057

information requested by the Chancellor related to the 147058  
implementation of the plan. If the Chancellor determines that 147059  
Central State University's use of supplemental funds is not in 147060  
accordance with the plan or if the plan is not having the desired 147061  
effect, the Chancellor may notify Central State University that 147062  
the plan is suspended. Upon receiving such notice, Central State 147063  
University shall avoid all unnecessary expenditures under the 147064  
plan. The Chancellor shall notify the Controlling Board of the 147065  
suspension of the plan and within sixty days prepare a new plan 147066  
for the use of any remaining funds. 147067

**Section 381.250.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 147068  
MEDICINE 147069

The foregoing appropriation item 235515, Case Western Reserve 147070  
University School of Medicine, shall be disbursed to Case Western 147071  
Reserve University through the Chancellor of Higher Education in 147072  
accordance with agreements entered into under section 3333.10 of 147073  
the Revised Code, provided that the state support per full-time 147074  
medical student shall not exceed that provided to full-time 147075  
medical students at state universities. 147076

**Section 381.260.** FAMILY PRACTICE 147077

The Chancellor of Higher Education shall develop plans 147078  
consistent with existing criteria and guidelines as may be 147079  
required for the distribution of appropriation item 235519, Family 147080  
Practice. 147081

**Section 381.270.** SHAWNEE STATE SUPPLEMENT 147082

The foregoing appropriation item 235520, Shawnee State 147083  
Supplement, shall be disbursed by the Chancellor of Higher 147084  
Education to Shawnee State University in accordance with the plan 147085  
developed by the Chancellor and submitted to the Governor and the 147086

General Assembly as directed by Am. Sub. H.B. 153 of the 129th 147087  
General Assembly. Funds shall be used in a manner consistent with 147088  
the goals of improving course completion, increasing the number of 147089  
degrees conferred, and furthering the university's mission of 147090  
service to the Appalachian region. 147091

The Chancellor shall monitor the implementation of the plan 147092  
and the use of funds. Shawnee State University shall provide any 147093  
information requested by the Chancellor related to the 147094  
implementation of the plan. If the Chancellor determines that 147095  
Shawnee State University's use of supplemental funds is not in 147096  
accordance with the plan or if the plan is not having the desired 147097  
effect, the Chancellor may notify Shawnee State University that 147098  
the plan is suspended. Upon receiving such notice, Shawnee State 147099  
University shall avoid all unnecessary expenditures under the 147100  
plan. The Chancellor shall notify the Controlling Board of the 147101  
suspension of the plan and within sixty days prepare a new plan 147102  
for the use of any remaining funds. 147103

**Section 381.280. GERIATRIC MEDICINE** 147104

The Chancellor of Higher Education shall develop plans 147105  
consistent with existing criteria and guidelines as may be 147106  
required for the distribution of appropriation item 235525, 147107  
Geriatric Medicine. 147108

**Section 381.281. PRIMARY CARE RESIDENCIES** 147109

The Chancellor of Higher Education shall develop plans 147110  
consistent with existing criteria and guidelines as may be 147111  
required for the distribution of appropriation item 235526, 147112  
Primary Care Residencies. 147113

The foregoing appropriation item 235526, Primary Care 147114  
Residencies, shall be distributed in each fiscal year of the 147115  
biennium, based on whether or not the institution has submitted 147116

and gained approval for a plan. If the institution does not have 147117  
an approved plan, it shall receive five per cent less funding per 147118  
student than it would have received from its annual allocation. 147119  
The remaining funding shall be distributed among those 147120  
institutions that meet or exceed their targets. 147121

**Section 381.283.** HIGHER EDUCATION PROGRAM SUPPORT 147122

Of the foregoing appropriation item 235533, Higher Education 147123  
Program Support, \$25,000 in fiscal year 2018 shall be used to 147124  
support the 2017 Maritime Risk Symposium hosted by Tiffin 147125  
University's Center for Cyber Defense and Forensics. Tiffin 147126  
University shall use the funds to plan, market, and conduct the 147127  
Symposium; to produce a summary document of the Symposium's 147128  
proceedings; and to plan a follow-up activity regarding the 147129  
Symposium. 147130

Of the foregoing appropriation item 235533, Higher Education 147131  
Program Support, \$5,000,000 in fiscal year 2018 shall be 147132  
distributed to The Ohio State University's John Glenn College of 147133  
Public Affairs to establish the State of Ohio Leadership Institute 147134  
in order to provide leadership training and education for current 147135  
and future elected officials and senior staff in state and local 147136  
government. 147137

**Section 381.290.** OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 147138  
CENTER 147139

The foregoing appropriation item 235535, Ohio Agricultural 147140  
Research and Development Center, shall be disbursed through the 147141  
Chancellor of Higher Education to The Ohio State University in 147142  
monthly payments, unless otherwise determined by the Director of 147143  
Budget and Management under section 126.09 of the Revised Code. 147144  
The Ohio Agricultural Research and Development Center shall not be 147145  
required to remit payment to The Ohio State University during the 147146

biennium ending June 30, 2019, for cost reallocation assessments. 147147  
The cost reallocation assessments include, but are not limited to, 147148  
any assessment on state appropriations to the Center. 147149

The Ohio Agricultural Research and Development Center, an 147150  
entity of the College of Food, Agricultural, and Environmental 147151  
Sciences of The Ohio State University, shall further its mission 147152  
of enhancing Ohio's economic development and job creation by 147153  
continuing to internally allocate on a competitive basis 147154  
appropriated funding of programs based on demonstrated 147155  
performance. Academic units, faculty, and faculty-driven programs 147156  
shall be evaluated and rewarded consistent with agreed-upon 147157  
performance expectations as called for in the College's 147158  
Expectations and Criteria for Performance Assessment. 147159

**Section 381.300. STATE UNIVERSITY CLINICAL TEACHING** 147160

The foregoing appropriation items 235536, The Ohio State 147161  
University Clinical Teaching; 235537, University of Cincinnati 147162  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 147163  
235539, Wright State University Clinical Teaching; 235540, Ohio 147164  
University Clinical Teaching; and 235541, Northeast Ohio Medical 147165  
University Clinical Teaching, shall be distributed through the 147166  
Chancellor of Higher Education. 147167

Of the foregoing appropriation item 235537, University of 147168  
Cincinnati Clinical Teaching, \$100,000 in each fiscal year shall 147169  
be used to support the SmartOhio Financial Literacy Program at the 147170  
University of Cincinnati. 147171

**Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND** 147172  
**DEVELOPMENT** 147173

The foregoing appropriation item 235546, Central State 147174  
Agricultural Research and Development, shall be used in 147175  
conjunction with appropriation item 235548, Central State 147176

Cooperative Extension Services, by Central State University for 147177  
its state match requirement as an 1890 land grant university. 147178

**Section 381.320. CAPITAL COMPONENT** 147179

The foregoing appropriation item 235552, Capital Component, 147180  
shall be used by the Chancellor of Higher Education to provide 147181  
funding for prior commitments made pursuant to the state's former 147182  
capital funding policy for state colleges and universities that 147183  
was originally established in Am. H.B. 748 of the 121st General 147184  
Assembly. Appropriations from this item shall be distributed to 147185  
all campuses for which the estimated campus debt service 147186  
attributable to qualifying capital projects was less than the 147187  
campus's formula-determined capital component allocation. Campus 147188  
allocations shall be determined by subtracting the estimated 147189  
campus debt service attributable to qualifying capital projects 147190  
from the campus's formula-determined capital component allocation. 147191  
Moneys distributed from this appropriation item shall be 147192  
restricted to capital-related purposes. 147193

Any campus for which the estimated campus debt service 147194  
attributable to qualifying capital projects is greater than the 147195  
campus's formula-determined capital component allocation shall 147196  
have the difference subtracted from its State Share of Instruction 147197  
allocation in each fiscal year. Appropriation equal to the sum of 147198  
all such amounts except that of the Ohio Agricultural Research and 147199  
Development Center shall be transferred from appropriation item 147200  
235501, State Share of Instruction, to appropriation item 235552, 147201  
Capital Component. Appropriation equal to any estimated Ohio 147202  
Agricultural Research and Development Center debt service 147203  
attributable to qualifying capital projects that is greater than 147204  
the Center's formula-determined capital component allocation shall 147205  
be transferred from appropriation item 235535, Ohio Agricultural 147206  
Research and Development Center, to appropriation item 235552, 147207

Capital Component. 147208

**Section 381.330. LIBRARY DEPOSITORIES** 147209

The foregoing appropriation item 235555, Library 147210  
Depositories, shall be distributed to the state's five regional 147211  
depository libraries for the cost-effective storage of and access 147212  
to lesser-used materials in university library collections. The 147213  
depositories shall be administrated by the Chancellor of Higher 147214  
Education, or by OhioLINK at the discretion of the Chancellor. 147215

**Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 147216

The foregoing appropriation item 235556, Ohio Academic 147217  
Resources Network, shall be used by the Chancellor of Higher 147218  
Education to support the operations of the Ohio Academic Resources 147219  
Network, a consortium organized under division (T) of section 147220  
3333.04 of the Revised Code, which shall include support for 147221  
Ohio's colleges and universities in maintaining and enhancing 147222  
network connections, using new network technologies to improve 147223  
research, education, and economic development programs, and 147224  
sharing information technology services. To the extent network 147225  
capacity is available, OARnet shall support allocating bandwidth 147226  
to eligible programs directly supporting Ohio's economic 147227  
development. 147228

**Section 381.350. LONG-TERM CARE RESEARCH** 147229

The foregoing appropriation item 235558, Long-term Care 147230  
Research, shall be disbursed to Miami University for long-term 147231  
care research. 147232

**Section 381.353. CENTRAL STATE UNIVERSITY - AGRICULTURE** 147233  
EDUCATION 147234

The foregoing appropriation item 235559, Central State 147235

University - Agriculture Education, shall be distributed to 147236  
Central State University to establish the School of Agriculture 147237  
Education and Food Science within the College of Education. The 147238  
School shall use these funds to establish programs to prepare 147239  
extension educators with a focus on childhood development and 147240  
agri-science educators for grades 7 through 12; to work with other 147241  
higher education institutions in Ohio that have agriculture or 147242  
agriculture education programs in order to establish partnerships 147243  
that shall result in students enrolled in the School having access 147244  
to learning labs, pertinent facilities, and collaboration with 147245  
faculty; to provide, by the fall semester of 2018, a program for 147246  
students that shall result in a Bachelor of Science in Education 147247  
with students eligible for an Ohio teaching license in agriculture 147248  
education for grades 7 through 12 upon passing the appropriate 147249  
assessments; and to provide a program for students that shall 147250  
result in a bachelor's degree, including the minimum requirements 147251  
for employment as an extension educator with a focus in childhood 147252  
development. 147253

**Section 381.360.** OHIO COLLEGE OPPORTUNITY GRANT 147254

(A) Except as provided in division (C) of this section: 147255

Of the foregoing appropriation item 235563, Ohio College 147256  
Opportunity Grant, at least \$94,010,433 in fiscal year 2018 and at 147257  
least \$95,351,123 in fiscal year 2019 shall be used by the 147258  
Chancellor of Higher Education to award need-based financial aid 147259  
to students enrolled in eligible public and private nonprofit 147260  
institutions of higher education, excluding early college high 147261  
school and post-secondary enrollment option participants. 147262

The remainder of the foregoing appropriation item 235563, 147263  
Ohio College Opportunity Grant, shall be used by the Chancellor to 147264  
award needs-based financial aid to students enrolled in eligible 147265  
private for-profit career colleges and schools. 147266

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| (B)(1) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 147267                                                                                           |
| (a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 147268<br>147269<br>147270                                                                       |
| (b) The three "sectors" of institutions of higher education consist of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 147271<br>147272                                                                                 |
| (i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 147273<br>147274<br>147275                                                                       |
| (ii) Eligible private nonprofit institutions of higher education;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 147276<br>147277                                                                                 |
| (iii) Eligible private for-profit career colleges and schools.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 147278<br>147279                                                                                 |
| (2) Awards for students attending eligible private nonprofit institutions of higher education shall be determined at twice the rate of the awards for students attending eligible public institutions of higher education.                                                                                                                                                                                                                                                                                                                                                                                                                       | 147280<br>147281<br>147282<br>147283                                                             |
| (3) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 147284<br>147285<br>147286                                                                       |
| (4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2018 and fiscal year 2019 based on the formula used in fiscal year 2017, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be | 147287<br>147288<br>147289<br>147290<br>147291<br>147292<br>147293<br>147294<br>147295<br>147296 |

complete and established to coincide with the start of the 147297  
2017-2018 academic year. 147298

(C) Prior to determining the amount of funds available to 147299  
award under this section and section 3333.122 of the Revised Code, 147300  
the Chancellor shall use the foregoing appropriation item 235563, 147301  
Ohio College Opportunity Grant, to pay for renewals or partial 147302  
renewals of scholarships students receive under the Ohio Academic 147303  
Scholarship Program under sections 3333.21 and 3333.22 of the 147304  
Revised Code. In paying for scholarships under this division, the 147305  
Chancellor shall deduct funds from the allocations made under 147306  
division (A) of this section. Deductions shall be proportionate to 147307  
the amounts allocated to each sector from the total amounts 147308  
appropriated for each sector under the foregoing appropriation 147309  
item 235563, Ohio College Opportunity Grant. 147310

In each fiscal year, with the exception of sections 3333.121 147311  
and 3333.124 of the Revised Code and the section of this act 147312  
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 147313  
shall not distribute or obligate or commit to be distributed an 147314  
amount greater than what is appropriated under the foregoing 147315  
appropriation item 235563, Ohio College Opportunity Grant. 147316

(D) The Chancellor shall establish, and post on the 147317  
Department of Higher Education's web site, award tables based on 147318  
any formulas created under division (B) of this section. The 147319  
Chancellor shall notify students and institutions of any 147320  
reductions in awards under this section. 147321

(E) Notwithstanding section 3333.122 of the Revised Code, no 147322  
student shall be eligible to receive an Ohio College Opportunity 147323  
Grant for more than ten semesters, fifteen quarters, or the 147324  
equivalent of five academic years, less the number of semesters or 147325  
quarters in which the student received an Ohio Instructional 147326  
Grant. 147327

(F) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235563, Ohio College Opportunity Grant. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Ohio College Opportunity Grant Program Reserve Fund (Fund 5PU0).

**Section 381.370.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 147336

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

**Section 381.371.** CO-OP INTERNSHIP PROGRAM 147341

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of Ohio University's Voinovich School.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$50,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University.

Of the foregoing appropriation item 235591, Co-op Internship 147356

Program, \$200,000 in each fiscal year shall be used to support 147357  
students who attend institutions of higher education in Ohio and 147358  
are participating in the Washington Center Internship Program. 147359

Of the foregoing appropriation item 235591, Co-op Internship 147360  
Program, \$50,000 in each fiscal year shall be used to support the 147361  
Ohio Center for the Advancement of Women in Public Service at the 147362  
Maxine Goodman Levin College of Urban Affairs at Cleveland State 147363  
University. 147364

Of the foregoing appropriation item 235591, Co-op Internship 147365  
Program, \$50,000 in each fiscal year shall be used to support the 147366  
University of Cincinnati Internship Program. 147367

Of the foregoing appropriation item 235591, Co-op Internship 147368  
Program, \$50,000 in each fiscal year shall be used to support the 147369  
operations of the Center for Regional Development at Bowling Green 147370  
State University. 147371

Of the foregoing appropriation item 235591, Co-op Internship 147372  
Program, \$50,000 in each fiscal year shall be used to support the 147373  
operations of the Center for Liberal Arts Student Success at 147374  
Wright State University. 147375

Of the foregoing appropriation item 235591, Co-op Internship 147376  
Program, \$50,000 in each fiscal year shall be used to support the 147377  
Kent State University Columbus Program. 147378

Of the foregoing appropriation item 235591, Co-op Internship 147379  
Program, \$50,000 in each fiscal year shall be used to support the 147380  
University of Toledo Urban Affairs Center. 147381

Of the foregoing appropriation item 235591, Co-op Internship 147382  
Program, \$50,000 in each fiscal year shall be used to support the 147383  
Center for Urban and Regional Studies at Youngstown State 147384  
University. 147385

**Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM 147386**

The Chancellor of Higher Education shall disburse funds from 147387  
appropriation item 235599, National Guard Scholarship Program. 147388  
During each fiscal year, the Chancellor, as soon as possible after 147389  
cancellation, may certify to the Director of Budget and Management 147390  
the amount of canceled prior-year encumbrances in appropriation 147391  
item 235599, National Guard Scholarship Program. Upon receipt of 147392  
the certification, the Director of Budget and Management may 147393  
transfer cash, up to the certified amount, from the General 147394  
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 147395  
5BM0). 147396

**Section 381.390. PLEDGE OF FEES** 147397

Any new pledge of fees, or new agreement for adjustment of 147398  
fees, made in the biennium ending June 30, 2019, to secure bonds 147399  
or notes of a state institution of higher education for a project 147400  
for which bonds or notes were not outstanding on the effective 147401  
date of this section shall be effective only after approval by the 147402  
Chancellor of Higher Education, unless approved in a previous 147403  
biennium. 147404

**Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND** 147405  
**DEBT SERVICE** 147406

The foregoing appropriation item 235909, Higher Education 147407  
General Obligation Bond Debt Service, shall be used to pay all 147408  
debt service and related financing costs during the period from 147409  
July 1, 2017, through June 30, 2019, for obligations issued under 147410  
sections 151.01 and 151.04 of the Revised Code. 147411

**Section 381.410. SALES AND SERVICES** 147412

The Chancellor of Higher Education is authorized to charge 147413  
and accept payment for the provision of goods and services. Such 147414  
charges shall be reasonably related to the cost of producing the 147415

goods and services. Except as otherwise provided by law, no 147416  
charges may be levied for goods or services that are produced as 147417  
part of the routine responsibilities or duties of the Chancellor. 147418  
All revenues received by the Chancellor shall be deposited into 147419  
Fund 4560, and may be used by the Chancellor to pay for the costs 147420  
of producing the goods and services. 147421

**Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 147422**  
ADMINISTRATION 147423

The foregoing appropriation item 235602, Higher Educational 147424  
Facility Commission Administration, shall be used by the 147425  
Chancellor of Higher Education for operating expenses related to 147426  
the Chancellor's support of the activities of the Ohio Higher 147427  
Educational Facility Commission. Upon the request of the 147428  
Chancellor, the Director of Budget and Management may transfer up 147429  
to \$50,000 cash in each fiscal year from the HEFC Operating 147430  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 147431  
4E80). 147432

**Section 381.440. FEDERAL RESEARCH NETWORK 147433**

The foregoing appropriation item 235654, Federal Research 147434  
Network, shall be allocated to The Ohio State University to 147435  
collaborate with federal installations in Ohio, state institutions 147436  
of higher education as defined in section 3345.011 of the Revised 147437  
Code, private nonprofit institutions of higher education holding 147438  
certificates of authorization under Chapter 1713. of the Revised 147439  
Code, and the private sector to align the state's research assets 147440  
with emerging missions and job growth opportunities emanating from 147441  
federal installations, strengthen related workforce development 147442  
and technology commercialization programs, and better position the 147443  
state's university system to directly impact new job creation in 147444  
Ohio. A portion of the foregoing appropriation item 235654, 147445

Federal Research Network, shall be used to support the growth of 147446  
small business federal contractors in the state and to expand the 147447  
participation of Ohio businesses in the federal Small Business 147448  
Innovation Research Program and related federal programs. 147449

**Section 381.443. SHORT-TERM CERTIFICATES** 147450

The foregoing appropriation item 235517, Short-Term 147451  
Certificates, shall be used by the Chancellor to award need-based 147452  
financial aid to students who are enrolled in a state institution 147453  
of higher education in a program that may be completed in less 147454  
than one year and for which a certificate or industry-recognized 147455  
credential is awarded in an in-demand job. 147456

**Section 381.450. OHIO MEANS JOBS WORKFORCE DEVELOPMENT** 147457  
REVOLVING LOAN PROGRAM 147458

The foregoing appropriation item 235684, OhioMeansJobs 147459  
Workforce Development Revolving Loan Program, shall be used by the 147460  
Chancellor of Higher Education to provide administrative support 147461  
for the OhioMeansJobs Workforce Development Revolving Loan 147462  
Program. 147463

**Section 381.510. STATE FINANCIAL AID RECONCILIATION** 147464

By the first day of September in each fiscal year, or as soon 147465  
as possible thereafter, the Chancellor of Higher Education shall 147466  
certify to the Director of Budget and Management the amount 147467  
necessary to pay any outstanding prior year obligations to higher 147468  
education institutions for the state's financial aid programs. The 147469  
amounts certified are hereby appropriated to appropriation item 147470  
235618, State Financial Aid Reconciliation, from revenues received 147471  
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 147472

**Section 381.513. NURSING LOAN PROGRAM** 147473

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program.

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**Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER**

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The foregoing appropriation item 235634, Research Incentive Third Frontier, shall be used by the Chancellor of Higher Education to advance collaborative research at institutions of higher education. Of the foregoing appropriation item 235634, Research Incentive Third Frontier, up to \$2,000,000 in each fiscal year may be allocated toward research regarding the improvement of water quality, up to \$1,000,000 in each fiscal year may be allocated toward research regarding the reduction of infant mortality, up to \$1,000,000 in each fiscal year may be allocated toward research regarding opiate addiction issues in Ohio, up to \$750,000 in each fiscal year may be allocated toward research regarding cyber security initiatives, and up to \$500,000 in each fiscal year may be allocated toward the I-Corps@Ohio program.

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**Section 381.530. VETERANS PREFERENCES**

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The Chancellor of Higher Education shall work with the Department of Veterans Services to develop specific veterans preference guidelines for higher education institutions. These guidelines shall ensure that the institutions' hiring practices are in accordance with the intent of Ohio's veterans preference laws.

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**Section 381.540. (A) As used in this section:**

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(1) "Board of trustees" includes the managing authority of a university branch district.

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(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

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(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.

**Section 381.550. EFFICIENCY REPORTS**

In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code. Each institution's report shall be based on the recommendations of the Ohio Task Force on Affordability and Efficiency in Higher Education, as established by the Governor's executive order, and shall benchmark and document institutional progress towards implementing the recommendations of the Task Force as compared to the institution's prior fiscal year efficiency report.

**MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS**

For fiscal year 2019 and for each fiscal year thereafter, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five

years after graduating. 147534

**Section 381.570.** Not later than June 30, 2018, the Chancellor 147535  
of Higher Education, in consultation with representatives from the 147536  
Inter-University Council of Ohio and the Ohio Association of 147537  
Community Colleges, shall develop a model for "3+1" baccalaureate 147538  
degree programs for state universities and state community 147539  
colleges, community colleges, and technical colleges. The model 147540  
shall outline how a student may complete the equivalent of three 147541  
academic years, or ninety semester credit hours, at a state 147542  
community college, community college, or technical college and 147543  
then transfer to a state university to complete the final academic 147544  
year, or thirty semester credit hours, or the remainder of the 147545  
student's baccalaureate degree program. 147546

In developing the model, the Chancellor shall seek input from 147547  
administrators of state institutions of higher education currently 147548  
participating in such a program, as well as faculty leaders in the 147549  
academic fields or disciplines under consideration for the 147550  
program. 147551

Further, the Chancellor shall evaluate existing "3+1" 147552  
baccalaureate degree programs for their cost effectiveness for 147553  
students. 147554

As used in this section, "state institution of higher 147555  
education" and "state university" have the same meanings as in 147556  
section 3345.011 of the Revised Code. 147557

**Section 381.580.** The Chancellor of Higher Education shall 147558  
support the continued development of the Ohio Innovation Exchange 147559  
for the purpose of showcasing the research expertise of Ohio's 147560  
university and college faculty in a variety of fields, including, 147561  
but not limited to, engineering, biomedicine, and information 147562  
technology, and to identify institutional research equipment 147563

available in the state. 147564

**Section 381.590.** The Chancellor of Higher Education shall 147565  
work with state institutions of higher education, as defined by 147566  
section 3345.011 of the Revised Code, Ohio Technical Centers, as 147567  
recognized by the Chancellor, and industry partners to develop 147568  
program models that include project-based learning to increase 147569  
continuing education and non-credit program offerings that lead to 147570  
a credential in order to meet the state's in-demand job needs. 147571

**Section 381.601.** TRANSFERS FROM THE GRF TO THE ECONOMIC 147572  
DEVELOPMENT PROGRAMS FUND (FUND 5JC0) 147573

On July 1 of each fiscal year, or as soon as possible 147574  
thereafter, the Director of Budget and Management shall transfer 147575  
\$1,750,000 cash from the General Revenue Fund to the Economic 147576  
Development Programs Fund (Fund 5JC0) to support the 147577  
appropriations made for the Federal Research Network. 147578

**Section 381.620.** FUND NAME CHANGES 147579

On July 1, 2017, or as soon as possible thereafter, the 147580  
Director of Budget and Management shall rename the Star Schools 147581  
Fund (Fund 3BG0) the GEAR-UP Grant Scholarships Fund (Fund 3BG0). 147582

On July 1, 2017, or as soon as possible thereafter, the 147583  
Director of Budget and Management shall rename the Joyce 147584  
Foundation Grant Fund (Fund 5FR0) the State and Non-Federal Grants 147585  
and Awards Fund (Fund 5FR0). 147586

On July 1, 2017, or as soon as possible thereafter, the 147587  
Director of Budget and Management shall rename the Federal Grants 147588  
Fund (Fund 3N60) the John R. Justice Student Loan Repayment Fund 147589  
(Fund 3N60). 147590

|           |                        |                                      |                  |                  |        |
|-----------|------------------------|--------------------------------------|------------------|------------------|--------|
|           | <b>Section 383.10.</b> | DRC DEPARTMENT OF REHABILITATION AND |                  |                  | 147591 |
|           |                        | CORRECTION                           |                  |                  | 147592 |
|           |                        | General Revenue Fund                 |                  |                  | 147593 |
| GRF       | 501321                 | Institutional                        | \$ 1,046,933,997 | \$ 1,047,161,916 | 147594 |
|           |                        | Operations                           |                  |                  |        |
| GRF       | 501405                 | Halfway House                        | \$ 66,770,618    | \$ 66,770,618    | 147595 |
| GRF       | 501406                 | Adult Correctional                   | \$ 78,505,000    | \$ 77,707,100    | 147596 |
|           |                        | Facilities Lease                     |                  |                  |        |
|           |                        | Rental Bond Payments                 |                  |                  |        |
| GRF       | 501407                 | Community                            | \$ 56,578,573    | \$ 73,161,958    | 147597 |
|           |                        | Nonresidential                       |                  |                  |        |
|           |                        | Programs                             |                  |                  |        |
| GRF       | 501408                 | Community Misdemeanor                | \$ 9,356,800     | \$ 9,356,800     | 147598 |
|           |                        | Programs                             |                  |                  |        |
| GRF       | 501501                 | Community Residential                | \$ 78,531,698    | \$ 78,531,698    | 147599 |
|           |                        | Programs - Community                 |                  |                  |        |
|           |                        | Based Correctional                   |                  |                  |        |
|           |                        | Facilities                           |                  |                  |        |
| GRF       | 503321                 | Parole and Community                 | \$ 80,883,748    | \$ 82,807,332    | 147600 |
|           |                        | Operations                           |                  |                  |        |
| GRF       | 504321                 | Administrative                       | \$ 24,034,553    | \$ 24,611,945    | 147601 |
|           |                        | Operations                           |                  |                  |        |
| GRF       | 505321                 | Institution Medical                  | \$ 267,206,462   | \$ 272,013,566   | 147602 |
|           |                        | Services                             |                  |                  |        |
| GRF       | 506321                 | Institution Education                | \$ 32,581,211    | \$ 33,372,312    | 147603 |
|           |                        | Services                             |                  |                  |        |
| TOTAL GRF |                        | General Revenue Fund                 | \$ 1,741,382,660 | \$ 1,765,495,245 | 147604 |
|           |                        | Dedicated Purpose Fund Group         |                  |                  | 147605 |
| 4B00      | 501601                 | Sewer Treatment                      | \$ 2,230,000     | \$ 2,230,000     | 147606 |
|           |                        | Services                             |                  |                  |        |
| 4D40      | 501603                 | Prisoner Programs                    | \$ 1,300,000     | \$ 1,300,000     | 147607 |

|           |        |                                                      |    |            |    |            |                  |
|-----------|--------|------------------------------------------------------|----|------------|----|------------|------------------|
| 4L40      | 501604 | Transitional Control                                 | \$ | 1,950,000  | \$ | 1,950,000  | 147608           |
| 4S50      | 501608 | Education Services                                   | \$ | 4,725,000  | \$ | 4,725,000  | 147609           |
| 5AF0      | 501609 | State and Non-Federal<br>Awards                      | \$ | 875,000    | \$ | 875,000    | 147610           |
| 5H80      | 501617 | Offender Financial<br>Responsibility                 | \$ | 2,500,000  | \$ | 3,110,000  | 147611           |
| 5TZ0      | 501610 | Probation Improvement<br>and Incentive Grants        | \$ | 5,000,000  | \$ | 5,000,000  | 147612           |
| 5UB0      | 501612 | Institution Addiction<br>Treatment Services          | \$ | 1,000,000  | \$ | 1,000,000  | 147613           |
| TOTAL DPF |        | Dedicated Purpose Fund<br>Group                      | \$ | 19,580,000 | \$ | 20,190,000 | 147614           |
|           |        | Internal Service Activity Fund Group                 |    |            |    |            | 147615           |
| 1480      | 501602 | Institutional<br>Services                            | \$ | 2,925,000  | \$ | 2,925,000  | 147616           |
| 2000      | 501607 | Ohio Penal Industries                                | \$ | 52,900,000 | \$ | 52,900,000 | 147617           |
| 4830      | 501605 | Leased Property<br>Maintenance and<br>Operating      | \$ | 2,000,000  | \$ | 2,000,000  | 147618           |
| 5710      | 501606 | Corrections Training<br>Maintenance and<br>Operating | \$ | 480,000    | \$ | 480,000    | 147619           |
| 5L60      | 501611 | Information<br>Technology Services                   | \$ | 1,300,000  | \$ | 1,300,000  | 147620           |
| TOTAL ISA |        | Internal Activity<br>Fund Group                      | \$ | 59,605,000 | \$ | 59,605,000 | 147621<br>147622 |
|           |        | Federal Fund Group                                   |    |            |    |            | 147623           |
| 3230      | 501619 | Federal Grants                                       | \$ | 1,985,000  | \$ | 1,985,000  | 147624           |
| 3CW0      | 501622 | Federal Equitable<br>Sharing                         | \$ | 455,000    | \$ | 455,000    | 147625           |
| TOTAL FED |        | Federal<br>Fund Group                                | \$ | 2,440,000  | \$ | 2,440,000  | 147626<br>147627 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                   |                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------|
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$ 1,823,007,660 \$ 1,847,730,245 | 147628                                                                                 |
| ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                   | 147629                                                                                 |
| The foregoing appropriation item 501406, Adult Correctional Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2017, through June 30, 2019, by the Department of Rehabilitation and Correction under the primary leases and agreements for those buildings made under Chapters 152. and 154. of the Revised Code. These appropriations are the source of funds pledged for bond service charges on related obligations issued under Chapters 152. and 154. of the Revised Code.                            |                                   | 147630<br>147631<br>147632<br>147633<br>147634<br>147635<br>147636<br>147637<br>147638 |
| PROBATION IMPROVEMENT AND INCENTIVE GRANTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                   | 147639                                                                                 |
| The foregoing appropriation item 501610, Probation Improvement and Incentive Grants, shall be allocated by the Department of Rehabilitation and Correction to municipalities as Probation Improvement and Incentive Grants in accordance with division (G)(2) of section 757.20 of this act with an emphasis on: (1) providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from the foregoing appropriation item 501407, Community Nonresidential Programs. |                                   | 147640<br>147641<br>147642<br>147643<br>147644<br>147645<br>147646<br>147647<br>147648 |
| CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE INSTITUTION ADDICTION TREATMENT SERVICES FUND                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                   | 147649<br>147650                                                                       |
| Notwithstanding any provision of law to the contrary, on July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,000,000 cash from the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code in the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Institution Addiction Treatment Services Fund (Fund 5UB0), which is hereby created in the state treasury.                                                       |                                   | 147651<br>147652<br>147653<br>147654<br>147655<br>147656<br>147657<br>147658           |

Notwithstanding any provision of law to the contrary, during 147659  
fiscal year 2019, and in accordance with a schedule determined by 147660  
the Director of Budget and Management, the Director of Budget and 147661  
Management may transfer up to \$1,000,000 cash from the amount of 147662  
excess license reinstatement fees that are available pursuant to 147663  
division (F)(2)(c) of section 4511.191 of the Revised Code in Fund 147664  
7049 to Fund 5UB0. 147665

The foregoing appropriation item 501612, Institution 147666  
Addiction Treatment Services, shall be used to pay for the costs 147667  
of providing substance abuse treatment services to offenders 147668  
incarcerated in institutions operated by the Department of 147669  
Rehabilitation and Correction. 147670

**OSU MEDICAL CHARGES** 147671

Notwithstanding section 341.192 of the Revised Code, at the 147672  
request of the Department of Rehabilitation and Correction, The 147673  
Ohio State University Medical Center, including the Arthur G. 147674  
James Cancer Hospital and Richard J. Solove Research Institute and 147675  
the Richard M. Ross Heart Hospital, shall provide necessary care 147676  
to persons who are confined in state adult correctional 147677  
facilities. The provision of necessary inpatient care billed to 147678  
the Department shall be reimbursed at a rate not to exceed the 147679  
authorized reimbursement rate for the same service established by 147680  
the Department of Medicaid under the Medicaid Program. 147681

**Section 385.10. RCB RESPIRATORY CARE BOARD** 147682

|                                |    |         |      |        |
|--------------------------------|----|---------|------|--------|
| Dedicated Purpose Fund Group   |    |         |      | 147683 |
| 4K90 872609 Operating Expenses | \$ | 363,106 | \$ 0 | 147684 |
| TOTAL DPF Dedicated Purpose    |    |         |      | 147685 |
| Fund Group                     | \$ | 363,106 | \$ 0 | 147686 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 363,106 | \$ 0 | 147687 |

**Section 387.10. RDF STATE REVENUE DISTRIBUTIONS** 147689

|                                 |                               |                                     |                  |                  |        |
|---------------------------------|-------------------------------|-------------------------------------|------------------|------------------|--------|
| General Revenue Fund Group      |                               |                                     |                  |                  | 147690 |
| GRF                             | 110908                        | Property Tax                        | \$ 641,015,200   | \$ 645,785,000   | 147691 |
|                                 |                               | Reimbursement - Local<br>Government |                  |                  |        |
| GRF                             | 200903                        | Property Tax                        | \$ 1,180,084,800 | \$ 1,199,315,000 | 147692 |
|                                 |                               | Reimbursement -<br>Education        |                  |                  |        |
| TOTAL GRF                       | General Revenue Fund<br>Group |                                     | \$ 1,821,100,000 | \$ 1,845,100,000 | 147693 |
| Revenue Distribution Fund Group |                               |                                     |                  |                  | 147694 |
| 5JG0                            | 110633                        | Gross Casino Revenue                | \$ 128,400,000   | \$ 126,500,000   | 147695 |
|                                 |                               | Payments-County                     |                  |                  |        |
| 5JH0                            | 110634                        | Gross Casino Revenue                | \$ 85,600,000    | \$ 84,300,000    | 147696 |
|                                 |                               | Payments- School<br>Districts       |                  |                  |        |
| 5JJ0                            | 110636                        | Gross Casino Revenue                | \$ 12,500,000    | \$ 12,400,000    | 147697 |
|                                 |                               | - Host City                         |                  |                  |        |
| 7047                            | 200902                        | Property Tax                        | \$ 207,311,667   | \$ 165,229,141   | 147698 |
|                                 |                               | Replacement Phase<br>Out-Education  |                  |                  |        |
| 7049                            | 336900                        | Indigent Drivers                    | \$ 2,250,000     | \$ 2,250,000     | 147699 |
|                                 |                               | Alcohol Treatment                   |                  |                  |        |
| 7050                            | 762900                        | International                       | \$ 22,000,000    | \$ 22,000,000    | 147700 |
|                                 |                               | Registration Plan<br>Distribution   |                  |                  |        |
| 7051                            | 762901                        | Auto Registration                   | \$ 325,000,000   | \$ 325,000,000   | 147701 |
|                                 |                               | Distribution                        |                  |                  |        |
| 7060                            | 110960                        | Gasoline Excise Tax                 | \$ 375,000,000   | \$ 375,000,000   | 147702 |
|                                 |                               | Fund                                |                  |                  |        |
| 7065                            | 110965                        | Public Library Fund                 | \$ 386,300,000   | \$ 398,100,000   | 147703 |
| 7066                            | 800966                        | Undivided Liquor                    | \$ 14,600,000    | \$ 14,600,000    | 147704 |
|                                 |                               | Permits                             |                  |                  |        |

|                                |        |                                                           |                  |                  |        |
|--------------------------------|--------|-----------------------------------------------------------|------------------|------------------|--------|
| 7068                           | 110968 | State and Local<br>Government Highway<br>Distributions    | \$ 196,000,000   | \$ 196,000,000   | 147705 |
| 7069                           | 110969 | Local Government Fund                                     | \$ 381,800,000   | \$ 393,500,000   | 147706 |
| 7081                           | 110907 | Property Tax<br>Replacement Phase<br>Out-Local Government | \$ 30,844,526    | \$ 16,700,147    | 147707 |
| 7082                           | 110982 | Horse Racing Tax                                          | \$ 60,000        | \$ 60,000        | 147708 |
| 7083                           | 700900 | Ohio Fairs Fund                                           | \$ 1,000,000     | \$ 1,000,000     | 147709 |
| 7104                           | 110997 | Medicaid Local Sales<br>Tax Transition Fund               | \$ 207,000,000   | \$ 0             | 147710 |
| TOTAL RDF Revenue Distribution |        |                                                           |                  |                  | 147711 |
| Fund Group                     |        |                                                           | \$ 2,375,666,193 | \$ 2,132,639,288 | 147712 |
| Fiduciary Fund Group           |        |                                                           |                  |                  | 147713 |
| 4P80                           | 001698 | Cash Management<br>Improvement Fund                       | \$ 3,100,000     | \$ 3,100,000     | 147714 |
| 5UD0                           | 110648 | Poundage Fee<br>Compensation Fund                         | \$ 0             | \$ 18,950,000    | 147715 |
| 6080                           | 001699 | Investment Earnings                                       | \$ 120,000,000   | \$ 125,000,000   | 147716 |
| 7001                           | 110996 | Horse Racing Tax<br>Local Government<br>Payments          | \$ 240,000       | \$ 240,000       | 147717 |
| 7062                           | 110962 | Resort Area Excise<br>Tax Distribution                    | \$ 1,200,000     | \$ 1,200,000     | 147718 |
| 7063                           | 110963 | Permissive Sales Tax<br>Distribution                      | \$ 2,577,800,000 | \$ 2,653,900,000 | 147719 |
| 7067                           | 110967 | School District<br>Income Tax<br>Distribution             | \$ 435,200,000   | \$ 451,200,000   | 147720 |
| 7085                           | 800985 | Volunteer Firemen's<br>Dependents Fund                    | \$ 300,000       | \$ 300,000       | 147721 |
| 7093                           | 110640 | Next Generation 9-1-1                                     | \$ 1,000,000     | \$ 1,000,000     | 147722 |
| 7094                           | 110641 | Wireless 9-1-1                                            | \$ 25,700,000    | \$ 25,700,000    | 147723 |

|                              |                                     |                  |                  |        |
|------------------------------|-------------------------------------|------------------|------------------|--------|
|                              | Government Assistance               |                  |                  |        |
| 7095 110995                  | Municipal Income Tax                | \$ 8,000,000     | \$ 8,000,000     | 147724 |
| 7099 762902                  | Permissive Tax                      | \$ 180,000,000   | \$ 180,000,000   | 147725 |
|                              | Distribution - Auto<br>Registration |                  |                  |        |
| TOTAL FID                    | Fiduciary Fund Group                | \$ 3,352,540,000 | \$ 3,468,590,000 | 147726 |
|                              | Holding Account Fund Group          |                  |                  | 147727 |
| R045 110617                  | International Fuel                  | \$ 36,100,000    | \$ 36,100,000    | 147728 |
|                              | Tax Distribution                    |                  |                  |        |
| TOTAL HLD                    | Holding Account Fund<br>Group       | \$ 36,100,000    | \$ 36,100,000    | 147729 |
| TOTAL ALL BUDGET FUND GROUPS |                                     | \$ 7,585,406,193 | \$ 7,482,429,288 | 147730 |

**Section 387.20.** ADDITIONAL APPROPRIATIONS 147732

Appropriation items in this section shall be used for the 147733  
purpose of administering and distributing the designated revenue 147734  
distribution funds according to the Revised Code. If it is 147735  
determined that additional appropriations are necessary for this 147736  
purpose, such amounts are hereby appropriated. 147737

GENERAL REVENUE FUND TRANSFERS 147738

Notwithstanding any provision of law to the contrary, in 147739  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 147740  
Management may transfer from the General Revenue Fund to the Local 147741  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 147742  
the School District Tangible Property Tax Replacement Fund (Fund 147743  
7047) in the Revenue Distribution Fund Group, those amounts 147744  
necessary to reimburse local taxing units and school districts 147745  
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 147746  
fiscal year 2018 and fiscal year 2019, the Director of Budget and 147747  
Management may make temporary transfers from the General Revenue 147748  
Fund to ensure sufficient balances in the Local Government 147749  
Tangible Property Tax Replacement Fund (Fund 7081) and the School 147750

District Tangible Property Tax Replacement Fund (Fund 7047) and to 147751  
replenish the General Revenue Fund for such transfers. 147752

MUNICIPAL INCOME NET PROFITS TAX 147753

The foregoing appropriation item 110995, Municipal Income Net 147754  
Profits Tax, shall be used to make payments to municipal 147755  
corporations under section 5745.05 of the Revised Code. If it is 147756  
determined that additional appropriations are necessary to make 147757  
such payments, such amounts are hereby appropriated. 147758

PROPERTY TAX REIMBURSEMENT - EDUCATION 147759

The foregoing appropriation item 200903, Property Tax 147760  
Reimbursement - Education, is appropriated to pay for the state's 147761  
costs incurred because of the homestead exemption, the property 147762  
tax rollback, and payments required under division (C) of section 147763  
5705.2110 of the Revised Code. In cooperation with the Department 147764  
of Taxation, the Department of Education shall distribute these 147765  
funds directly to the appropriate school districts of the state, 147766  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 147767  
which provide for payment of the homestead exemption and property 147768  
tax rollback by the Tax Commissioner to the appropriate county 147769  
treasurer and the subsequent redistribution of these funds to the 147770  
appropriate local taxing districts by the county auditor. 147771

Upon receipt of these amounts, each school district shall 147772  
distribute the amount among the proper funds as if it had been 147773  
paid as real or tangible personal property taxes. Payments for the 147774  
costs of administration shall continue to be paid to the county 147775  
treasurer and county auditor as provided for in sections 319.54, 147776  
321.26, and 323.156 of the Revised Code. 147777

Any sums, in addition to the amount specifically appropriated 147778  
in appropriation item 200903, Property Tax Reimbursement - 147779  
Education, for the homestead exemption and the property tax 147780  
rollback payments, and payments required under division (C) of 147781

section 5705.2110 of the Revised Code, which are determined to be 147782  
necessary for these purposes, are hereby appropriated. 147783

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 147784

The foregoing appropriation item 110908, Property Tax 147785  
Reimbursement-Local Government, is hereby appropriated to pay for 147786  
the state's costs incurred due to the Homestead Exemption, the 147787  
Manufactured Home Property Tax Rollback, and the Property Tax 147788  
Rollback. The Tax Commissioner shall distribute these funds 147789  
directly to the appropriate local taxing districts, except for 147790  
school districts, notwithstanding the provisions in sections 147791  
321.24 and 323.156 of the Revised Code, which provide for payment 147792  
of the Homestead Exemption, the Manufactured Home Property Tax 147793  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 147794  
appropriate county treasurer and the subsequent redistribution of 147795  
these funds to the appropriate local taxing districts by the 147796  
county auditor. 147797

Upon receipt of these amounts, each local taxing district 147798  
shall distribute the amount among the proper funds as if it had 147799  
been paid as real property taxes. Payments for the costs of 147800  
administration shall continue to be paid to the county treasurer 147801  
and county auditor as provided for in sections 319.54, 321.26, and 147802  
323.156 of the Revised Code. 147803

Any sums, in addition to the amounts specifically 147804  
appropriated in appropriation item 110908, Property Tax Allocation 147805  
- Local Government, for the Homestead Exemption, the Manufactured 147806  
Home Property Tax Rollback, and the Property Tax Rollback 147807  
payments, which are determined to be necessary for these purposes, 147808  
are hereby appropriated. 147809

PUBLIC LIBRARY FUND 147810

Notwithstanding the requirement in division (B) of section 147811  
131.51 of the Revised Code that the Director of Budget and 147812

Management shall credit to the Public Library Fund one and 147813  
sixty-six one-hundredths per cent of the total tax revenue 147814  
credited to the General Revenue Fund during the preceding month, 147815  
the Director shall instead calculate these amounts during fiscal 147816  
year 2018 and fiscal year 2019 using one and sixty-eight 147817  
one-hundredths as the percentage. 147818

MEDICAID LOCAL SALES TAX TRANSITION FUND 147819

(A) There is hereby created in the state treasury the 147820  
Medicaid Local Sales Tax Transition Fund. The fund shall consist 147821  
of money transferred to it. The fund shall be used to mitigate the 147822  
effects of, and assist in the adjustment to, the reduced sales tax 147823  
revenues of counties and affected transit authorities caused by 147824  
the repeal of sales tax collected by Medicaid health insuring 147825  
corporations on health care service transactions. 147826

Amounts provided to counties and transit authorities under 147827  
this section from the Medicaid Local Sales Tax Transition Fund use 147828  
the jurisdictions' annualized Medicaid sales tax revenues during 147829  
the calendar year 2015 and 2016 periods. Based on these figures, 147830  
the payments provided in this section provide full replacement of 147831  
the calculated forgone Medicaid sales tax revenues in calendar 147832  
year 2017, which will occur during the October 2017 through 147833  
December 2017 period. The payments under this section also reflect 147834  
a computation of the ability of the counties and transit 147835  
authorities to reasonably adjust to the effects of forgone 147836  
Medicaid sales tax revenues. Over time, each jurisdiction will be 147837  
able to absorb an increasing portion of its forgone Medicaid sales 147838  
tax revenue until it has adjusted to the full forgone revenue. 147839  
Before such full adjustment to the Medicaid sales tax change 147840  
finally occurs, for each year in which the jurisdiction's 147841  
annualized Medicaid sales tax revenue exceeds the amount it is 147842  
computed as being able to reasonably absorb in that year, such 147843  
difference becomes part of the overall distribution provided under 147844

this section. The amount the jurisdiction is able to absorb in a 147845  
given year is the product derived from multiplying the 147846  
jurisdiction's annualized total sales tax revenues for calendar 147847  
years 2015 and 2016 by the total absorption rate assigned to the 147848  
jurisdiction. The absorption rate, which grows by the same 147849  
increment each year, is initially established at a level that 147850  
takes into account the relative sales tax capacity of a 147851  
jurisdiction; the assigned initial absorption rate is four percent 147852  
but is a smaller amount to the extent the jurisdiction's sales tax 147853  
capacity is below statewide average sales tax capacity. 147854

(B) If the Tax Commissioner orders the cessation of 147855  
collection of sales and use taxes pursuant to division (B)(11)(b) 147856  
of section 5739.01 of the Revised Code, the Commissioner shall 147857  
certify such result to the Director of Budget and Management. 147858  
After receipt of this certification by the Director, the 147859  
requirements in divisions (C), (D), and (E) of this section shall 147860  
take effect. 147861

(C) On or before October 15, 2017, each county and transit 147862  
authority that as of January 1, 2017, levies any tax under 147863  
sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 147864  
5741.023 of the Revised Code shall establish a County and Transit 147865  
Authority Medicaid Sales Tax Transition Fund. The fund shall 147866  
consist of money distributed to it under this section. Money 147867  
provided to such fund shall be transferred to the general fund or 147868  
other fund that receives a lawful portion of the county's or 147869  
transit authority's sales tax revenue in accordance with a 147870  
resolution adopted by the board of county commissioners, the 147871  
county transit board, or trustees of a regional transit authority, 147872  
as appropriate. Money may be transferred from the County and 147873  
Transit Authority Medicaid Sales Tax Transition Fund at any time 147874  
and in any quantity as indicated by the resolution. 147875

(D) On or before November 1, 2017, the Tax Commissioner shall 147876

provide for payment to each county and transit authority of a sum 147877  
equal to fifty per cent of the amount provided for the county or 147878  
transit authority in division (E) of this section; on or after 147879  
January 1, 2018, and before February 1, 2018, the Commissioner 147880  
shall provide for payment to each such county and transit 147881  
authority of a sum equal to fifty per cent of such amount. The 147882  
county treasurer or transit authority fiscal officer shall deposit 147883  
such amount into the County and Transit Authority Medicaid Sales 147884  
Tax Transition Fund within five business days of its receipt. 147885

(E) Distributions made to counties and transit authorities 147886  
under this section shall equal the following amounts: 147887

Counties: 147888

|            |              |        |
|------------|--------------|--------|
| Adams      | \$2,338,462  | 147889 |
| Allen      | \$499,518    | 147890 |
| Ashland    | \$247,665    | 147891 |
| Ashtabula  | \$1,953,705  | 147892 |
| Athens     | \$1,361,470  | 147893 |
| Auglaize   | \$164,879    | 147894 |
| Belmont    | \$513,695    | 147895 |
| Brown      | \$2,608,692  | 147896 |
| Butler     | \$2,131,220  | 147897 |
| Carroll    | \$222,196    | 147898 |
| Champaign  | \$696,332    | 147899 |
| Clark      | \$6,072,014  | 147900 |
| Clermont   | \$1,385,155  | 147901 |
| Clinton    | \$648,501    | 147902 |
| Columbiana | \$4,912,012  | 147903 |
| Coshocton  | \$1,095,382  | 147904 |
| Crawford   | \$1,747,652  | 147905 |
| Cuyahoga   | \$25,041,192 | 147906 |
| Darke      | \$394,752    | 147907 |
| Defiance   | \$142,872    | 147908 |

|           |              |        |
|-----------|--------------|--------|
| Delaware  | \$223,143    | 147909 |
| Erie      | \$152,337    | 147910 |
| Fairfield | \$868,591    | 147911 |
| Fayette   | \$392,342    | 147912 |
| Franklin  | \$14,101,763 | 147913 |
| Fulton    | \$368,374    | 147914 |
| Gallia    | \$950,776    | 147915 |
| Geauga    | \$104,067    | 147916 |
| Greene    | \$681,774    | 147917 |
| Guernsey  | \$550,466    | 147918 |
| Hamilton  | \$9,611,825  | 147919 |
| Hancock   | \$116,906    | 147920 |
| Hardin    | \$662,553    | 147921 |
| Harrison  | \$122,629    | 147922 |
| Henry     | \$216,876    | 147923 |
| Highland  | \$1,802,649  | 147924 |
| Hocking   | \$982,451    | 147925 |
| Holmes    | \$35,327     | 147926 |
| Huron     | \$781,761    | 147927 |
| Jackson   | \$1,628,743  | 147928 |
| Jefferson | \$1,717,858  | 147929 |
| Knox      | \$472,792    | 147930 |
| Lake      | \$640,963    | 147931 |
| Lawrence  | \$4,457,248  | 147932 |
| Licking   | \$1,325,897  | 147933 |
| Logan     | \$404,753    | 147934 |
| Lorain    | \$2,425,083  | 147935 |
| Lucas     | \$12,058,600 | 147936 |
| Madison   | \$534,899    | 147937 |
| Mahoning  | \$5,235,592  | 147938 |
| Marion    | \$1,688,310  | 147939 |
| Medina    | \$240,830    | 147940 |
| Meigs     | \$3,504,185  | 147941 |

|            |             |        |
|------------|-------------|--------|
| Mercer     | \$70,711    | 147942 |
| Miami      | \$426,061   | 147943 |
| Monroe     | \$162,021   | 147944 |
| Montgomery | \$9,198,720 | 147945 |
| Morgan     | \$1,165,475 | 147946 |
| Morrow     | \$1,497,739 | 147947 |
| Muskingum  | \$1,580,290 | 147948 |
| Noble      | \$268,375   | 147949 |
| Ottawa     | \$226,182   | 147950 |
| Paulding   | \$651,361   | 147951 |
| Perry      | \$3,014,204 | 147952 |
| Pickaway   | \$2,027,117 | 147953 |
| Pike       | \$2,030,999 | 147954 |
| Portage    | \$1,168,359 | 147955 |
| Preble     | \$1,050,742 | 147956 |
| Putnam     | \$126,494   | 147957 |
| Richland   | \$955,179   | 147958 |
| Ross       | \$1,903,651 | 147959 |
| Sandusky   | \$558,488   | 147960 |
| Scioto     | \$6,331,880 | 147961 |
| Seneca     | \$904,551   | 147962 |
| Shelby     | \$201,342   | 147963 |
| Stark      | \$1,471,853 | 147964 |
| Summit     | \$2,309,202 | 147965 |
| Trumbull   | \$3,958,878 | 147966 |
| Tuscarawas | \$353,741   | 147967 |
| Union      | \$111,287   | 147968 |
| Van Wert   | \$300,928   | 147969 |
| Vinton     | \$2,803,310 | 147970 |
| Warren     | \$317,939   | 147971 |
| Washington | \$521,996   | 147972 |
| Wayne      | \$585,869   | 147973 |
| Williams   | \$496,855   | 147974 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |              |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------------------------------------------------------------|
| Wood                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$237,910    | 147975                                                                       |
| Wyandot                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$121,144    | 147976                                                                       |
| Transit Authorities:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |              | 147977                                                                       |
| Greater Cleveland Regional<br>Transit Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                | \$20,068,166 | 147978                                                                       |
| Central Ohio Regional Transit<br>Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$5,273,867  | 147979                                                                       |
| Laketran Transit Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$160,420    | 147980                                                                       |
| Western Reserve Transit<br>Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | \$1,055,799  | 147981                                                                       |
| Greater Dayton Regional Transit<br>Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | \$4,605,453  | 147982                                                                       |
| Portage Area Regional Transit<br>Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | \$234,905    | 147983                                                                       |
| Stark Area Regional Transit<br>Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$735,589    | 147984                                                                       |
| Metro Regional Transit Authority                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | \$2,315,641  | 147985                                                                       |
| POUNDAGE FEE COMPENSATION FUND                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              | 147986                                                                       |
| The foregoing appropriation item, 110648, Poundage Fee<br>Compensation Fund, shall be used to make payments to county<br>treasurers of poundage fee replacement payments provided under<br>division (B)(5) of section 4505.06 of the Revised Code. County<br>treasurers shall deposit the amounts transferred into the county<br>certificate of title administration fund. If it is determined that<br>additional appropriations are necessary to make such payments,<br>such amounts are hereby appropriated. |              | 147987<br>147988<br>147989<br>147990<br>147991<br>147992<br>147993<br>147994 |
| <b>Section 389.10. SAN BOARD OF SANITARIAN REGISTRATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              | 147995                                                                       |
| Dedicated Purpose Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              | 147996                                                                       |
| 4K90 893609 Operating Expenses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$ 43,633    | \$ 0 147997                                                                  |
| TOTAL DPF Dedicated Purpose<br>Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | \$ 43,633    | \$ 0 147998<br>147999                                                        |

|                                                            |    |            |    |            |        |
|------------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 43,633     | \$ | 0          | 148000 |
| <br>                                                       |    |            |    |            |        |
| <b>Section 391.10.</b> OSB OHIO STATE SCHOOL FOR THE BLIND |    |            |    |            | 148002 |
| General Revenue Fund                                       |    |            |    |            | 148003 |
| GRF 226321 Operations                                      | \$ | 10,147,767 | \$ | 10,385,938 | 148004 |
| TOTAL GRF General Revenue Fund                             | \$ | 10,147,767 | \$ | 10,385,938 | 148005 |
| <br>                                                       |    |            |    |            |        |
| Dedicated Purpose Fund Group                               |    |            |    |            | 148006 |
| 4H80 226602 Education Reform                               | \$ | 354,000    | \$ | 354,000    | 148007 |
| Grants                                                     |    |            |    |            |        |
| 4M50 226601 Work Study and                                 | \$ | 461,521    | \$ | 461,521    | 148008 |
| Technology Investment                                      |    |            |    |            |        |
| 5NJ0 226622 Food Service Program                           | \$ | 9,500      | \$ | 9,500      | 148009 |
| TOTAL DPF Dedicated Purpose                                |    |            |    |            | 148010 |
| Fund Group                                                 | \$ | 825,021    | \$ | 825,021    | 148011 |
| <br>                                                       |    |            |    |            |        |
| Federal Fund Group                                         |    |            |    |            | 148012 |
| 3100 226626 Federal Grants                                 | \$ | 183,000    | \$ | 183,000    | 148013 |
| 3DT0 226621 Ohio Transition                                | \$ | 650,000    | \$ | 650,000    | 148014 |
| Collaborative                                              |    |            |    |            |        |
| 3P50 226643 Medicaid Professional                          | \$ | 100,000    | \$ | 100,000    | 148015 |
| Services                                                   |    |            |    |            |        |
| Reimbursement                                              |    |            |    |            |        |
| TOTAL FED Federal Fund Group                               | \$ | 933,000    | \$ | 933,000    | 148016 |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 11,905,788 | \$ | 12,143,959 | 148017 |
| <br>                                                       |    |            |    |            |        |
| <b>Section 393.10.</b> OSD OHIO SCHOOL FOR THE DEAF        |    |            |    |            | 148019 |
| General Revenue Fund                                       |    |            |    |            | 148020 |
| GRF 221321 Operations                                      | \$ | 10,856,987 | \$ | 11,079,816 | 148021 |
| TOTAL GRF General Revenue Fund                             | \$ | 10,856,987 | \$ | 11,079,816 | 148022 |
| <br>                                                       |    |            |    |            |        |
| Dedicated Purpose Fund Group                               |    |            |    |            | 148023 |
| 4M00 221601 Educational Program                            | \$ | 105,000    | \$ | 105,000    | 148024 |
| Expenses                                                   |    |            |    |            |        |
| 4M10 221602 Education Reform                               | \$ | 370,000    | \$ | 370,000    | 148025 |

|                                                   |        |                       |    |            |    |            |        |
|---------------------------------------------------|--------|-----------------------|----|------------|----|------------|--------|
|                                                   |        | Grants                |    |            |    |            |        |
| 5H60                                              | 221609 | Even Start Fees and   | \$ | 62,999     | \$ | 63,000     | 148026 |
|                                                   |        | Gifts                 |    |            |    |            |        |
| 5NK0                                              | 221610 | Food Service Program  | \$ | 9,500      | \$ | 9,500      | 148027 |
| TOTAL DPF Dedicated Purpose                       |        |                       |    |            |    |            | 148028 |
| Fund Group                                        |        |                       | \$ | 547,499    | \$ | 547,500    | 148029 |
| Federal Fund Group                                |        |                       |    |            |    |            | 148030 |
| 3110                                              | 221625 | Federal Grants        | \$ | 385,000    | \$ | 385,000    | 148031 |
| 3R00                                              | 221684 | Medicaid Professional | \$ | 206,000    | \$ | 206,000    | 148032 |
|                                                   |        | Services              |    |            |    |            |        |
|                                                   |        | Reimbursement         |    |            |    |            |        |
| TOTAL FED Federal Fund Group                      |        |                       | \$ | 591,000    | \$ | 591,000    | 148033 |
| TOTAL ALL BUDGET FUND GROUPS                      |        |                       | \$ | 11,995,486 | \$ | 12,218,316 | 148034 |
| <br><b>Section 395.10. SOS SECRETARY OF STATE</b> |        |                       |    |            |    |            | 148036 |
| Dedicated Purpose Fund Group                      |        |                       |    |            |    |            | 148037 |
| 4120                                              | 050609 | Notary Commission     | \$ | 475,000    | \$ | 475,000    | 148038 |
| 4S80                                              | 050610 | Board of Voting       | \$ | 7,200      | \$ | 7,200      | 148039 |
|                                                   |        | Machine Examiners     |    |            |    |            |        |
| 5990                                              | 050603 | Business Services     | \$ | 14,385,400 | \$ | 14,385,400 | 148040 |
|                                                   |        | Operating Expenses    |    |            |    |            |        |
| 5990                                              | 050629 | Statewide Voter       | \$ | 700,000    | \$ | 700,000    | 148041 |
|                                                   |        | Registration Database |    |            |    |            |        |
| 5990                                              | 050630 | Elections Support     | \$ | 2,144,030  | \$ | 2,144,030  | 148042 |
|                                                   |        | Supplement            |    |            |    |            |        |
| 5990                                              | 050631 | Precinct Election     | \$ | 234,196    | \$ | 234,196    | 148043 |
|                                                   |        | Officials Training    |    |            |    |            |        |
| 5FG0                                              | 050620 | BOE Reimbursement and | \$ | 80,000     | \$ | 80,000     | 148044 |
|                                                   |        | Education             |    |            |    |            |        |
| 5SN0                                              | 050626 | Address               | \$ | 100,000    | \$ | 100,000    | 148045 |
|                                                   |        | Confidentiality       |    |            |    |            |        |
| TOTAL DPF Dedicated Purpose Fund                  |        |                       | \$ | 18,125,826 | \$ | 18,125,826 | 148046 |

Group

|                                |    |         |    |         |        |
|--------------------------------|----|---------|----|---------|--------|
| Holding Account Fund Group     |    |         |    |         | 148047 |
| R001 050605 Uniform Commercial | \$ | 30,000  | \$ | 30,000  | 148048 |
| Code Refunds                   |    |         |    |         |        |
| R002 050606 Corporate/Business | \$ | 85,000  | \$ | 85,000  | 148049 |
| Filing Refunds                 |    |         |    |         |        |
| TOTAL HLD Holding Account Fund | \$ | 115,000 | \$ | 115,000 | 148050 |

Group

|                                   |    |            |    |            |        |
|-----------------------------------|----|------------|----|------------|--------|
| Federal Fund Group                |    |            |    |            | 148051 |
| 3AS0 050616 Help America Vote Act | \$ | 16,000     | \$ | 0          | 148052 |
| (HAVA)                            |    |            |    |            |        |
| 3FM0 050624 Miscellaneous Federal | \$ | 8,600      | \$ | 4,400      | 148053 |
| Grants                            |    |            |    |            |        |
| TOTAL FED Federal Fund Group      | \$ | 24,600     | \$ | 4,400      | 148054 |
| TOTAL ALL BUDGET FUND GROUPS      | \$ | 18,265,426 | \$ | 18,245,226 | 148055 |

**Section 395.20.** CITIZEN EDUCATION PRECINCT ELECTION OFFICIAL 148057  
TRAINING 148058

At the end of FY 2017, an amount equal to the unexpended, 148059  
unencumbered portion of appropriation item 050602, Citizen 148060  
Education (Fund 4140) is hereby reappropriated in fiscal year 2018 148061  
for the same purpose. 148062

The foregoing appropriation item 050631, Precinct Election 148063  
Official Training, shall be used to reimburse county boards of 148064  
elections for precinct election official (PEO) training pursuant 148065  
to section 3501.27 of the Revised Code. At the end of fiscal year 148066  
2018, an amount equal to the unexpended, unencumbered portion of 148067  
the foregoing appropriation item 050631, Precinct Election 148068  
Official Training, is hereby reappropriated in fiscal year 2019 148069  
for the same purpose. 148070

BOARD OF VOTING MACHINE EXAMINERS 148071

The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.

HOLDING ACCOUNT FUND GROUP

The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Such amounts are hereby appropriated.

MISCELLANEOUS FEDERAL GRANTS

Appropriation item 050624, Miscellaneous Federal Grants, shall be used to support programs that are supported by federal grants deposited into the Miscellaneous Federal Grants Fund (Fund 3FM0) pursuant to Section 111.28 of the Revised Code.

ADDRESS CONFIDENTIALITY PROGRAM

Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$50,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).

LITIGATION RELATED EXPENSES

Upon the request of the Secretary of State, the Director of 148103  
Budget and Management may transfer cash and appropriation from any 148104  
fund and appropriation item used by the Secretary of State to 148105  
Litigation Related Expenses Fund (Fund 5QE0) appropriation item 148106  
050625, Litigation Related Expenses, or Business Services 148107  
Operating Expenses Fund (Fund 5990) appropriation item 050628, 148108  
Litigation Related Expenses. The amounts transferred shall be used 148109  
to pay for any expenses related to lawsuits or legal proceedings 148110  
against the Secretary of State. 148111

ABSENT VOTER'S BALLOT APPLICATION MAILING 148112

Notwithstanding Division (B) of Section 111.31 of the Revised 148113  
Code, upon the request of the Secretary of State, the Controlling 148114  
Board shall approve cash transfers from the Controlling Board 148115  
Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent 148116  
Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by 148117  
the Secretary of State to pay the costs of printing and mailing 148118  
unsolicited applications for absent voters' ballots for the 148119  
general election to be held in November 2018. Such amounts are 148120  
hereby appropriated. 148121

BALLOT ADVERTISING COSTS 148122

Notwithstanding Division (G) of Section 3501.17 of the 148123  
Revised Code, upon requests submitted by the Secretary of State, 148124  
the Controlling Board may approve transfers from the Controlling 148125  
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 148126  
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 148127  
the cost of public notices associated with statewide ballot 148128  
initiatives. 148129

**Section 397.10.** SEN THE OHIO SENATE 148130

General Revenue Fund 148131

GRF 020321 Operating Expenses \$ 15,023,367 \$ 15,023,367 148132

|                                      |    |            |    |            |        |
|--------------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund       | \$ | 15,023,367 | \$ | 15,023,367 | 148133 |
| Internal Service Activity Fund Group |    |            |    |            | 148134 |
| 1020 020602 Senate Reimbursement     | \$ | 425,800    | \$ | 425,800    | 148135 |
| 4090 020601 Miscellaneous Sales      | \$ | 34,497     | \$ | 34,497     | 148136 |
| TOTAL ISA Internal Service Activity  |    |            |    |            | 148137 |
| Fund Group                           | \$ | 460,297    | \$ | 460,297    | 148138 |
| TOTAL ALL BUDGET FUND GROUPS         | \$ | 15,483,664 | \$ | 15,483,664 | 148139 |

OPERATING EXPENSES 148140

On July 1, 2017, or as soon as possible thereafter, the Clerk 148141  
of the Senate may certify to the Director of Budget and Management 148142  
an amount up to the unexpended, unencumbered balance of the 148143  
foregoing appropriation item 020321, Operating Expenses, at the 148144  
end of fiscal year 2017 to be reappropriated to fiscal year 2018. 148145  
The amount certified is hereby reappropriated to the same 148146  
appropriation item for fiscal year 2018. 148147

On July 1, 2018, or as soon as possible thereafter, the Clerk 148148  
of the Senate may certify to the Director of Budget and Management 148149  
an amount up to the unexpended, unencumbered balance of the 148150  
foregoing appropriation item 020321, Operating Expenses, at the 148151  
end of fiscal year 2018 to be reappropriated to fiscal year 2019. 148152  
The amount certified is hereby reappropriated to the same 148153  
appropriation item for fiscal year 2019. 148154

**Section 399.20.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM 148155

|                                  |    |         |    |         |        |
|----------------------------------|----|---------|----|---------|--------|
| General Revenue Fund             |    |         |    |         | 148156 |
| GRF 866321 CSV Operations        | \$ | 300,000 | \$ | 300,000 | 148157 |
| TOTAL GRF General Revenue Fund   | \$ | 300,000 | \$ | 300,000 | 148158 |
| Dedicated Purpose Fund Group     |    |         |    |         | 148159 |
| 5GN0 866605 Serve Ohio Support   | \$ | 7,594   | \$ | 0       | 148160 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 7,594   | \$ | 0       | 148161 |
| Group                            |    |         |    |         |        |

|                                 |    |           |              |        |
|---------------------------------|----|-----------|--------------|--------|
| Federal Fund Group              |    |           |              | 148162 |
| 3R70 866617 AmeriCorps Programs | \$ | 8,000,000 | \$ 8,000,000 | 148163 |
| TOTAL FED Federal Fund Group    | \$ | 8,000,000 | \$ 8,000,000 | 148164 |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 8,307,594 | \$ 8,300,000 | 148165 |

**Section 401.10.** CSF COMMISSIONERS OF THE SINKING FUND 148167

|                                    |    |             |                |        |
|------------------------------------|----|-------------|----------------|--------|
| Debt Service Fund Group            |    |             |                | 148168 |
| 7070 155905 Third Frontier         | \$ | 85,574,000  | \$ 89,782,300  | 148169 |
| Research and                       |    |             |                |        |
| Development Bond                   |    |             |                |        |
| Retirement Fund                    |    |             |                |        |
| 7072 155902 Highway Capital        | \$ | 117,606,700 | \$ 135,589,800 | 148170 |
| Improvement Bond                   |    |             |                |        |
| Retirement Fund                    |    |             |                |        |
| 7073 155903 Natural Resources Bond | \$ | 25,450,300  | \$ 19,317,800  | 148171 |
| Retirement Fund                    |    |             |                |        |
| 7074 155904 Conservation Projects  | \$ | 37,708,400  | \$ 42,878,200  | 148172 |
| Bond Retirement Fund               |    |             |                |        |
| 7076 155906 Coal Research and      | \$ | 6,319,500   | \$ 7,820,600   | 148173 |
| Development Bond                   |    |             |                |        |
| Retirement Fund                    |    |             |                |        |
| 7077 155907 State Capital          | \$ | 232,380,100 | \$ 229,892,200 | 148174 |
| Improvement Bond                   |    |             |                |        |
| Retirement Fund                    |    |             |                |        |
| 7078 155908 Common Schools Bond    | \$ | 376,083,200 | \$ 404,435,700 | 148175 |
| Retirement Fund                    |    |             |                |        |
| 7079 155909 Higher Education Bond  | \$ | 268,157,900 | \$ 311,782,500 | 148176 |
| Retirement Fund                    |    |             |                |        |
| 7080 155901 Persian Gulf,          | \$ | 7,118,300   | \$ 5,090,700   | 148177 |
| Afghanistan, and Iraq              |    |             |                |        |
| Conflict Bond                      |    |             |                |        |
| Retirement Fund                    |    |             |                |        |

|                                                                     |    |               |    |               |        |
|---------------------------------------------------------------------|----|---------------|----|---------------|--------|
| 7090 155912 Job Ready Site                                          | \$ | 15,657,175    | \$ | 15,591,200    | 148178 |
| Development Bond                                                    |    |               |    |               |        |
| Retirement Fund                                                     |    |               |    |               |        |
| TOTAL DSF Debt Service Fund Group                                   | \$ | 1,172,055,575 | \$ | 1,262,181,000 | 148179 |
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ | 1,172,055,575 | \$ | 1,262,181,000 | 148180 |
| ADDITIONAL APPROPRIATIONS                                           |    |               |    |               | 148181 |
| Appropriation items in this section are for the purpose of          |    |               |    |               | 148182 |
| paying debt service and financing costs during the period from      |    |               |    |               | 148183 |
| July 1, 2017 through June 30, 2019 on bonds or notes of the state   |    |               |    |               | 148184 |
| issued under the Ohio Constitution and acts of the General          |    |               |    |               | 148185 |
| Assembly. If it is determined that additional amounts are           |    |               |    |               | 148186 |
| necessary for this purpose, such amounts are hereby appropriated.   |    |               |    |               | 148187 |
| <b>Section 403.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY |    |               |    |               | 148188 |
| DEVELOPMENT FOUNDATION                                              |    |               |    |               | 148189 |
| Dedicated Purpose Fund Group                                        |    |               |    |               | 148190 |
| 5M90 945601 Operating Expenses                                      | \$ | 352,930       | \$ | 352,930       | 148191 |
| TOTAL DPF Dedicated Purpose Fund                                    | \$ | 352,930       | \$ | 352,930       | 148192 |
| Group                                                               |    |               |    |               |        |
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ | 352,930       | \$ | 352,930       | 148193 |
| <b>Section 404.10.</b> SHP STATE SPEECH AND HEARING PROFESSIONALS   |    |               |    |               | 148195 |
| BOARD                                                               |    |               |    |               | 148196 |
| Dedicated Purpose Fund Group                                        |    |               |    |               | 148197 |
| 4K90 123609 Operating Expenses                                      | \$ | 279,708       | \$ | 615,704       | 148198 |
| TOTAL DPF Dedicated Purpose Fund                                    | \$ | 279,708       | \$ | 615,704       | 148199 |
| Group                                                               |    |               |    |               |        |
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ | 279,708       | \$ | 615,704       | 148200 |
| <b>Section 405.10.</b> SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &     |    |               |    |               | 148202 |
| AUDIOLOGY                                                           |    |               |    |               | 148203 |
| Dedicated Purpose Fund Group                                        |    |               |    |               | 148204 |

|                              |                        |    |         |    |   |        |
|------------------------------|------------------------|----|---------|----|---|--------|
| 4K90 886609                  | Operating Expenses     | \$ | 333,269 | \$ | 0 | 148205 |
| TOTAL DPF                    | Dedicated Purpose Fund | \$ | 333,269 | \$ | 0 | 148206 |
| Group                        |                        |    |         |    |   |        |
| TOTAL ALL BUDGET FUND GROUPS |                        | \$ | 333,269 | \$ | 0 | 148207 |

**Section 407.10.** BTA BOARD OF TAX APPEALS 148209

|                              |                      |    |           |    |           |        |
|------------------------------|----------------------|----|-----------|----|-----------|--------|
| General Revenue Fund         |                      |    |           |    |           | 148210 |
| GRF 116321                   | Operating Expenses   | \$ | 1,822,552 | \$ | 1,857,751 | 148211 |
| TOTAL GRF                    | General Revenue Fund | \$ | 1,822,552 | \$ | 1,857,751 | 148212 |
| TOTAL ALL BUDGET FUND GROUPS |                      | \$ | 1,822,552 | \$ | 1,857,751 | 148213 |

**Section 409.10.** TAX DEPARTMENT OF TAXATION 148215

|                              |                      |    |            |    |            |        |
|------------------------------|----------------------|----|------------|----|------------|--------|
| General Revenue Fund         |                      |    |            |    |            | 148216 |
| GRF 110321                   | Operating Expenses   | \$ | 67,260,978 | \$ | 69,735,978 | 148217 |
| GRF 110404                   | Tobacco Settlement   | \$ | 0          | \$ | 167,567    | 148218 |
| Enforcement                  |                      |    |            |    |            |        |
| TOTAL GRF                    | General Revenue Fund | \$ | 67,260,978 | \$ | 69,903,545 | 148219 |
| Dedicated Purpose Fund Group |                      |    |            |    |            | 148220 |
| 2280 110628                  | CAT Administration   | \$ | 17,496,584 | \$ | 14,996,584 | 148221 |
| 4330 110602                  | Municipal Data       | \$ | 178,156    | \$ | 178,156    | 148222 |
| Exchange                     |                      |    |            |    |            |        |
| Administration               |                      |    |            |    |            |        |
| 4350 110607                  | Local Tax            | \$ | 21,000,000 | \$ | 21,000,000 | 148223 |
| Administration               |                      |    |            |    |            |        |
| 4360 110608                  | Motor Vehicle Audit  | \$ | 1,523,113  | \$ | 1,523,113  | 148224 |
| Administration               |                      |    |            |    |            |        |
| 4370 110606                  | Income Tax Refund    | \$ | 38,800     | \$ | 38,800     | 148225 |
| Contribution                 |                      |    |            |    |            |        |
| Administration               |                      |    |            |    |            |        |
| 4380 110609                  | School District      | \$ | 6,427,960  | \$ | 6,427,960  | 148226 |
| Income Tax                   |                      |    |            |    |            |        |
| Administration               |                      |    |            |    |            |        |

|                    |        |                                                      |    |               |    |               |        |
|--------------------|--------|------------------------------------------------------|----|---------------|----|---------------|--------|
| 4C60               | 110616 | International<br>Registration Plan<br>Administration | \$ | 705,869       | \$ | 705,869       | 148227 |
| 4R60               | 110610 | Tire Tax<br>Administration                           | \$ | 255,836       | \$ | 255,836       | 148228 |
| 5BP0               | 110639 | Wireless 9-1-1<br>Administration                     | \$ | 298,794       | \$ | 298,794       | 148229 |
| 5BW0               | 110630 | Tax Amnesty Promotion<br>and Administration          | \$ | 1,500,000     | \$ | 0             | 148230 |
| 5JM0               | 110637 | Casino Tax<br>Administration                         | \$ | 75,000        | \$ | 75,000        | 148231 |
| 5MN0               | 110638 | STARS Development and<br>Implementation              | \$ | 3,000,000     | \$ | 3,000,000     | 148232 |
| 5N50               | 110605 | Municipal Income Tax<br>Administration               | \$ | 2,400,000     | \$ | 5,150,000     | 148233 |
| 5N60               | 110618 | Kilowatt Hour Tax<br>Administration                  | \$ | 100,000       | \$ | 100,000       | 148234 |
| 5NY0               | 110643 | Petroleum Activity<br>Tax Administration             | \$ | 1,000,000     | \$ | 1,000,000     | 148235 |
| 5V70               | 110622 | Motor Fuel Tax<br>Administration                     | \$ | 5,175,897     | \$ | 5,175,897     | 148236 |
| 5V80               | 110623 | Property Tax<br>Administration                       | \$ | 6,000,000     | \$ | 6,000,000     | 148237 |
| 5W70               | 110627 | Exempt Facility<br>Administration                    | \$ | 49,500        | \$ | 49,500        | 148238 |
| 6390               | 110614 | Cigarette Tax<br>Enforcement                         | \$ | 1,965,511     | \$ | 1,797,944     | 148239 |
| 6880               | 110615 | Local Excise Tax<br>Administration                   | \$ | 500,000       | \$ | 500,000       | 148240 |
| TOTAL DPF<br>Group |        | Dedicated Purpose Fund<br>Group                      | \$ | 69,691,020    | \$ | 68,273,453    | 148241 |
|                    |        | Fiduciary Fund Group                                 |    |               |    |               | 148242 |
| 4250               | 110635 | Tax Refunds                                          | \$ | 1,911,472,500 | \$ | 1,876,628,500 | 148243 |

|                              |                      |    |               |    |               |        |
|------------------------------|----------------------|----|---------------|----|---------------|--------|
| 5CZ0 110631                  | Vendor's License     | \$ | 380,000       | \$ | 380,000       | 148244 |
|                              | Application          |    |               |    |               |        |
| 6420 110613                  | Ohio Political Party | \$ | 180,000       | \$ | 180,000       | 148245 |
|                              | Distributions        |    |               |    |               |        |
| TOTAL FID                    | Fiduciary Fund Group | \$ | 1,912,032,500 | \$ | 1,877,188,500 | 148246 |
|                              | Group                |    |               |    |               | 148247 |
| R010 110611                  | Tax Distributions    | \$ | 25,000        | \$ | 25,000        | 148248 |
| R011 110612                  | Miscellaneous Income | \$ | 500           | \$ | 500           | 148249 |
|                              | Tax Receipts         |    |               |    |               |        |
| TOTAL HLD                    | Group                | \$ | 25,500        | \$ | 25,500        | 148250 |
| TOTAL ALL BUDGET FUND GROUPS |                      | \$ | 2,049,009,998 | \$ | 2,015,390,998 | 148251 |

**Section 409.20. TAX REFUNDS** 148253

The foregoing appropriation item 110635, Tax Refunds, shall 148254  
be used to pay refunds under section 5703.052 of the Revised Code. 148255  
If it is determined that additional appropriations are necessary 148256  
for this purpose, such amounts are hereby appropriated. 148257

**VENDOR'S LICENSE PAYMENTS** 148258

The foregoing appropriation item 110631, Vendor's License 148259  
Application, shall be used to make payments to county auditors 148260  
under section 5739.17 of the Revised Code. If it is determined 148261  
that additional appropriations are necessary to make such 148262  
payments, such amounts are hereby appropriated. 148263

**INTERNATIONAL REGISTRATION PLAN ADMINISTRATION** 148264

The foregoing appropriation item 110616, International 148265  
Registration Plan Administration, shall be used under section 148266  
5703.12 of the Revised Code for audits of persons with vehicles 148267  
registered under the International Registration Plan. 148268

**TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT** 148269

Of the foregoing appropriation item 110607, Local Tax 148270

Administration, the Tax Commissioner may disburse funds, if 148271  
available, for the purposes of paying travel expenses incurred by 148272  
members of Ohio's delegation to the Streamlined Sales Tax Project, 148273  
as appointed under section 5740.02 of the Revised Code. Any travel 148274  
expense reimbursement paid for by the Department of Taxation shall 148275  
be done in accordance with applicable state laws and guidelines. 148276

TOBACCO SETTLEMENT ENFORCEMENT 148277

The foregoing appropriation item 110404, Tobacco Settlement 148278  
Enforcement, shall be used by the Tax Commissioner to pay costs 148279  
incurred in the enforcement of divisions (F) and (G) of section 148280  
5743.03 of the Revised Code. In fiscal year 2018, expenses 148281  
associated with these enforcement activities will be covered by 148282  
appropriation item 110614, Cigarette Tax Enforcement. 148283

STARS DEVELOPMENT AND IMPLEMENTATION FUND 148284

The foregoing appropriation item 110638, STARS Development 148285  
and Implementation, shall be used to pay costs incurred in the 148286  
development and implementation of the department's State Tax 148287  
Accounting and Revenue System. The Director of Budget and 148288  
Management, under a plan submitted by the Tax Commissioner, or as 148289  
otherwise determined by the Director of Budget and Management, 148290  
shall set a schedule to transfer cash from the Revenue Enhancement 148291  
Fund, Local Sales Tax Administrative Fund, General School District 148292  
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 148293  
Property Tax Administration Fund, and the Motor Fuel Tax 148294  
Administration Fund to the credit of the STARS Development and 148295  
Implementation Fund (Fund 5MN0). The transfers of cash shall not 148296  
exceed \$6,000,000 in the biennium. 148297

APPROPRIATION INCREASE AND CASH TRANSFER TO THE MUNICIPAL 148298  
INCOME TAX ADMINISTRATION FUND 148299

(A) During fiscal year 2018 and fiscal year 2019, if the Tax 148300  
Commissioner determines that the Municipal Income Tax 148301

Administration Fund (Fund 5N50) created in section 5745.03 of the Revised Code has insufficient cash balances to pay expenses required by administering the new tax duties imposed by sections 718.80 to 718.95 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the additional cash necessary to carry out the duties imposed by sections 718.80 to 718.95 of the Revised Code. After receiving the certification from the Commissioner and if the Director determines that sufficient funds are available in the General Revenue Fund, the Director shall transfer cash from the General Revenue Fund to Fund 5N50 in an amount that will enable the Commissioner to carry out the duties imposed by sections 718.80 to 718.95 of the Revised Code.

(B) If a cash transfer is made from the General Revenue Fund to the Municipal Income Tax Administration Fund under division (A) of this section, the Director of Budget and Management and the Tax Commissioner shall jointly develop a plan to repay the General Revenue Fund as soon as is deemed practical.

(C) During fiscal year 2018 and fiscal year 2019, if the Tax Commissioner determines that the Municipal Income Tax Administration Fund (Fund 5N50) has insufficient appropriations due to the new tax administration obligations imposed by sections 718.80 to 718.95 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the additional appropriations necessary to carry out the duties imposed by sections 718.80 to 718.95 of the Revised Code. After receiving the certification from the Commissioner and if the Director determines that sufficient funds are available in Fund 5N50, the Director shall approve the certified appropriation increase. Any approved appropriation increase is hereby appropriated.

TAX AMNESTY PROMOTION AND ADMINISTRATION

The foregoing appropriation item 110630, Tax Amnesty

Promotion and Administration, shall be used to pay expenses 148334  
incurred to promote and administer the tax amnesty program to be 148335  
conducted from January 1, 2018, to February 15, 2018, by the 148336  
Department of Taxation. The Department of Taxation and Attorney 148337  
General's Office shall work in close collaboration on promotion 148338  
activities in relation to the Tax Amnesty Promotion and 148339  
Administration program. 148340

**Section 411.10.** DOT DEPARTMENT OF TRANSPORTATION 148341

General Revenue Fund 148342

GRF 772502 Local Transportation \$ 250,000 \$ 0 148343  
Projects

GRF 775451 Public Transportation \$ 6,500,000 \$ 6,500,000 148344  
- State

GRF 776465 Rail Development \$ 985,000 \$ 1,000,000 148345

GRF 777471 Airport Improvements \$ 6,455,000 \$ 5,910,000 148346  
- State

TOTAL GRF General Revenue Fund \$ 14,190,000 \$ 13,410,000 148347

Dedicated Purpose Fund Group 148348

5QT0 776670 Ohio Maritime \$ 2,000,000 \$ 2,000,000 148349  
Assistance Program

TOTAL DPF Dedicated Purpose Fund \$ 2,000,000 \$ 2,000,000 148350

TOTAL ALL BUDGET FUND GROUPS \$ 16,190,000 \$ 15,410,000 148351

**Section 411.13.** LOCAL TRANSPORTATION PROJECTS 148353

The foregoing appropriation item 772502, Local Transportation 148354  
Projects, shall be allocated to support the regional 148355  
transportation improvement project in Carroll, Columbiana, and 148356  
Stark counties. 148357

**Section 411.20.** AIRPORT IMPROVEMENTS - STATE 148358

The foregoing appropriation item 777471, Airport Improvements 148359

- State, shall be used by the Department of Transportation to 148360  
continue the Ohio Airport Grant Program in supporting capital 148361  
improvements, maintaining infrastructure, and ensuring safety at 148362  
publicly owned, public use airports in the state, provided that 148363  
the airports receive neither Federal Aviation Administration Air 148364  
Carrier Enplanement Funds nor Air Cargo Entitlements. 148365

Of the foregoing appropriation item 777471, Airport 148366  
Improvements - State, \$455,000 in fiscal year 2018 shall be 148367  
allocated to the Columbus Regional Airport Authority to support 148368  
expenses related to the renaming of the Port Columbus 148369  
International Airport, as enacted in Am. Sub. S.B. 159 of the 148370  
131st General Assembly. Use of the allocated funds may include the 148371  
cost of replacing signage or other related expenses that have been 148372  
incurred subsequent to the enactment of Am. Sub. S.B. 159 of the 148373  
131st General Assembly, or future expenses associated with the 148374  
name change from Port Columbus International Airport to the John 148375  
Glenn International Airport. 148376

Of the foregoing appropriation item 777471, Airport 148377  
Improvements - State, \$100,000 in fiscal year 2018 shall be 148378  
allocated to support the installation of four new airline gates at 148379  
the Akron-Canton Airport. 148380

**Section 411.30. OHIO MARITIME ASSISTANCE PROGRAM** 148381

The foregoing appropriation item 776670, Ohio Maritime 148382  
Assistance Program, shall be used for the Ohio Maritime Assistance 148383  
Program established in section 5501.91 of the Revised Code. 148384

Notwithstanding anything to the contrary in Chapter 166. of 148385  
the Revised Code, at the request of the Director of 148386  
Transportation, the Director of Budget and Management shall 148387  
transfer \$2,000,000 cash in each fiscal year from the Facilities 148388  
Establishment Fund (Fund 7037) to the Ohio Maritime Assistance 148389  
Fund (Fund 5QT0), which is hereby created in the state treasury. 148390

|                                                              |                       |               |               |        |
|--------------------------------------------------------------|-----------------------|---------------|---------------|--------|
| The Ohio Maritime Assistance Fund shall consist of state and |                       |               |               | 148391 |
| federal dollars allocated to it as permitted by law.         |                       |               |               | 148392 |
| <b>Section 413.10. TOS TREASURER OF STATE</b>                |                       |               |               | 148393 |
| General Revenue Fund                                         |                       |               |               | 148394 |
| GRF 090321                                                   | Operating Expenses    | \$ 8,038,581  | \$ 8,037,839  | 148395 |
| GRF 090401                                                   | Office of the Sinking | \$ 476,836    | \$ 476,836    | 148396 |
|                                                              | Fund                  |               |               |        |
| GRF 090402                                                   | Continuing Education  | \$ 175,000    | \$ 175,000    | 148397 |
| GRF 090406                                                   | Treasury Management   | \$ 1,113,900  | \$ 1,114,700  | 148398 |
|                                                              | System Lease Rental   |               |               |        |
|                                                              | Payments              |               |               |        |
| GRF 090613                                                   | ABLE Account          | \$ 1,660,000  | \$ 1,660,000  | 148399 |
|                                                              | Administration        |               |               |        |
| TOTAL GRF General Revenue Fund                               |                       | \$ 11,464,317 | \$ 11,464,375 | 148400 |
| Dedicated Purpose Fund Group                                 |                       |               |               | 148401 |
| 4E90 090603                                                  | Securities Lending    | \$ 5,415,468  | \$ 5,415,468  | 148402 |
|                                                              | Income                |               |               |        |
| 5770 090605                                                  | Investment Pool       | \$ 1,050,000  | \$ 1,050,000  | 148403 |
|                                                              | Reimbursement         |               |               |        |
| 5C50 090602                                                  | County Treasurer      | \$ 320,057    | \$ 320,057    | 148404 |
|                                                              | Education             |               |               |        |
| 5NH0 090610                                                  | OhioMeansJobs         | \$ 15,150,000 | \$ 0          | 148405 |
|                                                              | Workforce Development |               |               |        |
| 6050 090609                                                  | Treasurer of State    | \$ 700,000    | \$ 700,000    | 148406 |
|                                                              | Administrative Fund   |               |               |        |
| TOTAL DPF Dedicated Purpose                                  |                       |               |               | 148407 |
| Fund Group                                                   |                       | \$ 22,635,525 | \$ 7,485,525  | 148408 |
| Fiduciary Fund Group                                         |                       |               |               | 148409 |
| 4250 090635                                                  | Tax Refunds           | \$ 12,000,000 | \$ 12,000,000 | 148410 |
| TOTAL FID Fiduciary Fund Group                               |                       | \$ 12,000,000 | \$ 12,000,000 | 148411 |
| TOTAL ALL BUDGET FUND GROUPS                                 |                       | \$ 46,099,842 | \$ 30,949,900 | 148412 |

**Section 413.20.** OFFICE OF THE SINKING FUND 148414

The foregoing appropriation item 090401, Office of the 148415  
Sinking Fund, shall be used for costs incurred by or on behalf of 148416  
the Commissioners of the Sinking Fund and the Ohio Public 148417  
Facilities Commission with respect to State of Ohio general 148418  
obligation bonds or notes, and the Treasurer of State with respect 148419  
to State of Ohio general obligation and special obligation bonds 148420  
or notes, including, but not limited to, printing, advertising, 148421  
delivery, rating fees and the procurement of ratings, professional 148422  
publications, membership in professional organizations, and other 148423  
services referred to in division (D) of section 151.01 of the 148424  
Revised Code. The General Revenue Fund shall be reimbursed for 148425  
such costs relating to the issuance and administration of Highway 148426  
Capital Improvement bonds or notes authorized under Ohio 148427  
Constitution, Article VIII, Section 2m and Chapter 151. of the 148428  
Revised Code. That reimbursement shall be made from appropriation 148429  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 148430  
intrastate transfer voucher pursuant to a certification by the 148431  
Office of the Sinking Fund of the actual amounts used. The amounts 148432  
necessary to make such a reimbursement are hereby appropriated 148433  
from the Highway Capital Improvement Bond Retirement Fund created 148434  
in section 151.06 of the Revised Code. 148435

ABLE ACCOUNT ADMINISTRATION 148436

The foregoing appropriation item 090613, ABLE Account 148437  
Administration, shall be used for administration of an Achieve a 148438  
Better Living Experience (ABLE) account program. 148439

TAX REFUNDS 148440

The foregoing appropriation item 090635, Tax Refunds, shall 148441  
be used to pay refunds under section 5703.052 of the Revised Code. 148442  
If the Director of Budget and Management determines that 148443  
additional amounts are necessary for this purpose, such amounts 148444

are hereby appropriated. 148445

**Section 413.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 148446  
PAYMENTS 148447

The foregoing appropriation item 090406, Treasury Management 148448  
System Lease Rental Payments, shall be used for payments during 148449  
the period from July 1, 2017, through June 30, 2019, pursuant to 148450  
leases and agreements entered into under Section 701.20 of Am. 148451  
Sub. H.B. 497 of the 130th General Assembly with respect to 148452  
financing the costs associated with the acquisition and 148453  
implementation of the Treasury Management System. If it is 148454  
determined that additional appropriations are necessary for this 148455  
purpose, the amounts are hereby appropriated. 148456

**Section 413.40.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 148457  
LOAN PROGRAM 148458

The foregoing appropriation item 090610, OhioMeansJobs 148459  
Workforce Development, shall be used for the OhioMeansJobs 148460  
Workforce Development Revolving Loan Program to provide loans to 148461  
individuals for workforce training. 148462

Of the foregoing appropriation item 090610, OhioMeansJobs 148463  
Workforce Development, up to \$250,000 in fiscal year 2018 may be 148464  
used by the Treasurer of State to administer the program. 148465

Any unexpended and unencumbered portion of the foregoing 148466  
appropriation item 090610, OhioMeansJobs Workforce Development, at 148467  
the end of fiscal year 2018 is hereby reappropriated for the same 148468  
purpose in fiscal year 2019. To the extent that reappropriated 148469  
funds are available, of the foregoing appropriation item 090610, 148470  
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 148471  
2019 may be used by the Treasurer of State to administer the 148472  
program. 148473

|     |        |                                                    |              |              |        |
|-----|--------|----------------------------------------------------|--------------|--------------|--------|
|     |        | <b>Section 413.50. VTO VETERANS' ORGANIZATIONS</b> |              |              | 148474 |
|     |        | General Revenue Fund                               |              |              | 148475 |
|     |        | VAP AMERICAN EX-PRISONERS OF WAR                   |              |              | 148476 |
| GRF | 743501 | State Support                                      | \$ 28,910    | \$ 28,910    | 148477 |
|     |        | VAN ARMY AND NAVY UNION, USA, INC.                 |              |              | 148478 |
| GRF | 746501 | State Support                                      | \$ 63,539    | \$ 63,539    | 148479 |
|     |        | VKW KOREAN WAR VETERANS                            |              |              | 148480 |
| GRF | 747501 | State Support                                      | \$ 57,118    | \$ 57,118    | 148481 |
|     |        | VJW JEWISH WAR VETERANS                            |              |              | 148482 |
| GRF | 748501 | State Support                                      | \$ 34,321    | \$ 34,321    | 148483 |
|     |        | VCW CATHOLIC WAR VETERANS                          |              |              | 148484 |
| GRF | 749501 | State Support                                      | \$ 66,978    | \$ 66,978    | 148485 |
|     |        | VPH MILITARY ORDER OF THE PURPLE HEART             |              |              | 148486 |
| GRF | 750501 | State Support                                      | \$ 65,116    | \$ 65,116    | 148487 |
|     |        | VVV VIETNAM VETERANS OF AMERICA                    |              |              | 148488 |
| GRF | 751501 | State Support                                      | \$ 214,776   | \$ 214,776   | 148489 |
|     |        | VAL AMERICAN LEGION OF OHIO                        |              |              | 148490 |
| GRF | 752501 | State Support                                      | \$ 349,189   | \$ 349,189   | 148491 |
|     |        | VII AMVETS                                         |              |              | 148492 |
| GRF | 753501 | State Support                                      | \$ 332,547   | \$ 332,547   | 148493 |
|     |        | VAV DISABLED AMERICAN VETERANS                     |              |              | 148494 |
| GRF | 754501 | State Support                                      | \$ 249,836   | \$ 249,836   | 148495 |
|     |        | VMC MARINE CORPS LEAGUE                            |              |              | 148496 |
| GRF | 756501 | State Support                                      | \$ 133,947   | \$ 133,947   | 148497 |
|     |        | V37 37TH DIVISION VETERANS' ASSOCIATION            |              |              | 148498 |
| GRF | 757501 | State Support                                      | \$ 6,868     | \$ 6,868     | 148499 |
|     |        | VFW VETERANS OF FOREIGN WARS                       |              |              | 148500 |
| GRF | 758501 | State Support                                      | \$ 284,841   | \$ 284,841   | 148501 |
|     |        | TOTAL GRF General Revenue Fund                     | \$ 1,887,986 | \$ 1,887,986 | 148502 |
|     |        | TOTAL ALL BUDGET FUND GROUPS                       | \$ 1,887,986 | \$ 1,887,986 | 148503 |
|     |        | RELEASE OF FUNDS                                   |              |              | 148504 |

The Director of Budget and Management may release the 148505  
foregoing appropriation items 743501, 746501, 747501, 748501, 148506  
749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501, 148507  
and 758501, State Support. 148508

**Section 415.10.** DVS DEPARTMENT OF VETERANS SERVICES 148509

General Revenue Fund 148510

GRF 900321 Veterans' Homes \$ 27,017,986 \$ 27,017,986 148511

GRF 900402 Hall of Fame \$ 112,106 \$ 112,106 148512

GRF 900408 Department of \$ 2,757,269 \$ 2,757,269 148513

Veterans Services

GRF 900901 Veterans Compensation \$ 7,118,300 \$ 5,090,700 148514

General Obligation

Bond Debt Service

TOTAL GRF General Revenue Fund \$ 37,005,661 \$ 34,978,061 148515

Dedicated Purpose Fund Group 148516

4840 900603 Veterans' Homes \$ 990,000 \$ 995,000 148517

Services

4E20 900602 Veterans' Homes \$ 13,389,605 \$ 13,400,000 148518

Operating

5DB0 900643 Military Injury \$ 1,000,000 \$ 1,000,000 148519

Relief Program

5PH0 900642 Veterans Initiatives \$ 70,000 \$ 70,000 148520

6040 900604 Veterans' Homes \$ 500,000 \$ 500,000 148521

Improvement

TOTAL DPF Dedicated Purpose Fund \$ 15,949,605 \$ 15,965,000 148522

Group

Debt Service Fund Group 148523

7041 900615 Veteran Bonus Program \$ 330,163 \$ 272,687 148524

- Administration

7041 900641 Persian Gulf, \$ 1,132,362 \$ 1,132,706 148525

Afghanistan, and Iraq

|                                                                                                                                                                                                                                                                                                                |    |            |               |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|---------------|------------------------------------------------|
| Compensation                                                                                                                                                                                                                                                                                                   |    |            |               |                                                |
| TOTAL DSF Debt Service                                                                                                                                                                                                                                                                                         |    |            |               | 148526                                         |
| Fund Group                                                                                                                                                                                                                                                                                                     | \$ | 1,462,525  | \$ 1,405,393  | 148527                                         |
| Federal Fund Group                                                                                                                                                                                                                                                                                             |    |            |               | 148528                                         |
| 3680 900614 Veterans Training                                                                                                                                                                                                                                                                                  | \$ | 782,898    | \$ 805,851    | 148529                                         |
| 3740 900606 Troops to Teachers                                                                                                                                                                                                                                                                                 | \$ | 125,002    | \$ 130,001    | 148530                                         |
| 3BX0 900609 Medicare Services                                                                                                                                                                                                                                                                                  | \$ | 3,352,135  | \$ 3,578,278  | 148531                                         |
| 3L20 900601 Veterans' Homes                                                                                                                                                                                                                                                                                    | \$ | 32,021,561 | \$ 33,378,119 | 148532                                         |
| Operations - Federal                                                                                                                                                                                                                                                                                           |    |            |               |                                                |
| TOTAL FED Federal Fund Group                                                                                                                                                                                                                                                                                   | \$ | 36,281,596 | \$ 37,892,249 | 148533                                         |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                   | \$ | 90,699,387 | \$ 90,240,703 | 148534                                         |
| VETERANS ORGANIZATIONS' RENT                                                                                                                                                                                                                                                                                   |    |            |               | 148535                                         |
| The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services.                                                                                                                 |    |            |               | 148536<br>148537<br>148538<br>148539           |
| VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE                                                                                                                                                                                                                                                     |    |            |               | 148540                                         |
| The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2017, through June 30, 2019, on obligations issued under sections 151.01 and 151.12 of the Revised Code. |    |            |               | 148541<br>148542<br>148543<br>148544<br>148545 |
| <b>Section 417.10.</b> DVM STATE VETERINARY MEDICAL LICENSING BOARD                                                                                                                                                                                                                                            |    |            |               | 148546                                         |
| Dedicated Purpose Fund Group                                                                                                                                                                                                                                                                                   |    |            |               | 148547                                         |
| 4K90 888609 Operating Expenses                                                                                                                                                                                                                                                                                 | \$ | 396,369    | \$ 439,369    | 148548                                         |
| TOTAL DPF Dedicated Purpose Fund Group                                                                                                                                                                                                                                                                         | \$ | 396,369    | \$ 439,369    | 148549<br>148550                               |
| Internal Service Activity Fund Group                                                                                                                                                                                                                                                                           |    |            |               | 148551                                         |
| 5BU0 888602 Veterinary Student Loan Program                                                                                                                                                                                                                                                                    | \$ | 30,000     | \$ 30,000     | 148552                                         |

|                                                                        |    |             |                |        |
|------------------------------------------------------------------------|----|-------------|----------------|--------|
| TOTAL ISA Internal Service Activity                                    |    |             |                | 148553 |
| Fund Group                                                             | \$ | 30,000      | \$ 30,000      | 148554 |
| TOTAL ALL BUDGET FUND GROUPS                                           | \$ | 426,369     | \$ 469,369     | 148555 |
| <br><b>Section 419.10. VPB STATE VISION PROFESSIONALS BOARD</b>        |    |             |                | 148557 |
| Dedicated Purpose Fund Group                                           |    |             |                | 148558 |
| 4K90 129609 Operating Expenses                                         | \$ | 400,809     | \$ 650,607     | 148559 |
| TOTAL DPF Dedicated Purpose Fund Group                                 | \$ | 400,809     | \$ 650,607     | 148560 |
| TOTAL ALL BUDGET FUND GROUPS                                           | \$ | 400,809     | \$ 650,607     | 148561 |
| <br><b>Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES</b>            |    |             |                | 148563 |
| General Revenue Fund                                                   |    |             |                | 148564 |
| GRF 470401 RECLAIM Ohio                                                | \$ | 155,590,859 | \$ 159,227,635 | 148565 |
| GRF 470412 Juvenile Correctional Facilities Lease Rental Bond Payments | \$ | 17,534,700  | \$ 17,346,900  | 148566 |
| GRF 470510 Youth Services                                              | \$ | 16,285,160  | \$ 16,285,160  | 148567 |
| GRF 472321 Parole Operations                                           | \$ | 10,330,877  | \$ 10,481,781  | 148568 |
| GRF 477321 Administrative Operations                                   | \$ | 11,285,391  | \$ 11,574,760  | 148569 |
| TOTAL GRF General Revenue Fund                                         | \$ | 211,026,987 | \$ 214,916,236 | 148570 |
| Dedicated Purpose Fund Group                                           |    |             |                | 148571 |
| 1470 470612 Vocational Education                                       | \$ | 1,690,000   | \$ 1,463,162   | 148572 |
| 1750 470613 Education Services                                         | \$ | 3,385,248   | \$ 3,492,983   | 148573 |
| 4790 470609 Employee Food Service                                      | \$ | 60,273      | \$ 44,107      | 148574 |
| 4A20 470602 Child Support                                              | \$ | 187,998     | \$ 153,968     | 148575 |
| 4G60 470605 Juvenile Special Revenue - Non-Federal                     | \$ | 115,000     | \$ 115,000     | 148576 |
| 5BN0 470629 E-Rate Program                                             | \$ | 75,000      | \$ 75,000      | 148577 |
| TOTAL DPF Dedicated Purpose Fund Group                                 | \$ | 5,513,519   | \$ 5,344,220   | 148578 |
|                                                                        |    |             |                | 148579 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                               |                |                |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------|----------------|------------------------------------------------------------------------------|
| Federal Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                               |                |                | 148580                                                                       |
| 3210 470601                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Education                                     | \$ 947,275     | \$ 961,519     | 148581                                                                       |
| 3210 470603                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Juvenile Justice<br>Prevention                | \$ 2,144,540   | \$ 2,232,533   | 148582                                                                       |
| 3210 470606                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Nutrition                                     | \$ 930,000     | \$ 930,000     | 148583                                                                       |
| 3210 470614                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Title IV-E<br>Reimbursements                  | \$ 5,766,624   | \$ 5,766,624   | 148584                                                                       |
| 3FC0 470642                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Federal Juvenile<br>Programs FFY 12           | \$ 1,000       | \$ 0           | 148585                                                                       |
| 3GB0 470643                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Federal Juvenile<br>Programs FFY 13           | \$ 16,352      | \$ 200         | 148586                                                                       |
| 3V50 470604                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Juvenile<br>Justice/Delinquency<br>Prevention | \$ 1,720,000   | \$ 1,720,000   | 148587                                                                       |
| TOTAL FED Federal<br>Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                               | \$ 11,525,791  | \$ 11,610,876  | 148588<br>148589                                                             |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                               | \$ 228,066,297 | \$ 231,871,332 | 148590                                                                       |
| JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                               |                |                | 148591                                                                       |
| The foregoing appropriation item 470412, Juvenile<br>Correctional Facilities Lease Rental Bond Payments, shall be used<br>to meet all payments during the period from July 1, 2017, through<br>June 30, 2019, by the Department of Youth Services under the<br>leases and agreements for facilities made under Chapters 152. and<br>154. of the Revised Code. This appropriation is the source of<br>funds pledged for bond service charges on related obligations<br>issued under Chapters 152. and 154. of the Revised Code. |                                               |                |                | 148592<br>148593<br>148594<br>148595<br>148596<br>148597<br>148598<br>148599 |
| EDUCATION SERVICES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                               |                |                | 148600                                                                       |
| The foregoing appropriation item 470613, Education Services,<br>shall be used to fund the operating expenses of providing<br>educational services to youth supervised by the Department of<br>Youth Services. Operating expenses include, but are not limited<br>to, teachers' salaries, maintenance costs, and educational                                                                                                                                                                                                    |                                               |                |                | 148601<br>148602<br>148603<br>148604<br>148605                               |

|                                                                   |                                       |                |        |
|-------------------------------------------------------------------|---------------------------------------|----------------|--------|
| equipment.                                                        |                                       |                | 148606 |
| FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES                        |                                       |                | 148607 |
| In collaboration with the county family and children first        |                                       |                | 148608 |
| council, the juvenile court of that county that receives          |                                       |                | 148609 |
| allocations from one or both of the foregoing appropriation items |                                       |                | 148610 |
| 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer    |                                       |                | 148611 |
| portions of those allocations to a flexible funding pool as       |                                       |                | 148612 |
| authorized by the section of this act titled "FAMILY AND CHILDREN |                                       |                | 148613 |
| FIRST FLEXIBLE FUNDING POOL."                                     |                                       |                | 148614 |
| <b>Section 503.05.</b> All items set forth in this section are    |                                       |                | 148615 |
| hereby appropriated for the biennium beginning on July 1, 2017,   |                                       |                | 148616 |
| and ending on June 30, 2019, out of any moneys in the state       |                                       |                | 148617 |
| treasury to the credit of the Public School Building Fund (Fund   |                                       |                | 148618 |
| 7021) that are not otherwise appropriated. The appropriation made |                                       |                | 148619 |
| in this section is in addition to any other appropriations made   |                                       |                | 148620 |
| for the FY 2018-FY 2019 biennium                                  |                                       |                | 148621 |
|                                                                   |                                       | Appropriations |        |
| FCC OHIO FACILITIES CONSTRUCTION COMMISSION                       |                                       |                | 148622 |
| C230W4                                                            | Community School Classroom Facilities | \$ 7,989,174   | 148623 |
|                                                                   | Grants                                |                |        |
| TOTAL Public School Building Fund                                 |                                       | \$ 7,989,174   | 148624 |
| COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS                      |                                       |                | 148625 |
| The foregoing appropriation item C230W4, Community School         |                                       |                | 148626 |
| Classroom Facilities Grants, may be used by the Ohio Facilities   |                                       |                | 148627 |
| Construction Commission to provide grant funding to an eligible   |                                       |                | 148628 |
| high-performing community school established under Chapter 3314.  |                                       |                | 148629 |
| of the Revised Code.                                              |                                       |                | 148630 |
| For purposes of this section, an "eligible high-performing        |                                       |                | 148631 |
| community school" means a community school that has available and |                                       |                | 148632 |
| has certified it will supply, at least fifty per cent of the cost |                                       |                | 148633 |

of the project funded under this section and that meets the 148634  
following other conditions: 148635

(A) Except as provided in division (B) or (C) of this 148636  
section, the school both: 148637

(1) Has received a grade of "A," "B," or "C" for the 148638  
performance index score under division (C)(1)(b) of section 148639  
3302.03 of the Revised Code or has increased its performance index 148640  
score under division (C)(1)(b) of section 3302.03 of the Revised 148641  
Code in each of the previous three years of operation; and 148642

(2) Has received a grade of "A" or "B" for the value-added 148643  
progress dimension under division (C)(1)(e) of section 3302.03 of 148644  
the Revised Code on its most recent report card issued under that 148645  
section. 148646

(B) If the school serves only grades kindergarten through 148647  
three, the school received a grade of "A" or "B" for making 148648  
progress in improving literacy in grades kindergarten through 148649  
three under division (C)(1)(g) of section 3302.03 of the Revised 148650  
Code on its most recent report card issued under that section. 148651

(C) If the school primarily serves students enrolled in a 148652  
dropout prevention and recovery program as described in division 148653  
(A)(4)(a) of section 3314.35 of the Revised Code, the school 148654  
received a rating of "exceeds standards" on its most recent report 148655  
card issued under section 3314.017 of the Revised Code. 148656

Notwithstanding the definition of an eligible high-performing 148657  
community school under divisions (A) to (C) of this section, a 148658  
newly established community school may be eligible for assistance 148659  
under this section if it is implementing a community school model 148660  
that has a track record of high-quality academic performance, as 148661  
determined by the Department of Education. 148662

The foregoing appropriation may be used for the purchase, 148663  
construction, reconstruction, renovation, remodeling, or addition 148664

to classroom facilities. A grant may be awarded to an eligible 148665  
high-performing community school that demonstrates that the funds 148666  
will be used to purchase or support classroom facilities 148667  
construction or modifications that increase the supply of seats in 148668  
effective schools, service specific unmet student needs through 148669  
community school education, and show innovation in design and 148670  
potential as a successful, replicable school model. The Ohio 148671  
Facilities Construction Commission may award a grant to an 148672  
eligible high-performing community school upon the approval of a 148673  
grant application by the Executive Director of the Commission and 148674  
the Superintendent of Public Instruction. A facility that is 148675  
purchased, constructed, or modified by the grant funds shall be 148676  
used for educational purposes for a minimum of ten years after 148677  
receiving the grant funds. The Ohio Facilities Construction 148678  
Commission, in consultation with the Superintendent of Public 148679  
Instruction, shall develop guidelines and may adopt rules under 148680  
Chapter 111. of the Revised Code for the administration of the 148681  
grants, including provisions for the ownership and disposal of the 148682  
facilities funded under this section in the event the community 148683  
school closes at any time. Notwithstanding any provision of law to 148684  
the contrary, all Revised Code exemptions applicable to grants 148685  
awarded and projects administered by the Ohio Facilities 148686  
Construction Commission shall apply to the grants pursuant to this 148687  
section. 148688

**Section 503.10. PERSONAL SERVICE EXPENSES** 148689

Unless otherwise prohibited by law, any appropriation from 148690  
which personal service expenses are paid shall bear the employer's 148691  
share of public employees' retirement, workers' compensation, 148692  
disabled workers' relief, and insurance programs; and the costs of 148693  
centralized financial services, centralized payroll processing, 148694  
and related reports and services; centralized human resources 148695  
services, including affirmative action and equal employment 148696

opportunity programs; the Office of Collective Bargaining; 148697  
centralized information technology management services; 148698  
administering the enterprise resource planning system; and 148699  
administering the state employee merit system as required by 148700  
section 124.07 of the Revised Code. These costs shall be 148701  
determined in conformity with the appropriate sections of law and 148702  
paid in accordance with procedures specified by the Office of 148703  
Budget and Management. Expenditures from appropriation item 148704  
070601, Public Audit Expense - Intra-State, may be exempted from 148705  
the requirements of this section. 148706

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 148707  
**AGAINST THE STATE** 148708

Except as otherwise provided in this section, an 148709  
appropriation in this act or any other act may be used for the 148710  
purpose of satisfying judgments, settlements, or administrative 148711  
awards ordered or approved by the Court of Claims or by any other 148712  
court of competent jurisdiction in connection with civil actions 148713  
against the state. This authorization does not apply to 148714  
appropriations to be applied to or used for payment of guarantees 148715  
by or on behalf of the state, or for payments under lease 148716  
agreements relating to, or debt service on, bonds, notes, or other 148717  
obligations of the state. Notwithstanding any other statute to the 148718  
contrary, this authorization includes appropriations from funds 148719  
into which proceeds of direct obligations of the state are 148720  
deposited only to the extent that the judgment, settlement, or 148721  
administrative award is for, or represents, capital costs for 148722  
which the appropriation may otherwise be used and is consistent 148723  
with the purpose for which any related obligations were issued or 148724  
entered into. Nothing contained in this section is intended to 148725  
subject the state to suit in any forum in which it is not 148726  
otherwise subject to suit, and is not intended to waive or 148727  
compromise any defense or right available to the state in any suit 148728

against it. 148729

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 148730

This section specifies an additional and supplemental 148731  
procedure to provide for payments of judgments and settlements if 148732  
the Director of Budget and Management determines, pursuant to 148733  
division (C)(4) of section 2743.19 of the Revised Code, that 148734  
sufficient unencumbered moneys do not exist in the fund to support 148735  
a particular appropriation to pay the amount of a final judgment 148736  
rendered against the state or a state agency, including the 148737  
settlement of a claim approved by a court, in an action upon and 148738  
arising out of a contractual obligation for the construction or 148739  
improvement of a capital facility if the costs under the contract 148740  
were payable in whole or in part from a state capital projects 148741  
appropriation. In such a case, the Director may either proceed 148742  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 148743  
or apply to the Controlling Board to increase an appropriation or 148744  
create an appropriation out of any unencumbered moneys in the 148745  
state treasury to the credit of the capital projects fund from 148746  
which the initial state appropriation was made. The amount of an 148747  
increase in appropriation or new appropriation approved by the 148748  
Controlling Board is hereby appropriated from the applicable 148749  
capital projects fund and made available for the payment of the 148750  
judgment or settlement. 148751

If the Director does not make the application authorized by 148752  
this section or the Controlling Board disapproves the application, 148753  
and the Director does not make application under division (C)(4) 148754  
of section 2743.19 of the Revised Code, the Director shall for the 148755  
purpose of making that payment make a request to the General 148756  
Assembly as provided for in division (C)(5) of that section. 148757

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 148758

In order to provide funds for the reissuance of voided warrants under section 126.37 of the Revised Code, there is hereby appropriated, out of moneys in the state treasury from the fund credited as provided in section 126.37 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

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**Section 503.50.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF OPERATING APPROPRIATIONS

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(A) Notwithstanding the original year of appropriation or encumbrance the unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of fiscal year 2017 or fiscal year 2018 is hereby reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the period of time listed in this section and shall remain available only for the purpose of discharging the encumbrance:

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(1) For an encumbrance for personal services, maintenance, equipment, or items for resale not otherwise identified in this section for a period of not more than five months from the end of the fiscal year;

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(2) For an encumbrance for an item of special order manufacture not available on state contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;

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(3) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended provided such period does not extend beyond the FY 2018 - FY 2019 biennium;

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(4) For an encumbrance for any other expense not otherwise identified in this section, for such period as the Director approves, provided such period does not extend beyond the FY 2018 - FY 2019 biennium.

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(B) Any operating appropriations for which unexpended balances are reappropriated in fiscal year 2018 or fiscal year 2019 pursuant to division (A)(2) of this section shall be reported to the Controlling Board by the Director of Budget and Management by the thirty-first day of December of each year. The report shall include the item, the cost of the item, and the name of the vendor. The report shall be updated on a quarterly basis for encumbrances remaining open.

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(C) Upon the expiration of the reappropriation period set out in division (A) of this section, a reappropriation made by this section lapses, and the Director of Budget and Management shall cancel the encumbrance of the unexpended reappropriation not later than the end of the weekend following the expiration of the reappropriation period.

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(D) If the Controlling Board approved a purchase, that approval remains in effect so long as the appropriation used to make that purchase remains encumbered.

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**Section 503.60. CORRECTION OF ACCOUNTING ERRORS**

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(A) The Director of Budget and Management may correct accounting errors committed by the staff of the Office of Budget and Management, such as reestablishing encumbrances or appropriations canceled in error, during the cancellation of operating encumbrances in November and of non-operating encumbrances in December.

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(B) The Director of Budget and Management may at any time correct accounting errors committed by staff or a state agency or

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state institution of higher education, as defined in section 148820  
3345.011 of the Revised Code, such as reestablishing prior year 148821  
non-operating encumbrances canceled or modified in error. The 148822  
reestablished encumbrance amounts are hereby appropriated. 148823

**Section 503.70.** TEMPORARY REVENUE HOLDING 148824

The Director of Budget and Management may create funds in the 148825  
state treasury solely for the purpose of temporarily holding 148826  
revenue required to be credited to a fund in the state treasury, 148827  
whose disposition is not immediately known at the time of receipt. 148828  
Once identified, the Director shall credit the revenue to the 148829  
appropriate fund in the state treasury. 148830

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 148831  
RE-ESTABLISHMENT OF ENCUMBRANCES 148832

Any cash transferred by the Director of Budget and Management 148833  
under section 126.15 of the Revised Code is hereby appropriated. 148834  
Any amounts necessary to re-establish appropriations or 148835  
encumbrances under section 126.15 of the Revised Code are hereby 148836  
appropriated. 148837

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 148838

The Director of Budget and Management may transfer 148839  
appropriations between the Third Frontier Research and Development 148840  
Fund (Fund 7011) and the Third Frontier Research and Development 148841  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 148842  
exclusion from the calculation of gross income for federal income 148843  
taxation purposes under the "Internal Revenue Code of 1986," 100 148844  
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 148845  
issued to fund projects appropriated from the Third Frontier 148846  
Research and Development Fund (Fund 7011). 148847

The Director may also create new appropriation items within 148848

the Third Frontier Research and Development Taxable Bond Fund 148849  
(Fund 7014) and make transfers of appropriations to them for 148850  
projects originally funded from appropriations made from the Third 148851  
Frontier Research and Development Fund (Fund 7011). 148852

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES 148853

There are hereby appropriated out of any moneys in the state 148854  
treasury to the credit of the General Revenue Fund, which are not 148855  
otherwise appropriated, funds sufficient to make any payment 148856  
required by division (B)(2) of section 5747.03 of the Revised 148857  
Code. 148858

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES 148859  
APPROVED BY THE CONTROLLING BOARD 148860

Any money that the Controlling Board approves for expenditure 148861  
or any increase in appropriation that the Controlling Board 148862  
approves under sections 127.14, 131.35, and 131.39 of the Revised 148863  
Code or any other provision of law is hereby appropriated for the 148864  
period ending June 30, 2019. 148865

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 148866  
RESIDENCE 148867

If the Governor's Residence Fund (Fund 4H20) receives payment 148868  
for use of the residence pursuant to section 107.40 of the Revised 148869  
Code, the amounts so received are hereby appropriated to 148870  
appropriation item 100604, Governor's Residence Gift. 148871

**Section 506.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 148872

Unless the agency and nuclear electric utility mutually agree 148873  
to a higher amount by contract, the maximum amounts that may be 148874  
assessed against nuclear electric utilities under division (B)(2) 148875  
of section 4937.05 of the Revised Code and deposited into the 148876

|                                 |                   |                |                |        |
|---------------------------------|-------------------|----------------|----------------|--------|
| specified funds are as follows: |                   |                |                | 148877 |
| <u>Fund</u>                     | <u>User</u>       | <u>FY 2018</u> | <u>FY 2019</u> | 148878 |
| Utility                         | Department of     | \$ 140,176     | \$ 140,176     | 148879 |
| Radiological                    | Agriculture       |                |                |        |
| Safety Fund                     |                   |                |                |        |
| (Fund 4E40)                     |                   |                |                |        |
| Radiation                       | Department of     | \$ 1,210,000   | \$ 1,300,000   | 148880 |
| Emergency                       | Health            |                |                |        |
| Response Fund                   |                   |                |                |        |
| (Fund 6100)                     |                   |                |                |        |
| ER Radiological                 | Environmental     | \$ 332,403     | \$ 352,430     | 148881 |
| Safety Fund                     | Protection Agency |                |                |        |
| (Fund 6440)                     |                   |                |                |        |
| Emergency                       | Department of     | \$ 1,258,624   | \$ 1,258,624   | 148882 |
| Response Plan                   | Public Safety     |                |                |        |
| Fund (Fund 6570)                |                   |                |                |        |

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED 148883  
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Notwithstanding any provision of law to the contrary, the 148885  
Director of Budget and Management, through June 30, 2019, may 148886  
transfer interest earned by any state fund to the General Revenue 148887  
Fund. This section does not apply to funds whose source of revenue 148888  
is restricted or protected by the Ohio Constitution, federal tax 148889  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 148890  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 148891

**Section 512.12.** CASH TRANSERS TO THE GENERAL REVENUE FUND FROM SELECTED NON-GRF FUNDS 148892  
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Notwithstanding any provision of law to the contrary, in each 148894  
fiscal year of the biennium ending June 30, 2019, the Director of 148895  
Budget and Management may transfer cash from any funds that are 148896

not otherwise constitutionally restricted and that are used by the 148897  
Department of Commerce, the Environmental Protection Agency, the 148898  
Department of Insurance, the Office of the Consumers' Counsel, the 148899  
Bureau of Workers' Compensation, the Ohio Industrial Commission, 148900  
the Public Utilities Commission, or the State Racing Commission, 148901  
an amount equaling up to two per cent of each fund's total fiscal 148902  
year 2017 appropriation to the General Revenue Fund. These 148903  
transfers may be made by intrastate transfer voucher. The 148904  
transfers authorized under this section shall not affect any 148905  
calculations required by those agencies to allocate or assess 148906  
costs or charges and collection of revenue pursuant to law. 148907

**Section 512.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND 148908  
FROM NON-GRF FUNDS 148909

Notwithstanding any provision of law to the contrary, the 148910  
Director of Budget and Management may transfer up to \$200,000,000 148911  
in cash, during the biennium ending June 30, 2019, from 148912  
non-General Revenue Funds that are not constitutionally restricted 148913  
to the General Revenue Fund. 148914

**Section 512.25.** TRANSFER FROM THE CASINO OPERATOR SETTLEMENT 148915  
FUND (FUND 5KT0) TO THE GENERAL REVENUE FUND 148916

Notwithstanding section 3772.34 of the Revised Code, on July 148917  
1, 2017, or as soon as possible thereafter, the Director of Budget 148918  
and Management shall transfer \$8,700,000 from the Casino Operator 148919  
Settlement Fund (Fund 5KT0) to the General Revenue Fund. 148920

**Section 512.26.** TRANSFER FROM THE OHIO MEANS JOBS WORKFORCE 148921  
DEVELOPMENT REVOLVING LOAN FUND (FUND 5NH0) TO THE GRF 148922

On July 1, 2017, or as soon as possible thereafter, the 148923  
Director of Budget and Management shall transfer \$2,000,000 cash 148924  
from the OhioMeansJobs Workforce Development Revolving Loan Fund 148925

(Fund 5NH0) to the General Revenue Fund to support the 148926  
appropriations made for the Ohio College Opportunity Grant Program 148927  
created in section 3333.122 of the Revised Code. 148928

**Section 512.27.** TRANSFER FROM THE HEALTH AND HUMAN SERVICES 148929  
FUND (FUND 5SA4) TO THE MEDICAID LOCAL SALES TAX TRANSITION FUND 148930

On July 1, 2017, or as soon as possible thereafter, the 148931  
Director of Budget and Management shall transfer up to 148932  
\$200,000,000 cash from the Health and Human Services Fund (Fund 148933  
5SA4) to the Medicaid Local Sales Tax Transition Fund. This 148934  
transfer shall occur prior to any transfer to Fund 5SA4 as 148935  
authorized by this act. 148936

**Section 512.28.** TRANSFER FROM THE STATE AND NON-FEDERAL 148937  
GRANTS AND AWARDS FUND (FUND 5FR0) TO THE GRF 148938

On July 1, 2017, or as soon as possible thereafter, the 148939  
Director of Budget and Management shall transfer up to \$1,300,000 148940  
cash from the State and Non-Federal Grants and Awards Fund (Fund 148941  
5FR0) to the General Revenue Fund to support the appropriations 148942  
made for the Ohio College Opportunity Grant Program created in 148943  
section 3333.122 of the Revised Code. 148944

**Section 512.30.** RACETRACK RELOCATION FUND 148945

On July 1, 2017, or as soon as possible thereafter, the 148946  
Director of Budget and Management shall transfer the cash balance 148947  
of the Racetrack Relocation Fund (Fund 5MG0) to the General 148948  
Revenue Fund. Upon completion of the transfer, the Racetrack 148949  
Relocation Fund is hereby abolished. On and after July 1, 2017, 148950  
any payment that is otherwise required to be credited to the 148951  
Racetrack Relocation Fund shall be credited to the General Revenue 148952  
Fund. 148953

**Section 512.40.** UNCLAIMED FUND REMITTANCE 148954

Notwithstanding division (A) of section 169.05 of the Revised Code, during the biennium ending June 30, 2019, the Director of Budget and Management may request the Director of Commerce to remit to the General Revenue Fund, up to \$200,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. The Director of Commerce shall remit the funds at the time requested by the Director of Budget and Management.

Notwithstanding division (A) of section 169.05 of the Revised Code, during the biennium ending June 30, 2019, the Director of Budget and Management may request the Director of Commerce to remit to the Medicaid Local Sales Tax Transition Fund, up to \$207,000,000 of unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code, irrespective of the allocation of the unclaimed funds under that section. The Director of Commerce shall remit the funds at the time requested by the Director of Budget and Management.

**Section 512.53.** GENERAL REVENUE FUND TRANSFER TO LAKE ERIE PROTECTION FUND 148973

On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$273,415 cash from the General Revenue Fund to the Lake Erie Protection Fund.

**Section 512.60.** GENERAL REVENUE FUND TRANSFER TO TOURISM FUND 148979

Not later than October 20, 2018, the Tax Commissioner shall calculate the growth in fiscal year 2017 revenue relative to the prior fiscal year from the sales tax imposed under section 5739.02

of the Revised Code on categories that have been determined to be 148983  
related to tourism and certify that amount to the Director of 148984  
Budget and Management. On or before the last day of October 2018, 148985  
the Director of Budget and Management may transfer from the 148986  
General Revenue Fund to the Tourism Fund (Fund 5MJ0) the amount 148987  
certified by the Commissioner under this division, except that the 148988  
transfer shall not exceed the amount transferred from the General 148989  
Revenue Fund to the Tourism Fund in fiscal year 2018. 148990

**Section 512.70. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS** 148991

On October 1, 2017, or as soon as possible thereafter, the 148992  
Director of Commerce and the Executive Director of the Board of 148993  
Pharmacy shall consult with the Director of Budget and Management 148994  
to determine a repayment schedule for the biennium ending June 30, 148995  
2019, to fully repay the fiscal year 2017 transfer on behalf of 148996  
each agency from the Emergency Purposes/Contingency Fund (Fund 148997  
5KM0) to the Medical Marijuana Control Program Fund (Fund 5YS0). 148998  
Payments made by the Department of Commerce and the Board of 148999  
Pharmacy in accordance with this repayment schedule shall be 149000  
credited to the General Revenue Fund. 149001

**Section 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM** 149002

There is hereby established in the Highway Operating Fund 149003  
(Fund 7002), used by the Department of Transportation, a Diesel 149004  
Emissions Reduction Grant Program. The Director of Environmental 149005  
Protection shall administer the program and shall solicit, 149006  
evaluate, score, and select projects submitted by public and 149007  
private entities that are eligible for the federal Congestion 149008  
Mitigation and Air Quality (CMAQ) Program. The Director of 149009  
Transportation shall process Federal Highway 149010  
Administration-approved projects as recommended by the Director of 149011  
Environmental Protection. 149012

In addition to the allowable expenditures set forth in 149013  
section 122.861 of the Revised Code, Diesel Emissions Reduction 149014  
Grant Program funds also may be used to fund projects involving 149015  
the purchase or use of hybrid and alternative fuel vehicles that 149016  
are allowed under guidance developed by the Federal Highway 149017  
Administration for the CMAQ Program. 149018

Public entities eligible to receive funds under section 149019  
122.861 of the Revised Code and CMAQ shall be reimbursed from 149020  
moneys in Fund 7002 designated for the Department of 149021  
Transportation's Diesel Emissions Reduction Grant Program. 149022

Private entities eligible to receive funds under section 149023  
122.861 of the Revised Code and CMAQ shall be reimbursed at the 149024  
direction of the local public agency sponsor and upon approval of 149025  
the Department of Transportation, through direct payments. These 149026  
reimbursements shall be made from moneys in Fund 7002 designated 149027  
for the Department of Transportation's Diesel Emissions Reduction 149028  
Grant Program. Total expenditures from Fund 7002 for the Diesel 149029  
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 149030  
both fiscal year 2018 and fiscal year 2019. 149031

Any allocations under this section represent CMAQ program 149032  
moneys within the Department of Transportation for use by the 149033  
Diesel Emissions Reduction Grant Program by the Environmental 149034  
Protection Agency. These allocations shall not reduce the amount 149035  
of such moneys designated for metropolitan planning organizations. 149036

The Director of Environmental Protection, in consultation 149037  
with the Director of Transportation, shall develop guidance for 149038  
the distribution of funds and for the administration of the Diesel 149039  
Emissions Reduction Grant Program. The guidance shall include a 149040  
method of prioritization for projects, acceptable technologies, 149041  
and procedures for awarding grants. 149042

**Section 512.90.** CASH TRANSFERS AND ABOLISHMENT OF FUNDS 149043

(A) On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

|        |                |                                        |              |                                                |        |
|--------|----------------|----------------------------------------|--------------|------------------------------------------------|--------|
| User   | Transfer from: |                                        | Transfer to: |                                                | 149044 |
| Agency | Fund           |                                        | Fund         |                                                | 149045 |
| Code   | Code           | Fund Name                              | Code         | Fund Name                                      | 149046 |
| AGE    | 4J40           | Passport/Preferred Choices             | GRF          | General Revenue Fund                           | 149047 |
| AGE    | 5AA0           | Ohio's Best Rx Administration          | GRF          | General Revenue Fund                           | 149048 |
| AGE    | 5R50           | Ohio Reads/Stars                       | GRF          | General Revenue Fund                           | 149049 |
| AGR    | 5880           | Brand Registration                     | 6520         | Animal and Consumer Protection Laboratory Fund | 149050 |
| AGR    | 5CP0           | Ohio Agriculture License Scholarship   | 4900         | AGRO Ohio Fund                                 | 149051 |
| BOR    | 3BE0           | AEFLA Incentive Grant                  | GRF          | General Revenue Fund                           | 149052 |
| BOR    | 3T00           | Ohio Loan Repayment                    | GRF          | General Revenue Fund                           | 149053 |
| BOR    | 5FN0           | College Access Challenge Grant         | GRF          | General Revenue Fund                           | 149054 |
| BOR    | 5HZ0           | Distance Learning Clearinghouse        | GRF          | General Revenue Fund                           | 149055 |
| BOR    | HJT0           | Health Care Assessment Fee             | GRF          | General Revenue Fund                           | 149056 |
| BOR    | 5JV0           | Ohio Articulation and Transfer Network | GRF          | General Revenue Fund                           | 149057 |
| BOR    | 5QF0           | Student Debt Reduction                 | GRF          | General Revenue Fund                           | 149058 |
| BOR    | 5SF0           | STEM Degree Loan Repayment             | GRF          | General Revenue Fund                           | 149059 |

|     |      |                                                          |      |                                             |        |
|-----|------|----------------------------------------------------------|------|---------------------------------------------|--------|
| BOR | 5X20 | STEM and Foreign<br>Language Academy                     | GRF  | General Revenue Fund                        | 149067 |
| COM | 7043 | Liquor Control                                           | GRF  | General Revenue Fund                        | 149068 |
| COM | 5450 | Savings Institution                                      | 5440 | Banks                                       | 149069 |
| DAS | 5RT0 | Electronic Pollbook                                      | GRF  | General Revenue Fund                        | 149070 |
| DAS | 5C30 | Minor Construction<br>Project Management                 | 1320 | Building Management                         | 149071 |
| DDD | 5CT0 | Intensive Behavioral<br>Needs                            | 5GE0 | Operating and Services                      | 149072 |
| DDD | 3M70 | Community Alternative<br>Funding Source                  | 3A40 | Medicaid-Medicare                           | 149073 |
| DDD | 3G60 | Medicaid Waiver                                          | 3A40 | Medicaid-Medicare                           | 149074 |
| DEV | 5Y60 | Economic Development<br>Contingency                      | GRF  | General Revenue Fund                        | 149075 |
| DNR | 5EN0 | Watercraft Law<br>Enforcement                            | 5EM0 | Natural Resources Law<br>Enforcement        | 149076 |
| DNR | 2070 | Real Estate                                              | 1550 | Departmental Projects                       | 149077 |
| DNR | 5260 | Coal Mining<br>Administration and<br>Reclamation Reserve | 5290 | Mining Regulation and<br>Safety             | 149078 |
| DNR | 5270 | Surface Mining                                           | 5290 | Mining Regulation and<br>Safety             | 149079 |
| DNR | 5B30 | Mining Regulation                                        | 5290 | Mining Regulation and<br>Safety             | 149080 |
| DNR | 4J20 | Injection Well Review                                    | 5110 | Geological Mapping                          | 149081 |
| DNR | 4M70 | Wildfire Suppression                                     | 5090 | State Forest                                | 149082 |
| EPA | 3F50 | Nonpoint Source<br>Pollution Management                  | 3BU0 | Water Quality<br>Protection                 | 149083 |
| EPA | 3540 | Federal Hazardous Waste<br>Management                    | 3F30 | Federally Supported<br>Cleanup and Response | 149084 |
| LEC | 5D80 | Lake Erie Resources                                      | 4C00 | Lake Erie Protection                        | 149085 |
| MCD | 5KW0 | Managed Care Performance<br>Payment                      | GRF  | General Revenue Fund                        | 149086 |

|     |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |      |                                                                  |                                                                                        |
|-----|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| MCD | 5U30 | Health Care Services Administration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 5DL0 | Medicaid Support and Recoveries                                  | 149087                                                                                 |
| MHA | 5CH0 | Residential State Supplement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 4750 | Statewide Treatment and Prevention                               | 149088                                                                                 |
|     |      | (B) On July 1, 2017, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against each appropriation item as indicated in the table below and reestablish them against the appropriation item also indicated in the table below. In addition, if any other existing encumbrances must be cancelled and reestablished to properly close out the funds identified in division (A) of this section, the Director is hereby authorized to carry out those necessary transactions. These amounts are hereby appropriated. |      |                                                                  | 149089<br>149090<br>149091<br>149092<br>149093<br>149094<br>149095<br>149096<br>149097 |
|     |      | Cancel existing encumbrances against:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |      | Reestablish encumbrances against:                                | 149098                                                                                 |
|     |      | Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |      | Fund                                                             | 149099                                                                                 |
|     |      | Code Appropriation Item                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |      | Code Appropriation Item                                          | 149100                                                                                 |
|     |      | 5CT0 653607 - Intensive Behavioral Needs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |      | 5GE0 653606 - ICF/IID and Waiver Match                           | 149101                                                                                 |
|     |      | 3M70 653650 - CAFS Medicaid                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |      | 3A40 653605 - DC and Residential Facilities Services and Support | 149102                                                                                 |
|     |      | 3G60 653639 - Medicaid Waiver Program Support                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |      | 3A40 653605 - DC and Residential Facilities Services and Support | 149103                                                                                 |
|     |      | 2070 725690 - Real Estate Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |      | 1550 725601 - Departmental Projects                              | 149104                                                                                 |
|     |      | 5EN0 725614 - Watercraft Law Enforcement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |      | 5EM0 725613 - Natural Resources Law Enforcement                  | 149105                                                                                 |
|     |      | 4J20 725628 - Injection Well Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |      | 5110 725646 - Ohio Geological Mapping                            | 149106                                                                                 |
|     |      | 5260 725610 - Strip Mining Administration Fee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |      | 5290 725639 - Mining Regulation and Safety                       | 149107                                                                                 |

|      |                                               |      |                                                   |        |
|------|-----------------------------------------------|------|---------------------------------------------------|--------|
| 5270 | 725637 - Surface Mining Administration        | 5290 | 725639 - Mining Regulation and Safety             | 149108 |
| 5B30 | 725674 - Mining Reclamation                   | 5290 | 725639 - Mining Regulation and Safety             | 149109 |
| 4M70 | 725686 - Wildfire Suppression                 | 5090 | 725602 - State Forest                             | 149110 |
| 3F50 | 715641 - Nonpoint Source Pollution Management | 3F30 | 715632 - Federally Supported Cleanup and Response | 149111 |
| 3540 | 715614 - Hazardous Waste Management - Federal | 3F30 | 715632 - Federally Supported Cleanup and Response | 149112 |
| 5D80 | 780602 - Lake Erie Resources                  | 4C00 | 780601 - Lake Erie Protection                     | 149113 |
| 5KW0 | 651612 - Managed Care Performance Payments    | GRF  | 651525 - Medicaid/Health Care Services            | 149114 |
| 5U30 | 651654 - Medicaid Program Support             | 5DL0 | 651685 - Medicaid Recoveries - Program Support    | 149115 |

(C) The following funds, used by the Department of Aging, shall be abolished on the effective date of their repeal by this act: the General Operations Fund (Fund 4H10) and the Special Projects Fund (Fund 5CE0).

(D) The following fund, used by the Facility Construction Commission shall be abolished on the effective date of its repeal by this act: the Cultural Facilities Commission Administration Fund (Fund 4T80).

(E) The following fund, used by the Environmental Protection Agency, shall be abolished on the effective date of its repeal by this act: the Clean Diesel School Bus Fund (Fund 5CD0).

(F) The following fund, used by the Department of Natural Resources, shall be abolished on the effective date of their

repeal by this act: the Water Resources Council Fund (Fund 4X80). 149129

**Section 512.100.** CASH TRANSFER FROM THE SMALL BUSINESS 149130  
ASSISTANCE FUND TO THE TITLE V CLEAN AIR FUND 149131

On July 1, 2017, or as soon as possible thereafter, the 149132  
Director of Budget and Management may transfer up to \$1,500,000 149133  
cash from the Small Business Assistance Fund (Fund 5A00) used by 149134  
the Air Quality Development Authority to the Title V Clean Air 149135  
Fund (Fund 4T30) used by the Environmental Protection Agency. 149136

**Section 512.120.** CASH TRANSFER FROM SAVINGS INSTITUTION FUND 149137

On the effective date of section 1121.30 of the Revised Code, 149138  
as amended by this act, or as soon as possible thereafter, the 149139  
Director of Budget and Management, upon the written request of the 149140  
Director of the Department of Commerce, may transfer the cash 149141  
balance in the Savings Institution Fund (Fund 5450) to the Banks 149142  
Fund (Fund 5440). Upon completion of the transfer, Fund 5450 is 149143  
hereby abolished. 149144

**Section 512.130.** CASH TRANSFER FROM THE CONTROLLING BOARD 149145  
EMERGENCY PURPOSES/CONTINGENCIES FUND 149146

On July 1, 2017, or as soon as possible thereafter, the 149147  
Director of Budget and Management shall transfer \$7,500,000 cash 149148  
from the Controlling Board Emergency Purposes/Contingencies Fund 149149  
(Fund 5KM0) to the GRF. 149150

**Section 512.140.** Notwithstanding any provision of law to the 149151  
contrary, not later than thirty days following the effective date 149152  
of this section, the Director of Budget and Management shall 149153  
transfer \$1,500,000 in cash from the General Revenue Fund to the 149154  
Tax Amnesty Promotion and Administration Fund (Fund 5BW0), which 149155  
is hereby created in the state treasury. The money shall be used 149156

by the Department of Taxation to pay expenses incurred in 149157  
promoting and administering the tax amnesty program that is to be 149158  
conducted from January 1, 2018, to February 15, 2018, pursuant to 149159  
Section 757.110 of this act. 149160

The Director of Budget and Management shall transfer the 149161  
first \$20,000,000 in qualifying amnesty program receipts to the 149162  
General Revenue Fund, and any remaining qualifying amnesty program 149163  
receipts to the Budget Stabilization Fund. As used in this 149164  
section, "qualifying amnesty program receipts" means receipts from 149165  
the tax amnesty program that relate to a tax the revenue from 149166  
which is credited to the General Revenue Fund. If a percentage, 149167  
less than one hundred per cent, of revenue from the tax is 149168  
credited to the General Revenue Fund, that percentage of such 149169  
receipts shall be considered qualifying amnesty program receipts. 149170

**Section 512.150.** TRANSFER FROM THE WORKFORCE AND HIGHER 149171  
EDUCATION PROGRAMS FUND (FUND 5RA0) TO THE GENERAL REVENUE FUND 149172

On July 1, 2017, or as soon as possible thereafter, the 149173  
Director of Budget and Management shall transfer the unexpended, 149174  
unencumbered cash balance in the Workforce and Higher Education 149175  
Programs Fund (Fund 5RA0) to the General Revenue Fund. 149176

**Section 512.160.** TRANSFER FROM THE LOCAL GOVERNMENT 149177  
INNOVATION FUND (FUND 5KN0) TO THE GENERAL REVENUE FUND 149178

On July 1, 2017, or as soon as possible thereafter, the 149179  
Director of Budget and Management shall transfer the unexpended, 149180  
unencumbered cash balance in the Local Government Innovation Fund 149181  
(Fund 5KN0) to the General Revenue Fund. 149182

**Section 512.170.** TRANSFER FROM THE STRAIGHT A FUND (FUND 149183  
5RB0) TO THE GENERAL REVENUE FUND 149184

Not later than January 31, 2018, the Director of Budget and 149185

Management shall transfer the unexpended, unencumbered cash 149186  
balance in the Straight A Fund (Fund 5RB0) to the General Revenue 149187  
Fund. 149188

**Section 515.10.** (A) On the effective date of this section, 149189  
the Ohio School Facilities Commission is hereby abolished and all 149190  
of its functions, assets, and liabilities are transferred to the 149191  
Ohio Facilities Construction Commission. The Ohio Facilities 149192  
Construction Commission is successor to, assumes the power and 149193  
obligations and authority of, and otherwise constitutes the 149194  
continuation of the Ohio School Facilities Commission as if 149195  
completed by the Ohio School Facilities Commission. Whenever the 149196  
Ohio School Facilities Commission is referred to in any law, 149197  
contract, or other document, the reference shall be deemed to 149198  
refer to the Ohio Facilities Construction Commission. 149199

(B) Any business commenced but not completed by the Ohio 149200  
School Facilities Commission shall be completed by the Ohio 149201  
Facilities Construction Commission in the same manner and with the 149202  
same effect as if completed by the Ohio School Facilities 149203  
Commission. No validation, cure, right, privilege, remedy, 149204  
obligation, or liability is lost or impaired by reason of the 149205  
transfer and shall be recognized, administered, performed, or 149206  
enforced by the Ohio Facilities Construction Commission. All 149207  
rules, orders, resolutions, and determinations of the Ohio School 149208  
Facilities Commission continue in effect as rules, orders, 149209  
resolutions, and determinations of the Ohio Facilities 149210  
Construction Commission until modified or rescinded by the Ohio 149211  
Facilities Construction Commission. If necessary to ensure the 149212  
integrity of the numbering system of the Ohio Administrative Code, 149213  
the Director of the Legislative Service Commission shall renumber 149214  
the Ohio School Facilities Commission's rules to reflect their 149215  
transfer to the Ohio Facilities Construction Commission. 149216

(C) No judicial or administrative action or proceeding to 149217  
which the Ohio School Facilities Commission or an authorized 149218  
officer of the Ohio School Facilities Commission is a party that 149219  
is pending on the effective date of this section, or on such later 149220  
date as may be established by an authorized officer of the Ohio 149221  
Facilities Construction Commission, is affected by the 149222  
abolishment. Any such action or proceeding shall be prosecuted or 149223  
defended in the name of the Ohio Facilities Construction 149224  
Commission. On application to the court or agency, the Ohio 149225  
Facilities Construction Commission or an authorized officer of the 149226  
Ohio Facilities Construction Commission may be substituted for the 149227  
Ohio School Facilities Commission or an authorized officer of the 149228  
Ohio School Facilities Commission as a party to the action or 149229  
proceeding. 149230

(D) Notwithstanding any provision of the law to the contrary, 149231  
on or after the effective date of this section, the Director of 149232  
Budget and Management shall make budget and accounting changes 149233  
made necessary by the abolishment, if any, including 149234  
administrative organization, program transfers, the renaming of 149235  
funds, the creation of new funds, the transfer of state funds, and 149236  
the consolidation of funds as authorized by this section. The 149237  
Director may, if necessary, cancel or establish encumbrances or 149238  
parts of encumbrances in fiscal years 2018 and 2019 in the 149239  
appropriate fund and appropriation items for the same purpose and 149240  
for payment to the same vendor. The established encumbrances are 149241  
hereby appropriated. 149242

(E) All records, documents, files, equipment, assets, and 149243  
other materials of the Ohio School Facilities Commission are 149244  
transferred to the Ohio Facilities Construction Commission. 149245

**Section 515.13.** (A) The State Board of Sanitarian 149246  
Registration is abolished beginning on the effective date of this 149247

section. 149248

(B) Any business commenced but not completed by the effective 149249  
date of this section by the State Board of Sanitarian Registration 149250  
shall be completed by the Department of Health or by the Director 149251  
of Health in the same manner, and with the same effect, as if 149252  
completed by the State Board of Sanitarian Registration. 149253

(C)(1) All rules, orders, and determinations of the State 149254  
Board of Sanitarian Registration shall continue in effect as 149255  
rules, orders, and determinations of the Director of Health, until 149256  
modified or rescinded by the Director. 149257

(2) Any certificates, registrations, or continuing education 149258  
credit issued before the effective date of this section by the 149259  
State Board of Sanitarian Registration shall continue in effect as 149260  
if issued by the Director. 149261

(D) Beginning on the effective date of this section, whenever 149262  
the term "State Board of Sanitarian Registration" is used in any 149263  
statute, rule, contract, or other document, the use shall be 149264  
construed to mean the "Department of Health" or the "Director of 149265  
Health," as appropriate. 149266

Whenever the Chairperson or Vice-chairperson of the State 149267  
Board of Sanitarian Registration is used in any statute, rule, 149268  
contract, or other document, the use shall be construed to mean 149269  
the Director of Health. 149270

(E) No validation, cure, right, privilege, remedy, 149271  
obligation, or liability is lost or impaired by reason of the 149272  
transfer required by this section and shall be administered by the 149273  
Director of Health. No action or proceeding pending on the 149274  
effective date of this section is affected by the transfer, and 149275  
shall be prosecuted or defended in the name of the Department of 149276  
Health or the Director of Health, as appropriate. In all such 149277

actions and proceedings, the Department of Health or the Director shall be substituted as a party. 149278  
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(F) On the effective date of this section, all records, documents, files, equipment, assets, and other materials of the State Board of Sanitarian Registration are transferred to the Department of Health. 149280  
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**Section 515.15. BOARD OF SANITARIAN REGISTRATION TRANSFER TO THE DEPARTMENT OF HEALTH** 149284  
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On or before October 30, 2017, the Director of Health shall certify to the Director of Budget and Management the amount of cash in the Occupational Licensing and Regulatory Fund (Fund 4K90) representing the amount of remaining receipts deposited into the fund by the Board of Sanitarian Registration. The Director of Budget and Management may transfer up to this amount to the General Operations Fund (Fund 4700). The Director of Budget and Management shall cancel any existing encumbrances against appropriation item 893609, Operating Expenses, and re-establish them against appropriation item 440647, Fee Supported Programs. The re-established amounts are hereby appropriated. Any business commenced but not completed under appropriation item 893609, Operating Expenses, shall be completed under appropriation item 440647, Fee Supported Programs. 149286  
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Notwithstanding any provision of law to the contrary, on and after the effective date of this section, the Director of Budget and Management may make any budget changes necessary as a result of the transfer to the Department of Health. 149300  
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**Section 515.19.** On or before January 31, 2018, the Director of Health shall submit a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate assessing the cost impact to the Department of Health to regulate 149304  
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sanitaricians pursuant to the provisions of this act. The report 149308  
shall include all of the following: 149309

(A) An analysis regarding the operating costs to the 149310  
Department to regulate sanitaricians; 149311

(B) An analysis of whether the costs are sufficiently covered 149312  
by the revenue received by the Department from fees assessed in 149313  
the licensing of sanitaricians and sanitaricians-in-training; and 149314

(C) A recommendation of whether the fees assessed in the 149315  
licensing of sanitaricians and sanitaricians-in-training should be 149316  
decreased, increased, or remain unchanged in order to sufficiently 149317  
cover the operating costs of the Department for the purpose of 149318  
regulating sanitaricians. 149319

**Section 515.30.** (A) Effective January 21, 2018, the State 149320  
Board of Optometry and the Ohio Optical Dispensers Board are 149321  
abolished. Sections 4725.04, 4725.05, 4725.06, 4725.07, and 149322  
4725.08 of the Revised Code, as amended by this act, which 149323  
establish the State Vision Professionals Board, take effect on the 149324  
ninety-first day after this act is filed with the Secretary of 149325  
State, in accordance with Section 812.10 of this act. The 149326  
amendments to those sections replace the statutory language 149327  
establishing the current State Board of Optometry, but the State 149328  
Board of Optometry is not abolished until January 21, 2018. Until 149329  
January 21, 2018, the State Board of Optometry shall continue to 149330  
function under sections 4725.04, 4725.05, 4725.06, 4725.07, and 149331  
4725.08 of the Revised Code as those sections existed immediately 149332  
prior to their amendment by this act. 149333

(B) Any business commenced but not completed by January 21, 149334  
2018, by the State Board of Optometry and the Ohio Optical 149335  
Dispensers Board or by the executive director or executive 149336  
secretary-treasurer of those boards, as applicable, shall be 149337

completed by the State Vision Professionals Board or the Executive 149338  
Director of the State Vision Professionals Board in the same 149339  
manner, and with the same effect, as if completed by the State 149340  
Board of Optometry or the Ohio Optical Dispensers Board or by the 149341  
executive director or executive secretary-treasurer of those 149342  
boards, as applicable. 149343

(C) All rules, orders, and determinations of the State Board 149344  
of Optometry and the Ohio Optical Dispensers Board or by the 149345  
executive director or executive secretary-treasurer of those 149346  
boards, as applicable, shall continue in effect as rules, orders, 149347  
and determinations of the State Vision Professionals Board until 149348  
modified or rescinded by the State Vision Professionals Board. If 149349  
necessary to ensure the integrity of the numbering of the 149350  
Administrative Code, the Director of the Legislative Service 149351  
Commission shall renumber any rule to reflect its transfer to the 149352  
State Vision Professionals Board. 149353

Any licenses, certificates, permits, registrations, or 149354  
endorsements issued before January 21, 2018, by the State Board of 149355  
Optometry or the Ohio Optical Dispensers Board shall continue in 149356  
effect as if issued by the State Vision Professionals Board. 149357

(D) Effective January 21, 2018, whenever the term "State 149358  
Board of Optometry" or "Ohio Optical Dispensers Board" is used in 149359  
any statute, rule, contract, or other document, the use shall be 149360  
construed to mean the "State Vision Professionals Board." 149361

Whenever the term "Executive Director of the State Board of 149362  
Optometry" or "Executive Secretary-Treasurer of the Ohio Optical 149363  
Dispensers Board" is used in a statute, rule, contract, or other 149364  
document, the use shall be construed to mean the Executive 149365  
Director of the State Vision Professionals Board. 149366

(E)(1) Subject to the lay-off provisions of sections 124.321 149367  
to 124.328 of the Revised Code, all employees of the State Board 149368

of Optometry and the Ohio Optical Dispensers Board are transferred 149369  
to the State Vision Professionals Board. The employees shall 149370  
retain their positions and benefits. 149371

(2) During the period beginning January 21, 2018, and ending 149372  
June 30, 2019, the Executive Director of the State Vision 149373  
Professionals Board may establish, change, and abolish positions 149374  
on the Board and assign, reassign, classify, reclassify, transfer, 149375  
reduce, promote, or demote all employees of the Board who are not 149376  
subject to Chapter 4117. of the Revised Code. 149377

(3) The authority granted to the Executive Director of the 149378  
Board under division (E)(2) of this section includes assigning or 149379  
reassigning an exempt employee, as defined in section 124.152 of 149380  
the Revised Code, to a bargaining unit classification that the 149381  
Executive Director determines is the proper classification for 149382  
that employee. If an employee in the E-1 pay range is to be 149383  
assigned, reassigned, classified, reclassified, transferred, 149384  
reduced, or demoted to a position in a lower classification during 149385  
the period specified in this section, the Executive Director, or 149386  
in the case of a transfer to a position outside the Board, the 149387  
Director of Administrative Services, shall assign the employee to 149388  
the appropriate classification and place the employee in Step X. 149389  
The employee shall not receive any increase in compensation until 149390  
the maximum rate of pay for that classification exceeds the 149391  
employee's compensation. 149392

(4) Actions taken by the Executive Director pursuant to 149393  
division (E) of this section are not subject to appeal to the 149394  
State Personnel Board of Review. 149395

(F) Notwithstanding section 145.297 of the Revised Code, the 149396  
State Board of Optometry and the Ohio Optical Dispensers Board 149397  
may, at that board's discretion and with approval from the Office 149398  
of Budget and Management, establish a retirement incentive plan 149399  
for eligible employees of those boards who are members of the 149400

Public Employees Retirement System. Any retirement incentive plan 149401  
established pursuant to this section shall remain in effect until 149402  
January 20, 2018. 149403

(G) No validation, cure, right, privilege, remedy, 149404  
obligation, or liability is lost or impaired by reason of the 149405  
transfer required by this section and shall be administered by the 149406  
State Vision Professionals Board. No action or proceeding pending 149407  
on the effective date of this act is affected by the transfer, and 149408  
shall be prosecuted or defended in the name of the State Vision 149409  
Professionals Board or the Board's Executive Director, as 149410  
appropriate. In all such actions and proceedings, the State Vision 149411  
Professionals Board or the Board's Executive Director shall be 149412  
substituted as a party. 149413

(H) Effective January 21, 2018, all records, documents, 149414  
files, equipment, assets, and other materials of the State Board 149415  
of Optometry and the Ohio Optical Dispensers Board are transferred 149416  
to the State Vision Professionals Board. 149417

**Section 515.31.** (A) Effective January 21, 2018, the Ohio 149418  
Board of Dietetics is abolished. 149419

(B) Any business commenced but not completed by January 21, 149420  
2018, by the Ohio Board of Dietetics, or by the Executive 149421  
Secretary of the Board, shall be completed by the State Medical 149422  
Board or the Executive Director of the State Medical Board in the 149423  
same manner, and with the same effect, as if completed by the Ohio 149424  
Board of Dietetics, or by the Executive Secretary of the Board. 149425

(C) All rules, orders, and determinations of the Ohio Board 149426  
of Dietetics, or by the Executive Secretary of the Board shall 149427  
continue in effect as rules, orders, and determinations of the 149428  
State Medical Board until modified or rescinded by the State 149429  
Medical Board. If necessary to ensure the integrity of the 149430  
numbering of the Administrative Code, the Director of the 149431

Legislative Service Commission shall renumber any rule to reflect 149432  
its transfer to the State Medical Board. 149433

Any licenses, certificates, permits, registrations, or 149434  
endorsements issued before January 21, 2018, by the Ohio Board of 149435  
Dietetics shall continue in effect as if issued by the State 149436  
Medical Board. 149437

(D) Effective January 21, 2018, whenever the term "Ohio Board 149438  
of Dietetics" is used in any statute, rule, contract, or other 149439  
document, the use shall be construed to mean the "State Medical 149440  
Board." 149441

Whenever the Executive Secretary of the Ohio Board of 149442  
Dietetics is used in any statute, rule, contract, or other 149443  
document, the use shall be construed to mean the Executive 149444  
Director of the State Medical Board. 149445

(E)(1) Subject to the lay-off provisions of sections 124.321 149446  
to 124.328 of the Revised Code, all employees of the Ohio Board of 149447  
Dietetics are transferred to the State Medical Board. The 149448  
employees shall retain their positions and benefits. 149449

(2) During the period beginning January 21, 2018, and ending 149450  
June 30, 2019, the Executive Director of the State Medical Board 149451  
may establish, change, and abolish positions on the Board and 149452  
assign, reassign, classify, reclassify, transfer, reduce, promote, 149453  
or demote all employees transferred to the Board under this 149454  
section who are not subject to Chapter 4117. of the Revised Code. 149455

(3) The authority granted to the Executive Director of the 149456  
Board under division (E)(2) of this section includes assigning or 149457  
reassigning an exempt employee, as defined in section 124.152 of 149458  
the Revised Code, to a bargaining unit classification that the 149459  
Executive Director determines is the proper classification for 149460  
that employee. If an employee in the E-1 pay range is to be 149461  
assigned, reassigned, classified, reclassified, transferred, 149462

reduced, or demoted to a position in a lower classification during 149463  
the period specified in this section, the Executive Director, or 149464  
in the case of a transfer to a position outside the Board, the 149465  
Director of Administrative Services, shall assign the employee to 149466  
the appropriate classification and place the employee in Step X. 149467  
The employee shall not receive any increase in compensation until 149468  
the maximum rate of pay for that classification exceeds the 149469  
employee's compensation. 149470

(4) Actions taken by the Executive Director pursuant to 149471  
division (E) of this section are not subject to appeal to the 149472  
State Personnel Board of Review. 149473

(F) Notwithstanding section 145.297 of the Revised Code, the 149474  
Ohio Board of Dietetics may, at that Board's discretion and with 149475  
approval from the Office of Budget and Management, establish a 149476  
retirement incentive plan for eligible employees of the Board who 149477  
are members of the Public Employees Retirement System. Any 149478  
retirement incentive plan established pursuant to this section 149479  
shall remain in effect until January 20, 2018. 149480

(G) No validation, cure, right, privilege, remedy, 149481  
obligation, or liability is lost or impaired by reason of the 149482  
transfer required by this section and shall be administered by the 149483  
State Medical Board. No action or proceeding pending on the 149484  
effective date of this act is affected by the transfer, and shall 149485  
be prosecuted or defended in the name of the State Medical Board 149486  
or the Board's Executive Director, as appropriate. In all such 149487  
actions and proceedings, the State Medical Board or the Board's 149488  
Executive Director shall be substituted as a party. 149489

(H) Effective January 21, 2018, all records, documents, 149490  
files, equipment, assets, and other materials of the Ohio Board of 149491  
Dietetics are transferred to the State Medical Board. 149492

**Section 515.32.** (A) Effective January 21, 2018, the State 149493

Board of Orthotics, Prosthetics, and Pedorthics is abolished. 149494

(B) Any business commenced but not completed by January 21, 149495  
2018, by the State Board of Orthotics, Prosthetics, and 149496  
Pedorthics, or by the executive director of that board shall be 149497  
completed by the Ohio Occupational Therapy, Physical Therapy, and 149498  
Athletic Trainers Board or the Executive Director of the Ohio 149499  
Occupational Therapy, Physical Therapy, and Athletic Trainers 149500  
Board in the same manner, and with the same effect, as if 149501  
completed by the State Board of Orthotics, Prosthetics, and 149502  
Pedorthics, or by the executive director of that board. 149503

(C) All rules, orders, and determinations of the State Board 149504  
of Orthotics, Prosthetics, and Pedorthics, or by the executive 149505  
director of that board continues in effect as rules, orders, and 149506  
determinations of the Ohio Occupational Therapy, Physical Therapy, 149507  
and Athletic Trainers Board until modified or rescinded by the 149508  
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers 149509  
Board. If necessary to ensure the integrity of the numbering of 149510  
the Administrative Code, the Director of the Legislative Service 149511  
Commission shall renumber any rule to reflect its transfer to the 149512  
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers 149513  
Board. 149514

Any licenses, certificates, permits, registrations, or 149515  
endorsements issued before January 21, 2018, by the State Board of 149516  
Orthotics, Prosthetics, and Pedorthics shall continue in effect as 149517  
if issued by the Ohio Occupational Therapy, Physical Therapy, and 149518  
Athletic Trainers Board. 149519

(D) Effective January 21, 2018, whenever the term "State 149520  
Board of Orthotics, Prosthetics, and Pedorthics" is used in any 149521  
statute, rule, contract, or other document, the use shall be 149522  
construed to mean the "Ohio Occupational Therapy, Physical 149523  
Therapy, and Athletic Trainers Board." 149524

Whenever the Executive Director of the "State Board of Orthotics, Prosthetics, and Pedorthics" is used in any statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board.

(E)(1) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all employees of the State Board of Orthotics, Prosthetics, and Pedorthics are transferred to the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board. The employees shall retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending June 30, 2019, the Executive Director of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board may establish, change, and abolish positions on the Board and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Board who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to 149557  
division (E) of this section are not subject to appeal to the 149558  
State Personnel Board of Review. 149559

(F) Notwithstanding section 145.297 of the Revised Code, the 149560  
State Board of Orthotics, Prosthetics, and Pedorthics may, at that 149561  
board's discretion and with approval from the Office of Budget and 149562  
Management, establish a retirement incentive plan for eligible 149563  
employees of the board who are members of the Public Employees 149564  
Retirement System. Any retirement incentive plan established 149565  
pursuant to this section shall remain in effect until January 20, 149566  
2018. 149567

(G) No validation, cure, right, privilege, remedy, 149568  
obligation, or liability is lost or impaired by reason of the 149569  
transfer required by this section and shall be administered by the 149570  
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers 149571  
Board. No action or proceeding pending on the effective date of 149572  
this act is affected by the transfer, and shall be prosecuted or 149573  
defended in the name of the Ohio Occupational Therapy, Physical 149574  
Therapy, and Athletic Trainers Board or the Board's Executive 149575  
Director, as appropriate. In all such actions and proceedings, the 149576  
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers 149577  
Board or the Board's Executive Director shall be substituted as a 149578  
party. 149579

(H) Effective January 21, 2018, all records, documents, 149580  
files, equipment, assets, and other materials of the State Board 149581  
of Orthotics, Prosthetics, and Pedorthics are transferred to the 149582  
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers 149583  
Board. 149584

**Section 515.33.** (A) Effective January 21, 2018, the Hearing 149585  
Aid Dealers and Fitters Licensing Board and the Board of 149586  
Speech-Language Pathology and Audiology are abolished. 149587

(B) Any business commenced but not completed by January 21, 149588  
2018, by the Hearing Aid Dealers and Fitters Licensing Board and 149589  
the Board of Speech-Language Pathology and Audiology or by the 149590  
executive director or secretary of those boards, as applicable, 149591  
shall be completed by the State Speech and Hearing Professionals 149592  
Board or the Executive Director of the State Speech and Hearing 149593  
Professionals Board in the same manner, and with the same effect, 149594  
as if completed by the Hearing Aid Dealers and Fitters Licensing 149595  
Board or the Board of Speech-Language Pathology and Audiology or 149596  
by the executive director or secretary of those boards, as 149597  
applicable. 149598

(C) All rules, orders, and determinations of the Hearing Aid 149599  
Dealers and Fitters Licensing Board and the Board of 149600  
Speech-Language Pathology and Audiology or by the executive 149601  
director or secretary of those boards, as applicable, shall 149602  
continue in effect as rules, orders, and determinations of the 149603  
State Speech and Hearing Professionals Board until modified or 149604  
rescinded by the State Speech and Hearing Professionals Board. If 149605  
necessary to ensure the integrity of the numbering of the 149606  
Administrative Code, the Director of the Legislative Service 149607  
Commission shall renumber any rule to reflect its transfer to the 149608  
State Speech and Hearing Professionals Board. 149609

Any licenses, certificates, permits, registrations, or 149610  
endorsements issued before January 21, 2018, by the Hearing Aid 149611  
Dealers and Fitters Licensing Board, or the Board of 149612  
Speech-Language Pathology and Audiology shall continue in effect 149613  
as if issued by the State Speech and Hearing Professionals Board. 149614

(D) Effective January 21, 2018, whenever the term "Hearing 149615  
Aid Dealers and Fitters Licensing Board" or "Board of 149616  
Speech-Language Pathology and Audiology" is used in any statute, 149617  
rule, contract, or other document, the use shall be construed to 149618  
mean the "State Speech and Hearing Professionals Board." 149619

Whenever the term "Secretary of the Hearing Aid Dealers and  
Fitters Licensing Board" or "Executive Director of the Board of  
Speech-Language Pathology and Audiology" is used in a statute,  
rule, contract, or other document, the use shall be construed to  
mean the Executive Director of the State Speech and Hearing  
Professionals Board.

(E)(1) Subject to the lay-off provisions of sections 124.321  
to 124.328 of the Revised Code, all employees of the Hearing Aid  
Dealers and Fitters Licensing Board and the Board of  
Speech-Language Pathology and Audiology are transferred to the  
State Speech and Hearing Professionals Board. The employees shall  
retain their positions and benefits.

(2) During the period beginning January 21, 2018, and ending  
June 30, 2019, the Executive Director of the State Speech and  
Hearing Professionals Board may establish, change, and abolish  
positions on the Board and assign, reassign, classify, reclassify,  
transfer, reduce, promote, or demote all employees of the Board  
who are not subject to Chapter 4117. of the Revised Code.

(3) The authority granted to the Executive Director of the  
Board under division (E)(2) of this section includes assigning or  
reassigning an exempt employee, as defined in section 124.152 of  
the Revised Code, to a bargaining unit classification that the  
Executive Director determines is the proper classification for  
that employee. If an employee in the E-1 pay range is to be  
assigned, reassigned, classified, reclassified, transferred,  
reduced, or demoted to a position in a lower classification during  
the period specified in this section, the Executive Director, or  
in the case of a transfer to a position outside the Board, the  
Director of Administrative Services, shall assign the employee to  
the appropriate classification and place the employee in Step X.  
The employee shall not receive any increase in compensation until  
the maximum rate of pay for that classification exceeds the

employee's compensation. 149652

(4) Actions taken by the Executive Director pursuant to 149653  
division (E) of this section are not subject to appeal to the 149654  
State Personnel Board of Review. 149655

(F) Notwithstanding section 145.297 of the Revised Code, the 149656  
Hearing Aid Dealers and Fitters Licensing Board and the Board of 149657  
Speech-Language Pathology and Audiology may, at that board's 149658  
discretion and with approval from the Office of Budget and 149659  
Management, establish a retirement incentive plan for eligible 149660  
employees of those boards who are members of the Public Employees 149661  
Retirement System. Any retirement incentive plan established 149662  
pursuant to this section shall remain in effect until January 20, 149663  
2018. 149664

(G) No validation, cure, right, privilege, remedy, 149665  
obligation, or liability is lost or impaired by reason of the 149666  
transfer required by this section and shall be administered by the 149667  
State Speech and Hearing Professionals Board. No action or 149668  
proceeding pending on the effective date of this act is affected 149669  
by the transfer, and shall be prosecuted or defended in the name 149670  
of the State Speech and Hearing Professionals Board or the Board's 149671  
Executive Director, as appropriate. In all such actions and 149672  
proceedings, the State Speech and Hearing Professionals Board or 149673  
the Board's Executive Director shall be substituted as a party. 149674

(H) Effective January 21, 2018, all records, documents, 149675  
files, equipment, assets, and other materials of the Hearing Aid 149676  
Dealers and Fitters Licensing Board and the Board of 149677  
Speech-Language Pathology and Audiology are transferred to the 149678  
State Speech and Hearing Professionals Board. 149679

**Section 515.34.** (A) Effective January 21, 2018, the Ohio 149680  
Respiratory Care Board is abolished. 149681

(B) Any business commenced but not completed by January 21, 149682  
2018, by the Ohio Respiratory Care Board, or by the Executive 149683  
Director of the Board, shall be completed by the State Board of 149684  
Pharmacy, with respect to implementing Chapter 4752. of the 149685  
Revised Code, and the State Medical Board, with respect to 149686  
implementing Chapter 4761. of the Revised Code, or by the 149687  
executive directors of those boards in the same manner, and with 149688  
the same effect, as if completed by the Ohio Respiratory Care 149689  
Board, or by the Executive Director of the Board. 149690

(C) All rules, orders, and determinations of the Ohio 149691  
Respiratory Care Board, or by the Executive Director of the Board 149692  
shall continue in effect as rules, orders, and determinations of 149693  
the State Board of Pharmacy, with respect to implementing Chapter 149694  
4752. of the Revised Code, and the State Medical Board, with 149695  
respect to implementing Chapter 4761. of the Revised Code, until 149696  
modified or rescinded by the State Board of Pharmacy or the State 149697  
Medical Board. If necessary to ensure the integrity of the 149698  
numbering of the Administrative Code, the Director of the 149699  
Legislative Service Commission shall renumber any rule to reflect 149700  
its transfer to the State Board of Pharmacy or the State Medical 149701  
Board. 149702

Any licenses, certificates, permits, registrations, or 149703  
endorsements issued before January 21, 2018, by the Ohio 149704  
Respiratory Care Board shall continue in effect as if issued by 149705  
the State Board of Pharmacy, with respect to implementing Chapter 149706  
4752. of the Revised Code, and the State Medical Board, with 149707  
respect to implementing Chapter 4761. of the Revised Code. 149708

(D) Effective January 21, 2018, whenever the term "Ohio 149709  
Respiratory Care Board" is used in any statute, rule, contract, or 149710  
other document, the use shall be construed to mean the "State 149711  
Board of Pharmacy," with respect to implementing Chapter 4752. of 149712  
the Revised Code, or the "State Medical Board," with respect to 149713

implementing Chapter 4761. of the Revised Code. 149714

Whenever the Executive Director of the Ohio Respiratory Care Board is used in any statute, rule, contract, or other document, the use shall be construed to mean the Executive Director of the State Board of Pharmacy, with respect to implementing Chapter 4752. of the Revised Code, or the Executive Director of the State Medical Board, with respect to implementing Chapter 4761. of the Revised Code. 149715  
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(E)(1) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all employees of the Ohio Respiratory Care Board are transferred to the State Board of Pharmacy, with respect to implementing Chapter 4752. of the Revised Code, or the State Medical Board, with respect to implementing Chapter 4761. of the Revised Code. The employees shall retain their positions and benefits. 149722  
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(2) During the period beginning January 21, 2018, and ending June 30, 2019, the executive directors of the State Board of Pharmacy and the State Medical Board may establish, change, and abolish positions on those boards and assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees transferred to those boards under this section who are not subject to Chapter 4117. of the Revised Code. 149729  
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(3) The authority granted to the executive directors of the State Board of Pharmacy and the State Medical Board under division (E)(2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the executive directors determine is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the executive directors, or in the case of a 149736  
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transfer to a position outside those boards, the Director of 149746  
Administrative Services, shall assign the employee to the 149747  
appropriate classification and place the employee in Step X. The 149748  
employee shall not receive any increase in compensation until the 149749  
maximum rate of pay for that classification exceeds the employee's 149750  
compensation. 149751

(4) Actions taken by the executive directors pursuant to 149752  
division (E) of this section are not subject to appeal to the 149753  
State Personnel Board of Review. 149754

(F) Notwithstanding section 145.297 of the Revised Code, the 149755  
Ohio Respiratory Care Board may, at the Board's discretion and 149756  
with approval from the Office of Budget and Management, establish 149757  
a retirement incentive plan for eligible employees of the Board 149758  
who are members of the Public Employees Retirement System. Any 149759  
retirement incentive plan established pursuant to this section 149760  
shall remain in effect until January 20, 2018. 149761

(G) No validation, cure, right, privilege, remedy, 149762  
obligation, or liability is lost or impaired by reason of the 149763  
transfer required by this section and shall be administered by the 149764  
State Board of Pharmacy, with respect to implementing Chapter 149765  
4752. of the Revised Code, and the State Medical Board, with 149766  
respect to implementing Chapter 4761. of the Revised Code. No 149767  
action or proceeding pending on the effective date of this act is 149768  
affected by the transfer, and shall be prosecuted or defended in 149769  
the name of the State Board of Pharmacy or the State Medical 149770  
Board, as applicable, or that board's executive director, as 149771  
appropriate. In all such actions and proceedings, the State Board 149772  
of Pharmacy or the State Medical Board, as applicable, or that 149773  
board's executive director shall be substituted as a party. 149774

(H) Effective January 21, 2018, all records, documents, 149775  
files, equipment, assets, and other materials of the Ohio 149776  
Respiratory Care Board are transferred to the State Board of 149777

Pharmacy, with respect to implementing Chapter 4752. of the 149778  
Revised Code and the State Medical Board, with respect to 149779  
implementing Chapter 4761. of the Revised Code. 149780

**Section 515.35.** Notwithstanding any provision of the law to 149781  
the contrary, on or after the effective date of this section, the 149782  
Director of Budget and Management shall make any accounting 149783  
changes made necessary by the transfers and consolidations 149784  
contained in Sections 515.30 to 515.34 of this act. 149785

On or after January 21, 2018, the Director of Budget and 149786  
Management may cancel any existing encumbrances of any agency 149787  
abolished in Sections 515.30 to 515.34 of this act and reestablish 149788  
those encumbrances to the State Vision Professionals Board, the 149789  
State Speech and Hearing Professionals Board, the Ohio 149790  
Occupational Therapy, Physical Therapy, and Athletic Trainers 149791  
Board, the State Pharmacy Board, or the State Medical Board as 149792  
necessary. The reestablished encumbrance amounts are hereby 149793  
appropriated. 149794

**Section 515.40.** (A) On January 21, 2018, the Barber Board is 149795  
abolished. The State Cosmetology and Barber Board is successor to, 149796  
assumes the obligations, and authority of the Barber Board. Any 149797  
business commenced but not completed by the Barber Board shall be 149798  
completed by the State Cosmetology and Barber Board. Any 149799  
validation, right, cure, privilege, remedy, obligation, or 149800  
liability is not lost or impaired solely by this abolishment and 149801  
shall be administered by the State Cosmetology and Barber Board. 149802  
Any action or proceeding pending on January 21, 2018, that is not 149803  
affected by the abolishment of the Barber Board and shall be 149804  
prosecuted or defended in the name of the State Cosmetology and 149805  
Barber Board. In all such actions and proceedings, the State 149806  
Cosmetology and Barber Board may be substituted as a party upon 149807  
application to the court or other tribunal. 149808

(B)(1) Subject to the layoff provisions of sections 124.321 149809  
to 124.328 of the Revised Code, on January 21, 2018, all employees 149810  
of the Barber Board are transferred to the State Cosmetology and 149811  
Barber Board. The employees shall retain their positions and 149812  
benefits. 149813

(2) During the period beginning January 21, 2018, and ending 149814  
June 30, 2019, the Executive Director of the State Cosmetology and 149815  
Barber Board may establish, change, and abolish positions of the 149816  
State Cosmetology and Barber Board and assign, reassign, classify, 149817  
reclassify, transfer, reduce, promote, or demote all employees of 149818  
the Board who are not subject to Chapter 4117. of the Revised 149819  
Code. 149820

(3) The authority granted under division (B)(2) of this 149821  
section includes assigning or reassigning an exempt employee, as 149822  
defined in section 124.152 of the Revised Code, to a bargaining 149823  
unit classification if the Executive Director determines that the 149824  
bargaining unit classification is the proper classification for 149825  
that employee. If an employee in the E-1 pay range is to be 149826  
assigned, reassigned, classified, reclassified, transferred, 149827  
reduced, or demoted to a position in a lower classification during 149828  
the period specified in division (B)(2) of this section, the 149829  
Executive Director, or in the case of a transfer outside the Board 149830  
the Director of Administrative Services, shall assign the employee 149831  
to the appropriate classification and place the employee in Step 149832  
X. The employee shall not receive any increase in compensation 149833  
until the maximum rate of pay for that classification exceeds the 149834  
employee's compensation. 149835

(4) Actions taken by the Executive Director pursuant to 149836  
division (B) of this section are not subject to appeal to the 149837  
State Personnel Board of Review. 149838

(C) Notwithstanding section 145.297 of the Revised Code, the 149839  
Barber Board may at the Board's discretion and with approval from 149840

the Office of Budget and Management, establish a retirement 149841  
incentive plan for eligible employees of the Barber Board who are 149842  
members of the Public Employees Retirement System. Any retirement 149843  
incentive plan established pursuant to this section shall remain 149844  
in effect until January 20, 2018. 149845

(D) On January 21, 2018, all equipment, assets, supplies, 149846  
records, and other property of the Barber Board is transferred to 149847  
the State Cosmetology and Barber Board. 149848

(E) All rules, orders, and determinations made or undertaken 149849  
by the Barber Board shall continue in effect as the rules, orders, 149850  
and determinations of the State Cosmetology and Barber Board until 149851  
modified, rescinded, or replaced. If necessary to ensure the 149852  
integrity of the Administrative Code, the Director of the 149853  
Legislative Service Commission shall renumber the rules relating 149854  
to the Barber Board to reflect its abolishment pursuant to this 149855  
provision and transfer of duties to the State Cosmetology and 149856  
Barber Board pursuant to the provisions contained within this act. 149857  
Within one hundred eighty days after the effective date of this 149858  
section, the State Cosmetology and Barber Board shall submit 149859  
proposed rules to the Joint Committee on Agency Rule Review 149860  
addressing fees and fines previously assessed by the Barber Board 149861  
pursuant to Chapter 4709. of the Revised Code, and where 149862  
reasonably possible, shall reduce the amount and frequency of 149863  
collection and assessment. 149864

(F) Any licenses, certificates, permits, registrations, or 149865  
endorsements issued before January 21, 2018, by the Barber Board 149866  
shall continue in effect as if issued by the State Cosmetology and 149867  
Barber Board. 149868

(G) On or after January 21, 2018, notwithstanding any 149869  
provision of law to the contrary, the Director of Budget and 149870  
Management may make budget changes made necessary by this section, 149871  
including cancelling encumbrances of the Barber Board and 149872

reestablishing them as encumbrances of the State Cosmetology and Barber Board. Any reestablished encumbrances are hereby appropriated.

**Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS** 149876

Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

**Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE** 149883

Certain appropriations are in this act for the purpose of making lease rental payments pursuant to leases and agreements relating to bonds or notes issued by the Treasurer of State, or previously by the Ohio Building Authority, pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

**Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS** 149891  
149892

The Office of Budget and Management shall process payments from general obligation and lease rental payment appropriation items during the period from July 1, 2017, through June 30, 2019, relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, and Chapters 151., 152., and 154. of the Revised Code. Payments shall be made upon certification by the Treasurer of State of the dates and the amounts due on those dates.

**Section 521.10.** STATE AND LOCAL REBATE AUTHORIZATION 149901

If it is determined that a payment is necessary in the amount 149902  
computed at the time to represent the portion of investment income 149903  
to be rebated or amounts in lieu of or in addition to any rebate 149904  
amount to be paid to the federal government in order to maintain 149905  
the exclusion from gross income for federal income tax purposes of 149906  
interest on those state obligations under section 148(f) of the 149907  
Internal Revenue Code, such an amount is hereby appropriated from 149908  
those funds designated by or pursuant to the applicable 149909  
proceedings authorizing the issuance of state obligations. 149910

Payments for this purpose shall be approved and vouchered by 149911  
the Office of Budget and Management. 149912

**Section 521.20.** STATEWIDE INDIRECT COST RECOVERY 149913

Whenever the Director of Budget and Management determines 149914  
that an appropriation made to a state agency from a fund of the 149915  
state is insufficient to provide for the recovery of statewide 149916  
indirect costs under section 126.12 of the Revised Code, the 149917  
amount required for such purpose is hereby appropriated from the 149918  
available receipts of such fund. 149919

**Section 521.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 149920  
COST ALLOCATION PLAN 149921

The total transfers made from the General Revenue Fund by the 149922  
Director of Budget and Management under this section shall not 149923  
exceed the amounts transferred into the General Revenue Fund under 149924  
section 126.12 of the Revised Code. 149925

The director of an agency may certify to the Director of 149926  
Budget and Management the amount of expenses not allowed to be 149927  
included in the Statewide Indirect Cost Allocation Plan under 149928  
federal regulations, from any fund included in the Statewide 149929

Indirect Cost Allocation Plan, prepared as required by section 149930  
126.12 of the Revised Code. 149931

Upon determining that no alternative source of funding is 149932  
available to pay for such expenses, the Director of Budget and 149933  
Management may transfer cash from the General Revenue Fund into 149934  
the fund for which the certification is made, up to the amount of 149935  
the certification. The director of the agency receiving such funds 149936  
shall include, as part of the next budget submission prepared 149937  
under section 126.02 of the Revised Code, a request for funding 149938  
for such activities from an alternative source such that further 149939  
federal disallowances would not be required. 149940

The director of an agency may certify to the Director of 149941  
Budget and Management the amount of expenses paid in error from a 149942  
fund included in the Statewide Indirect Cost Allocation Plan. The 149943  
Director of Budget and Management may transfer cash from the fund 149944  
from which the expenditure should have been made into the fund 149945  
from which the expenses were erroneously paid, up to the amount of 149946  
the certification. 149947

The director of an agency may certify to the Director of 149948  
Budget and Management the amount of expenses or revenues not 149949  
allowed to be included in the Statewide Indirect Cost Allocation 149950  
Plan under federal regulations, for any fund included in the 149951  
Statewide Indirect Cost Allocation Plan, for which the federal 149952  
government requires payment. If the Director of Budget and 149953  
Management determines that an appropriation made to a state agency 149954  
from a fund of the state is insufficient to pay the amount 149955  
required by the federal government, the amount required for such 149956  
purpose is hereby appropriated from the available receipts of such 149957  
fund, up to the amount of the certification. 149958

**Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 149959

Notwithstanding any provision of law to the contrary, on or 149960

before the first day of September of each fiscal year, the 149961  
Director of Budget and Management, in order to reduce the payment 149962  
of adjustments to the federal government, as determined by the 149963  
plan prepared under division (A) of section 126.12 of the Revised 149964  
Code, may designate such funds as the Director considers necessary 149965  
to retain their own interest earnings. 149966

**Section 521.50.** FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 149967

Pursuant to the plan for compliance with the Federal Cash 149968  
Management Improvement Act required by section 131.36 of the 149969  
Revised Code, the Director of Budget and Management may cancel and 149970  
re-establish all or part of encumbrances in like amounts within 149971  
the funds identified by the plan. The amounts necessary to 149972  
re-establish all or part of encumbrances are hereby appropriated. 149973

**Section 610.10.** That Section 369.540 of Am. Sub. H.B. 64 of 149974  
the 131st General Assembly be amended and that Section 369.540 of 149975  
Am. Sub. H.B. 64 of the 131st General Assembly be amended to 149976  
codify it as section 3333.95 of the Revised Code to read as 149977  
follows: 149978

**Sec. ~~369.540~~ 3333.95.** ~~EFFICIENCY ADVISORY COMMITTEE~~ 149979

The ~~Chancellor~~ chancellor of ~~Higher Education~~ higher 149980  
education shall maintain an efficiency advisory committee for the 149981  
purpose of generating ~~optimal~~ institutional efficiency ~~plans~~ 149982  
reports for campuses, identifying shared services opportunities, 149983  
streamlining administrative operations, and sharing best practices 149984  
in efficiencies among public institutions of higher education. The 149985  
committee shall meet at the call of the ~~Chancellor~~ chancellor or 149986  
the ~~Chancellor's~~ chancellor's designee. Each state institution of 149987  
higher education shall designate an employee to serve as its 149988  
efficiency officer responsible for the evaluation and improvement 149989  
of operational efficiencies on campus. Each efficiency officer 149990

shall serve on the efficiency advisory committee. 149991

By ~~the thirty-first day of~~ December ~~31~~ of each year, the 149992  
Chancellor ~~chancellor~~ of ~~Higher Education~~ higher education shall 149993  
provide a report to the ~~Office~~ office of ~~Budget~~ budget and 149994  
~~Management~~ management, the ~~Governor~~ governor, and the ~~General~~ 149995  
~~Assembly~~ president of the senate, and the speaker of the house of 149996  
representatives compiling efficiency reports from all public 149997  
institutions of higher education and ~~benchmarking efficiency gains~~ 149998  
~~realized over the preceding year. The reports from each~~ 149999  
~~institution shall identify efficiencies at each public institution~~ 150000  
~~of higher education, and quantify revenue enhancements,~~ 150001  
~~reallocation of resources, expense reductions, and cost avoidance~~ 150002  
~~where possible in the areas of general operational functions,~~ 150003  
~~academic program delivery, energy usage, and information~~ 150004  
~~technology and procurement reforms. The reports shall particularly~~ 150005  
~~emphasize areas where these reforms are demonstrating savings or~~ 150006  
~~cost avoidance to students. The report shall also be made~~ 150007  
available to the public on the ~~Department~~ department of ~~Higher~~ 150008  
Education's higher education's web site. 150009

**Section 610.11.** That existing Section 369.540 of Am. Sub. 150010  
H.B. 64 of the 131st General Assembly is hereby repealed. 150011

**Section 610.20.** That Section 529.10 of S.B. 310 of the 131st 150012  
General Assembly be amended and that Section 529.10 of S.B. 310 of 150013  
the 131st General Assembly be amended to codify it as section 150014  
123.211 of the Revised Code to read as follows: 150015

**Sec. ~~529.10~~ 123.211.** ~~AGENCY ADMINISTRATION OF CAPITAL~~ 150016  
~~FACILITIES PROJECTS~~ 150017

(A) Notwithstanding any contrary provision of section 123.21 150018  
of the Revised Code, the ~~Executive Director~~ executive director of 150019  
the Ohio ~~Facilities Construction Commission~~ facilities 150020

~~construction commission~~ may authorize any of the Departments of 150021  
~~Mental Health and Addiction Services, Developmental Disabilities,~~ 150022  
~~Agriculture, Job and Family Services, Rehabilitation and~~ 150023  
~~Correction, Youth Services, Public Safety, Transportation,~~ 150024  
~~Veterans Services, and the Bureau of Workers' Compensation~~ 150025  
following agencies to administer any capital facilities ~~projects~~ 150026  
project, the estimated cost of which, including design fees, 150027  
construction, equipment, and contingency amounts, is less than 150028  
~~\$1,500,000~~ one million five hundred thousand dollars: 150029

(1) The department of mental health and addiction services; 150030

(2) The department of developmental disabilities; 150031

(3) The department of agriculture; 150032

(4) The department of job and family services; 150033

(5) The department of rehabilitation and correction; 150034

(6) The department of youth services; 150035

(7) The department of public safety; 150036

(8) The department of transportation; 150037

(9) The department of veterans services; 150038

(10) The bureau of workers' compensation; 150039

(11) The department of administrative services; 150040

(12) The state school for the deaf; 150041

(13) The state school for the blind. Requests 150042

(B) A state agency that wishes to administer a project under 150043  
division (A) of this section shall submit a request for 150044  
authorization ~~to administer capital facilities projects shall be~~ 150045  
~~made~~ through the ~~OAKS-CI~~ Ohio administrative knowledge system 150046  
capital improvements application by the applicable state agency. 150047  
Upon the release of funds for the projects by the ~~Controlling~~ 150048  
~~Board~~ controlling board or the ~~Director~~ director of ~~Budget~~ budget 150049

and ~~Management~~ management, the agency may administer the capital 150050  
project or projects for which agency administration has been 150051  
authorized without the supervision, control, or approval of the 150052  
~~Executive Director~~ executive director of the Ohio ~~Facilities~~ 150053  
~~Construction Commission~~ facilities construction commission. 150054

(C) A state agency authorized by the ~~Executive Director~~ 150055  
executive director of the Ohio ~~Facilities Construction Commission~~ 150056  
facilities construction commission to administer capital 150057  
facilities projects pursuant to this section shall comply with the 150058  
applicable procedures and guidelines established in Chapter 153. 150059  
of the Revised Code and shall track all project information in 150060  
~~OAKS-CI~~ the Ohio administrative knowledge system capital 150061  
improvements application pursuant to Ohio ~~Facilities Construction~~ 150062  
~~Commission~~ facilities construction commission guidelines. 150063

**Section 610.21.** That existing Section 529.10 of S.B. 310 of 150064  
the 131st General Assembly is hereby repealed. 150065

**Section 610.23.** That Sections 213.10, 213.20, 217.10, 223.50, 150066  
and 229.40 of S.B. 310 of the 131st General Assembly be amended to 150067  
read as follows: 150068

**Sec. 213.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 150069  
Building Improvement Fund (Fund 5KZ0) 150070  
C10035 Building Improvement \$ 10,693,000 150071  
TOTAL Building Improvement Fund \$ 10,693,000 150072  
Administrative Building Fund (Fund 7026) 150073  
C10011 Statewide Communications System \$ 3,900,000 150074  
C10015 SOCC Facility Renovations \$ 15,884,371 150075  
C10020 North High Street Complex Renovation \$ 18,075,000 150076  
C10034 Aronoff Center - Systems/Capital \$ 750,000 150077  
Replacement

|                 |                                     |    |                       |        |
|-----------------|-------------------------------------|----|-----------------------|--------|
| C10036          | Rhodes Tower Renovations            | \$ | 19,250,000            | 150078 |
| C10037          | <u>Voting Machine Reimbursement</u> | \$ | <u>1,000,000</u>      | 150079 |
| TOTAL           | Administrative Building Fund        | \$ | <del>57,859,371</del> | 150080 |
|                 |                                     |    | <u>58,859,371</u>     |        |
| TOTAL ALL FUNDS |                                     | \$ | <del>68,552,371</del> | 150081 |
|                 |                                     |    | <u>69,552,371</u>     |        |

VOTING MACHINE REIMBURSEMENT 150082

The foregoing appropriation item C10037, Voting Machine 150083  
Reimbursement, shall be used to reimburse counties that have 150084  
entered into agreements for new voting machines and associated 150085  
services and equipment on or after January 1, 2014, for up to 50 150086  
per cent of their acquisition costs. Counties shall notify the 150087  
Office of Procurement Services of the agreement to be reimbursed, 150088  
and provide all necessary information to the Office before 150089  
reimbursement can be issued. All reimbursements made from this 150090  
appropriation are not to exceed \$250,000, and shall be paid to the 150091  
county's general fund. 150092

**Sec. 213.20.** The Treasurer of State is hereby authorized to 150093  
issue and sell, in accordance with Section 2i of Article VIII, 150094  
Ohio Constitution, and Chapter 154. and other applicable sections 150095  
of the Revised Code, original obligations in an aggregate 150096  
principal amount not to exceed ~~\$102,000,000~~ \$103,500,000 in 150097  
addition to the original issuance of obligations heretofore 150098  
authorized by prior acts of the General Assembly. These authorized 150099  
obligations shall be issued, subject to applicable constitutional 150100  
and statutory limitations, as needed to provide sufficient moneys 150101  
to the credit of the Administrative Building Fund (Fund 7026) to 150102  
pay costs associated with previously authorized capital facilities 150103  
and the appropriations in this act made from Fund 7026. 150104

**Sec. 217.10.** COM DEPARTMENT OF COMMERCE 150105

|                                                           |    |                                          |        |
|-----------------------------------------------------------|----|------------------------------------------|--------|
| State Fire Marshal Fund (Fund 5460)                       |    |                                          | 150106 |
| C80009 Forensic Laboratory Equipment                      | \$ | 110,000                                  | 150107 |
| C80023 SFM Renovations and Improvements                   | \$ | 1,900,000                                | 150108 |
| C80026 Forensic Evidence Storage/Maintenance<br>Structure | \$ | 2,187,500                                | 150109 |
| TOTAL State Fire Marshal Fund                             | \$ | 4,197,500                                | 150110 |
| Administrative Building Fund (Fund 7026)                  |    |                                          | 150111 |
| C80032 Wellston Burn Building                             | \$ | 300,000                                  | 150112 |
| <u>C80033 Wayne County Regional Training Facility</u>     | \$ | <u>500,000</u>                           | 150113 |
| TOTAL Administrative Building Fund                        | \$ | <del>300,000</del><br><u>800,000</u>     | 150114 |
| TOTAL ALL FUNDS                                           | \$ | <del>4,497,500</del><br><u>4,997,500</u> | 150115 |

**Sec. 223.50.** The Treasurer of State is hereby authorized to 150117  
issue and sell, in accordance with Section 2i of Article VIII, 150118  
Ohio Constitution, and Chapter 154. of the Revised Code, 150119  
particularly section 154.22 of the Revised Code, original 150120  
obligations in an aggregate principal amount not to exceed 150121  
~~\$217,000,000~~ \$218,000,000, in addition to the original issuance of 150122  
obligations heretofore authorized by prior acts of the General 150123  
Assembly. These authorized obligations shall be issued, subject to 150124  
applicable constitutional and statutory limitations, as needed to 150125  
provide sufficient moneys to the credit of the Parks and 150126  
Recreation Improvement Fund (Fund 7035) to pay the costs of 150127  
capital facilities for parks and recreation as defined in section 150128  
154.01 of the Revised Code. 150129

**Sec. 229.40.** The Treasurer of State is hereby authorized to 150130  
issue and sell, in accordance with Section 2i of Article VIII, 150131  
Ohio Constitution, and Chapter 154. and section 307.021 of the 150132  
Revised Code, original obligations in an aggregate principal 150133  
amount not to exceed ~~\$142,000,000~~ \$143,000,000 in addition to the 150134

original issuance of obligations heretofore authorized by prior 150135  
acts of the General Assembly. These authorized obligations shall 150136  
be issued, subject to applicable constitutional and statutory 150137  
limitations, as needed to provide sufficient moneys to the credit 150138  
of the Adult Correctional Building Fund (Fund 7027) to pay costs 150139  
associated with previously authorized capital facilities and the 150140  
appropriations in this act from Fund 7027 for the Department of 150141  
Rehabilitation and Correction. 150142

**Section 610.24.** That existing Sections 213.10, 213.20, 150143  
217.10, 223.50, and 229.40 of S.B. 310 of the 131st General 150144  
Assembly are hereby repealed. 150145

**Section 610.25.** That Section 253.330 of Am. Sub. S.B. 260 of 150146  
the 131st General Assembly be amended to read as follows: 150147

Reappropriations

|                      |                                                       |    |           |        |
|----------------------|-------------------------------------------------------|----|-----------|--------|
| <b>Sec. 253.330.</b> | UCN UNIVERSITY OF CINCINNATI                          |    |           | 150148 |
|                      | Higher Education Improvement Taxable Fund (Fund 7024) |    |           | 150149 |
| C26690               | Hamilton County Fairgrounds Improvements              | \$ | 27,567    | 150150 |
|                      | - Taxable                                             |    |           |        |
| TOTAL                | Higher Education Improvement Taxable Fund             | \$ | 27,567    | 150151 |
|                      | Higher Education Improvement Fund (Fund 7034)         |    |           | 150152 |
| C26502               | Raymond Walters Renovations                           | \$ | 1,112     | 150153 |
| C26503               | Institutional and Data Processing                     | \$ | 59,883    | 150154 |
|                      | Equipment                                             |    |           |        |
| C26553               | Developmental Neurobiology                            | \$ | 303,750   | 150155 |
| C26604               | Barrett Cancer Center                                 | \$ | 27,594    | 150156 |
| C26606               | Hebrew Union College                                  | \$ | 119,167   | 150157 |
| C26615               | Beech Acres                                           | \$ | 1,790     | 150158 |
| C26666               | Snyder Building Roof Replacement -                    | \$ | 472,048   | 150159 |
|                      | Clermont                                              |    |           |        |
| C26669               | General Electric Aviation Research                    | \$ | 1,023,199 | 150160 |

|                                         |                                         |               |                       |        |
|-----------------------------------------|-----------------------------------------|---------------|-----------------------|--------|
|                                         | Center                                  |               |                       |        |
| C26671                                  | Muntz Hall Renovations, 100 Level       | \$            | 42,791                | 150161 |
| C26673                                  | MRI Pilot Microfactory                  | \$            | 50,976                | 150162 |
| C26676                                  | Wherry and Health Professions Building  | \$            | 7,323,893             | 150163 |
|                                         | Rehabilitation                          |               |                       |        |
| C26677                                  | Roof Repair and Replacement - Blue Ash  | \$            | 742,072               | 150164 |
| C26678                                  | Muntz Hall - Blue Ash                   | \$            | 1,000,000             | 150165 |
| C26679                                  | HVAC Repair and Replacements - Clermont | \$            | 1,750,000             | 150166 |
| C26681                                  | Institutional Roof Replacement          | \$            | 1,170,157             | 150167 |
| <del>C26682</del>                       | <del>Boys and Girls Club</del>          | <del>\$</del> | <del>250,000</del>    | 150168 |
| C26684                                  | Whole Home Modifications                | \$            | 215,000               | 150169 |
| C26685                                  | Clermont County Airport Improvements    | \$            | 500,000               | 150170 |
| C26688                                  | Angle X-Ray Scattering System           | \$            | 60,000                | 150171 |
| TOTAL Higher Education Improvement Fund |                                         | \$            | <del>15,113,432</del> | 150172 |
|                                         |                                         |               | <u>14,863,432</u>     |        |
| TOTAL ALL FUNDS                         |                                         | \$            | <del>15,140,999</del> | 150173 |
|                                         |                                         |               | <u>14,890,999</u>     |        |

BASIC RENOVATIONS 150174

The amount reappropriated for the foregoing appropriation 150175  
item C26500, Basic Renovations, is the unencumbered and unallotted 150176  
balance as of June 30, 2016, in appropriation item C26500, Basic 150177  
Renovations, plus \$81,117, plus the unencumbered and unallotted 150178  
balance as of June 30, 2016, in appropriation items C26628, 150179  
Rieveschl 500 Teaching Lab, and C26675, Kettering Lab - Mechanical 150180  
and Electrical Renovation. Prior to the expenditure of this 150181  
appropriation, the University of Cincinnati shall certify to the 150182  
Director of Budget and Management canceled encumbrances in the 150183  
amount of at least \$81,117. 150184

WHERRY AND HEALTH PROFESSIONS BUILDING RENOVATION AND 150185  
EXPANSION 150186

The amount reappropriated for the foregoing appropriation 150187  
item C26676, Wherry and Health Professions Building 150188

|                                                                         |            |
|-------------------------------------------------------------------------|------------|
| Rehabilitation, is the unencumbered and unallotted balance as of        | 150189     |
| June 30, 2016, in appropriation item C26676, Wherry and Health          | 150190     |
| Professions Building Rehabilitation, plus the unencumbered and          | 150191     |
| unallotted balance as of June 30, 2016, in appropriation item           | 150192     |
| C26530, Medical Sciences Building Renovation and Expansion.             | 150193     |
| <br>MUNTZ HALL - BLUE ASH                                               | <br>150194 |
| <br>The amount reappropriated for the foregoing appropriation           | <br>150195 |
| item C26678, Muntz Hall - Blue Ash, is the unencumbered and             | 150196     |
| unallotted balance as of June 30, 2016, in appropriation item           | 150197     |
| C26678, Muntz Hall - Blue Ash, plus the unencumbered and                | 150198     |
| unallotted balance as of June 30, 2016, in appropriation items          | 150199     |
| C26680, Muntz Hall Rehabilitation - Phase 1, and C26689, UCBA           | 150200     |
| Walters Hall Roof.                                                      | 150201     |
| <br><b>Section 610.26.</b> That existing Section 253.330 of Am. Sub.    | <br>150202 |
| S.B. 260 of the 131st General Assembly is hereby repealed.              | 150203     |
| <br><b>Section 610.30.</b> That Sections 203.10 and 207.290 of S.B. 310 | <br>150204 |
| of the 131st General Assembly, as amended by Sub. H.B. 390 of the       | 150205     |
| 131st General Assembly, be amended to read as follows:                  | 150206     |
| <br><b>Sec. 203.10.</b> ADJ ADJUTANT GENERAL                            | <br>150207 |
| <br>Army National Guard Service Contract Fund (Fund 3420)               | <br>150208 |
| C74537 Renovation Projects - Federal Share \$ 7,100,000                 | 150209     |
| C74539 Renovations and Improvements - Federal \$ 15,000,000             | 150210     |
| TOTAL Army National Guard Service Contract Fund \$ 22,100,000           | 150211     |
| <br>Administrative Building Fund (Fund 7026)                            | <br>150212 |
| C74528 Camp Perry Improvements \$ 2,250,000                             | 150213     |
| C74535 Renovations and Improvements \$ 5,100,000                        | 150214     |
| C74540 Aerial Port of Embarkation/Debarkation \$ 250,000                | 150215     |
| TOTAL Administrative Building Fund \$ 7,600,000                         | 150216     |
| TOTAL ALL FUNDS \$ 29,700,000                                           | 150217     |

|                                                                           |                     |
|---------------------------------------------------------------------------|---------------------|
| RENOVATIONS AND IMPROVEMENTS - FEDERAL                                    | 150218              |
| The foregoing appropriation item C74539, Renovations and                  | 150219              |
| Improvements - Federal, shall be used to fund capital projects            | 150220              |
| that are coded as receiving one hundred per cent federal support          | 150221              |
| pursuant to the agreement support code identified in the                  | 150222              |
| Facilities Inventory and Support Plan between the Office of the           | 150223              |
| Adjutant General and the Army National Guard. Notwithstanding             | 150224              |
| section 131.35 of the Revised Code, if after the effective date of        | 150225              |
| this section, additional federal funds are made available to the          | 150226              |
| Adjutant General to carry out the Facilities Inventory Support            | 150227              |
| Plan, the Adjutant General may request that the Director of Budget        | 150228              |
| and Management authorize expenditures in excess of the amounts            | 150229              |
| appropriated to appropriation item C74539, Renovations and                | 150230              |
| Improvements - Federal. Upon approval of the Director of Budget           | 150231              |
| and Management the additional amounts are hereby appropriated.            | 150232              |
| <u>Notwithstanding section 126.14 of the Revised Code, if the</u>         | 150233              |
| <u>Adjutant General is approved by the federal government to complete</u> | 150234              |
| <u>additional, unanticipated one hundred per cent federally funded</u>    | 150235              |
| <u>projects after July 1, 2017, and before October 1, 2017, the</u>       | 150236              |
| <u>appropriations for these additional projects may be released upon</u>  | 150237              |
| <u>written approval of the Director of Budget and Management.</u>         | 150238              |
| AERIAL PORT OF EMBARKATION/DEBARKATION                                    | 150239              |
| The foregoing appropriation item C74540, Aerial Port of                   | 150240              |
| Embarkation/Debarkation, shall be used to acquire a cargo                 | 150241              |
| facility, tarmac, and the surrounding property from the Western           | 150242              |
| Reserve Port Authority.                                                   | 150243              |
| <b>Sec. 207.290. SOC SOUTHERN STATE COMMUNITY COLLEGE</b>                 | 150244              |
| Higher Education Improvement Fund (Fund 7034)                             | 150245              |
| C32206 Adams County Satellite Campus                                      | \$ 2,000,000 150246 |
|                                                                           | <u>3,000,000</u>    |

|                                                                               |                                                               |    |                                            |        |
|-------------------------------------------------------------------------------|---------------------------------------------------------------|----|--------------------------------------------|--------|
| C32208                                                                        | Southern Gateway Economic Innovation<br>Development Center    | \$ | 1,000,000                                  | 150247 |
| C32212                                                                        | Clarksville Fire Training Center                              | \$ | 850,000                                    | 150248 |
| C32213                                                                        | Wilmington College Center for the<br>Sciences and Agriculture | \$ | 1,500,000                                  | 150249 |
| C32214                                                                        | Hillsboro Hi-Tech Center                                      | \$ | 25,000                                     | 150250 |
| C32215                                                                        | Hobart/Southern State Project                                 | \$ | 35,000                                     | 150251 |
| C32216                                                                        | Wilmington Air Park Aviation<br>Infrastructure Improvements   | \$ | 3,000,000                                  | 150252 |
| TOTAL Higher Education Improvement Fund                                       |                                                               | \$ | <del>8,410,000</del><br><u>9,410,000</u>   | 150253 |
| TOTAL ALL FUNDS                                                               |                                                               | \$ | <del>8,410,000</del><br><u>9,410,000</u>   | 150254 |
| <del>WILMINGTON AIR PARK AVIATION INFRASTRUCTURE IMPROVEMENTS</del>           |                                                               |    |                                            | 150255 |
| <del>Of the foregoing appropriation item C32216, Wilmington Air</del>         |                                                               |    |                                            | 150256 |
| <del>Park Aviation Infrastructure Improvements, \$450,000 shall be used</del> |                                                               |    |                                            | 150257 |
| <del>to replace antenna equipment, \$1,274,800 shall be used for crack</del>  |                                                               |    |                                            | 150258 |
| <del>sealing, and \$1,275,200 shall be used for concrete repairs.</del>       |                                                               |    |                                            | 150259 |
| <br><b>Section 610.31.</b> That existing Sections 203.10 and 207.290 of       |                                                               |    |                                            | 150260 |
| S.B. 310 of the 131st General Assembly, as amended by Sub. H.B.               |                                                               |    |                                            | 150261 |
| 390 of the 131st General Assembly, are hereby repealed.                       |                                                               |    |                                            | 150262 |
| <br><b>Section 610.32.</b> That Section 221.10 of S.B. 310 of the 131st       |                                                               |    |                                            | 150263 |
| General Assembly, as most recently amended by Am. Sub. H.B. 384 of            |                                                               |    |                                            | 150264 |
| the 131st General Assembly, be amended to read as follows:                    |                                                               |    |                                            | 150265 |
| <br><b>Sec. 221.10.</b> MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION         |                                                               |    |                                            | 150266 |
| SERVICES                                                                      |                                                               |    |                                            | 150267 |
| Mental Health Facilities Improvement Fund (Fund 7033)                         |                                                               |    |                                            | 150268 |
| C58001                                                                        | Community Assistance Projects                                 | \$ | <del>12,000,000</del><br><u>32,600,000</u> | 150269 |

|        |                                                                      |    |            |        |
|--------|----------------------------------------------------------------------|----|------------|--------|
| C58007 | Infrastructure Renovations                                           | \$ | 21,310,000 | 150270 |
| C58021 | Providence House                                                     | \$ | 100,000    | 150271 |
| C58024 | Bellefaire Jewish Children's Home                                    | \$ | 550,000    | 150272 |
| C58026 | Cocoon Emergency Shelter                                             | \$ | 800,000    | 150273 |
| C58028 | Child Focus, Inc.                                                    | \$ | 415,000    | 150274 |
| C58029 | CHOICES for Victims of Domestic Violence<br>Campaign                 | \$ | 500,000    | 150275 |
| C58030 | Family Services of Northwest Ohio Adult<br>Crisis Stabilization Unit | \$ | 100,000    | 150276 |
| C58031 | Glenbeigh Hospital Multipurpose Building                             | \$ | 400,000    | 150277 |
| C58032 | OhioGuidestone Residential Treatment<br>Building Renovation          | \$ | 350,000    | 150278 |
| C58033 | Salvation Army of Greater Cleveland<br>Harbor Light Complex          | \$ | 350,000    | 150279 |
| C58034 | Greenville East Main Street Recovery<br>Center                       | \$ | 25,000     | 150280 |
| C58035 | Columbus Briggsdale Apartments - Phase II                            | \$ | 250,000    | 150281 |
| C58036 | The Buckeye Ranch, Inc.                                              | \$ | 100,000    | 150282 |
| C58037 | Expansion of Lettuce Work                                            | \$ | 250,000    | 150283 |
| C58038 | Ravenwood Mental Health Facility<br>Expansion                        | \$ | 500,000    | 150284 |
| C58039 | Cincinnati Center for Addiction Treatment<br>Expansion               | \$ | 2,000,000  | 150285 |
| C58040 | Painesville Mental Health Services Agency                            | \$ | 200,000    | 150286 |
| C58041 | Tri-County Board of Recovery and Mental<br>Health Services           | \$ | 500,000    | 150287 |
| C58042 | McKinley Hall Renovation                                             | \$ | 75,000     | 150288 |
| C58043 | Glenway Outpatient Opiate Facility                                   | \$ | 200,000    | 150289 |
| C58044 | Alvis Women Community Reentry Project                                | \$ | 50,000     | 150290 |
| C58045 | Daybreak Youth Shelter and Employment<br>Center                      | \$ | 250,000    | 150291 |
| C58046 | Summer Entrepreneurial Experience and<br>Knowledge                   | \$ | 100,000    | 150292 |

|                                                 |    |                       |        |
|-------------------------------------------------|----|-----------------------|--------|
| TOTAL Mental Health Facilities Improvement Fund | \$ | <del>41,375,000</del> | 150293 |
|                                                 |    | <u>61,975,000</u>     |        |
| TOTAL ALL FUNDS                                 | \$ | <del>41,375,000</del> | 150294 |
|                                                 |    | <u>61,975,000</u>     |        |

COMMUNITY ASSISTANCE PROJECTS 150295

The foregoing appropriation for the Department of Mental Health and Addiction Services, C58001, Community Assistance Projects, may be used for facilities constructed or to be constructed pursuant to Chapter 340., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules issued pursuant to those chapters and that section and shall be distributed by the Department of Mental Health and Addiction Services subject to Controlling Board approval.

Of the foregoing appropriation item C58001, Community Assistance Projects, \$20,000,000 shall be used to expand recovery housing as defined in section 340.01 of the Revised Code.

Of the foregoing appropriation item C58001, Community Assistance Projects, \$300,000 shall be used for the Providence House.

Of the foregoing appropriation item C58001, Community Assistance Projects, \$300,000 shall be used for the Blessing House.

**Section 610.33.** That existing Section 221.10 of S.B. 310 of the 131st General Assembly, as most recently amended by Am. Sub. H.B. 384 of the 131st General Assembly, is hereby repealed.

**Section 610.34.** That Section 223.10 of S.B. 310 of the 131st General Assembly, as most recently amended by Sub. H.B. 26 of the 132nd General Assembly, be amended to read as follows:

|                                                         |                                                   |                                               |        |
|---------------------------------------------------------|---------------------------------------------------|-----------------------------------------------|--------|
| <b>Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES</b> |                                                   |                                               | 150320 |
| Wildlife Fund (Fund 7015)                               |                                                   |                                               | 150321 |
| C725B0                                                  | Access Development                                | \$ 13,600,000                                 | 150322 |
| C725K9                                                  | Wildlife Area Building<br>Development/Renovations | \$ 8,150,000                                  | 150323 |
| C725W0                                                  | MARCS Equipment                                   | \$ 1,866,087                                  | 150324 |
| TOTAL Wildlife Fund                                     |                                                   | \$ 23,616,087                                 | 150325 |
| Administrative Building Fund (Fund 7026)                |                                                   |                                               | 150326 |
| C725D7                                                  | MARCS Equipment                                   | \$ 5,996,598                                  | 150327 |
| C725N7                                                  | District Office Renovations                       | \$ 3,000,000                                  | 150328 |
| TOTAL Administrative Building Fund                      |                                                   | \$ 8,996,598                                  | 150329 |
| Ohio Parks and Natural Resources Fund (Fund 7031)       |                                                   |                                               | 150330 |
| C72512                                                  | Land Acquisition                                  | \$ 475,000                                    | 150331 |
| C72549                                                  | DNR Facilities Development                        | \$ 1,500,000                                  | 150332 |
| C725E1                                                  | Local Parks Projects Statewide                    | \$ 5,108,985                                  | 150333 |
| C725E5                                                  | Project Planning                                  | \$ 1,100,938                                  | 150334 |
| C725K0                                                  | State Park Renovations/Upgrading                  | \$ 11,060,000                                 | 150335 |
| C725M0                                                  | Dam Rehabilitation                                | \$ 2,550,000                                  | 150336 |
| C725N5                                                  | Wastewater/Water Systems Upgrades                 | \$ 2,750,000                                  | 150337 |
| C725N8                                                  | Operations Facilities Development                 | \$ 1,000,000                                  | 150338 |
| TOTAL Ohio Parks and Natural Resources Fund             |                                                   | \$ 25,544,923                                 | 150339 |
| Parks and Recreation Improvement Fund (Fund 7035)       |                                                   |                                               | 150340 |
| C725A0                                                  | State Parks, Campgrounds, Lodges, Cabins          | \$ 23,910,514                                 | 150341 |
| C725B5                                                  | Buckeye Lake Dam Rehabilitation                   | \$ 61,546,960                                 | 150342 |
| C725C4                                                  | Muskingum River Lock and Dam                      | \$ 3,750,000                                  | 150343 |
| C725E2                                                  | Local Parks Projects                              | \$ <del>46,383,500</del><br><u>47,283,500</u> | 150344 |
| C725E6                                                  | Project Planning                                  | \$ 6,070,285                                  | 150345 |
| C725R4                                                  | Dam Rehabilitation - Parks                        | \$ 55,425,000                                 | 150346 |
| C725R5                                                  | Lake White State Park - Dam<br>Rehabilitation     | \$ 27,376,761                                 | 150347 |

|                 |                                               |    |                        |        |
|-----------------|-----------------------------------------------|----|------------------------|--------|
| C725U4          | Water Quality Equipment and Projects          | \$ | 7,400,000              | 150348 |
| TOTAL           | Parks and Recreation Improvement Fund         | \$ | <del>231,863,020</del> | 150349 |
|                 |                                               |    | <u>232,763,020</u>     |        |
|                 | Clean Ohio Trail Fund (Fund 7061)             |    |                        | 150350 |
| C72514          | Clean Ohio Trail Fund                         | \$ | 12,500,000             | 150351 |
| TOTAL           | Clean Ohio Trail Fund                         | \$ | 12,500,000             | 150352 |
|                 | Waterways Safety Fund (Fund 7086)             |    |                        | 150353 |
| C725A7          | Cooperative Funding for Boating<br>Facilities | \$ | 16,750,000             | 150354 |
| C725N9          | Operations Facilities Development             | \$ | 2,300,000              | 150355 |
| C725Z0          | MARCS Equipment                               | \$ | 1,511,165              | 150356 |
| TOTAL           | Waterways Safety Fund                         | \$ | 20,561,165             | 150357 |
| TOTAL ALL FUNDS |                                               | \$ | <del>323,081,793</del> | 150358 |
|                 |                                               |    | <u>323,981,793</u>     |        |

FEDERAL REIMBURSEMENT 150359

All reimbursements received from the federal government for 150360  
any expenditures made pursuant to this section shall be deposited 150361  
in the state treasury to the credit of the fund from which the 150362  
expenditure originated. 150363

LOCAL PARKS PROJECTS 150364

Of the foregoing appropriation item C725E2, Local Parks 150365  
Projects, an amount equal to two per cent of the projects listed 150366  
may be used by the Department of Natural Resources for the 150367  
administration of local projects, \$4,025,000 shall be used for the 150368  
Scioto Peninsula Park and Parking Garage, \$3,500,000 shall be used 150369  
for the Lakefront Pedestrian Bridge, \$2,500,000 shall be used for 150370  
the Cuyahoga River Franklin Hill Stabilization, \$2,000,000 shall 150371  
be used for the Flats East Development, \$1,200,000 shall be used 150372  
for the Harley Jones Rotary Memorial Amphitheater in Bryson Park, 150373  
\$1,000,000 shall be used for the South Point Community Pool, 150374  
\$1,000,000 shall be used for the Champion Mill Sports Complex 150375

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| Improvements, \$1,000,000 shall be used for the Bridge to Wendy      | 150376 |
| Park, \$1,000,000 shall be used for the Franklin Park Conservatory,  | 150377 |
| \$1,000,000 shall be used for the Worthington Pools Renovation,      | 150378 |
| \$1,000,000 shall be used for the Lorain County Mill Creek           | 150379 |
| Conservation and Flood Control, \$1,000,000 shall be used for the    | 150380 |
| Promenade Park and ProMedica Parking Facility, \$1,000,000 shall be  | 150381 |
| used for the City of Canton Market Square Enhancement Project,       | 150382 |
| \$1,000,000 shall be used for The Magnolia Flowering Mills/Stark     | 150383 |
| County Park district, \$750,000 shall be used for the Gorge Dam      | 150384 |
| Removal, \$700,000 shall be used for the Todds Fork Trail, \$600,000 | 150385 |
| shall be used for the St. Henry Swimming Pool, \$500,000 shall be    | 150386 |
| used for the Kuenning-Dicke Natural Area Preserve, \$500,000 shall   | 150387 |
| be used for the West Chester Soccer Complex, \$500,000 shall be      | 150388 |
| used for the Van Aken District Bicycle and Pedestrian Connections,   | 150389 |
| \$500,000 shall be used for the Galloway Sports Complex, \$500,000   | 150390 |
| shall be used for the Scioto Audubon Metro Park Pedestrian Bridge,   | 150391 |
| \$500,000 shall be used for the Scioto River Park Development,       | 150392 |
| \$500,000 shall be used for the Dream Field at Windsor Park          | 150393 |
| Playground, \$500,000 shall be used for the Columbus Crew Practice   | 150394 |
| Facility, \$500,000 shall be used for the Holmes County              | 150395 |
| Agricultural Facility Improvements, \$500,000 shall be used for the  | 150396 |
| City of Sylvania SOMO Project, \$500,000 shall be used for The       | 150397 |
| White Rhinoceros Barn, \$500,000 shall be used for the Thornport     | 150398 |
| Buckeye Lake Public Access and Park, \$500,000 shall be used for     | 150399 |
| the Redskin Memorial Park Development, \$500,000 shall be used for   | 150400 |
| the Warren County Sports Complex, \$406,000 shall be used for the    | 150401 |
| Bryson Pool Improvements Splash Park, \$400,000 shall be used for    | 150402 |
| the Cadiz Bike Trail/Public Infrastructure Connectivity Project,     | 150403 |
| \$400,000 shall be used for the Cave Lake Dam Safety Modifications,  | 150404 |
| \$400,000 shall be used for the Preble County Agricultural Facility  | 150405 |
| Improvements, \$400,000 shall be used for the Nimisila Spillway and  | 150406 |
| Bridge Demolition and Replacement, \$400,000 shall be used for the   | 150407 |
| Green Central Park, \$350,000 shall be used for the Rocky River      | 150408 |

Bradstreets Landing Park, \$350,000 shall be used for the Little 150409  
Miami Scenic Trail, \$350,000 shall be used for the East View Park 150410  
Ball Diamonds and Field Improvements, \$300,000 shall be used for 150411  
the Schoonover Lake Dam Restoration, \$300,000 shall be used for 150412  
the Columbiana County Agricultural Facility Improvements, \$300,000 150413  
shall be used for the Bill Stanton Community Park Shoreline 150414  
Enhancement, \$300,000 shall be used for the Chesapeake Community 150415  
Building, \$300,000 shall be used for the Glenford Earthworks Phase 150416  
III, \$300,000 shall be used for the Wilderness Center's Facility 150417  
Enhancement Project, \$300,000 shall be used to support the Lake 150418  
Metropolitan Housing Authority Chagrin Riverbank Stabilization 150419  
Project, \$250,000 shall be used for the Carroll County Ohio FFA 150420  
Camp Muskingum, \$250,000 shall be used for the Clinton County 150421  
Agricultural Facility Improvements, \$250,000 shall be used for the 150422  
Greenville Downtown Park, \$250,000 shall be used for the 150423  
Greenville Harmon Field, \$250,000 shall be used for the McCutcheon 150424  
Road Park, \$250,000 shall be used for the ~~Heritage Rail Trail~~ 150425  
~~Extension~~ Greener Property Recreational Facility in Hilliard, 150426  
\$250,000 shall be used for the Upper Arlington Shared-Use Path 150427  
Expansion Projects, \$250,000 shall be used for the Tremont 150428  
Road-Zollinger Road Shared-Use Path Connector, \$250,000 shall be 150429  
used for the Hobson Freedom Park: Phase II, \$250,000 shall be used 150430  
for the Blue Ash Summit Park, \$250,000 shall be used for the Pro 150431  
Football Hall of Fame Comprehensive Master Study, \$250,000 shall 150432  
be used for the Cascade Plaza Phase II, \$250,000 shall be used for 150433  
the Richwood Lake Trail, \$250,000 shall be used for the Wren 150434  
Community Building Shelter and Pavilion, \$250,000 shall be used 150435  
for the Massillon Reservoir Dam Project in Stark County, \$250,000 150436  
shall be used for the Union Township Recreational Facility, 150437  
\$200,000 shall be used for the J.W. Denver Memorial Park, \$200,000 150438  
shall be used for the Chippewa Creek Headwater Park, \$200,000 150439  
shall be used for the City of Strongsville Recreation Center, 150440  
\$200,000 shall be used for the Brewing Heritage Trail Segment 1, 150441

\$200,000 shall be used for the Cincinnati Mill Creek Flood Mitigation/Mill Creek Barrier Dam, \$200,000 shall be used for the Southern State Community College Pathway, \$200,000 shall be used for the Ernsthausen Recreation Center Splash Pad, \$200,000 shall be used for the Ohio University Proctorville Walking Path, \$200,000 shall be used for the Coldwater Recreation Space and Amphitheatre, \$200,000 shall be used for the Perry County Home Farm, \$200,000 shall be used for the Coppel Soccer Complex Improvements, \$200,000 shall be used for the Jungle Junction Indoor Playground, \$200,000 shall be used for the Shelby County Agricultural Facility Improvements, \$200,000 shall be used for the Middle Point Ballpark Improvements, \$175,000 shall be used for the Fairfield Township Metro Parks, \$170,000 shall be used for the Chamberlin Park Bike/Pedestrian Access Improvements, \$150,000 shall be used for the Columbus Topiary Park Improvements, \$150,000 shall be used for the Gallipolis City Park, \$150,000 shall be used for the Cincinnati Ault Park, \$150,000 shall be used for the Green Township Hike/Bike Trail, \$150,000 shall be used for the Kenton Baseball Park Lighting Improvements, \$150,000 shall be used for the Kamp Dovetail, \$150,000 shall be used for the Avon Lake Veterans Park, \$150,000 shall be used for the Marion Tallgrass Trail, \$149,000 shall be used for the Ohio City Recreation Facility, \$125,000 shall be used for the Cleveland Cultural Gardens, \$125,000 shall be used for the Village of Fort Recovery Community Park, \$125,000 shall be used for the Delphos Community Pool and Splash Park, \$100,000 shall be used for the Auglaize County Agricultural Facility Improvements, \$100,000 shall be used for the Clarksville Upground Reservoir Safety Upgrades, \$100,000 shall be used to support the Grand River Park construction project in the Village of Grand River, \$100,000 shall be used for the Little Hearts Big Smiles All Children's Playground, \$100,000 shall be used for The Wilds Educational Animal Display, \$80,000 shall be used for the Rockford Shane's Park Playground Equipment, \$75,000

shall be used for the City of Parma Park Improvements, \$75,000 150475  
shall be used for the Deerasic Park Whitetail Deer Museum and 150476  
Educational Center, \$75,000 shall be used for the Stoll Lane Park 150477  
Redevelopment, \$75,000 shall be used for the Montpelier Park Barn 150478  
Roof Replacement, \$67,500 shall be used for the Waddell Park 150479  
Public Swimming Pool Renovation, \$60,000 shall be used for the 150480  
Loveland McCoy Park Improvements, \$55,000 shall be used for the 150481  
Columbia Township Community Natural Park, \$50,000 shall be used 150482  
for the Columbiana County Beaver Creek Wildlife Education Center, 150483  
\$50,000 shall be used for the restroom and storage facility 150484  
project at Hicksville Park, \$50,000 shall be used for the City of 150485  
Marion Ball Field Complex, \$50,000 shall be used for the City of 150486  
Fremont Basketball Court Upgrades (Roger Young Park), \$50,000 150487  
shall be used for the Upper Sandusky Bicentennial Park Project, 150488  
\$45,000 shall be used for the Noble County Happy Time Pool, 150489  
\$45,000 shall be used for the Lebanon Bike Park, \$40,000 shall be 150490  
used for the Blanchester Playground, \$40,000 shall be used for the 150491  
Beaver Park Sports Field, \$40,000 shall be used for the City of 150492  
Tiffin City Park Upgrades, \$30,000 shall be used for the London 150493  
Municipal Pool, \$20,000 shall be used for the Waverly Canal Park, 150494  
and \$11,000 shall be used for the Washington Township Lake 150495  
Stabilization Project. 150496

**Section 610.35.** That existing Section 223.10 of S.B. 310 of 150497  
the 131st General Assembly, as most recently amended by Sub. H.B. 150498  
26 of the 132nd General Assembly, is hereby repealed. 150499

**Section 610.36.** That Section 239.10 of S.B. 310 of the 131st 150500  
General Assembly, as amended by Sub. H.B. 26 of the 132nd General 150501  
Assembly, be amended to read as follows: 150502

**Sec. 239.10.** FCC FACILITIES CONSTRUCTION COMMISSION 150503  
Lottery Profits Education Fund (Fund 7017) 150504

|        |                                                          |    |             |        |
|--------|----------------------------------------------------------|----|-------------|--------|
| C23014 | Classroom Facilities Assistance Program                  | \$ | 50,000,000  | 150505 |
|        | - Lottery Profits                                        |    |             |        |
| TOTAL  | Lottery Profits Education Fund                           | \$ | 50,000,000  | 150506 |
|        | Public School Building Fund (Fund 7021)                  |    |             | 150507 |
| C23001 | Public School Buildings                                  | \$ | 100,000,000 | 150508 |
| TOTAL  | Public School Building Fund                              | \$ | 100,000,000 | 150509 |
|        | Administrative Building Fund (Fund 7026)                 |    |             | 150510 |
| C23016 | Energy Conservation Projects                             | \$ | 2,000,000   | 150511 |
| C230E5 | State Agency Planning/Assessment                         | \$ | 1,500,000   | 150512 |
| TOTAL  | Administrative Building Fund                             | \$ | 3,500,000   | 150513 |
|        | Cultural and Sports Facilities Building Fund (Fund 7030) |    |             | 150514 |
| C23023 | OHS - Ohio History Center Exhibit                        | \$ | 1,000,000   | 150515 |
|        | Replacement                                              |    |             |        |
| C23024 | OHS - Statewide Site Exhibit                             | \$ | 750,000     | 150516 |
|        | Renovation                                               |    |             |        |
| C23025 | OHS - Statewide Site Repairs                             | \$ | 1,050,410   | 150517 |
| C23028 | OHS - Basic Renovations and                              | \$ | 1,000,000   | 150518 |
|        | Emergency Repairs                                        |    |             |        |
| C23030 | OHS - Rankin House State Memorial                        | \$ | 393,250     | 150519 |
| C23031 | OHS - Harding Home State Memorial                        | \$ | 1,354,559   | 150520 |
| C23032 | OHS - Ohio Historical Center                             | \$ | 1,007,370   | 150521 |
|        | Rehabilitation                                           |    |             |        |
| C23033 | OHS - Stowe House State Memorial                         | \$ | 1,028,500   | 150522 |
| C23045 | OHS - Lockington Locks                                   | \$ | 513,521     | 150523 |
|        | Stabilization                                            |    |             |        |
| C23051 | Tecumseh Theater Opera House                             | \$ | 50,000      | 150524 |
|        | Restoration                                              |    |             |        |
| C23057 | OHS - Online Portal to Ohio's                            | \$ | 850,000     | 150525 |
|        | Heritage                                                 |    |             |        |
| C23083 | Stan Hywet Hall and Gardens Manor                        | \$ | 250,000     | 150526 |
|        | House                                                    |    |             |        |
| C23098 | Twin City Opera House                                    | \$ | 100,000     | 150527 |

|        |                                                             |    |           |        |
|--------|-------------------------------------------------------------|----|-----------|--------|
| C230AA | Cleveland Grays Armory Museum                               | \$ | 350,000   | 150528 |
| C230AB | Cleveland Music Hall                                        | \$ | 400,000   | 150529 |
| C230AC | Cleveland Zoological Society                                | \$ | 200,000   | 150530 |
| C230AD | Saint Luke's Pointe                                         | \$ | 200,000   | 150531 |
| C230AE | Variety Theatre                                             | \$ | 250,000   | 150532 |
| C230AF | Fairview Park Bain Park Cabin                               | \$ | 70,000    | 150533 |
| C230AG | Darke County Historical Society<br>Garst Museum Parking Lot | \$ | 150,000   | 150534 |
| C230AH | Longtown Clemens Farmstead Museum                           | \$ | 90,000    | 150535 |
| C230AJ | Auglaize Village Mansfield Museum<br>and Train Depot        | \$ | 125,000   | 150536 |
| C230AK | Sandusky State Theatre                                      | \$ | 750,000   | 150537 |
| C230AL | Fairfield Decorative Arts Center                            | \$ | 60,000    | 150538 |
| C230AM | General Sherman House Museum                                | \$ | 100,000   | 150539 |
| C230AN | Villages of Millersport and Buckeye<br>Lake                 | \$ | 250,000   | 150540 |
| C230AP | Fayette County Museum                                       | \$ | 25,000    | 150541 |
| C230AQ | Aminah Robinson Cultural Arts and<br>Community Center       | \$ | 150,000   | 150542 |
| C230AR | COSI Building Exhibit Expansion                             | \$ | 5,000,000 | 150543 |
| C230AS | Renovations of the Lincoln Theatre                          | \$ | 300,000   | 150544 |
| C230AT | Motts Military Museum and 9-11<br>Memorial                  | \$ | 50,000    | 150545 |
| C230AU | Charleen and Charles Hinson<br>Amphitheater                 | \$ | 1,000,000 | 150546 |
| C230AV | Veterans Memorial for Senecaville                           | \$ | 15,000    | 150547 |
| C230AW | Carnegie Center of Columbia -<br>Tusculum Renovation        | \$ | 131,000   | 150548 |
| C230AX | Cincinnati Shakespeare Company                              | \$ | 750,000   | 150549 |
| C230AY | Ensemble Theatre Cincinnati                                 | \$ | 100,000   | 150550 |
| C230AZ | Madcap Productions - New Madcap<br>Puppet Theater           | \$ | 200,000   | 150551 |
| C230B1 | Karamu House 2.0                                            | \$ | 800,000   | 150552 |

|        |                                                          |    |           |        |
|--------|----------------------------------------------------------|----|-----------|--------|
| C230BA | Riverbend and Taft Theater                               | \$ | 85,000    | 150553 |
| C230BB | Golf Manor Volunteer Park Outdoor<br>Amphitheater        | \$ | 45,000    | 150554 |
| C230BC | Native American Museum of Mariemont                      | \$ | 400,000   | 150555 |
| C230BD | Hancock County Sports Hall of Fame                       | \$ | 15,000    | 150556 |
| C230BE | Four Corners Heritage Center<br>Historic Structure       | \$ | 100,000   | 150557 |
| C230BF | Malinta Ohio Historical Site<br>Rehabilitation           | \$ | 19,000    | 150558 |
| C230BG | William Scott House                                      | \$ | 110,000   | 150559 |
| C230BH | Loudonville Opera House Renovations                      | \$ | 250,000   | 150560 |
| C230BJ | Oak Hill Liberty Theatre                                 | \$ | 100,000   | 150561 |
| C230BK | Knox County Memorial Theatre                             | \$ | 150,000   | 150562 |
| C230BL | Fairport Harbor Lighthouse Project                       | \$ | 200,000   | 150563 |
| C230BM | Lake County History Center Rehab<br>Project              | \$ | 250,000   | 150564 |
| C230BN | Ro-Na Theater Performing Arts<br>Center                  | \$ | 200,000   | 150565 |
| C230BP | Weathervane Playhouse Renovations                        | \$ | 50,000    | 150566 |
| C230BQ | Logan County Veterans Memorial Hall<br>Restoration       | \$ | 300,000   | 150567 |
| C230BR | Amherst Historical Water Tower<br>Project                | \$ | 40,000    | 150568 |
| C230BS | Elyria Pioneer Plaza                                     | \$ | 75,000    | 150569 |
| C230BT | LaGrange Township Historic Fire<br>Station               | \$ | 32,000    | 150570 |
| C230BU | Lorain Palace Theatre and Civic<br>Center Rehabilitation | \$ | 150,000   | 150571 |
| C230BV | Downtown Toledo Music Hall                               | \$ | 400,000   | 150572 |
| C230BW | Toledo Museum of Art Polishing the<br>Gem Project        | \$ | 1,500,000 | 150573 |
| C230BX | Plain City Restoration of Historic<br>Clock Tower        | \$ | 30,000    | 150574 |

|        |                                                          |    |           |        |
|--------|----------------------------------------------------------|----|-----------|--------|
| C230BY | Homerville Community Center<br>Expansion                 | \$ | 100,000   | 150575 |
| C230BZ | Medina County Historical Society                         | \$ | 100,000   | 150576 |
| C230CA | Fort Recovery Historical Society                         | \$ | 75,000    | 150577 |
| C230CB | Boonshoft Museum of Discovery                            | \$ | 1,000,000 | 150578 |
| C230CC | Dayton History Heritage Center of<br>Regional Leadership | \$ | 1,500,000 | 150579 |
| C230CD | Dayton Project M & M                                     | \$ | 550,000   | 150580 |
| C230CE | Trotwood Community Center                                | \$ | 250,000   | 150581 |
| C230CF | Zanesville Community Theater                             | \$ | 75,000    | 150582 |
| C230CG | John Paulding Historical Museum<br>Expansion             | \$ | 30,000    | 150583 |
| C230CH | Mt. Perry Scenic Railroad Structure<br>Renovations       | \$ | 125,000   | 150584 |
| C230CJ | Perry County Opera House /<br>Community Center           | \$ | 50,000    | 150585 |
| C230CK | Circleville Memorial Hall                                | \$ | 150,000   | 150586 |
| C230CL | Everts Community & Arts Center                           | \$ | 200,000   | 150587 |
| C230CM | Waverly Old Children's Home<br>Renovation                | \$ | 20,000    | 150588 |
| C230CN | Garrettsville Buckeye Block<br>Community Theatre         | \$ | 700,000   | 150589 |
| C230CP | Historic Hiram Hayden Auditorium                         | \$ | 375,000   | 150590 |
| C230CR | Kent Stage Theater Restoration<br>Project                | \$ | 450,000   | 150591 |
| C230CS | Mantua Township Historic Bell Tower                      | \$ | 140,000   | 150592 |
| C230CT | Windham Veterans Memorial Plaque                         | \$ | 12,000    | 150593 |
| C230CV | Majestic Theatre Renovation Project<br>Phase II          | \$ | 750,000   | 150594 |
| C230CW | Seneca County Museum                                     | \$ | 50,000    | 150595 |
| C230CX | Arts In Stark                                            | \$ | 355,000   | 150596 |
| C230CY | City of Canton Central Plaza<br>Memorial Statues         | \$ | 100,000   | 150597 |

|        |                                                                |    |           |        |
|--------|----------------------------------------------------------------|----|-----------|--------|
| C230CZ | McKinley Presidential Museum                                   | \$ | 135,000   | 150598 |
| C230DA | Jackson North Park Amphitheater                                | \$ | 1,000,000 | 150599 |
| C230DB | Five Oaks Historic Home                                        | \$ | 350,000   | 150600 |
| C230DC | Massillon Museum                                               | \$ | 1,500,000 | 150601 |
| C230DD | 1893 Genoa Schoolhouse Restoration                             | \$ | 57,000    | 150602 |
| C230DE | Melscheimer Schoolhouse Restoration                            | \$ | 15,000    | 150603 |
| C230DF | Bud and Susie Rogers Garden                                    | \$ | 400,000   | 150604 |
| C230DG | The Courtyard at East Woods                                    | \$ | 90,000    | 150605 |
| C230DH | W.D. Packard Music Hall Elevator                               | \$ | 200,000   | 150606 |
| C230DJ | Tuscarawas County Cultural Arts<br>Center                      | \$ | 500,000   | 150607 |
| C230DK | Zoar Bicentennial Village                                      | \$ | 12,000    | 150608 |
| C230DL | Marysville Avalon Theatre<br>Renovations                       | \$ | 300,000   | 150609 |
| C230DM | Convoy Opera House                                             | \$ | 60,000    | 150610 |
| C230DN | Van Wert Historical Society Museum                             | \$ | 112,000   | 150611 |
| C230DP | Wassenberg Art Center                                          | \$ | 175,000   | 150612 |
| C230DR | Warren County Historical Society<br>Handicap Entrance Project  | \$ | 190,000   | 150613 |
| C230DS | Smithville Community Historical<br>Society                     | \$ | 50,000    | 150614 |
| C230DT | Wayne County Buckeye Agricultural<br>Museum & Education Center | \$ | 400,000   | 150615 |
| C230DU | Kister Water Mill and Education<br>Center                      | \$ | 200,000   | 150616 |
| C230DV | Wayne Center for the Arts                                      | \$ | 150,000   | 150617 |
| C230DW | West Liberty Town Hall Opera House                             | \$ | 150,000   | 150618 |
| C230DX | Medina City Parking Deck                                       | \$ | 1,000,000 | 150619 |
| C230DY | Cincinnati Zoo Cheetah Run &<br>Encounter                      | \$ | 250,000   | 150620 |
| C230DZ | Columbus Zoo - Asia Quest                                      | \$ | 250,000   | 150621 |
| C230EA | Cleveland Museum of Art                                        | \$ | 1,100,000 | 150622 |
| C230EB | Unionville Tavern Rehabilitation -                             | \$ | 160,000   | 150623 |

|               |                                                                                                                    |           |                |        |
|---------------|--------------------------------------------------------------------------------------------------------------------|-----------|----------------|--------|
|               | Phase I Exterior                                                                                                   |           |                |        |
| C230EC        | Triumph of Flight                                                                                                  | \$        | 250,000        | 150624 |
| C230ED        | OHS - Historical Center/Ohio<br>Village Buildings                                                                  | \$        | 300,000        | 150625 |
| C230EG        | Parma Heights Cassidy Theatre<br>Cultural Center                                                                   | \$        | 50,000         | 150626 |
| C230EH        | Warren County Historical Society                                                                                   | \$        | 116,000        | 150627 |
| <u>C230EJ</u> | <u>James A. Garfield Monument</u><br><u>Maintenance</u>                                                            | <u>\$</u> | <u>500,000</u> | 150628 |
| <u>C230EK</u> | <u>Ohio Soldiers and Sailors Orphans</u><br><u>Home/Ohio Veterans Children's Home</u><br><u>Chapel Restoration</u> | <u>\$</u> | <u>150,000</u> | 150629 |
| C230H2        | Cozad Bates House                                                                                                  | \$        | 70,000         | 150630 |
| C230J4        | Cleveland Museum of Natural History                                                                                | \$        | 3,300,000      | 150631 |
| C230K1        | Historic Strand Theatre Renovation                                                                                 | \$        | 175,000        | 150632 |
| C230K9        | Washington Court House Auditorium                                                                                  | \$        | 100,000        | 150633 |
| C230L5        | CAPA's Renovations of the Palace<br>Theatre                                                                        | \$        | 250,000        | 150634 |
| C230L7        | Sauder Village Experience                                                                                          | \$        | 500,000        | 150635 |
| C230L9        | Ariel Theatre                                                                                                      | \$        | 200,000        | 150636 |
| C230M3        | Geauga Lyric Theater Guild                                                                                         | \$        | 200,000        | 150637 |
| C230M6        | Cincinnati Art Museum                                                                                              | \$        | 750,000        | 150638 |
| C230M8        | Cincinnati Zoo                                                                                                     | \$        | 1,750,000      | 150639 |
| C230N1        | Cincinnati Music Hall                                                                                              | \$        | 500,000        | 150640 |
| C230N8        | Steubenville Grand Theatre<br>Restoration Project                                                                  | \$        | 75,000         | 150641 |
| C230N9        | South Leroy Meeting House<br>Restoration                                                                           | \$        | 50,000         | 150642 |
| C230P1        | Fine Arts Association Facility<br>Expansion/Renovation                                                             | \$        | 650,000        | 150643 |
| C230Q1        | Imagination Station                                                                                                | \$        | 200,000        | 150644 |
| C230Q3        | Columbus Zoo - Entry Village Guest<br>Services Improvements                                                        | \$        | 500,000        | 150645 |

|        |                                                                     |    |           |        |
|--------|---------------------------------------------------------------------|----|-----------|--------|
| C230Q7 | Butler Institute of American Art                                    | \$ | 500,000   | 150646 |
| C230Q8 | Henry H. Stambaugh Auditorium                                       | \$ | 500,000   | 150647 |
| C230Q9 | Marion Palace Theatre                                               | \$ | 100,000   | 150648 |
| C230R1 | Bradford Railway Museum                                             | \$ | 75,000    | 150649 |
| C230R7 | Dayton Art Institute's Centennial -<br>Preservation & Accessibility | \$ | 1,000,000 | 150650 |
| C230T2 | John Brown House and Grounds<br>Restoration                         | \$ | 250,000   | 150651 |
| C230T3 | Hale Farm & Village Capital<br>Improvement Project                  | \$ | 100,000   | 150652 |
| C230U2 | Folger Home of Avon Lake                                            | \$ | 75,000    | 150653 |
| C230U3 | DeYor Performing Arts Center<br>Heating and Cooling                 | \$ | 1,250,000 | 150654 |
| C230W7 | OHS - Lundy House Restoration                                       | \$ | 409,370   | 150655 |
| C230W8 | OHS - Cedar Bog Improvements                                        | \$ | 193,600   | 150656 |
| C230W9 | OHS - Hayes Center Improvements                                     | \$ | 290,400   | 150657 |
| C230X1 | OHS - Site Energy Conservation                                      | \$ | 239,580   | 150658 |
| C230X2 | OHS - Collections Storage Facility<br>Object Evaluation             | \$ | 400,000   | 150659 |
| C230X5 | OHS - State Archives Shelving                                       | \$ | 3,000,000 | 150660 |
| C230X6 | OHS - Fort Ancient Earthworks                                       | \$ | 219,440   | 150661 |
| C230Y1 | Meigs Township Veterans Monument                                    | \$ | 5,000     | 150662 |
| C230Y2 | Serpent Mound                                                       | \$ | 50,000    | 150663 |
| C230Y3 | Allen County Museum                                                 | \$ | 100,000   | 150664 |
| C230Y4 | Schine's Theater Restoration                                        | \$ | 300,000   | 150665 |
| C230Y5 | Hayesville Opera House                                              | \$ | 20,000    | 150666 |
| C230Y6 | Ashtabula Maritime and Surface<br>Transportation Museum             | \$ | 100,000   | 150667 |
| C230Y7 | Ashtabula Covered Bridge Festival<br>Entertainment Pavilion         | \$ | 100,000   | 150668 |
| C230Y8 | Armstrong Air and Space Museum and<br>STEM Education Center         | \$ | 900,000   | 150669 |
| C230Y9 | Gaslight Theatre Building                                           | \$ | 300,000   | 150670 |

|                                               |                                                                    |                           |        |
|-----------------------------------------------|--------------------------------------------------------------------|---------------------------|--------|
|                                               | Renovation Project                                                 |                           |        |
| C230Z1                                        | Caroline Scott Harrison Statue                                     | \$ 75,000                 | 150671 |
| C230Z2                                        | City of Trenton Amphitheatre Cover                                 | \$ 50,000                 | 150672 |
| C230Z3                                        | Historic Batavia Armory                                            | \$ 300,000                | 150673 |
| C230Z4                                        | Columbiana County Bowstring Arch                                   | \$ 200,000                | 150674 |
|                                               | Bridge Rehabilitation                                              |                           |        |
| C230Z5                                        | Coshocton Planetarium                                              | \$ 75,000                 | 150675 |
| C230Z6                                        | Bedford Historical Society                                         | \$ 100,000                | 150676 |
| C230Z7                                        | Historical Society of Broadview                                    | \$ 150,000                | 150677 |
|                                               | Heights                                                            |                           |        |
| C230Z8                                        | Brooklyn John Frey Park                                            | \$ 90,000                 | 150678 |
| C230Z9                                        | Chagrin Falls Center Community Arts                                | \$ 600,000                | 150679 |
| TOTAL Cultural and Sports Facilities Building |                                                                    | \$ <del>63,431,000</del>  | 150680 |
| Fund                                          |                                                                    | <u>64,081,000</u>         |        |
|                                               | School Building Program Assistance Fund (Fund 7032)                |                           | 150681 |
| C23002                                        | School Building Program Assistance                                 | \$ 500,000,000            | 150682 |
| TOTAL School Building Program Assistance Fund |                                                                    | \$ 500,000,000            | 150683 |
| TOTAL ALL FUNDS                               |                                                                    | \$ <del>716,931,000</del> | 150684 |
|                                               |                                                                    | <u>717,581,000</u>        |        |
|                                               | STATE AGENCY PLANNING/ASSESSMENT                                   |                           | 150685 |
|                                               | The foregoing appropriation item C230E5, State Agency              |                           | 150686 |
|                                               | Planning/Assessment, shall be used by the Facilities Construction  |                           | 150687 |
|                                               | Commission to provide assistance to any state agency for           |                           | 150688 |
|                                               | assessment, capital planning, and maintenance management.          |                           | 150689 |
|                                               | SCHOOL BUILDING PROGRAM ASSISTANCE                                 |                           | 150690 |
|                                               | The foregoing appropriation item C23002, School Building           |                           | 150691 |
|                                               | Program Assistance, shall be used by the School Facilities         |                           | 150692 |
|                                               | Commission to provide funding to school districts that receive     |                           | 150693 |
|                                               | conditional approval from the Commission pursuant to Chapter 3318. |                           | 150694 |
|                                               | of the Revised Code.                                               |                           | 150695 |
|                                               | <b>Section 610.37.</b> That existing Section 239.10 of S.B. 310 of |                           | 150696 |

the 131st General Assembly, as amended by Sub. H.B. 26 of the 150697  
132nd General Assembly, is hereby repealed. 150698

**Section 610.38.** That Sections 125.13 and 327.270 of Am. Sub. 150699  
H.B. 64 of the 131st General Assembly be amended to read as 150700  
follows: 150701

**Sec. 125.13.** Sections 125.10, 125.11, and 125.12 of ~~this act~~ 150702  
Am. Sub. H.B. 64 of the 131st General Assembly take effect ~~January~~ 150703  
~~1, 2018~~ July 1, 2017. 150704

**Sec. 327.270.** NURSING FACILITY DEMONSTRATION PROJECT 150705

(A) As used in this section: 150706

(1) "Freestanding long-term care hospital" means a hospital 150707  
to which all of the following apply: 150708

(a) It is a freestanding long-term care hospital as defined 150709  
in 42 C.F.R. 412.23(e)(5). 150710

(b) It has a Medicaid provider agreement to provide inpatient 150711  
hospital services. 150712

(c) Pursuant to rules adopted under section 5164.02 of the 150713  
Revised Code, it is exempt from the all patient refined diagnosis 150714  
related groups (APR-DRG) and prospective payment methodology the 150715  
Department of Medicaid uses to determine Medicaid payment rates 150716  
for inpatient services provided by other types of hospitals not 150717  
also excluded from the methodology. 150718

(2) "Nursing facility," "nursing facility services," "nursing 150719  
home," and "provider" have the same meanings as in section 5165.01 150720  
of the Revised Code. 150721

(B) ~~Not later than thirty days after the effective date of~~ 150722  
~~this section, the~~ The Department of Medicaid shall submit to the 150723  
United States Secretary of Health and Human Services a request ~~for~~ 150724

~~a Medicaid Waiver to operate, beginning January 1, 2016, a~~ 150725  
~~two-year to extend until June 30, 2019, and modify the operation~~ 150726  
~~of the demonstration project authorized by this section~~ 150727  
under 150728  
which Medicaid recipients receive nursing facility services in 150728  
participating nursing facilities in lieu of hospital inpatient 150729  
services in freestanding long-term care hospitals. 150730

(1) The Department shall select ~~four~~ six nursing facilities 150731  
to participate in the demonstration project. To be selected for 150732  
participation, a nursing facility must meet all of the following 150733  
requirements: 150734

(a) The nursing facility's provider must hold the nursing 150735  
facility out to the public as providing short-term rehabilitation 150736  
services. 150737

(b) The nursing facility must have a hydrotherapy pool. 150738

(c) The nursing facility's Medicaid-certified capacity must 150739  
include at least ten single-occupancy sleeping rooms that will be 150740  
used for Medicaid recipients admitted to the nursing facility 150741  
under the demonstration project. 150742

~~(d) The nursing facility must have been initially~~ 150743  
~~constructed, licensed as a nursing home, and certified as a~~ 150744  
~~nursing facility on or after January 1, 2010.~~ 150745

(2) In selecting ~~four~~ six nursing facilities to participate 150746  
in the demonstration project, the Department shall select one 150747  
nursing facility located in Brown County, one located in Cuyahoga 150748  
~~county~~ County, one located in Franklin ~~county~~ County, one located 150749  
in Hamilton ~~county~~ County, and one located in Lucas ~~county~~ County, 150750  
and one located in Sandusky County. However, the Department may 150751  
select a nursing facility located in another county if necessary 150752  
to find ~~four~~ six nursing facilities that meet the requirements 150753  
specified in division (B)(1) of this section. 150754

(C)(1) The provider of each participating nursing facility 150755

shall develop admission criteria that Medicaid recipients must meet to be admitted to the nursing facility under the demonstration project. The provider shall give the criteria to each hospital that is located within fifty miles of the nursing facility and routinely refers Medicaid patients to freestanding long-term care hospitals. A hospital that receives the criteria shall consider the criteria when determining where to refer a Medicaid recipient who needs the types of services freestanding long-term care hospitals provide.

(2) A Medicaid recipient may refuse a referral to a participating nursing facility and instead seek admission to a freestanding long-term care hospital. If a Medicaid recipient seeks admission to a participating nursing facility under the demonstration project, the nursing facility's staff shall ensure that the recipient meets the nursing facility's criteria before admitting the recipient.

(3) A participating nursing facility shall notify the Department each time it admits a Medicaid recipient under the demonstration project. A Medicaid recipient's admission to a participating nursing facility under the demonstration project is not subject to prior authorization from the Department or a designee of the Department.

(D) Notwithstanding Chapter 5165. of the Revised Code, the Medicaid payment rate for nursing facility services that a Medicaid recipient receives from a participating nursing facility under the demonstration project shall not exceed the Medicaid payment rate for comparable hospital inpatient services provided by freestanding long-term care hospitals in effect at the time the nursing facility services are provided.

(E) Not later than thirty days after the end of each quarter of the demonstration project, the provider of each participating nursing facility shall report to the Department all of the

following information about each Medicaid recipient residing in 150788  
the nursing facility under the demonstration project during the 150789  
quarter: 150790

(1) The cost of the nursing facility services that the 150791  
nursing facility provided to the recipient that quarter; 150792

(2) The number of days the recipient resided in the nursing 150793  
facility that quarter; 150794

(3) The recipient's health outcomes; 150795

(4) The recipient's satisfaction with the nursing facility as 150796  
reported to the nursing facility's staff; 150797

(5) All other information that the Department requires the 150798  
providers to include in the reports. 150799

(F) Not later than three months after the demonstration 150800  
project ends, the Department shall complete a report about it. The 150801  
report shall include an analysis of the information submitted to 150802  
the Department under division (E) of this section. The report also 150803  
shall include recommendations about resuming operation of the 150804  
demonstration project and selecting nursing facilities from 150805  
additional counties to participate. The Department shall submit 150806  
the report to all of the following: 150807

(1) The Governor; 150808

(2) In accordance with section 101.68 of the Revised Code, 150809  
the General Assembly; 150810

(3) The Joint Medicaid Oversight Committee. 150811

**Section 610.39.** That existing Sections 125.13 and 327.270 of 150812  
Am. Sub. H.B. 64 of the 131st General Assembly are hereby 150813  
repealed. 150814

**Section 610.40.** That Sections 125.10 and 125.11 of Am. Sub. 150815

H.B. 59 of the 130th General Assembly, as amended by Am. Sub. H.B. 150816  
64 of the 131st General Assembly, be amended to read as follows: 150817

**Sec. 125.10.** ~~(A)~~ Sections 5168.01, 5168.02, 5168.03, 5168.04, 150818  
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 150819  
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 150820  
repealed, effective October 16, ~~2017~~ 2019. 150821

~~(B) Notwithstanding the repeal by this act of section 5168.12 150822  
of the Revised Code, any money remaining in the Legislative Budget 150823  
Services Fund on the effective date of the repeal of that section 150824  
shall be used solely for the purposes stated in then former 150825  
section 5168.12 of the Revised Code. When all money in the 150826  
Legislative Budget Services Fund has been spent after then former 150827  
section 5168.12 of the Revised Code is repealed, the fund shall 150828  
cease to exist. 150829~~

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 150830  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 150831  
Code are hereby repealed, effective October 1, ~~2017~~ 2019. 150832

**Section 610.41.** That existing Sections 125.10 and 125.11 of 150833  
Am. Sub. H.B. 59 of the 130th General Assembly, as amended by Am. 150834  
Sub. H.B. 64 of the 131st General Assembly, are hereby repealed. 150835

**Section 610.50.** That Section 2 of Am. Sub. S.B. 1 of the 150836  
130th General Assembly, as amended by Am. Sub. H.B. 64 of the 150837  
131st General Assembly, be amended to read as follows: 150838

**Sec. 2.** (A) As used in this section: 150839

(1) "Institution" means any of the following: 150840

(a) A state institution of higher education, as defined in 150841  
section 3345.011 of the Revised Code; 150842

(b) A private career school, as defined in section 3332.01 of the Revised Code; 150843  
150844

(c) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 150845  
150846  
150847

(d) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 150848  
150849  
150850  
150851

(e) A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center offering adult training. 150852  
150853  
150854

(2) "Workforce training program" includes any of the following: 150855  
150856

(a) Courses, programs, or a degree from an institution; 150857

(b) Vocational education classes offered to adult learners; 150858

(c) Non-Credit certificate programs that align with the state's in-demand jobs, as determined by the list of in-demand jobs posted to the web site of OhioMeansJobs. 150859  
150860  
150861

(d) Any other training program designed to meet the special requirements of a particular employer. 150862  
150863

(B)(1) The OhioMeansJobs Workforce Development Revolving Loan Program is hereby established for the purpose of assisting with job growth and advancement through training and retraining. The Chancellor of Higher Education shall award funds to an institution that the institution shall use to award loans to participants in a workforce training program that is approved by the Chancellor and that is administered by the institution. 150864  
150865  
150866  
150867  
150868  
150869  
150870

(2) In awarding funds under this section, the Chancellor shall give a preference to an institution for a workforce training 150871  
150872

program in which the institution partners with a business that is 150873  
willing to repay all or part of the loan on behalf of a program 150874  
participant or with a business that also provides funding for the 150875  
program, in comparison to a program that does not have such a 150876  
partnership. The Chancellor shall consider a program that has 150877  
employment opportunities in areas that are in demand, including, 150878  
but not limited to, energy exploration. 150879

(3) The Chancellor also shall consider all of the following 150880  
factors when determining whether to award funds under this section 150881  
to an institution for a workforce training program, to the extent 150882  
that these factors apply to the program: 150883

(a) The success rate of the workforce training program 150884  
offered by the institution; 150885

(b) The cost of the workforce training program based upon a 150886  
comparison of similar workforce training programs offered in this 150887  
state; 150888

(c) The rate that the workforce training program participants 150889  
obtain employment in the field in which they receive training 150890  
under the program; 150891

(d) The willingness of the institution to assist a 150892  
participant in paying for the costs of participating in the 150893  
workforce training program; 150894

(e) The extent to which the program has demonstrated support 150895  
from business partners. 150896

(4) After the initial funds are awarded to institutions under 150897  
this section, the Chancellor, in awarding subsequent funds under 150898  
this section, shall give greater weight to the factors listed in 150899  
division (B)(3)(a) of this section in comparison to the other 150900  
factors listed in division (B)(3) of this section, but shall not 150901  
give that factor greater weight than the preference given in 150902  
division (B)(2) of this section. 150903

(C) Funds shall be disbursed to successful applicants using 150904  
moneys from the OhioMeansJobs Workforce Development Revolving Loan 150905  
Fund established in section 6301.14 of the Revised Code. The 150906  
Chancellor shall not award to an institution more than ~~one~~ two 150907  
hundred fifty thousand dollars per workforce training program per 150908  
year under this section. An institution receiving funds under this 150909  
section shall establish, in consultation with the Department of 150910  
Higher Education, eligibility requirements that a participant in 150911  
the workforce training program for which the institution received 150912  
the funds shall satisfy to receive a loan under this section, and 150913  
the institution shall apply the loan proceeds to program costs for 150914  
those participants who satisfy those requirements. A loan applied 150915  
by an institution to program costs for a participant under this 150916  
section shall not exceed ten thousand dollars per program in which 150917  
the participant participates. 150918

(D) Except as provided in the rules adopted by the Treasurer 150919  
of State pursuant to division (G) of this section, a loan to a 150920  
program participant shall remain interest-free until six months 150921  
after the date the participant successfully completes the 150922  
workforce training program, if the participant also continues to 150923  
reside in this state. Beginning on the earlier of the date that is 150924  
six months after the individual completes the workforce training 150925  
program for which the participant received a loan under this 150926  
section, the date the individual terminates enrollment in the 150927  
workforce training program without completion, or the date the 150928  
participant ceases to reside in this state, the Treasurer of State 150929  
shall assess a rate of interest of not more than four per cent per 150930  
annum on any outstanding principal balance of that loan. The 150931  
Treasurer of State shall not assess a zero per cent interest rate. 150932  
The Treasurer of State shall establish a payment schedule not to 150933  
exceed seven years after the date a participant successfully 150934  
completes the workforce training program. 150935

(E) The Chancellor shall prescribe, by rule adopted in accordance with Chapter 119. of the Revised Code, procedures necessary to carry out this section, including all of the following:

(1) Application procedures for funds under this section, which shall require an applicant to include a description of the workforce training program for which the institution intends to award loans and the number of individuals who will be participating in that program;

(2) A method to determine the amount of funds awarded to an institution based on the costs of the workforce training program for which a program participant receives a loan and the number of individuals the institution estimates will participate in the program;

(3) The process by which the Chancellor approves workforce training programs for which loans are granted under this section.

(F) The Treasurer of State shall be responsible for making deposits and withdrawals and maintaining records pertaining to the OhioMeansJobs Workforce Development Revolving Loan Fund.

(G) The Treasurer of State shall service the loans described in this section and may designate a third party to serve as an agent of the Treasurer of State in servicing the loans. A third party designated by the Treasurer of State is authorized to take such actions, to enter into such contracts, and to execute all instruments necessary or appropriate to service those loans. The Treasurer of State shall adopt rules pursuant to section 111.15 of the Revised Code to do all of the following:

(1) Establish a fee to be charged to a loan recipient to offset the cost of servicing the loan;

(2) Establish terms of repayment for a loan;

(3) Assess interest on loans for a participant who fails to  
comply with continuing eligibility requirements, who fails to  
complete the workforce training program for which the participant  
received the loan, or whose participation in the program is on a  
staggered basis;

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(4) Disburse funds to an institution.

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(H) The Treasurer of State may adopt any additional rules  
pursuant to section 111.15 of the Revised Code that the Treasurer  
of State considers necessary to implement division (G) of this  
section.

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(I) The loan servicing fee established pursuant to division  
(G)(1) of this section shall not exceed the actual cost of  
servicing the loan.

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(J)(1) The Chancellor shall prepare a report outlining the  
amount each institution received under this section during the  
previous year, including the amount awarded to each individual  
workforce training program.

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(2) Beginning on July 1, 2014, and continuing every year  
thereafter for so long as the Chancellor awards funds under the  
Program, the Chancellor shall submit the report prepared in  
division (J)(1) of this section to the Governor, the Speaker and  
Minority Leader of the House of Representatives, and the President  
and Minority Leader of the Senate.

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**Section 610.51.** That existing Section 2 of Am. Sub. S.B. 1 of  
the 130th General Assembly, as amended by Am. Sub. H.B. 64 of the  
131st General Assembly, is hereby repealed.

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**Section 610.53.** That Section 3 of Sub. S.B. 9 of the 130th  
General Assembly be amended to read as follows:

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**Sec. 3.** (A) During the period beginning on January 1, 2014,

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and expiring January 1, ~~2018~~ 2022, the operation of sections 150995  
1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 150996  
3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 150997  
3924.12, 3924.13, and 3924.14 of the Revised Code are suspended. 150998  
The suspension shall take effect in accordance with the following: 150999

(1) Carriers shall not be required to offer open enrollment 151000  
coverage under the Ohio Open Enrollment Program on or after 151001  
January 1, 2014. In addition, carriers shall not reinsure any 151002  
insurance policies with the Ohio Health Reinsurance Program during 151003  
the suspension of the Program on or after January 1, 2014. 151004

(2) Notwithstanding this section, the Board of Directors of 151005  
the Ohio Health Reinsurance Program shall continue to have all of 151006  
the authority and protection provided by sections 3924.07 to 151007  
3924.14 of the Revised Code during the period beginning January 1, 151008  
2014, and ending December 31, 2014, in order to wind up the 151009  
affairs of the Ohio Health Reinsurance Program. This shall 151010  
include, but is not limited to, the receipt, processing, and 151011  
payment of all claims incurred on or before January 1, 2014, 151012  
assessments needed to fund the wind up of the Program, the refund 151013  
of any excess assessments, and the preparation of final audited 151014  
financial statements and tax returns. 151015

(3) With respect to an open enrollment or conversion policy 151016  
or contract issued prior to January 1, 2014, a carrier may 151017  
terminate such policy or contract on or after January 1, 2014, if 151018  
the carrier does both of the following: 151019

(a) Provides notice of termination to the policy or contract 151020  
holder at the time the policy is issued or at least ninety days 151021  
prior to the termination; 151022

(b) Offers the policy or contract holder the option to 151023  
purchase other coverage offered by the insurer to be effective at 151024  
the time of the termination. 151025

(4) Carriers shall not be required to include any option to convert coverage as required by sections 1751.16, 1751.17, and 3923.122 of the Revised Code in any policy or contract issued on or after January 1, 2014.

(B) If the amendments made by 42 U.S.C. 300gg-1 and 300gg-6, regarding the requirements related to health insurance coverage ~~do not take effect January 1, 2014, or~~ become ineffective prior to the expiration of the suspension on January 1, ~~2018~~ 2022, then sections 1751.15, 1751.16, 1751.17, 3923.122, 3923.58, 3923.581, 3923.582, 3923.59, 3924.07, 3924.08, 3924.09, 3924.10, 3924.11, 3924.111, 3924.12, 3924.13, and 3924.14 of the Revised Code, in either their present form or as they are later amended, again become operational.

**Section 610.54.** That existing Section 3 of Sub. S.B. 9 of the 130th General Assembly is hereby repealed.

**Section 610.60.** That Section 7 of Sub. H.B. 532 of the 129th General Assembly, as amended by Am. Sub. H.B. 64 of the 131st General Assembly, be amended to read as follows:

**Sec. 7.** (A) This section applies only to a city school district that currently leases an athletic field to the governing authority of a chartered nonpublic school.

(B) Notwithstanding sections 3313.41 and 3313.413 of the Revised Code, the board of education of a school district to which this section applies may offer for sale an athletic field that it owns in its corporate capacity to the chartered nonpublic school that is the current leaseholder of that property prior to offering that property for sale under the provisions of sections 3313.41 and 3313.413 of the Revised Code.

(C) This section shall expire on December 31, ~~2017~~ 2019.

**Section 610.61.** That existing Section 7 of Sub. H.B. 532 of 151055  
the 129th General Assembly, as amended by Am. Sub. H.B. 64 of the 151056  
131st General Assembly, is hereby repealed. 151057

**Section 610.70.** That Section 227.10 of S.B. 310 of the 131st 151058  
General Assembly be amended to read as follows: 151059

**Sec. 227.10.** DPS DEPARTMENT OF PUBLIC SAFETY 151060

Administrative Building Fund (Fund 7026) 151061

C76034 EMA Building System and Equipment \$ 300,000 151062

C76049 EMA Building Renovations and \$ 250,000 151063  
Improvements

C76051 Fayette County MARCS Tower Project \$ 1,385,941 151064

C76052 Reading Flood Plain Study/Remediation \$ 200,000 151065

C76053 Summit Law Enforcement Training Center \$ 200,000 151066  
and Indoor Firing Range

C76054 Wayne County MARCS EMS Phase II \$ 600,000 151067

C76055 Highland County MARCS Tower Project \$ 300,000 151068

C76056 Lake County Regional Response Facility \$ 500,000 151069

TOTAL Administrative Building Fund \$ ~~2,935,941~~ 151070  
3,735,941

Highway Safety Fund (Fund 7036) 151071

C76035 Alum Creek Facility Renovations and \$ 1,200,000 151072  
Upgrades

C76036 Shipley Building Renovations and \$ 1,500,000 151073  
Improvements

C76043 Minor Capital Projects \$ 2,500,000 151074

C76044 OSHP Headquarters/Post Renovations and \$ 2,250,000 151075  
Improvements

C76045 OSHP Academy Renovations and \$ 1,250,000 151076  
Improvements

C76046 OSHP - K-9 Training Facility \$ 1,250,000 151077

|                                                                         |                                         |                        |        |
|-------------------------------------------------------------------------|-----------------------------------------|------------------------|--------|
| TOTAL Highway Safety Fund                                               | \$                                      | 9,950,000              | 151078 |
| TOTAL ALL FUNDS                                                         | \$                                      | <del>12,885,941</del>  | 151079 |
|                                                                         |                                         | <u>13,685,941</u>      |        |
| <u>HIGHLAND COUNTY MARCS TOWER PROJECT</u>                              |                                         |                        | 151080 |
| <u>The foregoing appropriation item C76055, Highland County</u>         |                                         |                        | 151081 |
| <u>MARCS Tower Project, shall be used for the purpose of providing</u>  |                                         |                        | 151082 |
| <u>end user radios for the Highland County MARCS Tower Project.</u>     |                                         |                        | 151083 |
| <u>LAKE COUNTY REGIONAL RESPONSE FACILITY</u>                           |                                         |                        | 151084 |
| <u>The foregoing capital appropriation item C76056, Lake County</u>     |                                         |                        | 151085 |
| <u>Regional Response Facility, shall be distributed directly to the</u> |                                         |                        | 151086 |
| <u>city of Mentor for the purpose of constructing the Lake County</u>   |                                         |                        | 151087 |
| <u>Regional Response Facility.</u>                                      |                                         |                        | 151088 |
| <br><b>Section 610.71.</b> That existing Section 227.10 of S.B. 310 of  |                                         |                        | 151089 |
| the 131st General Assembly is hereby repealed.                          |                                         |                        | 151090 |
| <br><b>Section 610.80.</b> That Sections 229.10 and 229.30 of S.B. 310  |                                         |                        | 151091 |
| of the 131st General Assembly be amended to read as follows:            |                                         |                        | 151092 |
| <br><b>Sec. 229.10.</b> DRC DEPARTMENT OF REHABILITATION AND CORRECTION |                                         |                        | 151093 |
| Adult Correctional Building Fund (Fund 7027)                            |                                         |                        | 151094 |
| C50101                                                                  | Community-Based Correctional Facilities | \$ 20,287,590          | 151095 |
| C50105                                                                  | Water System/Plant Improvements         | \$ 7,500,000           | 151096 |
| C50106                                                                  | Industrial Equipment - Statewide        | \$ 4,602,109           | 151097 |
| C50114                                                                  | Community Residential Program           | \$ 2,000,000           | 151098 |
| C50136                                                                  | General Building Renovations            | \$ 116,461,868         | 151099 |
| <u>C501HE</u>                                                           | <u>Ohio River Valley Jail Facility</u>  | <u>\$ 1,250,000</u>    | 151100 |
| TOTAL Adult Correctional Building Fund                                  | \$                                      | <del>150,851,567</del> | 151101 |
|                                                                         |                                         | <u>152,101,567</u>     |        |
| TOTAL ALL FUNDS                                                         | \$                                      | <del>150,851,567</del> | 151102 |
|                                                                         |                                         | <u>152,101,567</u>     |        |

**Sec. 229.30.** COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS 151104

The foregoing appropriation item C50114, Community 151105  
Residential Program, may be used by the Department of 151106  
Rehabilitation and Correction, pursuant to sections 5120.103 to 151107  
5120.105 of the Revised Code, to provide for the construction or 151108  
renovation of halfway house facilities for offenders eligible for 151109  
community supervision by the Department of Rehabilitation and 151110  
Correction. 151111

OHIO RIVER VALLEY JAIL FACILITY 151112

The foregoing appropriation item C501HE, Ohio River Valley 151113  
Jail Facility, shall be used for the development of the Ohio River 151114  
Valley Jail Facility to be located in Scioto county, including, 151115  
but not limited to, the costs of construction, renovations, site 151116  
development, capital equipment, and planning. 151117

**Section 610.81.** That existing Sections 229.10 and 229.30 of 151118  
S.B. 310 of the 131st General Assembly are hereby repealed. 151119

**Section 610.90.** That Section 221.20 of S.B. 310 of the 131st 151120  
General Assembly be amended to read as follows: 151121

**Sec. 221.20.** The Treasurer of State is hereby authorized to 151122  
issue and sell in accordance with Section 2i of Article VIII, Ohio 151123  
Constitution, and Chapter 154. of the Revised Code, particularly 151124  
section 154.20 of the Revised Code, original obligations in an 151125  
aggregate principal amount not to exceed ~~\$54,000,000~~ 75,000,000 in 151126  
addition to the original issuance of obligations heretofore 151127  
authorized by prior acts of the General Assembly. These authorized 151128  
obligations shall be issued, subject to applicable constitutional 151129  
and statutory limitations, as needed to provide sufficient moneys 151130  
to the credit of the Mental Health Facilities Improvement Fund 151131  
(Fund 7033) to pay costs of capital facilities as defined in 151132

section 154.01 of the Revised Code for mental hygiene and 151133  
retardation. 151134

**Section 610.91.** That existing Section 221.20 of S.B. 310 of 151135  
the 131st General Assembly is hereby repealed. 151136

**Section 610.100.** That Section 207.440 of S.B. 310 of the 151137  
131st General Assembly be amended to read as follows: 151138

**Sec. 207.440.** The Ohio Public Facilities Commission is hereby 151139  
authorized to issue and sell, in accordance with Section 2n of 151140  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 151141  
sections 151.01 and 151.04 of the Revised Code, original 151142  
obligations in an aggregate principal amount not to exceed 151143  
~~\$480,000,000~~ \$481,000,000, in addition to the original issuance of 151144  
obligations heretofore authorized by prior acts of the General 151145  
Assembly. These authorized obligations shall be issued, subject to 151146  
applicable constitutional and statutory limitations, as needed to 151147  
provide sufficient moneys to the credit of the Higher Education 151148  
Improvement Fund (Fund 7034) and the Higher Education Improvement 151149  
Taxable Fund (Fund 7024) to pay costs of capital facilities as 151150  
defined in sections 151.01 and 151.04 of the Revised Code for 151151  
state-supported and state-assisted institutions of higher 151152  
education. 151153

**Section 610.101.** That existing Section 207.440 of S.B. 310 of 151154  
the 131st General Assembly is hereby repealed. 151155

**Section 610.110.** That Sections 205.10, 205.20, and 812.50 of 151156  
Sub. H.B. 26 of the 132nd General Assembly be amended to read as 151157  
follows: 151158

**Sec. 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 151159

|      |                           |                       |    |                        |    |                       |        |
|------|---------------------------|-----------------------|----|------------------------|----|-----------------------|--------|
|      | Highway Safety Fund Group |                       |    |                        |    | 151160                |        |
| 5TM0 | 761401                    | Public Safety         | \$ | 2,437,200              | \$ | 2,441,300             | 151161 |
|      |                           | Facilities Lease      |    |                        |    |                       |        |
|      |                           | Rental Bond Payments  |    |                        |    |                       |        |
| 5TM0 | 762321                    | Operating Expense -   | \$ | 102,654,677            | \$ | 101,709,677           | 151162 |
|      |                           | BMV                   |    |                        |    |                       |        |
| 5TM0 | 762636                    | Financial             | \$ | 4,914,824              | \$ | 4,914,824             | 151163 |
|      |                           | Responsibility        |    |                        |    |                       |        |
|      |                           | Compliance            |    |                        |    |                       |        |
| 5TM0 | 762637                    | Local Immobilization  | \$ | 200,000                | \$ | 200,000               | 151164 |
|      |                           | Reimbursement         |    |                        |    |                       |        |
| 5TM0 | 764321                    | Operating Expense -   | \$ | <del>303,297,721</del> | \$ | 311,395,776           | 151165 |
|      |                           | Highway Patrol        |    | <u>303,797,721</u>     |    |                       |        |
| 5TM0 | 764605                    | Motor Carrier         | \$ | 2,981,040              | \$ | 2,981,040             | 151166 |
|      |                           | Enforcement Expenses  |    |                        |    |                       |        |
| 5TM0 | 769636                    | Administrative        | \$ | 43,133,359             | \$ | 44,546,921            | 151167 |
|      |                           | Expenses - Highway    |    |                        |    |                       |        |
|      |                           | Purposes              |    |                        |    |                       |        |
| 8370 | 764602                    | Turnpike Policing     | \$ | 11,905,872             | \$ | 11,905,872            | 151168 |
| 83C0 | 764630                    | Contraband,           | \$ | 1,122,894              | \$ | 1,122,894             | 151169 |
|      |                           | Forfeiture, and Other |    |                        |    |                       |        |
| 83F0 | 764657                    | Law Enforcement       | \$ | 8,665,152              | \$ | 8,665,152             | 151170 |
|      |                           | Automated Data System |    |                        |    |                       |        |
| 83G0 | 764633                    | OMVI                  | \$ | 641,927                | \$ | 641,927               | 151171 |
|      |                           | Enforcement/Education |    |                        |    |                       |        |
| 83M0 | 765624                    | Operating - EMS       | \$ | 4,035,127              | \$ | 4,135,074             | 151172 |
| 83M0 | 765640                    | EMS - Grants          | \$ | 2,900,000              | \$ | 2,900,000             | 151173 |
| 8400 | 764607                    | State Fair Security   | \$ | 1,356,354              | \$ | 1,356,354             | 151174 |
| 8400 | 764617                    | Security and          | \$ | <del>12,155,202</del>  | \$ | <del>12,505,202</del> | 151175 |
|      |                           | Investigations        |    | <u>13,698,602</u>      |    | <u>14,056,602</u>     |        |
| 8400 | 764626                    | State Fairgrounds     | \$ | 1,109,770              | \$ | 1,109,770             | 151176 |
|      |                           | Police Force          |    |                        |    |                       |        |
| 8460 | 761625                    | Motorcycle Safety     | \$ | 3,504,741              | \$ | 3,544,104             | 151177 |

|           |        |                                                       |    |                        |    |                               |
|-----------|--------|-------------------------------------------------------|----|------------------------|----|-------------------------------|
|           |        | Education                                             |    |                        |    |                               |
| 8490      | 762627 | Automated Title Processing Board                      | \$ | 16,446,027             | \$ | 16,446,027 151178             |
| 8490      | 762630 | Electronic Liens and Titles                           | \$ | 2,900,000              | \$ | 2,900,000 151179              |
| TOTAL HSF |        | Highway Safety Fund Group                             | \$ | <del>526,361,887</del> | \$ | <del>535,421,914</del> 151180 |
|           |        |                                                       |    | <u>528,405,287</u>     |    | <u>536,973,314</u>            |
|           |        | Dedicated Purpose Fund Group                          |    |                        |    | 151181                        |
| 5390      | 762614 | Motor Vehicle Dealers Board                           | \$ | 140,000                | \$ | 140,000 151182                |
| 5B90      | 766632 | Private Investigator and Security Guard Provider      | \$ | 1,722,610              | \$ | 1,794,295 151183              |
| 5FF0      | 762621 | Indigent Interlock and Alcohol Monitoring             | \$ | 2,000,000              | \$ | 2,000,000 151184              |
| 5Y10      | 764695 | State Highway Patrol Continuing Professional Training | \$ | 134,000                | \$ | 134,000 151185                |
| TOTAL DPF |        | Dedicated Purpose Fund Group                          | \$ | 3,996,610              | \$ | 4,068,295 151186              |
|           |        | Fiduciary Fund Group                                  |    |                        |    | 151187                        |
| 5J90      | 761678 | Federal Salvage/GSA                                   | \$ | 1,500,000              | \$ | 1,500,000 151188              |
| 5V10      | 762682 | License Plate Contributions                           | \$ | 2,700,000              | \$ | 2,700,000 151189              |
| TOTAL FID |        | Fiduciary Fund Group                                  | \$ | 4,200,000              | \$ | 4,200,000 151190              |
|           |        | Holding Account Fund Group                            |    |                        |    | 151191                        |
| R024      | 762619 | Unidentified Motor Vehicle Receipts                   | \$ | 1,885,000              | \$ | 1,885,000 151192              |
| R052      | 762623 | Security Deposits                                     | \$ | 350,000                | \$ | 350,000 151193                |
| TOTAL HLD |        | Holding Account Fund Group                            | \$ | 2,235,000              | \$ | 2,235,000 151194              |

|                              |                       |    |                        |    |                               |
|------------------------------|-----------------------|----|------------------------|----|-------------------------------|
| Federal Fund Group           |                       |    |                        |    | 151195                        |
| 3DU0 762628                  | BMV Grants            | \$ | 250,000                | \$ | 0 151196                      |
| 3GR0 764693                  | Highway Patrol        | \$ | 2,223,000              | \$ | 2,232,000 151197              |
|                              | Justice Contraband    |    |                        |    |                               |
| 3GS0 764694                  | Highway Patrol        | \$ | 21,000                 | \$ | 21,000 151198                 |
|                              | Treasury Contraband   |    |                        |    |                               |
| 3GU0 761610                  | Information and       | \$ | 300,000                | \$ | 300,000 151199                |
|                              | Education Grant       |    |                        |    |                               |
| 3GU0 764608                  | Fatality Analysis     | \$ | 175,000                | \$ | 175,000 151200                |
|                              | Report System Grant   |    |                        |    |                               |
| 3GU0 764610                  | Highway Safety        | \$ | 3,776,000              | \$ | 3,850,000 151201              |
|                              | Programs Grant        |    |                        |    |                               |
| 3GU0 764659                  | Motor Carrier Safety  | \$ | 5,571,000              | \$ | 5,710,000 151202              |
|                              | Assistance Program    |    |                        |    |                               |
|                              | Grant                 |    |                        |    |                               |
| 3GU0 765610                  | EMS Grants            | \$ | 225,000                | \$ | 225,000 151203                |
| 3GV0 761612                  | Traffic Safety Action | \$ | 30,200,000             | \$ | 30,200,000 151204             |
|                              | Plan Grants           |    |                        |    |                               |
| TOTAL FED                    | Federal Fund Group    | \$ | 42,741,000             | \$ | 42,713,000 151205             |
| TOTAL ALL BUDGET FUND GROUPS |                       | \$ | <del>579,534,497</del> | \$ | <del>588,638,209</del> 151206 |
|                              |                       |    | <u>581,577,897</u>     |    | <u>590,189,609</u>            |

**Sec. 205.20. MOTOR VEHICLE REGISTRATION** 151208

The Director of Public Safety may deposit revenues to meet 151209  
the cash needs of the Public Safety - Highway Purposes Fund (Fund 151210  
5TM0) established in section 4501.06 of the Revised Code, obtained 151211  
under section 4503.02 of the Revised Code, less all other 151212  
available cash. Revenue deposited pursuant to this paragraph shall 151213  
support in part appropriations for the administration and 151214  
enforcement of laws relative to the operation and registration of 151215  
motor vehicles, for payment of highway obligations and other 151216  
statutory highway purposes. Notwithstanding section 4501.03 of the 151217  
Revised Code, the revenues shall be paid into Fund 5TM0 before any 151218

revenues obtained pursuant to section 4503.02 of the Revised Code 151219  
are paid into any other fund. The deposit of revenues to meet the 151220  
aforementioned cash needs shall be in approximately equal amounts 151221  
on a monthly basis or as otherwise approved by the Director of 151222  
Budget and Management. Prior to July 1 of each fiscal year, the 151223  
Director of Public Safety shall submit a plan to the Director of 151224  
Budget and Management requesting approval of the anticipated 151225  
revenue amounts to be deposited into Fund 5TM0 pursuant to this 151226  
paragraph. If during the fiscal year changes to the plan as 151227  
approved by the Director of Budget and Management are necessary, 151228  
the Director of Public Safety shall submit a revised plan to the 151229  
Director of Budget and Management for approval prior to any change 151230  
in the deposit of revenues. 151231

PUBLIC SAFETY FACILITIES LEASE RENTAL BOND PAYMENTS 151232

The foregoing appropriation item 761401, Public Safety 151233  
Facilities Lease Rental Bond Payments, shall be used to meet all 151234  
payments during the period July 1, 2017, through June 30, 2019, by 151235  
the Department of Public Safety under the leases and agreements 151236  
for facilities under Chapters 152. and 154. of the Revised Code. 151237  
The appropriations are the source of funds pledged for bond 151238  
service charges on related obligations issued under Chapters 152. 151239  
and 154. of the Revised Code. 151240

CASH TRANSFERS - HIGHWAY PATROL 151241

Upon written request of the Director of Public Safety, the 151242  
Director of Budget and Management may transfer cash from the State 151243  
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0) 151244  
to the Security, Investigations and Policing Fund (Fund 8400). 151245

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 151246  
SHIPLEY UPGRADES 151247

Pursuant to a plan submitted by the Director of Public 151248  
Safety, or as otherwise determined by the Director of Budget and 151249

Management, the Director of Budget and Management may make 151250  
appropriate cash transfers on a pro-rata basis as approved by the 151251  
Director of Budget and Management from other funds used by the 151252  
Department of Public Safety, excluding the Public Safety Building 151253  
Fund (Fund 7025), to the Public Safety - Highway Purposes Fund 151254  
(Fund 5TM0) in order to reimburse expenditures for capital 151255  
upgrades to the Shipley Building. 151256

CASH TRANSFER FROM THE CONTROLLING BOARD EMERGENCY 151257  
PURPOSES/CONTINGENCIES FUND TO THE PUBLIC SAFETY - HIGHWAY 151258  
PURPOSES FUND 151259

On July 1, 2017, or as soon as possible thereafter, the 151260  
Director of Budget and Management shall transfer \$500,000 cash 151261  
from the Controlling Board Emergency Purposes/Contingencies Fund 151262  
(Fund 5KM0) to the Public Safety - Highway Purposes Fund (Fund 151263  
5TM0). 151264

OPERATING EXPENSE - HIGHWAY PATROL 151265

Of the foregoing appropriation item 764321, Operating Expense 151266  
- Highway Patrol, \$500,000 in fiscal year 2018 shall be used by 151267  
the Department of Public Safety to fund criminal laboratory case 151268  
work primarily related to opioid or other criminal cases submitted 151269  
to the Department of Public Safety. 151270

COLLECTIVE BARGAINING INCREASES 151271

Notwithstanding division (D) of section 127.14 and division 151272  
(B) of section 131.35 of the Revised Code, except for the General 151273  
Revenue Fund, the Controlling Board may, upon the request of 151274  
either the Director of Budget and Management, or the Department of 151275  
Public Safety with the approval of the Director of Budget and 151276  
Management, authorize expenditures in excess of appropriations and 151277  
transfer appropriations, as necessary, for any fund used by the 151278  
Department of Public Safety, to assist in paying the costs of 151279  
increases in employee compensation that have occurred pursuant to 151280

collective bargaining agreements under Chapter 4117. of the 151281  
Revised Code and, for exempt employees, under section 124.152 of 151282  
the Revised Code. Any money approved for expenditure under this 151283  
paragraph is hereby appropriated. 151284

CASH BALANCE FUND REVIEW 151285

The Director of Public Safety shall review the cash balances 151286  
for each fund in the State Highway Safety Fund Group, and may 151287  
submit a request in writing to the Director of Budget and 151288  
Management to transfer amounts from any fund in the State Highway 151289  
Safety Fund Group to the credit of the Public Safety - Highway 151290  
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 151291  
request, the Director of Budget and Management may make 151292  
appropriate transfers as requested by the Director of Public 151293  
Safety or as otherwise determined by the Director of Budget and 151294  
Management. 151295

CASH TRANSFER - SECURITY, POLICE, AND INVESTIGATIONS 151296

Upon written request of the Director of Public Safety, the 151297  
Director of Budget and Management may transfer up to \$2,000,000 151298  
cash in each fiscal year from the Trauma and Emergency Medical 151299  
Services Fund (Fund 83M0) to the Security, Investigations, and 151300  
Policing Fund (Fund 8400). 151301

CASH TRANSFER - TRAUMA AND EMERGENCY MEDICAL SERVICES GRANT 151302  
FUND 151303

On July 1, 2017, or as soon as possible thereafter, the 151304  
Director of Budget and Management shall transfer the cash balance 151305  
in the Trauma and Emergency Medical Services Grants Fund (Fund 151306  
83P0) to the Trauma and Emergency Medical Services Fund (Fund 151307  
83M0). Upon completion of the transfer, Fund 83P0 is abolished. 151308

**Sec. 812.50.** Section 755.30 of this act is hereby repealed 151309  
~~one year~~ two years after the effective date of that section. 151310

**Section 610.111.** That existing Sections 205.10, 205.20, and 812.50 of Sub. H.B. 26 of the 132nd General Assembly are hereby repealed.

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**Section 620.10.** That Section 7 of Am. Sub. H.B. 52 of the 131st General Assembly is hereby repealed.

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**Section 620.20.** That section 745.20 of Sub. H.B. 26 of the 132nd General Assembly is hereby repealed.

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**Section 701.10.** The following agencies are retained under division (D) of section 101.83 of the Revised Code and expire at the end of December 31, 2020:

151318  
151319  
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ABLE Account Program Advisory Board R.C. 113.56

151321

Ohio Healthier Buckeye Advisory Council R.C. 5101.91

151322

Underground Technical Committee R.C. 3781.34

151323

**Section 701.20.** The Ohio Constitutional Modernization Commission shall cease operations on or before July 1, 2017. Notwithstanding section 126.29 of the Revised Code, the Director of the Legislative Service Commission shall attend to any matters associated with winding up the affairs of the Ohio Constitutional Modernization Commission.

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**Section 701.31.** (A) There is created the Joint Legislative Task Force on Creating a Legislative Budget Office to study and make recommendations regarding the feasibility and effectiveness of creating a Legislative Budget Office.

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(B) The Joint Legislative Task Force shall consist of the following six members:

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(1) Three members of the House of Representatives appointed

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by the Speaker of the House of Representatives, one of whom shall 151337  
be a member of the minority party; and 151338

(2) Three members of the Senate appointed by the President of 151339  
the Senate one of whom shall be a member of the minority party. 151340

Members shall be appointed not later than thirty days after 151341  
the effective date of this section. A vacancy shall be filled in 151342  
the same manner as the original appointment. 151343

(C) The Speaker of the House of Representatives and the 151344  
President of the Senate jointly shall choose a member of the Task 151345  
Force to serve as the chairperson. Meetings shall be held at the 151346  
discretion of the chairperson. A majority of the members of the 151347  
Task Force constitutes a quorum for the conduct of meetings. 151348

(D) Members of the Task Force shall receive no compensation, 151349  
except to the extent that serving as a member is part of the 151350  
individual's regular duties of employment, and days on which Task 151351  
Force meetings are held shall be considered as legislative days. 151352

(E) Not later than July 1, 2018, the Task Force shall issue a 151353  
report of its recommendations to the Speaker and the Minority 151354  
Leader of the House of Representatives and to the President and 151355  
the Minority Leader of the Senate, at which time the Task Force 151356  
shall cease to exist. 151357

**Section 715.11.** (A) Except as provided in section 1533.12 of 151358  
the Revised Code or in rules adopted under division (B) of that 151359  
section and notwithstanding division (A) of section 1533.11 of the 151360  
Revised Code, for calendar years 2017, 2018, and 2019, an 151361  
applicant for a hunting license, fishing license, or deer permit 151362  
who is a nonresident shall pay an annual fee for each license or 151363  
permit in accordance with the following schedule, as applicable: 151364  
Hunting license - nonresident, and not a resident of \$124.00 151365  
a reciprocal state in calendar year 2017, all ages

|                                                                                                          |          |        |
|----------------------------------------------------------------------------------------------------------|----------|--------|
| Hunting license - nonresident, and not a resident of a reciprocal state in calendar year 2018, all ages  | \$140.50 | 151366 |
| Hunting license - nonresident, and not a resident of a reciprocal state in calendar year 2019, all ages  | \$157.00 | 151367 |
| Apprentice hunting license - nonresident, and not a resident of a reciprocal state in calendar year 2017 | \$124.00 | 151368 |
| Apprentice hunting license - nonresident, and not a resident of a reciprocal state in calendar year 2018 | \$140.50 | 151369 |
| Apprentice hunting license - nonresident, and not a resident of a reciprocal state in calendar year 2019 | \$157.00 | 151370 |
| Fishing license - nonresident, and not a resident of a reciprocal state in calendar year 2017            | \$39.00  | 151371 |
| Fishing license - nonresident, and not a resident of a reciprocal state in calendar year 2018            | \$42.50  | 151372 |
| Fishing license - nonresident, and not a resident of a reciprocal state in calendar year 2019            | \$46.00  | 151373 |
| Deer permit - nonresident in calendar year 2017, all ages                                                | \$23.00  | 151374 |
| Deer permit - nonresident in calendar year 2018, all ages                                                | \$40.00  | 151375 |
| Deer permit - nonresident in calendar year 2019, all ages                                                | \$57.00  | 151376 |

(B) Beginning on January 1, 2020, an applicant for a nonresident hunting license, fishing license, or deer permit shall pay the annual fee for each license or permit in accordance with the fee schedule established under division (A) of sections 1533.10 and 1533.11 and section 1533.32 of the Revised Code.

**Section 733.10.** Notwithstanding division (O)(6)(a) of section 3301.0711 of the Revised Code, as amended by this act, in 2017, the Department of Education shall not release as public records any questions and corresponding preferred answers from the English language arts and mathematics assessments prescribed under

division (A) of section 3301.0710 of the Revised Code that were 151387  
administered in the 2015-2016 school year. 151388

**Section 733.13.** The Department of Education shall prepare a 151389  
report of the information maintained in the Education Management 151390  
Information System that relates to persons at whom violent student 151391  
behavior resulting in reported disciplinary actions was directed 151392  
as required by division (B)(1)(o) of section 3301.0714 of the 151393  
Revised Code, as amended by this act, for the first two school 151394  
years following the effective date of this section. Not later than 151395  
the first day of October that next succeeds the final day of the 151396  
second school year following the effective date of this section, 151397  
the Department shall submit the report prepared under this section 151398  
to the President and Minority Leader of the Senate, Speaker and 151399  
Minority Leader of the House of Representatives, and the 151400  
chairpersons and ranking minority members of the standing 151401  
committees on education of the Senate and House of 151402  
Representatives. 151403

**Section 733.20.** The revisions by this act to section 3365.03 151404  
of the Revised Code shall first apply to students seeking to 151405  
participate in the College Credit Plus program during the 151406  
2018-2019 school year. For participation during the 2017-2018 151407  
school year, students shall meet the eligibility requirements 151408  
prescribed by section 3365.03 of the Revised Code, as it existed 151409  
prior to the effective date of this section. 151410

**Section 733.40.** Not later than July 1, 2018, the Department 151411  
of Education, in consultation with the Department of Higher 151412  
Education and the Governor's Office of Workforce Transformation, 151413  
shall develop both of the following: 151414

(A) A plan that permits and encourages school districts and 151415

chartered nonpublic schools to integrate academic content in 151416  
subject areas for which the State Board of Education adopts 151417  
standards under section 3301.079 of the Revised Code into other 151418  
coursework so that students may earn simultaneous credit in 151419  
accordance with division (I) of section 3313.603 of the Revised 151420  
Code; 151421

(B) Guidance to assist school districts and schools that 151422  
choose to implement integrated coursework under division (I) of 151423  
section 3313.603 of the Revised Code that includes guidance on 151424  
appropriate licensure teachers must have to teach integrated 151425  
coursework and guidance on appropriately integrating subject area 151426  
content into course curriculum to ensure that students receive 151427  
instruction in the academic content necessary to meet graduation 151428  
requirements. 151429

**Section 733.50.** The Chancellor of Higher Education, in 151430  
consultation with the Director of the Governor's Office of 151431  
Workforce Transformation and the Superintendent of Public 151432  
Instruction, shall work with the business community and higher 151433  
education institutions to develop a program targeted at increasing 151434  
the number of high school students in Ohio who pursue certificates 151435  
or degrees in the field of advanced technology and cyber security. 151436

**Section 733.60.** Beginning with the 2017-2018 school year, the 151437  
Ohio Teacher Residency Program established under section 3319.223 151438  
of the Revised Code, as it existed prior to the effective date of 151439  
this section, shall cease to exist. Any individual who is 151440  
currently participating in the program shall not be required to 151441  
complete the program or any component of the program. 151442  
Additionally, the State Board of Education shall not require any 151443  
applicant for a new educator license, or for renewal of any 151444  
educator license, under section 3319.22 or 3319.26 of the Revised 151445  
Code to complete the program or any component of the program as a 151446

condition for issuance of an educator license. 151447

**Section 733.61.** The county OSU Extension office serving 151448  
Ashtabula County shall establish a pilot program through which it 151449  
employs a food policy coordinator. The food policy coordinator 151450  
shall be responsible for connecting local food producers with 151451  
local consumers such as the Lake Erie Correctional Institution, 151452  
hospitals, nursing homes, schools, and supermarkets. 151453

**Section 733.63.** The General Assembly finds that the Ohio FFA 151454  
Association is an integral part of the organized instructional 151455  
programs in career-technical agricultural education that prepare 151456  
students for a wide range of careers in agriculture, agribusiness, 151457  
and other agriculture-related occupations. 151458

**Section 733.65.** (A) The Superintendent of Public Instruction 151459  
shall establish a workgroup on related services personnel. The 151460  
purpose of the workgroup shall be to improve the coordination of 151461  
state, school, and provider efforts to address the related 151462  
services needs of students with disabilities. 151463

(B) The workgroup shall include the following members: 151464

(1) Employees of the Department of Education, the Department 151465  
of Higher Education, and other state agencies that have a role in 151466  
addressing the related services needs of students with 151467  
disabilities; 151468

(2) Representatives of interested parties, which shall 151469  
include at least the following: 151470

(a) The Ohio Speech-Language-Hearing Association; 151471

(b) The Ohio School Psychologists Association; 151472

(c) The Ohio Educational Service Center Association. 151473

(3) Representatives of school district superintendents, 151474

treasurers or business managers, and other school business officials. 151475  
151476

(C) The workgroup shall do all of the following: 151477

(1) Identify and evaluate causes and solutions for the shortage of related services personnel in the school setting, including evaluating the long-term sustainability of potential solutions; 151478  
151479  
151480  
151481

(2) Establish short-term, medium-term, and long-term goals to address the shortage of related services personnel in the state and monitor progress on those goals; 151482  
151483  
151484

(3) Report, as needed, on the work and findings of the workgroup. 151485  
151486

(D) The Department of Education shall provide administrative support to the workgroup. 151487  
151488

(E) The workgroup shall cease to exist on June 30, 2019, unless the General Assembly authorizes its continuation. 151489  
151490

(F) As used in this section, "related services" has the same meaning as in section 3323.01 of the Revised Code. 151491  
151492

**Section 733.67.** Notwithstanding anything in the Revised Code to the contrary, this section shall apply only to students who are enrolled in a school district, community school, STEM school, or chartered nonpublic school and who entered ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015. This section does not apply to any student who entered ninth grade for the first time prior to July 1, 2014, or to any student who entered ninth grade for the first time on or after July 1, 2015. 151493  
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151500

(A) In lieu of qualifying for high school graduation under section 3313.61 of the Revised Code, a student shall be eligible to receive a high school diploma if: 151501  
151502  
151503

|                                                                                                                                                                                                                                                               |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (1) The student takes all of the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code required for the student or takes the assessment prescribed under section 3313.619 of the Revised Code, as applicable;  | 151504<br>151505<br>151506<br>151507<br>151508 |
| (2) Retakes, at least once, any end-of-course examination in the area of English language arts or mathematics for which a student received an equivalent score of lower than "3";                                                                             | 151509<br>151510<br>151511                     |
| (3) Completes the required units of instruction prescribed by the school district or school;                                                                                                                                                                  | 151512<br>151513                               |
| (4) Meets at least two of the following conditions:                                                                                                                                                                                                           | 151514                                         |
| (a) The student has an attendance rate of at least ninety-three per cent during the twelfth grade year.                                                                                                                                                       | 151515<br>151516                               |
| (b) The student takes at least four full-year or equivalent courses during the twelfth grade year and has at least a grade point average of 2.5 on a 4.0 scale for the courses completed during the twelfth grade year.                                       | 151517<br>151518<br>151519<br>151520           |
| (c) During the twelfth grade, the student completed a capstone project as defined by the district or school.                                                                                                                                                  | 151521<br>151522                               |
| (d) During the twelfth grade, the student completed one hundred twenty hours of work in a community service role or in a position of employment, including internships, work study, co-ops, and apprenticeships as defined by the district or school.         | 151523<br>151524<br>151525<br>151526           |
| (e) The student earned three or more transcribed credit hours under the College Credit Plus program, established under Chapter 3365. of the Revised Code, at any time during high school.                                                                     | 151527<br>151528<br>151529                     |
| (f) The student passed an Advanced Placement or International Baccalaureate course, and received a score of three or higher on the corresponding Advanced Placement examination or a score of four or higher on the corresponding International Baccalaureate | 151530<br>151531<br>151532<br>151533           |

examination, at any time during high school. 151534

(g) The student earned at least a level three score on each 151535  
of the "reading for information," "applied mathematics," and 151536  
"locating information" components of the job skills assessment 151537  
selected by the State Board of Education under division (G) of 151538  
section 3301.0712 of the Revised Code, or a comparable score on 151539  
similar components of an successor version of that assessment. 151540

(h) The student obtained an industry-recognized credential, 151541  
as described under division (B)(2)(d) of section 3302.03 of the 151542  
Revised Code, or a group of credentials equal to at least three 151543  
total points. 151544

(i) The student satisfies the conditions required to receive 151545  
an OhioMeansJobs-readiness seal under section 3313.6112 of the 151546  
Revised Code. 151547

(B) In lieu of qualifying for high school graduation under 151548  
section 3313.61 of the Revised Code, a student shall be eligible 151549  
to receive a high school diploma if: 151550

(1) The student takes all of the end-of-course examinations 151551  
prescribed under division (B)(2) of section 3301.0712 of the 151552  
Revised Code required for the student or takes the assessment 151553  
prescribed under section 3313.619 of the Revised Code, as 151554  
applicable; 151555

(2) Completes the required units of instruction prescribed by 151556  
the school district or school; 151557

(3) Completes a career-technical training program approved by 151558  
the Department of Education that includes at least four 151559  
career-technical courses; 151560

(4) Meets one of the following conditions: 151561

(a) Attains a cumulative score of at least proficient on 151562  
career-technical education assessments, or test modules, that are 151563

required for a career-technical education program; 151564

(b) Obtains an industry-recognized credential, as described 151565  
under division (B)(2)(d) of section 3302.03 of the Revised Code, 151566  
or a group of credentials equal to at least twelve points; 151567

(c) Demonstrates successful workplace participation, as 151568  
evidenced by documented completion of two hundred fifty hours of 151569  
workplace experience and evidence of regular, written, positive 151570  
evaluations from the workplace employer or supervisor and a 151571  
representative of the school district or school. The workplace 151572  
participation shall be based on a written agreement signed by the 151573  
student, a representative of the district or school, and an 151574  
employer or supervisor. 151575

(C) As used in this section, "community school" means any 151576  
community school established under Chapter 3314. and "STEM school" 151577  
means any science, technology, engineering, and mathematics school 151578  
established under Chapter 3326. of the Revised Code. 151579

**Section 737.10.** All money received by the Director of 151580  
Environmental Protection under section 3751.05 of the Revised Code 151581  
as that section existed prior to its amendment by this act shall 151582  
remain in the Toxic Chemical Release Reporting Fund, to be used 151583  
exclusively for purposes of implementing, administering, and 151584  
enforcing Chapter 3751. of the Revised Code and rules adopted and 151585  
orders issued under it. In addition, any money received by the 151586  
Director after the act's effective date under section 3751.05 of 151587  
the Revised Code for filing fees or late fees required to be paid 151588  
under that section prior to the act's effective date shall be 151589  
deposited in the Fund and used for those purposes. 151590

**Section 737.31.** Any person who, on the effective date of this 151591  
section, operates or maintains an aquatic amusement ride, as 151592  
defined under section 3749.01 of the Revised Code as amended by 151593

this act, may continue to operate or maintain the ride without 151594  
obtaining a license under section 3749.04 of the Revised Code 151595  
until the person obtains an initial license during the month of 151596  
April of 2018, in accordance with section 3749.04 of the Revised 151597  
Code. 151598

**Section 749.20.** (A) As used in this section: 151599

(1) "Communications services" means any of the following: 151600

(a) Telecommunications service, as defined in 47 U.S.C. 151601  
153(53); 151602

(b) Cable service, as defined in 47 U.S.C. 522(6); 151603

(c) Information service, as defined in 47 U.S.C. 153(24); 151604

(d) Wireless service; 151605

(e) Any other one-way or two-way communication service, 151606  
including internet access service. 151607

(2) "University" means the Ohio State University, Columbus, 151608  
Ohio campus. 151609

(3) "Utility agreement" means the agreement between the 151610  
university and a special purpose vehicle selected pursuant to this 151611  
section to operate, develop, equip, maintain, improve, control and 151612  
increase the energy efficiency of the utility system. 151613

(4) "Utility system" means the university-owned system for 151614  
producing, transforming, or distributing any one or more of the 151615  
following in order to serve the university's Columbus, Ohio campus 151616  
and intended solely for consumption by that campus or the 151617  
university's lessees: power, electricity, light, heat, gas, oil, 151618  
crude products, water, steam, waste, storm water not connected 151619  
with highway drainage, or any other similar commodity. "Utility 151620  
system" includes any building, structure, facility, in whole or in 151621  
part, owned or leased by the university on real property; 151622

(a) Owned or leased by the university; and 151623

(b) Behind the meter of the public utility service provider 151624  
serving the Columbus, Ohio campus of the university. 151625

(B) Beginning in calendar year 2017, the university, 151626  
notwithstanding any law to the contrary, may enter into a utility 151627  
agreement with a special purpose vehicle to operate, develop, 151628  
equip, maintain, improve, control and increase the energy 151629  
efficiency of the university's utility system. The utility 151630  
agreement shall not permit the special purpose vehicle to take 151631  
ownership of electricity or natural gas delivered by a public 151632  
utility. The utility system shall not be used to provide or offer 151633  
communications services. 151634

(C) The university shall issue a request for proposals for 151635  
the management, maintenance, and improvement of the utility system 151636  
and meeting certain energy use and sustainability requirements for 151637  
the utility system. The request shall include any and all relevant 151638  
information, including a general description of the project, the 151639  
date by which proposals shall be submitted, information that shall 151640  
be included in the proposal, selection criteria, and a timeline 151641  
for selection. 151642

(D) In evaluating proposals, the university may consider any 151643  
criteria that it considers appropriate, including, but not limited 151644  
to, the following: 151645

(1) The technical ability of the special purpose vehicle 151646  
based on its key personnel, corporate structure, organization, and 151647  
staffing plan; 151648

(2) The financial ability of the special purpose vehicle 151649  
based on its approach to financing, sources and uses of funds, and 151650  
debt structuring; 151651

(3) The energy conservation measures proposed by the special 151652  
purpose vehicle. 151653

(E) The university may evaluate and select a proposal, with 151654  
or without negotiations, based on qualifications, best value, or 151655  
both. 151656

(F) After selection of the proposal, the university may enter 151657  
into a utility agreement with the selected special purpose vehicle 151658  
for a duration determined by the university, in exchange for fees 151659  
or other consideration as determined by the university, and on 151660  
other terms and conditions that the university determines are 151661  
necessary or appropriate. 151662

(G) Nothing in this section affects the university's right to 151663  
accept or reject any or all proposals in whole or in part. 151664

(H) Property owned by the university that is leased to the 151665  
special purpose vehicle shall continue to be exempt from taxation 151666  
so long as such property is used for the purpose of operating the 151667  
utility system for the benefit of the Columbus, Ohio campus of the 151668  
university and the university's lessees pursuant to the utility 151669  
agreement. For purposes of any sales or use tax permitted to be 151670  
levied under the Revised Code, the following shall be deemed sold 151671  
to the university if, pursuant to the utility agreement, they are: 151672

(1) Building and construction materials to be incorporated 151673  
into the utility system; 151674

(2) Materials related to energy conservation measures to be 151675  
developed by the special purpose vehicle. 151676

(I) To the extent the utility system serves only buildings, 151677  
structures, and facilities located on property owned or leased by 151678  
the university, the special purpose vehicle shall not be 151679  
considered any of the following: 151680

(1) A "public utility" for purposes of Chapter 4905. of the 151681  
Revised Code; 151682

(2) An "electric services company" for purposes of Chapter 151683

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| 4928. of the Revised Code;                                         | 151684 |
| (3) A "retail natural gas supplier" for purposes of Chapter        | 151685 |
| 4929. of the Revised Code;                                         | 151686 |
| (4) An "electric supplier" for purposes of Chapter 4933. of        | 151687 |
| the Revised Code.                                                  | 151688 |
| (J) To the extent the utility system serves only the               | 151689 |
| Columbus, Ohio campus of the university or the university's        | 151690 |
| lessees, section 4928.08 of the Revised Code shall not apply to    | 151691 |
| the university or the special purpose vehicle.                     | 151692 |
| (K) The university shall not be considered a "public utility       | 151693 |
| property lessor" for purposes of Chapter 5727. of the Revised      | 151694 |
| Code.                                                              | 151695 |
| (L) Sections 9.331 to 9.335 of the Revised Code, Chapter 153.      | 151696 |
| of the Revised Code, and sections 3345.61 to 3345.66 of the        | 151697 |
| Revised Code shall not apply to the following:                     | 151698 |
| (1) The university's evaluation or selection of, or                | 151699 |
| contracting with, a special purpose vehicle;                       | 151700 |
| (2) Performance of any of the following activities pursuant        | 151701 |
| to the utility agreement, provided that the special purpose        | 151702 |
| vehicle uses a best value or competitive selection process to      | 151703 |
| identify the provider: design, demolition, project management,     | 151704 |
| construction, repair, replacement, remodeling, renovation,         | 151705 |
| reconstruction, enlargement, addition, alteration, painting, or    | 151706 |
| structural or other improvements;                                  | 151707 |
| (3) Heating, cooling, or ventilating plants and other              | 151708 |
| equipment installed or materials supplied for any of the           | 151709 |
| activities specified in division (L)(2) of this section.           | 151710 |
| Notwithstanding the foregoing, the special purpose vehicle is      | 151711 |
| not required to engage in a best value or competitive selection of | 151712 |
| the energy conservation measure provider named in the utility      | 151713 |

agreement. 151714

(M) Notwithstanding division (Q) of section 3345.12 of the Revised Code, the university shall not be required to hold, invest, or use the proceeds of the utility agreement for the same purposes for which proceeds may be used under sections 3345.07, 3345.11, and 3345.36 of the Revised Code. 151715  
151716  
151717  
151718  
151719

(N) For the sole purpose of determining the applicability of section 125.13 of the Revised Code, personal property related to the utility system that is sold or leased to a special purpose vehicle pursuant to a utility agreement shall not be considered excess or surplus supplies. Personal property to be sold to the special purpose vehicle does not include any installed components, in whole or in part, of the utility system. 151720  
151721  
151722  
151723  
151724  
151725  
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(O) The authority provided under this section shall terminate on the date that all obligations under a utility agreement between a special purpose vehicle and the university have been completed. 151727  
151728  
151729

(P) Nothing in this section shall be construed to permit: 151730

(1) The special purpose vehicle to take ownership of any utility services delivered to the Columbus, Ohio campus of the university by a public utility; or 151731  
151732  
151733

(2) The university or special purpose vehicle to sell electricity generated by the utility system to any customer outside of the utility system unless the university or the special purpose vehicle, as applicable, complies with state and federal laws and rules of the Public Utilities Commission of Ohio. 151734  
151735  
151736  
151737  
151738

(Q) Nothing in this section shall exempt the university from complying with all of the following: 151739  
151740

(1) Any applicable tariffs of the public utilities from which the Columbus, Ohio campus of the university receives utility services; 151741  
151742  
151743

|                                                                                                                                                                                                                                                                      |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (2) Any applicable rules of the Public Utilities Commission of Ohio;                                                                                                                                                                                                 | 151744<br>151745                     |
| (3) Any other applicable state or federal laws.                                                                                                                                                                                                                      | 151746                               |
| (R) At all times during the utility agreement, the university shall be the customer of record for any public utility providing utility service to the Columbus, Ohio campus of the university.                                                                       | 151747<br>151748<br>151749           |
| <b>Section 751.10.</b> (A) There is hereby created in the Department of Job and Family Services the Foster Care Advisory Group to advise and assist the Department in identifying and implementing best practices to recruit, retain, and support foster caregivers. | 151750<br>151751<br>151752<br>151753 |
| (B) The Group shall consist of at least twelve members. The members shall include, at a minimum:                                                                                                                                                                     | 151754<br>151755                     |
| (1) The Director of Job and Family Services, or the Director's designee;                                                                                                                                                                                             | 151756<br>151757                     |
| (2) All of the following, to be appointed by the Director:                                                                                                                                                                                                           | 151758                               |
| (a) Four foster caregivers who each hold a valid foster home certificate issued under section 5103.03 of the Revised Code;                                                                                                                                           | 151759<br>151760                     |
| (b) Two representatives of two different public children services agencies;                                                                                                                                                                                          | 151761<br>151762                     |
| (c) Two representatives of two different private child placing agencies or private noncustodial agencies;                                                                                                                                                            | 151763<br>151764                     |
| (d) A representative of the Ohio Family Care Association;                                                                                                                                                                                                            | 151765                               |
| (e) A representative of the Ohio Association of Child Caring Agencies;                                                                                                                                                                                               | 151766<br>151767                     |
| (f) A representative of the Public Children Services Association of Ohio.                                                                                                                                                                                            | 151768<br>151769                     |
| (C) Appointments under division (B)(2) of this section shall be made not later than September 1, 2017.                                                                                                                                                               | 151770<br>151771                     |

- (D) There shall be two co-chairpersons of the Group. One 151772  
co-chairperson shall be the Director, or the Director's designee, 151773  
and one co-chairperson shall be appointed by members of the group. 151774
- (E) The Group shall determine the frequency of meetings and 151775  
any other administrative matters needed to perform its duties. 151776
- (F) Members shall serve without compensation, but shall be 151777  
reimbursed for necessary expenses. 151778
- (G) The Group shall advise the Director on matters affecting 151779  
foster caregivers. These matters include: 151780
- (1) Current certification requirements; 151781
- (2) Options to streamline the certification requirements and 151782  
process while maintaining quality, safety, and accountability; 151783
- (3) Additional supports foster caregivers need in order to 151784  
best respond to children affected by parental drug use and how to 151785  
deliver and sustain those supports; 151786
- (4) Best practices for identifying and recruiting foster 151787  
caregivers. 151788
- (H) Not later than May 1, 2018, the Group shall issue a 151789  
report that addresses and makes recommendations regarding the 151790  
matters in division (G) of this section. Copies of the report 151791  
shall be provided to all of the following: 151792
- (1) The Director; 151793
- (2) The Governor; 151794
- (3) The Speaker and Minority Leader of the House of 151795  
Representatives; 151796
- (4) The President and Minority Leader of the Senate. 151797
- (I) Upon submission of the report, the group shall cease to 151798  
exist. 151799

**Section 751.20.** The Director of Job and Family Services, in 151800  
collaboration with the Chancellor of Higher Education, shall do 151801  
the following: 151802

(A) Convene a skills-based Supplemental Nutrition Assistance 151803  
Program Employment and Training program planning committee to 151804  
develop a plan for the expansion of the program, which shall at 151805  
least include representatives of community colleges, local 151806  
workforce development boards, and nonprofit organizations that 151807  
provide employment and training services for low-income 151808  
individuals; 151809

(B) Identify workforce development, adult basic education, 151810  
and higher education programs and resources that could serve as 151811  
potential providers of education, training, and support services; 151812

(C) Identify resources that could be reimbursed by funds from 151813  
the United States Department of Agriculture and develop guidance 151814  
on leveraging eligible state, local, and philanthropic resources 151815  
to qualify for Supplemental Nutrition Assistance Program 151816  
Employment and Training program federal match. The guidance shall 151817  
include a description of the process to participate in the 151818  
Supplemental Nutrition Assistance Program Employment and Training 151819  
program, and a description of a system of tracking participant 151820  
eligibility, enrollment, continued participation, and outcomes. 151821

(D) Incorporate the plan to expand a skills-based 151822  
Supplemental Nutrition Assistance Program Employment and Training 151823  
program into the annual state Supplemental Nutrition Assistance 151824  
Program Employment and Training plan submitted to the United 151825  
States Department of Agriculture. 151826

**Section 753.20.** (A) The Governor may execute a deed in the 151827  
name of the state conveying to one or more purchasers, and to the 151828  
purchaser or purchaser's heirs and assigns or successors and 151829

assigns, all of the state's and University's right, title, and 151830  
interest in any or all parcels of real estate, held for the use 151831  
and benefit of the University of Akron, described as follows: 151832

Situated in the City of Akron, County of Summit and State of 151833  
Ohio and being all of Lot Number 36 and Lot Number 37 of the 151834  
FAIRWAY ESTATES ALLOTMENT as the same is numbered and delineated 151835  
upon the recorded plat thereof, of record in Plat Book 48, Pages 6 151836  
through 9, Summit County Records. 151837

Also known as 465 Burning Tree Drive. 151838

Parcel Numbers: Lot 36: 6715076 (01-01669-04-005.000) and 151839  
Loft 37: 6751600 (01-01669-04-004.000) 151840

Prior Instrument Reference: Inst. # 54252035 (Lot 36) and 151841  
Inst. # 24252036 (Lot 37) 151842

The foregoing legal description may be corrected or modified 151843  
by the Department of Administrative Services as necessary in order 151844  
to facilitate the recording of the deed or deeds. 151845

(B) The real estate described in division (A) of this section 151846  
shall be sold as an entire tract and not in parcels. The 151847  
conveyance shall include the improvements and chattels situated on 151848  
the real estate, and shall be subject to all easements, covenants, 151849  
conditions, and restrictions of record; all legal highways and 151850  
public rights-of-way; zoning, building, and other laws, 151851  
ordinances, restrictions, and regulations; and real estate taxes 151852  
and assessments not yet due and payable. The real estate shall be 151853  
conveyed in an "as-is, where-is, with all faults" condition. 151854

(C) The University of Akron may use a sale process acceptable 151855  
to the Board of Trustees of the University of Akron, including, 151856  
but not limited to, a sale by sealed bid auction or public 151857  
auction, or through contracting for the services of a real estate 151858  
broker selected by the University using the University's normal 151859

competitive selection process for vendors. 151860

(D) Consideration for conveyance of the real estate shall be 151861  
a purchase price and any terms and conditions acceptable to the 151862  
Board of Trustees of the University of Akron. 151863

(E) The purchaser or purchasers shall pay the costs of the 151864  
conveyance, including recordation costs of the deed or deeds, 151865  
closing and conveyance fees, including any surveys, title 151866  
evidence, title insurance, transfer costs and fees, recording 151867  
costs and fees, any taxes and other fees, assessments, and costs 151868  
that may be imposed. 151869

(F) Upon adoption of a resolution by the Board of Trustees of 151870  
the University of Akron specifically describing the parcel or 151871  
parcels of real estate to be conveyed, the purchaser or purchasers 151872  
of the real estate, the consideration paid or to be paid, and any 151873  
terms and conditions, the Auditor of State, with the assistance of 151874  
the Attorney General, shall prepare a deed or deeds to the real 151875  
estate described in the resolution. The deed or deeds also shall 151876  
contain any exceptions, reservations, or conditions and any right 151877  
of reentry or reverter specified in the resolution. The deed or 151878  
deeds shall be executed by the Governor in the name of the state, 151879  
countersigned by the Secretary of State, sealed with the Great 151880  
Seal of the State, presented in Office of the Auditor of State for 151881  
recording, and delivered to the purchaser or purchasers. The 151882  
purchaser or purchasers shall present the deed or deeds for 151883  
recording in the Office of the Summit County Recorder. 151884

(G) The net proceeds of the sale of the real estate shall be 151885  
paid to the University of Akron and deposited in the University of 151886  
Akron's endowment account for purposes to be determined by the 151887  
Board of Trustees of the University of Akron. 151888

(H) The Board of Trustees of the University of Akron may 151889  
release any exceptions, reservations, or conditions or any right 151890

of reentry or reverter contained in any deed authorized under 151891  
division (A) of this section without further need for legislation. 151892

(I) This section expires three years after its effective 151893  
date. 151894

**Section 753.30.** (A) The Governor may execute a deed in the 151895  
name of the state conveying to Cincinnati Center City Development 151896  
Corporation, an Ohio nonprofit corporation, or a wholly owned 151897  
subsidiary thereof, and to its successors and assigns, or to an 151898  
alternate grantee or grantees as set forth below in division (C) 151899  
of this section, all of the state's right, title, and interest in 151900  
the following described real estate: 151901

A 0.9565 acre parcel known as Hamilton County Parcel No. 151902  
075-0004-0162-00 located at 1112 Walnut Street, Cincinnati, Ohio, 151903  
and further described as; 151904

All that lot of ground commencing at the northeast corner of 151905  
North Canal and Walnut Streets in the City of Cincinnati, County 151906  
of Hamilton and State of Ohio, running thence north on the east 151907  
line of Walnut Street two hundred and thirty-two (232) feet more 151908  
or less to Wilkymacky Alley; thence east in the south line of said 151909  
Alley one hundred and eighty (180) feet more or less to Clay 151910  
Street; thence south on the west side of Clay Street two hundred 151911  
and thirty two feet, more or less to North Canal Street; thence 151912  
west on North Canal Street one hundred and eighty (180) feet to 151913  
Walnut Street, the place of beginning. 151914

Prior Instrument: Deed Book 4125, Page 696. 151915

The foregoing legal description may be corrected or modified 151916  
by the Department of Administrative Services as necessary in order 151917  
to facilitate the recording of the deed. 151918

(B)(1) The conveyance shall include the state's right, title, 151919  
and interest in and to the improvements and chattels situated on 151920

the real estate, and is subject to all easements, covenants, 151921  
conditions, and restrictions of record; all legal highways and 151922  
public rights-of-way; zoning, building, and other laws, 151923  
ordinances, restrictions, and regulations; and real estate taxes 151924  
and assessments not yet due and payable. The real estate shall be 151925  
conveyed in an "as-is, where-is, with all faults" condition. 151926

(2) The real estate shall be conveyed as an entire tract and 151927  
not in parcels. 151928

(3) The deed or deeds may contain restrictions, exceptions, 151929  
reservations, reversionary interests, or other terms and 151930  
conditions the Board of Trustees of the University of Cincinnati 151931  
determine to be in the best interest of the state. 151932

(4) Subsequent to the conveyance, any restrictions, 151933  
exceptions, reservations, reversionary interests, or other terms 151934  
and conditions contained in the deed may be released by the state 151935  
or the Board of Trustees of the University of Cincinnati without 151936  
the necessity of further legislation. 151937

(C) The terms of the conveyance of the state's interest in 151938  
the real estate shall be as set forth in a real estate purchase 151939  
agreement to be prepared by the Board of Trustees of the 151940  
University of Cincinnati. If Cincinnati Center City Development 151941  
Corporation, an Ohio nonprofit corporation, or a wholly owned 151942  
subsidiary thereof, does not complete the purchase of the real 151943  
estate within the time period provided in the real estate purchase 151944  
agreement to be prepared by the Board of Trustees of the 151945  
University of Cincinnati, the Board of Trustees of the University 151946  
of Cincinnati may use any reasonable method of sale considered 151947  
acceptable by the Board of Trustees of the University of 151948  
Cincinnati to select an alternate grantee or grantees to complete 151949  
the purchase not later than three years after the effective date 151950  
of this section. All advertising costs, additional fees, and other 151951  
costs incidental to the sale of the real estate to an alternate 151952

grantee or grantees shall be negotiated by the University of 151953  
Cincinnati as specified in a real estate purchase agreement with 151954  
the alternate grantee or grantees. 151955

(D) Consideration for conveyance of the real estate shall be 151956  
an amount acceptable to the Board of Trustees of the University of 151957  
Cincinnati. 151958

(E) Except as otherwise specified in this section, the 151959  
grantee shall pay all costs associated with the purchase, closing, 151960  
and conveyance, including surveys, title evidence, title 151961  
insurance, transfer costs and fees, recording costs and fees, 151962  
taxes, and any other fees, assessments, and costs that may be 151963  
imposed. 151964

(F) The net proceeds of the sale of the state's interest 151965  
shall be deposited into university accounts for purposes to be 151966  
determined by the Board of Trustees of the University of 151967  
Cincinnati. 151968

(G) Upon payment of the purchase price set forth in the real 151969  
estate purchase agreement to be prepared by the Board of Trustees 151970  
of the University of Cincinnati, the Auditor of State, with the 151971  
assistance of the Attorney General, shall prepare a deed to the 151972  
real estate. The deed shall state the consideration and shall be 151973  
executed by the Governor in the name of the state, countersigned 151974  
by the Secretary of State, sealed with the Great Seal of the 151975  
State, presented in the Office of the Auditor of State for 151976  
recording, and delivered to the grantee. The grantee shall present 151977  
the deed for recording in the Office of the Hamilton County 151978  
Recorder. 151979

(H) This section expires three years after its effective 151980  
date. 151981

**Section 753.40.** (A) The Governor may execute one or more 151982

deeds in the name of the state conveying to a purchaser or 151983  
purchasers, their heirs, successors, and assigns, to be determined 151984  
in the manner provided in division (C) of this section, all of the 151985  
state's right, title, and interest in the following described real 151986  
estate: 151987

Allen County, Lima 151988

All of Allen County Parcel Number 37-0700-03-002.000 151989

All of Allen County Parcel Number 37-0700-04-004.000 151990

A split of approximately 4.5 Acres out of the northeast 151991  
corner of Allen County Parcel Number 37-1800-02-001.000 and being 151992  
described as follows: 151993

Begin at the intersection of Bluelick Road and Berryhill 151994  
Road, thence eastward, along the centerline of Bluelick Road and 151995  
the north line of said Parcel No. 37-1800-02-001.000, 300 feet +/- 151996  
to the northeast corner of said parcel, thence southerly, along 151997  
the east line of said parcel, 520 feet +/- to a point, thence 151998  
northwesterly, crossing said parcel, 270 feet +/- to a point, 151999  
thence continue crossing said parcel, eastward, 210 feet +/- to a 152000  
point, thence continue crossing said parcel, northward, 360 feet 152001  
+/- to the centerline of Bluelick Road and the north line of said 152002  
parcel, thence along the said centerline and north line 240 feet 152003  
+/- to the beginning. 152004

Fairfield County, Lancaster 152005

Being that portion of Fairfield County Parcel number 152006  
0180812000 NORTH of U.S. Route 33. 152007

Being all of Fairfield County Parcel number 0180812010 and 152008  
that portion of Fairfield County Parcel number 0180812000 SOUTH of 152009  
U.S. Route 33. 152010

Lorain County, Grafton 152011

Begin at the intersection of Capel Road and Island Road, 152012  
thence, westerly, along the center of Capel Road, 5055 feet +/-, 152013  
to the east line of the railroad, thence northeasterly, along the 152014  
railroad, 4625 feet +/- to the southeast corner of Lorain County 152015  
Parcel # 1100037000004, thence, easterly, along the south line 152016  
said Lorain County Parcel # 1100037000004, 1295 feet +/-, to the 152017  
center of Island Road, thence southerly along the center of Island 152018  
Road, 2430 feet +/- to the beginning containing approximately 188 152019  
acres. Being Lorain County Parcels: All of 1100043000004, All of 152020  
1100043000003, All of 1100043000005, All of 1100044000003, All of 152021  
1100037000002, All of 1100037000003, Part of 1100038000004 and 152022  
Part of 1100038000000. 152023

Begin at the intersection of Avon-Belden Road (SR 83) and 152024  
Capel Road, thence, northeasterly, along the center of Capel Road, 152025  
385 feet +/- to an angle point in said road, thence, westerly, 152026  
along said center of Capel Road, 3210 feet +/- to a point 20 feet 152027  
west of a gravel drive, thence, southerly, and remaining 20 feet 152028  
west of the gravel drive, 2635 feet +/- to a point, thence, 152029  
westerly, and parallel to the centerline of Capel Road, 3545 feet 152030  
+/- to the center of Avon-Belden Road (SR83), thence, northerly, 152031  
along the center of Avon-Belden Road (SR83), 2325 feet +/- to the 152032  
beginning containing approximately 198 acres. Being Lorain County 152033  
Parcels: Part of 1100038000001, Part of 1100039000001, Part of 152034  
1100039000002, Part of 1100042000001, All of 1100043000007 and All 152035  
of 1100043000006. 152036

Begin at the intersection of Capel Road and Island Road, 152037  
thence, southerly, along the center of Island Road, 4340 feet +/- 152038  
to the northeast corner of Lorain County Parcel # 1100039000005, 152039  
thence, westerly, along the north line of said Lorain County 152040  
Parcel # 1100039000005, 264 feet +/- to the north west corner of 152041  
said parcel, thence, southerly along the west line of said parcel, 152042  
82.5 feet +/- to the southwest corner of said parcel and on the 152043

north line of Lorain County Parcel # 1100040000003, thence along 152044  
the north line of said Lorain County Parcel # 1100040000003 and 152045  
extending into State of Ohio lands, 1540 feet +/- to a point, 152046  
thence, northerly and running 20 feet west of a gravel drive, 4425 152047  
feet +/- to the center of Capel Road, thence, easterly, along the 152048  
center of Capel Road, 350 feet +/- to the northwest corner of 152049  
Lorain County Parcel # 1100038000003, thence southerly along the 152050  
west line of said Parcel # 1100038000003, 522 feet +/-, to its 152051  
southwest corner, thence westerly along the south line of said 152052  
Parcel # 1100038000003, 245 feet +/- to its southeast corner, 152053  
thence northerly, along the east line of said Parcel # 152054  
1100038000003, 522 feet to the center of Capel Road, thence, 152055  
easterly, along the center of Capel Road, 1210 feet +/- to the 152056  
beginning containing approximately 180 acres. Being Lorain County 152057  
Parcels: Part of 1100038000004, Part of 1100039000001, Part of 152058  
1100039000002, Part of 1100039000003 and Part of 1100039000004. 152059

Begin at the northwest corner of Lorain County Parcel # 152060  
1100041000003, said corner being in the centerline of Avon-Belden 152061  
Road (SR 83), thence, northerly, along the center of said 152062  
Avon-Belden Road (SR 83), 235 feet +/- to a point, said point also 152063  
being on the extension of a fence line projected from the east, 152064  
thence, easterly, on the extension of said fence line projected 152065  
from the east, 4110 feet +/- to a point on the east line of Lorain 152066  
County Parcel # 1100040000001, thence, southerly, along the said 152067  
east line of Lorain County Parcel # 1100040000001 and the east 152068  
line of Lorain County Parcel # 1100040000002 to the southeast 152069  
corner of said Lorain County Parcel # 1100040000002, thence, 152070  
westerly, along the south line of said Lorain County Parcel # 152071  
1100040000002, Lorain County Parcel # 1100041000003 and Lorain 152072  
County Parcel # 1100060000003, 4245 feet +/- to the center of 152073  
Avon-Belden Road (SR 83), thence, northerly, along the center of 152074  
said Avon-Belden Road (SR 83), 280 feet +/- to an angle point, 152075  
thence continuing along the centerline said Avon-Belden Road (SR 152076

83), 1005 feet +/- to the beginning containing approximately 142 152077  
acres. Being Lorain County Parcels: All of 1100060000003, All of 152078  
1100041000003, All of 1100040000002, Part of 1100040000001 and 152079  
Part of 1100041000002. 152080

Madison County, London 152081

Begin at the westerly intersection of Roberts Mill Road and 152082  
Old Springfield Road, thence northerly along the centerline of 152083  
Robert Mill Road to the south line of lands now or formerly owned 152084  
by Mabel Marie Nibert (Madison County Parcel Number 29-00453.000), 152085  
thence, easterly, with the south line(s) of said Nibert parcel to 152086  
the southeast corner of said Nibert parcel, thence, northerly, 152087  
with the east line of said Nibert parcel and the west line of 152088  
lands now or formerly owned by the State of Ohio (Madison County 152089  
Parcel Number 29-00789.000) to the south line of lands now or 152090  
formerly owned by Bruce A. Roberts, Trustee (Madison County Parcel 152091  
Number 29-00363.000), thence, easterly along the south line of 152092  
said Roberts parcel to an angle point in said south line, thence, 152093  
northerly, continuing along the said south line of said Roberts 152094  
parcel to an angle point in said south line, thence northeasterly, 152095  
continuing along the said south line of said Roberts parcel 1090 152096  
+/- feet to a fence corner, thence, southeasterly, through the 152097  
said State of Ohio lands and along a fence line, 1730 +/- feet to 152098  
the west side of a farm drive that runs along a drainage ditch, 152099  
thence southwesterly along said farm drive 2370 +/- feet to a 152100  
point, thence southerly on a line that is parallel to the east 152101  
line of the above referenced Nibert parcel and 2920 feet distant 152102  
from the westerly intersection of Roberts Mill Road and Old 152103  
Springfield Road 2935 +/- feet to the center of Old Springfield 152104  
Road, thence westerly, along the centerline of Old Springfield 152105  
Road 2920 feet to the beginning containing approximately 368 acres 152106  
out of Madison County Parcel Number 29-00363.000. 152107

Begin at the easterly intersection of Roberts Mill Road and 152108

Old Springfield Road, thence easterly along the center of Old 152109  
Springfield Road 8320 +/- feet to the east line of lands now or 152110  
formerly owned by the State of Ohio (Madison County Parcel Number 152111  
29-00789.000) and the west line of lands now or formerly owned by 152112  
Gilbert F. Goodheil (Madison County Parcel Number 30-00054.000), 152113  
thence southerly along the said east line of said State of Ohio 152114  
parcel 2465 +/- feet to the north line of the Pennsylvania Lines 152115  
LLC, railroad right of way, thence westerly, along the north line 152116  
of the Pennsylvania Lines LLC, railroad right of way 7610 +/- feet 152117  
to the center of Roberts Mill Road, thence with the center of 152118  
Roberts Mill Road to the beginning containing approximately 455 152119  
acres. 152120

Begin at the intersection of the Pennsylvania Lines LLC, 152121  
south right of way line and the centerline of Roberts Mill Road, 152122  
thence easterly with the Pennsylvania Lines LLC south right of way 152123  
line, 7285 +/- feet to the northwest corner of land now or 152124  
formerly owned by John R. Dunkle (Madison County Parcel Number 152125  
31-03570.000), thence southerly along said Dunkle parcel 430 +/- 152126  
feet to a corner, thence westerly along other parcels now or 152127  
formerly owned by John R. Dunkle 1125 +/- feet to a corner, thence 152128  
southerly along the west line of said Dunkle parcel 1500 +/- feet 152129  
to an angle point in said line, thence easterly along said Dunkle 152130  
lands 210 +/- feet to an angle point, thence southerly along said 152131  
Dunkle lands 1150 +/- feet to the northeast corner of State of 152132  
Ohio Highway Garage lands (Madison County Parcel Number 152133  
29-00777.000), thence westerly along said Highway Garage lands and 152134  
lands now or formerly owned by Tyrone J. Leach (Madison County 152135  
Parcel Number 29-00569.000) and Kirkwood Cemetery (Madison County 152136  
Parcel Numbers 29-00776.000 and 29-00816.000), 2000 +/- feet to a 152137  
point on the east line of the State of Ohio Firearms Range 152138  
(Madison County Parcel Number 29-000816.000), thence northerly 152139  
along the said east line of the State of Ohio Firearms Range 1390 152140  
+/- feet to a fence line projected from the east, thence easterly 152141

along said fence line 690 +/- feet to the west side of a farm 152142  
drive, thence northwesterly following along the west side of the 152143  
farm drive 280 +/- feet, 200 +/- feet and 280 +/- feet to a fence 152144  
line projected from the west, said fence line being the north line 152145  
of the State of Ohio Firearms Range, thence westerly along the 152146  
said fence line and the north line of the State of Ohio Firearms 152147  
Range 2115 +/- feet to the northwest corner of said State of Ohio 152148  
Firearms Range thence, southerly along the west line of the State 152149  
of Ohio Firearms Range, 860 +/- feet to a fence line, thence 152150  
westerly along the fence line 955 +/- feet to the centerline of 152151  
Roberts Mill Road, thence with the center of Roberts Mill Road to 152152  
the beginning containing approximately 330 acres. 152153

Begin at the southeast corner of lands now or formerly owned 152154  
by Tom Farms, Inc. (Madison County Parcel Number 05-00066.000) 152155  
said corner also being the northwest corner of State of Ohio lands 152156  
(Madison County Parcel Number 05-00542.000) and also being in the 152157  
center of Marysville-London Road (SR 38), thence southerly along 152158  
the center of Marysville-London Road (SR 38) 2145 +/- feet to an 152159  
angle point in said road thence continuing with said road 152160  
southerly 290 +/- feet to the southeast corner of State of Ohio 152161  
lands (Madison County Parcel Number 05-00199.000) and the 152162  
northeast corner of lands now or formerly owned by the City of 152163  
London (Madison County Parcel Number 31-03614.000), thence 152164  
southwesterly along the south line of said State of Ohio lands, 152165  
the north line of said City of London and the lands now or 152166  
formerly owned by the London City School District (Madison County 152167  
Parcel Number 31-03614.001) 1886 +/- feet to the north west corner 152168  
of said London City School district parcel and the northeast 152169  
corner of lands now or formerly owned by GCSquared LLC (Madison 152170  
County Parcel Number 31-01156.000), thence westerly along the 152171  
north line of said GCSquared parcel 145 +/- feet to a fence 152172  
corner, thence northwesterly, crossing said State of Ohio parcels 152173  
and following said fence line 2000 +/- feet to a point where the 152174

east edge of a farm drive projected intersects, thence continuing 152175  
northwesterly and along the east edge of the farm drive 338 +/- 152176  
feet, 280 +/- feet, 130 +/- feet, 305 +/- feet and 1025 +/- feet 152177  
to a point where a projected south line of a parcel now or 152178  
formerly owned by Tom Farms, Inc. (Madison County Parcel Number 152179  
30-00030.000) and the north line of State of Ohio lands (Madison 152180  
County Parcel Number 30-00199.000) intersect, thence westerly 152181  
along lands now or formerly owned by Tom Farms, Inc. (Madison 152182  
County Parcel Numbers 30-00030.000, 24-00340.000, 05-00066.001 and 152183  
05-00066.000) and the north line of State of Ohio lands (Madison 152184  
County Parcel Number 30-00199.000, 24-06140.000 and 05-00542.000) 152185  
2850 +/- feet to the beginning containing approximately 150 acres. 152186

Marion County, Marion 152187

Begin at the intersection of Likens Road (CR 167-B) and the 152188  
easterly right of way of the Norfolk & Western Railroad, thence 152189  
northwesterly along the said east right of way of the Norfolk & 152190  
Western Railroad 6760 +/- feet to the south line of lands now or 152191  
formerly owned by National Lime & Stone Company (Marion County 152192  
parcel Number 0903300023000), thence easterly with the south line 152193  
of said National Lime & Stone Company parcel 1380 +/- feet to the 152194  
west limited access right-of-way of U.S. 33, thence southerly 152195  
along the said limited access right-of-way to the centerline of 152196  
Likens Road (CR 167-B), thence westerly with the centerline of 152197  
said Likens Road 5960 +/- feet to the beginning containing 152198  
approximately 480 acres. 152199

Begin at the intersection of Likens Road (CR 167-B) and the 152200  
easterly right of way of the Norfolk & Western Railroad, thence 152201  
easterly with the centerline of Likens Road (CR 167-B) 3220 +/- 152202  
feet to the center of Scioto Drive, thence southerly along the 152203  
center of Scioto Drive 1350 +/- feet to a cultivation line, thence 152204  
westerly along a cultivation line and the north line of a stand of 152205  
trees 3890 +/- feet to a fence line, thence northerly along a 152206

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| fence line 385 +/- feet to the easterly right of way of the        | 152207 |
| Norfolk & Western Railroad, thence northwesterly along the said    | 152208 |
| east right of way of the Norfolk & Western Railroad 1160 +/- feet  | 152209 |
| to the beginning containing approximately 110 acres.               | 152210 |
| Pickaway County, Orient                                            | 152211 |
| All of Pickaway County Parcel Number B0600010051700 excepting      | 152212 |
| that portion known as "Snake Island" and containing approximately  | 152213 |
| 381 acres.                                                         | 152214 |
| Richland County, Mansfield                                         | 152215 |
| All of Richland County Parcel: 0289003702006 (90.601 acres         | 152216 |
| per Richland County Auditor)                                       | 152217 |
| All of Richland County Parcel: 0512050002000 (53.767 acres         | 152218 |
| per Richland County Auditor)                                       | 152219 |
| All of Richland County Parcel: 0289050012000 (114.504 acres        | 152220 |
| per Richland County Auditor)                                       | 152221 |
| A portion (approximately 40 acres) split out of Richland           | 152222 |
| County Parcel: 0289050013000                                       | 152223 |
| Begin at the southwest corner of Richland County Parcel            | 152224 |
| Number 0250901904000, said corner also being on the right of way   | 152225 |
| of the CIC of Ashland Railroad, thence southeasterly along the     | 152226 |
| south line of said Richland County Parcel Number 0250901904000,    | 152227 |
| Richland County Parcel Numbers 0250900410000, 0250900708000,       | 152228 |
| 0250901009000 and 0250901013000, 1880 feet +/-, to a corner,       | 152229 |
| thence southerly along the west line of said parcel number         | 152230 |
| 0250901013000, Richland County Parcel Numbers 0250901012000,       | 152231 |
| 0250931861000 and 0250903512000, 840 feet +/-, to the center of    | 152232 |
| Mansfield-Savannah Road (SR 545), thence southwesterly along the   | 152233 |
| centerline of Mansfield-Savannah Road (SR 545), 160 +/- feet to a  | 152234 |
| point 25 feet northeast of the centerline of a gravel drive to the | 152235 |
| west, thence, northwesterly, crossing through Richland County      | 152236 |

Parcel number 0289050013000, to a point being on the right of way 152237  
of the CIC of Ashland Railroad and 960 linear feet southerly from 152238  
the beginning, thence northerly, along the right of way of the CIC 152239  
of Ashland Railroad 960 feet to the beginning containing 152240  
approximately 40 acres. 152241

A portion (approximately 24 acres) split out of Richland 152242  
County Parcel: 0289050013000 152243

Begin at the northeast corner of Richland County Parcel 152244  
Number 0289001703009, said corner also being in the centerline of 152245  
Piper Road, thence, easterly, along the centerline of Piper Road, 152246  
990 feet +/- to the westerly right of way of the CIC of Ashland 152247  
Railroad, thence, southerly, along the westerly right of way of 152248  
the CIC of Ashland Railroad, 985 feet +/- to the top of bank of a 152249  
stream, thence, southwesterly, along the top of bank of said 152250  
stream, and the meanderings thereof, to the southeast corner of 152251  
Richland County Parcel Number 0289001703000, thence, northerly, 152252  
along the east line of Richland County Parcel Number 0289001703000 152253  
and Richland County Parcel Number 0289001703009, 680 +/- feet, to 152254  
the beginning containing approximately 24 acres. Together with all 152255  
of Richland County Parcel Number 0289001703009 (2.037 Acres) and 152256  
Richland County Parcel Number 0289001703000 (1.865 Acres) totaling 152257  
approximately 28 acres. 152258

Ross County, Chillicothe 152259

All of Ross County Parcel Number 370914026000 (136.867 acres 152260  
per County Auditor) 152261

Scioto County, Lucasville 152262

Begin at the southeast corner of lands now or formerly owned 152263  
by Breeze Scioto, LLC (Scioto County parcel number 24-0069.000) 152264  
said corner also being on the westerly right-of-way of U. S. Route 152265  
23, thence, southerly along the said westerly right-of-way 3440 152266  
+/- feet to the northwest corner of lands owned by the State of 152267

Ohio - Department of Transportation (Scioto County parcel number 24-1646.001), thence westerly with the north line of said Department of Transportation lands 685 +/- feet to the northwest corner of said Department of Transportation lands, thence southerly along said Department of Transportation lands 945 +/- feet to the southwest corner of said Department of Transportation lands, thence easterly along said Department of Transportation lands and lands now or formerly owned by PGA Holdings, LLC (Scioto County parcel number 24-0395.000) to a point on the westerly right-of-way of U. S. 23, thence, southerly along the said westerly right-of-way to the northeast corner of lands now or formerly owned by Jeannine Shelpman (L\E) Amanda Eileen Kovernman (Scioto County parcel numbers 24-0507.000 & 24-0506.000), thence westerly along the northerly line of said Shelpman parcel 185 +/- feet to an angle point in said parcel line thence southwesterly along said Shelpman parcel 850 +/- feet to the east bank of the Scioto River, thence northerly along the east bank of the Scioto River, and the meanderings thereof, to the southwest corner of lands now or formerly owned by Jack & Faye Turner (Scioto County parcel number 34-0047.000), thence westerly along the south line of said Turner parcel 1870 +/- feet to the southeast corner of said Turner parcel, thence northerly 505 +/- feet to the southwest corner of Landsdown Subdivision, thence easterly along the south line of said Subdivision 1415 +/- feet to the northwest corner of the above referenced Breeze Scioto LLC lands, thence southerly along the west line of said Breeze Scioto lands 500 +/- feet to the southwest corner of said Breeze Scioto lands, thence easterly along the south line of said Breeze Scioto lands 670 +/- feet to the beginning containing approximately 720 acres.

Begin at the southwest corner of Moulton Addition said corner also being on the east right-of-way of the railroad and also being on the north line of State of Ohio lands (Scioto County parcel number 24-1657.000), thence easterly with the said south line of

Moulton Addition and the north line of said State of Ohio lands 152301  
310 +/- feet to the southwest corner of an unimproved alley in 152302  
said addition thence northerly along the west side of said 152303  
unimproved alley 120 +/- feet to the south line of Broad Street, 152304  
thence easterly along the south line of Broad Street 15 +/- feet 152305  
to the east line of the unimproved alley, thence southerly along 152306  
the east side of said unimproved alley 120 +/- feet to a point on 152307  
the south line of said Moulton Addition and the north line of said 152308  
State of Ohio lands, thence easterly 2075 +/- feet to a corner 152309  
common with the said State of Ohio parcel and a parcel now or 152310  
formerly owned by Patty Kline Shuster, etal. (Scioto County parcel 152311  
number 24-0273.000), thence northerly with the common line of the 152312  
State of Ohio parcel and the Shuster parcel 250 +/- feet to 152313  
another common corner of Shuster and the State of Ohio, thence 152314  
easterly along the north line of said State of Ohio parcel and the 152315  
south line of said Shuster parcel 965 +/- feet to an angle point 152316  
in said north line and the southwest corner of another parcel now 152317  
or formerly owned by Patty Kline Shuster, etal. (Scioto County 152318  
parcel number 24-0274.000), thence continuing easterly along the 152319  
north line of said State of Ohio parcel and the south line of said 152320  
Shuster 1680 +/- feet to the southeast corner of said Shuster 152321  
parcel and the northeast corner of said State of Ohio parcel, 152322  
thence southerly along the east line of said State of Ohio parcel 152323  
and another State of Ohio parcel (Scioto County parcel number 152324  
24-1660.000) 1240 +/- feet to the southeast corner of the said 152325  
State of Ohio parcel and the northeast corner of a parcel now or 152326  
formerly owned by Michael L. & Mary M. Kidd (Scioto County parcel 152327  
number 24-0260.000), thence with the north line of said Kidd 152328  
parcel and the north line of a parcels now or formerly owned by 152329  
Judy A. Newman (24-0368.000), Ronald E. & Melinda J. Arrick 152330  
(24-1809.000) and Lake Mary Margaret, Inc. (24-0277.000) 2230 +/- 152331  
feet to the northwest corner of the said Lake Mary Margaret, Inc. 152332  
parcel, thence southerly along the west line of the said Lake Mary 152333

Margaret, Inc. parcel 875 +/- feet to the northeast corner of 152334  
another Lake Mary Margaret, Inc. parcel, thence westerly along the 152335  
north line of said Lake Mary Margaret, Inc. parcel 430 +/- feet to 152336  
the northwest corner of said Lake Mary Margaret, Inc. parcel, 152337  
thence southeasterly along said Lake Mary Margaret, Inc. parcel 152338  
400 +/- feet to its southwest corner thence continuing 152339  
southeasterly along said Lake Mary Margaret, Inc. parcel 295 +/- 152340  
feet to its southeast corner, thence southerly along the west line 152341  
of Lake Mary Margaret, Inc. parcel 680 +/- feet to a point in the 152342  
center of Cook Road (CR 30), thence southwesterly with the center 152343  
of said Cook Road, and the meanderings thereof, to its 152344  
intersection of the easterly right-of-way of the railroad, thence 152345  
northwesterly along the easterly right-of-way of the railroad 4360 152346  
+/- feet to the beginning, excepting therefrom a 4.029 acre parcel 152347  
now or formerly owned by Ohio Power (Scioto County parcel number 152348  
24-1846.000) and containing approximately 240 acres. 152349

Begin at the intersection of the centerline of Cook Road (CR 152350  
30) and the easterly right-of-way of the railroad, thence 152351  
northeasterly along the center of said Cook Road, and the 152352  
meanderings thereof, to the southwest corner of lands now or 152353  
formerly owned by Anthony T. Arthurs (Scioto County parcel number 152354  
24-0317.000), thence southeasterly with said Arthurs land 255 +/- 152355  
feet to a corner of said Arthurs land, thence northeasterly with 152356  
said Arthurs land 165 +/- feet to another corner of said Arthurs 152357  
land, thence north westerly with said Arthurs land 195 +/- feet to 152358  
a point on the south line of lands now or formerly owned by 152359  
Christopher D. & Brittany E. Spencer (Scioto County parcel number 152360  
24-0428.000), thence northeasterly with said Spencer lands 95 +/- 152361  
feet to a corner of said Spencer lands, thence northerly with said 152362  
Spencer lands 145 +/- feet to another corner of said Spencer 152363  
lands, thence northwesterly with said Spencer lands 50 +/- feet to 152364  
another corner of said spencer lands, thence northerly along said 152365  
Spencer lands 240 +/- feet to a point in the center of Cook Road 152366

(CR 30), thence northeasterly along the center of said Cook Road, 152367  
and the meanderings thereof to the northwest corner of lands now 152368  
or formerly owned by David A. & Lanette E. Wagner (Scioto County 152369  
parcel number 24-0237.000), thence southerly with the west line of 152370  
said Wagner lands 360 +/- feet to the southwest corner of said 152371  
Wagner lands, thence westerly along the south line of said Wagner 152372  
lands and a south line of lands now or formerly owned by Garlen D. 152373  
& Patricia A. Shoemaker (Scioto County parcel number 24-0322.000) 152374  
140 +/- feet to a corner of said Shoemaker lands, thence with the 152375  
boundaries of said Shoemaker lands the following six (6) courses 152376  
and distances: (1) southeasterly 245 +/- feet, (2) southeasterly 152377  
190 +/- feet, (3) southeasterly 145 +/- feet, (4) southeasterly 152378  
145 +/- feet, (5) northeasterly 145 +/- feet, (6) northeasterly 152379  
345 +/- feet to the southeast corner of another parcel of land now 152380  
or formerly owned by Garlen D. & Patricia A. Shoemaker (Scioto 152381  
County parcel number 24-0321.000), thence easterly along the south 152382  
line of said Shoemaker lands and the south line of lands now or 152383  
formerly owned by John R & Patricia A. Foit (Scioto County parcel 152384  
number 24-0145.000) 685 +/- feet to the southeast corner of lands 152385  
now or formerly owned by James A. & Sandra S. Riggs (Scioto County 152386  
parcel number 24-0024.000), thence northeasterly along the south 152387  
line of said Riggs land and the south line of lands now or 152388  
formerly owned by Sheila Stevenson (Scioto County parcel numbers 152389  
24-0023.000 & 24-0022.000) 1080 +/- feet to the southeast corner 152390  
of said Stevenson lands, thence northerly along the east line of 152391  
said Stevenson lands 360 +/- feet to a point on the south line of 152392  
lands now or formerly owned Melinda J. Arrick (Scioto County 152393  
parcel number 24-0522.000), thence easterly along the south line 152394  
of said Arrick lands and the south line of Violet Homesites 152395  
Subdivision 1060 +/- feet to the northwest corner of lands now or 152396  
formerly owned by Mark A. & Deborah D. Barnett (Scioto County 152397  
parcel number 24-0157.000), thence with the boundaries of said 152398  
Barnett lands (Scioto County parcel numbers 24-0157.000, 152399

24-0156.000, 08-0319.000 & 08-0320.000) the following five (5) 152400  
courses and distances: (1) southerly 465 +/- feet, (2) easterly 152401  
700 +/- feet, (3) northeasterly 430 +/- feet, (4) northeasterly 152402  
265 +/- feet, (5) easterly 220 +/- feet to the centerline of Lintz 152403  
Hollow Road (TR 179), thence southerly with the center of said 152404  
Lintz Hollow Road 145 +/- feet to the northeast corner of lands 152405  
now or formerly owned by Ronald & Leslie Buckle (Scioto County 152406  
parcel number 08-0878.000), thence with the boundaries of said 152407  
Buckle lands (Scioto County parcel numbers 08-0878.000 & 152408  
24-0877.000) the following ten (10) courses and distances: (1) 152409  
southwesterly 350 +/- feet, (2) southwesterly 120 +/- feet, (3) 152410  
southwesterly 370 +/- feet, (4) northerly 95 +/- feet, (5) 152411  
northwesterly 210 +/- feet, (6) southwesterly 120 +/- feet, (7) 152412  
southeasterly 255 +/- feet, (8) northeasterly 220 +/- feet, (9) 152413  
southeasterly 150 +/- feet, (10) northeasterly 415 +/- feet to the 152414  
northwest corner of lands now or formerly owned by Bonnie G. Davis 152415  
(Scioto County parcel number 08-0393.000), thence southerly along 152416  
the west line of said Davis lands and lands now or formerly owned 152417  
by Lane & Debby Raiser (Scioto County parcel number 08-1539.001) 152418  
and now or formerly owned by Leona Mullins (Scioto County parcel 152419  
number 08-1539.000) 555 +/- feet to a point on the north line of 152420  
lands now or formerly owned by Charles M. Lute (Scioto County 152421  
parcel number 08-0541.000), thence westerly along the north line 152422  
of said Lute lands 640 +/- feet to the northwest corner of said 152423  
Lute lands, thence southerly along the west line of said Lute 152424  
lands 1545 +/- feet to the southwest corner of said Lute lands, 152425  
thence easterly along the south line of said Lute lands 1135 +/- 152426  
feet to the northwest corner of lands now or formerly owned by 152427  
Joseph Q. Johnson (Scioto County parcel number 08-0668.000), 152428  
thence southerly along the west line of said Johnson lands (Scioto 152429  
County parcel numbers 08-0668.000, 08-0463.000 & 08-0464.000) 2595 152430  
+/- feet to the northwest corner of lands now or formerly owned by 152431  
Roger & Peggy King (Scioto County parcel number 08-0624.000), 152432

thence southwesterly along the west line of said King parcel and 152433  
the west line of lands now or formerly owned by Bruce & Anita 152434  
Mannien (Scioto County parcel number 08-0624.001) 1370 +/- feet to 152435  
the northeast corner of lands now or formerly owned by Christopher 152436  
D. & Tammay L. Bailey (Scioto County parcel number 08-0530.000), 152437  
thence with the north line of said Bailey lands and the north line 152438  
of now or formerly owned by Patrick J. Phillips (Scioto County 152439  
parcel number 08-530.003), Christopher A. Eldridge (Scioto County 152440  
parcel number 08-530.001) and Andy R. & Carey L. Johnson (Scioto 152441  
County parcel number 08-530.004), 1035 +/- feet to the northeast 152442  
corner of lands now or formerly owned by Ronald L. Sheets (Scioto 152443  
County parcel number 24-0053.000), thence easterly along the north 152444  
line of said Sheets lands 1225 +/- feet to the easterly 152445  
right-of-way of Vern Riffe Drive (CR 505), thence northwesterly 152446  
along the said easterly right-of-way, and the meanderings 152447  
thereof, to the south line of lands now or formerly owned by Scioto 152448  
County Joint Vocational School (Scioto County parcel numbers 152449  
24-1671.000 and 24-1672.000), thence with the boundaries of said 152450  
school lands the following five (5) courses and distances: (1) 152451  
easterly 440 +/- feet, (2) northerly 2100 +/- feet, (3) westerly 152452  
2100 +/- feet, (4) southerly 2100 +/- feet, (5) 1565 +/- feet to 152453  
the westerly right-of-way of said Vern Riffe Drive, thence 152454  
southeasterly along the said westerly right-of-way, and the 152455  
meanderings thereof, to the north line of the above referenced 152456  
Sheets lands (Scioto County parcel number 24-0053.000), thence 152457  
westerly along the north line of said Sheets lands 1380 +/- feet 152458  
to the east line of lands now or formerly owned by George L. Davis 152459  
(Scioto County parcel number 24-0123.000), thence northerly along 152460  
the east line of said Davis lands 1325 +/- feet to the northeast 152461  
corner of said Davis lands, thence westerly along the north line 152462  
of said Davis lands 2195 +/- feet to the easterly right-of-way of 152463  
the railroad, thence northerly along the said easterly 152464  
right-of-way, 1425 +/- feet to the southwest corner of lands now 152465

or formerly owned by Marietta & Darrell E. York (Scioto County parcel number 24-0255.000), thence with the boundaries of the said York lands the following three (3) courses and distances: (1) easterly 85 +/- feet, northerly 205 +/- feet, westerly 125 +/- feet to the easterly right-of-way of the railroad, thence northerly along the said easterly right-of-way to lands known as Lucasville Sewer Plant (Scioto County parcel number 24-1643.000), thence with the boundaries of the Sewer Plant lands the following three (3) courses and distances: (1) northeasterly 500 +/- feet, (2) northwesterly 360 +/- feet, (3) southwesterly 500 +/- feet to the easterly right-of-way of the railroad, thence along the said easterly right-of-way of the railroad 890 +/- feet to the beginning and containing approximately 667 acres.

Warren County, Lebanon

Begin at the northwest corner of Warren County parcel number 11052000120, said corner also being on the south right-of-way line of State Route 63 (SR63) and the east line of Norfolk Southern Railroad lands (Warren County parcel number 11055020030), thence westerly along the south right-of-way line of State Route 63 (SR63) 465 +/- feet to a fence line projected from the south, thence southerly along the fence line 650 +/- feet to the east line of the said Norfolk Southern Railroad lands, thence northwesterly along the said east line of the said Norfolk Southern Railroad lands 320 +/- feet to an angle point in the east line of the said Norfolk Southern Railroad lands, thence westerly along the said east line of the said Norfolk Southern Railroad lands 140 +/- feet to an angle point in the east line of the said Norfolk Southern Railroad lands, thence northwesterly along the said east line of the said Norfolk Southern Railroad lands 570 +/- feet to the beginning and containing approximately 3.2 acres.

Begin at the southeast corner of lands now or formerly owned by Warren General Property (Warren County parcel number

11064000201) said corner also being on the north right-of-way line 152498  
of State Route 63 (SR 63), thence northerly along the east line of 152499  
said Warren General Property lands 2035 +/- feet to the northeast 152500  
corner of said Warren General Property lands, thence westerly 152501  
along the north line of said Warren General Property lands 2635 152502  
+/- feet to the easterly right-of-way of North Union Road, thence 152503  
along the easterly right-of-way of North Union Road 3475 +/- feet 152504  
to the southwest corner of lands now or formerly owned by Warren 152505  
County Commissioners (Warren County parcel number 08313000040), 152506  
thence easterly along the south line of said Commissioners lands 152507  
and lands now or formerly owned by FRL Real Estate LLC (Warren 152508  
County parcel number 08313000082) 2420 +/- feet to a point on the 152509  
south line of said FRL Real Estate lands and the northwest corner 152510  
of lands now or formerly owned by Grand Communities LTD. (Warren 152511  
County parcel number 12362000190), thence southerly along the west 152512  
line of said Grand Communities LTD. lands 1400 +/- feet to a 152513  
corner of Grand Communities LTD. lands, thence westerly along said 152514  
Grand Communities LTD. lands 585 +/- feet to a corner of said 152515  
Grand Communities LTD. lands, thence southerly along said Grand 152516  
Communities LTD. lands extended 3685 +/- feet extended to a fence 152517  
line that surrounds a wastewater treatment facility, thence 152518  
westerly along the fence line 195 +/- feet to the southerly top of 152519  
bank of Shaker Creek, thence southwesterly along the top of bank 152520  
270 +/- feet to a point, thence southerly 125 +/- feet to the 152521  
north right-of-way line of State Route 63 (SR 63), thence westerly 152522  
along the north right-of-way line of State Route 63 (SR 63) 750 152523  
+/- feet to the beginning and containing 292 acres. 152524

Begin at the southwest corner of lands now or formerly owned 152525  
by Warren County Commissioners (Warren County parcel number 152526  
12364000010), said corner also being in the centerline of State 152527  
Route 63 (SR 63), thence westerly with the center of State Route 152528  
63 (SR 63) 1255 +/- feet to the extension of a fence line from the 152529  
north that surrounds a wastewater treatment facility, thence 152530

northerly along the fence line 280 +/- feet to a fence corner, 152531  
thence westerly along the fence line 205 +/- feet to a point where 152532  
the extension of the west line of lands now or formerly owned by 152533  
Grand Communities LTD. (Warren County parcel number 12362000190), 152534  
thence northerly along said extended line 1870 +/- feet to a 152535  
southwest corner of said Grand Communities LTD. lands, thence 152536  
easterly along the south line of said Grand Communities, LTD. 152537  
lands and the south line of lands now or formerly owned by Shaker 152538  
Run Capital Funding (Warren County parcel number 12301000040), 152539  
6030 feet to a point on the west line of lands now or formerly 152540  
owned by Otterbein Lebanon LLC (Warren County parcel number 152541  
12302000031), thence southerly along the west line of said 152542  
Otterbein Lebanon LLC lands 1700 +/- feet to the extension of a 152543  
fence line from the west that surrounds a Department of 152544  
Transportation Outpost facility, thence westerly along the fence 152545  
line 310 +/- feet to a fence corner, thence southerly along the 152546  
fence line 435 +/- feet to the centerline of State Route 63 (SR 152547  
63), thence westerly along the centerline of State route 63 (SR 152548  
63) 455 +/- feet to the southeast corner of lands now or formerly 152549  
owned by Cincinnati Gas & Electric (Warren County parcel number 152550  
12303000020), thence with the boundaries of the said Cincinnati 152551  
Gas & Electric lands the following three (3) courses and 152552  
distances: (1) northerly 330 +/- feet, (2) northwesterly 405 +/- 152553  
feet, (3) southerly 560 +/- feet to the centerline of State Route 152554  
63 (SR 63), thence westerly along the centerline of State Route 63 152555  
(SR 63) 2155 +/- feet to the extension of a fence line projected 152556  
from the northeast, thence northeasterly along the fence line 675 152557  
+/- feet to an angle point in the fence, thence northerly along 152558  
the fence line 200 +/- feet to a fence corner, thence 152559  
southwesterly along the fence line 320 +/- feet to a point on the 152560  
north line of the above referenced Warren County Commissioners 152561  
lands (Warren County parcel number 12364000010), thence with the 152562  
boundaries of said County Commissioners lands the following two 152563

(2) courses and distances: (1) westerly 550 +/- feet, (2) 152564  
southerly 435 +/- feet to the place of beginning containing 152565  
approximately 273 acres. 152566

Begin at the northeast corner of lands now or formerly owned 152567  
by Leah Margaret White (Warren County parcel number 12294000010), 152568  
said corner also being in the centerline of State Route 741 (SR 152569  
741), thence westerly along the north line of said White lands 152570  
2655 +/- feet to the northeast corner of said White lands, thence 152571  
northerly along the projected west line of said White lands 3850 152572  
+/- feet to the southerly right-of-way line of State Route 63 (SR 152573  
63), thence with the said southerly right-of-way the following 152574  
eleven (11) courses and distances: (1) easterly 1815 +/- feet, (2) 152575  
southeasterly 52.09 feet, (3) southeasterly 201.00 feet, (4) 152576  
southeasterly 253.18 feet, (5) southeasterly 50.25 feet, (6) 152577  
southeasterly 33.54 feet, (7) northeasterly 276.16 feet, (8) 152578  
easterly 100.04 feet, (9) easterly 150.01 feet, (10) easterly 152579  
250.20 feet, (11) southeasterly 32.74 feet to the westerly 152580  
right-of-way of State Route 741 (SR 741), thence along the 152581  
westerly right-of-way of State Route 741 (SR 741) the following 152582  
eight (8) courses and distances: (1) southwesterly 388.87 feet, 152583  
(2) southwesterly 186.75 feet, (3) southwesterly 187.79 feet, (4) 152584  
southwesterly 300.37 feet, (5) southwesterly 201.00 feet, (6) 152585  
southwesterly 654.38 feet, (7) southerly 52.04 feet, (8) 152586  
southwesterly 240 +/- feet to the northeast corner of lands owned 152587  
by The State of Ohio - Department of Transportation (Warren County 152588  
parcel number 12294000020), thence with the boundaries of said 152589  
Department of Transportation lands the following three (3) courses 152590  
and distances: (1) westerly 1645 +/- feet, (2) southerly 700 +/- 152591  
feet, (3) easterly 1600 +/- feet to the centerline of State Route 152592  
741 (SR 741), thence southerly along the centerline of State Route 152593  
741 (SR 741) 880 +/- feet to the beginning and containing 152594  
approximately 216 acres. 152595

All of Warren County parcel number 12281000030 152596

The foregoing legal descriptions may be corrected or modified 152597  
by the Department of Administrative Services as necessary in order 152598  
to facilitate the recording of the deed or deeds to define the 152599  
description of the real estate identified as no longer obligatory 152600  
by the state. 152601

(B)(1) The conveyance or conveyances include improvements and 152602  
chattels situated on the real estate, and is or are subject to all 152603  
easements, covenants, conditions, and restrictions of record; all 152604  
legal highways and public rights-of-way; zoning, building, and 152605  
other laws, ordinances, restrictions, and regulations; and real 152606  
estate taxes and assessments not yet due and payable. The real 152607  
estate shall be conveyed in "as-is, where-is, with all faults" 152608  
condition. 152609

(2) The deed or deeds for the conveyance of the real estate 152610  
may contain restrictions, covenants, exceptions, reservations, 152611  
reversionary interests, and other terms and conditions the 152612  
Director of Administrative Services determines to be in the best 152613  
interest of the state. 152614

(3) Subsequent to the conveyance or conveyances, any 152615  
restrictions, exceptions, reservations, reversionary interests, or 152616  
other terms and conditions contained in the deed or deeds may be 152617  
released by the state or the Department of Rehabilitation and 152618  
Correction without the necessity of further legislation. 152619

(4) The deed or deeds shall contain restrictions prohibiting 152620  
the purchaser or purchasers from occupying, using, developing, or 152621  
selling the real estate if the occupation, use, development, or 152622  
sale will interfere with the quiet enjoyment of neighboring 152623  
state-owned land. 152624

(5) The real estate described in division (A) of this section 152625  
shall be conveyed only if the Director of Administrative Services 152626

and the Director of Rehabilitation and Correction first have 152627  
determined that the real estate is surplus real property no longer 152628  
needed by the state and that the conveyance or conveyances are in 152629  
the best interest of the state. 152630

(C)(1) The Director of Administrative Services and the 152631  
Director of Rehabilitation and Correction shall offer the sale of 152632  
the real estate in the manner described in divisions (C)(2) or 152633  
(C)(3) of this section. 152634

(2) The Director of Administrative Services may offer the 152635  
sale of the real estate to a purchaser or purchasers to be 152636  
determined, through a negotiated real estate purchase agreement or 152637  
agreements. 152638

Consideration for the conveyance of the real estate shall be 152639  
at a price and at terms and conditions acceptable to the Director 152640  
of Administrative Services and the Director of Rehabilitation and 152641  
Correction. The consideration shall be paid at closing. 152642

(3) The Director of Administrative Services shall conduct a 152643  
sale of the real estate by sealed bid auction or public auction, 152644  
and the real estate shall be sold to the highest bidder at a price 152645  
acceptable to the Director of Administrative Services and the 152646  
Director of Rehabilitation and Correction. The Director of 152647  
Administrative Services shall advertise the sealed bid auction or 152648  
public auction by publication in a newspaper of general 152649  
circulation in the county in which the real estate is located, 152650  
once a week for three consecutive weeks before the date on which 152651  
the sealed bids are to be opened or the public auction is to be 152652  
held. The Director of Administrative Services shall notify the 152653  
successful bidder in writing. The Director of Administrative 152654  
Services may reject any or all bids. 152655

The purchaser or purchasers shall pay ten percent of the 152656  
purchase price to the Director of Administrative Services not 152657

later than five business days after receiving the notice the bid 152658  
has been accepted, and shall enter into a real estate purchase 152659  
agreement, in the form prescribed by the Department of 152660  
Administrative Services. Payment may be made by bank draft or 152661  
certified check made payable to the Treasurer of State. The 152662  
purchaser or purchasers shall submit the balance of the purchase 152663  
price to the Director of Administrative Services not later than 152664  
sixty days after receiving notice the bid has been accepted. A 152665  
purchaser who does not complete the conditions of the sale as 152666  
prescribed in this division shall forfeit as liquidated damages 152667  
the ten percent of the purchase price paid to the state. If a 152668  
purchaser fails to complete the purchase of the real estate, the 152669  
Director of Administrative Services may accept the next highest 152670  
bid, subject to the foregoing conditions. If the Director of 152671  
Administrative Services rejects all bids, the Director may repeat 152672  
the sealed bid auction or public auction, or may use an 152673  
alternative sale process that is acceptable to the Director of 152674  
Administrative Services and the Director of Rehabilitation and 152675  
Correction. 152676

The Department of Rehabilitation and Correction shall pay 152677  
advertising costs incident to the sale of the real estate. 152678

(D) The real estate described in division (A) of this section 152679  
may be conveyed as an entire tract or as multiple parcels as 152680  
determined by the Director of Administrative Services and the 152681  
Director of Rehabilitation and Correction. The real estate 152682  
described in division (A) of this section may be conveyed to a 152683  
single purchaser or multiple purchasers as determined by the 152684  
Director of Administrative Services and the Director of 152685  
Rehabilitation and Correction. 152686

(E) Except as otherwise specified in this section, the 152687  
purchaser or purchasers shall pay all costs associated with the 152688  
purchase, closing, and conveyance of the real estate, including 152689

surveys, appraisals, title evidence, title insurance, transfer 152690  
costs and fees, recording costs and fees, taxes, and any other 152691  
fees, assessments, and costs that may be imposed. 152692

(F) The proceeds of the conveyance of facilities and interest 152693  
in real estate sale or sales shall be deposited into the state 152694  
treasury to the credit of the Adult and Juvenile Correctional 152695  
Facilities Bond Retirement Fund in accordance with section 152696  
5120.092 of the Revised Code. 152697

(G) Upon payment of the purchase price, the Auditor of State, 152698  
with the assistance of the Attorney General, shall prepare a deed 152699  
or deeds to the real estate described in division (A) of this 152700  
section. The deed or deeds shall state the consideration and shall 152701  
be executed by the Governor in the name of the state, 152702  
countersigned by the Secretary of State, sealed with the Great 152703  
Seal of the State, presented in the Office of the Auditor of State 152704  
for recording, and delivered to the purchaser or purchasers. The 152705  
purchaser or purchasers shall present the deed or deeds for 152706  
recording in the office of the county recorder of the county in 152707  
which the real estate is located. 152708

(H) This section expires three years after its effective 152709  
date. 152710

**Section 753.50.** (A) The Governor may execute a deed in the 152711  
name of the state conveying to the Mahoning County Mental Health 152712  
and Recovery Board, and its heirs, and to its successors and 152713  
assigns, or to an alternate purchaser, and the alternate 152714  
purchaser's heirs, and to its successors and assigns, all of the 152715  
state's right, title, and interest in the following described real 152716  
estate: 152717

Situated in the Township of Austintown, County of Mahoning, 152718  
State of Ohio, and known as being a part of Austintown Township 152719  
Great Lot No. 2 and being further bounded and described as 152720

follows: 152721

Beginning at a point in the center line of County Line Road, 152722  
at the northwest corner of a 44.15 acre parcel of land conveyed to 152723  
Lillian Beazell by certificate of transfer from Albert J. Elias, 152724  
deceased, recorded in Vol. 964, page 239, Mahoning County Records 152725  
of Deeds; thence east along the center line of said County Line 152726  
Road 405 feet, but to the Northwest corner of a 2 acre parcel now 152727  
or formerly owned by M. and A. Markowsky; thence Southerly along 152728  
the west line of said Markowsky land 412.50 feet to the southwest 152729  
corner thereof; thence easterly along the southerly line of said 152730  
Markowsky land and continuing on the same course along the 152731  
southerly line of lands now or formerly owned by A. Piowarsky a 152732  
total distance of 422.4 feet to the east line of lands of said 152733  
Lillian Beazell; thence S. 01° 35' 38" E. 1457.48feet, but to the 152734  
northerly right of way line of land for a highway conveyed by 152735  
Lillian Beazell to the State of Ohio by deed recorded in Vol. 152736  
1070, Page 524, Mahoning County Deed Records; thence S. 43° 29' 152737  
58" W. 321 feet along said northerly right of way line; thence S. 152738  
48° 11' 53" W. 479.61 feet along said northerly right of way line; 152739  
thence S. 53° 34' 21" W. along said northerly right of way line to 152740  
its intersection with the south line of Great Lot 2; thence 152741  
westerly along the south line of Great lot 2 a distance of 152742  
approximately 15 feet, but to the Southwest corner of said lands 152743  
acquired by Lillian Beazell by instrument recorded in Vol. 964, 152744  
Page 239, Mahoning County Deed Records; thence north along the 152745  
west line of said Beazell lands a distance of 2622.84 feet to the 152746  
place of beginning and containing within said bounds approximately 152747  
37.75 acres of land. 152748

Excepting from the above described lands, the following: 152749

Situated in the Township of Austintown, County of Mahoning, 152750  
State of Ohio, and known as being a part of Austintown Township 152751  
Great Lot No. 2 and being further bounded and described as 152752

follows: 152753

Beginning at a point on the west line of lands of Lillian 152754  
Beazell in Great Lot 2, (vol. 964, page 239) Mahoning County 152755  
Records of Deeds 370.1 feet southerly of the center line of County 152756  
line Road, also known as Ohltown-Girard Road; thence S. 47° 15 ½' 152757  
E. 1128.8 feet to the westerly line of lands now or formerly owned 152758  
by A. & F. Piowarsky; thence southerly along said westerly 152759  
boundary line 81.9 feet to a point; thence parallel to and 60 feet 152760  
southwesterly of the first mentioned course N. 47° 15 ½' W. 1128.8 152761  
feet to a point on the westerly line of said Beazell land; thence 152762  
northerly along said westerly line 81.9 feet to the place of 152763  
beginning and containing 1.55 acres of land. 152764

Leaving 36.2 acres of land more or less subject however, to 152765  
all legal highways and easements of record. 152766

Prior Deed Reference: Vol. 1362, Page 828, Mahoning County 152767  
Records of Deeds 152768

Permanent Parcel Number: 48-087-0-008.00-0" 152769

(B) The Department of Administrative Services shall prepare a 152770  
legal description of the real estate to be conveyed, as necessary, 152771  
in order to facilitate the recording of the deed. 152772

(C) The conveyance includes improvements and chattels 152773  
situated on the real estate, and is subject to all easements, 152774  
covenants, conditions, and restrictions of record; all legal 152775  
highways and public rights-of-way; zoning, building, and other 152776  
laws, ordinances, restrictions, and regulations; and real estate 152777  
taxes and assessments not yet due and payable. The real estate 152778  
shall be conveyed in an "as-is, where-is, with all faults" 152779  
condition. 152780

(D) Consideration for the conveyance of the real estate 152781  
described in division (A) of this section is one dollar. 152782

(E) The real estate described in division (A) of this section shall be sold as an entire tract and not in parcels.

(F) Except as otherwise specified in this section, the purchaser shall pay all costs associated with the purchase, closing, and conveyance of the real estate, including surveys, title evidence, title insurance, transfer costs and fees, recording costs and fees, taxes, and any other fees, assessments, and costs that may be imposed.

The proceeds of the sale shall be deposited into the state treasury to the credit of the Mental Health Facilities Improvement Fund (Fund 7033) or another fund designated by the Director of Budget and Management.

(G) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate described in division (A) of this section. The deed shall state the consideration and shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the purchaser. The purchaser shall present the deed for recording in the Office of the Mahoning County Recorder.

(H) This section expires three years after its effective date.

**Section 757.20.** (A) Notwithstanding the requirements of division (C)(2) of section 5747.50 of the Revised Code, the Tax Commissioner shall reduce the total amount available for distribution to municipal corporations during the current month, as defined in that division, by one million dollars in each month of the period beginning with July 2017, and ending with December 2017, before calculating the amount to be distributed to each municipal corporation.

(B) On or before the tenth day of each month in the period 152814  
beginning with July 2017 and ending with December 2017, the tax 152815  
commissioner shall provide for payment to each county undivided 152816  
local government fund of a supplement for townships. The 152817  
commissioner shall determine the amounts paid to each fund as 152818  
follows: 152819

(1) An amount equal to forty-one and sixty-seven 152820  
one-hundredths per cent of one million dollars shall be divided 152821  
among every county fund so that each township in the state 152822  
receives an equal amount. 152823

(2) An amount equal to forty-one and sixty-seven 152824  
one-hundredths per cent of one million dollars shall be divided 152825  
among every county fund so that each township receives a 152826  
proportionate share based on the proportion that the total 152827  
township road miles in the township is of the total township road 152828  
miles in all townships in the state. 152829

(C)(1) As used in this division, "qualifying village" means a 152830  
village with a population of less than one thousand according to 152831  
the most recent federal decennial census. 152832

(2) On or before the tenth day of each month in the period 152833  
beginning with July 2017, and ending with December 2017, the tax 152834  
commissioner shall provide for payment to each county undivided 152835  
local government fund of a supplement for qualifying villages. The 152836  
commissioner shall determine the amounts paid to each fund as 152837  
follows: 152838

(a) An amount equal to eight and thirty-three one-hundredths 152839  
per cent of one million dollars shall be divided among every 152840  
county fund so that each qualifying village in the state receives 152841  
an equal amount. 152842

(b) An amount equal to eight and thirty-three one-hundredths 152843  
per cent of one million dollars shall be divided among every 152844

county fund so that each qualifying village receives a 152845  
proportionate share based on the proportion that the total village 152846  
road miles in the qualifying village is of the total village road 152847  
miles in all qualifying villages in the state. 152848

(D) The tax commissioner shall separately identify to the 152849  
county treasurer the amounts to be allocated to each township 152850  
under divisions (B)(1) and (2) of this section and to each 152851  
qualifying village under divisions (C)(2)(a) and (b) of this 152852  
section. The treasurer shall transfer those amounts to townships 152853  
and qualifying villages from the undivided local government fund. 152854

(E) There is hereby created in the state treasury the 152855  
Targeting Addiction Assistance Fund. 152856

(F) Notwithstanding the requirement in division (C)(2) of 152857  
section 5747.50 of the Revised Code, the amounts that would 152858  
otherwise be distributed to municipal corporations pursuant to 152859  
that division during each month of fiscal years 2018 and 2019 152860  
shall be deposited in the state treasury to the credit of the 152861  
Targeting Addiction Assistance Fund (Fund 5TZ0). The amounts 152862  
credited to Fund 5TZ0 shall be after any other reductions required 152863  
by law to the amounts distributed to municipal corporations from 152864  
the Local Government Fund under division (C) of section 5747.50 of 152865  
the Revised Code and after the payments specified in divisions (A) 152866  
to (D) of this section. 152867

(G) The Targeting Addiction Assistance Fund shall be used as 152868  
follows: 152869

(1) In each fiscal year, \$1,000,000 shall be used by the 152870  
Department of Health to reimburse county coroners in counties in 152871  
which the coroner has performed toxicology screenings on victims 152872  
of a drug overdose. The Director of Health shall transfer the 152873  
funds to the counties in proportion to the numbers of toxicology 152874  
screenings performed per county. 152875

(2) In each fiscal year, \$5,000,000 shall be allocated by the 152876  
Department of Rehabilitation and Correction as Probation 152877  
Improvement and Incentive Grants to municipalities with an 152878  
emphasis on: (1) providing services to those addicted to opiates 152879  
and other illegal substances, and (2) supplementing the programs 152880  
and services funded by grants distributed from GRF appropriation 152881  
item 501407, Community Nonresidential Programs. 152882

(3) In each fiscal year, \$6,000,000 shall be allocated by the 152883  
Department of Mental Health and Addiction Services to boards of 152884  
alcohol, drug addiction, and mental health services. The boards 152885  
shall use their allocations to establish and administer, in 152886  
collaboration with the other boards that serve the same state 152887  
psychiatric hospital region, acute substance use disorder 152888  
stabilization centers. There shall be one center located in each 152889  
state psychiatric hospital region. The Department of Mental Health 152890  
and Addiction Services shall conduct an analysis of each acute 152891  
substance use disorder stabilization center. Not later than June 152892  
30, 2019, the Department shall submit the findings of the analysis 152893  
to the Governor and the General Assembly, in accordance with 152894  
section 101.68 of the Revised Code. 152895

(4) In each fiscal year, \$150,000 shall be allocated by the 152896  
Department of Job and Family Services to children's crisis care 152897  
facilities as defined in section 5103.13 of the Revised Code. The 152898  
Director of Job and Family Services shall allocate funds based on 152899  
the number of children at each facility. A children's crisis care 152900  
facility may decline to receive funds provided under this section. 152901  
A children's crisis care facility that accepts funds provided 152902  
under this section shall use the funds in accordance with section 152903  
5103.13 of the Revised Code and the rules as defined in rule 152904  
5101:2-9-36 of the Administrative Code. 152905

(5) In each fiscal year, \$500,000 shall be used by the 152906  
Department of Medicaid, in consultation with the Department of Job 152907

and Family Services and the Department of Health, to develop a 152908  
pilot program under which newborns who have neonatal abstinence 152909  
syndrome are, after being medically stabilized at a hospital, 152910  
transferred to a nonhospital, community facility that is located 152911  
in Montgomery County and provides the newborns medical, 152912  
pharmacological, and therapeutic services specified by the 152913  
Department of Medicaid, the Department of Job and Family Services, 152914  
and the Department of Health. The departments shall begin 152915  
operation of the pilot program not later than ninety days after 152916  
the effective date of this section and shall cease operation of 152917  
the pilot program on July 1, 2018. Not later than ninety days 152918  
after the date the pilot program ends, the Department of Medicaid, 152919  
the Department of Job and Family Services, and the Department of 152920  
Health shall jointly complete a report about the pilot program. 152921  
The report shall include recommendations for making the pilot 152922  
program statewide and part of the Medicaid program. The Department 152923  
of Medicaid, the Department of Job and Family Services, and the 152924  
Department of Health jointly shall submit the report to the 152925  
General Assembly in accordance with section 101.68 of the Revised 152926  
Code. 152927

(6) In each fiscal year, \$5,000,000 shall be allocated to the 152928  
Department of Mental Health and Addiction Services and used in 152929  
accordance with division (E) of Section 337.50 of this act. 152930

(H) Boards of alcohol, drug addiction, and mental health 152931  
services shall ensure that each acute substance use disorder 152932  
stabilization center established and administered under division 152933  
(G)(3) of this section complies with all of the following: 152934

(1) It admits individuals before and after the individuals 152935  
receive treatment and care at hospital emergency departments or 152936  
freestanding emergency departments. 152937

(2) It admits individuals before and after the individuals 152938  
are confined in state or local correctional facilities. 152939

|                                                                                                                                                                                                                                                                                                                                                                                                         |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (3) It has a Medicaid provider agreement.                                                                                                                                                                                                                                                                                                                                                               | 152940                                                   |
| (4) It is located in a building constructed for another purpose before the effective date of this section.                                                                                                                                                                                                                                                                                              | 152941<br>152942                                         |
| (5) It admits individuals who have been identified as needing the stabilization services provided by the center.                                                                                                                                                                                                                                                                                        | 152943<br>152944                                         |
| (6) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.                                                                                                                                                                                                                  | 152945<br>152946<br>152947                               |
| (I) As used in this section:                                                                                                                                                                                                                                                                                                                                                                            | 152948                                                   |
| (1) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                          | 152949<br>152950                                         |
| (2) "State or local correctional facility" means any of the following:                                                                                                                                                                                                                                                                                                                                  | 152951<br>152952                                         |
| (a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;                                                                                                                                                                                                                                                                                                              | 152953<br>152954                                         |
| (b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;                                                                                                                                                                                                                                                                                                                 | 152955<br>152956                                         |
| (c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.                                                                                                                                                                                                                                                                                        | 152957<br>152958                                         |
| (3) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.                                                                                                                                                                            | 152959<br>152960<br>152961<br>152962                     |
| <b>Section 757.40.</b> In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2018-2019 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of | 152963<br>152964<br>152965<br>152966<br>152967<br>152968 |

|                                                                  |           |           |                                        |           |                              |        |
|------------------------------------------------------------------|-----------|-----------|----------------------------------------|-----------|------------------------------|--------|
| the amount of credits authorized that will remain outstanding at |           |           |                                        |           |                              | 152969 |
| the end of that biennium. In totality, this table provides an    |           |           |                                        |           |                              | 152970 |
| estimate of the state revenue forgone due to business incentive  |           |           |                                        |           |                              | 152971 |
| tax credits in the 2018-2019 biennium and future biennia.        |           |           |                                        |           |                              | 152972 |
| Biennial Business Incentive Tax Credit Estimates                 |           |           |                                        |           |                              | 152973 |
|                                                                  |           |           |                                        |           |                              | 152974 |
| Estimate of total value of tax credits authorized                |           |           | Estimate of tax credits issued/claimed |           | Expected Outstanding credits | 152975 |
|                                                                  |           |           | (All figures in thousands of dollars)  |           |                              | 152976 |
|                                                                  |           |           |                                        |           |                              | 152977 |
| Tax Credit                                                       | FY 2018   | FY 2019   | FY 2018                                | FY 2019   | End of Biennium              | 152978 |
|                                                                  |           |           |                                        |           |                              | 152979 |
| Job Creation Tax Credit*                                         | \$100,000 | \$100,000 | \$105,000                              | \$100,000 | \$885,000                    | 152980 |
|                                                                  |           |           |                                        |           |                              | 152981 |
| Job Retention Tax Credit                                         | \$ 0      | \$ 0      | \$55,000                               | \$55,000  | \$290,000                    | 152982 |
|                                                                  |           |           |                                        |           |                              | 152983 |
| Historic Preservation Tax Credit                                 | \$60,000  | \$60,000  | \$120,000                              | \$90,000  | \$190,000                    | 152984 |
|                                                                  |           |           |                                        |           |                              | 152985 |
| Motion Picture                                                   | \$40,000  | \$40,000  | \$50,000                               | \$50,000  | \$35,000                     | 152986 |

|                                                                     |           |           |           |           |             |        |
|---------------------------------------------------------------------|-----------|-----------|-----------|-----------|-------------|--------|
| Tax                                                                 |           |           |           |           |             |        |
| Credit                                                              |           |           |           |           |             | 152987 |
| New                                                                 | \$10,000  | \$10,000  | \$9,795   | \$10,000  | \$38,205    | 152988 |
| Markets                                                             |           |           |           |           |             |        |
| Tax                                                                 |           |           |           |           |             |        |
| Credit                                                              |           |           |           |           |             | 152989 |
| R&D Loan                                                            | \$4,500   | \$4,500   | \$4,500   | \$4,000   | \$30,000    | 152990 |
| Tax                                                                 |           |           |           |           |             |        |
| Credit                                                              |           |           |           |           |             | 152991 |
| InvestOhio                                                          | \$12,500  | \$12,500  | \$18,000  | \$15,000  | \$42,000    | 152992 |
| Tax                                                                 |           |           |           |           |             |        |
| Credit                                                              |           |           |           |           |             | 152993 |
| Estimate                                                            | \$227,000 | \$227,000 | \$362,295 | \$324,000 | \$1,510,205 | 152994 |
| Total                                                               |           |           |           |           |             |        |
| *The Job Creation Tax Credit (JCTC) estimate of credits             |           |           |           |           |             | 152995 |
| outstanding is not just for tax credit certificates already         |           |           |           |           |             | 152996 |
| issued, but also for the estimated potential value of certificates  |           |           |           |           |             | 152997 |
| to be issued under the program through 2035 when looking at the     |           |           |           |           |             | 152998 |
| existing portfolio of approved and active incentives. The estimate  |           |           |           |           |             | 152999 |
| assumes that the companies receiving credits will continue to meet  |           |           |           |           |             | 153000 |
| the performance objectives required to continue receiving the       |           |           |           |           |             | 153001 |
| credit.                                                             |           |           |           |           |             | 153002 |
| <br><b>Section 757.50.</b> (A) The amendment by this act of section |           |           |           |           |             | 153003 |
| 5713.051 of the Revised Code clarifies the intent of the General    |           |           |           |           |             | 153004 |
| Assembly that the method described in section 5713.051 of the       |           |           |           |           |             | 153005 |
| Revised Code for determining the true value in money of oil and     |           |           |           |           |             | 153006 |
| gas reserves for property tax purposes continues to represent the   |           |           |           |           |             | 153007 |
| only method for valuing oil and gas reserves for property tax       |           |           |           |           |             | 153008 |

purposes. 153009

(B) The amendment by this act of section 5713.051 of the 153010  
Revised Code applies to any addition of oil and gas reserves to 153011  
the tax list and duplicate on or after the effective date of that 153012  
amendment, including oil and gas reserves added to the tax list 153013  
pursuant to section 319.35, 319.36, or 5713.20 of the Revised 153014  
Code. The amendment by this act of section 5713.051 of the Revised 153015  
Code applies to any taxes for oil and gas reserves charged by a 153016  
county auditor or county treasurer, including taxes for oil and 153017  
gas reserves charged under section 319.40 or 5713.20 of the 153018  
Revised Code on or after the effective date of that amendment. 153019

(C) Division (B) of this section applies without regard to 153020  
the tax year or tax years to which the addition or charged taxes 153021  
relate. 153022

**Section 757.60.** The Department of Taxation shall study the 153023  
feasibility of allowing taxpayers to file municipal income tax 153024  
returns through the joint federal and state Modernized e-File 153025  
(MeF) program. In conducting the study, the Department shall do 153026  
both of the following: 153027

(A) Estimate the cost to the state and to municipal 153028  
corporations of accepting municipal income tax returns through the 153029  
MeF program; 153030

(B) Establish a timeline for the incorporation of municipal 153031  
income tax filing into the MeF program. 153032

Upon completion of the study, and not later than December 31, 153033  
2017, the Department shall submit copies of the study to the 153034  
President and Minority Leader of the Senate, the Speaker and 153035  
Minority Leader of the House of Representatives, and the 153036  
chairpersons of the House and Senate Ways and Means committees. 153037

**Section 757.70.** (A) As used in this section: 153038

(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the Revised Code. 153039  
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(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same meanings as in section 5751.01 of the Revised Code. 153042  
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(3) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 153045  
153046

(B) A taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code may claim a credit against the tax levied by section 5751.02 of the Revised Code for tax periods ending on or before June 30, 2019, provided that the taxpayer is unable to claim the credit under section 5725.151, 5725.34, 5726.52, 5729.17, or 5747.76 of the Revised Code. 153047  
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The credit shall equal the lesser of twenty-five per cent of the dollar amount of the qualified rehabilitation expenditures indicated on the certificate or five million dollars. The credit shall be claimed for the calendar year specified in the certificate and after the credits authorized in divisions (A)(1) to (4) of section 5751.98 of the Revised Code, but before the credits authorized in divisions (A)(5) to (7) of that section. 153054  
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If the credit allowed for any calendar year exceeds the tax otherwise due under section 5751.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by this section, the excess shall be refunded to the taxpayer. However, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due for that year shall not exceed three million dollars. The taxpayer may carry forward any balance of the credit in excess of the amount claimed for that year for not more than 153061  
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five calendar years after the calendar year specified in the 153070  
certificate, and shall deduct any amount claimed in any such year 153071  
from the amount claimed in an ensuing year. 153072

A person that is an excluded person may file a return under 153073  
section 5751.051 of the Revised Code for the purpose of claiming 153074  
the credit authorized in this section. 153075

If the certificate owner is a pass-through entity, the credit 153076  
may not be allocated among the entity's owners in proportions or 153077  
amounts as the owners mutually agree unless either the owners are 153078  
part of the same combined or consolidated elected taxpayer as the 153079  
pass-through entity or the director of development services issued 153080  
the certificate in the name of the pass-through entity's owners in 153081  
the agreed-upon proportions or amounts. If the credit is allocated 153082  
among those owners, an owner may claim the credit authorized in 153083  
this section only if that owner is a corporation or an association 153084  
taxed as a corporation for federal income tax purposes and is not 153085  
a corporation that has made an election under Subchapter S of 153086  
Chapter 1 of Subtitle A of the Internal Revenue Code. 153087

The credit authorized in this section may be claimed only on 153088  
the basis of a rehabilitation tax credit certificate with an 153089  
effective date after December 31, 2013, but before June 30, 2019. 153090

A person claiming a credit under this section shall retain 153091  
the rehabilitation tax credit certificate for four years following 153092  
the end of the latest calendar year in which the credit was 153093  
applied, and shall make the certificate available for inspection 153094  
by the tax commissioner upon request. 153095

**Section 757.90.** The amendment by this act of section 5709.12 153096  
of the Revised Code applies to tax year 2017 and thereafter and 153097  
the tax years at issue in any application for exemption from 153098  
taxation or any appeal from such an application pending before the 153099  
Tax Commissioner, the Board of Tax Appeals, any Court of Appeals, 153100

or the Supreme Court on the effective date of this section and to 153101  
the property that is the subject of any such application or 153102  
appeal. 153103

**Section 757.100.** The legislative authority of a county or 153104  
transit authority shall not impose a tax levied under, or increase 153105  
or decrease the rate of a tax levied under section 5739.021, 153106  
5739.023, 5739.026, 5741.021, 5741.022, or 5741.023 of the Revised 153107  
Code at or according to the one-tenth of one per cent rate 153108  
increment authorized by the amendment by this act of sections 153109  
5739.021, 5739.023, and 5739.026 of the Revised Code until July 1, 153110  
2018, or the first day of any following calendar quarter. The rate 153111  
at which such a tax may be imposed, increased, or decreased before 153112  
July 1, 2018, shall be in the increments authorized under those 153113  
sections as those sections existed before the effective date of 153114  
that amendment. 153115

**Section 757.110.** (A) As used in this section: 153116

(1) "Qualifying delinquent taxes" means any tax levied under 153117  
Chapters 4301., 4305., 5726., 5739., 5741., 5743., 5747., 5748., 153118  
and 5751. of the Revised Code, not including a tax levied under 153119  
section 5739.08, 5739.09, or 5739.101 of the Revised Code, which 153120  
were due and payable from any person as of May 1, 2017, were 153121  
unreported or underreported, and remain unpaid. 153122

(2) "Qualifying delinquent taxes" does not include any tax 153123  
for which a notice of assessment or audit has been issued, for 153124  
which a bill has been issued, which relates to a tax period that 153125  
ends after the effective date of this section, or for which an 153126  
audit has been conducted or is currently being conducted. 153127

(B) The Tax Commissioner shall establish and administer a tax 153128  
amnesty program with respect to qualifying delinquent taxes. The 153129  
program shall commence on January 1, 2018, and shall conclude on 153130

February 15, 2018. The Tax Commissioner shall issue forms and 153131  
instructions and take other actions necessary to implement the 153132  
program. The Tax Commissioner shall publicize the program so as to 153133  
maximize public awareness and participation in the program. 153134

(C) During the program, if a person pays the full amount of 153135  
qualifying delinquent taxes owed by that person and one-half of 153136  
any interest that has accrued as a result of the person failing to 153137  
pay those taxes in a timely fashion, the Tax Commissioner shall 153138  
waive or abate all applicable penalties and one-half of any 153139  
interest that accrued on the qualifying delinquent taxes. 153140

(D) The Tax Commissioner may require a person participating 153141  
in the program to file returns or reports, including amended 153142  
returns and reports, in connection with the person's payment of 153143  
qualifying delinquent taxes. 153144

(E) A person who participates in the program and pays in full 153145  
any outstanding qualifying delinquent tax and the interest payable 153146  
on such tax in accordance with this section shall not be subject 153147  
to any criminal prosecution or any civil action with respect to 153148  
that tax, and no assessment shall thereafter be issued against 153149  
that person with respect to that tax. 153150

(F) Taxes and interest collected under the program shall be 153151  
considered as revenue arising from the tax to which the payment 153152  
relates, and shall be distributed accordingly, except as otherwise 153153  
provided in Section 512.140 of this act. 153154

**Section 757.120.** (A) All terms used in this section have the 153155  
same meanings as in sections 5739.01 and 5741.01 of the Revised 153156  
Code. As used in this section: 153157

(1) "Clothing" means all human wearing apparel suitable for 153158  
general use. "Clothing" includes, but is not limited to, aprons, 153159  
household and shop; athletic supporters; baby receiving blankets; 153160

bathing suits and caps; beach capes and coats; belts and 153161  
suspenders; boots; coats and jackets; costumes; diapers, children 153162  
and adult, including disposable diapers; ear muffs; footlets; 153163  
formal wear; garters and garter belts; girdles; gloves and mittens 153164  
for general use; hats and caps; hosiery; insoles for shoes; lab 153165  
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 153166  
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 153167  
and stockings; steel-toed shoes; underwear; uniforms, athletic and 153168  
nonathletic; and wedding apparel. "Clothing" does not include 153169  
items purchased for use in a trade or business; clothing 153170  
accessories or equipment; protective equipment; sports or 153171  
recreational equipment; belt buckles sold separately; costume 153172  
masks sold separately; patches and emblems sold separately; sewing 153173  
equipment and supplies including, but not limited to, knitting 153174  
needles, patterns, pins, scissors, sewing machines, sewing 153175  
needles, tape measures, and thimbles; and sewing materials that 153176  
become part of "clothing" including, but not limited to, buttons, 153177  
fabric, lace, thread, yarn, and zippers. 153178

(2) "School supplies" means items commonly used by a student 153179  
in a course of study. "School supplies" includes only the 153180  
following items: binders; book bags; calculators; cellophane tape; 153181  
blackboard chalk; compasses; composition books; crayons; erasers; 153182  
folders, expandable, pocket, plastic, and manila; glue, paste, and 153183  
paste sticks; highlighters; index cards; index card boxes; legal 153184  
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 153185  
notebook paper, copy paper, graph paper, tracing paper, manila 153186  
paper, colored paper, poster board, and construction paper; pencil 153187  
boxes and other school supply boxes; pencil sharpeners; pencils; 153188  
pens; protractors; rulers; scissors; and writing tablets. "School 153189  
supplies" does not include any item purchased for use in a trade 153190  
or business. 153191

(3) "School instructional material" means written material 153192

commonly used by a student in a course of study as a reference and 153193  
to learn the subject being taught. "School instructional material" 153194  
includes only the following items: reference books, reference maps 153195  
and globes, textbooks, and workbooks. "School instructional 153196  
material" does not include any material purchased for use in a 153197  
trade or business. 153198

(B) Taxes levied by or under sections 5739.02, 5739.021, 153199  
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of 153200  
the Revised Code do not apply to the sale or storage, use, or 153201  
other consumption of any of the following if the sale or purchase 153202  
occurs on August 3, 4, or 5, 2018: 153203

(1) An item of clothing, the price of which is seventy-five 153204  
dollars or less; 153205

(2) An item of school supplies, the price of which is twenty 153206  
dollars or less; 153207

(3) An item of school instructional material, the price of 153208  
which is twenty dollars or less. 153209

(C) This section is repealed effective August 10, 2018. 153210

**Section 757.130.** (A) There is hereby created the Joint 153211  
Committee on Ohio College Affordability composed of the following 153212  
members: 153213

(1) Five members of the Senate, appointed by the President of 153214  
the Senate, not more than three of whom may be members of the same 153215  
political party; 153216

(2) Five members of the House of Representatives, appointed 153217  
by the Speaker of the House of Representatives, not more than 153218  
three of whom may be members of the same political party. 153219

(B) The President of the Senate and the Speaker of the House 153220  
of Representatives shall appoint the members of the committee 153221  
within thirty days after the effective date of this act. The 153222

committee shall hold an initial meeting within sixty days after 153223  
the effective date of this act and shall meet thereafter at the 153224  
discretion of the committee members. 153225

(C) The committee shall study and develop strategies to 153226  
reduce the cost of attending colleges and universities in this 153227  
state. As part of this process, the committee shall consult with 153228  
the Chancellor of Higher Education and persons or organizations 153229  
representing institutions of higher education. 153230

(D) The committee shall compile a report of its activities, 153231  
findings, and recommendations and shall furnish a copy of the 153232  
report to the Governor, President of the Senate, and Speaker of 153233  
the House of Representatives not later than one year after the 153234  
effective date of this act, at which time the committee shall 153235  
dissolve by operation of law. 153236

**Section 757.141.** The Tax Commissioner shall make the 153237  
adjustments to the income amounts in divisions (A)(2) and (3) of 153238  
section 5747.02 of the Revised Code, as required by division 153239  
(A)(5) of that section, in August of 2017 and each year 153240  
thereafter. 153241

**Section 763.10.** Not later than June 30, 2019, the governor's 153242  
office of workforce transformation, in conjunction with the Ohio 153243  
library council or its successor organization, may develop a brand 153244  
for public libraries as "continuous learning centers" that serve 153245  
as hubs for information about local in-demand jobs and relevant 153246  
education and job training resources. 153247

Not later than June 30, 2019, the state library of Ohio shall 153248  
strengthen the online education resources of the Ohio digital 153249  
library to provide more accessible job training materials to adult 153250  
learners. 153251

**Section 803.10.** (A) The member of the Ohio Facilities 153252  
Construction Commission appointed by the Governor under division 153253  
(B) of section 123.20 of the Revised Code as it existed prior to 153254  
the amendments to that section made by this act shall serve the 153255  
remainder of the member's term. Upon the expiration of the term, 153256  
the Governor shall appoint a member to the Commission in the 153257  
manner provided by section 123.20 of the Revised Code as amended 153258  
by this act. 153259

(B) If the member serving the unexpired term under division 153260  
(A) of this section is unable to fulfill the term, the Governor 153261  
shall appoint a member to fill the vacancy in the manner provided 153262  
by section 123.20 of the Revised Code as amended by this act. 153263

**Section 803.20.** EXCHANGE OF CERTAIN INFORMATION BETWEEN 153264  
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 153265

Until the amendments to sections 191.04 and 191.06 of the 153266  
Revised Code made by this act take effect in accordance with 153267  
section 101.01 of this act, and notwithstanding any provision of 153268  
the Revised Code to the contrary, the provisions in sections 153269  
191.04 and 191.06 of the Revised Code apply for fiscal years 2013 153270  
through 2019. 153271

A portion of the foregoing appropriation items 651425, 153272  
Medicaid Program Support-State, 651525, Medicaid/Health Care 153273  
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 153274  
Services-Payment Withholding, 651624, Medicaid Program 153275  
Support-Federal, 651680, Health Care Grants-Federal, 651655, 153276  
Medicaid Interagency Pass-Through, 651605, Resident Protection 153277  
Fund, 651631, Money Follows the Person, 651656, Medicaid 153278  
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 153279  
Medicaid Services-Long Term Care, 651654, Medicaid Program 153280  
Support, and 651649, Medicaid Services-HCAP, may be used to pay 153281

for services and costs associated with operating protocols adopted 153282  
under sections 191.04 and 191.06 of the Revised Code. 153283

**Section 803.40.** A certificate to practice medicine and 153284  
surgery, osteopathic medicine and surgery, or podiatric medicine 153285  
and surgery issued under Chapter 4731. of the Revised Code, as 153286  
that chapter existed immediately prior to the effective date of 153287  
this section, satisfies the requirements for licensure created by 153288  
this act until the certificate is required to be renewed. Any 153289  
renewal shall be in the form of a license issued under Chapter 153290  
4731. of the Revised Code. 153291

**Section 803.50.** The amendment by this act of section 3517.17 153292  
of the Revised Code applies to the first distribution to be made 153293  
under that section after designations under section 5747.081 of 153294  
the Revised Code for taxable years beginning in 2017 are available 153295  
to the Tax Commissioner, and to every distribution thereafter. 153296

**Section 803.100.** (A) The amendment or enactment by this act 153297  
of sections 113.061, 718.01, 718.02, 718.06, 718.60, 718.80, 153298  
718.81, 718.82, 718.83, 718.84, 718.85, 718.851, 718.86, 718.87, 153299  
718.88, 718.89, 718.90, 718.91, 718.92, 718.93, 718.94, 718.95, 153300  
5703.052, 5703.053, 5703.054, 5703.056, 5703.19, 5703.21, 153301  
5703.371, 5703.50, 5703.57, 5703.70, and 5703.75 of the Revised 153302  
Code applies to taxable years beginning on or after January 1, 153303  
2018. 153304

(B) In accordance with division (A) of section 718.04 of the 153305  
Revised Code, each municipal corporation shall adopt, by ordinance 153306  
or resolution, the provisions of sections 718.80, 718.81, 718.82, 153307  
718.83, 718.84, 718.85, 718.851, 718.86, 718.87, 718.88, 718.89, 153308  
718.90, 718.91, 718.92, 718.93, 718.94, and 718.95 of the Revised 153309  
Code on or before January 31, 2018. Such resolution or ordinance 153310  
shall specify that the enactment of those provisions applies to 153311

|                                                                                                                                                                                                                                                                      |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| taxable years beginning on or after January 1, 2018.                                                                                                                                                                                                                 | 153312                               |
| (C) The amendment by this act of section 718.08 of the Revised Code applies to taxable years beginning on or after January 1, 2018.                                                                                                                                  | 153313<br>153314<br>153315           |
| (D) The amendment by this act of section 718.27 of the Revised Code applies on and after the effective date of this section.                                                                                                                                         | 153316<br>153317<br>153318           |
| <b>Section 803.110.</b> The amendment by this act of sections 319.54, 321.27, 5731.46, and 5731.49 of the Revised Code applies to all settlements required under section 5731.46 of the Revised Code on and after the effective date of this section.                | 153319<br>153320<br>153321<br>153322 |
| <b>Section 803.120.</b> The amendment by this act of sections 3734.9011, 5735.02, 5743.15, and 5743.61 of the Revised Code applies on and after January 1, 2018.                                                                                                     | 153323<br>153324<br>153325           |
| <b>Section 803.140.</b> The amendment by this act of sections 5739.01, 5739.02, and 5739.033 of the Revised Code, except for divisions (C) and (H) of section 5739.01 of the Revised Code, apply on and after October 1, 2017.                                       | 153326<br>153327<br>153328<br>153329 |
| <b>Section 803.150.</b> The amendment by this act of section 5739.30 of the Revised Code applies on and after January 1, 2018.                                                                                                                                       | 153330<br>153331                     |
| <b>Section 803.180.</b> The amendment by this act of sections 5743.03 and 5743.081 of the Revised Code applies on and after July 1, 2017.                                                                                                                            | 153332<br>153333<br>153334           |
| <b>Section 803.210.</b> The amendment or enactment by this act of sections 131.44, 131.51, 5747.50, 5747.502, 5747.503, 5747.504, 5747.51, and 5747.53 of the Revised Code applies to distributions made from the Local Government Fund on or after January 1, 2018. | 153335<br>153336<br>153337<br>153338 |

**Section 803.220.** The amendment by this act of sections 153339  
5749.01, 5749.03, 5749.04, 5749.06, and 5749.17 of the Revised 153340  
Code shall apply on and after October 1, 2017. 153341

**Section 803.260.** The amendment by this act of divisions 153342  
(B)(3)(e), (Y), and (LLL) of section 5739.01 of the Revised Code 153343  
is intended to be remedial in nature and to clarify existing law. 153344  
Such amendments shall apply retrospectively to all cases pending 153345  
on or transactions occurring on or after the effective date of the 153346  
amendment of that section by Sub. H.B. 157 of the 127th General 153347  
Assembly. 153348

**Section 803.270.** The amendment by this act of divisions (A), 153349  
(C), (D), and (I) of section 122.17 of the Revised Code concerning 153350  
qualifying work-from-home employees applies to applications 153351  
submitted under division (C)(1) of that section on or after the 153352  
effective date of this section. 153353

**Section 803.280.** The amendment by this act of section 307.283 153354  
and division (A)(4) of section 5739.026 of the Revised Code 153355  
applies to grants awarded by a community improvements board on or 153356  
after the effective date of this section as long as the act's 153357  
amendments concerning the use of the grant revenue, as defined in 153358  
section 307.283 of the Revised Code, are not inconsistent with the 153359  
board of county commissioner's resolution levying the tax or the 153360  
ballot language approved by the electors of the county. 153361

**Section 803.290.** The amendment by this act of section 307.678 153362  
and division (J) and the third paragraph of division (A)(1) of 153363  
section 5739.09 of the Revised Code is intended to promote 153364  
development of sites and facilities for and in support of 153365  
industry, commerce, distribution, and research and development 153366  
within tourism development districts established in this state, in 153367

furtherance of the public purposes established under section 2p of 153368  
Article VIII, Ohio Constitution, and thereby to create and 153369  
preserve jobs, enhance employment and educational opportunities, 153370  
and improve the quality of life and the general and economic 153371  
well-being of the people and businesses of this state, all to 153372  
better ensure the public health, safety, and welfare of the people 153373  
of this state, through cooperative efforts and activities by 153374  
political subdivisions, port authorities, and other persons in 153375  
furtherance of these purposes, including funding, financing, and 153376  
construction activities consistent with the procedures authorized 153377  
and established in that amendment pursuant to division (F) of 153378  
section 2p of Article VIII, Ohio Constitution. Therefore, the 153379  
amendment applies to projects and related work, including funding, 153380  
financing, and construction activities or proceedings with respect 153381  
to projects, commenced or to be commenced, as well as all work, 153382  
activities, and proceedings with respect to projects occurring or 153383  
to occur, after the effective date of that amendment. The 153384  
amendment shall also apply, insofar as those amendments are 153385  
applicable, to support or facilitate any project or related work, 153386  
including funding, financing, and construction activities, or 153387  
proceedings with respect to any project that is pending, in 153388  
progress, or completed on such effective date, also to all such 153389  
projects, work, activities, and proceedings, to any contracts or 153390  
agreements made or performed, and to any securities or other 153391  
obligations, to any credit enhancement facilities or related 153392  
reimbursement obligations authorized or issued pursuant to those 153393  
proceedings, and any such projects, work, activities, or 153394  
proceedings pending, in progress or completed, any contracts or 153395  
agreements made or performed, any credit enhancement facilities or 153396  
related reimbursement obligations authorized, issued, or agreed, 153397  
and any securities or other obligations authorized, sold, issued, 153398  
delivered, or validated pursuant to those proceedings, all of 153399

which projects, work, activities, or proceedings shall be 153400  
considered to have been taken, made or performed, authorized, 153401  
issued and agreed, or authorized, sold, issued, delivered, and 153402  
validated, in conformity with that amendment pursuant to section 153403  
2p of Article VIII, Ohio Constitution, and other applicable 153404  
provisions of the Ohio Constitution and the Revised Code. 153405

**Section 803.300.** (A) The amendment by this act of sections 153406  
5595.03, 5595.06, and 5595.13 of the Revised Code applies to 153407  
regional transportation improvement projects to which any of the 153408  
following applies: 153409

(1) The effective date of the cooperative agreement for the 153410  
project is on or after the effective date of this section. 153411

(2) The cooperative agreement for the project is amended by 153412  
the participating counties on or after the effective date of this 153413  
section. 153414

(3) The governing board of the project receives revenue from 153415  
the state, a political subdivision, or a taxing district under 153416  
section 5595.06 of the Revised Code on or after the effective date 153417  
of this section. 153418

(B) If the act's amendment of sections 5595.03, 5595.06, and 153419  
5595.13 of the Revised Code conflicts with the cooperative 153420  
agreement of a regional transportation improvement project 153421  
described by division (A) of this section, the participating 153422  
counties shall amend the cooperative agreement in the manner 153423  
prescribed by division (D) of section 5595.03 of the Revised Code 153424  
to comply with the act's amendment of those sections. 153425

**Section 803.330.** The amendment by this act of section 153426  
4503.066 of the Revised Code shall apply to applications and forms 153427  
due to the county auditor in tax year 2017 and thereafter. 153428

**Section 803.340.** The amendment by this act of section 5709.92 153429  
of the Revised Code applies to payments to be made under that 153430  
section in fiscal year 2018 and thereafter. 153431

**Section 803.360.** The amendment by this act of section 5747.70 153432  
of the Revised Code applies to taxable years beginning on or after 153433  
January 1, 2018. 153434

**Section 803.370.** The amendment by this act of sections 153435  
5743.01, 5743.51, 5743.62, and 5743.63 of the Revised Code applies 153436  
to invoices dated on or after July 1, 2017. 153437

**Section 803.390.** The enactment by this act of section 153438  
5709.101 of the Revised Code applies to tax year 2016 and every 153439  
tax year thereafter. An exemption application for property 153440  
described in that section for any tax year for which the time 153441  
period described in division (F) of section 5715.27 of the Revised 153442  
Code has expired before July 1, 2017, shall be filed with the Tax 153443  
Commissioner on or before August 1, 2017, notwithstanding that 153444  
division. Any taxes paid for a tax year for which such an 153445  
exemption application is approved under this section shall be 153446  
regarded as an overpayment of taxes for the tax year and shall be 153447  
refunded in the manner prescribed by section 5715.22 of the 153448  
Revised Code upon application by the property owner as prescribed 153449  
in that section. The county auditor and county treasurer shall 153450  
proceed as provided in that section in the same manner as for 153451  
other overpayments of taxes. 153452

**Section 803.400.** The amendment by this act of division (L) of 153453  
section 5709.73 of the Revised Code applies to amendments adopted 153454  
under that division on or after the effective date of the 153455  
amendment to that division. 153456

**Section 803.410.** The amendment by this act of section 5741.01 153457  
of the Revised Code applies on and after January 1, 2018. 153458

**Section 803.420.** The amendment by this act of division (A) of 153459  
section 5747.02 of the Revised Code applies to taxable years 153460  
beginning in 2017 or thereafter, subject to the adjustments to the 153461  
income amounts required by that section and Section 757.141 of 153462  
this act. 153463

**Section 806.10.** The items of law contained in this act, and 153464  
their applications, are severable. If any item of law contained in 153465  
this act, or if any application of any item of law contained in 153466  
this act, is held invalid, the invalidity does not affect other 153467  
items of law contained in this act and their applications that can 153468  
be given effect without the invalid item of law or application. 153469

**Section 809.10.** An item of law, other than an amending, 153470  
enacting, or repealing clause, that composes the whole or part of 153471  
an uncodified section contained in this act has no effect after 153472  
June 30, 2019, unless its context clearly indicates otherwise. 153473

**Section 812.10.** Except as otherwise provided in this act, the 153474  
amendment, enactment, or repeal by this act of a section is 153475  
subject to the referendum under Ohio Constitution, Article II, 153476  
section 1c and therefore takes effect on the ninety-first day 153477  
after this act is filed with the Secretary of State or, if a later 153478  
effective date is specified below, on that date. 153479

Sections 3701.83, 3704.035, 3710.01, 3710.02, 3710.04, 153480  
3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.09, 3710.10, 153481  
3710.11, 3710.12, 3710.13, 3710.14, 3710.15, 3710.17, 3710.19, and 153482  
3710.99 of the Revised Code take effect January 1, 2018. 153483

Sections 107.56, 125.22, 4709.02, 4709.04, 4709.05, 4709.06, 153484

4709.07, 4709.08, 4709.09, 4709.10, 4709.12, 4709.13, 4709.14, 153485  
4709.23, 4709.26, 4709.27, 4713.01, 4713.02, 4713.03, 4713.04, 153486  
4713.05, 4713.06, 4713.07, 4713.071, 4713.08, 4713.081, 4713.082, 153487  
4713.09, 4713.11, 4713.13, 4713.141, 4713.17, 4713.20, 4713.22, 153488  
4713.24, 4713.25, 4713.28, 4713.29, 4713.30, 4713.31, 4713.32, 153489  
4713.34, 4713.35, 4713.37, 4713.39, 4713.41, 4713.44, 4713.45, 153490  
4713.48, 4713.50, 4713.51, 4713.55, 4713.57, 4713.58, 4713.59, 153491  
4713.61, 4713.62, 4713.63, 4713.64, 4713.641, 4713.65, 4713.66, 153492  
4713.68, 4713.69, and 4723.05 of the Revised Code take effect on 153493  
January 21, 2018. 153494

**Section 812.20.** The amendment, enactment, or repeal by this 153495  
act of the sections listed below is exempt from the referendum 153496  
under Ohio Constitution, Article II, section 1d and therefore 153497  
takes effect immediately when this act becomes law or, if a later 153498  
effective date is specified below, on that date. 153499

Sections 3301.0715, 4301.43, 5168.75, 5168.76, 5168.77, 153500  
5168.78, 5168.79, 5168.80, 5168.81, 5168.82, 5168.83, 5168.84, 153501  
5168.85, 5168.86, 5743.01, 5743.03, 5743.081, 5743.51, 5743.62, 153502  
and 5743.63 of the Revised Code. 153503

The amendment by this act of section 5751.02 of the Revised 153504  
Code takes effect July 1, 2017. 153505

Sections of this act prefixed with section numbers in the 153506  
200s, 300s, and 400s. 153507

Sections 610.20, 610.21, 610.30, 610.31, 610.38, 610.39, 153508  
610.50, and 610.51 of this act. 153509

Section 701.20 of this act. 153510

Section 757.20 of this act. 153511

Sections 803.180, 803.210, and 803.370 of this act. 153512

Sections or parts of sections that state that referenced 153513  
sections in whole or in part are exempt from the referendum. 153514

**Section 812.40.** (A) The repeal of sections 5115.01, 5115.02, 153515  
5115.03, 5115.04, 5115.05, 5115.06, 5115.07, 5115.20, 5115.22, and 153516  
5115.23 and the amendment of sections 126.35, 131.23, 323.01, 153517  
323.32, 329.03, 329.051, 2151.43, 2151.49, 3111.04, 3113.06, 153518  
3113.07, 3119.05, 5101.16, 5101.17, 5101.18, 5101.181, 5101.184, 153519  
5101.26, 5101.27, 5101.28, 5101.33, 5101.35, 5101.36, 5117.10, 153520  
5123.01, 5168.02, 5168.09, 5168.14, 5168.26, 5502.13, 5709.64, and 153521  
5747.122 of the Revised Code take effect on December 31, 2017. 153522

(B) Notwithstanding the provisions of Chapter 5115. of the 153523  
Revised Code, on and after the effective date of this section and 153524  
until December 31, 2017, all of the following apply to the 153525  
Disability Financial Assistance Program: 153526

(1) Beginning July 1, 2017, the Department of Job and Family 153527  
Services shall not accept any new application for disability 153528  
financial assistance. 153529

(2) Before July 31, 2017, the Department shall notify the 153530  
following individuals that benefits shall terminate on July 31, 153531  
2017: 153532

(a) Recipients who have applications for Supplemental 153533  
Security Income or Social Security Disability Insurance benefits 153534  
pending before the federal Social Security Administration and who 153535  
have received a denial of reconsideration from the Administration 153536  
on or before July 1, 2017; 153537

(b) Recipients who do not have applications for Supplemental 153538  
Security Income or Social Security Disability Insurance benefits 153539  
pending before the Social Security Administration and who have 153540  
received from the Administration on or before July 1, 2017, an 153541  
initial denial of benefits or denial of reconsideration. 153542

(3) Beginning on July 1, 2017, and ending on October 1, 2017, 153543  
the Department shall provide disability financial assistance 153544

benefits only to recipients who have not received a denial of 153545  
reconsideration from the Social Security Administration. 153546

(4) After October 1, 2017, the Department shall provide 153547  
disability financial assistance benefits only to recipients who 153548  
have applications for Supplemental Security Income or Social 153549  
Security Disability Insurance benefits pending before the Social 153550  
Security Administration and have not received a denial of 153551  
reconsideration from the Administration. 153552

(C) Until July 1, 2019, the Department, or the county 153553  
department of job and family services at the request of the 153554  
Department, may take any action described in former section 153555  
5115.23 of the Revised Code to recover erroneous payments, 153556  
including instituting a civil action. 153557

(D) Beginning December 31, 2017, the Executive Director of 153558  
the Governor's Office of Health Transformation, in cooperation 153559  
with the Directors of the Departments of Job and Family Services 153560  
and Mental Health and Addiction Services, the Medicaid Director, 153561  
and the Executive Director of the Opportunities for Ohioans with 153562  
Disabilities Agency, shall ensure the establishment of a program 153563  
to do both of the following: 153564

(1) Refer adult Medicaid recipients who have been assessed to 153565  
have health conditions to employment readiness or vocational 153566  
rehabilitation services; 153567

(2) Assist adult Medicaid recipients who have been assessed 153568  
to have disabling health conditions to expedite applications for 153569  
Supplemental Security Income or Social Security Disability 153570  
Insurance benefits. 153571

**Section 815.10.** The General Assembly, applying the principle 153572  
stated in division (B) of section 1.52 of the Revised Code that 153573  
amendments are to be harmonized if reasonably capable of 153574

simultaneous operation, finds that the following sections, 153575  
presented in this act as composites of the sections as amended by 153576  
the acts indicated, are the resulting versions of the sections in 153577  
effect prior to the effective date of the sections as presented in 153578  
this act: 153579

Section 105.41 of the Revised Code as amended by both Am. 153580  
Sub. H.B. 64 and Am. H.B. 141 of the 131st General Assembly. 153581

Section 109.572 of the Revised Code as amended by both Sub. 153582  
H.B. 523 and Am. Sub. S.B. 227 of the 131st General Assembly. 153583

Section 135.143 of the Revised Code as amended by both Sub. 153584  
H.B. 471 and Sub. H.B. 476 of the 131st General Assembly. 153585

Section 135.63 of the Revised Code as amended by both Sub. 153586  
H.B. 545 and Am. Sub. H.B. 562 of the 127th General Assembly. 153587

Section 2151.34 of the Revised Code as amended by both Sub. 153588  
H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly. 153589

Section 2151.353 of the Revised Code as amended by both Sub. 153590  
H.B. 50 and Sub. H.B. 158 of the 131st General Assembly. 153591

Section 2151.417 of the Revised Code as amended by both Am. 153592  
Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly. 153593

Section 2329.66 of the Revised Code as amended by both H.B. 153594  
155 and Sub. S.B. 11 of the 131st General Assembly. 153595

Section 2903.213 of the Revised Code as amended by both Sub. 153596  
H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly. 153597

Section 2903.214 of the Revised Code as amended by both Sub. 153598  
H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly. 153599

Section 2919.26 of the Revised Code as amended by both Sub. 153600  
H.B. 309 and Am. Sub. S.B. 177 of the 130th General Assembly. 153601

Section 2929.20 of the Revised Code as amended by both Am. 153602  
Sub. H.B. 64 and Am. Sub. S.B. 97 of the 131st General Assembly. 153603

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|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Section 3302.03 of the Revised Code as amended by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st General Assembly.                           | 153604<br>153605           |
| Section 3313.372 of the Revised Code as amended by both Am. Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly.                       | 153606<br>153607           |
| Section 3314.03 of the Revised Code as amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st General Assembly.          | 153608<br>153609<br>153610 |
| Section 3318.37 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.                        | 153611<br>153612           |
| Section 3326.11 of the Revised Code as amended by Am. Sub. H.B. 410, Sub. S.B. 3, and Am. Sub. S.B. 252, all of the 131st General Assembly.          | 153613<br>153614<br>153615 |
| Section 3734.42 of the Revised Code as amended by both Sub. S.B. 294 and Sub. S.B. 302 of the 129th General Assembly.                                | 153616<br>153617           |
| Section 3742.01 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.                        | 153618<br>153619           |
| Section 3781.06 of the Revised Code as amended by both Sub. H.B. 276 and Am. Sub. H.B. 487 of the 129th General Assembly.                            | 153620<br>153621           |
| Section 4301.62 of the Revised Code as amended by Sub. H.B. 37, Sub. H.B. 47, Sub. H.B. 178, and Sub. H.B. 342, all of the 131st General Assembly.   | 153622<br>153623<br>153624 |
| Section 4725.09 of the Revised Code as amended by both Am. Sub. H.B. 104 and Sub. H.B. 149 of the 127th General Assembly.                            | 153625<br>153626           |
| Section 4729.01 of the Revised Code as amended by Sub. H.B. 216, Sub. H.B. 290, Sub. H.B. 505, and Sub. S.B. 332, all of the 131st General Assembly. | 153627<br>153628<br>153629 |
| Section 4729.51 of the Revised Code as amended by both Sub. H.B. 290 and Sub. S.B. 319 of the 131st General Assembly.                                | 153630<br>153631           |
| Section 4731.07 of the Revised Code as amended by both Am.                                                                                           | 153632                     |

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| Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.                                                                                                                                                                                                                                                                                                                                                             | 153633                                                             |
| Section 4731.22 of the Revised Code as amended by Sub. H.B. 290, Sub. S.B. 127, and Sub. S.B. 319, all of the 131st General Assembly.                                                                                                                                                                                                                                                                                     | 153634<br>153635<br>153636                                         |
| Section 4731.295 of the Revised Code as amended by both Sub. H.B. 320 of the 130th General Assembly and Am. Sub. H.B. 64 of the 131st General Assembly.                                                                                                                                                                                                                                                                   | 153637<br>153638<br>153639                                         |
| Section 5123.47 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.                                                                                                                                                                                                                                                                                                 | 153640<br>153641                                                   |
| Section 5149.311 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.                                                                                                                                                                                                                                                                                            | 153642<br>153643                                                   |
| Section 5165.01 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.                                                                                                                                                                                                                                                                                                 | 153644<br>153645                                                   |
| Section 5703.57 of the Revised Code as amended by both Sub. H.B. 5 and Am. Sub. S.B. 243 of the 130th General Assembly.                                                                                                                                                                                                                                                                                                   | 153646<br>153647                                                   |
| Section 5709.12 of the Revised Code as amended by Sub. H.B. 166, Sub. H.B. 182, and Am. Sub. H.B. 233, all of the 131st General Assembly.                                                                                                                                                                                                                                                                                 | 153648<br>153649<br>153650                                         |
| Section 5739.01 of the Revised Code as amended by both Sub. H.B. 390 and H.B. 466 of the 131st General Assembly.                                                                                                                                                                                                                                                                                                          | 153651<br>153652                                                   |
| Section 5747.02 of the Revised Code as amended by both Sub. H.B. 182 and Sub. S.B. 208 of the 131st General Assembly.                                                                                                                                                                                                                                                                                                     | 153653<br>153654                                                   |
| <b>Section 815.20.</b> Several sections of law in this act are amended more than once by this act. If the amendments are without reference to one another, they are to be harmonized and effect given to each amendment under division (B) of section 1.52 of the Revised Code. If, however, the amendments are irreconcilable and cannot be harmonized, they are to be construed under section 1.51 of the Revised Code. | 153655<br>153656<br>153657<br>153658<br>153659<br>153660<br>153661 |